

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Margolis, Vice Chair

MEETING DATE: Wednesday, March 26, 2014
TIME: 1:30 —3:30 p.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 958 Simpson (Similar H 763)	Fee and Toll Waivers for Purple Heart Recipients; Providing that a Purple Heart recipient is eligible to receive a lifetime family annual entrance pass to state parks at no charge; requiring the Department of Transportation to establish a prepaid toll account for eligible Purple Heart recipients; authorizing a Purple Heart recipient to apply for an account; requiring an applicant to provide specified documentation to the department, etc. MS 03/05/2014 Favorable TR 03/26/2014 Fav/CS AP	Fav/CS Yeas 9 Nays 0
2	CS/SB 1092 Agriculture / Simpson (Identical CS/H 537)	Commercial Motor Vehicle Review Board; Revising membership of the board; providing for appointment of additional members by the Governor and the Commissioner of Agriculture; providing for terms of the additional members; providing qualifications for such members; providing for removal of members by the Governor under certain circumstances; providing for action by a quorum of the board; requiring that the additional appointments be made by a specified date, etc. AG 03/17/2014 Fav/CS TR 03/26/2014 Favorable AP	Favorable Yeas 9 Nays 0
3	CS/SB 1070 Community Affairs / Simpson (Similar CS/H 947)	Fuel Terminals; Declaring certain fuel terminals a permitted and allowable use under any local government comprehensive plan, land use map, zoning district, or land development regulation; authorizing limited local government regulation of expanded fuel terminals; prohibiting a local government from amending its local comprehensive plan, land use map, zoning districts, or land development regulations to make such fuel terminals a nonconforming use under the provisions thereof, etc. CA 03/11/2014 Fav/CS TR 03/26/2014 Temporarily Postponed	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Wednesday, March 26, 2014, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/CS/SB 218 Appropriations / Transportation / Grimsley (Similar H 259, CS/H 345, Compare CS/H 1161, CS/S 1048)	Transportation; Expanding the types of vehicles that may show or display an amber light; providing an exception for payment of certain utility work necessitated by a project on the State Highway System for municipally owned utilities or county-owned utilities located in rural areas of critical economic concern and authorizing the Department of Transportation to pay for such costs under certain circumstances; describing the types of department property eligible for factoring future revenues received by the department from leases for communication facilities on department property, etc. TR 11/07/2013 Fav/CS CU 01/14/2014 Favorable CM 02/17/2014 Favorable AP 03/06/2014 Temporarily Postponed AP 03/13/2014 Fav/CS TR 03/26/2014 Fav/CS	Fav/CS Yeas 10 Nays 0
5	CS/SB 1630 Agriculture / Montford (Similar H 7091)	Department of Agriculture and Consumer Services; Adding a representative to the Joint Task Force on State Agency Law Enforcement Communications, to be appointed by the Commissioner of Agriculture; requiring a person to retake an educational seminar when renewing an Apalachicola Bay oyster harvesting license; revising requirements for pesticide fact sheets and safety data sheets; revising the exemption from permit requirements for minor food outlets; providing that certain acts relating to livery services are unfair or deceptive regulatory acts or practices, etc. AG 03/17/2014 Fav/CS TR 03/26/2014 Fav/CS CA AP	Fav/CS Yeas 10 Nays 0
6	SB 144 Brandes (Similar H 4009, Compare CS/H 7005)	Traffic Infraction Detectors; Repealing provisions relating to the installation and use of traffic infraction detectors to enforce specified provisions when a driver fails to stop at a traffic signal; amending provisions relating to distribution of proceeds, enforcement by traffic infraction enforcement officers using such detectors, procedures for disposition of citations, compliance, registration and renewal of license plates, and penalties, etc. TR 03/20/2014 Temporarily Postponed TR 03/26/2014 Temporarily Postponed ATD AP	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Wednesday, March 26, 2014, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 244 Braynon (Similar H 145)	Specialty License Plates; Creating a Sun, Sea, and Smiles license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates, etc. TR RC ATD AP	Fav/CS Yeas 9 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 958

INTRODUCER: Transportation Committee, Senator Simpson and others

SUBJECT: Fee and Toll Waivers for Purple Heart Recipients

DATE: March 23, 2014

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 958 entitles Purple Heart recipients to a free lifetime family annual pass for entrance into Florida state parks.

II. Present Situation:

The Purple Heart

The Purple Heart is one of the oldest and most recognized American military medals, awarded to servicemembers who were killed or wounded by enemy action. The Purple Heart was established by General George Washington on August 7, 1782, during the Revolutionary War, and reestablished by President Franklin D. Roosevelt in 1932.¹ The Purple Heart differs from all other decorations in that an individual is not “recommended” for the decoration; rather he or she is entitled to it upon meeting specific criteria.² The Purple Heart is ranked immediately behind

¹ Paragraph 2-8(a), Army Regulation 600-8-22.

² Paragraph 1-14(c), Army Regulation 600-8-22.

the Bronze Star Medal³ and ahead of the Defense Meritorious Service Medal⁴ in order of precedence.

The Purple Heart currently is awarded pursuant to executive order and federal law.⁵ The award is given in the name of the President of the United States to a member of the U.S. Armed Forces who, while serving under component authority in any capacity after April 5, 1917, was wounded or killed:

- In any action against an enemy of the U.S.
- In any action with an opposing armed force of a foreign country in which the Armed Forces of the U.S. are, or have been engaged.
- While serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the U.S. is not a belligerent party.
- As a result of an act of any such enemy of opposing armed forces.
- As the result of an act of any hostile foreign force.
- As a result of an international terrorist attack against the U.S. or a foreign nation friendly to the U.S.
- As a result of military operations while serving outside the territory of the U.S. as part of the peacekeeping force.⁶

A wound qualifying for a Purple Heart must have required treatment, not just examination, by a military medical officer or other medical professional. That treatment must be noted in the servicemember's medical record. Additionally, while possession of a Purple Heart definitively infers that a servicemember was wounded in combat, the award itself is not an indicator that the servicemember has established the existence of a service-connected disability.

Purple Heart Recipients in Florida

Florida has the third largest population of veterans in the country, with over 1.5 million veterans residing in the state.⁷ While there are numerous statistics available on the demographics of Florida's veterans and military servicemembers, the number of Purple Heart recipients in Florida is unknown. The lack of data on the number of Purple Heart recipients is due to inconsistent record keeping during the early years in which the medal was awarded and also the infamous fire at the National Personnel Records Center in St. Louis, Missouri in 1973 that destroyed approximately 16-18 million veteran's records.⁸ The only reliable indicator of the number of Purple Heart recipients in Florida, which is not fully indicative of the total Purple Heart

³ The Bronze Star Medal is awarded to a person in any branch of the military service who, while serving in any capacity with the Armed Forces of the United States on or after December 7, 1941, has distinguished himself or herself by heroic or meritorious achievement or service, not involving participation in aerial flight, in connection with military operations against an armed enemy.

⁴ The Defense Meritorious Service Medal is awarded to in the name of the Secretary of Defense to members of the Armed Forces of the United States who, after 3 November 1977, distinguished themselves by noncombat meritorious achievement or service.

⁵ Executive Order 11016, April 25, 1962; Executive Order 12464, February 23, 1984; and Public Law 98-525, October 19, 1984.

⁶ Paragraph 2-8(a), Army Regulation 600-8-22.

⁷ Florida Department of Veterans Affairs. *Fast Facts*. Available at: http://floridavets.org/?page_id=50.

⁸ National Archives: The 1973 Fire, National Personnel Records Center. Available at: <http://www.archives.gov/st-louis/military-personnel/fire-1973.html>

population, is the number of special use license plates issued to Purple Heart recipients.⁹ There are currently 12,276 Florida-issued Purple Heart special use license plates in circulation.¹⁰

Recipients of the Purple Heart are entitled to certain state benefits in Florida due to their classification as a Purple Heart recipient. Purple Heart recipients are currently entitled to free tuition at state colleges and universities¹¹ and are able to purchase a Purple Heart special use license plate.¹² Only one Purple Heart license plate may be issued to a qualified registrant.¹³ Additionally, the Purple Heart special use license plate is issued free of charge only if the recipient is also a service-disabled veteran.¹⁴

Recipients of the Purple Heart are able to document receipt of the award by presenting the Department of Defense Form 214 (DD Form 214). The DD Form 214 is the official report of separation from the U.S. military issued to a servicemember that has served on active duty for at least 90 consecutive days. The DD Form 214 contains information normally needed to verify military service for benefits, retirement, employment and membership in veterans' organizations. Included on the DD Form 214 is the complete listing of military awards received during a servicemember's tenure in the military.

State Park Entrance Fee Discounts and Waivers

The Division of Recreation and Parks (DRP) within the Department of Environmental Protection oversees Florida's 160 state parks. The DRP offers two types of annual entrance passes: the individual annual entrance pass for \$60 and the family annual entrance pass for \$120. The DRP currently provides park entrance fee discounts and waivers pursuant to the following:¹⁵

- Active duty members and honorably discharged veterans of the U.S. Armed Forces, National Guard, or reserve components receive a 25 percent discount on an annual entrance pass;
- Veterans with service-connected disabilities receive a free-for-life family annual entrance pass;
- Surviving spouses and parents of deceased members of the U.S. Armed Forces, National Guard, or reserve components who have fallen in combat receive a free-for-life family annual entrance pass; and
- Surviving spouses and parents of a law enforcement officer or firefighter who have died in the line of duty receive a free-for-life family annual entrance pass.

⁹ Section 320.089(1), F.S., authorizes the Purple Heart special use license plate to be issued to qualifying individuals upon proof of being a Purple Heart recipient.

¹⁰ E-mail correspondence with Department of Highway Safety and Motor Vehicles staff. Feb. 28, 2014. (On file with the Military and Veterans Affairs, Space, and Domestic Security Committee.)

¹¹ Section 1009.26(8), F.S.

¹² Section 320.089(1)(a), F.S.

¹³ A Purple Heart license plate may be issued to the un-remarried surviving spouse of a deceased recipient of the Purple Heart medal upon receipt of all other requirements, a copy of the death certificate and an affidavit stating the applicant is the un-remarried surviving spouse. The spouse is subject to the same registration tax and fees as the recipient of the Purple Heart medal. An existing Purple Heart license plate may be transferred from the deceased spouse to the un-remarried surviving spouse.

¹⁴ Section 320.089(1)(c), F.S.

¹⁵ Section 258.0145, F.S.

The table below reflects the application of the Florida state park entrance fee discounts provided in s. 258.0145, F.S., from fiscal year 2010 to fiscal year 2013.¹⁶

State Park Entrance Fee Discounts and Waivers (Pursuant to s. 258.0145, F.S.)						
Pass Type/ Discount	FY 2010	FY 2011	FY 2012	FY 2013	Total Passes	Total Discount Value
Individual Annual Pass (25% Discount)	14	771	984	1,115	2,884	\$43,260
Family Annual Pass (25% Discount)	24	2,125	2,819	3,200	8,168	\$245,040
Lifetime Family Annual Pass (No charge)	n/a	11,500	11,600	14,381	37,481	\$4,497,720
Totals	38	14,396	15,403	18,696	<u>48,533</u>	<u>\$4,786,020</u>

III. Effect of Proposed Changes:

Section 1 amends s. 258.0145, F.S., to add Purple Heart recipients to the list of individuals who are entitled to receive a lifetime family annual entrance pass for Florida state parks at no charge.

Section 3 provides 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.

¹⁶ Data provided by Department of Environmental Protection staff on Feb. 12, 2014. On file with the Military and Veterans Affairs, Space, and Domestic Security Committee.

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

None.

B. Private Sector Impact:

A Purple Heart recipient will benefit from waived state park entrance fees.

C. Government Sector Impact:

It is unknown how many Purple Heart recipients will take advantage of the free entry into Florida state parks, therefore, recurring appropriation to the state is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 258.0145 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 on March 26, 2014:

The CS removes the provision allowing Purple Heart recipients using state-owned toll facilities free access. The bill also removes the requirement for the FDOT to establish a prepaid toll account providing a window sticker transponder to eligible Purple Heart recipients when using state-owned toll facilities.

B. Amendments:

None.



509128

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 25 - 43.

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

And the title is amended as follows:

Delete lines 6 - 11

and insert:

state parks at no charge;

By Senator Simpson

18-00110B-14

2014958__

1 A bill to be entitled
 2 An act relating to fee and toll waivers for Purple
 3 Heart recipients; amending s. 258.0145, F.S.;
 4 providing that a Purple Heart recipient is eligible to
 5 receive a lifetime family annual entrance pass to
 6 state parks at no charge; creating s. 338.156, F.S.;
 7 requiring the Department of Transportation to
 8 establish a prepaid toll account for eligible Purple
 9 Heart recipients; authorizing a Purple Heart recipient
 10 to apply for an account; requiring an applicant to
 11 provide specified documentation to the department;
 12 providing an effective date.

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

15
 16 Section 1. Subsection (5) is added to section 258.0145,
 17 Florida Statutes, to read:

18 258.0145 Military, law enforcement, and firefighter state
 19 park fee discounts.—The Division of Recreation and Parks shall
 20 provide the following discounts on park fees to persons who
 21 present written documentation satisfactory to the division which
 22 evidences their eligibility for the discounts:

23 (5) Recipients of a Purple Heart shall receive lifetime
 24 family annual entrance passes at no charge.

25 Section 2. Section 338.156, Florida Statutes, is created to
 26 read:

27 338.156 Prepaid toll account for Purple Heart recipients.—
 28 The Department of Transportation shall establish a prepaid toll
 29 account to provide for the use of state-owned toll facilities by

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

18-00110B-14

2014958__

30 eligible Purple Heart recipients at no cost to the recipients.
 31 Any resident of this state who has a valid Florida driver
 32 license and who is a Purple Heart recipient may apply for a
 33 prepaid toll account administered by the department. Upon
 34 verification of eligibility, the department shall issue to the
 35 applicant a window sticker transponder that allows the
 36 recipient's vehicle to travel through any toll facility owned by
 37 the state without cost to the recipient. An applicant under this
 38 section must submit to the department the DD-214 form issued at
 39 the time of separation from service as documentation that the
 40 applicant has received a Purple Heart. If the DD-214 form is not
 41 available, other documentation may be acceptable if recognized
 42 by the United States Department of Defense or the United States
 43 Department of Veterans Affairs as documenting the award.

44 Section 3. This act shall take effect July 1, 2014.

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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 Agriculture

BILL: CS/SB 1092

INTRODUCER: Agriculture Committee and Senator Simpson

SUBJECT: Commercial Motor Vehicle Review Board

DATE: March 23, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
2.	<u>Everette</u>	<u>Eichin</u>	<u>TR</u>	<u>Favorable</u>
3.	_____	_____	<u>AP</u>	_____

I. Summary:

CS/SB 1092 revises the membership of the Commercial Motor Vehicle Review Board, within the Florida Department of Transportation, by adding three additional members. The Governor is authorized to appoint a member from the road construction industry and one from the trucking industry. It authorizes the Commissioner of Agriculture to appoint a member from the agriculture industry. The appointments must be made by September 1, 2014, for terms beginning October 1, 2014.

II. Present Situation:

The Commercial Motor Vehicle Review Board (Board) was created in 1963 by s. 316.545(7), F.S., and consists of three permanent members: the Secretary of the Department of Transportation, the Executive Director of the Department of Highway Safety and Motor Vehicles, and the Commissioner of Agriculture, or their authorized representatives. The Board may review any penalty imposed upon any vehicle or person under the provisions of ch. 316, F.S., relating to weights imposed on the highways by the axles and wheels of motor vehicles, to special fuel and motor tax compliance, or to violations of safety regulations. Rule 14A-1.001, F.A.C., provides that the Board may modify, cancel, revoke or sustain any civil penalty imposed pursuant to ss. 316.540, 316.545, or 316.3025, F.S. Commercial motor vehicle citation forms have a written statement that explains to the violator the opportunity to protest the violation before the Board. The Board reviews penalties imposed primarily by the Office of Commercial Vehicle Enforcement field staff of the Department of Highway Safety and Motor Vehicles. Individuals may request a formal administrative hearing pursuant to s. 120.57, F.S., if they are not satisfied with the Board's decisions.¹

¹ State of Florida Office of the Auditor General, "Performance Audit of the Commercial Motor Vehicle Review Board Located Within the Department of Transportation," *Report Number 11677*, (July 8, 1991).

SB 2160 in 2011 provided a successful transfer of the Office of Commercial Vehicle Enforcement (formerly Office of Motor Carrier Compliance) from the Department of Transportation (FDOT) to the Department of Highway Safety and Motor Vehicles, Florida Highway Patrol. Non-sworn weight inspectors and commercial motor vehicle enforcement’s supporting administrative staff remained at the FDOT as part of the Motor Carrier Weight Inspection Office while sworn law enforcement were consolidated with the Florida Highway Patrol. Troopers enforce state and federal laws and FDOT rules that regulate the weight, size and registration of vehicles operating on the Florida's highways.² The Commercial Motor Vehicle Review Board resides at the FDOT.

In order to protest a citation, the total amount of the citation must be paid and a written explanation of the ground for protest must be provided within 60 days of the receipt of the citation. The document must contain sufficient information to enable the Board to give adequate consideration to the case. In addition to the letter of protest, a copy of the citation being protested must be provided along with any additional pertinent documentation and evidence.³

The following chart represents case volumes and outcomes for the Board during the preceding two fiscal years:

Commercial Motor Vehicle Review Board⁴				
Year	Number of Citations Considered	Number of Cases Granted Relief	Number of Cases Granted Full Relief	Number of Cases Granted Partial Relief
FY 2011-12	862	283	103	180
FY 2012-13	813	308	133	175

In FY 2012/2013, the Board heard 813 cases that represented a total of \$751,184.85 in fines. Out of these 813 cases, relief was granted on 308 of the cases, or 38 percent, for a total refunded amount of \$247,390.74, or 33 percent.⁵ All of the funds received for the penalties associated with commercial motor vehicle compliance are deposited in the State Transportation Trust Fund.⁶

III. Effect of Proposed Changes:

Section 1 amends s. 316.545, F.S., to revise the membership of the Commercial Motor Vehicle Review Board by adding three additional members. The Governor shall appoint a member from the road construction industry and one from the trucking industry. The Commissioner of

² The state's weight and size limits were established to prevent heavy trucks from causing unreasonable damage to highway systems and thereby protect the public's investment in these roadways. Commercial Vehicle Enforcement's Weight Enforcement program uses sworn law enforcement officers to enforce vehicle weight, size, fuel tax, and registration requirements. Law enforcement officers patrol the state's highways and use portable scales to weigh trucks that do not pass fixed scale facilities.

³ Traffic Engineering and Operations Office, Commercial Motor Vehicle Review Board, http://www.dot.state.fl.us/trafficoperations/traf_incident/CMVRB/CMVRB.shtm, (last visited February 21, 2014).

⁴ Information received from Florida Department of Transportation, (on file with the Senate Agriculture Committee).

⁵ Florida Department of Transportation, *Senate Bill 1092 Agency Analysis* (January 8, 2014).

⁶ Section 316.545(6), F.S.

Agriculture shall appoint a member from the agriculture industry. The bill provides for qualifications and terms for the appointees. It also specifies quorum requirements.

Section 2 provides for appointments to be made to the board no later than September 1, 2014, for terms beginning on October 1, 2014.

Section 3 provides that this act shall take effect July 1, 2014, except as otherwise expressly provided in this act.

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:

Indeterminate.

C. Government Sector Impact:

It is unknown whether this bill will result in changes to the number of citations heard by the board, or changes in the amount of funds received from commercial motor vehicle compliance penalties.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.545 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.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/14

Meeting Date

Topic Motor Vehicle Review Board

Bill Number SB 1092
(if applicable)

Name LANCE PIERCE

Amendment Barcode _____
(if applicable)

Job Title ASST DIRECTOR, STATE LEG AFFAIRS

Address 315 S. CALHOUN ST.

Phone (80) 222-2557

Street

TALLAHASSEE

FL

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing FLORIDA FARM BUREAU

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)

3/26/14
Meeting Date

Topic Comm. Motor Vehicle

Bill Number 1092
(if applicable)

Name Jim Spratt

Amendment Barcode _____
(if applicable)

Job Title _____

Address PO Box 10011

Phone 850-228-1296

JALAHASSEE FL 32302
City State Zip

E-mail Jim@magnoliastrategiesllc.com

Speaking: For Against Information

Representing Florida Forestry 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.

By the Committee on Agriculture; and Senator Simpson

575-02731-14

20141092c1

A bill to be entitled

An act relating to the Commercial Motor Vehicle Review Board; amending s. 316.545, F.S.; revising membership of the board; providing for appointment of additional members by the Governor and the Commissioner of Agriculture; providing for terms of the additional members; providing qualifications for such members; providing for removal of members by the Governor under certain circumstances; providing for action by a quorum of the board; requiring that the additional appointments be made by a specified date; providing effective dates.

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

Section 1. Effective October 1, 2014, subsection (7) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(7) There is created within the Department of Transportation the Commercial Motor Vehicle Review Board, consisting of three permanent members who shall be the Secretary of the Department of Transportation, the executive director of the Department of Highway Safety and Motor Vehicles, and the Commissioner of Agriculture, or their authorized representatives, and three additional members appointed pursuant to paragraph (b), which may review any penalty imposed upon any vehicle or person under the provisions of this chapter relating to weights imposed on the highways by the axles and wheels of

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motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

(a) The Secretary of ~~the Department of~~ Transportation or his or her authorized representative shall be the chair of the review board.

(b) The Governor shall appoint a fourth member from the road construction industry and a fifth member from the trucking industry, and the Commissioner of Agriculture shall appoint a sixth member from the agriculture industry. Each member appointed under this paragraph must be a registered voter and citizen of the state and must possess business experience in the private sector. Members appointed pursuant to this paragraph shall each serve a 2-year term. A vacancy occurring during the term of a member appointed under this paragraph shall be filled only for the balance of the unexpired term. Members of the board appointed under this paragraph may be removed from office by the Governor for misconduct, malfeasance, misfeasance, or nonfeasance in office ~~Each permanent member of the review board may designate one additional person to be a member of the review board.~~

(c) Each member, before entering upon his or her official duties, shall take and subscribe to an oath before an official authorized by law to administer oaths that he or she will honestly, faithfully, and impartially perform the duties devolving upon him or her in office as a member of the review board and that he or she will not neglect any duties imposed upon him or her by s. 316.3025, s. 316.550, or this section ~~The review board may execute its responsibilities by meeting as a single group or as subgroups consisting of one authorized~~

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59 ~~representative of each permanent member.~~

60 (d) The chair of the review board is responsible for the
61 administrative functions of the review board.

62 (e) Four members of the board shall constitute a quorum,
63 and the vote of three members including the chair, or otherwise
64 four members, shall be necessary for any action taken by the
65 board. A vacancy on the board shall not impair the right of a
66 quorum of the board to exercise all of the rights and perform
67 all of the duties of the board.

68 (f)~~(e)~~ The review board may hold sessions and conduct
69 proceedings at any place within the state.

70 Section 2. The appointment of additional members to the
71 Commercial Motor Vehicle Review Board in accordance with changes
72 made by this act to s. 316.545, Florida Statutes, shall be made
73 no later than September 1, 2014, for terms beginning October 1,
74 2014.

75 Section 3. Except as otherwise expressly provided in this
76 act, 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: CS/SB 1070

INTRODUCER: Community Affairs Committee and Senator Simpson

SUBJECT: Fuel Terminals

DATE: March 25, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stearns</u>	<u>Yeatman</u>	<u>CA</u>	Fav/CS
2.	<u>Miranda</u>	<u>Eichin</u>	<u>TR</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1070 declares existing fuel terminals are a permitted use under all local government comprehensive plans and land use regulations. The bill provides definitions of “fuel,” “fuel terminal,” and “primary use.” The bill declares that existing fuel terminals may be expanded within the physical boundary of the parcel upon which the fuel terminal is located regardless of the current land use designation of the parcel.

The bill authorizes local governments to adopt land development regulations that enforce aesthetic compatibility-based standards with regard to the expanded portions of a fuel terminal. Local governments are prohibited from changing their comprehensive plans so that a fuel terminal is no longer a permitted use.

The authority of local governments to enforce state and federal requirements for fuel terminals is not limited by the bill.

II. Present Situation:

Growth Management

The Local Government Comprehensive Planning and Land Development Regulation Act (the Act),¹ also known as Florida’s Growth Management Act, was adopted in 1985. The Act requires all counties and municipalities to adopt local comprehensive plans that guide future growth and

¹ See ch. 163, part II, F.S.

development.² Comprehensive plans contain chapters or “elements” that address topics including future land use, housing, transportation, conservation, and capital improvements.³ The state land planning agency that administers these provisions is the Department of Economic Opportunity.⁴

Land Development Regulation

Within one year of the adoption of a local comprehensive plan, a county or municipality must promulgate land development regulations that implement the comprehensive plan.⁵ Land is divided into districts and certain uses and developments are assigned to those distinct districts through the process of “zoning.”⁶ Typical zoning classifications include “residential,” “commercial,” and “industrial.” These classifications can include finer distinctions within them. For example, a district designated for residential use may be restricted to apartment buildings while another may only permit single family housing.

A “permitted use” within a particular zoning district is a use that a landowner may put his land to as of right.⁷ A “conditional use” may only be utilized secondarily to a permitted use and a local government has some discretion as to its approval.⁸ A “special exception” is a departure from the general provisions of a zoning ordinance granted through the exercise of the local government’s legislative authority.⁹ A “nonconforming use” is an existing use that would not be permitted by a newly enacted zoning ordinance but is nevertheless allowed to continue to avoid injustice or undue hardship that would result if immediate suppression of the use was required.

Fuel Terminals

The Internal Revenue Service (IRS) defines a “terminal” used for fuel as “a storage and distribution facility supplied by pipeline or vessel, and from which taxable fuel may be removed at a rack. . . .”¹⁰ According to the IRS, there are currently 42 active fuel terminals in Florida.¹¹ Tampa is home to 11 fuel terminals¹² and the Port of Tampa receives approximately 500 petroleum ships and unloads 2.4 billion gallons a year.¹³

² Section 163.3167, F.S.

³ Section 163.3177, F.S.

⁴ Section 163.3221, F.S.

⁵ Section 163.3202(1), F.S.

⁶ 7 Fla. Jur 2d Building, Zoning, and Land Controls s. 111 *Generally; “Zoning” and “Planning” Defined and Distinguished* (2014).

⁷ *BMS Enters. LLC v. City of Fort Lauderdale*, 929 So.2d 9, 10 (Fla. 4th DCA 2006).

⁸ *Id.*

⁹ 7 Fla. Jur 2d Building, Zoning, and Land Controls s. 242 *Special Exception or Permit Distinguished from Variance* (2014).

¹⁰ Internal Revenue Service, *Publication 510, Excise Taxes: Part One – Fuel Taxes and Fuel Tax Credits and Refunds*, available at <http://www.irs.gov/publications/p510/ch01.html> (last visited March 4, 2014).

¹¹ Internal Revenue Service, *Approved Terminals 2-28-14*, available at http://www.irs.gov/pub/irs-utl/tcn_db.pdf (last visited March 4, 2014).

¹² *Id.*

¹³ Jamal Thalji, *Port of Tampa will fuel region with new \$56 million petroleum terminal*, Tampa Bay Times, Oct. 30, 2013, available at <http://marketplace.tampabay.com/news/business/energy/port-of-tampa-unveils-new-55-million-petroleum-terminal/2149912> (last visited March 4, 2014).

III. Effect of Proposed Changes:

Section 1 creates s. 163.3206, F.S., to declare certain fuel terminals are a permitted and allowable use under all local government comprehensive plans and land use regulations. The bill states that it is the intent of the Legislature to maintain, encourage, and ensure adequate and reliable fuel terminal infrastructure in Florida because fuel terminals are essential to the vitality of the state's economy and the health, safety, welfare, and quality of life of the state's residents and visitors.

The bill defines "fuel" to include any of the following:

- "Alternative fuel" is defined in s. 525.01, F.S., as:
 - Methanol, denatured ethanol, or other alcohols;
 - Mixtures of gasoline or other fuels with methanol, denatured ethanol, or other alcohols;
 - Hydrogen;
 - Coal-derived liquid fuels; and
 - Fuels, other than alcohol, derived from biological materials.
- "Aviation fuel" is defined in s. 206.9815, F.S., as fuel for use in aircraft, and includes aviation gasoline and aviation turbine fuels and kerosene, as determined by the American Society for Testing Materials specifications D-910 or D-1655 or current specifications.
- "Diesel fuel" is defined in s. 206.86, F.S., as all petroleum distillates commonly known as diesel #2, biodiesel, or any other product blended with diesel or any product placed into the storage supply tank of a diesel-powered motor vehicle.
- "Gas" is defined in s. 206.9925, F.S., as all natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in subsection (2).
- "Oil" is defined in s. 206.9925, F.S., as crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the reservoir.
- "Motor fuel" is defined in s. 206.01, F.S., as all gasoline products or any product blended with gasoline or any fuel placed in the storage supply tank of a gasoline-powered motor vehicle.
- "Natural gas fuel" is defined in s. 206.9951, F.S., as any liquefied petroleum gas product, compressed natural gas product, or combination thereof used in a motor vehicle as defined in s. 206.01(23), F.S. This term includes, but is not limited to, all forms of fuel commonly or commercially known or sold as natural gasoline, butane gas, propane gas, or any other form of liquefied petroleum gas, compressed natural gas, or liquefied natural gas. This term does not include natural gas or liquefied petroleum placed in a separate tank of a motor vehicle for cooking, heating, water heating, or electric generation.
- "Petroleum fuel" is defined in s. 525.01, F.S., as all gasoline, kerosene (except when used as aviation turbine fuel), diesel fuel, benzine, other like products of petroleum under whatever name designated, or an alternative fuel used for illuminating, heating, cooking, or power purposes, sold, offered, or exposed for sale in this state.
- "Petroleum product" is defined in s. 206.9925, F.S., as any refined liquid commodity made wholly or partially from oil or gas, or blends or mixtures of oil with one or more liquid products or byproducts derived from oil or gas, or blends or mixtures of two or more liquid products or byproducts derived from oil or gas, and includes, but is not limited to, motor gasoline, gasohol, aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel, kerosene,

distillate fuel oil, residual fuel oil, motor oil and other lubricants, naphtha of less than 400°F for petroleum feed, special naphthas, road oil, still gas, unfinished oils, motor gas blending components, including petroleum-derived ethanol when used for such purpose, and aviation gas blending components.

The bill defines “fuel terminal” as “a storage and distribution facility for fuel, supplied by pipeline or marine vessel, which has the capacity to receive and store a bulk transfer of fuel, is equipped with a loading rack through which fuel is physically transferred into tanker trucks or rail cars, and which is registered with the Internal Revenue Service as a terminal.”

The bill defines “primary use” as a “use that is allowed as of right and that does not require a special exception, a special use permit, or a conditional use or other similar approval.”

The bill provides that fuel terminals in existence on July 1, 2014, are a permitted and allowable use under any local comprehensive plan or land use regulation, regardless of local regulations to the contrary. Furthermore, such fuel terminals may be expanded within the physical boundary of the parcel upon which the fuel terminal is located regardless of the current land use designation of the parcel.

The bill authorizes local governments to adopt and enforce reasonable land development regulations that address aesthetic compatibility-based standards. However, such regulations may only apply to the expanded portion of the fuel terminals.

The bill prohibits a local government from amending its comprehensive plan or land use regulations so that an existing fuel terminal’s classification would not be a permitted or allowable use, including amendments that would make a terminal a nonconforming use.

The bill does not limit the authority of a local government to enforce federal and state requirements for fuel terminals.

Section 2 provides 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:

Existing fuel terminals will be a permitted and allowable land use under any comprehensive plan, land use map, zoning district or land development regulation.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 163.3206 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 Community Affairs on March 11, 2014:

Removes the declaration that an existing fuel terminal may expand beyond its current bounds and be a permitted and allowable use in certain land use categories. Authorizes existing fuel terminals to expand *within* the physical boundaries of the parcel that the fuel terminal is currently located on, regardless of its current land use designation.

Removes the declaration that fuel terminals proposed after July 1, 2014, are a permitted and allowable use in all industrial or similar land use categories and zoning districts.

B. Amendments:

None.

THE FLORIDA SENATE
APPEARANCE RECORD

TPD

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

3/26/14
Meeting Date

Topic Fuel Terminals

Bill Number 1070
(if applicable)

Name Leticia M Adams

Amendment Barcode _____
(if applicable)

Job Title Senior Policy Director

Address 136 S. Bronough St.
Street

Phone 850 544 6866

Tall FL 32301
City State Zip

E-mail ladams@flchamber.com

Speaking: For Against Information

Representing Florida Chamber of Commerce

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.

By the Committee on Community Affairs; and Senator Simpson

578-02456-14

20141070c1

1 A bill to be entitled
 2 An act relating to fuel terminals; creating s.
 3 163.3206, F.S.; providing legislative intent; defining
 4 terms; declaring certain fuel terminals a permitted
 5 and allowable use under any local government
 6 comprehensive plan, land use map, zoning district, or
 7 land development regulation; authorizing the expansion
 8 of such fuel terminals; authorizing limited local
 9 government regulation of expanded fuel terminals;
 10 prohibiting a local government from amending its local
 11 comprehensive plan, land use map, zoning districts, or
 12 land development regulations to make such fuel
 13 terminals a nonconforming use under the provisions
 14 thereof; providing applicability; providing an
 15 effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Section 163.3206, Florida Statutes, is created
 20 to read:

21 163.3206 Fuel terminals.-

22 (1) It is the intent of the Legislature to maintain,
 23 encourage, and ensure adequate and reliable fuel terminal
 24 infrastructure in this state. Fuel terminals are a critical
 25 component of fuel storage and distribution. The ability to
 26 receive, store, and distribute fuel is essential to the state's
 27 economy and to the health, safety, welfare, and quality of life
 28 of residents and visitors. It is essential that fuel terminal
 29 infrastructure be constructed and maintained in various

Page 1 of 3

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

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30 locations in order to ensure the efficient and reliable
 31 transportation and delivery of an adequate quantity of fuel
 32 throughout the state.

33 (2) As used in this section, the term:

34 (a) "Fuel" means any of the following:

35 1. Alternative fuel as defined in s. 525.01.

36 2. Aviation fuel as defined in s. 206.9815.

37 3. Diesel fuel as defined in s. 206.86.

38 4. Gas as defined in s. 206.9925.

39 5. Motor fuel as defined in s. 206.01.

40 6. Natural gas fuel as defined in s. 206.9951.

41 7. Oil as defined in s. 206.9925.

42 8. Petroleum fuel as defined in s. 525.01.

43 9. Petroleum product as defined in s. 206.9925.

44 (b) "Fuel terminal" means a storage and distribution
 45 facility for fuel, supplied by pipeline or marine vessel, which
 46 has the capacity to receive and store a bulk transfer of fuel,
 47 is equipped with a loading rack through which fuel is physically
 48 transferred into tanker trucks or rail cars, and which is
 49 registered with the Internal Revenue Service as a terminal.

50 (c) "Primary use" means a use that is allowed as of right
 51 and that does not require a special exception, a special use
 52 permit, or a conditional use or other similar approval.

53 (3) Notwithstanding any local government comprehensive
 54 plan, land use map, zoning district, or land development
 55 regulation to the contrary, fuel terminals in existence on July
 56 1, 2014, are a permitted and allowable use under any local
 57 government comprehensive plan, land use map, zoning district, or
 58 land development regulation.

Page 2 of 3

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

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59 (a) Such fuel terminals may be expanded within the physical
60 boundary of the parcel upon which the fuel terminal is located
61 regardless of the current land use designation of the parcel.

62 1. Local governments may adopt and enforce reasonable land
63 development regulations for the expanded portion of the fuel
64 terminal only. Such regulations may address only setback,
65 landscaping, buffering, screening, lighting, or other aesthetic
66 compatibility-based standards. Vegetated buffers or screening
67 may not be required to have a mature height in excess of 14
68 feet.

69 2. This paragraph does not limit a local government's
70 authority to grant a variance from setback, landscaping,
71 buffering, screening, lighting, or other aesthetic
72 compatibility-based standards to a fuel terminal owner upon the
73 owner's request.

74 (b) A local government may not amend its comprehensive
75 plan, land use map, zoning districts, or land development
76 regulations in a manner that would conflict with a fuel
77 terminal's classification as a permitted and allowable use under
78 this section, including, but not limited to, an amendment that
79 causes a fuel terminal to be a nonconforming use, structure, or
80 development.

81 (4) This section does not limit the authority of a local
82 government to implement and enforce applicable federal and state
83 requirements for fuel terminals, including safety and building
84 standards. However, the exercise of such authority may not
85 conflict with federal or state safety and security requirements
86 for fuel terminals.

87 Section 2. 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: CS/CS/CS/SB 218

INTRODUCER: Transportation Committee; Appropriations; and Senator Grimsley

SUBJECT: Transportation

DATE: March 27, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.	Wiehle	Caldwell	CU	Favorable
3.	Malcolm	Hrdlicka	CM	Favorable
4.	Carey	Kynoch	AP	Fav/CS
5.	Price	Eichin	TR	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 218 authorizes, but does not require the Florida Department of Transportation (FDOT or department) to provide for the monetization of the revenue stream from leases for wireless communication facilities on property owned or controlled by the FDOT, and to seek investors to purchase the monetized streams.

The FDOT is also authorized, but not required, to improve and maintain a city or county road that is part of the city or county road system and which provides access to a state park.

The bill also provides an exception for certain publicly-owned utilities in rural areas of critical economic concern (RACEC) from the requirement to pay the cost to remove or relocate utility lines on the State Highway System in certain circumstances, and allows municipalities within a RACEC or a RACEC community to compete for project funding using the Small County Outreach Program criteria.

In addition, the bill revises provisions relating to outdoor advertising permit exemptions as follows:

- Repeals unnecessary rulemaking authority relating to lighting restrictions for certain outdoor advertising signs.

- Exempts certain signs placed by tourist-oriented businesses, farm signs placed during harvest seasons, “acknowledgement signs” on public school premises, and displays on specific sports facilities from permitting requirements.
- Provides that certain exemptions from sign permitting may not be implemented if such exemptions will adversely impact the allocation of federal funds to the Florida Department of Transportation (FDOT).
- Directs the FDOT to notify a sign owner that a sign must be removed if federal funds are adversely impacted, and authorizes the FDOT to remove the sign and assess costs to the sign owner if the sign is not removed.
- Expands the tourist-oriented directional sign program to all rural and conventional roads and clarifies provisions relating to the program.

Lastly, the bill authorizes the display of an amber light on a commercial vehicle or trailer designed for transporting unprocessed logs or pulpwood.

The bill will have an indeterminate but insignificant negative impact on the State Transportation Trust Fund, except with respect to the FDOT authorization to improve and maintain city or county roads that provide access to state parks, the impact of which is indeterminate but potentially significantly negative.

II. Present Situation:

The present situation is discussed below in Effect of Proposed Changes in this bill analysis.

III. Effect of Proposed Changes:

FDOT Wireless Communication Leases

Current Situation

The FDOT advises it currently has two contracts related to the lease of department property for wireless communications, whereby the FDOT makes unused communication tower space and other property available to a private party over time for a fee. One is with the Turnpike Enterprise, and payment is received through in-kind services. The FDOT advises it is unlikely the bill’s monetization provisions (described below) would be applicable to that contract. The other contract, according to the FDOT, would be eligible for application of the bill’s provisions allowing the FDOT to seek investors for agreements to purchase the lease revenue stream.¹

Effect of Proposed Changes

Section 4 creates s. 339.041, F.S., authorizing the monetization of existing FDOT wireless communication leases in order to increase funding for fixed capital expenditures for the statewide transportation system. The bill reflects the intent of the Legislature to create a mechanism for factoring future revenues received by the FDOT for wireless communication facilities on FDOT property. Further, the bill:

- Exempts the factored revenues from income taxation under federal law.

¹ The FDOT email, March 17, 2014, on file in the Senate Transportation Committee.

- Specifies the FDOT property which may be used for the purpose of factoring revenues, which includes real property owned or controlled by the department, both on and off the right-of-way, as well as unused space on department communication towers and other facilities.
- Authorizes the FDOT to solicit investors to enter into factoring agreements through the issuance of an invitation to negotiate.
- Specifies that the obligations of the FDOT and investors under a factoring agreement do not constitute a general obligation of the state or pledge of the full faith and credit or taxing power of the state.
- Requires an annual appropriation for the FDOT to make the lease payments to the investors in the manner established in the agreements between the FDOT and investors.
- Provides for the proceeds received from lease agreements for wireless communication facilities to be deposited into the State Transportation Trust Fund and used for fixed capital expenditures for the statewide transportation system.

The FDOT advises “[t]he Net Present Value of the estimated revenues through the end of the term of the existing contract (2039) at a discount rate of 5% would be approximately \$56 million. These firms generally discount that amount by 25-45%. Our estimated revenue is very subjective based on history.”²

The investors would receive all revenues from the FDOT lease, but the FDOT would continue to bear both the responsibility and the cost of administering the lease.³

Access to State Park Roads

Current Situation

Section 335.06, F.S., currently requires the FDOT to maintain any road that is part of the State Highway System and provides access to property within the state park system. Local governments are required to maintain roads that are part of the county road or city street system.

Effect of Proposed Changes

Section 2 amends s. 335.06, F.S., to allow but not require the FDOT to *improve and* maintain a road that is part of a county road system or city street system and which provides access to the state park system. If the FDOT does not maintain such a road, the road must be maintained by the appropriate county or municipality. The provision allowing the option to also improve non-state roads leading to state park properties may be very broadly interpreted with regards to the scope of improvements and length of roadways affected and may lead to significant non-state roadway development costs being borne by the FDOT.

² The FDOT email, March 17, 2014, on file in the Senate Transportation Committee.

³ *Id.*

Utility Relocation Expenses

Current Situation

Section 337.401, F.S., regulates the use of road and rail corridor right-of-ways by utilities.⁴ It authorizes the FDOT and local governmental entities⁵ to regulate the placement and maintenance of utility lines along, across, or on any public road or rail corridor under their respective jurisdictions.

Section 337.403, F.S., requires a utility owner to remove or relocate a utility that the authority finds is unreasonably interfering with the use, maintenance, improvement, extension, or expansion of the road or rail corridor. The utility owner, upon 30 days' written notice by the authority, must initiate work on the removal or relocation. The work must be completed within a reasonable time stated in the notice or as agreed to by the authority and the utility owner. The utility owner must bear the cost of the removal or relocation except in the following cases:

- When utility relocation is required due to construction of a project on the federal-aid interstate system and federal funding will cover at least 90 percent of the project cost, the FDOT pays for the removal or relocation;
- When utility work is performed as part of a transportation facility construction contract, the FDOT may participate in those costs that exceed the FDOT's estimate of the cost of the work by 10 percent;⁶
- When utility work is performed in advance of a construction contract, the FDOT may participate in the cost of removing trees, stumps, and roots necessary for the relocation;
- If the utility being removed or relocated was initially installed to exclusively serve the authority or its tenants, the authority bears the cost of the utility work;
- If, in an agreement between a utility and an authority made after July 1, 2009, the utility conveys, subordinates, or relinquishes a compensable property right to the authority for the purpose of accommodating the acquisition or use of the right-of-way by the authority without the agreement expressly addressing future responsibility for the cost of removal or relocation of the utility, the authority bears the cost of such removal or relocation;
- If the utility is an electric facility being relocated underground to enhance vehicular, bicycle, and pedestrian safety, and if ownership of the facility has been transferred to a public utility within the past five years, the FDOT bears the cost of the necessary utility work; and
- An authority may bear the costs of utility work when the utility is not able to establish a compensable property right in the property where the utility is located if:
 - The utility was physically located on the property before the authority acquired rights in the property;
 - The utility demonstrates it has a compensable property right in all adjacent properties along the alignment of the utility; and
 - The information available to the authority does not establish the priorities of the authority's and the utility's interest in the property.

⁴ "Utility" means "any electric transmission, telephone, telegraph, or other communications services lines; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structure[]" Section 337.401(1)(a), F.S.

⁵ Referred to in ss. 337.401-337.404, F.S., as the "authority."

⁶ However, the FDOT's participation amount is limited to the difference between the estimate of the work in the agreement plus 10 percent and the amount awarded for the utility work in the construction contract. Section 337.403(1)(b), F.S.

The FDOT advises that under its procedure 710-030-005-a, *Utility Work for Local Government Utilities*,⁷ when a local-government utility cannot afford work necessitated by an FDOT project as determined by the FDOT's comptroller, the FDOT will pay for the work. In such cases, the utility signs a promissory note to reimburse the FDOT, thereby allowing the FDOT project to proceed, potentially avoiding contractor delay claims. According to the FDOT, if the utility does not reimburse the FDOT within 10 years, the FDOT can take steps to write off the loss as opposed to undergoing collection efforts.⁸

The FDOT advises it currently "has approximately \$12 million in promissory notes for utility relocations that under the legislation would be eligible for waivers."⁹

Effect of Proposed Changes

Section 3 amends 337.403, F.S., to add an exception to the general rule that a utility owner must bear the cost of removing or relocating a utility. This exception applies if a municipally- or county-owned utility is located in a RACEC¹⁰ and the FDOT determines that the utility is unable, and will not be able within the next 10 years, to pay for the cost of utility work necessitated by an FDOT project on the State Highway System. Under these circumstances, the FDOT may pay the cost of the work performed by the FDOT or its contractors.

This exception "[f]ormalizes current FDOT procedure of promissory note forgiveness for a local utility that meets certain criteria and demonstrates an inability to pay for utility work necessitated by an FDOT project."¹¹

Small County Outreach Program

Current Situation

The Small County Outreach Program (SCOP) is authorized in s. 339.2818, F.S. The purpose of the program is to assist small county governments in repairing or rehabilitating county bridges, paving unpaved roads, addressing road related drainage improvements, resurfacing or reconstructing of county roads, or constructing capacity or safety improvements to county roads. A small county is defined as any county that has a population of 150,000 or less as determined by the most recent official population estimate as determined by the Office of Economic and Demographic Research.

Small counties are eligible to compete for funds designated for projects on county roads. The FDOT provides 75 percent of the cost of the projects funded under this program. Funds paid into

⁷ Available at <http://www2.dot.state.fl.us/proceduraldocuments/procedures/bin/710030005.pdf> (last visited March 21, 2014).

⁸ FDOT Legislative Bill Analysis, *SB 218*, 2 (Oct. 25, 2013) (on file with the Senate Transportation Committee).

⁹ *Id.* at 4.

¹⁰ Section 288.0656(2), F.S., defines a "rural area of critical economic concern" as a rural community, or a region composed of rural communities, designated by the Governor, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact. "Rural community" is defined to mean a county with a population of 75,000 or fewer, a county with a population of 125,000 or fewer that is contiguous to a county with a population of 75,000 or fewer, or a municipality therein.

¹¹ FDOT Bill Analysis at 2.

the State Transportation Trust Fund pursuant to s. 201.15, F.S., for the purposes of the SCOP are annually appropriated for expenditure to support the program.¹²

Effect of Proposed Changes

Section 5 amends s. 339.2818, F.S., to allow a municipality within a RACEC or a RACEC community designated under s. 288.0656(7)(a), F.S., to compete for project funding using the existing criteria of the Small County Outreach Program as specified in s. 339.2818(4), F.S., at up to 100 percent of the project costs, excluding capacity projects. The funding for municipalities would be subject to an additional appropriation in excess of those appropriated for the Small County Outreach Program.

Control of Outdoor Advertising

Current Situation

Since the passage of the Highway Beautification Act (HBA)¹³ in 1965, the Federal Highway Administration (FHWA) has established controls for outdoor advertising along federal-aid primary, interstate, and National Highway System roads. The primary features of the HBA include:

- Billboards are allowed, by statute, in commercial and industrial areas consistent with size, lighting, and spacing provisions as agreed to by the state and federal governments.¹⁴ Billboard controls apply to interstates, federal-aid primary roads, and other highways that are part of the National Highway System.
- States have the discretion to remove legal nonconforming signs¹⁵ along highways. However, the payment of just compensation is required for the removal of any lawfully erected billboard along the specified roads.¹⁶
- States and localities may enact stricter laws than stipulated in the HBA.¹⁷

The HBA requires the development of standards for certain signs as well as the removal of nonconforming signs.¹⁸ While states are not directly forced to control signs, failure to impose the required controls can result in a substantial penalty. The penalty for noncompliance with the HBA is a 10 percent reduction of the state's annual federal-aid highway apportionment.¹⁹

Under the provisions of a 1972 agreement between the State of Florida and the U.S. Department of Transportation²⁰ incorporating the HBA's required controls, the FDOT requires commercial signs to meet certain requirements to obtain sign permits when they are within 660 feet of

¹² Section. 201.15(1)(c)1., F.S., provides for the distribution of 38.2 percent or \$541.75 million (whichever is less) of documentary stamp tax revenues to the State Transportation Trust Fund in FDOT, and allocates the revenues among various programs.

¹³ 23 U.S.C. s. 131 et seq.

¹⁴ *Id.* at (d); *see id.* at (t).

¹⁵ A legal "nonconforming sign" is a sign that was legally erected according to the applicable laws and regulations of the time, but which does not meet current laws or regulations. Section 479.01(17), F.S.

¹⁶ 21 U.S.C. s. 131(g).

¹⁷ *Id.* at (k).

¹⁸ *Id.* at (d) and (r).

¹⁹ *Id.* at (b).

²⁰ Available at <http://www.scenic.org/storage/PDFs/FSA/fl1965.pdf> (last visited Feb. 10, 2014).

interstate and federal-Aid primary highways in urban areas, or visible at any distance from the same roadways when outside of urban areas. The agreement embodies the federally-required effective control of the erection and maintenance of outdoor advertising signs, displays, and devices.²¹ Absent this effective control, the non-compliance penalty of 10 percent of federal highway funds may be imposed.

Florida's outdoor advertising laws are found in ch. 479, F.S., and are based on federal law and regulations and the 1972 agreement.

On-Premise Signs/Lighting Restrictions/Rulemaking Authority

Section 479.16(1), F.S., exempts from signage permitting, signs on the premises of an establishment that consist primarily of the name of the establishment or identify the merchandise, services, activities, or entertainment sold, produced, manufactured, or furnished on the premises, provided the signs comply with the lighting restrictions "under department rule adopted pursuant to s. 479.11(5), F.S."

Section 479.11(5), F.S., prohibits an on-premise sign that displays "intermittent lights not embodied in the sign, or any rotating or flashing light within 100 feet of the outside boundary of the right-of-way of any [state or federal highway or interstate] or which is illuminated in such a manner so as . . . to impair the vision of motorists or otherwise distract motorists . . ."

The FDOT currently has no adopted rule that addresses lighting restrictions for on-premise signs pursuant to s. 479.11(5), F.S., and instead relies on the quoted statute. The rulemaking authority in s. 479.16(1), F.S., is therefore unnecessary.²²

Other Permit Exemptions

In addition to the exemption for on-premise signs in s. 479.16(1), F.S., s. 479.16, F.S., includes exemptions from permitting for a number of other types of signs, including:

- Signs on property stating only the name of the owner, lessee, or occupant of the premises and no larger than eight square feet in area;
- Signs no larger than eight square feet that are owned by and relate to the facilities or activities of churches, civic organizations, fraternal organizations, charitable organizations, or government agencies;
- Signs placed on benches, transit shelters, and waste receptacles; and
- Signs no larger than 16 square feet placed at a state highway road junction denoting only the distance or direction of a residence or farm, or, in a rural area where a hardship is created because a small business is not visible from the junction, one sign no larger than 16 square feet, denoting only the name of, and the distance and direction to, the business.

²¹ 21 U.S.C. s. 131(b) and (d). See also s. 479.11, F.S.

²² E-mail from Rob Jessee, Office of Right of Way, FDOT (Feb. 10, 2014) (on file with the Committee on Commerce and Tourism).

The final exemption does not apply to charter counties and may not be implemented if the federal government notifies the FDOT that implementation will adversely affect the allocation of federal funds to the FDOT.²³

Tourist-Oriented Directional Sign Program

Section 479.262, F.S., establishes a tourist-oriented directional (TOD) sign program for intersections on rural and conventional state, county, or municipal roads in rural counties identified by criteria and population in s. 288.0656, F.S. (*i.e.*, RACECs). The program is intended to provide directions to tourist-oriented businesses, services, and activities in RACEC areas, when approved and permitted by county or local government entities.

A county or local government that issues permits for a TOD sign program is responsible for sign construction, maintenance, and program operation for roads on the State Highway System and may establish permit fees sufficient to offset associated costs.²⁴ TOD signs installed on the State Highway System must comply with the requirements of the Manual on Uniform Traffic Control Devices²⁵ (MUTCD) and rules established by the FDOT.²⁶

TOD signs may be installed on the State Highway System only after being permitted by the FDOT, and placement of TOD signs is limited to rural conventional roads, as required in the MUTCD.²⁷ TOD signs may *not* be placed within the right-of-way of limited access facilities; within the right-of-way of a limited access facility interchange, regardless of jurisdiction or local road classification; on conventional roads in urban areas; or at interchanges on freeways or expressways.²⁸

Effect of Proposed Changes

Section 6 amends s. 479.16, F.S., relating to signs for which permits are not required, to:

- Clarify that signs placed on certain objects, such as benches, news racks, and street light poles, which are regulated under s. 337.408, F.S., are exempt from permit requirements under s. 479.16, F.S.;
- Eliminate unnecessary rulemaking authority; and
- Allow the small business “hardship” sign authorization exemption to also apply in charter counties.

The bill also authorizes the following new sign permit exemptions:

- Local tourist-oriented business signs within a RACEC, provided that:
 - Signs are not more than eight square feet in size and not more than four feet tall;

²³ Section 479.16(15), F.S.

²⁴ Section 479.262(1), F.S.; “Prior to requesting a permit to install TODS on the state highway system, a local government shall have established, by ordinance, criteria for TODS program eligibility including participant qualifications and location regulations.” Rule 14-51.061(3), F.A.C.

²⁵ Adopted by the FDOT pursuant to s. 316.0745(2), F.S.

²⁶ Section 479.262(3), F.S.

²⁷ Rule 14-51.063(1) and (2), F.A.C.

²⁸ *Id.* at (2); s. 2K.01 of Ch. 2K of the MUTCD (2009), available at <http://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part2ithu2n.pdf> (last visited Feb. 10, 2014).

- Signs are located only in rural areas on a facility that does not meet the definition of a limited access facility;
- Signs are located within two miles of the business location and at least 500 feet apart;
- Signs are located only in two directions leading to the business;
- Signs are not located within the right-of-way; and
- The business is at least four miles from any other business using the exemption and the business does not participate in any other directional sign program;
- Temporary harvest-season signs, provided such signs measure up to 32 square feet, denote only the distance or direction of a farm operation, and are erected at a road junction within the State Highway System; such signs may only be erected during the harvest season, not to exceed four months;
- “Acknowledgement signs,”²⁹ provided such signs:
 - Are erected upon publicly funded school premises;
 - Relate to a specific public school club, team, or event;
 - Are placed at least 1,000 feet from any other acknowledgement sign on the same side of the roadway; and
 - Limit sponsor information to no more than 100 square feet of the sign; and
- Displays erected upon a sports facility,³⁰ the content of which is directly related to the facility’s activities or where products or services offered on the sports facility property are present, provided such displays are mounted flush to the surface of the sports facility and rely on the building facade for structural support.

The bill prohibits implementation or continuation of the provisions allowing permit exemptions for small business “hardship” signs, local tourist-oriented business signs, harvest-season signs, public school premise “acknowledgement signs,” and sports facility displays if the federal government notifies the FDOT that implementation or continuation will adversely affect the allocation of federal funds to the FDOT. In such an event, the FDOT is required to provide notice to a sign owner that the sign must be removed within 30 days; the FDOT is required to remove the sign if the owner does not remove it and the FDOT’s costs will be assessed against and collected from the owner.

Section 7 amends s. 479.262, F.S., relating to the TOD sign program. The bill expands the program by repealing the restriction limiting the program to roads in a RACEC and providing that the program applies to intersections on rural and conventional state, county or municipal roads. The bill also expressly states, consistent with Rule 14-51.063, F.A.C., and the MUTCD, that a TOD sign may not be used on roads in urban areas or at interchanges on freeways or expressways.

²⁹ The bill defines the term “acknowledgement sign” to mean “a sign that is intended to inform the traveling public that a public school club, team, or event has been sponsored by a person, firm, or other entity.”

³⁰ “Sports facility” is defined to mean “an athletic complex, athletic arena, or athletic stadium, including physically connected parking facilities, which is open to the public and has a permanent installed seating capacity of 15,000 people or more.”

Amber Light Display on Vehicles

Current Situation

Section 316.2397, F.S., authorizes or requires the display of amber lights on a number of vehicles or pieces of equipment under certain conditions, including, but not limited to wreckers, mosquito control fog and spray vehicles, emergency vehicles, escort vehicles, vehicles owned or leased by private security agencies, road construction or maintenance vehicles and equipment, road service vehicles, refuse collection vehicles, petroleum tankers, and mail carriers; generally, either when in operation or when a hazard exists.

Effect of Proposed Changes

Section 1 amends 316.2397, F.S., to authorize the display of an amber light affixed to the rearmost point of a commercial motor vehicle or trailer designed to transport unprocessed logs or pulpwood.

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 FDOT's authorization to improve and maintain city or county roads that provide access to state parks may attract more park visitors. Properties owners served by affected roadways may be exposed to takings but may also benefit from additional capacity provided on the roadway.

In the event the FDOT bears the cost of utility work for municipally- or county-owned utility removal or relocation, and such action avoids delay of a project on the State Highway System, a positive but indeterminate fiscal impact to businesses and private individuals may be realized under CS/SB 218.

The authorization to use signs without a permit to advertise local tourist-oriented businesses; farm products; public school club, team, or event sponsors; and products and services directly related to a sports facility's activities or offered on the sports facility's property provides greater opportunity to attract people to such businesses or events.

Revision of the TOD sign program to eliminate restriction of the program to signs at intersections in a RACEC provides greater opportunity for business participation in the program. Participants may be subject to permit fees established by local governments.

C. Government Sector Impact:

The bill authorizes the FDOT to enter into agreements with investors to monetize the revenues received by the FDOT on existing leases for wireless communications facilities on department property. According to the FDOT, existing lease payments for wireless communications total approximately \$1.4 million annually. Factoring the revenues from lease payments would provide a lump sum of cash that would be available for statewide transportation projects in the initial year of a factoring agreement with investors. However, the forecasted annual revenue for existing lease payments would be eliminated in later years of the transportation work program and an alternative fund source would be needed for existing commitments programmed to use those revenues. Factoring the revenues may result in a negative cash impact over time.

The fiscal impact of authorizing the FDOT to improve and maintain city or county roads that provide access to state parks is indeterminate but potentially significantly negative.

According to the FDOT, formalizing the FDOT's procedure of promissory note forgiveness for a local utility that meets certain criteria and demonstrates an inability to pay for utility work necessitated by an FDOT project will result in a negative, but indeterminate, fiscal impact to the state. The FDOT advises it currently "has approximately \$12 million in promissory notes for utility relocations that under the legislation would be eligible for waivers" and states the waiver provision will result in an indeterminate reduction in expenditures for local governments that receive a promissory note waiver from the FDOT.³¹

A municipality within a rural area of critical economic concern or a rural area of critical economic concern community designated under s. 288.0656(7)(a), would be eligible to compete for funding using the existing Small County Outreach Program criteria at up to 100 percent of the project costs, excluding capacity projects. The funding for municipalities would be subject to an additional appropriation in excess of those appropriated for the Small County Outreach Program.

The bill avoids a potential annual penalty of 10 percent of federal highway funds by authorizing the FDOT to remove signs erected under the additional sign permit exemptions if the Federal Government notifies the FDOT of an adverse impact on the allocation of federal funds.

³¹ FDOT Bill Analysis at 4.

According to the FDOT, the expansion of participation in the TOD sign program may produce a positive but indeterminate fiscal impact for local governments as a result of them issuing sign permits for signs located on roads where signs previously were not permitted.³²

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.2397, 335.06, 337.403, 339.2818, 479.16, and 479.262.

This bill creates the following sections of the Florida Statutes: 339.401.

IX. Additional Information:

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

CS/CS/CS by Transportation on March 26, 2014:

The CS adds to the bill authorization of the FDOT to improve and maintain a city or county road that is part of the city or county road system and which maintains access to a state park.

CS/CS by Appropriations on March 13, 2014:

The CS adds the following provisions to the bill:

- Allows for the display of an amber light on a commercial vehicle or trailer designed for transporting unprocessed logs or pulpwood;
- Provides for the factoring of revenues from existing FDOT wireless communications leases to increase available funding for capital expenditures for the statewide transportation system; and
- Allows municipalities within a rural area of critical economic concern or a rural area of critical economic concern to compete for project funding using the Small County Outreach program criteria.

CS by Transportation on November 7, 2013:

The CS reflects a technical revision to the language relating to signs placed by local tourist-oriented businesses to rely on an existing definition of “limited access facility.”

³² *Id.*

thereby avoiding the need for the FDOT to incur expenses associated with adopting by rule a definition of “non-limited access facility.”

B. Amendments:

None.

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



359862

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/27/2014	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Between lines 55 and 56

insert:

Section 1. Subsection (8) is added to section 125.01, Florida Statutes, to read:

125.01 Powers and duties.—

(8) (a) A municipality, county, or special district may not restrict the right of the public to freely bargain for lawful livery services, excluding metered taxi services that accept



359862

11 street hails, by:

12 1. Establishing a minimum or maximum fare;

13 2. Imposing a minimum wait time between the reservation and
14 delivery of a livery transit service; or

15 3. Creating classifications within each type of livery
16 service, and fixing or approving zones, rates, or fares for such
17 classifications, which apply differently to individuals and
18 businesses that compete or attempt to compete with each other to
19 provide similar services.

20 (b) This subsection does not limit the ability of a county,
21 municipality, or special district to impose reasonable
22 restrictions concerning vehicle safety and driver qualifications
23 upon lawful livery services.

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

26 And the title is amended as follows:

27 Between lines 2 and 3

28 insert:

29 125.01, F.S.; restricting a municipality, county, or
30 special district from restricting the right of the
31 public to freely bargain for lawful livery services;
32 amending s.



571214

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/27/2014	.	
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The Committee on Transportation (Clemens) recommended the following:

Senate Amendment (with title amendment)

Between lines 55 and 56
insert:

Section 1. Effective January 1, 2015, section 212.0606,
Florida Statutes, is amended to read:

212.0606 Rental car surcharge.—

(1) Except as provided under subsection (2), a surcharge of
\$2 ~~\$2.00~~ per day or any part of a day is imposed upon the lease
or rental of a motor vehicle licensed for hire and designed to



571214

11 carry less than nine passengers regardless of whether the such
12 motor vehicle is licensed in this state Florida. The surcharge
13 applies to only the first 30 days of the term of a any lease or
14 rental. The surcharge is subject to all applicable taxes imposed
15 under by this chapter.

16 (2) A member of a car-sharing service who uses a motor
17 vehicle as described in subsection (1) pursuant to an agreement
18 with the car-sharing service for less than 24 hours shall pay a
19 surcharge of \$1 per usage. A member of a car-sharing service who
20 uses the same motor vehicle for at least 24 consecutive hours
21 shall pay a surcharge of \$2 per day or any part of a day as
22 provided under subsection (1).

23 (a) For purposes of this subsection, "car-sharing service"
24 means a membership-based organization or business, or a division
25 thereof, which requires the payment of an application or
26 membership fee and provides member access to motor vehicles:

27 1. Only at locations that are not staffed by car-sharing
28 service personnel employed solely for the purpose of interacting
29 with members;

30 2. Twenty-four hours per day, 7 days per week;

31 3. Only through automated means, including, but not limited
32 to, smartphone applications and electronic membership cards;

33 4. On an hourly basis or for a shorter increment of time;

34 5. Without a separate fee for refueling the motor vehicle;

35 6. Without a separate fee for minimum financial
36 responsibility liability insurance; and

37 7. Owned or controlled by the car-sharing service or its
38 affiliates.

39 (b) The surcharge described in this subsection does not



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40 apply to the lease, rental, or use of a motor vehicle from a
41 location owned, operated, or leased by or for the benefit of an
42 airport or airport authority.

43 ~~(3)(2)(a)~~ Notwithstanding s. ~~the provisions of section~~
44 212.20, and less the costs of administration, 80 percent of the
45 proceeds of this surcharge shall be deposited in the State
46 Transportation Trust Fund, 15.75 percent of the proceeds of this
47 surcharge shall be deposited in the Tourism Promotional Trust
48 Fund created in s. 288.122, and 4.25 percent of the proceeds of
49 this surcharge shall be deposited in the Florida International
50 Trade and Promotion Trust Fund.

51 (a) For the purposes of this subsection, "proceeds" of the
52 surcharge means all funds collected and received by the
53 department under this section, including interest and penalties
54 on delinquent surcharges. The department shall provide the
55 Department of Transportation rental car surcharge revenue
56 information for the previous state fiscal year by September 1 of
57 each year.

58 (b) Notwithstanding any other provision of law, ~~in fiscal~~
59 ~~year 2007-2008 and each year thereafter,~~ the proceeds deposited
60 in the State Transportation Trust Fund shall be allocated on an
61 annual basis in the Department of Transportation's work program
62 to each department district, except the Turnpike District. The
63 amount allocated to ~~for~~ each district shall be based on ~~upon~~ the
64 amount of proceeds attributed to the counties within each
65 respective district.

66 ~~(4)(3)(a)~~ Except as provided in this section, the
67 department shall administer, collect, and enforce the surcharge
68 as provided in this chapter.



571214

69 (a)~~(b)~~ The department shall require dealers to report
70 surcharge collections according to the county to which the
71 surcharge was attributed. For purposes of this section, the
72 surcharge shall be attributed to the county where the rental
73 agreement was entered into.

74 (b)~~(c)~~ Dealers who collect the rental car surcharge shall
75 report to the department all surcharge revenues attributed to
76 the county where the rental agreement was entered into on a
77 timely filed return for each required reporting period. The
78 provisions of this chapter which apply to interest and penalties
79 on delinquent taxes ~~shall~~ apply to the surcharge. The surcharge
80 is ~~shall~~ not be included in the calculation of estimated taxes
81 pursuant to s. 212.11. The dealer's credit provided in s. 212.12
82 does ~~shall~~ not apply to any amount collected under this section.

83 (5)~~(4)~~ The surcharge imposed by this section does not apply
84 to a motor vehicle provided at no charge to a person whose motor
85 vehicle is being repaired, adjusted, or serviced by the entity
86 providing the replacement motor vehicle.

87
88 ===== T I T L E A M E N D M E N T =====

89 And the title is amended as follows:

90 Between lines 2 and 3

91 insert:

92 212.0606, F.S.; specifying circumstances under which a
93 member of a car-sharing service is required to pay a
94 surcharge based on a usage basis rather than a daily
95 basis; defining the term "car-sharing service";
96 amending s.



637924

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/27/2014	.	
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The Committee on Transportation (Clemens) recommended the following:

Senate Amendment (with title amendment)

Delete line 422

and insert:

Section 4. Except as otherwise provided in this act, this act shall take effect July 1, 2014.

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

And the title is amended as follows:

Delete lines 51 - 52



637924

11 and insert:
12 interchanges on freeways or expressways; providing
13 effective dates.



486104

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/27/2014	.	
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The Committee on Transportation (Diaz de la Portilla)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 184 - 222

and insert:

(3) The department may request proposals from investors willing to enter into agreements to purchase the revenue stream from one or more existing department leases for wireless communication facilities on property owned or controlled by the department. If the department receives a proposal from an interested potential investor that the department wants to



486104

11 consider, the department shall publish a notice in a newspaper
12 of general circulation at least once a week for 2 weeks, stating
13 that it has received the proposal and will accept, for 120 days
14 after the date of publication, other proposals for purchase of
15 the identified revenue stream. Agreements entered into under
16 this section shall be structured as tax-exempt financings for
17 federal income tax purposes in order to result in the largest
18 possible payout.

19 (4) Before requesting proposals or advertising receipt of
20 an unsolicited proposal for purchase of a department revenue
21 stream as authorized in this section, the department shall
22 provide a summary of the proposed transaction to the Executive
23 Office of the Governor, the chair of each legislative
24 appropriations committee, the President of the Senate, and the
25 Speaker of the House of Representatives. The summary must
26 include a description of the department lease that generates the
27 revenue stream and the historical revenue generated by the
28 lease. The department may not request proposals or advertise
29 receipt of an unsolicited proposal without the approval of the
30 Executive Office of the Governor. If the chair of either
31 legislative appropriations committee, the President of the
32 Senate, or the Speaker of the House of Representatives objects
33 to the proposed transaction in writing within 14 days after
34 receipt of the summary, the Executive Office of the Governor may
35 not approve the proposed transaction.

36 (5) The department may not pledge the credit, the general
37 revenues, or the taxing power of the state or of any political
38 subdivision of the state. The obligations of the department and
39 investors under the agreement do not constitute a general



486104

40 obligation of the state or a pledge of the full faith and credit
41 or taxing power of the state. The agreement is payable from and
42 secured solely by payments received from department leases for
43 wireless communication facilities on property owned or
44 controlled by the department, and neither the state nor any of
45 its agencies has any liability beyond such payments.

46 (6) The department may make any covenant or representation
47 necessary or desirable in connection with the agreement,
48 including a commitment by the department to take whatever
49 actions are necessary on behalf of investors to enforce the
50 department's rights to payments on property leased for wireless
51 communications facilities. However, the department may not
52 guarantee that revenues actually received in a future year will
53 be those anticipated in its leases for wireless communication
54 facilities. The department may agree to use its best efforts to
55 ensure that anticipated future-year revenues are protected. Any
56 risk that actual revenues received from department leases for
57 wireless communications facilities will be lower than
58 anticipated shall be borne exclusively by investors.

59 (7) Subject to annual appropriation, the investors shall
60 collect the lease payments on a schedule and in a manner
61 established in the agreements entered into pursuant to this
62 section between the department and the investors. The agreements
63 may provide for lease payments to be made directly to investors
64 by lessees if the lease agreements entered into by the
65 department and the lessees pursuant to s. 365.172(12)(f) allow
66 direct payment.

67 (8) Proceeds received by the department from leases for
68



486104

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

70 And the title is amended as follows:

71 Delete lines 16 - 20

72 and insert:

73 authorizing the department to request proposals from
74 investors willing to enter into agreements to purchase
75 the revenue stream; requiring the department to
76 provide public notice for proposals it wants to
77 consider; requiring the department to provide a
78 summary of the proposed transaction before requesting
79 proposals or advertising receipt of an unsolicited
80 proposal for purchase of a department revenue stream;
81 prohibiting the department from pledging



351178

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2014	.	
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The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Between lines 65 and 66

insert:

Section 2. Section 335.06, Florida Statutes, is amended to read:

335.06 Access roads to the state park system.—Any road that
~~which~~ provides access to property within the state park system
shall be maintained by the department if the road is a part of
the State Highway System; however, if such road is part of a



351178

11 county road system or city street system, the department may
12 improve and maintain it. If the department does not maintain a
13 county or city road that provides access to the state park
14 system, the road ~~or~~ shall be maintained by the appropriate
15 county or municipality ~~if the road is a part of the county road~~
16 ~~system or the city street system.~~

17
18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 Delete line 4

21 and insert:

22 may show or display an amber light; amending s.
23 335.06, F.S.; authorizing the Department of
24 Transportation to improve and maintain roads that
25 provide access to property within the state park
26 system if they are part of a county road system or
27 city street system; requiring that the appropriate
28 county or municipality maintain such a road if the
29 department does not maintain it; amending s.



778100

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/27/2014	.	
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The Committee on Transportation (Clemens) recommended the following:

Senate Amendment (with title amendment)

Between lines 421 and 422
insert:

Section 7. Section 77 of chapter 2012-174, Laws of Florida, is reenacted and amended, to read:

Section 77. There is established a pilot program for the Palm Beach County school district to recognize its business partners. The district may recognize its business partners by publicly displaying such business partners' names on school



778100

11 district property in the unincorporated areas of the county.
12 Project graduation and athletic sponsorships are examples of
13 appropriate recognition. The district shall make every effort to
14 display its business partners' names in a manner that is
15 consistent with the county standards for uniformity in size,
16 color, and placement of signs. If the provisions of this section
17 are inconsistent with county ordinances or regulations relating
18 to signs in the unincorporated areas of the county or
19 inconsistent with chapter 125 or chapter 166, Florida Statutes,
20 the provisions of this section prevail. If the Federal Highway
21 Administration determines that the Department of Transportation
22 is not providing effective control of outdoor advertising as a
23 result of any business partner recognition by the school
24 district under this program, the department shall notify the
25 school district by certified mail of any nonconforming
26 recognition and the school district shall expeditiously remove
27 the recognition specified in the notice. The pilot program
28 expires June 30, 2016 ~~June 30, 2014~~.

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

31 And the title is amended as follows:

32 Delete line 51

33 and insert:

34 interchanges on freeways or expressways; reenacting
35 and amending s. 77 of ch. 2012-174, L.O.F., requiring
36 the department to notify the Palm Beach County school
37 district if the Federal Highway Administration
38 determines that the department is not providing
39 effective control of outdoor advertising by the school



778100

40

district under the pilot program; providing an

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/14
Meeting Date

Topic Transportation

Bill Number 218
(if applicable)

Name Foyt Ralston

Amendment Barcode 351178
(if applicable)

Job Title _____

Address 101 N. Monroe St suite 900
Street

Phone 222-6811

Tall. FL 32301
City State Zip

E-mail FRALSTON@BUDLAW.COM

Speaking: For Against Information

Representing Charlotte Co.

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.

w/d

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/14

Meeting Date

Topic _____

Bill Number SB 218
(if applicable)

Name Ron Book

Amendment Barcode 359862
(if applicable)

Job Title _____

Address 104 W. Jefferson St

Phone 850-224-3427

Street

TLH

32301

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing Florida Taxi Cab + Limo Assn | and Miami Dade + Broward Cty's

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)

W/P

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/14
Meeting Date

Topic _____

Bill Number SB 218
(if applicable)

Name Michael J Moses

Amendment Barcode 359862
(if applicable)

Job Title _____

Address 482 Hermosita Drive
Street
St Pete Beach FL 33706
City State Zip

Phone 727-638-7638

E-mail MichaelJ.Moses@gmail.com

Speaking: For Against Information

Representing Castellano-Moses Transportation 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.

W/D

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/14

Meeting Date

Topic Transportation

Bill Number SB 218

(if applicable)

Name RYAN PADGETT

Amendment Barcode 359862

(if applicable)

Job Title Asst. General Counsel

Address PO Box 1754

Phone 850-701-3616

Street

Tallahassee

FL

32302

City

State

Zip

E-mail rpadgett@flcities.com

Speaking: For Against Information

Representing Florida League of Cities

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)

W/D

THE FLORIDA SENATE
APPEARANCE RECORD

3-26-14

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

Meeting Date

Topic _____

Bill Number 218

Name JESS MCCARTY

Amendment Barcode 359862
(if applicable)

Job Title ASST COUNTY ATTY

Address 111 NW 1ST ST

Phone 305-979-7110

Street
MIAMI 33126
City State Zip

E-mail JMM2@MIAMI100DE.GOV

Speaking: For Against Information

Representing MIAMI - DADE COUNTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

W/D

THE FLORIDA SENATE APPEARANCE RECORD

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

Meeting Date _____

Topic AMENDMENT 359862

Bill Number SB 218
(if applicable)

Name JENNIFER GREEN

Amendment Barcode 359862
(if applicable)

Job Title _____

Address P.O. Box 370

Phone 850/841-1726

Street
TLA FL 32302
City State Zip

E-mail _____

Speaking: For Against Information

Representing LIBAR TECHNOLOGIES

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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W/D

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

3/26/14
Meeting Date

Topic TRANSPORTATION

Bill Number SB 218
(if applicable)

Name LARRY WILLIAMS

Amendment Barcode 359862
(if applicable)

Job Title ATTORNEY

Address 215 SOUTH MONROE ST
Street

Phone (850) 521-1980

TALLAHASSEE FL 32301
City State Zip

E-mail LWILLIAMS@GUNSTER.COM

Speaking: For Against Information

Representing MASS TRANSPORTATION

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)

3/26/14
Meeting Date

Topic _____

Bill Number 218
(if applicable)

Name JOE SPRATT

Amendment Barcode _____
(if applicable)

Job Title _____

Phone 863.507-0238
~~863.507-0238~~

Address PO Box 236
Street
LABELLE FL 33975
City State Zip

E-mail Joseph.spratt@yahoo.com

Speaking: For Against Information

Representing CITY OF LABELLE

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)

3/26/14

Meeting Date

Topic Transportation

Bill Number 218
(if applicable)

Name Jim Spratt

Amendment Barcode _____
(if applicable)

Job Title _____

Address PO Box 10011

Phone 850-278-1296

Street

TALCAHASSEE

FL

32302

City

State

Zip

E-mail Jim@magnoliastrategiesllc.com

Speaking: For Against Information

Representing Florida Forestry Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

By the Committees on Appropriations; and Transportation; and
Senator Grimsley

576-02577-14

2014218c2

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 316.2397, F.S.; expanding the types of vehicles that
4 may show or display an amber light; amending s.
5 337.403, F.S.; providing an exception for payment of
6 certain utility work necessitated by a project on the
7 State Highway System for municipally owned utilities
8 or county-owned utilities located in rural areas of
9 critical economic concern and authorizing the
10 Department of Transportation to pay for such costs
11 under certain circumstances; creating s. 339.041,
12 F.S.; providing legislative intent; describing the
13 types of department property eligible for factoring
14 future revenues received by the department from leases
15 for communication facilities on department property;
16 authorizing the department to enter into agreements
17 with investors to purchase the revenue streams from
18 department leases of wireless communication facilities
19 on such property pursuant to an invitation to
20 negotiate; prohibiting the department from pledging
21 state credit; allowing the department to make certain
22 covenants; providing for the appropriation and payment
23 of moneys received from such agreements to investors;
24 requiring the proceeds from such leases to be used for
25 capital expenditures; amending s. 339.2818, F.S.;
26 subject to the appropriation of specified additional
27 funding, authorizing a municipality within a rural
28 area of critical economic concern or a rural area of
29 critical economic concern community to compete for

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30 certain funding; providing criteria; amending s.
31 479.16, F.S.; exempting certain signs from the
32 provisions of ch. 479, F.S.; exempting from permitting
33 certain signs placed by tourist-oriented businesses,
34 certain farm signs placed during harvest seasons,
35 certain acknowledgement signs on publicly funded
36 school premises, and certain displays on specific
37 sports facilities; providing that certain provisions
38 relating to the regulation of signs may not be
39 implemented or continued if such actions will
40 adversely impact the allocation of federal funds to
41 the Department of Transportation; directing the
42 department to notify a sign owner that the sign must
43 be removed if federal funds are adversely impacted;
44 authorizing the department to remove the sign and
45 assess costs to the sign owner under certain
46 circumstances; amending s. 479.262, F.S.; clarifying
47 provisions relating to the tourist-oriented
48 directional sign program; limiting the placement of
49 such signs to intersections on certain rural roads;
50 prohibiting such signs in urban areas or at
51 interchanges on freeways or expressways; providing an
52 effective date.

53
54 Be It Enacted by the Legislature of the State of Florida:

55
56 Section 1. Subsection (4) of section 316.2397, Florida
57 Statutes, is amended to read:
58 316.2397 Certain lights prohibited; exceptions.-

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59 (4) Road or street maintenance equipment, road or street
60 maintenance vehicles, road service vehicles, refuse collection
61 vehicles, petroleum tankers, and mail carrier vehicles may show
62 or display amber lights when in operation or a hazard exists. A
63 commercial motor vehicle or trailer designed to transport
64 unprocessed logs or pulpwood may show or display an amber light
65 affixed to the rearmost point of the vehicle or trailer.

66 Section 2. Subsection (1) of section 337.403, Florida
67 Statutes, is amended to read:

68 337.403 Interference caused by relocation of utility;
69 expenses.—

70 (1) If a utility that is placed upon, under, over, or along
71 any public road or publicly owned rail corridor is found by the
72 authority to be unreasonably interfering in any way with the
73 convenient, safe, or continuous use, or the maintenance,
74 improvement, extension, or expansion, of such public road or
75 publicly owned rail corridor, the utility owner shall, upon 30
76 days' written notice to the utility or its agent by the
77 authority, initiate the work necessary to alleviate the
78 interference at its own expense except as provided in paragraphs
79 (a)-(h) ~~(a)-(g)~~. The work must be completed within such
80 reasonable time as stated in the notice or such time as agreed
81 to by the authority and the utility owner.

82 (a) If the relocation of utility facilities, as referred to
83 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
84 84-627 ~~627 of the 84th Congress~~, is necessitated by the
85 construction of a project on the federal-aid interstate system,
86 including extensions thereof within urban areas, and the cost of
87 the project is eligible and approved for reimbursement by the

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88 Federal Government to the extent of 90 percent or more under the
89 Federal Aid Highway Act, or any amendment thereof, then in that
90 event the utility owning or operating such facilities shall
91 perform any necessary work upon notice from the department, and
92 the state shall pay the entire expense properly attributable to
93 such work after deducting therefrom any increase in the value of
94 a new facility and any salvage value derived from an old
95 facility.

96 (b) When a joint agreement between the department and the
97 utility is executed for utility work to be accomplished as part
98 of a contract for construction of a transportation facility, the
99 department may participate in those utility work costs that
100 exceed the department's official estimate of the cost of the
101 work by more than 10 percent. The amount of such participation
102 is shall be limited to the difference between the official
103 estimate of all the work in the joint agreement plus 10 percent
104 and the amount awarded for this work in the construction
105 contract for such work. The department may not participate in
106 any utility work costs that occur as a result of changes or
107 additions during the course of the contract.

108 (c) When an agreement between the department and utility is
109 executed for utility work to be accomplished in advance of a
110 contract for construction of a transportation facility, the
111 department may participate in the cost of clearing and grubbing
112 necessary to perform such work.

113 (d) If the utility facility was initially installed to
114 exclusively serve the authority or its tenants, or both, the
115 authority shall bear the costs of the utility work. However, the
116 authority is not responsible for the cost of utility work

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117 related to any subsequent additions to that facility for the
118 purpose of serving others.

119 (e) If, under an agreement between a utility and the
120 authority entered into after July 1, 2009, the utility conveys,
121 subordinates, or relinquishes a compensable property right to
122 the authority for the purpose of accommodating the acquisition
123 or use of the right-of-way by the authority, without the
124 agreement expressly addressing future responsibility for the
125 cost of necessary utility work, the authority shall bear the
126 cost of removal or relocation. This paragraph does not impair or
127 restrict, and may not be used to interpret, the terms of any
128 such agreement entered into before July 1, 2009.

129 (f) If the utility is an electric facility being relocated
130 underground in order to enhance vehicular, bicycle, and
131 pedestrian safety and in which ownership of the electric
132 facility to be placed underground has been transferred from a
133 private to a public utility within the past 5 years, the
134 department shall incur all costs of the necessary utility work.

135 (g) An authority may bear the costs of utility work
136 required to eliminate an unreasonable interference when the
137 utility is not able to establish that it has a compensable
138 property right in the particular property where the utility is
139 located if:

- 140 1. The utility was physically located on the particular
- 141 property before the authority acquired rights in the property;
- 142 2. The utility demonstrates that it has a compensable
- 143 property right in all adjacent properties along the alignment of
- 144 the utility; and
- 145 3. The information available to the authority does not

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146 establish the relative priorities of the authority's and the
147 utility's interests in the particular property.

148 (h) If a municipally owned utility or county-owned utility
149 is located in a rural area of critical economic concern, as
150 defined in s. 288.0656(2), and the department determines that
151 the utility is unable, and will not be able within the next 10
152 years, to pay for the cost of utility work necessitated by a
153 department project on the State Highway System, the department
154 may pay, in whole or in part, the cost of such utility work
155 performed by the department or its contractor.

156 Section 3. Section 339.041, Florida Statutes, is created to
157 read:

158 339.041 Factoring of revenues from leases for wireless
159 communication facilities.-

160 (1) The Legislature finds that efforts to increase funding
161 for capital expenditures for the transportation system are
162 necessary for the protection of the public safety and general
163 welfare and for the preservation of transportation facilities in
164 this state. It is, therefore, the intent of the Legislature:

165 (a) To create a mechanism for factoring future revenues
166 received by the department from leases for wireless
167 communication facilities on department property on a nonrecourse
168 basis;

169 (b) To fund fixed capital expenditures for the statewide
170 transportation system from proceeds generated through this
171 mechanism; and

172 (c) To maximize revenues from factoring by ensuring that
173 such revenues are exempt from income taxation under federal law
174 in order to increase funds available for capital expenditures.

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175 (2) For the purposes of factoring revenues under this
 176 section, department property includes real property located
 177 within the department's limited access rights-of-way, property
 178 located outside the current operating right-of-way limits which
 179 is not needed to support current transportation facilities,
 180 other property owned by the Board of Trustees of the Internal
 181 Improvement Trust Fund and leased by the department, space on
 182 department telecommunications facilities, and space on
 183 department structures.

184 (3) The department may solicit investors willing to enter
 185 into agreements to purchase the revenue stream from one or more
 186 existing department leases for wireless communication facilities
 187 on property owned or controlled by the department through the
 188 issuance of an invitation to negotiate. Such agreements shall be
 189 structured as tax-exempt financings for federal income tax
 190 purposes in order to result in the largest possible payout.

191 (4) The department may not pledge the credit, the general
 192 revenues, or the taxing power of the state or of any political
 193 subdivision of the state. The obligations of the department and
 194 investors under the agreement do not constitute a general
 195 obligation of the state or a pledge of the full faith and credit
 196 or taxing power of the state. The agreement is payable from and
 197 secured solely by payments received from department leases for
 198 wireless communication facilities on property owned or
 199 controlled by the department, and neither the state nor any of
 200 its agencies has any liability beyond such payments.

201 (5) The department may make any covenant or representation
 202 necessary or desirable in connection with the agreement,
 203 including a commitment by the department to take whatever

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204 actions are necessary on behalf of investors to enforce the
 205 department's rights to payments on property leased for wireless
 206 communications facilities. However, the department may not
 207 guarantee that revenues actually received in a future year will
 208 be those anticipated in its leases for wireless communication
 209 facilities. The department may agree to use its best efforts to
 210 ensure that anticipated future-year revenues are protected. Any
 211 risk that actual revenues received from department leases for
 212 wireless communications facilities will be lower than
 213 anticipated shall be borne exclusively by investors.

214 (6) Subject to annual appropriation, the investors shall
 215 collect the lease payments on a schedule and in a manner
 216 established in the agreements entered into pursuant to this
 217 section between the department and the investors. The agreements
 218 may provide for lease payments to be made directly to investors
 219 by lessees if the lease agreements entered into by the
 220 department and the lessees pursuant to s. 365.172(12)(f) allow
 221 direct payment.

222 (7) Proceeds received by the department from leases for
 223 wireless communication facilities shall be deposited in the
 224 State Transportation Trust Fund created under s. 206.46 and used
 225 for fixed capital expenditures for the statewide transportation
 226 system.

227 Section 4. Subsection (7) is added to section 339.2818,
 228 Florida Statutes, to read:
 229 339.2818 Small County Outreach Program.—
 230 (7) Subject to a specific appropriation in addition to
 231 funds annually appropriated for projects under this section, a
 232 municipality within a rural area of critical economic concern or

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233 a rural area of critical economic concern community designated
 234 under s. 288.0656(7) (a) may compete for the additional project
 235 funding using the criteria listed in subsection (4) at up to 100
 236 percent of project costs, excluding capacity improvement
 237 projects.

238 Section 5. Section 479.16, Florida Statutes, is amended to
 239 read:

240 479.16 Signs for which permits are not required.—Signs
 241 placed on benches, transit shelters, modular news racks, street
 242 light poles, public pay telephones, and waste receptacles within
 243 the right-of-way, as provided under s. 337.408, are exempt from
 244 this chapter. The following signs are exempt from the
 245 requirement that a permit ~~for a sign~~ be obtained under ~~the~~
 246 ~~provisions of~~ this chapter but must ~~are required to~~ comply with
 247 ~~the provisions of~~ s. 479.11(4)-(8):

248 (1) Signs erected on the premises of an establishment,
 249 which ~~signs~~ consist primarily of the name of the establishment
 250 or ~~which~~ identify the principal or accessory merchandise,
 251 services, activities, or entertainment sold, produced,
 252 manufactured, or furnished on the premises of the establishment
 253 and which comply with the lighting restrictions imposed under
 254 ~~department rule adopted pursuant to~~ s. 479.11(5), or signs owned
 255 by a municipality or a county located on the premises of such
 256 municipality or ~~such~~ county which display information regarding
 257 government services, activities, events, or entertainment. For
 258 purposes of this section, the following types of messages shall
 259 not be considered information regarding government services,
 260 activities, events, or entertainment:

261 (a) Messages that ~~which~~ specifically reference any

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262 commercial enterprise.

263 (b) Messages that ~~which~~ reference a commercial sponsor of
 264 any event.

265 (c) Personal messages.

266 (d) Political campaign messages.

267
 268 If a sign located on the premises of an establishment consists
 269 principally of brand name or trade name advertising and the
 270 merchandise or service is only incidental to the principal
 271 activity, or if the owner of the establishment receives rental
 272 income from the sign, ~~then~~ the sign is not exempt under this
 273 subsection.

274 (2) Signs erected, used, or maintained on a farm by the
 275 owner or lessee of such farm and relating solely to farm
 276 produce, merchandise, service, or entertainment sold, produced,
 277 manufactured, or furnished on such farm.

278 (3) Signs posted or displayed on real property by the owner
 279 or by the authority of the owner, stating that the real property
 280 is for sale or rent. However, if the sign contains any message
 281 not pertaining to the sale or rental of the ~~that~~ real property,
 282 ~~then~~ it is not exempt under this section.

283 (4) Official notices or advertisements posted or displayed
 284 on private property by or under the direction of any public or
 285 court officer in the performance of her or his official or
 286 directed duties, or by trustees under deeds of trust or deeds of
 287 assignment or other similar instruments.

288 (5) Danger or precautionary signs relating to the premises
 289 on which they are located; forest fire warning signs erected
 290 under the authority of the Florida Forest Service of the

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291 Department of Agriculture and Consumer Services; and signs,
292 notices, or symbols erected by the United States Government
293 under the direction of the United States Forestry Service.

294 (6) Notices of any railroad, bridge, ferry, or other
295 transportation or transmission company necessary for the
296 direction or safety of the public.

297 (7) Signs, notices, or symbols for the information of
298 aviators as to location, directions, and landings and conditions
299 affecting safety in aviation erected or authorized by the
300 department.

301 (8) Signs or notices measuring up to 8 square feet in area
302 which are erected or maintained upon property and state stating
303 only the name of the owner, lessee, or occupant of the premises
304 and not exceeding 8 square feet in area.

305 (9) Historical markers erected by duly constituted and
306 authorized public authorities.

307 (10) Official traffic control signs and markers erected,
308 caused to be erected, or approved by the department.

309 (11) Signs erected upon property warning the public against
310 hunting and fishing or trespassing ~~thereon~~.

311 (12) Signs ~~not in excess of up to~~ up to 8 square feet which ~~that~~
312 are owned by and relate to the facilities and activities of
313 churches, civic organizations, fraternal organizations,
314 charitable organizations, or units or agencies of government.

315 ~~(13) Except that signs placed on benches, transit shelters,~~
316 ~~and waste receptacles as provided for in s. 337.408 are exempt~~
317 ~~from all provisions of this chapter.~~

318 ~~(13)(14)~~ Signs relating exclusively to political campaigns.

319 ~~(14)(15)~~ Signs measuring up to not in excess of 16 square

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320 feet placed at a road junction with the State Highway System
321 denoting only the distance or direction of a residence or farm
322 operation, or, outside an incorporated in a rural area where a
323 hardship is created because a small business is not visible from
324 the road junction with the State Highway System, one sign
325 measuring up to not in excess of 16 square feet, denoting only
326 the name of the business and the distance and direction to the
327 business. ~~The small-business-sign provision of this subsection~~
328 ~~does not apply to charter counties and may not be implemented if~~
329 ~~the Federal Government notifies the department that~~
330 ~~implementation will adversely affect the allocation of federal~~
331 ~~funds to the department.~~

332 (15) Signs placed by a local tourist-oriented business
333 located within a rural area of critical economic concern as
334 defined under s. 288.0656(2) which are:

335 (a) Not more than 8 square feet in size or more than 4 feet
336 in height;

337 (b) Located only in rural areas on a facility that does not
338 meet the definition of a limited access facility as defined by
339 department rule;

340 (c) Located within 2 miles of the business location and at
341 least 500 feet apart;

342 (d) Located only in two directions leading to the business;
343 and

344 (e) Not located within the road right-of-way.

345
346 A business placing such signs must be at least 4 miles from any
347 other business using this exemption and may not participate in
348 any other directional signage program by the department.

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349 (16) Signs measuring up to 32 square feet denoting only the
 350 distance or direction of a farm operation which are erected at a
 351 road junction with the State Highway System, but only during the
 352 harvest season of the farm operation for a period not to exceed
 353 4 months.

354 (17) Acknowledgement signs erected upon publicly funded
 355 school premises which relate to a specific public school club,
 356 team, or event which are placed at least 1,000 feet from any
 357 other acknowledgement sign on the same side of the roadway. The
 358 sponsor information on an acknowledgement sign may constitute no
 359 more than 100 square feet of the sign. For purposes of this
 360 subsection, the term "acknowledgement sign" means a sign that is
 361 intended to inform the traveling public that a public school
 362 club, team, or event has been sponsored by a person, firm, or
 363 other entity.

364 (18) Displays erected upon a sports facility the content of
 365 which is directly related to the facility's activities or where
 366 products or services offered on the sports facility property are
 367 present. Displays must be mounted flush to the surface of the
 368 sports facility and must rely upon the building facade for
 369 structural support. For purposes of this subsection, the term
 370 "sports facility" means an athletic complex, athletic arena, or
 371 athletic stadium, including physically connected parking
 372 facilities, which is open to the public and has a permanent
 373 installed seating capacity of 15,000 people or more.

374
 375 The exemptions in subsections (14)-(18) may not be implemented
 376 or continued if the Federal Government notifies the department
 377 that implementation or continuation will adversely impact the

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378 allocation of federal funds to the department. If the exemptions
 379 in subsections (14)-(18) are not implemented or continued due to
 380 notification from the Federal Government that the allocation of
 381 federal funds to the department will be adversely impacted, the
 382 department shall provide notice to the sign owner that the sign
 383 must be removed within 30 days. If the sign is not removed
 384 within 30 days after receipt of the notice by the sign owner,
 385 the department may remove the sign, and the costs incurred in
 386 connection with the sign removal shall be assessed against and
 387 collected from the sign owner.

388 Section 6. Section 479.262, Florida Statutes, is amended to
 389 read:

390 479.262 Tourist-oriented directional sign program.—

391 (1) A tourist-oriented directional sign program to provide
 392 directions to rural tourist-oriented businesses, services, and
 393 activities may be established for intersections on rural and
 394 conventional state, county, or municipal roads only in rural
 395 counties identified by criteria and population in s. 288.0656
 396 when approved and permitted by county or local government
 397 entities within their respective jurisdictional areas ~~at~~
 398 ~~intersections on rural and conventional state, county, or~~
 399 ~~municipal roads.~~ A county or local government ~~that which~~ issues
 400 permits for a tourist-oriented directional sign program ~~is shall~~
 401 ~~be~~ responsible for sign construction, maintenance, and program
 402 operation in compliance with subsection (3) for roads on the
 403 state highway system and may establish permit fees sufficient to
 404 offset associated costs. A tourist-oriented directional sign may
 405 not be used on roads in urban areas or at interchanges on
 406 freeways or expressways.

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407 (2) This section does not create a proprietary or
408 compensable interest in any tourist-oriented directional sign
409 site or location for any permittee on any rural and conventional
410 state, county, or municipal ~~road roads~~. The department or the
411 permitting entity may terminate permits or change locations of
412 tourist-oriented directional sign sites as determined necessary
413 for construction or improvement of transportation facilities or
414 for improved traffic control or safety.

415 (3) Tourist-oriented directional signs installed on the
416 state highway system must ~~shall~~ comply with the requirements of
417 the federal Manual on Uniform Traffic Control Devices and rules
418 established by the department. The department may adopt rules to
419 establish requirements for participant qualification,
420 construction standards, location of sign sites, and other
421 criteria necessary to implement this program.

422 Section 7. 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: CS/CS/SB 1630

INTRODUCER: Transportation Committee; Agriculture Committee; and Senator Montford

SUBJECT: Department of Agriculture and Consumer Services

DATE: March 27, 2014 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhvein</u>	<u>Becker</u>	<u>AG</u>	Fav/CS
2.	<u>Price</u>	<u>Eichin</u>	<u>TR</u>	Fav/CS
3.	_____	_____	<u>CA</u>	_____
4.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:
 COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1630 addresses issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). It:

- Reorganizes ch. 570, F.S., the department’s general authorizing statute, into five separate parts;
- Standardizes penalty language in the new part V which is cross referenced in the various statutes enforced by the department;
- Removes obsolete language to ensure accuracy;
- Adds a representative of the department to the Joint Task Force on State Agency Law Enforcement Communications;
- Revises requirements for registration and distribution of discontinued pesticides;
- Updates the department’s certification and licensure processes to include applying online;
- Expands the authority of the Florida Forest Service, under certain conditions, to grant leases, permits, privileges, and concessions for the use of state forest lands to include *any lands* leased by or assigned to the Florida Forest Service for management purposes;
- Authorizes the department to impose civil penalties for violations relating to private security, investigative, and repossession services;
- Removes security bond and certificate of deposit requirements for fertilizer license applicants, since the department has sufficient authority to impose fines or to revoke licensure for licensees who do not pay inspection fees;

- Adds additional criteria to determine whether commercial feed is adulterated;
- Simplifies the information required to register as a seed dealer;
- Revises food permit requirements, associated fees, and renewal procedures;
- Exempts manually operated vending stands serviced by the Department of Education's Division of Blind Services from permitting requirements;
- Authorizes the department to close a food facility if it finds it poses an immediate danger or threat to public health, safety, and welfare;
- Authorizes the department to inspect aquaculture facilities and to analyze their food samples;
- Repeals a pilot program and permit for the use of Australian pine trees as windbreaks for citrus groves; and
- Creates new requirements for qualifying as a "non-dealer" in limited sales of dressed poultry.

II. Present Situation:

Chapter 570, F.S., Revision

Chapter 570, F.S., is the primary authorizing chapter for the Department of Agriculture and Consumer Services (department). This chapter establishes the functions, powers, and duties of the department, as well as the Commissioner of Agriculture. It creates the divisions and offices within the department and their functions and duties. Over the years, ch. 570, F.S., has become a general "catch-all" for statutory language that does not clearly fall within another chapter. This bill reorganizes ch. 570, F.S., to promote accuracy and efficiency throughout the department.

Penalty Consolidation

Currently, penalties are located within specific statutory sections that contain the regulation being enforced. In an effort to be more consistent, as well as consumer friendly, the department has recommended consolidating its fines and penalties into one part of the statute and placing cross-references within the specific subject matter statutes to standardize penalty language.

Agricultural Water Policy

The Office of Agricultural Water Policy was established in 1995, in s. 570.074, F.S. The purpose of the office is to facilitate communications among federal, state, local agencies, and the agricultural industry on water quantity and water quality issues involving agriculture.¹ The bill requires the office to enforce and implement the provisions of ch. 582, F.S., which establishes the soil and water conservation districts. This duty is currently performed by the department's Division of Agricultural Environmental Services.

Division of Food Safety

The Division of Food Safety is responsible for assuring the public of a safe, wholesome and properly represented food supply. This is accomplished through permitting and inspection of food establishments, inspection of food products, and through specialized laboratory analyses on a variety of food products sold or produced in the state. The division monitors food from farm gate, through processing, and distribution to the retail point of purchase.

¹ <http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Water-Policy>

The division is charged with administration and enforcement of food, poultry, and egg laws, and also provides support in the enforcement of other food safety laws. In addition to regulatory surveillance and enforcement, the division evaluates consumer complaints related to food.² The bill would authorize the division to also inspect aquaculture facilities and to analyze food samples from these facilities.

Office of Energy

The Office of Energy is the primary organization for state energy and climate change programs and policies. The office works cooperatively with other state entities, including the Florida Public Service Commission and the Florida Energy Consortium, to develop state energy and climate change policies and programs.³ During the 2011 Legislative Session, the Office of Energy was transferred from the Governor's Office to the department. However, the Office of Energy was never specifically established in ch. 570, F.S.

Conservation Easements and Agreements

A conservation easement is a perpetual, undivided interest in property that may be created in a variety of ways. Section 570.71(12), F.S., authorizes the department to use funds from the following sources to implement certain conservation easements and agreements:

- State funds;
- Federal funds;
- Other governmental entities;
- Nongovernmental organizations; and
- Private individuals.

The bill specifies that the funds described above can be used for administrative and operating expenses related to appraisals, mapping, title process, personnel, and other real estate expenses.

Pesticide Regulation

The Bureau of Pesticides provides comprehensive pesticide regulatory programs that respond to state needs by ensuring the protection of public health and the environment. The bureau is responsible for registering pesticide products sold and distributed in Florida. The bureau also conducts scientific reviews to determine whether human health and the environment may be adversely affected when pesticides are used under Florida conditions and in accordance with label directions and applicable regulations.⁴

The Pesticide Registration Section registers federally accepted pesticides that are distributed, sold, or offered for sale in Florida as stipulated in ch. 487, F.S., and ch. 5E-2, Florida Administrative Code. The law requires biennial registration renewal for each pesticide product sold or distributed in Florida.⁵

² <http://www.freshfromflorida.com/Divisions-Offices/Food-Safety>

³ <http://www.freshfromflorida.com/Divisions-Offices/Energy>

⁴ <http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Environmental-Services>

⁵ <http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Environmental-Services/Bureaus-and-Sections2/Bureau-of-Pesticides/Product-Registration-Procedures>

Agricultural Fertilizers, Feed, and Seed

The Bureau of Compliance Monitoring ensures the more than 3,000 distributors of feed, seed, and fertilizer products in Florida are registered or licensed and that their products meet current regulatory standards and label guarantees.⁶ The Agricultural Feed, Seed, and Fertilizer Advisory Council is a 15 member statutorily charged stakeholder advisory council to the department which was created in 2012 and convened in 2013. The council advises the department regarding actions to be taken with respect to the regulation and enforcement of agricultural feed, seed, and fertilizer. Stakeholders include the department, the University of Florida's Institute of Food and Agricultural Sciences, and the aquaculture, dairy production, citrus, seed, feed, fertilizer, beef cattle, poultry, field/row crops, and vegetable industries.⁷

Plant Industry

The Division of Plant Industry works to detect, intercept, and control plant and honey bee pests that threaten Florida's native and commercially grown plants and agricultural resources.⁸ In 2008, the Legislature established a five-year pilot program within the department to permit the planting of *Casuarina cunninghamiana* (Australian pine trees) as a windbreak for commercial citrus groves growing fresh fruit in Indian River, St. Lucie, and Martin counties.⁹ The purpose of the pilot program was to determine if the use of the trees as an agricultural pest and disease windbreak poses any adverse environmental consequences. The five-year pilot project ended in 2012. A final report was issued that indicated that *Casuarina cunninghamiana* used as windbreaks did not demonstrate any invasive tendencies.

Florida Forest Service

The Florida Forest Service's mission is to protect and manage the forest resources of Florida. Wildfire prevention and suppression are key components of its efforts to protect homeowners from the threat of damage in a natural, fire-dependent environment. In addition to managing over one million acres of state forests for multiple public uses including timber, recreation, and wildlife habitat, the service also provides services to landowner throughout the state with technical information and grant programs.¹⁰

Goethe and Withlacoochee State Forests

Section 589.081, F.S., requires the Florida Forest Service to pay 15 percent of the gross receipts from Withlacoochee State Forest and the Goethe State Forest to each fiscally constrained county within these forests. The funds must be equally divided between the board of county commissioners and the school board of each fiscally-constrained county. The bill transfers this language to s. 589.08, F.S., in the department's statutory reorganization and deletes reference to the Withlacoochee State Forest because it is not located in any fiscally constrained counties.

⁶ <http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Environmental-Services/Bureaus-and-Sections2/Bureau-of-Compliance-Monitoring>

⁷ <http://consensus.fsu.edu/AFSFAC/index.html>

⁸ <http://www.freshfromflorida.com/Divisions-Offices/Plant-Industry>

⁹ Section 581.091(5), F.S.

¹⁰ <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service>

Classification and Sale of Eggs and Poultry

Section 583.01, F.S., currently defines the term “dealer” to mean any person, firm, or corporation, including a producer, processor, retailer, or wholesaler, that sells, offers for sale, or holds for the purpose of sale in this state 30 dozen or more eggs or its equivalent in any one week, or in excess of 100 pounds of dressed poultry in any one week. Egg and poultry dealers are regulated under this chapter and are required to possess a valid food permit. The bill creates limited sale poultry requirements to benefit operators of small poultry farms by correcting a long-standing discrepancy between state law and federal law regarding what constitutes a “dealer.” For the past several years, the department has been working with small farmers to provide a level of economic and regulatory relief relative to production and sale of limited poultry. This change will establish more realistic numbers for a “non-dealer.”

III. Effect of Proposed Changes:

Section 1 amends s. 282.709, F.S., to add a representative of the department to the Joint Task Force on State Agency Law Enforcement Communications. This task force advises the Department of Management Services of member-agency needs relating to the planning, designing, and establishment of the statewide radio communication system.

Section 2 transfers and renumbers s. 570.0741, F.S., pertaining to the department’s Office of Energy, as s. 377.805, F.S. It also deletes an obsolete web posting date.

Section 3 amends s. 379.361, F.S., to require a person to retake an educational seminar when renewing an Apalachicola Bay oyster harvesting license.

Section 4 amends s. 487.041, F.S., to revise requirements for registration and distribution of discontinued pesticides.

Section 5 amends s. 487.046, F.S., to update methods for filing pesticide applicator license applications.

Section 6 amends s. 487.048, F.S., to update methods for filing pesticide dealer’s license applications.

Section 7 amends s. 487.159, F.S., to delete requirements for filing statements claiming damages and injuries from pesticide applications. It updates reporting requirements for pesticide applicators who observe unreasonable adverse effects of restricted-use pesticides.

Section 8 amends s. 487.160, F.S., to revise recordkeeping requirements for licensed private applicators.

Section 9 amends s. 487.2031, F.S., to revise the definition of “Material Safety Data Sheet” to “Safety Data Sheet.”

Section 10 amends s. 487.2051, F.S., to revise requirements for pesticide fact sheets and safety data sheets.

Section 11 amends s. 493.6120, F.S., pertaining to private investigative, security, and repossession services. It authorizes the department to impose certain civil penalties for violations and provides a cross reference to penalties in the newly created s. 570.971, F.S.

Section 12 transfers and renumbers s. 570.545, F.S., pertaining to unsolicited goods, as s. 501.0113, F.S.

Section 13 amends s. 500.03, F.S., to add a cross reference to the definition of “food establishment.” This will exempt the Department of Education’s Division of Blind Services from obtaining permits from the department for vending machines it services at Department of Transportation rest areas. It will also exempt the Department of Transportation.

Section 14 amends s. 500.12, F.S., to revise criteria for certain food permit exemptions. It requires food establishments and retail food stores to obtain a food permit before beginning operation and clarifies that such permits are not transferable. It requires the department to adopt a food permit fee schedule by rule and updates terminology (occupational license to business tax certificate).

Section 15 amends s. 500.121, F.S., to conform it to changes made by this bill to the Florida Food Safety Act. It:

- Clarifies that the fine for violating the provisions of ch. 500, F.S., is an administrative fine to make it consistent with the newly created penalty section of the bill, s. 570.971, F.S.;
- Reduces a fine for mislabeling the country of origin of a food from \$10,000 per violation to \$5,000;
- Revises the time limit for payment of fines from 15 days to 21 days;
- Provides for permit revocation for failure to pay a fine;
- Authorizes the department to immediately close food establishments that fail to comply with ch. 500, FS., and are deemed a severe and immediate threat to public health;
- Provides a procedure for the department to follow after issuing a final order to close a food establishment;
- Provides penalties if a person defaces or removes a closed-for-operation sign or if the owner or operator to resists closure; and
- Authorizes the department to adopt rules to administer this section.

Section 16 amends s. 500.147, F.S., to authorize the department to inspect and have free access to any food establishment’s food records. This will allow the department to trace food products in the event of a food-borne illness outbreak or to identify an adulterated or misbranded food item.

Section 17 amends s. 500.165, F.S., pertaining to shipments of food items, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 18 amends s. 500.172, F.S., to allow department employees access to food-processing or food storage areas if there has been probable cause of a food safety violation.

Section 19 amends s. 501.019, F.S., pertaining to penalties imposed for violations of health studio laws, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 20 amends s. 501.059, F.S., pertaining to telephone solicitation, to provide cross references to penalties in the newly created s. 570.971, F.S. It also authorizes the department to adopt rules to implement this section.

Section 21 amends s. 501.922, F.S., pertaining to violations of the Antifreeze Act of 1978, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 22 transfers and renumbers s. 570.42, F.S., pertaining to the Dairy Technical Council, as s. 502.301, F.S. It amends the new section to make technical changes and to correct a cross reference.

Section 23 creates part I of ch. 570, F.S., entitled “General Provisions.”

Section 24 renumbers s. 570.14, F.S., pertaining to the official seal that the department uses in official acts, as s. 570.031, F.S.

Section 25 renumbers s. 570.18, F.S., pertaining to the authority of the department to organize its work and to create maximum efficiency, as s. 570.041, F.S.

Section 26 renumbers s. 570.16, F.S., pertaining to penalties for interfering with department employees in the performance of their duties, as s. 570.051, F.S.

Section 27 amends s. 570.07, F.S., pertaining to the duties and responsibilities of the department, to correct a cross reference.

Section 28 renumbers s. 570.17, F.S., pertaining to responsibilities between the department and the University of Florida’s extension service and experiment stations, as s. 570.081, F.S.

Section 29 renumbers s. 570.531, F.S., pertaining to the Marketing Improvements Working Capital Trust Fund, as s. 570.209, F.S.

Section 30 amends s. 570.23, F.S., pertaining to the State Agricultural Advisory Council, to correct a cross reference and to delete an obsolete date.

Section 31 renumbers s. 570.0705, F.S., pertaining to advisory committees, as s. 570.232, F.S.

Section 32 creates part II of ch. 570, F.S., entitled “Program Services.”

Section 33 amends s. 570.36, F.S., to change “laboratories” to “laboratory” since there is currently only one laboratory.

Section 34 amends s. 570.44, F.S., to delete a reference to the Pesticide Review Council which was abolished in 2013. It also removes responsibilities over the soil and water conservation districts from the Division of Agricultural Environmental Services, as Section 61 of the bill

directs the Office of Agricultural Water Policy to enforce and implement the provisions of ch. 582, F.S., and any rules relating to soil and water conservation.

Section 35 amends s. 570.45, F.S., to delete a cross reference. This amendment removes the duties of overseeing soil and water conservation districts from the director of the Division of Agricultural Environmental Services.

Section 36 amends s. 570.451, F.S., to correct a cross reference and establish that the meetings, powers and duties, procedures, and recordkeeping of the Agricultural Feed, Seed, and Fertilizer Advisory Council be kept pursuant to s. 570.232, F.S.

Section 37 amends s. 570.50, F.S., to add aquaculture products to the list of items the Division of Food Safety may inspect and analyze. It also provides enforcement authority for aquaculture regulations.

Section 38 amends s. 570.51, F.S., to add ch. 597, F.S., (aquaculture) to the chapters that the Division of Food Safety has the authority to enforce.

Section 39 amends s. 570.543, F.S., to remove a reference to s. 570.0705, F.S., and establish that the meetings, powers and duties, procedures, and recordkeeping of the Florida Consumers' Council must be kept pursuant to s. 570.232, F.S.

Section 40 renumbers s. 570.073, F.S., pertaining to the Office of Agricultural Law Enforcement, as s. 570.65, F.S.

Section 41 renumbers s. 570.074, pertaining to the Office of Agricultural Water Policy, as s. 570.66, F.S. It also directs the office to provide oversight of the soil and water conservation districts, provisions of ch. 582, F.S., and rules relating to soil and water conservation.

Section 42 creates s. 570.67, F.S., to create the Office of Energy within the department. It provides for a senior manager, to be appointed by the Commissioner of Agriculture, and provides for duties of the office.

Section 43 renumbers s. 570.951, F.S., pertaining to the Florida Agriculture Center and Horse Park, as s. 570.681, F.S.

Section 44 renumbers s. 570.952, F.S., pertaining to the Florida Agriculture Center and Horse Park Authority, as s. 570.685, F.S. It amends the new section to correct cross references and to remove obsolete dates.

Section 45 renumbers s. 570.953, F.S., pertaining to confidentiality of donors to the Agriculture Center and Horse Park Authority, as s. 570.686, F.S.

Section 46 renumbers s. 570.902, F.S., pertaining to definitions for the purpose of the department's direct-support organizations, as s. 570.69, F.S. It amends the new section to correct cross references.

Section 47 renumbers s. 570.903, F.S., pertaining to direct-support organizations, as s. 570.691, F.S.

Section 48 renumbers s. 570.901, F.S., pertaining to the Florida Agricultural Museum, as s. 570.692, F.S.

Section 49 renumbers s. 570.91, F.S., pertaining to the Florida Agriculture in the Classroom program, as s. 570.693, F.S.

Section 50 creates part III of ch. 570, F.S., entitled “Agricultural Development.”

Section 51 amends s. 570.71, F.S., to remove an obsolete date for the initiation of the conservation easements and agreements program. It authorizes funds to be charged to the Conservation and Recreation Lands Program Trust Fund and used for all related real estate costs, including administrative and operating expenses related to appraisals, mapping, title process, personnel, and other real estate expenses.

Section 52 transfers and renumbers s. 570.241, F.S., pertaining to the Agricultural Economic Development Act, as s. 570.73, F.S.

Section 53 renumbers s. 570.242, F.S., pertaining to definitions relating to the Agricultural Economic Development Act, as s. 570.74, F.S. It amends the new section to delete the terms “Commissioner” and “Department.”

Section 54 renumbers s. 570.243, F.S., pertaining to the department’s Agricultural Economic Development Program, as s. 570.75, F.S.

Section 55 renumbers s. 570.244, F.S., pertaining to the powers and duties of the department, as s. 570.76, F.S.

Section 56 renumbers s. 570.245, F.S., pertaining to the department’s interaction with other economic development agencies and groups, as s. 570.77, F.S.

Section 57 renumbers s. 570.246, F.S., pertaining to funds appropriated to agricultural economic development, as s. 570.78, F.S.

Section 58 renumbers s. 570.247, F.S., pertaining to promulgation of rules to implement the agricultural economic development program, as s. 570.79, F.S. It amends the new section to remove an obsolete date.

Section 59 renumbers s. 570.248, F.S., pertaining to the Agricultural Economic Development Project Review Committee, as s. 570.81, F.S.

Section 60 renumbers s. 570.249, F.S., pertaining to Agricultural Economic Development Program disaster loans, grants, and aid, as s. 570.82, F.S.

Section 61 renumbers s. 570.9135, F.S., pertaining to the Beef Market Development Act, as s. 570.83, F.S. It amends the new section to correct cross references.

Section 62 renumbers s. 570.954, F.S., pertaining to the farm-to-fuel initiative, as s. 570.841, F.S.

Section 63 renumbers s. 570.96, F.S., pertaining to agritourism, as s. 570.85, F.S.

Section 64 renumbers s. 570.961, F.S., pertaining to definitions clarifying agritourism, as s. 570.86, F.S. It amends the new section to correct a cross reference.

Section 65 renumbers s. 570.962, F.S., pertaining to the impact of agritourism activities on land classification for purposes of ad valorem taxation, as s. 570.87, F.S.

Section 66 renumbers s. 570.963, F.S., pertaining to liability for agritourism operators, as s. 570.88, F.S. It amends the new section to correct a cross reference.

Section 67 renumbers s. 570.964, F.S., pertaining to notice requirements and the notice language that must be posted and given to patrons when engaging in agritourism activities, as s. 570.89, F.S. It makes technical revisions to the new section.

Section 68 creates part IV of ch. 570, F.S., entitled “Agricultural Water Policy.”

Section 69 renumbers s. 570.075, F.S., pertaining to water supply agreements with landowners in rural areas, as s. 570.916, F.S.

Section 70 renumbers s. 570.076, F.S., pertaining to the department’s Environmental Stewardship Certification Program, as s. 570.921, F.S. It also corrects a cross reference.

Section 71 renumbers s. 570.085, F.S., pertaining to the department’s agricultural water conservation program and agricultural water supply planning, as s. 570.93, F.S.

Section 72 renumbers s. 570.087, F.S., pertaining to best management practices for wildlife, as s. 570.94, F.S.

Section 73 creates part V of ch. 570, F.S., entitled “Penalties.”

Section 74 creates s. 570.971, F.S., to establish levels of administrative and civil penalties for violations of department regulations. It provides applicability and authorizes the department to adopt rules.

Section 75 amends s. 576.021, F.S., to revise procedures for filing applications to distribute fertilizer. The change would allow for online certification and licensure.

Section 76 amends s. 576.031, F.S., to reduce the number of labels from five to two which registrants would have to provide a purchaser in order to distribute bulk fertilizer.

Section 77 amends s. 576.041, F.S., to delete a requirement that fertilizer license applicants provide surety bonds or certificates of deposit to ensure payment of inspection fees.

Section 78 amends s. 576.051, F.S., to revise the period of time a fertilizer sample must be retained from 90 days to 60 days.

Section 79 amends s. 576.061, F.S., pertaining to plant nutrient investigational allowances, deficiencies, and penalties, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 80 amends s. 576.071, F.S., to revise criteria for determining the commercial value of fertilizer nutrients. This change allows the department to utilize additional data sources, such as surveys of the Florida fertilizer industry, to obtain commercial values.

Section 81 amends s. 576.087, F.S., to revise antisiphon requirements for irrigation systems in response to constant changes in technology of these devices.

Section 82 amends s. 576.101, F.S., to remove the probationary status of fertilizer licensees whose fertilizer samples fail to meet minimum performance level requirements.

Section 83 amends s. 578.08, F.S., to revise application requirements and registration requirements for the sale of feed. It allows registrants to apply online or by paper application. It also adds categories in the fees section for businesses that sell the least amount of seed to make the process of registration easier and to entice more small businesses to register with the department.

Section 84 amends s. 580.036, F.S., to re-insert a reference to the Commercial Feed Technical Council which a statutory revisers bill mistakenly removed in the 2013 Session.

Section 85 amends s. 580.041, F.S., to provide the option for online license applications for distributors of commercial feed and feedstuff.

Section 86 amends s. 580.071, F.S., to revise criteria for adulteration of commercial feed and feedstuff to include national standards established by the Association of American Feed Control Officials. This will make the definition of adulteration more consistent with national standards.

Section 87 amends s. 581.091, F.S., to delete a program for Australian pines used as windbreaks in citrus groves. The five-year pilot project ended in 2012 and a final report was issued.

Section 88 amends s. 581.131, F.S., to revise the timeframe from 60 days to 30 days before the annual renewal date in which the department must provide notices for registration renewal to nurserymen, stock dealers, agents, or plant brokers. This will bring the notice of need to renew into alignment with standards for billing used in the private sector.

Section 89 amends s. 583.01, F.S., to revise the definition of “dealer” to create limited sale poultry requirements. This change will make state law closer to federal laws for a “non-dealer.”

Section 90 transfers and renumbers s. 570.38, F.S., pertaining to the Animal Industry Technical Council, as s. 585.008, F.S. It amends the new section to make technical changes and to correct a cross reference.

Section 91 amends s. 589.08, F.S., to clarify the distribution of 15 percent of the gross receipts received by the Florida Forest Service from Goethe State Forest to fiscally constrained counties.

Section 92 amends s. 589.011, F.S., to provide conditions under which the Florida Forest Service is authorized to grant the use of certain lands. It provides criteria by which the Florida Forest Service determines certain fees, rentals, and charges.

Section 93 amends s. 589.20, F.S., to authorize the Florida Forest Service to cooperate with water management districts, municipalities, and other governmental entities in the designation and dedication of lands suitable for forestry purposes.

Section 94 amends s. 590.02, F.S., to rename the Florida Center for Wildfire and Forest Resources Management Training as the Withlacoochee Training Center.

Section 95 amends s. 590.125, F.S., to clarify requirements for non-certified burning and smoldering.

Section 96 transfers and renumbers s. 570.0725, F.S., pertaining to food recovery, as s. 595.420, F.S.

Section 97 amends s. 597.003, F.S., to authorize the department to provide training as necessary to lessees of certain lands.

Section 98 amends s. 597.004, F.S., to require an applicant for an aquaculture certificate to submit a certificate of training, if required.

Section 99 amends s. 597.020, F.S., to authorize the department to adopt training requirements for shellfish processors, by rule. It also provides a cross reference to penalties in the newly created s. 570.971, F.S.

Section 100 transfers and renumbers s. 570.481, F.S., pertaining to fruit and vegetable inspection fees and penalties, as s. 603.011, F.S.

Section 101 transfers and renumbers s. 570.55, F.S., pertaining to the Florida Tropical or Subtropical Fruit and Vegetables Sales Law, as s. 603.211, F.S.

Section 102 amends s. 604.16, F.S., to provide an exemption from the provisions of ss. 604.15– 604.34, F.S., for a dealer in agricultural products to the extent that the dealer purchases agricultural products from a producer owned by the exact same person as the dealer, owned solely by the dealer, or who solely owns the dealer. The dealer is not exempt from the recordkeeping requirements of s. 604.22(2), F.S.

Section 103 amends s. 604.22, F.S., pertaining to penalties for dealers in agricultural products, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 104 repeals the following sections:

Section 487.172, F.S., requires an educational program for organotin anti-fouling paints. It is obsolete since these products are now restricted-use pesticides, which are rarely used, and education is covered in the certification process.

Section 500.301, F.S., pertains to standards of enrichment for grain products. The department has adopted codes of federal regulation by reference in rule, making it obsolete and duplicative.

Section 500.302, F.S., clarifies what constitutes an unlawful retail sale of a grain product. The department has adopted codes of federal regulation by reference in rule, making it obsolete and duplicative.

Section 500.303, F.S., requires the department to establish by rule a state standard for each grain product. The department has adopted codes of federal regulation by reference in rule, making it obsolete and duplicative.

Section 500.304, F.S., provides for enforcement of provisions found in ss. 500.301– 500.306, F.S. The department has adopted codes of federal regulation by reference in rule, making it obsolete and duplicative.

Section 500.305, F.S., provides the department with the authority to inspect, take samples and investigate grain products for compliance with ss. 500.301-500.306, F.S. The department has adopted codes of federal regulation by reference in rule, making it obsolete and duplicative.

Section 500.306, F.S., provides penalties for violations of ss. 500.301-500.306, F.S., which Section 36 of the bill repeals.

Section 500.601, F.S., regulates the retail sale of meat. The department no longer carries out this function, because it falls under the jurisdiction of the United States Department of Agriculture.

Section 570.345, F.S., pertains to the Interstate Pest Control Compact. With the dissolution of the Compact in 2013, the statutory authority in this section is obsolete.

Section 570.542, F.S., creates the short title of the Florida Consumer's Council and is not necessary.

Section 570.72, F.S., is a redundant definition of "department."

Section 570.92, F.S., pertains to the department's equestrian educational sports program which is an inactive program.

Section 589.081, F.S., details the payment of 15 percent of gross receipts received by the Florida Forest Service from the Goethe and Withlacoochee State Forests to the fiscally constrained counties within these forests. This statutory distribution has been moved to s. 589.08, F.S., in Section 92 of the bill.

Section 590.091, F.S., pertains to the designation of railroad rights-of-way as wildfire hazard areas. It is no longer needed due to underground pipelines and communications lines that run along railroad tracks.

Section 105 amends s. 193.461, F.S., pertaining to assessments of agricultural lands, to make grammatical changes and to correct a cross reference.

Section 106 amends s. 253.74, F.S., pertaining to certain aquaculture violations, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 107 amends s. 288.1175, F.S., pertaining to an agriculture education and promotion facility, to correct a cross reference.

Section 108 amends s. 320.08058, F.S., pertaining to Florida agricultural license plates, to correct cross references.

Section 109 amends s. 373.621, F.S., pertaining to water conservation, to correct a cross reference.

Section 110 amends s. 373.709, F.S., pertaining to regional water supply planning, to correct a cross reference.

Section 111 amends s. 381.0072, F.S., pertaining to food service protection, to correct a cross reference.

Section 112 amends s. 388.46, pertaining to the Florida Coordinating Council on Mosquito Control, to remove an obsolete reference to the Pesticide Review Council.

Section 113 amends s. 472.0351, F.S., pertaining to land surveyors and mappers, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 114 amends s. 472.036, F.S., pertaining to unlicensed practice of professional surveying and mapping, to provide cross references to penalties in the newly created s. 570.971, F.S.

Section 115 amends s. 482.161, F.S., pertaining to pest control, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 116 amends s. 482.165, F.S., pertaining to unlicensed practice of pest control, to provide cross references to penalties in the newly created s. 570.971, F.S.

Section 117 amends s. 482.243, F.S., pertaining to the Pest Control Enforcement Advisory Council, to correct a cross reference.

Section 118 amends s. 487.047, F.S., to revise provisions for filing pesticide applicator license applications to allow for on-line certification and licensure.

Section 119 amends s. 487.091, F.S., pertaining to penalties relating to pesticide regulation and safety, to provide cross references to penalties in the newly created s. 570.971, F.S.

Section 120 amends s. 487.175, F.S., pertaining to violations of pesticide application, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 121 amends s. 493.6118, F.S., pertaining to administrative fines for offenses by private investigative, security, and repossession services, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 122 amends s. 496.420, F.S., pertaining to the solicitation of persons for donations, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 123 amends s. 500.70, F.S., pertaining to tomato food safety standards, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 124 amends s. 501.612, F.S., pertaining to commercial telephone sellers or salespersons, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 125 amends s. 501.619, F.S., pertaining to consumer protection, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 126 amends s. 502.231, F.S., pertaining to penalties for violations of regulatory laws governing the production, processing, and distribution of milk, milk products, frozen desserts, and frozen dessert mix. It provides cross references to penalties in the newly created s. 570.971, F.S.

Section 127 amends s. 507.09, F.S., pertaining to household moving services, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 128 amends s. 507.10, F.S., pertaining to civil penalties and remedies for violations concerning household moving services, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 129 amends s. 509.032, F.S., pertaining to the department's duties during the inspection of food service establishments, to correct cross references.

Section 130 amends s. 525.16, F.S., pertaining to penalties for gasoline and oil inspection violations, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 131 amends s. 526.311, F.S., pertaining to penalties for violations in the sale of liquid fuels, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 132 amends s. 526.55, F.S., pertaining to penalties for violations in the sale of brake fluid, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 133 amends s. 527.13, F.S., pertaining to penalties for violations in the sale of liquefied petroleum gas, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 134 amends s. 531.50, F.S., pertaining to penalties for violations of the Weights and Measures Act of 1971, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 135 amends s. 534.52, F.S., pertaining to penalties for violations of livestock market laws, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 136 amends s. 539.001, F.S., pertaining to penalties for violations of the Florida Pawnbroking Act, to provide cross references to penalties in the newly created s. 570.971, F.S.

Section 137 amends s. 559.921, F.S., pertaining to penalties for violations of the Florida Motor Vehicle Repair Act, to provide cross references to penalties in the newly created s. 570.971, F.S.

Section 138 amends s. 559.9355, pertaining to administrative remedies for violations of the Florida Sellers of Travel Act, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 139 amends s. 559.936, F.S., pertaining to civil penalties for violations of the Florida Sellers of Travel Act, to provide cross references to penalties in the newly created s. 570.971, F.S.

Section 140 amends s. 571.11, F.S., pertaining to seal of quality for eggs and poultry, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 141 amends s. 571.28, F.S., pertaining to the Florida Agricultural Promotional Campaign Advisory Council, to correct a cross reference.

Section 142 amends s. 571.29, F.S., pertaining to unlawful use of logos of the Florida Agricultural Promotional Campaign, to provide cross references to penalties in the newly created s. 570.971, F.S.

Section 143 amends s. 578.181, F.S., pertaining to notice of infected plants and their destruction, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 144 amends s. 580.121, F.S., pertaining to penalties for violations of commercial feed and feedstuff laws, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 145 amends s. 581.141, F.S., pertaining to violations regarding certificates of registration or plant industry inspections, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 146 amends s. 581.186, F.S., pertaining to the Endangered Plant Advisory Council, to correct a cross reference.

Section 147 amends s. 581.211, F.S., pertaining to penalties for violations of plant industry laws, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 148 amends s. 582.06, F.S., pertaining to the Soil and Water Conservation Council, to correct a cross reference.

Section 149 amends s. 585.007, F.S., pertaining to violations of rules or laws governing the animal industry, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 150 amends s. 586.15, F.S., pertaining to violations of honey certification and honey bees, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 151 amends s. 586.161, pertaining to the Honeybee Technical Council, to correct a cross reference.

Section 152 amends s. 590.14, F.S., pertaining to violations of forest protection, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 153 amends s. 595.701, F.S., pertaining to the Healthy Schools for Healthy Lives Council, to correct a cross reference.

Section 154 amends s. 597.0041, F.S., pertaining to violations of prohibited acts relating to aquaculture, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 155 amends s. 599.002, F.S., pertaining to the Viticulture Advisory Council, to correct a cross reference.

Section 156 amends s. 601.67, F.S., pertaining to disciplinary actions against citrus fruit dealers, to provide cross references to penalties in the newly created s. 570.971, F.S.

Section 157 amends s. 604.30, F.S., pertaining to violations of general agricultural laws, to provide cross references to penalties in the newly created s. 570.971, F.S.

Section 158 amends s. 616.242, F.S., pertaining to violations of safety standards for amusement rides at public fairs and expositions, to provide a cross reference to penalties in the newly created s. 570.971, F.S.

Section 159 provides that this act shall take 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:

Refer to Private Sector Impact.

B. Private Sector Impact:

Section 5 (s. 487.046, F.S.), **Section 6** (s. 487.048, F.S.), **Section 75** (s. 576.021, F.S.), and **Section 118** (s. 487.047, F.S.), allow online registration, thus saving time and the cost of postage.

Section 14 (s. 500.12, F.S.), provides that persons who operate a minor food outlet selling non-potentially hazardous food whose shelf space does not exceed 20 linear feet are no longer require to obtain and pay for a food permit.

Section 77 (s. 576.041, F.S.), no longer requires licensees for agricultural fertilizers to post a surety bond with the department or to sign a certificate of deposit.

Section 83 (s. 578.08, F.S.), establishes two new lower registration fees for distributors of small amounts of seed (\$10/year for annual sales under \$500 and \$25/year for annual sales under \$1,000). This will reduce the fees these small distributors will have to pay, resulting in lower costs. The department estimates that a savings will be recognized by approximately 200 seed dealers.

Section 87 (s. 581.091, F.S.), simplifies the regulatory process for using Australian pines for windbreaks in commercial citrus groves. Nurseries wanting to obtain a permit to propagate Australian pines will continue the current process of submitting an application accompanied by a fee of \$200, adhering to permit requirements, and renewing the application and fee annually. Growers wanting to plant Australian pines for windbreaks must continue to submit an application accompanied by a fee not to exceed \$500 to receive a special permit valid for five years.

Section 88 (s. 581.131, F.S.), benefits nurserymen, stock dealers, agents, and plant brokers by allowing billing to be more in alignment with established business practices using a 30-day notice.

Section 89 (s. 583.01, F.S.), allows small farmers to be permitted as limited poultry and egg farm operations under department rule, resulting in a savings in reduced regulation and lower permit fees.

C. Government Sector Impact:

The reduction of fines and registrations that would result from passage of this bill are not anticipated to affect the department because these figures were never recognized by the department as a source of revenue.

Section 87 (s. 581.091, F.S.), terminates the Australian pine pilot program and moves it into a process with reduced regulation and increased areas where the pines can be planted. The department does not anticipate a significant increase in permits issued, but it could result in a potential indeterminate increase in permitting revenues.

Section 83 (s. 578.08, F.S.) reduces registration fees for seed dealers. The anticipated total reduction in registration fees is \$13,725.¹¹

The Division of Food Safety conducted a review of the penalty provisions provided in ch. 500 and ch. 502, F.S. Because trend analysis indicated the division has not assessed fines for these types of violations in several years, the division decided to lower the fine amounts. It is expected that the division will not experience any fiscal impact as a result of reducing the fine amounts, since the penalties for violations were never recognized by the division as a source of financial revenue.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 193.461, 253.74, 282.709, 288.1175, 320.08058, 373.621, 379.361, 373.709, 381.0072, 388.46, 472.0351, 472.036, 482.161, 482.165, 482.243, 487.041, 487.046, 487.047, 487.048, 487.091, 487.159, 487.160, 487.175, 487.2031, 487.2051, 493.6118, 493.6120, 496.420, 500.03, 500.12, 500.121, 500.147, 500.165, 500.172, 500.70, 501.019, 501.059, 501.612, 501.619, 507.09, 501.922, 507.10, 509.032, 525.16, 526.311, 526.55, 527.13, 531.50, 534.52, 539.001, 559.921, 559.9355, 559.936, 570.42, 570.14, 570.07, 570.23, 570.242, 570.36, 570.38, 570.44, 570.45, 570.451, 570.50, 570.51, 570.543, 570.074, 570.952, 570.902, 570.71, 570.247, 570.9135, 570.961, 570.963, 570.076, 571.11, 571.28, 571.29, 576.021, 576.031, 576.041, 576.051, 576.061, 576.071, 576.087, 576.101, 578.08, 578.181, 580.036, 580.041, 580.071, 580.091, 580.121, 581.091, 581.131, 581.141, 581.186, 581.211, 582.06, 583.01, 585.007, 586.15, 586.161, 589.08,

¹¹ Department of Agriculture and Consumer Services, *CS/SB 1630 Agency Analysis* (March 6, 2014) (on file with the Senate Agriculture Committee).

589.011, 589.20, 590.02, 590.125, 590.14, 595.701, 597.003, 597.004, 597.0041, 597.020, 599.002, 601.67, 604.16, 604.22, 604.30, and 616.242.

This bill transfers and renumbers the following sections of the Florida Statutes: 507.545, 570.0741, 570.17, 570.531, 570.0725, 570.241, 570.481, and 570.55.

This bill renumbers the following sections of the Florida Statutes: 570.16, 570.18, 570.0705, 570.073, 570.17, 570.951, 570.953, 570.901, 570.903, 570.91, 570.243, 570.244, 570.245, 570.246, 570.248, 570.249, 570.954, 570.96, 570.962, 570.964, 570.075, 570.085, and 570.087.

This bill creates the following sections of the Florida Statutes: parts I, II, III, IV, and V of ch. 570, 570.67, and 570.971.

This bill repeals the following sections of the Florida Statutes: 487.172, 500.301, 500.302, 500.303, 500.304, 500.305, 500.306, 500.601, 570.345, 570.542, 570.72, 570.92, 589.081, and 590.091.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS/CS by Transportation on March 26, 2014:

- Removes from the bill language providing that certain acts relating to livery services are unfair or deceptive regulatory acts or practices.
- Removes from the bill language limiting the liability of lessees of certain Florida Forest Service lands and providing such lessees owe no duty of care to keep the leased area safe for entry or use by others.

CS by Agriculture on March 17, 2014:

- Makes technical and organizational changes.
- Provides that it is an unfair or deceptive regulatory act or practice for a special district to restrict the right of the public to freely bargain for lawful livery transit services, to create classifications within each type of livery service, or to fix or approve zones, rates, or fares for such classifications, which apply differently to individuals and businesses that compete with each other to provide similar services.
- Authorizes the department to adopt by rule training requirements for shellfish processors.

B. Amendments:

None.



897856

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/27/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment

Delete lines 909 - 925
and insert:

Section 22. Section 501.977, Florida Statutes, is created
to read:

501.977 Actionable, unfair, or deceptive regulatory acts or
practices.—

(1) It is an unfair or deceptive regulatory act or
practice, actionable under the Florida Deceptive and Unfair



897856

11 Trade Practices Act, for a county, municipality, or special
12 district, whether dependent or independent, as defined in s.
13 189.403, to:

14 (a) Restrict the right of the public to freely bargain for
15 lawful livery transit services, excluding metered taxi services
16 that accept street hails, by establishing a minimum or maximum
17 fare, or by imposing a minimum wait time between the reservation
18 and delivery of the livery transit service.

19 (b) Create classifications within each type of livery
20 service, and to fix or approve zones, rates, or fares for such
21 classifications, which apply differently to individuals and
22 businesses that compete or attempt to compete with each other to
23 provide similar services.

24 (2) This section does not limit the ability of a county,
25 municipality, or special district to impose reasonable
26 restrictions upon lawful livery services concerning vehicle
27 safety and driver qualifications.



802472

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Diaz de la Portilla)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 2090 - 2124

and insert:

(1) If authorized by a land management plan approved pursuant to chapter 253 or by an interim assignment letter that identifies the interim management activities issued by the Department of Environmental Protection pursuant to chapter 259, the Florida Forest Service of the Department of Agriculture and Consumer Services may grant privileges, permits, leases, and concessions



802472

11 for the use of state forest lands or any land leased by or
12 otherwise assigned to the Florida Forest Service for management
13 purposes, timber, and forest products pursuant to ~~for purposes~~
14 ~~not inconsistent with the provisions of this chapter.~~

15

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

17 And the title is amended as follows:

18 Delete lines 238 - 239

19 and insert:

20 certain lands; providing criteria by which the



801132

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Joyner) recommended the following:

Senate Amendment (with title amendment)

Delete lines 909 - 925.

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

And the title is amended as follows:

Delete lines 68 - 70

and insert:

Act"; transferring,

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/24/14
Meeting Date

Topic FDACS Dept. Bill

Bill Number 1630
(if applicable)

Name Grace Lovett

Amendment Barcode ~~802490~~
(if applicable)

Job Title Director of Legislative Affairs

Address PL 10 The Capitol
Street
Tallahassee FL 32399
City State Zip

Phone 850 617 7100

E-mail grace.lovett@
freshfromflorida.
com

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.

w/d

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/14
Meeting Date

Topic _____

Bill Number SB 1630

Name Michael J Moses

Amendment Barcode 897856
(if applicable)

Job Title _____

Address 482 Hermosita Drive
Street
St Pete Beach FL 33706
City State Zip

Phone 727-638-7638

E-mail MichaelJ.Moses@gmail.com

Speaking: For Against Information

Representing Castellano-Moses Transportation 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.

W/D

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/14

Meeting Date

Topic Dept. of Ag. and Consumer Services

Bill Number SB 1630

(if applicable)

Name RYAN PADGETT

Amendment Barcode 897856

(if applicable)

Job Title Asst. General Counsel

Address PO Box 1754

Phone 850-701-3616

Street

Tallahassee

FL

32302

City

State

Zip

E-mail rpadgett@flcities.com

Speaking: For Against Information

Representing Florida League of Cities

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

N/D

APPEARANCE RECORD

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

3/20/14

Meeting Date

Topic preemption language

Bill Number SB 1630
(if applicable)

Name Louis Minardi

Amendment Barcode 897856
(if applicable)

Job Title President

Address 4413 N. Hesperides St
Street

Phone 813 917 7946

Tampa Fl. 33614
City State Zip

E-mail Louie@yellowcabofTampa.com

Speaking: For Against Information

Representing MMG Transportation Inc

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

W/D

3-26-14

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

Meeting Date

Topic _____

Bill Number 1630
(if applicable)

Name JESS MCLARTY

Amendment Barcode 897856
(if applicable)

Job Title ASST COUNTY ATTY

Address 111 NW 1ST ST 2810

Phone 305-979-7110

Street

MIAMI

33128

City

State

Zip

E-mail JMM2@MIAMIDADE.GOV
68

Speaking: For Against Information

Representing MIAMI-DADE COUNTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

w/d

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/14
Meeting Date

Topic TRANSPORTATION

Bill Number SB 1630
(if applicable)

Name LARRY WILLIAMS

Amendment Barcode 897856
(if applicable)

Job Title ATTORNEY

Address 215 SOUTH MONROE ST
Street

Phone (850) 521-1980

TALLAHASSEE FL 32301
City State Zip

E-mail LWILLIAMS@FUNSTER.COM

Speaking: For Against Information

Representing MEARS TRANSPORTATION

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)

W/D

THE FLORIDA SENATE
APPEARANCE RECORD

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

3.26.14
Meeting Date

Topic _____

Bill Number SB 1630
(if applicable)

Name RONALD L. BOOK

Amendment Barcode 897856
(if applicable)

Job Title RONALD L BOOK, P.A.

Address 18851 NE 29 Ave #1010
Street
Aventura, FL 33180
City State Zip

Phone 305 935 1866

E-mail RON@RUBOOKPA.COM

Speaking: For Against Information

Representing Florida Taxicab Assoc, Florida Limo Assoc, MIAMI DADE Co, BROWARD COUNTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

By the Committee on Agriculture; and Senator Montford

575-02734-14

20141630c1

1 A bill to be entitled
 2 An act relating to the Department of Agriculture and
 3 Consumer Services; amending s. 282.709, F.S.; adding a
 4 representative to the Joint Task Force on State Agency
 5 Law Enforcement Communications, to be appointed by the
 6 Commissioner of Agriculture; transferring,
 7 renumbering, and amending s. 570.0741, F.S., relating
 8 to the energy efficiency and conservation
 9 clearinghouse; deleting an obsolete provision;
 10 amending s. 379.361, F.S.; requiring a person to
 11 retake an educational seminar when renewing an
 12 Apalachicola Bay oyster harvesting license; amending
 13 s. 487.041, F.S.; requiring a registrant to continue
 14 the registration of a brand of pesticide that
 15 continues to remain on retailers' shelves in this
 16 state under certain circumstances; amending ss.
 17 487.046 and 487.048, F.S.; authorizing applications
 18 for certain licenses to be submitted through the
 19 department's website; amending s. 487.159, F.S.;
 20 deleting the requirements for filing statements
 21 claiming damages and injuries from pesticide
 22 application; amending s. 487.160, F.S.; requiring all
 23 licensed private applicators to keep the same records
 24 as licensed public applicators and licensed commercial
 25 applicators with respect to the application of
 26 restricted pesticides; amending s. 487.2031, F.S.;
 27 revising the term "material safety data sheet";
 28 amending s. 487.2051, F.S.; revising requirements for
 29 pesticide fact sheets and safety data sheets; amending

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

575-02734-14

20141630c1

30 s. 493.6120, F.S.; authorizing the department to
 31 impose certain civil penalties for violations relating
 32 to private security, investigative, and repossession
 33 services; transferring and renumbering s. 570.545,
 34 F.S., relating to unsolicited goods; amending s.
 35 500.03, F.S.; revising the definition of the term
 36 "food establishment"; amending s. 500.12, F.S.;
 37 revising the exemption from permit requirements for
 38 minor food outlets; requiring an establishment to
 39 apply for and receive a permit prior to the
 40 commencement of operations; requiring the department
 41 to adopt a schedule of fees to be paid by each food
 42 establishment and retail food store; providing that
 43 food permits are not transferable; updating
 44 terminology; amending s. 500.121, F.S.; authorizing
 45 the department to order the immediate closure of
 46 certain establishments upon determination that the
 47 establishment presents a severe and immediate threat
 48 to the public health, safety, and welfare; specifying
 49 the procedure the department must use in ordering
 50 immediate closure; conforming provisions to changes
 51 made by the act; providing criminal penalties;
 52 authorizing the department to adopt rules; amending s.
 53 500.147, F.S.; authorizing the department to inspect
 54 food records to facilitate tracing of food products in
 55 certain circumstances; amending s. 500.165, F.S.;
 56 revising the administrative fine amount for violating
 57 provisions relating to transporting shipments of food
 58 items; amending s. 500.172, F.S.; authorizing the

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575-02734-14

20141630c1

59 department to issue and enforce a stop-sale, stop-use,
 60 removal, or hold order for certain food-processing or
 61 food storage areas; amending s. 501.019, F.S.;
 62 revising the administrative fine amount for violations
 63 relating to health studios; amending s. 501.059, F.S.;
 64 authorizing the department to adopt rules; conforming
 65 provisions to changes made by the act; amending s.
 66 501.922, F.S.; revising the administrative fine amount
 67 for certain violations relating to the "Antifreeze
 68 Act"; creating s. 501.977, F.S.; providing that
 69 certain acts relating to livery services are unfair or
 70 deceptive regulatory acts or practices; transferring,
 71 renumbering, and amending s. 570.42, F.S., relating to
 72 the Dairy Industry Technical Council; conforming a
 73 cross-reference; creating part I of ch. 570, F.S.,
 74 entitled "General Provisions"; renumbering and
 75 amending s. 570.14, F.S., relating to the seal of the
 76 department; restricting the seal of the department
 77 from being used without written approval by the
 78 department; renumbering ss. 570.18 and 570.16, F.S.,
 79 relating to organization of departmental work and the
 80 interference with department employees, respectively;
 81 amending s. 570.07, F.S.; conforming a cross-
 82 reference; transferring and renumbering ss. 570.17 and
 83 570.531, F.S., relating to the regulatory work of the
 84 state relating to the protection of agricultural
 85 interests and the Market Improvements Working Capital
 86 Trust Fund, respectively; amending s. 570.23, F.S.;
 87 conforming a cross-reference; renumbering s. 570.0705,

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575-02734-14

20141630c1

88 F.S., relating to advisory committees; creating part
 89 II of ch. 570, F.S., entitled "Program Services";
 90 amending s. 570.36, F.S.; making a technical change;
 91 amending s. 570.44, F.S.; revising the duties of the
 92 Division of Agricultural Environmental Services;
 93 amending s. 570.45, F.S.; conforming provisions to
 94 changes made by the act; amending s. 570.451, F.S.;
 95 conforming a cross-reference; amending ss. 570.50 and
 96 570.51, F.S.; conforming provisions to changes made by
 97 the act; amending s. 570.543, F.S.; conforming a
 98 cross-reference; renumbering s. 570.073, F.S.,
 99 relating to the Office of Agricultural Law
 100 Enforcement; renumbering and amending s. 570.074,
 101 F.S.; requiring the Office of Agricultural and Water
 102 Policy to enforce and implement ch. 582, F.S., and
 103 rules relating to soil and water conservation;
 104 creating s. 570.67, F.S.; codifying the creation of
 105 the Office of Energy; providing for management and
 106 specifying duties; renumbering s. 570.951, F.S.,
 107 relating to the Florida Agriculture Center and Horse
 108 Park; renumbering and amending s. 570.952, F.S.,
 109 relating to the Florida Agricultural Center and Horse
 110 Park Authority; conforming provisions to changes made
 111 by the act; deleting obsolete provisions; renumbering
 112 s. 570.953, F.S., relating to the identity of donors
 113 to the Florida Agriculture Center and Horse Park
 114 Authority; renumbering and amending s. 570.902, F.S.,
 115 relating to definitions; conforming provisions to
 116 changes made by the act; renumbering ss. 570.903,

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117 570.901, and 570.91, F.S., relating to direct-support
 118 organizations, the Florida Agricultural Museum, and
 119 Florida agriculture in the classroom, respectively;
 120 creating part III of ch. 570, F.S., entitled
 121 "Agricultural Development"; amending s. 570.71, F.S.;
 122 authorizing the department to use certain funds for
 123 administrative and operating expenses related to
 124 appraisals, mapping, title process, personnel, and
 125 other real estate expenses; renumbering s. 570.241,
 126 F.S., relating to the Agricultural Economic
 127 Development Act; renumbering and amending s. 570.242,
 128 F.S., relating to the Agricultural Economic
 129 Development Act; removing the definition of the terms
 130 "commissioner" and "department"; renumbering ss.
 131 570.243, 570.244, 570.245, 570.246, F.S., relating to
 132 the Agricultural Economic Development Program, the
 133 powers of the department, interaction with other
 134 economic development agencies and groups, and
 135 agricultural economic development funding,
 136 respectively; renumbering and amending s. 570.247,
 137 F.S., relating to certain department rules; deleting
 138 obsolete provisions; renumbering ss. 570.248 and
 139 570.249, F.S., relating to the Agricultural Economic
 140 Development and Project Review Committee and disaster
 141 loans and grants and aid, respectively; renumbering
 142 and amending s. 570.9135, F.S., relating to the Beef
 143 Market Development Act; conforming cross-references;
 144 making technical changes; renumbering ss. 570.954 and
 145 570.96, F.S., relating to the farm-to-fuel initiative

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146 and agritourism, respectively; renumbering and
 147 amending s. 570.961, F.S., relating to definitions;
 148 conforming cross-references; renumbering s. 570.962,
 149 F.S., relating to agritourism participation impact on
 150 land classification; renumbering and amending s.
 151 570.963, F.S., relating to liability; conforming a
 152 cross-reference; renumbering and amending s. 570.964,
 153 F.S., relating to posting and notification
 154 requirements for agritourism operators; conforming
 155 provisions to changes made by the act; creating part
 156 IV of ch. 570, F.S., entitled "Agricultural Water
 157 Policy"; renumbering s. 570.075, F.S., relating to
 158 water supply agreements; renumbering and amending s.
 159 570.076, F.S., relating to Environmental Stewardship
 160 Certification; conforming a cross-reference;
 161 renumbering ss. 570.085 and 570.087, F.S., relating to
 162 agricultural water conservation and agricultural water
 163 supply planning and best management practices for
 164 wildlife, respectively; creating part V of ch. 570,
 165 F.S., entitled "Penalties"; creating s. 570.971, F.S.;
 166 providing administrative fines and civil penalties;
 167 authorizing the department to refuse to issue or renew
 168 a license, permit, authorization, certificate, or
 169 registration under certain circumstances; authorizing
 170 the department to adopt rules; amending s. 576.021,
 171 F.S.; updating terminology; authorizing applications
 172 for registration for specialty fertilizers to be
 173 submitted using the department's website; making
 174 technical changes; amending s. 576.031, F.S.; revising

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175 labeling requirements for distribution of fertilizer
 176 in bulk; amending s. 576.041, F.S.; removing surety
 177 bond and certificate of deposit requirements for
 178 fertilizer license applicants; amending s. 576.051,
 179 F.S.; extending the period of retention for an
 180 official check sample; amending s. 576.061, F.S.;
 181 deleting the penalty imposed when it is determined by
 182 the department that a fertilizer has been distributed
 183 without being licensed or registered, or without
 184 labeling; conforming provisions to changes made by the
 185 act; making technical changes; amending s. 576.071,
 186 F.S.; requiring the department to survey the
 187 fertilizer industry of this state to determine the
 188 commercial value used in assessing penalties for a
 189 deficiency; amending s. 576.087, F.S.; deleting
 190 certain requirements relating to antisiphon devices;
 191 amending s. 576.101, F.S.; deleting the department's
 192 authorization to place a licensee on probationary
 193 status under certain circumstances; amending s.
 194 578.08, F.S.; deleting the requirement that the
 195 application for registration as a seed dealer include
 196 the name and location of each place of business at
 197 which the seed is sold, distributed, offered, exposed,
 198 or handled for sale; requiring the application to be
 199 made by submitting a form prescribed by department
 200 rule or using the department's website; establishing a
 201 registration fee for receipts of certain amounts;
 202 amending s. 580.036, F.S.; requiring that standards
 203 for the sale, use, and distribution of commercial feed

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204 or feedstuff, if adopted, be developed in consultation
 205 with the Agricultural Feed, Seed, and Fertilizer
 206 Advisory Council; amending s. 580.041, F.S.; removing
 207 the requirement that the master registration form for
 208 each distributor of commercial feed identify the
 209 manufacturer's or guarantor's name and place of
 210 business and the location of each manufacturing
 211 facility; revising the requirement that the department
 212 must mail a copy of the master registration in order
 213 to signify that the administrative requirements have
 214 been met; amending s. 580.071, F.S.; providing
 215 additional factors that would make a commercial feed
 216 or feedstuff be deemed adulterated; amending s.
 217 581.091, F.S.; deleting the definition of the term
 218 "commercial citrus grove"; deleting provisions
 219 relating to special permits authorizing a person to
 220 plant *Casuarina cunninghamiana* as part of a pilot
 221 program; eliminating a requirement that the department
 222 develop and implement a monitoring protocol to
 223 determine invasiveness of *Casuarina cunninghamiana*;
 224 amending s. 581.131, F.S.; revising the time in which
 225 the department must provide certain notice and
 226 certificate renewal forms; amending s. 583.01, F.S.;
 227 redefining the term "dealer"; transferring,
 228 renumbering, and amending s. 570.38, F.S., relating to
 229 the Animal Industry Technical Council; conforming a
 230 cross-reference; amending s. 589.08, F.S.; requiring
 231 the Florida Forest Service to pay a certain percentage
 232 of the gross receipts from the Goethe State Forest to

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233 each fiscally constrained county; requiring such funds
 234 to be equally divided between the board of county
 235 commissioners and the school board; amending s.
 236 589.011, F.S.; providing conditions under which the
 237 Florida Forest Service is authorized to grant use of
 238 certain lands; limiting liability for lessees of
 239 specified lands; providing criteria by which the
 240 Florida Forest Service determines certain fees,
 241 rentals, and charges; amending s. 589.20, F.S.;
 242 authorizing the Florida Forest Service to cooperate
 243 with water management districts, municipalities, and
 244 other governmental entities; amending s. 590.02, F.S.;
 245 renaming the Florida Center for Wildfire and Forest
 246 Resources Management Training as the Withlacoochee
 247 Training Center; making technical changes; amending s.
 248 590.125, F.S.; providing that new authorization is not
 249 required for smoldering that occurs within the
 250 authorized burn area unless new ignitions are
 251 conducted by certain persons; providing that
 252 monitoring the smoldering activity of a burn does not
 253 require an additional authorization; transferring and
 254 renumbering s. 570.0725, F.S., relating to food
 255 recovery; amending s. 597.003, F.S.; amending the
 256 powers and duties of the department to include
 257 providing training as necessary to lessees of certain
 258 lands for aquaculture use; amending s. 597.004, F.S.;
 259 requiring an applicant for an aquaculture certificate
 260 to submit a certificate of training if required;
 261 amending s. 597.020, F.S.; authorizing the department

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262 to adopt training requirements for shellfish
 263 processors by rule; transferring and renumbering ss.
 264 570.481 and 570.55, F.S., relating to food recovery,
 265 fruit and vegetable inspection fees, and
 266 identification of sellers or handlers of tropical or
 267 subtropical fruit and vegetables, respectively;
 268 amending s. 604.16, F.S.; providing an exemption for
 269 certain dealers in agricultural products from certain
 270 requirements; amending s. 604.22, F.S.; revising
 271 certain penalties for dealers in agricultural
 272 products; repealing s. 487.172, F.S., relating to an
 273 educational program for organotin compounds in
 274 antifouling paints; repealing ss. 500.301, 500.302,
 275 500.303, 500.304, 500.305, 500.306, F.S., relating to
 276 the standards of enrichment, sales, enforcement, and
 277 inspection of certain grain products; repealing s.
 278 500.601, F.S., relating to the retail sale of meat;
 279 repealing s. 570.345, F.S., relating to the Pest
 280 Control Compact; repealing s. 570.542, F.S., relating
 281 to the Florida Consumer Services Act; repealing s.
 282 570.72, F.S., relating to a definition; repealing s.
 283 570.92, F.S., relating to an equestrian educational
 284 sports program; repealing s. 589.081, F.S., relating
 285 to the Withlacoochee State Forest and Goethe State
 286 Forest; repealing s. 590.091, F.S., relating to the
 287 designation of railroad rights-of-way as wildfire
 288 hazard areas; amending ss. 193.461, 253.74, 288.1175,
 289 320.08058, 373.621, 373.709, 381.0072, 388.46,
 290 472.0351, 472.036, 482.161, 482.165, 482.243, 487.047,

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291 487.091, 487.175, 493.6118, 496.420, 500.70, 501.612,
 292 501.619, 502.231, 507.09, 507.10, 509.032, 525.16,
 293 526.311, 526.55, 527.13, 531.50, 534.52, 539.001,
 294 559.921, 559.9355, 559.936, 571.11, 571.28, 571.29,
 295 578.181, 580.121, 581.141, 581.186, 581.211, 582.06,
 296 585.007, 586.15, 586.161, 590.14, 595.701, 597.0041,
 297 599.002, 601.67, 604.30, 616.242, F.S.; conforming
 298 provisions to changes made by the act; providing an
 299 effective date.

300
 301 Be It Enacted by the Legislature of the State of Florida:

302
 303 Section 1. Paragraph (a) of subsection (2) of section
 304 282.709, Florida Statutes, is amended to read:

305 282.709 State agency law enforcement radio system and
 306 interoperability network.—

307 (2) The Joint Task Force on State Agency Law Enforcement
 308 Communications is created adjunct to the department to advise
 309 the department of member-agency needs relating to the planning,
 310 designing, and establishment of the statewide communication
 311 system.

312 (a) The Joint Task Force on State Agency Law Enforcement
 313 Communications shall consist of the following members:

314 1. A representative of the Division of Alcoholic Beverages
 315 and Tobacco of the Department of Business and Professional
 316 Regulation who shall be appointed by the secretary of the
 317 department.

318 2. A representative of the Division of Florida Highway
 319 Patrol of the Department of Highway Safety and Motor Vehicles

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320 who shall be appointed by the executive director of the
 321 department.

322 3. A representative of the Department of Law Enforcement
 323 who shall be appointed by the executive director of the
 324 department.

325 4. A representative of the Fish and Wildlife Conservation
 326 Commission who shall be appointed by the executive director of
 327 the commission.

328 5. A representative of the Department of Corrections who
 329 shall be appointed by the secretary of the department.

330 6. A representative of the Division of State Fire Marshal
 331 of the Department of Financial Services who shall be appointed
 332 by the State Fire Marshal.

333 7. A representative of the Department of Transportation who
 334 shall be appointed by the secretary of the department.

335 8. A representative of the Department of Agriculture and
 336 Consumer Services who shall be appointed by the Commissioner of
 337 Agriculture.

338 Section 2. Section 570.0741, Florida Statutes, is
 339 transferred, renumbered as section 377.805, Florida Statutes,
 340 and amended to read:

341 377.805 ~~570.0741~~ Energy efficiency and conservation
 342 clearinghouse.—The Office of Energy within the Department of
 343 Agriculture and Consumer Services, in consultation with the
 344 Public Service Commission, the Florida Building Commission, and
 345 the Florida Energy Systems Consortium, shall develop a
 346 clearinghouse of information regarding cost savings associated
 347 with various energy efficiency and conservation measures. The
 348 Department of Agriculture and Consumer Services shall post the

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349 information on its website ~~by July 1, 2013.~~

350 Section 3. Paragraph (e) of subsection (5) of section
351 379.361, Florida Statutes, is amended to read:

352 379.361 Licenses.—

353 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

354 (e) Each person who applies for an Apalachicola Bay oyster
355 harvesting license shall, ~~before receiving the license for the~~
356 ~~first time,~~ attend an educational seminar of not more than 16
357 hours length, developed and conducted jointly by the Department
358 of Environmental Protection's Apalachicola National Estuarine
359 Research Reserve, the Division of Law Enforcement of the Fish
360 and Wildlife Conservation Commission, and the Department of
361 Agriculture and Consumer Services' Apalachicola District
362 Shellfish Environmental Assessment Laboratory. The seminar shall
363 address, among other things, oyster biology, conservation of the
364 Apalachicola Bay, sanitary care of oysters, small business
365 management, and water safety. The seminar shall be offered five
366 times per year, and each person attending shall receive a
367 certificate of participation to present when obtaining an
368 Apalachicola Bay oyster harvesting license. ~~The educational~~
369 ~~seminar is not required for renewal of an Apalachicola Bay~~
370 ~~oyster harvesting license.~~

371 Section 4. Paragraph (d) of subsection (3) of section
372 487.041, Florida Statutes, is amended to read:

373 487.041 Registration.—

374 (3) The department, in addition to its other duties under
375 this section, has the power to:

376 (d) Require a registrant to continue the registration of a
377 brand of pesticide that remains on retailers' shelves in the

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378 state unless the department receives the registrant's written
379 notification that it is discontinuing the distribution of the
380 brand of pesticide and the registrant then maintains the
381 registration of that brand for a minimum of 2 years. The
382 discontinued brand of pesticide may remain on retailers' shelves
383 without further registration if the brand of pesticide is not
384 distributed by the registrant in the state during or after the
385 minimum 2-year period who discontinues the distribution of a
386 brand of pesticide in this state to continue the registration of
387 the brand of the pesticide for a minimum of 2 years or until no
388 more remains on retailers' shelves if such continued
389 registration or sale is not specifically prohibited by the
390 department or the United States Environmental Protection Agency.

391 Section 5. Subsection (1) of section 487.046, Florida
392 Statutes, is amended to read:

393 487.046 Application; licensure.—

394 (1) An application for a license shall be filed with ~~made~~
395 in writing to the department by using ~~on~~ a form prescribed
396 furnished by the department or by using the department's
397 website. Each application shall contain information regarding
398 the applicant's qualifications, proposed operations, and license
399 classification or subclassifications, as prescribed by rule.

400 Section 6. Subsection (1) of section 487.048, Florida
401 Statutes, is amended to read:

402 487.048 Dealer's license; records.—

403 (1) Each person holding or offering for sale, selling, or
404 distributing restricted-use pesticides must ~~shall~~ obtain a
405 dealer's license from the department. An application for a ~~the~~
406 license shall be filed with the department by using ~~made on~~ a

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407 form prescribed by the department or by using the department's
 408 website. The license must be obtained before entering into
 409 business or transferring ownership of a business. The department
 410 may require examination or other proof of competency of
 411 individuals to whom licenses are issued or of individuals
 412 employed by persons to whom licenses are issued. Demonstration
 413 of continued competency may be required for license renewal, as
 414 set by rule. The license shall be renewed annually as provided
 415 by rule. An annual license fee not exceeding \$250 shall be
 416 established by rule. However, a user of a restricted-use
 417 pesticide may distribute unopened containers of a properly
 418 labeled pesticide to another user who is legally entitled to use
 419 that restricted-use pesticide without obtaining a pesticide
 420 dealer's license. The exclusive purpose of distribution of the
 421 restricted-use pesticide is to keep it from becoming a hazardous
 422 waste as defined in s. 403.703(13).

423 Section 7. Section 487.159, Florida Statutes, is amended to
 424 read:

425 487.159 Damage or injury to property, animal, or person;
 426 mandatory report of damage or injury; ~~time for filing; failure~~
 427 ~~to file.~~

428 ~~(1) The person claiming damage or injury to property,~~
 429 ~~animal, or human beings from application of a pesticide shall~~
 430 ~~file with the department a written statement claiming damages,~~
 431 ~~on a form prescribed by the department, within 48 hours after~~
 432 ~~the damage or injury becomes apparent. The statement shall~~
 433 ~~contain, but shall not be limited to, the name of the person~~
 434 ~~responsible for the application of the pesticide, the name of~~
 435 ~~the owner or lessee of the land on which the crop is grown and~~

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436 ~~for which the damages are claimed, and the date on which it is~~
 437 ~~alleged that the damages occurred. The department shall~~
 438 ~~investigate the alleged damages and notify all concerned parties~~
 439 ~~of its findings. If the findings reveal a violation of the~~
 440 ~~provisions of this part, the department shall determine an~~
 441 ~~appropriate penalty, as provided in this part. The filing of a~~
 442 ~~statement or the failure to file such a statement need not be~~
 443 ~~alleged in any complaint which might be filed in a court of law,~~
 444 ~~and the failure to file the statement shall not be considered~~
 445 ~~any bar to the maintenance of any criminal or civil action.~~

446 (1)(2) A ~~It is the duty of any licensee shall~~ to report
 447 unreasonable adverse effects on the environment or damage to
 448 property or injury to human beings, animals, plants, or other
 449 property ~~a person~~ as the result of the application of a
 450 restricted-use pesticide by the licensee or by an applicator or
 451 mixer-loader under the licensee's direct supervision, if and
 452 when the licensee has knowledge of such damage or injury. ~~It is~~
 453 ~~also the express intent of this section to require all~~
 454 Physicians shall ~~to~~ report all pesticide-related illnesses or
 455 injuries to the nearest county health department, which shall
 456 will notify the department so that the department may establish
 457 a pesticide incident monitoring system within the Division of
 458 Agricultural Environmental Services.

459 (2)(3) When damage or injury to human beings, animals,
 460 plants, or other property as the result of the application of a
 461 restricted-use pesticide is alleged ~~to have been done~~, the
 462 person claiming such damage or injury ~~claimant~~ shall allow
 463 permit the licensee and the licensee's representatives to
 464 observe within a reasonable amount of time ~~hours~~ the alleged

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465 damage or injury in order that the damage or injury may be
 466 examined. The failure of the person claiming such damage or
 467 injury claimant to allow permit observation and examination of
 468 the alleged damage or injury shall automatically bar the claim
 469 against the licensee.

470 Section 8. Section 487.160, Florida Statutes, is amended to
 471 read:

472 487.160 Records.—Licensed private applicators, supervising
 473 ~~15 or more unlicensed applicators or mixer-loaders and~~ licensed
 474 public applicators, and licensed commercial applicators shall
 475 maintain records as the department may determine by rule with
 476 respect to the application of restricted pesticides, including,
 477 but not limited to, the type and quantity of pesticide, method
 478 of application, crop treated, and dates and location of
 479 application. ~~Other licensed private applicators shall maintain~~
 480 ~~records as the department may determine by rule with respect to~~
 481 ~~the date, type, and quantity of restricted-use pesticides used.~~
 482 Licensees shall keep records for a period of 2 years from the
 483 date of the application of the pesticide to which the records
 484 refer, and ~~shall~~ furnish to the department a copy of the records
 485 upon written request by the department.

486 Section 9. Present subsection (8) of section 487.2031,
 487 Florida Statutes, is redesignated as subsection (7), and present
 488 subsection (7) of that section is amended to read:

489 487.2031 Definitions.—For the purposes of this part, the
 490 term:

491 ~~(8)(7)~~ "Material Safety data sheet" means written,
 492 electronic, or printed material concerning an agricultural
 493 pesticide that sets forth the following information:

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494 (a) The chemical name and the common name of the
 495 agricultural pesticide.

496 (b) The hazards or other risks in the use of the
 497 agricultural pesticide, including:

498 1. The potential for fire, explosions, corrosivity, and
 499 reactivity.

500 2. The known acute health effects and chronic health
 501 effects of exposure to the agricultural pesticide, including
 502 those medical conditions that are generally recognized as being
 503 aggravated by exposure to the agricultural pesticide.

504 3. The primary routes of entry and symptoms of
 505 overexposure.

506 (c) The proper handling practices, necessary personal
 507 protective equipment, and other proper or necessary safety
 508 precautions in circumstances that involve the use of or exposure
 509 to the agricultural pesticide, including appropriate emergency
 510 treatment in case of overexposure.

511 (d) The emergency procedures for spills, fire, disposal,
 512 and first aid.

513 (e) A description of the known specific potential health
 514 risks posed by the agricultural pesticide, which is written in
 515 lay terms and is intended to alert a any person who reads the
 516 information.

517 (f) The year and month, if available, that the information
 518 was compiled and the name, address, and emergency telephone
 519 number of the manufacturer responsible for preparing the
 520 information.

521 Section 10. Section 487.2051, Florida Statutes, is amended
 522 to read:

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523 487.2051 Availability of agricultural pesticide information
 524 to workers and medical personnel.—

525 (1) An agricultural employer shall make available
 526 agricultural pesticide information concerning any agricultural
 527 pesticide to ~~a any~~ worker:

528 (a) Who enters an agricultural-pesticide-treated area on an
 529 agricultural establishment where:

530 1. An agricultural pesticide has been applied within 30
 531 days of that entry; or

532 2. A restricted-entry interval has been in effect; or

533 (b) Who may be exposed to the agricultural pesticide during
 534 normal conditions of use or in a foreseeable emergency.

535 (2) The agricultural pesticide information provided
 536 pursuant to subsection (1) must be in the form of a fact sheet
 537 or a ~~material~~ safety data sheet. The agricultural employer shall
 538 provide a written copy of the information provided pursuant to
 539 subsection (1) within 2 working days after a request for the
 540 information by a worker or a designated representative. In the
 541 case of a pesticide-related medical emergency, the agricultural
 542 employer shall provide a written copy of the information
 543 promptly upon the request of the worker, the designated
 544 representative, or medical personnel treating the worker.

545 (3) Upon the initial purchase of a product and with the
 546 first purchase after the fact sheet or material safety data
 547 sheet is updated, the distributor, manufacturer, or importer of
 548 agricultural pesticides shall obtain or develop and provide each
 549 direct purchaser of an agricultural pesticide with a fact sheet
 550 or material safety data sheet. If the fact sheet or material
 551 safety data sheet ~~or fact sheet~~ for the agricultural pesticide

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552 is not available when the agricultural pesticide is purchased,
 553 the agricultural employer shall take appropriate and timely
 554 steps to obtain the fact sheet or material safety data sheet ~~or~~
 555 ~~fact sheet~~ from the distributor, the manufacturer, the
 556 department, a federal agency, or another distribution source.

557 (4) The department shall produce and make available to a
 558 trainer a one-page general agricultural pesticide safety sheet.
 559 The pesticide safety sheet must be in a language understandable
 560 to the worker and must include, but need not be limited to,
 561 illustrated instructions on preventing agricultural pesticide
 562 exposure and toll-free telephone numbers to the Florida Poison
 563 Control Centers. The trainer shall provide the pesticide safety
 564 sheet to the worker pursuant to the United States Environmental
 565 Protection Agency Worker Protection Standard, 40 C.F.R. s.
 566 170.130.

567 Section 11. Subsections (3) and (5) of section 493.6120,
 568 Florida Statutes, are amended to read:

569 493.6120 Violations; penalty.—

570 (3) Except as otherwise provided in this chapter, a person
 571 who violates any provision of this chapter except subsection (7)
 572 commits a misdemeanor of the first degree, punishable as
 573 provided in s. 775.082 or s. 775.083. The department may also
 574 seek the imposition of a civil penalty in the Class II category
 575 pursuant to s. 570.971 upon a withholding of adjudication of
 576 guilt or an adjudication of guilt in a criminal case.

577 (5) A person who violates or disregards a cease and desist
 578 order issued by the department commits a misdemeanor of the
 579 first degree, punishable as provided in s. 775.082 or s.
 580 775.083. In addition, the department may seek the imposition of

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581 a civil penalty in the Class II category pursuant to s. 570.971
582 ~~not to exceed \$5,000.~~

583 Section 12. Section 570.545, Florida Statutes, is
584 transferred and renumbered as section 501.0113, Florida
585 Statutes.

586 Section 13. Paragraph (p) of subsection (1) of section
587 500.03, Florida Statutes, is amended to read:

588 500.03 Definitions; construction; applicability.—

589 (1) For the purpose of this chapter, the term:

590 (p) "Food establishment" means a ~~any~~ factory, food outlet,
591 or ~~any~~ other facility manufacturing, processing, packing,
592 holding, or preparing food or selling food at wholesale or
593 retail. The term does not include any business or activity that
594 is regulated under s. 413.051, s. 500.80, chapter 509, or
595 chapter 601. The term includes tomato packinghouses and
596 repackers but does not include any other establishments that
597 pack fruits and vegetables in their raw or natural states,
598 including those fruits or vegetables that are washed, colored,
599 or otherwise treated in their unpeeled, natural form before they
600 are marketed.

601 Section 14. Paragraphs (a) and (b) of subsection (1) and
602 subsection (8) of section 500.12, Florida Statutes, are amended
603 to read:

604 500.12 Food permits; building permits.—

605 (1) (a) A food permit from the department is required of a
606 ~~any~~ person who operates a food establishment or retail food
607 store, except:

608 1. Persons operating minor food outlets, ~~including, but not~~
609 ~~limited to, video stores,~~ that sell food that is commercially

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610 prepackaged, not potentially hazardous, and not time or
611 temperature controlled for safety if, ~~nonpotentially hazardous~~
612 ~~candy, chewing gum, soda, or popcorn,~~ provided the shelf space
613 for those items does not exceed 12 total linear feet and no
614 other food is sold by the minor food outlet.

615 2. Persons subject to continuous, onsite federal or state
616 inspection.

617 3. Persons selling only legumes in the shell, either
618 parched, roasted, or boiled.

619 4. Persons selling sugar cane or sorghum syrup that has
620 been boiled and bottled on a premise located within the state.
621 Such bottles must contain a label listing the producer's name
622 and street address, all added ingredients, the net weight or
623 volume of the product, and a statement that reads: "This product
624 has not been produced in a facility permitted by the Florida
625 Department of Agriculture and Consumer Services."

626 (b) Each food establishment and retail food store regulated
627 under this chapter must apply for and receive a food permit
628 before operation begins. An application for a food permit from
629 the department must be accompanied by a fee in an amount
630 determined by department rule. The department shall adopt by
631 rule a schedule of fees, which may not exceed \$650, to be paid
632 by each food establishment and retail food store as a condition
633 of issuance or renewal of a food permit. Such fees ~~and~~ shall be
634 used solely for the recovery of costs for the services provided,
635 except that the fee accompanying an application for a food
636 permit for operating a bottled water plant may not exceed \$1,000
637 and the fee accompanying an application for a food permit for
638 operating a packaged ice plant may not exceed \$250. The fee for

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639 operating a bottled water plant or a packaged ice plant shall be
 640 set by rule of the department. Food permits are not transferable
 641 from one person or physical location to another. Food permits
 642 must be renewed annually on or before January 1. If an
 643 application for renewal of a food permit is not received by the
 644 department within 30 days after its due date, a late fee, ~~in an~~
 645 ~~amount~~ not exceeding \$100, must be paid in addition to the food
 646 permit fee before the department may issue the food permit. The
 647 moneys collected shall be deposited in the General Inspection
 648 Trust Fund.

649 (8) ~~A~~ Any person who, ~~after October 1, 2000,~~ applies for or
 650 renews a local business tax certificate occupational license to
 651 engage in business as a food establishment or retail food store
 652 must exhibit a current food permit or an active letter of
 653 exemption from the department before the local business tax
 654 certificate occupational license may be issued or renewed.

655 Section 15. Subsections (1) through (3) of section 500.121,
 656 Florida Statutes, are amended, and subsection (7) is added to
 657 that section, to read:

658 500.121 Disciplinary procedures.—

659 (1) In addition to the suspension procedures provided in s.
 660 500.12, if applicable, the department may impose an
 661 administrative fine in the Class II category pursuant to s.
 662 570.971 a fine not to exceed \$5,000 against any retail food
 663 store, food establishment, or cottage food operation that
 664 violates this chapter, which fine, when imposed and paid, shall
 665 be deposited by the department into the General Inspection Trust
 666 Fund. The department may revoke or suspend the permit of ~~any~~
 667 such retail food store or food establishment if it is satisfied

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668 that the retail food store or food establishment has:

669 (a) ~~Violated any of the provisions of~~ this chapter.

670 (b) ~~Violated,~~ or aided or abetted in the violation of, any
 671 law of this state or department rule relating governing or
 672 ~~applicable~~ to retail food stores or food establishments ~~or any~~
 673 ~~lawful rules of the department.~~

674 (c) Knowingly committed, or been a party to, any material
 675 fraud, misrepresentation, conspiracy, collusion, trick, scheme,
 676 or device whereby another ~~any other~~ person, lawfully relying
 677 upon the word, representation, or conduct of a retail food store
 678 or food establishment, acts to her or his injury or damage.

679 (d) Committed any act or conduct of the same or different
 680 character than that enumerated which constitutes fraudulent or
 681 dishonest dealing.

682 (2) ~~A~~ Any manufacturer, processor, packer, or distributor
 683 who misrepresents or mislabels the country of origin of any food
 684 may, in addition to any penalty provided in this chapter, be
 685 subject to an additional administrative fine in the Class II
 686 category pursuant to s. 570.971 for each of up to \$10,000 per
 687 violation.

688 (3) ~~An~~ Any administrative order made and entered by the
 689 department imposing a fine pursuant to this section shall
 690 specify the amount of the fine and the time limit for payment
 691 thereof, not exceeding 21 ~~15~~ days, and, upon failure of the
 692 permitholder to pay the fine within that time, the permit is
 693 subject to suspension or revocation.

694 (7) The department may determine that a food establishment
 695 regulated under this chapter requires immediate closure when the
 696 food establishment fails to comply with this chapter or rules

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697 adopted under this chapter and presents an imminent threat to
 698 the public health, safety, and welfare. The department may
 699 accept inspection results from other state and local building
 700 officials and other regulatory agencies as justification for
 701 such action. The department shall, upon such a determination,
 702 issue an immediate final order to close a food establishment as
 703 follows:

704 (a) The division director or designee shall determine that
 705 the continued operation of a food establishment presents an
 706 immediate danger to the public health, safety, and welfare.

707 (b) Upon such determination, the department shall issue an
 708 immediate final order directing the owner or operator of the
 709 food establishment to cease operation and close the food
 710 establishment. The department shall serve the order upon the
 711 owner or operator of the food establishment, or agent thereof.
 712 The department may attach a closed-for-operation sign to the
 713 food establishment while the order remains in place.

714 (c) The department shall inspect the food establishment
 715 within 24 hours after the issuance of the order. Upon a
 716 determination that the food establishment has met the applicable
 717 requirements to resume operations, the department shall serve a
 718 release upon the owner or operator of the food establishment, or
 719 agent thereof.

720 (d) A food establishment ordered by the department to cease
 721 operation and close under this section shall remain closed until
 722 released by the department or by a judicial order to reopen.

723 (e) It is a misdemeanor of the second degree, punishable as
 724 provided in s. 775.082 or s. 775.083, for a person to deface or
 725 remove a closed-for-operation sign placed on a food

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726 establishment by the department or for the owner or operator of
 727 a food establishment to resist closure of the establishment by
 728 the department. The department may impose administrative
 729 sanctions for violations of this paragraph.

730 (f) The department may adopt rules to administer this
 731 subsection.

732 Section 16. Subsection (1) of section 500.147, Florida
 733 Statutes, is amended to read:

734 500.147 Inspection of food establishments, food records,
 735 and vehicles.-

736 (1) The department or its duly authorized agent shall have
 737 free access at all reasonable hours to a ~~any~~ food establishment,
 738 food record, or ~~any~~ vehicle being used to transport or hold food
 739 in commerce for the purpose of inspecting such establishment,
 740 record, or vehicle to determine whether ~~if any provision of~~ this
 741 chapter or any rule adopted under ~~this the~~ chapter is being
 742 violated; to secure a sample or a specimen of any food after
 743 paying or offering to pay for such sample; to see that all
 744 sanitary rules adopted by the department are complied with; to
 745 facilitate tracing of food products in the event of a food-borne
 746 illness outbreak or the identification of an adulterated or
 747 misbranded food item; or to enforce the special-occupancy
 748 provisions of the Florida Building Code which apply to food
 749 establishments.

750 Section 17. Subsection (3) of section 500.165, Florida
 751 Statutes, is amended to read:

752 500.165 Transporting shipments of food items; rules;
 753 penalty.-

754 (3) A ~~Any~~ person who violates subsection (1) or the rules

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755 adopted under subsection (2) is subject to an administrative
 756 fine in the class III category pursuant to s. 570.971 for each
 757 ~~not to exceed \$50,000 per~~ violation. In addition, a any person
 758 who violates subsection (1) ~~commits is guilty of~~ a misdemeanor
 759 of the first degree, punishable as provided in s. 775.082 or s.
 760 775.083.

761 Section 18. Section 500.172, Florida Statutes, is amended
 762 to read:

763 500.172 Embargoing, detaining, destroying of food, ~~or~~ food-
 764 processing equipment, food-processing areas, or food storage
 765 areas that are ~~is~~ in violation.-

766 (1) ~~If when~~ the department or its duly authorized agent
 767 finds, or has probable cause to believe, that any food article,
 768 ~~or~~ food-processing equipment, food-processing area, or food
 769 storage area is in violation of this chapter or any rule adopted
 770 under this chapter so as to be dangerous, unwholesome,
 771 fraudulent, or insanitary within the meaning of this chapter, an
 772 agent of the department may issue and enforce a stop-sale, stop-
 773 use, removal, or hold order, which ~~order~~ gives notice that such
 774 article, or processing equipment, processing area, or storage
 775 area is, or is suspected of being, in violation and has been
 776 detained or embargoed and ~~which order~~ warns all persons not to
 777 remove, use, or dispose of such article, or processing
 778 equipment, processing area, or storage area by sale or otherwise
 779 until permission for removal, use, or disposal is given by the
 780 department or the court. ~~A It is unlawful for any person may not~~
 781 ~~to~~ remove, use, or dispose of such detained or embargoed
 782 article, or processing equipment, processing area, or storage
 783 area by sale or otherwise without such permission.

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784 (2) If an article, or processing equipment, processing
 785 area, or storage area detained or embargoed under subsection (1)
 786 has been found by the department to be in violation of law or
 787 rule, the department may, within a reasonable period of time
 788 after the issuance of such notice, petition the circuit court,
 789 in the jurisdiction of which the article, or processing
 790 equipment, processing area, or storage area is detained or
 791 embargoed, for an order for condemnation of such article, or
 792 processing equipment, processing area, or storage area. When the
 793 department has found that an article, or processing equipment,
 794 processing area, or storage area so detained or embargoed is not
 795 in violation, the department shall rescind the stop-sale, stop-
 796 use, removal, or hold order.

797 (3) If the court finds that the detained or embargoed
 798 article, or processing equipment, processing area, or storage
 799 area is in violation, such article, or processing equipment,
 800 processing area, or storage area shall, after entry of the
 801 decree, be destroyed or made sanitary at the expense of the
 802 claimant thereof under the supervision of the department, ~~and~~
 803 all court costs, fees, and storage and other proper expenses
 804 shall be taxed against the claimant of such article, or
 805 processing equipment, processing area, or storage area or her or
 806 his agent. However, if the violation can be corrected by proper
 807 labeling of the article or sanitizing of the processing
 808 equipment, processing area, or storage area, and after such
 809 costs, fees, and expenses have been paid and a good and
 810 sufficient bond, conditioned that such article be so labeled or
 811 processed or such processing equipment, processing area, or
 812 storage area so sanitized, has been executed, the court may by

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813 order direct that such article, ~~or~~ processing equipment,
 814 processing area, or storage area be made available ~~delivered~~ to
 815 the claimant thereof for such labeling, processing, or
 816 sanitizing under the supervision of the department. The expense
 817 of such supervision shall be paid by the claimant. Such bond
 818 shall be returned to the claimant of the article or processing
 819 equipment, processing area, or storage area, on representation
 820 to the court by the department that the article, ~~or~~ processing
 821 equipment, processing area, or storage area is no longer in
 822 violation of this chapter and that the expenses of such
 823 supervision have been paid.

824 (4) When the department or any of its authorized agents
 825 finds in any room, building, vehicle, or other structure any
 826 meat, seafood, poultry, vegetable, fruit, or other perishable
 827 articles which are unsound or contain any filthy, decomposed, or
 828 putrid substances, or which may be poisonous or deleterious to
 829 health or otherwise unsafe, the same is being hereby declared to
 830 be a nuisance, and the department, ~~or~~ its authorized agent,
 831 shall ~~forthwith~~ condemn or destroy the same, ~~or~~ in any other
 832 manner render the same unsalable as human food.

833 Section 19. Subsection (3) and paragraph (b) of subsection
 834 (4) of section 501.019, Florida Statutes, are amended to read:

835 501.019 Health studios; penalties.—

836 (3) The department may institute proceedings in the
 837 appropriate circuit court to recover any penalties or damages
 838 allowed in this section and for injunctive relief to enforce
 839 compliance with ss. 501.012-501.019 or any rule or order of the
 840 department. The department may seek a civil penalty in the Class
 841 II category pursuant to s. 570.971 ~~of up to \$5,000~~ for each

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842 violation of this section.

843 (4)

844 (b) Upon a finding as set forth in paragraph (a), the
 845 department may enter an order doing one or more of the
 846 following:

847 1. Issuing a notice of noncompliance pursuant to s.
 848 120.695.

849 2. For a violation of s. 501.015 or s. 501.016, imposing an
 850 administrative fine in the Class II category pursuant to s.
 851 570.971 for each ~~not to exceed \$5,000 per~~ violation.

852 ~~3. For a violation of s. 501.013, s. 501.017, or s.~~
 853 ~~501.018, imposing an administrative fine not to exceed \$500 per~~
 854 ~~violation.~~

855 ~~3.4.~~ Directing that the health studio cease and desist
 856 specified activities.

857 ~~4.5.~~ Refusing to register or revoking or suspending a
 858 registration.

859 ~~5.6.~~ Placing the registrant on probation for a period of 5
 860 years, subject to such conditions as the department may specify
 861 by rule.

862 Section 20. Subsection (9) of section 501.059, Florida
 863 Statutes, is amended, and subsection (12) is added to that
 864 section, to read:

865 501.059 Telephone solicitation.—

866 (9) (a) The department shall investigate any complaints
 867 received concerning violations of this section. If, after
 868 investigating a any complaint, the department finds that there
 869 has been a violation of this section, the department or the
 870 Department of Legal Affairs may bring an action to impose a

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871 civil penalty and to seek other relief, including injunctive
 872 relief, as the court deems appropriate against the telephone
 873 solicitor. The civil penalty shall be in the Class III category
 874 pursuant to s. 570.971 for each ~~may not exceed \$10,000 per~~
 875 violation and shall be deposited in the General Inspection Trust
 876 Fund if the action or proceeding was brought by the department,
 877 or the Legal Affairs Revolving Trust Fund if the action or
 878 proceeding was brought by the Department of Legal Affairs. This
 879 civil penalty may be recovered in any action brought under this
 880 part by the department, or the department may terminate any
 881 investigation or action upon agreement by the person to pay a
 882 stipulated civil penalty. The department or the court may waive
 883 any civil penalty if the person has previously made full
 884 restitution or reimbursement or has paid actual damages to the
 885 consumers who have been injured by the violation.

886 (b) The department may, as an alternative to the civil
 887 penalties provided in paragraph (a), impose an administrative
 888 fine in the Class I category pursuant to s. 570.971 ~~not to~~
 889 ~~exceed \$1,000~~ for each act or omission that constitutes a
 890 violation of this section. An administrative proceeding that
 891 could result in the entry of an order imposing an administrative
 892 penalty must be conducted pursuant to ~~in accordance with~~ chapter
 893 120.

894 (12) The department may adopt rules to implement this
 895 section.

896 Section 21. Paragraph (a) of subsection (1) of section
 897 501.922, Florida Statutes, is amended to read:

898 501.922 Violation.—

899 (1) The department may enter an order imposing one or more

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900 of the following penalties against any person who violates ss.
 901 501.91-501.923 or who impedes, obstructs, or hinders the
 902 department in performing its duties under those sections:

903 (a) Imposition of an administrative fine in the Class II
 904 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
 905 ~~per violation for a first-time offender. For a second-time or~~
 906 ~~repeat offender, or any person who willfully and intentionally~~
 907 ~~violates ss. 501.91-501.923, the administrative fine may not~~
 908 ~~exceed \$5,000 per violation.~~

909 Section 22. Section 501.977, Florida Statutes, is created to
 910 read:

911 501.977 Actionable, unfair, or deceptive regulatory acts or
 912 practices.—It is an unfair or deceptive regulatory act or
 913 practice, actionable under the Florida Deceptive and Unfair
 914 Trade Practices Act, for a special district, whether dependent
 915 or independent, as defined in s. 189.403, to:

916 (1) Restrict the right of the public to freely bargain for
 917 lawful livery transit services, excluding metered taxi services
 918 that accept street hails, by establishing a minimum or maximum
 919 fare, or by imposing a minimum wait time between the reservation
 920 and delivery of the livery transit service.

921 (2) Create classifications within each type of livery
 922 service, and to fix or approve zones, rates, or fares for such
 923 classifications, which apply differently to individuals and
 924 businesses that compete or attempt to compete with each other to
 925 provide similar services.

926 Section 23. Section 570.42, Florida Statutes, is
 927 transferred, renumbered as section 502.301, Florida Statutes,
 928 and amended to read:

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929 502.301 ~~570.42~~ Dairy Industry Technical Council.-

930 (1) COMPOSITION.-The Dairy Industry Technical Council is
 931 ~~hereby created within in~~ the department and shall be composed of
 932 seven members as follows:

933 (a) Two citizens of the state, one of whom shall be
 934 associated with the Agricultural Extension Service of the
 935 University of Florida and the other with the College of
 936 Agricultural and Life Sciences Agriculture of the University of
 937 Florida.

938 (b) An employee of the Department of Health.

939 (c) Two dairy farmers who are actively engaged in the
 940 production of milk in this state and who earn a major portion of
 941 their income from the production of milk. The commissioner shall
 942 appoint the two members ~~provided for in this paragraph~~ from no
 943 fewer than four nor more than six nominees submitted by the
 944 recognized statewide organizations representing this group. In
 945 the absence of nominations, the commissioner shall appoint other
 946 persons qualified under ~~the provisions of~~ this paragraph.

947 (d) Two distributors of milk. "Distributor" means any milk
 948 dealer who operates a milk gathering station or processing plant
 949 where milk is collected and bottled or otherwise processed and
 950 prepared for sale. The commissioner shall appoint the two
 951 members ~~provided for in this paragraph~~ from no fewer than four
 952 nor more than six nominees submitted by the recognized statewide
 953 organizations representing this group. In the absence of
 954 nominations, the commissioner shall appoint other persons
 955 qualified under ~~the provisions of~~ this paragraph.

956 (e) All members shall serve 4-year terms or until their
 957 successors are duly qualified and appointed. If a vacancy

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958 occurs, it shall be filled for the remainder of the term in the
 959 manner of an initial appointment.

960 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.-The
 961 meetings, powers and duties, procedures, and recordkeeping of
 962 the Dairy Industry Technical Council shall be pursuant to s.
 963 570.232 ~~governed by the provisions of s. 570.0705 relating to~~
 964 ~~advisory committees established within the department.~~

965 Section 24. Part I of chapter 570, Florida Statutes,
 966 consisting of ss. 570.01-570.232, Florida Statutes, is created
 967 and entitled "General Provisions."

968 Section 25. Section 570.14, Florida Statutes, is renumbered
 969 as section 570.031, Florida Statutes, and amended to read:

970 570.031 ~~570.14~~ Seal of department.-The department shall
 971 have an official seal which shall be used for the authentication
 972 of the orders and proceedings of the department and for such
 973 other purposes as the department may prescribe. Use of the seal
 974 or any likeness thereof requires written approval of the
 975 department.

976 Section 26. Section 570.18, Florida Statutes, is renumbered
 977 as section 570.041, Florida Statutes.

978 Section 27. Section 570.16, Florida Statutes, is renumbered
 979 as section 570.051, Florida Statutes.

980 Section 28. Subsection (33) of section 570.07, Florida
 981 Statutes, is amended to read:

982 570.07 Department of Agriculture and Consumer Services;
 983 functions, powers, and duties.-The department shall have and
 984 exercise the following functions, powers, and duties:

985 (33) To assist local volunteer and nonprofit organizations
 986 in soliciting, collecting, packaging, or delivering surplus

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987 fresh fruit and vegetables for distribution pursuant to s.
 988 595.420 ~~in accordance with s. 570.0725.~~ The department also may
 989 coordinate the development of food recovery programs in the
 990 production areas of the state using local volunteer and
 991 nonprofit organizations.

992 Section 29. Section 570.17, Florida Statutes, is renumbered
 993 as section 570.081, Florida Statutes.

994 Section 30. Section 570.531, Florida Statutes, is
 995 renumbered as section 570.209, Florida Statutes.

996 Section 31. Paragraph (d) of subsection (1) and subsection
 997 (2) of section 570.23, Florida Statutes, are amended to read:

998 570.23 State Agricultural Advisory Council.—

999 (1) COMPOSITION.—The State Agricultural Advisory Council is
 1000 hereby created in the department.

1001 (d) ~~On or after January 15, 1988,~~ Alternates shall be
 1002 appointed for each member and shall serve as alternates for the
 1003 remainder of the corresponding members' terms. As terms of
 1004 current members expire, members and their alternates shall be
 1005 appointed for 4-year terms and shall serve until their
 1006 successors are duly qualified and appointed. A vacancy shall be
 1007 filled for the remainder of an unexpired term in the same manner
 1008 as an initial appointment.

1009 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
 1010 meetings, powers and duties, procedures, and recordkeeping of
 1011 the State Agricultural Advisory Council shall be pursuant to s.
 1012 570.232 governed by the provisions of s. 570.0705 relating to
 1013 advisory committees established within the department.

1014 Section 32. Section 570.0705, Florida Statutes, is
 1015 renumbered as section 570.232, Florida Statutes.

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1016 Section 33. Part II of chapter 570, Florida Statutes,
 1017 consisting of ss. 570.30-570.693, Florida Statutes, is created
 1018 and entitled "Program Services."

1019 Section 34. Subsection (5) of section 570.36, Florida
 1020 Statutes, is amended to read:

1021 570.36 Division of Animal Industry; powers and duties.—The
 1022 duties of the Division of Animal Industry include, but are not
 1023 limited to:

1024 (5) Operating and managing the animal disease diagnostic
 1025 laboratory laboratories provided for in chapter 585.

1026 Section 35. Subsections (3) and (4) of section 570.44,
 1027 Florida Statutes, are amended to read:

1028 570.44 Division of Agricultural Environmental Services;
 1029 powers and duties.—The duties of the Division of Agricultural
 1030 Environmental Services include, but are not limited to:

1031 (3) ~~Supporting the Pesticide Review Council and~~ Reviewing
 1032 and evaluating technical and scientific data associated with the
 1033 production, manufacture, storage, transportation, sale, or use
 1034 of any article or product with respect to any statutory
 1035 authority ~~which is~~ conferred on the department. The department
 1036 ~~may be authorized to~~ establish positions within the division for
 1037 the employment of experts in the fields of toxicology,
 1038 hydrology, and biology to conduct such reviews and evaluations
 1039 ~~and may. The department is also authorized to~~ establish
 1040 appropriate clerical support positions to implement the duties
 1041 and responsibilities of the division.

1042 ~~(4) Enforcing and implementing the responsibilities of~~
 1043 ~~chapter 582, and the rules relating to soil and water~~
 1044 ~~conservation.~~

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1045 Section 36. Subsection (2) of section 570.45, Florida
 1046 Statutes, is amended to read:
 1047 570.45 Director; duties.—
 1048 (2) The director shall supervise, direct, and coordinate
 1049 the activities of the division and enforce ~~the provisions of~~
 1050 chapters 388, 482, 487, 501, 504, 531, 570, 576, 578, and 580,
 1051 ~~and 582~~ and any other chapter necessary to carry out the
 1052 responsibilities of the division.
 1053 Section 37. Paragraph (d) of subsection (3) of section
 1054 570.451, Florida Statutes, is amended to read:
 1055 570.451 Agricultural Feed, Seed, and Fertilizer Advisory
 1056 Council.—
 1057 (3)
 1058 (d) The meetings, powers and duties, procedures, and
 1059 recordkeeping of the council shall be pursuant to s. 570.232 in
 1060 ~~accordance with the provisions of s. 570.0705 relating to~~
 1061 ~~advisory committees established within the department.~~
 1062 Section 38. Subsections (2) and (3) of section 570.50,
 1063 Florida Statutes, are amended to read:
 1064 570.50 Division of Food Safety; powers and duties.—The
 1065 duties of the Division of Food Safety include, but are not
 1066 limited to:
 1067 (2) Conducting those general inspection activities relating
 1068 to food and food products being processed, held, or offered for
 1069 sale in this state and enforcing those provisions of chapters
 1070 500, 501, 502, 531, 583, 585, 586, 597, and 601 relating to
 1071 foods as authorized by the department.
 1072 (3) Analyzing samples of foods offered for sale in this
 1073 state as required under chapters 500, 501, 502, 585, 586, 597,

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1074 and 601.
 1075 Section 39. Subsection (2) of section 570.51, Florida
 1076 Statutes, is amended to read:
 1077 570.51 Director; qualifications; duties.—
 1078 (2) The director shall supervise, direct, and coordinate
 1079 the activities of the division and enforce the provisions of
 1080 chapters 500, 501, 502, 531, 583, 585, 597, and 601 and any
 1081 other chapter necessary to carry out the responsibilities of the
 1082 division.
 1083 Section 40. Subsection (2) of section 570.543, Florida
 1084 Statutes, is amended to read:
 1085 570.543 Florida Consumers' Council.—The Florida Consumers'
 1086 Council in the department is created to advise and assist the
 1087 department in carrying out its duties.
 1088 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
 1089 meetings, powers and duties, procedures, and recordkeeping of
 1090 the Florida Consumers' Council shall be pursuant to s. 570.232
 1091 ~~governed by the provisions of s. 570.0705 relating to advisory~~
 1092 ~~committees established within the department.~~ The council
 1093 members or chair may call no more than two meetings.
 1094 Section 41. Section 570.073, Florida Statutes, is
 1095 renumbered as section 570.65, Florida Statutes.
 1096 Section 42. Section 570.074, Florida Statutes, is
 1097 renumbered as section 570.66, Florida Statutes, and amended to
 1098 read:
 1099 570.66 ~~570.074~~ Department of Agriculture and Consumer
 1100 Services; Water Policy.—The commissioner may create an Office of
 1101 Agricultural Water Policy under the supervision of a senior
 1102 manager exempt under s. 110.205 in the Senior Management

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1103 Service. The commissioner may designate the bureaus and
1104 positions in the various organizational divisions of the
1105 department that report to ~~the this~~ office relating to any matter
1106 over which the department has jurisdiction in matters relating
1107 to water policy affecting agriculture, application of such
1108 policies, and coordination of such matters with state and
1109 federal agencies. The office shall enforce and implement chapter
1110 582 and rules relating to soil and water conservation.

1111 Section 43. Section 570.67, Florida Statutes, is created to
1112 read:

1113 570.67 Office of Energy.—The Office of Energy is created
1114 within the department. The office shall be under the supervision
1115 of a senior manager, appointed by the commissioner, exempt under
1116 s. 110.205 in the Senior Management Service. The duties of the
1117 office must include, but are not limited to, administering and
1118 enforcing parts II and III of chapter 377, the rules adopted
1119 under those parts, and any other duties authorized by the
1120 commissioner.

1121 Section 44. Section 570.951, Florida Statutes, is
1122 renumbered as section 570.681, Florida Statutes.

1123 Section 45. Section 570.952, Florida Statutes, is
1124 renumbered as section 570.685, Florida Statutes, and amended to
1125 read:

1126 570.685 ~~570.952~~ Florida Agriculture Center and Horse Park
1127 Authority.—

1128 (1) There is created within the Department of Agriculture
1129 and Consumer Services the Florida Agriculture Center and Horse
1130 Park Authority which shall be governed by this section and s.
1131 570.691 ~~s. 570.903.~~

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1132 (2) The authority shall be composed of 21 members appointed
1133 by the commissioner.

1134 (a) Initially, the commissioner shall appoint 11 members
1135 for 4-year terms and 10 members for 2-year terms. Thereafter,
1136 each member shall be appointed for a term of 4 years from the
1137 date of appointment, except that a vacancy shall be filled by
1138 appointment for the remainder of the term.

1139 (b) A ~~Any~~ member of the authority who fails to attend three
1140 consecutive authority meetings without good cause shall be
1141 deemed to have resigned from the authority.

1142 ~~(c) Terms for members appointed prior to July 1, 2005,~~
1143 ~~shall expire on July 1, 2005.~~

1144 (3) The Florida Agriculture Center and Horse Park Authority
1145 shall ~~have the power and duty to:~~

1146 (a) Appoint, with approval from the commissioner, an
1147 executive director for the Florida Agriculture Center and Horse
1148 Park.

1149 (b) Establish rules of procedure for conducting its
1150 meetings and approving matters before the authority pursuant to
1151 s. 570.691 ~~that are consistent with s. 570.903.~~

1152 (c) Develop, document, and implement strategies for the
1153 planning, construction, and operation of the Florida Agriculture
1154 Center and Horse Park.

1155 (d) Advise and consult with the commissioner on matters
1156 related to the Florida Agriculture Center and Horse Park.

1157 (e) Consider all matters submitted to the authority by the
1158 commissioner.

1159 (4) The authority shall meet at least semiannually and
1160 elect a chair ~~chairperson~~, a vice chair ~~chairperson~~, and a

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1161 secretary for 1-year terms.

1162 (a) The authority shall meet at the call of its chair
 1163 ~~chairperson~~, at the request of a majority of its membership, at
 1164 the request of the commissioner, or at such times as may be
 1165 prescribed by its rules of procedure.

1166 (b) The department shall be responsible for providing
 1167 administrative and staff support services relating to the
 1168 meetings of the authority and shall provide suitable space in
 1169 the offices of the department for the meetings and the storage
 1170 of records of the authority.

1171 (c) In conducting its meetings, the authority shall use
 1172 accepted rules of procedure. The secretary shall keep a complete
 1173 record of the proceedings of each meeting, which record shall
 1174 show the names of the members present and the actions taken.
 1175 These records shall be kept on file with the department, and
 1176 such records and other documents regarding matters within the
 1177 jurisdiction of the authority shall be subject to inspection by
 1178 members of the authority.

1179 Section 46. Section 570.953, Florida Statutes, is
 1180 renumbered as section 570.686, Florida Statutes.

1181 Section 47. Section 570.902, Florida Statutes, is
 1182 renumbered as section 570.69, Florida Statutes, and amended to
 1183 read:

1184 570.69 ~~570.902~~ Definitions; ~~ss. 570.902 and 570.903.~~ For
 1185 the purpose of this section and s. 570.691 ~~s. 570.903~~:

1186 (1) "Designated program" means the departmental program
 1187 which a direct-support organization has been created to support.

1188 (2) "Direct-support organization" or "organization" means
 1189 an organization which is a Florida corporation not for profit

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1190 incorporated under ~~the provisions of~~ chapter 617 and approved by
 1191 the department to operate for the benefit of a museum or a
 1192 designated program.

1193 (3) "Museum" means the Florida Agricultural Museum which is
 1194 designated as the museum for agriculture and rural history of
 1195 the State of Florida.

1196 Section 48. Section 570.903, Florida Statutes, is
 1197 renumbered as section 570.691, Florida Statutes.

1198 Section 49. Section 570.901, Florida Statutes, is
 1199 renumbered as section 570.692, Florida Statutes.

1200 Section 50. Section 570.91, Florida Statutes, is renumbered
 1201 as section 570.693, Florida Statutes.

1202 Section 51. Part III of chapter 570, Florida Statutes,
 1203 consisting of ss. 570.70-570.89, Florida Statutes, is created
 1204 and entitled "Agricultural Development."

1205 Section 52. Subsections (2) and (12) of section 570.71,
 1206 Florida Statutes, are amended to read:

1207 570.71 Conservation easements and agreements.—

1208 (2) To achieve the purposes of this section act, ~~beginning~~
 1209 ~~no sooner than July 1, 2002, and every year thereafter,~~ the
 1210 department may accept applications for project proposals to
 1211 ~~that~~:

1212 (a) Purchase conservation easements, as defined in s.
 1213 704.06.

1214 (b) Purchase rural-lands-protection easements pursuant to
 1215 this section act.

1216 (c) Fund resource conservation agreements pursuant to this
 1217 section act.

1218 (d) Fund agricultural protection agreements pursuant to

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1219 this section ~~act~~.

1220 (12) The department ~~may is authorized to~~ use funds from the

1221 following sources to implement this section ~~act~~:

1222 (a) State funds;

1223 (b) Federal funds;

1224 (c) Other governmental entities;

1225 (d) Nongovernmental organizations; or

1226 (e) Private individuals.

1227

1228 Any such funds provided shall be deposited into the Conservation

1229 and Recreation Lands Program Trust Fund within the Department of

1230 Agriculture and Consumer Services and used for the purposes of

1231 this section, including administrative and operating expenses

1232 related to appraisals, mapping, title process, personnel, and

1233 other real estate-related expenses ~~act~~.

1234 Section 53. Section 570.241, Florida Statutes, is

1235 transferred and renumbered as section 570.73, Florida Statutes.

1236 Section 54. Section 570.242, Florida Statutes, is

1237 renumbered as section 570.74, and amended to read:

1238 570.74 ~~570.242~~ Definitions relating to Agricultural

1239 Economic Development Act.—For purposes of this act, the term

1240 ~~following terms shall have the following meanings:~~

1241 (1) "Agriculturally depressed area" means a rural area that

1242 ~~which~~ has declining profitability from agricultural enterprises

1243 and one or more of the following characteristics:

1244 (a) A stable or declining population.

1245 (b) A stable or declining real per capita income.

1246 (c) A traditional economy based on agriculture or

1247 extraction of solid minerals.

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1248 (d) A low ad valorem tax base.

1249 (e) A need for agribusiness and leadership training.

1250 (f) Crop losses or economic depression resulting from a

1251 natural disaster or socioeconomic conditions or events that

1252 ~~which~~ negatively impact a crop.

1253 (2) "Assistance" means financial or nonfinancial assistance

1254 issued pursuant to ~~the provisions of~~ this act.

1255 ~~(3) "Commissioner" means the Commissioner of Agriculture.~~

1256 ~~(4) "Department" means the Department of Agriculture and~~

1257 ~~Consumer Services.~~

1258 ~~(3)(5)~~ "Financial assistance" means the providing of funds

1259 to an agribusiness.

1260 ~~(4)(6)~~ "Nonfinancial assistance" means the providing of

1261 personnel to work with an agribusiness to establish an

1262 infrastructure, including, but not limited to, the development

1263 of an accounting system, management procedures, and a marketing

1264 plan. Nonfinancial assistance includes ~~shall also include~~ the

1265 providing of equipment.

1266 Section 55. Section 570.243, Florida Statutes, is

1267 renumbered as section 570.75, Florida Statutes.

1268 Section 56. Section 570.244, Florida Statutes, is

1269 renumbered as section 570.76, Florida Statutes.

1270 Section 57. Section 570.245, Florida Statutes, is

1271 renumbered as section 570.77, Florida Statutes.

1272 Section 58. Section 570.246, Florida Statutes, is

1273 renumbered as section 570.78, Florida Statutes.

1274 Section 59. Section 570.247, Florida Statutes, is

1275 renumbered as section 570.79, Florida Statutes, and amended to

1276 read:

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1277 570.79 ~~570.247~~ Adoption ~~Promulgation~~ of rules.—~~In~~
 1278 ~~conjunction with funds specifically appropriated for the~~
 1279 ~~purposes specified in this act,~~ The department shall adopt ~~begin~~
 1280 ~~to promulgate rules no later than January 1, 1992, pursuant to~~
 1281 ~~s. 120.54,~~ pertaining to:

1282 (1) Formal notification procedures for the availability of
 1283 assistance, including publication in the Florida Administrative
 1284 Register pursuant to s. 120.55.

1285 (2) Written evaluation criteria for selecting project
 1286 proposals to receive assistance. The criteria for eligibility of
 1287 assistance shall include a written business plan delineating the
 1288 economic viability of the proposed project, including the
 1289 financial commitment by project participants and a schedule for
 1290 repayment of agricultural economic development funds.

1291 (3) Procedures for repayment of financial assistance by an
 1292 assisted agribusiness into the General Inspection Trust Fund
 1293 within the department. Repayment of financial assistance shall
 1294 be based upon a percentage of future profits until repayment is
 1295 complete.

1296 (4) Funding procedures for projects eligible for
 1297 assistance. These procedures shall include the amount of
 1298 funding, the limits and requirements for the objects of
 1299 expenditure, and the duration of assistance.

1300 (5) Other subject matter pertaining to the implementation
 1301 of this act.

1302 Section 60. Section 570.248, Florida Statutes, is
 1303 renumbered as section 570.81, Florida Statutes.

1304 Section 61. Section 570.249, Florida Statutes, is
 1305 renumbered as section 570.82, Florida Statutes.

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1306 Section 62. Section 570.9135, Florida Statutes, is
 1307 renumbered as section 570.83, Florida Statutes, and subsection
 1308 (6) of that section is amended, to read:

1309 570.83 ~~570.9135~~ Beef Market Development Act; definitions;
 1310 Florida Beef Council, Inc., creation, purposes, governing board,
 1311 powers, and duties; referendum on assessments imposed on gross
 1312 receipts from cattle sales; payments to organizations for
 1313 services; collecting and refunding assessments; vote on
 1314 continuing the act; council bylaws.—

1315 (6) REFERENDUM ON ASSESSMENTS.—All producers in this state
 1316 shall have the opportunity to vote in a referendum to determine
 1317 whether the council shall be authorized to impose an assessment
 1318 of not more than \$1 per head on cattle sold in the state. The
 1319 referendum shall pose the question: "Do you approve of an
 1320 assessment program, up to \$1 per head of cattle pursuant to
 1321 section 570.83 ~~section 570.9135~~, Florida Statutes, to be funded
 1322 through specific contributions that are mandatory and refundable
 1323 upon request?"

1324 (a) A referendum held under this section must be conducted
 1325 by secret ballot at extension offices of the Institute of Food
 1326 and Agricultural Sciences of the University of Florida or at
 1327 offices of the United States Department of Agriculture with the
 1328 cooperation of the department.

1329 (b) Notice of a referendum to be held under this act must
 1330 be given at least once in trade publications, the public press,
 1331 and statewide newspapers at least 30 days before the referendum
 1332 is held.

1333 (c) Additional referenda may be held to authorize the
 1334 council to increase the assessment to more than \$1 per head of

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1335 cattle. Such referendum shall pose the question: "Do you approve
1336 of granting the Florida Beef Council, Inc., authority to
1337 increase the per-head-of-cattle assessment pursuant to section
1338 570.83 ~~section 570.9135~~, Florida Statutes, from ... (present
1339 rate)... to up to a maximum of ... (proposed rate)... per head?"
1340 Referenda may not be held more often than once every 3 years.

1341 (d) Each cattle producer is entitled to only one vote in a
1342 referendum held under this section ~~act~~. Proof of identification
1343 and cattle ownership must be presented before voting.

1344 (e) A simple majority of those casting ballots determines
1345 ~~shall determine~~ any issue that requires a referendum under this
1346 section ~~act~~.

1347 Section 63. Section 570.954, Florida Statutes, is
1348 renumbered as section 570.841, Florida Statutes.

1349 Section 64. Section 570.96, Florida Statutes, is renumbered
1350 as section 570.85, Florida Statutes.

1351 Section 65. Section 570.961, Florida Statutes, is
1352 renumbered as section 570.86, Florida Statutes, and amended to
1353 read:

1354 570.86 ~~570.961~~ Definitions.—As used in ss. 570.85-570.89
1355 ~~570.96-570.964~~, the term:

1356 (1) "Agritourism activity" means any agricultural related
1357 activity consistent with a bona fide farm or ranch or in a
1358 working forest which allows members of the general public, for
1359 recreational, entertainment, or educational purposes, to view or
1360 enjoy activities, including farming, ranching, historical,
1361 cultural, or harvest-your-own activities and attractions. An
1362 agritourism activity does not include the construction of new or
1363 additional structures or facilities intended primarily to house,

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1364 shelter, transport, or otherwise accommodate members of the
1365 general public. An activity is an agritourism activity
1366 regardless of whether ~~or not~~ the participant paid to participate
1367 in the activity.

1368 (2) "Agritourism operator" means a ~~any~~ person who is
1369 engaged in the business of providing one or more agritourism
1370 activities, whether for compensation or not for compensation.

1371 (3) "Farm" means the land, buildings, support facilities,
1372 machinery, and other appurtenances used in the production of
1373 farm or aquaculture products, including land used to display
1374 plants, animals, farm products, or farm equipment to the public.

1375 (4) "Farm operation" has the same meaning as ~~defined~~ in s.
1376 823.14.

1377 (5) "Inherent risks of agritourism activity" means those
1378 dangers or conditions that are an integral part of an
1379 agritourism activity including certain hazards, such as surface
1380 and subsurface conditions; natural conditions of land,
1381 vegetation, and waters; the behavior of wild or domestic
1382 animals; and the ordinary dangers of structures or equipment
1383 ordinarily used in farming and ranching operations. The term
1384 also includes the potential of a participant to act in a
1385 negligent manner that may contribute to the injury of the
1386 participant or others, including failing to follow the
1387 instructions given by the agritourism operator or failing to
1388 exercise reasonable caution while engaging in the agritourism
1389 activity.

1390 Section 66. Section 570.962, Florida Statutes, is
1391 renumbered as section 570.87, Florida Statutes.

1392 Section 67. Section 570.963, Florida Statutes, is

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1393 renumbered as section 570.88, Florida Statutes, and subsection
1394 (1) of that section is amended, to read:

1395 570.88 ~~570.963~~ Liability.—

1396 (1) Except as provided in subsection (2), an agritourism
1397 operator, his or her employer or employee, or the owner of the
1398 underlying land on which the agritourism occurs is not liable
1399 for injury or death of, or damage or loss to, a participant
1400 resulting from the inherent risks of agritourism activities if
1401 the notice of risk required under s. 570.89 ~~s. 570.964~~ is posted
1402 as required. Except as provided in subsection (2), a
1403 participant, or a participant's representative, may not maintain
1404 an action against or recover from an agritourism operator, his
1405 or her employer or employee, or the owner of the underlying land
1406 on which the agritourism occurs for the injury or death of, or
1407 damage or loss to, an agritourism participant resulting
1408 exclusively from any of the inherent risks of agritourism
1409 activities.

1410 Section 68. Section 570.964, Florida Statutes, is
1411 renumbered as section 570.89, Florida Statutes, and subsection
1412 (3) of that section is amended, to read:

1413 570.89 ~~570.964~~ Posting and notification.—

1414 (3) Failure to comply with ~~the requirements of this section~~
1415 ~~subsection~~ prevents an agritourism operator, his or her employer
1416 or employee, or the owner of the underlying land on which the
1417 agritourism occurs from invoking the privileges of immunity
1418 provided by this section.

1419 Section 69. Part IV of chapter 570, Florida Statutes,
1420 consisting of ss. 570.916-570.94, Florida Statutes, is created
1421 and entitled "Agricultural Water Policy."

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1422 Section 70. Section 570.075, Florida Statutes, is
1423 renumbered as section 570.916, Florida Statutes.

1424 Section 71. Section 570.076, Florida Statutes, is
1425 renumbered as section 570.921, Florida Statutes, and paragraph
1426 (c) of subsection (2) of that section is amended to read:

1427 570.921 ~~570.076~~ Environmental Stewardship Certification
1428 Program.—The department may, by rule, establish the
1429 Environmental Stewardship Certification Program consistent with
1430 this section. A rule adopted under this section must be
1431 developed in consultation with state universities, agricultural
1432 organizations, and other interested parties.

1433 (2) The department shall provide an agricultural
1434 certification under this program for implementation of one or
1435 more of the following criteria:

1436 (c) Best management practices adopted by rule pursuant to
1437 s. 403.067(7)(c) or s. 570.93(1)(b) ~~s. 570.085(1)(b)~~.

1438 Section 72. Section 570.085, Florida Statutes, is
1439 renumbered as section 570.93, Florida Statutes.

1440 Section 73. Section 570.087, Florida Statutes, is
1441 renumbered as section 570.94, Florida Statutes.

1442 Section 74. Part V of chapter 570, Florida Statutes,
1443 consisting of s. 570.971, Florida Statutes, is created and
1444 entitled "Penalties."

1445 Section 75. Section 570.971, Florida Statutes, is created
1446 to read:

1447 570.971 Penalties; administrative and civil.—

1448 (1) The department or enforcing authority may impose the
1449 following fine amount for the class category specified in the
1450 chapter or section of law violated:

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1451 (a) Class I.—For each violation in the Class I category, a
 1452 fine not to exceed \$1,000 may be imposed.

1453 (b) Class II.—For each violation in the Class II category,
 1454 a fine not to exceed \$5,000 may be imposed.

1455 (c) Class III.—For each violation in the Class III
 1456 category, a fine not to exceed \$10,000 may be imposed.

1457 (d) Class IV.—For each violation in the Class IV category,
 1458 a fine of \$10,000 or more may be imposed.

1459 (2) (a) This section does not supersede a chapter or section
 1460 of law or rule that limits the total fine amount that may be
 1461 imposed for a violation.

1462 (b) The class categories under this section also apply to
 1463 penalties provided by rule.

1464 (c) The penalties under this section are in addition to any
 1465 other remedy provided by law.

1466 (3) A person who violates this chapter or any rule adopted
 1467 under this chapter is subject to an administrative or civil fine
 1468 in the Class II category in addition to any other penalty
 1469 provided by law.

1470 (4) The department may refuse to issue or renew any
 1471 license, permit, authorization, certificate, or registration to
 1472 a person who has not satisfied a penalty imposed by the
 1473 department.

1474 (5) The department may adopt rules to implement this
 1475 section or any section that references this section.

1476 Section 76. Subsection (1) and paragraph (a) of subsection
 1477 (2) of section 576.021, Florida Statutes, are amended to read:
 1478 576.021 Registration and licensing.—
 1479 (1) A company the person whose name and address of which

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1480 appears upon a label and which ~~who~~ guarantees a fertilizer may
 1481 not distribute that fertilizer to a nonlicensee until a license
 1482 to distribute has been obtained by the company ~~that person~~ from
 1483 the department upon payment of a \$100 fee. All licenses shall
 1484 expire on June 30 each year. An application for license shall
 1485 include the following information:

1486 (a) The name and address of the applicant.

1487 (b) The name and address of the distribution point. The
 1488 name and address shown on the license shall be shown on all
 1489 labels, pertinent invoices, and storage facilities for
 1490 fertilizer distributed by the licensee in this state.

1491 (2) (a) A company the name and address of which appear upon
 1492 a label and which guarantees a fertilizer person may not
 1493 distribute a specialty fertilizer in this state until it is
 1494 registered with the department ~~by the licensee whose name~~
 1495 ~~appears on the label~~. An application for registration of each
 1496 brand and grade of specialty fertilizer shall be filed with the
 1497 department by using ~~made on~~ a form prescribed ~~furnished~~ by the
 1498 department or by using the department's website and shall be
 1499 accompanied by an annual fee of \$100 for each specialty
 1500 fertilizer that is registered. All specialty fertilizer
 1501 registrations expire June 30 each year. All licensing and
 1502 registration fees paid to the department under this section
 1503 shall be deposited into the State Treasury to be placed in the
 1504 General Inspection Trust Fund to be used for the sole purpose of
 1505 funding the fertilizer inspection program.

1506 Section 77. Subsection (2) of section 576.031, Florida
 1507 Statutes, is amended to read:
 1508 576.031 Labeling.—

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1509 (2) If distributed in bulk, two ~~five~~ labels containing the
 1510 information required in paragraphs (1)(a)-(f) shall accompany
 1511 delivery and be supplied to the purchaser at time of delivery
 1512 with the delivery ticket, which shall show the certified net
 1513 weight.

1514 Section 78. Subsections (3), (4), (6), and (7) of section
 1515 576.041, Florida Statutes, are amended to read:

1516 576.041 Inspection fees; records; ~~bond~~.-

1517 (3) In addition to any other penalty provided by this
 1518 chapter, a ~~any~~ licensee who fails to timely pay the inspection
 1519 ~~tonnage~~ fee shall be assessed a penalty of 1.5 percent for each
 1520 month or part of a month that the fee or portion of the fee is
 1521 not paid.

1522 (4) If the report is not filed and the inspection fee is
 1523 not paid on the date due or if the report of tonnage is false,
 1524 the amount of the inspection fee due is subject to a penalty of
 1525 10 percent or \$25, whichever is greater. ~~The penalty shall be~~
 1526 ~~added to the inspection fee due and constitutes a debt and~~
 1527 ~~becomes a claim and lien against the surety bond or certificate~~
 1528 ~~of deposit required by this chapter.~~

1529 ~~(6) In order to guarantee faithful performance of the~~
 1530 ~~provisions of subsection (2), the applicant for license shall~~
 1531 ~~post with the department a surety bond, or assign a certificate~~
 1532 ~~of deposit, in an amount required by rule of the department to~~
 1533 ~~cover fees for any reporting period. The amount shall not be~~
 1534 ~~less than \$1,000. The surety bond shall be executed by a~~
 1535 ~~corporate surety company authorized to do business in this~~
 1536 ~~state. The certificate of deposit shall be issued by any~~
 1537 ~~recognized financial institution doing business in the United~~

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1538 ~~States. The department shall establish, by rule, whether an~~
 1539 ~~annual or continuous surety bond or certificate of deposit will~~
 1540 ~~be required and shall approve each surety bond or certificate of~~
 1541 ~~deposit before acceptance. The department shall examine and~~
 1542 ~~approve as to sufficiency all such bonds and certificates of~~
 1543 ~~deposit before acceptance. When the licensee ceases operation,~~
 1544 ~~said bond or certificate of deposit shall be returned, provided~~
 1545 ~~there are no outstanding fees due and payable.~~

1546 (6)(7) In order to obtain information that will facilitate
 1547 the collection of inspection fees and serve other useful
 1548 purposes relating to fertilizer, the department may, by rule,
 1549 require licensees, manufacturers, registrants, and dealers to
 1550 report movements of fertilizer.

1551 Section 79. Subsection (3) of section 576.051, Florida
 1552 Statutes, is amended to read:

1553 576.051 Inspection, sampling, analysis.-

1554 (3) The official analysis shall be made from the official
 1555 sample. The department, before making the official analysis,
 1556 shall take a sufficient portion from the official sample for
 1557 check analysis and place that portion in a bottle sealed and
 1558 identified by number, date, and the preparer's initials. The
 1559 official check sample shall be kept until the analysis of the
 1560 official sample is completed. However, the licensee may obtain
 1561 upon request a portion of the official check sample. Upon
 1562 completion of the analysis of the official sample, a true copy
 1563 of the fertilizer analysis report shall be mailed to the
 1564 licensee of the fertilizer from whom the official sample was
 1565 taken and to the dealer or agent, if any, and purchaser, if
 1566 known. This fertilizer analysis report shall show all

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1567 determinations of plant nutrients ~~nutrient~~ and pesticides. If
 1568 the official analysis conforms with ~~the provisions of this~~
 1569 ~~section law~~, the official check sample may be destroyed. If the
 1570 official analysis does not conform with ~~the provisions of this~~
 1571 ~~section law~~, the official check sample shall be retained for 60
 1572 ~~a period of 90 days after from~~ the date of the fertilizer
 1573 analysis report of the official sample. If, within that time,
 1574 the licensee of the fertilizer from whom the official sample was
 1575 taken, upon receipt of the fertilizer analysis report, makes
 1576 written demand for analysis of the official check sample by a
 1577 referee chemist, a portion of the official check sample
 1578 sufficient for analysis shall be sent to a referee chemist who
 1579 is mutually acceptable to the department and the licensee for
 1580 analysis at the expense of the licensee. The referee chemist,
 1581 upon completion of the analysis, shall forward to the department
 1582 and to the licensee a fertilizer analysis report bearing a
 1583 proper identification mark or number, ~~r~~ and the fertilizer
 1584 analysis report shall be verified by an affidavit of the person
 1585 making the analysis. If the results reported on the fertilizer
 1586 analysis report agree within the matching criteria defined in
 1587 department rule with the department's analysis on each element
 1588 for which analysis was made, the mean average of the two
 1589 analyses shall be accepted as final and binding on all
 1590 concerned. However, if the referee's fertilizer analysis report
 1591 results do not agree within the matching criteria defined in
 1592 department rule with the department's analysis in any one or
 1593 more elements for which an analysis was made, upon demand of
 1594 either the department or the licensee from whom the official
 1595 sample was taken, a portion of the official check sample

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1596 sufficient for analysis shall be submitted to a second referee
 1597 chemist who is mutually acceptable to the department and to the
 1598 licensee from whom the official sample was taken, at the expense
 1599 of the party or parties requesting the referee analysis. If no
 1600 demand is made for an analysis by a second referee chemist, the
 1601 department's fertilizer analysis report shall be accepted as
 1602 final and binding on all concerned. The second referee chemist,
 1603 upon completion of the analysis, shall make a fertilizer
 1604 analysis report as provided in this subsection for the first
 1605 referee chemist. The mean average of the two analyses nearest in
 1606 conformity to each other shall be accepted as final and binding
 1607 on all concerned.

1608 Section 80. Subsections (4) and (5) of section 576.061,
 1609 Florida Statutes, are amended to read:

1610 576.061 Plant nutrient investigational allowances,
 1611 deficiencies, and penalties.—

1612 ~~(4) When it is determined by the department that a~~
 1613 ~~fertilizer has been distributed without being licensed or~~
 1614 ~~registered, or without labeling, the department shall require~~
 1615 ~~the licensee to pay a penalty in the amount of \$100. The~~
 1616 ~~proceeds from any penalty payments shall be deposited by the~~
 1617 ~~department in the General Inspection Trust Fund to be used for~~
 1618 ~~the sole purpose of funding the fertilizer inspection program.~~

1619 (4)(5) The department may enter an order imposing one or
 1620 more of the following penalties against a any person who
 1621 violates ~~any of the provisions of~~ this chapter or the rules
 1622 adopted under this chapter hereunder or who impedes, obstructs,
 1623 or hinders ~~shall impede, obstruct, hinder, or otherwise prevent~~
 1624 ~~or attempt to prevent~~ the department in performing the

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1625 ~~performance of its duties under duty in connection with the~~
1626 ~~provisions of this chapter:~~

- 1627 (a) Issuance of a warning letter.
- 1628 (b) Imposition of an administrative fine in the Class I
1629 category pursuant to s. 570.971 for each of not more than \$1,000
1630 ~~per~~ occurrence after the issuance of a warning letter.
- 1631 (c) Cancellation, revocation, or suspension of any license
1632 issued by the department.

1633 Section 81. Section 576.071, Florida Statutes, is amended
1634 to read:

1635 576.071 Commercial value.—The commercial value used in
1636 assessing penalties for a any deficiency shall be determined by
1637 surveying the fertilizer industry in the state and using
1638 annualized plant nutrient values contained in one or more
1639 generally recognized journals.

1640 Section 82. Subsections (3) and (4) of section 576.087,
1641 Florida Statutes, are amended to read:

1642 576.087 Antisiphon requirements for irrigation systems.—

1643 ~~(3) The department shall establish specific requirements~~
1644 ~~for antisiphon devices.~~

1645 ~~(4) Any governmental agency which requires antisiphon~~
1646 ~~devices on irrigation systems used for the application of~~
1647 ~~fertilizer shall use the specific antisiphon device requirements~~
1648 ~~adopted by the department.~~

1649 Section 83. Section 576.101, Florida Statutes, is amended
1650 to read:

1651 576.101 Cancellation, revocation, and suspension ~~+~~
1652 ~~probationary status.—~~

1653 ~~(1)~~ The department may deny, suspend, or revoke a any

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1654 license issued by the department for a any violation of ~~the~~
1655 ~~provisions of this chapter, the rules adopted under this chapter~~
1656 ~~thereunder, or any lawful order of the department.~~

1657 ~~(2) The department may place any licensee on a probationary~~
1658 ~~status when the deficiency levels of samples taken from that~~
1659 ~~licensee do not meet minimum performance levels established by~~
1660 ~~statute within the investigational allowances provided in s.~~
1661 ~~576.061.~~

1662 Section 84. Subsection (1) of section 578.08, Florida
1663 Statutes, is amended to read:

1664 578.08 Registrations.—

1665 (1) Every person, except as provided in subsection (4) and
1666 s. 578.14, before selling, distributing for sale, offering for
1667 sale, exposing for sale, handling for sale, or soliciting orders
1668 for the purchase of an any agricultural, vegetable, flower, or
1669 forest tree seed, or mixture thereof, shall first register with
1670 the department as a seed dealer. ~~The application for~~
1671 ~~registration shall include the name and location of each place~~
1672 ~~of business at which the seed is sold, distributed for sale,~~
1673 ~~offered for sale, exposed for sale, or handled for sale.~~ The
1674 application for registration shall be filed with the department
1675 by using a form prescribed by the department or by using the
1676 department's website and shall be accompanied by an annual
1677 registration fee for each such place of business based on the
1678 gross receipts from the sale of such seed for the last preceding
1679 license year as follows:

1680 (a) 1. Receipts of less than \$500, a fee of.....\$10.

1681 2. Receipts of \$500 or more but less than \$1,000, a fee
1682 of.....\$25.

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- 1683 ~~3.1-~~ Receipts of \$1,000 or more but less than \$2,500
- 1684 ~~\$2,500.01, a fee of.....~~\$100.
- 1685 ~~4.2-~~ Receipts of more than \$2,500 or more but and less than
- 1686 ~~\$5,000 \$5,000.01, a fee of.....~~\$200.
- 1687 ~~5.3-~~ Receipts of more than \$5,000 or more but and less than
- 1688 ~~\$10,000 \$10,000.01, a fee of.....~~\$350.
- 1689 ~~6.4-~~ Receipts of more than \$10,000 or more but and less
- 1690 ~~than \$20,000 \$20,000.01, a fee of.....~~\$800.
- 1691 ~~7.5-~~ Receipts of more than \$20,000 or more but and less
- 1692 ~~than \$40,000 \$40,000.01, a fee of.....~~\$1,000.
- 1693 ~~8.6-~~ Receipts of more than \$40,000 or more but and less
- 1694 ~~than \$70,000 \$70,000.01, a fee of.....~~\$1,200.
- 1695 ~~9.7-~~ Receipts of more than \$70,000 or more but and less
- 1696 ~~than \$150,000 \$150,000.01, a fee of.....~~\$1,600.
- 1697 ~~10.8-~~ Receipts of more than \$150,000 or more but and less
- 1698 ~~than \$400,000 \$400,000.01, a fee of.....~~\$2,400.
- 1699 ~~11.9-~~ Receipts of more than \$400,000 or more, a fee
- 1700 ~~of.....~~\$4,600.

1701 (b) For places of business not previously in operation, the
1702 fee shall be based on anticipated receipts for the first license
1703 year.

1704 Section 85. Paragraph (g) of subsection (2) of section
1705 580.036, Florida Statutes, is amended to read:

1706 580.036 Powers and duties.-

1707 (2) The department is authorized to adopt rules pursuant to
1708 ss. 120.536(1) and 120.54 to enforce the provisions of this
1709 chapter. These rules shall be consistent with the rules and
1710 standards of the United States Food and Drug Administration and
1711 the United States Department of Agriculture, when applicable,

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1712 and shall include:

1713 (g) Establishing standards for the sale, use, and
1714 distribution of commercial feed or feedstuff to ensure usage
1715 that is consistent with animal safety and well-being and, to the
1716 extent that meat, poultry, and other animal products for human
1717 consumption may be affected by commercial feed or feedstuff, to
1718 ensure that these products are safe for human consumption. Such
1719 standards, if adopted, must be developed in consultation with
1720 the Agricultural Feed, Seed, and Fertilizer Advisory Council
1721 created under s. 570.451.

1722 Section 86. Paragraphs (a), (b), and (d) of subsection (1)
1723 of section 580.041, Florida Statutes, are amended to read:

1724 580.041 Master registration; fee; refusal or cancellation
1725 of registration; reporting.-

1726 (1) (a) Each distributor of commercial feed must annually
1727 obtain a master registration before her or his brands are
1728 distributed in this state. Upon initial registration, The
1729 department shall furnish the registration forms requiring the
1730 distributor shall agree to state that the distributor will
1731 comply with all provisions of this chapter and applicable rules.
1732 The registration form shall identify the manufacturer's or
1733 guarantor's name and place of business and the location of each
1734 manufacturing facility in the state and shall be signed by the
1735 owner, by a partner, if a partnership, or by an authorized
1736 officer or agent, if a corporation. All registrations expire on
1737 June 30 of each year.

1738 (b) The application for registration form shall be filed
1739 with the department by using a form prescribed by the department
1740 or by using the department's website and shall be accompanied by

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1741 a fee ~~that shall be~~ based on tons of feed distributed in this
 1742 state during the previous year. If a distributor has been in
 1743 business less than 1 year, the tonnage shall be estimated by the
 1744 distributor for the first year and based on actual tonnage
 1745 thereafter. These fees shall be as follows:

SALES IN TONS	FEE
Zero, up to and including 25.....	\$40
More than 25, up to and including 50.....	\$75
More than 50, up to and including 100.....	\$150
More than 100, up to and including 300.....	\$375
More than 300, up to and including 600.....	\$600
More than 600, up to and including 1,000.....	\$900
More than 1,000, up to and including	
2,000.....	\$1,250
More than 2,000, up to and including	
5,000.....	\$2,000
More than 5,000.....	\$3,500

1760 (d) The department shall provide mail a copy of the master
 1761 registration to the registrant to signify that administrative
 1762 requirements have been met.

1763 Section 87. Subsection (1) of section 580.071, Florida
 1764 Statutes, is amended to read:

1765 580.071 Adulteration.—No person shall distribute an
 1766 adulterated commercial feed or feedstuff. A commercial feed or
 1767 feedstuff shall be deemed to be adulterated:

1768 (1) (a) If it bears or contains any poisonous, deleterious,
 1769 or nonnutritive substance that may render it injurious to animal

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1770 or human health. However, if the substance is not an additive,
 1771 the feed shall not be considered adulterated if the quantity of
 1772 the substance does not ordinarily render it injurious to animal
 1773 or human health;

1774 (b) If it bears or contains any food additive or added
 1775 poisonous, deleterious, or nonnutritive substance that is unsafe
 1776 within the meaning of s. 406 of the Federal Food, Drug, and
 1777 Cosmetic Act, other than a pesticide chemical in or on a raw
 1778 agricultural commodity;

1779 (c) If it is, or it bears or contains, any food additive or
 1780 color additive that is unsafe within the meaning of s. 409 or s.
 1781 512 of the Federal Food, Drug, and Cosmetic Act, respectively;

1782 (d) If it is a raw agricultural commodity and it bears or
 1783 contains a pesticide chemical that is unsafe within the meaning
 1784 of s. 408(a) of the Federal Food, Drug, and Cosmetic Act;
 1785 however, if where a pesticide chemical has been used in or on a
 1786 raw agricultural commodity in conformity with an exemption
 1787 granted or a tolerance prescribed under s. 408 of the Federal
 1788 Food, Drug, and Cosmetic Act and that raw agricultural commodity
 1789 has been subjected to processing such as canning, cooking,
 1790 freezing, dehydrating, or milling, the processed feed will
 1791 result, or is likely to result, in pesticide residue in the
 1792 edible product of the animal which is unsafe within the meaning
 1793 of s. 408(a) of the Federal Food, Drug, and Cosmetic Act; ~~or~~

1794 (e) If it is, or it bears or contains, a ~~any~~ new animal
 1795 drug that is unsafe within the meaning of s. 512 of the Federal
 1796 Food, Drug, and Cosmetic Act; ~~-~~

1797 (f) If it consists, in whole or in part, of a filthy,
 1798 putrid, or decomposed substance, or if it is otherwise unfit for

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1799 feed;

1800 (g) If it is prepared, packaged, or held under unsanitary
 1801 conditions whereby it may have become contaminated with filth,
 1802 or may have been rendered injurious to health; or

1803 (h) If it is, in whole or in part, the product of a
 1804 diseased animal or of an animal that died by a means other than
 1805 slaughter which is unsafe within the meaning of s. 402(a)(1) or
 1806 (2) of the Federal Food, Drug, and Cosmetic Act.

1807 Section 88. Subsection (5) of section 581.091, Florida
 1808 Statutes, is amended to read:

1809 581.091 Noxious weeds and infected plants or regulated
 1810 articles; sale or distribution; receipt; information to
 1811 department; withholding information.-

1812 (5) (a) Notwithstanding any other ~~provision of state law or~~
 1813 rule, a person may obtain a special permit from the department
 1814 to plant *Casuarina cunninghamiana* as a windbreak for a
 1815 commercial citrus grove if provided the plants are produced in
 1816 an authorized registered nursery and certified by the department
 1817 as being vegetatively propagated from male plants. ~~A "commercial~~
 1818 ~~citrus grove" means a contiguous planting of 100 or more citrus~~
 1819 ~~trees where citrus fruit is produced for sale.~~

1820 ~~(b) For a 5-year period, special permits authorizing a~~
 1821 ~~person to plant *Casuarina cunninghamiana* shall be issued only as~~
 1822 ~~part of a pilot program for fresh fruit groves in areas of~~
 1823 ~~Indian River, St. Lucie, and Martin Counties where citrus canker~~
 1824 ~~is determined by the department to be widespread. The pilot~~
 1825 ~~program shall be reevaluated annually, and a comprehensive~~
 1826 ~~review shall be conducted in 2013. The purpose of the annual and~~
 1827 ~~5-year reviews is to determine if the use of *Casuarina*~~

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1828 ~~*cunninghamiana* as an agricultural pest and disease windbreak~~
 1829 ~~poses any adverse environmental consequences. At the end of the~~
 1830 ~~5-year pilot program, if the Noxious Weed and Invasive Plant~~
 1831 ~~Review Committee, created by the department, and the Department~~
 1832 ~~of Environmental Protection, in consultation with a~~
 1833 ~~representative of the citrus industry who has a *Casuarina*~~
 1834 ~~*cunninghamiana* windbreak, determine that the potential is low~~
 1835 ~~for adverse environmental impacts from planting *Casuarina*~~
 1836 ~~*cunninghamiana* as windbreaks, the department may, by rule, allow~~
 1837 ~~the use of *Casuarina cunninghamiana* windbreaks for commercial~~
 1838 ~~citrus groves in other areas of the state. If it is determined~~
 1839 ~~at the end of the 5 year pilot program that additional time is~~
 1840 ~~needed to further evaluate *Casuarina cunninghamiana*, the~~
 1841 ~~department will remain the lead agency.~~

1842 (b)(e) Each application for a special permit must shall be
 1843 accompanied by a fee in an amount determined by ~~the~~ department,
 1844 by rule, not to exceed \$500. A special permit is shall be
 1845 required for each noncontiguous commercial citrus grove and
 1846 shall be renewed every 5 years. The property owner shall
 1847 maintain and produce is responsible for maintaining and
 1848 producing for inspection the original nursery invoice with
 1849 certification documentation. If ownership of the property is
 1850 transferred, the seller shall must notify the department and
 1851 provide the buyer with a copy of the special permit and copies
 1852 of all invoices and certification documentation before prior to
 1853 the closing of the sale.

1854 (c)(d) Each application must shall include a baseline
 1855 survey of all lands within 500 feet of the proposed *Casuarina*
 1856 *cunninghamiana* windbreak showing the location and identifying

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1857 ~~the identification to~~ species of all existing *Casuarina spp.*
 1858 ~~(d)(e)~~ Nurseries authorized to produce *Casuarina*
 1859 *cunninghamiana* ~~shall must~~ obtain a special permit from the
 1860 department certifying that the plants have been vegetatively
 1861 propagated from sexually mature male source trees currently
 1862 grown in the state. The importation of *Casuarina cunninghamiana*
 1863 from any area outside the state ~~for use to be used~~ as a
 1864 propagation source tree is prohibited. Each male source tree
 1865 must be registered by the department as being a horticulturally
 1866 true-to-type male plant and be labeled with a source tree
 1867 registration number. Each nursery application for a special
 1868 permit ~~must shall~~ be accompanied by a fee in an amount
 1869 determined by ~~the department, by~~ rule, not to exceed \$200.
 1870 Special permits shall be renewed annually. The department shall,
 1871 by rule, set the amount of an annual fee, not to exceed \$50, for
 1872 each *Casuarina cunninghamiana* registered as a source tree.
 1873 Nurseries may only sell *Casuarina cunninghamiana* to a person
 1874 with a special permit as specified in paragraphs (a) and (b).
 1875 The source tree registration numbers of the parent plants must
 1876 be documented on each invoice or other certification
 1877 documentation provided to the buyer.
 1878 ~~(e)(f)~~ All *Casuarina cunninghamiana* shall must be destroyed
 1879 by the property owner within 6 months after:
 1880 1. The property owner takes permanent action to no longer
 1881 use the site for commercial citrus production;
 1882 2. The site has not been used for commercial citrus
 1883 production for a period of 5 years; or
 1884 3. The department determines that the *Casuarina*
 1885 *cunninghamiana* on the site has become invasive. This

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1886 determination shall be based on, but not limited to, the
 1887 recommendation of the Noxious Weed and Invasive Plant Review
 1888 Committee and the Department of Environmental Protection and
 1889 ~~made~~ in consultation with a representative of the citrus
 1890 industry who has a *Casuarina cunninghamiana* windbreak.
 1891
 1892 If the owner or person in charge refuses or neglects to comply,
 1893 the director or her or his authorized representative may, under
 1894 authority of the department, ~~proceed to~~ destroy the plants. The
 1895 expense of the destruction shall be assessed, collected, and
 1896 enforced against the owner by the department. If the owner does
 1897 not pay the assessed cost, the department may record a lien
 1898 against the property.
 1899 ~~(f)(g)~~ The use of *Casuarina cunninghamiana* for windbreaks
 1900 does shall not preclude the department from issuing permits for
 1901 the research or release of biological control agents to control
 1902 *Casuarina spp.* as provided in in accordance with s. 581.083.
 1903 ~~(g)(h)~~ The use of *Casuarina cunninghamiana* for windbreaks
 1904 may shall not restrict or interfere with any other agency or
 1905 local government effort to manage or control noxious weeds or
 1906 invasive plants, including *Casuarina cunninghamiana*. ~~An, nor~~
 1907 ~~shall any other~~ agency or local government may not remove any
 1908 *Casuarina cunninghamiana* planted as a windbreak under special
 1909 permit issued by the department.
 1910 ~~(i)~~ ~~The department shall develop and implement a monitoring~~
 1911 ~~protocol to determine invasiveness of Casuarina cunninghamiana.~~
 1912 ~~The monitoring protocol shall, at a minimum, require:~~
 1913 ~~1. Inspection of the planting site by department inspectors~~
 1914 ~~within 30 days following initial planting or any subsequent~~

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1915 ~~planting of *Casuarina cunninghamiana* to ensure the criteria of~~
 1916 ~~the special permit have been met.~~

1917 ~~2. Annual site inspections of planting sites and all lands~~
 1918 ~~within 500 feet of the planted windbreak by department~~
 1919 ~~inspectors who have been trained to identify *Casuarina spp.* and~~
 1920 ~~to make determinations of whether *Casuarina cunninghamiana* has~~
 1921 ~~spread beyond the permitted windbreak location.~~

1922 ~~3. Any new seedlings found within 500 feet of the planted~~
 1923 ~~windbreak to be removed, identified to the species level, and~~
 1924 ~~evaluated to determine if hybridization has occurred.~~

1925 ~~4. The department to submit an annual report and a final 5-~~
 1926 ~~year evaluation identifying any adverse effects resulting from~~
 1927 ~~the planting of *Casuarina cunninghamiana* for windbreaks and~~
 1928 ~~documenting all inspections and the results of those inspections~~
 1929 ~~to the Noxious Weed and Invasive Plant Review Committee, the~~
 1930 ~~Department of Environmental Protection, and a designated~~
 1931 ~~representative of the citrus industry who has a *Casuarina*~~
 1932 ~~*cunninghamiana* windbreak.~~

1933 ~~(j) If the department determines that female flowers or~~
 1934 ~~cones have been produced on any *Casuarina cunninghamiana* that~~
 1935 ~~have been planted under a special permit issued by the~~
 1936 ~~department, the property owner shall be responsible for~~
 1937 ~~destroying the trees. The department shall notify the property~~
 1938 ~~owner of the timeframe and method of destruction.~~

1939 ~~(k) If at any time the department determines that~~
 1940 ~~hybridization has occurred during the pilot program between~~
 1941 ~~*Casuarina cunninghamiana* planted as a windbreak and other~~
 1942 ~~*Casuarina spp.*, the department shall expeditiously initiate~~
 1943 ~~research to determine the invasiveness of the hybrid. The~~

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1944 ~~information obtained from this research shall be evaluated by~~
 1945 ~~the Noxious Weed and Invasive Plant Review Committee, the~~
 1946 ~~Department of Environmental Protection, and a designated~~
 1947 ~~representative of the citrus industry who has a *Casuarina*~~
 1948 ~~*cunninghamiana* windbreak. If the department determines that the~~
 1949 ~~hybrids have a high potential to become invasive, based on, but~~
 1950 ~~not limited to, the recommendation of the Noxious Weed and~~
 1951 ~~Invasive Plant Review Committee, the Department of Environmental~~
 1952 ~~Protection, and a designated representative of the citrus~~
 1953 ~~industry who has a *Casuarina cunninghamiana* windbreak, this~~
 1954 ~~pilot program shall be permanently suspended.~~

1955 ~~(1) Each application for a special permit must be~~
 1956 ~~accompanied by a fee as described in paragraph (c) and an~~
 1957 ~~agreement that the property owner will abide by all permit~~
 1958 ~~conditions including the removal of *Casuarina cunninghamiana* if~~
 1959 ~~invasive populations or other adverse environmental factors are~~
 1960 ~~determined to be present by the department as a result of the~~
 1961 ~~use of *Casuarina cunninghamiana* as windbreaks. The application~~
 1962 ~~must include, on a form provided by the department, the name of~~
 1963 ~~the applicant and the applicant's address or the address of the~~
 1964 ~~applicant's principal place of business; a statement of the~~
 1965 ~~estimated cost of removing and destroying the *Casuarina*~~
 1966 ~~*cunninghamiana* that is the subject of the special permit; and~~
 1967 ~~the basis for calculating or determining that estimate. If the~~
 1968 ~~applicant is a corporation, partnership, or other business~~
 1969 ~~entity, the applicant must also provide in the application the~~
 1970 ~~name and address of each officer, partner, or managing agent.~~
 1971 ~~The applicant shall notify the department within 30 business~~
 1972 ~~days of any change of address or change in the principal place~~

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1973 of business. The department shall mail all notices to the
 1974 applicant's last known address.

1975 1. Upon obtaining a permit, the permitholder must annually
 1976 maintain the *Casuarina cunninghamiana* authorized by a special
 1977 permit as required in the permit. If the permitholder ceases to
 1978 maintain the *Casuarina cunninghamiana* as required by the special
 1979 permit, if the permit expires, or if the permitholder ceases to
 1980 abide by the conditions of the special permit, the permitholder
 1981 must shall remove and destroy the *Casuarina cunninghamiana* in a
 1982 timely manner as specified in the permit.

1983 2. If the department:

1984 a. Determines that the permitholder is no longer
 1985 maintaining the *Casuarina cunninghamiana* subject to the special
 1986 permit and has not removed and destroyed the *Casuarina*
 1987 *cunninghamiana* authorized by the special permit;

1988 b. Determines that the continued use of *Casuarina*
 1989 *cunninghamiana* as windbreaks presents an imminent danger to
 1990 public health, safety, or welfare; or

1991 c. Determines that the permitholder has exceeded the
 1992 conditions of the authorized special permit,†

1993 the department may issue an immediate final order, which is
 1994 ~~shall be~~ immediately appealable or enjoicable pursuant to ~~as~~
 1995 ~~provided by~~ chapter 120, directing the permitholder to
 1996 immediately remove and destroy the *Casuarina cunninghamiana*
 1997 authorized to be planted under the special permit. A copy of the
 1998 immediate final order shall be provided ~~mailed~~ to the
 1999 permitholder.

2000 3. If, upon issuance by the department of an immediate
 2001

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2002 final order to the permitholder, the permitholder fails to
 2003 remove and destroy the *Casuarina cunninghamiana* subject to the
 2004 special permit within 60 days after issuance of the order,† or
 2005 such shorter period as is designated in the order as public
 2006 health, safety, or welfare requires, the department may remove
 2007 and destroy the *Casuarina cunninghamiana* that are the subject of
 2008 the special permit. If the permitholder makes a written request
 2009 to the department for an extension of time to remove and destroy
 2010 the *Casuarina cunninghamiana* that demonstrates specific facts
 2011 showing why the *Casuarina cunninghamiana* could not reasonably be
 2012 removed and destroyed in the applicable timeframe, the
 2013 department may extend the time for removing and destroying
 2014 *Casuarina cunninghamiana* subject to a special permit. The
 2015 reasonable costs and expenses incurred by the department for
 2016 removing and destroying *Casuarina cunninghamiana* subject to a
 2017 special permit shall be paid out of the Citrus Inspection Trust
 2018 Fund and shall be reimbursed by the party to which the immediate
 2019 final order is issued. If the party to which the immediate final
 2020 order has been issued fails to reimburse the state within 60
 2021 days, the department may record a lien on the property. The lien
 2022 shall be enforced by the department.

2023 4. In order to carry out the purposes of this paragraph,
 2024 the department or its agents may require a permitholder to
 2025 provide verified statements of the planted acreage subject to
 2026 the special permit and may review the permitholder's business or
 2027 planting records at her or his place of business during normal
 2028 business hours in order to determine the acreage planted. The
 2029 failure of a permitholder to furnish such statement or to make
 2030 such records available is cause for suspension of the special

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2031 permit. If the department finds such failure to be willful, the
2032 special permit may be revoked.

2033 Section 89. Subsection (8) of section 581.131, Florida
2034 Statutes, is amended to read:

2035 581.131 Certificate of registration.—

2036 (8) The department shall provide to each person subject to
2037 this section written notice and renewal forms 30 60 days before
2038 ~~prior to~~ the annual renewal date informing the person of the
2039 certificate of registration renewal date and the applicable fee.

2040 Section 90. Subsection (4) of section 583.01, Florida
2041 Statutes, is amended to read:

2042 583.01 Definitions.—For the purpose of this chapter, unless
2043 elsewhere indicated, the term:

2044 (4) "Dealer" means a any person, firm, or corporation,
2045 including a producer, processor, retailer, or wholesaler, that
2046 sells, offers for sale, or holds for the purpose of sale in this
2047 state 30 dozen or more eggs or its equivalent in any one week,
2048 or more than 384 in excess of 100 pounds of dressed birds
2049 ~~poultry~~ in any one week.

2050 Section 91. Section 570.38, Florida Statutes, is
2051 transferred, renumbered as section 585.008, Florida Statutes,
2052 and amended to read:

2053 585.008 ~~570.38~~ Animal Industry Technical Council.—

2054 (1) COMPOSITION.—The Animal Industry Technical Council is
2055 hereby created in the department and shall be composed of 14
2056 members as follows:

2057 (a) The beef cattle, swine, dairy, horse, independent
2058 agricultural market markets, meat processing and packing
2059 establishment establishments, veterinary medicine, and poultry

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2060 representatives who serve on the State Agricultural Advisory
2061 Council and three additional representatives from the beef
2062 cattle industry, as well as three at-large members representing
2063 other animal industries in the state, who shall be appointed by
2064 the commissioner for 4-year terms or until their successors are
2065 duly qualified and appointed.

2066 (b) Each additional beef cattle representative shall be
2067 appointed subject to the qualifications and by the procedure as
2068 prescribed in s. 570.23 for membership to the council by the
2069 beef cattle representative. If a vacancy occurs in these three
2070 positions, it shall be filled for the remainder of the term in
2071 the same manner as an initial appointment.

2072 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
2073 meetings, powers and duties, procedures, and recordkeeping of
2074 the Animal Industry Technical Council shall be pursuant to s.
2075 570.232 governed by the provisions of s. 570.0705 relating to
2076 ~~advisory committees established within the department.~~

2077 Section 92. Subsection (3) is added to section 589.08,
2078 Florida Statutes, to read:

2079 589.08 Land acquisition restrictions.—

2080 (3) The Florida Forest Service shall pay 15 percent of the
2081 gross receipts from the Goethe State Forest to each fiscally
2082 constrained county as described in s. 218.67(1) in which a
2083 portion of the Goethe State Forest is located in proportion to
2084 the forest acreage located in such county. The funds must be
2085 equally divided between the board of county commissioners and
2086 the school board of each fiscally constrained county.

2087 Section 93. Subsections (1) and (3) of section 589.011,
2088 Florida Statutes, are amended to read:

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2089 589.011 Use of state forest lands; fees; rules.-

2090 (1) (a) If authorized by a land management plan approved

2091 pursuant to chapter 253 or by an interim assignment letter that

2092 identifies the interim management activities issued by the

2093 Department of Environmental Protection pursuant to chapter 259,

2094 the Florida Forest Service of the Department of Agriculture and

2095 Consumer Services may grant privileges, permits, leases, and

2096 concessions for the use of state forest lands or any land leased

2097 by or otherwise assigned to the Florida Forest Service for

2098 management purposes, timber, and forest products pursuant to ~~for~~

2099 purposes not inconsistent with the provisions of this chapter.

2100 (b) Lessees of such lands that are open to the public for

2101 recreational purposes, where such lease or agreement recognizes

2102 that the state is responsible for personal injury, loss, or

2103 damage resulting in whole or in part from the public's use of

2104 the area under the terms of the lease or agreement, subject to

2105 the limitations and conditions specified in s. 768.28, owe no

2106 duty of care to keep the area safe for entry or use by others or

2107 to give warning to a person entering or going into the area of

2108 any hazardous conditions, structures, or activities thereon.

2109 (c) Lessees who lease property from the Florida Forest

2110 Service that is open to the public for recreational purposes:

2111 1. Are not presumed to extend any assurance that the leased

2112 area is safe for any purpose.

2113 2. Do not incur any duty of care toward a person who goes

2114 into the area that is subject to the lease or agreement.

2115 3. Are not liable or responsible for any injury to persons

2116 or property caused by the act or omission of a person who goes

2117 into the area that is subject to the lease or agreement.

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2118 (d) This subsection:

2119 1. Applies to all persons going into the leased area,

2120 including invitees, licensees, and trespassers.

2121 2. Does not relieve a person of liability that would

2122 otherwise exist for deliberate, willful, or malicious injury to

2123 persons or property.

2124 3. Does not create or increase liability of a person.

2125 (3) The Florida Forest Service ~~may shall have the power to~~

2126 ~~set and collect charge~~ reasonable fees, rentals, or charges ~~or~~

2127 ~~rent~~ for the use or operation of facilities and concessions on

2128 state forests or any lands leased by or otherwise assigned to

2129 the Florida Forest Service for management purposes based on

2130 factors such as the cost and extent of recreational facilities

2131 and services, geographical location, seasonal public demand,

2132 fees charged by other governmental and private entities for

2133 comparable services and activities, and market value and demand

2134 for forest products. Moneys collected from such fees, rentals,

2135 and charges ~~rent~~ shall be deposited into the Incidental Trust

2136 Fund of the Florida Forest Service.

2137 Section 94. Section 589.20, Florida Statutes, is amended to

2138 read:

2139 589.20 Cooperation by Florida Forest Service.—The Florida

2140 Forest Service may cooperate with other state agencies, water

2141 management districts, municipalities, or other governmental

2142 entities ~~who are custodians of lands which are suitable for~~

2143 ~~forestry purposes,~~ in the designation and dedication of ~~such~~

2144 lands ~~that are suitable for forestry purposes when in the~~

2145 ~~opinion of the state agencies concerned such lands are suitable~~

2146 ~~for these purposes and can be so administered. Lands designated~~

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2147 ~~and dedicated by a state agency, water management district,~~
 2148 ~~municipality, or other government entity~~ Upon the designation
 2149 ~~and dedication of said lands for forestry these purposes by the~~
 2150 ~~agencies concerned, said lands~~ shall be administered by the
 2151 Florida Forest Service.

2152 Section 95. Subsection (7) of section 590.02, Florida
 2153 Statutes, is amended to read:

2154 590.02 Florida Forest Service; powers, authority, and
 2155 duties; liability; building structures; Withlacoochee Training
 2156 ~~Florida Center for Wildfire and Forest Resources Management~~
 2157 ~~Training.~~-

2158 (7) The Florida Forest Service may organize, staff, equip,
 2159 and operate the Withlacoochee ~~Florida Forest~~ Training Center.
 2160 The center shall serve as a site where fire and forest resource
 2161 managers can obtain current knowledge, techniques, skills, and
 2162 theory as they relate to their respective disciplines.

2163 (a) The center may establish cooperative efforts involving
 2164 federal, state, and local entities; hire appropriate personnel;
 2165 and engage others by contract or agreement with or without
 2166 compensation to assist in carrying out the training and
 2167 operations of the center.

2168 (b) The center shall provide wildfire suppression training
 2169 opportunities for rural fire departments, volunteer fire
 2170 departments, and other local fire response units.

2171 (c) The center shall ~~will~~ focus on curriculum related ~~to~~,
 2172 but not limited to, fuel reduction, an incident management
 2173 system, prescribed burning certification, multiple-use land
 2174 management, water quality, forest health, environmental
 2175 education, and wildfire suppression training for structural

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2176 firefighters.

2177 (d) The center may assess appropriate fees for food,
 2178 lodging, travel, course materials, and supplies in order to meet
 2179 its operational costs and may grant free meals, room, and
 2180 scholarships to persons and other entities in exchange for
 2181 instructional assistance.

2182 Section 96. Subsection (2) of section 590.125, Florida
 2183 Statutes, is amended to read:

2184 590.125 Open burning authorized by the Florida Forest
 2185 Service.-

2186 (2) NONCERTIFIED BURNING.-

2187 (a) Persons may ~~be authorized to~~ broadcast burn or pile
 2188 burn pursuant to ~~in accordance with~~ this subsection if:

2189 1. There is specific consent of the landowner or his or her
 2190 designee;

2191 2. Authorization has been obtained from the Florida Forest
 2192 Service or its designated agent before starting the burn;

2193 3. There are adequate firebreaks at the burn site and
 2194 sufficient personnel and firefighting equipment for the
 2195 containment of the fire;

2196 4. The fire remains within the boundary of the authorized
 2197 area;

2198 5. The person named responsible in the burn authorization
 2199 or a designee is present at the burn site until the fire is
 2200 completed;

2201 6. The Florida Forest Service does not cancel the
 2202 authorization; and

2203 7. The Florida Forest Service determines that air quality
 2204 and fire danger are favorable for safe burning.

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2205 (b) A new authorization is not required for smoldering that
 2206 occurs within the authorized burn area unless new ignitions are
 2207 conducted by the person named responsible in the burn
 2208 authorization or a designee.

2209 (c) Monitoring the smoldering activity of a burn does not
 2210 require an additional authorization even if flames begin to
 2211 spread within the authorized burn site due to ongoing smoldering
 2212 activity.

2213 (d) ~~(b)~~ A person who broadcast burns or pile burns in a
 2214 manner that violates ~~any requirement~~ of this subsection commits
 2215 a misdemeanor of the second degree, punishable as provided in s.
 2216 775.082 or s. 775.083.

2217 Section 97. Section 570.0725, Florida Statutes, is
 2218 transferred and renumbered as section 595.420, Florida Statutes.

2219 Section 98. Paragraph (k) of subsection (1) of section
 2220 597.003, Florida Statutes, is amended to read:

2221 597.003 Powers and duties of Department of Agriculture and
 2222 Consumer Services.—

2223 (1) The department is hereby designated as the lead agency
 2224 in encouraging the development of aquaculture in the state and
 2225 shall have and exercise the following functions, powers, and
 2226 duties with regard to aquaculture:

2227 (k) Make available state lands and the water column for the
 2228 purpose of producing aquaculture products when the aquaculture
 2229 activity is compatible with state resource management goals,
 2230 environmental protection, and proprietary interest and when such
 2231 state lands and waters are determined to be suitable for
 2232 aquaculture development by the Board of Trustees of the Internal
 2233 Improvement Trust Fund pursuant to s. 253.68; provide training

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2234 as necessary to lessees; and be responsible for all saltwater
 2235 aquaculture activities located on sovereignty submerged land or
 2236 in the water column above such land and adjacent facilities
 2237 directly related to the aquaculture activity.

2238 1. The department shall act in cooperation with other state
 2239 and local agencies and programs to identify and designate
 2240 sovereignty lands and waters that would be suitable for
 2241 aquaculture development.

2242 2. The department shall identify and evaluate specific
 2243 tracts of sovereignty submerged lands and water columns in
 2244 various areas of the state to determine where such lands and
 2245 waters are suitable for leasing for aquaculture purposes.
 2246 Nothing in this subparagraph or subparagraph 1. shall preclude
 2247 the applicant from applying for sites identified by the
 2248 applicant.

2249 3. The department shall provide assistance in developing
 2250 technologies applicable to aquaculture activities, evaluate
 2251 practicable production alternatives, and provide agreements to
 2252 develop innovative culture practices.

2253 Section 99. Paragraph (j) is added to subsection (1) of
 2254 section 597.004, Florida Statutes, to read:

2255 597.004 Aquaculture certificate of registration.—

2256 (1) CERTIFICATION.—Any person engaging in aquaculture must
 2257 be certified by the department. The applicant for a certificate
 2258 of registration shall submit the following to the department:

2259 (j) A certificate of training, if required under the best
 2260 management practices adopted pursuant to this section.

2261 Section 100. Subsection (1) of section 597.020, Florida
 2262 Statutes, is amended to read:

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2263 597.020 Shellfish processors; regulation.-
 2264 (1) The department may:
 2265 ~~(a) is authorized to~~ Adopt by rule regulations,
 2266 specifications, training requirements, and codes relating to
 2267 sanitary practices for catching, cultivating, handling,
 2268 processing, packaging, preserving, canning, smoking, and storing
 2269 ~~of~~ oysters, clams, mussels, scallops, and crabs.
 2270 ~~(b) The department is also authorized to~~ License shellfish
 2271 processors who handle oysters, clams, mussels, scallops, and
 2272 crabs when such activities relate to quality control, sanitary,
 2273 and public health practices pursuant to this section and chapter
 2274 500.
 2275 ~~(c) The department is also authorized to~~ License or
 2276 certify, for a fee determined by rule, facilities used for
 2277 processing oysters, clams, mussels, scallops, and crabs; ~~to~~
 2278 levy an administrative fine in the Class I category pursuant to
 2279 s. 570.971 for each violation, for each day the violation exists
 2280 of up to \$1,000 per violation per day or ~~to~~ suspend or revoke
 2281 such licenses or certificates upon satisfactory evidence of a
 2282 ~~any~~ violation of rules adopted pursuant to this section, ~~and to~~
 2283 seize and destroy any adulterated or misbranded shellfish
 2284 products as defined by rule.
 2285 Section 101. Section 570.481, Florida Statutes, is
 2286 transferred and renumbered as section 603.011, Florida Statutes.
 2287 Section 102. Section 570.55, Florida Statutes, is
 2288 transferred and renumbered as section 603.211, Florida Statutes.
 2289 Section 103. Subsection (2) of section 604.16, Florida
 2290 Statutes, is amended, and subsection (5) is added to that
 2291 section, to read:

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2292 604.16 Exceptions to provisions of ss. 604.15-604.34.-
 2293 Except for s. 604.22(2), the provisions of ss. 604.15-604.34 do
 2294 not apply to:
 2295 (2) A dealer in agricultural products who pays at the time
 2296 of purchase with United States cash currency or a cash
 2297 equivalent, such as a money order, cashier's check, wire
 2298 transfer, electronic funds transfer, or PIN debit transaction
 2299 ~~debit card~~.
 2300 (5) A dealer in agricultural products to the extent that
 2301 the dealer purchases agricultural products from a producer owned
 2302 by the exact same person as the dealer, owned solely by the
 2303 dealer, or who solely owns the dealer.
 2304 Section 104. Section 604.22, Florida Statutes, is amended
 2305 to read:
 2306 604.22 Dealers to keep records; contents.-
 2307 (1) (a) Each licensee, while acting as agent for a producer,
 2308 shall make and preserve for at least 1 year a record of each
 2309 transaction, specifying the name and address of the producer for
 2310 whom she or he acts as agent; the date of receipt; the kind,
 2311 quality, and quantity of agricultural products received; the
 2312 name and address of the purchaser of each package of
 2313 agricultural products; the price for which each package was
 2314 sold; the amount of any additional charges necessary to
 2315 effectuate the sale; the amount and explanation of any
 2316 adjustments given; and the net amount due from each purchaser.
 2317 (b) An account of sales shall be furnished to each producer
 2318 within 48 hours after the sale of such agricultural products
 2319 unless otherwise agreed to in a written contract or verifiable
 2320 oral agreement. Such account of sales shall clearly show the

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2321 sale price of each lot of agricultural products sold; all
 2322 adjustments to the original price, along with an explanation of
 2323 such adjustments; and an itemized showing of all marketing costs
 2324 deducted by the licensee, along with the net amount due the
 2325 producer.

2326 (c) The licensee shall make the payment to the producer
 2327 within 5 days ~~after~~ of the licensee's receipt of payment unless
 2328 otherwise agreed to in a written contract or verifiable oral
 2329 agreement.

2330 (2) (a) ~~Notwithstanding The provisions of s. 604.16(2), (3),~~
 2331 ~~and (4) notwithstanding, a~~ any person, partnership, corporation,
 2332 or other business entity, except a person described in s.
 2333 604.16(1), who possesses and offers for sale agricultural
 2334 products is required to possess and display, upon the request of
 2335 a ~~any~~ department representative or state, county, or local law
 2336 enforcement officer, an invoice, bill of sale, manifest, or
 2337 other written document showing the date of sale, the name and
 2338 address of the seller, and the kind and quantity of products for
 2339 all such agricultural products.

2340 (b) ~~A~~ Any person who violates ~~the provisions of this~~
 2341 ~~section is subject to s. 604.30(2) and (3) subsection is guilty~~
 2342 ~~of a misdemeanor of the second degree, punishable as provided in~~
 2343 ~~s. 775.082 or s. 775.083.~~

2344 Section 105. Sections 487.172, 500.301, 500.302, 500.303,
 2345 500.304, 500.305, 500.306, 500.601, 570.345, 570.542, 570.72,
 2346 570.92, 589.081, and 590.091, Florida Statutes, are repealed.

2347 Section 106. Paragraph (c) of subsection (6) of section
 2348 193.461, Florida Statutes, is amended to read:

2349 193.461 Agricultural lands; classification and assessment;

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2350 mandated eradication or quarantine program.-

2351 (6)

2352 (c)1. For purposes of the income methodology approach to
 2353 assessment of property used for agricultural purposes,
 2354 irrigation systems, including pumps and motors, physically
 2355 attached to the land ~~are~~ ~~shall be~~ considered a part of the
 2356 average yields per acre and ~~shall~~ have no separately assessable
 2357 contributory value.

2358 2. Litter containment structures located on producing
 2359 poultry farms and animal waste nutrient containment structures
 2360 located on producing dairy farms shall be assessed by the
 2361 methodology described in subparagraph 1.

2362 3. Structures or improvements used in horticultural
 2363 production for frost or freeze protection, ~~which structures or~~
 2364 ~~improvements~~ are consistent with the interim measures or best
 2365 management practices adopted by the Department of Agriculture
 2366 and Consumer Services Services' interim measures or best
 2367 ~~management practices adopted pursuant to s. 570.93 s. 570.085 or~~
 2368 ~~s. 403.067(7) (c)~~, shall be assessed by the methodology described
 2369 in subparagraph 1.

2370 Section 107. Subsection (1) of section 253.74, Florida
 2371 Statutes, is amended to read:

2372 253.74 Penalties.-

2373 (1) ~~A~~ Any person who conducts aquaculture activities in
 2374 excess of those authorized by the board or who conducts such
 2375 activities on state-owned submerged lands without having
 2376 previously obtained an authorization from the board commits a
 2377 misdemeanor of the second degree, punishable as provided in s.
 2378 775.082, is and shall be subject to a civil fine in the Class I

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2379 ~~category pursuant to s. 570.971 imprisonment for not more than 6~~
 2380 ~~months or fine of not more than \$1,000, or both. In addition to~~
 2381 such fine and imprisonment, all works, improvements, and animal
 2382 and plant life involved in the project, may be forfeited to the
 2383 state.

2384 Section 108. Paragraph (c) of subsection (5) of section
 2385 288.1175, Florida Statutes, is amended to read:

2386 288.1175 Agriculture education and promotion facility.—

2387 (5) The Department of Agriculture and Consumer Services
 2388 shall competitively evaluate applications for funding of an
 2389 agriculture education and promotion facility. If the number of
 2390 applicants exceeds three, the Department of Agriculture and
 2391 Consumer Services shall rank the applications based upon
 2392 criteria developed by the Department of Agriculture and Consumer
 2393 Services, with priority given in descending order to the
 2394 following items:

2395 (c) The location of the facility in a brownfield site as
 2396 defined in s. 376.79(3), a rural enterprise zone as defined in
 2397 s. 290.004, an agriculturally depressed area as defined in s.
 2398 570.74 ~~s. 570.242(1)~~, or a county that has lost its agricultural
 2399 land to environmental restoration projects.

2400 Section 109. Paragraph (b) of subsection (14) and paragraph
 2401 (b) of subsection (77) of section 320.08058, Florida Statutes,
 2402 are amended to read:

2403 320.08058 Specialty license plates.—

2404 (14) FLORIDA AGRICULTURAL LICENSE PLATES.—

2405 (b) The proceeds of the Florida Agricultural license plate
 2406 annual use fee must be forwarded to the direct-support
 2407 organization created pursuant to s. 570.691 ~~in s. 570.903~~. The

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2408 funds must be used for the sole purpose of funding and promoting
 2409 the Florida agriculture in the classroom program established
 2410 within the Department of Agriculture and Consumer Services
 2411 pursuant to s. 570.693 ~~s. 570.91~~.

2412 (77) FLORIDA HORSE PARK LICENSE PLATES.—

2413 (b) The annual use fees shall be distributed to the Florida
 2414 Agriculture Center and Horse Park Authority created by s.
 2415 570.685 ~~s. 570.952~~, which shall retain all proceeds until all
 2416 startup costs for developing and establishing the plate have
 2417 been recovered. Thereafter, the proceeds shall be used as
 2418 follows:

2419 1. A maximum of 5 percent of the proceeds from the annual
 2420 use fees may be used for the administration of the Florida Horse
 2421 Park license plate program.

2422 2. A maximum of 5 percent of the proceeds may be used to
 2423 promote and market the license plate.

2424 3. The remaining proceeds shall be used by the authority to
 2425 promote the Florida Agriculture Center and Horse Park located in
 2426 Marion County; to support continued development of the park,
 2427 including the construction of additional educational facilities,
 2428 barns, and other structures; to provide improvements to the
 2429 existing infrastructure at the park; and to provide for
 2430 operational expenses of the Florida Agriculture Center and Horse
 2431 Park.

2432 Section 110. Section 373.621, Florida Statutes, is amended
 2433 to read:

2434 373.621 Water conservation.—The Legislature recognizes the
 2435 significant value of water conservation in the protection and
 2436 efficient use of water resources. Accordingly, consideration in

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2437 the administration of ss. 373.223, 373.233, and 373.236 shall be
 2438 given to applicants who implement water conservation practices
 2439 pursuant to s. 570.93 ~~s. 570.085~~ or other applicable water
 2440 conservation measures as determined by the department or a water
 2441 management district.

2442 Section 111. Paragraph (a) of subsection (2) of section
 2443 373.709, Florida Statutes, is amended to read:

2444 373.709 Regional water supply planning.—

2445 (2) Each regional water supply plan must be based on at
 2446 least a 20-year planning period and must include, but need not
 2447 be limited to:

2448 (a) A water supply development component for each water
 2449 supply planning region identified by the district which
 2450 includes:

2451 1. A quantification of the water supply needs for all
 2452 existing and future reasonable-beneficial uses within the
 2453 planning horizon. The level-of-certainty planning goal
 2454 associated with identifying the water supply needs of existing
 2455 and future reasonable-beneficial uses must be based upon meeting
 2456 those needs for a 1-in-10-year drought event.

2457 a. Population projections used for determining public water
 2458 supply needs must be based upon the best available data. In
 2459 determining the best available data, the district shall consider
 2460 the University of Florida's Bureau of Economic and Business
 2461 Research (BEER) medium population projections and population
 2462 projection data and analysis submitted by a local government
 2463 pursuant to the public workshop described in subsection (1) if
 2464 the data and analysis support the local government's
 2465 comprehensive plan. Any adjustment of or deviation from the BEER

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2466 projections must be fully described, and the original BEER data
 2467 must be presented along with the adjusted data.

2468 b. Agricultural demand projections used for determining the
 2469 needs of agricultural self-suppliers must be based upon the best
 2470 available data. In determining the best available data for
 2471 agricultural self-supplied water needs, the district shall
 2472 consider the data indicative of future water supply demands
 2473 provided by the Department of Agriculture and Consumer Services
 2474 pursuant to s. 570.93 ~~s. 570.085~~ and agricultural demand
 2475 projection data and analysis submitted by a local government
 2476 pursuant to the public workshop described in subsection (1), if
 2477 the data and analysis support the local government's
 2478 comprehensive plan. Any adjustment of or deviation from the data
 2479 provided by the Department of Agriculture and Consumer Services
 2480 must be fully described, and the original data must be presented
 2481 along with the adjusted data.

2482 2. A list of water supply development project options,
 2483 including traditional and alternative water supply project
 2484 options, from which local government, government-owned and
 2485 privately owned utilities, regional water supply authorities,
 2486 multijurisdictional water supply entities, self-suppliers, and
 2487 others may choose for water supply development. In addition to
 2488 projects listed by the district, such users may propose specific
 2489 projects for inclusion in the list of alternative water supply
 2490 projects. If such users propose a project to be listed as an
 2491 alternative water supply project, the district shall determine
 2492 whether it meets the goals of the plan, and, if so, it shall be
 2493 included in the list. The total capacity of the projects
 2494 included in the plan must exceed the needs identified in

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2495 subparagraph 1. and take into account water conservation and
 2496 other demand management measures, as well as water resources
 2497 constraints, including adopted minimum flows and levels and
 2498 water reservations. Where the district determines it is
 2499 appropriate, the plan should specifically identify the need for
 2500 multijurisdictional approaches to project options that, based on
 2501 planning level analysis, are appropriate to supply the intended
 2502 uses and that, based on such analysis, appear to be permissible
 2503 and financially and technically feasible. The list of water
 2504 supply development options must contain provisions that
 2505 recognize that alternative water supply options for agricultural
 2506 self-suppliers are limited.

2507 3. For each project option identified in subparagraph 2.,
 2508 the following must be provided:

2509 a. An estimate of the amount of water to become available
 2510 through the project.

2511 b. The timeframe in which the project option should be
 2512 implemented and the estimated planning-level costs for capital
 2513 investment and operating and maintaining the project.

2514 c. An analysis of funding needs and sources of possible
 2515 funding options. For alternative water supply projects, the
 2516 water management districts shall provide funding pursuant to
 2517 ~~assistance in accordance with~~ s. 373.707(8).

2518 d. Identification of the entity that should implement each
 2519 project option and the current status of project implementation.

2520 Section 112. Paragraph (d) of subsection (2) of section
 2521 381.0072, Florida Statutes, is amended to read:

2522 381.0072 Food service protection.—It shall be the duty of
 2523 the Department of Health to adopt and enforce sanitation rules

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2524 consistent with law to ensure the protection of the public from
 2525 food-borne illness. These rules shall provide the standards and
 2526 requirements for the storage, preparation, serving, or display
 2527 of food in food service establishments as defined in this
 2528 section and which are not permitted or licensed under chapter
 2529 500 or chapter 509.

2530 (2) DUTIES.—

2531 (d) The department shall inspect each food service
 2532 establishment as often as necessary to ensure compliance with
 2533 applicable laws and rules. The department shall have the right
 2534 of entry and access to these food service establishments at any
 2535 reasonable time. In inspecting food service establishments ~~as~~
 2536 provided under this section, the department shall provide each
 2537 inspected establishment with the food recovery brochure
 2538 developed under s. 595.420 ~~s. 570.0725~~.

2539 Section 113. Paragraph (c) of subsection (2) of section
 2540 388.46, Florida Statutes, is amended to read:

2541 388.46 Florida Coordinating Council on Mosquito Control;
 2542 establishment; membership; organization; responsibilities.—

2543 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

2544 (c) *Responsibilities*.—The council shall:

2545 1. Develop and implement guidelines to assist the
 2546 department in resolving disputes arising over the control of
 2547 arthropods on publicly owned lands.

2548 2. Develop and recommend to the department a request for
 2549 proposal process for arthropod control research.

2550 3. Identify potential funding sources for research or
 2551 implementation projects and evaluate and prioritize proposals
 2552 upon request by the funding source.

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2553 4. Prepare and present reports, as needed, on arthropod
2554 control activities in the state to ~~the Pesticide Review Council~~
2555 ~~and other~~ governmental organizations, as appropriate.

2556 Section 114. Paragraph (c) of subsection (2) of section
2557 472.0351, Florida Statutes, is amended to read:

2558 472.0351 Grounds for discipline; penalties; enforcement.—

2559 (2) If the board finds a surveyor or mapper guilty of any
2560 of the grounds set forth in subsection (1) or a violation of
2561 this chapter which occurred before obtaining a license, the
2562 board may enter an order imposing one or more of the following
2563 penalties:

2564 (c) Imposition of an administrative fine in the Class I
2565 category pursuant to s. 570.971 ~~not to exceed \$1,000~~ for each
2566 count or separate offense.

2567 Section 115. Subsections (1) and (2) and paragraph (a) of
2568 subsection (3) of section 472.036, Florida Statutes, are amended
2569 to read:

2570 472.036 Unlicensed practice of professional surveying and
2571 mapping; cease and desist notice; civil penalty; enforcement;
2572 citations; allocation of moneys collected.—

2573 (1) When the department has probable cause to believe that
2574 a any person not licensed by the department or the board has
2575 violated ~~any provision of~~ this chapter, or any rule adopted
2576 pursuant to this chapter, the department may issue and deliver
2577 to such person a notice to cease and desist from such violation.
2578 In addition, the department may issue and deliver a notice to
2579 cease and desist to a any person who aids and abets the
2580 unlicensed practice of surveying and mapping by employing such
2581 unlicensed person. The issuance of a notice to cease and desist

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2582 ~~does shall~~ not constitute agency action for which a hearing
2583 under ss. 120.569 and 120.57 may be sought. For the purpose of
2584 enforcing a cease and desist order, the department may file a
2585 proceeding in the name of the state seeking issuance of an
2586 injunction or a writ of mandamus against ~~a any~~ person who
2587 violates ~~any provisions of~~ such order. In addition to the
2588 foregoing remedies, the department may impose an administrative
2589 fine in the Class II category pursuant to s. 570.971 for each
2590 ~~penalty not to exceed \$5,000 per~~ incident pursuant to ~~the~~
2591 ~~provisions of~~ chapter 120 or may issue a citation pursuant to
2592 ~~the provisions of~~ subsection (3). If the department is required
2593 to seek enforcement of the order for a penalty pursuant to s.
2594 120.569, it shall be entitled to collect its attorney attorney's
2595 fees and costs, together with any cost of collection.

2596 (2) In addition to or in lieu of any remedy provided in
2597 subsection (1), the department may seek the imposition of a
2598 civil penalty through the circuit court for any violation for
2599 which the department may issue a notice to cease and desist
2600 under subsection (1). The civil penalty shall be a fine in the
2601 Class II category pursuant to s. 570.971 ~~no less than \$500 and~~
2602 ~~no more than \$5,000~~ for each offense. The court may also award
2603 to the prevailing party court costs and reasonable attorney fees
2604 and, in the event the department prevails, may also award
2605 reasonable costs of investigation.

2606 (3) (a) Notwithstanding ~~the provisions of~~ s. 472.033, the
2607 department shall adopt rules for to permit the issuance of
2608 citations for unlicensed practice of a profession. The citation
2609 shall be issued to the subject and shall contain the subject's
2610 name and any other information the department determines to be

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2611 necessary to identify the subject, a brief factual statement,
 2612 the sections of the law allegedly violated, and the penalty
 2613 imposed. The citation must clearly state that the subject may
 2614 choose, in lieu of accepting the citation, to follow the
 2615 procedure under s. 472.033. If the subject disputes the matter
 2616 in the citation, the procedures set forth in s. 472.033 must be
 2617 followed. However, if the subject does not dispute the matter in
 2618 the citation with the department within 30 days after the
 2619 citation is served, the citation shall become a final order of
 2620 the department upon filing with the agency clerk. The penalty
 2621 shall be a fine in the Class II category pursuant to s. 570.971
 2622 ~~of not less than \$500 or more than \$5,000~~ or other conditions as
 2623 established by rule.

2624 Section 116. Subsection (7) of section 482.161, Florida
 2625 Statutes, is amended to read:

2626 482.161 Disciplinary grounds and actions; reinstatement.—

2627 (7) The department, pursuant to chapter 120, in addition to
 2628 or in lieu of any other remedy provided by state or local law,
 2629 may impose an administrative fine in the Class II category
 2630 pursuant to s. 570.971, in an amount not exceeding \$5,000, for a
 2631 ~~the violation of any of the provisions~~ of this chapter or of the
 2632 rules adopted pursuant to this chapter. In determining the
 2633 amount of fine to be levied for a violation, the following
 2634 factors shall be considered:

2635 (a) The severity of the violation, including the
 2636 probability that the death, or serious harm to the health or
 2637 safety, of any person will result or has resulted; the severity
 2638 of the actual or potential harm; and the extent to which ~~the~~
 2639 ~~provisions of this chapter or of the rules adopted pursuant to~~

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2640 this chapter were violated;

2641 (b) Any actions taken by the licensee or certified operator
 2642 in charge, or limited certificateholder, to correct the
 2643 violation or to remedy complaints;

2644 (c) Any previous violations of this chapter or of the rules
 2645 adopted pursuant to this chapter; and

2646 (d) The cost to the department of investigating the
 2647 violation.

2648 Section 117. Subsections (3) and (5) of section 482.165,
 2649 Florida Statutes, are amended to read:

2650 482.165 Unlicensed practice of pest control; cease and
 2651 desist order; injunction; civil suit and penalty.—

2652 (3) In addition to or in lieu of any remedy provided under
 2653 subsection (2), the department may institute a civil suit in
 2654 circuit court to recover a civil penalty for a any violation for
 2655 which the department may issue a notice to cease and desist
 2656 under subsection (2). The civil penalty shall be in Class II
 2657 category pursuant to s. 570.971 ~~may not be less than \$500 or~~
 2658 ~~more than \$5,000 for each offense~~. The court may also award to
 2659 the prevailing party court costs and reasonable attorney
 2660 ~~attorney's~~ fees.

2661 (5) In addition to or in lieu of any remedy provided under
 2662 subsections (2) and (3), the department may, even in the case of
 2663 a first offense, impose a fine not less than twice the cost of a
 2664 pest control business license, but not more than a fine in the
 2665 Class II category pursuant to s. 570.971 ~~\$5,000~~, upon a
 2666 determination by the department that a person is in violation of
 2667 subsection (1). For the purposes of this subsection, the lapse
 2668 of a previously issued license for a period of less than 1 year

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2669 ~~is shall~~ not be considered a violation.

2670 Section 118. Subsection (6) of section 482.243, Florida
2671 Statutes, is amended to read:

2672 482.243 Pest Control Enforcement Advisory Council.—

2673 (6) The meetings, powers and duties, procedures, and
2674 recordkeeping of the council shall be pursuant to s. 570.232 ~~in~~
2675 ~~accordance with the provisions of s. 570.0705 relating to~~
2676 ~~advisory committees established within the department.~~

2677 Section 119. Subsection (3) of section 487.047, Florida
2678 Statutes, is amended to read:

2679 487.047 Nonresident license; reciprocal agreement;
2680 authorized purchase.—

2681 (3) Restricted-use pesticides may be purchased by a any
2682 person who holds a valid applicator's license or who holds a
2683 valid purchase authorization card issued by the department or by
2684 a licensee under chapter 388 or chapter 482. A nonlicensed
2685 person may apply restricted-use pesticides under the direct
2686 supervision of a licensed applicator. An applicator's license
2687 shall be issued by the department pursuant to on a form supplied
2688 ~~by it in accordance with the requirements of~~ this part.

2689 Section 120. Subsections (2) and (3) of section 487.091,
2690 Florida Statutes, are amended to read:

2691 487.091 Tolerances, deficiencies, and penalties.—

2692 (2) If a pesticide is found by analysis to be deficient in
2693 an active ingredient beyond the tolerance as provided in this
2694 part, the registrant is subject to a penalty for the deficiency
2695 in the Class III category pursuant to s. 570.971 for each, ~~not~~
2696 ~~to exceed \$10,000 per~~ violation. However, a ~~no~~ penalty may not
2697 ~~shall~~ be assessed when the official sample was taken from a

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2698 pesticide that was in the possession of a consumer for more than
2699 45 days after ~~from~~ the date of purchase by that consumer, or
2700 when the product label specifies that the product should be used
2701 by an expiration date that has passed. Procedures for assessing
2702 penalties shall be established by rule, based on the degree of
2703 the deficiency. Penalties assessed shall be paid to the consumer
2704 or, in the absence of a known consumer, the department. If the
2705 penalty is not paid within the prescribed period ~~of time~~ as
2706 established by rule, the department may deny, suspend, or revoke
2707 the registration of any pesticide.

2708 (3) If a pesticide is found to be ineffective, it shall be
2709 deemed to be misbranded and subject to a penalty in the Class
2710 III category pursuant to s. 570.971 for each ~~as established by~~
2711 ~~rule, not to exceed \$10,000 per~~ violation.

2712 Section 121. Paragraph (e) of subsection (1) of section
2713 487.175, Florida Statutes, is amended to read:

2714 487.175 Penalties; administrative fine; injunction.—

2715 (1) In addition to any other penalty provided in this part,
2716 when the department finds any person, applicant, or licensee has
2717 violated any provision of this part or rule adopted under this
2718 part, it may enter an order imposing any one or more of the
2719 following penalties:

2720 (e) Imposition of an administrative fine in the Class III
2721 category pursuant to s. 570.971 ~~not to exceed \$10,000~~ for each
2722 violation. When imposing a any fine under this paragraph, the
2723 department shall consider the degree and extent of harm caused
2724 by the violation, the cost of rectifying the damage, the amount
2725 of money the violator benefited from by noncompliance, whether
2726 the violation was committed willfully, and the compliance record

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2727 of the violator.

2728 Section 122. Paragraph (c) of subsection (2) of section
2729 493.6118, Florida Statutes, is amended to read:

2730 493.6118 Grounds for disciplinary action.—

2731 (2) When the department finds any violation of subsection
2732 (1), it may do one or more of the following:2733 (c) Impose an administrative fine in the Class I category
2734 pursuant to s. 570.971 ~~not to exceed \$1,000~~ for every count or
2735 separate offense.2736 Section 123. Subsection (1) of section 496.420, Florida
2737 Statutes, is amended to read:

2738 496.420 Civil remedies and enforcement.—

2739 (1) In addition to other remedies authorized by law, the
2740 department may bring a civil action in circuit court to enforce
2741 ss. 496.401-496.424 or s. 496.426. Upon a finding that any
2742 person has violated any of these sections, a court may make any
2743 necessary order or enter a judgment including, but not limited
2744 to, a temporary or permanent injunction, a declaratory judgment,
2745 the appointment of a general or special magistrate or receiver,
2746 the sequestration of assets, the reimbursement of persons from
2747 whom contributions have been unlawfully solicited, the
2748 distribution of contributions ~~pursuant to in accordance with~~ the
2749 charitable or sponsor purpose expressed in the registration
2750 statement or ~~pursuant to in accordance with~~ the representations
2751 made to the person solicited, the reimbursement of the
2752 department for investigative costs, and attorney ~~attorney's~~ fees
2753 and costs, and any other equitable relief the court finds
2754 appropriate. Upon a finding that ~~a~~ any person has violated any
2755 provision of ss. 496.401-496.424 or s. 496.426 with actual

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2756 knowledge or knowledge fairly implied on the basis of objective
2757 circumstances, a court may enter an order imposing a civil fine
2758 in the Class III category pursuant to s. 570.971 for each
2759 ~~penalty in an amount not to exceed \$10,000 per~~ violation.2760 Section 124. Paragraph (b) of subsection (3) of section
2761 500.70, Florida Statutes, is amended to read:2762 500.70 Tomato food safety standards; inspections;
2763 penalties; tomato good agricultural practices; tomato best
2764 management practices.—

2765 (3)

2766 (b) The department may impose an administrative fine in the
2767 Class II category pursuant to s. 570.971 for each ~~not to exceed~~
2768 ~~\$5,000 per violation,~~ or issue a written notice or warning under
2769 s. 500.179, against a person who violates ~~any applicable~~
2770 ~~provision of~~ this section or any rule adopted under this
2771 section.2772 Section 125. Paragraph (b) of subsection (2) of section
2773 501.612, Florida Statutes, is amended to read:2774 501.612 Grounds for departmental action against licensure
2775 applicants or licensees.—2776 (2) Upon a finding as set forth in subsection (1), the
2777 department may enter an order:2778 (b) Imposing an administrative fine in the Class III
2779 category pursuant to s. 570.971 ~~not to exceed \$10,000~~ for each
2780 act or omission which constitutes a violation under this part.2781 Section 126. Section 501.619, Florida Statutes, is amended
2782 to read:2783 501.619 Civil penalties.—~~A~~ Any person who engages in any
2784 act or practice declared in this part to be unlawful is liable

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2785 for a civil penalty in the Class III category pursuant to s.
 2786 570.971 ~~of not more than \$10,000~~ for each such violation. This
 2787 civil penalty may be recovered in any action brought under this
 2788 part by the department, or the department may terminate any
 2789 investigation or action upon agreement by the person to pay a
 2790 stipulated civil penalty. The department or the court may waive
 2791 any such civil penalty or other fines or costs if the person has
 2792 previously made full restitution or reimbursement or has paid
 2793 actual damages to the purchasers who have been injured by the
 2794 unlawful act or practice.

2795 Section 127. Paragraph (b) of subsection (1) of section
 2796 502.231, Florida Statutes, is amended to read:

2797 502.231 Penalty and injunction.—

2798 (1) The department may enter an order imposing one or more
 2799 of the following penalties against any person who violates any
 2800 provision of this chapter:

2801 (b) Imposition of an administrative fine ~~not to exceed:~~

2802 1. In the Class II category pursuant s. 570.971 for each
 2803 ~~Ten thousand dollars per~~ violation in the case of a frozen
 2804 dessert licensee;

2805 2. Not to exceed ten percent of the license fee or \$100,
 2806 whichever is greater, for failure to report the information
 2807 described in s. 502.053(3)(d); or

2808 3. In the Class I category pursuant to s. 570.971 for each
 2809 ~~One thousand dollars per~~ occurrence for any other violation.

2810
 2811 When imposing a fine under this paragraph, the department must
 2812 consider the degree and extent of harm caused by the violation,
 2813 the cost of rectifying the damage, the benefit to the violator,

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2814 whether the violation was committed willfully, and the
 2815 violator's compliance record.

2816 Section 128. Subsection (1) of section 507.09, Florida
 2817 Statutes, is amended to read:

2818 507.09 Administrative remedies; penalties.—

2819 (1) The department may enter an order doing one or more of
 2820 the following if the department finds that a mover or moving
 2821 broker, or a person employed or contracted by a mover or broker,
 2822 has violated or is operating in violation of this chapter or the
 2823 rules or orders issued pursuant to ~~in accordance with~~ this
 2824 chapter:

2825 (a) Issuing a notice of noncompliance under s. 120.695.

2826 (b) Imposing an administrative fine in the Class II
 2827 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each
 2828 act or omission.

2829 (c) Directing that the person cease and desist specified
 2830 activities.

2831 (d) Refusing to register or revoking or suspending a
 2832 registration.

2833 (e) Placing the registrant on probation ~~for a period of~~
 2834 ~~time~~, subject to the conditions specified by the department.

2835 Section 129. Subsection (2) of section 507.10, Florida
 2836 Statutes, is amended to read:

2837 507.10 Civil penalties; remedies.—

2838 (2) The department may seek a civil penalty in the Class II
 2839 category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
 2840 violation of this chapter.

2841 Section 130. Paragraph (g) of subsection (2) and paragraph
 2842 (c) of subsection (3) of section 509.032, Florida Statutes, are

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2843 amended to read:

2844 509.032 Duties.—

2845 (2) INSPECTION OF PREMISES.—

2846 (g) In inspecting public food service establishments, the
2847 department shall provide each inspected establishment with the
2848 food-recovery brochure developed under s. 595.420 ~~s. 570.0725~~.

2849 (3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE
2850 EVENTS.—The division shall:

2851 (c) Administer a public notification process for temporary
2852 food service events and distribute educational materials that
2853 address safe food storage, preparation, and service procedures.

2854 1. Sponsors of temporary food service events shall notify
2855 the division not less than 3 days before ~~prior to~~ the scheduled
2856 event of the type of food service proposed, the time and
2857 location of the event, a complete list of food service vendors
2858 participating in the event, the number of individual food
2859 service facilities each vendor will operate at the event, and
2860 the identification number of each food service vendor's current
2861 license as a public food service establishment or temporary food
2862 service event licensee. Notification may be completed orally, by
2863 telephone, in person, or in writing. A public food service
2864 establishment or food service vendor may not use this
2865 notification process to circumvent the license requirements of
2866 this chapter.

2867 2. The division shall keep a record of all notifications
2868 received for proposed temporary food service events and shall
2869 provide appropriate educational materials to the event sponsors,
2870 including the food-recovery brochure developed under s. 595.420
2871 ~~s. 570.0725~~.

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2872 3.a. A public food service establishment or other food
2873 service vendor must obtain one of the following classes of
2874 license from the division: an individual license, for a fee of
2875 no more than \$105, for each temporary food service event in
2876 which it participates; or an annual license, for a fee of no
2877 more than \$1,000, that entitles the licensee to participate in
2878 an unlimited number of food service events during the license
2879 period. The division shall establish license fees, by rule, and
2880 may limit the number of food service facilities a licensee may
2881 operate at a particular temporary food service event under a
2882 single license.

2883 b. Public food service establishments holding current
2884 licenses from the division may operate under the regulations of
2885 such a license at temporary food service events of 3 days or
2886 less in duration.

2887 Section 131. Paragraph (a) of subsection (1) of section
2888 525.16, Florida Statutes, is amended to read:

2889 525.16 Administrative fine; penalties; prosecution of cases
2890 by state attorney.—

2891 (1) (a) The department may enter an order imposing one or
2892 more of the following penalties against a ~~any~~ person who
2893 violates ~~any of the provisions of~~ this chapter or the rules
2894 adopted under this chapter or impedes, obstructs, or hinders the
2895 department in the performance of its duty in connection with ~~the~~
2896 ~~provisions of~~ this chapter:

2897 1. Issuance of a warning letter.

2898 2. Imposition of an administrative fine in the Class II
2899 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
2900 ~~per violation for a first-time offender. For a second-time or~~

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2901 ~~repeat offender, or any person who is shown to have willfully~~
 2902 ~~and intentionally violated any provision of this chapter, the~~
 2903 ~~administrative fine shall not exceed \$5,000 per violation.~~ When
 2904 imposing any fine under this section, the department shall
 2905 consider the degree and extent of harm caused by the violation,
 2906 the cost of rectifying the damage, the amount of money the
 2907 violator benefited from by noncompliance, whether the violation
 2908 was committed willfully, and the compliance record of the
 2909 violator.

2910 3. Revocation or suspension of any registration issued by
 2911 the department.

2912 Section 132. Subsection (1) of section 526.311, Florida
 2913 Statutes, is amended to read:

2914 526.311 Enforcement; civil penalties; injunctive relief.—

2915 (1) A ~~Any~~ person who knowingly violates this act shall be
 2916 subject to a civil penalty in the Class III category pursuant to
 2917 s. 570.971 for each ~~not to exceed \$10,000 per~~ violation. Each
 2918 day that a violation of this act occurs shall be considered a
 2919 separate violation, but a ~~no~~ civil penalty may not ~~shall~~ exceed
 2920 \$250,000. ~~Any~~ Such a person shall also be liable for attorney
 2921 ~~attorney's~~ fees and shall be subject to an action for injunctive
 2922 relief.

2923 Section 133. Subsection (2) of section 526.55, Florida
 2924 Statutes, is amended to read:

2925 526.55 Violation and penalties.—

2926 (2) If the department finds that a person has violated or
 2927 is operating in violation of ss. 526.50–526.56 or the rules or
 2928 orders adopted thereunder, the department may, by order:

2929 (a) Issue a notice of noncompliance pursuant to s. 120.695;

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2930 (b) Impose an administrative fine in the Class II category
 2931 pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each violation;

2932 (c) Direct that the person cease and desist specified
 2933 activities;

2934 (d) Revoke or suspend a registration, or refuse to register
 2935 a product; or

2936 (e) Place the registrant on probation for a period of time,
 2937 subject to conditions as the department may specify.

2938 Section 134. Subsection (1) of section 527.13, Florida
 2939 Statutes, is amended to read:

2940 527.13 Administrative fines and warning letters.—

2941 (1) If a ~~any~~ person violates ~~any provision of this chapter~~
 2942 ~~or any rule adopted under this chapter pursuant thereto~~ or a
 2943 cease and desist order, the department may impose civil or
 2944 administrative penalties in the Class II category pursuant to s.
 2945 570.971, not to exceed \$3,000 for each offense, suspend or
 2946 revoke the license or qualification issued to such person, or
 2947 any of the foregoing. The cost of the proceedings to enforce
 2948 this chapter may be added to any penalty imposed. The department
 2949 may allow the licensee a reasonable period, not to exceed 90
 2950 days, within which to pay to the department the amount of the
 2951 penalty so imposed. If the licensee fails to pay the penalty in
 2952 its entirety to the department at its office at Tallahassee
 2953 within the period so allowed, the licenses of the licensee shall
 2954 stand revoked upon expiration of such period.

2955 Section 135. Subsection (1) of section 531.50, Florida
 2956 Statutes, is amended to read:

2957 531.50 Administrative fine, penalties, and offenses.—

2958 (1) The department may enter an order imposing one or more

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2959 of the following penalties against a any person who violates any
 2960 ~~provision of~~ this chapter or rule adopted under this chapter or
 2961 impedes, obstructs, or hinders the department in performing the
 2962 ~~performance of its duties under in connection with the~~
 2963 ~~provisions of~~ this chapter:

2964 (a) Issuance of a warning letter or notice.

2965 (b) Imposition of an administrative fine in the Class II
 2966 category pursuant to s. 570.971 for each of:

2967 1. ~~Up to \$1,000 for a first violation;~~

2968 2. ~~Up to \$2,500 for a second violation within 2 years after~~
 2969 ~~the first violation; or~~

2970 3. ~~Up to \$5,000 for a third violation within 2 years after~~
 2971 ~~the first violation.~~

2972

2973 When imposing any fine under this section, the department shall
 2974 consider the degree and extent of potential harm caused by the
 2975 violation, the amount of money by which the violator benefited
 2976 from noncompliance, whether the violation was committed
 2977 willfully, and the compliance record of the violator. All fines,
 2978 monetary penalties, and costs received by the department shall
 2979 be deposited in the General Inspection Trust Fund for the
 2980 purpose of administering the provisions of this chapter.

2981 Section 136. Subsection (2) of section 534.52, Florida
 2982 Statutes, is amended to read:

2983 534.52 Violations; refusal, suspension, revocation;
 2984 penalties.—

2985 (2) In addition, or as an alternative to refusing,
 2986 suspending, or revoking a license in cases involving violations,
 2987 the department may impose an administrative a fine in the Class

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2988 I category pursuant to s. 570.971 not to exceed \$500 for the
 2989 first offense and not to exceed \$1,000 for the second or
 2990 subsequent violations. When imposed and paid, such fines shall
 2991 be deposited in the General Inspection Trust Fund.

2992 Section 137. Paragraphs (b) and (d) of subsection (7) of
 2993 section 539.001, Florida Statutes, are amended to read:

2994 539.001 The Florida Pawnbroking Act.—

2995 (7) ORDERS IMPOSING PENALTIES.—

2996 (b) Upon a finding as set forth in paragraph (a), the
 2997 agency may enter an order doing one or more of the following:

2998 1. Issuing a notice of noncompliance pursuant to s.
 2999 120.695.

3000 2. Imposing an administrative fine in the Class II category
 3001 pursuant to s. 570.971 not to exceed \$5,000 for each act which
 3002 constitutes a violation of this section or a rule or an order.

3003 3. Directing that the pawnbroker cease and desist specified
 3004 activities.

3005 4. Refusing to license or revoking or suspending a license.

3006 5. Placing the licensee on probation ~~for a period of time,~~
 3007 subject to such conditions as the agency may specify.

3008 (d)1. When the agency, if a violation of this section
 3009 occurs, has reasonable cause to believe that a person is
 3010 operating in violation of this section, the agency may bring a
 3011 civil action in the appropriate court for temporary or permanent
 3012 injunctive relief and may seek other appropriate civil relief,
 3013 including a civil penalty in the Class II category pursuant to
 3014 s. 570.971 not to exceed \$5,000 for each violation, restitution
 3015 and damages for injured customers, court costs, and reasonable
 3016 attorney attorney's fees.

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3017 2. The agency may terminate any investigation or action
 3018 upon agreement by the offender to pay a stipulated civil
 3019 penalty, to make restitution or pay damages to customers, or to
 3020 satisfy ~~any~~ other relief authorized herein and requested by the
 3021 agency.

3022 Section 138. Paragraph (b) of subsection (4) and paragraph
 3023 (a) of subsection (5) of section 559.921, Florida Statutes, are
 3024 amended to read:

3025 559.921 Remedies.—

3026 (4)

3027 (b) Upon a finding as set forth in paragraph (a), the
 3028 department may enter an order doing one or more of the
 3029 following:

3030 1. Issuing a notice of noncompliance pursuant to s.
 3031 120.695.

3032 2. Imposing an administrative fine in the Class I category
 3033 pursuant to s. 570.971 ~~not to exceed \$1,000 per violation~~ for
 3034 each act which constitutes a violation of this part or a rule or
 3035 order.

3036 3. Directing that the motor vehicle repair shop cease and
 3037 desist specified activities.

3038 4. Refusing to register or revoking or suspending a
 3039 registration.

3040 5. Placing the registrant on probation ~~for a period of~~
 3041 ~~time~~, subject to such conditions as the department may specify.

3042 (5) (a) The department or the state attorney, if a violation
 3043 of this part occurs in his or her judicial circuit, ~~is shall be~~
 3044 the enforcing authority for purposes of this part and may bring
 3045 a civil action in circuit court for temporary or permanent

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3046 injunctive relief and may seek other appropriate civil relief,
 3047 including a civil penalty in the Class I category pursuant to s.
 3048 570.971 ~~not to exceed \$1,000~~ for each violation, restitution and
 3049 damages for injured customers, court costs, and reasonable
 3050 attorney ~~attorney's~~ fees.

3051 Section 139. Subsection (1) of section 559.9355, Florida
 3052 Statutes, is amended to read:

3053 559.9355 Administrative remedies; penalties.—

3054 (1) The department may enter an order doing one or more of
 3055 the following if the department finds that a person has violated
 3056 or is operating in violation of ~~any of the provisions of~~ this
 3057 part or the rules or orders issued thereunder:

3058 (a) Issuing a notice of noncompliance pursuant to s.
 3059 120.695.

3060 (b) Imposing an administrative fine in the Class II
 3061 category pursuant to s. 570.971 ~~not to exceed \$5,000~~ for each
 3062 act or omission.

3063 ~~(c) Imposing an administrative fine not to exceed \$10,000~~
 3064 ~~for each act or omission in violation of s. 559.9335(22) or~~
 3065 ~~(23).~~

3066 ~~(c)~~ ~~(d)~~ Directing that the person cease and desist specified
 3067 activities.

3068 ~~(d)~~ ~~(e)~~ Refusing to register or canceling or suspending a
 3069 registration.

3070 ~~(e)~~ ~~(f)~~ Placing the registrant on probation ~~for a period of~~
 3071 ~~time~~, subject to such conditions as the department may specify.

3072 ~~(f)~~ ~~(g)~~ Canceling an exemption granted under s. 559.935.

3073 Section 140. Subsections (2) and (3) of section 559.936,
 3074 Florida Statutes, are amended to read:

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3075 559.936 Civil penalties; remedies.—

3076 (2) The department may seek a civil penalty in the Class II
3077 category pursuant to s. 570.971 ~~of up to \$5,000~~ for each
3078 violation of this part.

3079 (3) The department may seek a civil penalty in the Class
3080 III category pursuant to s. 570.971 ~~of up to \$10,000~~ for each
3081 act or omission in violation of s. 559.9335(22) or (23).

3082 Section 141. Subsection (1) of section 571.11, Florida
3083 Statutes, is amended to read:

3084 571.11 Eggs and poultry; Seal of quality violations;
3085 administrative penalties.—

3086 (1) The Department of Agriculture and Consumer Services may
3087 impose an administrative a fine in the Class II category
3088 pursuant to s. 570.971 ~~not exceeding \$5,000~~ against any dealer,
3089 as defined in ~~under~~ s. 583.01(4), in violation of the guidelines
3090 for the Florida seal of quality for eggs or poultry programs.
3091 All fines, when imposed and paid, shall be deposited by the
3092 department into the General Inspection Trust Fund.

3093 Section 142. Subsection (2) of section 571.28, Florida
3094 Statutes, is amended to read:

3095 571.28 Florida Agricultural Promotional Campaign Advisory
3096 Council.—

3097 (2) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.—The
3098 meetings, powers and duties, procedures, and recordkeeping of
3099 the Florida Agricultural Promotional Campaign Advisory Council
3100 shall be pursuant to s. 570.232 ~~governed by the provisions of s.~~
3101 ~~570.0705 relating to advisory committees established within the~~
3102 ~~department.~~

3103 Section 143. Paragraph (b) of subsection (3) of section

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3104 571.29, Florida Statutes, is amended to read:

3105 571.29 Unlawful acts; administrative remedies; criminal
3106 penalties.—

3107 (3) The department may enter an order imposing one or more
3108 of the following penalties against any person who violates any
3109 of the provisions of this part or any rules adopted under this
3110 part:

3111 (b) Imposition of an administrative fine in the Class I
3112 category pursuant to s. 570.971 for each ~~of not more than \$1,000~~
3113 ~~per~~ violation for a first-time ~~first-time~~ offender. For a
3114 second-time ~~second-time~~ offender, or a any person who is shown
3115 to have willfully and intentionally violated ~~any provision of~~
3116 this part or any rules adopted under this part, the
3117 administrative fine shall be in the Class II category pursuant
3118 to s. 570.971 for each ~~may not exceed \$5,000 per~~ violation. The
3119 term "each per violation" means each incident in which a logo of
3120 the Florida Agricultural Promotional Campaign has been used,
3121 reproduced, or distributed in any manner inconsistent with ~~the~~
3122 ~~provisions of~~ this part or the rules adopted under this part.

3123
3124 The administrative proceedings that could result in the entry of
3125 an order imposing any of the penalties specified in paragraphs
3126 (a)-(c) shall be conducted in accordance with chapter 120.

3127 Section 144. Subsection (1) of section 578.181, Florida
3128 Statutes, is amended to read:

3129 578.181 Penalties; administrative fine.—

3130 (1) The department may enter an order imposing one or more
3131 of the following penalties against a any person who violates ~~any~~
3132 ~~of the provisions of~~ this chapter or the rules adopted under

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3133 ~~this chapter promulgated hereunder~~ or who impedes, obstructs, or
3134 ~~hinders, or otherwise prevents or attempts to prevent the~~
3135 ~~department in performing the performance of its duties under~~
3136 ~~duty in connection with the provisions of this chapter:~~

3137 (a) Issuance of a warning letter.

3138 (b) Imposition of an administrative fine in the Class I
3139 category pursuant to s. 570.971 for each of not more than \$1,000
3140 ~~per~~ occurrence after the issuance of a warning letter.

3141 (c) Revocation or suspension of the registration as a seed
3142 dealer.

3143 Section 145. Paragraph (b) of subsection (1) of section
3144 580.121, Florida Statutes, is amended to read:

3145 580.121 Penalties; duties of law enforcement officers;
3146 injunctive relief.—

3147 (1) The department may impose one or more of the following
3148 penalties against any person who violates any provision of this
3149 chapter:

3150 (b) Imposition of an administrative fine in the Class I
3151 category pursuant to s. 570.971 for each, by the department, of
3152 ~~not more than \$1,000 per~~ occurrence.

3153 However, the severity of the penalty imposed shall be
3154 commensurate with the degree of risk to human or animal safety
3155 or the level of financial harm to the consumer that is created
3156 by the violation.

3157 Section 146. Paragraph (a) of subsection (2) of section
3158 581.141, Florida Statutes, is amended to read:

3159 581.141 Certificate of registration or of inspection;
3160 revocation and suspension; fines.—

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3162 (2) FINES; PROBATION.—

3163 (a)1. The department may, after notice and hearing, impose
3164 an administrative a fine in the Class II category pursuant to s.
3165 570.971 not exceeding \$5,000 or probation not exceeding 12
3166 months, or both, for a the violation of any of the provisions of
3167 this chapter or the rules adopted under this chapter upon a any
3168 person, nurseryman, stock dealer, agent, or plant broker. The
3169 fine, when paid, shall be deposited in the Plant Industry Trust
3170 Fund.

3171 2. The imposition of a fine or probation pursuant to this
3172 subsection may be in addition to or in lieu of the suspension or
3173 revocation of a certificate of registration or certificate of
3174 inspection.

3175 Section 147. Subsection (2) of section 581.186, Florida
3176 Statutes, is amended to read:

3177 581.186 Endangered Plant Advisory Council; organization;
3178 meetings; powers and duties.—

3179 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—The
3180 meetings, powers and duties, procedures, and recordkeeping of
3181 the Endangered Plant Advisory Council shall be pursuant to s.
3182 570.232 governed by the provisions of s. 570.0705 relating to
3183 ~~advisory committees established within the department.~~

3184 Section 148. Paragraph (a) of subsection (3) of section
3185 581.211, Florida Statutes, is amended to read:

3186 581.211 Penalties for violations.—

3187 (3)(a)1. In addition to any other ~~provision of~~ law, the
3188 department may, after notice and hearing, impose an
3189 administrative fine in the Class II category pursuant to s.
3190 570.971 not exceeding \$5,000 for each violation of this chapter,

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3191 upon ~~a any~~ person, nurseryman, stock dealer, agent, or plant
3192 broker. The fine, when paid, shall be deposited in the Plant
3193 Industry Trust Fund. In addition, the department may place the
3194 violator on probation for up to 1 year, with conditions.

3195 2. The imposition of a fine or probation pursuant to this
3196 subsection may be in addition to or in lieu of the suspension or
3197 revocation of a certificate of registration or certificate of
3198 inspection.

3199 Section 149. Subsection (2) of section 582.06, Florida
3200 Statutes, is amended to read:

3201 582.06 Soil and Water Conservation Council; powers and
3202 duties.-

3203 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.-The
3204 meetings, powers and duties, procedures, and recordkeeping of
3205 the Soil and Water Conservation Council shall be pursuant to s.
3206 570.232 governed by the provisions of s. 570.0705 relating to
3207 advisory committees established within the department.

3208 Section 150. Subsection (1) of section 585.007, Florida
3209 Statutes, is amended to read:

3210 585.007 Violation of rules; violation of chapter.-

3211 (1) A Any person who violates ~~the provisions of~~ this
3212 chapter or any rule of the department shall be subject to the
3213 imposition of an administrative fine in the Class III category
3214 pursuant to s. 570.971 of up to \$10,000 for each offense. Upon
3215 repeated violation, the department may seek enforcement pursuant
3216 to s. 120.69.

3217 Section 151. Paragraph (a) of subsection (2) of section
3218 586.15, Florida Statutes, is amended to read:

3219 586.15 Penalty for violation.-

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3220 (2) (a) The department may, after notice and hearing, impose
3221 an administrative a fine in the Class II category pursuant to s.
3222 570.971 not exceeding \$5,000 for a ~~the~~ violation of ~~any of the~~
3223 ~~provisions of~~ this chapter or the rules adopted under this
3224 chapter upon any person. The fine, when paid, shall be deposited
3225 in the Plant Industry Trust Fund. The imposition of a fine
3226 pursuant to this subsection may be in addition to or in lieu of
3227 the suspension or revocation of a permit or a certificate of
3228 inspection or registration.

3229 Section 152. Subsection (3) of section 586.161, Florida
3230 Statutes, is amended to read:

3231 586.161 Honeybee Technical Council.-

3232 (3) MEETINGS; POWERS AND DUTIES; PROCEDURES; RECORDS.-The
3233 meetings, powers and duties, procedures, and recordkeeping of
3234 the Honeybee Technical Council shall be pursuant to s. 570.232
3235 governed by the provisions of s. 570.0705 relating to advisory
3236 committees established within the department.

3237 Section 153. Subsection (3) of section 590.14, Florida
3238 Statutes, is amended to read:

3239 590.14 Notice of violation; penalties; legislative intent.-

3240 (3) The department may also impose an administrative fine
3241 in the Class I category pursuant to s. 570.971 for each, not to
3242 exceed \$1,000 per violation of any section of chapter 589 or
3243 this chapter or violation of any rule adopted by the Florida
3244 Forest Service to administer ~~provisions of~~ law conferring duties
3245 upon the Florida Forest Service. The fine shall be based upon
3246 the degree of damage, the prior violation record of the person,
3247 and whether the person knowingly provided false information to
3248 obtain an authorization. The fines shall be deposited in the

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3249 Incidental Trust Fund of the Florida Forest Service.

3250 Section 154. Subsection (2) of section 595.701, Florida

3251 Statutes, is amended to read:

3252 595.701 Healthy Schools for Healthy Lives Council.—

3253 (2) The meetings, powers, duties, procedures, and

3254 recordkeeping of the Healthy Schools for Healthy Lives Council

3255 shall be pursuant to s. 570.232 governed by s. 570.0705,

3256 ~~relating to advisory committees established within the~~

3257 ~~department.~~

3258 Section 155. Subsection (2) of section 597.0041, Florida

3259 Statutes, is amended to read:

3260 597.0041 Prohibited acts; penalties.—

3261 (2) (a) A ~~Any~~ person who violates ~~any provision of this~~

3262 ~~chapter or any rule adopted under this chapter promulgated~~

3263 ~~hereunder~~ is subject to a suspension or revocation of his or her

3264 certificate of registration or license under this chapter. The

3265 department may, in lieu of, or in addition to the suspension or

3266 revocation, impose on the violator an administrative fine in the

3267 Class I category pursuant to s. 570.971 for each violation, for

3268 each day the violation exists in an amount not to exceed \$1,000

3269 per violation per day.

3270 (b) Except as provided in subsection (4), a ~~any~~ person who

3271 violates ~~any provision of this chapter, or any rule adopted~~

3272 under this chapter hereunder, commits a misdemeanor of the first

3273 degree, punishable as provided in s. 775.082 or s. 775.083.

3274 Section 156. Subsection (2) of section 599.002, Florida

3275 Statutes, is amended to read:

3276 599.002 Viticulture Advisory Council.—

3277 (2) The meetings, powers and duties, procedures, and

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3278 recordkeeping of the Viticulture Advisory Council shall be

3279 pursuant to s. 570.232 governed by the provisions of s. 570.0705

3280 ~~relating to advisory committees established within the~~

3281 ~~department.~~

3282 Section 157. Section 601.67, Florida Statutes, is amended

3283 to read:

3284 601.67 Disciplinary action by Department of Agriculture

3285 against citrus fruit dealers.—

3286 (1) The Department of Agriculture may impose an

3287 administrative a fine in the Class IV category pursuant to s.

3288 570.971 not to exceed exceeding \$50,000 for each per violation

3289 against a ~~any~~ licensed citrus fruit dealer who violates for

3290 violation of any provision of this chapter and, in lieu of, or

3291 in addition to, such fine, may revoke or suspend the license of

3292 ~~any~~ such a dealer when it has been satisfactorily shown that

3293 such dealer, in her or his activities as a citrus fruit dealer,

3294 has:

3295 (a) Obtained a license by means of fraud,

3296 misrepresentation, or concealment;

3297 (b) Violated or aided or abetted in the violation of any

3298 law of this state governing or applicable to citrus fruit

3299 dealers or any lawful rules of the Department of Citrus;

3300 (c) Been guilty of a crime against the laws of this or any

3301 other state or government involving moral turpitude or dishonest

3302 dealing or has become legally incompetent to contract or be

3303 contracted with;

3304 (d) Made, printed, published, distributed, or caused,

3305 authorized, or knowingly permitted the making, printing,

3306 publication, or distribution of false statements, descriptions,

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3307 or promises of such a character as to reasonably induce any
 3308 person to act to her or his damage or injury, if such citrus
 3309 fruit dealer then knew, or by the exercise of reasonable care
 3310 and inquiry could have known, of the falsity of such statements,
 3311 descriptions, or promises;

3312 (e) Knowingly committed or been a party to any material
 3313 fraud, misrepresentation, concealment, conspiracy, collusion,
 3314 trick, scheme, or device whereby another ~~any other~~ person
 3315 lawfully relying upon the word, representation, or conduct of
 3316 the citrus fruit dealer has acted to her or his injury or
 3317 damage;

3318 (f) Committed any act or conduct of the same or different
 3319 character than ~~of that hereinabove~~ enumerated which constitutes
 3320 fraudulent or dishonest dealing; or

3321 (g) Violated ~~any of the provisions of ss. 506.19-506.28,~~
 3322 ~~both sections inclusive.~~

3323 (2) The Department of Agriculture may impose an
 3324 administrative a fine in the Class IV category pursuant to s.
 3325 570.971 not to exceed ~~exceeding~~ \$100,000 for each ~~per~~ violation
 3326 against a ~~any~~ person who operates as a citrus fruit dealer
 3327 without a current citrus fruit dealer license issued by the
 3328 Department of Agriculture pursuant to s. 601.60. In addition,
 3329 the Department of Agriculture may order such person to cease and
 3330 desist operating as a citrus fruit dealer without a license. An
 3331 administrative order entered by the Department of Agriculture
 3332 under this subsection may be enforced pursuant to s. 601.73.

3333 (3) The Department of Agriculture shall impose an
 3334 administrative a fine in the Class IV category pursuant to s.
 3335 570.971 not to exceed ~~of not less than \$10,000 nor more than~~

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3336 \$100,000 for each ~~per~~ violation against a ~~any~~ licensed citrus
 3337 fruit dealer and shall suspend, for 60 days during the first
 3338 available period between September 1 and May 31, the license of
 3339 a ~~any~~ citrus fruit dealer who:

3340 (a) Falsely labels or otherwise misrepresents that a fresh
 3341 citrus fruit was grown in a specific production area specified
 3342 in s. 601.091; or

3343 (b) Knowingly, falsely labels or otherwise misrepresents
 3344 that a processed citrus fruit product was prepared solely with
 3345 citrus fruit grown in a specific production area specified in s.
 3346 601.091.

3347 (4) A ~~Any~~ fine imposed pursuant to subsection (1),
 3348 subsection (2), or subsection (3), when paid, shall be deposited
 3349 by the Department of Agriculture into its General Inspection
 3350 Trust Fund.

3351 (5) Whenever an ~~any~~ administrative order has been made and
 3352 entered by the Department of Agriculture that imposes a fine
 3353 pursuant to this section, such order shall specify a time limit
 3354 for payment of the fine, not exceeding 15 days. The failure of
 3355 the citrus fruit dealer involved to pay the fine within that
 3356 time shall result in the immediate suspension of such citrus
 3357 fruit dealer's current license, or any subsequently issued
 3358 license, until ~~such time as~~ the order has been fully satisfied.
 3359 An ~~Any~~ order suspending a citrus fruit dealer's license shall
 3360 include a provision that the ~~such~~ suspension shall be for a
 3361 specified period ~~of time~~ not to exceed 60 days, and such period
 3362 of suspension may begin ~~commence~~ at any designated date within
 3363 the current license period or subsequent license period.
 3364 Whenever an order has been entered that suspends a citrus fruit

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3365 dealer's license for a definite period ~~of time~~ and that license,
 3366 by law, expires during the period of suspension, the suspension
 3367 order shall continue automatically and shall be effective
 3368 against any subsequent citrus fruit ~~dealer~~ dealer's license
 3369 issued to such dealer until ~~such time as~~ the entire period of
 3370 suspension has elapsed. Whenever any such administrative order
 3371 of the Department of Agriculture is sought to be reviewed by the
 3372 offending dealer involved in a court of competent jurisdiction,
 3373 if such court proceedings should finally terminate in such
 3374 administrative order being upheld or not quashed, such order
 3375 shall ~~thereupon~~, upon the filing with the Department of
 3376 Agriculture of a certified copy of the mandate or other order of
 3377 the last court having to do with the matter in the judicial
 3378 process, become immediately effective and shall then be carried
 3379 out and enforced notwithstanding such time will be during a new
 3380 and subsequent shipping season from that during which the
 3381 administrative order was first originally entered by the
 3382 Department of Agriculture.

3383 Section 158. Paragraph (a) of subsection (3) of section
 3384 604.30, Florida Statutes, is amended to read:
 3385 604.30 Penalties; injunctive relief; administrative fines.-
 3386 (3) (a) In addition to the penalties provided in this
 3387 section, the department may, after notice and hearing, impose an
 3388 administrative a fine in the Class II category pursuant to s.
 3389 570.971, not to exceed ~~exceeding~~ \$2,500 for a the violation of
 3390 any of the provisions of ss. 604.15-604.34 or the rules adopted
 3391 thereunder against a any dealer in agricultural products. ~~†~~ Such
 3392 fine, when imposed and paid, shall be deposited by the
 3393 department into the General Inspection Trust Fund.

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3394 Section 159. Paragraph (a) of subsection (19) of section
 3395 616.242, Florida Statutes, is amended to read:
 3396 616.242 Safety standards for amusement rides.-
 3397 (19) ENFORCEMENT AND PENALTIES.-
 3398 (a) The department may deny, suspend for a period not to
 3399 exceed 1 year, or revoke a any permit or inspection certificate.
 3400 In addition to denial, suspension, or revocation, the department
 3401 may impose an administrative fine in the Class II category
 3402 pursuant to s. 570.971, not to exceed ~~of up to~~ \$2,500 for each
 3403 per violation, for each day the violation exists per day,
 3404 against the owner of the amusement ride if it finds that:
 3405 1. An amusement ride has operated or is operating:
 3406 a. With a mechanical, structural, or electrical defect that
 3407 affects patron safety, of which the owner or manager has
 3408 knowledge, or, through the exercise of reasonable diligence,
 3409 should have knowledge;
 3410 b. In a manner or circumstance that presents a risk of
 3411 serious injury to patrons;
 3412 c. At a speed in excess of its maximum safe operating
 3413 speed;
 3414 d. In violation of this section or any rule adopted under
 3415 this section; or
 3416 e. In violation of an any order of the department or order
 3417 of any court; ~~or-~~
 3418 2. A Any manager in the course of his or her duties is
 3419 under the influence of drugs or alcohol.
 3420 Section 160. 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: PCS/SB 144

INTRODUCER: Transportation Committee

SUBJECT: Traffic Infraction Detectors

DATE: March 24, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Pre-meeting
2.			ATD	
3.			AP	
4.				
5.				
6.				

I. Summary:

PCS/SB 144 subjects the installation of traffic infraction detectors, or “red-light cameras,” when permitted by the Florida Department of Transportation (FDOT) to the FDOT’s signal timing specifications, in addition to placement and installation specifications. Issuance of notices of violation or uniform traffic citations through the use of a red-light camera is prohibited if the camera is not in compliance with all specifications.

The proposed committee substitute (PCS) requires the FDOT to identify engineering countermeasures to be considered and applied, where appropriate, before the installation of a red-light camera, and requires installation to be based on the results of a traffic engineering study documenting the implementation and failure of any appropriate countermeasures.

The PCS diverts violation proceeds currently deposited into the General Revenue Fund to the State Transportation Trust Fund to be used for intersection safety improvements in the county or municipality in which the violation occurred. Of the proceeds distributed to a county or municipality, use of any funds remaining after payment of contractual obligations is restricted to traffic safety capital projects intended to protect pedestrians and bicyclists (defined as “vulnerable road users”) or to fund the required traffic studies.

The PCS diverts the \$70 currently deposited into the General Revenue Fund to the State Transportation Trust Fund for intersection safety improvements in the county or municipality where the violation occurred, and likewise restricts county or municipal use of any funds remaining after contractual obligations to the specified traffic safety capital projects or to fund the required traffic studies.

The FDOT is authorized to require county and municipal data and information in annual reports, in addition to the DHSMV, which data and information must be submitted in a format enabling individual review of each intersection monitored by a red-light camera. The failure of a county or municipality to submit the required information annually by October 1 nullifies all notices of violation or uniform traffic citations through the use of red-light cameras within the county or municipality. The DHSMV is required to collaborate with the FDOT before providing its currently required annual report, and the FDOT is required to submit its recommendations and any necessary legislation, along with the DHSMV.

Lastly, the bill reduces the authorized assessment of county or municipal costs in the event a notice of violation challenged by an alleged violator is upheld.

II. Present Situation:

Traffic Infraction Detectors Generally

Traffic infraction detectors, or “red-light cameras,” are used to enforce traffic laws by automatically photographing vehicles whose drivers run red lights. A red light camera is connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system continuously monitors the traffic signal and the camera is triggered by any vehicle entering the intersection above a pre-set minimum speed and following a specified time after the signal has turned red. A second photograph typically shows the red light violator in the intersection. In some cases, video cameras are used. These video cameras and accompanying sensors record the license plate number, the date and time of day, the time elapsed since the signal has turned red and the vehicle’s speed.

Traffic Infraction Detectors in Florida

In 2010, the Florida Legislature enacted ch. 2010-80, L.O.F. The law expressly preempted to the state regulation of the use of cameras for enforcing the provisions of ch. 316, F.S.¹ The law authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to authorize officials to issue notices of violations of ss. 316.074(1) and 316.075(1)(c)1., F.S., for a driver’s failure to stop at a traffic signal when such violation was identified by a traffic infraction detector.²

Municipalities may install or authorize installation of traffic infraction detectors on streets and highways in accordance with FDOT standards, and on state roads within the incorporated area when permitted by FDOT.³ Counties may install or authorize installation of traffic infraction detectors on streets and highways in unincorporated areas of the county in accordance with FDOT standards, and on state roads in unincorporated areas of the county when permitted by

¹ Section 316.0076, F.S.

² See generally s. 316.0083, F.S.

³ Section 316.008(8), F.S.; s. 316.0776(1), F.S.

FDOT.⁴ DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of FDOT, when permitted by FDOT.⁵

If DHSMV, a county, or a municipality installs a traffic infraction detector at an intersection, the respective governmental entity must notify the public that a traffic infraction device may be in use at that intersection, including specific notification of enforcement of violations concerning right turns.⁶ Such signage must meet the specifications for uniform signals and devices adopted by FDOT pursuant to s. 316.0745, F.S.⁷

Notifications and Citations

If a traffic infraction detector identifies a vehicle violating ss. 316.074(1) or 316.075(1)(c)1., F.S., the visual information is captured and reviewed by a traffic infraction enforcement officer. A notification must be issued to the registered owner of a vehicle within 30 days of an alleged violation,⁸ notifying the alleged violator that he or she must pay the required penalty to the county or municipality,⁹ furnish an affidavit setting forth an authorized defense,¹⁰ or request a hearing within 60 days of the date of the notification to avoid issuance of a uniform traffic citation. The notification must include notice that the owner has the right to review the photographic or electronic images or the streaming video evidence, which constitute(s) a rebuttable presumption against the vehicle owner, and must state the time and place, or the Internet location, where the evidence may be examined and observed.¹¹ The notification must also direct the alleged violator to a website that provides information on the right to request a hearing and on all related court costs, and a form to request a hearing.¹² If a person requests a hearing on a notice of violation, and the local hearing officer upholds the violation, the person may be assessed county or municipal costs up to \$250.¹³

If the registered owner of the vehicle does not submit payment, request a hearing, or submit an affidavit setting forth an authorized defense within 60 days of receipt of the notification described above, the traffic infraction enforcement officer must issue a uniform traffic citation¹⁴ to the registered owner (first name on registration in cases of joint registration).¹⁵ The citation must also include the statements described above regarding review of the photographic or video evidence.¹⁶ The report of a traffic infraction enforcement officer and images provided by a traffic infraction detector are admissible in court and provide a rebuttable presumption the vehicle was

⁴*Id.*

⁵ Section 321.50, F.S. The DHSMV is not currently administering a red-light camera program. Therefore, effects of changes to that program are not described in this bill analysis.

⁶ Section 316.0776(2), F.S.

⁷*Id.*

⁸ Notifications of violation must be sent by first-class mail, and mailing of the notifications of violation constitutes notice.

⁹ However, payment or a fee may not be required before any hearing requested by the alleged violator. See

s. 316.0083(1)(b)1.c., F.S.

¹⁰ Section 316.0083(1)(d), F.S.

¹¹Section 316.0083(1)(b)1.b., F.S.

¹²Section 316.0083(1)(b)1.c., F.S.

¹³ Sections 316.0083(5)(e) and 318.18(22), F.S.

¹⁴ Citations must be sent by certified mail, and delivery constitutes notification. s. 316.0083(1)(c)1.a. and b., F.S.

¹⁵Section 316.0083(1)(c)1.c., F.S.

¹⁶Section 316.0083(1)(c)2., F.S.

used in a violation.¹⁷ A traffic infraction enforcement officer must provide by electronic transmission a replica of the citation data when issued under s. 316.0083, F.S., to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the issuance date of the citation to the violator, or, if a hearing is requested, to the clerk for the local hearing officer having jurisdiction over the alleged offense within 14 days.¹⁸

Defenses

The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish that the vehicle:

- Passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
- Passed through the intersection at the direction of a law enforcement officer; or
- Was, at the time of the violation, in the care, custody, or control of another person.

Additional defenses are available if a law enforcement officer issues a uniform traffic citation for the alleged violation or if the owner was deceased on or before the date the uniform traffic citation was issued.¹⁹

Fines

A fine of \$158 is levied on violators who fail to stop at a traffic signal as required by ss. 316.074(1) or 316.075(1)(c)1., F.S. When the \$158 fine is the result of a local government's traffic infraction detector, \$75 is retained by the local government and \$83 is deposited with the Department of Revenue (DOR).²⁰ DOR subsequently distributes the fines by depositing \$70 in the General Revenue Fund, \$10 in the Department of Health Emergency Services Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.²¹

If a law enforcement officer cites a motorist for the same offense, the fine is still \$158, but the revenue is distributed from the local clerk of court to DOR, where \$30 is distributed to the General Revenue Fund, \$65 is distributed to the Department of Health Emergency Services Trust Fund, and \$3 is distributed to the Brain and Spinal Cord Injury Trust Fund. The remaining \$60 is distributed in small percentages to a number of funds pursuant to s. 318.21, F.S.²²

Actual Revenues

According to the DOR website, from July 2012 through June 2013, 77 jurisdictions operated red light camera programs throughout the state. DOR reports the state portion of the fines collected during that fiscal year amount to \$62,454,920. Of the total, \$52,663,609 was distributed to the General Revenue Fund; \$7,510,916 was distributed to the Health Administration Trust Fund; and \$2,257,262 was distributed to the Brain & Spinal Cord Injury Trust Fund.²³

¹⁷Section 316.0083(1)(e), F.S.

¹⁸Section 316.650(3)(c), F.S.

¹⁹Section 316.0083(1)(d), F.S.

²⁰ Section 318.18(15)(a)3., F.S., s. 316.0083(1)(b)3.b., F.S.

²¹*Id.*

²² Section 318.18(15)(a)1., F.S.

²³ See DOR website: <http://dor.myflorida.com/dor/taxes/distributions.html>. (Last viewed 9/11/13).

Engineering Countermeasures to Reduce Red Light Running

The Federal Highway Administration (FHWA) reports:

Research has shown that engineering improvements, safety education, and increased enforcement by law enforcement officers can significantly reduce red light violations. In addition, to supplement traditional law enforcement activities, many jurisdictions have implemented automated enforcement red light camera systems.

“The solution to the problem of red light running and resulting crashes may require one or a combination of engineering, education, and enforcement measures.”²⁴

These measures include:

- Intersection engineering improvements, such as modifying traffic signal timing, improving signing and marking, improving sight lines, modifying grades and/or grade separation, adjusting the prevailing speeds, changes in surface treatments, altering lane configuration, and replacing the traffic signal with some other form of traffic control device or intersection type;
- Education campaigns to assist motorists and the general public in understanding the safety issues inherent to red light running;
- Traditional enforcement by law enforcement officers specifically targeting red light running violators at problem locations; and
- Red light camera systems.

According to the FHWA, “An engineering study should consider each of these possible solutions in order to identify the most appropriate solution to the documented problem at the intersection.”²⁵

Federal Rules on Traffic Control Devices

The Federal Highway Administration (“FHWA”) publishes a Manual on Uniform Traffic Control Devices (“MUTCD”) that defines standards related to the installation and maintenance of traffic control signals. The MUTCD is updated periodically to “accommodate the nation’s changing transportation needs and address new safety technologies, traffic control tools and traffic management techniques.”²⁶ On December 16, 2009, a final rule adopting the 2009 Edition of the MUTCD was published in the Federal Register with an effective date of January 15, 2010.²⁷ All states must adopt the 2009 edition of the MUTCD by January 15, 2012.²⁸

²⁴ Federal Highway Administration, *Red Light Camera Systems Operational Guidelines (2005)*, at 8: <http://safety.fhwa.dot.gov/intersection/redlight/cameras/fhwasa05002/fhwasa05002.pdf>. (Last visited March 22, 2014.)

²⁵ *Id.*

²⁶ See the Federal Highway Administration’s (FHWA) information on the MUTCD at <http://mutcd.fhwa.dot.gov/> (Last viewed 2/19/2013).

²⁷ *Id.*

²⁸ *Id.*

According to information published on FHWA's website, Florida has adopted this national standard.²⁹

Florida Laws and Rules on Traffic Control Devices

Section 316.0745(1), F.S., requires FDOT to adopt a uniform system of traffic control devices for use on the streets and highways of the state. Section 316.0745(2), F.S., requires FDOT to compile and publish a manual defining its uniform system. The statute also requires FDOT to compile and publish minimum specifications for traffic control signal devices "certified by [the FDOT] as conforming with the uniform system."³⁰

Following statutory requirements, FDOT publishes a Traffic Engineering Manual ("TEM") to provide traffic engineering standards and guidelines.³¹ The TEM covers the processes whereby standards and guidelines are adopted, as well as chapters devoted to "highway signs and markings, traffic signals, traffic optimization through the use of computer models . . . , and links to information on [FDOT's] aging road user program –Safe Mobility for Life."³²

In addition to FDOT's TEM, many sections of Florida law require drivers to obey traffic control signal demands. Section 316.075, F.S., requires drivers to follow set traffic control signal commands and yield the right-of-way to pedestrians lawfully in intersections and crosswalks. Violators of s. 316.075, F.S., including those that run red lights, commit non-criminal traffic violations punishable pursuant to ch. 318, F.S.

Institute of Transportation Engineers

According to its website, the Institute of Transportation Engineers ("ITE") is an international, educational and scientific association of transportation professionals.³³ Among other things, ITE offers recommendations to the MUTCD and is recognized as one of the leading organizations in transportation research. It publishes a Traffic Engineering Handbook containing information used by transportation officials nationwide. The FDOT's TEM calculates the minimum yellow signal change and all-red clearance intervals using formulas contained within the ITE's Traffic Engineering Handbook. However, there is no express requirement in Florida law that FDOT's TEM contain formulas contained within ITE's Traffic Engineering Handbook.

Traffic Signal Display Intervals

The purpose of the yellow-light and all-red displays on traffic control signals is "to provide a safe transition between two conflicting traffic signal phases."³⁴ More specifically, the function of

²⁹ See FHWA's site indicating Florida has adopted the 2009 Edition of the MUTCD. This information can be accessed at http://mutcd.fhwa.dot.gov/resources/state_info/florida/fl.htm (Last visited 2/19/2013).

³⁰ Section 316.0745(2), F.S.

³¹ Florida Department of Transportation *Traffic Engineering Manual*, "Adoption Procedure." This information can be viewed at <http://www.dot.state.fl.us/trafficoperations/Operations/Studies/TEM/TEM.shtm> (Last visited 2/19/13).

³² *Id.*

³³ See the Institute of Transportation Engineers website at <http://www.ite.org/aboutite/index.asp> (Last visited 2/19/13).

³⁴ Florida Department of Transportation *Traffic Engineering Manual*, s. 3.6.1, "Purpose." This information can be viewed at

the yellow light display is “to warn traffic of an impending change in the right-of-way assignment.”³⁵ The TEM states that a yellow change interval should have a minimum duration of three seconds and a maximum duration of 6 seconds and a red clearance interval should have a duration not exceeding six seconds.³⁶ Further, the TEM states that the minimum red clearance interval shall be 2.0 seconds and the maximum red clearance interval should normally not exceed 6.0 seconds.³⁷ The TEM sets out formulas for signal timing for yellow-light and all-red display intervals, based on national standards developed by the ITE.

Bicyclist and Pedestrian Safety in Florida

Florida’s bicyclists and pedestrians are of course at particular risk on the public roadways. “Because bicyclist and pedestrian deaths make up about 14 percent of overall traffic fatalities, compared to about 12 percent of total trips, they are at more risk than most users. The number of people bicycling and walking for transportation continues to increase, almost doubling since 1995, and now nearly 12 percent of trips taken in the United States are by bike or foot. Intersections are especially dangerous for bicyclists and walkers; the Traffic Safety Coalition found that 24 percent of pedestrian deaths and 33 percent of bicyclist traffic fatalities occurred in an intersection.”³⁸

OPPAGA Research Memorandum on Florida Red Light Camera Programs

The Office of Program Policy Analysis & Government Accountability (OPPAGA) recently released a memorandum³⁹ on its examination of red light camera programs implemented by Florida cities and counties. OPPAGA issued the following recommendations:

- Require local jurisdictions to provide demonstrable evidence of a genuine safety need for the use of a red light camera at an intersection, based on criteria developed by the FDOT, and to conduct a traffic engineering study prior to installation of a red light camera.
- Mandate that the minimum yellow light change interval at intersections with red light cameras be in accordance with the FDOT specifications.
- Require local jurisdictions to annually report specific data by intersection and establish a penalty for jurisdictions that do not comply with current statutory reporting requirements.
- Direct the DHSMV to collaborate with the FDOT to analyze and annually report crash data for red light camera intersections on state roads.

III. Effect of Proposed Changes:

Generally, the bill codifies the recommendations of the OPPAGA memorandum described in the preceding paragraph. A specific analysis follows.

http://www.dot.state.fl.us/trafficoperations/Operations/PDFs/FDOT_Traffic_Engineering_Manual_revised_January_2012.pdf (Last visited 2/19/13).

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.* at 3.6.2.2.

³⁸ National Conference of State Legislatures Transportation Review (Feb. 2012), *Bicycle and Pedestrian Safety*, Schinkle, D.: <http://www.ncsl.org/documents/transportation/BicyclePedestrianSafety.pdf>. (Last visited March 21, 2014.)

³⁹ Copy on file in the Senate Transportation Committee.

Section 1 amends s. 316.0776, F.S., to:

- Require red-light cameras when permitted by the FDOT to meet the FDOT's signal timing specifications, in addition to currently existing placement and installation specifications; and to prohibit issuance of a notice of violation or uniform traffic citation through the use of a red light camera if the camera is not in compliance with the specifications; and
- Require the FDOT to identify engineering countermeasures intended to reduce red light camera violations before installation of a camera on any roadway. Placement of a camera must be based on a traffic engineering study documenting the implementation and failure of any countermeasure appropriate for a specific location.⁴⁰

The first revision has the effect of mandating that all permitted red light cameras meet the FDOT signal timing specifications, which are taken from the TEM as described above. If a camera does not meet the placement, installation, and signal timing specifications, the enforcing agency would be prohibited from issuing a notice of violation or a uniform traffic citation through use of that camera. Alleged violators may have notices dismissed if noncompliance with the signal timing specifications is established.

The second revision requires consideration and application where appropriate of engineering countermeasures intended to reduce violations. A traffic study showing the failure of any appropriate implemented countermeasure, in addition to meeting the current FDOT placement, installation, and signal timing specifications, would be required prior to the installation of additional cameras at any new locations.

Installations of cameras would be based on professional engineering standards. This may result in installation of fewer cameras in the event that any appropriate countermeasures prove to reduce red-light violations.

Section 2 amends s. 316.0083, F.S., to revise the distribution of funds resulting from red light camera violations.

- Seventy dollars of the \$158 penalty currently deposited into the General Revenue Fund is re-directed to the State Transportation Trust Fund. These funds must be used for intersection safety improvements in the county or municipality in which the violation occurred.
- The Emergency Medical Services Trust Fund and the Brain and Spinal Injury Trust Fund continue to receive their respective \$10 and \$3 distributions.
- Of the \$75 distributed to a municipality or county from each violation respectively enforced on any road, use of any funds remaining after payment of contractual obligations is again restricted to the specified traffic safety capital projects or to fund the required traffic studies.

A General Revenue Fund distribution is eliminated, and a State Transportation Trust Fund distribution is created, in equivalent amounts. Municipalities and counties would experience a reduction in revenues available for any current uses other than the described capital projects or traffic studies. This reduction may be somewhat offset by requiring the State Transportation Trust Fund deposits from municipally- or county-enforced violations to be used for intersection safety improvements in the county or municipality in which the violations occur.

⁴⁰ The study must be signed and sealed by a Florida-licensed professional engineer.

Current and potential future use of funds from red light camera violations is restricted to traffic safety in general and, specifically, to the protection of pedestrians and bicyclists. A decrease in property damage, personal injury, and associated litigation, may be realized.

This section of the bill also requires data and information currently submitted by counties and municipalities in an annual report to the DHSMV be submitted in a format enabling individual review of each intersection monitored by a red light camera. Failure of a municipality or county to submit the information annually by October 1 immediately nullifies all notices of violations or citations issued through use of a red light camera within the municipality or county. The FDOT is authorized to require statistical data and information, in addition to the DHSMV. The DHSMV is required to collaborate with the FDOT before submitting its currently required annual report, which shall include the FDOT's recommendations, along with the DHSMV's.

The bill also reduces from \$250 to \$100 the authorized assessment of county or municipal costs if a local hearing officer upholds a notice of violation challenged by any alleged violator.

Section 3 amends s. 318.18(22), F.S., also to reduce the authorized assessment of county or municipal costs from \$250 to \$100.

Section 4 provides 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:

None.

B. Private Sector Impact:

Alleged violators may be successful in challenging notices of violations and uniform traffic citations if noncompliance with the signal timing specifications is established, thereby relieving the alleged violator of fines and costs. Alleged violators who have a violation upheld will be subject to \$100 in costs, rather than \$250.

C. Government Sector Impact:

The FDOT will incur expenses associated with identifying engineering countermeasures to be considered and applied before installation of a red light camera, which costs are expected to be absorbed within existing resources. Local jurisdictions will be subject to costs associated with the required traffic studies, offset by the use of funds from red light camera violations to pay for such studies, after payment of contractual obligations. Local jurisdictions will experience a reduction in revenues available for any current uses other than the described capital projects or traffic studies.

If the DHSMV ever exercises its authorization to install red light cameras, it would similarly be subject to costs associated with the required traffic studies. A State Transportation Trust Fund Source is created in the amount of \$100 per violation, the use of which is restricted to intersection safety improvements in the county or municipality in which the violation occurred.

A General Revenue Fund source of approximately \$73.7 million is eliminated by diverting the \$70 for each violation enforced by a municipality or county to the State Transportation Trust Fund.⁴¹ Again, local jurisdictions will be subject to costs associated with the required traffic studies, which may be offset by the use of funds from red light camera violations to pay for such studies after payment of contractual obligations, and may be further offset by the bill's restriction of the use of such funds deposited into the State Transportation Trust Fund to intersection safety improvements in the county or municipality in which the violation occurred.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.0776, 316.0083, and 318.18.

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

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

None.

⁴¹ Based on the February Highway Safety Fee Estimating Conference, per Senate Transportation & Economic Development Appropriations Subcommittee email, March 24, 2014, on file in the Senate Transportation Committee.

B. Amendments:

None.

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



677928

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/27/2014	.	
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The Committee on Transportation (Joyner) recommended the following:

Senate Amendment (with title amendment)

Delete lines 54 - 67
and insert:
specifications developed by the Department of Transportation. A
notice of violation or uniform traffic citation may not be
issued through the use of a traffic infraction detector at an
intersection that is not in compliance with signal timing
specifications if the signal timing at the intersection is
controlled by the county or municipality responsible for issuing



11 the notice of violation or uniform traffic citation.
12 Additionally, for a traffic infraction detector installed by a
13 county or municipality after July 1, 2014, the county or
14 municipality must consider engineering countermeasures, where
15 appropriate, which are intended to reduce violations of ss.
16 316.074(1) and 316.075(1)(c)1. before the installation of a
17 traffic infraction detector on any roadway. The county or
18 municipality must also base its decision to install a traffic
19 infraction detector on any roadway after July 1, 2014, on the
20 results of a traffic study that includes information regarding
21 signal clearance intervals, current condition of other
22 intersection safety features, and engineering countermeasure
23 options, where appropriate, for the specific location.

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

26 And the title is amended as follows:

27 Delete lines 9 - 16

28 and insert:

29 specifications under certain circumstances; requiring
30 a county or municipality to consider certain
31 engineering countermeasures before the installation of
32 a traffic infraction detector; requiring that a
33 decision to place a traffic infraction detector on any
34 roadway be based on the results of a specified traffic
35 study; amending s.



638550

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/27/2014	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with directory and title amendments)

Delete line 73

and insert:

(1) (a) For purposes of administering this section, the department, a county, or a municipality may authorize a traffic infraction enforcement officer under s. 316.640 to issue a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. A notice of violation and a traffic citation may not be issued for failure to stop at a red light at an



638550

11 intersection where right-hand turns on a red signal are
12 permissible if the driver is making a right-hand turn, the
13 vehicle is traveling less than 15 miles per hour, the vehicle is
14 not involved in or is not the cause of a crash, and no
15 pedestrians are in the crosswalk and on the same side of the
16 centerline of the cross-street as the side traversed by the
17 turning vehicle in a careful and prudent manner at an
18 ~~intersection where right-hand turns are permissible.~~ A notice of
19 violation and a traffic citation may not be issued under this
20 section if the driver of the vehicle came to a complete stop
21 after crossing the stop line and before turning right if
22 permissible at a red light, but failed to stop before crossing
23 over the stop line or other point at which a stop is required.
24 This paragraph does not prohibit a review of information from a
25 traffic infraction detector by an authorized employee or agent
26 of the department, a county, or a municipality before issuance
27 of the traffic citation by the traffic infraction enforcement
28 officer. This paragraph does not prohibit the department, a
29 county, or a municipality from issuing notification as provided
30 in paragraph (b) to the registered owner of the motor vehicle
31 involved in the violation of s. 316.074(1) or s. 316.075(1)(c)1.

32
33 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

34 And the directory clause is amended as follows:

35 Delete line 68

36 and insert:

37 Section 2. Paragraphs (a) and (b) of subsection (1), subsection
38 (4),

39



638550

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

41 And the title is amended as follows:

42 Delete line 17

43 and insert:

44 316.0083, F.S.; prohibiting the issuance of a notice
45 of violation and a traffic citation for failure to
46 stop at a red signal at an intersection where right-
47 hand turns are permissible under certain
48 circumstances; revising the distribution of penalties



642454

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/27/2014	.	
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	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 122 - 150

and insert:

a. For a violation that occurs up to and including 0.5 second after a red signal display, a warning issued and mailed to the registered owner of the vehicle. The notification must be sent by first-class mail.

b. For a violation that occurs after 0.5 second after a red signal display:



642454

11 (I) One hundred fifty-eight dollars for a violation of s.
12 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at
13 a traffic signal if enforcement is by the department's traffic
14 infraction enforcement officer. One hundred dollars shall be
15 remitted to the Department of Revenue for deposit into the State
16 Transportation Trust General Revenue Fund, \$10 shall be remitted
17 to the Department of Revenue for deposit into the Department of
18 Health Emergency Medical Services Trust Fund, \$3 shall be
19 remitted to the Department of Revenue for deposit into the Brain
20 and Spinal Cord Injury Trust Fund, and \$45 shall be distributed
21 to the municipality in which the violation occurred, or, if the
22 violation occurred in an unincorporated area, to the county in
23 which the violation occurred. Of the funds distributed to a
24 county or municipality, any funds remaining after satisfaction
25 of contractual obligations must be used for traffic safety
26 capital projects intended to protect vulnerable road users or to
27 fund traffic studies required under s. 316.0776(1). Funds
28 deposited into the State Transportation Trust Fund under this
29 sub-sub-subparagraph must be used for intersection safety
30 improvements in the county or municipality in which the
31 violation occurred. As used in this section, the term
32 "vulnerable road users" includes pedestrians and bicyclists.
33 Funds deposited into the Department of Health Emergency Medical
34 Services Trust Fund under this sub-sub-subparagraph ~~sub-~~
35 ~~subparagraph~~ shall be distributed as provided in s. 395.4036(1).
36 Proceeds of the infractions in the Brain and Spinal Cord Injury
37 Trust Fund shall be distributed quarterly to the Miami Project
38 to Cure Paralysis and used for brain and spinal cord research.
39 (II) ~~b.~~ One hundred fifty-eight dollars for a violation of



642454

40 s.

41

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

43 And the title is amended as follows:

44 Delete line 17

45 and insert:

46 316.0083, F.S.; requiring the mailing of a warning to
47 the registered owner of a vehicle for failing to stop
48 at a red light up to and including one-half second
49 after a red display; revising the distribution of
50 penalties



670086

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/27/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Joyner) recommended the following:

Senate Amendment (with title amendment)

Delete lines 163 - 164
and insert:
satisfaction of contractual obligations and administrative costs
related to traffic infraction detectors must be used for traffic
safety

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

And the title is amended as follows:



670086

11 Delete line 26
12 and insert:
13 municipality after contractual obligations and
14 administrative costs are



930176

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
03/27/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment

Delete line 169
and insert:
or bicycle and pedestrian facilities in the county or
municipality in which the violation occurred.



310992

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/27/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 181 and 182

insert:

(2) A notice of violation and a traffic citation may not be issued for failure to stop at a red light at an intersection where right-hand turns on red signal are permissible if the driver is making a right-hand turn, the vehicle is traveling less than 15 miles per hour, the vehicle is not involved in or is not the cause of a crash, and no pedestrians are in the



310992

11 crosswalk and on the same side of the centerline of the cross-
12 street as the side traversed by the turning vehicle ~~in a careful~~
13 ~~and prudent manner at an intersection where right-hand turns are~~
14 ~~permissible.~~

15
16 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

17 And the directory clause is amended as follows:

18 Delete line 68

19 and insert:

20 Section 2. Paragraph (b) of subsection (1), subsection (2),
21 subsection (4),

22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete line 29

26 and insert:

27 be submitted to the department; prohibiting the
28 issuance of a notice of violation and a traffic
29 citation for failure to stop at a red light at an
30 intersection where right-hand turns are permissible
31 under certain circumstances; nullifying certain



121990

596-03106-14

Proposed Committee Substitute by the Committee on Transportation

1 A bill to be entitled
2 An act relating to traffic infraction detectors;
3 amending s. 316.0776, F.S.; requiring the Department
4 of Transportation to develop signal timing
5 specifications for traffic infraction detectors;
6 prohibiting the issuance of a notice of violation or
7 uniform traffic citation for traffic infraction
8 detectors that are not in compliance with all
9 specifications; requiring the department to identify
10 certain engineering countermeasures that must be
11 considered before installation of a traffic infraction
12 detector; requiring a decision to place a traffic
13 infraction detector on any roadway to be based on the
14 results of a specified traffic engineering study;
15 requiring the study to be signed and sealed by a
16 Florida-licensed professional engineer; amending s.
17 316.0083, F.S.; revising the distribution of penalties
18 collected when violations are enforced by a Department
19 of Highway Safety and Motor Vehicles traffic
20 infraction enforcement officer; limiting the
21 authorized uses of certain funds distributed to a
22 county or municipality;; revising the distribution of
23 penalties for violations enforced by a county or
24 municipal traffic infraction officer; identifying the
25 authorized uses of funds retained by a county or
26 municipality after contractual obligations are
27 satisfied; defining a term; specifying the format of
28 the traffic infraction detector information that must



121990

596-03106-14

29 be submitted to the department; nullifying certain
30 issued notices of violation or citations during a
31 certain time period if a county or municipality fails
32 to submit the required information by a specified
33 time; decreasing the amount of the authorized
34 assessment of county or municipal costs related to
35 notice of violation hearings; amending s. 318.18,
36 F.S.; decreasing the amount of the authorized
37 assessment of county or municipal costs if a local
38 hearing officer upholds a notice of violation;
39 providing an effective date.
40
41 Be It Enacted by the Legislature of the State of Florida:
42
43 Section 1. Subsection (1) of section 316.0776, Florida
44 Statutes, is amended to read:
45 316.0776 Traffic infraction detectors; placement and
46 installation.-
47 (1) Traffic infraction detectors are allowed on state roads
48 when permitted by the Department of Transportation and under
49 placement, ~~and~~ installation, and signal timing specifications
50 developed by the Department of Transportation. Traffic
51 infraction detectors are allowed on streets and highways under
52 the jurisdiction of counties or municipalities in accordance
53 with placement, ~~and~~ installation, and signal timing
54 specifications developed by the Department of Transportation. A
55 notice of violation or uniform traffic citation may not be
56 issued through the use a traffic infraction detector that is not
57 in compliance with all specifications. Additionally, the



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596-03106-14

58 department shall identify engineering countermeasures that are
59 intended to reduce violations of ss. 316.074(1) and
60 316.075(1)(c)1. to be considered and applied, where appropriate,
61 before the installation of a traffic infraction detector on any
62 roadway. The decision to place a traffic infraction detector on
63 any roadway must be based on the results of a traffic
64 engineering study that documents the implementation and failure
65 of any engineering countermeasure appropriate for the specific
66 location. The study must be signed and sealed by a professional
67 engineer licensed in this state.

68 Section 2. Paragraph (b) of subsection (1), subsection (4),
69 and paragraph (e) of subsection (5) of section 316.0083, Florida
70 Statutes, are amended to read:

71 316.0083 Mark Wandall Traffic Safety Program;
72 administration; report.-

73 (1)

74 (b)1.a. Within 30 days after a violation, notification must
75 be sent to the registered owner of the motor vehicle involved in
76 the violation specifying the remedies available under s. 318.14
77 and that the violator must pay the penalty of \$158 to the
78 department, county, or municipality, or furnish an affidavit in
79 accordance with paragraph (d), or request a hearing within 60
80 days following the date of the notification in order to avoid
81 the issuance of a traffic citation. The notification must be
82 sent by first-class mail. The mailing of the notice of violation
83 constitutes notification.

84 b. Included with the notification to the registered owner
85 of the motor vehicle involved in the infraction must be a notice
86 that the owner has the right to review the photographic or



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596-03106-14

87 electronic images or the streaming video evidence that
88 constitutes a rebuttable presumption against the owner of the
89 vehicle. The notice must state the time and place or Internet
90 location where the evidence may be examined and observed.

91 c. Notwithstanding any other provision of law, a person who
92 receives a notice of violation under this section may request a
93 hearing within 60 days following the notification of violation
94 or pay the penalty pursuant to the notice of violation, but a
95 payment or fee may not be required before the hearing requested
96 by the person. The notice of violation must be accompanied by,
97 or direct the person to a website that provides, information on
98 the person's right to request a hearing and on all court costs
99 related thereto and a form to request a hearing. As used in this
100 sub-subparagraph, the term "person" includes a natural person,
101 registered owner or coowner of a motor vehicle, or person
102 identified on an affidavit as having care, custody, or control
103 of the motor vehicle at the time of the violation.

104 d. If the registered owner or coowner of the motor vehicle,
105 or the person designated as having care, custody, or control of
106 the motor vehicle at the time of the violation, or an authorized
107 representative of the owner, coowner, or designated person,
108 initiates a proceeding to challenge the violation pursuant to
109 this paragraph, such person waives any challenge or dispute as
110 to the delivery of the notice of violation.

111 2. Penalties assessed and collected by the department,
112 county, or municipality authorized to collect the funds provided
113 for in this paragraph, less the amount retained by the county or
114 municipality pursuant to subparagraph 3., shall be paid to the
115 Department of Revenue weekly. Payment by the department, county,



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116 or municipality to the state shall be made by means of
117 electronic funds transfers. In addition to the payment, summary
118 detail of the penalties remitted shall be reported to the
119 Department of Revenue.

120 3. Penalties to be assessed and collected by the
121 department, county, or municipality are as follows:

122 a. One hundred fifty-eight dollars for a violation of s.
123 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at
124 a traffic signal if enforcement is by the department's traffic
125 infraction enforcement officer. One hundred dollars shall be
126 remitted to the Department of Revenue for deposit into the State
127 Transportation Trust ~~General Revenue~~ Fund, \$10 shall be remitted
128 to the Department of Revenue for deposit into the Department of
129 Health Emergency Medical Services Trust Fund, \$3 shall be
130 remitted to the Department of Revenue for deposit into the Brain
131 and Spinal Cord Injury Trust Fund, and \$45 shall be distributed
132 to the municipality in which the violation occurred, or, if the
133 violation occurred in an unincorporated area, to the county in
134 which the violation occurred. Of the funds distributed to a
135 county or municipality, any funds remaining after satisfaction
136 of contractual obligations must be used for traffic safety
137 capital projects intended to protect vulnerable road users or to
138 fund traffic studies required under s. 316.0776(1). Funds
139 deposited into the State Transportation Trust Fund under this
140 sub-subparagraph must be used for intersection safety
141 improvements in the county or municipality in which the
142 violation occurred. As used in this section, the term
143 "vulnerable road users" includes pedestrians and bicyclists.
144 Funds deposited into the Department of Health Emergency Medical



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145 Services Trust Fund under this sub-subparagraph shall be
146 distributed as provided in s. 395.4036(1). Proceeds of the
147 infractions in the Brain and Spinal Cord Injury Trust Fund shall
148 be distributed quarterly to the Miami Project to Cure Paralysis
149 and used for brain and spinal cord research.

150 b. One hundred fifty-eight dollars for a violation of s.
151 316.074(1) or s. 316.075(1)(c)1. when a driver failed to stop at
152 a traffic signal if enforcement is by a county or municipal
153 traffic infraction enforcement officer. Seventy dollars shall be
154 remitted by the county or municipality to the Department of
155 Revenue for deposit into the State Transportation Trust ~~General~~
156 Revenue Fund, \$10 shall be remitted to the Department of Revenue
157 for deposit into the Department of Health Emergency Medical
158 Services Trust Fund, \$3 shall be remitted to the Department of
159 Revenue for deposit into the Brain and Spinal Cord Injury Trust
160 Fund, and \$75 shall be retained by the county or municipality
161 enforcing the ordinance enacted pursuant to this section. Any
162 funds retained by the county or municipality remaining after
163 satisfaction of contractual obligations related to traffic
164 infraction detectors must be used for traffic safety capital
165 projects intended to protect vulnerable road users or to fund
166 traffic studies required under s. 316.0776(1). Funds deposited
167 into the State Transportation Trust Fund under this sub-
168 subparagraph must be used for intersection safety improvements
169 in the county or municipality in which the violation occurred.
170 Funds deposited into the Department of Health Emergency Medical
171 Services Trust Fund under this sub-subparagraph shall be
172 distributed as provided in s. 395.4036(1). Proceeds of the
173 infractions in the Brain and Spinal Cord Injury Trust Fund shall



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174 be distributed quarterly to the Miami Project to Cure Paralysis
175 and used for brain and spinal cord research.

176 4. An individual may not receive a commission from any
177 revenue collected from violations detected through the use of a
178 traffic infraction detector. A manufacturer or vendor may not
179 receive a fee or remuneration based upon the number of
180 violations detected through the use of a traffic infraction
181 detector.

182 (4) (a) Each county or municipality that operates a traffic
183 infraction detector shall submit a report by October 1 of each
184 year, 2012, and annually thereafter, to the department which
185 details the results of using the traffic infraction detector and
186 the procedures for enforcement for the preceding state fiscal
187 year. The information submitted by the counties and
188 municipalities must include statistical data and information
189 required by the department and the Department of Transportation
190 to complete the report required under paragraph (b). The data
191 and information must be submitted in a format that enables the
192 individual review of each intersection monitored by a traffic
193 infraction detector. The failure of a county or municipality to
194 submit the required data and information by October 1 of each
195 year nullifies all notices of violation or uniform traffic
196 citations issued through the use of traffic infraction detectors
197 within the county or municipality on or after October 1 of such
198 year until the date on which the data and information are
199 submitted to the satisfaction of both departments, as evidenced
200 by a letter from each department acknowledging a satisfactory
201 submission.

202 (b) After collaborating with the Department of



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203 Transportation, on or before December 31 of each year, 2012, and
204 annually thereafter, the department shall provide a summary
205 report to the Governor, the President of the Senate, and the
206 Speaker of the House of Representatives regarding the use and
207 operation of traffic infraction detectors under this section,
208 along with the departments' department's recommendations and any
209 necessary legislation. The summary report must include a review
210 of the information submitted to the department by the counties
211 and municipalities and must describe the enhancement of the
212 traffic safety and enforcement programs.

213 (5) Procedures for a hearing under this section are as
214 follows:

215 (e) At the conclusion of the hearing, the local hearing
216 officer shall determine whether a violation under this section
217 has occurred, in which case the hearing officer shall uphold or
218 dismiss the violation. The local hearing officer shall issue a
219 final administrative order including the determination and, if
220 the notice of violation is upheld, require the petitioner to pay
221 the penalty previously assessed under paragraph (1) (b), and may
222 also require the petitioner to pay county or municipal costs,
223 not to exceed \$100 \$250. The final administrative order shall be
224 mailed to the petitioner by first-class mail.

225 Section 3. Subsection (22) of section 318.18, Florida
226 Statutes, is amended to read:

227 318.18 Amount of penalties.—The penalties required for a
228 noncriminal disposition pursuant to s. 318.14 or a criminal
229 offense listed in s. 318.17 are as follows:

230 (22) In addition to the penalty prescribed under s.
231 316.0083 for violations enforced under s. 316.0083 which are



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232 upheld, the local hearing officer may also order the payment of
233 county or municipal costs, not to exceed \$100 ~~\$250~~.

234 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: SB 144

INTRODUCER: Senator Brandes and others

SUBJECT: Traffic Infraction Detectors

DATE: March 18, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Pre-meeting
2.			ATD	
3.			AP	

I. Summary:

SB 144 repeals and amends various provisions of law to remove authorization for the use of traffic infraction detectors, commonly known as “red light cameras,” which are currently used to enforce specified provisions of traffic law by automatically photographing vehicles whose drivers run red lights. The bill leaves intact the express preemption to the state of regulation of the use of red light cameras, thereby prohibiting implementation of red light camera programs by local ordinance.

II. Present Situation:

Traffic Infraction Detectors Generally

Traffic infraction detectors, or “red-light cameras,” are used to enforce traffic laws by automatically photographing vehicles whose drivers run red lights. A red light camera is connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system continuously monitors the traffic signal and the camera is triggered by any vehicle entering the intersection above a pre-set minimum speed and following a specified time after the signal has turned red. A second photograph typically shows the red light violator in the intersection. In some cases, video cameras are used. These video cameras and accompanying sensors record the license plate number, the date and time of day, the time elapsed since the signal has turned red and the vehicle’s speed.

Traffic Infraction Detectors in Florida

In 2010, the Florida Legislature enacted ch. 2010-80, L.O.F. The law expressly preempted to the state regulation of the use of cameras for enforcing the provisions of ch. 316, F.S..¹ The law authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and

¹ s. 316.0076, F.S.

municipalities to authorize officials to issue notices of violations of ss. 316.074(1) and 316.075(1)(c)1., F.S., for a driver's failure to stop at a traffic signal when such violation was identified by a traffic infraction detector.²

Municipalities may install or authorize installation of traffic infraction detectors on streets and highways in accordance with FDOT standards, and on state roads within the incorporated area when permitted by FDOT.³ Counties may install or authorize installation of traffic infraction detectors on streets and highways in unincorporated areas of the county in accordance with FDOT standards, and on state roads in unincorporated areas of the county when permitted by FDOT.⁴ DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of FDOT, when permitted by FDOT.⁵

If DHSMV, a county, or a municipality installs a traffic infraction detector at an intersection, the respective governmental entity must notify the public that a traffic infraction device may be in use at that intersection, including specific notification of enforcement of violations concerning right turns.⁶ Such signage must meet the specifications for uniform signals and devices adopted by FDOT pursuant to s. 316.0745, F.S.⁷

Notifications and Citations

If a traffic infraction detector identifies a vehicle violating ss. 316.074(1) or 316.075(1)(c)1., F.S., the visual information is captured and reviewed by a traffic infraction enforcement officer. Notices of violation and traffic citations may not be issued for failure to stop if the driver is making a right-hand turn "in a careful and prudent manner" at an intersection where right-hand turns are permissible,⁸ and may not be issued if the driver of the vehicle came to a complete stop after crossing the stop line and before turning right but failed to stop before crossing over the stop line.⁹

A notification must be issued to the registered owner of a vehicle within 30 days of an alleged violation,¹⁰ notifying the alleged violator that he or she must pay the required penalty to the county or municipality,¹¹ furnish an affidavit setting forth an authorized defense (see below), or request a hearing within 60 days of the date of the notification to avoid issuance of a uniform traffic citation. The notification must include notice that the owner has the right to review the photographic or electronic images or the streaming video evidence, which constitute(s) a rebuttable presumption against the vehicle owner, and must state the time and place, or the Internet location, where the evidence may be examined and observed.¹² The notification must

² See generally s. 316.0083, F.S.

³ Section 316.008(8), F.S.; s. 316.0776(1), F.S.

⁴ *Id.*

⁵ Section 321.50, F.S. DHSMV has not undertaken any effort to install or authorize traffic infraction detectors.

⁶ Section 316.0776(2), F.S.

⁷ *Id.*

⁸ Section 316.0083(1)(a) and (2), F.S.

⁹ Section 316.0083(1)(a), F.S.

¹⁰ Notifications of violation must be sent by first-class mail, and mailing of the notifications of violation constitutes notice.

¹¹ However, payment or a fee may not be required before any hearing requested by the alleged violator. See s. 316.0083(1)(b)1.c., F.S.

¹²Section 316.0083(1)(b)1.b., F.S.

also direct the alleged violator to a website that provides information on the right to request a hearing and on all related court costs, and a form to request a hearing.¹³

If the registered owner of the vehicle does not submit payment, request a hearing, or submit an affidavit setting forth an authorized defense within 60 days of receipt of the notification described above, the traffic infraction enforcement officer must issue a uniform traffic citation¹⁴ to the registered owner (first name on registration in cases of joint registration).¹⁵ The citation must also include the statements described above regarding review of the photographic or video evidence.¹⁶ The report of a traffic infraction enforcement officer and images provided by a traffic infraction detector are admissible in court and provide a rebuttable presumption the vehicle was used in a violation.¹⁷ A traffic infraction enforcement officer must provide by electronic transmission a replica of the citation data when issued under s. 316.0083, F.S., to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the issuance date of the citation to the violator, or, if a hearing is requested, to the clerk for the local hearing officer having jurisdiction over the alleged offense within 14 days.¹⁸

Defenses

The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish that the vehicle:

- Passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
- Passed through the intersection at the direction of a law enforcement officer; or
- Was, at the time of the violation, in the care, custody, or control of another person.

Additional defenses are available if a law enforcement officer issues a uniform traffic citation for the alleged violation or if the owner was deceased on or before the date the uniform traffic citation was issued.¹⁹

To establish any of these defenses, the owner of the vehicle must furnish an affidavit to the appropriate governmental entity within 30 days after the date of issuance of the uniform traffic citation that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or a copy of the uniform traffic citation, if issued.²⁰ If the owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and if known, the driver's license number, of the other driver.²¹ Upon receipt of an affidavit and required documentation, the appropriate governmental entity must dismiss the citation and provide proof of such dismissal to the person that submitted the affidavit.²² A notice of violation may then be

¹³ s. 316.0083(1)(b)1.c., F.S.

¹⁴ Citations must be sent by certified mail, and delivery constitutes notification. s. 316.0083(1)(c)1.a. and b., F.S.

¹⁵ s. 316.0083(1)(c)1.c., F.S.

¹⁶ s. 316.0083(1)(c)2., F.S.

¹⁷ s. 316.0083(1)(e), F.S.

¹⁸ s. 316.650(3)(c), F.S.

¹⁹ s. 316.0083(1)(d), F.S.

²⁰ s. 316.0083(1)(d)2., F.S.

²¹ s. 316.0083(1)(d)2.a., F.S.

²² s. 316.0083(1)(d)2., F.S.

issued to the person identified in the affidavit as having care, custody or control of the vehicle at the time of the alleged violation, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding that person's alleged violation of ss. 316.074(1) or 316.075(1)(c)1., F.S.²³ Submission of a false affidavit is a second degree misdemeanor.²⁴

If a vehicle is leased, the owner of the leased vehicle is not responsible for paying the citation, nor required to submit an affidavit, if the motor vehicle is registered in the name of the lessee.²⁵ If a person presents documentation from the appropriate governmental entity that the citation was issued in error, the clerk of court may dismiss the case and may not charge for such service.²⁶

Fines

A fine of \$158 is levied on violators who fail to stop at a traffic signal as required by ss. 316.074(1) or 316.075(1)(c)1., F.S. When the \$158 fine is the result of a local government's traffic infraction detector, \$75 is retained by the local government and \$83 is deposited with the Department of Revenue (DOR).²⁷ DOR subsequently distributes the fines by depositing \$70 in the General Revenue Fund, \$10 in the Department of Health Emergency Services Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.²⁸

If a law enforcement officer cites a motorist for the same offense, the fine is still \$158, but the revenue is distributed from the local clerk of court to DOR, where \$30 is distributed to the General Revenue Fund, \$65 is distributed to the Department of Health Emergency Services Trust Fund, and \$3 is distributed to the Brain and Spinal Cord Injury Trust Fund. The remaining \$60 is distributed in small percentages to a number of funds pursuant to s. 318.21, F.S.²⁹

Violations of ss. 316.074(1) or 316.075(1)(c)1., F.S., enforced by traffic infraction detectors may not result in points being assessed against the operator's driver's license and may not be used for the purpose of setting motor vehicle insurance rates.³⁰

Actual Revenues

According to the DOR website, from July 2012 through June 2013, 77 jurisdictions operated red light camera programs throughout the state. DOR reports the state portion of the fines collected during that fiscal year amount to \$62,454,920. Of the total, \$52,663,609 was distributed to the General Revenue Fund; \$7,510,916 was distributed to the Health Administration Trust Fund; and \$2,257,262 was distributed to the Brain & Spinal Cord Injury Trust Fund.³¹

²³ s. 316.0083(1)(d)3., F.S.

²⁴ s. 316.0083(1)(d)5., F.S.

²⁵ s. 316.0083(1)(d)3., F.S.

²⁶ s. 318.18(15)(c), F.S.

²⁷ s. 318.18(15)(a)3., F.S., s. 316.0083(1)(b)3.b., F.S.

²⁸ *Id.*

²⁹ s. 318.18(15)(a)1., F.S.

³⁰ s. 322.27(3)(d)6., F.S.

³¹ See DOR website: <http://dor.myflorida.com/dor/taxes/distributions.html> (Last viewed 9/11/13).

Impact on Crashes and Fatalities

Research reveals numerous studies of the impact of red light cameras on crashes and fatalities, and the studies are contradictory.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 316.003, F.S., to repeal the current subsection (87) definition of “traffic infraction detector,” currently defined to mean a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light. Also removed is the requirement to include in any notice of violation or traffic citation issued by the use of a traffic infraction detector a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated.

This section of the bill also amends s. 316.003, F.S., to repeal the current subsection (91) definition of “local hearing officer,” currently defined to mean the person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic citations under s. 316.0083(1)(a), who is authorized to conduct hearings related to a notice of violation issued pursuant to s. 316.0083. Authorization of a charter county, noncharter county, or municipality to use a currently appointed code enforcement board or special magistrate to serve as the local hearing officer, as well as authorization of the Department of Highway Safety and Motor Vehicles to enter into interlocal agreements to use a county or municipal local hearing officer, is likewise removed.

Section 2 amends s. 316.008, F.S., to repeal the current subsection (8) authorization of counties or municipalities to install, or authorize the installation of, and use traffic infraction detectors to enforce specified provisions of traffic law relating to obedience to traffic control signals and stopping a vehicle facing a steady red signal.

Section 3 repeals s. 316.0083, F.S., the “Mark Wandall Traffic Safety Program,” which currently:

- Authorizes DHSMV, a county, or a municipality to authorize a traffic infraction enforcement officer to issue traffic citations for specified provisions of traffic law relating to obedience to traffic control signals and stopping a vehicle facing a steady red signal;
- Prohibits issuance of notices of violation or traffic citations for failing to stop while making rolling, “right-on-red” turns in a “careful and prudent manner” and for failing to stop before crossing the stop line or other point at which a stop is required when making a “right-on-red” turn;
- Provides the process and requirements for issuance of notices of violation, sets forth specific information to be included in such notices; provides alternative options for an alleged violator, including providing a specified affidavit, requesting a hearing, or paying the penalty stated in the notice; provides penalty amounts and fine distributions; and prohibits certain individuals manufacturers, or vendors from receiving commissions, fees, or remuneration relating to the use of traffic infraction detectors;

- Provides the process and requirements for issuance of traffic citations; sets forth specific information to be included in such notices; provides for defenses to be established by affidavit, states requirements for information to be included in such affidavits, provides penalties for submission of false affidavits; provides for dismissal of citations and issuance of notices of violation and traffic citations to the person designated in an affidavit as having care, custody, or control of the motor vehicle at the time of the violation; and provides for supplemental enforcement;
- Requires each county or municipality that operates traffic infraction detectors to provide a specified annual summary report to DHSMV regarding the use and operation of traffic infraction detectors, and requires DHSMV to prepare an annual report to the Governor, Senate President, and House Speaker; and
- Sets forth procedures for hearings on notices of violation and authorizes a specified appeal of a final administrative order.

Section 4 repeals s. 316.00831, F.S., which currently provides for retention by a county or municipality and subsequent remission to the Department of Revenue, as appropriate, of penalties collected for notices of violation during the interim between passage of the Mark Wandall Safety Program in 2010 and DOR's notification of its ability to receive and distribute the retained funds.

Section 5 repeals s. 316.07456, F.S., which currently requires deployed traffic infraction detectors to meet specifications published by FDOT and to be tested at regular intervals according to FDOT specifications; requires FDOT to establish such specifications on or before December 31, 2010; and provides that any detectors in operation before July 1, 2011, are not required to meet the FDOT specifications until July 1, 2011.

Section 6 repeal s. 316.0776, F.S., which currently provides permitting, placement, and installation standards for traffic infraction detectors; and for signage, public announcement, and public awareness campaigns under certain conditions.

Section 7 amends s. 318.15, F.S., to repeal provision in current subsection (3) for withholding of a license plate or revalidation sticker for any motor vehicle owned or co-owned by a person who failed to pay the penalty, comply with the terms of a payment plan or order, or failed to appear at a hearing; and authorizes a person to challenge the withholding solely on the basis that the outstanding fines and civil penalties have been paid.

Section 8 repeals s. 321.50, F.S., which currently authorizes DHSMV to use traffic infraction detectors to enforce specified provisions of traffic law relating to obedience to traffic control signals and stopping a vehicle facing a steady red signal on state roads under FDOT jurisdiction when permitted by FDOT.

Section 9 amends s. 28.37(5), F.S., to remove a cross reference and to correct a cross reference to conform to changes made by the act.

Section 10 amends s. 316.640(1)(b) and (5)(a), F.S., to remove DHSMV authorization to designate employees as traffic infraction enforcement officers; instruction and training requirements for such officers; provisions relating to such officers carrying firearms or other

weapons and making arrests; the requirement that such officers be physically located in the state.; authorization of such officers to issue traffic citations under the Mark Wandall Traffic Safety Program; and authorization of any sheriff's department or police department of a municipality to designate employees as traffic infraction officers.

Section 11 amends s. 316.650(3)(a) and (c), F.S., to remove a cross reference to conform to changes made by the act and to remove provisions relating to provision of replicas of traffic citations and notices of violation issued under the Mark Wandall Traffic Safety Program.

Section 12 amends s. 318.14(2), F.S., to remove a cross reference to conform to changes made by the act.

Section 13 amends s. 318.18(15) and (22), F.S., to remove penalty amounts for red light violations enforced by a traffic infraction enforcement officer; distribution requirements for fines collected from traffic infraction detector programs; provisions for dismissal of notices of violation or traffic citations issued in error; the prohibition against certain individuals manufacturers, or vendors receiving commissions, fees, or remuneration relating to the use of traffic infraction detectors; and authorization of local hearing officers to order payment of county or municipal costs, not to exceed \$250.

Section 14 amends s. 320.03(8), F.S., to remove a cross reference to conform to changes made by the act.

Section 15 amends s. 322.27(3)((d), F.S., to remove prohibitions against imposition of driver license points for red light violations enforced by a traffic infraction enforcement officer and against using red light violations enforced by a traffic infraction enforcement officer to set motor vehicle insurance rates.

Section 16 provides that the act takes effect upon becoming law.

Because the preemption provisions of s. 316.0076, F.S., remain in statute, local governments will have no authority to implement red light camera programs.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Research of available vendor contracts suggests that some local governments anticipated the possible repeal of authority to implement red light camera programs and made provision for termination of such contracts in the event of repeal, while others did not. Some vendors may raise impairment of contract claims.

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

None.

B. Private Sector Impact:

The possible imposition of a \$158 fine (and potential court costs) for red light violations detected by red light cameras is eliminated.

C. Government Sector Impact:

The state portion of the \$158 fine is \$83. The bill would eliminate the source of this revenue for the distributions identified above. Revenue from fines collected for red light violation citations issued by law enforcement officers would continue to be distributed to the identified funds.

The local jurisdiction retains \$75 of the \$158 fine. The bill would eliminate this source of revenue but would also eliminate expenses related to operating and maintaining red light camera programs.

As previously indicated, the state portion of the fines collected during the 2012-2013 fiscal year amounted to \$62,454,920. Of the total, \$52,663,609 was distributed to the General Revenue Fund; \$7,510,916 was distributed to the Health Administration Trust Fund; and \$2,257,262 was distributed to the Brain & Spinal Cord Injury Trust Fund.³² No future revenues would be realized following repeal of red light camera authorization.

VI. Technical Deficiencies:

An additional cross-reference correction is needed in s. 318.121, F.S., to remove reference to subsection (22) of s. 318.18, F.S., as the bill deletes that subsection.

VII. Related Issues:

None.

³² See DOR website: <http://dor.myflorida.com/dor/taxes/distributions.html> (Last viewed March 18, 2014.)

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 28.37, 316.003, 316.008, 318.15, 316.640, 316.650, 318.14, 318.18, 320.03, and 322.27.

This bill repeals the following sections of the Florida Statutes: 316.0083, 316.00831, 316.07456, 316.0776, and 321.50.

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)

3/26/14

Meeting Date

Topic Red light camera scheme

Bill Number PCB SB 144

Name Paul Henry

Amendment Barcode 121990 (PCB)

(if applicable)

(if applicable)

Job Title _____

Address PO Box 698

Phone 850-629-9550

Street

Momnticello FL 32345

E-mail realid@liberty2010.org

City

State

Zip

Speaking: For Against Information

Representing Liberty First Network

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)

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APPEARANCE RECORD

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

Meeting Date _____

Topic 144 Bill Number 144

Name Casey Cook Amendment Barcode 121 990
(if applicable)
(if applicable)

Job Title Legislative Advocate

Address PO Box 1757 Phone 850 701 3701
Street

Tallahassee FL 32302 E-mail ccook@flcities.com
City State Zip

Speaking: For Against Information

Representing Florida League of Cities

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

N/P

3/26/14

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

Meeting Date

Topic SB 144

Bill Number 144
(if applicable)

Name Casey Cook

Amendment Barcode 677928
(if applicable)

Job Title Legislative Advocate

Address PO Box 1757

Phone 850 701 3701

Street

Tallahassee FL 32302

City

State

Zip

E-mail ccook@flcities.com

Speaking: For Against Information

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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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)

3/26/14

Meeting Date

Topic 144

Bill Number 144
(if applicable)

Name Casey Cook

Amendment Barcode 638550
(if applicable)

Job Title Legislative Advocate

Address Po Box 1757

Phone 850 701 3701

Street

Tallahassee FL 32302

City

State

Zip

E-mail ccook@flcities.com

Speaking: For Against Information

Representing Florida League of Cities

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)

3/26/14
Meeting Date

Topic TRAFFIC INFORMATION DETECTION

Bill Number SB 144
(if applicable)

Name RAY BLACK

Amendment Barcode 638550
(if applicable)

Job Title Chief

Address 3064 N. Commerce Parkway

Phone 954 602-4400

Street

MIRAMAR
City

FL 33025
State Zip

E-mail rblack@miramarpd.org

Speaking: For Against Information

Representing FLORIDA POLICE CHIEFS ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

3/26/14
Meeting Date

Topic Traffic Infraction Detectors Bill Number 144
(if applicable)

Name Robert URA Amendment Barcode 638550
(if applicable)

Job Title Mayor, Hillsborough County Sheriff's Office

Address 2008 E 8th Avenue Phone 813 363-0375
Street

Tampa FL 33605 E-mail LBowden@HCSO.com
City State Zip Tampa FL US

Speaking: For Against Information

Representing Florida Sheriff's Association

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

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/14

Meeting Date

Topic RED LIGHT CAMERAS

Bill Number SB1114
(if applicable)

Name PAUL HENRY

Amendment Barcode 638000
(if applicable)

Job Title _____

Address PO Box 698

Phone 850-629-9550

Street

MONTICELLO FL 32345

City

State

Zip

E-mail PAUL@LIBERTYFIRST.NET

Speaking: For Against Information

Representing LIBERTY FIRST NETWORK

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)

3/26

Meeting Date

Topic 144

Bill Number 144

Name Casey Cook

Amendment Barcode 642454
(if applicable)

Job Title Legislative Advocate

Address PB Box 1757

Phone 850 701 3761

Street
Tallahassee FL 32302
City State Zip

E-mail ccook@flcities.com

Speaking: For Against Information

Representing Florida League of Cities

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)

3/26/14

Meeting Date

Topic Traffic Infraction Devices

Bill Number 144
(if applicable)

Name Robert URA

Amendment Barcode ~~642454~~
642454
(if applicable)

Job Title Major, Hillsborough County Sheriff's Office

Address 2008 E 8th Ave

Phone 813 363-0375

Street

Tampa FL 33605

City

State

Zip

E-mail URBowden@HCSO.tampa.fl.us

Speaking: For Against Information

Representing Florida Sheriffs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

3/26/14
Meeting Date

Topic Traffic Intraction Detector Bill Number 144
Name RAY BLACK Amendment Barcode ~~642454~~ (if applicable)
Job Title Chief 642454 (if applicable)
Address 3064 N Commerce Pkwy Phone 954 602-4400
Street MIRAMAR State FL Zip 33025
City City State Zip E-mail rblack@miramarpd.org

Speaking: For Against Information

Representing Florida Police Chiefs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

3-26-14

Meeting Date

Topic Red Light Cameras

Bill Number PCS SB144
(if applicable)

Name Jim PHEND

Amendment Barcode 310992
(if applicable)

Job Title Director

Address 1625 Marcello Dr.
Street

Phone 317-590-6488

Melbourne FL 32934
City State Zip

E-mail jphend@fl.mca.com

Speaking: For Against Information

Representing Melbourne Motorists Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26

Meeting Date

Topic 144

Bill Number 144
(if applicable)

Name Casey Cook

Amendment Barcode 310 992
(if applicable)

Job Title Legislative Advocate

Address PO Box 1757

Phone 850 701 3761

Tallahassee FL 32302
City State Zip

E-mail ccook@flcities.com

Speaking: For Against Information

Representing Florida League of Cities

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)

3/26/14
Meeting Date

Topic Traffic Detection Devices

Bill Number 144
(if applicable)

Name Bob Ura

Amendment Barcode 310992
(if applicable)

Job Title Major, Hillsborough County Sheriff's office

Address 2008 E. 8th Avenue
Street

Phone (813) 363-0375

Tampa FL 33605
City State Zip

E-mail LBowden@HCSD.
tampa FL US

Speaking: For Against Information

Representing Florida Sheriffs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/14

Meeting Date

Topic TRAFFIC INFRACTION DETECTIONS

Bill Number SB 144

Name RAY BLACK

Amendment Barcode 310992
(if applicable)

Job Title Chief

Address 3064 N Commerce Pkwy

Phone 954 602-4400

Street

MIRAMAN

FL 33025

City

State

Zip

E-mail black@miramanpd.org

Speaking: For Against Information

Representing FLORIDA POLICE CHIEFS ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

3-26-14

Meeting Date

Topic Red Light Cameras Bill Number SB 144
Name Jim PHEND (Fend) Amendment Barcode _____ (if applicable)
Job Title Director, Melbourne Motorists Association (if applicable)
Address 1625 Marcello Dr. Phone 317-590-6488
Street
Melbourne FL 32934 E-mail jphend@cfi.fl.com
City State Zip

Speaking: For Against Information

Representing Melbourne Motorists Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/11
Meeting Date

Topic Red Light Cameras

Bill Number 144
(if applicable)

Name Sara Shaw

Amendment Barcode _____
(if applicable)

Job Title Commissioner

Address 101 N. Church St.

Phone 407-791-4695

Kissimmee, Florida 34741
City State Zip

E-mail sshaw@kissimmee.org

Speaking: For Against Information

Representing City of Kissimmee

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

3-26-14

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

Meeting Date

Topic Red Light Camera

Bill Number 144

Name Sally Heyman

Amendment Barcode (Support Several)
(if applicable)
(if applicable)

Job Title County Commissioner - Former State Rep

Address 111 NW 1 Street

Phone 305-375-5128

Street

Miami FL 33128

City

State

Zip

E-mail heyman@miamidade.gov

Speaking: For Against Information

Representing Miami - Dade County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

3/26/14

Meeting Date

Topic Red light camera scheme

Bill Number SB 144
(if applicable)

Name Paul Henry

Amendment Barcode _____
(if applicable)

Job Title _____

Address PO Box 698
Street

Phone 850-629-9550

Momnticello FL 32345
City State Zip

E-mail realid@liberty2010.org

Speaking: For Against Information

Representing Liberty First Network

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/26/14

Meeting Date

Topic Red Light Camera Program

Bill Number SB 144 (if applicable)

Name Joanne Simone

Amendment Barcode (if applicable)

Job Title Vice Mayor

Address 5990 Margate Blvd

Phone 954 972 6454

Street

Margate 33063

City

State

Zip

E-mail

Speaking: [] For [x] Against [] Information

Representing The City of Margate

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

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

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/26/14

Meeting Date

Topic Traffic Infraction Devices

Bill Number SB 144
(if applicable)

Name Kathy Russell

Amendment Barcode _____
(if applicable)

Job Title Dir of Gov Relations

Address 400 S Orange Ave

Phone 407 383 2025

Orlando FL 32801
City State Zip

E-mail _____

Speaking: For Against Information

Representing City of Orlando

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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By Senator Brandes

22-00193-14

2014144__

1 A bill to be entitled
 2 An act relating to traffic infraction detectors;
 3 repealing s. 316.003(87) and (91), F.S., relating to
 4 the definitions of "traffic infraction detector" and
 5 "local hearing officer"; repealing ss. 316.008(8),
 6 316.0083, and 316.00831, F.S., relating to the
 7 installation and use of traffic infraction detectors
 8 to enforce specified provisions when a driver fails to
 9 stop at a traffic signal; removing provisions that
 10 authorize the Department of Highway Safety and Motor
 11 Vehicles, a county, or a municipality to use such
 12 detectors; repealing s. 316.07456, F.S., relating to
 13 transitional implementation of such detectors;
 14 repealing s. 316.0776, F.S., relating to placement and
 15 installation of traffic infraction detectors;
 16 repealing s. 318.15(3), F.S., relating to failure to
 17 comply with a civil penalty; repealing s. 321.50,
 18 F.S., relating to the authorization to use traffic
 19 infraction detectors; amending ss. 28.37, 316.640,
 20 316.650, 318.14, 318.18, 320.03, and 322.27, F.S.,
 21 relating to distribution of proceeds, enforcement by
 22 traffic infraction enforcement officers using such
 23 detectors, procedures for disposition of citations,
 24 compliance, registration and renewal of license
 25 plates, and penalties, to conform provisions to
 26 changes made by the act; providing an effective date.
 27
 28 Be It Enacted by the Legislature of the State of Florida:
 29

Page 1 of 11

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

22-00193-14

2014144__

30 Section 1. Subsections (87) and (91) of section 316.003,
 31 Florida Statutes, are repealed.
 32 Section 2. Subsection (8) of section 316.008, Florida
 33 Statutes, is repealed.
 34 Section 3. Section 316.0083, Florida Statutes, is repealed.
 35 Section 4. Section 316.00831, Florida Statutes, is
 36 repealed.
 37 Section 5. Section 316.07456, Florida Statutes, is
 38 repealed.
 39 Section 6. Section 316.0776, Florida Statutes, is repealed.
 40 Section 7. Subsection (3) of section 318.15, Florida
 41 Statutes, is repealed.
 42 Section 8. Section 321.50, Florida Statutes, is repealed.
 43 Section 9. Subsection (5) of section 28.37, Florida
 44 Statutes, is amended to read:
 45 28.37 Fines, fees, service charges, and costs remitted to
 46 the state.—
 47 (5) Ten percent of all court-related fines collected by the
 48 clerk, except for penalties or fines distributed to counties or
 49 municipalities under ~~s. 316.0083(1)(b)3. or~~ s. 318.18(15)(a),
 50 shall be deposited into the clerk's Public Records Modernization
 51 Trust Fund to be used exclusively for additional clerk court-
 52 related operational needs and program enhancements.
 53 Section 10. Paragraph (b) of subsection (1) and paragraph
 54 (a) of subsection (5) of section 316.640, Florida Statutes, are
 55 amended to read:
 56 316.640 Enforcement.—The enforcement of the traffic laws of
 57 this state is vested as follows:
 58 (1) STATE.—

Page 2 of 11

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22-00193-14

2014144__

59 (b)1. The Department of Transportation has authority to
60 enforce on all the streets and highways of this state all laws
61 applicable within its authority.

62 2.a. The Department of Transportation shall develop
63 training and qualifications standards for toll enforcement
64 officers whose sole authority is to enforce the payment of tolls
65 pursuant to s. 316.1001. Nothing in this subparagraph shall be
66 construed to permit the carrying of firearms or other weapons,
67 nor shall a toll enforcement officer have arrest authority.

68 b. For the purpose of enforcing s. 316.1001, governmental
69 entities, as defined in s. 334.03, which own or operate a toll
70 facility may employ independent contractors or designate
71 employees as toll enforcement officers; however, any such toll
72 enforcement officer must successfully meet the training and
73 qualifications standards for toll enforcement officers
74 established by the Department of Transportation.

75 ~~3. For the purpose of enforcing s. 316.0083, the department~~
76 ~~may designate employees as traffic infraction enforcement~~
77 ~~officers. A traffic infraction enforcement officer must~~
78 ~~successfully complete instruction in traffic enforcement~~
79 ~~procedures and court presentation through the Selective Traffic~~
80 ~~Enforcement Program as approved by the Division of Criminal~~
81 ~~Justice Standards and Training of the Department of Law~~
82 ~~Enforcement, or through a similar program, but may not~~
83 ~~necessarily otherwise meet the uniform minimum standards~~
84 ~~established by the Criminal Justice Standards and Training~~
85 ~~Commission for law enforcement officers or auxiliary law~~
86 ~~enforcement officers under s. 943.13. This subparagraph does not~~
87 ~~authorize the carrying of firearms or other weapons by a traffic~~

Page 3 of 11

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22-00193-14

2014144__

88 ~~infraction enforcement officer and does not authorize a traffic~~
89 ~~infraction enforcement officer to make arrests. The department's~~
90 ~~traffic infraction enforcement officers must be physically~~
91 ~~located in the state.~~

92 (5) (a) Any sheriff's department or police department of a
93 municipality may employ, as a traffic infraction enforcement
94 officer, any individual who successfully completes instruction
95 in traffic enforcement procedures and court presentation through
96 the Selective Traffic Enforcement Program as approved by the
97 Division of Criminal Justice Standards and Training of the
98 Department of Law Enforcement, or through a similar program, but
99 who does not necessarily otherwise meet the uniform minimum
100 standards established by the Criminal Justice Standards and
101 Training Commission for law enforcement officers or auxiliary
102 law enforcement officers under s. 943.13. Any such traffic
103 infraction enforcement officer who observes the commission of a
104 traffic infraction or, in the case of a parking infraction, who
105 observes an illegally parked vehicle may issue a traffic
106 citation for the infraction when, based upon personal
107 investigation, he or she has reasonable and probable grounds to
108 believe that an offense has been committed which constitutes a
109 noncriminal traffic infraction as defined in s. 318.14. ~~In~~
110 ~~addition, any such traffic infraction enforcement officer may~~
111 ~~issue a traffic citation under s. 316.0083. For purposes of~~
112 ~~enforcing s. 316.0083, any sheriff's department or police~~
113 ~~department of a municipality may designate employees as traffic~~
114 ~~infraction enforcement officers. The traffic infraction~~
115 ~~enforcement officers must be physically located in the county of~~
116 ~~the respective sheriff's or police department.~~

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22-00193-14

2014144__

117 Section 11. Paragraphs (a) and (c) of subsection (3) of
118 section 316.650, Florida Statutes, are amended to read:

119 316.650 Traffic citations.—

120 (3) (a) Except for a traffic citation issued pursuant to s.
121 316.1001 ~~or s. 316.0083~~, each traffic enforcement officer, upon
122 issuing a traffic citation to an alleged violator of any
123 provision of the motor vehicle laws of this state or of any
124 traffic ordinance of any municipality or town, shall deposit the
125 original traffic citation or, in the case of a traffic
126 enforcement agency that has an automated citation issuance
127 system, the chief administrative officer shall provide by an
128 electronic transmission a replica of the citation data to a
129 court having jurisdiction over the alleged offense or with its
130 traffic violations bureau within 5 days after issuance to the
131 violator.

132 ~~(c) If a traffic citation is issued under s. 316.0083, the~~
133 ~~traffic infraction enforcement officer shall provide by~~
134 ~~electronic transmission a replica of the traffic citation data~~
135 ~~to the court having jurisdiction over the alleged offense or its~~
136 ~~traffic violations bureau within 5 days after the date of~~
137 ~~issuance of the traffic citation to the violator. If a hearing~~
138 ~~is requested, the traffic infraction enforcement officer shall~~
139 ~~provide a replica of the traffic notice of violation data to the~~
140 ~~clerk for the local hearing officer having jurisdiction over the~~
141 ~~alleged offense within 14 days.~~

142 Section 12. Subsection (2) of section 318.14, Florida
143 Statutes, is amended to read:

144 318.14 Noncriminal traffic infractions; exception;
145 procedures.—

Page 5 of 11

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22-00193-14

2014144__

146 (2) Except as provided in s. 316.1001(2) ~~es. 316.1001(2)~~
147 ~~and 316.0083~~, any person cited for a violation requiring a
148 mandatory hearing listed in s. 318.19 or any other criminal
149 traffic violation listed in chapter 316 must sign and accept a
150 citation indicating a promise to appear. The officer may
151 indicate on the traffic citation the time and location of the
152 scheduled hearing and must indicate the applicable civil penalty
153 established in s. 318.18. For all other infractions under this
154 section, except for infractions under s. 316.1001, the officer
155 must certify by electronic, electronic facsimile, or written
156 signature that the citation was delivered to the person cited.
157 This certification is prima facie evidence that the person cited
158 was served with the citation.

159 Section 13. Subsections (15) and (22) of section 318.18,
160 Florida Statutes, are amended to read:

161 318.18 Amount of penalties.—The penalties required for a
162 noncriminal disposition pursuant to s. 318.14 or a criminal
163 offense listed in s. 318.17 are as follows:

164 (15) ~~(a)1-~~ One hundred and fifty-eight dollars for a
165 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
166 has failed to stop at a traffic signal ~~and when enforced by a~~
167 ~~law enforcement officer~~. Sixty dollars shall be distributed as
168 provided in s. 318.21, \$30 shall be distributed to the General
169 Revenue Fund, \$3 shall be remitted to the Department of Revenue
170 for deposit into the Brain and Spinal Cord Injury Trust Fund,
171 and the remaining \$65 shall be remitted to the Department of
172 Revenue for deposit into the Emergency Medical Services Trust
173 Fund of the Department of Health.

174 ~~2. One hundred and fifty-eight dollars for a violation of~~

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

22-00193-14 2014144__
 175 ~~s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
 176 ~~stop at a traffic signal and when enforced by the department's~~
 177 ~~traffic infraction enforcement officer. One hundred dollars~~
 178 ~~shall be remitted to the Department of Revenue for deposit into~~
 179 ~~the General Revenue Fund, \$45 shall be distributed to the county~~
 180 ~~for any violations occurring in any unincorporated areas of the~~
 181 ~~county or to the municipality for any violations occurring in~~
 182 ~~the incorporated boundaries of the municipality in which the~~
 183 ~~infraction occurred, \$10 shall be remitted to the Department of~~
 184 ~~Revenue for deposit into the Department of Health Emergency~~
 185 ~~Medical Services Trust Fund for distribution as provided in s.~~
 186 ~~395.4036(1), and \$3 shall be remitted to the Department of~~
 187 ~~Revenue for deposit into the Brain and Spinal Cord Injury Trust~~
 188 ~~Fund.~~

189 3. One hundred and fifty-eight dollars for a violation of
 190 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 191 stop at a traffic signal and when enforced by a county's or
 192 municipality's traffic infraction enforcement officer. Seventy-
 193 five dollars shall be distributed to the county or municipality
 194 issuing the traffic citation, \$70 shall be remitted to the
 195 Department of Revenue for deposit into the General Revenue Fund,
 196 \$10 shall be remitted to the Department of Revenue for deposit
 197 into the Department of Health Emergency Medical Services Trust
 198 Fund for distribution as provided in s. 395.4036(1), and \$3
 199 shall be remitted to the Department of Revenue for deposit into
 200 the Brain and Spinal Cord Injury Trust Fund.

201 ~~(b)~~ Amounts deposited into the Brain and Spinal Cord Injury
 202 Trust Fund pursuant to this subsection shall be distributed
 203 quarterly to the Miami Project to Cure Paralysis and shall be

22-00193-14 2014144__
 204 used for brain and spinal cord research.
 205 ~~(e) If a person who is mailed a notice of violation or~~
 206 ~~cited for a violation of s. 316.074(1) or s. 316.075(1)(c)1., as~~
 207 ~~enforced by a traffic infraction enforcement officer under s.~~
 208 ~~316.0083, presents documentation from the appropriate~~
 209 ~~governmental entity that the notice of violation or traffic~~
 210 ~~citation was in error, the clerk of court or clerk to the local~~
 211 ~~hearing officer may dismiss the case. The clerk of court or~~
 212 ~~clerk to the local hearing officer may not charge for this~~
 213 ~~service.~~

214 ~~(d) An individual may not receive a commission or per-~~
 215 ~~ticket fee from any revenue collected from violations detected~~
 216 ~~through the use of a traffic infraction detector. A manufacturer~~
 217 ~~or vender may not receive a fee or remuneration based upon the~~
 218 ~~number of violations detected through the use of a traffic~~
 219 ~~infraction detector.~~

220 ~~(e) Funds deposited into the Department of Health Emergency~~
 221 ~~Medical Services Trust Fund under this subsection shall be~~
 222 ~~distributed as provided in s. 395.4036(1).~~

223 ~~(22) In addition to the penalty prescribed under s.~~
 224 ~~316.0083 for violations enforced under s. 316.0083 which are~~
 225 ~~upheld, the local hearing officer may also order the payment of~~
 226 ~~county or municipal costs, not to exceed \$250.~~

227 Section 14. Subsection (8) of section 320.03, Florida
 228 Statutes, is amended to read:

229 320.03 Registration; duties of tax collectors;
 230 International Registration Plan.—

231 (8) If the applicant's name appears on the list referred to
 232 in s. 316.1001(4), s. 316.1967(6), ~~s. 318.15(3)~~, or s.

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233 713.78(13), a license plate or revalidation sticker may not be
 234 issued until that person's name no longer appears on the list or
 235 until the person presents a receipt from the governmental entity
 236 or the clerk of court that provided the data showing that the
 237 fines outstanding have been paid. This subsection does not apply
 238 to the owner of a leased vehicle if the vehicle is registered in
 239 the name of the lessee of the vehicle. The tax collector and the
 240 clerk of the court are each entitled to receive monthly, as
 241 costs for implementing and administering this subsection, 10
 242 percent of the civil penalties and fines recovered from such
 243 persons. As used in this subsection, the term "civil penalties
 244 and fines" does not include a wrecker operator's lien as
 245 described in s. 713.78(13). If the tax collector has private tag
 246 agents, such tag agents are entitled to receive a pro rata share
 247 of the amount paid to the tax collector, based upon the
 248 percentage of license plates and revalidation stickers issued by
 249 the tag agent compared to the total issued within the county.
 250 The authority of any private agent to issue license plates shall
 251 be revoked, after notice and a hearing as provided in chapter
 252 120, if he or she issues any license plate or revalidation
 253 sticker contrary to the provisions of this subsection. This
 254 section applies only to the annual renewal in the owner's birth
 255 month of a motor vehicle registration and does not apply to the
 256 transfer of a registration of a motor vehicle sold by a motor
 257 vehicle dealer licensed under this chapter, except for the
 258 transfer of registrations which includes the annual renewals.
 259 This section does not affect the issuance of the title to a
 260 motor vehicle, notwithstanding s. 319.23(8)(b).
 261 Section 15. Paragraph (d) of subsection (3) of section

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262 322.27, Florida Statutes, is amended to read:
 263 322.27 Authority of department to suspend or revoke driver
 264 license or identification card.—
 265 (3) There is established a point system for evaluation of
 266 convictions of violations of motor vehicle laws or ordinances,
 267 and violations of applicable provisions of s. 403.413(6)(b) when
 268 such violations involve the use of motor vehicles, for the
 269 determination of the continuing qualification of any person to
 270 operate a motor vehicle. The department is authorized to suspend
 271 the license of any person upon showing of its records or other
 272 good and sufficient evidence that the licensee has been
 273 convicted of violation of motor vehicle laws or ordinances, or
 274 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 275 more points as determined by the point system. The suspension
 276 shall be for a period of not more than 1 year.
 277 (d) The point system shall have as its basic element a
 278 graduated scale of points assigning relative values to
 279 convictions of the following violations:
 280 1. Reckless driving, willful and wanton—4 points.
 281 2. Leaving the scene of a crash resulting in property
 282 damage of more than \$50—6 points.
 283 3. Unlawful speed, or unlawful use of a wireless
 284 communications device, resulting in a crash—6 points.
 285 4. Passing a stopped school bus—4 points.
 286 5. Unlawful speed:
 287 a. Not in excess of 15 miles per hour of lawful or posted
 288 speed—3 points.
 289 b. In excess of 15 miles per hour of lawful or posted
 290 speed—4 points.

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291 6. A violation of a traffic control signal device as
292 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.
293 ~~However, no points shall be imposed for a violation of s.~~
294 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
295 ~~stop at a traffic signal and when enforced by a traffic~~
296 ~~infraction enforcement officer. In addition, a violation of s.~~
297 ~~316.074(1) or s. 316.075(1)(c)1. when a driver has failed to~~
298 ~~stop at a traffic signal and when enforced by a traffic~~
299 ~~infraction enforcement officer may not be used for purposes of~~
300 ~~setting motor vehicle insurance rates.~~

301 7. All other moving violations (including parking on a
302 highway outside the limits of a municipality)-3 points. However,
303 no points shall be imposed for a violation of s. 316.0741 or s.
304 316.2065(11); and points shall be imposed for a violation of s.
305 316.1001 only when imposed by the court after a hearing pursuant
306 to s. 318.14(5).

307 8. Any moving violation covered in this paragraph,
308 excluding unlawful speed and unlawful use of a wireless
309 communications device, resulting in a crash-4 points.

310 9. Any conviction under s. 403.413(6)(b)-3 points.

311 10. Any conviction under s. 316.0775(2)-4 points.

312 11. A moving violation covered in this paragraph which is
313 committed in conjunction with the unlawful use of a wireless
314 communications device within a school safety zone-2 points, in
315 addition to the points assigned for the moving violation.

316 Section 16. This act shall take effect upon becoming a law.

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 244

INTRODUCER: Transportation Committee and Senator Braynon

SUBJECT: Specialty License Plates

DATE: March 23, 2014

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 244 creates a Sun, Sea, and Smiles specialty license plate, establishes an annual use fee of \$25 for the plate, and provides for the distribution of use fees received from the sale of the specialty license plate. The Highway Safety and Motor Vehicles (department) will retain the annual use fees until recovery of all developmental startup costs are collected, thereafter, the remainder of those funds will be distributed to the Florida Caribbean Charitable Foundation, Inc., (Foundation) the sponsoring organization of the license plate. The Foundation is authorized to disseminate the leftover funds as prescribed in the bill.

Additionally, the bill enhances directives of accountability to organizations to the department, for all specialty license plates. The bill:

- Requires annual use fee funds to be used only in Florida;
- Provides the guidelines for compliance determinations;
- Extends the department 90 day audit or attestation period to 120 days to determine compliance;
- Provides guidelines for corrective actions, including hiring an actuarial or CPA for organizations necessitating assistance in becoming revenue compliant; and
- Extends the moratorium on the issuance of new specialty license plates from July 1, 2014 to July 1, 2016.

II. Present Situation:

Presently, there are 120 specialty license plates available for purchase, and four in the pre-sale phase. Specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from \$15 to \$25, paid in addition to required license taxes and service fees, are distributed to an organization in support of a particular cause or charity signified in the plate's design and designated in statute. The Legislature may create a specialty license plate under its own initiative or it can do so at the request of an organization.

Pre-Sale Requirements

The approved specialty license plate organization must presell a minimum of 1,000 vouchers within 24 months before the department can begin manufacturing the specialty license plate. If, at the end of the 24-month presale period, the minimum sales requirements have not been met, the department will de-authorize the specialty plate, discontinue development, and discontinue issuance of the presale voucher.

Department Costs Defrayed

The department collects annual use fees from the sale of the specialty license plates and from these proceeds the department retains a sufficient amount to defray their costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.¹

Discontinuance of Specialty Plate

The department must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter shall be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates (collegiate plates not included).²

Audits and Attestation of Specialty Plates

Any organization not subject to an audit shall attest annually, under penalties of perjury, that the annual use fee proceeds were used as stipulated under the law. The attestation report shall be submitted in accordance with rules promulgated by the Auditor General. Organizations annual attestation shall be submitted to the department within nine months after FY end. The department has 90 days of receiving an organization's audit or attestation to determine which recipients of revenues from such annual use fees have not complied. If the determination is made that an organization has not complied or has failed to use revenues as stipulated, the department must discontinue that organization's revenues. If the organization fails to comply within 12 months after the revenue is withheld, the proceeds are deposited into the Highway Safety Operating Trust Fund to offset the department's cost of issuing the plate. In lieu of discontinuing an organization's revenue, the department may opt to request the Legislative Budget Commission to

¹ [Section 320.08056\(7\)](#)

² [Section 320.08056\(8\)\(a\)](#)

approve to redirect previously collected and future revenue to an organization capable of performing the same or similar purposes as the original recipient.

Currently, there is a statutory moratorium on the issuance of new specialty license plates. Section 45, ch. 2008-176, L.O.F., as amended by s. 21, ch. 2010-223, L.O.F., provides that “[e]xcept for a specialty license plate proposal which has submitted a letter of intent to the Department of Highway Safety and Motor Vehicles prior to May 2, 2008, and which has submitted a valid survey, marketing strategy, and application fee as required by s. 320.08053, F. S., prior to October 1, 2008, or which was included in a bill filed during the 2008 Legislative Session, the Department of Highway Safety and Motor Vehicles may not issue any new specialty license plates pursuant to ss. 320.08056 and 320.08058, F.S., between July 1, 2008, and July 1, 2014.”

III. Effect of Proposed Changes:

Section 1 amends s. 320.08056, F.S., to:

- Establish a \$25 annual use fee for the “Sun, Sea, and Smiles” specialty license plate authorized in Section 2 of the bill;
- Clarify the accountability of all organizations collecting specialty license plate annual use fees; and
- Authorizing that such fees or interest earned from these fees may only be used in the State of Florida.

Use of annual use fees for “administrative expenses,” (defined as expenditures that are considered direct operating costs of the organization) include, but are not limited to:

- Administrative salaries of employees and officers of the organization who do not, or cannot prove, via detailed daily time sheets, that they actively participate in program activities;
- bookkeeping and support services;
- office supplies and equipment not directly used for the specified program;
- Travel time, per diem, mileage reimbursement, and lodging expenses not directly associated with a specified program purpose;
- Paper, printing, envelopes, and postage not directly associated with a specified program purpose; or
- Miscellaneous expenses such as food, beverage, entertainment, and conventions.

Section 2 amends s. 320.08058, F.S., creating a Sun, Sea, and Smiles specialty license plate, and provides for the distribution of the annual use fees remaining after the department collects and reimburses itself for all start up and developmental costs of the specialty license plate. The specialty license plate must bear the colors and design approved by the department, the word “Florida” must appear at the top of the plate, and the words “Sun-Sea-Smiles” must appear at the bottom of the plate.

The organizations receiving annual use fee funds are:

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

American Friends of Jamaica, Inc., is a non-profit organization “dedicated to supporting Jamaican charitable organizations and social initiatives targeted at improving the lives of Jamaicans through Systemic development in the areas of education, healthcare, and economic development.”³

The mission of Haitian Neighborhood Center Sant La, Inc., is to “empower, strengthen, and stabilize South Florida’s Haitian community, through access for free services and resources, to ensure its successful integration.”⁴

Fanm Ayisyen Nan Miyami, Inc., also known as, Haitian Women of Miami “was founded in 1991, to work for the ‘social and political empowerment’ of Haitian women and their families.”⁵

Greater Caribbean American Cultural Coalition, Inc., is “an umbrella organization serving the Caribbean people and other members of the community, by bringing together the various Caribbean countries and islands, and their rich cultural heritage.”⁶

Little Haiti Optimist Foundation, Inc., is a charitable organization located in Miami, established in 2011. The organization is a multipurpose family services, independent provider, assisting Haitian families in the Miami area of Florida.⁷

Specifically, the annual use fees will be distributed as follows:

- The Florida Caribbean Charitable Foundation, Inc., will receive 35 percent of the use fees off the top. Five percent of the use fees shall be used solely for marketing the Sun, Sea, and Smiles specialty license plate. 30 percent shall be distributed to the foundation of which up to five percent may be used for administrative expenses.

Of the remainder of the 35 percent received by the foundation:

- 60 percent shall be used for a college scholarship program;
- 15 percent to promote health and wellness among Florida residents of Caribbean descent; and
- 25 percent to promote awareness of Caribbean culture within the state.

The bill also provides the remaining 65 percent of the use fees to be distributed as follows:

- 20 percent to the American Friends of Jamaica, Inc., a New York-based charitable, not-for-profit organization, for use as grants to promote social and community development among Florida residents. Of this amount, up to five percent may be used for administrative and marketing expenses;
- 10 percent to Haitian Neighborhood Center Sant La, Inc., to promote social and community development. Of this amount, up to five percent may be used for administrative expenses;

³ See The American Friends of Jamaica’s website at <http://www.theafj.org/about/mission.html> (last viewed 3/23/14)

⁴ See Haitian Neighborhood Center Sant La’s website at http://www.santla.org/contents/index.php?option=com_content&view=frontpage&Itemid=1 (last viewed 3/23/14)

⁵ See Fanm Ayisyen Miyami’s website at <http://www.fanm.org/> (last viewed 3/23/14)

⁶ See the Greater Caribbean American cultural Coalition’s website at http://www.unifestlive.com/index.php?option=com_content&view=article&id=21&Itemid=83 (last viewed 3/23/14)

⁷ See The Little Haiti Optimist Foundation’s website <http://non-profit-organizations.findthebest.com/1/1675274/Little-Haiti-Optimist-Foundation-Inc> (last viewed on 3/23/14)

- 10 percent shall be distributed to Fanm Ayisyen Nan Miyami, Inc., to promote social and community development. Of this amount, up to five percent may be used for administrative expenses;
- 20 percent to Greater Caribbean American Cultural Coalition, Inc., to promote awareness of Caribbean culture within the state. Of this amount, up to five percent may be used for administrative expenses; and
- Five percent to Little Haiti Optimist Foundation, Inc., to promote awareness of Caribbean culture and youth development within the state. Of this amount, up to five percent may be used for administrative expenses.

The bill expressly exempts the “Sun, Sea, and Smiles” sponsoring organization from s. 320.08053, F.S.,⁸ with the exception that the department will recover pre-developmental startup costs.

Section 3 amends s. 320.08062, F.S., providing the department an additional 30 days after receiving an organization’s audit or attestation to determine whether recipients have complied with subsection (1) of this section. The department shall commission an independent actuarial consultant, or an independent certified public accountant, who has expertise in nonprofit and charitable organizations to make the determination.

The department is required to discontinue the distribution of revenues to an organization that fails to submit the required documentation, but may resume distribution of the revenues upon receipt of the required documentation.

If the department or its designee determines that an organization has not complied or has failed to use revenues in accordance with ss. 320.08056 and 320.08058, F.S., the department must discontinue distribution. The bill requires the department to inform such organizations of its findings and direct the changes necessary to bring the organization into compliance. If the organization’s officers sign under penalties of perjury that they acknowledge the findings of the department and attest that they have taken corrective action and attest that the organization will submit to a follow-up review, the department may resume the distribution of revenues. However, if an organization fails to comply with the directives of the department to correct their actions as outlined, the revenue distributions must be discontinued until completion of the next regular session of the Legislature. The department must notify the Legislature by the first day of the regular session of noncompliant organizations, and if the Legislature does not provide direction to the organization and department regarding the status of the undistributed revenues, the department shall discontinue the plate and such revenues must be immediately deposited into the Highway Safety Operating Trust Fund.

The department will no longer seek approval from the Legislative Budget Commission to determine discontinuous of revenue disbursement for the noncompliance of or failure to use the revenue of specialty license plate recipient organizations. Authority to examine all records is extended to the department or its designee pertaining to the use of funds from the sale of specialty license plates.

⁸ [Section 320.08053](#)

Section 4 amends ch. 2008-176, L.O.F., as amended by section 21 of ch. 2010-223, L.O.F., extending the current moratorium on the issuance of new specialty license plates from July 1, 2014 to July 1, 2016.

The bill shall become 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:

Persons that choose to purchase the Sun, Sea, and Smiles specialty license plate will pay the \$25 for the privilege, plus pay appropriate license tax and fees. The department shall retain all annual use fees from the sale of the plate, and thereafter distribute the remainder to the organizations as prescribed in this bill.

This bill creates a very detailed distribution method for the annual use fee and has potential to impact the audit process as well as the program itself. By distributing a limited amount of funds to numerous areas, no single area will receive a significant amount of money. An example of how a single annual use fee is distributed in the method described in this bill is as follows:

Caribbean Charitable Foundation, Inc. \$7.50	Marketing \$1.25 (Five percent of total annual fee)	Administrative \$0.37	College Scholarships \$4.28	Health and Wellness \$1.07	Cultural Awareness \$1.78
Friends of Jamaica, Inc. \$5.00	Community Development \$4.75	Administrative \$0.25			
Sant La Haitian Neighborhood Center \$2.50	Community Development \$2.38	Administrative \$0.12			
Fanm Ayisyen Nan Miyami, Inc. \$2.50	Community Development \$2.38	Administrative \$0.12			
Caribbean American Cultural Coalition, Inc. \$5.00	Cultural Awareness \$4.75	Administrative \$0.25			
Little Haiti Optimist Foundation, Inc. \$1.25	Cultural Awareness \$1.19	Administrative \$0.06			

C. Government Sector Impact:

The department’s ISA will require approximately 90 hours of non-recurring programming to implement the provisions of this bill as it is related to the “Sun, Sea, and Smiles” specialty license plate.

ISA 90 hours at \$40 = \$3,600.00
Contractors None.

The bill requires the department to commission an independent actuarial consultant or an independent certified public accountant with expertise in nonprofit and charitable organizations, which will result in an indeterminate but negative fiscal impact.

VI. Technical Deficiencies:

On line 180 of the bill a section number correction is necessary.

VII. Related Issues:

There are over 300 entities that receive distributions from the sale of specialty license plates which are required to submit attestation for audit. Revising the bill to authorize rather than require the department to commission an independent actuarial or independent certified public accountant would allow the department to use internal resources when available and appropriate thus, potentially reducing the negative impact.

VIII. Statutes Affected:

This bill substantially amends sections 320.08056, 320.08058, and 320.08062 of the Florida Statutes.

This bill also amends chapter 2008-176, Laws of Florida.

IX. Additional Information:

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

CS by Transportation on March 26, 2014:

The CS enhances accountability of organizations to the department as it relates to future specialty license plates. The bill:

- Requires annual use fee funds to be used only in Florida;
- Provides the guidelines for compliance determinations;
- Extends the department 90 day audit or attestation period to 120 days to determine compliance;
- Provides guidelines for corrective actions; and
- Extends the moratorium on specialty license plate issuance from July 1, 2014 to July 1, 2016.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/27/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 17 - 65

and insert:

(10) (a) A specialty license plate annual use fee collected and distributed under this chapter, or any interest earned from those fees, may be used in this state only for purposes authorized by this chapter and may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by s. 320.08058 or to pay the



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11 cost of the audit or report required by s. 320.08062(1).

12 (b) As used in this subsection, the term "administrative
13 expenses" means those expenditures that are considered direct
14 operating costs of the organization. These expenses include, but
15 are not limited to, the following:

16 1. Administrative salaries of employees and officers of the
17 organization who do not, or cannot prove, via detailed daily
18 time sheets, that they actively participate in program
19 activities;

20 2. Bookkeeping and support services of the organization;

21 3. Office supplies and equipment not directly used for the
22 specified program;

23 4. Travel time, per diem, mileage reimbursement, and
24 lodging expenses not directly associated with a specified
25 program purpose;

26 5. Paper, printing, envelopes, and postage not directly
27 associated with a specified program purpose; or

28 6. Miscellaneous expenses such as food, beverage,
29 entertainment, and conventions.

30 Section 2. Subsection (83) is added to section 320.08058,
31 Florida Statutes, to read:

32 320.08058 Specialty license plates.—

33 (83) SUN, SEA, AND SMILES LICENSE PLATES.—

34 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
35 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
36 and s. 320.08053(1), the department shall develop a Sun, Sea,
37 and Smiles license plate as provided in this section. Sun, Sea,
38 and Smiles license plates must bear the colors and design
39 approved by the department. The word "Florida" must appear at



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40 the top of the plate, and the words "Sun-Sea-Smiles" must appear
41 at the bottom of the plate.

42 (b) The department shall retain all annual use fees from
43 the sale of such plates until all startup costs for developing
44 and issuing the plates have been recovered. Thereafter, the
45 license plate annual use fees shall be distributed as follows:

46 1. Five percent shall be distributed to Florida Caribbean
47 Charitable Foundation, Inc., for the sole purpose of marketing
48 the Sun, Sea, and Smiles license plate.

49 2. Thirty percent shall be distributed to Florida Caribbean
50 Charitable Foundation, Inc. Of this amount, up to 5 percent may
51 be used for administrative expenses, and the remainder shall be
52 used as follows:

53 a. Sixty percent shall be used for a college scholarship
54 program.

55 b. Fifteen percent shall be used to promote health and
56 wellness among residents of this state of Caribbean descent.

57 c. Twenty-five percent shall be used to promote awareness
58 of Caribbean culture within the state.

59 3. Twenty percent shall be distributed to the American
60 Friends of Jamaica, Inc., a New York-based charitable, not-for-
61 profit organization under s. 501(c)(3) of the Internal Revenue
62 Code, to be used solely to fund grants to promote social and
63 community development among residents of this state. Of this
64 amount, up to 5 percent may be used for administrative and
65 marketing expenses.

66 4. Ten percent shall be distributed to the Sant La Haitian
67 Neighborhood Center to promote social and community development.
68 Of this amount, up to 5 percent may be used for administrative



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69 expenses.

70 5. Ten percent shall be distributed to Fanm Ayisyen Nan
71 Miyami, Inc., to promote social and community development. Of
72 this amount, up to 5 percent may be used for administrative
73 expenses.

74 6. Twenty percent shall be distributed to Greater Caribbean
75 American Cultural Coalition, Inc., to promote awareness of
76 Caribbean culture within the state. Of this amount, up to 5
77 percent may be used for administrative expenses.

78 7. Five percent shall be distributed to Little Haiti
79 Optimist Foundation, Inc., to promote awareness of Caribbean
80 culture and youth development within the state. Of this amount,
81 up to 5 percent may be used for administrative expenses.

82 Section 3. Section 320.08062, Florida Statutes, is amended
83 to read:

84 320.08062 Audits and attestations required; annual use fees
85 of specialty license plates.-

86 (1) (a) All organizations that receive annual use fee
87 proceeds from the department are responsible for ensuring that
88 proceeds are used in accordance with ss. 320.08056 and
89 320.08058.

90 (b) Any organization not subject to audit pursuant to s.
91 215.97 shall annually attest, under penalties of perjury, that
92 such proceeds were used in compliance with ss. 320.08056 and
93 320.08058. The attestation shall be made annually in a form and
94 format determined by the department.

95 (c) Any organization subject to audit pursuant to s. 215.97
96 shall submit an audit report in accordance with rules
97 promulgated by the Auditor General. The annual attestation shall



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98 be submitted to the department for review within 9 months after
99 the end of the organization's fiscal year.

100 (2)~~(a)~~ Within 120 ~~90~~ days after receiving an organization's
101 audit or attestation, the department shall determine which
102 recipients of revenues from specialty license plate annual use
103 fees have not complied with subsection (1). In determining
104 compliance, the department shall commission an independent
105 actuarial consultant, or an independent certified public
106 accountant, who has expertise in nonprofit and charitable
107 organizations.

108 (a) The department must discontinue the distribution of
109 revenues to an organization that fails to submit the
110 documentation required in subsection (1), but may resume
111 distribution of the revenues upon receipt of the required
112 documentation.

113 (b) If the department or its designee determines that an
114 organization has not complied or has failed to use the revenues
115 in accordance with ss. 320.08056 and 320.08058, the department
116 must discontinue the distribution of the revenues to the
117 organization. The department must notify the organization of its
118 findings and direct the organization to make the changes
119 necessary in order to comply with this chapter. If the officers
120 of the organization sign under penalties of perjury that they
121 acknowledge the findings of the department and attest that they
122 have taken corrective action and attest that the organization
123 will submit to a follow-up review by the department, the
124 department may resume the distribution of revenues until the
125 department determines that the organization has complied.

126 (c) If an organization fails to comply with the



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127 department's directive requiring corrective actions as outlined
128 in paragraph (b), the revenue distributions must be discontinued
129 until completion of the next regular session of the Legislature.
130 The department must notify the Legislature by the first day of
131 the regular session of an organization whose revenues have been
132 withheld pursuant to this paragraph. If the Legislature does not
133 provide direction to the organization and the department
134 regarding the status of the undistributed revenues, the
135 department shall discontinue the plate, and undistributed
136 revenues must within 12 months after the annual use fee proceeds
137 are withheld by the department, the proceeds shall be
138 immediately deposited into the Highway Safety Operating Trust
139 Fund to offset department costs related to the issuance of
140 specialty license plates.

141 ~~(b) In lieu of discontinuing revenue disbursement pursuant~~
142 ~~to this subsection, upon determining that a recipient has not~~
143 ~~complied or has failed to use the revenues in accordance with~~
144 ~~ss. 320.08056 and 320.08058, and with the approval of the~~
145 ~~Legislative Budget Commission, the department is authorized to~~
146 ~~redirect previously collected and future revenues to an~~
147 ~~organization that is able to perform the same or similar~~
148 ~~purposes as the original recipient.~~

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

152 Section 4. Section 45 of chapter 2008-176, Laws of Florida,
153 as amended by section 21 of chapter 2010-223, Laws of Florida,
154 is amended to read:

155 Section 45. Except for a specialty license plate proposal



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156 which has submitted a letter of intent to the Department of
157 Highway Safety and Motor Vehicles before ~~prior to~~ May 2, 2008,
158 and which has submitted a valid survey, marketing strategy, and
159 application fee as required by s. 320.08053, Florida Statutes,
160 before October 1, 2008 ~~prior to the effective date of this act,~~
161 or which was included in a bill filed during the 2008
162 Legislative Session, the Department of Highway Safety and Motor
163 Vehicles may not issue any new specialty license plates pursuant
164 to ss. 320.08056 and 320.08058, Florida Statutes, between July
165 1, 2008, and July 1, 2016 ~~2011~~.

166
167 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

168 And the directory clause is amended as follows:
169 Delete line 12
170 and insert:
171 section 320.08056, Florida Statutes, and subsection (10) of that
172 section is amended, to read:

173
174 ===== T I T L E A M E N D M E N T =====

175 And the title is amended as follows:
176 Delete lines 3 - 6
177 and insert:
178 amending s. 320.08056, F.S.; authorizing the
179 collection of annual use fees for the Sun, Sea, and
180 Smiles license plate; limiting the authorized uses of
181 collected annual use fees; defining a term; amending
182 s. 320.08058, F.S.; creating a Sun, Sea, and Smiles
183 license plate; providing for the distribution of use
184 fees received from the sale of such plates; amending



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185 s. 320.08062, F.S.; revising provisions relating to
186 audit and attestation requirements for annual use fee
187 proceeds; requiring the Department of Highway Safety
188 and Motor Vehicles to discontinue the distribution of
189 revenues to an organization that does not meet
190 specified requirements; authorizing the department to
191 resume the distribution of revenue under certain
192 conditions; requiring a report to the Legislature;
193 requiring the discontinuance of a specialty plate
194 under certain circumstances; amending chapter 2008-
195 176, Laws of Florida, as amended; extending the
196 prohibition on the issuance of new specialty license
197 plates;

By Senator Braynon

36-00300-14

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A bill to be entitled

An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Sun, Sea, and Smiles license plate; establishing an annual use fee for the plate; providing for the distribution of use fees received from the sale of such plates; providing an effective date.

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

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

320.08056 Specialty license plates.—

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

(eeee) Sun, Sea, and Smiles license plate, \$25.

Section 2. Subsection (83) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(83) SUN, SEA, AND SMILES LICENSE PLATES.—

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

(b) The department shall retain all annual use fees from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, the

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license plate annual use fees shall be distributed as follows:

1. Five percent shall be distributed to Florida Caribbean Charitable Foundation, Inc., for the sole purpose of marketing the Sun, Sea, and Smiles license plate.

2. Thirty percent shall be distributed to Florida Caribbean Charitable Foundation, Inc. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used as follows:

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

b. Fifteen percent shall be used to promote health and wellness among Florida residents of Caribbean descent.

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

3. Twenty percent shall be distributed to American Friends of Jamaica, Inc., a New York-based charitable, not-for-profit organization under s. 501(c)(3) of the Internal Revenue Code, to be used solely to fund grants to promote social and community development among Florida residents. Of this amount, up to 5 percent may be used for administrative and marketing expenses.

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

5. Ten percent shall be distributed to Fanm Ayisyen Nan Miyami, Inc., to promote social and community development. Of this amount, up to 5 percent may be used for administrative expenses.

6. Twenty percent shall be distributed to Greater Caribbean

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59 American Cultural Coalition, Inc., to promote awareness of
60 Caribbean culture within the state. Of this amount, up to 5
61 percent may be used for administrative expenses.

62 7. Five percent shall be distributed to Little Haiti
63 Optimist Foundation, Inc., to promote awareness of Caribbean
64 culture and youth development within the state. Of this amount,
65 up to 5 percent may be used for administrative expenses.

66 Section 3. This act shall take effect July 1, 2014.

CourtSmart Tag Report

Room: LL 37
Caption: Senate Transportation

Case:
Judge:

Type:

Started: 3/26/2014 1:35:46 PM

Ends: 3/26/2014 3:28:59 PM

Length: 01:53:14

1:35:48 PM Meeting called to order by Chairman Brandes
1:35:53 PM Roll call by Administrative Assistant, Marilyn Hudson
1:36:03 PM Comments from Chairman Brandes
1:36:12 PM CS/SB 1070 TP'd
1:36:47 PM Tab 1 - SB 958 introduction by Senator Simpson
1:36:59 PM Explanation of SB 958 by Senator Simpson
1:37:15 PM Question from Senator Evers
1:37:26 PM Introduction of Amendment 509128 by Chairman Brandes
1:37:41 PM Question from Senator Clemens
1:37:59 PM Response from Chairman Brandes
1:38:06 PM Amendment 509128 adopted
1:38:11 PM Comments from Chairman Brandes
1:38:20 PM Closure by Senator Simpson
1:38:46 PM CS adopted
1:38:56 PM Roll call by Administrative Assistant, Marilyn Hudson
1:39:14 PM Bill reported favorably
1:39:23 PM Tab 2 - CS/SB 1092 by Senator Simpson
1:39:33 PM Explanation of CS/SB 1092 by Senator Simpson
1:39:54 PM Comments from Chairman Simpson
1:40:01 PM Jim Spratt, Florida Forestry Association waives in support
1:40:07 PM Lance Pierce, Assistant Director, State Legislative Affairs, Florida Farm Bureau
1:40:20 PM Comments from Chairman Brandes
1:40:22 PM Closure waived by Senator Simpson
1:40:26 PM Roll call by Administrative Assistant, Marilyn Hudson
1:40:46 PM Bill reported favorably
1:41:07 PM Tab - 7 SB 244 by Senator Braynon,
1:41:22 PM Explanation of SB 244 presented by Oneca Lowery, Legislative Assistant
1:41:25 PM Comments from Chairman Brandes
1:41:36 PM Question from Senator Thompson
1:41:54 PM Response by Oneca Lowery
1:42:14 PM Response from Chairman Brandes on amendment 903788
1:42:38 PM Question from Senator Joyner
1:42:48 PM Response from Chairman Brandes
1:43:11 PM Question from Senator Joyner
1:43:17 PM Response from Chairman Brandes
1:43:26 PM Follow-up question from Senator Joyner
1:43:35 PM Response from Shirlyne Everett, Legislative Analyst
1:45:03 PM Comments from Chairman Brandes
1:45:10 PM Amendment 903788 adopted
1:45:14 PM Comments from Chairman Brandes
1:45:19 PM Closure waived
1:45:22 PM Senator Garcia moves for CS
1:45:28 PM Roll call by Administrative Assistant, Marilyn Hudson
1:45:48 PM Bill reported favorably
1:45:54 PM Senator Richter moves to be reported favorably on CS/SB 958 and CS/SB 1092
1:46:34 PM Explanation of CS/CS/SB 218 by Senator Latvala on behalf of Senator Grimsley
1:48:40 PM Withdrawal of Amendments 571214, 637924 and 778100 by Senator Clemens
1:49:04 PM Amendment 486104 by Senator Diaz de la Portilla
1:49:21 PM Question from Senator Latvala
1:49:31 PM Response from Chairman Brandes
1:50:10 PM Question from Senator Latvala
1:50:26 PM Response from Chairman Brandes

1:50:41 PM Senator Diaz de la Portilla 486104 withdrawn
1:50:56 PM Amendment 351178 by Senator Evers
1:52:28 PM Comments from Chairman Brandes
1:52:42 PM Late filed amendment 351178 introduced
1:52:56 PM Foyt Ralston, Charlotte County waives in support
1:53:04 PM Comments from Chairman Brandes
1:53:09 PM Amendment 351178 adopted
1:53:12 PM Amendment 359862 explained by Chairman Brandes
1:53:48 PM Question from Senator Latvala
1:54:11 PM Comments from Chairman Brandes
1:54:29 PM Comments from Senator Joyner regarding explanation of Amendment
1:54:48 PM Comments from Senator Evers
1:54:55 PM Explanation of amendment by Chairman Brandes
1:56:07 PM Follow-up from Senator Joyner
1:56:15 PM Response from Chairman Brandes
1:57:10 PM Additional question from Senator Joyner
1:57:18 PM Response from Chairman Brandes
1:57:46 PM Question from Senator Margolis
1:58:44 PM Response from Chairman Brandes
1:59:38 PM Comments from Senator Margolis
1:59:56 PM Response from Chairman Brandes
2:00:24 PM Additional comments from Senator Margolis
2:00:59 PM Speaker Ron Book, Florida Taxi Cab and Limo Association and Miami Dade & Broward Counties
2:12:57 PM Speaker Michael Moses, Castellano-Moses Transportation Group
2:15:59 PM Question from Chairman Brandes
2:16:14 PM Response from Michael Moses
2:16:23 PM Speaker Ryan Padgett, Assistant General Counsel, Florida League of Cities
2:17:05 PM Speaker Jess McGarty, Assistant County Attorney, Miami-Dade County
2:17:38 PM Speaker Jennifer Green, Uber Technologies
2:19:00 PM Question from Senator Joyner
2:19:16 PM Response from Jennifer Green
2:19:29 PM Follow-up question from Senator Joyner
2:21:05 PM Comments from Chairman Brandes
2:22:04 PM Follow-up question from Senator Joyner
2:22:19 PM Comments from Chairman Brandes
2:22:27 PM Speaker Louis Minardi, President, MMG Transportation
2:24:00 PM Question from Chairman Brandes
2:24:13 PM Response from Louis Minardi
2:28:30 PM Question from Senator Garcia
2:28:45 PM Response from Louis Minardi
2:30:24 PM Comments from Senator Richter
2:30:51 PM Larry Williams, Attorney on behalf of Mears
2:31:06 PM Amendment 310992 withdrawn
2:31:19 PM Comments from Chairman Brandes
2:31:29 PM Joe Spratt, City of LaBelle waives in support
2:31:38 PM Jim Spratt, Florida Forestry Association waives in support
2:31:46 PM CS by Senator Diaz de la Portilla
2:32:00 PM Roll call on CS/CS/SB 218 by Administrative Assistant, Marilyn Hudson
2:32:20 PM Bill passes favorably
2:32:30 PM Tab 5 - CS/SB 1630 by Senator Montford
2:32:41 PM Explanation of CS/SB 1630 by Senator Montford
2:33:22 PM Friendly Amendment 802472 by Senator Diaz de la Portilla explained
2:34:12 PM Comments from Chairman Brandes
2:34:35 PM Amendment 802472 adopted
2:34:41 PM Amendment 897856 withdrawn
2:35:00 PM Question from Senator Montford
2:35:16 PM Response from Senator Joyner regarding handwritten Amendment
2:35:37 PM Amendment introduced by Senator Joyner
2:35:44 PM Comments from Chairman Brandes regarding Amendment
2:36:44 PM Question from Senator Montford regarding Amendment
2:36:57 PM Response from Chairman Brandes
2:37:11 PM Closure on Amendment by Senator Joyner

2:38:02 PM Roll call on handwritten Amendment by Senator Joyner by Administrative Assistant
2:38:35 PM Amendment passes
2:38:51 PM Comments from Chairman Brandes
2:39:00 PM Closure waives closure
2:39:08 PM Senator Joyner moves for CS
2:39:22 PM Roll call on CS/CS/SB 1630 by Administrative Assistant, Marilyn Hudson
2:39:35 PM Bill reported favorably
2:39:44 PM Comments from Senator Montford
2:39:53 PM Tab 6 - SB 144 by Senator Brandes
2:40:04 PM Chair turned over to Senator Margolis
2:40:14 PM Explanation of SB 144 by Chairman Brandes
2:40:47 PM Senator Margolis regarding taking up committee substitute
2:41:07 PM Explanation of CS by Kirk Echin, Staff Director
2:44:01 PM Amendment 677928 withdrawn
2:44:12 PM Amendment 638550 explained by Chairman Brandes
2:44:55 PM Speaker Casey Cook, Florida League of Cities in opposition
2:45:58 PM Question from Chairman Brandes
2:46:06 PM Response from Casey Cook
2:46:38 PM Follow-up question from Chairman Brandes
2:46:46 PM Response from Casey Cook
2:46:56 PM Additional question from Chairman Brandes
2:47:02 PM Response from Casey Cook
2:47:30 PM Additional question from Senator Brandes
2:47:38 PM Response from Casey Cook
2:47:55 PM Question from Senator Lee
2:48:12 PM Response from Casey Cook
2:49:09 PM Follow-up question from Senator Lee
2:51:23 PM Response from Casey Cook
2:52:13 PM Additional question from Senator Lee
2:52:34 PM Response from Kirk
2:53:12 PM Speaker Ray Black, Chief, Florida Police Chiefs Association
2:54:46 PM Question from Senator Lee
2:55:01 PM Response from Ray Black
2:56:25 PM Follow-up question from Senator Lee
2:56:35 PM Response from Ray Black
2:59:07 PM Question from Senator Richter
2:59:24 PM Response from Ray Black
3:00:50 PM Follow-up question from Senator Richter
3:01:05 PM Response from Ray Black
3:01:24 PM Question from Chairman Brandes
3:01:47 PM Response from Ray Black
3:01:54 PM Follow-up question from Chairman Brandes
3:02:01 PM Question from Senator Margolis
3:02:47 PM Response from Ray Black
3:03:31 PM Comments from Senator Margolis
3:03:42 PM Response from Ray Black
3:04:23 PM Robert Ura, Major, Florida Sheriffs Association waives in opposition
3:04:37 PM Comments from Senator Margolis
3:04:44 PM Question from Senator Richter
3:05:04 PM Response from Chairman Brandes
3:05:16 PM Speaker Paul Henry, Liberty First Network
3:08:16 PM Closure on amendment by Chairman Brandes
3:09:11 PM Roll call on amendment 638550
3:09:26 PM Amendment fails
3:09:52 PM Amendment 642454 explained by Chairman Brandes
3:11:04 PM Casey Cook, Florida League of Cities waives in opposition
3:11:09 PM Robert Ura, Major, Florida Sheriffs Association waives in opposition
3:11:15 PM Ray Black, Chief, Florida Police Chiefs Association waives in opposition
3:11:37 PM Question from Senator Lee
3:11:51 PM Response from Chairman Brandes
3:12:02 PM Question from Senator Lee
3:12:09 PM Response from Chairman Brandes

3:12:42 PM Follow-up question from Senator Lee
3:12:48 PM Response from Chairman Brandes
3:12:59 PM Comments from Senator Joyner
3:13:52 PM Question from Senator Richter
3:14:33 PM Question from Senator Richter
3:14:38 PM Roll call on Amendment
3:14:48 PM Amendment fails
3:15:02 PM Amendment 670085 withdrawn
3:15:22 PM Amendment 930176
3:15:46 PM Explanation of Amendment 930176 by chairman Brandes
3:16:17 PM comments from Senator Margolis
3:16:23 PM Amendment 930176 passes
3:16:35 PM Amendment 310992
3:16:44 PM Amendment 310991 withdrawn
3:17:06 PM Casey Cook, Florida League of Cities opposes PCS
3:17:22 PM Speaker Paul Henry, Liberty First Network
3:18:28 PM Speaker Jim Phend, Director Melbourne Motorists Association
3:21:56 PM Speaker Sally Shaw, Commissioner, City of Kissimmee
3:23:05 PM Speaker Sally Heyman, County Commissioner, Miami-Dade County
3:25:25 PM Comments from Paul Henry, Liberty First Network
3:26:30 PM Joanne Simone, Vice Mayor, The City of Margate waives in opposition
3:26:45 PM Kathy Russell, Director of Governmental Relations, City of Orlando waives in opposition
3:27:04 PM Comments from Senator Margolis
3:27:13 PM Senator Clemens moves to TP's bill
3:28:03 PM Roll call regarding TP'd bill
3:28:35 PM Bill temporarily passed to TP'd
3:28:48 PM Senator Lee moves to rise