

<b>Tab 1</b>	<b>SB 474</b> by <b>Perry</b> ; (Identical to H 00145) Recreational Off-highway Vehicles
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<b>Tab 2</b>	<b>SB 876</b> by <b>Pizzo</b> ; (Compare to H 00399) Stunt Driving on Highways
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<b>Tab 3</b>	<b>SB 914</b> by <b>Harrell</b> ; (Identical to H 00871) Department of Highway Safety and Motor Vehicles
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<b>Tab 4</b>	<b>SB 1038</b> by <b>Perry</b> ; (Similar to H 00907) Florida Seaport Transportation and Economic Development Council
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**TRANSPORTATION**  
**Senator Harrell, Chair**  
**Senator Perry, Vice Chair**

**MEETING DATE:** Wednesday, January 12, 2022  
**TIME:** 9:30—11:30 a.m.  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Building

**MEMBERS:** Senator Harrell, Chair; Senator Perry, Vice Chair; Senators Berman, Bracy, Gainer, Jones, Rodriguez, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 474</b> Perry (Identical H 145)	Recreational Off-highway Vehicles; Revising the definition of the term "ROV" to increase the weight limit of a specified vehicle, etc.  AG 12/02/2021 Favorable TR 01/12/2022 Favorable RC	Favorable Yeas 7 Nays 0
2	<b>SB 876</b> Pizzo (Compare H 399, S 258)	Stunt Driving on Highways; Prohibiting specified acts relating to street takeovers or stunt driving on highways, roadways, or parking lots; prohibiting a person from being a spectator at a street takeover, etc.  TR 01/12/2022 Fav/CS CJ RC	Fav/CS Yeas 7 Nays 0
3	<b>SB 914</b> Harrell (Identical H 871)	Department of Highway Safety and Motor Vehicles; Requiring law enforcement agencies to annually report race and ethnicity data of certain violators to the department; deleting a precondition to a requirement that the operator of a motor vehicle display proof of maintenance of security to a law enforcement officer or certain other persons; extending the date by which the department must implement a rebuilt motor vehicle inspection program; requiring that certain commercial motor vehicles meet certain federal financial responsibility requirements, etc.  TR 01/12/2022 Favorable ATD AP	Favorable Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Wednesday, January 12, 2022, 9:30—11:30 a.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 1038</b> Perry (Similar H 907)	Florida Seaport Transportation and Economic Development Council; Revising the membership of the Florida Seaport Transportation and Economic Development Council to include a representative of Putnam County; authorizing Putnam County to apply for a grant for a port feasibility study through the Florida Seaport Transportation and Economic Development Council; requiring the Department of Transportation to include the study in its budget request under certain circumstances; terminating the membership of Putnam County on the council under certain circumstances, etc.	Favorable Yeas 7 Nays 0
		TR 01/12/2022 Favorable CM RC	

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Other Related Meeting Documents

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 474

INTRODUCER: Senator Perry

SUBJECT: Recreational Off-highway Vehicles

DATE: January 12, 2022

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Becker</u>	<u>Becker</u>	<u>AG</u>	<b>Favorable</b>
2.	<u>Proctor</u>	<u>Vickers</u>	<u>TR</u>	<b>Favorable</b>
3.	_____	_____	<u>RC</u>	_____

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**I. Summary:**

SB 474 increases the dry weight allowed for recreational off-highway vehicles (ROVs) from 2,500 pounds to 3,500 pounds.

The bill has an effective date of July 1, 2022.

**II. Present Situation:**

The 2002 Legislature found that off-highway vehicles were becoming increasingly popular in this state and that the use of these vehicles should be controlled and managed to minimize negative effects on the environment, wildlife habitats, native wildlife, and native flora and fauna.<sup>1</sup> The T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act<sup>2</sup> was passed to develop an Off-Highway Vehicle recreational system. The program provides a set of guidelines to follow for developing and maintaining state lands, as well as provides restrictions on vehicles allowed on authorized state lands.

The Department of Highway Safety and Motor Vehicles (DHSMV) and its agents (Tax Collector Offices) are responsible for the issuing, handling, and recording of all off-highway vehicle titling applications and certificates, including the receipt and accounting of related fees.<sup>3</sup> The funds for these title transactions, less administrative costs of \$2 per transaction (which are deposited into the Highway Safety Operating Trust Fund) are deposited into the Incidental Trust Fund of the Florida Forest Service of the Department of Agriculture and Consumer Services (DACs).<sup>4</sup>

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<sup>1</sup> Section 261.02(1), F.S.

<sup>2</sup> Section 261.01, F.S.

<sup>3</sup> Section 317.0004(1), F.S.

<sup>4</sup> Department of Highway Safety and Motor Vehicles, *2022 Legislative Bill Analysis for SB 474*, (November 30, 2021), p. 2 (on file in the Senate Committee on Transportation).

The definition of ROVs is distinguished by width, weight, and the number of non-highway wheels. Current law provides that an ROV must:

- Be 80 inches or less in width;
- Have a dry weight of 2,500 pounds or less;
- Be designed to travel on four or more nonhighway tires; and
- Be manufactured for recreational use by one or more persons.<sup>5</sup>

Any person operating an off-highway vehicle who has not attained 16 years of age must be supervised by an adult while operating the off-highway vehicle. In addition, a person who has not attained 16 years of age must have in their possession a certificate evidencing the satisfactory completion of an approved off-highway vehicle safety course in this state or another jurisdiction. A nonresident who has not attained 16 years of age and who is in this state temporarily for a period not to exceed 30 days is exempt from this requirement.<sup>6</sup>

An ROV that is operated between sunset and sunrise, or when visibility is reduced because of rain, smoke, or smog, must display a lighted headlamp and tail lamp unless the use of such lights is prohibited by other laws, such as a prohibition on the use of lights when hunting at night. An ROV that is used in certain organized and sanctioned competitive events being held on a closed course may be exempted by DACS rule from any equipment requirement.<sup>7</sup>

Any person who commits one of the following violations commits a noncriminal infraction and is subject to a fine of not less than \$100 and may have their privilege to operate an ROV on public lands revoked:<sup>8</sup>

- Carrying more passengers on an off-highway vehicle than the machine is specifically designed by the manufacturer to carry;
- Operating an ROV while under the influence of alcohol, a controlled substance, or any prescription or over-the-counter drug that impairs vision or motor condition;
- A person, who has not attained 16 years of age, operating an ROV without wearing eye protection, over-the-ankle boots, and a safety helmet that is approved by the United States Department of Transportation or Snell Memorial Foundation; and
- Operating an ROV in a careless or reckless manner that endangers or causes injury or damage to another person or property.<sup>9</sup>

Some ROV manufacturers are adding hydrogen and electric models to their lineup. The weight of these new models has the potential to be greater than the traditional combustion engine models. For instance, Polaris produces the electric powered Ranger EV (dry weight of 1,762 pounds)<sup>10</sup> and Ranger XP Kinetic (dry weight of 1,980 pounds)<sup>11</sup> models; Nikola produces the

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<sup>5</sup> Sections 261.03(8) and 317.0003(9), F.S.

<sup>6</sup> Sections 261.20(2) and (3), F.S.

<sup>7</sup> *Ibid.*

<sup>8</sup> Section 261.20(6), F.S.

<sup>9</sup> Section 261.20(5), F.S.

<sup>10</sup> Polaris, *Ranger EV*, <https://ranger.polaris.com/en-us/ranger-ev/> (last visited January 5, 2022).

<sup>11</sup> Polaris, *Ranger XP Kinetic*, <https://ranger.polaris.com/en-us/ranger-xp-kinetic-ultimate-polaris-pursuit-camo/specs/> (last visited January 5, 2022).

NTZ model (dry weight of 2,300 to 4,400 pounds depending on motor and battery capacity);<sup>12</sup> and Lexus has revealed a new ROV hydrogen concept model.<sup>13</sup> However, SB 474 does not address any specifications that an increased weight allowance would be associated with, it only increases the dry weight allowance for ROVs which would apply regardless of engine type or ROV capabilities.

### III. Effect of Proposed Changes:

SB 474 increases the dry weight allowed for ROVs from 2,500 pounds to 3,500 pounds. The bill does not change any of the current equipment and operational requirements relating to ROVs.

The bill has an effective date of July 1, 2022.

### IV. Constitutional Issues:

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

None.

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

None.

#### C. Trust Funds Restrictions:

None.

#### D. State Tax or Fee Increases:

None.

#### E. Other Constitutional Issues:

None identified.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

Additional ROVs may be eligible to be titled in Florida.

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<sup>12</sup> Nikola Motor, *NZT*, <https://nikolamotor.com/nzt> (last visited January 5, 2022); Lucas Cooney, *590-Horsepower Electric Nikola NZT Specs*, ATV.com, <https://www.atv.com/manufacturer/nikola/590-horsepower-electric-nikola-nzt-specs> (last visited January 5, 2022).

<sup>13</sup> *Lexus Unveils Hydrogen-Engined ROV Concept*, Green Car Congress, <https://www.greencarcongress.com/2021/12/20211204-lexusrov.html> (last visited January 5, 2022).

C. **Government Sector Impact:**

If additional ROVs are titled in Florida, the DHSMV, tax collectors, and the Incidental Trust Fund of the Florida Forest Service of the DACS may see an indeterminate increase in revenue.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill amends sections 261.03 and 317.0003 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.

By Senator Perry

8-00396-22

2022474\_\_

1 A bill to be entitled  
2 An act relating to recreational off-highway vehicles;  
3 amending ss. 261.03 and 317.0003, F.S.; revising the  
4 definition of the term "ROV" to increase the weight  
5 limit of a specified vehicle; providing an effective  
6 date.  
7  
8 Be It Enacted by the Legislature of the State of Florida:  
9  
10 Section 1. Subsection (8) of section 261.03, Florida  
11 Statutes, is amended to read:  
12 261.03 Definitions.—As used in this chapter, the term:  
13 (8) "ROV" means any motorized recreational off-highway  
14 vehicle 80 inches or less in width which has a dry weight of  
15 3,500 ~~2,500~~ pounds or less, is designed to travel on four or  
16 more nonhighway tires, and is manufactured for recreational use  
17 by one or more persons. The term does not include a golf cart as  
18 defined in ss. 316.003 and 320.01 or a low-speed vehicle as  
19 defined in s. 320.01.  
20 Section 2. Subsection (9) of section 317.0003, Florida  
21 Statutes, is amended to read:  
22 317.0003 Definitions.—As used in this chapter, the term:  
23 (9) "ROV" means any motorized recreational off-highway  
24 vehicle 80 inches or less in width which has a dry weight of  
25 3,500 ~~2,500~~ pounds or less, is designed to travel on four or  
26 more nonhighway tires, and is manufactured for recreational use  
27 by one or more persons. The term does not include a golf cart as  
28 defined in ss. 316.003 and 320.01 or a low-speed vehicle as  
29 defined in s. 320.01.

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

8-00396-22

2022474\_\_

30 Section 3. This act shall take effect July 1, 2022.

Page 2 of 2

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



The Florida Senate

APPEARANCE RECORD

1-12-22

Meeting Date

474

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

TRANSPORTATION

Committee

Amendment Barcode (if applicable)

Name

STEVE DYAL

Phone

850-510-6286

Address

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Street

TALLAHASSEE

State

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Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

POLARIS

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

1/12/22

Meeting Date

# The Florida Senate APPEARANCE RECORD

DUPLICATE

474

Bill Number or Topic

Transportation

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name **B.D. Jogerst**

Phone **850-224-7173**

Address **516 N Adams**

Street

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**Tallahassee**

**FL**

**32301**

City

State

Zip

Speaking:  For  Against  Information **OR** Waive Speaking:  In Support  Against

### PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

**Associated Industries of Florida**

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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 876

INTRODUCER: Transportation Committee and Senator Pizzo

SUBJECT: Stunt Driving on Highways

DATE: January 12, 2022

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Vickers	TR	Fav/CS
2.			CJ	
3.			RC	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 876 defines various terms, including street takeover and stunt driving. A “street takeover” is defined as the taking over of a portion of a highway or roadway by blocking or impeding the regular flow of traffic to perform burnouts, doughnuts, drifting, wheelies, or other stunt driving. “Stunt driving” means to perform or engage in any burnouts, doughnuts, drifting, wheelies, or other activity on a roadway or highway which is likely to delay, distract, startle, or interfere with other users of the roadway or highway.

The bill provides that a person may not:

- Drive any motor vehicles in any street takeover or stunt driving on any highway, roadway or parking lot;
- Participate in a street takeover or stunt driving;
- Knowingly ride as a passenger in a street takeover or stunt driving;
- Cause the movement of traffic to slow or stop for a street takeover or stunt driving; and
- Be a spectator at a street takeover.

The bill adds street takeovers and stunt driving on highways to the list of criminal offenses which would require a \$65 penalty, in addition to any other penalty. The additional \$65 must be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health.

The bill provides probable cause for a law enforcement officer to arrest without a warrant for street takeover and stunt driving.

The bill may have an indeterminate fiscal impact. See Section V. Fiscal Impact Statement.

The bill has an effective date of October 1, 2022.

## II. Present Situation:

Under current law a person is prohibited from driving any motor vehicle, including any motorcycle, in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration or for the purpose of making a speed record on any highway, roadway, or parking lot. In addition, a person is prohibited from participating in, coordinating, facilitating, or collecting moneys at any location for any such event; knowingly riding as a passenger in any such event; or purposefully causing the movement of traffic to slow or stop for any such event.<sup>1</sup>

Any person who violates the above provisions commits a misdemeanor of the first degree. They must also pay a fine of not less than \$500 and not more than \$1,000, and the Department of Highway Safety and Motor Vehicles (DHSMV) must also revoke the driver license of a person convicted for one year.<sup>2</sup>

Any person who commits a second violation of the above provisions within five years after the date of a prior violation that resulted in a conviction commits a misdemeanor of the first degree. They must also pay a fine of not less than \$1,000 and not more than \$3,000, and the DHSMV must also revoke the driver license of that person for two years.<sup>3</sup>

Any person who commits a third or subsequent violation of the above provisions within five years after the date of a prior violation that resulted in a conviction commits a misdemeanor of the first degree. They must also pay a fine of not less than \$2,000 and not more than \$5,000, and the DHSMV must also revoke the driver license of that person for four years.<sup>4</sup>

The misdemeanors of the first degree are punishable as provided in ss. 775.082 or 775.083, F.S., and a hearing may be requested pursuant to s. 322.271, F.S., to petition the DHSMV for reinstatement of driving privileges for the above revocations.<sup>5</sup>

Whenever a law enforcement officer has probable cause to believe that a person commits any of the above violations, the law enforcement officer may arrest and take the person into custody without a warrant, and the court may enter an order of impoundment or immobilization as a condition of incarceration or probation. Within seven business days after the date the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of the motor vehicle, if the registered

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<sup>1</sup> Section 316.191(2), F.S.

<sup>2</sup> Section 316.191(3), F.S.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

owner is a person other than the defendant, and to each person of record claiming a lien against the motor vehicle.<sup>6</sup>

In addition, a person who is a spectator at a prohibited drag race under this section commits a noncriminal traffic infraction, punishable as a moving violation as provided in ch. 318, F.S.<sup>7</sup>

### **Street Takeover**

Street takeovers are a relatively recent phenomenon that occur when large numbers, sometimes hundreds, of cars gather at a predetermined site, typically a large intersection. Some of the cars are used to block off the intersection and then other cars come into that intersection to perform donuts and other types of vehicular stunts. The problem with controlling these events is that it takes time for law enforcement to arrive because, due to the size and scale of these gatherings, multiple law enforcement resources need to be coordinated before they can take action. Once the first sign of law enforcement presence is detected, the participants scatter, including the many bystanders that come to watch the cars.<sup>8</sup>

There does not appear to be much governmental data or statistics associated with street takeovers; however, there are a number of media accounts from across the nation, including Orange and Miami-Dade counties in Florida. Numerous media accounts indicate that a significant number of injuries and fatalities have been associated with street takeovers.<sup>9</sup>

The Dallas Police Department's speeding and racing task force provides one example of a concerted local effort to crack down on street takeovers and other illegal events since the start of the pandemic. Since the formation of the task force through September 14, 2021, they have reported the following actions in connection with illegal events:<sup>10</sup>

- Traffic Stops: 5,855
- Hazardous Citations: 1,496
- Regulatory Citations: 4,585
- Spectators Arrested/Cited: 741
- Vehicles Towed: 650
- Calls Answered: 6,009
- Misdemeanor Arrests: 944
- Felony Arrests: 124
- Offenses Cleared: 67
- Guns Seized: 107
- Drugs Seized: 201

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<sup>6</sup> Section 316.191(5), F.S.

<sup>7</sup> Section 319.191(4), F.S.

<sup>8</sup> Thom Taylor, *Street Takeovers Are Turning More Deadly*, motorbiscuit.com, <https://www.motorbiscuit.com/street-takeovers-turning-more-deadly/> (last visited January 7, 2022).

<sup>9</sup> *Ibid*; Erin Myers, *Car that crashed into Van Nuys building, killing 1, was being followed by police after doing donuts in street takeover*, ktla.com, <https://ktla.com/news/local-news/car-that-crashed-into-van-nuys-building-killing-1-was-being-followed-by-police-after-doing-donuts-in-street-takeover/> (last visited January 10, 2022).

<sup>10</sup> Michael Lozano, *Illegal Dallas 'street takeovers' feeling pinch from Dallas PD*, spectrumlocalnews.com, <https://spectrumlocalnews.com/tx/dallas-fort-worth/news/2021/09/30/dallas-illegal--street-takeovers--feeling-pinch-from-dallas-pd-> (last visited January 7, 2022).

- Stolen Vehicles Recovered: 42
- Arrest Assists: 1,099

### III. Effect of Proposed Changes:

The bill amends s. 316.191(1), F.S., to add the following definitions:

- “Burnout” means a maneuver performed while operating a motor vehicle whereby the vehicle is kept stationary, or is in motion, while the wheels are spun, the resulting friction causing the vehicle’s tires to heat up and emit smoke.
- “Doughnut” means a maneuver performed while operating a motor vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion which may cause a circular skid-mark pattern of rubber on the driving surface or the tires to heat up and emit smoke from friction, or both.
- “Drifting” means a maneuver performed while operating a motor vehicle whereby the vehicle is steered so that it makes a controlled skid sideways through a turn with the front wheels pointed in a direction opposite to that of the turn.
- “Street takeover” means the taking over of a portion of a highway or roadway by blocking or impeding the regular flow of traffic to perform burnouts, doughnuts, drifting, wheelies, or other stunt driving.
- “Stunt driving” means to perform or engage in any burnouts, doughnuts, drifting, wheelies, or other activity on a roadway or highway which is likely to delay, distract, startle, or interfere with other users of the roadway or highway.
- “Wheelie” means a maneuver performed while operating a motor vehicle whereby a motorcycle or other motor vehicle is ridden for a distance with the front wheel or wheels raised off the ground.

The bill amends s. 316.191(1), F.S., to provide that a “spectator” also means a person who is knowingly present at and views a street takeover. The new definition now means any person who is knowingly present at and views a drag race or street takeover, when such presence is the result of an affirmative choice to attend or participate in the event. For purposes of determining whether or not an individual is a spectator, finders of fact shall consider the relationship between the motor vehicle operator and the individual, evidence of gambling or betting on the outcome of the event, and any other factor that would tend to show knowing attendance or participation.

The bill amends s. 316.191(2), F.S., to provide that a person may not:

- Drive any motor vehicles, including any motorcycle, in any street takeover or stunt driving on any highway, roadway or parking lot;
- Participate in, coordinate, facilitate, or collect moneys at any location for a street takeover or stunt driving;
- Knowingly ride as a passenger in a street takeover or stunt driving; or
- Purposefully cause the movement of traffic to slow or stop for a street takeover or stunt driving.

Any person who violates the above provisions commits a misdemeanor of the first degree. They must also pay a fine of not less than \$500 and not more than \$1,000, and the DHSMV must also revoke the driver license of a person convicted for one year.

Any person who commits a second violation of the above provisions within five years after the date of a prior violation that resulted in a conviction commits a misdemeanor of the first degree. They must also pay a fine of not less than \$1,000 and not more than \$3,000, and the DHSMV must also revoke the driver license of that person for two years.

Any person who commits a third or subsequent violation of the above provisions within five years after the date of a prior violation that resulted in a conviction commits a misdemeanor of the first degree. They must also pay a fine of not less than \$2,000 and not more than \$5,000, and the DHSMV must also revoke the driver license of that person for four years.

The misdemeanors of the first degree are punishable as provided in ss. 775.082 or 775.083, F.S., and a hearing may be requested pursuant to s. 322.271, F.S., to petition the DHSMV for reinstatement of driving privileges for the above revocations.

Whenever a law enforcement officer has probable cause to believe that a person commits any of the above violations, the officer may arrest and take the person into custody without a warrant, and the court may enter an order of impoundment or immobilization as a condition of incarceration or probation. Within seven business days after the date the court issues the order of impoundment or immobilization, the clerk of the court must send notice by certified mail, return receipt requested, to the registered owner of the motor vehicle, if the registered owner is a person other than the defendant, and to each person of record claiming a lien against the motor vehicle.

The bill amends s. 316.191(4), F.S., to provide that a person may not be a spectator at a street takeover and a person who violates this provision commits a noncriminal traffic infraction, punishable as a moving violation as provided in ch. 318, F.S.

The bill amends s. 901.15(9), F.S., to include a street takeover and stunt driving as incidents when a law enforcement officer may arrest a person without a warrant.

The bill amends s. 318.18(20), F.S., to add street takeovers and stunt driving on highways to the list of criminal offenses which would require a \$65 penalty, in addition to any other penalty. The additional \$65 must be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health.

The bill has an effective date of October 1, 2022.

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

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals driving, participating, coordinating, facilitating, collecting money, knowingly riding as a passenger, or causing the movement of traffic to slow or stop for a street takeover or stunt driving event may be negatively impacted if they are fined, arrested, have their vehicle impounded, or have their driver license revoked.

Individual spectators of a street takeover event may be negatively impacted if they are cited with a noncriminal traffic infraction.

C. Government Sector Impact:

State and local government entities may see an indeterminate positive fiscal impact associated with any fines or fees collected from individuals driving, participating, coordinating, facilitating, collecting money, knowingly riding as a passenger, or causing the movement of traffic to slow or stop for a street takeover or stunt driving event, and from the impoundment of vehicles.

State and local government may see an indeterminate positive fiscal impact associated with the issuance of a noncriminal traffic infraction to spectators of a street takeover.

The Emergency Medical Services Trust Fund of the Department of Health may see an indeterminate positive fiscal impact due to the addition of street takeovers and stunt driving on highways to the list of criminal offenses which would require a \$65 penalty, in addition to any other penalty, under s. 318.18(20), F.S.



**VI. Technical Deficiencies:**

Section 316.191(3)(a), F.S., provides that any person who violates s. 316.191(2), F.S., commits a first-degree misdemeanor. Under SB 876, a person performing a wheelie while operating a motor vehicle may constitute “stunt driving,” which would be a prohibited act under s. 316.191(2)(a), F.S. Therefore, by performing a wheelie, a person may be charged with a first-degree misdemeanor. Although the term “wheelie” is not used in s. 316.2085, F.S., that section provides that a person shall ride upon a motorcycle or moped only while sitting astride the seat with both wheels on the ground at all times. Violation of this section is a noncriminal traffic infraction punishable as a moving violation in ch. 318, F.S. Thus, the bill creates a potential conflict between s. 316.191(2)(a), F.S., which makes performing a wheelie a first-degree misdemeanor, and s. 316.2085, F.S., which may make performing a wheelie a noncriminal infraction punishable as a moving violation. The DHSMV recommends that consideration be given to either creating a distinction between a wheelie punishable as a noncriminal infraction and a wheelie punishable as a misdemeanor crime or proposing amendments to s. 316.2085, F.S., that are consistent with the bill’s proposals regarding wheelies.<sup>11</sup>

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.191, 318.18, and 901.15.

**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 January 12, 2022:****The committee substitute:**

- Modifies the definition of “burnout” to allow the vehicle to also be in motion, and not just stationary.
- Amends the definition for “spectator” to include an individual present at and viewing a street takeover event.

**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>11</sup> *Ibid*, p. 5-6.



850690

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/14/2022	.	
	.	
	.	
	.	

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The Committee on Transportation (Pizzo) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 24 - 67  
and insert:  
motor vehicle whereby the vehicle is kept stationary, or is in motion, while the wheels are spun, the resulting friction causing the vehicle's tires to heat up and emit smoke.

(b) "Conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.



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11        (c) "Doughnut" means a maneuver performed while operating a  
12 motor vehicle whereby the front or rear of the vehicle is  
13 rotated around the opposite set of wheels in a continuous motion  
14 which may cause a circular skid-mark pattern of rubber on the  
15 driving surface or the tires to heat up and emit smoke from  
16 friction, or both.

17        (d) ~~(b)~~ "Drag race" means the operation of two or more motor  
18 vehicles from a point side by side at accelerating speeds in a  
19 competitive attempt to outdistance each other, or the operation  
20 of one or more motor vehicles over a common selected course,  
21 from the same point to the same point, for the purpose of  
22 comparing the relative speeds or power of acceleration of such  
23 motor vehicle or motor vehicles within a certain distance or  
24 time limit.

25        (e) "Drifting" means a maneuver performed while operating a  
26 motor vehicle whereby the vehicle is steered so that it makes a  
27 controlled skid sideways through a turn with the front wheels  
28 pointed in a direction opposite to that of the turn.

29        (f) ~~(e)~~ "Race" means the use of one or more motor vehicles  
30 in competition, arising from a challenge to demonstrate  
31 superiority of a motor vehicle or driver and the acceptance or  
32 competitive response to that challenge, either through a prior  
33 arrangement or in immediate response, in which the competitor  
34 attempts to outgain or outdistance another motor vehicle, to  
35 prevent another motor vehicle from passing, to arrive at a given  
36 destination ahead of another motor vehicle or motor vehicles, or  
37 to test the physical stamina or endurance of drivers over long-  
38 distance driving routes. A race may be prearranged or may occur  
39 through a competitive response to conduct on the part of one or



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40 more drivers which, under the totality of the circumstances, can  
41 reasonably be interpreted as a challenge to race.

42 (g) ~~(d)~~ "Spectator" means any person who is knowingly  
43 present at and views a drag race or street takeover, when such  
44 presence is the result of an affirmative choice to attend or  
45 participate in the event ~~race~~. For purposes of determining  
46 whether or not an individual is a spectator, finders of fact  
47 shall consider the relationship between the motor vehicle  
48 operator ~~racer~~ and the individual, evidence of gambling or  
49 betting on the outcome of the event ~~race~~, and any other factor  
50 that

51

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

53 And the title is amended as follows:

54 Delete line 3

55 and insert:

56 s. 316.191, F.S.; defining terms; revising the  
57 definition of the term "spectator"; prohibiting

By Senator Pizzo

38-00712-22

2022876\_\_

A bill to be entitled

An act relating to stunt driving on highways; amending s. 316.191, F.S.; defining terms; prohibiting specified acts relating to street takeovers or stunt driving on highways, roadways, or parking lots; prohibiting a person from being a spectator at a street takeover; providing applicability of specified criminal penalties; amending s. 318.18, F.S.; providing applicability of a certain civil penalty; amending s. 901.15, F.S.; conforming a provision to changes made by the act; reenacting s. 322.0261(4) (a) and (b), F.S., relating to driver improvement courses, to incorporate the amendment made to s. 316.191, F.S., in references thereto; providing an effective date.

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

Section 1. Section 316.191, Florida Statutes, is amended to read:

316.191 Racing on highways, street takeovers, and stunt driving on highways.—

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

(a) "Burnout" means a maneuver performed while operating a motor vehicle whereby the vehicle is kept stationary while the wheels are spun, the resulting friction causing the vehicle's tires to heat up and emit smoke.

(b) "Conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

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

38-00712-22

2022876\_\_

(c) "Doughnut" means a maneuver performed while operating a motor vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion which may cause a circular skid-mark pattern of rubber on the driving surface or the tires to heat up and emit smoke from friction, or both.

~~(d)~~ (b) "Drag race" means the operation of two or more motor vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more motor vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such motor vehicle or motor vehicles within a certain distance or time limit.

(e) "Drifting" means a maneuver performed while operating a motor vehicle whereby the vehicle is steered so that it makes a controlled skid sideways through a turn with the front wheels pointed in a direction opposite to that of the turn.

~~(f)~~ (e) "Race" means the use of one or more motor vehicles in competition, arising from a challenge to demonstrate superiority of a motor vehicle or driver and the acceptance or competitive response to that challenge, either through a prior arrangement or in immediate response, in which the competitor attempts to outgain or outdistance another motor vehicle, to prevent another motor vehicle from passing, to arrive at a given destination ahead of another motor vehicle or motor vehicles, or to test the physical stamina or endurance of drivers over long-distance driving routes. A race may be prearranged or may occur through a competitive response to conduct on the part of one or

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59 more drivers which, under the totality of the circumstances, can  
60 reasonably be interpreted as a challenge to race.

61 ~~(g)~~ (d) "Spectator" means any person who is knowingly  
62 present at and views a drag race, when such presence is the  
63 result of an affirmative choice to attend or participate in the  
64 race. For purposes of determining whether or not an individual  
65 is a spectator, finders of fact shall consider the relationship  
66 between the racer and the individual, evidence of gambling or  
67 betting on the outcome of the race, and any other factor that  
68 would tend to show knowing attendance or participation.

69 (h) "Street takeover" means the taking over of a portion of  
70 a highway or roadway by blocking or impeding the regular flow of  
71 traffic to perform burnouts, doughnuts, drifting, wheelies, or  
72 other stunt driving.

73 (i) "Stunt driving" means to perform or engage in any  
74 burnouts, doughnuts, drifting, wheelies, or other activity on a  
75 roadway or highway which is likely to delay, distract, startle,  
76 or interfere with other users of the roadway or highway.

77 (j) "Wheelie" means a maneuver performed while operating a  
78 motor vehicle whereby a motorcycle or other motor vehicle is  
79 ridden for a distance with the front wheel or wheels raised off  
80 the ground.

81 (2) A person may not:

82 (a) Drive any motor vehicle, including any motorcycle, in  
83 any street takeover, stunt driving, race, speed competition or  
84 contest, drag race or acceleration contest, test of physical  
85 endurance, or exhibition of speed or acceleration or for the  
86 purpose of making a speed record on any highway, roadway, or  
87 parking lot;

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88 (b) In any manner participate in, coordinate, facilitate,  
89 or collect moneys at any location for any such race, street  
90 takeover, stunt driving, competition, contest, test, or  
91 exhibition;

92 (c) Knowingly ride as a passenger in any such race, street  
93 takeover, stunt driving, competition, contest, test, or  
94 exhibition; or

95 (d) Purposefully cause the movement of traffic to slow or  
96 stop for any such race, street takeover, stunt driving,  
97 competition, contest, test, or exhibition.

98 (3) (a) Any person who violates subsection (2) commits a  
99 misdemeanor of the first degree, punishable as provided in s.  
100 775.082 or s. 775.083. Any person who violates subsection (2)  
101 shall pay a fine of not less than \$500 and not more than \$1,000,  
102 and the department shall revoke the driver license of a person  
103 so convicted for 1 year. A hearing may be requested pursuant to  
104 s. 322.271.

105 (b) Any person who commits a second violation of subsection  
106 (2) within 5 years after the date of a prior violation that  
107 resulted in a conviction for a violation of subsection (2)  
108 commits a misdemeanor of the first degree, punishable as  
109 provided in s. 775.082 or s. 775.083, and shall pay a fine of  
110 not less than \$1,000 and not more than \$3,000. The department  
111 shall also revoke the driver license of that person for 2 years.  
112 A hearing may be requested pursuant to s. 322.271.

113 (c) Any person who commits a third or subsequent violation  
114 of subsection (2) within 5 years after the date of a prior  
115 violation that resulted in a conviction for a violation of  
116 subsection (2) commits a misdemeanor of the first degree,

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

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117 punishable as provided in s. 775.082 or s. 775.083, and shall  
 118 pay a fine of not less than \$2,000 and not more than \$5,000. The  
 119 department shall also revoke the driver license of that person  
 120 for 4 years. A hearing may be requested pursuant to s. 322.271.  
 121 (d) In any case charging a violation of subsection (2), the  
 122 court shall be provided a copy of the driving record of the  
 123 person charged and may obtain any records from any other source  
 124 to determine if one or more prior convictions of the person for  
 125 a violation of subsection (2) have occurred within 5 years prior  
 126 to the charged offense.  
 127 (4) (a) A person may not be a spectator at any drag race or  
 128 street takeover prohibited under subsection (2).  
 129 (b) A person who violates paragraph (a) commits a  
 130 noncriminal traffic infraction, punishable as a moving violation  
 131 as provided in chapter 318.  
 132 (5) Whenever a law enforcement officer has probable cause  
 133 to believe that a person violated subsection (2), the officer  
 134 may arrest and take such person into custody without a warrant.  
 135 The court may enter an order of impoundment or immobilization as  
 136 a condition of incarceration or probation. Within 7 business  
 137 days after the date the court issues the order of impoundment or  
 138 immobilization, the clerk of the court must send notice by  
 139 certified mail, return receipt requested, to the registered  
 140 owner of the motor vehicle, if the registered owner is a person  
 141 other than the defendant, and to each person of record claiming  
 142 a lien against the motor vehicle.  
 143 (a) Notwithstanding any provision of law to the contrary,  
 144 the impounding agency shall release a motor vehicle under the  
 145 conditions provided in s. 316.193(6) (e), (f), (g), and (h), if

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146 the owner or agent presents a valid driver license at the time  
 147 of pickup of the motor vehicle.  
 148 (b) All costs and fees for the impoundment or  
 149 immobilization, including the cost of notification, must be paid  
 150 by the owner of the motor vehicle or, if the motor vehicle is  
 151 leased or rented, by the person leasing or renting the motor  
 152 vehicle, unless the impoundment or immobilization order is  
 153 dismissed. All provisions of s. 713.78 shall apply.  
 154 (c) Any motor vehicle used in violation of subsection (2)  
 155 may be impounded for a period of 30 business days if a law  
 156 enforcement officer has arrested and taken a person into custody  
 157 pursuant to this subsection and the person being arrested is the  
 158 registered owner or co-owner of the motor vehicle. If the  
 159 arresting officer finds that the criteria of this paragraph are  
 160 met, the officer may immediately impound the motor vehicle. The  
 161 law enforcement officer shall notify the Department of Highway  
 162 Safety and Motor Vehicles of any impoundment for violation of  
 163 this subsection in accordance with procedures established by the  
 164 department. Paragraphs (a) and (b) shall be applicable to such  
 165 impoundment.  
 166 (6) Any motor vehicle used in violation of subsection (2)  
 167 by any person within 5 years after the date of a prior  
 168 conviction of that person for a violation under subsection (2)  
 169 may be seized and forfeited as provided by the Florida  
 170 Contraband Forfeiture Act. This subsection shall only be  
 171 applicable if the owner of the motor vehicle is the person  
 172 charged with violating subsection (2).  
 173 (7) This section does not apply to licensed or duly  
 174 authorized racetracks, drag strips, or other designated areas

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175 set aside by proper authorities for such purposes.

176 Section 2. Subsection (20) of section 318.18, Florida  
177 Statutes, is amended to read:

178 318.18 Amount of penalties.—The penalties required for a  
179 noncriminal disposition pursuant to s. 318.14 or a criminal  
180 offense listed in s. 318.17 are as follows:

181 (20) In addition to any other penalty, \$65 for a violation  
182 of s. 316.191, prohibiting racing on highways, street takeovers,  
183 and stunt driving on highways, or s. 316.192, prohibiting  
184 reckless driving. The additional \$65 collected under this  
185 subsection shall be remitted to the Department of Revenue for  
186 deposit into the Emergency Medical Services Trust Fund of the  
187 Department of Health to be used as provided in s. 395.4036.

188 Section 3. Paragraph (d) of subsection (9) of section  
189 901.15, Florida Statutes, is amended to read:

190 901.15 When arrest by officer without warrant is lawful.—A  
191 law enforcement officer may arrest a person without a warrant  
192 when:

193 (9) There is probable cause to believe that the person has  
194 committed:

195 (d) A racing, street takeover, or stunt driving violation  
196 as described in s. 316.191(2).

197 Section 4. For the purpose of incorporating the amendment  
198 made by this act to section 316.191, Florida Statutes, in  
199 references thereto, paragraphs (a) and (b) of subsection (4) of  
200 section 322.0261, Florida Statutes, are reenacted to read:

201 322.0261 Driver improvement course; requirement to maintain  
202 driving privileges; failure to complete; department approval of  
203 course.—

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204 (4) (a) The department shall identify any operator convicted  
205 of, or who pleaded nolo contendere to, a violation of s.  
206 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.  
207 316.192 and shall require that operator, in addition to other  
208 applicable penalties, to attend a department-approved driver  
209 improvement course in order to maintain driving privileges. The  
210 department shall, within 10 days after receiving a notice of  
211 judicial disposition, send notice to the operator of the  
212 requirement to attend a driver improvement course. If the  
213 operator fails to complete the course within 90 days after  
214 receiving notice from the department, the operator's driver  
215 license shall be canceled by the department until the course is  
216 successfully completed.

217 (b) Any operator who receives a traffic citation for a  
218 violation of s. 316.074(1), s. 316.075(1)(c)1., s. 316.191, or  
219 s. 316.192, for which the court withholds adjudication, is not  
220 required to attend a driver improvement course, unless the court  
221 finds that the nature or severity of the violation is such that  
222 attendance to a driver improvement course is necessary. The  
223 department shall, within 10 days after receiving a notice of  
224 judicial disposition, send notice to the operator of the  
225 requirement to attend a driver improvement course. If the  
226 operator fails to complete the course within 90 days after  
227 receiving notice from the department, the operator's driver  
228 license shall be canceled by the department until the course is  
229 successfully completed.

230 Section 5. This act shall take effect October 1, 2022.



**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 914

INTRODUCER: Senator Harrell

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: January 12, 2022

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

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

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**I. Summary:**

SB 914 includes the following provisions:

- Revises certain dates associated with the Department of Highway Safety and Motor Vehicles' (DHSMV) texting and driving annual report;
- Requires an operator of a motor vehicle to provide proof of insurance upon the request of a law enforcement officer;
- Expands the existing Private Rebuilt Vehicle Inspection Program to Bay, Broward, Duval, Escambia, Hillsborough, Leon, Manatee, Marion, Orange, Palm Beach, and Volusia counties;
- Provides a fee exemption for a surviving spouse transferring a motor vehicle title into their name when only the deceased spouse is named on the title;
- Provides that charter buses are apportionable vehicles subject to the requirements of the International Registration Plan;
- Prohibits individuals who have registration stops associated with toll violations from either renewing their registration or replacing their license plate until satisfying the toll violation;
- Requires mobile home and recreational vehicle dealers, manufacturers, distributors, and importers to deliver to the DHSMV copies of renewed, continued, changed, or new insurance policies, surety bonds, or irrevocable letters of credit within a specified time period; and
- Revises certain minimum insurance requirements for commercial vehicles that carry passengers to comply with federal requirements.

The bill may have an indeterminate fiscal impact. See Section V. Fiscal Impact Statement.

The bill has an effective date of July 1, 2022.

## II. Present Situation:

### **Texting and Driving Annual Report**

When a law enforcement officer issues a citation for operating a motor vehicle while using a wireless communications device, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and report the information to the DHSMV in a form and manner determined by the DHSMV. Beginning February 1, 2020, the DHSMV is required to annually report the data collected to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The data collected must be reported at least by statewide totals for local law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies. The statewide total for local law enforcement agencies must combine the data for the county sheriffs and the municipal law enforcement agencies.<sup>1</sup>

### **Proof of Insurance to Law Enforcement**

Florida law states that a law enforcement officer may only ask for proof of insurance if the operator of the vehicle is also the owner or registrant of the vehicle.<sup>2</sup> The DHSMV has stated the current statute has significant impacts to the Florida Highway Patrol's operational procedures and enforcement.<sup>3</sup>

### **Privatized Rebuilt Vehicle Inspection Program**

The 2013 Florida Legislature created section 319.141, F.S., for the implementation of a Pilot Rebuilt Motor Vehicle Inspection Program. The DHSMV was required to set standards and certify private sector inspection facilities in Miami-Dade and Hillsborough counties by October 1, 2013. The surety bond amount for the Pilot Rebuilt Motor Vehicle Inspection Program facility operators was set at \$50,000. The program was to evaluate alternatives for rebuilt inspection services to be offered by the private sector, including the feasibility of using private facilities, the cost impact to consumers, and the potential savings to DHSMV. The DHSMV was required to submit a report to the President of the Senate and the Speaker of the House of Representatives providing the results of the pilot program by February 1, 2015.<sup>4</sup>

The 2015 Florida Legislature revised s. 319.141, F.S., defining the term "rebuilt inspection services" and providing that by July 1, 2015, the DHSMV must oversee a pilot program in Miami Dade County. The surety bond amount for the Pilot Rebuilt Motor Vehicle Inspection Program facility operators was increased from \$50,000 to \$100,000, and the facility operator was required to secure and maintain a facility at a permanent structure at an address recognized by the United States Postal Service where the only services provided at the facility are rebuilt inspection services. The operator of the facility was further required to annually attest that they are not employed by or have an ownership interest or other financial arrangement with the

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<sup>1</sup> Section 316.305(5), F.S.

<sup>2</sup> Section 316.646(2), F.S.

<sup>3</sup> Department of Highway Safety and Motor Vehicles, *2022 Legislative Bill Analysis for SB 914*, (December 29, 2021), p. 6 (on file in the Senate Committee on Transportation).

<sup>4</sup> Chapter 2013-160, s. 21, Laws of Fla.

owner, operator, manager, or employee of a motor vehicle repair shop, motor vehicle dealer, towing company, vehicle storage, vehicle auction, insurance company, salvage yard, metal retailer or metal rebuilder to prohibit the facility operator from receiving kickbacks from the entities for referring customers for rebuilt title inspection services. Participants in the program were required to maintain records of each rebuilt vehicle examination processed at the facility for at least five years, and the DHSMV was required to immediately terminate any operator from the pilot program who did not meet the minimum requirements. Prior to a change in ownership of a rebuilt inspection facility, the current operator was required to give the DHSMV a 45 day written notice of the intended sale. The prospective owner was required to meet the eligibility requirements and execute a new memorandum of understanding with DHSMV prior to operating the facility. The revised section of law was repealed on July 1, 2018.<sup>5</sup>

The 2019 Florida Legislature reenacted s. 319.141, F.S., implementing the Private Rebuilt Vehicle Inspection Program (PRVIP) in Miami-Dade for rebuilt inspection services offered by the private sector.<sup>6</sup> There are 14 PRVIP Facilities operating under this section of the law in Miami-Dade County.<sup>7</sup>

Since the implementation of the PRVIP a large number of rebuilt inspections previously conducted at the DHSMV Opa-locka Regional office have shifted to the PRVIPs.<sup>8</sup>

There has been a steady increase of the number of rebuilt inspections conducted at the PRVIP locations. Although the PRVIP is limited under s. 319.141, F.S., to provide privatized rebuilt inspections services in Miami-Dade County only, it has provided services to meet customer demand statewide; however, customers must travel from various counties to Miami-Dade where the PRVIP facilities are authorized.

During fiscal year 2020-2021, the PRVIP facilities conducted 69,261 rebuilt inspections which represents 81 percent of the 85,751 inspections conducted statewide.<sup>9</sup>

### **Surviving Spouse Title Transfer**

Section 319.32, F.S, provides the fees, service charges, and disposition of funds for certificates of title. The DHSMV charges a \$70 fee for each original and duplicate certificate of title, except for motor vehicles for hire<sup>10</sup>, which are \$49, and \$2 for each salvage certificate of title. The DHSMV also charges \$2 to note a lien on the certificate, \$1 to cover the cost of materials, and \$2.50 for shipping and handling. Additionally, there is a \$4.25 service charge for each certificate of title application.

The \$70 fee is distributed between the State Transportation Trust Fund and the General Revenue Fund, excluding \$1 that is deposited into the Highway Safety Operating Trust Fund to fund the

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<sup>5</sup> Chapter 2015-163, s. 6, Laws of Fla.

<sup>6</sup> Chapter 2019-169, s. 5, Laws of Fla.

<sup>7</sup> *Supra* FN 3, p. 2.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> Vehicles registered under s. 320.08(6), F.S.

DHSMV's efforts to prevent and detect odometer fraud.<sup>11</sup> The DHSMV or the tax collector who processes the application retains the \$4.25 service charge.<sup>12</sup>

Additionally, expedited service for title transfers, issuances, duplicates, and recordation of liens is an option available for a \$10 fee. If requested, expedited service ensures the title is issued within five working days after receipt of the application.<sup>13</sup>

The 2017 Florida Legislature revised s. 319.32(7), F.S., prohibiting the DHSMV and tax collectors from charging a fee, except for the expedited title fee, if applicable, for removing a deceased spouse from a motor vehicle title when the co-owner is the surviving spouse, however, this exemption does not apply when only the deceased spouse is named on the title.<sup>14</sup>

In order for a surviving spouse to receive title to a motor vehicle that was owned by the deceased spouse, he or she must present an application and an original or certified copy of a death certificate and a copy of the marriage certificate unless the name of the surviving spouse is shown on the death certificate.<sup>15</sup>

### **Registration of Charter Buses**

The International Registration Plan (IRP) is a reciprocity agreement among states of the U.S., the District of Columbia and provinces of Canada which recognizes the registration of commercial motor vehicles registered by other jurisdictions. It provides for payment of apportioned licensing fees based on the total distance operated in all member jurisdictions.<sup>16</sup>

The current definition of an apportionable vehicle excludes buses used in transportation of chartered parties (charter buses).<sup>17</sup> A ballot was passed by the IRP membership, effective January 1, 2016, that removes the charter bus exemption from the IRP definition of apportionable vehicle.<sup>18</sup> Therefore, the current statutory definition of an apportionable vehicle is inconsistent with the IRP definition.

### **Vehicle Registration/Toll Stop**

Any governmental entity, including, without limitation, a clerk of court, has statutory authority to submit to the DHSMV a registration stop (also known as a toll stop) for individuals who have

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<sup>11</sup> Sections 319.32(5) and 319.324, F.S.; Section 319.32(5), F.S., provides that \$47 of each fee collected for an original or duplicate certificate of title is deposited into the State Transportation Trust Fund, which may receive up to \$200 million in any fiscal year. The remainder of the fee and any fees in excess of the \$200 million are deposited into the General Revenue Fund.

<sup>12</sup> Section 319.32(2)(b), F.S.

<sup>13</sup> Section 319.323, F.S.

<sup>14</sup> Chapter 2017-89, Laws of Fla.

<sup>15</sup> Department of Highway Safety and Motor Vehicles, *Application for Surviving Spouse Transfer of Florida Certificate of Title for a Motor Vehicle* (July 2017), <https://www.flhsmv.gov/pdf/forms/82152.pdf> (last visited January 3, 2022).

<sup>16</sup> International Registration Plan, Inc., *Motor Carrier FAQs*, <https://www.irponline.org/> (last visited January 7, 2022).

<sup>17</sup> Section 320.01(24), F.S.

<sup>18</sup> International Registration Plan, Inc., *Charter Buses to be Covered by IRP Jan. 1, 2016* (April 17, 2015), [https://cdn.ymaws.com/www.irponline.org/resource/resmgr/education\\_training/charter\\_comm\\_4.17.15.pdf](https://cdn.ymaws.com/www.irponline.org/resource/resmgr/education_training/charter_comm_4.17.15.pdf) (last visited January 3, 2022); *Supra* FN 3, p. 3.

failed to pay a toll or have not complied with toll fines.<sup>19</sup> Current law prohibits those individuals from renewing or otherwise extending the registration period of a motor vehicle registration (license plate), however it allows for them to process a license plate replacement where the individual receives a new plate with a different configuration that is not tied to the toll stop, therefore allowing them to circumvent the process.

The current count of motor vehicle toll stops in the DHSMV's database is 1,236,137. Of those 698,692 are from the Central Florida Expressway Authority, 463,831 are from the Miami-Dade Expressway Authority, 69,890 are from the Tampa Hillsborough Expressway Authority, 2,143 are from the Department of Transportation, and 1,397 are from the Orlando-Orange County Expressway Authority (predecessor to the Central Florida Expressway Authority).<sup>20</sup>

According to the DHSMV 3,713 registrations had their plates replaced via a "replace registration" transaction in the last two years (10/28/2019 to 10/28/2021), while an open toll stop existed, thus circumventing the toll stop process. Some plates had multiple toll violation stops - 3,877 in all.<sup>21</sup>

### **Garage Liability Insurance and Surety Bond Requirements**

Automotive repair shops, motor vehicle dealerships, towing companies, mobile home dealer, recreational vehicle dealers, mobile home manufacturers, recreational vehicle manufacturers, and service stations are required to have garage liability insurance or general liability insurance coupled with a business automobile policy in order to ensure they have coverage for the day-to-day operations of businesses in the automotive industry that are not covered under most commercial or business liability insurance, including providing coverage for all dealer-owned vehicles driven by prospective purchasers.<sup>22</sup>

While the Florida law requires an applicant to provide at the time of licensure application proof of the required coverage for the duration of the licensure period and again at the beginning of each licensure renewal period, the statute does not cover the issue of a gap in coverage during the licensure period for mobile home dealers, recreational vehicle dealers, mobile home manufacturers, and recreational vehicle manufacturers. Gaps in coverage can, and do, occur as a result of various actions – an applicant may cancel a policy in the middle of the term or the insurer itself may cancel the policy in the middle of the term for nonpayment of the premium or for other reasons.

This technicality may allow mobile home dealers, recreational vehicle dealers, mobile home manufacturers, and recreational vehicle manufacturers to meet the requirement of proof of coverage at the beginning of the licensure period but allow the coverage to lapse during the licensure period and then reinstate coverage at the beginning of the next licensure period. The cancellation and later reinstatement of a policy creates a gap wherein the applicant has no insurance coverage. A gap in insurance coverage at any time during the licensure period has the potential to result in direct consumer harm, as any vehicles taken for test drives or driven as

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<sup>19</sup> Section 320.03(8), F.S.

<sup>20</sup> *Supra* FN 3, p. 4.

<sup>21</sup> *Supra* FN 4, p. 3.

<sup>22</sup> Section 320.27(3), F.S.

program models, or any consumer-owned vehicles damaged while on the applicant's lot, or any other property or personal injury situations that would otherwise be covered under a garage liability policy are not otherwise covered.

Before any license is issued or renewed to a mobile home dealer or a recreational vehicle dealer, the applicant or licensee must deliver to the DHSMV a good and sufficient surety bond, cash bond, or irrevocable letter of credit, executed by the applicant or licensee as principal. The bond or irrevocable letter of credit must be in a form approved by the DHSMV and must be conditioned upon the dealer's complying with the conditions of any written contract made by the dealer in connection with the sale, exchange, or improvement of any mobile home and not violating any of the provisions of chapter 319 or chapter 320 in the conduct of the business for which the dealer is licensed.<sup>23</sup>

Annually, prior to the receipt of a license to manufacture mobile homes or manufacture, distribute, or import recreational vehicles, the applicant or licensee shall submit a surety bond, cash bond, or letter of credit from a financial institution, or a proper continuation certificate, sufficient to assure satisfaction of claims against the licensee for failure to comply with appropriate code standards, failure to provide warranty service, or violation of any provisions of this section. The amount of the surety bond, cash bond, or letter of credit must be \$50,000 for the manufacture of mobile homes, and the amount of surety bond must be \$10,000 per year to manufacture, distribute, or import recreational vehicles. Only one surety bond, cash bond, or letter of credit shall be required for each, regardless of the number of factory locations. The surety bond, cash bond, or letter of credit must be to the DHSMV, in favor of any retail customer who suffers a loss arising out of noncompliance with code standards or failure to honor or provide warranty service. The DHSMV may disapprove any bond or letter of credit that does not provide appropriate assurances.<sup>24</sup>

An application for a license must contain a statement that the applicant is insured under a garage liability insurance policy, which must include, at a minimum, \$25,000 combined single-limit liability coverage, including bodily injury and property damage protection, and \$10,000 personal injury protection, if the applicant is to be licensed as a dealer in, or intends to sell, recreational vehicles. However, a garage liability policy is not required for the licensure of a mobile home dealer who sells only park trailers.<sup>25</sup>

Currently, there is no required timeframe for mobile home dealers, recreational vehicle dealers, mobile home manufacturers or recreational vehicle manufacturers, importers, and distributors to submit their surety or cash bond or irrevocable letter of credit. Currently, there is no required timeframe for recreational vehicle dealers to submit their garage liability insurance. The lack of having a required timeframe consistently may result in these entities failing to submit proof of their liability insurance or surety bonds and results in the DHSMV having to contact these entities, sometimes repeatedly, to obtain this information. Failure to have garage liability insurance or a surety bond submitted or remain continuous is a violation of Florida law and may cause an entity to be uninsured, thereby exposing consumers and stakeholders to financial loss.<sup>26</sup>

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<sup>23</sup> Sections 320.77(16) and 320.771(16), F.S.

<sup>24</sup> Section 320.8225(5)(a) and 320.8225(5)(b), F.S.

<sup>25</sup> Section 320.771(3)(j), F.S.

<sup>26</sup> *Supra* FN 3, p. 5.

**Commercial Motor Vehicle Insurance**

All commercial motor vehicles subject to regulations of the United States Department of Transportation must be insured in an amount equivalent to the minimum levels of financial responsibility as set forth in 49 C.F.R. Part 387.<sup>27</sup>

The minimum levels currently provided in 49 C.F.R. Part 387, Subpart B, for-hire motor carriers of passengers operating in interstate or foreign commerce are:<sup>28</sup>

Vehicle Seating Capacity	Minimum Limits
(1) Any vehicle with a seating capacity of 16 passengers or more, including the driver	\$5,000,000
(2) Any vehicle with a seating capacity of 15 passengers or less, including the driver	\$1,500,000

Florida law does not currently incorporate 49 C.F.R. Part 387, Subpart B, and is therefore not in compliance.

**III. Effect of Proposed Changes:**

**Texting and Driving Annual Report (Section 1)**

The bill amends s. 316.305, F.S., to provide that law enforcement agencies must submit the required information to DHSMV by April 1, and DHSMV must report statewide totals by July 1. According to DHSMV, this revised schedule will allow for a more complete collection from law enforcement agencies of all texting and driving data required to be included in the annual report. The DHSMV will still report the texting and driving data on an annual basis once all data from law enforcement agencies is received.

**Proof of Insurance to Law Enforcement (Section 2)**

The bill amends s. 316.646, F.S., to require any operator of a motor vehicle must provide proof of insurance when requested by a law enforcement officer.

**Privatized Rebuilt Vehicle Inspection Program (Section 3)**

The bill amends s. 319.141, F.S., to expand the PRVIP to additional counties. The expansion would expand private rebuilt inspection services to the following counties: Bay, Broward, Duval, Escambia, Hillsborough, Leon, Manatee, Marion, Orange, Palm Beach, and Volusia. The expanded program would be held to the established statutory requirements, policies, procedures, and memorandum of understanding.

<sup>27</sup> Section 627.7415(4), F.S.

<sup>28</sup> 80 FR 63709, Oct. 21, 2015, as amended at 83 FR 22876, May 17, 2018.

**Surviving Spouse Title Transfer (Section 4)**

The bill amends s. 319.32, F.S., to expand the fee exemption for a surviving spouse transferring a title into their name when only the deceased spouse is named on the title, except for the expedited title fee, if applicable.

**Registration of Charter Buses (Section 5)**

The bill amends s. 320.01, F.S., to remove a charter bus as a vehicle exempt from the definition of an apportionable vehicle to comply with the revised requirements of the International Registration Plan.

**Vehicle Registration/Toll Stop (Section 6)**

The bill amends s. 320.03, F.S., so individuals who have toll stops on their registration may not renew or *replace* their vehicle registration and license plate until satisfying the toll stop. This is intended to deter individuals from circumventing the current requirements and avoiding the payment of toll fees.

**Garage Liability Insurance and Surety Bond Requirements (Sections 7-9)**

The bill amends ss. 320.77, 320.771, and 320.8225, F.S., to require mobile home and RV dealers, manufacturers, distributors, and importers to deliver to the DHSMV copies of renewed, continued, changed, or new insurance policies, surety bonds, or irrevocable letters of credit within 10 days after any renewal, continuation, change, or new issuance of the same, ensuring continuous insurance coverage.

**Commercial Motor Vehicle Insurance (Section 10)**

The bill amends s. 627.7415, F.S., to include a reference to 49 C.F.R. Part 387, Subpart B, which prescribes minimum insurance requirements for commercial vehicles that carry passengers. This provision would allow enforcement of federal insurance requirements for buses and other commercial vehicles that carry passengers.

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

None.

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

None.

**C. Trust Funds Restrictions:**

None.



D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Expanding the PRVIP to Bay, Broward, Duval, Escambia, Hillsborough, Leon, Manatee, Marion, Orange, Palm Beach, and Volusia counties may have a positive indeterminate impact on business opportunities for residents in those counties, and simultaneously it may have a negative indeterminate impact on PRVIP operators in Miami-Dade County as vehicles may be inspected at locations in counties closer the registered owner's location.

Surviving spouses transferring a vehicle title into their name when only the deceased spouse is named on the title, except for the expedited title fee, will be exempt from the \$70 transfer fee.

Prohibiting individuals who have toll stops from replacing their vehicle registration and license plate until satisfying the toll stop, will require payment of toll fees and fines that are otherwise avoided by registered owner of a vehicle.

Mobile home and RV dealers, manufacturers, distributors, and importers may incur insignificant expenses associated with delivering to the DHSMV copies of renewed, continued, changed, or new insurance policies or surety bonds.

C. Government Sector Impact:

Removing a charter bus as a vehicle exempt from the definition of an apportionable vehicle to comply with the requirements of the International Registration Plan may have an indeterminate, though likely insignificant, negative fiscal impact to the DHSMV, as registration fees will be apportioned between the states they operate within.

Prohibiting individuals who have toll stops from replacing their vehicle registration and license plate until satisfying the toll stop, may result in an increase payment of toll fees and fines that are otherwise avoided by the registered owner of a vehicle. This may result in an indeterminate positive fiscal impact to the state and impacted toll authorities.

Allowing a surviving spouse to transfer a vehicle title into their name when only the deceased spouse is named on the title without the payment of a title transfer fee, may

have an indeterminate negative fiscal impact on tax collectors, the Highway Safety Operating Trust Fund, the State Transportation Trust Fund and the General Revenue Fund.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.305, 316.646, 319.141, 319.32, 320.01, 320.03, 320.77, 320.771, 320.8225, and 627.7415.

**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 Harrell

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1 A bill to be entitled  
 2 An act relating to the Department of Highway Safety  
 3 and Motor Vehicles; amending s. 316.305, F.S.;  
 4 requiring law enforcement agencies to annually report  
 5 race and ethnicity data of certain violators to the  
 6 department; revising the date by which the department  
 7 must begin annually reporting such data to the  
 8 Governor and the Legislature; amending s. 316.646,  
 9 F.S.; deleting a precondition to a requirement that  
 10 the operator of a motor vehicle display proof of  
 11 maintenance of security to a law enforcement officer  
 12 or certain other persons; amending s. 319.141, F.S.;  
 13 extending the date by which the department must  
 14 implement a rebuilt motor vehicle inspection program;  
 15 adding counties where the program must be implemented;  
 16 deleting an obsolete provision; amending s. 319.32,  
 17 F.S.; prohibiting the department and a tax collector  
 18 from charging fees or service charges, except a  
 19 certain fee, under certain circumstances; amending s.  
 20 320.01, F.S.; revising the definition of the term  
 21 "apportionable vehicle"; amending s. 320.03, F.S.;  
 22 revising applicability; amending s. 320.77, F.S.;  
 23 requiring licensed mobile home dealers to deliver  
 24 certain documents to the department within a certain  
 25 timeframe; amending s. 320.771, F.S.; specifying the  
 26 required term of a certain garage liability insurance  
 27 policy; requiring licensed recreational vehicle  
 28 dealers to deliver certain documents to the department  
 29 within a certain timeframe; amending s. 320.8225,

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30 F.S.; requiring licensed mobile home manufacturers and  
 31 recreational vehicle manufacturers, distributors, and  
 32 importers to submit certain documents to the  
 33 department within a certain timeframe; amending s.  
 34 627.7415, F.S.; requiring that certain commercial  
 35 motor vehicles meet certain federal financial  
 36 responsibility requirements; providing an effective  
 37 date.  
 38  
 39 Be It Enacted by the Legislature of the State of Florida:  
 40  
 41 Section 1. Subsection (5) of section 316.305, Florida  
 42 Statutes, is amended to read:  
 43 316.305 Wireless communications devices; prohibition.-  
 44 (5) When a law enforcement officer issues a citation for a  
 45 violation of this section, the law enforcement officer must  
 46 record the race and ethnicity of the violator. All law  
 47 enforcement agencies must maintain such information and report  
 48 the information to the department by April 1 annually in a form  
 49 and manner determined by the department. Beginning July 1, 2023  
 50 ~~February 1, 2020~~, the department shall annually report the data  
 51 collected under this subsection to the Governor, the President  
 52 of the Senate, and the Speaker of the House of Representatives.  
 53 The data collected must be reported at least by statewide totals  
 54 for local law enforcement agencies, state law enforcement  
 55 agencies, and state university law enforcement agencies. The  
 56 statewide total for local law enforcement agencies shall combine  
 57 the data for the county sheriffs and the municipal law  
 58 enforcement agencies.

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59 Section 2. Subsection (2) of section 316.646, Florida  
60 Statutes, is amended to read:

61 316.646 Security required; proof of security and display  
62 thereof.-

63 ~~(2) If, upon a comparison of the vehicle registration~~  
64 ~~certificate or other evidence of registration or ownership with~~  
65 ~~the operator's driver license or other evidence of personal~~  
66 ~~identity, it appears to a law enforcement officer or other~~  
67 ~~person authorized to issue traffic citations that the operator~~  
68 ~~is also the owner or registrant of the vehicle, Upon the demand~~  
69 ~~of a the law enforcement officer or other person authorized to~~  
70 ~~issue traffic citations, the operator shall display proper proof~~  
71 ~~of maintenance of security as specified by subsection (1).~~

72 Section 3. Subsections (2) and (10) of section 319.141,  
73 Florida Statutes, are amended to read:

74 319.141 Rebuilt motor vehicle inspection program.-

75 (2) By October 1, 2022 ~~2019~~, the department shall implement  
76 a program in Bay, Broward, Duval, Escambia, Hillsborough, Leon,  
77 Manatee, Marion, Miami-Dade, Orange, Palm Beach, and Volusia  
78 Counties ~~County~~ for rebuilt inspection services offered by  
79 private sector participants.

80 ~~(10) On or before July 1, 2021, the department shall submit~~  
81 ~~a written report to the President of the Senate and the Speaker~~  
82 ~~of the House of Representatives evaluating the effectiveness of~~  
83 ~~the program and whether to expand the program to other counties.~~

84 Section 4. Subsection (7) of section 319.32, Florida  
85 Statutes, is amended to read:

86 319.32 Fees; service charges; disposition.-

87 (7) Notwithstanding any other provision of this section,

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88 the department and tax collector may not charge any fee or  
89 service charge, except for the expedited title fee, if  
90 applicable;r

91 (a) For a certificate of title issued for a motor vehicle  
92 solely to remove a deceased co-owner from a title registered in  
93 the names of two persons if the other co-owner is the surviving  
94 spouse; or

95 (b) To issue a certificate of title solely to change the  
96 ownership of a motor vehicle from a deceased spouse's name to  
97 the surviving spouse's name.

98 Section 5. Subsection (24) of section 320.01, Florida  
99 Statutes, is amended to read:

100 320.01 Definitions, general.-As used in the Florida  
101 Statutes, except as otherwise provided, the term:

102 (24) "Apportionable vehicle" means any vehicle, except  
103 recreational vehicles, vehicles displaying restricted plates,  
104 city pickup and delivery vehicles, ~~buses used in transportation~~  
105 ~~of chartered parties,~~ and government-owned vehicles, which is  
106 used or intended for use in two or more member jurisdictions  
107 that allocate or proportionally register vehicles and which is  
108 used for the transportation of persons for hire or is designed,  
109 used, or maintained primarily for the transportation of property  
110 and:

111 (a) Is a power unit having a gross vehicle weight in excess  
112 of 26,000 pounds;

113 (b) Is a power unit having three or more axles, regardless  
114 of weight; or

115 (c) Is used in combination, when the weight of such  
116 combination exceeds 26,000 pounds gross vehicle weight.

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117  
118 Vehicles, or combinations thereof, having a gross vehicle weight  
119 of 26,000 pounds or less and two-axle vehicles may be  
120 proportionally registered.

121 Section 6. Subsection (8) of section 320.03, Florida  
122 Statutes, is amended to read:

123 320.03 Registration; duties of tax collectors;  
124 International Registration Plan.—

125 (8) If the applicant's name appears on the list referred to  
126 in s. 316.1001(4), s. 316.1967(6), s. 318.15(3), or s.  
127 713.78(13), a license plate or revalidation sticker may not be  
128 issued until that person's name no longer appears on the list or  
129 until the person presents a receipt from the governmental entity  
130 or the clerk of court that provided the data showing that the  
131 fines outstanding have been paid. This subsection does not apply  
132 to the owner of a leased vehicle if the vehicle is registered in  
133 the name of the lessee of the vehicle. The tax collector and the  
134 clerk of the court are each entitled to receive monthly, as  
135 costs for implementing and administering this subsection, 10  
136 percent of the civil penalties and fines recovered from such  
137 persons. As used in this subsection, the term "civil penalties  
138 and fines" does not include a wrecker operator's lien as  
139 described in s. 713.78(13). If the tax collector has private tag  
140 agents, such tag agents are entitled to receive a pro rata share  
141 of the amount paid to the tax collector, based upon the  
142 percentage of license plates and revalidation stickers issued by  
143 the tag agent compared to the total issued within the county.  
144 The authority of any private agent to issue license plates shall  
145 be revoked, after notice and a hearing as provided in chapter

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146 120, if he or she issues any license plate or revalidation  
147 sticker contrary to the provisions of this subsection. This  
148 section applies both only to the annual renewal ~~in the owner's~~  
149 ~~birth month~~ of a motor vehicle registration and the replacement  
150 of the motor vehicle registration or license plate, but does not  
151 apply to the transfer of a registration of a motor vehicle sold  
152 by a motor vehicle dealer licensed under this chapter, except  
153 for the transfer of registrations which includes the annual  
154 renewals. This section does not affect the issuance of the title  
155 to a motor vehicle, notwithstanding s. 319.23(8)(b).

156 Section 7. Paragraph (a) of subsection (16) of section  
157 320.77, Florida Statutes, is amended to read:

158 320.77 License required of mobile home dealers.—

159 (16) SURETY BOND, CASH BOND, OR IRREVOCABLE LETTER OF  
160 CREDIT REQUIRED.—

161 (a) Before any license shall be issued or renewed, the  
162 applicant or licensee shall deliver to the department a good and  
163 sufficient surety bond, cash bond, or irrevocable letter of  
164 credit, executed by the applicant or licensee as principal.  
165 Within 10 calendar days after any renewal or continuation of or  
166 material change in such surety bond, cash bond, or irrevocable  
167 letter of credit or issuance of a new surety bond, a licensee  
168 shall deliver to the department, in a manner prescribed by the  
169 department, a copy of the renewed, continued, changed, or new  
170 surety bond, cash bond, or irrevocable letter of credit. The  
171 bond or irrevocable letter of credit shall be in a form to be  
172 approved by the department and shall be conditioned upon the  
173 dealer's complying with the conditions of any written contract  
174 made by the dealer in connection with the sale, exchange, or

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175 improvement of any mobile home and his or her not violating any  
 176 of the provisions of chapter 319 or this chapter in the conduct  
 177 of the business for which the dealer is licensed. The bond or  
 178 irrevocable letter of credit shall be to the department and in  
 179 favor of any retail customer who shall suffer any loss as a  
 180 result of any violation of the conditions contained in this  
 181 section. The bond or irrevocable letter of credit shall be for  
 182 the license period, and a new bond or irrevocable letter of  
 183 credit or a proper continuation certificate shall be delivered  
 184 to the department at the beginning of each license period.  
 185 However, the aggregate liability of the surety in any one  
 186 license year shall in no event exceed the sum of such bond, or,  
 187 in the case of a letter of credit, the aggregate liability of  
 188 the issuing bank shall not exceed the sum of the credit. The  
 189 amount of the bond required shall be as follows:

190 1. A single dealer who buys, sells, or deals in mobile  
 191 homes and who has four or fewer supplemental licenses shall  
 192 provide a surety bond, cash bond, or irrevocable letter of  
 193 credit executed by the dealer applicant or licensee in the  
 194 amount of \$25,000.

195 2. A single dealer who buys, sells, or deals in mobile  
 196 homes and who has more than four supplemental licenses shall  
 197 provide a surety bond, cash bond, or irrevocable letter of  
 198 credit executed by the dealer applicant or licensee in the  
 199 amount of \$50,000.

200  
 201 For the purposes of this paragraph, any person who buys, sells,  
 202 or deals in both mobile homes and recreational vehicles shall  
 203 provide the same surety bond required of dealers who buy, sell,

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204 or deal in mobile homes only.

205 Section 8. Paragraph (j) of subsection (3) and paragraph  
 206 (a) of subsection (16) of section 320.771, Florida Statutes, are  
 207 amended to read:

208 320.771 License required of recreational vehicle dealers.—

209 (3) APPLICATION.—The application for such license shall be  
 210 in the form prescribed by the department and subject to such  
 211 rules as may be prescribed by it. The application shall be  
 212 verified by oath or affirmation and shall contain:

213 (j) Evidence A ~~statement~~ that the applicant is insured  
 214 under a garage liability insurance policy, which shall include,  
 215 at a minimum, \$25,000 combined single-limit liability coverage,  
 216 including bodily injury and property damage protection, and  
 217 \$10,000 personal injury protection, if the applicant is to be  
 218 licensed as a dealer in, or intends to sell, recreational  
 219 vehicles. Such policy must be for the license period. Within 10  
 220 calendar days after any renewal or continuation of or material  
 221 change in such policy or issuance of a new policy, the licensee  
 222 shall deliver to the department, in a manner prescribed by the  
 223 department, a copy of such renewed, continued, changed, or new  
 224 policy. However, a garage liability policy is not required for  
 225 the licensure of a mobile home dealer who sells only park  
 226 trailers.

227  
 228 The department shall, if it deems necessary, cause an  
 229 investigation to be made to ascertain if the facts set forth in  
 230 the application are true and shall not issue a license to the  
 231 applicant until it is satisfied that the facts set forth in the  
 232 application are true.

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233 (16) BOND.—

234 (a) Before any license shall be issued or renewed, the  
 235 applicant shall deliver to the department a good and sufficient  
 236 surety bond, executed by the applicant as principal and by a  
 237 surety company qualified to do business in the state as surety.  
 238 Within 10 calendar days after any renewal or continuation of or  
 239 material change in such surety bond or issuance of a new surety  
 240 bond, a licensee shall deliver to the department, in a manner  
 241 prescribed by the department, a copy of such renewed, continued,  
 242 changed, or new surety bond. The bond shall be in a form to be  
 243 approved by the department and shall be conditioned upon the  
 244 dealer's complying with the conditions of any written contract  
 245 made by that dealer in connection with the sale, exchange, or  
 246 improvement of any recreational vehicle and his or her not  
 247 violating any of the provisions of chapter 319 or this chapter  
 248 in the conduct of the business for which he or she is licensed.  
 249 The bond shall be to the department and in favor of any retail  
 250 customer who shall suffer any loss as a result of any violation  
 251 of the conditions hereinabove contained. The bond shall be for  
 252 the license period, and a new bond or a proper continuation  
 253 certificate shall be delivered to the department at the  
 254 beginning of each license period. However, the aggregate  
 255 liability of the surety in any one license year shall in no  
 256 event exceed the sum of such bond. The amount of the bond  
 257 required shall be as follows:

- 258 1. A single dealer who buys, sells, or deals in  
 259 recreational vehicles and has four or fewer supplemental  
 260 licenses shall provide a surety bond in the amount of \$10,000.  
 261 2. A single dealer who buys, sells, or deals in

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262 recreational vehicles and who has more than four supplemental  
 263 licenses shall provide a surety bond in the amount of \$20,000.

264  
 265 For the purposes of this paragraph, any person who buys, sells,  
 266 or deals in both mobile homes and recreational vehicles shall  
 267 provide the same surety bond required of dealers who buy, sell,  
 268 or deal in mobile homes only.

269 Section 9. Paragraphs (a) and (b) of subsection (5) of  
 270 section 320.8225, Florida Statutes, are amended to read:

271 320.8225 Mobile home and recreational vehicle manufacturer,  
 272 distributor, and importer license.—

273 (5) REQUIREMENT OF ASSURANCE.—

274 (a) Annually, prior to the receipt of a license to  
 275 manufacture mobile homes, the applicant or licensee shall submit  
 276 a surety bond, cash bond, or letter of credit from a financial  
 277 institution, or a proper continuation certificate, sufficient to  
 278 assure satisfaction of claims against the licensee for failure  
 279 to comply with appropriate code standards, failure to provide  
 280 warranty service, or violation of any provisions of this  
 281 section. The amount of the surety bond, cash bond, or letter of  
 282 credit must be \$50,000. Only one surety bond, cash bond, or  
 283 letter of credit shall be required for each manufacturer,  
 284 regardless of the number of factory locations. The surety bond,  
 285 cash bond, or letter of credit must be to the department, in  
 286 favor of any retail customer who suffers a loss arising out of  
 287 noncompliance with code standards or failure to honor or provide  
 288 warranty service. The department may disapprove any bond or  
 289 letter of credit that does not provide assurance as provided in  
 290 this section. Within 10 calendar days after any renewal or

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291 continuation of or material change in such surety bond, cash  
 292 bond, or letter of credit or issuance of a new surety bond, cash  
 293 bond, or letter of credit, a licensee shall deliver to the  
 294 department, in a manner prescribed by the department, a copy of  
 295 such renewed, continued, changed, or new surety bond, cash bond,  
 296 or letter of credit.

297 (b) Annually, prior to the receipt of a license to  
 298 manufacture, distribute, or import recreational vehicles, the  
 299 applicant or licensee shall submit a surety bond, or a proper  
 300 continuation certificate, sufficient to assure satisfaction of  
 301 claims against the licensee for failure to comply with  
 302 appropriate code standards, failure to provide warranty service,  
 303 or violation of any provisions of this section. The amount of  
 304 the surety bond must be \$10,000 per year. The surety bond must  
 305 be to the department, in favor of any retail customer who  
 306 suffers loss arising out of noncompliance with code standards or  
 307 failure to honor or provide warranty service. The department may  
 308 disapprove any bond that does not provide assurance as provided  
 309 in this section. Within 10 calendar days after any renewal or  
 310 continuation of or material change in such surety bond or  
 311 issuance of a new surety bond, a licensee shall deliver to the  
 312 department, in a manner prescribed by the department, a copy of  
 313 such renewed, continued, changed, or new surety bond.

314 Section 10. Subsection (4) of section 627.7415, Florida  
 315 Statutes, is amended to read:

316 627.7415 Commercial motor vehicles; additional liability  
 317 insurance coverage.—Commercial motor vehicles, as defined in s.  
 318 207.002 or s. 320.01, operated upon the roads and highways of  
 319 this state shall be insured with the following minimum levels of

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320 combined bodily liability insurance and property damage  
 321 liability insurance in addition to any other insurance  
 322 requirements:

323 (4) All commercial motor vehicles subject to regulations of  
 324 the United States Department of Transportation, 49 C.F.R. part  
 325 387, ~~subparts~~ subpart A and B, and as may be hereinafter  
 326 amended, shall be insured in an amount equivalent to the minimum  
 327 levels of financial responsibility as set forth in such  
 328 regulations.

329  
 330 A violation of this section is a noncriminal traffic infraction,  
 331 punishable as a nonmoving violation as provided in chapter 318.

332 Section 11. This act shall take effect July 1, 2022.

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# BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1038

INTRODUCER: Senator Perry

SUBJECT: Florida Seaport Transportation and Economic Development Council

DATE: January 12, 2022      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	<b>Favorable</b>
2.			CM	
3.			RC	

## I. Summary:

SB 1038 revises the membership of the Florida Seaport Transportation and Economic Development (FSTED) Council to include as a member the port director (or the director’s designee) of the Port of Putnam County. The bill increases the total number of members on the FSTED Council from 17 to 18.

Until July 1, 2024, the bill authorizes Putnam County to apply for a grant through the FSTED Council to fund a feasibility study regarding the establishment of a port in Putnam County. The bill directs the Council to evaluate the grant application in accordance with existing statutory provisions governing evaluation and selection of projects for funding under the FSTED Program within the Florida Department of Transportation (FDOT).

If the grant application is approved, the bill requires the FDOT to include the feasibility study as a specific project in its annual legislative budget request for funding of the FSTED Program. If the study concludes that a port in Putnam County is not feasible, the bill terminates the membership of Putnam County on the FSTED Council.

The bill also reenacts a number of statutory provisions to incorporate amendments made by the bill to the FSTED Council statute.

The fiscal impact of the bill is unknown, as whether any grant award under the FSTED Program for the bill’s specified purpose will occur, and in what amount, is unknown. See the “Fiscal Impact Statement” below for additional details.

The bill takes effect July 1, 2022.

## II. Present Situation:

### *The Florida Seaport Transportation and Economic Development (FSTED) Program*

The Florida Seaport Transportation and Economic Development (FSTED) Program was created within the FDOT to finance port transportation or port facilities projects that will improve the movement and intermodal transportation of cargo or passengers in commerce and trade and support the interests, purposes, and requirements of all 15 public seaports.<sup>1</sup> Section 311.07(2), F.S., currently requires a minimum of \$25 million annually to be made available from the State Transportation Trust Fund to fund the FSTED Program. Section 311.09(9), F.S., also directs the FDOT to include no less than \$25 million annually in its legislative budget request for the FSTED Program. An additional \$35 million in seaport-related funding is provided for specified projects under the Strategic Port Investment Initiative under s. 311.10, F.S., and seaport-related projects may be funded under the Intermodal Logistics Center Infrastructure Support Program under s. 311.101, F.S., and the Intermodal Development Program under s. 341.053, F.S. Additional annual funding for debt service in the amount of \$10 million is also provided under s. 320.20, F.S., for seaport-related bonds.

The FSTED Program is managed by the 17-member FSTED Council. The members currently include the port director of the state's 15 public seaports or the director's designee, the Secretary of the FDOT or his or her designee, and the Executive Director of the Department of Economic Opportunity (DEO) or his or her designee.<sup>2</sup> The Council reviews applications for the award of grants for projects eligible for funding under the FSTED Program. The Council evaluates eligible projects<sup>3</sup> and submits an annual list of approved projects, along with a recommended funding level for each project, to the FDOT and the DEO.

The FDOT reviews the list annually approved by the Council for consistency with the Florida Transportation Plan, the Statewide Seaport and Waterways System Plan, and its adopted work program and must notify the council of projects found to be inconsistent.<sup>4</sup> The DEO reviews the annual list to evaluate the economic benefit of the project, and to determine whether a project is consistent with the Florida Seaport Mission Plan, with state economic developments goals and policies, and with state, regional, and local plans, as appropriate.<sup>5</sup> Generally, projects found to be inconsistent may not be included in the list of projects to be funded.

The FDOT must include in its annual legislative budget request for the FSTED Program funded under s. 311.09, F.S., funding for projects determined to be consistent and approved by the

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<sup>1</sup> Section 311.07(1), F.S. The 15 seaports, listed in s. 311.09(1), F.S., are Jacksonville (JaxPort), Port Canaveral, Port Citrus, Port of Fort Pierce, Port of Palm Beach, Port Everglades, Port of Miami, Port Manatee, Port of St. Petersburg, Port of Tampa, Port St. Joe, Port Panama City, Port of Pensacola, Port of Key West, and Port of Fernandina.

<sup>2</sup> Section 311.09(1), F.S.

<sup>3</sup> Eligible project types are listed in s. 311.07(3)(b), F.S., and funding is limited to the specified port facility or port transportation projects on a 50-50 matching basis per s. 311.07(3)(a), F.S., except for projects involving rehabilitation of wharves, docks, berths, bulkheads, or similar structures, which require a 25-percent match.

<sup>4</sup> Section 311.09(6), F.S.

<sup>5</sup> Section 311.09(7), F.S.

Council, and the specific projects to be funded during the ensuing fiscal year must be included in the FDOT's tentative work program.<sup>6</sup>

### ***The Putnam County Port District and Barge Port Project***

The Florida Legislature created the Putnam County Port District in 1961.<sup>7</sup> The Putnam County Commission, acting as the Port Authority, owns an existing barge port and industrial development area located in Putnam County on the St. Johns River. According to the Putnam County Port District website, barge port services currently include:

- Bulkheaded dock space;
- Enclosed, lockable warehouse space with utilities;
- Separate keyed office space;
- Paved parking; and
- Gated entry.<sup>8</sup>

Additional assets are described as available land at the port and new land acquisitions, an on-dock heavy lift stick crane, CSX rail service at the port, and proximity to major customers.<sup>9</sup>

The Port Authority is currently pursuing expansion of the barge port, in cooperation with the Army Corps of Engineers (the Corps),<sup>10</sup> under the federal Continuing Authorities Program (CAP), under which the Corps is authorized to plan, design, and implement certain types of water resources projects without additional project specific congressional authorization. The purpose of the CAP is to plan and implement projects of limited size, cost, scope and complexity.<sup>11</sup> The Port Authority's consultant describes the "CAP Section 107" process as an "expedited" process.<sup>12</sup>

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<sup>6</sup> See s. 311.09(9), F.S. The FDOT's adopted work program is the 5-year work program adopted by the FDOT pursuant to s. 339.135, F.S. In developing the adopted work program, each of the FDOT districts submits an annual district work program, which is the 5-year listing of transportation projects planned for each fiscal year, to the FDOT's central office for review and development of the tentative work program. The tentative work program is the 5-year listing of all transportation projects planned for each fiscal year which is developed by the FDOT's central office based on the district work programs. Each year, a new fifth year is added for purposes of developing the tentative and adopted work programs.

<sup>7</sup> Chapter 67-1961, L.O.F.

<sup>8</sup> Putnam County, Florida, Port Authority General Information, including a map of the port district boundaries, available at Port District General Information – Putnam County, FL BOCC (putnam-fl.com) (last visited January 7, 2021). Additional assets are described as available land at the port and new land acquisitions, an on-dock heavy lift stick crane, CSX Rail service at the port, and proximity to major customers.

<sup>9</sup> See infra note 10 at 20:29.

<sup>10</sup> See video of a presentation to the Putnam County Commission meeting as the Port Authority on December 14, 2021, at 9:44, available at PutnamBOCC - YouTube (last visited January 7, 2021).

<sup>11</sup> See U.S. Army Corps of Engineers, *Continuing Authorities Program*, for additional program information available at <https://www.nae.usace.army.mil/Missions/Public-Services/Continuing-Authorities-Program/> (last visited January 7, 2021).

<sup>12</sup> See U.S. Army Corps of Engineers, Small Navigation Project Study (Section 107), available at <https://www.nae.usace.army.mil/Missions/Public-Services/Continuing-Authorities-Program/Section-107/> for additional information (last visited January 7, 2021). "Section 107 of the River and Harbor Act of 1960 provides authority for the Corps of Engineers to improve navigation including dredging of channels, anchorage areas, and turning basins and construction of breakwaters, jetties and groins, through a partnership with non-Federal government sponsor such as cities, counties, special chartered authorities (such as port authorities), or units of state government. The maximum Federal cost for project development and construction of any one project is \$10 million and each project must be economically justified, environmentally sound, and technically feasible."

As described by the consultant in a recent presentation to the Port Authority,<sup>13</sup> the project involves dredging of a 5,000-foot branch channel from the existing barge berth to the St. Johns channel, with the addition of a turning basin to enhance vessel navigation and safety. The new branch channel depth would be 12 feet at low water, as the existing channel has been filled with silt due to storm events over the last 10 to 15 years. The current depth is about 7 feet, which precludes use by anything other than “very shallow-draft barges” and recreational vessels and “doesn’t do much for business.” An estimate of the material that needs to be removed is under 2,000 cubic yards, with a nearby, viable disposal site. At a new depth of 12 feet, the number, size, and capacity of vessels using the barge port, according to the consultant, would increase dramatically, as would revenues associated with that activity.

In terms of project development, according to the consultant,<sup>14</sup> three critical steps have been completed:

- A Federal Interest Determination, completed in July of 2021, which is prepared by the Corps and indicates a federal interest in continuing to evaluate the project.
- Development of a Fact Sheet, containing detailed project information, also prepared by the Corps. This document, completed in September of 2021, indicates that if a required feasibility report is positive and the project is actually constructed, the Corps will assume responsibility for the operations and maintenance of dredging.
- Completion of a Feasibility Cost Sharing Agreement in October of 2021, which establishes the responsibilities of the Port Authority and the Corps for funding the feasibility report.

According to the consultant,<sup>15</sup> the purpose of the feasibility report is to demonstrate the project’s support of national economic development (NED), which, in the absence of sufficient historical detail in Palatka, Florida, will be based on a market analysis involving identification of probable marine cargo activity at the facility if the project is completed. The consultant advises that if NED is demonstrated, the project will be approved. The consultant estimates that the feasibility report will require about 18 months to complete, at an estimated cost of \$800,000, with the County’s share being \$350,000 of that amount, which can be spread over the duration of the report’s production.

Assuming the outcome of the report is favorable,<sup>16</sup> the consultant advises the Corps would develop a project partnership agreement between Putnam County and the Corps covering the estimated cost of construction of the project and the responsibility of the County for 20 percent of the cost, which may be reduced by contributions in kind, such as lands, easements, and disposal areas. The entire process, including advertisement for bids, selection and award of a contract, and issuance of a Notice to Proceed, would be handled by the Corps and is expected to take about 18 months.

The dredging project, the consultant notes,<sup>17</sup> will allow barges and smaller vessels to access the port, but raising the Shands Bridge would make possible use of the port by larger vessels, such as hopper and flat deck barges, small vessels, and even cruise ships.

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<sup>13</sup> *Supra* note 10 at 10:25.

<sup>14</sup> *Id.* at 11:39.

<sup>15</sup> *Id.* at 13:24.

<sup>16</sup> *Id.* at 15:13.

<sup>17</sup> *Id.* at 21:55.

The FDOT plans to begin construction of a new Shands Bridge over the St. Johns River just south of the existing bridge in the fall of 2022 as part of the First Coast Expressway Project, increasing the vertical clearance height of the new bridge from the current 45 feet of clearance to 65 feet from the water line. According to the FDOT, this increase “is an improvement for marine commerce in the region.”<sup>18</sup>

### III. Effect of Proposed Changes:

Section 1 of the bill amends s. 311.09, F.S., increasing the total number of members on the FSTED Council from 17 to 18, by adding as a member the port director (or the director’s designee) of the Port of Putnam County.

The bill authorizes Putnam County, until July 1, 2024, to apply for a grant through the FSTED Council to fund a feasibility study regarding the establishment of a port in Putnam County. The bill directs the Council to evaluate the grant application in accordance with the existing statutory provisions governing evaluation and selection of projects for funding under the FSTED Program.

If the grant application is approved, the bill requires the FDOT, as is the case under current law for other FSTED applicants who are awarded project grants, to include the feasibility study as a specific project in its annual legislative budget request for funding of the FSTED Program. If the study concludes that a port in Putnam County is not feasible, the bill terminates the membership of Putnam County on the FSTED Council.

Sections 2 through 18 reenact a number of statutory provisions to incorporate the amendment to s. 311.09, F.S.

Section 19 provides the bill takes effect July 1, 2022.

### IV. Constitutional Issues

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

None.

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

None.

#### C. Trust Funds Restrictions:

None.

#### D. State Tax or Fee Increases:

None.

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<sup>18</sup> FDOT, *First Coast Expressway – New St. Johns River Bridge*, available at <https://nflroads.com/ProjectDetails?p=5136> (last visited January 7, 2022.)

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A private sector consultant may be hired to conduct the described feasibility study should the FSTED Council grant an award to fund the study.

C. Government Sector Impact:

The bill does not revise funding levels under the FSTED Program. However, if the grant application for the feasibility study is approved, funding currently available for other grants under the FSTED Program would be reduced by the unknown amount of any award of funds granted by the FSTED Council for the feasibility study. Going forward, if the study concludes in a finding that a Putnam County Port is feasible, the county's membership on the Council continues, and competition for available funding under the FSTED Program would increase by one. If the study concludes the port is not feasible, membership on the Council terminates, and the bill presents no further fiscal impact.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following section of the Florida Statutes: 311.09.

The bill reenacts the following sections of the Florida Statutes: 163.3178, 189.068, 311.07, 311.091, 311.10, 311.101, 311.12, 311.121, 311.14, 315.18, 320.20, 334.27, 337.14, 373.406, 373.4133, 373.4136, and 403.061.

**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

8-01092-22

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1 A bill to be entitled  
 2 An act relating to the Florida Seaport Transportation  
 3 and Economic Development Council; amending s. 311.09,  
 4 F.S.; revising the membership of the Florida Seaport  
 5 Transportation and Economic Development Council to  
 6 include a representative of Putnam County; authorizing  
 7 Putnam County to apply for a grant for a port  
 8 feasibility study through the Florida Seaport  
 9 Transportation and Economic Development Council;  
 10 providing for the evaluation of the application;  
 11 requiring the Department of Transportation to include  
 12 the study in its budget request under certain  
 13 circumstances; terminating the membership of Putnam  
 14 County on the council under certain circumstances;  
 15 reenacting ss. 163.3178(2)(k), (5), and (6),  
 16 189.068(6), 311.07(1) and (3)(a) and (b), 311.091,  
 17 311.10(1) and (2), 311.101(2), 311.12(2)(a), (3), and  
 18 (6)(a), 311.121(2) and (3)(a), 311.14(1), 315.18,  
 19 320.20(3) and (4), 334.27(1), 337.14(7), 373.406(12),  
 20 373.4133(2) and (10), 373.4136(6)(d), and 403.061(38)  
 21 and (39), F.S., relating to coastal management, the  
 22 oversight of deepwater ports, Florida seaport  
 23 transportation and economic development funding, entry  
 24 into public-private infrastructure project agreements  
 25 for port-related public infrastructure projects, the  
 26 Strategic Port Investment Initiative within the  
 27 department, the Intermodal Logistics Center  
 28 Infrastructure Support Program, seaport security,  
 29 licensed security officers at Florida seaports,

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30 seaport planning, the confidentiality of certain  
 31 records held by deepwater ports, the disposition of  
 32 license tax moneys, the definition of the term  
 33 "governmental transportation entity," seaport  
 34 contractor services, exemptions for overwater piers,  
 35 docks, or similar structures in deepwater ports, port  
 36 conceptual permits, the authorized use of mitigation  
 37 banks, and the duties of the Department of  
 38 Environmental Protection in providing environmental  
 39 resource permits, respectively, to incorporate the  
 40 amendment made to s. 311.09, F.S., in references  
 41 thereto; providing an effective date.  
 42  
 43 Be It Enacted by the Legislature of the State of Florida:  
 44  
 45 Section 1. Subsection (1) of section 311.09, Florida  
 46 Statutes, is amended, and subsection (13) is added to that  
 47 section, to read:  
 48 311.09 Florida Seaport Transportation and Economic  
 49 Development Council.—  
 50 (1) The Florida Seaport Transportation and Economic  
 51 Development Council is created within the Department of  
 52 Transportation. The council consists of the following ~~18~~ 17  
 53 members: the port director, or the port director's designee, of  
 54 each of the ports of Jacksonville, Port Canaveral, Port Citrus,  
 55 Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee,  
 56 St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City,  
 57 Pensacola, Key West, and Fernandina; the secretary of the  
 58 Department of Transportation or his or her designee; and the

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59 secretary of the Department of Economic Opportunity or his or  
60 her designee.

61 (13) Until July 1, 2024, Putnam County may apply for a  
62 grant through the Florida Seaport Transportation and Economic  
63 Development Council to perform a feasibility study regarding the  
64 establishment of a port in Putnam County. The council shall  
65 evaluate the grant application pursuant to subsections (5)-(9)  
66 and, if approved, the Department of Transportation must include  
67 the feasibility study in its budget request pursuant to  
68 subsection (9). If the study determines that a port in Putnam  
69 County is not feasible, the membership of Putnam County on the  
70 council must terminate.

71 Section 2. For the purpose of incorporating the amendment  
72 made by this act to section 311.09, Florida Statutes, in  
73 references thereto, paragraph (k) of subsection (2) and  
74 subsections (5) and (6) of section 163.3178, Florida Statutes,  
75 are reenacted to read:

76 163.3178 Coastal management.—

77 (2) Each coastal management element required by s.  
78 163.3177(6)(g) shall be based on studies, surveys, and data; be  
79 consistent with coastal resource plans prepared and adopted  
80 pursuant to general or special law; and contain:

81 (k) A component which includes the comprehensive master  
82 plan prepared by each deepwater port listed in s. 311.09(1),  
83 which addresses existing port facilities and any proposed  
84 expansions, and which adequately addresses the applicable  
85 requirements of paragraphs (a)-(k) for areas within the port and  
86 proposed expansion areas. Such component shall be submitted to  
87 the appropriate local government at least 6 months prior to the

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88 due date of the local plan and shall be integrated with, and  
89 shall meet all criteria specified in, the coastal management  
90 element. "The appropriate local government" means the  
91 municipality having the responsibility for the area in which the  
92 deepwater port lies, except that where no municipality has  
93 responsibility, where a municipality and a county each have  
94 responsibility, or where two or more municipalities each have  
95 responsibility for the area in which the deepwater port lies,  
96 "the appropriate local government" means the county which has  
97 responsibility for the area in which the deepwater port lies.  
98 Failure by a deepwater port which is not part of a local  
99 government to submit its component to the appropriate local  
100 government shall not result in a local government being subject  
101 to sanctions pursuant to s. 163.3184. However, a deepwater port  
102 which is not part of a local government shall be subject to  
103 sanctions pursuant to s. 163.3184.

104 (5) The appropriate dispute resolution process provided  
105 under s. 186.509 must be used to reconcile inconsistencies  
106 between port master plans and local comprehensive plans. In  
107 recognition of the state's commitment to deepwater ports, the  
108 state comprehensive plan must include goals, objectives, and  
109 policies that establish a statewide strategy for enhancement of  
110 existing deepwater ports, ensuring that priority is given to  
111 water-dependent land uses. As an incentive for promoting plan  
112 consistency, port facilities as defined in s. 315.02(6) on lands  
113 owned or controlled by a deepwater port as defined in s.  
114 311.09(1), as of the effective date of this act shall not be  
115 subject to development-of-regional-impact review provided the  
116 port either successfully completes an alternative comprehensive

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 117 development agreement with a local government pursuant to ss.  
 118 163.3220-163.3243 or successfully enters into a development  
 119 agreement with the state land planning agency and applicable  
 120 local government pursuant to s. 380.032 or, where the port is a  
 121 department of a local government, successfully enters into a  
 122 development agreement with the state land planning agency  
 123 pursuant to s. 380.032. Port facilities as defined in s.  
 124 315.02(6) on lands not owned or controlled by a deepwater port  
 125 as defined in s. 311.09(1) as of the effective date of this act  
 126 shall not be subject to development-of-regional-impact review  
 127 provided the port successfully enters into a development  
 128 agreement with the state land planning agency and applicable  
 129 local government pursuant to s. 380.032 or, where the port is a  
 130 department of a local government, successfully enters into a  
 131 development agreement with the state land planning agency  
 132 pursuant to s. 380.032.

133 (6) Each port listed in s. 311.09(1) and each local  
 134 government in the coastal area which has spoil disposal  
 135 responsibilities shall provide for or identify disposal sites  
 136 for dredged materials in the future land use and port elements  
 137 of the local comprehensive plan as needed to assure proper long-  
 138 term management of material dredged from navigation channels,  
 139 sufficient long-range disposal capacity, environmental  
 140 sensitivity and compatibility, and reasonable cost and  
 141 transportation. The disposal site selection criteria shall be  
 142 developed in consultation with navigation and inlet districts  
 143 and other appropriate state and federal agencies and the public.  
 144 For areas owned or controlled by ports listed in s. 311.09(1)  
 145 and proposed port expansion areas, compliance with the

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 146 provisions of this subsection shall be achieved through  
 147 comprehensive master plans prepared by each port and integrated  
 148 with the appropriate local plan pursuant to paragraph (2) (k).  
 149 Section 3. For the purpose of incorporating the amendment  
 150 made by this act to section 311.09, Florida Statutes, in a  
 151 reference thereto, subsection (6) of section 189.068, Florida  
 152 Statutes, is reenacted to read:

153 189.068 Special districts; authority for oversight; general  
 154 oversight review process.—

155 (6) This section does not apply to a deepwater port listed  
 156 in s. 311.09(1) which is in compliance with a port master plan  
 157 adopted pursuant to s. 163.3178(2) (k), or to an airport  
 158 authority operating in compliance with an airport master plan  
 159 approved by the Federal Aviation Administration, or to any  
 160 special district organized to operate health systems and  
 161 facilities licensed under chapter 395, chapter 400, or chapter  
 162 429.

163 Section 4. For the purpose of incorporating the amendment  
 164 made by this act to section 311.09, Florida Statutes, in  
 165 references thereto, subsection (1) and paragraphs (a) and (b) of  
 166 subsection (3) of section 311.07, Florida Statutes, are  
 167 reenacted to read:

168 311.07 Florida seaport transportation and economic  
 169 development funding.—

170 (1) There is created the Florida Seaport Transportation and  
 171 Economic Development Program within the Department of  
 172 Transportation to finance port transportation or port facilities  
 173 projects that will improve the movement and intermodal  
 174 transportation of cargo or passengers in commerce and trade and

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175 support the interests, purposes, and requirements of all ports  
176 listed in s. 311.09.

177 (3) (a) Florida Seaport Transportation and Economic  
178 Development Program funds shall be used to fund approved  
179 projects on a 50-50 matching basis with any of the deepwater  
180 ports, as listed in s. 311.09, which is governed by a public  
181 body or any other deepwater port which is governed by a public  
182 body and which complies with the water quality provisions of s.  
183 403.061, the comprehensive master plan requirements of s.  
184 163.3178(2)(k), and the local financial management and reporting  
185 provisions of part III of chapter 218. However, program funds  
186 used to fund projects that involve the rehabilitation of  
187 wharves, docks, berths, bulkheads, or similar structures shall  
188 require a 25-percent match of funds. Program funds also may be  
189 used by the Seaport Transportation and Economic Development  
190 Council for data and analysis that will assist Florida's  
191 seaports and international trade.

192 (b) Projects eligible for funding by grants under the  
193 program are limited to the following port facilities or port  
194 transportation projects:

195 1. Transportation facilities within the jurisdiction of the  
196 port.

197 2. The dredging or deepening of channels, turning basins,  
198 or harbors.

199 3. The construction or rehabilitation of wharves, docks,  
200 structures, jetties, piers, storage facilities, cruise  
201 terminals, automated people mover systems, or any facilities  
202 necessary or useful in connection with any of the foregoing.

203 4. The acquisition of vessel tracking systems, container

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204 cranes, or other mechanized equipment used in the movement of  
205 cargo or passengers in international commerce.

206 5. The acquisition of land to be used for port purposes.

207 6. The acquisition, improvement, enlargement, or extension  
208 of existing port facilities.

209 7. Environmental protection projects which are necessary  
210 because of requirements imposed by a state agency as a condition  
211 of a permit or other form of state approval; which are necessary  
212 for environmental mitigation required as a condition of a state,  
213 federal, or local environmental permit; which are necessary for  
214 the acquisition of spoil disposal sites and improvements to  
215 existing and future spoil sites; or which result from the  
216 funding of eligible projects listed in this paragraph.

217 8. Transportation facilities as defined in s. 334.03(30)  
218 which are not otherwise part of the Department of  
219 Transportation's adopted work program.

220 9. Intermodal access projects.

221 10. Construction or rehabilitation of port facilities as  
222 defined in s. 315.02, excluding any park or recreational  
223 facilities, in ports listed in s. 311.09(1) with operating  
224 revenues of \$5 million or less, provided that such projects  
225 create economic development opportunities, capital improvements,  
226 and positive financial returns to such ports.

227 11. Seaport master plan or strategic plan development or  
228 updates, including the purchase of data to support such plans.

229 Section 5. For the purpose of incorporating the amendment  
230 made by this act to section 311.09, Florida Statutes, in a  
231 reference thereto, section 311.091, Florida Statutes, is  
232 reenacted to read:

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233 311.091 Entry into public-private infrastructure project  
 234 agreements for port-related public infrastructure projects.—A  
 235 seaport listed in s. 311.09(1) may receive or solicit proposals  
 236 from and enter into a public-private infrastructure project  
 237 agreement with a private entity, or a consortium of private  
 238 entities, to build, operate, manage, maintain, or finance a  
 239 port-related public infrastructure project.

240 Section 6. For the purpose of incorporating the amendment  
 241 made by this act to section 311.09, Florida Statutes, in  
 242 references thereto, subsections (1) and (2) of section 311.10,  
 243 Florida Statutes, are reenacted to read:

244 311.10 Strategic Port Investment Initiative.—

245 (1) There is created the Strategic Port Investment  
 246 Initiative within the Department of Transportation. Beginning in  
 247 fiscal year 2012-2013, a minimum of \$35 million annually shall  
 248 be made available from the State Transportation Trust Fund to  
 249 fund the Strategic Port Investment Initiative. The Department of  
 250 Transportation shall work with the deepwater ports listed in s.  
 251 311.09 to develop and maintain a priority list of strategic  
 252 investment projects. Project selection shall be based on  
 253 projects that meet the state's economic development goal of  
 254 becoming a hub for trade, logistics, and export-oriented  
 255 activities by:

256 (a) Providing important access and major on-port capacity  
 257 improvements;

258 (b) Providing capital improvements to strategically  
 259 position the state to maximize opportunities in international  
 260 trade, logistics, or the cruise industry;

261 (c) Achieving state goals of an integrated intermodal

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262 transportation system; and

263 (d) Demonstrating the feasibility and availability of  
 264 matching funds through local or private partners.

265 (2) Prior to making final project allocations, the  
 266 Department of Transportation shall schedule a publicly noticed  
 267 workshop with the Department of Economic Opportunity and the  
 268 deepwater ports listed in s. 311.09 to review the proposed  
 269 projects. After considering the comments received, the  
 270 Department of Transportation shall finalize a prioritized list  
 271 of potential projects.

272 Section 7. For the purpose of incorporating the amendment  
 273 made by this act to section 311.09, Florida Statutes, in a  
 274 reference thereto, subsection (2) of section 311.101, Florida  
 275 Statutes, is reenacted to read:

276 311.101 Intermodal Logistics Center Infrastructure Support  
 277 Program.—

278 (2) For the purposes of this section, the term "intermodal  
 279 logistics center," including, but not limited to, an "inland  
 280 port," means a facility or group of facilities serving as a  
 281 point of intermodal transfer of freight in a specific area  
 282 physically separated from a seaport where activities relating to  
 283 transport, logistics, goods distribution, consolidation, or  
 284 value-added activities are carried out and whose activities and  
 285 services are designed to support or be supported by conveyance  
 286 or shipping through one or more seaports listed in s. 311.09.

287 Section 8. For the purpose of incorporating the amendment  
 288 made by this act to section 311.09, Florida Statutes, in  
 289 references thereto, paragraph (a) of subsection (2), subsection  
 290 (3), and paragraph (a) of subsection (6) of section 311.12,

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291 Florida Statutes, are reenacted to read:

292 311.12 Seaport security.—

293 (2) SECURITY PLAN.—

294 (a) Each seaport listed in s. 311.09 shall adopt and  
295 maintain a security plan specific to that seaport which provides  
296 for a secure seaport infrastructure that promotes the safety and  
297 security of state residents and visitors and the flow of  
298 legitimate trade and travel.

299 (3) SECURE AND RESTRICTED AREAS.—Each seaport listed in s.  
300 311.09 must clearly designate in seaport security plans, and  
301 clearly identify with appropriate signs and markers on the  
302 premises of a seaport, all secure and restricted areas as  
303 defined by 33 C.F.R. part 105.

304 (a)1. All seaport employees and other persons working at  
305 the seaport who have regular access to secure or restricted  
306 areas must comply with federal access control regulations as  
307 prescribed in this section.

308 2. All persons and objects in secure and restricted areas  
309 are subject to search by a sworn state-certified law enforcement  
310 officer, a Class D seaport security officer certified under  
311 Maritime Transportation Security Act of 2002 guidelines, or an  
312 employee of the seaport security force certified under the  
313 Maritime Transportation Security Act of 2002 guidelines.

314 3. Persons found in these areas without the proper  
315 permission are subject to the trespass provisions of ss. 810.08  
316 and 810.09.

317 (b) The seaport must provide clear notice of the  
318 prohibition against possession of concealed weapons and other  
319 contraband material on the premises of the seaport. Any person

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320 in a restricted area who has in his or her possession a  
321 concealed weapon, or who operates or has possession or control  
322 of a vehicle in or upon which a concealed weapon is placed or  
323 stored, commits a misdemeanor of the first degree, punishable as  
324 provided in s. 775.082 or s. 775.083. This paragraph does not  
325 apply to active-duty certified federal or state law enforcement  
326 personnel or persons so designated by the seaport director in  
327 writing.

328 (c) During a period of high terrorist threat level, as  
329 designated by the United States Department of Homeland Security,  
330 the management or controlling authority of the port may  
331 temporarily designate any part of the seaport property as a  
332 secure or restricted area. The duration of such designation is  
333 limited to the period in which the high terrorist threat level  
334 is in effect or a port emergency exists.

335 (6) GRANT PROGRAM.—

336 (a) The Florida Seaport Transportation and Economic  
337 Development Council shall establish a Seaport Security Grant  
338 Program for the purpose of assisting in the implementation of  
339 security plans and security measures at the seaports listed in  
340 s. 311.09(1). Funds may be used for the purchase of equipment,  
341 infrastructure needs, cybersecurity programs, and other security  
342 measures identified in a seaport's approved federal security  
343 plan. Such grants may not exceed 75 percent of the total cost of  
344 the request and are subject to legislative appropriation.

345 Section 9. For the purpose of incorporating the amendment  
346 made by this act to section 311.09, Florida Statutes, in  
347 references thereto, subsection (2) and paragraph (a) of  
348 subsection (3) of section 311.121, Florida Statutes, are

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349 reenacted to read:

350 311.121 Qualifications, training, and certification of  
351 licensed security officers at Florida seaports.—

352 (2) The authority or governing board of each seaport  
353 identified under s. 311.09 that is subject to the seaport  
354 security standards referenced in s. 311.12 shall require that a  
355 candidate for certification as a seaport security officer:

356 (a) Has received a Class D license as a security officer  
357 under chapter 493.

358 (b) Has successfully completed the certified training  
359 curriculum for a Class D license or has been determined by the  
360 Department of Agriculture and Consumer Services to have  
361 equivalent experience as established by rule of the department.

362 (c) Has completed the training or training equivalency and  
363 testing process established by this section for becoming a  
364 certified seaport security officer.

365 (3) The Seaport Security Officer Qualification, Training,  
366 and Standards Coordinating Council is created under the  
367 Department of Law Enforcement.

368 (a) The executive director of the Department of Law  
369 Enforcement shall appoint 11 members to the council, to include:

370 1. The seaport administrator of the Department of Law  
371 Enforcement.

372 2. The Commissioner of Education or his or her designee.

373 3. The director of the Division of Licensing of the  
374 Department of Agriculture and Consumer Services.

375 4. The administrator of the Florida Seaport Transportation  
376 and Economic Development Council.

377 5. Two seaport security directors from seaports designated

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378 under s. 311.09.

379 6. One director of a state law enforcement academy.

380 7. One representative of a local law enforcement agency.

381 8. Two representatives of contract security services.

382 9. One representative of the Department of Highway Safety  
383 and Motor Vehicles.

384 Section 10. For the purpose of incorporating the amendment  
385 made by this act to section 311.09, Florida Statutes, in a  
386 reference thereto, subsection (1) of section 311.14, Florida  
387 Statutes, is reenacted to read:

388 311.14 Seaport planning.—

389 (1) The Department of Transportation shall develop, in  
390 coordination with the ports listed in s. 311.09(1) and other  
391 partners, a Statewide Seaport and Waterways System Plan. This  
392 plan shall be consistent with the goals of the Florida  
393 Transportation Plan developed pursuant to s. 339.155 and shall  
394 consider needs identified in individual port master plans and  
395 those from the seaport strategic plans required under this  
396 section. The plan will identify 5-year, 10-year, and 20-year  
397 needs for the seaport system and will include seaport, waterway,  
398 road, and rail projects that are needed to ensure the success of  
399 the transportation system as a whole in supporting state  
400 economic development goals.

401 Section 11. For the purpose of incorporating the amendment  
402 made by this act to section 311.09, Florida Statutes, in a  
403 reference thereto, section 315.18, Florida Statutes, is  
404 reenacted to read:

405 315.18 Confidentiality of certain records held by deepwater  
406 ports.—Any proposal or counterproposal exchanged between a

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407 deepwater port listed in s. 311.09(1) and any nongovernmental  
 408 entity, relating to the sale, use, or lease of land or of port  
 409 facilities, and any financial records submitted by any  
 410 nongovernmental entity to such a deepwater port for the purpose  
 411 of the sale, use, or lease of land or of port facilities, are  
 412 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 413 of the State Constitution. However, 30 days before any such  
 414 proposal or counterproposal is considered for approval by the  
 415 governing body of such a deepwater port, the proposal or  
 416 counterproposal shall cease to be exempt. If no proposal or  
 417 counterproposal is submitted to the governing body for approval,  
 418 such a proposal or counterproposal shall cease to be exempt 90  
 419 days after the cessation of negotiations.

420 Section 12. For the purpose of incorporating the amendment  
 421 made by this act to section 311.09, Florida Statutes, in  
 422 references thereto, subsections (3) and (4) of section 320.20,  
 423 Florida Statutes, are reenacted to read:

424 320.20 Disposition of license tax moneys.—The revenue  
 425 derived from the registration of motor vehicles, including any  
 426 delinquent fees and excluding those revenues collected and  
 427 distributed under the provisions of s. 320.081, must be  
 428 distributed monthly, as collected, as follows:

429 (3) Notwithstanding any other provision of law except  
 430 subsections (1) and (2), \$15 million shall be deposited annually  
 431 into the State Transportation Trust Fund solely for the purposes  
 432 of funding the Florida Seaport Transportation and Economic  
 433 Development Program as provided in chapter 311. Such revenues  
 434 shall be distributed on a 50-50 matching basis to any port  
 435 listed in s. 311.09(1) to be used for funding projects as

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436 described in s. 311.07(3)(b). Such revenues may be assigned,  
 437 pledged, or set aside as a trust for the payment of principal or  
 438 interest on bonds, tax anticipation certificates, or any other  
 439 form of indebtedness issued by an individual port or appropriate  
 440 local government having jurisdiction thereof, or collectively by  
 441 interlocal agreement among any of the ports, or used to purchase  
 442 credit support to permit such borrowings. However, such debt is  
 443 not a general obligation of the state. The state covenants with  
 444 holders of such revenue bonds or other instruments of  
 445 indebtedness issued that it will not repeal or impair or amend  
 446 in any manner that will materially and adversely affect the  
 447 rights of such holders so long as bonds authorized by this  
 448 section are outstanding. Any revenues that are not pledged to  
 449 the repayment of bonds authorized by this section may be used  
 450 for purposes authorized under the Florida Seaport Transportation  
 451 and Economic Development Program. This revenue source is in  
 452 addition to any amounts provided and appropriated in accordance  
 453 with s. 311.07. The Florida Seaport Transportation and Economic  
 454 Development Council shall approve the distribution of funds to  
 455 ports for projects that have been approved pursuant to s.  
 456 311.09(5)-(8). The council and the Department of Transportation  
 457 may perform acts required to facilitate and implement this  
 458 subsection. To better enable the ports to cooperate to their  
 459 mutual advantage, the governing body of each port may exercise  
 460 powers provided to municipalities or counties in s. 163.01(7)(d)  
 461 subject to chapter 311 and special acts, if any, pertaining to a  
 462 port. The use of funds provided pursuant to this subsection are  
 463 limited to eligible projects listed in this subsection. Income  
 464 derived from a project completed with the use of program funds,

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465 beyond operating costs and debt service, is restricted solely to  
 466 further port capital improvements consistent with maritime  
 467 purposes. Use of such income for nonmaritime purposes is  
 468 prohibited. The revenues available under this subsection may not  
 469 be pledged to the payment of any bonds other than the Florida  
 470 Ports Financing Commission Series 1996 and Series 1999 Bonds  
 471 currently outstanding; however, such revenues may be pledged to  
 472 secure payment of refunding bonds to refinance the Florida Ports  
 473 Financing Commission Series 1996 and Series 1999 Bonds.  
 474 Refunding bonds secured by revenues available under this  
 475 subsection may not be issued with a final maturity later than  
 476 the final maturity of the Florida Ports Financing Commission  
 477 Series 1996 and Series 1999 Bonds or which provide for higher  
 478 debt service in any year than is currently payable on such  
 479 bonds. Any revenue bonds or other indebtedness issued after July  
 480 1, 2000, other than refunding bonds shall be issued by the  
 481 Division of Bond Finance at the request of the Department of  
 482 Transportation pursuant to the State Bond Act.

483 (4) Notwithstanding any other provision of law except  
 484 subsections (1), (2), and (3), \$10 million shall be deposited  
 485 annually into the State Transportation Trust Fund solely for the  
 486 purposes of funding the Florida Seaport Transportation and  
 487 Economic Development Program as provided in chapter 311 and for  
 488 funding seaport intermodal access projects of statewide  
 489 significance as provided in s. 341.053. Such revenues shall be  
 490 distributed to any port listed in s. 311.09(1), to be used for  
 491 funding projects as follows:

492 (a) For any seaport intermodal access projects that are  
 493 identified in the 1997-1998 Tentative Work Program of the

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494 Department of Transportation, up to the amounts needed to offset  
 495 the funding requirements of this section.

496 (b) For seaport intermodal access projects as described in  
 497 s. 341.053(6) which are identified in the 5-year Florida Seaport  
 498 Mission Plan as provided in s. 311.09(3). Funding for such  
 499 projects shall be on a matching basis as mutually determined by  
 500 the Florida Seaport Transportation and Economic Development  
 501 Council and the Department of Transportation if a minimum of 25  
 502 percent of total project funds come from any port funds, local  
 503 funds, private funds, or specifically earmarked federal funds.

504 (c) On a 50-50 matching basis for projects as described in  
 505 s. 311.07(3)(b).

506 (d) For seaport intermodal access projects that involve the  
 507 dredging or deepening of channels, turning basins, or harbors;  
 508 or the rehabilitation of wharves, docks, or similar structures.  
 509 Funding for such projects requires a 25 percent match of the  
 510 funds received pursuant to this subsection. Matching funds must  
 511 come from port funds, federal funds, local funds, or private  
 512 funds.

513

514 Such revenues may be assigned, pledged, or set aside as a trust  
 515 for the payment of principal or interest on bonds, tax  
 516 anticipation certificates, or other form of indebtedness issued  
 517 by an individual port or appropriate local government having  
 518 jurisdiction thereof, or collectively by interlocal agreement  
 519 among any of the ports, or used to purchase credit support to  
 520 permit such borrowings. However, such debt is not a general  
 521 obligation of the state. This state covenants with holders of  
 522 such revenue bonds or other instruments of indebtedness issued



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523 hereunder that it will not repeal, impair, or amend this  
 524 subsection in a manner that will materially and adversely affect  
 525 the rights of holders while bonds authorized by this subsection  
 526 remain outstanding. Revenues that are not pledged to the  
 527 repayment of bonds as authorized by this section may be used for  
 528 purposes authorized under the Florida Seaport Transportation and  
 529 Economic Development Program. This revenue source is in addition  
 530 to any amounts provided for and appropriated in accordance with  
 531 s. 311.07 and subsection (3). The Florida Seaport Transportation  
 532 and Economic Development Council shall approve distribution of  
 533 funds to ports for projects that have been approved pursuant to  
 534 s. 311.09(5)-(8), or for seaport intermodal access projects  
 535 identified in the 5-year Florida Seaport Mission Plan as  
 536 provided in s. 311.09(3) and mutually agreed upon by the Florida  
 537 Seaport Transportation and Economic Development Council and the  
 538 Department of Transportation. All contracts for actual  
 539 construction of projects authorized by this subsection must  
 540 include a provision encouraging employment of participants in  
 541 the welfare transition program. The goal for such employment is  
 542 25 percent of all new employees employed specifically for the  
 543 project, unless the Department of Transportation and the Florida  
 544 Seaport Transportation and Economic Development Council  
 545 demonstrate that such a requirement would severely hamper the  
 546 successful completion of the project. In such an instance,  
 547 CareerSource Florida, Inc., shall establish an appropriate  
 548 percentage of employees who are participants in the welfare  
 549 transition program. The council and the Department of  
 550 Transportation may perform such acts as are required to  
 551 facilitate and implement the provisions of this subsection. To

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552 better enable the ports to cooperate to their mutual advantage,  
 553 the governing body of each port may exercise powers provided to  
 554 municipalities or counties in s. 163.01(7)(d) subject to the  
 555 provisions of chapter 311 and special acts, if any, pertaining  
 556 to a port. The use of funds provided pursuant to this subsection  
 557 is limited to eligible projects listed in this subsection. The  
 558 revenues available under this subsection may not be pledged to  
 559 the payment of any bonds other than the Florida Ports Financing  
 560 Commission Series 1996 and Series 1999 Bonds currently  
 561 outstanding; however, such revenues may be pledged to secure  
 562 payment of refunding bonds to refinance the Florida Ports  
 563 Financing Commission Series 1996 and Series 1999 Bonds.  
 564 Refunding bonds secured by revenues available under this  
 565 subsection may not be issued with a final maturity later than  
 566 the final maturity of the Florida Ports Financing Commission  
 567 Series 1996 and Series 1999 Bonds and may not provide for higher  
 568 debt service in any year than is currently payable on such  
 569 bonds. Any revenue bonds or other indebtedness issued after July  
 570 1, 2000, other than refunding bonds shall be issued by the  
 571 Division of Bond Finance at the request of the Department of  
 572 Transportation pursuant to the State Bond Act.

573 Section 13. For the purpose of incorporating the amendment  
 574 made by this act to section 311.09, Florida Statutes, in a  
 575 reference thereto, subsection (1) of section 334.27, Florida  
 576 Statutes, is reenacted to read:

577 334.27 Governmental transportation entities; property  
 578 acquired for transportation purposes; limitation on soil or  
 579 groundwater contamination liability.—  
 580 (1) For the purposes of this section, the term

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581 "governmental transportation entity" means the department; an  
582 authority created pursuant to chapter 343, chapter 348, or  
583 chapter 349; airports as defined in s. 332.004(14); a port  
584 enumerated in s. 311.09(1); a county; or a municipality.

585 Section 14. For the purpose of incorporating the amendment  
586 made by this act to section 311.09, Florida Statutes, in a  
587 reference thereto, subsection (7) of section 337.14, Florida  
588 Statutes, is reenacted to read:

589 337.14 Application for qualification; certificate of  
590 qualification; restrictions; request for hearing.—

591 (7) A "contractor" as defined in s. 337.165(1)(d) or his or  
592 her "affiliate" as defined in s. 337.165(1)(a) qualified with  
593 the department under this section may not also qualify under s.  
594 287.055 or s. 337.105 to provide testing services, construction,  
595 engineering, and inspection services to the department. This  
596 limitation does not apply to any design-build prequalification  
597 under s. 337.11(7) and does not apply when the department  
598 otherwise determines by written order entered at least 30 days  
599 before advertisement that the limitation is not in the best  
600 interests of the public with respect to a particular contract  
601 for testing services, construction, engineering, and inspection  
602 services. This subsection does not authorize a contractor to  
603 provide testing services, or provide construction, engineering,  
604 and inspection services, to the department in connection with a  
605 construction contract under which the contractor is performing  
606 any work. Notwithstanding any other provision of law to the  
607 contrary, for a project that is wholly or partially funded by  
608 the department and administered by a local governmental entity,  
609 except for a seaport listed in s. 311.09 or an airport as

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610 defined in s. 332.004, the entity performing design and  
611 construction engineering and inspection services may not be the  
612 same entity.

613 Section 15. For the purpose of incorporating the amendment  
614 made by this act to section 311.09, Florida Statutes, in a  
615 reference thereto, subsection (12) of section 373.406, Florida  
616 Statutes, is reenacted to read:

617 373.406 Exemptions.—The following exemptions shall apply:

618 (12) An overwater pier, dock, or a similar structure  
619 located in a deepwater port listed in s. 311.09 is not  
620 considered to be part of a stormwater management system for  
621 which this chapter or chapter 403 requires stormwater from  
622 impervious surfaces to be treated if:

623 (a) The port has a stormwater pollution prevention plan for  
624 industrial activities pursuant to the National Pollutant  
625 Discharge Elimination System Program; and

626 (b) The stormwater pollution prevention plan also provides  
627 similar pollution prevention measures for other activities that  
628 are not subject to the National Pollutant Discharge Elimination  
629 System Program and that occur on the port's overwater piers,  
630 docks, and similar structures.

631 Section 16. For the purpose of incorporating the amendment  
632 made by this act to section 311.09, Florida Statutes, in  
633 references thereto, subsections (2) and (10) of section  
634 373.4133, Florida Statutes, are reenacted to read:

635 373.4133 Port conceptual permits.—

636 (2) Any port listed in s. 311.09(1) may apply to the  
637 department for a port conceptual permit, including any  
638 applicable authorization under chapter 253 to use sovereignty

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639 submerged lands under a joint coastal permit pursuant to s.  
 640 161.055 or an environmental resource permit issued pursuant to  
 641 this part, for all or a portion of the area within the  
 642 geographic boundaries of the port. A private entity with a  
 643 controlling interest in property used for private industrial  
 644 marine activities in the immediate vicinity of a port listed in  
 645 s. 311.09(1) may also apply for a port conceptual permit under  
 646 this section. A port conceptual permit may be issued for a  
 647 period of up to 20 years and extended one time for an additional  
 648 10 years. A port conceptual permit constitutes the state's  
 649 conceptual certification of compliance with state water quality  
 650 standards for purposes of s. 401 of the Clean Water Act and the  
 651 state's conceptual determination that the activities contained  
 652 in the port conceptual permit are consistent with the state  
 653 coastal zone management program.

654 (10) In lieu of meeting the generally applicable stormwater  
 655 design standards in rules adopted under this part, which create  
 656 a presumption that stormwater discharged from the system will  
 657 meet the applicable state water quality standards in the  
 658 receiving waters, any port listed in s. 311.09(1) may propose  
 659 alternative stormwater treatment and design criteria for the  
 660 construction, operation, and maintenance of stormwater  
 661 management systems serving overwater piers. The proposal shall  
 662 include such structural components or best management practices  
 663 to address the stormwater discharge from the pier, including  
 664 consideration of activities conducted on the pier, as are  
 665 necessary to provide reasonable assurance that stormwater  
 666 discharged from the system will meet the applicable state water  
 667 quality standards in the receiving waters.

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668 Section 17. For the purpose of incorporating the amendment  
 669 made by this act to section 311.09, Florida Statutes, in a  
 670 reference thereto, paragraph (d) of subsection (6) of section  
 671 373.4136, Florida Statutes, is reenacted to read:  
 672 373.4136 Establishment and operation of mitigation banks.—  
 673 (6) MITIGATION SERVICE AREA.—The department or water  
 674 management district shall establish a mitigation service area  
 675 for each mitigation bank permit. The department or water  
 676 management district shall notify and consider comments received  
 677 on the proposed mitigation service area from each local  
 678 government within the proposed mitigation service area. Except  
 679 as provided herein, mitigation credits may be withdrawn and used  
 680 only to offset adverse impacts in the mitigation service area.  
 681 The boundaries of the mitigation service area shall depend upon  
 682 the geographic area where the mitigation bank could reasonably  
 683 be expected to offset adverse impacts. Mitigation service areas  
 684 may overlap, and mitigation service areas for two or more  
 685 mitigation banks may be approved for a regional watershed.  
 686 (d) If the requirements in s. 373.414(1)(b) and (8) are  
 687 met, the following projects or activities regulated under this  
 688 part shall be eligible to use a mitigation bank, regardless of  
 689 whether they are located within the mitigation service area:  
 690 1. Projects with adverse impacts partially located within  
 691 the mitigation service area.  
 692 2. Linear projects, such as roadways, transmission lines,  
 693 distribution lines, pipelines, railways, or seaports listed in  
 694 s. 311.09(1).  
 695 3. Projects with total adverse impacts of less than 1 acre  
 696 in size.

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697 Section 18. For the purpose of incorporating the amendment  
698 made by this act to section 311.09, Florida Statutes, in  
699 references thereto, subsections (38) and (39) of section  
700 403.061, Florida Statutes, are reenacted to read:

701 403.061 Department; powers and duties.—The department shall  
702 have the power and the duty to control and prohibit pollution of  
703 air and water in accordance with the law and rules adopted and  
704 promulgated by it and, for this purpose, to:

705 (38) Provide a supplemental permitting process for the  
706 issuance of a joint coastal permit pursuant to s. 161.055 or  
707 environmental resource permit pursuant to part IV of chapter  
708 373, to a port listed in s. 311.09(1), for maintenance dredging  
709 and the management of dredged materials from maintenance  
710 dredging of all navigation channels, port harbors, turning  
711 basins, and harbor berths. Such permit shall be issued for a  
712 period of 5 years and shall be annually extended for an  
713 additional year if the port is in compliance with all permit  
714 conditions at the time of extension. The department is  
715 authorized to adopt rules to implement this subsection.

716 (39) Provide a supplemental permitting process for the  
717 issuance of a conceptual joint coastal permit pursuant to s.  
718 161.055 or environmental resource permit pursuant to part IV of  
719 chapter 373, to a port listed in s. 311.09(1), for dredging and  
720 the management of materials from dredging and for other related  
721 activities necessary for development, including the expansion of  
722 navigation channels, port harbors, turning basins, harbor  
723 berths, and associated facilities. Such permit shall be issued  
724 for a period of up to 15 years. The department is authorized to  
725 adopt rules to implement this subsection.

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

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726  
727 The department shall implement such programs in conjunction with  
728 its other powers and duties and shall place special emphasis on  
729 reducing and eliminating contamination that presents a threat to  
730 humans, animals or plants, or to the environment.

731 Section 19. This act shall take effect July 1, 2022.

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

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

1/12/22

Meeting Date

1038

Bill Number or Topic

Transp.

Committee

Amendment Barcode (if applicable)

Name Sydney Ridley

Phone 850-671-4401

Address 123 S Adams St

Email ridley@thesoutherngrass.com

City TLH

State FL

Zip 32301

Speaking:  For  Against  Information OR Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Putnam County

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on  
Transportation,  
Tourism, and Economic Development,  
*Chair*

Appropriations  
Appropriations Subcommittee on Criminal  
and Civil Justice  
Criminal Justice  
Ethics and Elections  
Transportation

**SENATOR GEORGE B. GAINER**  
2nd District

January 7, 2022

Dear Chair Harrell,

I am respectfully requesting a formal excusal for the upcoming Transportation meetings on January 12<sup>th</sup> and January 18<sup>th</sup>. I regret that I will be unable to attend, as I am taking measured steps for an upcoming surgery.

If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5002.

Thank you,

A handwritten signature in blue ink that reads "George B. Gainer".

Senator George Gainer  
District 2

### REPLY TO:

- 840 West 11th Street, Panama City, Florida 32401 (850) 747-5454
- Northwest Florida State College, 100 East College Boulevard, Building 330, Rooms 105 and 112, Niceville, Florida 32578 (850) 747-5454
- 408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

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

**WILTON SIMPSON**  
President of the Senate

**AARON BEAN**  
President Pro Tempore

# CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Transportation Committee

Judge:

Started: 1/12/2022 9:30:57 AM

Ends: 1/12/2022 9:53:25 AM

Length: 00:22:29

9:30:55 AM Meeting called to order by Chair Harrell  
9:31:00 AM Comments from Chair Harrell  
9:31:17 AM Roll call by CAA Marilyn Hudson  
9:31:23 AM Quorum present  
9:31:30 AM Comments from Chair Harrell announcing Senator Gainer is excused  
9:32:05 AM Introduction of Tab 1, SB 474 by Chair Harrell  
9:32:25 AM Explanation of SB 474, Recreational Off-highway Vehicles by Senator Perry  
9:32:47 AM Comments from Chair Harrell  
9:32:54 AM Question from Senator Berman  
9:32:58 AM Response from Senator Perry  
9:33:29 AM Comments from Chair Harrell  
9:33:34 AM Steve Dyal, Polaris waives in support  
9:33:41 AM B.D. Jogerst, Associated Industries of Florida waives in support  
9:33:47 AM Comments from Chair Harrell  
9:33:58 AM Senator Perry in closure  
9:34:03 AM Roll call by CAA  
9:34:30 AM SB 474 reported favorably  
9:34:43 AM Introduction of Tab 4, SB 1038 by Chair Harrell  
9:35:02 AM Explanation of SB 1038, Florida Seaport Transportation and Economic Development Council by Senator Perry  
9:35:46 AM Comments from Chair Harrell  
9:35:51 AM Sydney Ridley, Putnam County waives in support  
9:35:55 AM Comments from Chair Harrell  
9:36:02 AM Senator Perry in closure  
9:36:08 AM Roll call by CAA  
9:36:16 AM SB 1038 reported favorably  
9:36:38 AM Introduction of Tab 2, SB 876 by Chair Harrell  
9:36:55 AM Explanation of SB 876, Stunt Driving on Highways by Senator Pizzo  
9:38:50 AM Introduction of Late-filed Amendment Barcode No. 850690 by Chair Harrell  
9:38:58 AM Explanation of Late-filed Amendment by Senator Pizzo  
9:39:27 AM Comments from Chair Harrell  
9:39:34 AM Late-filed Amendment adopted  
9:39:38 AM Question from Chair Harrell  
9:39:50 AM Response from Senator Pizzo  
9:41:37 AM Question from Senator Berman  
9:41:43 AM Response from Senator Pizzo  
9:42:18 AM Follow-up question from Senator Berman  
9:42:23 AM Response from Senator Pizzo  
9:42:37 AM Question from Senator Jones  
9:42:43 AM Response from Senator Pizzo  
9:44:36 AM Comments from Chair Harrell  
9:44:47 AM Senator Jones in debate  
9:46:03 AM Senator Wright in debate  
9:46:27 AM Senator Pizzo in closure  
9:46:35 AM Roll call by CAA  
9:46:50 AM CS/SB 876 reported favorably  
9:47:12 AM Chair passed to Senator Perry  
9:47:20 AM Introduction of Tab 3, SB 914 by Chair Perry  
9:47:33 AM Explanation of SB 914, Department of Highway Safety and Motor Vehicles by Senator Harrell  
9:50:26 AM Comments from Chair Perry  
9:50:30 AM Question from Senator Berman  
9:50:35 AM Response from Senator Harrell

**9:52:11 AM** Comments from Chair Perry  
**9:52:25 AM** Senator Harrell in closure  
**9:52:30 AM** Roll call by CAA  
**9:52:38 AM** SB 914 reported favorably  
**9:52:53 AM** Chair returned to Senator Harrell  
**9:53:01 AM** Comments from Chair Harrell  
**9:53:08 AM** Senator Perry moves to adjourn  
**9:53:14 AM** Meeting adjourned