

**Tab 1** CS/SB 30 by EN, Garcia; Boating Safety

**Tab 2** SB 84 by Book (CO-INTRODUCERS) Stewart; (Compare to H 00091) Transportation Facility Designations/Jimmy Buffett Highway

942992 D S RCS TR, Book Delete everything after 01/10 11:05 AM

**Tab 3** SB 258 by Perry; (Identical to H 00317) Interstate Safety

**Tab 4** SB 434 by Harrell; (Similar to H 00403) Specialty License Plates/Margaritaville

420120 A S RCS TR, Harrell Delete L.22 - 30: 01/10 11:06 AM

**Tab 5** SB 754 by DiCeglie; (Identical to H 00405) Regulation of Commercial Motor Vehicles

382268 A S RCS TR, DiCeglie Delete L.255 - 372: 01/10 11:06 AM

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

**TRANSPORTATION**  
**Senator DiCeglie, Chair**  
**Senator Davis, Vice Chair**

**MEETING DATE:** Wednesday, January 10, 2024

**TIME:** 10:30 a.m.—12:00 noon

**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	<b>CS/SB 30</b> Environment and Natural Resources / Garcia	Boating Safety; Requiring the Department of Highway Safety and Motor Vehicles to issue original, renewal, or replacement identification cards with a lifetime boating safety identification card symbol to applicants if certain conditions are met; requiring that applications for original, renewal, or replacement driver licenses or identification cards indicate whether the applicant has obtained a boating safety identification card and, if so, that a copy of such card be submitted with the application; requiring the department to issue original, renewal, or replacement driver licenses with a lifetime boating safety identification card symbol to applicants if certain conditions are met, etc.  EN 12/06/2023 Fav/CS TR 01/10/2024 Temporarily Postponed FP	Temporarily Postponed
2	<b>SB 84</b> Book (Compare H 91)	Transportation Facility Designations/Jimmy Buffett Highway; Providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers, etc.  TR 01/10/2024 Fav/CS ATD FP	Fav/CS Yeas 5 Nays 0
3	<b>SB 258</b> Perry (Identical H 317)	Interstate Safety; Defining the term “furthermost left-hand lane”; prohibiting a driver from operating a motor vehicle in the furthermost left-hand lane of certain roadways, except under certain circumstances, etc.  TR 01/10/2024 Favorable CJ RC	Favorable Yeas 5 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Wednesday, January 10, 2024, 10:30 a.m.—12:00 noon

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 434</b> Harrell (Similar H 403)	Specialty License Plates/Margaritaville; Directing the Department of Highway Safety and Motor Vehicles to develop a Margaritaville license plate; providing for distribution of fees collected from the sale of the plate, etc.  TR 01/10/2024 Fav/CS ATD FP	Fav/CS Yeas 5 Nays 0
5	<b>SB 754</b> DiCeglie (Identical H 405)	Regulation of Commercial Motor Vehicles; Revising federal regulations to which owners and operators of certain commercial motor vehicles are subject; charging the Department of Highway Safety and Motor Vehicles with the administration and enforcement of certain federal regulations; prohibiting the department from issuing a commercial motor vehicle license to a person who is ineligible under certain federal regulations; applying a reinstatement service fee to a person whose privilege to operate a commercial vehicle has been downgraded, etc.  TR 01/10/2024 Fav/CS ATD FP	Fav/CS Yeas 5 Nays 0

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Other Related Meeting Documents

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 30

INTRODUCER: Environment and Natural Resources Committee and Senator Garcia

SUBJECT: Boating Safety

DATE: January 9, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carroll</u>	<u>Rogers</u>	<u>EN</u>	<u>Fav/CS</u>
2.	<u>Shutes</u>	<u>Vickers</u>	<u>TR</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>FP</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 30 requires the Department of Highway Safety and Motor Vehicles (DHSMV), effective October 1, 2025, to issue an original, renewal, or replacement identification card or driver license with a lifetime boating safety identification card symbol if there is proof that he or she was issued a boating safety identification card. The applicant will not be charged for inclusion of the symbol, or for a replacement identification card or driver license if the sole purpose for the replacement is the inclusion of the symbol.

The bill requires a copy of an applicant's Florida boating safety identification card to be submitted with an application for an identification card or driver license.

The bill requires a person convicted of boating under the influence and one or more criminal boating safety violations to maintain an insurance policy insuring against loss from liability for bodily injury, death, and property damage arising out of the ownership, maintenance, or use of a vessel. Operating a vessel without the requisite insurance is a second-degree misdemeanor.

Under current law, a person born before January 1, 1988 is not required to possess a Florida boating safety identification card or similar certification when operating a vessel powered by 10 horsepower or more. The bill expands the boating safety identification card or similar certification requirement by removing the age exemption, effective July 1, 2026.

The bill requires the boating safety education course or temporary certificate exam to include information on boating under the influence and human trafficking awareness.

The bill also adds mandatory boating safety education course requirements for persons convicted of certain boating safety violations, including the addition of a four-hour mandatory boating safety education course for specified violations. The bill authorizes FWC to adopt rules necessary to implement these changes.

## I. Present Situation:

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

The Fish and Wildlife Conservation Commission (FWC) is responsible for regulating, managing, protecting, and conserving the state's fish and wildlife resources.<sup>1</sup> Chapter 327, F.S., concerning vessel safety, is enforced by FWC's Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.<sup>2</sup>

The Division of Law Enforcement manages the state's waterways to ensure boating safety for Florida residents and visitors.<sup>3</sup> This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.<sup>4</sup>

### **Boating Safety Education and Identification Cards**

A person operating a vessel powered by a motor of 10 horsepower or greater must possess photographic identification and a Florida boating safety identification card; a state-issued identification card or driver license indicating possession of the boating safety identification card; or photographic identification and a temporary certificate issued or approved by FWC, an International Certificate of Competency, a boating safety card or certificate from another state or U.S. territory, or a Canadian Pleasure Craft Operator Card.<sup>5</sup> A person is exempt from this requirement if he or she:

- Was born before January 1, 1988;<sup>6</sup>
- Is licensed by the U.S. Coast Guard to serve as master of a vessel or has previously obtained this license, provides proof to FWC, and requests that a boating safety identification card be issued in his or her name;

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<sup>1</sup> FLA. CONST. art. IV, s. 9.

<sup>2</sup> Section 327.70(1), F.S.; *see s. 943.10(1), F.S.*, which defines "law enforcement officer" as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The definition also includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

<sup>3</sup> Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited Nov. 6, 2023).

<sup>4</sup> FWC, *Law Enforcement*, <https://myfwc.com/about/inside-fwc/le/> (last visited Nov. 6, 2023). *See s. 327.70(1) and (4), F.S.*

<sup>5</sup> Section 327.395(1), (2), F.S.

<sup>6</sup> Section 327.395(1), F.S.

- Operates a vessel only on a private lake or pond;
- Is accompanied by an adult who meets boating safety requirements and who is attendant to the operation of the vessel and responsible for safe operation of the vessel;
- Is a nonresident who possesses photographic identification and proof of completion of a boating safety education course or examination that meets or exceeds the minimum requirements established by the National Association of State Boating Law Administrators;
- Operates a vessel within 90 days after purchase and possesses the bill of sale;
- Operates a vessel within 90 days after completing a boating safety education course and has a photographic identification card and a boating safety education certificate available for inspection; or
- Is exempted by FWC rule.<sup>7</sup>

A Florida boating safety identification card is issued after successful completion of a boating safety education course approved by FWC.<sup>8</sup> The card is valid for a person's life.<sup>9</sup> A temporary certificate requires passing an FWC-approved examination and is valid for 90 days after the date of issuance.<sup>10</sup> The FWC-approved boating safety education course or temporary certificate examination must contain information regarding:

- Diving vessels, awareness of divers in the water, divers-down warning devices, and navigation around divers;
- The danger associated with:
  - A passenger riding on a vessel area not designed and designated for seating,
  - A passenger falling overboard,
  - Operating a vessel near a person in the water,
  - Starting a vessel with the engine in gear, and
  - Leaving the vessel running when a passenger is boarding or disembarking; and
- The proper use and lifesaving benefits of an engine cutoff switch for motorboats and personal watercraft.<sup>11</sup>

A lifetime boating safety identification cardholder may pay a \$1 fee to have a boating safety identification card symbol added to his or her identification card or driver license when the identification card or driver license is being issued.<sup>12</sup> If a person replaces his or her identification card or driver license before its expiration date, the cardholder may pay a \$2 fee to have the symbol added to the identification card or driver license. If the sole purpose of replacing the identification card or driver license is to add the symbol, the replacement identification card or driver license must be issued without payments of the credential replacement fees.<sup>13</sup> As of September 2023, DHSMV has issued 12,176 driver licenses and 147 identification cards with the lifetime boating safety identification card symbol.<sup>14</sup>

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<sup>7</sup> Section 327.395(6), F.S.

<sup>8</sup> Section 327.395(3), F.S.

<sup>9</sup> Section 327.395(5), F.S.

<sup>10</sup> Section 327.395(3), (5), F.S.

<sup>11</sup> Section 327.395(4), F.S.

<sup>12</sup> Sections 322.051(8) and 322.14(1)(e), F.S.

<sup>13</sup> *Id.* The fee for a replacement identification card or driver license is \$25. Section 322.21(1)(e)-(f), F.S.

<sup>14</sup> Department of Highway Safety and Motor Vehicles, *2024 Agency Legislative Bill Analysis: SB 30, 2*, (on file with the Senate Committee on Environment and Natural Resources).

A boating safety education course is mandatory for persons convicted of certain boating safety violations. A person convicted of a criminal boating safety violation, of a noncriminal boating safety infraction if it resulted in a reportable boating accident, or of two noncriminal infractions<sup>15</sup> occurring within a 12-month period must:

- Enroll in, attend, and successfully complete, at his or her own expense, an FWC-approved classroom or online boating safety course;
- File with FWC within 90 days proof of successful completion of the course;
- Refrain from operating a vessel until he or she has filed proof of successful completion of the course with FWC; and
- Pay a \$500 fine.<sup>16</sup>

## II. Effect of Proposed Changes:

**Sections 1 and 3** amend ss. 322.051 and 322.14, F.S., to require the Department of Highway Safety and Motor Vehicles (DHSMV), effective October 1, 2025, to issue an original, renewal, or replacement identification card or driver license, as applicable, which includes a symbol representing a lifetime boating safety identification card upon the applicant's presentation of his or her Florida boating safety identification card or a receipt of confirmation by the Florida Fish and Wildlife Conservation Commission (FWC) that the applicant was issued a Florida boating safety identification card.

DHSMV shall include the lifetime boating safety identification card symbol on an original, renewal, or replacement identification card or driver license with no additional charge to the applicant for the designation. If the sole purpose for a replacement identification card or driver license is the inclusion of the applicant's status as a lifetime boating safety cardholder, the replacement identification card or driver license must be issued without a fee.

The bill removes the requirement that an applicant must pay an additional \$1 fee to DHSMV for inclusion of a symbol representing the lifetime boater safety identification card on an identification card or driver license. The bill also removes language allowing a boating safety cardholder to replace his or her identification card or driver license before its expiration date with a card that includes his or her status upon surrender of a current identification card or driver license, payment of a \$2 fee, and presentation of the person's lifetime boating safety identification card.

**Section 2** amends s. 322.08, F.S., to require that, effective October 1, 2025, each application for an identification card or driver license must indicate whether the applicant has obtained a Florida boating safety identification card and, if so, a copy of such card must be submitted with the application. The bill authorizes FWC to provide DHSMV with any record it has of the applicant completing an approved boating safety education course or having been issued a Florida boating safety identification card.

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<sup>15</sup> The noncriminal boating safety infractions included relate to careless operation; water skiing, aquaplaning, parasailing, and similar activities; interference with navigation; boating-restricted areas and speed limits; required safety equipment, lights, and shapes; navigation rules; personal watercraft; boater safety education; operation of overloaded or overpowered vessels; divers-down warning devices; adequate mufflers on an airboat; display of a flag on an airboat; carelessly causing seagrass scarring; and protection zones for springs. Sections 327.731(1) and 327.73(1), F.S.

<sup>16</sup> Section 327.731(1), F.S.

**Section 4** amends s. 327.35, F.S., to provide that, notwithstanding any sentence or fine imposed by law or the court, a person convicted of boating under the influence and one or more criminal violations under this chapter, whether arising from the same incident or within the preceding 12 months, must maintain an insurance policy insuring against loss from liability for bodily injury, death, and property damage arising out of the ownership, maintenance, or use of a vessel. Such insurance must contain limits not less than \$100,000 for bodily injury liability or death and \$50,000 for property damage. The bill provides that a person who operates a vessel without the requisite insurance commits a misdemeanor of the second degree, punishable by a fine of no more than \$500 or imprisonment of no more than 60 days.

**Section 5** amends s. 327.395, F.S., to require that, effective July 1, 2026, a person born before January 1, 1988 who operates a vessel powered by a motor of 10 horsepower or greater must have in his or her possession aboard the vessel a Florida boating safety identification card or similar certification, unless otherwise exempted by the boating safety education statute. The bill is an expansion of current law, which does not require a person born before January 1, 1988 to possess a Florida boating safety identification card or similar certification.

The bill also adds that the FWC-approved boating safety education course or temporary certificate examination must include components regarding the danger associated with boating under the influence and human trafficking awareness.

**Section 6** amends s. 327.731, F.S., to require that a person enroll in, attend, and successfully complete at his or her own expense, one of the following mandatory boating safety education courses, as applicable:

- For a person convicted of any two noncriminal infractions within a 24-month period, the boating safety education course provided for in the boating safety statute.
- For a person convicted of a criminal violation, of a noncriminal boating safety infraction if the infraction resulted in a reportable boating accident, or of three or more noncriminal infractions within a 36-month period, the boating safety education course and a four-hour course that includes information regarding all of the following:
  - The boating laws of Florida;
  - Causes and prevention of boating accidents;
  - The importance of wearing personal flotation devices;
  - The use of common sense and common courtesy while operating a vehicle; and
  - Operating a vehicle defensively.

The bill deletes the requirement that the mandatory boating safety education course must be a classroom or online course. The bill adds that the term “convicted” is defined the same as “conviction,” which is defined as a finding of guilt, or the acceptance of a plea of guilty or nolo contendere, regardless of whether adjudication was withheld or whether imposition of sentence was withheld, deferred, or suspended.

The bill provides that a person who operates a vessel on the waters of this state in violation of the mandatory boating safety education requirements commits a misdemeanor of the second degree. Current statutory language provides that the person is guilty of a misdemeanor of the second degree.



The bill authorizes FWC to adopt rules necessary to implement the mandatory boating safety education for violators.

**Section 7** amends s. 119.0712, F.S., to make a conforming change, effective October 1, 2025.

**Section 8** reenacts s. 327.54(4), F.S., for the purpose of incorporating the amendment made by this bill to the law governing boating safety education in a reference thereto.

**Section 9** provides an effective date of July 1, 2024.

### **III. 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.

### **IV. Fiscal Impact Statement:**

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

None.

#### **B. Private Sector Impact:**

None.

#### **C. Government Sector Impact:**

The bill will cause a fiscal revenue loss for the Department of Highway Safety and Motor Vehicles (DHSMV), because of the loss of the fee for adding the lifetime boating safety identification card symbol to identification cards and driver licenses. DHSMV collected

\$1,453 in the Highway Safety Operating Trust Fund in fiscal year 2022-2023 from customers who requested just the lifetime boater safety designation.<sup>17</sup>

**V. Technical Deficiencies:**

None.

**VI. Related Issues:**

None.

**VII. Statutes Affected:**

This bill substantially amends sections 119.0712, 322.051, 322.08, 322.14, 327.35, 327.395, and 327.731 of the Florida Statutes.

The bill reenacts section 327.54(4) of the Florida Statutes.

**VIII. Additional Information:**

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

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

**CS by Environment and Natural Resources on December 6, 2023:**

- Extends the effective date of the bill’s provisions regarding issuance of identification cards and driver licenses with the boating safety identification card symbol;
- Clarifies that the boating safety identification card symbol may be added to an original, renewal, or replacement identification card or driver license; and
- Clarifies that the boating safety identification card symbol must be included with no additional fee to the applicant for the designation, and if the sole purpose for the replacement of an identification card or driver license is the inclusion of the symbol, the identification card or driver license must be issued without a fee.

**B. Amendments:**

None.

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

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<sup>17</sup> Department of Highway Safety and Motor Vehicles, *2024 Agency Legislative Bill Analysis: SB 30, 4* (on file with the Senate Committee on Environment and Natural Resources).

By the Committee on Environment and Natural Resources; and  
Senator Garcia

592-01781-24

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1 A bill to be entitled  
2 An act relating to boating safety; amending s.  
3 322.051, F.S.; requiring the Department of Highway  
4 Safety and Motor Vehicles to issue original, renewal,  
5 or replacement identification cards with a lifetime  
6 boating safety identification card symbol to  
7 applicants if certain conditions are met; requiring  
8 the department to include the symbol on such cards  
9 with no additional fee for the designation; requiring  
10 the department to issue replacement identification  
11 cards that meet certain requirements without charging  
12 a specified fee; amending s. 322.08, F.S.; requiring  
13 that applications for original, renewal, or  
14 replacement driver licenses or identification cards  
15 indicate whether the applicant has obtained a boating  
16 safety identification card and, if so, that a copy of  
17 such card be submitted with the application;  
18 authorizing the Fish and Wildlife Conservation  
19 Commission to provide the department with certain  
20 information relating to the applicant; amending s.  
21 322.14, F.S.; requiring the department to issue  
22 original, renewal, or replacement driver licenses with  
23 a lifetime boating safety identification card symbol  
24 to applicants if certain conditions are met; requiring  
25 the department to include the symbol on such licenses  
26 with no additional fee for the designation; requiring  
27 the department to issue replacement driver licenses  
28 that meet certain requirements without charging a  
29 specified fee; amending s. 327.35, F.S.; requiring a

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30 person convicted of certain violations relating to  
31 boating under the influence to maintain an insurance  
32 policy that meets certain requirements; providing  
33 criminal penalties for failure to maintain such  
34 insurance; amending s. 327.395, F.S.; requiring all  
35 persons, rather than only persons born on or after a  
36 specified date, while operating a vessel, to have  
37 specified identification in their possession aboard  
38 the vessel; revising the required components of the  
39 commission's developed or approved boating safety  
40 education course or temporary certificate examination;  
41 amending s. 327.731, F.S.; revising the mandatory  
42 education requirements for a person convicted of  
43 certain violations; requiring the commission to adopt  
44 rules; making technical changes; amending s. 119.0712,  
45 F.S.; conforming a cross-reference; reenacting s.  
46 327.54(4), F.S., relating to liveries, to incorporate  
47 the amendment made to s. 327.395, F.S., in references  
48 thereto; providing effective dates.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. Effective October 1, 2025, paragraph (d) of  
53 subsection (8) of section 322.051, Florida Statutes, is amended,  
54 and paragraph (f) is added to that subsection, to read:  
55 322.051 Identification cards.—  
56 (8)  
57 (d) The department shall include symbols representing the  
58 following on an identification card upon the payment of an

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59 additional \$1 fee by an applicant who meets the requirements of  
60 subsection (1) and presents his or her:

- 61 1. Lifetime freshwater fishing license;
- 62 2. Lifetime saltwater fishing license;
- 63 3. Lifetime hunting license; or
- 64 4. Lifetime sportsman's license; ~~or~~
- 65 5. ~~Lifetime boater safety identification card.~~

66  
67 A person may replace his or her identification card before its  
68 expiration date with a card that includes his or her status as a  
69 lifetime licensee ~~or boater safety cardholder~~ upon surrender of  
70 his or her current identification card, payment of a \$2 fee to  
71 be deposited into the Highway Safety Operating Trust Fund, and  
72 presentation of the person's lifetime license ~~or card~~. If the  
73 sole purpose of the replacement identification card is the  
74 inclusion of the applicant's status as a lifetime licensee ~~or~~  
75 ~~cardholder~~, the replacement identification card must be issued  
76 without payment of the fee required in s. 322.21(1)(f)3.c.

77 (f) The department shall issue an original, renewal, or  
78 replacement identification card, as applicable, which includes a  
79 symbol representing a lifetime boating safety identification  
80 card upon the applicant's presentation of his or her Florida  
81 boating safety identification card or a receipt of confirmation  
82 by the Fish and Wildlife Conservation Commission that the  
83 applicant was issued a Florida boating safety identification  
84 card. The department shall include the lifetime boating safety  
85 identification card symbol on an original, renewal, or  
86 replacement identification card with no additional fee to the  
87 applicant for the designation. If the sole purpose of the

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88 replacement identification card is the inclusion of the  
89 applicant's status as a lifetime boating safety cardholder, the  
90 replacement identification card must be issued without payment  
91 of any fee required by s. 322.21(1)(f).

92 Section 2. Effective October 1, 2025, present subsections  
93 (5) through (10) of section 322.08, Florida Statutes, are  
94 redesignated as subsections (6) through (11), respectively, and  
95 a new subsection (5) is added to that section, to read:

96 322.08 Application for license; requirements for license  
97 and identification card forms.—

98 (5) Each such application must indicate whether the  
99 applicant has obtained a Florida boating safety identification  
100 card pursuant to s. 327.395, and, if so, a copy of such card  
101 must be submitted with the application. For purposes of  
102 administering this subsection, the Fish and Wildlife  
103 Conservation Commission may provide to the department any record  
104 it has of the applicant completing a boating safety education  
105 course that meets the requirements of s. 327.395 or having been  
106 issued a Florida boating safety identification card.

107 Section 3. Effective October 1, 2025, paragraph (e) of  
108 subsection (1) of section 322.14, Florida Statutes, is amended,  
109 and paragraph (g) is added to that subsection, to read:

110 322.14 Licenses issued to drivers.—

111 (1)

112 (e) The department shall include symbols representing the  
113 following on a driver license upon the payment of an additional  
114 \$1 fee by an applicant who meets the requirements of s. 322.08  
115 and presents his or her:

- 116 1. Lifetime freshwater fishing license;

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- 117 2. Lifetime saltwater fishing license;  
 118 3. Lifetime hunting license; or  
 119 4. Lifetime sportsman's license; ~~or~~  
 120 5. ~~Lifetime boater safety identification card.~~

121  
 122 A person may replace his or her driver license before its  
 123 expiration date with a license that includes his or her status  
 124 as a lifetime licensee ~~or boater safety cardholder~~ upon  
 125 surrender of his or her current driver license, payment of a \$2  
 126 fee to be deposited into the Highway Safety Operating Trust  
 127 Fund, and presentation of the person's lifetime license ~~or~~  
 128 ~~identification card~~. If the sole purpose of the replacement  
 129 driver license is the inclusion of the applicant's status as a  
 130 lifetime licensee ~~or cardholder~~, the replacement driver license  
 131 must be issued without payment of the fee required in s.  
 132 322.21(1)(e).

133 (g) The department shall issue an original, renewal, or  
 134 replacement driver license, as applicable, which includes a  
 135 symbol representing a lifetime boating safety identification  
 136 card, upon the applicant's presentation of his or her Florida  
 137 boating safety identification card or a receipt of confirmation  
 138 by the Fish and Wildlife Conservation Commission that the  
 139 applicant has been issued a Florida boating safety  
 140 identification card. The department shall include the lifetime  
 141 boating safety identification card symbol on an original,  
 142 renewal, or replacement driver license with no additional fee to  
 143 the applicant for the designation. If the sole purpose of the  
 144 replacement driver license is the inclusion of the applicant's  
 145 status as a lifetime boating safety cardholder, the replacement

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146 driver license must be issued without payment of any fee  
 147 required by s. 322.21(1)(e).

148 Section 4. Present subsection (10) of section 327.35,  
 149 Florida Statutes, is redesignated as subsection (11), and a new  
 150 subsection (10) is added to that section, to read:

151 327.35 Boating under the influence; penalties; "designated  
 152 drivers."—

153 (10) Notwithstanding any sentence or fine imposed by law or  
 154 the court, a person convicted of a violation of subsection (1)  
 155 and one or more criminal violations under this chapter, whether  
 156 arising from the same incident or within the preceding 12  
 157 months, must maintain an insurance policy insuring against loss  
 158 from liability for bodily injury, death, and property damage  
 159 arising out of the ownership, maintenance, or use of a vessel.  
 160 Such insurance must contain limits not less than \$100,000 for  
 161 bodily injury liability or death and \$50,000 for property  
 162 damage. A person who operates a vessel without the requisite  
 163 insurance commits a misdemeanor of the second degree, punishable  
 164 as provided in s. 775.082 or s. 775.083.

165 Section 5. Subsections (1), (2), and (4) of section  
 166 327.395, Florida Statutes, are amended to read:

167 327.395 Boating safety education.—

168 (1) Effective July 1, 2026, a person operating ~~born on or~~  
 169 after January 1, 1988, may not operate a vessel powered by a  
 170 motor of 10 horsepower or greater must have ~~unless such person~~  
 171 has in his or her possession aboard the vessel the documents  
 172 required by subsection (2).

173 (2) While operating a vessel, a person ~~identified under~~  
 174 ~~subsection (1)~~ must have in his or her possession aboard the

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175 vessel photographic identification and a Florida boating safety  
 176 identification card issued by the commission; a state-issued  
 177 identification card or driver license indicating possession of  
 178 the Florida boating safety identification card; or photographic  
 179 identification and a temporary certificate issued or approved by  
 180 the commission, an International Certificate of Competency, a  
 181 boating safety card or certificate from another state or United  
 182 States territory, or a Canadian Pleasure Craft Operator Card,  
 183 which shows that he or she has done one of the following:

184 (a) Completed a commission-approved boating safety  
 185 education course that meets the minimum requirements established  
 186 by the National Association of State Boating Law  
 187 Administrators.†

188 (b) Passed a temporary certificate examination developed or  
 189 approved by the commission.†

190 (c) Obtained a valid International Certificate of  
 191 Competency.†~~or~~

192 (d) Completed a boating safety education course or  
 193 equivalency examination in another state, a United States  
 194 territory, or Canada which meets or exceeds the minimum  
 195 requirements established by the National Association of State  
 196 Boating Law Administrators.

197 (4) A commission-approved boating safety education course  
 198 or temporary certificate examination developed or approved by  
 199 the commission must include components regarding all of the  
 200 following:

201 (a) Diving vessels, awareness of divers in the water,  
 202 divers-down warning devices, and the requirements of s. 327.331.

203 (b) The danger associated with:

592-01781-24

202430c1

- 204 1. A passenger riding on a seat back, gunwale, transom,  
 205 bow, motor cover, or any other vessel area not designed and  
 206 designated by the manufacturer for seating.  
 207 2. A passenger falling overboard.  
 208 3. Operating a vessel with a person in the water near the  
 209 vessel.  
 210 4. Starting a vessel with the engine in gear.  
 211 5. Leaving the vessel running when a passenger is boarding  
 212 or disembarking.  
 213 6. Boating under the influence in violation of s. 327.35.  
 214 (c) The proper use and lifesaving benefits of an engine  
 215 cutoff switch for motorboats and personal watercraft.  
 216 (d) Human trafficking awareness.

217  
 218 The commission must include the components under this subsection  
 219 in boating safety education campaigns and in educational  
 220 materials produced by the commission, as appropriate.

221 Section 6. Section 327.731, Florida Statutes, is amended to  
 222 read:

223 327.731 Mandatory education for violators.—

224 (1) A person convicted of a criminal violation under this  
 225 chapter, convicted of a noncriminal infraction under this  
 226 chapter if the infraction resulted in a reportable boating  
 227 accident, or convicted of a ~~two~~ noncriminal infraction  
 228 infractions as specified in s. 327.73(1)(h)-(k), (m), (o), (p),  
 229 or and (s)-(y), ~~the infractions occurring within a 12-month~~  
 230 period, must do all of the following:

231 (a) Enroll in, attend, and successfully complete, at his or  
 232 her own expense, one of the following courses, as applicable:

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233 1. For a person convicted of any two noncriminal  
 234 infractions within a 24-month period, the boating safety  
 235 education course provided for in s. 327.395.

236 2. For a person convicted of a criminal violation, of a  
 237 noncriminal infraction under this chapter if the infraction  
 238 resulted in a reportable boating accident, or of three or more  
 239 noncriminal infractions within a 36-month period, the boating  
 240 safety education course provided for in s. 327.395 and a 4-hour  
 241 course that includes information regarding all of the following:

242 a. The boating laws of this state.  
 243 b. Causes and prevention of boating accidents.  
 244 c. The importance of wearing personal flotation devices.  
 245 d. The use of common sense and common courtesy while  
 246 operating a vessel.

247 e. Operating a vessel defensively. a classroom or online  
 248 boating safety course that is approved by and meets the minimum  
 249 standards established by commission rule.

250 (b) File with the commission within 90 days proof of  
 251 successful completion of the course.  
 252 (c) Refrain from operating a vessel until he or she has  
 253 filed proof of successful completion of the course with the  
 254 commission, ~~and~~

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

259 (2) For the purposes of this section, the terms "convicted"  
 260 and "conviction" mean means a finding of guilt, or the  
 261 acceptance of a plea of guilty or nolo contendere, regardless of

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

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202430c1

262 whether ~~or not~~ adjudication was withheld or whether imposition  
 263 of sentence was withheld, deferred, or suspended. ~~A~~ Any person  
 264 who operates a vessel on the waters of this state in violation  
 265 of ~~the provisions of this section~~ commits is guilty of a  
 266 misdemeanor of the second degree, punishable as provided in s.  
 267 775.082 or s. 775.083.

(3) The commission shall print on the reverse side of the  
 269 defendant's copy of the boating citation a notice of the  
 270 provisions of this section. Upon conviction, the clerk of the  
 271 court shall notify the defendant that it is unlawful for him or  
 272 her to operate any vessel until he or she has complied with this  
 273 section, but failure of the clerk of the court to provide such a  
 274 notice ~~is shall not be~~ a defense to a charge of unlawful  
 275 operation of a vessel under subsection (2).

(4) The commission shall:

(a) Maintain a program to ensure compliance with the  
 278 mandatory boating safety education requirements under this  
 279 section. This program must:

1. ~~(a)~~ Track any citations resulting in a conviction under  
 281 this section and the disposition of such citations; ~~and-~~

2. ~~(b)~~ Send specific notices to each person subject to the  
 283 requirement for mandatory boating safety education.

(b) Adopt rules necessary to implement this section.

Section 7. Effective October 1, 2025, paragraph (c) of  
 286 subsection (2) of section 119.0712, Florida Statutes, is amended  
 287 to read:

119.0712 Executive branch agency-specific exemptions from  
 289 inspection or copying of public records.—

(2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

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

592-01781-24

202430c1

291 (c) E-mail addresses collected by the Department of Highway  
292 Safety and Motor Vehicles pursuant to s. 319.40(3), s.  
293 320.95(2), or s. 322.08(11) ~~s. 322.08(10)~~ are exempt from s.  
294 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
295 exemption applies retroactively.

296 Section 8. For the purpose of incorporating the amendment  
297 made by this act to section 327.395, Florida Statutes, in  
298 references thereto, subsection (4) of section 327.54, Florida  
299 Statutes, is reenacted to read:

300 327.54 Liveries; safety regulations; penalty.-

301 (4) A livery may not knowingly lease or rent a vessel to a  
302 person who is required to comply with s. 327.395 unless such  
303 person presents to the livery the documentation required by s.  
304 327.395(2) for the operation of a vessel or meets the exemption  
305 provided under s. 327.395(6)(f).

306 Section 9. Except as otherwise expressly provided in this  
307 act, this act shall take effect July 1, 2024.



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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 84

INTRODUCER: Transportation Committee and Senators Book and Stewart

SUBJECT: Transportation Facility Designations/Jimmy Buffett Memorial Highway

DATE: January 10, 2024

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

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

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 84 designates those portions of State Road A1A located in Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River, Brevard, Volusia, Flagler, St. Johns, Duval, and Nassau Counties as “Jimmy Buffett Memorial Highway” and directs the Florida Department of Transportation (FDOT), by August 30, 2024, to erect suitable markers.

The estimated cost to FDOT to install the designation markers required under the bill is \$23,400. See the “Fiscal Impact Statement” below for details.

The bill takes effect upon becoming a law.

**II. Present Situation:**

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

---

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

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

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

### **Jimmy Buffett**

Jimmy Buffett was a music performer, with hits such as “Margaritaville,” “Come Monday,” and “It’s Five O’Clock Somewhere.” He had a second career as a successful author with both fiction and non-fiction best-sellers. His third career as an entrepreneur, building a diversified lifestyle brand business, including Margaritaville hotels, restaurants, and retirement communities. Jimmy Buffett was born on December 25, 1946, and passed away on September 1, 2023.<sup>4</sup>

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

The bill creates an undesignated section of Florida law designating those portions of State Road A1A located in Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River, Brevard, Volusia, Flagler, St. Johns, Duval, and Nassau Counties as “Jimmy Buffett Memorial Highway” and directs FDOT, by August 30, 2024, to erect suitable markers.

The bill takes effect upon becoming a law.

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

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

None.

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

None.

#### **C. Trust Funds Restrictions:**

None.

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

None.

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

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

<sup>4</sup> Jimmy Buffett Obituary available at <https://www.jimmybuffett.com/obituary> (last visited December 15, 2023).

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Assuming one designation marker in each direction in each county along State Road A1A, FDOT's estimated cost to erect the designation markers required under this bill is \$23,400, based on the cost of two markers in each of 13 counties at \$900 each. This estimate includes labor, materials, manufacturing, and installation. FDOT is expected to absorb the estimated cost within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill requires FDOT to erect the suitable markers designating the Jimmy Buffett Memorial Highway by August 30, 2024. However, s. 334.071, F.S., provides that the erection of markers is contingent on the appropriate city or county passing a resolution supporting the designation, and if the designation is in multiple cities or counties, each affected local government must pass the resolution. The bill names 13 counties and will also require resolutions supporting the designation from each municipality along State Road A1A.

**VIII. Statutes Affected:**

This bill creates an undesignated section of Florida law.

**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 10, 2023:**

The committee substitute:

- Designates S.R. A1A through the entire length of the state as the Jimmy Buffett Memorial Highway.
- Requires the FDOT to erect the suitable markers by August 30, 2024.

- Changes the effective date of the bill to upon becoming a law.

B. Amendments:

None.

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

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942992

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2024	.	
	.	
	.	
	.	

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The Committee on Transportation (Book) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Jimmy Buffett Memorial Highway designated;  
Department of Transportation to erect suitable markers.-

(1) All of those portions of State Road A1A located in  
Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie,  
Indian River, Brevard, Volusia, Flagler, St. Johns, Duval, and  
Nassau Counties are designated as the "Jimmy Buffett Memorial



942992

11 Highway.”

12 (2) By August 30, 2024, the Department of Transportation is  
13 directed to erect suitable markers designating the Jimmy Buffett  
14 Memorial Highway as described in subsection (1).

15 Section 2. This act shall take effect upon becoming a law.

16

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

18 And the title is amended as follows:

19 Delete everything before the enacting clause  
20 and insert:

21 A bill to be entitled

22 An act relating to transportation facility  
23 designations; providing an honorary designation of a  
24 certain transportation facility in specified counties;  
25 directing the Department of Transportation to erect  
26 suitable markers by a specified date; providing an  
27 effective date.

By Senator Book

35-00257-24

202484\_\_

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

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

10           Section 1. Jimmy Buffett Highway designated; Department of  
11 Transportation to erect suitable markers.-

12           (1) That portion of U.S. 1/Overseas Highway/S.R. 1A  
13 between North Roosevelt Boulevard and Seppala Way in Monroe  
14 County is designated as "Jimmy Buffett Highway."

15           (2) The Department of Transportation is directed to erect  
16 suitable markers designating "Jimmy Buffett Highway" as  
17 described in subsection (1).

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

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 258

INTRODUCER: Senator Perry

SUBJECT: Interstate Safety

DATE: January 11, 2024

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

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

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**I. Summary:**

SB 258 prohibits a driver from operating a motor vehicle in the furthestmost left-hand lane on a road, street, or highway having two or more lanes allowing movement in the same direction with a posted speed limit of at least 65 miles per hour. A driver may drive in the furthestmost left-hand lane when overtaking and passing another vehicle, when preparing to exit the road, street, or highway, or when otherwise directed by an official traffic control device. This provision does not apply to authorized emergency vehicles and vehicles engaged in highway maintenance or construction operations.

A violation is a noncriminal traffic infraction punishable as a moving violation. The statutory base fine is \$60, but with additional fees and charges, the total penalty may be up to \$158. The bill may have an indeterminate fiscal impact on state and local government.

The bill takes effect January 1, 2025.

**II. Present Situation:**

Under Florida law, a vehicle must be driven upon the right half of the roadway, except:

- When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- When an obstruction exists making it necessary to drive to the left of the center of the highway, provided any person so doing yields the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;



- Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
- Upon a roadway designated and signposted for one-way traffic.<sup>1</sup>

Upon all roadways, any vehicle proceeding at less than the normal speed of traffic must be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.<sup>2</sup>

On a road, street, or highway having two or more lanes allowing movement in the same direction, a driver may not continue to operate a motor vehicle in the furthest left-hand lane if the driver knows or reasonably should know that he or she is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed. This does not apply to drivers operating a vehicle that is overtaking another vehicle proceeding in the same direction, or is preparing for a left turn at an intersection.<sup>3</sup>

Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, a vehicle may not be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted to drive around an obstruction. However, this may not be construed as prohibiting the crossing of the centerline in making a left turn.<sup>4</sup>

A violation of the above laws is a noncriminal traffic infraction, punishable as a moving violation.<sup>5</sup> The statutory base fine is \$60,<sup>6</sup> but with additional fees and surcharges, the total penalty may be up to \$158.<sup>7</sup>

There are at least eight states where traveling in the left lane on certain roads, streets, and highways is prohibited except for turning and passing.<sup>8</sup> Most states, like Florida, require slower traffic to keep right.<sup>9</sup>

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<sup>1</sup> Section 316.081(1), F.S.

<sup>2</sup> Section 316.081(2), F.S.

<sup>3</sup> Section 316.081(3), F.S.

<sup>4</sup> Section 316.081(4), F.S.

<sup>5</sup> Section 316.081(5), F.S.

<sup>6</sup> Section 318.18(3)(a), F.S.

<sup>7</sup> Florida Court Clerks and Comptrollers, *Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs and Fines, Including a Fee Schedule for Recording* (December 2022), at p. 42, available at [https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/2022/22bull098\\_attach\\_2\\_2022\\_dist.pdf](https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/2022/22bull098_attach_2_2022_dist.pdf) (last visited October 27, 2023).

<sup>8</sup> Bodine, Rachel and Walker, Daniel, *Is left lane driving allowed in your state?* (June 29, 2022), AutoInsurance.Org, <https://www.autoinsurance.org/keep-right-which-states-enforce-left-lane-passing-only/> and Massachusetts Institute of Technology, *State “keep right” laws*, <https://www.mit.edu/~jfc/right.html> (last visited October 27, 2023).

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

**III. Effect of Proposed Changes:**

The bill amends s. 316.081, F.S., to prohibit a driver from operating a motor vehicle in the furthestmost left-hand lane on a road, street, or highway having two or more lanes allowing movement in the same direction with a posted speed limit of at least 65 miles per hour. The bill provides exceptions authorizing a driver to drive in the furthestmost left-hand lane when overtaking and passing another vehicle, when preparing to exit the road, street, or highway, or when otherwise directed by an official traffic control device. Additionally, this prohibition does not apply to authorized emergency vehicles and vehicles engaged in highway maintenance or construction operations.

For purposes of this provision, the term “furthestmost left-hand lane” excludes a high-occupancy-vehicle lane or a designated left turn lane. The furthestmost left-hand lane is considered the lane immediately to the right of such high-occupancy-vehicle lane or left turn lane in these instances.

A violation of this provision is a noncriminal traffic infraction punishable as a moving violation. The statutory base fine is \$60, but with additional fees and charges, the total penalty may be up to \$158.

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

None.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None.

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

None.

**B. Private Sector Impact:**

The bill may have an indeterminate negative impact on individuals who violate this provision. An individual cited for violating this provision may be subject to a penalty of up to \$158.

**C. Government Sector Impact:**

The bill may have an indeterminate negative fiscal impact on the Department of Highway Safety and Motor Vehicles (DHSMV), which will need to update its driver handbook, driver license test question bank, driver improvement course curricula, and the Uniform Traffic Citation manual to reflect the change in law.<sup>10</sup> Additionally, the DHSMV and local law enforcement may need to conduct training on the law change.

The bill may have an indeterminate positive fiscal impact on state and local government that receive revenue from the traffic fine.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 316.081 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

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

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<sup>10</sup> DHSMV, *2024 Legislative Bill Analysis: SB 258* (November 1, 2023) at p. 3.

By Senator Perry

9-00462-24

2024258\_\_

1 A bill to be entitled  
 2 An act relating to interstate safety; amending s.  
 3 316.081, F.S.; defining the term "furthermost left-  
 4 hand lane"; prohibiting a driver from operating a  
 5 motor vehicle in the furthermost left-hand lane of  
 6 certain roadways, except under certain circumstances;  
 7 providing applicability; providing a penalty;  
 8 providing an effective date.

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

11  
 12 Section 1. Present subsections (4) and (5) of section  
 13 316.081, Florida Statutes, are redesignated as subsections (5)  
 14 and (6), respectively, a new subsection (4) is added to that  
 15 section, and present subsection (5) of that section is  
 16 republished, to read:

17 316.081 Driving on right side of roadway; exceptions.—

18 (4) (a) As used in this subsection, the term "furthermost  
 19 left-hand lane" means the farthest, most left-hand lane, except  
 20 that, if such left-hand lane is a high-occupancy-vehicle lane as  
 21 defined in s. 316.0741, or is a designated left-turn lane, the  
 22 furthermost left-hand lane is the lane immediately to the right  
 23 of that high-occupancy-vehicle lane or left-turn lane.

24 (b) On a road, street, or highway with two or more lanes  
 25 allowing movement in the same direction and a posted speed limit  
 26 of at least 65 miles per hour, a driver may not operate a motor  
 27 vehicle in the furthermost left-hand lane, except when  
 28 overtaking and passing another vehicle; when preparing to exit  
 29 the road, street, or highway; or when otherwise directed by an

Page 1 of 2

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

9-00462-24

2024258\_\_

30 official traffic control device. This subsection does not apply  
 31 to authorized emergency vehicles and vehicles engaged in highway  
 32 maintenance or construction operations.

33 ~~(6)(5)~~ A violation of this section is a noncriminal traffic  
 34 infraction, punishable as a moving violation as provided in  
 35 chapter 318.

36 Section 2. This act shall take effect January 1, 2025.

Page 2 of 2

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

The Florida Senate

APPEARANCE RECORD

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

SB 258

Bill Number or Topic

1/10/24

Meeting Date

TRANSPORTATION

Committee

Amendment Barcode (if applicable)

Name

Russ JOHNSON

Phone

Address

13315 WRENWOOD Circle

Email

Street

Hudson

City

FL

State

34669

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

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

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

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

S-001 (08/10/2021)

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 434

INTRODUCER: Transportation Committee and Senator Harrell

SUBJECT: Specialty License Plates/Margaritaville

DATE: January 11, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	<b>Fav/CS</b>
2.			ATD	
3.			FP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 434 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create a new Margaritaville specialty license plate. The annual use fee for the plate is \$25.

Proceeds of the sale of the Margaritaville specialty license plate will be distributed to the SFC Charitable Foundation, Inc. (Singing for Change), to provide grants to nonprofit organizations in communities impacted by natural or manmade disasters. These grants provide for recovery, rebuilding, and future sustainability in those communities, and to promote and inspire local grassroots leadership that will work to improve the quality of life in those communities and the state.

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

The bill takes effect October 1, 2024.

## II. Present Situation:

### Singing for Change

Singing for Change was founded by Jimmy Buffett in 1995 and is a Florida not-for-profit corporation registered with the Florida Department of State.<sup>1</sup> The organization's statement of purpose is "inspire personal growth, community integration and the enhanced awareness that collectively, people can bring about positive change."<sup>2</sup>

According to the organization's website, Singing for Change supports small nonprofits that help individuals become more self-sufficient and create positive change in their communities. The organization focuses on low income communities or people living in poverty.<sup>3</sup>

### 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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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.<sup>7</sup>

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.<sup>8</sup>

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<sup>1</sup> Florida Department of State: Division of Corporations, *SFC Charitable Foundation, INC.*, Sunbiz.org, Document number N94000005329 (December 8, 2023).

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

<sup>3</sup> Singing for Change, *About Us*, [About Us | Singing For Change](#) (last visited December 8, 2023).

<sup>4</sup> 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](https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf) (last visited October 10, 2023).

<sup>5</sup> 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.

<sup>6</sup> Section 320.08058, F.S.

<sup>7</sup> 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.

<sup>8</sup> 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.<sup>9</sup>

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.<sup>10</sup>

### **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.<sup>11</sup> 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.<sup>12</sup>

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.<sup>13</sup> 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.<sup>14</sup>

### **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.<sup>15</sup> 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.<sup>16</sup>

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

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<sup>9</sup> Section 320.08053(3)(a), F.S.

<sup>10</sup> Section 320.08053(3)(b), F.S.

<sup>11</sup> Section 320.08056(10)(a), F.S.

<sup>12</sup> 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.

<sup>13</sup> Section 320.08056(10)(a), F.S.

<sup>14</sup> Section 320.08056(11), F.S.

<sup>15</sup> Section 320.08056(8)(a), F.S.

<sup>16</sup> 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.<sup>17</sup>

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

The bill amends s. 320.08058, F.S., to authorize DHSMV to create a new Margaritaville specialty license plate. 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 “Margaritaville” at the bottom of the plate.

Proceeds from the sale of the plate will be distributed to SFC Charitable Foundation, Inc. The organization may use up to 10 percent of the proceeds to promote and market the plate. The remaining funds shall be used to provide grants to nonprofit organizations in communities impacted by natural or manmade disasters for recovery, rebuilding, and future sustainability in those communities. Additionally, funds may be used to promote and inspire local grassroots leadership that will work to improve the quality of life in those communities and the state.

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.

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<sup>17</sup> Chapter 2020-181, s. 7, Laws of Fla.

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:

If the specialty license plate is produced, the SFC Charitable Foundation, Inc. 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.<sup>18</sup>

**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 Substantial Changes:

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

**CS by Transportation on January 10, 2024:**

The committee substitute removes obsolete language and limits the permissible amount for administrative costs and marketing to 10 percent of annual use fees from the sale of the plate.

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<sup>18</sup> DHSMV, *2024 Legislative Bill Analysis: SB 434* (November 13, 2023) at p. 6.

B. Amendments:

None.

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

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420120

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2024	.	
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	.	

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The Committee on Transportation (Harrell) recommended the following:

**Senate Amendment**

Delete lines 22 - 30  
and insert:  
as Singing for Change, which may use up to 10 percent of such fees for administrative costs and marketing of the plate. The balance of the fees shall be used by SFC Charitable Foundation, Inc., and shall be distributed with the

By Senator Harrell

31-00693-24

2024434\_\_

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  
5 Margaritaville license plate; providing for  
6 distribution of fees collected from the sale of the  
7 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) MARGARITAVILLE LICENSE PLATES.—

15 (a) The department shall develop a Margaritaville license  
16 plate as provided in s. 320.08053. The plate must bear the  
17 colors and design approved by the department. The word "Florida"  
18 must appear at the top of the plate, and the word  
19 "Margaritaville" must appear at the bottom of the plate.

20 (b) The annual use fees from the sale of the plate must be  
21 distributed to the SFC Charitable Foundation, Inc., also known  
22 as Singing for Change, a nonprofit corporation under s.  
23 501(c) (3) of the Internal Revenue Code, to fund its activities,  
24 programs, and projects as follows:

25 1. Up to 18 percent of the annual use fees may be used for:

26 a. Promotion and marketing costs of the license plate.

27 b. Reimbursing the corporation for administrative costs,  
28 startup costs, and costs incurred in the development and  
29 approval process of the license plate.

Page 1 of 2

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

31-00693-24

2024434\_\_

30 2. The remaining funds shall be distributed with the  
31 approval of and accountability to the board of directors of the  
32 SFC Charitable Foundation, Inc., to provide grants to nonprofit  
33 organizations in communities impacted by natural or manmade  
34 disasters for recovery, rebuilding, and future sustainability in  
35 those communities, and to promote and inspire local grassroots  
36 leadership that will work to improve the quality of life in  
37 those communities and others in this state.

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

Page 2 of 2

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

January 10 2024

APPEARANCE RECORD

434

Meeting Date

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

Bill Number or Topic

420 120

Transportation

Amendment Barcode (if applicable)

Committee

Name Jeffrey Sharkey

Phone 850-224-1660

Address 106 E. College Avenue, Suite 1110

Email jeff@capitolalliancegroup.com

Street

Tallahassee

FL

32301

City

State

Zip

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

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Margaritaville Holdings & Singing for Change, Inc

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

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

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 754

INTRODUCER: Transportation Committee and Senator DiCeglie

SUBJECT: Regulation of Commercial Motor Vehicles

DATE: January 11, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	<b>Fav/CS</b>
2.			ATD	
3.			FP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 754 makes various statutory revisions relating to the regulation and operation of commercial motor vehicles (CMVs). Specifically, the bill updates the date of adoption of federal regulations and rules for CMVs from December 31, 2020, to December 31, 2023, updates federal references, and removes an expired exemption for CMV operators. Additionally, the bill adopts requirements related to the federal Drug and Alcohol Clearinghouse program. States must be compliant with this program by November 18, 2024, or risk losing certain federal grant funding.

The bill takes effect July 1, 2024.

**II. Present Situation:**

According to the Department of Highway Safety and Motor Vehicles (DHSMV), driving a CMV requires a higher level of knowledge, experience, skills, and physical abilities than that required

to drive a non-commercial vehicle. Since April 1, 1992, drivers have been required to have a Commercial Driver License (CDL) in order to drive CMVs.<sup>1</sup>

**Federal CMV Regulations**

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA), an agency within the U.S. Department of Transportation, is to prevent CMV-related fatalities and injuries.<sup>2</sup>

Section 316.003(14), F.S., defines “commercial motor vehicle” as any self-propelled or towed vehicle used on public highways in commerce to transport passengers or cargo, if such vehicle:

- Has a gross vehicle weight rating of 10,000 pounds or more;
- Is designed to transport more than 15 passengers, including the driver; or
- Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act,<sup>3</sup> as amended.

Section 316.302(1)(a), F.S., provides that all owners and drivers of a CMV operating on the state’s public highways while engaged in *interstate* commerce are subject to rules and regulations contained in the following parts of the Federal Motor Carrier Safety Regulations<sup>4</sup>:

Part	Heading
382	Controlled Substances and Alcohol Use and Testing
383	Commercial Driver’s License Standards; Requirements and Penalties
385	Safety Fitness Procedures
386	Rules of Practice for FMCSA Proceedings
390	Federal Motor Carrier Safety Regulations; General
391	Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors
392	Driving of Commercial Motor Vehicles
393	Parts and Accessories Necessary for Safe Operation
395	Hours of Service Drivers
396	Inspection, Repair, and Maintenance
397	Transportation of Hazardous Materials; Driving and Parking Rules

Section 316.302(1)(b), F.S., provides that owners or drivers of CMVs engaged in *intrastate* commerce are subject to the same federal regulations, unless otherwise provided in s. 316.302, F.S., as such regulations existed on December 31, 2020.

States generally have three years to adopt such rules to remain compatible with federal regulations. States that remain incompatible after the compliance date risk losing federal grant funding.

During the most recent Annual Program Review of the DHSMV’s compliance with these regulations, the FMCSA noted that Florida law does not expressly subject the DHSMV to

<sup>1</sup> DHSMV, *2024 Legislative Bill Analysis: SB 754* (December 12, 2023) at p. 2.

<sup>2</sup> FMCSA, *About Us*, available at <https://www.fmcsa.dot.gov/mission/about-us> (last visited December 20, 2023).

<sup>3</sup> 49 U.S.C. ss. 1801 et seq.

<sup>4</sup> 49 C.F.R. ch III, subchapter B.



comply with the provisions of 49 CFR part 384, relating to State Compliance with Commercial Driver's License Program.<sup>5</sup>

### **Commercial Driver Licenses and the Drug and Alcohol Clearinghouse**

Owners and drivers of a CMV operating on the state's public highways are subject to rules and regulations contained in the Federal Motor Carrier Safety Regulations, which includes specific regulations on controlled substances and alcohol use, testing, and reporting.<sup>6</sup>

The Drug and Alcohol Clearinghouse is an online database that provides employers of CMV drivers, FMCSA, State Driver Licensing Agencies, and State law enforcement personnel real-time information about drug and alcohol program violations of CMV operators.<sup>7</sup> The Clearinghouse helps to identify CMV drivers who are prohibited from operating a CMV based on federal drug and alcohol program violations, and to ensure such drivers receive required drug or alcohol evaluation and treatment following a violation.<sup>8</sup>

Effective November 18, 2024, the FMCSA requires states use the Clearinghouse to check the status of a commercial driver license (CDL) or commercial learner permit (referred to in Florida as a commercial instructional permit, or CIP) before performing any licensing functions.<sup>9</sup> This federal regulation prohibits states from issuing, renewing, upgrading, or transferring a CDL or CIP if the individual is restricted from operating a CMV due to any drug and alcohol program violations.

Additionally, the FMCSA requires states to establish procedures for "downgrading" a CDL or CIP, which means removing the privilege to operate a CMV from the driver license.<sup>10</sup> If the state receives notification<sup>11</sup> that an individual is prohibited from operating a CMV due to federal alcohol or controlled substances rules, the state must downgrade the CDL or CIP and record such downgrade on the Commercial Driver's License Information System (CDLIS) driver record.<sup>12</sup>

Federal regulations also provide information on reinstatement of the CDL or CIP following completion of return-to-duty requirements, or reinstatement of the CDL or CIP and expunction of the downgrade from the CDLIS driving record for Clearinghouse error corrections.<sup>13</sup>

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<sup>5</sup> DHSMV, *supra* note 3, at 3.

<sup>6</sup> Section 316.302(1), F.S. and *see* 49 C.F.R. Part 382 - Controlled Substances and Alcohol Use Testing.

<sup>7</sup> FMCSA, *About the Clearinghouse - What is the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse?* <https://clearinghouse.fmcsa.dot.gov/About> (last visited December 20, 2023).

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

<sup>9</sup> 49 C.F.R. s. 383.73.

<sup>10</sup> *Id.* and 49 CFR s. 383.5(4).

<sup>11</sup> Pursuant to 49 C.F.R. s. 382.501(a).

<sup>12</sup> CDLIS is "a nationwide computer system that enables state driver licensing agencies...to ensure that each commercial driver has only one driver license and one complete driver record." States use this system to transmit out-of-state convictions and withdrawals, transfer CDL driver records to another state, or to respond to requests for driver status and history. See AAMVA, *Commercial Driver's License Information System (CDLIS)*, <https://www.aamva.org/technology/systems/driver-licensing-systems/cdlis> (last visited December 20, 2023).

<sup>13</sup> 49 C.F.R. s. 383.73.

States are required to adopt compatible CMV driving prohibitions to remain eligible to receive Motor Carrier Assistance Program (MCSAP) grant funds.<sup>14</sup> According to the DHSMV, Florida's current MCSAP federal grant share is \$21.4 million.<sup>15</sup>

### **Driver License Suspension - Informal Review Request**

Florida law permits an individual to request an informal review when his or her driver license is suspended in certain instances.<sup>16</sup> The informal review is conducted by a hearing officer designated by the DHSMV, and does not require the presence of a law enforcement officer or a witness. The review consists solely of an examination by the DHSMV of materials submitted by a law enforcement or correctional officer and the person whose license is suspended. Following the examination, a notice is sent to the individual providing the DHSMV's decision to sustain, amend, or invalidate the license suspension.

Section 322.21(9)(a), F.S., provides that for such reviews, the applicant must pay a \$25 filing fee, which is deposited into the Highway Safety Operating Trust Fund.

Section 322.31, F.S., provides that the DHSMV's final orders and rulings wherein any person is denied a license, or where a license has been canceled, suspended, or revoked, shall be reviewable as provided by the Florida Rules of Appellate Procedure only by a writ of certiorari issued by the circuit court in the county where the person resides.

An applicant for reinstatement of his or her CDL following a disqualification to operate a CMV, must pay a \$75 reinstatement fee in addition to the cost of the license.<sup>17</sup>

Florida has nearly 600,000 CDL holders subject to these regulations.<sup>18</sup>

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

### **Adoption of Federal CMV Regulations**

The bill amends s. 316.302, F.S., to provide that all owners and drivers of CMVs engaged in *intrastate* commerce are subject to CMV rules and regulations, unless otherwise specified, as they existed on December 31, 2023. According to the DHSMV, the FMCSA has adopted or amended six rules between December 31, 2020, and December 31, 2022, which impact the DHSMV.

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<sup>14</sup> See 86 FR 55718, *Controlled Substances and Alcohol Testing: State Driver's Licensing Agency Non-Issuance/Downgrade of Commercial Driver's License* (October 7, 2021), available at <https://www.federalregister.gov/documents/2021/10/07/2021-21928/controlled-substances-and-alcohol-testing-state-drivers-licensing-agency-non-issuancedowngrade-of> (last visited December 20, 2023).

<sup>15</sup> Email from Jonas Marquez, Legislative Affairs Director, DHSMV, *RE: SB 754* - (December 20, 2023) (on file with the Senate Committee on Transportation).

<sup>16</sup> See ss. 322.2615(4) and (5), 322.2616(5) and (6), and 322.64(4) and (5), F.S.

<sup>17</sup> Section 322.21(8), F.S. An original or renewal commercial driver license is \$75, except the fee is \$48 (same as a Class E driver license) for an applicant who has completed training and is applying for employment or is currently employed in a school system that requires the commercial license. Section 322.21(1)(a) and (b), F.S.

<sup>18</sup> DHSMV, *2024 Legislative Bill Analysis: SB 754* (December 12, 2023) at p. 3.

This update results in the following changes:

- Removes a duplicative requirement that drivers prepare and submit a list of traffic violations annually to their employer;<sup>19</sup>
- Increases the area on the interior of a CMV windshield where vehicle safety technology devices may be mounted;<sup>20</sup>
- Expands the definition of “vehicle safety technology” to include, “systems and items of equipment to promote driver, occupant, and roadway safety,” including “systems and devices that contain cameras, lidar, radar, and/or video”;<sup>21</sup>
- Permits individuals who do not satisfy certain vision standards to be physically qualified by an ophthalmologist or optometrist annually to operate a CMV;<sup>22</sup>
- Requires rear impact guards be examined as part of the required CMV annual inspection and updates certification and labeling requirements for rear impact protection guards;<sup>23</sup> and
- Requires compliance with regulations related to the Drug and Alcohol Clearinghouse (this issue is described in detail below).

The bill also makes changes in the following sections related to CMVs:

- Amends s. 316.302(1)(a) and (b), F.S., to provide that all owners and drivers of CMVs are subject to the rules and regulations contained in 49 C.F.R. part 384, which requires state compliance with the federal CDL program.
- Removes s. 316.302(1)(e), F.S., which is now obsolete. The paragraph allowed a delay in compliance with the requirements of electronic logging devices and hours of service supporting documents until December 31, 2019.
- Amends s. 316.302(2)(d), F.S., to update to the appropriate federal references.
- Amends s. 322.02, F.S., to provide that the DHSMV is charged with the enforcement and administration of 49 C.F.R. parts 382-386 and 390-397.
- Clarifies in s. 322.05, F.S., that the DHSMV is prohibited from issuing a commercial license to any person who is ineligible to operate a CMV pursuant to 49 C.F.R. part 383.
- Clarifies in s. 322.31, F.S., that the right of review of CDL and CIP downgrades are to be included when there are appeals of final orders.

### **Drug and Alcohol Clearinghouse Requirements**

The bill creates s. 322.591, F.S., which requires the DHSMV to check the Clearinghouse to ensure a driver is not prohibited from operating a motor vehicle any time a person applies for or seeks to renew, transfer, or make any other change to a CDL or CIP. Additionally, the DHSMV may not issue, renew, transfer, or revise the types of authorized vehicles that may be operated or the endorsements applicable to a CDL or CIP for any person for whom DHSMV receives notification pursuant to 49 C.F.R. s. 382.501, that the person is removed from the safety-sensitive function of operating a CMV because of conduct related to federal drug and alcohol prohibitions.

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<sup>19</sup> 87 FR 13192 (March 9, 2022).

<sup>20</sup> 49 C.F.R. s. 393.60(e)(1).

<sup>21</sup> 49 C.F.R. s. 393.5.

<sup>22</sup> 49 C.F.R. s. 391.44.

<sup>23</sup> 86 FR 62105 (November 9, 2021).

If the DHSMV receives such notification that a CDL or CIP holder is prohibited from operating a CMV, the DHSMV must downgrade the CDL or CIP. Section 322.01, F.S., defines “downgrade” as defined in 49 C.F.R. s. 383.5(4), which means the state removes the CDL or CIP privilege from the driver’s license. The DHSMV must complete and record the downgrade in the Commercial Driver’s License Information System (CDLIS) within 60 days following receipt of the notification. If the downgraded driver is otherwise qualified to be issued a Class E (non-commercial) driver license, the DHSMV will issue the Class E license valid for the length of the driver’s unexpired license period at no cost.

Immediately following receipt of notification that a driver is prohibited from operating a CMV, the DHSMV must:

- Immediately notify the driver that he or she is prohibited from operating a CMV;
- Provide in the notice to the driver that he or she may request an informal hearing within 20 days following receipt of the notice of the downgrade; and
- If a timely hearing request with the required filing fee (\$25) is not received, enter a final order directing the downgrade of the CDL or CIP; or
- If a hearing is requested with the required filing fee, schedule a hearing no later than 30 days after the request is received.

The informal hearing is exempt from the provisions of Chapter 120, F.S., and must be conducted before a DHSMV-designated hearing officer who may conduct such hearing from any location in the state by means of communications technology.

The bill requires the federal notification indicating a driver is prohibited from operating a CMV be in the record for consideration by the hearing officer and in any proceeding pursuant to s. 322.31, F.S., relating to right of review. This notification is considered self-authenticating. The bill also provides that the basis for the federal notification received and the information in the Clearinghouse that resulted in such notification is not subject to challenge in the hearing or proceeding under s. 322.31, F.S.

If, prior to the entry of the final order to downgrade the CDL or CIP, the DHSMV receives notification that the driver is no longer prohibited from operating a CMV, the DHSMV must dismiss the action to downgrade the CDL or CIP. If, after entry of a final order that results in the downgrade of a CDL or CIP and the recording in the driver’s record that the driver is disqualified from operating a CMV, the DHSMV receives notification that the driver is no longer prohibited from operating a CMV, the DHSMV must reinstate the driver’s CDL or CIP upon reinstatement application, which requires a \$75 reinstatement fee. Once a person is erroneously identified as prohibited from driving a CMV, the FMCSA will notify the state and the state must promptly reinstate the commercial driving privilege of the affected driver and expunge the driver’s driving records accordingly.

The bill exempts the DHSMV from liability for a downgrade resulting from the discharge of the DHSMV’s duties related to newly created s. 322.591, F.S., which is the exclusive procedure for the downgrade of a CDL or CIP following notification that a driver is prohibited from operating a CMV.

Finally, the bill clarifies that the downgrade of a driver's CDL or CIP does not preclude the suspension of the driver license or disqualification from operating a CMV for driving under the influence and drug and alcohol testing refusal offenses under Florida law.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

This bill subjects specified individuals to *existing* fees for the DHSMV's informal review process and reinstatement of CDL and CIP driving privileges following a required license downgrade.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

The bill requires an individual requesting an informal review of a CDL or CIP downgrade to pay the existing \$25 filing fee. Similarly, an individual requesting the reinstatement of his or her CDL or CIP following a downgrade must pay the existing \$75 fee for license reinstatement.

B. Private Sector Impact:

None.

**C. Government Sector Impact:**

The Department estimates a fiscal impact of \$226,470 in FTE and contracted resources. The Department has requested and received grant funding to assist in the completion of this work.<sup>24</sup>

The state may lose federal MCSAP grant funding if provisions of the bill related to federal CMV requirements are not adopted. This decrease can range from just under \$1 million annually for one year of incompatibility up to \$9.9 million annually if the state remained incompatible after four years of required compliance.<sup>25</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.302, 322.01, 322.02, 322.05, 322.07, 322.21, 322.31, 322.34, and 322.61.

This bill creates section 322.591 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 10, 2024:**

The committee substitute provides that when the Drug and Alcohol Clearinghouse notifies a state that a driver was erroneously identified by the Clearinghouse as prohibited from driving a CMV, the Federal Motor Carrier Safety Administration will notify the state and the state must promptly reinstate the commercial driving privilege of the affected driver and expunge the driver's driving records accordingly.

It also clarifies that the right of review of commercial driver license downgrades are to be included when there are appeals of final orders.

**B. Amendments:**

None.

---

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

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<sup>24</sup> DHSMV, *2024 Legislative Bill Analysis: SB 754* (December 12, 2023) at p. 8.

<sup>25</sup> Email from DHSMV, *supra* note 113.



382268

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2024	.	
	.	
	.	
	.	

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The Committee on Transportation (DiCeglie) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 255 - 372

and insert:

Section 7. Section 322.31, Florida Statutes, is amended to read:

322.31 Right of review.—The final orders and rulings of the department wherein any person is denied a license, has a commercial driver license or commercial instruction permit downgraded, or where such license has been canceled, suspended,



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11 or revoked, must ~~shall~~ be reviewable in the manner and within  
12 the time provided by the Florida Rules of Appellate Procedure  
13 only by a writ of certiorari issued by the circuit court in the  
14 county wherein such person shall reside, in the manner  
15 prescribed by the Florida Rules of Appellate Procedure, any  
16 provision in chapter 120 to the contrary notwithstanding.

17 Section 8. Section 322.591, Florida Statutes, is created to  
18 read:

19 322.591 Commercial driver license and temporary commercial  
20 instruction permit; Commercial Driver's License Drug and Alcohol  
21 Clearinghouse; prohibition on issuance of commercial driver  
22 licenses; downgrades.—Beginning November 18, 2024:

23 (1) When a person applies for or seeks to renew, transfer,  
24 or make any other change to a commercial driver license or  
25 temporary commercial instruction permit, the department must  
26 obtain the person's driving record from the Commercial Driver's  
27 License Drug and Alcohol Clearinghouse established pursuant to  
28 49 C.F.R. part 382. The department may not issue, renew, or  
29 transfer, or revise the types of authorized vehicles that may be  
30 operated or the endorsements applicable to, a commercial driver  
31 license or temporary commercial instruction permit for any  
32 person for whom the department receives notification that,  
33 pursuant to 49 C.F.R. s. 382.501(a), the person is prohibited  
34 from operating a commercial motor vehicle.

35 (2) The department shall downgrade the commercial driver  
36 license or temporary commercial instruction permit of a person  
37 for whom the department receives notification that, pursuant to  
38 49 C.F.R. s. 382.501(a), the person is prohibited from operating  
39 a commercial motor vehicle. Any such downgrade must be completed





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40 and recorded by the department in the Commercial Driver's  
41 License Information System within 60 days after the department's  
42 receipt of such notification.

43 (3)(a) Upon receipt of notification that, pursuant to 49  
44 C.F.R. s. 382.501(a), a person is prohibited from operating a  
45 commercial motor vehicle, the department shall immediately  
46 notify the person who is the subject of such notification that  
47 he or she is prohibited from operating a commercial motor  
48 vehicle and, upon his or her request, must afford him or her an  
49 opportunity for an informal hearing pursuant to this section.  
50 The department's notice must be provided to the person in the  
51 same manner as, and providing notice has the same effect as,  
52 notices provided pursuant to s. 322.251(1) and (2).

53 (b) An informal hearing under paragraph (a) must be  
54 requested no later than 20 days after the person receives the  
55 notice of the downgrade. If a request for a hearing is not  
56 received within 20 days after receipt of such notice, the  
57 department must enter a final order directing the downgrade of  
58 the person's commercial driver license or temporary commercial  
59 instruction permit unless the department receives notification  
60 that, pursuant to 49 C.F.R. s. 382.503(a), the person is no  
61 longer prohibited from operating a commercial motor vehicle.

62 (c) A hearing requested under paragraph (b) must be  
63 scheduled and held no later than 30 days after receipt by the  
64 department of a request for the hearing. The submission of a  
65 request for hearing under paragraph (b) tolls the deadline to  
66 file a petition for writ of certiorari pursuant to s. 322.31  
67 until after the department enters a final order after a hearing  
68 under paragraph (b).



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69       (d) The informal hearing authorized by this subsection is  
70 exempt from chapter 120. Such hearing must be conducted before a  
71 hearing officer designated by the department. The hearing  
72 officer may conduct such hearing by means of communications  
73 technology.

74       (e) The notification received by the department pursuant to  
75 49 C.F.R. s. 382.501(a) must be in the record for consideration  
76 by the hearing officer and in any proceeding under s. 322.31 and  
77 is considered self-authenticating. The basis for the  
78 notification received by the department pursuant to 49 C.F.R. s.  
79 382.501(a) and the information in the Commercial Driver's  
80 License Drug and Alcohol Clearinghouse which resulted in such  
81 notification are not subject to challenge in the hearing or in  
82 any proceeding brought under s. 322.31.

83       (f) If, before the entry of a final order arising from a  
84 notification received by the department pursuant to 49 C.F.R. s.  
85 382.501(a), the department receives notification that, pursuant  
86 to 49 C.F.R. s. 382.503(a), the person is no longer prohibited  
87 from operating a commercial motor vehicle, the department must  
88 dismiss the action to downgrade the person's commercial driver  
89 license or temporary commercial instruction permit.

90       (g) Upon the entry of a final order that results in the  
91 downgrade of a person's commercial driver license or temporary  
92 commercial instruction permit, the department shall record  
93 immediately in the person's driving record that the person is  
94 disqualified from operating a commercial motor vehicle. The  
95 downgrade of a commercial driver license or temporary commercial  
96 instruction permit pursuant to a final order entered pursuant to  
97 this section and, upon the entry of a final order, the recording



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98 in the person's record that the person subject to such final  
99 order is disqualified from operating a commercial motor vehicle,  
100 are not stayed during the pendency of any proceeding pursuant to  
101 s. 322.31.

102 (h) If, after the department enters a final order that  
103 results in the downgrade of a person's commercial driver license  
104 or temporary commercial instruction permit and records in the  
105 person's driving record that the person is disqualified from  
106 operating a commercial motor vehicle, the department receives:

107 1. Notification that, pursuant to 49 C.F.R. s. 382.503(a),  
108 the person is no longer prohibited from operating a commercial  
109 motor vehicle, the department must reinstate the person's  
110 commercial driver license or temporary commercial instruction  
111 permit upon application by such person.

112 2. Notification from the Federal Motor Carrier Safety  
113 Administration pursuant to 49 C.F.R. s. 383.73(q) (3) that the  
114 person was erroneously identified as being prohibited from  
115 operating a commercial motor vehicle, the department must notify  
116 the person; reinstate, without payment of the reinstatement fee  
117 required pursuant to s. 322.31, the person's commercial driver  
118 license or commercial instruction permit as expeditiously as  
119 possible; and remove any reference to the person's erroneous  
120 prohibited status from the Commercial Driver's License  
121 Information System and the person's record.

122 (i) The department is not liable for any commercial driver  
123 license or temporary commercial instruction permit downgrade  
124 resulting from the discharge of its duties.

125 (j) This section is the exclusive procedure for the  
126 downgrade of a commercial driver license or temporary commercial



127 instruction permit following notification received by the  
128 department that, pursuant to 49 C.F.R. s. 382.501(a), a person  
129 is prohibited from operating a commercial motor vehicle.

130 (k) The downgrade of a person's commercial driver license  
131 or temporary commercial instruction permit pursuant to this  
132 section does not preclude the suspension of the driving  
133 privilege for that person pursuant to s. 322.2615 or the  
134 disqualification of that person from operating a commercial  
135 motor vehicle pursuant to s. 322.64. The driving privilege of a  
136 person whose commercial driver license or temporary commercial  
137 instruction permit has been downgraded pursuant to this section  
138 also may be suspended for a violation of s. 316.193.

139 (4) A person for whom the department receives notification  
140 that, pursuant to 49 C.F.R. s. 382.501(a), the person is  
141 prohibited from operating a commercial motor vehicle may, if  
142 otherwise qualified, be issued a Class E driver license pursuant  
143 to s. 322.251(4), valid for the length of his or her unexpired  
144 license period, at no cost.

145  
146 ===== T I T L E A M E N D M E N T =====

147 And the title is amended as follows:

148 Delete line 25

149 and insert:

150 temporary commercial instruction permit; amending s.  
151 322.31, F.S.; requiring that the final orders and  
152 rulings of the department regarding commercial driver  
153 licenses and commercial instruction permits be  
154 reviewable; creating s.

By Senator DiCeglie

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1 A bill to be entitled  
 2 An act relating to regulation of commercial motor  
 3 vehicles; amending s. 316.302, F.S.; revising federal  
 4 regulations to which owners and operators of certain  
 5 commercial motor vehicles are subject; deleting  
 6 obsolete language; authorizing agents to remove  
 7 vehicles or drivers from service and to give certain  
 8 written notice under certain circumstances; providing  
 9 penalties; amending s. 322.01, F.S.; revising  
 10 definitions; defining the term "downgrade"; amending  
 11 s. 322.02, F.S.; charging the Department of Highway  
 12 Safety and Motor Vehicles with the administration and  
 13 enforcement of certain federal regulations; amending  
 14 s. 322.05, F.S.; prohibiting the department from  
 15 issuing a commercial motor vehicle license to a person  
 16 who is ineligible under certain federal regulations;  
 17 amending s. 322.07, F.S.; revising circumstances under  
 18 which the department is required to issue a temporary  
 19 commercial instruction permit; amending s. 322.21,  
 20 F.S.; applying a reinstatement service fee to a person  
 21 whose privilege to operate a commercial vehicle has  
 22 been downgraded; applying a filing fee to a person  
 23 applying for or seeking to renew, transfer, or make  
 24 any other change to a commercial driver license or  
 25 temporary commercial instruction permit; creating s.  
 26 322.591, F.S.; requiring the department to obtain a  
 27 person's driving record from the Commercial Driver's  
 28 License Drug and Alcohol Clearinghouse; prohibiting  
 29 the department from performing certain actions for a

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30 person who is prohibited from operating a commercial  
 31 motor vehicle under certain federal regulations;  
 32 requiring the department to downgrade a commercial  
 33 driver license or temporary commercial instruction  
 34 permit of a person who is prohibited from operating a  
 35 commercial motor vehicle under such regulations and to  
 36 record such downgrade in the Commercial Driver's  
 37 License Information System; requiring the department  
 38 to provide to such person certain notification and,  
 39 upon request, an opportunity for an informal hearing;  
 40 providing hearing requirements; requiring the  
 41 department to enter a final order directing the  
 42 downgrade of the person's commercial driver license or  
 43 temporary commercial instruction permit under certain  
 44 circumstances; providing an exception; providing that  
 45 a request for a hearing tolls certain deadlines;  
 46 exempting an informal hearing from certain provisions;  
 47 authorizing such hearing to be conducted by means of  
 48 communications technology; requiring the department to  
 49 dismiss the action to downgrade the person's  
 50 commercial driver license or temporary commercial  
 51 instruction permit under certain circumstances;  
 52 requiring the department to record the  
 53 disqualification of a person from operating a  
 54 commercial motor vehicle in the person's driving  
 55 record upon entry of a final order to downgrade the  
 56 person's commercial driver license or temporary  
 57 commercial instruction permit; providing construction;  
 58 requiring reinstatement of the person's commercial

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59 driver license or temporary commercial instruction  
 60 permit under certain circumstances; limiting liability  
 61 of the department; specifying that certain provisions  
 62 are the exclusive procedure for downgrade of a  
 63 commercial driver license or temporary commercial  
 64 instruction permit; providing construction;  
 65 authorizing issuance of a Class E driver license to a  
 66 person who is prohibited from operating a commercial  
 67 motor vehicle under certain circumstances; amending  
 68 ss. 322.34 and 322.61, F.S.; conforming cross-  
 69 references; providing an effective date.

70  
 71 Be It Enacted by the Legislature of the State of Florida:

72  
 73 Section 1. Subsection (1), paragraph (d) of subsection (2),  
 74 and subsection (9) of section 316.302, Florida Statutes, are  
 75 amended to read:

76 316.302 Commercial motor vehicles; safety regulations;  
 77 transporters and shippers of hazardous materials; enforcement.-

78 (1) (a) All owners and drivers of commercial motor vehicles  
 79 that are operated on the public highways of this state while  
 80 engaged in interstate commerce are subject to the rules and  
 81 regulations contained in 49 C.F.R. parts 382-386 ~~382, 383, 385,~~  
 82 ~~386,~~ and 390-397.

83 (b) Except as otherwise provided in this section, all  
 84 owners and drivers of commercial motor vehicles that are engaged  
 85 in intrastate commerce are subject to the rules and regulations  
 86 contained in 49 C.F.R. parts 382-386 ~~382, 383, 385, 386,~~ and  
 87 390-397, as such rules and regulations existed on December 31,

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88 2023 ~~2020~~.

89 (c) The emergency exceptions provided by 49 C.F.R. s.  
 90 392.82 also apply to communications by utility drivers and  
 91 utility contractor drivers during a Level 1 activation of the  
 92 State Emergency Operations Center, as provided in the Florida  
 93 Comprehensive Emergency Management plan, or during a state of  
 94 emergency declared by executive order or proclamation of the  
 95 Governor.

96 (d) Except as provided in s. 316.228 for rear overhang  
 97 lighting and flagging requirements for intrastate operations,  
 98 the requirements of this section supersede all other safety  
 99 requirements of this chapter for commercial motor vehicles.

100 ~~(e) A person who operates a commercial motor vehicle solely~~  
 101 ~~in intrastate commerce which does not transport hazardous~~  
 102 ~~materials in amounts that require placarding pursuant to 49~~  
 103 ~~C.F.R. part 172 need not comply with the requirements of~~  
 104 ~~electronic logging devices and hours of service supporting~~  
 105 ~~documents as provided in 49 C.F.R. parts 385, 386, 390, and 395~~  
 106 ~~until December 31, 2019.~~

107 (2)

108 (d) A person who operates a commercial motor vehicle solely  
 109 in intrastate commerce not transporting any hazardous material  
 110 in amounts that require placarding pursuant to 49 C.F.R. part  
 111 172 within a 150 air-mile radius of the location where the  
 112 vehicle is based need not comply with 49 C.F.R. ss. 395.8 and  
 113 395.11 ~~s. 395.8~~ if the requirements of 49 C.F.R. s.  
 114 395.1(e)(1)(iii) and (iv) ~~s. 395.1(e)(1)(ii), (iii)(A) and (C),~~  
 115 ~~and (v)~~ are met.

116 (9) For the purpose of enforcing this section, any law

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117 enforcement officer of the Department of Highway Safety and  
 118 Motor Vehicles or duly appointed agent who holds a current  
 119 safety inspector certification from the Commercial Vehicle  
 120 Safety Alliance may require the driver of any commercial vehicle  
 121 operated on the highways of this state to stop and submit to an  
 122 inspection of the vehicle or the driver's records. If the  
 123 vehicle or driver is found to be operating in an unsafe  
 124 condition, or if any required part or equipment is not present  
 125 or is not in proper repair or adjustment, and the continued  
 126 operation would present an unduly hazardous operating condition,  
 127 the officer or agent may require the vehicle or the driver to be  
 128 removed from service pursuant to the North American Standard  
 129 Out-of-Service Criteria, until corrected. However, if continuous  
 130 operation would not present an unduly hazardous operating  
 131 condition, the officer or agent may give written notice  
 132 requiring correction of the condition within 15 days.

133 (a) Any member of the Florida Highway Patrol or any law  
 134 enforcement officer employed by a sheriff's office or municipal  
 135 police department authorized to enforce the traffic laws of this  
 136 state pursuant to s. 316.640 who has reason to believe that a  
 137 vehicle or driver is operating in an unsafe condition may, as  
 138 provided in subsection (11), enforce ~~the provisions of~~ this  
 139 section.

140 (b) Any person who fails to comply with an officer's  
 141 request to submit to an inspection under this subsection commits  
 142 a violation of s. 843.02 if the person resists the officer  
 143 without violence or a violation of s. 843.01 if the person  
 144 resists the officer or agent with violence.

145 Section 2. Present subsections (16) through (48) of section

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146 322.01, Florida Statutes, are redesignated as subsections (17)  
 147 through (49), respectively, a new subsection (16) is added to  
 148 that section, and subsection (5) and present subsections (37)  
 149 and (41) of that section are amended, to read:

150 322.01 Definitions.—As used in this chapter:

151 (5) "Cancellation" means the act of declaring a driver  
 152 license void and terminated but does not include a downgrade.

153 (16) "Downgrade" has the same meaning as the term "CDL  
 154 downgrade" as defined in 49 C.F.R. s. 383.5(4).

155 (38)(37) "Revocation" means the termination of a licensee's  
 156 privilege to drive. The term does not include a downgrade.

157 (42)(41) "Suspension" means the temporary withdrawal of a  
 158 licensee's privilege to drive a motor vehicle. The term does not  
 159 include a downgrade.

160 Section 3. Subsection (2) of section 322.02, Florida  
 161 Statutes, is amended to read:

162 322.02 Legislative intent; administration.—

163 (2) The Department of Highway Safety and Motor Vehicles is  
 164 charged with the administration and function of enforcement of  
 165 ~~the provisions of this chapter and the administration and~~  
 166 enforcement of 49 C.F.R. parts 382-386 and 390-397.

167 Section 4. Present subsections (7) through (12) of section  
 168 322.05, Florida Statutes, are redesignated as subsections (8)  
 169 through (13), respectively, and a new subsection (7) is added to  
 170 that section, to read:

171 322.05 Persons not to be licensed.—The department may not  
 172 issue a license:

173 (7) To any person, as a commercial motor vehicle operator,  
 174 who is ineligible to operate a commercial motor vehicle pursuant

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175 to 49 C.F.R. part 383.

176 Section 5. Subsection (3) of section 322.07, Florida  
177 Statutes, is amended to read:

178 322.07 Instruction permits and temporary licenses.—

179 (3) Any person who, except for his or her lack of  
180 instruction in operating a commercial motor vehicle, would  
181 otherwise be qualified to obtain a commercial driver license  
182 under this chapter, may apply for a temporary commercial  
183 instruction permit. The department shall issue such a permit  
184 entitling the applicant, while having the permit in his or her  
185 immediate possession, to drive a commercial motor vehicle on the  
186 highways, if:

187 (a) The applicant possesses a valid Florida driver license;  
188 ~~and~~

189 (b) The applicant, while operating a commercial motor  
190 vehicle, is accompanied by a licensed driver who is 21 years of  
191 age or older, who is licensed to operate the class of vehicle  
192 being operated, and who is occupying the closest seat to the  
193 right of the driver; and

194 (c) The department has not been notified that, under 49  
195 C.F.R. s. 382.501(a), the applicant is prohibited from operating  
196 a commercial motor vehicle.

197 Section 6. Subsection (8) and paragraph (a) of subsection  
198 (9) of section 322.21, Florida Statutes, are amended to read:

199 322.21 License fees; procedure for handling and collecting  
200 fees.—

201 (8) A person who applies for reinstatement following the  
202 suspension or revocation of the person's driver license must pay  
203 a service fee of \$45 following a suspension, and \$75 following a

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204 revocation, which is in addition to the fee for a license. A  
205 person who applies for reinstatement of a commercial driver  
206 license following the disqualification or downgrade of the  
207 person's privilege to operate a commercial motor vehicle must  
208 ~~shall~~ pay a service fee of \$75, which is in addition to the fee  
209 for a license. The department shall collect all of these fees at  
210 the time of reinstatement. The department shall issue proper  
211 receipts for such fees and shall promptly transmit all funds  
212 received by it as follows:

213 (a) Of the \$45 fee received from a licensee for  
214 reinstatement following a suspension:

215 1. If the reinstatement is processed by the department, the  
216 department shall deposit \$15 in the General Revenue Fund and \$30  
217 in the Highway Safety Operating Trust Fund.

218 2. If the reinstatement is processed by the tax collector,  
219 \$15, less the general revenue service charge set forth in s.  
220 215.20(1), shall be retained by the tax collector, \$15 shall be  
221 deposited into the Highway Safety Operating Trust Fund, and \$15  
222 shall be deposited into the General Revenue Fund.

223 (b) Of the \$75 fee received from a licensee for  
224 reinstatement following a revocation, ~~or~~ disqualification, or  
225 downgrade:

226 1. If the reinstatement is processed by the department, the  
227 department shall deposit \$35 in the General Revenue Fund and \$40  
228 in the Highway Safety Operating Trust Fund.

229 2. If the reinstatement is processed by the tax collector,  
230 \$20, less the general revenue service charge set forth in s.  
231 215.20(1), shall be retained by the tax collector, \$20 shall be  
232 deposited into the Highway Safety Operating Trust Fund, and \$35

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233 shall be deposited into the General Revenue Fund.

234

235 If the revocation or suspension of the driver license was for a

236 violation of s. 316.193, or for refusal to submit to a lawful

237 breath, blood, or urine test, an additional fee of \$130 must be

238 charged. However, only one \$130 fee may be collected from one

239 person convicted of violations arising out of the same incident.

240 The department shall collect the \$130 fee and deposit the fee

241 into the Highway Safety Operating Trust Fund at the time of

242 reinstatement of the person's driver license, but the fee may

243 not be collected if the suspension or revocation is overturned.

244 If the revocation or suspension of the driver license was for a

245 conviction for a violation of s. 817.234(8) or (9) or s.

246 817.505, an additional fee of \$180 is imposed for each offense.

247 The department shall collect and deposit the additional fee into

248 the Highway Safety Operating Trust Fund at the time of

249 reinstatement of the person's driver license.

250 (9) An applicant:

251 (a) Requesting a review authorized in s. 322.222, s.

252 322.2615, s. 322.2616, s. 322.27, s. 322.591, or s. 322.64 must

253 pay a filing fee of \$25 to be deposited into the Highway Safety

254 Operating Trust Fund.

255 Section 7. Section 322.591, Florida Statutes, is created to

256 read:

257 322.591 Commercial driver license and temporary commercial

258 instruction permit; Commercial Driver's License Drug and Alcohol

259 Clearinghouse; prohibition on issuance of commercial driver

260 licenses; downgrades.—Beginning November 18, 2024:

261 (1) When a person applies for or seeks to renew, transfer,

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262 or make any other change to a commercial driver license or

263 temporary commercial instruction permit, the department must

264 obtain the person's driving record from the Commercial Driver's

265 License Drug and Alcohol Clearinghouse established pursuant to

266 49 C.F.R. part 382. The department may not issue, renew, or

267 transfer, or revise the types of authorized vehicles that may be

268 operated or the endorsements applicable to, a commercial driver

269 license or temporary commercial instruction permit for any

270 person for whom the department receives notification that,

271 pursuant to 49 C.F.R. s. 382.501(a), the person is prohibited

272 from operating a commercial motor vehicle.

273 (2) The department shall downgrade the commercial driver

274 license or temporary commercial instruction permit of a person

275 for whom the department receives notification that, pursuant to

276 49 C.F.R. s. 382.501(a), the person is prohibited from operating

277 a commercial motor vehicle. Any such downgrade must be completed

278 and recorded by the department in the Commercial Driver's

279 License Information System within 60 days after the department's

280 receipt of such notification.

281 (3) (a) Upon receipt of notification that, pursuant to 49

282 C.F.R. s. 382.501(a), a person is prohibited from operating a

283 commercial motor vehicle, the department shall immediately

284 notify the person who is the subject of such notification that

285 he or she is prohibited from operating a commercial motor

286 vehicle and, upon his or her request, must afford him or her an

287 opportunity for an informal hearing pursuant to this section.

288 The department's notice must be provided to the person in the

289 same manner as, and providing notice has the same effect as,

290 notices provided pursuant to s. 322.251(1) and (2).

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291 (b) An informal hearing under paragraph (a) must be  
 292 requested no later than 20 days after the person receives the  
 293 notice of the downgrade. If a request for a hearing is not  
 294 received within 20 days after receipt of such notice, the  
 295 department must enter a final order directing the downgrade of  
 296 the person's commercial driver license or temporary commercial  
 297 instruction permit unless the department receives notification  
 298 that, pursuant to 49 C.F.R. s. 382.503(a), the person is no  
 299 longer prohibited from operating a commercial motor vehicle.

300 (c) A hearing requested under paragraph (b) must be  
 301 scheduled and held no later than 30 days after receipt by the  
 302 department of a request for the hearing. The submission of a  
 303 request for hearing under paragraph (b) tolls the deadline to  
 304 file a petition for writ of certiorari pursuant to s. 322.31  
 305 until after the department enters a final order after a hearing  
 306 under paragraph (b).

307 (d) The informal hearing authorized by this subsection is  
 308 exempt from chapter 120. Such hearing must be conducted before a  
 309 hearing officer designated by the department. The hearing  
 310 officer may conduct such hearing by means of communications  
 311 technology.

312 (e) The notification received by the department pursuant to  
 313 49 C.F.R. s. 382.501(a) must be in the record for consideration  
 314 by the hearing officer and in any proceeding under s. 322.31 and  
 315 is considered self-authenticating. The basis for the  
 316 notification received by the department pursuant to 49 C.F.R. s.  
 317 382.501(a) and the information in the Commercial Driver's  
 318 License Drug and Alcohol Clearinghouse which resulted in such  
 319 notification are not subject to challenge in the hearing or in

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320 any proceeding brought under s. 322.31.

321 (f) If, before the entry of a final order arising from a  
 322 notification received by the department pursuant to 49 C.F.R. s.  
 323 382.501(a), the department receives notification that, pursuant  
 324 to 49 C.F.R. s. 382.503(a), the person is no longer prohibited  
 325 from operating a commercial motor vehicle, the department must  
 326 dismiss the action to downgrade the person's commercial driver  
 327 license or temporary commercial instruction permit.

328 (g) Upon the entry of a final order that results in the  
 329 downgrade of a person's commercial driver license or temporary  
 330 commercial instruction permit, the department shall record  
 331 immediately in the person's driving record that the person is  
 332 disqualified from operating a commercial motor vehicle. The  
 333 downgrade of a commercial driver license or temporary commercial  
 334 instruction permit pursuant to a final order entered pursuant to  
 335 this section and, upon the entry of a final order, the recording  
 336 in the person's record that the person subject to such final  
 337 order is disqualified from operating a commercial motor vehicle,  
 338 are not stayed during the pendency of any proceeding pursuant to  
 339 s. 322.31.

340 (h) If, after the department enters a final order that  
 341 results in the downgrade of a person's commercial driver license  
 342 or temporary commercial instruction permit and records in the  
 343 person's driving record that the person is disqualified from  
 344 operating a commercial motor vehicle, the department receives  
 345 notification that, pursuant to 49 C.F.R. s. 382.503(a), the  
 346 person is no longer prohibited from operating a commercial motor  
 347 vehicle, the department must reinstate the person's commercial  
 348 driver license or temporary commercial instruction permit upon

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349 application by such person.

350 (i) The department is not liable for any commercial driver  
 351 license or temporary commercial instruction permit downgrade  
 352 resulting from the discharge of its duties.

353 (j) This section is the exclusive procedure for the  
 354 downgrade of a commercial driver license or temporary commercial  
 355 instruction permit following notification received by the  
 356 department that, pursuant to 49 C.F.R. s. 382.501(a), a person  
 357 is prohibited from operating a commercial motor vehicle.

358 (k) The downgrade of a person's commercial driver license  
 359 or temporary commercial instruction permit pursuant to this  
 360 section does not preclude the suspension of the driving  
 361 privilege for that person pursuant to s. 322.2615 or the  
 362 disqualification of that person from operating a commercial  
 363 motor vehicle pursuant to s. 322.64. The driving privilege of a  
 364 person whose commercial driver license or temporary commercial  
 365 instruction permit has been downgraded pursuant to this section  
 366 also may be suspended for a violation of s. 316.193.

367 (4) A person for whom the department receives notification  
 368 that, pursuant to 49 C.F.R. s. 382.501(a), the person is  
 369 prohibited from operating a commercial motor vehicle may, if  
 370 otherwise qualified, be issued a Class E driver license pursuant  
 371 to s. 322.251(4), valid for the length of his or her unexpired  
 372 license period, at no cost.

373 Section 8. Subsection (2) of section 322.34, Florida  
 374 Statutes, is amended to read:

375 322.34 Driving while license suspended, revoked, canceled,  
 376 or disqualified.—

377 (2) Any person whose driver license or driving privilege

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

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378 has been canceled, suspended, or revoked as provided by law, or  
 379 who does not have a driver license or driving privilege but is  
 380 under suspension or revocation equivalent status as defined in  
 381 s. 322.01(43) ~~s. 322.01(42)~~, except persons defined in s.

382 322.264, who, knowing of such cancellation, suspension,  
 383 revocation, or suspension or revocation equivalent status,  
 384 drives any motor vehicle upon the highways of this state while  
 385 such license or privilege is canceled, suspended, or revoked, or  
 386 while under suspension or revocation equivalent status, commits:

387 (a) A misdemeanor of the second degree, punishable as  
 388 provided in s. 775.082 or s. 775.083.

389 (b)1. A misdemeanor of the first degree, punishable as  
 390 provided in s. 775.082 or s. 775.083, upon a second or  
 391 subsequent conviction, except as provided in paragraph (c).

392 2. A person convicted of a third or subsequent conviction,  
 393 except as provided in paragraph (c), must serve a minimum of 10  
 394 days in jail.

395 (c) A felony of the third degree, punishable as provided in  
 396 s. 775.082, s. 775.083, or s. 775.084, upon a third or  
 397 subsequent conviction if the current violation of this section  
 398 or the most recent prior violation of the section is related to  
 399 driving while license canceled, suspended, revoked, or  
 400 suspension or revocation equivalent status resulting from a  
 401 violation of:

402 1. Driving under the influence;

403 2. Refusal to submit to a urine, breath-alcohol, or blood  
 404 alcohol test;

405 3. A traffic offense causing death or serious bodily  
 406 injury; or

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407 4. Fleeing or eluding.

408

409 The element of knowledge is satisfied if the person has been  
410 previously cited as provided in subsection (1); or the person  
411 admits to knowledge of the cancellation, suspension, or  
412 revocation, or suspension or revocation equivalent status; or  
413 the person received notice as provided in subsection (4). There  
414 shall be a rebuttable presumption that the knowledge requirement  
415 is satisfied if a judgment or order as provided in subsection  
416 (4) appears in the department's records for any case except for  
417 one involving a suspension by the department for failure to pay  
418 a traffic fine or for a financial responsibility violation.

419 Section 9. Subsection (4) of section 322.61, Florida  
420 Statutes, is amended to read:

421 322.61 Disqualification from operating a commercial motor  
422 vehicle.—

423 (4) Any person who is transporting hazardous materials as  
424 defined in s. 322.01(25) ~~s. 322.01(24)~~ shall, upon conviction of  
425 an offense specified in subsection (3), be disqualified from  
426 operating a commercial motor vehicle for a period of 3 years.  
427 The penalty provided in this subsection shall be in addition to  
428 any other applicable penalty.

429 Section 10. 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

1/10/24 Meeting Date

Transportation Committee

754 Bill Number or Topic

Amendment Barcode (if applicable)

Name ALIX MILLER

Phone 850-222-9000

Address 350 E College Ave Street

Email alix@floridatrading.org

Tallahassee FL 32301 City State Zip

Speaking: [ ] For [ ] Against [ ] Information OR Waive Speaking: [x] In Support [ ] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[ ] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing: Florida Trading 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  
**APPEARANCE RECORD**

754  
SB ~~856~~

Bill Number or Topic

1/10/24

Meeting Date

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

Transportation

Committee

Amendment Barcode (if applicable)

Name Todd Michaels

Phone <sup>65</sup> 31775-0339

Address 330 Alhambra Circle  
Street

Email tjm@hessandlawfirm.com  
Ca

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/10/24  
Meeting Date

754  
Bill Number or Topic

~~Transportation~~ Transportation  
Committee

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

Amendment Barcode (if applicable)

WAYLON THOMPSON  
Name

850-814-3337  
Phone

314 Magnolia Ave  
Address  
Street

waylon@manhattanthompson.com  
Email

Banana City FL 32482  
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 \(flsenate.gov\)](#)

# CourtSmart Tag Report

**Room:** SB 110  
**Caption:** Senate Transportation Committee

**Case No.:**

**Type:**  
**Judge:**

**Started:** 1/10/2024 10:31:00 AM

**Ends:** 1/10/2024 10:51:43 AM

**Length:** 00:20:44

10:30:59 AM Chair DiCeglie calls the meeting to order  
10:31:03 AM Roll Call  
10:31:17 AM Quorum announced  
10:31:43 AM Pledge of Allegiance  
10:31:49 AM Tab 1 CS/SB 30 TP'd  
10:31:58 AM Chair DiCeglie with opening comments  
10:32:18 AM Tab 3 SB 258 Interstate Safety  
10:32:37 AM Senator Perry  
10:33:09 AM Chair DiCeglie  
10:33:19 AM Speaker Russ Johnson  
10:35:53 AM Chair DiCeglie  
10:37:06 AM Senator Perry  
10:37:41 AM Roll call  
10:37:47 AM SB 258 reported favorably  
10:38:19 AM Chair DiCeglie introduces Jimmy Buffet's video  
10:39:26 AM Tab 4 SB 434, Specialty License Plates/Margaritaville  
10:39:53 AM Senator Harrell  
10:41:17 AM Amendment Barcode No. 420120  
10:41:26 AM Senator Harrell  
10:41:37 AM Chair DiCeglie  
10:41:48 AM Jeffrey Sharkey waives  
10:42:02 AM Senator Davis  
10:42:20 AM Senator Harrell in closure  
10:43:00 AM Amendment adopted  
10:43:20 AM Chair DiCeglie  
10:43:26 AM Question  
10:43:34 AM Senator Davis  
10:43:45 AM Senator Harrell  
10:43:49 AM Chair DiCeglie  
10:44:02 AM Senator Harrell in closure  
10:44:07 AM Roll call  
10:44:33 AM CS/SB 434 reported favorably  
10:44:48 AM Tab 2 SB 84, Transportation Facility  
10:45:01 AM Amendment Barcode No. 942992  
10:45:15 AM Chair DiCeglie  
10:45:20 AM Senator Book  
10:46:29 AM Chair DiCeglie  
10:46:41 AM Senator Book in closure  
10:46:48 AM Amendment adopted  
10:46:52 AM Chair DiCeglie  
10:47:00 AM Closure by Senator Book  
10:47:06 AM Chair DiCeglie  
10:47:18 AM Roll Call  
10:47:21 AM CS/SB 84 reported favorably  
10:47:33 AM Chair passed to Vice Chair Davis  
10:47:43 AM Tab 5 SB 754, Regulation of Commercial Motor Vehicles  
10:47:59 AM Chair DiCeglie  
10:48:26 AM Chair Davis  
10:49:21 AM Amendment Barcode No. 382268  
10:49:28 AM Chair DiCeglie  
10:49:38 AM Chair Davis  
10:49:53 AM Closure waived



**10:50:02 AM** Amendment adopted  
**10:50:05 AM** Chair Davis  
**10:50:20 AM** Alix Miller waives  
**10:50:27 AM** Todd Michaels waives  
**10:50:31 AM** Waylon Thompson waives  
**10:50:38 AM** Chair Davis  
**10:50:42 AM** Chair DiCeglie in closure  
**10:50:48 AM** Chair Davis  
**10:50:53 AM** Roll call  
**10:50:55 AM** CS/SB 754 reported favorably  
**10:51:08 AM** Chair returned  
**10:51:13 AM** Chair DiCeglie  
**10:51:21 AM** Senator Gruters moves to adjourn  
**10:51:30 AM** Meeting adjourned



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Military and Veterans Affairs, Space, and Domestic Security, *Vice Chair*  
Appropriations Committee on Criminal and Civil Justice  
Banking and Insurance  
Commerce and Tourism  
Fiscal Policy  
Rules  
Transportation

### JOINT COMMITTEES:

Joint Select Committee on Collective Bargaining

**SENATOR VICTOR M. TORRES, JR.**

25th District

January 10, 2024

Nick DiCeglie, Chair  
Transportation Committee  
404 S Monroe Street  
Tallahassee

Please accept this letter of excusal from myself for the January 10<sup>th</sup> Transportation Committee due to an illness. Please accept this letter as a formal request for excusal of this absence. Please let me know if you have any questions or need any additional information.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Victor M. Torres, Jr." with a stylized flourish at the end.

Victor M. Torres, Jr.  
Florida State Senator  
District 25

### REPLY TO:

- 101 Church Street, Suite 305, Kissimmee, Florida 34741 (407) 846-5187 FAX: (850) 410-4817
- 214 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

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

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore