

Tab 1 SB 144 by **Hutson**; Identification Cards

Tab 2 SB 702 by **Burgess (CO-INTRODUCERS) Taddeo**; (Identical to H 00179) Photographic Enforcement of School Bus Safety

Tab 3 SB 1160 by **Perry**; (Similar to H 01031) Transportation Research

Tab 4 SB 1414 by **Burgess**; (Identical to H 01297) Driving Over the Speed Limit

Tab 5 SB 1582 by **Harrell**; Commercial Motor Vehicle Registration

Tab 6 SB 1614 by **Harrell**; (Similar to H 01121) Public Records/Motor Vehicle Crashes/Traffic Citations

760180	A	S	RCS	TR, Harrell	Delete L.45 - 55:	01/19 05:31 PM
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Harrell, Chair
Senator Perry, Vice Chair

MEETING DATE: Tuesday, January 18, 2022
TIME: 3:30—5:00 p.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	SB 144 Hutson	Identification Cards; Requiring the Department of Highway Safety and Motor Vehicles to issue or renew identification cards at no charge to persons presenting a valid voter's registration card and attesting to financial hardship; prohibiting the department from requiring such persons to present certain evidence; requiring the department to issue identification cards at no charge to certain other persons, etc. TR 01/18/2022 Favorable AP	Favorable Yeas 7 Nays 0
2	SB 702 Burgess (Identical H 179)	Photographic Enforcement of School Bus Safety; Defining the terms "school bus" and "side stop signal arm enforcement system"; authorizing school districts to install and operate side stop signal arm enforcement systems on school buses; providing that recorded images evidencing a violation of this act are admissible in any judicial or administrative proceeding for a certain purpose; specifying requirements of and prohibitions on the use of recorded video and still images captured by the side stop signal arm enforcement system, etc. TR 01/18/2022 Favorable JU AP	Favorable Yeas 7 Nays 0
3	SB 1160 Perry (Similar H 1031)	Transportation Research; Establishing the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab (I-STREET) within the University of Florida; specifying the duties of I-STREET; requiring I-STREET to annually provide the Governor and the Legislature with a certain report, etc. TR 01/18/2022 Favorable ED RC	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Tuesday, January 18, 2022, 3:30—5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1414 Burgess (Identical H 1297)	Driving Over the Speed Limit; Providing that any person who drives any vehicle at or above a specified speed commits reckless driving; revising the threshold above the posted speed limit at which a person in violation of certain provisions must be cited for a moving violation, etc. TR 01/18/2022 Favorable CJ RC	Favorable Yeas 7 Nays 0
5	SB 1582 Harrell	Commercial Motor Vehicle Registration; Providing for future expiration of a provision relating to vehicles with apportioned registrations; providing, beginning on a specified date, license plate and cab card requirements for vehicles registered in accordance with the International Registration Plan; specifying the fee for an original or renewal cab card and the trust fund where the fee is deposited; providing for the replacement at no charge of damaged or worn license plates, etc. TR 01/18/2022 Favorable ATD AP	Favorable Yeas 7 Nays 0
6	SB 1614 Harrell (Similar H 1121)	Public Records/Motor Vehicle Crashes/Traffic Citations; Revising an exemption from public records requirements for written reports of motor vehicle crashes; revising the agencies holding records to which the exemption applies; providing an exemption from public records requirements for driver information contained in a uniform traffic citation; providing for future legislative review and repeal of the exemption; providing statements of public necessity, etc. TR 01/18/2022 Fav/CS GO RC	Fav/CS Yeas 4 Nays 3

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 144

INTRODUCER: Senator Hutson

SUBJECT: Identification Cards

DATE: January 18, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Vickers	TR	Favorable
2.			AP	

I. Summary:

SB 144 provides that the Department of Highway and Motor Vehicles (DHSMV) must issue, replace, or renew an identification card at no charge to:

- A person who presents a valid Florida voter's registration card to the DHSMV and attests that he or she is experiencing a financial hardship; or
- A person who is 80 years of age or older and whose driving privilege is denied due to failure to pass a vision test.

The bill further provides that the DHSMV may not require a person to present evidence of a financial hardship.

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

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

II. Present Situation:

Identification Card

An identification card typically is a card which contains an applicant's full name, address, age, color of hair and eyes, and often containing a photograph, which is used as identification.

In Florida any person who is five years of age or older, or any person who has a disability, may be issued an identification card by the DHSMV upon completion of an application and payment of an application fee. The application must include the following information regarding the applicant:

- Full name, gender, proof of social security card number satisfactory to the DHSMV, which may include a military identification card, county of residence, mailing address, proof of residential address satisfactory to the DHSMV, country of birth, and a brief description;

- Proof of birth date satisfactory to the DHSMV; and
- Proof of identity satisfactory to the DHSMV.¹

However, the DHSMV may not issue a driver license or identification card to an applicant if the applicant holds a valid driver license or identification card issued by any state.²

An original, renewal, or replacement identification card issued is \$25, except that an applicant is exempt from such fee if they present evidence satisfactory to the DHSMV that:

- They are homeless as defined in s. 414.0252(7), F.S.;
- Their annual income is at or below 100 percent of the federal poverty level;
- They are a certified unaccompanied homeless youth;
- They are an inmate; or
- They are a juvenile offender who is in the custody or under the supervision of the Department of Juvenile Justice, is receiving services pursuant to s. 985.461, F.S., and whose identification card is issued by the DHSMV's mobile issuing units.³

Funds collected from fees for original, renewal, or replacement identification cards must be distributed as follows:

- For an original identification card issued, the fee must be deposited into the General Revenue Fund;
- For a renewal identification card issued, \$6 must be deposited into the Highway Safety Operating Trust Fund, and \$19 must be deposited into the General Revenue Fund; and
- For a replacement identification card issued, \$9 must be deposited into the Highway Safety Operating Trust Fund, and \$16 must be deposited into the General Revenue Fund. Beginning July 1, 2015, or upon completion of the transition of the driver license issuance services, if the replacement identification card is issued by the tax collector, the tax collector must retain the \$9 that would otherwise be deposited into the Highway Safety Operating Trust Fund and the remaining revenues must be deposited into the General Revenue Fund.⁴

Every identification card issued to a person 5 years of age to 14 years of age will expire, unless canceled earlier, on the fourth birthday of the applicant following the date of original issue, and for a person 15 years of age and older will expire, unless canceled earlier, on the eighth birthday of the applicant following the date of original issue.⁵

Voter Registration Card

A person may become a registered voter in the State of Florida only if that person:

- Is at least 18 years of age;
- Is a citizen of the United States;
- Is a legal resident of the State of Florida;
- Is a legal resident of the county in which that person seeks to be registered; and

¹ Section 322.051(1), F.S.

² Section 322.08(7), F.S.

³ Sections 322.21(1)(f), 322.051(9), and 743.067, F.S.

⁴ Section 322.21(1)(f), F.S.

⁵ Section 322.051(2)(a), F.S.

- Registers pursuant to the Florida Election Code.⁶

A person who is otherwise qualified may preregister on or after their 16th birthday and may vote in any election occurring on or after their 18th birthday.⁷ However, a person who has been adjudicated mentally incapacitated with respect to voting and a person who has been convicted of any felony by any court of record, are not entitled to register or vote, unless they have had their right to vote restored pursuant to law.⁸

Voter registration applications, changes in registration, and requests for a replacement voter information card must be accepted in the office of any supervisor of elections, the Division of Elections of the Department of State, a driver license office, a voter registration agency, or an armed forces recruitment office when hand delivered by the applicant or a third party during the hours that office is open or when mailed.⁹

A voter registration application is complete if it contains the following information necessary to establish the applicant's eligibility, including:

- The applicant's name.
- The applicant's address of legal residence, including a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier, if appropriate. Failure to include a distinguishing apartment, suite, lot, room, or dormitory room or other identifier on a voter registration application does not impact a voter's eligibility to register to vote or cast a ballot, and such an omission may not serve as the basis for a challenge to a voter's eligibility or reason to not count a ballot.
- The applicant's date of birth.
- A mark in the checkbox affirming that the applicant is a citizen of the United States.
- The applicant's current and valid Florida driver license number or the identification number from a Florida identification card issued under s. 322.051, F.S., or
 - If the applicant has not been issued a current and valid Florida driver license or a Florida identification card, the last four digits of the applicant's social security number.
 - In case an applicant has not been issued a current and valid Florida driver license, Florida identification card, or social security number, the applicant shall affirm this fact in the manner prescribed in the uniform statewide voter registration application.
- A mark in the checkbox affirming that the applicant has not been convicted of a felony or that, if convicted, has had his or her voting rights restored.
- A mark in the checkbox affirming that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.
- The original signature or a digital signature transmitted by the DHSMV of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011, F.S., that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051, F.S.¹⁰

⁶ Section 97.041(1)(a), F.S.

⁷ Section 97.041(1)(b), F.S.

⁸ Section 97.041(2), F.S.

⁹ Section 97.053, F.S.

¹⁰ Section 97.053(5), F.S.

A voter registration application, including an application with a change in name, address, or party affiliation, may be accepted as valid only after the Department of State has verified the authenticity or nonexistence of the driver license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant.¹¹

Driver License Examinations/Vision Test

A renewal driver license may be issued after the applicant licensee has been determined to be eligible by the DHSMV. A licensee who is otherwise eligible for renewal and who is at least 80 years of age must submit to and pass a vision test administered at any driver license office, or if the licensee applies for a renewal using a convenience service, they must submit to a vision test administered by a licensed physician, licensed optometrist, or a licensed physician at a federally established veterans' hospital, and must send the results of that test to the DHSMV on a form obtained from the DHSMV and signed by the health care practitioner, and must meet vision standards that are equivalent to the standards for passing the DHSMV vision test. The physician or optometrist may submit the results of a vision test by a DHSMV approved electronic means.¹²

A licensee who is at least 80 years of age may not submit an application for renewal by a convenience service unless the results of a vision test have been electronically submitted in advance by the physician or optometrist.¹³

III. Effect of Proposed Changes:

The bill amends ss. 322.051, 322.18, and 322.21, F.S., to provide that the DHSMV must issue, replace, or renew an identification card at no charge to:

- A person who presents a valid Florida voter's registration card to the DHSMV and attests that he or she is experiencing a financial hardship; or
- A person who is 80 years of age or older and whose driving privilege is denied due to failure to pass a vision test.

The bill further provides that the DHSMV may not require a person to present evidence of a financial hardship.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹¹ Section 97.053(6), F.S.

¹² Section 322.18(5), F.S.

¹³ *Ibid.*

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 who qualify under one of the new exemptions, may be able to request the DHSMV issue, replace, or renew an identification card at no charge.

C. Government Sector Impact:

There may be an indeterminate negative fiscal impact to the Highway Safety Operating Trust Fund, the General Revenue Fund, and Tax Collectors due to the new fee exemptions.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.051, 322.18, and 322.21

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Hutson

7-01465B-22

2022144__

1 A bill to be entitled
 2 An act relating to identification cards; amending s.
 3 322.051, F.S.; requiring the Department of Highway
 4 Safety and Motor Vehicles to issue or renew
 5 identification cards at no charge to persons
 6 presenting a valid voter's registration card and
 7 attesting to financial hardship; prohibiting the
 8 department from requiring such persons to present
 9 certain evidence; requiring the department to issue
 10 identification cards at no charge to certain other
 11 persons; conforming cross-references; amending ss.
 12 322.18 and 322.21, F.S.; conforming provisions to
 13 changes made by the act; providing an effective date.

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

16
 17 Section 1. Paragraphs (b), (c), and (d) of subsection (8)
 18 and subsection (9) of section 322.051, Florida Statutes, are
 19 amended, and subsection (10) is added to that section, to read:

20 322.051 Identification cards.—

21 (8)

22 (b)1. The word "Veteran" must be exhibited on the
 23 identification card of a veteran upon the presentation of a copy
 24 of the person's:

25 a. DD Form 214, issued by the United States Department of
 26 Defense;

27 b. Veteran health identification card, issued by the United
 28 States Department of Veterans Affairs;

29 c. Veteran identification card, issued by the United States

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30 Department of Veterans Affairs pursuant to the Veterans
 31 Identification Card Act of 2015, Pub. L. No. 114-31; or
 32 d. Other acceptable form specified by the Department of
 33 Veterans' Affairs.
 34 2. Until a veteran's identification card is next renewed,
 35 the veteran may have the word "Veteran" added to his or her
 36 identification card upon surrender of his or her current
 37 identification card and presentation of any of the forms of
 38 identification specified in subparagraph 1. If the applicant is
 39 not conducting any other transaction affecting the
 40 identification card, a replacement identification card must be
 41 issued with the word "Veteran" without payment of the fee
 42 required in s. 322.21(1)(f)3.c. ~~s. 322.21(1)(f)3.~~
 43 (c) The international symbol for the deaf and hard of
 44 hearing shall be exhibited on the identification card of a
 45 person who is deaf or hard of hearing upon the payment of an
 46 additional \$1 fee for the identification card and the
 47 presentation of sufficient proof that the person is deaf or hard
 48 of hearing as determined by the department. Until a person's
 49 identification card is next renewed, the person may have the
 50 symbol added to his or her identification card upon surrender of
 51 his or her current identification card, payment of a \$2 fee to
 52 be deposited into the Highway Safety Operating Trust Fund, and
 53 presentation of sufficient proof that the person is deaf or hard
 54 of hearing as determined by the department. If the applicant is
 55 not conducting any other transaction affecting the
 56 identification card, a replacement identification card may be
 57 issued with the symbol without payment of the fee required in s.
 58 322.21(1)(f)3.c. ~~s. 322.21(1)(f)3.~~ For purposes of this

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59 paragraph, the international symbol for the deaf and hard of
60 hearing is substantially as follows:

61
62
63
64 (d) The department shall include symbols representing the
65 following on an identification card upon the payment of an
66 additional \$1 fee by an applicant who meets the requirements of
67 subsection (1) and presents his or her:

- 68 1. Lifetime freshwater fishing license;
- 69 2. Lifetime saltwater fishing license;
- 70 3. Lifetime hunting license;
- 71 4. Lifetime sportsman's license; or
- 72 5. Lifetime boater safety identification card.

73
74 A person may replace his or her identification card before its
75 expiration date with a card that includes his or her status as a
76 lifetime licensee or boater safety cardholder upon surrender of
77 his or her current identification card, payment of a \$2 fee to
78 be deposited into the Highway Safety Operating Trust Fund, and
79 presentation of the person's lifetime license or card. If the
80 sole purpose of the replacement identification card is the
81 inclusion of the applicant's status as a lifetime licensee or
82 cardholder, the replacement identification card must be issued
83 without payment of the fee required in s. 322.21(1)(f)3.c. ~~s.~~
84 ~~322.21(1)(f)3.~~

85 (9) (a) Notwithstanding any other provision of this section
86 or s. 322.21 to the contrary, the department shall issue or
87 renew a card at no charge to:

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88 1. A person who presents a valid Florida voter's
89 registration card to the department and attests that he or she
90 is experiencing a financial hardship. The department may not
91 require such person to present evidence of a financial hardship.

92 2. A person who presents evidence satisfactory to the
93 department that he or she is homeless as defined in s.
94 414.0252(7). ~~to~~

95 3. A juvenile offender who is in the custody or under the
96 supervision of the Department of Juvenile Justice and receiving
97 services pursuant to s. 985.461. ~~to~~

98 4. An inmate receiving a card issued pursuant to s.
99 944.605(7), or, if necessary, to an inmate receiving a
100 replacement card if the department determines that he or she has
101 a valid state identification card. If the replacement state
102 identification card is scheduled to expire within 6 months, the
103 department may also issue a temporary permit valid for at least
104 6 months after the release date.

105 (b) The department's mobile issuing units shall process the
106 identification cards for juvenile offenders and inmates at no
107 charge, as provided by s. 944.605(7) (a) and (b).

108 (10) Notwithstanding any other provision of this section or
109 s. 322.21 to the contrary, the department shall issue an
110 identification card at no charge to a person who is 80 years of
111 age or older and whose driving privilege is denied due to
112 failure to pass a vision test administered pursuant to s.
113 322.18(5).

114 Section 2. Paragraph (c) is added to subsection (5) of
115 section 322.18, Florida Statutes, to read:

116 322.18 Original applications, licenses, and renewals;

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117 expiration of licenses; delinquent licenses.-

118 (5) All renewal driver licenses may be issued after the
119 applicant licensee has been determined to be eligible by the
120 department.

121 (c) The department shall issue an identification card under
122 s. 322.051 at no charge to a licensee who is at least 80 years
123 of age and whose driving privilege is denied due to failure to
124 pass a vision test pursuant to this subsection.

125 Section 3. Paragraph (f) of subsection (1) of section
126 322.21, Florida Statutes, is amended to read:

127 322.21 License fees; procedure for handling and collecting
128 fees.-

129 (1) Except as otherwise provided herein, the fee for:

130 (f) An original, renewal, or replacement identification
131 card issued pursuant to s. 322.051 is \$25.

132 1. ~~except that~~ An applicant who meets any of the
133 following criteria is exempt from the fee under this paragraph
134 for an original, renewal, or replacement identification card:

135 a. The applicant presents a valid Florida voter's
136 registration card to the department and attests that he or she
137 is experiencing a financial hardship.

138 b. The applicant presents evidence satisfactory to the
139 department that he or she is homeless as defined in s.
140 414.0252(7).~~→~~

141 c. The applicant presents evidence satisfactory to the
142 department that his or her annual income is at or below 100
143 percent of the federal poverty level.~~→~~

144 d. The applicant ~~he or she~~ is a juvenile offender who is in
145 the custody or under the supervision of the Department of

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146 Juvenile Justice, who is receiving services pursuant to s.
147 985.461, and whose identification card is issued by the
148 department's mobile issuing units ~~is exempt from such fee.~~

149 2. Pursuant to s. 322.051(10), an applicant who is 80 years
150 of age of older and whose driving privilege is denied due to
151 failure to pass a vision test administered pursuant to s.
152 322.18(5) is exempt from the fee under this paragraph for an
153 original identification card.

154 3. Funds collected from fees for original, renewal, or
155 replacement identification cards shall be distributed as
156 follows:

157 a.~~1~~ For an original identification card issued pursuant to
158 s. 322.051, the fee shall be deposited into the General Revenue
159 Fund.

160 b.~~2~~ For a renewal identification card issued pursuant to
161 s. 322.051, \$6 shall be deposited into the Highway Safety
162 Operating Trust Fund, and \$19 shall be deposited into the
163 General Revenue Fund.

164 c.~~3~~ For a replacement identification card issued pursuant
165 to s. 322.051, \$9 shall be deposited into the Highway Safety
166 Operating Trust Fund, and \$16 shall be deposited into the
167 General Revenue Fund. Beginning July 1, 2015, or upon completion
168 of the transition of the driver license issuance services, if
169 the replacement identification card is issued by the tax
170 collector, the tax collector shall retain the \$9 that would
171 otherwise be deposited into the Highway Safety Operating Trust
172 Fund and the remaining revenues shall be deposited into the
173 General Revenue Fund.

174 Section 4. This act shall take effect July 1, 2022.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 702

INTRODUCER: Senators Burgess and Taddeo

SUBJECT: Photographic Enforcement of School Bus Safety

DATE: January 18, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Vickers	TR	Favorable
2.			JU	
3.			AP	

I. Summary:

SB 702 authorizes a school district to contract with a private vendor or manufacturer to provide a side stop signal arm enforcement system (which uses electronic traffic enforcement technology to enforce traffic violations for failing to stop for a school bus displaying a stop signal) on each bus within its fleet, whether owned, contracted, or leased, and for services including, but not limited to, the installation, operation, and maintenance of the system.

A private vendor or manufacturer contracting with a school district for the operation of side stop signal arm enforcement systems must submit specified information regarding an alleged violation to any law enforcement agency authorized to enforce school bus stop arm violations within 30 days after the alleged violation is captured, including the following: a copy of the recorded image showing the motor vehicle; the license plate number and state of issuance of the motor vehicle; and the date, time, and place of the alleged violation.

The bill requires a law enforcement agency to review the information and determine if there is sufficient evidence that a violation occurred. If the evidence shows that a violation occurred, the agency or an authorized agent must electronically certify a notice of violation and, within 30 days send a notice of violation by registered mail to the vehicle's registered owner, including specified information detailing how to pay the civil penalty, contest the violation, and the consequence of failing to pay or contest. If the owner does not contest or pay the civil penalty, the Department of Highway Safety and Motor Vehicles (DHSMV) must prohibit the owner from renewing his or her registration or transferring the title of his or her vehicle.

Under the bill, any funds received from violations detected by a school bus side stop signal arm enforcement system must be provided to the school district in which the violation occurred and must be used for the installation or maintenance of side stop signal arm enforcement systems on school buses or for any other technology that increases the safety of the transportation of students.

The bill requires each school district using a school bus side stop signal arm enforcement system to provide an annual report to the Governor, President of the Senate, Speaker of the House of Representatives, and the DHSMV by December 31, 2022, and every year thereafter providing specified information.

The bill may have an indeterminate fiscal impact on school districts electing to install a school bus side stop signal arm enforcement system on its school buses. See Section V. Fiscal Impact Statement.

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

II. Present Situation:

School Buses and Traffic Laws

Law enforcement agencies are responsible for enforcing traffic laws, including school transportation related traffic violations. However, law enforcement officers are not always present along every school transportation route. Because law enforcement officers cannot feasibly monitor each bus on every route each day, many school transportation traffic violations may go unenforced.

In Florida, a school bus must stop as far to the right of the street as possible and display warning lights and stop signals before discharging or loading passengers.¹ When possible, school buses should not stop where visibility is obscured for a distance of 200 feet from the bus.²

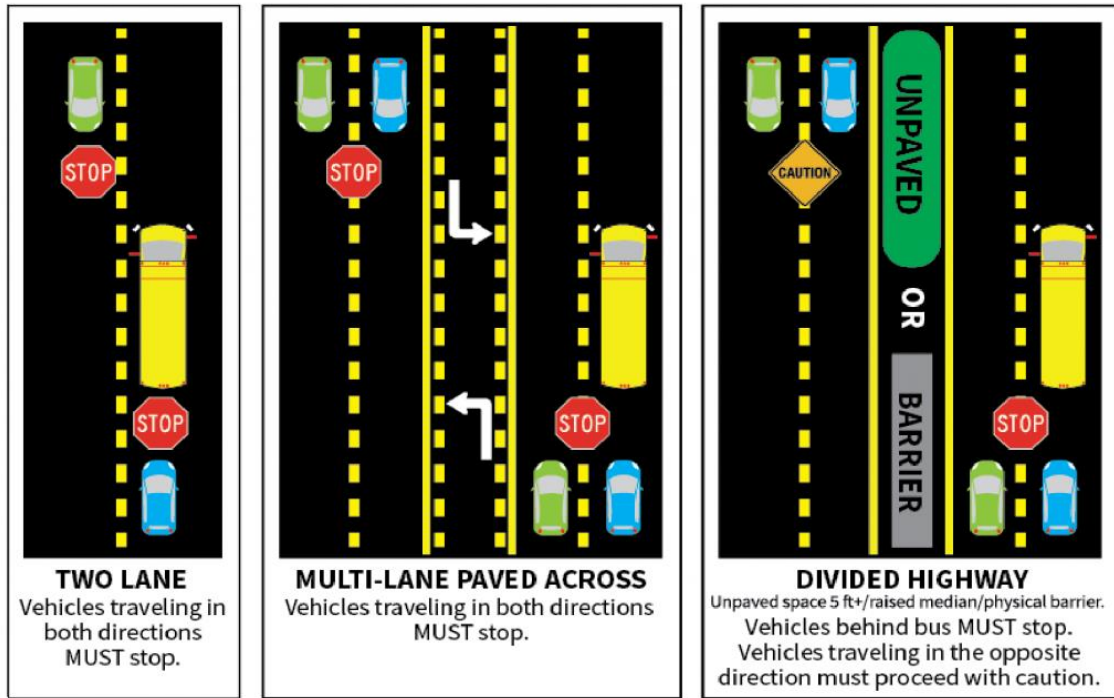
When approaching a stopped school bus displaying a stop signal, a driver must bring his or her vehicle to a full stop until the bus's signal is withdrawn.³ However, a driver is not required to stop if his or her vehicle is traveling in the opposite direction of a stopped school bus on a divided highway with an unpaved space of at least five feet, a raised median, or a physical barrier.⁴

¹ Section 316.172(3), F.S.

² *Ibid.*

³ Section 316.172(1)(a), F.S.

⁴ Section 316.172(2), F.S.



5

A person cited for failing to stop for a school bus displaying a stop signal commits a moving traffic violation⁶ and is subject to a \$200 civil penalty.⁷ A person cited for a moving violation may either pay the civil penalty or request a hearing to contest the citation.⁸ A driver who passes a school bus on the side that children enter and exit while the school bus displays a stop signal also commits a moving violation, however, he or she is subject to a \$400 civil penalty⁹ and must attend a mandatory hearing at a specified time and location.¹⁰ A driver who illegally passes a stopped school bus and:

- Does not cause serious bodily injury or death to another, will receive four points on his or her driver license record.¹¹
- Causes serious bodily injury or death to another, will receive six points on his or her driver license record and must:¹²
 - Serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents;

⁵ Florida Department of Highway Safety and Motor Vehicles, *Child Safety: School Bus Safety*, <https://www.flhsmv.gov/safety-center/child-safety/school-bus-safety/> (last visited January 11, 2022).

⁶ A moving violation is a classification of a type of traffic citation. The most common moving violations include speeding, running a red light, and driving while intoxicated. However, some moving violations may not actually require the vehicle to be in motion, as the name infers.

⁷ In addition to this penalty, for a second or subsequent offense within a period of five years, the DHSMV shall suspend the driver license of the person for not less than 180 days and not more than one year. Section 318.18(5)(a), F.S.

⁸ Section 318.14, F.S.

⁹ In addition to this penalty, for a second or subsequent offense within a period of five years, the DHSMV shall suspend the driver license of the person for not less than 360 days and not more than two years. Section 318.18(5)(b), F.S.

¹⁰ Sections 316.172(1)(b) and 318.19(3), F.S.

¹¹ Section 322.27(3)(d)4.a., F.S.

¹² Section 322.27(3)(d)4.b., F.S.

- Participate in a victim's impact panel session; if such panel does not exist, the driver must attend a DHSMV approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway;¹³ and
- Pay a \$1,500 fine and have his or her driver license suspended by DHSMV for at least one year.¹⁴

When a driver accumulates a certain number of points on his or her driving record within a certain time period, his or her license is suspended, as follows:

- 12 points in 12 months = 30 day suspension.
- 18 points in 18 months = 3 month suspension.
- 24 points in 36 months = 12 month suspension.¹⁵

Traffic Infraction Detectors

A traffic infraction detector is a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographs or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light.¹⁶

In 2010, the Legislature authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to issue a traffic citation for a driver's failure to stop at a traffic control signal when such violation was identified by a traffic infraction detector.¹⁷ The state is responsible for regulating the use of such cameras.¹⁸

A municipality may install or authorize installation of traffic infraction detectors on streets and highways in accordance with the Florida Department of Transportation (FDOT) standards, and on state roads within the incorporated area when permitted by FDOT.¹⁹ A county may install or authorize installation of traffic infraction detectors on streets and highways in unincorporated areas of the county in accordance with FDOT standards, and on state roads in unincorporated areas of the county when permitted by the FDOT.²⁰ The DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of the FDOT, when permitted by the FDOT.²¹

If the DHSMV, a county, or a municipality installs a traffic infraction detector at an intersection, the respective governmental entity must install signage notifying the public that a traffic infraction device may be in use at that intersection, including specific notification of enforcement

¹³ Section 316.027(4)(b), F.S.

¹⁴ Section 318.18(5)(d), F.S.

¹⁵ Section 322.27(3), F.S.

¹⁶ Section 316.003(95), F.S.

¹⁷ See generally ss. 316.0083, and 316.0776, F.S.; Ch. 2010-80, Laws of Fla.; Any notification or traffic citation issued by using a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated. Section 316.003(95), F.S.

¹⁸ Section 316.0076, F.S.

¹⁹ Sections 316.008(8) and 316.0776(1), F.S.

²⁰ *Ibid.*

²¹ Section 321.50, F.S.

of violations concerning right turns.²² Such signage must meet the specifications for uniform signals and devices adopted by the FDOT under to s. 316.0745, F.S.²³

Traffic Infraction Detector Litigation

In 2018, the Florida Supreme Court held that the review of red light camera images authorized by Florida law allows city's private third-party vendor, as its agent, to review and sort red light camera images to forward to a law enforcement officer when:

- The vendor's decisions are essentially ministerial and non-discretionary in that such decisions are strictly circumscribed by the contract language, guidelines promulgated by the city, and actual practices;
- Such ministerial decisions are additionally restricted by a broad policy that requires the vendor to automatically forward "close calls" to law enforcement for review;
- The law enforcement officer, not the vendor, makes the actual decision whether probable cause exists and whether a notice and citation should be issued; and
- The law enforcement officer's decision that probable cause exists and that the citation should be issued are supported by the responsible law enforcement officer's full, professional review which does not merely acquiesce to any decision by the vendor.²⁴

As such, s. 316.0083(1), F.S., authorizes a local government to contract with a third-party vendor to review and sort information and images from red light cameras before sending that information to a trained law enforcement officer. A law enforcement officer must then review the information and determine whether probable cause exists to issue a citation.

School Bus Stop Arm Traffic Citations

According to DHSMV, in fiscal year 2020-21, 2,051 traffic citations were issued for failing to stop for a school bus or passing a stopped school bus and 25 citations were issued for passing a school bus on the side children enter and exit.²⁵

The Department of Education (DOE) created a statewide survey for bus drivers to complete regarding the illegal passing of their school buses. The survey results from 2019 show that on a single day, 12,749 illegal passes were made based on 10,136 school bus drivers completing the survey. Of these illegal passes, 526 were made on the right side of the bus where children generally enter and exit the vehicle, 11,316 were made on the left side, and for 526 instances, the side was unknown.²⁶

²² Section 316.0776(2), F.S.

²³ *Ibid.*

²⁴ *Jimenez v. State*, 246 So.3d 219 (Fla. 2018).

²⁵ Email from Kevin Jacobs, Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: SB 702 (January 13, 2022) (on file in the Senate Committee on Transportation).

²⁶ Florida Department of Education, *School Transportation, Illegal Passing of School Buses – Survey Results for 2019*, <http://www.fldoe.org/core/fileparse.php/18815/urlt/2019IllegalPassing.pdf> (last visited January 13, 2022).

The National Highway Traffic Safety Administration indicates that from 2010 to 2019, 240 school-age children died in school-transportation-related crashes.²⁷ Half (50 percent) were struck by school buses or vehicles functioning as school buses, while the other half (50 percent) were struck by other vehicles involved in the crashes.²⁸

To increase student transportation safety, 23 states have school bus stop-arm camera laws.²⁹ These systems are typically equipped with multiple sensors and cameras affixed to a school bus. The sensor triggers a tag on the recording each time it senses a vehicle passing the stopped bus illegally.³⁰ When a vehicle illegally passes a stopped school bus, the sensor triggers two cameras to capture a high-definition digital video recording (DVR) from both directions. The cameras capture both oncoming traffic and vehicles passing the stopped bus on the driver side. The DVR recording is flagged as a violation and tags information for enforcement, including, but not limited to, the time, date, and location of the violation and images or film of the subject vehicle and license plate. The violation recordings captured are reviewed and processed by a third-party private manufacturer or vendor.³¹

Florida does not currently authorize the use of traffic infraction technology or school bus side stop signal arm enforcement systems to detect violations of school bus stop signals.

III. Effect of Proposed Changes:

The bill creates s. 316.616, F.S., which authorizes, but does not require, a school district to install and operate a side stop signal arm enforcement system to enforce violations for failing to stop for a school bus displaying a stop signal.

Under the bill “school bus” means a school bus that is owned, leased, operated, or contracted by a school district.

A “side stop signal arm enforcement system” means a camera system affixed to a school bus with two or more camera sensors or computers that produce recorded video and two or more film or digital photographic still images for the purpose of documenting a motor vehicle failing to stop for a school bus displaying a stop signal.

The bill provides that a school district may install and operate a side stop signal arm enforcement system on a school bus for the purpose of enforcing traffic to stop for a school bus under s. 316.172, F.S. The school district must post a warning sign or sticker on all school buses in which a system is installed and operational indicating the use of such system.

²⁷ National Highway Traffic Safety Administration, *2010-2019 Data: School Transportation-Related Crashes*, <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813105> (last visited January 13, 2022).

²⁸ *Ibid.* at 2.

²⁹ National Conference of State Legislatures, *State School Bus Stop-Arm Camera Laws*, <https://www.ncsl.org/research/transportation/state-school-bus-stop-arm-camera-laws.aspx> (last visited January 13, 2022).

³⁰ Seon Automated Stop-Arm Camera Solution, <https://www.seon.com/school-bus-safety/school-bus-camera-systems/stop-arm-system> (last visited January 12, 2022).

³¹ *Ibid.*

The school district may contract with a private vendor or manufacturer to provide a side stop signal arm enforcement system on each bus within its fleet, whether owned, contracted, or leased, and for services including, but not limited to, the installation, operation, and maintenance of the system. The school district's decision to establish a side stop signal arm enforcement system must be based solely on the need to increase public safety.

A school district must ensure that the side stop signal arm enforcement system meet specifications established by the State Board of Education and must be tested at regular intervals according to specifications prescribed by state board rule. The state board must establish such specifications by rule on or before December 31, 2022. However, any such equipment acquired by purchase, lease, or other arrangement under an agreement entered into by a school district on or before July 1, 2023, or equipment used to enforce violations of s. 316.172, F.S., on or before July 1, 2023, is not required to meet the specifications established by the state board until July 1, 2023.

Enforcement Process

Each private manufacturer or vendor must, within 30 days after an alleged violation is captured, submit the following information to a law enforcement agency authorized to enforce violations of s. 316.172, F.S.:

- A copy of the recorded image showing the motor vehicle;
- The license plate number and state of issuance of the motor vehicle; and
- The date, time, and place of the alleged violation.

The bill requires a law enforcement agency that receives the required information from a private vendor to review the information and determine if there is sufficient evidence that a violation occurred. If the evidence shows that a violation occurred, the agency must electronically certify a notice of violation. Under the bill, a certificate of violation which is based on images produced by a bus stop enforcement system and sworn to by a law enforcement officer is considered prima facie evidence of the facts contained in it, and any image recorded by the system is admissible in any judicial or administrative proceeding to determine liability for the violation.

A rebuttable presumption will exist that the registered owner of the motor vehicle was the driver at the time of the alleged violation. The owner of the motor vehicle involved in a violation may admit responsibility for the violation and pay the fine as indicated on the notice of violation. Payment of the fine operates as a final disposition of the civil penalty.

Within 30 days after receiving information provided from private manufacturer or vendor for an alleged violation, a law enforcement agency, or an agent authorized by such law enforcement agency must send by first-class mail a notice of violation to the registered owner of the motor vehicle involved in the violation. Mailing the notice of violation constitutes notification. In the case of joint ownership of a motor vehicle, the notice of violation will be mailed to the first name appearing on the registration. However, if the first name appearing on the registration is a business entity, the second name appearing on the registration may be used. The notice of violation must include all of the following:

- A copy of the recorded image showing the motor vehicle involved in the violation;
- A citation for the violation indicating the date, time, and location of the alleged violation;

- The amount of the civil penalty and the date by which such penalty must be paid;
- A copy of the law enforcement certificate and a statement of the inference therein;
- Instructions on how to request a hearing to contest liability or notice; and
- A warning that failure to pay the civil penalty or to contest liability within 30 days after the notice is mailed shall waive the right to contest liability.

The registered owner of a motor vehicle who is found in violation of s. 316.172, F.S., by a side stop signal arm enforcement system is subject to a civil penalty of either \$200 for passing a school bus while the school bus displays a stop signal, or \$400 for passing a school bus on the side that children enter and exit while the school bus displays a stop signal. The fine must be paid to the school district in which the violation occurred and must be used for the installation or maintenance of side stop signal arm enforcement systems on school buses or for any other technology that increases the safety of the transportation of students.

The bill provides that a violation issued is not a moving violation, does not add points to a person's license, and is not part of a person's driving record and a violation may not be used for any purpose relating to motor vehicle insurance.

If a violation has not been contested and the civil penalty has not been paid within 30 days after a notice is mailed, the law enforcement agency or an agent authorized by the law enforcement agency must send by first-class mail a final notice of the unpaid civil penalty. The final notice must inform the owner that the law enforcement agency or the agent authorized by the law enforcement agency will send a referral to the DHSMV if the civil penalty is not paid within 30 days after the final notice was mailed and that such referral will result in the nonrenewal of the registration of such motor vehicle and prohibit the title transfer of such motor vehicle within this state. A referral sent to the DHSMV must include all of the following:

- Any information known or available to the law enforcement agency or an authorized agent concerning the motor vehicle's license plate number and year of registration and the name of the registered owner of the motor vehicle;
- The date on which the violation occurred;
- The dates on which the required notice and final notice were mailed; and
- The seal, logo, emblem, or electronic seal of the law enforcement agency.

Within five days after receipt of a referral the DHSMV must enter the referral into the DHSMV's motor vehicle database and must refuse to renew the registration of the motor vehicle and prohibit the title transfer of the motor vehicle within this state until the civil penalty is paid. The DHSMV must send the registered owner of the motor vehicle by first-class mail a notice stating:

- That the registration of the motor vehicle involved in the violation cannot be renewed within this state;
- That the title of the motor vehicle involved in the violation cannot be transferred within this state;
- That the penalties are being imposed due to failure to pay the civil penalty for a violation of s. 316.172, F.S.; and
- The procedure for removing the penalties.

The DHSMV must remove the penalties imposed when the registered owner of the motor vehicle or any other person presents the DHSMV with adequate proof that the civil penalty has been paid.

Side Stop Signal Arm Enforcement System Operation

The bill provides that notwithstanding any other law, equipment deployed as part of a side stop signal arm enforcement system must be incapable of automated or user-controlled remote surveillance by means of recorded video or still images. The bill requires the use of technology ensuring that the recordings or images captured by the system do not identify the driver, any passenger, or the contents of the vehicle. However, a violation may not be dismissed because the video or still images allow for the identification of the driver, any passenger, or the contents of a motor vehicle as long as a reasonable effort has been made to comply with the prohibition.

The bill provides that:

- All recordings and images captured to be destroyed within 90 days after the final disposition of the recorded event;
- The vendor of a side stop signal arm enforcement system must provide the school district with written notice by December 31 of each year that such records have been destroyed;
- Notwithstanding any other law, registered motor vehicle owner information obtained as a result of the operation of a side stop signal arm enforcement system is not the property of the manufacturer or vendor of the system; and
- The owner of a motor vehicle is not responsible for a violation if the vehicle involved was reported to a state or local law enforcement agency as stolen at the time the violation occurred.

State Board of Education and School District Responsibilities

The bill amends s. 1006.21, F.S., to provide that district school boards, after considering recommendations of the district school superintendent may install and operate, or enter into an agreement with a private vendor or manufacturer to provide, a side stop signal arm enforcement system for each school bus.

The State Board of Education may adopt rules to address student privacy concerns that may arise from the use of a side stop signal arm enforcement system.

By December 31, 2022, and annually thereafter, a school district operating a side stop signal arm enforcement system must provide a summary report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the DHSMV regarding the use and operation of the system under this section, including the number of citations issued and the amount of funds collected for the preceding state fiscal year.

The bill provides 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:

The bill authorizes school districts to contract with a private vendor or manufacturer to provide a side stop signal arm enforcement system on each bus within its fleet, whether owned, contracted, or leased, and for services including, but not limited to, the installation, operation, and maintenance of the system. As such, the bill will have a positive fiscal impact on private vendors providing enforcement system installation, operation, and maintenance.

Registered motor vehicle owners may be negatively impacted by any financial penalties imposed by the bill if their vehicle is identified by a side stop signal arm enforcement system to have not stopped for a school bus when required, even if the registered owner was not the driver of the motor vehicle at the time the event occurred, due to the fact the bill requires that to the extent practicable, a side stop signal arm enforcement system must use necessary technology to ensure that recorded video or still images produced by the system do not identify the driver, any passenger, or the contents of a motor vehicle.

C. Government Sector Impact:

Participating school districts may incur costs associated with installing a side stop signal arm enforcement system on its school buses.

The fiscal impact on school districts may be reduced as they receive funds from penalties imposed for school bus stop arm violations captured by an enforcement system. The penalties must be paid to the school district in which the violation occurred and must be used for the installation or maintenance of side stop signal arm enforcement systems on school buses or for any other technology that increases the safety of the transportation of students.

It costs the DHSMV approximately \$0.43 to mail a first-class letter.³² The mailing of a notification that a title and registration stop has been placed on a motor vehicle may have an indeterminate negative fiscal impact on the DHSMV.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DHSMV provided the following comments:

- The inability of a vehicle owner to transfer his or her title will affect insurance companies paying total loss claims if a vehicle is declared a total loss and impact licensed automobile dealers that accept the motor vehicle in trade and cannot negotiate the title. It will also affect tow companies that tow a vehicle from a crash scene at the request of law enforcement. If the owner does not pay the tow company, they will be unable to recoup their costs by selling the vehicle. For these reasons, the DHSMV suggests that consideration be given to eliminating the requirement to place a stop on the title, or alternatively, limiting the title stop to a period of 180 days.
- Due to the high volume of registration renewal stop transactions received by the DHSMV each year, the DHSMV requests the ability to prescribe an electronic manner in which the stops are received and removed. The DHSMV has an existing electronic stop process established with various municipalities, law enforcement agencies, and toll authorities for electronically placing and removing registration stops related to parking, toll, and red-light camera offenses, which could also be used for these violations.
- It costs the DHSMV approximately \$0.43 to mail a first-class letter. As the citation will not impact a driving record, the DHSMV suggests that the law enforcement agency or agent authorized by the law enforcement agency send the notification to the owner informing them that a title and registration stop has been placed on the vehicle. Alternatively, the DHSMV suggests that the bill be amended to remove the requirement for this notification. This notification is not required when other title and registration stops are placed on a motor vehicle.
- To have the registration and title stops removed, the bill as written requires the registered owner or any other person to provide proof the civil penalty has been paid. Since the registration and title stops are being placed by the law enforcement agency or an agent authorized by law enforcement, it is recommended that the entity placing the stops be

³² Department of Highway Safety and Motor Vehicles, *2022 Legislative Bill Analysis for SB 702*, (December 1, 2021), p. 7 (on file in the Senate Committee on Transportation).

required to also notify the DHSMV to remove the stops once the penalty has been paid. The DHSMV also requests the ability to prescribe an electronic manner in which the stops are received and removed. In addition, the DHSMV also recommends that the bill be amended to remove an owner's ability to clear stops by providing proof of payment; this will eliminate the possibility of the submission of fraudulent documentation by an owner.

- The DHSMV recommends that the effective date of the bill be changed to October 1, 2022, to allow time for the DHSMV and stakeholders to implement the necessary technology changes.
- The bill requires the manufacturer or vendor to submit evidence of violation to “a law enforcement agency authorized to enforce violations” rather than directing the school district to enter into an agreement with specific law enforcement agencies that have jurisdiction with the district. This could cause potential confusion and duplication of effort if multiple agencies sharing jurisdiction receive evidence of violations from the same school district. The DHSMV recommends amending this language to reference a specific law enforcement agency (i.e., sheriff of the county, FHP, etc.).³³

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 1006.21

This bill creates the following section of the Florida Statutes: 316.616

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

³³ *Ibid*, pp. 6-8.

By Senator Burgess

20-00718-22

2022702__

1 A bill to be entitled
 2 An act relating to photographic enforcement of school
 3 bus safety; creating s. 316.616, F.S.; defining the
 4 terms "school bus" and "side stop signal arm
 5 enforcement system"; authorizing school districts to
 6 install and operate side stop signal arm enforcement
 7 systems on school buses; requiring school districts to
 8 post certain warning signs or stickers on such buses;
 9 authorizing school districts to contract with a
 10 private vendor or manufacturer to provide side stop
 11 signal arm enforcement systems and certain services;
 12 requiring manufacturers and vendors to submit
 13 specified information to law enforcement agencies
 14 within a specified timeframe; requiring law
 15 enforcement agencies to review such information to
 16 determine whether a violation occurred and
 17 electronically certify the notice of violation under
 18 certain circumstances; providing that certain
 19 certificates sworn to or affirmed by a law enforcement
 20 officer are prima facie evidence; providing that
 21 recorded images evidencing a violation of this act are
 22 admissible in any judicial or administrative
 23 proceeding for a certain purpose; providing a
 24 rebuttable presumption; providing notice requirements
 25 and procedures; authorizing motor vehicle owners
 26 served a notice of violation to take certain actions
 27 as a final disposition of such notice; providing that
 28 payment of the fine operates as a final disposition of
 29 the civil penalty; providing notice requirements and

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30 procedures for unpaid civil penalties; requiring the
 31 Department of Highway Safety and Motor Vehicles to
 32 refuse to renew the registration of motor vehicles and
 33 prohibit the transfer of title under specified
 34 circumstances; requiring the department to remove
 35 penalties imposed on a motor vehicle owner upon
 36 presentation of adequate proof; requiring that side
 37 stop signal arm enforcement system equipment be
 38 incapable of automated or user-controlled remote
 39 surveillance; specifying requirements of and
 40 prohibitions on the use of recorded video and still
 41 images captured by the side stop signal arm
 42 enforcement system; providing that a motor vehicle
 43 owner is not responsible for a violation of this act
 44 if the vehicle was reported stolen at the time the
 45 violation occurred; providing civil penalties;
 46 providing for distribution of such penalties;
 47 providing construction; requiring school districts
 48 operating a side stop signal arm enforcement system to
 49 provide a summary report to the Governor, the
 50 Legislature, and the department annually by a
 51 specified date; requiring the State Board of Education
 52 to adopt rules for a specified purpose and authorizing
 53 it to adopt other rules; amending s. 1006.21, F.S.;
 54 conforming a provision to changes made by the act;
 55 providing an effective date.

56
 57 Be It Enacted by the Legislature of the State of Florida:
 58

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59 Section 1. Section 316.616, Florida Statutes, is created to
60 read:

61 316.616 School buses; side stop signal arm enforcement
62 system.

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

64 (a) "School bus" has the same meaning as provided in s.
65 316.6145.

66 (b) "Side stop signal arm enforcement system" means a
67 camera system affixed to a school bus with two or more camera
68 sensors or computers that produce recorded video and two or more
69 film or digital photographic still images for the purpose of
70 documenting a motor vehicle being used or operated in a manner
71 that allegedly violates s. 316.172.

72 (2) (a) A school district may install and operate a side
73 stop signal arm enforcement system on a school bus for the
74 purpose of enforcing s. 316.172. The school district shall post
75 a warning sign or sticker on all school buses in which a system
76 is installed and operational indicating the use of such system.

77 (b) The school district may contract with a private vendor
78 or manufacturer to provide a side stop signal arm enforcement
79 system on each bus within its fleet, whether owned, contracted,
80 or leased, and for services including, but not limited to, the
81 installation, operation, and maintenance of the system. The
82 school district's decision to establish a side stop signal arm
83 enforcement system must be based solely on the need to increase
84 public safety.

85 (c) A school district shall ensure that the side stop
86 signal arm enforcement system meets the requirements of
87 subsection (12).

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88 (3) Each private manufacturer or vendor shall, within 30
89 days after an alleged violation is captured, submit the
90 following information to a law enforcement agency authorized to
91 enforce violations of s. 316.172:

92 (a) A copy of the recorded image showing the motor vehicle.

93 (b) The license plate number and state of issuance of the
94 motor vehicle.

95 (c) The date, time, and place of the alleged violation.

96 (4) (a) Each law enforcement agency authorized to enforce
97 violations of s. 316.172 shall review the information submitted
98 by the private manufacturer or vendor as provided under
99 subsection (3) to determine whether there is sufficient evidence
100 that a violation of s. 316.172 occurred and, if the evidence
101 shows a violation occurred, shall electronically certify a
102 notice of violation.

103 (b) A certificate or a facsimile of a certificate based on
104 inspection of recorded images produced by a side stop signal arm
105 enforcement system and sworn to or affirmed by a law enforcement
106 officer authorized to enforce violations of s. 316.172 shall be
107 prima facie evidence of the facts contained in it. Upon request
108 by the law enforcement agency, the school district shall provide
109 written documentation that the side stop signal arm enforcement
110 system was operating correctly at the time of the alleged
111 violation.

112 (c) A recorded image evidencing a violation of s. 316.172
113 shall be admissible in any judicial or administrative proceeding
114 to adjudicate the liability for the violation.

115 (d) A rebuttable presumption shall exist that the
116 registered owner of the motor vehicle was the driver at the time

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117 of the alleged violation.

118 (5) (a) Within 30 days after receiving the information
 119 provided under subsection (3), a law enforcement agency
 120 authorized to enforce violations of s. 316.172 or an agent
 121 authorized by such law enforcement agency shall send by first-
 122 class mail a notice of violation to the registered owner of the
 123 motor vehicle involved in the violation. Mailing the notice of
 124 violation constitutes notification.

125 (b) In the case of joint ownership of a motor vehicle, the
 126 notice of violation shall be mailed to the first name appearing
 127 on the registration. However, if the first name appearing on the
 128 registration is a business entity, the second name appearing on
 129 the registration may be used.

130 (c) The notice of violation must include all of the
 131 following:

132 1. A copy of the recorded image showing the motor vehicle
 133 involved in the violation.

134 2. A citation for the violation indicating the date, time,
 135 and location of the alleged violation.

136 3. The amount of the civil penalty and the date by which
 137 such penalty must be paid.

138 4. A copy of the certificate described in subsection (4)
 139 and a statement of the inference therein.

140 5. Instructions on how to request a hearing to contest
 141 liability or notice.

142 6. A warning that failure to pay the civil penalty or to
 143 contest liability within 30 days after the notice is mailed
 144 shall waive the right to contest liability.

145 (d) The owner of the motor vehicle involved in a violation

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146 may admit responsibility for the violation and pay the fine as
 147 indicated on the notice of violation. Payment of the fine
 148 operates as a final disposition of the civil penalty.

149 (6) (a) If a violation has not been contested and the civil
 150 penalty has not been paid within 30 days after a notice required
 151 under subsection (5) is mailed, the law enforcement agency or an
 152 agent authorized by the law enforcement agency shall send by
 153 first-class mail a final notice of the unpaid civil penalty. The
 154 final notice must inform the owner that the law enforcement
 155 agency or the agent authorized by the law enforcement agency
 156 shall send a referral to the department if the civil penalty is
 157 not paid within 30 days after the final notice was mailed and
 158 that such referral shall result in the nonrenewal of the
 159 registration of such motor vehicle and prohibit the title
 160 transfer of such motor vehicle within this state.

161 (b) A referral sent to the department under paragraph (a)
 162 must include all of the following:

163 1. Any information known or available to the law
 164 enforcement agency or an authorized agent concerning the motor
 165 vehicle's license plate number and year of registration and the
 166 name of the registered owner of the motor vehicle.

167 2. The date on which the violation occurred.

168 3. The dates on which the required notice and final notice
 169 were mailed.

170 4. The seal, logo, emblem, or electronic seal of the law
 171 enforcement agency.

172 (c) Within 5 days after receipt of a referral under
 173 paragraph (a), the department shall enter the referral into the
 174 department's motor vehicle database and shall refuse to renew

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175 the registration of the motor vehicle and prohibit the title
 176 transfer of the motor vehicle within this state until the civil
 177 penalty is paid. The department shall send the registered owner
 178 of the motor vehicle by first-class mail a notice stating:

179 1. That the registration of the motor vehicle involved in
 180 the violation cannot be renewed within this state.

181 2. That the title of the motor vehicle involved in the
 182 violation cannot be transferred within this state.

183 3. That the penalties provided in this paragraph are being
 184 imposed due to failure to pay the civil penalty for a violation
 185 of s. 316.172 as provided in this section.

186 4. The procedure provided in paragraph (d) for removing the
 187 penalties provided in this paragraph.

188 (d) The department shall remove the penalties imposed under
 189 paragraph (c) when the registered owner of the motor vehicle or
 190 any other person presents the department with adequate proof
 191 that the civil penalty has been paid.

192 (7) (a) 1. Notwithstanding any other law, equipment deployed
 193 as part of a side stop signal arm enforcement system as provided
 194 under this section must be incapable of automated or user-
 195 controlled remote surveillance by means of recorded video or
 196 still images.

197 2. Recorded images collected as part of the side stop
 198 signal arm enforcement system may only be used to document
 199 violations of s. 316.172 and may not be used for any other
 200 surveillance purposes.

201 3. To the extent practicable, a side stop signal arm
 202 enforcement system must use necessary technology to ensure that
 203 recorded video or still images produced by the system do not

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204 identify the driver, any passenger, or the contents of a motor
 205 vehicle.

206 4. A notice of a violation issued under this section may
 207 not be dismissed solely because a recorded video or still images
 208 allow for the identification of the driver, any passenger, or
 209 the contents of a motor vehicle as long as a reasonable effort
 210 has been made to comply with this subsection.

211 (b) Any recorded video or still image obtained through the
 212 use of a side stop signal arm enforcement system must be
 213 destroyed within 90 days after the final disposition of the
 214 recorded event. The vendor of a side stop signal arm enforcement
 215 system shall provide the school district with written notice by
 216 December 31 of each year that such records have been destroyed
 217 in accordance with this section.

218 (c) Notwithstanding any other law, registered motor vehicle
 219 owner information obtained as a result of the operation of a
 220 side stop signal arm enforcement system is not the property of
 221 the manufacturer or vendor of the system and may be used only
 222 for the purposes of this section.

223 (8) The owner of a motor vehicle is not responsible for a
 224 violation of this section if the vehicle involved was reported
 225 to a state or local law enforcement agency as stolen at the time
 226 the violation occurred.

227 (9) This section supplements the enforcement of s. 316.172
 228 by law enforcement officers when a driver fails to stop while a
 229 school bus is stopped and does not prohibit a law enforcement
 230 officer from issuing a traffic citation for a violation of s.
 231 316.172.

232 (10) (a) The registered owner of a motor vehicle who is

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233 found in violation of s. 316.172 by a side stop signal arm
 234 enforcement system is subject to a civil penalty of \$200 for a
 235 violation of s. 316.172(1) (a) and \$400 for a violation of s.
 236 316.172(1) (b). Notwithstanding s. 318.18(5), the fine shall be
 237 paid to the school district in which the violation occurred and
 238 must be used for the installation or maintenance of side stop
 239 signal arm enforcement systems on school buses or for any other
 240 technology that increases the safety of the transportation of
 241 students.

242 (b) For each violation under this section, the registered
 243 owner of the motor vehicle shall be liable for the imposed
 244 penalty unless the owner is convicted of the same violation
 245 under s. 316.172 or unless the motor vehicle was stolen at the
 246 time of the violation as provided under subsection (8).

247 (c) A violation for which a civil penalty is imposed
 248 pursuant to this section is not considered a moving violation
 249 for the purpose of assessing points under s. 322.27(3). Such
 250 violation is noncriminal, and imposition of a civil penalty
 251 pursuant to this section does not constitute a conviction, may
 252 not be made a part of the driving record of the person upon whom
 253 such liability is imposed, and may not be used for any purposes
 254 in the provision of motor vehicle insurance.

255 (11) By December 31, 2022, and annually thereafter, a
 256 school district operating a side stop signal arm enforcement
 257 system shall provide a summary report to the Governor, the
 258 President of the Senate, the Speaker of the House of
 259 Representatives, and the department regarding the use and
 260 operation of the system under this section, including the number
 261 of citations issued and the amount of funds collected for the

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262 preceding state fiscal year.

263 (12) A side stop signal arm enforcement system must meet
 264 specifications established by the State Board of Education and
 265 must be tested at regular intervals according to specifications
 266 prescribed by state board rule. The state board must establish
 267 such specifications by rule on or before December 31, 2022.
 268 However, any such equipment acquired by purchase, lease, or
 269 other arrangement under an agreement entered into by a school
 270 district on or before July 1, 2023, or equipment used to enforce
 271 violations of s. 316.172 on or before July 1, 2023, is not
 272 required to meet the specifications established by the state
 273 board until July 1, 2023.

274 (13) The State Board of Education may adopt rules to
 275 address student privacy concerns that may arise from the use of
 276 a side stop signal arm enforcement system.

277 Section 2. Paragraph (h) is added to subsection (3) of
 278 section 1006.21, Florida Statutes, to read:
 279 1006.21 Duties of district school superintendent and
 280 district school board regarding transportation.—
 281 (3) District school boards, after considering
 282 recommendations of the district school superintendent:
 283 (h) May install and operate, or enter into an agreement
 284 with a private vendor or manufacturer to provide, a side stop
 285 signal arm enforcement system for each school bus pursuant to s.
 286 316.616.

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

From: [Young, Alexandra](#)
To: [Harrell, Gayle](#)
Cc: [Hudson, Marilyn](#)
Subject: Sen. Perry presenting SB 720 and SB 1414 in TR
Date: Tuesday, January 18, 2022 9:19:01 AM

Good morning, Senator Harrell

Senator Perry will be presenting SB 720 and SB 1414 on behalf of Senator Burgess in TR today.

Thanks!

Alex Young
Legislative Assistant
Office of Senator Danny Burgess
(850)487-5020

01/18/2022

Meeting Date

Transportation

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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SB 702

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Monte Stevens**

Phone **(850) 671-4401**

Address **123 S Adams St**

Email **stevens@thesoutherngroup.com**

Street

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:

AAA

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

1/18/2022

Meeting Date

SB 702

Bill Number or Topic

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Transportation
Committee

Amendment Barcode (if applicable)

Name Mary-Lynn Collier

Phone 941 928 0278

Address 1674 University Pkwy.
Street

Email archildrey@aol.com

Sarasota FL 34243
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: Advocacy Insitute For Children
(NO COMPENSATION)

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 \(flsenate.gov\)](#)

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330

The Florida Senate

APPEARANCE RECORD

SB 702

01/18/2022

Meeting Date

Bill Number or Topic

Transportation 1105

Committee

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

Amendment Barcode (if applicable)

Name Karen Mazzola

Phone 407 855 7604

Address 1747 Central Florida Parkway

Email legislation@FloridaPTA.org

Street

Orlando FL 32809

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:

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

Florida PTA

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2020

SB 0702

Meeting Date

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name Melissa Mapp Francis Phone 904 887-2987

Address 590 Zack Email mmapp@suwannee.edu

lake city FL 32055
Street 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:

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
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 1160

INTRODUCER: Senator Perry

SUBJECT: Transportation Research

DATE: January 18, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Favorable
2.			ED	
3.			RC	

I. Summary:

SB 1160 establishes the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab (I-STREET) within the University of Florida (UF) and provides for its duties relating to transportation research, education, workforce development, and related issues. The bill requires I-STREET, by July 1, 2023, and annually thereafter, to provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report outlining its goals, as well as its efforts and progress on reaching those goals.

The bill also creates an advisory board to periodically review and advise I-STREET concerning its research program. The board consists of nine members in transportation-related areas, as follows:

- Two members, one each appointed by the President of the Senate and the Speaker of the House of Representatives.
- Two members, who are the Secretaries of Transportation and of Economic Opportunity, or their designees.
- One member from the Florida Transportation Commission.
- Four members nominated by UF's College of Engineering and approved by UF's president, which nominees may include representatives of UF, other academic and research institutions, or private entities.

The cost associated with the I-STREET's duties is unknown but is expected to be absorbed within the existing resources of the UF, the Florida Department of Transportation, and other participants. Transportation-related research with a focus on emerging technologies would be expected to facilitate planning, development, and implementation of transportation systems and facilities.

The bill takes effect July 1, 2022.

II. Present Situation:

The I-STREET Living Lab

UF's College of Engineering Transportation Institute describes an existing partnership between I-STREET, the Florida Department of Transportation (FDOT), and the City of Gainesville creating the I-STREET Living Lab on the UF campus and surrounding highway network. "The testbed deploys and evaluates numerous advanced technologies including connected and autonomous vehicles, smart devices, and sensors. It also develops and applies novel applications to enhance mobility and safety."¹

Based on a review of the website, the initial partnership appears to have contemplated a five-year project from 2017 to 2021.² However, the website lists a number of "active" projects.³ In addition, according to the website, "It is anticipated that the testbed will become a permanent fixture at the University of Florida and testing will go on indefinitely."⁴

FDOT "UF I-STREET" Invitation

The FDOT has issued an invitation to transportation industry leaders for participation in the "UF I-STREET program." According to the FDOT:

I-STREET is designed to assist in implementing emerging technologies aimed at safety and mobility improvements. The FDOT will develop requests for proposals (RFPs) utilizing the emerging technologies and will select vendors through a competitive bidding process. The selected vendor for each project will deploy technology solutions. The University of Florida will conduct before-and-after evaluations of implemented projects. After evaluation, the FDOT will consider whether to expand the successful I-STREET projects elsewhere in the state.

The FDOT has allocated funding for these innovative projects per fiscal year (FY) from FY 21 until FY 25. Each FY, the FDOT will fund multiple projects based on the projects' merits and safety and mobility improvement potential. The number of awards will vary depending on the project type and scope.⁵

III. Effect of Proposed Changes:

SB 1160 codifies the I-STREET Living Lab within the UF and requires it, at a minimum, to:

- Conduct and facilitate research on issues related to innovative transportation mobility and safety technology development and deployment in this state and serve as an information

¹ University of Florida Transportation Institute (UFTI), *I-STREET Living Lab*, available at [I-STREET Living Lab - University of Florida Transportation Institute \(ufl.edu\)](https://www.transportation.institute.ufl.edu/i-street-living-lab/) (last visited January 14, 2020). See UFTI, available at <https://www.transportation.institute.ufl.edu/i-street-living-lab/faq/> (last visited January 14, 2020).

² *Id.*

³ UFTI, available at [Projects - University of Florida Transportation Institute \(ufl.edu\)](https://www.transportation.institute.ufl.edu/projects/) (last visited January 14, 2020).

⁴ UFTI, FAQ, *When will the testing begin and end?*, available at [FAQ - University of Florida Transportation Institute \(ufl.edu\)](https://www.transportation.institute.ufl.edu/i-street-living-lab/faq/) (last visited January 14, 2020).

⁵ FDOT, *UF I-Street*, available at [UF I-STREET \(fdot.gov\)](https://www.fdot.gov/i-street/) (last visited January 14, 2020).

exchange and depository for the most current information pertaining to transportation research, education, workforce development, and related issues.

- Be a continuing resource for the Legislature, the Florida Senate, the FDOT, local governments, the nation's metropolitan regions, and the private sector in the area of transportation and related research.
- Promote intercampus transportation and related research activities among Florida universities to enhance the ability of these universities to attract federal and private sector funding for transportation and related research.
- Provide by July 1, 2023, and annually thereafter, to the Governor, the President of the Senate, and the Speaker of the House of Representatives a comprehensive report that outlines its clearly defined goals and its efforts and progress on reaching those goals.

The bill also creates an advisory board to periodically review and advise I-STREET concerning its research program. The board consists of nine members in transportation-related areas, as follows:

- Two members, one each appointed by the President of the Senate and the Speaker of the House of Representatives.
- Two members, who are the Secretaries of Transportation and of Economic Opportunity, or their designees.
- One member from the Florida Transportation Commission.
- Four members nominated by UF's College of Engineering and approved by UF's president, which nominees may include representatives of UF, other academic and research institutions, or private entities.

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:

To the extent that a private sector entity participates in I-STREET activities, that entity may incur costs in an indeterminate amount. The bill does not provide funding for any costs associated with participation.

Transportation-related research with a focus on emerging technologies would be expected to facilitate planning, development, and implementation of transportation systems and facilities.

C. Government Sector Impact:

The costs associated with the I-STREET's duties is unknown but is expected to be absorbed within the existing resources of the UF, the FDOT, and other potential government sector participants. The bill does not provide funding for any costs associated with participation.

Transportation-related research with a focus on emerging technologies would be expected to facilitate planning, development, and implementation of transportation systems and facilities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 334.066.

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

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

None.

B. Amendments:

None.

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

By Senator Perry

8-00737-22

20221160__

A bill to be entitled

An act relating to transportation research; creating s. 334.066, F.S.; establishing the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab (I-STREET) within the University of Florida; specifying the duties of I-STREET; requiring I-STREET to annually provide the Governor and the Legislature with a certain report; requiring the creation of a certain advisory board; specifying the composition and duties of the board; providing an effective date.

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

Section 1. Section 334.066, Florida Statutes, is created to read:

334.066 Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab.-

(1) The Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab (I-STREET) is established within the University of Florida.

(2) At a minimum, I-STREET shall:

(a) Conduct and facilitate research on issues related to innovative transportation mobility and safety technology development and deployment in this state and serve as an information exchange and depository for the most current information pertaining to transportation research, education, workforce development, and related issues.

(b) Be a continuing resource for the Legislature, the

Page 1 of 2

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

8-00737-22

20221160__

Department of Transportation, local governments, the nation's metropolitan regions, and the private sector in the area of transportation and related research.

(c) Promote intercampus transportation and related research activities among Florida universities to enhance the ability of these universities to attract federal and private sector funding for transportation and related research.

(d) Provide by July 1, 2023, and each July 1 thereafter, to the Governor, the President of the Senate, and the Speaker of the House of Representatives a comprehensive report that outlines its clearly defined goals and its efforts and progress on reaching those goals.

(3) An advisory board shall be created to periodically review and advise I-STREET concerning its research program. The board shall consist of nine members in transportation-related areas, as follows:

(a) A member appointed by the President of the Senate.

(b) A member appointed by the Speaker of the House of Representatives.

(c) The Secretary of Transportation or his or her designee.

(d) The Secretary of Economic Opportunity or his or her designee.

(e) A member of the Florida Transportation Commission.

(f) Four members nominated by the University of Florida's College of Engineering and approved by the university's president. The College of Engineering's nominees may include representatives of the University of Florida, other academic and research institutions, or private entities.

Section 2. 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

SB 1160

Bill Number or Topic

01/18/22

Meeting Date

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S. Transportation

Committee

Amendment Barcode (if applicable)

Name Anna-Grace Lewis

Phone 850-521-1299/46

Address 136 S. Bronough St.

Email alewis@flchamber.com

Street

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:

Florida Chamber of Commerce Autonomous Florida Initiative

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
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 1414

INTRODUCER: Senator Burgess

SUBJECT: Driving Over the Speed Limit

DATE: January 18, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Favorable
2.			CJ	
3.			RC	

I. Summary:

SB 1414 redefines the offense of reckless driving to include a person who drives any vehicle 40 miles per hour (mph) or more above the lawful or posted speed limit.

The bill also revises a current provision of law requiring a person who exceeds the posted speed limit in excess of 50 mph in violation of established and authorized speed limits on state limited access highways, other state roadways, and municipal and county roads to be cited for a moving violation. Under the bill, a person who drives any vehicle at up to 39 mph above the lawful or posted speed limit must be cited for a moving violation, subjecting a violator to a potential fine based on a range, from a warning for excess speed from one to five mph, to increasing penalties up to \$250 for excess speed 30 mph and above.

The bill further amends the current provision to provide that a person who commits the offense of reckless driving by driving any vehicle 40 mph hour or more above the lawful or posted speed limit must be punished under existing, more stringent penalties for reckless driving.

Lastly, the bill reenacts various sections of law to incorporate the amendments made by the bill.

The fiscal impact of the bill is expected to be positive due to the potential imposition of more stringent penalties, but indeterminate, as the fiscal is dependent on the number of and applicable penalties for violations under the bill's provisions.

The bill takes effect October 1, 2022.

II. Present Situation:

According to the Insurance Institute for Highway Safety (IIHS),¹ speed has a major impact on the number of vehicle crashes and on the severity of resulting injuries, in that speed increases:

- The distance a vehicle travels from the time a driver detects an emergency to the time the driver reacts, the distance needed to stop a vehicle once the driver starts to brake, and the risk that an evasive steering maneuver will result in loss of control; and
- The crash energy exponentially; *e.g.*, when impact speed increases from 40 to 60 miles per hour (a 50 percent increase), the energy that needs to be managed increases by 125 percent.

The IIHS concludes that the higher the vehicle speed, the higher the likelihood that crash energy that can be managed by vehicles, restraint systems, and roadway characteristics (such as barriers and crash cushions) will exceed the limits of such vehicles, systems and characteristics available to vehicle occupants during a crash.²

Current state law generally prohibits a person from driving a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions, with regard to the existing actual and potential hazards.³ A violation of this provision is a noncriminal traffic infraction, punishable as a moving violation. The fines (not including applicable court costs and fees) for unlawful speed under this provision are based on the miles per hour (mph) over which the vehicle exceeded the speed limit. The fines range from a warning for excess speed from one to five mph, to increasing penalties up to \$250 for excess speed 30 mph and above.⁴

In addition, a person who exceeds the posted speed limit in excess of 50 mph in violation of established and authorized speed limits on state limited access highways, other state roadways, and municipal and county roads must also be cited for a moving violation as an additional offense,⁵ subjecting a violator to the same range of fines.

Other speed-related violations may result in enhanced penalties. For example:

- A violation for exceeding the speed limit by up to 5 mph in a legally posted school zone results in a \$50 fine; and
- A person exceeding the speed limit in a school zone or designated school crossing must pay a fine double the amount listed in the range of fines.⁶

Further, although possibly but not necessarily related to speeding, current law also provides that any person who drives a vehicle in willful and wanton disregard for the safety of persons or property is guilty of reckless driving.⁷ The penalties for reckless driving are:

¹ See IIHS-HLDI, available at <https://www.iihs.org/> (last visited January 13, 2022). “The IIHS is an independent, nonprofit scientific and educational organization dedicated to reducing deaths, injuries and property damage from motor vehicle crashes through research and evaluation and through education of consumers, policymakers and safety professionals.

² IIHS, *Dangers of Speed*, available at [Speed \(iihs.org\)](https://www.iihs.org/speed) (last visited January 13, 2022).

³ Section 316.193(1), F.S.

⁴ Section 318.18(3)(b), F.S.

⁵ Section 318.1926(2), F.S. See ss. 316.183(2), 316.187, and 316.189, F.S., for the established and authorized speed limits.

⁶ Section 318.18(3)(c), F.S.

⁷ Section 316.192, F.S.

- For a first conviction: Mandatory imprisonment for not more than 90 days or by a fine not less than \$25 or more than \$500, or by both.
- For a second or subsequent conviction: Mandatory imprisonment for not more than six months or by a fine not less than \$50 or more than \$1,000, or by both.⁸

These penalties may be enhanced if a reckless driver also causes property damage or bodily injury to another, or causes serious bodily injury to another.⁹ If the reckless driver causes damage to the property or person of another, the driver commits a first degree misdemeanor, which is punishable by a term of imprisonment not exceeding one year¹⁰ and a possible \$1,000 fine.¹¹ If the reckless driver causes “serious bodily injury,”¹² the driver commits a third degree felony, which is punishable by a term of imprisonment not exceeding five years¹³ and a possible \$5,000 fine,¹⁴ with additional penalties for violent and habitual career and felony offenders.¹⁵

According to a recent summary of state reckless driving laws, certain acts are automatically deemed to be reckless in various states, such as:

- Driving 25 miles per hour (or more) over the posted speed limit;
- Racing another vehicle;
- Trying to elude a police-officer;¹⁶ and
- On a two-lane highway, passing another vehicle when visibility of oncoming traffic is limited.¹⁷

The summary reflects that all states have a “reckless driving” statute, or one that addresses “speed that would or would likely endanger person or property,” “an unreasonably high rate of speed that endangers the safety, life, limb, or property of another,” or some similar variation on the theme of speed.¹⁸

At least two other states define reckless driving by a specific speed alone. In Connecticut, a person who drives on a highway at more than 85 mph – and in New Hampshire, more than 100 mph -- commits reckless driving.¹⁹

⁸ See s. 316.192(2), F.S.

⁹ See s. 316.192(3), F.S.

¹⁰ Section 775.082(4)(a), F.S.

¹¹ Section 775.083(1)(d), F.S.

¹² Defined to mean an injury to another person, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ. Section 316.192(3)(c)2., F.S.

¹³ Section 775.082(3)(e), F.S.

¹⁴ Section 775.083(1)(c), F.S.

¹⁵ Section 775.084, F.S.

¹⁶ Such is the case under s. 316.192(1)(b), F.S.

¹⁷ FindLaw, *Reckless Driving Laws By State*, Garcia, H., May 2021, available at <https://www.findlaw.com/traffic/traffic-tickets/reckless-driving.html> (last visited January 14, 2020).

¹⁸ *Id.*

¹⁹ *Id.*

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 316.192(1)(a), F.S., relating to reckless driving. The bill provides that in addition to driving any vehicle in willful or wanton disregard for the safety of persons or property, a person who drives any vehicle 40 mph or more above the lawful or posted speed limit also commits reckless driving, subjecting the driver to the existing penalties for a first and second or subsequent violation as described above, as well as to the existing enhanced penalties when the reckless driver also causes damage to the property or person of another or causes serious bodily injury.

Section 2 amends s. 316.1926(2), F.S., currently requiring a person to be cited for a moving violation for exceeding the speed limit in excess of 50 mph in violation of established and authorized speed limits on state limited access highways, other state roadways, and municipal and county roads.

The bill amends this provision to require that a person who exceeds the lawful or posted speed limit by up to 39 mph (rather than 50 mph) in violation of the established and authorized speed limits described above continue to be cited for a moving violation. However, the bill requires a person who exceeds the lawful or posted speed limit by 40 miles per hour or more, having committed reckless driving by virtue of the revisions in section 1 of the bill, to be punished under the provisions of the reckless driving statute.

This revision subjects a violator to the existing punishments and fines described above for first, second, and subsequent reckless driving convictions, and for reckless driving that results in damage to the property or person of another, or serious bodily injury to another person.

Sections 3 through 8 amend various sections of law to incorporate amendments made by the bill.

Section 9 provides the bill takes effect 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:

Indeterminate, as the fiscal impact is dependent on the number of and applicable penalties for violations under the bill's provisions.

C. Government Sector Impact:

Indeterminate, as the fiscal impact is dependent on the number of and applicable penalties for violations under the bill's provisions.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.192 and 316.1926.

This bill re-enacts the following sections of the Florida Statutes: 318.14, 318.17, 318.18, 322.0261, 322.61, and 337.195.

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 Burgess

20-01271A-22

20221414__

1 A bill to be entitled
 2 An act relating to driving over the speed limit;
 3 amending s. 316.192, F.S.; providing that any person
 4 who drives any vehicle at or above a specified speed
 5 commits reckless driving; amending s. 316.1926, F.S.;
 6 revising the threshold above the posted speed limit at
 7 which a person in violation of certain provisions must
 8 be cited for a moving violation; reenacting s.
 9 318.14(13), F.S., relating to noncriminal traffic
 10 infractions, to incorporate the amendment made to s.
 11 316.1926, F.S., in references thereto; reenacting ss.
 12 318.17, 318.18(20), 322.0261(4) (a) and (b), 322.61(1),
 13 and 337.195(1), F.S., relating to offenses excepted,
 14 the amount of penalties, driver improvement courses,
 15 disqualification from operating a motor vehicle, and
 16 limits on liability, respectively, to incorporate the
 17 amendment made to s. 316.192, F.S., in references
 18 thereto; providing an effective date.
 19
 20 Be It Enacted by the Legislature of the State of Florida:
 21
 22 Section 1. Paragraph (a) of subsection (1) of section
 23 316.192, Florida Statutes, is amended, and subsections (2), (3),
 24 and (4) of that section are republished, to read:
 25 316.192 Reckless driving.—
 26 (1) (a) Any person who drives any vehicle in willful or
 27 wanton disregard for the safety of persons or property or who
 28 drives any vehicle 40 miles per hour or more above the lawful or
 29 posted speed limit commits ~~is guilty of~~ reckless driving.

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30 (2) Except as provided in subsection (3), any person
 31 convicted of reckless driving shall be punished:
 32 (a) Upon a first conviction, by imprisonment for a period
 33 of not more than 90 days or by fine of not less than \$25 nor
 34 more than \$500, or by both such fine and imprisonment.
 35 (b) On a second or subsequent conviction, by imprisonment
 36 for not more than 6 months or by a fine of not less than \$50 nor
 37 more than \$1,000, or by both such fine and imprisonment.
 38 (3) Any person:
 39 (a) Who is in violation of subsection (1);
 40 (b) Who operates a vehicle; and
 41 (c) Who, by reason of such operation, causes:
 42 1. Damage to the property or person of another commits a
 43 misdemeanor of the first degree, punishable as provided in s.
 44 775.082 or s. 775.083.
 45 2. Serious bodily injury to another commits a felony of the
 46 third degree, punishable as provided in s. 775.082, s. 775.083,
 47 or s. 775.084. The term "serious bodily injury" means an injury
 48 to another person, which consists of a physical condition that
 49 creates a substantial risk of death, serious personal
 50 disfigurement, or protracted loss or impairment of the function
 51 of any bodily member or organ.
 52 (4) Notwithstanding any other provision of this section, \$5
 53 shall be added to a fine imposed pursuant to this section. The
 54 clerk shall remit the \$5 to the Department of Revenue for
 55 deposit in the Emergency Medical Services Trust Fund.
 56 Section 2. Subsection (2) of section 316.1926, Florida
 57 Statutes, is amended to read:
 58 316.1926 Additional offenses.—

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59 (2) A person who exceeds the lawful or posted speed limit
 60 by up to 39 in excess of 50 miles per hour ~~or more~~ in violation
 61 of s. 316.183(2), s. 316.187, or s. 316.189 shall be cited for a
 62 moving violation, punishable as provided in chapter 318. A
 63 person who exceeds the lawful or posted speed limit by 40 miles
 64 per hour or more in violation of s. 316.192(1)(a) shall be
 65 punished as provided in s. 316.192.

66 Section 3. For the purpose of incorporating the amendment
 67 made by this act to section 316.1926, Florida Statutes, in
 68 references thereto, subsection (13) of section 318.14, Florida
 69 Statutes, is reenacted to read:

70 318.14 Noncriminal traffic infractions; exception;
 71 procedures.—

72 (13)(a) A person cited for a violation of s. 316.1926
 73 shall, in addition to any other requirements provided in this
 74 section, pay a fine of \$1,000. This fine is in lieu of the fine
 75 required under s. 318.18(3)(b), if the person was cited for
 76 violation of s. 316.1926(2).

77 (b) A person cited for a second violation of s. 316.1926
 78 shall, in addition to any other requirements provided in this
 79 section, pay a fine of \$2,500. This fine is in lieu of the fine
 80 required under s. 318.18(3)(b), if the person was cited for
 81 violation of s. 316.1926(2). In addition, the court shall revoke
 82 the person's authorization and privilege to operate a motor
 83 vehicle for a period of 1 year and order the person to surrender
 84 his or her driver license.

85 (c) A person cited for a third violation of s. 316.1926
 86 commits a felony of the third degree, punishable as provided in
 87 s. 775.082, s. 775.083, or s. 775.084. Upon conviction, the

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88 court shall impose a fine of \$5,000, revoke the person's
 89 authorization and privilege to operate a motor vehicle for a
 90 period of 10 years, and order the person to surrender his or her
 91 driver license.

92 Section 4. For the purpose of incorporating the amendment
 93 made by this act to section 316.192, Florida Statutes, in a
 94 reference thereto, section 318.17, Florida Statutes, is
 95 reenacted to read:

96 318.17 Offenses excepted.—No provision of this chapter is
 97 available to a person who is charged with any of the following
 98 offenses:

99 (1) Fleeing or attempting to elude a police officer, in
 100 violation of s. 316.1935;

101 (2) Leaving the scene of a crash, in violation of ss.
 102 316.027 and 316.061;

103 (3) Driving, or being in actual physical control of, any
 104 vehicle while under the influence of alcoholic beverages, any
 105 chemical substance set forth in s. 877.111, or any substance
 106 controlled under chapter 893, in violation of s. 316.193, or
 107 driving with an unlawful blood-alcohol level;

108 (4) Reckless driving, in violation of s. 316.192;

109 (5) Making false crash reports, in violation of s. 316.067;

110 (6) Willfully failing or refusing to comply with any lawful
 111 order or direction of any police officer or member of the fire
 112 department, in violation of s. 316.072(3);

113 (7) Obstructing an officer, in violation of s. 316.545(1);

114 or

115 (8) Any other offense in chapter 316 which is classified as
 116 a criminal violation.

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

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117 Section 5. For the purpose of incorporating the amendment
 118 made by this act to section 316.192, Florida Statutes, in a
 119 reference thereto, subsection (20) of section 318.18, Florida
 120 Statutes, is reenacted to read:

121 318.18 Amount of penalties.—The penalties required for a
 122 noncriminal disposition pursuant to s. 318.14 or a criminal
 123 offense listed in s. 318.17 are as follows:

124 (20) In addition to any other penalty, \$65 for a violation
 125 of s. 316.191, prohibiting racing on highways, or s. 316.192,
 126 prohibiting reckless driving. The additional \$65 collected under
 127 this subsection shall be remitted to the Department of Revenue
 128 for deposit into the Emergency Medical Services Trust Fund of
 129 the Department of Health to be used as provided in s. 395.4036.

130 Section 6. For the purpose of incorporating the amendment
 131 made by this act to section 316.192, Florida Statutes, in
 132 references thereto, paragraphs (a) and (b) of subsection (4) of
 133 section 322.0261, Florida Statutes, are reenacted to read:

134 322.0261 Driver improvement course; requirement to maintain
 135 driving privileges; failure to complete; department approval of
 136 course.—

137 (4)(a) The department shall identify any operator convicted
 138 of, or who pleaded nolo contendere to, a violation of s.
 139 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, or s.
 140 316.192 and shall require that operator, in addition to other
 141 applicable penalties, to attend a department-approved driver
 142 improvement course in order to maintain driving privileges. The
 143 department shall, within 10 days after receiving a notice of
 144 judicial disposition, send notice to the operator of the
 145 requirement to attend a driver improvement course. If the

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146 operator fails to complete the course within 90 days after
 147 receiving notice from the department, the operator's driver
 148 license shall be canceled by the department until the course is
 149 successfully completed.

150 (b) Any operator who receives a traffic citation for a
 151 violation of s. 316.074(1), s. 316.075(1)(c)1., s. 316.191, or
 152 s. 316.192, for which the court withholds adjudication, is not
 153 required to attend a driver improvement course, unless the court
 154 finds that the nature or severity of the violation is such that
 155 attendance to a driver improvement course is necessary. The
 156 department shall, within 10 days after receiving a notice of
 157 judicial disposition, send notice to the operator of the
 158 requirement to attend a driver improvement course. If the
 159 operator fails to complete the course within 90 days after
 160 receiving notice from the department, the operator's driver
 161 license shall be canceled by the department until the course is
 162 successfully completed.

163 Section 7. For the purpose of incorporating the amendment
 164 made by this act to section 316.192, Florida Statutes, in a
 165 reference thereto, subsection (1) of section 322.61, Florida
 166 Statutes, is reenacted to read:

167 322.61 Disqualification from operating a commercial motor
 168 vehicle.—

169 (1) A person who, for offenses occurring within a 3-year
 170 period, is convicted of two of the following serious traffic
 171 violations or any combination thereof, arising in separate
 172 incidents committed in a commercial motor vehicle shall, in
 173 addition to any other applicable penalties, be disqualified from
 174 operating a commercial motor vehicle for a period of 60 days. A

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175 holder of a commercial driver license or commercial learner's
 176 permit who, for offenses occurring within a 3-year period, is
 177 convicted of two of the following serious traffic violations, or
 178 any combination thereof, arising in separate incidents committed
 179 in a noncommercial motor vehicle shall, in addition to any other
 180 applicable penalties, be disqualified from operating a
 181 commercial motor vehicle for a period of 60 days if such
 182 convictions result in the suspension, revocation, or
 183 cancellation of the licenseholder's driving privilege:

184 (a) A violation of any state or local law relating to motor
 185 vehicle traffic control, other than a parking violation, arising
 186 in connection with a crash resulting in death;

187 (b) Reckless driving, as defined in s. 316.192;

188 (c) Unlawful speed of 15 miles per hour or more above the
 189 posted speed limit;

190 (d) Improper lane change, as defined in s. 316.085;

191 (e) Following too closely, as defined in s. 316.0895;

192 (f) Driving a commercial vehicle without obtaining a
 193 commercial driver license;

194 (g) Driving a commercial vehicle without the proper class
 195 of commercial driver license or commercial learner's permit or
 196 without the proper endorsement;

197 (h) Driving a commercial vehicle without a commercial
 198 driver license or commercial learner's permit in possession, as
 199 required by s. 322.03;

200 (i) Texting while driving; or

201 (j) Using a handheld mobile telephone while driving.

202 Section 8. For the purpose of incorporating the amendment
 203 made by this act to section 316.192, Florida Statutes, in a

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204 reference thereto, subsection (1) of section 337.195, Florida
 205 Statutes, is reenacted to read:

206 337.195 Limits on liability.—

207 (1) In a civil action for the death of or injury to a
 208 person, or for damage to property, against the Department of
 209 Transportation or its agents, consultants, or contractors for
 210 work performed on a highway, road, street, bridge, or other
 211 transportation facility when the death, injury, or damage
 212 resulted from a motor vehicle crash within a construction zone
 213 in which the driver of one of the vehicles was under the
 214 influence of alcoholic beverages as set forth in s. 316.193,
 215 under the influence of any chemical substance as set forth in s.
 216 877.111, or illegally under the influence of any substance
 217 controlled under chapter 893 to the extent that her or his
 218 normal faculties were impaired or that she or he operated a
 219 vehicle recklessly as defined in s. 316.192, it is presumed that
 220 the driver's operation of the vehicle was the sole proximate
 221 cause of her or his own death, injury, or damage. This
 222 presumption can be overcome if the gross negligence or
 223 intentional misconduct of the Department of Transportation, or
 224 of its agents, consultants, or contractors, was a proximate
 225 cause of the driver's death, injury, or damage.

226 Section 9. This act shall take effect October 1, 2022.

From: [Young, Alexandra](#)
To: [Harrell, Gayle](#)
Cc: [Hudson, Marilyn](#)
Subject: Sen. Perry presenting SB 720 and SB 1414 in TR
Date: Tuesday, January 18, 2022 9:19:01 AM

Good morning, Senator Harrell

Senator Perry will be presenting SB 720 and SB 1414 on behalf of Senator Burgess in TR today.

Thanks!

Alex Young
Legislative Assistant
Office of Senator Danny Burgess
(850)487-5020

01/18/2022

Meeting Date

Transportation

Committee

Name Monte Stevens

Name

The Florida Senate

APPEARANCE RECORD

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

SB 1414

Bill Number or Topic

Amendment Barcode (if applicable)

Phone (850) 671-4401

Address 123 S Adams St

Address

Email stevens@thesoutherngroup.com

Email

Street

Tallahassee

City

FL

State

32301

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:

AAA

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

Jan. 18, 2022

Meeting Date

SB 1414

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name David Shepp

Phone 863 581-4250

Address P.O. Box 3739

Email shepp@thesoutherngrp.com

Street

Lakeland

FL

33802

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

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I am a registered lobbyist, representing:

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

Polk County Sheriff's Office

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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1582

INTRODUCER: Senator Harrell

SUBJECT: Commercial Motor Vehicle Registration

DATE: January 18, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Favorable
2.			ATD	
3.			AP	

I. Summary:

SB 1582 addresses the issuance of license plates and cab cards for commercial motor vehicles registered in accordance with the International Registration Plan (apportioned vehicles). Effective December 31, 2023, the bill provides for expiration of a current provision requiring that such vehicles be issued an annual license plate and a cab card denoting the declared vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate.

Beginning January 1, 2024, the bill requires apportioned vehicles to be issued a license plate for a three-year period, at which time the plate must be replaced upon renewal, and each plate must include a validation sticker reflecting the month of expiration of the plate. Under the bill, the annually-issued cab card remains in place, as does the existing \$28 fee, but payment of the fee is triggered solely by annual issuance of the cab card, rather than by annual issuance of both the license plate and the cab card.

The bill re-states current law providing that the existing \$28 fee for replacement license plates must be deposited into the Highways Safety Operating Trust Fund and authorizes the DHSMV to replace a damaged or worn license plate at no cost to an applicant surrendering the current license plate.

The bill presents no apparent fiscal impact.

The bill takes effect July 1, 2022.

II. Present Situation:

Generally, current law requires the DHSMV, upon receipt of an application and payment of the appropriate fees, to issue to a vehicle owner or lessee a certificate of registration¹ and a license plate.² Registration license plates are issued for a ten-year period and must be replaced upon renewal at the end of the ten-year period. The fee for plate replacement is \$28, and such fees must be deposited into the Highway Safety Operating Trust Fund. A validation sticker must also be issued, reflecting the owner's birth month, license plate number, and the year of expiration, or the appropriate renewal period if the owner is not a natural person.³

As to license plates for commercial motor vehicles⁴ registered in accordance with the International Registration Plan,⁵ or "apportioned vehicles,"⁶ such vehicles must be issued an *annual* license plate, as well as a cab card denoting the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate.⁷ The \$28 plate replacement fee is paid annually upon initial registration and subsequent renewal.

Industry representatives have described difficulties associated with annual replacement of apportioned vehicle license plates:

[The] IRP plates must be physically changed each year on the truck. This process is onerous on carriers who have several hundred registered vehicles across the country. Our proposal would still require the annual registration (and maintain all existing fees paid annually)...⁸

III. Effect of Proposed Changes:

The bill amends s. 320.06(1)(b)1., F.S., providing for expiration on December 31, 2023, of the current provision requiring that such vehicles be issued an annual license plate and a cab card

¹ Renewed based on registration periods and renewal periods established in current law. *See* s. 320.055, F.S.

² Section 320.06(1)(a), F.S. *See* s. 320.0706, F.S., for license plate display requirements for commercial trucks with a gross vehicle weight of 26,001 pounds or more, and for dump trucks and truck tractors.

³ Section 320.06(1)(b), F.S.

⁴ Defined for purposes of vehicle registration as any vehicle not owned or operated by a governmental entity, which uses special fuel or motor fuel on the public highways, and which has a gross vehicle weight of 26,001 pounds or more, or has three or more axles regardless of weight, or is used in combination when the weight of such combination exceeds 26,001 pounds gross vehicle weight. Section 320.01(25), F.S.

⁵ FLHSMV, Commercial Motor Vehicle Drivers, *International Registration Plan*, available at <https://www.flhsmv.gov/driver-licenses-id-cards/commercial-motor-vehicle-drivers/international-registration-plan/> (last visited January 13, 2022). "The International Registration Plan (IRP) is for apportionable vehicles, defined [in s. 320.01(24), F.S.] as commercial motor vehicles engaged in interstate commerce (i.e., operating in more than one jurisdiction) with power units that meet one of the following criteria: Have a gross vehicle weight (GVW) over 26,000 pounds; or have three or more axles, regardless of weight; or are used in combination with a trailer for a combined GVW that is over 26,000 pounds. IRP is a reciprocal agreement, meaning that when the vehicle is registered in the jurisdiction where the motor carrier is based, the registration is valid in all the other IRP member jurisdictions. Additionally, the IRP registration is "apportioned" because the fees paid to the base jurisdiction are divided among all the member jurisdictions in which the vehicle(s) operated. IRP member jurisdictions are the lower 48 states, the District of Columbia, and the 10 Canadian provinces."

⁶ Section 320.0715(1), F.S., requires all apportionable vehicles domiciled in this state to be registered in accordance with the International Registration Plan and to display license plates.

⁷ *Supra* note 3.

⁸ *See* email to committee staff, October 25, 2021 (on file in the Senate Transportation Committee).

denoting the declared vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate.

Effective January 1, 2024, the bill creates s. 320.06(1)(b)2., F.S., requiring apportioned vehicles to be issued a license plate for a three-year period, instead of the current annual issuance. The plate must be replaced upon renewal at the end of the three-year period and, as under current law, each plate must include a validation sticker reflecting the month of expiration of the plate.

Under the bill, the required, annually-issued cab card remains in place, as does the existing \$28 plate replacement fee, but payment of the fee is triggered solely by annual issuance of the cab card, rather than by annual issuance of both the license plate and the cab card. The bill re-states current law in the new paragraph by requiring the fees to be deposited into the Highway Safety Operating Trust Fund.

Lastly, the bill provides that if the license plate is damaged or worn, the plate may be replaced at no charge by applying to the DHSMV and surrendering the current plate.

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:

Article VII, s. 19 of the Florida Constitution prohibits the imposition or authorization of a new state tax or fee except through legislation approved by two-thirds of the membership of each house of the legislature and approval by the Governor. If the bill imposes a new fee, a two-thirds vote of the membership of each house may be required.

As noted, payment of the \$28 fee under the bill is triggered solely by annual issuance of the cab card, rather than by annual issuance of both the license plate and the cab card. The applicant pays the same fee under current law as under the bill; thus, the bill does not appear to impose a new fee.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.06.

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

25-01249C-22

20221582__

A bill to be entitled

An act relating to commercial motor vehicle registration; amending s. 320.06, F.S.; providing for future expiration of a provision relating to vehicles with apportioned registrations; providing, beginning on a specified date, license plate and cab card requirements for vehicles registered in accordance with the International Registration Plan; specifying the fee for an original or renewal cab card and the trust fund where the fee is deposited; providing for the replacement at no charge of damaged or worn license plates; providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 320.06, Florida Statutes, is amended to read:

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

(1)

(b)1. Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year period. At the end of the 10-year period, upon renewal, the plate shall be replaced. The department shall extend the scheduled license plate replacement date from a 6-year period to a 10-year period. The fee for such replacement is \$28, \$2.80 of which shall be paid each year before the plate is replaced, to be credited toward the next \$28 replacement fee. The fees shall be deposited into the Highway Safety Operating

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Trust Fund. A credit or refund may not be given for any prior years' payments of the prorated replacement fee if the plate is replaced or surrendered before the end of the 10-year period, except that a credit may be given if a registrant is required by the department to replace a license plate under s. 320.08056(8) (a). With each license plate, a validation sticker shall be issued showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. The license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant's appropriate registration period. Rental vehicles taxed pursuant to s. 320.08(6) (a) may elect a permanent registration period, provided payment of the appropriate license taxes and fees occurs annually.

2. A vehicle that has an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate. This subparagraph expires December 31, 2023.

3. Beginning January 1, 2024, a vehicle registered in accordance with the International Registration Plan must be issued a license plate for a 3-year period. At the end of the 3-year period, upon renewal, the license plate must be replaced. Each license plate must include a validation sticker showing the month of expiration. A cab card denoting the declared gross

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20221582__

59 vehicle weight for each apportioned jurisdiction must be issued
60 annually. The fee for an original or a renewal cab card is \$28,
61 which must be deposited into the Highway Safety Operating Trust
62 Fund. If the license plate is damaged or worn, it may be
63 replaced at no charge by applying to the department and
64 surrendering the current license plate.

65 ~~4.2-~~ In order to retain the efficient administration of the
66 taxes and fees imposed by this chapter, the 80-cent fee increase
67 in the replacement fee imposed by chapter 2009-71, Laws of
68 Florida, is negated as provided in s. 320.0804.

69 Section 2. This act shall take effect July 1, 2022.

The Florida Senate

APPEARANCE RECORD

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1582

Bill Number or Topic

1/18/22

Meeting Date

Transportation

Committee

Amendment Barcode (if applicable)

Name

Chris Dudley

Phone

850-671-4401

Address

128 S. Adams St.

Street

Email

dudley@thesouthern.org

Tall.

City

FL

State

32312

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:

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1614

INTRODUCER: Transportation Committee and Senator Harrell

SUBJECT: Public Records/Motor Vehicle Crashes/Traffic Citations

DATE: January 18, 2022

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1614 is a bill relating to motor vehicle crash reports and uniform traffic citations (UTC), which contains public record exemptions for personal and driver information contained in a UTC, crash report and computerized crash report data.

The bill would remove the 60 day limit on the public record exemption provision for personal identifying information (PII) contained in crash reports and computerized crash report data, and create a public record exemption provision for driver information contained in a UTC. If a party meets one of the Driver's Privacy Protection Act (DPPA) of 1994 exemptions in current law, they may continue to access driver information contained in crash reports, computerized crash report data, and UTCs, as they do during the currently existing 60 day public record exemption provision for PII contained in crash reports and computerized crash report data.

The bill defines the term "driver information" to mean a driver's date of birth, driver license number, address excluding the five-digit zip code, telephone number, motor vehicle license plate number, and trailer tag number. The term does not include the driver's name.

The bill is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2027, unless reviewed and reenacted by the Legislature. The bill contains a public necessity statement as required by the Florida Constitution. Because this bill creates a new public records exemption, a two-thirds vote of the members present and voting in each house of the Legislature is required for passage.

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

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, section 11.0431, Florida Statutes (F.S.), provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and the statutory provisions are adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, chapter 119, F.S., provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

Chapter 119, F.S., known as the Public Records Act, provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted the statutory definition of “public record” to include “material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”⁷

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2018-2020) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2018-2020)

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.¹⁰ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹

General exemptions from the public records requirements are contained in the Public Records Act.¹² Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹³

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Custodians of records designated as “exempt” are not prohibited from disclosing the record; rather, the exemption means that the custodian cannot be compelled to disclose the record.¹⁴ Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.¹⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act¹⁶ (the Act) prescribes a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST. art. I, s. 24(c).

¹¹ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹² *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹³ *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹⁴ *See Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991).

¹⁵ *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁶

Driver Privacy Protection Act of 1994

Motorist personal information, when held by the Department of Highway Safety and Motor Vehicles (DHSMV) in motor vehicle records, is confidential pursuant to DPPA.²⁷ Personal information covered by the DPPA includes: access to your social security number, driver license or identification card number, name, address, telephone number and medical or disability information, contained in your motor vehicle and driver license records. Additionally,

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

²⁷ 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2), F.S.

emergency contact information and email addresses are restricted pursuant to s. 119.0712(2), F.S.²⁸

Information that is not covered by the DPPA is non-personal information contained in motor vehicle and driver license records such as vehicular crash records, driving violations and driver status information, and are considered public information.²⁹

Personal information in motor vehicle and driver license records can be released for the following purposes:³⁰

- For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions;
- For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers;
- For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only -
 - to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and
 - if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual;
- For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court;
- For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals;
- For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting;
- For use in providing notice to the owners of towed or impounded vehicles;
- For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection;
- For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license;
- For use in connection with the operation of private toll transportation facilities;

²⁸ Florida Department of Highway Safety and Motor Vehicles, *Privacy Statement Driver Privacy Protection Act*, available at <https://www.flhsmv.gov/privacy-statement/driver-privacy-protection-act/> (last visited on January 13, 2022).

²⁹ *Id.*

³⁰ *Supra*, note 27; Florida Department of Highway Safety and Motor Vehicles forms HSMV 90511 (Revised 11/19) available at <https://www.flhsmv.gov/pdf/forms/90511.pdf> (last visited January 13, 2022) and HSMV 90510 (Revised 03/19) available at <https://www.flhsmv.gov/pdf/forms/90510.pdf> (last visited January 13, 2022).

- For any other use in response to requests for individual motor vehicle records if the State has obtained the express consent of the person to whom such personal information pertains;
- For bulk distribution for surveys, marketing or solicitations if the State has obtained the express consent of the person to whom such personal information pertains;
- For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains; and
- For any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.

Crash Reports and Uniform Traffic Citations

Currently, crash reports, which include various PII (home or employment telephone number, home or employment address, etc.) are considered confidential and exempt for a period of 60 days after the report is filed.³¹ During this exempt period, reports that contain such information can only be released to parties with a specific exemption in the statute. After the 60 day confidential and exempt period is expired, all crash data is released as public record, including all PII. In 2020, more than 595,000 crash reports were submitted to the DHSMV, which was a significant decrease from 2019, when more than 740,000 reports were submitted.³² Additionally, PII contained within a UTC, issued pursuant to s. 316.650, F.S., is also public record in the state of Florida and can be freely distributed under current law. In 2020, more than 2 million citations were issued by Florida law enforcement agencies.³³

III. Effect of Proposed Changes:

The bill would eliminate the 60 day provision to make PII exempt from public record and would make it for the lifetime of a crash report, unless the party meets one of the DPPA exemptions.

The bill amends s. 316.066, F.S., to provide that the identity, home or employment telephone number or home or employment address of, or other personal information concerning the parties involved in a crash and that are held by an agency are confidential and exempt. The exemption applies to crash reports held by an agency before, on, or after the effective date of this bill.

Crash reports held by an agency above may be made immediately available to the parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial authorities, law enforcement agencies, the Department of Transportation, the Department of Health, county and municipal traffic operations, victim services programs, and any private person or entity acting on behalf of a federal, state, or local governmental agency in carrying out its functions.

A crash report may also be made available to any third party acting on behalf of a person or entity authorized to access the crash report, and that third party may not redisclose the crash report to other persons or entities.

³¹ Section 316.066, F.S.

³² Email from Kevin Jacobs, Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, *FLHSMV Legislation* (October 8, 2021)(on file with the Senate Committee on Transportation).

³³ *Ibid.*

A federal, state, or local governmental agency, or any private person or entity acting on behalf of a federal, state, or local governmental agency in carrying out its functions, which is authorized to access crash reports by any provision of law is granted such access in the furtherance of the agency's statutory duties pursuant to a memorandum of understanding approved by the agency holding the crash reports which requires that personal information contained in the crash reports remain confidential and exempt.

As a condition precedent to accessing a crash report, a person must submit to the agency that holds the crash report, in a format prescribed by the agency, a sworn statement attesting to the person's identity, authority to access the crash report, and agreement to keep the crash report confidential and refrain from using the crash report for commercial solicitation, knowingly redisclosing the crash report to any third party for the purpose of such solicitation.

The bill does not prohibit an agency from providing summary reports of crashes to radio and television stations, newspapers, and other news media, which reports may disclose information about crashes, including, but not limited to, the time, date, and location of a crash; the name, age, gender, race, and ethnicity of any driver involved in the crash; a general description of any vehicle involved in the crash, including the vehicle's color, make, model, body style, and year; the names of the law enforcement agencies and officers responding to the scene or investigating the crash; the circumstances of the crash; and whether any arrests were made or traffic citations were issued.

The bill amends s. 316.650, F.S., to provide that driver information contained in a UTC held by an agency is confidential and exempt. This applies to driver information held by an agency before, on, or after the effective date of the bill.

The bill defines the term "driver information" to mean a driver's date of birth, driver license number, address excluding the five-digit zip code, telephone number, motor vehicle license plate number, and trailer tag number. The term does not include the driver's name.

The bill provides that driver information contained in a UTC may not be used for commercial solicitation purposes.

An agency may release driver information in accordance with any of the permissible uses listed in 18 U.S.C. s. 2721(b), which are:

- For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.
- For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.
- For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only -

- to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and
- if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.
- For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.
- For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.
- For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.
- For use in providing notice to the owners of towed or impounded vehicles.
- For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.
- For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49.
- For use in connection with the operation of private toll transportation facilities.
- For any other use in response to requests for individual motor vehicle records if the State has obtained the express consent of the person to whom such personal information pertains.
- For bulk distribution for surveys, marketing or solicitations if the State has obtained the express consent of the person to whom such personal information pertains.
- For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.
- For any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.

The public records exemption is subject to the Open Government Sunset Review Act and shall stand repealed on October 2, 2027, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill contains the following two statements of public necessity:

- The Legislature finds that it is a public necessity that crash reports that reveal personal information concerning parties involved in a crash and the computerized crash report data be confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Crash reports reveal significant personal information, not only about drivers involved in a crash but also about motor vehicle owners, motor vehicle passengers, and other witnesses and about owners of nonvehicle property damaged in a crash. Pervasive use of the Internet and related technologies abet those with malicious purposes in exploiting the use of personal information, such as a motorist's date of birth, driver license number, and address, creating ever-expanding threats to motorist privacy and security never envisioned in generations past. Moreover, ever-increasing use of information technology for the preparation, submission, and management of crash reports has led agencies to hold vast

repositories of computerized crash report data, which includes such personal information. Motorist personal information, when held by the DHSMV in motor vehicle records, is confidential pursuant to the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2), Florida Statutes. These restrictions on disclosure of motorist personal information, however, have not applied to personal information contained in crash reports. When crash reports and computerized crash report data are made available to the public, because they comprise much of the same personal information contained in motor vehicle records, the protections afforded by the federal Driver's Privacy Protection Act of 1994 are significantly undermined, eroding the privacy and safety of motorists. Therefore, the Legislature finds that it is a public necessity to make confidential and exempt from public records requirements crash reports that reveal personal information and computerized crash report data.

- The Legislature finds that it is a public necessity that driver information contained in a uniform traffic citation held by an agency be exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Uniform traffic citations reveal significant personal information about drivers issued a citation. Pervasive use of the Internet and related technologies abet those with malicious purposes in exploiting the use of personal information, such as a motorist's date of birth, driver license number, and address, creating ever-expanding threats to motorist privacy and security never envisioned in generations past. Motorist personal information, when held by the DHSMV in motor vehicle records, is confidential pursuant to the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2), Florida Statutes. These restrictions on disclosure of motorist personal information, however, have not applied to driver information contained in uniform traffic citations. When driver information contained in uniform traffic citations is made available to the public, because it comprises much of the same personal information contained in motor vehicle records, the protections afforded by the federal Driver's Privacy Protection Act of 1994 are significantly undermined, eroding the privacy and safety of motorists. Therefore, the Legislature finds that it is a public necessity to make exempt from public records requirements driver information contained in uniform traffic citations.

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:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for personal and driver information contained in a uniform traffic citation, crash report and computerized crash report data, thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 3 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect personal and driver information contained in a uniform traffic citation, crash report and computerized crash report data. This bill exempts only the date of birth, driver license number, address excluding the five-digit zip code, telephone number, motor vehicle license plate number, and trailer tag number. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

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:

Business entities which currently acquire and use driver information to generate revenue, may be negatively impacted by the provisions of the bill.

C. Government Sector Impact:

Government entities which provide information contained in a crash report, computerized crash report data, and a UTC may be negatively impacted due to any costs associated with redacting information covered by the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.066 and 316.650.

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 18, 2022:

The committee substitute:

- Clarifies current practice with respect to third parties acting on behalf of entities exempt from the public record exemption. Third parties acting on behalf of persons or entities who are authorized access to crash reports under this legislation may continue to access the report. The third party may only redisclose the report to the entity they are acting on behalf of; and
- Removes conflicting language regarding disclosing crash reports to third parties, and clarifies that crash reports may not be redisclosed for solicitation.

B. Amendments:

None.



760180

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2022	.	
	.	
	.	
	.	

The Committee on Transportation (Harrell) recommended the following:

Senate Amendment (with title amendment)

Delete lines 45 - 55

and insert:

(b)1. Crash reports held by an agency under paragraph (a) may be made ~~immediately~~ available to the parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial



760180

11 authorities, law enforcement agencies, the Department of
12 Transportation, the Department of Health, county and municipal
13 traffic operations, victim services programs, and any federal,
14 state, or local governmental agency in carrying out its
15 functions.

16 2. A crash report may also be made available to any third
17 party acting on behalf of a person or entity authorized under
18 subparagraph 1. to access the crash report, except that the
19 third party may redisclose the crash report only to the person
20 or entity authorized to access the crash report under
21 subparagraph 1. on whose behalf the third party has sought the
22 report ~~radio and~~

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

25 And the title is amended as follows:

26 Delete line 9

27 and insert:

28 be made available; specifying a limitation on
29 redisclosing crash reports by third parties; requiring
30 certain entities to enter



499296

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2022	.	
	.	
	.	
	.	

The Committee on Transportation (Harrell) recommended the following:

Senate Amendment

Delete lines 92 - 101
and insert:
crash report under paragraph (b), and agreement to refrain from
using the ~~with the state or local agency in possession of the~~
~~information stating that information from a crash report made~~
~~confidential and exempt by this section will not be used for any~~
commercial solicitation ~~of accident victims,~~ or knowingly
redisclosing the crash report disclosed to any third party for



499296

11 the purpose of such solicitation, ~~during the period of time that~~
12 ~~the information~~

By Senator Harrell

25-01654A-22

20221614__

A bill to be entitled

An act relating to public records; amending s. 316.066, F.S.; revising an exemption from public records requirements for written reports of motor vehicle crashes; revising the agencies holding records to which the exemption applies; removing a time limit for the exemption; providing retroactive applicability; revising entities to which records may be made available; requiring certain entities to enter into a memorandum of understanding; revising conditions precedent to accessing a crash report; exempting certain computerized crash report data held by an agency from public records requirements; providing retroactive applicability; providing construction; providing for future legislative review and repeal of the exemptions; revising applicability of penalties; amending s. 316.650, F.S.; defining the term "driver information"; providing an exemption from public records requirements for driver information contained in a uniform traffic citation; providing retroactive applicability; authorizing the release of driver information under certain circumstances; providing for future legislative review and repeal of the exemption; revising a prohibition against the use of driver information for commercial solicitation purposes; providing statements of public necessity; providing an effective date.

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

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

25-01654A-22

20221614__

Section 1. Subsections (2) and (3) of section 316.066, Florida Statutes, are amended to read:

316.066 Written reports of crashes.—

(2) (a) Crash reports that reveal the identity of, home or employment telephone number or home or employment address of, or other personal information concerning the parties involved in the crash and that are held by an any agency as defined in s. 119.011 that regularly receives or prepares information from or concerning the parties to motor vehicle crashes are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to such crash reports held by an agency before, on, or after the effective date of the exemption for a period of 60 days after the date the report is filed.

(b) Crash reports held by an agency under paragraph (a) may be made ~~immediately~~ available to the parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial authorities, law enforcement agencies, the Department of Transportation, the Department of Health, county and municipal traffic operations, victim services programs, and any private person or entity acting on behalf of a federal, state, or local governmental agency in carrying out its functions ~~radio and television stations licensed by the Federal Communications Commission, newspapers qualified to publish legal notices under ss. 50.011 and 50.031, and, in accordance with paragraph (f),~~

Page 2 of 10

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

25-01654A-22

20221614__

59 ~~free newspapers of general circulation, published once a week or~~
 60 ~~more often, of which at least 7,500 copies are distributed by~~
 61 ~~mail or by carrier as verified by a postal statement or by a~~
 62 ~~notarized printer's statement of press run, which are intended~~
 63 ~~to be generally distributed and circulated, and which contain~~
 64 ~~news of general interest with at least 10 pages per publication,~~
 65 ~~available and of interest to the public generally for the~~
 66 ~~dissemination of news. For the purposes of this section, the~~
 67 ~~following products or publications are not newspapers as~~
 68 ~~referred to in this section: those intended primarily for~~
 69 ~~members of a particular profession or occupational group; those~~
 70 ~~with the primary purpose of distributing advertising; and those~~
 71 ~~with the primary purpose of publishing names and other personal~~
 72 ~~identifying information concerning parties to motor vehicle~~
 73 ~~crashes.~~

74 (c) A federal, state, or ~~Any~~ local governmental, ~~state, or~~
 75 federal agency, or any private person or entity acting on behalf
 76 of a federal, state, or local governmental agency in carrying
 77 out its functions, which ~~that~~ is authorized to ~~have~~ access ~~to~~
 78 crash reports by any provision of law shall be granted such
 79 access in the furtherance of the agency's statutory duties
 80 pursuant to a memorandum of understanding approved by the agency
 81 holding the crash reports which requires that personal
 82 information contained in the crash reports remain confidential
 83 and exempt.

84 (d) As a condition precedent to accessing a crash report
 85 ~~within 60 days after the date the report is filed,~~ a person must
 86 submit to the agency that holds the crash report, in a format
 87 prescribed by the agency, ~~present a valid driver licence or~~

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20221614__

88 ~~other photographic identification, proof of status, or~~
 89 ~~identification that demonstrates his or her qualifications to~~
 90 ~~access that information and file a written sworn statement~~
 91 ~~attesting to the person's identity, authority to access the~~
 92 ~~crash report under paragraph (b), and agreement to keep the ~~with~~~~
 93 ~~the state or local agency in possession of the information~~
 94 ~~stating that information from a crash report ~~made~~ confidential~~
 95 ~~and refrain from using the crash report ~~exempt~~ by this section~~
 96 ~~will not be used for ~~any~~ commercial solicitation of accident~~
 97 ~~victims, ~~or~~ knowingly disclosing the crash report ~~disclosed~~ to~~
 98 ~~any third party for the purpose of such solicitation, ~~or~~~~
 99 ~~knowingly disclosing the crash report to any third party that is~~
 100 ~~not authorized by this section to access such personal~~
 101 ~~information during the period of time that the information~~
 102 ~~remains confidential and exempt. Such ~~written~~ sworn statement~~
 103 ~~must be completed and sworn to by the requesting party for each~~
 104 ~~individual crash report that is being requested ~~within 60 days~~~~
 105 ~~after the report is filed. In lieu of requiring the ~~written~~~~
 106 ~~sworn statement, an agency may provide crash reports by~~
 107 ~~electronic means pursuant to a memorandum of understanding that~~
 108 ~~requires ~~third-party vendors under contract with one or more~~~~
 109 ~~insurers, but only when such contract states that personal~~
 110 ~~information contained in ~~from~~ a crash report ~~remain~~ ~~made~~~~
 111 ~~confidential and exempt ~~and prohibits such personal information~~~~
 112 ~~from being ~~by this section will not be~~ used for ~~any~~ commercial~~
 113 ~~solicitation ~~of accident victims by the vendors,~~ or knowingly~~
 114 ~~disclosed ~~by the vendors~~ to any third party who is ~~not~~~~
 115 ~~authorized by this section to access such personal information~~
 116 ~~for the purpose of such solicitation, during the period of time~~

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117 ~~that the information remains confidential and exempt, and only~~
 118 ~~when a copy of such contract is furnished to the agency as proof~~
 119 ~~of the vendor's claimed status.~~

120 (e) This subsection does not prohibit an agency from
 121 providing summary reports of crashes to radio and television
 122 stations, newspapers, and other news media, which reports may
 123 disclose information about crashes, including, but not limited
 124 to, the time, date, and location of a crash; the name, age,
 125 gender, race, and ethnicity of any driver involved in the crash;
 126 a general description of any vehicle involved in the crash,
 127 including the vehicle's color, make, model, body style, and
 128 year; the names of the law enforcement agencies and officers
 129 responding to the scene or investigating the crash; the
 130 circumstances of the crash; and whether any arrests were made or
 131 traffic citations were issued prevent the dissemination or
 132 publication of news to the general public by any legitimate
 133 media entitled to access confidential and exempt information
 134 pursuant to this section.

135 (f) If crash reports are created by or submitted to an
 136 agency electronically as data elements within a computerized
 137 database, or if personal information from a crash report is
 138 entered into a computerized database, such crash report data
 139 held by an agency is confidential and exempt from s. 119.07(1)
 140 and s. 24(a), Art. I of the State Constitution. This exemption
 141 applies to such crash report data held by an agency before, on,
 142 or after the effective date of the exemption. This paragraph
 143 does not prevent an agency from disclosing:

144 1. A crash report pursuant to paragraphs (b)-(d) which is
 145 rendered as an individual report in its original format, whether

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146 printed as a paper document or provided in electronic format
 147 such as Portable Document Format or Tagged Image File Format.

148 2. Extracts of crash report data if all personal
 149 information is omitted from the extracts.

150 (g) ~~Free newspapers of general circulation published once a~~
 151 ~~week or more often, of which at least 7,500 copies are~~
 152 ~~distributed by mail or by carrier as verified by a postal~~
 153 ~~statement or by a notarized printer's statement of press run,~~
 154 ~~which are intended to be generally distributed and circulated,~~
 155 ~~which contain news of general interest with at least 10 pages~~
 156 ~~per publication, available and of interest to the public~~
 157 ~~generally for the dissemination of news, and which request 10 or~~
 158 ~~more crash reports within a 24 hour period before 60 days have~~
 159 ~~elapsed after the report is filed may not have access to the~~
 160 ~~home, cellular, employment, or other telephone number or the~~
 161 ~~home or employment address of any of the parties involved in the~~
 162 ~~crash.~~ This subsection paragraph is subject to the Open
 163 Government Sunset Review Act in accordance with s. 119.15 and
 164 shall stand repealed on October 2, ~~2019~~ 2027, unless reviewed
 165 and saved from repeal through reenactment by the Legislature.

166 (3) (a) A ~~Any~~ driver failing to file the written report
 167 required under subsection (1) commits a noncriminal traffic
 168 infraction, punishable as a nonmoving violation as provided in
 169 chapter 318.

170 (b) An ~~Any~~ employee of an ~~a state or local~~ agency, as
 171 defined in s. 119.011, in possession of information made
 172 confidential and exempt by this section who knowingly discloses
 173 such confidential and exempt information to a person not
 174 entitled to access such information under this section commits a

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175 felony of the third degree, punishable as provided in s.
176 775.082, s. 775.083, or s. 775.084.

177 (c) ~~A Any~~ person who, knowing that he or she is not
178 entitled to obtain information made confidential and exempt by
179 this section, ~~who~~ obtains or attempts to obtain such information
180 commits a felony of the third degree, punishable as provided in
181 s. 775.082, s. 775.083, or s. 775.084.

182 (d) ~~A Any~~ person who knowingly uses confidential and exempt
183 information in violation of a filed ~~written~~ sworn statement,
184 memorandum of understanding, or contractual agreement required
185 by this section commits a felony of the third degree, punishable
186 as provided in s. 775.082, s. 775.083, or s. 775.084.

187 Section 2. Subsection (11) of section 316.650, Florida
188 Statutes, is amended to read:

189 316.650 Traffic citations.—

190 (11)(a) As used in this subsection, the term "driver
191 information" means a driver's date of birth, driver license
192 number, address excluding the five-digit zip code, telephone
193 number, motor vehicle license plate number, and trailer tag
194 number. The term does not include the driver's name.

195 (b)1. Driver information contained in a uniform traffic
196 citation held by an agency is exempt from s. 119.07(1) and s.
197 24(a), Art. I of the State Constitution. This paragraph applies
198 to driver information held by an agency before, on, or after the
199 effective date of the exemption.

200 2. An agency may release driver information in accordance
201 with any of the permissible uses listed in 18 U.S.C. s. 2721(b)
202 in the same manner applicable to the release of personal
203 information contained in a motor vehicle record pursuant to s.

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204 119.0712(2)(b).

205 3. This paragraph is subject to the Open Government Sunset
206 Review Act in accordance with s. 119.15 and shall stand repealed
207 on October 2, 2027, unless reviewed and saved from repeal
208 through reenactment by the Legislature.

209 (c) Driver information contained in a uniform traffic
210 citation ~~may, which includes but is not limited to, the accused~~
211 ~~person's name and address, shall not be used for commercial~~
212 ~~solicitation purposes. However, the use of such driver~~
213 ~~information contained in a uniform traffic citation shall not be~~
214 ~~considered a commercial purpose when used for publication in a~~
215 ~~newspaper or other news periodical, when used for broadcast by~~
216 ~~radio or television, or when used to inform a person of the~~
217 ~~availability of driver safety training.~~

218 Section 3. (1) The Legislature finds that it is a public
219 necessity that crash reports that reveal personal information
220 concerning parties involved in a crash and the computerized
221 crash report data be confidential and exempt from s. 119.07(1),
222 Florida Statutes, and s. 24(a), Article I of the State
223 Constitution. Crash reports reveal significant personal
224 information, not only about drivers involved in a crash but also
225 about motor vehicle owners, motor vehicle passengers, and other
226 witnesses and about owners of nonvehicle property damaged in a
227 crash. Pervasive use of the Internet and related technologies
228 abet those with malicious purposes in exploiting the use of
229 personal information, such as a motorist's date of birth, driver
230 license number, and address, creating ever-expanding threats to
231 motorist privacy and security never envisioned in generations
232 past. Moreover, ever-increasing use of information technology

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 233 for the preparation, submission, and management of crash reports
 234 has led agencies to hold vast repositories of computerized crash
 235 report data, which includes such personal information. Motorist
 236 personal information, when held by the Department of Highway
 237 Safety and Motor Vehicles in motor vehicle records, is
 238 confidential pursuant to the federal Driver's Privacy Protection
 239 Act of 1994, 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2),
 240 Florida Statutes. These restrictions on disclosure of motorist
 241 personal information, however, have not applied to personal
 242 information contained in crash reports. When crash reports and
 243 computerized crash report data are made available to the public,
 244 because they comprise much of the same personal information
 245 contained in motor vehicle records, the protections afforded by
 246 the federal Driver's Privacy Protection Act of 1994 are
 247 significantly undermined, eroding the privacy and safety of
 248 motorists. Therefore, the Legislature finds that it is a public
 249 necessity to make confidential and exempt from public records
 250 requirements crash reports that reveal personal information and
 251 computerized crash report data.

252 (2) The Legislature finds that it is a public necessity
 253 that driver information contained in a uniform traffic citation
 254 held by an agency be exempt from s. 119.07(1), Florida Statutes,
 255 and s. 24(a), Article I of the State Constitution. Uniform
 256 traffic citations reveal significant personal information about
 257 drivers issued a citation. Pervasive use of the Internet and
 258 related technologies abet those with malicious purposes in
 259 exploiting the use of personal information, such as a motorist's
 260 date of birth, driver license number, and address, creating
 261 ever-expanding threats to motorist privacy and security never

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 262 envisioned in generations past. Motorist personal information,
 263 when held by the Department of Highway Safety and Motor Vehicles
 264 in motor vehicle records, is confidential pursuant to the
 265 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.
 266 2721 et seq., and s. 119.0712(2), Florida Statutes. These
 267 restrictions on disclosure of motorist personal information,
 268 however, have not applied to driver information contained in
 269 uniform traffic citations. When driver information contained in
 270 uniform traffic citations is made available to the public,
 271 because it comprises much of the same personal information
 272 contained in motor vehicle records, the protections afforded by
 273 the federal Driver's Privacy Protection Act of 1994 are
 274 significantly undermined, eroding the privacy and safety of
 275 motorists. Therefore, the Legislature finds that it is a public
 276 necessity to make exempt from public records requirements driver
 277 information contained in uniform traffic citations.

278 Section 4. This act shall take effect July 1, 2022.

THE FLORIDA SENATE
APPEARANCE RECORD

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

12/8/22

Meeting Date

1614

Bill Number (if applicable)

760180

Amendment Barcode (if applicable)

Topic motor vehicle crash reports

Name Bill Cotterall

Job Title _____

Address 218 S. Monroe St

Street

Phone _____

Tallahassee

FL

32301

City

State

Zip

Email wcotterall@myfja.org

Speaking: For Against Information

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

Representing Florida Justice Assoc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

1/18/22

Meeting Date

1614

Bill Number (if applicable)

Topic motor vehicle crash reports

Amendment Barcode (if applicable)

Name Bill Cotterall

Job Title _____

Address 215 S Monroe St

Phone _____

Street

Tallahassee FL 32301

Email wcotterall@myfla.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida Justice Assoc

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

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

1-18-22

Meeting Date

1614

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name Virginia Hamrick

Phone 850-222-3518

Address Street

Email vhamrick@floridafaf.org

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:

First Amendment Foundation

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)

APPEARANCE RECORD

1/18/2022
Meeting Date

1614
Bill Number or Topic

Transportation
Committee

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

~~S. Morley@flpress.com~~
Amendment Barcode (if applicable)

Name Sam Morley

Phone 850 212 4385

Address 331 E. College Ave.
Street

Email S.Morley@flpress.com

Tallahassee FL 32312
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:
Florida Press Association

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

APPEARANCE RECORD

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

1/18/22

Meeting Date

1614

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name Kevin Jacobs

Phone (850) 617-3195

Address 2900 Apalachee Pkwy

Street

Email Kevin.Jacobs@flhsmv.gov

Tallahassee

FL

32399

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:

FLHSMV

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 12th and January 18th. 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

WILTON SIMPSON
President of the Senate

AARON BEAN
President Pro Tempore

CourtSmart Tag Report

Room: SB 110
Caption: Senate Transportation Committee

Case No.:

Type:
Judge:

Started: 1/18/2022 3:31:55 PM

Ends: 1/18/2022 4:01:00 PM

Length: 00:29:06

3:31:54 PM Meeting called to order by Chair Harrell
3:31:58 PM Roll call by CAA Marilyn Hudson
3:32:07 PM Quorum present
3:32:22 PM Comments from Chair Harrell
3:32:42 PM Introduction of Tab 1, SB 144 by Chair Harrell
3:33:08 PM Explanation of SB 144, Identification Cards by Senator Hutson
3:33:25 PM Comments from Chair Harrell
3:33:31 PM Question from Senator Berman
3:33:37 PM Response from Senator Hutson
3:34:00 PM Follow-up question from Senator Berman
3:34:06 PM Response from Senator Hutson
3:34:29 PM Follow-up question from Senator Berman
3:34:36 PM Response from Senator Hutson
3:34:55 PM Comments from Chair Harrell
3:35:07 PM Closure waived
3:35:09 PM Roll call by CAA
3:35:14 PM SB 144 reported favorably
3:35:22 PM Comments from Chair Harrell
3:35:42 PM Chair turned over to Senator Perry
3:35:50 PM Introduction of Tab 6, SB 1614 by Chair Perry
3:35:57 PM Explanation of SB 1614, Public Records/Motor Vehicle Crashes/Traffic Citations by Senator Harrell
3:39:32 PM Introduction of Amendment Barcode No. 760180 by Chair Perry
3:39:45 PM Explanation of Amendment by Senator Harrell
3:40:20 PM Question from Senator Berman
3:40:25 PM Response from Senator Harrell
3:41:07 PM Follow-up question from Senator Berman
3:41:14 PM Response from Senator Harrell
3:41:37 PM Bill Cotterall, Florida Justice Association waives in support
3:41:55 PM Closure waived
3:42:01 PM Amendment adopted
3:42:04 PM Introduction of Amendment Barcode No. 499296 by Chair Perry
3:42:08 PM Explanation of Amendment by Senator Harrell
3:42:22 PM Comments from Chair Perry
3:42:26 PM Closure waived
3:42:30 PM Amendment adopted
3:42:34 PM Comments from Chair Perry
3:42:41 PM Question from Senator Berman
3:42:45 PM Response from Senator Harrell
3:43:44 PM Follow-up question from Senator Berman
3:43:54 PM Response from Senator Harrell
3:44:17 PM Speaker Kevin Jacobs, Florida Department of Highway Safety and Motor Vehicles
3:45:09 PM Comments from Chair Perry
3:45:13 PM Speaker Sam Morley, Florida Press Association in opposition
3:47:18 PM Speaker Virginia Hamrick, First Amendment Foundation in opposition
3:47:41 PM Bill Cotterall, Florida Justice Association waives in support
3:48:23 PM Comments from Chair Perry
3:48:27 PM Senator Berman in debate
3:49:15 PM Senator Harrell in closure
3:49:19 PM Roll call by CAA
3:49:44 PM CS/SB 1614 reported favorably
3:49:58 PM Chair returned to Senator Harrell
3:50:05 PM Introduction of Tab 2, SB 702 by Chair Harrell

3:50:34 PM Explanation of SB 702, Photographic Enforcement of School Bus Safety by Senator Burgess, presented by Senator Perry

3:51:03 PM Comments from Chair Harrell

3:51:09 PM Monte Stevens, AAA waives in support

3:51:23 PM Mary-Lynn Cullens, Advocacy Institute for Children waives in support

3:51:36 PM Karen Mazzola, Florida PTA waives in support

3:51:54 PM Melissa Mapp Francisco waives in support

3:52:07 PM Comments from Chair Harrell

3:52:13 PM Senator Berman in debate

3:52:28 PM Senator Perry in closure

3:52:48 PM Roll call by CAA

3:52:54 PM SB 702 reported favorably

3:53:04 PM Introduction of Tab 3, SB 1160 by Chair Harrell

3:53:20 PM Explanation of SB 1160, Transportation Research by Senator Perry

3:53:52 PM Comments from Chair Harrell

3:53:59 PM Annie-Grace Lewis, Florida Chamber of Commerce Autonomous Florida Initiative waives in support

3:54:20 PM Comments from Chair Harrell

3:54:26 PM Closure waived

3:54:29 PM Roll call by CAA

3:54:36 PM SB 1160 reported favorably

3:54:47 PM Introduction of Tab 4, SB 1414 by Chair Harrell

3:55:04 PM

3:55:35 PM Comments from Chair Harrell

3:55:35 PM Explanation of SB 1414, Driving Over the Speed Limit by Senator Burgess, presented by Senator Perry

3:55:43 PM Monte Stevens, AAA in support

3:55:49 PM Speaker David Shepp, Polk County Sheriff's Office in support

3:56:47 PM Comments from Chair Harrell

3:56:57 PM Closure by Senator Perry

3:57:08 PM Roll call by CAA

3:57:13 PM SB 1414 reported favorably

3:57:25 PM Chair turned over to Senator Perry

3:57:36 PM Introduction of Tab 5, SB 1582 by Chair Perry

3:57:47 PM Explanation of SB 1582, Motor Vehicle Registration by Senator Harrell

3:59:33 PM Comments from Chair Perry

3:59:37 PM Chris Dudley, The Southern Group waives in support

3:59:43 PM Comments from Chair Perry

3:59:47 PM Closure waived

3:59:50 PM Roll call by CAA

3:59:55 PM SB 1582 reported favorably

4:00:02 PM Chair returned to Senator Harrell

4:00:11 PM Comments from Chair Harrell

4:00:17 PM Senator Jones would like to be shown voting in the affirmative on SB 144, SB 702, SB 1160 and SB 1414, and in the negative on SB 1614

4:00:36 PM Comments from Chair Harrell

4:00:42 PM Senator Perry moves to adjourn

4:00:47 PM Meeting adjourned