

<b>Tab 1</b>	<b>SB 266 by Harrell;</b> Identical to H 00199 Tax of Electric Vertical Takeoff and Landing Aircraft					
246960	A	S	TR, Harrell	Delete L.38 - 40:	03/10 12:55 PM	
<b>Tab 2</b>	<b>SB 350 by DiCeglie;</b> Similar to H 00241 Unlawful Speed					
288216	A	S	TR, DiCeglie	Delete L.19:	03/10 01:02 PM	
<b>Tab 3</b>	<b>CS/SB 628 by CJ, Martin;</b> Compare to CS/H 00289 Boating Safety					
128674	A	S	TR, Martin	btw L.113 - 114:	03/10 05:47 PM	
<b>Tab 4</b>	<b>SB 650 by Leek (CO-INTRODUCERS) Rouson;</b> Identical to CS/H 00085 Hazardous Walking Conditions					
<b>Tab 5</b>	<b>SB 662 by Davis;</b> Transportation Facility Designations/Harry Frisch Street					
<b>Tab 6</b>	<b>SB 706 by DiCeglie;</b> Transportation Facility Designations/Senator James A. Sebesta Memorial Highway					
<b>Tab 7</b>	<b>SB 872 by Ingoglia;</b> Similar to H 00577 County Price Controls for the Removal and Storage of Electric Vehicles					
400130	D	S	TR, Ingoglia	Delete everything after	03/10 05:50 PM	
<b>Tab 8</b>	<b>SB 994 by Collins;</b> Similar to H 00889 Driver License Education Requirements					
<b>Tab 9</b>	<b>SB 1318 by Grall;</b> Identical to H 00501 Hands-free Driving					

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

**TRANSPORTATION**  
**Senator Collins, Chair**  
**Senator Avila, Vice Chair**

**MEETING DATE:** Wednesday, March 12, 2025  
**TIME:** 8:30—10:30 a.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Building

**MEMBERS:** Senator Collins, Chair; Senator Avila, Vice Chair; Senators Arrington, Davis, Jones, Martin, McClain, Truenow, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 266</b> Harrell (Identical H 199)	Tax of Electric Vertical Takeoff and Landing Aircraft; Exempting from the state sales tax the lease, sale, or transfer of electric vertical takeoff and landing (eVTOL) aircraft from a manufacturer to an operator, etc.	TR      03/12/2025 FT AP
2	<b>SB 350</b> DiCeglie (Similar H 241)	Unlawful Speed; Including compliance with a local ordinance regarding the operation of a motor vehicle on flooded or inundated streets in an exception to a prohibition against driving at slow speeds, etc.	TR      03/12/2025 CA RC
3	<b>CS/SB 628</b> Criminal Justice / Martin (Compare CS/H 289, S 58)	Boating Safety; Citing this act as "Lucy's Law"; revising the definition of the term "livery vessel"; revising and providing penalties for vessel collisions, accidents, and casualties; revising and providing penalties for reckless or careless operation of a vessel; requiring the suspension of driver licenses for boating under the influence and reckless or careless operation of a vessel, etc.	CJ      03/04/2025 Fav/CS TR      03/12/2025 FP
4	<b>SB 650</b> Leek (Identical CS/H 85)	Hazardous Walking Conditions; Revising the criteria that determine a hazardous walking condition for public school students, etc.	TR      03/12/2025 AED RC

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Wednesday, March 12, 2025, 8:30—10:30 a.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	<b>SB 662</b> Davis	Transportation Facility Designations/Harry Frisch Street; Providing an honorary designation of a certain transportation facility in a specified county, etc.	
		TR 03/12/2025 ATD FP	
6	<b>SB 706</b> DiCeglie	Transportation Facility Designations/Senator James A. Sebesta Memorial Highway ; Providing an honorary designation of a certain transportation facility in specified counties; directing the Department of Transportation to erect suitable markers, etc.	
		TR 03/12/2025 ATD FP	
7	<b>SB 872</b> Ingoglia (Similar H 577)	County Price Controls for the Removal and Storage of Electric Vehicles; Requiring counties to establish specified rates for the removal and storage of electric vehicles from an accident scene; authorizing a wrecker operator to charge specified costs for the cleanup of an accident scene and removal of such vehicles, etc.	
		TR 03/12/2025 CA FP	
8	<b>SB 994</b> Collins (Similar H 889)	Driver License Education Requirements; Specifying the age at which an applicant for a driver license must complete a traffic law and substance abuse education course; requiring an applicant for a learner's driver license to complete a certain driver education course approved by the Department of Highway Safety and Motor Vehicles, etc.	
		TR 03/12/2025 ATD FP	

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**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Wednesday, March 12, 2025, 8:30—10:30 a.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	<b>SB 1318</b> Grall (Identical H 501)	Hands-free Driving; Prohibiting a person from operating a motor vehicle while using a wireless communications device in a handheld manner; providing an exception; requiring that sustained use of a wireless communications device by a person operating a motor vehicle be conducted through a hands-free accessory until such use is terminated; revising penalty provisions relating to the use of wireless communications devices in a handheld manner in certain circumstances, etc.	
		TR 03/12/2025 ATD RC	

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Other Related Meeting Documents

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 266

INTRODUCER: Senator Harrell

SUBJECT: Tax of Electric Vertical Takeoff and Landing Aircraft

DATE: March 11, 2025

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	<b>Pre-meeting</b>
2.			FT	
3.			AP	

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**I. Summary:**

SB 266 exempts from sales and use tax and discretionary local sales taxes the lease, sale, or transfer of eVTOL aircraft from a manufacturer to an operator.

The Revenue Estimating Conference estimates that the bill will have a recurring negative fiscal impact on state and local revenues. This estimate is based on assumptions on estimated costs of eVTOL aircraft and a proposed amendment defining the term eVTOL aircraft. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

**II. Present Situation:**

**Florida Sales and Use Tax**

Florida levies a six percent sales and use tax on the sale or rental of most tangible personal property,<sup>1</sup> admissions,<sup>2</sup> transient rentals,<sup>3</sup> and a limited number of services. Chapter 212, F.S., contains provisions authorizing the levy and collection of Florida's sales and use tax, as well as exemptions and credits applicable to certain items or uses under specified circumstances. Sales and use tax is added to the price of a taxable good or service and collected from the purchaser at the time of sale.<sup>4</sup>

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<sup>1</sup> Section 212.05(1)(a)1.a., F.S.

<sup>2</sup> Section 212.04(1)(b), F.S.

<sup>3</sup> Section 212.03(1)(a), F.S.

<sup>4</sup> Section 212.07(2), F.S.

Counties are authorized to impose local discretionary sales surtaxes in addition to the state sales tax.<sup>5</sup> A surtax applies to “all transactions occurring in the county which transactions are subject to the state tax imposed on sales, use, services, rentals, admissions, and other transactions by [ch. 212, F.S.], and communications services as defined in ch. 202.”<sup>6</sup> The discretionary sales surtax is based on the tax rate imposed by the county where the taxable goods or services are sold or delivered.<sup>7</sup>

Generally, tangible personal property that is sold in an isolated or occasional sale is exempt from the state sales and use tax.<sup>8</sup> A seller makes an isolated or occasional sale if the sale or series of sales occurs no more than twice during any 12-month period.<sup>9</sup> A seller is required to register as a dealer if he or she completes more than three sales of the same type of item during a 12-month period.<sup>10</sup> The sale of mobile homes, aircraft, boats, and motor vehicles are expressly excluded from the isolated or occasional state sales and use tax exemption.<sup>11</sup>

### **Florida Taxation of Aircraft**

Aircraft purchased through a local dealer or broker are taxed as tangible personal property that is subject to a six percent sales tax at the time of the sale.<sup>12</sup> A discretionary local sales tax on up to the first \$5,000 of the purchase price may also be added to the tax.<sup>13</sup>

An aircraft that is sold by a nonregistered dealer or an aircraft that is purchased in another state and brought into Florida for storage or use is subject to Florida’s six percent use tax.<sup>14</sup>

### **Aircraft Sales and Use Tax Exemptions**

#### ***Common Carrier Exemptions—Sales and Lease Tax***

Aircraft operated by a common carrier that either have a maximum certified takeoff weight of more than 15,000 pounds, and those deemed “qualified aircraft” are exempt from Florida’s sales and use tax.<sup>15</sup> A “qualified aircraft” is any aircraft that has a maximum certified takeoff weight of less than 10,000 pounds and that is equipped with twin turbofan engines that meet Stage IV noise requirements that is used by a business that operates as an on-demand air carrier, which owns or leases a fleet of 25 or more aircraft in Florida.<sup>16</sup> In order to qualify for this sales and

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<sup>5</sup> Section 212.055, F.S.

<sup>6</sup> Section 212.054(2)(a), F.S.

<sup>7</sup> Office of Economic and Demographic Research, *Florida Tax Handbook*, 242-243. (2024), available at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2024.pdf> (last visited March 5, 2025).

<sup>8</sup> Rule 12A-1.037(1). See also, s. 212.02(2), defining “business” as activity engaged in by a person with the object of private or public gain, benefit, or advantage.

<sup>9</sup> Rule 12A-1.037(3)(b), F.A.C.

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

<sup>11</sup> See, s. 212.05(1)(a)1.b., F.S., and Rule 12A-1.037(2)(a)1., F.A.C.

<sup>12</sup> Section 212.05(1), F.S.

<sup>13</sup> Florida Department of Revenue (DOR), *Form GT-800008, Sales and Use Tax Aircraft Information for Owners and Purchasers* (rev. July, 2023), available at [https://floridarevenue.com/Forms\\_library/current/gt800008.pdf](https://floridarevenue.com/Forms_library/current/gt800008.pdf) (last visited March 5, 2025). See also, DOR, *Sales and Use Tax Return for Aircraft- Form DR-15AIR* (rev. Jan. 2016), available at [https://floridarevenue.com/Forms\\_library/current/dr15air.pdf](https://floridarevenue.com/Forms_library/current/dr15air.pdf) (last visited March 5, 2025).

<sup>14</sup> Section 212.05(1)(a)2, F.S. See also, DOR, *Form GT-800008*.

<sup>15</sup> Section 212.08(7)(ss), F.S.

<sup>16</sup> Section 212.02 (33), F.S.

lease tax exemption, the qualified aircraft must be offered for use in a Florida university's flight training and research program.<sup>17</sup> Aircraft with a 15,000 pound maximum certified takeoff weight are exempt from sales tax.<sup>18</sup>

***Common Carrier Exemption- Tax on Repair and Maintenance***

Labor charges for the repair and maintenance of qualified aircraft and aircraft that weigh more than 2,000 pounds maximum certified takeoff weight are exempt from tax under ch. 212, F.S.<sup>19</sup> Similarly, replacement engines, parts, and equipment used to repair or maintain these aircraft are exempt from the tax imposed under ch. 212, F.S., if the repair occurs in Florida.<sup>20</sup>

To receive the repair and maintenance exemptions for a qualified aircraft, a purchaser or lessee must offer, in writing, to participate in a flight training and research program with at least two Florida Universities that offer graduate programs in aeronautical or aerospace engineering and that offer flight training through a school of aeronautics or college of aviation.<sup>21</sup>

***Fly-Away Exemption***

If a nonresident purchases an aircraft in Florida and plans to remove the aircraft from the state, the purchase is exempt from sales tax pursuant to an exemption commonly referred to as the "fly-away exemption."<sup>22</sup> However, the nonresident purchaser must remove the aircraft from Florida within 10 days of its purchase.<sup>23</sup> Additionally, the aircraft cannot return to Florida for a total of more than 21 days during the six-month period after its date of purchase or otherwise appropriate departure from the state.<sup>24</sup>

The nonresident purchaser must provide the Department of Revenue with proof of transport of the aircraft out of state and its registration (or application for registration) in a state other than Florida.<sup>25</sup>

***Aircraft Repair and Maintenance***

Labor charges and specific equipment used for the repair and maintenance of qualified aircraft and aircraft of more than 2,000 pounds maximum certified takeoff weight, including rotary wing aircraft, are exempt from the tax imposed under ch. 212, F.S.<sup>26</sup>

Additionally, nonresident purchasers of aircraft in Florida are exempt from Florida use tax for the duration of the aircraft's placement in a Florida registered repair facility for the purpose of

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<sup>17</sup> Section 212.0801, F.S.

<sup>18</sup> Section 212.08(7)(ss), F.S.

<sup>19</sup> Section 212.08(7)(ee), F.S.

<sup>20</sup> Section 212.08(7)(rr), F.S.

<sup>21</sup> Section 212.0801, F.S.

<sup>22</sup> Sections 212.08(7)(fff)1. and 212.05(1)(a)2., F.S.

<sup>23</sup> Section 212.05(2)(a), F.S.

<sup>24</sup> Section 212.08(7)(fff)1., F.S.

<sup>25</sup> See, e.g., Rule 12A-1.007(10), F.A.C.

<sup>26</sup> Section 212.08(7)(ee), F.S.

repairs, alterations, refitting, or modification.<sup>27</sup> However, the nonresident aircraft must be removed from Florida within 20 days of completion of the repairs to maintain this exemption.<sup>28</sup>

### **Advanced Air Mobility**

The National Aeronautics and Space Administration (NASA) defines the term “advanced air mobility” (AAM) to mean “an air transportation system that moves people and cargo between places previously not served or underserved by aviation – local, regional, intraregional, urban – using revolutionary new aircraft that are only just now becoming possible.”<sup>29</sup>

Numerous uses for AAM are being explored, including air taxi, air cargo, and public services. Air taxi uses feature passenger transportation within and around urban and regional areas, including routes connecting city centers to airports or to neighboring city centers. Air cargo uses feature cargo transportation supporting the middle-mile of logistics, generally seen as from the cargo port to the distribution center. Public service uses, such as search and rescue, disaster relief, and air ambulance operations are all likely early use cases for electric vertical take-off and landing (eVTOL) aircraft.<sup>30</sup>

In October 2024, the Federal Aviation Administration (FAA) issued a final rule regarding the qualifications and training that instructors and pilots must have to fly “powered-lift” aircraft, which have characteristics of both airplanes and helicopters. The FAA rule also addresses their operational requirements, including minimum safe altitudes and required visibility.<sup>31</sup>

### **eVTOL Aircraft**

The term “electric vertical takeoff and landing (eVTOL) aircraft” is not defined in Florida law. However, the term eVTOL aircraft generally refers to electric-powered aircraft that vertically take off and land. Similar to a helicopter, eVTOL aircraft hover and fly, and are typically designed to carry two to six people, including a pilot.<sup>32</sup>

At this time, no eVTOL aircraft have been approved by the FAA, and Florida law does not address advanced air mobility. Therefore, the cost of eVTOL aircraft and their exact use cases are not completely known at this time.

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

The bill creates s. 212.08(7)(vvv), F.S., exempting from sales and use tax the lease, sale, or transfer of eVTOL aircraft from a manufacturer to an operator.

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<sup>27</sup> Section 212.08(7)(fff)2., F.S.

<sup>28</sup> Section 212.05(2)(f), F.S.

<sup>29</sup> Florida Department of Transportation, *Advanced Air Mobility*, <https://www.fdot.gov/aviation/advanced-air-mobility> (last visited March 3, 2025).

<sup>30</sup> *Id.* at 2.

<sup>31</sup> Federal Aviation Administration, *With New Rule, FAA is Ready for Air Travel of the Future*, October 22, 2024. Available at: <https://www.faa.gov/newsroom/new-rule-faa-ready-air-travel-future> (last visited March 5, 2025).

<sup>32</sup> Matthew Urwin, *Electricity-powered flying taxis are almost ready for liftoff*, December 3, 2024, available at: <https://builtin.com/articles/evtol-aircraft> (last visited March 3, 2025).



The bill takes effect July 1, 2025.

#### 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 s. 18, Art. VII 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. However, the mandates requirements do not apply to laws that have an insignificant impact,<sup>33,34</sup> which is \$2.4 million or less for Fiscal Year 2025-2026.<sup>35</sup>

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

None.

##### C. Trust Funds Restrictions:

None.

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

None.

##### E. Other Constitutional Issues:

None.

#### V. Fiscal Impact Statement:

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

On February 21, 2025, the Revenue Estimating Conference (REC) reviewed this bill and estimated that it will have a negative recurring impact to General Revenue of \$8.1 million annually, with a recurring insignificant negative fiscal impact to state trust finds. The

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<sup>33</sup> FLA. CONST. art. VII, s. 18(d).

<sup>34</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited March 5, 2025).

<sup>35</sup> Based on the Demographic Estimating Conference's population adopted on February 4, 2025. The conference packet is available at <https://edr.state.fl.us/Content/conferences/population/index.cfm> (last visited March 5, 2025).

REC also estimated that the bill will have a negative recurring impact of \$1.1 annually to local revenues.<sup>36</sup>

The REC's analysis was based on current estimated eVTOL price ranges of between \$120,000 and \$10,000,000, and an assumption of limited expected use within five years and more widespread use within 10 years. The REC's estimate was based on a proposed amendment defining the terms "eVTOL aircraft" and "operator," and providing that an eVTOL aircraft does not include a drone.<sup>37</sup>

**B. Private Sector Impact:**

The private sector may experience reduced costs when purchasing eVTOL aircraft; however, the bill limits this impact to when a manufacturer sells an eVTOL aircraft to an operator.

**C. Government Sector Impact:**

The Department of Revenue (DOR) will be required to either update Rule 12A-1.038, FAC., relating to sales exemptions or create a new rule to administer this new sales tax exemption. Additionally, DOR may be required to update some of its forms and documents to reflect this exemption. DOR expects the bill to only have an operational impact.<sup>38</sup>

**VI. Technical Deficiencies:**

For purposes ch. 212, F.S., the definition of the term "sale" includes any transfer of title or possession, or both, exchange, barter, license, lease, or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration.<sup>39</sup>

Since the bill does not define the term "eVTOL aircraft," it is not clear what types of aircraft may be included in this tax exemption. As the bill is drafted, the term eVTOL aircraft could be interpreted to include certain electric powered drones.<sup>40</sup>

The bill not clear as to what is meant by the term "operator."<sup>41</sup>

<sup>36</sup> Revenue Estimating Conference, 2025 Conference Results, pp. 51-53. Available at: <https://edr.state.fl.us/Content/conferences/revenueimpact/archives/2025/pdf/impact0221.pdf> (last visited February 27, 2025).

<sup>37</sup> *Id.*

<sup>38</sup> Florida Department of Revenue, *Agency Analysis of 2025 Senate Bill 266*, January 31, 2025., p. 2-3. (On file with Senate Committee on Transportation).

<sup>39</sup> *Id.* Section 212.02(15)(a), F.S.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

**VII. Related Issues:**

As the bill is written, the sales tax exemption would not apply to sales, leases, and transfers to or by dealers, or other selling parties, other than a manufacturer. Nor would the exemption apply to purchasers, lessees, and transferees that do not operate the eVTOL.<sup>42</sup>

**VIII. Statutes Affected:**

This bill substantially amends section 212.08 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

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

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<sup>42</sup> *Id.*



246960

LEGISLATIVE ACTION

Senate

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. .  
. .  
. .  
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House

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The Committee on Transportation (Harrell) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 38 - 40

and insert:

aircraft.—

1. The sale of eVTOL aircraft from a manufacturer to an operator is exempt from the tax imposed by this chapter.

2. As used in this paragraph, the term:

a. "Electric vertical takeoff and landing aircraft" or "eVTOL aircraft" means a machine or device that is powered by an



246960

11 electric propulsion system that draws current from rechargeable  
12 storage batteries, fuel cells, or other sources of electrical  
13 current; is designed for the transportation of persons; and is  
14 capable of flight, vertical takeoff, vertical landing, and  
15 horizontal motion. The term does not include a drone as defined  
16 in s. 934.50(2).

17 b. "Operator" means a person who is authorized as an  
18 operator under 14 C.F.R. part 119 or 14 C.F.R. part 125.

19 c. "Sale" has the same meaning as in s. 212.02(15)(a).

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

21 And the title is amended as follows:

22 Delete lines 4 - 7

23 and insert:

24 F.S.; exempting from the state sales tax the sale of  
25 electric vertical takeoff and landing (eVTOL) aircraft  
26 by a manufacturer to an operator; defining terms;  
27 providing an effective date.

By Senator Harrell

31-00801-25

2025266\_\_

1 A bill to be entitled  
 2 An act relating to the tax of electric vertical  
 3 takeoff and landing aircraft; amending s. 212.08,  
 4 F.S.; exempting from the state sales tax the lease,  
 5 sale, or transfer of electric vertical takeoff and  
 6 landing (eVTOL) aircraft from a manufacturer to an  
 7 operator; providing an effective date.  
 8  
 9 Be It Enacted by the Legislature of the State of Florida:  
 10  
 11 Section 1. Paragraph (vvv) is added to subsection (7) of  
 12 section 212.08, Florida Statutes, to read:  
 13 212.08 Sales, rental, use, consumption, distribution, and  
 14 storage tax; specified exemptions.—The sale at retail, the  
 15 rental, the use, the consumption, the distribution, and the  
 16 storage to be used or consumed in this state of the following  
 17 are hereby specifically exempt from the tax imposed by this  
 18 chapter.  
 19 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
 20 entity by this chapter do not inure to any transaction that is  
 21 otherwise taxable under this chapter when payment is made by a  
 22 representative or employee of the entity by any means,  
 23 including, but not limited to, cash, check, or credit card, even  
 24 when that representative or employee is subsequently reimbursed  
 25 by the entity. In addition, exemptions provided to any entity by  
 26 this subsection do not inure to any transaction that is  
 27 otherwise taxable under this chapter unless the entity has  
 28 obtained a sales tax exemption certificate from the department  
 29 or the entity obtains or provides other documentation as

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

31-00801-25

2025266\_\_

30 required by the department. Eligible purchases or leases made  
 31 with such a certificate must be in strict compliance with this  
 32 subsection and departmental rules, and any person who makes an  
 33 exempt purchase with a certificate that is not in strict  
 34 compliance with this subsection and the rules is liable for and  
 35 shall pay the tax. The department may adopt rules to administer  
 36 this subsection.  
 37 (vvv) Electric vertical takeoff and landing (eVTOL)  
 38 aircraft.—The lease, sale, or transfer of eVTOL aircraft from a  
 39 manufacturer to an operator is exempt from the tax imposed by  
 40 this chapter.  
 41 Section 2. This act shall take effect July 1, 2025.

Page 2 of 2

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

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 350

INTRODUCER: Senator DiCeglie

SUBJECT: Unlawful Speed

DATE: March 10, 2025

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	<b>Pre-meeting</b>
2.			CA	
3.			RC	

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**I. Summary:**

SB 350 authorizes a motor vehicle to operate on a flooded or inundated street at a speed slow enough it would otherwise be considered as unlawfully impeding the normal and reasonable movement of traffic, provided a local ordinance permits such operation.

The bill does not appear to have a fiscal impact to state or local governments.

This bill will take effect upon becoming a law.

**II. Present Situation:**

Florida law provides that person may not drive a vehicle on a highway at a speed greater than is reasonable and prudent under the existing conditions and having regard to actual and potential hazards. Vehicle speed must be controlled as necessary to avoid colliding with any person, vehicle, or other conveyance or object on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.<sup>1</sup>

On streets or highways, the maximum speed limits for all vehicles must be 30 miles per hour in business or residence districts, and 55 miles per hour at any time at all other locations.<sup>2</sup> However, with respect to a residence district, a county or municipality<sup>3</sup> may set a maximum speed limit of 20 or 25 miles per hour on local streets and highways after an investigation determines that such

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<sup>1</sup> Section 316.183(1), F.S.

<sup>2</sup> Pursuant to ch. 316, F.S., and Rule 14-15.010, F.A.C., the Florida Department of Transportation is authorized to establish speed limits on state highways up to the following maximums: 70 mph on Interstates, 65 mph on a four-lane divided highway outside an urban area (with a population of 5,000 or more), and 60 mph on other state highways.

<sup>3</sup> Section 316.008(1), F.S., authorizes local authorities to alter or establish speed limits with respect to streets and highways under their jurisdiction.

a limit is reasonable.<sup>4</sup> The minimum speed limit on all highways that are part of the National System of Interstate and Defense Highways and have not fewer than four lanes is 40 miles per hour, except that when the posted speed limit is 70 miles per hour, the minimum speed limit is 50 miles per hour.<sup>5</sup>

The operator of a vehicle must drive at an appropriately reduced speed when:

- Approaching and crossing an intersection or railway grade crossing;
- Approaching and going around a curve;
- Approaching a hill crest;
- Traveling upon any narrow or winding roadway; and
- Any special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.<sup>6</sup>

A person may not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.<sup>7</sup>

A violation of the unlawful speed provisions contained s. 316.183, F.S., is a noncriminal traffic infraction, punishable as a moving violation as provided in ch. 318, F.S. The statutory base fine is \$60, but with additional fees and court costs, the total fine may be up to \$158.<sup>8</sup>

### III. Effect of Proposed Changes:

The bill provides an additional exception to the prohibition on a person driving a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. Specifically, the bill allows a motor vehicle to operate at what would normally be considered an impermissibly slow speed if the street is flooded or inundated and if there is a local ordinance permitting such operation.

The bill will take effect upon becoming a law.

### IV. Constitutional Issues:

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

None.

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

None.

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<sup>4</sup> Section 316.183(2), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> Section 316.183(4), F.S.

<sup>7</sup> Section 316.183(5), F.S.

<sup>8</sup> Florida Association of Clerks of Court, *2023 Distribution Schedule*, p. 42.

[https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023\\_Distribution\\_Schedule\\_e.pdf](https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023_Distribution_Schedule_e.pdf)  
(last visited March 7, 2025).



C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not appear to have a fiscal impact on state or local governments.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 316.183 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.



288216

LEGISLATIVE ACTION

Senate

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House

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The Committee on Transportation (DiCeglie) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 19

and insert:

operation of a motor vehicle, boat, or any other conveyance on  
flooded or inundated streets.

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

And the title is amended as follows:

Delete lines 3 - 5



11 and insert:  
12       316.183, F.S.; including compliance with certain local  
13       ordinances in an exception to a

By Senator DiCeglie

18-00718-25

2025350\_\_

A bill to be entitled

An act relating to unlawful speed; amending s.  
316.183, F.S.; including compliance with a local  
ordinance regarding the operation of a motor vehicle  
on flooded or inundated streets in an exception to a  
prohibition against driving at slow speeds; providing  
an effective date.

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

Section 1. Subsection (5) of section 316.183, Florida  
Statutes, is amended to read:

316.183 Unlawful speed.—

(5) A ~~No~~ person may not ~~shall~~ drive a motor vehicle at such  
a slow speed as to impede or block the normal and reasonable  
movement of traffic, except when reduced speed is necessary for  
safe operation or in compliance with law, including,  
notwithstanding subsection (2), a local ordinance regarding the  
operation of a motor vehicle on flooded or inundated streets.

Section 2. 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 628

INTRODUCER: Criminal Justice Committee and Senator Martin

SUBJECT: Boating Safety

DATE: March 10, 2025      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Shutes</u>	<u>Vickers</u>	<u>TR</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 628 amends several statutes related to boating safety and provides that this act may be cited as “Lucy’s Law.”

The bill amends s. 327.30, F.S., to provide penalties for leaving the scene of a vessel accident or injury. If a person leaves the scene and the accident results in:

- Property damage only, the person commits a first degree misdemeanor.<sup>1</sup>
- Injury to a person other than serious bodily injury, the person commits a third degree felony.
- Serious bodily injury, the person commits a second degree felony.<sup>2</sup>
- The death of another person or an unborn child, the person commits a first degree felony.<sup>3</sup>
  - A person commits a third degree felony if he or she was operating a vessel involved in an accident that results in death of another person or an unborn child and provides a false statement to an investigating law enforcement officer.<sup>4</sup>

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<sup>1</sup> A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a \$1,000 fine, as provided in ss. 775.082 and 775.083, F.S.

<sup>2</sup> A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

<sup>3</sup> A first degree felony is punishable by a term of imprisonment not to exceed 30 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

<sup>4</sup> Section 327.30, F.S.

The bill amends s. 327.33, F.S., to provide criminal penalties for careless operation of a vessel. Current law provides that careless operation of a vessel is a noncriminal infraction. Under the bill, careless operation of a vessel that:

- Does not result in an accident, is a noncriminal infraction.
- Results in an accident that does not cause serious bodily injury, is a third degree felony.
- Results in an accident that causes serious bodily injury, is a second degree felony.
- Results in an accident that causes the death of another person or an unborn child, is a first-degree felony.

The bill creates s. 327.35105, F.S., to provide that the driver license of a person who is convicted of a violation of reckless or careless operation of a vessel,<sup>5</sup> or boating under the influence (BUI)<sup>6</sup> must be suspended until all orders of the court have been satisfied.

The bill amends ss. 357.02 and 327.54, F.S., to revise the definition of “livery vessel,” and “livery.”

The bill amends s. 782.072, F.S., to revise the definition of the term “vessel homicide” to include the death of an unborn child caused by injury to the mother.

The bill may have a positive indeterminate impact. *See Section V. Fiscal Impact Statement.*

The bill is effective on July 1, 2025.

## II. Present Situation:

### **Fish and Wildlife Conservation Commission**

The Fish and Wildlife Conservation Commission (FWC) is responsible for regulating, managing, protecting, and conserving the state’s fish and wildlife resources.<sup>7</sup> Chapter 327, F.S., concerning vessel safety, is enforced by the FWC’s Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.<sup>8</sup>

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<sup>5</sup> Section 327.33, F.S., provides that it is unlawful to operate a vessel in a reckless manner. A person who operates any vessel, or manipulates any water skis, aquaplane, or similar device, in willful or wanton disregard for the safety of persons or property at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, or injure a person is guilty of reckless operation of a vessel. Reckless operation of a vessel includes, but is not limited to, a violation of s. 327.331(6). A person who violates this subsection commits a first degree misdemeanor.

<sup>6</sup> Section 327.35, F.S., provides that a person is guilty of boating under the influence and is subject to punishment if the person is operating a vessel within this state and the person is under the influence of alcoholic beverages, and any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that the person’s normal faculties are impaired. Such person commits a first degree misdemeanor.

<sup>7</sup> FLA. CONST. art. IV, s. 9. There shall be a fish and wildlife conservation commission, composed of seven members appointed by the governor, subject to confirmation by the senate for staggered terms of five years. The FWC shall exercise the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life, and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees for taking wild animal life, fresh water aquatic life, and marine life and penalties for violating regulations of the FWC shall be prescribed by general law.

<sup>8</sup> Section 327.70(1), F.S.

The Division of Law Enforcement manages the state's waterways to ensure boating safety for Florida residents and visitors.<sup>9</sup> This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.<sup>10</sup>

## **Boating Crimes**

### ***Vessel Homicide***

Vessel homicide is the killing of a human being by the operation of a vessel by another in a reckless manner likely to cause the death of, or great bodily harm to, another.<sup>11</sup> Vessel homicide is generally a second degree felony;<sup>12</sup> however, it is a first degree felony if:

- At the time of the accident, the person knew or should have known, that the accident occurred;<sup>13</sup> and
- The person failed to give information and render aid as required.<sup>14</sup>

### ***Careless and Reckless Boating***

Generally, a person may not operate a vessel in a reckless or careless manner. A person who operates any vessel, or manipulates any water skis, aquaplane, or similar device, in willful or wanton disregard for the safety of persons or property at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, or injure a person, commits the first degree misdemeanor offense of reckless operation of a vessel.<sup>15</sup>

A person must operate a vessel in a reasonable and prudent manner, having regard for other waterborne traffic, posted speed and wake restrictions, and all other attendant circumstances so as not to endanger the life, limb, or property of another person outside the vessel or to endanger the life, limb, or property of another person due to vessel overloading or excessive speed. Failing to operate a vessel in this manner is the noncriminal infraction of careless operation.<sup>16</sup>

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<sup>9</sup> Fish and Wildlife Conservation Commission (FWC), *Boating*, available at <https://myfwc.com/boating/> (last visited February 27, 2025).

<sup>10</sup> Fish and Wildlife Conservation Commission (FWC), *Law Enforcement*, available at <https://myfwc.com/about/inside-fwc/le/> (last visited February 27, 2025). The FWC's Division of Law Enforcement is responsible for protecting Florida's natural resources, including fish, wildlife and the environment, while providing a safe atmosphere for residents and visitors to recreate. Fish and Wildlife Conservation Commission (FWC) officers have full police powers and statewide jurisdiction. They patrol rural, wilderness and inshore and offshore areas and are often the sole law enforcement presence in many remote parts of the state. The Division of Law Enforcement has cooperative agreements with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service. Officers are also cross-deputized to enforce federal marine fisheries and wildlife laws, thus ensuring state and federal consistency in resource-protection efforts.

<sup>11</sup> Section 782.072, F.S.

<sup>12</sup> Section 782.072(1), F.S.

<sup>13</sup> Section 782.072(2)(a), F.S.

<sup>14</sup> Section 782.072(2)(b), F.S.

<sup>15</sup> Section 327.33(1), F.S.

<sup>16</sup> Section 327.33(2), F.S.

***Leaving the Scene***

It is the duty of the operator of a vessel involved in a collision, accident, or other casualty, so far as he or she can do so without serious danger to the operator's own vessel, crew, and passengers, to render assistance to other persons. Additionally, he or she must give his or her name, address, and identification of his or her vessel in writing to any person injured and to the owner of any property damaged. The operator must also take all reasonable steps to locate and notify the owner or person in charge of an unattended vessel involved in an accident.<sup>17</sup>

A person commits a second degree misdemeanor for leaving the scene of a vessel involved in an accident, if such accident results in property damage only.

A person commits a third degree felony for leaving the scene of a vessel involved in an accident, if such accident results in personal injury.<sup>18</sup>

***Boating Under the Influence***

A person is guilty of BUI if the person is operating a vessel in this state and the person:

- Is under the influence of an alcoholic beverage, any chemical substance set forth in s. 877.111, F.S., or any substance controlled under ch. 893, F.S., when affected to the extent that the person's normal faculties are impaired;<sup>19</sup>
- Has a blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood;<sup>20</sup> or
- Has a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.<sup>21</sup>

The criminal penalties for BUI vary depending on numerous factors such as the number of prior convictions, the length of time between convictions, and the defendant's blood alcohol level.<sup>22</sup>

The penalties for a first or second BUI offense includes:

- A fine of not less than \$500 or more than \$1,000 for a first conviction.<sup>23</sup>
- A fine of not less than \$1,000 or more than \$2,000 for a second conviction.<sup>24</sup>
- Imprisonment for not more than 6 months for a first conviction.<sup>25</sup>
- Imprisonment for not more than 9 months for a second conviction.<sup>26</sup>
- A period of probation not exceeding one year for a first conviction.<sup>27</sup>
- A mandatory 50 hours of community service,<sup>28</sup> and a mandatory 10-day vessel impoundment or immobilization for a first conviction.<sup>29</sup>

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<sup>17</sup> Section 327.30(1), F.S.

<sup>18</sup> Section 327.30(5), F.S.

<sup>19</sup> Section 327.35(1)(a), F.S.

<sup>20</sup> Section 327.35(1)(b), F.S.

<sup>21</sup> Section 327.35(1)(c), F.S.

<sup>22</sup> Section 327.35, F.S.

<sup>23</sup> Section 327.35(2)(a)1., F.S.

<sup>24</sup> Section 327.35(2)(a), F.S.

<sup>25</sup> Section 327.35(2)(a)2.a., F.S.

<sup>26</sup> Section 327.35(2)(a)2.b., F.S.

<sup>27</sup> Section 327.35(6)(a), F.S.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*



- A mandatory term of imprisonment of at least 10 days and a mandatory 30-day vessel impoundment or immobilization for a second conviction that occurs within a period of 5 years after the date of a prior conviction.<sup>30</sup>

Any person who is convicted of a third BUI for an offense that occurs within 10 years after a prior conviction for a violation of this section commits a third degree felony.<sup>31</sup> Additionally, the court must order imprisonment of at least 30 days, and order the impoundment or immobilization of the vessel for 90 days.<sup>32</sup>

Any person who is convicted of a third BUI for an offense that occurs more than 10 years after the date of a prior conviction for a violation of this section shall be punished by a fine of not less than \$2,000 or more than \$5,000 and by imprisonment for not more than 12 months.<sup>33</sup>

Any person who is convicted of a fourth or subsequent BUI, regardless of when any prior conviction for a violation of this section occurred commits a third degree felony. The fine imposed for a fourth or subsequent violation may not be less than \$2,000.<sup>34</sup>

Any person who commits BUI, who operates a vessel, and who by reason of such operation causes or contributes to causing:

- Damage to the property or person of another commits a first degree misdemeanor.<sup>35</sup>
- Serious bodily injury to another commits a third degree felony.<sup>36</sup>
- The death of any human being commits BUI manslaughter and commits a second degree felony.<sup>37</sup>
- If at the time of the accident the person knew, or should have known, that the accident occurred and failed to give information and render aid, such person commits a first degree felony.<sup>38</sup>

Any person who is convicted of a BUI and who has a blood-alcohol level or breath-alcohol level of 0.15 or higher, or any person who is convicted of a BUI and who at the time of the offense was accompanied in the vessel by a person under the age of 18 years, must be punished.<sup>39</sup>

- By a fine of:
  - Not less than \$1,000 or more than \$2,000 for a first conviction.<sup>40</sup>
  - Not less than \$2,000 or more than \$4,000 for a second conviction.<sup>41</sup>
  - Not less than \$4,000 or a third or subsequent conviction.<sup>42</sup>

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<sup>30</sup> Section 327.35(6)(b), F.S.

<sup>31</sup> Section 327.35(2)(b)1., F.S.

<sup>32</sup> Section 327.35(6)(c), F.S.

<sup>33</sup> Section 327.35(2)(b)2., F.S.

<sup>34</sup> Section 327.35(2)(b)3., F.S.

<sup>35</sup> Section 327.35(3)(c)1., F.S.

<sup>36</sup> Section 327.35(3)(c)2., F.S.

<sup>37</sup> Section 327.35(3)(c)3.a., F.S.

<sup>38</sup> Section 327.35(3)(c)b., F.S., penalties for this subsection does not require that the person know that the accident resulted in injury or death.

<sup>39</sup> Section 327.35(4), F.S.

<sup>40</sup> Section 327.35(4)(a)1., F.S.

<sup>41</sup> Section 327.35(4)(a)2., F.S.

<sup>42</sup> Section 327.35(4)(a)3., F.S.

- By imprisonment for:
  - Not more than 9 months for a first conviction.<sup>43</sup>
  - Not more than 12 months for a second conviction.<sup>44</sup>

Additionally, the court must place any person convicted of BUI to monthly reporting probation and must require attendance at a substance abuse course specified by the court. The agency conducting the course may refer the offender to an authorized service provider for a substance abuse evaluation and treatment.<sup>45</sup>

### **Boarding a vessel (Search)**

The Florida Supreme Court has held that the state's interest in random stopping and brief detention of motorboats for limited purposes outweighs a person's interest in being completely free from such limited intrusion.<sup>46</sup> No officer shall board any vessel to make a safety or marine sanitation equipment inspection if the owner or operator is not aboard. When the owner or operator is aboard, an officer may board a vessel with consent or when the officer has probable cause or knowledge to believe that a violation of a provision of this chapter has occurred or is occurring. An officer may board a vessel when the operator refuses or is unable to display the safety or marine sanitation equipment required by law, if requested to do so by a law enforcement officer, or when the safety or marine sanitation equipment to be inspected is permanently installed and is not visible for inspection unless the officer boards the vessel.<sup>47</sup> However, law enforcement officers of the FWC have the authority, without warrant, to board, inspect, and search any boat, fishing appliance, storage or processing plant, fishhouse, spongehouse, oysterhouse, or other warehouse, building, or vehicle engaged in transporting or storing any fish or fishery products.<sup>48</sup>

Such authority to search and inspect without a search warrant is limited to those cases in which such law enforcement officers have reason to believe that fish or any saltwater products are taken or kept for sale, barter, transportation, or other purposes in violation of laws or rules adopted under this law. Such law enforcement officers may arrest any person in the act of violating this law, the rules of the FWC, or any of the laws of this state. It is unlawful for a person to resist such arrest or in any manner interfere, either by abetting or assisting such resistance or otherwise interfering, with any such law enforcement officer while engaged in the performance of the duties imposed upon him or her by law or rule of the FWC.<sup>49</sup>

### **Livery**

Section 327.54, F.S., provides safety regulations for liveries and livery vessels. A vessel that is leased, rented or chartered to another for consideration is a livery vessel.

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<sup>43</sup> Section 327.35(4)(b)1., F.S.

<sup>44</sup> Section 327.35(4)(b)2., F.S.

<sup>45</sup> Section 327.35(5), F.S.

<sup>46</sup> *State v. Casal*, 410 So. 2d 152 (Fla. 1982).

<sup>47</sup> Section 327.56 (1), F.S.

<sup>48</sup> Section 379.3313, F.S.

<sup>49</sup> Section 379.3313(1), F.S.

A livery is a person who advertises and offers a livery vessel for the use by another in exchange for any type of consideration when such person does not also provide the lessee or renter with a captain, a crew, or any type of staff or personnel to operate, oversee, maintain, or manage the vessel. The following are not a livery.

- The owner of a vessel who does not advertise his or her vessel for use by another for consideration and who loans or offers his or her vessel for use to another known to him or her either for consideration or without consideration.
- A public or private school or postsecondary institution.<sup>50</sup>

### III. Effect of Proposed Changes:

The bill amends several statutes relating to boating safety, and provides that the act may be cited as “Lucy’s Law.”

The bill amends s. 327.30, F.S., to provide penalties for leaving the scene of a vessel accident or injury. If a person leaves the scene and the accident results in:

- Property damage only, the person commits a first degree misdemeanor.<sup>51</sup>
- Injury to a person other than serious bodily injury, the person commits a third degree felony.
- Serious bodily injury, the person commits a second degree felony.<sup>52</sup>
- The death of another person or an unborn child, the person commits a first degree felony.<sup>53</sup>
  - A person commits a third degree felony if he or she was operating a vessel involved in an accident that results in death of another person or an unborn child and provides a false statement to an investigating law enforcement officer.<sup>54</sup>

The bill amends s. 327.33, F.S., to provide penalties for careless operation of a vessel. Current law provides that careless operation of a vessel is a noncriminal infraction. Under the bill, careless operation of a vessel that:

- Does not result in an accident, is a noncriminal violation.
- Results in an accident that does not cause serious bodily injury, is a third degree felony.
- Results in an accident that causes serious bodily injury, is a second degree felony.
- Results in an accident that causes the death of another person or an unborn child, is a first degree felony.

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<sup>50</sup> Section 327.54(1)(c), F.S.

<sup>51</sup> A first degree misdemeanor is punishable by a definite term of imprisonment not exceeding 1 year and a \$1,000 fine, as provided in ss. 775.082 and 775.083, F.S.

<sup>52</sup> A second degree felony is punishable by a term of imprisonment not exceeding 15 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

<sup>53</sup> A first degree felony is punishable by a term of imprisonment not to exceed 30 years and a fine up to \$10,000, as provided in ss. 775.082, 775.083, and 775.084, F.S.

<sup>54</sup> A felony of the third degree is punishable by a term of imprisonment of 5 years, as provided in ss. 775.082, 775.083, and 775.083, F.S.

The bill creates s. 327.35105, F.S., to provide that the driver license of a person who is convicted of a violation of a violation of reckless or careless operation of a vessel<sup>55</sup> or BUI<sup>56</sup> must be suspended until all orders of the court have been satisfied.

The bill amends s. 327.02, F.S., to revise the definition of the term “livery vessel” to mean a vessel leased or rented.

The bill amends s. 327.54, F.S., to revise the definition of the term “livery” to mean a person who advertises and offers a livery vessel for use by another in exchange for any type of consideration when such person does not also provide *or does not require* the lessee or renter to *provide as a condition of the rental or lease agreement a person licensed by the United States Coast Guard to serve as master of the vessel or to captain or manage the vessel*. The owner of a vessel who does not advertise his or her vessel for use by another for consideration and who loans or offers his or her vessel for use to another known to him or her either for consideration or without consideration is not a livery. A public or private school or postsecondary institution located within this state is not a livery.

The bill amends s. 782.072, F.S., to revise the definition of the term “vessel homicide” to mean the killing of a human being *including the death of an unborn child*<sup>57</sup> *caused by injury to the mother*, by operation of a vessel<sup>58</sup> by another in a reckless manner likely to cause the death of, or great bodily harm to, another.

The bill takes effect on July 1, 2025.

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

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

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

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<sup>55</sup> Section 327.33, F.S., provides that it is unlawful to operate a vessel in a reckless manner. A person who operates any vessel, or manipulates any water skis, aquaplane, or similar device, in willful or wanton disregard for the safety of persons or property at a speed or in a manner as to endanger, or likely to endanger, life or limb, or damage the property of, or injure a person is guilty of reckless operation of a vessel. Reckless operation of a vessel includes, but is not limited to, a violation of s. 327.331(6). A person who violates this subsection commits a first degree misdemeanor.

<sup>56</sup> Section 327.35, F.S., provides that a person is guilty of boating under the influence and is subject to punishment if the person is operating a vessel within this state and the person is under the influence of alcoholic beverages, and any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, when affected to the extent that the person’s normal faculties are impaired. Such person commits a first degree misdemeanor.

<sup>57</sup> Section 775.021(5)(e), F.S., defines an “unborn child” as a member of the species *Homo sapiens*, at any stage of development, who is carried in the womb.

<sup>58</sup> Section 327.02(34), F.S., defines “operate” to mean to be in charge of, in command of, or in actual physical control of a vessel upon the waters of this state, to exercise control over or to have responsibility for a vessel’s navigation or safety while the vessel is underway upon the waters of this state, or to control or steer a vessel being towed by another vessel upon the waters of the state.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill may have a positive indeterminate impact on the Department of Corrections due to the increase in penalties which may result in an increase in beds.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 327.02, 327.30, 327.33, 327.54, and 782.072.

This bill creates section 327.35105 of the Florida Statutes.

This bill re-enacts section 327.395 of the Florida Statutes.

**IX. Additional Information:**

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

**CS by Criminal Justice on March 4, 2025:**

The committee substitute:

- Removed the provision that struck the probable cause requirement for a law enforcement officer to require a person to submit to a blood test.
- Removed the provision requiring all persons to have specified documents in their possession while operating a vessel.

- B. **Amendments:**

None.



128674

LEGISLATIVE ACTION

Senate

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House

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The Committee on Transportation (Martin) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 113 and 114

insert:

Section 8. Section 327.731, Florida Statutes, is amended and subsections (2) through (4) are redesignated as (3)-(5) to read:

327.731 Mandatory education for violators.—

(1) A person convicted of a criminal violation under this chapter, convicted of a noncriminal infraction under this



11 chapter if the infraction resulted in a reportable boating  
12 accident, or convicted of a two noncriminal infractions  
13 infraction as specified in s. 327.73(1)(h)-(k), (m), (o), (p),  
14 and (s)-(y), ~~the infractions occurring within a 12-month period,~~  
15 must:

16 (a) Enroll in, attend, and successfully complete, at his or  
17 her own expense, a classroom or online boating safety course  
18 that is approved by and meets the minimum standards established  
19 by commission rule;

20 (b) File with the commission within 90 days proof of  
21 successful completion of the course; and

22 (c) Refrain from operating a vessel until he or she has  
23 filed proof of successful completion of the course with the  
24 commission. ~~and~~

25 ~~(d) Pay a fine of \$500. The clerk of the court shall remit~~  
26 ~~all fines assessed and collected under this paragraph to the~~  
27 ~~Department of Revenue to be deposited into the Marine Resources~~  
28 ~~Conservation Trust Fund to support law enforcement activities.~~

29 (2) A person convicted of a criminal violation under this  
30 chapter, convicted of a noncriminal infraction under this  
31 chapter if the infraction resulted in a reportable boating  
32 accident, or convicted of two noncriminal infractions as  
33 specified in s. 327.73(1)(h)-(k), (m), (o), (p), and (s)-(y),  
34 the infractions occurring within a 12-month period, must pay a  
35 fine of \$500 and complete a boater safety education course that  
36 meets the requirements of s. 327.395. The clerk of court shall  
37 remit all fines assessed and collected under this paragraph to  
38 the Department of Revenue to be deposited into the Marine  
39 Resource Conservation Trust Fund to support law enforcement





128674

40 activities.

41 (3) ~~(2)~~ For the purposes of this section, "conviction"  
42 means a finding of guilt, or the acceptance of a plea of guilty  
43 or nolo contendere, regardless of whether or not adjudication  
44 was withheld or whether imposition of sentence was withheld,  
45 deferred, or suspended. Any person who operates a vessel on the  
46 waters of this state in violation of the provisions of this  
47 section is guilty of a misdemeanor of the second degree,  
48 punishable as provided in s. 775.082 or s. 775.083.

49 (4) ~~(3)~~ The commission shall print on the reverse side of  
50 the defendant's copy of the boating citation a notice of the  
51 provisions of this section. Upon conviction, the clerk of the  
52 court shall notify the defendant that it is unlawful for him or  
53 her to operate any vessel until he or she has complied with this  
54 section, but failure of the clerk of the court to provide such a  
55 notice shall not be a defense to a charge of unlawful operation  
56 of a vessel under subsection (3) ~~(2)~~.

57 (5) ~~(4)~~ The commission shall maintain a program to ensure  
58 compliance with the mandatory boating safety education  
59 requirements under this section. This program must:

60 (a) Track any citations resulting in a conviction under  
61 this section and the disposition of such citations.

62 (b) Send specific notices to each person subject to the  
63 requirement for mandatory boating safety education.

64

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

66 And the title is amended as follows:

67 Delete line 13

68 and insert:



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69        amending s. 327.731, F.S., requiring a boating safety  
70        course after certain conditions; amending s. 782.072,  
71        F.S.; defining the term "unborn

By the Committee on Criminal Justice; and Senator Martin

591-02127-25

2025628c1

1 A bill to be entitled  
 2 An act relating to boating safety; providing a short  
 3 title; amending s. 327.02, F.S.; revising the  
 4 definition of the term "livery vessel"; amending s.  
 5 327.30, F.S.; revising and providing penalties for  
 6 vessel collisions, accidents, and casualties; amending  
 7 s. 327.33, F.S.; revising and providing penalties for  
 8 reckless or careless operation of a vessel; creating  
 9 s. 327.35105, F.S.; requiring the suspension of driver  
 10 licenses for boating under the influence and reckless  
 11 or careless operation of a vessel; amending s. 327.54,  
 12 F.S.; revising the definition of the term "livery";  
 13 amending s. 782.072, F.S.; defining the term "unborn  
 14 child"; revising the definition of the term "vessel  
 15 homicide"; providing an effective date.

16  
 17 Be It Enacted by the Legislature of the State of Florida:

18  
 19 Section 1. This act may be cited as "Lucy's Law."

20 Section 2. Subsection (24) of section 327.02, Florida  
 21 Statutes, is amended to read:

22 327.02 Definitions.—As used in this chapter and in chapter  
 23 328, unless the context clearly requires a different meaning,  
 24 the term:

25 (24) "Livery vessel" means a vessel leased or, rented, ~~or~~  
 26 ~~chartered to another for consideration.~~

27 Section 3. Subsection (5) of section 327.30, Florida  
 28 Statutes, is amended to read:

29 327.30 Collisions, accidents, and casualties.—

591-02127-25

2025628c1

30 (5) It is unlawful for a person operating a vessel involved  
 31 in an accident or injury to leave the scene of the accident or  
 32 injury without giving all possible aid to all persons involved  
 33 and making a reasonable effort to locate the owner or persons  
 34 affected and subsequently complying with and notifying the  
 35 appropriate law enforcement official as required under this  
 36 section.

37 (a) If a ~~any~~ person ~~who~~ violates this subsection and the  
 38 with respect to an accident results resulting in:

39 1. Property damage only, the person commits a misdemeanor  
 40 of the first degree, punishable as provided in s. 775.082 or s.  
 41 775.083.

42 2. Injury to a person other than serious bodily injury, the  
 43 person commits a felony of the third degree, punishable as  
 44 provided in s. 775.082, s. 775.083, or s. 775.084.

45 3. Serious bodily injury, the person commits a felony of  
 46 the second degree, punishable as provided in s. 775.082, s.  
 47 775.083, or s. 775.084.

48 4. The death of another person or an unborn child, the  
 49 person commits a felony of the first degree, punishable as  
 50 provided in s. 775.082, s. 775.083, or s. 775.084.

51 (b) If a person operating a vessel involved in an accident  
 52 that results in the death of another person or an unborn child  
 53 provides a false statement to an investigating law enforcement  
 54 officer, the person ~~personal injury~~ commits a felony of the  
 55 third degree, punishable as provided in s. 775.082 or s. 775.083  
 56 s. 775.082, s. 775.083, or s. 775.084. ~~Any person who violates~~  
 57 this subsection with respect to an accident resulting in  
 58 property damage only commits a misdemeanor of the second degree,

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59 ~~punishable as provided in s. 775.082 or s. 775.083.~~

60 Section 4. Subsection (2) of section 327.33, Florida  
61 Statutes, is amended to read:

62 327.33 Reckless or careless operation of vessel.—

63 (2) A person who operates any vessel upon the waters of  
64 this state shall operate the vessel in a reasonable and prudent  
65 manner, having regard for other waterborne traffic, posted speed  
66 and wake restrictions, and all other attendant circumstances so  
67 as not to endanger the life, limb, or property of another person  
68 ~~outside the vessel~~ or to endanger the life, limb, or property of  
69 another person due to vessel overloading or excessive speed. The  
70 failure to operate a vessel in a manner described in this  
71 subsection constitutes careless operation. However, vessel wake  
72 and shoreline wash resulting from the reasonable and prudent  
73 operation of a vessel, absent negligence, does not constitute  
74 damage or endangerment to property. If a person who violates  
75 this subsection and the violation:

76 (a) Does not result in an accident, the person commits a  
77 noncriminal violation as defined in s. 775.08.

78 (b) Results in an accident that does not cause serious  
79 bodily injury, the person commits a felony of the third degree,  
80 punishable as provided in s. 775.083 or s. 775.084.

81 (c) Results in an accident that causes serious bodily  
82 injury, the person commits a felony of the second degree,  
83 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

84 (d) Results in an accident that causes the death of another  
85 person or an unborn child, the person commits a felony of the  
86 first degree, punishable as provided in s. 775.082, s. 775.083,  
87 or s. 775.084.

591-02127-25 2025628c1

88 Section 5. Section 327.35105, Florida Statutes, is created  
89 to read:

90 327.35105 Additional penalty for boating under the  
91 influence or reckless or careless operation of vessel.—The  
92 driver license of a person who is convicted of a violation of s.  
93 327.33 or s. 327.35 must be suspended until all orders of the  
94 court have been satisfied.

95 Section 6. Paragraph (c) of subsection (1) of section  
96 327.54, Florida Statutes, is amended to read:

97 327.54 Liveries; safety regulations; penalty.—

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

99 (c) "Livery" means a person who advertises and offers a  
100 livery vessel for use by another in exchange for any type of  
101 consideration when such person does not also provide or does not  
102 require the lessee or renter to provide as a condition of the  
103 rental or lease agreement a person licensed by the United States  
104 Coast Guard to serve as master of the vessel or to ~~with a~~  
105 captain, a crew, or any type of staff or personnel to operate,  
106 oversee, maintain, or manage the vessel. The owner of a vessel  
107 who does not advertise his or her vessel for use by another for  
108 consideration and who loans or offers his or her vessel for use  
109 to another known to him or her either for consideration or  
110 without consideration is not a livery. A public or private  
111 school or postsecondary institution located within this state is  
112 not a livery. A vessel rented or leased by a livery is a livery  
113 vessel as defined in s. 327.02.

114 Section 7. Section 782.072, Florida Statutes, is amended to  
115 read:

116 782.072 Vessel homicide.—

591-02127-25

2025628c1

117 (1) As used in this section, the term:  
118 (a) "Unborn child" has the same meaning as in s.  
119 775.021(5)(e).  
120 (b) "Vessel homicide" means ~~is~~ the killing of a human  
121 being, including the death of an unborn child caused by injury  
122 to the mother, by the operation of a vessel as defined in s.  
123 327.02 by another in a reckless manner likely to cause the death  
124 of, or great bodily harm to, another.  
125 (2) Vessel homicide is:  
126 (a)(1) A felony of the second degree, punishable as  
127 provided in s. 775.082, s. 775.083, or s. 775.084.  
128 (b)(2) A felony of the first degree, punishable as provided  
129 in s. 775.082, s. 775.083, or s. 775.084, if:  
130 1.(a) At the time of the accident, the person knew, or  
131 should have known, that the accident occurred; and  
132 2.(b) The person failed to give information and render aid  
133 as required by s. 327.30(1).  
134  
135 This subsection does not require that the person knew that the  
136 accident resulted in injury or death.  
137 Section 8. This act shall take effect July 1, 2025.

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 650

INTRODUCER: Senators Leek and Rouson

SUBJECT: Hazardous Walking Conditions

DATE: March 10, 2025

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	<b>Pre-meeting</b>
2.			AED	
3.			RC	

---

**I. Summary:**

SB 650 expands the criteria for identifying hazardous walking conditions for public elementary school students to include walkways along a freeway or an expressway, including any entrance ramp, exit ramp, or interchange, regardless of the posted speed limit.

The bill may have an indeterminate negative fiscal impact on local governments. See Section V. Fiscal Impact Statement.

This bill takes effect July 1, 2025.

**II. Present Situation:**

**Hazardous Walking Conditions**

Hazardous walking conditions are classified based on statutory criteria for walkways that are parallel or perpendicular to a road, as well as for crossings over the road at uncontrolled sites that students must use to walk to and from school.<sup>1</sup>

The purpose of identifying hazardous walking conditions is to ensure that public school students, whose grade level does not exceed grade 6<sup>2</sup> and who live within 2 miles of their school are eligible for state transportation funding if they walk to school and are subjected to such

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<sup>1</sup> Section 1006.23(2), F.S.

<sup>2</sup> Section 1006.23(1), F.S.

conditions.<sup>3</sup> State funds are generally not allocated for transporting these students unless a hazardous walking condition is identified.<sup>4</sup>

The following statutory criteria define hazardous walking conditions for walkways parallel to the road.

### **Walkways Parallel to the Road**

A hazardous walking condition exists for walkways parallel to the road when there is less than a four-foot wide surface adjacent to the road for students to walk, not including drainage ditches, sluiceways, swales, or channels. Additionally, if the road is uncurbed and has a posted speed limit of 50 miles per hour or greater, the walking surface must be set back at least three feet from the edge of the road or it will be identified as a hazardous walking condition.<sup>5</sup>

A condition on a parallel walkway may not be designated as hazardous if:<sup>6</sup>

- the volume of traffic<sup>7</sup> on the road is less than 180 vehicles per hour, per direction, during the time when students walk to and from school; or
- the road is located in a residential area with a posted speed limit of 30 miles per hour or less.

### **Inspecting, Determining, and Reporting Hazardous Walking Conditions**

Identification of hazardous walking conditions begins when the district school superintendent requests a review of a condition perceived to be hazardous for students who live within the two-mile limit of a school and who walk to school.<sup>8</sup>

Once a request for review is received, the perceived hazardous walking condition must be jointly inspected by a representative of the:<sup>9</sup>

- school district;
- state or local governmental entity with jurisdiction over the location; and
- either a municipal police department, the sheriff's office, or the Florida Department of Transportation (FDOT).

Under current law, the governmental representatives must determine whether the condition constitutes a hazardous walking condition. If the governmental representatives concur that a

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<sup>3</sup> Section 1006.23(4)(c), F.S.

<sup>4</sup> See s. 1011.68(1)(a), F.S. See also, r. 6A-3.001, F.A.C., F.A.C. A reasonable walking distance for any student who is not otherwise eligible for transportation pursuant to s. 1011.68, F.S. is any distance not more 2 miles between the home and school or 1 1/2 miles between the home and the assigned bus stop.

<sup>5</sup> Section 1006.23(2)(a)1, F.S.

<sup>6</sup> Section 1006.23(2)(a)2, F.S.

<sup>7</sup> Section 1006.23(2), F.S. (Flush left provision at the end of the subsection.) Traffic volume is determined by the most current traffic engineering study conducted by a state or local governmental agency.

<sup>8</sup> Section 1006.23(3)(a), F.S.

<sup>9</sup> Section 1006.23(3)(a), F.S. A representative of the municipal police department is required for a municipal road, a representative of the sheriff's office is required for a county road, and a representative of the Department of Transportation is required for a state road. If the jurisdiction is a metropolitan planning organization, a representative of that organization must also be included.

condition constitutes a hazardous walking condition, the governmental entity with jurisdiction must report that determination in writing to the superintendent, who then initiates a formal request for correction.<sup>10</sup>

If the governmental representatives are unable to reach a consensus, the reasons for lack of consensus are reported to the superintendent, who must provide a report and recommendation to the district school board.<sup>11</sup> The board may initiate a proceeding under Chapter 86 of the Florida Statutes, to determine whether the condition constitutes a hazardous walking condition after providing at least 30 days' notice to the state or local governmental entity having jurisdiction over the road.<sup>12</sup>

### Roadway Definitions and Access

The FDOT Design Manual sets forth design criteria, as well as procedures, for all new construction, reconstruction, and resurfacing projects on the State Highway System and the National Highway System.<sup>13</sup> The manual utilizes a functional classification that groups streets and highways into classes, or systems, according to the character of service they are intended to provide. Relevant definitions include:

- *Freeway*: A freeway is a divided highway that provides full control of access (i.e. limited access)<sup>14</sup> and is intended for long distance trips.<sup>15</sup>
- *Expressway*: Expressways are freeways situated in major metropolitan areas with primary service for commuters; and may or may not be tolled.<sup>16</sup>
- *Ramp*: A turning roadway that connects a freeway to a crossing roadway within an interchange.<sup>17</sup>

Section 316.091, F.S., prohibits the operation of a bicycle or other human-powered vehicle on the roadway or along the shoulder of a limited access highway, including bridges, unless official signs and a designated, marked bicycle lane are present at the entrance of the section of highway indicating that such use is permitted pursuant to a pilot program of the FDOT.<sup>18</sup>

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

<sup>11</sup> Section 1006.23(3)(b), F.S.

<sup>12</sup> *Id.* The proceedings continue unless, within 30 days after such notice is provided, the state or local governmental entity concurs in writing that the condition is a hazardous walking condition and provides a position statement.

<sup>13</sup> Florida Department of Transportation, *FDOT Design Manual 2025*, at 1, available at [https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/fdm/2025/2025-fdm-complete.pdf?sfvrsn=624b0e74\\_10](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/fdm/2025/2025-fdm-complete.pdf?sfvrsn=624b0e74_10)

<sup>14</sup> Section 334.03(12), F.S., defines "Limited access facility" to mean a street or highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be facilities from which trucks, buses, and other commercial vehicles are excluded; or they may be facilities open to use by all customary forms of street and highway traffic.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 9.

<sup>18</sup> Section 316.091(4), F.S.



## Safe Routes to School Program

The Safe Routes to School (SRTS) is a statewide program funded by the FDOT. Its goal is to make it safer for more children to walk and bicycle to school. The program provides funding for roadway improvement projects that improve safety near schools. The program funds projects that address unsafe or lack of infrastructure, as well as programs that promote walking and bicycling through education/encouragement programs aimed at children, parents, and the community.<sup>19</sup>

A 2022 OPPAGA report found that for fiscal years 2016-2017 through 2021-2022, FDOT allocated approximately \$40 million to 30 school districts for 109 SRTS projects. Most of the SRTS projects involved the construction of sidewalks.<sup>20</sup>

### III. Effect of Proposed Changes:

The bill expands the criteria for identifying hazardous walking conditions for public elementary school students who use walkways parallel to the road to walk to and from school. The bill adds that a walkway is also considered hazardous if it is along a freeway or an expressway, including entrance ramps, exit ramps, and interchanges, regardless of the posted speed limit.

It is unclear from the bill, but local school districts may be required to purchase additional buses for increased transportation services for students who currently use walkways that would be considered hazardous under the requirements of the bill.

The effective date of the bill is July 1, 2025.

### IV. Constitutional Issues:

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

None.

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

None.

#### C. Trust Funds Restrictions:

None.

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

None.

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<sup>19</sup> Florida Department of Transportation, *What is Florida SRTS?*, available at <https://www.fdot.gov/projects/floridasrts/florida-safe-routes-to-school/what-is-florida-srts> (last visited March 7, 2025).

<sup>20</sup> OPPAGA, *Hazardous Walking Conditions in Florida: A 2022 Analysis* (2022), at 45, available at <https://ricksblog.biz/wp-content/uploads/2022/08/OPPAGA-Research-Hazardous-Walking-Conditions-07-26-2022.pdf> (last visited March 7, 2025).

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill could increase the number of students eligible for school transportation services. As a result, school districts may incur additional costs related to the purchase of additional buses for increased transportation services. Thus, the bill could have an indeterminate negative fiscal impact on local government expenditures.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 1006.23 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Leek

7-00686A-25

2025650\_\_

1 A bill to be entitled  
 2 An act relating to hazardous walking conditions;  
 3 amending s. 1006.23, F.S.; revising the criteria that  
 4 determine a hazardous walking condition for public  
 5 school students; providing an effective date.

6  
 7 Be It Enacted by the Legislature of the State of Florida:

8  
 9 Section 1. Paragraph (a) of subsection (2) of section  
 10 1006.23, Florida Statutes, is amended to read:

11 1006.23 Hazardous walking conditions.—

12 (2) HAZARDOUS WALKING CONDITIONS.—

13 (a) *Walkways parallel to the road.*—

14 1. It shall be considered a hazardous walking condition  
 15 with respect to any road along which students must walk in order  
 16 to walk to and from school if there is not an area at least 4  
 17 feet wide adjacent to the road, not including drainage ditches,  
 18 sluiceways, swales, or channels, having a surface upon which  
 19 students may walk without being required to walk on the road  
 20 surface or if the walkway is along a freeway or an expressway,  
 21 including any entrance ramp, exit ramp, or interchange,  
 22 regardless of the posted speed limit. In addition, whenever the  
 23 road along which students must walk is uncurbed and has a posted  
 24 speed limit of 50 miles per hour or greater, the area as  
 25 described above for students to walk upon shall be set off the  
 26 road by no less than 3 feet from the edge of the road.

27 2. Subparagraph 1. does not apply when the road along which  
 28 students must walk:

29 a. Is a road on which the volume of traffic is less than

Page 1 of 2

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

7-00686A-25

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30 180 vehicles per hour, per direction, during the time students  
 31 walk to and from school; or  
 32 b. Is located in a residential area and has a posted speed  
 33 limit of 30 miles per hour or less.  
 34 Section 2. This act shall take effect July 1, 2025.

Page 2 of 2

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

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 662

INTRODUCER: Senator Davis

SUBJECT: Transportation Facility Designations/Harry Frisch Street

DATE: March 11, 2025

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	<b>Pre-meeting</b>
2.			ATD	
3.			FP	

---

**I. Summary:**

SB 662 designates that portion of West Beaver Street between King Street and Acorn Street in Duval County as “Harry Frisch Street” and directs the Florida Department of Transportation (FDOT) to erect suitable markers.

The estimated cost to FDOT to install the designation markers is \$2,400. See the “Fiscal Impact Statement” below for details.

The bill takes effect July 1, 2025.

**II. Present Situation:**

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes or to distinguish a particular facility. Such designations are not to be construed as requiring any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.<sup>1</sup>

When the Legislature establishes road or bridge designations, FDOT is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation and to erect any other markers it deems appropriate for the transportation facility.<sup>2</sup>

FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated

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<sup>1</sup> Section 334.071(1), F.S.

<sup>2</sup> Section 334.071(2), F.S.

road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before the installation of the markers.<sup>3</sup>

### **Harry Frisch**

Hans “Harry” Frisch was born in Vienna, Austria in 1923. In 1953, he arrived in the United States after 15 years living in Israel. After some time operating an automobile repair shop, he joined family members in Beaver Street Fisheries, where he worked until three days before his passing. He contributed to many philanthropic organizations in both Jacksonville and abroad. Mr. Frisch passed away on January 13, 2023.<sup>4</sup>

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

The bill creates an undesignated section of Florida law designating that portion of West Beaver Street between King Street and Acorn Street in Duval County as “Harry Frisch Street” and directs FDOT to erect suitable markers.

The bill takes effect July 1, 2025.

### **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.

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<sup>3</sup> Section 334.071(3), F.S.

<sup>4</sup> Hans “Harry” Frisch Obituary, <https://www.jacksonville.com/obituaries/pfla0406888> (last visited March 5, 2025).

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The estimated cost to erect the designation markers required under this bill is \$2,400, based on the assumption that a minimum of two markers are required at a cost to FDOT of no less than \$1,200 each. The estimate includes labor, materials, manufacturing, and installation.<sup>5</sup> FDOT is expected to absorb the estimated cost within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The portion of West Beaver Street being designated as Harry Frisch Street is on S.R. 10.<sup>6</sup>

**VIII. Statutes Affected:**

This bill creates an undesignated section of Florida Statutes.

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

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

None.

**B. Amendments:**

None.

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

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<sup>5</sup> E-mail from Jack Rogers, FDOT Legislative Affairs Director, *RE: Transportation Facility Designation Costs*, December 9, 2024. (On file with Senate Committee on Transportation).

<sup>6</sup> FDOT map of proposed Harry Frish Street designation. (On file with Senate Committee on Transportation).

By Senator Davis

5-00539-25

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A bill to be entitled

An act relating to transportation facility designations; providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Harry Frisch Street designated; Department of Transportation to erect suitable markers.-

(1) That portion of West Beaver Street between King Street and Acorn Street in Duval County is designated as "Harry Frisch Street."

(2) The Department of Transportation is directed to erect suitable markers designating Harry Frisch Street as described in subsection (1).

Section 2. This act shall take effect July 1, 2025.

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 706

INTRODUCER: Senator DiCeglie

SUBJECT: Transportation Facility Designations/Senator James A. Sebesta Memorial Highway

DATE: March 11, 2025

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	<b>Pre-meeting</b>
2.			ATD	
3.			FP	

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**I. Summary:**

SB 706 designates that portion of U.S. 92/S.R. 600/Gandy Boulevard between S. West Shore Boulevard in Hillsborough County and 4th Street N. in Pinellas County as “Senator James A. Sebesta Memorial Highway” and directs the Florida Department of Transportation (FDOT) to erect suitable markers.

The estimated cost to FDOT to install the designation markers is \$2,400. See the “Fiscal Impact Statement” below for details.

The bill takes effect July 1, 2025.

**II. Present Situation:**

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes or to distinguish a particular facility. Such designations are not to be construed as requiring any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.<sup>1</sup>

When the Legislature establishes road or bridge designations, FDOT is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation and to erect any other markers it deems appropriate for the transportation facility.<sup>2</sup>

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<sup>1</sup> Section 334.071(1), F.S.

<sup>2</sup> Section 334.071(2), F.S.



FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before the installation of the markers.<sup>3</sup>

### **Senator James A. Sebesta**

Senator James A. Sebesta was initially appointed and subsequently, in 1972, elected Supervisor of Elections for Hillsborough County. Senator Sebesta was originally elected to the Florida Senate in 1988, and reelected in 2002, and served as the Chairman of the Senate Transportation Committee from 2000 to 2006. Senator Sebesta was committed to planning for Florida's growth and improving the safety of Florida's roadways. Senator Sebesta passed away on January 29, 2024.<sup>4</sup>

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

The bill creates an undesignated section of Florida law designating that portion of U.S. 92/S.R. 600/Gandy Boulevard between S. West Shore Boulevard in Hillsborough County and 4th Street N. in Pinellas County as "Senator James A. Sebesta Memorial Highway" and directs FDOT to erect suitable markers.

### **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.

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<sup>3</sup> Section 334.071(3), F.S.

<sup>4</sup> James Sebesta Obituary, <https://www.legacy.com/us/obituaries/tampabaytimes/name/james-sebesta-obituary?id=54311555> (last visited February 17, 2025).

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The estimated cost to erect the designation markers required under this bill is \$2,400, based on the assumption that a minimum of two markers are required at a cost to FDOT of no less than \$1,200 each. The estimate includes labor, materials, manufacturing, and installation.<sup>5</sup> FDOT is expected to absorb the estimated cost within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an undesignated section of Florida Statutes.

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

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

None.

**B. Amendments:**

None.

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

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<sup>5</sup> E-mail from Jack Rogers, FDOT Legislative Affairs Director, *RE: Transportation Facility Designation Costs*, December 9, 2024. (On file with Senate Committee on Transportation).

By Senator DiCeglie

18-00688-25

2025706\_\_

1                           A bill to be entitled  
2       An act relating to transportation facility  
3       designations; providing an honorary designation of a  
4       certain transportation facility in specified counties;  
5       directing the Department of Transportation to erect  
6       suitable markers; providing an effective date.  
7

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

10       Section 1. Senator James A. Sebesta Memorial Highway  
11 designated; Department of Transportation to erect suitable  
12 markers.-

13       (1) That portion of U.S. 92/S.R. 600/Gandy Boulevard  
14 between S. West Shore Boulevard in Hillsborough County and 4th  
15 Street N. in Pinellas County is designated as "Senator James A.  
16 Sebesta Memorial Highway."

17       (2) The Department of Transportation is directed to erect  
18 suitable markers designating Senator James A. Sebesta Memorial  
19 Highway as described in subsection (1).

20       Section 2. This act shall take effect July 1, 2025.

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 872

INTRODUCER: Senator Ingoglia

SUBJECT: County Price Controls for the Removal and Storage of Electric Vehicles

DATE: March 10, 2025

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	<b>Pre-meeting</b>
2.			CA	
3.			FP	

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**I. Summary:**

SB 872 provides that counties must establish maximum rates for the removal and storage of electric vehicles from an accident scene, which may be up to 3 times the rates established by the wrecker operator for the removal and storage of vehicles that run on gasoline or diesel fuels.

The bill authorizes wrecker operators to charge fair and reasonable fees plus 10 percent for the cleanup of an accident scene and the removal of an electric vehicle, including a fire or any accidental discharge of any hazardous materials or debris associated with the electric vehicle.

The bill may have an indeterminate negative fiscal impact owners of electric vehicles and indeterminate positive fiscal impact on wrecker operators. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2025.

**II. Present Situation:**

**Towing Fees**

A county, municipality, or other entity of local government may not adopt an ordinance or a rule that imposes price controls upon lawful business activities that is not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.<sup>1</sup> Florida law does not prevent the enactment by local governments of public service rates otherwise authorized by law, including rates for towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, or rates for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or the removal and storage of

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<sup>1</sup> Section 166.043 (1), F.S.

vehicles or vessels in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.<sup>2</sup>

Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property or which may be charged for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. However, if a municipality chooses to enact an ordinance establishing the maximum rates for the towing or immobilization of vehicles or vessels, the county's ordinance established under s. 125.0103, F.S., does not apply within such municipality.<sup>3</sup>

A county or municipality that has established maximum rates, must publish such rates on its website and must establish a process for investigating and resolving complaints regarding fees charged in excess of such rates. In areas where no maximum rates have been established, the maximum rates established by the Division of Florida Highway Patrol under s. 321.051(2), F.S., apply.<sup>4</sup>

### **Handling of Damaged Electric Vehicles**

The National Highway Traffic Safety Administration (NHTSA) has issued guidance for the handling of electric and hybrid-electric vehicles equipped with high-voltage batteries in certain situations.<sup>5</sup> The guidance provides that in the event of damage, fire, or flooding involving an electric vehicles or hybrid-electric vehicle:

- Assume that the high-voltage battery and the associated components are energized and fully charged;
- Exposed electrical components, wires, and high voltage batteries present potential high voltage shock hazards;
- Venting/off-gassing high voltage battery vapors are potentially flammable;
- Physical damage to vehicle or high voltage battery may result in immediate or delayed release of toxic and/or flammable gases and fire; and
- A high voltage battery in a flooded vehicle may have high voltage and short circuits that can shock and cause fires.

In a post incident situation, the NHTSA guidance recommends to not store a severely damaged vehicle with a lithium-ion battery inside a structure or within 50 feet of any structure, vehicle, or combustible, and to ensure that the vehicle compartments remain well ventilated.<sup>6</sup>

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

<sup>3</sup> *Id.* at 1.

<sup>4</sup> *Id.*

<sup>5</sup> U.S. Department of Transportation, National Highway Traffic Safety Administration, *Interim Guidance for Electric and Hybrid-Electric Vehicles*, [https://www.nhtsa.gov/sites/nhtsa.gov/files/interimguide\\_electrichybridvehicles\\_012012\\_v3.pdf](https://www.nhtsa.gov/sites/nhtsa.gov/files/interimguide_electrichybridvehicles_012012_v3.pdf) (last visited March 7, 2025).

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

In 2020, the National Transportation Safety Board (NTSB) issued a report entitled "Safety Risks to Emergency Responders from Lithium-Ion Battery Fires in Electric Vehicles" which included various findings and recommendations relating to the handling of damaged electric vehicles.<sup>7</sup>

Notable findings in the report included:

- Thermal runaway and multiple battery reignitions after initial fire suppression are safety risks in high-voltage lithium-ion battery fires.
- The energy remaining in a damaged high-voltage lithium-ion battery, known as stranded energy, poses a risk of electric shock and creates the potential for thermal runaway that can result in battery reignition and fire.
- High-voltage lithium-ion batteries in electric vehicles, when damaged by crash forces or internal battery failure, present special challenges to first and second responders because of insufficient information from manufacturers on procedures for mitigating the risks of stranded energy.
- Storing an electric vehicle with a damaged high-voltage lithium-ion battery inside the recommended 50-foot-radius clear area may be infeasible at tow or storage yards.<sup>8</sup>

The report recommended that certain associations representing emergency responders (including the Towing and Recovery Association of America) inform their members about the circumstances of the fire risks described in the report and the guidance available to emergency personnel who respond to high-voltage lithium-ion battery fires in electric vehicles.<sup>9</sup>

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

The bill amends s. 166.043, F.S., to require counties to establish maximum rates for the removal and storage of electric vehicles from an accident scene which may be up to three times the rates established by the wrecker operator, for those vehicles that run solely on gasoline or diesel fuels, in the event that the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to law enforcement at the scene, or otherwise does not consent to the removal of the electric vehicle.

The bill also authorizes wrecker operators to charge fair and reasonable fees plus 10 percent for the cleanup of an accident scene and the removal of an electric vehicle, including a fire or any accidental discharge of any hazardous materials or debris associated with the electric vehicle. The term "fair and reasonable" is not defined.

The bill takes effect July 1, 2025.

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

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

None.

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<sup>7</sup> National Transportation Safety Board, *Safety Risks to Emergency Responders from Lithium-Ion Battery Fires in Electric Vehicles*, <https://www.nts.gov/safety/safety-studies/Documents/SR2001.pdf> (last visited March 7, 2025).

<sup>8</sup> *Id.*

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

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

To the extent that counties elect to establish higher rates for storage and removal of electric vehicles than those that run on gasoline or diesel fuels, electric vehicle owners could experience an indeterminate negative fiscal impact, and wrecker operators could experience an indeterminate positive fiscal impact.

There could also be an indeterminate negative fiscal impact for electric vehicle owners and an indeterminate positive impact on wrecker operators should the wrecker operators impose a fair and reasonable costs plus 10 percent for the cleanup of an accident scene and the removal of an electric vehicle.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends 166.043 of the Florida Statutes.

**IX. Additional Information:**

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

None.

- B. **Amendments:**

None.

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

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400130

LEGISLATIVE ACTION

Senate

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House

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The Committee on Transportation (Ingoglia) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (e) is added to subsection (1) of  
section 125.0103, Florida Statutes, to read:

125.0103 Ordinances and rules imposing price controls.-

(1)

(e)1. Counties shall establish maximum rates for the  
removal and storage of electric vehicles from an accident scene



11 which may be up to 3 times the rates charged by a wrecker  
12 operator, as defined in s. 323.002(1), for the removal and  
13 storage of vehicles that run on gasoline or diesel fuels, in the  
14 event the electric vehicle owner or operator is incapacitated,  
15 unavailable, leaves the procurement of wrecker service to the  
16 law enforcement officer at the scene, or otherwise does not  
17 consent to the removal of the electric vehicle.

18 2. A wrecker operator may charge actual cost, plus 15  
19 percent, for the cleanup of an accident scene and removal of an  
20 electric vehicle, including a fire or any accidental discharge  
21 of any hazardous materials or debris associated with the  
22 electric vehicle.

23 Section 2. Paragraph (e) is added to subsection (1) of  
24 section 166.043, Florida Statutes, to read:

25 166.043 Ordinances and rules imposing price controls.—

26 (1)

27 (e)1. Municipalities shall establish maximum rates for the  
28 removal and storage of electric vehicles from an accident scene  
29 which may be up to 3 times the rates charged by a wrecker  
30 operator, as defined in s. 323.002(1), for the removal and  
31 storage of vehicles that run on gasoline or diesel fuels, in the  
32 event the electric vehicle owner or operator is incapacitated,  
33 unavailable, leaves the procurement of wrecker service to the  
34 law enforcement officer at the scene, or otherwise does not  
35 consent to the removal of the electric vehicle.

36 2. A wrecker operator may charge actual cost, plus 15  
37 percent, for the cleanup of an accident scene and removal of an  
38 electric vehicle, including a fire or any accidental discharge  
39 of any hazardous materials or debris associated with the



400130

40 electric vehicle.

41 Section 3. This act shall take effect July 1, 2025.

42

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

44 And the title is amended as follows:

45 Delete everything before the enacting clause  
46 and insert:

47 A bill to be entitled  
48 An act relating to price controls for the removal and  
49 storage of electric vehicles; amending ss. 125.0103  
50 and 166.043, F.S.; requiring counties and  
51 municipalities, respectively, to establish specified  
52 rates for the removal and storage of electric vehicles  
53 from an accident scene; authorizing a wrecker operator  
54 to charge specified costs for the cleanup of an  
55 accident scene and removal of such vehicles; providing  
56 an effective date.

By Senator Ingoglia

11-00742B-25

2025872\_\_

1 A bill to be entitled  
 2 An act relating to county price controls for the  
 3 removal and storage of electric vehicles; amending s.  
 4 166.043, F.S.; requiring counties to establish  
 5 specified rates for the removal and storage of  
 6 electric vehicles from an accident scene; authorizing  
 7 a wrecker operator to charge specified costs for the  
 8 cleanup of an accident scene and removal of such  
 9 vehicles; providing an effective date.

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

12  
 13 Section 1. Paragraph (e) is added to subsection (1) of  
 14 section 166.043, Florida Statutes, to read:

15 166.043 Ordinances and rules imposing price controls.—  
 16 (1)

17 (e)1. Counties must establish maximum rates for the removal  
 18 and storage of electric vehicles from an accident scene which  
 19 may be up to 3 times the rates charged by a wrecker operator, as  
 20 defined in s. 323.002(1), for the removal and storage of  
 21 vehicles that run on gasoline or diesel fuels, in the event the  
 22 electric vehicle owner or operator is incapacitated,  
 23 unavailable, leaves the procurement of wrecker service to the  
 24 law enforcement officer at the scene, or otherwise does not  
 25 consent to the removal of the electric vehicle.

26 2. A wrecker operator may charge for the fair and  
 27 reasonable costs, plus 10 percent, for the cleanup of an  
 28 accident scene and removal of an electric vehicle, including a  
 29 fire or any accidental discharge of any hazardous materials or

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

11-00742B-25

2025872\_\_

30 debris associated with the electric vehicle.  
 31 Section 2. This act shall take effect July 1, 2025.

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

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 994

INTRODUCER: Senator Collins

SUBJECT: Driver License Education Requirements

DATE: March 10, 2025

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	<b>Pre-meeting</b>
2.			ATD	
3.			FP	

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**I. Summary:**

SB 994 provides that each applicant for a driver license who is 18 years of age or older must complete an approved traffic law and substance abuse education course.

The bill also provides that each applicant for learner’s driver license must satisfactorily complete a driver education course approved by the Department of Highway Safety and Motor Vehicles which meets or exceeds the Department of Education Driver Education/Traffic Safety-Classroom #1900300 current course description.

The bill does not appear to have a fiscal impact to state or local governments.

The bill takes effect July 1, 2025.

**II. Present Situation:**

**Traffic Law and Substance Abuse Education Program for Driver License Applicants (TLSAE)**

Under Florida law, each applicant for a driver license who is not already licensed in another jurisdiction must complete a TLSAE course, unless the applicant has satisfactorily completed a Department of Education driver education course.<sup>1</sup> The Department of Highway Safety and Motor Vehicles (DHSMV) approves TLSAE courses, and course materials must be designed to promote safety, education, and driver awareness.<sup>2</sup> Approved TLSAE courses must be updated at the DHSMV’s request, and a course provider’s failure to do so within 90 days after such request

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<sup>1</sup> Section 322.095(1), F.S.

<sup>2</sup> Section 322.095(2), F.S.

results in the suspension of the course's approval until such time that the updates are submitted to and approved by the DHSMV.<sup>3</sup>

In addition to the TLSAE course, the DHSMV approves and regulates various other driver improvement courses.<sup>4</sup>

### **Driver Education/Traffic Safety Classroom (#1900300)**

The purpose of the Driver Education/Traffic Safety-Classroom #1900300 course is to introduce students to Florida driving laws/rules of the road and safe driving behavior.<sup>5</sup> It also provides an in-depth study of the contributing factors to vehicle crashes and their solutions. The content includes, but is not limited to, the following:

- Meaning and responsibilities of a driver license;
- Laws that govern the operation of a motor vehicle;
- Knowledge of Florida's Graduated Driver Licensing laws
- Vehicle control and traffic procedures;
- Knowledge of sharing the road with other types of vehicles and vulnerable road users;
- Defensive driving strategies;
- Physical and mental factors that affect driving ability; and
- Effects of alcohol and other drugs on driving performance<sup>6</sup>

### **Driver License Requirements**

The DHSMV may issue a learner's driver license to a person who is at least 15 years of age so as long as they meet the following criteria:

- Has passed a written examination for a learner's driver license;
- Has passed the vision and hearing examination administered under s. 322.12, F.S.;
- Has completed the traffic law and substance abuse education course as prescribed in s. 322.095, F.S.; and
- Meets all other requirements set forth by law and by rule of the DHSMV.<sup>7</sup>

When operating a motor vehicle, the holder of the learner's driver license must be accompanied at all times by a driver who:

- Holds a valid license to operate the type of vehicle being operated; and
- Is at least 21 years of age; and occupies the closest seat of the driver of the motor vehicle.<sup>8</sup>

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<sup>3</sup> Section 322.095(7), F.S.

<sup>4</sup> Department of Highway Safety and Motor Vehicles, *Driver Improvement Schools*, <https://www.flhsmv.gov/driver-licenses-id-cards/education-courses/driver-improvement-schools/#:~:text=All%20first%2Dtime%20drivers%20must,have%20to%20take%20the%20TLSAE> (last visited March 3, 2025).

<sup>5</sup> Florida Department of Education, *Driver Education/Traffic Safety-Classroom #1900300*, <https://www.fldoe.org/core/fileparse.php/20017/urlt/19-8.pdf> (last visited March 3, 2025).

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

<sup>7</sup> Section 322.1615(1), F.S.

<sup>8</sup> Section 322.1615(2), F.S.

A person who holds a learner's driver license may operate the vehicle only during daylight hours, except that the holder of a learner's driver license may operate a vehicle until 10 p.m., after three months following the issuance of the learner's driver license.<sup>9</sup>

The DHSMV is prohibited from issuing a Class E driver license to a person who is at least 16 years of age but is under 18 years of age unless the person meets the requirements of s. 322.091, F.S., and holds a valid: (1) learner's driver license for at least 12 months, with no moving traffic convictions, before applying for a license; (2) learner's driver license for at least 12 months and who has a moving traffic conviction but elects to attend a traffic driving school for which adjudication must be withheld; or (3) license that was issued in another state or in a foreign jurisdiction and that would not be subject to suspension or revocation under the laws of this state.<sup>10</sup>

A person who is at least 16 years of age but who is under 18 years of age, must provide certification that a parent, guardian, or other responsible adult meeting the requirements of s. 322.09, F.S., has accompanied the applicant for a total of not less than 50 hours' behind-the-wheel experience, of which not less than 10 hours must be at night.<sup>11</sup>

### III. Effect of Proposed Changes:

The bill amends s. 322.095, F.S., to provide that each applicant for a driver license who is 18 years of age or older (currently all driver license applicants) must complete a TLSAE course, unless the applicant has been licensed in another jurisdiction or has satisfactorily completed a Department of Education driver education course offered pursuant to s. 1003.48, F.S.

The bill also amends s. 322.1615, F.S., to eliminate the requirement that each applicant for a learner's driver license must complete a TLSAE course, and instead, specifies that such applicant must satisfactorily complete a driver education course approved by the DHSMV which meets or exceeds the Department of Education/Traffic Safety-Classroom 1900300 current course description.

The bill takes effect July 1, 2025.

### IV. Constitutional Issues:

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

None.

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

None.

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<sup>9</sup> Section 322.1615(3), F.S.

<sup>10</sup> Section 322.05(2), F.S.

<sup>11</sup> Section 322.05(3), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not appear to have a fiscal impact to state and local governments.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends sections 322.095 and 322.1615 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.



By Senator Collins

14-00675A-25

2025994\_\_

1 A bill to be entitled  
 2 An act relating to driver license education  
 3 requirements; amending s. 322.095, F.S.; specifying  
 4 the age at which an applicant for a driver license  
 5 must complete a traffic law and substance abuse  
 6 education course; amending s. 322.1615, F.S.;  
 7 requiring an applicant for a learner's driver license  
 8 to complete a certain driver education course approved  
 9 by the Department of Highway Safety and Motor  
 10 Vehicles; providing an effective date.

11 Be It Enacted by the Legislature of the State of Florida:  
 12  
 13

14 Section 1. Subsection (1) of section 322.095, Florida  
 15 Statutes, is amended to read:

16 322.095 Traffic law and substance abuse education program  
 17 for driver license applicants.—

18 (1) Each applicant for a driver license who is 18 years of  
 19 age or older must complete a traffic law and substance abuse  
 20 education course, unless the applicant has been licensed in  
 21 another jurisdiction or has satisfactorily completed a  
 22 Department of Education driver education course offered pursuant  
 23 to s. 1003.48.

24 Section 2. Subsection (1) of section 322.1615, Florida  
 25 Statutes, is amended to read:

26 322.1615 Learner's driver license.—

27 (1) The department may issue a learner's driver license to  
 28 a person who is at least 15 years of age and who:

29 (a) Has passed the written examination for a learner's

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

14-00675A-25

2025994\_\_

30 driver license;  
 31 (b) Has passed the vision and hearing examination  
 32 administered under s. 322.12;  
 33 (c) Has satisfactorily completed a driver education course  
 34 approved by the department which meets or exceeds the Department  
 35 of Education Driver Education/Traffic Safety-Classroom 1900300  
 36 current course description ~~the traffic law and substance abuse~~  
 37 ~~education course prescribed in s. 322.095;~~ and  
 38 (d) Meets all other requirements set forth in law and by  
 39 rule of the department.  
 40 Section 3. This act shall take effect July 1, 2025.

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

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 1318

INTRODUCER: Senator Grall

SUBJECT: Hands-free Driving

DATE: March 10, 2025

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	<b>Pre-meeting</b>
2.			ATD	
3.			RC	

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**I. Summary:**

The bill renames the Florida Ban on Texting While Driving Law to the Florida Hands-Free Driving Law and expands the prohibition to include using, while driving, a wireless communications device in a handheld manner except to activate, deactivate, initiate, or terminate a feature or function of the device, including a hands-free accessory. The bill provides that sustained use of a wireless communications device by a person operating a vehicle must be conducted through a hands-free accessory until such use is terminated. It defines certain terms, including handheld manner, hands-free accessory, and wireless communications device.

The bill repeals certain provisions that are no longer necessary relating to the ban of a wireless communications device in school and work zones. It provides that in work zones where personnel are present operating equipment, a law enforcement officer must indicate in the comment of the uniform traffic citation the type of wireless communications device that was used to commit the violation and must, in accordance with current requirements in law, provide this information to the Department of Highway Safety and Motor Vehicles for their annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill may have an indeterminate fiscal impact on state and local governments and the private sector. See Section V. Fiscal Analysis Section.

The bill has an effective date of July 1, 2025.

**II. Present Situation:**

**Florida Ban on Texting While Driving Law**

The legislative intent of the “Florida Ban on Texting While Driving Law” is to:

- Improve roadway safety for all vehicle operators, vehicle passengers, bicyclists, pedestrians, and other road users;
- Prevent crashes related to the act of text messaging while driving a motor vehicle;
- Reduce injuries, deaths, property damage, health care costs, health insurance rates, and automobile insurance rates related to motor vehicle crashes; and
- Authorize law enforcement officers to stop motor vehicles and issue citations to persons who are texting while driving.<sup>1</sup>

### ***Prohibition***

The Florida Ban on Texting While Driving Law prohibits a person from operating a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other characters into a wireless communications device or while sending or reading data on such a device for the purpose of nonvoice interpersonal communication, including, but not limited to, communication methods known as texting, e-mailing, and instant messaging.<sup>2</sup> The term “wireless communications device” is defined as any handheld device used or capable of being used in a handheld manner, that is designed or intended to receive or transmit text or character-based messages, access or store data, or connect to the Internet or any communications service and that allows text communications.<sup>3</sup>

A motor vehicle that is stationary is not being operated and, therefore, is not subject to this prohibition.<sup>4</sup> Additionally, the prohibition does not apply to a motor vehicle operator who is:

- Performing official duties as an operator of an authorized emergency vehicle, a law enforcement or fire service professional, or an emergency medical services professional;
- Reporting an emergency or criminal or suspicious activity to law enforcement authorities;
- Receiving messages that are related to the operation or navigation of the motor vehicle; safety-related information, including emergency, traffic, or weather alerts; data used primarily by the motor vehicle; or radio broadcasts;
- Using a device or system for navigation purposes;
- Conducting wireless interpersonal communication that does not require manual entry of multiple letters, numbers, or symbols, except to activate, deactivate, or initiate a feature or function;
- Conducting wireless interpersonal communication that does not require reading text messages, except to activate, deactivate, or initiate a feature or function; and
- Operating an autonomous vehicle with the automated driving system engaged.<sup>5</sup>

### ***Enforcement and Penalties***

A law enforcement officer who stops a motor vehicle for a violation of the Florida Ban on Texting While Driving Law must inform the motor vehicle operator of his or her right to decline a search of his or her wireless communications device and may not:

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<sup>1</sup> Section 316.305(2), F.S.

<sup>2</sup> Section 316.305(3)(a), F.S.

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

<sup>4</sup> *Id.*

<sup>5</sup> Section 316.305(3)(b), F.S.

- Access the wireless communications device without a warrant;
- Confiscate the wireless communications device while awaiting issuance of a warrant to access such device; and
- Obtain consent from the motor vehicle operator to search his or her wireless communications device through coercion or other improper method. Consent to search a motor vehicle operator's wireless communications device must be voluntary and unequivocal.<sup>6</sup>

A first violation of the ban on texting while driving is punishable as a nonmoving violation and carries a \$30 fine plus court costs,<sup>7</sup> which could result in a total fine up to \$108.<sup>8</sup> A second or subsequent violation of the ban committed within five years after the date of a prior conviction is a moving violation and carries a \$60 fine plus court costs,<sup>9</sup> which could result in a total fine up to \$158.<sup>10</sup>

### ***Data Collection and Reporting Requirement***

When a law enforcement officer issues a citation for a violation of the Florida Ban on Texting While Driving Law, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and report the information to the Department of Highway Safety and Motor Vehicles (DHSMV) by April 1 annually in a form and manner determined by the DHSMV. The DHSMV must annually report the data collected to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The data collected must be reported at least by statewide totals for local law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies. The statewide total for local law enforcement agencies must combine the data for the county sheriffs and the municipal law enforcement agencies.<sup>11</sup>

### **Ban on the Use of Wireless Communications Devices in a Handheld Manner in School and Work Zones**

#### ***Prohibition and Enforcement***

In addition to the ban on texting while driving, law enforcement officers are authorized to stop motor vehicles and issue citations to persons who are driving in a designated school crossing, school zone, or work zone area<sup>1213</sup> while using a wireless communications device in a handheld

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<sup>6</sup> Section 316.305(3)(c), F.S.

<sup>7</sup> Section 316.305(4)(a), F.S. *See also* ch. 318, F.S.

<sup>8</sup> Florida Court Clerks and Comptrollers, *2023 Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs and Fines, Including a Fee Schedule for Recording*, p. 39, [https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023\\_Distribution\\_Schedule\\_e.pdf](https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023_Distribution_Schedule_e.pdf) (last visited March 6, 2025).

<sup>9</sup> Section 316.305(4)(b), F.S. *See also* Ch. 318, F.S.

<sup>10</sup> Florida Court Clerks and Comptrollers, *supra* note 8, at p. 42.

<sup>11</sup> Section 316.305(5), F.S.

<sup>12</sup> Section 316.003(111), F.S., defines work zone as the area and its approaches on any state-maintained highway, county-maintained highway, or municipal street where construction, repair, maintenance, or other street-related or highway-related work is being performed or where one or more lanes are closed to traffic.

<sup>13</sup> Section 316.306(3)(a), F.S., provides that the prohibition on work zone areas is only applicable if the construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area.

manner.<sup>14</sup> Wireless communications device has the same meaning aforementioned for the Florida Ban on Texting While Driving Law and includes, but is not limited to, a cell phone, a tablet, a laptop, two-way messaging device, or an electronic game that is used or capable of being used in a handheld manner.<sup>15</sup>

The ban on the use of wireless communications devices in a handheld manner in school and work zones has almost identical exceptions and enforcement procedures as the Florida Ban on Texting While Driving Law.<sup>16</sup> However, the ban on the use of a wireless communications device in a handheld manner in school and work zones expressly allows the use of a wireless communications device if it is operated in a hands-free or hands-free in voice-operated mode, including, but not limited to, a factory-installed or after-market Bluetooth device while driving.<sup>17</sup>

### ***Penalties***

A first violation of the ban on the use of wireless communications devices in a handheld manner in school and work zones is punishable as a noncriminal traffic infraction, punishable as a moving violation,<sup>18</sup> and a violator will have 3 points assessed against his or her driver license.<sup>19</sup> For a first offense, in lieu of the \$60 fine, additional court costs, and the assessment of points, a person may elect to participate in a wireless communications device driving safety program approved by the DHSMV. Upon completion of such program, the penalty and associated costs may be waived by the clerk of the court and the assessment of points must be waived.<sup>20</sup>

Additionally, the clerk of the court may dismiss a case and assess court costs for a nonmoving traffic infraction for a person who is cited for a first-time violation of this section if the person shows the clerk proof of purchase of equipment that enables his or her personal wireless communications device to be used in a hands-free manner.<sup>21</sup> All the proceeds collected from such penalties must be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health.<sup>22</sup>

### ***Data Collection and Reporting Requirement***

When a law enforcement officer issues a citation for a violation of the ban on the use of wireless communications device in a handheld manner in school and work zones, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and must report such information to the DHSMV in a form and manner determined by the DHSMV. The DHSMV must annually report the data collected to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The data collected must be reported at least by statewide totals for local law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies. The statewide total for

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<sup>14</sup> Sections 316.306(2) and 316.306(3)(a), F.S.

<sup>15</sup> Section 316.306(1), F.S.

<sup>16</sup> Section 316.306(3), F.S.

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

<sup>18</sup> Chapter 318, F.S., provides that such violation carries a \$60 fine plus court costs.

<sup>19</sup> Section 316.306(4)(a), F.S.

<sup>20</sup> *Id.*

<sup>21</sup> Section 316.306(4)(b), F.S.

<sup>22</sup> Section 316.306(5), F.S.

local law enforcement agencies must combine the data for the county sheriffs and the municipal law enforcement agencies.<sup>23</sup>

### III. Effect of Proposed Changes:

#### **Expanding the Florida Ban on Texting While Driving Law**

The bill renames the Florida Ban on Texting While Driving Law to the Florida Hands-Free Driving Law and expands the prohibition to include using, while driving, a wireless communications device in a handheld manner except to activate, deactivate, initiate, or terminate a feature or function of the device, including a hands-free accessory. The bill provides that sustained use of a wireless communications device by a person operating a vehicle must be conducted through a hands-free accessory until such use is terminated.

The bill defines the following terms in order to expand the prohibition:

- **Handheld manner:** Holding a wireless communications device in one or both hands or physically supporting the device with any other part of the body.
- **Hands-free accessory:** An attachment to or built-in feature of a wireless communications device which allows the operator of a motor vehicle to engage in interpersonal communication or otherwise use such device other than in a handheld manner.
- **Wireless communications device:** A handheld device used or capable of being used in a handheld manner to transmit or receive a voice message; initiate, receive, or maintain a telephone call; or otherwise engage in interpersonal voice communication; receive or transmit text-based or character-based messages or otherwise engage in interpersonal nonvoice communication; record or display videos or images; enter, access, or store data; or connect to the Internet or any communications service. The term includes, but is not limited to, a cellular telephone, smartphone, tablet computer, laptop computer, two-way messaging device, electronic gaming device, or device capable of displaying videos or images. The term does not include a citizens band radio, citizens band radio hybrid, commercial two-way radio communication device or its functional equivalent, subscription-based emergency communications device, prescribed medical device, amateur or ham radio device, or in-vehicle security, navigation, communications, or remote diagnostics system.

The bill maintains most of the existing exceptions to the prohibition on texting, including the exception for a motor vehicle that is stationary and, therefore, not being operated. However, the bill eliminates the exception for using a device or system for navigation purposes.<sup>24</sup>

#### **Use of Wireless Communications Device in a Handheld Manner in School and Work Zones**

The bill amends the prohibition found in the Florida Ban on Texting While Driving Law to ban the use of a wireless communications device in a handheld manner while driving. As such, because the ban would no longer be unique to school and work zones, the bill repeals certain statutory provisions that are no longer necessary.

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<sup>23</sup> Section 316.306(6), F.S.

<sup>24</sup> The bill maintains the current exception for receiving messages that are related to the operation or navigation of the motor vehicle.

However, the bill maintains the provisions of law that outline the penalties, data collection, and report requirements for a person who violates the use of a wireless communications device in a handheld manner while driving in a designated work zone area, if construction personnel are present or are operating equipment on the road or immediately adjacent to the work area.

A person who violates the use of a wireless communications device in a handheld manner while driving in a designated work zone area, commits a noncriminal traffic infraction, punishable as a moving violation, and subject to the following penalties:

- First offense shall pay a fine of \$150 and have three points assessed to their driver license;
- Second offense shall pay a fine of \$250 and have three points assessed to their driver license;
- Third offense shall pay a fine of \$500 and have four points assessed to their driver license and have his or her driver license suspended for 90 days.

Additionally, the bill provides that when a law enforcement officer issues a citation in a work zone to a person who violated the use of a wireless communications device while driving, the law enforcement officer must indicate in the comment section of the uniform traffic citation the type of wireless communications device that was used to commit the violation. In accordance with current requirements in law, this information must be provided to the DHSMV for their annual report to the Governor, President of the Senate, and Speaker of the House of Representatives.

The bill has an effective date of July 1, 2025.

#### **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.

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

None.

**B. Private Sector Impact:**

The changes in the laws regarding the use of wireless communications devices while driving may result in more motorists being assessed traffic fines.

**C. Government Sector Impact:**

The bill may increase state and local government revenues to the extent there is an increase in the number of traffic citations issued due to changes in the law regarding the use of wireless communications devices while driving. However, the fiscal impact cannot be quantified and is therefore indeterminate.

The DHSMV estimates it will incur \$38,995 in IT programming and implementation costs.<sup>25</sup> In addition, the DHSMV may incur expenses related to public awareness and educational efforts regarding the changes in the laws regarding the use of wireless communication devices while driving. However, the department reports that these costs can likely be absorbed within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 316.305 and 316.306 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

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<sup>25</sup> Email from Jonas Marquez, Director of Legislative Affairs, Department of Highway Safety and Motor Vehicles, RE: SB 1318 Fiscal Impact, regarding IT impacts for programming costs (March 10, 2025)



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

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By Senator Grall

29-00729-25

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1 A bill to be entitled  
 2 An act relating to hands-free driving; amending s.  
 3 316.305, F.S.; revising a short title; revising  
 4 legislative intent; defining terms; prohibiting a  
 5 person from operating a motor vehicle while using a  
 6 wireless communications device in a handheld manner;  
 7 providing an exception; requiring that sustained use  
 8 of a wireless communications device by a person  
 9 operating a motor vehicle be conducted through a  
 10 hands-free accessory until such use is terminated;  
 11 revising exceptions to the prohibition; removing  
 12 obsolete provisions; providing penalties; amending s.  
 13 316.306, F.S.; revising penalty provisions relating to  
 14 the use of wireless communications devices in a  
 15 handheld manner in certain circumstances; conforming  
 16 provisions to changes made by the act; providing an  
 17 effective date.

18  
 19 Be It Enacted by the Legislature of the State of Florida:

20  
 21 Section 1. Section 316.305, Florida Statutes, is amended to  
 22 read:

23 316.305 Wireless communications devices; use in a handheld  
 24 manner prohibited prohibition.-

25 (1) This section may be cited as the "Florida Hands-Free  
 26 Ban on Texting While Driving Law."

27 (2) It is the intent of the Legislature to:

28 (a) Improve roadway safety for all vehicle operators,  
 29 vehicle passengers, bicyclists, pedestrians, and other road

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30 users.  
 31 (b) Prevent crashes related to the use of a wireless  
 32 communications device in a handheld manner ~~act of text messaging~~  
 33 while driving a motor vehicle.  
 34 (c) Reduce injuries, deaths, property damage, health care  
 35 costs, health insurance rates, and automobile insurance rates  
 36 related to motor vehicle crashes.  
 37 (d) Authorize law enforcement officers to stop motor  
 38 vehicles and issue citations to persons who are using wireless  
 39 communications devices in a handheld manner ~~texting~~ while  
 40 driving.  
 41 (3) As used in this section, the term:  
 42 (a) "Handheld manner" means holding a wireless  
 43 communications device in one or both hands or physically  
 44 supporting the device with any other part of the body.  
 45 (b) "Hands-free accessory" means an attachment to or a  
 46 built-in feature of a wireless communications device which  
 47 allows the operator of a motor vehicle to engage in  
 48 interpersonal communication or otherwise use such device other  
 49 than in a handheld manner.  
 50 (c) "Wireless communications device":  
 51 1. Means a handheld device used or capable of being used in  
 52 a handheld manner to:  
 53 a. Transmit or receive a voice message; initiate, receive,  
 54 or maintain a telephone call; or otherwise engage in  
 55 interpersonal voice communication;  
 56 b. Receive or transmit text-based or character-based  
 57 messages or otherwise engage in interpersonal nonvoice  
 58 communication;

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59 c. Record or display videos or images;  
 60 d. Enter, access, or store data; or  
 61 e. Connect to the Internet or any communications service as  
 62 defined in s. 812.15(1).

63 2. Includes, but is not limited to, a cellular telephone,  
 64 smartphone, tablet computer, laptop computer, two-way messaging  
 65 device, electronic gaming device, or device capable of  
 66 displaying videos or images. The term does not include a  
 67 citizens band radio, a citizens band radio hybrid, a commercial  
 68 two-way radio communications device or its functional  
 69 equivalent, a subscription-based emergency communications  
 70 device, a prescribed medical device, an amateur or ham radio  
 71 device, or an in-vehicle security, navigation, communications,  
 72 or remote diagnostics system.

73 (4) (a) (3) (a) A person may not operate a motor vehicle while  
 74 using manually typing or entering multiple letters, numbers,  
 75 symbols, or other characters into a wireless communications  
 76 device in a handheld manner except to activate, deactivate,  
 77 initiate, or terminate a feature or function of the device,  
 78 including a hands-free accessory. Sustained use of a wireless  
 79 communications device by a person operating a motor vehicle must  
 80 be conducted through a hands-free accessory until such use is  
 81 terminated. or while sending or reading data on such a device  
 82 for the purpose of nonvoice interpersonal communication,  
 83 including, but not limited to, communication methods known as  
 84 texting, e-mailing, and instant messaging. As used in this  
 85 section, the term "wireless communications device" means any  
 86 handheld device used or capable of being used in a handheld  
 87 manner, that is designed or intended to receive or transmit text

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88 ~~or character-based messages, access or store data, or connect to~~  
 89 ~~the Internet or any communications service as defined in s.~~  
 90 ~~812.15 and that allows text communications. For the purposes of~~  
 91 ~~this paragraph, A motor vehicle that is stationary is not being~~  
 92 ~~operated and is not subject to the prohibition in this~~  
 93 ~~paragraph.~~

94 (b) Paragraph (a) does not apply to a motor vehicle  
 95 operator who is:

96 1. Performing official duties as an operator of an  
 97 authorized emergency vehicle as defined in s. 322.01, a law  
 98 enforcement or fire service professional, or an emergency  
 99 medical services professional.

100 2. Reporting an emergency or criminal or suspicious  
 101 activity to law enforcement authorities.

102 3. Receiving messages that are:

103 a. Related to the operation or navigation of the motor  
 104 vehicle;

105 b. Safety-related information, including emergency,  
 106 traffic, or weather alerts;

107 c. Data used primarily by the motor vehicle; or

108 d. Radio broadcasts.

109 4. ~~Using a device or system for navigation purposes.~~

110 5. ~~Conducting wireless interpersonal communication that~~  
 111 ~~does not require manual entry of multiple letters, numbers, or~~  
 112 ~~symbols, except to activate, deactivate, or initiate a feature~~  
 113 ~~or function.~~

114 6. ~~Conducting wireless interpersonal communication that~~  
 115 ~~does not require reading text messages, except to activate,~~  
 116 ~~deactivate, or initiate a feature or function.~~

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117 ~~7-~~ Operating an autonomous vehicle, as defined in s.  
 118 316.003(3), with the automated driving system engaged.

119 (c) A law enforcement officer who stops a motor vehicle for  
 120 a violation of paragraph (a) must inform the motor vehicle  
 121 operator of his or her right to decline a search of his or her  
 122 wireless communications device and may not:

123 1. Access the wireless communications device without a  
 124 warrant.

125 2. Confiscate the wireless communications device while  
 126 awaiting issuance of a warrant to access such device.

127 3. Obtain consent from the motor vehicle operator to search  
 128 his or her wireless communications device through coercion or  
 129 other improper method. Consent to search a motor vehicle  
 130 operator's wireless communications device must be voluntary and  
 131 unequivocal.

132 (d) Only in the event of a crash resulting in death or  
 133 personal injury, a user's billing records for a wireless  
 134 communications device or the testimony of or written statements  
 135 from appropriate authorities receiving such messages may be  
 136 admissible as evidence in any proceeding to determine whether a  
 137 violation of paragraph (a) has been committed.

138 ~~(5) (a) (4) (a)~~ A Any person who violates paragraph ~~(4) (a)~~  
 139 ~~(3) (a)~~ commits a noncriminal traffic infraction, punishable as a  
 140 nonmoving violation as provided in chapter 318.

141 (b) A Any person who commits a second or subsequent  
 142 violation of paragraph ~~(4) (a) (3) (a)~~ within 5 years after the  
 143 date of a prior conviction for a violation of paragraph ~~(4) (a)~~  
 144 ~~(3) (a)~~ commits a noncriminal traffic infraction, punishable as a  
 145 moving violation as provided in chapter 318.

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146 ~~(6) (5)~~ When a law enforcement officer issues a citation for  
 147 a violation of this section, the law enforcement officer must  
 148 record the race and ethnicity of the violator. All law  
 149 enforcement agencies must maintain such information and report  
 150 the information to the department by April 1 annually in a form  
 151 and manner determined by the department. Beginning July 1, 2023,  
 152 the department shall annually report the data collected under  
 153 this subsection to the Governor, the President of the Senate,  
 154 and the Speaker of the House of Representatives. The data  
 155 collected must be reported at least by statewide totals for  
 156 local law enforcement agencies, state law enforcement agencies,  
 157 and state university law enforcement agencies. The statewide  
 158 total for local law enforcement agencies shall combine the data  
 159 for the county sheriffs and the municipal law enforcement  
 160 agencies.

161 Section 2. Section 316.306, Florida Statutes, is amended to  
 162 read:

163 316.306 Penalties for School and work zones; prohibition on  
 164 the use of a wireless communications device in a handheld manner  
 165 on any roadway when construction personnel are present or  
 166 operating equipment.-

167 (1) ~~For purposes of this section, the term "wireless~~  
 168 ~~communications device" has the same meaning as provided in s.~~  
 169 ~~316.305(3) (a). The term includes, but is not limited to, a cell~~  
 170 ~~phone, a tablet, a laptop, a two-way messaging device, or an~~  
 171 ~~electronic game that is used or capable of being used in a~~  
 172 ~~handheld manner. The term does not include a safety, security,~~  
 173 ~~or convenience feature built into a motor vehicle which does not~~  
 174 ~~require the use of a handheld device.~~

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175 ~~(2) It is the intent of the Legislature to:~~  
 176 ~~(a) Improve roadway safety in school and work zones for all~~  
 177 ~~vehicle operators, vehicle passengers, bicyclists, pedestrians,~~  
 178 ~~and other road users.~~  
 179 ~~(b) Prevent crashes related to the act of driving while~~  
 180 ~~using a wireless communications device in a handheld manner when~~  
 181 ~~operating a motor vehicle while the vehicle is in motion.~~  
 182 ~~(c) Reduce injuries, deaths, property damage, health care~~  
 183 ~~costs, health insurance rates, and automobile insurance rates~~  
 184 ~~related to motor vehicle crashes.~~  
 185 ~~(d) Authorize law enforcement officers to stop motor~~  
 186 ~~vehicles and issue citations to persons who are driving in~~  
 187 ~~school or work zones while using a wireless communications~~  
 188 ~~device in a handheld manner as provided in subsection (3).~~  
 189 ~~(3)(a)1. A person may not operate a motor vehicle while~~  
 190 ~~using a wireless communications device in a handheld manner in a~~  
 191 ~~designated school crossing, school zone, or work zone area as~~  
 192 ~~defined in s. 316.003(112). This subparagraph shall only be~~  
 193 ~~applicable to work zone areas if construction personnel are~~  
 194 ~~present or are operating equipment on the road or immediately~~  
 195 ~~adjacent to the work zone area. For the purposes of this~~  
 196 ~~paragraph, a motor vehicle that is stationary is not being~~  
 197 ~~operated and is not subject to the prohibition in this~~  
 198 ~~paragraph.~~  
 199 ~~2. Effective January 1, 2020, a law enforcement officer may~~  
 200 ~~stop motor vehicles and issue citations to persons who are~~  
 201 ~~driving while using a wireless communications device in a~~  
 202 ~~handheld manner in violation of subparagraph 1.~~  
 203 ~~(b) Paragraph (a) does not apply to a motor vehicle~~

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204 ~~operator who is:~~  
 205 ~~1. Performing official duties as an operator of an~~  
 206 ~~authorized emergency vehicle as defined in s. 322.01, a law~~  
 207 ~~enforcement or fire service professional, or an emergency~~  
 208 ~~medical services professional.~~  
 209 ~~2. Reporting an emergency or criminal or suspicious~~  
 210 ~~activity to law enforcement authorities.~~  
 211 ~~3. Receiving messages that are:~~  
 212 ~~a. Related to the operation or navigation of the motor~~  
 213 ~~vehicle;~~  
 214 ~~b. Safety-related information, including emergency,~~  
 215 ~~traffic, or weather alerts;~~  
 216 ~~c. Data used primarily by the motor vehicle; or~~  
 217 ~~d. Radio broadcasts.~~  
 218 ~~4. Using a device or system in a hands-free manner for~~  
 219 ~~navigation purposes.~~  
 220 ~~5. Using a wireless communications device hands-free or~~  
 221 ~~hands-free in voice-operated mode, including, but not limited~~  
 222 ~~to, a factory-installed or after-market Bluetooth device.~~  
 223 ~~6. Operating an autonomous vehicle, as defined in s.~~  
 224 ~~316.003, in autonomous mode.~~  
 225 ~~(c) A law enforcement officer who stops a motor vehicle for~~  
 226 ~~a violation of paragraph (a) must inform the motor vehicle~~  
 227 ~~operator of his or her right to decline a search of his or her~~  
 228 ~~wireless communications device and may not:~~  
 229 ~~1. Access the wireless communications device without a~~  
 230 ~~warrant.~~  
 231 ~~2. Confiscate the wireless communications device while~~  
 232 ~~awaiting issuance of a warrant to access such device.~~

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233 ~~3. Obtain consent from the motor vehicle operator to search~~  
 234 ~~his or her wireless communications device through coercion or~~  
 235 ~~other improper method. Consent to search a motor vehicle~~  
 236 ~~operator's wireless communications device must be voluntary and~~  
 237 ~~unequivocal.~~

238 ~~(d) Only in the event of a crash resulting in death or~~  
 239 ~~serious bodily injury, as defined in s. 316.027, may a user's~~  
 240 ~~billing records for a wireless communications device, or the~~  
 241 ~~testimony of or written statements from appropriate authorities~~  
 242 ~~receiving such messages, be admissible as evidence in any~~  
 243 ~~proceeding to determine whether a violation of subparagraph~~  
 244 ~~(a)1. has been committed.~~

245 ~~(e) Law enforcement officers must indicate the type of~~  
 246 ~~wireless communications device in the comment section of the~~  
 247 ~~uniform traffic citation.~~

248 ~~(4)(a) A Any person who violates s. 316.305(4)(a) on any~~  
 249 ~~roadway when construction personnel are present or are operating~~  
 250 ~~equipment on the road or immediately adjacent to the work zone~~  
 251 ~~area this section commits a noncriminal traffic infraction,~~  
 252 ~~punishable as a moving violation, as provided in chapter 318,~~  
 253 ~~and shall pay a fine of \$150 and have 3 points assessed against~~  
 254 ~~his or her driver license. A person who commits a second~~  
 255 ~~violation shall pay a fine of \$250 and have 3 points assessed~~  
 256 ~~against his or her driver license. A person who commits a third~~  
 257 ~~violation shall pay a fine of \$500, have 4 points assessed~~  
 258 ~~against his or her driver license, and have his or her driver~~  
 259 ~~license suspended for 90 days, and shall have 3 points assessed~~  
 260 ~~against his or her driver license as set forth in s.~~  
 261 ~~322.27(3)(d)8.~~

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262 ~~(a) For a first violation offense under this section, in~~  
 263 ~~lieu of the penalty specified in s. 318.18 and the assessment of~~  
 264 ~~points, a person who violates this section may elect to~~  
 265 ~~participate in a wireless communications device driving safety~~  
 266 ~~program approved by the Department of Highway Safety and Motor~~  
 267 ~~Vehicles. Upon completion of such program, the penalties penalty~~  
 268 ~~specified in this section and s. 318.18 and associated costs may~~  
 269 ~~be waived by the clerk of the court and the assessment of points~~  
 270 ~~must be waived.~~

271 (b) The clerk of the court may dismiss a case and assess  
 272 court costs in accordance with s. 318.18(12)(a) for a nonmoving  
 273 traffic infraction for a person who is cited for a first time  
 274 violation ~~of this section~~ if the person shows the clerk proof of  
 275 purchase of equipment that enables his or her personal wireless  
 276 communications device to be used in a hands-free manner.

277 ~~(2)(5)~~ Notwithstanding s. 318.21, all proceeds collected  
 278 pursuant to s. 318.18 for violations under ~~of~~ this section must  
 279 be remitted to the Department of Revenue for deposit into the  
 280 Emergency Medical Services Trust Fund of the Department of  
 281 Health.

282 ~~(3)(6)~~ When a law enforcement officer issues a citation for  
 283 a violation under ~~of~~ this section, the law enforcement officer  
 284 must:

285 (a) Indicate in the comment section of the uniform traffic  
 286 citation the type of wireless communications device that was  
 287 used to commit the violation.

288 (b) Record the race and ethnicity of the violator. All law  
 289 enforcement agencies must maintain such information and must  
 290 report such information to the department in a form and manner

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291 determined by the department. Beginning February 1, 2020, the  
292 department shall annually report the data collected under this  
293 ~~paragraph subsection~~ to the Governor, the President of the  
294 Senate, and the Speaker of the House of Representatives. The  
295 data collected must be reported at least by statewide totals for  
296 local law enforcement agencies, state law enforcement agencies,  
297 and state university law enforcement agencies. The statewide  
298 total for local law enforcement agencies is a combination of  
299 ~~must combine~~ the data for the county sheriffs and the municipal  
300 law enforcement agencies.

301 Section 3. This act shall take effect July 1, 2025.