

Tab 1	SB 266 by Hooper; (Compare to CS/H 00287) Department of Transportation					
703922	D	S	RCS	TR, Hooper	Delete everything after	01/18 10:18 AM
589480	AA	S	RCS	TR, Hooper	Delete L.400 - 446:	01/18 10:18 AM

Tab 2	SB 512 by Bradley; (Identical to H 00407) Specialty License Plates/United Service Organizations					
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Tab 3	SB 640 by Berman; (Identical to H 00937) Purple Alert					
737802	A	S	RCS	TR, Berman	Delete L.81:	01/18 08:15 AM

Tab 4	SB 648 by DiCeglie; (Similar to H 00377) License or Permit to Operate a Vehicle for Hire					
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Tab 5	SB 736 by Trumbull; (Similar to H 00247) Services Provided by the Department of Highway Safety and Motor Vehicles or Its Agents					
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Tab 6	SB 774 by Perry; (Identical to H 00179) Towing and Storage					
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator DiCeglie, Chair
Senator Davis, Vice Chair

MEETING DATE: Wednesday, January 17, 2024

TIME: 8:30—10:30 a.m.

PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator DiCeglie, Chair; Senator Davis, Vice Chair; Senators Gruters, Hooper, Torres, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 266 Hooper (Compare CS/H 287, S 1032)	Department of Transportation; Prohibiting the department from annually committing more than a certain percentage of revenues derived from state fuel taxes and motor vehicle license-related fees to public transit projects; replacing the term "public-private partnership agreement" with the term "comprehensive agreement"; prohibiting additional metropolitan planning organizations from being designated in this state after a specified date; creating within the department a local agency program for a specified purpose, etc. TR 01/17/2024 Fav/CS ATD AP	Fav/CS Yeas 5 Nays 1
2	SB 512 Bradley (Identical H 407)	Specialty License Plates/United Service Organizations; Directing the Department of Highway Safety and Motor Vehicles to develop a United Service Organizations (USO) license plate; providing for distribution and use of fees collected from the sale of the plate, etc. TR 01/17/2024 Favorable ATD FP	Favorable Yeas 6 Nays 0
3	SB 640 Berman (Identical H 937)	Purple Alert; Requiring local law enforcement agencies to develop policies for a local activation of a Purple Alert for certain missing adults; specifying duties of the Department of Law Enforcement's Missing Endangered Persons Information Clearinghouse in the event of a state Purple Alert; specifying conditions under which a local law enforcement agency may request the clearinghouse to open a case, etc. TR 01/17/2024 Fav/CS ACJ FP	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Wednesday, January 17, 2024, 8:30—10:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 648 DiCeglie (Similar H 377)	License or Permit to Operate a Vehicle for Hire; Providing that a person who holds a license or permit issued by a county or municipality to operate a vehicle for hire may operate a vehicle for hire in any other county or municipality without being subject to certain requirements or fees under certain circumstances; providing an exception for transportation services to and from an airport; defining the term "airport", etc. TR 01/17/2024 Favorable CA RC	Favorable Yeas 6 Nays 0
5	SB 736 Trumbull (Similar H 247)	Services Provided by the Department of Highway Safety and Motor Vehicles or Its Agents; Providing that a certain affidavit constitutes proof of ownership and right of possession to a motor vehicle or mobile home the previous owner of which died testate; prohibiting the department or a tax collector from charging a fee for reissuance of certain certificates of title; authorizing certain disabled veterans to be issued a military license plate or specialty license plate in lieu of a "DV" license plate, etc. TR 01/17/2024 Favorable ATD FP	Favorable Yeas 6 Nays 0
6	SB 774 Perry (Identical H 179, Compare H 199, H 213, CS/H 283, S 202, S 456)	Towing and Storage; Prohibiting the Division of the Florida Highway Patrol from excluding wrecker operators from the wrecker operator system or from being designated as an authorized wrecker operator based solely on a prior felony conviction; defining the terms "good faith effort" and "towing-storage operator"; revising the timeframe in which certain unclaimed vehicles or vessels may be sold; revising requirements for the sale or disposition of property at self-service storage facilities; specifying that failure to make good faith efforts to comply with certain notice requirements precludes the imposition of certain storage charges, etc. TR 01/17/2024 Favorable CA RC	Favorable Yeas 6 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 266

INTRODUCER: Transportation Committee and Senator Hooper

SUBJECT: Transportation

DATE: January 18, 2024 REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 266 contains various provisions relating to transportation. Specifically, the bill:

- Prohibits the Florida Department of Transportation (FDOT), with specified exceptions, from annually committing more than 20 percent of the revenues derived from state motor fuel taxes and motor vehicle license-related fees to public transit projects.
- Amends provisions relating to FDOT’s authority regarding public-private partnerships to:
 - Replace the term “public-private partnership agreement” with the term “comprehensive agreement.”
 - Require an “independent,” instead of an “investment grade,” traffic and revenue study prepared by a traffic and revenue expert.
 - Revise the timeframe, based on the project’s complexity, during which FDOT will accept other proposals for the same project as it received an unsolicited P3 proposal.
 - Authorize FDOT to enter into an interim agreement with a private entity proposing the development or operation of a qualifying project.
 - Limit the FDOT secretary’s power, upon written findings that a comprehensive agreement requires a term in excess of 50 years, to authorize a term of up to 75 years to projects partially or completely funded from project user fees.
 - Confirms other statutory provisions referencing to public-private partnership agreements.
- Provides that a claimant must institute an action against a contractor or surety within 365 days after the performance of the labor or completion of delivery of the materials or supplies.
- Revises a presumption of sole proximate cause on the part of a driver of a vehicle involved in a crash within a construction zone to exclude low-THC cannabis.

- Defines terms and expands contractor limits of liability for personal injury, property damage, or death arising from specified performance of work on a transportation facility or from specified acts or omissions of a third party.
- Revises the application of immunity when the proximate cause of the injury, damage, or death is a latent condition, defect, error, or omission created by the contractor and in the contract documents, or when the proximate cause was the contractor's failure to perform, update, or comply with the maintenance of traffic control plans, instead of with the traffic safety plan.
- Removes current law providing that in any civil action against FDOT or its agents, consultants, engineers, or contractors for work performed, if FDOT and others specified are immune from liability or are not parties to the litigation, they may not be named on the verdict form or be found to be at fault or responsible for the personal injury, property damage, or death.
- Amends requirements relating to utility permits or relocation agreements as well as requirements relating to relocation of utilities, which unreasonably interfere with use of or construction on public roads or publicly owned rail corridors.
- Requires utility relocation agreements to contain provisions regarding liquidated damages.
- Codifies FDOT's existing local agency program into Florida law and provides statutory requirements for the program.

The bill has a potential negative fiscal impact on state and local governmental entities. *See* "Fiscal Impact Statement" for details.

The bill takes effect July 1, 2024.

II. Present Situation:

For ease of organization and readability, the present situation is discussed below with the effect of proposed changes.

III. Effect of Proposed Changes:

Public Transit Funding from the State Transportation Trust Fund (Section 1)

Present Situation

State Transportation Trust Fund

Section 206.46(1), F.S., creates the State Transportation Trust Fund (STTF) within the Florida Department of Transportation (FDOT). FDOT, as provided by law, must use all moneys in the STTF for transportation purposes.

Florida law identifies specific funding from moneys in the STTF for certain transportation systems and projects, as well as specific funding programs aimed at transportation projects in rural communities. Section 206.46(3), F.S., requires that FDOT commit annually a minimum of

15 percent of all state revenues deposited into the STTF annually for public transportation projects.¹

State Fuel Taxes

Under Florida law, the sale of motor fuel, diesel fuel, and aviation fuel is subject to state taxes. State taxes on fuel include the Highway Fuel Sales Tax, the Off-Highway Fuel Sales Tax, the State Comprehensive Enhanced Transportation System (SCETS) Tax, the Constitutional Fuel Tax, County Fuel Tax, Municipal Fuel Tax, and the Aviation Fuel Tax. Florida law annually indexes the Highway Fuel Sales Tax and the SCETS Tax to the consumer price index.² Revenues deposited into the STTF include the Highway Fuel Sales Tax on both motor fuel and diesel fuel, the SCETS Tax on both on motor fuel and diesel fuel, and the Aviation Fuel Tax on aviation fuel.³

Motor Vehicle License-Related Fees

The STTF also receives specified revenues from motor-vehicle license fees administered by the Department of Highway Safety and Motor Vehicles. Motor vehicle license-related fees deposited into the STTF include motor vehicle-title related fees,⁴ the initial motor vehicle registration fee,⁵ an additional surcharge on certain commercial vehicles,⁶ a license tax surcharge,⁷ and various dispositions of proceeds from motor vehicle license taxes.⁸

Effect of Proposed Changes

The bill creates s. 206.46(6), F.S., prohibiting FDOT from annually committing to public transit⁹ projects in accordance with ch. 341, F.S., more than 20 percent of the revenues derived from state fuel taxes and motor vehicle license-related fees deposited into the STTF. The bill provides the following exceptions:

- A public transit project that uses revenues derived from state fuel taxes and motor vehicle-license related fees to match funds made available by the federal government.
- A public transit project included in the transportation improvement program¹⁰ and approved by a supermajority vote of the board of county commissioners where the project is located.

¹ Florida Department of Transportation (FDOT), Agency Analysis of 2024 Senate Bill 266, p.2. January 3, 2024. (On file with Senate Committee on Transportation)

² Florida Department of Transportation (FDOT), *Florida Transportation Tax Sources: A Primer 2023*, p 3. <https://fdotwp1.dot.state.fl.us/FMSupportApps/Documents/pr/Primer.pdf> (last visited January 3, 2024).

³ *Id.* at 20.

⁴ *See* s. 319.32(5), F.S.

⁵ *See* s. 320.072(4), F.S. That statute allocates 3.4 percent of the proceeds from the initial motor vehicle registration fee to the New Starts Transit Program.

⁶ *See* s. 320.0801(2), F.S.

⁷ *See* s. 320.0804, F.S.

⁸ *See* s. 320.20, F.S.

⁹ Section 341.031(6), F.S., defines the term “public transit” to mean the transporting of people by conveyances, or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the public. Public transit systems may be either governmentally owned or privately owned. Public transit specifically includes those forms of transportation commonly known as “paratransit.”

¹⁰ Metropolitan planning organizations develop transportation improvement programs pursuant to s. 339.135(8), F.S.

Public-Private Partnerships (Sections 2, 3, and 10)

Present Situation

Public-private partnerships (P3s) are contractual agreements between a public agency and a private entity that allow for greater private participation in the delivery of projects. For transportation projects, this participation typically involves the private sector taking on additional project risks such as design, construction, finance, long-term operation, and traffic revenue.¹¹

Section 334.30, F.S., authorizes FDOT to enter into P3 agreements for the building, operation, ownership or financing of transportation facilities. FDOT's P3 transportation facilities include the I-4 Ultimate in Orange and Seminole Counties and the PortMiami tunnel in Miami-Dade County.¹²

Under s. 334.30, F.S., FDOT may receive or solicit proposals and, with legislative approval evidenced by the project's approval in FDOT's work program, enter into P3 agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of transportation facilities. FDOT, by rule, must establish an application fee for submitting an unsolicited P3 proposal, which must be sufficient to pay FDOT's costs to evaluate the proposals.¹³ Before approving a P3, FDOT must determine that the proposed project:

- Is in the public's best interest;
- Would not require state funds to be used unless the project is on the State Highway System;
- Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized in the event of default or cancellation of the agreement;
- Would have adequate safeguards in place to ensure that FDOT or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations; and
- Would be owned by FDOT upon completion or termination of the agreement.

FDOT must ensure that all reasonable costs to the state, related to transportation facilities that are not part of the State Highway System, are borne by the private entity. FDOT must also ensure that all reasonable costs to the state and substantially affected local governments and utilities, related to the private transportation facility, are borne by the private entity for privately owned transportation facilities. For projects on the State Highway System, FDOT may use state resources to participate in funding and financing the project as provided for under its enabling legislation.¹⁴

P3 agreements may authorize the private entity to impose tolls or fares on the transportation facility. Various conditions apply to P3s imposing tolls or fares, including that the P3 agreement must provide that that a negotiated portion of revenues from tolls or fares are returned to FDOT

¹¹ U.S. Department of Transportation, Public Private-Partnerships (P3), Overview, <https://www.transportation.gov/buildamerica/p3> (last visited January 4, 2024).

¹² FDOT, *Public-Private Partnership Projects*, last updated Aug. 7, 2023, https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/comptroller/pfo/p3-summary_8-7-2023.pdf (last visited January 3, 2024).

¹³ Rule 14-107.0011, F.S., sets the initial fee for an unsolicited P3 proposal at \$50,000.

¹⁴ Section 334.30(1), F.S.

over the life of the agreement. Additionally, the private entity must provide an investment grade traffic and revenue study prepared by an internationally recognized traffic and revenue expert that is accepted by the national bond rating agencies. The private entity must also provide a finance plan identifying the project cost, revenues by source, financing, major assumptions, internal rate of return on private investments, and whether any government funds are required to deliver a cost-feasible project, and a total cash flow analysis beginning with implementation of the project and extending for the term of the agreement.¹⁵

FDOT may request proposals for P3 projects from private entities. However, if FDOT receives an unsolicited P3 proposal, it must publish a notice in the Florida Administrative Register and a newspaper of general circulation at least once a week for two weeks. The notice must state that FDOT has received an unsolicited P3 proposal and will accept, for 120 days after the initial date of publication, other proposals for the same project purpose. FDOT must mail a copy of the notice to each local government in the affected area.¹⁶

P3 agreements are limited to a term of 50 years. Upon making written findings that a P3 agreement requires a term in excess of 50 years, FDOT's secretary may authorize an agreement for up to 75 years. P3 agreements may not exceed 75 years unless specifically approved by the Legislature. FDOT must identify each new P3 project with a term exceeding 75 years in the transmittal letter that accompanies the submittal of its tentative work program to the Governor and the Legislature.¹⁷

Effect of Proposed Changes

The bill amends s. 334.30, F.S., regarding P3 transportation facilities. The bill:

- Authorizes FDOT to enter into comprehensive agreements for projects approved by the Legislature as evidenced by approval of the FDOT work program.
- Replaces reference to “public-private partnership agreement with “comprehensive” agreement, effectively deleting the term “public-private partnership agreement” from s. 334.30, F.S.
- Requires a private entity, as part of its proposal, to provide an independent, instead of investment grade, traffic and revenue study prepared by a traffic and revenue expert.
- Requires the independent traffic and revenue study to be accepted by national bond rating agencies before closing on financing that supports the comprehensive agreement for the P3 project.
- Requires FDOT to publish a notice in the Florida Administrative Register and a newspaper of general circulation at least once a week for 2 weeks stating that FDOT has received the proposal and will accept, for between 30 and 120 days after the initial date of publication as determined by FDOT based on the complexity of the project, other proposals for the same project purpose.

The bill authorizes FDOT before or in connection with the negotiation of a comprehensive agreement, to enter into an interim agreement with the private entity proposing the development or operation of a qualifying project. An interim agreement does not obligate FDOT to enter into

¹⁵ Section 334.30(2), F.S.

¹⁶ Section 334.30(6)(a), F.S.

¹⁷ Section 334.30(11), F.S.

a comprehensive agreement. The interim agreement is discretionary with the parties and is not required on a project for which the parties may proceed directly to a comprehensive agreement without the need for an interim agreement. An interim agreement must be limited to any of the following provisions that:

- Authorize the private entity to commence activities for which it may be compensated related to the proposed qualifying project, including, but not limited to, project planning and development, designing, environmental analysis and mitigation, surveying, other activities concerning any part of the proposed qualifying project, and ascertaining the availability of financing for the proposed facility or facilities.
- Establish the process and timing for the negotiation of the comprehensive agreement.
- Contain such other provisions related to an aspect of the development or operation of a qualifying project which FDOT and the private entity deem appropriate.

The bill requires that a comprehensive agreement with a term of more than 50 and no more than 75 years for projects that are partially or completely funded from project user fees.

According to FDOT, the interim agreement provision may be most useful for projects without an existing corridor and/or on undeveloped land, which FDOT has not already performed the project development and environmental (PD&E), design, environmental, and survey. On established corridors, FDOT typically has significant information and analysis which it has made available as part of other P3 procurements. If the project does not move forward, FDOT risks having to pay the entity for the work performed.¹⁸

The bill amends ss. 288.9606 and 339.2825, F.S., making conforming changes regarding P3 agreements.

Design-Build Contracts (Section 4)

Present Situation

Section 337.11(7), F.S., authorizes FDOT, if it determines that it is in the public's best interest to enter into design-build contracts by combining the design and construction phase of a project into a single contract, known as a design-build contract.¹⁹

If FDOT determines that it is in the public's best interests, it may combine the design and construction phases of a project fully funded in its work program into a single contract, known as a phased design build contract. With such a contract, FDOT selects the design-build firm in the early stages of a project to ensure that the design-build firm is part of the collaboration and development of the design as part of a step-by-step progression through construction. For phased design-build contracts, selection and award is a two-phase process. For phase one, FDOT competitively awards the contract to a design-build firm based upon qualifications. For phase two, the design-build firm competitively bids construction trade subcontractor packages and, based upon these bids, negotiates with FDOT a fixed firm price or guaranteed maximum price that meets the project budget and scope as advertised in the request for qualifications.²⁰

¹⁸ *Supra* note 1 at 9.

¹⁹ Section 337.11(7)(a), F.S.

²⁰ Section 337.11(7)(b), F.S.

Under current law, FDOT must receive at least three letters of interest in order to proceed with a request for proposals. FDOT must request proposals from no fewer than three of the design-build firms submitting letters of interest. If a design-build firm withdraws from consideration after FDOT requests proposals, it may continue if it receives least two proposals.²¹

Effect of Proposed Changes

The bill amends s. 337.11(7)(e), F.S., clarifying that for design-build contracts and phased design-build contracts, FDOT must receive requests for proposals from no fewer than three of the firms submitting letters of interest. As is current law, if a firm withdraws from consideration after FDOT requests proposals, FDOT may continue if it receives least two proposals.

FDOT Contractor Motor Vehicle Registration (Section 4)

Present Situation

Under Ch. 320, F.S., relating to motor vehicle licenses, except as otherwise provided, every owner or person in charge of a motor vehicle that is operated or driven on Florida's roads must register the motor vehicle in Florida.²²

Section 337.11(13), F.S., requires each contract let by FDOT for the performance of road or bridge construction or maintenance work to require all motor vehicles that the contractor operates or causes to be operated in Florida to be registered in compliance with ch. 320, F.S.

Section 337.141(2), F.S., prohibits any payment to a construction or maintenance contractor until FDOT receives a notarized affidavit from the contractor that he or she has registered all motor vehicles that he or she operates in Florida in compliance with ch. 320, F.S.

Effect of Proposed Changes

The bill amends s. 337.11(13), F.S., requiring that any motor vehicle used in the performance of road or bridge construction or maintenance work for FDOT to be registered in compliance with ch. 320, F.S. Therefore, FDOT contracts would no longer require a provision regarding motor vehicle registration. However, the affidavit provision in s. 337.141(2), F.S., remains in law.

Surety Bonds for FDOT Construction and Maintenance Contracts (Section 5)

Present Situation

Under Florida law, when the commencement of work is not essential to the public health, safety, or welfare and flexible start and finish times are used in a given contract, FDOT may withhold up to ten percent retainage on completed work when the contractor either fails to timely commence work or falls behind in work progress at any point prior to completion of the

²¹ Section 337.11(7)(e), F.S.

²² Section 320.02(1), F.S.

contract.²³ Retainage is the portion of monies kept aside until a project is completed in all aspects according to the contract.²⁴

Section 337.175, F.S., provides, in part, that FDOT “may provide in its construction contracts for retaining a portion of the amount due a contractor for work that the contractor has completed, until completion and final acceptance of the project by the department.”²⁵

Section 337.11(11)(a), F.S., authorizes a *prime contractor*, as opposed to FDOT, to withhold amounts from progress payments made by FDOT to a prime contractor pursuant to a prime contractor’s agreement with a subcontractor for work completed and materials furnished.

Effect of Proposed Changes

The bill revises certain time frames specified in s. 337.18(1)(d), F.S. The bill provides that an action, except for an action for recovery of retainage, must be instituted by a claimant, against the contractor or the surety on the payment bond or the payment provisions of a combined payment and performance bond within 365 days after the performance of the labor or completion of delivery of the materials or supplies. An action for recovery of retainage must be instituted against the contractor or the surety within 365 days after final acceptance of the contract work by FDOT.

According to FDOT, s. 337.18(1)(d), F.S., requires claimants to institute an action against a contractor or surety within 365 days after FDOT’s final acceptable. While the bill retains this timeline as to an action to recover retainage, it shortens the time to institute an action for payment for labor or materials/supplies by beginning the 365-day timeframe at the time of performance or delivery rather than final acceptance.²⁶

Medical Marijuana/Cause of Impairment (Section 6)

Present Situation

Florida law provides a presumption that a driver of a motor vehicle under the influence of specified substances, including alcohol and certain controlled substances, while involved in a crash in a construction zone is the sole proximate cause of his or her own personal injury, property damage, or death. This presumption can be overcome only if the gross negligence or intentional misconduct of FDOT, or of its agents, consultants, or contractors, was a proximate cause of the driver’s injury, damage, or death.²⁷

Effect of Proposed Changes

The bill revises the presumption of impairment in s. 337.195(1), F.S., providing that the sole proximate cause on the part of an under-the-influence driver of a vehicle involved in a crash within a construction zone to exclude low-THC cannabis from the list of controlled substances.

²³ Section 337.015(5), F.S.

²⁴ Black’s Law Dictionary, 2nd Edition.

²⁵ *Supra* note 1 at 3.

²⁶ *Id.* at 11

²⁷ Section 337.195(1), F.S.

FDOT Contractor Limits on Liability (Section 6)

Present Situation

Section 337.195, F.S., limits the liability of FDOT's construction and maintenance contractors performing services to FDOT under certain circumstances and limits the liability of a person or entity contracting with FDOT to provide engineering plans for construction or repair of highway, road, street, bridge, or other transportation facility under certain circumstances.

Section 337.195(2), F.S., provides that a contractor who constructs, maintains, or repairs a highway, road, street, bridge, or other transportation facility for FDOT is not liable to a claimant for personal injury, property damage, or death arising from the performance of the construction, maintenance, or repair if, at the time of the personal injury, property damage, or death, the contractor was in compliance with contract documents material to the condition that was the proximate cause of the personal injury, property damage, or death.

Section 337.195(2)(a), F.S., provides that is limitation on liability does not apply when the proximate cause of the personal injury, property damage, or death is a latent condition, defect, error, or omission that was created by the contractor and not a defect, error, or omission in the contract documents; or when the proximate cause of the personal injury, property damage, or death was the contractor's failure to perform, update, or comply with the maintenance of the traffic safety plan as required by the contract documents.

For a person or entity who contracts with FDOT to prepare or provide engineering plans, s. 337.195(3), F.S., provides that in all cases involving personal injury, property damage, or death, a person or entity who contracts to prepare or provide engineering plans for the construction or repair of a highway, road, street, bridge, or other transportation facility for FDOT is be presumed to have prepared such engineering plans using the degree of care and skill ordinarily exercised by other engineers in the field under similar conditions and in similar localities and with due regard for acceptable engineering standards and principles if the engineering plans conformed to FDOT's design standards material to the condition or defect that was the proximate cause of the personal injury, property damage, or death. This presumption can be overcome only upon a showing of the person's or entity's gross negligence in the preparation of the engineering plans and may not be interpreted or construed to alter or affect any claim of FDOT against such person or entity. This limitation on liability does not apply to any hidden or undiscoverable condition created by the engineer. This does not affect any claim of any entity against such engineer or engineering firm, which claim is associated with such entity's facilities on or in FDOT's roads or other transportation facilities.

Regarding civil actions against FDOT or its agents, consultants, engineers, or contractors, section 337.195(4), F.S., provides that in any civil action for death, injury, or damages against FDOT or its agents, consultants, engineers, or contractors for work performed on a highway, road, street, bridge, or other transportation facility, if the department, its agents, consultants, engineers, or contractors are immune from liability pursuant to s. 337.195, F.S., or are not parties to the litigation, they may not be named on the jury verdict form or be found to be at fault or responsible for the injury, death, or damage that gave rise to the damages.

Construction, Engineering and Inspection Firms under FDOT Contract

Section 768.28, F.S., governs waiver of sovereign immunity for tort actions for the state and for its agencies and subdivisions. Under s. 768.28(10)(e), F.S., a professional firm that provides monitoring and inspection services of work required for state roadway, bridge, or other transportation facility construction projects, or any of the firm's employees performing such services, are considered agents of FDOT while acting within the scope of the firm's contract with FDOT to ensure that the project is constructed in conformity with the project's plans, specifications, and contract provisions.²⁸

Any contract between the professional firm and the state, to the extent permitted by law, must provide for the indemnification of FDOT for any liability, including reasonable attorney's fees, incurred up to the limits set out in ch. 768, F.S., to the extent caused by the negligence of the firm or its employees.²⁹

However, s. 768.28(10)(a), F.S., is not applicable to the professional firm or its employees if involved in an accident while operating a motor vehicle. Additionally, s. 768.28(10)(a), F.S., is not applicable to a firm engaged by FDOT for the design or construction of a state roadway, bridge, or other transportation facility construction project or to its employees, agents, or subcontractors.³⁰

FDOT Contract Documents

While the term "contract documents" is not defined in statute, FDOT's Standards Specifications for Road and Bridge Construction defines the term to include: the "Advertisement for Proposal, Proposal, Certification as to Publication and Notice of Advertisement for Proposal, Appointment of Agent by Nonresident Contractors, Noncollusion Affidavit, Warranty Concerning Solicitation of the Contract by Others, Resolution of Award of Contract, Executed Form of Contract, Performance Bond and Payment Bond, Specifications, Plans (including revisions thereto issued during construction), Estimated Quantities Report, Standard Plans, Addenda, or other information mailed or otherwise transmitted to the prospective bidders prior to the receipt of bids, work orders and supplemental agreements, all of which are to be treated as one instrument whether or not set forth at length in the form of contract."³¹

Maintenance of Traffic Plans

Section 337.11(14), F.S., requires that each FDOT contract for road or bridge construction or maintenance work contain a traffic maintenance plan showing appropriate regulatory signs and traffic control devices for the work zone area. Traffic maintenance plans are, therefore, part of the contract documents.

²⁸ *Supra* note 1 at 4.

²⁹ *Id.*

³⁰ *Id.*

³¹ See section 1-3 of the FDOT's Standard Specifications for Road and Bridge Construction (Standard Specs) available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/programmanagement/implemented/specbooks/fy-2023-24/fy2023-24ebook.pdf?sfvrsn=6b69416d_24 (last visited January 4, 2024). Note that for purposes of certain provisions of the Standard Specs, the term does not include work orders and supplementary agreement, or Resolution of Award of Contract, Executed Form of Contract, and Performance and Payment Bond.

Maintenance of traffic “includes all facilities, devices, and operations as required for safety and convenience of the public within the work zone.”³² Maintenance of traffic involves activities such as constructing and maintaining detours; providing facilities for access to residences and businesses; furnishing, installing, and maintaining traffic control and safety devices during construction; and furnishing and installing work zone pavement markings in construction areas.

Effect of Proposed Changes

The bill amends s. 337.195, F.S., regarding limits on liability. The bill defines the term “contract documents” to have same meaning as in the FDOT’s Standard Specifications for Road and Bridge Construction applicable under the contract between FDOT and the contractor. According to FDOT, this definition does not appear to contemplate that contracts can be amended during a project or to include specifications that are applicable to FDOT maintenance contracts.³³

The bill defines the term “contractor” to mean a person or an entity, at any contractual tier, including any member of a design-build team, who, pursuant to s. 337.11, F.S., constructs, maintains, or repairs a highway, road, street, bridge, or other transportation facility for FDOT or in connection with a FDOT project.

According to FDOT, its Standard Specification 8-1 states: “The Department recognizes a subcontractor only in the capacity of an employee or agent of the Contractor, and the Engineer may require the Contractor to remove the subcontractor as in the case of an employee.” The bill appears to separate the subcontractor from the supervision and general responsibility of the Contractor – inconsistent with the subcontractor being recognized as an employee of the Contractor. FDOT pays the Contractor to supervise its subcontractors which is shown by the mark-up for extra work.³⁴

The bill defines the term “design engineer” to mean a person or an entity, including the design consultant of a design-build team, who contracts to prepare or provide engineering plans, including traffic control plans, for the construction or repair of a highway, road, street, bridge, or other FDOT transportation facility for the FDOT or in connection with a FDOT project.

The bill defines the term “traffic control plans” to mean the maintenance of traffic plans designed by a professional engineer, or otherwise in accordance with the FDOT’s maintenance of traffic standards and approved by FDOT.

The bill provides that a contractor is not liable for personal injury, property damage, or death arising from any of the following:

- The performance of the construction, maintenance, or repair of the transportation facility, if, at the time the personal injury, property damage, or death occurred, the contractor was in compliance with the contract documents material to the personal injury, property damage, or death.
- Acts or omissions of a third party that furnishes or contracts at any contractual level to furnish services or materials to the transportation facility, including any subcontractor; sub-

³² See section 102-1 of FDOT’s Standard Specs

³³ *Supra* note 1 at 11.

³⁴ *Id.*

subcontractor; laborer; materialman; owner, lessor, or driver of a motor vehicle, trailer, semitrailer, truck, heavy truck, truck tractor, or commercial motor vehicle; or any person who performs services as an architect, a landscape architect, an interior designer, an engineer, or a surveyor and mapper.

- Acts or omissions of a third party who trespasses within the limits of the transportation facility or otherwise is not authorized to enter the area of the transportation facility in which the personal injury, property damage, or death occurred. According to FDOT, FDOT there may be instances where the trespassing was unintentional, such as a motor vehicle accident or a third party's vehicle breaking down.³⁵
- Acts or omissions of a third party who damages, modifies, moves, or removes any traffic control device, warning device, barrier, or other facility or device used for the public's safety and convenience. According to FDOT, there may be instances where the acts or omission of a third party were unintentional, such as a motor vehicle accident that resulted in damaging, modifying, or moving a traffic control device.³⁶

The bill provides that the limitations on liability do not apply when the proximate cause of the personal injury, property damage, or death is a latent condition, defect, error, or omission that was created by the contractor and not a defect, error, or omission in the traffic control plans, or when the proximate cause of the personal injury, property damage, or death was the contractor's failure to comply with the traffic control plans as required by contract documents.

The bill provides that the limitation on liability may not be interpreted or construed as relieving the contractor of any obligation to provide FDOT with written notice of any apparent error or omission in the contract documents, or as relieving the contractor of his or her contract responsibility to manage the work of others performing under the contract.

The bill repeals existing s. 337.195(4), F.S., concerning civil actions for death, injury, or damages against FDOT or its agents, consultants, engineers, or contractors for work performed on a highway, road, street, bridge, or other transportation facility.

Utility Relocation and Utility Relocation Schedule (Sections 7 and 8)

Present Situation

For purposes of utility relocation on the right-of-way, the term "utility" is defined to mean any electric transmission, voice, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other like structures.³⁷

Under Florida law, a utility may not be installed, located, or relocated unless authorized by a written permit issued by FDOT and local government entities (authority). However, for public roads or publicly owned rail corridors under FDOT's jurisdiction, a utility relocation schedule

³⁵ *Id.* at 12.

³⁶ *Id.*

³⁷ S. 337.401(1)(a), F.S.

and relocation agreement may be executed in lieu of a written permit. The permit must require the permitholder to be responsible for any damage resulting from the issuance of such permit.³⁸

If a utility that is placed upon, under, over, or within the right-of-way limits of any public road or publicly owned rail corridor is found by a authority to be unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of such public road or publicly owned rail corridor, then the utility owner must, upon 30 days' written notice to the utility or its agent, initiate the work necessary to alleviate the interference at its own expense. The work must be completed within such reasonable time as stated in the notice or such time as agreed to by the authority.³⁹

Whenever a notice from the authority requires such utility work and the owner thereof fails to perform the work at his or her own expense within the time stated in the notice or such other time as agreed to by the authority and the utility owner, the respective authority must proceed to cause the utility work to be performed. The expense thereby incurred must be paid out of any money available, and such expense is charged against the owner and levied and collected and paid into the fund from which the expense of such relocation was paid.⁴⁰

Liquidated Damages

Liquidated damages are an exact amount of money, or a set formula to calculate the amount of money, a party will owe if it breaches a contract, in order to compensate the injured party for its losses. Liquidated damages must be clearly stated in contract and agreed upon by the parties prior to entering a contract. Liquidated damages are a variety of actual damages and a remedy for breach of contract.⁴¹

Effect of Proposed Changes

The bill provides that the permit or relocation agreement that may be used to allow the installation, location, or relocation of a utility must:

- Contain a reasonable utility relocation schedule to expedite the completion of FDOT's construction or maintenance project;
- Specify a reasonable liquidated damage amount for each day the work remains incomplete beyond the timeframe specified in the permit or relocation agreement; and
- Require the utility to be responsible for any damage resulting from the work performed under such permit or relocation agreement.

The bill provides that if a utility is unreasonably interfering in any way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion, of a public road or publicly owned rail corridor, then the utility owner must, within 30 days after written notice to the utility or its agent, provide a reasonable utility relocation schedule to the authority to expedite the completion of the authority's construction or maintenance project identified in the notice and,

³⁸ S. 337.401(2), F.S.

³⁹ S. 337.403(1), F.S.

⁴⁰ S. 337.403(3), F.S.

⁴¹ Cornell Law School, Legal Information Institute, *Liquidated Damages*, https://www.law.cornell.edu/wex/liquidated_damages#:~:text=Liquidated%20damages%20are%20an%20exact,injured%20party%20for%20its%20losses. (last visited January 8, 2024).

within 60 days after the written notice, initiate the work necessary to alleviate the interference at its own expense.

The bill requires that the notice from the authority must specify a reasonable liquidated damage amount for each day the work remains incomplete if not completed within such reasonable time as stated in the notice or such time as agreed to by the authority and the utility owner. The utility owner must pay to the authority reasonable costs resulting from the utility owner's failure or refusal to timely perform the work, including payment of any liquidated damages assessed by the authority.

Local Agency Program (Section 9)

Present Situation

Under its Local Agency Program (LAP), FDOT provides sub-recipient towns, cities and counties develop, design, and construct transportation facilities with federal funds. FDOT is the steward of the federal funds and is responsible for oversight of funded projects on behalf of the Federal Highway Administration (FHWA). Local agencies must be certified to deliver LAP projects.⁴²

A LAP may include a wide range of projects, from very simple enhancement projects to the development and construction of major transportation facilities. Federal funds may be authorized for the following project phases:

- Planning;
- Project development and engineering (PD&E) studies;
- Preliminary Engineering;
- Design;
- Right of Way;
- Construction; and
- Construction Engineering and Inspection⁴³

Certification and recertification is required for local agencies participating in LAP projects. This certification documents the local agency's capability and proficiency in delivering transportation projects under the program. LAP is the required project delivery mechanism for Federal-aid projects administered by local agencies because FDOT has established oversight policies and monitoring procedures in LAP that ensure that federal requirements are met throughout project delivery.⁴⁴

FDOT and FHWA retain responsibility for the following:

- Project selection;
- Authorization of funds;
- Determination of National Environmental Policy Act (NEPA) environmental class of action;
- Right of way certification;
- Approval of final plans, specifications, and estimates for all projects;

⁴² Department of Transportation, Program Management/Local Programs, <https://www.fdot.gov/programmanagement/lp/lp> (last visited January 4, 2024).

⁴³ *Id.*

⁴⁴ *Id.*

- Final inspection;
- Equal Employment Opportunity Contract Compliance Program; and
- Disadvantaged Business Enterprise Program.⁴⁵

Receiving federal funds to deliver a LAP project, “federalizes” the project and requires that all phases of project development be completed or retrofitted to comply with applicable federal rules and regulations,⁴⁶ including the federal Uniform Act for right of way acquisition, the National Environmental Policy Act (NEPA), and Buy America.⁴⁷

Federal regulations do not allow FDOT to delegate the certification of right of way or the determination of environmental class of action. FDOT must prequalify local agencies on a project-by-project basis to acquire right of way or perform PD&E phases. The local agency must obtain FDOT’s authorization to proceed with right of way activities after qualification and prior to beginning any right of way activities on the project. Any funds expended or costs incurred prior to authorization will not be reimbursed.⁴⁸

Effect of Proposed Changes

The bill creates s. 339.2820, F.S., creating within FDOT a local agency program for providing assistance to subrecipient agencies, which include counties, municipalities, intergovernmental agencies and other eligible governmental entities, to develop, design, and construct transportation facilities using federal funds allocated to FDOT from federal agencies which are suballocated to local agencies. FDOT must update the project cost estimate in the year the project is granted to the local agency and include a contingency amount as part of the project cost estimate.

FDOT is authorized to oversee projects funded FHWA. Local agencies must prioritize budgeting local projects through their respective metropolitan planning organizations or governing boards so that those organizations or boards may receive reimbursement for the services they provide to the public which are compliance with applicable federal statutes, rules, and regulations.

Federal-aid highway funds are available only to local agencies that are certified by FDOT based on the agencies’ qualifications, experience, and ability to comply with federal requirements, and ability to undertake and satisfactorily complete the work.

At a minimum, local agencies must include in their contracts to develop, design, or construct transportation facilities, the FDOT’s Division I General Requirements and Covenants for local agencies and a contingency amount in the project cost to account for unforeseen conditions.

Effective Date (Section 11)

The bill takes effect July 1, 2024.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ FDOT, *LAP Frequently Asked Questions*, available at <https://www.fdot.gov/programmanagement/LAP/FAQ.shtm> (last visited January 4, 2024).

⁴⁸ *Id.*

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:

Interim agreements on P3 projects may reduce costs associated with project risk because it allows the private entity to perform the necessary due diligence as the final contract is being negotiated.⁴⁹

The bill may have an indeterminate negative fiscal impact on a utility owner to the extent that such utility owner is responsible for costs due to:

- Causing any damage resulting from the work performed under a permit or relocation agreement.
- Failing or refusing to timely perform the work necessary to alleviate unreasonable interference of a utility on a public road or publicly owned rail corridor.

C. Government Sector Impact:

The bill provides that FDOT may not annually commit, with specified exceptions, more than 20 percent of the revenues derived from state fuel taxes and motor vehicle license-related fees deposited into the STTF to public transit projects. This funding cap limits the total amount of state discretionary funding FDOT can provide to local governments and

⁴⁹ *Supra* Note 1 at 9.

transit agencies.⁵⁰ This may have an indeterminate negative fiscal impact on local governments and public transit agencies.

The bill's cap on public transit funding limits the total amount of state discretionary funding FDOT can provide to local governments and transit agencies for statutorily required state block grant funding. Although public transportation projects planned in FDOT's current 5-year work program are within the bill's thresholds; this may limit public transportation solutions as a future transportation option when conditions prevent road construction.⁵¹

The bill may have an indeterminate positive fiscal impact on FDOT and its contractors to the extent that such contractors benefit from the affirmative defenses from liability for personal injury, property damage, or death that may occur due to a motor vehicle crash within a construction zone.

VI. Technical Deficiencies:

Lines 34-36 of the title describe provisions that are no longer in the bill.

Line 68 of the title indicates that the bill is amending s. 339.2820, F.S., while the bill is creating that section.

VII. Related Issues:

None

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 206.46, 288.9606, 334.30, 337.11, 337.18, 337.195, 337.401, 337.403, and 339.2825.

This bill creates the following section of the Florida Statutes: 339.2820.

IX. Additional Information:

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

CS by Transportation on January 17, 2023:

- Makes conforming changes regarding comprehensive agreements for public-private partnership agreements.
- Removes language requiring the FDOT to pay interest at the judgement interest rate for amounts that remain 75 days after the completion of added work or the eliminate of a project delay.

⁵⁰ *Id.* at 9.

⁵¹ *Id.*

- Clarifies that for design-build and phased design-build contracts, FDOT must receive at least three letters of interest in order to proceed with requests for proposals.
- Revises the definitions of “design engineer” as it relates to limitations of liability to include an entity.
- Changes the contractor’s immunity from liability to the contractor being in compliance with the contract documents, instead of the traffic control plan.
- Reiterates that contractors retain responsibility to manage the work of others performing under the contract.
- Requires utility relocation agreements with FDOT to contain a reasonable relocation schedule to expedite the completion of FDOT projects and specify a reasonable liquidated damages amount for work that is incomplete beyond the completion date.
- Requires utilities to provide a reasonable utility relocation schedule to expedite the completion of construction or maintenance project on a transportation facility.
- Requires utilities to pay authorities reasonable costs, including liquidated damages, from the utility’s failure or refusal to perform the work.
- Removes language limiting the designation of additional metropolitan planning organizations.
- Makes technical corrections to provisions relating to the Local Agency Program.
- Makes other technical and conforming changes.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/18/2024	.	
	.	
	.	
	.	

The Committee on Transportation (Hooper) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (6) is added to section 206.46,
Florida Statutes, to read:

206.46 State Transportation Trust Fund.—

(6) The department may not annually commit more than 20
percent of the revenues derived from state fuel taxes and motor
vehicle license-related fees deposited into the State



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11 Transportation Trust Fund to public transit projects, in
12 accordance with chapter 341. However, this subsection does not
13 apply to either of the following:

14 (a) A public transit project that uses revenues derived
15 from state fuel taxes and motor vehicle license-related fees to
16 match funds made available by the Federal Government.

17 (b) A public transit project included in the transportation
18 improvement program adopted pursuant to s. 339.175(8) and
19 approved by a supermajority vote of the board of county
20 commissioners where the project is located.

21 Section 2. Subsections (6) and (7) of section 288.9606,
22 Florida Statutes, is amended to read:

23 288.9606 Issue of revenue bonds.—

24 (6) The proceeds of any bonds of the corporation may not be
25 used, in any manner, to acquire any building or facility that
26 will be, during the pendency of the financing, used by, occupied
27 by, leased to, or paid for by any state, county, or municipal
28 agency or entity. This subsection does not prohibit the use of
29 proceeds of bonds of the corporation for the purpose of
30 financing the acquisition or construction of a transportation
31 facility under a comprehensive ~~public-private partnership~~
32 agreement authorized by s. 334.30.

33 (7) Notwithstanding any provision of this section, the
34 corporation in its corporate capacity may, without authorization
35 from a public agency under s. 163.01(7), issue revenue bonds or
36 other evidence of indebtedness under this section to:

37 (a) Finance the undertaking of any project within the state
38 that promotes renewable energy as defined in s. 366.91 or s.
39 377.803;



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40 (b) Finance the undertaking of any project within the state
41 that is a project contemplated or allowed under s. 406 of the
42 American Recovery and Reinvestment Act of 2009; ~~or~~

43 (c) If permitted by federal law, finance qualifying
44 improvement projects within the state under s. 163.08; ~~or-~~

45 (d) Finance the costs of acquisition or construction of a
46 transportation facility by a private entity or consortium of
47 private entities under a comprehensive ~~public-private~~
48 ~~partnership~~ agreement authorized by s. 334.30.

49 Section 3. Present subsections (8) through (13) of section
50 334.30, Florida Statutes, are redesignated as subsections (9)
51 through (14), respectively, a new subsection (8) is added to
52 that section, and subsections (1), (2), and (6) and present
53 subsections (8), (10), and (11) of that section are amended, to
54 read:

55 334.30 Public-private transportation facilities.—The
56 Legislature finds and declares that there is a public need for
57 the rapid construction of safe and efficient transportation
58 facilities for the purpose of traveling within the state, and
59 that it is in the public's interest to provide for the
60 construction of additional safe, convenient, and economical
61 transportation facilities.

62 (1) The department may receive or solicit proposals and,
63 with legislative approval as evidenced by approval of the
64 project in the department's work program, enter into
65 comprehensive agreements with private entities, or consortia
66 thereof, for the building, operation, ownership, or financing of
67 transportation facilities. The department may advance projects
68 programmed in the adopted 5-year work program or projects



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69 increasing transportation capacity and greater than \$500 million
70 in the 10-year Strategic Intermodal Plan using funds provided by
71 public-private partnerships or private entities to be reimbursed
72 from department funds for the project as programmed in the
73 adopted work program. The department shall by rule establish an
74 application fee for the submission of unsolicited proposals
75 under this section. The fee must be sufficient to pay the costs
76 of evaluating the proposals. The department may engage the
77 services of private consultants to assist in the evaluation.
78 Before approval, the department must determine that the proposed
79 project:

80 (a) Is in the public's best interest;

81 (b) Would not require state funds to be used unless the
82 project is on the State Highway System;

83 (c) Would have adequate safeguards in place to ensure that
84 no additional costs or service disruptions would be realized by
85 the traveling public and residents of the state in the event of
86 default or cancellation of the comprehensive agreement by the
87 department;

88 (d) Would have adequate safeguards in place to ensure that
89 the department or the private entity has the opportunity to add
90 capacity to the proposed project and other transportation
91 facilities serving similar origins and destinations; and

92 (e) Would be owned by the department upon completion or
93 termination of the comprehensive agreement.

94

95 The department shall ensure that all reasonable costs to the
96 state, related to transportation facilities that are not part of
97 the State Highway System, are borne by the private entity. The



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98 department shall also ensure that all reasonable costs to the
99 state and substantially affected local governments and
100 utilities, related to the private transportation facility, are
101 borne by the private entity for transportation facilities that
102 are owned by private entities. For projects on the State Highway
103 System, the department may use state resources to participate in
104 funding and financing the project as provided for under the
105 department's enabling legislation. Because the Legislature
106 recognizes that private entities or consortia thereof would
107 perform a governmental or public purpose or function when they
108 enter into comprehensive agreements with the department to
109 design, build, operate, own, or finance transportation
110 facilities, the transportation facilities, including leasehold
111 interests thereof, are exempt from ad valorem taxes as provided
112 in chapter 196 to the extent property is owned by the state or
113 other government entity, and from intangible taxes as provided
114 in chapter 199 and special assessments of the state, any city,
115 town, county, special district, political subdivision of the
116 state, or any other governmental entity. The private entities or
117 consortia thereof are exempt from tax imposed by chapter 201 on
118 all documents or obligations to pay money which arise out of the
119 comprehensive agreements to design, build, operate, own, lease,
120 or finance transportation facilities. Any private entities or
121 consortia thereof must pay any applicable corporate taxes as
122 provided in chapter 220, and reemployment assistance taxes as
123 provided in chapter 443, and sales and use tax as provided in
124 chapter 212 shall be applicable. The private entities or
125 consortia thereof must also register and collect the tax imposed
126 by chapter 212 on all their direct sales and leases that are



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127 subject to tax under chapter 212. The comprehensive agreement
128 between the private entity or consortia thereof and the
129 department establishing a transportation facility under this
130 chapter constitutes documentation sufficient to claim any
131 exemption under this section.

132 (2) Comprehensive agreements entered into pursuant to this
133 section may authorize the private entity to impose tolls or
134 fares for the use of the facility. The following provisions
135 shall apply to such agreements:

136 (a) With the exception of the Florida Turnpike System, the
137 department may lease existing toll facilities through public-
138 private partnerships. The comprehensive ~~public-private~~
139 ~~partnership~~ agreement must ensure that the transportation
140 facility is properly operated, maintained, and renewed in
141 accordance with department standards.

142 (b) The department may develop new toll facilities or
143 increase capacity on existing toll facilities through public-
144 private partnerships. The comprehensive ~~public-private~~
145 ~~partnership~~ agreement must ensure that the toll facility is
146 properly operated, maintained, and renewed in accordance with
147 department standards.

148 (c) Any toll revenues shall be regulated by the department
149 pursuant to s. 338.165(3). The regulations governing the future
150 increase of toll or fare revenues shall be included in the
151 comprehensive ~~public-private partnership~~ agreement.

152 (d) The department shall provide the analysis required in
153 subparagraph (6)(e)2. to the Legislative Budget Commission
154 created pursuant to s. 11.90 for review and approval prior to
155 awarding a contract on a lease of an existing toll facility.



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156 (e) The department shall include provisions in the
157 comprehensive public-private partnership agreement which that
158 ensure a negotiated portion of revenues from tolled or fare
159 generating projects are returned to the department over the life
160 of the comprehensive public-private partnership agreement. In
161 the case of a lease of an existing toll facility, the department
162 shall receive a portion of funds upon closing on the
163 comprehensive agreement ~~agreements~~ and shall also include
164 provisions in the comprehensive agreement to receive payment of
165 a portion of excess revenues over the life of the public-private
166 partnership.

167 (f) The private entity shall provide an independent
168 ~~investment grade~~ traffic and revenue study prepared by a an
169 ~~internationally recognized~~ traffic and revenue expert as part of
170 the private entity proposal. The study must be ~~that is~~ accepted
171 by the national bond rating agencies before closing on the
172 financing that supports the comprehensive agreement for the
173 public-private partnership project. The private entity shall
174 also provide a finance plan that identifies the project cost,
175 revenues by source, financing, major assumptions, internal rate
176 of return on private investments, and whether any government
177 funds are assumed to deliver a cost-feasible project, and a
178 total cash flow analysis beginning with implementation of the
179 project and extending for the term of the comprehensive
180 agreement.

181 (6) The procurement of public-private partnerships by the
182 department shall follow the provisions of this section. Sections
183 337.025, 337.11, 337.14, 337.141, 337.145, 337.175, 337.18,
184 337.185, 337.19, 337.221, and 337.251 may ~~shall~~ not apply to



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185 procurements under this section unless a provision is included
186 in the procurement documents. The department shall ensure that
187 generally accepted business practices for exemptions provided by
188 this subsection are part of the procurement process or are
189 included in the comprehensive ~~public-private partnership~~
190 agreement.

191 (a) The department may request proposals from private
192 entities for public-private transportation projects or, if the
193 department receives an unsolicited proposal, the department
194 shall publish a notice in the Florida Administrative Register
195 and a newspaper of general circulation at least once a week for
196 2 weeks stating that the department has received the proposal
197 and will accept, for between 30 and 120 days after the initial
198 date of publication as determined by the department based on the
199 complexity of the project, other proposals for the same project
200 purpose. A copy of the notice must be mailed to each local
201 government in the affected area.

202 (b) Public-private partnerships shall be qualified by the
203 department as part of the procurement process as outlined in the
204 procurement documents, provided such process ensures that the
205 private firm meets at least the minimum department standards for
206 qualification in department rule for professional engineering
207 services and road and bridge contracting prior to submitting a
208 proposal under the procurement.

209 (c) The department shall ensure that procurement documents
210 include provisions for performance of the private entity and
211 payment of subcontractors, including, but not limited to, surety
212 bonds, letters of credit, parent company guarantees, and lender
213 and equity partner guarantees. The department shall balance the



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214 structure of the security package for the public-private
215 partnership that ensures performance and payment of
216 subcontractors with the cost of the security to ensure the most
217 efficient pricing.

218 (d) After the public notification period has expired, the
219 department shall rank the proposals in order of preference. In
220 ranking the proposals, the department may consider factors that
221 include, but are not limited to, professional qualifications,
222 general business terms, innovative engineering or cost-reduction
223 terms, finance plans, and the need for state funds to deliver
224 the project. If the department is not satisfied with the results
225 of the negotiations, the department may, at its sole discretion,
226 terminate negotiations with the proposer. If these negotiations
227 are unsuccessful, the department may go to the second-ranked and
228 lower-ranked firms, in order, using this same procedure. If only
229 one proposal is received, the department may negotiate in good
230 faith and, if the department is not satisfied with the results
231 of the negotiations, the department may, at its sole discretion,
232 terminate negotiations with the proposer. Notwithstanding this
233 subsection, the department may, at its discretion, reject all
234 proposals at any point in the process up to completion of a
235 contract with the proposer.

236 (e) The department shall provide an independent analysis of
237 the proposed public-private partnership that demonstrates the
238 cost-effectiveness and overall public benefit at the following
239 times:

- 240 1. Prior to moving forward with the procurement; and
- 241 2. If the procurement moves forward, prior to awarding the
242 contract.



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243 (8) Before or in connection with the negotiation of a
244 comprehensive agreement, the department may enter into an
245 interim agreement with the private entity proposing the
246 development or operation of a qualifying project. An interim
247 agreement does not obligate the department to enter into a
248 comprehensive agreement. The interim agreement is discretionary
249 with the parties and is not required on a project for which the
250 parties may proceed directly to a comprehensive agreement
251 without the need for an interim agreement. An interim agreement
252 must be limited to any of the following provisions that:

253 (a) Authorize the private entity to commence activities for
254 which it may be compensated related to the proposed qualifying
255 project, including, but not limited to, project planning and
256 development, designing, environmental analysis and mitigation,
257 surveying, other activities concerning any part of the proposed
258 qualifying project, and ascertaining the availability of
259 financing for the proposed facility or facilities.

260 (b) Establish the process and timing for the negotiation of
261 the comprehensive agreement.

262 (c) Contain such other provisions related to an aspect of
263 the development or operation of a qualifying project which the
264 department and the private entity deem appropriate.

265 (9) ~~(8)~~ The department may enter into comprehensive public-
266 private partnership agreements that include extended terms
267 providing annual payments for performance based on the
268 availability of service or the facility being open to traffic or
269 based on the level of traffic using the facility. In addition to
270 other provisions in this section, the following provisions shall
271 apply:



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272 (a) The annual payments under any such comprehensive
273 agreement ~~must shall~~ be included in the department's tentative
274 work program developed under s. 339.135 and the long-range
275 transportation plan for the applicable metropolitan planning
276 organization developed under s. 339.175. The department shall
277 ensure that annual payments on multiyear comprehensive public-
278 ~~private partnership~~ agreements are prioritized ahead of new
279 capacity projects in the development and updating of the
280 tentative work program.

281 (b) The annual payments are subject to annual appropriation
282 by the Legislature as provided in the General Appropriations Act
283 in support of the first year of the tentative work program.

284 ~~(11)-(10)~~ Before ~~Prior to~~ entering into any comprehensive
285 ~~such~~ agreement in which ~~where~~ funds are committed from the State
286 Transportation Trust Fund, the project must be prioritized as
287 follows:

288 (a) The department, in coordination with the local
289 metropolitan planning organization, shall prioritize projects
290 included in the Strategic Intermodal System 10-year and long-
291 range cost-feasible plans.

292 (b) The department, in coordination with the local
293 metropolitan planning organization or local government where
294 there is no metropolitan planning organization, shall prioritize
295 projects, for facilities not on the Strategic Intermodal System,
296 included in the metropolitan planning organization cost-feasible
297 transportation improvement plan and long-range transportation
298 plan.

299 ~~(12)-(11)~~ Comprehensive ~~Public-private partnership~~
300 agreements under this section are ~~shall be~~ limited to a term not



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301 exceeding 50 years. Upon making written findings that a
302 comprehensive ~~an~~ agreement under this section requires a term in
303 excess of 50 years, the secretary of the department may
304 authorize a term of up to 75 years for projects that are
305 partially or completely funded from project user fees.

306 Comprehensive agreements under this section may ~~shall~~ not have a
307 term in excess of 75 years unless specifically approved by the
308 Legislature. The department shall identify each new project
309 under this section with a term exceeding 75 years in the
310 transmittal letter that accompanies the submittal of the
311 tentative work program to the Governor and the Legislature in
312 accordance with s. 339.135.

313 Section 4. Paragraph (e) of subsection (7) and subsection
314 (13) of section 337.11, Florida Statutes, are amended to read:

315 337.11 Contracting authority of department; bids; emergency
316 repairs, supplemental agreements, and change orders; combined
317 design and construction contracts; progress payments; records;
318 requirements of vehicle registration.-

319 (7)

320 (e) For design-build contracts and phased design-build
321 contracts, the department must receive at least three letters of
322 interest in order to proceed with a request for proposals. The
323 department shall request proposals from no fewer than three of
324 the ~~design-build~~ firms submitting letters of interest. If a
325 ~~design-build~~ firm withdraws from consideration after the
326 department requests proposals, the department may continue if at
327 least two proposals are received.

328 (13) Any motor vehicle used in ~~Each contract let by the~~
329 ~~department for~~ the performance of road or bridge construction or



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330 maintenance work on a department project must ~~shall require all~~
331 ~~motor vehicles that the contractor operates or causes to be~~
332 ~~operated in this state to~~ be registered in compliance with
333 chapter 320.

334 Section 5. Paragraph (d) of subsection (1) of section
335 337.18, Florida Statutes, is amended to read:

336 337.18 Surety bonds for construction or maintenance
337 contracts; requirement with respect to contract award; bond
338 requirements; defaults; damage assessments.—

339 (1)

340 (d) An action, except for an action for recovery of
341 retainage, must be instituted by a claimant, whether in privity
342 with the contractor or not, against the contractor or the surety
343 on the payment bond or the payment provisions of a combined
344 payment and performance bond within 365 days after the
345 performance of the labor or completion of delivery of the
346 materials or supplies. An action for recovery of retainage must
347 be instituted against the contractor or the surety within 365
348 days after final acceptance of the contract work by the
349 department. A claimant may not waive in advance his or her right
350 to bring an action under the bond against the surety. In any
351 action brought to enforce a claim against a payment bond under
352 this section, the prevailing party is entitled to recover a
353 reasonable fee for the services of his or her attorney for trial
354 and appeal or for arbitration, in an amount to be determined by
355 the court, which fee must be taxed as part of the prevailing
356 party's costs, as allowed in equitable actions.

357 Section 6. Section 337.195, Florida Statutes, is amended to
358 read:



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359 337.195 Limits on liability.—

360 (1) In a civil action for the death of or injury to a
361 person, or for damage to property, against the Department of
362 Transportation or its agents, consultants, or contractors for
363 work performed on a highway, road, street, bridge, or other
364 transportation facility when the death, injury, or damage
365 resulted from a motor vehicle crash within a construction zone
366 in which the driver of one of the vehicles was under the
367 influence of alcoholic beverages as set forth in s. 316.193,
368 under the influence of any chemical substance as set forth in s.
369 877.111, or illegally under the influence of any substance
370 controlled under chapter 893, excluding low-THC cannabis, to the
371 extent that her or his normal faculties were impaired or that
372 she or he operated a vehicle recklessly as defined in s.
373 316.192, it is presumed that the driver's operation of the
374 vehicle was the sole proximate cause of her or his own death,
375 injury, or damage. This presumption can be overcome if the gross
376 negligence or intentional misconduct of the Department of
377 Transportation, or of its agents, consultants, or contractors,
378 was a proximate cause of the driver's death, injury, or damage.

379 (2) (a) For purposes of this section:

380 1. "Contract documents" has the same meaning as in the
381 department's Standard Specifications for Road and Bridge
382 Construction applicable under the contract between the
383 department and the contractor.

384 2. "Contractor" means a person or an entity, at any
385 contractual tier, including any member of a design-build team
386 pursuant to s. 337.11, who constructs, maintains, or repairs a
387 highway, road, street, bridge, or other transportation facility



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388 for the department in connection with a department project.

389 3. "Design engineer" means a person or an entity, including
390 the design consultant of a design-build team, who contracts at
391 any tier to prepare or provide engineering plans, including
392 traffic control plans, for the construction or repair of a
393 highway, road, street, bridge, or other department
394 transportation facility for the department or in connection with
395 a department project.

396 4. "Traffic control plans" means the maintenance of traffic
397 plans designed by a professional engineer, or otherwise in
398 accordance with the department's standard plans, and approved by
399 the department.

400 (b) A contractor is immune from liability for personal
401 injury, property damage, or death arising from any of the
402 following:

403 1. The performance of the construction, maintenance, or
404 repair of the transportation facility, if, at the time the
405 personal injury, property damage, or death occurred, the
406 contractor was in compliance with the contract documents
407 material to the personal injury, property damage, or death.

408 2. Acts or omissions of a third party that furnishes or
409 contracts at any contractual level to furnish services or
410 materials to the transportation facility, including any
411 subcontractor; sub-subcontractor; laborer; materialman; owner,
412 lessor, or driver of a motor vehicle, trailer, semitrailer,
413 truck, heavy truck, truck tractor, or commercial motor vehicle,
414 as those terms are defined in s. 320.01; or any person who
415 performs services as an architect, a landscape architect, an
416 interior designer, an engineer, or a surveyor and mapper.



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417 3. Acts or omissions of a third party who trespasses within
418 the limits of the transportation facility or otherwise is not
419 authorized to enter the area of the transportation facility in
420 which the personal injury, property damage, or death occurred.

421 4. Acts or omissions of a third party who damages,
422 modifies, moves, or removes any traffic control device, warning
423 device, barrier, or other facility or device used for the
424 public's safety and convenience ~~who constructs, maintains, or~~
425 ~~repairs a highway, road, street, bridge, or other transportation~~
426 ~~facility for the Department of Transportation is not liable to a~~
427 ~~claimant for personal injury, property damage, or death arising~~
428 ~~from the performance of the construction, maintenance, or repair~~
429 ~~if, at the time of the personal injury, property damage, or~~
430 ~~death, the contractor was in compliance with contract documents~~
431 ~~material to the condition that was the proximate cause of the~~
432 ~~personal injury, property damage, or death.~~

433 (c)(a) The limitations ~~limitation~~ on liability contained in
434 this subsection do ~~does~~ not apply when the proximate cause of
435 the personal injury, property damage, or death is a latent
436 condition, defect, error, or omission that was created by the
437 contractor and not a defect, error, or omission in the contract
438 documents; or when the proximate cause of the personal injury,
439 property damage, or death was the contractor's failure to
440 ~~perform, update, or~~ comply with the ~~maintenance of the~~ traffic
441 control plans ~~safety plan~~ as required by the contract documents.

442 (d)(b) ~~Nothing in~~ This subsection may not ~~shall~~ be
443 interpreted or construed as relieving the contractor of any
444 obligation to provide the department ~~of Transportation~~ with
445 written notice of any apparent error or omission in the contract



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446 documents.

447 ~~(e)~~ ~~(e)~~ ~~Nothing in~~ This subsection may not ~~shall~~ be
448 interpreted or construed to alter or affect any claim of the
449 department ~~of Transportation~~ against such contractor.

450 ~~(f)~~ ~~(d)~~ This subsection does not affect any claim of any
451 entity against such contractor, which claim is associated with
452 such entity's facilities on or in department ~~of Transportation~~
453 roads or other transportation facilities.

454 (3) In all cases involving personal injury, property
455 damage, or death, a design engineer is ~~person or entity who~~
456 ~~contracts to prepare or provide engineering plans for the~~
457 ~~construction or repair of a highway, road, street, bridge, or~~
458 ~~other transportation facility for the Department of~~
459 ~~Transportation shall be~~ presumed to have prepared such
460 engineering plans using the degree of care and skill ordinarily
461 exercised by other engineers in the field under similar
462 conditions and in similar localities and with due regard for
463 acceptable engineering standards and principles if the
464 engineering plans conformed to the department's ~~Department of~~
465 ~~Transportation's~~ design standards material to the condition or
466 defect that was the proximate cause of the personal injury,
467 property damage, or death. This presumption can be overcome only
468 upon a showing of the design engineer's ~~person's or entity's~~
469 gross negligence in the preparation of the engineering plans and
470 may ~~shall~~ not be interpreted or construed to alter or affect any
471 claim of the department ~~of Transportation~~ against such design
472 engineer ~~person or entity~~. The limitation on liability contained
473 in this subsection does ~~shall~~ not apply to any hidden or
474 undiscoverable condition created by the design engineer. This



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475 subsection does not affect any claim of any entity against such
476 design engineer ~~or engineering firm~~, which claim is associated
477 with such entity's facilities on or in department of
478 ~~Transportation~~ roads or other transportation facilities.

479 ~~(4) In any civil action for death, injury, or damages~~
480 ~~against the Department of Transportation or its agents,~~
481 ~~consultants, engineers, or contractors for work performed on a~~
482 ~~highway, road, street, bridge, or other transportation facility,~~
483 ~~if the department, its agents, consultants, engineers, or~~
484 ~~contractors are immune from liability pursuant to this section~~
485 ~~or are not parties to the litigation, they may not be named on~~
486 ~~the jury verdict form or be found to be at fault or responsible~~
487 ~~for the injury, death, or damage that gave rise to the damages.~~

488 Section 7. Subsection (2) of section 337.401, Florida
489 Statutes, is amended to read:

490 337.401 Use of right-of-way for utilities subject to
491 regulation; permit; fees.-

492 (2) The authority may grant to any person who is a resident
493 of this state, or to any corporation that ~~which~~ is organized
494 under the laws of this state or licensed to do business within
495 this state, the use of a right-of-way for the utility in
496 accordance with such rules or regulations as the authority may
497 adopt. A utility may not be installed, located, or relocated
498 unless authorized by a written permit issued by the authority.
499 However, for public roads or publicly owned rail corridors under
500 the jurisdiction of the department, a ~~utility relocation~~
501 ~~schedule and~~ relocation agreement may be executed in lieu of a
502 written permit. The permit or relocation agreement must require
503 the utility owner ~~permitholder~~ to be responsible for any damage



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504 resulting from the work performed under issuance of such permit
505 or relocation agreement. The relocation agreement must contain a
506 reasonable utility relocation schedule to expedite the
507 completion of the department's construction or maintenance
508 project and specify a reasonable liquidated damage amount for
509 each day the work remains incomplete beyond the completion date
510 specified in the permit or relocation agreement. The authority
511 may initiate injunctive proceedings as provided in s. 120.69 to
512 enforce provisions of this subsection or any rule or order
513 issued or entered into pursuant thereto. A permit application
514 required under this subsection by a county or municipality
515 having jurisdiction and control of the right-of-way of any
516 public road must be processed and acted upon in accordance with
517 the timeframes provided in subparagraphs (7)(d)7., 8., and 9.

518 Section 8. Subsections (1) and (3) of section 337.403,
519 Florida Statutes, are amended to read:

520 337.403 Interference caused by utility; expenses.—

521 (1) If a utility that is placed upon, under, over, or
522 within the right-of-way limits of any public road or publicly
523 owned rail corridor is found by the authority to be unreasonably
524 interfering in any way with the convenient, safe, or continuous
525 use, or the maintenance, improvement, extension, or expansion,
526 of such public road or publicly owned rail corridor, the utility
527 owner shall, upon 30 days' written notice to the utility or its
528 agent by the authority, provide to the authority a reasonable
529 utility relocation schedule to expedite the completion of the
530 authority's construction or maintenance project identified in
531 the notice, and initiate the work necessary to alleviate the
532 interference within 60 days after receipt of the written notice



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533 from the authority at its own expense except as provided in
534 paragraphs (a)-(j). The notice must specify a reasonable
535 liquidated damage amount for each day the work remains
536 incomplete if not ~~The work must be~~ completed within such
537 reasonable time as stated in the notice or such time as agreed
538 to by the authority and the utility owner.

539 (a) If the relocation of utility facilities, as referred to
540 in s. 111 of the Federal-Aid Highway Act of 1956, Pub. L. No.
541 84-627, is necessitated by the construction of a project on the
542 federal-aid interstate system, including extensions thereof
543 within urban areas, and the cost of the project is eligible and
544 approved for reimbursement by the Federal Government to the
545 extent of 90 percent or more under the Federal-Aid Highway Act,
546 or any amendment thereof, then in that event the utility owning
547 or operating such facilities shall perform any necessary work
548 upon notice from the department, and the state shall pay the
549 entire expense properly attributable to such work after
550 deducting therefrom any increase in the value of a new facility
551 and any salvage value derived from an old facility.

552 (b) When a joint agreement between the department and the
553 utility is executed for utility work to be accomplished as part
554 of a contract for construction of a transportation facility, the
555 department may participate in those utility work costs that
556 exceed the department's official estimate of the cost of the
557 work by more than 10 percent. The amount of such participation
558 is limited to the difference between the official estimate of
559 all the work in the joint agreement plus 10 percent and the
560 amount awarded for this work in the construction contract for
561 such work. The department may not participate in any utility



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562 work costs that occur as a result of changes or additions during
563 the course of the contract.

564 (c) When an agreement between the department and utility is
565 executed for utility work to be accomplished in advance of a
566 contract for construction of a transportation facility, the
567 department may participate in the cost of clearing and grubbing
568 necessary to perform such work.

569 (d) If the utility facility was initially installed to
570 exclusively serve the authority or its tenants, or both, the
571 authority shall bear the costs of the utility work. However, the
572 authority is not responsible for the cost of utility work
573 related to any subsequent additions to that facility for the
574 purpose of serving others. For a county or municipality, if such
575 utility facility was installed in the right-of-way as a means to
576 serve a county or municipal facility on a parcel of property
577 adjacent to the right-of-way and if the intended use of the
578 county or municipal facility is for a use other than
579 transportation purposes, the obligation of the county or
580 municipality to bear the costs of the utility work shall extend
581 only to utility work on the parcel of property on which the
582 facility of the county or municipality originally served by the
583 utility facility is located.

584 (e) If, under an agreement between a utility and the
585 authority entered into after July 1, 2009, the utility conveys,
586 subordinates, or relinquishes a compensable property right to
587 the authority for the purpose of accommodating the acquisition
588 or use of the right-of-way by the authority, without the
589 agreement expressly addressing future responsibility for the
590 cost of necessary utility work, the authority shall bear the



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591 cost of removal or relocation. This paragraph does not impair or
592 restrict, and may not be used to interpret, the terms of any
593 such agreement entered into before July 1, 2009.

594 (f) If the utility is an electric facility being relocated
595 underground in order to enhance vehicular, bicycle, and
596 pedestrian safety and in which ownership of the electric
597 facility to be placed underground has been transferred from a
598 private to a public utility within the past 5 years, the
599 department shall incur all costs of the necessary utility work.

600 (g) An authority may bear the costs of utility work
601 required to eliminate an unreasonable interference when the
602 utility is not able to establish that it has a compensable
603 property right in the particular property where the utility is
604 located if:

605 1. The utility was physically located on the particular
606 property before the authority acquired rights in the property;

607 2. The utility demonstrates that it has a compensable
608 property right in adjacent properties along the alignment of the
609 utility or, after due diligence, certifies that the utility does
610 not have evidence to prove or disprove that it has a compensable
611 property right in the particular property where the utility is
612 located; and

613 3. The information available to the authority does not
614 establish the relative priorities of the authority's and the
615 utility's interests in the particular property.

616 (h) If a municipally owned utility or county-owned utility
617 is located in a rural area of opportunity, as defined in s.
618 288.0656(2), and the department determines that the utility is
619 unable, and will not be able within the next 10 years, to pay



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620 for the cost of utility work necessitated by a department
621 project on the State Highway System, the department may pay, in
622 whole or in part, the cost of such utility work performed by the
623 department or its contractor.

624 (i) If the relocation of utility facilities is necessitated
625 by the construction of a commuter rail service project or an
626 intercity passenger rail service project and the cost of the
627 project is eligible and approved for reimbursement by the
628 Federal Government, then in that event the utility owning or
629 operating such facilities located by permit on a department-
630 owned rail corridor shall perform any necessary utility
631 relocation work upon notice from the department, and the
632 department shall pay the expense properly attributable to such
633 utility relocation work in the same proportion as federal funds
634 are expended on the commuter rail service project or an
635 intercity passenger rail service project after deducting
636 therefrom any increase in the value of a new facility and any
637 salvage value derived from an old facility. In no event shall
638 the state be required to use state dollars for such utility
639 relocation work. This paragraph does not apply to any phase of
640 the Central Florida Commuter Rail project, known as SunRail.

641 (j) If a utility is lawfully located within an existing and
642 valid utility easement granted by recorded plat, regardless of
643 whether such land was subsequently acquired by the authority by
644 dedication, transfer of fee, or otherwise, the authority must
645 bear the cost of the utility work required to eliminate an
646 unreasonable interference. The authority shall pay the entire
647 expense properly attributable to such work after deducting any
648 increase in the value of a new facility and any salvage value



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649 derived from an old facility.

650 (3) Whenever a notice from the authority requires such
651 utility work and the owner thereof fails to perform the work at
652 his or her own expense within the time stated in the notice or
653 such other time as agreed to by the authority and the utility
654 owner, the authority shall proceed to cause the utility work to
655 be performed. The utility shall pay to the authority reasonable
656 costs resulting from the utility's failure or refusal to timely
657 perform the work, including payment of any liquidated damages
658 assessed by the authority ~~The expense thereby incurred shall be~~
659 ~~paid out of any money available therefor, and such expense~~
660 ~~shall, except as provided in subsection (1), be charged against~~
661 ~~the owner and levied and collected and paid into the fund from~~
662 ~~which the expense of such relocation was paid.~~

663 Section 9. Section 339.2820, Florida Statutes, is created
664 to read:

665 339.2820 Local agency program.-

666 (1) There is created within the department a local agency
667 program for the purpose of providing assistance to subrecipient
668 agencies, which include counties, municipalities,
669 intergovernmental agencies, and other eligible governmental
670 entities, to develop, design, and construct transportation
671 facilities using federal funds allocated to the department from
672 federal agencies which are suballocated to local agencies. The
673 department shall update the project cost estimate in the year
674 the project is granted to the local agency and include a
675 contingency amount as part of the project cost estimate.

676 (2) The department is authorized to oversee projects funded
677 by the Federal Highway Administration.



678 (3) Local agencies shall prioritize budgeting local
679 projects through their respective M.P.O.'s or governing boards
680 so that those organizations or boards may receive reimbursement
681 for the services they provide to the public which are in
682 compliance with applicable federal laws, rules, and regulations.

683 (4) Federal-aid highway funds are available only to local
684 agencies that are certified by the department based on the
685 agencies' qualifications, experience, and ability to comply with
686 federal requirements, and their ability to undertake and
687 satisfactorily complete the work.

688 (5) Local agencies shall include in their contracts to
689 develop, design, or construct transportation facilities the
690 department's Division I General Requirements and Covenants for
691 local agencies as well as a contingency amount to cover costs
692 incurred due to unforeseen conditions.

693 Section 10. Subsection (3) of section 339.2825, Florida
694 Statutes, is amended to read:

695 339.2825 Approval of contractor-financed projects.—

696 (3) This section does not apply to a comprehensive public-
697 private partnership agreement authorized in s. 334.30(2)(a).

698 Section 11. This act shall take effect July 1, 2024.

699
700 ===== T I T L E A M E N D M E N T =====

701 And the title is amended as follows:

702 Delete everything before the enacting clause
703 and insert:

704 A bill to be entitled
705 An act relating to transportation; amending s. 206.46,
706 F.S.; prohibiting the Department of Transportation



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707 from annually committing more than a certain
708 percentage of revenues derived from state fuel taxes
709 and motor vehicle license-related fees to public
710 transit projects; providing exceptions; amending s.
711 288.9606, F.S.; conforming provisions to changes made
712 by the act; making technical changes; amending s.
713 334.30, F.S.; authorizing the department to enter into
714 comprehensive agreements with private entities or the
715 consortia thereof for the building, operation,
716 ownership, or financing of transportation facilities;
717 conforming provisions to changes made by the act;
718 replacing the term "public-private partnership
719 agreement" with the term "comprehensive agreement";
720 requiring a private entity to provide an independent
721 traffic and revenue study prepared by a certain
722 expert; providing a requirement for such study;
723 revising the timeframe within which the department
724 must publish a certain notice; authorizing the
725 department to enter into an interim agreement with a
726 private entity regarding a qualifying project;
727 providing that an interim agreement does not obligate
728 the department to enter into a comprehensive agreement
729 and is not required under certain circumstances;
730 providing requirements for an interim agreement;
731 authorizing the secretary of the department to
732 authorize comprehensive agreements for a term of up to
733 75 years for certain projects; making technical
734 changes; amending s. 337.11, F.S.; requiring the
735 department to receive three letters of interest before



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736 proceeding with requests for proposals for certain
737 contracts; requiring the department to pay interest at
738 a certain rate to contractors under certain
739 circumstances; making technical changes; amending s.
740 337.18, F.S.; revising the timeframe for certain
741 actions against the contractor or the surety;
742 specifying a timeframe for when an action for recovery
743 of retainage must be instituted; amending s. 337.195,
744 F.S.; revising a presumption regarding the proximate
745 cause of death, injury, or damage in a civil suit
746 against the department; defining terms; providing for
747 immunity for contractors under certain circumstances;
748 conforming provisions related to certain limitations
749 on liability relating to traffic control plans; making
750 technical changes; revising a presumption regarding a
751 design engineer's degree of care and skill; deleting
752 immunity for certain persons and entities; amending s.
753 337.401, F.S.; requiring that certain permits and
754 relocation agreements require the utility owner to be
755 responsible for certain damage; requiring that the
756 relocation agreement contain a utility relocation
757 schedule and specify a liquidated damage amount for
758 each day work remains incomplete beyond a certain
759 date; amending s. 337.403, F.S.; requiring a utility
760 owner to provide to the authority a reasonable utility
761 relocation schedule to expedite completion of the
762 authority's construction or maintenance project
763 identified in a specified notice and initiate
764 necessary work within a specified timeframe; requiring



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765 that the notice the authority gives the utility for
766 unreasonable interference on a public road or publicly
767 owned rail corridor specify a certain liquidated
768 damage amount for each day that work remains
769 incomplete; requiring the utility to pay certain costs
770 to the authority for untimely performance of the work;
771 amending s. 339.2820, F.S.; creating within the
772 department a local agency program for a specified
773 purpose; requiring the department to update certain
774 project cost estimates at a specified time and include
775 a contingency amount as part of the project cost
776 estimate; authorizing the department to oversee
777 certain projects; requiring local agencies to
778 prioritize budgeting certain local projects through
779 their respective M.P.O.'s or governing boards for a
780 specified purpose; specifying that certain funds are
781 available only to local agencies that are certified by
782 the department; requiring local agencies to include in
783 certain contracts a specified document and a
784 contingency amount for costs incurred due to
785 unforeseen conditions; amending s. 339.2825, F.S.;
786 conforming provisions to changes made by the act;
787 providing an effective date.



589480

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/18/2024	.	
	.	
	.	
	.	

The Committee on Transportation (Hooper) recommended the following:

Senate Amendment to Amendment (703922)

Delete lines 400 - 446
and insert:

(b) A contractor is not liable for personal injury, property damage, or death arising from any of the following:

1. The performance of the construction, maintenance, or repair of the transportation facility, if, at the time the personal injury, property damage, or death occurred, the contractor was in compliance with the contract documents



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11 material to the personal injury, property damage, or death.

12 2. Acts or omissions of a third party that furnishes or
13 contracts at any contractual level to furnish services or
14 materials to the transportation facility, including any
15 subcontractor; sub-subcontractor; laborer; materialman; owner,
16 lessor, or driver of a motor vehicle, trailer, semitrailer,
17 truck, heavy truck, truck tractor, or commercial motor vehicle,
18 as those terms are defined in s. 320.01; or any person who
19 performs services as an architect, a landscape architect, an
20 interior designer, an engineer, or a surveyor and mapper.

21 3. Acts or omissions of a third party who trespasses within
22 the limits of the transportation facility or otherwise is not
23 authorized to enter the area of the transportation facility in
24 which the personal injury, property damage, or death occurred.

25 4. Acts or omissions of a third party who damages,
26 modifies, moves, or removes any traffic control device, warning
27 device, barrier, or other facility or device used for the
28 public's safety and convenience ~~who constructs, maintains, or~~
29 ~~repairs a highway, road, street, bridge, or other transportation~~
30 ~~facility for the Department of Transportation is not liable to a~~
31 ~~claimant for personal injury, property damage, or death arising~~
32 ~~from the performance of the construction, maintenance, or repair~~
33 ~~if, at the time of the personal injury, property damage, or~~
34 ~~death, the contractor was in compliance with contract documents~~
35 ~~material to the condition that was the proximate cause of the~~
36 ~~personal injury, property damage, or death.~~

37 (c)(a) The limitations limitation on liability contained in
38 this subsection ~~do~~ does not apply when the proximate cause of
39 the personal injury, property damage, or death is a latent



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40 condition, defect, error, or omission that was created by the
41 contractor and not a defect, error, or omission in the contract
42 documents; or when the proximate cause of the personal injury,
43 property damage, or death was the contractor's failure to
44 ~~perform, update, or~~ comply with the ~~maintenance of the~~ traffic
45 control plans ~~safety plan~~ as required by the contract documents.

46 (d) (b) Nothing in This subsection may not shall be
47 interpreted or construed as relieving the contractor of any
48 obligation to provide the department ~~of Transportation~~ with
49 written notice of any apparent error or omission in the contract
50 documents, or as relieving the contractor of his or her contract
51 responsibility to manage the work of others performing under the
52 contract.

By Senator Hooper

21-00259A-24

2024266__

1 A bill to be entitled
 2 An act relating to the Department of Transportation;
 3 amending s. 206.46, F.S.; prohibiting the department
 4 from annually committing more than a certain
 5 percentage of revenues derived from state fuel taxes
 6 and motor vehicle license-related fees to public
 7 transit projects; providing exceptions; amending s.
 8 334.30, F.S.; conforming provisions to changes made by
 9 the act; replacing the term "public-private
 10 partnership agreement" with the term "comprehensive
 11 agreement"; requiring a private entity to provide an
 12 independent traffic and revenue study prepared by a
 13 certain expert; providing a requirement for such
 14 study; revising the timeframe within which the
 15 department must publish a certain notice; authorizing
 16 the department to enter into an interim agreement with
 17 a private entity regarding a qualifying project;
 18 providing that an interim agreement does not obligate
 19 the department to enter into a comprehensive agreement
 20 and is not required under certain circumstances;
 21 providing requirements for an interim agreement;
 22 authorizing the secretary of the department to
 23 authorize comprehensive agreements for a term of up to
 24 75 years under certain circumstances; amending s.
 25 337.11, F.S.; requiring the department to pay interest
 26 at a certain rate to contractors under certain
 27 circumstances; making technical changes; amending s.
 28 337.18, F.S.; revising the timeframe for certain
 29 actions against the contractor or the surety bond

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30 payment; specifying a timeframe for when an action for
 31 recovery of retainage must be instituted; amending s.
 32 337.195, F.S.; defining terms; revising a presumption
 33 regarding the proximate cause of death, injury, or
 34 damage in a civil suit against the department;
 35 providing for immunity for contractors under certain
 36 circumstances; revising provisions related to a
 37 certain limitation on liability relating to traffic
 38 control plans; making technical changes; revising a
 39 presumption regarding a design engineer's degree of
 40 care and skill; deleting immunity for certain persons
 41 and entities; amending s. 339.175, F.S.; prohibiting
 42 additional metropolitan planning organizations from
 43 being designated in this state after a specified date;
 44 providing an exception; creating s. 339.2820, F.S.;
 45 creating within the department a local agency program
 46 for a specified purpose; specifying that the
 47 department is responsible for oversight of certain
 48 projects; requiring local agencies to prioritize and
 49 fund certain local projects; specifying that certain
 50 funds are available to local agencies under certain
 51 conditions; requiring local agencies to include
 52 specified items in certain contracts; providing an
 53 effective date.

54
 55 Be It Enacted by the Legislature of the State of Florida:

56
 57 Section 1. Subsection (6) is added to section 206.46,
 58 Florida Statutes, to read:

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206.46 State Transportation Trust Fund.—

(6) The department may not annually commit more than 20 percent of the revenues derived from state fuel taxes and motor vehicle license-related fees deposited into the State Transportation Trust Fund to public transit projects, in accordance with chapter 341, with the exception of all of the following public transit projects:

(a) A public transit project that uses revenues derived from state fuel taxes and motor vehicle license-related fees to match funds made available by the Federal Government.

(b) A public transit project included in the transportation improvement program adopted pursuant to s. 339.175(8) and approved by a supermajority vote of the board of county commissioners where the project is located.

Section 2. Present subsections (8) through (13) of section 334.30, Florida Statutes, are redesignated as subsections (9) through (14), respectively, a new subsection (8) is added to that section, and subsections (1), (2), and (6) and present subsections (8), (10), and (11) of that section are amended, to read:

334.30 Public-private transportation facilities.—The Legislature finds and declares that there is a public need for the rapid construction of safe and efficient transportation facilities for the purpose of traveling within the state, and that it is in the public's interest to provide for the construction of additional safe, convenient, and economical transportation facilities.

(1) The department may receive or solicit proposals and, with legislative approval as evidenced by approval of the

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project in the department's work program, enter into comprehensive agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of transportation facilities. The department may advance projects programmed in the adopted 5-year work program or projects increasing transportation capacity and greater than \$500 million in the 10-year Strategic Intermodal Plan using funds provided by public-private partnerships or private entities to be reimbursed from department funds for the project as programmed in the adopted work program. The department shall by rule establish an application fee for the submission of unsolicited proposals under this section. The fee must be sufficient to pay the costs of evaluating the proposals. The department may engage the services of private consultants to assist in the evaluation. Before approval, the department must determine that the proposed project:

(a) Is in the public's best interest;

(b) Would not require state funds to be used unless the project is on the State Highway System;

(c) Would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or cancellation of the comprehensive agreement by the department;

(d) Would have adequate safeguards in place to ensure that the department or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations; and

(e) Would be owned by the department upon completion or

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117 termination of the comprehensive agreement.
 118
 119 The department shall ensure that all reasonable costs to the
 120 state, related to transportation facilities that are not part of
 121 the State Highway System, are borne by the private entity. The
 122 department shall also ensure that all reasonable costs to the
 123 state and substantially affected local governments and
 124 utilities, related to the private transportation facility, are
 125 borne by the private entity for transportation facilities that
 126 are owned by private entities. For projects on the State Highway
 127 System, the department may use state resources to participate in
 128 funding and financing the project as provided for under the
 129 department's enabling legislation. Because the Legislature
 130 recognizes that private entities or consortia thereof would
 131 perform a governmental or public purpose or function when they
 132 enter into comprehensive agreements with the department to
 133 design, build, operate, own, or finance transportation
 134 facilities, the transportation facilities, including leasehold
 135 interests thereof, are exempt from ad valorem taxes as provided
 136 in chapter 196 to the extent property is owned by the state or
 137 other government entity, and from intangible taxes as provided
 138 in chapter 199 and special assessments of the state, any city,
 139 town, county, special district, political subdivision of the
 140 state, or any other governmental entity. The private entities or
 141 consortia thereof are exempt from tax imposed by chapter 201 on
 142 all documents or obligations to pay money which arise out of the
 143 comprehensive agreements to design, build, operate, own, lease,
 144 or finance transportation facilities. Any private entities or
 145 consortia thereof must pay any applicable corporate taxes as

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146 provided in chapter 220, and reemployment assistance taxes as
 147 provided in chapter 443, and sales and use tax as provided in
 148 chapter 212 shall be applicable. The private entities or
 149 consortia thereof must also register and collect the tax imposed
 150 by chapter 212 on all their direct sales and leases that are
 151 subject to tax under chapter 212. The comprehensive agreement
 152 between the private entity or consortia thereof and the
 153 department establishing a transportation facility under this
 154 chapter constitutes documentation sufficient to claim any
 155 exemption under this section.

156 (2) Comprehensive agreements entered into pursuant to this
 157 section may authorize the private entity to impose tolls or
 158 fares for the use of the facility. The following provisions
 159 ~~shall~~ apply to such agreements:

160 (a) With the exception of the Florida Turnpike System, the
 161 department may lease existing toll facilities through public-
 162 private partnerships. The comprehensive ~~public-private~~
 163 ~~partnership~~ agreement must ensure that the transportation
 164 facility is properly operated, maintained, and renewed in
 165 accordance with department standards.

166 (b) The department may develop new toll facilities or
 167 increase capacity on existing toll facilities through public-
 168 private partnerships. The comprehensive ~~public-private~~
 169 ~~partnership~~ agreement must ensure that the toll facility is
 170 properly operated, maintained, and renewed in accordance with
 171 department standards.

172 (c) Any toll revenues shall be regulated by the department
 173 pursuant to s. 338.165(3). The regulations governing the future
 174 increase of toll or fare revenues shall be included in the

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175 ~~comprehensive public-private partnership~~ agreement.

176 (d) The department shall provide the analysis required in
177 subparagraph (6) (e)2. to the Legislative Budget Commission
178 created pursuant to s. 11.90 for review and approval prior to
179 awarding a contract on a lease of an existing toll facility.

180 (e) The department shall include provisions in the
181 ~~comprehensive public-private partnership~~ agreement ~~which that~~
182 ensure a negotiated portion of revenues from tolled or fare
183 generating projects are returned to the department over the life
184 of the ~~comprehensive public-private partnership~~ agreement. In
185 the case of a lease of an existing toll facility, the department
186 shall receive a portion of funds upon closing on the
187 ~~comprehensive agreement~~ agreements and shall also include
188 provisions in the comprehensive agreement to receive payment of
189 a portion of excess revenues over the life of the public-private
190 partnership.

191 (f) The private entity shall provide an independent
192 ~~investment grade~~ traffic and revenue study prepared by a ~~an~~
193 ~~internationally recognized~~ traffic and revenue expert as part of
194 the private entity proposal. The study must be ~~that is~~ accepted
195 by the national bond rating agencies before closing on the
196 financing that supports the comprehensive agreement for the
197 public-private partnership project. The private entity shall
198 also provide a finance plan that identifies the project cost,
199 revenues by source, financing, major assumptions, internal rate
200 of return on private investments, and whether any government
201 funds are assumed to deliver a cost-feasible project, and a
202 total cash flow analysis beginning with implementation of the
203 project and extending for the term of the comprehensive

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204 agreement.

205 (6) The procurement of public-private partnerships by the
206 department shall follow the provisions of this section. Sections
207 337.025, 337.11, 337.14, 337.141, 337.145, 337.175, 337.18,
208 337.185, 337.19, 337.221, and 337.251 shall not apply to
209 procurements under this section unless a provision is included
210 in the procurement documents. The department shall ensure that
211 generally accepted business practices for exemptions provided by
212 this subsection are part of the procurement process or are
213 included in the comprehensive public-private partnership
214 agreement.

215 (a) The department may request proposals from private
216 entities for public-private transportation projects or, if the
217 department receives an unsolicited proposal, the department
218 shall publish a notice in the Florida Administrative Register
219 and a newspaper of general circulation at least once a week for
220 2 weeks stating that the department has received the proposal
221 and will accept, for between 30 and 120 days after the initial
222 date of publication as determined by the department based on the
223 complexity of the project, other proposals for the same project
224 purpose. A copy of the notice must be mailed to each local
225 government in the affected area.

226 (b) Public-private partnerships shall be qualified by the
227 department as part of the procurement process as outlined in the
228 procurement documents, provided such process ensures that the
229 private firm meets at least the minimum department standards for
230 qualification in department rule for professional engineering
231 services and road and bridge contracting prior to submitting a
232 proposal under the procurement.

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233 (c) The department shall ensure that procurement documents
 234 include provisions for performance of the private entity and
 235 payment of subcontractors, including, but not limited to, surety
 236 bonds, letters of credit, parent company guarantees, and lender
 237 and equity partner guarantees. The department shall balance the
 238 structure of the security package for the public-private
 239 partnership that ensures performance and payment of
 240 subcontractors with the cost of the security to ensure the most
 241 efficient pricing.

242 (d) After the public notification period has expired, the
 243 department shall rank the proposals in order of preference. In
 244 ranking the proposals, the department may consider factors that
 245 include, but are not limited to, professional qualifications,
 246 general business terms, innovative engineering or cost-reduction
 247 terms, finance plans, and the need for state funds to deliver
 248 the project. If the department is not satisfied with the results
 249 of the negotiations, the department may, at its sole discretion,
 250 terminate negotiations with the proposer. If these negotiations
 251 are unsuccessful, the department may go to the second-ranked and
 252 lower-ranked firms, in order, using this same procedure. If only
 253 one proposal is received, the department may negotiate in good
 254 faith and, if the department is not satisfied with the results
 255 of the negotiations, the department may, at its sole discretion,
 256 terminate negotiations with the proposer. Notwithstanding this
 257 subsection, the department may, at its discretion, reject all
 258 proposals at any point in the process up to completion of a
 259 contract with the proposer.

260 (e) The department shall provide an independent analysis of
 261 the proposed public-private partnership that demonstrates the

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262 cost-effectiveness and overall public benefit at the following
 263 times:

- 264 1. Prior to moving forward with the procurement; and
- 265 2. If the procurement moves forward, prior to awarding the
 266 contract.

267 (8) Before or in connection with the negotiation of a
 268 comprehensive agreement, the department may enter into an
 269 interim agreement with the private entity proposing the
 270 development or operation of a qualifying project. An interim
 271 agreement does not obligate the department to enter into a
 272 comprehensive agreement. The interim agreement is discretionary
 273 with the parties and is not required on a project for which the
 274 parties may proceed directly to a comprehensive agreement
 275 without the need for an interim agreement. An interim agreement
 276 must be limited to any of the following provisions that:

277 (a) Authorize the private entity to commence activities for
 278 which it may be compensated related to the proposed qualifying
 279 project, including, but not limited to, project planning and
 280 development, designing, environmental analysis and mitigation,
 281 surveying, other activities concerning any part of the proposed
 282 qualifying project, and ascertaining the availability of
 283 financing for the proposed facility or facilities.

284 (b) Establish the process and timing for the negotiation of
 285 the comprehensive agreement.

286 (c) Contain such other provisions related to an aspect of
 287 the development or operation of a qualifying project which the
 288 department and the private entity deem appropriate.

289 (9) ~~(8)~~ The department may enter into comprehensive public-
 290 private partnership agreements that include extended terms

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291 providing annual payments for performance based on the
 292 availability of service or the facility being open to traffic or
 293 based on the level of traffic using the facility. In addition to
 294 other provisions in this section, the following provisions ~~shall~~
 295 apply:

296 (a) The annual payments under any such comprehensive
 297 agreement ~~must shall~~ be included in the department's tentative
 298 work program developed under s. 339.135 and the long-range
 299 transportation plan for the applicable metropolitan planning
 300 organization developed under s. 339.175. The department shall
 301 ensure that annual payments on multiyear comprehensive ~~public-~~
 302 ~~private partnership~~ agreements are prioritized ahead of new
 303 capacity projects in the development and updating of the
 304 tentative work program.

305 (b) The annual payments are subject to annual appropriation
 306 by the Legislature as provided in the General Appropriations Act
 307 in support of the first year of the tentative work program.

308 ~~(11)(10) Before~~ Prior to entering into any comprehensive
 309 ~~such~~ agreement in which ~~where~~ funds are committed from the State
 310 Transportation Trust Fund, the project must be prioritized as
 311 follows:

312 (a) The department, in coordination with the local
 313 metropolitan planning organization, shall prioritize projects
 314 included in the Strategic Intermodal System 10-year and long-
 315 range cost-feasible plans.

316 (b) The department, in coordination with the local
 317 metropolitan planning organization or local government where
 318 there is no metropolitan planning organization, shall prioritize
 319 projects, for facilities not on the Strategic Intermodal System,

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320 included in the metropolitan planning organization cost-feasible
 321 transportation improvement plan and long-range transportation
 322 plan.

323 ~~(12)(11) Comprehensive Public-private partnership~~
 324 agreements under this section are ~~shall be~~ limited to a term not
 325 exceeding 50 years. Upon making written findings that a
 326 comprehensive ~~an~~ agreement under this section requires a term in
 327 excess of 50 years, the secretary of the department may
 328 authorize a term of up to 75 years for projects that are
 329 partially or completely funded from project user fees.
 330 Comprehensive agreements under this section may ~~shall~~ not have a
 331 term in excess of 75 years unless specifically approved by the
 332 Legislature. The department shall identify each new project
 333 under this section with a term exceeding 75 years in the
 334 transmittal letter that accompanies the submittal of the
 335 tentative work program to the Governor and the Legislature in
 336 accordance with s. 339.135.

337 Section 3. Subsections (12) and (13) of section 337.11,
 338 Florida Statutes, are amended to read:

339 337.11 Contracting authority of department; bids; emergency
 340 repairs, supplemental agreements, and change orders; combined
 341 design and construction contracts; progress payments; records;
 342 requirements of vehicle registration.-

343 (12) (a) Notwithstanding any other provision of law to the
 344 contrary, the department has unilateral authority to pay the
 345 contractor the sums the department determines to be due to the
 346 contractor for work performed on a project. This unilateral
 347 authority to pay by the department does not preclude or limit
 348 the rights of the department and the contractor to negotiate and

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349 agree to the amounts to be paid to the contractor. By acceptance
350 of any such unilateral payment, the contractor does not waive
351 any rights the contractor may have against the department for
352 payment of any additional sums the contractor claims are due for
353 the work.

354 (b) The department shall pay interest at the rate set forth
355 in s. 55.03 to the contractor on any unpaid amounts that remain
356 75 days after the completion of the added work or the
357 elimination of a project delay.

358 (13) ~~Any motor vehicle used in Each contract let by the~~
359 ~~department for the performance of road or bridge construction or~~
360 ~~maintenance work on a department project must shall require all~~
361 ~~motor vehicles that the contractor operates or causes to be~~
362 ~~operated in this state to be registered in compliance with~~
363 ~~chapter 320.~~

364 Section 4. Paragraph (d) of subsection (1) of section
365 337.18, Florida Statutes, is amended to read:

366 337.18 Surety bonds for construction or maintenance
367 contracts; requirement with respect to contract award; bond
368 requirements; defaults; damage assessments.-

369 (1)

370 (d) An action, except for an action for recovery of
371 retainage, must be instituted by a claimant, whether in privity
372 with the contractor or not, against the contractor or the surety
373 on the payment bond or the payment provisions of a combined
374 payment and performance bond within 365 days after the
375 performance of the labor or completion of delivery of the
376 materials or supplies. An action for recovery of retainage must
377 be instituted against the contractor or the surety within 365

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378 days after final acceptance of the contract work by the
379 department. A claimant may not waive in advance his or her right
380 to bring an action under the bond against the surety. In any
381 action brought to enforce a claim against a payment bond under
382 this section, the prevailing party is entitled to recover a
383 reasonable fee for the services of his or her attorney for trial
384 and appeal or for arbitration, in an amount to be determined by
385 the court, which fee must be taxed as part of the prevailing
386 party's costs, as allowed in equitable actions.

387 Section 5. Section 337.195, Florida Statutes, is amended to
388 read:

389 337.195 Limits on liability.-

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

391 (a) "Contract documents" has the same meaning as in the
392 department's Standard Specifications for Road and Bridge
393 Construction applicable under the contract between the
394 department and the contractor.

395 (b) "Contractor" means a person, including any member of a
396 design-build team, who, pursuant to s. 337.11, constructs,
397 maintains, or repairs a highway, road, street, bridge, or other
398 transportation facility for the department or in connection with
399 a department project.

400 (c) "Design engineer" means a person, including the design
401 consultant of a design-build team, who contracts to prepare or
402 provide engineering plans, including traffic control plans, for
403 the construction or repair of a highway, road, street, bridge,
404 or other department transportation facility for the department
405 or in connection with a department project.

406 (d) "Traffic control plans" means the maintenance of

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407 traffic plans designed by a professional engineer, or otherwise
 408 in accordance with the department's maintenance of traffic
 409 standards, and approved by the department.

410 (2) In a civil action for the death of or injury to a
 411 person, or for damage to property, against the department of
 412 Transportation or its agents, consultants, or contractors for
 413 work performed on a highway, road, street, bridge, or other
 414 transportation facility when the death, injury, or damage
 415 resulted from a motor vehicle crash within a construction zone
 416 in which the driver of one of the vehicles was under the
 417 influence of alcoholic beverages as set forth in s. 316.193;
 418 under the influence of any chemical substance as set forth in s.
 419 877.111; under the influence of marijuana authorized in s.
 420 381.986, not including low-THC cannabis;
 421 or illegally under the influence of any substance controlled under chapter 893 to the
 422 extent that her or his normal faculties were impaired or that
 423 she or he operated a vehicle recklessly as defined in s.
 424 316.192, it is presumed that the driver's operation of the
 425 vehicle was the sole proximate cause of her or his own death,
 426 injury, or damage. This presumption can be overcome if the gross
 427 negligence or intentional misconduct of the department of
 428 Transportation, or of its agents, consultants, or contractors,
 429 was a proximate cause of the driver's death, injury, or damage.

430 (3)(a)(2) A contractor is immune from liability for
 431 personal injury, property damage, or death arising from any of
 432 the following:

433 1. The performance of the construction, maintenance, or
 434 repair of the transportation facility, if, at the time the
 435 personal injury, property damage, or death occurred, the

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436 contractor was in compliance with the traffic control plan
 437 material to the personal injury, property damage, or death.

438 2. Acts or omissions of a third party that furnishes or
 439 contracts to furnish services or materials to the transportation
 440 facility, including any subcontractor; sub-subcontractor;
 441 laborer; materialman; owner, lessor, or driver of a motor
 442 vehicle, trailer, semitrailer, truck, heavy truck, truck
 443 tractor, or commercial motor vehicle, as those terms are defined
 444 in s. 320.01(1), (4), (5), (9), (10), (11), and (25),
 445 respectively; or any person who performs services as an
 446 architect, a landscape architect, an interior designer, an
 447 engineer, or a surveyor and mapper.

448 3. Acts or omissions of a third party who trespasses within
 449 the limits of the transportation facility or otherwise is not
 450 authorized to enter the area of the transportation facility in
 451 which the personal injury, property damage, or death occurred.

452 4. Acts or omissions of a third party who damages,
 453 modifies, moves, or removes any traffic control device, warning
 454 device, barrier, or other facility or device used for the
 455 public's safety and convenience who constructs, maintains, or
 456 repairs a highway, road, street, bridge, or other transportation
 457 facility for the Department of Transportation is not liable to a
 458 claimant for personal injury, property damage, or death arising
 459 from the performance of the construction, maintenance, or repair
 460 if, at the time of the personal injury, property damage, or
 461 death, the contractor was in compliance with contract documents
 462 material to the condition that was the proximate cause of the
 463 personal injury, property damage, or death.

464 (b)(a) The limitations limitation on liability contained in

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465 this subsection ~~do~~ does not apply when the proximate cause of
 466 the personal injury, property damage, or death is a latent
 467 condition, defect, error, or omission that was created by the
 468 contractor and not a defect, error, or omission in the traffic
 469 control plans contract documents; or when the proximate cause of
 470 the personal injury, property damage, or death was the
 471 contractor's failure to perform, update, or comply with the
 472 maintenance of the traffic control plans ~~safety plan~~ as required
 473 by the contract documents.

474 ~~(c)(b)~~ (b) Nothing in This subsection ~~may not~~ shall be
 475 interpreted or construed as relieving the contractor of any
 476 obligation to provide the department ~~of Transportation~~ with
 477 written notice of any apparent error or omission in the contract
 478 documents.

479 ~~(d)(e)~~ (e) Nothing in This subsection ~~may not~~ shall be
 480 interpreted or construed to alter or affect any claim of the
 481 department ~~of Transportation~~ against such contractor.

482 ~~(e)(d)~~ (d) This subsection does not affect any claim of any
 483 entity against such contractor, which claim is associated with
 484 such entity's facilities on or in department ~~of Transportation~~
 485 roads or other transportation facilities.

486 ~~(4)(3)~~ (3) In all cases involving personal injury, property
 487 damage, or death, a design engineer is person or entity who
 488 ~~contracts to prepare or provide engineering plans for the~~
 489 ~~construction or repair of a highway, road, street, bridge, or~~
 490 ~~other transportation facility for the Department of~~
 491 ~~Transportation shall be presumed to have prepared such~~
 492 engineering plans using the degree of care and skill ordinarily
 493 exercised by other engineers in the field under similar

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494 conditions and in similar localities and with due regard for
 495 acceptable engineering standards and principles if the
 496 engineering plans conformed to the ~~department's~~ Department of
 497 ~~Transportation's~~ design standards material to the condition or
 498 defect that was the proximate cause of the personal injury,
 499 property damage, or death. This presumption can be overcome only
 500 upon a showing of the design engineer's person's or entity's
 501 gross negligence in the preparation of the engineering plans and
 502 ~~may shall~~ not be interpreted or construed to alter or affect any
 503 claim of the department ~~of Transportation~~ against such design
 504 engineer person or entity. The limitation on liability contained
 505 in this subsection ~~does~~ shall not apply to any hidden or
 506 undiscoverable condition created by the design engineer. This
 507 subsection does not affect any claim of any entity against such
 508 design engineer or engineering firm, which claim is associated
 509 with such entity's facilities on or in department ~~of~~
 510 ~~Transportation~~ roads or other transportation facilities.

511 ~~(4) In any civil action for death, injury, or damages~~
 512 ~~against the Department of Transportation or its agents,~~
 513 ~~consultants, engineers, or contractors for work performed on a~~
 514 ~~highway, road, street, bridge, or other transportation facility,~~
 515 ~~if the department, its agents, consultants, engineers, or~~
 516 ~~contractors are immune from liability pursuant to this section~~
 517 ~~or are not parties to the litigation, they may not be named on~~
 518 ~~the jury verdict form or be found to be at fault or responsible~~
 519 ~~for the injury, death, or damage that gave rise to the damages.~~

520 Section 6. Paragraph (a) of subsection (2) of section
 521 339.175, Florida Statutes, is amended to read:

522 339.175 Metropolitan planning organization.-

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523 (2) DESIGNATION.—

524 (a)1. An M.P.O. shall be designated for each urbanized area
 525 of the state; however, this does not require that an individual
 526 M.P.O. be designated for each such area. Such designation shall
 527 be accomplished by agreement between the Governor and units of
 528 general-purpose local government representing at least 75
 529 percent of the population of the urbanized area; however, the
 530 unit of general-purpose local government that represents the
 531 central city or cities within the M.P.O. jurisdiction, as
 532 defined by the United States Bureau of the Census, must be a
 533 party to such agreement.

534 2. To the extent possible, only one M.P.O. shall be
 535 designated for each urbanized area or group of contiguous
 536 urbanized areas. More than one M.P.O. may be designated within
 537 an existing urbanized area only if the Governor and the existing
 538 M.P.O. determine that the size and complexity of the existing
 539 urbanized area makes the designation of more than one M.P.O. for
 540 the area appropriate, in which case each M.P.O. designated for
 541 the area must:

542 a. Consult with every other M.P.O. designated for the
 543 urbanized area and the state to coordinate plans and
 544 transportation improvement programs.

545 b. Ensure, to the maximum extent practicable, the
 546 consistency of data used in the planning process, including data
 547 used in forecasting travel demand within the urbanized area.

548 3. After July 1, 2024, additional M.P.O.'s may not be
 549 designated within this state except for urbanized areas, as
 550 defined by the United States Census Bureau, where the urbanized
 551 area boundary is not contiguous to an urbanized area designated

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552 before the 2020 decennial census.

553
 554 Each M.P.O. required under this section must be fully operative
 555 no later than 6 months following its designation.

556 Section 7. Section 339.2820, Florida Statutes, is created
 557 to read:

558 339.2820 Local agency program.—

559 (1) There is created within the department a local agency
 560 program for the purpose of providing assistance to subrecipient
 561 counties, cities, and towns to develop, design, and construct
 562 transportation facilities with federal funds.

563 (2) The department is responsible for oversight of funded
 564 projects on behalf of the Federal Highway Administration.

565 (3) Local agencies shall prioritize and fund local projects
 566 that are eligible for reimbursement for the services provided to
 567 the traveling public through compliance with applicable federal
 568 statutes, rules, and regulations.

569 (4) Federal-aid highway funds are available only to local
 570 agencies that are certified by the department based on the
 571 agencies' qualifications, ability to comply with federal
 572 requirements, and ability to undertake and satisfactorily
 573 complete the work.

574 (5) At a minimum, local agencies shall include in their
 575 contracts to develop, design, or construct transportation
 576 facilities the department's Division I General Requirements and
 577 Covenants for local agencies and a contingency amount in the
 578 project cost to account for unforeseen conditions.

579 Section 8. This act shall take effect July 1, 2024.

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The Florida Senate

APPEARANCE RECORD

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266

Bill Number or Topic

589480

Amendment Barcode (if applicable)

1/17/2024

Meeting Date

Transportation

Committee

Name

Stefano Di Portigliatti

Phone

9043566071

Address

136 Bay St

Email

sdpecobertlaw.com

Street

Jacksonville FL

32202

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

1/17/2024

The Florida Senate APPEARANCE RECORD

206

Meeting Date

Bill Number or Topic

Transportation

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589480

Amendment Barcode (if applicable)

Committee

Name Alex Arceaga - Gomez

Phone 305-422-8766

Address 2525 Ponce de Leon Blvd

Email arceagrossman@th.com

Street

Card Lakes FL 33134

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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266

Bill Number or Topic

703922

Amendment Barcode (if applicable)

1/17/2024

Meeting Date

Transportation

Committee

Name

Alex Arreaga - Gomez

Phone

3/492-8666

Address

2525 Ponce de Leon Blvd

Email

aag@grossmanroth.com

Street

Coral Gables FL 33134

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/17/2024

Meeting Date

266

Bill Number or Topic

703922

Amendment-Barcode (if applicable)

Transportation

Committee

Name

Stefano Di Portigliatti

Phone

904-356-6071

Address

136 Bay St

Email

slope@cederlaw.com

Street

Jacksonville FL

32202

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

1/17/24

Meeting Date

The Florida Senate APPEARANCE RECORD

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Senate professional staff conducting the meeting

266 - ~~Strike all~~

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Charles Dudley

Phone

850 681 0024

Address

108 S Monroe St.

Email

cdudley@flapartners.com

Street

Tall.

FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

FL Internet & Television Assoc.

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

JAN 17th 2024

Meeting Date

266

Bill Number or Topic

TRANSPORTATION

Committee

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Senate professional staff conducting the meeting

703922

Amendment Barcode (if applicable)

Name Casey Reed

Phone (850) 591-6002

Address 150 S. Monroe St

Email CRBZ43@ATT.com

Street

Tallahassee FL 32312

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: AT&T

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/17/24

Meeting Date

SB287266

Bill Number or Topic

Transportation

Committee

703977

Amendment Barcode (if applicable)

Name John Holley

Phone 850 694 8886

Address 134 W. Jefferson St

Street

Email john.holley@fpl.com

Tallahassee

City

FL

State

32301

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: Florida Power & Light

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

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

The Florida Senate

APPEARANCE RECORD

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

266

Bill Number or Topic

01/17/2024

Meeting Date

TRANSPORTATION

Committee

ANANTH PRASAD

Name

Phone

850-942-1405

Amendment Barcode (if applicable)

Address

1007 E DESOTO PARK DRIVE

Email

aprasad@ftba.com

Street

TACLAHUSSEE

FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FTBA

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 512

INTRODUCER: Senator Bradley

SUBJECT: Specialty License Plates/United Service Organizations

DATE: January 16, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Favorable
2.			ATD	
3.			FP	

I. Summary:

SB 512 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create a new specialty license plate for the United Service Organizations. The annual use fee for the plate is \$25.

Proceeds of the sale of the United Service Organizations (USO) specialty license plate will be distributed to USO Florida, Inc. The organization may use up to ten percent of proceeds to promote and market the plate. The remaining funds must be distributed equally among its ten locations in Florida to be used to promote the USO's mission of supporting members of the United States Armed Forces and their families through its programs, services, and events.

The DHSMV estimates programming and implementation of the plate will cost \$7,680.

The bill takes effect October 1, 2024.

II. Present Situation:

United Services Organizations

USO Florida, Inc. is a Florida not-for-profit corporation registered with the Florida Department of State.¹ The organization's website includes the following mission statement: "The USO strengthens America's military service members by keeping them connected to family, home and country, throughout their service to the nation."²

¹ Florida Department of State: Division of Corporations, *United Service Organizations, Inc.* Sunbiz.org, Document number F02000006193 (December 8, 2023).

² *Id.*

USO was created in 1941 and has been the nation's leading organization to serve the members of military and their families, throughout their time in uniform.³ Today the USO operates in over 250 locations around the world providing programs and services to deployed military service members and their families. These programs and services include:⁴

- Providing centers with free internet access or free calling cards to deployed service members in combat zones so they can reach out to their families;
- Delivering care packages to deployed service members;
- Organizing trademark USO entertainment tours for service members;
- Providing support to injured service members; and
- Providing support to the families of fallen service members.

Specialty License Plates

As of December 2023, there are 144 specialty license plates authorized by the Legislature. Of these plates, 109 are available for immediate purchase and 31 are in the presale process.⁵ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.⁶ The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate's design and designated in statute.⁷

In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue presale vouchers for the specialty license plate; and
- Within 24 months after the presale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales before manufacturing of the plate may begin.⁸

If the minimum sales requirement has not been met by the end of the 24-month presale period, then the DHSMV will discontinue the plate and issuance of presale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.⁹

³ United Service Organizations, *About Us*, [The Organization - United Service Organizations \(uso.org\)](https://www.uso.org) (last visited December 8, 2023).

⁴ See USO, *Frequently Asked Questions - What programs and services does the USO offer?*, <https://www.uso.org/faq> (last visited January 11, 2024).

⁵ DHSMV Presentation to the Senate Transportation Committee, *Specialty License Plates* (January 24, 2023), slideshow available at https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf (last visited October 10, 2023).

⁶ Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

⁷ Section 320.08058, F.S.

⁸ Chapter 2022-189, Laws of Fla., extended the presale requirement by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but had not recorded at least 3,000 voucher sales.

⁹ Section 320.08053(2)(b), F.S.

New specialty license plates that have been approved by law but are awaiting issuance will be issued in the order they appear in s. 320.08058, F.S., provided that presale requirements have been met. If the next listed specialty license plate has not met the presale requirement, the DHSMV will proceed in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement.¹⁰

If the Legislature has approved 135 or more specialty license plates, the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 135.¹¹

Use of Specialty License Plate Fees

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.¹² Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.¹³

The annual use fees collected by an organization and the interest earned from those fees may not be used for commercial or for-profit activities, or general or administrative expenses, unless authorized by s. 320.08058, F.S.¹⁴ Additionally, the annual use fees and interest earned from those fees may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, any employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or any elected member or employee of the Legislature.¹⁵

Discontinuance of Specialty Plates

Prior to June 30, 2023, the DHSMV was required to discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter was mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations fell below 1,000 plates. Collegiate plates for Florida universities were exempt from the minimum specialty license plate requirement.¹⁶ In addition, the DHSMV was authorized to discontinue any specialty license plate if the organization ceased to exist, stopped providing services that are funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.¹⁷

However, effective July 1, 2023, the requirement increased so that the DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below

¹⁰ Section 320.08053(3)(a), F.S.

¹¹ Section 320.08053(3)(b), F.S.

¹² Section 320.08056(10)(a), F.S.

¹³ Section 320.08062, F.S.; Such fees may be used to pay for the cost of this required audit or report. See s. 320.08056(10)(a), F.S.

¹⁴ Section 320.08056(10)(a), F.S.

¹⁵ Section 320.08056(11), F.S.

¹⁶ Section 320.08056(8)(a), F.S.

¹⁷ Section 320.08056(8)(b), F.S.

3,000 or in the case of an out-of-state college or university license plate, 4,000, for at least 12 consecutive months. The DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or in the case of an out-of-state college or university license plate, 4,000. This does not apply to in-state collegiate license plates established under s. 320.08058(3), F.S., license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida professional sports team license plates established under s. 320.08058(9), F.S.¹⁸

III. Effect of Proposed Changes:

The bill amends s. 320.08058, F.S., to authorize DHSMV to create a new specialty license plate for the USO. The annual use fee for the plate is \$25. The plate must bear the colors and design approved by the department, with the word “Florida” at the top of the plate and the words “USO” at the bottom of the plate.

Proceeds from the sale of the plate will be distributed to USO Florida, Inc. The organization may use up to 10 percent of the fees for the administration, promotion, and marketing of the plate. The remaining fees must be used by the USO Florida, Inc., to support members of the United States Armed forces and their families through their various programs, services, and events.

The plate will be added to the DHSMV presale voucher process, but will not be produced unless the presale requirement of 3,000 vouchers is met and the 135 plate cap has not been reached.

The bill takes effect October 1, 2024.

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.

¹⁸ Chapter 2020-181, s. 7, Laws of Fla.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If the specialty license plate is produced, the United Service Organizations will receive annual use fees associated with sales of the plate.

C. Government Sector Impact:

The DHSMV estimates programming and implementation of the plate will cost \$7,680.¹⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 320.08058.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

¹⁹ DHSMV, *2024 Legislative Bill Analysis: SB 512* (December 13, 2023) at p. 5.

By Senator Bradley

6-00663A-24

2024512__

1 A bill to be entitled
 2 An act relating to specialty license plates; amending
 3 s. 320.08058, F.S.; directing the Department of
 4 Highway Safety and Motor Vehicles to develop a United
 5 Service Organizations (USO) license plate; providing
 6 for distribution and use of fees collected from the
 7 sale of the plate; providing an effective date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Subsection (127) is added to section 320.08058,
 12 Florida Statutes, to read:
 13 320.08058 Specialty license plates.-
 14 (127) UNITED SERVICE ORGANIZATIONS (USO) LICENSE PLATES.-
 15 (a) The department shall develop a United Service
 16 Organizations (USO) license plate as provided in this section
 17 and s. 320.08053. The plate must bear the colors and design
 18 approved by the department. The word "Florida" must appear at
 19 the top of the plate, and the acronym "USO" must appear at the
 20 bottom of the plate.
 21 (b) The annual use fees from the sale of the plate shall be
 22 distributed to USO Florida, Inc., a nonprofit corporation under
 23 s. 501(c)(3) of the Internal Revenue Code, which may use up to
 24 10 percent of the fees for administrative costs and marketing of
 25 the plate. USO Florida, Inc., shall distribute the remainder of
 26 the fees equally among its ten locations in this state to be
 27 used to promote the USO's mission of supporting members of the
 28 United States Armed Forces and their families through its
 29 various programs, services, and events.

Page 1 of 2

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

6-00663A-24

2024512__

30 Section 2. This act shall take effect October 1, 2024.

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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 640

INTRODUCER: Transportation Committee and Senator Berman

SUBJECT: Purple Alert

DATE: January 18, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Fav/CS
2.			ACJ	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 640 addresses Purple Alerts issued for missing adults meeting specified requirements. The bill requires a *statewide* Purple Alert be issued only when an identifiable vehicle is involved. The Florida Department of Law Enforcement will issue statewide alerts that include activation of dynamic messaging signs and lottery terminals, and notifications to subscribers.

If no identifiable vehicle is involved, dissemination of the alert will be limited to local distribution in the area where the person may be reasonably located. Local law enforcement would still be responsible for entering the case into the Florida Crime Information Center, notifying local media, informing all on-duty law enforcement officers, and alerting all law enforcement agencies having jurisdiction.

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

The bill takes effect July 1, 2024.

II. Present Situation:

In 2021,¹ the Legislature created the Purple Alert to aide in the search for certain missing adults:²

- Who have a mental or cognitive disability that is not Alzheimer's disease or a dementia-related disorder; an intellectual disability or a developmental disability, a brain injury; another physical, mental, or emotional disability that is not related to substance abuse; or a combination of any of these;
- Whose disappearance indicates a credible threat of immediate danger or serious bodily harm to himself or herself, as determined by the local law enforcement agency;
- Who cannot be returned to safety without law enforcement intervention; and
- Who does not meet the criteria for activation of a local or statewide Silver Alert³

Florida's Purple Alert law requires the Florida Department of Law Enforcement (FDLE), in cooperation with the Florida Department of Transportation (FDOT), the Department of Highway Safety and Motor Vehicles (DHSMV), the Department of the Lottery, and local law enforcement agencies, to establish and implement the Purple Alert. At a minimum, the Purple Alert must:

- Be the only viable means by which the missing adult is likely to be returned to safety;
- Provide, to the greatest extent possible, for the protection of the privacy, dignity, and independence of the missing adult by including standards aimed at safeguarding these civil liberties by preventing the inadvertent or unnecessary broadcasting or dissemination of sensitive health and diagnostic information;
- Limit the broadcasting and dissemination of alerts and related information to the geographic areas where the missing adult could reasonably be, considering his or her circumstances and physical and mental condition, the potential modes of transportation available to him or her or suspected to be involved, and the known or suspected circumstances of his or her disappearance; and
- Be activated only when there is sufficient descriptive information about the missing adult and the circumstances surrounding his or her disappearance to indicate that activating the alert is likely to help locate the missing adult.⁴

When a vehicle is involved in a Purple Alert, FDLE's Missing Endangered Persons Information Clearinghouse (MEPIC) notifies FDOT and DHSMV's Florida Highway Patrol to activate dynamic message signs on the highways. The Department of the Lottery is also notified and includes the missing person flyer on its retail machines. These steps are not taken if there is not a vehicle description, nor is the alert posted to FDLE's social media. For an on foot missing person

¹ Chapter 2021-93, Laws of Fla.

² Section 937.0201(2), F.S., defines the term "missing adult" to mean a person 18 years of age or older whose temporary or permanent residence is in, or is believed to be in, this state, whose location has not been determined, and who has been reported as missing to a law enforcement agency.

³ The criteria for a Silver Alert is that the person must be 60 years and older; or, The person must be 18-59 and law enforcement has determined the missing person lacks the capacity to consent and that the use of dynamic message signs may be the only possible way to rescue the missing person. The missing person must have an irreversible deterioration of intellectual faculties (e.g. Alzheimer's disease or dementia) that has been verified by law enforcement. Florida Department of Law Enforcement (FDLE), *Silver Alert*, <https://www.fdle.state.fl.us/AMBER-Plan/Silver-Alert> (last visited January 4, 2024).

⁴ Section 937.0205(3), F.S.

under a Purple alert, FDLE issues a statewide be on the lookout (BOLO) and public notification is sent to subscribers, regardless of the subscriber's location.⁵

Florida's Purple Alerts began on July 1, 2022. As of November 30, 2023, 331 Purple Alerts have been issued. Of those 100 (30 percent) involved individuals in a vehicle, and 231 (70 percent) involved individuals who eloped on foot.⁶

According to FDLE, public engagement is paramount to the effectiveness of alert programs. The carefully vetted and precisely defined criteria for issuing other existing alerts are in place to most effectively locate and protect those missing endangered individuals. Increasing the number and frequency of alerts by issuing them statewide for those not in a vehicle is likely to desensitize the public and may decrease the perceived gravity and actual effectiveness of all alerts including emergency weather, AMBER,⁷ Silver, and Missing Child⁸ Alerts.⁹

III. Effect of Proposed Changes:

The bill amends s. 937.0205, F.S., requiring the issuance a statewide Purple Alert *only* when an identifiable vehicle is involved in the adult being missing. In such instances, FDLE will issue statewide alerts, including activation of lottery terminals, dynamic message signs on state highways, and notifications to subscribers.

For an alert with no identifiable vehicle involved, the bill limits disseminating Purple Alerts to the local area where the missing person may reasonably be located. In such instances, law enforcement agencies must comply with s. 937.021, F.S., including entry into the Florida Crime Information Center (FCIC), notification of local media, informing all on-duty law enforcement of the missing adult report, and communicating the report to every law enforcement agency having jurisdiction.

FDLE asserts this change will better align the Purple Alert Plan with the existing Silver Alert Plan. Additionally, issuing statewide Purple Alerts only when a vehicle is involved will allow for addressing only those who may reasonably reach multiple jurisdictions.

The bill reiterates that statewide Purple Alert process must include monitoring the use, activation, and results of alerts and a strategy for informing and educating law enforcement, the media, and stakeholders concerning the alert.

⁵ FDLE Agency Analysis of 2024 Senate Bill 640, p.2. December 12, 2023. (On file with Senate Committee on Transportation).

⁶ *Id.* at 5.

⁷ AMBER alerts are issued for missing children under the age of 18 where law enforcement has a well-founded belief that a kidnapping has occurred, that the child is in imminent danger of death or serious bodily injury, here is a detailed description of the child and or the abductor/vehicle to broadcast the public, and the law enforcement agency of jurisdiction recommends activation. FDLE, *Florida AMBER Alert*, <https://www.fdle.state.fl.us/Amber-Plan/Amber-Alert> (last visited December 15, 2023).

⁸ Missing Child Alerts are issued if the child is under the age of 18, law enforcement has a well-founded belief that the child is in danger of death or serious bodily injury, there is a detailed description or photograph of the child to broadcast to the public, and the local law enforcement agency of jurisdiction recommends activation. FDLE, *Missing Child Alert*, <https://www.fdle.state.fl.us/AMBER-Plan/Missing-Child-Alert> (last visited January, 4 2024).

⁹ *Supra* note 5 at 5.

The bill takes effect July 1, 2024.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 937.0205 of the Florida Statutes.

IX. Additional Information:

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

CS by Transportation on January 17, 2024

The committee substitute clarifies that a state Purple Alert may be requested from, instead of requested by, the Department of Law Enforcement.

- B. **Amendments:**

None.



737802

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/18/2024	.	
	.	
	.	
	.	

The Committee on Transportation (Berman) recommended the following:

Senate Amendment

Delete line 81
and insert:
(6) A state Purple Alert may be requested from the Department

By Senator Berman

26-00755-24

2024640__

1 A bill to be entitled
 2 An act relating to the Purple Alert; amending s.
 3 937.0205, F.S.; requiring local law enforcement
 4 agencies to develop policies for a local activation of
 5 a Purple Alert for certain missing adults; specifying
 6 requirements for such policies; specifying duties of
 7 the Department of Law Enforcement's Missing Endangered
 8 Persons Information Clearinghouse in the event of a
 9 state Purple Alert; specifying conditions under which
 10 a local law enforcement agency may request the
 11 clearinghouse to open a case; conforming provisions to
 12 changes made by the act; providing an effective date.
 13
 14 Be It Enacted by the Legislature of the State of Florida:
 15
 16 Section 1. Section 937.0205, Florida Statutes, is amended
 17 to read:
 18 937.0205 Purple Alert.—
 19 (1) The Legislature finds that a standardized state system
 20 is necessary to aid in the search for a missing adult identified
 21 in subsection (4) paragraph (4)(a). The Legislature also finds
 22 that a coordinated local law enforcement and state agency
 23 response with prompt and widespread sharing of information will
 24 improve the chances of finding the person.
 25 (2) It is the intent of the Legislature to establish the
 26 Purple Alert, to be implemented in a manner that, to the extent
 27 practicable, safeguards the privacy rights and related health
 28 and diagnostic information of such missing adults.
 29 (3) The Department of Law Enforcement, in cooperation with

Page 1 of 5

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

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2024640__

30 the Department of Transportation, the Department of Highway
 31 Safety and Motor Vehicles, the Department of the Lottery, and
 32 local law enforcement agencies, shall establish and implement
 33 the Purple Alert. At a minimum, the Purple Alert must:
 34 (a) Be the only viable means by which the missing adult is
 35 likely to be returned to safety;
 36 (b) Provide, to the greatest extent possible, for the
 37 protection of the privacy, dignity, and independence of the
 38 missing adult by including standards aimed at safeguarding these
 39 civil liberties by preventing the inadvertent or unnecessary
 40 broadcasting or dissemination of sensitive health and diagnostic
 41 information;
 42 (c) Limit the broadcasting and dissemination of alerts and
 43 related information to the geographic areas where the missing
 44 adult could reasonably be, considering his or her circumstances
 45 and physical and mental condition, the potential modes of
 46 transportation available to him or her or suspected to be
 47 involved, and the known or suspected circumstances of his or her
 48 disappearance; and
 49 (d) Be activated only when there is sufficient descriptive
 50 information about the missing adult and the circumstances
 51 surrounding his or her disappearance to indicate that activating
 52 the alert is likely to help locate the missing adult.
 53 ~~(4)(a) Under a Purple Alert, a local law enforcement agency~~
 54 ~~may broadcast to the media and to persons who subscribe to~~
 55 ~~receive alert notifications under this section information~~
 56 ~~concerning a missing adult is deemed to be an adult:~~
 57 (a)1- Who has a mental or cognitive disability that is not
 58 Alzheimer's disease or a dementia-related disorder; an

Page 2 of 5

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59 intellectual disability or a developmental disability, as those
60 terms are defined in s. 393.063; a brain injury; another
61 physical, mental, or emotional disability that is not related to
62 substance abuse; or a combination of any of these;

63 (b)2- Whose disappearance indicates a credible threat of
64 immediate danger or serious bodily harm to himself or herself,
65 as determined by the local law enforcement agency;

66 (c)3- Who cannot be returned to safety without law
67 enforcement intervention; and

68 (d)4- Who does not meet the criteria for activation of a
69 local Silver Alert or the Silver Alert Plan of the Department of
70 Law Enforcement.

71 (5) For a missing adult on foot or in an unidentified
72 vehicle, local law enforcement agencies shall develop their own
73 policies for activation of a local Purple Alert that meets the
74 requirements set forth in s. 937.021 and shall:

75 (a) Contact media outlets in the affected area or
76 surrounding jurisdictions;

77 (b) Inform all on-duty law enforcement officers of the
78 missing adult report; and

79 (c) Communicate the report to any other law enforcement
80 agency in the county of jurisdiction.

81 (6) A state Purple Alert may be requested by the Department
82 of Law Enforcement's Missing Endangered Persons Information
83 Clearinghouse when the investigation indicates that there is a
84 motor vehicle with an identified license plate or other vehicle
85 information. The clearinghouse shall:

86 (a) Coordinate with the Department of Transportation and
87 the Department of Highway Safety and Motor Vehicles for the

26-00755-24 2024640__

88 activation of dynamic message signs on state highways and the
89 immediate distribution of critical information to the public
90 regarding the missing adult in accordance with the alert;

91 (b) Coordinate with the Department of the Lottery to have
92 the state Purple Alert broadcast on lottery terminals,
93 including, but not limited to, lottery terminals in gas
94 stations, convenience stores, and supermarkets; and

95 (c) Notify subscribers.

96 (7) If a local or state Purple Alert is determined to be
97 necessary and appropriate, the local law enforcement agency
98 having jurisdiction may also request that a case be opened with
99 the Department of Law Enforcement's Missing Endangered Persons
100 Information Clearinghouse.

101 ~~(b) If a Purple Alert is determined to be necessary and~~
102 ~~appropriate, the local law enforcement agency having~~
103 ~~jurisdiction must notify the media and subscribers in the~~
104 ~~jurisdiction or jurisdictions where the missing adult is~~
105 ~~believed to or may be located. The local law enforcement agency~~
106 ~~having jurisdiction may also request that the Purple Alert~~
107 ~~notification be broadcast on lottery terminals within the~~
108 ~~geographic regions where the missing adult may reasonably be,~~
109 ~~including, but not limited to, lottery terminals in gas~~
110 ~~stations, convenience stores, and supermarkets.~~

111 ~~(c) Under the Purple Alert, the local law enforcement~~
112 ~~agency having jurisdiction may also request that a case be~~
113 ~~opened with the Department of Law Enforcement's Missing~~
114 ~~Endangered Persons Information Clearinghouse. To enhance local~~
115 ~~or regional efforts when the investigation indicates that an~~
116 ~~identifiable vehicle is involved, the clearinghouse must~~

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117 ~~coordinate with the Department of Transportation and the~~
118 ~~Department of Highway Safety and Motor Vehicles for the~~
119 ~~activation of dynamic message signs on state highways and the~~
120 ~~immediate distribution of critical information to the public~~
121 ~~regarding the missing adult in accordance with the alert.~~

122 (8)~~(5)~~ The state Purple Alert process must include
123 procedures to monitor the use, activation, and results of alerts
124 and a strategy for informing and educating law enforcement, the
125 media, and other stakeholders concerning the alert.

126 (9)~~(6)~~ The Department of Law Enforcement may adopt rules to
127 implement and administer this section.

128 Section 2. This act shall take effect July 1, 2024.

January 17, 2024

Meeting Date

Transportation

Committee

Name **Barney Bishop III**

Address **1454 Vieux Carre Drive**

Street

Tallahassee

City

FL

State

32308

Zip

Phone **850-510-9922**

Email **Barney@BarneyBishop.com**

The Florida Senate APPEARANCE RECORD

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640

Bill Number or Topic

Amendment Barcode (if applicable)

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Smart Justice Alliance

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Jan 17, 2024

Meeting Date

SB 640

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name Bobbie Smith

Phone 850-528-5511

Address 2331 Phillips Rd.

Email bobbiesmith@flstate.fl.us

Street

Tallahassee FL 32308

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Department of Law Enforcement

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 648

INTRODUCER: Senator DiCeglie

SUBJECT: License or Permit to Operate a Vehicle for Hire

DATE: January 17, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Favorable
2.			CA	
3.			RC	

I. Summary:

SB 648 relates to the licensing or permitting of a vehicle-for-hire. Specifically, the bill:

- Prohibits a county or municipality from requiring a person to obtain an additional license from such county or municipality when that person holds a valid, active license or permit to operate a vehicle for-hire in any other county or municipality if the person:
 - Holds a valid, active license or permit to operate a vehicle-for-hire in the county or municipality in which the person permanently resides.
 - Has not had a license or permit to operate a vehicle for hire suspended or revoked within the preceding five years.
- Exempts public-use airports from the requirements of the bill.
- Provides that certain persons who hold a valid, active license or permit to operate a vehicle-for-hire are exempted from the bill when such person provides transportation of persons:
 - While on stretchers or wheelchairs, or
 - Whose handicap, illness, other incapacitation makes it impractical to be transported by a regular common carrier such as a bus, taxi, non-taxi, limousine, or other vehicle-for-hire.

The bill takes effect July 1, 2024.

II. Present Situation:

Local Licensing of For-Hire Vehicles

With specified exceptions,¹ offering for lease or rent any motor vehicle or offering passenger transportation in exchange for compensation qualifies the vehicle as a “for-hire vehicle.”² A for-

¹ Section 320.01(15)(b), F.S.

² Section 320.01(15)(a), F.S.

hire vehicle does not include a transportation network companies like Uber or Lyft, the regulation of which is expressly preempted to the state.³

Counties are specifically authorized to license and regulate taxis, jitneys, limousines, rental cars, and other passenger vehicles for-hire operating in the unincorporated areas of the county.⁴

Municipalities have broad home rule powers authorizing them to enact legislation concerning any subject matter upon which the Legislature may act, except:

- The subjects of annexation, merger, and exercise of extraterritorial power, which require a general or special law;
- Any subject expressly prohibited by the constitution;
- Any subject expressly preempted to state or county government by the constitution or by general law; or
- Any subject preempted to a county pursuant to a county charter.⁵

A municipality may impose reasonable regulatory fees, proportionate with the cost of the regulatory activity.⁶

Various counties and municipalities differ on if and when vehicles-for-hire are regulated and their specific regulations. For example, Miami-Dade County's Passenger Transportation Regulatory Division regulates for-hire chauffeurs and vehicles such as taxicabs, limousines, passenger motor carriers, including jitneys and tour vans. The county charges various inspection fees, an annual license fee, licensees are subject to the Local Business Tax Receipt⁷

As another example, Hillsborough County requires any person engaged in the business of operating vehicles for-hire in the County to obtain a public vehicle driver's license from the Hillsborough County Tax Collector, in addition to a valid certificate for the operator and a valid permit for the vehicle after passing a safety and mechanical inspection. Vehicles 10 years of age or older require additional inspections.⁸

Preemption

Section 163.211, F.S., expressly preempts to the state the licensing of occupations and s. 163.211, F.S., supersedes any local government licensing requirement for occupations, with the exception of:

- Any local government that imposed licenses on occupations before January 1, 2021. However, any such local government licensing of occupations expires on July 1, 2024.
- Any local government licensing of occupations authorized by general law.⁹

³ See Section 627.748(17)(a), F.S.

⁴ Section 125.01(1)(n), F.S.

⁵ Section 166.021(3), F.S.

⁶ Section 166.221, F.S.

⁷ Miami-Dade County, Transportation and Public Work, *For-Hire Transportation*,

https://www.miamidade.gov/global/service.page?Mduid_service=ser1498077559199786 (last visited December 13, 2023.)

⁸ Hillsborough County Tax Collectors Office, Ordinance 17-22 –Vehicle for Hire Ordinance, <https://www.hillstax.org/other-services/vehicle-for-hire/ordinance-information/> (Last visited December 13, 2023).

⁹ Section 163.211(2), F.S

Airports

Section 332.004(14), F.S., defines the term “public-use airport” to mean any publicly owned airport which is used or to be used for public purposes.

Some airports or airport authorities require vehicles-for-hire to obtain a permit to operate, which may be issued by the county, municipality, or airport authority. For example, Orlando International Airport requires vehicles for hire to have:

- A valid, current driver’s permit issued by the City of Orlando,
- A vehicle permit decal issued by the Orlando International Airport displayed on the vehicle at all times, and
- A vehicle-for-hire permit decal issued by the City of Orlando displayed on the vehicle at all times.¹⁰

The Fort Lauderdale-Hollywood International Airport requires persons that operate a vehicle for hire to first register with and obtain a permit from the Environmental and Consumer Protection Division of Broward County. Then, persons with a permit to operate a vehicle for hire must apply for a decal permit from the Broward County Aviation Department.¹¹

On the other hand, some airport authorities issue a separate permit for vehicles-for-hire for transporting passengers at the airport. For example, the Orlando Sanford International Airport requires a vehicle for hire to obtain an airport-issued ground transportation prearranged permit. This includes a ground transportation agreement, which excludes taxicabs.¹²

III. Effect of Proposed Changes:

The bill creates s. 320.0603, F.S., providing an exception from certain local licensing requirements to a person who holds a valid, active license or permit issued by a county or municipality to operate a vehicle for-hire. Such person may operate a vehicle-for-hire without being subject to additional licensing or permitting requirements and without paying additional fees if the person:

- Holds a valid, active license or permit to operate a vehicle-for-hire in the county or municipality in which the person is domiciled.
- Has not had a license or permit to operate a vehicle-for-hire suspended or revoked within the preceding five years.

The above provisions do not apply to transportation services to or from an airport. The bill defines the term “airport” to include an airport, airport authority, aviation authority, or other entity, including a county, municipality, or special district that operates a public-use airport.

¹⁰ Greater Orlando Aviation Authority, Vehicle-For-Hire (VFH): V-Permit Holders and Drivers Handbook p. 5, Orlando International Airport, <https://orlandoairports.net/site/uploads/VFH-Handbook.pdf> (last visited December 13, 2023).

¹¹ *Operational Guidelines for Ground Transportation at Fort Lauderdale-Hollywood International Airport*, p. 5, Broward County Board of County Commissioners (Aug. 17, 2021), <https://www.broward.org/Airport/Business/about/Documents/Operationalguidelinesforgroundtransportationservices01.pdf> (last visited March 2, 2023).

¹² Orlando-Sanford International Airport, *2023 Ground Transportation Pre-Arranged Permit*, <https://web1.osaa.net/GTX/docs/GT-Permit-2023-for-Website.pdf> (last visited December 13, 2023).

The bill stipulates that it does not grant specific authority to counties, municipalities, or special districts to regulate or license vehicle-for-hire which is required by s. 163.211, F.S.

Furthermore, the bill provides that the reciprocity under certain circumstances *does not apply* to a person who holds a valid, active license or permit to operate a vehicle when such person provides transportation of persons:

- While on stretchers or wheelchairs, or
- Whose handicap, illness, other incapacitation makes it impractical to be transported by a regular common carrier such as a bus, taxi, non-taxi, limousine, or other vehicle-for-hire.

The bill takes effect July 1, 2024.

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:

There may be an indeterminate positive economic impact on the vehicle-for-hire industry due to not being required to obtain multiple licenses or permits to operate a vehicle-for-hire in multiple jurisdictions.

C. **Government Sector Impact:**

Counties and municipalities may experience a reduction in revenue associated with vehicles-for-hire operating in multiple municipalities or counties only being subject to licensing or permitting in one jurisdiction. However, the impact is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 320.0603 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 DiCeglie

18-00703A-24

2024648__

A bill to be entitled

An act relating to a license or permit to operate a vehicle for hire; creating s. 320.0603, F.S.; providing that a person who holds a license or permit issued by a county or municipality to operate a vehicle for hire may operate a vehicle for hire in any other county or municipality without being subject to certain requirements or fees under certain circumstances; providing an exception for transportation services to and from an airport; defining the term "airport"; providing construction and applicability; providing an effective date.

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

Section 1. Section 320.0603, Florida Statutes, is created to read:

320.0603 Vehicle-for-hire license or permit; reciprocity.-

(1) A person who holds a valid, active license or permit issued by a county or municipality to operate a vehicle for hire may operate a vehicle for hire in any other county or municipality without being subject to additional licensing or permitting requirements and without paying additional license or permit fees if the following conditions are met:

(a) The person holds a valid, active license or permit to operate a vehicle for hire in the county or municipality in which the person is domiciled.

(b) The person has not had a license or permit to operate a vehicle for hire suspended or revoked within the preceding 5

Page 1 of 2

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18-00703A-24

2024648__

years.

(2) Notwithstanding subsection (1) or subsection (3), this section does not apply to transportation services to and from an airport. For purposes of this subsection, the term "airport" includes an airport, airport authority, aviation authority, or other entity, including a county, municipality, or special district that operates a public-use airport as defined in s. 332.004.

(3) This section does not grant specific authority to counties, municipalities, or special districts to regulate or license vehicles for hire which is required by s. 163.211.

(4) This section does not apply to a person who holds a valid, active license or permit to operate a vehicle for hire when such person provides transportation of persons while on stretchers or wheelchairs, or transportation of persons whose disability, illness, injury, or other incapacitation makes it impractical to be transported by a regular common carrier such as a bus, taxi, non-taxi, limousine, or other vehicle for hire.

Section 2. This act shall take effect July 1, 2024.

Page 2 of 2

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The Florida Senate
APPEARANCE RECORD

January 17, 2024

648

Meeting Date

Bill Number or Topic

Transportation

Deliver both copies of this form to
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Committee

Amendment Barcode (if applicable)

Name Darrick D McGhee, Sr.

Phone (850) 321-6489

Address 537 East Park Avenue

Email darrick@teamjb.com

Street

Tallahassee

FL

32301

City

State

Zip

Reset Form

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

Florida Airports Council

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

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

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

5-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 736

INTRODUCER: Senator Trumbull

SUBJECT: Services Provided by the Department of Highway Safety and Motor Vehicles or Its Agents

DATE: January 16, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Favorable
2.			ATD	
3.			FP	

I. Summary:

SB 736 makes changes to various services and programs administered by the Department of Highway Safety and Motor Vehicles (DHSMV) and its agents. Specifically, the bill:

- Revises a requirement for a rightful heir to transfer ownership of a motor vehicle or mobile home if the previous owner died testate;
- Clarifies that no additional fee can be charged by the DHSMV or a tax collector for the reissuance of a certificate of title that is lost in transit and is not delivered;
- Authorizes DHSMV to issue reduced dimension license plates for trailers;
- Provides that a disabled veteran who qualifies for a free “DV” license plate may choose a military or specialty license plate he or she qualifies for in lieu of the “DV” license plate; and
- Removes the requirement to provide a written, notarized request for the purchase of a temporary tag and provides requirements for renewal of a temporary tag.

This bill takes effect July 1, 2024.

II. Present Situation:

County tax collectors are the Department of Highway Safety and Motor Vehicles’ (DHSMV) authorized agents for titling and registering motor vehicles, motor homes, and vessels.

Transfer of Ownership - Certificate of Title

Florida law states that in the case of transfer of ownership of a motor vehicle or mobile home by operation of law, such as inheritance, the DHSMV must receive satisfactory proof of ownership and right of possession to such motor vehicle or mobile home, and payment of the required

certificate of title application fee, before the DHSMV can issue the applicant a certificate of title.¹

If the previous owner died testate, the application must be accompanied by:²

- A certified copy of the will, if probated, and an affidavit that the estate is solvent with sufficient assets to pay all just claims; or
- A sworn copy of the will, if the will is not being probated, and an affidavit that the estate is not indebted.

Lost Certificates of Titles

Under current law, if a certificate of title is lost or destroyed, the owner of the motor vehicle or mobile home, or the holder of a lien, must apply to the DHSMV for a duplicate copy.³ Upon receiving an application signed and sworn to by the applicant, and accompanied by the required fee,⁴ the DHSMV must issue a duplicate copy of the certificate of title.⁵

If an original, duplicate, or corrected certificate of title issued by the DHSMV is lost in transit and is not delivered to the addressee, the owner or holder must, within 180 days of the date of issuance of the title, apply to the DHSMV for the reissuance of the certificate of title without an additional fee.⁶ Florida law provides that tax collectors can handle certificate of title applications and collect the associated fees.⁷ However, the information technology system used by tax collectors to process title transactions currently lacks the functionality to issue a no fee replacement.

License Plates with Reduced Dimensions

In lieu of a standard license plate, the DHSMV may deem a plate with reduced dimensions necessary to accommodate motorcycles, mopeds, or similar smaller vehicles.⁸ All other requirements, including the type of metal, validation stickers, identification letters and numerals, and imprints for specific plates, are the same regardless of registration license plate size.⁹

Disabled Veteran “DV” License Plates

Section 320.084, F.S., provides that a disabled veteran is eligible for one free “DV” license plate if he or she has been a resident of this state for the preceding five years or has established a domicile in this state, has been honorably discharged from the United States Armed Forces, and provides proof that he or she:

¹ Section 319.28(1)(a), F.S.

² Section 319.28(1)(b), F.S.

³ Section 319.29(1), F.S.

⁴ The fee for a duplicate title is generally \$75.25. See Section 319.32(1) and (2), F.S., and DHSMV, *Fees - Motor Vehicle Title Fees*, <https://www.flhsmv.gov/fees/> (last visited March 26, 2023).

⁵ Section 319.29(1), F.S.

⁶ Section 319.29(3), F.S.

⁷ Section 319.32(2)(b), F.S.

⁸ Section 320.06(3)(a), F.S.

⁹ *Id.*

- Has a vehicle initially acquired through financial assistance by the United States Department of Veterans Affairs (VA) or its predecessor specifically for the purchase of an automobile;
- Has been determined by the VA or its predecessor to have a service-related one hundred percent disability rating for compensation; or
- Has been determined to have a service connected disability rating of one hundred percent and receives disability retirement pay from any branch of the United States Armed Forces.

The license number on each plate issued to a disabled veteran must be identified by the letter designation “DV.”¹⁰ The design of the special disabled veteran plate is red, white, and blue, and resembles the United States flag.¹¹ As of January 2023, there were 97,994 active Florida “DV” license plates, the most of any military license plate.¹²

Upon issuance of each new permanent “DV” license plate, an initial validation sticker with an expiration not exceeding 27 months, is issued without cost to the applicant.¹³ The applicant does have to pay the associated service charges for each initial application or renewal of registration.¹⁴ Registration must be renewed annually or biennially, and at that time the applicant must submit a certified statement affirming their continued eligibility for the special “DV” license plate.¹⁵

Any vehicle displaying a “DV” license plate that is transporting the person to whom the plate was issued is authorized to park in a designated accessible parking space.¹⁶ A state agency, county, municipality, or any agency thereof, may not enact any fee for parking on the public streets or highways or in any metered parking space from the driver of a vehicle that displays the “DV” license plate when the vehicle is transporting the person who has the disability or who the plate was issued to.¹⁷ Additionally, the governing body of a publicly owned or publicly operated airport must grant free parking to a vehicle displaying a “DV” license plate.¹⁸ These rights are afforded by the state and are not necessarily universally accepted as parking permits and license plates designated with the International Symbol of Accessibility.¹⁹

Special Military License Plates

Florida offers Special Military License Plates, which have specific eligibility requirements that must be met upon application and required payment of the license tax for the vehicle, if

¹⁰ Section 320.084(3), F.S.

¹¹ See DHSMV, *Florida Military License Plates*, HSMV 80003, available at https://www.flhsmv.gov/pdf/specialtyplates/military_brochure.pdf at 2. (last visited December 19, 2023).

¹² *Id.* at p. 6.

¹³ Section 320.084(4)(a), F.S.

¹⁴ Section 320.084(4)(b), F.S.

¹⁵ Section 320.084(4)(c), F.S.

¹⁶ Sections 553.5041(1) and 316.1955(1), F.S.

¹⁷ Section 316.1964(1), F.S. However, a fee may be charged when such parking facility or lot is being used in connection with an event at a convention center, cruise-port terminal, sports stadium, sports arena, coliseum, or auditorium. See s. 316.1964(3), F.S.

¹⁸ Section 316.1964(7), F.S.

¹⁹ See U.S. Access Board, *Guide to the ADA Accessibility Standards: Guidance on the International Symbol of Accessibility* (March 27, 2017), <https://www.access-board.gov/ada/guides/guidance-on-the-isa/> (last visited December 19, 2023).

applicable, before the plate can be issued.²⁰ Section 320.089, F.S., authorizes the majority of these special military plates, which include several plates for veterans, plates for National Guard members and former Prisoners of War, and plates for military members who have been awarded specific honors such as combat badges and medals. General revenue generated from the sale of military plates issued under s. 320.089, F.S., are distributed to Florida Department of Veterans' Affairs trust funds to be used as follows:

- The first \$100,000 are to be used for the common benefit of the residents of Florida Veterans' Nursing Homes.²¹
- Any additional revenue is to be used to support program operations that benefit veterans or the operation, maintenance, or construction of domiciliary and nursing homes for veterans.²²
- Except for the revenue from the "Woman Veteran" license plate, which is to be used solely for creating and implementing programs to benefit women veterans.²³

Specialty License Plates

As of December 2023, there are 144 specialty license plates authorized by the Legislature. Of these plates, 109 are available for immediate purchase and 31 are in the presale process.²⁴ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.²⁵ The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate's design and designated in statute.²⁶

Temporary Tags

Section 320.131, F.S., authorizes DHSMV to sell temporary tag to their agents where a need is met by the consumer. The fee for the temporary tag is \$2, and from that \$1 from each tag sold is deposited into the Brain and Spinal Cord Injury Program Trust Fund. The remaining proceeds are deposited into the Highway Safety Operating Trust Fund. Agents of DHSMV are permitted to sell the temporary tags for \$2 each and service charges are authorized, regardless of quantity sold. Requests for temporary tags must be in written, notarized form. Unless provided otherwise, temporary tags are valid for 30 days, and no more than two shall be issued to the same person for the same vehicle.

III. Effect of Proposed Changes:

The bill amends s. 319.28, F.S., to provide, if the previous owner died testate, an application for the certificate of title may be made by and accompanied with an affidavit attested by a Florida-

²⁰ See ss. 320.0845, 320.0846, 320.089, 320.0891, 320.0892, 320.0893, F.S. A full-listing of the military plates offered by DHSMV are available at https://www.flhsmv.gov/pdf/specialtyplates/military_brochure.pdf *supra*, note 91.

²¹ Section 320.089(1)(c), F.S.

²² *Id.*

²³ Section 320.089(1)(d), F.S.

²⁴ DHSMV Presentation to the Senate Transportation Committee, *Specialty License Plates* (January 24, 2023), slideshow available at https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf (last visited October 10, 2023).

²⁵ Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

²⁶ Section 320.08058, F.S.

licensed attorney in good standing with the Florida Bar who represents the previous owner's estate, that such heir or heirs are lawfully entitled to the rights of ownership and possession of the motor vehicle or mobile home. Such affidavit constitutes satisfactory proof of ownership and right of possession, and is not required to be accompanied by a copy of the will or other testamentary instrument.

The bill amends s. 319.29, F.S., to clarify that the DHSMV *or a tax collector* may reissue a certificate of title without an additional fee when the certificate of title is lost in transit and not delivered. The bill requires the applicant to apply for such reissuance within 180 days *after* the date of issuance of the certificate of title.

The bill amends s. 320.06, F.S., to clarify that the DHSMV may deem a reduced dimension license plate (as is currently issued for motorcycles and mopeds) necessary for a trailer. The department will need to determine size/type qualifications and program the necessary changes in technology systems.

The bill amends s. 320.084, F.S., to allow a disabled veteran who qualifies for the "DV" license plate to select a special military license plate for which he or she is eligible or specialty license plate in lieu of the free "DV" license plate. The applicant must pay all of the applicable fees related to such plate, except for the initial license plate and registration fees waived for "DV" license plate applicants.

Additionally, the bill provides that an applicant who selects another plate in lieu of the "DV" plate will not be afforded the same protections and rights of the "DV" plate relating to disabled parking accessibility and free parking for vehicles displaying the "DV" plate.

The bill amends s. 320.131, F.S., to remove the requirement of providing a written, notarized request when applying for a temporary tag. Additionally, the bill provides that DHSMV or its agents may, in lieu of issuing a second temporary tag, renew the initial temporary tag for the same period applicable to the initial issuance (typically 30 days). Such a renewal is subject to the fee, service charge, and deposit requirements applicable to the issuance of the initial temporary tag.

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:

None.

C. Government Sector Impact:

The department estimates programming and implementation associated with the bill will require \$8,130 in FTE and contracted resources.

The bill may have an indeterminate negative fiscal impact to DHSMV associated with the need to acquire and maintain additional inventories of reduced dimension license plates, and additional customer service staff to address temporary tag status questions from law enforcement agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

In its analysis of the bill DHSMV included a number of comments and recommended amendments,²⁷ including:

Transfer of Ownership by Operation of Law - The bill does not address liability or corrective action when the attorney affidavit is incorrect or facially self-serving. The department recommends that consideration should be given to allowing an applicant for such a transfer of ownership to submit a legal opinion, similar to the situation with a Power of Attorney, and providing that DHSMV is not liable for reasonably relying on a legal opinion from a Florida attorney which is provided with such a title application.

Renewal of Initial Temporary Tag - Currently, temporary tags have an expiration date printed on them to assist law enforcement agencies and a “renewal” would require the printing of another tag with a new expiration date. Alternatively, eliminating the printed expiration date altogether

²⁷ DHSMV, 2024 Agency Legislative Bill Analysis: HB 247 at p 8-10.

would open Florida to additional cases of fraudulent use of temporary tags. To address the underlying customer service issues the department recommends utilizing an existing process that allows tax collectors to issue a “registration-only” metal tag to expire on the registrant’s next birthdate. Alternatively, the department recommends increasing the expiration date of the temporary paper tag from 30 to 60 days.

Effective Date - The department recommends that the effective date of the bill be delayed from July 1, 2024, to July 1, 2026.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 319.28, 319.29, 320.06, 320.084, and 320.131.

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 Trumbull

2-00706-24

2024736__

1 A bill to be entitled
 2 An act relating to services provided by the Department
 3 of Highway Safety and Motor Vehicles or its agents;
 4 amending s. 319.28, F.S.; providing that a certain
 5 affidavit constitutes proof of ownership and right of
 6 possession to a motor vehicle or mobile home the
 7 previous owner of which died testate; amending s.
 8 319.29, F.S.; prohibiting the department or a tax
 9 collector from charging a fee for reissuance of
 10 certain certificates of title; amending s. 320.06,
 11 F.S.; authorizing the department to deem a license
 12 plate with reduced dimensions to be necessary to
 13 accommodate trailers; amending s. 320.084, F.S.;
 14 authorizing certain disabled veterans to be issued a
 15 military license plate or specialty license plate in
 16 lieu of a "DV" license plate; specifying applicable
 17 fees; specifying nonapplicability of certain
 18 provisions; amending s. 320.131, F.S.; removing
 19 provisions requiring a written, notarized request for
 20 the purchase of a temporary tag; authorizing the
 21 department or its agents to renew an initial temporary
 22 tag, subject to certain provisions; providing an
 23 effective date.

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. Present paragraphs (c) and (d) of subsection (1)
 28 of section 319.28, Florida Statutes, are redesignated as
 29 paragraphs (d) and (e), respectively, and a new paragraph (c) is

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30 added to that subsection, to read:

31 319.28 Transfer of ownership by operation of law.—

32 (1)

33 (c) If the previous owner died testate and the application
 34 for a certificate of title is made by, and accompanied by an
 35 affidavit attested by, a Florida-licensed attorney in good
 36 standing with The Florida Bar who is representing the previous
 37 owner's estate, such affidavit shall, for purposes of paragraph
 38 (a), constitute satisfactory proof of ownership and right of
 39 possession to the motor vehicle or mobile home, so long as the
 40 affidavit sets forth the rightful heir or heirs and the attorney
 41 attests in the affidavit that such heir or heirs are lawfully
 42 entitled to the rights of ownership and possession of the motor
 43 vehicle or mobile home. It shall not be necessary for the
 44 application for certificate of title filed under this paragraph
 45 to be accompanied by a copy of the will or other testamentary
 46 instrument.

47 Section 2. Subsection (3) of section 319.29, Florida
 48 Statutes, is amended to read:

49 319.29 Lost or destroyed certificates.—

50 (3) If, following the issuance of an original, duplicate,
 51 or corrected certificate of title by the department, the
 52 certificate is lost in transit and is not delivered to the
 53 addressee, the owner of the motor vehicle or mobile home, or the
 54 holder of a lien thereon, may, within 180 days after ~~of~~ the date
 55 of issuance of the title, apply to the department for reissuance
 56 of the certificate of title. An ~~No~~ additional fee shall ~~not~~ be
 57 charged by the department or a tax collector, as agent for the
 58 department, for reissuance under this subsection.

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59 Section 3. Paragraph (a) of subsection (3) of section
 60 320.06, Florida Statutes, is amended to read:
 61 320.06 Registration certificates, license plates, and
 62 validation stickers generally.—
 63 (3) (a) Registration license plates must be made of metal
 64 specially treated with a retroreflection material, as specified
 65 by the department. The registration license plate is designed to
 66 increase nighttime visibility and legibility and must be at
 67 least 6 inches wide and not less than 12 inches in length,
 68 unless a plate with reduced dimensions is deemed necessary by
 69 the department to accommodate motorcycles, mopeds, ~~or~~ similar
 70 smaller vehicles, or trailers. Validation stickers must also be
 71 treated with a retroreflection material, must be of such size as
 72 specified by the department, and must adhere to the license
 73 plate. The registration license plate must be imprinted with a
 74 combination of bold letters and numerals or numerals, not to
 75 exceed seven digits, to identify the registration license plate
 76 number. The license plate must be imprinted with the word
 77 "Florida" at the top and the name of the county in which it is
 78 sold, the state motto, or the words "Sunshine State" at the
 79 bottom. Apportioned license plates must have the word
 80 "Apportioned" at the bottom, and license plates issued for
 81 vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or
 82 (c), or (14) must have the word "Restricted" at the bottom.
 83 License plates issued for vehicles taxed under s. 320.08(12)
 84 must be imprinted with the word "Florida" at the top and the
 85 word "Dealer" at the bottom unless the license plate is a
 86 specialty license plate as authorized in s. 320.08056.
 87 Manufacturer license plates issued for vehicles taxed under s.

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88 320.08(12) must be imprinted with the word "Florida" at the top
 89 and the word "Manufacturer" at the bottom. License plates issued
 90 for vehicles taxed under s. 320.08(5)(d) or (e) must be
 91 imprinted with the word "Wrecker" at the bottom. Any county may,
 92 upon majority vote of the county commission, elect to have the
 93 county name removed from the license plates sold in that county.
 94 The state motto or the words "Sunshine State" shall be printed
 95 in lieu thereof. A license plate issued for a vehicle taxed
 96 under s. 320.08(6) may not be assigned a registration license
 97 number, or be issued with any other distinctive character or
 98 designation, that distinguishes the motor vehicle as a for-hire
 99 motor vehicle.
 100 Section 4. Subsection (1) of section 320.084, Florida
 101 Statutes, is amended, and subsection (6) is added to that
 102 section, to read:
 103 320.084 Free motor vehicle license plate to certain
 104 disabled veterans.—
 105 (1) One free "DV" motor vehicle license number plate shall
 106 be issued by the department for use on any motor vehicle owned
 107 or leased by any disabled veteran who has been a resident of
 108 this state continuously for the preceding 5 years or has
 109 established a domicile in this state as provided by s.
 110 222.17(1), (2), or (3), and who has been honorably discharged
 111 from the United States Armed Forces, upon application,
 112 accompanied by proof that:
 113 (a) A vehicle was initially acquired through financial
 114 assistance by the United States Department of Veterans Affairs
 115 or its predecessor specifically for the purchase of an
 116 automobile;

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117 (b) The applicant has been determined by the United States
118 Department of Veterans Affairs or its predecessor to have a
119 service-connected 100-percent disability rating for
120 compensation; or

121 (c) The applicant has been determined to have a service-
122 connected disability rating of 100 percent and is in receipt of
123 disability retirement pay from any branch of the United States
124 Armed Services.

125 (6) (a) A disabled veteran who meets the requirements of
126 subsection (1) may be issued, in lieu of the "DV" license plate,
127 a military license plate for which he or she is eligible or a
128 specialty license plate. A disabled veteran electing a military
129 license plate or specialty license plate under this subsection
130 must pay all applicable fees related to such license plate,
131 except for motor vehicle license plates issued without cost
132 under subsections (1) and (4).

133 (b) A military license plate or specialty license plate
134 elected under this subsection:

135 1. Does not provide the protections or rights afforded by
136 ss. 316.1955, 316.1964, 320.0848, 526.141, and 553.5041.

137 2. Is not eligible for the international symbol of
138 accessibility as described in s. 320.0842.

139 Section 5. Subsection (2) of section 320.131, Florida
140 Statutes, is amended to read:

141 320.131 Temporary tags.—

142 (2) (a) The department ~~may is authorized to~~ sell temporary
143 tags, in addition to those listed above, to its their agents and
144 where need is demonstrated by a consumer complainant. The fee
145 for a temporary tag issued under this section shall be \$2 each.

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146 One dollar from each tag sold shall be deposited into the Brain
147 and Spinal Cord Injury Program Trust Fund, with the remaining
148 proceeds being deposited into the Highway Safety Operating Trust
149 Fund. Agents of the department shall sell temporary tags for \$2
150 each and shall charge the service charge authorized by s. 320.04
151 per transaction, regardless of the quantity sold. ~~Requests for~~
152 ~~purchase of temporary tags to the department or its agents shall~~
153 ~~be made, where applicable, on letterhead stationery and~~
154 ~~notarized.~~ Except as specifically provided otherwise, a
155 temporary tag issued under this section shall be valid for 30
156 days, and no more than two shall be issued to the same person
157 for the same vehicle.

158 (b) At the request of the applicant, the department or its
159 agents may, in lieu of issuing a second temporary tag under
160 paragraph (a), renew the initial temporary tag for the same
161 period applicable to the initial issuance. Such renewal is
162 subject to the fee, service charge, and deposit requirements
163 provided in paragraph (a).

164 Section 6. This act shall take effect July 1, 2024.

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The Florida Senate

APPEARANCE RECORD

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

SB 736

Bill Number or Topic

1/17/24

Meeting Date

Transportation

Committee

Amendment Barcode (if applicable)

Name

Tim Qualls

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Tally

City

FL

State

32301

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Tax Collectors Association

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

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

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 774

INTRODUCER: Senator Perry

SUBJECT: Towing and Storage

DATE: January 16, 2024 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Favorable
2.			CA	
3.			RC	

I. Summary:

SB 774 makes numerous changes related to wrecker operator systems and towing-storage operator practices, including allowable fees, payment acceptance, lien requirements, sale of unclaimed vehicles, and record retention. Specifically, the bill:

- Prohibits the Florida Highway Patrol from excluding a wrecker operator from its wrecker operator system based solely on a prior felony conviction, unless such conviction is for a specified felony offense.
- Defines the terms “good faith effort” and “towing-storage operator.”
- Provides that a towing-storage operator may only charge certain fees.
- Requires towing-storage operators accept specified forms of payment.
- Reduces the timeframe in which a towing-storage operator must send the notice of lien, from seven to four business days, and reduces storage charges that may be charged if a lienor fails to provide this notice, also from seven to four days.
- Increases the timeframe an unclaimed vehicle or vessel three years of age or newer may be sold by a lienor, from 50 days to 65 days from the storage date, and requires the notice of lien must not be sent less than 60 days before the sale.
- Increases the timeframe for the public notice requirement related to sale on an unclaimed vehicle by a towing-storage operator, from ten days to 20 days before the sale.
- Clarifies that the third-party vendor must “substantially” comply with the notification to enforce a lien.
- Prohibits a towing-storage operator from releasing a towed rental vehicle or vessel to a renter unless the rental company appoints the renter as an agent of the company.
- Requires a towing-storage operator to make a towed vehicle available for inspection during normal business hours within 30 minutes after arrival at a storage facility.
- Requires a towing-storage operator accept electronic titles as well as paper titles as evidence of a person’s interest in a vehicle or vessel.

- Requires a towing-storage operator retain records of all vehicles and vessels recovered, towed, or stored; all notice publications and certified mailings; and fees imposed under s. 713.78, F.S., for at least three years.
- Provides that foreclosing a storage lien on a vehicle or vessel must be through the process set forth in s. 713.78, F.S., as opposed to the warehouse lien and landlord and tenant statutes.
- Creates notice and bond requirements for foreclosure of storage liens on vehicles or vessels held by self-storage facilities.

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

The bill takes effect July 1, 2024.

II. Present Situation:

Florida Highway Patrol Wrecker Operator System

Section 321.051, F.S. authorizes the Florida Highway Patrol (FHP) to establish a wrecker operator system using qualified, reputable wrecker operators for removal and storage of wrecked or disabled vehicles from a crash scene or for removal and storage of abandoned vehicles. All reputable wrecker operators shall be eligible for use in the system provided their equipment and drivers meet recognized safety qualifications and mechanical standards set by FHP rules. The FHP has established rules for wrecker qualifications that apply only for those wreckers who participate in FHP's wrecker operator system.¹

Rule 15B-9.007, F.A.C., provides FHP grounds to deny inclusion of, remove, or suspend a wrecker operator from FHP's wrecker rotation list. The rule includes removal from the list for "lack of reputability of a wrecker operator," which means, "FHP cannot trust the wrecker operator to safeguard the welfare and property of the public." This includes, but is not limited to:

- Conviction of any felony without restoration of the person's civil rights; and
- Conviction of any felony or first degree misdemeanor directly related to the business of operating a wrecker, regardless of whether civil rights have been restored.

County and Municipal Wrecker Operator Systems

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

¹ Chapter 15B-9, F.A.C.

² Section 323.002(1)(c), F.S.

³ Section 323.002(1)(a)-(b), F.S.

Counties must establish maximum rates for the towing of vehicles or vessels removed from private property, as well as the towing and storage of vehicles or vessels removed from the scene of an accident or from where the vehicle or vessel is towed at the request of a law enforcement officer. Municipalities are also authorized to adopt maximum rate ordinances. If a municipality enacts an ordinance to establish towing fees, the county ordinance will not apply within the municipality.⁴

Towing and Wrecker Companies

Towing and wrecker companies are licensed and regulated by county ordinances in the counties in which they operate.⁵ These ordinances may establish license application procedures and fees, maximum towing rates, towing authorization requirements, and penalties for ordinance violations, among other things.⁶

State law does not require towing and wrecker companies to accept specific forms of payment. However, 11 states mandate towing companies accept credit cards as a form of payment.⁷

Liens for Recovering, Towing, or Storing Vehicles or Vessels

Liens are claims against property that evidence a debt, obligation, or duty. Liens can be created by judgment, equity, agreement, or statute. The rights and duties of a lienholder depend on the type of lien created and are generally set out in the order, agreement, or statute creating the lien. Liens on a vehicle or vessel for towing and storage charges are created in statute.⁸

A wrecker operator or other person engaged in the business of transporting vehicles or vessels who recovers, removes, or stores a vehicle or vessel possesses a lien on the vehicle or vessel for a reasonable towing fee, an administrative fee or charge imposed by a county or municipality, and a storage fee (for a vehicle or vessel stored for six hours or more) if the vehicle or vessel is removed upon instructions from:

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

⁴ Sections 125.0103(1)(c) and 166.043(1)(c), F.S. Section 715.07, F.S., relates to the towing and storage of vehicles or vessels illegally parked on *private* property without the consent of the registered owner or other legally authorized person in control of the vehicle.

⁵ See, e.g., Hillsborough County, *Towing Companies*, available at <https://www.hillsboroughcounty.org/businesses/entrepreneur-and-small-business-support/business-licensing/towing-companies>; Orange County, *Towing Information*, available at <http://www.orangecountyfl.net/traffictransportation/towingandparkinginformation/towinginformation.aspx#.XHdwbVxKiUk> (last visited December 19, 2023).

⁶ See, e.g., Miami-Dade County, *Towing License*, available at https://www8.miamidade.gov/global/license.page?Mduid_license=lic1495741572333567 (last visited December 19, 2023).

⁷ Van Cleef, Jacob and Murray, Teresa, *Towing Kickbacks: Only one-third of states ban incentives to property owners, law enforcement* (April 26, 2022), PIRG, available at <https://pirg.org/resources/towing-kickbacks-only-one-third-states-ban-incentives-property-owners-law-enforcement/> (last visited December 19, 2023).

⁸ Section 713.78, F.S.

- The landlord or authorized person acting on behalf of a landlord, when the vehicle or vessel remains on the property after the expiration of tenancy and the removal is performed pursuant to enforcing a lien pursuant to s. 83.806, F.S., or for the removal of property left after a lease is vacated under s. 715.104, F.S.; or
- Any law enforcement agency.⁹

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

A towing-storage operator currently must use a third-party service¹⁰ approved by the DHSMV to transmit the notice (as well as any other notices required under s. 713.78, F.S.). If there is no approved service, the operator may mail the notice and provide evidence of compliance upon application for a certificate of title.¹¹ The notice of lien must be sent by certified mail within seven business days after the date of storage of the vehicle or vessel.¹²

A lienor or its agent may charge an administrative fee¹³ to the registered owner or other person claiming a lien against the vehicle or vessel for a release from the lien, not to exceed \$250.¹⁴

If a law enforcement agency authorized a towing-storage operator to remove a vehicle or vessel, or a towing-storage operator notifies a law enforcement agency of possession of a towed vehicle or vessel,¹⁵ the law enforcement agency where the vehicle or vessel is stored must contact the DHSMV, or the appropriate agency in the state of registration, if known, within 24 hours and provide a full description of the vehicle or vessel.¹⁶ The DHSMV, or appropriate state agency, must search its records to determine the identity of the owner, the company insuring the vehicle or vessel, and any lienholders and provide the information to the law enforcement agency within

⁹ Section 713.78(2), F.S.

¹⁰ The term “third-party service” is defined in s. 713.78(16)(a), F.S., to mean a qualified business entity that, upon a request submitted through a website by an operator: 1) Accesses the National Motor Vehicle Title Information System records to obtain the last state of record of the vehicle; 2) Accesses the owner, lienholder, and insurer information, as applicable, for a vehicle or vessel from the DHSMV; 3) Electronically generates the notices required of a towing-storage operator through the website; 4) Prints and sends the notices to each owner, lienholder, and insurer of record by certified mail; 5) Electronically returns tracking information or other proof of mailing and delivery of the notices to the towing-storage operator; and 6) Electronically reports to the DHSMV via an electronic data exchange process certain information related to the towing and storage notice.

¹¹ Section 713.78(16), F.S.

¹² Section 713.78(4)(a) and (c), F.S.

¹³ Defined to mean a lien fee or any fee imposed by the lienor or the lienor’s agent for administrative costs added to the amount due for towing and storing the vehicle or vessel. Section 713.78(15)(a), F.S.

¹⁴ *Id.*

¹⁵ Within 30 minutes after completion of a tow or removal from private property without the consent of the registered owner or other legally authorized person, a towing-storage operator must notify the municipal police department, or, in an unincorporated area, the sheriff, of the tow or removal, the storage site, the time of the tow or removal, and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel. S. 715.07(2)(a)2., F.S.

¹⁶ Section 713.78(4)(b), F.S.

72 hours.¹⁷ The towing-storage operator must obtain such information from the law enforcement agency within 5 days after the date of storage and provide the required notice.¹⁸

If a towing-storage operator is unsuccessful in locating the name and address of the owner or other lienholder, the operator must, after seven business days after the initial tow or storage, notify the jurisdictional entity where the vehicle or vessel is stored, in writing by certified mail or acknowledged hand delivery, that the operator has been unable to locate the name and address, a physical search of the vehicle or vessel has revealed no ownership information, and a “good faith effort”¹⁹ has been made, including a records check of the DHSMV database and of the National Motor Vehicle Title Information System.²⁰

Failure of the towing-storage operator to make a good faith effort to identify the owner or lienholder of the vehicle or vessel precludes the towing-storage operator from assessing any storage charges.²¹

Inspection of Vehicles and Vessels and Release of Property

Towing and storage operators must permit vehicle or vessel owners, lienholders, insurance company representatives, or agents to inspect a towed vehicle or vessel and release to that person the vehicle, vessel, or all personal property that was not affixed when the vehicle or vessel came into the custody of the towing or storage operator.²² The authorization of agency must be documented in an original writing acknowledged by the owner before a notary public or someone authorized to administer oaths.

Whoever violates the inspection and release provisions contained in s. 713.78(10), F.S., is guilty of a third degree felony²³ which is punishable by a fine that does not exceed \$5,000²⁴ and imprisonment that does not exceed five years.²⁵

Bond to Release Vehicle or Vessel

The owner or lienholder of a vehicle or vessel subject to a lien for towing and storage charges may, within ten days after learning of the location of the vehicle or vessel, file a complaint in the county court of the county where the vehicle or vessel is stored to determine whether the vehicle or vessel was wrongfully taken or withheld.²⁶ The vehicle or vessel must be released if, at any time before sale of the vehicle or vessel, the owner or lienholder posts with the court cash or a

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Section 713.78(5)(e), F.S., defines the term to mean that the operator has performed a list of “checks” of items such as searching specified databases and information systems; looking for any type of tag, tag record, temporary or regular tag on the vehicle or vessel; or looking for the vehicle identification number or the vessel registration number.

²⁰ “The National Motor Vehicle Title Information System (NMVTIS) is a system that allows the titling agency to instantly and reliably verify the information on the paper title with the electronic data from the state that issued the title.” *See* AAMVA, *National Motor Vehicle Title Information System (NMVTIS)*, available at <https://www.aamva.org/technology/systems/vehicle-systems/nmvtis#> (last visited December 19, 2023).

²¹ Section 713.78(9), F.S.

²² Section 713.78(10), F.S.

²³ Section 713.78(12)(b), F.S.

²⁴ Section 775.083(1)(c), F.S.

²⁵ Section 775.082(3)(e), F.S. Additional penalties may apply for certain habitual felony offenders under s. 775.084, F.S.

²⁶ Section 713.78(5)(a), F.S.

surety bond or other adequate security to ensure the payment of charges owed for towing and storage should the owner or lienholder not prevail in litigation.²⁷ After posting bond, the clerk must issue a notice of the bond to the towing-storage operator and direct the towing-storage operator to release the vehicle or vessel.²⁸

Upon determining the respective rights of the parties, the court may award damages, attorney's fees, and costs in favor of the prevailing party. The final order provides immediate payment in full of recovery, towing, and storage fees by the responsible party.²⁹

Sale of Vehicles and Vessels and Required Notice

A towing-storage operator may sell at public sale a stored vehicle or vessel that remains unclaimed, or for which charges for recovery, towing, or storage remain unpaid, after:

- 35 days from the date of storage if the vehicle or vessel is more than 3 years old; or
- 50 days from the date of storage if the vehicle or vessel is 3 years old or less.³⁰

If the date of the sale was not included in the notice of claim of lien, the towing-storage operator must send a notice of sale by certified mail, no less than 30 days before the date of the sale, to:

- The person in whose name the vehicle or vessel is registered; and
- All persons claiming a lien on the vehicle or vessel as shown in the records of the DHSMV or any corresponding agency in any other state in which the vehicle is identified as being titled by a records check of the NMVTIS or an equivalent commercially available system.³¹

The towing-storage operator must also publish notice of the time and place of the sale, at least ten days before the date of the sale, in a newspaper of general circulation in the county where the sale will occur.³²

Proceeds of Sale

If the owner or lienholder of the vehicle or vessel sold is absent, the proceeds of the sale of the vehicle or vessel, minus any reasonable towing and storage charges owed and costs of the sale, must be deposited with the clerk of the court for the county where the sale occurred.³³ The clerk must hold the proceeds for the benefit of the owner or lienholder whose interest in the vehicle or vessel was destroyed by the sale.³⁴

Self-Service Storage Spaces

The Self-storage Facility Act, codified as ss. 83.801-83.809, F.S., governs self-storage facilities in this state. The basic arrangement contemplated in the Act is a tenant contracting with an

²⁷ Section 713.78(5)(b), F.S.

²⁸ *Id.*

²⁹ Section 713.78(5)(c), F.S.

³⁰ Section 713.78(6), F.S.

³¹ *Id.*

³² Section 713.78(6), F.S.

³³ *Id.*

³⁴ *Id.*

owner of a facility to store the tenant's personal property.³⁵ In this arrangement, the storage facility faces the risk that a tenant will fail to pay rent or other expenses. However, the Act provides the facility with a degree of protection from this risk by granting the storage facility a lien on all stored property of a tenant³⁶ and by authorizing the storage facility to sell the property of a delinquent tenant.³⁷

Following failure of a tenant to pay rent, if the storage facility decides to pursue the sale of the tenant's property to enforce the lien, the storage facility must notify the tenant that the lien must be satisfied within 14 days or the storage facility will advertise the property for sale. After 14 days, the storage facility may advertise the sale of the property. The sale must be advertised at least once a week for two consecutive weeks in a newspaper in general circulation in the facility's area.³⁸ The sale may not take place until 15 days after the first advertisement.³⁹

However, if a lien is claimed on a motor vehicle or watercraft, and rent and other charges related to the property remain unpaid for 60 days, the facility or unit owner may sell the property or have it towed.⁴⁰ The wrecker operator taking possession of the property must comply with all notification and sale requirements provided in s. 713.78, F.S.

III. Effect of Proposed Changes:

This bill makes numerous changes relating to towing-storage operators.

Florida Highway Patrol Wrecker Operator System

The bill amends s. 322.051, F.S., to prohibit the Florida Highway Patrol (FHP) from excluding a wrecker operator from FHP's wrecker operator system or fail to designate him or her as an authorized wrecker operator based solely on a prior felony conviction, unless such conviction was for:

- A forcible felony⁴¹;
- Theft of a motor vehicle under s. 812.014(2)(c)6., F.S.; or
- Knowingly owning, operating, or conducting a chop shop⁴² or knowingly aiding and abetting another person in owning, operating, or conducting a chop shop.

³⁵ Section 83.803(1), F.S.

³⁶ See s. 83.805, F.S.

³⁷ See s. 83.806, F.S.

³⁸ See, s. 83.806(4)(c), F.S., regarding how sales must be advertised if there is no newspaper in the area of the storage facility.

³⁹ Section 83.806(4)(b)3., F.S.

⁴⁰ Section 83.806(10), F.S.

⁴¹ A "forcible felony" is defined as "treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual." Section 776.08, F.S.

⁴² Section 812.16(1)(a), F.S., defines "chop shop" as, "any area, building, storage lot, field, or other premises or place where one or more persons are engaged or have engaged in altering, dismantling, reassembling, or in any way concealing or disguising the identity of a stolen motor vehicle or of any major component part of a stolen motor vehicle; where there are two or more stolen motor vehicles present; or where there are major component parts from two or more stolen motor vehicles present."

The bill defines “good faith effort” as all of the following checks have been performed by a towing-storage company to establish prior state of registration and title of a vehicle or vessel that has been towed or stored by the company:

- A check in the department’s database for owner or lienholder.
- A check in the electronic National Motor Vehicle Title Information System or an equivalent system to determine the state of registration when not available in the department’s database.
- A check of the vehicle for any type of tag, tag record, temporary tag, or regular tag.
- If the request was made by law enforcement, a check from the law enforcement report for the tag number or other information to identify the vehicle or vessel.
- If the request was a private tow, a check of the tow trip sheet or tow ticket of the tow truck operator to determine whether a tag was on the vehicle or vessel at the beginning of the tow.
- If there is no address available of the owner on the impound report, a check in the law enforcement report to determine whether an out-of-state address is indicated from the driver license information.
- A check of the vehicle stickers or decals that might indicate a state or registration.
- A check of the interior vehicle, whether it be glove box, trunk, or other areas for any papers that may indicate registration.
- A check of the vehicle or vessel for a vehicle or vessel identification number.
- A check of the vessel hull for a hull identification number which should be carved, burned stamped, embossed, or otherwise permanently affixed to the outboard side of the transom, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

The bill also defines a “towing-storage operator” as a person who regularly engages in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier.

Towing-Storage Operator Fees and Payment

The bill provides towing-storage operators may charge only the following fees for, or incidental to, the recovery, removal, or storage of a vehicle or vessel:

- Any reasonable fee for service specifically authorized by ordinance, resolution, regulation, or rule of the county or municipal in which the service is performed.
- Any reasonable fee for service specifically authorized by contract or agreement between a towing-storage operator and a county, municipality, or other governmental agency.
- Any reasonable fee for service specifically authorized by rule of the DHSMV.
- Any reasonable fee for service as agreed upon in writing between a towing-storage operator and the owner of a vehicle or vessel.
- Any lien release administrative fee as set forth in 713.78(15)(a), F.S.
- Any reasonable administrative fee or charge imposed upon the registered owner or other legally authorized person in control of a vehicle or vessel by a county or municipality pursuant to ss. 125.01047, 166.04465, or 323.002, F.S.⁴³

⁴³ These sections authorize a county or municipality to impose a reasonable administrative fee or charge, not to exceed 25 percent of the maximum towing rate, to cover the cost of enforcement, including parking enforcement. Authorized wrecker operators or towing businesses may impose, collect, and remit this fee or charge on behalf of the county or municipality.

The bill also requires towing-storage operators accept at least one form of payment from at least two of the following groupings of payment methods:

- Cash, cashier's check, money order, or traveler's check.
- Bank, debit, or credit card.
- Mobile payment service, digital wallet, or other electronic payment system.

Towing-storage operators may not require a person to provide more than one form of current government photo identification for identity verification during payment.

Liens for Recovering, Towing, or Storing Vehicles or Vessels

The bill amends various parts of s. 713.78, F.S., relating to liens for recovering, towing, or storing vehicles or vessels, and designates this section as the exclusive remedy for the placement or foreclosure of a storage lien placed on a vehicle or vessel. The bill prohibits ss. 83.19 and 677.210, F.S., related to placing and foreclosing a lien by a landlord or warehouse, being used for placing a lien on a vehicle or vessel.

The bill also:

- Adds county or municipality to impose fees if she or he has a lien on the vehicle, except a storage fee if the vehicle or vessel is stored for less than 6 hours.
- Reduces the notification timeframe in which a towing-storage operator must send the notice of lien to the registered owner, the insurance company insuring the vehicle, and all other lienholders, from seven business days to four business days.
- Provides that notification requirements in s. 713.78(4)(b), F.S., are to be used if an approved third-party service cannot obtain the vehicle's or vessel's owner, lienholder, and insurer information or last state of record pursuant to s. 713.78(16), F.S.
- Provides that the notice of lien may not be sent to the registered owner, the insurance company insuring the vehicle or vessel, and all other persons claiming a lien less than 30 days before the sale of a vehicle or vessel that is more than 3 years of age or less than 60 days before the sale of a vehicle or vessel that is 3 years of age or less.
- Reduces the timeframe, within four days instead of seven business days, for a towing-storage operator to notify the jurisdictional entity where the vehicle or vessel is stored, in writing by certified mail or electronic delivery, if the towing-storage operator is unsuccessful in locating the name and address of the owner or other lienholder. Removes that this can be done through acknowledged hand delivery while adding electronic delivery.
- Provides that failure to make good faith efforts to *substantially* comply with the requirements of this section or to provide notice claiming a lien precludes the imposition of storage charges against the vehicle or vessel for more than four days of storage (formerly seven days of storage fees for failure to provide notice of a lien).

Inspection of Vehicles and Vessels and Release of Property

The bill clarifies that vehicle or vessel owners, rental vehicle or vessel owners, lienholders, insurance company representatives, or their agents are authorized to inspect a towed vehicle and have released to that person the vehicle or all personal property that was not affixed when the vehicle came into the custody of the towing-storage operator. Towing-storage operators must

allow this during normal business hours within 30 minutes after the person arrives at the storage facility where the vehicle or vessel is stored.

The bill clarifies that a rental agreement is not evidence that the renter is an agent of the rental vehicle or vessel owner, prohibiting a towing company from releasing a vehicle or vessel owned by a rental car company to the renter. Additionally, a towing-storage operator must accept a photocopy of a contract, an electronic title, or a paper title as evidence of a person's interest in a vehicle or vessel.

Sale of Vehicles and Vessels and Required Notice

The bill increases the timeframe an unclaimed vehicle or vessel three years of age or newer may be sold by a lienor, from 50 days to 65 days. For a vehicle three years of age or newer, the notice of lien must be sent no less than 60 days before the sale of the vehicle or vessel. The bill also increases the timeframe required for publishing notice of the time and place of the sale in a newspaper of general circulation in the county where the sale will occur, from at least 10 days to 20 days before the sale.

The bill adds the insurance company insuring the vehicle or vessel must be sent, by certified mail, a notice of sale of the vehicle or vessel by the storage owner or operator.

Towing-Storage Operators Record Retention Requirements

The bill requires towing-storage operators to retain records for all vehicles and vessels recovered, towed, stored, or released for at least three years. Such records must include:

- All notice publications and certified mailings;
- The purchase price of unclaimed vehicles or vessels sold;
- The names and addresses of unclaimed vehicle or vessel purchasers;
- The names and addresses of persons to which vehicles or vessels were released; and
- All fees imposed under s. 713.78, F.S.

Self-Service Storage Spaces

Contracts

The bill requires in self-storage contracts that the rental agreement contain a provision authorizing the tenant to designate an optional alternate contact person who may be contacted only for providing notice of enforcement of a lien or as authorized by the rental agreement. This designation does not give the alternate contact an interest in the contents stored in the self-service storage facility.

Liens on Vehicles or Vessels

The bill amends s. 83.705, F.S., regarding a lien on a vehicle or vessel, as those defined in s. 713.78(1), of a tenant or lessee must be foreclosed pursuant to s. 713.78 and may not be foreclosed under this chapter.

The bill amends s. 83.806(10), F.S., regarding liens claimed on motor vehicles or vessels by a self-service storage facility or unit owner, to align such process closer to the process used by

towing-storage operators pursuant to s. 713.78, F.S. If a facility or unit owner intends to sell the motor vehicle or vessel, he or she will be required to:

- Conduct a records check with DHSMV for a current registration. If no registration is found, conduct a NMVTIS or an equivalent commercially available system search.
- If persons claiming a lien are identified, send a notice of lien by certified mail to such persons stating:
 - The make, model, and last eight digits of the vehicle identification number of the vehicle subject to the lien, or the hull identification number of a vessel subject to the lien;
 - The name, physical address, and telephone number of the facility or unit owner, and the entity name where the vehicle or vessel is stored;
 - The name of the person listed as the tenant in the rental agreement;
 - The fact of possession of the vessel or vehicle; that a lien is claimed; the address at which the vehicle or vessel is located;
 - That charges have accrued, including an itemized statement of the amount thereof; and
 - That any vehicle or vessel that remains unclaimed may be sold free of all prior liens 30 days after notification is sent.

If at any time before the proposed or scheduled date of sale, a person claiming ownership interest in or a lien on the vehicle or vessel may request to inspect the vehicle or vessel. The facility or unit owner must make the vehicle or vessel available for inspection during regular business hours within three days after receiving a request for inspection.

Bond to Release Vehicle or Vessel

Prior to the sale of the vehicle or vessel, a person of record claiming a lien against the vehicle or vessel may have it released upon posting with the clerk of court in the county where the vehicle or vessel is being held, a cash or a surety bond or other adequate security to ensure the payment of charges owed. After posting bond, the clerk of court shall automatically issue a certificate notifying the owner of the storage facility and the release of the vehicle or vessel. Failure to release or return the property to the person of record claiming a lien commits a second degree misdemeanor.

The person claiming a lien against a motor vehicle or vessel has 30 days from the issuance of the certificate to file a lawsuit to determine the validity of the storage charges. Upon determining the respective rights of the parties, the court may award damages, attorney's fees, and costs in favor of the prevailing party.

Sale of Vehicle or Vessel

The bill requires that the lien sale take place at least ten days after publication of the advertisement of sale, instead of 15 days after the first publication of advertisement of sale.

Failure to make good faith efforts to comply with these notice requirements precludes the imposition of any storage charges against the vehicle or vessel.

Effective Date

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate negative fiscal impact on towing-storage operators due to the increased requirements and limitation on fees that can be charged.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 321.051, 713.78, 83.19, 83.806, 83.808, 677.210, and 715.07.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Perry

9-01096-24

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1 A bill to be entitled
 2 An act relating to towing and storage; amending s.
 3 321.051, F.S.; prohibiting the Division of the Florida
 4 Highway Patrol from excluding wrecker operators from
 5 the wrecker operator system or from being designated
 6 as an authorized wrecker operator based solely on a
 7 prior felony conviction; providing exceptions;
 8 amending s. 713.78, F.S.; defining the terms "good
 9 faith effort" and "towing-storage operator";
 10 authorizing a towing-storage operator to charge
 11 certain fees; providing that a lien can only be placed
 12 on specified fees; revising requirements for law
 13 enforcement agencies and the Department of Highway
 14 Safety and Motor Vehicles relating to the removal of
 15 vehicles or vessels; revising requirements for notices
 16 of lien; revising requirements for towing-storage
 17 operators providing notice to public agencies of
 18 jurisdiction; revising the timeframe in which certain
 19 unclaimed vehicles or vessels may be sold; revising
 20 requirements for notices of sale; revising provisions
 21 for permission to inspect a vehicle or vessel;
 22 providing when a vehicle must be made available for
 23 inspection; revising criminal penalties; requiring a
 24 towing-storage operator to maintain certain records
 25 for at least a specified period of time; providing the
 26 exclusive remedy for certain liens; requiring towing-
 27 storage operators to accept certain types of payment;
 28 prohibiting certain persons from being required to
 29 furnish more than one form of current government photo

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30 identification for purposes of verifying their
 31 identity; making technical changes; amending ss. 83.19
 32 and 83.805, F.S.; conforming provisions to changes
 33 made by the act; amending s. 83.806, F.S.; revising
 34 requirements for the sale or disposition of property
 35 at self-service storage facilities; providing
 36 inspection requirements for vehicles or vessels being
 37 sold by a facility or unit owner; requiring vehicles
 38 or vessels to be released under certain circumstances;
 39 providing a criminal penalty; providing requirements
 40 for filing lawsuits relating to such vehicles or
 41 vessels; specifying that failure to make good faith
 42 efforts to comply with certain notice requirements
 43 precludes the imposition of certain storage charges;
 44 specifying that copies of specified documents
 45 constitute satisfactory proof for transfer of title;
 46 conforming provisions to changes made by the act;
 47 amending s. 83.808, F.S.; requiring that rental
 48 agreements for self-service storage facilities
 49 authorize tenants to designate an optional alternate
 50 contact person; specifying that such person may be
 51 contacted only for certain purposes; specifying that
 52 such person does not have an interest in the contents
 53 stored at the self-service storage facility or in the
 54 self-contained storage unit; amending s. 677.210,
 55 F.S.; conforming provisions to changes made by the
 56 act; amending s. 715.07, F.S.; conforming a cross-
 57 reference; providing an effective date.
 58

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

60
61 Section 1. Subsection (5) is added to section 321.051,
62 Florida Statutes, to read:

63 321.051 Florida Highway Patrol wrecker operator system;
64 penalties for operation outside of system.—

65 (5) The Division of the Florida Highway Patrol may not
66 exclude a wrecker operator from the wrecker operator system or
67 fail to designate him or her as an authorized wrecker operator
68 based solely on a prior felony conviction unless such conviction
69 is for a forcible felony as defined in s. 776.08 or a felony
70 listed under s. 812.014(2)(c)6. or s. 812.16(2).

71 Section 2. Subsections (1), (2), and (4), paragraph (a) of
72 subsection (5), subsections (6), (8), (9), and (10), paragraph
73 (a) of subsection (11), paragraphs (a) and (d) of subsection
74 (12), and paragraphs (a), (b), and (d) of subsection (13) of
75 section 713.78, Florida Statutes, are amended, and subsections
76 (18), (19), and (20) are added to that section, to read:

77 713.78 Liens for recovering, towing, or storing vehicles
78 and vessels.—

79 (1) For the purposes of this section, the term:

80 (e)-(a) "Vehicle" means any mobile item, whether motorized
81 or not, which is mounted on wheels.

82 (f)-(b) "Vessel" means every description of watercraft,
83 barge, and airboat used or capable of being used as a means of
84 transportation on water, other than a seaplane or a "documented
85 vessel" as defined in s. 327.02.

86 (b) "Good faith effort" means that all of the following
87 checks have been performed by a towing-storage company to

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88 establish the prior state of registration and title of a vehicle
89 or vessel that has been towed or stored by the company:

90 1. A check of the department's database for the owner and
91 any lienholder.

92 2. A check of the electronic National Motor Vehicle Title
93 Information System or an equivalent commercially available
94 system to determine the state of registration when there is not
95 a current registration record for the vehicle or vessel on file
96 with the department.

97 3. A check of the vehicle or vessel for any type of tag,
98 tag record, temporary tag, or regular tag.

99 4. A check of the law enforcement report for a tag number
100 or other information identifying the vehicle or vessel, if the
101 vehicle or vessel was towed at the request of a law enforcement
102 officer.

103 5. A check of the trip sheet or tow ticket of the tow truck
104 operator to determine whether a tag was on the vehicle or vessel
105 at the beginning of the tow, if a private tow.

106 6. If there is no address of the owner on the impound
107 report, a check of the law enforcement report to determine
108 whether an out-of-state address is indicated from driver license
109 information.

110 7. A check of the vehicle or vessel for an inspection
111 sticker or other stickers and decals that may indicate a state
112 of possible registration.

113 8. A check of the interior of the vehicle or vessel for any
114 papers that may be in the glove box, trunk, or other areas for a
115 state of registration.

116 9. A check of the vehicle for a vehicle identification

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117 number.118 10. A check of the vessel for a vessel registration number.

119 11. A check of the vessel hull for a hull identification
 120 number which should be carved, burned, stamped, embossed, or
 121 otherwise permanently affixed to the outboard side of the
 122 transom or, if there is no transom, to the outmost seaboard side
 123 at the end of the hull that bears the rudder or other steering
 124 mechanism.

125 (g)(e) "Wrecker" means any truck or other vehicle that
 126 which is used to tow, carry, or otherwise transport ~~motor~~
 127 vehicles or vessels upon the streets and highways of this state
 128 and which is equipped for that purpose with a boom, winch, car
 129 carrier, or other similar equipment.

130 (c)(d) "National Motor Vehicle Title Information System"
 131 means the federally authorized electronic National Motor Vehicle
 132 Title Information System.

133 (d) "Towing-storage operator" means a person who regularly
 134 engages in the business of transporting vehicles or vessels by
 135 wrecker, tow truck, or car carrier.

136 (a)(e) "Equivalent commercially available system" means a
 137 service that charges a fee to provide vehicle information and
 138 that at a minimum maintains records from those states
 139 participating in data sharing with the National Motor Vehicle
 140 Title Information System.

141 (2)(a) ~~Whenever~~ A towing-storage operator may charge only
 142 the following fees for, or incidental to, the recovery, removal,
 143 or storage of a vehicle or vessel:

144 1. Any reasonable fee for service specifically authorized
 145 by ordinance, resolution, regulation, or rule of the county or

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146 municipality in which the service is performed.

147 2. Any reasonable fee for service specifically authorized
 148 by contract or agreement between a towing-storage operator and a
 149 county, municipality, or other governmental agency.

150 3. Any reasonable fee for service specifically authorized
 151 by rule of the Department of Highway Safety and Motor Vehicles.

152 4. Any reasonable fee for service as agreed upon in writing
 153 between a towing-storage operator and the owner of a vehicle or
 154 vessel.

155 5. Any lien release administrative fee as set forth in
 156 paragraph (15)(a).

157 6. Any reasonable administrative fee or charge imposed by a
 158 county or municipality pursuant to s. 125.01047, s. 166.04465,
 159 or s. 323.002 upon the registered owner or other legally
 160 authorized person in control of a vehicle or vessel.

161 (b) If a towing-storage operator ~~person~~ regularly engaged
 162 ~~in the business of transporting vehicles or vessels by wrecker,~~
 163 ~~tow truck, or car carrier~~ recovers, removes, or stores a vehicle
 164 or vessel upon instructions from:

165 1.(a) The owner thereof;

166 2.(b) The owner or lessor, or a person authorized by the
 167 owner or lessor, of property on which such vehicle or vessel is
 168 wrongfully parked, and the removal is done in compliance with s.
 169 715.07;

170 3.(e) The landlord or a person authorized by the landlord,
 171 when such ~~motor~~ vehicle or vessel remained on the premises after
 172 the tenancy terminated and the removal is done in compliance
 173 with s. 83.806 or s. 715.104; or

174 4.(d) Any law enforcement agency, county, or municipality,

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175 she or he ~~has~~ ~~shall~~ have a lien on the vehicle or vessel for a
 176 reasonable towing fee, for a reasonable administrative fee or
 177 charge imposed by a county or municipality, and for a reasonable
 178 storage fee; except that a storage fee may not be charged if the
 179 vehicle or vessel is stored for ~~less~~ ~~fewer~~ than 6 hours.

181 (4) (a) A ~~towing-storage operator person regularly engaged~~
 182 ~~in the business of recovering, towing, or storing vehicles or~~
 183 ~~vessels~~ who comes into possession of a vehicle or vessel
 184 pursuant to paragraph (2) (b) ~~subsection (2)~~, and who claims a
 185 lien for recovery, towing, or storage services, must ~~shall~~ give
 186 notice, by certified mail, pursuant to subsection (16), to the
 187 registered owner, the insurance company insuring the vehicle
 188 notwithstanding s. 627.736, and all persons claiming a lien
 189 thereon, as disclosed by the records in the Department of
 190 Highway Safety and Motor Vehicles or as disclosed by the records
 191 of any corresponding agency in any other state in which the
 192 vehicle is identified through a records check of the National
 193 Motor Vehicle Title Information System or an equivalent
 194 commercially available system as being titled or registered.

195 (b) ~~When~~ ~~Whenever~~ a law enforcement agency authorizes the
 196 removal of a vehicle or vessel or ~~whenever~~ a towing service,
 197 garage, repair shop, or automotive service, storage, or parking
 198 place notifies the law enforcement agency of possession of a
 199 vehicle or vessel pursuant to s. 715.07(2)(a)2., if an approved
 200 third-party service cannot obtain the vehicle's or vessel's
 201 owner, lienholder, and insurer information or last state of
 202 record pursuant to subsection (16), the law enforcement agency
 203 of the jurisdiction where the vehicle or vessel is stored must

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204 ~~shall~~ contact the Department of Highway Safety and Motor
 205 Vehicles, or the appropriate agency of the state of
 206 registration, if known, within 24 hours through the medium of
 207 electronic communications, giving the full description of the
 208 vehicle or vessel. Upon receipt of the full description of the
 209 vehicle or vessel, the department shall search its files to
 210 determine the owner's name, the insurance company insuring the
 211 vehicle or vessel, and whether any person has filed a lien upon
 212 the vehicle or vessel as provided in s. 319.27(2) and (3) and
 213 notify the applicable law enforcement agency within 72 hours.
 214 The person in charge of the towing service, garage, repair shop,
 215 or automotive service, storage, or parking place must request
 216 ~~shall obtain~~ such information from the applicable law
 217 enforcement agency within 5 days after the date of storage and
 218 ~~shall~~ give notice pursuant to paragraph (a). The department may
 219 release the insurance company information to the requestor
 220 notwithstanding s. 627.736.

221 (c) The notice of lien must be sent by certified mail to
 222 the registered owner, the insurance company insuring the vehicle
 223 notwithstanding s. 627.736, and all other persons claiming a
 224 lien thereon within 4 ~~7~~ business days, excluding a Saturday, ~~and~~
 225 Sunday, or federal legal holiday, after the date of storage of
 226 the vehicle or vessel. ~~However, in no event shall the notice of~~
 227 ~~lien be sent less than 30 days before the sale of the vehicle or~~
 228 ~~vessel.~~ The notice must state all of the following:

229 1. If the claim of lien is for a vehicle, the last 8 digits
 230 of the vehicle identification number of the vehicle subject to
 231 the lien, or, if the claim of lien is for a vessel, the hull
 232 identification number of the vessel subject to the lien, clearly

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233 printed in the delivery address box and on the outside of the
234 envelope sent to the registered owner and all other persons
235 claiming an interest in therein or lien on the vehicle or vessel
236 ~~thereon~~.

237 2. The name, physical address, and telephone number of the
238 lienor, and the entity name, as registered with the Division of
239 Corporations, of the business where the towing and storage
240 occurred, which must also appear on the outside of the envelope
241 sent to the registered owner and all other persons claiming an
242 interest in or lien on the vehicle or vessel.

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

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

246 5. That a lien as provided in paragraph (2)(b) ~~subsection~~
247 ~~(2)~~ is claimed.

248 6. That charges have accrued and include an itemized
249 statement of the amount thereof.

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

253 8. That any vehicle or vessel that remains unclaimed, or
254 for which the charges for recovery, towing, or storage services
255 remain unpaid, may be sold free of all prior liens 35 days after
256 the vehicle or vessel is stored by the lienor if the vehicle or
257 vessel is more than 3 years of age or 65 ~~50~~ days after the
258 vehicle or vessel is stored by the lienor if the vehicle or
259 vessel is 3 years of age or less.

260 9. The address at which the vehicle or vessel is physically
261 located.

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262 (d) The notice of lien may not be sent to the registered
263 owner, the insurance company insuring the vehicle or vessel, and
264 all other persons claiming a lien thereon less than 30 days
265 before the sale of a the vehicle or vessel that is more than 3
266 years of age or less than 60 days before the sale of a vehicle
267 or vessel that is 3 years of age or less.

268 (e) If attempts to locate the name and address of the owner
269 or lienholder are prove unsuccessful, 4 ~~the towing-storage~~
270 ~~operator shall, after 7~~ business days, excluding a Saturday, and
271 Sunday, or federal legal holiday, after the initial tow or
272 storage, the towing-storage operator must notify the public
273 agency of jurisdiction where the vehicle or vessel is stored in
274 writing by certified mail or electronic delivery ~~acknowledged~~
275 ~~hand delivery~~ that the towing-storage company has been unable to
276 locate the name and address of the owner or lienholder and a
277 physical search of the vehicle or vessel has disclosed no
278 ownership information and a good faith effort has been made,
279 including records checks of the Department of Highway Safety and
280 Motor Vehicles database and the National Motor Vehicle Title
281 Information System or an equivalent commercially available
282 system. ~~For purposes of this paragraph and subsection (9), the~~
283 ~~term "good faith effort" means that the following checks have~~
284 ~~been performed by the company to establish the prior state of~~
285 ~~registration and for title:~~

286 ~~1. A check of the department's database for the owner and~~
287 ~~any lienholder.~~

288 ~~2. A check of the electronic National Motor Vehicle Title~~
289 ~~Information System or an equivalent commercially available~~
290 ~~system to determine the state of registration when there is not~~

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291 a current registration record for the vehicle or vessel on file
 292 with the department.
 293 ~~3. A check of the vehicle or vessel for any type of tag,~~
 294 ~~tag record, temporary tag, or regular tag.~~
 295 ~~4. A check of the law enforcement report for a tag number~~
 296 ~~or other information identifying the vehicle or vessel, if the~~
 297 ~~vehicle or vessel was towed at the request of a law enforcement~~
 298 ~~officer.~~
 299 ~~5. A check of the trip sheet or tow ticket of the tow truck~~
 300 ~~operator to determine whether a tag was on the vehicle or vessel~~
 301 ~~at the beginning of the tow, if a private tow.~~
 302 ~~6. If there is no address of the owner on the impound~~
 303 ~~report, a check of the law enforcement report to determine~~
 304 ~~whether an out-of-state address is indicated from driver license~~
 305 ~~information.~~
 306 ~~7. A check of the vehicle or vessel for an inspection~~
 307 ~~sticker or other stickers and decals that may indicate a state~~
 308 ~~of possible registration.~~
 309 ~~8. A check of the interior of the vehicle or vessel for any~~
 310 ~~papers that may be in the glove box, trunk, or other areas for a~~
 311 ~~state of registration.~~
 312 ~~9. A check of the vehicle for a vehicle identification~~
 313 ~~number.~~
 314 ~~10. A check of the vessel for a vessel registration number.~~
 315 ~~11. A check of the vessel hull for a hull identification~~
 316 ~~number which should be carved, burned, stamped, embossed, or~~
 317 ~~otherwise permanently affixed to the outboard side of the~~
 318 ~~transom or, if there is no transom, to the outmost seaboard side~~
 319 ~~at the end of the hull that bears the rudder or other steering~~

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320 ~~mechanism.~~
 321 (5) (a) The owner of a vehicle or vessel removed pursuant to
 322 paragraph (2) (b) subsection (2), or any person claiming a lien,
 323 other than the towing-storage operator, within 10 days after the
 324 time she or he has knowledge of the location of the vehicle or
 325 vessel, may file a complaint in the county court of the county
 326 in which the vehicle or vessel is stored to determine whether
 327 her or his property was wrongfully taken or withheld.
 328 (6) A vehicle or vessel that is stored pursuant to
 329 paragraph (2) (b) subsection (2) and remains unclaimed, or for
 330 which reasonable charges for recovery, towing, or storing remain
 331 unpaid, and any contents not released pursuant to subsection
 332 (10), may be sold by the owner or operator of the storage space
 333 for such towing or storage charge 35 days after the vehicle or
 334 vessel is stored by the lienor if the vehicle or vessel is more
 335 than 3 years of age or 65 ~~50~~ days after the vehicle or vessel is
 336 stored by the lienor if the vehicle or vessel is 3 years of age
 337 or less. The sale must ~~shall~~ be at public sale for cash. If the
 338 date of the sale was not included in the notice required in
 339 subsection (4), notice of the sale must ~~shall~~ be given to the
 340 person in whose name the vehicle or vessel is registered and to
 341 all persons claiming a lien on the vehicle or vessel as shown on
 342 the records of the Department of Highway Safety and Motor
 343 Vehicles or of any corresponding agency in any other state in
 344 which the vehicle is identified through a records check of the
 345 National Motor Vehicle Title Information System or an equivalent
 346 commercially available system as being titled. Notice of the
 347 sale must be sent by certified mail to the registered owner of
 348 the vehicle or vessel, the insurance company insuring the

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349 ~~vehicle or vessel, and the person having the recorded lien on~~
 350 ~~the vehicle or vessel at the address shown on the records of the~~
 351 ~~registering agency at least 30 days before the sale of the~~
 352 ~~vehicle or vessel. The notice must have clearly identified and~~
 353 ~~printed, if the claim of lien is for a motor vehicle,~~ The last 8
 354 digits of the vehicle identification number of the ~~motor~~ vehicle
 355 subject to the lien, or, if the claim of lien is for a vessel,
 356 the hull identification number of the vessel subject to the
 357 lien, must be clearly identified and printed in the delivery
 358 address box and on the outside of the envelope sent to the
 359 registered owner and all other persons claiming an interest in
 360 therein or lien on the vehicle or vessel thereon. ~~The notice~~
 361 ~~must be sent to the owner of the vehicle or vessel and the~~
 362 ~~person having the recorded lien on the vehicle or vessel at the~~
 363 ~~address shown on the records of the registering agency at least~~
 364 ~~30 days before the sale of the vehicle or vessel.~~ The notice
 365 must state the name, physical address, and telephone number of
 366 the lienor, and the vehicle identification number if the claim
 367 of lien is for a vehicle or the hull identification number if
 368 the claim of lien is for a vessel, all of which must also appear
 369 in the return address section on the outside of the envelope
 370 containing the notice of sale. After diligent search and
 371 inquiry, if the name and address of the registered owner or the
 372 owner of the recorded lien cannot be ascertained, the
 373 requirements of notice by mail may be dispensed with. In
 374 addition to the notice by mail, public notice of the time and
 375 place of sale ~~must shall~~ be made by publishing a notice thereof
 376 one time, at least 20 ~~10~~ days before the date of the sale, in a
 377 newspaper of general circulation in the county in which the sale

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378 is to be held. The proceeds of the sale, after payment of
 379 reasonable towing and storage charges, and costs of the sale, in
 380 that order of priority, ~~must shall~~ be deposited with the clerk
 381 of the circuit court for the county if the owner or lienholder
 382 is absent, and the clerk shall hold such proceeds subject to the
 383 claim of the owner or lienholder legally entitled thereto. The
 384 clerk ~~is shall~~ be entitled to receive 5 percent of such proceeds
 385 for the care and disbursement thereof. The certificate of title
 386 issued under this section must ~~this law shall~~ be discharged of
 387 all liens unless otherwise provided by court order. The owner or
 388 lienholder may file a complaint after the vehicle or vessel has
 389 been sold in the county court of the county in which it is
 390 stored. Upon determining the respective rights of the parties,
 391 the court may award damages, attorney fees, and costs in favor
 392 of the prevailing party.

393 (8) A towing-storage operator person regularly engaged in
 394 ~~the business of recovering, towing, or storing vehicles or~~
 395 ~~vessels,~~ except a person licensed under chapter 493 while
 396 engaged in "repossession" activities as defined in s. 493.6101,
 397 may not operate a wrecker, tow truck, or car carrier unless the
 398 name, address, and telephone number of the company performing
 399 the service is clearly printed in contrasting colors on the
 400 driver and passenger sides of its vehicle. The name must be in
 401 at least 3-inch permanently affixed letters, and the address and
 402 telephone number must be in at least 1-inch permanently affixed
 403 letters.

404 (9) Failure to make good faith efforts to substantially
 405 comply with the notice requirements of this section or ~~precludes~~
 406 ~~the imposition of any storage charges against the vehicle or~~

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 407 vessel. If a lienor fails to provide notice to a person claiming
 408 a lien on a vehicle or vessel in accordance with subsection (4)
 409 precludes the imposition of storage charges against the vehicle
 410 or vessel, the lienor may not charge the person for more than 4
 411 7 days of storage, but such failure does not affect charges made
 412 for towing the vehicle or vessel or the priority of liens on the
 413 vehicle or vessel.

414 (10) A towing-storage operator must ~~Persons who provide~~
 415 ~~services pursuant to this section shall~~ permit vehicle or vessel
 416 owners, including rental vehicle or vessel owners, lienholders,
 417 insurance company representatives, or their agents, ~~which agency~~
 418 ~~is evidenced by an original writing acknowledged by the owner~~
 419 ~~before a notary public or other person empowered by law to~~
 420 ~~administer oaths,~~ to inspect the towed vehicle or vessel and
 421 ~~shall~~ release to the owner, lienholder, or agent the vehicle,
 422 vessel, or all personal property not affixed to the vehicle or
 423 vessel which was in the vehicle or vessel at the time the
 424 vehicle or vessel came into the custody of the towing-storage
 425 operator. A towing-storage operator must allow vehicle or vessel
 426 owners, rental vehicle or vessel owners, lienholders, insurance
 427 company representatives, or their agents to inspect the towed
 428 vehicle or vessel during normal business hours within 30 minutes
 429 after their arrival at the storage site where the vehicle or
 430 vessel is stored. A photocopy of an agency agreement is
 431 sufficient evidence of agency. A rental vehicle or vessel
 432 agreement is not evidence that the person who rented a vehicle
 433 or vessel is an agent of the rental vehicle or vessel owner.
 434 Towing-storage operators must accept a photocopy of a contract,
 435 an electronic title, or a paper title as evidence of a person's

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 436 interest in a vehicle or vessel ~~person providing such services.~~

437 (11) (a) A towing-storage operator ~~Any person regularly~~
 438 ~~engaged in the business of recovering, towing, or storing~~
 439 ~~vehicles or vessels~~ who comes into possession of a vehicle or
 440 vessel pursuant to paragraph (2) (b) ~~subsection (2)~~ and who has
 441 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),
 442 when such vehicle or vessel is to be sold for purposes of being
 443 dismantled, destroyed, or changed in such manner that it is not
 444 the ~~motor~~ vehicle or vessel described in the certificate of
 445 title, must ~~shall~~ report the vehicle to the National Motor
 446 Vehicle Title Information System and apply to the Department of
 447 Highway Safety and Motor Vehicles for a certificate of
 448 destruction. A certificate of destruction, which authorizes the
 449 dismantling or destruction of the vehicle or vessel described
 450 therein, is ~~shall be~~ reassignable a maximum of two times before
 451 dismantling or destruction of the vehicle is ~~shall be~~ required,
 452 and must ~~shall~~ accompany the vehicle or vessel for which it is
 453 issued, when such vehicle or vessel is sold for such purposes,
 454 in lieu of a certificate of title. The application for a
 455 certificate of destruction must include proof of reporting to
 456 the National Motor Vehicle Title Information System and an
 457 affidavit from the applicant that she or he ~~it~~ has complied with
 458 all applicable requirements of this section and, if the vehicle
 459 or vessel is not registered in this state or any other state, by
 460 a statement from a law enforcement officer that the vehicle or
 461 vessel is not reported stolen, and must ~~shall~~ be accompanied by
 462 such documentation as may be required by the department.

463 (12) (a) Any person who violates paragraph (2) (b) ~~any~~
 464 ~~provision of subsection (1), subsection (2),~~ subsection (4),

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 465 subsection (5), subsection (6), or subsection (7) is guilty of a
 466 misdemeanor of the first degree, punishable as provided in s.
 467 775.082 or s. 775.083.

468 (d) Employees of the Department of Highway Safety and Motor
 469 Vehicles and law enforcement officers are authorized to inspect
 470 the records of a towing-storage operator ~~any person regularly~~
 471 ~~engaged in the business of recovering, towing, or storing~~
 472 ~~vehicles or vessels or transporting vehicles or vessels by~~
 473 ~~wrecker, tow truck, or car carrier~~, to ensure compliance with
 474 the requirements of this section. A towing-storage operator ~~Any~~
 475 ~~person~~ who fails to maintain records, or fails to produce
 476 records when required in a reasonable manner and at a reasonable
 477 time, commits a misdemeanor of the first degree, punishable as
 478 provided in s. 775.082 or s. 775.083.

479 (13) (a) Upon receipt by the Department of Highway Safety
 480 and Motor Vehicles of written notice from a wrecker operator who
 481 claims a wrecker operator's lien under subparagraph (2) (b) 4.
 482 ~~paragraph (2) (d)~~ for recovery, towing, or storage of an
 483 abandoned vehicle or vessel upon instructions from any law
 484 enforcement agency, for which a certificate of destruction has
 485 been issued under subsection (11) and the vehicle has been
 486 reported to the National Motor Vehicle Title Information System,
 487 the department shall place the name of the registered owner of
 488 that vehicle or vessel on the list of those persons who may not
 489 be issued a license plate or revalidation sticker for any motor
 490 vehicle under s. 320.03(8). If the vehicle or vessel is owned
 491 jointly by more than one person, the name of each registered
 492 owner must ~~shall~~ be placed on the list. The notice of wrecker
 493 operator's lien must ~~shall~~ be submitted on forms provided by the

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 494 department and, which must include all of the following:

- 495 1. The name, address, and telephone number of the wrecker
 496 operator.
 497 2. The name of the registered owner of the vehicle or
 498 vessel and the address to which the wrecker operator provided
 499 notice of the lien to the registered owner under subsection (4).
 500 3. A general description of the vehicle or vessel,
 501 including its color, make, model, body style, and year.
 502 4. The vehicle identification number (VIN); registration
 503 license plate number, state, and year; validation decal number,
 504 state, and year; vessel registration number; hull identification
 505 number; or other identification number, as applicable.
 506 5. The name of the person or the corresponding law
 507 enforcement agency that requested that the vehicle or vessel be
 508 recovered, towed, or stored.
 509 6. The amount of the wrecker operator's lien, not to exceed
 510 the amount allowed by paragraph (b).
 511 (b) For purposes of this subsection only, the amount of the
 512 wrecker operator's lien for which the department will prevent
 513 issuance of a license plate or revalidation sticker may not
 514 exceed the amount of the charges for recovery, towing, and
 515 storage of the vehicle or vessel for 7 days. These charges may
 516 not exceed the maximum rates imposed by the ordinances of the
 517 respective county or municipality under ss. 125.0103(1) (c) and
 518 166.043(1) (c). This paragraph does not limit the amount of a
 519 wrecker operator's lien claimed under paragraph (2) (b)
 520 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil
 521 remedies for enforcement of the entire amount of the lien, but
 522 limits only that portion of the lien for which the department

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523 will prevent issuance of a license plate or revalidation
524 sticker.

525 (d) Upon discharge of the amount of the wrecker operator's
526 lien allowed by paragraph (b), the wrecker operator must issue a
527 certificate of discharged wrecker operator's lien on forms
528 provided by the department to each registered owner of the
529 vehicle or vessel attesting that the amount of the wrecker
530 operator's lien allowed by paragraph (b) has been discharged.
531 Upon presentation of the certificate of discharged wrecker
532 operator's lien by the registered owner, the department must
533 ~~shall~~ immediately remove the registered owner's name from the
534 list of those persons who may not be issued a license plate or
535 revalidation sticker for any motor vehicle under s. 320.03(8),
536 thereby allowing issuance of a license plate or revalidation
537 sticker. Issuance of a certificate of discharged wrecker
538 operator's lien under this paragraph does not discharge the
539 entire amount of the wrecker operator's lien claimed under
540 paragraph (2) (b) subsection (2), but only certifies to the
541 department that the amount of the wrecker operator's lien
542 allowed by paragraph (b), for which the department will prevent
543 issuance of a license plate or revalidation sticker, has been
544 discharged.

545 (18) A towing-storage operator must retain for 3 years
546 records produced for all vehicles or vessels recovered, towed,
547 stored, or released. Such records must include at least all of
548 the following:

549 (a) All notice publications and certified mailings.
550 (b) The purchase price of any unclaimed vehicle or vessel
551 sold.

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552 (c) The names and addresses of persons to which vehicles or
553 vessels were released.

554 (d) The names and addresses of vehicle or vessel
555 purchasers.

556 (e) All fees imposed under this section.

557 (19) This section is the exclusive remedy for the placement
558 or foreclosure of a storage lien placed on a vehicle or vessel
559 pursuant to ss. 83.19 and 677.210.

560 (20) (a) A towing-storage operator must accept payment for
561 accrued charges from an authorized person listed in subsection
562 (10) in any form from at least two of the following
563 subparagraphs:

564 1. Cash, cashier's check, money order, or traveler's check.
565 2. Bank, debit, or credit card.
566 3. Mobile payment service, digital wallet, or other
567 electronic payment system.

568 (b) Any of the authorized persons listed in subsection (10)
569 are not required to furnish more than one form of current
570 government photo identification when payment is made in any of
571 the forms listed in paragraph (a). Presenting one form of
572 current government photo identification constitutes sufficient
573 identity verification for the purposes of this subsection.

574 Section 3. Subsection (5) is added to section 83.19,
575 Florida Statutes, to read:
576 83.19 Sale of property distrained.—
577 (5) A lien on a vehicle or vessel, as those terms are
578 defined in s. 713.78(1), of a tenant or lessee must be
579 foreclosed pursuant to s. 713.78 and may not be foreclosed under
580 this chapter.

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581 Section 4. Section 83.805, Florida Statutes, is amended to
582 read:

583 83.805 Lien.—

584 (1) The owner of a self-service storage facility or self-
585 contained storage unit and the owner's heirs, executors,
586 administrators, successors, and assigns have a lien upon all
587 personal property, whether or not owned by the tenant, located
588 at a self-service storage facility or in a self-contained
589 storage unit for rent, labor charges, or other charges, present
590 or future, in relation to the personal property and for expenses
591 necessary for its preservation or expenses reasonably incurred
592 in its sale or other disposition pursuant to ss. 83.801-83.809.
593 The lien provided for in this section attaches as of the date
594 that the personal property is brought to the self-service
595 storage facility or as of the date the tenant takes possession
596 of the self-contained storage unit, and the priority of this
597 lien shall be the same as provided in s. 83.08; however, in the
598 event of default, the owner must give notice to persons who hold
599 perfected security interests under the Uniform Commercial Code
600 in which the tenant is named as the debtor.

601 (2) A lien on a vehicle or vessel, as those terms are
602 defined in s. 713.78(1), of a tenant or lessee must be
603 foreclosed pursuant to s. 713.78 and may not be foreclosed under
604 this chapter.

605 Section 5. Subsection (1), paragraphs (a) and (b) of
606 subsection (4), and subsections (8) and (10) of section 83.806,
607 Florida Statutes, are amended to read:

608 83.806 Enforcement of lien.—An owner's lien as provided in
609 s. 83.805 may be satisfied as follows:

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610 (1) The tenant shall be notified by written notice
611 delivered in person, by e-mail, or by first-class mail with a
612 certificate of mailing to the tenant's last known address and
613 the last known address of the alternate contact person
614 designated by the tenant under the rental agreement, if any, and
615 conspicuously posted at the self-service storage facility or on
616 the self-contained storage unit. If the owner sends notice of a
617 pending sale of property to the tenant's and alternate contact
618 person's last known e-mail address and does not receive a
619 response, return receipt, or delivery confirmation from the same
620 e-mail address, the owner must send notice of the sale to the
621 tenant and alternate contact person by first-class mail with a
622 certificate of mailing to the tenant's and alternate contact
623 person's last known address before proceeding with the sale.

624 (4) After the expiration of the time given in the notice,
625 an advertisement of the sale or other disposition shall be
626 published once a week for 2 consecutive weeks in a newspaper of
627 general circulation in the area where the self-service storage
628 facility or self-contained storage unit is located.

629 (a) A lien sale may be conducted on a public website that
630 customarily conducts personal property auctions. The facility or
631 unit owner is not required to hold a license to post property
632 for online sale. ~~Inasmuch~~ As any sale may involve property of
633 more than one tenant, a single advertisement may be used to
634 dispose of property at any one sale.

635 (b) The advertisement shall include:

636 1. A brief and general description of what is believed to
637 constitute the personal property contained in the storage unit,
638 as provided in paragraph (2) (b).

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639 2. The address of the self-service storage facility or the
640 address where the self-contained storage unit is located and the
641 name of the tenant.

642 3. The time, place, and manner of the sale or other
643 disposition. The sale or other disposition shall take place at
644 least 10 ~~15~~ days after ~~the first~~ publication.

645 (8) In the event of a sale under this section, the owner
646 may satisfy his or her lien from the proceeds of the sale,
647 provided the owner's lien has priority over all other liens in
648 the personal property. The lien rights of secured lienholders
649 are automatically transferred to the remaining proceeds of the
650 sale. The balance, if any, must ~~shall~~ be held by the owner for
651 delivery on demand to the tenant. A notice of any balance must
652 ~~shall~~ be delivered by the owner to the tenant and the alternate
653 contact person designated by the tenant under the rental
654 agreement, if any, in person or by first-class mail with a
655 certificate of mailing to the last known address of the tenant
656 and alternate contact person. If the tenant does not claim the
657 balance of the proceeds within 2 years after the date of sale,
658 the proceeds are ~~shall be~~ deemed abandoned, and the owner has
659 ~~shall have~~ no further obligation with regard to the payment of
660 the balance. In the event that the owner's lien does not have
661 priority over all other liens, the sale proceeds must ~~shall~~ be
662 held for the benefit of the holders of those liens having
663 priority. A notice of the amount of the sale proceeds must ~~shall~~
664 be delivered by the owner to the tenant; alternate contact
665 person, if any; and ~~or~~ secured lienholders in person or by
666 first-class mail with a certificate of mailing to their last
667 known addresses. If the tenant or ~~the~~ secured lienholders do not

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668 claim the sale proceeds within 2 years after the date of sale,
669 the proceeds are ~~shall be~~ deemed abandoned, and the owner has
670 ~~shall have~~ no further obligation with regard to the payment of
671 the proceeds.

672 (10) (a) If a lien is claimed on property that is a ~~motor~~
673 vehicle or vessel ~~a watercraft~~ and rent and other charges
674 related to the property remain unpaid or unsatisfied for 60 days
675 after the maturity of the obligation to pay the rent and other
676 charges, the facility or unit owner may sell the property
677 pursuant to this section or have the property towed.

678 (b) If a facility or unit owner intends to sell the vehicle
679 or vessel, the facility or unit owner must conduct a check of
680 records with the Department of Highway Safety and Motor
681 Vehicles. In the event that no current registration is found in
682 the search, the facility or unit owner must conduct a search
683 through the National Motor Vehicle Title Information System or
684 an equivalent commercially available system. If a person
685 claiming a lien is not identified in either search, the property
686 may be sold by the facility or unit owner pursuant to this
687 section. The facility or unit owner must send a notice of lien
688 by certified mail to all persons claiming a lien at least 30
689 days before the date of the sale. The notice must state all of
690 the following:

691 1. The make, model, and last 8 digits of the vehicle
692 identification number of the vehicle subject to the lien, or, if
693 the claim of lien is for a vessel, the hull identification
694 number of the vessel subject to the lien. Such information must
695 be clearly printed in the delivery address box and on the
696 outside of the envelope sent to the registered owner and all

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697 other persons claiming an interest in or a lien on the vehicle
698 or vessel.

699 2. The name, physical address, and telephone number of the
700 facility or unit owner, and the entity name, as registered with
701 the Division of Corporations, of the business where the vehicle
702 or vessel is stored, which must also appear on the outside of
703 the envelope sent to all persons claiming a lien on the vehicle
704 or vessel.

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

706 4. The name of the person or entity listed as tenant in the
707 rental agreement.

708 5. That a lien is claimed.

709 6. That charges have accrued and include an itemized
710 statement of the amount thereof.

711 7. That any vehicle or vessel that remains unclaimed may be
712 sold free of all prior liens 30 days after notification is sent.

713 8. The address at which the vehicle or vessel is physically
714 located.

715 (c) At any time before the proposed or scheduled date of
716 sale of a vehicle or vessel, a person claiming an interest in or
717 a lien on the vehicle or vessel may request to inspect the
718 vehicle or vessel. The facility or unit owner must make the
719 vehicle or vessel available for inspection during regular
720 business hours within 3 business days after receiving a written
721 request to inspect the vehicle or vessel.

722 (d) At any time before the sale of the vehicle or vessel, a
723 person of record claiming a lien against the vehicle or vessel
724 may have her or his vehicle or vessel released upon posting with
725 the clerk of the court in the county in which the vehicle or

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726 vessel is held a cash or surety bond or other adequate security
727 equal to the amount of the storage charges and administrative
728 fees required to ensure the payment of such charges in the event
729 she or he does not prevail. A particular form for posting the
730 bond is not required unless the clerk provides such form to the
731 customer or person for filing. Upon the posting of the bond and
732 the payment of the applicable fee set forth in s. 28.24, the
733 clerk of the court shall automatically issue a certificate
734 notifying the facility or unit owner of the posting of the bond
735 and directing the owner to release the vehicle or vessel to the
736 person of record claiming a lien against the vehicle or vessel.
737 The certificate must be presented during regular business hours.
738 The facility or unit owner, or an employee or agent thereof who
739 is authorized to release the vehicle or vessel and who, upon
740 receiving a copy of a certificate giving notice of the posting
741 of the bond in the required amount and directing release of the
742 vehicle or vessel, fails to release or return the property to
743 the person of record claiming a lien pursuant to this section,
744 commits a misdemeanor of the second degree, punishable as
745 provided in s. 775.082 or s. 775.083.

746 (e) The person of record claiming a lien against a vehicle
747 or vessel has 30 days after the issuance of the certificate by
748 the clerk to file a lawsuit to determine the validity of the
749 storage charges. Upon determining the respective rights of the
750 parties under this section, the court may award damages,
751 attorney fees, and costs in favor of the prevailing party. Upon
752 failure of the party posting the bond to timely file suit and a
753 request by the facility or unit owner, the clerk must release
754 the cash or surety bond to the facility or unit owner.

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755 (f) Failure to make good faith efforts, as defined in s.
 756 713.78(1), to comply with the notice requirements of this
 757 section precludes the imposition of any storage charges against
 758 the vehicle or vessel.

759 (g) A copy of the notice of sale, proof of notice mailed to
 760 any person claiming a lien as required herein, and proof of the
 761 required check of the records of the Department of Highway
 762 Safety and Motor Vehicles and the National Motor Vehicle Title
 763 Information System or an equivalent commercially available
 764 system, if applicable, shall constitute satisfactory proof for
 765 application to the Department of Highway Safety and Motor
 766 Vehicles for transfer of title, together with any other proof
 767 required by any rules and regulations of the department.

768 (h) If a ~~motor~~ vehicle or ~~vessel watercraft~~ is towed, the
 769 facility or unit owner is not liable for the ~~motor~~ vehicle or
 770 ~~vessel watercraft~~ or any damages to the ~~motor~~ vehicle or ~~vessel~~
 771 ~~watercraft~~ once a wrecker takes possession of the property. The
 772 wrecker taking possession of the property must comply with all
 773 notification and sale requirements provided in s. 713.78.

774 Section 6. Subsection (4) is added to section 83.808,
 775 Florida Statutes, to read:
 776 83.808 Contracts.—
 777 (4) A rental agreement must contain a provision that
 778 authorizes the tenant to designate an optional alternate contact
 779 person. The alternate contact person may be contacted only for
 780 purposes of providing notice under s. 83.806 or as otherwise
 781 authorized by the rental agreement. Designating an alternate
 782 contact person does not give such person an interest in the
 783 contents stored at the self-service storage facility or in the

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

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784 self-contained storage unit.

785 Section 7. Subsection (10) is added to section 677.210,
 786 Florida Statutes, to read:
 787 677.210 Enforcement of warehouse's lien.—
 788 (10) A lien on a vehicle or vessel, as those terms are
 789 defined in s. 713.78(1), must be foreclosed pursuant to s.
 790 713.78 and may not be foreclosed under this chapter.

791 Section 8. Paragraph (a) of subsection (2) of section
 792 715.07, Florida Statutes, is amended to read:
 793 715.07 Vehicles or vessels parked on private property;
 794 towing.—
 795 (2) The owner or lessee of real property, or any person
 796 authorized by the owner or lessee, which person may be the
 797 designated representative of the condominium association if the
 798 real property is a condominium, may cause any vehicle or vessel
 799 parked on such property without her or his permission to be
 800 removed by a person regularly engaged in the business of towing
 801 vehicles or vessels, without liability for the costs of removal,
 802 transportation, or storage or damages caused by such removal,
 803 transportation, or storage, under any of the following
 804 circumstances:
 805 (a) The towing or removal of any vehicle or vessel from
 806 private property without the consent of the registered owner or
 807 other legally authorized person in control of that vehicle or
 808 vessel is subject to substantial compliance with the following
 809 conditions and restrictions:
 810 1.a. Any towed or removed vehicle or vessel must be stored
 811 at a site within a 10-mile radius of the point of removal in any
 812 county of 500,000 population or more, and within a 15-mile

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

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813 radius of the point of removal in any county of fewer than
 814 500,000 population. That site must be open for the purpose of
 815 redemption of vehicles on any day that the person or firm towing
 816 such vehicle or vessel is open for towing purposes, from 8:00
 817 a.m. to 6:00 p.m., and, when closed, shall have prominently
 818 posted a sign indicating a telephone number where the operator
 819 of the site can be reached at all times. Upon receipt of a
 820 telephoned request to open the site to redeem a vehicle or
 821 vessel, the operator shall return to the site within 1 hour or
 822 she or he will be in violation of this section.

823 b. If no towing business providing such service is located
 824 within the area of towing limitations set forth in sub-
 825 subparagraph a., the following limitations apply: any towed or
 826 removed vehicle or vessel must be stored at a site within a 20-
 827 mile radius of the point of removal in any county of 500,000
 828 population or more, and within a 30-mile radius of the point of
 829 removal in any county of fewer than 500,000 population.

830 2. The person or firm towing or removing the vehicle or
 831 vessel shall, within 30 minutes after completion of such towing
 832 or removal, notify the municipal police department or, in an
 833 unincorporated area, the sheriff, of such towing or removal, the
 834 storage site, the time the vehicle or vessel was towed or
 835 removed, and the make, model, color, and license plate number of
 836 the vehicle or description and registration number of the vessel
 837 and shall obtain the name of the person at that department to
 838 whom such information was reported and note that name on the
 839 trip record.

840 3. A person in the process of towing or removing a vehicle
 841 or vessel from the premises or parking lot in which the vehicle

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842 or vessel is not lawfully parked must stop when a person seeks
 843 the return of the vehicle or vessel. The vehicle or vessel must
 844 be returned upon the payment of a reasonable service fee of not
 845 more than one-half of the posted rate for the towing or removal
 846 service as provided in subparagraph 6. The vehicle or vessel may
 847 be towed or removed if, after a reasonable opportunity, the
 848 owner or legally authorized person in control of the vehicle or
 849 vessel is unable to pay the service fee. If the vehicle or
 850 vessel is redeemed, a detailed signed receipt must be given to
 851 the person redeeming the vehicle or vessel.

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

855 5. Except for property appurtenant to and obviously a part
 856 of a single-family residence, and except for instances when
 857 notice is personally given to the owner or other legally
 858 authorized person in control of the vehicle or vessel that the
 859 area in which that vehicle or vessel is parked is reserved or
 860 otherwise unavailable for unauthorized vehicles or vessels and
 861 that the vehicle or vessel is subject to being removed at the
 862 owner's or operator's expense, any property owner or lessee, or
 863 person authorized by the property owner or lessee, before towing
 864 or removing any vehicle or vessel from private property without
 865 the consent of the owner or other legally authorized person in
 866 control of that vehicle or vessel, must post a notice meeting
 867 the following requirements:

868 a. The notice must be prominently placed at each driveway
 869 access or curb cut allowing vehicular access to the property
 870 within 10 feet from the road, as defined in s. 334.03(22). If

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871 there are no curbs or access barriers, the signs must be posted
872 not fewer than one sign for each 25 feet of lot frontage.

873 b. The notice must clearly indicate, in not fewer than 2-
874 inch high, light-reflective letters on a contrasting background,
875 that unauthorized vehicles will be towed away at the owner's
876 expense. The words "tow-away zone" must be included on the sign
877 in not fewer than 4-inch high letters.

878 c. The notice must also provide the name and current
879 telephone number of the person or firm towing or removing the
880 vehicles or vessels.

881 d. The sign structure containing the required notices must
882 be permanently installed with the words "tow-away zone" not
883 fewer than 3 feet and not more than 6 feet above ground level
884 and must be continuously maintained on the property for not
885 fewer than 24 hours before the towing or removal of any vehicles
886 or vessels.

887 e. The local government may require permitting and
888 inspection of these signs before any towing or removal of
889 vehicles or vessels being authorized.

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

896 g. A property owner towing or removing vessels from real
897 property must post notice, consistent with the requirements in
898 sub-subparagraphs a.-f., which apply to vehicles, that
899 unauthorized vehicles or vessels will be towed away at the

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900 owner's expense.

901
902 A business owner or lessee may authorize the removal of a
903 vehicle or vessel by a towing company when the vehicle or vessel
904 is parked in such a manner that restricts the normal operation
905 of business; and if a vehicle or vessel parked on a public
906 right-of-way obstructs access to a private driveway the owner,
907 lessee, or agent may have the vehicle or vessel removed by a
908 towing company upon signing an order that the vehicle or vessel
909 be removed without a posted tow-away zone sign.

910 6. Any person or firm that tows or removes vehicles or
911 vessels and proposes to require an owner, operator, or person in
912 control or custody of a vehicle or vessel to pay the costs of
913 towing and storage before redemption of the vehicle or vessel
914 must file and keep on record with the local law enforcement
915 agency a complete copy of the current rates to be charged for
916 such services and post at the storage site an identical rate
917 schedule and any written contracts with property owners,
918 lessees, or persons in control of property which authorize such
919 person or firm to remove vehicles or vessels as provided in this
920 section.

921 7. Any person or firm towing or removing any vehicles or
922 vessels from private property without the consent of the owner
923 or other legally authorized person in control or custody of the
924 vehicles or vessels shall, on any trucks, wreckers as defined in
925 s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the
926 towing or removal, have the name, address, and telephone number
927 of the company performing such service clearly printed in
928 contrasting colors on the driver and passenger sides of the

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929 vehicle. The name shall be in at least 3-inch permanently
930 affixed letters, and the address and telephone number shall be
931 in at least 1-inch permanently affixed letters.

932 8. Vehicle entry for the purpose of removing the vehicle or
933 vessel shall be allowed with reasonable care on the part of the
934 person or firm towing the vehicle or vessel. Such person or firm
935 shall be liable for any damage occasioned to the vehicle or
936 vessel if such entry is not in accordance with the standard of
937 reasonable care.

938 9. When a vehicle or vessel has been towed or removed
939 pursuant to this section, it must be released to its owner or
940 person in control or custody within 1 hour after requested. Any
941 vehicle or vessel owner or person in control or custody has the
942 right to inspect the vehicle or vessel before accepting its
943 return, and no release or waiver of any kind which would release
944 the person or firm towing the vehicle or vessel from liability
945 for damages noted by the owner or person in control or custody
946 at the time of the redemption may be required from any vehicle
947 or vessel owner or person in control or custody as a condition
948 of release of the vehicle or vessel to its owner or person in
949 control or custody. A detailed receipt showing the legal name of
950 the company or person towing or removing the vehicle or vessel
951 must be given to the person paying towing or storage charges at
952 the time of payment, whether requested or not.

953 Section 9. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

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

1/17/24

Meeting Date

774

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name

Mike Moore

Phone

813-777-6171

Address

1235 Adams

Street

Email

moore@thesouthersgroup.com

Tallah

City

FL

State

32301

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Guardian Fleet services

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

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

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

5-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1/17/24

Meeting Date

774

Bill Number or Topic

Transportation
Committee

Amendment Barcode (if applicable)

Name Doug Bell

Phone 850 209 9000

Address 119 S. Monroe St.
Street

Email doug.bell@whdfirm.com

TLH
City

FL
State

32301
Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Avis Budget Group rental cars

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

11/17/24

Meeting Date

774

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name

Doug Bell

Phone

850 205 9000

Address

119 S. Monroe St.

Email

doug.bell@wldfirm.com

Street

TLH

City

FL

State

32301

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



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

Business Law Section of the Florida Bar

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

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 774

1-17-24

Meeting Date

Bill Number or Topic

Transportation

Committee

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

Amendment Barcode (if applicable)

Name Eric De Campos

Phone 847-989-7104

Address 1515 West 22nd Street, ste. 1300W

Email edecampos@nicb.org

Street

Oak Brook

IL

60523

City

State

Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

National Insurance Crime Bureau (NICB)

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

1-17-24

Meeting Date

774

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name Harvey Spencer

Phone 352-672-8486

Address 261 NE 347 Ave

Email tricountytowing352@yahoo.com

Street

old town

City

FL

State

32680

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/17/24

Meeting Date

774

Bill Number or Topic

TRANSPORTATION

Committee

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

Amendment Barcode (if applicable)

Name RAMON CREGO

Phone 305-986-5364

Address 12340 SW 98th St

Email sirrayrca@aol.com

Miami

FL

33186

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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1/17/24

Meeting Date

274

Bill Number or Topic

Transportation
Committee

Amendment Barcode (if applicable)

Name MARSON JOHNSON Jr

Phone 727-638-7198

Address 545 52nd Street S.

Email MARSONJOHNSON@Gmail.com

Street

St Petersburg FL 33707

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

774

1-17-24

Meeting Date

Bill Number or Topic

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

Amendment Barcode (if applicable)

Trans

Committee

Name

Mike Seamon

Phone

407-402-1040

Address

4718 Edgewater Dr

Email

mseamon@hotmail.com

Street

Orlando

FL

32704

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Professional Wrecker Operators of Florida

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

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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

11/17/23
Meeting Date

774
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Cesire Dughi

Phone 352 519-3902

Address _____
Street

Email _____

City State Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

Enterprise Mobility

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

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

S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 110
Caption: Senate Transportation Committee

Case No.:

Type:
Judge:

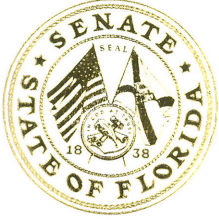
Started: 1/17/2024 8:30:41 AM

Ends: 1/17/2024 9:36:20 AM

Length: 01:05:40

8:30:40 AM Chair DiCeglie calls meeting to order
8:30:43 AM Roll call
8:30:49 AM Quorum present
8:30:53 AM Pledge of Allegiance
8:31:21 AM Chair DiCeglie with opening comments
8:31:33 AM Tab 6, SB 774, Towing and Storage introduced
8:32:02 AM Explanation by Senator Perry
8:32:42 AM Chair DiCeglie
8:32:47 AM Mike Moore waives
8:32:54 AM Doug Bell waives
8:33:06 AM Eric DeCampos waives
8:33:09 AM Harvey Spencer waives
8:33:14 AM Ramon Crego waives
8:33:22 AM Marson Johnson, Jr. waives
8:33:25 AM Mike Seamon waives
8:33:33 AM Leslie Dughi waives
8:33:44 AM Chair DiCeglie
8:33:52 AM Closure by Senator Perry
8:33:57 AM Roll call
8:34:10 AM SB 774 reported favorably
8:34:23 AM Tab 2, SB 512, Specialty License Plates/United Service Organizations
8:35:03 AM Senator Hooper presents on behalf of Senator Bradley
8:35:19 AM Chair DiCeglie
8:35:47 AM Closure waived
8:35:49 AM Roll call
8:35:52 AM SB 512 reported favorably
8:36:00 AM Tab 1, SB 266, Department of Transportation introduced
8:36:23 AM Explanation by Senator Hooper
8:36:43 AM Amendment Barcode 703922 introduced
8:36:57 AM Explanation by Senator Hooper
8:39:56 AM Chair DiCeglie
8:40:04 AM Amendment to Amendment Barcode 589480 introduced
8:40:17 AM Explanation of Amendment to Amendment by Senator Hooper
8:40:41 AM Chair DiCeglie
8:40:48 AM Speaker Stefano Di Portigliatti
8:44:27 AM Speaker Alex Arteagon-Gomez
8:49:07 AM Chair DiCeglie
8:49:15 AM Closure by Senator Hooper
8:49:53 AM Chair DiCeglie
8:50:56 AM Amendment to Amendment adopted
8:51:02 AM Chair DiCeglie
8:51:07 AM Amendment Barcode 703922 introduced
8:51:33 AM Alex Arteagon-Gomez waives
8:51:39 AM Stefano Di Portigliatti waives
8:51:44 AM Speaker Charles Dudley
8:53:27 AM Speaker Casey Reed
8:54:23 AM Speaker John Holley
8:54:50 AM Chair DiCeglie
8:55:04 AM Closure by Senator Hooper
8:56:41 AM Chair DiCeglie
8:56:48 AM Amendment adopted
8:56:54 AM Chair DiCeglie

8:57:10 AM Speaker Ananth Prasad
9:05:47 AM Questions
9:06:47 AM Senator Davis
9:07:24 AM Mr. Prasad
9:10:17 AM Chair DiCeglie
9:10:25 AM Debate
9:10:27 AM Senator Torres
9:13:27 AM Senator Trumbull
9:14:43 AM Senator Davis
9:16:12 AM Chair DiCeglie
9:16:46 AM Closure by Senator Hooper
9:18:11 AM Roll Call
9:19:11 AM CS/SB 266 reported favorably
9:19:23 AM Tab 5, SB 736, Services Provided by the Department of Highway Safety and Motor Vehicles or Its Agent introduced
9:20:01 AM Explanation by Senator Trumbull
9:21:05 AM Chair DiCeglie
9:21:11 AM Tim Qualls waives
9:21:20 AM Chair DiCeglie
9:21:27 AM Closure waived
9:21:31 AM Roll call
9:21:35 AM SB 736 reported favorably
9:21:43 AM Chair passed to Vice Chair Davis
9:22:04 AM Tab 4, SB 648, License or Permit to Operate a Vehicle for Hire introduced
9:22:22 AM Explanation by Chair DiCeglie
9:22:43 AM Chair Davis
9:23:29 AM Question
9:23:31 AM Chair Davis
9:23:35 AM Chair DiCeglie
9:23:48 AM Chair Davis
9:23:52 AM Chair DiCeglie
9:24:16 AM Chair Davis
9:24:22 AM Darrick McGhee waives
9:24:31 AM Chair Davis
9:24:45 AM Chair DiCeglie in closure
9:24:51 AM Roll call
9:25:25 AM SB 648 reported favorably
9:25:36 AM Chair passed to Chair DiCeglie
9:26:57 AM Recording Paused
9:32:09 AM Recording Resumed
9:32:17 AM Chair DiCeglie
9:32:28 AM Tab 3, SB 640, Purple Alert introduced
9:32:37 AM Explanation by Senator Berman
9:33:08 AM Chair DiCeglie
9:33:34 AM Amendment Barcode 737802 introduced
9:33:43 AM Explanation of Amendment
9:33:59 AM Chair DiCeglie
9:34:24 AM Closure waived
9:34:29 AM Amendment adopted
9:34:33 AM Chair DiCeglie
9:34:43 AM Barney Bishop III waives
9:34:50 AM Bobbie Smith waives
9:34:56 AM Chair DiCeglie
9:35:06 AM Senator Berman in closure
9:35:15 AM Roll call
9:35:16 AM CS/SB 540 reported favorably
9:35:28 AM Chair DiCeglie
9:35:41 AM Senator Trumbull
9:35:58 AM Chair DiCeglie
9:36:02 AM Senator Hooper moves to adjourn
9:36:09 AM Meeting adjourned



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Committee on Criminal
and Civil Justice, *Chair*
Criminal Justice, *Vice Chair*
Appropriations
Children, Families, and Elder Affairs
Community Affairs
Regulated Industries

SELECT COMMITTEE:

Select Committee on Resiliency

SENATOR JENNIFER BRADLEY

6th District

January 16, 2024

Senator Nick DiCeglie, Chairman
Senate Committee on Transportation
308 Senate Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman DiCeglie:

Please accept Senator Hooper presenting Senate Bill 512: Specialty License Plates/United Service Organizations on behalf of Senator Bradley during committee tomorrow.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Bradley".

Jennifer Bradley

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

REPLY TO:

- 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
- 124 Northwest Madison Street, Lake City, Florida 32055 (386) 719-2708
- 408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore