

<b>Tab 4 SB 906 by Brandes; (Identical to H 01519) Fleet Management</b>							
145520	A	S	RCS	TR, Brandes	Delete L.56 - 86:		02/03 08:35 AM

<b>Tab 5 SB 990 by Diaz; (Similar to H 00867) Towing Vehicles</b>							
580454	A	S	RS	TR, Rodriguez	Delete L.67 - 90:		02/03 08:35 AM
174996	SA	S	RCS	TR, Rodriguez	Delete L.67 - 90:		02/03 08:35 AM

<b>Tab 6 SB 1178 by Broxson; (Similar to H 00091) License Plates</b>							
738904	D	S	RCS	TR, Broxson	Delete everything after		02/03 08:35 AM

<b>Tab 7 SB 1954 by Wright; (Identical to H 01435) Code and Traffic Enforcement</b>							
294294	A	S	RCS	TR, Wright	Delete L.43 - 93:		02/03 08:35 AM

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

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

**MEETING DATE:** Wednesday, February 2, 2022  
**TIME:** 8:30—10:30 a.m.  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Building

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

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<b>Senate Confirmation Hearing:</b> A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
<b>Central Florida Expressway Authority</b>			
1	Martinez, Rafael E. (Orlando)	12/31/2022	Recommend Confirm Yeas 7 Nays 0
2	Maier, Christopher (Orlando)	12/31/2022	Recommend Confirm Yeas 7 Nays 0
<b>Florida Transportation Commission</b>			
3	Lastra, Alex (Miami)	09/30/2023	Recommend Confirm Yeas 7 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 906</b> Brandes (Identical H 1519)	Fleet Management; Requiring the Department of Management Services to prepare an inventory of state-owned motor vehicles, maintenance facilities, and fuel depots; requiring the department to create, administer, and maintain a centralized management system for the motor vehicle fleet, maintenance facilities, and fuel depots; requiring the department to consolidate the management of existing state-owned motor vehicles, maintenance facilities, fuel depots, and certain full-time equivalent and other-personal-services positions, etc.	Fav/CS Yeas 7 Nays 0
		TR 02/02/2022 Fav/CS AEG AP	

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Wednesday, February 2, 2022, 8:30—10:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	<b>SB 990</b> Diaz (Similar H 867)	Towing Vehicles; Prohibiting investigating agencies from releasing motor vehicles towed to an agency's storage facility until certain proof of payment is presented to the agency; specifying that investigating agencies that do not obtain proof of payment must pay certain charges within a specified timeframe; prohibiting towing companies from releasing vehicles owned by rental car companies which are towed under certain circumstances, to the person who rented the vehicle unless the rental car company appoints the person as its agent, etc.	Fav/CS Yeas 7 Nays 0
		CA 01/18/2022 Favorable TR 02/02/2022 Fav/CS RC	
6	<b>SB 1178</b> Broxson (Similar H 91, Compare H 815, S 812)	License Plates; Requiring, rather than authorizing, the corporation managing the correctional work programs of the Department of Corrections to manufacture license plates; deleting provisions relating to the authority of the Department of Highway Safety and Motor Vehicles to conduct a pilot program to evaluate the designs, concepts, and technologies for alternative license plates; authorizing motor vehicles to be equipped with digital license plates by a specified date; authorizing the Department of Highway Safety and Motor Vehicles to contract with digital license plate providers, etc.	Fav/CS Yeas 7 Nays 0
		TR 02/02/2022 Fav/CS ATD AP	
7	<b>SB 1954</b> Wright (Identical H 1435)	Code and Traffic Enforcement; Authorizing a sheriff or chief administrative officer of a county or municipality to designate a special event zone under certain circumstances on a roadway, street, or highway; authorizing a law enforcement officer to impound the motor vehicle of a person who commits a noncriminal traffic infraction or a criminal traffic violation in a special event zone; revising the types of soundmaking devices or instruments subject to the prohibition against operating or amplifying sound from within a motor vehicle in a certain manner; prohibiting such operation or amplification in areas adjoining private residences, etc.	Fav/CS Yeas 7 Nays 0
		TR 02/02/2022 Fav/CS CA RC	
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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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**BILL:** CS/SB 906

**INTRODUCER:** Transportation Committee and Senator Brandes

**SUBJECT:** Fleet Management

**DATE:** February 2, 2022      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Vickers	TR	<b>Fav/CS</b>
2.			AEG	
3.			AP	

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

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**I. Summary:**

CS/SB 906 requires the Department of Management Services (DMS) to prepare an inventory of all state-owned vehicles, maintenance facilities, and fuel depots and submit it to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2022.

The bill creates the Fleet Operations Management Pilot Program within the DMS to assess the potential for cost savings through a contract for privatizing the management and operation of state-owned vehicles, vehicle acquisitions and disposition, maintenance facilities, and fuel operations.

By October 1, 2023, the DMS and 3 state entities selected by DMS must use a competitively procured contract for privatization. By October 1, 2024, the DMS must select ten additional state entities to use the same contract, and by October 1, 2025, the DMS must direct all state entities to utilize the same contract. Annually, beginning September 1, 2024, the DMS must compile a report, to include its findings and recommendations of the pilot program, and submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The DMS may incur indeterminate costs associated with the preparation of the inventory, along with the process of privatizing select state management and operation activities. See Section V. Fiscal Impact Statement.

The bill takes effect upon becoming law.

## II. Present Situation:

### Acquisition, Assignment, and Use of Motor Vehicles and Watercraft

The DMS has the authority to adopt and enforce rules for the efficient and safe use, operation, maintenance, repair, disposal, and replacement of all state-owned or state-leased aircraft, watercraft and motor vehicles assigned.<sup>1</sup> Rules 60B-1.001–1.013, F.A.C., provide for the acquisition, assignment, and use of motor vehicles owned by the state.<sup>2</sup>

No state agency can purchase, lease, or acquire any motor vehicle, watercraft, or aircraft of any type unless prior approval from the DMS. The DMS approval is not required for the short-term lease of motor vehicles by state agencies.<sup>3</sup> Special authorization, with approval from the DMS, is given to the Department of Children and Families, the Agency for Persons with Disabilities, and the Department of Corrections to secure motor vehicles for use at residential facilities, centers, and county health departments.<sup>4</sup>

All state-owned or leased vehicles will be assigned to and operated in conformance with the regulations pertaining to one of the following classes of assignment:

- Class A – Pool assignment,<sup>5</sup>
- Class B – Limited use assignment,<sup>6</sup> and
- Class C – Special assignment.<sup>7</sup>

Except when otherwise specifically authorized by law, all state-owned vehicles are required to carry an official state license plate.<sup>8</sup>

### Bureau of Fleet Management and Federal Property Assistance

The Bureau of Fleet Management (Bureau) within the Division of Specialized Services provides oversight responsibility for the state's fleet of motor vehicles and mobile equipment, along with the federal surplus property program. The Bureau's programs include fleet management, federal property assistance, and aircraft operations.<sup>9</sup>

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<sup>1</sup> Section 287.16(6), F.S. establishes rule making authority for the Department of Management Services.

<sup>2</sup> Rules 60B-1.001 – 60B-1.013, F.A.C.

<sup>3</sup> Section 287.15, F.S.

<sup>4</sup> Section 287.155, F.S.

<sup>5</sup> Rule 60B-1.006, F.A.C., defines “pool vehicle assignment” to mean vehicles which are centrally controlled and made available for specific trips and returned to the pool upon completion of the trips.

<sup>6</sup> Rule 60B-1.007, F.A.C., defines “limited use assignment” to mean State-owned or leased passenger vehicles required by an employee or position to conduct official state business and which are required for use 15 or more work days per month but do not classify as special assignment vehicles.

<sup>7</sup> Rule 60B-1.008, F.A.C., defines “special assignment” to mean vehicles which are state-owned or leased vehicles and are: 1) officially authorized as a prerequisite by the Department of Management Services, 2) required by an employee after normal duty hours to perform duties of the position to which he is assigned, or 3) assigned to an employee whose home is his official base of operation

<sup>8</sup> Section 287.16, F.S.

<sup>9</sup> The Department of Management Services, *Fleet Management and Federal Property Assistance*, available at [https://www.dms.myflorida.com/business\\_operations/fleet\\_management\\_and\\_federal\\_property\\_assistance](https://www.dms.myflorida.com/business_operations/fleet_management_and_federal_property_assistance) (last visited, January 28, 2022).

The Bureau oversees fleet management, which manages the purchase, operation, maintenance, and disposal of the state’s fleet of motor vehicles and watercraft. The state’s fleet currently includes approximately 25,000 assets of 30 agencies.<sup>10</sup> The fleet includes automobiles, light trucks, heavy trucks, aircraft, construction and industrial equipment, trailers, tractors, motorcycles, all-terrain vehicles, boats, airboats, and boat engines. The Bureau is responsible for four areas of fleet management which include: the purchase of mobile equipment, the Fleet Information Management System (FIMS), the disposal of mobile equipment, and the surplus state vehicles and equipment auctions.<sup>11</sup>

The FIMS, is used to provide management and cost information required to effectively manage the state’s fleet. The FIMS also provides accountability of equipment use and expenditures. The system requires agencies to keep records and provide reports regarding the effective use, operation, maintenance, repair, and replacement of motor vehicles. The system also assures the safe use of motor vehicles and their used solely for state business.<sup>12</sup> The FIMS system does not account for maintenance facilities and fuel depots.

**State Agency Fleets**

Table 1 provides the total fleet count of state agencies.

**Table 1. Agency Fleets**

Agency	Total Fleet Count
Agriculture and Consumer Services	3,676
Agency for Health Care Administration	2
Agency for Persons with Disabilities	316
Business and Professional Regulation	705
Citrus Commission	2
Children and Families	598
Economic Opportunities	7
Environmental Protection	1,706
Financial Services	754
Juvenile Justice	771
Law Enforcement	1,156
Military Affairs	118
Management Services	82
Education	62
Health	496
Lottery	267
Revenue	23

<sup>10</sup> The Department of Management Services, *Fleet Management*, available at [https://www.dms.myflorida.com/business\\_operations/fleet\\_management\\_and\\_federal\\_property\\_assistance/fleet\\_management](https://www.dms.myflorida.com/business_operations/fleet_management_and_federal_property_assistance/fleet_management) (last visited January 28, 2022).

<sup>11</sup> *Ibid.*

<sup>12</sup> The Department of Management Services, *The Fleet Information Management System*, available at [https://www.dms.myflorida.com/business\\_operations/fleet\\_management\\_and\\_federal\\_property\\_assistance/fleet\\_management/fleet\\_management\\_information\\_system](https://www.dms.myflorida.com/business_operations/fleet_management_and_federal_property_assistance/fleet_management/fleet_management_information_system), (last visited January 28, 2022).

<b>Agency</b>	<b>Total Fleet Count</b>
State	27
Transportation	3,716
Veterans' Affairs	33
Executive Office of the Governor	53
Florida Commission on Offender Review	3
Corrections	3,949
Fish and Wildlife Conservation Commission	3,533
Highway Safety and Motor Vehicles	4,273
Justice Administration Commission	798
Office of the Attorney General	200
Public Service Commission	33
School for the Deaf and Blind	58
<b>TOTALS</b>	<b>27,417<sup>13</sup></b>

**Business Case for Outsourcing Projects**

Section 287.0571, F.S., provides that an agency should complete a business case for any outsourcing projects that have an expected cost in excess of \$10 million within a single fiscal year. The business case should be available for solicitation and must include the following:

- A detailed description of the service or activity for which the outsourcing is proposed;
- A description and analysis of the state agency’s current performance, based on existing performance metrics if the state agency is currently performing the service or activity;
- The goals desired to be achieved through the proposed outsourcing and the rationale for such goals;
- A citation to the existing or proposed legal authority for outsourcing and the rationale for such goals;
- A description of available options for achieving the goals. If state employees are currently performing the service or activity, at least one option maintain state provision of the service or activity must be included;
- An analysis of the advantages and disadvantages of each option, including, at a minimum, potential performance improvements and risks;
- A description of the current market for the contractual services that are under consideration for outsourcing;
- A cost-benefit analysis documenting the direct and indirect specific baseline costs, savings, and qualitative and quantitative benefits involved in or resulting from the implementation of the recommended option or options;
- A description of differences among current state agency policies and processes and, as appropriate, a discussion of options for or a plan to standardize, consolidate, or revise current policies and processes, if any, to reduce the customization of any proposed solution that would otherwise be required;

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<sup>13</sup> Email from Sam Kerce, Deputy Director of Legislative Affairs, Department of Management Services, Fleet Data (September 3, 2021) (on file with the Senate Committee on Transportation).

- A description of the specific performance standards that must, at a minimum, be met to ensure adequate performance;
- The projected timeframe for key events from the beginning of the procurement process through the expiration of a contract;
- A plan to ensure compliance with the public records law;
- A specific and feasible contingency plan addressing contractor nonperformance and a description of the tasks involved in and costs required for its implementation;
- A state agency's transition plan for addressing changes in the number of agency personnel, affected business processes, employee transition issues, and communication with affected stakeholders, such as agency clients and the public. The transition plan must contain a reemployment and retraining assistance plan for employees who are not retained by the state agency or employed by the contractor; and
- A plan for ensuring access by persons with disabilities in compliance with applicable state and federal law.<sup>14</sup>

Business cases to outsource should be evaluated for feasibility, cost-effectiveness, and efficiency before a state agency proceeds with any outsourcing of services.<sup>15</sup>

### **2019-2020 Government Efficiency Task Force**

Approved by voters in 2006 by an amendment to the Florida Constitution, the Government Efficiency Task Force was required to meet, no later than January of 2007, and every four years thereafter for the purpose of developing recommendations to improve governmental operations and reduce costs.<sup>16</sup>

As recommended by Governor Ron DeSantis, Senate President Bill Galvano, and Speaker of the House Jose Oliva, the 2019-20 Task Force, established in September 2019, focused on efficiencies that can be gained through leveraging technology to better serve Floridians.<sup>17</sup>

The 2019-20 Task Force had numerous recommendations for the Legislature to consider. Such as, consolidating management of all state agency vehicles into one statewide fleet program under one state agency (either the DMS or the Department of Transportation) or third-party vendor with uniform standards for procurement, assignment utilization, maintenance, and disposal of fleet vehicles to reduce cost.<sup>18</sup> In addition, to explore usage patterns to identify where fleet vehicles could be best replaced by private industry alternatives, like state rental contracts, and to develop future plans for procurement and retention with a focus on reducing the cost of initial procurement, maintenance, use, and disposal.<sup>19</sup>

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<sup>14</sup> Section 287.0571(3)(a-o), F.S.

<sup>15</sup> Section 287.0571(2), F.S.

<sup>16</sup> FLA. CONST. art. III, s. 19(i).

<sup>17</sup> Florida Government Efficiency Task Force, *2019-20 Final Recommendations* (September 30, 2020) (on file with the Senate Committee on Transportation).

<sup>18</sup> *Ibid*, p. 6.

<sup>19</sup> *Ibid*, p. 22.



The states of Michigan, Massachusetts, Minnesota, and Tennessee are examples of states which have a centralized fleet management program, with some aspects outsourced to third parties.<sup>20</sup>

### **Fleet Management Business Case**

In 2013 the DMS contracted for a Fleet Management Business Case to be completed by Mercury Associates, Inc. The recommendations in the study presented to the DMS included:

- Centralization of Fleet Management:
  - The DMS should assume the primary role for managing fleet related activities across the enterprise (state), such as planning, coordination, analysis and reporting, and establishment of programs that make it easier for fleet users to operate their fleets (such as enterprise-wide systems, tools, contracts, etc.).
- Improve Planning and Funding Levels for Fleet Replacement:
  - The State should centralize fleet replacement planning in the DMS, develop a multi-year recurring spending plan to smooth out inherent peaks and valleys in funding requirements, and explore alternative financing approaches (including leasing) to spread capital costs over the useful lives of fleet assets.
- Right-size the Fleet (reduce fleet size by five to ten percent due to consolidation); and
- Improve Fleet Maintenance:
  - All state-owned shops should be open to all agencies;
  - Shops located in close proximity to each other should be consolidated;
  - Operation of the largest shops should be outsourced to on-site contractors;
  - Smaller state run shops should continue to operate only if they meet rigorous standards for facility condition and management practices;
  - A single contractor should be used to manage all ad hoc vendor maintenance; and
  - All maintenance and repair activities should be coordinated under DMS' oversight through the FIMS.<sup>21</sup>

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

The bill requires the DMS to prepare an inventory of all state-owned motor vehicles, maintenance facilities, and fuel depots. The DMS is required to submit the inventory to the Governor, President of the Senate, and the Speaker of the House of Representatives by December 31, 2022.

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<sup>20</sup> Michigan Department of Technology, Management & Budget, *Procurement*, <https://www.michigan.gov/dtmb/procurement/mideal/mideal-contract-search/categories/vehiclestiresparts/fleet-management-services> (last visited January 31, 2022); Massachusetts Department of Transportation's *Fleet Vehicle Operations July 2014*, available at <https://www.mass.gov/doc/massachusetts-department-of-transportations-fleet-vehicle-operations-july-2014/download> (last visited January 31, 2022); Minnesota Department of Administration, *M5 Fleet Management*, <https://mn.gov/admin/government/vehicles/m5-fleet-management/> (last visited January 31, 2022); Tennessee Dept. of General Services Outsources Fleet Maintenance, September 19, 2011, available at <https://www.government-fleet.com/75607/tennessee-dgs-outsources-fleet-maintenance-begins-leasing-program> (last visited January 31, 2022).

<sup>21</sup> Mercury Associates, Inc., *Fleet Management Business Case for the State of Florida December 2013*, available at [https://www.dms.myflorida.com/content/download/98763/571269/Fleet\\_Management\\_Business\\_Case\\_Final.pdf](https://www.dms.myflorida.com/content/download/98763/571269/Fleet_Management_Business_Case_Final.pdf) (last visited January 31, 2022).

The bill provides that the inventory must, at a minimum, provide the following information:

- The entity of ownership of all state-owned motor vehicles, maintenance facilities, and fuel depots;
- The entity of possession of all state-owned motor vehicles, maintenance facilities, and fuel depots;
- The estimated annual operating and other costs of all state-owned motor vehicles, maintenance facilities, and fuel depots;
- The number of full-time equivalent and other personal services positions assigned to operate and maintain each state-owned maintenance facility and fuel depot; and
- The physical address for the location of all state-owned motor vehicles, maintenance facilities, and fuel depots.

The bill requires each state agency and state university to provide any information requested by the DMS necessary for the completion of the inventory.

The bill creates within the DMS the Fleet Operations Management Pilot Program (pilot program). The purpose of the pilot program is to assess the potential for cost savings through a contract with a vendor or contractor for privatizing the management and operation of state-owned motor vehicles, motor vehicle acquisitions and disposition, maintenance facilities, and fuel operations, and may not include any vehicle designated for law enforcement purposes unless requested by the agency.

The bill directs the DMS to administer the pilot program and competitively procure and contract with a vendor or contractor for privatizing state-owned motor vehicles, motor vehicle acquisitions and disposition, maintenance facilities, and fuel operations for selected state entities. Any contract with a vendor or contractor for the pilot program must be competitively bid every five years. Any data that relates to the contract must be stored in at least one common format approved by the DMS, and such data remains the property of the DMS. Any vehicle-monitoring hardware installed in a state-owned motor vehicle must be commercially available and may not be proprietary to the vendor or contractor.

For each state entity selected by the DMS for inclusion in the pilot program, the DMS must establish an average baseline of costs associated with state-owned motor vehicles, motor vehicle acquisitions and disposition, maintenance facilities, and fuel operations using the previous three fiscal years for the state entity.

By October 1, 2023, the DMS and three state entities selected by the DMS, which must have a combined total vehicle fleet size of at least 5,000 vehicles, must use the competitively procured contract selected by the DMS for privatizing the management and operation of state-owned motor vehicles, motor vehicle acquisitions and disposition, maintenance facilities, and fuel operations. Each state entity selected will be required to provide any information requested by the DMS necessary for privatizing the management of existing state-owned motor vehicles, motor vehicle acquisitions and disposition, maintenance facilities, fuel operations, and any full-time equivalent and other-personal-services positions assigned to operate and maintain each state-owned maintenance facility and fuel operation.

By October 1, 2024, the DMS must select ten additional state entities must use the competitively procured contract selected by the DMS for privatizing the management and operation of state-owned motor vehicles, motor vehicle acquisitions and disposition, maintenance facilities, and fuel operations. Each state entity selected will be required to provide any information requested by the DMS necessary for privatizing the management of existing state-owned motor vehicles, motor vehicle acquisitions and disposition, maintenance facilities, fuel operations, and any full-time equivalent and other-personal-services positions assigned to operate and maintain each state-owned maintenance facility and fuel operation.

By October 1, 2025, the DMS must direct all state entities to use the competitively procured contract selected by the DMS for privatizing the management and operation of state-owned motor vehicles, motor vehicle acquisitions and disposition, maintenance facilities, and fuel operations. Each state entity will be required to provide any information requested by the DMS necessary for privatizing the management of existing state-owned motor vehicles, motor vehicle acquisitions and disposition, maintenance facilities, fuel operations, and any full-time equivalent and other-personal-services positions assigned to operate and maintain each state-owned maintenance facility and fuel operation.

The bill provides that annually beginning September 1, 2024, the DMS must compile a report detailing the impact to full-time equivalent and other-personal-services positions and cost savings, if any, and submit such report, along with a list of its findings and recommendations regarding the pilot program, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

If the DMS is unable to document at least \$5 million in cost savings under the pilot program to the state by July 1, 2025, the pilot program and any vendor or contractor contracts may be terminated. The DMS may also terminate the pilot program and any vendor or contractor contracts earlier if its findings or earlier economic models indicate the pilot program will not result in significant cost savings to the state by July 1, 2025. The DMS may also accelerate the implementation of the pilot program by one fiscal year for each implementation stage if cost savings justify an accelerated implementation.

The bill provides that the bill will take effect upon becoming law.

#### **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 vendor or contractor selected by the DMS may have a positive fiscal impact on revenues by privatizing the centralized management and operation of the state-owned vehicle fleet, motor vehicle acquisitions, maintenance facilities, and fuel depots required by the bill.

C. Government Sector Impact:

The state may see an indeterminate reduction in cost for the management and maintenance of state-owned vehicle fleets, motor vehicle acquisitions, maintenance facilities, and fuel depots due to the centralization and outsourcing of the management and operation of the fleets and facilities to a contractor or vendor.

The DMS may incur indeterminate costs associated with the preparation of the inventory, along with the process of privatizing select state management and operation activities, although the costs that may be incurred by the DMS are indeterminate.

State agencies and state universities may incur additional workload responding to requests from the DMS for information to complete the inventory.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill does not affect any statutes.

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

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

**CS by Transportation on February 2, 2022:**

The CS creates the Fleet Operations Management Pilot Program within the DMS to assess the potential for cost savings through a contract with a vendor or contractor for privatizing the management and operation of state-owned motor vehicles, motor vehicle acquisitions and disposition, maintenance facilities, and fuel operations. The pilot program may not include any vehicle designated for law enforcement purposes unless requested by the agency.

By October 1, 2023, the DMS and 3 state entities selected by DMS must use a competitively procured contract for privatization. By October 1, 2024, the DMS must select ten additional state entities to utilize the competitively procured contract, and by October 1, 2025, the DMS must direct all state entities to utilize the competitively procured contract. Annually, beginning September 1, 2024, the DMS must compile a report detailing the impact to positions and cost savings, if any, and submit the report, along with a list of its findings and recommendations regarding the pilot program, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

If the DMS is unable to document at least \$5 million in cost savings under the pilot program to the state by July 1, 2025, the pilot program and any vendor or contractor contracts may be terminated. The DMS may also terminate the pilot program and any vendor or contractor contracts earlier if its findings or earlier economic models indicate the pilot program will not result in significant cost savings to the state by July 1, 2025. The DMS may also accelerate the implementation of the pilot program by one fiscal year for each implementation stage if cost savings justify an accelerated implementation.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2022	.	
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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 56 - 86

and insert:

Section 2. Fleet Operations Management Pilot Program.-

(1) There is created within the Department of Management Services the Fleet Operations Management Pilot Program. The purpose of the pilot program is to assess the potential for cost savings through a contract with a vendor or contractor for privatizing the management and operation of state-owned motor



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11 vehicles, motor vehicle acquisitions and disposition,  
12 maintenance facilities, and fuel operations. The pilot program  
13 may not include any vehicle designated for law enforcement  
14 purposes unless requested by the agency.

15 (2) The Department of Management Services shall administer  
16 the Fleet Operations Management Pilot Program. The Department of  
17 Management Services shall competitively procure and contract  
18 with a vendor or contractor for privatizing state-owned motor  
19 vehicles, motor vehicle acquisitions and disposition,  
20 maintenance facilities, and fuel operations for selected state  
21 entities. Any contract with a vendor or contractor for the pilot  
22 program must be competitively bid every 5 years. Any data that  
23 relates to the contract must be stored in at least one common  
24 format approved by the Department of Management Services, and  
25 such data remains the property of the Department of Management  
26 Services. Any vehicle-monitoring hardware installed in a state-  
27 owned motor vehicle must be commercially available and may not  
28 be proprietary to the vendor or contractor.

29 (3) For each state entity selected by the Department of  
30 Management Services for inclusion in the pilot program, the  
31 Department of Management Services shall establish an average  
32 baseline of costs associated with state-owned motor vehicles,  
33 motor vehicle acquisitions and disposition, maintenance  
34 facilities, and fuel operations using the previous 3 fiscal  
35 years for the state entity.

36 (4) By October 1, 2023, the Department of Management  
37 Services and 3 state entities selected by the Department of  
38 Management Services, which shall have a combined total vehicle  
39 fleet size of at least 5,000 vehicles, shall use the



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40 competitively procured contract selected by the Department of  
41 Management Services for privatizing the management and operation  
42 of state-owned motor vehicles, motor vehicle acquisitions and  
43 disposition, maintenance facilities, and fuel operations. Each  
44 state entity selected shall provide any information requested by  
45 the Department of Management Services necessary for privatizing  
46 the management of existing state-owned motor vehicles, motor  
47 vehicle acquisitions and disposition, maintenance facilities,  
48 fuel operations, and any full-time equivalent and other-  
49 personal-services positions assigned to operate and maintain  
50 each state-owned maintenance facility and fuel operation.

51 (5) By October 1, 2024, the Department of Management  
52 Services shall select 10 additional state entities who shall use  
53 the competitively procured contract selected by the Department  
54 of Management Services for privatizing the management and  
55 operation of state-owned motor vehicles, motor vehicle  
56 acquisitions and disposition, maintenance facilities, and fuel  
57 operations. Each state entity selected shall provide any  
58 information requested by the Department of Management Services  
59 necessary for privatizing the management of existing state-owned  
60 motor vehicles, motor vehicle acquisitions and disposition,  
61 maintenance facilities, fuel operations, and any full-time  
62 equivalent and other-personal-services positions assigned to  
63 operate and maintain each state-owned maintenance facility and  
64 fuel operation.

65 (6) By October 1, 2025, the Department of Management  
66 Services shall direct all state entities to use the  
67 competitively procured contract selected by the Department of  
68 Management Services for privatizing the management and operation





69 of state-owned motor vehicles, motor vehicle acquisitions and  
70 disposition, maintenance facilities, and fuel operations. Each  
71 state entity shall provide any information requested by the  
72 Department of Management Services necessary for privatizing the  
73 management of existing state-owned motor vehicles, motor vehicle  
74 acquisitions and disposition, maintenance facilities, fuel  
75 operations, and any full-time equivalent and other-personal-  
76 services positions assigned to operate and maintain each state-  
77 owned maintenance facility and fuel operation.

78 (7) Annually beginning September 1, 2024, the Department of  
79 Management Services shall compile a report detailing the impact  
80 to full-time equivalent and other-personal-services positions  
81 and cost savings, if any, and submit such report, along with a  
82 list of its findings and recommendations regarding the pilot  
83 program, to the Governor, the President of the Senate, and the  
84 Speaker of the House of Representatives.

85 (8) If the Department of Management Services is unable to  
86 document at least \$5 million in cost savings under the pilot  
87 program to the state by July 1, 2025, the pilot program and any  
88 vendor or contractor contracts may be terminated. The Department  
89 of Management Services may also terminate the pilot program and  
90 any vendor or contractor contracts earlier if its findings or  
91 earlier economic models indicate the pilot program will not  
92 result in significant cost savings to the state by July 1, 2025.  
93 The Department of Management Services may also accelerate the  
94 implementation of the pilot program by 1 fiscal year for each  
95 implementation stage if cost savings justify an accelerated  
96 implementation.

97



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

99 And the title is amended as follows:

100 Delete lines 10 - 27

101 and insert:

102 information requested by the department; creating the  
103 Fleet Operations Management Pilot Program within the  
104 department; providing the purpose of the pilot  
105 program; specifying excluded vehicles; requiring the  
106 department to administer the pilot program; requiring  
107 the department to competitively procure and contract  
108 with a vendor or contractor for privatizing state-  
109 owned motor vehicles, motor vehicle acquisitions and  
110 disposition, maintenance facilities, and fuel  
111 operations for state entities; requiring that such  
112 contract be competitively bid at specified intervals;  
113 providing requirements for data relating to the  
114 contract and for certain vehicle-monitoring hardware;  
115 requiring the department to established a specified  
116 baseline of costs for each selected state entity;  
117 specifying requirements for the department and state  
118 entities in implementing the pilot program by  
119 specified dates; requiring the department to submit an  
120 annual report to the Governor and the Legislature;  
121 authorizing the termination or acceleration of the  
122 pilot program under certain circumstances; providing  
123 an effective

By Senator Brandes

24-00550-22

2022906\_\_

1 A bill to be entitled  
 2 An act relating to fleet management; requiring the  
 3 Department of Management Services to prepare an  
 4 inventory of state-owned motor vehicles, maintenance  
 5 facilities, and fuel depots; requiring the department  
 6 to submit the inventory to the Governor and the  
 7 Legislature by a specified date; specifying  
 8 requirements for the inventory; requiring state  
 9 agencies and state universities to provide certain  
 10 information requested by the department; requiring the  
 11 department to create, administer, and maintain a  
 12 centralized management system for the motor vehicle  
 13 fleet, maintenance facilities, and fuel depots;  
 14 requiring the department to consolidate the management  
 15 of existing state-owned motor vehicles, maintenance  
 16 facilities, fuel depots, and certain full-time  
 17 equivalent and other-personal-services positions;  
 18 requiring state agencies and state universities to  
 19 provide certain information requested by the  
 20 department; requiring the department to contract with  
 21 a vendor or contractor for a specified purpose;  
 22 requiring data relating to such contract to be stored  
 23 in at least one common format approved by the  
 24 department; providing that such data remains the  
 25 property of the department; specifying requirements  
 26 for motor vehicle-monitoring hardware installed in a  
 27 state-owned motor vehicle; providing an effective  
 28 date.  
 29

Page 1 of 3

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

24-00550-22

2022906\_\_

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

31  
 32 Section 1. Statewide inventory.—

33 (1) The Department of Management Services shall prepare an  
 34 inventory of all state-owned motor vehicles, maintenance  
 35 facilities, and fuel depots. By December 31, 2022, the  
 36 department shall submit the inventory to the Governor, the  
 37 President of the Senate, and the Speaker of the House of  
 38 Representatives.

39 (2) The inventory must provide, at a minimum, all of the  
 40 following:

41 (a) Entity of ownership of all state-owned motor vehicles,  
 42 maintenance facilities, and fuel depots.

43 (b) Entity of possession of all state-owned motor vehicles,  
 44 maintenance facilities, and fuel depots.

45 (c) Estimated annual operating and other costs of all  
 46 state-owned motor vehicles, maintenance facilities, and fuel  
 47 depots.

48 (d) Number of full-time equivalent and other-personal-  
 49 services positions assigned to operate and maintain each state-  
 50 owned maintenance facility and fuel depot.

51 (e) Physical address for the location of all state-owned  
 52 motor vehicles, maintenance facilities, and fuel depots.

53 (3) Each state agency and state university shall provide  
 54 any information requested by the Department of Management  
 55 Services necessary for the completion of the inventory.

56 Section 2. Centralized fleet and fleet operations  
 57 management.—

58 (1) The Department of Management Services shall create,

Page 2 of 3

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

24-00550-22

2022906\_\_

59 administer, and maintain a centralized management system for the  
60 fleet of state-owned motor vehicles, maintenance facilities, and  
61 fuel depots.

62 (2) The Department of Management Services shall consolidate  
63 under a centralized system the management of existing state-  
64 owned motor vehicles, maintenance facilities, fuel depots, and  
65 any full-time equivalent and other-personal-services positions  
66 assigned to operate and maintain each state-owned maintenance  
67 facility and fuel depot.

68 (3) Each state agency and state university shall provide  
69 any information requested by the Department of Management  
70 Services necessary for consolidating under the centralized  
71 system the management of existing state-owned motor vehicles,  
72 maintenance facilities, fuel depots, and any full-time  
73 equivalent and other-personal-services positions assigned to  
74 operate and maintain each state-owned maintenance facility and  
75 fuel depot.

76 Section 3. Privatization of fleet management.-The  
77 Department of Management Services shall contract with a vendor  
78 or contractor for privatizing the centralized management and  
79 operation of the state-owned motor vehicle fleet, motor vehicle  
80 acquisitions, maintenance facilities, and fuel depots. Any data  
81 that relates to the contract must be stored in at least one  
82 common format approved by the department, and such data remains  
83 the property of the department. Any vehicle-monitoring hardware  
84 installed in a state-owned motor vehicle must be commercially  
85 available and may not be proprietary to the vendor or  
86 contractor.

87 Section 4. This act shall take effect upon becoming a law.

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 990

INTRODUCER: Transportation Committee and Senator Diaz

SUBJECT: Towing Vehicles

DATE: February 3, 2022

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	<b>Favorable</b>
2.	<u>Price</u>	<u>Vickers</u>	<u>TR</u>	<b>Fav/CS</b>
3.	_____	_____	<u>RC</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 990 clarifies that an investigating agency may have a wrecker operator tow a motor vehicle directly from the scene of the tow to the investigating agency's storage facility. If a motor vehicle is towed directly to the investigating agency's storage facility, the vehicle may not be released to the owner or lienholder until proof of payment of the towing and storage charges incurred by the wrecker operator is presented to the investigating agency. If the investigating agency releases the vehicle without such proof of payment, the investigating agency must pay the wrecker operator accrued expenses within 60 days of the vehicle's release. Additionally, the bill clarifies that the investigating agency's payment to the wrecker operator following a judicial finding of no probable cause must occur within 60 days.

In addition, the bill:

- Revises the timeframe required for sending a notice of lien provided by a wrecker operator for fees or charges for the recovery, towing, or storage of a vehicle or vessel. The notice must be sent by certified mail no earlier than six hours before, and no later than seven business days after, the date of storage of the vehicle or vessel.
- Clarifies that a wrecker operator in possession of a towed vehicle or vessel must release the vehicle, vessel, or all personal property in the vehicle or vessel only to the owner, lienholder, or agent.
- Provides that for the purposes of a wrecker operator releasing a vehicle to the owner's agent, or for the purposes of releasing a vehicle that has been towed from private property, a rental

agreement is insufficient to convey agency necessary to authorize the vehicle's release. A rental car company must appoint a person its agent by original notarized writing.

- Revises a lienor's authorization to charge an "administrative" fee to the registered owner or another person claiming a lien against a vehicle or vessel for releasing a claim of lien, not to exceed \$250. The bill authorizes a lienor to charge a \$75 "notification" fee, plus the actual costs of complying with specified notice requirements, not to exceed \$250.
- Provides that if a towing-storage operator uses a third-party service approved by the Department of Highway Safety and Motor Vehicles (DHSMV) to transmit the required notices, proof of mailing by the third-party service is proof that the towing-storage operator made a good faith effort to comply with the notice requirements, regardless of whether the recipient accepts delivery or otherwise receives notice.

The bill also preempts to the state regulation of claiming a lien for the recovery, removal, towing, or storage of a vehicle or vessel and supersedes any county or municipal ordinance, resolution, rule, regulation, or otherwise to the contrary.

The bill takes effect July 1, 2022.

## II. Present Situation:

### County and Municipal Wrecker Operator Systems

A county or municipal government may contract with one or more wrecker operators to tow or remove wrecked, disabled, or abandoned vehicles from streets, highways, and accident sites.<sup>1</sup> After the establishment of such contract(s), the county or municipality must create a "wrecker operator system" to apportion towing assignments between the contracted wrecker services. This apportionment may occur through the creation of geographic zones, a rotation schedule, or a combination of those methods.<sup>2</sup> Any wrecker operator that is included in the wrecker operator system is an "authorized wrecker operator" in the jurisdiction, while any wrecker operation not included is an "unauthorized wrecker operator."<sup>3</sup>

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

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<sup>1</sup> Section 323.002(1)(c), F.S. The definition of "vehicle" does not include a vessel or trailer intended for the transport on land of a vessel. *See* s. 320.01, F.S. (defining "motor vehicle" for the purpose of issuance of motor vehicle licenses and separately defining a "marine boat trailer dealer" as a person engaged in the "business of buying ... trailers specifically designed to be drawn by another vehicle and used for the transportation on land of vessels.") *But see* s. 323.002(4)(b), F.S., which expressly authorizes a county or municipality to adopt or maintain an ordinance or rule that imposes a reasonable administrative fee or charge on the registered owner or other legally authorized person in control of a vehicle or vessel that is towed by an authorized wrecker operator, not to exceed 25 percent of the maximum towing rate, to cover the cost of enforcement, including parking enforcement, by the county or municipality when the vehicle or vessel is towed from *public* property. The fee, if imposed and collected by an authorized wrecker operator or towing business, must be remitted to the county or municipality after it is collected.

<sup>2</sup> Section 323.002(1)(c), F.S.

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

enacts an ordinance to establish towing fees, the county ordinance will not apply within the municipality.<sup>4</sup>

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

An investigating agency may place a hold on a motor vehicle stored within a wrecker operator's storage facility for up to five business days, unless extended in writing.<sup>5</sup> A hold may be applied when the officer has probable cause to believe the vehicle:

- Should be seized under the Florida Contraband Forfeiture Act or ch. 379, F.S.;
- Was used as the means of committing a crime;
- Is evidence that tends to show a crime has been committed; or
- Was involved in a traffic accident resulting in death or personal injury.<sup>6</sup>

An officer may also apply a hold when the vehicle is impounded under s. 316.193, F.S., (relating to driving under the influence), or s. 322.34, F.S., (relating to driving with a suspended or revoked license), or when the officer is complying with a court order.<sup>7</sup> The hold must be in writing and include the name and agency of the law enforcement officer placing the hold, the date and time the hold is placed on the vehicle, a general description of the vehicle, the specific reason for the hold, the condition of the vehicle, the location where the vehicle is being held, and the name and contact information for the wrecker operator and storage facility.<sup>8</sup>

The investigating agency must inform the wrecker operator within the five-day holding period if the agency intends to hold the vehicle for a longer time.<sup>9</sup> The vehicle owner is liable for towing and storage charges for the first five days. If the vehicle is held beyond five days, the investigating agency may choose to have the vehicle stored at a designated impound lot, in which case the vehicle may not be released by the investigating agency to the owner or lienholder of the vehicle until proof of payment of the towing and storage charges incurred by the wrecker operator is presented to the investigating agency or, if the tow operator chooses to leave the vehicle at the wrecker operator's storage facility, to pay for storage.<sup>10</sup> If a subsequent judicial finding of no probable cause for having continued the hold occurs, the investigating agency ordering the hold is required to pay the accrued charges for any towing and storage.<sup>11</sup>

A wrecker operator or other person engaged in the business of transporting vehicles or vessels who recovers, removes, or stores a vehicle or vessel possesses a lien on the vehicle or vessel for a reasonable towing fee, an administrative fee or charge imposed by a county or municipality,

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<sup>4</sup> Sections 125.0103(1)(c) and 166.043(1)(c), F.S. Section 715.07, F.S., relates to the towing and storage of vehicles or vessels illegally parked on *private* property without the consent of the registered owner or other legally authorized person in control of the vehicle. That section addresses towing, for example, at the direction of the owner or lessee of a condominium association or of a business owner, not at the direction of law enforcement. See "Towing from Private Property" heading below.

<sup>5</sup> Section 323.001(1), F.S.

<sup>6</sup> Section 323.001(4)(a)-(e), F.S.

<sup>7</sup> Section 323.001(4)(f)-(g), F.S.

<sup>8</sup> Section 323.001(5), F.S.

<sup>9</sup> Section 323.001(2), F.S.

<sup>10</sup> Section 323.001(2)(a)-(b), F.S.

<sup>11</sup> Section 323.001(3), F.S.

and a storage fee (for a vehicle or vessel stored for six hours or more) if the vehicle or vessel is removed upon instructions from:

- The owner of the vehicle or vessel;
- The owner, lessor, or authorized person acting on behalf of the owner/lessor of property on which the vehicle or vessel is wrongly parked (as long as the removal is performed according to s. 715.07, F.S.);
- The landlord or authorized person acting on behalf of a landlord, when the vehicle or vessel remains on the property after the expiration of tenancy and the removal is performed pursuant to enforcing a lien pursuant to s. 83.806, F.S., or for the removal of property left after a lease is vacated under s. 715.104, F.S.; or
- Any law enforcement agency.<sup>12</sup>

A wrecker operator who claims a lien is required to give notice, by certified mail, to the registered owner, the insurance company insuring the vehicle, and all persons claiming a lien, as disclosed by the records in the Department of Highway Safety and Motor Vehicles (DHSMV) or as disclosed by the records of any corresponding agency in any other state in which the vehicle is identified through a records check.

A towing-storage operator currently must use a third-party service<sup>13</sup> approved by the DHSMV to transmit the notice (as well as any other notices required under s. 713.78, F.S.). If there is no approved service, the operator may mail the notice and provide evidence of compliance upon application for a certificate of title.<sup>14</sup> The notice of lien must be sent by certified mail within seven business days after the date of storage of the vehicle or vessel.<sup>15</sup>

A lienor or its agent may currently charge an administrative fee<sup>16</sup> to the registered owner or other person claiming a lien against the vehicle or vessel for a release from the lien, not to exceed \$250.<sup>17</sup>

If a towing-storage operator is unsuccessful in locating the name and address of the owner or other lienholder, the operator must, after seven business days after the initial tow or storage, notify the jurisdictional entity where the vehicle or vessel is stored, in writing by certified mail or acknowledged hand delivery, that the operator has been unable to local the name and address, a physical search of the vehicle or vessel has revealed no ownership information, and a “good faith

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<sup>12</sup> Section 713.78(2), F.S.

<sup>13</sup> The term “third-party service” is defined in s. 713.78(16)(a), F.S., to mean a qualified business entity that, upon a request submitted through a website by an operator: 1) Accesses the National Motor Vehicle Title Information System records to obtain the last state of record of the vehicle; 2) Accesses the owner, lienholder, and insurer information, as applicable, for a vehicle or vessel from the DHSMV; 3) Electronically generates the notices required of a towing-storage operator through the website; 4) Prints and sends the notices to each owner, lienholder, and insurer of record by certified mail; 5) Electronically returns tracking information or other proof of mailing and delivery of the notices to the towing-storage operator; and 6) Electronically reports to the DHSMV via an electronic data exchange process certain information related to the towing and storage notice.

<sup>14</sup> Section 713.78(16), F.S.

<sup>15</sup> Section 713.78(4)(a) and (c), F.S.

<sup>16</sup> Defined to mean a lien fee or any fee imposed by the lienor or the lienor’s agent for administrative costs added to the amount due for towing and storing the vehicle or vessel. Section 713.78(15)(a), F.S.

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



effort”<sup>18</sup> has been made, including a records check of the DHSMV database and of the National Motor Vehicle Title Information System.<sup>19</sup>

### **Recovery of a Vehicle or Vessel from a Towing-Storage Operator**

Towing and storage operators must permit vehicle or vessel owners, lienholders, insurance company representatives, or agents to inspect a towed vehicle or vessel and release to that person the vehicle, vessel, or all personal property that was not affixed when the vehicle or vessel came into the custody of the towing or storage operator.<sup>20</sup> The authorization of agency must be documented in an original writing acknowledged by the owner before a notary public or someone authorized to administer oaths. This subsection, however, does not provide guidance on how an interested party may take possession of the vehicle or vessel once it has been towed or stored.

Whoever violates the inspection and release provisions contained in s. 713.78 (10) , F.S., is guilty of a third degree felony<sup>21</sup> which is punishable by a fine that does not exceed \$5,000<sup>22</sup> and imprisonment that does not exceed five years.<sup>23</sup>

### **Towing from Private Property**

A vehicle or vessel may be towed at the direction of an owner or lessee of real property, or their designee if the vehicle or vessel is parked on the property without permission.<sup>24</sup> A person regularly engaged in the business of towing vehicles or vessels must conduct the tow. The towing or removal of any vehicle or vessel from private property without the consent of the registered owner or another legally authorized person in control of that vehicle or vessel is subject to strict compliance with certain conditions and restrictions. These conditions and restrictions include:<sup>25</sup>

- Any towed or removed vehicle or vessel must be stored at a site within a specified distance of the point of removal.<sup>26</sup>

<sup>18</sup> Section 713.84(4)(e), F.S., defines the term to mean that the operator has performed a list of “checks” of items such as searching specified databases and information systems; looking for any type of tag, tag record, temporary or regular tag on the vehicle or vessel; or looking for the vehicle identification number or the vessel registration number.

<sup>19</sup> “The National Motor Vehicle Title Information System (NMVTIS) is a system that allows the titling agency to instantly and reliably verify the information on the paper title with the electronic data from the state that issued the title.” *See* AAMVA, *National Motor Vehicle Title Information System (NMVTIS)*, available at [National Motor Vehicle Title Information System \(NMVTIS\) \(aamva.org\)](https://www.aamva.org/nmvtis) (last visited February 2, 2022).

<sup>20</sup> Section 713.78(10), F.S. One municipal attorney has opined that under current law, “there is no express language ... which expressly limits, mandates or prohibits that the release of towed vehicle(s) is strictly limited to those individuals” identified by statute (*i.e.*, owners, lienholders, insurance company representatives, or agents). *See* email from City Of Miami Beach Chief Deputy City Attorney, January 29, 2020 (on file in the Senate Transportation Committee).

<sup>21</sup> Section 713.78(12)(b), F.S.

<sup>22</sup> Section 775.083(1)(c), F.S.

<sup>23</sup> Section 775.082(3)(e), F.S. Additional penalties may apply for certain habitual felony offenders under s. 775.084, F.S.

<sup>24</sup> Section 715.07(2), F.S.

<sup>25</sup> Section 715.07(2)(a), F.S.

<sup>26</sup> Section 715.07(2)(a)1.a., F.S. The vehicle or vessel must be stored within a 10-mile radius of the removal point in a county with a population of at least 500,000 and within a 15-mile radius of the removal point in a county with a population of fewer than 500,000. If no towing business operated within the given area, these radiuses are extended to 20 miles (for a county with a population of at least 500,000) and 30 miles (for a county with a population of fewer than 500,000). The site must be open

- The towing company must notify local law enforcement within 30 minutes of completing the tow of the storage site; the time the vehicle or vessel was towed; and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel. The towing truck operation is required to record the name of the law enforcement officer who received the information in the trip record.
- The owner of a vehicle or vessel must be allowed to redeem the vehicle or vessel from the towing company if the owner seeks the return before the tow has occurred. The towing company may charge a reasonable service fee of up to one-half of the posted towing rate for the return of the vehicle or vessel and may tow the vehicle or vessel if the owner is unable to pay the fee after a reasonable opportunity.
- A towing company may not pay or accept money in exchange for the privilege of towing or removing vehicles or vessels from a particular location.
- If the towing company requires the owner of a vehicle to pay the costs of towing and storage before redemption, the towing company must file and keep on record its rate schedule with the local law enforcement agency and post the rate schedule at the storage site.
- Trucks and wreckers used by the towing company must have the name, address, and telephone number of the company printed on both sides of the vehicle in contrasting letters. The name of the towing company must be in 3-inch or taller permanently affixed letters, while the address and telephone number must be in 1-inch or taller permanently affixed letters.
- The towing company must exercise reasonable care when entering a vehicle or vessel to remove it. The towing company is liable for any damage to the vehicle caused by failure to exercise reasonable care.
- The vehicle or vessel must be released to its owner within one hour after request. The owner maintains a right to inspect the vehicle or vessel, and the towing company operation may not require a release or waiver of damages to be signed as a condition of returning the vehicle. The towing company operator must issue a detailed, single receipt to the owner of the vehicle or vessel.

Additionally, a vehicle or vessel may not be towed without consent of its owner, except from property appurtenant to a single-family residence, unless a notice is posted which states the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or that the vehicle or vessel is subject to being removed at the owner's or operator's expense and the notice meets the following requirements:<sup>27</sup>

- The notice is placed prominently at each driveway access or curb cut, within five feet from the public right-of-way line. If the property has no curbs or access barriers, signs must be posted at least once every 25 feet of lot frontage.
- The notice must indicate, in not less than two-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense and contain the words "tow-away zone" in letters not less than four inches high.
- The notice must provide the name and telephone number of the towing company.
- The sign containing the notices must be permanently installed in such a way that the words "tow-away zone" is between three and six feet above ground level and the sign must have

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from 8 am to 6 pm when the towing business is in operation and must post a telephone number where the operator of the site can be reached when the site is closed. The operator must return to the site within one hour.

<sup>27</sup> Section 715.07(2)(a)5., F.S.

been continuously maintained on the property for not less than 24 hours before the towing of any vehicle or vessel.

- Local governments may also require permitting and inspection of signage before any towing is authorized.
- A business with 20 or fewer parking spaces may satisfy the requirement by prominently displaying a sign stating “Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner’s Expense” in not less than four-inch high, light-reflective letters on a contrasting background.
- A property owner towing or removing vessels from real property must post a notice, consistent with the requirements in the statute which apply to vehicles,<sup>28</sup> that unauthorized vehicles or vessels will be towed away at the owner’s expense.

A vehicle or vessel may be towed even in the absence of a tow-away zone sign if the vehicle or vessel is parked in such a way that it restricts the normal operation of a business or restricts access to a private driveway and the business owner or lessee requests the tow.<sup>29</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 323.001, F.S., to clarify that an investigating agency may have a wrecker operator tow a motor vehicle directly from the scene of the tow to the investigating agency’s storage facility. If a motor vehicle is towed directly to the investigating agency’s storage facility, the vehicle may not be released to the owner or lienholder until proof of payment of the towing and storage charges incurred by the wrecker operator is presented to the investigating agency. If the investigating agency releases the vehicle without such proof of payment, the investigating agency must pay the wrecker operator accrued expenses within 60 days of the vehicle’s release.

Additionally, the section clarifies that the investigating agency’s payment to the wrecker operator following a judicial finding of no probable cause must occur within 60 days.

**Section 2** amends s. 713.78, F.S., to:

- Require that a notice of lien provided by a wrecker operator for fees or charges for the recovery, towing, or storage of a vehicle or vessel be sent by certified mail no earlier than six hours before, and no later than seven business days after, the date of storage of the vehicle or vessel. This revision clarifies and re-states current law that a lien for storage of a vehicle or vessel must be for storage that lasts six hours or more.
- Clarify that a wrecker operator must release a towed vehicle or vessel and un-affixed personal property *only* to the owner, lienholder, or agent.
- Provide that, for the purposes of a wrecker operator releasing a vehicle to the owner’s agent, a rental agreement is insufficient to convey agency. A rental car company must appoint a person its agent by original notarized writing.
- Authorize a lienor or lienor’s agent to charge a \$75 notification (rather than “administrative”) fee, *plus the actual costs of complying with the notice requirements*, but the fee remains capped at \$250.

<sup>28</sup> These requirements are contained in s. 715.07(2)(a)5.a.-f., F.S.

<sup>29</sup> Section 715.07(2)(a)5.g., F.S.

- Provide that if a towing-storage operator uses a third-party service approved by the DHSMV to transmit the required notices, proof of mailing by the third-party service is proof that the towing-storage operator made a good faith effort to comply with the notice requirements, regardless of whether the recipient accepts delivery or otherwise receives notice.
- Preempt to the state regulation of claiming a lien for the recovery, removal, towing, or storage of a vehicle or vessel. Any county or municipal ordinance, resolution, rule, regulation, or otherwise to the contrary is superseded.

**Section 3** amends s. 715.07, F.S., to provide that a rental agreement is insufficient to convey agency for the purposes of releasing a vehicle that has been towed from private property. A rental car company must appoint a person its agent by original notarized writing.

**Section 4** provides that the bill takes effect July 1, 2022.

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

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

Article VII, s. 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds, limit the ability of counties and municipalities to raise revenue, or reduce the percentage of state tax shared with counties and municipalities. Subsection (b) of Art. VII, s. 18 of the Florida Constitution provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989.

The bill preempts to the state regulation of claiming a lien for the recovery, removal, towing, or storage of a vehicle or vessel and supersedes any county or municipal ordinance, resolution, rule, regulation, or otherwise to the contrary. Because it is unknown how many counties or municipalities regulate the claiming of a lien and whether that regulation involves revenue generated to the county or municipality, the presence or absence of a mandate is unknown.

##### **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:

Current law authorizes a lienor or the lienor's agent to charge an "administrative" fee to the registered owner or other person claiming a lien against a vehicle or vessel for release from the lien. The amount of the fee is unspecified, except that it may not exceed \$250.

The bill renames the "administrative" fee as a "notification" fee and authorizes a lienor to charge a \$75 fee, plus the actual costs of complying with the notice requirements, but the fee still may not exceed \$250.

Because the specified fee and the addition of actual costs remains capped at \$250, the bill does not appear to present a tax or fee issue.

B. Private Sector Impact:

Indeterminate, as it is unknown, for example, how many tows or claims of lien will occur.

C. Government Sector Impact:

Indeterminate, as it is unknown, for example, how many tows will occur, how many vehicles or vessels are released by an investigating agency without the required proof of payment, or what the amount of applicable towing and storage charges would be.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 323.001, 713.78, and 715.07 of the Florida Statutes.  
Additional Information:

**IX. Additional Information:**

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

**CS by Transportation on February 2, 2022:**

The committee substitute:

- Revises the timeframe required for sending a notice of lien provided by a wrecker operator for fees or charges for the recovery, towing, or storage of a vehicle or vessel. The notice must be sent by certified mail no earlier than six hours before, and no later than seven business days after, the date of storage of the vehicle or vessel.
- Clarifies that a wrecker operator in possession of a towed vehicle or vessel must release the vehicle, vessel, or all personal property in the vehicle or vessel only to the owner, lienholder, or agent.
- Revises a lienor's authorization to charge an "administrative" fee to the registered owner or another person claiming a lien against a vehicle or vessel for releasing a claim of lien, not to exceed \$250. The bill authorizes a lienor to charge a \$75 "notification" fee, plus the actual costs of complying with specified notice requirements, not to exceed \$250.
- Provides that if a towing-storage operator uses a third-party service approved by the DHSMV to transmit the required notices, proof of mailing by the third-party service is proof that the towing-storage operator made a good faith effort to comply with the notice requirements, regardless of whether the recipient accepts delivery or otherwise receives notice.
- Preempts to the state regulation of claiming a lien for the recovery, removal, towing, or storage of a vehicle or vessel and supersedes any county or municipal ordinance, resolution, rule, regulation, or otherwise to the contrary.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/03/2022	.	
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The Committee on Transportation (Rodriguez) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 67 - 90

and insert:

Section 2. Paragraph (c) of subsection (4), subsection (10), paragraph (a) of subsection (15), and paragraph (a) of subsection (16) of section 713.78, Florida Statutes, are amended, and paragraph (g) is added to subsection (16) and subsection (18) is added to that section, to read:

713.78 Liens for recovering, towing, or storing vehicles



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11 and vessels.-

12 (4)

13 (c) The notice of lien must be sent by certified mail to  
14 the registered owner, the insurance company insuring the vehicle  
15 notwithstanding s. 627.736, and all other persons claiming a  
16 lien thereon no earlier than 6 hours before and no later than  
17 ~~within~~ 7 business days, excluding Saturday and Sunday, after the  
18 date of storage of the vehicle or vessel. However, in no event  
19 shall the notice of lien be sent less than 30 days before the  
20 sale of the vehicle or vessel. The notice must state:

21 1. If the claim of lien is for a vehicle, the last 8 digits  
22 of the vehicle identification number of the vehicle subject to  
23 the lien, or, if the claim of lien is for a vessel, the hull  
24 identification number of the vessel subject to the lien, clearly  
25 printed in the delivery address box and on the outside of the  
26 envelope sent to the registered owner and all other persons  
27 claiming an interest therein or lien thereon.

28 2. The name, physical address, and telephone number of the  
29 lienor, and the entity name, as registered with the Division of  
30 Corporations, of the business where the towing and storage  
31 occurred, which must also appear on the outside of the envelope  
32 sent to the registered owner and all other persons claiming an  
33 interest in or lien on the vehicle or vessel.

34 3. The fact of possession of the vehicle or vessel.

35 4. The name of the person or entity that authorized the  
36 lienor to take possession of the vehicle or vessel.

37 5. That a lien as provided in subsection (2) is claimed.

38 6. That charges have accrued and include an itemized  
39 statement of the amount thereof.





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40           7. That the lien is subject to enforcement under law and  
41 that the owner or lienholder, if any, has the right to a hearing  
42 as set forth in subsection (5).

43           8. That any vehicle or vessel that remains unclaimed, or  
44 for which the charges for recovery, towing, or storage services  
45 remain unpaid, may be sold free of all prior liens 35 days after  
46 the vehicle or vessel is stored by the lienor if the vehicle or  
47 vessel is more than 3 years of age or 50 days after the vehicle  
48 or vessel is stored by the lienor if the vehicle or vessel is 3  
49 years of age or less.

50           9. The address at which the vehicle or vessel is physically  
51 located.

52           (10) Persons who provide services pursuant to this section  
53 shall permit vehicle or vessel owners, lienholders, insurance  
54 company representatives, or their agents, which agency is  
55 evidenced by an original writing acknowledged by the owner  
56 before a notary public or other person empowered by law to  
57 administer oaths, to inspect the towed vehicle or vessel and  
58 shall release only to the owner, lienholder, or agent the  
59 vehicle, vessel, or all personal property not affixed to the  
60 vehicle or vessel which was in the vehicle or vessel at the time  
61 the vehicle or vessel came into the custody of the person  
62 providing such services. For the purposes of this subsection, a  
63 rental car agreement does not constitute evidence that the  
64 person who rented a vehicle is an agent of the owner of the  
65 vehicle, and a towing company may not release a vehicle owned by  
66 a rental car company to the person who rented the vehicle unless  
67 the rental car company appoints the person who rented the  
68 vehicle as its agent. Such appointment must be evidenced in an



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69 original writing acknowledged by the rental car company before a  
70 notary public or other person empowered by law to administer  
71 oaths and must authorize the person to inspect and redeem the  
72 towed vehicle.

73 (15) (a) A lienor or the lienor's agent may charge a \$75  
74 notification ~~an administrative~~ fee plus the actual costs of  
75 complying with the requirements of this section to the  
76 registered owner or a person claiming a lien against the vehicle  
77 or vessel to obtain release of the vehicle or vessel from the  
78 claim of lien imposed under this section. Such notification  
79 ~~administrative fee plus the actual costs of complying with the~~  
80 requirements of this section may not exceed \$250. ~~For purposes~~  
81 ~~of this paragraph, the term "administrative fee" means a lien~~  
82 ~~fee or any fee imposed by the lienor or the lienor's agent for~~  
83 ~~administrative costs added to the amount due for towing and~~  
84 ~~storing the vehicle or vessel.~~

85 (16) A towing-storage operator must use a third-party  
86 service approved by the Department of Highway Safety and Motor  
87 Vehicles to transmit all notices required by this section. If  
88 there is no third-party service approved by the department, the  
89 towing-storage operator may mail the notices and provide  
90 evidence of compliance with this section upon submission of an  
91 application for certificate of title or certificate of  
92 destruction.

93 (a) For purposes of this subsection, the term "third-party  
94 service" means a qualified business entity that, upon a request  
95 submitted through a website by a towing-storage operator:

96 1. Accesses the owner, lienholder, and insurer information,  
97 as applicable, from the department for a vehicle or vessel.



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98           2. If the vehicle or vessel file on file with the  
99 department does not have a current registration record, accesses  
100 the National Motor Vehicle Title Information System records to  
101 obtain the last state of record of the vehicle.

102           ~~2. Accesses the owner, lienholder, and insurer information,~~  
103 ~~as applicable, for a vehicle or vessel from the department.~~

104           3. Electronically generates the notices required of a  
105 towing-storage operator by this section through the website.

106           4. Prints and sends the notices required under this section  
107 to each owner, lienholder, and insurer of record by certified  
108 mail.

109           5. Electronically returns tracking information or other  
110 proof of mailing and delivery of the notices to the towing-  
111 storage operator.

112           6. Electronically reports to the department, via an  
113 electronic data exchange process using a web interface, the  
114 following information related to the towing and storage notice:

115           a. The vehicle identification number or vessel hull  
116 identification number.

117           b. The license plate number.

118           c. The name and address of the towing-storage operator or  
119 lienor.

120           d. The physical location of the vehicle or vessel.

121           e. The date on which the vehicle or vessel was towed.

122           f. The amount of storage fees owed at the time of the  
123 notice.

124           g. The date of assessment of storage charges.

125           h. The dates on which the notice was mailed and delivered.

126           i. Other information required by the department.



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127       (g) If a towing-storage operator uses a third-party service  
128 approved by the department to provide notice required by this  
129 section, proof of mailing by the third-party service is proof  
130 that the towing-storage operator made a good faith effort to  
131 comply with such notice requirement, regardless of whether the  
132 recipient accepts delivery or otherwise receives notice.

133       (18) The regulation of claiming a lien for the recovery,  
134 removal, towing, or storage of a vehicle or vessel, including,  
135 but not limited to, notification fees, is preempted to the  
136 state, and this section supersedes any county or municipal  
137 ordinance, resolution, rule, regulation, or otherwise to the  
138 contrary.

139  
140 ===== T I T L E   A M E N D M E N T =====

141 And the title is amended as follows:

142       Delete lines 12 - 13

143 and insert:

144       certain judicial findings are made; amending s.  
145       713.78, F.S.; revising the timeframe required for  
146       sending notices of lien; prohibiting towing companies  
147       from releasing vehicles owned by rental car companies,  
148       which are towed under certain circumstances, to the  
149       person who rented the vehicle unless the rental car  
150       company appoints the person as its agent; providing  
151       requirements for such appointment; revising fees  
152       relating to obtaining the release of a vehicle or  
153       vessel with a claimed lien; deleting the definition of  
154       the term "administrative fee"; revising the definition  
155       of the term "third-party service"; specifying that



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156 proof of mailing by a third-party service is proof  
157 that a towing-storage operator made a good faith  
158 effort to comply with specified notice requirements;  
159 preempting the regulation of claiming a lien for the  
160 recovery, removal, towing, or storage of a vehicle or  
161 vessel to the state; amending s. 715.07, F.S.;  
162 prohibiting towing companies



174996

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2022	.	
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The Committee on Transportation (Rodriguez) recommended the following:

1           **Senate Substitute for Amendment (580454) (with title**  
2 **amendment)**

3  
4           Delete lines 67 - 90  
5 and insert:

6           Section 2. Paragraph (c) of subsection (4), subsection  
7 (10), and paragraph (a) of subsection (15) of section 713.78,  
8 Florida Statutes, are amended, paragraph (g) is added to  
9 subsection (16) of that section, and subsection (18) is added to  
10 that section, to read:



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11           713.78 Liens for recovering, towing, or storing vehicles  
12 and vessels.—

13           (4)

14           (c) The notice of lien must be sent by certified mail to  
15 the registered owner, the insurance company insuring the vehicle  
16 notwithstanding s. 627.736, and all other persons claiming a  
17 lien thereon no earlier than 6 hours before and no later than  
18 ~~within~~ 7 business days, excluding Saturday and Sunday, after the  
19 date of storage of the vehicle or vessel. However, in no event  
20 shall the notice of lien be sent less than 30 days before the  
21 sale of the vehicle or vessel. The notice must state:

22           1. If the claim of lien is for a vehicle, the last 8 digits  
23 of the vehicle identification number of the vehicle subject to  
24 the lien, or, if the claim of lien is for a vessel, the hull  
25 identification number of the vessel subject to the lien, clearly  
26 printed in the delivery address box and on the outside of the  
27 envelope sent to the registered owner and all other persons  
28 claiming an interest therein or lien thereon.

29           2. The name, physical address, and telephone number of the  
30 lienor, and the entity name, as registered with the Division of  
31 Corporations, of the business where the towing and storage  
32 occurred, which must also appear on the outside of the envelope  
33 sent to the registered owner and all other persons claiming an  
34 interest in or lien on the vehicle or vessel.

35           3. The fact of possession of the vehicle or vessel.

36           4. The name of the person or entity that authorized the  
37 lienor to take possession of the vehicle or vessel.

38           5. That a lien as provided in subsection (2) is claimed.

39           6. That charges have accrued and include an itemized



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40 statement of the amount thereof.

41 7. That the lien is subject to enforcement under law and  
42 that the owner or lienholder, if any, has the right to a hearing  
43 as set forth in subsection (5).

44 8. That any vehicle or vessel that remains unclaimed, or  
45 for which the charges for recovery, towing, or storage services  
46 remain unpaid, may be sold free of all prior liens 35 days after  
47 the vehicle or vessel is stored by the lienor if the vehicle or  
48 vessel is more than 3 years of age or 50 days after the vehicle  
49 or vessel is stored by the lienor if the vehicle or vessel is 3  
50 years of age or less.

51 9. The address at which the vehicle or vessel is physically  
52 located.

53 (10) Persons who provide services pursuant to this section  
54 shall permit vehicle or vessel owners, lienholders, insurance  
55 company representatives, or their agents, which agency is  
56 evidenced by an original writing acknowledged by the owner  
57 before a notary public or other person empowered by law to  
58 administer oaths, to inspect the towed vehicle or vessel and  
59 shall release only to the owner, lienholder, or agent the  
60 vehicle, vessel, or all personal property not affixed to the  
61 vehicle or vessel which was in the vehicle or vessel at the time  
62 the vehicle or vessel came into the custody of the person  
63 providing such services. For the purposes of this subsection, a  
64 rental car agreement does not constitute evidence that the  
65 person who rented a vehicle is an agent of the owner of the  
66 vehicle, and a towing company may not release a vehicle owned by  
67 a rental car company to the person who rented the vehicle unless  
68 the rental car company appoints the person who rented the





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69 vehicle as its agent. Such appointment must be evidenced in an  
70 original writing acknowledged by the rental car company before a  
71 notary public or other person empowered by law to administer  
72 oaths and must authorize the person to inspect and redeem the  
73 towed vehicle.

74 (15) (a) A lienor or the lienor's agent may charge a \$75  
75 notification ~~an administrative~~ fee plus the actual costs of  
76 complying with the requirements of this section to the  
77 registered owner or a person claiming a lien against the vehicle  
78 or vessel to obtain release of the vehicle or vessel from the  
79 claim of lien imposed under this section. Such notification  
80 ~~administrative~~ fee plus the actual costs of complying with the  
81 requirements of this section may not exceed \$250. ~~For purposes~~  
82 ~~of this paragraph, the term "administrative fee" means a lien~~  
83 ~~fee or any fee imposed by the lienor or the lienor's agent for~~  
84 ~~administrative costs added to the amount due for towing and~~  
85 ~~storing the vehicle or vessel.~~

86 (16) A towing-storage operator must use a third-party  
87 service approved by the Department of Highway Safety and Motor  
88 Vehicles to transmit all notices required by this section. If  
89 there is no third-party service approved by the department, the  
90 towing-storage operator may mail the notices and provide  
91 evidence of compliance with this section upon submission of an  
92 application for certificate of title or certificate of  
93 destruction.

94 (g) If a towing-storage operator uses a third-party service  
95 approved by the department to provide notice required by this  
96 section, proof of mailing by the third-party service is proof  
97 that the towing-storage operator made a good faith effort to



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98 comply with such notice requirement, regardless of whether the  
99 recipient accepts delivery or otherwise receives notice.

100 (18) The regulation of claiming a lien for the recovery,  
101 removal, towing, or storage of a vehicle or vessel, including,  
102 but not limited to, notification fees, is preempted to the  
103 state, and this section supersedes any county or municipal  
104 ordinance, resolution, rule, regulation, or otherwise to the  
105 contrary.

106  
107 ===== T I T L E A M E N D M E N T =====

108 And the title is amended as follows:

109 Delete lines 12 - 13

110 and insert:

111 certain judicial findings are made; amending s.  
112 713.78, F.S.; revising the timeframe required for  
113 sending notices of lien; prohibiting towing companies  
114 from releasing vehicles owned by rental car companies,  
115 which are towed under certain circumstances, to the  
116 person who rented the vehicle unless the rental car  
117 company appoints the person as its agent; providing  
118 requirements for such appointment; revising fees  
119 relating to obtaining the release of a vehicle or  
120 vessel with a claimed lien; deleting the definition of  
121 the term "administrative fee"; specifying that proof  
122 of mailing by a third-party service is proof that a  
123 towing-storage operator made a good faith effort to  
124 comply with specified notice requirements; preempting  
125 the regulation of claiming a lien for the recovery,  
126 removal, towing, or storage of a vehicle or vessel to



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127  
128

the state; amending s. 715.07, F.S.; prohibiting  
towing companies

By Senator Diaz

36-00955-22

2022990\_\_

1 A bill to be entitled  
 2 An act relating to towing vehicles; amending s.  
 3 323.001, F.S.; providing construction; prohibiting  
 4 investigating agencies from releasing motor vehicles  
 5 towed to an agency's storage facility until certain  
 6 proof of payment is presented to the agency;  
 7 specifying that investigating agencies that do not  
 8 obtain proof of payment must pay certain charges  
 9 within a specified timeframe; requiring investigating  
 10 agencies to pay wrecker operators charges relating to  
 11 towing and storage within a specified timeframe if  
 12 certain judicial findings are made; amending ss.  
 13 713.78 and 715.07, F.S.; prohibiting towing companies  
 14 from releasing vehicles owned by rental car companies  
 15 which are towed under certain circumstances, to the  
 16 person who rented the vehicle unless the rental car  
 17 company appoints the person as its agent; providing  
 18 requirements for such appointment; providing an  
 19 effective date.

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

22  
 23 Section 1. Subsection (1), paragraph (a) of subsection (2),  
 24 and subsection (3) of section 323.001, Florida Statutes, are  
 25 amended to read:

26 323.001 Wrecker operator storage facilities; vehicle  
 27 holds.-

28 (1) An investigating agency may place a hold on a motor  
 29 vehicle stored within a wrecker operator's storage facility for

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

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30 a period not to exceed 5 days, excluding holidays and weekends,  
 31 unless extended in writing. This subsection may not be construed  
 32 to prohibit an investigating agency from having a wrecker  
 33 operator tow a motor vehicle directly from the scene of the tow  
 34 to the investigating agency's storage facility. If a motor  
 35 vehicle is towed directly from the scene of the tow to the  
 36 investigating agency's storage facility, the vehicle may not be  
 37 released by the investigating agency to the owner or lienholder  
 38 of the vehicle until proof of payment of the towing and storage  
 39 charges incurred by the wrecker operator is presented to the  
 40 investigating agency. If the investigating agency releases the  
 41 vehicle to the owner or lienholder of the vehicle without  
 42 obtaining proof of payment, the investigating agency must pay  
 43 the wrecker operator the accrued towing and storage charges  
 44 within 60 days after the vehicle is released.

45 (2) The investigating agency must notify the wrecker  
 46 operator in writing within 5 days, excluding holidays and  
 47 weekends, whether the hold is to be continued. If no  
 48 notification follows this period of time, the wrecker operator  
 49 may release the vehicle to the designated person pursuant to s.  
 50 713.78.

51 (a) If the hold is to continue beyond 5 days, excluding  
 52 holidays and weekends, the investigating agency may have the  
 53 vehicle removed to a designated impound lot, in which event the  
 54 vehicle will not be released by the investigating agency to the  
 55 owner or lienholder of the vehicle until proof of payment of the  
 56 towing and storage charges incurred by the wrecker operator is  
 57 presented to the investigating agency. If the investigating  
 58 agency releases the vehicle to the owner or lienholder of the

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59 vehicle without obtaining proof of payment, the investigating  
 60 agency must pay the wrecker operator the accrued towing and  
 61 storage charges within 60 days after the vehicle is released.

62 (3) If there is a judicial finding of no probable cause for  
 63 having continued the immobilization or impoundment, the  
 64 investigating agency ordering the hold must pay the wrecker  
 65 operator the accrued charges for any towing and storage within  
 66 60 days after the judicial finding.

67 Section 2. Subsection (10) of section 713.78, Florida  
 68 Statutes, is amended to read:

69 713.78 Liens for recovering, towing, or storing vehicles  
 70 and vessels.—

71 (10) Persons who provide services pursuant to this section  
 72 shall permit vehicle or vessel owners, lienholders, insurance  
 73 company representatives, or their agents, which agency is  
 74 evidenced by an original writing acknowledged by the owner  
 75 before a notary public or other person empowered by law to  
 76 administer oaths, to inspect the towed vehicle or vessel and  
 77 shall release to the owner, lienholder, or agent the vehicle,  
 78 vessel, or all personal property not affixed to the vehicle or  
 79 vessel which was in the vehicle or vessel at the time the  
 80 vehicle or vessel came into the custody of the person providing  
 81 such services. For the purposes of this subsection, a rental car  
 82 agreement does not constitute evidence that the person who  
 83 rented a vehicle is an agent of the owner of the vehicle, and a  
 84 towing company may not release a vehicle owned by a rental car  
 85 company to the person who rented the vehicle unless the rental  
 86 car company appoints the person who rented the vehicle as its  
 87 agent. Such appointment must be evidenced in an original writing

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88 acknowledged by the rental car company before a notary public or  
 89 other person empowered by law to administer oaths and must  
 90 authorize the person to inspect and redeem the towed vehicle.

91 Section 3. Paragraph (a) of subsection (2) of section  
 92 715.07, Florida Statutes, is amended to read:

93 715.07 Vehicles or vessels parked on private property;  
 94 towing.—

95 (2) The owner or lessee of real property, or any person  
 96 authorized by the owner or lessee, which person may be the  
 97 designated representative of the condominium association if the  
 98 real property is a condominium, may cause any vehicle or vessel  
 99 parked on such property without her or his permission to be  
 100 removed by a person regularly engaged in the business of towing  
 101 vehicles or vessels, without liability for the costs of removal,  
 102 transportation, or storage or damages caused by such removal,  
 103 transportation, or storage, under any of the following  
 104 circumstances:

105 (a) The towing or removal of any vehicle or vessel from  
 106 private property without the consent of the registered owner or  
 107 other legally authorized person in control of that vehicle or  
 108 vessel is subject to substantial compliance with the following  
 109 conditions and restrictions:

110 1.a. Any towed or removed vehicle or vessel must be stored  
 111 at a site within a 10-mile radius of the point of removal in any  
 112 county of 500,000 population or more, and within a 15-mile  
 113 radius of the point of removal in any county of fewer than  
 114 500,000 population. That site must be open for the purpose of  
 115 redemption of vehicles on any day that the person or firm towing  
 116 such vehicle or vessel is open for towing purposes, from 8:00

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

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117 a.m. to 6:00 p.m., and, when closed, shall have prominently  
 118 posted a sign indicating a telephone number where the operator  
 119 of the site can be reached at all times. Upon receipt of a  
 120 telephoned request to open the site to redeem a vehicle or  
 121 vessel, the operator shall return to the site within 1 hour or  
 122 she or he will be in violation of this section.

123 b. If no towing business providing such service is located  
 124 within the area of towing limitations set forth in sub-  
 125 subparagraph a., the following limitations apply: any towed or  
 126 removed vehicle or vessel must be stored at a site within a 20-  
 127 mile radius of the point of removal in any county of 500,000  
 128 population or more, and within a 30-mile radius of the point of  
 129 removal in any county of fewer than 500,000 population.

130 2. The person or firm towing or removing the vehicle or  
 131 vessel shall, within 30 minutes after completion of such towing  
 132 or removal, notify the municipal police department or, in an  
 133 unincorporated area, the sheriff, of such towing or removal, the  
 134 storage site, the time the vehicle or vessel was towed or  
 135 removed, and the make, model, color, and license plate number of  
 136 the vehicle or description and registration number of the vessel  
 137 and shall obtain the name of the person at that department to  
 138 whom such information was reported and note that name on the  
 139 trip record.

140 3. A person in the process of towing or removing a vehicle  
 141 or vessel from the premises or parking lot in which the vehicle  
 142 or vessel is not lawfully parked must stop when a person seeks  
 143 the return of the vehicle or vessel. The vehicle or vessel must  
 144 be returned upon the payment of a reasonable service fee of not  
 145 more than one-half of the posted rate for the towing or removal

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146 service as provided in subparagraph 6. The vehicle or vessel may  
 147 be towed or removed if, after a reasonable opportunity, the  
 148 owner or legally authorized person in control of the vehicle or  
 149 vessel is unable to pay the service fee. If the vehicle or  
 150 vessel is redeemed, a detailed signed receipt must be given to  
 151 the person redeeming the vehicle or vessel.

152 4. A person may not pay or accept money or other valuable  
 153 consideration for the privilege of towing or removing vehicles  
 154 or vessels from a particular location.

155 5. Except for property appurtenant to and obviously a part  
 156 of a single-family residence, and except for instances when  
 157 notice is personally given to the owner or other legally  
 158 authorized person in control of the vehicle or vessel that the  
 159 area in which that vehicle or vessel is parked is reserved or  
 160 otherwise unavailable for unauthorized vehicles or vessels and  
 161 that the vehicle or vessel is subject to being removed at the  
 162 owner's or operator's expense, any property owner or lessee, or  
 163 person authorized by the property owner or lessee, before towing  
 164 or removing any vehicle or vessel from private property without  
 165 the consent of the owner or other legally authorized person in  
 166 control of that vehicle or vessel, must post a notice meeting  
 167 the following requirements:

168 a. The notice must be prominently placed at each driveway  
 169 access or curb cut allowing vehicular access to the property  
 170 within 10 feet from the road, as defined in s. 334.03(22). If  
 171 there are no curbs or access barriers, the signs must be posted  
 172 not fewer than one sign for each 25 feet of lot frontage.

173 b. The notice must clearly indicate, in not fewer than 2-  
 174 inch high, light-reflective letters on a contrasting background,

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175 that unauthorized vehicles will be towed away at the owner's  
 176 expense. The words "tow-away zone" must be included on the sign  
 177 in not fewer than 4-inch high letters.

178 c. The notice must also provide the name and current  
 179 telephone number of the person or firm towing or removing the  
 180 vehicles or vessels.

181 d. The sign structure containing the required notices must  
 182 be permanently installed with the words "tow-away zone" not  
 183 fewer than 3 feet and not more than 6 feet above ground level  
 184 and must be continuously maintained on the property for not  
 185 fewer than 24 hours before the towing or removal of any vehicles  
 186 or vessels.

187 e. The local government may require permitting and  
 188 inspection of these signs before any towing or removal of  
 189 vehicles or vessels being authorized.

190 f. A business with 20 or fewer parking spaces satisfies the  
 191 notice requirements of this subparagraph by prominently  
 192 displaying a sign stating "Reserved Parking for Customers Only  
 193 Unauthorized Vehicles or Vessels Will be Towed Away At the  
 194 Owner's Expense" in not fewer than 4-inch high, light-reflective  
 195 letters on a contrasting background.

196 g. A property owner towing or removing vessels from real  
 197 property must post notice, consistent with the requirements in  
 198 sub-subparagraphs a.-f., which apply to vehicles, that  
 199 unauthorized vehicles or vessels will be towed away at the  
 200 owner's expense.

201  
 202 A business owner or lessee may authorize the removal of a  
 203 vehicle or vessel by a towing company when the vehicle or vessel

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

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204 is parked in such a manner that restricts the normal operation  
 205 of business; and if a vehicle or vessel parked on a public  
 206 right-of-way obstructs access to a private driveway the owner,  
 207 lessee, or agent may have the vehicle or vessel removed by a  
 208 towing company upon signing an order that the vehicle or vessel  
 209 be removed without a posted tow-away zone sign.

210 6. Any person or firm that tows or removes vehicles or  
 211 vessels and proposes to require an owner, operator, or person in  
 212 control or custody of a vehicle or vessel to pay the costs of  
 213 towing and storage before redemption of the vehicle or vessel  
 214 must file and keep on record with the local law enforcement  
 215 agency a complete copy of the current rates to be charged for  
 216 such services and post at the storage site an identical rate  
 217 schedule and any written contracts with property owners,  
 218 lessees, or persons in control of property which authorize such  
 219 person or firm to remove vehicles or vessels as provided in this  
 220 section.

221 7. Any person or firm towing or removing any vehicles or  
 222 vessels from private property without the consent of the owner  
 223 or other legally authorized person in control or custody of the  
 224 vehicles or vessels shall, on any trucks, wreckers as defined in  
 225 s. 713.78(1)(c), or other vehicles used in the towing or  
 226 removal, have the name, address, and telephone number of the  
 227 company performing such service clearly printed in contrasting  
 228 colors on the driver and passenger sides of the vehicle. The  
 229 name shall be in at least 3-inch permanently affixed letters,  
 230 and the address and telephone number shall be in at least 1-inch  
 231 permanently affixed letters.

232 8. Vehicle entry for the purpose of removing the vehicle or

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233 vessel shall be allowed with reasonable care on the part of the  
234 person or firm towing the vehicle or vessel. Such person or firm  
235 shall be liable for any damage occasioned to the vehicle or  
236 vessel if such entry is not in accordance with the standard of  
237 reasonable care.

238 9. When a vehicle or vessel has been towed or removed  
239 pursuant to this section, it must be released to its owner or  
240 person in control or custody within 1 hour after requested. Any  
241 vehicle or vessel owner or person in control or custody has the  
242 right to inspect the vehicle or vessel before accepting its  
243 return, and no release or waiver of any kind which would release  
244 the person or firm towing the vehicle or vessel from liability  
245 for damages noted by the owner or person in control or custody  
246 at the time of the redemption may be required from any vehicle  
247 or vessel owner or person in control or custody as a condition  
248 of release of the vehicle or vessel to its owner or person in  
249 control or custody. A detailed receipt showing the legal name of  
250 the company or person towing or removing the vehicle or vessel  
251 must be given to the person paying towing or storage charges at  
252 the time of payment, whether requested or not. A towing company  
253 may not release a vehicle owned by a rental car company to the  
254 person who rented the vehicle unless the rental car company  
255 appoints the person who rented the vehicle as its agent. Such  
256 appointment must be evidenced in an original writing  
257 acknowledged by the rental car company before a notary public or  
258 other person empowered by law to administer oaths and must  
259 authorize the person to inspect and redeem the towed vehicle.

260 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)

2/2  
Meeting Date

SB 990  
Bill Number (if applicable)

SA 174926  
Amendment Barcode (if applicable)

Topic Towing

Name Jose Diaz

Job Title Lobbyist

Address 108 E. Jefferson St.  
Street

Phone \_\_\_\_\_

Tallahassee FL 32301  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

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  
Senate professional staff conducting the meeting

02/02/2022

Meeting Date

Transportation

Committee

990

Bill Number or Topic

174996 by A. M. Rodriguez

Amendment Barcode (if applicable)

Name David Custin, David R. Custin & Associates, Inc. Phone 305-607-8576

Address 6401 SW 113 Place Email CustinDR@DavidRCustin.com

Street

Miami

City

FL

State

33173

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:  
**Beach Towing, Inc.**

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

**APPEARANCE RECORD**

SB 990

2/2/2022

Meeting Date

Transportation

Committee

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

Bill Number or Topic

174996

Amendment Barcode (if applicable)

Name **Andy Palmer**

Phone **8502059000**

Address **119 S. Monroe, Suite 200**

Email **andy.palmer@MHDFirm.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:

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

**Auto Data Direct**

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

**APPEARANCE RECORD**

SB 990

2/2/2022

Meeting Date

Transportation

Committee

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

Bill Number or Topic

174996

Amendment Barcode (if applicable)

Name **Doug Bell**

Phone **8502059000**

Address **119 S. Monroe, Suite 200**

Email **Doug.Bell@MHDFirm.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:

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

**Avis**

*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

# APPEARANCE RECORD

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

02/02/2022

Meeting Date

Transportation

Committee

990 by Diaz

Bill Number or Topic

Amendment Barcode (if applicable)

Name David Custin, David R. Custin & Associates, Inc.

Phone 305-607-8576

Address 6401 SW 113 Place

Email CustinDR@DavidRCustin.com

Street

Miami

City

FL

State

33173

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:

Beach Towing, Inc.

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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 1178

INTRODUCER: Transportation Committee and Senator Broxson

SUBJECT: License Plates

DATE: February 2, 2022

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Vickers	TR	Fav/CS
2.			ATD	
3.			AP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1178 defines digital license plate and creates a digital license plate pilot program administered by the Department of Highway Safety and Motor Vehicles (DHSMV) to evaluate the designs, concepts, and technologies of digital license plates for use in this state.

Further, effective July 1, 2023, the bill provides for the use of a digital license plate upon a determination that the information on the digital license plate display is readable by current automated license plate recognition hardware and software, subject to the laws of Florida applicable to a physical license plate, in place of the current physical license plate. However, the purchaser of a digital license plate must first obtain a physical license plate from the DHSMV before obtaining a digital license plate directly from a digital license plate provider.

The bill provides that a digital license plate owner is not subject to the penalties for failure to display a validation sticker if the vehicle is operated in compliance with law and any rules adopted by the DHSMV governing the placement of digital license plates and registration renewal.

The bill may have an indeterminate, likely insignificant, negative fiscal impact to the DHSMV. See Section V. Fiscal Impact Statement.

The bill has an effective date, except as otherwise expressly provided for in the bill, of July 1, 2022.

## II. Present Situation:

All vehicles required to be licensed in Florida generally must display an assigned license plate on the rear of the vehicle. No license plates other than those furnished by the state may be used.<sup>1</sup>

The DHSMV administers the issuance of motor vehicle license plates as a part of the tag and registration requirements specified in ch. 320, F.S. License plates are issued for a 10-year period and are replaced upon renewal at the end of the 10-year period. The license plate fee for both an original issuance and replacement is \$28.00, which is deposited in the Highway Safety Operating Trust Fund.<sup>2</sup> An advance replacement fee of \$2.80 is applied to the annual vehicle registration and is credited towards the next replacement; the fee is deposited in the Highway Safety Operating Trust Fund.<sup>3</sup>

Current state law provides for several types of license plates. In addition to plates issued for governmental or business purposes, the DHSMV offers four basic types of plates to the general public:

- Standard plates: The standard license plate currently comes in three configurations: the county name designation, the state motto designation, or the state slogan designation.
- Specialty license plates:<sup>4</sup> Specialty license plates generate revenue for various colleges, universities, charities, causes, and civic organizations.
- Personalized prestige license plates:<sup>5</sup> Personalized license plates allow motorists to define the alpha numeric design (up to seven characters) on a standard plate that must be approved by the DHSMV.
- Special use license plates: Certain members of the general public may be eligible to apply for special use license plates if they are able to document their eligibility pursuant to various sections of ch. 320, F.S. This category of plates primarily includes special military license plates as well as plates for the handicapped. Examples include the Purple Heart, National Guard, United States Armed Forces, Pearl Harbor, and Iraqi Freedom plates.

Current state law provides that license plates must be made of metal specially treated with a retro reflection material, as specified by the DHSMV. The license plate must be designed to increase nighttime visibility and legibility and must be at least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the DHSMV to accommodate motorcycles, mopeds, or similar smaller vehicles. The license plate must be imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the license plate number.<sup>6</sup> The license plate must be imprinted with the word “Florida” at the top and at the bottom:

- The name of the county in which it is sold, the state motto, or the words “Sunshine State”;
  - Any county may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold in that county. The state motto or the words “Sunshine State” must be printed in lieu thereof.

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<sup>1</sup> Section 316.605(1), F.S.

<sup>2</sup> Sections 320.06 and 320.0607, F.S.

<sup>3</sup> Section 320.06(1)(b)1., F.S.

<sup>4</sup> Section 320.08058, F.S.

<sup>5</sup> Section 320.0805, F.S.

<sup>6</sup> Section 320.06(3)(a), F.S.

- Apportioned license plates must have the word “Apportioned”;
- Specially taxed vehicles must have the word “Restricted”;
- Dealer vehicles must have the word “Dealer” unless the license plate is a specialty license plate;
- Manufacturer vehicles must have the word “Manufacturer”; and
- Wrecker vehicles must have the word “Wrecker”.<sup>7</sup>

A license plate issued for a for-hire vehicle may not be assigned a registration license number, or be issued with any other distinctive character or designation, that distinguishes the motor vehicle as a for-hire motor vehicle.<sup>8</sup>

Most license plates are equipped with validation stickers that reflect the period of valid registration, which expire on midnight on the last day of the registration period and are issued upon payment of the proper license tax amount and fees.<sup>9</sup> Validation stickers must also be treated with a retro reflection material, must be of such size as specified by the DHSMV, and must adhere to the license plate.<sup>10</sup>

### Digital License Plates

“Aside from the expected changes from a metal plate to a digital screen (including the digital screen, circuitry, a power source, and a housing), the Digital License Plate includes mobile phone technology for over the-air updates, Global Positioning System (GPS), and accelerometers to read when the vehicle is in motion.”<sup>11</sup> The mounting bracket typically uses specially shaped “security screws” to prevent unauthorized removal of the plate. If the plate is removed from the bracket, the plate is programmed to display a blank screen.<sup>12</sup>

ReviverMX, Inc. (Reviver) and Airplate appear to currently be the only manufacturers of a digital license plate product in the United States. Currently, two states allow digital license plates for use by the public, California and Arizona.<sup>13</sup> The digital license plates are purchased through participating resellers or the plate manufacturer and are not available through the states’ agencies.<sup>14</sup> The manufacturer determines the plate’s cost and the states do not receive any proceeds from sales.<sup>15</sup> It is expected that Texas, Maryland, North Carolina, Pennsylvania, Ohio, Michigan and Georgia are also looking into the feasibility of allowing digital license plates.<sup>16</sup>

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

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

<sup>9</sup> Sections 320.06(1)(b) and (c), F.S.

<sup>10</sup> *Supra* FN 6.

<sup>11</sup> California Department of Motor Vehicles, *Report on Alternative Registration Products Pilot Program*, at 9-10, August 2019, <https://www.dmv.ca.gov/portal/uploads/2020/04/AlternativeRegistrationProducts.pdf> (last visited January 27, 2022).

<sup>12</sup> *Ibid.*

<sup>13</sup> Sebastian Blanco, *Digital License Plates Coming to Michigan in 2021 after Debut in California*, Car and Driver, November 28, 2020, <https://www.caranddriver.com/news/a34748524/digital-license-plates-coming-2021/> (last visited January 27, 2022).

<sup>14</sup> Arizona Department of Transportation, *Digital License Plate Program*, <https://azdot.gov/motor-vehicles/vehicle-services/plates-and-placards/digital-license-plate-program> (last visited January 27, 2022).

<sup>15</sup> *Ibid.*

<sup>16</sup> Department of Highway Safety and Motor Vehicles, *2022 Legislative Bill Analysis for SB 1178*, (January 13, 2022), p. 3 (on file in the Senate Committee on Transportation).



### ***ReviverMX, Inc.***

Reviver is the developer of a platform that integrates a digital license plate and a smart phone app. The company sells two types of digital license plates: the Rplate and the Rplate Pro.<sup>17</sup> Approximately 4,000 vehicles are equipped with Rplates in California and Arizona.<sup>18</sup>

According to Reviver, the Rplates have the functionality to be used by some businesses as mini-billboards to advertise their products or services and to provide public service messages, such as street closure notifications or to show an ad for a city service. However, the Rplate will be able to do so only when the vehicle comes to a stop for four seconds or longer. The license plate number will still appear on the screen when messages appear, but it will be smaller and in the upper right corner of the screen.<sup>19</sup>

Purchasers of the Reviver Rplates incur two costs; the price of the screen itself (plus installation for the Reviver Rplate Pro) and the annual service plan. The basic Reviver Rplate is powered by a five year battery and is \$899 or \$19.95 per month with a 48 month agreement, both purchase options require an additional \$55 annual service plan; and the Reviver Rplate Pro is \$1049 (\$999 plus \$150 installation fee) or \$24.95 per month with a 48 month agreement, both purchase options require an additional \$75 annual service plan. The Reviver Rplate Pro is wired to a vehicle's power source and provides additional options such as telematics through a built in GPS system.<sup>20</sup>

### ***Airplate***

Airplate is the developer of a platform that integrates a digital license plate, smart phone app and a color code HD LED display ring around the digital license plate which indicates the status of the vehicle and the driver, allowing a law enforcement officer to avoid danger from a distance.<sup>21</sup> The color codes provided on their website are: green which indicates a driver is legal to operate a motor vehicle; yellow which indicate the vehicle registration has expired; red which indicates the driver does not have a legal right to operate a motor vehicle, a violation of law has occurred, or has a warrant for arrest; amber which indicates a National Amber Alert for a person of interest and missing persons; Blue which indicates a restricted license; purple which indicates an emergency signal for those with Alzheimer's or dementia; silver which indicates a missing elderly person; and pink which indicates an autonomous self-driving vehicle or artificial intelligence operated vehicle.<sup>22</sup>

Airplate's digital license plate is designed to initially be used by government fleet-issued vehicles, school buses, day care transportation vehicles, transportation vehicles for senior

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<sup>17</sup> Reviver, *Reviver Announces Florida Has Filed Legislation Authorizing its Digital License Plates*, PR News Wire, February 9, 2021, <https://www.prnewswire.com/news-releases/reviverannounces-florida-has-filed-legislation-authorizing-its-digital-license-plates-301224838.html> (last visited January 27, 2022).

<sup>18</sup> *Supra* FN 11.

<sup>19</sup> California Senate, Senate Rules Committee, *SB 806 Senate Floor Analysis*, p. 4, September 3, 2013, [https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill\\_id=201320140SB806](https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201320140SB806) (last visited January 27, 2022).

<sup>20</sup> Reviver, *Shop*, <https://www.reviver.com/shop/> (last visited January 27, 2022).

<sup>21</sup> Theairplate, <https://www.theairplate.com/> (last visited January 28, 2022).

<sup>22</sup> *Ibid.*

citizens, trucking, and rental car fleets.<sup>23</sup> At this time there is no pricing information available for the digital license plate.

### ***Other States***

In 2013, the California Department of Motor Vehicles (DMV) was authorized to establish a pilot program to assess and review the use of alternative products for vehicle registration currently issued by the DMV (license plates, stickers, tabs, and registration cards). The purpose of the pilot was to allow the DMV to examine the functionality of alternatives to standard registration products and to evaluate the cost-effectiveness and feasibility of implementation. In 2015, the DMV awarded and executed a non-competitive bid contract with Reviver for a digital license plate pilot program.<sup>24</sup>

The California pilot program became operational in December 2015, with five vehicles. In 2017, the pilot program grew to approximately 85 vehicles. In 2018, participation increased to approximately 1,400 vehicles. The pilot program was projected by California to conclude in July 2020 with participation of approximately 1,500 vehicles.<sup>25</sup>

In 2017, Arizona conducted a pilot program to assess and review the use of alternative products for vehicle registration, and as of January 2019 drivers in Arizona were able to purchase a digital license plate for their vehicles. The Arizona Department of Transportation (ADOT) worked with Reviver to administer the pilot to test the functionality, durability, and viability of digital license plates in Arizona's areas with extreme high and low temperatures and to test the ability to operate in areas with low/no cellular connectivity. Arizona's pilot was limited to 10 ADOT-owned vehicles throughout the state. The ADOT selected vehicles with higher monthly mileage to ensure that plate display devices were adequately exposed to the elements.<sup>26</sup>

During this pilot project, the ADOT collaborated with the Arizona Department of Public Safety, which performed readability and functionality testing. The pilot found digital license plates:

- Readable from a distance of 100 feet during daylight;
- Readable at night;
- Do not have glare that cause the plates to be difficult to read;
- Continue to operate when disconnected from the power source; and
- Maintain functionality and readability in extreme temperatures.<sup>27</sup>

### ***Florida***

In 2012, the DHSMV was authorized to implement a pilot program to evaluate designs, concepts, technologies for alternative license plates, and the long-term cost impact to the consumer. The pilot would be limited to license plates used on government-owned motor vehicles. The DHSMV has implemented a pilot program for alternative license plate technologies. Presently, several government vehicles in the DHSMV's Division of Motorist Services fleet are equipped with digital license plates from Reviver and are being evaluated for

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<sup>23</sup> Barney Bishop, Representative of Airplate (on file in the Senate Committee on Transportation).

<sup>24</sup> *Supra* FN 11.

<sup>25</sup> *Ibid.* at p. 1.

<sup>26</sup> *Ibid.* at p. 14.

<sup>27</sup> *Ibid.* at p. 15.

feasibility. The plates are not integrated with the DHSMV's motor vehicle titling and registration systems.<sup>28</sup>

### III. Effect of Proposed Changes:

The bill amends s. 320.01, F.S., to provide a definition for digital license plate to mean an electronic display meeting all specifications required by the DHSMV, which must, at a minimum:

- Be designed to display the information required in this chapter to be included on a physical license plate;
- Be designed to be placed on a motor vehicle registered under this chapter in lieu of a physical license plate;
- Be designed to display any other information that the department, in consultation with law enforcement agencies, determines may improve public safety; and
- Have been determined by the Department of Transportation (FDOT) to have a display readable by current toll collection systems and current automated law enforcement automated license plate recognition hardware and software.

The bill amends s. 320.06, F.S., providing the DHSMV may conduct a pilot program to evaluate designs, concepts, technologies for digital license plates that modernize license plates in this state and improve public safety, and the long-term cost impact to the consumer.

Digital license plate designs, concepts, and technologies that the DHSMV may investigate the feasibility and use of must include, but are not limited to, the ability to:

- Display information required to be included on a metal or paper license plate;
- Display safety alerts issued by a governmental entity, such as emergency alerts, Amber Alerts, and Silver Alerts;
- Display static logos, including unique displays for fleet license plates, digital versions of specialty license plates, and special license plates;
- Display the registration status of the motor vehicle to which the plate is affixed;
- Display any other information that the DHSMV, in consultation with law enforcement agencies, determines may improve public safety;
- Be readable by current toll collection systems and current law enforcement automated license plate recognition hardware and software, as determined by the FDOT;
- Connect to the Internet;
- Use a mobile application and to integrate with the DHSMV's information system for the purpose of renewing digital license plate registrations; and
- Add and transfer data at the direction and discretion of the DHSMV.

If the DHSMV conducts the pilot program, it must administer the program and allow government-owned motor vehicles to be equipped with a digital license plate in addition to being issued a physical license plate. In conducting the pilot program:

- The DHSMV may contract with digital license plate providers to participate.

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<sup>28</sup> *Supra* FN 16, p. 2.

- For each digital license plate provider contracted by the DHSMV to participate, the DHSMV must select at least two geographic regions (one urban and one rural) of this state and use at least 10 digital license plates in each region.
- For each digital license plate provider contracted by the DHSMV to participate in the pilot program, the evaluation of the digital license plate designs, concepts, and technologies must conclude within 6 months after the execution of a contract.
  - Within 8 months after the execution of a contract to participate in the pilot program for the evaluation of the digital license plate designs, concepts, and technologies, the DHSMV must make written recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the implementation and use of the digital license plate designs, concepts, and technologies.
- The department may adopt rules for implementation.

The bill amends s. 320.07, F.S., to provide that a digital license plate owner is not subject to the penalties of s. 320.07, F.S., for failure to display a validation sticker if the vehicle is operated in compliance with law and any rules adopted by the DHSMV governing the placement of digital license plates and registration renewal.

### **Digital License Plates**

Effective July 1, 2023, the bill creates s. 320.08069, F.S., which allows for the use of a digital license plate. It provides that a digital license plate is subject to the laws of Florida applicable to a physical license plate. However, digital license plates will be exempt from s. 320.06(3)(a), F.S., which relates to specific physical characteristics of an aluminum license plate.

### ***Digital License Plate Issuance***

The bill provides that the DHSMV may allow a motor vehicle registered in this state to be equipped with a digital license plate in lieu of a physical license plate issued under s. 320.06, F.S. However, the purchaser of a digital license plate must first obtain a physical license plate from the DHSMV before obtaining a digital license plate. Physical license plates must be renewed in accordance with the requirements of s. 320.06, F.S., relating to all fees due on an annual or semiannual basis.

The bill provides that the DHSMV may:

- Contract with one or more digital license plate providers for the issuance of digital license plates, including any services related to the issuance of digital license plates. The contract must include provisions governing the protection of personal and motor vehicle registration data obtained by a digital license plate provider in the performance of its services.
  - A digital license plate provider may not sell or share personal or motor vehicle registration data and may not store, sell, or share geolocation data from the use of a digital license plate. A digital license plate provider that violates this provision is subject to a civil penalty not to exceed \$5,000 per occurrence.
- Authorize the display of the motor vehicle's validation on each digital license plate in lieu of the validation sticker. The validation must display the owner's birth month, the license plate number, and the year of expiration or appropriate renewal period if the owner is not a natural person. The validation must be displayed in the upper right corner of the digital license plate.

- Authorize the use of a digital license plate for electronic toll collection, if such use has been approved by the FDOT or other appropriate tolling authority, or to display a parking permit.

The bill provides the DHSMV must establish procedures for displaying information on a digital license plate, which may include, but not be limited to:

- An emergency alert or other public safety alert issued by a governmental entity, including an alert for a missing child or adult.
- A company name or logo and unit number for fleet license plates, specialty license plates, special license plates for military service, and special license plates for the Governor and federal and state legislators.
- Other displays that the DHSMV, in consultation with law enforcement agencies, determines are in the interest of public safety.

### ***Digital License Plate Requirements***

The bill provides that a digital license plate issued must:

- Meet the specifications and requirements adopted in the bill;
- Include the same information required to be included on a physical license plate and legibly display that information at all times and in all light conditions; and
- Have wireless connectivity capability.

### ***Digital License Plate Providers***

The bill provides that a digital license plate provider with whom the DHSMV contracts must:

- Maintain an inventory of digital license plates issued in this state by the digital license plate provider;
- Make available a digital version of each specialty license plate authorized by the DHSMV; and
- If a digital license plate displays a validation, promptly update the display of the validation to reflect the current registration period for the motor vehicle and, upon request of the DHSMV, suspend the display of the validation or indicate on the digital license plate that the registration for the motor vehicle has expired.

### ***Digital License Plate Consumers***

The bill provides that a consumer who chooses to purchase a digital license plate, in addition to any fees associated with the purchase of a digital license plate, is also responsible for paying to the DHSMV all applicable motor vehicle fees, including any annual use fees associated with any specialty license plate the consumer wishes to display on the digital license plate.

The bill provides the DHSMV may adopt and implement rules for the use of digital license plates.

The bill provides that except as otherwise expressly provided, the bill takes effect July 1, 2022.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None. The bill does not increase or change fees for registration of motor vehicles. Vehicle owners who voluntarily decide to purchase a digital license plate would not purchase the digital license plate from the state.

## B. Private Sector Impact:

Reviver appears to currently be the only manufacturer of a digital license plate product that is currently available for purchase by the general public. Any subsequent expansion of availability to any motor vehicle registered under ch. 320, F.S., would have a positive fiscal impact to the company.

The bill may have a positive fiscal impact to Airplate when their plate is ready to enter the market for purchase by the general public.

## C. Government Sector Impact:

The bill may have an indeterminate, likely insignificant, negative fiscal impact to the DHSMV with the expectation being that programming and implementation will be conducted between the vendor and the consumer. The DHSMV does not currently plan on programming connectivity between the proposed digital license plates and the DHSMV systems and will continue with current procedures for original and renewal

license plate transactions.<sup>29</sup> In addition, if the DHSMV chooses to conduct a pilot program to evaluate designs, concepts, technologies for digital license plates that modernize license plates in this state and improve public safety, and the long-term cost impact to the consumer, there may be additional negative fiscal impacts.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 320.01, 320.06 and 320.07 of the Florida Statutes. This bill creates section 320.08069 of the Florida Statutes.

**IX. Additional Information:**

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

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

**CS by Transportation on February 2, 2022:**

The CS defines digital license plate and creates a digital license plate pilot program administered by the DHSMV to evaluate the designs, concepts, and technologies of digital license plates for use in this state. In addition, effective July 1, 2023, the CS allows for the use of a digital license plate in place of a physical license plate.

**B. Amendments:**

None.

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

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<sup>29</sup> Supra FN 16, p. 7.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2022	.	
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	.	
	.	

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The Committee on Transportation (Broxson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (46) is added to section 320.01,  
Florida Statutes, to read:

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

(46) "Digital license plate" means an electronic display  
meeting all specifications required by the department, which





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11 must, at a minimum:

12 (a) Be designed to display the information required in this  
13 chapter to be included on a physical license plate;

14 (b) Be designed to be placed on a motor vehicle registered  
15 under this chapter in lieu of a physical license plate;

16 (c) Be designed to display any other information that the  
17 department, in consultation with law enforcement agencies,  
18 determines may improve public safety; and

19 (d) Have been determined by the Department of  
20 Transportation to have a display readable by current toll  
21 collection systems and current automated law enforcement  
22 automated license plate recognition hardware and software.

23 Section 2. Present subsection (6) of section 320.06,  
24 Florida Statutes, is redesignated as subsection (7), a new  
25 subsection (6) is added to that section, and subsection (5) of  
26 that section is amended, to read:

27 320.06 Registration certificates, license plates, and  
28 validation stickers generally.—

29 (5) The department may conduct a pilot program to evaluate  
30 the designs, concepts, and technologies for digital alternative  
31 license plates as provided for in subsection (6). For purposes  
32 of the pilot program, the department may ~~shall~~ investigate the  
33 feasibility and use of digital alternative license plate  
34 technologies that modernize license plates used in this state  
35 and improve public safety, and the long-term cost impact to the  
36 consumer. The pilot program shall be limited to license plates  
37 that are used on government-owned motor vehicles as described in  
38 s. 320.0655. Such license plates are exempt from the  
39 requirements in paragraph (3) (a). For the purposes of this



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40 subsection, digital license plate designs, concepts, and  
41 technologies that the department may investigate the feasibility  
42 and use of must include, but are not limited to, the ability to:

43 (a) Display information required to be included on a metal  
44 or paper license plate.

45 (b) Display safety alerts issued by a governmental entity,  
46 such as emergency alerts, Amber Alerts, and Silver Alerts.

47 (c) Display static logos, including unique displays for  
48 fleet license plates, digital versions of specialty license  
49 plates, and special license plates.

50 (d) Display the registration status of the motor vehicle to  
51 which the plate is affixed.

52 (e) Display any other information that the department, in  
53 consultation with law enforcement agencies, determines may  
54 improve public safety.

55 (f) Be readable by current toll collection systems and  
56 current law enforcement automated license plate recognition  
57 hardware and software, as determined by the Department of  
58 Transportation.

59 (g) Connect to the Internet.

60 (h) Use a mobile application and to integrate with the  
61 department's information system for the purpose of renewing  
62 digital license plate registrations.

63 (i) Add and transfer data at the direction and discretion  
64 of the department.

65 (6) (a) The department may conduct a pilot program for the  
66 purpose of evaluating the designs, concepts, and technologies of  
67 digital license plates for use in this state and allowing  
68 government-owned vehicles registered under this chapter to be



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69 equipped with a digital license plate in addition to being  
70 issued a physical license plate.

71 (b) If the department conducts the pilot program, it must  
72 administer the program and allow government-owned motor vehicles  
73 registered under this chapter to be equipped with a digital  
74 license plate in addition to being issued a physical license  
75 plate under this section.

76 1. The department may contract with digital license plate  
77 providers to participate in the pilot program.

78 2. For each digital license plate provider contracted by  
79 the department to participate in the pilot program, the  
80 department shall select at least two geographic regions of this  
81 state and use at least 10 digital license plates in each region.  
82 The pilot program must be implemented in at least one urban  
83 region and one rural region of this state.

84 3. For each digital license plate provider contracted by  
85 the department to participate in the pilot program, the  
86 evaluation of the digital license plate designs, concepts, and  
87 technologies must conclude within 6 months after the execution  
88 of a contract for participation in the pilot program. Within 8  
89 months after the execution of a contract to participate in the  
90 pilot program for the evaluation of the digital license plate  
91 designs, concepts, and technologies, the department shall make  
92 written recommendations to the Governor, the President of the  
93 Senate, and the Speaker of the House of Representatives  
94 regarding the implementation and use of the digital license  
95 plate designs, concepts, and technologies.

96 (c) The department may adopt rules to implement this  
97 subsection.



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98 Section 3. Effective July 1, 2023, subsection (7) is added  
99 to section 320.07, Florida Statutes, to read:

100 320.07 Expiration of registration; renewal required;  
101 penalties.—

102 (7) An owner of a digital license plate as defined in s.  
103 320.01(46) is not subject to the penalties in this section for  
104 failure to display a validation sticker if the vehicle was  
105 operated in compliance with this chapter and any rules adopted  
106 by the department governing the placement of digital license  
107 plates and registration renewal.

108 Section 4. Effective July 1, 2023, section 320.08069,  
109 Florida Statutes, is created to read:

110 320.08069 Digital license plates.—

111 (1) APPLICABILITY.—Except as otherwise provided in this  
112 section or rules adopted under this section, a digital license  
113 plate issued under this section is subject to the laws of this  
114 state applicable to a physical license plate. Physical license  
115 plates must be renewed in accordance with the requirements of s.  
116 320.06 relating to all fees due on an annual or semiannual  
117 basis. However, digital license plates issued under this section  
118 are exempt from s. 320.06(3)(a).

119 (2) DIGITAL LICENSE PLATE ISSUANCE.—

120 (a) The department may allow a motor vehicle registered  
121 under this chapter to be equipped with a department-approved  
122 digital license plate in lieu of a physical license plate issued  
123 under s. 320.06. However, the purchaser of a digital license  
124 plate must first obtain a physical license plate from the  
125 department before obtaining a digital license plate. Physical  
126 license plates must be renewed in accordance with the



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127 requirements of s. 320.06 relating to all fees due on an annual  
128 or semiannual basis.

129 (b) The department may contract with digital license plate  
130 providers for the issuance of digital license plates, including  
131 any services related to the issuance of digital license plates.  
132 The contract must include provisions governing the protection of  
133 personal and motor vehicle registration data obtained by a  
134 digital license plate provider in the performance of its  
135 services. A digital license plate provider may not sell or share  
136 personal or motor vehicle registration data and may not store,  
137 sell, or share geolocation data from the use of a digital  
138 license plate. A digital license plate provider that violates  
139 this paragraph is subject to a civil penalty not to exceed  
140 \$5,000 per occurrence.

141 (c) The department may authorize the display of the motor  
142 vehicle's validation on each digital license plate in lieu of  
143 the validation sticker. The validation must display the owner's  
144 birth month, the license plate number, and the year of  
145 expiration or the appropriate renewal period if the owner is not  
146 a natural person. The validation must be displayed in the upper  
147 right corner of the digital license plate.

148 (d) The department may authorize the use of a digital  
149 license plate for electronic toll collection, if such use has  
150 been approved by the Department of Transportation or other  
151 appropriate tolling authority, or to display a parking permit.

152 (e) The department shall establish procedures for  
153 displaying information on a digital license plate, which may  
154 include, but not be limited to:

155 1. An emergency alert or other public safety alert issued



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156 by a governmental entity, including an alert pursuant to s.  
157 937.021.

158 2. A company name or logo and unit number for fleet license  
159 plates as described in s. 320.0657 and digital versions of  
160 specialty license plates as described in s. 320.08058, special  
161 license plates for military service as authorized in s. 320.089,  
162 and special license plates for the Governor and federal and  
163 state legislators as authorized in s. 320.0807.

164 3. Other displays that the department, in consultation with  
165 law enforcement agencies, determines are in the interest of  
166 public safety.

167 (3) DIGITAL LICENSE PLATE REQUIREMENTS.—A digital license  
168 plate issued under this section must:

169 (a) Meet the specifications and requirements adopted under  
170 subsection (2).

171 (b) Include the same information required to be included on  
172 a physical license plate and legibly display that information at  
173 all times and in all light conditions.

174 (c) Have wireless connectivity capability.

175 (4) DIGITAL LICENSE PLATE PROVIDERS.—A digital license  
176 plate provider with whom the department contracts shall:

177 (a) Maintain an inventory of digital license plates issued  
178 in this state by the digital license plate provider.

179 (b) Make available a digital version of each specialty  
180 license plate authorized by the department.

181 (c) If a digital license plate displays a validation,  
182 promptly update the display of the validation to reflect the  
183 current registration period for the motor vehicle and, upon  
184 request of the department, suspend the display of the validation



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185 or indicate on the digital license plate that the registration  
186 for the motor vehicle has expired.

187 (5) DIGITAL LICENSE PLATE CONSUMERS.—In addition to any  
188 fees associated with the purchase of a digital license plate,  
189 the consumer is also responsible for paying to the department  
190 all applicable motor vehicle fees required by this chapter,  
191 including any annual use fees pursuant to s. 320.08056  
192 associated with any specialty license plate the consumer wishes  
193 to display on the digital license plate.

194 (6) RULEMAKING.—The department may adopt rules to implement  
195 this section.

196 Section 4. Except as otherwise expressly provided in this  
197 act, this act shall take effect July 1, 2022.

198  
199 ===== T I T L E A M E N D M E N T =====

200 And the title is amended as follows:

201 Delete everything before the enacting clause  
202 and insert:

203 A bill to be entitled  
204 An act relating to license plates; amending s. 320.01,  
205 F.S.; defining the term "digital license plate";  
206 amending s. 320.06, F.S.; authorizing the Department  
207 of Highway Safety and Motor Vehicles to conduct a  
208 pilot program to evaluate designs, concepts, and  
209 technologies for a digital, rather than an  
210 alternative, license plate pilot program; authorizing  
211 the department to investigate the feasibility of  
212 digital license plate designs, concepts, and  
213 technologies that, at a minimum, meet certain



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214 prerequisites; requiring the department to administer  
215 any such pilot program and to contract with digital  
216 license plate providers in implementing such a  
217 program; providing timeframes for any such program;  
218 requiring the department to make written  
219 recommendations to the Governor and the Legislature;  
220 authorizing the department to adopt rules; amending s.  
221 320.07, F.S.; providing that an owner of a digital  
222 license plate is not subject to penalties for failure  
223 to display a validation sticker if certain conditions  
224 are met; creating s. 320.08069, F.S.; providing  
225 applicability; authorizing the department to allow a  
226 registered motor vehicle to be equipped with an  
227 approved digital license plate in lieu of a physical  
228 license plate by a certain date; providing  
229 requirements for purchasers of digital license plates;  
230 authorizing the department to contract with digital  
231 license plate providers for certain purposes;  
232 providing a requirement for such contract; specifying  
233 prohibited acts of digital license plate providers;  
234 providing a civil penalty for violations; authorizing  
235 the department to authorize digital license plates to  
236 display a motor vehicle's validation and to be used  
237 for electronic toll collection and to display parking  
238 permits, subject to certain requirements; requiring  
239 the department to establish procedures for displaying  
240 information on digital license plates; specifying  
241 requirements for digital license plates, digital  
242 license plate providers, and consumers; authorizing





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243  
244

the department to adopt rules; providing effective  
dates.

By Senator Broxson

1-00013B-22

20221178\_\_

A bill to be entitled

An act relating to license plates; amending s. 320.06, F.S.; requiring, rather than authorizing, the corporation managing the correctional work programs of the Department of Corrections to manufacture license plates; deleting provisions relating to the authority of the Department of Highway Safety and Motor Vehicles to conduct a pilot program to evaluate the designs, concepts, and technologies for alternative license plates; amending s. 320.07, F.S.; exempting owners of digital license plates from certain penalties if certain conditions are met; creating s. 320.08069, F.S.; defining terms; providing applicability; authorizing motor vehicles to be equipped with digital license plates by a specified date; specifying requirements for digital license plate purchasers in obtaining and renewing physical license plates; authorizing the department to contract with digital license plate providers; providing department authority relating to the display and use of digital license plates; specifying requirements for digital license plates, digital license plate providers, and digital license plate consumers; authorizing the department to adopt rules; providing an effective date.

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

Section 1. Subsections (4) and (5) of section 320.06,

Page 1 of 6

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

1-00013B-22

20221178\_\_

Florida Statutes, are amended to read:

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

(4) The corporation organized under chapter 946 ~~shall may~~ manufacture license plates and may produce, validation stickers, and decals, as well as temporary tags, disabled hang tags, vessel decals, and fuel use decals, for the Department of Highway Safety and Motor Vehicles as provided in this chapter and chapter 327. The Department of Highway Safety and Motor Vehicles is not required to obtain competitive bids in order to contract with the corporation.

~~(5) The department may conduct a pilot program to evaluate the designs, concepts, and technologies for alternative license plates. For purposes of the pilot program, the department shall investigate the feasibility and use of alternative license plate technologies and the long term cost impact to the consumer. The pilot program shall be limited to license plates that are used on government owned motor vehicles as described in s. 320.0655. Such license plates are exempt from the requirements in paragraph (3)(a).~~

Section 2. Subsection (7) is added to section 320.07, Florida Statutes, to read:

320.07 Expiration of registration; renewal required; penalties.—

(7) An owner of a digital license plate as described in s. 320.08069 is not subject to the penalties in this section for failure to display a validation sticker if the vehicle was operated in compliance with this chapter and any rules adopted by the department governing the placement of digital license

Page 2 of 6

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

1-00013B-22 20221178\_\_

59 plates and registration renewal.  
 60 Section 3. Section 320.08069, Florida Statutes, is created  
 61 to read:  
 62 320.08069 Digital license plates.—  
 63 (1) DEFINITIONS.—As used in this section, the term:  
 64 (a) “Digital license plate” means an electronic display  
 65 designed to:  
 66 1. Display the information required in this chapter to be  
 67 included on a physical license plate.  
 68 2. Be placed on a motor vehicle registered under this  
 69 chapter in lieu of a physical license plate.  
 70 (b) “Digital license plate provider” means a person or an  
 71 entity engaged in the business of providing digital license  
 72 plate hardware and services to motor vehicle owners.  
 73 (2) APPLICABILITY.—Except as otherwise provided in this  
 74 section or a rule adopted under this section, a digital license  
 75 plate issued under this section is subject to the laws of this  
 76 state applicable to a physical license plate. However, digital  
 77 license plates issued under this section are exempt from s.  
 78 320.06(3) (a) .  
 79 (3) DIGITAL LICENSE PLATE ISSUANCE.—  
 80 (a) By August 1, 2022, the department shall allow a motor  
 81 vehicle registered under this chapter to be equipped with a  
 82 digital license plate in lieu of a physical license plate issued  
 83 under s. 320.06 upon a determination that the information on the  
 84 digital license plate display is readable by current automated  
 85 license plate recognition hardware and software. However, the  
 86 purchaser of a digital license plate must first obtain a  
 87 physical license plate from the department before obtaining a

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88 digital license plate from a digital license plate provider.  
 89 Physical license plates must be renewed in accordance with the  
 90 requirements of s. 320.06 relating to all fees due on an annual  
 91 or semiannual basis.  
 92 (b) The department may contract with one or more digital  
 93 license plate providers for the issuance of digital license  
 94 plates, including any services related to the issuance of  
 95 digital license plates. The contract must include provisions  
 96 governing the protection of personal and motor vehicle  
 97 registration data obtained by a digital license plate provider  
 98 in the performance of its services.  
 99 (c) The department may authorize the display of the motor  
 100 vehicle’s validation on each digital license plate in lieu of  
 101 the validation sticker. The validation must display the owner’s  
 102 birth month, the license plate number, and the year of  
 103 expiration or appropriate renewal period if the owner is not a  
 104 natural person. The validation must be displayed in the upper  
 105 right corner of the digital license plate.  
 106 (d) The department may authorize the use of a digital  
 107 license plate for electronic toll collection, if such use has  
 108 been approved by the Department of Transportation or other  
 109 appropriate tolling authority, or to display a parking permit.  
 110 (e) The department may establish procedures for displaying  
 111 the following information on a digital license plate:  
 112 1. An emergency alert or other public safety alert issued  
 113 by a governmental entity, including an alert pursuant to s.  
 114 937.021.  
 115 2. Static logo displays, including unique displays for  
 116 fleet license plates as described in s. 320.0657 and digital

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117 versions of specialty license plates as described in s.  
 118 320.08058, special license plates for military service as  
 119 authorized in s. 320.089, and special license plates for the  
 120 Governor and federal and state legislators as authorized in s.  
 121 320.0807.

122 3. Other displays that the department, in consultation with  
 123 law enforcement agencies, determines are in the interest of  
 124 public safety.

125 (4) DIGITAL LICENSE PLATE REQUIREMENTS.—A digital license  
 126 plate issued under this section must:

127 (a) Meet the specifications and requirements adopted under  
 128 subsection (3).

129 (b) Include the same information required to be included on  
 130 a physical license plate and legibly display that information at  
 131 all times and in all light conditions.

132 (c) Have wireless connectivity capability.

133 (5) DIGITAL LICENSE PLATE PROVIDERS.—A digital license  
 134 plate provider with whom the department contracts shall:

135 (a) Maintain an inventory of digital license plates issued  
 136 in this state by the digital license plate provider.

137 (b) Make available a digital version of each specialty  
 138 license plate authorized by the department.

139 (c) If a digital license plate displays a validation,  
 140 promptly update the display of the validation to reflect the  
 141 current registration period for the motor vehicle and, upon  
 142 request of the department, suspend the display of the validation  
 143 or indicate on the digital license plate that the registration  
 144 for the motor vehicle has expired.

145 (6) DIGITAL LICENSE PLATE CONSUMERS.—A consumer who chooses

1-00013B-22 20221178\_\_

146 to purchase a digital license plate must purchase a digital  
 147 license plate directly from a digital license plate provider. In  
 148 addition to any fees associated with the purchase of a digital  
 149 license plate, the consumer is also responsible for paying to  
 150 the department all applicable motor vehicle fees required by  
 151 this chapter, including any annual use fees pursuant to s.  
 152 320.08056 associated with any specialty license plate the  
 153 consumer wishes to display on the digital license plate.

154 (7) RULEMAKING.—The department may adopt rules to implement  
 155 this section.

156 Section 4. This act shall take effect upon becoming a law.

2/2/22

# APPEARANCE RECORD

SB1178

Meeting Date  
**Transportation**

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

Bill Number or Topic  
**738904**

Committee  
**Cory Guzzo**

Amendment Barcode (if applicable)  
**850-212-2117**

Name \_\_\_\_\_ Phone \_\_\_\_\_

Address **108 S Monroe St** Email **Cory@flapartners.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:

**Reviver Auto**

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.

2/2/22

The Florida Senate

# APPEARANCE RECORD

SB1178

Meeting Date

Transportation

Bill Number or Topic

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

Committee

Cory Guzzo

Amendment Barcode (if applicable)

850-212-2117

Name

Phone

Address

108 S Monroe St

Email

Cory@flapartners.com

Street

Tallahassee

FL

32301

City

State

Zip

**Reset Form**

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:

Reviver Auto

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)

2/2/22

Meeting Date

# The Florida Senate APPEARANCE RECORD

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

1178

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

JEFF KOTTKAMP

Phone

Address

Street

Tallahassee FL

City

State

Zip

Email

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:

Airplane

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

APPEARANCE RECORD

SB 1178

2/2/22

Meeting Date

Bill Number or Topic

Transportation

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

Committee

Amendment Barcode (if applicable)

Ron Book

STO - 2243427

Name

Phone

Address

Email

104 W. Jefferson

ron@RBookPA.com

Street

TLH

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:

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)



2/2/22

Meeting Date

# The Florida Senate APPEARANCE RECORD

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

1178

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Barney Bishop

Phone

Address

Street

Tallahassee, FL

City

State

Zip

Email

Speaking:

For

Against

Information

**OR**

Waive Speaking:

In Support

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

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compensation or sponsorship.

I am a registered lobbyist,  
representing:

Airplate

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/B 1954

INTRODUCER: Transportation Committee and Senator Wright

SUBJECT: Code and Traffic Enforcement

DATE: February 2, 2022

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

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

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1954 authorizes the sheriff or chief administrative officer of a county or municipality to designate an area as a special event zone in response to an unpermitted special event organized or promoted via a social media platform which is attended by 200 or more persons and substantially increases or disrupts the normal flow of traffic. The bill:

- Doubles the statutory fine for any noncriminal traffic infraction that occurs within a special event zone.
- Allows a law enforcement officer to impound a vehicle for up to 72 hours for any noncriminal traffic infraction or criminal traffic violation that occurs in a special event zone.
- Requires the sheriff or chief administrative officer to notify the State Fire Marshal or designee to enforce occupancy limits in a special event zone.
- Provides for the recovery of costs associated with designating and enforcing a special event zone from the organizer or promoter of the special event.

The bill revises provisions relating to the operation of radios or other soundmaking devices in vehicles and authorizes a local authority to impose more stringent regulations than those provided in statute.

The bill may have an indeterminate positive fiscal impact on state and local governments from the increased fines for noncriminal traffic infractions and the impoundment of vehicles for a noncriminal traffic infraction or a criminal traffic violation that occurs in a special event zone. The bill may have an indeterminate positive fiscal impact on local governments by authorizing

the sheriff or chief administrative officer of a county or municipality to recover the costs of designating and enforcing a special event zone from the promoter or organizer of a special event. See Section V. Fiscal Impact Statement.

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

## II. Present Situation:

### Special Event Zones

The ease of communicating over social media allows virtually anyone to organize spontaneous “pop-up” events that can attract large crowds, overwhelm local resources, and endanger the safety of the general public. During the 2021 Memorial Day weekend, an unpermitted pop-up event that was promoted on social media brought huge crowds to Daytona Beach.<sup>1</sup> The influx of people and resulting traffic congestion required law enforcement officers to close roads and bridges and limit beach access.<sup>2</sup> A month later, in June 2021, another unpermitted pop-up event brought approximately 35,000 people to Daytona Beach; leading to packed roads, fights, unruly behavior, property damage, excessive noise, and complaints from tourists and residents.<sup>3</sup> Although such behavior is prohibited under current law, law enforcement agencies and local government officials indicate that existing statutes are not a strong enough deterrent to curb such lawless behavior when an area is flooded with crowds, often with little or no notice to the local government.

### Vehicle Impoundment

There are numerous reasons why law enforcement officers impound vehicles, including when a person commits a criminal act or is suspected of committing a felony, such as: vehicular homicide;<sup>4</sup> racing on highways;<sup>5</sup> driving under the influence;<sup>6</sup> illegal parking;<sup>7</sup> and driving with a suspended, revoked, canceled, or disqualified license.<sup>8</sup> However, a vehicle may also be impounded at the direction of the court, and for a canceled license plate or fuel-use tax decal<sup>9</sup>.

### Building Occupancy Limits

The Florida Building Code provides standards for issuance of mandatory certificates of occupancy, minimum types of inspections, and procedures for plans review and inspections. Local governments may adopt amendments to the administrative provisions of the Florida Building Code, subject to limitations. Local amendments must be more stringent than the

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<sup>1</sup> Hadas Brown, *Crowds, concerning pictures prompt bridge traffic closures in Daytona Beach*, WESH (May 30, 2021), <https://www.wesh.com/article/crowds-concerning-pictures-prompt-bridge-traffic-closures-in-daytona-beach/36576831#> (last visited January 28, 2022).

<sup>2</sup> *Ibid.*

<sup>3</sup> Mike Springer and Sarah Wilson, *Complaints call for Daytona Truck Meet not to return next year*, WFTV (June 14, 2021), <https://www.wftv.com/news/local/volusia-county/complaints-call-daytona-truck-meet-not-return-next-year/E2F5MBY6WVGDJF4NBI6QEYH45A/> (last visited January 28, 2022).

<sup>4</sup> Section 323.001, F.S.

<sup>5</sup> Section 316.191, F.S.

<sup>6</sup> Section 316.193, F.S.

<sup>7</sup> Section 316.1951, F.S.

<sup>8</sup> Section 322.34, F.S.

<sup>9</sup> Section 320.18, F.S.

minimum standards described law and must be transmitted to the Florida Building Commission within 30 days after enactment. The local government must make such amendments available to the general public in a usable format. The State Fire Marshal is responsible for establishing the standards and procedures required for governmental entities to apply the Florida Fire Prevention Code and the Life Safety Code contained in the Florida Building Code.<sup>10</sup> However, the provisions of the Life Safety Code, as contained in the Florida Fire Prevention Code, do not apply to one-family and two-family dwellings.<sup>11</sup>

### ***Florida Fire Prevention and Life Safety Code***

The Florida Fire Prevention Code is adopted by the State Fire Marshal at three year intervals. It is a set of fire code provisions enforced by the local fire official within each county, municipality, and special fire district in the state.<sup>12</sup>

Section 633.212, F.S., provides legislative intent that the Florida Fire Prevention Code be interpreted by fire officials and local enforcement agencies in a manner that reasonably and cost effectively protects the public safety, health, and welfare; ensures uniform interpretations throughout this state; and provides just and expeditious processes for resolving disputes regarding such interpretations. Further, it is the intent of the Legislature that the Division of State Fire Marshal establish a Fire Code Interpretation Committee composed of seven members and seven alternates, equally representing each area of the state, to which a person can pose questions regarding the interpretation of the Fire Code provisions.<sup>13</sup>

The Life Safety Code is adopted and incorporated into the Florida Fire Prevention Code. It is the most widely referenced National Fire Protection Association (NFPA) source for occupant safety strategies based on construction, protection, and occupancy features in all stages of a building life cycle. Relevant to life safety in both new and existing structures, the NFPA covers everything from means of egress and features of fire protection to hazardous materials emergencies, injuries from falls, and emergency communications. The code applies to nearly all types of occupancies and structures, including residential, business, mercantile, health care, daycare, and assembly occupancies.<sup>14</sup>

Section 633.118, F.S., provides that the chiefs of county, municipal, and special-district fire service providers; other fire service provider personnel designated by their respective chiefs; and personnel designated by local governments having no organized fire service providers are authorized to enforce laws and rules prescribed by the State Fire Marshal within their respective jurisdictions. Such personnel acting under this authority are agents of their respective jurisdictions, not agents of the State Fire Marshal.

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<sup>10</sup> Section 553.73(4)(a), F.S.

<sup>11</sup> Section 633.208, F.S.

<sup>12</sup> Section 633.202, F.S.

<sup>13</sup> Section 633.212(1), F.S.

<sup>14</sup> National Fire Protection Association, *NFPA 101, Life Safety Code*, <https://catalog.nfpa.org/NFPA-101-Life-Safety-Code-P1220.aspx> (last visited on January 31, 2022).

### **Excessive Noise**

Section 316.3045, F.S., provides that it is a noncriminal traffic infraction<sup>15</sup> for any person operating or occupying a motor vehicle on a street or highway to operate or amplify the sound produced by a radio, tape player, or other mechanical soundmaking device or instrument from within the motor vehicle so that the sound is:

- Plainly audible at a distance of 25 feet or more from the motor vehicle; or
- Louder than necessary for the convenient hearing by persons inside the vehicle in areas adjoining churches, schools, or hospitals.

The provisions of s. 316.3045, F.S., do not apply to any law enforcement or emergency vehicles equipped with any communication device necessary for the performance of their duties, or to motor vehicles used for business or political purposes, which in the normal course of conducting such business use soundmaking devices.

In 2012, the Florida Supreme Court struck down s. 316.3045, F.S., holding that the statute was unconstitutionally overbroad because the exemption for vehicles used for business or political purposes created an impermissible content-based restriction on speech that was not narrowly tailored and protected commercial speech to a greater degree than noncommercial speech.<sup>16</sup> The Court held the unconstitutional portion of the statute exempting vehicles used for business or political purposes could not be severed from the remainder of the statute without expanding the scope of the statute beyond what the Legislature intended.<sup>17</sup> Thus, the Court invalidated the statute in its entirety.<sup>18</sup>

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

#### **Special Event Zones**

SB 1954 creates s. 316.1891, F.S., which authorizes the sheriff or chief administrative officer of a county or municipality to designate an area as a special event zone in response to a special event that takes place or is reasonably anticipated to take place on a roadway, street, or highway over which the sheriff or chief administrative officer has jurisdiction. If a special event takes place or is reasonably anticipated to take place in multiple jurisdictions, the sheriff or chief administrative officer of each jurisdiction may coordinate to designate a special event zone covering multiple jurisdictions.

A “special event” is defined as an unpermitted temporary activity or event organized or promoted via a social media platform<sup>19</sup> which is attended by 200 or more persons and substantially increases or disrupts the normal flow of traffic along a roadway, street, or highway.

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<sup>15</sup> A noncriminal traffic infraction in s. 316.3045, F.S., is punishable as a nonmoving violation under ch. 318, F.S. A nonmoving violation is punishable by a fine of \$30. S. 318.18(2), F.S.

<sup>16</sup> *State v. Catalano, et al.*, 104 So. 3d 1069 (Fla. 2012).

<sup>17</sup> *Ibid* at 1081.

<sup>18</sup> *Ibid*.

<sup>19</sup> A “social media platform” means any information service, system, Internet search engine, or access software provider that:

A “special event zone” is defined as a contiguous area on or along a roadway, street, or highway which is designated by warning signs, and includes a parking structure, a parking lot, or any other property, whether public or private, immediately adjacent to or along the designated area.

The bill requires a sheriff or chief administrative officer to enforce a special event zone in a manner that causes the least inconvenience to the public and that is consistent with preserving the public health, safety, and welfare. The bill provides a special event zone must:

- Be designated by the posting of a clearly legible warning sign at each point of ingress or egress stating, “Special Event Zone—All Fines Doubled. Vehicles Subject to Impoundment for Traffic Infractions and Violations.” The warning sign must be large enough to be clearly visible to occupants of passing vehicular traffic on roadways, with letters at least three inches in height, and must be posted at least 24 hours before enforcement may commence. The sheriff or chief administrative officer shall maintain a log of the date and time that, and the location where, each warning sign is posted.
- Remain in effect as long as is reasonably necessary to ensure the public health, safety, and welfare but may not remain in effect after the special event has dissipated or is attended by fewer than 100 people.

The bill provides that a person who commits a noncriminal traffic infraction<sup>20</sup> in a special event zone is required to pay a fine double the amount provided in statute.

The bill also provides for enhanced penalties for noncriminal traffic infractions<sup>21</sup> and criminal traffic violations<sup>22</sup> that occur within the boundaries of a special event zone. A law enforcement officer may impound the vehicle of any person who commits any noncriminal traffic infraction<sup>23</sup> or criminal traffic violation in a special event zone and the impoundment must not exceed 72 hours, and the motor vehicle must be released immediately upon the payment of any costs and fees for its impoundment, regardless of whether the payment is made before the 72-hour period. Unless the noncriminal infraction or criminal charge is dismissed, all costs and fees associated

- 
- Provides or enables computer access by multiple users to a computer server, including an Internet platform or a social media site;
  - Operates as a sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity;
  - Does business in the state; and
  - Satisfies at least one of the following thresholds:
    - Has annual gross revenues in excess of \$100 million, as adjusted in January of each odd-numbered year to reflect any increase in the Consumer Price Index.
    - Has at least 100 million monthly individual platform participants globally.

The term does not include any information service, system, Internet search engine, or access software provider operated by a company that owns and operates a theme park or entertainment complex as defined in ss. 509.013 and 501.2041(1)(g), F.S.

<sup>20</sup> Examples of noncriminal traffic infractions include failing to signal (such as use of a blinker), broken or nonfunctioning taillamp, illegal window tint, modified exhaust system which emits noise above the level as originally manufactured, speeding, and failure to stop at a traffic signal.

<sup>21</sup> *Ibid.*

<sup>22</sup> Examples of criminal traffic violations include reckless driving, racing, and driving under the influence.

<sup>23</sup> “The bill does not limit the type of noncriminal traffic violation a vehicle could be impounded for. For example, the bill would allow a vehicle to be impounded if the driver failed to use a blinker in a special event zone.” Department of Highway Safety and Motor Vehicles, *2022 Legislative Bill Analysis for SB 1954*, (January 28, 2022), p. 5 (on file in the Senate Committee on Transportation).

with such impoundment must be paid by the owner of a vehicle or, if a vehicle is leased or rented, by the person leasing or renting the vehicle.

The bill requires the sheriff or chief administrative officer of a county or municipality who designates a special event zone in response to a special event to notify the State Fire Marshal or person designated pursuant to s. 633.118, F.S., who must assist with the enforcement of occupancy limits on private or public property in a special event zone.

The bill provides the sheriff or chief administrative officer of a county or municipality that declares a special event zone may recover from a promoter or organizer of a special event all relevant costs or fees associated with designating and enforcing a special event zone. Such costs and fees include, but are not limited to, those incurred for providing supplemental law enforcement personnel, firefighters, emergency medical technicians or paramedics, and sanitation services. Under the bill, a “promoter or organizer” means a person or entity who arranges, organizes, or sponsors a special event.

### **Excessive Noise**

The bill amends s. 316.3045, F.S., to address the excessive noise statute constitutionality and update the language for enforcement. Specifically, the bill:

- Expands the types of soundmaking devices in a motor vehicle from which excessive noise is prohibited by including a compact disc player, portable music or video player, cellular telephone, tablet computer, laptop computer, stereo, television, musical instrument, or electronic soundmaking device or instrument, which sound emanates from the motor vehicle.
- Provides a person violates the excessive noise prohibition by amplifying a sound that is louder than necessary for convenient hearing by a person inside a vehicle in an area adjoining private residences.
- Removes the noise exemption for vehicles used for business or political purposes, which may cure the constitutional issue cited by the Florida Supreme Court.
- Provides that a local authority may impose more stringent regulations on sound produced by a radio or other mechanical or electronic soundmaking device that emanates from a motor vehicle.

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 may have an indeterminate negative fiscal impact on citizens impacted by the doubling of fines for noncriminal traffic infractions that occur in a special event zone.

The bill may have an indeterminate negative fiscal impact on citizens impacted by the impoundment of a vehicle, or vehicles, in addition to any other penalty authorized by law, if the person commits a noncriminal traffic infraction or a criminal traffic violation in a special event zone.

The bill may have an indeterminate negative fiscal impact on the promoter or organizer of a special event since the bill authorizes the sheriff or chief administrative officer of a county or municipality to recover the costs of designating and enforcing a special event zone from the promoter or organizer of a special event, even if the event is cancelled in advance, and the sheriff or chief administrative officer of a county or municipality still decided to designate an area as a special event zone.

C. Government Sector Impact:

The bill may have an indeterminate positive fiscal impact on state and local governments from the increased fines for noncriminal traffic infractions and the impoundment of vehicles for a noncriminal traffic infraction or a criminal traffic violation that occur in a special event zone.

The bill may have an indeterminate positive fiscal impact on local governments by authorizing the sheriff or chief administrative officer of a county or municipality to recover the costs of designating and enforcing a special event zone from the promoter or organizer of a special event, even if the event is cancelled in advance.

**VI. Technical Deficiencies:**

None.



**VII. Related Issues:**

The bill does not provide requirements governing the size of a designated special event zone. This may result in widely differing interpretations by a sheriff or chief administrative officer of a county or municipality on the appropriate size for a special event zone.

The bill provides the sheriff or chief administrative officer of a county or municipality who designates a special event zone may recover from a promoter or organizer of a special event all relevant costs and fees associated with designating and enforcing the special event zone, including, but not limited to, costs and fees for the provision of supplemental law enforcement, firefighter, emergency medical technician or paramedic, and sanitation services, potentially even if a promoter or organizer of a special event cancelled the special event (days, weeks, or months) in advance. In addition, the bill does not specify a mechanism for recovering the costs and fees.

**VIII. Statutes Affected:**

This bill substantially amends section 316.3045 of the Florida Statutes.  
This bill creates section 316.11891 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Transportation on February 2, 2022:**

The CS:

- Revises the definition for a special event to increase the number of people in attendance from 50 to 200;
- Provides the warning sign must be large enough to be clearly visible to occupants of passing vehicle traffic on roadways, with letters at least three inches in height, and must be posted at least 24 hours before the enforcement of a special event zone may commence;
- Requires the sheriff or chief administrator to maintain a log of sign postings;
- Provides that a special event zone will not remain in effect if attendance falls below 100 people;
- Provides that an impounded vehicle must be released immediately upon the payment of any costs and fees for its impoundment, regardless of whether the payment is made before the 72-hour impoundment period has expired; and
- Requires the sheriff or chief administrative officer of a county or municipality who designates a special event zone in response to a special event must notify the State Fire Marshal to assist with the enforcement of occupancy limits on private or public property in a special event zone.

**B. Amendments:**

None.



294294

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2022	.	
	.	
	.	
	.	

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The Committee on Transportation (Wright) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 43 - 93  
and insert:  
defined in s. 501.2041(1), which is attended by 200 or more persons and substantially increases or disrupts the normal flow of traffic on a roadway, street, or highway.

(c) "Special event zone" means a contiguous area on or along a roadway, street, or highway which is designated by warning signs. The term includes a parking structure, a parking



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11 lot, or any other property, whether public or private,  
12 immediately adjacent to or along the designated area.

13 (2) In accordance with s. 316.008, the sheriff or chief  
14 administrative officer of a county or municipality may designate  
15 a special event zone in response to a special event that takes  
16 place or is reasonably anticipated to take place on a roadway,  
17 street, or highway over which the sheriff or chief  
18 administrative officer has jurisdiction. If a special event  
19 takes place or is reasonably anticipated to take place in  
20 multiple jurisdictions, the sheriff or chief administrative  
21 officer of each jurisdiction may coordinate to designate a  
22 special event zone covering multiple jurisdictions.

23 (3) The sheriff or chief administrative officer must  
24 enforce a special event zone in a manner that causes the least  
25 inconvenience to the public and that is consistent with  
26 preserving the public health, safety, and welfare. A special  
27 event zone must:

28 (a) Be designated by the posting of a clearly legible  
29 warning sign at each point of ingress or egress stating,  
30 "Special Event Zone—All Fines Doubled. Vehicles Subject to  
31 Impoundment for Traffic Infractions and Violations." The warning  
32 sign must be large enough to be clearly visible to occupants of  
33 passing vehicular traffic on roadways, with letters at least 3  
34 inches in height, and must be posted at least 24 hours before  
35 enforcement may commence. The sheriff or chief administrative  
36 officer shall maintain a log of the date and time that, and the  
37 location where, each warning sign is posted.

38 (b) Remain in effect as long as is reasonably necessary to  
39 ensure the public health, safety, and welfare but shall not



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40 remain in effect after the special event has dissipated or is  
41 attended by fewer than 100 people.

42 (4) Notwithstanding any other provision of law, a person  
43 who commits a noncriminal traffic infraction in a special event  
44 zone must pay a fine double the amount provided in chapter 318.

45 (5) (a) In addition to any other penalty authorized by this  
46 section, a law enforcement officer may impound the motor vehicle  
47 of a person who commits a noncriminal traffic infraction or a  
48 criminal traffic violation in a special event zone. The term of  
49 impoundment authorized under this subsection shall not exceed 72  
50 hours, and the motor vehicle must be released immediately upon  
51 the payment of any costs and fees for its impoundment,  
52 regardless of whether the payment is made before the 72-hour  
53 period.

54 (b) All costs and fees for the motor vehicle impoundment  
55 must be paid by the owner of the vehicle or, if the vehicle is  
56 leased or rented, by the person leasing or renting the vehicle,  
57 unless the noncriminal traffic infraction or the criminal charge  
58 is dismissed.

59 (c) Section 713.78 applies to a vehicle impounded under  
60 this subsection.

61 (6) The sheriff or chief administrative officer of a county  
62 or municipality who designates a special event zone in response  
63 to a special event shall notify the State Fire Marshal or person  
64 designated pursuant to s. 633.118, who shall assist with the  
65 enforcement of occupancy limits on private or public property in  
66 a special event zone.

67  
68 ===== T I T L E A M E N D M E N T =====



294294

69 And the title is amended as follows:

70 Delete lines 13 - 18

71 and insert:

72 traffic violation in a special event zone; limiting  
73 the term of such impoundment; requiring that the motor  
74 vehicle be immediately released upon payment of  
75 impoundment costs and fees; specifying persons who  
76 must pay the costs and fees for the impoundment;  
77 providing applicability; requiring a sheriff or chief  
78 administrative officer designating a special event  
79 zone to notify the State Fire Marshal or certain  
80 designated person, who shall assist with occupancy  
81 limit enforcement; providing for

By Senator Wright

14-01627-22

20221954\_\_

1 A bill to be entitled  
 2 An act relating to code and traffic enforcement;  
 3 creating s. 316.1891, F.S.; defining terms;  
 4 authorizing a sheriff or chief administrative officer  
 5 of a county or municipality to designate a special  
 6 event zone under certain circumstances on a roadway,  
 7 street, or highway; providing requirements for a  
 8 special event zone; providing enhanced penalties for a  
 9 person who commits a noncriminal traffic infraction in  
 10 a special event zone; authorizing a law enforcement  
 11 officer to impound the motor vehicle of a person who  
 12 commits a noncriminal traffic infraction or a criminal  
 13 traffic violation in a special event zone; specifying  
 14 persons who must pay the costs and fees for the  
 15 impoundment; providing applicability; authorizing a  
 16 sheriff or chief administrative officer to grant  
 17 certain temporary authority to a law enforcement  
 18 officer in a special event zone; providing for  
 19 recovery of costs and fees associated with designating  
 20 and enforcing a special event zone from the special  
 21 event's promoter or organizer; amending s. 316.3045,  
 22 F.S.; revising the types of soundmaking devices or  
 23 instruments subject to the prohibition against  
 24 operating or amplifying sound from within a motor  
 25 vehicle in a certain manner; applying such prohibition  
 26 to sound emanating from a motor vehicle; prohibiting  
 27 such operation or amplification in areas adjoining  
 28 private residences; revising exemptions; providing  
 29 construction; providing a penalty; providing an

Page 1 of 6

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

14-01627-22

20221954\_\_

30 effective date.  
 31  
 32 Be It Enacted by the Legislature of the State of Florida:  
 33  
 34 Section 1. Section 316.1891, Florida Statutes, is created  
 35 to read:  
 36 316.1891 Designation of special event zones; definitions;  
 37 enhanced penalties; vehicle impoundment.-  
 38 (1) As used in this section, the term:  
 39 (a) "Promoter or organizer" means a person or entity who  
 40 arranges, organizes, or sponsors a special event.  
 41 (b) "Special event" means an unpermitted temporary activity  
 42 or event organized or promoted via a social media platform, as  
 43 defined in s. 501.2041(1), which is attended by 50 or more  
 44 persons and substantially increases or disrupts the normal flow  
 45 of traffic on a roadway, street, or highway.  
 46 (c) "Special event zone" means a contiguous area on or  
 47 along a roadway, street, or highway which is designated by  
 48 warning signs. The term includes a parking structure, a parking  
 49 lot, or any other property, whether public or private,  
 50 immediately adjacent to or along the designated area.  
 51 (2) In accordance with s. 316.008, the sheriff or chief  
 52 administrative officer of a county or municipality may designate  
 53 a special event zone in response to a special event that takes  
 54 place or is reasonably anticipated to take place on a roadway,  
 55 street, or highway over which the sheriff or chief  
 56 administrative officer has jurisdiction. If a special event  
 57 takes place or is reasonably anticipated to take place in  
 58 multiple jurisdictions, the sheriff or chief administrative

Page 2 of 6

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

14-01627-22 20221954\_\_

59 officer of each jurisdiction may coordinate to designate a  
60 special event zone covering multiple jurisdictions.

61 (3) The sheriff or chief administrative officer must  
62 enforce a special event zone in a manner that causes the least  
63 inconvenience to the public and that is consistent with  
64 preserving the public health, safety, and welfare. A special  
65 event zone must:

66 (a) Be designated by the posting of a clearly legible  
67 warning sign at each point of ingress or egress stating,  
68 "Special Event Zone-All Fines Doubled."

69 (b) Remain in effect as long as is reasonably necessary to  
70 ensure the public health, safety, and welfare but may not remain  
71 in effect after the special event has dissipated.

72 (4) Notwithstanding any other provision of law, a person  
73 who commits a noncriminal traffic infraction in a special event  
74 zone must pay a fine double the amount provided in chapter 318.

75 (5) (a) In addition to any other penalty authorized by this  
76 section, a law enforcement officer may impound the motor vehicle  
77 of a person who commits a noncriminal traffic infraction or a  
78 criminal traffic violation in a special event zone. The term of  
79 impoundment authorized under this subsection may not exceed 72  
80 hours.

81 (b) All costs and fees for the motor vehicle impoundment  
82 must be paid by the owner of the vehicle or, if the vehicle is  
83 leased or rented, by the person leasing or renting the vehicle,  
84 unless the noncriminal traffic infraction or the criminal charge  
85 is dismissed.

86 (c) Section 713.78 applies to a vehicle impounded under  
87 this subsection.

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88 (6) Notwithstanding s. 633.118, the sheriff or chief  
89 administrative officer of a county or municipality may  
90 temporarily authorize a law enforcement officer to enforce  
91 occupancy limits on private or public property in a special  
92 event zone. Temporary authority granted under this subsection is  
93 supplemental to the authority granted in s. 633.118.

94 (7) The sheriff or chief administrative officer of a county  
95 or municipality who designates a special event zone may recover  
96 from a promoter or organizer of a special event all relevant  
97 costs and fees associated with designating and enforcing the  
98 special event zone, including, but not limited to, costs and  
99 fees for the provision of supplemental law enforcement,  
100 firefighter, emergency medical technician or paramedic, and  
101 sanitation services.

102 Section 2. Section 316.3045, Florida Statutes, is amended  
103 to read:

104 316.3045 Operation of radios or other mechanical or  
105 electronic soundmaking devices or instruments in vehicles;  
106 exemptions.-

107 (1) ~~A~~ A ~~it is unlawful for any~~ person operating or occupying  
108 a motor vehicle on a street or highway may not ~~to~~ operate or  
109 amplify the sound produced by a radio, tape player, compact disc  
110 player, portable music or video player, cellular telephone,  
111 tablet computer, laptop computer, stereo, television, musical  
112 instrument, or other mechanical or electronic soundmaking device  
113 or instrument, which sound emanates from ~~within~~ the motor  
114 vehicle, so that the sound is:

115 (a) Plainly audible at a distance of 25 feet or more from  
116 the motor vehicle; or

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117 (b) Louder than necessary for the convenient hearing by  
 118 persons inside the vehicle in areas adjoining private  
 119 residences, churches, schools, or hospitals.  
 120 (2) ~~The provisions of~~ This section does ~~shall~~ not apply to  
 121 ~~a any~~ law enforcement ~~motor~~ vehicle equipped with ~~a any~~  
 122 communication device necessary in the performance of law  
 123 enforcement duties or to ~~an any~~ emergency vehicle equipped with  
 124 ~~a any~~ communication device necessary in the performance of ~~any~~  
 125 emergency procedures.  
 126 (3) ~~The provisions of this section do not apply to motor~~  
 127 ~~vehicles used for business or political purposes, which in the~~  
 128 ~~normal course of conducting such business use soundmaking~~  
 129 ~~devices. The provisions of this subsection shall not be deemed~~  
 130 ~~to prevent local authorities, with respect to streets and~~  
 131 ~~highways under their jurisdiction and within the reasonable~~  
 132 ~~exercise of the police power, from regulating the time and~~  
 133 ~~manner in which such business may be operated.~~  
 134 (4) ~~The provisions of~~ This section does ~~do~~ not apply to the  
 135 noise made by a horn or other warning device required or  
 136 permitted by s. 316.271. The Department of Highway Safety and  
 137 Motor Vehicles shall adopt ~~promulgate~~ rules defining "plainly  
 138 audible" and establish standards regarding how sound should be  
 139 measured by law enforcement personnel who enforce ~~the provisions~~  
 140 ~~of~~ this section.  
 141 (4) This section does not prohibit a local authority from  
 142 lawfully imposing more stringent regulations on sound produced  
 143 by a radio or other mechanical or electronic soundmaking device  
 144 or instrument as described in subsection (1), which sound  
 145 emanates from a motor vehicle.

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

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146 (5) A violation of this section is a noncriminal traffic  
 147 infraction, punishable as a nonmoving violation as provided in  
 148 chapter 318.  
 149 Section 3. This act shall take effect July 1, 2022.

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



# CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Transportation Committee

Judge:

Started: 2/2/2022 8:32:30 AM

Ends: 2/2/2022 9:13:59 AM Length: 00:41:30

8:32:29 AM Meeting called to order by Chair Harrell  
8:32:32 AM Roll call by CAA Marilyn Hudson  
8:32:57 AM Quorum present  
8:33:03 AM Senator Bracy and Senator Gainer are excused  
8:33:15 AM Comments from Chair Harrell  
8:33:23 AM Introduction of Tab 4, SB 906 by Chair Harrell  
8:33:33 AM Explanation of SB 906, Fleet Management by Senator Brandes  
8:34:03 AM Introduction of Amendment Barcode No. 145520 by Chair Harrell  
8:34:09 AM Explanation of Amendment by Senator Brandes  
8:34:18 AM Comments from Chair Harrell  
8:34:40 AM Amendment adopted  
8:34:43 AM Comments from Chair Harrell  
8:34:57 AM Chair Harrell in debate  
8:35:18 AM Closure by Senator Brandes  
8:35:23 AM Roll call by CAA  
8:36:04 AM CS/SB 906 reported favorably  
8:36:15 AM Introduction of Tab 6, SB 1178 by Chair Harrell  
8:36:55 AM Explanation of SB 1178, License Plates by Senator Broxson  
8:37:16 AM Introduction of Amendment Barcode No. 738904 by Chair Harrell  
8:37:57 AM Explanation of Amendment by Senator Broxson  
8:39:05 AM Comments from Chair Harrell  
8:40:12 AM Question from Senator Berman  
8:40:17 AM Response from Senator Broxson  
8:41:05 AM Follow-up question from Senator Berman  
8:41:12 AM Response from Senator Broxson  
8:41:32 AM Follow-up question from Senator Berman  
8:41:39 AM Response from Senator Broxson  
8:42:13 AM Question from Senator Bean  
8:42:18 AM Response from Senator Broxson  
8:42:57 AM Follow-up question from Senator Bean  
8:43:03 AM Response from Senator Broxson  
8:43:42 AM Follow-up question from Senator Bean  
8:43:48 AM Response from Senator Broxson  
8:44:10 AM Follow-up question from Senator Bean  
8:44:17 AM Response from Senator Broxson  
8:44:49 AM Question from Chair Harrell  
8:44:59 AM Response from Senator Broxson  
8:45:39 AM Comments from Chair Harrell  
8:46:41 AM Cory Guzzo, Reviver Auto waives in support  
8:46:54 AM Comments from Chair Harrell  
8:47:00 AM Amendment adopted  
8:47:04 AM Comments from Chair Harrell  
8:47:19 AM Cory Guzzo, Reviver Auto waives in support  
8:47:29 AM Speaker Jeff Kottkamp, Airplane in support  
8:48:04 AM Ron Book, Florida Motors waives in opposition  
8:49:06 AM Speaker Barney Bishop, Airplane in support  
8:55:23 AM Comments from Chair Harrell  
8:55:27 AM Senator Berman in debate  
8:56:15 AM Senator Rodriguez in debate  
8:56:31 AM Chair Harrell in debate  
8:56:46 AM Closure by Senator Broxson  
8:57:23 AM Roll call by CAA

8:57:54 AM CS/SB 1178 reported favorably  
8:58:05 AM Introduction of Tab 5, SB 990 by Chair Harrell  
8:58:27 AM Explanation of SB 990, Towing Vehicles by Senator Diaz  
8:58:42 AM Introduction of Amendment Barcode No. 580454 and Substitute Amendment Barcode No. 174996 by  
Chair Harrell  
8:59:37 AM Explanation of Substitute Amendment by Senator Rodriguez  
8:59:57 AM Comments from Chair Harrell  
9:00:02 AM Question from Senator Berman  
9:00:07 AM Response from Senator Rodriguez  
9:00:32 AM Comments from Chair Harrell  
9:00:40 AM Jose Diaz waives in support  
9:00:54 AM David Custin, David Custin & Associates, Inc. waives in support  
9:01:01 AM Andy Palmer, Auto Data Direct waives in support  
9:01:15 AM Doug Bell, Avis waives in support  
9:01:21 AM Comments from Chair Harrell  
9:01:28 AM Substitute Amendment adopted  
9:01:35 AM Comments from Chair Harrell  
9:01:46 AM David Custin, David Custin & Associates, Inc. waives in support  
9:01:52 AM Comments from Chair Harrell  
9:01:57 AM Closure waived  
9:02:00 AM Roll call by CAA  
9:02:06 AM CS/SB 990 reported favorably  
9:02:14 AM Introduction of Tab 7, SB 1954 by Chair Harrell  
9:02:38 AM Explanation of SB 1954, Code and Traffic Enforcement by Senator Wright  
9:04:33 AM Introduction of Late-Filed Amendment Barcode No. 294294 by Chair Harrell  
9:04:44 AM Explanation of Amendment by Senator Wright  
9:05:50 AM Comments from Chair Harrell  
9:06:04 AM Amendment adopted  
9:06:10 AM Comments from Chair Harrell  
9:06:19 AM Question from Senator Berman  
9:06:30 AM Response from Senator Wright  
9:08:15 AM Comments from Chair Harrell  
9:08:26 AM Closure by Senator Wright  
9:08:48 AM Roll call by CAA  
9:09:18 AM CS/SB 1954 reported favorably  
9:09:44 AM Introduction of Confirmations: Rafael Martinez and Christopher Maier, Central Florida Expressway  
Authority by Chair Harrell  
9:11:05 AM Introduction of Confirmation: Alex Lastra, Florida Transportation Commission by Chair Harrell  
9:12:10 AM Comments from Chair Harrell  
9:12:16 AM Question from Senator Wright  
9:12:21 AM Response from Rob Vickers, Staff Director  
9:12:43 AM Comments from Chair Harrell  
9:12:51 AM Motion to recommend confirmations by Senator Bean  
9:13:00 AM Confirmations second by Senator Wright  
9:13:05 AM Roll call by CAA  
9:13:08 AM Confirmations approved  
9:13:17 AM Comments from Chair Harrell  
9:13:23 AM Senator Wright would like to be shown voting in the affirmative on Tab 4, CS/SB 906  
9:13:34 AM Comments from Chair Harrell  
9:13:40 AM Senator Berman moves to adjourn  
9:13:47 AM Meeting adjourned



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

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

## SELECT SUBCOMMITTEE:

Select Subcommittee on Legislative  
Reapportionment

## SENATOR RANDOLPH BRACY

11th District

February 1, 2022

The Honorable Gayle Harrell  
Chair, Senate Committee on Transportation  
401 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Harrell:

I write to respectfully request that my absence for the Transportation Committee meeting on **February 2, 2022** be excused due to testing positive for COVID-19. I regret that I cannot be present for the meeting, and appreciate your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Randolph Bracy".

Senator Randolph Bracy, District 11

cc: Rob Vickers, Staff Director  
Marilyn Hudson, Committee Administrative Assistant

## REPLY TO:

6965 Piazza Grande Avenue, Suite 302, Orlando, Florida 32835 (407) 297-2045 FAX: (888) 263-3814  
 213 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011

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

**WILTON SIMPSON**  
President of the Senate

**AARON BEAN**  
President Pro Tempore



## 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

February 1, 2022

Dear Chair Harrell,

I am respectfully requesting a formal excusal for the upcoming Transportation meeting on February 2nd. 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". The signature is fluid and cursive.

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,
- 408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002

Florida 32578 (850) 747-5454

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

**WILTON SIMPSON**  
President of the Senate

**AARON BEAN**  
President Pro Tempore