

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Margolis, Vice Chair

MEETING DATE: Thursday, March 13, 2014
TIME: 9:00 —11:00 a.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Brandes, Chair; Senator Margolis, Vice Chair; Senators Clemens, Diaz de la Portilla, Evers, Garcia, Joyner, Lee, Richter, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 652 Braynon (Identical H 101)	Habitual Traffic Offender Designations; Providing for the removal of a habitual traffic offender designation upon proof of compliance with specified statutory provisions, etc. TR 03/13/2014 Favorable JU ACJ AP	Favorable Yeas 8 Nays 0
2	CS/SB 744 Children, Families, and Elder Affairs / Detert (Similar H 977, Compare S 1668)	Motor Vehicle Insurance and Driver Education for Children in Care; Authorizing the court to consider the best interest of a child in removing specified disabilities of nonage for certain minors; directing the Department of Children and Families to establish a statewide pilot program to pay specified costs of driver education, licensure and costs incidental to licensure, and motor vehicle insurance for a child in licensed out-of-home care who meets certain qualifications; requiring the department to contract with a qualified not-for-profit entity to operate and develop procedures for the pilot program; providing for preferential enrollment in driver education for specified children in care, etc. CF 02/18/2014 Fav/CS TR 03/13/2014 Favorable BI AP	Favorable Yeas 8 Nays 0
3	SB 876 Galvano (Similar H 863, Compare H 865, Link S 1046)	Motor Vehicle Crash Reports; Requiring a statement to be completed and sworn to for each confidential crash report requested within a certain time period; requiring the Department of Highway Safety and Motor Vehicles to deliver a notice regarding unlawful solicitations to persons involved in certain motor vehicle crashes, etc. TR 03/13/2014 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Thursday, March 13, 2014, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1046 Galvano (Identical H 865, Compare H 863, Link S 876)	Public Records/Motor Vehicle Crash Reports; Providing an exemption from public records requirements for certain personal contact information contained in motor vehicle crash reports; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. TR 03/13/2014 Favorable GO RC	Favorable Yeas 7 Nays 1
5	SB 974 Abruzzo (Identical H 617)	Towing of Vehicles and Vessels; Authorizing an owner or lessee of real property to have a vehicle or vessel removed from the property without certain signage if the vehicle or vessel has remained on the property for a specified period, etc. TR 03/13/2014 Fav/CS CA	Fav/CS Yeas 8 Nays 0
6	SB 1024 Dean (Similar H 1193)	Off-highway Vehicles; Revising the terms "ATV" and "ROV"; revising the term "all-terrain vehicle", etc. TR 03/13/2014 Fav/CS CM	Fav/CS Yeas 8 Nays 0
7	SM 800 Evers (Similar HM 243)	Renewable Fuel Standard; Urging Congress to repeal the Renewable Fuel Standard established under the Energy Independence and Security Act of 2007, etc. TR 03/13/2014 Pending reconsider (Unfavorable) EP	Unfavorable Yeas 4 Nays 4 -Pending Reconsideration
8	SB 1178 Evers (Similar H 1359)	Rural Letter Carriers; Exempting rural letter carriers of the United States Postal Service from requirements to be restrained by a safety belt while performing their duties, etc. TR 03/13/2014 Favorable JU	Favorable Yeas 7 Nays 1
Other Related Meeting Documents			Discussed

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 652

INTRODUCER: Senator Braynon

SUBJECT: Habitual Traffic Offender Designations

DATE: March 13, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	Favorable
2.			JU	
3.			ACJ	
4.			AP	

I. Summary:

SB 652 provides for a licensed driver labeled a habitual traffic offender (HTO) due to three violations of driving while their license is suspended or revoked (DWLSR) to provide proof of compliance with respect to specific statutory provisions and be removed from the Department of Highway Safety and Motor Vehicles' (department) HTO designation list.

II. Present Situation:

Habitual Traffic Offenders

There are a number of ways through the combination of several sections of Florida Statutes to receive a HTO designation.

Section 322.27, F.S., provides that the department shall revoke the license of any person designated a habitual offender,¹ and such person is not eligible to be relicensed for a minimum of 5 years from the date of revocation, except as provided in s. 322.271, F.S.² Any person whose license is revoked may, by petition to the department, show cause why his or her license should not be revoked.

Specifically, a habitual offender has three or more convictions of any one or more of the following *major* offenses arising out of separate acts:

- Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle.

¹ S. 322.264, F.S., any person whose record, as maintained by the Department of Highway Safety and Motor Vehicles, shows that such person has accumulated the specified number of convictions for offenses described in subsection (1) or subsection (2) with a 5-year period.

² <http://www.flsenate.gov/Laws/Statutes/2013/322.271>

- Any violation for driving under the influences;³
- Any felony in the commission of which a motor vehicle is used;
- Driving a motor vehicle while his or her license is suspended or revoked;
- Failing to stop and render aid as required under the laws of this state in the event of a motor vehicle crash resulting in the death or person injury of another; or
- Driving a commercial motor vehicle while his or her privilege is disqualified.

An HTO may also be designated for drivers with fifteen convictions for moving traffic offenses for which points may be assessed as set forth in the point system established in s. 322.27, F.S.⁴

- Reckless driving – 4 points
- Leaving the scene of a crash resulting in property damage –6 points
- Unlawful speed resulting in a crash – 6 points
- Unlawful speed, using a wireless communication device – 6 points
- Passing a stopped school bus – 4 points
- Unlawful speed:
 - Not in excess of 15 mph. – 3 points
 - In excess of 15 mph. – 4 points
- Violation of a traffic control signal device – 4 points
- All other moving violations – 3 points
- Any moving violations, excluding unlawful speed and use of wireless communication device – 4 points
- Any conviction for littering⁵ -- 3 points
- Any conviction for interference with official traffic control device or railroad signs⁶ -- 4 points
- Violations in this paragraph in conjunction with use of a wireless device in a school zone – 2 points
- Conviction in another state violating traffic laws – same points for offense in this state

Nondriving Violations Leading to a License Being Suspended, Revoked, Canceled or Disqualified

There are a number of ways in which a driver may have his or her license suspended or revoked that do not involve driving offense:

- Failing to pay child support under ss. 322.245⁷ or 61.13016, F.S.;⁸
- Failing to pay any other financial obligation under s. 322.245, F.S., (other than those specified criminal offenses in s. 322.245(1), F.S.);⁹

³ <http://www.flsenate.gov/Laws/Statutes/2013/316.193>, former ss. 316.1931 or former 860.01, F.S.

⁴ <http://www.flsenate.gov/Laws/Statutes/2013/322.27>

⁵ <http://www.flsenate.gov/Laws/Statutes/2013/403.413>

⁶ <http://www.flsenate.gov/Laws/Statutes/2013/316.0775>

⁷ <http://www.flsenate.gov/Laws/Statutes/2013/322.245>

⁸ <http://www.flsenate.gov/Laws/Statutes/2013/61.13016>

⁹ See supra note 7.

- Failing to comply with a required civil penalty (paying traffic tickets and fees) under s. 318.15, F.S.;¹⁰
- Failing to maintain required vehicular financial responsibility under ch. 324, F.S.;¹¹
- Failing to comply with attendance or other requirements for minors under s. 322.091, F.S.;¹² or
- Having been designated a habitual traffic offender under s. 322.264(1)(d), F.S.,¹³ (driving with a suspended license three times in five years).

With some limitations, a person may plead nolo contendere prior to the scheduled court date to any of these violations except a HTO designation and with proof of compliance with the underlying violation, have their license restored.

The department has identified that most HTO designations derived from non-payment or overdue fines, causing a “snowball” effect for the offender. An example is the traffic offender that fails to timely pay a traffic fine, fails to appear at a subsequent hearing, or fails to attend a driver improvement school when required, (basically, any of the above-mentioned) upon the third offense, he or she is designated a HTO causing an immediate license suspension.

When a driver has his or her license revoked as a habitual offender, the revocation period is 5 years. After one year from the effective date of revocation, a request for a hardship license may be requested. That person can contact the Administrative Reviews Office in the county in which he or she resides and show proof of compliance with the underlying offense. A favorable hearing authorizes a restrictive “employment or business purposes only” driver license, to be recognized for the remaining 4 years of the revocation period. Advanced Driver Improvement School is required, plus \$75 dollars reinstatement costs, and any other applicable fees for license issuance.

III. Effect of Proposed Changes:

Under the provisions of the bill, a person who has been designated as an HTO as a result of a third violation of driving with a suspended or revoked license, would be allowed to have the HTO designation removed if they are able to prove compliance with one or more of the underlying violations that led to the suspension or revocation. Under s. 318.14, F.S.,¹⁴ these violations include: failure to pay child support, failure to pay any other financial obligation, failure to comply with a civil penalty, failure to maintain vehicular financial responsibility, failure to comply with attendance or other requirements for minors. With proof of compliance, the clerk of court shall submit an amended disposition to remove the HTO designation. This will reduce the “snowball” effect for drivers who, rather than exhibiting poor driving behavior, are stuck in a loop of administrative responsibility failures leading to the HTO designation.

¹⁰ <http://www.flsenate.gov/Laws/Statutes/2013/318.15>

¹¹ <http://www.flsenate.gov/Laws/Statutes/2013/Chapter324>

¹² <http://www.flsenate.gov/Laws/Statutes/2013/322.091>

¹³ <http://www.flsenate.gov/Laws/Statutes/2013/322.264>

¹⁴ <http://www.flsenate.gov/Laws/Statutes/2013/318.14>

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

ISA will require approximately 90 hours to implement the changes required.

90 hours at \$40.00 = \$3,600.00

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 318.14 of the Florida Statutes:

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Braynon

36-00612-14

2014652__

1 A bill to be entitled
2 An act relating to habitual traffic offender
3 designations; amending s. 318.14, F.S.; providing for
4 the removal of a habitual traffic offender designation
5 upon proof of compliance with specified statutory
6 provisions; providing an effective date.
7

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

10 Section 1. Paragraph (c) is added to subsection (10) of
11 section 318.14, Florida Statutes, to read:

12 318.14 Noncriminal traffic infractions; exception;
13 procedures.—

14 (10)

15 (c) If a person whose license has been revoked under s.
16 322.27(5) as a result of a third violation of driving a motor
17 vehicle while his or her license is suspended or revoked
18 provides proof of compliance as provided in this subsection, the
19 clerk of court shall submit an amended disposition to remove the
20 habitual traffic offender designation.

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

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Transportation
ITEM: SB 652
FINAL ACTION: Favorable
MEETING DATE: Thursday, March 13, 2014
TIME: 9:00 —11:00 a.m.
PLACE: 37 Senate Office Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Clemens						
X		Diaz de la Portilla						
X		Evers						
		Garcia						
X		Joyner						
X		Lee						
X		Richter						
X		Thompson						
		Margolis, VICE CHAIR						
X		Brandes, CHAIR						
8	0							
Yea	Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 744

INTRODUCER: Children, Families, and Elder Affairs Committee, and Senator Detert

SUBJECT: Motor Vehicle Insurance and Driver Education for Children in Care

DATE: March 13, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hendon</u>	<u>Hendon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Everette</u>	<u>Eichin</u>	<u>TR</u>	<u>Favorable</u>
3.	_____	_____	<u>BI</u>	_____
4.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 744 directs the Department of Children and Families (DCF or the department) to establish a statewide pilot program to pay specified costs of driver education, licensure and costs incidental to licensure, and motor vehicle insurance for a foster child who meets certain qualifications. The bill sets limits of the amount to be paid and requires payment to be made in the order of eligibility until funds are exhausted.

The bill further requires the department to contract with a qualified not-for-profit entity to operate and develop procedures for the program and requires an annual report to the Governor and the Legislature.

The bill removes the disability of nonage of minors for foster children for the purpose of obtaining motor vehicle insurance upon issuance of a court order. It also adds consideration of this action to the activities that occur at the special judicial review held when a child becomes 17 years of age.

The bill provides for preferential enrollment in driver education for specified children in the care of the department.

II. Present Situation:

Foster Children

Young people in the foster care system often face barriers to participating in everyday life experiences common to others their age. These life experiences are important because they are a part of how all children are prepared for the responsibilities they will assume as adults. The Florida State Youth Advisory Board has long identified the barriers to driving an automobile that are experienced by the children in Florida's foster care system as a concern. The DCF staff concur that foster care children who are not able to learn or gain experience driving miss an important part of learning how to be independent, including being able to work.

Both statute and administrative code support the efforts of teens in foster care to engage in age-appropriate activities.¹ Departmental rules specifically require community-based lead agency service providers to support foster care teens that have demonstrated the appropriate level of maturity in their efforts to learn to drive, to obtain a learner's permit or driver's license, and to assist in obtaining automobile insurance for those children that are allowed to drive.²

At the end of January 2014, DCF reported that there were 385 15-year-olds, 458 16-year-olds, and 517 17-year-olds in foster care.³ The department has contracted with Cby25, a private not-for-profit corporation, to survey youth in foster care every six months and to publish reports.⁴ According to the most recent of these reports, published in the spring of 2013:

- 5 percent of 15-year-old respondents (11 children of 243 surveyed) had learner's permits;
- 8 percent of 16-year-olds (25 children of 300 surveyed) had learner's permits;
- 13 percent of 17-year-olds (52 children of 387 surveyed) had learner's permits; and
- 9 percent of the total number of children surveyed (88 of 930 surveyed) had learner's permits.

Children surveyed reported as following regarding drivers' licenses:

- 1 percent of 16-year-olds (4 children of 300 surveyed) had driver's licenses;
- 4 percent of 17-year-olds (16 children of 387 surveyed) had driver's licenses; and
- 3 percent of the total number of children surveyed (20 of 687 surveyed) had driver's licenses.⁵

Children in foster care are usually placed with a foster parent; however, they may also be placed in a group home or other residential facility⁶ or, upon turning 16, in an independent living setting which is subsidized by the department.⁷

¹ See s. 409.145(3), F.S.

² Rule 65C-30.007, F.A.C.

³ Email from Jane McElroy, DCF, (Feb. 12, 2014) (on file with the Senate Committee on Children, Families and Elder Affairs).

⁴ *My Services, Answers from Youth in Foster Care*, available on the DCF website at <http://www.dcf.state.fl.us/programs/indliving/docs/MyServicesSpring2013SurveyReport.pdf> (last visited Feb. 13, 2014).

⁵ *Id.*, at 63.

⁶ Section 39.01(20), F.S.

⁷ Section 409.1451(3)(c), F.S.

Currently, foster parents (who are also referred to as licensed foster homes) receive payment from the state of a monthly board rate for caring for a foster child. The basic board rate for a child aged 13-21 is \$515.⁸

Driver's Licenses for Teens

A child who is 15 years of age is authorized to obtain a learner's driver license (learner's permit) provided he or she meets the school attendance requirements of s. 322.091, F.S., and the application and testing requirements of s. 322.1615, F.S. Section 322.09, F.S., requires that when a child applies for a learner's permit, the application must be signed by a parent, guardian, or when there is no parent or guardian, some other responsible adult. The learner's permit is considered a restricted form of the regular driver's license, or Class E driver license. This same section provides that any negligence or willful misconduct of the child operating a motor vehicle will be imputed to the adult who signed the application. That adult is jointly and severally liable with the child for any damages caused by the negligent or willful misconduct.

Special Driver's License Provisions for Foster Children and Foster Parents

Among the primary obstacles to these children being able to drive are the potential liability of the foster parents when the children drive vehicles owned by the foster parent and the attendant cost of insurance to protect foster parents from this liability.

In 2001, s. 322.09, F.S., was amended to provide that foster parents or authorized representatives of a residential group home who sign for a foster child's license do not become liable for any damages or misconduct of the child.⁹ While this provision relieves the foster parent of liability resulting directly from the signature on the driver license application, it does not address any vicarious liability that the foster parent may have as a result of the foster parent's ownership of the vehicle which the child drives, *see Hertz Corp. vs. Jackson*, 617 So.2d 105 (Fla. 1993). This liability arises whenever an insured individual allows another to operate his or her motor vehicle and is independent of the provisions of s. 322.09, F.S. Thus, the foster parent who owns the motor vehicle continues to be subject to vicarious liability for the actions of the child while operating the foster parent's vehicle, in the same way the foster parent would be vicariously liable for the actions of any other person operating that vehicle. This vicarious liability is one of the risks for which insurance coverage is purchased.

Also in 2001, s. 627.746, F.S., was created and prohibited a motor vehicle insurance company from charging an additional premium on a motor vehicle owned by a foster parent for coverage of a child operating the vehicle while the child is holding a learner's permit.¹⁰ This prohibition is only applicable until the child obtains a regular driver's license.

Costs Associated with Obtaining a Driver's License

Driver's education courses are offered free of charge through the public school system but enrollment may be limited. Some school districts offer a summer driver's education course,

⁸ Section 409.145(4), F.S.

⁹ Chapter 2001-83, Laws of Fla.

¹⁰ *Id.*

charging fees from \$50 to \$250.¹¹ Commercial courses are offered in some jurisdictions at prices ranging from \$300-\$5,000.¹²

The cost of obtaining a class E (regular) driver's license is \$48.¹³ The learner's permit is considered a restricted form of a class E license, requiring the payment of the \$48 fee, but no additional fee is required to upgrade from a learner's license to a class E license. In order to obtain a learner's license, the person applying must, among other requirements, have completed a traffic law and substance education course¹⁴ and have successfully completed a written examination.^{15,16}

The cost of obtaining insurance coverage for a teen driver varies widely, depending on the company underwriting the coverage, the geographic location of the family, the type and amount of coverage, the academic record of the child, and other factors. As a generic estimate, the Office of the Guardian ad Litem has used the figure of \$2,000 annually per child.¹⁷

Emancipation of Minors, Generally

All states have laws dealing with the "emancipation" of minors, which specify when and under what conditions children become independent of their parents for legal purposes. Approximately half of the states regulate emancipation by statutes specifically designed for that purpose. These statutes may specify the conditions required or the procedures for seeking emancipation. Statutes vary considerably from state to state, but under common law, most states allow for the possibility of court-reviewed emancipation. No fixed age of emancipation exists, yet a minor is presumed to become emancipated upon reaching the age of majority. In most states, the age of majority is 18.¹⁸

Emancipation is the removal of "disability of nonage." Legally, in most instances, children lack the capacity that adults are assumed to have to perform certain activities, such as entering into binding contracts, making certain purchases, and being held responsible in the same way as adults for criminal offenses. This lack of capacity is termed the "disability of nonage."

Emancipation is the act by which a person gains all the rights and responsibilities of an adult. An emancipated minor has the legal capacity to act as an adult, be in control of his or her affairs, and be free of the legal control and custody of his or her parents. Emancipated minors lose the right

¹¹ Florida Guardian ad Litem, *A Voice Heard: Keys to Independence*, available at http://guardianadlitem.org/news_main.asp (last visited Feb. 13, 2014).

¹² *Id.*

¹³ Section 322.21, F.S.

¹⁴ A representative cost for meeting this requirement is \$29.95, according to the Guardian ad Litem Program, *Voices, ibid.*

¹⁵ The cost for taking the examination is \$14.95, *Id.*

¹⁶ Section 322.1615, F.S.

¹⁷ E mail from Alan Abramowitz, Statewide Director, Guardian ad Litem Program, February 13, 2014 (on file with the Senate Committee on Children, Families, and Elder Affairs).

¹⁸ A substantial portion of this paragraph was taken from: Cornell University of Law, Legal Information Institute, *Emancipation of Minors*, available at http://www.law.cornell.edu/wex/emancipation_of_minors (last visited Jan. 21, 2014).

to have their parents provide for them and the protection of the Department of Children and Family Services.¹⁹

A circuit court has jurisdiction to remove the disabilities of nonage of a minor who is age 16 or older residing in Florida upon a petition filed by the minor's natural or legal guardian or, if there is none, by a guardian ad litem. Subsequent to July 1, 2012, the petition may also be filed by the minor him or herself if the minor is a certified homeless and unaccompanied minor over the age of 16. The petition must contain the following information:²⁰

- The name, address, residence, and date of birth of the minor;
- The name, address, and current location of each of the minor's parents, if known;
- The name, date of birth, custody, and location of any children born to the minor;
- A statement of the minor's character, habits, education, income, and mental capacity for business, and an explanation of how the needs of the minor with respect to food, shelter, clothing, medical care, and other necessities will be met;
- Whether the minor is a party to or the subject of a pending judicial proceeding in this state or any other jurisdiction, or the subject of a judicial order of any description issued in connection with such pending judicial proceeding; and
- A statement of the reason why the court should remove the disabilities of nonage.

In addition, the law provides that:

- If the petition is filed by the natural or legal guardian, the court must appoint an attorney ad litem for the minor child, and the minor child shall be brought before the court to determine if the interest of the minor will be fully protected by the removal of disabilities of nonage;
- If the petition is filed by the guardian ad litem or next friend²¹, service of process must be perfected on the natural parents;
- If both parents are not jointly petitioning the court for the removal of the disabilities of nonage of the minor, service of process must be made upon the nonpetitioning parent;²²
- The court shall consider the petition and receive such evidence as it deems necessary to rule on the petition;
- If the court determines that removal of the disabilities of nonage is in the minor's best interest, it must enter an order to that effect. An order removing the disabilities of nonage has the effect of giving the minor the status of an adult for purposes of all criminal and civil laws of the state, and authorizes the minor thereafter to exercise all of the rights and responsibilities of persons who are 18 years of age or older; and

¹⁹ A substantial portion of this paragraph was taken from: Volusia County Law Library, *Emancipation in Florida Research Guide*, available at [http://www.vclawlib.org/new/research-feb-09/EMANCIPATION20IN20FLORIDA\[1\].pdf](http://www.vclawlib.org/new/research-feb-09/EMANCIPATION20IN20FLORIDA[1].pdf) (last visited Jan. 21, 2014).

²⁰ Section 743.015, F.S.

²¹ A "next friend" is a person acting for the benefit of (an) infant, or other person not *sui juris* (person unable to look after his or her own interests or manage his or her own lawsuit) without being regularly appointed (as a) guardian, *Black's Law Dictionary*, 6th Edition, 1979.

²² Constructive service of process may be used, provided the petitioning parent makes an actual, diligent search to discover the location of, and provide notice to, the nonpetitioning parent.

- The judgment must be recorded in the county in which the minor resides, and a certified copy must be received as evidence of the removal of disabilities of nonage for all matters in all courts.²³

Special Provision Relating to Emancipation for Foster Children

Section 39.701(3), F.S., requires that the dependency court hold a judicial review within 90 days following the child's 17th birthday. At this hearing, the court is required to enter an order, separate from the judicial review order, that the disability of nonage for the child has been removed pursuant to s. 743.045, F.S.²⁴

Section 743.045, F.S. provides for the removal of the disability of nonage for foster children over the age of 17 for the purpose of executing contracts for a residential lease.

Additionally, s. 743.046, F.S., which is not referenced in s. 39.701(3), F.S., removes the disability of nonage for foster children over the age of 17 for the purpose of securing utility services at residential property.

Similarly, s. 743.044, F.S., which is also not referenced in s. 39.701(3), removes the disability of nonage for foster children over the age of 16 for the purpose of executing agreements for depository financial services. All three of these special provisions (ss. 743.044, 743.045, and 743.046, F.S.) require the entry of a court order to be effective.

III. Effect of Proposed Changes:

Section 1 amends s. 39.701(3), F.S. to add the removal of the disability of non-age for the purposes of obtaining motor vehicle insurance to the matters to be considered at the special judicial review scheduled at the time a child becomes 17 years of age.

Section 2 creates s. 409.1454, F.S., directing the department to establish a 3-year pilot program to pay the costs of driver education, licensure, and other costs incidental to licensure and motor vehicle insurance for children in licensed out of home care who have successfully completed a driver education program, to the extent that funding is available.

It limits the amount of the payments to the increase in cost attributable to the addition of the child to the policy. The bill directs that payments be made to eligible recipients in the order of eligibility until available funds are exhausted. It directs the department to contract with a not-for-profit entity whose mission is to support youth aging out of foster care to develop procedures for operating and administering the pilot program and requires the department to submit an annual report to the Governor and the Legislature in each year for the duration of the pilot project.

Section 3 creates s. 743.047, F.S., authorizing the court to remove the disability of nonage for minors for the purpose of obtaining motor vehicle insurance, providing that the child has reached 16 years of age, has been adjudicated dependent, is residing in an out-of-home placement, and has completed a driver education program. In order to execute the documents necessary for the

²³ Section 743.015, F.S.

²⁴ Section 39.701(1), F.S.

insurance, the child must present a court order removing the disability of nonage for this purpose.

Section 4 amends s. 1003.48, F.S., to require secondary schools offering driver's education courses to grant preferential enrollment to students in the custody of the department if the student maintains appropriate progress as required by the school.

Section 5 appropriates \$800,000 from the General Revenue Fund to the department for the purpose of implementing this act during FY 2014-2015.

Section 6 provides for an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may require some additional case work from community based care agency providers who assist children in obtaining motor vehicle insurance.

C. Government Sector Impact:

The cost of the bill is limited to the appropriation of \$800,000 for FY 2014-2015.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1003.48 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 409.1451 and 743.047.

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

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

CS by Children, Families, and Elder Affairs on February 18, 2014:

- Amends s. 39.701(3), F.S., to add the emancipation of minors for the purpose of securing motor vehicle insurance to the matters to be considered at the special judicial review held for foster children reaching 17 years of age.
- Amends s. 409.1454, F.S., to clarify that the bill addresses only children in licensed out of home care.

B. Amendments:

None.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/13/14

Meeting Date

Topic Act relating to motor vehicle for driver of vehicle for child in car.

CS For Bill Number SB 744 (if applicable)

Name ALAN ABRAMOWITZ

Amendment Barcode N/A (if applicable)

Job Title Executive Director

Address 600 S. CALHOUN STREET

Phone 850.241.3232

Street

Tallahassee, FL

32301

City

State

Zip

E-mail J0019LAN@MSN.COM

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

Representing GUARDIAN AD LITEM PROGRAM

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

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

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-13-14
Meeting Date

Topic Act relating to motor vehicle driver Bill Number SB 744
license for foster youth (if applicable)
Name Deborah Moore Amendment Barcode N/A
(if applicable)
Job Title Director

Address 1920 Thonokville Rd Phone 800-606-1218
Street
Tall 32308 E-mail Deborah.Moore@gal.fl.gov
City State Zip

Speaking: For Against Information

Representing GAL Program

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/20/14
Meeting Date

Topic Act relating to motor vehicle driver licenses for children in car
Name Caritlyn Kio

Bill Number SB 744
(if applicable)

Job Title Child Advocacy Coordinator

Amendment Barcode _____
(if applicable)

Address 1920 Thomasville Rd, Suite 208
Street
TLH FL 32303
City State Zip

Phone (850) 606-1219

E-mail caritlyn.kio@gal.fl.gov

Speaking: For Against Information

Representing Guardian ad Litem Program

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3-13-14
Meeting Date

Topic MV Insurance & Driver Education

Bill Number 744
(if applicable)

Name Karen MacFarland

Amendment Barcode _____
(if applicable)

Job Title Govt Affairs Advisor

Address 309 Oaks Way Ct
Street

Phone 850-766-1026

Dallahassee Fl 32312
City State Zip

E-mail macfarland.karen
@gmail.com

Speaking: For Against Information

Representing AAA - The Auto Club Group

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-13-14

Meeting Date

Topic MV Ins. & Drivers Ed - children ^{in case} Bill Number 744

Name CHRISTINA ~~IN CASE~~ SPUDER Amendment Barcode _____ (if applicable)

Job Title Exec. Director (if applicable)

Address 1801 N. University Dr. Phone 954-796-0860

Street

Orlando Springs, FL 33071

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing Florida's Children First

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-13-14

Meeting Date

Topic Motor Vehicle Insurance & Driver Ed. for Children in Care

Bill Number 744

(if applicable)

Name Thomas Fair

Amendment Barcode _____

(if applicable)

Job Title _____

Address _____

Street

Phone _____

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing Florida Youth SHINE

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 (10/20/11)

By the Committee on Children, Families, and Elder Affairs; and
Senator Detert

586-01857-14

2014744c1

1 A bill to be entitled
2 An act relating to motor vehicle insurance and driver
3 education for children in care; amending s. 39.701,
4 F.S.; authorizing the court to consider the best
5 interest of a child in removing specified disabilities
6 of nonage for certain minors; creating s. 409.1454,
7 F.S.; providing legislative findings; directing the
8 Department of Children and Families to establish a
9 statewide pilot program to pay specified costs of
10 driver education, licensure and costs incidental to
11 licensure, and motor vehicle insurance for a child in
12 licensed out-of-home care who meets certain
13 qualifications; providing limits of the amount to be
14 paid; requiring payments to be made in the order of
15 eligibility until funds are exhausted; requiring the
16 department to contract with a qualified not-for-profit
17 entity to operate and develop procedures for the pilot
18 program; requiring the department to submit an annual
19 report with recommendations to the Governor and the
20 Legislature; creating s. 743.047, F.S.; removing the
21 disability of nonage of minors for purposes of
22 obtaining motor vehicle insurance; requiring an order
23 by the court for the disability of nonage to be
24 removed; amending s. 1003.48, F.S.; providing for
25 preferential enrollment in driver education for
26 specified children in care; providing an
27 appropriation; providing an effective date.
28
29 Be It Enacted by the Legislature of the State of Florida:

Page 1 of 8

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

586-01857-14

2014744c1

30
31 Section 1. Paragraph (a) of subsection (3) of section
32 39.701, Florida Statutes, is amended to read:
33 39.701 Judicial review.—
34 (3) REVIEW HEARINGS FOR CHILDREN 17 YEARS OF AGE.—
35 (a) In addition to the review and report required under
36 paragraphs (1)(a) and (2)(a), respectively, the court shall hold
37 a judicial review hearing within 90 days after a child's 17th
38 birthday. The court shall also issue an order, separate from the
39 order on judicial review, that the disability of nonage of the
40 child has been removed pursuant to ss. 743.045 and 743.047 for
41 any of these disabilities that the court finds is in the child's
42 best interest to remove. The court ~~s. 743.045~~ and shall continue
43 to hold timely judicial review hearings. If necessary, the court
44 may review the status of the child more frequently during the
45 year before the child's 18th birthday. At each review hearing
46 held under this subsection, in addition to any information or
47 report provided to the court by the foster parent, legal
48 custodian, or guardian ad litem, the child shall be given the
49 opportunity to address the court with any information relevant
50 to the child's best interest, particularly in relation to
51 independent living transition services. The department shall
52 include in the social study report for judicial review written
53 verification that the child has:
54 1. A current Medicaid card and all necessary information
55 concerning the Medicaid program sufficient to prepare the child
56 to apply for coverage upon reaching the age of 18, if such
57 application is appropriate.
58 2. A certified copy of the child's birth certificate and,

Page 2 of 8

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2014744c1

59 if the child does not have a valid driver license, a Florida
60 identification card issued under s. 322.051.

61 3. A social security card and information relating to
62 social security insurance benefits if the child is eligible for
63 those benefits. If the child has received such benefits and they
64 are being held in trust for the child, a full accounting of
65 these funds must be provided and the child must be informed as
66 to how to access those funds.

67 4. All relevant information related to the Road-to-
68 Independence Program, including, but not limited to, eligibility
69 requirements, information on participation, and assistance in
70 gaining admission to the program. If the child is eligible for
71 the Road-to-Independence Program, he or she must be advised that
72 he or she may continue to reside with the licensed family home
73 or group care provider with whom the child was residing at the
74 time the child attained his or her 18th birthday, in another
75 licensed family home, or with a group care provider arranged by
76 the department.

77 5. An open bank account or the identification necessary to
78 open a bank account and to acquire essential banking and
79 budgeting skills.

80 6. Information on public assistance and how to apply for
81 public assistance.

82 7. A clear understanding of where he or she will be living
83 on his or her 18th birthday, how living expenses will be paid,
84 and the educational program or school in which he or she will be
85 enrolled.

86 8. Information related to the ability of the child to
87 remain in care until he or she reaches 21 years of age under s.

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88 39.013.

89 9. A letter providing the dates that the child is under the
90 jurisdiction of the court.

91 10. A letter stating that the child is in compliance with
92 financial aid documentation requirements.

93 11. The child's educational records.

94 12. The child's entire health and mental health records.

95 13. The process for accessing his or her case file.

96 14. A statement encouraging the child to attend all
97 judicial review hearings occurring after the child's 17th
98 birthday.

99 Section 2. Section 409.1454, Florida Statutes, is created
100 to read:

101 409.1454 Motor vehicle insurance for children in care.-

102 (1) The Legislature finds that the costs of driver
103 education, licensure and costs incidental to licensure, and
104 motor vehicle insurance for a child in licensed out-of-home care
105 after such child obtains a driver license creates an additional
106 barrier to engaging in normal age-appropriate activities and
107 gaining independence and may limit opportunities for obtaining
108 employment and completing educational goals. The Legislature
109 also finds that the completion of an approved driver education
110 course is necessary to develop safe driving skills.

111 (2) To the extent that funding is available, the department
112 shall establish a 3-year pilot program to pay the cost of driver
113 education, licensure and other costs incidental to licensure,
114 and motor vehicle insurance for children in licensed out-of-home
115 care who have successfully completed a driver education program.

116 (3) If a caregiver, or an individual or not-for-profit

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117 entity approved by the caregiver, adds a child to his or her
 118 existing insurance policy, the amount paid to the caregiver or
 119 approved purchaser may not exceed the increase in cost
 120 attributable to the addition of the child to the policy.

121 (4) Payment shall be made to eligible recipients in the
 122 order of eligibility until available funds are exhausted.

123 (5) The department shall contract with a not-for-profit
 124 entity whose mission is to support youth aging out of foster
 125 care to develop procedures for operating and administering the
 126 pilot program, including, but not limited to:

127 (a) Determining eligibility, including responsibilities for
 128 the child and caregivers.

129 (b) Developing application and payment forms.

130 (c) Notifying eligible children, caregivers, group homes,
 131 and residential programs of the pilot program.

132 (d) Providing technical assistance to lead agencies,
 133 providers, group homes, and residential programs to support
 134 removing obstacles that prevent children in foster care from
 135 driving.

136 (6) By July 1, 2015, and annually thereafter for the
 137 duration of the pilot program, the department shall submit a
 138 report to the Governor, the President of the Senate, and the
 139 Speaker of the House of Representatives evaluating the success
 140 of and outcomes achieved by the pilot program. The report shall
 141 include a recommendation as to whether the pilot program should
 142 be continued, terminated, or expanded.

143 Section 3. Section 743.047, Florida Statutes, is created to
 144 read:

145 743.047 Removal of disabilities of minors; executing

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146 agreements for motor vehicle insurance.-For the purpose of
 147 ensuring that a child in foster care will be able to secure
 148 motor vehicle insurance, the disability of nonage of minors
 149 shall be removed provided that the child has reached 16 years of
 150 age, has been adjudicated dependent, is residing in an out-of-
 151 home placement as defined in s. 39.01, and has completed a
 152 driver education program. Upon issuance of an order by a court
 153 of competent jurisdiction, such child is authorized to make and
 154 execute all documents, contracts, or agreements necessary for
 155 obtaining motor vehicle insurance as if the child is otherwise
 156 competent to make and execute contracts. Execution of any such
 157 contract or agreement for motor vehicle insurance has the same
 158 effect as if it were the act of a person who is not a minor. A
 159 child seeking to enter into such contract or agreement or
 160 execute other necessary instrument incidental to obtaining motor
 161 vehicle insurance must present an order from a court of
 162 competent jurisdiction removing the disabilities of nonage of
 163 the minor pursuant to this section.

164 Section 4. Section 1003.48, Florida Statutes, is amended to
 165 read:

166 1003.48 Instruction in operation of motor vehicles.-

167 (1) A course of study and instruction in the safe and
 168 lawful operation of a motor vehicle shall be made available by
 169 each district school board to students in the secondary schools
 170 in the state. The secondary school shall provide preferential
 171 enrollment to a student who is in the custody of the Department
 172 of Children and Families if the student maintains appropriate
 173 progress as required by the school. As used in this section, the
 174 term "motor vehicle" ~~has~~ ~~shall have~~ the same meaning as in s.

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175 320.01(1) (a) and includes ~~shall include~~ motorcycles and mopeds.
 176 Instruction in motorcycle or moped operation may be limited to
 177 classroom instruction. The course may ~~shall~~ not be made a part
 178 of, or a substitute for, any of the minimum requirements for
 179 graduation.

180 (2) In order to make such a course available to any
 181 secondary school student, the district school board may use any
 182 one of the following procedures or any combination thereof:

183 (a) Use ~~Utilize~~ instructional personnel employed by the
 184 district school board.

185 (b) Contract with a commercial driving school licensed
 186 under ~~the provisions of~~ chapter 488.

187 (c) Contract with an instructor certified under ~~the~~
 188 ~~provisions of~~ chapter 488.

189 (3) ~~(a)~~ District school boards shall earn funds on full-time
 190 equivalent students at the appropriate basic program cost
 191 factor, regardless of the method by which such courses are
 192 offered.

193 ~~(4) (b)~~ For the purpose of financing the Driver Education
 194 Program in the secondary schools, there shall be levied an
 195 additional 50 cents per year to the driver ~~driver's~~ license fee
 196 required by s. 322.21. The additional fee shall be promptly
 197 remitted to the Department of Highway Safety and Motor Vehicles,
 198 which shall transmit the fee to the Chief Financial Officer to
 199 be deposited in the General Revenue Fund.

200 ~~(5) (4)~~ The district school board shall prescribe standards
 201 for the course required by this section and for instructional
 202 personnel directly employed by the district school board. A ~~Any~~
 203 certified instructor or licensed commercial driving school is

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204 ~~shall be deemed~~ sufficiently qualified and is ~~shall~~ not be
 205 required to meet any standards in lieu of or in addition to
 206 those prescribed under chapter 488.

207 Section 5. The sum of \$800,000 is appropriated from the
 208 General Revenue Fund to the Department of Children and Families
 209 for the purpose of implementing this act during the 2014-2015
 210 fiscal year.

211 Section 6. This act shall take effect July 1, 2014.

**The Florida Senate
COMMITTEE VOTE RECORD**

COMMITTEE: Transportation
ITEM: CS/SB 744
FINAL ACTION: Favorable
MEETING DATE: Thursday, March 13, 2014
TIME: 9:00 —11:00 a.m.
PLACE: 37 Senate Office Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Clemens						
X		Diaz de la Portilla						
X		Evers						
		Garcia						
X		Joyner						
X		Lee						
X		Richter						
X		Thompson						
		Margolis, VICE CHAIR						
X		Brandes, CHAIR						
8	0	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 876

INTRODUCER: Transportation Committee and Senator Galvano

SUBJECT: Motor Vehicle Crash Reports

DATE: March 13, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 876 relates to motor vehicle crash reports which are maintained and held confidential and exempt for a 60 day period after the filing date. Under current law, such reports are available for inspection by certain licensed insurance agents, law enforcement agencies, other entities as well as news media for the dissemination of news.

The bill requires a sworn statement for *each* individual crash report requested within the 60-day confidential and exempt period.

II. Present Situation:

Traffic Crash Reports

A Florida traffic crash report is required to be completed by law enforcement when a motor vehicle crash occurs on Florida roadways, either long or short form.

A long form must be completed and submitted to the department within ten days after law enforcement completes the investigation that resulted in death, personal injury or any indication of pain or discomfort of any parties involved in the crash;

- Involved a violation of s. 316.061(1)¹ or s. 316.193²;

¹ <http://www.flsenate.gov/Laws/Statutes/2013/316.061>, Crashes involving damage to vehicle or property.

² <http://www.flsenate.gov/Laws/Statutes/2013/316.193>, Driving under the influence; penalties.

- Rendered a vehicle inoperable to a degree that required a wrecker to remove it from the crash scene;
- Involved a commercial motor vehicle;

The Long form must include:

- Date, time, and location of crash;
- Description of vehicles involved;
- Names and addresses of parties involved, including all drivers and passengers, and the identification of vehicles;
- Names and addresses of witnesses;
- Name, badge number, and law enforcement agency of investigating officer;
- Respective parties insurance companies;

In any crash for which a long form is not required by this section and which occurs on the public roadways of this state, the law enforcement officer shall complete a short-form crash report or provide a driver exchange-of-information form, to be completed by all drivers and passengers involved in the crash, which requires the identification of each vehicle that the drivers and passengers were in.

The short form must include:

- Date, time, and location of crash;
- Description of vehicles involved;
- Names and addresses of parties involved, including all drivers and passengers, and the identification of vehicles;
- Names and addresses of witnesses;
- Name, badge number, and law enforcement agency of investigating officer;
- Respective parties insurance companies;

Both long and short form crash reports prepared by law enforcement must be submitted to the department and may be maintained by the law enforcement officer's agency.

Section 316.066, (2)(a), F.S., provides that crash reports revealing identity, home or employment telephone number or home or employment address of, or other personal information concerning the parties involved in the crash and are held by any agency regularly receiving or preparing information from or concerning parties to motor vehicle crashes are confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution for a period of 60 days after the date the report is filed.

Crash reports held by an agency may be made immediately available to parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial authorities, law enforcement agencies, the Department of Transportation, county traffic operations, victim services programs, radio and television stations licensed by the Federal Communications Commission, newspapers qualified

to publish legal notices under ss. 50.11 and 50.031, F.S.,^{3,4} and free newspapers of general circulation, published once a week or more often, available and of interest to the public generally for the dissemination of news.

Any local, state, or federal agency that is authorized to have access to crash reports by any provision of law shall be granted such access in the furtherance of the agency's statutory duties.

A person attempting to access a crash report within the 60 days after the date the report was filed must present a valid driver license or other photographic identification, proof of status, or identification that demonstrates his or her qualifications to access, and file a written sworn statement with the state or local agency in possession of the information stating that information from a crash report made confidential and exempt by this section will not be used for any commercial solicitation of accident victims, or knowingly disclosed to any third party during the time that information remains confidential and exempt. In lieu of requiring a written sworn statement, an agency may provide crash reports by electronic means to third-party vendors under contract with one or more insurers, but only when such contract states that information from a crash report made confidential and exempt will not be used for commercial solicitation of accident victims by the vendors, or knowingly disclosed by the vendors to any third party for the purpose of such solicitation, during the period of time the information remains confidential and exempt, and only when a copy of such contract is furnished to the agency as proof of the vendor's claimed status.

The primary policy reason for closing access to these crash reports for 60 days to persons or entities not specifically listed appears to be protection for crash victims and their families from illegal solicitation by attorneys. In its 2000 report on insurance fraud relating to personal injury protection coverage, the Fifteenth Statewide Grand Jury found the individuals called "runners" would pick up copies of crash reports filed with law enforcement agencies. The reports would then be used to solicit people involved in motor vehicle accidents. The Grand Jury found a strong correlation between illegal solicitations and the commission of a variety of frauds, including insurance fraud.

According to the Attorney General's Second Interim report of the Fifteenth Statewide Grand Jury, "probably the single biggest factor contributing to the high level of illegal solicitations is the ready access to public accident reports in bulk by runners. These reports provide runners, and the lawyers and medical professionals who use them, the ability to contact large numbers of potential clients at little cost and with almost no effort. As a result, virtually anyone involved in a car accident in Florida is fair game to the intrusive and harassing tactics of solicitors. Such conduct can be emotionally, physically, and ultimately, financially destructive."

The Grand Jury found the access to crash reports, which provide individuals with the ability to contact large numbers of potential clients, is a violation of Florida's prohibition of crash report use for commercial solicitation purposes. According to the Grand Jury, virtually anyone involved in a car accident in the state is fair game to the intrusive and harassing tactics of solicitors.⁵

³<http://www.flsenate.gov/Laws/Statutes/2013/50.011>

⁴<http://www.flsenate.gov/Laws/Statutes/2013/50.031>

⁵ Second Interim Report of the Fifteenth Statewide Grand Jury, No. 95,746. (Fla. 2000).

III. Effect of Proposed Changes:

Section 1, amends s. 316.066, F.S., requiring that when a person accesses a crash report, within the required 60-day period after the filing of the report, presenting a valid driver license or other photographic identification, proof of status, or identification that demonstrates his or her qualifications to access that information, filing a written sworn statement with the state or local agency in possession of the information, such written sworn statement must be completed and sworn to by the requesting party for *each* individual crash report that is being requested.

The bill shall be effective July 1, 2014.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.066 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 Transportation Committee on March 13, 2014:

The CS removes the requirement directing the department to design a notice to be delivered via first-class mail or in person to all parties involved in a motor vehicle crash, where a traffic crash report is filed.

- B. **Amendments:**

None.



112152

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Richter) recommended the following:

Senate Amendment (with title amendment)

Delete lines 79 - 95.

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

And the title is amended as follows:

Delete lines 6 - 9

and insert:

providing an effective date.

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic Crash Records Bill Number 876
(if applicable)

Name Electra Bustle Amendment Barcode _____
(if applicable)

Job Title _____

Address _____ Phone _____
Street

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Florida Sheriffs Assoc

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-13-2014

Meeting Date

Topic Crash Reports

Bill Number 876 ~~1046~~
(if applicable)

Name SAM MORLEY

Amendment Barcode _____
(if applicable)

Job Title General Counsel

Address 286 College Ave

Phone 850 212 4395

Street
Tallahassee FL 32312
City State Zip

E-mail smorley@flpress.com

Speaking: For Against Information

Representing FLORIDA PRESS ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

HUDSON.MARILYN

From: GALEA.KATHY
Sent: Tuesday, March 11, 2014 6:03 PM
To: EICHIN.KURT; HUDSON.MARILYN
Subject: SB 876 and SB 1046

I just wanted to send you an email to let you know that Rep. Kerner will be presenting SB 876, Motor Vehicle Crash Reports and SB 1046, Public Records Exemption in place of Sen. Galvano on Thursday. Sen. Galvano has two other bills up in Regulated Industries.

Please let me know if additional documentation is required.

Thanks.
Kathy

Kathy Galea
Chief Legislative Assistant to Senator Bill Galvano
(941) 741-3401 Bradenton Office
(850) 487-5026 Tallahassee Office

By Senator Galvano

26-01206-14

2014876__

A bill to be entitled

An act relating to motor vehicle crash reports; amending s. 316.066, F.S.; requiring a statement to be completed and sworn to for each confidential crash report requested within a certain time period; requiring the Department of Highway Safety and Motor Vehicles to deliver a notice regarding unlawful solicitations to persons involved in certain motor vehicle crashes; providing an effective date.

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

Section 1. Subsection (2) of section 316.066, Florida Statutes, is amended to read:

316.066 Written reports of crashes.—

(2) (a) Crash reports that reveal the identity, home or employment telephone number or home or employment address of, or other personal information concerning the parties involved in the crash and that are held by any agency that regularly receives or prepares information from or concerning the parties to motor vehicle crashes are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period of 60 days after the date the report is filed.

(b) Crash reports held by an agency under paragraph (a) may be made immediately available to the parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial

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

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authorities, law enforcement agencies, the Department of Transportation, county traffic operations, victim services programs, radio and television stations licensed by the Federal Communications Commission, newspapers qualified to publish legal notices under ss. 50.011 and 50.031, and free newspapers of general circulation, published once a week or more often, available and of interest to the public generally for the dissemination of news. For the purposes of this section, the following products or publications are not newspapers as referred to in this section: those intended primarily for members of a particular profession or occupational group; those with the primary purpose of distributing advertising; and those with the primary purpose of publishing names and other personal identifying information concerning parties to motor vehicle crashes.

(c) Any local, state, or federal agency that is authorized to have access to crash reports by any provision of law shall be granted such access in the furtherance of the agency's statutory duties.

(d) As a condition precedent to accessing a crash report within 60 days after the date the report is filed, a person must present a valid driver license or other photographic identification, proof of status, or identification that demonstrates his or her qualifications to access that information, and file a written sworn statement with the state or local agency in possession of the information stating that information from a crash report made confidential and exempt by this section will not be used for any commercial solicitation of accident victims, or knowingly disclosed to any third party for

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59 the purpose of such solicitation, during the period of time that
 60 the information remains confidential and exempt. Such written
 61 sworn statement must be completed and sworn to by the requesting
 62 party for each individual crash report that is being requested
 63 within 60 days after the report is filed. In lieu of requiring
 64 the written sworn statement, an agency may provide crash reports
 65 by electronic means to third-party vendors under contract with
 66 one or more insurers, but only when such contract states that
 67 information from a crash report made confidential and exempt by
 68 this section will not be used for any commercial solicitation of
 69 accident victims by the vendors, or knowingly disclosed by the
 70 vendors to any third party for the purpose of such solicitation,
 71 during the period of time that the information remains
 72 confidential and exempt, and only when a copy of such contract
 73 is furnished to the agency as proof of the vendor's claimed
 74 status.

75 (e) This subsection does not prevent the dissemination or
 76 publication of news to the general public by any legitimate
 77 media entitled to access confidential and exempt information
 78 pursuant to this section.

79 (f) A notice, the design of which shall be prescribed by
 80 the department, must be delivered by the department in person or
 81 by first-class mail to each party involved in a traffic crash
 82 for which a report is prepared pursuant to this section or when
 83 a crash report is not prepared but the law enforcement officer
 84 or traffic enforcement officer provides a short-form report to
 85 the parties to the crash pursuant to paragraph (1)(c). Such
 86 notice shall be 8 1/2 inches by 11 inches and shall state in
 87 uppercase and boldface type, red in color, the following:

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88
 89 IT IS UNLAWFUL FOR AN ATTORNEY, PHYSICIAN,
 90 CHIROPRACTIC PHYSICIAN, MEDICAL FACILITY, OR OTHER
 91 PERSON OR ENTITY TO SOLICIT YOU TO SEEK MEDICAL
 92 TREATMENT UNDER YOUR PERSONAL INJURY PROTECTION
 93 POLICY. IF YOU ARE UNLAWFULLY SOLICITED, YOU SHOULD
 94 CONTACT YOUR LOCAL POLICE DEPARTMENT OR SHERIFF'S
 95 OFFICE.

96 Section 2. This act shall take effect July 1, 2014.

Page 4 of 4

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

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Transportation
ITEM: SB 876
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Thursday, March 13, 2014
TIME: 9:00 —11:00 a.m.
PLACE: 37 Senate Office Building

FINAL VOTE		SENATORS	3/13/2014 1 Consider late-filed AM (2/3 vote required)112152		3/13/2014 2 Amendment 112152		3/13/2014 3 Motion to report as Committee Substitute	
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Clemens						
X		Diaz de la Portilla						
X		Evers						
		Garcia						
X		Joyner						
X		Lee						
X		Richter						
X		Thompson						
		Margolis, VICE CHAIR						
X		Brandes, CHAIR						
8	0	TOTALS	FAV	-	RCS	-	FAV	-
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1046

INTRODUCER: Senator Galvano

SUBJECT: Public Records/Motor Vehicle Crash Reports

DATE: March 13, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 1046 creates a public record exemption restricting access to personal information contained in traffic crash reports.

Current law allows radio and television stations licensed by the Federal Communication Commission, newspapers qualified to publish legal notices, and certain free newspapers to request information contained in traffic crash reports. The bill requires and clarifies that these outlets may continue to make requests of traffic crash reports. However, the reports must be requested on an individual basis and may not contain home, cellular, employment, or other telephone numbers, or the home or employment addresses of any of the parties involved in the crash.

The exemption is subject to repeal on October 2, 2019 unless reviewed and reenacted. Also provided is a statement of public necessity as required by the Florida Constitution.

II. Present Situation:

Currently, s. 316.066, (2)(a), F.S., provides that crash reports revealing identity, home or employment telephone number or home or employment address of, or other personal information concerning the parties involved in the crash are confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution for a period of 60 days after the date the report is filed.

Crash reports held by an agency may be made immediately available to parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial authorities, law enforcement agencies, the Department of Transportation, county traffic operations, victim services programs, radio and

television stations licensed by the Federal Communications Commission, newspapers qualified to publish legal notices under ss. 50.11 and 50.031, F.S.,^{1,2} and free newspapers of general circulation, published once a week or more often, available and of interest to the public generally for the dissemination of news.

Any local, state, or federal agency that is authorized to have access to crash reports by any provision of law shall be granted such access in the furtherance of the agency's statutory duties.

A person attempting to access a crash report within the 60 days after the date the report was filed must present a valid driver license or other photographic identification, proof of status, or identification that demonstrates his or her qualifications to access, and file a written sworn statement with the state or local agency in possession of the information stating that information from a crash report made confidential and exempt by this section will not be used for any commercial solicitation of accident victims, or knowingly disclosed to any third party during the time that information remains confidential and exempt. In lieu of requiring a written sworn statement, an agency may provide crash reports by electronic means to third-party vendors under contract with one or more insurers, but only when such contract states that information from a crash report made confidential and exempt will not be used for commercial solicitation of accident victims by the vendors, or knowingly disclosed by the vendors to any third party for the purpose of such solicitation, during the period of time the information remains confidential and exempt, and only when a copy of such contract is furnished to the agency as proof of the vendor's claimed status.

This subsection does not prevent the dissemination or publication of news to the general public by any legitimate media entitled to access confidential and exempt information pursuant to this section.

Public Records Laws

The Florida Constitution provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.³ The records of the legislative, executive, and judicial branches are specifically included.⁴

The Florida Statutes also specify conditions under which public access must be provided to government records. The Public Records Act⁵ guarantees every person's right to inspect and

¹<http://www.flsenate.gov/Laws/Statutes/2013/50.011>

²<http://www.flsenate.gov/Laws/Statutes/2013/50.031>

³ FLA CONST., art. I, s. 24(a).

⁴ Id.

⁵ Chapter 119, F.S.

copy any state or local government public record⁶ at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷

Only the Legislature may create an exemption to public records requirements.⁸ Such an exemption must be created by general law and must specifically state the public necessity justifying the exemption.⁹ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹⁰ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹¹

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.¹² It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹³ The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet such public purpose.

III. Effect of Proposed Changes:

Section 1, amends s. 316.066, F.S., and prohibits radio and television stations licensed by the Federal Communications Commission, and newspapers qualified to publish legal notices, and certain free newspapers from obtaining personal information – home telephone, cellular, employment, or other telephone number of their home or employment address. Traffic crash report requests must be filed on an individual basis.

⁶ Section 119.011(12), F.S., defines “public records” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean 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.” The Public Records Act does not apply to legislative or judicial records (*see Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992)).

⁷ Section 119.07(1)(a), F.S.

⁸ FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances (*see WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (*see Attorney General Opinion 85-62*, August 1, 1985).

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ The bill may, however, contain multiple exemptions that relate to one subject.

¹¹ FLA. CONST., art. I, s. 24(c).

¹² Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the Act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).

¹³ Section 119.15(3), F.S.

Under the bill, this public records exemption is subject to repeal on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2, provides that personal contact information contained in a motor vehicle crash report be exempt from public records disclosure. It is public necessity that personal information by radio, television stations, and newspapers be restricted for the 60-day period after the filing date of traffic crash reports. The restriction is to combat widespread insurance fraud that occurs when information is unlawfully used to contact the parties involved in a crash. Moreover, the exemption prohibits access by newspapers, television, and radio stations to addresses and telephone numbers of the parties involved in crashes to protect the parties from those who would unlawfully solicit and make claims against their personal injury protection insurance policies.

This act shall take effect on the same date that SB 876 or HB 865 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Section 24(c), Art. I of the Florida Constitution requires a two-thirds vote of the members present and voting in each house of the Legislature for passage of a newly created or expanded public records or public meetings exemption. Because this bill expands a public necessity state, it requires a two-third vote for passage.

Public Necessity Statement

Section 24(c), Art. I of the Florida Constitution requires a public necessity statement for a newly created or expanded public records or public meetings exemption. Because this bill expands a new public records exemption, it includes a public necessity statement.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.066 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-13-14

Meeting Date

Topic Crash Rpts

Bill Number SB 1046
(if applicable)

Name RICHARD GENTRY

Amendment Barcode _____
(if applicable)

Job Title _____

Address 2305 BRAEBURN CIRCLE
Street

Phone 251-1837

TALK FL 32309
City State Zip

E-mail RGentry@comcast.net

Speaking: For Against Information

Representing PALM BEACH ECONOMIC COUNCIL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-13-2014

Meeting Date

Topic Crash Reports

Bill Number 1046
(if applicable)

Name SAM MORLEY

Amendment Barcode _____
(if applicable)

Job Title Gen'l Counsel

Address 371 College Ave
Street

Phone 850 212 4395

Tallahassee FL 32312
City State Zip

E-mail smorley@flpress.com

Speaking: For Against Information

Representing FLORIDA PRESS ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic Cash Records

Bill Number 1046
(if applicable)

Name Electra BUSTLE

Amendment Barcode _____
(if applicable)

Job Title _____

Address _____
Street

Phone _____

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Florida Benefits Assoc

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

HUDSON.MARILYN

From: GALEA.KATHY
Sent: Tuesday, March 11, 2014 6:03 PM
To: EICHIN.KURT; HUDSON.MARILYN
Subject: SB 876 and SB 1046

I just wanted to send you an email to let you know that Rep. Kerner will be presenting SB 876, Motor Vehicle Crash Reports and SB 1046, Public Records Exemption in place of Sen. Galvano on Thursday. Sen. Galvano has two other bills up in Regulated Industries.

Please let me know if additional documentation is required.

Thanks.
Kathy

Kathy Galea
Chief Legislative Assistant to Senator Bill Galvano
(941) 741-3401 Bradenton Office
(850) 487-5026 Tallahassee Office

By Senator Galvano

26-01759-14

20141046__

A bill to be entitled

An act relating to public records; amending s. 316.066, F.S.; providing an exemption from public records requirements for certain personal contact information contained in motor vehicle crash reports; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Paragraph (g) is added to subsection (2) of section 316.066, Florida Statutes, as amended by SB 876, 2014 Regular Session, to read:

316.066 Written reports of crashes.—

(2)

(g) Radio and television stations licensed by the Federal Communications Commission, newspapers qualified to publish legal notices under ss. 50.011 and 50.031, and free newspapers of general circulation published once a week or more often, available and of interest to the public generally for the dissemination of news, which request crash reports before 60 days have elapsed after the report is filed must request such crash reports on an individual basis and may not have access to the home, cellular, employment, or other telephone number or the home or employment address of any of the parties involved in the crash. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal

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26-01759-14

20141046__

through reenactment by the Legislature.

Section 2. The Legislature finds that the personal contact information contained in a motor vehicle crash report is confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution for 60 days after the report is filed and that it is a public necessity that access to such information during that 60-day period by newspapers and radio and television stations be restricted to combat widespread insurance fraud that occurs when the information is unlawfully used to contact the parties involved in a crash. The exemption prohibits access by newspapers and television and radio stations to the addresses and telephone numbers of the parties involved in a crash to protect the parties from those who would unlawfully solicit the parties to make claims against their personal injury protection insurance policies.

Section 3. This act shall take effect on the same date that SB 876 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Page 2 of 2

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 974

INTRODUCER: Transportation Committee and Senator Abruzzo

SUBJECT: Towing of Vehicles and Vessels

DATE: March 13, 2014 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.			CA	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 974 authorizes an owner or lessee of real property to have a vehicle or vessel removed from the property without posted tow-away zone signage if the vehicle or vessel has been parked or stored on the property for more than ten days.

II. Present Situation:

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

With two exceptions,¹ the property owner or lessee must post a specified notice before towing or removing the vehicle or vessel.

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

The notice must:

- Be prominently placed at each driveway access or curb cut allowing vehicular access to the property within five feet from the public right-of-way line, except that if there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage;
- Clearly indicate that unauthorized vehicles will be towed away at the owner's expense, in light-reflective letters not less than 2 inches high on a contrasting background;
- Include in letters not less than 4 inches high the words "tow-away zone"; and
- Provide the name and current telephone number of the person or firm towing or removing the vehicle or vessel.

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

A business with 20 or fewer parking spaces is authorized to satisfy the above-described requirements by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in light-reflective letters not less than 4 inches high.

Lastly, a business owner or lessee is authorized to have a vehicle or vessel removed by a towing company when the vehicle or vessel is parked in a manner that restricts the normal operation of business; and, if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway, the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

III. Effect of Proposed Changes:

The bill amends s. 715.07, F.S., to provide that, in addition to current authorizations for causing a vehicle to be towed, when a vehicle or vessel has been parked or stored on private property for more than ten days, the owner or lessee, or agent of the owner or lessee, of the real property may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted two-away zone sign.

The bill provides that the ten-day period does not begin to run until the owner or lessee (or agent) of the real property physically attaches to the vehicle or vessel with adhesive material notice that the vehicle or vessel will be towed or removed from the real property. The notice must:

- In the case of a vehicle, be attached to the vehicle's windshield.
- In the case of a vessel, be attached adjacent to the vessel registration number on the left or port side of the vessel.
- Be at least 8.5 by 11 inches in size.
- Clearly indicate the date on which the notice was posted.
- Clearly indicate in bold letters that the vehicle or vessel will be towed or removed from the real property after ten days from the date on which the notice was posted.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Owners and lessees of real property are relieved of the cost of posting tow-away zone signage when a vehicle or vessel has been parked or stored on the property for more than 10 days. Practically, it is expected that most business owners and lessees are likely to already have tow-away zone signage pursuant to current law. Thus, the cost savings is more likely to occur for non-business private property owners.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

In the absence of proof that a vehicle or vessel has been parked or stored on private property for the required period exceeding 10 days, those who tow or remove a vehicle or vessel and the owners of the real property causing a tow may be subject to claims for damages incurred by the vehicle or vessel owner.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 715.07.

IX. Additional Information:

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

CS by Transportation on March 13, 2014:

The CS incorporates an amendment to provide that the 10-day period does not begin to run until a written notice is physically attached to the vehicle or vessel stating that it will be towed or removed after ten days from the date on which the notice was posted and to provide requirements for placement, size, and content of the notice.

- B. **Amendments:**

None.



250790

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/13/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete lines 145 - 146
and insert:
days and the owner or, lessee, or agent of the owner or lessee,
of the real property has a report from the law enforcement
agency of jurisdiction stating that the vehicle has been parked
on the property for at least 10 days, the owner or lessee, or
agent of the owner or lessee, of the real property may have the
vehicle or vessel removed by a



250790

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

And the title is amended as follows:

Delete line 6

and insert:

the owner or lessee obtains a report from a law
enforcement agency that the vehicle or vessel has
remained on the property for



366272

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2014	.	
	.	
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	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 148 and 149
insert:

a. The 10-day period after which towing or removal of a vehicle or vessel from real property without tow-away zone signage is authorized does not begin until the owner or lessee, or agent of the owner or lessee, of the real property physically attaches to the vehicle or vessel with adhesive material notice that the vehicle or vessel will be towed or removed from the



366272

11 real property. The notice must:

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

14 (II) In the case of a vessel, be attached adjacent to the
15 vessel registration number on the left or port side of the
16 vessel.

17 (III) Be at least 8.5 by 11 inches in size.

18 (IV) Clearly indicate the date on which the notice was
19 posted.

20 (V) Clearly indicate in bold letters that the vehicle or
21 vessel will be towed or removed from the real property after 10
22 days from the date on which the notice was posted.

23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete line 7

27 and insert:

28 a specified period; providing that the specified
29 period does not begin until a certain notice is
30 physically attached to the vehicle or vessel;
31 providing requirements for the notice; providing an
32 effective date.

By Senator Abruzzo

25-01037-14

2014974__

A bill to be entitled

An act relating to towing of vehicles and vessels;
amending s. 715.07, F.S.; authorizing an owner or
lessee of real property to have a vehicle or vessel
removed from the property without certain signage if
the vehicle or vessel has remained on the property for
a specified period; providing an effective date.

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

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

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

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

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

(b) "Vessel" means every description of watercraft, barge,
and airboat used or capable of being used as a means of
transportation on water, other than a seaplane or a "documented
vessel" as defined in s. 327.02(9).

(2) The owner or lessee of real property, or a any person
authorized by the owner or lessee, which person may be the
designated representative of the condominium association if the
real property is a condominium, may cause a any vehicle or
vessel parked on such property without her or his permission to
be removed by a person regularly engaged in the business of
towing vehicles or vessels, without liability for the costs of
removal, transportation, or storage or damages caused by such

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removal, transportation, or storage, under any of the following
circumstances:

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

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

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

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59 2. Within 30 minutes after completion of the towing or
 60 removal, the person or firm that towed or removed ~~towing or~~
 61 ~~removing the vehicle or vessel must shall, within 30 minutes~~
 62 ~~after completion of such towing or removal,~~ notify the municipal
 63 police department or, in an unincorporated area, the sheriff,
 64 of: the such towing or removal; the storage site; the time the
 65 vehicle or vessel was towed or removed; and the make, model,
 66 color, and license plate number of the vehicle or description
 67 and registration number of the vessel. The person or firm and
 68 shall note on the trip record obtain the name of the person at
 69 that department to whom such information was reported ~~and note~~
 70 ~~that name on the trip record.~~

71 3. A person in the process of towing or removing a vehicle
 72 or vessel from the premises or parking lot in which the vehicle
 73 or vessel is not lawfully parked must stop when a person seeks
 74 the return of the vehicle or vessel. The vehicle or vessel must
 75 be returned upon the payment of a reasonable service fee of not
 76 more than one-half of the posted rate for the towing or removal
 77 service as provided in subparagraph 7. ~~6.~~ The vehicle or vessel
 78 may be towed or removed if, after a reasonable opportunity, the
 79 owner or legally authorized person in control of the vehicle or
 80 vessel is unable to pay the service fee. If the vehicle or
 81 vessel is redeemed, a detailed signed receipt must be given to
 82 the person redeeming the vehicle or vessel.

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

86 5. Except when the for property is appurtenant to and
 87 obviously a part of a single-family residence or, ~~and except for~~

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88 ~~instances~~ when notice is personally given to the owner or other
 89 legally authorized person in control of the vehicle or vessel
 90 that the area in which that vehicle or vessel is parked is
 91 reserved or otherwise unavailable for unauthorized vehicles or
 92 vessels and that the vehicle or vessel is subject to being
 93 removed at the owner's or operator's expense, before towing or
 94 removing a vehicle or vessel from private property without the
 95 consent of the owner or other legally authorized person in
 96 control of that vehicle or vessel, a any property owner or
 97 lessee, or person authorized by the property owner or lessee,
 98 ~~prior to towing or removing any vehicle or vessel from private~~
 99 ~~property without the consent of the owner or other legally~~
 100 ~~authorized person in control of that vehicle or vessel,~~ must
 101 post a notice subject to meeting the following requirements:

102 a. The notice must:

103 (I) Be prominently placed at each driveway access or curb
 104 cut allowing vehicular access to the property, within 5 feet
 105 from the public right-of-way line. If there are no curbs or
 106 access barriers, the signs must be posted not less than one sign
 107 for each 25 feet of lot frontage.

108 (II) ~~b.~~ ~~The notice must~~ Clearly indicate, in not less than
 109 2-inch high, light-reflective letters on a contrasting
 110 background, that unauthorized vehicles will be towed away at the
 111 owner's expense. The words "tow-away zone" must be included on
 112 the sign in not less than 4-inch high letters.

113 (III) ~~c.~~ ~~The notice must also~~ Provide the name and current
 114 telephone number of the person or firm towing or removing ~~the~~
 115 vehicles or vessels.

116 ~~b.d.~~ The sign structure containing the required notices

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117 must be permanently installed with the words "tow-away zone" at
 118 least not less than 3 feet but no and not more than 6 feet above
 119 ground level and must be continuously maintained on the property
 120 for at least not less than 24 hours before prior to the towing
 121 or removing a vehicle or vessel ~~removal of any vehicles or~~
 122 ~~vessels.~~

123 ~~e.~~ The local government may require permitting and
 124 inspection of such these signs before prior to any towing or
 125 removing a vehicle or vessel is ~~removal of vehicles or vessels~~
 126 ~~being~~ authorized.

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

133 ~~d.g.~~ A property owner towing or removing vessels from real
 134 property must post notice, consistent with the requirements in
 135 sub-subparagraphs a.-c. a.-f., which apply to vehicles, that
 136 unauthorized vehicles or vessels will be towed away at the
 137 owner's expense.

138 6. Notwithstanding subparagraph 5., a business owner or
 139 ~~lessee may authorize the removal of a vehicle or vessel by a~~
 140 ~~towing company~~ when a the vehicle or vessel is parked in such a
 141 manner that restricts the normal operation of business; is and
 142 ~~if a vehicle or vessel~~ parked on a public right-of-way in a
 143 manner that obstructs access to a private driveway; or has been
 144 parked or stored on private property for a period exceeding 10
 145 days, the owner ~~or,~~ lessee, or agent of the owner or lessee, of

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146 the real property may have the vehicle or vessel removed by a
 147 towing company upon signing an order that the vehicle or vessel
 148 be removed without a posted tow-away zone sign.

149 ~~7.6. A~~ Any person or firm that tows or removes vehicles or
 150 vessels and proposes to require an owner, operator, or person in
 151 control of a vehicle or vessel to pay the costs of towing and
 152 storage before prior to redemption of the vehicle or vessel must
 153 file and keep on record with the local law enforcement agency a
 154 complete copy of the current rates to be charged for such
 155 services and post at the storage site an identical rate schedule
 156 and any written contracts with property owners, lessees, or
 157 persons in control of property which authorize such person or
 158 firm to remove vehicles or vessels as provided in this section.

159 ~~8.7. A~~ Any person or firm towing or removing ~~any~~
 160 or vessels from private property without the consent of the
 161 owner or other legally authorized person in control of the
 162 vehicles or vessels shall, on any trucks, wreckers as defined in
 163 s. 713.78(1)(c), or other vehicles used in the towing or
 164 removal, have the name, address, and telephone number of the
 165 company performing such service clearly printed in contrasting
 166 colors on the driver and passenger sides of the vehicle. The
 167 name shall be in at least 3-inch, permanently affixed letters,
 168 and the address and telephone number shall be in at least 1-
 169 inch, permanently affixed letters.

170 ~~9.8.~~ Vehicle entry for the purpose of removing the vehicle
 171 or vessel shall be allowed with reasonable care on the part of
 172 the person or firm towing the vehicle or vessel. Such person or
 173 firm shall be liable for any damage occasioned to the vehicle or
 174 vessel if such entry is not in accordance with the standard of

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175 reasonable care.

176 ~~10.9-~~ When a vehicle or vessel has been towed or removed
 177 pursuant to this section, it must be released to its owner or
 178 custodian within 1 ~~one~~ hour after requested. A ~~Any~~ vehicle or
 179 vessel owner or agent of the owner may ~~shall have the right to~~
 180 inspect the vehicle or vessel before accepting its return. A~~r~~
 181 ~~and no~~ release or waiver of any kind which would release the
 182 person or firm towing the vehicle or vessel from liability for
 183 damages noted by the owner or other legally authorized person at
 184 the time of the redemption may not be required from a ~~any~~
 185 vehicle or vessel owner or~~r~~, custodian~~r~~, or agent of the owner or
 186 custodian as a condition of release of the vehicle or vessel to
 187 its owner. A detailed, signed receipt showing the legal name of
 188 the company or person towing or removing the vehicle or vessel
 189 must be given to the person paying towing or storage charges at
 190 the time of payment, whether requested or not.

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

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

200 (4) When a person improperly causes a vehicle or vessel to
 201 be removed, such person shall be liable to the owner or lessee
 202 of the vehicle or vessel for the cost of removal,
 203 transportation, and storage; any damages resulting from the

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204 removal, transportation, or storage of the vehicle or vessel;
 205 attorney ~~attorney's~~ fees; and court costs.

206 (5) (a) A ~~Any~~ person who violates subparagraph (2) (a)2. or
 207 subparagraph (2) (a)7. ~~(2) (a)6.~~ commits a misdemeanor of the
 208 first degree, punishable as provided in s. 775.082 or s.
 209 775.083.

210 (b) A ~~Any~~ person who violates subparagraph (2) (a)1.,
 211 subparagraph (2) (a)3., subparagraph (2) (a)4., subparagraph
 212 (2) (a)8. ~~(2) (a)7.~~, or subparagraph (2) (a)10. ~~(2) (a)9.~~ commits a
 213 felony of the third degree, punishable as provided in s.
 214 775.082, s. 775.083, or s. 775.084.

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

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**The Florida Senate
COMMITTEE VOTE RECORD**

COMMITTEE: Transportation
ITEM: SB 974
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Thursday, March 13, 2014
TIME: 9:00 —11:00 a.m.
PLACE: 37 Senate Office Building

FINAL VOTE		SENATORS	3/13/2014 ¹ Amendment 250790		3/13/2014 ² Consider late-filed AM (2/3 vote required)366272		3/13/2014 ³ Amendment 366272	
			Clemens		Brandes		Brandes	
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Clemens						
X		Diaz de la Portilla						
X		Evers						
		Garcia						
X		Joyner						
X		Lee						
X		Richter						
X		Thompson						
		Margolis, VICE CHAIR						
X		Brandes, CHAIR						
8	0		-	WD	FAV	-	RCS	-
Yea	Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1024

INTRODUCER: Transportation Committee and Senator Dean

SUBJECT: Off-highway Vehicles

DATE: March 13, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.			CM	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1024 revises the definitions of ATV (all-terrain vehicle) and ROV (recreational off-highway vehicle) in three different locations of the Florida Statutes to:

- Remove any reference to the seating type and the steering control mechanism,
- Remove the limitation that an ATV is designed for use by a single operator with no passenger, and
- Increase the authorized width of an ROV from 64 to 65 inches.

These revisions may result in an increased number of ROVs being titled as ATVs and qualifying for operation on certain roads and trails currently restricted to ATV operation. In addition, the increased ROV width may result in more ROVs being titled in Florida.

The bill also revises a violation provision to prohibit carrying more passengers than the machine is designed by the manufacturer to carry and revises the penalty provision to clarify that the penalty applies to all off-highway vehicle violations.

II. Present Situation:

The use of off-highway vehicles for recreational purposes is a growing trend. “An estimated 5 million off-road recreational vehicles – motorcycles, minibikes, trail bikes, snowmobiles, dune-buggies, all-terrain vehicles, and others – are in use in the United States today, and their

popularity continues to increase rapidly.”¹ As noted by the Recreational Off-Highway Vehicle Association:

Not all off-road vehicles are the same. And all too often, the All-Terrain Vehicle (ATV) is confused with the Recreational Off-Highway Vehicle (ROV). But there are actually some very significant differences between the two, even if both types of off-roaders [may] be four-wheeled and used for similar types of recreation.

The most noticeable differences include the fact that ROVs have a steering wheel, acceleration foot pedal and a brake foot pedal, and they are “driven.” ATVs have a handlebar for steering, a throttle controlled by pushing a thumb lever next to the handgrip, and hand lever(s) for front and/or rear brake(s) and a foot pedal for the rear brake. And unlike ROVs, ATVs are “ridden.

ROVs currently in the market are specifically designed for an operator age 16 or older with a valid drivers license and one or more passengers. They generally have seats situated side by side or a bench seat, and are equipped with operator and passenger seat belts. They also are equipped with a rollover protective structure (ROPS), side retention features (hard plastic doors or sturdy canvas netting) and handholds. [] Although there are a few exceptions, most ATVs are designed for one rider and have a large seat designed to be straddled by a single operator only, with no passenger. ATVs are rider-active; in order to properly operate an ATV, the rider must be able to shift body weight while riding. Adult-size ATVs are for operators age 16 and older. Youth-model ATVs allow kids as young as age 6 to enjoy ATVs while under active adult supervision.²

As manufacturers attempt to address market demand, seating type and steering control mechanisms offered on the market may blur the line between ATVs and ROVs.

Use of Off-Highway Vehicles on Federal Lands

In 2005, the United State Department of Agriculture Forest Service announced a new regulation governing off-highway vehicles.³ “Off-highway vehicle” is defined in the rule to mean “any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain.” Known as the “Travel Management Rule,” its highlights are as follows:

- Each national forest or ranger district must designate those roads, trails, and areas open to motor vehicles.

¹ Federal Register website, *Executive Order 11644*: <http://www.archives.gov/federal-register/codification/executive-order/11644.html>. Last visited March 8, 2014.

² Recreational Off-Highway Vehicle Association website: <http://www.rohva.org/ROVsATV.aspx>. Last visited March 10, 2014.

³ 36 C.F.R. 212, Subpart B, *Designation of Roads, Trails and Areas for Motor Vehicle Use*.

- The designation must include the class of vehicle and, if appropriate, time of year for motor vehicle use. A given route, for example, could be designated for use by motorcycles, all-terrain vehicles (ATVs), or street-legal vehicles.
- Once designation is complete, the rule prohibits motor vehicle use off the designated system or inconsistent with the designation.
- Designation decisions are to be made locally, with public input and in coordination with state, local, and tribal governments.
- Designations will be shown on a motor vehicle use map.⁴

With respect to vehicle class, for example, the Motor Vehicle Use Maps for 2014⁵ for the Apalachicola National Forest, the Ocala National Forest, and the Osceola National Forest reflect the following categories with respect to off-highway vehicle roads and trails:

- Roads Open to Highway Legal Vehicles Only: These roads are open only to motor vehicles licensed under State law for general operation on all public roads within the State.
- Trails Open to Wheeled Vehicles 50 inches or Less in Width: These trails are open only to wheeled, motor vehicles less than 50 inches in width at the widest point on the vehicle.
- Trails Open to Motorcycles Only: These trails are open only to motorcycles. Sidecars are not permitted.
- Special Vehicle Designation: This symbol indicates the road or trail is open to classes of vehicles other than those listed above. Refer to the Seasonal and Special Designation Table for further instructions.
- Seasonal Designation: This symbol, used in conjunction with one of the other road or trail symbols, indicates that the road or trail is open only during certain portions of the year. Refer to Seasonal and Special Designation Table for further instructions.

Operation of any off-highway vehicle on National Forest System lands other than in accordance with the designations as reflected on the maps is prohibited.⁶ It is the identified vehicle class for designated roads and trails on given federal lands that determines which off-highway vehicles are authorized.

Use of Off-Highway Vehicles on State Lands

The 2002 Legislature enacted the T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act⁷ to provide a set of guidelines for the development and maintenance of public lands within the state for off-highway vehicle use.⁸ “Off-highway vehicle”(OHV) is defined in s. 261.03(5),

⁴ U.S. Forest Service website: <http://www.fs.fed.us/recreation/programs/ohv/>. The full text of the final rule, an interactive travel map, and additional information may also be accessed at this site. Last visited March 10, 2014.

⁵ U.S. Forest Service website: <http://www.fs.usda.gov/main/florida/maps-pubs>. Last visited March 10, 2014.

⁶ 36 C.F.R. 261.13.

⁷ Chapter 261, F.S.

⁸ See the Department of Agriculture & Consumer Services (DACCS) website for information on locations approved for off-highway vehicle use on public (and some private) state lands, fees and permits for OHVs in state forests, and State Forest Rules for OHV areas: <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Recreation/Off-Highway-Vehicle-Recreation-on-State-Forests-in-Florida>. Last visited March 8, 2014.

F.S., to include any ATV, two-rider ATV,⁹ ROV, or off-highway motorcycle (OHM) that is not registered and licensed for highway use under chapter 320, F.S.

Section 261.03(2), F.S., defines “ATV” to mean any:

- Motorized off-highway or all-terrain vehicle 50 inches or less in width,
- Having a dry weight of 1,200 pounds or less,
- Designed to travel on three or more nonhighway tires,
- Having a seat designed to be straddled by the operator and handlebars for steering control, and
- Intended for use by a single operator with no passenger.

Section 261.03(8), F.S., defines “ROV” to mean any:

- Motorized recreational off-highway vehicle 64 inches or less in width,
- Having a dry weight of 2,000 pounds or less,
- Designed to travel on four or more nonhighway tires,
- *Having nonstraddle seating and a steering wheel*, and
- Manufactured for recreational use by one or more persons.¹⁰

ATVs, ROVs, (and OHMs) are the only unlicensed motor vehicles allowed in designated OHV areas.¹¹ No off-highway vehicle may be operated on public roads in the state, except as permitted by the managing local, state, or federal agency.¹²

As is the case on federal lands, use of OHVs on state lands may be restricted given the location. For example, the Croom Motorcycle Area at Withlacoochee State forest permits operation of ATVs and OHMs, but ROVs are not currently authorized.¹³ ATVs, ROVs, and OHMs are authorized on the Off-Highway Vehicle Trail System at Tate’s Hell State Forest.¹⁴

Section 261.20, F.S., provides certain requirements for the operation of OHVs on public lands, including the following:

- A person under 16 must be supervised by an adult while operating an OHV and must have proof of completion of a DACS-approved safety course in this state or another jurisdiction.
- The OHV must be equipped with an operating spark arrester and sound emission limiter.
- OHVs operated at night, where allowed, or when visibility is low, must display a taillight and a headlight, with certain exceptions.

⁹ Defined in s. 261.03(11), F.S., to mean any ATV that is specifically designed by the manufacturer for a single operator and one passenger.

¹⁰ Golf carts as defined in ss. 320.01 and 316.003, F.S., or low-speed vehicles as defined in s. 320.01, F.S., are not included in the definition of ROV.

¹¹ See DACS website: <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Recreation/Off-Highway-Vehicle-Recreation-on-State-Forests-in-Florida#rules>. Last visited March 8, 2014.

¹² Section 261.11, F.S.

¹³ See DACS website: <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/State-Forests/Withlacoochee-State-Forest/Croom-Motorcycle-Area-at-Withlacoochee-State-Forest>. Last visited March 10, 2014.

¹⁴ See DACS website: <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/State-Forests/Off-Highway-Vehicle-Trail-System-at-Tate-s-Hell-State-Forest#contact>. Last visited March 10, 2014,

Violations of these requirements include:

- Carrying a passenger on an OHV, unless it is specifically designed to carry an operator and a single person;
- Operating an OHV under the influence of alcohol, a controlled substance, or any prescription or over-the-counter drug that impairs vision or motor function;
- Operation of an OHV by a person under 16 without wearing eye protection, over-the-ankle boots, and a safety helmet; and
- Operating an OHV in a careless or reckless manner that endangers or causes injury or damage to another person or property.¹⁵

A person who violates the requirements commits a noncriminal infraction subject to a fine of at least \$100 and may have the privilege of operating an ATV on public lands revoked. If the person acts with intent to defraud or commits a second or subsequent violation, the fine increases to at least \$500.¹⁶

Authorized Use of ATVs by Police Officers

Similar to the provisions of s. 261.20, F.S., s. 316.2074, F.S., also prohibits operation of an ATV on public roads in this state, except as permitted by the managing state or federal agency. However, a four-wheeled ATV may be used by police officers to enforce traffic laws on public beaches designated as public roadways and to travel on public roads within public lands while performing their duties.

For purposes of s. 316.2074, F.S., an ATV is defined almost identically to the definition in s. 261.03(2), F.S., to mean any:

- Motorized off-highway vehicle 50 inches or less in width,
- Having a dry weight of 1,200 pounds or less,
- Designed to travel on three or more nonhighway tires,
- Having a seat designed to be straddled by the operator and handlebars for steering control, and
- Intended for use by a single operator with no passenger.¹⁷

A violation of s. 316.2074, F.S., is a nonmoving, noncriminal traffic infraction, punishable by a \$30 penalty.

Authorized Use of ATVs on Certain Roadways

Section 316.2123, F.S., likewise prohibits operation of an ATV¹⁸ on public roads in this state, except that an ATV may be operated during the daytime on an unpaved roadway where the posted speed limit is less than 35 mph. A county may exempt itself from this authorization, after a public hearing, by majority vote of the governing body of the county. Alternatively, by

¹⁵ Section 261.20(5), F.S.

¹⁶ Section 261.20(6), F.S.

¹⁷ This section also includes two-rider ATVs specifically designed for a single operator and one passenger.

¹⁸ Defined as in s. 317.0003, F.S., which is identical to the definition in s. 261.03(2), F.S.

majority vote after a public hearing, the county may designate unpaved roadways where an ATV may be operated during the daytime as long as each such designated roadway has a posted speed limit of less than 35 mph and is appropriately marked to indicate permissible ATV use. The ATV operator must be a licensed driver or a minor under the direct supervision of a licensed driver.

Off-Highway Vehicle Titling

Chapter 317, Florida Statutes, requires all OHVs operated on public lands in this state to be titled and issued a certificate of title for easy determination of ownership. The definitions of “ATV” and “ROV” for purposes of ch. 317, F.S., are identical to the respective definitions in s. 261.03(2) and (8), F.S.

III. Effect of Proposed Changes:

Sections 1, 3, and 4 of the bill amend the definitions in ss. 261.03, 316.2074, and 317.0003, F.S., to:

- Remove from the definitions of “ATV” and “ROV” any reference to the type of seating (straddle vs. nonstraddle) and steering control (handle bars vs. steering wheel);
- Remove from the definition of “ATV” that the vehicle is intended for use by a single operator with no passenger and replace the phrase with “and manufactured for recreational use by one or more persons”; and
- Increase the width of ROVs in the definitions from 64 to 65 inches.

These revisions leave the definitions of ATV and ROV distinguished by width, weight, and possibly the number of nonhighway wheels. Both definitions include that the vehicle is manufactured for recreational use by one or more persons. The type of seating and the steering mechanism no longer distinguish the two vehicles.

The first two revisions potentially authorize an OHV currently defined as an ROV to meet the definition of an ATV; that is, if the vehicle is 50 inches or less in width and 1,200 pounds or less in dry weight, designed to travel on three *or more* nonhighway tires, and manufactured for recreational use by one or more persons, a vehicle previously defined as an ROV because of nonstraddle seating and a steering wheel now meets the definition of an ATV because reference to straddled seating and handle bars is removed, as is the requirement that the vehicle is intended for use by a single operator with no passenger. Such models do exist, such as the Polaris RZR¹⁹ and the Arctic Cat Wildcat Trail XT,²⁰ for example. These revisions may result in such models being authorized for titling as an ATV and may result in authorized operation on certain federal and state lands, depending upon the given location’s restrictions.

The increase in width from 64 to 65 inches in the definition of ROV may result in more ROVs being titled in Florida. Authorized operation of ROVs will continue to be governed by OHV restrictions at a given location.

¹⁹ See Polaris website: <http://www.polaris.com/en-us/rzr-side-by-side/rzr-570-eps-trail-le-blue-fire/specs>. Last visited March 10, 2014.

²⁰ See Arctic Cat website: <http://www.arcticcat.com/sidexside/model/wildcattrailxt#lime>. Last visited March 10, 2014.

Section 2 of the bill amends s. 261.20(5), F.S., to revise the violation for carrying a passenger on an OHV, unless it is specifically designed to carry an operator and a single person. The violation is revised to prohibit carrying more passengers than the machine is designed by the manufacturer to carry and is necessitated by the revisions to the definitions of “ATV” and “ROV,” some of which are now designed to carry multiple passengers.

The bill also revises the penalty provision in s. 261.20(6), F.S., to clarify that the penalty applies to all off-highway vehicle violations, not just ATV violations.

The bill takes effect July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The DHSMV notes that in fiscal year 2012-2013, only 12,554 off-highway vehicle (ATVs and ROVs) titles were issued statewide. The possible increase in the number of ATV and ROV titles issued “is unable to be determined, but is believed to be extremely nominal. Therefore, the revenue and operational impact on the Department is unable to be forecasted.”²¹

The fee for an original title or transfer title for an off-highway vehicle is \$42.50.²²

B. Private Sector Impact:

Individuals seeking to title models that would qualify as an ATV under the new definition and those seeking to title ROVs 65 inches wide will be subject to titling fees.

C. Government Sector Impact:

See Tax/Fee Issues above.

²¹ DHSMV SB 1024 Bill Analysis, on file in the Senate Transportation Committee.

²² See the DHSMV Schedule of OHV Title and Lien Fees, on file in the Senate Transportation Committee.

Whether existing trails will accommodate the increase in authorized width of ROVs, in locations where ROV operation is allowed, is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 261.03, 316.2074, and 317.0003.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Transportation on March 13, 2014:

The CS incorporates a technical amendment to revise a violation provision in s. 261.20(5), F.S., to prohibit carrying more passengers than the machine is designed by the manufacturer to carry, necessitated by the revisions to the definitions of “ATV” and “ROV.” The amendment also revises the penalty provision in s. 261.20(6), F.S., to clarify that the penalty applies to all off-highway vehicle violations, not just ATV violations.

B. Amendments:

None.



319016

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Between lines 28 and 29

insert:

Section 2. Subsections (5) and (6) of section 261.20, Florida Statutes, are amended to read:

261.20 Operations of off-highway vehicles on public lands; restrictions; safety courses; required equipment; prohibited acts; penalties.—

(5) It is a violation of this section:



319016

11 (a) To carry more passengers ~~a passenger~~ on an off-highway
12 vehicle ~~than, unless~~ the machine is specifically designed by the
13 manufacturer to carry ~~an operator and a single passenger~~.

14 (b) To operate an off-highway vehicle while under the
15 influence of alcohol, a controlled substance, or any
16 prescription or over-the-counter drug that impairs vision or
17 motor condition.

18 (c) For a person who has not attained 16 years of age, to
19 operate an off-highway vehicle without wearing eye protection,
20 over-the-ankle boots, and a safety helmet that is approved by
21 the United States Department of Transportation or Snell Memorial
22 Foundation.

23 (d) To operate an off-highway vehicle in a careless or
24 reckless manner that endangers or causes injury or damage to
25 another person or property.

26 (6) Any person who violates this section commits a
27 noncriminal infraction and is subject to a fine of not less than
28 \$100 and may have his or her privilege to operate an off-highway
29 vehicle ~~ATV~~ on public lands revoked. However, a person who
30 commits such acts with intent to defraud, or who commits a
31 second or subsequent violation, is subject to a fine of not less
32 than \$500 and may have his or her privilege to operate an off-
33 highway vehicle ~~ATV~~ on public lands revoked.

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete line 3

38 and insert:

39 261.03, F.S.; amending s. 261.20, F.S.; revising a



319016

40 violation for carrying an operator and more than a
41 single passenger on certain off-highway vehicles to
42 prohibit carrying more passengers than the vehicle is
43 designed to carry; amending a penalty provision to
44 apply to off-highway vehicles;

By Senator Dean

5-01109-14

20141024__

1 A bill to be entitled
 2 An act relating to off-highway vehicles; amending s.
 3 261.03, F.S.; revising the terms "ATV" and "ROV";
 4 amending s. 316.2074, F.S.; revising the term "all-
 5 terrain vehicle"; amending s. 317.0003, F.S.; revising
 6 the terms "ATV" and "ROV"; providing an effective
 7 date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Subsections (2) and (8) of section 261.03,
 12 Florida Statutes, are amended to read:
 13 261.03 Definitions.—As used in this chapter, the term:
 14 (2) "ATV" means any motorized off-highway or all-terrain
 15 vehicle 50 inches or less in width, having a dry weight of 1,200
 16 pounds or less, designed to travel on three or more nonhighway
 17 tires, and manufactured for recreational use by one or more
 18 persons having a seat designed to be straddled by the operator
 19 and handlebars for steering control, and intended for use by a
 20 single operator with no passenger.
 21 (8) "ROV" means any motorized recreational off-highway
 22 vehicle ~~65~~ 64 inches or less in width, having a dry weight of
 23 2,000 pounds or less, designed to travel on four or more
 24 nonhighway tires, ~~having nonstraddle seating and a steering~~
 25 ~~wheel,~~ and manufactured for recreational use by one or more
 26 persons. The term "ROV" does not include a golf cart as defined
 27 in ss. 320.01 and 316.003~~(68)~~ or a low-speed vehicle as defined
 28 in s. 320.01.
 29 Section 2. Subsection (2) of section 316.2074, Florida

Page 1 of 3

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

5-01109-14

20141024__

30 Statutes, is amended to read:
 31 316.2074 All-terrain vehicles.—
 32 (2) As used in this section, the term "all-terrain vehicle"
 33 means any motorized off-highway vehicle 50 inches or less in
 34 width, having a dry weight of 1,200 pounds or less, designed to
 35 travel on three or more nonhighway tires, and manufactured for
 36 recreational use by one or more persons having a seat designed
 37 to be straddled by the operator and handlebars for steering
 38 control, and intended for use by a single operator with no
 39 passenger. For the purposes of this section, "all-terrain
 40 vehicle" also includes a any "two-rider ATV" as defined in s.
 41 317.0003.
 42 Section 3. Subsections (1) and (9) of section 317.0003,
 43 Florida Statutes, are amended to read:
 44 317.0003 Definitions.—As used in this chapter, the term:
 45 (1) "ATV" means any motorized off-highway or all-terrain
 46 vehicle 50 inches or less in width, having a dry weight of 1,200
 47 pounds or less, designed to travel on three or more nonhighway
 48 tires, and manufactured for recreational use by one or more
 49 persons having a seat designed to be straddled by the operator
 50 and handlebars for steering control, and intended for use by a
 51 single operator and with no passenger.
 52 (9) "ROV" means any motorized recreational off-highway
 53 vehicle ~~65~~ 64 inches or less in width, having a dry weight of
 54 2,000 pounds or less, designed to travel on four or more
 55 nonhighway tires, ~~having nonstraddle seating and a steering~~
 56 ~~wheel,~~ and manufactured for recreational use by one or more
 57 persons. The term "ROV" does not include a golf cart as defined
 58 in ss. 320.01 and 316.003~~(68)~~ or a low-speed vehicle as defined

Page 2 of 3

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

5-01109-14

20141024__

59 in s. 320.01.

60 Section 4. This act shall take effect July 1, 2014.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SM 800

INTRODUCER: Senator Evers

SUBJECT: Renewable Fuel Standard

DATE: March 11, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Miranda</u>	<u>Eichin</u>	<u>TR</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>EP</u>	_____

I. Summary:

SM 800 urges Congress to repeal the Renewable Fuel Standard established under the Energy Independence and Security Act of 2007.

A memorial has no force of law; it is a mechanism for formally petitioning the U.S. Congress for action on a specific subject.

II. Present Situation:

The Renewable Fuel Standard (RFS) program was created under the Energy Policy Act (EPAct) of 2005, and established the first renewable fuel volume mandate in the United States, as required under EPAct, the original RFS program (RFS1) required 7.5 billion gallons of renewable fuel to be blended in gasoline by 2012. Under the Energy Independence and Security Act (EISA) of 2007, the RFS program was expanded in several key ways:

- RFS was expanded to include diesel;
- Increased the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022;
- New categories of renewable fuel were established and separate volume requirements were set for each one;
- Required EPA to apply lifecycle greenhouse gas performance threshold standards to ensure that each category of renewable fuel emits fewer greenhouse gases than the petroleum fuel it replaces.¹

Under the Clean Air Act (CAA), as amended by the Energy Independence and Security Act (EISA) of 2007, the Environmental Protection Agency (EPA) is required to set the annual standards for the Renewable Fuel Standard Program (RFS) for each year. This regulatory action

¹ See, United States Environmental Protection Agency, Fuels and Fuel Additives, Renewable Fuel Standard, <http://www.epa.gov/otaq/fuels/renewablefuels/index.htm> (last visited on 3/11/14)

proposes to establish the annual percentage standards for 2014 for cellulosic, biomass-based diesel, advanced biofuel, and total renewable fuels that apply to gasoline and diesel produced or imported in year 2014. EPA is also required to determine the applicable national volume of biomass-based diesel that will be required in 2015, as the statute does not specify the applicable volumes for years after 2012.²

Related facts are contained in the memorial's preamble.

III. Effect of Proposed Changes:

Senate Memorial 800 urges Congress to repeal the Renewable Fuel Standard that was established under the Energy Independence and Security Act of 2007. Such an amendment would need to be proposed by a two-thirds vote of each House of Congress, and subsequently be ratified by three-fourths of the states.³

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

² Office of Transportation and Air Quality, EPA-420-F-13-048, November 2013, <http://www.epa.gov/otaq/fuels/renewablefuels/documents/420f13048.pdf> (last visited on 3/11/14)

³ Art. V, U.S. CONST.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/3/14
Meeting Date

Topic RENEWABLE FUEL STANDARD

Bill Number 800
(if applicable)

Name DAVID MICA

Amendment Barcode _____
(if applicable)

Job Title DIRECTOR

Address 215 S. MONROE ST

Phone 561-6200

Street

TALLAHASSEE FL 32301

City

State

Zip

E-mail MICAD@API.ORG

Speaking: For Against Information

Representing FLORIDA PETROLEUM COUNCIL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-13-14
Meeting Date

Topic Ethanol Repeal

Bill Number SM 800
(if applicable)

Name Richard Pinsky

Amendment Barcode _____
(if applicable)

Job Title _____

Address 106 E. College Ave #1200
Street
Tallahassee, FL 32301
City State Zip

Phone _____

E-mail _____

Speaking: For Against Information

Representing Algenol Biofuels

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 (10/20/11)

By Senator Evers

2-00286A-14

2014800__

Senate Memorial

A memorial to the Congress of the United States, urging Congress to repeal the Renewable Fuel Standard established under the Energy Independence and Security Act of 2007.

WHEREAS, in enacting the Energy Policy Act of 2005, Congress established the Renewable Fuel Standard (RFS) program to ensure that transportation fuel contains a minimum volume of renewable fuel, and

WHEREAS, the Energy Independence and Security Act of 2007 increased the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022, and

WHEREAS, the amended RFS program, known as RFS2, requires that a greater amount of renewable fuel, including cellulosic biofuel, biomass-based biodiesel, and other advanced biofuels, be blended into the motor vehicle fuel supply, and

WHEREAS, a study commissioned by the American Petroleum Institute (API) estimates that, by 2015, the volume mandates set forth in RFS2 could increase gasoline prices by as much as 30 percent and diesel prices by as much as 300 percent, and

WHEREAS, the API study finds that, by 2015, the adverse macroeconomic impacts of RFS2 will include a \$770 billion decline in gross domestic product and a corresponding reduction in consumption per household of \$2,700, and

WHEREAS, the API study concluded that, as the renewable fuel volume obligations in RFS2 increase annually, the "E10 blend wall," the maximum concentration of ethanol of 10 percent

Page 1 of 5

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2-00286A-14

2014800__

(E10) that can be blended in gasoline and still be used by most motor vehicles, will soon be reached, and

WHEREAS, the United States Environmental Protection Agency (EPA) amended the total volume fuel mandate for 2014 to 15.2 billion ethanol-equivalent gallons, while the maximum volume of ethanol that can be consumed as E10 under current market constraints, as projected by the EPA for 2014, remains at 13.2 billion gallons, and

WHEREAS, the EPA acknowledges that compliance with RFS2 will be difficult to achieve in 2014, as it does not foresee a scenario in which the market could consume enough ethanol sold in blends greater than E10 or produce sufficient volumes of nonethanol biofuels to meet the total volume of renewable fuel and advanced biofuel required under RFS2, and

WHEREAS, by mandating ethanol volumes far above those which the market can absorb, RFS2 will place consumers and the automotive industry in an increasingly untenable position, and

WHEREAS, according to a study directed by the Coordinating Research Council, the engines, fuel pumps, and onboard fuel measurement systems on millions of motor vehicles could be severely damaged by fuel blends that contain more than 10 percent ethanol, and

WHEREAS, in 2010, the EPA granted partial waivers allowing the sale of gasoline fuel blends containing up to 15 percent ethanol for use in 2001 model year and newer light-duty motor vehicles despite studies showing the potential for damage to millions of motor vehicles, and

WHEREAS, automakers have warned consumers that using ethanol blends that exceed the maximum limits, as specified in

Page 2 of 5

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2-00286A-14 2014800__

59 their respective automotive owner manuals, could result in the
 60 voiding of their automotive warranties, and
 61 WHEREAS, the volume mandates set by RFS2 do not account for
 62 the impact on the smaller engines that power lawn mowers,
 63 generators, and similar equipment, or larger marine engines, and
 64 WHEREAS, over the past three years, the EPA levied
 65 penalties mandated by RFS2 on refineries that failed to blend
 66 cellulosic biofuel into gasoline, despite the absence of
 67 technological advances necessary for the commercial production
 68 of cellulosic biofuel, and
 69 WHEREAS, many Florida consumers and national trade groups,
 70 among them the American Bakers Association, The American Frozen
 71 Food Institute, the American Fuel and Petrochemical
 72 Manufacturers, the American Petroleum Institute, the American
 73 Sheep Industry Association, the National Marine Manufacturers
 74 Association, the National Cattlemen's Beef Association, The
 75 National Chicken Council, The National Council of Chain of
 76 Restaurants, and the National Turkey Federation, have called for
 77 the repeal or amendment of RFS2, and
 78 WHEREAS, state governors, cattlemen associations, and
 79 restaurant associations have made repeated requests, which have
 80 been consistently denied by the EPA, that the annual mandated
 81 fuel ethanol volumes be reduced to adapt to ethanol feedstock
 82 market conditions and fleet fuel supply and engine constraints
 83 and to accommodate the deficiency in alternative fuel
 84 technological advances, and
 85 WHEREAS, alternative transportation fuels, such as natural
 86 gas, are emerging freely without the assistance of market-
 87 distorting mandates, and

2-00286A-14 2014800__

88 WHEREAS, innovations in the oil and natural gas industry,
 89 including directional hydraulic fracturing, deep water
 90 directional drilling, and oil sands production technologies,
 91 have reversed declining oil and natural gas production trends in
 92 the United States, and
 93 WHEREAS, lower oil import volumes and higher natural gas
 94 export volumes have the potential to create a transformative
 95 shift in global energy markets, and
 96 WHEREAS, the International Energy Agency projects that the
 97 United States will become energy independent within the next 10
 98 years and will surpass Saudi Arabia as the largest oil producer
 99 by 2020, and
 100 WHEREAS, innovations in energy efficiency and
 101 affordability, along with discoveries of proven domestic oil and
 102 natural gas reserves, have strengthened the United States'
 103 position in the global energy market, eliminating the original
 104 impetus for the drastic increase in renewable fuel standards, as
 105 set forth in the Energy Independence and Security Act of 2007,
 106 NOW, THEREFORE,
 107
 108 Be It Resolved by the Legislature of the State of Florida:
 109
 110 That the Congress of the United States is urged to repeal
 111 the federal Renewable Fuels Standard mandate established under
 112 the Energy Independence and Security Act of 2007.
 113 BE IT FURTHER RESOLVED that copies of this memorial be
 114 dispatched to the President of the United States, to the
 115 President of the United States Senate, to the Speaker of the
 116 United States House of Representatives, and to each member of

2-00286A-14

2014800__

117 the Florida delegation to the United States Congress.

The Florida Senate
COMMITTEE VOTE RECORD

COMMITTEE: Transportation
ITEM: SM 800
FINAL ACTION:
MEETING DATE: Thursday, March 13, 2014
TIME: 9:00 —11:00 a.m.
PLACE: 37 Senate Office Building

FINAL VOTE		SENATORS	3/13/2014 1 FINAL VOTE		3/13/2014 2 Motion to reconsider-- left pending			
Yea	Nay		Brandes Yea	Nay	Clemens Yea	Nay	Yea	Nay
		Clemens		X				
		Diaz de la Portilla	X					
		Evers	X					
		Garcia						
		Joyner		X				
		Lee	X					
		Richter		X				
		Thompson		X				
		Margolis, VICE CHAIR						
		Brandes, CHAIR	X					
		TOTALS	4 Yea	4 Nay	PEND Yea	- Nay		

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1178

INTRODUCER: Senator Evers

SUBJECT: Rural Letter Carriers

DATE: March 11, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Eichin</u>	<u>TR</u>	Favorable
2.	_____	_____	<u>JU</u>	_____

I. Summary:

SB 1178 exempts rural letter carriers employed by the United States Postal Service (USPS) from mandatory seat belt usage requirements while serving a designated rural postal route.

II. Present Situation:

Florida's Safety (seat) Belt Law

In 1986, the Legislature enacted the "Florida Safety Belt Law"¹, to require a motor vehicle operator, front seat passengers, and all passengers under 18 years of age to wear safety belts while the vehicle is in motion.² In 2009, the Legislature enacted SB 344 (Ch. 2009-32, Laws of Fla.) to allow for primary enforcement of the law. The penalty for failure to wear a safety belt is \$30, plus administrative and court costs.

Those not subject to the safety belt law include:

- Persons certified by a physician as having a medical condition that would cause the use of a safety belt to be inappropriate or dangerous;
- Persons delivering newspapers on home delivery routes during the course of their employment;
- Front seat passengers of a pickup truck in excess of the number of safety belts installed;
- Employees of a solid waste or recyclable collection service on designated routes during the course of their employment;
- Persons occupying the living quarters of a recreational vehicle or the space within the body of a truck used for the storage of merchandise; and

¹ Section 316.614, F.S.

² Additional child restraint requirements are established in s. 316.613, F.S.

- Persons operating motor vehicles not required to be equipped with a safety belt under federal law.

Unlike 46 other states, Florida law does not provide an exemption for seat belt requirements for rural letter carriers.³

Postal Service Rules regarding Safety Belts

Under USPS rule⁴, a safety belt must be worn by rural letter carriers at all times when operating:

- A USPS-owned or –leased vehicle;
- A privately-owned right-hand-drive (RHD) vehicle; or
- A privately-owned dual control vehicle.

When operating a privately-owned left-hand-drive (LHD) vehicle or partially equipped with dual control, the rule requires carriers to wear safety belts when traveling to and from the designated delivery route. The rule advises the use of safety belt but allows rural carriers operating a private LHD vehicle to do so without wearing a safety belt provided the carrier determines it is safe to do so considering:

- Distance between stops;
- Traffic density and weather conditions;
- Road design characteristics; and
- Other factors affecting safety.

III. Effect of Proposed Changes:

SB 1178 creates a new paragraph (e) to s. 316.614(6), F.S., exempting rural letter carriers employed by the USPS from mandatory seat belt usage requirements while serving a designated postal route.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³ Summary of Vehicle Occupant Protection and Motorcycle Laws, Eleventh Edition. (DOT HS 811 768) National Highway Safety Administration, November 2013

⁴Handbook PO-603, *Rural Carrier Duties and Responsibilities* <https://about.usps.com/postal-bulletin/2005/html/pb22167/postoffice.html> (last visited March 11, 2014)

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

None.

B. Private Sector Impact:

Rural letter carriers will not be subject to penalty (\$30 fine plus administrative costs) for failure to wear required safety belts when servicing a designated postal delivery route.

C. Government Sector Impact:

Minimally negative loss of revenue from fines associated with reduction in citations issued.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.614, F.S.

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

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

None.

B. Amendments:

None.

By Senator Evers

2-01007-14

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A bill to be entitled

An act relating to rural letter carriers; amending s. 316.614, F.S.; exempting rural letter carriers of the United States Postal Service from requirements to be restrained by a safety belt while performing their duties; providing an effective date.

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

Section 1. Paragraph (e) is added to subsection (6) of section 316.614, Florida Statutes, to read:

316.614 Safety belt usage.—

(6)

(e) A rural letter carrier of the United States Postal Service is not required to be restrained by a safety belt while in the course of employment serving a designated postal route.

Section 2. This act shall take effect July 1, 2014.

The Florida Senate **COMMITTEE VOTE RECORD**

COMMITTEE: Transportation
ITEM: SB 1178
FINAL ACTION: Favorable
MEETING DATE: Thursday, March 13, 2014
TIME: 9:00 —11:00 a.m.
PLACE: 37 Senate Office Building

FINAL VOTE		SENATORS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay
X		Clemens						
X		Diaz de la Portilla						
X		Evers						
		Garcia						
	X	Joyner						
X		Lee						
X		Richter						
X		Thompson						
		Margolis, VICE CHAIR						
X		Brandes, CHAIR						
7	1	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable RCS=Replaced by Committee Substitute TP=Temporarily Postponed WD=Withdrawn
 UNF=Unfavorable RE=Replaced by Engrossed Amendment VA=Vote After Roll Call OO=Out of Order
 -R=Reconsidered RS=Replaced by Substitute Amendment VC=Vote Change After Roll Call AV=Abstain from Voting

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic TD Trust Fund Transportation Disadvantaged Bill Number _____
(if applicable)

Name Robert A Jones Amendment Barcode _____
(if applicable)

Job Title N/A

Address _____ Phone _____
Street

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

Florida - Sales and Use Tax Exemptions and Exemption Certificates

Florida sales tax is a privilege tax imposed on every person who engages in the business of selling tangible personal property at retail or who rents or furnishes any of the things or services taxable within Florida. (*Fla. Stat. Ann. §212.05*)

FLORIDA EXEMPTIONS: Nontaxable Medical Items and General Grocery List; Farm equipment used exclusively on a farm or in a forest in the agricultural production of crops or products as produced by those agricultural industries; Items bearing excise taxes; Items in agricultural use and certain nets; Machinery and equipment used in production of electrical or steam energy; Machinery and equipment used under federal procurement contract; Gas or electricity used for certain agricultural purposes; Aircraft modification services; Motion picture or video equipment used in motion picture or television production activities and sound recording equipment used in the production of master tapes and master records; Building materials used in the rehabilitation of real property located in an enterprise zone; Business property used in an enterprise zone; Machinery and equipment used in semiconductor, defense, or space technology production; Educational materials purchased by certain child care facilities; Sales made to the United States Government, a state, or any county, municipality, or political subdivision, religious institutions, veterans organizations, section 501(c)(3) organizations, schools, colleges, and universities. (*Fla. Stat. Ann. §212.08*)

CAUTION: Sales tax exemptions mentioned above are very briefly described. Please see the exemption statute and the applicable regulations for details. Transactions that do not meet the requirements of the exemption statute and its applicable regulations do not qualify for the sales tax exemptions.

FLORIDA EXEMPTION CERTIFICATES: Every sale, admission, use, storage, consumption, or rental is taxable, unless such sale, admission, use, storage, consumption, or rental is specifically exempt. Unless the purchaser provides the required documentation for exemption to the dealer, the sale shall be deemed to be taxable.

Florida Qualified Exempt Entities: To obtain a Consumer's Certificate of Exemption, qualified organization must file an Application for Consumer's Certificate of Exemption (Form DR-5) and documentation sufficient to substantiate the applicant's claim for exemption with the Department. Upon approval of the application the Department will issue a Consumer's Certificate of Exemption (Form DR-14) to each applicant qualifying for exemption. Copy of the Consumer's Certificate of Exemption may be issued to the selling dealer to purchase or rent taxable property, admissions, or services used for its authorized tax-exempt purpose in lieu of paying sales tax. (*Fla. Stat. Ann. §212.084, Fla. Admin. Code R. 12A-1.038*)

CourtSmart Tag Report

Room: LL 37
Caption: Senate Transportation

Case:
Judge:

Type:

Started: 3/13/2014 9:08:42 AM
Ends: 3/13/2014 10:26:31 AM

Length: 01:17:50

9:08:44 AM Meeting called to order by Chairman Brandes
9:08:49 AM Roll call by Administrative Assistant, Marilyn Hudson
9:09:06 AM Comments from Chairman Brandes
9:09:12 AM Tab 2- CS/SB 744 introduced by Chairman Brandes
9:09:24 AM Explanation of CS/SB 744 by Senator Detert
9:10:53 AM Comments from Chairman Brandes
9:11:08 AM Speaker Alan Abramowitz, Executive Director, Guardian Ad Litem Program in support of the Bill
9:12:25 AM Speaker Deborah Moore, Director, Guardian Ad Litem Program in support of the Bill
9:15:38 AM Question from Senator Lee
9:15:59 AM Response from Senator Detert
9:16:52 AM Follow-up question from Senator Lee
9:16:58 AM Response from Senator Detert
9:17:29 AM Question from Senator Evers
9:17:46 AM Response from Senator Detert
9:17:51 AM Follow-up question from Senator Evers
9:18:50 AM Response from Alan Abramowitz
9:19:15 AM Speaker Caitlyn Kio, Child Advocacy Coordinator, Guardian Ad Litem Program in support of the Bill
9:21:02 AM Question from Senator Evers
9:21:12 AM Response from Caitlyn Kio
9:21:20 AM Follow-up question from Senator Evers
9:21:27 AM Response from Caitlyn Kio
9:21:36 AM Karen MacFarland, Government Affairs Advisor, AAA, The Auto Club Group waives in support
9:21:46 AM Christina Spudeas, Executive Director, Florida's Children First waives in support
9:22:03 AM Speaker Thomas Fair, Florida Youth Shine in support of the Bill
9:25:55 AM Comments from Chairman Lee
9:26:05 AM Comments from Senator Lee
9:27:02 AM Comments from Senator Evers
9:27:46 AM Comments from Senator Joyner
9:29:06 AM Closure by Senator Detert
9:30:17 AM Roll call by Administrative Assistant, Marilyn Hudson
9:30:28 AM CS/SB 744 passes favorably
9:30:42 AM Tab 1 SB 652 introduced by Chairman Brandes
9:30:54 AM Explanation of SB 652 by Senator Braynon
9:32:31 AM Comments from Chairman Brandes
9:32:37 AM Question from Senator Lee
9:33:02 AM Closure waived by Senator Braynon
9:33:05 AM Roll call on SB 652 by Administrative Assistant, Marilyn Hudson
9:33:16 AM SB 652 reported favorably
9:33:30 AM Tab 6 - SB 1024 explained by Chairman Brandes
9:33:45 AM Explanation of SB 1024 by Drew Aldikacti on behalf of Senator Dean
9:34:06 AM Response from Drew Aldikacti
9:34:58 AM Response from Cindy Price, Transportation Analyst
9:37:35 AM Question from Senator Evers
9:37:41 AM Response from Drew Aldikacti
9:37:51 AM Follow-up question from Senator Evers
9:37:58 AM Response from Cindy Price
9:38:58 AM Comments from Senator Evers
9:39:19 AM Response from Cindy Price
9:39:42 AM Comments from Chairman Brandes
9:39:47 AM Comments from Senator Evers
9:40:39 AM Amendment 319016 introduced by Chairman Brandes
9:41:03 AM Explanation of Amendment 319016 by Drew Aldikacti

9:41:17 AM Amendment 319016 adopted
9:41:23 AM Question from Senator Joyner
9:41:43 AM Response from Chairman Brandes
9:41:51 AM Response from Cindy Price
9:42:09 AM Follow-up question from Senator Joyner
9:42:18 AM Response from Cindy Price
9:42:59 AM Electra Bustle, Polaris waives in support
9:43:22 AM Comments from Electra Bustle
9:43:43 AM Senator Richter moves from Committee Substitute
9:43:55 AM Roll call by Administrative Assistant, Marilyn Hudson
9:44:05 AM CS/SB 1024 passes favorably
9:44:28 AM Tab 5 SB 974 introduced by Chairman Brandes
9:44:36 AM Explanation of SB 974 by Senator Abruzzo
9:45:05 AM Comments from Chairman Brandes
9:45:10 AM Amendment 250790 by Clemens withdrawn
9:45:23 AM Late-filed Amendment 366272 by Senator Brandes introduced
9:45:42 AM Explanation of Amendment 366272 by Chairman Brandes
9:46:06 AM Question from Senator Clemens
9:46:21 AM Amendment 366272 adopted
9:46:31 AM Question from Senator Thompson
9:46:47 AM Response from Senator Abruzzo
9:46:58 AM Senator Abruzzo waives closure
9:47:02 AM Senator Richter moves for CS
9:47:10 AM Roll call on CS/SB 974 by Administrative Assistant, Marilyn Hudson
9:47:30 AM CS/SB 974 reported favorably
9:47:38 AM Tab 3- SB 876 introduced by Chairman Brandes
9:47:58 AM Explanation of SB 876 by Representative Kerner
9:49:32 AM Question from Senator Clemens
9:49:42 AM Response from Representative Kerner
9:50:23 AM Late filed Amendment 112152 introduced
9:50:36 AM Explanation of Amendment 112152 by Representative Kerner
9:51:13 AM Question from Chairman Brandes
9:51:25 AM Representative Kerner waives closure on Amendment
9:51:37 AM Amendment 112152 adopted
9:51:48 AM Electra Bustle, Florida Sheriffs Association waives in support
9:52:04 AM Sam Morley, General Counsel, Florida Press Association waives in opposition
9:52:14 AM Comments from Senator Clemens
9:52:26 AM Closure of Bill by Representative Kerner
9:52:42 AM Senator Clemens moves for CS
9:52:48 AM Roll call on CS/SB 876 by Administrative Assistant, Marilyn Hudson
9:53:03 AM CS/SB 876 reported favorably
9:53:11 AM Tab 4 - SB 1046 introduced by Chairman Brandes
9:53:19 AM Explanation of SB 1046 by Representative Kerner
9:58:08 AM Question from Senator Joyner
9:58:26 AM Response from Representative Kerner
9:58:54 AM Follow-up question from Senator Joyner
9:59:03 AM Response from Representative Kerner
9:59:25 AM Additional question from Senator Joyner
9:59:34 AM Response from Representative Kerner
9:59:59 AM Richard Gentry, Palm Beach Economic Council waives in support
10:00:14 AM Speaker Sam Morley, General Counsel, Florida Press Association in opposition
10:01:32 AM Question from Senator Clemens
10:02:08 AM Response from Sam Morley
10:02:18 AM Follow-up question from Senator Clemens
10:02:27 AM Response from Sam Morley
10:03:00 AM Electra Bustle, Florida Sheriffs Association waives in support
10:03:20 AM Comments from Senator Clemens
10:03:55 AM Comments from Senator Joyner
10:04:10 AM Comments from Senator Lee
10:05:25 AM Closure on the Bill by Representative Kerner
10:06:53 AM Roll call on SB 1046 by Administrative Assistant, Marilyn Hudson
10:07:32 AM SB 1046 reported favorably

10:07:50 AM Tab 7 - SM 800 introduced by Chairman Brandes
10:08:01 AM Explanation of SM 800 by Angela Miller of Senator Evers office
10:08:54 AM Question from Senator Clemens
10:09:02 AM Response from Angela Miller
10:09:21 AM Speaker David Mica, Director, Florida Petroleum Council
10:11:04 AM Richard Pinsky, Algenol Biofuels waives in opposition
10:11:20 AM Comments from Senator Richter
10:12:15 AM Roll call on SM 800 by Administrative Assistant, Marilyn Hudson
10:12:51 AM Comments from Chairman Brandes
10:13:02 AM Senator Clemens moves to reconsider his vote on SM 800
10:13:14 AM SM 800 temporarily postponed
10:13:30 AM Tab 8 - SB 1178 introduced by Chairman Brandes
10:13:38 AM Explanation of SB 1178 by Angela Miller of Senator Evers office
10:14:30 AM Question from Senator Diaz de la Portilla
10:14:47 AM Response from Angela Miller
10:14:53 AM Question from Senator Joyner
10:15:31 AM Response from Chairman Brandes
10:15:39 AM Follow-up question from Senator Joyner
10:15:49 AM Response from Senator Evers
10:17:45 AM Question from Senator Lee
10:18:39 AM Response from Angela Miller
10:18:49 AM Question from Senator Diaz de la Portilla
10:19:05 AM Response from Senator Evers
10:19:50 AM Comments from Senator Evers
10:19:59 AM Closure waived
10:20:06 AM Roll call on SB 1178 by Administrative Assistant, Marilyn Hudson
10:20:16 AM SB 1178 reported favorably
10:20:28 AM Speaker Robert Jones on TD Trust Fund
10:26:11 AM Comments from Chairman Brandes
10:26:20 AM Senator Clemens moves to rise