

<b>Tab 1</b>	<b>SB 182</b> by <b>Rodriguez</b> ; (Similar to CS/H 00567) Small Business Roadway Construction Mitigation Grant Program					
138300	D	S	RCS	TR, Rodriguez	Delete everything after	02/06 03:19 PM
<b>Tab 2</b>	<b>SB 1050</b> by <b>Bracy (CO-INTRODUCERS) Stewart</b> ; (Identical to H 01263) Specialty License Plates/Orlando City Soccer Club					
<b>Tab 3</b>	<b>SB 1154</b> by <b>Perry</b> ; (Identical to H 00685) License Plate Decals for Organ Donors					
<b>Tab 4</b>	<b>SB 1200</b> by <b>Young (CO-INTRODUCERS) Galvano, Simpson, Braynon, Garcia, Rouson, Taddeo, Brandes</b> ; (Similar to CS/H 00535) Statewide Alternative Transportation Authority					
<b>Tab 5</b>	<b>SB 1414</b> by <b>Rouson</b> ; (Similar to H 00297) Specialty License Plates					
489732	D	S	WD	TR, Rouson	Delete everything after	02/02 08:41 AM
369056	D	S	RCS	TR, Rouson	Delete everything after	02/06 03:19 PM
802486	AA	S	RCS	TR, Rouson	Delete L.5 - 7:	02/06 03:19 PM
975072	AA	S	RCS	TR, Rouson	Delete L.20 - 37:	02/06 03:19 PM
<b>Tab 6</b>	<b>SB 1608</b> by <b>Grimsley</b> ; Agritourism Signage					
889794	A	S	RCS	TR, Grimsley	btw L.15 - 16:	02/06 03:19 PM
<b>Tab 7</b>	<b>SB 1632</b> by <b>Mayfield</b> ; (Similar to H 00963) Towing and Immobilization Fees and Charges					
323728	A	S	WD	TR, Mayfield	Delete L.90 - 152:	02/06 03:19 PM
<b>Tab 8</b>	<b>SB 1066</b> by <b>Baxley</b> ; Transportation Facility Designations/Nelle W. Needham Memorial Highway					

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**TRANSPORTATION**  
**Senator Gainer, Chair**  
**Senator Rouson, Vice Chair**

**MEETING DATE:** Tuesday, February 6, 2018

**TIME:** 2:00—3:30 p.m.

**PLACE:** James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

**MEMBERS:** Senator Gainer, Chair; Senator Rouson, Vice Chair; Senators Baxley, Galvano, Hukill, Rader, and Taddeo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 182</b> Rodriguez (Similar CS/H 567)	Small Business Roadway Construction Mitigation Grant Program; Requiring the Department of Transportation to create a Small Business Roadway Construction Mitigation Grant Program; requiring the program to disburse grants using funds allocated to the department by the Legislature to certain qualified businesses for the purpose of maintaining the businesses during a construction project of the department, etc.  TR      02/06/2018 Fav/CS ATD AP	Fav/CS Yeas 6 Nays 1
2	<b>SB 1050</b> Bracy (Identical H 1263)	Specialty License Plates/Orlando City Soccer Club; Directing the Department of Highway Safety and Motor Vehicles to develop an Orlando City Soccer Club license plate, etc.  TR      02/06/2018 Favorable ATD AP	Favorable Yeas 7 Nays 0
3	<b>SB 1154</b> Perry (Identical H 685)	License Plate Decals for Organ Donors; Authorizing a certain owner or lessee of a motor vehicle to request issuance of a license plate decal identifying him or her as an organ, tissue, or eye donor; requiring the Department of Highway Safety and Motor Vehicles to issue the decal free of charge, etc.  TR      02/06/2018 Favorable ATD AP	Favorable Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Tuesday, February 6, 2018, 2:00—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 1200</b> Young (Similar CS/H 535)	Statewide Alternative Transportation Authority; Adding an alternative transportation authority as part of the operations of the Department of Transportation; requiring the responsibility for expending certain funds to be delegated by the department secretary to the executive director of the authority, subject to certain requirements; beginning in a specified timeframe, revising annual allocations in the State Transportation Trust Fund for the Transportation Regional Incentive Program; repealing provisions relating to fund participation and the Florida Rail Enterprise, etc.  TR 02/06/2018 Favorable ATD AP	Favorable Yeas 6 Nays 1
5	<b>SB 1414</b> Rouson (Similar H 297, Compare CS/H 671)	Specialty License Plates; Directing the Department of Highway Safety and Motor Vehicles to develop certain specialty license plates; establishing annual use fees for the plates; providing for distribution and use of fees collected from the sale of the plates, etc.  TR 02/06/2018 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0
6	<b>SB 1608</b> Grimsley	Agritourism Signage; Requiring the Department of Transportation to create and administer a program to install directional signs to assist visitors in locating certain agritourism facilities; requiring the department to adopt rules and coordinate with the Department of Agriculture and Consumer Services in administering the program, etc.  TR 02/06/2018 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0
7	<b>SB 1632</b> Mayfield (Similar H 963)	Towing and Immobilization Fees and Charges; Expanding the application of certain provisions related to ordinances and rules imposing price controls to include the towing or immobilization of vessels; prohibiting counties and municipalities from imposing charges, costs, expenses, fines, fees, or penalties on registered owners, other legally authorized persons in control, or lienholders of vehicles or vessels under certain conditions, etc.  CA 01/23/2018 Favorable TR 02/06/2018 Favorable RC	Favorable Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Tuesday, February 6, 2018, 2:00—3:30 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	<b>SB 1066</b> Baxley	Transportation Facility Designations/Nelle W. Needham Memorial Highway; Providing an honorary designation of a certain transportation facility in a specified county, etc.  TR 02/06/2018 Favorable ATD AP	Favorable Yeas 6 Nays 0

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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.)

Prepared By: The Professional Staff of the Committee on Transportation

**BILL:** CS/SB 182

**INTRODUCER:** Transportation Committee and Senator Rodriguez

**SUBJECT:** Small Business Roadway Construction Mitigation Grant Program

**DATE:** February 8, 2018      **REVISED:** \_\_\_\_\_

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

**I. Summary:**

CS/SB 182 directs the Florida Department of Transportation (FDOT) to create a Small Business Roadway Construction Mitigation Grant Program, subject to Legislative appropriation. The program is to provide grants to qualified businesses negatively impacted by state road construction projects to help maintain the business during construction. A “qualified business” is defined as one that is engaged in a for-profit business enterprise, employs up to 40 full-time or part-time employees, and is located in a “construction mitigation zone,” designated by the FDOT.

A grant may not exceed the decline in revenue demonstrated by the business or \$15,000 per calendar year, whichever is less. A qualified business may apply for a grant only for a construction project lasting 90 days or more, and the application must demonstrate a significant decline in revenue. Upon request and at no cost to the applicant, the Department of Economic Opportunity (DEO) is directed to assist in preparing documentation to demonstrate the business’s revenue decline. The bill provides certain grant eligibility criteria, and the FDOT is required to prioritize the awarding of each grant on a case-by-case basis using the criteria. Any grant received must offset any damages awarded in a civil action against the FDOT relating to the road construction project.

The FDOT must initiate rulemaking to implement the bill’s provisions by August 31, 2018. By January 31, 2019, the FDOT must submit a report to the legislature detailing best practices and methods to reduce the negative impacts of road construction projects on qualified businesses, including recommendations.

The bill has an indeterminate fiscal impact, as it is dependent on the availability of funds and on the number of qualifying businesses. The FDOT will incur indeterminate expenses associated with administration of the grant program, the required rulemaking, and with preparing the required best practices and methods report. The DEO may incur indeterminate expenses associated with assisting qualified businesses in preparing documents demonstrating a decline in

revenue. Qualified business owners may receive a grant of up to \$15,000, offset by any costs incurred for completing grant applications. See the “Fiscal Impact Statement” heading below.

## II. Present Situation:

Current law authorizes the payment of full compensation to private property owners for the taking of their property by an entity with the power of eminent domain.<sup>1</sup> In some cases, a business may qualify for business damages if the business meets the following conditions:

- The business must hold a property interest in the portion of the property being acquired by FDOT.
- The acquisition must be a partial acquisition of the property on which the business is located; the business will not qualify for damages if FDOT acquires all of the real estate on which the business is located.
- The business must have been in operation on the site for at least five years immediately prior to FDOT’s acquisition.<sup>2</sup>
- The damages claimed must result directly from the loss of property taken.<sup>3</sup>

With respect to business damages, the claim is not for revenue that may have been lost by a business as a result of an FDOT construction project.<sup>4</sup> No current provision of law requires the FDOT to compensate a business for the financial impact of a construction project on business revenue, but according to FDOT, owners of such businesses may bring a civil action in state court.<sup>5</sup>

The FDOT advises that it employs “an extensive public involvement process that is integral to all project evaluation and development” and typically scales its public involvement efforts to the magnitude or complexity of the project, including potential issues or challenges. The results of this process are used to help shape how the FDOT develops projects and determines necessary and appropriate mitigation of potential negative impacts.<sup>6</sup> Additionally, during a construction project, the FDOT works with business and property owners to minimize disruption. This includes project updates, addressing specific concerns, notifying business and property owners of certain activities, and working during nighttime hours. The FDOT also works to provide business access at all times by using pedestrian barricades and installing signage at business entrances.<sup>7</sup>

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<sup>1</sup> U.S.C.A. Const. Amend V.; Fla. Const., Article X., S. 6(a); and Section 73.071, F.S.

<sup>2</sup> On or after July 1, 2005. Before that date, an established business of more than four years’ standing. Section 73.071(3)(b), F.S.

<sup>3</sup> Section 73.071(3)(b), F.S.

<sup>4</sup> “The damages must result from the acquisition of the property and not from the proposed construction or from activities associated with construction of the project.” The FDOT’s *Right of Way Manual, Section 7.9, Business Damages*, at 7.9.3, available at: <http://www.fdot.gov/rightofway/documents/ROWmanual/ch07s09.pdf>. (Last visited February 1, 2018.)

<sup>5</sup> See the FDOT’s SB 182 Bill Analysis, p. 2, available at:

<http://abar.laspbs.state.fl.us/ABAR/Document.aspx?id=20891&yr=2018>. (Last visited February 1, 2018.) Further, according to the FDOT, in the absence of an actual taking, “businesses may not claim damages due to construction activities or performance of construction where construct is lawful and performed without negligence or misconduct. See the FDOT’s email dated January 31, 2018. (On file in the Senate Transportation Committee.)

<sup>6</sup> *Id.*

<sup>7</sup> See FDOT’s *FY 2017-18 Design Standards, General Information For Traffic Control Through Work Zones*, Index #600, available at: <http://www.fdot.gov/roadway/DS/18/IDx/00600.pdf>. (Last visited February 1, 2018.)

### III. Effect of Proposed Changes:

The bill creates s. 339.28154, F.S., expressing the Legislative finding that it is in the best interest of the state to support small businesses that are negatively impacted by state road construction projects and to mitigate those impacts. Further, while the benefit of road construction and development by the state ultimately helps small business growth, small businesses may experience short-term decreased revenue that may decrease economic activity, state revenue, and employment.

The bill directs the FDOT, subject to Legislative appropriation, to create a Small Business Roadway Construction Mitigation Grant Program to provide support for qualified businesses impacted by state road construction projects.

The bill provides the following definitions:

- “Construction mitigation zone” means a geographic area with a high concentration of qualified businesses, which is designated by the FDOT as being impacted by an FDOT construction project.
- “Qualified business” means an entity that:
  - Is engaged in a for-profit business enterprise;
  - Employs up to 40 full-time or part-time employees; and
  - Is located in a construction mitigation zone.

The bill directs the FDOT to disburse grants to qualified businesses for the purpose of maintaining the businesses during a road construction project. A grant to each qualified business may not exceed the lesser of the decline in revenue demonstrated by the business or \$15,000 per calendar year. A qualified business may apply for a grant only for a construction project lasting 90 days or more. The bill requires a qualified business to demonstrate in its application a significant decline in revenue, including timelines connecting the project to such decline in revenue, in a format and manner prescribed by the FDOT.

The bill directs the DEO, upon request and at no cost to the applicant, to assist an applicant in preparing documentation to demonstrate the business’s revenue decline.

The FDOT is required to prioritize the awarding of each grant on a case-by-case basis using all of the following criteria:

- Rate of decline in revenue.
- Construction duration.
- Proximity to construction.
- Severity of traffic disruption.
- Lack of access to parking.
- Lack of access for pedestrian traffic.
- Any other criteria the FDOT determines to be relevant.

Any grant received must offset any damages awarded in a civil action against the FDOT relating to the road construction project.

By January 31, 2019, the bill directs the FDOT to submit a report to the President of the Senate and Speaker of the House of Representatives, including a list of recommendations, detailing best practices and methods to reduce the negative impacts of road construction projects on qualified businesses.

Lastly, the bill directs the FDOT to initiate rulemaking to implement the new section of law by August 31, 2018.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Qualified businesses that apply for a grant will incur expenses associated with demonstrating a significant decline in revenue in a format and manner prescribed by the FDOT, and in preparing applications for grants. These expenses may be offset to the degree that DEO provides assistance to the applicant. Such businesses may see a positive fiscal impact of up to \$15,000 each per calendar year, in the form of a grant. However, the potential number of qualifying businesses is unknown.

C. Government Sector Impact:

The FDOT will incur indeterminate expenses associated with administration of the grant program, the required rulemaking, and with preparing the required best practices and methods report.

The DEO may incur indeterminate expenses associated with assisting qualified businesses in preparing documents demonstrating a decline in revenue.

Grant program funding is subject to Legislative appropriation and the Senate's current General Appropriations bill (SB 2500) does not specifically appropriate funds for



implementation of the grant program.<sup>8</sup> The fiscal impact will be dependent on the availability of funding resources, the number of businesses requesting a grant and the amount of assistance that is awarded.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates the following section of the Florida Statutes: 339.28154.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

**CS by Transportation on February 5, 2018:**

The committee substitute:

- Makes the FDOT’s implementation of the grant program subject to Legislative appropriation, rather than requiring the FDOT to disburse grants “using funds allocated to the FDOT by the Legislature;”
- Removes reference to a decline in “profits,” in favor of reference to a decline in “revenue.”
- Requires the FDOT to “prioritize the awarding of each grant” on a case-by-case basis, based on the specified eligibility criteria, rather than requiring the FDOT to “determine the eligibility of a qualified business” on a case-by-case basis, based on the criteria.
- Adds rate of decline in revenue to the eligibility criteria.
- Adds the requirement that any grant must offset any damages awarded in a civil action against the FDOT relating to the road construction project.
- Requires the DEO to assist an applicant in preparing documentation to demonstrate declines in revenue.

**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>8</sup> According to the FDOT, no existing appropriation relates to this activity. See the FDOT’s SB 182 Bill Analysis, p. 4, available at: <http://abar.laspbs.state.fl.us/ABAR/Document.aspx?id=20891&yr=2018>. (Last visited February 8, 2018.)



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LEGISLATIVE ACTION

Senate	.	House
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02/06/2018	.	
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The Committee on Transportation (Rodriguez) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 339.28154, Florida Statutes, is created  
to read:

339.28154 Small Business Road Construction Mitigation Grant  
Program.—

(1) The Legislature finds that it is in the best interest  
of the state to support small businesses that are negatively



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11 impacted by state road construction projects and to mitigate the  
12 negative impacts on such businesses. While the benefit of road  
13 construction and development by the state ultimately helps small  
14 business growth, small businesses may experience, in the short  
15 term, decreased revenue that may decrease economic activity,  
16 state revenue, and employment.

17 (2) The department shall, subject to legislative  
18 appropriation, create a Small Business Road Construction  
19 Mitigation Grant Program to provide support for qualified  
20 businesses that are impacted by state road construction  
21 projects.

22 (3) As used in this section, the term:

23 (a) "Construction mitigation zone" means a geographic area  
24 with a high concentration of qualified businesses which is  
25 designated by the department as being impacted by a road  
26 construction project of the department.

27 (b) "Qualified business" means an entity that:

- 28 1. Is engaged in a for-profit business enterprise;  
29 2. Employs up to 40 full-time or part-time employees; and  
30 3. Is located in a construction mitigation zone.

31 (4) (a) The department shall disburse grants to qualified  
32 businesses for the purpose of maintaining the businesses during  
33 a road construction project.

34 (b) The grant to each qualified business may not exceed the  
35 decline in revenue demonstrated by the business or \$15,000 per  
36 calendar year, whichever is less.

37 (c) A qualified business may apply to the department for a  
38 grant only for a construction project lasting 90 days or more.  
39 To be eligible for a grant, the qualified business must



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40 demonstrate in its application a significant decline in revenue,  
41 including timelines connecting the project to such decline in  
42 revenue, in a format and manner prescribed by the department.  
43 The Department of Economic Opportunity shall, upon request and  
44 at no cost to the applicant, assist an applicant in preparing  
45 documentation to demonstrate such decline.

46 (5) The department shall prioritize the awarding of each  
47 grant on a case-by-case basis using all of the following  
48 criteria:

49 (a) Rate of decline in revenue.

50 (b) Duration of construction.

51 (c) Proximity to construction.

52 (d) Severity of traffic disruption.

53 (e) Lack of access to parking.

54 (f) Lack of access for pedestrian traffic.

55 (g) Any other criteria the department determines to be  
56 relevant.

57 (6) Any grant received shall offset any damages awarded in  
58 a civil action against the department relating to the road  
59 construction project.

60 (7) On or before January 31, 2019, the department shall  
61 submit a report to the President of the Senate and the Speaker  
62 of the House of Representatives detailing best practices and  
63 methods to reduce the negative impacts of road construction  
64 projects on qualified businesses, including a list of  
65 recommendations.

66 (8) By August 31, 2018, the department shall initiate  
67 rulemaking to implement this section.

68 Section 2. This act shall take effect July 1, 2018.



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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to the Small Business Road  
Construction Mitigation Grant Program; creating s.  
339.28154, F.S.; providing legislative findings;  
requiring the Department of Transportation to create a  
Small Business Road Construction Mitigation Grant  
Program; defining the terms "construction mitigation  
zone" and "qualified business"; requiring the  
department to disburse grants to qualified businesses  
for the purpose of maintaining the businesses during a  
road construction project; limiting the amount of each  
grant; providing application and eligibility  
requirements; requiring the Department of Economic  
Opportunity to provide assistance under certain  
circumstances; providing for prioritization of awards;  
providing that any grant awarded offsets any civil  
damages against the Department of Transportation;  
requiring the Department of Transportation to submit a  
certain report to the Legislature and initiate  
rulemaking by specified dates; providing an effective  
date.

By Senator Rodriguez

37-00293A-18

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1 A bill to be entitled  
 2 An act relating to the Small Business Roadway  
 3 Construction Mitigation Grant Program; creating s.  
 4 339.28154, F.S.; providing legislative findings;  
 5 requiring the Department of Transportation to create a  
 6 Small Business Roadway Construction Mitigation Grant  
 7 Program; defining the terms "construction mitigation  
 8 zone" and "qualified business"; requiring the program  
 9 to disburse grants using funds allocated to the  
 10 department by the Legislature to certain qualified  
 11 businesses for the purpose of maintaining the  
 12 businesses during a construction project of the  
 13 department; providing restrictions on the amount of  
 14 each grant; providing application requirements;  
 15 providing eligibility criteria; requiring the  
 16 department to make a report and to submit the report  
 17 to the Legislature by a specified date; requiring the  
 18 department to initiate rulemaking by a specified date;  
 19 providing an effective date.

20  
 21 Be It Enacted by the Legislature of the State of Florida:

22  
 23 Section 1. Section 339.28154, Florida Statutes, is created  
 24 to read:

25 339.28154 Small Business Roadway Construction Mitigation  
 26 Grant Program.-

27 (1) The Legislature finds that it is in the best interest  
 28 of the state to support small businesses that are negatively  
 29 impacted by state construction projects and to mitigate the

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

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30 negative impacts on such businesses. While the benefit of  
 31 construction and development by the state ultimately helps small  
 32 business growth, small businesses may experience in the short-  
 33 term decreased revenue that may decrease economic activity,  
 34 state revenue, and employment.

35 (2) The department shall create a Small Business Roadway  
 36 Construction Mitigation Grant Program to provide support for  
 37 small businesses that are impacted by state construction  
 38 projects.

39 (3) As used in this section, the term:

40 (a) "Construction mitigation zone" means a geographic area  
 41 with a high concentration of qualified businesses which is  
 42 designated by the department as being impacted by a construction  
 43 project of the department.

44 (b) "Qualified business" means an entity that:

- 45 1. Is engaged in a for-profit business enterprise;
- 46 2. Employs up to 40 full-time or part-time employees; and
- 47 3. Is located in a construction mitigation zone.

48 (4) (a) The Small Business Roadway Construction Mitigation  
 49 Grant Program shall disburse grants using funds allocated to the  
 50 department by the Legislature to any qualified business located  
 51 in a construction mitigation zone which is affected by a  
 52 construction project of the department for the purpose of  
 53 maintaining the business during the construction.

54 (b) The grant to each qualified business may not exceed the  
 55 decline in profits demonstrated by the business or \$15,000 per  
 56 calendar year, whichever is less.

57 (c) A qualified business may apply for a construction  
 58 mitigation grant only for a construction project lasting 90 days

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59 or more. The qualified business must demonstrate in its  
60 application a significant decline in revenue, including  
61 timelines connecting the loss of revenue to the project, in a  
62 format and manner prescribed by the department.

63 (5) The department shall determine the eligibility of a  
64 qualified business for a construction mitigation grant on a  
65 case-by-case basis using all of the following criteria:

66 (a) Construction duration.

67 (b) Proximity to construction.

68 (c) Severity of traffic disruption.

69 (d) Lack of access to parking.

70 (e) Lack of access for pedestrian traffic.

71 (f) Any other criteria that the department determines to be  
72 relevant.

73 (6) The department shall make a report detailing best  
74 practices and methods to reduce the negative impacts of  
75 construction projects on qualified businesses in construction  
76 mitigation zones. By January 31, 2019, the department shall  
77 submit the report, including a list of recommendations, to the  
78 President of the Senate and the Speaker of the House of  
79 Representatives.

80 (7) By August 31, 2018, the department shall initiate  
81 rulemaking to implement this section.

82 Section 2. This act shall take effect July 1, 2018.

**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 1050

INTRODUCER: Senators Bracy and Stewart

SUBJECT: Specialty License Plates/Orlando City Soccer Club

DATE: February 2, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	<b>Favorable</b>
2.			ATD	
3.			AP	

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**I. Summary:**

SB 1050 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop an Orlando City Soccer Club specialty license plate, establishes a \$25 annual use fee for the plate, and provides the distribution and use of fees collected from the sale of the plate.

The DHSMV estimates programming and implementation of the bill will cost \$7,680. The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental costs.

The bill takes effect October 1, 2018.

**II. Present Situation:**

**Specialty License Plates**

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

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Jan. 31, 2018).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.



In order to establish a specialty license plate, s. 320.08053, F.S., requires the plate must first be adopted into statute. Upon becoming law:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the approved specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin.

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

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

#### ***DHSMV Costs Defrayed***

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

#### ***Discontinuance of Specialty Plates***

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

#### ***Florida Professional Sports Team Specialty License Plates***

Section 320.08058(9), F.S., directs the DHSMV to develop Florida Professional Sports Team specialty license plates for the Major League Baseball, National Basketball Association, National Football League, Arena Football League, National Hockey, and Major League Soccer teams

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<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

<sup>7</sup> Section 320.08056(7), F.S.

<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

domiciled in this state.<sup>10</sup> Fifty-five percent of the annual use fee proceeds from these plates is distributed to the Professional Sports Development Trust Fund within the Department of Economic Opportunity to attract and support major sports events in the state. The remaining proceeds are allocated to Enterprise Florida, Inc., to:

- Promote the economic development of the sports industry;
- Distribute licensing and royalty fees to participating professional sports teams;
- Promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards;
- Recognize schools whose students demonstrate excellent physical fitness or fitness improvement;
- Institute a grant program for communities bidding on minor sporting events that create an economic impact for the state;
- Distribute funds to Florida-based charities designated by Enterprise Florida and participating professional sports teams; and
- Fulfill the sports promotion responsibilities of the Department of Economic Opportunity.

### **Orlando City Soccer Club**

The Orlando City Soccer Club is a professional Major League Soccer team based in Orlando, Florida. The team was formed in 2010, and competes as a member of Major League Soccer's Eastern Conference. The Orlando City Soccer Club became the league's twenty-first franchise on November 19, 2013.<sup>11</sup>

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

The bill directs the DHSMV to develop an Orlando City Soccer Club specialty license plate, with an annual use fee of \$25. Proceeds from the sale of the plate will be distributed in the same manner as all Florida Professional Sports Team specialty license plates annual use fees, as provided in s. 320.08058(9), F.S.

The plate must bear the colors and design approved by the DHSMV and must include the official league logo, team logo, or both, and the word "Florida" at the top of the plate.

The bill takes effect October 1, 2018.

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

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

None.

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<sup>10</sup> However, a plate created or established after January 1, 1997, must comply with the statutory requirements for creation of specialty license plates and be authorized by the Legislature. Current Florida professional sports specialty license plates include the: Florida Panthers, Jacksonville Jaguars, Miami Dolphins, Miami Heat, Miami Marlins, Orlando Magic, Tampa Bay Buccaneers, Tampa Bay Rays, and Tampa Bay Lightning.

<sup>11</sup> See Orlando City Soccer Club website, <http://www.orlandocitysc.com/> (last visited Jan. 31, 2018).

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

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

The bill may have a positive fiscal impact on organizations that receive a portion of the proceeds from the sale of the specialty license plate.

**C. Government Sector Impact:**

The DHSMV estimates programming and implementation of the plate will cost \$7,680.<sup>12</sup> The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.<sup>13</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

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

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<sup>12</sup> DHSMV, *2018 Agency Legislative Bill Analysis: SB 1050* (Jan. 12, 2018) (on file with the Senate Committee on Transportation).

<sup>13</sup> Section 320.08056(7), F.S.

**IX. Additional Information:**

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

None.

- B. **Amendments:**

None.

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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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By Senator Bracy

11-01644-18

20181050\_\_

1                           A bill to be entitled  
2       An act relating to specialty license plates; amending  
3       ss. 320.08056 and 320.08058, F.S.; directing the  
4       Department of Highway Safety and Motor Vehicles to  
5       develop an Orlando City Soccer Club license plate;  
6       establishing an annual use fee for the plate;  
7       providing for distribution and use of fees collected  
8       from the sale of the plates; providing an effective  
9       date.  
10  
11   Be It Enacted by the Legislature of the State of Florida:  
12  
13       Section 1. Paragraph (ffff) is added to subsection (4) of  
14       section 320.08056, Florida Statutes, to read:  
15       320.08056 Specialty license plates.—  
16       (4) The following license plate annual use fees shall be  
17       collected for the appropriate specialty license plates:  
18       (ffff) Orlando City Soccer Club license plate, \$25.  
19       Section 2. Subsection (84) is added to section 320.08058,  
20       Florida Statutes, to read:  
21       320.08058 Specialty license plates.—  
22       (84) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—  
23       (a) The department shall develop an Orlando City Soccer  
24       Club license plate as provided in paragraph (9) (a).  
25       (b) The annual use fees from the sale of the plate shall be  
26       distributed and used as provided in paragraph (9) (b).  
27       Section 3. This act shall take effect October 1, 2018.

**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 1154

INTRODUCER: Senator Perry

SUBJECT: License Plate Decals for Organ Donors

DATE: February 2, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	<b>Favorable</b>
2.			ATD	
3.			AP	

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**I. Summary:**

SB 1154 requires the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a red heart decal, upon request, to the owner or lessee of a motor vehicle who is registered as an organ, tissue, or eye donor. The decal shall be issued free of charge, and it may be affixed to the upper left-hand corner of the owner's or lessee's motor vehicle license plate.

DHSMV will incur costs associated with the creation and distribution of the heart decal, and for programming and implementation of the bill. *See* V. Fiscal Impact Statement.

The bill takes effect July 1, 2018.

**II. Present Situation:**

**Organ Donation in Florida**

In 2008, the 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 registration and enhanced donor education. The donor registry is designated as the Joshua Abbott Organ and Tissue Registry.<sup>1</sup> The Agency for Healthcare Administration (AHCA) and DHSMV contracted with Donate Life Florida to run the donor registry and maintain donor records.<sup>2</sup> The registry collects personal information from each donor including, but not limited to, his or her name, address, date and place of birth, race, and driver's license or identification card number.<sup>3</sup>

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<sup>1</sup> Chapter 2008-223, L.O.F.

<sup>2</sup> Donate Life Florida, *About Donate Life Florida*, available at <https://www.donatelifeflorida.org/content/about/> (last visited Feb. 2, 2018). Section 765.5155, F.S.

<sup>3</sup> Donate Life Florida, *Sign Me Up Today*, available at <https://www.donatelifeflorida.org/register/> (last visited Feb. 2, 2018).

As of February 2016, over 9.9 million Floridians have registered in the donor registry.<sup>4</sup> Information held in the donor registry which identifies a donor is confidential and exempt from the state's public records laws.<sup>5</sup> Donor information may be disclosed to:

- Procurement organizations certified by the AHCA; and
- Persons engaged in bona fide research if the person agrees to certain criteria.<sup>6</sup>

Pursuant to s. 765.521, F.S., a person is asked if he or she would like to register as an organ donor while obtaining, renewing, or replacing his or her driver license or identification card. A person who signs up to be an organ donor during this process has a red heart printed on his or her driver license or identification card to symbolize that he or she is an organ donor. As of November 19, 2017, there were 8,173,634 Florida driver licenses and identification cards with the organ donor designation.<sup>7</sup>

### **License Plate Decals**

Section 320.061, F.S., prohibits a person from altering the original appearance of a license plate or validation sticker, as well as prohibits a person from applying or attaching anything onto or around a license plate which interferes with the legibility, angular visibility, or detectability of any feature or detail on the license plate. Currently, validation stickers are the only decal authorized to be placed on a license plate and must be affixed to the upper right corner of the license plate.<sup>8</sup> DHSMV is required to provide tax collectors and license plate agents with the necessary number of validation stickers.<sup>9</sup>

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

The bill creates s. 320.0849, F.S., requiring the DHSMV to issue a red heart decal, upon request, to the owner or lessee of a motor vehicle who is registered as an organ, tissue, or eye donor. The decal shall be issued free of charge, and it may be affixed to the upper left-hand corner of the owner's or lessee's motor vehicle license plate.

The demand for the decals is unknown. The DHSMV will acquire the decals and distribute them to over 350 tax collector offices and license plate agents throughout the state. Additionally, changes made by the bill may require marketing and communication with the public by the DHSMV with assistance from Donate Life Florida.<sup>10</sup>

The bill takes effect July 1, 2018.

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<sup>4</sup> Donate Life Florida, Total Registrants as of February 2018, available at <https://www.donateliflorida.org/> (last visited Feb. 1, 2018).

<sup>5</sup> Section 119.07(1), F.S., and FLA. CONST. art. I, s. 24(a).

<sup>6</sup> Section 765.51551, F.S. The person must submit a research plan to the AHCA detailing the exact nature of the information requested and intended use, maintain the confidentiality of the information, destroy any confidential records or information obtained after the research is concluded, and not directly or indirectly contact any donor or donee.

<sup>7</sup> DHSMV, *2018 Agency Legislative Bill Analysis HB 685/SB 1154* (Jan. 31, 2018) (on file with the Senate Committee on Transportation).

<sup>8</sup> Section 320.06(1)(b)1., F.S.

<sup>9</sup> Section 320.06(2), F.S.

<sup>10</sup> DHSMV Analysis, *supra* note 7 at p. 6.

**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 does not appear to have a fiscal impact on the private sector, but may increase public awareness of organ donation.

## C. Government Sector Impact:

The bill will have an indeterminate, but likely significant negative fiscal impact to the DHSMV. Currently, the DHSMV pays \$.0575 for each validation sticker purchased. It is unknown if the heart decal will have a similar cost. If all individuals who are registered as an organ donor through the DHSMV requested one decal, at a cost to the DHSMV of \$.0575, the decals would cost the DHSMV \$469,984.<sup>11</sup> It is unlikely that every organ donor registered with the DHSMV owns or leases a vehicle and would request the heart decal, however, registered donors who request the decal may own or lease multiple vehicles or request a new decal upon acquiring a new license plate or to replace a damaged or stolen decal.

In addition to inventory costs, the DHSMV estimates the bill will cost \$25,305 for programming and implementation.<sup>12</sup>

**VI. Technical Deficiencies:**

None.

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<sup>11</sup> DHSMV Analysis, *supra* note 7 at p. 2.

<sup>12</sup> DHSMV Analysis, *supra* note 7 at p. 4.



**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 320.0849 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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By Senator Perry

8-01541-18

20181154\_\_

A bill to be entitled

An act relating to license plate decals for organ donors; creating s. 320.0849, F.S.; authorizing a certain owner or lessee of a motor vehicle to request issuance of a license plate decal identifying him or her as an organ, tissue, or eye donor; requiring the Department of Highway Safety and Motor Vehicles to issue the decal free of charge; providing an effective date.

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

Section 1. Section 320.0849, Florida Statutes, is created to read:

320.0849 Free motor vehicle license plate decals to organ donors.—An owner or lessee of a motor vehicle who is registered as an organ, tissue, or eye donor may request issuance of a decal to be affixed to the upper left-hand corner of the owner's or lessee's motor vehicle license plate identifying the owner or lessee as an organ, tissue, or eye donor. Upon receipt of such request, the department shall issue a red heart decal to the owner or lessee free of charge.

Section 2. This act shall take effect July 1, 2018.

# APPEARANCE RECORD

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

2/6/18

Meeting Date

SB 1154

Bill Number (if applicable)

Topic License Plate Decal

Amendment Barcode (if applicable)

Name Kathleen Gierzy

Job Title Member, Donate Life Florida

Address 720 SW 2nd Ave.

Phone 352 733 0350

Street

Gainesville FL 32601

Email gierzyk@lifequest.uf.edu

City

State

Zip

Speaking:  For  Against  Information

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

Representing Donate Life Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

**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 1200

INTRODUCER: Senator Young and others

SUBJECT: Statewide Alternative Transportation Authority

DATE: February 7, 2018

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

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

**I. Summary:**

The bill creates the Statewide Alternative Transportation Authority (Authority). The bill makes the Authority a part of the organization of the Florida Department of Transportation (FDOT) and grants it sole responsibility for the design and construction of alternative transportation systems. The Authority is a single budget entity that submits its budget along with the FDOT's budget.

The bill defines "alternative transportation system" to mean a system of infrastructure, appurtenances, and technology designed to move the greatest number of people in the least amount of time. The term includes, but is not limited to, autonomous vehicles and transportation network companies. The term does not include other traditional uses of a roadway system for conveyance.

The bill sets out the Authority's powers, which are in addition and supplemental to the FDOT's existing powers. The Authority is expressly charged with evaluating, financing, and overseeing proposals for alternative transportation systems in this state; expending funds to publicize and promote alternative transportation systems and to contract with entities to accomplish these purposes; and soliciting proposals from counties for funding the design and construction of alternative transportation systems and contracting with entities to expend funds to accomplish this purpose.

Beginning in the 2021-2022 fiscal year, the bill reallocates \$60 million in documentary stamp tax proceeds currently allocated to the Florida Rail Enterprise (FRE). Of the \$60 million, \$25 million is allocated to the Tampa Bay Area Regional Transit Authority (TBARTA) and \$25 million is allocated to Miami-Dade County. The remaining \$10 million will be available to all other counties competing for funding for alternative transportation system projects. The bill requires a 50/50 match with local or private funds. Projects with existing funding commitments as of July 1, 2018, are not eligible.

To the extent that alternative transportation systems are funded, the traveling public may benefit from increased mobility. The bill will have a negative impact on FRE funding and may

negatively impact FRE projects planned in outer years of the FDOT's work program. The FDOT will also incur indeterminate expenses associated with creation and administration of the Authority. Counties may be impacted to the extent that required matching funds are provided for alternative transportation system projects. See the "Fiscal Impact Statement" heading below for details.

## II. Present Situation:

### *FDOT Organization and the Florida Rail Enterprise*

The FDOT, created in s. 20.23, F.S., as a decentralized agency and headed by the FDOT secretary, is organized into seven geographic districts headed by district secretaries, as well as a turnpike enterprise and a rail enterprise, each of which are headed by an executive director. The FRE executive director reports directly to the FDOT secretary.<sup>1</sup>

As delegated by the FDOT's secretary, the FRE executive director is responsible for developing and operating the high-speed and passenger rail systems established in Ch. 341, F.S.; directing funding for passenger rail systems under s. 341.303, F.S.; and coordinating publicly funded passenger rail operations, including freight rail interoperability issues. The FRE operates pursuant to the Florida Rail Enterprise Act.<sup>2</sup>

Except as provided in the Consultants' Competitive Negotiation Act,<sup>3</sup> the FRE is exempt from the FDOT's policies, procedures, and standards, subject to the FDOT secretary's authority to apply any such policies, procedures, and standards to the FRE as the secretary deems appropriate.<sup>4</sup>

The FRE, a single budget entity, submits its budget to the Legislature along with the FDOT's budget. All passenger rail funding is included in the FRE's budget.<sup>5</sup> Notwithstanding certain provisions of law relating to undisbursed appropriations balances,<sup>6</sup> and in accordance with s. 216.351, F.S.,<sup>7</sup> the Executive Office of the Governor (EOG) on July 1 of each year is required to certify forward all unexpended funds appropriated or provided pursuant to s. 341.303, F.S. (discussed below under the heading "*Rail Funding*"). Of the unexpended funds certified forward, any unencumbered amounts are carried forward, but the carried-forward funds may not exceed

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<sup>1</sup> Section 20.23(4)(a), F.S.

<sup>2</sup> Section 20.23(4)(f)1., F.S. The Florida Rail Enterprise Act is located in ss. 341.8201-341.842, F.S.

<sup>3</sup> The act relates to agency acquisition of professional architectural, engineering, landscape architectural, or survey and mapping services.

<sup>4</sup> Section 20.23(4)(f)2., F.S. Florida's Turnpike Enterprise (FTE) is likewise exempt, subject to the FDOT secretary's same authority, under s. 20.23(4)(e)2., F.S.

<sup>5</sup> Section 341.303(6)(a), F.S.

<sup>6</sup> See s. 216.301, F.S., which generally provides that the balance of any operations appropriation not identified in the state's financial system as an incurred obligation effective June 30th each year reverts to the fund from which it was appropriated and is available for re-appropriation by the Legislature. Funds for an identified incurred obligation are "carried forward" in the amount of the identified obligations. Generally, fixed capital outlay appropriation balances which are not disbursed but are expended, contracted, or committed to be expended prior to February 1 of the second fiscal year of the appropriation are "certified forward" by the head of the state agency or the judicial branch. Similarly, any balance not certified reverts to the fund from which it was appropriated and is available for re-appropriation.

<sup>7</sup> That section provides that subsequent inconsistent laws supersede Ch. 216, F.S., only to the extent that they do so by express reference to that section.

five percent of the original approved FRE operating budget.<sup>8</sup> Funds carried forward may be used for any lawful purpose, including, but not limited to, promotional and market activities, technology, and training. Any certified forward funds that are undisbursed on September 30 of each year are carried forward.<sup>9</sup>

### *Documentary Stamp Tax*

Chapter 201, F.S., provides for the levy of a documentary stamp tax on certain documents, such as deeds; bonds; notes and written obligations to pay money; and mortgages, liens, and other evidence of indebtedness. After required distributions to the Land Acquisition Trust Fund<sup>10</sup> and deducting the General Revenue service charge,<sup>11</sup> the lesser of 24.18442 percent of the remainder of the tax proceeds or \$541.75 million in each fiscal year is deposited in the State Transportation Trust Fund (STTF). From that amount, \$75 million must be deposited into the General Revenue Fund. The remaining amount credited to the STTF must be used for:

- Capital funding for the New Starts Transit Program (New Starts)<sup>12</sup> in the amount of ten percent;
- The Small County Outreach Program (SCOP)<sup>13</sup> in the amount of ten percent;
- The Strategic Intermodal System<sup>14</sup> in the amount of 75 percent after deducting the payments for New Starts and SCOP; and
- The Transportation Regional Incentive Program (TRIP)<sup>15</sup> in the amount of 25 percent after deducting the payments for New Starts and SCOP.

The distributed funds may not be pledged for debt service unless such pledge is approved by referendum of the voters.<sup>16</sup>

Currently, the first \$60 million of the funds allocated to the TRIP are redirected annually to the FRE for the purposes established in s. 341.303(5), F.S., (which is discussed under the next heading).

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<sup>8</sup> Per s. 216.181, F.S., the General Appropriations Act and any other acts containing appropriations are considered the original approved operating budgets for operational and fixed capital expenditures. The original approved operating budgets may be amended in accordance with provisions contained in that section of law.

<sup>9</sup> Section 341.303(6)(b), F.S. Similar provisions apply to the FTE under s. 338.2216(3), F.S.

<sup>10</sup> Section 201.15(1) and (2), F.S.

<sup>11</sup> Section 215.20, F.S.

<sup>12</sup> See 49 U.S.C. s. 5309 and s. 341.051, F.S. Generally, the federal law authorizes grants to states and local governmental authorities to assist in financing rail transit and bus rapid transit systems.

<sup>13</sup> Section 339.2818, F.S.

<sup>14</sup> Sections 339.61-339.64, F.S.

<sup>15</sup> Section 339.2819, F.S.

<sup>16</sup> Section 201.15(4), F.S. That subsection makes a number of other distributions after those described herein.

### ***Rail Funding***

Section 341.303(5), F.S., authorizes the FDOT, through the FRE, to use funds allocated to the FRE from documentary stamp taxes to fund:

- Up to 50 percent of the nonfederal share of the costs of any eligible<sup>17</sup> passenger rail capital improvement project.
- Up to 100 percent of planning and development costs related to the provision of a passenger rail system.
- The high-speed rail system.
- Projects necessary to identify or address anticipated impact of increased freight rail traffic resulting from the implementation of passenger rail systems.

In addition to documentary stamp tax revenues, the FRE is appropriated additional funds from the State Transportation Trust Fund (STTF). For the 2017-2018 fiscal year, the FRE was authorized one position and a total budget of approximately \$237.4 million. Of that amount, \$74.4 million was for public transit development grants, \$159.6 million for rail development grants, and \$2.8 million for intermodal development grants.<sup>18</sup> Examples of major passenger rail projects that have received funding by the FRE include the Central Florida Commuter Rail System (SunRail)<sup>19</sup> and the South Florida Regional Transportation Authority (TriRail)<sup>20</sup>.

### ***Tampa Bay Area Regional Transit Authority***

Part V of Ch. 343, F.S., creates the Tampa Bay Area Regional Transit Authority (TBARTA). TBARTA covers Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties and any other contiguous county that is party to an agreement of participation.<sup>21</sup> TBARTA's express purposes are to:

- Plan, implement, and operate mobility improvements and expansions of multimodal transportation options for passengers and freight throughout the designated region;
- Produce a regional transit development plan, integrating the transit development plans of participant counties, to include a prioritization of regionally significant transit projects and facilities; and
- Serve, with the consent of the Governor or designee, as the recipient of federal funds supporting an intercountry project or an intracounty capital project that represents a phase of an intercountry project that exists in a single county within the designated region.<sup>22</sup>

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<sup>17</sup> Any project necessary to carry out the FDOT's duties and responsibilities provided in s. 341.302, F.S., that is consistent with the approved local government comprehensive plan of the unit of government of the areas served by the rail service, and that is contained in the adopted work program, is eligible for funding in accordance with the identified participation rates, per s. 341.303(2), F.S.

<sup>18</sup> Specific Appropriations 1883-1891, 2017 General Appropriations Act, Ch. 2017-70, p. 274, available at: <http://laws.flrules.org/2017/70>. (Last visited January 23, 2018.)

<sup>19</sup> For additional information, see the SunRail website available at: <http://sunrail.com/>. (Last visited February 1, 2018.)

<sup>20</sup> For additional information, see the TriRail website available at: <http://www.tri-rail.com/>, and the South Florida Regional Transportation Authority website available at: <http://www.sftra.fl.gov/>. (Last visited February 1, 2018.)

<sup>21</sup> Section 343.91(1)(a), F.S.

<sup>22</sup> 343.922(1), F.S. For information on TBARTA projects and other activities, see the TBARTA website available at: <http://www.tbarta.com/en/projects> and <http://www.tbarta.com/en/planning/projects-page/mpo-regional-coordination>. (Last visited January 30, 2018.)

### III. Effect of Proposed Changes:

#### *FDOT Organization and the Florida Rail Enterprise*

Section 1 of the bill amends s. 20.23, F.S., relating to the FDOT, organizing the alternative transportation authority into the FDOT's operations. The bill provides that the FDOT is organized into seven districts, a turnpike enterprise, a rail enterprise, *and* an alternative transportation authority. Like the FRE and the FTE, the bill requires the alternative transportation authority to be headed by an executive director, who must also be a registered professional engineer or, alternatively, may hold an advanced degree in an appropriate related discipline.

The bill requires the FDOT secretary to delegate to the executive director of the alternative transportation authority the responsibility for expending funds for the design and construction of alternative transportation systems. The bill requires location of the headquarters of the alternative transportation authority in Leon County.

As is the case for the FRE and the FTE, the bill exempts the alternative transportation authority from the FDOT's policies, procedures, and standards, subject to the FDOT secretary's authority to apply any such policies, procedures, and standards to the alternative transportation authority, as the secretary deems appropriate.

#### *Documentary Stamp Tax*

Section 2 amends s. 201.15(4), F.S., relating to distribution of collected documentary stamp taxes. Beginning in the 2021-2022 fiscal year, the bill revises the allocation of the first \$60 million of the funds currently allocated to the FRE through the TRIP. The bill re-allocates that first \$60 million annually for alternative transportation systems (as defined in a new s. 341.86, F.S., discussed below) as follows:

- \$25 million on a matching basis to TBARTA for the design and construction of an alternative transportation system. One dollar in local or private matching funds is required for each dollar distributed, and federal funds may not be substituted for the local or private matching funds.
- \$35 million to the Authority for the purposes established in new s. 341.86, F.S. (which directs that \$25 million be used in Miami-Dade County with the remaining \$10 million available for any other counties; discussed further below under the heading "*Statewide Alternative Transportation Authority*").

The existing prohibition against pledging the distributed funds for debt service unless such pledge is approved by referendum of the voters is unchanged.

#### *Rail Funding*

Section 3 of the bill repeals subsection (5) of s. 341.303, F.S., which sets out the approved participation levels of funding the FDOT is currently authorized to provide, through the FRE, for the identified rail projects. The repeal eliminates funding to the FRE from documentary stamp taxes.



### *Statewide Alternative Transportation Authority*

Section 4 creates s. 341.36, F.S. The new section of law creates the Statewide Alternative Transportation Authority within the FDOT and defines the term "alternative transportation system" to mean a system of infrastructure, appurtenances, and technology designed to move the greatest number of people in the least amount of time. The term includes, but is not limited to, autonomous vehicles, as defined in s. 316.003, F.S.,<sup>23</sup> and transportation network companies, as defined in s. 627.748, F.S.<sup>24</sup> The term does not include other traditional uses of a roadway system for conveyance.

The Authority may exercise all powers granted to it under the bill, in addition to the powers granted to the FDOT. The Authority's powers are in addition and supplemental to the FDOT's existing powers, and the Authority's powers include, but are not limited to:

- Evaluating, financing, and overseeing proposals for alternative transportation systems in this state;
- Expending funds to publicize and promote alternative transportation systems and to contract with entities to accomplish these purposes; and
- Soliciting proposals in accordance with Ch. 287, F.S.,<sup>25</sup> for the design and construction of alternative transportation systems and contracting with entities to expend funds to accomplish this purpose.

The bill provides that the Authority shall be a single budget entity. All alternative transportation funding must be included in the Authority's budget, which is to be submitted with the FDOT's budget.

As with the FRE and the FTE, notwithstanding the carry-forward and certify-forward provisions of s. 216.301, F.S., and in accordance with s. 216.351, F.S., relating to subsequent inconsistent laws, the EOG is required on July 1 of each year to certify forward all unexpended funds appropriated or provided for the Authority. Of the unexpended funds certified forward, any unencumbered amounts must be carried forward, but the carried-forward amount may not exceed five percent of the original approved operating budget of the Authority. Funds carried forward may be used for the purposes specified in the new section of law. Any certified-forward funds remaining undisbursed on September 30 of each year must be carried forward.

The FDOT, through the Authority, is required to use funds provided from documentary stamp tax revenues in a county to fund the design and construction of an alternative transportation system for passengers, based on a county proposal that the Authority approves as being consistent with the requirements of the new section of law.

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<sup>23</sup> Currently, "autonomous vehicle" means "any vehicle equipped with autonomous technology. "Autonomous technology" is currently defined to mean technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control of monitoring by a human operator," with certain exclusions.

<sup>24</sup> "Transportation network company" or "TNC" means an entity operating in this state using a digital network to connect a rider to a TNC driver, who provides prearranged rides.

<sup>25</sup> Chapter 287, F.S., sets forth requirements and procedures to be used by state agencies in managing and procuring commodities and contractual services.

Of the \$35 million in documentary stamp tax revenue allocated to the Authority, the Authority must use \$25 million for an alternative transportation system in a county as defined in s. 125.011(1); that is, in Miami-Dade County.<sup>26</sup> The Authority must use the remainder, \$10 million, for an alternative transportation system in any other county or counties in the state.

A county proposing use of alternative transportation system funds must submit a request to the Authority. The request must include a detailed project and financial plan, and must specify the project's duration and the total amount of funding sought by state fiscal year. One dollar in local or private matching funds is required for each dollar distributed, and federal funds may not be substituted for the local or private matching funds. Additionally, funds distributed under the new section of law may not be used to subsidize projects with existing funding commitments as of July 1, 2018.

### ***Conforming Revision***

Section 6 of the bill amends s. 343.58, relating to county funding for the South Florida Regional Transportation Authority (SFRTA). Currently, funding for the SFRTA may not be provided from documentary stamp tax proceeds allocated to the TRIP (which includes the first \$60 million now redirected to the FRE).

Section 343.58, F.S., is amended to conform to changes made in the act by prohibiting the SFRTA from receiving documentary stamp tax revenues re-allocated to the Authority by the bill.

Section 6 provides the bill takes effect July 1, 2018.

## **IV. Constitutional Issues:**

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

None.

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

None.

### **C. Trust Funds Restrictions:**

None.

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<sup>26</sup> Section 125.011(1), F.S. defines a county as: “[A]ny county operating under a home rule charter adopted pursuant to Art. VIII, ss. 10, 11, and 24 of the State Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the State Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred.” Of the local governments authorized to operate under a home rule charter by the State Constitutions of 1885 and 1968, only Miami-Dade County operates under a home-rule charter, which was adopted on May 21, 1957, under the constitutional provision. A copy of the charter, as amended, is available at: <http://www.miamidade.gov/charter/>. (Last visited January 30, 2018.)

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

None.

**B. Private Sector Impact:**

The traveling public in Miami-Dade County and in the counties covered by TBARTA, as well as in any other county in which an alternative transportation system project is constructed, may benefit from increased mobility.

**C. Government Sector Impact:**

The bill redirects the first \$60 million in documentary stamp tax revenues, currently allocated to the FRE through the TRIP, to counties for alternative transportation systems for passengers, beginning in the 2021-2022 fiscal year.

Beginning in 2021, the FRE portion of the FDOT's work program will see a negative impact resulting from the \$60 million redirection to alternative transportation systems. As a result, FRE projects planned for the future may be either delayed or canceled. Additionally, the FDOT will incur indeterminate expenses associated with creation of the Authority; executive director compensation; staffing the Authority; preparing budgets; soliciting, evaluating, and selecting project proposals for funding; entering into authorized contracts, and other such related expenses.

Under the bill, Miami-Dade County and TBARTA will each receive \$25 million per year for alternative transportation systems projects. The remaining \$10 million will be available to all other counties competing for funding for alternative transportation system projects.

To the extent that counties wish to engage in alternative transportation system projects, the bill requires local or private matching funds to be provided. To the extent that a county provides matching funds, the local resources used as a match would not be available for other purposes in that county.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 20.23, 201.15, 341.303, and 343.58.

This bill creates the following sections of the Florida Statutes: 341.86.

This bill repeals the following sections of the Florida Statutes: 341.303(5).

**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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By Senator Young

18-00720E-18

20181200\_\_

1 A bill to be entitled  
 2 An act relating to the Statewide Alternative  
 3 Transportation Authority; amending s. 20.23, F.S.;  
 4 adding an alternative transportation authority as part  
 5 of the operations of the Department of Transportation;  
 6 requiring the authority to be headed by an executive  
 7 director; requiring the headquarters of the authority  
 8 to be located in Leon County; requiring the  
 9 responsibility for expending certain funds to be  
 10 delegated by the department secretary to the executive  
 11 director of the authority, subject to certain  
 12 requirements; requiring the authority to operate  
 13 pursuant to specified provisions; exempting the  
 14 authority from certain departmental policies,  
 15 procedures, and standards, subject to the secretary  
 16 having the authority to apply any such policies,  
 17 procedures, and standards to the authority; amending  
 18 s. 201.15, F.S.; beginning in a specified timeframe,  
 19 revising annual allocations in the State  
 20 Transportation Trust Fund for the Transportation  
 21 Regional Incentive Program; specifying annual  
 22 allocations to the Tampa Bay Area Regional Transit  
 23 Authority and the Statewide Alternative Transportation  
 24 Authority for certain purposes; specifying  
 25 requirements for matching funds for the Tampa Bay Area  
 26 Regional Transit Authority; repealing s. 341.303(5),  
 27 F.S., relating to fund participation and the Florida  
 28 Rail Enterprise; deleting a provision authorizing the  
 29 department, through the Florida Rail Enterprise, to

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

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30 use specified funds for certain purposes; creating s.  
 31 341.86, F.S.; creating within the department the  
 32 Statewide Alternative Transportation Authority;  
 33 defining the term "alternative transportation system";  
 34 specifying powers of the authority; requiring the  
 35 authority to be a single budget entity and to develop  
 36 a budget pursuant to specified provisions; requiring  
 37 the authority's budget to be submitted to the  
 38 Legislature with the department's budget; requiring  
 39 all alternative transportation system funding by the  
 40 department to be included in a certain budget entity;  
 41 requiring the Executive Office of the Governor, on a  
 42 specified date of each year, to certify forward  
 43 certain unexpended funds for the authority, subject to  
 44 certain requirements; requiring the department,  
 45 through the authority, to use specified funds in a  
 46 county to fund the design and construction of an  
 47 alternative transportation system for passengers based  
 48 on a certain proposal by the county; specifying  
 49 requirements for the use of the funds; requiring a  
 50 county proposing the use of funds for an alternative  
 51 transportation system to submit a request to the  
 52 authority, subject to certain requirements; requiring  
 53 local matching funds for certain distributions,  
 54 subject to certain requirements; prohibiting certain  
 55 funds distributed from being used to subsidize certain  
 56 existing projects; amending s. 343.58, F.S.;  
 57 conforming provisions to changes made by the act;  
 58 providing an effective date.

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

60 Section 1. Paragraph (a) of subsection (4) of section  
61 20.23, Florida Statutes, is amended, and paragraph (g) is added  
62 to that subsection, to read:

63 20.23 Department of Transportation.—There is created a  
64 Department of Transportation which shall be a decentralized  
65 agency.

66 (4) (a) The operations of the department shall be organized  
67 into seven districts, each headed by a district secretary, and a  
68 turnpike enterprise, ~~and~~ a rail enterprise, and an alternative  
69 transportation authority, each enterprise and the authority  
70 headed by an executive director. The district secretaries and  
71 the executive directors shall be registered professional  
72 engineers in accordance with ~~the provisions of~~ chapter 471 or  
73 the laws of another state, or, in lieu of professional engineer  
74 registration, a district secretary or executive director may  
75 hold an advanced degree in an appropriate related discipline,  
76 such as a Master of Business Administration. The headquarters of  
77 the districts shall be located in Polk, Columbia, Washington,  
78 Broward, Volusia, Miami-Dade, and Hillsborough Counties. The  
79 headquarters of the turnpike enterprise shall be located in  
80 Orange County. The headquarters of the rail enterprise and the  
81 alternative transportation authority shall be located in Leon  
82 County. In order to provide for efficient operations and to  
83 expedite the decisionmaking process, the department shall  
84 provide for maximum decentralization to the districts.

85 (g)1. The responsibility for expending funds for the design  
86

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88 and construction of alternative transportation systems shall be  
89 delegated by the secretary to the executive director of the  
90 alternative transportation authority, who shall serve at the  
91 pleasure of the secretary. The executive director shall report  
92 directly to the secretary, and the authority shall operate  
93 pursuant to s. 341.86.

94 2. To facilitate the most efficient administration of funds  
95 for alternative transportation systems, the authority, except as  
96 provided in s. 287.055, is exempt from departmental policies,  
97 procedures, and standards, subject to the secretary having the  
98 authority to apply any such policies, procedures, and standards  
99 to the authority from time to time as deemed appropriate.

100 Section 2. Paragraph (a) of subsection (4) of section  
101 201.15, Florida Statutes, is amended, and paragraph (b) of that  
102 subsection is republished, to read:

103 201.15 Distribution of taxes collected.—All taxes collected  
104 under this chapter are hereby pledged and shall be first made  
105 available to make payments when due on bonds issued pursuant to  
106 s. 215.618 or s. 215.619, or any other bonds authorized to be  
107 issued on a parity basis with such bonds. Such pledge and  
108 availability for the payment of these bonds shall have priority  
109 over any requirement for the payment of service charges or costs  
110 of collection and enforcement under this section. All taxes  
111 collected under this chapter, except taxes distributed to the  
112 Land Acquisition Trust Fund pursuant to subsections (1) and (2),  
113 are subject to the service charge imposed in s. 215.20(1).  
114 Before distribution pursuant to this section, the Department of  
115 Revenue shall deduct amounts necessary to pay the costs of the  
116 collection and enforcement of the tax levied by this chapter.

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117 The costs and service charge may not be levied against any  
 118 portion of taxes pledged to debt service on bonds to the extent  
 119 that the costs and service charge are required to pay any  
 120 amounts relating to the bonds. All of the costs of the  
 121 collection and enforcement of the tax levied by this chapter and  
 122 the service charge shall be available and transferred to the  
 123 extent necessary to pay debt service and any other amounts  
 124 payable with respect to bonds authorized before January 1, 2017,  
 125 secured by revenues distributed pursuant to this section. All  
 126 taxes remaining after deduction of costs shall be distributed as  
 127 follows:

128 (4) After the required distributions to the Land  
 129 Acquisition Trust Fund pursuant to subsections (1) and (2) and  
 130 deduction of the service charge imposed pursuant to s.  
 131 215.20(1), the remainder shall be distributed as follows:

132 (a) The lesser of 24.18442 percent of the remainder or  
 133 \$541.75 million in each fiscal year shall be paid into the State  
 134 Treasury to the credit of the State Transportation Trust Fund.  
 135 Of such funds, \$75 million for each fiscal year shall be  
 136 transferred to the General Revenue Fund. Notwithstanding any  
 137 other law, the remaining amount credited to the State  
 138 Transportation Trust Fund shall be used for:

139 1. Capital funding for the New Starts Transit Program,  
 140 authorized by Title 49, U.S.C. s. 5309 and specified in s.  
 141 341.051, in the amount of 10 percent of the funds;

142 2. The Small County Outreach Program specified in s.  
 143 339.2818, in the amount of 10 percent of the funds;

144 3. The Strategic Intermodal System specified in ss. 339.61,  
 145 339.62, 339.63, and 339.64, in the amount of 75 percent of the

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146 funds after deduction of the payments required pursuant to  
 147 subparagraphs 1. and 2.; and

148 4. The Transportation Regional Incentive Program specified  
 149 in s. 339.2819, in the amount of 25 percent of the funds after  
 150 deduction of the payments required pursuant to subparagraphs 1.  
 151 and 2. Beginning in the 2021-2022 fiscal year, the first \$60  
 152 million of the funds allocated pursuant to this subparagraph  
 153 ~~must shall~~ be allocated annually for alternative transportation  
 154 systems, as defined in s. 341.86, as follows:

155 a. Twenty-five million dollars on a matching basis to the  
 156 Tampa Bay Area Regional Transit Authority for the design and  
 157 construction of an alternative transportation system, as defined  
 158 in s. 341.86. One dollar in local or private matching funds must  
 159 be provided for each dollar distributed under this sub-  
 160 paragraph. Federal funds may not be substituted for the local  
 161 or private matching funds.

162 b. Thirty-five million dollars to the Statewide Alternative  
 163 Transportation Authority ~~to the Florida Rail Enterprise~~ for the  
 164 purposes established in s. 341.86 ~~s. 341.303(5)~~.

165 (b) The lesser of 0.1456 percent of the remainder or \$3.25  
 166 million in each fiscal year shall be paid into the State  
 167 Treasury to the credit of the Grants and Donations Trust Fund in  
 168 the Department of Economic Opportunity to fund technical  
 169 assistance to local governments.

170  
 171 Moneys distributed pursuant to paragraphs (a) and (b) may not be  
 172 pledged for debt service unless such pledge is approved by  
 173 referendum of the voters.

174 Section 3. Subsection (5) of section 341.303, Florida

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175 Statutes, is repealed.

176 Section 4. Section 341.86, Florida Statutes, is created to  
177 read:

178 341.86 Statewide Alternative Transportation Authority.-

179 (1) There is created within the department the Statewide  
180 Alternative Transportation Authority.

181 (2) For purposes of this section, the term "alternative  
182 transportation system" means a system of infrastructure,  
183 appurtenances, and technology designed to move the greatest  
184 number of people in the least amount of time. The term includes,  
185 but is not limited to, autonomous vehicles as defined in s.  
186 316.003 and transportation network companies as defined in s.  
187 627.748. The term does not include other traditional uses of a  
188 roadway system for conveyance.

189 (3) In addition to the powers granted to the department,  
190 the authority may exercise all powers granted to it under this  
191 section. These powers are in addition and supplemental to the  
192 existing powers of the department. Powers of the authority  
193 include, but are not limited to:

194 (a) Evaluating, financing, and overseeing proposals for  
195 alternative transportation systems in this state.

196 (b) Expending funds to publicize and promote alternative  
197 transportation systems and to contract with entities to  
198 accomplish these purposes.

199 (c) Soliciting proposals in accordance with chapter 287 for  
200 the design and construction of alternative transportation  
201 systems and contracting with entities to expend funds to  
202 accomplish this purpose.

203 (4) (a) The authority shall be a single budget entity and

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204 shall develop a budget pursuant to chapter 216. The authority's  
205 budget shall be submitted to the Legislature with the  
206 department's budget. All alternative transportation funding by  
207 the department must be included in this budget entity.

208 (b) Notwithstanding the provisions of s. 216.301 to the  
209 contrary and in accordance with s. 216.351, the Executive Office  
210 of the Governor shall, on July 1 of each year, certify forward  
211 all unexpended funds appropriated or provided for the authority.  
212 Of the unexpended funds certified forward, any unencumbered  
213 amounts shall be carried forward. Such funds carried forward may  
214 not exceed 5 percent of the original approved operating budget  
215 of the authority pursuant to s. 216.181(1). Funds carried  
216 forward pursuant to this paragraph may be used for the purposes  
217 specified in this section. Any certified-forward funds remaining  
218 undisbursed on September 30 of each year shall be carried  
219 forward.

220 (5) The department, through the authority, shall use funds  
221 provided pursuant to s. 201.15(4)(a)4.b. in a county to fund the  
222 design and construction of an alternative transportation system  
223 for passengers based on a county proposal that the authority  
224 approves as being consistent with the requirements of this  
225 section.

226 (6) Of the \$35 million allocated under s. 201.15(4)(a)4.b.,  
227 the authority must use \$25 million for an alternative  
228 transportation system in a county as defined in s. 125.011(1).  
229 The authority must use the remainder for such a system in any  
230 other county or counties in the state.

231 (7) A county proposing the use of funds for an alternative  
232 transportation system must submit a request to the authority



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233 which must include a detailed project and financial plan. The  
234 funding request must specify the duration of the project and the  
235 total amount sought by state fiscal year.

236 (8) One dollar in local or private matching funds must be  
237 provided for each dollar distributed under this section. Federal  
238 funds may not be substituted for the local or private matching  
239 funds.

240 (9) Funds distributed under this section may not be used to  
241 subsidize projects with existing funding commitments as of July  
242 1, 2018.

243 Section 5. Paragraph (b) of subsection (4) of section  
244 343.58, Florida Statutes, is amended to read:

245 343.58 County funding for the South Florida Regional  
246 Transportation Authority.-

247 (4) Notwithstanding any other provision of law to the  
248 contrary and effective July 1, 2010, until as provided in  
249 paragraph (d), the department shall transfer annually from the  
250 State Transportation Trust Fund to the South Florida Regional  
251 Transportation Authority the amounts specified in subparagraph  
252 (a)1. or subparagraph (a)2.

253 (b) Funding required by this subsection may not be provided  
254 from the funds dedicated to the Statewide Alternative  
255 Transportation Authority Florida Rail Enterprise pursuant to s.  
256 201.15(4)(a)4.b. s. 201.15(4)(a)4.

257 Section 6. This act shall take effect July 1, 2018.

THE FLORIDA SENATE

APPEARANCE RECORD

2-6-18

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

1200

Meeting Date

Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Jess McCarty

Job Title Assistant County Attorney

Address 111 NW 1st Street, Suite 2810

Phone 305-979-7110

Street

Miami

FL

33128

Email jmm2@miamidade.gov

City

State

Zip

Speaking: For Against Information

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

Representing Miami-Dade County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

After Meeting

2-6-18  
Meeting Date

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

SB 1200  
Bill Number (if applicable)

Topic SB 1200

Amendment Barcode (if applicable)

Name Diane Salz

Job Title Lobbyist

Address 2529 Goose Pond Ct.

Phone 850.339.8550

Tallah. FL 32308  
City State Zip

Email disalz@yahoo.com

Speaking:  For  Against  Information

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

Representing Hills. Co. City County Planning Com

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

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BILL: CS/SB 1414

INTRODUCER: Transportation Committee and Senator Rouson

SUBJECT: Specialty License Plates

DATE: February 6, 2018

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

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

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1414 allows dealer and fleet companies to purchase specialty license plates directly from the Department of Highway Safety and Motor Vehicles (DHSMV) to use on dealer and fleet vehicles upon approval by the specialty license plate's sponsoring organization.

The bill also directs the DHSMV to develop a Highwaymen specialty license plate, establishes a \$25 annual use fee for the plate, and provides the distribution and use of fees collected from the sale of the plate.

The DHSMV may incur minimal programming and implementation costs to implement the bill. However, the DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.

The bill takes effect October 1, 2018.

## II. Present Situation:

### Specialty License Plates

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

In order to establish a specialty license plate, s. 320.08053, F.S., requires the plate must first be adopted into statute. Upon becoming law:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the approved specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin.

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

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

### *DHSMV Costs Defrayed*

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

### *Discontinuance of Specialty Plates*

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter

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<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Jan. 31, 2018).

<sup>2</sup> Section 320.08056(2), F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

<sup>7</sup> Section 320.08056(7), F.S.

is mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum plate requirement.<sup>8</sup> In addition, DHSMV is authorized to discontinue any specialty license plate if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.<sup>9</sup>

### ***Specialty License Plates for Motor Vehicle Dealers and Fleets***

A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer license plate is subject to an annual license tax of \$17.<sup>10</sup> Such license plates are imprinted with the word "Dealer" at the bottom of the plate.<sup>11</sup> Dealers may, upon payment of the dealer plate license tax, secure one or more dealer license plates. These plates are valid while the motor vehicles are in the dealer's inventory and for sale, or while being operated in connection with the dealer's business, except when used as a for-hire vehicle.<sup>12</sup>

Fleet license plates are available for companies that own or lease a minimum number of nonapportioned motor vehicles used for business purposes.<sup>13</sup> Such permanent plates are available upon approval by the DHSMV and payment of license taxes prescribed under s. 320.08, F.S. Fleet vehicle license plates have the word "Fleet" imprinted at the bottom of the plate.<sup>14</sup>

Currently, neither dealer license plates, nor fleet license plates are eligible to be specialty license plates.

### **Florida Highwaymen**

The Florida Highwaymen are a group of 26 African-American artists who lived around the Fort Pierce area and who, in the 1950's through the 1980's, created artwork of Florida's undeveloped landscapes, which they sold on the side of roads and door-to-door to businesses throughout Florida.<sup>15</sup> The name the "Florida Highwaymen" was given to the group because of their tactics of traveling along I-95 and A1A to sell their artwork from the trunks of their cars. The group

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<sup>8</sup> Section 320.08056(8)(a), F.S.

<sup>9</sup> Section 320.08056(8)(b), F.S.

<sup>10</sup> Section 320.08(12), F.S.

<sup>11</sup> Section 320.06(3), F.S.

<sup>12</sup> Section 320.13, F.S.

<sup>13</sup> Section 320.0657; DHSMV, Division of Motorist Services, Procedure RS-55, *Fleet Registration Program* (Feb. 8, 2013), available at <http://www3.flhsmv.gov/dmv/Proc/RS/RS-55.pdf> (last visited Jan. 18, 2018), provides that the fleet company must have a minimum of 200 vehicles, or a minimum of 25 trailers or semitrailers used exclusively to haul agricultural products.

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

<sup>15</sup> See Florida Highwaymen, *About the Florida Highwaymen*, [http://www.floridahighwaymenpaintings.com/the\\_highwaymen](http://www.floridahighwaymenpaintings.com/the_highwaymen) (last visited Feb. 1, 2018).

produced an estimated 200,000 paintings, which they sold for as little as \$20 a piece.<sup>16</sup> In 2004, the Florida Highwaymen were inducted into the Florida Artists Hall of Fame.<sup>17</sup>

### **St. Lucie Education Foundation, Inc.**<sup>18</sup>

In 1984, the Florida Legislature authorized school districts to create local education foundations to raise private funds for programs to support students, teachers, and public schools in their district. In 1990, the St. Lucie County Education Foundation was organized as a direct support organization of the St. Lucie County School Board with a mission “to promote, encourage and recognize excellence in public education.” The Foundation is a non-profit organization that advances K-12 public education in St. Lucie County by increasing the capacity and resources of the district in partnership with key stakeholders.

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

**Sections 1-4** of the bill provide that a dealer or fleet company may, with the permission of the sponsoring organization of the specialty license plate, purchase specialty license plates directly through the DHSMV to be used on dealer or fleet vehicles. The dealer or fleet company that orders specialty license plates for its vehicles must pay the annual use fee of the specialty license plate, and any other applicable license taxes or fees. The specialty license plate will include the letters “DLR” for dealer license plates and “FLT” for fleet license plate embossed on the right side of the plate.

**Sections 4 and 5** direct the DHSMV to develop a Highwaymen specialty license plate with a \$25 annual use fee. Proceeds from the sale of the plate will be distributed to the City of Fort Pierce, subject to a city resolution designating the city as the fiscal agent of the plate. The city may use up to 10 percent of proceeds from the sale of the plate for administrative costs and marketing of the plate. The city shall use the remainder of the proceeds as follows:

- Before completion of construction of the Highwaymen Museum and African-American Cultural Center:
  - A minimum of 15 percent is distributed to the St. Lucie Education Foundation, Inc., to fund art education and art projects in St. Lucie County public schools; and
  - The remainder to fund the construction of the Center.
- Upon completion of construction of the Highwaymen Museum and African-American Cultural Center:
  - A minimum of 10 percent is distributed to the St. Lucie Education Foundation, Inc., to fund art education and art projects in St. Lucie County public schools; and
  - The remainder to fund the day-to-day operations of the Center.

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<sup>16</sup> See Florida Department of State – Division of Cultural Affairs, *Alfred Hair and the Florida Highwaymen*, <http://dos.myflorida.com/cultural/programs/florida-artists-hall-of-fame/alfred-hair-and-the-florida-highwaymen/> (last visited Feb. 1, 2018).

<sup>17</sup> See Florida Highwaymen, *The Florida Highwaymen Artists*, [http://www.floridahighwaymenpaintings.com/highwaymen\\_artists](http://www.floridahighwaymenpaintings.com/highwaymen_artists) (last visited Feb. 1, 2018).

<sup>18</sup> See St. Lucie Education Foundation, *About Us*, <https://www.educationfoundationstlucie.org/p/3/about-us#.WnOUBkkUmUI> (last visited Feb. 1, 2018).

The plate must bear the colors and design approved by the DHSMV, and include the word “Florida” at the top of the plate and the word “Highwaymen” at the bottom of the plate.

**Section 6** provides that the bill takes effect October 1, 2018.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals, as well as dealer and fleet companies, who choose to purchase a specialty license plate will pay an annual use fee in addition to appropriate license taxes and fees.

The bill may have a positive fiscal impact on organizations that receive a portion of the proceeds from the sale of a specialty license plate.

C. Government Sector Impact:

The DHSMV estimates programming and implementation to create the Highwaymen specialty license plate will cost \$7,680.<sup>19</sup> The DHSMV may incur minimal programming and implementation costs to allow dealers and fleet companies to purchase specialty license plates for dealer and fleet vehicles. However, the DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.<sup>20</sup>

**VI. Technical Deficiencies:**

None.

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<sup>19</sup> DHSMV, *2018 Agency Legislative Bill Analyses - HB 671* (Jan. 12, 2018) (on file with the Senate Committee on Transportation).

<sup>20</sup> Section 320.08056(7), F.S.



**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 320.06, 320.0657, 320.08, 320.08056 and 320.08058.

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

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

**CS by Transportation on February 6, 2018:**

The CS removes provisions from the bill directing the DHSMV to create the following fraternity and sorority specialty license plates:

- Omega Psi Phi Fraternity specialty license plate;
- Delta Sigma Theta Sorority specialty license plate;
- Sigma Gamma Rho Sorority specialty license plate;
- Kappa Alpha Psi Fraternity specialty license plate;
- Alpha Kappa Alpha Sorority specialty license plate;
- Alpha Phi Alpha Fraternity specialty license plate;
- Zeta Phi Beta Sorority specialty license plate;
- Phi Beta Sigma Fraternity specialty license plate; and
- Iota Phi Theta Fraternity specialty license plate.

The CS also revises the distribution of the Highwaymen specialty license plate, and creates a process to allow dealer and fleet companies to purchase specialty license plates for use on dealer and fleet vehicles.

**B. Amendments:**

None.



489732

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/02/2018	.	
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The Committee on Transportation (Rouson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (ffff) is added to subsection (4) of  
section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

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

(ffff) Highwaymen license plate, \$25.



489732

11 Section 2. Subsection (84) is added to section 320.08058,  
12 Florida Statutes, to read:

13 320.08058 Specialty license plates.—

14 (84) HIGHWAYMEN LICENSE PLATES.—

15 (a) The department shall develop a Highwaymen license plate  
16 as provided in this section and s. 320.08053. The plate must  
17 bear the colors and design approved by the department. The word  
18 “Florida” must appear at the top of the plate, and the word  
19 “Highwaymen” must appear at the bottom of the plate.

20 (b) The department shall retain all annual use fees from  
21 the sale of such plates until the startup costs for developing  
22 and issuing the plates have been recovered. Thereafter, the  
23 annual use fees shall be distributed as follows:

24 1. One hundred percent to the St. Lucie Education  
25 Foundation, Inc., to fund art education and art projects in  
26 public schools within St. Lucie County until completion of  
27 construction of the Highwaymen Museum and African American  
28 Cultural Center.

29 2. Upon completion of construction of the Highwaymen Museum  
30 and African American Cultural Center, 100 percent to the center  
31 to fund the day-to-day operations of the center.

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

33  
34 ===== T I T L E A M E N D M E N T =====

35 And the title is amended as follows:

36 Delete everything before the enacting clause  
37 and insert:

38 A bill to be entitled

39 An act relating to specialty license plates; amending



489732

40           ss. 320.08056 and 320.08058, F.S.; directing the  
41           Department of Highway Safety and Motor Vehicles to  
42           develop a Highwaymen license plate; establishing  
43           annual use fees for the plate; providing for  
44           distribution and use of fees collected from the sale  
45           of the plate; providing an effective date.



369056

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2018	.	
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The Committee on Transportation (Rouson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (ffff) is added to subsection (4) of  
section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

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

(ffff) Highwaymen license plate, \$25.



369056

11 Section 2. Subsection (84) is added to section 320.08058,  
12 Florida Statutes, to read:

13 320.08058 Specialty license plates.—

14 (84) HIGHWAYMEN LICENSE PLATES.—

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

20 (b) The annual use fees shall be distributed as follows:

21 1. Before completion of construction of the Highwaymen  
22 Museum and African-American Cultural Center, up to 10 percent  
23 may be used for administrative and marketing costs of the  
24 license plate. A minimum of 15 percent shall be distributed to  
25 the St. Lucie Education Foundation, Inc., to fund art education  
26 and art projects in public schools within St. Lucie County. The  
27 remainder of the fees shall be used to fund the construction of  
28 the Highwaymen Museum and African-American Cultural Center.

29 2. Upon completion of construction of the Highwaymen  
30 Museum and African-American Cultural Center, up to 10 percent  
31 may be used for administrative and marketing costs of the  
32 license plate. A minimum of 10 percent shall be distributed to  
33 the St. Lucie Education Foundation, Inc., to fund art education  
34 and art projects in public schools within St. Lucie County. The  
35 remainder of the fees shall be used to fund the day-to-day  
36 operations of the Highwaymen Museum and African-American  
37 Cultural Center.

38 Section 3. This act shall take effect October 1, 2018.  
39



369056

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

41 And the title is amended as follows:

42 Delete everything before the enacting clause

43 and insert:

44 A bill to be entitled

45 An act relating to specialty license plates; amending

46 ss. 320.08056 and 320.08058, F.S.; directing the

47 Department of Highway Safety and Motor Vehicles to

48 develop a Highwaymen license plate; establishing an

49 annual use fee for the plate; providing for

50 distribution and use of fees collected from the sale

51 of the plate; providing an effective date.



802486

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2018	.	
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The Committee on Transportation (Rouson) recommended the following:

1           **Senate Amendment to Amendment (369056) (with title**  
2 **amendment)**

3  
4           Delete lines 5 - 7  
5 and insert:

6           Section 1. Paragraph (a) of subsection (3) of section  
7 320.06, Florida Statutes, is amended to read:

8           320.06 Registration certificates, license plates, and  
9 validation stickers generally.—

10           (3) (a) Registration license plates must be made of metal





802486

11 specially treated with a retroreflection material, as specified  
12 by the department. The registration license plate is designed to  
13 increase nighttime visibility and legibility and must be at  
14 least 6 inches wide and not less than 12 inches in length,  
15 unless a plate with reduced dimensions is deemed necessary by  
16 the department to accommodate motorcycles, mopeds, or similar  
17 smaller vehicles. Validation stickers must also be treated with  
18 a retroreflection material, must be of such size as specified by  
19 the department, and must adhere to the license plate. The  
20 registration license plate must be imprinted with a combination  
21 of bold letters and numerals or numerals, not to exceed seven  
22 digits, to identify the registration license plate number. The  
23 license plate must be imprinted with the word "Florida" at the  
24 top and the name of the county in which it is sold, the state  
25 motto, or the words "Sunshine State" at the bottom. Apportioned  
26 license plates must have the word "Apportioned" at the bottom  
27 and license plates issued for vehicles taxed under s.  
28 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have  
29 the word "Restricted" at the bottom. License plates issued for  
30 vehicles taxed under s. 320.08(12) must be imprinted with the  
31 word "Florida" at the top and the word "Dealer" at the bottom  
32 unless the license plate is a specialty license plate as  
33 authorized in s. 320.08056. Manufacturer license plates issued  
34 for vehicles taxed under s. 320.08(12) must be imprinted with  
35 the word "Florida" at the top and the word "Manufacturer" at the  
36 bottom. License plates issued for vehicles taxed under s.  
37 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at  
38 the bottom. Any county may, upon majority vote of the county  
39 commission, elect to have the county name removed from the



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40 license plates sold in that county. The state motto or the words  
41 "Sunshine State" shall be printed in lieu thereof. A license  
42 plate issued for a vehicle taxed under s. 320.08(6) may not be  
43 assigned a registration license number, or be issued with any  
44 other distinctive character or designation, that distinguishes  
45 the motor vehicle as a for-hire motor vehicle.

46 Section 2. Paragraph (b) of subsection (2) of section  
47 320.0657, Florida Statutes, is amended to read:

48 320.0657 Permanent registration; fleet license plates.—

49 (2)

50 (b) The plates, which shall be of a distinctive color,  
51 shall have the word "Fleet" appearing at the bottom and the word  
52 "Florida" appearing at the top unless the license plate is a  
53 specialty license plate as authorized in s. 320.08056. The  
54 plates shall conform in all respects to the provisions of this  
55 chapter, except as specified herein. For additional fees as set  
56 forth in s. 320.08056, fleet companies may purchase specialty  
57 license plates in lieu of the standard fleet license plates.  
58 Fleet companies shall be responsible for all costs associated  
59 with the specialty license plates, including all annual use  
60 fees, processing fees, fees associated with switching license  
61 plate types, and any other applicable fees.

62 Section 3. Subsection (12) of section 320.08, Florida  
63 Statutes, is amended to read:

64 320.08 License taxes.—Except as otherwise provided herein,  
65 there are hereby levied and imposed annual license taxes for the  
66 operation of motor vehicles, mopeds, motorized bicycles as  
67 defined in s. 316.003(3), tri-vehicles as defined in s. 316.003,  
68 and mobile homes as defined in s. 320.01, which shall be paid to



802486

69 and collected by the department or its agent upon the  
70 registration or renewal of registration of the following:

71 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised  
72 motor vehicle dealer, independent motor vehicle dealer, marine  
73 boat trailer dealer, or mobile home dealer and manufacturer  
74 license plate: \$17 flat, of which \$4.50 shall be deposited into  
75 the General Revenue Fund. For additional fees as set forth in s.  
76 320.08056, dealers may purchase specialty license plates in lieu  
77 of the standard graphic dealer license plates. Dealers shall be  
78 responsible for all costs associated with the specialty license  
79 plates, including all annual use fees, processing fees, fees  
80 associated with switching license plate types, and any other  
81 applicable fees.

82 Section 4. Subsection (2) of section 320.08056, Florida  
83 Statutes, is amended, and paragraph (ffff) is added to  
84 subsection (4) of that section, to read:

85 320.08056 Specialty license plates.—

86 (2) (a) The department shall issue a specialty license plate  
87 to the owner or lessee of any motor vehicle, except a vehicle  
88 registered under the International Registration Plan, a  
89 commercial truck required to display two license plates pursuant  
90 to s. 320.0706, or a truck tractor, upon request and payment of  
91 the appropriate license tax and fees.

92 (b) The department may authorize dealer and fleet specialty  
93 license plates. With the permission of the sponsoring specialty  
94 license plate organization, a dealer or fleet company may  
95 purchase specialty license plates to be used on dealer and fleet  
96 vehicles.

97 (c) Notwithstanding s. 320.08058, a dealer or fleet



98 specialty license plate must include the letters "DLR" or "FLT"  
99 on the right side of the license plate. Dealer and fleet  
100 specialty license plates must be ordered directly from the  
101 department.

102  
103 ===== T I T L E A M E N D M E N T =====

104 And the title is amended as follows:

105 Delete lines 45 - 49

106 and insert:

107 An act relating to specialty license plates; amending  
108 s. 320.06, F.S.; providing an exception to the design  
109 requirements of license plates issued for vehicles  
110 taxed under a specified provision; amending s.  
111 320.0657, F.S.; providing an exception to the design  
112 requirements of fleet license plates; authorizing  
113 fleet companies to purchase specialty license plates  
114 in lieu of the standard fleet license plates for  
115 additional fees; providing that fleet companies are  
116 responsible for all costs associated with the  
117 specialty license plate; amending s. 320.08, F.S.;  
118 authorizing dealers to purchase specialty license  
119 plates in lieu of the standard graphic dealer license  
120 plates for additional fees; providing that dealers are  
121 responsible for all costs associated with the  
122 specialty license plate; amending s. 320.08056, F.S.;  
123 authorizing the Department of Highway Safety and Motor  
124 Vehicles to authorize dealer and fleet specialty  
125 license plates; authorizing a dealer or fleet company,  
126 with the permission of the sponsoring specialty



127 license plate organization, to purchase specialty  
128 license plates to be used on dealer and fleet  
129 vehicles; requiring a dealer or fleet specialty  
130 license plate to include the letters "DLR" or "FLT" on  
131 the right side of the license plate; requiring dealer  
132 and fleet specialty license plates to be ordered  
133 directly from the department; establishing an annual  
134 use fee for the Highwaymen license plate; amending s.  
135 320.08058, F.S.; directing the Department of Highway  
136 Safety and Motor Vehicles to develop a Highwaymen  
137 license plate; providing for



975072

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2018	.	
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The Committee on Transportation (Rouson) recommended the following:

**Senate Amendment to Amendment (369056)**

Delete lines 20 - 37  
and insert:

(b) The annual use fees shall be distributed to the City of Fort Pierce, subject to a city resolution designating the city as the fiscal agent of the license plate. The city may use up to 10 percent of the fees for administrative costs and marketing of the plate, and shall use the remainder of the fees as follows:

1. Before completion of construction of the Highwaymen



975072

11 Museum and African-American Cultural Center, the city shall  
12 distribute a minimum of 15 percent to the St. Lucie Education  
13 Foundation, Inc., to fund art education and art projects in  
14 public schools within St. Lucie County. The remainder of the  
15 fees shall be used by the city to fund the construction of the  
16 Highwaymen Museum and African-American Cultural Center.

17 2. Upon completion of construction of the Highwaymen Museum  
18 and African-American Cultural Center, the city shall distribute  
19 a minimum of 10 percent to the St. Lucie Education Foundation,  
20 Inc., to fund art education and art projects in public schools  
21 within St. Lucie County. The remainder of the fees shall be used  
22 by the city to fund the day-to-day operations of the Highwaymen  
23 Museum and African-American Cultural Center.

By Senator Rouson

19-01527B-18

20181414\_\_

A bill to be entitled

An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop certain specialty license plates; establishing annual use fees for the plates; providing for distribution and use of fees collected from the sale of the plates; providing an effective date.

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

Section 1. Paragraphs (ffff) through (oooo) are added to subsection (4) of section 320.08056, Florida Statutes, to read:  
320.08056 Specialty license plates.—

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

(ffff) Highwaymen license plate, \$25.

(gggg) Omega Psi Phi Fraternity license plate, \$25.

(hhhh) Delta Sigma Theta Sorority license plate, \$25.

(iiii) Sigma Gamma Rho Sorority license plate, \$25.

(jjjj) Kappa Alpha Psi Fraternity license plate, \$25.

(kkkk) Alpha Kappa Alpha Sorority license plate, \$25.

(llll) Alpha Phi Alpha Fraternity license plate, \$25.

(mmmm) Zeta Phi Beta Sorority license plate, \$25.

(nnnn) Phi Beta Sigma Fraternity license plate, \$25.

(oooo) Iota Phi Theta Fraternity license plate, \$25.

Section 2. Subsections (84) through (93) are added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

Page 1 of 6

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

19-01527B-18

20181414\_\_

(84) HIGHWAYMEN LICENSE PLATES.—

(a) The department shall develop a Highwaymen license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "Highwaymen" must appear at the bottom of the plate.

(b) The department shall retain all annual use fees from the sale of such plates until the startup costs for developing and issuing the plates have been recovered. Thereafter, the annual use fees shall be distributed as follows:

1. One hundred percent to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County until completion of construction of the Highwaymen Museum and African American Cultural Center.

2. Upon completion of construction of the Highwaymen Museum and African American Cultural Center, 100 percent to the center to fund the day-to-day operations of the center.

(85) OMEGA PSI PHI FRATERNITY LICENSE PLATES.—

(a) The department shall develop an Omega Psi Phi Fraternity license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Omega Psi Phi" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the State of Florida Omega Friendship Foundation, Inc., to be used as follows:

1. Five percent shall be used solely for marketing of the

Page 2 of 6

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



19-01527B-18

20181414\_\_

59 Omega Psi Phi Fraternity license plate.

60 2. Ninety-five percent shall be used for college  
61 scholarships for Florida residents attending historically black  
62 colleges and universities in the state.

63 (86) DELTA SIGMA THETA SORORITY LICENSE PLATES.-

64 (a) The department shall develop a Delta Sigma Theta  
65 Sorority license plate as provided in this section and s.  
66 320.08053. The plate must bear the colors and design approved by  
67 the department. The word "Florida" must appear at the top of the  
68 plate, and the words "Delta Sigma Theta" must appear at the  
69 bottom of the plate.

70 (b) The annual use fees from the sale of the plate shall be  
71 distributed to the Delta Research and Educational Foundation,  
72 Inc., to be used as follows:

73 1. Five percent shall be used solely for marketing of the  
74 Delta Sigma Theta Sorority license plate.

75 2. Ninety-five percent shall be used for college  
76 scholarships for Florida residents attending historically black  
77 colleges and universities in the state.

78 (87) SIGMA GAMMA RHO SORORITY LICENSE PLATES.-

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

85 (b) The annual use fees from the sale of the plate shall be  
86 distributed to the Department of Education to be used for the  
87 Mary McLeod Bethune Scholarship Program in accordance with s.

19-01527B-18

20181414\_\_

88 1009.73.

89 (88) KAPPA ALPHA PSI FRATERNITY LICENSE PLATES.-

90 (a) The department shall develop a Kappa Alpha Psi  
91 Fraternity license plate as provided in this section and s.  
92 320.08053. The plate must bear the colors and design approved by  
93 the department. The word "Florida" must appear at the top of the  
94 plate, and the words "Kappa Alpha Psi" must appear at the bottom  
95 of the plate.

96 (b) The annual use fees from the sale of the plate shall be  
97 distributed to the Southern Province of Kappa Alpha Psi  
98 Foundation, Inc., to be used as follows:

99 1. Five percent shall be used solely for marketing of the  
100 Kappa Alpha Psi Fraternity license plate.

101 2. Ninety-five percent shall be used for college  
102 scholarships for Florida residents attending historically black  
103 colleges and universities in the state.

104 (89) ALPHA KAPPA ALPHA SORORITY LICENSE PLATES.-

105 (a) The department shall develop an Alpha Kappa Alpha  
106 Sorority license plate as provided in this section and s.  
107 320.08053. The plate must bear the colors and design approved by  
108 the department. The word "Florida" must appear at the top of the  
109 plate, and the words "Alpha Kappa Alpha" must appear at the  
110 bottom of the plate.

111 (b) The annual use fees from the sale of the plate shall be  
112 distributed to the Alpha Kappa Alpha Educational Advancement  
113 Foundation, Inc., to be used as follows:

114 1. Five percent shall be used solely for marketing of the  
115 Alpha Kappa Alpha Sorority license plate.

116 2. Ninety-five percent shall be used for college

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117 scholarships for Florida residents attending historically black  
 118 colleges and universities in the state.

119 (90) ALPHA PHI ALPHA FRATERNITY LICENSE PLATES.-  
 120 (a) The department shall develop an Alpha Phi Alpha  
 121 Fraternity license plate as provided in this section and s.  
 122 320.08053. The plate must bear the colors and design approved by  
 123 the department. The word "Florida" must appear at the top of the  
 124 plate, and the words "Alpha Phi Alpha" must appear at the bottom  
 125 of the plate.

126 (b) The annual use fees from the sale of the plate shall be  
 127 distributed to the Department of Education to be used for the JC  
 128 Rawls-FFAC Foundation, Inc.

129 (91) ZETA PHI BETA SORORITY LICENSE PLATES.-  
 130 (a) The department shall develop a Zeta Phi Beta Sorority  
 131 license plate as provided in this section and s. 320.08053. The  
 132 plate must bear the colors and design approved by the  
 133 department. The word "Florida" must appear at the top of the  
 134 plate, and the words "Zeta Phi Beta" must appear at the bottom  
 135 of the plate.

136 (b) The annual use fees from the sale of the plate shall be  
 137 distributed to the Department of Education to be used for the  
 138 Mary McLeod Bethune Scholarship Program in accordance with s.  
 139 1009.73.

140 (92) PHI BETA SIGMA FRATERNITY LICENSE PLATES.-  
 141 (a) The department shall develop a Phi Beta Sigma  
 142 Fraternity license plate as provided in this section and s.  
 143 320.08053. The plate must bear the colors and design approved by  
 144 the department. The word "Florida" must appear at the top of the  
 145 plate, and the words "Phi Beta Sigma" must appear at the bottom

19-01527B-18 20181414\_\_

146 of the plate.

147 (b) The annual use fees from the sale of the plate shall be  
 148 distributed to the Department of Education to be used for the  
 149 Mary McLeod Bethune Scholarship Program in accordance with s.  
 150 1009.73.

151 (93) IOTA PHI THETA FRATERNITY LICENSE PLATES.-  
 152 (a) The department shall develop an Iota Phi Theta  
 153 Fraternity license plate as provided in this section and s.  
 154 320.08053. The plate must bear the colors and design approved by  
 155 the department. The word "Florida" must appear at the top of the  
 156 plate, and the words "Iota Phi Theta" must appear at the bottom  
 157 of the plate.

158 (b) The annual use fees from the sale of the plate shall be  
 159 distributed to the Department of Education to be used for the  
 160 Mary McLeod Bethune Scholarship Program in accordance with s.  
 161 1009.73.

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

**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 1608

INTRODUCER: Transportation Committee and Senator Grimsley

SUBJECT: Agricultural Recovery

DATE: February 7, 2018      REVISED: \_\_\_\_\_

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

**I. Summary:**

CS/SB 1608 addresses a number of provisions related to the agriculture industry. Specifically, the bill

- Provides an additional set of circumstances under which an existing agricultural classification of lands may be extended or continued.
- Adds certain screened enclosed horticultural structures to a list of structures currently deemed to have no separately assessable value for purposes of the income methodology approach to ad valorem assessment of agricultural property.
- Exempts certain materials and labor costs related to agriculture and aquaculture from sales, use, and transaction taxation under Chapter 212, F.S., and provides for retroactive application and a process for claiming a refund.
- Codifies the State Agricultural Response Team within the Department of Agriculture & Consumer Services (DACS) and assigns it certain duties.
- Revises provisions relating to emergency transportation of perishable food, revising applicability of those provisions to crops grown and livestock raised in the state, as well as revising related authority and duties of the Florida Department of Transportation (FDOT) with respect to truck weight restrictions.
- Requires the FDOT to create a program to provide directional signs at certain locations on major public highways for commercial agricultural facilities that promote tourism by providing tours and onsite sales or samples of Florida agricultural products to tourists. The bill also provides eligibility criteria; requires the FDOT to adopt rules; and requires the FDOT to coordinate with the DACS in administering the program.

The bill has an indeterminate fiscal impact on state and local revenues. The private sector may benefit from the bill’s provisions. See the “Fiscal Impact Statement” heading below for details.

## II. Present Situation:

The present situation for each section of the bill is discussed below in conjunction with the Effect of Proposed Changes.

## III. Effect of Proposed Changes:

### Classification and Assessment of Agricultural Lands

#### *Present Situation:*

Under Florida's Greenbelt Law, properties that are bona fide<sup>1</sup> agricultural operations are taxed according to the "use" value of those operations, rather than according to the property's value.<sup>2</sup> Section 193.461(1), F.S., requires the property appraiser of each county to annually classify for assessment purposes all lands within the county as either agricultural or nonagricultural in order to obtain the bona fide status. This is known as the land's "Greenbelt" assessment.

Property appraisers may take a number of factors into consideration in determining whether the use of the land for agricultural purposes is bona fide, such as the length of time the land has been used for its current purpose, whether that use has been continuous, the price paid for the land, the size of the land in relation to its specific agricultural use, the effort made to care sufficiently and adequately for the land, whether the land is leased, and if so, the terms of the lease, and finally, any other factors that may become applicable.<sup>3</sup>

Property appraisers are required to reclassify as nonagricultural land diverted from an agricultural to a nonagricultural use and land no longer being utilized for agricultural purposes.<sup>4</sup>

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<sup>1</sup> The term "bona fide agricultural purposes" means "good faith commercial agricultural use of the land. Section 193.461(3)(b), F.S. "Agricultural purposes" includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, if the land is used principally for the production of tropical fish; aquaculture, including algaculture; sod farming; and all forms of farm products as defined in s. 823.14(3), F.S., and farm production. Section 193.461(5), F.S.

<sup>2</sup> Counties are authorized in Article VII, s. 9 of the Florida Constitution to levy ad valorem taxes, based on the value of the property being assessed, rather than its "use." In arriving at the constitutionally required just valuation for purposes of ad valorem taxation, s. 193.011, F.S., provides factors that property appraisers must take into consideration, including, generally, the present cash value of the property, the highest and best use to which the property can be expected to be put in the immediate future and the present use of the property, the property's location, the quantity or size of the property, its cost and the present replacement value of any improvements; the income from the property; and the net proceeds of the sale of the property after certain deductions. The county property appraiser is responsible for determining the fair market value, the assessed value, and the values of applicable exemptions to arrive at the taxable value of all property within the county; and with collecting the ad valorem taxes. See the *2017 Local Government Financial Information Handbook*, at p. 6, available at: <http://edr.state.fl.us/Content/local-government/reports/lghfih17.pdf>. (Last visited February 7, 2017.)

<sup>3</sup> Section 193.461(3)(b), F.S.

<sup>4</sup> Section 193.461(4), F.S.

Under certain circumstances, however, an existing agricultural classification may be extended or continued, as follows:

- Agricultural lands taken out of production by a state or federal eradication or quarantine program may continue to be so classified for five years after the date of execution of a compliance agreement.<sup>5</sup>
- Agricultural lands that participate in a dispersed water storage program pursuant to a contract with the Department of Environmental Protection or a water management district that requires flooding of the land continue to be classified as agricultural for the duration of the inclusion of the lands in such program.<sup>6</sup>

In assessing bona fide agricultural lands, based solely on its agricultural use, a property appraiser must consider the following use factors only:

- The quantity, size, and condition of the property;
- The present market value of the property as agricultural land;
- The income produced by the property;
- The productivity of the land in its present use;
- The economic merchantability of the agricultural product; and
- Such other agricultural factors that may become applicable, which are reflective of the standard present practices of agricultural use and production.<sup>7</sup>

Currently, for purposes of the income methodology approach to assessment of property used for agricultural purposes, certain structures that are attached physically to the land are considered to be a part of the average yields per acre and have no separately assessable contributory (taxable) value. These structures include:

- Irrigation systems, including pumps and motors;
- Litter containment structures located on producing poultry farms and animal waste nutrient containment structures located on producing dairy farms; and
- Structures or improvements used in horticultural production for frost or freeze protection, which are consistent with the interim measures or best management practices adopted by the DACS.<sup>8</sup>

***Effect of Proposed Changes:***

Section 2 of the bill amends s. 193.461(7), F.S., to provide an additional set of circumstances under which an existing agricultural classification may be extended or continued. The bill provides that agricultural lands incurring damage as a result of a natural disaster for which a state

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<sup>5</sup> Section 193.461(7)(a), F.S. If such lands are converted to fallow or otherwise non-income-producing uses, the lands must be assessed at a de minimis value of up to \$50 per acre, per year during the five-year term, while fallow or used otherwise; if replanted in citrus, the same de minimis assessment of up to \$50 per acre, per year during the five-year agreement term; if converted to other income-producing permissible agricultural uses under the eradication or quarantine program, assessment based on use as provided in s. 193.461, F.S.; and lands under a mandated eradication or quarantine program diverted from an agricultural to a nonagricultural use, assessment under s. 193.011, F.S., which provides factors for deriving just valuation as required under s. 4, Art. VII of the State Constitution.

<sup>6</sup> Section 193.461(7)(b), F.S. These lands are assessed as nonproductive agricultural lands. If diverted from an agricultural to a nonagricultural use, assessment is again under s. 193.011, F.S.

<sup>7</sup> Section 193.461(6)(a), F.S.

<sup>8</sup> Section 193.461(6)(c), F.S.

of emergency is declared,<sup>9</sup> and which results in the halting or reduction of agricultural production, must continue to be so classified for five years following termination of the emergency declaration. However, if such lands are diverted from agricultural use to nonagricultural use during or after the five-year recovery period, such lands must be assessed using the factors for deriving just valuation in s. 193.011, F.S.

This section of the bill also amends s. 193.461(6)(c), F.S., to add additional structures which are deemed to have no separately assessable value for purposes of the income methodology approach to assessment of agricultural property. The bill provides that screened enclosed structures used in horticultural production for protection from pests and diseases or to comply with state or federal eradication or compliance agreements are considered a part of the average yields per acre and have no separately assessable value.

### **Exemption from Taxation**

#### ***Present Situation:***

Chapter 212, F.S., governs taxes on sales, use, and other transactions and provides for imposition of a wide variety of taxes, as well as processes for claiming certain tax credits or refunds.<sup>10</sup> Section 212.08, F.S., provides a long list of exemptions from taxation for the sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of various items, uses, and transactions, in a variety of instances.

Certain building materials are specifically exempt from taxation, under the specified conditions, as provided in s. 212.08, F.S.; e.g., building materials used in rehabilitation of real property located in an enterprise zone<sup>11</sup> or in a rural area of economic opportunity.<sup>12</sup>

#### ***Effect of Proposed Changes:***

Section 3 of the bill amends s. 212.08, F.S., adding new exemptions from the sales, rental, use, consumption, distribution, and storage tax, entitled “Exemptions; Materials and Labor Costs Relating to Agriculture and Aquaculture.” The bill exempts the following from taxation under Chapter 212, F.S., for:

- Building materials used in the construction of a nonresidential farm building;<sup>13</sup>
- Poles, nets, and other materials used for aquaculture leases;

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<sup>9</sup> Section 252.36(2), F.S., provides for declaration of a state of emergency by executive order or proclamation of the Governor, if he or she finds an emergency or the threat of an emergency has occurred or is about to occur. The law provides that the state of emergency “shall continue until the Governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and she or he terminates the state of emergency by executive order or proclamation, but no state of emergency may continue for longer than 60 days unless renewed by the Governor.

<sup>10</sup> These are state-imposed and collected taxes, portions of which are distributed to or shared with eligible county or municipal governments. See the *2017 Local Government Financial Information Handbook*, at pp. 33, 37, 39, 55, and 79, available at: <http://edr.state.fl.us/Content/local-government/reports/lgfih17.pdf>. (Last visited February 7, 2017.)

<sup>11</sup> Section 212.08(5)(g), F.S.

<sup>12</sup> Section 212.08(5)(r), F.S.

<sup>13</sup> Defined in s. 604.50(2)(d), F.S., as “any temporary or permanent building or support structure classified as a nonresidential farm building on a farm [which is exempt from the Florida building code] or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461, F.S., and is not intended to be used as a residential building.” The term includes, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.

- Building materials used in the construction of farm fences on land classified as agricultural; and
- The cost of labor associated with the construction or installation of the specified items.

The bill provides that these exemptions apply retroactively to September 1, 2017. This means that any taxes previously assessed and paid on the identified items on or after that date may be subject to refund.

To claim a refund on taxes paid for the specified materials and labor costs, the bill requires the purchaser of such materials and labor costs to submit a signed certificate stating that the materials and labor are to be used exclusively as required under the new provisions. The submission must also include the name and address of the person claiming the refund, the address and assessment roll parcel number of the property where the improvement is made, and a description of the improvement. Applications for refunds must be submitted to the Department of Revenue (DOR) within six months after the transaction or the effective date of the bill, whichever occurs later.

Additionally, the bill provides that possession by a seller, lessor, or other dealer of a written certification by the purchaser certifying the purchaser's entitlement to the exemption relieves the seller from the responsibility of collecting the tax on the nontaxable amounts. DOR must look solely to the purchaser for recovery of such tax if it determines the purchaser was not entitled to the exemption.

## **State Agricultural Response Team**

### ***Present Situation:***

Section 252.35, F.S., requires the Division of Emergency Management (DEM) to prepare a state comprehensive emergency management plan (CEMP). The DEM must work closely with local governments, agencies, and organizations with emergency management responsibilities in preparing and maintaining the plan. The CEMP, among other functions, expresses that it:

- Is the master operations document in responding to all emergencies, and all catastrophic, major, and minor disasters;
- Defines the responsibilities of all levels of government, private, volunteer and non-governmental organizations that make up the State Emergency Response Team (SERT); and
- Ensures that all levels of government are able to mobilize as a unified emergency organization to safeguard the well-being of Florida's residents and visitors.<sup>14</sup>

The SERT is comprised of agency-appointed emergency coordination officers and staff from state agencies, volunteer, and non-governmental organizations, and is sorted into 18 emergency support functions (ESFs) that carry out coordination and completion of response and recovery activities in the State Emergency Operations Center. The ESFs are grouped by function, rather

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<sup>14</sup> See the current CEMP at p. 5, available at: <https://floridadisaster.org/globalassets/importedpdfs/2016-state-cemp-complete-final-draft.pdf>. (Last visited February 7, 2018.) Section 252.35(2)(a), F.S., requires submission of the CEMP to the Senate President, House Speaker, and Governor on February 1 of every even-numbered year.

than agency, with each DSF headed by a primary state agency and supported by additional agencies. Under the CEMP, the DACS is assigned to ESF 17 for animal and agricultural issues.<sup>15</sup>

To meet its responsibilities as lead to ESF 17, DACS facilitated the development of the State Agricultural Response Team (SART), along with other partners, with the mission to “support an effective and coordinated incident response for the animal and agricultural sectors in the State of Florida.”<sup>16</sup> The SART’s strategic imperatives are to:

- Support an ESF 17 multi-agency coordination group for state-level response activities for animal and agriculture issues.
- Develop and support an ESF 17 Incident Management Team with equipment and training.
- Develop and support ESF 17 response resources such as the Mobile Animal Response Equipment Units, College of Veterinary Medicine Veterinary Emergency Treatment Service, and Florida Veterinary Corps with funding and or training.
- Develop and support county and regional outreach, training and information coordination in order to enhance local and regional ESF 17 response capabilities.<sup>17</sup>

Currently, the SART is not expressly statutorily identified or addressed.

#### ***Effect of Proposed Changes:***

Section 4 of the bill creates s. 252.3569, F.S., requiring the Florida CEMP to allow the DACS, working from DACS offices or in the Emergency Operations Center, to create the SART. If created, the bill provides that the duties and responsibilities of the SART include, but are not limited, to:

- The development, training, and support of county agricultural response teams;
- Asset acquisition; and
- Colocation of a team member at activated local emergency operations centers.

Based on a review of the existing CEMP, SERT, and SART information, section 4 of the bill appears to codify existing practice.

#### **Emergency Transportation/Weight Loads**

##### ***Present Situation:***

Section 316.565, F.S., currently authorizes the Governor to declare an emergency when a breakdown occurs in the normal public transportation facilities necessary in moving *perishable food* crops grown in this state. The FDOT may establish (increase or eliminate) weight loads during such emergency for hauling perishable foods over the highways from the fields or packinghouses to the nearest available public transportation facility as circumstances demand. The FDOT is required to designate special highway routes, *excluding* the interstate highway system, to facilitate the trucking and render any other assistance needed to expedite moving the perishables.

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<sup>15</sup> CEMP at pp. 18-19.

<sup>16</sup> See the *FloridaSART* website available at: <http://flsart.org/about/>. (Last visited February 7, 2018.)

<sup>17</sup> *Id.*



That section of law currently expresses the Legislative intent in Chapter 316, F.S., to supersede any existing laws when necessary to protect and save any perishable food crops grown in the state and to give authority for agencies to provide necessary temporary assistance requested during any such emergency.

***Effect of Proposed Changes:***

Section 5 of the bill amends s. 316.565, F.S., replacing *perishable food crops* with *crops grown and livestock raised in the state*. Thus, the Governor may declare an emergency to exist when a breakdown occurs in the normal public transportation facilities necessary in moving crops grown and livestock raised in the state.

The FDOT, rather than establishing weight loads, may *waive* during a declared emergency any weight load restrictions and permit verifications for hauling from the fields or packinghouses to the nearest public transportation facility. The bill authorizes the FDOT to extend such waivers beyond the end of a declared emergency to provide for protracted harvesting and disaster recovery efforts. (See the “Related Issues” heading below for further information.) The bill also authorizes the FDOT to issue or accept electronic verification of permits during such emergency and protracted periods. The bill eliminates the exclusion of the interstate highway system from the FDOT’s duty to designate special highway routes; thus, the FDOT is charged with designating such routes on all highways including the interstate highway system, to expedite moving agricultural products.

The currently expressed Legislative intent is also revised to supersede any existing laws when necessary to protect and save crops grown and livestock raised in the state, rather than to protect and save any perishable food crops grown in the state.

**Agritourism Signage**

***Present Situation:***

Federal Law: Since the passage of the Highway Beautification Act (HBA) in 1965,<sup>18</sup> the Federal Highway Administration has established controls for outdoor advertising along Federal-Aid Primary, Interstate, and National Highway System (NHS) roads. The HBA allows the location of billboards in commercial and industrial areas, mandates a state compliance program, requires the development of state standards, promotes the expeditious removal of illegal signs, and requires just compensation for takings. The HBA mandates state compliance and the development of standards for certain signs, as well as the removal of nonconforming signs. While the states are not directly forced to control signs, failure to impose the required controls can result in a substantial penalty. The penalty for noncompliance with the HBA is a 10 percent reduction of the state’s annual federal-aid highway apportionment.<sup>19</sup>

Under the provisions of a 1972 agreement<sup>20</sup> between the State of Florida and the United States Department of Transportation incorporating the HBA’s required controls, the Florida

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<sup>18</sup> 23 U.S.C. 131.

<sup>19</sup> 23 U.S.C. 131(b).

<sup>20</sup> A copy of the agreement is available at: <http://www.fdot.gov/rightofway/documents/AGREEMENT.pdf>. (Last visited February 1, 2018.)

Department of Transportation (FDOT) requires commercial signs to meet certain requirements when they are within 660 feet of Interstate and Federal-Aid Primary highways in urban areas or visible at any distance from the same roadways when outside of urban areas. The agreement embodies the federally-required “effective control of the erection and maintenance of outdoor advertising signs, displays, and devices.”

State Law: Florida law currently authorizes a number of outdoor advertising signs, primarily in Chapter 479, F.S.<sup>21</sup> Pursuant to its statutory authority,<sup>22</sup> the FDOT administers a system of guide signs under Chapter 14-51, F.A.C., entitled “Florida’s Highway Guide Sign Program,” which includes guide signs,<sup>23</sup> place name signs,<sup>24</sup> community wayfinding guide signs,<sup>25</sup> and tourist-oriented directional signs.<sup>26</sup> No provision of current law or rule specifically addresses guide signage for commercial agricultural facilities.<sup>27</sup>

### ***Effect of Proposed Changes:***

Section 6 of the bill creates s. 604.71, F.S., relating to the Florida Agritourism Signage Program. The bill directs the FDOT to create and administer a program to provide and install directional signs for commercial agricultural facilities that promote tourism by providing tours and onsite sales or samples of Florida agricultural products to tourists. The signs will be located on major public highways at, or in reasonable proximity to, the nearest interchange or within one mile of roads leading to the agritourism facility. Placement of directional signage must be at intervals in a manner that provides visitors with sufficient information to locate the agricultural facility.

To qualify for participation in the program, an agricultural facility must:

- Be open for business at least four days a week for 10 months of the year;
- Have a working growing or ranching area of at least two acres that can be toured from the facility location specified in the signage;
- Offer tours of the growing and ranching area; and
- Apply to and be approved by the FDOT.

Upon application by a facility, the FDOT must assess:

<sup>21</sup> As examples of signs authorized other than in Chapter 479, F.S., see s. 599.004, F.S., relating to signs on the rights-of-way of the limited access highway system for the Florida Farm Winery Program; s. 565.03, F.S., relating to signage for licensed craft distilleries; and s. 563.13, F.S., relating to Florida brewery directional signs. Chapter 14-51, F.A.C., addresses these signs respectively in Chapter 14-51.020(3)(h), (i), and (j); and in Chapter 14-51.030(3)(j), (k), and (l), F.A.C., available at: <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=14-51>. (Last visited February 1, 2018.)

<sup>22</sup> Section 479.02(7), F.S.

<sup>23</sup> “Guide sign” is defined to mean a sign that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information. Chapter 14-51.011(7), F.A.C.

<sup>24</sup> “Place name sign” is defined to mean a sign identifying the geographic boundary of a municipality or county, lying on or along a road on the state highway system. Chapter 14-51.011(15), F.A.C.

<sup>25</sup> “Community wayfinding guide sign” is defined to mean a directional guide sign that is part of a coordinated and continuous system of signs directing tourists

<sup>26</sup> “Tourist oriented directional signs” or “TODS” means guide sign assemblies with individual panels displaying the identity and directional information for a business, service, or activity facilities. Per s.479.262, F.S., this program is authorized only when approved and permitted by county or local governmental entities within their respective jurisdictional areas.

<sup>27</sup> However, the subject legislation appears to be modeled in a fashion similar, but not identical, to the Florida Farm Winery Program contained in Chapter 599, entitled “Viticulture,” which is the production and utilization of grapes. Section 599.001(1), F.S.

- The facility as to its suitability for the program; and
- The reasonable costs of creating and installing directional signs.

Because the bill’s language only authorizes FDOT to “*assess*” the suitability and costs of the signage, but does not specifically provide for who will pay for reimbursement of these costs, it is unclear whether these costs are to be borne by the applicant or by the FDOT.<sup>28</sup>

The bill directs the FDOT to adopt rules to administer the new section of law, including, but not limited to, an application and approval process for applicants.

Lastly, the FDOT is required to coordinate with the Department of Agriculture and Consumer Services in administering the new section of law.

### **Other Provisions**

Section 1 of the bill cites the act as the “Farmers and Ranchers Matter Act.”

Section 7 directs the Division of Law Revision and Information to replace the phrase “effective date of this act” wherever it occurs in the act with the date the act becomes a law.

Section 8 provides that the bill takes effect July 1, 2018.

## **IV. Constitutional Issues:**

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

Article VII, s. 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds or that limit their ability to raise revenue or receive state tax revenues. Subsection (b) of s. 18, Art. VII, Florida Constitution, provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,<sup>29</sup> which for Fiscal Year 2017-2018, is \$2.1 million or less.<sup>30</sup>

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<sup>28</sup> Section 599.004(2)(c), F.S., specifically requires each certified Florida Farm Winery requesting an authorized sign to be responsible for all costs for placing each sign. The cost for placement is limited to a maximum of \$250, and the annual permit fee is limited to \$50. Section 563.13, F.S., specifically requires a brewery licensed in this state and requesting a directional sign through the FDOT’s permit process to pay all associated costs; and s. 565.03(6), F.S., specifically requires the same for a licensed craft distillery requesting a directional sign.

<sup>29</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf>. (Last visited February 7, 2018.)

<sup>30</sup> Based on the Demographic Estimating Conference’s population adopted on December 5, 2017. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf>. (Last visited February 7, 2018).

The Revenue Estimating Conference estimates that similar, but not identical, language in CS/SB 740 relating to ad valorem assessment of the specified enclosed screened horticultural structures will reduce the authority that counties have to raise revenue from the local ad valorem tax by \$100,000. This provision will likely have an insignificant fiscal impact on local governments.

The bill requires extension or continuation of an agricultural classification of lands for five years under the specified conditions related to the lands incurring damage as a result of a natural disaster during a state of emergency. Counties may collect reduced ad valorem taxes in indeterminate amounts resulting from this change until the lands are diverted from agricultural or nonagricultural use. This provision will likely have an insignificant fiscal impact on local governments.

The bill provides an exemption from the sales, use, and transactions taxes under Chapter 212, F.S., for the specified agriculture and aquaculture related materials and labor costs. The Revenue Estimating Conference has not analyzed the fiscal impact of this portion of the bill. To the extent that taxes were, on or after September 2, 2017, assessed against such materials and labor costs, the payers of such taxes may be entitled to a refund from the DOR. Going forward, such taxes would no longer be collected by the state by virtue of the new exemption. In both cases, the result may be a reduction in the amount of such taxes distributed or shared with eligible county or municipal governments in indeterminate amounts.<sup>31</sup>

The aggregate fiscal impact on local governments resulting from the bill's tax related provisions may be insignificant and may not be a mandate requiring a two-thirds vote of the membership.

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

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

The bill requires the specified screened enclosed horticultural structures to be assessed by the income methodology approach, generally producing a lower ad valorem tax assessment for these structures at the county level.

The bill requires extension or continuation of an agricultural classification of lands for five years under the specified conditions related to the lands incurring damage as a result of a natural disaster during a state of emergency, generally producing a lower ad valorem

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<sup>31</sup> *Supra* note 10.

tax assessment at the county level, until the lands are diverted from agricultural or nonagricultural use.

The bill provides new exemptions from the sales, use, and transactions taxes under Chapter 212, F.S., for the specified agricultural and aquaculture related materials and labor, as well as for refunds of any taxes previously paid on or after September 1, 2017, generally reducing state collection of such taxes, as well as distributions or share amounts to municipalities and counties from such taxes, in indeterminate amounts.

The bill authorizes the FDOT to waive during a declared emergency weight load restrictions for transportation of crops grown and livestock raised, and to extend such waivers beyond the end of such emergency. To the extent of any waiver, overweight permit fees and penalties will be reduced in an indeterminate amount.

**B. Private Sector Impact:**

Owners of the specified screened enclosed horticultural structures may benefit from reduced county ad valorem tax assessments in indeterminate amounts.

Those who are able to extend or continue agricultural classification of their lands damaged by a natural disaster may benefit from reduced county ad valorem tax assessments in indeterminate amounts.

Those who are able to claim the new exemptions from the sales, use, and transactions taxes under Chapter 212, F.S., for the specified agriculture and aquaculture related materials and labor, and for the authorized refunds, will benefit from payment of any refunds and by a reduction in taxes paid, in indeterminate amounts.

To the extent that the FDOT waives any permit fees for transportation of crops grown or livestock raised during or after a declared emergency, those who would otherwise be required to obtain an overweight permit or be subject to overweight penalties will benefit in an indeterminate amount as a result of reduced permit fees and potential penalties, in indeterminate amounts.

Whether the reasonable costs of creating and installing the agritourism signage are to be borne by the applicant or by the FDOT is unclear (see discussion below under the "Related Issues" heading). If the applicant is responsible, the applicant will incur expenses in an amount representing the reasonable costs of creating and installing the directional signs, as determined by the FDOT.

**C. Government Sector Impact:**

The state will collect reduced sales and use taxes under Chapter 212, F.S., in indeterminate amounts resulting from the new exemptions for the specified materials and labor, and for the authorized refunds.

To the extent the FDOT waives any permit fees for transportation of crops grown or livestock raised during or after a declared emergency, the FDOT will collect reduced permit fees in an indeterminate amount.

The FDOT will incur indeterminate administrative expenses associated with the required rulemaking for, and administration of, the agritourism signage program, as well as for coordinating with the DACS in administering the program. Whether the reasonable costs of creating and installing the directional signage are to be borne by the applicant or by the FDOT is unclear (see discussion below under the “Related Issues” heading). If the FDOT is responsible, the FDOT will also incur these costs in an indeterminate amount, depending on the number of applicants and signs installed. The FDOT has indicated it has no concerns regarding federal law.<sup>32</sup>

Counties may collect reduced ad valorem taxes in indeterminate, but likely insignificant, amounts as a result of the requirement to assess the specified screened enclosed horticultural structures based on the income methodology approach.

Counties may also collect reduced ad valorem taxes in indeterminate amounts resulting from the requirement to extend or continue an agricultural classification of lands damaged by a natural disaster for five years under the specified conditions, until the lands are diverted from agricultural or nonagricultural use.

Municipalities and counties may receive reduced distributions or share amounts from the state-imposed and collected sales, use, and transactions taxes resulting from the new exemptions for the specified agriculture and aquaculture related materials and labor, and from the authorized refunds, in indeterminate amounts.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

The bill would allow waiver of weight load restrictions and permit verifications during periods of time when no emergency is declared. According to the FDOT, extension of a waiver of weight load restrictions and permit verifications beyond the end of a declared emergency is “inconsistent with a declared emergency.” Further, “If an emergency still exists, the declared emergency would be extended or a separate declared emergency would be issued.”

Additionally, 49 C.F.R. 390.23 provides for exemption from certain provisions of federal law on the interstate highway system, if an emergency has been declared by the President of the United States, the Governor of a state, or their authorized representative having authority to declare emergencies. The federal regulation does not expressly include weight exemption, but a

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<sup>32</sup> Telephone conversation with FDOT staff January 11, 2018. A conflict with federal law could impact the state’s annual federal-aid highway apportionment.

Governor's declaration of emergency may add exemptions for weight.<sup>33</sup> If the FDOT waives federally required weight load restrictions<sup>34</sup> on the interstate system during a period of time in which no declared emergency exists, such waiver may conflict with federal law. However, the bill provides FDOT with permissive waiver authority, rather than making the waiver mandatory.

With respect to the agritourism signage program, because the bill's language only authorizes FDOT to "assess" the suitability and costs of the signage, but does not specifically provide for who will pay for reimbursement of these costs, it is unclear whether the reasonable costs of creating and installing the directional signage are to be borne by the applicant or by the FDOT.<sup>35</sup> The FDOT has requested clarification that the signs will be installed by permit at the agricultural facility's expense.<sup>36</sup>

## VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 193.461, 212.08, and 316.565.

This bill creates the following sections of the Florida Statutes: 252.3569 and 604.71.

## IX. Additional Information:

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

### **CS by Transportation on February 6, 2018:**

The committee substitute:

- Provides an additional set of circumstances under which an existing agricultural classification of lands may be extended or continued.
- Adds certain screened enclosed horticultural structures to a list of structures currently deemed to have no separately assessable value for purposes of the income methodology approach to ad valorem assessment of agricultural property.
- Exempts certain agriculture and aquaculture related materials and labor costs from sales, use, and transaction taxation under Chapter 212, F.S., and provides a process for claiming a refund.
- Codifies the SART within the DACS and assigns it certain emergency management related duties.
- Revises provisions relating to emergency transportation of perishable food, revising applicability of those provisions to crops grown and livestock raised in the state, as well as revising related authority and duties of the FDOT related to truck weight restriction waivers.

<sup>33</sup> See the Federal Motor Carrier Safety Administration website available at: <https://www.fmcsa.dot.gov/emergency>. (Last visited February 7, 2018.)

<sup>34</sup> Generally, 80,000 pounds on the Interstate Highway System See the FHWA website available at: <https://ops.fhwa.dot.gov/Freight/sw/overview/index.htm>. (Last visited February 7, 2018.)

<sup>35</sup> See *supra* note 28, for various signage programs with specific statutory provisions for the payment of costs.

<sup>36</sup> See the FDOT email dated February 6, 2018. (On file in the Senate Transportation Committee.)

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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889794

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2018	.	
	.	
	.	
	.	

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The Committee on Transportation (Grimsley) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 15 and 16

insert:

Section 1. This act may be cited as the "Farmers and Ranchers Matter Act."

Section 2. Section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program; natural disasters.-



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11           (1) The property appraiser shall, on an annual basis,  
12 classify for assessment purposes all lands within the county as  
13 either agricultural or nonagricultural.

14           (2) Any landowner whose land is denied agricultural  
15 classification by the property appraiser may appeal to the value  
16 adjustment board. The property appraiser shall notify the  
17 landowner in writing of the denial of agricultural  
18 classification on or before July 1 of the year for which the  
19 application was filed. The notification shall advise the  
20 landowner of his or her right to appeal to the value adjustment  
21 board and of the filing deadline. The property appraiser shall  
22 have available at his or her office a list by ownership of all  
23 applications received showing the acreage, the full valuation  
24 under s. 193.011, the valuation of the land under the provisions  
25 of this section, and whether or not the classification requested  
26 was granted.

27           (3) (a) Lands may not be classified as agricultural lands  
28 unless a return is filed on or before March 1 of each year.  
29 Before classifying such lands as agricultural lands, the  
30 property appraiser may require the taxpayer or the taxpayer's  
31 representative to furnish the property appraiser such  
32 information as may reasonably be required to establish that such  
33 lands were actually used for a bona fide agricultural purpose.  
34 Failure to make timely application by March 1 constitutes a  
35 waiver for 1 year of the privilege granted in this section for  
36 agricultural assessment. However, an applicant who is qualified  
37 to receive an agricultural classification who fails to file an  
38 application by March 1 must file an application for the  
39 classification with the property appraiser on or before the 25th



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40 day after the mailing by the property appraiser of the notice  
41 required under s. 194.011(1). Upon receipt of sufficient  
42 evidence, as determined by the property appraiser, that  
43 demonstrates that the applicant was unable to apply for the  
44 classification in a timely manner or that otherwise demonstrates  
45 extenuating circumstances that warrant the granting of the  
46 classification, the property appraiser may grant the  
47 classification. If the applicant files an application for the  
48 classification and fails to provide sufficient evidence to the  
49 property appraiser as required, the applicant may file, pursuant  
50 to s. 194.011(3), a petition with the value adjustment board  
51 requesting that the classification be granted. The petition may  
52 be filed at any time during the taxable year on or before the  
53 25th day following the mailing of the notice by the property  
54 appraiser as provided in s. 194.011(1). Notwithstanding s.  
55 194.013, the applicant must pay a nonrefundable fee of \$15 upon  
56 filing the petition. Upon reviewing the petition, if the person  
57 is qualified to receive the classification and demonstrates  
58 particular extenuating circumstances judged by the value  
59 adjustment board to warrant granting the classification, the  
60 value adjustment board may grant the classification for the  
61 current year. The owner of land that was classified agricultural  
62 in the previous year and whose ownership or use has not changed  
63 may reapply on a short form as provided by the department. The  
64 lessee of property may make original application or reapply  
65 using the short form if the lease, or an affidavit executed by  
66 the owner, provides that the lessee is empowered to make  
67 application for the agricultural classification on behalf of the  
68 owner and a copy of the lease or affidavit accompanies the



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69 application. A county may, at the request of the property  
70 appraiser and by a majority vote of its governing body, waive  
71 the requirement that an annual application or statement be made  
72 for classification of property within the county after an  
73 initial application is made and the classification granted by  
74 the property appraiser. Such waiver may be revoked by a majority  
75 vote of the governing body of the county.

76 (b) Subject to the restrictions specified in this section,  
77 only lands that are used primarily for bona fide agricultural  
78 purposes shall be classified agricultural. The term "bona fide  
79 agricultural purposes" means good faith commercial agricultural  
80 use of the land.

81 1. In determining whether the use of the land for  
82 agricultural purposes is bona fide, the following factors may be  
83 taken into consideration:

84 a. The length of time the land has been so used.

85 b. Whether the use has been continuous.

86 c. The purchase price paid.

87 d. Size, as it relates to specific agricultural use, but a  
88 minimum acreage may not be required for agricultural assessment.

89 e. Whether an indicated effort has been made to care  
90 sufficiently and adequately for the land in accordance with  
91 accepted commercial agricultural practices, including, without  
92 limitation, fertilizing, liming, tilling, mowing, reforesting,  
93 and other accepted agricultural practices.

94 f. Whether the land is under lease and, if so, the  
95 effective length, terms, and conditions of the lease.

96 g. Such other factors as may become applicable.

97 2. Offering property for sale does not constitute a primary



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98 use of land and may not be the basis for denying an agricultural  
99 classification if the land continues to be used primarily for  
100 bona fide agricultural purposes while it is being offered for  
101 sale.

102 (c) The maintenance of a dwelling on part of the lands used  
103 for agricultural purposes does ~~shall~~ not in itself preclude an  
104 agricultural classification.

105 (d) When property receiving an agricultural classification  
106 contains a residence under the same ownership, the portion of  
107 the property consisting of the residence and curtilage must be  
108 assessed separately, pursuant to s. 193.011, to qualify for the  
109 assessment limitation set forth in s. 193.155. The remaining  
110 property may be classified under the provisions of paragraphs  
111 (a) and (b).

112 (e) Notwithstanding the provisions of paragraph (a), land  
113 that has received an agricultural classification from the value  
114 adjustment board or a court of competent jurisdiction pursuant  
115 to this section is entitled to receive such classification in  
116 any subsequent year until such agricultural use of the land is  
117 abandoned or discontinued, the land is diverted to a  
118 nonagricultural use, or the land is reclassified as  
119 nonagricultural pursuant to subsection (4). The property  
120 appraiser must, no later than January 31 of each year, provide  
121 notice to the owner of land that was classified agricultural in  
122 the previous year informing the owner of the requirements of  
123 this paragraph and requiring the owner to certify that neither  
124 the ownership nor the use of the land has changed. The  
125 department shall, by administrative rule, prescribe the form of  
126 the notice to be used by the property appraiser under this



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127 paragraph. If a county has waived the requirement that an annual  
128 application or statement be made for classification of property  
129 pursuant to paragraph (a), the county may, by a majority vote of  
130 its governing body, waive the notice and certification  
131 requirements of this paragraph and shall provide the property  
132 owner with the same notification provided to owners of land  
133 granted an agricultural classification by the property  
134 appraiser. Such waiver may be revoked by a majority vote of the  
135 county's governing body. This paragraph does not apply to any  
136 property if the agricultural classification of that property is  
137 the subject of current litigation.

138 (4) The property appraiser shall reclassify the following  
139 lands as nonagricultural:

140 (a) Land diverted from an agricultural to a nonagricultural  
141 use.

142 (b) Land no longer being utilized for agricultural  
143 purposes.

144 (5) For the purpose of this section, the term "agricultural  
145 purposes" includes, but is not limited to, horticulture;  
146 floriculture; viticulture; forestry; dairy; livestock; poultry;  
147 bee; pisciculture, if the land is used principally for the  
148 production of tropical fish; aquaculture, including algaculture;  
149 sod farming; and all forms of farm products as defined in s.  
150 823.14(3) and farm production.

151 (6) (a) In years in which proper application for  
152 agricultural assessment has been made and granted pursuant to  
153 this section, the assessment of land shall be based solely on  
154 its agricultural use. The property appraiser shall consider the  
155 following use factors only:



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- 156           1. The quantity and size of the property;  
157           2. The condition of the property;  
158           3. The present market value of the property as agricultural  
159 land;  
160           4. The income produced by the property;  
161           5. The productivity of land in its present use;  
162           6. The economic merchantability of the agricultural  
163 product; and  
164           7. Such other agricultural factors as may from time to time  
165 become applicable, which are reflective of the standard present  
166 practices of agricultural use and production.

167           (b) Notwithstanding any provision relating to annual  
168 assessment found in s. 192.042, the property appraiser shall  
169 rely on 5-year moving average data when utilizing the income  
170 methodology approach in an assessment of property used for  
171 agricultural purposes.

172           (c)1. For purposes of the income methodology approach to  
173 assessment of property used for agricultural purposes,  
174 irrigation systems, including pumps and motors, physically  
175 attached to the land shall be considered a part of the average  
176 yields per acre and shall have no separately assessable  
177 contributory value.

178           2. Litter containment structures located on producing  
179 poultry farms and animal waste nutrient containment structures  
180 located on producing dairy farms shall be assessed by the  
181 methodology described in subparagraph 1.

182           3. Structures or improvements used in horticultural  
183 production for frost or freeze protection, which are consistent  
184 with the interim measures or best management practices adopted



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185 by the Department of Agriculture and Consumer Services pursuant  
186 to s. 570.93 or s. 403.067(7)(c), shall be assessed by the  
187 methodology described in subparagraph 1.

188 4. Screened enclosed structures used in horticultural  
189 production for protection from pests and diseases or to comply  
190 with state or federal eradication or compliance agreements shall  
191 be assessed by the methodology described in subparagraph 1.

192 (d) In years in which proper application for agricultural  
193 assessment has not been made, the land shall be assessed under  
194 the provisions of s. 193.011.

195 (7)(a) Lands classified for assessment purposes as  
196 agricultural lands which are taken out of production by a state  
197 or federal eradication or quarantine program, including the  
198 Citrus Health Response Program, shall continue to be classified  
199 as agricultural lands for 5 years after the date of execution of  
200 a compliance agreement between the landowner and the Department  
201 of Agriculture and Consumer Services or a federal agency, as  
202 applicable, pursuant to such program or successor programs.  
203 Lands under these programs which are converted to fallow or  
204 otherwise nonincome-producing uses shall continue to be  
205 classified as agricultural lands and shall be assessed at a de  
206 minimis value of up to \$50 per acre on a single-year assessment  
207 methodology while fallow or otherwise used for nonincome-  
208 producing purposes. Lands under these programs which are  
209 replanted in citrus pursuant to the requirements of the  
210 compliance agreement shall continue to be classified as  
211 agricultural lands and shall be assessed at a de minimis value  
212 of up to \$50 per acre, on a single-year assessment methodology,  
213 during the 5-year term of agreement. However, lands converted to





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214 other income-producing agricultural uses permissible under such  
215 programs shall be assessed pursuant to this section. Land under  
216 a mandated eradication or quarantine program which is diverted  
217 from an agricultural to a nonagricultural use shall be assessed  
218 under s. 193.011.

219 (b) Lands classified for assessment purposes as  
220 agricultural lands that participate in a dispersed water storage  
221 program pursuant to a contract with the Department of  
222 Environmental Protection or a water management district which  
223 requires flooding of land shall continue to be classified as  
224 agricultural lands for the duration of the inclusion of the  
225 lands in such program or successor programs and shall be  
226 assessed as nonproductive agricultural lands. Land that  
227 participates in a dispersed water storage program that is  
228 diverted from an agricultural to a nonagricultural use shall be  
229 assessed under s. 193.011.

230 (c) Lands classified for assessment purposes as  
231 agricultural lands which incur damage as a result of a natural  
232 disaster for which a state of emergency is declared pursuant to  
233 s. 252.36 and which results in the halting or reduction of  
234 agricultural production must continue to be classified as  
235 agricultural lands for 5 years following termination of the  
236 emergency declaration. However, if such lands are diverted from  
237 agricultural use to nonagricultural use during or after the 5-  
238 year recovery period, such lands must be assessed under s.  
239 193.011.

240 Section 3. Subsection (19) is added to section 212.08,  
241 Florida Statutes, to read:

242 212.08 Sales, rental, use, consumption, distribution, and



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243 storage tax; specified exemptions.—The sale at retail, the  
244 rental, the use, the consumption, the distribution, and the  
245 storage to be used or consumed in this state of the following  
246 are hereby specifically exempt from the tax imposed by this  
247 chapter.

248 (19) EXEMPTIONS; MATERIALS AND LABOR COSTS RELATING TO  
249 AGRICULTURE AND AQUACULTURE.—

250 (a) The following are exempt from the tax imposed by this  
251 chapter.

252 1. Building materials used in the construction of a  
253 nonresidential farm building as defined in s. 604.50; poles,  
254 nets, and other materials used for aquaculture leases; and  
255 building materials used in the construction farm fences on land  
256 classified as agriculture as defined in s. 193.461; and

257 2. The cost of labor associated with the construction or  
258 installation of any item specified in subparagraph 1.

259  
260 The exemptions specified in this paragraph apply retroactively  
261 to September 1, 2017.

262 (b) In order to claim a refund on taxes paid for the  
263 materials and labor costs identified in paragraph (a), the  
264 purchaser must submit a signed certificate stating that the  
265 materials and labor are to be used exclusively as required under  
266 this subsection. Such submission must also include the name and  
267 address of the person claiming the refund, the address and  
268 assessment roll parcel number of the real property where the  
269 improvement is made, and a description of the improvement.

270 Application for refunds must be submitted to the department  
271 within 6 months after the transaction or the effective date of



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272 this act, whichever occurs later.

273 (c) Possession by a seller, lessor, or other dealer of a  
274 written certification by the purchaser certifying the  
275 purchaser's entitlement to an exemption allowed under this  
276 subsection relieves the seller from the responsibility of  
277 collecting the tax on the nontaxable amounts, and the department  
278 shall look solely to the purchaser for recovery of such tax if  
279 it determines that the purchaser was not entitled to the  
280 exemption.

281 Section 4. Section 252.3569, Florida Statutes, is created  
282 to read:

283 252.3569 Monitoring of agriculture and livestock safety  
284 during disaster.—The Florida Comprehensive Emergency Management  
285 Plan must allow the Department of Agriculture and Consumer  
286 Services, working from the department's offices or in the  
287 Emergency Operations Center, ESF-17, to create the State  
288 Agricultural Response Team. If created, the duties and  
289 responsibilities of the team must include, but are not limited  
290 to, the development, training, and support of county  
291 agricultural response teams; asset acquisition; and, as  
292 necessary, colocation of a team member at activated local  
293 emergency operations centers.

294 Section 5. Section 316.565, Florida Statutes, is amended to  
295 read:

296 316.565 Emergency transportation, ~~crops and livestock~~  
297 ~~perishable food~~; establishment of weight loads, etc.—

298 (1) The Governor may declare an emergency to exist when  
299 there is a breakdown in the normal public transportation  
300 facilities necessary in moving ~~perishable food~~ crops grown and



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301 livestock raised in the state. The Department of Transportation  
302 is authorized during such emergency to waive any establish such  
303 weight load restrictions and permit verifications loads for  
304 hauling over the highways from the fields or packinghouses to  
305 the nearest available public transportation facility as  
306 circumstances demand. Such waivers may be extended beyond the  
307 end of a declared emergency to provide for protracted harvesting  
308 and disaster recovery efforts. The department is authorized to  
309 issue or accept electronic verification of permits during such  
310 emergency and protracted periods. The Department of  
311 Transportation shall designate special highway routes, ~~excluding~~  
312 ~~the interstate highway system,~~ to facilitate the trucking and  
313 render any other assistance needed to expedite moving  
314 agricultural products ~~the perishables.~~

315 (2) It is the intent of the Legislature in this chapter to  
316 supersede any existing laws when necessary to protect and save  
317 ~~any perishable food~~ crops grown and livestock raised in the  
318 state and give authority for agencies to provide necessary  
319 temporary assistance requested during any such emergency. The  
320 department shall consult with the Department of Agriculture and  
321 Consumer Services and stakeholders in the agricultural industry  
322 in implementing this section.

323 Section 6. The Division of Law Revision and Information is  
324 directed to replace the phrase "the effective date of this act"  
325 wherever it occurs in this act with the date this act becomes a  
326 law.

327  
328 ===== T I T L E A M E N D M E N T =====

329 And the title is amended as follows:



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330 Delete line 2

331 and insert:

332 An act relating to agricultural recovery; providing a  
333 short title; amending s. 193.461, F.S.; specifying the  
334 methodology for the assessment of certain structures  
335 in horticultural production; specifying, subject to  
336 certain conditions, that land classified as  
337 agricultural remains classified as such for a  
338 specified period if such lands are damaged by certain  
339 natural disasters and agricultural production is  
340 halted or reduced; amending s. 212.08, F.S.; creating  
341 a new exemption from sales, rental, use, consumption,  
342 distribution, and storage tax for specified materials  
343 and labor costs; providing for retroactive  
344 application; specifying the requirements for obtaining  
345 a refund on taxes paid; specifying a deadline for  
346 submissions for such refunds; specifying that  
347 possession of a written certification of a purchaser's  
348 entitlement to the exemption by a seller, lessor, or  
349 other dealer relieves him or her from the obligation  
350 of collecting the tax on nontaxable amounts; requiring  
351 the department to look solely to the purchaser for the  
352 recovery of certain taxes; creating s. 252.3569, F.S.;  
353 requiring the Florida Comprehensive Emergency  
354 Management Plan to allow the Department of Agriculture  
355 and Consumer Services to create the State Agricultural  
356 Response Team; specifying requirements,  
357 responsibilities, and duties of the team; amending s.  
358 316.565, F.S.; authorizing the Department of



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359 Transportation to waive certain weight load  
360 restrictions and permit verifications for the  
361 transport of agricultural products from fields or  
362 packinghouses to public transportation facilities  
363 after certain natural disasters; authorizing the  
364 extension of such waivers for certain purposes;  
365 authorizing the department to issue or accept  
366 electronic verification of permits during specified  
367 periods; requiring the department to designate certain  
368 routes and render assistance in moving agricultural  
369 products under such circumstances; requiring the  
370 Department of Highway Safety and Motor Vehicles to  
371 consult with certain entities in implementing  
372 specified emergency provisions; providing a directive  
373 to the Division of Law Revision and Information;  
374 creating s.

By Senator Grimsley

26-00608B-18

20181608\_\_

1 A bill to be entitled  
 2 An act relating to agritourism signage; creating s.  
 3 604.71, F.S.; requiring the Department of  
 4 Transportation to create and administer a program to  
 5 install directional signs to assist visitors in  
 6 locating certain agritourism facilities; specifying  
 7 requirements for the placement of signs; specifying  
 8 qualifications for the program; requiring the  
 9 department to adopt rules and coordinate with the  
 10 Department of Agriculture and Consumer Services in  
 11 administering the program; providing an effective  
 12 date.

13  
 14 Be It Enacted by the Legislature of the State of Florida:

15  
 16 Section 1. Section 604.71, Florida Statutes, is created to  
 17 read:

18 604.71 Florida agritourism signage program.—The department  
 19 shall create and administer a program to provide and install  
 20 directional signs on major public highways at, or in reasonable  
 21 proximity to, the nearest interchange or within 1 mile of roads  
 22 leading to commercial agricultural facilities that promote  
 23 tourism by providing tours and onsite sales or samples of  
 24 Florida agricultural products to tourists.

25 (1) Directional signage must be placed at intervals in a  
 26 manner that provides visitors with sufficient information to  
 27 locate the agricultural facility.

28 (2) To qualify for participation in the program, an  
 29 agricultural facility must:

Page 1 of 2

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

26-00608B-18

20181608\_\_

30 (a) Be open for business at least 4 days a week, 10 months  
 31 of the year;  
 32 (b) Have a working growing or ranching area of at least 2  
 33 acres that can be toured from the facility location specified in  
 34 the signage;  
 35 (c) Offer tours of the growing or ranching area; and  
 36 (d) Apply to and be approved by the department under this  
 37 section. Upon application by a facility, the department shall  
 38 assess the facility as to its suitability for the program and  
 39 the reasonable costs of creating and installing directional  
 40 signs.  
 41 (3) The department shall adopt rules to administer this  
 42 section, including, but not limited to, an application and  
 43 approval process for applicants.  
 44 (4) The department shall coordinate with the Department of  
 45 Agriculture and Consumer Services in administering this section.  
 46 Section 2. This act shall take effect July 1, 2018.

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/6/18

Meeting Date

1608

Bill Number (if applicable)

889794

Amendment Barcode (if applicable)

Topic

Agritourism Signage

Name

Adam Basford

Job Title

Legislative Affairs Director

Address

310 W College Ave

Street

Vallahassee

City

FL

State

32301

Zip

Phone

222-2557

Email

adam.basford@fla.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.



THE FLORIDA SENATE

APPEARANCE RECORD

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

2/6/18

Meeting Date

1608

Bill Number (if applicable)

Topic AGRITOURISM SIGNAGE

Amendment Barcode (if applicable)

Name LENA JUAREZ

Job Title

Address P.O. BOX 10390

Phone 850 212 8330

Street

TALLAHASSEE FL 32302

Email lenacj@jazz.com

City

State

Zip

Speaking: [ ] For [ ] Against [ ] Information

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

Representing FLORIDA AGRITOURISM ASSOCIATION

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

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

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

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

# APPEARANCE RECORD

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

2/6/18

Meeting Date

1608

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Diana Ferguson

Job Title Attorney

Address 119 S. Monical St Ste 202

Phone 850-481-4788

Jale FL 33301

City

State

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Miami-Dade County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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: SB 1632

INTRODUCER: Senator Mayfield

SUBJECT: Towing and Immobilization Fees and Charges

DATE: February 2, 2018

REVISED: 02/06/18

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	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	<b>Favorable</b>
2.	Jones	Miller	TR	<b>Favorable</b>
3.			RC	

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**I. Summary:**

SB 1632 requires a county or municipality to establish maximum rates for the towing and storage of vessels, as well as placing a cap on the maximum rate for immobilizing a vehicle or vessel. The bill prohibits a county or municipality from enacting a rule or ordinance that imposes a fee or charge on authorized wrecker operators. The bill does not impact the ability of a county or municipality to impose a reasonable administrative fee on the legal owner, legally authorized user, or lienholder of a vehicle or vessel to cover the cost of enforcement actions. The bill provides that an authorized wrecker operator may impose and collect the administrative fee and is only required to remit the fee to the county or municipality after it has been collected.

The bill prohibits counties and municipalities from adopting or enforcing ordinances or rules that impose additional fees on the registered owner or lienholder of a vehicle or vessel removed and impounded by an authorized wrecker operator. The bill provides that a wrecker operator who recovers, removes, or stores a vehicle or vessel shall have a lien on the vehicle or vessel that includes the value of the reasonable administrative fee or charge imposed by a county or municipality

The bill takes effect July 1, 2018.

**II. Present Situation:**

**County and Municipal Wrecker Operator Systems**

A county or municipal government may contract with one or more wrecker operators to tow or remove wrecked, disabled, or abandoned vehicles from streets, highways, and accident sites.<sup>1</sup>

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<sup>1</sup> Section 323.002(1)(c), F.S. The definition of “vehicle” does not include a vessel or trailer intended for the transport on land of a vessel. *See* s. 320.01, F.S. (defining “motor vehicle” for the purpose of issuance of motor vehicle licenses and separately

After the establishment of such contract(s), the county or municipality must create a “wrecker operator system” to apportion towing assignments between the contracted wrecker services. This apportionment may occur through the creation of geographic zones, a rotation schedule, or a combination of those methods.<sup>2</sup> Any wrecker operator that is included in the wrecker operator system is an “authorized wrecker operator” in the jurisdiction, while any wrecker operation not included is an “unauthorized wrecker operator.”<sup>3</sup>

Unauthorized wrecker operators are not permitted to initiate contact with the owner or operator of a wrecked or disabled vehicle.<sup>4</sup> If the owner or operator initiates contact, the unauthorized wrecker operator must disclose in writing, before the vehicle is connected to the towing apparatus:

- His or her full name;
- Driver license number;
- That he or she is not a member of the wrecker operator system;
- That the vehicle is not being towed for the owner’s or operator’s insurance company or lienholder;
- Whether he or she has an insurance policy providing at least \$300,000 in liability coverage and \$50,000 in on-hook cargo coverage; and
- The maximum charges for towing and storage.<sup>5</sup>

The unauthorized wrecker operator must disclose this information to the owner or operator in the presence of a law enforcement officer if an officer is present at the scene of the accident.<sup>6</sup> It is a second degree misdemeanor for an unauthorized wrecker operator to initiate contact or to fail to provide required information after contact has been initiated.<sup>7</sup> An unauthorized wrecker operator misrepresenting his or her status as an authorized wrecker operator commits a first degree misdemeanor.<sup>8</sup> In either instance, the unauthorized wrecker operator’s wrecker, tow truck, or other motor vehicle used during the offense may be immediately removed and impounded.<sup>9</sup> Unauthorized wrecker operators also are prohibited from monitoring police radios to determine the location of wrecked or disabled vehicles.<sup>10</sup>

Counties must establish maximum rates for the towing of vehicles removed from private property, as well as the towing and storage of vehicles removed from the scene of an accident or where the vehicle is towed at the request of a law enforcement officer. Municipalities are also authorized to adopt maximum rate ordinances. If a municipality enacts an ordinance to establish

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defining a “marine boat trailer dealer” as a person engaged in “business of buying ... trailers specifically designed to be drawn by another vehicle and used for the transportation on land of vessels.”)

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

<sup>3</sup> Section 323.002(1)(a)-(b), F.S.

<sup>4</sup> Section 323.002(2)(b), F.S.

<sup>5</sup> Section 323.002(2)(c), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Section 323.002(2)(d), F.S.

<sup>9</sup> Section 323.002(2)(c) and (d), F.S.

<sup>10</sup> Section 323.002(2)(a), F.S.

towing fees, the county ordinance will not apply within the municipality.<sup>11</sup> A county or municipality may not establish rates, including a maximum rate, for the towing of vessels.<sup>12</sup>

### **Vehicle Holds, Wrecker Operator Storage Facilities, and Liens**

An investigating agency may place a hold on a motor vehicle stored within a wrecker operator's storage facility for up to five business days.<sup>13</sup> A hold may be applied where the officer has probable cause to believe the vehicle:

- Should be seized under the Florida Contraband Forfeiture Act<sup>14</sup> or ch. 379, F.S.<sup>15</sup>;
- Was used as the means of committing a crime;
- Is evidence that tends to show a crime has been committed; or
- Was involved in a traffic accident resulting in death or personal injury.<sup>16</sup>

An officer may also apply a hold when the vehicle is impounded pursuant to ss. 316.193 or 322.34, F.S., and when the officer is complying with a court order.<sup>17</sup> The hold must be in writing and include the name and agency of the law enforcement officer placing the hold, the date and time the hold is placed on the vehicle, a general description of the vehicle, the specific reason for the hold, the condition of the vehicle, the location where the vehicle is being held, and the name and contact information for the wrecker operator and storage facility.<sup>18</sup>

The investigating agency must inform the wrecker operator within the five day holding period if the agency intends to hold the vehicle for a longer period of time.<sup>19</sup> The vehicle owner is liable for towing and storage charges for the first five days. If the vehicle will be held beyond five days, the investigating agency may choose to have the vehicle stored at a designated impound lot or to pay for storage at the wrecker operator's storage facility.<sup>20</sup>

A wrecker operator or other person engaged in the business of transporting vehicles or vessels who recovers, removes, or stores a vehicle or vessel possesses a lien on the vehicle or vessel for a reasonable towing fee and storage fee, if the vehicle or vessel is removed upon instructions from:

- The owner of the vehicle or vessel;
- The owner, lessor, or authorized person acting on behalf of the owner or lessor of property on which the vehicle or vessel is wrongly parked (as long as the removal is performed in compliance with s. 715.07, F.S.);

<sup>11</sup> Sections 125.0103(1)(c) and 166.043(1)(c), F.S.

<sup>12</sup> Compare 125.0103(c), F.S. (requiring a county to establish maximum rates for towing of vehicles) with s. 715.07, F.S. (towing of vehicles or vessels parked on private property).

<sup>13</sup> Section 323.001(1), F.S.

<sup>14</sup> Sections 932.701-932.7062, F.S.

<sup>15</sup> Chapter 379, F.S., includes multiple instances when a vehicle or vessel may be forfeited due to unlawful acts committed with such vehicle or vessel concerning fish and wildlife conservation.

<sup>16</sup> Section 323.001(4)(a)-(e), F.S.

<sup>17</sup> Section 323.001(4)(f)-(g), F.S.

<sup>18</sup> Section 323.001(5), F.S.

<sup>19</sup> Section 323.001(2), F.S.

<sup>20</sup> Section 323.001(2)(a)-(b), F.S.

- The landlord or authorized person acting on behalf of a landlord, when the vehicle or vessel remains on the property after the expiration of tenancy (and the removal is performed pursuant to ss. 83.806 or 715.104, F.S.); or
- Any law enforcement agency.<sup>21</sup>

### **Authority for Local Governments to Charge Fees**

Counties and municipalities do not have authority to levy taxes, other than ad valorem taxes, except as provided by general law.<sup>22</sup> However, local governments possess the authority to impose user fees or assessments by local ordinance as such authority is within the constitutional and statutory home rule powers of local governments.<sup>23</sup> The key distinction between a tax and a fee is that fees are voluntary and benefit particular individuals in a manner not shared by others in the public.<sup>24</sup> On the other hand, a tax is a “forced charge or imposition, operating whether we like it or not and in no sense depends on the will or contract of the one on whom it is imposed.”<sup>25</sup> Usually a fee is applied for the use of a service and is tied directly to the cost of maintaining the service. Money collected from a fee is not applied to uses other than to provide the service for which the fee is applied. An administrative fee for towing and storage services may be permissible to the extent the fee provides a specific benefit to vehicle owners.<sup>26</sup>

### **Fees Related to Towing, Storage, and Wrecker Operators**

Some municipalities impose an administrative fee on vehicles towed by an authorized wrecker operator if the vehicle is seized or towed in connection with certain misdemeanors or felonies. The administrative fee is collected by the towing company on behalf of the municipal government and, in addition to towing and storage fees, must be paid before the vehicle is released to the registered owner or lienholder.

The City of Sarasota seizes the vehicle of those arrested for crimes related to drugs or prostitution.<sup>27</sup> The registered owner of the vehicle is then given two options:

- The registered owner may request a hearing where the city must show by a preponderance of the evidence that the vehicle was used to facilitate the commission of an act of prostitution or any violation of ch. 893, F.S., the Florida Comprehensive Drug Abuse Prevention and Control Act. The owner may post a bond equal to the civil penalty (\$500), hearing costs (\$50), and towing and storage fees (\$125 plus \$25 per day) to receive the vehicle back pending the outcome of the hearing, or the owner may leave the vehicle in impound, incurring additional fees; or
- The registered owner may waive the right to a hearing and pay the civil penalty (\$500).

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<sup>21</sup> Section 713.78(2), F.S

<sup>22</sup> Art. VII, s. 1(a), Fla. Const.

<sup>23</sup> *City of Boca Raton v. State*, 595 So. 2d 25, 30 (Fla. 1992).

<sup>24</sup> *City of Miami v. Quik Cash Jewelry & Pawn, Inc.*, 811 So.2d 756, 758 (Fla. 3rd DCA 2002).

<sup>25</sup> *Id.* at 758-59.

<sup>26</sup> See *Jasinski v. City of Miami*, 269 F. Supp. 2d 1341, 1348 (S.D. Fla. 2003).

<sup>27</sup> Sarasota Police Department, *Vehicle Seizure Program*, available at <http://www.sarasotapd.org/vehicle-seizure-program/> (last visited Feb. 1, 2018).

If the registered owner of the vehicle is unable to pay the administrative penalty within 35 days, the city disposes of the vehicle. The City of Bradenton uses the same process and rate structure.<sup>28</sup>

Other municipalities have enacted ordinances charging an administrative fee for any vehicle impoundment associated with an arrest. For example, the City of Sweetwater imposes an “impoundment administrative fee” on all vehicles seized incident to an arrest. The fee is \$500 if the impoundment stems from a felony arrest and \$250 if the impoundment stems from a misdemeanor.<sup>29</sup>

The City of Winter Springs imposes an administrative fee for impoundment arising from twelve offenses enumerated in the authorizing ordinance, ranging from prostitution to dumping litter weighing more than 15 pounds.<sup>30</sup> The registered owner may request a hearing, either accruing additional storage fees pending the hearing or posting a bond equal to the amount of the administrative fee (\$550). If the registered owner waives the right to hearing, the administrative fee is reduced to \$250. These fees are payable to the city but are collected by towing companies.<sup>31</sup>

By contract, some municipalities require wrecker services to pay a monthly fee for serving as authorized wrecker operators. For example, the contract between the City of Sarasota and a wrecker operator requires the operator to pay the city \$10,151 per month for “the opportunity to provide” wrecker services, as well as \$500 for each impounded vehicle sold by the wrecker service.<sup>32</sup>

Additionally, a county or municipality may require a fee from a towing business in order to be licensed to operate within that county or municipality. For example, to operate a towing business in Miami-Dade County a person or corporation must apply to be a registered towing business with the county, which includes a \$403 annual fee, a vehicle safety inspection with a \$92 decal fee, proof of insurance requirements, and background checks of the owners of the towing business.<sup>33</sup>

### III. Effect of Proposed Changes:

**Sections 1 and 3** amend ss. 125.0103 and 166.043, F.S., to authorize a county or municipality to regulate the rates for the towing or immobilization of vessels. A county or municipality is required to establish a maximum rate that may be charged for the towing, immobilization or storage of vehicles and vessels. The bill provides that the maximum rate to immobilize a vehicle or vessel may not exceed 20 percent of the maximum rate allowed by the county or municipality for towing a vehicle or vessel from private property. The bill defines immobilization as the act of

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<sup>28</sup> Bradenton, Fla. Code of Ordinances, ch. 54, art. IV (2016).

<sup>29</sup> Sweetwater, Fla. Code of Ordinances, ch. 42-1, s. 42.1(c) (2017).

<sup>30</sup> Winter Springs, Fla. Code of Ordinances ch. 12, art. V., s. 12-100 (2017).

<sup>31</sup> Winter Springs Police, *Notice of Right to Hearing Form* (on file with the Senate Committee on Transportation).

<sup>32</sup> City of Sarasota, *Agreement for Wrecker Towing and Storage Services* (May 5, 2010) (on file with the Senate Committee on Transportation).

<sup>33</sup> Miami-Dade website, *Towing Business Registration* (Sept. 9, 2017), <http://www.miamidade.gov/licenses/towing.asp> (last visited Feb. 6, 2018).

rendering a vehicle or vessel inoperable by the use of a device such as a “boot,” “club,” “Barnacle,” or any other device that renders a vehicle or vessel inoperable.

**Sections 2 and 4** create ss. 125.01047 and 166.04465, F.S., to prohibit a county or municipality from enacting a rule or ordinance that imposes a fee or charge on authorized wrecker operators or on a towing business for towing, impounding, or storing a vehicle or vessel. The prohibition does not affect the county’s or municipality’s ability to levy a business tax under ss. 205.0315, 205.033, 205.043, or 205.0535, F.S., or to impose a reasonable administrative fee or charge on the legal or authorized owner or lienholder of a vehicle or vessel to cover the cost of enforcement by the county when the vehicle or vessel is towed from public property. The administrative fee may not exceed 25 percent of the maximum towing rate. The bill authorizes an authorized wrecker operator or towing business to impose and collect the administrative fee or charge on behalf of the county or municipality, but only remits such fee or charge after it is collected.

**Section 5** amends s. 332.002, F.S., to prohibit a county or municipality from adopting or enforcing an ordinance or rule that imposes any charge, cost, expense, fine, fee, or penalty, on the owner or lienholder of a vehicle or vessel towed by an authorized wrecker operator. This prohibition does not apply to a reasonable administrative fee or charge, not to exceed 25 percent of the maximum towing rate, to cover the cost of enforcement when the vehicle or vessel is towed from public property.

**Section 6** amends s. 713.78, F.S., to provide that the administrative fee shall be included as part of the lien on the vehicle or vessel held by the towing operator.

**Section 7** provides an effective date of July 1, 2018.

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

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

None.

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

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.



**B. Private Sector Impact:**

The bill will reduce expenses for towing companies that are located in counties or municipalities currently charging a fee on authorized wrecker operators.

**C. Government Sector Impact:**

The bill will have an indeterminate impact on local government revenue. The bill prohibits counties and municipalities from charging certain fees to authorized wrecker operators and towing companies which are currently charged by some jurisdictions, while authorizing the collection of administrative fees for the cost of enforcement.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 125.0103, 166.043, 323.002, and 713.78.

This bill creates the following sections of the Florida Statutes: 125.01047 and 166.04465.

**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.



323728

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/06/2018	.	
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The Committee on Transportation (Mayfield) recommended the following:

**Senate Amendment**

Delete lines 90 - 152

and insert:

(c) Impose a reasonable fee for implementing or administering a towing licensing program.

Section 3. Paragraphs (b) and (c) of subsection (1) of section 166.043, Florida Statutes, are amended to read:

166.043 Ordinances and rules imposing price controls; findings required; procedures.—



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11 (1)

12 (b) The provisions of this section shall not prevent the  
13 enactment by local governments of public service rates otherwise  
14 authorized by law, including water, sewer, solid waste, public  
15 transportation, taxicab, or port rates, rates for towing of  
16 vehicles or vessels from or immobilization of vehicles or  
17 vessels on private property, or rates for removal and storage of  
18 wrecked or disabled vehicles or vessels from an accident scene  
19 or the removal and storage of vehicles or vessels in the event  
20 the owner or operator is incapacitated, unavailable, leaves the  
21 procurement of wrecker service to the law enforcement officer at  
22 the scene, or otherwise does not consent to the removal of the  
23 vehicle or vessel.

24 (c) Counties must establish maximum rates which may be  
25 charged on the towing of vehicles or vessels from or  
26 immobilization of vehicles or vessels on private property,  
27 removal and storage of wrecked or disabled vehicles or vessels  
28 from an accident scene or for the removal and storage of  
29 vehicles or vessels, in the event the owner or operator is  
30 incapacitated, unavailable, leaves the procurement of wrecker  
31 service to the law enforcement officer at the scene, or  
32 otherwise does not consent to the removal of the vehicle or  
33 vessel. The maximum rate to immobilize a vehicle or vessel on  
34 public or private property may not exceed 20 percent of the  
35 maximum rate to tow a vehicle or vessel from private property.  
36 However, if a municipality chooses to enact an ordinance  
37 establishing the maximum rates ~~fees~~ for the towing or  
38 immobilization of vehicles or vessels as described in paragraph  
39 (b), the county's ordinance established under s. 125.0103 shall



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40 not apply within such municipality. For purposes of this  
41 paragraph, the term "immobilize" means the act of rendering a  
42 vehicle or vessel inoperable by the use of a device such as a  
43 "boot" or "club," the "Barnacle," or any other device that  
44 renders a vehicle or vessel inoperable.

45 Section 4. Section 166.04465, Florida Statutes, is created  
46 to read:

47 166.04465 Rules and ordinances relating to towing  
48 services.—

49 (1) A municipality may not enact an ordinance or rule that  
50 would impose a fee or charge on an authorized wrecker operator,  
51 as defined in s. 323.002(1), or on a towing business for towing,  
52 impounding, or storing a vehicle or vessel. As used in this  
53 section, the term "towing business" means a business that  
54 provides towing services for monetary gain.

55 (2) The prohibition set forth in subsection (1) does not  
56 affect a municipality's authority to:

57 (a) Levy a reasonable business tax under s. 205.0315, s.  
58 205.043, or s. 205.0535.

59 (b) Impose and collect a reasonable administrative fee or  
60 charge on the registered owner or other legally authorized  
61 person in control of a vehicle or vessel, or the lienholder of a  
62 vehicle or vessel, not to exceed 25 percent of the maximum  
63 towing rate, to cover the cost of enforcement, including parking  
64 enforcement, by the municipality when the vehicle or vessel is  
65 towed from public property. However, an authorized wrecker  
66 operator or towing business may impose and collect the  
67 administrative fee or charge on behalf of the municipality and  
68 shall remit such fee or charge to the municipality only after it



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69 is collected.

70 (c) Impose a reasonable fee for implementing or

71 administering a towing licensing program.

By Senator Mayfield

17-01484B-18

20181632\_\_

A bill to be entitled

An act relating to towing and immobilization fees and charges; amending ss. 125.0103 and 166.043, F.S.; expanding the application of certain provisions related to ordinances and rules imposing price controls to include the towing or immobilization of vessels; establishing a maximum rate that counties and municipalities may charge for the immobilization of vehicles or vessels under certain conditions; defining the term "immobilize"; creating ss. 125.01047 and 166.04465, F.S.; prohibiting counties and municipalities from enacting certain ordinances or rules that impose fees or charges on authorized wrecker operators or towing businesses; defining the term "towing business"; providing exceptions to the prohibition; amending s. 323.002, F.S.; prohibiting counties and municipalities from imposing charges, costs, expenses, fines, fees, or penalties on registered owners, other legally authorized persons in control, or lienholders of vehicles or vessels under certain conditions; providing an exception; amending s. 713.78, F.S.; authorizing certain persons to place liens on vehicles or vessels to recover specified fees or charges; providing an effective date.

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

Section 1. Paragraphs (b) and (c) of subsection (1) of section 125.0103, Florida Statutes, are amended to read:

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

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125.0103 Ordinances and rules imposing price controls; findings required; procedures.—

(1)

(b) The provisions of this section shall not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates, rates for towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, or rates for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or the removal and storage of vehicles or vessels in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.

(c) Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. The maximum rate to immobilize a vehicle or vessel on public or private property may not exceed 20 percent of the maximum rate to tow a vehicle or vessel from private property. However, if a municipality chooses to enact an ordinance establishing the maximum rates ~~fees~~ for the towing or

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

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 59 immobilization of vehicles or vessels as described in paragraph  
 60 (b), the county's ordinance shall not apply within such  
 61 municipality. For purposes of this paragraph, the term  
 62 "immobilize" means the act of rendering a vehicle or vessel  
 63 inoperable by the use of a device such as a "boot" or "club,"  
 64 the "Barnacle," or any other device that renders a vehicle or  
 65 vessel inoperable.

66 Section 2. Section 125.01047, Florida Statutes, is created  
 67 to read:

68 125.01047 Rules and ordinances relating to towing  
 69 services.-

70 (1) A county may not enact an ordinance or rule that would  
 71 impose a fee or charge on an authorized wrecker operator, as  
 72 defined in s. 323.002(1), or on a towing business for towing,  
 73 impounding, or storing a vehicle or vessel. As used in this  
 74 section, the term "towing business" means a business that  
 75 provides towing services for monetary gain.

76 (2) The prohibition set forth in subsection (1) does not  
 77 affect a county's authority to:

78 (a) Levy a reasonable business tax under s. 205.0315, s.  
 79 205.033, or s. 205.0535.

80 (b) Impose and collect a reasonable administrative fee or  
 81 charge on the registered owner or other legally authorized  
 82 person in control of a vehicle or vessel, or the lienholder of a  
 83 vehicle or vessel, not to exceed 25 percent of the maximum  
 84 towing rate, to cover the cost of enforcement, including parking  
 85 enforcement, by the county when the vehicle or vessel is towed  
 86 from public property. However, an authorized wrecker operator or  
 87 towing business may impose and collect the administrative fee or

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 88 charge on behalf of the county and shall remit such fee or  
 89 charge to the county only after it is collected.

90 Section 3. Paragraphs (b) and (c) of subsection (1) of  
 91 section 166.043, Florida Statutes, are amended to read:

92 166.043 Ordinances and rules imposing price controls;  
 93 findings required; procedures.-

94 (1)

95 (b) The provisions of this section shall not prevent the  
 96 enactment by local governments of public service rates otherwise  
 97 authorized by law, including water, sewer, solid waste, public  
 98 transportation, taxicab, or port rates, rates for towing of  
 99 vehicles or vessels from or immobilization of vehicles or  
 100 vessels on private property, or rates for removal and storage of  
 101 wrecked or disabled vehicles or vessels from an accident scene  
 102 or the removal and storage of vehicles or vessels in the event  
 103 the owner or operator is incapacitated, unavailable, leaves the  
 104 procurement of wrecker service to the law enforcement officer at  
 105 the scene, or otherwise does not consent to the removal of the  
 106 vehicle or vessel.

107 (c) Counties must establish maximum rates which may be  
 108 charged on the towing of vehicles or vessels from or  
 109 immobilization of vehicles or vessels on private property,  
 110 removal and storage of wrecked or disabled vehicles or vessels  
 111 from an accident scene or for the removal and storage of  
 112 vehicles or vessels, in the event the owner or operator is  
 113 incapacitated, unavailable, leaves the procurement of wrecker  
 114 service to the law enforcement officer at the scene, or  
 115 otherwise does not consent to the removal of the vehicle or  
 116 vessel. The maximum rate to immobilize a vehicle or vessel on

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 117 public or private property may not exceed 20 percent of the  
 118 maximum rate to tow a vehicle or vessel from private property.  
 119 However, if a municipality chooses to enact an ordinance  
 120 establishing the maximum rates ~~fees~~ for the towing or  
 121 immobilization of vehicles or vessels as described in paragraph  
 122 (b), the county's ordinance established under s. 125.0103 shall  
 123 not apply within such municipality. For purposes of this  
 124 paragraph, the term "immobilize" means the act of rendering a  
 125 vehicle or vessel inoperable by the use of a device such as a  
 126 "boot" or "club," the "Barnacle," or any other device that  
 127 renders a vehicle or vessel inoperable.

128 Section 4. Section 166.04465, Florida Statutes, is created  
 129 to read:

130 166.04465 Rules and ordinances relating to towing  
 131 services.-

132 (1) A municipality may not enact an ordinance or rule that  
 133 would impose a fee or charge on an authorized wrecker operator,  
 134 as defined in s. 323.002(1), or on a towing business for towing,  
 135 impounding, or storing a vehicle or vessel. As used in this  
 136 section, the term "towing business" means a business that  
 137 provides towing services for monetary gain.

138 (2) The prohibition set forth in subsection (1) does not  
 139 affect a municipality's authority to:

140 (a) Levy a reasonable business tax under s. 205.0315, s.  
 141 205.043, or s. 205.0535.

142 (b) Impose and collect a reasonable administrative fee or  
 143 charge on the registered owner or other legally authorized  
 144 person in control of a vehicle or vessel, or the lienholder of a  
 145 vehicle or vessel, not to exceed 25 percent of the maximum

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 146 towing rate, to cover the cost of enforcement, including parking  
 147 enforcement, by the municipality when the vehicle or vessel is  
 148 towed from public property. However, an authorized wrecker  
 149 operator or towing business may impose and collect the  
 150 administrative fee or charge on behalf of the municipality and  
 151 shall remit such fee or charge to the municipality only after it  
 152 is collected.

153 Section 5. Subsection (4) of section 323.002, Florida  
 154 Statutes, is renumbered as subsection (5), and a new subsection  
 155 (4) is added to that section, to read:

156 323.002 County and municipal wrecker operator systems;  
 157 penalties for operation outside of system.-

158 (4) (a) Except as provided in paragraph (b), a county or  
 159 municipality may not adopt or maintain in effect an ordinance or  
 160 rule that imposes a charge, cost, expense, fine, fee, or penalty  
 161 on a registered owner or other legally authorized person in  
 162 control of a vehicle or vessel, or the lienholder of a vehicle  
 163 or vessel, when the vehicle or vessel is towed by an authorized  
 164 wrecker operator under this chapter.

165 (b) A county or municipality may adopt or maintain an  
 166 ordinance or rule that imposes a reasonable administrative fee  
 167 or charge on the registered owner or other legally authorized  
 168 person in control of a vehicle or vessel, or the lienholder of a  
 169 vehicle or vessel, which is towed by an authorized wrecker  
 170 operator, not to exceed 25 percent of the maximum towing rate,  
 171 to cover the cost of enforcement, including parking enforcement,  
 172 by the county or municipality when the vehicle or vessel is  
 173 towed from public property. However, an authorized wrecker  
 174 operator or towing business may impose and collect the



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175 administrative fee or charge on behalf of the county or  
176 municipality and shall remit such fee or charge to the county or  
177 municipality only after it is collected.

178 Section 6. Subsection (2) of section 713.78, Florida  
179 Statutes, is amended to read:

180 713.78 Liens for recovering, towing, or storing vehicles  
181 and vessels.—

182 (2) Whenever a person regularly engaged in the business of  
183 transporting vehicles or vessels by wrecker, tow truck, or car  
184 carrier recovers, removes, or stores a vehicle or vessel upon  
185 instructions from:

186 (a) The owner thereof;

187 (b) The owner or lessor, or a person authorized by the  
188 owner or lessor, of property on which such vehicle or vessel is  
189 wrongfully parked, and the removal is done in compliance with s.  
190 715.07;

191 (c) The landlord or a person authorized by the landlord,  
192 when such motor vehicle or vessel remained on the premises after  
193 the tenancy terminated and the removal is done in compliance  
194 with s. 83.806 or s. 715.104; or

195 (d) Any law enforcement agency,

196 she or he shall have a lien on the vehicle or vessel for a  
197 reasonable towing fee, for a reasonable administrative fee or  
198 charge imposed by a county or municipality, and for a reasonable  
199 storage fee; except that no storage fee shall be charged if the  
200 vehicle or vessel is stored for less than 6 hours.

202 Section 7. This act shall take effect July 1, 2018.

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/6/18

Meeting Date

SB 1632

Bill Number (if applicable)

323728 -WD

Amendment Barcode (if applicable)

Topic

Towing

Name

Rebecca Delarosa

Job Title

Legislative Affairs Director

Address

301 N. Olive Ave., 1101.3

Street

West Palm Beach, FL 33401

City

State

Zip

Phone

860.284.7235

Email

rdejarosa@pbca.gov.org

Speaking:

For

Against

Information

Waive Speaking:

In Support

Against

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

Representing

Palm Beach County

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1632  
Bill Number (if applicable)

Meeting Date \_\_\_\_\_

Amendment Barcode (if applicable) \_\_\_\_\_

Topic Towing Bill

Name Mike Seaman

Job Title Executive Director

Address 4718 Edgewater Dr  
Street

Phone 407-402-1040

Orlando FL 32804  
City State Zip

Email mseaman@hotmail.com

Speaking:  For  Against  Information

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

Representing Professional Wrecker Operators 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**

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

2/6/18  
Meeting Date

1632  
Bill Number (if applicable)

Topic TOWING

Amendment Barcode (if applicable)

Name MARTY BOWEN

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

Address 108 E. JEFFERSON

Phone 850-228-3904

TALLAHASSEE FL 32308  
City State Zip

Email mbb1226@gmail

Speaking:  For  Against  Information

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

Representing PWOF - PROF. WRECKERS OF FLA

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)

2/6/18

Meeting Date

1632

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Bill Barrett

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

Address 4001 Hudson Ter

Phone 321-403-6410

Street

Tampa FL 33618

City

State

Zip

Email bbarrett.spg@gmail.com

Speaking:  For  Against  Information

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

Representing Beach Towing

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

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BILL: SB 1066  
INTRODUCER: Senator Baxley  
SUBJECT: Transportation Facility Designations/Nelle W. Needham Memorial Highway  
DATE: February 7, 2018      REVISED: \_\_\_\_\_

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

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**I. Summary:**

SB 1066 designates the portion of S.R. 464/Maricamp Road between S.E. 25th Avenue and S.E. 24th Street in Marion County as “Nelle W. Needham Memorial Highway” and directs the Florida Department of Transportation (FDOT) to erect suitable markers.

The estimated cost to the FDOT to install the designation markers required under this bill is \$1,000.

The bill takes effect July 1, 2018.

**II. Present Situation:**

**Transportation Facility Designations**

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility. Such designations do not require any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.<sup>1</sup>

When the Legislature establishes road or bridge designations, the FDOT is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility.<sup>2</sup>

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<sup>1</sup> Section 334.071(1), F.S.

<sup>2</sup> Section 334.071(2), F.S.

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before installation of the markers.<sup>3</sup>

### **Nelle W. Needham**

Described as a champion for people with disabilities, Nelle W. Needham began working in 1959 with Advocacy Resource Center (ARC) Marion, then known as New Hope School and Opportunity Workshop. She was the first executive director, serving from 1964 through 1990. During her more than 30 years with ARC Marion, Ms. Needham was presented with numerous awards for her contributions to the community and the state, including the Exchange Club Book of Golden Deeds Award, the Ocala Jaycees Outstanding Citizen Award for Outstanding Contribution, the Humanitarian Award from the Ocala Jaycee-ettes, and the Jefferson Award from the State of Florida.<sup>4</sup>

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

The bill designates the portion of S.R. 464/Maricamp Road between S.E. 25th Avenue and S.E. 24th Street in Marion County as “Nelle W. Needham Memorial Highway” and directs the Florida Department of Transportation (FDOT) to erect suitable markers.

The bill takes effect July 1, 2018

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

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

None.

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

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

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<sup>3</sup> Section 334.071(3), F.S.

<sup>4</sup> Information on file in the Senate Transportation Committee.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The estimated cost to erect the designation markers required by SB 1066 is \$1,000, based on the assumptions that two markers are required, and each marker costs the FDOT at least \$500. The estimate includes sign fabrication, installation, and maintenance over time but does not include any additional expenses related to maintenance of traffic, the dedication event, or replacement necessitated by damage, vandalism, or storm events.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an undesignated section of Florida Law.

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

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

None.

**B. Amendments:**

None.



By Senator Baxley

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A bill to be entitled

An act relating to transportation facility designations; providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Nelle W. Needham Memorial Highway designated; Department of Transportation to erect suitable markers.-

(1) That portion of S.R. 464/Maricamp Road between S.E. 25th Avenue and S.E. 24th Street in Marion County is designated as "Nelle W. Needham Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Nelle W. Needham Memorial Highway as described in subsection (1).

Section 2. This act shall take effect July 1, 2018.

# CourtSmart Tag Report

Room: SB 401

Caption: Senate Transportation Committee

Case No.:

Judge:

Type:

Started: 2/6/2018 2:04:14 PM

Ends: 2/6/2018 2:56:10 PM Length: 00:51:57

2:04:15 PM Meeting Called to Order by Chairman Gainer  
2:04:20 PM Roll Call  
2:04:32 PM Quorum Present  
2:04:57 PM Tab 1 - SB182-Small Business Roadway Construction Mitigation Grant by Senator Rodriguez  
2:05:02 PM Senator Rodriguez Explains SB182  
2:06:16 PM Amendment Barcode #138300 Explained by Senator Rodriguez  
2:06:58 PM Senator Rodriguez Waives Close on Amendment Barcode #138300  
2:07:06 PM Amendment Barcode #138300 Adopted  
2:07:32 PM Senator Rodriguez Waives Close on CS/SB182  
2:07:35 PM Roll Call  
2:07:50 PM CS/SB182 Passes Favorably  
2:08:10 PM Tab 2 - SB1050- Specialty License Plates/Orlando City Soccer Club by Senator Bracy  
2:08:22 PM Senator Bracy Explains SB1050  
2:09:15 PM Senator Bracy Waives Close on SB1050  
2:09:18 PM Roll Call  
2:09:30 PM SB1050 Passes Favorably  
2:10:00 PM Tab 5 - SB1414- Specialty License Plates by Senator Rouson  
2:10:04 PM Senator Rouson Explains SB1414  
2:12:52 PM Amendment Barcode #369456 Explained by Senator Rouson  
2:13:20 PM Amendment to Amendment Barcode #975072 Explained by Senator Rouson  
2:14:02 PM Senator Rouson Waives Close on Amendment to Amendment Barcode #975072  
2:14:09 PM Amendment to Amendment Barcode #975072 Adopted  
2:14:17 PM Amendment to Amendment Barcode #802486 Explained by Senator Rouson  
2:15:21 PM Senator Rouson Closes on Amendment to Amendment Barcode #802486  
2:15:55 PM Amendment to Amendment Barcode #802486 Adopted  
2:16:33 PM Senator Rouson Waives Close  
2:16:50 PM Senator Rader Questions Senator Rouson  
2:16:59 PM Senator Rouson Responds to Senator Rader  
2:17:27 PM Senator Rouson Waives Close on CS/SB1414  
2:17:29 PM Roll Call  
2:17:42 PM CS/SB1414 Passes Favorably  
2:18:01 PM Tab 6 - SB1608-Agritourism Signage by Senator Grimsley  
2:18:04 PM Senator Grimsley Explains SB1608  
2:18:46 PM Senator Rader Questions Senator Grimsley  
2:18:56 PM Senator Grimsley Responds to Senator Rader  
2:19:15 PM Amendment Barcode #889794  
2:19:19 PM Amendment Barcode #889794 Explained by Grimsley  
2:22:25 PM Adam Basford Representing FL Farm Bureau Speaks in Support of SB1608  
2:23:50 PM Senator Grimsley Closes on Amendment  
2:23:58 PM Amendment Adopted  
2:24:19 PM Lena Juarez Waives Support  
2:24:32 PM Diana Ferguson Representing Miami-Dade County Waives in Support  
2:24:46 PM Senator Grimsley Waives Close on CS/SB1608  
2:24:49 PM Senator Rader Speaks in Support on CS/SB1608  
2:25:51 PM Roll Call  
2:26:05 PM CS/SB1608 Passes Favorably  
2:26:20 PM Tab 7 - SB1632-Towing and Immobilization Fees and Charges by Senator Mayfield  
2:26:24 PM Senator Mayfield Explains SB1632  
2:27:44 PM Amendment Barcode #323728  
2:27:46 PM Senator Mayfield Withdraws Amendment Barcode #323728  
2:28:42 PM Senator Rader Questions Senator Mayfield  
2:29:25 PM Senator Mayfield Responds to Senator Rader

2:30:06 PM Rebecca DeLaRosa Speaks With Information on Amendment Barcode #323728  
2:30:46 PM Mike Seaman Representing Professional Wreckers of Florida Waives in Support  
2:30:59 PM Marty Bowen Representing Professional Wreckers of Florida Waives in Support  
2:31:07 PM Bill Barrett Representing Beach Towing Waives in Support of SB1632  
2:31:21 PM Senator Galvano Speaks on SB1632  
2:31:48 PM Senator Mayfield Closes on SB1632  
2:32:09 PM Roll Call  
2:32:24 PM SB1632 Passes Favorably  
2:32:42 PM Tab 3 - SB1154-License Plate Decals for Organ Donors by Senator Perry  
2:32:47 PM SB1154 Explained By Senator Perry  
2:33:58 PM Kathleen Giery Representing Donate Life Florida Speaks Against SB1154  
2:36:30 PM Senator Rouson Questions Senator Perry  
2:37:03 PM Senator Perry Responds to Senator Rouson  
2:37:14 PM Senator Perry Closes on SB1154  
2:39:06 PM Roll Call  
2:39:17 PM SB1154 Passes Favorably  
2:39:36 PM Tab 4 - SB1200-Statewide Alternative Transportation Authority by Senator Young  
2:39:40 PM Senator Young Explains SB1200  
2:42:32 PM Senator Rader Questions Senator Young  
2:42:52 PM Back and Forth Between Senator Rader and Senator Young  
2:45:20 PM Senator Rouson Questions Senator Young  
2:45:23 PM Senator Young Responds to Senator Rouson  
2:45:33 PM Chairman Gainer Questions Senator Young  
2:45:35 PM Senator Young Responds to Chairman Gainer  
2:46:03 PM Jess McCarty Representing Miami-Dade County Waives in Support  
2:46:22 PM Senator Galvano Speaks in SB1200  
2:48:24 PM Senator Rouson Speaks on SB1200  
2:49:08 PM Senator Rader Speaks on SB1200  
2:49:38 PM Senator Taddeo Speaks on SB1200  
2:51:02 PM Chairman Gainer Speaks on SB1200  
2:51:25 PM Senator Young Closes on SB1200  
2:52:12 PM Roll Call  
2:52:23 PM SB1200 Passes Favorably  
2:52:37 PM Motion by Senator Galvano In Favor of Tab 1 and Tab 2  
2:53:08 PM Tab 8 - SB1066-Transportation Facility Designations/Nelle W. Needham Memorial Highway by Senator  
Baxley  
2:53:18 PM Senator Baxley Explains SB1066  
2:55:32 PM Senator Baxley waives close  
2:55:34 PM Roll Call  
2:55:45 PM SB1066 Passes Favorably  
2:56:03 PM By Motion of Senator Baxley - Meeting Adjourned