

**SB 534 by Latvala;** (Similar to CS/H 0369) Human Trafficking

**SB 570 by Dean;** (Identical to H 0619) Service of Process of Witness Subpoenas

**SB 988 by Margolis;** (Similar to H 0809) Anatomical Gifts

139940	D	S	RCS	TR, Braynon	Delete everything after	03/12 10:45 AM
955878	AA	S	WD	TR, Braynon	Delete L.16 - 24:	03/12 10:45 AM

**SB 1024 by Simmons;** (Identical to H 1101) Central Florida Expressway Authority

182002	A	S	RCS	TR, Simpson	Delete L.65 - 66.	03/12 10:45 AM
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**SB 220 by Simpson;** (Similar to CS/H 0145) Commercial Motor Vehicle Review Board

256616	A	S	WD	TR, Simpson	Before L.16:	03/12 10:45 AM
664096	A	S	RCS	TR, Simpson	Before L.16:	03/12 10:45 AM
527294	A	S	RCS	TR, Simpson	Delete L.56 - 68:	03/12 10:45 AM

**SB 1072 by Evers;** (Similar to H 0831) Registration of Agriculture Transport Vehicles

459990	A	S	L RCS	TR, Evers	Delete L.23 - 39:	03/12 10:45 AM
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**SB 240 by Brandes (CO-INTRODUCERS) Gaetz;** (Compare to CS/H 0027) Issuance of Driver Licenses and Identification Cards

890370	D	S	RCS	TR, Brandes	Delete everything after	03/12 10:45 AM
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**TRANSPORTATION**  
**Senator Brandes, Chair**  
**Senator Bullard, Vice Chair**

**MEETING DATE:** Thursday, March 12, 2015  
**TIME:** 9:00 —11:00 a.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

**MEMBERS:** Senator Brandes, Chair; Senator Bullard, Vice Chair; Senators Braynon, Evers, Grimsley, Simpson, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 534</b> Latvala (Similar CS/H 369)	Human Trafficking; Requiring the Department of Transportation and certain employers to display human trafficking public awareness signs at specified locations; providing civil penalties for violations, etc.  TR     03/12/2015 Favorable CJ AP	Favorable Yeas 7 Nays 0
2	<b>SB 570</b> Dean (Identical H 619)	Service of Process of Witness Subpoenas; Providing that service of a subpoena on a witness in a civil traffic case may be made by United States mail directed to the witness at the last known address and that such service must be mailed before a specified period, etc.  JU     03/03/2015 Favorable TR     03/12/2015 Favorable RC	Favorable Yeas 7 Nays 0
3	<b>SB 988</b> Margolis (Similar H 809)	Anatomical Gifts; Authorizing a person to make an anatomical gift of all or part of his or her body by registering with the First Person Consent organ and tissue donor registry; requiring the Department of Highway Safety and Motor Vehicles to develop and issue a brochure explaining such registry; requiring the department to establish the registry and maintain a physical or electronic record of such registry; authorizing specified representatives to ask the department whether a potential organ donor's name is included in the First Person Consent organ and tissue donor registry and authorizing the department to provide such information, etc.  TR     03/12/2015 Fav/CS ATD FP	Fav/CS Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Thursday, March 12, 2015, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 1024</b> Simmons (Identical H 1101)	Central Florida Expressway Authority; Requiring the chairs of the boards of specified county commissions each to appoint one member from their respective counties who is a commission member or chair or a county mayor to serve on the governing body of the authority; specifying that the terms of members appointed by the Governor end on a specified date; removing the requirement that title in fee simple absolute to the former Orlando-Orange County Expressway System be transferred to the state upon the completion of the faithful performance and termination of a specified lease-purchase agreement, etc.  TR 03/12/2015 Fav/CS ATD FP	Fav/CS Yeas 7 Nays 0
5	<b>SB 220</b> Simpson (Similar CS/H 145)	Commercial Motor Vehicle Review 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.  TR 03/12/2015 Fav/CS GO FP	Fav/CS Yeas 7 Nays 0
6	<b>SB 1072</b> Evers (Similar H 831)	Registration of Agriculture Transport Vehicles; Providing a fee for registration of modified agriculture vehicles; providing a definition; exempting drivers of modified agriculture vehicles from the requirement to possess a valid commercial driver license, etc.  TR 03/12/2015 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0
7	<b>SB 240</b> Brandes (Compare CS/H 27)	Issuance of Driver Licenses and Identification Cards; Providing for the Department of Highway Safety and Motor Vehicles to accept a military personnel identification card as proof of identity for purposes of issuing a driver license or an identification card, etc.  TR 03/12/2015 Fav/CS ATD RC	Fav/CS Yeas 7 Nays 0
8	Presentation by Dr. Priyanka Alluri, P.E., Florida International University: Comprehensive Study to Reduce Pedestrian Crashes in Florida		Presented

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Thursday, March 12, 2015, 9:00 —11:00 a.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Other Related Meeting Documents

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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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 534

INTRODUCER: Senator Latvala

SUBJECT: Human Trafficking

DATE: March 12, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Favorable</b>
2.			CJ	
3.			AP	

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**I. Summary:**

SB 534 seeks to heighten public awareness regarding human trafficking in the State of Florida. The bill:

- Requires the Attorney General to develop specifications for the form and content of human trafficking public awareness signs;
- Directs the Florida Department of Transportation and certain employers to display human trafficking public awareness signs at certain locations;
- Provides civil penalties for employer violations;
- Deems the Attorney General responsible for enforcement; and
- Authorizes the Attorney General to adopt implementing rules.

**II. Present Situation:**

Florida law defines “human trafficking” to mean transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.<sup>1</sup> The Legislature deems human trafficking to be a form of modern-day slavery; finds that victims are young children, teenagers, and adults; and recognizes that victims are subjected to force, fraud, or coercion for the purpose of sexual exploitation or forced labor.<sup>2</sup>

While some victims are kept under lock and key, the Legislature also acknowledges less obvious but more frequently used practices to instill fear in victims and keep them enslaved, such as isolating victims from the public and family members; confiscating passports, visas, or other identification documents; using or threatening to use violence toward victims or their families;

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<sup>1</sup> See s. 787.06(2)(d), F.S.

<sup>2</sup> See s. 787.06(1)(a), F.S.

telling victims that they will be imprisoned or deported for immigration violations if they contact authorities; and controlling the victims' funds by holding the money ostensibly for safekeeping.<sup>3</sup>

At the national level, a number of resources are available to fight human trafficking and to help victims. For example, the National Human Trafficking Resource Center is a national, toll-free hotline with specialists available to answer calls from anywhere in the country, 24 hours a day, related to potential trafficking victims, suspicious behaviors, or locations where trafficking is suspected to occur.<sup>4</sup> Tips may also be submitted online. Brochures and other victim resources are available by phone and online.<sup>5</sup>

Most recently, at the state level, the Florida Legislature continues its efforts against human trafficking. The 2012 Legislature enacted HB 7049 to:

- Combine Florida's three existing human trafficking statutes into one statute making it more user-friendly for law enforcement;
- Increase penalties for the crime of human smuggling from a first-degree misdemeanor to a third degree felony;
- Provide that those convicted of human sex trafficking may be designated as sex offenders and sex predators;
- Provide that any property used for human trafficking is subject to forfeiture;
- Require massage establishments/employees to present valid photo identification upon request; and
- Give jurisdiction for human trafficking to the Statewide Prosecutor and the Statewide Grand Jury.<sup>6</sup>

Other recent Legislative efforts include, but are not limited to, authorizing the Department of Children and Families to provide training to local law enforcement officials who are likely to encounter sexually exploited children, authorizing circuit courts to work cooperatively to provide regional training, and requiring various local officials and entities to participate in task forces involved in coordinating responses to address human trafficking.<sup>7</sup>

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<sup>3</sup> See s. 787.06(1)(c), F.S.

<sup>4</sup> According to the Office of the Attorney General, Florida ranks third in the number of calls received by the National Human Trafficking Resource Center: [http://myfloridalegal.com/\\_85256CC5006DFCC3.nsf/0/AF860EB7606CF92D85257A7D00458CD7?Open&Highlight=0,human,trafficking](http://myfloridalegal.com/_85256CC5006DFCC3.nsf/0/AF860EB7606CF92D85257A7D00458CD7?Open&Highlight=0,human,trafficking). Last visited March 9, 2015.

<sup>5</sup> See the Federal Bureau of Investigation website: [http://www.fbi.gov/about-us/investigate/civilrights/human\\_trafficking](http://www.fbi.gov/about-us/investigate/civilrights/human_trafficking) and the National Human Trafficking Resource Center website: <http://www.traffickingresourcecenter.org/type-trafficking/human-trafficking>. Last visited March 9, 2015.

<sup>6</sup> See Office of the Attorney General website: <http://myfloridalegal.com/pages.nsf/Main/EC88B2B1B7E905E285257AC20074F49E>. Last visited March 9, 2015.

<sup>7</sup> See ch. 2014-161, Laws of Florida.

The Office of the Attorney General has also undertaken a number of efforts in pursuit of a policy of zero-tolerance for human trafficking in the State of Florida. Such efforts include, but are not limited to:

- Equipping emergency medicine personnel with key information about human trafficking;
- Partnering with Florida's business community and providing a toolkit of educational material intended to help businesses create and implement their own zero-tolerance plans;
- Joining with the Florida Department of Law Enforcement to develop online training that equips law enforcement officers with information to help them recognize and respond to human trafficking.<sup>8</sup>

In addition, the Attorney General has partnered with the FDOT to spread the anti-human trafficking message along Florida's major roadways by displaying posters in rest areas across Florida and providing a public service announcement to be displayed at 39 of Florida's rest areas that have TV displays.<sup>9</sup>

### III. Effect of Proposed Changes:

The bill creates s. 787.08, F.S., to require the Attorney General, in consultation with anti-trafficking organizations and human trafficking survivors, to develop specifications for the form and content of required human trafficking public notice signs. The signs must:

- Be at least 8.5 by 11 inches in size;
- Be printed in at least a 16-point type; and
- State substantially in English, Spanish, or any other language required by the Attorney General the following:

If you or someone you know is being forced to engage in an activity and cannot leave – whether it is commercial sex, housework, farm work, factory work, retail work, restaurant work, or any other activity – call the National Human Trafficking Resource Center at [insert number] or text INFO or HELP to [insert number] to access help and services. Victims of slavery and human trafficking are protected under United States and Florida law.

The Attorney General is deemed responsible for enforcement of s. 787.08, F.S., and is required to adopt implementing rules.

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<sup>8</sup> See Office of the Attorney General website:

[http://myfloridalegal.com/\\_85256CC5006DFCC3.nsf/0/AF860EB7606CF92D85257A7D00458CD7?Open&Highlight=0,human,trafficking](http://myfloridalegal.com/_85256CC5006DFCC3.nsf/0/AF860EB7606CF92D85257A7D00458CD7?Open&Highlight=0,human,trafficking). Last visited March 9, 2015.

<sup>9</sup> *Id.*

The FDOT is directed to display such a sign in every rest area and welcome center in the state. Employers at each of the following establishments are required to display such signs near the public entrance of the establishment or in another conspicuous location clearly visible to both the public and employees of the establishment:

- A strip club or other adult entertainment establishment.
- An establishment found to be a nuisance for prostitution.
- A primary airport.
- A passenger or light rail station.
- A bus station.
- A truck stop, defined to mean a privately owned and operated facility that provides food, fuel, shower or other sanitary facilities, and lawful overnight truck parking.
- An emergency room within a general acute care hospital.
- An urgent care center.
- The premises of a farm labor contractor where farm laborers are regularly present.
- A privately operated job recruitment center.
- A business or establishment that offers massage or bodywork services for compensation.
- A public K-12 school.
- A public library.

The Attorney General is required to impose a civil penalty of \$500 for a first offense, and \$1,000 for a second or subsequent offense, on an employer who knowingly fails to comply with the sign requirements. The civil penalty is the exclusive remedy for noncompliance.

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

##### **A. Municipality/County Mandates Restrictions:**

The bill requires the specified employers, who in some instances are local governments, to post the human trafficking public notice signs. Aggregating for all cities and counties in the state, the bill appears to have an insignificant fiscal impact and, therefore, does not constitute a mandate.

##### **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:**

Unknown.

**C. Government Sector Impact:**

The Office of the Attorney General will incur expenses in developing the required signs and adopting rules, which are expected to be absorbed within existing resources. Any costs associated with posting the signs appear to be insignificant. The FDOT advises of 84 facilities that would require signage and deems the fiscal impact to be “insignificant.”<sup>10</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 787.08 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.

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

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<sup>10</sup> See the 2015 FDOT Legislative Bill Analysis for SB 534. On file in the Senate Transportation Committee.

By Senator Latvala

20-00650-15

2015534\_\_

1 A bill to be entitled  
 2 An act relating to human trafficking; creating s.  
 3 787.08, F.S.; requiring the Department of  
 4 Transportation and certain employers to display human  
 5 trafficking public awareness signs at specified  
 6 locations; providing civil penalties for violations;  
 7 requiring the Attorney General, in consultation with  
 8 certain others, to develop specifications for the form  
 9 and content of such signs; providing sign  
 10 requirements; providing that the Attorney General is  
 11 responsible for enforcement; requiring rulemaking;  
 12 providing an effective date.

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

15 Section 1. Section 787.08, Florida Statutes, is created to  
 16 read:

17 787.08 Human trafficking public awareness signs.-

18 (1) The Department of Transportation shall display a public  
 19 awareness sign developed under subsection (3) in every rest area  
 20 and welcome center in the state that is open to the public.

21 (2)(a) The employer at each of the following establishments  
 22 shall display a public awareness sign developed under subsection  
 23 (3) near the public entrance of the establishment or in another  
 24 conspicuous location that is clearly visible to both the public  
 25 and employees of the establishment:

26 1. A strip club or other adult entertainment establishment.

27 2. An establishment found to be a nuisance for prostitution  
 28 under s. 893.138.

Page 1 of 3

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

20-00650-15

2015534\_\_

30 3. A primary airport.  
 31 4. A passenger or light rail station.  
 32 5. A bus station.  
 33 6. A truck stop. For purposes of this subparagraph, the  
 34 term "truck stop" means a privately owned and operated facility  
 35 that provides food, fuel, shower or other sanitary facilities,  
 36 and lawful overnight truck parking.  
 37 7. An emergency room within a general acute care hospital.  
 38 8. An urgent care center.  
 39 9. The premises of a farm labor contractor where farm  
 40 laborers are regularly present.  
 41 10. A privately operated job recruitment center.  
 42 11. A business or establishment that offers massage or  
 43 bodywork services for compensation.  
 44 12. A public K-12 school as described in s. 1000.04.  
 45 13. A public library.  
 46 (b) The Attorney General shall impose a civil penalty of  
 47 \$500 for a first offense and \$1,000 for a second or subsequent  
 48 offense for an employer who knowingly fails to comply with  
 49 paragraph (a). The civil penalty is the exclusive remedy for  
 50 failure to comply with this section.  
 51 (3)(a) The Attorney General shall, in consultation with  
 52 anti-trafficking organizations and human trafficking survivors,  
 53 develop specifications for the form and content of signs  
 54 required by this section.  
 55 (b) The required public notice must be at least 8.5 inches  
 56 by 11 inches in size, must be printed in at least a 16-point  
 57 type, and must state substantially the following in English,  
 58 Spanish, or any other language required by the Attorney General:

Page 2 of 3

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

20-00650-15

2015534\_\_

59 "If you or someone you know is being forced to engage in an  
60 activity and cannot leave-whether it is commercial sex,  
61 housework, farm work, factory work, retail work, restaurant  
62 work, or any other activity-call the National Human Trafficking  
63 Resource Center at [insert number] or text INFO or HELP to  
64 [insert number] to access help and services. Victims of slavery  
65 and human trafficking are protected under United States and  
66 Florida law."

67 (4) The Attorney General is responsible for enforcement of  
68 this section and shall adopt rules to implement this section.

69 Section 2. This act shall take effect January 1, 2016.

# APPEARANCE RECORD

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

3-12-15

Meeting Date

SB 534

Bill Number (if applicable)

Topic Human Trafficking

Amendment Barcode (if applicable)

Name Barbara DeVane

Job Title MS

Address 625 E. Brevard St

Phone 852-222-3969

Street  
Tallahassee FL 32308  
City State Zip

Email barbaradevane1@jahoo.com

Speaking:  For  Against  Information

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

Representing FL NOW

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

# APPEARANCE RECORD

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

3-12-15

*Meeting Date*

SB 534

*Bill Number (if applicable)*

Topic Human Trafficking

*Amendment Barcode (if applicable)*

Name Erin Choy

Job Title Chair-Elect

Address 404 East Sixth Street

Phone (850) 556-4133

*Street*

Tallahassee

FL

32303

Email erin.choy@gmail.com

*City*

*State*

*Zip*

Speaking:  For  Against  Information

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

Representing Junior Leagues of Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

3-12-15

Meeting Date

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

SB 534

Bill Number (if applicable)

Topic Human Trafficking

Amendment Barcode (if applicable)

Name Amy Datz

Job Title NCJW

Address 1130 Crestview Ave

Phone 850 322-7599

Street

Tallahassee Fl 32303

Email amali@datz@mac.com

City

State

Zip

Speaking:  For  Against  Information

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

Representing National Council of Jewish Women

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/12/15  
Meeting Date

SB 534  
Bill Number (if applicable)

Topic Human Trafficking

Amendment Barcode (if applicable)

Name Lawrence Clermont

Job Title \_\_\_\_\_

Address 2841 Eglewood Dr  
Street

Phone 727 3869557

City

State

Zip

Email lcclermont

Speaking:  For  Against  Information

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

Representing Florida PTA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 570

INTRODUCER: Senator Dean

SUBJECT: Service of Process of Witness Subpoenas

DATE: March 12, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Cibula</u>	<u>JU</u>	<b>Favorable</b>
2.	<u>Price</u>	<u>Eichin</u>	<u>TR</u>	<b>Favorable</b>
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 570 adds civil traffic cases to the types of court cases for which service of process may be made on a witness by United States mail.

Service of process of witness subpoenas may be made by United States mail in criminal traffic, misdemeanor, or second or third degree felony cases. To serve process by mail, the server must mail the subpoena to the witness's last known address at least seven days before the witness's appearance is required.

**II. Present Situation:**

**Service of Process**

The role of a process server is to serve summons, subpoenas, and other forms of process in civil and criminal actions.<sup>1</sup> The term "to serve" means to make legal delivery of a notice or a pleading.<sup>2</sup> A summons is a writ or a process beginning a plaintiff's legal action and requiring a defendant to appear in court to answer the summons.<sup>3</sup> A subpoena is a legal writ or order commanding a person to appear before a court or other tribunal.<sup>4</sup> A subpoena can command a person to be present for a deposition or for a court appearance.

The sheriff of the county where the person is to be served is generally responsible for serving as process server. However, notice of the initial nonenforceable civil process, criminal witness subpoenas, and criminal summons may be delivered by a process server other than the sheriff; i.e., a special process server or a certified process server. Special process servers and certified

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<sup>1</sup> Sections 48.011 and 48.021, F.S.

<sup>2</sup> BLACK'S LAW DICTIONARY (10th ed. 2014).

<sup>3</sup> BLACK'S LAW DICTIONARY (10th ed. 2014).

<sup>4</sup> BLACK'S LAW DICTIONARY (10th ed. 2014).



process servers must meet certain statutory conditions and appear on a list approved and maintained by the sheriff or the chief judge of a judicial circuit.<sup>5</sup>

A process server generally must effect service of process by personal service or substitute service. Typically these types of service occur by:

- Serving the person directly or by leaving a copy of a complaint, petition, or initial pleading or paper at the person's usual place of abode with a person who is 15 years old or older;
- Serving a person at his or her place of employment in a private area designated by the employer;
- Providing substitute service on a spouse if the cause of action is not an adversarial proceeding between the spouse and the person to be served, if the spouse requests service, and if the spouse and person to be served live together;
- Providing substitute service during regular hours at a business by leaving delivery with an employee or other person in charge if the person to be served is a sole proprietor and two attempts have been made to serve the owner.<sup>6</sup>

Service of process of witness subpoenas in criminal or civil cases is the same as provided above. However, service of process of witness subpoenas may be accomplished through United States mail for the following cases:

- Criminal traffic case;
- Misdemeanor case;
- Second degree felony; or
- Third degree felony.<sup>7</sup>

To serve a subpoena on a witness by mail, the subpoena must be sent to the last known address of the witness at least seven days before the appearance required in the subpoena. If a witness fails to appear in response to a subpoena served by mail, the court may not find the person in contempt of court.

A criminal witness subpoena may also be posted at the person's residence if the server has unsuccessfully attempted to serve the subpoena at least three times, at different times of the day or night on different dates.<sup>8</sup> The process server must post the subpoena at least five days before the witness' required appearance.<sup>9</sup>

### **Civil Traffic Cases**

A civil traffic case may result from a contest of a civil traffic citation, which may be for moving or nonmoving violations. Examples of moving violations include, but are not limited to:

- Speeding;<sup>10</sup>
- Failure to yield to highway construction workers;<sup>11</sup>

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<sup>5</sup> Sections 48.021(1) and 48.29, F.S.

<sup>6</sup> Section 48.031(1) and (2), F.S.

<sup>7</sup> Section 48.031(3)(a), F.S.

<sup>8</sup> Section 48.031(3)(b), F.S.

<sup>9</sup> Section 48.031(3)(b), F.S.

<sup>10</sup> Section 316.183, F.S.

<sup>11</sup> Section 316.079, F.S.

- Failure to drive on the right side of the roadway;<sup>12</sup>
- Improper passing of vehicles;<sup>13</sup>
- Failing to signal before turning;<sup>14</sup> and
- Following too closely.<sup>15</sup>

Examples of nonmoving violations include, but are not limited to:

- Parking violations;<sup>16</sup>
- Leaving a motor vehicle unattended;<sup>17</sup>
- Riding on the exterior of a vehicle;<sup>18</sup>
- Tearing, breaking down, or defacing any detour sign;<sup>19</sup> and
- Failing to yield the right-of-way to a funeral procession.<sup>20</sup>

A traffic infraction is a noncriminal violation that may require payment of a fine and community service hours, but is not punishable by incarceration. As such, the person charged does not have the right to a jury trial or court-appointed counsel.<sup>21</sup>

A person who commits a moving or nonmoving violation may receive a citation in person by a law enforcement officer; in the mail subsequent to detection of a traffic violation by a traffic infraction detector, commonly known as a red light camera;<sup>22</sup> or in the mail subsequent to a toll violation.<sup>23</sup> A person who receives a traffic citation has the option to pay the civil penalty listed on a traffic citation, enter into a payment plan, or contest the citation at a hearing.<sup>24</sup>

### III. Effect of Proposed Changes:

The bill adds civil traffic cases to the list of court cases for which service of process may be made on a witness by United States mail.

Under existing law, service of process of witness subpoenas may be made by United States mail in criminal traffic, misdemeanor, or second or third degree felony cases. To serve process by mail, the server must mail the subpoena to the witness's last known address at least seven days before the witness's appearance is required.

Civil traffic cases are less serious than criminal traffic, misdemeanor, and felony cases. However, current law allows witness subpoenas to be served by mail in these more serious cases, but not in civil traffic cases.

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<sup>12</sup> Section 316.081, F.S.

<sup>13</sup> Section 316.082, F.S.

<sup>14</sup> Section 316.155, F.S.

<sup>15</sup> Section 316.0895, F.S.

<sup>16</sup> Sections 316.1945, 316.195, and 316.1951, F.S.

<sup>17</sup> Section 316.1975, F.S.

<sup>18</sup> Section 316.2015, F.S.

<sup>19</sup> Section 316.078, F.S.

<sup>20</sup> Section 316.1974, F.S.

<sup>21</sup> Section 318.13(3), F.S.

<sup>22</sup> Section 316.0776, F.S.

<sup>23</sup> Section 316.1001, F.S.

<sup>24</sup> Section 318.14(4), F.S.

The bill takes effect July 1, 2015.

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

##### **A. Municipality/County Mandates Restrictions:**

Article VII, s. 18, Fla. Const., provides that a mandate potentially exists if a law:

- Requires cities or counties to spend funds or take action requiring the expenditure of funds;
- Reduces the authority of cities or counties to raise revenues in the aggregate; or
- Reduces the percentage of a state tax shared with cities and counties in the aggregate.

As this bill authorizes service of process by mail for witness subpoenas in civil traffic cases, the bill reduces costs for cities and counties. The bill does not impact the ability of a city or county to raise revenue. The bill also does not negatively impact the tax base of a city or county. Therefore, the bill does not appear to be a mandate.

##### **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:**

A person who challenges a civil traffic citation bears the costs of service of process for witness subpoenas. The fee for in-person service of a witness subpoena is \$40.<sup>25</sup> Thus, by allowing witness subpoenas to be served by mail, the costs of challenging a civil traffic citation will decrease.

##### **C. Government Sector Impact:**

The may result in a cost savings for local sheriffs by giving them the option of serving witness subpoenas by mail for appearances in civil traffic cases.<sup>26</sup> This cost reduction occurs because the \$40 fee authorized in statute covers all attempts to serve in a particular case.

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<sup>25</sup> Section 30.231(1)(c), F.S.

<sup>26</sup> Email correspondence with Matt Dunagan, Florida Sheriffs Association (Feb. 19, 2015).

Hillsborough County alone had to deliver 5,878 witness subpoenas in civil traffic cases last year. Hillsborough County estimates a cost savings from this bill of almost \$100,000 a year in manpower costs.<sup>27</sup>

The Office of the State Courts Administrator anticipates a minimal fiscal impact from the bill.<sup>28</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 48.031 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.

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

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<sup>27</sup> Email correspondence from Lorelei Bowden, Manager, Legislative Affairs and Grants, Hillsborough County Sheriff's Office (Feb. 27, 2015).

<sup>28</sup> Office of the State Courts Administrator, *2015 Judicial Impact Statement on SB 570* (Feb. 20, 2015).

By Senator Dean

5-00956A-15

2015570\_\_

1 A bill to be entitled

2 An act relating to service of process of witness  
3 subpoenas; amending s. 48.031, F.S.; providing that  
4 service of a subpoena on a witness in a civil traffic  
5 case may be made by United States mail directed to the  
6 witness at the last known address and that such  
7 service must be mailed before a specified period;  
8 providing an effective date.

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

11  
12 Section 1. Paragraph (a) of subsection (3) of section  
13 48.031, Florida Statutes, is amended to read:

14 48.031 Service of process generally; service of witness  
15 subpoenas.-

16 (3) (a) The service of process of witness subpoenas, whether  
17 in criminal cases or civil actions, shall be made as provided in  
18 subsection (1). However, service of a subpoena on a witness in a  
19 civil traffic case, a criminal traffic case, a misdemeanor case,  
20 or a second degree or third degree felony may be made by United  
21 States mail directed to the witness at the last known address,  
22 and the service must be mailed at least 7 days prior to the date  
23 of the witness's required appearance. Failure of a witness to  
24 appear in response to a subpoena served by United States mail  
25 that is not certified may not be grounds for finding the witness  
26 in contempt of court.

27 Section 2. This act shall take effect July 1, 2015.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Environmental Preservation and  
Conservation, *Chair*  
Agriculture, *Vice Chair*  
Appropriations Subcommittee on General  
Government  
Children, Families, and Elder Affairs  
Communications, Energy, and Public Utilities  
Community Affairs

**SENATOR CHARLES S. DEAN, SR.**  
5th District

March 11, 2015

The Honorable Jeff Brandes  
318 Senate Office Building  
404 South Monroe St.  
Tallahassee, FL 32399-1100

Dear Chairman Brandes:

Thank you for allowing Senate Bill 570, relating to Service of Process of Witness Subpoenas, to be placed on your agenda. Unfortunately, I will be unable to attend the Committee meeting and would like to request your permission to allow my aide, Chase Daniels, to present this bill in my place.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Charles S. Dean".

Charles S. Dean  
State Senator, District 5

Cc: Kurt Eichin, Staff Director

REPLY TO:

- 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- 311 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005
- 315 SE 25th Avenue, Ocala, Florida 34471-2689 (352) 873-6513

Senate's Website: [www.flisenate.gov](http://www.flisenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/12/15  
Meeting Date

570  
Bill Number (if applicable)

Topic Service of Process of Witness Subpoenas

Amendment Barcode (if applicable)

Name Jennifer Kostelnik

Job Title Deputy

Address 2008 E. 8<sup>th</sup> Avenue  
Street

Phone 813 363-0375

Tampa, FL 33605  
City State Zip

Email LBowden@HCSO,  
Tampa, FL. vs

Speaking:  For  Against  Information

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

Representing Hillsborough County Sheriff's Office

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 988

INTRODUCER: Transportation Committee and Senator Margolis

SUBJECT: Anatomical Gifts

DATE: March 12, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	<b>Fav/CS</b>
2.			ATD	
3.			FP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 988 requires an applicant for issuance or renewal of a driver license or issuance of an identification card to choose in writing, or by another means established by the Department of Highway Safety and Motor Vehicles (DHSMV), one of three options regarding being included in the organ and tissue donor registry.

**II. Present Situation:**

**Organ Donations in Florida**

Over 3,500 people in Florida are registered and waiting for organ transplants, and thousands more wait for tissue donations.<sup>1</sup> The most common types of organ transplants include the kidneys, liver, heart, lungs and pancreas, but many other organs and tissues can be transplanted or used for various other medical procedures.<sup>2</sup> Nationwide, nearly 6,000 people die each year waiting for an organ donation.<sup>3</sup>

---

<sup>1</sup> *FAQs About Donation*, Donate Life Florida, 2009, available at: [http://www.donatelifeflorida.org/content/about/facts/faq/#faq\\_22](http://www.donatelifeflorida.org/content/about/facts/faq/#faq_22), (Last visited Mar. 6, 2015).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*



Four major organ and tissue procurement agencies operate in Florida to facilitate the process of organ donation. Each agency serves a different region of the state.<sup>4</sup> These agencies are certified by the U.S. Centers for Medicare and Medicaid Services (CMS) and operate in Florida to increase the number of registered donors and coordinate the donation process when organs become available.<sup>5</sup>

### **The Joshua Abbott Organ and Tissue Donor Registry<sup>6</sup> (Donor Registry)**

In 2008,<sup>7</sup> Florida's Legislature found that a shortage of organ and tissue donors existed in Florida, and there was a need for a statewide donor registry with online donor registration capability and enhanced donor education to increase the number of organ and tissue donors. This online registry would afford more persons who are awaiting organ or tissue transplants the opportunity for a full and productive life.<sup>8</sup> As directed by the legislature, the Agency for Healthcare Administration (AHCA) and DHSMV jointly contracted for the operation of Florida's interactive web-based donor registry that, through electronic means, allows for online donor registration and the recording of organ and tissue donation records submitted through the driver license identification program or through other sources. The AHCA and the DHSMV selected Donate Life Florida, which is a coalition of Florida's organ, tissue, and eye donor programs, to run the donor registry and maintain donor records.

Floridians who are age 18 or older can join the donor registry either online,<sup>9</sup> at the DHSMV (or their local driver license office), or by contacting Donate Life Florida for a paper application. Children ages 13 to 17 may join the registry, but the final decision on any organ donation of a minor rests with the parent or guardian. The registry collects personal information from each donor including, but not limited to, his or her name, address, date and place of birth, race, ethnicity, and driver's license number.

As of March 9, 2015, there were 8,204,313 people registered in the donor registry.<sup>10</sup> Its large number of registered donors ranks the Joshua Abbott Organ and Tissue Donor Registry as the second largest donor registry in the United States in terms of enrollment.<sup>11</sup>

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<sup>4</sup> *Id.* LifeLink of Florida serves west Florida, LifeQuest Organ Recovery Services serves north Florida, TransLife/Florida Hospital serves east Florida, and LifeAlliance Organ Recovery Agency serves south Florida.

<sup>5</sup> Organ Procurement Organizations, Organdonor.gov, <http://organdonor.gov/materialsresources/materialsopolist.html>, (last visited Mar. 9, 2015).

<sup>6</sup> Section 765.5155(5), F.S., designates the donor registry as the Joshua Abbott Organ and Tissue Registry, however it is currently referred to as the Joshua Abbott Organ and Tissue Donor Registry.

<sup>7</sup> Chapter 2008-223, Laws of Fla.

<sup>8</sup> Section 765.5155(1), F.S.

<sup>9</sup> At <https://www.donateliflorida.org/> (last visited on Mar. 9, 2015)

<sup>10</sup> [http://www.donateliflorida.org/content/about/facts/faq/#faq\\_22](http://www.donateliflorida.org/content/about/facts/faq/#faq_22), (last visited Mar. 9, 2015).

<sup>11</sup> Donate Life Florida's annual report to AHCA for 2013.

Information held in the donor registry which identifies a donor is confidential and exempt from the state's public records laws.<sup>12</sup> Donor information may be disclosed to:

- Procurement organizations certified by the AHCA; and
- Persons engaged in bona fide research.<sup>13</sup>

The funding for the organ and tissue donor registry and education program is provided from the funds designated for maintaining the registry within the Health Care Trust Fund.

### **Organ Donor Registration at the DHSMV**

Section 765.521, F.S., which predates the establishment of the donor registry, requires that the AHCA and the DHSMV implement a system to encourage potential donors to make anatomical gifts through the process of issuing and renewing driver licenses or identification cards. Approximately 95 percent of people who enroll in Florida's registry do so while obtaining or renewing a driver license.<sup>14</sup>

### **Organ Donation "Mandated Choice"**

In 2006, Illinois enacted the First-Person Consent Act, establishing the First-Person Consent organ and tissue donor registry.<sup>15</sup> The act requires that each applicant for issuance or renewal of a driver license or identification card, who is 18 years of age or older, be offered the opportunity to have his name included in the First-Person Consent registry. The individual must answer if they wish to be an organ donor, or not. Additionally, a brochure explaining the First-Person Consent registry must be given to each applicant.

Sixty percent of Illinoisans are registered with the First-Person Consent registry.<sup>16</sup> Currently, 47 percent of Floridians are registered with the Joshua Abbott Organ and Tissue Donor Registry.

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

The bill requires an applicant for issuance or renewal of a driver license or issuance of an identification card to provide a statement in writing, or by another means approved by the DHSMV, answering "yes," "no," or "defer to family wishes"<sup>17</sup> regarding whether to have his or her name included in the donor registry.

The bill takes effect July 1, 2015.

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<sup>12</sup> Section 119.07(1), F.S. and FLA. CONST. art. I, s. 24(a)

<sup>13</sup> Section 765.51551, F.S. A person engaged in bona fide research must agree to submit a research plan to the AHCA detailing the exact nature of the information requested and intended use, and must maintain the confidentiality of the information made available to the researcher.

<sup>14</sup> *Id.*

<sup>15</sup> 625 ILCS 5/6-117 (2014).

<sup>16</sup> Donate Life Illinois, <http://www.donatelifellinois.org/index.php/about-us/> (Last visited Mar. 9, 2015).

<sup>17</sup> Allows a person listed in s. 765.512(3), F.S., to donate all or any part of the decedent's body.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

The bill may increase the amount of organ donors in the state.

## C. Government Sector Impact:

The DHSMV will incur programming costs to create new applications that include the three options regarding the organ donor registry.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 765.521 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 12, 2015:**

The CS removed numerous components of the bill, including:

- Requiring the DHSMV to create and maintain the First Person Consent organ and tissue donor registry;
- Requiring the DHSMV to create a brochure explaining the First Person Consent organ and tissue donor registry to be handed out to each applicant for issuance or renewal of a driver license or issuance of an identification card;
- Authorizing a person to revise or withdraw his or her statement of agreement regarding being included in the First Person Consent organ and tissue donor registry;
- Allowing the DHSMV to establish additional methods by which a person may be included in the First Person Consent Registry;
- Allowing the DHSMV to provide a potential organ donor's name to a representative of an organ procurement organization, a tissue bank, or a coroner's or medical examiner's office; and
- Reenacting statutes to capture these changes.

- B. **Amendments:**

None.



139940

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2015	.	
	.	
	.	
	.	

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The Committee on Transportation (Braynon) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present subsections (2) and (3) of section  
765.521, Florida Statutes, are redesignated as subsections (3)  
and (4), respectively, and a new subsection (2) is added to that  
section, to read:

765.521 Donations as part of driver license or  
identification card process.-



139940

11           (2) An applicant for a driver license under s. 322.08, a  
12 driver license renewal under s. 322.18, or an identification  
13 card under s. 322.051 shall provide a statement in writing, or  
14 by other means approved by the department, of whether he or she  
15 agrees to have his or her name included in the donor registry by  
16 responding to one of the following three options provided by the  
17 department: "Yes," "No," or "Defer to family wishes." A person  
18 who chooses:

19           (a) "Yes" has agreed to have his or her name included in  
20 the donor registry and has entered into a legally binding  
21 commitment to donate his or her organs or tissue upon his or her  
22 death.

23           (b) "No" has not agreed to have his or her name included in  
24 the donor registry.

25           (c) "Defer to family wishes" has agreed to allow a person  
26 listed in s. 765.512(3) to donate all or any part of the  
27 decedent's body for any purpose specified in s. 765.513.

28           Section 2. This act shall take effect July 1, 2015.

29  
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 everything before the enacting clause  
33 and insert:

34                           A bill to be entitled  
35           An act relating to anatomical gifts; amending s.  
36           765.521, F.S.; requiring an applicant for a driver  
37           license, driver license renewal, or identification  
38           card to provide a statement of whether he or she  
39           agrees to have his or her name included in the donor



139940

40 registry; specifying the options that may be selected  
41 by an applicant in his or her statement; providing an  
42 effective date.



955878

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/12/2015	.	
	.	
	.	
	.	

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The Committee on Transportation (Braynon) recommended the following:

**Senate Amendment to Amendment (139940)**

Delete lines 16 - 24  
and insert:  
responding to one of the following options provided by the  
department: "Yes," or "Defer to family wishes." A person who  
chooses:  
(a) "Yes" has agreed to have his or her name included in  
the donor registry and has entered into a legally binding  
commitment to donate his or her organs or tissue upon his or her





955878

11 death.

By Senator Margolis

35-00428-15

2015988\_\_

1 A bill to be entitled  
 2 An act relating to anatomical gifts; amending s.  
 3 765.514, F.S.; authorizing a person to make an  
 4 anatomical gift of all or part of his or her body by  
 5 registering with the First Person Consent organ and  
 6 tissue donor registry; amending s. 765.521, F.S.;  
 7 requiring an applicant for a driver license, driver  
 8 license renewal, or identification card to provide a  
 9 statement of whether he or she agrees to have his or  
 10 her name included in the First Person Consent organ  
 11 and tissue donor registry; requiring the Department of  
 12 Highway Safety and Motor Vehicles to develop and issue  
 13 a brochure explaining such registry; requiring the  
 14 department to establish the registry and maintain a  
 15 physical or electronic record of such registry;  
 16 authorizing a person to revise or withdraw consent to  
 17 be listed in such registry; authorizing the department  
 18 to establish additional methods by which a person may  
 19 have his or her name included in such registry;  
 20 amending s. 765.51551, F.S.; authorizing specified  
 21 representatives to ask the department whether a  
 22 potential organ donor's name is included in the First  
 23 Person Consent organ and tissue donor registry and  
 24 authorizing the department to provide such  
 25 information; reenacting ss. 381.0041(2)(c),  
 26 765.511(8), 765.512(1)(a), and 765.521(1), F.S., to  
 27 incorporate the amendment made to s. 765.514, F.S., in  
 28 references thereto; reenacting s. 765.515(1), F.S., to  
 29 incorporate the amendment made to 765.521, F.S., in a

Page 1 of 4

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

35-00428-15

2015988\_\_

30 reference thereto; providing an effective date.  
 31  
 32 Be It Enacted by the Legislature of the State of Florida:  
 33  
 34 Section 1. Paragraph (c) of subsection (1) of section  
 35 765.514, Florida Statutes, is amended to read:  
 36 765.514 Manner of making anatomical gifts.—  
 37 (1) A person may make an anatomical gift of all or part of  
 38 his or her body under s. 765.512(1) by:  
 39 (c) Registering with the First Person Consent organ and  
 40 tissue donor registry under s. 765.521(2) and signifying an  
 41 intent to donate on his or her driver license or identification  
 42 card issued by the department. Revocation, suspension,  
 43 expiration, or cancellation of the driver license or  
 44 identification card does not invalidate the gift.  
 45 Section 2. Present subsections (2) and (3) of section  
 46 765.521, Florida Statutes, are redesignated as subsections (3)  
 47 and (4), respectively, and a new subsection (2) is added to that  
 48 section, to read:  
 49 765.521 Donations as part of driver license or  
 50 identification card process.—  
 51 (2)(a) An applicant for a driver license under s. 322.08, a  
 52 driver license renewal under s. 322.18, or an identification  
 53 card under s. 322.051 shall provide a statement in writing, or  
 54 by another means approved by the department, of whether he or  
 55 she agrees to have his or her name included in the First Person  
 56 Consent organ and tissue donor registry established under  
 57 paragraph (c) by responding to one of the following three  
 58 options provided by the department: "Yes," "No," or "Defer to

Page 2 of 4

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

35-00428-15

2015988\_\_

59 family wishes."

60 1. A person who chooses "Yes" has agreed to have his or her  
 61 name included in the First Person Consent organ and tissue donor  
 62 registry and has entered into a legally binding commitment to  
 63 donate his or her organs or tissue upon his or her death.

64 2. A person who chooses "No" has not agreed to have his or  
 65 her name included in the First Person Consent organ and tissue  
 66 donor registry.

67 3. A person who chooses "Defer to family wishes" has agreed  
 68 to allow a person listed in s. 765.512(3) to donate all or any  
 69 part of the decedent's body for any purpose specified in s.  
 70 765.513.

71 (b) The department shall develop and issue a brochure  
 72 explaining the First Person Consent organ and tissue donor  
 73 registry to each applicant for a driver license under s. 322.08,  
 74 a driver license renewal under s. 322.18, or an identification  
 75 card under s. 322.051. The brochure must advise the applicant  
 76 that he or she is not required to agree to have his or her name  
 77 included in the First Person Consent organ and tissue donor  
 78 registry and that he or she may wish to consult with family,  
 79 friends, or clergy before having his or her name included in the  
 80 registry.

81 (c) The department shall establish the First Person Consent  
 82 organ and tissue donor registry and shall maintain a physical or  
 83 electronic record of the registry. When a person has agreed to  
 84 have his or her name included in the First Person Consent organ  
 85 and tissue donor registry, the department shall record the  
 86 person's name in the registry.

87 (d) A person may revise or withdraw his or her statement of

35-00428-15

2015988\_\_

88 agreement to have his or her name included in the First Person  
 89 Consent organ and tissue donor registry by notifying the  
 90 department in writing, or by another means approved by the  
 91 department, of the person's decision to have his or her name  
 92 removed from the registry.

93 (e) The department may establish additional methods by  
 94 which a person may have his or her name included in the First  
 95 Person Consent organ and tissue donor registry.

96 Section 3. Paragraph (c) is added to subsection (2) of  
 97 section 765.51551, Florida Statutes, to read:

98 765.51551 Donor registry; public records exemption.-

99 (2) Such information may be disclosed to the following:

100 (c) A representative of an organ procurement organization,  
 101 a tissue bank, or a coroner's or medical examiner's office may  
 102 ask the department whether a potential organ donor's name is  
 103 included in the First Person Consent organ and tissue donor  
 104 registry under s. 765.521(2), and the department may provide  
 105 such information to the representative.

106 Section 4. Paragraph (c) of subsection (2) of s. 381.0041,  
 107 subsection (8) of s. 765.511, paragraph (a) of subsection (1) of  
 108 s. 765.512, and subsection (1) of s. 765.521, Florida Statutes,  
 109 are reenacted for the purpose of incorporating the amendment  
 110 made by this act to s. 765.514, Florida Statutes, in references  
 111 thereto.

112 Section 5. Subsection (1) of s. 765.515, Florida Statutes,  
 113 is reenacted for the purpose of incorporating the amendment made  
 114 by this act to s. 765.521, Florida Statutes, in a reference  
 115 thereto.

116 Section 6. This act shall take effect July 1, 2015.

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

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

---

Prepared By: The Professional Staff of the Committee on Transportation

---

BILL: CS/SB 1024

INTRODUCER: Transportation Committee and Senator Simmons

SUBJECT: Central Florida Expressway Authority

DATE: March 12, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Fav/CS</b>
2.			ATD	
3.			FP	

---

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

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1024 addresses issues relating to the Central Florida Expressway Authority and the Wekiva Parkway. The bill revises membership provisions relating to the Central Florida Expressway Authority governing body and repeals superseded language requiring that title to the former Orlando-Orange County Expressway System be transferred to the state under certain conditions.

**II. Present Situation:**

**Historical Background of the Orlando-Orange County Expressway Authority**

The former Orlando-Orange County Expressway Authority (OOCEA) was created by the Legislature with the power to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards in Orange County, as well as in any consenting county within whose jurisdiction the activities occurred. The OOCEA was authorized to issue bonds. The OOCEA System was operated almost from its inception pursuant to a lease-purchase agreement, generally under which the FDOT agreed to assume certain operation and maintenance costs for certain OOCEA facilities.<sup>1</sup>

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<sup>1</sup> See Budget Committee Staff Analysis for SB 1998, February 15, 2012, for more detail on the lease-purchase agreement history.

The most recent supplemented and extended lease-purchase agreement was to remain in effect until all bonds and any refunding bonds were fully paid and the FDOT was reimbursed for all amounts owed to it under the agreement. OOCEA's obligation to the FDOT in early 2012 was approximately \$235 million, with full repayment to the FDOT expected in 2042.<sup>2</sup> The lease-purchase agreement was statutorily required to provide that upon termination of the agreement, title to the OOCEA System must be transferred to the state.<sup>3</sup>

### *The OOCEA and the Wekiva Parkway*

In 2012, the OOCEA and the FDOT agreed, pursuant to a Memorandum of Understanding (MOU) and the existing lease-purchase agreement, to jointly undertake construction of the Wekiva Parkway, a beltway around the Metropolitan Orlando area.<sup>4</sup> The agreement called for the OOCEA to independently finance, build, own, and manage sections of the Parkway primarily in Orange County, and the FDOT to be responsible for the remaining portions of the Parkway in Lake and Seminole Counties.<sup>5</sup>

To ensure available funds to the FDOT for its portion of the Wekiva Parkway, the 2012 Legislature codified references to the existing MOU and lease-purchase agreement and established a repayment schedule for the OOCEA to reimburse the FDOT for the costs of operation and maintenance of the OOCEA System in accordance with the terms of the MOU. The OOCEA was required to pay the FDOT \$10 million on July 1, 2012, and \$20 million every July 1 thereafter to pay off the long-term debt obligation to the FDOT.<sup>6,7</sup>

The Legislature also required that upon the earlier of the defeasance, redemption, or payment in full of bonds issued before July 1, 2012, or the earlier date to which the purchasers of the bonds have consented:

- The obligations of the FDOT under the lease-purchase agreement terminate, including payment of any cost of operation, maintenance, repair, or rehabilitation of the system;
- The lease-purchase agreement terminates;
- The expressway system remains the property of the CFX and may not be transferred to the FDOT; and
- The OOCEA remains obligated to reimburse the FDOT according to the terms of the MOU.<sup>8</sup>

These provisions superseded the previously enacted statutory requirement in s. 348.757(2), F.S., that the lease-purchase agreement provide for transfer of title to the former OOCEA System to the state upon termination of the agreement.

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<sup>2</sup> *Id.*

<sup>3</sup> Section 348.757(2).

<sup>4</sup> See Metroplan Orlando website, *The Wekiva Parkway Project is Preparing to Move Forward*:

<http://www.metroplanorlando.com/news/press-releases/wekiva-parkway-project-moves-forward/>. Last visited March 7, 2015.

<sup>5</sup> See the Florida Transportation Commission's *Transportation Authority Monitoring and Oversight Fiscal Year 2013 Report*, p. 4.

<sup>6</sup> Chapter 2012-128, L.O.F.

<sup>7</sup> The FDOT advises that \$50 million has been received through July 1, 2014. The balance due at June 30, 2014, was \$212,995,312.00. See the FDOT email and spreadsheet, August 27, 2014. On file in the Senate Transportation Committee.

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

### ***The OOCEA System Transfer to the Central Florida Expressway Authority***

In 2014, the Legislature enacted CS/CS/SB 230, under which the former OOCEA was re-named as the Central Florida Expressway Authority (CFX). Governance and control, legal rights and powers, responsibilities, terms, and obligations of the OOCEA System were transferred to the CFX. The area served by the CFX was expanded to include, in addition to Orange County, Seminole, Lake, and Osceola Counties. The CFX governing body current consists of nine members:

- Three members are appointed, one each, by the chairs of the Seminole, Lake, and Osceola County Commissions. Each appointee may be a commission member or the commission chair;
- One member from the Orange County Commission is appointed by the Orange County Mayor;
- Three members are appointed by the Governor. Each appointee must be a citizen of either Orange, Seminole, Lake, or Osceola County; and
- Two members must be the Orange County Mayor and the City of Orlando Mayor.<sup>9</sup>

The executive director the Florida Turnpike Enterprise serves as a non-voting advisor. Each member appointed by the Governor serves for four years, and each county-appointed member serves for two years. Members hold office until his or her successor has been appointed and qualified.<sup>10</sup> The CFX currently holds officer elections in the month of January.<sup>11</sup>

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

**Section 1** amends s. 348.753(3)(a), F.S., to revise requirements relative to the appointments to the CFX governing body by the chairs of the County Commissions of Seminole, Lake, and Osceola Counties. Currently, as noted, each of these appointees *may* be a commission member or chair. The bill provides that each of the three appointees *must* be a commission member or chair *or a county mayor*.<sup>12</sup> The bill also provides that the term of each member appointed by the Governor, who currently serve four years, ends on December 31 of his or her last year of service. The CFX advises this revision is to accommodate the CFX's January officer elections.<sup>13</sup> This section also makes editorial changes and repeals an obsolete date reference related to expiration of the terms of standing board members.

**Section 2** amends s. 348.757(2), F.S., to remove the requirement that the lease-purchase agreement between the former OOCEA and the FDOT provide for transfer of title to the OOCEA system to the FDOT upon termination of the agreement, as the language has been superseded by the re-payment and transfer provisions enacted by the 2012 Legislature in ch. 2012-128, Laws of Florida.

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<sup>9</sup> Section 348.753(3), F.S.

<sup>10</sup> *Id.*

<sup>11</sup> See CFX email to Committee Staff, March 5, 2015. On file in the Senate Transportation Committee.

<sup>12</sup> The CFX advises this change is to accommodate different forms of county government structure. *Supra*, note 11.

<sup>13</sup> *Supra*, note 11.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 348.753 and 348.757.

**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 12, 2015:

The CS modifies the bill by removing the repeal of s. 348.757(2), F.S., which currently prohibits the CFX from constructing any extensions, additions, or improvements to the expressway system in Lake County without the prior consent of the Secretary of Transportation, thereby preserving the Legislature's expressed intent to ensure the continued financial feasibility of the portions of the Wekiva Parkway for which the FDOT is responsible.

- B. **Amendments:**

None.





182002

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2015	.	
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The Committee on Transportation (Simpson) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 65 - 66.

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

And the title is amended as follows:

Delete lines 11 - 16

and insert:

of its members as secretary; amending s. 348.757,  
F.S.; removing the

By Senator Simmons

10-00486B-15

20151024\_\_

A bill to be entitled

An act relating to the Central Florida Expressway Authority; amending s. 348.753, F.S.; requiring the chairs of the boards of specified county commissions each to appoint one member from their respective counties who is a commission member or chair or a county mayor to serve on the governing body of the authority; specifying that the terms of members appointed by the Governor end on a specified date; removing the requirement that the authority elect one of its members as secretary; repealing s.

348.754(1)(c), F.S., relating to a requirement that the authority obtain prior approval of the Department of Transportation before extending or making additions or improvements to the expressway system in Lake County; amending s. 348.757, F.S.; removing the requirement that title in fee simple absolute to the former Orlando-Orange County Expressway System be transferred to the state upon the completion of the faithful performance and termination of a specified lease-purchase agreement; providing an effective date.

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

Section 1. Subsection (3) and paragraph (a) of subsection (4) of section 348.753, Florida Statutes, are amended to read:

348.753 Central Florida Expressway Authority.—

(3) The governing body of the authority shall consist of nine members. The chairs of the boards of the county commissions

Page 1 of 3

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

10-00486B-15

20151024\_\_

of Seminole, Lake, and Osceola Counties shall each appoint one member from their respective counties, who ~~must~~ may be a commission member or chair or a county mayor. The Mayor of Orange County shall appoint a member from the Orange County Commission. The Governor shall appoint three citizen members, each of whom must be a citizen of either Orange County, Seminole County, Lake County, or Osceola County. ~~The eighth member must be the Mayor of Orange County and. The ninth member must be the Mayor of the City of Orlando~~ shall also serve as members. The executive director of the Florida Turnpike Enterprise shall serve as a nonvoting advisor to the governing body of the authority. Each member appointed by the Governor shall serve for 4 years, with his or her term ending on December 31 of his or her last year of service. Each county-appointed member shall serve for 2 years. ~~The terms of standing board members expire June 20, 2014.~~ Each appointed member shall hold office until his or her successor has been appointed and has qualified. A vacancy occurring during a term must be filled only for the balance of the unexpired term. Each appointed member of the authority must ~~shall~~ be a person of outstanding reputation for integrity, responsibility, and business ability, but, except as provided in this subsection, a person who is an officer or employee of a municipality or county may not be an appointed member of the authority. Any member of the authority is eligible for reappointment.

(4) (a) The authority shall elect one of its members as chair of the authority. The authority shall also elect one of its members as vice chair, ~~one of its members as secretary~~, and one of its members as treasurer. The chair, vice chair,

Page 2 of 3

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

10-00486B-15

20151024\_\_

59 ~~secretary,~~ and treasurer shall hold such offices at the will of  
60 the authority. Five members of the authority constitute a  
61 quorum, and the vote of five members is necessary for any action  
62 taken by the authority. A vacancy in the authority does not  
63 impair the right of a quorum of the authority to exercise all of  
64 the rights and perform all of the duties of the authority.

65 Section 2. Paragraph (c) of subsection (1) of section  
66 348.754, Florida Statutes, is repealed.

67 Section 3. Subsection (2) of section 348.757, Florida  
68 Statutes, is amended to read:

69 348.757 Lease-purchase agreement.—

70 (2) The lease-purchase agreement must provide for the  
71 leasing of the former Orlando-Orange County Expressway System,  
72 by the authority, as lessor, to the department, as lessee, and  
73 must prescribe the term of such lease and the rentals to be  
74 paid, ~~and must provide that upon the completion of the faithful~~  
75 ~~performance and the termination of the lease-purchase agreement,~~  
76 ~~title in fee simple absolute to the former Orlando-Orange County~~  
77 ~~Expressway System as then constituted shall be transferred in~~  
78 ~~accordance with law by the authority, to the state and the~~  
79 ~~authority shall deliver to the department such deeds and~~  
80 ~~conveyances as shall be necessary or convenient to vest title in~~  
81 ~~fee simple absolute in the state.~~

82 Section 4. This act shall take effect July 1, 2015.

## HUDSON.MARILYN

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**From:** VANSMITH.JEAN  
**Sent:** Thursday, March 12, 2015 8:40 AM  
**To:** EICHIN.KURT  
**Cc:** HUDSON.MARILYN; PRICE.CINDY  
**Subject:** SB 1024

Hi Kurt,

Senator Simmons is chairing Rules Committee from 9:00 – 11:00am this morning. I may need to present SB 1024 if he's not able to leave Rules Committee.

Thank you,

***Jean Van Smith***

Chief Legislative Assistant  
Office of State Senator David Simmons  
District 10 - Serving Parts of Volusia and Seminole Counties

Phone: 407-262-7578 Fax: 407-262-7580

Email: [vansmith.jean@flsenate.gov](mailto:vansmith.jean@flsenate.gov)

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 220

INTRODUCER: Transportation Committee and Senator Simpson

SUBJECT: Commercial Motor Vehicle Review Board

DATE: March 12, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	<b>Fav/CS</b>
2.			GO	
3.			FP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 220 addresses various issues relating to enforcement of commercial motor vehicle laws. The bill:

- Authorizes a driver of a commercial motor vehicle that receives an overweight citation for excess weight measured by portable scales to request an escort to the nearest fixed scale for a re-weighing;
- Voids the citation if the vehicle is found to be in compliance with weight requirements;
- Revises the membership, and related provisions, of the Commercial Motor Vehicle Review Board by adding four additional members with business experience in the private sector, three appointed by the Governor and one appointed by the Commissioner of Agriculture;
- Requires the Florida Department of Transportation to provide video conference capability at each of its district offices to enable a person requesting a hearing before the Commercial Motor Vehicle Review Board to appear remotely; and
- Makes a technical correction by inserting a cross-reference.

**II. Present Situation:**

**Weighing of Commercial Motor Vehicles and Loads**

Under current law, any officer of the Florida Highway Patrol with reason to believe the weight of a commercial motor vehicle and its load is unlawful is authorized to stop and have the vehicle

weighed by means of either portable or fixed scales. The officer or the driver may require the vehicle to be driven to the nearest fixed scale at a weigh station or public scales if such a facility is located within five miles.<sup>1</sup>

The Florida Department of Highway Safety & Motor Vehicles (FDHSMV) advises that its portable scales are tested annually. To meet certification requirements, each portable scale must meet maintenance tolerance specifications set by the manufacturer, which generally allow for a deviation of only 1.5 percent to 3 percent scale tolerance.<sup>2</sup> By statute, the weight limits established in s. 316.535, F.S., must include a 10 percent scale tolerance.<sup>3</sup>

### **Review of Commercial Motor Vehicle Weight, Size, and Safety Penalties**

Law enforcement officers of various agencies<sup>4</sup> and weight inspectors of the Department of Transportation (FDOT) are authorized to enforce current laws and rules relating to commercial motor vehicle weight, size, and safety. Various penalties are imposed for violations of statutory weight and size limitations and safety requirements. All collected penalties are ultimately deposited into the State Transportation Trust Fund and used to repair and maintain the state's roads and for enforcement of the limitations and requirements.<sup>5</sup>

The Commercial Motor Vehicle Review Board is a legislatively enacted body established within the FDOT. The Review Board is authorized to hear challenges to any penalty imposed upon any commercial motor vehicle or person relating to weights imposed on the highways by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, to violations of safety regulations, and to violations of width, height, and length. Any person upon whom a civil penalty is imposed may apply to the Review Board for a hearing, and the Review Board is broadly authorized to modify, cancel, revoke, or sustain such penalties.<sup>6</sup>

### **Review Board Membership**

The Review Board has three permanent members, the Secretary of Transportation, the Executive Director of the Department of Highway Safety and Motor Vehicles (FDHSMV), and the Commissioner of Agriculture (or their designees).<sup>7</sup> The Secretary of Transportation is the chair and is responsible for administrative functions of the Review Board. Each permanent member may designate one additional person to be a member.<sup>8</sup> Responsibilities may be carried out by meeting as a single group or as subgroups that consist of one representative of each permanent member.<sup>9</sup>

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<sup>1</sup> See s. 316.545(1), F.S.

<sup>2</sup> Telephone conversation with the FDHSMV staff, March 10, 2015.

<sup>3</sup> See 316.545(2)(a), F.S. Scale tolerance "means the allowable deviation from legal weights established in s. 316.535."

<sup>4</sup> See s. 316.640, F.S.

<sup>5</sup> See ss. 316.3025, 316.516, 316.545, and 316.550, F.S. See also Fla. Admin. Code R. 14A-1.004 (2013).

<sup>6</sup> See s. 316.545(7), F.S.

<sup>7</sup> The FDOT website advises that, "While the Board usually meets with all three members, a hearing with fewer members is legal and proper." [http://www.dot.state.fl.us/trafficoperations/Traf\\_Incident/CMVRB/CMVRB.shtm](http://www.dot.state.fl.us/trafficoperations/Traf_Incident/CMVRB/CMVRB.shtm). Last visited March 10, 2015.

<sup>8</sup> The FDOT advises no such additional members have ever been appointed to the Review Board. Telephone conversation with FDOT Legislative Staff, March 9, 2015.

<sup>9</sup> *Supra*, note 3.

## Review Board Procedure

The Review Board is authorized to hold sessions and conduct proceedings at any place within the state.<sup>10</sup> By rule, the Review Board schedules meetings based on a sufficient number of requests for review to justify the expense of holding a meeting, but no less than six meetings per year are scheduled at various locations throughout the state.<sup>11</sup>

Any person wishing to have a penalty considered by the Review Board must submit a written request for hearing no later than 60 days after the date on the Notice of Violation. The Review Board determines the location of each meeting. However, any person may request in writing no less than 14 days prior to a scheduled meeting:

- That review of his or her case be held at a specific city at which the Review Board regularly meets;
- To be heard at the next meeting held in the geographic area of the state in which his or her principal place of business is located; or
- To be heard at the next meeting of the Review Board, regardless of the geographic area.

The Review Board generally considers only penalties that have been paid. However, the Review Board will consider unpaid penalties if review occurs at its next meeting, regardless of location. Testimony or other evidence supporting the modification, cancellation, or revocation of a penalty will be considered.<sup>12</sup>

A person may appear before the Review Board in person, through an authorized representative, or through legal counsel. Additionally, no appearance is required at all if the person submits evidence or arguments no less than 14 days prior to the scheduled hearing. If a person does not appear and does not submit evidence or arguments, the penalty will be sustained. Continuances may be granted upon a showing of good cause.<sup>13</sup>

The Review Board is required to render its written, final decision and notify the person requesting the hearing within 30 days after the meeting. A disposition letter is delivered by U.S. Mail. A rehearing may be requested within 14 days only if additional evidence is presented. If the Review Board decision results in any refund, a refund check is issued by the FDHSMV “in a timely manner.”<sup>14</sup>

## Recent Review Board Hearing and Refund Data

The FDOT advises, “In FY 2013/2014, the Board heard 1172 cases that represented a total of \$1,363,088.45 in fines. Out of these 1172 cases, relief was granted on 454 of the cases, or 38.74

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<sup>10</sup> *Supra*, note 3.

<sup>11</sup> See Fla. Admin. Code R. 14A-1.004(2013). See also the Florida Department of Transportation website for the Review Board’s 2015 meeting schedule, indicating 12 meetings, one each month: 4 in Fort Lauderdale, two in Tampa, four in Tallahassee, and two in Orlando: [http://www.dot.state.fl.us/trafficoperations/Traf\\_Incident/CMVRB/CMVRB.shtm](http://www.dot.state.fl.us/trafficoperations/Traf_Incident/CMVRB/CMVRB.shtm).

<sup>12</sup> See Fla. Admin. Code R. 14A-1.004(2013).

<sup>14</sup> See the FDOT website: [http://www.dot.state.fl.us/trafficoperations/Traf\\_Incident/CMVRB/CMVRB.shtm](http://www.dot.state.fl.us/trafficoperations/Traf_Incident/CMVRB/CMVRB.shtm). Last visited March 10, 2015.

percent, for a total refunded amount of \$552,332.94, or 40.23 percent. The total amount of citations issued and fines collected for 2014 was 80,662 citations and \$9,284,465.20, which approximates to 1.4 percent of the citations issued and 14.79 percent of the dollars being reviewed by the Board.”<sup>15</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 316.545(1) and (2)(a), F.S., to allow a driver issued a citation for exceeding weight limits as measured by portable scales to proceed to the nearest fixed scale at an official weigh station or at a certified public scale for verification of the weight of the vehicle and load. The officer must escort the driver at all times and attend the re-weighing. The citation is void if the vehicle is found to be in compliance with applicable weight requirements at the fixed scale. This provision has no stated distance, as is present in current law, limiting re-weighing to situations in which a weigh station or public scale is located within five miles. Authorization of an officer to weigh a vehicle and load by either fixed or portable scales remains in place.

**Section 2** amends s. 316.545(7), effective October 1, 2015, to revise the membership of the Review Board by adding four additional members. The Governor appoints one member each from the road construction industry and the trucking industry, and one member with a general business or legal background. The Commissioner of Agriculture appoints one member from the agriculture industry. All four members serve two-year terms, must be registered voters and citizens of Florida, and must possess business experience in the private sector. Four members constitute a quorum, and the vote of four members is necessary for any action taken. Appointed board members are not compensated for their services.

Vacancies during the term of one of these members is filled only for the remainder of the unexpired term. A vacancy does not impair the right of a quorum to exercise the rights and duties of the Review Board. The Governor may remove any of these members for misconduct, malfeasance, misfeasance, or nonfeasance in office. Each member is required to take an oath regarding honestly, faithfully, impartially and, without neglect, performing Review Board duties imposed on the member.

In addition, the FDOT is required to provide space and video conferencing capability at each of the FDOT district offices to enable a person requesting a hearing before the Review Board to appear remotely, as an alternative to physical appearance or any other method of appearance authorized by rule.

This section also makes a technical correction by inserting a cross-reference.

**Section 3** requires the appointment of the additional four members to be made by September 1, 2015, for terms beginning October 1, 2015.

**Section 4** provides the bill takes effect July 1, except as otherwise provided.

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<sup>15</sup> See the 2015 FDOT Legislative Bill Analysis for SB 220. On file in the Senate Transportation Committee.



**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:

A positive but indeterminate fiscal impact may be realized by the private sector if the revised membership of the Review Board results in increased refunds. Appointed board members may experience loss of income while performing services on the Review Board.

## C. Government Sector Impact:

A negative but indeterminate fiscal impact may result to the State Transportation Trust Fund if the revised membership of the Review Board results in increased refunds.

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

**CS by Transportation on March 12, 2015:**

The CS modifies the bill by:

- Authorizing a driver of a commercial motor vehicle that receives an overweight citation for excess weight measured by portable scales to request an escort to the nearest fixed scale for a re-weighing;
- Voiding the citation if the vehicle is found to be in compliance with applicable weight requirements at the fixed scale ;
- Requiring the Florida Department of Transportation to provide video conference capability at each of its district offices to enable a person requesting a hearing before the Commercial Motor Vehicle Review Board to appear remotely; and
- Making a technical cross-reference insertion.

- B. **Amendments:**

None.



256616

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/12/2015	.	
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The Committee on Transportation (Simpson) recommended the following:

**Senate Amendment (with title amendment)**

Before line 16

insert:

Section 1. Paragraph (a) of subsection (2) 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.—

(2) (a) Whenever an officer of the Florida Highway Patrol or weight inspector of the Department of Transportation, upon



256616

11 weighing a vehicle or combination of vehicles with load,  
12 determines that the axle weight or gross weight is unlawful, the  
13 officer may require the driver to stop the vehicle in a suitable  
14 place and remain standing until a determination can be made as  
15 to the amount of weight thereon and, if overloaded, the amount  
16 of penalty to be assessed as provided herein. However, any gross  
17 weight over and beyond 6,000 pounds beyond the maximum herein  
18 set shall be unloaded and all material so unloaded shall be  
19 cared for by the owner or operator of the vehicle at the risk of  
20 such owner or operator. Except as otherwise provided in this  
21 chapter, to facilitate compliance with and enforcement of the  
22 weight limits established in s. 316.535, weight tables published  
23 pursuant to s. 316.535(7) shall include a 10-percent scale  
24 tolerance and shall thereby reflect the maximum scaled weights  
25 allowed any vehicle or combination of vehicles. As used in this  
26 section, scale tolerance means the allowable deviation from  
27 legal weights established in s. 316.535. Notwithstanding any  
28 other provision of the weight law, if a vehicle or combination  
29 of vehicles does not exceed the gross, external bridge, or  
30 internal bridge weight limits imposed in s. 316.535 and the  
31 driver of such vehicle or combination of vehicles can comply  
32 with the requirements of this chapter by shifting or equalizing  
33 the load on all wheels or axles and does so when requested by  
34 the proper authority, the driver shall not be held to be  
35 operating in violation of said weight limits. When a driver is  
36 issued a citation for exceeding weight limits established in s.  
37 316.535 as determined by means of portable scales, the driver  
38 may request to proceed to the nearest fixed scale at an official  
39 weigh station or at a certified public scale for verification of



256616

40 weight. The officer who issued the citation must escort the  
41 driver at all times and must attend the reweighing. If the  
42 vehicle or combination of vehicles is found to be in compliance  
43 with the weight requirements of this chapter at the fixed scale,  
44 the citation is void.

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

46 And the title is amended as follows:

47 Delete line 3

48 and insert:

49 Board; amending s. 316.545, F.S.; authorizing a driver  
50 to request to proceed to the nearest fixed scale at an  
51 official weigh station or a certified public scale  
52 when he or she is issued a citation for exceeding  
53 weight limits; requiring the officer issuing the  
54 citation to escort the driver and attend the  
55 reweighing; voiding the citation if the vehicle or  
56 combination of vehicles is found to be in compliance  
57 with certain weight requirements; revising the



664096

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2015	.	
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The Committee on Transportation (Simpson) recommended the following:

**Senate Amendment (with title amendment)**

Before line 16

insert:

Section 1. Subsection (1) and paragraph (a) of subsection (2) of section 316.545, Florida Statutes, are amended to read:  
316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(1) Any officer of the Florida Highway Patrol having reason to believe that the weight of a vehicle and load is unlawful is



664096

11 authorized to require the driver to stop and submit to a  
12 weighing of the same by means of either portable or fixed scales  
13 and may require that such vehicle be driven to the nearest weigh  
14 station or public scales, provided such a facility is within 5  
15 highway miles. Upon a request by the vehicle driver, the officer  
16 shall weigh the vehicle at fixed scales rather than by portable  
17 scales if such a facility is available within 5 highway miles.  
18 Anyone who refuses to submit to such weighing obstructs an  
19 officer pursuant to s. 843.02 and is guilty of a misdemeanor of  
20 the first degree, punishable as provided in s. 775.082 or s.  
21 775.083. Anyone who knowingly and willfully resists, obstructs,  
22 or opposes a weight and safety officer while refusing to submit  
23 to such weighing by resisting the officer with violence to the  
24 officer's person pursuant to s. 843.01 is guilty of a felony of  
25 the third degree, punishable as provided in s. 775.082, s.  
26 775.083, or s. 775.084.

27 (2) (a) Whenever an officer of the Florida Highway Patrol or  
28 weight inspector of the Department of Transportation, upon  
29 weighing a vehicle or combination of vehicles with load,  
30 determines that the axle weight or gross weight is unlawful, the  
31 officer may require the driver to stop the vehicle in a suitable  
32 place and remain standing until a determination can be made as  
33 to the amount of weight thereon and, if overloaded, the amount  
34 of penalty to be assessed as provided herein. However, any gross  
35 weight over and beyond 6,000 pounds beyond the maximum herein  
36 set shall be unloaded and all material so unloaded shall be  
37 cared for by the owner or operator of the vehicle at the risk of  
38 such owner or operator. Except as otherwise provided in this  
39 chapter, to facilitate compliance with and enforcement of the



664096

40 weight limits established in s. 316.535, weight tables published  
41 pursuant to s. 316.535(7) shall include a 10-percent scale  
42 tolerance and shall thereby reflect the maximum scaled weights  
43 allowed any vehicle or combination of vehicles. As used in this  
44 section, scale tolerance means the allowable deviation from  
45 legal weights established in s. 316.535. Notwithstanding any  
46 other provision of the weight law, if a vehicle or combination  
47 of vehicles does not exceed the gross, external bridge, or  
48 internal bridge weight limits imposed in s. 316.535 and the  
49 driver of such vehicle or combination of vehicles can comply  
50 with the requirements of this chapter by shifting or equalizing  
51 the load on all wheels or axles and does so when requested by  
52 the proper authority, the driver shall not be held to be  
53 operating in violation of said weight limits. When a driver is  
54 issued a citation for exceeding the weight limits established in  
55 s. 316.535 as determined by means of portable scales, the driver  
56 may request to proceed to the nearest fixed scale at an official  
57 weigh station or at a certified public scale for verification of  
58 weight. The officer who issued the citation must escort the  
59 driver at all times and must attend the reweighing. If the  
60 vehicle or combination of vehicles is found to be in compliance  
61 with the weight requirements of this chapter at the fixed scale,  
62 the citation is void.

63  
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete line 3

67 and insert:

68 Board; amending s. 316.545, F.S.; deleting a provision





664096

69 authorizing any officer of the Florida Highway Patrol  
70 to require that a vehicle be driven to the nearest  
71 weigh station or public scales under certain  
72 circumstances; deleting a provision requiring the  
73 officer to weigh the vehicle at fixed scales rather  
74 than by portable scales upon a request by the vehicle  
75 driver under certain circumstances; authorizing a  
76 driver to request to proceed to the nearest fixed  
77 scale at an official weigh station or a certified  
78 public scale when he or she is issued a citation for  
79 exceeding weight limits; requiring the officer issuing  
80 the citation to escort the driver and attend the  
81 reweighing; voiding the citation if the vehicle or  
82 combination of vehicles is found to be in compliance  
83 with certain weight requirements; revising the



527294

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2015	.	
	.	
	.	
	.	

---

The Committee on Transportation (Simpson) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 56 - 68

and insert:

upon him or her by s. 316.3025, s. 316.516, 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 representative of each permanent member.~~

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



527294

11 (e) Four members of the board shall constitute a quorum,  
12 and the vote of four members shall be necessary for any action  
13 taken by the board. A vacancy on the board shall not impair the  
14 right of a quorum of the board to exercise all of the rights and  
15 perform all of the duties of the board.

16 (f) ~~(e)~~ The review board may hold sessions and conduct  
17 proceedings at any place within the state. As an alternative to  
18 physical appearance, and in addition to any other method of  
19 appearance authorized by rule, the Department of Transportation  
20 shall provide space and video conference capability at each  
21 district office to enable a person requesting a hearing to  
22 appear remotely before the board, regardless of the physical  
23 location of the board proceeding.

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 6 - 10

28 and insert:

29 Commissioner of Agriculture; providing qualifications  
30 for such members; providing for terms of the  
31 additional members; providing for removal of members  
32 by the Governor under certain circumstances; requiring  
33 each member to take an oath subject to certain  
34 requirements; providing for action by a quorum of the  
35 board; requiring the Department of Transportation to  
36 provide space and video conference capability at each  
37 district office to enable a person requesting a  
38 hearing to appear remotely before the board; requiring  
39 that the

By Senator Simpson

18-00515-15

2015220\_\_

1 A bill to be entitled  
 2 An act relating to the Commercial Motor Vehicle Review  
 3 Board; amending s. 316.545, F.S.; revising the  
 4 membership of the board; providing for appointment of  
 5 additional members by the Governor and the  
 6 Commissioner of Agriculture; providing for terms of  
 7 the additional members; providing qualifications for  
 8 such members; providing for removal of members by the  
 9 Governor under certain circumstances; providing for  
 10 action by a quorum of the board; requiring that the  
 11 additional appointments be made by a specified date;  
 12 providing effective dates.  
 13  
 14 Be It Enacted by the Legislature of the State of Florida:  
 15  
 16 Section 1. Effective October 1, 2015, subsection (7) of  
 17 section 316.545, Florida Statutes, is amended to read:  
 18 316.545 Weight and load unlawful; special fuel and motor  
 19 fuel tax enforcement; inspection; penalty; review.—  
 20 (7) There is created within the Department of  
 21 Transportation the Commercial Motor Vehicle Review Board,  
 22 consisting of three permanent members who shall be the Secretary  
 23 of ~~the Department of~~ Transportation, the executive director of  
 24 the Department of Highway Safety and Motor Vehicles, and the  
 25 Commissioner of Agriculture, or their authorized  
 26 representatives, and four additional members appointed pursuant  
 27 to paragraph (b), which may review any penalty imposed upon any  
 28 vehicle or person under the provisions of this chapter relating  
 29 to weights imposed on the highways by the axles and wheels of

Page 1 of 3

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

18-00515-15

2015220\_\_

30 motor vehicles, to special fuel and motor fuel tax compliance,  
 31 or to violations of safety regulations.  
 32 (a) The Secretary of ~~the Department of~~ Transportation or  
 33 his or her authorized representative shall be the chair of the  
 34 review board.  
 35 (b) The Governor shall appoint one member from the road  
 36 construction industry, one member from the trucking industry,  
 37 and one member with a general business or legal background. The  
 38 Commissioner of Agriculture shall appoint one member from the  
 39 agriculture industry. Each member appointed under this paragraph  
 40 must be a registered voter and citizen of the state and must  
 41 possess business experience in the private sector. Members  
 42 appointed pursuant to this paragraph shall each serve a 2-year  
 43 term. A vacancy occurring during the term of a member appointed  
 44 under this paragraph shall be filled only for the remainder of  
 45 the unexpired term. Members of the board appointed under this  
 46 paragraph may be removed from office by the Governor for  
 47 misconduct, malfeasance, misfeasance, or nonfeasance in office  
 48 ~~Each permanent member of the review board may designate one~~  
 49 ~~additional person to be a member of the review board.~~  
 50 (c) Each member, before entering upon his or her official  
 51 duties, shall take and subscribe to an oath before an official  
 52 authorized by law to administer oaths that he or she will  
 53 honestly, faithfully, and impartially perform the duties  
 54 devolving upon him or her in office as a member of the review  
 55 board and that he or she will not neglect the duties imposed  
 56 upon him or her by s. 316.3025, s. 316.550, or this section ~~The~~  
 57 ~~review board may execute its responsibilities by meeting as a~~  
 58 ~~single group or as subgroups consisting of one authorized~~

Page 2 of 3

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

18-00515-15

2015220\_\_

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 four members shall be necessary for any action  
64 taken by the board. A vacancy on the board shall not impair the  
65 right of a quorum of the board to exercise all of the rights and  
66 perform all of the duties of the board.

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

69 Section 2. The appointment of additional members to the  
70 Commercial Motor Vehicle Review Board in accordance with the  
71 changes made by this act to s. 316.545, Florida Statutes, shall  
72 be made by September 1, 2015, for terms beginning October 1,  
73 2015.

74 Section 3. Except as otherwise expressly provided in this  
75 act, this act shall take effect July 1, 2015.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/12/15  
Meeting Date

220  
Bill Number (if applicable)

Topic Comm. Motor Vehicle Review Board

Amendment Barcode (if applicable)

Name Adam Basford

Job Title Dir. Legislative Affairs

Address 315 S. Calhoun St #850

Phone 222-2557

Street

Tallahassee FL

State

32301

Zip

Email Adam.Basford@FFB.org

Speaking:  For  Against  Information

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

Representing FL 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 (10/14/14)

# APPEARANCE RECORD

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

3/12/15

Meeting Date

220

Bill Number (if applicable)

Topic Commercial Motor Vehicle

Amendment Barcode (if applicable)

Name Jim Spratt

Job Title \_\_\_\_\_

Address PO Box 16011

Phone 850-228-1296

Street

TALCAHASSEE

City

FL

State

32302

Zip

Email Jim@magnoliastrategicllc.com

Speaking:  For  Against  Information

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

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.

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

---

BILL: CS/SB 1072

INTRODUCER: Transportation Committee and Senator Evers

SUBJECT: Registration of Agriculture Transport Vehicles

DATE: March 12, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	<b>Fav/CS</b>
2.			ATD	
3.			AP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1072 defines the term “melon hauling vehicle” and establishes an annual license tax for the operation of such vehicle.

The bill exempts a driver of a melon hauling vehicle from having to possess a commercial driver license.

**II. Present Situation:**

**Agricultural Vehicle License Taxes**

Annual license taxes for the operation of motor vehicles registered in Florida are provided in s. 320.08, Florida Statutes. The owner of a truck with a net weight of less than 5,000 pounds is taxed based on the weight ranging from a \$14.50 flat tax to \$32.50. A “heavy truck” weighs over 5,000 pounds, and is taxed based on gross vehicle weight, which ranges from a \$60.75 flat tax to \$1,322.



A reduced flat tax is available for the operation of certain heavy trucks used as agricultural vehicles. Specifically, a truck tractor or heavy truck, not operated as a for-hire vehicle, engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within 150-miles of its home address, is eligible for a restricted license plate for a fee of<sup>1</sup>:

- \$87.75 flat, if such vehicle's declared gross weight is less than 44,000 pounds; or
- \$324, flat, if such vehicle's gross weight is 44,000 pounds or more and such vehicle only transports from:
  - Point of production to point of primary manufacturer;
  - Point of production to the point of assembling the same;
  - Point of production to a shipping point by rail, water, or motor transportation company.

Similarly, a reduced flat tax is available for the operation of a "goat," which is a motor vehicle designed, constructed, and used principally for the transportation of crops on farms,<sup>2</sup> and other vehicles used in the field by a farmer, or in the woods for the purpose of harvesting crop, and which *is not operated* on the roads of the state has an annual license tax of \$7.50.<sup>3</sup>

### Commercial Driver Licenses (CDL)

A driver must have a CDL to operate<sup>4</sup>:

- A single vehicle with a gross vehicle weight rating (GVWR)<sup>5</sup> of over 26,000 pounds;
- A combination vehicle with a gross combination weight rating of over 26,000 pounds, if the trailer(s) has a gross vehicle weight rating of over 10,000 pounds;
- A vehicle designed to transport 16 or more passengers (including the driver); and
- A vehicle of any size transporting placardable amounts of hazardous materials.

Each state must have minimum standards for the licensing of commercial drivers. To apply for a CDL in Florida, a driver must have an operator's license, pass the vision requirements, and be at least 18 years of age.<sup>6</sup> An applicant for a CDL is required to pass both skills and knowledge testing related to driving a commercial motor vehicle, and is held to higher standards concerning traffic laws when operating any type of motor vehicle on public roads.<sup>7</sup>

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<sup>1</sup> Section 320.08(4)(n), F.S.

<sup>2</sup> Section 320.08(3)(d), F.S.

<sup>3</sup> *Id.*

<sup>4</sup> Department of Highway Safety and Motor Vehicles, *About Driver Licenses and ID Cards*, <http://www.flhsmv.gov/ddl/dlclass.html> (last visited Mar. 10, 2015).

<sup>5</sup> The gross vehicle weight rating (GVWR), or gross vehicle mass (GVM) is the maximum operating weight/mass of a vehicle as specified by the manufacturer including the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo but excluding that of any trailers.

<sup>6</sup> DHSMV website, *How do I obtain my Commercial Driver License (CDL)?* <http://www.flhsmv.gov/ddl/cdl.html> (last visited Mar. 10, 2015). Must be 21 years of age or older for interstate operation.

<sup>7</sup> Federal Motor Carrier Safety Administration, *Commercial Driver's License Program*, <http://www.fmcsa.dot.gov/registration/commercial-drivers-license> (last visited Mar. 10, 2015).

Section 322.53, F.S., provides an exemption from the requirement to obtain a CDL for:

- Drivers of authorized emergency vehicles;
- Military personnel driving vehicles operated for military purposes;
- Farmers transporting agricultural products, farm supplies, or farm machinery to or from their farms and within 150 miles of their farm, if the vehicle is not used in the operations of a common or contract motor carrier;
- Drivers of recreational vehicles<sup>8</sup>;
- Drivers who operate straight trucks<sup>9</sup> and who are transporting exclusively their own tangible personal property, which is not for sale; and
- Employees of a publicly owned transit system who are limited to moving vehicles for maintenance or parking purposes exclusively within the restricted-access confines of a transit system's property.

### III. Effect of Proposed Changes:

The bill defines “melon hauling vehicle” to mean a vehicle that has been modified from its original use so that the transport of melons from a farm or harvest place to the first point of processing, storage, or directly to market is the vehicle’s primary purpose.

The bill provides that a modified agricultural vehicle has a \$7.50 flat annual license tax.

The bill also exempts drivers of such vehicles from the requirement to obtain a CDL. However, such drivers must comply with the federal regulations concerning controlled substances and alcohol testing,<sup>10</sup> driving of commercial vehicles,<sup>11</sup> parts and accessories necessary for safe operation,<sup>12</sup> and inspection of motor vehicles and intermodal equipment in operation.<sup>13</sup>

The bill takes effect July 1, 2015.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

---

<sup>8</sup> As defined in s. 320.01(1)(b), F.S., The basic entities are: travel trailers, camping trailers, truck campers, motor homes, private motor coach, van conversion, park trailer, and fifth-wheel trailer.

<sup>9</sup> Section 316.003(70), F.S., defines “straight truck” as “any truck on which the cargo unit and the motive power unit are located on the same frame so as to form a single, rigid unit.”

<sup>10</sup> Pursuant to 49 C.F.R. part 382.

<sup>11</sup> Pursuant to 49 C.F.R. part 392

<sup>12</sup> Pursuant to 49 C.F.R. part 393 and s. 396.3(a)(1).

<sup>13</sup> Pursuant to 49 C.F.R. s. 396.9.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will have a positive fiscal impact for owners of modified agricultural vehicles due to the decreased annual license tax, and exemption from the CDL requirement.

C. Government Sector Impact:

The bill may have a negative fiscal impact due to the decreased annual license tax and the CDL exemption.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Federal regulations allow an exemption from CDL requirements for operators of a farm vehicle which is<sup>14</sup>:

- Controlled and operated by a farmer, including operation by employees or family members;
- Used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm;
- Not used in the operations of a common or contract motor carrier; *and*
- Used within 150 miles of the farmer's farm.

The bill, as presently drafted, would allow an exemption from CDL requirements for drivers who do not meet all of these requirements, thereby taking Florida out of compliance with federal regulations and potentially subjecting the State to federal financial penalties.

Also, the bill is vague with regards to the type and size of vehicle that, when modified, would be subject to the provisions of this bill.

The GVWR of a standard Bluebird Vision school bus is 33,000 pounds or less.<sup>15</sup> The estimated weight of a converted school bus carrying a load of watermelons is approximately 47,500 pounds, which raises questions with regards to safe operation of such vehicles by persons lacking

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<sup>14</sup> 49 C.F.R. s. 383.3(d)

<sup>15</sup> Blue-bird Vision, <http://www.blue-bird.com/uploadedFiles/Downloads/SB-VISBROCHURE-0713.pdf> at p. 16 (last visited Mar. 10, 2015).

the CDL credential. Additionally, other tandem axle vehicles weighing more than 44,000 pounds generally require a special permit to be operated on public roads due to weight restrictions on bridges and potential damage to roadways.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 320.08 and 322.53

**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 12, 2015:**

The CS makes the following changes to the bill:

- Removes the term “modified agricultural vehicle”;
- Defines “melon hauling vehicle”; and
- Requires that drivers of melon hauling vehicles still maintain compliance with certain federal regulations.

- B. **Amendments:**

None.



459990

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2015	.	
	.	
	.	
	.	

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The Committee on Transportation (Evers) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 23 - 39  
and insert:

(f) A melon hauling vehicle: \$7.50 flat. The term "melon hauling vehicle" means a vehicle that has been altered from its original use so that the primary purpose is to transport melons from a farm or harvest place to the first place of processing or storage, or from a farm or harvest place directly to market.

Section 2. Paragraph (c) of subsection (2) of section



459990

11 322.53, Florida Statutes, is amended to read:

12 322.53 License required; exemptions.—

13 (2) The following persons are exempt from the requirement  
14 to obtain a commercial driver license:

15 (c)1. Farmers transporting agricultural products, farm  
16 supplies, or farm machinery to or from their farms and within  
17 150 miles of their farms, if the vehicle operated under this  
18 exemption is not used in the operations of a common or contract  
19 motor carrier.

20 2. Drivers of melon hauling vehicles registered under s.  
21 320.08(3)(f). However, such drivers must comply with 49 C.F.R.  
22 parts 382, 392, and 393 and 49 C.F.R. ss. 396.3(a)(1) and 396.9.

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

25 And the title is amended as follows:

26 Delete lines 2 - 8

27 and insert:

28 An act relating to registration of melon hauling  
29 vehicles; amending s. 320.08, F.S.; providing a fee  
30 for registration of a melon hauling vehicle; defining  
31 the term "melon hauling vehicle"; amending s. 322.53,  
32 F.S.; exempting drivers of melon hauling vehicles from  
33 the requirement to obtain a commercial driver license;  
34 requiring such drivers to comply with specified  
35 regulations; providing an

By Senator Evers

2-01379-15

20151072\_\_

1 A bill to be entitled  
 2 An act relating to registration of agriculture  
 3 transport vehicles; amending s. 320.08, F.S.;  
 4 providing a fee for registration of modified  
 5 agriculture vehicles; providing a definition; amending  
 6 s. 322.53, F.S.; exempting drivers of modified  
 7 agriculture vehicles from the requirement to possess a  
 8 valid commercial driver license; providing an  
 9 effective date.

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

11 Section 1. Paragraph (f) is added to subsection (3) of  
 12 section 320.08, Florida Statutes, to read:

13 320.08 License taxes.—Except as otherwise provided herein,  
 14 there are hereby levied and imposed annual license taxes for the  
 15 operation of motor vehicles, mopeds, motorized bicycles as  
 16 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,  
 17 and mobile homes, as defined in s. 320.01, which shall be paid  
 18 to and collected by the department or its agent upon the  
 19 registration or renewal of registration of the following:

20 (3) TRUCKS.—

21 (f) A modified agriculture vehicle: \$7.50 flat. The term  
 22 “modified agriculture vehicle” means a vehicle that has been  
 23 modified from its original use so that the transport of raw  
 24 agricultural commodities from a farm to its first point of  
 25 delivery is the vehicle’s primary purpose.

26 Section 2. Paragraph (c) of subsection (2) of section  
 27 322.53, Florida Statutes, is amended to read:  
 28  
 29

Page 1 of 2

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

2-01379-15

20151072\_\_

30 322.53 License required; exemptions.—  
 31 (2) The following persons are exempt from the requirement  
 32 to obtain a commercial driver license:  
 33 (c) 1. Farmers transporting agricultural products, farm  
 34 supplies, or farm machinery to or from their farms and within  
 35 150 miles of their farms, if the vehicle operated under this  
 36 exemption is not used in the operations of a common or contract  
 37 motor carrier.  
 38 2. Drivers of modified agriculture vehicles registered  
 39 under s. 320.08(3)(f).  
 40 Section 3. This act shall take effect July 1, 2015.

Page 2 of 2

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

# APPEARANCE RECORD

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

3/12/15

Meeting Date

1072

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Jim Spratt

Job Title \_\_\_\_\_

Address PO Box 10011

Phone 850-228-1296

Street

TALCAHASSEE

FL

32302

Email Jim@magnoliastrategies.com

City

State

Zip

Speaking:  For  Against  Information

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

Representing Florida Nursery, Growers & Landscape Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/12  
Meeting Date

SB 1072  
Bill Number (if applicable)

Topic Melon Trucks

Amendment Barcode (if applicable)

Name Butch Callioan

Job Title \_\_\_\_\_

Address 119 S. Monroe Seinta 300

Phone 521-0455

Street

Tallahassee

City

FL

State

32301

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Florida Fruit & Vegetable Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/10/15  
Meeting Date

1072  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Adam Basford

Job Title ~~Assistant~~ Dir Legislative Aff.

Address 315 S Calhoun St # 850

Phone 222 2557

Callabasse FL 32301  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing FL 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.

**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 240

INTRODUCER: Transportation Committee and Senators Brandes and Gaetz

SUBJECT: Issuance of Driver Licenses and Identification Cards

DATE: March 12, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	<b>Fav/CS</b>
2.			ATD	
3.			RC	

---

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

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 240 allows the Department of Highway Safety and Motor Vehicles (DHSMV) to accept a military personnel identification card as proof of social security number for issuing a driver license or identification card.

**II. Present Situation:**

**REAL ID Act of 2005**

The REAL ID Act became effective nationwide on May 11, 2008. The Act establishes minimum standards for the issuance of state driver licenses and identification cards. The Act prohibits Federal agencies from accepting driver licenses and identification cards for official uses<sup>1</sup> if the United States Department of Homeland Security (DHS) has determined the state does not meet the minimum standards.

---

<sup>1</sup> Department of Homeland Security, *REAL ID FAQs for the Public*, Jan. 11, 2015. <http://www.dhs.gov/real-id-public-faqs> (last visited Mar. 8, 2015). "Official uses are defined as accessing Federal facilities, entering nuclear power plants, and boarding federally-regulated commercial aircraft."

Individuals without a license from a compliant jurisdiction may present alternative forms of identification accepted by a federal agency, such as a U.S. Passport. Agencies may have additional processes to accommodate individuals lacking the prescribed identification documents.<sup>2</sup>

Enforcement of the REAL ID Act will happen in phases<sup>3</sup>:

Phase	Enforcement	Full Enforcement Date
1	Restricted areas for DHS's Nebraska Avenue Complex headquarters	April 21, 2014
2	Restricted areas for all Federal facilities and nuclear power plants	July 21, 2014
3	Semi-restricted areas for most Federal facilities	January 19, 2015
3a	Facility Security Levels 1 and 2	January 19, 2015
3b	Facility Security Levels 3, 4, and 5	October 10, 2015
4	Boarding federally regulated commercial aircraft	No sooner than 2016

#### Florida's Compliance with the REAL ID Act<sup>4</sup>

Florida began issuing REAL ID compliant driver licenses and identification cards on January 4, 2010. The REAL ID-compliant credentials have a star in the upper right corner of the card. According to the DHSMV, over 11.5 million individuals have met the new identity standards for a Florida driver license or identification card.<sup>5</sup> Florida currently has a 70 percent compliance rate with the REAL ID Act.

#### Military Personnel Identification Cards

The Department of Defense (DoD) issues two main types of military identification cards. The Common Access Card is the standard identification for active duty uniformed service personnel, Selected Reserve, DoD civilian employees, and eligible contractor personnel.<sup>6</sup> The Uniformed Services ID Card is held by retired military and military family members. The card is necessary for retired military and military family members to access military service benefits and privileges.<sup>7</sup>

#### Proof of Social Security Number

Current law requires an applicant for a driver license or identification card to present proof of social security number satisfactory to the DHSMV.<sup>8</sup>

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Department of Highway Safety and Motor Vehicles, *The REAL ID Act*, <http://www.flhsmv.gov/realid/> (last visited Mar. 8, 2015).

<sup>5</sup> Email from DHSMV, (Mar. 9, 2015) (On file with the Senate Committee on Transportation)..

<sup>6</sup> Department of Defense, *Common Access Card (CAC)*, <http://www.cac.mil/common-access-card/> (last visited Mar. 8, 2015).

<sup>7</sup> Department of Defense, *Uniformed Services ID Card*, <http://www.cac.mil/uniformed-services-id-card/> (last visited Mar. 8, 2015).

<sup>8</sup> Sections 322.08(2)(a) and 322.051(1)(a)1., F.S.

**III. Effect of Proposed Changes:**

The bill allows the DHSMV to accept a military identification card as proof of social security number for issuing a driver license or identification card.

The bill takes effect July 1, 2015.

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

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following section of the Florida Statutes: 322.051 and 322.08.

**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 12, 2015:**

The CS removes the provision that the DHSMV must accept an active or retired military personnel identification card as proof of identity for issuance of a driver license or identification card.

It, instead, allows the DHSMV to accept military identification cards for proof of social security number when issuing a driver license or identification card.

The change was made to maintain compliance with the REAL-ID Act.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/12/2015	.	
	.	
	.	
	.	

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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (a) of subsection (1) of section  
322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(1) Any person who is 5 years of age or older, or any  
person who has a disability, regardless of age, who applies for  
a disabled parking permit under s. 320.0848, may be issued an



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11 identification card by the department upon completion of an  
12 application and payment of an application fee.

13 (a) The application must include the following information  
14 regarding the applicant:

15 1. Full name (first, middle or maiden, and last), gender,  
16 proof of social security card number satisfactory to the  
17 department, which may include a military identification card,  
18 county of residence, mailing address, proof of residential  
19 address satisfactory to the department, country of birth, and a  
20 brief description.

21 2. Proof of birth date satisfactory to the department.

22 3. Proof of identity satisfactory to the department. Such  
23 proof must include one of the following documents issued to the  
24 applicant:

25 a. A driver license record or identification card record  
26 from another jurisdiction that required the applicant to submit  
27 a document for identification which is substantially similar to  
28 a document required under sub-subparagraph b., sub-subparagraph  
29 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph  
30 f., sub-subparagraph g., or sub-subparagraph h.;

31 b. A certified copy of a United States birth certificate;

32 c. A valid, unexpired United States passport;

33 d. A naturalization certificate issued by the United States  
34 Department of Homeland Security;

35 e. A valid, unexpired alien registration receipt card  
36 (green card);

37 f. A Consular Report of Birth Abroad provided by the United  
38 States Department of State;

39 g. An unexpired employment authorization card issued by the





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40 United States Department of Homeland Security; or  
41 h. Proof of nonimmigrant classification provided by the  
42 United States Department of Homeland Security, for an original  
43 identification card. In order to prove nonimmigrant  
44 classification, an applicant must provide at least one of the  
45 following documents. In addition, the department may require  
46 applicants to produce United States Department of Homeland  
47 Security documents for the sole purpose of establishing the  
48 maintenance of, or efforts to maintain, continuous lawful  
49 presence:  
50 (I) A notice of hearing from an immigration court  
51 scheduling a hearing on any proceeding.  
52 (II) A notice from the Board of Immigration Appeals  
53 acknowledging pendency of an appeal.  
54 (III) A notice of the approval of an application for  
55 adjustment of status issued by the United States ~~Bureau of~~  
56 Citizenship and Immigration Services.  
57 (IV) An official documentation confirming the filing of a  
58 petition for asylum or refugee status or any other relief issued  
59 by the United States ~~Bureau of~~ Citizenship and Immigration  
60 Services.  
61 (V) A notice of action transferring any pending matter from  
62 another jurisdiction to Florida, issued by the United States  
63 ~~Bureau of~~ Citizenship and Immigration Services.  
64 (VI) An order of an immigration judge or immigration  
65 officer granting relief that authorizes the alien to live and  
66 work in the United States, including, but not limited to,  
67 asylum.  
68 (VII) Evidence that an application is pending for



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69 adjustment of status to that of an alien lawfully admitted for  
70 permanent residence in the United States or conditional  
71 permanent resident status in the United States, if a visa number  
72 is available having a current priority date for processing by  
73 the United States ~~Bureau of~~ Citizenship and Immigration  
74 Services.

75 (VIII) On or after January 1, 2010, an unexpired foreign  
76 passport with an unexpired United States Visa affixed,  
77 accompanied by an approved I-94, documenting the most recent  
78 admittance into the United States.

79  
80 An identification card issued based on documents required in  
81 sub-subparagraph g. or sub-subparagraph h. is valid for a period  
82 not to exceed the expiration date of the document presented or 1  
83 year, whichever occurs first.

84 Section 2. Subsection (2) of section 322.08, Florida  
85 Statutes, is amended to read:

86 322.08 Application for license; requirements for license  
87 and identification card forms.—

88 (2) Each such application shall include the following  
89 information regarding the applicant:

90 (a) Full name (first, middle or maiden, and last), gender,  
91 proof of social security card number satisfactory to the  
92 department, which may include a military identification card,  
93 county of residence, mailing address, proof of residential  
94 address satisfactory to the department, country of birth, and a  
95 brief description.

96 (b) Proof of birth date satisfactory to the department.

97 (c) Proof of identity satisfactory to the department. Such



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98 proof must include one of the following documents issued to the  
99 applicant:

- 100 1. A driver license record or identification card record  
101 from another jurisdiction that required the applicant to submit  
102 a document for identification which is substantially similar to  
103 a document required under subparagraph 2., subparagraph 3.,  
104 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph  
105 7., or subparagraph 8.;
- 106 2. A certified copy of a United States birth certificate;
- 107 3. A valid, unexpired United States passport;
- 108 4. A naturalization certificate issued by the United States  
109 Department of Homeland Security;
- 110 5. A valid, unexpired alien registration receipt card  
111 (green card);
- 112 6. A Consular Report of Birth Abroad provided by the United  
113 States Department of State;
- 114 7. An unexpired employment authorization card issued by the  
115 United States Department of Homeland Security; or
- 116 8. Proof of nonimmigrant classification provided by the  
117 United States Department of Homeland Security, for an original  
118 driver license. In order to prove nonimmigrant classification,  
119 an applicant must provide at least one of the following  
120 documents. In addition, the department may require applicants to  
121 produce United States Department of Homeland Security documents  
122 for the sole purpose of establishing the maintenance of, or  
123 efforts to maintain, continuous lawful presence:
  - 124 a. A notice of hearing from an immigration court scheduling  
125 a hearing on any proceeding.
  - 126 b. A notice from the Board of Immigration Appeals



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127 acknowledging pendency of an appeal.

128 c. A notice of the approval of an application for  
129 adjustment of status issued by the United States ~~Bureau of~~  
130 Citizenship and Immigration Services.

131 d. An official documentation confirming the filing of a  
132 petition for asylum or refugee status or any other relief issued  
133 by the United States ~~Bureau of~~ Citizenship and Immigration  
134 Services.

135 e. A notice of action transferring any pending matter from  
136 another jurisdiction to this state issued by the United States  
137 ~~Bureau of~~ Citizenship and Immigration Services.

138 f. An order of an immigration judge or immigration officer  
139 granting relief that authorizes the alien to live and work in  
140 the United States, including, but not limited to, asylum.

141 g. Evidence that an application is pending for adjustment  
142 of status to that of an alien lawfully admitted for permanent  
143 residence in the United States or conditional permanent resident  
144 status in the United States, if a visa number is available  
145 having a current priority date for processing by the United  
146 States ~~Bureau of~~ Citizenship and Immigration Services.

147 h. On or after January 1, 2010, an unexpired foreign  
148 passport with an unexpired United States Visa affixed,  
149 accompanied by an approved I-94, documenting the most recent  
150 admittance into the United States.

151  
152 A driver license or temporary permit issued based on documents  
153 required in subparagraph 7. or subparagraph 8. is valid for a  
154 period not to exceed the expiration date of the document  
155 presented or 1 year.



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156 (d) Whether the applicant has previously been licensed to  
157 drive, and, if so, when and by what state, and whether any such  
158 license or driving privilege has ever been disqualified,  
159 revoked, or suspended, or whether an application has ever been  
160 refused, and, if so, the date of and reason for such  
161 disqualification, suspension, revocation, or refusal.

162 (e) Each such application may include fingerprints and  
163 other unique biometric means of identity.

164 Section 3. This act shall take effect July 1, 2015.

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

166 And the title is amended as follows:

167 Delete everything before the enacting clause  
168 and insert:

169 A bill to be entitled  
170 An act relating to driver licenses and identification  
171 cards; amending ss. 322.051 and 322.08, F.S.;  
172 providing for the Department of Highway Safety and  
173 Motor Vehicles to accept a military identification  
174 card to meet certain requirements for issuance of an  
175 identification card or a driver license, respectively;  
176 providing an effective date.

By Senator Brandes

22-00355-15

2015240\_\_

A bill to be entitled

An act relating to issuance of driver licenses and identification cards; amending s. 322.08, F.S.; providing for the Department of Highway Safety and Motor Vehicles to accept a military personnel identification card as proof of identity for purposes of issuing a driver license or an identification card; providing an effective date.

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

Section 1. Paragraph (c) of subsection (2) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license; requirements for license and identification card forms.—

(2) Each such application shall include the following information regarding the applicant:

(c) Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:

1. A driver license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under subparagraph 2., subparagraph 3., subparagraph 4., subparagraph 5., subparagraph 6., subparagraph 7., ~~or~~ subparagraph 8., or subparagraph 9.;

2. A certified copy of a United States birth certificate;

3. A valid, unexpired United States passport;

4. A naturalization certificate issued by the United States

Page 1 of 3

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

22-00355-15

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Department of Homeland Security;

5. A valid, unexpired alien registration receipt card (green card);

6. A Consular Report of Birth Abroad provided by the United States Department of State;

7. An unexpired employment authorization card issued by the United States Department of Homeland Security; ~~or~~

8. Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original driver license. In order to prove nonimmigrant classification, an applicant must provide at least one of the following documents. In addition, the department may require applicants to produce United States Department of Homeland Security documents for the sole purpose of establishing the maintenance of, or efforts to maintain, continuous lawful presence:

a. A notice of hearing from an immigration court scheduling a hearing on any proceeding.

b. A notice from the Board of Immigration Appeals acknowledging pendency of an appeal.

c. A notice of the approval of an application for adjustment of status issued by the United States ~~Bureau of~~ Citizenship and Immigration Services.

d. An official documentation confirming the filing of a petition for asylum or refugee status or any other relief issued by the United States ~~Bureau of~~ Citizenship and Immigration Services.

e. A notice of action transferring any pending matter from another jurisdiction to this state issued by the United States ~~Bureau of~~ Citizenship and Immigration Services.

Page 2 of 3

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

22-00355-15

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59 f. An order of an immigration judge or immigration officer  
60 granting relief that authorizes the alien to live and work in  
61 the United States, including, but not limited to, asylum.

62 g. Evidence that an application is pending for adjustment  
63 of status to that of an alien lawfully admitted for permanent  
64 residence in the United States or conditional permanent resident  
65 status in the United States, if a visa number is available  
66 having a current priority date for processing by the United  
67 States ~~Bureau of~~ Citizenship and Immigration Services.

68 h. On or after January 1, 2010, an unexpired foreign  
69 passport with an unexpired United States Visa affixed,  
70 accompanied by an approved I-94, documenting the most recent  
71 admittance into the United States; ~~or-~~

72 9. An active or retired military personnel identification  
73 card issued by the United States Government.

74

75 A driver license or temporary permit issued based on documents  
76 required in subparagraph 7. or subparagraph 8. is valid for a  
77 period not to exceed the expiration date of the document  
78 presented or 1 year.

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

The Florida Senate  
Transportation Committee Meeting  
March 12, 2015

# Comprehensive Study to Reduce Pedestrian Crashes in Florida

FDOT Project BDK 977-32



**Priyanka Alluri, Ph.D., P.E.**

Assistant Professor

Department of Civil and Environmental Engineering

Florida International University





# Acknowledgements

## Co-Authors

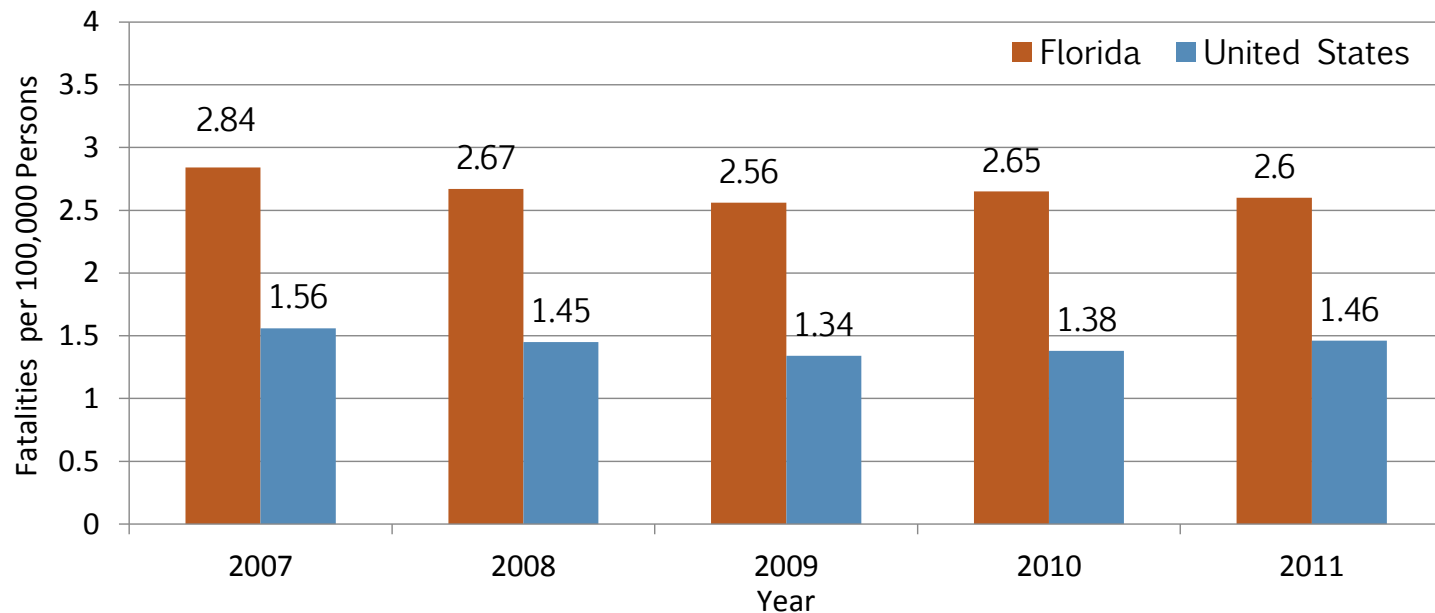
- Dr. Albert Gan
- Dr. Kirolos Haleem, P.E., PTOE
- Mr. Mohammad Lavasani
- Dr. Dibakar Saha

## FDOT Project Manager

- Mr. Joseph Santos, P.E.

# Project Motivation

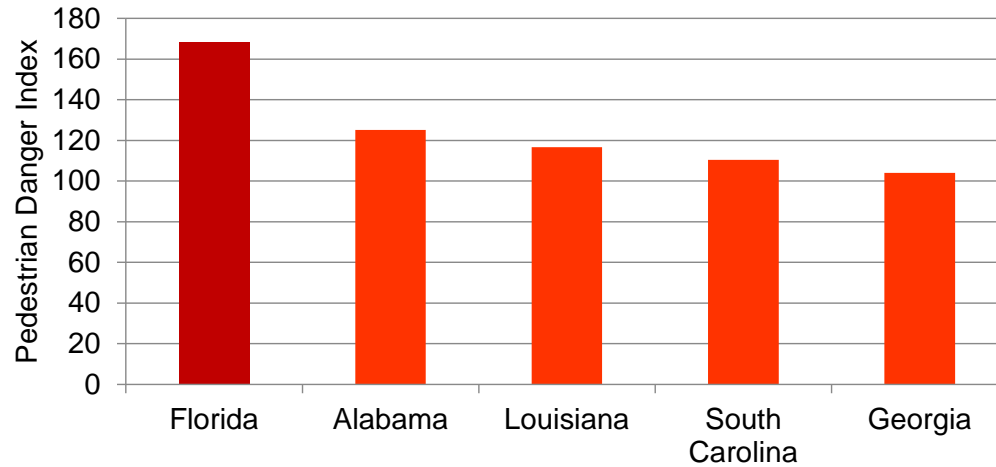
- Florida has the highest pedestrian fatalities per capita
- One in every five traffic-related fatalities in Florida is a pedestrian



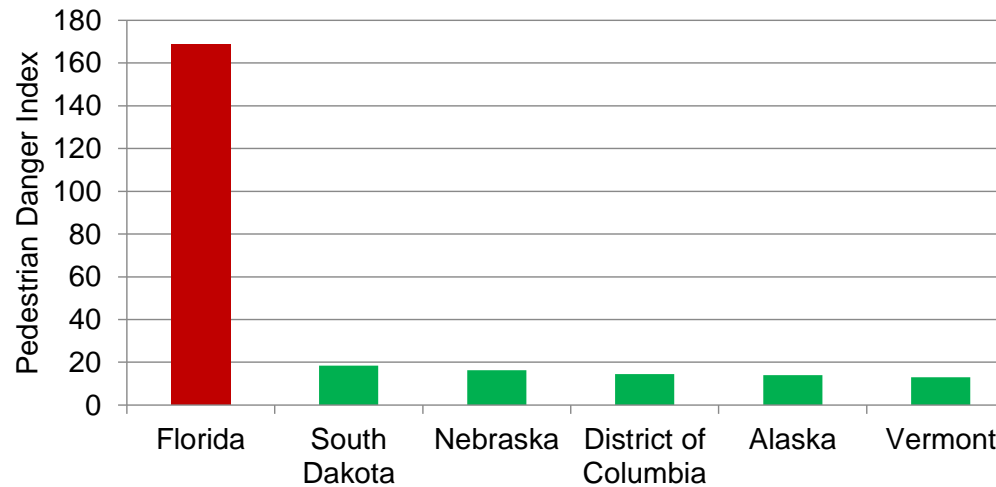
Source: Fatality Analysis Reporting System (FARS)

# “Dangerous by Design 2014”

## Five Deadliest States for Pedestrians



## Florida vs. Five Pedestrian-friendly States



# Ten Most Dangerous Metro Areas

## 2011

Rank	Metro Area	Ped. Danger Index
1	Orlando-Kissimmee, FL	255.4
2	Tampa-St. Petersburg-Clearwater, FL	212.7
3	Jacksonville, FL	177.8
4	Miami-Fort Lauderdale-Pompano Beach, FL	167.9
5	Riverside-San Bernardino Ontario, CA	139.2
6	Las Vegas-Paradise, NV	135.2
7	Memphis, TN-MS-AR	132.6
8	Phoenix-Mesa-Scottsdale, AZ	132.4
9	Houston-Sugar Land-Baytown, TX	128.2
10	Dallas-Fort Worth-Arlington, TX	119.4

## 2014

Rank	Metro Area	Ped. Danger Index
1	Orlando-Kissimmee, FL	244.3
2	Tampa-St. Petersburg-Clearwater, FL	190.1
3	Jacksonville, FL	182.7
4	Miami-Fort Lauderdale-Pompano Beach, FL	145.3
5	Memphis, TN-MS-AR	131.3
6	Birmingham-Hoover, AL	125.6
7	Houston-Sugar Land-Baytown, TX	119.6
8	Atlanta-Sandy Springs-Marietta, GA	119.4
9	Phoenix-Mesa-Scottsdale, AZ	118.6
10	Charlotte-Gastonia-Concord, NC-SC	111.7

Source: Dangerous by Design, 2011 and 2014

# Why Florida?

- Visitors and immigrants
- Older population
- Roadways are designed for vehicles

# Project Objectives

- Identify pedestrian crash patterns, causes, and contributing factors
- Identify and analyze pedestrian high crash locations
- Recommend potential countermeasures

# Crash Data

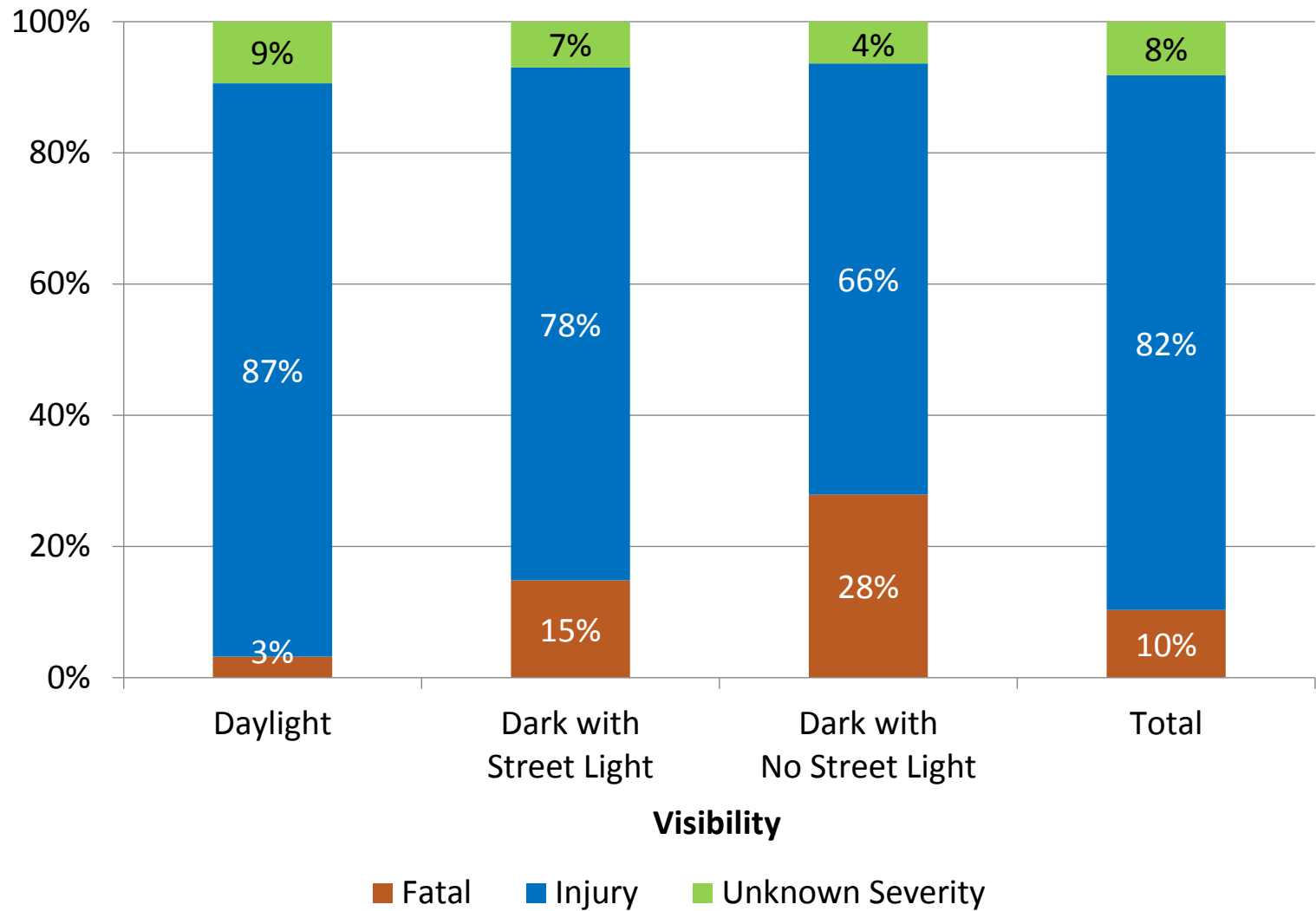
- Analyzed over 7,500 pedestrian crashes that occurred on state roads from 2008-2010
- Reviewed illustrative sketches and descriptions in police reports
- Collected additional data on:
  - Pedestrian age
  - Injury severity
  - At-fault road user
  - Crash location
  - Presence and type of crosswalk
  - Pedestrian walking pattern

# Contributing Factors

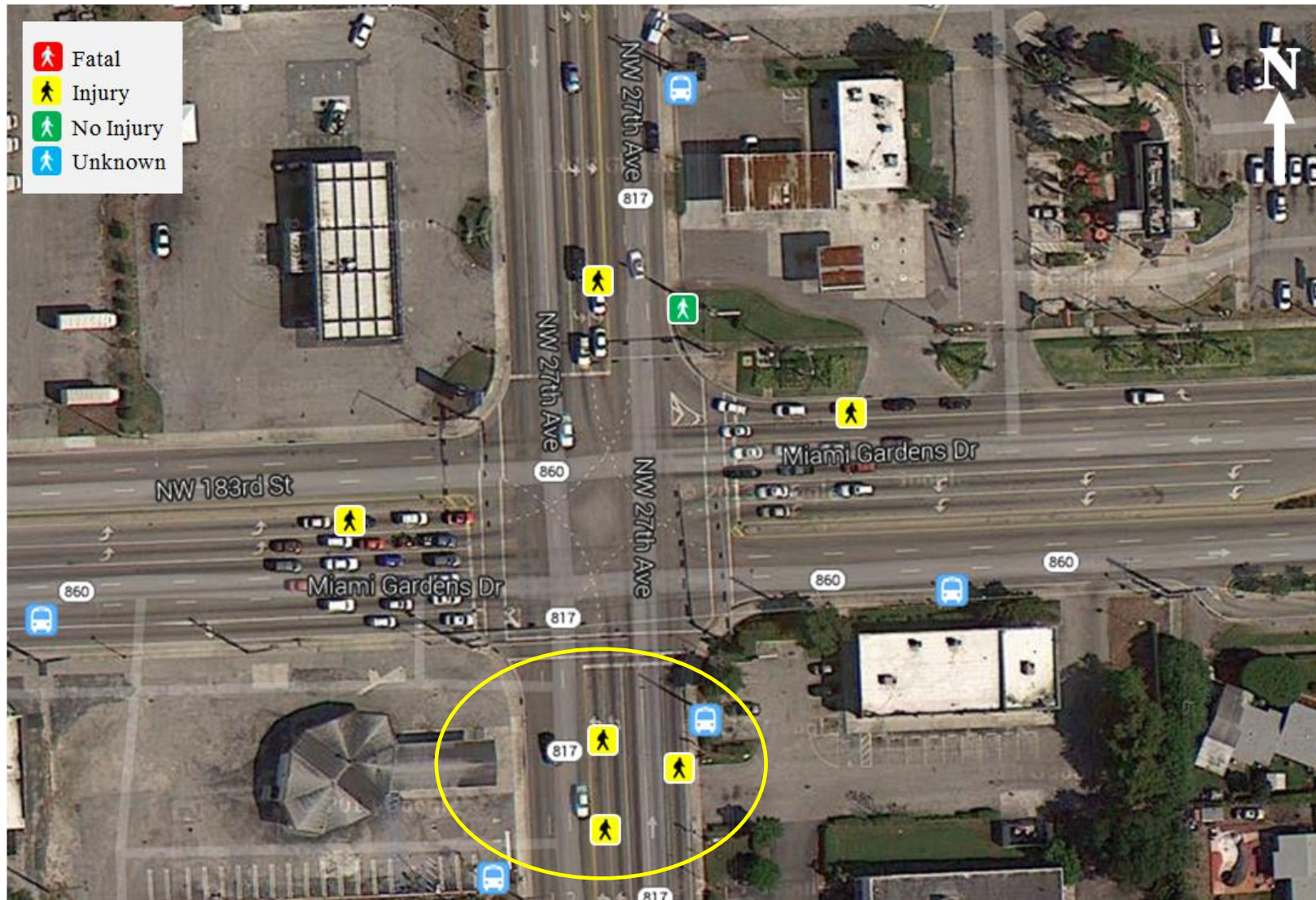
- Visibility
- Pedestrian generators such as bus stops
- Lack of sidewalks
- Lack of crosswalks at uncontrolled intersections and midblock locations
- Drivers fail to yield to pedestrians
- Pedestrians walking under influence
- Pedestrians not crossing at crosswalk



# Pedestrian Crash Statistics by Visibility

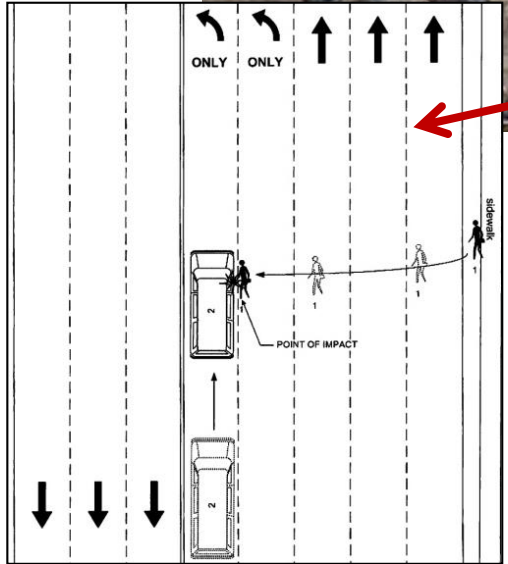
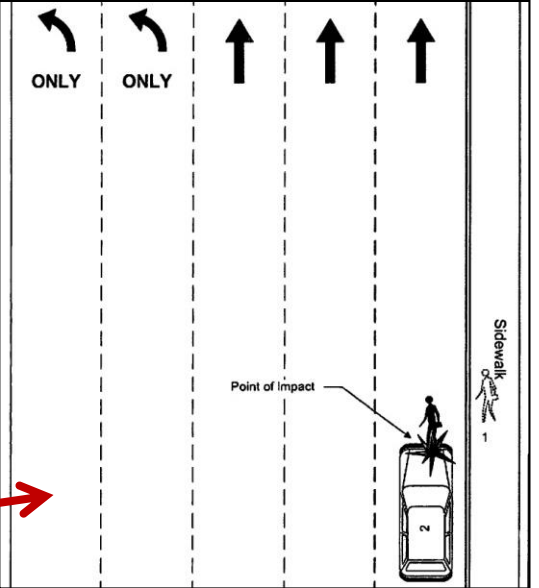
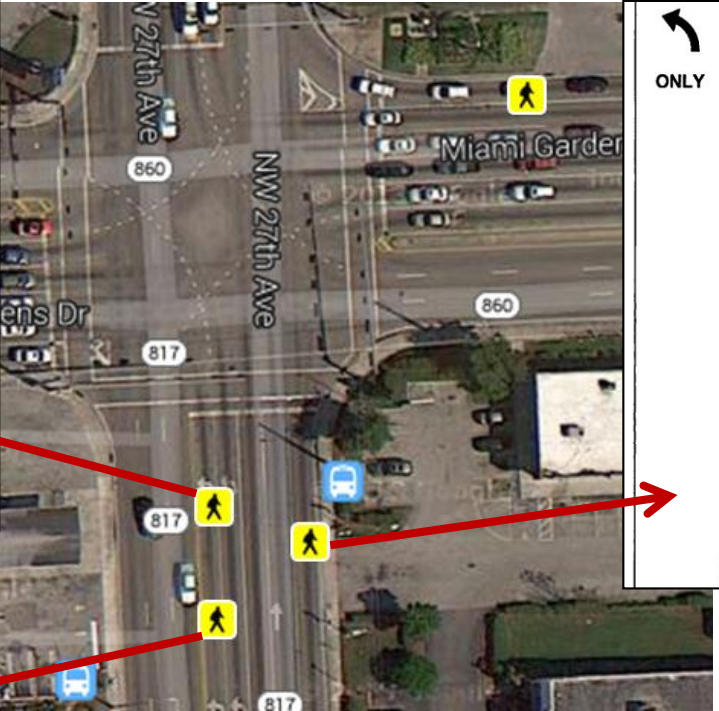
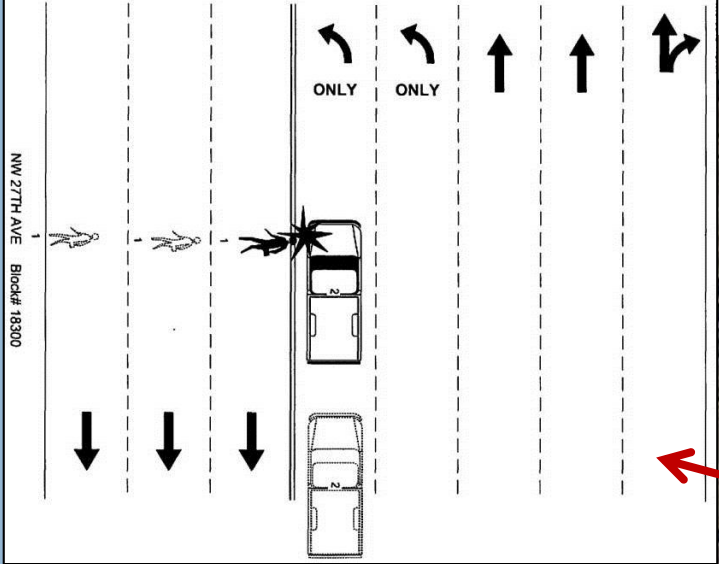


# Pedestrian Crashes Near Bus Stops



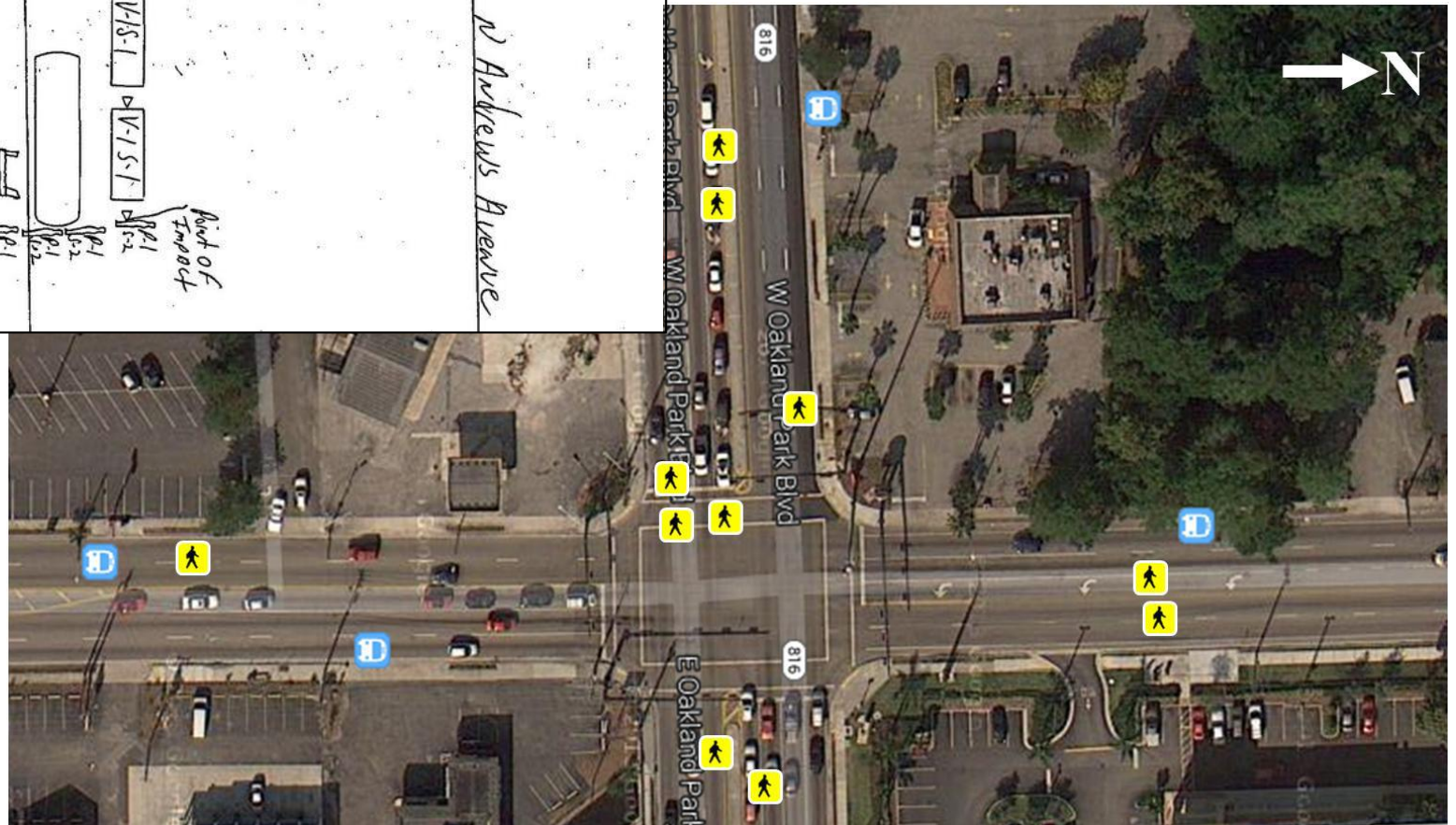
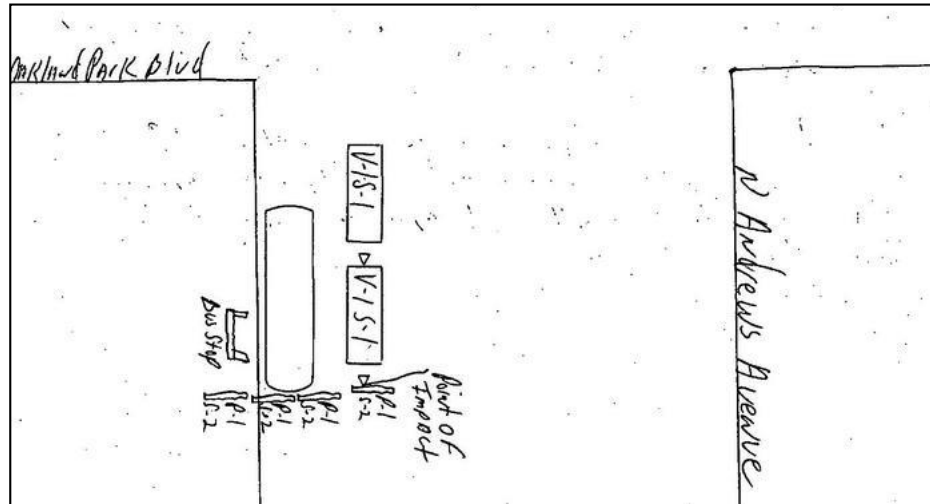
NW 27th St and NW 183rd St ([Map](#))

# Pedestrian Crash Cluster at Bus Stop





# An Example of a Crash That Involved Pedestrian Walking In Front of a Bus



# Pedestrian Crashes at Location With No Sidewalk



SR 292 near Colbert Ave in Pensacola ([Map](#))



# Pedestrian Crashes at Locations With TWLTLs and No Crosswalks

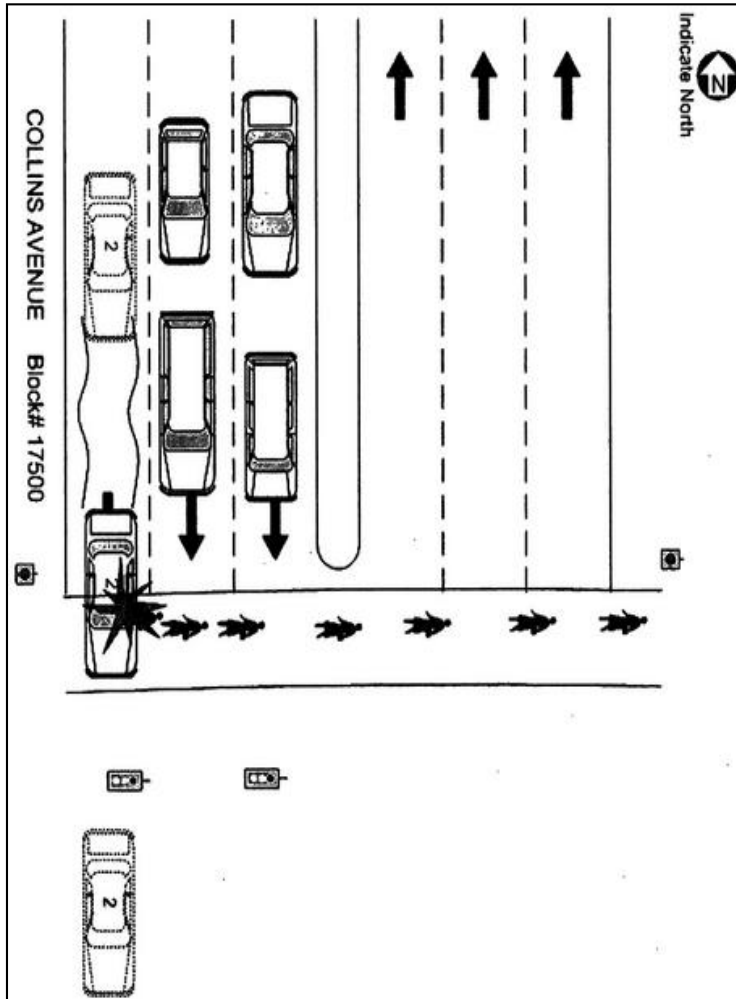


4th St N near 6th Ave N in St Petersburg ([Map](#))

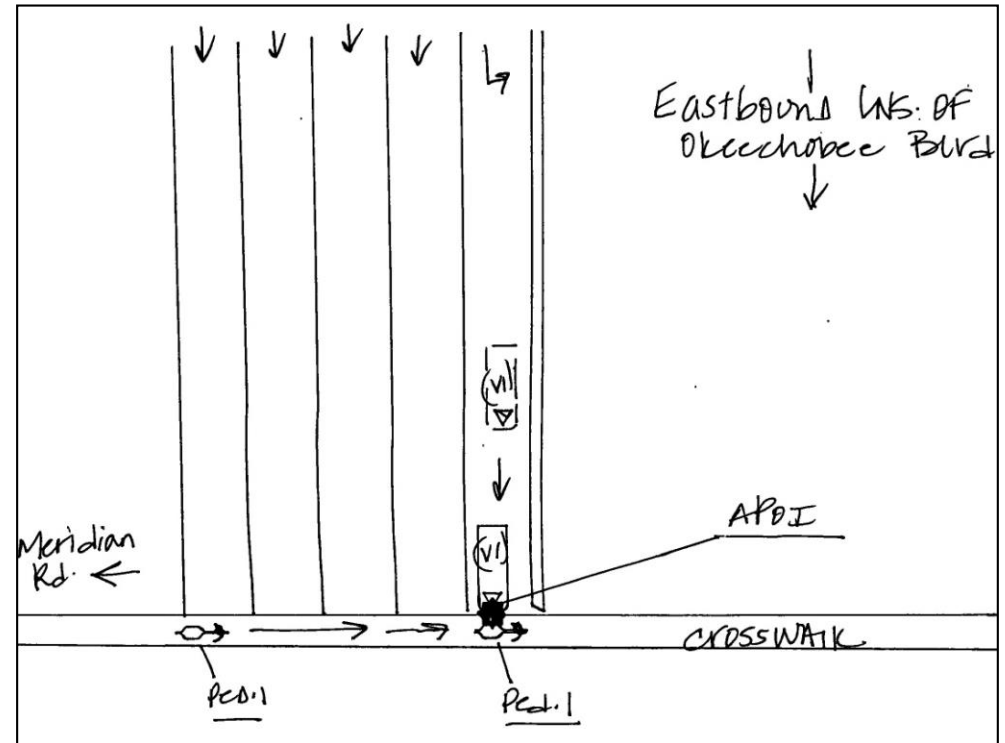


NE 6th Ave near NE 149th St in Miami ([Map](#))

# Drivers Fail To Yield To Pedestrians



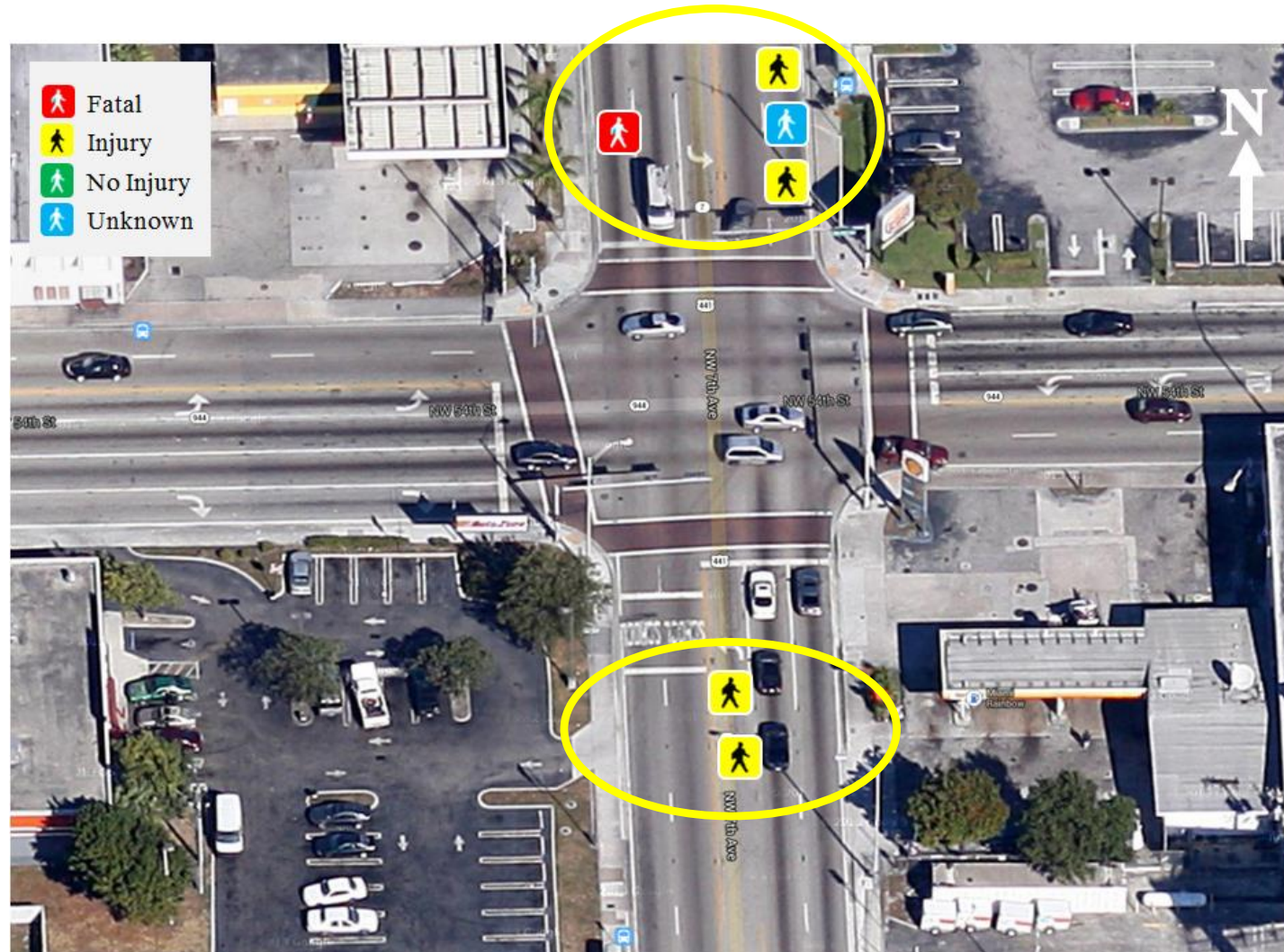
(Crash ID: 801572120)



(Crash ID: 907756090)



# Crashes That Involved Pedestrians Not Crossing at Crosswalk



NW 7th Ave and NW 54th St ([Map](#))



# An Example of a Crash That Involved Intoxicated Pedestrian

(NARRATIVE)  
PI was walking southbound on the beeline h. gway in the center median. PI was intoxicated. VI was southbound on the beeline highway. PI stumbled into the roadway & the left side of VI hit PI. VI sustained a broken window on the driver's side door, scratches on the left side of the vehicle & the driver's outside mirror was knocked off. Palm Beach County Fire Rescue station 17 responded & treated PI for a non life threatening laceration on the right elbow/arm. PI refused further medical treatment. PI admitted to walking in the center median. The driver of VI did not sustain any injuries. VI was removed by the driver.

Crash ID: 765906810

# Countermeasures

- Add lighting
- Add sidewalks
- Add crosswalks
- Construct raised medians
- Construct bus stops on far-side of signalized intersections whenever feasible
- Increase enforcement
- Conduct outreach
- Apply advanced technologies

# More May Not Necessarily Be Better!



Standard



Ladder

- More agencies are installing heavily-marked crosswalks at signalized intersections
- Their impact to reducing crashes is questionable

# Low-Cost and Effective Technology

- Sponsored by FDOT District 6 (Miami)
- Rectangular Rapid Flashing Beacons (RRFB) increase driver compliance in yielding to pedestrians at midblock locations
- Over 83% of drivers yielded to pedestrians at RRFB locations in Miami



# Advanced Pedestrian Detection Systems

- Sponsored by FDOT District 4 (Broward)
- Adapt signal timing in real-time to better meet pedestrian needs
- Completed Phase I: Feasibility
- Phase II: Prototype Implementation (pending funding support)



*MigmaPD System*

# Thank You!

Contact:

**Priyanka Alluri, Ph.D., P.E.**  
Florida International University  
Office: (305) 348-1896  
Email: [palluri@fiu.edu](mailto:palluri@fiu.edu)

The final report is available at:

[http://www.dot.state.fl.us/research-center/Completed\\_Proj/Summary\\_SF/FDOT-BDK80-977-32-rpt.pdf](http://www.dot.state.fl.us/research-center/Completed_Proj/Summary_SF/FDOT-BDK80-977-32-rpt.pdf)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

03/12/2015  
Meeting Date

\_\_\_\_\_  
Bill Number (if applicable)

Topic Comprehensive Study to Reduce Pedestrian Crashes Amendment Barcode (if applicable)  
in Florida

Name Dr. Priyanka Alluri

Job Title Assistant Professor, Florida International University

Address 10555 West Flagler Street EC 3680 Phone 305-348-1896  
Street

Miami  
City

FL  
State

33174  
Zip

Email PALLURI@FIU.EDU

Speaking:  For  Against  Information

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

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.**

S-001 (10/14/14)



# CourtSmart Tag Report

Room: LL 37  
Caption: Senate Transportation

Case:  
Judge:

Type: C

Started: 3/12/2015 9:02:41 AM  
Ends: 3/12/2015 10:01:31 AM Length: 00:58:51

9:02:42 AM Meeting called to order by Chair Brandes  
9:02:47 AM Roll call by Administrative Assistant, Marilyn Hudson  
9:03:01 AM Quorum present  
9:03:10 AM Comments from Chair Brandes  
9:03:21 AM Tab 3 introduced by Chair Brandes  
9:03:33 AM Explanation of Tab 3, SB 988, Anatomical Gifts by Senator Margolis  
9:05:20 AM Comments from Chair Brandes  
9:05:31 AM Explanation of Amendment Barcode #139940 by Senator Margolis  
9:06:07 AM Amendment Barcode #955878 withdrawn  
9:06:16 AM Amendment Barcode #139940 adopted without objection  
9:06:27 AM Comments from Chair Brandes  
9:06:34 AM Senator Margolis waives closing  
9:06:37 AM Roll call on CS/SB 988 by Administrative Assistant, Marilyn Hudson  
9:06:52 AM CS/SB 988 reported favorably  
9:07:01 AM Tab 1 introduced by Chair Brandes  
9:07:08 AM Explanation of Tab 1, SB 534, Human Trafficking by Senator Latvala  
9:07:34 AM Comments from Chair Brandes  
9:08:29 AM Question from Senator Thompson  
9:08:37 AM Response from Senator Latvala  
9:09:27 AM Barbara DeVane, FL NOW waives in support  
9:09:36 AM Speaker Amy Datz, National Council of Jewish Women in support of the Bill  
9:11:02 AM Erin Choy, Chair-Elect, Junior Leagues of Florida waives in support  
9:11:12 AM Comments from Chair Brandes  
9:11:19 AM Senator Latvala closing on Bill  
9:11:29 AM Roll call on SB 534 by Administrative Assistant, Marilyn Hudson  
9:11:43 AM SB 534 reported favorably  
9:11:47 AM Tab 2 introduced by Chair Brandes  
9:11:58 AM Explanation of SB 570, Service of Process of Witness Subpoenas by Chase Daniels, Legislative Assistant to Senator Dean  
9:12:08 AM Comments from Chair Brandes  
9:12:19 AM Jennifer Kostelnik, Deputy, Hillsborough County Sheriff's Office waives in support  
9:12:32 AM Comments from Chair Brandes  
9:12:37 AM Mr. Daniels waives closing  
9:12:40 AM Roll call on SB 570 by Administrative Assistant, Marilyn Hudson  
9:12:54 AM SB 570 reported favorably  
9:13:04 AM Tab 5 introduced by Chair Brandes  
9:13:08 AM Explanation of Tab 5, SB 220, Commercial Motor Vehicle Review Board by Senator Simpson  
9:13:23 AM Comments from Chair Brandes  
9:14:10 AM Amendment Barcode #664096 introduced by Senator Simpson  
9:14:20 AM Explanation of Amendment Barcode #664096 by Senator Simpson  
9:14:31 AM Comments from Chair Brandes  
9:14:36 AM Amendment Barcode #664096 adopted without objection  
9:14:48 AM Amendment Barcode #527294 introduced  
9:14:55 AM Explanation of Amendment Barcode #527294 by Senator Simpson  
9:15:14 AM Comments from Chair Brandes  
9:15:21 AM Jim Spratt, Florida Forestry Association waives in support  
9:15:27 AM Adam Basford, Director Legislative Affairs, Florida Farm Bureau waives in support  
9:15:37 AM Comments from Chair Brandes  
9:15:52 AM Senator Simpson waives closing  
9:15:58 AM Roll call by Administrative Assistant, Marilyn Hudson  
9:16:10 AM CS/SB 220 reported favorably  
9:16:17 AM Tab 6 introduced by Chair Brandes



9:16:24 AM Senator Evers shown voting in the affirmative on CS/SB 988, SB 534 and SB 570  
9:16:48 AM Explanation of SB 1072, Registration of Agriculture Transport Vehicles by Senator Evers  
9:17:19 AM Comments from Chair Brandes  
9:17:25 AM Question from Senator Braynon  
9:17:49 AM Response by Senator Evers  
9:18:23 AM Comments from Chair Brandes  
9:18:28 AM Late-filed Amendment Barcode #459990 introduced by Chair Brandes  
9:18:35 AM Explanation of Late-filed Amendment Barcode #459990 by Senator Evers  
9:19:22 AM Comments from Chair Brandes  
9:19:27 AM Question from Chair Brandes  
9:19:38 AM Response from Senator Evers  
9:20:19 AM Comments from Chair Brandes  
9:20:29 AM Amendment Barcode #459990 adopted  
9:20:42 AM Adam Basford, Director Legislative Affairs, Florida Farm Bureau waives in support  
9:20:49 AM Butch Calhoun, Florida Fruit & Vegetable Association waives in support  
9:20:58 AM Jim Spratt, Florida Nursery, Growers & Landscape Association waives in support  
9:21:10 AM Comments from Chair Brandes  
9:21:20 AM Roll call by Administrative Assistant, Marilyn Hudson  
9:21:34 AM CS/SB 1072 reported favorably  
9:21:39 AM Tab 4 introduced by Chair Brandes  
9:21:51 AM Explanation of Tab 4, SB 1024, Central Florida Expressway Authority by Jean Van Smith, Legislative Assistant to Senator Simmons  
9:22:24 AM Amendment Barcode #182002 introduced by Chair Brandes  
9:22:33 AM Explanation of Amendment Barcode #182002 by Ms. Van Smith  
9:22:52 AM Amendment Barcode #182002 adopted  
9:22:59 AM Comments from Chair Brandes  
9:23:10 AM Ms. Van Smith waives closing  
9:23:13 AM Roll call on CS/SB 1024 by Administrative Assistant, Marilyn Hudson  
9:23:26 AM CS/SB 1024 reported favorably  
9:23:33 AM Chair given to Vice Chair Bullard  
9:23:44 AM Tab 7 introduced by Chair Bullard  
9:23:55 AM Explanation of Tab 7, Issuance of Driver Licenses and Identification Cards by Senator Brandes  
9:24:06 AM Comments from Chair Bullard  
9:24:11 AM Explanation of Amendment Barcode #890370 by Senator Brandes  
9:24:30 AM Comments from Chair Bullard  
9:24:39 AM Senator Brandes waives closing  
9:24:43 AM Amendment Barcode #890370 adopted  
9:24:49 AM Comments from Chair Bullard on Bill as amended  
9:24:58 AM Question from Chair Bullard  
9:25:10 AM Response from Senator Brandes  
9:25:25 AM Response from Staff, Bethany Jones  
9:25:33 AM Comments from Chair Bullard  
9:25:39 AM Senator Brandes waives closing  
9:25:43 AM Roll call on CS/SB240 by Administrative Assistant, Marilyn Hudson  
9:25:53 AM CS/SB 240 reported favorably  
9:26:00 AM Chair returned to Chair Brandes  
9:26:08 AM Introduction of Tab 8 by Chair Brandes  
9:26:29 AM Presentation by Dr. Priyuanka Alluri, P.E., Florida International University Comprehensive Study to Reduce Pedestrian Crashes in Florida  
9:37:10 AM Question from Senator Braynon  
9:37:18 AM Response from Dr. Alluri  
9:37:43 AM Comments from Senator Braynon  
9:38:12 AM Continued presentation by Dr. Alluri  
9:40:41 AM Question from Senator Braynon  
9:41:02 AM Response from Dr. Alluri  
9:41:37 AM Question from Chair Bullard  
9:41:44 AM Response from Dr. Alluri  
9:42:04 AM Follow-up question from Chair Bullard  
9:42:16 AM Response from Dr. Alluri  
9:42:27 AM Continued presentation by Dr. Alluri  
9:45:19 AM Comments from Chair Bullard  
9:45:33 AM Continued presentation by Dr. Alluri

**9:51:14 AM** Question from Senator Braynon  
**9:51:23 AM** Response from Dr. Alluri  
**9:52:05 AM** Question from Chair Bullard  
**9:52:15 AM** Response from Dr. Alluri  
**9:52:45 AM** Comments from Chair Bullard  
**9:52:51 AM** Comments from Senator Grimsley  
**9:53:22 AM** Response from Dr. Alluri  
**9:54:57 AM** Question from Chair Bullard  
**9:55:10 AM** Response from Dr. Alluri  
**9:56:05 AM** Follow-up question from Senator Bullard  
**9:56:18 AM** Response from Dr. Alluri  
**9:57:50 AM** Chair returned to Chair Brandes  
**9:57:57 AM** Question from Chair Brandes  
**9:58:09 AM** Response from Dr. Alluri  
**10:00:36 AM** Comments and thanks from Chair Brandes  
**10:01:17 AM** Senator Braynon moves to rise