

<b>Tab 1 CS/SB 1104 by IS, Bean (CO-INTRODUCERS) Broxson; (Similar to CS/CS/H 00505) License Plates</b>						
647456	D	S	RCS	ATD, Bean	Delete everything after	04/18 03:48 PM
841850	AA	S	RCS	ATD, Bean	Delete L.124 - 129:	04/18 03:48 PM
<b>Tab 2 CS/SB 1106 by IS, Bean; (Compare to CS/CS/H 00505) Fees/Specialty License Plates Uniform Annual Use Fee</b>						
<b>Tab 3 SB 1162 by Gainer; (Similar to H 00191) Northwest Florida Rural Inland Affected Counties Recovery Fund</b>						
<b>Tab 4 SB 1610 by Montford (CO-INTRODUCERS) Gainer, Broxson; Emergency Mitigation and Response</b>						
678890	D	S	RCS	ATD, Montford	Delete everything after	04/18 03:48 PM
<b>Tab 5 SB 7090 by IS; (Compare to CS/CS/CS/1ST ENG/H 00385) Department of Highway Safety and Motor Vehicles</b>						
896914	D	S	RCS	ATD, Lee	Delete everything after	04/18 03:48 PM
806522	AA	S	RCS	ATD, Perry	btw L.1251 - 1252:	04/18 03:48 PM
694180	AA	S	RCS	ATD, Thurston	Delete L.2181:	04/18 03:48 PM
376134	AA	S	RCS	ATD, Thurston	Delete L.305 - 306:	04/18 03:48 PM
742068	AA	S	RCS	ATD, Brandes	btw L.16 - 17:	04/18 03:48 PM
<b>Tab 6 SB 7092 by IS; Fees/Department of Highway Safety and Motor Vehicles</b>						
755838	D	S	RCS	ATD, Lee	Delete everything after	04/18 03:48 PM
<b>Tab 7 SB 7094 by IS; (Similar to H 01055) Public Records/Department of Highway Safety and Motor Vehicles</b>						

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

**APPROPRIATIONS SUBCOMMITTEE ON  
TRANSPORTATION, TOURISM, AND ECONOMIC  
DEVELOPMENT**

**Senator Hutson, Chair**  
**Senator Thurston, Vice Chair**

**MEETING DATE:** Tuesday, April 16, 2019  
**TIME:** 1:00—4:00 p.m.  
**PLACE:** *Toni Jennings Committee Room*, 110 Senate Building

**MEMBERS:** Senator Hutson, Chair; Senator Thurston, Vice Chair; Senators Brandes, Lee, Perry, Simpson, Taddeo, and Torres

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 1104</b> Infrastructure and Security / Bean (Similar CS/CS/H 505, Compare CS/H 199, H 273, H 1225, S 106, S 140, CS/S 480, CS/S 484, S 808, S 1060, S 1376, S 1654, S 1686, Linked CS/S 1106)	License Plates; Authorizing fleet companies to purchase specialty license plates in lieu of standard fleet license plates; allowing the Department of Highway Safety and Motor Vehicles to authorize dealer and fleet specialty license plates; directing the department to audit certain organizations that receive funds from the sale of specialty license plates, etc.  IS      04/02/2019 Fav/CS ATD     04/16/2019 Fav/CS AP	Fav/CS Yeas 8 Nays 0
2	<b>CS/SB 1106</b> Infrastructure and Security / Bean (Compare CS/CS/H 505, Linked CS/S 1104)	Fees/Specialty License Plates Uniform Annual Use Fee; Creating a uniform annual use fee collected for a specialty license plate unless otherwise specified; adding annual use fees for certain specialty license plates, etc.  IS      04/02/2019 Fav/CS ATD     04/16/2019 Favorable AP	Favorable Yeas 8 Nays 0
3	<b>SB 1162</b> Gainer (Similar H 191)	Northwest Florida Rural Inland Affected Counties Recovery Fund; Creating the Northwest Florida Rural Inland Affected Counties Recovery Fund within the Department of Economic Opportunity; requiring certain payments to be appropriated annually to the fund; requiring the department to grant awards to organizations and local governments for specified infrastructure projects and workforce programs, etc.  CM      03/11/2019 Temporarily Postponed CM      03/18/2019 Favorable ATD     04/16/2019 Favorable AP	Favorable Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**Appropriations Subcommittee on Transportation, Tourism, and Economic Development  
Tuesday, April 16, 2019, 1:00—4:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 1610</b> Montford	Emergency Mitigation and Response; Creating the Hurricane Michael Recovery Task Force adjunct to the Division of Emergency Management of the Executive Office of the Governor to make recommendations to the Legislature regarding additional assistance needed in the response to, recovery from, and mitigation of the effects of Hurricane Michael in certain areas; requiring the task force to review the effectiveness of local, state, and federal activities in those areas, as well as the availability of resources and any additional assistance needed, etc.  IS 04/09/2019 Favorable ATD 04/16/2019 Fav/CS AP	Fav/CS Yeas 8 Nays 0
5	<b>SB 7090</b> Infrastructure and Security (Compare CS/CS/CS/H 385, CS/CS/H 725, CS/CS/H 1053, H 1269, S 660, S 664, S 1482, CS/S 1638, S 1674, Linked S 7092, S 7094)	Department of Highway Safety and Motor Vehicles; Requiring community service in a trauma center or hospital that receives victims of vehicle crashes; requiring that, under a yellow dot program, certain critical medical information be made readily available to responders in the event of a motor vehicle crash; prohibiting certain persons from being liable or at fault regarding the cause of a crash solely by reason of moving a vehicle; adding an operator to persons who may incur serious bodily injury for purposes of a certain penalty, etc.  ATD 04/16/2019 Fav/CS AP	Fav/CS Yeas 7 Nays 0
6	<b>SB 7092</b> Infrastructure and Security (Linked S 7090)	Fees/Department of Highway Safety and Motor Vehicles; Requiring that costs incurred by the Department of Highway Safety and Motor Vehicles to obtain a certain order be charged to a subpoenaed person; requiring a specified fee for certain validation stickers; requiring that costs incurred by the department to obtain a certain order be charged to a subpoenaed person, etc.  ATD 04/16/2019 Fav/CS AP	Fav/CS Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Subcommittee on Transportation, Tourism, and Economic Development  
Tuesday, April 16, 2019, 1:00—4:00 p.m.

---

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>SB 7094</b> Infrastructure and Security (Similar H 1055, Linked S 7090)	Public Records/Department of Highway Safety and Motor Vehicles; Creating public records exemptions for certain information received by the Department of Highway Safety and Motor Vehicles; providing exemptions from public records requirements for personal information in certain vessel records, e-mail addresses, and cellular telephone numbers issued or collected by the Department of Highway Safety and Motor Vehicles; exempting from public records requirements certain information received by the department as a result of investigations and examinations of private rebuilt inspection providers; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc.	Favorable Yeas 7 Nays 0
		ATD 04/16/2019 Favorable AP	

---

Other Related Meeting Documents

---

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

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

---

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic  
Development

---

BILL: PCS/CS/SB 1104 (785228)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development;  
Infrastructure and Security Committee and Senator Bean

SUBJECT: License Plates

DATE: April 18, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

---

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

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

PCS/CS/SB 1104 creates 37 specialty license plates (SLP) and provides for the design and the use of the annual fees associated with the SLPs. The bill also makes additional changes to the license plate laws:

- Revises 6 existing SLPs and repeals provisions related to 4 discontinued SLPs;
- Authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to issue SLPs for fleet vehicles and motor vehicle dealer vehicles upon approval by the SLP's sponsoring organization;
- Establishes a cap of 200 SLPs and provides a revised process for the discontinuation of low performing SLPs, which is effective July 1, 2022, and for the addition of new SLPs;
- Requires the DHSMV to conduct an audit every 3 years of certain SLP recipient organizations;
- Requires SLP recipient organizations to annually attest to complying with the law and authorizes the DHSMV to discontinue distributions if it determines that an organization has not complied with the law.
- Allows out-of-state expenditures for certain military-related SLPs; and
- Expands the prohibition against using SLP revenues for lobbying.

The bill also creates two new SLPs for recipients of the Purple Heart and the Bronze Star.

SB 1106 (2019), which this bill is linked to, provides for an annual use fee of \$25 for a SLP and \$50 for out of state collegiate SLPs.

According to the DHSMV, the bill will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The bill has an effective date of October 1, 2019, but only if SB 1106 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

## II. Present Situation :

### Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.<sup>1</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>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>3</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 pre-sale vouchers for the specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale 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>4</sup>

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>5</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>6</sup>

---

<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited April 5, 2019).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08053(2)(b), F.S.

<sup>5</sup> Section 320.08056(10)(a), F.S.

<sup>6</sup> Section 320.08062, F.S.

### ***DHSMV Costs Defrayed***

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of specialty plates to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.<sup>7</sup>

### ***Discontinuance of Specialty Plates***

The DHSMV must 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 is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.<sup>8</sup> In addition, the DHSMV is authorized to discontinue any specialty license plate if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.<sup>9</sup>

### **Fleet/Dealer License Plates**

A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate is subject to an annual license tax of \$17.<sup>10</sup> These license plates are imprinted with the word "Dealer" at the bottom of the plate.<sup>11</sup> Dealers may, upon payment of the dealer plate license tax, secure one or more dealer license plates. These plates are valid while the motor vehicles are in the dealer's inventory and for sale, or while being operated in connection with the dealer's business, except when used as for-hire vehicles.<sup>12</sup>

Fleet license plates<sup>13</sup> are available for companies that own or lease a minimum number of nonapportioned motor vehicles used for business purposes.<sup>14</sup> In order to participate in the fleet vehicle program the company must have a minimum of 200 vehicles or a minimum of 25 trailers or semitrailers used exclusively to haul agricultural products.<sup>15</sup> Fleet license plates are available upon approval by the DHSMV and payment of license taxes prescribed under s. 320.08, F.S. Fleet vehicle license plates have the word "Fleet" imprinted at the bottom of the plate.<sup>16</sup> All vehicles with a fleet license plate must have the company's name or logo and unit number displayed so that they are readily identifiable.<sup>17</sup>

---

<sup>7</sup> Section 320.08056(7), F.S.

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

<sup>9</sup> Section 320.08056(8)(b), F.S.

<sup>10</sup> Section 320.08(12), F.S.

<sup>11</sup> Section 320.06(3), F.S.

<sup>12</sup> Section 320.13, F.S.

<sup>13</sup> The term "fleet" means nonapportioned motor vehicles owned or leased by a company and used for business purposes. Section 320.0657(1), F.S.

<sup>14</sup> Section 320.0657. DHSMV, Division of Motorist Services, Procedure RS-55, *Fleet Registration Program* (Rev. Jan. 8, 2019), <http://www3.flhsmv.gov/dmv/Proc/RS/RS-55.pdf> (last visited April 8, 2019).

<sup>15</sup> Florida Highway Safety and Motor Vehicles, *Motor Vehicle Procedures Manual, Section 2. Registration, Procedure RS-55 II D.*, <https://www3.flhsmv.gov/dmv/Proc/rs/rs-55.pdf> (last visited April 8, 2019).

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

<sup>17</sup> Section 320.0657(2)(a), F.S.

Neither dealer license plates nor fleet license plates are eligible to be specialty license plates.

### **Existing Specialty License Plates**

#### ***Special Olympics Florida License Plate***

Section 320.08058(7), F.S., creates the Special Olympics Florida SLP with an annual use fee of \$15.<sup>18</sup> The license plate contains the official Special Olympics Florida logo with “Florida” centered at the bottom of the plate, and “Everyone Wins” centered at the top of the plate. The first \$5 million collected annually must be forwarded to the Florida Developmental Disabilities Council to be used solely for the Special Olympics. Any additional fees must be deposited into the General Revenue Fund.<sup>19</sup>

#### ***Live the Dream License Plate***

Section 320.08058(48), F.S., creates the Live the Dream SLP with an annual use fee of \$25.<sup>20</sup> The words “Live the Dream” must appear at the bottom of the plate. Proceeds from the Live the Dream SLP are distributed to the Dream Foundation, Inc., which retained the first \$60,000 in proceeds from the annual use fees as reimbursement for administrative costs, startup costs, and costs incurred in the SLP approval process. After those costs are reimbursed, up to 25 percent of the proceeds must be used for continuing promotion and marketing of the license plate and concept. The remaining funds must be distributed as follows:

- Twenty-five percent equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc., for programs providing research, care, and treatment for sickle cell disease.
- Twenty-five percent to the Florida chapter of the March of Dimes for programs and services improving the health of babies through preventing birth defects and infant mortality.
- Ten percent to the Florida Association of Healthy Start Coalitions to decrease racial disparity in infant mortality and to increase healthy birth outcomes. Funding will be used by local Healthy Start Coalitions to provide services and increase screening rates for high-risk pregnant women, children under 4 years of age, and women of childbearing age.
- Ten percent to the Community Partnership for Homeless, Inc., for programs that provide relief from poverty, hunger, and homelessness.
- Five percent to the Dream Foundation, Inc., for administrative costs directly associated with operations relating to the management and distribution of the proceeds.

In March 2015, the DHSMV began withholding funds from the Dream Foundation, Inc., because the organization failed to produce financial documentation that the DHSMV requested. In August 2015, a DHSMV Inspector General Audit found that the funds from the sale of the Live the Dream SLP were being improperly distributed.<sup>21</sup> Additionally, a royalty payment was due to the Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., for the use of Dr. Martin Luther King Jr.’s image on the license plate. In 2016, the Dream Foundation, Inc., was

---

<sup>18</sup> Section 320.08056(4)(g), F.S.

<sup>19</sup> Section 393.002, F.S.

<sup>20</sup> Section 320.08056(4)(vv), F.S.

<sup>21</sup> Florida Highway Safety and Motor Vehicles, *Audit Reports Issued in Fiscal Year 2015-16*, <https://www.flhsmv.gov/pdf/igoffice/080415.pdf> (last visited March 31, 2019).



administratively dissolved and was subsequently reinstated in 2017 with new corporate officers.<sup>22</sup>

### ***Lighthouse Association License Plate***

Section 320.08058(65), F.S., creates the Lighthouse Association SLP with an annual use fee of \$25.<sup>23</sup> The license plate currently features the words “Visit Our Lights” on the bottom of the plate. The annual use fees are distributed to the Florida Lighthouse Association, Inc. A maximum of 10 percent may be used to promote and market the plates and the remaining proceeds shall be used by the association to fund the preservation, restoration, and protection of the 29 historic lighthouses in the state.<sup>24</sup>

### ***In God We Trust License Plate***

Section 320.08058(66), F.S., creates an In God We Trust SLP with an annual use fee of \$25.<sup>25</sup> The words “In God We Trust” must appear at the bottom of the plate. The annual use fees are distributed to the In God We Trust Foundation, Inc., to fund educational scholarships for the children of Florida residents who are members of the United States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds must also be distributed to other nonprofit organizations that may apply for grants and scholarships and to provide educational grants to public and private schools to promote the historical and religious significance of American and Florida history. The In God We Trust Foundation, Inc., must distribute the license plate annual use fees in the following manner:

- The In God We Trust Foundation, Inc., retains all revenues from the sale of the license plates until all startup costs for developing and establishing the license plate have been recovered.
- Ten percent of the funds received by the In God We Trust Foundation, Inc., must be spent on administrative costs, promotion, and marketing of the license plate directly associated with the operations of the In God We Trust Foundation, Inc.
- All remaining funds must be expended by the In God We Trust Foundation, Inc., for programs.

### ***Fallen Law Enforcement Officer License Plate***

Section 320.08058(80), F.S., creates the Fallen Law Enforcement Officers license plate with an annual use fee of \$25.<sup>26</sup> The words “A Hero Remembered Never Dies” must appear at the bottom of the plate. The annual use fees are distributed to the Police and Kids Foundation, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plate. The remainder of the proceeds must be used by the Police and Kids Foundation, Inc., to invest and reinvest and the interest earnings must be used for the operation of the Police and Kids Foundation, Inc.

---

<sup>22</sup> Department of State, Sunbiz.org, *Detail by Entity Name, The Dream Foundation, Inc.*, Document No. N01000003891. Throughout this analysis, references to Department of State, Division of Corporation documents filed by entities can be found by searching at <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName> (last visited April 10, 2019) by entity name or by detail by document number.

<sup>23</sup> Section 320.08056(4)(mmm), F.S.

<sup>24</sup> Section 320.08058(65)(b)

<sup>25</sup> Section 320.08056(4)(nnn), F.S.

<sup>26</sup> Section 320.08056(4)(bbbb), F.S.

### **Military Service Special License Plates**

Currently, s. 320.089, F.S., authorizes 21 special license plates available to military service members or veterans for certain types of military service. Examples of service include Veteran of the U.S. Armed Forces, World War II Veteran, and Woman Veteran. While anyone who pays the appropriate fees may purchase most SLPs, one must provide proof of eligibility to obtain a military special license plate.

Military special license plates are each stamped with words consistent with the type of special license plate issued. A likeness of the related campaign medal or badge appears on the plate followed by the license plate serial number.

Applicants for special license plates are required to pay the annual license tax<sup>27</sup> with the exception of certain disabled veterans who qualify for the Pearl Harbor, Purple Heart, or Prisoner of War plate, to whom such plates are issued at no cost.<sup>28</sup> The first \$100,000 of the revenue generated annually from the issuance of special use plates is deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act. Any additional revenue is deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.<sup>29</sup>

### ***The Bronze Star***

The Bronze Star Medal is awarded to any person who, after December 6, 1941, while serving in any capacity with the U.S. Armed Forces, distinguishes himself or herself by heroic or meritorious achievement or service not involving participation in aerial flight.<sup>30</sup>

### **Existing Motorcycle Specialty License Plates**

Section 320.08068, F.S., creates a motorcycle SLP with an annual use fee of \$20. The annual use fee is distributed equally to the Brain and Spinal Cord Injury Program Trust Fund, Prevent Blindness Florida, the Blind Services Foundation of Florida, the Florida Association of Centers for Independent Living, and the Florida Association of Centers for Independent Living (20 percent to each organization).<sup>31</sup>

### ***Prevent Blindness Florida***

Preserve Vision Florida, formerly Prevent Blindness Florida, is a nonprofit organization offering vision education and services to Florida's children and adults. Its focus is promoting a lifetime of healthy vision care through advocacy, education, screening and research. Its mission is to promote healthy vision through vision awareness and education, vision screening, assistance to

---

<sup>27</sup> The annual license tax is provided in s. 320.08, F.S.

<sup>28</sup> Section 320.089(2)(a), F.S.

<sup>29</sup> Section 320.089(1)(b), F.S.

<sup>30</sup> The Balance Careers, *Bronze Star Medal*, <https://www.thebalance.com/bronze-star-medal-3344939> (last visited April 10, 2019).

<sup>31</sup> Section 320.08068(4), F.S.

receive medical eye care, and advocacy for vision and medical eye care health service. In May 2016, the organization Prevent Blindness Florida changed its name to Preserve Vision Florida.<sup>32</sup>

### ***The Purple Heart***

The Purple Heart is awarded to members of the U.S. Armed Forces who are wounded by an instrument of war in the hands of the enemy and posthumously to the next of kin in the name of those who are killed in action or die of wounds received in action.<sup>33</sup>

### **Ducks Unlimited**

Ducks Unlimited is a waterfowl and wetlands conservation organization founded in 1937. The mission of Ducks Unlimited is habitat conservation.<sup>34</sup> Since 1985, Ducks Unlimited has worked to conserve more than 26,000 acres of Florida wetlands.<sup>35</sup>

### **The Dan Marino Foundation, Inc.**

Based in Fort Lauderdale, the Dan Marino Foundation, Inc., is a nonprofit organization dedicated to improving the lives of persons with autism or other developmental disabilities.<sup>36</sup> Opened in 2013, Marino Campus is a 10-month, non-residential program for young adults with autism and other developmental disabilities. Marino Campus offers three programs of study: computer technology, hospitality, and retail. Class instruction combined with real-world internships prepare Marino Campus students to obtain industry-leading certifications.

### **Donate Life Florida**

Florida's organ, tissue, and eye donor registry is named for Joshua Abbott, the recipient of a lung transplant who passed away in 2006. In 2009, the Agency for Health Care Administration chose Donate Life Florida to create a statewide donor registry to increase registry enrollment and educate Floridians about donation.

Donate Life Florida is a charitable organization established in 1997 and is "dedicated to motivating Floridians to designate themselves as organ, tissue and eye donors, so lives are saved and enhanced through donation and transplantation."<sup>37</sup>

---

<sup>32</sup> Preserve Vision Florida, *About Us*, <http://www.pvfla.org/about-us/> (last visited April 8, 2019).

<sup>33</sup> The Military Order of the Purple Heart, *About the Military Order of the Purple Heart*, <http://www.purpleheart.org/HistoryOrder.aspx> (last visited April 10, 2019).

<sup>34</sup> Ducks Unlimited, *About Ducks Unlimited*, <http://www.ducks.org/about-du?poe=hometxt> (last visited April 8, 2019).

<sup>35</sup> Ducks Unlimited, *Florida Conservation Projects*, <http://www.ducks.org/florida/florida-conservation-projects> (last visited April 8, 2019).

<sup>36</sup> Dan Marino Foundation, *About*, <https://danmarinofoundation.org/> (last visited April 8, 2019).

<sup>37</sup> Donate Life Florida, *About the Joshua Abbott Organ and Tissue Donor Registry*, <https://www.donateliflorida.org/content/about/> (last visited April 8, 2019).

### **Florida State Beekeepers Association**

The Florida State Beekeepers Association is dedicated to providing “resources for the improvement of Beekeeping using proven techniques and procedures in the management of Honeybees and to share this knowledge with everyone interested in the Art of Beekeeping.”<sup>38</sup>

### **America the Beautiful Fund**

The America the Beautiful Fund is the fictitious name of Live Laugh Love Give, Inc.<sup>39</sup> Based in Tampa, is a registered Florida nonprofit corporation.<sup>40</sup> The mission statement of Live Laugh Love Give, Inc., is “[e]mpowering children and families against dependency. Animal assistance, sanctuaries, and wildlife preservation. Education grants to better the world. Enhancing lives of military families.”<sup>41</sup>

### **Childhood Cancer**

Neuroblastoma is among the most common childhood cancers and typically affects children under 5 years old. Not usually diagnosed until the tumor grows and presents symptoms, the majority of childhood neuroblastoma cases are aggressive; survival rates are less than 60 percent with standard chemotherapy, and the relapse rate is 50 percent. Once relapsed, there is currently no curative treatment, and for those under 5 years old, the survival rate is less than 10 percent.<sup>42</sup> Beat Nb, Inc., is a nonprofit organization that has the mission to drive neuroblastoma cancer research and to raise awareness of the disease.<sup>43</sup>

No Kid Should Know Cancer, Inc., is a nonprofit organization based in Melbourne, Florida, that is organized to bring awareness to childhood cancer and help families who have been affected by childhood cancer financially and spiritually. Additionally, the organization sponsors, hosts, and participates in events that benefit clinical trials and improved treatment plans.<sup>44</sup>

### **University of Alabama**

The Pensacola Bama Club is a Chapter of the University of Alabama National Alumni Association. They are a nonprofit, fan-based organization representing the University of Alabama National Alumni Association in Pensacola, Florida, and are open to alumni, friends, and fans of the university. “The organization’s primary mission is to provide scholarships to

<sup>38</sup> Florida State Beekeepers Association, *Mission Statement*, <http://apisenterprises.com/fsba/fsbamiission.htm> (last visited April 8, 2019). Department of State, Sunbiz.org, *Detail by Entity Name, Florida State Beekeepers Association, Incorporated*, Document No. 721237.

<sup>39</sup> Department of State, Sunbiz.org, *Fictitious Name Detail, America the Beautiful Fund*, Registration No. G15000109272.

<sup>40</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Live Laugh Love Give, Inc.*, Document No. N15000007314.

<sup>41</sup> See Live Laugh Love website, *About Us*, <https://www.livelaughlove.com/give> (last visited April 10, 2019).

<sup>42</sup> Beat Nb, Inc. *Neuroblastoma*, <https://beatnb.org/neuroblastoma/> (last visited April 8, 2019).

<sup>43</sup> Beat Nb, Inc. *Our Mission and Vision*, <https://beatnb.org/about-us/> (last visited April 8, 2019).

<sup>44</sup> Department of State, Sunbiz.org, *No Kid Should Know Cancer Inc.*, *Articles of Incorporation* (March 10, 2017), available at <http://search.sunbiz.org/Inquiry/CorporationSearch/ConvertTiffToPDF?storagePath=COR%5C2017%5C0310%5C10507351.tif&documentNumber=N17000002637> (last visited April 8, 2019).

deserving local high school students as well as play host to an annual kick-off event and game watching parties.<sup>45</sup>

### **Rotary**

Rotary is a global network of 1.2 million neighbors, friends, leaders, and problem-solvers who come together to make positive, lasting change in communities at home and abroad.<sup>46</sup>

Founded in 1990, the Community Foundation of Tampa Bay is dedicated to helping individuals in Citrus, Hernando, Hillsborough, Pinellas, and Pasco counties. The foundation functions as a partnership between donors, nonprofits, community and business leaders, professional advisors, volunteers, and the residents of the counties.<sup>47</sup>

### **Florida National Parks Association, Inc.**

The Florida National Parks Association, Inc., (FNPA) is the official nonprofit entity of Everglades National Park, Biscayne National Park, Dry Tortugas National Park, and Big Cypress National Preserve. The purpose of the FNPA is to generate additional revenues to help supplement the park service's budget as well as support educational, interpretive, historical, and scientific research. The FNPA also operates the book stores within the parks to help generate revenues as well as provides a visitor information services function on behalf of the National Park Service.<sup>48</sup>

### **Bonefish and Tarpon Trust**

The Bonefish and Tarpon Trust's mission is to conserve and restore bonefish and tarpon fisheries and habitats through research, stewardship, education, and advocacy.<sup>49</sup>

### **Florida Benevolent Group, Inc.**

Based in Gainesville, Florida, Benevolent Group, Inc., assists students in obtaining a medical education through a college or certificate program. The organization's mission is to offer assistance to individuals struggling to make it into school or to stay in school.<sup>50</sup>

### **University of Georgia**

Founded in 1946 as the Georgia Alumni Association of Jacksonville, the Georgia Bulldog Club of Jacksonville is America's largest University of Georgia alumni and fan club.<sup>51</sup> In 1988, the

<sup>45</sup> Pensacola Bama Club, *About*, <https://www.pensacolabamaclub.org/about> (last visited April 8, 2019).

<sup>46</sup> Rotary, *Who We Are*, <https://www.rotary.org/en/about-rotary> (last visited April 8, 2019).

<sup>47</sup> Community Foundation of Tampa Bay, *What We Do*, <https://cftampabay.org/about/what-we-do/> (last visited April 8, 2019).

<sup>48</sup> Florida National Parks Association, *About The Florida National Parks Association*, <https://floridanationalparksassociation.com/about-florida-national-parks-association> (last visited April 8, 2019).

<sup>49</sup> Bonefish and Tarpon Trust, *BTT Mission*, <https://www.bonefishtarpontrust.org/btt-mission> (last visited April 8, 2019).

<sup>50</sup> Florida Benevolent Group, *About*, <https://www.floridabenevolentgroup.org/> (last visited April 8, 2019).

<sup>51</sup> Georgia Bulldog Club of Jacksonville, *Welcome to the Home of the Georgia Bulldog Club of Jacksonville*, <https://jaxbulldogs.com/> (last visited April 8, 2019).

club established the Vince Dooley Scholarship Fund to award scholarships to attend the University of Georgia for students from Duval, Nassau, St. Johns, Clay, or Baker counties, based on academic and economic need.<sup>52</sup>

### **Highwaymen**

The “Florida Highwaymen” were a group of African-American artists who painted the beautiful, untouched Florida landscape from the early 1950s through the 1980s.

The Florida Highwaymen painted wind-bent palm trees, serene sunsets, churning oceans and bright red Poinciana trees. They painted from their garages and back yards on inexpensive Upson board and then on the weekends would travel and sell their Highwaymen paintings to hotels, offices, businesses and individuals who appreciated the artwork for approximately \$25 apiece.

Currently, the market for an original work of art by a Florida Highwayman can bring \$5,000 or more. Some of the Highwaymen who are still living have resumed painting to meet the continuing demand for their work.<sup>53</sup>

### **St. Lucie County Education Foundation**

In 1990, the St. Lucie County Education Foundation<sup>54</sup> was organized as a direct support organization of the St. Lucie County School Board to raise private funds for programs to support students, teachers and public schools. The foundation is a nonprofit organization that advances K-12 public education in St. Lucie County by increasing the capacity and resources of the district in partnership with key stakeholders.<sup>55</sup>

### **Florida Professional Sports Team License Plates**

Section 320.08058(9), F.S., requires the DHSMV to develop a professional sports team license plate for Major League Baseball, National Basketball Association, National Football League, Arena Football League, National Hockey League, and Major League Soccer teams domiciled in Florida. The plates must bear DHSMV-approved colors and design and must include the official league or team logo, or both, as appropriate for each team. The word “Florida” must appear at the top of the plate.

---

<sup>52</sup> Georgia Bulldog Club of Jacksonville, *Scholarship*, <https://jaxbulldogs.com/scholarship-fund/> (last visited April 8, 2019).

<sup>53</sup> Florida Highwaymen Paintings, available at <http://www.floridahighwaymenpaintings.com/> (last visited April 5, 2019).

<sup>54</sup> Department of State, Sunbiz.org, *Detail by Entity Name, St. Lucie County Education Foundation, Inc.*, Document No. N36808.

<sup>55</sup> St. Lucie County Education Foundation, *About Us*, available at <https://www.educationfoundationstlucie.org/p/3/about-us#.WjFxDGhSyUk> (last visited April 8, 2019).

The \$25 annual use fee<sup>56</sup> is distributed as follows:

- Fifty-five percent to the Professional Sports Development Trust Fund within the Department of Economic Opportunity (DEO), to be used solely to attract and support major sports events in this state.
- The remaining proceeds must be allocated to Enterprise Florida, Inc., (for the Florida Sports Foundation) and must be deposited into the Professional Sports Development Trust Fund within DEO. These funds must be used by Enterprise Florida, Inc., to:
  - Promote the economic development of the sports industry;
  - Distribute licensing and royalty fees to participating professional sports teams;
  - Promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards;
  - Partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement;
  - Institute a grant program for communities bidding on minor sporting events that create an economic impact for the state;
  - Distribute funds to Florida-based charities designated by Enterprise Florida, Inc., and the participating professional sports teams; and
  - Fulfill the sports promotion responsibilities of DEO.

The proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of Enterprise Florida, Inc., (Florida Sports Foundation) and financial support of the Sunshine State Games.

There are nine Florida Professional Sports Teams SLPs available for purchase: Florida Panthers, Tampa Bay Lightning, Miami Heat, Orlando Magic, Tampa Bay Buccaneers, Jacksonville Jaguars, Miami Dolphins, Miami Marlins, and Tampa Bay Rays.<sup>57</sup>

### **Orlando City Soccer**

The Orlando City Soccer Club was formed in 2010 and was awarded a Major League Soccer franchise in late November of 2013. The first game was played in March 2015 against another expansion team from New York; the game ended in a tie. The team moved into its new stadium in 2017.<sup>58</sup>

### **Coastal Conservation Association Florida**

The Coastal Conservation Association Florida (CCAF) is a statewide, nonprofit marine organization working in an advocacy role to protect the state's marine resources and the interests of saltwater anglers. It is comprised of 30 local chapters from Key West to Pensacola and it supports resource-based law enforcement, access to recreational fishing, and fishery regulations

---

<sup>56</sup> Section 320.08056(4)(i), F.S.

<sup>57</sup> DHSMV, *Specialty License Plates Images, Professional Sports*, available at <https://www.flhsmv.gov/dmv/specialtytags/> (last visited April 10, 2019).

<sup>58</sup> Orlando City Soccer Club, *History*, available at <https://www.orlandocitysc.com/club/history> (last visited April 8, 2019).

to protect state and federal fish stocks. CCAF is one of the 19 state chapters of the Coastal Conservation Association.<sup>59</sup>

### **Blue Angels**

At the end of World War II, Chief of Naval Operations Admiral Chester W. Nimitz ordered the formation of a flight demonstration team to keep the public interested in naval aviation. In a short three months, the Navy Flight Exhibition Team performed its first flight demonstration on June 15, 1946, at their home base, Naval Air Station (NAS) Jacksonville, Florida. Lt. Commander Roy “Butch” Voris led the team and flew the Grumman F6F-5 Hellcat.<sup>60</sup>

The new Navy Flight Exhibition team was only the second formal flying demonstration team to have been created in the world, since the Patrouille de France formed in 1931. The team was introduced as the “Blue Angels” at a show in Omaha, Nebraska, in July 1946. Right Wing Pilot Lt. Maurice “Wick” Wickendoll came across the name in the New Yorker Magazine in a column called Goings On About Town. Voris said, “That sounds great! The Blue Angels. Navy, Blue, and Flying!”<sup>61</sup>

Today, a total of 16 officers voluntarily serve with the Blue Angels. Each year the team typically selects three tactical (fighter or fighter/attack) jet pilots, two support officers and one Marine Corps C-130 pilot to relieve departing members.<sup>62</sup>

Since 1946, the Blue Angels have performed for nearly 500 million fans.<sup>63</sup>

### **Palm Beach Zoo and Conservation Society**

In 1969, the Zoological Society of the Palm Beaches was founded based on the interest of a group of citizens in West Palm Beach to create a society for the advancement and support of the Dreher Park Zoo. On October 1, 1969, the operation of the Dreher Park Zoo was transferred over to the Zoological Society. Since then the Zoological Society has operated the zoo, while the city owned and rented the land on which the Palm Beach Zoo was located. In 2014 the Palm Beach Zoo changed its name to the Palm Beach Zoo and Conservation Society. Today, the zoo houses over 500 animals on 23 acres and sees approximately 300,000 visitors annually.<sup>64</sup>

### **Florida Society for Ethical Ecotourism**

In 1998 the CREW Land and Water Trust and the Florida Department of Environmental Protection Rookery Bay National Estuarine Research Reserve received a grant from the Advisory Council of Environmental Education, within the Florida Game & Fresh Water Fish Commission, to provide an educational workshop for ecotour providers of Southwest Florida. As

---

<sup>59</sup> Coastal Conservation Association Florida, <https://www.ccaflorida.org/> (last visited April 8, 2019).

<sup>60</sup> U.S. Navy Blue Angels, *History of the Blue Angels*, <https://www.blueangels.navy.mil/history/> (last visited April 8, 2019).

<sup>61</sup> *Id.*

<sup>62</sup> U.S. Navy Blue Angels, *The 2019 Blue Angels Team*, <https://www.blueangels.navy.mil/team/> (last visited April 8, 2019).

<sup>63</sup> U.S. Navy Blue Angels, *History of the Blue Angels*.

<sup>64</sup> Palm Beach Zoo & Conservation Society, *About Us*, <https://www.palmbeachzoo.org/about-us> (last visited April 8, 2019).



a result of the grant, a day-long Southwest Florida Eco/Heritage Tourism Workshop took place in downtown Ft. Myers in which 85 people participated.<sup>65</sup>

Following the workshop, a group of volunteers from Southwest Florida communities met and formed the Society for Ethical Ecotourism in Southwest Florida. In 2011 they changed their name to the Florida Society for Ethical Ecotourism, Inc.<sup>66</sup> The Florida Society for Ethical Ecotourism, Inc., is registered as an active nonprofit corporation with the DOS.<sup>67</sup>

### **Paddle Florida, Inc.**

Paddle Florida, Inc., is a nonprofit corporation<sup>68</sup> organized to support canoeing and kayaking in Florida. The organization supports multi-day paddling/camping trips in each of Florida's five water management districts, showcasing the state's natural beauty and rich cultural heritage while promoting water conservation, wildlife preservation, springs restoration, and waterways protection. Paddle Florida seeks to promote Florida as an international destination for nature-based tourism.<sup>69</sup>

### **Knights of Columbus**

The Connecticut State Legislature officially chartered the Knights of Columbus as a fraternal benefit society on March 29, 1882. The order's founding principles were charity, unity, and fraternity. It offers mutual aid and assistance to sick, disabled, and needy members and their families. Fellowship is promoted among members and their families through educational, charitable, religious, social welfare, war relief, and public relief works. The Knights of Columbus now has 15,900 councils and 1.9 million members throughout the United States and the world.<sup>70</sup> In Florida, the Florida K of C Charities, Inc., was formed to assist and contribute to the Florida State Council of the Knights of Columbus and its Florida chapters.<sup>71</sup>

### **Daughters of the American Revolution**

The National Society Daughters of the American Revolution (DAR) was founded on October 11, 1890, by a group of women in Washington, D.C., as a result of being excluded from the men's organizations to celebrate the women's ancestors who fought during the Revolutionary War. The objectives of the DAR are to continue the memory and spirit of men and women who achieved

---

<sup>65</sup> Florida Society for Ethical Ecotourism, *History of the "Florida Society for Ethical Ecotourism"*, <https://www.floridasee.com/docs/Florida%20SEE%20History.pdf> (last visited April 3, 2019).

<sup>66</sup> Id.

<sup>67</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Florida Society for Ethical Ecotourism, Inc.*, Document No. N01000000235.

<sup>68</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Paddle Florida, Inc.*, Document No. N11000000503.

<sup>69</sup> Paddle Florida, <http://www.paddleflorida.org/> (last visited April 3, 2019).

<sup>70</sup> Knights of Columbus, *Learn About Us*, <https://www.kofc.org/un/en/todays-knights/about-us.html> (last visited April 8, 2019).

<sup>71</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Florida K of C Charities, Inc.*, Document No. N00000004260 and see Articles of Incorporation adopted June 23, 2000. See also Knights of Columbus, Florida KofC Charities, Inc., <https://www.charity.floridakofc.org/>; and Knights of Columbus, Florida State Council, *Florida K of C Charities, Inc.*, <https://floridakofc.org/k-c-charities-inc> (both last visited April 11, 2019).

America's independence; to educate the public; and to foster patriotism and love of country. Since its founding in 1890, DAR has admitted more than 950,000 members.<sup>72</sup>

### **Florida Guardian Ad Litem Foundation, Inc.**

The Florida Guardian Ad Litem (GAL) Foundation's mission is "to provide additional resources for the (GAL) Program, its volunteers, and its affiliated circuit nonprofit organizations in order to promote Guardian Ad Litem representation for abused, neglected and abandoned children in Florida's dependency system."<sup>73</sup>

For 35 years, over 30,000 GAL volunteers have represented the interests of over 200,000 children with 10,000 GAL volunteers. The GAL Foundation has worked to provide targeted support to children involved in the GAL Program through grants, individual or corporate donations, or time. The foundation funds medical needs and activities related to normalcy for children represented by GAL volunteers.<sup>74</sup>

### **St. Johns Riverkeeper**

St. Johns Riverkeeper is a privately-funded and independent organization for the St. Johns River. It is a nonprofit organization that relies on the support of members, donors, and volunteers to defend, advocate and activates others to protect and restore the St. Johns River. The organization is a member of the Waterkeeper Alliance. Waterkeeper Alliance is the world's fastest growing environmental movement, with over 270 Waterkeeper Organizations protecting waterways on 6 continents.<sup>75</sup>

### **Omega Psi Phi Fraternity**

Omega Psi Phi was founded in 1911, at Howard University in Washington, D.C. It was the first international fraternal organization founded on the campus of a historically black college.<sup>76</sup>

### ***State of Florida Omega Friendship Foundation, Inc.***

In 2008, the State of Florida Omega Friendship Foundation, Inc., was created as a nonprofit corporation to work and uplift humanity; mentor youth' sponsor blood drives; raise money for scholarships and charitable causes; encourage members to make a difference in the lives of Black people; and to encourage high standards, community service, and to assist in building character and leadership development.<sup>77</sup>

---

<sup>72</sup> Daughters of the American Revolution, *DAR History*, <https://www.dar.org/national-society/about-dar/dar-history> (last visited April 8, 2019).

<sup>73</sup> Florida Guardian Ad Litem Foundation, *About Us*, <https://flgal.org/about/> (last visited April 9, 2019).

<sup>74</sup> *Id.*

<sup>75</sup> St. Johns Riverkeeper, *Our Work*, <http://www.stjohnsriverkeeper.org/our-work> (last visited April 9, 2019).

<sup>76</sup> Omega Psi Phi, *History of Omega*, <https://www.oppf.org/about-omega/> (last visited April 9, 2019).

<sup>77</sup> Department of State, Sunbiz.org, *Detail by Entity Name, The State of Florida Omega Friendship Foundation, Incorporated*, Document No. N08000011146.

### **Delta Sigma Theta Sorority**

Founded in 1913 at Howard University, Delta Sigma Theta Sorority, Inc., was created to promote academic excellence and provide assistance to those in need. The nonprofit organization provides assistance and support through programs in local communities worldwide.<sup>78</sup>

#### ***Delta Research and Educational Foundation, Inc.***

Delta Sigma Theta Sorority, Inc., established the Delta Research and Educational Foundation in 1997 as a public charity to support scholastic achievement, public service programs, and research initiatives that are focused on African American women.<sup>79</sup>

### **Sigma Gamma Rho Sorority**

Established in 1922 at Butler University in Indianapolis, Indiana, Sigma Gamma Rho Sorority, Inc., has more than 85,000 members. The sorority's mission is to enhance the quality of life for women and their families through community service and civil and social action.<sup>80</sup>

#### ***Mary McLeod Bethune Scholarship Program***

Section 1009.73, F.S., establishes the Mary McLeod Bethune Scholarship Program, administered by the Department of Education. The program provides matching grants for private sources that raise money for scholarships to be awarded to students who attend Florida Agricultural and Mechanical University, Bethune-Cookman University, Edward Waters College, or Florida Memorial University.

In order to be eligible to receive a Mary McLeod Bethune Scholarship, an applicant must:

- Meet the general eligibility requirements set forth in s. 1009.40, F.S., for state financial aid awards and tuition assistance grants;
- Be accepted at Florida Agricultural and Mechanical University, Bethune-Cookman University, Edward Waters College, or Florida Memorial University;
- Enroll as a full-time undergraduate student; and
- Earn a 3.0 grade point average on a 4.0 scale, or the equivalent, for high school subjects creditable toward a diploma.<sup>81</sup>

In order to renew a scholarship awarded, a student must earn a minimum cumulative grade point average of 3.0 on a 4.0 scale and complete 12 credits each term for which the student received the scholarship. The amount of the scholarship to each recipient is \$3,000 annually, with priority in awarding the scholarships given to students having financial need.<sup>82</sup>

<sup>78</sup> Delta Sigma Theta Sorority, Inc., *Mission & Purpose*, <https://www.deltasigmatheta.org/mission-purpose.html> (last visited April 9, 2019).

<sup>79</sup> Delta Research and Educational Foundation, *About Us*, <http://www.deltafoundation.net/about-us> (last visited April 9, 2019).

<sup>80</sup> Sigma Gamma Rho Sorority, Inc., *About Sigma*, [https://www.sgrho1922.org/SGRho/About\\_Us/SGRho/SGRho\\_About/About.aspx?hkey=205007b1-6d046505ee95](https://www.sgrho1922.org/SGRho/About_Us/SGRho/SGRho_About/About.aspx?hkey=205007b1-6d046505ee95) (last visited April 9, 2019).

<sup>81</sup> Section 1009.73(5), F.S.

<sup>82</sup> Section 1009.73(6), F.S.

### **Kappa Alpha Psi Fraternity**

Kappa Alpha Psi Fraternity is a college fraternity chartered and incorporated originally under the laws of the State of Indiana as Kappa Alpha Nu on May 15, 1911. Its name changed to Kappa Alpha Psi effective April 15, 1915.<sup>83</sup>

#### ***Southern Province of Kappa Alpha Psi Foundation, Inc.***

The Southern Province of Kappa Alpha Psi Foundation, Inc., was organized to:

- Unite men of culture, patriotism, and honor in a bond of fraternity;
- Encourage honorable achievement in every field of human endeavor;
- Promote the spiritual, social, intellectual, and moral welfare of members;
- Assist the aims and purposes of colleges and universities; and
- Inspire service in the public interest.<sup>84</sup>

### **Alpha Kappa Alpha Sorority**

Alpha Kappa Alpha Sorority, Inc., is an international service organization that was founded on the campus of Howard University in Washington, D.C. in 1908. The sorority has nearly 300,000 members whose focus is lifelong personal and professional development and keeping its organization a respected power and influence of effective advocacy and social change for equality and equity for all citizens.<sup>85</sup>

#### ***Alpha Kappa Alpha Educational Advancement Foundation, Inc.***

Founded in 1980, the mission of the Alpha Kappa Alpha Educational Advancement Foundation is to promote lifelong learning. By securing charitable contributions, gifts, and endowed funds, the foundation has been able to award scholarships, fellowships, and grants.<sup>86</sup>

### **Alpha Phi Alpha Fraternity**

Alpha Phi Alpha was founded at Cornell University in Ithaca, New York, in 1906. The fraternity initially served as a study and support group for minority students who faced racial prejudice, both educationally and socially, at Cornell. The founders and early leaders of the fraternity succeeded in laying a firm foundation for the fraternity's principles of scholarship, fellowship, good character, and the uplifting of humanity. Chapters were established at other colleges and universities, many of them historically black institutions. The first alumni chapter was established in 1911.<sup>87</sup>

---

<sup>83</sup> Kappa Alpha Psi, *A Brief History*, <https://kappaalphapsi.org/a-brief-history/> (last visited April 9, 2019)

<sup>84</sup> Southern Province of Kappa Alpha Psi Foundation, Inc., *Objectives*, <http://southernprovince.org/fraternity/objectives/> (last visited April 9, 2019).

<sup>85</sup> Alpha Kappa Alpha Sorority, Inc., *About*, <http://www.aka1908.com/about> (last visited March 29, 2019)

<sup>86</sup> Alpha Kappa Alpha Educational Advancement Foundation, *Mission*, <https://akaeaf.org/> (last visited April 9, 2019).

<sup>87</sup> Alpha Phi Alpha Fraternity, Inc., *Our History*, <https://apa1906.net/our-history/> (last visited April 9, 2019).

***JC Rawls-FFAC Foundation, Inc.***

JC Rawls-FFAC Foundation, Inc., was incorporated in Florida in 2013, and is organized as a nonprofit corporation exclusively for educational and charitable purposes.<sup>88</sup>

**Zeta Phi Beta Sorority**

Zeta Phi Beta Sorority, Inc., was founded in 1920, at Howard University. The sorority's national and local programs include the endowment of its National Educational Foundation community outreach services and support of multiple affiliate organizations. Chapters and auxiliaries have given many hours of voluntary service to educate the public, assist youth, provide scholarships, support organized charities, and promote legislation for social and civic change.<sup>89</sup>

**Phi Beta Sigma Fraternity**

Phi Beta Sigma Fraternity was founded at Howard University in 1914. The founders wanted to create an organization that “viewed itself as ‘a part of the general community rather than ‘apart from’ the general community.” Part of the fraternity’s mission statement states: “In order to accomplish the Fraternity’s objectives, it is essential that systems are instituted that effectively embody ‘Culture For Service and Service For Humanity’ and promote brotherhood, scholarship and service.”<sup>90</sup>

**Iota Phi Theta Fraternity**

In 1963, at Morgan State College (now Morgan State University), Iota Phi Theta Fraternity, Inc., was founded. Many of the founders were what is now called “non-traditional students, being 3-5 years of age older than average aged students.” Many also held full-time jobs as well as being full-time students. With over 260 chapters nationally, the fraternity still remains dedicated to the founders’ vision of “Building a Tradition. Not Resting Upon One!”<sup>91</sup>

**Wildlands Conservation, Inc.**

The Wildlands Conservation, Inc., is a nonprofit corporation that originated as PEER, Inc., (Preserving the Environment through Ecological Research) founded in 2003. Renamed as the Wildlands Conservation, Inc., in 2007, the organization provides conservation planning, land management, land protection, research, banking, education, and outreach. Wildlands Conservation, Inc., handles conservation projects throughout Florida.<sup>92</sup>

Wildlands Conservation, Inc., is working with the Gopher Tortoise Council to create the gopher tortoise specialty license plate in Florida as a conservation strategy for the species. The gopher

---

<sup>88</sup> Department of State, Sunbiz.org, *Detail by Entity Name, JC Rawls-FFAC Foundation, Inc.*, Document No. N13000006981.

<sup>89</sup> Zeta Phi Beta Sorority, Inc., *Our History*, <http://zphib1920.org/our-history/> (last visited April 9, 2019).

<sup>90</sup> Phi Beta Sigma Fraternity, Inc., *History & Mission*, <http://phibetasigma1914.org/index.php/about/history/> (last visited March 29, 2019).

<sup>91</sup> Iota Phi Theta Fraternity Incorporated, *Historical Overview*, <https://www.iotaphitheta.org/about/historical-overview> (last visited April 9, 2019).

<sup>92</sup> Wildlands Conservation, *About Us*, available at <http://www.wildlandsconservation.org/who-we-are> (last visited April 9, 2019).

tortoise is a threatened species in the state. Wildlands Conservation, Inc., is seeking to bring awareness to the gopher tortoise species in creating the specialty license plate. Funds generated by the plate will be used for gopher tortoise habitat conservation, habitat management, and research.<sup>93</sup>

### **Florida Off Road Foundation, Inc.**

Florida Off Road Foundation, Inc., is a nonprofit corporation that was incorporated in 2019. The corporation's filing documents state that it is organized to provide and distribute funds to the foundation from the sales of Florida Off Road specialty license plates to help preserve and protect Florida's off road natural habitat, environmental, and other programs.<sup>94</sup>

### **Mental Health Association of Central Florida, Inc.**

The Mental Health Association of Central Florida, Inc., (MHACF) is a nonprofit organization whose objective is "to provide mental health services, support, and information to the members of the Central Florida community." The MHACF was established in 1946.<sup>95</sup>

### **onePULSE Foundation**

The onePULSE Foundation is a nonprofit organization that was established after the Pulse nightclub shooting on June 12, 2016. The foundation supports the construction and maintenance of a Pulse memorial and museum. The foundation also provides community grants for Pulse survivors and victim's families, educational programs, and endowed scholarships to honor the 49 victims of the Pulse shooting.<sup>96</sup>

### **Two Spirit Health Services, Inc.**

Two Spirit Health Services, Inc., (TSHS) is a nonprofit organization established in 2011. TSHS provides access to affordable healthcare, behavioral care, drug discount programs, adoption services, aesthetic services, and wellness programs in central Florida. TSHS led the mental health efforts in assisting the victims of the Pulse nightclub shooting.<sup>97</sup>

### **Florida Native Plant Society**

The Florida Native Plant Society, Inc., began in 1980 with a mission of conservation, preservation and restoration of native plants in the state of Florida. The society supports

---

<sup>93</sup> Wildlands Conservation, *Gopher Tortoise, Gopher Tortoise License Plate*, available at <http://www.wildlandsconservation.org/gopher-tortoise-license-plate> (last visited April 9, 2019).

<sup>94</sup> Department of State, Sunbiz.org, *Detail by Entity Name, Florida Off Road Foundation, Inc.*, Document No. N19000001532.

<sup>95</sup> MHACF, *About us, Our Mission and History*, available at <https://www.mhacf.org/our-mission/> (last visited April 9, 2019).

<sup>96</sup> onePULSE Foundation, *About us*, available at <https://onepulsefoundation.org/onepulse-foundation/#about> (last visited April 9, 2019).

<sup>97</sup> TSHS, *About*, available at <https://twospirithhealth.org/thisisus/> (last visited April 9, 2019).

conservation land acquisition, land management, education, public policies to protect native plants, research, and the inclusion of native plants in local landscaping.<sup>98</sup>

### **American Foundation for Suicide Prevention**

The American Foundation for Suicide Prevention was established in 1987 as a volunteer health organization to provide a community for individuals affected by suicide. The foundation funds scientific research, educates the public about mental health issues and suicide prevention, and supports survivors of suicide loss and those affected by suicide.<sup>99</sup>

### **Lake-Sumter State College Electrical Distribution Technology Program**

The Electrical Distribution Technology degree at Lake-Sumter State College provides students wishing to pursue careers as line workers in the electric utility industry with the necessary skills. The courses include basic electrical theory, electric power systems operations, electrical distribution and safe work practices, and overhead pole line and underground electrical utility construction, operation, and maintenance.<sup>100</sup>

### **Lake-Sumter State College Foundation, Inc.**

Through the funding of projects that benefit students, Lake-Sumter State College Foundation, Inc., supports the college's mission to develop the community through education. The foundation is a not for profit corporation that provides assistance for classroom instructional equipment, athletics department equipment, the college libraries, the nursing program, the college computer labs, and support for the faculty, staff, and students.<sup>101</sup>

### **Audits and Attestations**

All organizations receiving annual use fee proceeds from the DHSMV are responsible for ensuring that proceeds are used in accordance with state law.<sup>102</sup> Any organization not subject to audit pursuant to the Florida Single Audit Act<sup>103</sup> must annually attest, under penalties of perjury, that such proceeds were used in compliance with applicable state laws.<sup>104</sup>

Any organization subject to audit pursuant to the Florida Single Audit Act<sup>105</sup> must submit an audit report in accordance with the Auditor General's rules. The annual attestation must be

---

<sup>98</sup> Florida Native Plant Society, *Who We Are, Mission and History*, available at <https://www.fnps.org/who-we-are/who-we-are> (last visited April 16, 2019).

<sup>99</sup> American Foundation for Suicide Prevention, *About AFSP*, available at <https://afsp.org/about-afsp/> (last visited April 16, 2019).

<sup>100</sup> Lake-Sumter State College, *Electrical Distribution Technology Program Overview*, available at <http://lssc.edu/academics/Pages/Academic%20Programs/edt.aspx> (last visited April 16, 2019).

<sup>101</sup> Lake-Sumter State College Foundation, Inc., available at <http://lssc.edu/foundation/Pages/default.aspx> (last visited April 16, 2019).

<sup>102</sup> Section 320.08062(1)(a), F.S.

<sup>103</sup> Section 215.97, F.S.

<sup>104</sup> Section 320.08062(1)(b), F.S.

<sup>105</sup> Nonstate entities that receive state financial assistance and meets audit thresholds are subject to the act. Section 215.97(2)(a), F.S., defines an "audit threshold" to include each nonstate entity that expends a total amount of state financial assistance equal to or in excess of \$750,000 in any fiscal year. Every 2 years the Auditor General, after consulting with the

submitted to the DHSMV for review within nine months after the end of the organization's fiscal year.<sup>106</sup>

Within 120 days after receiving an organization's audit or attestation, the DHSMV must determine which recipients of revenues from SLP annual use fees have not complied with the appropriate statutory provisions. In determining compliance, the DHSMV may commission an independent actuarial consultant, or an independent certified public accountant, who has expertise in nonprofit and charitable organizations.<sup>107</sup>

The DHSMV must discontinue the distribution of revenues to any organization that fails to submit the required documentation, but may resume distribution of the revenues upon receipt of the required information.<sup>108</sup>

If the DHSMV determines that an organization has not complied with or has failed to use the revenues in accordance with applicable law, the DHSMV must discontinue the distribution of the revenues to the organization. The DHSMV must notify the organization of its findings and direct the organization to make the changes necessary in order to comply. If the officers of the organization sign an affidavit under penalties of perjury stating they acknowledge the findings of the DHSMV and attest they have taken corrective action and that the organization will submit to a follow-up review by the DHSMV, then the department may resume the distribution of revenues.<sup>109</sup>

If an organization fails to comply with the DHSMV's recommendations and corrective actions as outlined above, the revenue distributions must be discontinued until completion of the next regular session of the Legislature. The DHSMV must notify the President of the Senate and the Speaker of the House of Representatives by the first day of the next regular session of any organization whose revenues have been withheld. If the Legislature does not provide direction to the organization and the DHSMV regarding the status of the undistributed revenues, the DHSMV must de-authorize the plate and the undistributed revenues are immediately deposited into the Highway Safety Operating Trust Fund.<sup>110</sup>

The DHSMV has the authority to examine all records pertaining to the use of funds from the sale of SLPs.<sup>111</sup>

---

Executive Office of the Governor, the Department of Financial Services, and all state awarding agencies, shall review the threshold amount for requiring audits and may adjust such threshold amount consistent with the purposes of the statute.

<sup>106</sup> Section 320.08062(1)(c), F.S.

<sup>107</sup> Section 320.08062(2)(a), F.S.

<sup>108</sup> Section 320.08062(2)(b), F.S.

<sup>109</sup> Section 320.08062(2)(c), F.S.

<sup>110</sup> Section 320.08062(2)(d), F.S.

<sup>111</sup> Section 320.08062(3), F.S.



### III. Effect of Proposed Changes:

#### Establishing Specialty License Plates (section 4)

The bill amends s. 320.08053(2)(b), F.S., requiring a minimum sale of 3,000 vouchers prior to the DHSMV manufacturing a SLP, instead of the current 1,000 sales requirement. However, for out-of-state college or university license plates, the minimum sale is 4,000 vouchers.

The bill creates s. 320.08053(3)(a), F.S., providing that new SLPs that have been approved by law but are awaiting issuance are issued in the order they appear in s. 320.08058, F.S.,<sup>112</sup> provided that the plates have met the presale requirement and all other provisions of s. 320.08053, F.S. If the next awaiting SLP has not met the presale requirement, the DHSMV must proceed in the order provided in s. 320.08056, F.S., to identify the next qualified SLP that has met the presale requirement. The DHSMV must cycle through the list in statutory order.

The bill creates s. 320.08053(3)(b), F.S., prohibiting the DHSMV from making any new SLPs available for design or issuance until a sufficient number of plates are discontinued if the Legislature has approved 125 or more SLPs.<sup>113</sup> The 125 license plate limit does not apply to collegiate license plates established under s. 320.08058(3), F.S.

#### Discontinuing Specialty License Plates (sections 5 and 6)

The bill amends s. 320.08056(8)(a), F.S., effective July 1, 2022, requiring the DHSMV to discontinue the issuance of an approved SLP if the number of valid registrations falls below 3,000 plates for 12 consecutive months, instead of the current 1,000 plate threshold. However, *out-of-state* college or university license plates have a 4,000 plate threshold. In addition to the existing exemption from this requirement for *in-state* collegiate license plates, the bill provides exceptions for institutions and entities of the State University System, SLPs with statutory eligibility limitations for purchase, SLPs for which the annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, and Florida professional sports team license plates.<sup>114</sup>

The bill creates s. 320.08056(8)(c), F.S., providing that a vehicle owner or lessee issued a SLP that has been discontinued by the DHSMV may keep the discontinued SLP for the remainder of the 10-year license plate replacement period<sup>115</sup> and must pay all other applicable registration fees. However, the owner or lessee is exempt from paying the applicable SLP fee for the remainder of the 10-year license plate replacement period.

The bill creates s. 320.08056(8)(d), F.S., providing that if the DHSMV discontinues issuance of a SLP, all annual use fees held or collected by the DHSMV must be distributed within 180 days after the date the SLP is discontinued. Of those fees, the DHSMV must retain an amount sufficient to defray the applicable administrative and inventory closeout costs associated with

---

<sup>112</sup> Section 320.08058, F.S., lists specific specialty license plates.

<sup>113</sup> Specialty license plates will be discontinued pursuant to s. 320.08056(8), F.S.

<sup>114</sup> Florida Professional Sports Team license plates are established in s. 320.08058(9), F.S.

<sup>115</sup> License plates are issued for a 10-year period pursuant to s. 320.06(1)(b)1., F.S.

discontinuing the plate. The remaining funds are distributed to the appropriate organization or organizations.<sup>116</sup>

The bill creates s. 320.08056(8)(e), F.S., providing that if an organization that is the intended recipient of SLP funds no longer exists, the DHSMV must deposit any undistributed funds into the Highway Safety Operating Trust Fund.

The bill creates s. 320.08056(8)(f), F.S., providing that on January 1 of each year, the DHSMV must discontinue the SLP with the fewest number of plates in circulation, including license plates exempt from a statutory sales requirement. The DHSMV must mail a warning letter to the sponsoring organization of the 10 percent of SLPs with the lowest number of valid, active registrations as of December 1 of each year.

### **Specialty License Plates – Other Provisions (section 5)**

The bill amends s. 320.08056(4), F.S., to repeal references to each SLP that has an annual use fee of \$25. SB 1106 standardizes the annual use fee for all SLPs of \$25, unless otherwise specified in the statute, into one subsection of s. 320.08056, F.S.

The bill amends s. 320.08056(10)(a), F.S., authorizing out-of-state expenditure of SLP fees for the Support Our Troops, American Legion, Florida Salutes Veterans, United States Marine Corps, Military Services, and the U.S. Paratroopers license plates.

The bill amends s. 320.08056(11), F.S., prohibiting any entity from using SLP revenue for lobbying. The current prohibition is limited to agencies.

The bill creates s. 320.08056(12), F.S., requiring the recipient organization for any out-of-state college or university license plates to:

- Have established an endowment, based in this state, for the purpose of providing scholarships to Florida residents.<sup>117</sup>
- Provide documentation to the DHSMV that the recipient organization and the DHSMV have the college's or university's consent to use an appropriate image on a license plate.

It is unclear what recourse, if any, is available to the DHSMV if the recipient organization fails to comply with the requirements of s. 320.08056(12), F.S.

### **Fleet/Dealer Specialty License Plates (sections 1, 2, 3, and 5)**

The bill creates ss. 320.08056(2)(b) and (c), F.S., allowing the DHSMV to authorize dealer and fleet SLPs. With the permission of the sponsoring SLP organization, a dealer or fleet company may purchase SLPs to be used on dealer and fleet vehicles. It would be up to the DHSMV to establish how permission of the sponsoring SLP organization must be obtained.

---

<sup>116</sup> Distributions to recipient organizations are pursuant to s. 320.08058, F.S.

<sup>117</sup> Section 320.01(34), F.S., defines "resident" to mean a person who has his or her principal place of domicile in Florida for a 6-month period or more, is registered to vote, and has made a statement of domicile or filed for a homestead property tax exemption.

Notwithstanding s. 320.08058, F.S., a dealer or fleet SLP must include the letters “DLR” or “FLT” on the right side of the license plate. Dealer and fleet SLPs must be ordered directly through the DHSMV. The bill amends ss. 320.06(3)(a) and 320.0657(2)(b), F.S., providing that a dealer SLP is not required to say “dealer” and a fleet SLP is not required to say “Fleet” at the bottom of the license plate.

The bill amends ss. 320.0657(2)(b) and 320.08(12), F.S., authorizing the purchase of dealer and fleet SLPs. The bill provides that for the additional annual use fee for the specific SLP, dealers and fleet companies may purchase SLPs in lieu of the standard fleet license plates. Dealers and fleet companies are responsible for all costs associated with the SLPs, including all annual use fees, processing fees, fees associated with switching license plate types, and other applicable fees. There is a technical mistake in the bill in the amendments to s. 320.08(12), F.S., because the amendments refer to “fleet” instead of “dealer.”

### **Discontinued Specialty License Plates (sections 5 and 7)**

The bill repeals the American Red Cross SLP, Donate Organs Pass It On SLP, St. Johns River SLP, and Hispanic Achievers SLP from law as these SLPs have been discontinued.

### **Existing Specialty License Plates (section 7)**

#### ***Special Olympics Florida License Plate***

The bill redesigns the Special Olympics Florida SLP with “Florida” centered at the top of the plate and “Be a Fan” centered at the bottom of the plate.

#### ***Live the Dream License Plate***

The bill amends the distribution of funds for the Live the Dream SLP. The Dream Foundation, Inc., must use the distributions as follows:

- Up to five percent may be used to administer, promote, and market the license plate.
- At least 60 percent must be distributed equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc.
- At least 30 percent must be distributed to Chapman Partnership, Inc.<sup>118</sup>
- Up to five percent may be distributed by the DHSMV on behalf of The Dream Foundation, Inc., to the Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., as a royalty for the use of the image of Dr. Martin Luther King, Jr.

The bill also provides (**section 12**) that by November 1, 2019, the annual use fees withheld by the DHSMV from the sale of the Live the Dream SLP will first be used to satisfy all outstanding royalty payments due to The Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., for the use of Dr. Martin Luther King, Jr.’s image. All remaining funds will be distributed to the sub-recipients on a pro rata basis according to the revised distributions described above.

---

<sup>118</sup> In 2011, Community Partnership for the Homeless changed its name to Chapman Partnership.

***Lighthouse Association License Plate***

The bill changes the wording on the bottom of the Lighthouse Association SLP from “Visit Our Lights” to “SaveOurLighthouses.org.”

***In God We Trust License Plate***

The bill amends the distribution of the annual use fees from the In God We Trust SLP. The annual use fees will be distributed to the In God We Trust Foundation, Inc., which may use up to 10 percent of the proceeds to offset marketing, administration, and promotion of the plate, and the remaining proceeds to address the needs of the military community and the needs of the public safety community, to provide educational grants and scholarships to foster self-reliance and stability in Florida’s children, and to provide education in public and private schools regarding the historical significance of religion in American and Florida history.

***Fallen Law Enforcement Officer License Plate***

The bill amends the uses of the annual use fees from the Fallen Law Enforcement Officer SLP. Currently the Police and Kids Foundation, Inc., may use up to 10 of the proceeds for marketing. The bill requires the remaining proceeds to be used by the foundation for its operations, activities, programs, and projects.

**New Military Service Special License Plate (section 11)*****Bronze Star Special License Plate***

The bill amends s. 320.089, F.S., authorizing the DHSMV to create the Bronze Star special use license plate for recipients of the Bronze Star medal who provide proof of their qualification. The license plate will be stamped with the term “Bronze Star” and a likeness of the related campaign medal. Revenue generated from the sale of the Bronze Star special use license plate will be administered the same as the existing military special license plates, and deposited into the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund to support the State Veterans Homes Program.

**Motorcycle Specialty License Plates*****Existing Motor Cycle Specialty License Plate – Preserve Vision (section 9)***

The bill amends s. 320.08068(4)(b), F.S., changing the statutory reference from “Prevent Blindness Florida” to “Preserve Vision Florida” to reflect the change in the organization’s name.

***New Motorcycle Special License Plate – Purple Heart Motorcycle Special License Plate (section 10)***

The bill creates s. 320.0875, F.S., creating the Purple Heart motorcycle SLP. Upon application to the DHSMV and payment of the motorcycle license tax,<sup>119</sup> a resident who owns or leases a motorcycle that is not used for-hire or commercial use shall be issued a Purple Heart motorcycle license plate if he or she provides documentation acceptable to the DHSMV that he or she is a recipient of the Purple Heart medal.

---

<sup>119</sup> The license tax is provided in s. 320.08, F.S.,

The Purple Heart motorcycle SLP will be stamped with the term “Combat-wounded Veteran” followed by the serial number of the license plate. It may have the term “Purple Heart” stamped on the plate and a likeness of the Purple Heart medal.

### **New Specialty License Plates (section 7)**

#### ***Ducks Unlimited License Plate***

The bill creates the Ducks Unlimited license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Conserving Florida Wetlands” appears at the bottom of the plate.

The annual use fees are distributed to Ducks Unlimited, Inc., to be used as follows:

- Up to five percent may be used for administrative costs and marketing of the plate.
- At least 95 percent must be used in Florida to support Ducks Unlimited’s mission and efforts to conserve, restore, and manage Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people.

#### ***Dan Marino Campus License Plate***

The bill creates the Dan Marino Campus license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Marino Campus” appears at the bottom of the plate.

The annual use fees are distributed to the Dan Marino Foundation, Inc., which may use up to 10 percent of the fees for administrative costs and marketing the plate. The remainder proceeds must be used by foundation to assist Floridians with developmental disabilities in becoming employed, independent, and productive; to promote awareness of such services; and to promote and fund education scholarships related to such services.

#### ***Donate Life Florida License Plate***

The bill creates the Donate Life Florida license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Donors Save Lives” appears at the bottom of the plate.

The annual use fees are distributed to Donate Life Florida, which may use up to 10 percent of the proceeds for marketing and administrative costs. The remaining proceeds must be used by Donate Life Florida to educate Florida residents on the importance of organ, tissue, and eye donation and for the continued maintenance of the Joshua Abbott Organ and Tissue Donor Registry, which is Florida’s organ, tissue, and eye donor registry.

#### ***Florida State Beekeepers Association License Plate***

The bill creates the Florida State Beekeepers Association license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Save the Bees” appears the bottom of the plate.

The annual use fees are distributed to the Florida State Beekeepers Association, which may use up to 18 percent of the annual use fees for:

- Direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process of the license plate.
- Promotion and marketing costs of the license plate.

The bill requires that all vendors associated with the administrative costs be selected by competitive bid.

The remaining proceeds must be used to raise awareness of the importance of beekeeping to Florida agriculture by funding honeybee research, education, outreach, and husbandry. The Florida State Beekeepers Association board of managers must approve and is accountable for all expenditures.

### ***America the Beautiful License Plate***

The bill creates the America the Beautiful license plate. The word “Florida” appears at the top of the plate and “America the Beautiful” appears at the bottom of the plate.

The annual use fees are distributed to the America the Beautiful Fund and used as follows:

- Fifteen percent to offset administrative, marketing, and promotion costs of the plate.
- Eighty-five percent for projects and programs teaching character, leadership, and service to Florida youth; the provision of well-being and assistance in the military community; outdoor education advancing self-sufficiency; wildlife conservation, including imperiled and managed species; the maintenance of historic or culturally important sites, buildings, structures, or objects; and the development and modification of playgrounds, recreational areas, or other outdoor amenities, including disability access.

### ***Beat Childhood Cancer License Plate***

The bill creates the Beat Childhood Cancer license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Beat Childhood Cancer” appears at the bottom of the plate.

The annual use fees are distributed as follows:

- Eighty percent to Beat Nb, Inc., which may use up to 10 percent of the proceeds for administrative costs directly associated with the operation of the corporation and for marketing and promoting the plate. The remaining proceeds must be used by Beat Nb, Inc., to fund pediatric cancer treatment and research.
- Twenty percent to No Kid Should Know Cancer, Inc., which may use up to five percent of the proceeds for administrative costs and for the marketing of the plate. The remaining proceeds must be used by No Kid Should Know Cancer, Inc., to:
  - Support families who have a child recently diagnosed with cancer;
  - Hold events that raise awareness about childhood cancer; and
  - Support clinical trials that work to provide better treatment plans for children diagnosed with cancer.

***University of Alabama License Plate***

The bill creates the University of Alabama license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Roll Tide” appears at the bottom of the plate.

The annual use fees are distributed to the Pensacola Bama Club, which must use the proceeds to award scholarships to Florida residents attending the University of Alabama. Proceeds must be deposited into the endowment required by s. 320.08056(12), F.S.<sup>120</sup> Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship Program<sup>121</sup> and use the scholarship funds for tuition and other expenses related to attending the University of Alabama.

***Rotary License Plate***

The bill creates the Rotary license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Rotary” appears at the bottom of the plate. The license plate will also bear the Rotary International wheel emblem.

The annual use fees are distributed to the Community Foundation of Tampa Bay, Inc., to be used as follows:

- Up to 10 percent for administrative costs and for marketing the plate;
- Ten percent distributed to Rotary’s Camp Florida for direct support to all programs and services provided to special needs children who attend the camp; and
- The remainder distributed, proportionally based on sales, to each Rotary district in the state to support Rotary youth programs in Florida.

***Florida Bay Forever License Plate***

The bill creates the Florida Bay Forever license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Florida Bay Forever” appears at the bottom of the plate.

The annual use fees are distributed to the Florida National Parks Association, Inc., which may use up to 10 percent of the proceeds for administrative costs and marketing the plate. The remaining proceeds must be used to supplement the Everglades National Park’s budget and to support educational, interpretive, historical, and scientific research relating to the Everglades National Park.

***Bonefish and Tarpon Trust License Plate***

The bill creates the Bonefish and Tarpon Trust license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Bonefish and Tarpon Trust” appears at the bottom of the plate.

The annual use fees are distributed to the Bonefish and Tarpon Trust, which may use up to 10 percent of the proceeds to promote and market the plate. The remaining proceeds must be

---

<sup>120</sup> See the discussion under the heading Specialty License Plates – Other Provisions on page 22 of this bill analysis.

<sup>121</sup> Section 1009.531, F.S.

used to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments through stewardship, research, education, and advocacy.

### ***Medical Professionals Who Care License Plate***

The bill creates the Medical Professionals Who Care license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Medical Professionals Who Care” appears at the bottom of the plate.

The annual use fees are distributed to Florida Benevolent Group, Inc., which may use up to 10 percent of the fees for administrative costs, marketing, and promoting the plate. The remaining proceeds must be used to assist low-income individuals in obtaining medical education and careers through scholarships, support, and guidance.

### ***University of Georgia License Plate***

The bill creates the University of Georgia license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “University of Georgia” appears at the bottom of the plate.

The annual use fees are distributed to the Georgia Bulldog Club of Jacksonville, which must use the proceeds to award scholarships to Florida residents attending the University of Georgia. Proceeds must be deposited into the endowment required by s. 320.08056(12), F.S.<sup>122</sup> Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship Program<sup>123</sup> and use the scholarship funds for tuition and other expenses related to attending the University of Georgia.

### ***Highwaymen License Plate***

The bill creates the Highwaymen license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Highwaymen” appears at the bottom of the plate.

The annual use fees are distributed to the City of Fort Pierce, subject to a city resolution designating the city as the fiscal agent of the SLP. The city may use up to 10 percent of the fees for administrative costs and marketing of the plate and the remaining proceeds as follows:

- Before completion of construction of the Highwaymen Museum and African-American Cultural Center:
  - A minimum of 15 percent must be distributed to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County.
  - The remaining proceeds must be used by the city to fund the construction of the Highwaymen Museum and African-American Cultural Center.
- Upon completion of construction of the Highwaymen Museum and African-American Cultural Center:
  - A minimum of 10 percent must be distributed to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County.

<sup>122</sup> See the discussion under the heading Specialty License Plates – Other Provisions of page 22 of this bill analysis.

<sup>123</sup> Section 1009.531, F.S.



- The remaining proceeds must be used by the city to fund the day-to-day operations of the Highwaymen Museum and African-American Cultural Center.

### ***Orlando City Soccer License Plate***

The bill creates the Orlando City Soccer Club license plate as a Florida professional sports team SLP. Section 320.08058(9), F.S., requires the Florida Professional Sports Team license plates to bear the DHSMV-approved colors and design and include the official league or team logo, or both, as appropriate for each team. The word “Florida” must appear at the top of the plate.

The annual use fees are distributed as required in current law for Florida professional sports team SLPs.<sup>124</sup>

### ***Coastal Conservation Association License Plate***

The bill creates the Coastal Conservation Association (CCA) license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Conserve Florida’s Fisheries” appears at the bottom of the plate.

The annual use fees are distributed to the CCA to be used as follows:

- Up to 10 percent for administrative costs;
- Up to 10 percent to promote and market the plate; and
- The remaining proceeds to support the mission and efforts of the CCA of Florida for habitat enhancement and restoration, saltwater fisheries conservation, and education; to advise the public on the conservation of marine resources; and to promote and enhance the present and future availability of those coastal resources for the benefit and enjoyment of the general public.

### ***Blue Angels License Plate***

The bill creates the Blue Angels license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Home of the Blue Angels” appears at the bottom of the plate.

The annual use fees are distributed to the Naval Aviation Museum Foundation to fund the maintenance, programs, marketing, and projects of the foundation, including the National Naval Aviation Museum and the National Flight Academy in Pensacola as follows;

- Up to 15 percent of the proceeds may be used for marketing the plate and costs directly associated with the administration of the foundation;
- Fifty percent of the funds must be distributed to eligible programs and projects associated with the National Flight Academy; and
- Remaining proceeds must be distributed to eligible programs and projects associated with the National Naval Aviation Museum.

---

<sup>124</sup> See discussion in the Present Situation under the heading Florida Professional Sports Team License Plates.

***Palm Beach Zoo and Conservation Society License Plate***

The bill creates the Palm Beach Zoo and Conservation Society license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Palm Beach Zoo and Conservation Society” appears at the bottom of the plate.

The annual use fees are distributed to the Palm Beach Zoo and Conservation Society to fund educational programs for students in pre-K through grade 12, conservation projects to protect endangered or threatened species, and services for the health and welfare of animals in the zoo’s care. The Palm Beach Zoo and Conservation Society may retain all proceeds until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 10 percent may be used for promoting and marketing the plate and administrative costs directly associated with the programs of the society and the plate.

***Ethical Ecotourism License Plate***

The bill creates the Ethical Ecotourism license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and words approved by the DHSMV appear at the bottom of the plate.

The annual use fees are distributed equally between the Florida Society for Ethical Ecotourism and Paddle Florida, Inc., each of which may use up to 10 percent of the proceeds for administrative costs and the marketing the plate. The remaining proceeds must be used by the Florida Society for Ethical Ecotourism to provide environmental education and awareness that encourage behaviors that contribute to the sustainability of Florida’s natural ecosystems and resources, and by Paddle Florida, Inc., to raise awareness about water conservation, wildlife preservation, restoration of springs, and protection of waterways in this state.

***Knights of Columbus License Plate***

The bill creates the Knights of Columbus license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “In God We Trust” appears at the bottom of the plate.

The annual use fees are distributed to the Florida K of C Charities, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plate. The remaining proceeds must be used by the organization to fund its charitable activities, including, but not limited to, the Christian Refugee Relief Fund, disaster relief, Ultrasound Initiative, Food for Families, and Coats for Kids.

***Daughters of the American Revolution License Plate***

The bill creates the Daughters of the American Revolution license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Daughters of the American Revolution” appears at the bottom of the plate.

The annual use fees are distributed to the Daughters of the American Revolution. Up to 10 percent of the proceeds may be used for promoting and marketing the plate. The remaining proceeds must be used within by the organization to promote patriotism, preserve American

history, and secure America's future through educational programs for local public and private K-12 students and scholarships and other educational funding for underprivileged children.

#### ***Guardian Ad Litem License Plate***

The bill creates the Guardian Ad Litem license plate. The license plate must bear the DHSMV-approved colors and design. The word "Florida" appears at the top of the plate and "Heartfelt Child Advocacy" appears at the bottom of the plate.

The annual use fees are distributed to the Florida Guardian Ad Litem Foundation, Inc. Up to 10 percent of the proceeds may be used for administrative costs and marketing the plate. The remaining proceeds must be used to support the mission and efforts of the statewide Guardian Ad Litem Program to recruit and retain volunteer child advocates, meet the unique needs of dependent children, and promote awareness of the mission.

#### ***Jumbo Shrimp License Plate***

The bill creates the Jumbo Shrimp license plate. The license plate must bear the DHSMV-approved colors and design. The word "Florida" appears at the top of the plate and "Jumbo Shrimp" appears at the bottom of the plate.

The annual use fees are distributed to the St. Johns Riverkeeper. Up to 10 percent of the proceeds may be used for promoting and marketing of the plate. The remaining proceeds must be used by St. Johns Riverkeeper for programs and activities related to fulfilling its mission to protect and restore the health of the St. Johns River.

#### ***Omega Psi Phi Fraternity License Plate***

The bill creates the Omega Psi Phi license plate. The license plate must bear the DHSMV-approved colors and design. The word "Florida" appears at the top of the plate and "Omega Psi Phi" appears at the bottom of the plate.

The annual use fees are distributed to the State of Florida Omega Friendship Foundation, Inc., to be used as follows:

- Five percent solely for marketing the plate.
- Ninety-five percent for college scholarships for Florida residents attending historically black colleges and universities in this state.

#### ***Delta Sigma Theta Sorority License Plate***

The bill creates the Delta Sigma Theta license plate. The license plate must bear the DHSMV-approved colors and design. The word "Florida" appears at the top of the plate and "Delta Sigma Theta" appears at the bottom of the plate.

The annual use fees are distributed to the Delta Research and Educational Foundation, Inc., to be used as follows:

- Five percent solely for marketing the plate.
- Ninety-five percent for college scholarships for Florida residents attending historically black colleges and universities in this state.

***Sigma Gamma Rho Sorority License Plate***

The bill creates the Sigma Gamma Rho license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Sigma Gamma Rho” appears at the bottom of the plate.

The annual use fees are distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73, F.S.

***Kappa Alpha Psi Fraternity License Plate***

The bill creates the Kappa Alpha Psi license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Kappa Alpha Psi” appears at the bottom of the plate.

The annual use fees are distributed to the Southern Province of Kappa Alpha Psi Foundation, Inc., to be used as follows:

- Five percent solely for marketing the plate.
- Ninety-five percent for college scholarships for Florida residents attending historically black colleges and universities in this state.

***Alpha Kappa Alpha Sorority License Plate***

The bill creates the Alpha Kappa Alpha license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Alpha Kappa Alpha” appears at the bottom of the plate.

The annual use fees are distributed to the Alpha Kappa Alpha Educational Advancement Foundation, Inc., to be used as follows:

- Five percent solely for marketing the plate.
- Ninety-five percent for college scholarships for Florida residents attending historically black colleges and universities in this state.

***Alpha Phi Alpha Fraternity License Plate***

The bill creates the Alpha Phi Alpha license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Alpha Phi Alpha” appears at the bottom of the plate.

The annual use fees are distributed to the JC Rawls-FFAC Foundation, Inc., to be used as follows:

- Five percent solely for marketing the plate.
- Ninety-five percent for college scholarships for Florida residents attending historically black colleges and universities in this state.

***Zeta Phi Beta Sorority License Plate***

The bill creates the Zeta Phi Beta license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Zeta Phi Beta” appears at the bottom of the plate.

The annual use fees are distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73, F.S.

***Phi Beta Sigma Fraternity License Plate***

The bill creates the Phi Beta Sigma license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Phi Beta Sigma” appears at the bottom of the plate.

The annual use fees are distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73, F.S.

***Iota Phi Theta Fraternity License Plate***

The bill creates the Iota Phi Theta license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Iota Phi Theta” appears at the bottom of the plate.

The annual use fees are distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73, F.S.

***Gopher Tortoise License Plate***

The bill creates the Gopher Tortoise license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Protect the Gopher Tortoise” appears at the bottom of the plate.

The annual use fees are distributed to the Wildlands Conservation, Inc., to fund gopher tortoise and commensal species research, education, and conservation, as well as upland habitat protection, restoration, and management in this state. Up to 15 percent of the proceeds may be used for marketing the plate and costs directly associated with the administration of the gopher tortoise protection program. The remaining proceeds must be used and distributed to eligible Florida-based scientific, conservation, and educational organizations for gopher tortoise and upland habitat research, conservation, and management.

***Tread Lightly Off Road Florida License Plate***

The bill creates the Tread Lightly Off Road Florida license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Tread Lightly” appears at the bottom of the plate.

The annual use fees are distributed to the Florida Off Road Foundation, Inc. Up to 10 percent of the proceeds may be used for marketing the plate, costs directly associated with creation of the plate, and administrative costs related to distribution of proceeds, including annual audit services

and compliance affidavit costs. The remaining proceeds must be used by the foundation to fund qualified nonprofit organizations that protect and preserve Florida's natural off-road habitat; educate Floridians about responsible use of the off-road environment; support civilian volunteer programs to promote the use of off-road vehicles to assist law enforcement in situations such as search and rescue; support organized cleanups, trail maintenance, and restoration; or preserve Florida's off-road culture.

### ***Orlando United License Plate***

The bill creates the Orlando United license plate. The license plate must bear the DHSMV-approved colors and design. The word "Florida" appears at the top of the plate and "Orlando United" appears at the bottom of the plate.

The annual use fees are distributed as follows:

- Mental Health Association of Central Florida, Inc.
  - Thirty-one percent be used to provide free counseling to anyone affected by the shooting at the Pulse nightclub; of this amount up to five percent for administrative costs.
  - Five percent for marketing the plate.
- OnePULSE Foundation
  - Thirty-one percent to construct and maintain the OnePulse Foundation Memorial; of this amount up to five percent for administrative costs.
  - Two percent for marketing the plate.
- Two Spirit Health Services, Inc.
  - Thirty-one percent to offer free personalized counseling to anyone affected by the shooting at the Pulse nightclub; of this amount up to five percent for administrative costs.

### ***Florida Native License Plate***

The bill creates the Florida Native license plate. The plate must contain a camouflage background including leaves, flowers, or fronds of a minimum of 12 different plants native to Florida. The word "Florida" appears at the top of the plate and "Native" appears at the bottom of the plate.

The annual use fees are distributed to the Florida Native Plant Society, Inc., which may use a maximum of 10 percent for administrative costs and to market and promote the plate. The remaining proceeds must be used by the society to fulfill its mission. A minimum of 25 percent must be dedicated to maintaining, improving, or restoring public native species and hunting and fishing habitats. Twenty-five percent must be dedicated to promote cultivation of Florida agriculture products through preservation of noncrop plants to provide habitats for pollinators and natural enemies to pests and to provide pollen, nectar, and undisturbed habitats for bee nesting.

### ***American Foundation for Suicide Prevention License Plate***

The bill creates the American Foundation for Suicide Prevention license plate. The plate must include the logo of the American Foundation for Suicide Prevention in the center and appear in blue and white. The license plate number will have three characters to the left of the logo and three characters to the right of the logo. The background of the license plate must be blue with

thick broken portions of concentric circles in pastel red, yellow, green, and blue colors spreading out across the plate. The the word “Florida” appears at the top of the plate and “American Foundation for Suicide Prevention” appears at the bottom of the plate. All words and numbers must be in white.

The annual use fees are distributed to the Central Florida Chapter of the American Foundation for the Prevention of Suicide along with the number of plates sold in each county. The Central Florida Chapter must distribute the funds to all of the Florida chapters based on the sales in each jurisdiction. Each chapter may use 10 percent of proceeds distributed to it for administrative costs and marketing the plate and use the remaining distribution for programs to prevent suicide and assist survivors with guidance and support.

### ***Thank a Lineman License Plate***

The bill creates the Thank a Lineman license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Thank a Lineman” appears at the bottom of the plate.

The annual use fees are distributed to the Lake-Sumter College Foundation, Inc., to fund scholarships for students of the Electrical Distribution Technology Program at Lake-Sumter State College. The foundation may use up to 10 percent of the proceeds for marketing and administrative costs.

### **Audits and Attestations (section 8)**

The bill amends s. 320.08062(1)(b), F.S., requiring the DHSMV to audit any SLP revenue recipient every 3 years if the organization is not subject to the Florida Single Audit Act. The purpose of this audit is to ensure that SLP proceeds have been used in compliance with ss. 320.08056 and 320.08058, F.S.

The bill also amends s. 320.08062, F.S., to require an organization that receives annual use fees proceeds to annually attest that the organization meets all requirements of ss. 320.08056 and 320.08058, F.S. The bill authorizes the DHSMV to discontinue distributions to an organization if the DHSMV determines that the requirements of the law are not met.

### **Effective Date**

The bill takes effect October 1, 2019, but only if SB 1106 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes 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.

**E. Other Constitutional Issues:**

None.

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

SB 1106 establishes a \$25 annual use fee that will be charged for any specialty license plate that the DHSMV is required to develop and a \$50 annual use fee for the University of Alabama and the University of Georgia specialty license plates.

Individuals who choose to purchase a specialty license plate created in the bill will pay an additional use fee of \$25 in addition to required vehicle license taxes and fees.

Individuals who choose to purchase a University of Alabama or University of Georgia specialty license plate will pay an additional use fee of \$50 in addition to required vehicle license taxes and fees.

**B. Private Sector Impact:**

Organizations receiving SLP revenue may receive additional revenues associated with the sale of SLPs.

Current law prohibits the redesign of a SLP unless the inventory of the license plate has been depleted. However, the organization may purchase the remaining inventory of the SLP from DHSMV at DHSMV's cost.<sup>125</sup> Special Olympics Florida and the Florida Lighthouse Association may be required to purchase the remaining inventory of its SLPs at DHSMV's cost prior to the authorized redesign of these SLPs.

**C. Government Sector Impact:**

Revenues from the sale of the Orlando City Soccer Club SLP will be deposited into the Professional Sports Development Trust Fund within the DEO. To the extent that

---

<sup>125</sup> Section 320.08056(9), F.S.



individuals choose to purchase this SLP, there may be a positive, but indeterminate impact to the Professional Sports Development Trust Fund.

Revenues from the sale of the Purple Heart Motorcycle plate and Bronze Star plate will be deposited into the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund within the Department of Veterans Affairs; to the extent that eligible individuals choose to purchase these license plates, there may be an indeterminate, positive fiscal impact on these trust funds.

Depending on the number of distributions tied to the plates, the amount of programming may vary as will the resources needed to complete the changes. The average specialty/special license plate requires approximately 200-250 hours of programming, at a rate of \$35 to \$40 per hour. This results in programming costs of between \$7,000 and \$10,000 per plate.<sup>126</sup> Therefore, the potential programming costs for 34 SLPs and 2 special use plates, may range from \$252,000 to \$360,000. The DHSMV is authorized to retain revenues from the first proceeds of SLP sales to defray departmental expenditures related to the SLP program.<sup>127</sup>

Additionally, the DHSMV states the cost to perform an audit every 3 years of each SLP may result in an insignificant workload impact that can be absorbed within existing resources.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

Section 320.08056, F.S., (currently and as amended by the bill) requires the fees and any interest earned from the fees to be expended only for use in this state. There is no exception created in the bill to pay for tuition or other expenses for attendance at an out-of-state university. The bill creates a plate for the University of Georgia and the University of Alabama and requires the proceeds of the plates to be used to fund scholarships for students attending either school to pay for tuition or other expenses related to attending the out-of-state school. The recipient organizations of the SLP proceeds must expend the funds as awards of scholarships to Florida students. The students will then expend the scholarship funds out of state at the university. The ultimate use of the funds will be out of state, but the initial expenditure of funds by the recipient organizations will likely be in state. It is uncertain how a court would interpret this provision.

#### **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 320.06, 320.0657, 320.08, 320.08053, 320.08056, 320.08058, 320.08062, 320.08068, 320.0875, and 320.089.

---

<sup>126</sup> Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: SLP Price for Tim, (February 5, 2019) (on file with the Senate Infrastructure and Security Committee).

<sup>127</sup> Section 320.08056(7), F.S.

**IX. Additional Information:**

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

**Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 16, 2019:**

The committee substitute:

- Adds 3 additional SLPs (Florida Native, American Foundation for Suicide Prevention, and Thank a Lineman).
- Requires organizations to annually attest that they meet all requirements of the law and authorizes the DHSMV to discontinue distributions to any organization that has not complied with ss. 320.08056 and 320.08058, F.S.
- Increases the cap on the total number of SLPs in Florida created by the bill from 125 to 200 total SLPs.
- Clarifies that the endowment required by s. 320.08056(12), F.S., created by the bill, must be for scholarships for Florida residents, as defined in s. 320.01(34), F.S.
- Requires the proceeds for the out-of-state university plates to be deposited into the endowment required by s. 320.08056(12), F.S., created by the bill.
- Requires the proceeds of the Alpha Phi Alpha SLP to be distributed to the JC Rawls-FFAC Foundation, Inc., to be used for marketing and for college scholarships in this state (instead of to the Department of Education to be used for the foundation).
- Corrects technical issues and scrivener's errors.

**CS by Infrastructure and Security on April 2, 2019:**

The committee substitute:

- Incorporates the linked bill number of SB 1106.
- Provides that the 125 plate threshold does not apply to collegiate license plates established under s. 320.08058(3).
- Adds 18 additional SLPs.
- Removes language creating electronic credentials.

- B. **Amendments:**

None.



647456

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2019	.	
	.	
	.	
	.	

---

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Bean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (3) of section 320.06, Florida Statutes, is amended to read:

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

(3) (a) Registration license plates must be made of metal specially treated with a retroreflection material, as specified



647456

11 by the department. The registration license plate is designed to  
12 increase nighttime visibility and legibility and must be at  
13 least 6 inches wide and not less than 12 inches in length,  
14 unless a plate with reduced dimensions is deemed necessary by  
15 the department to accommodate motorcycles, mopeds, or similar  
16 smaller vehicles. Validation stickers must also be treated with  
17 a retroreflection material, must be of such size as specified by  
18 the department, and must adhere to the license plate. The  
19 registration license plate must be imprinted with a combination  
20 of bold letters and numerals or numerals, not to exceed seven  
21 digits, to identify the registration license plate number. The  
22 license plate must be imprinted with the word "Florida" at the  
23 top and the name of the county in which it is sold, the state  
24 motto, or the words "Sunshine State" at the bottom. Apportioned  
25 license plates must have the word "Apportioned" at the bottom  
26 and license plates issued for vehicles taxed under s.  
27 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have  
28 the word "Restricted" at the bottom. License plates issued for  
29 vehicles taxed under s. 320.08(12) must be imprinted with the  
30 word "Florida" at the top and the word "Dealer" at the bottom  
31 unless the license plate is a specialty license plate as  
32 authorized in s. 320.08056. Manufacturer license plates issued  
33 for vehicles taxed under s. 320.08(12) must be imprinted with  
34 the word "Florida" at the top and the word "Manufacturer" at the  
35 bottom. License plates issued for vehicles taxed under s.  
36 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at  
37 the bottom. Any county may, upon majority vote of the county  
38 commission, elect to have the county name removed from the  
39 license plates sold in that county. The state motto or the words



647456

40 "Sunshine State" shall be printed in lieu thereof. A license  
41 plate issued for a vehicle taxed under s. 320.08(6) may not be  
42 assigned a registration license number, or be issued with any  
43 other distinctive character or designation, that distinguishes  
44 the motor vehicle as a for-hire motor vehicle.

45 Section 2. Paragraph (b) of subsection (2) of section  
46 320.0657, Florida Statutes, is amended to read:

47 320.0657 Permanent registration; fleet license plates.—

48 (2)

49 (b) The plates, which shall be of a distinctive color,  
50 shall have the word "Fleet" appearing at the bottom and the word  
51 "Florida" appearing at the top unless the license plate is a  
52 specialty license plate as authorized in s. 320.08056. The  
53 plates shall conform in all respects to the provisions of this  
54 chapter, except as specified herein. For additional fees as set  
55 forth in s. 320.08056, fleet companies may purchase specialty  
56 license plates in lieu of the standard fleet license plates.  
57 Fleet companies shall be responsible for all costs associated  
58 with the specialty license plate, including all annual use fees,  
59 processing fees, fees associated with switching license plate  
60 types, and any other applicable fees.

61 Section 3. Subsection (12) of section 320.08, Florida  
62 Statutes, is amended to read:

63 320.08 License taxes.—Except as otherwise provided herein,  
64 there are hereby levied and imposed annual license taxes for the  
65 operation of motor vehicles, mopeds, motorized bicycles as  
66 defined in s. 316.003(4), tri-vehicles as defined in s. 316.003,  
67 and mobile homes as defined in s. 320.01, which shall be paid to  
68 and collected by the department or its agent upon the



647456

69 registration or renewal of registration of the following:

70 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised  
71 motor vehicle dealer, independent motor vehicle dealer, marine  
72 boat trailer dealer, or mobile home dealer and manufacturer  
73 license plate: \$17 flat, of which \$4.50 shall be deposited into  
74 the General Revenue Fund. For additional fees as set forth in s.  
75 320.08056, dealers may purchase specialty license plates in lieu  
76 of the standard dealer license plates. Dealers shall be  
77 responsible for all costs associated with the specialty license  
78 plate, including all annual use fees, processing fees, fees  
79 associated with switching license plate types, and any other  
80 applicable fees.

81 Section 4. Section 320.08053, Florida Statutes, is amended  
82 to read:

83 320.08053 Establishment of Requirements for requests to  
84 establish specialty license plates.—

85 (1) If a specialty license plate requested by an  
86 organization is approved by law, the organization must submit  
87 the proposed art design for the specialty license plate to the  
88 department, in a medium prescribed by the department, as soon as  
89 practicable, but no later than 60 days after the act approving  
90 the specialty license plate becomes a law.

91 (2) (a) Within 120 days after ~~following~~ the specialty  
92 license plate becomes ~~becoming~~ law, the department shall  
93 establish a method to issue a specialty license plate voucher to  
94 allow for the presale of the specialty license plate. The  
95 processing fee as prescribed in s. 320.08056, the service charge  
96 and branch fee as prescribed in s. 320.04, and the annual use  
97 fee as prescribed in s. 320.08056 shall be charged for the



647456

98 voucher. All other applicable fees shall be charged at the time  
99 of issuance of the license plates.

100 (b) Within 24 months after the presale specialty license  
101 plate voucher is established, the approved specialty license  
102 plate organization must record with the department a minimum of  
103 3,000 ~~1,000~~ voucher sales, or, in the case of an out-of-state  
104 college or university license plate, 4,000 voucher sales, before  
105 manufacture of the license plate may commence. If, at the  
106 conclusion of the 24-month presale period, the minimum sales  
107 requirement has ~~requirements have~~ not been met, the specialty  
108 plate is deauthorized and the department shall discontinue  
109 development of the plate and discontinue issuance of the presale  
110 vouchers. Upon deauthorization of the license plate, a purchaser  
111 of the license plate voucher may use the annual use fee  
112 collected as a credit towards any other specialty license plate  
113 or apply for a refund on a form prescribed by the department.

114 (3) (a) New specialty license plates that have been approved  
115 by law but are awaiting issuance under paragraph (b) must be  
116 issued in the order they appear in s. 320.08058 provided that  
117 they have met the presale requirement. All other provisions of  
118 this section must also be met before a plate is issued. If the  
119 next awaiting specialty license plate has not met the presale  
120 requirement, the department shall proceed in the order provided  
121 in s. 320.08058 to identify the next qualified specialty license  
122 plate that has met the presale requirement. The department shall  
123 cycle through the list in statutory order.

124 (b) If the Legislature has approved 125 or more specialty  
125 license plates, the department may not make any new specialty  
126 license plates available for design or issuance until a



647456

127 sufficient number of plates are discontinued pursuant to s.  
128 320.08056(8) such that the number of plates being issued does  
129 not exceed 125. This paragraph does not apply to collegiate  
130 license plates established under s. 320.08058(3).

131 Section 5. Present subsection (12) of section 320.08056,  
132 Florida Statutes, is redesignated as subsection (13), paragraphs  
133 (c) through (f) are added to subsection (8) of that section, a  
134 new subsection (12) is added to that section, and subsections  
135 (2) and (4), paragraph (a) of subsection (10), and subsection  
136 (11) of that section are amended, to read:

137 320.08056 Specialty license plates.—

138 (2) (a) The department shall issue a specialty license plate  
139 to the owner or lessee of any motor vehicle, except a vehicle  
140 registered under the International Registration Plan, a  
141 commercial truck required to display two license plates pursuant  
142 to s. 320.0706, or a truck tractor, upon request and payment of  
143 the appropriate license tax and fees.

144 (b) The department may authorize dealer and fleet specialty  
145 license plates. With the permission of the sponsoring specialty  
146 license plate organization, a dealer or fleet company may  
147 purchase specialty license plates to be used on dealer and fleet  
148 vehicles.

149 (c) Notwithstanding s. 320.08058, a dealer or fleet  
150 specialty license plate must include the letters "DLR" or "FLT"  
151 on the right side of the license plate. Dealer and fleet  
152 specialty license plates must be ordered directly through the  
153 department.

154 (4) The following license plate annual use fees shall be  
155 collected for the appropriate specialty license plates:





647456

- 156           (a) ~~Manatee license plate, \$25.~~  
157           **(b)** Challenger/Columbia license plate, \$25, except that a  
158 person who ~~that~~ purchases 1,000 or more of such license plates  
159 shall pay an annual use fee of \$15 per plate.  
160           ~~(c) Collegiate license plate, \$25.~~  
161           **(b)** ~~(d)~~ Florida Salutes Veterans license plate, \$15.  
162           ~~(c) Florida panther license plate, \$25.~~  
163           **(c)** ~~(f)~~ Florida United States Olympic Committee license  
164 plate, \$15.  
165           **(d)** ~~(g)~~ Florida Special Olympics license plate, \$15.  
166           **(e)** ~~(h)~~ Florida educational license plate, \$20.  
167           ~~(i) Florida Professional Sports Team license plate, \$25.~~  
168           **(f)** ~~(j)~~ Florida Indian River Lagoon license plate, \$15.  
169           **(g)** ~~(k)~~ Invest in Children license plate, \$20.  
170           **(h)** ~~(l)~~ Florida arts license plate, \$20.  
171           ~~(m) Bethune-Cookman University license plate, \$25.~~  
172           **(i)** ~~(n)~~ Florida Agricultural license plate, \$20.  
173           **(j)** ~~(o)~~ Police Athletic League license plate, \$20.  
174           **(k)** ~~(p)~~ Boy Scouts of America license plate, \$20.  
175           ~~(q) Largemouth Bass license plate, \$25.~~  
176           **(l)** ~~(r)~~ Sea Turtle license plate, \$23.  
177           **(m)** ~~(s)~~ Protect Wild Dolphins license plate, \$20.  
178           ~~(t) Barry University license plate, \$25.~~  
179           **(n)** ~~(u)~~ Everglades River of Grass license plate, \$20.  
180           ~~(v) Keep Kids Drug-Free license plate, \$25.~~  
181           ~~(w) Florida Sheriffs Youth Ranches license plate, \$25.~~  
182           ~~(x) Conserve Wildlife license plate, \$25.~~  
183           ~~(y) Florida Memorial University license plate, \$25.~~  
184           **(o)** ~~(z)~~ Tampa Bay Estuary license plate, \$15.



647456

- 185        (p)~~(aa)~~ Florida Wildflower license plate, \$15.  
186        (q)~~(bb)~~ United States Marine Corps license plate, \$15.  
187        (r)~~(cc)~~ Choose Life license plate, \$20.  
188        (s)~~(dd)~~ Share the Road license plate, \$15.  
189        ~~(ee) American Red Cross license plate, \$25.~~  
190        ~~(ff) United We Stand license plate, \$25.~~  
191        ~~(gg) Breast Cancer Research license plate, \$25.~~  
192        ~~(hh) Protect Florida Whales license plate, \$25.~~  
193        ~~(ii) Florida Golf license plate, \$25.~~  
194        (t)~~(jj)~~ Florida Firefighters license plate, \$20.  
195        (u)~~(kk)~~ Police Benevolent Association license plate, \$20.  
196        (v)~~(ll)~~ Military Services license plate, \$15.  
197        ~~(mm) Protect Our Reefs license plate, \$25.~~  
198        (w)~~(nn)~~ Fish Florida license plate, \$22.  
199        ~~(oo) Child Abuse Prevention and Intervention license plate,  
200        \$25.~~  
201        ~~(pp) Hospice license plate, \$25.~~  
202        ~~(qq) Stop Heart Disease license plate, \$25.~~  
203        (x)~~(rr)~~ Save Our Seas license plate, \$25, except that for  
204        an owner purchasing the specialty license plate for more than 10  
205        vehicles registered to that owner, the annual use fee shall be  
206        \$10 per plate.  
207        (y)~~(ss)~~ Aquaculture license plate, \$25, except that for an  
208        owner purchasing the specialty license plate for more than 10  
209        vehicles registered to that owner, the annual use fee shall be  
210        \$10 per plate.  
211        ~~(tt) Family First license plate, \$25.~~  
212        ~~(uu) Wildlife Foundation of Florida license plate, \$25.~~  
213        ~~(vv) Live the Dream license plate, \$25.~~



647456

- 214 ~~(ww) Florida Food Banks license plate, \$25.~~
- 215 ~~(xx) Discover Florida's Oceans license plate, \$25.~~
- 216 ~~(yy) Family Values license plate, \$25.~~
- 217 ~~(zz) Parents Make A Difference license plate, \$25.~~
- 218 ~~(aaa) Support Soccer license plate, \$25.~~
- 219 ~~(bbb) Kids Deserve Justice license plate, \$25.~~
- 220 ~~(ccc) Animal Friend license plate, \$25.~~
- 221 ~~(ddd) Future Farmers of America license plate, \$25.~~
- 222 ~~(eee) Donate Organs-Pass It On license plate, \$25.~~
- 223 ~~(fff) A State of Vision license plate, \$25.~~
- 224 ~~(ggg) Homeownership For All license plate, \$25.~~
- 225 ~~(hhh) Florida NASCAR license plate, \$25.~~
- 226 ~~(iii) Protect Florida Springs license plate, \$25.~~
- 227 ~~(jjj) Trees Are Cool license plate, \$25.~~
- 228 ~~(kkk) Support Our Troops license plate, \$25.~~
- 229 ~~(lll) Florida Tennis license plate, \$25.~~
- 230 ~~(mmm) Lighthouse Association license plate, \$25.~~
- 231 ~~(nnn) In God We Trust license plate, \$25.~~
- 232 ~~(ooo) Horse Country license plate, \$25.~~
- 233 ~~(ppp) Autism license plate, \$25.~~
- 234 ~~(qqq) St. Johns River license plate, \$25.~~
- 235 ~~(rrr) Hispanic Achievers license plate, \$25.~~
- 236 ~~(sss) Endless Summer license plate, \$25.~~
- 237 ~~(ttt) Fraternal Order of Police license plate, \$25.~~
- 238 ~~(uuu) Protect Our Oceans license plate, \$25.~~
- 239 ~~(vvv) Florida Horse Park license plate, \$25.~~
- 240 ~~(www) Florida Biodiversity Foundation license plate, \$25.~~
- 241 ~~(xxx) Freemasonry license plate, \$25.~~
- 242 ~~(yyy) American Legion license plate, \$25.~~



647456

243 ~~(zzz) Lauren's Kids license plate, \$25.~~  
244 ~~(aaaa) Big Brothers Big Sisters license plate, \$25.~~  
245 ~~(bbbb) Fallen Law Enforcement Officers license plate, \$25.~~  
246 ~~(cccc) Florida Sheriffs Association license plate, \$25.~~  
247 ~~(dddd) Keiser University license plate, \$25.~~  
248 ~~(eeee) Moffitt Cancer Center license plate, \$25.~~  
249 (8)  
250 (c) A vehicle owner or lessee issued a specialty license  
251 plate that has been discontinued by the department may keep the  
252 discontinued specialty license plate for the remainder of the  
253 10-year license plate replacement period and shall pay all other  
254 applicable registration fees. However, such owner or lessee is  
255 exempt from paying the applicable specialty license plate fee  
256 under paragraph (3) (d) or subsection (4) for the remainder of  
257 the 10-year license plate replacement period.  
258 (d) If the department discontinues issuance of a specialty  
259 license plate, all annual use fees held or collected by the  
260 department must be distributed within 180 days after the date on  
261 which the specialty license plate is discontinued. Of those  
262 fees, the department shall retain an amount sufficient to defray  
263 the applicable administrative and inventory closeout costs  
264 associated with discontinuance of the plate. The remaining funds  
265 must be distributed to the appropriate organization or  
266 organizations pursuant to s. 320.08058.  
267 (e) If an organization that is the intended recipient of  
268 the funds pursuant to s. 320.08058 no longer exists, the  
269 department shall deposit any undisbursed funds into the Highway  
270 Safety Operating Trust Fund.  
271 (f) Notwithstanding paragraph (a), on January 1 of each



647456

272 year, the department shall discontinue the specialty license  
273 plate with the fewest number of plates in circulation, including  
274 license plates exempt from a statutory sales requirement. A  
275 warning letter must be mailed to the sponsoring organizations of  
276 the 10 percent of the total number of specialty license plates  
277 with the fewest valid, active registrations as of December 1 of  
278 each year.

279 (10) (a) A specialty license plate annual use fee collected  
280 and distributed under this chapter, or any interest earned from  
281 those fees, may not be used for commercial or for-profit  
282 activities nor for general or administrative expenses, except as  
283 authorized by s. 320.08058 or to pay the cost of the audit or  
284 report required by s. 320.08062(1). The fees and any interest  
285 earned from the fees may be expended only for use in this state  
286 unless the annual use fee is derived from the sale of United  
287 States Armed Forces and veterans-related specialty license  
288 plates pursuant to paragraph (3) (d) for the Support Our Troops  
289 and American Legion license plates; paragraphs (4) (b), (q), and  
290 (v) for the Florida Salutes Veterans, United States Marine  
291 Corps, and Military Services license plates, respectively;  
292 paragraphs (4) (d), (bb), (ll), (kkk), and (yyy) and s. 320.0891  
293 for the U.S. Paratroopers license plate.

294 (11) The annual use fee from the sale of specialty license  
295 plates, the interest earned from those fees, or any fees  
296 received by any entity ~~an agency~~ as a result of the sale of  
297 specialty license plates may not be used for the purpose of  
298 marketing to, or lobbying, entertaining, or rewarding, an  
299 employee of a governmental agency that is responsible for the  
300 sale and distribution of specialty license plates, or an elected



647456

301 member or employee of the Legislature.

302 (12) For out-of-state college or university license plates  
303 created pursuant to this section, the recipient organization  
304 shall meet both of the following requirements:

305 (a) Have an established endowment, based in this state, for  
306 the purpose of providing scholarships to Florida residents, as  
307 defined in s. 320.01(34).

308 (b) Provide documentation to the department that the  
309 organization and the department have the college's or  
310 university's consent to use an appropriate image on a license  
311 plate.

312 Section 6. Effective July 1, 2022, paragraph (a) of  
313 subsection (8) of section 320.08056, Florida Statutes, is  
314 amended to read:

315 320.08056 Specialty license plates.—

316 (8) (a) The department must discontinue the issuance of an  
317 approved specialty license plate if the number of valid  
318 specialty plate registrations falls below 3,000, or, in the case  
319 of an out-of-state college or university license plate, below  
320 4,000, ~~1,000~~ plates for at least 12 consecutive months. A  
321 warning letter shall be mailed to the sponsoring organization  
322 following the first month in which the total number of valid  
323 specialty plate registrations is below 3,000, or, in the case of  
324 an out-of-state college or university license plate, below 4,000  
325 ~~1,000~~ plates. This paragraph does not apply to in-state  
326 collegiate license plates established under s. 320.08058(3),  
327 license plates of institutions in and entities of the State  
328 University System, specialty license plates that have statutory  
329 eligibility limitations for purchase, specialty license plates



647456

330 for which annual use fees are distributed by a foundation for  
331 student and teacher leadership programs and teacher recruitment  
332 and retention, or Florida Professional Sports Team license  
333 plates established under s. 320.08058(9).

334 Section 7. Subsection (7), present subsections (31), (48),  
335 (57), and (65), paragraph (b) of present subsection (66),  
336 present subsections (69) and (70), and paragraph (b) of present  
337 subsection (80) of section 320.08058, Florida Statutes, are  
338 amended, present subsections (32) through (56) of that section  
339 are redesignated as subsections (31) through (55), respectively,  
340 present subsections (58) through (68) of that section are  
341 redesignated as subsections (56) through (66), respectively,  
342 present subsections (71) through (83) of that section are  
343 redesignated as subsections (67) through (79), respectively, and  
344 new subsections (80) through (83) and subsections (84) through  
345 (116) are added to that section, to read:

346 320.08058 Specialty license plates.—

347 (7) SPECIAL OLYMPICS FLORIDA LICENSE PLATES.—

348 (a) Special Olympics Florida license plates must contain  
349 the official Special Olympics Florida logo and must bear the  
350 colors and a design and colors that are approved by the  
351 department. The word "Florida" must be centered at the top  
352 ~~bottom~~ of the plate, and the words "Be a Fan" "~~Everyone Wins~~"  
353 must be centered at the bottom ~~top~~ of the plate.

354 (b) The license plate annual use fees must ~~are to~~ be  
355 annually distributed as follows:

356 1. The first \$5 million collected annually must be  
357 forwarded to the private nonprofit corporation as described in  
358 s. 393.002 and must be used solely for Special Olympics purposes



647456

359 as approved by the private nonprofit corporation.

360 2. Any additional fees must be deposited into the General  
361 Revenue Fund.

362 ~~(31) AMERICAN RED CROSS LICENSE PLATES.—~~

363 ~~(a) Notwithstanding the provisions of s. 320.08053, the~~  
364 ~~department shall develop an American Red Cross license plate as~~  
365 ~~provided in this section. The word "Florida" must appear at the~~  
366 ~~top of the plate, and the words "American Red Cross" must appear~~  
367 ~~at the bottom of the plate.~~

368 ~~(b) The department shall retain all revenues from the sale~~  
369 ~~of such plates until all startup costs for developing and~~  
370 ~~issuing the plates have been recovered. Thereafter, 50 percent~~  
371 ~~of the annual use fees shall be distributed to the American Red~~  
372 ~~Cross Chapter of Central Florida, with statistics on sales of~~  
373 ~~license plates, which are tabulated by county. The American Red~~  
374 ~~Cross Chapter of Central Florida must distribute to each of the~~  
375 ~~chapters in this state the moneys received from sales in the~~  
376 ~~counties covered by the respective chapters, which moneys must~~  
377 ~~be used for education and disaster relief in Florida. Fifty~~  
378 ~~percent of the annual use fees shall be distributed~~  
379 ~~proportionately to the three statewide approved poison control~~  
380 ~~centers for purposes of combating bioterrorism and other poison-~~  
381 ~~related purposes.~~

382 ~~(47)(48) LIVE THE DREAM LICENSE PLATES.—~~

383 (a) The department shall develop a Live the Dream license  
384 plate as provided in this section. Live the Dream license plates  
385 must bear the colors and design approved by the department. The  
386 word "Florida" must appear at the top of the plate, and the  
387 words "Live the Dream" must appear at the bottom of the plate.





647456

388 (b) The proceeds of the annual use fee shall be distributed  
389 to the Dream Foundation, Inc., ~~to The Dream Foundation, Inc.,~~  
390 ~~shall retain the first \$60,000 in proceeds from the annual use~~  
391 ~~fees as reimbursement for administrative costs, startup costs,~~  
392 ~~and costs incurred in the approval process. Thereafter, up to 25~~  
393 ~~percent shall be used for continuing promotion and marketing of~~  
394 ~~the license plate and concept. The remaining funds shall be used~~  
395 in the following manner:

396 1. Up to 5 percent may be used to administer, promote, and  
397 market the license plate.

398 2.1. At least 60 ~~Twenty-five~~ percent shall be distributed  
399 equally among the sickle cell organizations that are Florida  
400 members of the Sickle Cell Disease Association of America, Inc.,  
401 for programs that provide research, care, and treatment for  
402 sickle cell disease.

403 ~~2. Twenty-five percent shall be distributed to the Florida~~  
404 ~~chapter of the March of Dimes for programs and services that~~  
405 ~~improve the health of babies through the prevention of birth~~  
406 ~~defects and infant mortality.~~

407 ~~3. Ten percent shall be distributed to the Florida~~  
408 ~~Association of Healthy Start Coalitions to decrease racial~~  
409 ~~disparity in infant mortality and to increase healthy birth~~  
410 ~~outcomes. Funding will be used by local Healthy Start Coalitions~~  
411 ~~to provide services and increase screening rates for high-risk~~  
412 ~~pregnant women, children under 4 years of age, and women of~~  
413 ~~childbearing age.~~

414 3.4. At least 30 ~~Ten~~ percent shall be distributed to  
415 Chapman ~~the Community Partnership for Homeless, Inc.,~~ for  
416 programs that provide relief from poverty, hunger, and



647456

417 homelessness.

418 4. Up to 5 percent may be distributed by the department on  
419 behalf of the Dream Foundation, Inc., to the Martin Luther King,  
420 Jr., Center for Nonviolent Social Change, Inc., as a royalty for  
421 the use of the image of Dr. Martin Luther King, Jr.

422 ~~5. Five percent of the proceeds shall be used by the~~  
423 ~~foundation for administrative costs directly associated with~~  
424 ~~operations as they relate to the management and distribution of~~  
425 ~~the proceeds.~~

426 ~~(57) DONATE ORGANS-PASS IT ON LICENSE PLATES.—~~

427 ~~(a) The department shall develop a Donate Organs-Pass It On~~  
428 ~~license plate as provided in this section. The word "Florida"~~  
429 ~~must appear at the top of the plate, and the words "Donate~~  
430 ~~Organs-Pass It On" must appear at the bottom of the plate.~~

431 ~~(b) The annual use fees shall be distributed to Transplant~~  
432 ~~Foundation, Inc., and shall use up to 10 percent of the proceeds~~  
433 ~~from the annual use fee for marketing and administrative costs~~  
434 ~~that are directly associated with the management and~~  
435 ~~distribution of the proceeds. The remaining proceeds shall be~~  
436 ~~used to provide statewide grants for patient services, including~~  
437 ~~preoperative, rehabilitative, and housing assistance; organ~~  
438 ~~donor education and awareness programs; and statewide medical~~  
439 ~~research.~~

440 ~~(63) (65) LIGHTHOUSE ASSOCIATION LICENSE PLATES.—~~

441 ~~(a) The department shall develop a Lighthouse Association~~  
442 ~~license plate as provided in this section. The word "Florida"~~  
443 ~~must appear at the top of the plate, and the words~~  
444 ~~"SaveOurLighthouses.org Visit Our Lights" must appear at the~~  
445 ~~bottom of the plate.~~



647456

446 (b) The annual use fees must ~~shall~~ be distributed to the  
447 Florida Lighthouse Association, Inc., which may use a maximum of  
448 10 percent of the proceeds to promote and market the plates. The  
449 remaining proceeds must ~~shall~~ be used by the association to fund  
450 the preservation, restoration, and protection of the 29 historic  
451 lighthouses remaining in the state.

452 ~~(64)-(66)~~ IN GOD WE TRUST LICENSE PLATES.-

453 (b) The license plate annual use fees shall be distributed  
454 to the In God We Trust Foundation, Inc., which may use a maximum  
455 of 10 percent of the fees to offset administrative costs,  
456 marketing, and promotion of the plate, and the balance of the  
457 fees to address the needs of the military community and the  
458 needs of the public safety community, to provide educational  
459 grants and scholarships to foster self-reliance and stability in  
460 Florida's children, and to provide education in public and  
461 private schools regarding the historical significance of  
462 religion in American and Florida history ~~to fund educational~~  
463 ~~scholarships for the children of Florida residents who are~~  
464 ~~members of the United States Armed Forces, the National Guard,~~  
465 ~~and the United States Armed Forces Reserve and for the children~~  
466 ~~of public safety employees who have died in the line of duty who~~  
467 ~~are not covered by existing state law. Funds shall also be~~  
468 ~~distributed to other s. 501(c)(3) organizations that may apply~~  
469 ~~for grants and scholarships and to provide educational grants to~~  
470 ~~public and private schools to promote the historical and~~  
471 ~~religious significance of American and Florida history. The In~~  
472 ~~God We Trust Foundation, Inc., shall distribute the license~~  
473 ~~plate annual use fees in the following manner:~~

474 1. ~~The In God We Trust Foundation, Inc., shall retain all~~



647456

475 ~~revenues from the sale of such plates until all startup costs~~  
476 ~~for developing and establishing the plate have been recovered.~~

477 ~~2. Ten percent of the funds received by the In God We Trust~~  
478 ~~Foundation, Inc., shall be expended for administrative costs,~~  
479 ~~promotion, and marketing of the license plate directly~~  
480 ~~associated with the operations of the In God We Trust~~  
481 ~~Foundation, Inc.~~

482 ~~3. All remaining funds shall be expended by the In God We~~  
483 ~~Trust Foundation, Inc., for programs.~~

484 ~~(69) ST. JOHNS RIVER LICENSE PLATES.—~~

485 ~~(a) The department shall develop a St. Johns River license~~  
486 ~~plate as provided in this section. The St. Johns River license~~  
487 ~~plates must bear the colors and design approved by the~~  
488 ~~department. The word "Florida" must appear at the top of the~~  
489 ~~plate, and the words "St. Johns River" must appear at the bottom~~  
490 ~~of the plate.~~

491 ~~(b) The requirements of s. 320.08053 must be met prior to~~  
492 ~~the issuance of the plate. Thereafter, the license plate annual~~  
493 ~~use fees shall be distributed to the St. Johns River Alliance,~~  
494 ~~Inc., a s. 501(c)(3) nonprofit organization, which shall~~  
495 ~~administer the fees as follows:~~

496 ~~1. The St. Johns River Alliance, Inc., shall retain the~~  
497 ~~first \$60,000 of the annual use fees as direct reimbursement for~~  
498 ~~administrative costs, startup costs, and costs incurred in the~~  
499 ~~development and approval process. Thereafter, up to 10 percent~~  
500 ~~of the annual use fee revenue may be used for administrative~~  
501 ~~costs directly associated with education programs, conservation,~~  
502 ~~research, and grant administration of the organization, and up~~  
503 ~~to 10 percent may be used for promotion and marketing of the~~



647456

504 ~~specialty license plate.~~

505 ~~2. At least 30 percent of the fees shall be available for~~  
506 ~~competitive grants for targeted community based or county based~~  
507 ~~research or projects for which state funding is limited or not~~  
508 ~~currently available. The remaining 50 percent shall be directed~~  
509 ~~toward community outreach and access programs. The competitive~~  
510 ~~grants shall be administered and approved by the board of~~  
511 ~~directors of the St. Johns River Alliance, Inc. A grant advisory~~  
512 ~~committee shall be composed of six members chosen by the St.~~  
513 ~~Johns River Alliance board members.~~

514 ~~3. Any remaining funds shall be distributed with the~~  
515 ~~approval of and accountability to the board of directors of the~~  
516 ~~St. Johns River Alliance, Inc., and shall be used to support~~  
517 ~~activities contributing to education, outreach, and springs~~  
518 ~~conservation.~~

519 ~~(70) HISPANIC ACHIEVERS LICENSE PLATES.—~~

520 ~~(a) Notwithstanding the requirements of s. 320.08053, the~~  
521 ~~department shall develop a Hispanic Achievers license plate as~~  
522 ~~provided in this section. The plate must bear the colors and~~  
523 ~~design approved by the department. The word "Florida" must~~  
524 ~~appear at the top of the plate, and the words "Hispanic~~  
525 ~~Achievers" must appear at the bottom of the plate.~~

526 ~~(b) The proceeds from the license plate annual use fee~~  
527 ~~shall be distributed to National Hispanic Corporate Achievers,~~  
528 ~~Inc., a nonprofit corporation under s. 501(c)(3) of the Internal~~  
529 ~~Revenue Code, to fund grants to nonprofit organizations to~~  
530 ~~operate programs and provide scholarships and for marketing the~~  
531 ~~Hispanic Achievers license plate. National Hispanic Corporate~~  
532 ~~Achievers, Inc., shall establish a Hispanic Achievers Grant~~



647456

533 ~~Council that shall provide recommendations for statewide grants~~  
534 ~~from available Hispanic Achievers license plate proceeds to~~  
535 ~~nonprofit organizations for programs and scholarships for~~  
536 ~~Hispanic and minority Floridians. National Hispanic Corporate~~  
537 ~~Achievers, Inc., shall also establish a Hispanic Achievers~~  
538 ~~License Plate Fund. Moneys in the fund shall be used by the~~  
539 ~~grant council as provided in this paragraph. All funds received~~  
540 ~~under this subsection must be used in this state.~~

541 ~~(c) National Hispanic Corporate Achievers, Inc., may retain~~  
542 ~~all proceeds from the annual use fee until documented startup~~  
543 ~~costs for developing and establishing the plate have been~~  
544 ~~recovered. Thereafter, the proceeds from the annual use fee~~  
545 ~~shall be used as follows:~~

546 ~~1. Up to 5 percent of the proceeds may be used for the cost~~  
547 ~~of administration of the Hispanic Achievers License Plate Fund,~~  
548 ~~the Hispanic Achievers Grant Council, and related matters.~~

549 ~~2. Funds may be used as necessary for annual audit or~~  
550 ~~compliance affidavit costs.~~

551 ~~3. Up to 20 percent of the proceeds may be used to market~~  
552 ~~and promote the Hispanic Achievers license plate.~~

553 ~~4. Twenty-five percent of the proceeds shall be used by the~~  
554 ~~Hispanic Corporate Achievers, Inc., located in Seminole County,~~  
555 ~~for grants.~~

556 ~~5. The remaining proceeds shall be available to the~~  
557 ~~Hispanic Achievers Grant Council to award grants for services,~~  
558 ~~programs, or scholarships for Hispanic and minority individuals~~  
559 ~~and organizations throughout Florida. All grant recipients must~~  
560 ~~provide to the Hispanic Achievers Grant Council an annual~~  
561 ~~program and financial report regarding the use of grant funds.~~



647456

562 ~~Such reports must be available to the public.~~

563 ~~(d) Effective July 1, 2014, the Hispanic Achievers license~~  
564 ~~plate will shift into the presale voucher phase, as provided in~~  
565 ~~s. 320.08053(2) (b). National Hispanic Corporate Achievers, Inc.,~~  
566 ~~shall have 24 months to record a minimum of 1,000 sales. Sales~~  
567 ~~include existing active plates and vouchers sold subsequent to~~  
568 ~~July 1, 2014. During the voucher period, new plates may not be~~  
569 ~~issued, but existing plates may be renewed. If, at the~~  
570 ~~conclusion of the 24-month presale period, the requirement of a~~  
571 ~~minimum of 1,000 sales has been met, the department shall resume~~  
572 ~~normal distribution of the Hispanic Achievers license plate. If,~~  
573 ~~after 24 months, the minimum of 1,000 sales has not been met,~~  
574 ~~the department shall discontinue the Hispanic Achievers license~~  
575 ~~plate. This subsection is repealed June 30, 2016.~~

576 ~~(76)(80) FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.-~~

577 ~~(b) The annual use fees must shall be distributed to the~~  
578 ~~Police and Kids Foundation, Inc., which may use up to a maximum~~  
579 ~~of 10 percent of the proceeds for marketing to promote and~~  
580 ~~market the plate. All remaining proceeds must be distributed to~~  
581 ~~and used by the Police and Kids Foundation, Inc., for its~~  
582 ~~operations, activities, programs, and projects The remainder of~~  
583 ~~the proceeds shall be used by the Police and Kids Foundation,~~  
584 ~~Inc., to invest and reinvest, and the interest earnings shall be~~  
585 ~~used for the operation of the Police and Kids Foundation, Inc.~~

586 ~~(80) DUCKS UNLIMITED LICENSE PLATES.-~~

587 ~~(a) The department shall develop a Ducks Unlimited license~~  
588 ~~plate as provided in this section and s. 320.08053. Ducks~~  
589 ~~Unlimited license plates must bear the colors and design~~  
590 ~~approved by the department. The word "Florida" must appear at~~



647456

591 the top of the plate, and the words "Conserving Florida  
592 Wetlands" must appear at the bottom of the plate.

593 (b) The annual use fees from the sale of the plate must be  
594 distributed to Ducks Unlimited, Inc., a nonprofit corporation  
595 under s. 501(c)(3) of the Internal Revenue Code, to be used as  
596 follows:

597 1. Up to 5 percent may be used for administrative costs and  
598 the marketing of the plate.

599 2. At least 95 percent must be used in this state to  
600 support the mission and efforts of Ducks Unlimited, Inc., to  
601 conserve, restore, and manage Florida wetlands and associated  
602 habitats for the benefit of waterfowl, other wildlife, and  
603 people.

604 (81) DAN MARINO CAMPUS LICENSE PLATES.—

605 (a) The department shall develop a Dan Marino Campus  
606 license plate as provided in this section and s. 320.08053. The  
607 plate must bear the colors and design approved by the  
608 department. The word "Florida" must appear at the top of the  
609 plate, and the words "Marino Campus" must appear at the bottom  
610 of the plate.

611 (b) The annual use fees from the sale of the plate must be  
612 distributed to the Dan Marino Foundation, a Florida nonprofit  
613 corporation, which may use up to 10 percent of such fees for  
614 administrative costs and the marketing of the plate. The balance  
615 of the fees must be used by the Dan Marino Foundation to assist  
616 Floridians with developmental disabilities in becoming employed,  
617 independent, and productive and to promote and fund education  
618 scholarships and awareness of these services.

619 (82) DONATE LIFE FLORIDA LICENSE PLATES.—





647456

620           (a) The department shall develop a Donate Life Florida  
621 license plate as provided in this section and s. 320.08053. The  
622 plate must bear the colors and design approved by the  
623 department. The word "Florida" must appear at the top of the  
624 plate, and the words "Donors Save Lives" must appear at the  
625 bottom of the plate.

626           (b) The annual use fees from the sale of the plate must be  
627 distributed to Donate Life Florida, which may use up to 10  
628 percent of the proceeds for marketing and administrative costs.  
629 The remaining proceeds must be used by Donate Life Florida to  
630 educate Florida residents on the importance of organ, tissue,  
631 and eye donation and for the continued maintenance of the Joshua  
632 Abbott Organ and Tissue Donor Registry.

633           (83) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.-

634           (a) The department shall develop a Florida State Beekeepers  
635 Association license plate as provided in this section and s.  
636 320.08053. The plate must bear the colors and design approved by  
637 the department. The word "Florida" must appear at the top of the  
638 plate, and the words "Save the Bees" must appear at the bottom  
639 of the plate.

640           (b) The annual use fees must be distributed to the Florida  
641 State Beekeepers Association, a Florida nonprofit corporation.  
642 The Florida State Beekeepers Association may use up to 18  
643 percent of the annual use fees for:

644           1. Direct reimbursement for administrative costs, startup  
645 costs, and costs incurred in the development and approval  
646 process of the license plate. All vendors associated with the  
647 administrative costs must be selected by competitive bid.

648           2. Promotion and marketing costs of the license plate.



647456

649       (c) The remaining funds must be distributed to the Florida  
650 State Beekeepers Association and used to raise awareness of the  
651 importance of beekeeping to Florida agriculture by funding  
652 honeybee research, education, outreach, and husbandry. The  
653 Florida State Beekeepers Association board of managers shall  
654 approve, and is accountable for, all such expenditures.

655       (84) AMERICA THE BEAUTIFUL LICENSE PLATES.-

656       (a) The department shall develop an America the Beautiful  
657 license plate as provided in this section and s. 320.08053. The  
658 word "Florida" must appear at the top of the plate, and the  
659 words "America the Beautiful" must appear at the bottom of the  
660 plate.

661       (b) The annual use fees from the plate must be distributed  
662 to the America the Beautiful Fund as follows: 15 percent to  
663 offset administrative costs, marketing, and promotion of the  
664 plate and the remaining 85 percent for projects and programs  
665 teaching character, leadership, and service to Florida youth;  
666 the provision of supportive services and assistance to members  
667 of the military community; outdoor education advancing the ideal  
668 of self-sufficiency; wildlife conservation, including imperiled  
669 and managed species; the maintenance of historic or culturally  
670 important sites, buildings, structures, or objects; and the  
671 development and modification of playgrounds, recreational areas,  
672 or other outdoor amenities, including disability access.

673       (85) BEAT CHILDHOOD CANCER LICENSE PLATES.-

674       (a) The department shall develop a Beat Childhood Cancer  
675 license plate as provided in this section and s. 320.08053. The  
676 plate must bear the colors and design approved by the  
677 department. The word "Florida" must appear at the top of the



647456

678 plate, and the words "Beat Childhood Cancer" must appear at the  
679 bottom of the plate.

680 (b) The annual use fees from the sale of the plate shall be  
681 distributed as follows:

682 1. Eighty percent shall be distributed to Beat Nb, Inc.,  
683 which may use up to 10 percent of the proceeds for  
684 administrative costs directly associated with the operation of  
685 the corporation and for marketing and promoting the plate. The  
686 remaining proceeds shall be used by the corporation to fund  
687 pediatric cancer treatment and research.

688 2. Twenty percent shall be distributed to No Kid Should  
689 Know Cancer, Inc., a nonprofit corporation under s. 501(c)(3) of  
690 the Internal Revenue Code, which may use up to 5 percent of the  
691 proceeds for administrative costs and for the marketing of the  
692 plate. The balance of the fees shall be used by No Kid Should  
693 Know Cancer, Inc., to:

694 a. Support families who have a child recently diagnosed  
695 with cancer;

696 b. Hold events that raise awareness about childhood cancer;  
697 and

698 c. Support clinical trials that work to provide better  
699 treatment plans for children diagnosed with cancer and,  
700 ultimately, a better prognosis.

701 (86) UNIVERSITY OF ALABAMA LICENSE PLATES.-

702 (a) The department shall develop a University of Alabama  
703 license plate as provided in this section and s. 320.08053. The  
704 plate must bear the colors and design approved by the  
705 department. The word "Florida" must appear at the top of the  
706 plate, and the words "Roll Tide" must appear at the bottom of



647456

707 the plate.

708 (b) The annual use fees from the sale of the plate shall be  
709 distributed to the Pensacola Bama Club, which must use the  
710 proceeds for the purpose of awarding scholarships to Florida  
711 residents attending the University of Alabama. The proceeds must  
712 be deposited in the endowment required in s. 320.08056(12).  
713 Students receiving these scholarships must be eligible for the  
714 Florida Bright Futures Scholarship Program pursuant to s.  
715 1009.531 and shall use the scholarship funds for tuition and  
716 other expenses related to attending the University of Alabama.

717 (87) ROTARY LICENSE PLATES.—

718 (a) The department shall develop a Rotary license plate as  
719 provided in this section and s. 320.08053. The plate must bear  
720 the colors and design approved by the department. The word  
721 “Florida” must appear at the top of the plate, and the word  
722 “Rotary” must appear on the bottom of the plate. The license  
723 plate must bear the Rotary International wheel emblem.

724 (b) The annual use fees shall be distributed to the  
725 Community Foundation of Tampa Bay, Inc., to be used as follows:

726 1. Up to 10 percent may be used for administrative costs  
727 and for marketing of the plate.

728 2. Ten percent shall be distributed to Rotary’s Camp  
729 Florida for direct support to all programs and services provided  
730 to children with special needs who attend the camp.

731 3. The remainder shall be distributed, proportionally based  
732 on sales, to each Rotary district in the state in support of  
733 Rotary youth programs in Florida.

734 (88) FLORIDA BAY FOREVER LICENSE PLATES.—

735 (a) The department shall develop a Florida Bay Forever



647456

736 license plate as provided in this section and s. 320.08053. The  
737 plate must bear the colors and design approved by the  
738 department. The word "Florida" must appear at the top of the  
739 plate, and the words "Florida Bay Forever" must appear at the  
740 bottom of the plate.

741 (b) The annual use fees from the sale of the plate shall be  
742 distributed to the Florida National Park Association, Inc.,  
743 which may use up to 10 percent of the proceeds for  
744 administrative costs and marketing of the plate. The remainder  
745 of the funds shall be used to supplement the Everglades National  
746 Park's budgets and to support educational, interpretive,  
747 historical, and scientific research relating to the Everglades  
748 National Park.

749 (89) BONEFISH AND TARPON TRUST LICENSE PLATES.—

750 (a) The department shall develop a Bonefish and Tarpon  
751 Trust license plate as provided in this section and s.  
752 320.08053. The plate must bear the colors and design approved by  
753 the department. The word "Florida" must appear at the top of the  
754 plate, and the words "Bonefish and Tarpon Trust" must appear at  
755 the bottom of the plate.

756 (b) The annual use fees from the sale of the plate shall be  
757 distributed to the Bonefish and Tarpon Trust, which may use up  
758 to 10 percent of the proceeds to promote and market the license  
759 plate. The remainder of the proceeds shall be used to conserve  
760 and enhance Florida bonefish and tarpon fisheries and their  
761 respective environments through stewardship, research,  
762 education, and advocacy.

763 (90) MEDICAL PROFESSIONALS WHO CARE LICENSE PLATES.—

764 (a) The department shall develop a Medical Professionals



647456

765 Who Care license plate as provided in this section and s.  
766 320.08053. The plate must bear the colors and design approved by  
767 the department. The word "Florida" must appear at the top of the  
768 plate, and the words "Medical Professionals Who Care" must  
769 appear at the bottom of the plate.

770 (b) The annual use fees from the sale of the plate shall be  
771 distributed to Florida Benevolent Group, Inc., a Florida  
772 nonprofit corporation, which may use up to 10 percent of such  
773 fees for administrative costs, marketing, and promotion of the  
774 plate. The remainder of the revenues shall be used by Florida  
775 Benevolent Group, Inc., to assist low-income individuals in  
776 obtaining a medical education and career through scholarships,  
777 support, and guidance.

778 (91) UNIVERSITY OF GEORGIA LICENSE PLATES.-

779 (a) The department shall develop a University of Georgia  
780 license plate as provided in this section and s. 320.08053. The  
781 plate must bear the colors and design approved by the  
782 department. The word "Florida" must appear at the top of the  
783 plate, and the words "The University of Georgia" must appear at  
784 the bottom of the plate.

785 (b) The annual use fees from the sale of the plate shall be  
786 distributed to the Georgia Bulldog Club of Jacksonville, which  
787 must use the proceeds for the purpose of awarding scholarships  
788 to Florida residents attending the University of Georgia. The  
789 proceeds must be deposited in the endowment required in s.  
790 320.08056(12). Students receiving these scholarships must be  
791 eligible for the Florida Bright Futures Scholarship Program  
792 pursuant to s. 1009.531 and shall use the scholarship funds for  
793 tuition and other expenses related to attending the University



647456

794 of Georgia.

795 (92) HIGHWAYMEN LICENSE PLATES.—

796 (a) The department shall develop a Highwaymen license plate  
797 as provided in this section and s. 320.08053. The plate must  
798 bear the colors and design approved by the department. The word  
799 “Florida” must appear at the top of the plate, and the word  
800 “Highwaymen” must appear at the bottom of the plate.

801 (b) The annual use fees shall be distributed to the City of  
802 Fort Pierce, subject to a city resolution designating the city  
803 as the fiscal agent of the license plate. The city may use up to  
804 10 percent of the fees for administrative costs and marketing of  
805 the plate and shall use the remainder of the fees as follows:

806 1. Before completion of construction of the Highwaymen  
807 Museum and African-American Cultural Center, the city shall  
808 distribute at least 15 percent to the St. Lucie Education  
809 Foundation, Inc., to fund art education and art projects in  
810 public schools within St. Lucie County. The remainder of the  
811 fees shall be used by the city to fund the construction of the  
812 Highwaymen Museum and African-American Cultural Center.

813 2. Upon completion of construction of the Highwaymen Museum  
814 and African-American Cultural Center, the city shall distribute  
815 at least 10 percent to the St. Lucie Education Foundation, Inc.,  
816 to fund art education and art projects in public schools within  
817 St. Lucie County. The remainder of the fees shall be used by the  
818 city to fund the day-to-day operations of the Highwaymen Museum  
819 and African-American Cultural Center.

820 (93) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—

821 (a) The department shall develop an Orlando City Soccer  
822 Club license plate as provided in paragraph (9) (a).



647456

823 (b) The annual use fees from the sale of the plate shall be  
824 distributed and used as provided in paragraph (9) (b) .

825 (94) COASTAL CONSERVATION ASSOCIATION LICENSE PLATES.—

826 (a) The department shall develop a Coastal Conservation  
827 Association license plate as provided in this section and s.  
828 320.08053. The plate must bear the colors and design approved by  
829 the department. The word "Florida" must appear at the top of the  
830 plate, and the words "Conserve Florida's Fisheries" must appear  
831 at the bottom of the plate.

832 (b) The annual use fees from the sale of the plate shall be  
833 distributed to Coastal Conservation Association Florida, a  
834 nonprofit corporation under s. 501(c) (3) of the Internal Revenue  
835 Code, to be used as follows:

836 1. Up to 10 percent of the proceeds may be used for  
837 administrative costs.

838 2. Up to 10 percent of the proceeds may be used to promote  
839 and market the plate.

840 3. The remainder of the proceeds shall be used to support  
841 the mission and efforts of Coastal Conservation Association  
842 Florida for habitat enhancement and restoration, saltwater  
843 fisheries conservation, and education; to advise the public on  
844 the conservation of marine resources; and to promote and enhance  
845 the present and future availability of those coastal resources  
846 for the benefit and enjoyment of the general public.

847 (95) BLUE ANGELS LICENSE PLATES.—

848 (a) The department shall develop a Blue Angels license  
849 plate as provided in this section and s. 320.08053. The plate  
850 must bear the colors and design approved by the department. The  
851 word "Florida" must appear at the top of the plate, and the





647456

852 words "Home of the Blue Angels" must appear at the bottom of the  
853 plate.

854 (b) The annual use fees from the sale of the plate shall be  
855 distributed to the Naval Aviation Museum Foundation, a nonprofit  
856 Florida corporation under s. 501(c)(3) of the Internal Revenue  
857 Code, to fund the maintenance, programs, marketing, and projects  
858 of the foundation, including the National Naval Aviation Museum  
859 and the National Flight Academy in Pensacola. Up to 15 percent  
860 of the funds received by the Naval Aviation Museum Foundation  
861 may be used for marketing of the plate and costs directly  
862 associated with the administration of the foundation. The Naval  
863 Aviation Museum Foundation shall distribute 50 percent of the  
864 funds to eligible programs and projects associated with the  
865 National Flight Academy and the remainder of the funds to  
866 eligible programs and projects associated with the National  
867 Naval Aviation Museum.

868 (96) PALM BEACH ZOO AND CONSERVATION SOCIETY LICENSE  
869 PLATES.-

870 (a) The department shall develop a Palm Beach Zoo and  
871 Conservation Society license plate as provided in this section  
872 and s. 320.08053. Palm Beach Zoo and Conservation Society  
873 license plates must bear the colors and design approved by the  
874 department. The word "Florida" must appear at the top of the  
875 plate, and the words "Palm Beach Zoo and Conservation Society"  
876 must appear at the bottom of the plate.

877 (b) The license plate annual use fees shall be distributed  
878 to the Palm Beach Zoo and Conservation Society to fund  
879 educational programs for students in pre-K through grade 12,  
880 conservation projects to protect endangered or threatened



647456

881 species, and services for the health and welfare of animals in  
882 the zoo's care. The Palm Beach Zoo and Conservation Society may  
883 retain all revenue from the annual use fees until all startup  
884 costs for developing and establishing the plate have been  
885 recovered. Thereafter, up to 10 percent of the annual use fee  
886 revenue may be used for promotion and marketing of the specialty  
887 license plate and administrative costs directly associated with  
888 the programs of the society and the specialty license plate.

889 (97) ETHICAL ECOTOURISM LICENSE PLATES.—

890 (a) The department shall develop an Ethical Ecotourism  
891 license plate as provided in this section and s. 320.08053. The  
892 word "Florida" must appear at the top of the plate, and words  
893 that are approved by the department must appear at the bottom of  
894 the plate.

895 (b) The annual use fees from the sale of the plate must be  
896 distributed equally between the Florida Society for Ethical  
897 Ecotourism and Paddle Florida, Inc., each of which may use up to  
898 10 percent of such proceeds for administrative costs and the  
899 marketing of the plate. The remaining proceeds must be used by  
900 the Florida Society for Ethical Ecotourism to provide  
901 environmental education and awareness that encourage behaviors  
902 that contribute to the sustainability of Florida's natural  
903 ecosystems and resources, and by Paddle Florida, Inc., to raise  
904 awareness about water conservation, wildlife preservation,  
905 restoration of springs, and protection of waterways in this  
906 state.

907 (98) KNIGHTS OF COLUMBUS LICENSE PLATES.—

908 (a) The department shall develop a Knights of Columbus  
909 license plate as provided in this section and s. 320.08053. The



647456

910 plate must bear the colors and design approved by the  
911 department. The word "Florida" must appear at the top of the  
912 plate, and the words "In God We Trust" must appear at the bottom  
913 of the plate.

914 (b) The license plate annual use fees shall be distributed  
915 to Florida K of C Charities, Inc., which may use a maximum of 10  
916 percent of the proceeds to promote and market the plate. The  
917 remainder of the proceeds shall be used by Florida K of C  
918 Charities, Inc., a Knights of Columbus organization under s.  
919 501(c)(3) of the Internal Revenue Code, to fund its charitable  
920 activities, including, but not limited to, the Christian Refugee  
921 Relief Fund, disaster relief, Ultrasound Initiative, Food for  
922 Families, and Coats for Kids.

923 (99) DAUGHTERS OF THE AMERICAN REVOLUTION LICENSE PLATES.-

924 (a) The department shall develop a Daughters of the  
925 American Revolution license plate as provided in this section  
926 and s. 320.08053. The plate must bear the colors and design  
927 approved by the department. The word "Florida" must appear at  
928 the top of the plate, and the word "Daughters of the American  
929 Revolution" must appear at the bottom of the plate.

930 (b) The annual use fees from the sale of the plate shall be  
931 distributed to the Daughters of the American Revolution, a  
932 nonprofit organization under s. 501(c)(3) of the Internal  
933 Revenue Code. Up to 10 percent of the proceeds may be used for  
934 the promotion and marketing of the plate. The remainder of the  
935 proceeds shall be used within this state by the Daughters of the  
936 American Revolution, a nonpolitical volunteer women's service  
937 organization, to promote patriotism, preserve American history,  
938 and secure America's future through educational programs for



647456

939 local public and private K-12 students and scholarships and  
940 other educational funding for underprivileged children.

941 (100) GUARDIAN AD LITEM LICENSE PLATES.—

942 (a) The department shall develop a Guardian Ad Litem  
943 license plate as provided in this section and s. 320.08053. The  
944 plate must bear the colors and design approved by the  
945 department. The word "Florida" must appear at the top of the  
946 plate, and the words "Heartfelt Child Advocacy" must appear at  
947 the bottom of the plate.

948 (b) The annual use fees from the sale of the plate shall be  
949 distributed to the Florida Guardian Ad Litem Foundation, Inc., a  
950 direct-support organization and a nonprofit corporation under s.  
951 501(c) (3) of the Internal Revenue Code. Up to 10 percent of the  
952 proceeds may be used for administrative costs and the marketing  
953 of the plate. The remainder of the proceeds must be used in this  
954 state to support the mission and efforts of the statewide  
955 Guardian Ad Litem Program to recruit and retain volunteer child  
956 advocates, meet the unique needs of dependent children, and  
957 promote awareness of the mission.

958 (101) JUMBO SHRIMP LICENSE PLATES.—

959 (a) The department shall develop a Jumbo Shrimp license  
960 plate as provided in this section and s. 320.08053. The plate  
961 must bear the colors and design approved by the department. The  
962 word "Florida" must appear at the top of the plate, and the word  
963 "Jumbo Shrimp" must appear at the bottom of the plate.

964 (b) The annual use fees from the sale of the plate shall be  
965 distributed to St. Johns Riverkeeper, a nonprofit organization  
966 under s. 501(c) (3) of the Internal Revenue Code. Up to 10  
967 percent of the proceeds may be used for the promotion and



647456

968 marketing of the plate. The remainder of the proceeds shall be  
969 used by St. Johns Riverkeeper for programs and activities  
970 related to fulfilling its mission to protect and restore the  
971 health of the St. Johns River.

972 (102) OMEGA PSI PHI FRATERNITY LICENSE PLATES.—

973 (a) The department shall develop an Omega Psi Phi  
974 Fraternity license plate as provided in this section and s.  
975 320.08053. The plate must bear the colors and design approved by  
976 the department. The word "Florida" must appear at the top of the  
977 plate, and the words "Omega Psi Phi" must appear at the bottom  
978 of the plate.

979 (b) The annual use fees from the sale of the plate shall be  
980 distributed to the State of Florida Omega Friendship Foundation,  
981 Inc., to be used as follows:

982 1. Five percent shall be used solely for marketing of the  
983 Omega Psi Phi Fraternity license plate.

984 2. Ninety-five percent shall be used for college  
985 scholarships for Florida residents attending historically black  
986 colleges and universities in this state.

987 (103) DELTA SIGMA THETA SORORITY LICENSE PLATES.—

988 (a) The department shall develop a Delta Sigma Theta  
989 Sorority license plate as provided in this section and s.  
990 320.08053. The plate must bear the colors and design approved by  
991 the department. The word "Florida" must appear at the top of the  
992 plate, and the words "Delta Sigma Theta" must appear at the  
993 bottom of the plate.

994 (b) The annual use fees from the sale of the plate shall be  
995 distributed to the Delta Research and Educational Foundation,  
996 Inc., to be used as follows:



647456

997 1. Five percent shall be used solely for marketing of the  
998 Delta Sigma Theta Sorority license plate.

999 2. Ninety-five percent shall be used for college  
1000 scholarships for Florida residents attending historically black  
1001 colleges and universities in this state.

1002 (104) SIGMA GAMMA RHO SORORITY LICENSE PLATES.-

1003 (a) The department shall develop a Sigma Gamma Rho Sorority  
1004 license plate as provided in this section and s. 320.08053. The  
1005 plate must bear the colors and design approved by the  
1006 department. The word "Florida" must appear at the top of the  
1007 plate, and the words "Sigma Gamma Rho" must appear at the bottom  
1008 of the plate.

1009 (b) The annual use fees from the sale of the plate shall be  
1010 distributed to the Department of Education to be used for the  
1011 Mary McLeod Bethune Scholarship Program in accordance with s.  
1012 1009.73.

1013 (105) KAPPA ALPHA PSI FRATERNITY LICENSE PLATES.-

1014 (a) The department shall develop a Kappa Alpha Psi  
1015 Fraternity license plate as provided in this section and s.  
1016 320.08053. The plate must bear the colors and design approved by  
1017 the department. The word "Florida" must appear at the top of the  
1018 plate, and the words "Kappa Alpha Psi" must appear at the bottom  
1019 of the plate.

1020 (b) The annual use fees from the sale of the plate shall be  
1021 distributed to the Southern Province of Kappa Alpha Psi  
1022 Foundation, Inc., to be used as follows:

1023 1. Five percent shall be used solely for marketing of the  
1024 Kappa Alpha Psi Fraternity license plate.

1025 2. Ninety-five percent shall be used for college



647456

1026 scholarships for Florida residents attending historically black  
1027 colleges and universities in this state.

1028 (106) ALPHA KAPPA ALPHA SORORITY LICENSE PLATES.—

1029 (a) The department shall develop an Alpha Kappa Alpha  
1030 Sorority license plate as provided in this section and s.

1031 320.08053. The plate must bear the colors and design approved by  
1032 the department. The word "Florida" must appear at the top of the  
1033 plate, and the words "Alpha Kappa Alpha" must appear at the  
1034 bottom of the plate.

1035 (b) The annual use fees from the sale of the plate shall be  
1036 distributed to the Alpha Kappa Alpha Educational Advancement  
1037 Foundation, Inc., to be used as follows:

1038 1. Five percent shall be used solely for marketing of the  
1039 Alpha Kappa Alpha Sorority license plate.

1040 2. Ninety-five percent shall be used for college  
1041 scholarships for Florida residents attending historically black  
1042 colleges and universities in this state.

1043 (107) ALPHA PHI ALPHA FRATERNITY LICENSE PLATES.—

1044 (a) The department shall develop an Alpha Phi Alpha  
1045 Fraternity license plate as provided in this section and s.

1046 320.08053. The plate must bear the colors and design approved by  
1047 the department. The word "Florida" must appear at the top of the  
1048 plate, and the words "Alpha Phi Alpha" must appear at the bottom  
1049 of the plate.

1050 (b) The annual use fees from the sale of the plate shall be  
1051 distributed to the JC Rawls - FFAC Foundation, Inc., to be used  
1052 as follows:

1053 1. Five percent shall be used solely for marketing of the  
1054 Alpha Phi Alpha Fraternity license plate.



647456

1055 2. Ninety-five percent shall be used for college  
1056 scholarships for Florida residents attending historically black  
1057 colleges and universities in this state.

1058 (108) ZETA PHI BETA SORORITY LICENSE PLATES.—

1059 (a) The department shall develop a Zeta Phi Beta Sorority  
1060 license plate as provided in this section and s. 320.08053. The  
1061 plate must bear the colors and design approved by the  
1062 department. The word "Florida" must appear at the top of the  
1063 plate, and the words "Zeta Phi Beta" must appear at the bottom  
1064 of the plate.

1065 (b) The annual use fees from the sale of the plate shall be  
1066 distributed to the Department of Education to be used for the  
1067 Mary McLeod Bethune Scholarship Program in accordance with s.  
1068 1009.73.

1069 (109) PHI BETA SIGMA FRATERNITY LICENSE PLATES.—

1070 (a) The department shall develop a Phi Beta Sigma  
1071 Fraternity license plate as provided in this section and s.  
1072 320.08053. The plate must bear the colors and design approved by  
1073 the department. The word "Florida" must appear at the top of the  
1074 plate, and the words "Phi Beta Sigma" must appear at the bottom  
1075 of the plate.

1076 (b) The annual use fees from the sale of the plate shall be  
1077 distributed to the Department of Education to be used for the  
1078 Mary McLeod Bethune Scholarship Program in accordance with s.  
1079 1009.73.

1080 (110) IOTA PHI THETA FRATERNITY LICENSE PLATES.—

1081 (a) The department shall develop an Iota Phi Theta  
1082 Fraternity license plate as provided in this section and s.  
1083 320.08053. The plate must bear the colors and design approved by





647456

1084 the department. The word "Florida" must appear at the top of the  
1085 plate, and the words "Iota Phi Theta" must appear at the bottom  
1086 of the plate.

1087 (b) The annual use fees from the sale of the plate shall be  
1088 distributed to the Department of Education to be used for the  
1089 Mary McLeod Bethune Scholarship Program in accordance with s.  
1090 1009.73.

1091 (111) GOPHER TORTOISE LICENSE PLATES.-

1092 (a) The department shall develop a Gopher Tortoise license  
1093 plate as provided in this section and s. 320.08053. The plate  
1094 must bear the colors and design approved by the department. The  
1095 word "Florida" must appear at the top of the plate, and the  
1096 words "Protect the Gopher Tortoise" must appear at the bottom of  
1097 the plate.

1098 (b) The annual use fees from the sale of the plate shall be  
1099 distributed to Wildlands Conservation, Inc., a nonprofit  
1100 corporation under s. 501(c)(3) of the Internal Revenue Code, to  
1101 fund gopher tortoise and commensal species research, education,  
1102 and conservation, as well as upland habitat protection,  
1103 restoration, and management in this state. Up to 15 percent of  
1104 the funds received by Wildlands Conservation, Inc., may be used  
1105 for marketing of the plate and costs directly associated with  
1106 the administration of the gopher tortoise protection program.  
1107 Wildlands Conservation, Inc., shall use and distribute the funds  
1108 to eligible Florida-based scientific, conservation, and  
1109 educational organizations for gopher tortoise and upland habitat  
1110 research, conservation, and management.

1111 (112) TREAD LIGHTLY OFF ROAD FLORIDA LICENSE PLATES.-

1112 (a) The department shall develop a Tread Lightly Off Road



647456

1113 Florida license plate as provided in this section and s.  
1114 320.08053. The plate must bear the colors and design approved by  
1115 the department. The word "Florida" must appear at the top of the  
1116 plate, and the words "Tread Lightly" must appear at the bottom  
1117 of the plate.

1118 (b) The annual use fees from the sale of the plate shall be  
1119 distributed to the Florida Off Road Foundation, Inc., a  
1120 nonprofit corporation under s. 501(c)(3) of the Internal Revenue  
1121 Code. Up to 10 percent of the funds may be used for marketing of  
1122 the plate, costs directly associated with creation of the plate,  
1123 and administrative costs related to distribution of proceeds,  
1124 including annual audit services and compliance affidavit costs.  
1125 The remainder of the funds shall be used by the Florida Off Road  
1126 Foundation, Inc., to fund qualified nonprofit organizations that  
1127 protect and preserve Florida's natural off-road habitat; educate  
1128 Floridians about responsible use of the off-road environment;  
1129 support civilian volunteer programs to promote the use of off-  
1130 road vehicles to assist law enforcement in situations such as  
1131 search and rescue; support organized cleanups, trail  
1132 maintenance, and restoration; or preserve Florida's off-road  
1133 culture.

1134 (113) ORLANDO UNITED LICENSE PLATES.—

1135 (a) The department shall develop an Orlando United license  
1136 plate as provided in this section and s. 320.08053. The plate  
1137 must bear the colors and design approved by the department. The  
1138 word "Florida" must appear at the top of the plate, and the  
1139 words "Orlando United" must appear at the bottom of the plate.

1140 (b) The annual use fees from the sale of the plate shall be  
1141 distributed as follows:



647456

1142 1. Five percent shall be distributed to the Mental Health  
1143 Association of Central Florida, Inc., to be used for marketing  
1144 of the license plate.

1145 2. Thirty-one percent shall be distributed to the Mental  
1146 Health Association of Central Florida, Inc. Of this amount, up  
1147 to 5 percent may be used for administrative expenses, and the  
1148 remainder shall be used to offer free personalized counseling to  
1149 any person affected by the shooting at the Pulse nightclub in  
1150 Orlando on June 12, 2016.

1151 3. Two percent shall be distributed to onePULSE Foundation,  
1152 a charitable, nonprofit organization under s. 501(c)(3) of the  
1153 Internal Revenue Code, to be used for marketing of the license  
1154 plate.

1155 4. Thirty-one percent shall be distributed to onePULSE  
1156 Foundation. Of this amount, up to 5 percent may be used for  
1157 administrative expenses, and the remainder shall be used to  
1158 support the construction and maintenance of the onePULSE  
1159 Foundation Memorial.

1160 5. Thirty-one percent shall be distributed to Two Spirit  
1161 Health Services, Inc. Of this amount, up to 5 percent may be  
1162 used for administrative expenses, and the remainder shall be  
1163 used to offer free personalized counseling to any person  
1164 affected by the shooting at the Pulse nightclub in Orlando on  
1165 June 12, 2016.

1166 (114) FLORIDA NATIVE LICENSE PLATES.-

1167 (a) The department shall develop a Florida Native license  
1168 plate as provided in this section and s. 320.08053. The word  
1169 "Florida" must appear at the top of the plate, and the word  
1170 "Native" must appear at the bottom of the plate. The plate must



647456

1171 contain a camouflage background including leaves, flowers, or  
1172 fronds of a minimum of 12 different Florida native plants.

1173 (b)1. The department shall retain all annual use fees from  
1174 the sale of the plate until all startup costs for developing and  
1175 issuing the plate have been recovered.

1176 2. Thereafter, the annual use fees from the sale of the  
1177 plate shall be distributed to the Florida Native Plant Society,  
1178 Inc., a Florida nonprofit corporation, which may use a maximum  
1179 of 10 percent of such fees for administrative costs and to  
1180 market and promote the plate. The balance of the fees shall be  
1181 used by the Florida Native Plant Society, Inc., to fulfill its  
1182 mission. A minimum of 25 percent is dedicated to maintaining,  
1183 improving, or restoring public native species and hunting and  
1184 fishing habitats. Twenty-five percent is dedicated to promote  
1185 the cultivation of Florida's agricultural products through the  
1186 preservation of native noncrop plants in order to provide  
1187 habitats for pollinators and natural enemies to plant pests and  
1188 to provide pollen, nectar, and undisturbed habitats for bee  
1189 nesting throughout the growing season.

1190 (115) AMERICAN FOUNDATION FOR SUICIDE PREVENTION LICENSE  
1191 PLATES.—

1192 (a) The Department of Highway Safety and Motor Vehicles  
1193 shall develop an American Foundation for Suicide Prevention  
1194 license plate as provided in this section and s. 320.08053. The  
1195 plate must be designed to include the logo of the American  
1196 Foundation for Suicide Prevention in the center of the plate,  
1197 with the license plate number having three characters to the  
1198 left of the logo and three characters to the right of the logo.  
1199 The words "American Foundation for Suicide Prevention" must



647456

1200 appear at the bottom of the plate under the license plate number  
1201 and logo. The word "Florida" must appear at the top of the  
1202 plate. All words and numbers must be in white. The logo itself  
1203 must appear in blue and white. The background of the license  
1204 plate must be blue with thick broken portions of concentric  
1205 circles in pastel red, yellow, green, and blue colors spreading  
1206 out across the license plate.

1207 (b) The department shall retain all annual use fees from  
1208 the sale of such plates until all startup costs for developing  
1209 and issuing the plates have been recovered. Thereafter, the  
1210 annual use fees from the sale of the plates must be distributed  
1211 to the Central Florida Chapter of the American Foundation for  
1212 Suicide Prevention, together with statistics on sales of the  
1213 license plates which are tabulated by county. The Central  
1214 Florida Chapter shall distribute the fees received among all of  
1215 the Florida chapters of the American Foundation for Suicide  
1216 Prevention, based upon the number of plates sold in counties  
1217 within their respective jurisdictions. Each chapter may use 10  
1218 percent of the fees distributed to it for administrative costs  
1219 and the marketing of the plate and must use the balance of the  
1220 fees distributed to it within its jurisdiction to prevent  
1221 suicide through awareness, research, and education, and to help  
1222 survivors heal with guidance and support.

1223 (116) THANK A LINEMAN LICENSE PLATES.-

1224 (a) The department shall develop a Thank a Lineman license  
1225 plate as provided in this section and s. 320.08053. The plate  
1226 must bear the colors and design approved by the department. The  
1227 word "Florida" must appear at the top of the plate, and the  
1228 words "Thank a Lineman" must appear at the bottom of the plate.



647456

1229           (b) The annual use fees from the sale of the plate shall be  
1230 distributed to the Lake-Sumter State College Foundation, Inc., a  
1231 nonprofit Florida corporation under s. 501(c)(3) of the Internal  
1232 Revenue Code, to fund scholarships for students of the  
1233 Electrical Distribution Technology Program at Lake-Sumter State  
1234 College. Up to 10 percent of the funds received by the Lake-  
1235 Sumter State College Foundation, Inc., may be used for marketing  
1236 of the plate and costs directly associated with administration  
1237 of the foundation.

1238           Section 8. Subsection (1) and paragraph (c) of subsection  
1239 (2) of section 320.08062, Florida Statutes, are amended to read:

1240           320.08062 Audits and attestations required; annual use fees  
1241 of specialty license plates.-

1242           (1) (a) All organizations that receive annual use fee  
1243 proceeds from the department are responsible for ensuring that  
1244 the organization meets all requirements of, and that proceeds  
1245 are used in accordance with, ss. 320.08056 and 320.08058.

1246           (b) Any organization not subject to audit pursuant to s.  
1247 215.97 shall annually attest, under penalties of perjury, that  
1248 the organization meets all requirements of, and that such  
1249 proceeds were used in compliance with, ss. 320.08056 and  
1250 320.08058. The attestation shall be made annually in a form and  
1251 format determined by the department. In addition, the department  
1252 shall audit any such organization every 3 years to ensure that  
1253 proceeds have been used in compliance with ss. 320.08056 and  
1254 320.08058.

1255           (c) Any organization subject to audit pursuant to s. 215.97  
1256 shall submit an audit report in accordance with rules  
1257 promulgated by the Auditor General. The organization shall



647456

1258 attest that it meets all requirements of ss. 320.08056 and  
1259 320.08058. The annual attestation shall be submitted to the  
1260 department for review within 9 months after the end of the  
1261 organization's fiscal year.

1262 (2)

1263 (c) If the department or its designee determines that an  
1264 organization has not complied or has failed to meet the  
1265 requirements of or use the revenues in accordance with ss.  
1266 320.08056 and 320.08058, the department must discontinue the  
1267 distribution of the revenues to the organization. The department  
1268 shall notify the organization of its findings and direct the  
1269 organization to make the changes necessary in order to comply  
1270 with this chapter. If the officers of the organization sign an  
1271 affidavit under penalties of perjury stating that they  
1272 acknowledge the findings of the department and attest that they  
1273 have taken corrective action and that the organization will  
1274 submit to a followup review by the department, the department  
1275 may resume the distribution of revenues.

1276 Section 9. Paragraph (b) of subsection (4) of section  
1277 320.08068, Florida Statutes, is amended to read:

1278 320.08068 Motorcycle specialty license plates.—

1279 (4) A license plate annual use fee of \$20 shall be  
1280 collected for each motorcycle specialty license plate. Annual  
1281 use fees shall be distributed as follows:

1282 (b) Twenty percent to Preserve Vision ~~Prevent Blindness~~  
1283 Florida.

1284 Section 10. Section 320.0875, Florida Statutes, is created  
1285 to read:

1286 320.0875 Purple Heart special motorcycle license plate.—



647456

1287           (1) Upon application to the department and payment of the  
1288 license tax for the motorcycle as provided in s. 320.08, a  
1289 resident of this state who owns or leases a motorcycle that is  
1290 not used for hire or commercial use shall be issued a Purple  
1291 Heart special motorcycle license plate if he or she provides  
1292 documentation acceptable to the department that he or she is a  
1293 recipient of the Purple Heart medal.

1294           (2) The Purple Heart special motorcycle license plate must  
1295 be stamped with the term "Combat-wounded Veteran" followed by  
1296 the serial number of the license plate. The Purple Heart special  
1297 motorcycle license plate may have the term "Purple Heart"  
1298 stamped on the plate and the likeness of the Purple Heart medal  
1299 appearing on the plate.

1300           Section 11. Paragraph (a) of subsection (1) of section  
1301 320.089, Florida Statutes, is amended to read:

1302           320.089 Veterans of the United States Armed Forces; members  
1303 of National Guard; survivors of Pearl Harbor; Purple Heart medal  
1304 recipients; Bronze Star recipients; active or retired United  
1305 States Armed Forces reservists; Combat Infantry Badge, Combat  
1306 Medical Badge, or Combat Action Badge recipients; Combat Action  
1307 Ribbon recipients; Air Force Combat Action Medal recipients;  
1308 Distinguished Flying Cross recipients; former prisoners of war;  
1309 Korean War Veterans; Vietnam War Veterans; Operation Desert  
1310 Shield Veterans; Operation Desert Storm Veterans; Operation  
1311 Enduring Freedom Veterans; Operation Iraqi Freedom Veterans;  
1312 Women Veterans; World War II Veterans; and Navy Submariners;  
1313 special license plates; fee.—

1314           (1) (a) Each owner or lessee of an automobile or truck for  
1315 private use or recreational vehicle as specified in s.





647456

1316 320.08(9)(c) or (d), which is not used for hire or commercial  
1317 use, who is a resident of the state and a veteran of the United  
1318 States Armed Forces, a Woman Veteran, a World War II Veteran, a  
1319 Navy Submariner, an active or retired member of the Florida  
1320 National Guard, a survivor of the attack on Pearl Harbor, a  
1321 recipient of the Purple Heart medal, a recipient of the Bronze  
1322 Star, an active or retired member of any branch of the United  
1323 States Armed Forces Reserve, or a recipient of the Combat  
1324 Infantry Badge, Combat Medical Badge, Combat Action Badge,  
1325 Combat Action Ribbon, Air Force Combat Action Medal, or  
1326 Distinguished Flying Cross, upon application to the department,  
1327 accompanied by proof of release or discharge from any branch of  
1328 the United States Armed Forces, proof of active membership or  
1329 retired status in the Florida National Guard, proof of  
1330 membership in the Pearl Harbor Survivors Association or proof of  
1331 active military duty in Pearl Harbor on December 7, 1941, proof  
1332 of being a Purple Heart medal recipient, proof of being a Bronze  
1333 Star recipient, proof of active or retired membership in any  
1334 branch of the United States Armed Forces Reserve, or proof of  
1335 membership in the Combat Infantrymen's Association, Inc., proof  
1336 of being a recipient of the Combat Infantry Badge, Combat  
1337 Medical Badge, Combat Action Badge, Combat Action Ribbon, Air  
1338 Force Combat Action Medal, or Distinguished Flying Cross, and  
1339 upon payment of the license tax for the vehicle as provided in  
1340 s. 320.08, shall be issued a license plate as provided by s.  
1341 320.06 which, in lieu of the serial numbers prescribed by s.  
1342 320.06, is stamped with the words "Veteran," "Woman Veteran,"  
1343 "WWII Veteran," "Navy Submariner," "National Guard," "Pearl  
1344 Harbor Survivor," "Combat-wounded veteran," "Bronze Star," "U.S.



647456

1345 Reserve," "Combat Infantry Badge," "Combat Medical Badge,"  
1346 "Combat Action Badge," "Combat Action Ribbon," "Air Force Combat  
1347 Action Medal," or "Distinguished Flying Cross," as appropriate,  
1348 and a likeness of the related campaign medal or badge, followed  
1349 by the serial number of the license plate. Additionally, the  
1350 Purple Heart plate may have the words "Purple Heart" stamped on  
1351 the plate and the likeness of the Purple Heart medal appearing  
1352 on the plate.

1353       Section 12. By November 1, 2019, the annual use fees  
1354 withheld by the Department of Highway Safety and Motor Vehicles  
1355 from the sale of the Live the Dream specialty license plate  
1356 shall be used first to satisfy all outstanding royalty payments  
1357 due to the Martin Luther King, Jr., Center for Nonviolent Social  
1358 Change, Inc., for the use of the image of Dr. Martin Luther  
1359 King, Jr. All remaining funds shall be distributed to the  
1360 subrecipients on a pro rata basis according to the percentages  
1361 specified in s. 320.08058(47), Florida Statutes.

1362       Section 13. Except as otherwise expressly provided in this  
1363 act, this act shall take effect October 1, 2019, but only if SB  
1364 1106 or similar legislation takes effect, if such legislation is  
1365 adopted in the same legislative session or an extension thereof  
1366 and becomes a law.

1367  
1368 ===== T I T L E   A M E N D M E N T =====

1369 And the title is amended as follows:

1370       Delete everything before the enacting clause  
1371 and insert:

1372                               A bill to be entitled  
1373       An act relating to license plates; amending s. 320.06,



647456

1374 F.S.; providing an exception to a design requirement  
1375 for dealer license plates; amending s. 320.0657, F.S.;  
1376 providing an exception to a design requirement for  
1377 fleet license plates; authorizing fleet companies to  
1378 purchase specialty license plates in lieu of standard  
1379 fleet license plates; requiring fleet companies to be  
1380 responsible for certain costs; amending s. 320.08,  
1381 F.S.; authorizing dealers to purchase specialty  
1382 license plates in lieu of standard dealer license  
1383 plates; requiring dealers to be responsible for  
1384 certain costs; amending s. 320.08053, F.S.; revising  
1385 requirements for presale and issuance of specialty  
1386 license plates; amending s. 320.08056, F.S.; allowing  
1387 the Department of Highway Safety and Motor Vehicles to  
1388 authorize dealer and fleet specialty license plates;  
1389 providing requirements for such plates; making  
1390 technical changes; deleting fees relating to the  
1391 American Red Cross, Donate Organs-Pass It On, St.  
1392 Johns River, and Hispanic Achievers license plates to  
1393 conform to changes made by the act; revising  
1394 provisions for discontinuing issuance of a specialty  
1395 license plate; conforming cross-references;  
1396 prohibiting use fees received by any entity from being  
1397 used for certain purposes; requiring certain  
1398 organizations to establish endowments based in this  
1399 state for providing scholarships to Florida residents  
1400 and to provide documentation of consent to use certain  
1401 images; revising, as of a specified date, the  
1402 criteria, procedures, and exceptions under which the



647456

1403 department discontinues the issuance of an approved  
1404 specialty license plate; revising applicability;  
1405 amending s. 320.08058, F.S.; revising the design of  
1406 the Special Olympics Florida license plate; deleting  
1407 provisions requiring the department to develop the  
1408 American Red Cross license plate; revising the  
1409 authorized use of proceeds from the sale of the Live  
1410 the Dream license plate; deleting provisions requiring  
1411 the department to develop the Donate Organs-Pass It On  
1412 license plate; revising the design of the Lighthouse  
1413 Association license plate; revising the authorized use  
1414 of proceeds from the sale of the In God We Trust  
1415 license plate; deleting provisions requiring the  
1416 department to develop the St. Johns River and Hispanic  
1417 Achievers license plates; revising the distribution of  
1418 proceeds from the sale of the Fallen Law Enforcement  
1419 Officers license plate; requiring the department to  
1420 develop certain specialty license plates; providing  
1421 for distribution and use of fees collected from the  
1422 sale of such plates; amending s. 320.08062, F.S.;  
1423 requiring all organizations that receive annual use  
1424 fee proceeds from the department to be responsible for  
1425 ensuring that the organization meets specified  
1426 requirements; requiring the organizations to attest to  
1427 meeting such requirements under certain circumstances;  
1428 directing the department to audit certain  
1429 organizations that receive funds from the sale of  
1430 specialty license plates, subject to certain  
1431 requirements; requiring the department to discontinue



647456

1432 distribution of revenues to an organization if the  
1433 department or its designee has determined the  
1434 organization has failed to meet specified  
1435 requirements; amending s. 320.08068, F.S.; requiring  
1436 distribution of a specified percentage of motorcycle  
1437 specialty license plate annual use fees to Preserve  
1438 Vision Florida; creating s. 320.0875, F.S.; providing  
1439 for a special motorcycle license plate to be issued to  
1440 a recipient of the Purple Heart; providing  
1441 requirements for the plate; amending s. 320.089, F.S.;  
1442 providing for a special license plate to be issued to  
1443 a recipient of the Bronze Star; providing for  
1444 distribution of certain annual use fees withheld by  
1445 the department; providing contingent effective dates.



841850

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2019	.	
	.	
	.	
	.	

---

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Bean) recommended the following:

**Senate Amendment to Amendment (647456)**

Delete lines 124 - 129

and insert:

(b) If the Legislature has approved 200 or more specialty license plates, the department may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued pursuant to s. 320.08056(8) such that the number of plates being issued does not exceed 200. This paragraph does not apply to collegiate

By the Committee on Infrastructure and Security; and Senator  
Bean

596-03784-19

20191104c1

1 A bill to be entitled  
2 An act relating to license plates; amending s. 320.06,  
3 F.S.; providing an exception to a design requirement  
4 for dealer license plates; amending s. 320.0657, F.S.;  
5 providing an exception to a design requirement for  
6 fleet license plates; authorizing fleet companies to  
7 purchase specialty license plates in lieu of standard  
8 fleet license plates; requiring fleet companies to be  
9 responsible for certain costs; amending s. 320.08,  
10 F.S.; authorizing dealers to purchase specialty  
11 license plates in lieu of standard graphic dealer  
12 license plates; requiring dealers to be responsible  
13 for certain costs; amending s. 320.08053, F.S.;  
14 revising requirements for presale and issuance of  
15 specialty license plates; amending s. 320.08056, F.S.;  
16 allowing the Department of Highway Safety and Motor  
17 Vehicles to authorize dealer and fleet specialty  
18 license plates; providing requirements for such  
19 plates; making technical changes; deleting fees  
20 relating to the American Red Cross, Donate Organs-Pass  
21 It On, St. Johns River, and Hispanic Achievers license  
22 plates to conform to changes made by the act; revising  
23 provisions for discontinuing issuance of a specialty  
24 license plate; conforming cross-references;  
25 prohibiting use fees received by any entity from being  
26 used for certain purposes; requiring certain  
27 organizations to establish endowments based in this  
28 state for providing scholarships to Florida residents  
29 and to provide documentation of consent to use certain

Page 1 of 46

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

596-03784-19

20191104c1

30 images; revising, as of a specified date, the  
31 criteria, procedures, and exceptions under which the  
32 department discontinues the issuance of an approved  
33 specialty license plate; revising applicability;  
34 amending s. 320.08058, F.S.; revising the design of  
35 the Special Olympics Florida license plate; deleting  
36 provisions requiring the department to develop the  
37 American Red Cross license plate; revising the  
38 authorized use of proceeds from the sale of the Live  
39 the Dream license plate; deleting provisions requiring  
40 the department to develop the Donate Organs-Pass It On  
41 license plate; revising the design of the Lighthouse  
42 Association license plate; revising the authorized use  
43 of proceeds from the sale of the In God We Trust  
44 license plate; deleting provisions requiring the  
45 department to develop the St. Johns River and Hispanic  
46 Achievers license plate; revising the distribution of  
47 proceeds from the sale of the Fallen Law Enforcement  
48 Officers license plate; requiring the department to  
49 develop certain specialty license plates; providing  
50 for distribution and use of fees collected from the  
51 sale of such plates; amending s. 320.08062, F.S.;  
52 directing the department to audit certain  
53 organizations that receive funds from the sale of  
54 specialty license plates; amending s. 320.08068, F.S.;  
55 requiring distribution of a specified percentage of  
56 motorcycle specialty license plate annual use fees to  
57 Preserve Vision Florida; creating s. 320.0875, F.S.;  
58 providing for a special motorcycle license plate to be

Page 2 of 46

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

596-03784-19

20191104c1

59 issued to a recipient of the Purple Heart; providing  
60 requirements for the plate; amending s. 320.089, F.S.;  
61 providing for a special license plate to be issued to  
62 a recipient of the Bronze Star; providing for  
63 distribution of certain annual use fees withheld by  
64 the department; providing contingent effective dates.

65  
66 Be It Enacted by the Legislature of the State of Florida:

67  
68 Section 1. Paragraph (a) of subsection (3) of section  
69 320.06, Florida Statutes, is amended to read:

70 320.06 Registration certificates, license plates, and  
71 validation stickers generally.—

72 (3) (a) Registration license plates must be made of metal  
73 specially treated with a retroreflection material, as specified  
74 by the department. The registration license plate is designed to  
75 increase nighttime visibility and legibility and must be at  
76 least 6 inches wide and not less than 12 inches in length,  
77 unless a plate with reduced dimensions is deemed necessary by  
78 the department to accommodate motorcycles, mopeds, or similar  
79 smaller vehicles. Validation stickers must also be treated with  
80 a retroreflection material, must be of such size as specified by  
81 the department, and must adhere to the license plate. The  
82 registration license plate must be imprinted with a combination  
83 of bold letters and numerals or numerals, not to exceed seven  
84 digits, to identify the registration license plate number. The  
85 license plate must be imprinted with the word "Florida" at the  
86 top and the name of the county in which it is sold, the state  
87 motto, or the words "Sunshine State" at the bottom. Apportioned

Page 3 of 46

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

596-03784-19

20191104c1

88 license plates must have the word "Apportioned" at the bottom  
89 and license plates issued for vehicles taxed under s.  
90 320.08(3) (d), (4) (m) or (n), (5) (b) or (c), or (14) must have  
91 the word "Restricted" at the bottom. License plates issued for  
92 vehicles taxed under s. 320.08(12) must be imprinted with the  
93 word "Florida" at the top and the word "Dealer" at the bottom  
94 unless the license plate is a specialty license plate as  
95 authorized in s. 320.08056. Manufacturer license plates issued  
96 for vehicles taxed under s. 320.08(12) must be imprinted with  
97 the word "Florida" at the top and the word "Manufacturer" at the  
98 bottom. License plates issued for vehicles taxed under s.  
99 320.08(5) (d) or (e) must be imprinted with the word "Wrecker" at  
100 the bottom. Any county may, upon majority vote of the county  
101 commission, elect to have the county name removed from the  
102 license plates sold in that county. The state motto or the words  
103 "Sunshine State" shall be printed in lieu thereof. A license  
104 plate issued for a vehicle taxed under s. 320.08(6) may not be  
105 assigned a registration license number, or be issued with any  
106 other distinctive character or designation, that distinguishes  
107 the motor vehicle as a for-hire motor vehicle.

108 Section 2. Paragraph (b) of subsection (2) of section  
109 320.0657, Florida Statutes, is amended to read:

110 320.0657 Permanent registration; fleet license plates.—  
111 (2)

112 (b) The plates, which shall be of a distinctive color,  
113 shall have the word "Fleet" appearing at the bottom and the word  
114 "Florida" appearing at the top unless the license plate is a  
115 specialty license plate as authorized in s. 320.08056. The  
116 plates shall conform in all respects to the provisions of this

Page 4 of 46

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



596-03784-19 20191104c1

117 chapter, except as specified herein. For additional fees as set  
 118 forth in s. 320.08056, fleet companies may purchase specialty  
 119 license plates in lieu of the standard fleet license plates.  
 120 Fleet companies shall be responsible for all costs associated  
 121 with the specialty license plate, including all annual use fees,  
 122 processing fees, fees associated with switching license plate  
 123 types, and any other applicable fees.

124 Section 3. Subsection (12) of section 320.08, Florida  
 125 Statutes, is amended to read:

126 320.08 License taxes.—Except as otherwise provided herein,  
 127 there are hereby levied and imposed annual license taxes for the  
 128 operation of motor vehicles, mopeds, motorized bicycles as  
 129 defined in s. 316.003(4), tri-vehicles as defined in s. 316.003,  
 130 and mobile homes as defined in s. 320.01, which shall be paid to  
 131 and collected by the department or its agent upon the  
 132 registration or renewal of registration of the following:

133 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised  
 134 motor vehicle dealer, independent motor vehicle dealer, marine  
 135 boat trailer dealer, or mobile home dealer and manufacturer  
 136 license plate: \$17 flat, of which \$4.50 shall be deposited into  
 137 the General Revenue Fund. For additional fees as set forth in s.  
 138 320.08056, fleet companies may purchase specialty license plates  
 139 in lieu of the standard fleet license plates. Fleet companies  
 140 shall be responsible for all costs associated with the specialty  
 141 license plate, including all annual use fees, processing fees,  
 142 fees associated with switching license plate types, and any  
 143 other applicable fees.

144 Section 4. Section 320.08053, Florida Statutes, is amended  
 145 to read:

596-03784-19 20191104c1

146 320.08053 Establishment of Requirements for requests to  
 147 ~~establish~~ specialty license plates.—

148 (1) If a specialty license plate requested by an  
 149 organization is approved by law, the organization must submit  
 150 the proposed art design for the specialty license plate to the  
 151 department, in a medium prescribed by the department, as soon as  
 152 practicable, but no later than 60 days after the act approving  
 153 the specialty license plate becomes a law.

154 (2) (a) Within 120 days after ~~following~~ the specialty  
 155 license plate becomes ~~becoming~~ law, the department shall  
 156 establish a method to issue a specialty license plate voucher to  
 157 allow for the presale of the specialty license plate. The  
 158 processing fee as prescribed in s. 320.08056, the service charge  
 159 and branch fee as prescribed in s. 320.04, and the annual use  
 160 fee as prescribed in s. 320.08056 shall be charged for the  
 161 voucher. All other applicable fees shall be charged at the time  
 162 of issuance of the license plates.

163 (b) Within 24 months after the presale specialty license  
 164 plate voucher is established, the approved specialty license  
 165 plate organization must record with the department a minimum of  
 166 3,000 ~~1,000~~ voucher sales, or, in the case of an out-of-state  
 167 college or university license plate, 4,000 voucher sales, before  
 168 manufacture of the license plate may commence. If, at the  
 169 conclusion of the 24-month presale period, the minimum sales  
 170 requirement has ~~requirements have~~ not been met, the specialty  
 171 plate is deauthorized and the department shall discontinue  
 172 development of the plate and discontinue issuance of the presale  
 173 vouchers. Upon deauthorization of the license plate, a purchaser  
 174 of the license plate voucher may use the annual use fee

596-03784-19

20191104c1

175 collected as a credit towards any other specialty license plate  
176 or apply for a refund on a form prescribed by the department.

177 (3) (a) New specialty license plates that have been approved  
178 by law but are awaiting issuance under paragraph (b) must be  
179 issued in the order they appear in s. 320.08058 provided that  
180 they have met the presale requirement. All other provisions of  
181 this section must also be met before a plate is issued. If the  
182 next awaiting specialty license plate has not met the presale  
183 requirement, the department shall proceed in the order provided  
184 in s. 320.08058 to identify the next qualified specialty license  
185 plate that has met the presale requirement. The department shall  
186 cycle through the list in statutory order.

187 (b) If the Legislature has approved 125 or more specialty  
188 license plates, the department may not make any new specialty  
189 license plates available for design or issuance until a  
190 sufficient number of plates are discontinued pursuant to s.  
191 320.08056(8) such that the number of plates being issued does  
192 not exceed 125. This paragraph does not apply to collegiate  
193 license plates established under s. 320.08058(3).

194 Section 5. Present subsection (12) of section 320.08056,  
195 Florida Statutes, is redesignated as subsection (13), paragraphs  
196 (c) through (f) of subsection (8) and a new subsection (12) are  
197 added to that section, and subsections (2) and (4), paragraph  
198 (a) of subsection (10), and subsection (11) of that section are  
199 amended, to read:

200 320.08056 Specialty license plates.—

201 (2) (a) The department shall issue a specialty license plate  
202 to the owner or lessee of any motor vehicle, except a vehicle  
203 registered under the International Registration Plan, a

Page 7 of 46

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

596-03784-19

20191104c1

204 commercial truck required to display two license plates pursuant  
205 to s. 320.0706, or a truck tractor, upon request and payment of  
206 the appropriate license tax and fees.

207 (b) The department may authorize dealer and fleet specialty  
208 license plates. With the permission of the sponsoring specialty  
209 license plate organization, a dealer or fleet company may  
210 purchase specialty license plates to be used on dealer and fleet  
211 vehicles.

212 (c) Notwithstanding s. 320.08058, a dealer or fleet  
213 specialty license plate must include the letters "DLR" or "FLT"  
214 on the right side of the license plate. Dealer and fleet  
215 specialty license plates must be ordered directly through the  
216 department.

217 (4) The following license plate annual use fees shall be  
218 collected for the appropriate specialty license plates:

219 ~~(a) Manatee license plate, \$25.~~

220 ~~(b) Challenger/Columbia license plate, \$25, except that a~~  
221 ~~person who ~~that~~ purchases 1,000 or more of such license plates~~  
222 ~~shall pay an annual use fee of \$15 per plate.~~

223 ~~(c) Collegiate license plate, \$25.~~

224 ~~(d) Florida Salutes Veterans license plate, \$15.~~

225 ~~(e) Florida panther license plate, \$25.~~

226 ~~(f) Florida United States Olympic Committee license~~  
227 ~~plate, \$15.~~

228 ~~(g) Florida Special Olympics license plate, \$15.~~

229 ~~(h) Florida educational license plate, \$20.~~

230 ~~(i) Florida Professional Sports Team license plate, \$25.~~

231 ~~(j) Florida Indian River Lagoon license plate, \$15.~~

232 ~~(k) Invest in Children license plate, \$20.~~

Page 8 of 46

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

596-03784-19

20191104c1

233 (h)~~(l)~~ Florida arts license plate, \$20.  
 234 ~~(m) Bethune-Cookman University license plate, \$25.~~  
 235 (i)~~(n)~~ Florida Agricultural license plate, \$20.  
 236 (j)~~(o)~~ Police Athletic League license plate, \$20.  
 237 (k)~~(p)~~ Boy Scouts of America license plate, \$20.  
 238 ~~(q) Largemouth Bass license plate, \$25.~~  
 239 (l)~~(r)~~ Sea Turtle license plate, \$23.  
 240 (m)~~(s)~~ Protect Wild Dolphins license plate, \$20.  
 241 ~~(t) Barry University license plate, \$25.~~  
 242 (n)~~(u)~~ Everglades River of Grass license plate, \$20.  
 243 ~~(v) Keep Kids Drug-Free license plate, \$25.~~  
 244 ~~(w) Florida Sheriffs Youth Ranches license plate, \$25.~~  
 245 ~~(x) Conserve Wildlife license plate, \$25.~~  
 246 ~~(y) Florida Memorial University license plate, \$25.~~  
 247 (o)~~(z)~~ Tampa Bay Estuary license plate, \$15.  
 248 (p)~~(aa)~~ Florida Wildflower license plate, \$15.  
 249 (q)~~(bb)~~ United States Marine Corps license plate, \$15.  
 250 (r)~~(ee)~~ Choose Life license plate, \$20.  
 251 (s)~~(dd)~~ Share the Road license plate, \$15.  
 252 ~~(cc) American Red Cross license plate, \$25.~~  
 253 ~~(ff) United We Stand license plate, \$25.~~  
 254 ~~(gg) Breast Cancer Research license plate, \$25.~~  
 255 ~~(hh) Protect Florida Whales license plate, \$25.~~  
 256 ~~(ii) Florida Golf license plate, \$25.~~  
 257 (t)~~(jj)~~ Florida Firefighters license plate, \$20.  
 258 (u)~~(kk)~~ Police Benevolent Association license plate, \$20.  
 259 (v)~~(ll)~~ Military Services license plate, \$15.  
 260 ~~(mm) Protect Our Reefs license plate, \$25.~~  
 261 (w)~~(nn)~~ Fish Florida license plate, \$22.

Page 9 of 46

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

596-03784-19

20191104c1

262 ~~(oo) Child Abuse Prevention and Intervention license plate,~~  
 263 ~~\$25.~~  
 264 ~~(pp) Hospice license plate, \$25.~~  
 265 ~~(qq) Stop Heart Disease license plate, \$25.~~  
 266 (x)~~(rr)~~ Save Our Seas license plate, \$25, except that for  
 267 an owner purchasing the specialty license plate for more than 10  
 268 vehicles registered to that owner, the annual use fee shall be  
 269 \$10 per plate.  
 270 (y)~~(ss)~~ Aquaculture license plate, \$25, except that for an  
 271 owner purchasing the specialty license plate for more than 10  
 272 vehicles registered to that owner, the annual use fee shall be  
 273 \$10 per plate.  
 274 ~~(tt) Family First license plate, \$25.~~  
 275 ~~(uu) Wildlife Foundation of Florida license plate, \$25.~~  
 276 ~~(vv) Live the Dream license plate, \$25.~~  
 277 ~~(ww) Florida Food Banks license plate, \$25.~~  
 278 ~~(xx) Discover Florida's Oceans license plate, \$25.~~  
 279 ~~(yy) Family Values license plate, \$25.~~  
 280 ~~(zz) Parents Make A Difference license plate, \$25.~~  
 281 ~~(aaa) Support Soccer license plate, \$25.~~  
 282 ~~(bbb) Kids Deserve Justice license plate, \$25.~~  
 283 ~~(ccc) Animal Friend license plate, \$25.~~  
 284 ~~(ddd) Future Farmers of America license plate, \$25.~~  
 285 ~~(eee) Donate Organs-Pass It On license plate, \$25.~~  
 286 ~~(fff) A State of Vision license plate, \$25.~~  
 287 ~~(ggg) Homeownership For All license plate, \$25.~~  
 288 ~~(hhh) Florida NASCAR license plate, \$25.~~  
 289 ~~(iii) Protect Florida Springs license plate, \$25.~~  
 290 ~~(jjj) Trees Are Cool license plate, \$25.~~

Page 10 of 46

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

596-03784-19

20191104c1

291 ~~(kkk) Support Our Troops license plate, \$25.~~  
 292 ~~(lll) Florida Tennis license plate, \$25.~~  
 293 ~~(mmm) Lighthouse Association license plate, \$25.~~  
 294 ~~(nnn) In God We Trust license plate, \$25.~~  
 295 ~~(ooo) Horse Country license plate, \$25.~~  
 296 ~~(ppp) Autism license plate, \$25.~~  
 297 ~~(qqq) St. Johns River license plate, \$25.~~  
 298 ~~(rrr) Hispanic Achievers license plate, \$25.~~  
 299 ~~(sss) Endless Summer license plate, \$25.~~  
 300 ~~(ttt) Fraternal Order of Police license plate, \$25.~~  
 301 ~~(uuu) Protect Our Oceans license plate, \$25.~~  
 302 ~~(vvv) Florida Horse Park license plate, \$25.~~  
 303 ~~(www) Florida Biodiversity Foundation license plate, \$25.~~  
 304 ~~(xxx) Freemasonry license plate, \$25.~~  
 305 ~~(yyy) American Legion license plate, \$25.~~  
 306 ~~(zzz) Lauren's Kids license plate, \$25.~~  
 307 ~~(aaaa) Big Brothers Big Sisters license plate, \$25.~~  
 308 ~~(bbbb) Fallen Law Enforcement Officers license plate, \$25.~~  
 309 ~~(cccc) Florida Sheriffs Association license plate, \$25.~~  
 310 ~~(dddd) Keiser University license plate, \$25.~~  
 311 ~~(eeee) Moffitt Cancer Center license plate, \$25.~~  
 312 (8)  
 313 (c) A vehicle owner or lessee issued a specialty license  
 314 plate that has been discontinued by the department may keep the  
 315 discontinued specialty license plate for the remainder of the  
 316 10-year license plate replacement period and shall pay all other  
 317 applicable registration fees. However, such owner or lessee is  
 318 exempt from paying the applicable specialty license plate fee  
 319 under paragraph (3) (d) or subsection (4) for the remainder of

Page 11 of 46

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

596-03784-19

20191104c1

320 the 10-year license plate replacement period.  
 321 (d) If the department discontinues issuance of a specialty  
 322 license plate, all annual use fees held or collected by the  
 323 department must be distributed within 180 days after the date on  
 324 which the specialty license plate is discontinued. Of those  
 325 fees, the department shall retain an amount sufficient to defray  
 326 the applicable administrative and inventory closeout costs  
 327 associated with discontinuance of the plate. The remaining funds  
 328 must be distributed to the appropriate organization or  
 329 organizations pursuant to s. 320.08058.  
 330 (e) If an organization that is the intended recipient of  
 331 the funds pursuant to s. 320.08058 no longer exists, the  
 332 department shall deposit any undisbursed funds into the Highway  
 333 Safety Operating Trust Fund.  
 334 (f) Notwithstanding paragraph (a), on January 1 of each  
 335 year, the department shall discontinue the specialty license  
 336 plate with the fewest number of plates in circulation, including  
 337 license plates exempt from a statutory sales requirement. A  
 338 warning letter must be mailed to the sponsoring organizations of  
 339 the 10 percent of the total number of specialty license plates  
 340 with the fewest valid, active registrations as of December 1 of  
 341 each year.  
 342 (10) (a) A specialty license plate annual use fee collected  
 343 and distributed under this chapter, or any interest earned from  
 344 those fees, may not be used for commercial or for-profit  
 345 activities nor for general or administrative expenses, except as  
 346 authorized by s. 320.08058 or to pay the cost of the audit or  
 347 report required by s. 320.08062(1). The fees and any interest  
 348 earned from the fees may be expended only for use in this state

Page 12 of 46

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

596-03784-19

20191104c1

349 unless the annual use fee is derived from the sale of United  
 350 States Armed Forces and veterans-related specialty license  
 351 plates pursuant to paragraph (3) (d) for the Support Our Troops  
 352 and American Legion license plates; paragraphs (4) (b), (q), and  
 353 (v) for the Florida Salutes Veterans, United States Marine  
 354 Corps, and Military Services license plates, respectively;  
 355 ~~paragraphs (4) (d), (bb), (ll), (kkk), and (yyy)~~ and s. 320.0891  
 356 for the U.S. Paratroopers license plate.

357 (11) The annual use fee from the sale of specialty license  
 358 plates, the interest earned from those fees, or any fees  
 359 received by any entity ~~an agency~~ as a result of the sale of  
 360 specialty license plates may not be used for the purpose of  
 361 marketing to, or lobbying, entertaining, or rewarding, an  
 362 employee of a governmental agency that is responsible for the  
 363 sale and distribution of specialty license plates, or an elected  
 364 member or employee of the Legislature.

365 (12) For out-of-state college or university license plates  
 366 created pursuant to this section, the recipient organization  
 367 shall meet both of the following requirements:

368 (a) Have an established endowment, based in this state, for  
 369 the purpose of providing scholarships to Florida residents  
 370 meeting the requirements of this chapter.

371 (b) Provide documentation to the department that the  
 372 organization and the department have the college's or  
 373 university's consent to use an appropriate image on a license  
 374 plate.

375 Section 6. Effective July 1, 2022, paragraph (a) of  
 376 subsection (8) of section 320.08056, Florida Statutes, is  
 377 amended to read:

Page 13 of 46

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

596-03784-19

20191104c1

378 320.08056 Specialty license plates.-  
 379 (8) (a) The department must discontinue the issuance of an  
 380 approved specialty license plate if the number of valid  
 381 specialty plate registrations falls below 3,000, or, in the case  
 382 of an out-of-state college or university license plate, below  
 383 4,000, 1,000 ~~plates~~ for at least 12 consecutive months. A  
 384 warning letter shall be mailed to the sponsoring organization  
 385 following the first month in which the total number of valid  
 386 specialty plate registrations is below 3,000, or, in the case of  
 387 an out-of-state college or university license plate, below 4,000  
 388 1,000 ~~plates~~. This paragraph does not apply to in-state  
 389 collegiate license plates established under s. 320.08058(3),  
 390 license plates of institutions in and entities of the State  
 391 University System, specialty license plates that have statutory  
 392 eligibility limitations for purchase, specialty license plates  
 393 for which annual use fees are distributed by a foundation for  
 394 student and teacher leadership programs and teacher recruitment  
 395 and retention, or Florida Professional Sports Team license  
 396 plates established under s. 320.08058(9).

397 Section 7. Subsections (7) and (31), present subsections  
 398 (48), (57), and (65), paragraph (b) of present subsection (66),  
 399 present subsections (69) and (70), and paragraph (b) of present  
 400 subsection (80) of section 320.08058, Florida Statutes, are  
 401 amended, present subsections (32) through (56) of that section  
 402 are redesignated as subsections (31) through (55), respectively,  
 403 present subsections (58) through (68) of that section are  
 404 redesignated as subsections (56) through (66), respectively,  
 405 present subsections (71) through (83) of that section are  
 406 redesignated as subsections (67) through (79), respectively, and

Page 14 of 46

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

596-03784-19 20191104c1

407 new subsections (80) through (83) and subsections (84) through  
408 (113) are added to that section, to read:

409 320.08058 Specialty license plates.-

410 (7) SPECIAL OLYMPICS FLORIDA LICENSE PLATES.-

411 (a) Special Olympics Florida license plates must contain  
412 the official Special Olympics Florida logo and must bear the  
413 colors and a design and colors that are approved by the  
414 department. The word "Florida" must be centered at the top  
415 bottom of the plate, and the words "Be a Fan" "Everyone Wins"  
416 must be centered at the bottom top of the plate.

417 (b) The license plate annual use fees must ~~are to~~ be  
418 annually distributed as follows:

419 1. The first \$5 million collected annually must be  
420 forwarded to the private nonprofit corporation as described in  
421 s. 393.002 and must be used solely for Special Olympics purposes  
422 as approved by the private nonprofit corporation.

423 2. Any additional fees must be deposited into the General  
424 Revenue Fund.

425 ~~(31) AMERICAN RED CROSS LICENSE PLATES.-~~

426 ~~(a) Notwithstanding the provisions of s. 320.08053, the~~  
427 ~~department shall develop an American Red Cross license plate as~~  
428 ~~provided in this section. The word "Florida" must appear at the~~  
429 ~~top of the plate, and the words "American Red Cross" must appear~~  
430 ~~at the bottom of the plate.~~

431 ~~(b) The department shall retain all revenues from the sale~~  
432 ~~of such plates until all startup costs for developing and~~  
433 ~~issuing the plates have been recovered. Thereafter, 50 percent~~  
434 ~~of the annual use fees shall be distributed to the American Red~~  
435 ~~Cross Chapter of Central Florida, with statistics on sales of~~

596-03784-19 20191104c1

436 ~~license plates, which are tabulated by county. The American Red~~  
437 ~~Cross Chapter of Central Florida must distribute to each of the~~  
438 ~~chapters in this state the moneys received from sales in the~~  
439 ~~counties covered by the respective chapters, which moneys must~~  
440 ~~be used for education and disaster relief in Florida. Fifty~~  
441 ~~percent of the annual use fees shall be distributed~~  
442 ~~proportionately to the three statewide approved poison control~~  
443 ~~centers for purposes of combating bioterrorism and other poison-~~  
444 ~~related purposes.-~~

445 ~~(47)(48) LIVE THE DREAM LICENSE PLATES.-~~

446 (a) The department shall develop a Live the Dream license  
447 plate as provided in this section. Live the Dream license plates  
448 must bear the colors and design approved by the department. The  
449 word "Florida" must appear at the top of the plate, and the  
450 words "Live the Dream" must appear at the bottom of the plate.

451 (b) The proceeds of the annual use fee shall be distributed  
452 to the Dream Foundation, Inc., to The Dream Foundation, Inc.,  
453 ~~shall retain the first \$60,000 in proceeds from the annual use~~  
454 ~~fees as reimbursement for administrative costs, startup costs,~~  
455 ~~and costs incurred in the approval process. Thereafter, up to 25~~  
456 ~~percent shall be used for continuing promotion and marketing of~~  
457 ~~the license plate and concept. The remaining funds shall be used~~  
458 in the following manner:

459 1. Up to 5 percent may be used to administer, promote, and  
460 market the license plate.

461 2.1- (48) Twenty-five percent shall be distributed  
462 equally among the sickle cell organizations that are Florida  
463 members of the Sickle Cell Disease Association of America, Inc.,  
464 for programs that provide research, care, and treatment for

596-03784-19

20191104c1

465 sickle cell disease.

466 ~~2. Twenty-five percent shall be distributed to the Florida~~  
 467 ~~chapter of the March of Dimes for programs and services that~~  
 468 ~~improve the health of babies through the prevention of birth~~  
 469 ~~defects and infant mortality.~~

470 ~~3. Ten percent shall be distributed to the Florida~~  
 471 ~~Association of Healthy Start Coalitions to decrease racial~~  
 472 ~~disparity in infant mortality and to increase healthy birth~~  
 473 ~~outcomes. Funding will be used by local Healthy Start Coalitions~~  
 474 ~~to provide services and increase screening rates for high-risk~~  
 475 ~~pregnant women, children under 4 years of age, and women of~~  
 476 ~~childbearing age.~~

477 3.4. At least 30 Ten percent shall be distributed to  
 478 Chapman the Community Partnership for Homeless, Inc., for  
 479 programs that provide relief from poverty, hunger, and  
 480 homelessness.

481 4. Up to 5 percent may be distributed by the department on  
 482 behalf of the Dream Foundation, Inc., to the Martin Luther King,  
 483 Jr., Center for Nonviolent Social Change, Inc., as a royalty for  
 484 the use of the image of Dr. Martin Luther King, Jr.

485 ~~5. Five percent of the proceeds shall be used by the~~  
 486 ~~foundation for administrative costs directly associated with~~  
 487 ~~operations as they relate to the management and distribution of~~  
 488 ~~the proceeds.~~

489 ~~(57) DONATE ORGANS-PASS IT ON LICENSE PLATES.-~~

490 ~~(a) The department shall develop a Donate Organs-Pass It On~~  
 491 ~~license plate as provided in this section. The word "Florida"~~  
 492 ~~must appear at the top of the plate, and the words "Donate~~  
 493 ~~Organs-Pass It On" must appear at the bottom of the plate.~~

596-03784-19

20191104c1

494 ~~(b) The annual use fees shall be distributed to Transplant~~  
 495 ~~Foundation, Inc., and shall use up to 10 percent of the proceeds~~  
 496 ~~from the annual use fee for marketing and administrative costs~~  
 497 ~~that are directly associated with the management and~~  
 498 ~~distribution of the proceeds. The remaining proceeds shall be~~  
 499 ~~used to provide statewide grants for patient services, including~~  
 500 ~~preoperative, rehabilitative, and housing assistance; organ~~  
 501 ~~donor education and awareness programs; and statewide medical~~  
 502 ~~research.~~

503 ~~(63)(65) LIGHTHOUSE ASSOCIATION LICENSE PLATES.-~~

504 (a) The department shall develop a Lighthouse Association  
 505 license plate as provided in this section. The word "Florida"  
 506 must appear at the top of the plate, and the words  
 507 "SaveOurLighthouses.org Visit Our Lights" must appear at the  
 508 bottom of the plate.

509 (b) The annual use fees must shall be distributed to the  
 510 Florida Lighthouse Association, Inc., which may use a maximum of  
 511 10 percent of the proceeds to promote and market the plates. The  
 512 remaining proceeds must shall be used by the association to fund  
 513 the preservation, restoration, and protection of the 29 historic  
 514 lighthouses remaining in the state.

515 ~~(64)(66) IN GOD WE TRUST LICENSE PLATES.-~~

516 (b) The license plate annual use fees shall be distributed  
 517 to the In God We Trust Foundation, Inc., which may use a maximum  
 518 of 10 percent of the proceeds to offset marketing,  
 519 administration, and promotion, and the balance of the fees to  
 520 address the needs of the military community and the needs of the  
 521 public safety community, to provide educational grants and  
 522 scholarships to foster self-reliance and stability in Florida's

596-03784-19 20191104c1

523 children, and to provide education in public and private schools  
 524 regarding the historical significance of religion in American  
 525 and Florida history to fund educational scholarships for the  
 526 children of Florida residents who are members of the United  
 527 States Armed Forces, the National Guard, and the United States  
 528 Armed Forces Reserve and for the children of public safety  
 529 employees who have died in the line of duty who are not covered  
 530 by existing state law. Funds shall also be distributed to other  
 531 s. 501(c)(3) organizations that may apply for grants and  
 532 scholarships and to provide educational grants to public and  
 533 private schools to promote the historical and religious  
 534 significance of American and Florida history. The In God We  
 535 Trust Foundation, Inc., shall distribute the license plate  
 536 annual use fees in the following manner:

537 1. The In God We Trust Foundation, Inc., shall retain all  
 538 revenues from the sale of such plates until all startup costs  
 539 for developing and establishing the plate have been recovered.

540 2. Ten percent of the funds received by the In God We Trust  
 541 Foundation, Inc., shall be expended for administrative costs,  
 542 promotion, and marketing of the license plate directly  
 543 associated with the operations of the In God We Trust  
 544 Foundation, Inc.

545 3. All remaining funds shall be expended by the In God We  
 546 Trust Foundation, Inc., for programs.

547 ~~(69) ST. JOHNS RIVER LICENSE PLATES.~~

548 ~~(a) The department shall develop a St. Johns River license~~  
 549 ~~plate as provided in this section. The St. Johns River license~~  
 550 ~~plates must bear the colors and design approved by the~~  
 551 ~~department. The word "Florida" must appear at the top of the~~

Page 19 of 46

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

596-03784-19 20191104c1

552 ~~plate, and the words "St. Johns River" must appear at the bottom~~  
 553 ~~of the plate.~~

554 ~~(b) The requirements of s. 320.08053 must be met prior to~~  
 555 ~~the issuance of the plate. Thereafter, the license plate annual~~  
 556 ~~use fees shall be distributed to the St. Johns River Alliance,~~  
 557 ~~Inc., a s. 501(c)(3) nonprofit organization, which shall~~  
 558 ~~administer the fees as follows:~~

559 1. ~~The St. Johns River Alliance, Inc., shall retain the~~  
 560 ~~first \$60,000 of the annual use fees as direct reimbursement for~~  
 561 ~~administrative costs, startup costs, and costs incurred in the~~  
 562 ~~development and approval process. Thereafter, up to 10 percent~~  
 563 ~~of the annual use fee revenue may be used for administrative~~  
 564 ~~costs directly associated with education programs, conservation,~~  
 565 ~~research, and grant administration of the organization, and up~~  
 566 ~~to 10 percent may be used for promotion and marketing of the~~  
 567 ~~specialty license plate.~~

568 2. ~~At least 30 percent of the fees shall be available for~~  
 569 ~~competitive grants for targeted community-based or county-based~~  
 570 ~~research or projects for which state funding is limited or not~~  
 571 ~~currently available. The remaining 50 percent shall be directed~~  
 572 ~~toward community outreach and access programs. The competitive~~  
 573 ~~grants shall be administered and approved by the board of~~  
 574 ~~directors of the St. Johns River Alliance, Inc. A grant advisory~~  
 575 ~~committee shall be composed of six members chosen by the St.~~  
 576 ~~Johns River Alliance board members.~~

577 3. ~~Any remaining funds shall be distributed with the~~  
 578 ~~approval of and accountability to the board of directors of the~~  
 579 ~~St. Johns River Alliance, Inc., and shall be used to support~~  
 580 ~~activities contributing to education, outreach, and springs~~

Page 20 of 46

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



596-03784-19

20191104c1

581 ~~conservation.~~582 ~~(70) HISPANIC ACHIEVERS LICENSE PLATES.--~~

583 ~~(a) Notwithstanding the requirements of s. 320.08053, the~~  
 584 ~~department shall develop a Hispanic Achievers license plate as~~  
 585 ~~provided in this section. The plate must bear the colors and~~  
 586 ~~design approved by the department. The word "Florida" must~~  
 587 ~~appear at the top of the plate, and the words "Hispanic~~  
 588 ~~Achievers" must appear at the bottom of the plate.~~

589 ~~(b) The proceeds from the license plate annual use fee~~  
 590 ~~shall be distributed to National Hispanic Corporate Achievers,~~  
 591 ~~Inc., a nonprofit corporation under s. 501(c)(3) of the Internal~~  
 592 ~~Revenue Code, to fund grants to nonprofit organizations to~~  
 593 ~~operate programs and provide scholarships and for marketing the~~  
 594 ~~Hispanic Achievers license plate. National Hispanic Corporate~~  
 595 ~~Achievers, Inc., shall establish a Hispanic Achievers Grant~~  
 596 ~~Council that shall provide recommendations for statewide grants~~  
 597 ~~from available Hispanic Achievers license plate proceeds to~~  
 598 ~~nonprofit organizations for programs and scholarships for~~  
 599 ~~Hispanic and minority Floridians. National Hispanic Corporate~~  
 600 ~~Achievers, Inc., shall also establish a Hispanic Achievers~~  
 601 ~~License Plate Fund. Moneys in the fund shall be used by the~~  
 602 ~~grant council as provided in this paragraph. All funds received~~  
 603 ~~under this subsection must be used in this state.~~

604 ~~(c) National Hispanic Corporate Achievers, Inc., may retain~~  
 605 ~~all proceeds from the annual use fee until documented startup~~  
 606 ~~costs for developing and establishing the plate have been~~  
 607 ~~recovered. Thereafter, the proceeds from the annual use fee~~  
 608 ~~shall be used as follows:~~

609 ~~1. Up to 5 percent of the proceeds may be used for the cost~~

596-03784-19

20191104c1

610 ~~of administration of the Hispanic Achievers License Plate Fund,~~  
 611 ~~the Hispanic Achievers Grant Council, and related matters.~~

612 ~~2. Funds may be used as necessary for annual audit or~~  
 613 ~~compliance affidavit costs.~~

614 ~~3. Up to 20 percent of the proceeds may be used to market~~  
 615 ~~and promote the Hispanic Achievers license plate.~~

616 ~~4. Twenty-five percent of the proceeds shall be used by the~~  
 617 ~~Hispanic Corporate Achievers, Inc., located in Seminole County,~~  
 618 ~~for grants.~~

619 ~~5. The remaining proceeds shall be available to the~~  
 620 ~~Hispanic Achievers Grant Council to award grants for services,~~  
 621 ~~programs, or scholarships for Hispanic and minority individuals~~  
 622 ~~and organizations throughout Florida. All grant recipients must~~  
 623 ~~provide to the Hispanic Achievers Grant Council an annual~~  
 624 ~~program and financial report regarding the use of grant funds.~~  
 625 ~~Such reports must be available to the public.~~

626 ~~(d) Effective July 1, 2014, the Hispanic Achievers license~~  
 627 ~~plate will shift into the presale voucher phase, as provided in~~  
 628 ~~s. 320.08053(2)(b). National Hispanic Corporate Achievers, Inc.,~~  
 629 ~~shall have 24 months to record a minimum of 1,000 sales. Sales~~  
 630 ~~include existing active plates and vouchers sold subsequent to~~  
 631 ~~July 1, 2014. During the voucher period, new plates may not be~~  
 632 ~~issued, but existing plates may be renewed. If, at the~~  
 633 ~~conclusion of the 24-month presale period, the requirement of a~~  
 634 ~~minimum of 1,000 sales has been met, the department shall resume~~  
 635 ~~normal distribution of the Hispanic Achievers license plate. If,~~  
 636 ~~after 24 months, the minimum of 1,000 sales has not been met,~~  
 637 ~~the department shall discontinue the Hispanic Achievers license~~  
 638 ~~plate. This subsection is repealed June 30, 2016.~~

596-03784-19

20191104c1

639 ~~(76)(80)~~ FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.-  
 640 (b) The annual use fees must ~~shall~~ be distributed to the  
 641 Police and Kids Foundation, Inc., which may use up to a ~~maximum~~  
 642 ~~of~~ 10 percent of the proceeds for marketing to promote and  
 643 ~~market~~ the plate. All remaining proceeds must be distributed to  
 644 and used by the Police and Kids Foundation, Inc., for its  
 645 operations, activities, programs, and projects ~~The remainder of~~  
 646 ~~the proceeds shall be used by the Police and Kids Foundation,~~  
 647 ~~Inc., to invest and reinvest, and the interest earnings shall be~~  
 648 ~~used for the operation of the Police and Kids Foundation, Inc.~~

649 (80) DUCKS UNLIMITED LICENSE PLATES.-

650 (a) The department shall develop a Ducks Unlimited license  
 651 plate as provided in this section and s. 320.08053. Ducks  
 652 Unlimited license plates must bear the colors and design  
 653 approved by the department. The word "Florida" must appear at  
 654 the top of the plate, and the words "Conserving Florida  
 655 Wetlands" must appear at the bottom of the plate.

656 (b) The annual use fees from the sale of the plate must be  
 657 distributed to Ducks Unlimited, Inc., a nonprofit corporation  
 658 under s. 501(c)(3) of the Internal Revenue Code, to be used as  
 659 follows:

660 1. Up to 5 percent may be used for administrative costs and  
 661 the marketing of the plate.

662 2. At least 95 percent must be used in this state to  
 663 support the mission and efforts of Ducks Unlimited, Inc., to  
 664 conserve, restore, and manage Florida wetlands and associated  
 665 habitats for the benefit of waterfowl, other wildlife, and  
 666 people.

667 (81) DAN MARINO CAMPUS LICENSE PLATES.-

596-03784-19

20191104c1

668 (a) The department shall develop a Dan Marino Campus  
 669 license plate as provided in this section and s. 320.08053. The  
 670 plate must bear the colors and design approved by the  
 671 department. The word "Florida" must appear at the top of the  
 672 plate, and the words "Marino Campus" must appear at the bottom  
 673 of the plate.

674 (b) The annual use fees from the sale of the plate must be  
 675 distributed to the Dan Marino Foundation, a Florida nonprofit  
 676 corporation, which may use up to 10 percent of such fees for  
 677 administrative costs and the marketing of the plate. The balance  
 678 of the fees must be used by the Dan Marino Foundation to assist  
 679 Floridians with developmental disabilities in becoming employed,  
 680 independent, and productive and to promote and fund education  
 681 scholarships and awareness of these services.

682 (82) DONATE LIFE FLORIDA LICENSE PLATES.-

683 (a) The department shall develop a Donate Life Florida  
 684 license plate as provided in this section and s. 320.08053. The  
 685 plate must bear the colors and design approved by the  
 686 department. The word "Florida" must appear at the top of the  
 687 plate, and the words "Donors Save Lives" must appear at the  
 688 bottom of the plate.

689 (b) The annual use fees from the sale of the plate must be  
 690 distributed to Donate Life Florida, which may use up to 10  
 691 percent of the proceeds for marketing and administrative costs.  
 692 The remaining proceeds must be used by Donate Life Florida to  
 693 educate Florida residents on the importance of organ, tissue,  
 694 and eye donation and for the continued maintenance of the Joshua  
 695 Abbott Organ and Tissue Donor Registry.

696 (83) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.-

596-03784-19

20191104c1

697 (a) The department shall develop a Florida State Beekeepers  
 698 Association license plate as provided in this section and s.  
 699 320.08053. The plate must bear the colors and design approved by  
 700 the department. The word "Florida" must appear at the top of the  
 701 plate, and the words "Save the Bees" must appear at the bottom  
 702 of the plate.

703 (b) The annual use fees must be distributed to the Florida  
 704 State Beekeepers Association, a Florida nonprofit corporation.  
 705 The Florida State Beekeepers Association may use up to 18  
 706 percent of the annual use fees for:

707 1. Direct reimbursement for administrative costs, startup  
 708 costs, and costs incurred in the development and approval  
 709 process of the license plate. All vendors associated with the  
 710 administrative costs must be selected by competitive bid.

711 2. Promotion and marketing costs of the license plate.

712 (c) The remaining funds must be distributed to the Florida  
 713 State Beekeepers Association and used to raise awareness of the  
 714 importance of beekeeping to Florida agriculture by funding  
 715 honeybee research, education, outreach, and husbandry. The  
 716 Florida State Beekeepers Association board of managers shall  
 717 approve, and is accountable for, all such expenditures.

718 (84) AMERICA THE BEAUTIFUL LICENSE PLATES.—

719 (a) The department shall develop an America the Beautiful  
 720 license plate as provided in this section and s. 320.08053. The  
 721 word "Florida" must appear at the top of the plate, and the  
 722 words "America the Beautiful" must appear on the plate.

723 (b) The annual use fees from the plate must be distributed  
 724 to the America the Beautiful Fund as follows: 15 percent to  
 725 offset administrative, marketing, and promotion costs, and the

596-03784-19

20191104c1

726 remaining 85 percent for projects and programs teaching  
 727 character, leadership, and service to Florida youth; the  
 728 provision of supportive services and assistance to members of  
 729 the military community; outdoor education advancing the ideal of  
 730 self-sufficiency; wildlife conservation, including imperiled and  
 731 managed species; the maintenance of historic or culturally  
 732 important sites, buildings, structures, or objects; and the  
 733 development and modification of playgrounds, recreational areas,  
 734 or other outdoor amenities, including disability access.

735 (85) BEAT CHILDHOOD CANCER LICENSE PLATES.—

736 (a) The department shall develop a Beat Childhood Cancer  
 737 license plate as provided in this section and s. 320.08053. The  
 738 plate must bear the colors and design approved by the  
 739 department. The word "Florida" must appear at the top of the  
 740 plate, and the words "Beat Childhood Cancer" must appear at the  
 741 bottom of the plate.

742 (b) The annual use fees from the sale of the plate shall be  
 743 distributed as follows:

744 1. Eighty percent shall be distributed to Beat Nb, Inc.,  
 745 which may use up to 10 percent of the proceeds for  
 746 administrative costs directly associated with the operation of  
 747 the corporation and for marketing and promoting the plate. The  
 748 remaining proceeds shall be used by the corporation to fund  
 749 pediatric cancer treatment and research.

750 2. Twenty percent shall be distributed to No Kid Should  
 751 Know Cancer, Inc., a nonprofit corporation under s. 501(c)(3) of  
 752 the Internal Revenue Code, which may use up to 5 percent of the  
 753 proceeds for administrative costs and for the marketing of the  
 754 plate. The balance of the fees shall be used by No Kid Should

596-03784-19

20191104c1

755 Know Cancer, Inc., to:  
 756 a. Support families who have a child recently diagnosed  
 757 with cancer;  
 758 b. Hold events that raise awareness about childhood cancer;  
 759 and  
 760 c. Support clinical trials that work to provide better  
 761 treatment plans for children diagnosed with cancer and,  
 762 ultimately, a better prognosis.  
 763 (86) UNIVERSITY OF ALABAMA LICENSE PLATES.—  
 764 (a) The department shall develop a University of Alabama  
 765 license plate as provided in this section and s. 320.08053. The  
 766 plate must bear the colors and design approved by the  
 767 department. The word "Florida" must appear at the top of the  
 768 plate, and the words "Roll Tide" must appear at the bottom of  
 769 the plate.  
 770 (b) The annual use fees from the sale of the plate shall be  
 771 distributed to the Pensacola Bama Club, which must use the  
 772 moneys for the purpose of awarding scholarships to Florida  
 773 residents attending the University of Alabama. Students  
 774 receiving these scholarships must be eligible for the Florida  
 775 Bright Futures Scholarship Program pursuant to s. 1009.531 and  
 776 shall use the scholarship funds for tuition and other expenses  
 777 related to attending the University of Alabama.  
 778 (87) ROTARY LICENSE PLATES.—  
 779 (a) The department shall develop a Rotary license plate as  
 780 provided in this section and s. 320.08053. The plate must bear  
 781 the colors and design approved by the department. The word  
 782 "Florida" must appear at the top of the plate, and the word  
 783 "Rotary" must appear on the bottom of the plate. The license

Page 27 of 46

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

596-03784-19

20191104c1

784 plate must bear the Rotary International wheel emblem.  
 785 (b) The annual use fees shall be distributed to the  
 786 Community Foundation of Tampa Bay, Inc., to be used as follows:  
 787 1. Up to 10 percent may be used for administrative costs  
 788 and for marketing of the plate.  
 789 2. Ten percent shall be distributed to Rotary's Camp  
 790 Florida for direct support to all programs and services provided  
 791 to children with special needs who attend the camp.  
 792 3. The remainder shall be distributed, proportionally based  
 793 on sales, to each Rotary district in the state in support of  
 794 Rotary youth programs in Florida.  
 795 (88) FLORIDA BAY FOREVER LICENSE PLATES.—  
 796 (a) The department shall develop a Florida Bay Forever  
 797 license plate as provided in this section and s. 320.08053. The  
 798 plate must bear the colors and design approved by the  
 799 department. The word "Florida" must appear at the top of the  
 800 plate, and the words "Florida Bay Forever" must appear at the  
 801 bottom of the plate.  
 802 (b) The annual use fees from the sale of the plate shall be  
 803 distributed to the Florida National Park Association, Inc.,  
 804 which may use up to 10 percent of the proceeds for  
 805 administrative costs and marketing of the plate. The remainder  
 806 of the funds shall be used to supplement the Everglades National  
 807 Park's budgets and to support educational, interpretive,  
 808 historical, and scientific research relating to the Everglades  
 809 National Park.  
 810 (89) BONEFISH AND TARPON TRUST LICENSE PLATES.—  
 811 (a) The department shall develop a Bonefish and Tarpon  
 812 Trust license plate as provided in this section and s.

Page 28 of 46

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

596-03784-19 20191104c1

813 320.08053. The plate must bear the colors and design approved by  
 814 the department. The word "Florida" must appear at the top of the  
 815 plate, and the words "Bonefish and Tarpon Trust" must appear at  
 816 the bottom of the plate.

817 (b) The annual use fees from the sale of the plate shall be  
 818 distributed to the Bonefish and Tarpon Trust, which may use up  
 819 to 10 percent of the proceeds to promote and market the license  
 820 plate. The remainder of the proceeds shall be used to conserve  
 821 and enhance Florida bonefish and tarpon fisheries and their  
 822 respective environments through stewardship, research,  
 823 education, and advocacy.

824 (90) MEDICAL PROFESSIONALS WHO CARE LICENSE PLATES.-

825 (a) The department shall develop a Medical Professionals  
 826 Who Care license plate as provided in this section and s.  
 827 320.08053. The plate must bear the colors and design approved by  
 828 the department. The word "Florida" must appear at the top of the  
 829 plate, and the words "Medical Professionals Who Care" must  
 830 appear at the bottom of the plate.

831 (b) The annual use fees from the sale of the plate shall be  
 832 distributed to Florida Benevolent Group, Inc., a Florida  
 833 nonprofit corporation, which may use up to 10 percent of such  
 834 fees for administrative costs, marketing, and promotion of the  
 835 plate. The remainder of the revenues shall be used by Florida  
 836 Benevolent Group, Inc., to assist low-income individuals in  
 837 obtaining a medical education and career through scholarships,  
 838 support, and guidance.

839 (91) UNIVERSITY OF GEORGIA LICENSE PLATES.-

840 (a) The department shall develop a University of Georgia  
 841 license plate as provided in this section and s. 320.08053. The

596-03784-19 20191104c1

842 plate must bear the colors and design approved by the  
 843 department. The word "Florida" must appear at the top of the  
 844 plate, and the words "The University of Georgia" must appear at  
 845 the bottom of the plate.

846 (b) The annual use fees from the sale of the plate shall be  
 847 distributed to the Georgia Bulldog Club of Jacksonville, which  
 848 must use the moneys for the purpose of awarding scholarships to  
 849 Florida residents attending the University of Georgia. Students  
 850 receiving these scholarships must be eligible for the Florida  
 851 Bright Futures Scholarship Program pursuant to s. 1009.531 and  
 852 shall use the scholarship funds for tuition and other expenses  
 853 related to attending the University of Georgia.

854 (92) HIGHWAYMEN LICENSE PLATES.-

855 (a) The department shall develop a Highwaymen license plate  
 856 as provided in this section and s. 320.08053. The plate must  
 857 bear the colors and design approved by the department. The word  
 858 "Florida" must appear at the top of the plate, and the word  
 859 "Highwaymen" must appear at the bottom of the plate.

860 (b) The annual use fees shall be distributed to the City of  
 861 Fort Pierce, subject to a city resolution designating the city  
 862 as the fiscal agent of the license plate. The city may use up to  
 863 10 percent of the fees for administrative costs and marketing of  
 864 the plate and shall use the remainder of the fees as follows:

865 1. Before completion of construction of the Highwaymen  
 866 Museum and African-American Cultural Center, the city shall  
 867 distribute at least 15 percent to the St. Lucie Education  
 868 Foundation, Inc., to fund art education and art projects in  
 869 public schools within St. Lucie County. The remainder of the  
 870 fees shall be used by the city to fund the construction of the

596-03784-19 20191104c1

871 Highwaymen Museum and African-American Cultural Center.

872 2. Upon completion of construction of the Highwaymen Museum  
873 and African-American Cultural Center, the city shall distribute  
874 at least 10 percent to the St. Lucie Education Foundation, Inc.,  
875 to fund art education and art projects in public schools within  
876 St. Lucie County. The remainder of the fees shall be used by the  
877 city to fund the day-to-day operations of the Highwaymen Museum  
878 and African-American Cultural Center.

879 (93) ORLANDO CITY SOCCER CLUB LICENSE PLATES.-

880 (a) The department shall develop an Orlando City Soccer  
881 Club license plate as provided in paragraph (9) (a).

882 (b) The annual use fees from the sale of the plate shall be  
883 distributed and used as provided in paragraph (9) (b).

884 (94) COASTAL CONSERVATION ASSOCIATION LICENSE PLATES.-

885 (a) The department shall develop a Coastal Conservation  
886 Association license plate as provided in this section and s.  
887 320.08053. The plate must bear the colors and design approved by  
888 the department. The word "Florida" must appear at the top of the  
889 plate, and the words "Conserve Florida's Fisheries" must appear  
890 at the bottom of the plate.

891 (b) The annual use fees from the sale of the plate shall be  
892 distributed to Coastal Conservation Association Florida, a  
893 nonprofit corporation under s. 501(c) (3) of the Internal Revenue  
894 Code, to be used as follows:

895 1. Up to 10 percent of the proceeds may be used for  
896 administrative costs.

897 2. Up to 10 percent of the proceeds may be used to promote  
898 and market the plate.

899 3. The remainder of the proceeds shall be used to support

596-03784-19 20191104c1

900 the mission and efforts of Coastal Conservation Association  
901 Florida for habitat enhancement and restoration, saltwater  
902 fisheries conservation, and education; to advise the public on  
903 the conservation of marine resources; and to promote and enhance  
904 the present and future availability of those coastal resources  
905 for the benefit and enjoyment of the general public.

906 (95) BLUE ANGELS LICENSE PLATES.-

907 (a) The department shall develop a Blue Angels license  
908 plate as provided in this section and s. 320.08053. The plate  
909 must bear the colors and design approved by the department. The  
910 word "Florida" must appear at the top of the plate, and the  
911 words "Home of the Blue Angels" must appear at the bottom of the  
912 plate.

913 (b) The annual use fees from the sale of the plate shall be  
914 distributed to the Naval Aviation Museum Foundation, a nonprofit  
915 Florida corporation under s. 501(c) (3) of the Internal Revenue  
916 Code, to fund the maintenance, programs, marketing, and projects  
917 of the foundation, including the National Naval Aviation Museum  
918 and the National Flight Academy in Pensacola. Up to 15 percent  
919 of the funds received by the Naval Aviation Museum Foundation  
920 may be used for marketing of the plate and costs directly  
921 associated with the administration of the foundation. The Naval  
922 Aviation Museum Foundation shall distribute 50 percent of the  
923 funds to eligible programs and projects associated with the  
924 National Flight Academy and the remainder of the funds to  
925 eligible programs and projects associated with the National  
926 Naval Aviation Museum.

927 (96) PALM BEACH ZOO AND CONSERVATION SOCIETY LICENSE  
928 PLATES.-

596-03784-19

20191104c1

929 (a) The department shall develop a Palm Beach Zoo and  
 930 Conservation Society license plate as provided in this section  
 931 and s. 320.08053. Palm Beach Zoo and Conservation Society  
 932 license plates must bear the colors and design approved by the  
 933 department. The word "Florida" must appear at the top of the  
 934 plate, and the words "Palm Beach Zoo and Conservation Society"  
 935 must appear at the bottom of the plate.

936 (b) The license plate annual use fees shall be distributed  
 937 to the Palm Beach Zoo and Conservation Society to fund  
 938 educational programs for students in pre-K through grade 12,  
 939 conservation projects to protect endangered or threatened  
 940 species, and services for the health and welfare of animals in  
 941 the zoo's care. The Palm Beach Zoo and Conservation Society may  
 942 retain all revenue from the annual use fees until all startup  
 943 costs for developing and establishing the plate have been  
 944 recovered. Thereafter, up to 10 percent of the annual use fee  
 945 revenue may be used for promotion and marketing of the specialty  
 946 license plate and administrative costs directly associated with  
 947 the programs of the society and the specialty license plate.

948 (97) ETHICAL ECOTOURISM LICENSE PLATES.-

949 (a) The department shall develop an Ethical Ecotourism  
 950 license plate as provided in this section and s. 320.08053. The  
 951 word "Florida" must appear at the top of the plate, and words  
 952 that are approved by the department must appear at the bottom of  
 953 the plate.

954 (b) The annual use fees from the sale of the plate must be  
 955 distributed equally between the Florida Society for Ethical  
 956 Ecotourism and Paddle Florida, Inc., each of which may use up to  
 957 10 percent of such proceeds for administrative costs and the

596-03784-19

20191104c1

958 marketing of the plate. The remaining proceeds must be used by  
 959 the Florida Society for Ethical Ecotourism to provide  
 960 environmental education and awareness that encourage behaviors  
 961 that contribute to the sustainability of Florida's natural  
 962 ecosystems and resources, and by Paddle Florida, Inc., to raise  
 963 awareness about water conservation, wildlife preservation,  
 964 restoration of springs, and protection of waterways in this  
 965 state.

966 (98) KNIGHTS OF COLUMBUS LICENSE PLATES.-

967 (a) The department shall develop a Knights of Columbus  
 968 license plate as provided in this section and s. 320.08053. The  
 969 plate must bear the colors and design approved by the  
 970 department. The word "Florida" must appear at the top of the  
 971 plate, and the words "In God We Trust" must appear at the bottom  
 972 of the plate.

973 (b) The license plate annual use fees shall be distributed  
 974 to Florida KofC Charities, Inc., which may use a maximum of 10  
 975 percent of the proceeds to promote and market the plate. The  
 976 remainder of the proceeds shall be used by Florida KofC  
 977 Charities, Inc., a Knights of Columbus organization under s.  
 978 501(c)(3) of the Internal Revenue Code, to fund its charitable  
 979 activities, including, but not limited to, the Christian Refugee  
 980 Relief Fund, disaster relief, Ultrasound Initiative, Food for  
 981 Families, and Coats for Kids.

982 (99) DAUGHTERS OF THE AMERICAN REVOLUTION LICENSE PLATES.-

983 (a) The department shall develop a Daughters of the  
 984 American Revolution license plate as provided in this section  
 985 and s. 320.08053. The plate must bear the colors and design  
 986 approved by the department. The word "Florida" must appear at

596-03784-19 20191104c1

987 the top of the plate, and the word "Daughters of the American  
 988 Revolution" must appear at the bottom of the plate.

989 (b) The annual use fees from the sale of the plate shall be  
 990 distributed to the Daughters of the American Revolution, a  
 991 nonprofit organization under s. 501(c)(3) of the Internal  
 992 Revenue Code. Up to 10 percent of the proceeds may be used for  
 993 the promotion and marketing of the plate. The remainder of the  
 994 proceeds shall be used within this state by the Daughters of the  
 995 American Revolution, a nonpolitical volunteer women's service  
 996 organization, to promote patriotism, preserve American history,  
 997 and secure America's future through educational programs for  
 998 local public and private K-12 students and scholarships and  
 999 other educational funding for underprivileged children.

1000 (100) GUARDIAN AD LITEM LICENSE PLATES.-

1001 (a) The department shall develop a Guardian Ad Litem  
 1002 license plate as provided in this section and s. 320.08053. The  
 1003 plate must bear the colors and design approved by the  
 1004 department. The word "Florida" must appear at the top of the  
 1005 plate, and the words "Heartfelt Child Advocacy" must appear at  
 1006 the bottom of the plate.

1007 (b) The annual use fees from the sale of the plate shall be  
 1008 distributed to the Florida Guardian Ad Litem Foundation, Inc., a  
 1009 direct-support organization and a nonprofit corporation under s.  
 1010 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the  
 1011 proceeds may be used for administrative costs and the marketing  
 1012 of the plate. The remainder of the proceeds must be used in this  
 1013 state to support the mission and efforts of the statewide  
 1014 Guardian Ad Litem Program to recruit and retain volunteer child  
 1015 advocates, meet the unique needs of dependent children, and

596-03784-19 20191104c1

1016 promote awareness of the mission.

1017 (101) JUMBO SHRIMP LICENSE PLATES.-

1018 (a) The department shall develop a Jumbo Shrimp license  
 1019 plate as provided in this section and s. 320.08053. The plate  
 1020 must bear the colors and design approved by the department. The  
 1021 word "Florida" must appear at the top of the plate, and the word  
 1022 "Jumbo Shrimp" must appear at the bottom of the plate.

1023 (b) The annual use fees from the sale of the plate shall be  
 1024 distributed to St. Johns Riverkeeper, a nonprofit organization  
 1025 under s. 501(c)(3) of the Internal Revenue Code. Up to 10  
 1026 percent of the proceeds may be used for the promotion and  
 1027 marketing of the plate. The remainder of the proceeds shall be  
 1028 used by St. Johns Riverkeeper for programs and activities  
 1029 related to fulfilling its mission to protect and restore the  
 1030 health of the St. Johns River.

1031 (102) OMEGA PSI PHI FRATERNITY LICENSE PLATES.-

1032 (a) The department shall develop an Omega Psi Phi  
 1033 Fraternity license plate as provided in this section and s.  
 1034 320.08053. The plate must bear the colors and design approved by  
 1035 the department. The word "Florida" must appear at the top of the  
 1036 plate, and the words "Omega Psi Phi" must appear at the bottom  
 1037 of the plate.

1038 (b) The annual use fees from the sale of the plate shall be  
 1039 distributed to the State of Florida Omega Friendship Foundation,  
 1040 Inc., to be used as follows:

1041 1. Five percent shall be used solely for marketing of the  
 1042 Omega Psi Phi Fraternity license plate.

1043 2. Ninety-five percent shall be used for college  
 1044 scholarships for Florida residents attending historically black



596-03784-19 20191104c1

1045 colleges and universities in this state.

1046 (103) DELTA SIGMA THETA SORORITY LICENSE PLATES.—

1047 (a) The department shall develop a Delta Sigma Theta

1048 Sorority license plate as provided in this section and s.

1049 320.08053. The plate must bear the colors and design approved by

1050 the department. The word "Florida" must appear at the top of the

1051 plate, and the words "Delta Sigma Theta" must appear at the

1052 bottom of the plate.

1053 (b) The annual use fees from the sale of the plate shall be

1054 distributed to the Delta Research and Educational Foundation,

1055 Inc., to be used as follows:

1056 1. Five percent shall be used solely for marketing of the

1057 Delta Sigma Theta Sorority license plate.

1058 2. Ninety-five percent shall be used for college

1059 scholarships for Florida residents attending historically black

1060 colleges and universities in this state.

1061 (104) SIGMA GAMMA RHO SORORITY LICENSE PLATES.—

1062 (a) The department shall develop a Sigma Gamma Rho Sorority

1063 license plate as provided in this section and s. 320.08053. The

1064 plate must bear the colors and design approved by the

1065 department. The word "Florida" must appear at the top of the

1066 plate, and the words "Sigma Gamma Rho" must appear at the bottom

1067 of the plate.

1068 (b) The annual use fees from the sale of the plate shall be

1069 distributed to the Department of Education to be used for the

1070 Mary McLeod Bethune Scholarship Program in accordance with s.

1071 1009.73.

1072 (105) KAPPA ALPHA PSI FRATERNITY LICENSE PLATES.—

1073 (a) The department shall develop a Kappa Alpha Psi

596-03784-19 20191104c1

1074 Fraternity license plate as provided in this section and s.

1075 320.08053. The plate must bear the colors and design approved by

1076 the department. The word "Florida" must appear at the top of the

1077 plate, and the words "Kappa Alpha Psi" must appear at the bottom

1078 of the plate.

1079 (b) The annual use fees from the sale of the plate shall be

1080 distributed to the Southern Province of Kappa Alpha Psi

1081 Foundation, Inc., to be used as follows:

1082 1. Five percent shall be used solely for marketing of the

1083 Kappa Alpha Psi Fraternity license plate.

1084 2. Ninety-five percent shall be used for college

1085 scholarships for Florida residents attending historically black

1086 colleges and universities in this state.

1087 (106) ALPHA KAPPA ALPHA SORORITY LICENSE PLATES.—

1088 (a) The department shall develop an Alpha Kappa Alpha

1089 Sorority license plate as provided in this section and s.

1090 320.08053. The plate must bear the colors and design approved by

1091 the department. The word "Florida" must appear at the top of the

1092 plate, and the words "Alpha Kappa Alpha" must appear at the

1093 bottom of the plate.

1094 (b) The annual use fees from the sale of the plate shall be

1095 distributed to the Alpha Kappa Alpha Educational Advancement

1096 Foundation, Inc., to be used as follows:

1097 1. Five percent shall be used solely for marketing of the

1098 Alpha Kappa Alpha Sorority license plate.

1099 2. Ninety-five percent shall be used for college

1100 scholarships for Florida residents attending historically black

1101 colleges and universities in this state.

1102 (107) ALPHA PHI ALPHA FRATERNITY LICENSE PLATES.—

596-03784-19

20191104c1

1103 (a) The department shall develop an Alpha Phi Alpha  
 1104 Fraternity license plate as provided in this section and s.  
 1105 320.08053. The plate must bear the colors and design approved by  
 1106 the department. The word "Florida" must appear at the top of the  
 1107 plate, and the words "Alpha Phi Alpha" must appear at the bottom  
 1108 of the plate.

1109 (b) The annual use fees from the sale of the plate shall be  
 1110 distributed to the Department of Education to be used for the JC  
 1111 Rawls-FFAC Foundation, Inc.

1112 (108) ZETA PHI BETA SORORITY LICENSE PLATES.-

1113 (a) The department shall develop a Zeta Phi Beta Sorority  
 1114 license plate as provided in this section and s. 320.08053. The  
 1115 plate must bear the colors and design approved by the  
 1116 department. The word "Florida" must appear at the top of the  
 1117 plate, and the words "Zeta Phi Beta" must appear at the bottom  
 1118 of the plate.

1119 (b) The annual use fees from the sale of the plate shall be  
 1120 distributed to the Department of Education to be used for the  
 1121 Mary McLeod Bethune Scholarship Program in accordance with s.  
 1122 1009.73.

1123 (109) PHI BETA SIGMA FRATERNITY LICENSE PLATES.-

1124 (a) The department shall develop a Phi Beta Sigma  
 1125 Fraternity license plate as provided in this section and s.  
 1126 320.08053. The plate must bear the colors and design approved by  
 1127 the department. The word "Florida" must appear at the top of the  
 1128 plate, and the words "Phi Beta Sigma" must appear at the bottom  
 1129 of the plate.

1130 (b) The annual use fees from the sale of the plate shall be  
 1131 distributed to the Department of Education to be used for the

596-03784-19

20191104c1

1132 Mary McLeod Bethune Scholarship Program in accordance with s.  
 1133 1009.73.

1134 (110) IOTA PHI THETA FRATERNITY LICENSE PLATES.-

1135 (a) The department shall develop an Iota Phi Theta  
 1136 Fraternity license plate as provided in this section and s.  
 1137 320.08053. The plate must bear the colors and design approved by  
 1138 the department. The word "Florida" must appear at the top of the  
 1139 plate, and the words "Iota Phi Theta" must appear at the bottom  
 1140 of the plate.

1141 (b) The annual use fees from the sale of the plate shall be  
 1142 distributed to the Department of Education to be used for the  
 1143 Mary McLeod Bethune Scholarship Program in accordance with s.  
 1144 1009.73.

1145 (111) GOPHER TORTOISE LICENSE PLATES.-

1146 (a) The department shall develop a Gopher Tortoise license  
 1147 plate as provided in this section and s. 320.08053. The plate  
 1148 must bear the colors and design approved by the department. The  
 1149 word "Florida" must appear at the top of the plate, and the  
 1150 words "Protect the Gopher Tortoise" must appear at the bottom of  
 1151 the plate.

1152 (b) The annual use fees from the sale of the plate shall be  
 1153 distributed to Wildlands Conservation, Inc., a nonprofit  
 1154 corporation under s. 501(c)(3) of the Internal Revenue Code, to  
 1155 fund gopher tortoise and commensal species research, education,  
 1156 and conservation, as well as upland habitat protection,  
 1157 restoration, and management in this state. Up to 15 percent of  
 1158 the funds received by Wildlands Conservation, Inc., may be used  
 1159 for marketing of the plate and costs directly associated with  
 1160 the administration of the gopher tortoise protection program.

596-03784-19 20191104c1

1161 Wildlands Conservation, Inc., shall use and distribute the funds  
 1162 to eligible Florida-based scientific, conservation, and  
 1163 educational organizations for gopher tortoise and upland habitat  
 1164 research, conservation, and management.

1165 (112) TREAD LIGHTLY OFF ROAD FLORIDA LICENSE PLATES.—

1166 (a) The department shall develop a Tread Lightly Off Road  
 1167 Florida license plate as provided in this section and s.  
 1168 320.08053. The plate must bear the colors and design approved by  
 1169 the department. The words "Tread Lightly" must appear at the top  
 1170 of the plate, and the word "Florida" must appear at the bottom  
 1171 of the plate.

1172 (b) The annual use fees from the sale of the plate shall be  
 1173 distributed to the Florida Off Road Foundation, Inc., a  
 1174 nonprofit corporation under s. 501(c)(3) of the Internal Revenue  
 1175 Code. Up to 10 percent of the funds may be used for marketing of  
 1176 the plate, costs directly associated with creation of the plate,  
 1177 and administrative costs related to distribution of proceeds,  
 1178 including annual audit services and compliance affidavit costs.  
 1179 The remainder of the funds shall be used by the Florida Off Road  
 1180 Foundation, Inc., to fund qualified nonprofit organizations that  
 1181 protect and preserve Florida's natural off-road habitat; educate  
 1182 Floridians about responsible use of the off-road environment;  
 1183 support civilian volunteer programs to promote the use of off-  
 1184 road vehicles to assist law enforcement in situations such as  
 1185 search and rescue; support organized cleanups, trail  
 1186 maintenance, and restoration; or preserve Florida's off-road  
 1187 culture.

1188 (113) ORLANDO UNITED LICENSE PLATES.—

1189 (a) The department shall develop an Orlando United license

596-03784-19 20191104c1

1190 plate as provided in this section and s. 320.08053. The plate  
 1191 must bear the colors and design approved by the department. The  
 1192 word "Florida" must appear at the top of the plate, and the  
 1193 words "Orlando United" must appear at the bottom of the plate.

1194 (b) The annual use fees from the sale of the plate shall be  
 1195 distributed as follows:

1196 1. Five percent shall be distributed to the Mental Health  
 1197 Association of Central Florida, Inc., to be used for marketing  
 1198 of the license plate.

1199 2. Thirty-one percent shall be distributed to the Mental  
 1200 Health Association of Central Florida, Inc. Of this amount, up  
 1201 to 5 percent may be used for administrative expenses, and the  
 1202 remainder shall be used to offer free personalized counseling to  
 1203 any person affected by the shooting at the Pulse nightclub in  
 1204 Orlando on June 12, 2016.

1205 3. Two percent shall be distributed to onePULSE Foundation,  
 1206 a charitable, nonprofit organization under s. 501(c)(3) of the  
 1207 Internal Revenue Code, to be used for marketing of the license  
 1208 plate.

1209 4. Thirty-one percent shall be distributed to onePULSE  
 1210 Foundation. Of this amount, up to 5 percent may be used for  
 1211 administrative expenses, and the remainder shall be used to  
 1212 support the construction and maintenance of the onePULSE  
 1213 Foundation Memorial.

1214 5. Thirty-one percent shall be distributed to Two Spirit  
 1215 Health Services, Inc. Of this amount, up to 5 percent may be  
 1216 used for administrative expenses, and the remainder shall be  
 1217 used to offer free personalized counseling to any person  
 1218 affected by the shooting at the Pulse nightclub in Orlando on

596-03784-19 20191104c1

1219 June 12, 2016.

1220 Section 8. Subsection (1) of section 320.08062, Florida  
1221 Statutes, is amended to read:

1222 320.08062 Audits and attestations required; annual use fees  
1223 of specialty license plates.—

1224 (1) (a) All organizations that receive annual use fee  
1225 proceeds from the department are responsible for ensuring that  
1226 proceeds are used in accordance with ss. 320.08056 and  
1227 320.08058.

1228 (b) Any organization not subject to audit pursuant to s.  
1229 215.97 shall annually attest, under penalties of perjury, that  
1230 such proceeds were used in compliance with ss. 320.08056 and  
1231 320.08058. The attestation shall be made annually in a form and  
1232 format determined by the department. In addition, the department  
1233 shall audit any such organization every 3 years to ensure that  
1234 proceeds have been used in compliance with ss. 320.08056 and  
1235 320.08058.

1236 (c) Any organization subject to audit pursuant to s. 215.97  
1237 shall submit an audit report in accordance with rules  
1238 promulgated by the Auditor General. The annual attestation shall  
1239 be submitted to the department for review within 9 months after  
1240 the end of the organization's fiscal year.

1241 Section 9. Paragraph (b) of subsection (4) of section  
1242 320.08068, Florida Statutes, is amended to read:

1243 320.08068 Motorcycle specialty license plates.—

1244 (4) A license plate annual use fee of \$20 shall be  
1245 collected for each motorcycle specialty license plate. Annual  
1246 use fees shall be distributed as follows:

1247 (b) Twenty percent to Preserve Vision ~~Prevent Blindness~~

596-03784-19 20191104c1

1248 Florida.

1249 Section 10. Section 320.0875, Florida Statutes, is created  
1250 to read:

1251 320.0875 Purple Heart special motorcycle license plate.—

1252 (1) Upon application to the department and payment of the  
1253 license tax for the motorcycle as provided in s. 320.08, a  
1254 resident of this state who owns or leases a motorcycle that is  
1255 not used for hire or commercial use shall be issued a Purple  
1256 Heart special motorcycle license plate if he or she provides  
1257 documentation acceptable to the department that he or she is a  
1258 recipient of the Purple Heart medal.

1259 (2) The Purple Heart special motorcycle license plate must  
1260 be stamped with the term "Combat-wounded Veteran" followed by  
1261 the serial number of the license plate. The Purple Heart special  
1262 motorcycle license plate may have the term "Purple Heart"  
1263 stamped on the plate and the likeness of the Purple Heart medal  
1264 appearing on the plate.

1265 Section 11. Paragraph (a) of subsection (1) of section  
1266 320.089, Florida Statutes, is amended to read:

1267 320.089 Veterans of the United States Armed Forces; members  
1268 of National Guard; survivors of Pearl Harbor; Purple Heart medal  
1269 recipients; Bronze Star recipients; active or retired United  
1270 States Armed Forces reservists; Combat Infantry Badge, Combat  
1271 Medical Badge, or Combat Action Badge recipients; Combat Action  
1272 Ribbon recipients; Air Force Combat Action Medal recipients;  
1273 Distinguished Flying Cross recipients; former prisoners of war;  
1274 Korean War Veterans; Vietnam War Veterans; Operation Desert  
1275 Shield Veterans; Operation Desert Storm Veterans; Operation  
1276 Enduring Freedom Veterans; Operation Iraqi Freedom Veterans;

596-03784-19

20191104c1

1277 Women Veterans; World War II Veterans; and Navy Submariners;  
 1278 special license plates; fee.—  
 1279 (1) (a) Each owner or lessee of an automobile or truck for  
 1280 private use or recreational vehicle as specified in s.  
 1281 320.08(9) (c) or (d), which is not used for hire or commercial  
 1282 use, who is a resident of the state and a veteran of the United  
 1283 States Armed Forces, a Woman Veteran, a World War II Veteran, a  
 1284 Navy Submariner, an active or retired member of the Florida  
 1285 National Guard, a survivor of the attack on Pearl Harbor, a  
 1286 recipient of the Purple Heart medal, a recipient of the Bronze  
 1287 Star, an active or retired member of any branch of the United  
 1288 States Armed Forces Reserve, or a recipient of the Combat  
 1289 Infantry Badge, Combat Medical Badge, Combat Action Badge,  
 1290 Combat Action Ribbon, Air Force Combat Action Medal, or  
 1291 Distinguished Flying Cross, upon application to the department,  
 1292 accompanied by proof of release or discharge from any branch of  
 1293 the United States Armed Forces, proof of active membership or  
 1294 retired status in the Florida National Guard, proof of  
 1295 membership in the Pearl Harbor Survivors Association or proof of  
 1296 active military duty in Pearl Harbor on December 7, 1941, proof  
 1297 of being a Purple Heart medal recipient, proof of being a Bronze  
 1298 Star recipient, proof of active or retired membership in any  
 1299 branch of the United States Armed Forces Reserve, or proof of  
 1300 membership in the Combat Infantrymen's Association, Inc., proof  
 1301 of being a recipient of the Combat Infantry Badge, Combat  
 1302 Medical Badge, Combat Action Badge, Combat Action Ribbon, Air  
 1303 Force Combat Action Medal, or Distinguished Flying Cross, and  
 1304 upon payment of the license tax for the vehicle as provided in  
 1305 s. 320.08, shall be issued a license plate as provided by s.

Page 45 of 46

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

596-03784-19

20191104c1

1306 320.06 which, in lieu of the serial numbers prescribed by s.  
 1307 320.06, is stamped with the words "Veteran," "Woman Veteran,"  
 1308 "WWII Veteran," "Navy Submariner," "National Guard," "Pearl  
 1309 Harbor Survivor," "Combat-wounded veteran," "Bronze Star," "U.S.  
 1310 Reserve," "Combat Infantry Badge," "Combat Medical Badge,"  
 1311 "Combat Action Badge," "Combat Action Ribbon," "Air Force Combat  
 1312 Action Medal," or "Distinguished Flying Cross," as appropriate,  
 1313 and a likeness of the related campaign medal or badge, followed  
 1314 by the serial number of the license plate. Additionally, the  
 1315 Purple Heart plate may have the words "Purple Heart" stamped on  
 1316 the plate and the likeness of the Purple Heart medal appearing  
 1317 on the plate.

1318 Section 12. By November 1, 2019, the annual use fees  
 1319 withheld by the Department of Highway Safety and Motor Vehicles  
 1320 from the sale of the Live the Dream specialty license plate  
 1321 shall be used first to satisfy all outstanding royalty payments  
 1322 due to the Martin Luther King, Jr., Center for Nonviolent Social  
 1323 Change, Inc., for the use of the image of Dr. Martin Luther  
 1324 King, Jr. All remaining funds shall be distributed to the  
 1325 subrecipients on a pro rata basis according to the percentages  
 1326 specified in s. 320.08058(47), Florida Statutes.

1327 Section 13. Except as otherwise expressly provided in this  
 1328 act, this act shall take effect October 1, 2019, but only if SB  
 1329 1106 or similar legislation takes effect, if such legislation is  
 1330 adopted in the same legislative session or an extension thereof  
 1331 and becomes a law.

Page 46 of 46

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Travis Hutson, Chair  
Appropriations Subcommittee on Transportation, Tourism, and Economic  
Development

**Subject:** Committee Agenda Request

**Date:** April 3, 2019

---

I respectfully request that **Senate Bill # 1104**, relating to Transportation Credentials , be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Aaron Bean".

---

Senator Aaron Bean  
Florida Senate, District 4

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

4/16/2019

Meeting Date

SB 1104

Bill Number (if applicable)

647456

Amendment Barcode (if applicable)

Topic SB 1104 -

Name Sam Wagoner

Job Title Lobbyist

Address 7392 Mud Dr

Street

Phone 352-584-8647

Spring Hill FL 34606

City

State

Zip

Email wagoner@scgroup.us

Speaking:  For  Against  Information

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

Representing Lake Sumter State College

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

4/14/2019

Meeting Date

1104

Bill Number (if applicable)

647456

Amendment Barcode (if applicable)

Topic License Plates

Name Nicole Albers

Job Title Public Affairs Manager

Address 417 E College Ave

Street

Phone 850 224 3314 x7

Tallahassee FL 32301

City

State

Zip

Email nalbers@publicpower.com

Speaking:  For  Against  Information

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

Representing Florida Municipal Electric Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

4/16/19  
Meeting Date

1104  
Bill Number (if applicable)

647456  
Amendment Barcode (if applicable)

Topic License Plates

Name Suzanne Goss

Job Title Government Relations Specialist

Address 21 W. Church St.  
Street

Phone 904 665-8331

Jacksonville FL 32202  
City State Zip

Email gossSE@jea.com

Speaking:  For  Against  Information

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

Representing JEA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

4-16-19  
Meeting Date

SB 1104  
Bill Number (if applicable)

Topic License Plates

Amendment Barcode (if applicable)

Name Anna Higgins

Job Title Lobbyist

Address 3375 Rommitch Ct

Phone 202-384-6657

Street

Pensacola FL 32504

City

State

Zip

Email ahiggins@walkerfi.com

Speaking:  For  Against  Information

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

Representing Naval Aviation Museum Foundation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

April 16, 2019  
Meeting Date

1104  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Erin Ballas

Job Title \_\_\_\_\_

Address 730 E. Park Ave

Phone 850 728 6387

Street

Tallahassee

City

FL

State

32301

Zip

Email erinballas@paconsultants.com

Speaking:  For  Against  Information

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

Representing Palm Beach Zoo

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

4-16-19

Meeting Date

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

1104

Bill Number (if applicable)

Topic FLORIDA NATIVE LICENSE PLATE

Amendment Barcode (if applicable)

Name Sue Mullins

Job Title \_\_\_\_\_

Address 989 Rehwinkel Rd

Phone 850/590-8000

Street

Crawfordville FL 32327

City

State

Zip

Email bsmullins@outlook.com

Speaking:  For  Against  Information

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

Representing Florida Native Plant Society

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

4/16/19  
Meeting Date

1104  
Bill Number (if applicable)

Topic Give The Dream license plate

Amendment Barcode (if applicable)

Name Michael Dobson

Job Title President

Address 4005 Brandon Hill Dr

Phone (850) 241-5896

Tallahassee FL 32304  
City State Zip

Email Michael@live-the-dream-foundation.org

Speaking:  For  Against  Information

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

Representing The Dream Foundation, Inc

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

# THE FLORIDA SENATE APPEARANCE RECORD

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

4/16/19

SB 1104

Meeting Date

Bill Number (if applicable)

Topic License Plates

Amendment Barcode (if applicable)

Name Alan Abramowitz

Job Title Executive Director, GAL Program

Address 400 S. Calhoun Street

Phone 850.241.3232

Street

Tallahassee

Florida

32399

Email alan.abramowitz@gal.fl.gov

City

State

Zip

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on Health and Human Services, *Chair*  
Appropriations  
Appropriations Subcommittee on Agriculture, Environment, and General Government  
Children, Families, and Elder Affairs  
Governmental Oversight and Accountability  
Health Policy  
Infrastructure and Security

**SENATOR AARON BEAN**

4th District

April 16, 2019

Re: SB 1104 & SB 1106

Dear Chair Hutson:

I am respectfully requesting Senator Keith Perry be allowed to present Senate Bills 1104 & 1106, related to License Plates, which is on agenda for the April 16, 2019 meeting of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

I appreciate your consideration of this bill. If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5004.

Thank-you,

A handwritten signature in cursive script that reads "Aaron Bean".

TJH

Aaron Bean  
State Senator | 4<sup>th</sup> District

### REPLY TO:

- Duval Station, 13453 North Main Street, Suite 301, Jacksonville, Florida 32218 (904) 757-5039 FAX: (888) 263-1578
- 405 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5004 FAX: (850) 410-4805

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

**BILL GALVANO**  
President of the Senate

**DAVID SIMMONS**  
President Pro Tempore

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

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

---

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

---

BILL: CS/SB 1106

INTRODUCER: Infrastructure and Security Committee and Senator Bean

SUBJECT: Fees/Specialty License Plates Uniform Annual Use Fee

DATE: April 15, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Favorable</u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

---

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

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1106 provide that the annual use fee for any specialty license plate created in that statute is \$25, unless otherwise specified. The bill also establishes an annual use fee of \$50 for the University of Alabama and the University of Georgia specialty license plates.

SB 1104, which this bill is linked to, authorizes the creation of numerous specialty license plates, including the Alabama and Georgia collegiate plates; and provides for the design of the plates and the use of the annual fees associated with the specialty license plates.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the bill will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The bill has an effective date on the same date that SB 1104 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.



## II. Present Situation:

### Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.<sup>1</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>2</sup> The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate's design and designated in statute.<sup>3</sup>

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>4</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>5</sup>

### DHSMV Costs Defrayed

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of specialty plates to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.<sup>6</sup>

### University of Georgia

Founded in 1946 as the Georgia Alumni Association of Jacksonville, the Georgia Bulldog Club of Jacksonville is America's largest University of Georgia alumni and fan club.<sup>7</sup> In 1988, the club established the Vince Dooley Scholarship Fund to award scholarships to attend the University of Georgia for students from Duval, Nassau, St. Johns, Clay, or Baker counties, based on academic and economic need.<sup>8</sup>

### University of Alabama

The Pensacola Bama Club is a Chapter of the University of Alabama National Alumni Association. They are a nonprofit, fan-based organization representing the University of Alabama National Alumni Association in Pensacola, Florida, and are open to alumni, friends, and fans of the university. "The organization's primary mission is to provide scholarships to deserving local high school students as well as play host to an annual kick-off event and game watching parties."<sup>9</sup>

---

<sup>1</sup> A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited April 5, 2019).

<sup>2</sup> Section 320.08056, F.S.

<sup>3</sup> Section 320.08058, F.S.

<sup>4</sup> Section 320.08056(10)(a), F.S.

<sup>5</sup> Section 320.08062, F.S.

<sup>6</sup> Section 320.08056(7), F.S.

<sup>7</sup> Georgia Bulldog Club of Jacksonville, *Welcome to the Home of the Georgia Bulldog Club of Jacksonville*, <https://jaxbulldogs.com/> (last visited April 8, 2019)

<sup>8</sup> Georgia Bulldog Club of Jacksonville, *Scholarship*, <https://jaxbulldogs.com/scholarship-fund/> (last visited April 8, 2019).

<sup>9</sup> Pensacola Bama Club, *About*, <https://www.pensacolabamaclub.org/about> (last visited April 8, 2019).

**III. Effect of Proposed Changes:**

The bill amends s. 320.08056, F.S., to provide that the annual use fee for any specialty license plate created in that statute is \$25, unless otherwise specified in the statute.

The bill also establishes an annual use fee of \$50 for the University of Alabama and the University of Georgia specialty license plates created in SB 1104.

The bill has an effective date on the same date that SB 1104 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes 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:**

Section 19, Art. VII of the Florida Constitution requires “a supermajority vote” of two-thirds of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.<sup>10</sup> A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”<sup>11</sup> A state tax or fee imposed or authorized must be contained in a separate bill that contains no other subject.<sup>12</sup>

The \$25 annual use fee that will be charged for any specialty license plate that the DHSMV is required to develop and the \$50 annual use fee for the University of Alabama and the University of Georgia specialty license plates may be new state fees subject to the constitutional requirements.

**E. Other Constitutional Issues:**

None.

---

<sup>10</sup> FLA. CONST. art. VII, s. 19(a).

<sup>11</sup> FLA. CONST. art. VII, s. 19(d)(1).

<sup>12</sup> FLA. CONST. art. VII, s. 19(e).

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

Individuals who choose to purchase a specialty license plate created in SB 1104 will pay an additional use fee of \$25 in addition to required vehicle license taxes and fees.

Individuals who choose to purchase a University of Alabama or University of Georgia specialty license plate will pay an additional use fee of \$50 in addition to required vehicle license taxes and fees.

**B. Private Sector Impact:**

Revenue from the sale of the specialty license plates created in SB 1104 will benefit numerous organizations listed in that bill.

Revenue from the sale of the University of Alabama specialty license plate will benefit the Pensacola Bama Club, which must use the moneys for the purpose of awarding scholarships to Florida residents attending the University of Alabama.

Revenue from the sale of the University of Georgia specialty license plate will benefit the Georgia Bulldog Club of Jacksonville, which must distribute the moneys received for the purpose of awarding scholarships to Florida residents attending the University of Georgia.

**C. Government Sector Impact:**

Depending on the number of distributions tied to the plate, the amount of programming may vary as will the resources needed to complete the changes. The average specialty/special license plate requires approximately 200-250 hours of programming, at a rate of \$35 to \$40 per hour. This results in programming costs of between \$7,000 and \$10,000.<sup>13</sup> The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.<sup>14</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill is linked to SB 1106, which establishes 34 specialty license plates.

---

<sup>13</sup> Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: SLP Price for Tim, (February 5, 2019) (On file with the Senate Infrastructure and Security Committee).

<sup>14</sup> Section 320.08056(7), F.S.

**VIII. Statutes Affected:**

This bill substantially amends section 320.08056 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 Infrastructure and Security on April 2, 2019:**  
The CS incorporates the linked bill number of SB 1104.

- B. **Amendments:**

None.

By the Committee on Infrastructure and Security; and Senator  
Bean

596-03786-19

20191106c1

1 A bill to be entitled  
2 An act relating to fees; amending s. 320.08056, F.S.;  
3 creating a uniform annual use fee collected for a  
4 specialty license plate unless otherwise specified;  
5 adding annual use fees for certain specialty license  
6 plates; providing a contingent effective date.  
7  
8 Be It Enacted by the Legislature of the State of Florida:  
9  
10 Section 1. Paragraph (d) of subsection (3) of section  
11 320.08056, Florida Statutes, is amended, and paragraphs (z) and  
12 (aa) are added to subsection (4) of that section, as amended by  
13 SB 1104, 2019 Regular Session, to read:  
14 320.08056 Specialty license plates.—  
15 (3) Each request must be made annually to the department or  
16 an authorized agent serving on behalf of the department,  
17 accompanied by the following tax and fees:  
18 (d) Unless the amount of an annual use fee is otherwise  
19 specified ~~A license plate annual use fee as required~~ in  
20 subsection (4) for a particular specialty license plate, an  
21 annual use fee of \$25 for any specialty license plate that is  
22 required to be developed under s. 320.08058.  
23  
24 A request may be made any time during a registration period. If  
25 a request is made for a specialty license plate to replace a  
26 current valid license plate, the specialty license plate must be  
27 issued with appropriate decals attached at no tax for the plate,  
28 but all fees and service charges must be paid. If a request is  
29 made for a specialty license plate at the beginning of the

Page 1 of 2

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

596-03786-19

20191106c1

30 registration period, the tax, together with all applicable fees  
31 and service charges, must be paid.  
32 (4) The following license plate annual use fees shall be  
33 collected for the appropriate specialty license plates:  
34 (z) University of Alabama license plate, \$50.  
35 (aa) University of Georgia license plate, \$50.  
36 Section 2. This act shall take effect on the same date that  
37 SB 1104 or similar legislation takes effect, if such legislation  
38 is adopted in the same legislative session or an extension  
39 thereof and becomes a law.

Page 2 of 2

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Travis Hutson, Chair  
Appropriations Subcommittee on Transportation, Tourism, and Economic  
Development

**Subject:** Committee Agenda Request

**Date:** April 3, 2019

---

I respectfully request that **Senate Bill # 1106**, relating to Fees/Specialty License Plate, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Aaron Bean".

---

Senator Aaron Bean  
Florida Senate, District 4



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on Health and Human Services, *Chair*  
Appropriations  
Appropriations Subcommittee on Agriculture, Environment, and General Government  
Children, Families, and Elder Affairs  
Governmental Oversight and Accountability  
Health Policy  
Infrastructure and Security

**SENATOR AARON BEAN**

4th District

April 16, 2019

Re: SB 1104 & SB 1106

Dear Chair Hutson:

I am respectfully requesting Senator Keith Perry be allowed to present Senate Bills 1104 & 1106, related to License Plates, which is on agenda for the April 16, 2019 meeting of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

I appreciate your consideration of this bill. If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5004.

Thank-you,

A handwritten signature in cursive script that reads "Aaron Bean".

TJH

Aaron Bean  
State Senator | 4<sup>th</sup> District

### REPLY TO:

- Duval Station, 13453 North Main Street, Suite 301, Jacksonville, Florida 32218 (904) 757-5039 FAX: (888) 263-1578
- 405 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5004 FAX: (850) 410-4805

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

**BILL GALVANO**  
President of the Senate

**DAVID SIMMONS**  
President Pro Tempore

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

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

---

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

---

BILL: SB 1162

INTRODUCER: Senator Gainer

SUBJECT: Northwest Florida Rural Inland Affected Counties Recovery Fund

DATE: April 15, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McKay</u>	<u>McKay</u>	<u>CM</u>	<u>Favorable</u>
2.	<u>Hrdlicka</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Favorable</u>
3.	_____	_____	<u>AP</u>	_____

---

**I. Summary:**

SB 1162 creates the Northwest Florida Rural Inland Affected Counties Recovery Fund (fund) within the Department of Economic Opportunity (DEO), to facilitate the planning, preparation, and financing of infrastructure projects and workforce programs in rural inland counties affected by the Deepwater Horizon Oil Spill. The bill designates the following counties as rural inland affected counties: Calhoun County, Gadsden County, Holmes County, Jackson County, Jefferson County, Liberty County, and Washington County.

The bill also:

- Directs future Legislatures to appropriate to the fund 5 percent of future settlement payments received by the state pursuant to the Settlement Agreement Between the Gulf States and the BP Entities with Respect to Economic and Other Claims Arising from the Deepwater Horizon Incident;
- Requires the DEO to establish an application procedure and scoring process to grant awards to organizations or local governments within the rural inland affected counties;
- Lists eligible projects and programs that may be provided awards by the DEO;
- Establishes criteria for projects and programs that should be given priority for award by the DEO; and
- Requires the DEO to review and certify applications according to the economic development incentive application process specified in s. 288.061, F.S., and in consultation with Enterprise Florida, Inc., the Florida Tourism Industry Marketing Corporation (VISIT Florida), the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission.

The bill directs future Legislatures to appropriate funds, but contains no current appropriation.

The bill is effective July 1, 2019.



## II. Present Situation:

### Deepwater Horizon Oil Spill

On April 20, 2010, an offshore drilling rig, known as Deepwater Horizon, exploded in the Gulf of Mexico.<sup>1</sup> The explosion claimed the lives of 11 crewmembers<sup>2</sup> and caused nearly five million barrels of crude oil to spill into the Gulf of Mexico.<sup>3</sup> The five states bordering the Gulf of Mexico (Alabama, Florida, Louisiana, Mississippi, and Texas) were quickly determined to have experienced the most devastating economic and environmental effects of the oil spill.<sup>4</sup>

On July 6, 2012, President Obama signed into law the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act) in an effort to provide a mechanism for funding restoration of the Gulf Coast region.<sup>5</sup> The RESTORE Act required 80 percent of administrative and civil penalties paid by responsible parties<sup>6</sup> under provisions of the federal Clean Water Act to be deposited into the Gulf Coast Restoration Trust Fund.<sup>7</sup> The RESTORE Act set forth the following framework for allocation of the Trust Fund:

- 35 percent equally divided among the five states;
- 30 percent to the Gulf Coast Ecosystem Restoration Council;
- 30 percent to the Oil Spill Restoration Impact;
- 2.5 percent to the Gulf Coast Ecosystem Restoration Science Observation Monitoring and Technology Program; and
- 2.5 percent to Centers of Excellence.<sup>8</sup>

In addition to penalties imposed under the Clean Water Act, responsible parties were liable for Natural Resource Damage Assessment penalties under the Oil Pollution Act of 1990 and criminal penalties asserted by the National Fish and Wildlife Foundation.<sup>9</sup> The funds awarded to the Gulf States were determined pursuant to a consent decree, which approved a \$20.8 billion

---

<sup>1</sup> Campbell Robertson, *Gulf Spill Is the Largest of Its Kind, Scientists Say*, The New York Times, Aug. 2, 2010, available at <http://www.nytimes.com/2010/08/03/us/03spill.html> (last visited March 24, 2019).

<sup>2</sup> Bradley Blackburn, *BP Oil Spill: Families Gather to Honor 11 Who Died, Express Frustration with BP, Transocean*, ABC News, May 25, 2010, available at <http://abcnews.go.com/WN/bp-oil-spill-transocean-holds-memorial-11-lost/story?id=10739080> (last visited March 24, 2019).

<sup>3</sup> Robertson, *supra* note 1.

<sup>4</sup> Exec. Order No. 13554, 75 Fed. Reg. 62313, October 5, 2010, available at <https://obamawhitehouse.archives.gov/the-press-office/2010/10/05/executive-order-13554-gulf-coast-ecosystem-restoration-task-force> (last visited March 24, 2019).

<sup>5</sup> Pub. L. No. 112-141 (113<sup>th</sup> Congress). Codified at 33 U.S.C. 1321.

<sup>6</sup> Transocean Ltd., British Petroleum (BP), and The Halliburton Company were among the parties found to be responsible.

<sup>7</sup> The remaining 20 percent of the administrative and civil penalties are required to be deposited into the federal Oil Spill Liability Trust Fund, which funds removal costs or damages resulting from discharges of oil. *See* 33 U.S.C. 1321.

<sup>8</sup> A table of Projected BP Annual Deposits into the Gulf Coast Restoration Trust Fund created by the U.S. Department of Treasury (September 2, 2016) is available at [https://www.treasury.gov/services/restore-act/Documents/BP\\_Estimated\\_Deposits\\_Schedule\\_June302016.pdf](https://www.treasury.gov/services/restore-act/Documents/BP_Estimated_Deposits_Schedule_June302016.pdf) (last visited last visited March 24, 2019).

<sup>9</sup> Consent Decree, *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico on April 20, 2010* (no. 2179, M.D.L., April 4, 2016), available at <https://www.justice.gov/enrd/file/838066/download> (last visited March 24, 2019).

settlement of a civil lawsuit filed by the United States and the five Gulf States against the parties responsible for the oil spill.<sup>10</sup>

### ***Economic Loss Claims***

In an agreement separate from the civil lawsuit, BP also agreed to pay a total of \$4.9 billion to the five Gulf States and up to \$1 billion to local government entities for economic damage claims related to the oil spill.<sup>11</sup> Pursuant to the agreement, Florida will receive a total of \$2 billion over an 18-year period.<sup>12</sup> Attorney General Pam Bondi received BP's initial settlement payment of \$400 million in July of 2016, and the funds were deposited into the state General Revenue Fund.<sup>13</sup> Subsequent settlement payments are scheduled to be paid annually to the state in the amount of \$106,666,666 from 2019 until 2033.<sup>14</sup>

### **Florida Legislation**

#### ***Triumph Gulf Coast, Inc.***

In 2013, the Legislature created the Gulf Coast Economic Corridor Act (the act) to provide a long-term source of funding for economic recovery and enhancement efforts in the Gulf Coast region to help businesses, individuals, and local governments recover from the Deepwater Horizon oil spill.<sup>15</sup> The act created Triumph Gulf Coast, Inc. (Triumph Gulf Coast), a nonprofit corporation, administratively housed under the DEO.<sup>16</sup>

The duties of Triumph Gulf Coast include:

- Responsibly and prudently managing all funds received and ensuring that the use of funds is in accordance with applicable laws, bylaws, and contractual requirements;
- Administering the program set forth by the act;
- Monitoring, reviewing, and annually evaluating awardees and their projects or programs to determine whether awards should be continued, terminated, reduced, or increased; and
- Operating in a transparent manner, by maintaining a website that provides public access to information, notice of meetings, awards, and the status of projects and programs.<sup>17</sup>

---

<sup>10</sup> A flowchart by the Ocean Conservancy of the funds awarded in the approved settlement is available at <http://www.oceanconservancy.org/places/gulf-of-mexico/spill-funds-flowchart-spring.pdf> ("Spill Funds" then download pdf) (last visited March 24, 2019).

<sup>11</sup> Attorney General Pam Bondi, *Deepwater Horizon Oil Spill Settlement Fact Sheet*, available at [http://myfloridalegal.com/webfiles.nsf/WF/KMAN-9Y2H9C/\\$file/BP+Fact+Sheet.pdf](http://myfloridalegal.com/webfiles.nsf/WF/KMAN-9Y2H9C/$file/BP+Fact+Sheet.pdf) (last visited March 24, 2019).

<sup>12</sup> Joint Motion for Dismissal, Settlement Agreement Between the Gulf States and the BP Entities with Respect to Economic and Other Claims Arising from the *Deepwater Horizon* Incident, *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico on April 20, 2010* (no. 2179, M.D.L., October 5, 2015), at page 42, available at [http://www.laed.uscourts.gov/sites/default/files/OilSpill/Orders/10052015Motion\(DismissalofStates%2015435\).pdf](http://www.laed.uscourts.gov/sites/default/files/OilSpill/Orders/10052015Motion(DismissalofStates%2015435).pdf) (last visited March 24, 2019).

<sup>13</sup> Court settlement funds negotiated by the state are deposited in the General Revenue Fund pursuant to s. 216.216, F.S.

<sup>14</sup> Joint Motion for Dismissal, *supra* note 9.

<sup>15</sup> Section 288.8011, F.S.

<sup>16</sup> Sections 288.8013(1), F.S.

<sup>17</sup> Section 288.8016, F.S.

The activities of Triumph Gulf Coast are to benefit the “disproportionately affected counties,” which are Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton, and Wakulla counties.<sup>18</sup>

In 2017, the Legislature created the Triumph Gulf Coast Trust Fund within the DEO as a depository for a portion of the settlement payments received by the state.<sup>19</sup> During the same legislative session, the Legislature amended the act to update the criteria for awards and priorities granted by Triumph Gulf Coast, to address additional operations and requirements of Triumph Gulf Coast, and to provide an appropriation for the settlement payments.<sup>20</sup>

Pursuant to s. 288.8013, F.S., 75 percent of the payments received by the state pursuant to the settlement agreement must be immediately transferred from the General Revenue Fund to the Triumph Gulf Coast Trust Fund.<sup>21</sup> Of the settlement moneys received on or before July 1, 2017, 75 percent (roughly \$300 million), was appropriated to Triumph Gulf Coast for allocation by its board of directors. For settlement payments received by the state after July 1, 2017, 75 percent of the moneys (roughly \$80 million per annual payment) must be deposited into the Triumph Gulf Coast Trust Fund and released to Triumph Gulf Coast no later than 30 days after such funds are transferred to the Triumph Gulf Coast Trust Fund.<sup>22</sup>

As of March 15, 2019, the 2019 settlement payment from BP (roughly \$106,666,666) has not yet been received by the state. The payment is anticipated to be made on or around April 4, 2019.

### **Economic Development Incentive Application Process**

Section 288.061, F.S., specifies the process by which the Division of Strategic Business Development of the DEO and designated staff of Enterprise Florida, Inc., must review a submitted economic development incentive application to ensure that the application is complete, whether and what type of state and local permits may be necessary for the applicant’s project, whether it is possible to waive such permits, and what state incentives and amounts of such incentives may be available to the applicant.

The DEO must recommend to its executive director to approve or disapprove an applicant business. If review of the application demonstrates that the application is incomplete, the executive director must notify the applicant business within the first 5 business days after receiving the application.

The DEO must review and evaluate each economic development incentive application for the economic benefits of the proposed award of state incentives proposed for the project. The term “economic benefits” means the direct, indirect, and induced gains in state revenues as a percentage of the state’s investment, which includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives. Within 10 business days after the DEO receives the submitted

---

<sup>18</sup> Sections 288.8012(3) and 288.8017(1), F.S.

<sup>19</sup> Chapter 2017-64, L.O.F.

<sup>20</sup> See ch. 2017-63, L.O.F.

<sup>21</sup> The remaining 25 percent of all payments to the state pursuant to the settlement agreement were not addressed, and as a result, remain in the state’s General Revenue Fund, available for appropriation by the Legislature.

<sup>22</sup> Section 288.8013(2)(a), F.S.

economic development incentive application, the executive director must approve or disapprove the application and issue a letter of certification to the applicant which includes a justification of that decision, unless the business requests an extension of that time.

The contract or agreement with the applicant must specify the total amount of the award, the performance conditions that must be met to obtain the award, the schedule for payment, and sanctions that would apply for failure to meet performance conditions. The DEO may enter into one agreement or contract covering all of the state incentives that are being provided to the applicant. The contract must provide that release of funds is contingent upon sufficient appropriation of funds by the Legislature; the release of funds for the incentive or incentives awarded to the applicant depends upon the statutory requirements of the particular incentive program.

The DEO must validate contractor performance and report such validation in the annual incentives report required of Enterprise Florida, Inc.

After an economic development incentive application is approved, the awardee must provide, in each year that the DEO is required to validate contractor performance, a signed written declaration stating that the awardee has reviewed the performance information and that the information is true, correct, and complete to the best of the awardee's knowledge and belief.

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

#### **Northwest Florida Rural Inland Affected Counties Recovery Fund**

The bill creates s. 288.8055, F.S., to establish the Northwest Florida Rural Inland Affected Counties Recovery Fund (fund) within the DEO. The fund is created to facilitate the planning, preparation, and financing of infrastructure projects and workforce programs in rural inland affected counties, which will encourage job creation, capital investment, and the strengthening and diversification of the economies of such counties by promoting tourism, trade, and economic development.

The "rural inland affected counties" are Calhoun County, Gadsden County, Holmes County, Jackson County, Jefferson County, Liberty County, and Washington County.

#### ***Settlement Funds***

After settlement funds are transferred to the Triumph Gulf Coast Trust Fund, the bill requires 5 percent of all payments to the state received pursuant to the settlement agreement<sup>23</sup> after July 1, 2019, to be appropriated annually by the Legislature to the fund. The bill clarifies that the transfer of money to the fund does not diminish the amount of money transferred to the Triumph

---

<sup>23</sup> The bill defines "settlement agreement" to mean the agreement entitled "Settlement Agreement Between the Gulf States and the BP Entities with Respect to Economic and Other Claims Arising From the Deepwater Horizon Incident," which was entered into on October 5, 2015, in the case styled *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 in the United States District Court for the Eastern District of Louisiana.

Gulf Coast Trust Fund. Under the bill, future settlement payments received by the state after July 1, 2019, approximately \$106,666,666 annually, will be appropriated as follows:

- Approximately \$80 million to Triumph Gulf Coast; and
- If a future Legislature appropriates it, approximately \$5.3 million to the Northwest Florida Rural Inland Affected Counties Recovery Fund.<sup>24</sup>

The bill also provides that, notwithstanding s. 216.301, F.S., moneys appropriated to the fund are not subject to reversion.

### ***Application for Awards***

Under the bill, the DEO must grant awards to organizations or local governments within the rural inland affected counties for infrastructure projects and workforce programs that meet the priorities of economic recovery, diversification, and enhancement.

The DEO must establish an application procedure for awards and a scoring process for the selection of infrastructure projects and workforce programs that have the potential to generate increased economic activity in the rural inland affected counties. The DEO is required to review and certify applications according to the economic development incentive application process in s. 288.061, F.S., and in consultation with Enterprise Florida, Inc., the Florida Tourism Marketing Corporation (VISIT Florida), the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate. The application review must include an evaluation of the economic benefit of the infrastructure project or workforce program and its long-term viability. The bill specifies that the DEO has final approval of any awards provided.

### ***Awards and Priorities***

Awards may be provided for:

- Local match requirements for the Rural Infrastructure Fund in s. 288.0655, F.S.
- Infrastructure planning, design, construction, expansion, or maintenance projects that meet the priorities of the fund.
- Infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities necessary to induce the relocation or expansion of specific employment opportunities.
- Grants to support workforce programs that provide participants in the rural inland affected counties with transferable sustainable workforce skills.
- Grants to the Florida Tourism Industry Marketing Corporation (VISIT Florida) for the purpose of advertising and promoting tourism and agricultural or agricultural-based products marketed under the “Fresh From Florida” or “From Florida” logos and for promoting infrastructure projects and workforce programs on behalf of the rural inland affected counties.
- Grants to regionally based economic development organizations representing the rural inland affected counties for the purpose of building the professional capacity of such organizations and providing technical assistance to businesses served by such organizations.

---

<sup>24</sup> The remaining 20 percent of the settlement payments received after July 1, 2019 (approximately \$21.3 million of each annual settlement payment) will remain in the General Revenue Fund, available for appropriation by the Legislature.

The DEO is required to give priority to projects and programs that:

- Generate the maximum estimated economic benefits, based on tools and models not generally employed by economic input-output analyses, including cost-benefit, return-on-investment, or dynamic scoring techniques, to determine how the long-term economic growth potential of the rural inland affected counties may be enhanced by the award;
- Increase household income in the rural inland affected counties above the national average;
- Leverage or further enhance key assets, including K-20 educational institutions, research facilities, and military bases, in the rural inland affected counties;
- Partner with local governments to provide funds, infrastructure, land, or other assistance to the rural inland affected counties;
- Benefit the environment and economy of the rural inland affected counties;
- Provide outcome measures;
- Partner with K-20 educational training institutions or school districts located within the rural inland affected counties;
- Are recommended by the board of county commissioners of the rural inland affected county in which such project or program will be located; and
- Partner with convention and visitor bureaus, tourist development councils, or chambers of commerce located within the rural inland affected counties.

#### **Effective Date**

The bill is effective July 1, 2019.

#### **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:**

Indeterminate.

**C. Government Sector Impact:**

The DEO may incur costs associated with developing the application procedure and process to evaluate applications and grant awards.

The bill provides that 5 percent of the BP settlement payments received after July 1, 2019 “shall be appropriated annually” to the fund created in the bill. The bill does not appropriate any funds, and without an appropriation in the General Appropriations Act or otherwise, no funds are appropriated to the fund created by the bill.

If a future appropriation is made to the fund of 5 percent of the BP settlement payments, then such appropriation would reduce general revenue by approximately \$5.3 million.

**VI. Technical Deficiencies:**

Line 83 of the bill seems to direct VISIT Florida to made grants for promoting infrastructure projects and workforce programs on behalf of the rural inland affected counties. Section 288.8017(1)(g), F.S., for Triumph Gulf Coast and the disproportionately affected counties has a similar provision, but provides for Triumph Gulf Coast to make “grants to promote...” such activities. VISIT Florida is not an appropriate entity to make grants for infrastructure or workforce programs. If the bill is mirroring the similar language in the Triumph Gulf Coast awards statute, then likely this is a technical deficiency that could be addressed by adding the words “grants to” on line 83 of the bill.

**VII. Related Issues:**

Lines 51-52 of the bill create the Northwest Florida Rural Inland Affected Counties Recovery Fund within the DEO. Art. III, s. 19(f), of the State Constitution requires that every trust fund be created by a three-fifths vote of the membership of each house of the Legislature in a separate bill for the sole purpose of created a trust fund. State trust funds terminate not more than 4 years after their initial creation unless re-created. If the fund created by the bill is a trust fund, it should be created in a separate bill. If it is not a trust fund, but merely a program that will be funded out of an existing DEO trust fund, then the terminology could be changed to clarify this intent.

The bill provides that 5 percent of the BP settlement payments received after July 1, 2019 “shall be appropriated annually” to the fund created in the bill. If the intent is to appropriate the payments without further legislative action in subsequent fiscal years, the language “shall be appropriated annually” should be clarified to read “is appropriated annually.”

The bill provides that “organizations” are eligible to receive grant funds without defining the term, which would appear to make the program open to private entities. The bill appears to allow the DEO to grant awards to organizations without the approval or support of the project by a local government.

The bill is silent as to contract and reporting requirements for grant awardees.

Nothing in the bill prohibits the DEO from awarding all available funds to one project or financing 100 percent of a project.

The bill requires the DEO to establish an application procedure for awards and a scoring process, including how to model economic benefits, but also requires that the DEO certify applications pursuant to s. 288.061, F.S., which specifies that “economic benefits” are defined in 288.005, F.S., as the direct, indirect, and induced gains in state revenues as a percentage of the state’s investment.

All counties receiving any funds related to the Deepwater Horizon oil spill is subject to specific audit requirements, including auditing the use of such funds under s. 219.39, F.S., and audits by the Auditor General every two years.<sup>25</sup>

#### **VIII. Statutes Affected:**

This bill creates section 288.8055 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.

---

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

---

---

<sup>25</sup> Section 288.8018, F.S.



By Senator Gainer

2-01787A-19

20191162\_\_

A bill to be entitled

An act relating to the Northwest Florida Rural Inland Affected Counties Recovery Fund; creating s. 288.8055, F.S.; providing legislative intent; providing definitions; creating the Northwest Florida Rural Inland Affected Counties Recovery Fund within the Department of Economic Opportunity; requiring certain payments to be appropriated annually to the fund; prohibiting such payments from diminishing funds transferred to the Triumph Gulf Coast Trust Fund; requiring the department to grant awards to organizations and local governments for specified infrastructure projects and workforce programs; requiring the department to establish an application procedure and prioritize projects and programs that meet certain requirements; requiring the department, in consultation with specified entities, to review and certify applications; exempting certain funds from reversion; providing an effective date.

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

Section 1. Section 288.8055, Florida Statutes, is created to read:

288.8055 Northwest Florida Rural Inland Affected Counties Recovery Fund.-

(1) The Legislature recognizes that as a result of the Deepwater Horizon disaster, the rural inland affected counties of Northwest Florida continue to face extraordinary challenges

Page 1 of 5

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

2-01787A-19

20191162\_\_

in significantly improving their economies, specifically in terms of household income, job creation, average wages, and strong tax bases. The Legislature also recognizes that this area is designated as a rural area of opportunity by the Governor pursuant to s. 288.0656. Therefore, the Legislature intends to provide a long-term source of funding for economic recovery and enhancement efforts of the rural inland affected counties.

(2) As used in this section, the term:

(a) "Fund" means the Northwest Florida Rural Inland Affected Counties Recovery Fund created in this section.

(b) "Rural inland affected county" means Calhoun County, Gadsden County, Holmes County, Jackson County, Jefferson County, Liberty County, or Washington County.

(c) "Settlement agreement" means the agreement entitled "Settlement Agreement Between the Gulf States and the BP Entities with Respect to Economic and Other Claims Arising from the Deepwater Horizon Incident," which was entered into on October 5, 2015, in the case styled *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 in the United States District Court for the Eastern District of Louisiana.

(3) The Northwest Florida Rural Inland Affected Counties Recovery Fund is created within the department to facilitate the planning, preparation, and financing of infrastructure projects and workforce programs in rural inland affected counties which will encourage job creation, capital investment, and the strengthening and diversification of the economies of such counties by promoting tourism, trade, and economic development.

(4) After the transfer of funds to the Triumph Gulf Coast

Page 2 of 5

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

2-01787A-19 20191162\_\_

59 Trust Fund specified in s. 288.8013, five percent of all  
 60 payments to the state received pursuant to the settlement  
 61 agreement after July 1, 2019, shall be appropriated annually by  
 62 the Legislature to the fund. This subsection shall not diminish  
 63 the funds transferred to the Triumph Gulf Coast Trust Fund.

64 (5) The department shall grant awards to organizations or  
 65 local governments within the rural inland affected counties for  
 66 infrastructure projects and workforce programs that meet the  
 67 priorities for economic recovery, diversification, and  
 68 enhancement. Awards may be provided for:

69 (a) Local match requirements of s. 288.0655.

70 (b) Infrastructure planning, design, construction,  
 71 expansion, or maintenance projects that meet such priorities.

72 (c) Infrastructure feasibility studies, design and  
 73 engineering activities, or other infrastructure planning and  
 74 preparation activities necessary to induce the relocation or  
 75 expansion of specific employment opportunities.

76 (d) Grants to support workforce programs that provide  
 77 participants in the rural inland affected counties with  
 78 transferable sustainable workforce skills.

79 (e) Grants to the Florida Tourism Industry Marketing  
 80 Corporation created under s. 288.1226 for the purpose of  
 81 advertising and promoting tourism and agricultural or  
 82 agricultural-based products marketed under the "Fresh From  
 83 Florida" or "From Florida" logos and for promoting  
 84 infrastructure projects and workforce programs on behalf of the  
 85 rural inland affected counties.

86 (f) Grants to regionally based economic development  
 87 organizations representing the rural inland affected counties

2-01787A-19 20191162\_\_

88 for the purpose of building the professional capacity of such  
 89 organizations and providing technical assistance to businesses  
 90 served by such organizations.

91 (6) The department shall establish an application procedure  
 92 for awards and a scoring process for the selection of  
 93 infrastructure projects and workforce programs that have the  
 94 potential to generate increased economic activity in the rural  
 95 inland affected counties, giving priority to such projects and  
 96 programs that:

97 (a) Generate maximum estimated economic benefits, based on  
 98 tools and models not generally employed by economic input-output  
 99 analyses, including cost-benefit, return-on-investment, or  
 100 dynamic scoring techniques, to determine how the long-term  
 101 economic growth potential of the rural inland affected counties  
 102 may be enhanced by the award.

103 (b) Increase household income above the national average in  
 104 the rural inland affected counties.

105 (c) Leverage or further enhance key assets, including K-20  
 106 educational institutions, research facilities, and military  
 107 bases, in the rural inland affected counties.

108 (d) Partner with local governments to provide funds,  
 109 infrastructure, land, or other assistance to the rural inland  
 110 affected counties.

111 (e) Benefit the environment and economy of the rural inland  
 112 affected counties.

113 (f) Provide outcome measures.

114 (g) Partner with K-20 educational institutions or school  
 115 districts located within the rural inland affected counties.

116 (h) Are recommended by the board of county commissioners of

2-01787A-19

20191162\_\_

117 the rural inland affected county in which such project or  
118 program will be located.

119 (i) Partner with convention and visitor bureaus, tourist  
120 development councils, or chambers of commerce located within the  
121 rural inland affected counties.

122 (7) Applications for awards shall be submitted to the  
123 department. The department, in consultation with Enterprise  
124 Florida, Inc., the Florida Tourism Industry Marketing  
125 Corporation, the Department of Environmental Protection, and the  
126 Florida Fish and Wildlife Conservation Commission, as  
127 appropriate, shall review and certify applications pursuant to  
128 s. 288.061. The review shall include an evaluation of the  
129 economic benefit of the infrastructure project or workforce  
130 program and its long-term viability. The department shall have  
131 final approval of any awards provided pursuant to this section.

132 (8) Notwithstanding s. 216.301, funds appropriated for the  
133 purposes of this section are not subject to reversion.

134 Section 2. This act shall take effect July 1, 2019.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

4/16/19  
Meeting Date

1162  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Richard Williams

Job Title Executive Director

Address 4636 Hwy 90  
Street

Phone 850-557-2441

Marianna FL 32446  
City State Zip

Email richardw@opportunity  
florida.com

Speaking:  For  Against  Information

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

Representing Opportunity Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

4-16-2019  
Meeting Date

1162  
Bill Number (if applicable)

Topic NW FL Rural/Inland Counties

Amendment Barcode (if applicable)

Name Marti Coley Eubanks

Job Title Consultant

Address 150 S. Monroe St.

Phone 850-209-0069

Tallahassee, FL 32301  
City State Zip

Email marti@pinpointresults.com

Speaking:  For  Against  Information

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

Representing David Melvin Engineering

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

4-16-19

Meeting Date

SB 1162

Bill Number (if applicable)

Topic NW Fla. Rural Inland

Amendment Barcode (if applicable)

Name Chris Doolin

Job Title Consultant

Address 431 Hillcrest St

Phone 508-5492

Street

TALL. Fla 32308

Email cdoolin@mettally.com

City

State

Zip

Speaking:  For  Against  Information

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

Representing SMALL COUNTY COALITION

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic 1162

Amendment Barcode (if applicable) \_\_\_\_\_

Name Melissa Mastro

Job Title Marketing Panama City

Address displaced

Phone 1850687-3586

Street

Panama City FL 32404

City

State

Zip

Email melgrand@panama.com

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic Hurricane Michael ~~#162~~

Amendment Barcode (if applicable) \_\_\_\_\_

Name Lauren Mullray

Job Title Musician

Address 161 Meadow Ridge Dr.  
Street

Phone 850-509-2826

Tallahassee FL  
City State

Email rightpath1492@gmail.com

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/1)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

4-16-19

Meeting Date

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

1162

Bill Number (if applicable)

Topic NW Fl. Rural Lands

Amendment Barcode (if applicable)

Name Richard Gentry

Job Title \_\_\_\_\_

Address 2305 Braeburn Cir

Phone 251-1837

Tall. FL 32307  
City State Zip

Email rgentry@comcast.net

Speaking:  For  Against  Information

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

Representing Stand Up for North Fla.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)



**THE FLORIDA  
SENATE**

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Finance and Tax, *Chair*  
Agriculture, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Criminal  
and Civil Justice  
Military and Veterans Affairs and Space

**SENATOR GEORGE B. GAINER**  
2nd District

April 15, 2019

Re: SB 1162

Dear Chair Hutson,

I am respectfully requesting Senator Keith Perry be allowed to present Senate Bill 1162, related to Northwest Florida Rural Inland Affected Counties, which is on agenda for the April 16, 2019 meeting of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

I appreciate your consideration of this bill. If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5002.

Thank you,

A handwritten signature in cursive script that reads "George B. Gainer".

TJH

Senator George Gainer  
District 2

**REPLY TO:**

- 840 West 11th Street, Panama City, Florida 32401 (850) 747-5454
- 302 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002
- Northwest Florida State College, 100 East College Boulevard, Building 330, Rooms 105 and 112, Niceville,

Florida 32578 (850) 747-5454

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

**BILL GALVANO**  
President of the Senate

**DAVID SIMMONS**  
President Pro Tempore

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

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

**BILL:** PCS/SB 1610 (782098)

**INTRODUCER:** Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Senator Montford and others

**SUBJECT:** Emergency Mitigation and Response

**DATE:** April 18, 2019      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<b>Favorable</b>
2.	<u>McAuliffe</u>	<u>Hrdlicka</u>	<u>ATD</u>	<b>Recommend: Fav/CS</b>
3.	_____	_____	<u>AP</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

PCS/SB 1610 is a bill relating to emergency mitigation and response. The bill:

- Creates a Hurricane Michael Recovery Task Force to review local, state and federal activities related to disaster response, recovery, and mitigation and to make recommendations to the legislature regarding additional assistance needs;
- Requires the Division of Emergency Management (DEM) to conduct an after-action report on shelter operations during Hurricane Michael;
- Requires the DEM to contract to conduct a statewide study for communities' needs for emergency operations centers;
- Creates the Hurricane Housing Recovery Program within the Florida Housing Finance Corporation (FHFC) to respond to housing needs after hurricanes;
- Directs the Department of Economic Opportunity (DEO) to include a shelter retrofit or repair program as a portion of any mitigation funds received from the federal Department of Housing and Urban Development (HUD);
- Directs the DEO to include single family housing recovery programs in any funding from HUD specifically for Hurricane Michael;
- Directs the Florida Building Commission to make recommendations to strengthen and enhance the building codes for storm impacts;
- Creates a loan program for local governments and school boards to repair or restore damaged facilities;

- Expands the use of the Agricultural Loan Program, and allows for individuals affected by Hurricane Michael to apply; and
- Allows third graders advancing and seniors graduating high school to advance or graduate without meeting assessment requirements in areas impacted by Hurricane Michael.

Several provisions of this bill are contingent upon appropriation. See Section V.

The bill takes effect upon becoming law.

## II. Present Situation:

### Task Force Requirements under Section 20.03, Florida Statutes

Section 20.03(8), F.S., defines “task force” to mean an “advisory body created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed three years and appointed to study a specific problem and recommend a solution or policy alternative related to that problem.” This provision specifies that the existence of the task force terminates upon the completion of its assignment.

### Statewide Public Emergency Shelters

Sections 1013.372(2) and 252.385(2)(b), F.S., require the DEM to prepare a Statewide Emergency Shelter Plan.<sup>1</sup> The plan is a guide for local emergency planning and provides advisory assistance to school districts contemplating construction of educational facilities and the need to provide public shelter space within those facilities. The plan is submitted to the Governor and Cabinet for approval by January 31 of each even-numbered year and must:

- Identify the general location and square footage of existing general population (GP) and special needs shelter (SpNS) space, by Regional Planning Council (RPC) regions;
- Identify the general location and square footage of needed shelters by RPC regions for the next 5 years;
- Provide information on the availability of shelters that accept pets;
- Identify the types of facilities which should be constructed to comply with the public shelter design criteria; and
- Recommend an appropriate and available source of funding for the additional cost of constructing emergency shelters within those public facilities.

### Community Development Block Grant – Disaster Recovery Program (CDGB-DR)

“When the President declares a major disaster, Congress may appropriate funds to the Department of Housing and Urban Development (HUD) when there are significant unmet needs for long-term recovery.”<sup>2</sup> The appropriation is limited to providing the assistance in the most

---

<sup>1</sup> Division of Emergency Management, *2018 Statewide Emergency Shelter Plan*, <https://www.floridadisaster.org/dem/response/infrastructure/statewide-emergency-shelter-plan/> (last visited April 10, 2019).

<sup>2</sup> U.S. Department of Housing and Urban Development, *Fact Sheet: Community Development Block Grant Disaster Recovery (CDBG-DR)*, <https://www.hudexchange.info/resources/documents/CDBG-DR-Fact-Sheet.pdf>; see also HUD, *CDBG-DR Overview Presentation*, <https://www.hudexchange.info/resources/documents/CDBG-Disaster-Recovery-Overview.pdf> (last visited April 11, 2019). For a comparison of the traditional CDBG program and the DR program, see HUD, *CDBG and*

impacted and distressed areas. “Each CDBG-DR award/allocation method is published in a Federal Register Notice, which also contains information on:

- Eligible Recovery Activities.
- Program Requirements, including distribution of funds to be spent in low and moderate income communities.
- Appropriation Specific Waivers and Alternative Requirements.”<sup>3</sup>

Traditionally CDBG-DR grants support a variety of disaster recovery activities including housing redevelopment and rebuilding, business assistance, economic revitalization, and infrastructure repair.

Once awarded funds, the state develops an “action plan” of recovery efforts to address the impacts of the disaster; the initial action plan also includes evaluation of “unmet needs” for which additional funding could be provided.<sup>4</sup> The action plan must include a citizen participation plan which describes how the public will be informed and engaged throughout the grant’s lifecycle.<sup>5</sup> Funds must be used within 6 years of the executed agreements between the U.S. Department of Housing and Urban Development (HUD) and the Department of Economic Opportunity.

Historically in Florida, the DEO formulates the use of funds by taking comment from the public and local communities to develop the plan. The needs of the impacted communities and the limitations in the Federal Register notice will set the action plan for use of the funds.

### ***2016 Hurricanes Hermine and Matthew***<sup>6</sup>

In January 2017, the DEO was awarded \$58.6 million in CBGB-DR funds by the HUD to address damages from Hurricanes Hermine and Matthew. In August 2017, HUD awarded an additional \$59.3 million to address additional unmet needs remaining from the hurricanes. The total award for CDBG-DR for the 2016 hurricanes is \$117.9 million. The DEO’s action plan for all funds was approved June 1, 2018 (original execution was June 20, 2017).

### ***2017 Hurricane Irma***<sup>7</sup>

In September 2017, DEO was awarded \$616 million in CDBG-DR grants to address damage from Hurricane Irma. In April 2018, HUD awarded an additional \$157,676,000 to address additional unmet needs remaining from Hurricane Irma. The total award for CDBG-DR for the 2017 hurricane is \$773 million. The DEO’s action plan for all funds was approved in March 2019 (original execution was in June 2018).

---

*CDBG-DR: A Comparison*, <https://www.hudexchange.info/resources/documents/CDBG-and-CDBG-DR-Comparison.pdf> (last visited April 11, 2019).

<sup>3</sup> HUD, *Fact Sheet*.

<sup>4</sup> “Unmet needs” are the recovery needs of the impacted communities that remain or are “unmet” after the disaster or the initial action plan is developed.

<sup>5</sup> HUD, *Fact Sheet*.

<sup>6</sup> DEO, *Community Development Block Grant – Disaster Recovery Program*, <http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/disaster-recovery-initiative> (last visited April 11, 2019).

<sup>7</sup> *Id.*

Congress appropriated and the HUD also awarded an additional \$634 million for “mitigation” in February 2018; however, no Federal Register notice has been issued for these funds at this time.<sup>8</sup>

### ***2018 Hurricane Michael***

At this time, Congress has not appropriated any CDBG-DR funds related to Hurricane Michael. There have been bills filed and heard in Congress, but none have passed yet.<sup>9</sup>

### **Affordable Housing**

The two primary state housing assistance programs are the State Housing Initiatives Partnership (SHIP)<sup>10</sup> and the State Apartment Incentive Loan (SAIL)<sup>11</sup> programs. The SHIP program provides funds to eligible local governments, allocated using a population-based formula, to address local housing needs as adopted in the Local Housing Assistance Plan. Eligible local government entities must develop and adopt local housing assistance plans that include, but are not limited to, strategies and incentives for the construction, rehabilitation, repair, or financing of affordable housing production.<sup>12</sup> The SAIL program provides low interest loans on a competitive basis as gap financing for the construction or substantial rehabilitation of multifamily affordable housing developments.<sup>13</sup> This funding often serves to bridge the gap between the primary financing and the total cost of the development. SAIL program funds are available to individuals, public entities, and not-for-profit or for-profit organizations that propose the construction or substantial rehabilitation of multifamily units affordable to very-low-income individuals and families.<sup>14</sup>

### **Housing Hurricane Recovery Programs**

Following the 2004 hurricane season, a statewide Hurricane Housing Work Group was created to recommend how best to leverage funding recommended by the Governor for hurricane housing recovery needs. The work group recommended, and the Legislature subsequently funded, the Hurricane Housing Recovery Program (HHRP) and the Rental Recovery Loan Program (RRLP). As a result of the work group’s recommendation, the 2005 Legislature appropriated \$250 million for housing recovery: \$208 million for the HHRP and another \$42 million for the RRLP. With those resources, and an additional \$93 million appropriation in 2006 for hurricane rental funding,

---

<sup>8</sup> HUD, *HUD Awards \$28 Billion in CDBG-DR Funds*, April 11, 2018, <https://www.hudexchange.info/news/hud-awards-28-billion-in-cdbg-dr-funds/> (last visited April 11, 2019).

<sup>9</sup> See H.R. 268 – Supplemental Appropriations Act, 2019 (116<sup>th</sup> Congress); S. 811 – Additional Supplemental Appropriations for Border Security and Disaster Relief, 2019 (116<sup>th</sup> Congress); and H.R. 2157 (116<sup>th</sup> Congress – Supplemental Appropriations Act, 2019.

<sup>10</sup> Sections 420.907-9079, F.S.

<sup>11</sup> Section 420.5087, F.S.

<sup>12</sup> Section 420.9071(14), (15), & (16), F.S. These local housing plans must also align with the requirements for housing under the Local Government Comprehensive Planning and Land Development Regulation Act of 1985. Chapter 163, Part II, F.S.

<sup>13</sup> Section 420.5087, F.S.

<sup>14</sup> Florida Housing Finance Corporation, *State Apartment Incentive Loan Program*, available at: <https://www.floridahousing.org/programs/developers-multifamily-programs/state-apartment-incentive-loan> (last visited April 10, 2019).

the FHFC states that it assisted over 10,000 families with the HHRP and created over 1,600 units with the RRLP.<sup>15</sup>

### ***Hurricane Housing Recovery Program***

The Hurricane Housing Recovery Program was created as a local housing recovery program and modeled after the existing State Housing Incentive Program (SHIP) aimed at assisting homeowners with post-hurricane recovery efforts. The HHRP funds were distributed to local governments using a need-based formula to allow local communities to evaluate and address needs as appropriate.<sup>16</sup>

### ***Rental Recovery Loan Program***

The Rental Recovery Loan Program was created to provide affordable rental units needed to promote the housing recovery needs of local communities. Modeled in part after the State Apartment Incentive Loan (SAIL) Program, the RRLP program allowed the state to leverage existing federal rental financing programs to provide units that served a range of incomes, including extremely low income households, throughout the areas impacted by the hurricanes.

### **Florida Building Code**

In 1974, Florida adopted a state minimum building code law requiring all local governments to adopt and enforce a building code. The system provided four separate model codes that local governments could consider and adopt to establish minimum standards of health and life safety for the public. In that system, the state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes as they saw fit.<sup>17</sup>

In 1996 a study commission was appointed to review the system of local codes created by the 1974 law and to make recommendations for modernizing the entire system. The 1998 Legislature adopted the study commission's recommendations for a single state building code and an enhanced oversight role for the state in local code enforcement. The same legislation created the Florida Building Commission to develop and maintain the Florida Building Code and related programs and processes. The 2000 Legislature authorized implementation of the Florida Building Code, and the first edition replaced all local codes on March 1, 2002. There have been six editions to date, and the Commission initiated the development of the 7th Edition (2020) Florida Building Code in October of 2017.<sup>18</sup>

---

<sup>15</sup> Florida Housing Finance Corporation, *Bill Analysis for SB 1328 (2018)*, p. 3, January 10, 2018. Chapter 2006-69, L.O.F.

<sup>16</sup> Florida Housing Finance Corporation, Hurricane Housing Work Group, *Recommendations to Assist in Florida's Long Term Housing Recovery Efforts*, February 2005.

<http://elderaffairs.state.fl.us/doea/notices/feb05/HHWG%20Report%20final.pdf> (last visited April 11, 2019).

<sup>17</sup> See Florida Building Commission, *Annual Report FY 2017-2018*, Appendix A,

[https://www.floridabuilding.org/fbc/commission/FBC\\_0618/Commission/FBC\\_FY\\_2017-2018\\_Annual\\_Report.pdf](https://www.floridabuilding.org/fbc/commission/FBC_0618/Commission/FBC_FY_2017-2018_Annual_Report.pdf) (last visited April 11, 2019).

<sup>18</sup> *Id.*

After Hurricane Michael, the Florida Building Commission began reviewing the building codes and is working with a group from the University of Florida to make recommendations.<sup>19</sup>

### **Budget Stabilization Fund**

Budget stabilization funds, also known as rainy day funds, “allow states to set aside surplus revenue for times of unexpected revenue shortfall or budget deficit.” The fund is a tool to mitigate revenue volatility.<sup>20</sup> Florida’s fund consists of 5 percent of net revenue collections for the General Revenue Fund for the last completed fiscal year, and the principal balance cannot exceed 10 percent of the net revenue collections for the General Revenue Fund for the last completed fiscal year.<sup>21</sup> Any expenditure from the fund must be repaid pursuant to a restoration schedule that provides for making five equal annual transfers from the General Revenue Fund, beginning the third fiscal year following the year in which the expenditure was made or a restoration schedule as provided by the Legislature by law.

### **Agricultural Loan Program**

In 2000, the Legislature enacted the Agricultural Economic Development Program.<sup>22</sup> This program was designed to provide loans to farmers who have experienced crop losses due to natural disasters or socio-economic events or conditions. The loans may be used to:

- Restore or replace essential physical property, such as animals, fences, equipment, structural production facilities or orchard trees;
- Pay all or part of production costs associated with the disaster year; or
- Pay essential family living expenses; and
- Restructure farm debts.<sup>23</sup>

Funds may be issued as direct loans or as loan guarantees for up 90 percent of the total loan, in amounts not less than \$30,000 or more than \$300,000. Applicants must provide at least ten percent equity.<sup>24</sup>

The crops eligible for the emergency loan program include:

- Crops grown for human consumption;
- Crops planted and grown for livestock consumption, including, but not limited to, grain, seed, and forage crops;
- Crops grown for fiber, except for trees; and
- Specialty crops, such as seafood and aquaculture, including, but not limited to, the products of shellfish cultivation and harvesting, ornamental fish farming, and commercial fishing;

---

<sup>19</sup> NPR, All Things Considered, Greg Allen, *After Hurricane Michael, A Call For Stricter Building Codes In Florida’s Panhandle*, October 17, 2018, <https://www.npr.org/2018/10/17/658156093/after-michael-a-call-for-stricter-building-codes-in-floridas-panhandle> (last visited April 11, 2019).

<sup>20</sup> Tax Policy Center (Urban Institute and Brookings Institution), *Budget Stabilization Funds – How States Save for a Rainy Day*, November 28, 2017, <https://www.taxpolicycenter.org/publications/budget-stabilization-funds/full> (last visited April 12, 2019).

<sup>21</sup> Section 215.32(2)(c), F.S.

<sup>22</sup> Chapter 2000-308, Laws of Fla.

<sup>23</sup> Section 570.82(1)(a), F.S.

<sup>24</sup> Section 570.82(1)(c), F.S.



floricultural or ornamental nursery crops; Christmas trees; turf for sod; industrial crops; and seed crops used to produce eligible crops.

## **Florida Standards Assessment and Accountability Requirements**

### ***Florida Standards Assessment (FSA)***

Florida's K-12 assessment system measures students' achievement of Florida's education standards, which were developed and implemented to ensure that all students graduate from high school ready for success. The FSA supports instruction and student learning, and test results help Florida's educational leadership and stakeholders determine whether the goals of the education system are being met.<sup>25</sup> The FSA in English language arts, mathematics, and end-of-course subjects (algebra 1 and geometry) serve Florida students by measuring education gains and progress, and also provides input into the Florida School Accountability Reports.

### ***Florida School Accountability Reports***

Schools are required to meet federal accountability requirements and are evaluated annually. The Department of Education identifies each public school in need of intervention and support to improve student academic performance.<sup>26</sup> The federal Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA) sets forth the requirements for state and school district report cards on the educational progress of schools, school districts, and the state.<sup>27</sup> The grades include several types of data (components) designed to inform parents and the general public about the performance of a school and understand how well each school is serving its students.<sup>28</sup>

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

### **Hurricane Michael Recovery Task Force (Section 1)**

The bill creates the Hurricane Michael Recovery Task Force within the DEM, to make recommendations to the Legislature regarding additional assistance needed in the response to, the recovery from, and the mitigation of the effects of Hurricane Michael in the areas designated in the federal disaster declaration DR-4399.<sup>29</sup> The task force must review the local, state, and federal activities conducted and the resources provided in such areas, the effectiveness of such efforts, and any additional assistance necessary.

---

<sup>25</sup> Florida Department of Education, Florida Standards Assessments, *Welcome to the FSA Portal*, <https://fsassessments.org/> (last visited April 10, 2019).

<sup>26</sup> Section 1008.33(3), F.S.

<sup>27</sup> Department of Education, *School Public Accountability Reports (SPARS)*, <http://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/school-public-accountability-reports-s.shtml> (last visited April 11, 2019).

<sup>28</sup> Department of Education, Florida School Accountability Reports, Florida School Grades – 2018, *School Grades Overview*, <http://www.fldoe.org/core/fileparse.php/18534/urlt/SchoolGradesOverview18.pdf> (last visited April 11, 2019).

<sup>29</sup> Designated counties: Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Taylor, Wakulla, and Washington.

The task force must consist of the following five members:

- One member representing the business community, who will serve as chair, appointed by the Governor;
- One member representing agricultural interests, appointed by the Commissioner of the Department of Agriculture and Consumer Services;
- One member representing the fishing industry, appointed by the Fish and Wildlife Conservation Commission;
- One member representing emergency response, appointed by the executive director of the DEM; and
- One member representing housing interests, appointed by the executive director of the DEO.

Members will serve at the pleasure of their appointing official and any vacancy must be filled in the same manner as the original appointment. A member of the Legislature or a registered lobbyist may not be appointed to the task force. Members serve without compensation, but are entitled to reimbursement of travel and per diem expenses in the performance of their duties and responsibilities.

The task force will report its findings and make specific recommendations for further response, recovery, and mitigation to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 15, 2019.

The task force is dissolved not later than March 10, 2020.

### **Hurricane Michael After-Action Report (Section 2)**

The bill directs the DEM to examine the latest available Statewide Emergency Shelter Plan to determine, based on the number of people who evacuated during Hurricane Michael, whether there is sufficient capacity of GP shelter space and of SpNS shelter space in the applicable RPC regions.

The report must include basic information for each shelter activated during Hurricane Michael, including:

- Shelter type (general population, special needs, or pet friendly);
- Name;
- Address; and
- Maximum occupant capacity.

Additionally, the report must provide functional data for each shelter, including:

- Number of persons served at each shelter throughout the event;
- Timeline for opening and closing each shelter; and
- Whether each shelter had sufficient:
  - Staff;
  - Security;
  - Transportation;
  - Equipment;
  - Lavatories;

- Sanitation;
- Feeding capabilities;
- Capacity; and
- Standby or emergency power.

The report also must identify any unmet needs at each shelter and must indicate whether each shelter met or exceeded the American Red Cross Standards for Hurricane Evacuation Shelter Selection (ARC 4496),<sup>30</sup> which address risks associated with:

- Surge inundation;
- Rainfall flooding;
- High winds; and
- Hazardous materials.

The report must also identify any shelter not activated for Hurricane Michael and the basis for the determination not to activate it, such as the inability of the shelter to withstand a certain level of hurricane impact. The report must be completed and presented to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 15, 2019.

This section is subject to appropriation of funds by the Legislature.

### **Program to Retrofit/Repair Hurricane Evacuation Shelters (Section 3)**

The bill directs the DEO to include a program to retrofit or to repair hurricane evacuation shelters in any action plan submitted to the HUD for use of the CDBG-DR mitigation funds awarded to Florida, provided that federal guidance for use of the funds allows such a program.<sup>31</sup> Because the HUD has not yet issued guidance through the Federal Register for this award of funds, it is unknown if the DEO can include such a program in its action plan for use of the funds.

### **Emergency Operations Centers Facilities Study (Section 4)**

The bill requires the DEM to competitively procure a consultant to conduct a study of facilities used as emergency operations centers (EOC). At a minimum, the study must assess the availability, capacity, communications capabilities, hurricane rating, and other safety conditions of EOCs. The study must also assess the need for a new EOC to serve one or more counties in a given region or for upgrades to existing centers.

The study must make recommendations as to how the state may best address communities' needs for EOCs, or access to such centers, and necessary changes to existing EOCs to ensure the best possible emergency response in a region. The study may take into account the geographic

---

<sup>30</sup> Available at the DEM website, <https://portal.floridadisaster.org/shelters/External/Current/2018%20SRR/Appendices/Appendix%20C.pdf> (last visited April 10, 2019).

<sup>31</sup> See HUD, CDBG-DR Active Disaster Grants and Grantee Contact Information, *Find by Disaster: Hurricanes Harvey, Irma, and Maria 2017 Events (PL 115-56, PL 115-72, P.L. 115-123)*, <https://www.hudexchange.info/programs/cdbg-dr/cdbg-dr-grantee-contact-information/#hurricanes-harvey-irma-and-maria-2017-events-pl-115-56-pl-115-72-pl-115-123> (last visited April 12, 2019).

locations of EOCs and may recommend joint agreements for use of an EOC for emergency response.

A report of the findings of the study must be completed and presented to President of the Senate, the Speaker of the House of Representatives, and the Governor by December 15, 2019.

This section is subject to appropriation of funds by the Legislature.

### **Hurricane Housing Recovery Program (Section 5)**

The bill creates s. 420.57, F.S., to establish the Hurricane Housing Recovery Program (HHRP) and the Rental Recovery Loan Program (RRLP) to provide funds to local governments for affordable housing recovery efforts.

Both programs operate subject to specific appropriation in the General Appropriations Act.

Each participating local government must submit to the FHFC an annual report on its use of funds from the HHRP and RRLP. The FHFC will compile the reports and submit them to the President of the Senate and the Speaker of the House of Representatives.

The FHFC may adopt rules to administer these programs.

#### ***Hurricane Housing Recovery Program***

The HHRP will provide funds to local governments for their affordable housing recovery efforts, similar to the State Housing Initiatives Partnership Program. The funding will be according to a need-based formula that reflects affordable housing damage estimates and population impacts resulting from hurricanes.

Eligible local governments must submit a strategy outlining proposed recovery actions, income levels and number of units to be served, and funding requests. Program funds must be used as follows:

- To serve households with incomes up to 120 percent of the area median income (AMI), except that at least 30 percent of program funds should be reserved for households with incomes up to 50 percent AMI and an additional 30 percent of program funds reserved for households with incomes up to 80 percent AMI.
- At least 65 percent of the funds *must* be used for homeownership.
- Up to 15 percent *may* be used for administrative expenses.
- Up to 0.25 percent *may* be used for compliance monitoring.

#### ***Rental Recovery Loan Program***

The RRLP will provide resources to build additional rental housing due to impacts to the affordable housing stock and changes to the population resulting from hurricanes. The program will allow the state to leverage federal rental financing similar to the SAIL program.

**Program to Repair, Renovate, or Replace Single-Family Housing (Section 6)**

The bill directs the DEO to include a program to repair, renovate, or replace single-family housing in any action plan submitted to the HUD for use of grant funds appropriated in response to Hurricane Michael, provided that federal guidance for the use of the funds allows such a program. At this time, Congress has not appropriated any CDBG-DR funds related to Hurricane Michael.

**Florida Building Code (Section 7)**

The bill directs the Florida Building Commission, in consultation with the Building Officials Association of Florida, the Florida Home Builders Association, and other stakeholders, to review the effects of Hurricane Michael and make recommendations to strengthen and enhance the design, construction, and life safety provisions of the Florida Building Code, especially as they are applied in the Florida Panhandle. Recommendations must address at least all of the following:

- The revision of design wind speed maps of the Panhandle, including county-specific design wind speed maps for each building risk category;
- The effects of flood hazard designations and the flood loads and the related effects of flood depth, of velocity, of scour/erosion, and of wave/debris;
- Storm-induced damage to power-generating stations and other public utility facilities; and
- Service disruption and building envelope breach potential for critical facilities, such as hospitals.

The Florida Building Commission must submit a final report including its recommendations to the President of the Senate and the Speaker of the House of Representatives no later than September 1, 2019. This section expires on December 31, 2019.

**Public Facilities Hurricane Restoration Cash Flow Loan Program (Section 8)**

The bill establishes a Public Facilities Hurricane Restoration Cash Flow Loan Program for the 2019-2020 fiscal year. Counties, municipalities, and district school boards that need assistance with cash flow in order to make timely payments to contractors and suppliers in restoring their county, municipal, or educational facilities damaged by a named hurricane or tropical storm during the 2018 hurricane season may apply to the DEO for a cash flow loan.

The amount of the loan may not exceed the amount the county, municipality, or district school board needs to meet timely payments to contractors and suppliers for the restoration of damaged facilities. To be eligible for a cash flow loan, a county, municipality, or district school board must meet all of the following requirements:

- Have one or more county, municipal, or educational facilities damaged or destroyed by a named hurricane or tropical storm during the 2018 hurricane season;
- Have an agreement to pay contractors or suppliers for the restoration of the damaged facilities, but have insufficient cash flow to make timely payments;
- Agree to repay, from funds received from insurance claims, Federal Emergency Management Agency payments, or other fund sources, the full amount of the funds received from the cash flow loan program; and

- Agree that if repayment is not made in a timely manner, the DEO must withhold future distribution of public capital outlay funds, or other fixed capital outlay funds, until repayment is received by the DEO.

The DEO must provide information and instructions for applying for a cash flow loan and administer the loans in accordance with the bill. The DEO must distribute loan funds based on the county or municipal governing body's or district superintendent's certification of the amount needed for payments that are due within the following 30 days. All funds repaid must be deposited unallocated into the Budget Stabilization Fund within 30 days after receipt by the DEO.

The DEM will notify the DEO when payments from the Federal Emergency Management Agency for a named hurricane or tropical storm during the 2018 hurricane season have been distributed to a county, municipality, or district school board that has received a public facilities hurricane restoration cash flow loan.

This section is subject to appropriation of funds by the Legislature.

### **Agricultural Loan Program (Section 9)**

The bill amends s. 570.82, F.S., to expand the use of the Agricultural Loan Program to include trees as an eligible crop under the program, and to allow individuals affected by Hurricane Michael in 2018 to apply for a loan. Loan applications must be submitted by December 1, 2019.

### **Education Assessment and Accountability Requirements (Sections 10 and 11)**

The bill waives certain education requirements for school districts in Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty, Gadsden, Franklin, Wakulla, Leon, and Taylor counties.

The bill waives the statewide, standardized assessment requirements for a standard high school diploma for grade 12 high school students in their senior year during the 2018-2019 school year. The bill also requires that any grade 12 high school student who is in his or her senior year during the 2018-2019 school year and who has met the 18 or 24 credit and 2.0 GPA requirements as provided in s. 1003.4282, F.S., must be granted a standard high school diploma by his or her respective school.

The bill waives the statewide, standardized assessment for third grade promotion for the 2018-2019 school year. The promotion of third grade students must be based on the preponderance of the evidence through measures determined by each school district.

The bill requires that school grades, as established in s. 1008.34, F.S., for the 2018-2019 school year must be calculated and released for informational purposes only. School districts will be held harmless from any liability for the release of grades for informational purposes only.

The bill states that the "Legislature finds that, because of the catastrophic nature of Hurricane Michael, families in school districts under this section are displaced, and the loss of housing has drastically changed the mobility of students. The Legislature also finds that, until students'

housing arrangements stabilize, no method exists to capture an accurate assessment of a school's performance in the school districts. Further, the Legislature finds that the enrollment of students for the survey request files will be a small representation of school district performance and not a true measurement of performance.”

The bill amends s. 1008.33, F.S., to direct the Department of Education, upon the effective date of the bill, to suspend the administration of its duties and obligations to enforce public school improvements under s. 1008.33(3), F.S., for the remainder of the 2018-2019 school year and for the 2019-2020 school year for school districts in Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty, Gadsden, Franklin, Wakulla, Leon, and Taylor counties.

#### **Effective Date**

The bill takes effect upon becoming law.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals in need of housing assistance in areas impacted by hurricanes may benefit from the creation of the Hurricane Housing Recovery Program and the Rental Recovery Loan Program.

Recommendations made by the Florida Building Commission in their final report may impact the future cost of construction and construction materials for the private sector.

Those impacted by Hurricane Michael in 2018 who have crops of trees grown for fiber may benefit from the expansion of the Agricultural Loan Program.

**C. Government Sector Impact:**

The after-action shelter report, the study on emergency operations centers, the hurricane housing recovery programs, the Public Facilities Hurricane Restoration Cash Flow Loan Program, and the Agricultural Loan Program are contingent upon appropriation. The bill makes no appropriation.

SB 2500, First Engrossed, the Senate's proposed General Appropriations Bill, appropriates \$100 million from the housing trust funds for similar hurricane housing recovery programs.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Allowing third graders and seniors in high school to advance or graduate without meeting assessment requirements in areas impacted by Hurricane Michael will have an unknown impact on Florida's Approved 2018 ESSA State Plan.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 570.82 and 1008.33.

This bill creates section 420.57 of the Florida Statutes.

This bill creates undesignated sections 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.)

**Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 16, 2019:**

The committee substitute removes all appropriations made in the bill for the after-action report on shelters by the DEM, the study on emergency operations centers, the Public Facilities Hurricane Cash Flow Loan Program, and the Agricultural Loan Program. Instead the bill provides that sections 2, 4, and 8 are subject to appropriation.



B. Amendments:

None.

---

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

---



678890

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2019	.	
	.	
	.	
	.	

---

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Montford) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. The Hurricane Michael Recovery Task Force, a task force as defined in s. 20.03, Florida Statutes, is established adjunct to the Division of Emergency Management to make recommendations to the Legislature regarding additional assistance needed in the response to, the recovery from, and the mitigation of the effects of Hurricane Michael in the areas



11 designated in the federal disaster declaration DR-4399. The task  
12 force shall review the local, state, and federal activities  
13 conducted and the resources provided in such areas, the  
14 effectiveness of such efforts, and any additional assistance  
15 necessary.

16 (1) The task force must consist of the following five  
17 members:

18 (a) One member representing the business community, who  
19 shall serve as chair, appointed by the Governor.

20 (b) One member representing agricultural interests,  
21 appointed by the Commissioner of Agriculture.

22 (c) One member representing the fishing industry, appointed  
23 by the Fish and Wildlife Conservation Commission.

24 (d) One member representing emergency response, appointed  
25 by the executive director of the Division of Emergency  
26 Management.

27 (e) One member representing housing interests, appointed by  
28 the executive director of the Department of Economic  
29 Opportunity.

30 (2) Members shall serve at the pleasure of their appointing  
31 official. Any vacancy must be filled in the same manner as the  
32 original appointment. A member of the Legislature or a  
33 registered lobbyist may not be appointed to the task force.  
34 Members shall serve without compensation, but are entitled to  
35 reimbursement of travel and per diem expenses pursuant to  
36 section 112.061, Florida Statutes, in the performance of their  
37 duties and responsibilities under this section.

38 (3) The task force shall report its findings and make  
39 specific recommendations for further response, recovery, and



678890

40 mitigation to the President of the Senate, the Speaker of the  
41 House of Representatives, and the Governor by December 15, 2019.  
42 The task force is dissolved not later than March 10, 2020.

43 Section 2. Subject to the appropriation of funds for that  
44 purpose by the Legislature, the Division of Emergency Management  
45 must prepare an after-action report on the shelter operations  
46 that took place during Hurricane Michael. The division shall  
47 examine the latest available Statewide Emergency Shelter Plan  
48 prepared pursuant to ss. 252.385 and 1013.372, Florida Statutes,  
49 to determine, based on the number of people who evacuated during  
50 Hurricane Michael, whether there is sufficient capacity of  
51 general population hurricane evacuation shelter space and of  
52 special needs hurricane evacuation shelter space in the  
53 applicable regional planning council regions. The report must  
54 include basic information for each shelter activated during  
55 Hurricane Michael, including the shelter type (general  
56 population, special needs, or pet friendly), name, address, and  
57 maximum occupant capacity. Additionally, the report must provide  
58 functional data for each shelter, including the number of  
59 persons served at each shelter throughout the event, the  
60 timeline for opening and closing each shelter, and whether each  
61 shelter had sufficient staff, security, transportation,  
62 equipment, lavatories, sanitation, feeding capabilities,  
63 capacity, and standby or emergency power. The report also must  
64 identify any unmet needs at each shelter and must indicate  
65 whether each shelter met or exceeded the American Red Cross  
66 Standards for Hurricane Evacuation Shelter Selection (ARC 4496).  
67 Finally, the report must identify any shelter not activated for  
68 Hurricane Michael and the basis for the determination not to



69 activate it, such as the inability of the shelter to withstand a  
70 certain level hurricane impact. The report must be completed and  
71 presented to the President of the Senate, the Speaker of the  
72 House of Representatives, and the Governor by December 15, 2019.

73 Section 3. The Department of Economic Opportunity shall  
74 include a program to retrofit or to repair hurricane evacuation  
75 shelters in any action plan submitted to the federal Department  
76 of Housing and Urban Development for use of the funds made  
77 available under Grant Number B-18-DP-12-0002, provided that  
78 federal guidance for use of the funds allows such a program.

79 Section 4. Subject to the appropriation of funds for that  
80 purpose by the Legislature, the Division of Emergency Management  
81 must competitively procure a consultant to conduct a study of  
82 facilities used as emergency operations centers. At a minimum,  
83 the study must assess the availability, capacity, communications  
84 capabilities, hurricane rating, and other safety conditions of  
85 such centers. The study must also assess the need for a new  
86 emergency operations center to serve one or more counties in a  
87 given region or for upgrades to existing centers. The study must  
88 make recommendations as to how the state may best address  
89 communities' needs for emergency operations centers, or access  
90 to such centers, and necessary changes to existing centers to  
91 ensure the best possible emergency response in a region. The  
92 study may take into account the geographic locations of  
93 emergency operations centers and may recommend joint agreements  
94 for use of such centers for emergency response. A report of the  
95 findings of the study must be completed by December 15, 2019,  
96 and presented to the President of the Senate, the Speaker of the  
97 House of Representatives, and the Governor.



98 Section 5. Section 420.57, Florida Statutes, is created to  
99 read:

100 420.57 Hurricane recovery programs.—

101 (1)(a) Subject to the appropriation of funds for that  
102 purpose by the Legislature, the Hurricane Housing Recovery  
103 Program is created to provide funds to local governments for  
104 their affordable housing recovery efforts, similar to the State  
105 Housing Initiatives Partnership Program as set forth in ss.  
106 420.907-420.9079. The Florida Housing Finance Corporation shall  
107 administer the Hurricane Housing Recovery Program.  
108 Notwithstanding ss. 420.9072 and 420.9073, the Florida Housing  
109 Finance Corporation shall allocate resources to local  
110 governments according to a need-based formula that reflects  
111 housing damage estimates and population effects resulting from  
112 hurricanes. An eligible local government must submit a strategy  
113 outlining proposed recovery actions, household income levels,  
114 and the number of residential units to be served and an  
115 associated funding request. Program funds must be used to serve  
116 households with incomes of up to 120 percent of area median  
117 income, except that at least 30 percent of program funds must be  
118 reserved for households with incomes of up to 50 percent of area  
119 median income and an additional 30 percent of program funds must  
120 be reserved for households with incomes of up to 80 percent of  
121 area median income. Program funds must be used as specified for  
122 each of the following purposes:

- 123 1. At least 65 percent must be used for homeownership.  
124 2. Up to 15 percent may be used for administrative expenses  
125 to ensure the expeditious use of funds.  
126 3. Up to one-quarter of 1 percent may be used by the



678890

127 Florida Housing Finance Corporation for compliance monitoring.

128 (b) Each participating local government shall submit to the  
129 Florida Housing Finance Corporation an annual report on its use  
130 of funds from the Hurricane Housing Recovery Program. The  
131 corporation shall compile the reports and submit them to the  
132 President of the Senate and the Speaker of the House of  
133 Representatives.

134 (2) (a) Subject to the appropriation of funds by the  
135 Legislature for that purpose, the Rental Recovery Loan Program  
136 is created to provide funds to build additional rental housing  
137 due to impacts to the affordable housing stock and changes to  
138 the population resulting from hurricanes. The Florida Housing  
139 Finance Corporation shall administer the program. The program is  
140 intended to allow the state to leverage additional federal  
141 rental financing similar to the State Apartment Incentive Loan  
142 Program as described in s. 420.5087.

143 (b) Each participating local government shall submit to the  
144 Florida Housing Finance Corporation an annual report on its use  
145 of funds from the Rental Recovery Loan Program. The corporation  
146 shall compile the reports and submit them to the President of  
147 the Senate and the Speaker of the House of Representatives.

148 (3) The Florida Housing Finance Corporation may adopt rules  
149 to administer this section.

150 Section 6. The Department of Economic Opportunity shall  
151 include a program to repair, renovate, or replace single-family  
152 housing in any action plan submitted to the federal Department  
153 of Housing and Urban Development for use of the grant funds  
154 appropriated in response to Hurricane Michael, provided that  
155 federal guidance for the use of the funds allows such a program.



678890

156           Section 7. (1) The Florida Building Commission shall, in  
157 consultation with the Building Officials Association of Florida,  
158 the Florida Home Builders Association, and other stakeholders,  
159 review the effects of Hurricane Michael and make recommendations  
160 to strengthen and enhance the design, construction, and  
161 lifesafety provisions of the Florida Building Code, especially  
162 as they are applied in the Florida Panhandle. Recommendations  
163 must address at least all of the following:

164           (a) The revision of design wind speed maps of the  
165 Panhandle, including county-specific design wind speed maps for  
166 each building risk category.

167           (b) The effects of flood hazard designations and the flood  
168 loads and the related effects of flood depth, of velocity, of  
169 scour/erosion, and of wave/debris.

170           (c) Storm-induced damage to power-generating stations and  
171 other public utility facilities.

172           (d) Service disruption and building envelope breach  
173 potential for critical facilities, such as hospitals.

174           (2) The commission shall submit a final report including  
175 its recommendations to the President of the Senate and the  
176 Speaker of the House of Representatives no later than September  
177 1, 2019.

178           (3) This section expires December 31, 2019.

179           Section 8. (1) Subject to the appropriation of funds by the  
180 Legislature for that purpose, there is established for the 2019-  
181 2020 fiscal year a Public Facilities Hurricane Restoration Cash  
182 Flow Loan Program. Counties, municipalities, and district school  
183 boards that need assistance with cash flow in order to make  
184 timely payments to contractors and suppliers in restoring their





678890

185 county, municipal, or educational facilities damaged by a named  
186 hurricane or tropical storm during the 2018 hurricane season may  
187 apply to the Department of Economic Opportunity for a cash flow  
188 loan. The amount of the loan may not exceed the amount the  
189 county, municipality, or district school board needs to meet  
190 timely payments to contractors and suppliers for the restoration  
191 of damaged facilities. To be eligible for a cash flow loan, a  
192 county, municipality, or district school board must meet all of  
193 the following requirements:

194 (a) Have one or more county, municipal, or educational  
195 facilities damaged or destroyed by a named hurricane or tropical  
196 storm during the 2018 hurricane season.

197 (b) Have an agreement to pay contractors or suppliers for  
198 the restoration of the damaged facilities, but have insufficient  
199 cash flow to make timely payments.

200 (c) Agree to repay, from funds received from insurance  
201 claims, Federal Emergency Management Agency payments, or other  
202 fund sources, the full amount of the funds received from the  
203 cash flow loan program.

204 (d) Agree that if repayment is not made in a timely manner,  
205 the Department of Economic Opportunity must withhold future  
206 distribution of public capital outlay funds, or other fixed  
207 capital outlay funds, until repayment is received by the  
208 department.

209 (2) The Department of Economic Opportunity shall provide  
210 information and instructions for applying for a cash flow loan  
211 and administer the loans in accordance with this act. The  
212 department shall distribute loan funds based on the county or  
213 municipal governing body's or district superintendent's



678890

214 certification of the amount needed for payments that are due  
215 within the following 30 days. All funds repaid shall be  
216 deposited unallocated into the Budget Stabilization Fund within  
217 30 days after receipt by the department.

218 (3) The Division of Emergency Management shall notify the  
219 Department of Economic Opportunity when payments from the  
220 Federal Emergency Management Agency for a named hurricane or  
221 tropical storm during the 2018 hurricane season have been  
222 distributed to a county, municipality, or district school board  
223 that has received a public facilities hurricane restoration cash  
224 flow loan.

225 Section 9. Paragraph (c) of subsection (2) and subsection  
226 (4) of section 570.82, Florida Statutes, are amended to read:

227 570.82 Agricultural Economic Development Program disaster  
228 loans and grants and aid.—

229 (2) ELIGIBLE CROPS.—Crops eligible for the emergency loan  
230 program include:

231 (c) Crops grown for fiber, ~~except for trees.~~

232 (4) LOAN APPLICATION.—In order to qualify for a loan under  
233 this section, an applicant must submit an application to the  
234 department within 90 days after the date the natural disaster or  
235 socioeconomic condition or event occurs or the crop damage  
236 becomes apparent. However, for applicants applying for a loan  
237 under this section related to the effects of Hurricane Michael  
238 that occurred in 2018, an applicant must submit an application  
239 to the department by December 1, 2019. An applicant must be a  
240 citizen of the United States and a bona fide resident of the  
241 state and must also demonstrate the need for economic assistance  
242 and demonstrate that he or she has the ability to repay the



678890

243 loan.

244 Section 10. (1) This section applies only to school  
245 districts in Holmes, Washington, Bay, Jackson, Calhoun, Gulf,  
246 Liberty, Gadsden, Franklin, Wakulla, Leon, and Taylor Counties.

247 (2) For the school districts specified within this section,  
248 the statewide, standardized assessment requirements for a  
249 standard high school diploma for grade 12 high school students  
250 in their senior year during the 2018-2019 school year are  
251 waived. Any grade 12 high school student who is in his or her  
252 senior year during the 2018-2019 school year and who has met the  
253 18 or 24 credit and 2.0 GPA requirements as provided in s.  
254 1003.4282, Florida Statutes, must be granted a standard high  
255 school diploma by his or her respective school.

256 (3) For the school districts specified within this section,  
257 the statewide, standardized assessment for grade 3 promotion for  
258 the 2018-2019 school year is waived. The promotion of grade 3  
259 students must be based on the preponderance of the evidence  
260 through measures determined by each school district.

261 (4) For the school districts specified within this section,  
262 school grades, as established in s. 1008.34, Florida Statutes,  
263 for the 2018-2019 school year must be calculated and released  
264 for informational purposes only. School districts shall be held  
265 harmless from any liability for the release of grades for  
266 informational purposes only. School grades for the 2018-2019  
267 school year must be based on student enrollment for Surveys 2  
268 and 3 match files.

269 (5) The Legislature finds that, because of the catastrophic  
270 nature of Hurricane Michael, families in school districts under  
271 this section are displaced, and the loss of housing has



678890

272 drastically changed the mobility of students. The Legislature  
273 also finds that, until students' housing arrangements stabilize,  
274 no method exists to capture an accurate assessment of a school's  
275 performance in the school districts. Further, the Legislature  
276 finds that the enrollment of students for the survey request  
277 files will be a small representation of school district  
278 performance and not a true measurement of performance.

279 Section 11. Subsection (6) is added to section 1008.33,  
280 Florida Statutes, to read:

281 1008.33 Authority to enforce public school improvement.—

282 (6) Upon the effective date of this act, the department  
283 shall suspend the administration of its duties and obligations  
284 under subsection (3) for the remainder of the 2018-2019 school  
285 year and for the 2019-2020 school year for school districts in  
286 Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty,  
287 Gadsden, Franklin, Wakulla, Leon, and Taylor Counties. This  
288 subsection expires on July 1, 2020.

289 Section 12. The Division of Law Revision is directed to  
290 replace the phrase "the effective date of this act" wherever it  
291 occurs in this act with the date this act becomes a law.

292 Section 13. This act shall take effect upon becoming a law.

293

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

295 And the title is amended as follows:

296 Delete everything before the enacting clause  
297 and insert:

298 A bill to be entitled

299 An act relating to emergency mitigation and response;  
300 creating the Hurricane Michael Recovery Task Force



678890

301 adjunct to the Division of Emergency Management of the  
302 Executive Office of the Governor to make  
303 recommendations to the Legislature regarding  
304 additional assistance needed in the response to,  
305 recovery from, and mitigation of the effects of  
306 Hurricane Michael in certain areas; requiring the task  
307 force to review the effectiveness of local, state, and  
308 federal activities in those areas, as well as the  
309 availability of resources and any additional  
310 assistance needed; providing for the membership of the  
311 task force; providing requirements for and  
312 restrictions on membership; providing for certain  
313 reimbursement; requiring the task force to report its  
314 findings and to make specified recommendations to the  
315 Legislature and the Governor by a specified date;  
316 providing for dissolution of the task force by a  
317 specified date; subject to the appropriation of funds,  
318 requiring the Division of Emergency Management to  
319 prepare an after-action report on the shelter  
320 operations that took place during Hurricane Michael,  
321 subject to certain requirements; requiring that the  
322 report be submitted to the Legislature and the  
323 Governor by a specified date; requiring that the  
324 Department of Economic Opportunity include a program  
325 to retrofit or to repair hurricane evacuation shelters  
326 in certain action plans under certain circumstances;  
327 subject to the appropriation of funds, requiring the  
328 division to competitively procure a consultant to  
329 conduct a study of facilities used as emergency



678890

330 operations centers; providing requirements for the  
331 study; authorizing the study to take into account the  
332 locations of emergency operations centers and to  
333 recommend certain joint agreements for the use of such  
334 centers; requiring that a report on the study be  
335 submitted to the Legislature and the Governor by a  
336 specified date; creating s. 420.57, F.S.; subject to  
337 the appropriation of funds, creating the Hurricane  
338 Housing Recovery Program to provide funds to local  
339 governments for certain affordable housing recovery  
340 efforts; requiring that the Florida Housing Finance  
341 Corporation administer the program and allocate  
342 resources to local governments that meet certain  
343 criteria; specifying requirements for receiving and  
344 using funds; requiring participating local governments  
345 to submit a certain annual report to the corporation;  
346 requiring the corporation to compile the reports and  
347 submit them to the Legislature; subject to the  
348 appropriation of funds, creating the Rental Recovery  
349 Loan Program to provide funds to build additional  
350 rental housing due to specified impacts; requiring the  
351 corporation to administer the program; providing  
352 intent for the program; requiring participating local  
353 governments to submit a certain annual report to the  
354 corporation; requiring the corporation to compile the  
355 reports and submit them to the Legislature;  
356 authorizing the corporation to adopt rules; requiring  
357 that the Department of Economic Opportunity include a  
358 program to repair, renovate, or replace single-family



678890

359 housing in certain action plans submitted to a  
360 specified federal agency, under certain circumstances;  
361 requiring that the Florida Building Commission, in  
362 consultation with specified stakeholders and other  
363 entities, review the effects of Hurricane Michael and  
364 make recommendations to strengthen and enhance the  
365 design, construction, and lifesafety provisions of the  
366 Florida Building Code; providing requirements for such  
367 recommendations; requiring the commission to submit a  
368 certain report to the Legislature by a specified date;  
369 providing for future repeal of certain provisions;  
370 subject to the appropriation of funds, creating the  
371 Public Facilities Hurricane Restoration Cash Flow Loan  
372 Program for the purpose of assisting counties,  
373 municipalities, and district school boards in making  
374 timely payments in restoring certain facilities;  
375 providing eligibility requirements for receiving a  
376 cash flow loan; requiring that the Department of  
377 Economic Opportunity administer the loan program and  
378 distribute loan funds; requiring that the Division of  
379 Emergency Management notify the Department of Economic  
380 Opportunity when certain federal payments have been  
381 distributed; amending s. 570.82, F.S.; providing that  
382 trees grown for fiber are an eligible crop for loans  
383 under the Agricultural Economic Development Program;  
384 requiring that applicants applying for a loan related  
385 to the effects of Hurricane Michael submit an  
386 application to the Department of Agriculture and  
387 Consumer Services by a specified date; providing



678890

388 applicability; requiring that certain assessment  
389 requirements for specified students be waived;  
390 requiring specified schools to grant standard high  
391 school diplomas to students who meet certain  
392 requirements; requiring that certain assessment  
393 requirements for a specified school year be waived;  
394 providing that the promotion of grade 3 students be  
395 based on measures determined by specified school  
396 districts; requiring that school grades for a  
397 specified school year be calculated and released for  
398 certain purposes; providing that specified school  
399 districts be held harmless from certain liability;  
400 providing requirements for the measurement of school  
401 grades for a specified school year; providing  
402 legislative findings; amending s. 1008.33, F.S.;  
403 effective on a specified date, requiring the  
404 Department of Education to suspend its duties and  
405 obligations under a specified provision for certain  
406 school years for specified school districts; providing  
407 a directive to the Division of Law Revision; providing  
408 an effective date.



By Senator Montford

3-01082B-19

20191610\_\_

1 A bill to be entitled  
 2 An act relating to emergency mitigation and response;  
 3 creating the Hurricane Michael Recovery Task Force  
 4 adjunct to the Division of Emergency Management of the  
 5 Executive Office of the Governor to make  
 6 recommendations to the Legislature regarding  
 7 additional assistance needed in the response to,  
 8 recovery from, and mitigation of the effects of  
 9 Hurricane Michael in certain areas; requiring the task  
 10 force to review the effectiveness of local, state, and  
 11 federal activities in those areas, as well as the  
 12 availability of resources and any additional  
 13 assistance needed; providing for the membership of the  
 14 task force; providing requirements for and  
 15 restrictions on membership; providing for certain  
 16 reimbursement; requiring the task force to report its  
 17 findings and to make specified recommendations to the  
 18 Legislature and the Governor by a specified date;  
 19 providing for dissolution of the task force by a  
 20 specified date; providing an appropriation to the  
 21 Division of Emergency Management from the General  
 22 Revenue Fund to prepare an after-action report on the  
 23 shelter operations that took place during Hurricane  
 24 Michael, subject to certain requirements; requiring  
 25 that the report be submitted to the Legislature and  
 26 the Governor by a specified date; requiring that the  
 27 Department of Economic Opportunity include a program  
 28 to retrofit or to repair hurricane evacuation shelters  
 29 in certain action plans under certain circumstances;

Page 1 of 15

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

3-01082B-19

20191610\_\_

30 providing an appropriation to the division to  
 31 competitively procure a consultant to conduct a study  
 32 of facilities used as emergency operations centers;  
 33 providing requirements for the study; authorizing the  
 34 study to take into account the locations of emergency  
 35 operations centers and to recommend certain joint  
 36 agreements for the use of such centers; requiring that  
 37 a report on the study be submitted to the Legislature  
 38 and the Governor by a specified date; creating s.  
 39 420.57, F.S.; subject to the appropriation of funds,  
 40 creating the Hurricane Housing Recovery Program to  
 41 provide funds to local governments for certain  
 42 affordable housing recovery efforts; requiring that  
 43 the Florida Housing Finance Corporation administer the  
 44 program and allocate resources to local governments  
 45 that meet certain criteria; specifying requirements  
 46 for receiving and using funds; requiring participating  
 47 local governments to submit a certain annual report to  
 48 the corporation; requiring the corporation to compile  
 49 the reports and submit them to the Legislature;  
 50 subject to the appropriation of funds, creating the  
 51 Rental Recovery Loan Program to provide funds to build  
 52 additional rental housing due to specified impacts;  
 53 requiring the corporation to administer the program;  
 54 providing intent for the program; requiring  
 55 participating local governments to submit a certain  
 56 annual report to the corporation; requiring the  
 57 corporation to compile the reports and submit them to  
 58 the Legislature; authorizing the corporation to adopt

Page 2 of 15

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

3-01082B-19

20191610\_\_

59 rules; requiring that the Department of Economic  
 60 Opportunity include a program to repair, renovate, or  
 61 replace single-family housing in certain action plans  
 62 submitted to a specified federal agency, under certain  
 63 circumstances; requiring that the Florida Building  
 64 Commission, in consultation with specified  
 65 stakeholders and other entities, review the effects of  
 66 Hurricane Michael and make recommendations to  
 67 strengthen and enhance the design, construction, and  
 68 lifesafety provisions of the Florida Building Code;  
 69 providing requirements for such recommendations;  
 70 requiring the commission to submit a certain report to  
 71 the Legislature by a specified date; providing for  
 72 future repeal of certain provisions; creating the  
 73 Public Facilities Hurricane Restoration Cash Flow Loan  
 74 Program for the purpose of assisting counties,  
 75 municipalities, and district school boards in making  
 76 timely payments in restoring certain facilities;  
 77 providing eligibility requirements for receiving a  
 78 cash flow loan; requiring that the Department of  
 79 Economic Opportunity administer the loan program and  
 80 distribute loan funds; requiring that the Division of  
 81 Emergency Management notify the Department of Economic  
 82 Opportunity when certain federal payments have been  
 83 distributed; providing an appropriation to the  
 84 Department of Economic Opportunity from the Budget  
 85 Stabilization Fund for a certain purpose; amending s.  
 86 570.82, F.S.; providing that trees grown for fiber are  
 87 an eligible crop for loans under the Agricultural

Page 3 of 15

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

3-01082B-19

20191610\_\_

88 Economic Development Program; requiring that  
 89 applicants applying for a loan related to the effects  
 90 of Hurricane Michael submit an application to the  
 91 Department of Agriculture and Consumer Services by a  
 92 specified date; providing an appropriation to the  
 93 Department of Agriculture and Consumer Services from  
 94 the General Revenue Fund for a certain purpose;  
 95 providing applicability; requiring that certain  
 96 assessment requirements for specified students be  
 97 waived; requiring specified schools to grant standard  
 98 high school diplomas to students who meet certain  
 99 requirements; requiring that certain assessment  
 100 requirements for a specified school year be waived;  
 101 providing that the promotion of grade 3 students be  
 102 based on measures determined by specified school  
 103 districts; requiring that school grades for a  
 104 specified school year be calculated and released for  
 105 certain purposes; providing that specified school  
 106 districts be held harmless from certain liability;  
 107 providing requirements for the measurement of school  
 108 grades for a specified school year; providing  
 109 legislative findings; amending s. 1008.33, F.S.;  
 110 effective on a specified date, requiring the  
 111 Department of Education to suspend its duties and  
 112 obligations under a specified provision for certain  
 113 school years for specified school districts; providing  
 114 a directive to the Division of Law Revision; providing  
 115 an effective date.  
 116

Page 4 of 15

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

3-01082B-19

20191610\_\_

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

118  
 119 Section 1. The Hurricane Michael Recovery Task Force, a  
 120 task force as defined in s. 20.03, Florida Statutes, is  
 121 established adjunct to the Division of Emergency Management to  
 122 make recommendations to the Legislature regarding additional  
 123 assistance needed in the response to, the recovery from, and the  
 124 mitigation of the effects of Hurricane Michael in the areas  
 125 designated in the federal disaster declaration DR-4399. The task  
 126 force shall review the local, state, and federal activities  
 127 conducted and the resources provided in such areas, the  
 128 effectiveness of such efforts, and any additional assistance  
 129 necessary.

130 (1) The task force must consist of the following five  
 131 members:

132 (a) One member representing the business community, who  
 133 shall serve as chair, appointed by the Governor.

134 (b) One member representing agricultural interests,  
 135 appointed by the Commissioner of the Department of Agriculture  
 136 and Consumer Services.

137 (c) One member representing the fishing industry, appointed  
 138 by the Fish and Wildlife Conservation Commission.

139 (d) One member representing emergency response, appointed  
 140 by the executive director of the Division of Emergency  
 141 Management.

142 (e) One member representing housing interests, appointed by  
 143 the executive director of the Department of Economic  
 144 Opportunity.

145 (2) Members shall serve at the pleasure of their appointing

Page 5 of 15

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

3-01082B-19

20191610\_\_

146 official. Any vacancy must be filled in the same manner as the  
 147 original appointment. A member of the Legislature or a  
 148 registered lobbyist may not be appointed to the task force.  
 149 Members shall serve without compensation, but are entitled to  
 150 reimbursement of travel and per diem expenses pursuant to  
 151 section 112.061, Florida Statutes, in the performance of their  
 152 duties and responsibilities under this section.

153 (3) The task force shall report its findings and make  
 154 specific recommendations for further response, recovery, and  
 155 mitigation to the President of the Senate, the Speaker of the  
 156 House of Representatives, and the Governor by December 15, 2019.  
 157 The task force is dissolved not later than March 10, 2020.

158 Section 2. For the 2019-2020 fiscal year, the sum of  
 159 \$85,000 in nonrecurring funds from the General Revenue Fund is  
 160 appropriated to the Division of Emergency Management to prepare  
 161 an after-action report on the shelter operations that took place  
 162 during Hurricane Michael. The division shall examine the latest  
 163 available Statewide Emergency Shelter Plan prepared pursuant to  
 164 ss. 252.385 and 1013.372, Florida Statutes, to determine, based  
 165 on the number of people who evacuated during Hurricane Michael,  
 166 whether there is sufficient capacity of general population  
 167 hurricane evacuation shelter space and of special needs  
 168 hurricane evacuation shelter space in the applicable regional  
 169 planning council regions. The report must include basic  
 170 information for each shelter activated during Hurricane Michael,  
 171 including the shelter type (general population, special needs,  
 172 or pet friendly), name, address, and maximum occupant capacity.  
 173 Additionally, the report must provide functional data for each  
 174 shelter, including the number of persons served at each shelter

Page 6 of 15

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

3-01082B-19 20191610\_\_

175 throughout the event, the timeline for opening and closing each  
 176 shelter, and whether each shelter had sufficient staff,  
 177 security, transportation, equipment, lavatories, sanitation,  
 178 feeding capabilities, capacity, and standby or emergency power.  
 179 The report also must identify any unmet needs at each shelter  
 180 and must indicate whether each shelter met or exceeded the  
 181 American Red Cross Standards for Hurricane Evacuation Shelter  
 182 Selection (ARC 4496). Finally, the report must identify any  
 183 shelter not activated for Hurricane Michael and the basis for  
 184 the determination not to activate it, such as the inability of  
 185 the shelter to withstand a certain level hurricane impact. The  
 186 report must be completed and presented to the President of the  
 187 Senate, the Speaker of the House of Representatives, and the  
 188 Governor by December 15, 2019.

189 Section 3. The Department of Economic Opportunity shall  
 190 include a program to retrofit or to repair hurricane evacuation  
 191 shelters in any action plan submitted to the federal Department  
 192 of Housing and Urban Development for use of the funds made  
 193 available under Grant Number B-18-DP-12-0002, provided that  
 194 federal guidance for use of the funds allows such a program.

195 Section 4. For the 2019-2020 fiscal year, the sum of  
 196 \$200,000 in nonrecurring funds from the General Revenue Fund is  
 197 appropriated to the Division of Emergency Management to  
 198 competitively procure a consultant to conduct a study of  
 199 facilities used as emergency operations centers. At a minimum,  
 200 the study must assess the availability, capacity, communications  
 201 capabilities, hurricane rating, and other safety conditions of  
 202 such centers. The study must also assess the need for a new  
 203 emergency operations center to serve one or more counties in a

3-01082B-19 20191610\_\_

204 given region or for upgrades to existing centers. The study must  
 205 make recommendations as to how the state may best address  
 206 communities' needs for emergency operations centers, or access  
 207 to such centers, and necessary changes to existing centers to  
 208 ensure the best possible emergency response in a region. The  
 209 study may take into account the geographic locations of  
 210 emergency operations centers and may recommend joint agreements  
 211 for use of such centers for emergency response. A report of the  
 212 findings of the study must be completed by December 15, 2019,  
 213 and presented to the President of the Senate, the Speaker of the  
 214 House of Representatives, and the Governor.

215 Section 5. Section 420.57, Florida Statutes, is created to  
 216 read:

217 420.57 Hurricane recovery programs.—  
 218 (1)(a) Subject to the appropriation of funds for that  
 219 purpose by the Legislature, the Hurricane Housing Recovery  
 220 Program is created to provide funds to local governments for  
 221 their affordable housing recovery efforts, similar to the State  
 222 Housing Initiatives Partnership Program as set forth in ss.  
 223 420.907-420.9079. The Florida Housing Finance Corporation shall  
 224 administer the program. Notwithstanding ss. 420.9072 and  
 225 420.9073, the Florida Housing Finance Corporation shall allocate  
 226 resources to local governments according to a need-based formula  
 227 that reflects housing damage estimates and population effects  
 228 resulting from hurricanes. An eligible local government must  
 229 submit a strategy outlining proposed recovery actions, household  
 230 income levels, and the number of residential units to be served  
 231 and an associated funding request. Program funds must be used to  
 232 serve households with incomes of up to 120 percent of area

3-01082B-19 20191610\_\_

233 median income, except that at least 30 percent of program funds  
 234 must be reserved for households with incomes of up to 50 percent  
 235 of area median income and an additional 30 percent of program  
 236 funds must be reserved for households with incomes of up to 80  
 237 percent of area median income. Program funds must be used as  
 238 specified for each of the following purposes:

239 1. At least 65 percent must be used for homeownership.  
 240 2. Up to 15 percent may be used for administrative expenses  
 241 to ensure the expeditious use of funds.

242 3. Up to one-quarter of 1 percent may be used by the  
 243 Florida Housing Finance Corporation for compliance monitoring.

244 (b) Each participating local government shall submit to the  
 245 Florida Housing Finance Corporation an annual report on its use  
 246 of funds from the Hurricane Housing Recovery Program. The  
 247 corporation shall compile the reports and submit them to the  
 248 President of the Senate and the Speaker of the House of  
 249 Representatives.

250 (2) (a) Subject to the appropriation of funds by the  
 251 Legislature for that purpose, the Rental Recovery Loan Program  
 252 is created to provide funds to build additional rental housing  
 253 due to impacts to the affordable housing stock and changes to  
 254 the population resulting from hurricanes. The Florida Housing  
 255 Finance Corporation shall administer the program. The program is  
 256 intended to allow the state to leverage additional federal  
 257 rental financing similar to the State Apartment Incentive Loan  
 258 Program as described in s. 420.5087.

259 (b) Each participating local government shall submit to the  
 260 Florida Housing Finance Corporation an annual report on its use  
 261 of funds from the Rental Recovery Loan Program. The corporation

3-01082B-19 20191610\_\_

262 shall compile the reports and submit them to the President of  
 263 the Senate and the Speaker of the House of Representatives.

264 (3) The Florida Housing Finance Corporation may adopt rules  
 265 to administer this section.

266 Section 6. The Department of Economic Opportunity shall  
 267 include a program to repair, renovate, or replace single-family  
 268 housing in any action plan submitted to the federal Department  
 269 of Housing and Urban Development for use of the grant funds  
 270 appropriated in response to Hurricane Michael, provided that  
 271 federal guidance for the use of the funds allows such a program.

272 Section 7. (1) The Florida Building Commission shall, in  
 273 consultation with the Building Officials Association of Florida,  
 274 the Florida Home Builders Association, and other stakeholders,  
 275 review the effects of Hurricane Michael and make recommendations  
 276 to strengthen and enhance the design, construction, and  
 277 lifesafety provisions of the Florida Building Code, especially  
 278 as they are applied in the Florida Panhandle. Recommendations  
 279 must address at least all of the following:

280 (a) The revision of design wind speed maps of the  
 281 Panhandle, including county-specific design wind speed maps for  
 282 each building risk category.

283 (b) The effects of flood hazard designations and the flood  
 284 loads and the related effects of flood depth, of velocity, of  
 285 scour/erosion, and of wave/debris.

286 (c) Storm-induced damage to power-generating stations and  
 287 other public utility facilities.

288 (d) Service disruption and building envelope breach  
 289 potential for critical facilities, such as hospitals.

290 (2) The commission shall submit a final report including

3-01082B-19 20191610\_\_

291 its recommendations to the President of the Senate and the  
 292 Speaker of the House of Representatives no later than September  
 293 1, 2019.

294 (3) This section expires December 31, 2019.

295 Section 8. (1) There is established for the 2019-2020  
 296 fiscal year a Public Facilities Hurricane Restoration Cash Flow  
 297 Loan Program. Counties, municipalities, and district school  
 298 boards that need assistance with cash flow in order to make  
 299 timely payments to contractors and suppliers in restoring their  
 300 county, municipal, or educational facilities damaged by a named  
 301 hurricane or tropical storm during the 2018 hurricane season may  
 302 apply to the Department of Economic Opportunity for a cash flow  
 303 loan. The amount of the loan may not exceed the amount the  
 304 county, municipality, or district school board needs to meet  
 305 timely payments to contractors and suppliers for the restoration  
 306 of damaged facilities. To be eligible for a cash flow loan, a  
 307 county, municipality, or district school board must meet all of  
 308 the following requirements:

309 (a) Have one or more county, municipal, or educational  
 310 facilities damaged or destroyed by a named hurricane or tropical  
 311 storm during the 2018 hurricane season.

312 (b) Have an agreement to pay contractors or suppliers for  
 313 the restoration of the damaged facilities, but have insufficient  
 314 cash flow to make timely payments.

315 (c) Agree to repay, from funds received from insurance  
 316 claims, Federal Emergency Management Agency payments, or other  
 317 fund sources, the full amount of the funds received from the  
 318 cash flow loan program.

319 (d) Agree that if repayment is not made in a timely manner,

3-01082B-19 20191610\_\_

320 the Department of Economic Opportunity must withhold future  
 321 distribution of public capital outlay funds, or other fixed  
 322 capital outlay funds, until repayment is received by the  
 323 department.

324 (2) The Department of Economic Opportunity shall provide  
 325 information and instructions for applying for a cash flow loan  
 326 and administer the loans in accordance with this act. The  
 327 department shall distribute loan funds based on the county or  
 328 municipal governing body's or district superintendent's  
 329 certification of the amount needed for payments that are due  
 330 within the following 30 days. All funds repaid shall be  
 331 deposited unallocated into the Budget Stabilization Fund within  
 332 30 days after receipt by the department.

333 (3) The Division of Emergency Management shall notify the  
 334 Department of Economic Opportunity when payments from the  
 335 Federal Emergency Management Agency for a named hurricane or  
 336 tropical storm during the 2018 hurricane season have been  
 337 distributed to a county, municipality, or district school board  
 338 that has received a public facilities hurricane restoration cash  
 339 flow loan.

340 Section 9. The sum of \$300 million is appropriated from  
 341 nonrecurring revenues in the Budget Stabilization Fund to the  
 342 Department of Economic Opportunity for the 2019-2020 fiscal year  
 343 for the sole purpose of funding the Public Facilities Hurricane  
 344 Restoration Cash Flow Loan Program for eligible counties,  
 345 municipalities, and district school boards in accordance with  
 346 this act.

347 Section 10. Paragraph (c) of subsection (2) and subsection  
 348 (4) of section 570.82, Florida Statutes, are amended to read:

3-01082B-19 20191610\_\_

349 570.82 Agricultural Economic Development Program disaster  
350 loans and grants and aid.-

351 (2) ELIGIBLE CROPS.-Crops eligible for the emergency loan  
352 program include:

353 (c) Crops grown for fiber, ~~except for trees.~~

354 (4) LOAN APPLICATION.-In order to qualify for a loan under  
355 this section, an applicant must submit an application to the  
356 department within 90 days after the date the natural disaster or  
357 socioeconomic condition or event occurs or the crop damage  
358 becomes apparent. However, for applicants applying for a loan  
359 under this section related to the effects of Hurricane Michael  
360 that occurred in 2018, an applicant must submit an application  
361 to the department by December 1, 2019. An applicant must be a  
362 citizen of the United States and a bona fide resident of the  
363 state and must also demonstrate the need for economic assistance  
364 and demonstrate that he or she has the ability to repay the  
365 loan.

366 Section 11. The sum of \$15 million in nonrecurring funds  
367 from the General Revenue Fund is appropriated to the Department  
368 of Agriculture and Consumer Services for the purpose of funding  
369 the loan program under section 570.82, Florida Statutes.

370 Section 12. (1) This section applies only to school  
371 districts in Holmes, Washington, Bay, Jackson, Calhoun, Gulf,  
372 Liberty, Gadsden, Franklin, Wakulla, Leon, and Taylor Counties.

373 (2) For the school districts specified within this section,  
374 the statewide, standardized assessment requirements for a  
375 standard high school diploma for grade 12 high school students  
376 in their senior year during the 2018-2019 school year are  
377 waived. Any grade 12 high school student who is in his or her

3-01082B-19 20191610\_\_

378 senior year during the 2018-2019 school year and who has met the  
379 18 or 24 credit and 2.0 GPA requirements as provided in s.  
380 1003.4282, Florida Statutes, must be granted a standard high  
381 school diploma by his or her respective school.

382 (3) For the school districts specified within this section,  
383 the statewide, standardized assessment for grade 3 promotion for  
384 the 2018-2019 school year is waived. The promotion of grade 3  
385 students must be based on the preponderance of the evidence  
386 through measures determined by each school district.

387 (4) For the school districts specified within this section,  
388 school grades, as established in s. 1008.34, Florida Statutes,  
389 for the 2018-2019 school year must be calculated and released  
390 for informational purposes only. School districts shall be held  
391 harmless from any liability for the release of grades for  
392 informational purposes only. School grades for the 2018-2019  
393 school year must be based on student enrollment for Surveys 2  
394 and 3 match files.

395 (5) The Legislature finds that, because of the catastrophic  
396 nature of Hurricane Michael, families in school districts under  
397 this section are displaced, and the loss of housing has  
398 drastically changed the mobility of students. The Legislature  
399 also finds that, until students' housing arrangements stabilize,  
400 no method exists to capture an accurate assessment of a school's  
401 performance in the school districts. Further, the Legislature  
402 finds that the enrollment of students for the survey request  
403 files will be a small representation of school district  
404 performance and not a true measurement of performance.

405 Section 13. Subsection (6) is added to section 1008.33,  
406 Florida Statutes, to read:

3-01082B-19

20191610\_\_

407 1008.33 Authority to enforce public school improvement.-

408 (6) Upon the effective date of this act, the department  
409 shall suspend the administration of its duties and obligations  
410 under subsection (3) for the remainder of the 2018-2019 school  
411 year and for the 2019-2020 school year for school districts in  
412 Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty,  
413 Gadsden, Franklin, Wakulla, Leon, and Taylor Counties. This  
414 subsection expires on July 1, 2020.

415 Section 14. The Division of Law Revision is directed to  
416 replace the phrase "the effective date of this act" wherever it  
417 occurs in this act with the date this act becomes a law.

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



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

4/16/19  
Meeting/Date

1610  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Richard Williams

Job Title Executive Director

Address 4636 Hwy 90  
Street

Phone 850-557-2441

Marianna Fl. 32446  
City State Zip

Email richardw@opportunity  
florida.com

Speaking:  For  Against  Information

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

Representing Opportunity Florida

Appearing at request of Chair;  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

16 April 2019  
Meeting Date

SB 1610  
Bill Number (if applicable)

Topic Recovery Efforts

Amendment Barcode (if applicable)

Name Taylor Roose

Job Title Military spouse and volunteer

Address 1626 Florence Ave

Phone 602-423-3777

FWB FL 32547  
City State Zip

Email taylorcroose@yahoo.com

Speaking:  For  Against  Information

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

Representing Affecting citizens of the Panhandle

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

4/14/2019  
Meeting Date

1610  
Bill Number (if applicable)

Topic Emergency Notification Program

Amendment Barcode (if applicable)

Name Jeff Branch

Job Title Legislative Advocate

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street Tallahassee

City \_\_\_\_\_

State FL

Zip \_\_\_\_\_

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Florida League of Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

4-16-2019

Meeting Date

SB 1610

Bill Number (if applicable)

Topic Emergency Mitigation + Response

Amendment Barcode (if applicable)

Name Marti Coley Eubanks

Job Title Consultant

Address 150 S. Monroe St.

Phone 850-209-0069

Tallahassee, FL 32301

City

State

Zip

Email marti@pinpointresults.com

Speaking:  For  Against  Information

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

Representing Resident of Affected County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

4-16-19

Meeting Date

1610

Bill Number (if applicable)

Topic Emergency Mitigation Response

Amendment Barcode (if applicable)

Name Chris Doolin

Job Title CONSULTANT

Address 431 Hillcrest St

Phone 850-508-5492

Street

TLH

City

FLA.

State

32308

Zip

Email cdoolin@neHally.com

Speaking:  For  Against  Information

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

Representing SMALL COUNTY COALITION

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

4-16-19 Meeting Date

1610 Bill Number (if applicable)

Topic Emergency Mitigation

Amendment Barcode (if applicable)

Name Richard Gentry

Job Title

Address 2305 Blackburn Cir

Phone 850-251-1837

Street City State Zip TLH FL 32309

Email rgentry@comcast.net

Speaking: [X] For [ ] Against [ ] Information

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

Representing Stand Up for North Florida

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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

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

S-001 (10/14/14)

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

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/SB 7090 (779568)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development;  
 and Infrastructure and Security Committee

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: April 18, 2019                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Proctor	Miller		<b>IS Submitted as Committee Bill</b>
1.	Wells	Hrdlicka	ATD	<b>Recommend: Fav/CS</b>
2.			AP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

PCS/SB 7090 is a comprehensive bill relating the Department of Highway Safety and Motor Vehicles (DHSMV). The bill:

- Allows the DHSMV to provide expedited shipping of driver license and identification (ID) cards at the request of the customer for online transactions;
- Allows the DHSMV to provide a replacement ID card, if the previous ID card was stolen;
- Extends the renewal window for ID cards to match driver licenses;
- Expands penalties to dealerships who employ a control person whose dealer license has been revoked;
- Creates a third degree felony for false information on an application for driver license;
- Clarifies the use of the term “crash” in ch. 316, F.S., related to State Uniform Traffic Control;
- Expands the definition of “autocycle” in ch. 316, F.S., to include vehicles with steering mechanisms in addition to steering wheels;
- Establishes subpoena authority for the DHSMV to obtain testimony and documents from third-party entities that cannot be obtained under current law;
- Authorizes the DHSMV and tax collectors to collect and use cellular telephone numbers and email addresses to contact customers for business reasons other than vehicle renewals;
- Updates Florida Statutes to resolve compatibility concerns from the Federal Motor Carrier Safety Administration (FMCSA) between existing state law and federal regulations;

- Incorporates violations for texting or using a handheld phone device while operating a commercial motor vehicle as a serious disqualifying offense to align with federal regulations;
- Revises the definition of “apportionable vehicle” to bring Florida’s statutory definition of “apportionable vehicle” in alignment with the requirements of the International Registration Plan;
- Revises the issuance time frame for apportioned plates beginning in 2023, and provides for free replacement for damaged or worn apportioned plates;
- Authorizes an electronic copy of a motor vehicle rental or lease documentation to be accepted by law enforcement or agents of the DHSMV as proof of possession of such documentation, and provides restrictions and liability regarding the electronic device displaying such documentation;
- Provides that a motor vehicle rental company is deemed to have met the requirements of inspecting a driver license and prohibiting the rental of a motor vehicle to a person required to be licensed who is not, if the renter verifies he or she holds a valid driver license and the vehicle is rented from the company through digital, electronic, or other means not requiring direct contact with an employee of the rental company;
- Reestablishes the Rebuilt Motor Vehicle Inspection Program and expands the program statewide;
- Exempts platoon operators from state laws relating to “following too closely” and use of television receivers;
- Permits a platoon to be operated on Florida roadways after an operator provides notification to the Department of Transportation and the DHSMV;
- Permits a district school board, by majority vote, to extend the period of enforcement for a school speed zone to 45 minutes before and after school;
- Requires the DHSMV to provide tax collectors and their approved agents and vendors with real-time access to data that other third parties receive from the DHSMV related to registration of vehicles, mobile homes, and vessels;
- Provides additional options for the tax collectors to purchase validation stickers and paper stock used in producing vehicle registrations;
- Creates a Fleet Vehicle Temporary Tag Pilot Program; and
- Clarifies application of the DHSMV’s Mobile/Manufactured Home Repair and Remodeling Code.

The bill will have a total indeterminate, but insignificant, impact to state and local revenues and expenditures. See Section V.

The bill is effective July 1, 2019, except as otherwise expressly provided.

## **II. Present Situation:**

Due to the disparate issues in the bill, the present situation for each area is discussed below in conjunction with the Effect of the Proposed Changes.



### III. Effect of Proposed Changes:

#### Definitions - Crash and Serious Bodily Injury

##### *Present Situation*

Chapter 316, F.S., related to State Uniform Traffic Control, contains the term “crash” over 150 times, but does not contain a definition for the term. The absence of a standard definition leads to inconsistent policies and procedures across law enforcement agencies that investigate crashes and among courts that adjudicate cases involving crashes.

Chapter 316, F.S., defines “serious bodily injury” in ss. 316.192, 316.027, and 316.1933, F.S. However, the term is not defined in s. 316.003, F.S., which is the definitions section of ch. 316, F.S.

##### *Effect of Proposed Changes*

The bill amends s. 316.003, F.S., by establishing a definition for the term “crash” (**section 1**). “Crash” is defined as the operation of a motor vehicle, motorized scooter, or moped which results in property damage or death, bodily injury, or complaint of bodily injury to any person. The term “crash” includes separation of the operator or an occupant from a motor vehicle, motorized scooter, or moped, or trailer being drawn by a motor vehicle, while in motion, which results in property damage or death, bodily injury, or complaint of bodily injury to any person.

The term “crash” does not include such operation:

- On private property, if such operation does not result in death or serious bodily injury, unless the operator is suspected of violating s. 316.193, F.S., relating to driving under the influence.
- On a closed course used for commercial or recreational purposes, such as a commercial driving school or racetrack, unless the operator is suspected of violating s. 316.193, F.S., relating to driving under the influence.
- If such property damage or death, bodily injury, or complaint of bodily injury to any person results from an intentional act of a law enforcement officer to force a motor vehicle or moped to stop or reduce speed, such as use of a pursuit termination device or the precision immobilization technique. However, the term “crash” does include such operation that results in death, bodily injury, or complaint of bodily injury to, or damage to property of, anyone other than the operator or an occupant being forced to stop or reduce speed or the law enforcement officer.

The term “crash” also does not include the death or suffering of a medical episode by the operator or an occupant of a motor vehicle or moped if operation of the motor vehicle or moped did not result in such death or medical episode and does not result in property damage or death, bodily injury, or complaint of bodily injury to any other person.

The bill amends ss. 316.027, 316.0271, 316.061, 316.194, 316.622, 316.640, 316.655, 321.05, 321.065, 321.23, 322.0602, 322.36, 323.001, 323.002, 324.011, 324.022, 324.023, 324.051, and 324.242, F.S., changing the word “accident” to “crash” (**sections 2, 3, 4, 11, 15, 16, 17, 38, 39, 40, 42, 48, 52, 53, 54, 55, 56, 57, and 58**).

The bill also amends s. 316.003, F.S., by defining “serious bodily injury” to be an injury to any person which consists of a physical condition that creates a substantial risk of death, significant personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ (**section 1**). This definition is similar to those already in current law in ch. 316, F.S.

The bill amends ss. 316.027, 316.192, 316.193, 316.1933, and 318.19, F.S., deleting the definition of “serious bodily injury” or reference thereto (**sections 2, 8, 9, 10, and 19**).

## **Definitions - Autocycle**

### ***Present Situation***

Autocycle is defined as a three-wheeled motorcycle that has two wheels in the front and one wheel in the back. It must be equipped with certain items, including a steering wheel.

### ***Effect of Proposed Changes***

The bill amends s. 316.003(2), F.S., to expand the definition of autocycle to include those motorcycles equipped with a steering *mechanism*.

## **Federal Motor Carrier Safety Administration Compatibility**

### ***Present Situation***

#### **Federal Motor Carrier Safety Regulations**

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA), within the U.S. Department of Transportation, is to prevent commercial motor vehicle-related fatalities and injuries.<sup>1</sup>

Section 316.003(13), F.S., defines “commercial motor vehicle” (CMV) 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>2</sup> as amended.

Section 316.302(1)(a), F.S., provides that all owners and drivers of CMVs operating on the state’s public highways while engaged in *interstate* commerce are subject to certain parts of title 49 of the Code of Federal Regulations (CFR), Federal Motor Carrier Safety Regulations.

Section 316.302(1)(b), F.S., provides that, with certain exceptions, all owners or drivers of CMVs engaged in *intrastate* commerce are subject to similar parts of title 49 of the CFR, Federal Motor Carrier Safety Regulations, as those rules and regulations existed on December 31, 2012.

---

<sup>1</sup> Federal Motor Carrier Safety Administration, *About Us*, updated March 31, 2014, available at <https://www.fmcsa.dot.gov/mission/about-us> (last visited Mar. 1, 2019).

<sup>2</sup> 49 U.S.C. ss. 1801 *et seq.*

### Motor Carrier Safety Assistance Program Review of Florida Statutes

In 2007, the FMCSA conducted a Motor Carrier Safety Assistance Program (MSCAP) Review of Florida and concluded that Florida Statutes have multiple compatibility issues with federal commercial motor vehicle (CMV) safety regulations.<sup>3</sup> To remain compatible with the Federal Motor Carrier Safety Regulations, states generally have up to three years from the effective date of new federal requirements to adopt and enforce such requirements.<sup>4</sup> States that remain incompatible risk losing federal funding.

Section 316.302(1)(b), F.S., provides an exception from 49 C.F.R. s. 390.5 as it relates to the definition of a bus, defined as “any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs.”<sup>5</sup> Florida law excludes taxicabs from the definition of a bus.<sup>6</sup> The MCSAP Review noted that Florida Statutes “exempting, from the definition of a bus, taxicabs as it applies to the intrastate private transportation of passengers, is not compatible” with federal law.<sup>7</sup>

Federal law prohibits certain lamps and reflective devices from being obscured on CMVs.<sup>8</sup> However, s. 316.215(5), F.S., provides an exception from this requirement for front-end loading collection vehicles that are engaged in collecting solid waste or recyclable or recovered materials and are being operated at less than 20 miles per hour with hazard-warning lights activated. According to the MCSAP Review, federal law provides no such exemption.<sup>9</sup>

Federal regulations provide hours of service rules for CMV drivers.<sup>10</sup> Section 316.302(2), F.S., provides prohibitions to the length of time CMV drivers may drive, as well as exemptions from federal requirements for specified vehicles.

Section 316.302(2)(d), F.S., provides that a person operating a CMV solely in intrastate commerce not transporting any hazardous material within a 150 air-mile radius is not required to comply with federal provisions regarding a driver’s record of duty status<sup>11</sup> if the requirements of certain federal rules regarding short-haul operations<sup>12</sup> are met. If a driver is not released from duty within 12 hours after the driver arrives for duty, the motor carrier must maintain documentation of the driver’s driving times throughout the duty period. The MCSAP Review found that the exemption and alternate records requirement contained in s. 316.302(2)(d), F.S., does not comply with federal regulations because the federal exemption for such drivers also requires that the driver return to the work reporting location and is released from work within 12 consecutive hours.<sup>13</sup>

---

<sup>3</sup> 2007 Florida State MCSAP Review, *Summary Findings, Recommendations, and Noteworthy Practices* (June 2007) (Copy on file with Senate Committee on Infrastructure and Security).

<sup>4</sup> 49 C.F.R. *Appendix A to Part 355 – Guidelines for the Regulatory Review – State Determinations* (2016).

<sup>5</sup> 49 C.F.R. s. 390.5T.

<sup>6</sup> Section 316.003(6), F.S.

<sup>7</sup> 2007 Florida State MCSAP Review, at p. 2, *FL/FI-1*.

<sup>8</sup> 49 C.F.R. s. 393.9(b). *See also* s. 316.302(1)(d), F.S.

<sup>9</sup> 2007 Florida State MCSAP Review, at p. 4, *FL/FI-7*.

<sup>10</sup> 49 C.F.R. part 395.

<sup>11</sup> 49 C.F.R. 395.8.

<sup>12</sup> 49 C.F.R. s. 395.1(e)(1)(iii) and (v) are various rules relating to short-haul operations.

<sup>13</sup> 2007 Florida State MCSAP Review, at p. 5, *FL/FI-8*.

Federal law allows a state to exempt a CMV from all or part of its laws or regulations relating to intrastate commerce if the vehicle's gross vehicle weight, gross vehicle weight rating, gross combined weight, or gross combined weight rating is less than 26,001 pounds and the vehicle is not transporting hazardous materials requiring a placard.<sup>14</sup> However, s. 316.302(2)(f), F.S., provides exemptions from federal laws or regulations for a person who operates a CMV solely in intrastate commerce, having a *declared* gross vehicle weight of less than 26,001 pounds, and who is not transporting hazardous materials in an amount that requires placarding or who is transporting petroleum products.<sup>15</sup> According to the MCSAP Review, the state interprets this statute as exempting such vehicles transporting petroleum products even if a hazardous materials placard is required, which is not in compliance with federal regulations.<sup>16</sup>

Section 316.203(2)(j), F.S., exempts a person operating a CMV solely in intrastate commerce not transporting any hazardous material from the federal law prohibition and limited waiver requirements for drivers with diabetes.<sup>17</sup> While states are permitted to provide waivers to the driver physical qualification standards, the MCSAP Review found that Florida's exemption does not conform to the variances allowed in federal law.<sup>18</sup>

### *Effect of Proposed Changes*

The bill amends various provisions of s. 316.302(1) and (2), F.S., to address issues related to Florida's CMV regulations, including issues raised in the MCSAP Review (**section 12**).

The bill amends s. 316.302(1)(a), F.S., to also apply parts 383 (Commercial Driver License Standards; Requirements and Penalties) and 386 (Rules of Practice for FMCSA Proceedings) of title 49 of the CFR to all owners and drivers of CMVs operating on the state's public highways while engaged in *interstate* commerce.

The bill amends s. 316.302(1)(b), F.S., removing the exception for the federal definition of a bus. The bill also applies part 386 (Rules of Practice for FMCSA Proceedings) of title 49 of the CFR to all owners or drivers of CMVs engaged in *intrastate* commerce and updates reference to the federal law to be as they existed on December 31, 2018 (instead of December 31, 2012).

The bill creates s. 316.302(1)(e), F.S., providing that the requirement for electronic logging devices and hours of service support documents<sup>19</sup> do not go into effect for motor carriers

---

<sup>14</sup> 49 C.F.R. s. 350.341(a)

<sup>15</sup> Section 376.301(33), F.S., defines "petroleum product" as "any liquid fuel commodity made from petroleum, including, but not limited to, all forms of fuel known or sold as diesel fuel, kerosene, all forms of fuel known or sold as gasoline, and fuels containing a mixture of gasoline and other products, excluding liquefied petroleum gas and American Society for Testing and Materials grades no. 5 and no. 6 residual oils, bunker C residual oils, intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher, asphalt oils, and petrochemical feedstocks."

<sup>16</sup> 2007 Florida State MCSAP Review, at p. 3, *FL/FI-3*.

<sup>17</sup> 49 C.F.R. 391.41(b)(3), 391.43(e), and 391.64.

<sup>18</sup> 2007 Florida State MCSAP Review, at p. 4, *FL/FI-5*. See also 49 C.F.R. 350.341(h).

<sup>19</sup> *Electronic Logging Devices and Hours of Service Supporting Documents*, 80 Fed. Reg. 78291 (Dec. 16, 2015), <https://www.federalregister.gov/documents/2015/12/16/2015-31336/electronic-logging-devices-and-hours-of-servicesupporting-documents> (last visited April 8, 2019).

engaged in *intrastate* commerce not carrying hazardous materials in amounts requiring placarding until December 31, 2019.

Section 316.302(2)(a), F.S., exempts a person operating a CMV solely in *intrastate* commerce and not transporting any hazardous material in amounts that require placarding<sup>20</sup> from complying with federal law maximum drive time requirements for property carrying vehicles.<sup>21</sup> The statute references subsections (a) and (b) of 49 CFR 395.3, and not subsections (c) and (d), which in general are provisions to implement subsections (a) and (b). The bill amends s. 316.302(2)(a), F.S., to clarify that such operators are exempt from all subsections of 49 CFR 395.3. These drivers continue to be subject to the maximum driving times required by state law.

Section 316.302(2)(c), F.S., generally limits the driving hours in consecutive days of a person operating a CMV solely in *intrastate* commerce not transporting any hazardous material. Upon request of the DHSMV, motor carriers are required to furnish time records or other written verification so that the DHSMV can determine compliance with the hours of service requirements. The bill amends s. 316.302(2)(c), F.S., by removing the \$100 fine for falsifying hours of service records because it is duplicative of the fine provided in the state's CMV penalties statute.<sup>22</sup>

The bill amends s. 316.302(2)(d), F.S., to update and correct a reference to federal regulations for the state exemption for a person operating a CMV solely in intrastate commerce not transporting any hazardous material within a 150 air-mile radius from the federal driver's record of duty status provisions.<sup>23</sup> In order to be exempt, a driver must return to the work reporting location and be released from work within 12 consecutive hours and have either 10 or 8 hours off.

The bill amends s. 316.302(2)(f), F.S., to remove specified exemptions from federal law or regulations for drivers transporting petroleum products. The paragraph is also amended to refer to the federal criteria for the exemption: CMVs having a *gross vehicle weight, gross vehicle weight rating, and gross combined weight rating* of less than 26,001 pounds, instead of a *declared* gross vehicle weight.

The bill repeals s. 316.302(2)(j), F.S. The bill requires a person operating a CMV solely in intrastate commerce not transporting any hazardous material to comply with the federal law prohibition and limited waiver requirements for drivers with diabetes.

Effective December 31, 2019, the bill amends s. 316.302(1)(d), F.S., to remove exceptions regarding headlamps and turn signals by waste collection vehicles under specified circumstances (**section 13**).

---

<sup>20</sup> Placarding is required pursuant to 49 C.F.R. part 172. In this analysis, everywhere there is a discussion regarding the transportation of hazardous materials, it is assumed to be in amounts that require placarding.

<sup>21</sup> 49 C.F.R. s. 395.3(a) and (b).

<sup>22</sup> Section 316.3025(3)(b)2., F.S.

<sup>23</sup> 49 C.F.R. 395.1(e)(1)(ii) and (iii)(A) and (C) and (v).

## Platooning

### *Present Situation*

Platooning is an emerging automated driving technology that allows vehicles to communicate with one another in order to electronically “link” to each other in a line at close proximity, where the lead vehicle controls the speed and braking of the following vehicles.<sup>24</sup> Each vehicle platoons by using an onboard computer connected to a vehicle-to-vehicle (V2V) communications device that receives and transmits data using dedicated short-range communications (DSRC), a two-way wireless communications capability permitting very high data transmission.<sup>25</sup> DSRC is used by both V2V communications as well as vehicle-to-infrastructure (V2I) communications to provide connectivity among vehicles and between infrastructure to prevent crashes and enable safety, mobility, and environmental sustainability.

The National Highway Traffic Safety Administration (NHTSA) published a Notice of Proposed Rulemaking in January 2017, proposing to mandate V2V communications for new light vehicles and standardize the message and format of V2V transmissions to create a standard system, both of which would enable vehicle manufacturers to develop safety applications using V2V communications. These V2V communication device requirements would use DSRC devices to transmit basic information on the road, such as a vehicle’s speed, heading, brake status and path predictions, which can be used to provide drivers timely warnings of impending crash situations that drivers may not otherwise be capable of seeing.<sup>26</sup> NHTSA has expressed that V2V communication “shows great promise in helping to avoid crashes, ease traffic congestion, and improve the environment.”<sup>27</sup>

### Assistive Truck Platooning Technology Pilot Project

One form of V2V technology is driver-assistive truck platooning (DATP), which allows trucks to communicate with one another and to travel as close as 30 feet apart with automatic acceleration and braking. A draft is created, reducing wind resistance and cutting down on fuel consumption.<sup>28</sup>

In 2016, s. 316.0896, F.S., was created to require the Florida Department of Transportation (DOT), in consultation with the DHSMV, to study the use and safe operation of DATP technology,<sup>29</sup> develop and conduct a pilot project to test the use and safe operation of vehicles

<sup>24</sup> U.S. Department of Transportation, Volpe Center, *How an Automated Car Platoon Works* (July 31, 2017), <https://www.volpe.dot.gov/news/how-automated-car-platoon-works> (last visited April 8, 2019).

<sup>25</sup> *Id.*

<sup>26</sup> *Federal Motor Vehicle Safety Standards; V2V Communications*, 82 Fed. Reg. 3854 (Jan. 12, 2017), <https://www.federalregister.gov/documents/2017/01/12/2016-31059/federal-motor-vehicle-safety-standards-v2v-communications> (last visited April 8, 2019). Neither the U.S. Department of Transportation nor the NHTSA have finalized any rules related to V2V. See NHTSA, *V2V Statement*, available at <https://www.nhtsa.gov/press-releases/v2v-statement> (last visited April 8, 2019).

<sup>27</sup> NHTSA, *Vehicle-to-Vehicle Communication*, <https://www.nhtsa.gov/technology-innovation/vehicle-vehicle-communication> (last visited Feb. 5, 2018).

<sup>28</sup> Go by Truck Global News, *Driver Survey: Platooning* (Nov. 18, 2014), <http://www.gobytrucknews.com/driver-survey-platooning/123> (last visited Feb. 5, 2018).

<sup>29</sup> Section 316.003(21), F.S., defines “driver-assistive truck platooning technology” as “[v]ehicle automation and safety technology that integrates sensor array, wireless vehicle-to-vehicle communications, active safety systems, and specialized software to link safety systems and synchronize acceleration and braking between two vehicles while leaving each vehicle’s

equipped to operate using DATP, and submit results of the study and any findings or recommendations from the pilot project to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The DOT developed the pilot project as a demonstration and operational phase to:

- Evaluate impacts of DATP on surrounding traffic and infrastructure;
- Evaluate feasibility of conducting enforcement responsibilities when DATP trucks are operating; and
- Evaluate administrative aspects of permitting DATP systems.<sup>30</sup>

The pilot project was conducted with Peloton Technology, one developer of DATP vehicle systems. Peloton's DATP is a cloud-based system that uses integrated sensors, controls, and wireless communications to determine in real time whether conditions are appropriate to allow specific trucks to engage in platooning operations. Using V2V communications, the system synchronizes acceleration and braking between tractor-trailers, leaving steering to the drivers, but eliminating braking distance otherwise caused by lags in the front or rear driver's response time.<sup>31</sup> According to Peloton Technology, Peloton's demonstration of its DATP technology occurred on the Florida Turnpike and covered over 1,000 miles using two trucks traveling at a separation distance of approximately 65 feet.<sup>32</sup>

#### State Platoon Laws

According to Peloton, nine states have confirmed allowance for commercial deployment of DATP.<sup>33</sup> At least 17 states with "following too closely" laws, including Florida,<sup>34</sup> exempt vehicles equipped with a DATP system or a platooning system from such state law.<sup>35</sup> Some states enacted laws expressly allowing a person to operate DATP or platooning systems, while other states only allow operation upon state approval of a submitted operations plan or following a certain number of days after submission of such plan, if the plan is not rejected by the overseeing agency.<sup>36</sup> Several states and the federal government are continuing testing of DATP and other platooning systems.

---

steering control and systems command in the control of the vehicle's driver in compliance with the National Highway Safety Administration rules regarding vehicle-to-vehicle communications."

<sup>30</sup> See Florida Vender Bid System, *Request for Information from the FDOT – Driver Assistive Truck Platooning Pilot Project* (July 6, 2017), [http://www.myflorida.com/apps/vbs/vbs\\_www.ad\\_r2.view\\_ad?advertisement\\_key\\_num=134408](http://www.myflorida.com/apps/vbs/vbs_www.ad_r2.view_ad?advertisement_key_num=134408) (last visited April 8, 2019).

<sup>31</sup> Peloton, *How It Works, The Platooning Experience*, <https://peloton-tech.com/how-it-works/> (last visited April 8, 2019).

<sup>32</sup> Peloton, *Peloton Technology demonstrates driver-assistive truck platooning system to Florida transportation leaders in connection with Florida Pilot Project* (Dec. 20, 2017), <https://peloton-tech.com/driver-assistive-truck-platooning-demonstration-florida-transportation-leaders-connection-florida-pilot-project/> (last visited April 8, 2019).

<sup>33</sup> *Id.*

<sup>34</sup> See ss. 316.0895 and 316.0896(2), F.S.

<sup>35</sup> The other states are Alabama, Arkansas, California (only for testing), Georgia, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Nevada, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Utah (only for testing), and Wisconsin. See National Conference of State Legislatures, *Autonomous Vehicles – Self-Driving Enacted Legislation, Enacted Autonomous Vehicles Legislation* (Mar. 19, 2019), <http://www.ncsl.org/research/transportation/autonomous-vehicles-self-driving-vehicles-enacted-legislation.aspx> (last visited April 8, 2019).

<sup>36</sup> *Id.*

### Following Too Closely and TV Receiver Prohibitions

Section 316.0895, F.S., prohibits a driver of a motor vehicle to follow another vehicle more closely than is reasonable and prudent. It is unlawful, when traveling upon a roadway outside a business or residence district, for a motor truck or vehicle towing another vehicle or trailer to follow within 300 feet of a similar vehicle. The law exempts the vehicles operating as part of the DOT's pilot project in a manner and at locations determined by the DOT.<sup>37</sup>

Section 316.303, F.S., prohibits a motor vehicle operated on the highways of this state to be equipped with television-type receiving equipment that is visible from the driver's seat; however, this prohibition does not apply to an electronic display:

- Used in conjunction with a vehicle navigation system;
- Used in a vehicle equipped with autonomous technology in autonomous mode; or
- Used in a vehicle equipped and operating with DATP technology.

### *Effect of Proposed Changes*

The bill amends s. 316.003, F.S., to define "platoon" to mean a group of no more than two trucks that do not require placards, either laden or unladen, traveling in a unified manner using wireless vehicle-to-vehicle communications that electronically coordinate speeds and following distances of the trucks (**section 1**).

The bill repeals s. 316.0896, F.S., which created the assistive truck platooning technology pilot project conducted by the DOT in consultation with the DHSMV (**section 5**).

The bill creates s. 316.0897, F.S., providing that s. 316.0895, F.S., following too closely, does not apply to the operator of a nonlead vehicle in a platoon (**section 6**). The bill allows a platoon to be operated on a roadway in Florida after an operator provides notification to the DOT and the DHSMV.

The bill amends s. 316.303, F.S., to add that the prohibition on television receivers does not apply to an electronic display used by the nonlead vehicle in a platoon operating on a roadway in Florida (**section 14**).

## **School Speed Zones**

### *Present Situation*

A school zone is an area designated for the purpose of establishing a reduced school zone speed limit that is in effect at the beginning and end of the regularly scheduled school day. Pursuant to s. 316.1895, F.S., a school zone speed limit may not be less than 15 mile per hour, except by local regulation; and cannot be more than 20 miles per hour in an urbanized area.<sup>38</sup> The speed limit is allowed to be in force during certain times of the day: 30 minutes before, during, and after the periods of time when student are arriving at school for a regularly scheduled breakfast program or a regularly scheduled school session and leaving a regularly scheduled school session.

---

<sup>37</sup> Section 316.0896, F.S.

<sup>38</sup> "Urbanized area" is defined in s. 334.03, F.S.



### *Effect of Proposed Changes*

The bill creates s. 316.1895(5)(b), F.S., to allow a district school board<sup>39</sup> to increase the time that a school zone speed limit is in force by an additional 15 minutes before, during, and after the times at which students are arriving at or leaving school (**section 7**). This time can be extended by a simple majority vote of the board.

This may result in a school zone speed limit being in force for up to a total of 45 minutes before, during, and up to a total of 45 minutes after the periods of time when students are arriving at school for a regularly scheduled breakfast program or a regularly scheduled school session and leaving a regularly scheduled school session.

### **Safety Rules for Nonpublic Sector Buses**

#### *Present Situation*

Section 316.70, F.S., requires the DOT to establish and revise standards contained in federal law<sup>40</sup> to ensure the safe operation of nonpublic sector buses. The standards should be directed toward ensuring that:

- Nonpublic sector buses are safely maintained, equipped, and operated.
- Nonpublic sector buses are carrying the insurance required by law and carrying liability insurance on the checked baggage of passengers not to exceed the standard adopted by the U.S. Department of Transportation.
- Florida license tags are purchased for nonpublic sector buses pursuant to state law.
- The driving records of drivers of nonpublic sector buses are checked by their employers at least once each year to ascertain whether the driver has a suspended or revoked driver license.

DOT personnel may conduct compliance reviews for the purpose of determining compliance with these requirements. Civil penalties may be assessed for violations of the statute or any rule or order of the DOT:

- A civil penalty not to exceed \$5,000 in the aggregate.
- A civil penalty not to exceed \$25,000 in the aggregate for violations found in a follow-up compliance review conducted within a 24-month period.
- A civil penalty not to exceed \$25,000 in the aggregate if violations are found after a second follow-up compliance review within 12 months after the first follow-up compliance review and the motor carrier may be prohibited from operating in Florida.<sup>41</sup>

### *Effect of Proposed Changes*

The bill amends s. 316.70, F.S., to authorize the DHSMV instead of the DOT to ensure the safe operation of nonpublic sector busses (**section 18**). This change should have been made during

---

<sup>39</sup> As defined in s. 1003.01(1), F.S.

<sup>40</sup> 49 C.F.R. parts 382, 385, and 390-397.

<sup>41</sup> Section 316.3026, F.S., allows the DHSMV to issue an “out-of-service” order which has the effect of prohibiting the operations of the carrier until violations have been corrected or penalties paid.

the merger of the Office of Motor Carrier Compliance within the DOT to the Office of Commercial Vehicle Enforcement within the DHSMV.

The bill requires all owners and drivers of nonpublic sector busses to comply with applicable federal law, similar to other CMVs, and removes duplicative standards for nonpublic sector buses. The DHSMV is responsible, under the bill, to conduct compliance investigations and may assess civil penalties for violations of law. The time periods for follow-up compliance investigations are repealed.

The bill authorizes a law enforcement officer of the DHSMV or an appointed agent who holds a current safety inspector certification from the Commercial Vehicle Safety Alliance to require the driver of a commercial motor vehicle operated in Florida to stop and submit to an inspection of the vehicle and the driver's records. If continued operation would be unduly hazardous, the officer may require the vehicle or driver to be removed from service pursuant to North American Standard Out-of-Service Criteria until the safety concerns are corrected, if:

- The vehicle or driver is operating in an unsafe condition; or
- Any require part or equipment is not present or in proper repair or adjustment.

If continued operation would not be unduly hazardous, then the vehicle or driver may be issued a written notice requiring correction of the condition within 15 days.

## **Rebuilt Motor Vehicle Inspection Program**

### ***Present Situation***

In 2013, the Legislature created s. 319.141, F.S., creating a Pilot Rebuilt Motor Vehicle Inspection Program in Miami-Dade and Hillsborough counties through June 30, 2018.<sup>42</sup> The Department of Highway Safety and Motor Vehicles (DHSMV) set standards for the program and certified private sector inspection facilities in Miami-Dade County. The program's purpose was to evaluate private sector alternatives for rebuilt inspection services, including the feasibility of using private facilities, the cost impact to consumers, and the potential savings to the DHSMV. The DHSMV was required to establish a memorandum of understanding allowing private parties participating in the pilot program to conduct rebuilt vehicle inspections and specifying requirements for oversight, bonding and insurance, procedures, forms, and the electronic submission of documents.

To be approved for the program, an applicant was required to:

- Have and maintain a surety bond or irrevocable letter of credit in the amount of \$100,000, executed by the applicant;
- Secure and maintain a facility at a permanent structure at an address recognized by the U.S. Postal Service where the only services provided were rebuilt inspection services;
- Annually attest that he or she was not employed by or did not have an ownership interest in or financial arrangement with a motor vehicle repair shop, motor vehicle dealer, towing company, storage company, vehicle auction, insurance company, salvage yard, metal retailer,

---

<sup>42</sup> Section 319.14(1)(c)3., defines "rebuilt vehicle" for purposes of that section as a motor vehicle or motor home built from salvage or junk.

or metal rebuilder, from which he or she received remuneration for the referral of customers for rebuilt inspection services;

- Have and maintain garage liability and other insurance required by the DHSMV;
- Have completed criminal background checks of the owners, partners, and corporate officers and the inspectors employed by the facility; and
- Meet any additional criteria that the DHSMV determined necessary to conduct proper inspections.<sup>43</sup>

Participants were required to access vehicle and title information and enter inspection results in a DHSMV authorized system. Records were required to be maintained at the facility for 5 years. Before any change in ownership, the participant had to give the DHSMV 45 days' notice of the intended sale and the new owner was required to meet the minimum eligibility requirements and enter into the agreement with the DHSMV before operating. The DHSMV was required to immediately terminate any participant who failed to meet the minimum eligibility requirements.

As required by law, in 2015, the DHSMV submitted a report<sup>44</sup> that summarized the implementation of the pilot program and program results. The DHSMV certified eight private businesses in the Miami area to conduct rebuilt vehicle inspections.<sup>45</sup> The DHSMV employees in Miami-Dade County were responsible for conducting rebuilt vehicle inspections at the DHSMV Regional Office and at various off-site locations and for monitoring the businesses to ensure inspections were conducted in accordance with program standards.

According to the DHSMV, each of the eight pilot program participants met all of the statutory requirements and the requirements of the memorandum executed with the DHSMV.<sup>46</sup> Statutorily authorized state rebuilt inspection fees (\$40) and re-inspection fees (\$20) were collected and remitted to the state as required. In addition, each pilot program participant was allowed to assess customers a service fee for each inspection. Service fees ranged from \$50 to \$85 and were not regulated in any manner by the DHSMV.<sup>47</sup>

As provided in its authorizing legislation, the program was repealed on July 1, 2018, as it was not saved from repeal or reauthorized by the Legislature.

### *Effect of Proposed Changes*

The bill reestablishes the Rebuilt Motor Vehicle Inspection Program permanently and expands it statewide by reviving, reenacting, and amending s. 319.141, F.S., notwithstanding its repeal on July 1, 2018 (**section 21**); creating definitions in s. 319.001, F.S. (**section 20**); creating s. 319.1411, F.S., to provide for monitoring of providers (**section 22**); creating s. 319.142, F.S., to provide prohibited practices of providers (**section 24**); and creating s. 319.1414, F.S., to grant the DHSMV investigative powers (**section 23**).

---

<sup>43</sup> Section 319.141(4), F.S.

<sup>44</sup> DHSMV, *Florida's Private Rebuilt Vehicle Inspection Program – Pilot Program Report* (Jan. 30, 2015), available at <http://www.flhsmv.gov/pdf/cabinetreports/privaterebuiltreport.pdf> (last viewed March 25, 2019). No entities from Hillsborough County applied to participate in the pilot program.

<sup>45</sup> DHSMV, Office of Inspector General, *Rebuilt Vehicle Inspection Program Audit Report 201617-24* (Dec. 5, 2017), available at <https://www.flhsmv.gov/pdf/igoffice/20161724.pdf> (last viewed March 25, 2019).

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

The new purpose of the program is to prevent the use of stolen parts in the rebuilding process, identify and recovery stolen vehicles, require installation of airbags in rebuilt vehicles not subject to recall, and assist law enforcement with vehicle theft and fraud investigations. The DHSMV is authorized to monitor and investigate private rebuild inspection providers and rebuilt courier services and to examine all records related to inspections or related services provided.

Rebuilt inspection services<sup>48</sup> may only be conducted by providers authorized by the DHSMV who meet the requirements of ch. 319, F.S. A provider must meet the following requirements to be authorized:

- Submitted a request with all required documentation to the DHSMV;
- Passed a physical location inspection by the DHSMV that concludes that the provider is operating in accordance with law at the location and the location:
  - Does not have a common street address with another business operating, attached, connected or joined by the common street address (even if the location is recognized by the U.S. Postal service as a separate address);
  - Has permanent signage with posted business hours;
  - Has a rebuilt inspection area separate and visually obstructed from any area accessible to a customer; and
  - Has a surveillance camera with recording capabilities for the rebuilt inspection area.
- Provided a lease or proof of ownership for the location, which must be:
  - A permanent structure at an address recognized by the U.S. Postal Service where the only services provided are rebuilt inspection services; and
  - Of a size large enough to accommodate all vehicles being inspected and space sufficient to maintain physical security of all required records;
- Provided evidence of a “good and sufficient” surety bond or irrevocable letter of credit in the amount of \$100,000, executed by the provider that covers all inspection activities and names the DHSMV as an insured for 1 year;<sup>49</sup>
- Ensured that each owner, partner, and corporate officer of the provider has provided an attestation acknowledging that he or she is deemed to be engaging in activities that are in the public interest and are free from conflicts of interest;<sup>50</sup>
- Provided evidence of garage liability insurance coverage with at least \$100,000 single-limit liability coverage, including bodily injury and property damage protection, and \$10,000 personal injury protection;
- Provided a criminal background check on all owners, partners, and corporate officers that demonstrates that they have not:
  - Pled guilty or nolo contendere to or been convicted of a felony involving fraud, theft, or dishonest dealing in the last 10 years; or

---

<sup>48</sup> The bill maintains the definition of “rebuilt inspection services” used in the expired s. 319.141, F.S., but also requires that services include before and after photos if an airbag or airbags were deployed which clearly show the deployed airbags and that the airbags have been replaced.

<sup>49</sup> The surety bond or letter of credit must be executed by a surety company or bank authorized to do business in Florida.

<sup>50</sup> The bill defines “conflict” or “conflict of interest” to mean a situation in which a private interest could benefit from or interfere with official duties or a public interest, including, but not limited to, having a direct or indirect financial interest in a vehicle being inspected under the program; or being employed by, or directly or indirectly having an ownership interest in, an entity that has a financial interest in a vehicle being inspected.

- Been incarcerated for a felony involving fraud, theft, or dishonest dealing in the last 10 years; and
- Provided evidence of authorization to conduct business in Florida from the Division of Corporations of the Department of State.<sup>51</sup>

Providers authorized by the DHSMV must enter into a contract with the department that requires the provider to:

- Maintain access to and use the DHSMV's motor vehicle database, the National Motor Vehicle Title Information System, and information from the National Crime Bureau.
- Follow DHSMV policies and procedures when conducting inspections and to DHSMV oversight.
- Maintain confidentiality of all information in accordance with ch. 119, F.S., and the federal Driver Privacy Protection Act.<sup>52</sup>
- Maintain records as required by the DHSMV for at least 5 years and make such records available for inspection by the DHSMV or accordance with state public records laws.
- Agree to report stolen parts or vehicles.
- Maintain a surety bond and garage liability insurance.

The contract must also prohibit assignment of the contract to a third party without the consent of the DHSMV and specify penalties for noncompliance, including termination of the agreement; other grounds for termination of the agreement; forms required to be used to document completion of the inspection process;<sup>53</sup> and conditions to operate a mobile inspection unit, if applicable.

A provider must attest annually by July 1 that it complies with the law and each owner, partner, and corporate officer must affirm that he or she is free from conflicts of interest. Providers may charge a fee for services; fees must be clearly disclosed and conspicuously posted in an area frequented by customers.

Providers can operate at additional locations in Florida with written approval by the DHSMV, based upon criteria discussed above for locations. Additionally, the provider can operate a mobile inspection unit with written approval by the DHSMV in addition to its permanent facility location. To have a mobile unit, the provider must also maintain for each mobile unit general liability insurance of \$100,000 and commercial automobile liability insurance of \$100,000; physical security for indicia and inspection records; records at the permanent facility; a weekly

---

<sup>51</sup> Business that want to conduct business in Florida must first register with the Department of State. Section 607.0125(4), F.S., provides that the Department of State's duty to file documents is ministerial. However, the department does issue certificates of status (domestic corporations, limited liability companies, etc.) and certificates of authorization (foreign/out of state corporations) to show that the businesses are duly incorporated to authorized to transact business in Florida. *See* s. 607.0128 and 605.0211, F.S., for example.

<sup>52</sup> Federal and state law make certain personal information in motor vehicle, driver license, and crash records exempt from public records. *See* DHSMV, *Driver Privacy Protection Act*, <https://www.flhsmv.gov/privacy-statement/driver-privacy-protection-act/> (last visited April 9, 2019).

<sup>53</sup> Forms must include, but are not limited to, a completed and signed: certificate of title with or without registration, statement of builder that describes the process and major component parts used, power of attorney for a motor vehicle, mobile home, or vessel, and vehicle identification number and odometer verification.

schedule of planned inspections; and the confidentiality of the process. The provider must also agree to cooperate with the DHSMV oversight requirements.

The bill maintains the 45 days' notice and requirements for a change of ownership of a provider. The DHSMV *may* terminate the contract with a participant who fails to meet the law.

The bill permits rebuilt courier services<sup>54</sup> in Florida or from locations outside of Florida if a courier has a valid, nonexclusive contract with each authorized provider with which the courier conducts business. The contract must require the courier to comply with state law, including any DHSMV rule designed to protect the public, the DHSMV, or the provider from illegal or disruptive conduct; and to provide proof of maintenance of garage liability insurance of at least \$100,000.

The bill creates s. 319.1411, F.S., to authorize the DHSMV to monitor and inspect the operations of the providers as it deems necessary to determine whether the provider is operating in compliance with the law and to determine if the provider has engaged in any prohibited business practices (**section 22**).

The bill creates s. 319.142, F.S., to establish rules of conduct and prohibited business practices for the rebuilt inspection service providers (**section 24**). The following is prohibited and grounds for termination of contract with the DHSMV:

- Engaging in any business transaction or activity that is in substantial conflict with the proper discharge of the provider's duties in the public interest;
- Allowing a vehicle to pass inspection knowing that there was a material misrepresentation in the required documentation or that the documentation submitted in support of the inspection was counterfeit or materially altered;
- Failing to report to the DHSMV the identification of a suspected stolen part or stolen vehicle during an inspection;
- In connection with providing private rebuilt inspection services, engaging in any course of conduct that is fraud or deceit upon the DHSMV, a dealer, or a vehicle owner;
- Knowingly falsifying the DHSMV records or knowingly providing materially false or misleading information to the DHSMV;
- Failing to allow an examination or inspection of a location, including a review of books and records, by the DHSMV or law enforcement during regular business hours;
- Passing a vehicle through inspection without having a reasonable basis to believe that all airbags that are subject to a safety recall issued by the National Highway Transportation Safety Administration were replaced with airbags not subject to such a safety recall;
- Failing to timely respond to a subpoena issued by the DHSMV;
- Conducting rebuilt inspection services at a physical location or mobile unit not approved in writing by the DHSMV;
- Failing to maintain at all times a garage liability insurance in the amount of at least \$100,000;

---

<sup>54</sup> The bill defines "rebuilt courier service" to mean an individual or entity who provides services to vehicle owners or motor vehicle dealers who use the inspection services of a private rebuilt inspection provider. These services include, but are not limited to, preparing, compiling, or providing forms, applications, certificates of title, or other documentation required to conduct a rebuilt inspection, or engaging in or arranging for the transportation of vehicles for inspection

- Failing to maintain at all times a good and sufficient surety bond or irrevocable letter of credit in the amount of \$100,000 which covers all activities under the program and names the DHSMV as an insured;
- Violating the law or contract with the DHSMV; and
- Using advertising that would reasonably lead the public to believe that the provider was or is an employee or representative of the DHSMV, or using in the provider's name the terms "Department of Highway Safety and Motor Vehicles," "DMV," "DHSMV," "FLHSMV," or "HSMV" or any other terms or logos that are associated with the DHSMV.

The DHSMV must provide written notice of termination before terminating a contract for one of the above reasons.

The bill creates s. 319.1414, F.S., to authorize the DHSMV to conduct investigations and examinations of providers to ensure compliance with the law and the contract with the provider (**section 23**). The DHSMV is authorized to issue subpoenas, administer oaths or affirmations, examine witnesses, require affidavits, take depositions, and compel attendance of witnesses or production of records or other evidence.

The DHSMV may petition a court of competent jurisdiction to enforce a subpoena in the county where the person's residence or principal place of business is located. The court must issue an order requiring the person to comply with the subpoena or show cause for failure to do so. Unless the person shows sufficient cause for failure to obey the subpoena, the court must issue an order requiring the person to obey the subpoena and award costs incurred by the DHSMV to obtain the order. The person commits contempt of court for failure to comply with the court order.

Witnesses subpoenaed by the DHSMV are entitled to witness fees, unless the witness is required to appear at his or her residence or place of business during regular business hours.<sup>55</sup>

## **Subpoena and Investigative Authority**

### ***Present Situation***

The DHSMV has jurisdiction over multiple chapters of Florida Statutes, for which they do not have subpoena authority, without which they are often unable to obtain documents and testimony from third-party entities (banks, tow companies, etc.) to conduct administrative or criminal investigations.

### ***Effect of Proposed Changes***

The bill creates s. 322.71, F.S., and amends ss. 319.25 and 320.861, F.S., authorizing the DHSMV to exercise the power of subpoena and to administer oaths or affirmations, examine witnesses, require affidavits, take depositions, and compel the attendance of witnesses and the production of books, papers, documents, records, and other evidence (**sections 25, 36, and 51**). The subpoena is to be used for investigations or examinations conducted by the DHSMV of

---

<sup>55</sup> Section 92.142, F.S., provides that witnesses receive \$5 for each day's actual attendance and 6 cents per mile for actual distance traveled to and from a court.

suspected violations of chs. 319, 320, or 322, F.S., and may be served by an authorized representative of the DHSMV.

The DHSMV may petition a court of competent jurisdiction to enforce a subpoena in the county where the person's residence or principal place of business is located. The court must issue an order requiring the person to comply with the subpoena or show cause for failure to do so. Unless the person shows sufficient cause for failure to obey the subpoena, the court must issue an order requiring the person to obey the subpoena and award costs incurred by the DHSMV to obtain the order. The person commits contempt of court for failure to comply with the court order.

Witnesses subpoenaed by the DHSMV are entitled to witness fees, unless the witness is required to appear at his or her residence or place of business during regular business hours.<sup>56</sup>

### **Collection and Use of Cellular Telephone Numbers**

#### ***Present Situation***

The DHSMV lacks statutory authority to collect and use cell phone numbers as a method to communicate with customers in an expedited manner. Florida Statutes already allow the DHSMV is authorized to collect email addresses. Email addresses may be used, in lieu of the U.S. Postal Service, to provide certain renewal notices, including registration renewal notices, driver license renewal notices, and vessel registration renewal notices. However, current law does not allow the e-mail to be used for other business purposes.<sup>57</sup>

#### ***Effect of Proposed Changes***

The bill amends ss. 319.40, 320.95, 322.08, 328.30, and 328.80, F.S. (**sections 26, 37, 43, 59, and 62**), to authorize the DHSMV and tax collectors to collect and use email addresses and cell phone numbers to contact customers for business reasons other than purposes related to motor vehicle, vessel, and driver license registration and renewal. This must be done in accordance with ch. 119, F.S., and the federal Driver Privacy Protection Act. These sections are contingent upon the passage of SB 7094, which creates a public records exemption for this information.

Providing an email address or cell phone number is optional for the applicant, and before collecting an email mail address or cell phone number the DHSMV or tax collector must disclose to the applicant the purposes for which the contacts may be used.

### **International Registration Plan – Charter Buses**

#### ***Present Situation***

The International Registration Plan (IRP) is a registration reciprocity agreement among all states in the contiguous United States, the District of Columbia, and several Canadian provinces. It provides for the payment of license fees based on fleet operation in various member

---

<sup>56</sup> Section 92.142, F.S., provides that witnesses receive \$5 for each day's actual attendance and 6 cents per mile for actual distance traveled to and from a court.

<sup>57</sup> See ss. 319.40, 320.95, 322.08(10), 328.30, and 328.80, F.S.



jurisdictions.<sup>58</sup> This allows a carrier to operate inter-jurisdictionally while only needing to register vehicles in its base jurisdiction, which is the state or province where the registrant has an established place of business.<sup>59</sup>

All “apportionable vehicles” domiciled in the state are required to be registered in accordance with the IRP and display “Apportioned” license plates.<sup>60</sup>

Apportionable vehicles that do not regularly operate in a particular jurisdiction also have the option to register for trip permits in order to operate in IRP member jurisdictions for limited periods where they do not pay license taxes.<sup>61</sup>

An “apportionable vehicle” is any vehicle that is used or intended for use in two or more member jurisdictions and that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and:<sup>62</sup>

- Is a power unit having a gross vehicle weight in excess of 26,000 pounds;
- Is a power unit having three or more axles, regardless of weight; or
- Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

The Florida definition excludes recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, government-owned vehicles, and buses used in transportation of chartered parties. The IRP definition excludes a recreational vehicle, a vehicle displaying restricted plates, or a government-owned vehicle. Excluded vehicles may voluntarily register.

Prior to January 1, 2016, charter buses were excluded from having to register under the IRP. The IRP was amended to remove charter buses from the exemption, requiring charter bus operations to register under the IRP. This registration ensures that a charter bus operation will pay license fees to each jurisdiction it operates in, and prevents or suspends the registration of unsafe carriers.<sup>63</sup>

### *Effect of Proposed Changes*

The bill amends s. 320.01(24), F.S., to remove the exclusion of charter buses from the definition of “apportionable vehicle” (**section 27**). This aligns Florida’s statutory definition with the requirements of the IRP. All charter buses operating interstate will be required to obtain an IRP registration or purchase trip permits.

<sup>58</sup> International Registration Plan, Inc., *Information for Motor Carriers*, <https://www.irponline.org/page/MotorCarrierHomepage> (last visited April 9, 2019).

<sup>59</sup> As defined by the IRP, *International Registration Plan with Official Commentary* (amended Jan. 1, 2019), pp. 15 and 16, [https://cdn.ymaws.com/www.irponline.org/resource/resmgr/jurisdiction\\_info\\_2/The\\_Plan\\_1\\_1\\_19.pdf](https://cdn.ymaws.com/www.irponline.org/resource/resmgr/jurisdiction_info_2/The_Plan_1_1_19.pdf) (last visited April 9, 2019).

<sup>60</sup> Sections 320.0715(1) and 320.06(3)(a), F.S.

<sup>61</sup> *Id.* See also IRP, *Trip Permits-Cost/Duration* (April 2018), [https://www.irponline.org/resource/resmgr/jurisdiction\\_info\\_2/trip\\_permits\\_4\\_11\\_18.xlsx](https://www.irponline.org/resource/resmgr/jurisdiction_info_2/trip_permits_4_11_18.xlsx) (last visited April 9, 2019).

<sup>62</sup> Section 320.01(24), F.S. IRP, *International Registration Plan*, at pp. 12-13.

<sup>63</sup> See IRP, *Official Amendment to the International Registration Plan – Ballot Number 391* (June 2014), [http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/irp\\_ballots/ballot\\_391.pdf](http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/irp_ballots/ballot_391.pdf) (last visited April 9, 2019).

## Issuance of Apportionable Vehicle Plates

### *Present Situation*

Florida law requires all apportionable vehicles domiciled in Florida to be registered in accordance with the IRP and to display required license plates.<sup>64</sup>

Section 320.06, F.S., requires registration license plates, which bear a graphic symbol and alphanumeric system of identification, to be issued for a 10-year period. However, “Apportioned” license plates issued to vehicles registered under the IRP are issued annually.<sup>65</sup> Apportioned vehicles are also issued an annual cab card that denotes the declared gross vehicle weight for each apportioned jurisdiction where the vehicle is authorized to operate.<sup>66</sup>

Section 320.0607, F.S., requires an applicant to pay a fee of \$28 upon the issuance of an original license plate (whether every 10 years or annually for apportioned vehicles), which is deposited into the Highway Safety Operating Trust Fund.

### *Effect of Proposed Changes*

Under the bill, an apportioned vehicle must be issued an annual license plate and cab card denoting the declared gross vehicle weight until January 1, 2023, at which time this provision in s. 320.06(1)(b), F.S., expires (**section 29**). Upon implementation of a new operating system for apportioned vehicle registration, a vehicle registered in accordance with the IRP will be issued a license plate for a 5-year period, an annual cab card denoting the declared gross vehicle weight, and an annual validation sticker showing the month and year of expiration.

The license plate and validation sticker will be issued based on the applicant’s appropriate renewal period. The registration period for an apportionable vehicle is 12 months and the validation sticker is valid for 12 months. The bill provides that the fee must be deposited into the Highway Safety Operating Trust Fund. Currently, a \$28 fee is paid upon initial issuance and annual reissuance of the “Apportioned” license plates; SB 7092 provides authority for the annual fee for the validation sticker (\$28). This section of the bill is contingent upon the passage of SB 7092. If the license plate is damaged or worn it may be replaced at no charge by applying to the DHSMV and surrendering the current license plate.

The bill amends s. 320.0607(5), F.S., to provide that upon implementation of a new operating system for apportioned vehicle registration, the \$28 fee for an original license plate does not apply to vehicles registered under the IRP (**section 32**).

## Renting a Motor Vehicle to Another

### *Present Situation*

Section 322.38, F.S., sets the requirements for an individual who wishes to rent a motor vehicle to another. These include that the individual inspects the driver license of the person to whom the

---

<sup>64</sup> Section 320.0715(1), F.S.

<sup>65</sup> Section 320.06(1)(b)1., F.S.

<sup>66</sup> See IRP, Inc., *State of Florida Apportioned Cab Card Sample*,

[http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/cab\\_cards/fl\\_cc\\_sample.pdf](http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/cab_cards/fl_cc_sample.pdf) (last visited April 9, 2019).

vehicle is to be rented, and compares and verifies the signature thereon with the signature of such person written in his or her presence before the vehicle can be rented. Further, the individual must keep a record of the registration number of the motor vehicle rented, the name and address of the person renting, and the number, date, and place of issue of the person's driver license.

### *Effect of Proposed Changes*

The bill amends s. 322.38, F.S., to eliminate the requirement that a person renting a motor vehicle to another verify the latter individual's signature on his or her driver license, and adds a requirement that the individual renting the vehicle to another verify that the renter's driver license is unexpired (**section 49**). The bill also eliminates the requirement that the individual renting the vehicle to another record the date on which the driver license was issued.

This section creates s. 322.38(4), F.S., to provide that the driver license and license inspection requirements are deemed to have been met if the renter verifies that he or she is duly licensed and the license is unexpired when the renter enrolls in a company's membership program, master agreement, or other means of establishing use of the company's services or at any time thereafter. This applies when:

- The rental of a motor vehicle is made to a person through digital, electronic, or other means which allows the renter to obtain possession of the vehicle without direct contact with an agent or employee of the motor vehicle rental company; or
- The renter does not execute a rental contract at the time he or she takes possession of the vehicle.

## **Motor Vehicle Rental Agreements**

### *Present Situation*

Section 320.0605, F.S., requires that a person who rents or leases a vehicle is required to possess a true copy of rental or lease documentation for the motor vehicle at all times while the vehicle is being operated.<sup>67</sup> The documentation must include certain information including the date of the rental, the time of exit from the rental facility, and the rental station location.

### *Effect of Proposed Changes*

The bill amends s. 320.0605, F.S., to authorize a person to possess an electronic copy of a rental or lease documentation to be displayed upon the request of a law enforcement officer or an agent of the DHSMV (**section 31**). Displaying the electronic copy to a law enforcement officer does not constitute consent for the officer or agent to access any information on the electronic device other than the displayed documentation. Additionally, the person who presents the device to the officer or agent assumes liability for any resulting damage to the device.

This section also repeals the requirement that the rental or lease documentation must include the rental station identification. This section also requires the time of rental, instead of the time of exit from the rental facility to be included in the documentation.

---

<sup>67</sup> A person who cannot display such documentation upon request from an officer or agent of the DHSMV is guilty of a noncriminal traffic infraction, punishable as a nonmoving violation.

## Access to Florida Real Time Vehicle Information System

### *Present Situation*

The DHSMV maintains the Florida Real Time Vehicle Information System (FRVIS) that facilitates the collection of taxes and fees for tags, titles, and registrations associated with motor vehicles and vessels. Local tax collector and tag agent offices throughout the state process tag, title, and registration transactions through FRVIS.<sup>68</sup> According to the DHSMV, FRVIS processed approximately 404.6 million transactions for the collection of approximately \$3.026 billion in revenue from taxes and fees associated with tags, titles, and registrations for motor vehicles and vessels during Fiscal Year 2017-2018, including amounts retained by local tax collector and tag agent offices.<sup>69</sup> These funds, together with all other sources of the DHSMV's revenue, are distributed through FRVIS to various state agencies, including the DHSMV, and non-state entities in accordance with governing Florida Statutes.<sup>70</sup>

FRVIS is composed of two processing environments. The first is a distributed environment that consists of the servers at local tax collector and tag agent offices that process tag, title, and registration transactions throughout the state. The second environment is the host portion that consists of the back-end processing that is conducted centrally at the [DHSMV's] primary data center.<sup>71</sup>

In addition to residential street addresses, the DHSMV is authorized to collect and store (in FRVIS) email addresses. Email addresses may be used, in lieu of the U.S. Postal Service, to provide certain renewal notices, including registration renewal notices, driver license renewal notices, and vessel registration renewal notices.<sup>72</sup>

### Registration Duties of Tax Collectors

Tax collectors are authorized agents of the DHSMV that issue motor vehicle and vessel registration certificates, registration license plates, validation stickers, mobile home stickers, vessel numbers, and vessel decals to applicants.<sup>73</sup> Each tax collector must keep a full and complete record and account of all validation stickers, mobile home stickers, vessel decals, or other properties received by him or her from the DHSMV.<sup>74</sup>

Chapter 320, F.S., requires FRVIS to be installed in every tax collector's and license tag agent's office in accordance with a schedule established by the DHSMV in consultation with the tax collectors and contingent upon funds being made available for the system by the state.<sup>75</sup>

---

<sup>68</sup> Department of Highway Safety and Motor Vehicles, *Florida Real Time Vehicle Information System (FRVIS): Information Technology Operational Audit*, Report No. 2014-193 (April 2014), at pp. 1-2, [https://flauditor.gov/pages/pdf\\_files/2014-183.pdf](https://flauditor.gov/pages/pdf_files/2014-183.pdf) (last visited April 9, 2019).

<sup>69</sup> Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, FW: FRVIS (April 4, 2019) (on file with the Senate Committee on Infrastructure and Security).

<sup>70</sup> DHSMV, *Florida Real Time Vehicle Information System (FRVIS)*

<sup>71</sup> *Id.*

<sup>72</sup> See ss. 319.40, 320.95, 322.08(10), 328.30, and 328.80, F.S.

<sup>73</sup> Sections 320.03(1) and 328.73(1), F.S.

<sup>74</sup> Sections 320.03(3) and 328.73(2), F.S.

<sup>75</sup> Section 320.03(4)(b), F.S.

### *Effect of Proposed Changes*

The bill amends ss. 320.03 and 328.73, F.S., to require the DHSMV to provide tax collectors acting on behalf of the DHSMV and tax collector-approved agents and vendors with real-time access to data that other third parties receive from the DHSMV related to registration certificates, registration license plates, validation stickers, and vessel numbers and decals (**sections 28 and 61**). The DHSMV must approved a request from the entity and enter into a memorandum of understanding with the entity before access may be granted. The memorandum of understanding required may not be more restrictive than any memorandum of understanding between the DHSMV and other third-party vendors.

### **Purchasing of Validation Stickers and Paper Stock**

#### *Present Situation*

Section 320.06(2), F.S., requires the DHSMV to provide tax collectors and license plate agents with the necessary number of validation stickers for plates. To do this, the DHSMV analyzes past usage and anticipated future renewal needs in each county. This estimate is then compared against each order placed in the FRVIS system and then processed on a weekly basis for delivery. If a tax collector or license plate agent requests an amount in excess of the anticipated need in the FRVIS system, then the entity may request an exception for increased delivery, which the DHSMV processes within a week.<sup>76</sup>

#### *Effect of Proposed Changes*

The bill amends s. 320.06(2), F.S., to allow the tax collectors and their agents to have the option to purchase validation stickers and paper stock that is used to produce vehicle registrations directly from the DHSMV's contracted vendor (**section 30**). The stickers and paper stock may also be purchased from other vendors if such items meet the DHSMV's specifications and are procured at prices that are at or lower than the pricing reflected in the DHSMV's existing contracts for procuring the items. The bill specifies that these purchases by the tax collectors and their agents are exempt from the competitive bid requirements of ch. 287, F.S.

The DHSMV is required to reimburse the tax collectors and their agents for these purchases, but reimbursement may not be made at prices higher than the pricing contained in the DHSMV's existing contract. The tax collectors and their agents will be required to invoice the DHSMV in arrears for the validation stickers and vehicle registrations as they are issued.

### **Fleet Vehicle Temporary Tag Pilot Program**

#### *Present Situation*

Section 320.131, F.S., authorizes the DHSMV to design, issue, and regulate the use of temporary tags for use in certain cases provided in law when a permanent plate may not be immediately available, and provides penalties for the misuse of temporary tags. Generally, a temporary tag is valid for 30 days.<sup>77</sup> Temporary tags cost \$2 each, of which \$1 is deposited into the Brain and

---

<sup>76</sup> Information from the DHSMV, on file with the Senate Committee on Infrastructure and Security.

<sup>77</sup> Except as provided in ss. 320.131(1)(f) and (j), F.S.

Spinal Cord Injury Program Trust Fund and \$1 into the Highway Safety Operating Trust Fund. The DHSMV uses a print-on-demand electronic temporary tag registration, record retention, and issue system that is required to be used by every department-authorized issuer of temporary tags.<sup>78</sup> These issuers include motor vehicle dealers and tax collectors who frequently issue temporary tags on behalf of the DHSMV.

### ***Effect of Proposed Changes***

The bill amends s. 320.131, F.S., to create a Fleet Vehicle Temporary Tag Pilot Program (**section 33**). The DHSMV may partner with a county tax collector to conduct a pilot program that provides up to 50 temporary tags at a time to fleet companies who have at least 3,500 fleet vehicles registered in Florida. The DHSMV must establish a memorandum of understanding (MOU) that allows a maximum of 10 companies to participate in the pilot program.

Under the pilot program:

- The temporary tags are for exclusive use on the company's fleet vehicles and may not be used on any other vehicle.
- Each temporary tag must be used on only one vehicle, and each vehicle may only use one temporary tag.
- Upon issuance of the vehicle's permanent license plate and registration, the temporary tag becomes invalid and must be removed from the vehicle and destroyed.
- Upon a finding by the DHSMV that a temporary tag has been misused under this program, the DHSMV may terminate the MOU with the company, invalidate all temporary tags issued to the company, and require the company to return any unused temporary tags.

The issuance of a temporary tag must be reported to the DHSMV within two business days after the issuance of the tag, and the tax collector must keep a record of each temporary tag issued. If the DHSMV finds that a temporary tag has been misused by a fleet company under the program, then the DHSMV may terminate the memorandum of understanding with that company, invalidate all the issued temporary tags to that company, and require the company to return any unused tags.

This program is repealed October 1, 2022, unless saved from repeal through reenactment by the Legislature.

## **Motor Vehicle Dealer Licensing**

### ***Present Situation***

Section 320.27, F.S., authorizes the DHSMV to revoke a motor vehicle dealership license for failure to comply with certain requirements. The DHSMV reports that it lack the authority to act on persons who have previously had their dealer license revoked that are able to reestablish themselves in other dealerships.

---

<sup>78</sup> Section 320.131(9), F.S.

Current law allows the DHSMV to file for an injunction against a dealer who fails to comply with the law. However, the DHSMV does not have the authority to petition the court to prohibit the person who operated the dealership from operating in a similar capacity in the future.<sup>79</sup>

### *Effect of Proposed Changes*

The bill amends s. 320.27, F.S., to authorize the DHSMV to deny an initial or renewal application for a motor vehicle dealer license (**section 34**). The DHSMV can deny the application for the same reasons as in current law for suspension or revocation of a license; however, the bill also grants the DHSMV the authority to make the denial, suspension, or revocation of the license upon proof that the applicant or licensee has:

- Been convicted of a felony and has either not completed the resulting felony sentence or completed the felony sentence less than 10 years after the date of licensure application.
- Previously owned a majority interest in, or acted as a control person<sup>80</sup> of, a motor vehicle dealer that within the past 10 years has been the subject of any decision, finding, injunction, suspension, revocation, denial, judgment, or administrative order by any court of competent jurisdiction, administrative law judge, or state agency that resulted in a finding of:
  - Violation of any federal or state law relating to unlicensed activity; or
  - Fraud in connection with the sale of a motor vehicle.
- Knowingly employs or contracts such a person as a control person.
- Knowingly employs or contracts as a control person a person who has been convicted of a felony and has either not completed the resulting felony sentence or completed the felony sentence less than 10 years from the date of licensure application.

The bill also provides that if a court grants an injunction, the court may bar, permanently or for a specific time period, any person found to have violated any federal or state law relating to unlicensed activity or fraud in connection with the sale of a motor vehicle. If a person is barred, the person may not continue in any capacity within the industry or have a management, sales, or other role in the operation of a dealership. Further, if a person is permanently barred, the person may not derive income from the dealership beyond reasonable compensation for the sale of his or her ownership interest in the business.

### **Establishment of Uniform Standards for Mobile Homes**

#### *Present Situation*

Sections 320.8232(2), F.S., provides that the provisions of the repair and remodeling code for mobile homes must ensure safe and livable housing and must not be more stringent than those standards required to be met in the manufacture of mobile homes. The provisions of the code must include, but are not limited to, standards for structural adequacy, plumbing, heating, electrical systems, and fire and life safety.

---

<sup>79</sup> Information from the DHSMV, on file with the Senate Committee on Infrastructure and Security.

<sup>80</sup> The bill defines “control person” as mean any person who has significant authority, directly or indirectly, to direct the management or policies of a company, whether through ownership, by contract, or otherwise. The term includes any person who is an owner, director, general partner, officer, manager, or employee exercising decision-making responsibility or exercising similar executive status or functions. The term does not include an employee whose function is only clerical, ministerial, or in sales under the supervision of an owner or manager or other person exercising decision-making responsibility.

Rule 15C-2.0081, F.A.C, provides more specificity for the Mobile and Manufactured Home Repair and Remodeling Code. The rule provides guidelines for structure additions, anchoring, repair, and remodeling; electrical repair and replacement; and plumbing repair and replacement.

***Effect of Proposed Changes***

The bill amends s. 320.8232(2), F.S., by changing the reference to the “repair and remodel code” to the “Mobile and Manufactured Home Repair and Remodeling Code” which has been adopted by rule by the DHSMV (**section 35**). The bill also requires all repair and remodeling of mobile and manufactured homes be done in accordance with the DHSMV rules.

**ID Card Renewal**

***Present Situation***

A Florida driver license can be renewed within 12 months of expiration;<sup>81</sup> however, an ID card can only be renewed within 90 days of expiration.<sup>82</sup>

***Effect of Proposed Changes***

The bill amends s. 322.051(2)(a), F.S., to extend the renewal window for ID cards to within 12 months of expiration to be consistent with the driver license renewal period (**section 41**).

**Truancy Reporting and Driving Privileges**

***Present Situation***

A minor is not eligible for driving privileges unless he or she meets certain requirements, such as being enrolled at school or in home education or in other educational activities approved by the district school board and satisfying attendance requirements. If the DHSMV receives a notice of noncompliance from the district school board, it may not issue a driver license or learner’s permit to, or will suspend the driver license or learner’s permit of, any minor.<sup>83</sup> The DHSMV must report quarterly to each school district the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended.<sup>84</sup> According to the DHSMV, the reporting function is now automated for all school districts to access in real time.<sup>85</sup>

***Effect of Proposed Changes***

The bill amends s. 322.091(5), F.S., to require the DHSMV to make the report of students whose driving privileges have been suspended for truancy available upon request, instead of quarterly (**section 44**). This allows the school districts to access the updated, automated reporting function in real time.

---

<sup>81</sup> Section 322.18(7), F.S.

<sup>82</sup> Section 322.051(2)(a), F.S.

<sup>83</sup> Sections 322.091(1) and 1003. (2)(b), F.S.

<sup>84</sup> Section 322.091(5), F.S.

<sup>85</sup> DHSMV, *2019 Legislative Concepts* (on file with the Senate Committee on Infrastructure and Security).



## Stolen Identification Cards

### *Present Situation*

Section 322.17(1)(b), F. S., provides for the replacement of a driver license for no fee when reported stolen and accompanied by a police report to the person to whom the same was issued. There is no statutory authority to issue a no-fee replacement ID card when stolen, even when a police report is provided.

### *Effect of Proposed Changes*

The bill amends s. 322.17, F.S., by adding an ID card to the list of cards that can be replaced for free when stolen (**section 45**).

## Expedited Service and Shipping

### *Present Situation*

Individuals can apply to the DHSMV to receive expedited service on title transfers, title issuances, duplicate titles, and recordation of liens by mail or in person and the DHSMV must issue each title within 5 working days after receipt of the application.<sup>86</sup> The DHSMV has the authority to charge a \$10 expedited service fee.<sup>87</sup> The expedited service fee is in addition to the standard fees on title transfers, title issuances, duplicate titles, and recordation of liens.<sup>88</sup> After deductions for odometer fraud prevention and detection<sup>89</sup> and retention of \$3.50 by the processing agency, the remainder of the expedited service fee is deposited into the General Revenue Fund.<sup>90</sup>

Currently, the law does not provide authorize the DHSMV to collect an expedited service fee related to driver licenses and ID cards from customers. For example, Florida residents needing an immediate replacement or renewal driver license often call the DHSMV customer service center to request expedited shipping of their transactions via the online portal. To assist these individuals, the DHSMV must have the individual prepay directly to a mail courier service for the expedited shipping cost.<sup>91</sup>

### *Effect of Proposed Changes*

The bill creates s. 322.21(10), F.S., to allow an applicant for a renewal or replacement driver license or ID card who applied via online to receive expedited *shipping* (**section 46**). The DHSMV, at the applicant's request, must issue the driver license or ID card within 5 working days after receipt of the application and ship the license or ID card using an expedited mail service. The DHSMV is authorized to charge the applicant for the exact cost of expedited

---

<sup>86</sup> For motor vehicles or mobile homes previously titled or registered outside of the state, the 5 working days begins after compliance with DHSMV verification requirements. Sections 319.323 and 319.23(4), F.S.

<sup>87</sup> Section 319.323, F.S.

<sup>88</sup> See ss. 319.323 and 319.32, F.S.

<sup>89</sup> Section 319.324, F.S.

<sup>90</sup> Section 319.323, F.S.

<sup>91</sup> Department of Highway Safety and Motor Vehicles, *2019 Legislative Concepts* (on file with the Senate Committee on Infrastructure and Security).

shipping. Funds collected for the expedited shipping option will be deposited into the Highway Safety Operating Trust Fund.

### **Penalties for False Information on Application for Driver License**

#### ***Present Situation***

Section 322.212, F.S., makes using a false or fictitious name in any application for a driver license or ID card or knowingly making a false statement, knowingly concealing a material fact, or otherwise committing fraud in any such application a third degree felony.<sup>92</sup> However, a person who gives a false age in an application only commits a second degree misdemeanor.<sup>93</sup>

In addition to any other penalties in s. 322.212, F.S., a person is disqualified from operating a CMV for 1 year if the person provides false information when applying for a commercial driver license or commercial learner's permit or is convicted of fraud in connection with testing for a commercial driver license or commercial learner's permit.<sup>94</sup>

#### ***Effect of Proposed Changes***

The bill amends s. 322.212, F.S., to create additional penalties (**Section 47**). The bill makes knowingly providing altered or counterfeit documents or knowingly participating in dishonest or deceptive actions in any application for a driver license or ID card a third degree felony.

The bill also creates an additional penalty for providing false information in certain applications. In addition to other penalties, a person's driving privilege is suspended for 1 year if the person provides false information when applying for a driver license, ID card, commercial driver license, or commercial learner's permit or is convicted of fraud in connection with testing for a driver license, commercial driver license, or commercial learner's permit.

### **Serious Disqualifying Offense for a Commercial Motor Vehicle**

#### ***Present Situation***

In 2013, the Legislature amended s. 316.3025, F.S., codifying a federal prohibition on CMV drivers using handheld devices while operating a CMV.<sup>95</sup> However, s. 322.61, F.S., relating to offenses disqualifying someone from driving a CMV was not similarly amended.

Section 316.3025(6)(a), F.S., provides penalties associated with texting and using a handheld mobile telephone while driving a CMV. A driver violating the federal prohibitions against

---

<sup>92</sup> Section 322.212(5)(a) and (6), F.S. Generally, a third degree felony is punishable by up to 5 years in prison and a fine of up to \$5,000. See ss. 775.082, 775.083, and 775.084, F.S.

<sup>93</sup> Section 322.212(6), F.S. Generally, a third degree felony is punishable by up to 60 days in jail and a fine of up to \$500. See ss. 775.082 and 775.083, F.S.

<sup>94</sup> Section 322.212(7), F.S.

<sup>95</sup> Section 14, ch. 2013-160, L.O.F.

texting or using a handheld mobile telephone<sup>96</sup> while operating a CMV, may be assessed a civil penalty and commercial driver license disqualification<sup>97</sup> as follows:

- First violation: \$500.
- Second violation: \$1,000 and a 60-day commercial driver license disqualification.<sup>98</sup>
- Third and subsequent violations: \$2,750 and a 120-day commercial driver license disqualification.

Section 322.61, F.S., provides a list of serious disqualifying offenses regarding the operation of a CMV. If while operating a CMV, a person is convicted of two or more listed offenses within a 3 year period, then that person is disqualified from operating a CMV for a period of 60 days.

### *Effect of Proposed Changes*

The bill amends s. 322.61, F.S., to incorporate violations for texting or using a handheld phone device while operating a CMV as a serious disqualifying offense to align with federal regulations (**section 50**).

## **Administration of Vessel Registration and Titling Laws; Records**

### *Present Situation*

The DHSMV has the authority to protect personal information contained in a motor vehicle record under the federal Driver Privacy Protection Act and s. 119.0712(2), F.S., and an entity that is allowed to receive motor vehicle record information may not use it for mass commercial solicitation of clients for litigation against motor vehicle dealers. No such protection for personal information contained in a vessel title or registration exists.

### *Effect of Proposed Changes*

The bill amends s. 328.40, F.S., to provide that the DHSMV must protect personal information contained in a vessel registration and title, subject to inspection and copying, as provided in ch. 119, F.S. (**section 60**). SB 7094, which is linked to this bill, creates a public records exemption in s. 119.0712(2), F.S., for this information. This bill itself does not create an exemption or protections. This section is contingent upon the passage of SB 7094.

## **Required Insurance Coverage for Commercial Motor Vehicles**

### *Present Situation*

Section 627.7415, F.S., requires all CMVs subject to the U.S. Department of Transportation minimum levels of financial responsibility set forth in 49 C.F.R. part 387 to be insured are required by the federal law. Currently the statute only references subpart A of the Code of Federal Regulations, which sets the financial responsibility requirements for motor carriers of property. Other CMVs must meet the requirements in s. 627.7415, F.S., for minimum levels of

---

<sup>96</sup> 49 C.F.R. 392.82

<sup>97</sup> Section 320.01(15), F.S., defines “disqualification” as “a prohibition, other than an out-of-service order, that precludes a person from driving a commercial motor vehicle.”

<sup>98</sup> Commercial driver license disqualification is pursuant to 49 C.F.R. part 383.

combined bodily liability insurance and property damage liability insurance, which are based upon the CMV's weight.

*Effect of Proposed Changes*

The bill amends s. 627.7415, F.S., to also reference subpart B of the Code of Federal Regulations for minimum levels of financial responsibility, which relates to motor carriers of passengers (**section 63**).

**Technical Amendments and Effective Date**

*Effect of Proposed Changes*

The bill amends ss. 316.251, 501.976, 655.960, and 856.015, F.S., to correct cross-references (**sections 64, 65, 66, and 67**).

The act takes effect July 1, 2019, except as otherwise expressly provided (**section 68**).

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

The bill amends ss. 319.40, 320.95, 322.08, 328.30, and 328.80, F.S. (**sections 26, 37, 43, 59, and 62**), to authorize the DHSMV and tax collectors to collect and use email addresses and cell phone numbers of customer and requires this to be done in accordance with ch. 119, F.S., and the federal Driver Privacy Protection Act.

Currently, s. 119.0712(2), F.S., provides that personal information contained in a motor vehicle record<sup>99</sup> is confidential pursuant to the federal Driver Privacy Protection Act and may only be released as authorized by the federal law.<sup>100</sup> The statute also makes email addresses collected under ss. 319.40, 320.95, and 322.08, F.S., exempt from state public records law.<sup>101</sup>

Cell phone numbers and email addresses collected by the DHSMV pursuant to the bill may not be exempt from public records. However, SB 7094, which is linked to this bill, would provide an exemption for such information. If SB 7094 is not enacted, then the information may not be exempt.

<sup>99</sup> A motor vehicle record is defined as any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by the DHSMV.

<sup>100</sup> 18 USC ss. 2721 et. seq.

<sup>101</sup> This exemption expires on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

## 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:

SB 7092 clarifies the fee for the apportioned vehicle plate changes made in **section 29** of the bill. If SB 7092 does not pass, then there will be no fee for the 5-year plate, annual cab card, and annual validation sticker beginning in January 2023.

To the extent that fleet companies choose to participate in the Fleet Vehicle Temporary Tag Pilot Program created in **section 33**, there may be an indeterminate, increase to the Highway Safety Operating Trust Fund and the Brain and Spinal Cord Injury Program Trust Fund. Of the \$2 temporary tag fee for certain vehicles, revenues are divided evenly between the Highway Safety Operating Trust Fund and the Brain and Spinal Cord Injury Program Trust Fund. Further, the tax collectors may receive an indeterminate, increase to local government revenues because tax collected are currently authorized to collect a \$3 surcharge for each temporary tag issuance. The bill limits the pilot program to 10 companies, who may be issued a maximum of 50 temporary tags at a time.

The fee for issuance of an original and renewal ID card is \$25. The fees collected from original ID card applications are deposited into the General Revenue Fund. Fees collected from renewal ID card applications are deposited as follows: \$19 into the General Revenue Fund and \$6 into the Highway Safety Operating Trust Fund. The number of people who will renew an ID card 12 months after expiration are unknown, but the DHSMV estimated that there could be a loss to the General Revenue Fund of \$113,535 and an increase of the same amount to the Highway Safety Operating Trust Fund (the trust fund would incur about a \$9,083 service charge to be paid to the General Revenue Fund) (**section 41**).<sup>102</sup>

The fee for a replacement ID card is \$25. The fees collected are deposited as follows: \$16 into the General Revenue Fund and \$9 into the Highway Safety Operating Trust Fund. For replacement ID cards that are issued by a tax collector, the tax collector is allowed to keep the \$9 portion of the fee. The bill allows a person whose ID card was stolen to get a replacement card for free (**section 45**). The number of people who will get

<sup>102</sup> Email from Susan Carey, Department of Highway Safety and Motor Vehicles, *SB 7090* (April 10, 2019) (on file with the Senate Transportation, Tourism, and Economic Development Appropriations Subcommittee).

a replacement card for a stolen one is unknown, but the DHSMV anticipates that the fiscal impact to the department and tax collectors will be insignificant.

**B. Private Sector Impact:**

There is a potential impact to the CMV industry associated with changes to the CMV regulations contained in the bill; however, the impact is indeterminate at this time.

Classifying charter buses as apportionable vehicles may change the registration fees for these vehicles; however, the actual impact for any specific vehicle will be based on motor vehicle details, jurisdictions where the vehicle travels, and the mileage percentages in each of the jurisdictions.<sup>103</sup>

Individuals whose ID cards are stolen will see a reduction in costs because they will be able to obtain a replacement card at no cost.

Additionally, there may be a positive fiscal impact on fleet companies who qualify to be part of the Fleet Vehicle Temporary Tag pilot program because such companies will be able to receive up to 50 temporary tags at a time, which can reduce the amount of time a replacement fleet vehicle is inoperable while awaiting permanent registration and title.

**C. Government Sector Impact:**

According to the FMCSA, failure to adopt regulations to comply with federal compatibility requirements may jeopardize federal funding for the state's motor carrier safety program for Federal Fiscal Year 2019.<sup>104</sup> Federal funding for the state's motor carrier safety program for Fiscal Year 2018-2019 totaled \$12,778,315, and when matched with state funds in the amount of \$2,254,997, totaled \$15,033,312.<sup>105</sup> The provisions of the bill brings the state law into compliance.

Tax collectors, and tax collector-approved agents and vendors, may see a positive indeterminate fiscal impact as a result of having real-time access to data and thus being able to provide more efficient service to customers.

The bill makes providing altered or counterfeit documents or participating in dishonest or deceptive actions in any application for a driver license or ID card a third degree felony (**Section 47**). The Criminal Justice Impact Conference has not yet estimated a prison bed impact for this bill.

---

<sup>103</sup> Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, *DHSMV Package - Fiscal* (March 21, 2019) (on file with the Senate Committee on Infrastructure and Security).

<sup>104</sup> William A. Quade, Associate Administrator for Enforcement (Federal Motor Carrier Safety Administration), letter to Colonel Gene Spaulding, Director (Florida Highway Patrol), August 10, 2018 TS (on file with the Senate Committee on Infrastructure and Security).

<sup>105</sup> Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, *Mcsap funds*, (February 7, 2019) (on file with the Senate Committee on Infrastructure and Security).

According to the DHSMV, the creation of the temporary tag for fleet vehicles will require approximately 87 programming hours, or the equivalent of \$3,045 in FTE (**section 33**). This cost can be absorbed within existing resources.

The cost to the DHSMV to implement the rebuilt motor vehicle inspection program can be absorbed within current resources (**sections 20 – 24**).

The bill grants and authorizes DHSMV to exercise the power of subpoena as it relates to the investigation of fraud involving motor vehicle registrations, titles, driver licenses, motor vehicle dealers, and other areas of jurisdictional responsibility (**sections 23, 25, 36, and 51**). All costs related to this new function can be absorbed within existing resources.

The DHSMV may incur an indeterminate programming costs implementing real-time data access to tax collectors and tax collector-approved agents and vendors; however such costs can be absorbed within existing resources (**sections 28 and 61**).

The DHSMV will incur costs to provide expedited shipping for driver licenses and ID cards. Provided that SB 7092 passes, the DHSMV will be able to offset these costs by charging the applicants for the cost of the expedited shipping (**section 46**).

The provision of the bill allowing tax collectors to purchase validation stickers and paper stock is expected to be cost neutral to the DHSMV, as reimbursement by the department to the tax collectors cannot be greater than the pricing in the DHSMV's existing contract for such items (**section 30**).

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

The bill authorizes the DHSMV to adopt rules to administer the grant of subpoena power in ss. 319.1414, 319.25, 320.861, and 322.71, F.S. (**sections 23, 25, 36, and 51**).

The bill provides that certain provisions do not apply to the operator of a nonlead vehicle in a platoon and requires notification to the DHSMV and the DOT to operate (**section 6**). The bill does not specify how platoon operators are to provide the required notification to DOT and DHSMV. It is also unclear how law enforcement will be able to identify that a vehicle is operating in a platoon and thus exempt from certain traffic law requirements.

SB 7092 and SB 7094 are linked to this bill. They contain provisions for revenues and public records exemptions that are related to provisions amended or created in this bill. SB 7092 and SB 7094 are contingent upon the passage of this bill, and the linked provisions in this bill are contingent upon the passage of the other two bills.

SB 7092 contains revenue provisions impacting this bill. The bill allows the DHSMV to charge a \$28.00 annual fee for apportionable vehicles related to the initial validation sticker and any renewed validation stickers.

SB 7094 contains public record exemptions impacting this bill. The public record exemptions are for:

- Personal information, including highly restricted personal information, contained in any record that pertains to a vessel title or vessel registration issued by the DHSMV;
- Email addresses and cell phone numbers collected by the DHSMV; and
- Information received by the DHSMV as a result of an investigation or examination, until the investigation or examination ceases to be active or administrative action taken by the DHSMV has concluded or been made part of any hearing or court proceeding.

### VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.027, 316.0271, 316.061, 316.1895, 316.192, 316.193, 316.1933, 316.194, 316.302, 316.303, 316.622, 316.640, 316.655, 316.70, 318.19, 319.001, 319.141, 319.25, 319.40, 320.01, 320.03, 320.06, 320.0605, 320.0607, 320.131, 320.27, 320.8232, 320.861, 320.95, 321.05, 321.065, 321.23, 322.051, 322.0602, 322.08, 322.091, 322.17, 322.21, 322.212, 322.36, 322.38, 322.61, 323.001, 323.002, 324.011, 324.022, 324.023, 324.051, 324.242, 328.30, 328.40, 328.73, 328.80, 627.7415, 316.251, 501.976, 655.960, and 856.015.

This bill creates the following sections of the Florida Statutes: 316.0897, 319.002, 319.1411, 319.142, 319.1414, and 322.71.

This bill repeals section 316.0896 of the Florida Statutes.

### IX. Additional Information:

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

**Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 16, 2019:**

The committee substitute:

- Expands the definition of autocycle to include those motorcycles equipped with a steering mechanism.
- Delays until December 31, 2019, the requirements for waste collection vehicles to comply with the requirements in s. 316.215, F.S., related to headlamps and turn signals.
- Clarifies the exemption from the prohibition on television receivers for a vehicle operating in a platoon.
- Removes bill section creating duplicative rulemaking authority for the DHSMV, which currently has rulemaking authority for ch. 319, F.S., in s. 319.17, F.S.
- Directs a court to award costs incurred by the DHSMV to obtain an order to obey a subpoena.



- Makes section 26, 37, 43, 59, 60, and 62 of the bill contingent upon the passage of SB 7094.
- Makes section 29 of the bill contingent upon the passage of SB 7092.
- Authorizes an electronic copy of a motor vehicle rental or lease documentation to be accepted by law enforcement or agents of the DHSMV as proof of possession of such documentation, and provides restrictions and liability regarding the electronic device displaying such documentation.
- Provides that a motor vehicle rental company is deemed to have met the requirements of inspecting a driver license and prohibiting the rental of a motor vehicle to a person required to be licensed who is not, if the renter verifies he or she holds a valid driver license and the vehicle is rented from the company through digital, electronic, or other means not requiring direct contact with an employee of the rental company.
- Authorizes the DHSMV to charge a customer who requests expedited shipping for a renewal or replacement driver license or ID card for the exact costs of the shipping.
- Clarifies that the third degree felony created by the bill related to providing altered or counterfeit documents or participating in dishonest or deceptive actions related to a driver license application must be done *knowingly*.

B. Amendments:

**SPB by Infrastructure and Security on April 2, 2019 was amended to:**

- Define the term “platoon” as no more than 2 trucks that are wirelessly connected;
- Exempt platoon operators from state laws relating to “following too closely” and use of television receivers;
- Permit a platoon to be operated on Florida roadways after an operator provides notification to the DOT and the DHSMV.
- Permit a district school board, by majority vote, to extend the period of enforcement for a school speed zone by an additional 15 minutes before, during, and additional 15 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or a regularly scheduled school session and leaving a regularly scheduled school session;
- Authorize the DHSMV and Tax Collectors to collect and use cellular telephone numbers and email addresses to contact customers for business reasons other than vehicle renewals;
- Require the DHSMV to provide tax collectors and their approved agents and vendors with real-time access to data that other third parties receive from the DHSMV related to registration of vehicles, mobile homes, and vessels;
- Change the effective date for the bill’s changes to apportioned vehicle registrations to January 1, 2023;
- Provide tax collectors the option of purchasing validation stickers and paper stock used in producing vehicle registrations from the DHSMV’s contracted vendor or from other vendors, as long as the items meet the DHSMV’s specifications and are procured at prices that are at or lower than the pricing reflected in the DHSMV’s existing contracts for the items;
- Create a Fleet Vehicle Temporary Tag Pilot Program, which allows the DHSMV to partner with a county tax collector to establish an agreement with up to ten companies

allowing the issuance of up to 50 temporary tags at a time for use by the company's fleet vehicles; and

- Clarify that the DHSMV's Mobile/Manufactured Home Repair and Remodeling Code, which has been adopted by rule, is uniform statewide and requires that all repairs and remodeling must conform to that Code.

---

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

---

## Hrdlicka, Jennifer

---

**From:** Carey, Susan (Suzie) <SusanCarey@flhsmv.gov>  
**Sent:** Wednesday, April 10, 2019 5:31 PM  
**To:** Hrdlicka, Jennifer  
**Cc:** Callaway, Pace  
**Subject:** SB 7090

We have a number for Section 39. Pace based this estimate on the ID Card Renewal File estimated by the Highway Safety Fee Conference. The percentage of late issuances is based on what we see on driver licenses – there is a late fee charged on the DL side – so we know how many people come in late and assume ID card renewals would be about the same (18.99%). The only thing missing from these numbers is the GR service charge – HSOTF would pay about is \$9,083 based on first year estimate.

Section 39. Amends current law to allow an identification card to be renewed after the credential has been expired for more than 12 months. Currently, after 90 days of expiration, it is considered an original issuance. This is only a distribution issue as all ID cards are \$25. An original, renewal, or replacement identification card is \$25. The revenue for original cards is distributed to the General Revenue Fund. The revenue for renewal cards is distributed \$6 to Highway Safety Operating Trust Fund, \$19 to the General Revenue Fund. Extending the period for renewal to 12 months may have a negative, impact on the General Revenue Fund, as citizens will have a longer period to renew an expired card rather than apply for an original.

	FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24
REC Renewal Forecast	99,645	106,389	100,531	86,173	74,830
% Late Issuances	18,922	20,203	19,091	16,364	14,210
<b>Estimated Loss to GR</b>	<b>(113,534.77)</b>	<b>(121,218.84)</b>	<b>(114,544.28)</b>	<b>(98,184.88)</b>	<b>(85,260.75)</b>
<b>Estimated Gain to HSOTF</b>	<b>113,534.77</b>	<b>121,218.84</b>	<b>114,544.28</b>	<b>98,184.88</b>	<b>85,260.75</b>

---

This email originated from a Florida Department of Highway Safety and Motor Vehicles email address. Always use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Please Note: Florida has very broad public records laws. Unless a statutory exemption applies, emails are subject to public disclosure.

This email has been scanned by the Symantec Email Security.cloud service.

---



896914

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2019	.	
	.	
	.	
	.	

---

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Lee) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Present subsections (16) through (54) of s. 316.003, Florida Statutes, are redesignated as subsections (17) through (55), present subsections (55) through (73) of that section are redesignated as subsections (57) through (75), present subsections (74) through (101) of that section are



896914

10 redesignated as subsections (77) through (104), respectively,  
11 new subsections (16), (56), and (76) are added to that section,  
12 and present subsection (59) of that section is amended, to read:

13       316.003 Definitions.—The following words and phrases, when  
14 used in this chapter, shall have the meanings respectively  
15 ascribed to them in this section, except where the context  
16 otherwise requires:

17       (16) CRASH.—The operation of a motor vehicle, motorized  
18 scooter, or moped in this state which results in property damage  
19 or the death of or bodily injury, or a complaint of bodily  
20 injury, to any person. The term "crash" includes separation of  
21 the operator or an occupant from a motor vehicle, motorized  
22 scooter, or moped, or a trailer being drawn by a motor vehicle,  
23 while in motion, which results in property damage or the death  
24 of or bodily injury, or a complaint of bodily injury, to any  
25 person. The term "crash" does not include such operation in any  
26 of the following situations:

27       (a) On private property, if such operation does not result  
28 in death or serious bodily injury, except that the term "crash"  
29 includes such operation on private property when the operator is  
30 suspected of violating s. 316.193.

31       (b) On a closed course used for commercial or recreational  
32 purposes, such as a commercial driving school or race track,  
33 except that the term "crash" includes such operation on a closed  
34 course when the operator is suspected of violating s. 316.193.

35       (c) If such property damage, death, bodily injury, or  
36 complaint of bodily injury results from an intentional act of a  
37 law enforcement officer to force a motor vehicle or moped to  
38 stop or reduce speed, such as use of a pursuit termination



896914

39 device or the precision immobilization technique, except that  
40 the term "crash" includes such operation that results in such  
41 property damage or the death of or bodily injury to, or  
42 complaint of bodily injury to, anyone other than the operator or  
43 occupant of the motor vehicle or moped being forced to stop or  
44 reduce speed or the law enforcement officer.

45 (d) The death or suffering of a medical episode by the  
46 operator or an occupant of a motor vehicle or moped, if  
47 operation of the motor vehicle or moped did not result in such  
48 death or medical episode and did not result in property damage  
49 or the death of or bodily injury, or complaint of bodily injury,  
50 to any other person.

51 (56) PLATOON.—A group of no more than two trucks that do  
52 not require placards, either laden or unladen, traveling in a  
53 unified manner using wireless vehicle-to-vehicle communications  
54 that electronically coordinate speeds and following distances of  
55 the trucks.

56 (61) ~~(59)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
57 provided in paragraph (84) (b) ~~(81) (b)~~, any privately owned way  
58 or place used for vehicular travel by the owner and those having  
59 express or implied permission from the owner, but not by other  
60 persons.

61 (76) SERIOUS BODILY INJURY.—An injury to any person which  
62 consists of a physical injury that creates a substantial risk of  
63 death, significant personal disfigurement, or protracted loss or  
64 impairment of the function of any bodily member or organ.

65 Section 2. Subsections (1) and (4) of section 316.027,  
66 Florida Statutes, are amended to read:

67 316.027 Crash involving death or personal injuries.—



896914

68 (1) As used in this section, the term~~+~~  
69 ~~(a) "Serious bodily injury" means an injury to a person,~~  
70 ~~including the driver, which consists of a physical condition~~  
71 ~~that creates a substantial risk of death, serious personal~~  
72 ~~disfigurement, or protracted loss or impairment of the function~~  
73 ~~of a bodily member or organ.~~  
74 ~~(b) "vulnerable road user" means any of the following:~~  
75 (a)1. A pedestrian, including a person actually engaged in  
76 work upon a highway, or in work upon utility facilities along a  
77 highway, or engaged in the provision of emergency services  
78 within the right-of-way.~~+~~  
79 (b)2. A person operating a bicycle, motorcycle, scooter, or  
80 moped lawfully on the roadway.~~+~~  
81 (c)3. A person riding an animal.~~+~~~~or~~  
82 (d)4. A person lawfully operating on a public right-of-way,  
83 crosswalk, or shoulder of the roadway:  
84 1.a. A farm tractor or similar vehicle designed primarily  
85 for farm use;  
86 2.b. A skateboard, roller skates, or in-line skates;  
87 3.c. A horse-drawn carriage;  
88 4.d. An electric personal assistive mobility device; or  
89 5.e. A wheelchair.  
90 (4) (a) In addition to any other civil, criminal, or  
91 administrative penalty imposed, a person whose commission of a  
92 noncriminal traffic infraction or a violation of this chapter or  
93 s. 1006.66 causes or results in the death of another person may  
94 be required by the court to serve 120 community service hours in  
95 a trauma center or hospital that regularly receives victims of  
96 vehicle crashes ~~accidents~~, under the supervision of a registered



896914

97 nurse, an emergency room physician, or an emergency medical  
98 technician pursuant to a voluntary community service program  
99 operated by the trauma center or hospital.

100 (b) Notwithstanding paragraph (a), in addition to any other  
101 civil, criminal, or administrative penalty imposed, a person  
102 whose commission of a violation of s. 316.172(1) (a) or (b)  
103 causes or results in serious bodily injury to or death of  
104 another person shall be required by the court to:

105 1. Serve 120 community service hours in a trauma center or  
106 hospital that regularly receives victims of vehicle crashes  
107 ~~accidents~~, under the supervision of a registered nurse, an  
108 emergency room physician, or an emergency medical technician  
109 pursuant to a voluntary community service program operated by  
110 the trauma center or hospital.

111 2. Participate in a victim's impact panel session in a  
112 judicial circuit if such a panel exists, or if such a panel does  
113 not exist, attend a department-approved driver improvement  
114 course relating to the rights of vulnerable road users relative  
115 to vehicles on the roadway as provided in s. 322.0261(2).

116 Section 3. Subsection (1) and paragraph (a) of subsection  
117 (5) of section 316.0271, Florida Statutes, are amended to read:

118 316.0271 Yellow dot critical motorist medical information  
119 program; yellow dot decal, folder, and information form.-

120 (1) The governing body of a county may create a yellow dot  
121 critical motorist medical information program to facilitate the  
122 provision of emergency medical care to program participants by  
123 emergency medical responders by making critical medical  
124 information readily available to responders in the event of a  
125 motor vehicle crash ~~accident~~ or a medical emergency involving a





896914

126 participant's vehicle.

127 (5) (a) If the driver or a passenger of a motor vehicle is  
128 involved in a motor vehicle crash ~~accident~~ or emergency  
129 situation and a yellow dot decal is affixed to the vehicle, an  
130 emergency medical responder at the scene may search the glove  
131 compartment of the vehicle for the corresponding yellow dot  
132 folder.

133 Section 4. Subsection (3) of section 316.061, Florida  
134 Statutes, is amended to read:

135 316.061 Crashes involving damage to vehicle or property.—

136 (3) Employees or authorized agents of the Department of  
137 Transportation, law enforcement with proper jurisdiction, or an  
138 expressway authority created pursuant to chapter 348, in the  
139 exercise, management, control, and maintenance of its highway  
140 system, may undertake the removal from the main traveled way of  
141 roads on its highway system of all vehicles incapacitated as a  
142 result of a motor vehicle crash and of debris caused thereby.  
143 Such removal is applicable when such a motor vehicle crash  
144 results only in damage to a vehicle or other property, and when  
145 such removal can be accomplished safely and will result in the  
146 improved safety or convenience of travel upon the road. The  
147 driver or any other person who has removed a motor vehicle from  
148 the main traveled way of the road as provided in this section  
149 may ~~shall~~ not be considered liable or at fault regarding the  
150 cause of the crash ~~accident~~ solely by reason of moving the  
151 vehicle.

152 Section 5. Section 316.0896, Florida Statutes, is repealed.

153 Section 6. Section 316.0897, Florida Statutes, is created  
154 to read:



896914

155       316.0897 Platoons.-

156       (1) Section 316.0895 does not apply to the operator of a  
157 nonlead vehicle in a platoon.

158       (2) A platoon may be operated on a roadway in this state  
159 after an operator provides notification to the Department of  
160 Transportation and the Department of Highway Safety and Motor  
161 Vehicles.

162       Section 7. Subsection (5) of section 316.1895, Florida  
163 Statutes, is amended to read:

164       316.1895 Establishment of school speed zones, enforcement;  
165 designation.-

166       (5) (a) A school zone speed limit may not be less than 15  
167 miles per hour except by local regulation. No school zone speed  
168 limit shall be more than 20 miles per hour in an urbanized area,  
169 as defined in s. 334.03. Such speed limit may be in force only  
170 during those times 30 minutes before, during, and 30 minutes  
171 after the periods of time when pupils are arriving at a  
172 regularly scheduled breakfast program or a regularly scheduled  
173 school session and leaving a regularly scheduled school session.

174       (b) A district school board as defined in s. 1003.01(1) may  
175 by simple majority vote increase the time a school zone speed  
176 limit is in force by an additional 15 minutes before, during,  
177 and an additional 15 minutes after the periods of time when  
178 pupils are arriving at a regularly scheduled breakfast program  
179 or at a regularly scheduled school session and leaving a  
180 regularly scheduled school session.

181       Section 8. Paragraph (c) of subsection (3) of section  
182 316.192, Florida Statutes, is amended to read:

183       316.192 Reckless driving.-



896914

184 (3) Any person:

185 (c) Who, by reason of such operation, causes:

186 1. Damage to the property or person of another commits a  
187 misdemeanor of the first degree, punishable as provided in s.  
188 775.082 or s. 775.083.

189 2. Serious bodily injury to another commits a felony of the  
190 third degree, punishable as provided in s. 775.082, s. 775.083,  
191 or s. 775.084. ~~The term "serious bodily injury" means an injury~~  
192 ~~to another person, which consists of a physical condition that~~  
193 ~~creates a substantial risk of death, serious personal~~  
194 ~~disfigurement, or protracted loss or impairment of the function~~  
195 ~~of any bodily member or organ.~~

196 Section 9. Subsection (3) of section 316.193, Florida  
197 Statutes, is amended to read:

198 316.193 Driving under the influence; penalties.—

199 (3) Any person:

200 (a) Who is in violation of subsection (1);

201 (b) Who operates a vehicle; and

202 (c) Who, by reason of such operation, causes or contributes  
203 to causing:

204 1. Damage to the property or person of another commits a  
205 misdemeanor of the first degree, punishable as provided in s.  
206 775.082 or s. 775.083.

207 2. Serious bodily injury to another or to himself or  
208 herself, ~~as defined in s. 316.1933~~, commits a felony of the  
209 third degree, punishable as provided in s. 775.082, s. 775.083,  
210 or s. 775.084.

211 3. The death of any human being or unborn child commits DUI  
212 manslaughter, and commits:



896914

213 a. A felony of the second degree, punishable as provided in  
214 s. 775.082, s. 775.083, or s. 775.084.

215 b. A felony of the first degree, punishable as provided in  
216 s. 775.082, s. 775.083, or s. 775.084, if:

217 (I) At the time of the crash, the person knew, or should  
218 have known, that the crash occurred; and

219 (II) The person failed to give information and render aid  
220 as required by s. 316.062.

221  
222 For purposes of this subsection, the term "unborn child" has the  
223 same meaning as provided in s. 775.021(5). A person who is  
224 convicted of DUI manslaughter shall be sentenced to a mandatory  
225 minimum term of imprisonment of 4 years.

226 Section 10. Subsection (1) of section 316.1933, Florida  
227 Statutes, is amended to read

228 316.1933 Blood test for impairment or intoxication in cases  
229 of death or serious bodily injury; right to use reasonable  
230 force.-

231 (1)~~(a)~~ If a law enforcement officer has probable cause to  
232 believe that a motor vehicle driven by or in the actual physical  
233 control of a person under the influence of alcoholic beverages,  
234 any chemical substances, or any controlled substances has caused  
235 the death or serious bodily injury of a human being, including  
236 serious bodily injury of the driver, a law enforcement officer  
237 shall require the person driving or in actual physical control  
238 of the motor vehicle to submit to a test of the person's blood  
239 for the purpose of determining the alcoholic content thereof or  
240 the presence of chemical substances as set forth in s. 877.111  
241 or any substance controlled under chapter 893. The law



896914

242 enforcement officer may use reasonable force if necessary to  
243 require such person to submit to the administration of the blood  
244 test. The blood test shall be performed in a reasonable manner.  
245 Notwithstanding s. 316.1932, the testing required by this  
246 paragraph need not be incidental to a lawful arrest of the  
247 person.

248 ~~(b) The term "serious bodily injury" means an injury to any~~  
249 ~~person, including the driver, which consists of a physical~~  
250 ~~condition that creates a substantial risk of death, serious~~  
251 ~~personal disfigurement, or protracted loss or impairment of the~~  
252 ~~function of any bodily member or organ.~~

253 Section 11. Paragraphs (a) and (b) of subsection (3) of  
254 section 316.194, Florida Statutes, are amended to read:

255 316.194 Stopping, standing or parking outside of  
256 municipalities.—

257 (3) (a) Whenever any police officer or traffic crash  
258 ~~accident~~ investigation officer finds a vehicle standing upon a  
259 highway in violation of any of the foregoing provisions of this  
260 section, the officer is authorized to move the vehicle, or  
261 require the driver or other persons in charge of the vehicle to  
262 move the vehicle, to a position off the paved or main-traveled  
263 part of the highway.

264 (b) Officers and traffic crash ~~accident~~ investigation  
265 officers may provide for the removal of any abandoned vehicle to  
266 the nearest garage or other place of safety, cost of such  
267 removal to be a lien against motor vehicle, when an abandoned  
268 vehicle is found unattended upon a bridge or causeway or in any  
269 tunnel, or on any public highway in the following instances:

270 1. Where such vehicle constitutes an obstruction of



896914

271 traffic;

272         2. Where such vehicle has been parked or stored on the  
273 public right-of-way for a period exceeding 48 hours, in other  
274 than designated parking areas, and is within 30 feet of the  
275 pavement edge; and

276         3. Where an operative vehicle has been parked or stored on  
277 the public right-of-way for a period exceeding 10 days, in other  
278 than designated parking areas, and is more than 30 feet from the  
279 pavement edge. However, the agency removing such vehicle shall  
280 be required to report same to the Department of Highway Safety  
281 and Motor Vehicles within 24 hours of such removal.

282         Section 12. Subsections (1) and (2) of section 316.302,  
283 Florida Statutes, are amended to read:

284         316.302 Commercial motor vehicles; safety regulations;  
285 transporters and shippers of hazardous materials; enforcement.—

286         (1) (a) All owners and drivers of commercial motor vehicles  
287 that are operated on the public highways of this state while  
288 engaged in interstate commerce are subject to the rules and  
289 regulations contained in 49 C.F.R. parts 382, 383, 385, 386 and  
290 390-397.

291         (b) Except as otherwise provided in this section, all  
292 owners or drivers of commercial motor vehicles that are engaged  
293 in intrastate commerce are subject to the rules and regulations  
294 contained in 49 C.F.R. parts 382, 383, 385, 386, and 390-397,  
295 ~~with the exception of 49 C.F.R. s. 390.5 as it relates to the~~  
296 ~~definition of bus,~~ as such rules and regulations existed on  
297 December 31, 2018 ~~2012~~.

298         (c) The emergency exceptions provided by 49 C.F.R. s.  
299 392.82 also apply to communications by utility drivers and



896914

300 utility contractor drivers during a Level 1 activation of the  
301 State Emergency Operations Center, as provided in the Florida  
302 Comprehensive Emergency Management plan, or during a state of  
303 emergency declared by executive order or proclamation of the  
304 Governor.

305 (d) Except as provided ~~in s. 316.215(5), and except as~~  
306 ~~provided~~ in s. 316.228 for rear overhang lighting and flagging  
307 requirements for intrastate operations, the requirements of this  
308 section supersede all other safety requirements of this chapter  
309 for commercial motor vehicles.

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

317 (2) (a) A person who operates a commercial motor vehicle  
318 solely in intrastate commerce not transporting any hazardous  
319 material in amounts that require placarding pursuant to 49  
320 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b) (1)  
321 and 395.3(a) and (b).

322 (b) Except as provided in 49 C.F.R. s. 395.1, a person who  
323 operates a commercial motor vehicle solely in intrastate  
324 commerce not transporting any hazardous material in amounts that  
325 require placarding pursuant to 49 C.F.R. part 172 may not drive:

326 1. More than 12 hours following 10 consecutive hours off  
327 duty; or

328 2. For any period after the end of the 16th hour after



896914

329 coming on duty following 10 consecutive hours off duty.  
330  
331 The provisions of this paragraph do not apply to drivers of  
332 utility service vehicles as defined in 49 C.F.R. s. 395.2.  
333 (c) Except as provided in 49 C.F.R. s. 395.1, a person who  
334 operates a commercial motor vehicle solely in intrastate  
335 commerce not transporting any hazardous material in amounts that  
336 require placarding pursuant to 49 C.F.R. part 172 may not drive  
337 after having been on duty more than 70 hours in any period of 7  
338 consecutive days or more than 80 hours in any period of 8  
339 consecutive days if the motor carrier operates every day of the  
340 week. Thirty-four consecutive hours off duty shall constitute  
341 the end of any such period of 7 or 8 consecutive days. This  
342 weekly limit does not apply to a person who operates a  
343 commercial motor vehicle solely within this state while  
344 transporting, during harvest periods, any unprocessed  
345 agricultural products or unprocessed food or fiber that is  
346 subject to seasonal harvesting from place of harvest to the  
347 first place of processing or storage or from place of harvest  
348 directly to market or while transporting livestock, livestock  
349 feed, or farm supplies directly related to growing or harvesting  
350 agricultural products. Upon request of the Department of Highway  
351 Safety and Motor Vehicles, motor carriers shall furnish time  
352 records or other written verification to that department so that  
353 the Department of Highway Safety and Motor Vehicles can  
354 determine compliance with this subsection. These time records  
355 must be furnished to the Department of Highway Safety and Motor  
356 Vehicles within 2 days after receipt of that department's  
357 request. Falsification of such information is subject to a civil





896914

358 penalty ~~not to exceed \$100. The provisions of~~ This paragraph  
359 does ~~de~~ not apply to operators of farm labor vehicles operated  
360 during a state of emergency declared by the Governor or operated  
361 pursuant to s. 570.07(21) or, ~~and do not apply~~ to drivers of  
362 utility service vehicles as defined in 49 C.F.R. s. 395.2.

363 (d) A person who operates a commercial motor vehicle solely  
364 in intrastate commerce not transporting any hazardous material  
365 in amounts that require placarding pursuant to 49 C.F.R. part  
366 172 within a 150 air-mile radius of the location where the  
367 vehicle is based need not comply with 49 C.F.R. s. 395.8, if the  
368 requirements of 49 C.F.R. s. 395.1(e) (1) (ii), (iii) (A) and (C),  
369 and (v) are met. ~~If a driver is not released from duty within 12~~  
370 ~~hours after the driver arrives for duty, the motor carrier must~~  
371 ~~maintain documentation of the driver's driving times throughout~~  
372 ~~the duty period.~~

373 (e) A person who operates a commercial motor vehicle solely  
374 in intrastate commerce is exempt from subsection (1) while  
375 transporting agricultural products, including horticultural or  
376 forestry products, from farm or harvest place to the first place  
377 of processing or storage, or from farm or harvest place directly  
378 to market. However, such person must comply with 49 C.F.R. parts  
379 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a) (1) and 396.9.  
380 A vehicle or combination of vehicles operated pursuant to this  
381 paragraph having a gross vehicle weight of 26,001 pounds or more  
382 or having three or more axles on the power unit, regardless of  
383 weight, must display the name of the vehicle owner or motor  
384 carrier and the municipality or town where the vehicle is based  
385 on each side of the power unit in letters that contrast with the  
386 background and that are readable from a distance of 50 feet. A



896914

387 person who violates this vehicle identification requirement may  
388 be assessed a penalty as provided in s. 316.3025(3) (a).

389 (f) A person who operates a commercial motor vehicle having  
390 a ~~declared~~ gross vehicle weight, gross vehicle weight rating,  
391 and gross combined weight rating of less than 26,001 pounds  
392 solely in intrastate commerce and who is not transporting  
393 hazardous materials in amounts that require placarding pursuant  
394 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~  
395 ~~as defined in s. 376.301,~~ is exempt from subsection (1).

396 However, such person must comply with 49 C.F.R. parts 382, 392,  
397 and 393, and with 49 C.F.R. ss. 396.3(a) (1) and 396.9.

398 (g) A person whose driving record shows no convictions for  
399 the preceding 3 years and who, as of October 1, 1988, is  
400 employed as a driver-salesperson, as defined in 49 C.F.R. s.  
401 395.2, and who operates solely in intrastate commerce, is exempt  
402 from 49 C.F.R. part 391.

403 (h) A person who is an employee of an electric utility, as  
404 defined in s. 361.11, or a telephone company, as defined in s.  
405 364.02, and who operates a commercial motor vehicle solely in  
406 intrastate commerce and within a 200 air-mile radius of the  
407 location where the vehicle is based, is exempt from 49 C.F.R.  
408 ss. 396.11 and 396.13 and 49 C.F.R. part 391, subparts D and E.

409 (i) A person whose driving record shows no traffic  
410 convictions, pursuant to s. 322.61, during the 2-year period  
411 immediately preceding the application for the commercial driver  
412 license, who is otherwise qualified as a driver under 49 C.F.R.  
413 part 391, and who operates a commercial vehicle in intrastate  
414 commerce only shall be exempt from the requirements of 49 C.F.R.  
415 part 391, subpart E, s. 391.41(b) (10). However, such operators



896914

416 are still subject to the requirements of ss. 322.12 and 322.121.  
417 As proof of eligibility, such driver shall have in his or her  
418 possession a physical examination form dated within the past 24  
419 months.

420 ~~(j) A person who is otherwise qualified as a driver under~~  
421 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~  
422 ~~intrastate commerce only, and who does not transport hazardous~~  
423 ~~materials in amounts that require placarding pursuant to 49~~  
424 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~  
425 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~  
426 ~~diabetes.~~

427 (j) ~~(k)~~ A person holding a commercial driver license who is  
428 a regularly employed driver of a commercial motor vehicle and is  
429 subject to an alcohol and controlled substance testing program  
430 related to that employment shall not be required to be part of a  
431 separate testing program for operating any bus owned and  
432 operated by a church when the driver does not receive any form  
433 of compensation for operating the bus and when the bus is used  
434 to transport people to or from church-related activities at no  
435 charge. The provisions of this paragraph may not be implemented  
436 if the Federal Government notifies the department that  
437 implementation will adversely affect the allocation of federal  
438 funds to the state.

439 Section 13. Subsection (3) of section 316.303, Florida  
440 Statutes, is amended to read:

441 316.303 Television receivers.—

442 (3) This section does not prohibit the use of an electronic  
443 display used in conjunction with a vehicle navigation system; an  
444 electronic display used by an operator of a vehicle equipped



896914

445 with autonomous technology, as defined in s. 316.003(3); or an  
446 electronic display used by an operator of the nonlead a vehicle  
447 in a platoon operating on a roadway in this state ~~equipped and~~  
448 ~~operating with driver-assistive truck platooning technology, as~~  
449 ~~defined in s. 316.003.~~

450 Section 14. Subsection (8) of section 316.622, Florida  
451 Statutes, is amended to read:

452 316.622 Farm labor vehicles.—

453 (8) The department shall provide to the Department of  
454 Business and Professional Regulation each quarter a copy of each  
455 crash ~~accident~~ report involving a farm labor vehicle.

456 Section 15. Paragraph (a) of subsection (1) of section  
457 316.640, Florida Statutes, is amended to read:

458 316.640 Enforcement.—The enforcement of the traffic laws of  
459 this state is vested as follows:

460 (1) STATE.—

461 (a)1.a. The Division of Florida Highway Patrol of the  
462 Department of Highway Safety and Motor Vehicles; the Division of  
463 Law Enforcement of the Fish and Wildlife Conservation  
464 Commission; and the agents, inspectors, and officers of the  
465 Department of Law Enforcement each have authority to enforce all  
466 of the traffic laws of this state on all the streets and  
467 highways thereof and elsewhere throughout the state wherever the  
468 public has a right to travel by motor vehicle.

469 b. University police officers may enforce all of the  
470 traffic laws of this state when violations occur on or within  
471 1,000 feet of any property or facilities that are under the  
472 guidance, supervision, regulation, or control of a state  
473 university, a direct-support organization of such state



896914

474 university, or any other organization controlled by the state  
475 university or a direct-support organization of the state  
476 university, or when such violations occur within a specified  
477 jurisdictional area as agreed upon in a mutual aid agreement  
478 entered into with a law enforcement agency pursuant to s.  
479 23.1225(1). Traffic laws may also be enforced off-campus when  
480 hot pursuit originates on or within 1,000 feet of any such  
481 property or facilities, or as agreed upon in accordance with the  
482 mutual aid agreement.

483       c. Florida College System institution police officers may  
484 enforce all the traffic laws of this state only when such  
485 violations occur on or within 1,000 feet of any property or  
486 facilities that are under the guidance, supervision, regulation,  
487 or control of the Florida College System institution, or when  
488 such violations occur within a specified jurisdictional area as  
489 agreed upon in a mutual aid agreement entered into with a law  
490 enforcement agency pursuant to s. 23.1225. Traffic laws may also  
491 be enforced off-campus when hot pursuit originates on or within  
492 1,000 feet of any such property or facilities, or as agreed upon  
493 in accordance with the mutual aid agreement.

494       d. Police officers employed by an airport authority may  
495 enforce all of the traffic laws of this state only when such  
496 violations occur on any property or facilities that are owned or  
497 operated by an airport authority.

498       (I) An airport authority may employ as a parking  
499 enforcement specialist any individual who successfully completes  
500 a training program established and approved by the Criminal  
501 Justice Standards and Training Commission for parking  
502 enforcement specialists but who does not otherwise meet the



896914

503 uniform minimum standards established by the commission for law  
504 enforcement officers or auxiliary or part-time officers under s.  
505 943.12. This sub-sub-subparagraph may not be construed to permit  
506 the carrying of firearms or other weapons, nor shall such  
507 parking enforcement specialist have arrest authority.

508 (II) A parking enforcement specialist employed by an  
509 airport authority may enforce all state, county, and municipal  
510 laws and ordinances governing parking only when such violations  
511 are on property or facilities owned or operated by the airport  
512 authority employing the specialist, by appropriate state,  
513 county, or municipal traffic citation.

514 e. The Office of Agricultural Law Enforcement of the  
515 Department of Agriculture and Consumer Services may enforce  
516 traffic laws of this state.

517 f. School safety officers may enforce all of the traffic  
518 laws of this state when such violations occur on or about any  
519 property or facilities that are under the guidance, supervision,  
520 regulation, or control of the district school board.

521 2. Any disciplinary action taken or performance evaluation  
522 conducted by an agency of the state as described in subparagraph  
523 1. of a law enforcement officer's traffic enforcement activity  
524 must be in accordance with written work-performance standards.  
525 Such standards must be approved by the agency and any collective  
526 bargaining unit representing such law enforcement officer. A  
527 violation of this subparagraph is not subject to the penalties  
528 provided in chapter 318.

529 3. The Division of the Florida Highway Patrol may employ as  
530 a traffic crash ~~accident~~ investigation officer any individual  
531 who successfully completes instruction in traffic crash ~~accident~~



896914

532 investigation and court presentation through the Selective  
533 Traffic Enforcement Program as approved by the Criminal Justice  
534 Standards and Training Commission and funded through the  
535 National Highway Traffic Safety Administration or a similar  
536 program approved by the commission, but who does not necessarily  
537 meet the uniform minimum standards established by the commission  
538 for law enforcement officers or auxiliary law enforcement  
539 officers under chapter 943. Any such traffic crash ~~accident~~  
540 investigation officer who makes an investigation at the scene of  
541 a traffic crash ~~accident~~ may issue traffic citations, based upon  
542 personal investigation, when he or she has reasonable and  
543 probable grounds to believe that a person who was involved in  
544 the crash ~~accident~~ committed an offense under this chapter,  
545 chapter 319, chapter 320, or chapter 322 in connection with the  
546 crash ~~accident~~. This subparagraph does not permit the officer to  
547 carry firearms or other weapons, and such an officer does not  
548 have authority to make arrests.

549 Section 16. Subsection (2) of section 316.655, Florida  
550 Statutes, is amended to read:

551 316.655 Penalties.—

552 (2) A driver convicted of a violation of any offense  
553 prohibited by this chapter or any other law of this state  
554 regulating motor vehicles, which resulted in a crash ~~an~~  
555 ~~accident~~, may have his or her driving privileges revoked or  
556 suspended by the court if the court finds such revocation or  
557 suspension warranted by the totality of the circumstances  
558 resulting in the conviction and the need to provide for the  
559 maximum safety for all persons who travel on or who are  
560 otherwise affected by the use of the highways of the state. In



896914

561 determining whether suspension or revocation is appropriate, the  
562 court shall consider all pertinent factors, including, but not  
563 limited to, such factors as the extent and nature of the  
564 driver's violation of this chapter, the number of persons killed  
565 or injured as the result of the driver's violation of this  
566 chapter, and the extent of any property damage resulting from  
567 the driver's violation of this chapter.

568 Section 17. Section 316.70, Florida Statutes, is amended to  
569 read:

570 316.70 Nonpublic sector buses; safety rules.—

571 (1) All owners and drivers of nonpublic sector buses  
572 operated on the public highways of this state are subject to the  
573 rules and regulations ~~The Department of Transportation shall~~  
574 ~~establish and revise standards to ensure the safe operation of~~  
575 ~~nonpublic sector buses, which standards shall be those contained~~  
576 ~~in 49 C.F.R. parts 382, 383, 385, 386, 387 and 390-397. The~~  
577 ~~department and which shall be directed toward ensuring that:~~

578 (a) Nonpublic sector buses are safely maintained, equipped,  
579 and operated.

580 ~~(b) Nonpublic sector buses are carrying the insurance~~  
581 ~~required by law and carrying liability insurance on the checked~~  
582 ~~baggage of passengers not to exceed the standard adopted by the~~  
583 ~~United States Department of Transportation.~~

584 ~~(b)(e)~~ Florida license tags are purchased for nonpublic  
585 sector buses pursuant to s. 320.38.

586 ~~(d) The driving records of drivers of nonpublic sector~~  
587 ~~buses are checked by their employers at least once each year to~~  
588 ~~ascertain whether the driver has a suspended or revoked driver~~  
589 ~~license.~~





896914

590           (2) Department ~~of Transportation~~ personnel may conduct  
591 compliance investigations ~~reviews~~ for the purpose of determining  
592 compliance with this section. A civil penalty not to exceed  
593 \$5,000 in the aggregate may be assessed against any person who  
594 violates any provision of this section or who violates any  
595 department rule or order of the Department of Transportation. A  
596 civil penalty not to exceed \$25,000 in the aggregate may be  
597 assessed for violations found in a followup compliance  
598 investigation review conducted within a 24-month period. A civil  
599 ~~penalty not to exceed \$25,000 in the aggregate may be assessed~~  
600 ~~and the motor carrier may be enjoined pursuant to s. 316.3026 if~~  
601 ~~violations are found after a second followup compliance review~~  
602 ~~within 12 months after the first followup compliance review~~.  
603 Motor carriers may be enjoined pursuant to s. 316.3026 for  
604 violations identified during a compliance investigation or motor  
605 carriers found to be operating without insurance coverage  
606 required by s. 627.742 or 49 C.F.R. part 387 ~~may be enjoined as~~  
607 ~~provided in s. 316.3026~~.

608           (3) For the purpose of enforcing this section, any law  
609 enforcement officer of the department or duly appointed agent  
610 who holds a current safety inspector certification from the  
611 Commercial Vehicle Safety Alliance may require the driver of any  
612 commercial vehicle operated on the highways of this state to  
613 stop and submit to an inspection of the vehicle or the driver's  
614 records. If the vehicle or driver is operating in an unsafe  
615 condition, or if any required part or equipment is not present  
616 or is not in proper repair or adjustment, and the continued  
617 operation would be unduly hazardous, the officer may require the  
618 vehicle or the driver to be removed from service pursuant to the



896914

619 North American Standard Out-of-Service Criteria, until the  
620 safety concerns are corrected. However, if continuous operation  
621 would not be unduly hazardous, the officer may give written  
622 notice requiring correction of the condition within 15 days.

623 (4)(3) School buses subject to the provisions of chapter  
624 1006 or s. 316.615 are exempt from the provisions of this  
625 section.

626 Section 18. Section 318.19, Florida Statutes, is amended to  
627 read:

628 318.19 Infractions requiring a mandatory hearing.—  
629 Subsections 318.14(2), (4), and (9) do not apply to any person  
630 cited for an infraction identified in the infractions listed in  
631 this section and he or she shall not have the provisions of s.  
632 318.14(2), (4), and (9) available to him or her but must appear  
633 before the designated official at the time and location of the  
634 scheduled hearing for:

635 (1) Any infraction that ~~which~~ results in a crash that  
636 causes the death of another;

637 (2) Any infraction that ~~which~~ results in a crash that  
638 causes "serious bodily injury, as defined in s. 316.003," of  
639 another or of the person cited for the infraction as defined in  
640 s. 316.1933(1);

641 (3) Any infraction of s. 316.172(1)(b);

642 (4) Any infraction of s. 316.520(1) or (2); or

643 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
644 316.189 of exceeding the speed limit by 30 mph or more.

645 Section 19. Section 319.001, Florida Statutes, is amended  
646 to read:

647 319.001 Definitions.—As used in this chapter, the term:



896914

648 (1) "Certificate of title" means the record that is  
649 evidence of ownership of a vehicle, whether a paper certificate  
650 authorized by the department or a certificate consisting of  
651 information that is stored in an electronic form in the  
652 department's database.

653 (2) "Conflict" or "conflict of interest" means a situation  
654 in which a private interest could benefit from or interfere with  
655 official duties or a public interest, including, but not limited  
656 to, having a direct or indirect financial interest in a vehicle  
657 being inspected pursuant to s. 319.141; or being employed by, or  
658 directly or indirectly having an ownership interest in, an  
659 entity that has a financial interest in a vehicle being  
660 inspected pursuant to s. 319.141.

661 (3)~~(2)~~ "Department" means the Department of Highway Safety  
662 and Motor Vehicles.

663 (4)~~(3)~~ "Front-end assembly" means fenders, hood, grill, and  
664 bumper.

665 (5)~~(4)~~ "Licensed dealer," unless otherwise specifically  
666 provided, means a motor vehicle dealer licensed under s. 320.27,  
667 a mobile home dealer licensed under s. 320.77, or a recreational  
668 vehicle dealer licensed under s. 320.771.

669 (6)~~(5)~~ "Motorcycle body assembly" means frame, fenders, and  
670 gas tanks.

671 (7)~~(6)~~ "Motorcycle engine" means cylinder block, heads,  
672 engine case, and crank case.

673 (8)~~(7)~~ "Motorcycle transmission" means drive train.

674 (9)~~(8)~~ "New mobile home" means a mobile home the equitable  
675 or legal title to which has never been transferred by a  
676 manufacturer, distributor, importer, or dealer to an ultimate



896914

677 purchaser.

678 (10)~~(9)~~ "New motor vehicle" means a motor vehicle the  
679 equitable or legal title to which has never been transferred by  
680 a manufacturer, distributor, importer, or dealer to an ultimate  
681 purchaser; however, when legal title is not transferred but  
682 possession of a motor vehicle is transferred pursuant to a  
683 conditional sales contract or lease and the conditions are not  
684 satisfied and the vehicle is returned to the motor vehicle  
685 dealer, the motor vehicle may be resold by the motor vehicle  
686 dealer as a new motor vehicle, provided the selling motor  
687 vehicle dealer gives the following written notice to the  
688 purchaser: "THIS VEHICLE WAS DELIVERED TO A PREVIOUS PURCHASER."  
689 The purchaser shall sign an acknowledgment, a copy of which is  
690 kept in the selling dealer's file.

691 (11) "Private rebuilt inspection provider" means a person  
692 or an entity conducting rebuilt motor vehicle inspections who is  
693 physically located in this state and is authorized by the  
694 department and operating under this chapter.

695 (12)~~(10)~~ "Rear body section" means both quarter panels,  
696 decklid, bumper, and floor pan.

697 (13) "Rebuilt courier service" means an individual or  
698 entity who provides services to vehicle owners or motor vehicle  
699 dealers who use the inspection services of a private rebuilt  
700 inspection provider. These services include, but are not limited  
701 to, preparing, compiling, or providing forms, applications,  
702 certificates of title, or other documentation required to  
703 conduct a rebuilt inspection, or engaging in or arranging for  
704 the transportation of vehicles for inspection.

705 (14) "Rebuilt inspection" means an examination of a rebuilt



896914

706 vehicle and the required documentation. Required documentation  
707 includes, but is not limited to: a properly endorsed certificate  
708 of title, salvage certificate of title, or manufacturer's  
709 statement of origin; an application for a rebuilt branded  
710 certificate of title; a rebuilder's affidavit; a photograph of  
711 the junk or salvage vehicle taken before repairs began; receipts  
712 or invoices for all major component parts, as defined in s.  
713 319.30; repairs conducted; and proof that notice of rebuilding  
714 of the vehicle has been reported to the National Motor Vehicle  
715 Title Information System. If an airbag or airbags were deployed,  
716 before and after photos must be provided which clearly show the  
717 deployed airbags and that the airbags have been replaced.

718 (15)-(11) "Satisfaction of lien" means full payment of a  
719 debt or release of a debtor from a lien by the lienholder.

720 (16)-(12) "Used motor vehicle" means any motor vehicle that  
721 is not a "new motor vehicle" as defined in this section  
722 subsection (9).

723 Section 20. Section 319.141, Florida Statutes, is amended  
724 to read:

725 319.141 Private Pilet rebuilt motor vehicle inspection  
726 program.—

727 (1) The department may authorize private rebuilt inspection  
728 providers under the terms of this section. The purpose of the  
729 private rebuilt motor vehicle inspection program is to prevent  
730 the use of stolen parts in the rebuilding process, identify and  
731 recover stolen vehicles, require the installation of nonrecalled  
732 airbags in rebuilt vehicles, and assist law enforcement with the  
733 investigation of vehicle theft and related fraud. The department  
734 may monitor and investigate private rebuilt inspection providers



896914

735 and rebuilt courier services to ensure compliance with this  
736 chapter. The department may examine all records pertaining to  
737 any inspection or related service performed under the program.

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

739 ~~(a) "Facility" means a rebuilt motor vehicle inspection~~  
740 ~~facility authorized and operating under this section.~~

741 ~~(b) "Rebuilt inspection services" means an examination of a~~  
742 ~~rebuilt vehicle and a properly endorsed certificate of title,~~  
743 ~~salvage certificate of title, or manufacturer's statement of~~  
744 ~~origin and an application for a rebuilt certificate of title, a~~  
745 ~~rebuilder's affidavit, a photograph of the junk or salvage~~  
746 ~~vehicle taken before repairs began, receipts or invoices for all~~  
747 ~~major component parts, as defined in s. 319.30, and repairs~~  
748 ~~which were changed, and proof that notice of rebuilding of the~~  
749 ~~vehicle has been reported to the National Motor Vehicle Title~~  
750 ~~Information System.~~

751 ~~(2) By July 1, 2015, the department shall oversee a pilot~~  
752 ~~program in Miami-Dade County to evaluate alternatives for~~  
753 ~~rebuilt inspection services offered by existing private sector~~  
754 ~~operators, including the continued use of private facilities,~~  
755 ~~the cost impact to consumers, and the potential savings to the~~  
756 ~~department.~~

757 (2) A person or an entity, other than the department, may  
758 not conduct rebuilt inspection services unless authorized to do  
759 so by the department pursuant to this chapter.

760 (3) A person or an entity may not provide rebuilt courier  
761 services in this state or from locations outside of this state  
762 unless it has a valid, nonexclusive contract with each  
763 department-authorized private rebuilt inspection provider with



896914

764 which the rebuilt courier service conducts business. Such  
765 contract must require the rebuilt courier service to comply with  
766 state law and department procedures; provide proof of and agree  
767 to maintain garage liability insurance in the amount of at least  
768 \$100,000; and comply with any other requirement established by  
769 the department which is designed to protect the public, the  
770 department, or the private rebuilt inspection provider from  
771 illegal or disruptive conduct.

772 ~~(3) The department shall establish a memorandum of~~  
773 ~~understanding that allows private parties participating in the~~  
774 ~~pilot program to conduct rebuilt motor vehicle inspections and~~  
775 ~~specifies requirements for oversight, bonding and insurance,~~  
776 ~~procedures, and forms and requires the electronic transmission~~  
777 ~~of documents.~~

778 (4) The department shall authorize private rebuilt  
779 inspection providers who meet the requirements of this chapter.

780 ~~(5)~~(4) Before authorization is granted to a private rebuilt  
781 inspection provider an applicant is approved, the department  
782 shall ensure that the private rebuilt inspection provider meets  
783 ~~applicant meets basic criteria designed to protect the public.~~  
784 ~~At a minimum, the applicant shall meet all of the following~~  
785 ~~requirements:~~

786 (a) Has submitted a request for authorization to the  
787 department along with all required documentation.

788 (b) Has passed a physical location inspection conducted by  
789 the department to ensure that the private rebuilt inspection  
790 provider is operating in accordance with the requirements of  
791 this section and in a location where no other business is  
792 operating, attached, connected, or joined by a common address,



896914

793 even if such location is recognized by the United States Postal  
794 Service as a separate address. The location must have permanent  
795 signage with posted business hours; a rebuilt inspection area  
796 separate and visually obstructed from any area accessible to a  
797 customer; and a surveillance camera with recording capabilities  
798 for the rebuilt inspection area.

799 (c)-(a) Has provided evidence of a good and sufficient Have  
800 and maintain a surety bond or irrevocable letter of credit in  
801 the amount of \$100,000 executed by the private rebuilt  
802 inspection provider which covers all activities under the  
803 private rebuilt motor vehicle inspection program and names the  
804 department as an insured. Such surety bonds and letters of  
805 credit must be executed by a surety company authorized to do  
806 business in this state as a surety, and irrevocable letters of  
807 credit must be issued by a bank authorized to do business in  
808 this state as a bank. Surety bonds and letters of credit must be  
809 in favor of the department and must be for 1 year applicant.

810 (d)-(b) Has identified and provided a lease or proof of  
811 ownership of a proposed location that must be open to the public  
812 Secure and maintain a facility at a permanent structure at an  
813 address recognized by the United States Postal Service where the  
814 only services provided on such property are rebuilt inspection  
815 services. The location must be large enough to accommodate all  
816 of the vehicles being inspected and must have sufficient space  
817 to maintain physical security of all required inspection records  
818 The operator of a facility shall annually attest that he or she  
819 is not employed by or does not have an ownership interest in or  
820 other financial arrangement with the owner, operator, manager,  
821 or employee of a motor vehicle repair shop as defined in s.





896914

822 ~~559.903, a motor vehicle dealer as defined in s. 320.27(1)(c), a~~  
823 ~~towing company, a vehicle storage company, a vehicle auction, an~~  
824 ~~insurance company, a salvage yard, a metal retailer, or a metal~~  
825 ~~rebuilder, from which he or she receives remuneration, directly~~  
826 ~~or indirectly, for the referral of customers for rebuilt~~  
827 ~~inspection services.~~

828 (e) Has ensured that each owner, partner, and corporate  
829 officer of the provider has provided an attestation  
830 acknowledging he or she is deemed to be engaging in activities  
831 that are in the public interest and are free of conflicts of  
832 interest.

833 (f) Has provided evidence of garage liability insurance  
834 coverage with at least \$100,000 single-limit liability coverage,  
835 including bodily injury and property damage protection, and  
836 \$10,000 personal injury protection ~~Have and maintain garage~~  
837 ~~liability and other insurance required by the department.~~

838 (g) Has provided a criminal background check on all ~~Have~~  
839 ~~completed criminal background checks of the owners, partners,~~  
840 ~~and corporate officers~~ which demonstrates that they have not  
841 been:

842 1. Convicted of a felony, pled guilty to a felony, or pled  
843 nolo contendere to a felony involving fraud, theft, or dishonest  
844 dealing within the last 10 years; or

845 2. Incarcerated for a felony involving fraud, theft, or  
846 dishonest dealing within the last 10 years ~~and the inspectors~~  
847 ~~employed by the facility.~~

848 (h) Has provided evidence of authorization to conduct  
849 business in the state from the Florida Department of State,  
850 Division of Corporations.



896914

851 ~~(e) Meet any additional criteria the department determines~~  
852 ~~necessary to conduct proper inspections.~~

853 (6) Each authorized private rebuilt inspection provider may  
854 operate additional locations in this state with the prior  
855 written approval of the department. In determining whether to  
856 approve a location, the department must apply the same criteria  
857 as in paragraph (5) (b). A private rebuilt inspection provider  
858 may operate a mobile inspection unit, with the prior written  
859 approval of the department, as long as it also has a permanent  
860 facility that meets the criteria specified in paragraph (5) (b),  
861 and the operation of such mobile inspection unit complies with  
862 the terms of the agreement with the department as specified in  
863 paragraph (7) (1).

864 (7) The department shall enter into a contract with each  
865 authorized private rebuilt inspection provider. The agreement  
866 must include all of the following:

867 (a) A requirement that the provider maintain connections  
868 with and use the department's motor vehicle database, the  
869 National Motor Vehicle Title Information System, and information  
870 from the National Insurance Crime Bureau.

871 (b) A requirement that the provider follow department  
872 policies and procedures when conducting rebuilt inspections.

873 (c) A requirement that the provider maintain the  
874 confidentiality of all information received under the agreement  
875 in accordance with chapter 119 and the Driver Protection Privacy  
876 Act.

877 (d) A provision that the agreement is not assignable to a  
878 third party, either in whole or in part, without the prior  
879 written consent of the department.



896914

- 880       (e) A provision that the private rebuilt inspection  
881 provider agrees to submit to oversight by the department.
- 882       (f) A requirement that the provider maintain records  
883 required by department policies and procedures, making those  
884 records available to the department for inspection, and  
885 complying with state public records laws.
- 886       (g) Provisions outlining penalties for noncompliance with  
887 the agreement, including termination.
- 888       (h) Forms required to be utilized by the private rebuilt  
889 inspection provider to document completion of the rebuilt  
890 inspection process. These forms must include, but need not be  
891 limited to, a completed and signed application for certificate  
892 of title with or without registration; a completed and signed  
893 statement of builder describing the process and major component  
894 parts used in the rebuilding of the motor vehicle; a completed  
895 and signed power of attorney for a motor vehicle, mobile home or  
896 vessel, if applicable; and a completed and signed vehicle  
897 identification number and odometer verification.
- 898       (i) A requirement that the provider report stolen parts or  
899 vehicles.
- 900       (j) A requirement that the provider maintain a surety bond  
901 and garage liability insurance.
- 902       (k) Conditions under which the agreement may be terminated  
903 by either party.
- 904       (l) Requirements for the operation of a mobile inspection  
905 unit, including, but not limited to, maintenance of general  
906 liability insurance in the amount of \$100,000 and commercial  
907 automobile liability insurance on each mobile unit in the amount  
908 of \$100,000, physical security for indicia and inspection



896914

909 records, maintenance of records at a permanent facility,  
910 cooperation with department oversight requirements, maintenance  
911 of a weekly schedule of planned rebuilt inspections,  
912 installation of a camera to document inspections, and observance  
913 of the confidentiality of the rebuilt inspection process.

914 (8)-(5) Each authorized private rebuilt inspection provider  
915 shall A participant in the program shall access vehicle and  
916 title information and enter inspection results through an  
917 electronic filing system authorized by the department and shall  
918 maintain records of each rebuilt vehicle inspection processed by  
919 the private rebuilt inspection provider at such facility for at  
920 least 5 years.

921 (9)-(6) The department may shall immediately terminate the  
922 contract with any private rebuilt inspection provider operator  
923 from the program who fails to meet the minimum eligibility  
924 requirements of this section specified in subsection (4). Before  
925 a change in ownership of a private rebuilt inspection provider  
926 facility, the current owner operator must give the department 45  
927 days' written notice of the intended sale. The prospective owner  
928 must meet the all eligibility requirements of this section and  
929 execute a new contract memorandum of understanding with the  
930 department before he or she begins operating as a private  
931 rebuilt inspection provider the facility.

932 (7) This section is repealed on July 1, 2018, unless saved  
933 from repeal through reenactment by the Legislature.

934 (10) By July 1 of each year, an authorized private rebuilt  
935 inspection provider shall attest that it has complied with this  
936 section and each owner, partner, and corporate officer must  
937 affirm he or she is free from conflicts of interest.



896914

938       (11) Private rebuilt inspection providers may charge a fee  
939 for their services in addition to the fees in s. 319.32. This  
940 additional fee shall be clearly disclosed to each customer on  
941 his or her receipt and be conspicuously posted in an area  
942 frequented by customers.

943       Section 21. Section 319.1411, Florida Statutes, is created  
944 to read:

945       319.1411 Monitoring of private rebuilt inspection  
946 providers.—The department may monitor and inspect the operations  
947 of private rebuilt inspection providers as it deems necessary to  
948 determine whether the private rebuilt inspection provider is  
949 operating in compliance with this chapter and to determine if  
950 the private rebuilt inspection provider has engaged in any of  
951 the business practices prohibited under s. 319.1412.

952       Section 22. Section 319.142, Florida Statutes, is created  
953 to read:

954       319.142 Rules of conduct and prohibited business  
955 practices.—

956       (1) Each of the following constitutes grounds for  
957 termination of any and all contracts entered into with a private  
958 rebuilt inspection provider pursuant to this chapter:

959       (a) Engaging in any business transaction or activity that  
960 is in substantial conflict with the proper discharge of the  
961 private rebuilt inspection provider's duties in the public  
962 interest.

963       (b) Allowing a vehicle to pass inspection knowing that  
964 there was a material misrepresentation in the required  
965 documentation or that the documentation submitted in support of  
966 the inspection was counterfeit or materially altered.



896914

967       (c) Failure to report to the department the identification  
968 of a suspected stolen part or stolen vehicle during a rebuilt  
969 inspection.

970       (d) In connection with providing private rebuilt inspection  
971 services, engaging in any course of conduct that is fraud or  
972 deceit upon the department, a dealer, or a vehicle owner.

973       (e) Knowingly falsifying department records or knowingly  
974 providing materially false or misleading information to the  
975 department.

976       (f) Failing to allow an examination or inspection of a  
977 private rebuilt inspection provider facility, including a review  
978 of books and records, by the department or law enforcement  
979 during regular business hours.

980       (g) Passing a vehicle through inspection without having a  
981 reasonable basis to believe that all airbags that are subject to  
982 a safety recall issued by the National Highway Transportation  
983 Safety Administration were replaced with airbags not subject to  
984 such a safety recall.

985       (h) Failure to timely respond to a subpoena issued by the  
986 department.

987       (i) Conducting rebuilt inspection services at a physical  
988 location not approved in writing by the department or providing  
989 services from a mobile unit not approved in writing by the  
990 department.

991       (j) Failure to maintain at all times a garage liability  
992 insurance in the amount of at least \$100,000.

993       (k) Failure to maintain at all times a good and sufficient  
994 surety bond or irrevocable letter of credit in the amount of  
995 \$100,000 which covers all activities under the private rebuilt



896914

996 motor vehicle inspection program and names the department as an  
997 insured.

998 (1) Violation of this section or the contract between the  
999 department and the private rebuilt inspection provider.

1000 (m) The use of advertising that would reasonably lead the  
1001 public to believe that the provider was or is an employee or  
1002 representative of the department, or the use in its name of the  
1003 terms "Department of Highway Safety and Motor Vehicles," "DMV,"  
1004 "DHSMV," "FLHSMV," or "HSMV" or any other terms or logos that  
1005 that are associated with the department.

1006 (2) Written notice of termination of a contract under this  
1007 section must be provided before termination of the contract.

1008 Section 23. Section 319.1414, Florida Statutes, is created  
1009 to read:

1010 319.1414 Investigations; examinations; subpoenas; hearings;  
1011 witnesses.—

1012 (1) The department may conduct investigations and  
1013 examinations of department-authorized private rebuilt inspection  
1014 providers as it deems necessary to determine whether a person  
1015 has violated or is about to violate this chapter or a contract  
1016 entered into pursuant to this chapter or to assist with the  
1017 enforcement of this chapter.

1018 (2) For purposes of any investigation or examination  
1019 conducted under this section, the department may exercise the  
1020 power of subpoena and the powers to administer oaths or  
1021 affirmations, to examine witnesses, to require affidavits, to  
1022 take depositions, and to compel the attendance of witnesses and  
1023 the production of books, papers, documents, records, and other  
1024 evidence. Such subpoenas may be served by a designated agent of



896914

1025 the department.

1026 (3) If a person refuses to testify, produce books, papers,  
1027 documents, or records, or otherwise obey a subpoena or subpoena  
1028 duces tecum issued under subsection (2), the department may  
1029 petition a court of competent jurisdiction in the county where  
1030 the person's residence or principal place of business is  
1031 located, upon which the court must issue an order requiring such  
1032 person to obey the subpoena or show cause for failing to obey  
1033 the subpoena. Unless the person shows sufficient cause for  
1034 failing to obey the subpoena, the court shall direct the person  
1035 to obey the subpoena and award costs incurred by the department  
1036 to obtain the order. Failure to comply with such order is  
1037 contempt of court.

1038 (4) For the purpose of any investigation, examination, or  
1039 proceeding initiated by the department under this chapter, the  
1040 department is authorized to designate agents to serve subpoenas  
1041 and other process, and administer oaths or affirmations.

1042 (5) Witnesses subpoenaed under this section are entitled to  
1043 witness fees at the same rate established by s. 92.142 for  
1044 witnesses in a civil case, except that witness fees are not  
1045 payable for appearance at the witness's place of business during  
1046 regular business hours or at the witness's residence.

1047 (6) The department may adopt rules to administer this  
1048 section.

1049 Section 24. Section 319.25, Florida Statutes, is amended to  
1050 read:

1051 319.25 Cancellation of certificates; investigations;  
1052 subpoenas and other process; oaths; rules.-

1053 (1) If it appears that a certificate of title has been





896914

1054 improperly issued, the department shall cancel the certificate.  
1055 Upon cancellation of any certificate of title, the department  
1056 shall notify the person to whom the certificate of title was  
1057 issued, as well as any lienholders appearing thereon, of the  
1058 cancellation and shall demand the surrender of the certificate  
1059 of title, but the cancellation shall not affect the validity of  
1060 any lien noted thereon. The holder of the certificate of title  
1061 shall return it to the department forthwith. If a certificate of  
1062 registration has been issued to the holder of a certificate of  
1063 title so canceled, the department shall immediately cancel the  
1064 certificate of registration and demand the return of such  
1065 certificate of registration and license plate or mobile home  
1066 sticker; and the holder of such certificate of registration and  
1067 license plate or sticker shall return them to the department  
1068 forthwith.

1069 (2) The department is authorized, upon application of any  
1070 person and payment of the proper fees, to prepare and furnish  
1071 lists containing title information in such form as the  
1072 department may authorize, to search the records of the  
1073 department and make reports thereof, and to make photographic  
1074 copies of the department records and attestations thereof,  
1075 except as provided in chapter 119.

1076 (3) The department may conduct investigations and  
1077 examinations of any person suspected of violating or of having  
1078 violated this chapter or any rule adopted or order issued under  
1079 this chapter.

1080 (4) For purposes of any investigation or examination  
1081 conducted under this section, the department may exercise the  
1082 power of subpoena and the powers to administer oaths or



896914

1083 affirmations, to examine witnesses, to require affidavits, to  
1084 take depositions, and to compel the attendance of witnesses and  
1085 the production of books, papers, documents, records, and other  
1086 evidence. Such subpoenas may be served by an authorized  
1087 representative of the department.

1088 (5) If a person refuses to testify, produce books, papers,  
1089 documents, or records, or otherwise obey the subpoena or  
1090 subpoena duces tecum issued under subsection (4), the department  
1091 may petition a court of competent jurisdiction in the county  
1092 where the person's residence or principal place of business is  
1093 located, upon which the court must issue an order requiring such  
1094 person to obey the subpoena or show cause for failing to obey  
1095 the subpoena. Unless the person shows sufficient cause for  
1096 failing to obey the subpoena, the court must direct the person  
1097 to obey the subpoena and award costs incurred by the department  
1098 to obtain the order. Failure to comply with such order is  
1099 contempt of court.

1100 (6) For the purpose of any investigation, examination, or  
1101 proceeding initiated by the department under this chapter, the  
1102 department is authorized to designate agents to serve subpoenas  
1103 and other process, and administer oaths or affirmations.

1104 (7) Witnesses subpoenaed under this section are entitled to  
1105 witness fees at the same rate established by s. 92.142 for  
1106 witnesses in a civil case, except that witness fees are not  
1107 payable for appearance at the witness's place of business during  
1108 regular business hours or at the witness's residence.

1109 (8) The department may adopt rules to administer this  
1110 section.

1111 Section 25. Contingent upon the enactment of Senate Bill



896914

1112 7094 or other similar legislation enacted in the 2019 Regular  
1113 Session or an extension thereof, subsection (3) of section  
1114 319.40, Florida Statutes, is amended to read:

1115 319.40 Transactions by electronic or telephonic means.—

1116 (3) The department or tax collector may collect electronic  
1117 mail addresses or cellular telephone numbers and use electronic  
1118 mail or text messages in lieu of the United States Postal  
1119 Service as a method of notification and for the purpose of  
1120 providing information related to Department of Highway Safety  
1121 and Motor Vehicles functions in accordance with chapter 119 and  
1122 pursuant to the federal Driver Privacy Protection Act of 1994,  
1123 18 U.S.C. ss. 2721 et seq. However, any notice regarding the  
1124 potential forfeiture or foreclosure of an interest in property  
1125 must be sent via the United States Postal Service. The provision  
1126 of electronic mail addresses and cellular telephone numbers by  
1127 the applicant is optional and, before collection pursuant to  
1128 this subsection, the department or tax collector shall disclose  
1129 to the applicant the purposes for which the electronic mail  
1130 addresses and cellular telephone numbers may be used.

1131 Section 26. Subsection (24) of section 320.01, Florida  
1132 Statutes, is amended to read:

1133 320.01 Definitions, general.—As used in the Florida  
1134 Statutes, except as otherwise provided, the term:

1135 (24) "Apportionable vehicle" means any vehicle, except  
1136 recreational vehicles, vehicles displaying restricted plates,  
1137 city pickup and delivery vehicles, ~~buses used in transportation~~  
1138 ~~of chartered parties,~~ and government-owned vehicles, which is  
1139 used or intended for use in two or more member jurisdictions  
1140 that allocate or proportionally register vehicles and which is



896914

1141 used for the transportation of persons for hire or is designed,  
1142 used, or maintained primarily for the transportation of property  
1143 and:

1144 (a) Is a power unit having a gross vehicle weight in excess  
1145 of 26,000 pounds;

1146 (b) Is a power unit having three or more axles, regardless  
1147 of weight; or

1148 (c) Is used in combination, when the weight of such  
1149 combination exceeds 26,000 pounds gross vehicle weight.

1150

1151 Vehicles, or combinations thereof, having a gross vehicle weight  
1152 of 26,000 pounds or less and two-axle vehicles may be  
1153 proportionally registered.

1154 Section 27. Paragraph (b) of subsection (4) of section  
1155 320.03, Florida Statutes, is amended to read:

1156 320.03 Registration; duties of tax collectors;  
1157 International Registration Plan.-

1158 (4)

1159 (b) The Florida Real Time Vehicle Information System shall  
1160 be installed in every tax collector's and license tag agent's  
1161 office in accordance with a schedule established by the  
1162 department in consultation with the tax collectors and  
1163 contingent upon funds being made available for the system by the  
1164 state. For the purpose of enhancing customer services provided  
1165 by tax collectors acting on behalf of the department, the  
1166 department, contingent upon an approved request and memorandum  
1167 of understanding, shall provide tax collectors, and tax  
1168 collector-approved agents and vendors with real-time access to  
1169 data that other third parties receive from the department



896914

1170 related to vehicle and mobile home registration certificates,  
1171 registration license plates, and validation stickers, including,  
1172 but not limited to, the most current address information and  
1173 electronic mail addresses of applicants. The memorandum of  
1174 understanding as required under this paragraph may not be more  
1175 restrictive than any memorandum of understanding between the  
1176 department and other third-party vendors.

1177       Section 28. Contingent upon the enactment of Senate Bill  
1178 7092 or other similar legislation enacted in the 2019 Regular  
1179 Session or an extension thereof, paragraph (b) of subsection (1)  
1180 of section 320.06, Florida Statutes, is amended to read:

1181       320.06 Registration certificates, license plates, and  
1182 validation stickers generally.-

1183       (1)

1184       (b)1. Registration license plates bearing a graphic symbol  
1185 and the alphanumeric system of identification shall be issued  
1186 for a 10-year period. At the end of the 10-year period, upon  
1187 renewal, the plate shall be replaced. The department shall  
1188 extend the scheduled license plate replacement date from a 6-  
1189 year period to a 10-year period. The fee for such replacement is  
1190 \$28, \$2.80 of which shall be paid each year before the plate is  
1191 replaced, to be credited toward the next \$28 replacement fee.  
1192 The fees shall be deposited into the Highway Safety Operating  
1193 Trust Fund. A credit or refund may not be given for any prior  
1194 years' payments of the prorated replacement fee if the plate is  
1195 replaced or surrendered before the end of the 10-year period,  
1196 except that a credit may be given if a registrant is required by  
1197 the department to replace a license plate under s.

1198 320.08056(8) (a). With each license plate, a validation sticker



896914

1199 shall be issued showing the owner's birth month, license plate  
1200 number, and the year of expiration or the appropriate renewal  
1201 period if the owner is not a natural person. The validation  
1202 sticker shall be placed on the upper right corner of the license  
1203 plate. The license plate and validation sticker shall be issued  
1204 based on the applicant's appropriate renewal period. The  
1205 registration period is 12 months, the extended registration  
1206 period is 24 months, and all expirations occur based on the  
1207 applicant's appropriate registration period.

1208 2. A vehicle that has an apportioned registration shall be  
1209 issued an annual license plate and a cab card denoting that  
1210 ~~denote~~ the declared gross vehicle weight for each apportioned  
1211 jurisdiction ~~in which the vehicle is authorized to operate.~~ This  
1212 subparagraph expires January 1, 2023.

1213 3. Upon implementation of a new operating system for  
1214 apportioned vehicle registration, a vehicle registered in  
1215 accordance with the International Registration Plan must be  
1216 issued a license plate for a 5-year period, an annual cab card  
1217 denoting the declared gross vehicle weight for each apportioned  
1218 jurisdiction, and an annual validation sticker showing the month  
1219 and year of expiration. The validation sticker must be placed in  
1220 the center of the license plate. The license plate and  
1221 validation sticker must be issued based on the applicant's  
1222 appropriate renewal period. The registration period is 12  
1223 months. This fee must be deposited into the Highway Safety  
1224 Operating Trust Fund. If the license plate is damaged or worn,  
1225 it may be replaced at no charge by applying to the department  
1226 and surrendering the current license plate.

1227 4.2. In order to retain the efficient administration of the



896914

1228 taxes and fees imposed by this chapter, the 80-cent fee increase  
1229 in the replacement fee imposed by chapter 2009-71, Laws of  
1230 Florida, is negated as provided in s. 320.0804.

1231 Section 29. Subsection (2) of section 320.06, Florida  
1232 Statutes, is amended to read:

1233 320.06 Registration certificates, license plates, and  
1234 validation stickers generally.—

1235 (2) The department shall provide the several tax collectors  
1236 and license plate agents with the necessary number of validation  
1237 stickers. However, the tax collectors and their agents shall  
1238 have the option to purchase validation stickers and paper stock  
1239 that is used to produce vehicle registrations from the  
1240 department's contracted vendor or from other vendors if such  
1241 items meet the department's specifications and are procured at  
1242 prices that are at or lower than the pricing reflected in the  
1243 department's existing contracts for procuring these items. Such  
1244 purchases by the tax collectors and their agents are exempt from  
1245 the competitive bid requirements of chapter 287. The department  
1246 shall reimburse the tax collectors and their agents for these  
1247 purchases, but reimbursement may not be made at prices higher  
1248 than the pricing contained in the department's existing  
1249 contract. The tax collectors and their agents shall invoice the  
1250 department in arrears for the validation stickers and vehicle  
1251 registrations as they are issued.

1252 Section 30. Subsection (5) of section 320.0607, Florida  
1253 Statutes, is amended to read:

1254 320.0607 Replacement license plates, validation decal, or  
1255 mobile home sticker.—

1256 (5) Upon the issuance of an original license plate, the



896914

1257 applicant shall pay a fee of \$28 to be deposited in the Highway  
1258 Safety Operating Trust Fund. Upon implementation of a new  
1259 operating system for apportioned vehicle registrations, this  
1260 subsection does not apply to a vehicle registered under the  
1261 International Registration Plan.

1262 Section 31. Subsection (10) is added to section 320.131,  
1263 Florida Statutes, to read:

1264 320.131 Temporary tags.—

1265 (10) The department may partner with a county tax collector  
1266 to conduct a Fleet Vehicle Temporary Tag Pilot Program to  
1267 provide temporary tags to fleet companies to allow them to  
1268 operate fleet vehicles awaiting a permanent registration and  
1269 title.

1270 (a) The department shall enter into a memorandum of  
1271 understanding that allows up to 10 companies to participate in  
1272 the pilot program and to receive multiple temporary tags for  
1273 company fleet vehicles.

1274 (b) To participate in the program, a fleet company must  
1275 have at least 3,500 fleet vehicles registered in this state  
1276 which qualify to be registered as fleet vehicles pursuant to s.  
1277 320.0657.

1278 (c) The department, upon the request of an eligible fleet  
1279 company, may issue up to 50 temporary tags per request to such  
1280 company.

1281 (d) A temporary tag issued under this subsection is for  
1282 exclusive use on a vehicle purchased for the company's fleet and  
1283 may not be used on any other vehicle.

1284 (e) Each temporary tag may be used on only one vehicle, and  
1285 each vehicle may use only one temporary tag.





1286 (f) Upon issuance of the vehicle's permanent license plate  
1287 and registration, the temporary tag becomes invalid and must be  
1288 removed from the vehicle and destroyed.

1289 (g) Upon a finding by the department that a temporary tag  
1290 has been misused by a fleet company under the program, the  
1291 department may terminate the memorandum of understanding with  
1292 the company, invalidate all temporary tags issued to the company  
1293 under the program, and require such company to return any unused  
1294 temporary tags.

1295 (h) The issuance of a tag using this method must be  
1296 reported to the department within 2 business days, not including  
1297 weekends or state holidays, after the issuance of the tag. The  
1298 county tax collector shall keep a record of each temporary tag  
1299 issued. The record must include the date of issuance, tag number  
1300 issued, vehicle identification number, and vehicle description.

1301 (i) This subsection is repealed October 1, 2022, unless  
1302 saved from repeal through reenactment by the Legislature.

1303 Section 32. Paragraph (g) is added to subsection (1) of  
1304 section 320.27, Florida Statutes, and paragraph (a) of  
1305 subsection (9) and subsection (11) of that section are amended,  
1306 to read:

1307 320.27 Motor vehicle dealers.—

1308 (1) DEFINITIONS.—The following words, terms, and phrases  
1309 when used in this section have the meanings respectively  
1310 ascribed to them in this subsection, except where the context  
1311 clearly indicates a different meaning:

1312 (g) "Control person" means any person who has significant  
1313 authority, directly or indirectly, to direct the management or  
1314 policies of a company, whether through ownership, by contract,



896914

1315 or otherwise. The term includes any person who is an owner,  
1316 director, general partner, officer, manager, or employee  
1317 exercising decisionmaking responsibility or exercising similar  
1318 executive status or functions. The term does not include an  
1319 employee whose function is only clerical, ministerial, or in  
1320 sales under the supervision of an owner or manager or other  
1321 person exercising decisionmaking responsibility.

1322 (9) DENIAL, SUSPENSION, OR REVOCATION.—

1323 (a) The department may deny a new or renewal application  
1324 for or, suspend, or revoke any license issued hereunder or under  
1325 ~~the provisions of~~ s. 320.77 or s. 320.771 upon proof that an  
1326 applicant or a licensee has:

1327 1. Committed fraud or willful misrepresentation in  
1328 application for or in obtaining a license.

1329 2. Been convicted of a felony and either has not completed  
1330 the resulting felony sentence or has completed the felony  
1331 sentence less than 10 years from the date of licensure  
1332 application.

1333 3. Failed to honor a bank draft or check given to a motor  
1334 vehicle dealer for the purchase of a motor vehicle by another  
1335 motor vehicle dealer within 10 days after notification that the  
1336 bank draft or check has been dishonored. If the transaction is  
1337 disputed, the maker of the bank draft or check shall post a bond  
1338 in accordance with the provisions of s. 559.917, and no  
1339 proceeding for revocation or suspension shall be commenced until  
1340 the dispute is resolved.

1341 4.a. Failed to provide payment within 10 business days to  
1342 the department for a check payable to the department that was  
1343 dishonored due to insufficient funds in the amount due plus any



896914

1344 statutorily authorized fee for uttering a worthless check. The  
1345 department shall notify an applicant or licensee when the  
1346 applicant or licensee makes payment to the department by a check  
1347 that is subsequently dishonored by the bank due to insufficient  
1348 funds. The applicant or licensee shall, within 10 business days  
1349 after receiving the notice, provide payment to the department in  
1350 the form of cash in the amount due plus any statutorily  
1351 authorized fee. If the applicant or licensee fails to make such  
1352 payment within 10 business days, the department may deny,  
1353 suspend, or revoke the applicant's or licensee's motor vehicle  
1354 dealer license.

1355       b. Stopped payment on a check payable to the department,  
1356 issued a check payable to the department from an account that  
1357 has been closed, or charged back a credit card transaction to  
1358 the department. If an applicant or licensee commits any such  
1359 act, the department may deny, suspend, or revoke the applicant's  
1360 or licensee's motor vehicle dealer license.

1361       5.a. Previously owned a majority interest in, or acted as a  
1362 control person of, a motor vehicle dealer that, within the past  
1363 10 years, has been the subject of any decision, finding,  
1364 injunction, suspension, revocation, denial, judgment, or  
1365 administrative order by any court of competent jurisdiction,  
1366 administrative law judge, or any state agency which resulted in  
1367 a finding of violation of any federal or state law relating to  
1368 unlicensed activity or fraud in connection with the sale of a  
1369 motor vehicle.

1370       b. Knowingly employed or contracted with a person under  
1371 sub-subparagraph a. or a person who has been convicted of a  
1372 felony and either has not completed the resulting felony



896914

1373 sentence or completed the felony sentence less than 10 years  
1374 from the date of licensure application as a control person.

1375 (11) INJUNCTION.—

1376 (a) In addition to the remedies provided in this chapter  
1377 and notwithstanding the existence of any adequate remedy at law,  
1378 the department is authorized to make application to any circuit  
1379 court of the state, and such circuit court shall have  
1380 jurisdiction, upon a hearing and for cause shown, to grant a  
1381 temporary or permanent injunction, or both, restraining any  
1382 person from acting as a motor vehicle dealer under the terms of  
1383 this section without being properly licensed hereunder, from  
1384 violating or continuing to violate any of the provisions of  
1385 chapter 319, this chapter, or ss. 559.901-559.9221, or for  
1386 failing or refusing to comply with the requirements of chapter  
1387 319, this chapter, or ss. 559.901-559.9221, or any rule or  
1388 regulation adopted thereunder, such injunction to be issued  
1389 without bond. A single act in violation of the provisions of  
1390 chapter 319, this chapter, or chapter 559 shall be sufficient to  
1391 authorize the issuance of an injunction.

1392 (b) If the court grants the injunction, the court may bar,  
1393 permanently or for a specific time, any person found to have  
1394 violated any federal or state law relating to unlicensed  
1395 activity or fraud in connection with the sale of a motor  
1396 vehicle. A person who is barred by the court under this  
1397 paragraph may not continue in any capacity within the industry.  
1398 The person may not have a management, sales, or any other role  
1399 in the operation of a dealership. Further, if permanently  
1400 barred, the person may not derive income from the dealership  
1401 beyond reasonable compensation for the sale of his or her



896914

1402 ownership interest in the business.

1403 Section 33. Subsection (2) of section 320.8232, Florida  
1404 Statutes, is amended to read:

1405 320.8232 Establishment of uniform standards for used  
1406 recreational vehicles and repair and remodeling code for mobile  
1407 homes.—

1408 (2) The ~~provisions of the~~ Mobile and Manufactured Home  
1409 Repair and Remodeling Code shall be a uniform code and ~~repair~~  
1410 ~~and remodeling code shall~~ ensure safe and livable housing and  
1411 shall not be more stringent than those standards required to be  
1412 met in the manufacture of mobile homes. Such provisions shall  
1413 include, ~~but not be limited to,~~ standards for structural  
1414 adequacy, plumbing, heating, electrical systems, and fire and  
1415 life safety. All repair and remodeling of mobile and  
1416 manufactured homes shall be done in accordance with department  
1417 rules.

1418 Section 34. Section 320.861, Florida Statutes, is amended  
1419 to read:

1420 320.861 Investigations; subpoenas and other process; oaths;  
1421 rules ~~Inspection of records; production of evidence; subpoena~~  
1422 ~~power.~~—

1423 (1) The department may conduct investigations and  
1424 examinations on any person suspected of violating or of having  
1425 violated this chapter or any rule adopted or order issued  
1426 thereunder ~~inspect the pertinent books, records, letters, and~~  
1427 ~~contracts of any licensee, whether dealer or manufacturer,~~  
1428 ~~relating to any written complaint made to it against such~~  
1429 ~~licensee.~~

1430 (2) For purposes of any investigation or examination



896914

1431 conducted under this section, the department ~~may is granted and~~  
1432 ~~authorized to~~ exercise the power of subpoena ~~and the powers to~~  
1433 ~~administer oaths or affirmations, to examine witnesses, to~~  
1434 ~~require affidavits, to take depositions, and to compel the~~  
1435 ~~attendance of witnesses and the production of books, papers,~~  
1436 ~~documents, records, and other evidence. Such subpoenas may be~~  
1437 ~~served by a designated agent of the department for the~~  
1438 ~~attendance of witnesses and the production of any documentary~~  
1439 ~~evidence necessary to the disposition by it of any written~~  
1440 ~~complaint against any licensee, whether dealer or manufacturer.~~

1441 (3) If a person refuses to testify; to produce books,  
1442 papers, documents, or records; or to otherwise obey the subpoena  
1443 or subpoena duces tecum issued under subsection (2), the  
1444 department may petition a court of competent jurisdiction in the  
1445 county where the person's residence or principal place of  
1446 business is located, upon which the court must issue an order  
1447 requiring such person to obey the subpoena or show cause for  
1448 failing to obey the subpoena. Unless the person shows sufficient  
1449 cause for failing to obey the subpoena, the court must direct  
1450 the person to obey the subpoena and award costs incurred by the  
1451 department to obtain the order. Failure to comply with such  
1452 order constitutes contempt of court.

1453 (4) For the purpose of any investigation, examination, or  
1454 proceeding initiated by the department under this chapter, the  
1455 department may designate agents to serve subpoenas and other  
1456 process and administer oaths or affirmations. The department  
1457 shall exercise this power on its own initiative in accordance  
1458 with ss. 320.615 and 320.71.

1459 (5) Witnesses subpoenaed under this section are entitled to



896914

1460 witness fees at the same rate established by s. 92.142 for  
1461 witnesses in a civil case, except that witness fees are not  
1462 payable for appearance at the witness's place of business during  
1463 regular business hours or at the witness's residence.

1464 (6) The department may adopt rules to administer this  
1465 section.

1466 Section 35. Contingent upon the enactment of Senate Bill  
1467 7094 or other similar legislation enacted in the 2019 Regular  
1468 Session or an extension thereof, subsection (2) of section  
1469 320.95, Florida Statutes, is amended to read:

1470 320.95 Transactions by electronic or telephonic means.—

1471 (2) The department or tax collector may collect electronic  
1472 mail addresses or cellular telephone numbers and use electronic  
1473 mail or text messages in lieu of the United States Postal  
1474 Service for the purpose of providing information related to  
1475 Department of Highway Safety and Motor Vehicles functions in  
1476 accordance with chapter 119 and pursuant to the federal Driver  
1477 Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The  
1478 provision of electronic mail addresses and cellular telephone  
1479 numbers by the applicant is optional and, before collection  
1480 pursuant to this subsection, the department or tax collector  
1481 shall disclose to the applicant the purposes for which the  
1482 electronic mail addresses and cellular telephone numbers may be  
1483 used ~~renewal notices.~~

1484 Section 36. Subsection (1) of section 321.05, Florida  
1485 Statutes, is amended to read:

1486 321.05 Duties, functions, and powers of patrol officers.—

1487 The members of the Florida Highway Patrol are hereby declared to  
1488 be conservators of the peace and law enforcement officers of the



896914

1489 state, with the common-law right to arrest a person who, in the  
1490 presence of the arresting officer, commits a felony or commits  
1491 an affray or breach of the peace constituting a misdemeanor,  
1492 with full power to bear arms; and they shall apprehend, without  
1493 warrant, any person in the unlawful commission of any of the  
1494 acts over which the members of the Florida Highway Patrol are  
1495 given jurisdiction as hereinafter set out and deliver him or her  
1496 to the sheriff of the county that further proceedings may be had  
1497 against him or her according to law. In the performance of any  
1498 of the powers, duties, and functions authorized by law, members  
1499 of the Florida Highway Patrol have the same protections and  
1500 immunities afforded other peace officers, which shall be  
1501 recognized by all courts having jurisdiction over offenses  
1502 against the laws of this state, and have authority to apply for,  
1503 serve, and execute search warrants, arrest warrants, capias, and  
1504 other process of the court. The patrol officers under the  
1505 direction and supervision of the Department of Highway Safety  
1506 and Motor Vehicles shall perform and exercise throughout the  
1507 state the following duties, functions, and powers:

1508 (1) To patrol the state highways and regulate, control, and  
1509 direct the movement of traffic thereon; to maintain the public  
1510 peace by preventing violence on highways; to apprehend fugitives  
1511 from justice; to enforce all laws regulating and governing  
1512 traffic, travel, and public safety upon the public highways and  
1513 providing for the protection of the public highways and public  
1514 property thereon, including the security and safety of this  
1515 state's transportation infrastructure; to make arrests without  
1516 warrant for the violation of any state law committed in their  
1517 presence in accordance with state law; providing that no search





896914

1518 may be made unless it is incident to a lawful arrest, to  
1519 regulate and direct traffic concentrations and congestions; to  
1520 enforce laws governing the operation, licensing, and taxing and  
1521 limiting the size, weight, width, length, and speed of vehicles  
1522 and licensing and controlling the operations of drivers and  
1523 operators of vehicles, including the safety, size, and weight of  
1524 commercial motor vehicles; to collect all state fees and  
1525 revenues levied as an incident to the use or right to use the  
1526 highways for any purpose, including the taxing and registration  
1527 of commercial motor vehicles; to require the drivers of vehicles  
1528 to stop and exhibit their driver licenses, registration cards,  
1529 or documents required by law to be carried by such vehicles; to  
1530 investigate traffic crashes ~~accidents~~, secure testimony of  
1531 witnesses and of persons involved, and make report thereof with  
1532 copy, if requested in writing, to any person in interest or his  
1533 or her attorney; to investigate reported thefts of vehicles; and  
1534 to seize contraband or stolen property on or being transported  
1535 on the highways. Each patrol officer of the Florida Highway  
1536 Patrol is subject to and has the same arrest and other authority  
1537 provided for law enforcement officers generally in chapter 901  
1538 and has statewide jurisdiction. Each officer also has arrest  
1539 authority as provided for state law enforcement officers in s.  
1540 901.15. This section does not conflict with, but is supplemental  
1541 to, chapter 933.

1542 Section 37. Section 321.065, Florida Statutes, is amended  
1543 to read:

1544 321.065 Traffic crash ~~accident~~ investigation officers;  
1545 employment; standards.—The department may employ traffic crash  
1546 ~~accident~~ investigation officers who must complete any applicable



896914

1547 standards adopted by the Florida Highway Patrol, including, but  
1548 not limited to: cognitive testing, drug testing, polygraph  
1549 testing, psychological testing, and an extensive background  
1550 check, including a credit check.

1551 Section 38. Paragraph (d) of subsection (2) of section  
1552 321.23, Florida Statutes, is amended to read:

1553 321.23 Public records; fees for copies; destruction of  
1554 obsolete records; photographing records; effect as evidence.—

1555 (2) Fees for copies of public records shall be charged and  
1556 collected as follows:

1557 (d) Photographs (crashes ~~accidents~~, etc.):

1558

	Enlargement Proof	Color	Black & White
1559	1. 5" x 7"	\$1.00	\$0.75
1560	2. 8" x 10"	\$1.50	\$1.00
1561	3. 11" x 14"	Not Available	\$1.75
1562	4. 16" x 20"	Not Available	\$2.75
1563	5. 20" x 24"	Not Available	\$3.75

1564

1565

1566

1567

1568 The department shall furnish such information without charge to



896914

1569 any local, state, or federal law enforcement agency upon proof  
1570 satisfactory to the department as to the purpose of the  
1571 investigation.

1572 Section 39. Paragraph (a) of subsection (2) of section  
1573 322.051, Florida Statutes, is amended to read:

1574 322.051 Identification cards.—

1575 (2) (a) Every identification card:

1576 1. Issued to a person 5 years of age to 14 years of age  
1577 shall expire, unless canceled earlier, on the fourth birthday of  
1578 the applicant following the date of original issue.

1579 2. Issued to a person 15 years of age and older shall  
1580 expire, unless canceled earlier, on the eighth birthday of the  
1581 applicant following the date of original issue.

1582  
1583 Renewal of an identification card shall be made for the  
1584 applicable term enumerated in this paragraph. Any application  
1585 for renewal received later than 12 months ~~90 days~~ after  
1586 expiration of the identification card shall be considered the  
1587 same as an application for an original identification card.

1588 Section 40. Paragraphs (a) and (b) of subsection (4) of  
1589 section 322.0602, Florida Statutes, are amended to read:

1590 322.0602 Youthful Drunk Driver Visitation Program.—

1591 (4) VISITATION REQUIREMENT.—

1592 (a) To the extent that personnel and facilities are made  
1593 available to the court, the court may include a requirement for  
1594 supervised visitation by the probationer to all, or any, of the  
1595 following:

1596 1. A trauma center, as defined in s. 395.4001, or a  
1597 hospital as defined in s. 395.002, which regularly receives



896914

1598 victims of vehicle crashes ~~accidents~~, between the hours of 10  
1599 p.m. and 2 a.m. on a Friday or Saturday night, in order to  
1600 observe appropriate victims of vehicle crashes ~~accidents~~  
1601 involving drinking drivers, under the supervision of any of the  
1602 following:

1603       a. A registered nurse trained in providing emergency trauma  
1604 care or prehospital advanced life support.

1605       b. An emergency room physician.

1606       c. An emergency medical technician.

1607       2. A licensed service provider, as defined in s. 397.311,  
1608 which cares for substance abuse impaired persons, to observe  
1609 persons in the terminal stages of substance abuse impairment,  
1610 under the supervision of appropriately licensed medical  
1611 personnel. Prior to any visitation of such terminally ill or  
1612 disabled persons, the persons or their legal representatives  
1613 must give their express consent to participate in the visitation  
1614 program.

1615       3. If approved by the county coroner, the county coroner's  
1616 office or the county morgue to observe appropriate victims of  
1617 vehicle crashes ~~accidents~~ involving drinking drivers, under the  
1618 supervision of the coroner or a deputy coroner.

1619       (b) As used in this section, the term "appropriate victims"  
1620 means victims or their legal representatives, including the next  
1621 of kin, who have expressly given their consent to participate in  
1622 the visitation program and victims whose condition is determined  
1623 by the visitation supervisor to demonstrate the results of  
1624 crashes ~~accidents~~ involving drinking drivers without being  
1625 excessively gruesome or traumatic to the probationer.

1626       Section 41. Contingent upon the enactment of Senate Bill



896914

1627 7094 or other similar legislation enacted in the 2019 Regular  
1628 Session or an extension thereof, subsection (10) of section  
1629 322.08, Florida Statutes, is amended to read:

1630 322.08 Application for license; requirements for license  
1631 and identification card forms.—

1632 (10) The department or tax collector may collect electronic  
1633 mail addresses or cellular telephone numbers and use electronic  
1634 mail or text messages in lieu of the United States Postal  
1635 Service for the purpose of providing information related to  
1636 Department of Highway Safety and Motor Vehicles functions in  
1637 accordance with chapter 119 and pursuant to the federal Driver  
1638 Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The  
1639 provision of electronic mail addresses and cellular telephone  
1640 numbers by the applicant is optional and, before collection  
1641 pursuant to this subsection, the department or tax collector  
1642 shall disclose to the applicant the purposes for which the  
1643 electronic mail addresses and cellular telephone numbers may be  
1644 used ~~renewal notices.~~

1645 Section 42. Subsection (5) of section 322.091, Florida  
1646 Statutes, is amended to read:

1647 322.091 Attendance requirements.—

1648 (5) REPORTING AND ACCOUNTABILITY.—The department shall make  
1649 available, upon request, a report ~~quarterly~~ to each school  
1650 district which includes the legal name, sex, date of birth, and  
1651 social security number of each student whose driving privileges  
1652 have been suspended under this section.

1653 Section 43. Section 322.17, Florida Statutes, is amended to  
1654 read:

1655 322.17 Replacement licenses, identification cards, and



896914

1656 permits.-

1657 (1) (a) In the event that an instruction permit or driver  
1658 license issued under the provisions of this chapter is lost or  
1659 destroyed, the person to whom the same was issued may, upon  
1660 payment of the appropriate fee pursuant to s. 322.21, obtain a  
1661 replacement upon furnishing proof satisfactory to the department  
1662 that such permit or license has been lost or destroyed, and  
1663 further furnishing the full name, date of birth, sex, residence  
1664 and mailing address, proof of birth satisfactory to the  
1665 department, and proof of identity satisfactory to the  
1666 department.

1667 (b) In the event that an instruction permit, ~~or~~ driver  
1668 license, or identification card issued under the provisions of  
1669 this chapter is stolen, the person to whom the same was issued  
1670 may, at no charge, obtain a replacement upon furnishing proof  
1671 satisfactory to the department that such permit, ~~or~~ license, or  
1672 identification card was stolen and further furnishing the  
1673 person's full name, date of birth, sex, residence and mailing  
1674 address, proof of birth satisfactory to the department, and  
1675 proof of identity satisfactory to the department.

1676 (2) Upon the surrender of the original license and the  
1677 payment of the appropriate fees pursuant to s. 322.21, the  
1678 department shall issue a replacement license to make a change in  
1679 name, address, or restrictions.

1680 (3) Notwithstanding any other provisions of this chapter,  
1681 if a licensee establishes his or her identity for a driver  
1682 license using an identification document authorized under s.  
1683 322.08(2)(c)7. or 8., the licensee may not obtain a duplicate or  
1684 replacement instruction permit or driver license except in



896914

1685 person and upon submission of an identification document  
1686 authorized under s. 322.08(2)(c)7. or 8.

1687 (4) Notwithstanding any other provision of this section or  
1688 s. 322.21, the department shall, if necessary, issue or renew a  
1689 replacement driver license at no charge to an inmate if the  
1690 department determines that he or she has a valid driver license.  
1691 If the replacement driver license is scheduled to expire within  
1692 6 months, the department may also issue a temporary permit valid  
1693 for at least 6 months after the release date.

1694 Section 44. Subsection (10) is added to section 322.21,  
1695 Florida Statutes, to read:

1696 322.21 License fees; procedure for handling and collecting  
1697 fees.-

1698 (10) An applicant who submits an application for a renewal  
1699 or replacement driver license or identification card to the  
1700 department using a convenience service must be provided with an  
1701 option for expedited shipping in which the department, at the  
1702 applicant's request, must issue the license or identification  
1703 card within 5 working days after receipt of the application and  
1704 ship the license or card using an expedited mail service. The  
1705 department must charge the applicant electing the expedited  
1706 shipping option for the exact cost of the expedited mail  
1707 service, which is in addition to fees imposed by s. 322.051 or  
1708 this section. Funds collected for the expedited shipping shall  
1709 be deposited into the Highway Safety Operating Trust Fund.

1710 Section 45. Present subsection (8) of section 322.212,  
1711 Florida Statutes, is redesignated as subsection (9), a new  
1712 subsection (8) is added to that section, and subsection (5) of  
1713 that section is amended, to read:



896914

1714           322.212 Unauthorized possession of, and other unlawful acts  
1715 in relation to, driver license or identification card.—

1716           (5) (a) It is unlawful for any person to use a false or  
1717 fictitious name in any application for a driver license or  
1718 identification card or knowingly to make a false statement,  
1719 knowingly conceal a material fact, knowingly provide altered or  
1720 counterfeit documents, knowingly participate in dishonest or  
1721 deceptive actions, or otherwise commit a fraud in any such  
1722 application.

1723           (b) It is unlawful for any person to have in his or her  
1724 possession a driver license or identification card upon which  
1725 the date of birth has been altered.

1726           (c) It is unlawful for any person designated as a sexual  
1727 predator or sexual offender to have in his or her possession a  
1728 driver license or identification card upon which the sexual  
1729 predator or sexual offender markings required by s. 322.141 are  
1730 not displayed or have been altered.

1731           (8) In addition to any other penalties provided by this  
1732 section, the department shall suspend the license or permit of  
1733 any person who provides false information when applying for a  
1734 driver license, identification card, commercial driver license,  
1735 or commercial learner's permit or who is convicted of fraud in  
1736 connection with testing for a driver license, commercial driver  
1737 license, or commercial learner's permit for a period of 1 year.

1738           Section 46. Section 322.36, Florida Statutes, is amended to  
1739 read:

1740           322.36 Permitting unauthorized operator to drive.—A person  
1741 may not authorize or knowingly permit a motor vehicle owned by  
1742 him or her or under his or her dominion or control to be





896914

1743 operated upon any highway or public street except by a person  
1744 who is duly authorized to operate a motor vehicle under this  
1745 chapter. Any person who violates this section commits a  
1746 misdemeanor of the second degree, punishable as provided in s.  
1747 775.082 or s. 775.083. If a person violates this section by  
1748 knowingly loaning a vehicle to a person whose driver license is  
1749 suspended and if that vehicle is involved in a crash ~~an accident~~  
1750 resulting in bodily injury or death, the driver license of the  
1751 person violating this section shall be suspended for 1 year.

1752 Section 47. Subsection (1) of section 322.61, Florida  
1753 Statutes, is amended to read:

1754 322.61 Disqualification from operating a commercial motor  
1755 vehicle.—

1756 (1) A person who, for offenses occurring within a 3-year  
1757 period, is convicted of two of the following serious traffic  
1758 violations or any combination thereof, arising in separate  
1759 incidents committed in a commercial motor vehicle shall, in  
1760 addition to any other applicable penalties, be disqualified from  
1761 operating a commercial motor vehicle for a period of 60 days. A  
1762 holder of a commercial driver license or commercial learner's  
1763 permit who, for offenses occurring within a 3-year period, is  
1764 convicted of two of the following serious traffic violations, or  
1765 any combination thereof, arising in separate incidents committed  
1766 in a noncommercial motor vehicle shall, in addition to any other  
1767 applicable penalties, be disqualified from operating a  
1768 commercial motor vehicle for a period of 60 days if such  
1769 convictions result in the suspension, revocation, or  
1770 cancellation of the licenseholder's driving privilege:

1771 (a) A violation of any state or local law relating to motor



896914

1772 vehicle traffic control, other than a parking violation, arising  
1773 in connection with a crash resulting in death.†

1774 (b) Reckless driving, as defined in s. 316.192.†

1775 (c) Unlawful speed of 15 miles per hour or more above the  
1776 posted speed limit.;

1777 (d) Improper lane change, as defined in s. 316.085.†

1778 (e) Following too closely, as defined in s. 316.0895.†

1779 (f) Driving a commercial vehicle without obtaining a  
1780 commercial driver license.†

1781 (g) Driving a commercial vehicle without the proper class  
1782 of commercial driver license or commercial learner's permit or  
1783 without the proper endorsement.†~~†~~

1784 (h) Driving a commercial vehicle without a commercial  
1785 driver license or commercial learner's permit in possession, as  
1786 required by s. 322.03.

1787 (i) Texting while driving a commercial motor vehicle as  
1788 prohibited by 49 C.F.R. 392.80.

1789 (j) Using a hand-held mobile telephone while driving a  
1790 commercial motor vehicle, as prohibited by 49 C.F.R 392.82.

1791 Section 48. Section 322.71, Florida Statutes, is created to  
1792 read:

1793 322.71 Investigations; subpoenas and other process; oaths;  
1794 rules.-

1795 (1) The department may conduct investigations and  
1796 examinations on any person suspected of violating or of having  
1797 violated any provision of this chapter or any rule adopted or  
1798 order issued under this chapter.

1799 (2) For purposes of any investigation or examination  
1800 conducted under this section, the department may exercise the



896914

1801 power of subpoena and the powers to administer oaths or  
1802 affirmations, to examine witnesses, to require affidavits, to  
1803 take depositions, and to compel the attendance of witnesses and  
1804 the production of books, papers, documents, records, and other  
1805 evidence. Such subpoenas may be served by an authorized  
1806 representative of the department.

1807 (3) If a person refuses to testify; to produce books,  
1808 papers, documents, or records; or to otherwise obey the subpoena  
1809 or subpoena duces tecum issued under subsection (2), the  
1810 department may petition a court of competent jurisdiction in the  
1811 county where the person's residence or principal place of  
1812 business is located, upon which the court must issue an order  
1813 requiring such person to obey the subpoena or show cause for  
1814 failing to obey the subpoena. Unless the person shows sufficient  
1815 cause for failing to obey the subpoena, the court must direct  
1816 the person to obey the subpoena and award costs incurred by the  
1817 department to obtain the order. Failure to comply with such  
1818 order constitutes contempt of court.

1819 (4) For the purpose of any investigation, examination, or  
1820 proceeding initiated by the department under this chapter, the  
1821 department may designate agents to serve subpoenas and other  
1822 process and administer oaths or affirmations.

1823 (5) Witnesses subpoenaed under this section are entitled to  
1824 witness fees at the same rate established by s. 92.142 for  
1825 witnesses in a civil case, except that witness fees are not  
1826 payable for appearance at the witness's place of business during  
1827 regular business hours or at the witness's residence.

1828 (6) The department may adopt rules to administer this  
1829 section.



896914

1830 Section 49. Subsection (4) of section 323.001, Florida  
1831 Statutes, is amended to read:

1832 323.001 Wrecker operator storage facilities; vehicle  
1833 holds.—

1834 (4) The requirements for a written hold apply when the  
1835 following conditions are present:

1836 (a) The officer has probable cause to believe the vehicle  
1837 should be seized and forfeited under the Florida Contraband  
1838 Forfeiture Act, ss. 932.701-932.7062;

1839 (b) The officer has probable cause to believe the vehicle  
1840 should be seized and forfeited under chapter 379;

1841 (c) The officer has probable cause to believe the vehicle  
1842 was used as the means of committing a crime;

1843 (d) The officer has probable cause to believe that the  
1844 vehicle is itself evidence that tends to show that a crime has  
1845 been committed or that the vehicle contains evidence, which  
1846 cannot readily be removed, which tends to show that a crime has  
1847 been committed;

1848 (e) The officer has probable cause to believe the vehicle  
1849 was involved in a traffic crash ~~accident~~ resulting in death or  
1850 personal injury and should be sealed for investigation and  
1851 collection of evidence by a vehicular homicide investigator;

1852 (f) The vehicle is impounded or immobilized pursuant to s.  
1853 316.193 or s. 322.34; or

1854 (g) The officer is complying with a court order.

1855 Section 50. Paragraph (c) of subsection (1), paragraph (c)  
1856 of subsection (2), and subsection (4) of section 323.002,  
1857 Florida Statutes, are amended to read:

1858 323.002 County and municipal wrecker operator systems;



896914

1859 penalties for operation outside of system.-

1860 (1) As used in this section, the term:

1861 (c) "Wrecker operator system" means a system for the towing  
1862 or removal of wrecked, disabled, or abandoned vehicles, similar  
1863 to the Florida Highway Patrol wrecker operator system described  
1864 in s. 321.051(2), under which a county or municipality contracts  
1865 with one or more wrecker operators for the towing or removal of  
1866 wrecked, disabled, or abandoned vehicles from crash ~~accident~~  
1867 scenes, streets, or highways. A wrecker operator system shall  
1868 include using a method for apportioning the towing assignments  
1869 among the eligible wrecker operators through the creation of  
1870 geographic zones, a rotation schedule, or a combination of these  
1871 methods.

1872 (2) In any county or municipality that operates a wrecker  
1873 operator system:

1874 (c) When an unauthorized wrecker operator drives by the  
1875 scene of a wrecked or disabled vehicle and the owner or operator  
1876 initiates contact by signaling the wrecker operator to stop and  
1877 provide towing services, the unauthorized wrecker operator must  
1878 disclose in writing to the owner or operator of the vehicle his  
1879 or her full name and driver license number, that he or she is  
1880 not the authorized wrecker operator who has been designated as  
1881 part of the wrecker operator system, that the motor vehicle is  
1882 not being towed for the owner's or operator's insurance company  
1883 or lienholder, whether he or she has in effect an insurance  
1884 policy providing at least \$300,000 of liability insurance and at  
1885 least \$50,000 of on-hook cargo insurance, and the maximum  
1886 charges for towing and storage which will apply before the  
1887 vehicle is connected to the towing apparatus. The unauthorized



1888 wrecker operator must also provide a copy of the disclosure to  
1889 the owner or operator in the presence of a law enforcement  
1890 officer if such officer is at the scene of a motor vehicle crash  
1891 ~~accident~~. Any person who violates this paragraph commits a  
1892 misdemeanor of the second degree, punishable as provided in s.  
1893 775.082 or s. 775.083, and the person's wrecker, tow truck, or  
1894 other motor vehicle that was used during the offense may be  
1895 immediately removed and impounded pursuant to subsection (3).

1896 (4) This section does not prohibit, or in any way prevent,  
1897 the owner or operator of a vehicle involved in a crash ~~an~~  
1898 ~~accident~~ or otherwise disabled from contacting any wrecker  
1899 operator for the provision of towing services, whether the  
1900 wrecker operator is an authorized wrecker operator or not.

1901 Section 51. Section 324.011, Florida Statutes, is amended  
1902 to read:

1903 324.011 Purpose of chapter.—It is the intent of this  
1904 chapter to recognize the existing privilege to own or operate a  
1905 motor vehicle on the public streets and highways of this state  
1906 when such vehicles are used with due consideration for others  
1907 and their property, and to promote safety and provide financial  
1908 security requirements for such owners or operators whose  
1909 responsibility it is to recompense others for injury to person  
1910 or property caused by the operation of a motor vehicle.  
1911 Therefore, it is required herein that the operator of a motor  
1912 vehicle involved in a crash or convicted of certain traffic  
1913 offenses meeting the operative provisions of s. 324.051(2) shall  
1914 respond for such damages and show proof of financial ability to  
1915 respond for damages in future crashes ~~accidents~~ as a requisite  
1916 to his or her future exercise of such privileges.



896914

1917 Section 52. Subsection (1) of section 324.022, Florida  
1918 Statutes, is amended to read:

1919 324.022 Financial responsibility for property damage.—

1920 (1) Every owner or operator of a motor vehicle required to  
1921 be registered in this state shall establish and maintain the  
1922 ability to respond in damages for liability on account of  
1923 crashes ~~accidents~~ arising out of the use of the motor vehicle in  
1924 the amount of \$10,000 because of damage to, or destruction of,  
1925 property of others in any one crash. The requirements of this  
1926 section may be met by one of the methods established in s.  
1927 324.031; by self-insuring as authorized by s. 768.28(16); or by  
1928 maintaining an insurance policy providing coverage for property  
1929 damage liability in the amount of at least \$10,000 because of  
1930 damage to, or destruction of, property of others in any one  
1931 crash ~~accident~~ arising out of the use of the motor vehicle. The  
1932 requirements of this section may also be met by having a policy  
1933 which provides coverage in the amount of at least \$30,000 for  
1934 combined property damage liability and bodily injury liability  
1935 for any one crash arising out of the use of the motor vehicle.  
1936 The policy, with respect to coverage for property damage  
1937 liability, must meet the applicable requirements of s. 324.151,  
1938 subject to the usual policy exclusions that have been approved  
1939 in policy forms by the Office of Insurance Regulation. No  
1940 insurer shall have any duty to defend uncovered claims  
1941 irrespective of their joinder with covered claims.

1942 Section 53. Section 324.023, Florida Statutes, is amended  
1943 to read:

1944 324.023 Financial responsibility for bodily injury or  
1945 death.—In addition to any other financial responsibility



896914

1946 required by law, every owner or operator of a motor vehicle that  
1947 is required to be registered in this state, or that is located  
1948 within this state, and who, regardless of adjudication of guilt,  
1949 has been found guilty of or entered a plea of guilty or nolo  
1950 contendere to a charge of driving under the influence under s.  
1951 316.193 after October 1, 2007, shall, by one of the methods  
1952 established in s. 324.031(1) or (2), establish and maintain the  
1953 ability to respond in damages for liability on account of  
1954 crashes ~~accidents~~ arising out of the use of a motor vehicle in  
1955 the amount of \$100,000 because of bodily injury to, or death of,  
1956 one person in any one crash and, subject to such limits for one  
1957 person, in the amount of \$300,000 because of bodily injury to,  
1958 or death of, two or more persons in any one crash and in the  
1959 amount of \$50,000 because of property damage in any one crash.  
1960 If the owner or operator chooses to establish and maintain such  
1961 ability by furnishing a certificate of deposit pursuant to s.  
1962 324.031(2), such certificate of deposit must be at least  
1963 \$350,000. Such higher limits must be carried for a minimum  
1964 period of 3 years. If the owner or operator has not been  
1965 convicted of driving under the influence or a felony traffic  
1966 offense for a period of 3 years from the date of reinstatement  
1967 of driving privileges for a violation of s. 316.193, the owner  
1968 or operator shall be exempt from this section.

1969 Section 54. Paragraph (b) of subsection (1) and paragraph  
1970 (a) of subsection (2) of section 324.051, Florida Statutes, are  
1971 amended to read:

1972 324.051 Reports of crashes; suspensions of licenses and  
1973 registrations.—

1974 (1)





896914

1975 (b) The department is hereby further authorized to require  
1976 reports of crashes from individual owners or operators whenever  
1977 it deems it necessary for the proper administration of this  
1978 chapter, and these reports shall be made without prejudice  
1979 except as specified in this subsection. No such report shall be  
1980 used as evidence in any trial arising out of a crash. However,  
1981 subject to the applicable rules of evidence, a law enforcement  
1982 officer at a criminal trial may testify as to any statement made  
1983 to the officer by the person involved in the crash ~~accident~~ if  
1984 that person's privilege against self-incrimination is not  
1985 violated.

1986 (2) (a) Thirty days after receipt of notice of any crash  
1987 ~~accident~~ described in paragraph (1) (a) involving a motor vehicle  
1988 within this state, the department shall suspend, after due  
1989 notice and opportunity to be heard, the license of each operator  
1990 and all registrations of the owner of the vehicles operated by  
1991 such operator whether or not involved in such crash and, in the  
1992 case of a nonresident owner or operator, shall suspend such  
1993 nonresident's operating privilege in this state, unless such  
1994 operator or owner shall, prior to the expiration of such 30  
1995 days, be found by the department to be exempt from the operation  
1996 of this chapter, based upon evidence satisfactory to the  
1997 department that:

1998 1. The motor vehicle was legally parked at the time of such  
1999 crash.

2000 2. The motor vehicle was owned by the United States  
2001 Government, this state, or any political subdivision of this  
2002 state or any municipality therein.

2003 3. Such operator or owner has secured a duly acknowledged



896914

2004 written agreement providing for release from liability by all  
2005 parties injured as the result of said crash and has complied  
2006 with one of the provisions of s. 324.031.

2007 4. Such operator or owner has deposited with the department  
2008 security to conform with s. 324.061 when applicable and has  
2009 complied with one of the provisions of s. 324.031.

2010 5. One year has elapsed since such owner or operator was  
2011 suspended pursuant to subsection (3), the owner or operator has  
2012 complied with one of the provisions of s. 324.031, and no bill  
2013 of complaint of which the department has notice has been filed  
2014 in a court of competent jurisdiction.

2015  
2016 No such policy or bond shall be effective under this subsection  
2017 unless it contains limits of not less than those specified in s.  
2018 324.021(7).

2019 Section 55. Subsections (2), (3), and (4) of section  
2020 324.242, Florida Statutes, are amended to read:

2021 324.242 Personal injury protection and property damage  
2022 liability insurance policies; public records exemption.—

2023 (2) Upon receipt of a request and proof of a crash report  
2024 as required under s. 316.065, s. 316.066, or s. 316.068, or a  
2025 crash report created pursuant to the laws of another state, the  
2026 department shall release the policy number for a policy covering  
2027 a vehicle involved in a motor vehicle crash ~~accident~~ to:

2028 (a) Any person involved in such crash ~~accident~~;

2029 (b) The attorney of any person involved in such crash  
2030 ~~accident~~; or

2031 (c) A representative of the insurer of any person involved  
2032 in such crash ~~accident~~.



896914

2033           (3) The department shall provide personal injury protection  
2034 and property damage liability insurance policy numbers to  
2035 department-approved third parties that provide data collection  
2036 services to an insurer of any person involved in such crash  
2037 ~~accident~~.

2038           (4) Before the department's release of a policy number in  
2039 accordance with subsection (2) or subsection (3), an insurer's  
2040 representative, a contracted third party, or an attorney for a  
2041 person involved in a crash ~~an accident~~ must provide the  
2042 department with documentation confirming proof of  
2043 representation.

2044           Section 56. Contingent upon the enactment of Senate Bill  
2045 7094 or other similar legislation enacted in the 2019 Regular  
2046 Session or an extension thereof, section 328.30, Florida  
2047 Statutes, is amended to read:

2048           328.30 Transactions by electronic or telephonic means.—

2049           (1) The Department of Highway Safety and Motor Vehicles may  
2050 accept any application provided for under this part ~~chapter~~ by  
2051 electronic or telephonic means.

2052           (2) The department may issue an electronic certificate of  
2053 title in lieu of printing a paper title.

2054           (3) The department or tax collector may collect electronic  
2055 mail addresses or cellular telephone numbers and use electronic  
2056 mail or text messages in lieu of the United States Postal  
2057 Service for the purpose of providing information related to  
2058 Department of Highway Safety and Motor Vehicles functions in  
2059 accordance with chapter 119 and pursuant to the federal Driver  
2060 Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The  
2061 provision of electronic mail addresses and cellular telephone



896914

2062 numbers by the applicant is optional and, before collection  
2063 pursuant to this subsection, the department or tax collector  
2064 shall disclose to the applicant the purposes for which the  
2065 electronic mail addresses and cellular telephone numbers may be  
2066 used ~~renewal notices.~~

2067 Section 57. Contingent upon the enactment of Senate Bill  
2068 7094 or other similar legislation enacted in the 2019 Regular  
2069 Session or an extension thereof, subsection (3) of section  
2070 328.40, Florida Statutes, is amended to read:

2071 328.40 Administration of vessel registration and titling  
2072 laws; records.-

2073 (3) All records made or kept by the Department of Highway  
2074 Safety and Motor Vehicles under this part are subject to  
2075 inspection and copying as provided in chapter 119 ~~law are public~~  
2076 ~~records except for confidential reports.~~

2077 Section 58. Subsection (1) of section 328.73, Florida  
2078 Statutes, is amended to read:

2079 328.73 Registration; duties of tax collectors.-

2080 (1) The tax collectors in the counties of the state, as  
2081 authorized agents of the department, shall issue registration  
2082 certificates and vessel numbers and decals to applicants,  
2083 subject to the requirements of law and in accordance with rules  
2084 of the department. For the purpose of enhancing customer  
2085 services provided by tax collectors acting on behalf of the  
2086 department, the department, contingent upon an approved request  
2087 and memorandum of understanding, shall provide tax collectors,  
2088 and tax collector-approved agents and vendors with real-time  
2089 access to data that other third parties receive from the  
2090 department related to registration certificates and vessel



896914

2091 numbers and decals, including, but not limited to, the most  
2092 current address information and electronic mail addresses of  
2093 applicants. The memorandum of understanding as required under  
2094 this paragraph may not be more restrictive than any memorandum  
2095 of understanding between the department and other third-party  
2096 vendors.

2097 Section 59. Contingent upon the enactment of Senate Bill  
2098 7094 or other similar legislation enacted in the 2019 Regular  
2099 Session or an extension thereof, section 328.80, Florida  
2100 Statutes, is amended to read:

2101 328.80 Transactions by electronic or telephonic means.—

2102 (1) The Department of Highway Safety and Motor Vehicles  
2103 ~~commission~~ is authorized to accept any application provided for  
2104 under this part chapter by electronic or telephonic means.

2105 (2) The department or tax collector may collect electronic  
2106 mail addresses or cellular telephone numbers and use electronic  
2107 mail or text messages in lieu of the United States Postal  
2108 Service for the purpose of providing information related to  
2109 Department of Highway Safety and Motor Vehicles functions in  
2110 accordance with chapter 119 and pursuant to the federal Driver  
2111 Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The  
2112 provision of electronic mail addresses and cellular telephone  
2113 numbers by the applicant is optional and, before collection  
2114 pursuant to this subsection, the department or tax collector  
2115 shall disclose to the applicant the purposes for which the  
2116 electronic mail addresses and cellular telephone numbers may be  
2117 used.

2118 Section 60. Subsection (4) of section 627.7415, Florida  
2119 Statutes, is amended to read:



896914

2120           627.7415 Commercial motor vehicles; additional liability  
2121 insurance coverage.—Commercial motor vehicles, as defined in s.  
2122 207.002 or s. 320.01, operated upon the roads and highways of  
2123 this state shall be insured with the following minimum levels of  
2124 combined bodily liability insurance and property damage  
2125 liability insurance in addition to any other insurance  
2126 requirements:

2127           (4) All commercial motor vehicles subject to regulations of  
2128 the United States Department of Transportation, 49 C.F.R. part  
2129 387, subparts ~~subpart~~ A and B, and as may be hereinafter  
2130 amended, shall be insured in an amount equivalent to the minimum  
2131 levels of financial responsibility as set forth in such  
2132 regulations.

2133  
2134 A violation of this section is a noncriminal traffic infraction,  
2135 punishable as a nonmoving violation as provided in chapter 318.

2136           Section 61. Subsection (2) of section 316.251, Florida  
2137 Statutes, is amended to read:

2138           316.251 Maximum bumper heights.—

2139           (2) "New motor vehicles" as defined in s. 319.001 ~~s.~~  
2140 ~~319.001(9)~~, "antique automobiles" as defined in s. 320.08,  
2141 "horseless carriages" as defined in s. 320.086, and "street  
2142 rods" as defined in s. 320.0863 shall be excluded from the  
2143 requirements of this section.

2144           Section 62. Subsection (19) of section 501.976, Florida  
2145 Statutes, is amended to read:

2146           501.976 Actionable, unfair, or deceptive acts or  
2147 practices.—It is an unfair or deceptive act or practice,  
2148 actionable under the Florida Deceptive and Unfair Trade



896914

2149 Practices Act, for a dealer to:

2150 (19) Fail to disclose damage to a new motor vehicle, as  
2151 defined in s. 319.001 ~~s. 319.001(9)~~, of which the dealer had  
2152 actual knowledge, if the dealer's actual cost of repairs exceeds  
2153 the threshold amount, excluding replacement items.

2154  
2155 In any civil litigation resulting from a violation of this  
2156 section, when evaluating the reasonableness of an award of  
2157 attorney's fees to a private person, the trial court shall  
2158 consider the amount of actual damages in relation to the time  
2159 spent.

2160 Section 63. Subsection (1) of section 655.960, Florida  
2161 Statutes, is amended to read:

2162 655.960 Definitions; ss. 655.960-655.965.—As used in this  
2163 section and ss. 655.961-655.965, unless the context otherwise  
2164 requires:

2165 (1) "Access area" means any paved walkway or sidewalk which  
2166 is within 50 feet of any automated teller machine. The term does  
2167 not include any street or highway open to the use of the public,  
2168 as defined in s. 316.003(84)(a) or (b) ~~s. 316.003(81)(a) or (b)~~,  
2169 including any adjacent sidewalk, as defined in s. 316.003.

2170 Section 64. Subsection (5) of section 856.015, Florida  
2171 Statutes, is amended to read:

2172 856.015 Open house parties.—

2173 (5) If a violation of subsection (2) causes or contributes  
2174 to causing serious bodily injury, as defined in s. 316.003  
2175 ~~316.1933~~, or death to the minor, or if the minor causes or  
2176 contributes to causing serious bodily injury or death to another  
2177 as a result of the minor's consumption of alcohol or drugs at



896914

2178 the open house party, the violation is a misdemeanor of the  
2179 first degree, punishable as provided in s. 775.082 or s.  
2180 775.083.

2181 Section 65. This act shall take effect July 1, 2019.

2182

2183 ===== T I T L E A M E N D M E N T =====

2184 And the title is amended as follows:

2185 Delete everything before the enacting clause  
2186 and insert:

2187 A bill to be entitled  
2188 An act relating to the Department of Highway Safety  
2189 and Motor Vehicles; amending s. 316.003, F.S.;  
2190 defining terms; conforming a cross-reference; amending  
2191 s. 316.027, F.S.; deleting the defined term "serious  
2192 bodily injury"; requiring community service in a  
2193 trauma center or hospital that receives victims of  
2194 vehicle crashes; amending s. 316.0271, F.S.; requiring  
2195 that, under a yellow dot program, certain critical  
2196 medical information be made readily available to  
2197 responders in the event of a motor vehicle crash;  
2198 authorizing an emergency medical responder at a motor  
2199 vehicle crash to search the glove compartment of the  
2200 vehicle for a yellow dot folder; amending s. 316.061,  
2201 F.S.; prohibiting certain persons from being liable or  
2202 at fault regarding the cause of a crash solely by  
2203 reason of moving a vehicle; repealing s. 316.0896,  
2204 F.S., relating to the assistive truck platooning  
2205 technology pilot project; creating s. 316.0897, F.S.;  
2206 exempting the operator of a nonlead vehicle in a





896914

2207 platoon from provisions relating to following too  
2208 closely; authorizing a platoon to be operated on a  
2209 roadway in this state after an operator provides  
2210 notification to the Department of Transportation and  
2211 the Department of Highway Safety and Motor Vehicles;  
2212 amending s. 316.1895, F.S.; authorizing a district  
2213 school board by simple majority vote to increase the  
2214 time a school zone speed limit is in force under  
2215 certain circumstances; amending s. 316.192, F.S.;

2216 deleting the defined term "serious bodily injury";  
2217 amending s. 316.193, F.S.; adding an operator to  
2218 persons who may incur serious bodily injury for  
2219 purposes of a certain penalty; amending s. 316.1933,  
2220 F.S.; adding a driver to persons who may incur serious  
2221 bodily injury for purposes of a certain alcohol or  
2222 drug test; deleting the defined term "serious bodily  
2223 injury"; amending s. 316.194, F.S.; authorizing  
2224 traffic crash investigation officers, rather than  
2225 traffic accident investigation officers, to move  
2226 vehicles; amending s. 316.302, F.S.; revising the  
2227 applicability of specified rules and regulations to  
2228 certain owners and drivers of commercial motor  
2229 vehicles; providing that a person who operates a  
2230 commercial motor vehicle solely in intrastate commerce  
2231 which does not transport hazardous materials in  
2232 amounts that require placarding need not comply with  
2233 specified requirements of electronic logging devices  
2234 and hours of service supporting documents until a  
2235 specified date; removing a limit on civil penalties



896914

2236 for falsification of certain time records; deleting a  
2237 requirement that a motor carrier maintain  
2238 documentation of driving times under certain  
2239 circumstances; revising the conditions under which  
2240 persons who operate commercial motor vehicles are  
2241 exempt from specified rules and regulations; amending  
2242 s. 316.303, F.S.; exempting an operator of a certain  
2243 platoon vehicle from the prohibition on the active  
2244 display of television or video; amending s. 316.622,  
2245 F.S.; requiring that the department provide to the  
2246 Department of Business and Professional Regulation a  
2247 copy of each crash report involving a farm labor  
2248 vehicle; amending s. 316.640, F.S.; authorizing the  
2249 Division of the Florida Highway Patrol to employ  
2250 traffic crash investigation officers, rather than  
2251 traffic accident investigation officers; conforming  
2252 provisions to changes made by that act; amending s.  
2253 316.655, F.S.; authorizing a driver convicted of  
2254 certain violations resulting in a crash, rather than  
2255 an accident, to have his or her driving privileges  
2256 revoked or suspended by the court; amending s. 316.70,  
2257 F.S.; requiring that owners and drivers of certain  
2258 nonpublic sector buses be subject to specified rules  
2259 and regulations; providing duties for the Department  
2260 of Highway Safety and Motor Vehicles, rather than the  
2261 Department of Transportation, for such nonpublic  
2262 sector buses; authorizing department personnel to  
2263 conduct compliance investigations and assess certain  
2264 penalties; authorizing motor carriers to be enjoined



896914

2265 under certain circumstances; authorizing certain  
2266 officers and agents to require drivers of certain  
2267 commercial vehicles to submit to certain inspections  
2268 and to either remove the vehicle or driver from  
2269 service or provide notice requiring correction under  
2270 certain circumstances; amending s. 318.19, F.S.;  
2271 revising infractions that require a mandatory hearing;  
2272 amending s. 319.001, F.S.; defining terms; amending s.  
2273 319.141, F.S.; creating a private rebuilt motor  
2274 vehicle inspection program, to replace a pilot rebuilt  
2275 motor vehicle inspection program; providing powers and  
2276 duties of the department; specifying the purpose of  
2277 the program; providing requirements for the program;  
2278 providing powers and requirements for private rebuilt  
2279 inspection providers; creating s. 319.1411, F.S.;  
2280 authorizing the department to monitor and inspect the  
2281 operations of private rebuilt inspection providers to  
2282 make specified determinations; creating s. 319.142,  
2283 F.S.; providing grounds and requirements for  
2284 termination of a contract with a private rebuilt  
2285 inspection provider; creating s. 319.1414, F.S.;  
2286 authorizing the department to investigate and examine  
2287 private rebuilt inspection providers under certain  
2288 circumstances; providing additional powers related to  
2289 such investigations and examinations; requiring a  
2290 court to take specified actions under certain  
2291 circumstances; providing for witness fees; authorizing  
2292 the department to adopt certain rules; amending s.  
2293 319.25, F.S.; authorizing the department to conduct



2294 investigations and examinations of certain persons  
2295 relating to title certificates; authorizing additional  
2296 powers related to such investigations and  
2297 examinations; requiring a court to take specified  
2298 actions under certain circumstances; providing for  
2299 witness fees; authorizing the department to adopt  
2300 certain rules; amending s. 319.40, F.S.; authorizing  
2301 the department or a tax collector to collect  
2302 electronic mail addresses or cellular telephone  
2303 numbers and to use them for certain purposes;  
2304 providing that electronic mail addresses and cellular  
2305 telephone numbers may be provided at the option of the  
2306 applicant; requiring the department or a tax collector  
2307 to disclose to the applicant the purposes for which  
2308 the electronic mail addresses and cellular telephone  
2309 numbers may be used; amending s. 320.01, F.S.;  
2310 redefining the term "apportionable vehicle"; amending  
2311 s. 320.03, F.S.; authorizing the department, under  
2312 certain circumstances, to provide tax collectors and  
2313 certain agents and vendors with certain real-time  
2314 access to data related to vehicle and mobile home  
2315 registration certificates, registration license  
2316 plates, and validation stickers; providing  
2317 requirements for a certain memorandum of  
2318 understanding; amending s. 320.06, F.S.; providing for  
2319 future repeal of requirements for vehicles that have  
2320 apportioned registrations; providing requirements for  
2321 certain vehicles that have apportioned registrations  
2322 upon implementation of a certain operating system;



896914

2323 requiring that the fee be deposited into the Highway  
2324 Safety Operating Trust Fund; authorizing certain  
2325 license plates to be replaced at no charge; providing  
2326 tax collectors and their agents the option to purchase  
2327 validation stickers and paper stock that is used to  
2328 produce vehicle registrations from vendors under  
2329 certain circumstances; exempting such purchases from  
2330 certain competitive bid requirements; requiring the  
2331 department to reimburse the tax collectors and their  
2332 agents for such purchases, subject to certain  
2333 restrictions; requiring the tax collectors and their  
2334 agents to invoice the department in arrears for the  
2335 validation stickers and vehicle registrations as they  
2336 are issued; amending s. 320.0607, F.S.; providing  
2337 applicability; amending s. 320.131, F.S.; authorizing  
2338 the department to partner with a county tax collector  
2339 to conduct a Fleet Vehicle Temporary Tag Pilot Program  
2340 for certain purposes; providing program requirements;  
2341 providing for future repeal; amending s. 320.27, F.S.;  
2342 defining the term "control person"; authorizing the  
2343 department to deny a new or renewal application for,  
2344 or suspend or revoke, certain dealer licenses under  
2345 certain circumstances; authorizing the court to bar a  
2346 person from acting as a motor vehicle dealer under  
2347 certain circumstances, subject to certain  
2348 requirements; amending s. 320.8232, F.S.; requiring  
2349 the Mobile and Manufactured Home Repair and Remodeling  
2350 Code to be a uniform code; providing specified  
2351 standards for provisions of the code; requiring all



896914

2352 repair and remodeling of mobile and manufactured homes  
2353 to be done in accordance with department rules;  
2354 amending s. 320.861, F.S.; authorizing the department  
2355 to conduct investigations and examinations of persons  
2356 suspected of violating or of having violated certain  
2357 laws, rules, or orders relating to motor vehicle  
2358 licenses; providing additional powers related to such  
2359 investigations and examinations; requiring a court to  
2360 take specified actions under certain circumstances;  
2361 providing for witness fees; authorizing the department  
2362 to adopt certain rules; amending s. 320.95, F.S.;  
2363 authorizing the department or a tax collector to  
2364 collect electronic mail addresses or cellular  
2365 telephone numbers and to use electronic mail or text  
2366 messages for certain purposes; providing that  
2367 electronic mail addresses and cellular telephone  
2368 numbers may be provided at the option of the  
2369 applicant; requiring the department or a tax collector  
2370 to disclose to the applicant the purposes for which  
2371 the electronic mail addresses and cellular telephone  
2372 numbers may be used; amending s. 321.05, F.S.;  
2373 authorizing certain patrol officers to investigate  
2374 traffic crashes; amending s. 321.065, F.S.;  
2375 authorizing the department to employ certain traffic  
2376 crash investigation officers; amending s. 321.23,  
2377 F.S.; revising certain public records photographs to  
2378 include crashes; amending s. 322.051, F.S.; extending  
2379 the period after which a renewal application for an  
2380 identification card is considered the same as an



896914

2381 original application; amending s. 322.0602, F.S.;

2382 authorizing courts to include a requirement for

2383 supervised visitation under the Youthful Drunk Driver

2384 Visitation Program at trauma centers that regularly

2385 receive victims of vehicle crashes; conforming

2386 provisions to changes made by the act; amending s.

2387 322.08, F.S.; authorizing the department or a tax

2388 collector to collect electronic mail addresses or

2389 cellular telephone numbers and use electronic mail or

2390 text messages for certain purposes; providing that

2391 electronic mail addresses and cellular telephone

2392 numbers may be provided at the option of the

2393 applicant; requiring the department or a tax collector

2394 to disclose to the applicant the purposes for which

2395 the electronic mail addresses and cellular telephone

2396 numbers may be used; amending s. 322.091, F.S.;

2397 requiring that the department make available, upon

2398 request, a report that includes specific information

2399 for students whose driving privileges have been

2400 suspended; amending s. 322.17, F.S.; authorizing

2401 stolen identification cards to be replaced at no

2402 charge under certain circumstances; amending s.

2403 322.21, F.S.; providing for expedited shipping for the

2404 renewal or replacement driver licenses or

2405 identification cards under certain circumstances,

2406 subject to certain requirements; allowing the

2407 department to charge for the cost of the expedited

2408 shipping; requiring that the funds be deposited into

2409 the Highway Safety Operating Trust Fund; amending s.



896914

2410 322.212, F.S.; prohibiting a person from knowingly  
2411 providing altered or counterfeit documents or  
2412 knowingly participating in dishonest or deceptive  
2413 actions in any application for a driver license or  
2414 identification card; providing for the suspension of  
2415 specified licenses or permits for specified periods  
2416 under certain circumstances; providing construction;  
2417 amending s. 322.36, F.S.; providing for suspension of  
2418 license for loaning a vehicle to a person whose  
2419 license is suspended if such vehicle is involved in  
2420 certain crashes; amending s. 322.61, F.S.; adding  
2421 violations for disqualification from operating a  
2422 commercial motor vehicle; creating s. 322.71, F.S.;  
2423 authorizing the department to conduct investigations  
2424 and examinations of persons suspected of violating or  
2425 of having violated certain laws, rules, or orders  
2426 relating to motor vehicle licenses; providing  
2427 additional powers related to such investigations and  
2428 examinations; requiring a court to take specified  
2429 actions under certain circumstances; providing for  
2430 witness fees; authorizing the department to adopt  
2431 certain rules; amending s. 323.001, F.S.; providing  
2432 that the requirements for a certain written hold on a  
2433 motor vehicle apply when an officer has probable cause  
2434 to believe the vehicle was involved in a certain  
2435 traffic crash; amending s. 323.002, F.S.; revising the  
2436 term "wrecker operator system" to include wrecker  
2437 operators removing vehicles from crash scenes under  
2438 certain circumstances; requiring that an unauthorized





896914

2439 wrecker operator provide a copy of a certain  
2440 disclosure to the owner or operator of a vehicle in  
2441 the presence of a law enforcement officer if such  
2442 officer is at the scene of a motor vehicle crash;  
2443 revising applicability to include vehicles involved in  
2444 a crash, rather than an accident; amending s. 324.011,  
2445 F.S.; requiring that certain operators of motor  
2446 vehicles involved in a crash or convicted of certain  
2447 traffic offenses show proof of financial ability to  
2448 respond for damages in future crashes; amending s.  
2449 324.022, F.S.; requiring that a certain owner or  
2450 operator of a motor vehicle establish and maintain the  
2451 ability to respond in damages for liability on account  
2452 of certain crashes; conforming a provision to changes  
2453 made by the act; amending s. 324.023, F.S.; requiring  
2454 that a certain owner or operator of a motor vehicle  
2455 establish and maintain the ability to respond in  
2456 damages for liability on account of certain crashes;  
2457 amending s. 324.051, F.S.; authorizing a law  
2458 enforcement officer at a criminal trial to testify as  
2459 to any statement made to the officer by the person  
2460 involved in a crash under certain circumstances;  
2461 providing for certain suspensions of license,  
2462 registration, and operating privileges after notice of  
2463 a certain crash; amending s. 324.242, F.S.; requiring  
2464 that the department release a policy number for a  
2465 policy covering a vehicle involved in a motor vehicle  
2466 crash under certain circumstances; conforming  
2467 provisions to changes made by the act; amending s.



896914

2468 328.30, F.S.; authorizing the department to accept  
2469 certain applications by electronic or telephonic  
2470 means; authorizing the department or a tax collector  
2471 to collect electronic mail addresses or cellular  
2472 telephone numbers and to use electronic mail or text  
2473 messages for certain purposes; providing that  
2474 electronic mail addresses and cellular telephone  
2475 numbers may be provided at the option of the  
2476 applicant; requiring the department or a tax collector  
2477 to disclose to the applicant the purposes for which  
2478 the electronic mail addresses and cellular telephone  
2479 numbers may be used; amending s. 328.40, F.S.;  
2480 providing that certain records made or kept by the  
2481 department are subject to certain inspection and  
2482 copying requirements; amending s. 328.73, F.S.;  
2483 requiring the department, under certain circumstances,  
2484 to provide tax collectors and certain agents and  
2485 vendors with certain real-time access to data related  
2486 to registration certificates and vessel numbers and  
2487 decals; providing requirements for a certain  
2488 memorandum of understanding; amending s. 328.80, F.S.;  
2489 authorizing the department to accept certain  
2490 applications by electronic or telephonic means;  
2491 authorizing the department or a tax collector to  
2492 collect electronic mail addresses or cellular  
2493 telephone numbers and to use electronic mail or text  
2494 messages for certain purposes; providing that  
2495 electronic mail addresses and cellular telephone  
2496 numbers may be provided at the option of an applicant;



896914

2497 requiring the department or tax collector to disclose  
2498 to an applicant the purposes for which the electronic  
2499 mail addresses and cellular telephone numbers may be  
2500 used; amending s. 627.7415, F.S.; revising the  
2501 applicability of certain federal regulations that  
2502 commercial motor vehicles are subject to for certain  
2503 insurance purposes; amending ss. 316.251, 501.976,  
2504 655.960, 856.015, F.S.; conforming cross-references;  
2505 providing an effective date.



806522

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2019	.	
	.	
	.	
	.	

---

Appropriations Subcommittee on Transportation, Tourism, and  
Economic Development (Perry) recommended the following:

1           **Senate Amendment to Amendment (896914) (with title**  
2 **amendment)**

3  
4           Between lines 1251 and 1252  
5 insert:

6           Section 30. Section 320.0605, Florida Statutes, is amended  
7 to read:

8           320.0605 Certificate of registration; possession required;  
9 exception.—

10          (1) (a) The registration certificate or an official copy



806522

11 thereof, a true copy or an electronic copy of rental or lease  
12 documentation issued for a motor vehicle or issued for a  
13 replacement vehicle in the same registration period, a temporary  
14 receipt printed upon self-initiated electronic renewal of a  
15 registration via the Internet, or a cab card issued for a  
16 vehicle registered under the International Registration Plan  
17 shall, at all times while the vehicle is being used or operated  
18 on the roads of this state, be in the possession of the operator  
19 thereof or be carried in the vehicle for which issued and shall  
20 be exhibited upon demand of any authorized law enforcement  
21 officer or any agent of the department, except for a vehicle  
22 registered under s. 320.0657. ~~The provisions of~~ This section  
23 does ~~do~~ not apply during the first 30 days after purchase of a  
24 replacement vehicle. A violation of this section is a  
25 noncriminal traffic infraction, punishable as a nonmoving  
26 violation as provided in chapter 318.

27 (b)1. The act of presenting to a law enforcement officer or  
28 an agent of the department an electronic device displaying an  
29 electronic copy of rental or lease documentation does not  
30 constitute consent for the officer or agent to access any  
31 information on the device other than the displayed rental or  
32 lease documentation.

33 2. The person who presents the device to the officer or  
34 agent assumes liability for any resulting damage to the device.

35 (2) Rental or lease documentation that is sufficient to  
36 satisfy the requirement in subsection (1) includes the  
37 following:

- 38 (a) ~~Date of rental and time of exit from rental facility;~~
- 39 (b) ~~Rental station identification;~~



806522

- 40       ~~(e)~~ Rental agreement number;
- 41       (c)~~(d)~~ Rental vehicle identification number;
- 42       (d)~~(e)~~ Rental vehicle license plate number and state of
- 43 registration;
- 44       (e)~~(f)~~ Vehicle's make, model, and color;
- 45       (f)~~(g)~~ Vehicle's mileage; and
- 46       (g)~~(h)~~ Authorized renter's name.

47       Section 31. Section 322.38, Florida Statutes, is amended to

48 read:

49       322.38 Renting motor vehicle to another.—

50       (1) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to any

51 other person unless the other ~~latter~~ person is ~~then~~ duly

52 licensed, ~~or,~~ if a nonresident, ~~he or she shall be~~ licensed

53 under the laws of the state or country of his or her residence,

54 except a nonresident whose home state or country does not

55 require that an operator be licensed.

56       (2) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to

57 another until he or she has inspected the driver license of the

58 person to whom the vehicle is to be rented, ~~and has compared and~~

59 verified that the driver license is unexpired ~~signature thereon~~

60 ~~with the signature of such person written in his or her~~

61 ~~presence.~~

62       (3) Every person renting a motor vehicle to another shall

63 keep a record of the registration number of the motor vehicle so

64 rented, the name and address of the person to whom the vehicle

65 is rented, the number of the license of said latter person, and

66 ~~the date and place when and where the said~~ license was issued.

67 Such record shall be open to inspection by any police officer,

68 or officer or employee of the department.



806522

69       (4) If a motor vehicle is rented to a person through  
70 digital, electronic, or other means that allow the renter to  
71 obtain possession of the motor vehicle without direct contact  
72 with an owner or agent or an employee of a motor vehicle rental  
73 company, or if the renter does not execute a rental contract at  
74 the time that he or she takes possession of the vehicle, it must  
75 be deemed that the requirements of subsections (1) and (2) are  
76 met when, at the time the renter enrolls in a membership  
77 program, master agreement, or other means of establishing use of  
78 the motor vehicle through the motor vehicle rental company, or  
79 any time thereafter, the renter is required to verify that he or  
80 she is duly licensed and that the license is unexpired.

81  
82 ===== T I T L E   A M E N D M E N T =====

83 And the title is amended as follows:

84       Delete line 2336

85 and insert:

86       are issued; amending s. 320.0605, F.S.; authorizing an  
87       electronic copy of certain rental or lease  
88       documentation to be in the possession of the vehicle  
89       operator or carried in the vehicle and to be exhibited  
90       upon demand of any authorized law enforcement officer  
91       or any agent of the department; providing that the act  
92       of presenting a certain electronic device to the  
93       officer or agent does not constitute consent for the  
94       officer or agent to access any information on the  
95       device other than the displayed rental or lease  
96       documentation; providing for assumption of liability  
97       for any resulting damage to the device; revising



806522

98 requirements for rental or lease documentation;  
99 amending s. 322.38, F.S.; prohibiting a person from  
100 renting a motor vehicle to another person unless he or  
101 she has verified that the renter's driver license is  
102 unexpired; requiring that a person renting a motor  
103 vehicle to another person keep a record of the place  
104 where the renter's license was issued; providing that,  
105 under certain circumstances, specified requirements  
106 are deemed met when a renter is required at certain  
107 times to verify that he or she is duly licensed and  
108 that the license is unexpired; amending s. 320.0607,  
109 F.S.; providing





694180

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2019	.	
	.	
	.	
	.	

---

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Thurston) recommended the following:

1           **Senate Amendment to Amendment (896914) (with title**  
2 **amendment)**

3  
4           Delete line 2181  
5 and insert:

6           Section 65. Effective December 31, 2019, paragraph (d) of  
7 subsection (1) of section 316.302, Florida Statutes, is amended  
8 to read:

9           316.302 Commercial motor vehicles; safety regulations;  
10 transporters and shippers of hazardous materials; enforcement.-



694180

11 (1)

12 (d) Except as provided ~~in s. 316.215(5), and except as~~  
13 ~~provided~~ in s. 316.228 for rear overhang lighting and flagging  
14 requirements for intrastate operations, the requirements of this  
15 section supersede all other safety requirements of this chapter  
16 for commercial motor vehicles.

17 Section 66. Except as otherwise expressly provided in this  
18 act, this act shall take effect July 1, 2019.

19

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

21 And the title is amended as follows:

22 Delete line 2505

23 and insert:

24 amending s. 316.302, F.S.; beginning on a specified  
25 date, repealing an exception to the requirement that  
26 this section supersede all other safety requirements  
27 of this chapter for commercial motor vehicles;  
28 providing effective dates.



376134

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2019	.	
	.	
	.	
	.	

---

Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Thurston) recommended the following:

**Senate Amendment to Amendment (896914)**

Delete lines 305 - 306

and insert:

(d) Except as provided in s. 316.215(5), and except as provided in s. 316.228 for rear overhang lighting and flagging



742068

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2019	.	
	.	
	.	
	.	

---

Appropriations Subcommittee on Transportation, Tourism, and  
Economic Development (Brandes) recommended the following:

1           **Senate Amendment to Amendment (896914) (with directory and**  
2 **title amendments)**

3  
4           Between lines 16 and 17  
5 insert:

6           (2) AUTOCYCLE.—A three-wheeled motorcycle that has two  
7 wheels in the front and one wheel in the back; is equipped with  
8 a roll cage or roll hoops, a seat belt for each occupant,  
9 antilock brakes, a steering mechanism ~~wheel~~, and seating that  
10 does not require the operator to straddle or sit astride it; and



742068

11 is manufactured in accordance with the applicable federal  
12 motorcycle safety standards in 49 C.F.R. part 571 by a  
13 manufacturer registered with the National Highway Traffic Safety  
14 Administration.

15

16 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

17 And the directory clause is amended as follows:

18 Delete line 12

19 and insert:

20 and subsection (2) and present subsection (59) of that section  
21 are amended, to read:

22

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

24 And the title is amended as follows:

25 Delete line 2190

26 and insert:

27 revising and defining terms; conforming a cross-  
28 reference; amending

By the Committee on Infrastructure and Security

596-03794-19

20197090\_\_

1 A bill to be entitled  
 2 An act relating to the Department of Highway Safety  
 3 and Motor Vehicles; amending s. 316.003, F.S.;  
 4 defining terms; conforming a cross-reference; amending  
 5 s. 316.027, F.S.; deleting the defined term "serious  
 6 bodily injury"; requiring community service in a  
 7 trauma center or hospital that receives victims of  
 8 vehicle crashes; amending s. 316.0271, F.S.; requiring  
 9 that, under a yellow dot program, certain critical  
 10 medical information be made readily available to  
 11 responders in the event of a motor vehicle crash;  
 12 authorizing an emergency medical responder at a motor  
 13 vehicle crash to search the glove compartment of the  
 14 vehicle for a yellow dot folder; amending s. 316.061,  
 15 F.S.; prohibiting certain persons from being liable or  
 16 at fault regarding the cause of a crash solely by  
 17 reason of moving a vehicle; repealing s. 316.0896,  
 18 F.S., relating to the assistive truck platooning  
 19 technology pilot project; creating s. 316.0897, F.S.;  
 20 exempting the operator of a nonlead vehicle in a  
 21 platoon from provisions relating to following too  
 22 closely; authorizing a platoon to be operated on a  
 23 roadway in this state after an operator provides  
 24 notification to the Department of Transportation and  
 25 the Department of Highway Safety and Motor Vehicles;  
 26 amending s. 316.1895, F.S.; authorizing a district  
 27 school board by simple majority vote to increase the  
 28 time a school zone speed limit is in force under  
 29 certain circumstances; amending s. 316.192, F.S.;

Page 1 of 86

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

596-03794-19

20197090\_\_

30 deleting the defined term "serious bodily injury";  
 31 amending s. 316.193, F.S.; adding an operator to  
 32 persons who may incur serious bodily injury for  
 33 purposes of a certain penalty; amending s. 316.1933,  
 34 F.S.; adding a driver to persons who may incur serious  
 35 bodily injury for purposes of a certain alcohol or  
 36 drug test; deleting the defined term "serious bodily  
 37 injury"; amending s. 316.194, F.S.; authorizing  
 38 traffic crash investigation officers, rather than  
 39 traffic accident investigation officers, to move  
 40 vehicles; amending s. 316.302, F.S.; revising the  
 41 applicability of specified rules and regulations to  
 42 certain owners and drivers of commercial motor  
 43 vehicles; providing that a person who operates a  
 44 commercial motor vehicle solely in intrastate commerce  
 45 which does not transport hazardous materials in  
 46 amounts that require placarding need not comply with  
 47 specified requirements of electronic logging devices  
 48 and hours of service supporting documents until a  
 49 specified date; removing a limit on civil penalties  
 50 for falsification of certain time records; deleting a  
 51 requirement that a motor carrier maintain  
 52 documentation of driving times under certain  
 53 circumstances; revising the conditions under which  
 54 persons who operate commercial motor vehicles are  
 55 exempt from specified rules and regulations; amending  
 56 s. 316.303, F.S.; exempting an operator of a certain  
 57 platoon vehicle from the prohibition on the active  
 58 display of television or video; amending s. 316.622,

Page 2 of 86

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

596-03794-19

20197090\_\_

59 F.S.; requiring that the department provide to the  
 60 Department of Business and Professional Regulation a  
 61 copy of each crash report involving a farm labor  
 62 vehicle; amending s. 316.640, F.S.; authorizing the  
 63 Division of the Florida Highway Patrol to employ  
 64 traffic crash investigation officers, rather than  
 65 traffic accident investigation officers; conforming  
 66 provisions to changes made by that act; amending s.  
 67 316.655, F.S.; authorizing a driver convicted of  
 68 certain violations resulting in a crash, rather than  
 69 an accident, to have his or her driving privileges  
 70 revoked or suspended by the court; amending s. 316.70,  
 71 F.S.; requiring that owners and drivers of certain  
 72 nonpublic sector buses be subject to specified rules  
 73 and regulations; providing duties for the Department  
 74 of Highway Safety and Motor Vehicles, rather than the  
 75 Department of Transportation, for such nonpublic  
 76 sector buses; authorizing department personnel to  
 77 conduct compliance investigations and assess certain  
 78 penalties; authorizing motor carriers to be enjoined  
 79 under certain circumstances; authorizing certain  
 80 officers and agents to require drivers of certain  
 81 commercial vehicles to submit to certain inspections  
 82 and to either remove the vehicle or driver from  
 83 service or provide notice requiring correction under  
 84 certain circumstances; amending s. 318.19, F.S.;  
 85 revising infractions that require a mandatory hearing;  
 86 amending s. 319.001, F.S.; defining terms; creating s.  
 87 319.002, F.S.; providing for department administering

596-03794-19

20197090\_\_

88 and enforcement requirements; providing rulemaking  
 89 authority for the department; amending s. 319.141,  
 90 F.S.; creating a private rebuilt motor vehicle  
 91 inspection program, to replace a pilot rebuilt motor  
 92 vehicle inspection program; providing powers and  
 93 duties of the department; specifying the purpose of  
 94 the program; providing requirements for the program;  
 95 providing powers and requirements for private rebuilt  
 96 inspection providers; creating s. 319.1411, F.S.;  
 97 authorizing the department to monitor and inspect the  
 98 operations of private rebuilt inspection providers to  
 99 make specified determinations; creating s. 319.142,  
 100 F.S.; providing grounds and requirements for  
 101 termination of a contract with a private rebuilt  
 102 inspection provider; creating s. 319.1414, F.S.;  
 103 authorizing the department to investigate and examine  
 104 private rebuilt inspection providers under certain  
 105 circumstances; providing additional powers related to  
 106 such investigations and examinations; requiring a  
 107 court to take specified actions under certain  
 108 circumstances; providing for witness fees; authorizing  
 109 the department to adopt certain rules; amending s.  
 110 319.25, F.S.; authorizing the department to conduct  
 111 investigations and examinations of certain persons  
 112 relating to title certificates; authorizing additional  
 113 powers related to such investigations and  
 114 examinations; requiring a court to take specified  
 115 actions under certain circumstances; providing for  
 116 witness fees; authorizing the department to adopt

596-03794-19

20197090\_\_

117 certain rules; amending s. 319.40, F.S.; authorizing  
 118 the department or a tax collector to collect  
 119 electronic mail addresses or cellular telephone  
 120 numbers and to use them for certain purposes;  
 121 providing that electronic mail addresses and cellular  
 122 telephone numbers may be provided at the option of the  
 123 applicant; requiring the department or a tax collector  
 124 to disclose to the applicant the purposes for which  
 125 the electronic mail addresses and cellular telephone  
 126 numbers may be used; amending s. 320.01, F.S.;  
 127 redefining the term "apportionable vehicle"; amending  
 128 s. 320.03, F.S.; authorizing the department, under  
 129 certain circumstances, to provide tax collectors and  
 130 certain agents and vendors with certain real-time  
 131 access to data related to vehicle and mobile home  
 132 registration certificates, registration license  
 133 plates, and validation stickers; providing  
 134 requirements for a certain memorandum of  
 135 understanding; amending s. 320.06, F.S.; providing for  
 136 future repeal of requirements for vehicles that have  
 137 apportioned registrations; providing requirements for  
 138 certain vehicles that have apportioned registrations  
 139 upon implementation of a certain operating system;  
 140 requiring that the fee be deposited into the Highway  
 141 Safety Operating Trust Fund; authorizing certain  
 142 license plates to be replaced at no charge; providing  
 143 tax collectors and their agents the option to purchase  
 144 validation stickers and paper stock that is used to  
 145 produce vehicle registrations from vendors under

596-03794-19

20197090\_\_

146 certain circumstances; exempting such purchases from  
 147 certain competitive bid requirements; requiring the  
 148 department to reimburse the tax collectors and their  
 149 agents for such purchases, subject to certain  
 150 restrictions; requiring the tax collectors and their  
 151 agents to invoice the department in arrears for the  
 152 validation stickers and vehicle registrations as they  
 153 are issued; amending s. 320.0607, F.S.; providing  
 154 applicability; amending s. 320.131, F.S.; authorizing  
 155 the department to partner with a county tax collector  
 156 to conduct a Fleet Vehicle Temporary Tag Pilot Program  
 157 for certain purposes; providing program requirements;  
 158 providing for future repeal; amending s. 320.27, F.S.;  
 159 defining the term "control person"; authorizing the  
 160 department to deny a new or renewal application for,  
 161 or suspend or revoke, certain dealer licenses under  
 162 certain circumstances; authorizing the court to bar a  
 163 person from acting as a motor vehicle dealer under  
 164 certain circumstances, subject to certain  
 165 requirements; amending s. 320.8232, F.S.; requiring  
 166 the Mobile and Manufactured Home Repair and Remodeling  
 167 Code to be a uniform code; providing specified  
 168 standards for provisions of the code; requiring all  
 169 repair and remodeling of mobile and manufactured homes  
 170 to be done in accordance with department rules;  
 171 amending s. 320.861, F.S.; authorizing the department  
 172 to conduct investigations and examinations of persons  
 173 suspected of violating or of having violated certain  
 174 laws, rules, or orders relating to motor vehicle



596-03794-19

20197090\_\_

175 licenses; providing additional powers related to such  
 176 investigations and examinations; requiring a court to  
 177 take specified actions under certain circumstances;  
 178 providing for witness fees; authorizing the department  
 179 to adopt certain rules; amending s. 320.95, F.S.;  
 180 authorizing the department or a tax collector to  
 181 collect electronic mail addresses or cellular  
 182 telephone numbers and to use electronic mail or text  
 183 messages for certain purposes; providing that  
 184 electronic mail addresses and cellular telephone  
 185 numbers may be provided at the option of the  
 186 applicant; requiring the department or a tax collector  
 187 to disclose to the applicant the purposes for which  
 188 the electronic mail addresses and cellular telephone  
 189 numbers may be used; amending s. 321.05, F.S.;  
 190 authorizing certain patrol officers to investigate  
 191 traffic crashes; amending s. 321.065, F.S.;  
 192 authorizing the department to employ certain traffic  
 193 crash investigation officers; amending s. 321.23,  
 194 F.S.; revising certain public records photographs to  
 195 include crashes; amending s. 322.051, F.S.; extending  
 196 the period after which a renewal application for an  
 197 identification card is considered the same as an  
 198 original application; amending s. 322.0602, F.S.;  
 199 authorizing courts to include a requirement for  
 200 supervised visitation under the Youthful Drunk Driver  
 201 Visitation Program at trauma centers that regularly  
 202 receive victims of vehicle crashes; conforming  
 203 provisions to changes made by the act; amending s.

Page 7 of 86

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

596-03794-19

20197090\_\_

204 322.08, F.S.; authorizing the department or a tax  
 205 collector to collect electronic mail addresses or  
 206 cellular telephone numbers and use electronic mail or  
 207 text messages for certain purposes; providing that  
 208 electronic mail addresses and cellular telephone  
 209 numbers may be provided at the option of the  
 210 applicant; requiring the department or a tax collector  
 211 to disclose to the applicant the purposes for which  
 212 the electronic mail addresses and cellular telephone  
 213 numbers may be used; amending s. 322.091, F.S.;  
 214 requiring that the department make available, upon  
 215 request, a report that includes specific information  
 216 for students whose driving privileges have been  
 217 suspended; amending s. 322.17, F.S.; authorizing  
 218 stolen identification cards to be replaced at no  
 219 charge under certain circumstances; amending s.  
 220 322.21, F.S.; providing for expedited shipping for the  
 221 renewal or replacement driver licenses or  
 222 identification cards under certain circumstances,  
 223 subject to certain requirements; requiring that the  
 224 fee be deposited into the Highway Safety Operating  
 225 Trust Fund; amending s. 322.212, F.S.; prohibiting a  
 226 person from providing altered or counterfeit documents  
 227 or participating in dishonest or deceptive actions in  
 228 any application for a driver license or identification  
 229 card; providing for the suspension of specified  
 230 licenses or permits for specified periods under  
 231 certain circumstances; providing construction;  
 232 amending s. 322.36, F.S.; providing for suspension of

Page 8 of 86

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

596-03794-19

20197090\_\_

233 license for loaning a vehicle to a person whose  
 234 license is suspended if such vehicle is involved in  
 235 certain crashes; amending s. 322.61, F.S.; adding  
 236 violations for disqualification from operating a  
 237 commercial motor vehicle; creating s. 322.71, F.S.;  
 238 authorizing the department to conduct investigations  
 239 and examinations of persons suspected of violating or  
 240 of having violated certain laws, rules, or orders  
 241 relating to motor vehicle licenses; providing  
 242 additional powers related to such investigations and  
 243 examinations; requiring a court to take specified  
 244 actions under certain circumstances; providing for  
 245 witness fees; authorizing the department to adopt  
 246 certain rules; amending s. 323.001, F.S.; providing  
 247 that the requirements for a certain written hold on a  
 248 motor vehicle apply when an officer has probable cause  
 249 to believe the vehicle was involved in a certain  
 250 traffic crash; amending s. 323.002, F.S.; revising the  
 251 term "wrecker operator system" to include wrecker  
 252 operators removing vehicles from crash scenes under  
 253 certain circumstances; requiring that an unauthorized  
 254 wrecker operator provide a copy of a certain  
 255 disclosure to the owner or operator of a vehicle in  
 256 the presence of a law enforcement officer if such  
 257 officer is at the scene of a motor vehicle crash;  
 258 revising applicability to include vehicles involved in  
 259 a crash, rather than an accident; amending s. 324.011,  
 260 F.S.; requiring that certain operators of motor  
 261 vehicles involved in a crash or convicted of certain

596-03794-19

20197090\_\_

262 traffic offenses show proof of financial ability to  
 263 respond for damages in future crashes; amending s.  
 264 324.022, F.S.; requiring that a certain owner or  
 265 operator of a motor vehicle establish and maintain the  
 266 ability to respond in damages for liability on account  
 267 of certain crashes; conforming a provision to changes  
 268 made by the act; amending s. 324.023, F.S.; requiring  
 269 that a certain owner or operator of a motor vehicle  
 270 establish and maintain the ability to respond in  
 271 damages for liability on account of certain crashes;  
 272 amending s. 324.051, F.S.; authorizing a law  
 273 enforcement officer at a criminal trial to testify as  
 274 to any statement made to the officer by the person  
 275 involved in a crash under certain circumstances;  
 276 providing for certain suspensions of license,  
 277 registration, and operating privileges after notice of  
 278 a certain crash; amending s. 324.242, F.S.; requiring  
 279 that the department release a policy number for a  
 280 policy covering a vehicle involved in a motor vehicle  
 281 crash under certain circumstances; conforming  
 282 provisions to changes made by the act; amending s.  
 283 328.30, F.S.; authorizing the department to accept  
 284 certain applications by electronic or telephonic  
 285 means; authorizing the department or a tax collector  
 286 to collect electronic mail addresses or cellular  
 287 telephone numbers and to use electronic mail or text  
 288 messages for certain purposes; providing that  
 289 electronic mail addresses and cellular telephone  
 290 numbers may be provided at the option of the

596-03794-19

20197090\_\_

291 applicant; requiring the department or a tax collector  
 292 to disclose to the applicant the purposes for which  
 293 the electronic mail addresses and cellular telephone  
 294 numbers may be used; amending s. 328.40, F.S.;  
 295 providing that certain records made or kept by the  
 296 department are subject to certain inspection and  
 297 copying requirements; amending s. 328.73, F.S.;  
 298 requiring the department, under certain circumstances,  
 299 to provide tax collectors and certain agents and  
 300 vendors with certain real-time access to data related  
 301 to registration certificates and vessel numbers and  
 302 decals; providing requirements for a certain  
 303 memorandum of understanding; amending s. 328.80, F.S.;  
 304 authorizing the department to accept certain  
 305 applications by electronic or telephonic means;  
 306 authorizing the department or a tax collector to  
 307 collect electronic mail addresses or cellular  
 308 telephone numbers and to use electronic mail or text  
 309 messages for certain purposes; providing that  
 310 electronic mail addresses and cellular telephone  
 311 numbers may be provided at the option of an applicant;  
 312 requiring the department or tax collector to disclose  
 313 to an applicant the purposes for which the electronic  
 314 mail addresses and cellular telephone numbers may be  
 315 used; amending s. 627.7415, F.S.; revising the  
 316 applicability of certain federal regulations that  
 317 commercial motor vehicles are subject to for certain  
 318 insurance purposes; amending ss. 316.251, 501.976,  
 319 655.960, 856.015, F.S.; conforming cross-references;

Page 11 of 86

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

596-03794-19

20197090\_\_

320 providing an effective date.

321

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

323

324 Section 1. Present subsections (16) through (54) of s.  
 325 316.003, Florida Statutes, are redesignated as subsections (17)  
 326 through (55), present subsections (55) through (73) of that  
 327 section are redesignated as subsections (57) through (75),  
 328 present subsections (74) through (101) of that section are  
 329 redesignated as subsections (77) through (104), respectively,  
 330 new subsections (16), (56), and (76) are added to that section,  
 331 and present subsection (59) of that section is amended, to read:

332 316.003 Definitions.—The following words and phrases, when  
 333 used in this chapter, shall have the meanings respectively  
 334 ascribed to them in this section, except where the context  
 335 otherwise requires:

336 (16) CRASH.—The operation of a motor vehicle, motorized  
 337 scooter, or moped in this state which results in property damage  
 338 or the death of or bodily injury, or a complaint of bodily  
 339 injury, to any person. The term "crash" includes separation of  
 340 the operator or an occupant from a motor vehicle, motorized  
 341 scooter, or moped, or a trailer being drawn by a motor vehicle,  
 342 while in motion, which results in property damage or the death  
 343 of or bodily injury, or a complaint of bodily injury, to any  
 344 person. The term "crash" does not include such operation in any  
 345 of the following situations:

346 (a) On private property, if such operation does not result  
 347 in death or serious bodily injury, except that the term "crash"  
 348 includes such operation on private property when the operator is

Page 12 of 86

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

596-03794-19

20197090\_\_

349 suspected of violating s. 316.193.

350 (b) On a closed course used for commercial or recreational  
 351 purposes, such as a commercial driving school or race track,  
 352 except that the term "crash" includes such operation on a closed  
 353 course when the operator is suspected of violating s. 316.193.

354 (c) If such property damage, death, bodily injury, or  
 355 complaint of bodily injury results from an intentional act of a  
 356 law enforcement officer to force a motor vehicle or moped to  
 357 stop or reduce speed, such as use of a pursuit termination  
 358 device or the precision immobilization technique, except that  
 359 the term "crash" includes such operation that results in such  
 360 property damage or the death of or bodily injury to, or  
 361 complaint of bodily injury to, anyone other than the operator or  
 362 occupant of the motor vehicle or moped being forced to stop or  
 363 reduce speed or the law enforcement officer.

364 (d) The death or suffering of a medical episode by the  
 365 operator or an occupant of a motor vehicle or moped, if  
 366 operation of the motor vehicle or moped did not result in such  
 367 death or medical episode and did not result in property damage  
 368 or the death of or bodily injury, or complaint of bodily injury,  
 369 to any other person.

370 (56) PLATOON.—A group of no more than two trucks that do  
 371 not require placards, either laden or unladen, traveling in a  
 372 unified manner using wireless vehicle-to-vehicle communications  
 373 that electronically coordinate speeds and following distances of  
 374 the trucks.

375 (61)(59) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise  
 376 provided in paragraph (84)(b) (81)(b), any privately owned way  
 377 or place used for vehicular travel by the owner and those having

596-03794-19

20197090\_\_

378 express or implied permission from the owner, but not by other  
 379 persons.

380 (76) SERIOUS BODILY INJURY.—An injury to any person which  
 381 consists of a physical injury that creates a substantial risk of  
 382 death, significant personal disfigurement, or protracted loss or  
 383 impairment of the function of any bodily member or organ.

384 Section 2. Subsections (1) and (4) of section 316.027,  
 385 Florida Statutes, are amended to read:

386 316.027 Crash involving death or personal injuries.—

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

388 ~~(a) "Serious bodily injury" means an injury to a person,~~  
 389 ~~including the driver, which consists of a physical condition~~  
 390 ~~that creates a substantial risk of death, serious personal~~  
 391 ~~disfigurement, or protracted loss or impairment of the function~~  
 392 ~~of a bodily member or organ.~~

393 ~~(b) "vulnerable road user" means any of the following:~~

394 (a)1- A pedestrian, including a person actually engaged in  
 395 work upon a highway, or in work upon utility facilities along a  
 396 highway, or engaged in the provision of emergency services  
 397 within the right-of-way.~~†~~

398 (b)2- A person operating a bicycle, motorcycle, scooter, or  
 399 moped lawfully on the roadway.~~†~~

400 (c)3- A person riding an animal.~~†~~~~or~~

401 (d)4- A person lawfully operating on a public right-of-way,  
 402 crosswalk, or shoulder of the roadway:

403 1.a- A farm tractor or similar vehicle designed primarily  
 404 for farm use;

405 2.b- A skateboard, roller skates, or in-line skates;

406 3.e- A horse-drawn carriage;

596-03794-19

20197090\_\_

407 ~~4.d.~~ An electric personal assistive mobility device; or

408 5.e. A wheelchair.

409 (4) (a) In addition to any other civil, criminal, or  
 410 administrative penalty imposed, a person whose commission of a  
 411 noncriminal traffic infraction or a violation of this chapter or  
 412 s. 1006.66 causes or results in the death of another person may  
 413 be required by the court to serve 120 community service hours in  
 414 a trauma center or hospital that regularly receives victims of  
 415 vehicle crashes ~~accidents~~, under the supervision of a registered  
 416 nurse, an emergency room physician, or an emergency medical  
 417 technician pursuant to a voluntary community service program  
 418 operated by the trauma center or hospital.

419 (b) Notwithstanding paragraph (a), in addition to any other  
 420 civil, criminal, or administrative penalty imposed, a person  
 421 whose commission of a violation of s. 316.172(1)(a) or (b)  
 422 causes or results in serious bodily injury to or death of  
 423 another person shall be required by the court to:

424 1. Serve 120 community service hours in a trauma center or  
 425 hospital that regularly receives victims of vehicle crashes  
 426 ~~accidents~~, under the supervision of a registered nurse, an  
 427 emergency room physician, or an emergency medical technician  
 428 pursuant to a voluntary community service program operated by  
 429 the trauma center or hospital.

430 2. Participate in a victim's impact panel session in a  
 431 judicial circuit if such a panel exists, or if such a panel does  
 432 not exist, attend a department-approved driver improvement  
 433 course relating to the rights of vulnerable road users relative  
 434 to vehicles on the roadway as provided in s. 322.0261(2).

435 Section 3. Subsection (1) and paragraph (a) of subsection

596-03794-19

20197090\_\_

436 (5) of section 316.0271, Florida Statutes, are amended to read:

437 316.0271 Yellow dot critical motorist medical information  
 438 program; yellow dot decal, folder, and information form.-

439 (1) The governing body of a county may create a yellow dot  
 440 critical motorist medical information program to facilitate the  
 441 provision of emergency medical care to program participants by  
 442 emergency medical responders by making critical medical  
 443 information readily available to responders in the event of a  
 444 motor vehicle crash ~~accident~~ or a medical emergency involving a  
 445 participant's vehicle.

446 (5) (a) If the driver or a passenger of a motor vehicle is  
 447 involved in a motor vehicle crash ~~accident~~ or emergency  
 448 situation and a yellow dot decal is affixed to the vehicle, an  
 449 emergency medical responder at the scene may search the glove  
 450 compartment of the vehicle for the corresponding yellow dot  
 451 folder.

452 Section 4. Subsection (3) of section 316.061, Florida  
 453 Statutes, is amended to read:

454 316.061 Crashes involving damage to vehicle or property.-

455 (3) Employees or authorized agents of the Department of  
 456 Transportation, law enforcement with proper jurisdiction, or an  
 457 expressway authority created pursuant to chapter 348, in the  
 458 exercise, management, control, and maintenance of its highway  
 459 system, may undertake the removal from the main traveled way of  
 460 roads on its highway system of all vehicles incapacitated as a  
 461 result of a motor vehicle crash and of debris caused thereby.  
 462 Such removal is applicable when such a motor vehicle crash  
 463 results only in damage to a vehicle or other property, and when  
 464 such removal can be accomplished safely and will result in the

596-03794-19

20197090\_\_

465 improved safety or convenience of travel upon the road. The  
 466 driver or any other person who has removed a motor vehicle from  
 467 the main traveled way of the road as provided in this section  
 468 ~~may shall~~ not be considered liable or at fault regarding the  
 469 cause of the ~~crash accident~~ solely by reason of moving the  
 470 vehicle.

471 Section 5. Section 316.0896, Florida Statutes, is repealed.

472 Section 6. Section 316.0897, Florida Statutes, is created  
 473 to read:

474 316.0897 Platoons.-

475 (1) Section 316.0895 does not apply to the operator of a  
 476 nonlead vehicle in a platoon, as defined in s. 316.003.

477 (2) A platoon may be operated on a roadway in this state  
 478 after an operator provides notification to the Department of  
 479 Transportation and the Department of Highway Safety and Motor  
 480 Vehicles.

481 Section 7. Subsection (5) of section 316.1895, Florida  
 482 Statutes, is amended to read:

483 316.1895 Establishment of school speed zones, enforcement;  
 484 designation.-

485 (5) (a) A school zone speed limit may not be less than 15  
 486 miles per hour except by local regulation. No school zone speed  
 487 limit shall be more than 20 miles per hour in an urbanized area,  
 488 as defined in s. 334.03. Such speed limit may be in force only  
 489 during those times 30 minutes before, during, and 30 minutes  
 490 after the periods of time when pupils are arriving at a  
 491 regularly scheduled breakfast program or a regularly scheduled  
 492 school session and leaving a regularly scheduled school session.

493 (b) A district school board as defined in s. 1003.01(1) may

596-03794-19

20197090\_\_

494 by simple majority vote increase the time a school zone speed  
 495 limit is in force by an additional 15 minutes before, during,  
 496 and an additional 15 minutes after the periods of time when  
 497 pupils are arriving at a regularly scheduled breakfast program  
 498 or at a regularly scheduled school session and leaving a  
 499 regularly scheduled school session.

500 Section 8. Paragraph (c) of subsection (3) of section  
 501 316.192, Florida Statutes, is amended to read:

502 316.192 Reckless driving.-

503 (3) Any person:

504 (c) Who, by reason of such operation, causes:

505 1. Damage to the property or person of another commits a  
 506 misdemeanor of the first degree, punishable as provided in s.  
 507 775.082 or s. 775.083.

508 2. Serious bodily injury to another commits a felony of the  
 509 third degree, punishable as provided in s. 775.082, s. 775.083,  
 510 or s. 775.084. ~~The term "serious bodily injury" means an injury~~  
 511 ~~to another person, which consists of a physical condition that~~  
 512 ~~creates a substantial risk of death, serious personal~~  
 513 ~~disfigurement, or protracted loss or impairment of the function~~  
 514 ~~of any bodily member or organ.~~

515 Section 9. Subsection (3) of section 316.193, Florida  
 516 Statutes, is amended to read:

517 316.193 Driving under the influence; penalties.-

518 (3) Any person:

519 (a) Who is in violation of subsection (1);

520 (b) Who operates a vehicle; and

521 (c) Who, by reason of such operation, causes or contributes  
 522 to causing:

596-03794-19

20197090\_\_

523 1. Damage to the property or person of another commits a  
 524 misdemeanor of the first degree, punishable as provided in s.  
 525 775.082 or s. 775.083.

526 2. Serious bodily injury to another or to himself or  
 527 ~~herself, as defined in s. 316.1933,~~ commits a felony of the  
 528 third degree, punishable as provided in s. 775.082, s. 775.083,  
 529 or s. 775.084.

530 3. The death of any human being or unborn child commits DUI  
 531 manslaughter, and commits:

532 a. A felony of the second degree, punishable as provided in  
 533 s. 775.082, s. 775.083, or s. 775.084.

534 b. A felony of the first degree, punishable as provided in  
 535 s. 775.082, s. 775.083, or s. 775.084, if:

536 (I) At the time of the crash, the person knew, or should  
 537 have known, that the crash occurred; and

538 (II) The person failed to give information and render aid  
 539 as required by s. 316.062.

540

541 For purposes of this subsection, the term "unborn child" has the  
 542 same meaning as provided in s. 775.021(5). A person who is  
 543 convicted of DUI manslaughter shall be sentenced to a mandatory  
 544 minimum term of imprisonment of 4 years.

545 Section 10. Subsection (1) of section 316.1933, Florida  
 546 Statutes, is amended to read

547 316.1933 Blood test for impairment or intoxication in cases  
 548 of death or serious bodily injury; right to use reasonable  
 549 force.-

550 (1)~~(a)~~ If a law enforcement officer has probable cause to  
 551 believe that a motor vehicle driven by or in the actual physical

Page 19 of 86

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

596-03794-19

20197090\_\_

552 control of a person under the influence of alcoholic beverages,  
 553 any chemical substances, or any controlled substances has caused  
 554 the death or serious bodily injury of a human being, including  
 555 serious bodily injury of the driver, a law enforcement officer  
 556 shall require the person driving or in actual physical control  
 557 of the motor vehicle to submit to a test of the person's blood  
 558 for the purpose of determining the alcoholic content thereof or  
 559 the presence of chemical substances as set forth in s. 877.111  
 560 or any substance controlled under chapter 893. The law  
 561 enforcement officer may use reasonable force if necessary to  
 562 require such person to submit to the administration of the blood  
 563 test. The blood test shall be performed in a reasonable manner.  
 564 Notwithstanding s. 316.1932, the testing required by this  
 565 paragraph need not be incidental to a lawful arrest of the  
 566 person.

567 ~~(b) The term "serious bodily injury" means an injury to any~~  
 568 ~~person, including the driver, which consists of a physical~~  
 569 ~~condition that creates a substantial risk of death, serious~~  
 570 ~~personal disfigurement, or protracted loss or impairment of the~~  
 571 ~~function of any bodily member or organ.~~

572 Section 11. Paragraphs (a) and (b) of subsection (3) of  
 573 section 316.194, Florida Statutes, are amended to read:

574 316.194 Stopping, standing or parking outside of  
 575 municipalities.-

576 (3) (a) Whenever any police officer or traffic crash  
 577 ~~accident~~ investigation officer finds a vehicle standing upon a  
 578 highway in violation of any of the foregoing provisions of this  
 579 section, the officer is authorized to move the vehicle, or  
 580 require the driver or other persons in charge of the vehicle to

Page 20 of 86

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

596-03794-19

20197090\_\_

581 move the vehicle, to a position off the paved or main-traveled  
582 part of the highway.

583 (b) Officers and traffic ~~crash accident~~ investigation  
584 officers may provide for the removal of any abandoned vehicle to  
585 the nearest garage or other place of safety, cost of such  
586 removal to be a lien against motor vehicle, when an abandoned  
587 vehicle is found unattended upon a bridge or causeway or in any  
588 tunnel, or on any public highway in the following instances:

589 1. Where such vehicle constitutes an obstruction of  
590 traffic;

591 2. Where such vehicle has been parked or stored on the  
592 public right-of-way for a period exceeding 48 hours, in other  
593 than designated parking areas, and is within 30 feet of the  
594 pavement edge; and

595 3. Where an operative vehicle has been parked or stored on  
596 the public right-of-way for a period exceeding 10 days, in other  
597 than designated parking areas, and is more than 30 feet from the  
598 pavement edge. However, the agency removing such vehicle shall  
599 be required to report same to the Department of Highway Safety  
600 and Motor Vehicles within 24 hours of such removal.

601 Section 12. Subsections (1) and (2) of section 316.302,  
602 Florida Statutes, are amended to read:

603 316.302 Commercial motor vehicles; safety regulations;  
604 transporters and shippers of hazardous materials; enforcement.—

605 (1) (a) All owners and drivers of commercial motor vehicles  
606 that are operated on the public highways of this state while  
607 engaged in interstate commerce are subject to the rules and  
608 regulations contained in 49 C.F.R. parts 382, 383, 385, 386 and  
609 390-397.

Page 21 of 86

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

596-03794-19

20197090\_\_

610 (b) Except as otherwise provided in this section, all  
611 owners or drivers of commercial motor vehicles that are engaged  
612 in intrastate commerce are subject to the rules and regulations  
613 contained in 49 C.F.R. parts 382, 383, 385, 386, and 390-397,  
614 ~~with the exception of 49 C.F.R. s. 390.5 as it relates to the~~  
615 ~~definition of bus~~, as such rules and regulations existed on  
616 December 31, 2018 ~~2012~~.

617 (c) The emergency exceptions provided by 49 C.F.R. s.  
618 392.82 also apply to communications by utility drivers and  
619 utility contractor drivers during a Level 1 activation of the  
620 State Emergency Operations Center, as provided in the Florida  
621 Comprehensive Emergency Management plan, or during a state of  
622 emergency declared by executive order or proclamation of the  
623 Governor.

624 (d) Except as provided ~~in s. 316.215(5)~~, and ~~except as~~  
625 ~~provided~~ in s. 316.228 for rear overhang lighting and flagging  
626 requirements for intrastate operations, the requirements of this  
627 section supersede all other safety requirements of this chapter  
628 for commercial motor vehicles.

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

636 (2) (a) A person who operates a commercial motor vehicle  
637 solely in intrastate commerce not transporting any hazardous  
638 material in amounts that require placarding pursuant to 49

Page 22 of 86

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



596-03794-19 20197090\_\_  
 639 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b)(1)  
 640 and 395.3(a) and (b).

641 (b) Except as provided in 49 C.F.R. s. 395.1, a person who  
 642 operates a commercial motor vehicle solely in intrastate  
 643 commerce not transporting any hazardous material in amounts that  
 644 require placarding pursuant to 49 C.F.R. part 172 may not drive:

645 1. More than 12 hours following 10 consecutive hours off  
 646 duty; or

647 2. For any period after the end of the 16th hour after  
 648 coming on duty following 10 consecutive hours off duty.

649  
 650 The provisions of this paragraph do not apply to drivers of  
 651 utility service vehicles as defined in 49 C.F.R. s. 395.2.

652 (c) Except as provided in 49 C.F.R. s. 395.1, a person who  
 653 operates a commercial motor vehicle solely in intrastate  
 654 commerce not transporting any hazardous material in amounts that  
 655 require placarding pursuant to 49 C.F.R. part 172 may not drive  
 656 after having been on duty more than 70 hours in any period of 7  
 657 consecutive days or more than 80 hours in any period of 8  
 658 consecutive days if the motor carrier operates every day of the  
 659 week. Thirty-four consecutive hours off duty shall constitute  
 660 the end of any such period of 7 or 8 consecutive days. This  
 661 weekly limit does not apply to a person who operates a  
 662 commercial motor vehicle solely within this state while  
 663 transporting, during harvest periods, any unprocessed  
 664 agricultural products or unprocessed food or fiber that is  
 665 subject to seasonal harvesting from place of harvest to the  
 666 first place of processing or storage or from place of harvest  
 667 directly to market or while transporting livestock, livestock

596-03794-19 20197090\_\_  
 668 feed, or farm supplies directly related to growing or harvesting  
 669 agricultural products. Upon request of the Department of Highway  
 670 Safety and Motor Vehicles, motor carriers shall furnish time  
 671 records or other written verification to that department so that  
 672 the Department of Highway Safety and Motor Vehicles can  
 673 determine compliance with this subsection. These time records  
 674 must be furnished to the Department of Highway Safety and Motor  
 675 Vehicles within 2 days after receipt of that department's  
 676 request. Falsification of such information is subject to a civil  
 677 penalty ~~not to exceed \$100. The provisions of This paragraph~~  
 678 does ~~de~~ not apply to operators of farm labor vehicles operated  
 679 during a state of emergency declared by the Governor or operated  
 680 pursuant to s. 570.07(21) or, and do not apply to drivers of  
 681 utility service vehicles as defined in 49 C.F.R. s. 395.2.

682 (d) A person who operates a commercial motor vehicle solely  
 683 in intrastate commerce not transporting any hazardous material  
 684 in amounts that require placarding pursuant to 49 C.F.R. part  
 685 172 within a 150 air-mile radius of the location where the  
 686 vehicle is based need not comply with 49 C.F.R. s. 395.8, if the  
 687 requirements of 49 C.F.R. s. 395.1(e)(1) (ii), (iii)(A) and (C),  
 688 and (v) are met. ~~If a driver is not released from duty within 12~~  
 689 hours after the driver arrives for duty, the motor carrier must  
 690 maintain documentation of the driver's driving times throughout  
 691 the duty period.

692 (e) A person who operates a commercial motor vehicle solely  
 693 in intrastate commerce is exempt from subsection (1) while  
 694 transporting agricultural products, including horticultural or  
 695 forestry products, from farm or harvest place to the first place  
 696 of processing or storage, or from farm or harvest place directly

596-03794-19

20197090\_\_

697 to market. However, such person must comply with 49 C.F.R. parts  
698 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.  
699 A vehicle or combination of vehicles operated pursuant to this  
700 paragraph having a gross vehicle weight of 26,001 pounds or more  
701 or having three or more axles on the power unit, regardless of  
702 weight, must display the name of the vehicle owner or motor  
703 carrier and the municipality or town where the vehicle is based  
704 on each side of the power unit in letters that contrast with the  
705 background and that are readable from a distance of 50 feet. A  
706 person who violates this vehicle identification requirement may  
707 be assessed a penalty as provided in s. 316.3025(3)(a).

708 (f) A person who operates a commercial motor vehicle having  
709 a ~~declared~~ gross vehicle weight, gross vehicle weight rating,  
710 and gross combined weight rating of less than 26,001 pounds  
711 solely in intrastate commerce and who is not transporting  
712 hazardous materials in amounts that require placarding pursuant  
713 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~  
714 ~~as defined in s. 376.301,~~ is exempt from subsection (1).  
715 However, such person must comply with 49 C.F.R. parts 382, 392,  
716 and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

717 (g) A person whose driving record shows no convictions for  
718 the preceding 3 years and who, as of October 1, 1988, is  
719 employed as a driver-salesperson, as defined in 49 C.F.R. s.  
720 395.2, and who operates solely in intrastate commerce, is exempt  
721 from 49 C.F.R. part 391.

722 (h) A person who is an employee of an electric utility, as  
723 defined in s. 361.11, or a telephone company, as defined in s.  
724 364.02, and who operates a commercial motor vehicle solely in  
725 intrastate commerce and within a 200 air-mile radius of the

Page 25 of 86

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

596-03794-19

20197090\_\_

726 location where the vehicle is based, is exempt from 49 C.F.R.  
727 ss. 396.11 and 396.13 and 49 C.F.R. part 391, subparts D and E.

728 (i) A person whose driving record shows no traffic  
729 convictions, pursuant to s. 322.61, during the 2-year period  
730 immediately preceding the application for the commercial driver  
731 license, who is otherwise qualified as a driver under 49 C.F.R.  
732 part 391, and who operates a commercial vehicle in intrastate  
733 commerce only shall be exempt from the requirements of 49 C.F.R.  
734 part 391, subpart E, s. 391.41(b)(10). However, such operators  
735 are still subject to the requirements of ss. 322.12 and 322.121.  
736 As proof of eligibility, such driver shall have in his or her  
737 possession a physical examination form dated within the past 24  
738 months.

739 ~~(j) A person who is otherwise qualified as a driver under~~  
740 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~  
741 ~~intrastate commerce only, and who does not transport hazardous~~  
742 ~~materials in amounts that require placarding pursuant to 49~~  
743 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~  
744 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~  
745 ~~diabetes.~~

746 (j)(k) A person holding a commercial driver license who is  
747 a regularly employed driver of a commercial motor vehicle and is  
748 subject to an alcohol and controlled substance testing program  
749 related to that employment shall not be required to be part of a  
750 separate testing program for operating any bus owned and  
751 operated by a church when the driver does not receive any form  
752 of compensation for operating the bus and when the bus is used  
753 to transport people to or from church-related activities at no  
754 charge. The provisions of this paragraph may not be implemented

Page 26 of 86

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

596-03794-19 20197090\_\_

755 if the Federal Government notifies the department that  
756 implementation will adversely affect the allocation of federal  
757 funds to the state.

758 Section 13. Subsection (3) of section 316.303, Florida  
759 Statutes, is amended to read:

760 316.303 Television receivers.—

761 (3) This section does not prohibit the use of an electronic  
762 display used in conjunction with a vehicle navigation system; an  
763 electronic display used by an operator of a vehicle equipped  
764 with autonomous technology, as defined in s. 316.003(3); or an  
765 electronic display used by an operator of a platoon vehicle  
766 equipped and operating with driver-assistive truck platooning  
767 technology, as defined in s. 316.003.

768 Section 14. Subsection (8) of section 316.622, Florida  
769 Statutes, is amended to read:

770 316.622 Farm labor vehicles.—

771 (8) The department shall provide to the Department of  
772 Business and Professional Regulation each quarter a copy of each  
773 crash accident report involving a farm labor vehicle.

774 Section 15. Paragraph (a) of subsection (1) of section  
775 316.640, Florida Statutes, is amended to read:

776 316.640 Enforcement.—The enforcement of the traffic laws of  
777 this state is vested as follows:

778 (1) STATE.—

779 (a)1.a. The Division of Florida Highway Patrol of the  
780 Department of Highway Safety and Motor Vehicles; the Division of  
781 Law Enforcement of the Fish and Wildlife Conservation  
782 Commission; and the agents, inspectors, and officers of the  
783 Department of Law Enforcement each have authority to enforce all

596-03794-19 20197090\_\_

784 of the traffic laws of this state on all the streets and  
785 highways thereof and elsewhere throughout the state wherever the  
786 public has a right to travel by motor vehicle.

787 b. University police officers may enforce all of the  
788 traffic laws of this state when violations occur on or within  
789 1,000 feet of any property or facilities that are under the  
790 guidance, supervision, regulation, or control of a state  
791 university, a direct-support organization of such state  
792 university, or any other organization controlled by the state  
793 university or a direct-support organization of the state  
794 university, or when such violations occur within a specified  
795 jurisdictional area as agreed upon in a mutual aid agreement  
796 entered into with a law enforcement agency pursuant to s.  
797 23.1225(1). Traffic laws may also be enforced off-campus when  
798 hot pursuit originates on or within 1,000 feet of any such  
799 property or facilities, or as agreed upon in accordance with the  
800 mutual aid agreement.

801 c. Florida College System institution police officers may  
802 enforce all the traffic laws of this state only when such  
803 violations occur on or within 1,000 feet of any property or  
804 facilities that are under the guidance, supervision, regulation,  
805 or control of the Florida College System institution, or when  
806 such violations occur within a specified jurisdictional area as  
807 agreed upon in a mutual aid agreement entered into with a law  
808 enforcement agency pursuant to s. 23.1225. Traffic laws may also  
809 be enforced off-campus when hot pursuit originates on or within  
810 1,000 feet of any such property or facilities, or as agreed upon  
811 in accordance with the mutual aid agreement.

812 d. Police officers employed by an airport authority may

596-03794-19

20197090\_\_

813 enforce all of the traffic laws of this state only when such  
814 violations occur on any property or facilities that are owned or  
815 operated by an airport authority.

816 (I) An airport authority may employ as a parking  
817 enforcement specialist any individual who successfully completes  
818 a training program established and approved by the Criminal  
819 Justice Standards and Training Commission for parking  
820 enforcement specialists but who does not otherwise meet the  
821 uniform minimum standards established by the commission for law  
822 enforcement officers or auxiliary or part-time officers under s.  
823 943.12. This sub-sub-subparagraph may not be construed to permit  
824 the carrying of firearms or other weapons, nor shall such  
825 parking enforcement specialist have arrest authority.

826 (II) A parking enforcement specialist employed by an  
827 airport authority may enforce all state, county, and municipal  
828 laws and ordinances governing parking only when such violations  
829 are on property or facilities owned or operated by the airport  
830 authority employing the specialist, by appropriate state,  
831 county, or municipal traffic citation.

832 e. The Office of Agricultural Law Enforcement of the  
833 Department of Agriculture and Consumer Services may enforce  
834 traffic laws of this state.

835 f. School safety officers may enforce all of the traffic  
836 laws of this state when such violations occur on or about any  
837 property or facilities that are under the guidance, supervision,  
838 regulation, or control of the district school board.

839 2. Any disciplinary action taken or performance evaluation  
840 conducted by an agency of the state as described in subparagraph  
841 1. of a law enforcement officer's traffic enforcement activity

Page 29 of 86

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

596-03794-19

20197090\_\_

842 must be in accordance with written work-performance standards.  
843 Such standards must be approved by the agency and any collective  
844 bargaining unit representing such law enforcement officer. A  
845 violation of this subparagraph is not subject to the penalties  
846 provided in chapter 318.

847 3. The Division of the Florida Highway Patrol may employ as  
848 a traffic ~~crash accident~~ investigation officer any individual  
849 who successfully completes instruction in traffic ~~crash accident~~  
850 investigation and court presentation through the Selective  
851 Traffic Enforcement Program as approved by the Criminal Justice  
852 Standards and Training Commission and funded through the  
853 National Highway Traffic Safety Administration or a similar  
854 program approved by the commission, but who does not necessarily  
855 meet the uniform minimum standards established by the commission  
856 for law enforcement officers or auxiliary law enforcement  
857 officers under chapter 943. Any such traffic ~~crash accident~~  
858 investigation officer who makes an investigation at the scene of  
859 a traffic ~~crash accident~~ may issue traffic citations, based upon  
860 personal investigation, when he or she has reasonable and  
861 probable grounds to believe that a person who was involved in  
862 the ~~crash accident~~ committed an offense under this chapter,  
863 chapter 319, chapter 320, or chapter 322 in connection with the  
864 ~~crash accident~~. This subparagraph does not permit the officer to  
865 carry firearms or other weapons, and such an officer does not  
866 have authority to make arrests.

867 Section 16. Subsection (2) of section 316.655, Florida  
868 Statutes, is amended to read:

869 316.655 Penalties.—

870 (2) A driver convicted of a violation of any offense

Page 30 of 86

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

596-03794-19 20197090\_\_

871 prohibited by this chapter or any other law of this state  
 872 regulating motor vehicles, which resulted in a crash ~~an~~  
 873 ~~accident~~, may have his or her driving privileges revoked or  
 874 suspended by the court if the court finds such revocation or  
 875 suspension warranted by the totality of the circumstances  
 876 resulting in the conviction and the need to provide for the  
 877 maximum safety for all persons who travel on or who are  
 878 otherwise affected by the use of the highways of the state. In  
 879 determining whether suspension or revocation is appropriate, the  
 880 court shall consider all pertinent factors, including, but not  
 881 limited to, such factors as the extent and nature of the  
 882 driver's violation of this chapter, the number of persons killed  
 883 or injured as the result of the driver's violation of this  
 884 chapter, and the extent of any property damage resulting from  
 885 the driver's violation of this chapter.

886 Section 17. Section 316.70, Florida Statutes, is amended to  
 887 read:

888 316.70 Nonpublic sector buses; safety rules.—

889 (1) All owners and drivers of nonpublic sector buses  
 890 operated on the public highways of this state are subject to the  
 891 rules and regulations ~~The Department of Transportation shall~~  
 892 ~~establish and revise standards to ensure the safe operation of~~  
 893 ~~nonpublic sector buses, which standards shall be those contained~~  
 894 ~~in 49 C.F.R. parts 382, 383, 385, 386, 387 and 390-397. The~~  
 895 ~~department and which shall be directed toward ensuring that:~~

896 (a) Nonpublic sector buses are safely maintained, equipped,  
 897 and operated.

898 ~~(b) Nonpublic sector buses are carrying the insurance~~  
 899 ~~required by law and carrying liability insurance on the checked~~

596-03794-19 20197090\_\_

900 ~~baggage of passengers not to exceed the standard adopted by the~~  
 901 ~~United States Department of Transportation.~~

902 ~~(b)(e)~~ Florida license tags are purchased for nonpublic  
 903 sector buses pursuant to s. 320.38.

904 ~~(d) The driving records of drivers of nonpublic sector~~  
 905 ~~buses are checked by their employers at least once each year to~~  
 906 ~~ascertain whether the driver has a suspended or revoked driver~~  
 907 ~~license.~~

908 (2) Department ~~of Transportation~~ personnel may conduct  
 909 compliance investigations ~~reviews~~ for the purpose of determining  
 910 compliance with this section. A civil penalty not to exceed  
 911 \$5,000 in the aggregate may be assessed against any person who  
 912 violates any provision of this section or who violates any  
 913 department rule or order ~~of the Department of Transportation~~. A  
 914 civil penalty not to exceed \$25,000 in the aggregate may be  
 915 assessed for violations found in a followup compliance  
 916 investigation ~~review conducted within a 24-month period. A civil~~  
 917 ~~penalty not to exceed \$25,000 in the aggregate may be assessed~~  
 918 ~~and the motor carrier may be enjoined pursuant to s. 316.3026 if~~  
 919 ~~violations are found after a second followup compliance review~~  
 920 ~~within 12 months after the first followup compliance review.~~  
 921 Motor carriers may be enjoined pursuant to s. 316.3026 for  
 922 violations identified during a compliance investigation or motor  
 923 carriers found to be operating without insurance coverage  
 924 required by s. 627.742 or 49 C.F.R. part 387 ~~may be enjoined as~~  
 925 ~~provided in s. 316.3026.~~

926 (3) For the purpose of enforcing this section, any law  
 927 enforcement officer of the department or duly appointed agent  
 928 who holds a current safety inspector certification from the

596-03794-19 20197090\_\_

929 Commercial Vehicle Safety Alliance may require the driver of any  
 930 commercial vehicle operated on the highways of this state to  
 931 stop and submit to an inspection of the vehicle or the driver's  
 932 records. If the vehicle or driver is operating in an unsafe  
 933 condition, or if any required part or equipment is not present  
 934 or is not in proper repair or adjustment, and the continued  
 935 operation would be unduly hazardous, the officer may require the  
 936 vehicle or the driver to be removed from service pursuant to the  
 937 North American Standard Out-of-Service Criteria, until the  
 938 safety concerns are corrected. However, if continuous operation  
 939 would not be unduly hazardous, the officer may give written  
 940 notice requiring correction of the condition within 15 days.

941 ~~(4)(3)~~ School buses subject to the provisions of chapter  
 942 1006 or s. 316.615 are exempt from the provisions of this  
 943 section.

944 Section 18. Section 318.19, Florida Statutes, is amended to  
 945 read:

946 318.19 Infractions requiring a mandatory hearing.—  
 947 Subsections 318.14(2), (4), and (9) do not apply to any person  
 948 cited for an infraction identified in the infractions listed in  
 949 this section and he or she shall not have the provisions of s.  
 950 318.14(2), (4), and (9) available to him or her but must appear  
 951 before the designated official at the time and location of the  
 952 scheduled hearing for:

953 (1) Any infraction that ~~which~~ results in a crash that  
 954 causes the death of another;

955 (2) Any infraction that ~~which~~ results in a crash that  
 956 causes "serious bodily injury, as defined in s. 316.003," of  
 957 another or of the person cited for the infraction as defined in

596-03794-19 20197090\_\_

958 ~~s. 316.1933(1);~~

959 (3) Any infraction of s. 316.172(1)(b);

960 (4) Any infraction of s. 316.520(1) or (2); or

961 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
 962 316.189 of exceeding the speed limit by 30 mph or more.

963 Section 19. Section 319.001, Florida Statutes, is amended  
 964 to read:

965 319.001 Definitions.—As used in this chapter, the term:

966 (1) "Certificate of title" means the record that is  
 967 evidence of ownership of a vehicle, whether a paper certificate  
 968 authorized by the department or a certificate consisting of  
 969 information that is stored in an electronic form in the  
 970 department's database.

971 (2) "Conflict" or "conflict of interest" means a situation  
 972 in which a private interest could benefit from or interfere with  
 973 official duties or a public interest, including, but not limited  
 974 to, having a direct or indirect financial interest in a vehicle  
 975 being inspected pursuant to s. 319.141; or being employed by, or  
 976 directly or indirectly having an ownership interest in, an  
 977 entity that has a financial interest in a vehicle being  
 978 inspected pursuant to s. 319.141.

979 ~~(3)(2)~~ "Department" means the Department of Highway Safety  
 980 and Motor Vehicles.

981 ~~(4)(3)~~ "Front-end assembly" means fenders, hood, grill, and  
 982 bumper.

983 ~~(5)(4)~~ "Licensed dealer," unless otherwise specifically  
 984 provided, means a motor vehicle dealer licensed under s. 320.27,  
 985 a mobile home dealer licensed under s. 320.77, or a recreational  
 986 vehicle dealer licensed under s. 320.771.

596-03794-19 20197090\_\_

987 ~~(6)-(5)~~ "Motorcycle body assembly" means frame, fenders, and  
 988 gas tanks.

989 ~~(7)-(6)~~ "Motorcycle engine" means cylinder block, heads,  
 990 engine case, and crank case.

991 ~~(8)-(7)~~ "Motorcycle transmission" means drive train.

992 ~~(9)-(8)~~ "New mobile home" means a mobile home the equitable  
 993 or legal title to which has never been transferred by a  
 994 manufacturer, distributor, importer, or dealer to an ultimate  
 995 purchaser.

996 ~~(10)-(9)~~ "New motor vehicle" means a motor vehicle the  
 997 equitable or legal title to which has never been transferred by  
 998 a manufacturer, distributor, importer, or dealer to an ultimate  
 999 purchaser; however, when legal title is not transferred but  
 1000 possession of a motor vehicle is transferred pursuant to a  
 1001 conditional sales contract or lease and the conditions are not  
 1002 satisfied and the vehicle is returned to the motor vehicle  
 1003 dealer, the motor vehicle may be resold by the motor vehicle  
 1004 dealer as a new motor vehicle, provided the selling motor  
 1005 vehicle dealer gives the following written notice to the  
 1006 purchaser: "THIS VEHICLE WAS DELIVERED TO A PREVIOUS PURCHASER."  
 1007 The purchaser shall sign an acknowledgment, a copy of which is  
 1008 kept in the selling dealer's file.

1009 (11) "Private rebuilt inspection provider" means a person  
 1010 or an entity conducting rebuilt motor vehicle inspections who is  
 1011 physically located in this state and is authorized by the  
 1012 department and operating under this chapter.

1013 ~~(12)-(10)~~ "Rear body section" means both quarter panels,  
 1014 decklid, bumper, and floor pan.

1015 (13) "Rebuilt courier service" means an individual or

596-03794-19 20197090\_\_

1016 entity who provides services to vehicle owners or motor vehicle  
 1017 dealers who use the inspection services of a private rebuilt  
 1018 inspection provider. These services include, but are not limited  
 1019 to, preparing, compiling, or providing forms, applications,  
 1020 certificates of title, or other documentation required to  
 1021 conduct a rebuilt inspection, or engaging in or arranging for  
 1022 the transportation of vehicles for inspection.

1023 (14) "Rebuilt inspection" means an examination of a rebuilt  
 1024 vehicle and the required documentation. Required documentation  
 1025 includes, but is not limited to: a properly endorsed certificate  
 1026 of title, salvage certificate of title, or manufacturer's  
 1027 statement of origin; an application for a rebuilt branded  
 1028 certificate of title; a rebuilder's affidavit; a photograph of  
 1029 the junk or salvage vehicle taken before repairs began; receipts  
 1030 or invoices for all major component parts, as defined in s.  
 1031 319.30; repairs conducted; and proof that notice of rebuilding  
 1032 of the vehicle has been reported to the National Motor Vehicle  
 1033 Title Information System. If an airbag or airbags were deployed,  
 1034 before and after photos must be provided which clearly show the  
 1035 deployed airbags and that the airbags have been replaced.

1036 ~~(15)-(11)~~ "Satisfaction of lien" means full payment of a  
 1037 debt or release of a debtor from a lien by the lienholder.

1038 ~~(16)-(12)~~ "Used motor vehicle" means any motor vehicle that  
 1039 is not a "new motor vehicle" as defined in this section  
 1040 ~~subsection (9).~~

1041 Section 20. Section 319.002, Florida Statutes, is created  
 1042 to read:  
 1043 319.002 Rulemaking authority.—The department shall  
 1044 administer and provide for the enforcement of this chapter. The

596-03794-19 20197090\_\_  
 1045 department may adopt rules pursuant to ss. 120.536(1) and 120.54  
 1046 to implement this chapter, including rules and forms governing  
 1047 reports. The department also has nonexclusive power to define by  
 1048 rule any term, regardless of whether that term is used in this  
 1049 chapter, provided that the definition is not inconsistent with  
 1050 this chapter.

1051 Section 21. Section 319.141, Florida Statutes, is amended  
 1052 to read:

1053 319.141 Private ~~Pilot~~ rebuilt motor vehicle inspection  
 1054 program.-

1055 (1) The department may authorize private rebuilt inspection  
 1056 providers under the terms of this section. The purpose of the  
 1057 private rebuilt motor vehicle inspection program is to prevent  
 1058 the use of stolen parts in the rebuilding process, identify and  
 1059 recover stolen vehicles, require the installation of nonrecalled  
 1060 airbags in rebuilt vehicles, and assist law enforcement with the  
 1061 investigation of vehicle theft and related fraud. The department  
 1062 may monitor and investigate private rebuilt inspection providers  
 1063 and rebuilt courier services to ensure compliance with this  
 1064 chapter. The department may examine all records pertaining to  
 1065 any inspection or related service performed under the program.

1066 ~~(1) As used in this section, the term:~~

1067 ~~(a) "Facility" means a rebuilt motor vehicle inspection~~  
 1068 ~~facility authorized and operating under this section.~~

1069 ~~(b) "Rebuilt inspection services" means an examination of a~~  
 1070 ~~rebuilt vehicle and a properly endorsed certificate of title,~~  
 1071 ~~salvage certificate of title, or manufacturer's statement of~~  
 1072 ~~origin and an application for a rebuilt certificate of title, a~~  
 1073 ~~rebuilder's affidavit, a photograph of the junk or salvage~~

596-03794-19 20197090\_\_  
 1074 ~~vehicle taken before repairs began, receipts or invoices for all~~  
 1075 ~~major component parts, as defined in s. 319.30, and repairs~~  
 1076 ~~which were changed, and proof that notice of rebuilding of the~~  
 1077 ~~vehicle has been reported to the National Motor Vehicle Title~~  
 1078 ~~Information System.~~

1079 ~~(2) By July 1, 2015, the department shall oversee a pilot~~  
 1080 ~~program in Miami-Dade County to evaluate alternatives for~~  
 1081 ~~rebuilt inspection services offered by existing private sector~~  
 1082 ~~operators, including the continued use of private facilities,~~  
 1083 ~~the cost impact to consumers, and the potential savings to the~~  
 1084 ~~department.~~

1085 (2) A person or an entity, other than the department, may  
 1086 not conduct rebuilt inspection services unless authorized to do  
 1087 so by the department pursuant to this chapter.

1088 (3) A person or an entity may not provide rebuilt courier  
 1089 services in this state or from locations outside of this state  
 1090 unless it has a valid, nonexclusive contract with each  
 1091 department-authorized private rebuilt inspection provider with  
 1092 which the rebuilt courier service conducts business. Such  
 1093 contract must require the rebuilt courier service to comply with  
 1094 state law and department procedures; provide proof of and agree  
 1095 to maintain garage liability insurance in the amount of at least  
 1096 \$100,000; and comply with any other requirement established by  
 1097 the department which is designed to protect the public, the  
 1098 department, or the private rebuilt inspection provider from  
 1099 illegal or disruptive conduct.

1100 ~~(3) The department shall establish a memorandum of~~  
 1101 ~~understanding that allows private parties participating in the~~  
 1102 ~~pilot program to conduct rebuilt motor vehicle inspections and~~



596-03794-19

20197090\_\_

1103 ~~specifies requirements for oversight, bonding and insurance,~~  
 1104 ~~procedures, and forms and requires the electronic transmission~~  
 1105 ~~of documents.~~

1106 (4) The department shall authorize private rebuilt  
 1107 inspection providers who meet the requirements of this chapter.

1108 (5)(4) Before authorization is granted to a private rebuilt  
 1109 inspection provider an applicant is approved, the department  
 1110 shall ensure that the private rebuilt inspection provider meets  
 1111 applicant meets basic criteria designed to protect the public.  
 1112 At a minimum, the applicant shall meet all of the following  
 1113 requirements:

1114 (a) Has submitted a request for authorization to the  
 1115 department along with all required documentation.

1116 (b) Has passed a physical location inspection conducted by  
 1117 the department to ensure that the private rebuilt inspection  
 1118 provider is operating in accordance with the requirements of  
 1119 this section and in a location where no other business is  
 1120 operating, attached, connected, or joined by a common address,  
 1121 even if such location is recognized by the United States Postal  
 1122 Service as a separate address. The location must have permanent  
 1123 signage with posted business hours; a rebuilt inspection area  
 1124 separate and visually obstructed from any area accessible to a  
 1125 customer; and a surveillance camera with recording capabilities  
 1126 for the rebuilt inspection area.

1127 (c)(a) Has provided evidence of a good and sufficient Have  
 1128 and maintain a surety bond or irrevocable letter of credit in  
 1129 the amount of \$100,000 executed by the private rebuilt  
 1130 inspection provider which covers all activities under the  
 1131 private rebuilt motor vehicle inspection program and names the

596-03794-19

20197090\_\_

1132 department as an insured. Such surety bonds and letters of  
 1133 credit must be executed by a surety company authorized to do  
 1134 business in this state as a surety, and irrevocable letters of  
 1135 credit must be issued by a bank authorized to do business in  
 1136 this state as a bank. Surety bonds and letters of credit must be  
 1137 in favor of the department and must be for 1 year applicant.

1138 (d)(b) Has identified and provided a lease or proof of  
 1139 ownership of a proposed location that must be open to the public  
 1140 Secure and maintain a facility at a permanent structure at an  
 1141 address recognized by the United States Postal Service where the  
 1142 only services provided on such property are rebuilt inspection  
 1143 services. The location must be large enough to accommodate all  
 1144 of the vehicles being inspected and must have sufficient space  
 1145 to maintain physical security of all required inspection records  
 1146 The operator of a facility shall annually attest that he or she  
 1147 is not employed by or does not have an ownership interest in or  
 1148 other financial arrangement with the owner, operator, manager,  
 1149 or employee of a motor vehicle repair shop as defined in s.  
 1150 559.903, a motor vehicle dealer as defined in s. 320.27(1)(c), a  
 1151 towing company, a vehicle storage company, a vehicle auction, an  
 1152 insurance company, a salvage yard, a metal retailer, or a metal  
 1153 rebuilder, from which he or she receives remuneration, directly  
 1154 or indirectly, for the referral of customers for rebuilt  
 1155 inspection services.

1156 (e) Has ensured that each owner, partner, and corporate  
 1157 officer of the provider has provided an attestation  
 1158 acknowledging he or she is deemed to be engaging in activities  
 1159 that are in the public interest and are free of conflicts of  
 1160 interest.

596-03794-19

20197090\_\_

1161 (f)(e) Has provided evidence of garage liability insurance  
 1162 coverage with at least \$100,000 single-limit liability coverage,  
 1163 including bodily injury and property damage protection, and  
 1164 \$10,000 personal injury protection. ~~Have and maintain garage~~  
 1165 ~~liability and other insurance required by the department.~~

1166 (g)(d) Has provided a criminal background check on all ~~Have~~  
 1167 ~~completed criminal background checks of the owners, partners,~~  
 1168 ~~and corporate officers which demonstrates that they have not~~  
 1169 ~~been convicted of a felony, pled guilty to a felony, pled nolo~~  
 1170 ~~contendere to a felony, or been incarcerated for a felony~~  
 1171 ~~involving fraud, theft, or dishonest dealing within the last 10~~  
 1172 ~~years and the inspectors employed by the facility.~~

1173 (h) Has provided evidence of authorization to conduct  
 1174 business in the state from the Florida Department of State,  
 1175 Division of Corporations.

1176 ~~(e) Meet any additional criteria the department determines~~  
 1177 ~~necessary to conduct proper inspections.~~

1178 (6) Each authorized private rebuilt inspection provider may  
 1179 operate additional locations in this state with the prior  
 1180 written approval of the department. In determining whether to  
 1181 approve a location, the department must apply the same criteria  
 1182 as in paragraph (5)(b). A private rebuilt inspection provider  
 1183 may operate a mobile inspection unit, with the prior written  
 1184 approval of the department, as long as it also has a permanent  
 1185 facility that meets the criteria specified in paragraph (5)(b),  
 1186 and the operation of such mobile inspection unit complies with  
 1187 the terms of the agreement with the department as specified in  
 1188 paragraph (7)(l).

1189 (7) The department shall enter into a contract with each

596-03794-19

20197090\_\_

1190 authorized private rebuilt inspection provider. The agreement  
 1191 must include all of the following:

1192 (a) A requirement that the provider maintain connections  
 1193 with and use the department's motor vehicle database, the  
 1194 National Motor Vehicle Title Information System, and information  
 1195 from the National Insurance Crime Bureau.

1196 (b) A requirement that the provider follow department  
 1197 policies and procedures when conducting rebuilt inspections.

1198 (c) A requirement that the provider maintain the  
 1199 confidentiality of all information received under the agreement  
 1200 in accordance with chapter 119 and the Driver Protection Privacy  
 1201 Act.

1202 (d) A provision that the agreement is not assignable to a  
 1203 third party, either in whole or in part, without the prior  
 1204 written consent of the department.

1205 (e) A provision that the private rebuilt inspection  
 1206 provider agrees to submit to oversight by the department.

1207 (f) A requirement that the provider maintain records  
 1208 required by department policies and procedures, making those  
 1209 records available to the department for inspection, and  
 1210 complying with state public records laws.

1211 (g) Provisions outlining penalties for noncompliance with  
 1212 the agreement, including termination.

1213 (h) Forms required to be utilized by the private rebuilt  
 1214 inspection provider to document completion of the rebuilt  
 1215 inspection process. These forms must include, but need not be  
 1216 limited to, a completed and signed application for certificate  
 1217 of title with or without registration; a completed and signed  
 1218 statement of builder describing the process and major component

596-03794-19 20197090\_\_

1219 parts used in the rebuilding of the motor vehicle; a completed  
 1220 and signed power of attorney for a motor vehicle, mobile home or  
 1221 vessel, if applicable; and a completed and signed vehicle  
 1222 identification number and odometer verification.  
 1223 (i) A requirement that the provider report stolen parts or  
 1224 vehicles.  
 1225 (j) A requirement that the provider maintain a surety bond  
 1226 and garage liability insurance.  
 1227 (k) Conditions under which the agreement may be terminated  
 1228 by either party.  
 1229 (l) Requirements for the operation of a mobile inspection  
 1230 unit, including, but not limited to, maintenance of general  
 1231 liability insurance in the amount of \$100,000 and commercial  
 1232 automobile liability insurance on each mobile unit in the amount  
 1233 of \$100,000, physical security for indicia and inspection  
 1234 records, maintenance of records at a permanent facility,  
 1235 cooperation with department oversight requirements, maintenance  
 1236 of a weekly schedule of planned rebuilt inspections,  
 1237 installation of a camera to document inspections, and observance  
 1238 of the confidentiality of the rebuilt inspection process.  
 1239 (8)-(5) Each authorized private rebuilt inspection provider  
 1240 shall A participant in the program shall access vehicle and  
 1241 title information and enter inspection results through an  
 1242 electronic filing system authorized by the department and shall  
 1243 maintain records of each rebuilt vehicle inspection processed by  
 1244 the private rebuilt inspection provider at such facility for at  
 1245 least 5 years.  
 1246 (9)-(6) The department may shall immediately terminate the  
 1247 contract with any private rebuilt inspection provider operator

596-03794-19 20197090\_\_

1248 ~~from the program~~ who fails to meet the minimum eligibility  
 1249 requirements of this section specified in subsection (4). Before  
 1250 a change in ownership of a private rebuilt inspection provider  
 1251 facility, the current ~~owner~~ operator must give the department 45  
 1252 days' written notice of the intended sale. The prospective owner  
 1253 must meet the all eligibility requirements of this section and  
 1254 execute a new contract memorandum of understanding with the  
 1255 department before he or she begins operating as a private  
 1256 rebuilt inspection provider the facility.  
 1257 ~~(7) This section is repealed on July 1, 2018, unless saved~~  
 1258 ~~from repeal through reenactment by the Legislature.~~  
 1259 (10) By July 1 of each year, an authorized private rebuilt  
 1260 inspection provider shall attest that it has complied with this  
 1261 section and each owner, partner, and corporate officer must  
 1262 affirm he or she is free from conflicts of interest.  
 1263 (11) Private rebuilt inspection providers may charge a fee  
 1264 for their services in addition to the fees in s. 319.32. This  
 1265 additional fee shall be clearly disclosed to each customer on  
 1266 his or her receipt and be conspicuously posted in an area  
 1267 frequented by customers.  
 1268 Section 22. Section 319.1411, Florida Statutes, is created  
 1269 to read:  
 1270 319.1411 Monitoring of private rebuilt inspection  
 1271 providers.-The department may monitor and inspect the operations  
 1272 of private rebuilt inspection providers as it deems necessary to  
 1273 determine whether the private rebuilt inspection provider is  
 1274 operating in compliance with this chapter and to determine if  
 1275 the private rebuilt inspection provider has engaged in any of  
 1276 the business practices prohibited under s. 319.1412.

596-03794-19 20197090\_\_

1277 Section 23. Section 319.142, Florida Statutes, is created  
 1278 to read:

1279 319.142 Rules of conduct and prohibited business  
 1280 practices.-

1281 (1) Each of the following constitutes grounds for  
 1282 termination of any and all contracts entered into with a private  
 1283 rebuilt inspection provider pursuant to this chapter:

1284 (a) Engaging in any business transaction or activity that  
 1285 is in substantial conflict with the proper discharge of the  
 1286 private rebuilt inspection provider's duties in the public  
 1287 interest.

1288 (b) Allowing a vehicle to pass inspection knowing that  
 1289 there was a material misrepresentation in the required  
 1290 documentation or that the documentation submitted in support of  
 1291 the inspection was counterfeit or materially altered.

1292 (c) Failure to report to the department the identification  
 1293 of a suspected stolen part or stolen vehicle during a rebuilt  
 1294 inspection.

1295 (d) In connection with providing private rebuilt inspection  
 1296 services, engaging in any course of conduct that is fraud or  
 1297 deceit upon the department, a dealer, or a vehicle owner.

1298 (e) Knowingly falsifying department records or knowingly  
 1299 providing materially false or misleading information to the  
 1300 department.

1301 (f) Failing to allow an examination or inspection of a  
 1302 private rebuilt inspection provider facility, including a review  
 1303 of books and records, by the department or law enforcement  
 1304 during regular business hours.

1305 (g) Passing a vehicle through inspection without having a

596-03794-19 20197090\_\_

1306 reasonable basis to believe that all airbags that are subject to  
 1307 a safety recall issued by the National Highway Transportation  
 1308 Safety Administration were replaced with airbags not subject to  
 1309 such a safety recall.

1310 (h) Failure to timely respond to a subpoena issued by the  
 1311 department.

1312 (i) Conducting rebuilt inspection services at a physical  
 1313 location not approved in writing by the department or providing  
 1314 services from a mobile unit not approved in writing by the  
 1315 department.

1316 (j) Failure to maintain at all times a garage liability  
 1317 insurance in the amount of at least \$100,000.

1318 (k) Failure to maintain at all times a good and sufficient  
 1319 surety bond or irrevocable letter of credit in the amount of  
 1320 \$100,000 which covers all activities under the private rebuilt  
 1321 motor vehicle inspection program and names the department as an  
 1322 insured.

1323 (l) Violation of this section or the contract between the  
 1324 department and the private rebuilt inspection provider.

1325 (m) The use of advertising that would reasonably lead the  
 1326 public to believe that the provider was or is an employee or  
 1327 representative of the department, or the use in its name of the  
 1328 terms "Department of Highway Safety and Motor Vehicles," "DMV,"  
 1329 "DHSMV," "FLHSMV," or "HSMV" or any other terms or logos that  
 1330 that are associated with the department.

1331 (2) Written notice of termination of a contract under this  
 1332 section must be provided before termination of the contract.

1333 Section 24. Section 319.1414, Florida Statutes, is created  
 1334 to read:

596-03794-19

20197090\_\_

1335 319.1414 Investigations; examinations; subpoenas; hearings;  
 1336 witnesses.-

1337 (1) The department may conduct investigations and  
 1338 examinations of department-authorized private rebuilt inspection  
 1339 providers as it deems necessary to determine whether a person  
 1340 has violated or is about to violate this chapter or a contract  
 1341 entered into pursuant to this chapter or to assist with the  
 1342 enforcement of this chapter.

1343 (2) For purposes of any investigation or examination  
 1344 conducted under this section, the department may exercise the  
 1345 power of subpoena and the powers to administer oaths or  
 1346 affirmations, to examine witnesses, to require affidavits, to  
 1347 take depositions, and to compel the attendance of witnesses and  
 1348 the production of books, papers, documents, records, and other  
 1349 evidence. Such subpoenas may be served by a designated agent of  
 1350 the department.

1351 (3) If a person refuses to testify, produce books, papers,  
 1352 documents, or records, or otherwise obey a subpoena or subpoena  
 1353 duces tecum issued under subsection (2), the department may  
 1354 petition a court of competent jurisdiction in the county where  
 1355 the person's residence or principal place of business is  
 1356 located, upon which the court must issue an order requiring such  
 1357 person to obey the subpoena or show cause for failing to obey  
 1358 the subpoena. Unless the person shows sufficient cause for  
 1359 failing to obey the subpoena, the court shall direct the person  
 1360 to obey the subpoena. Failure to comply with such order is  
 1361 contempt of court.

1362 (4) For the purpose of any investigation, examination, or  
 1363 proceeding initiated by the department under this chapter, the

596-03794-19

20197090\_\_

1364 department is authorized to designate agents to serve subpoenas  
 1365 and other process, and administer oaths or affirmations.

1366 (5) Witnesses subpoenaed under this section are entitled to  
 1367 witness fees at the same rate established by s. 92.142 for  
 1368 witnesses in a civil case, except that witness fees are not  
 1369 payable for appearance at the witness's place of business during  
 1370 regular business hours or at the witness's residence.

1371 (6) The department may adopt rules to administer this  
 1372 section.

1373 Section 25. Section 319.25, Florida Statutes, is amended to  
 1374 read:

1375 319.25 Cancellation of certificates; investigations;  
 1376 subpoenas and other process; oaths; rules.-

1377 (1) If it appears that a certificate of title has been  
 1378 improperly issued, the department shall cancel the certificate.  
 1379 Upon cancellation of any certificate of title, the department  
 1380 shall notify the person to whom the certificate of title was  
 1381 issued, as well as any lienholders appearing thereon, of the  
 1382 cancellation and shall demand the surrender of the certificate  
 1383 of title, but the cancellation shall not affect the validity of  
 1384 any lien noted thereon. The holder of the certificate of title  
 1385 shall return it to the department forthwith. If a certificate of  
 1386 registration has been issued to the holder of a certificate of  
 1387 title so canceled, the department shall immediately cancel the  
 1388 certificate of registration and demand the return of such  
 1389 certificate of registration and license plate or mobile home  
 1390 sticker; and the holder of such certificate of registration and  
 1391 license plate or sticker shall return them to the department  
 1392 forthwith.

596-03794-19

20197090\_\_

1393 (2) The department is authorized, upon application of any  
 1394 person and payment of the proper fees, to prepare and furnish  
 1395 lists containing title information in such form as the  
 1396 department may authorize, to search the records of the  
 1397 department and make reports thereof, and to make photographic  
 1398 copies of the department records and attestations thereof,  
 1399 except as provided in chapter 119.

1400 (3) The department may conduct investigations and  
 1401 examinations of any person suspected of violating or of having  
 1402 violated this chapter or any rule adopted or order issued under  
 1403 this chapter.

1404 (4) For purposes of any investigation or examination  
 1405 conducted under this section, the department may exercise the  
 1406 power of subpoena and the powers to administer oaths or  
 1407 affirmations, to examine witnesses, to require affidavits, to  
 1408 take depositions, and to compel the attendance of witnesses and  
 1409 the production of books, papers, documents, records, and other  
 1410 evidence. Such subpoenas may be served by an authorized  
 1411 representative of the department.

1412 (5) If a person refuses to testify, produce books, papers,  
 1413 documents, or records, or otherwise obey the subpoena or  
 1414 subpoena duces tecum issued under subsection (4), the department  
 1415 may petition a court of competent jurisdiction in the county  
 1416 where the person's residence or principal place of business is  
 1417 located, upon which the court must issue an order requiring such  
 1418 person to obey the subpoena or show cause for failing to obey  
 1419 the subpoena. Unless the person shows sufficient cause for  
 1420 failing to obey the subpoena, the court must direct the person  
 1421 to obey the subpoena. Costs incurred by the department to obtain

Page 49 of 86

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

596-03794-19

20197090\_\_

1422 an order granting, in whole or in part, its petition shall be  
 1423 charged to the subpoenaed person, and failure to comply with  
 1424 such order is contempt of court.

1425 (6) For the purpose of any investigation, examination, or  
 1426 proceeding initiated by the department under this chapter, the  
 1427 department is authorized to designate agents to serve subpoenas  
 1428 and other process, and administer oaths or affirmations.

1429 (7) Witnesses subpoenaed under this section are entitled to  
 1430 witness fees at the same rate established by s. 92.142 for  
 1431 witnesses in a civil case, except that witness fees are not  
 1432 payable for appearance at the witness's place of business during  
 1433 regular business hours or at the witness's residence.

1434 (8) The department may adopt rules to administer this  
 1435 section.

1436 Section 26. Subsection (3) of section 319.40, Florida  
 1437 Statutes, is amended to read:

1438 319.40 Transactions by electronic or telephonic means.—

1439 (3) The department or tax collector may collect electronic  
 1440 mail addresses or cellular telephone numbers and use electronic  
 1441 mail or text messages in lieu of the United States Postal  
 1442 Service as a method of notification and for the purpose of  
 1443 providing information related to Department of Highway Safety  
 1444 and Motor Vehicles functions in accordance with chapter 119 and  
 1445 pursuant to the federal Driver Privacy Protection Act of 1994,  
 1446 18 U.S.C. ss. 2721 et seq. However, any notice regarding the  
 1447 potential forfeiture or foreclosure of an interest in property  
 1448 must be sent via the United States Postal Service. The provision  
 1449 of electronic mail addresses and cellular telephone numbers by  
 1450 the applicant is optional and, before collection pursuant to

Page 50 of 86

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

596-03794-19 20197090\_\_

1451 this subsection, the department or tax collector shall disclose  
 1452 to the applicant the purposes for which the electronic mail  
 1453 addresses and cellular telephone numbers may be used.

1454 Section 27. Subsection (24) of section 320.01, Florida  
 1455 Statutes, is amended to read:

1456 320.01 Definitions, general.—As used in the Florida  
 1457 Statutes, except as otherwise provided, the term:

1458 (24) "Apportionable vehicle" means any vehicle, except  
 1459 recreational vehicles, vehicles displaying restricted plates,  
 1460 city pickup and delivery vehicles, ~~buses used in transportation~~  
 1461 ~~of chartered parties,~~ and government-owned vehicles, which is  
 1462 used or intended for use in two or more member jurisdictions  
 1463 that allocate or proportionally register vehicles and which is  
 1464 used for the transportation of persons for hire or is designed,  
 1465 used, or maintained primarily for the transportation of property  
 1466 and:

1467 (a) Is a power unit having a gross vehicle weight in excess  
 1468 of 26,000 pounds;

1469 (b) Is a power unit having three or more axles, regardless  
 1470 of weight; or

1471 (c) Is used in combination, when the weight of such  
 1472 combination exceeds 26,000 pounds gross vehicle weight.

1473 Vehicles, or combinations thereof, having a gross vehicle weight  
 1474 of 26,000 pounds or less and two-axle vehicles may be  
 1475 proportionally registered.

1476 Section 28. Paragraph (b) of subsection (4) of section  
 1477 320.03, Florida Statutes, is amended to read:

1478 320.03 Registration; duties of tax collectors;

1479

596-03794-19 20197090\_\_

1480 International Registration Plan.—

1481 (4)

1482 (b) The Florida Real Time Vehicle Information System shall  
 1483 be installed in every tax collector's and license tag agent's  
 1484 office in accordance with a schedule established by the  
 1485 department in consultation with the tax collectors and  
 1486 contingent upon funds being made available for the system by the  
 1487 state. For the purpose of enhancing customer services provided  
 1488 by tax collectors acting on behalf of the department, the  
 1489 department, contingent upon an approved request and memorandum  
 1490 of understanding, shall provide tax collectors, and tax  
 1491 collector-approved agents and vendors with real-time access to  
 1492 data that other third parties receive from the department  
 1493 related to vehicle and mobile home registration certificates,  
 1494 registration license plates, and validation stickers, including,  
 1495 but not limited to, the most current address information and  
 1496 electronic mail addresses of applicants. The memorandum of  
 1497 understanding as required under this paragraph may not be more  
 1498 restrictive than any memorandum of understanding between the  
 1499 department and other third-party vendors.

1500 Section 29. Paragraph (b) of subsection (1) and subsection  
 1501 (2) of section 320.06, Florida Statutes, are amended to read:

1502 320.06 Registration certificates, license plates, and  
 1503 validation stickers generally.—

1504 (1)

1505 (b)1. Registration license plates bearing a graphic symbol  
 1506 and the alphanumeric system of identification shall be issued  
 1507 for a 10-year period. At the end of the 10-year period, upon  
 1508 renewal, the plate shall be replaced. The department shall

596-03794-19

20197090\_\_

1509 extend the scheduled license plate replacement date from a 6-  
 1510 year period to a 10-year period. The fee for such replacement is  
 1511 \$28, \$2.80 of which shall be paid each year before the plate is  
 1512 replaced, to be credited toward the next \$28 replacement fee.  
 1513 The fees shall be deposited into the Highway Safety Operating  
 1514 Trust Fund. A credit or refund may not be given for any prior  
 1515 years' payments of the prorated replacement fee if the plate is  
 1516 replaced or surrendered before the end of the 10-year period,  
 1517 except that a credit may be given if a registrant is required by  
 1518 the department to replace a license plate under s.  
 1519 320.08056(8)(a). With each license plate, a validation sticker  
 1520 shall be issued showing the owner's birth month, license plate  
 1521 number, and the year of expiration or the appropriate renewal  
 1522 period if the owner is not a natural person. The validation  
 1523 sticker shall be placed on the upper right corner of the license  
 1524 plate. The license plate and validation sticker shall be issued  
 1525 based on the applicant's appropriate renewal period. The  
 1526 registration period is 12 months, the extended registration  
 1527 period is 24 months, and all expirations occur based on the  
 1528 applicant's appropriate registration period.

1529 2. A vehicle that has an apportioned registration shall be  
 1530 issued an annual license plate and a cab card ~~denoting that~~  
 1531 ~~denote~~ the declared gross vehicle weight for each apportioned  
 1532 jurisdiction in which the vehicle is authorized to operate. This  
 1533 subparagraph expires January 1, 2023.

1534 3. Upon implementation of a new operating system for  
 1535 apportioned vehicle registration, a vehicle registered in  
 1536 accordance with the International Registration Plan must be  
 1537 issued a license plate for a 5-year period, an annual cab card

Page 53 of 86

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

596-03794-19

20197090\_\_

1538 denoting the declared gross vehicle weight for each apportioned  
 1539 jurisdiction, and an annual validation sticker showing the month  
 1540 and year of expiration. The validation sticker must be placed in  
 1541 the center of the license plate. The license plate and  
 1542 validation sticker must be issued based on the applicant's  
 1543 appropriate renewal period. The registration period is 12  
 1544 months. This fee must be deposited into the Highway Safety  
 1545 Operating Trust Fund. If the license plate is damaged or worn,  
 1546 it may be replaced at no charge by applying to the department  
 1547 and surrendering the current license plate.

1548 4.2- In order to retain the efficient administration of the  
 1549 taxes and fees imposed by this chapter, the 80-cent fee increase  
 1550 in the replacement fee imposed by chapter 2009-71, Laws of  
 1551 Florida, is negated as provided in s. 320.0804.

1552 (2) The department shall provide the several tax collectors  
 1553 and license plate agents with the necessary number of validation  
 1554 stickers. However, the tax collectors and their agents shall  
 1555 have the option to purchase validation stickers and paper stock  
 1556 that is used to produce vehicle registrations from the  
 1557 department's contracted vendor or from other vendors if such  
 1558 items meet the department's specifications and are procured at  
 1559 prices that are at or lower than the pricing reflected in the  
 1560 department's existing contracts for procuring these items. Such  
 1561 purchases by the tax collectors and their agents are exempt from  
 1562 the competitive bid requirements of chapter 287. The department  
 1563 shall reimburse the tax collectors and their agents for these  
 1564 purchases, but reimbursement may not be made at prices higher  
 1565 than the pricing contained in the department's existing  
 1566 contract. The tax collectors and their agents shall invoice the

Page 54 of 86

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



596-03794-19 20197090\_\_

1567 department in arrears for the validation stickers and vehicle  
 1568 registrations as they are issued.

1569 Section 30. Subsection (5) of section 320.0607, Florida  
 1570 Statutes, is amended to read:

1571 320.0607 Replacement license plates, validation decal, or  
 1572 mobile home sticker.—

1573 (5) Upon the issuance of an original license plate, the  
 1574 applicant shall pay a fee of \$28 to be deposited in the Highway  
 1575 Safety Operating Trust Fund. Upon implementation of a new  
 1576 operating system for apportioned vehicle registrations, this  
 1577 subsection does not apply to a vehicle registered under the  
 1578 International Registration Plan.

1579 Section 31. Subsection (10) is added to section 320.131,  
 1580 Florida Statutes, to read:

1581 320.131 Temporary tags.—

1582 (10) The department may partner with a county tax collector  
 1583 to conduct a Fleet Vehicle Temporary Tag Pilot Program to  
 1584 provide temporary tags to fleet companies to allow them to  
 1585 operate fleet vehicles awaiting a permanent registration and  
 1586 title.

1587 (a) The department shall enter into a memorandum of  
 1588 understanding that allows up to 10 companies to participate in  
 1589 the pilot program and to receive multiple temporary tags for  
 1590 company fleet vehicles.

1591 (b) To participate in the program, a fleet company must  
 1592 have at least 3,500 fleet vehicles registered in this state  
 1593 which qualify to be registered as fleet vehicles pursuant to s.  
 1594 320.0657.

1595 (c) The department, upon the request of an eligible fleet

596-03794-19 20197090\_\_

1596 company, may issue up to 50 temporary tags per request to such  
 1597 company.

1598 (d) A temporary tag issued under this subsection is for  
 1599 exclusive use on a vehicle purchased for the company's fleet and  
 1600 may not be used on any other vehicle.

1601 (e) Each temporary tag may be used on only one vehicle, and  
 1602 each vehicle may use only one temporary tag.

1603 (f) Upon issuance of the vehicle's permanent license plate  
 1604 and registration, the temporary tag becomes invalid and must be  
 1605 removed from the vehicle and destroyed.

1606 (g) Upon a finding by the department that a temporary tag  
 1607 has been misused by a fleet company under the program, the  
 1608 department may terminate the memorandum of understanding with  
 1609 the company, invalidate all temporary tags issued to the company  
 1610 under the program, and require such company to return any unused  
 1611 temporary tags.

1612 (h) The issuance of a tag using this method must be  
 1613 reported to the department within 2 business days, not including  
 1614 weekends or state holidays, after the issuance of the tag. The  
 1615 county tax collector shall keep a record of each temporary tag  
 1616 issued. The record must include the date of issuance, tag number  
 1617 issued, vehicle identification number, and vehicle description.

1618 (i) This subsection is repealed October 1, 2022, unless  
 1619 saved from repeal through reenactment by the Legislature.

1620 Section 32. Paragraph (g) is added to subsection (1) of  
 1621 section 320.27, Florida Statutes, and paragraph (a) of  
 1622 subsection (9) and subsection (11) of that section are amended,  
 1623 to read:

1624 320.27 Motor vehicle dealers.—

596-03794-19

20197090\_\_

1625 (1) DEFINITIONS.—The following words, terms, and phrases  
 1626 when used in this section have the meanings respectively  
 1627 ascribed to them in this subsection, except where the context  
 1628 clearly indicates a different meaning:

1629 (g) "Control person" means any person who has significant  
 1630 authority, directly or indirectly, to direct the management or  
 1631 policies of a company, whether through ownership, by contract,  
 1632 or otherwise. The term includes any person who is an owner,  
 1633 director, general partner, officer, manager, or employee  
 1634 exercising decisionmaking responsibility or exercising similar  
 1635 executive status or functions. The term does not include an  
 1636 employee whose function is only clerical, ministerial, or in  
 1637 sales under the supervision of an owner or manager or other  
 1638 person exercising decisionmaking responsibility.

1639 (9) DENIAL, SUSPENSION, OR REVOCATION.—

1640 (a) The department may deny a new or renewal application  
 1641 for or ~~suspend~~, or revoke any license issued hereunder or under  
 1642 ~~the provisions of s. 320.77 or s. 320.771~~ upon proof that an  
 1643 applicant or a licensee has:

1644 1. Committed fraud or willful misrepresentation in  
 1645 application for or in obtaining a license.

1646 2. Been convicted of a felony and has not completed the  
 1647 resulting felony sentence or has completed the felony sentence  
 1648 less than 10 years from the date of licensure application.

1649 3. Failed to honor a bank draft or check given to a motor  
 1650 vehicle dealer for the purchase of a motor vehicle by another  
 1651 motor vehicle dealer within 10 days after notification that the  
 1652 bank draft or check has been dishonored. If the transaction is  
 1653 disputed, the maker of the bank draft or check shall post a bond

596-03794-19

20197090\_\_

1654 in accordance with the provisions of s. 559.917, and no  
 1655 proceeding for revocation or suspension shall be commenced until  
 1656 the dispute is resolved.

1657 4.a. Failed to provide payment within 10 business days to  
 1658 the department for a check payable to the department that was  
 1659 dishonored due to insufficient funds in the amount due plus any  
 1660 statutorily authorized fee for uttering a worthless check. The  
 1661 department shall notify an applicant or licensee when the  
 1662 applicant or licensee makes payment to the department by a check  
 1663 that is subsequently dishonored by the bank due to insufficient  
 1664 funds. The applicant or licensee shall, within 10 business days  
 1665 after receiving the notice, provide payment to the department in  
 1666 the form of cash in the amount due plus any statutorily  
 1667 authorized fee. If the applicant or licensee fails to make such  
 1668 payment within 10 business days, the department may deny,  
 1669 suspend, or revoke the applicant's or licensee's motor vehicle  
 1670 dealer license.

1671 b. Stopped payment on a check payable to the department,  
 1672 issued a check payable to the department from an account that  
 1673 has been closed, or charged back a credit card transaction to  
 1674 the department. If an applicant or licensee commits any such  
 1675 act, the department may deny, suspend, or revoke the applicant's  
 1676 or licensee's motor vehicle dealer license.

1677 5.a. Previously owned a majority interest in, or acted as a  
 1678 control person of, a motor vehicle dealer that, within the past  
 1679 10 years, has been the subject of any decision, finding,  
 1680 injunction, suspension, revocation, denial, judgment, or  
 1681 administrative order by any court of competent jurisdiction,  
 1682 administrative law judge, or any state agency which resulted in

596-03794-19 20197090\_\_

1683 a finding of violation of any federal or state law relating to  
 1684 unlicensed activity or fraud in connection with the sale of a  
 1685 motor vehicle.

1686 b. Knowingly employed or contracted with a person under  
 1687 sub-subparagraph a. or a person who has been convicted of a  
 1688 felony and has not completed the resulting felony sentence or  
 1689 completed the felony sentence less than 10 years from the date  
 1690 of licensure application as a control person.

1691 (11) INJUNCTION.—

1692 (a) In addition to the remedies provided in this chapter  
 1693 and notwithstanding the existence of any adequate remedy at law,  
 1694 the department is authorized to make application to any circuit  
 1695 court of the state, and such circuit court shall have  
 1696 jurisdiction, upon a hearing and for cause shown, to grant a  
 1697 temporary or permanent injunction, or both, restraining any  
 1698 person from acting as a motor vehicle dealer under the terms of  
 1699 this section without being properly licensed hereunder, from  
 1700 violating or continuing to violate any of the provisions of  
 1701 chapter 319, this chapter, or ss. 559.901-559.9221, or for  
 1702 failing or refusing to comply with the requirements of chapter  
 1703 319, this chapter, or ss. 559.901-559.9221, or any rule or  
 1704 regulation adopted thereunder, such injunction to be issued  
 1705 without bond. A single act in violation of the provisions of  
 1706 chapter 319, this chapter, or chapter 559 shall be sufficient to  
 1707 authorize the issuance of an injunction.

1708 (b) If the court grants the injunction, the court may bar,  
 1709 permanently or for a specific time, any person found to have  
 1710 violated any federal or state law relating to unlicensed  
 1711 activity or fraud in connection with the sale of a motor

596-03794-19 20197090\_\_

1712 vehicle. A person who is barred by the court under this  
 1713 paragraph may not continue in any capacity within the industry.  
 1714 The person may not have a management, sales, or any other role  
 1715 in the operation of a dealership. Further, if permanently  
 1716 barred, the person may not derive income from the dealership  
 1717 beyond reasonable compensation for the sale of his or her  
 1718 ownership interest in the business.

1719 Section 33. Subsection (2) of section 320.8232, Florida  
 1720 Statutes, is amended to read:

1721 320.8232 Establishment of uniform standards for used  
 1722 recreational vehicles and repair and remodeling code for mobile  
 1723 homes.—

1724 (2) ~~The provisions of the Mobile and Manufactured Home~~  
 1725 Repair and Remodeling Code shall be a uniform code and ~~repair~~  
 1726 and remodeling code shall ensure safe and livable housing and  
 1727 shall not be more stringent than those standards required to be  
 1728 met in the manufacture of mobile homes. Such provisions shall  
 1729 include, but not be limited to, standards for structural  
 1730 adequacy, plumbing, heating, electrical systems, and fire and  
 1731 life safety. All repair and remodeling of mobile and  
 1732 manufactured homes shall be done in accordance with department  
 1733 rules.

1734 Section 34. Section 320.861, Florida Statutes, is amended  
 1735 to read:

1736 320.861 Investigations; subpoenas and other process; oaths;  
 1737 rules ~~inspection of records; production of evidence; subpoena~~  
 1738 power.—

1739 (1) The department may conduct investigations and  
 1740 examinations on any person suspected of violating or of having

596-03794-19 20197090\_\_

1741 ~~violated this chapter or any rule adopted or order issued~~  
 1742 ~~thereunder inspect the pertinent books, records, letters, and~~  
 1743 ~~contracts of any licensee, whether dealer or manufacturer,~~  
 1744 ~~relating to any written complaint made to it against such~~  
 1745 ~~licensee.~~

1746 (2) For purposes of any investigation or examination  
 1747 conducted under this section, the department may is granted and  
 1748 authorized to exercise the power of subpoena and the powers to  
 1749 administer oaths or affirmations, to examine witnesses, to  
 1750 require affidavits, to take depositions, and to compel the  
 1751 attendance of witnesses and the production of books, papers,  
 1752 documents, records, and other evidence. Such subpoenas may be  
 1753 served by a designated agent of the department for the  
 1754 attendance of witnesses and the production of any documentary  
 1755 evidence necessary to the disposition by it of any written  
 1756 complaint against any licensee, whether dealer or manufacturer.

1757 (3) If a person refuses to testify; to produce books,  
 1758 papers, documents, or records; or to otherwise obey the subpoena  
 1759 or subpoena duces tecum issued under subsection (2), the  
 1760 department may petition a court of competent jurisdiction in the  
 1761 county where the person's residence or principal place of  
 1762 business is located, upon which the court must issue an order  
 1763 requiring such person to obey the subpoena or show cause for  
 1764 failing to obey the subpoena. Unless the person shows sufficient  
 1765 cause for failing to obey the subpoena, the court must direct  
 1766 the person to obey the subpoena. Failure to comply with such  
 1767 order constitutes contempt of court.

1768 (4) For the purpose of any investigation, examination, or  
 1769 proceeding initiated by the department under this chapter, the

596-03794-19 20197090\_\_

1770 department may designate agents to serve subpoenas and other  
 1771 process and administer oaths or affirmations. The department  
 1772 shall exercise this power on its own initiative in accordance  
 1773 with ss. 320.615 and 320.71.

1774 (5) Witnesses subpoenaed under this section are entitled to  
 1775 witness fees at the same rate established by s. 92.142 for  
 1776 witnesses in a civil case, except that witness fees are not  
 1777 payable for appearance at the witness's place of business during  
 1778 regular business hours or at the witness's residence.

1779 (6) The department may adopt rules to administer this  
 1780 section.

1781 Section 35. Subsection (2) of section 320.95, Florida  
 1782 Statutes, is amended to read:

1783 320.95 Transactions by electronic or telephonic means.—

1784 (2) The department or tax collector may collect electronic  
 1785 mail addresses or cellular telephone numbers and use electronic  
 1786 mail or text messages in lieu of the United States Postal  
 1787 Service for the purpose of providing information related to  
 1788 Department of Highway Safety and Motor Vehicles functions in  
 1789 accordance with chapter 119 and pursuant to the federal Driver  
 1790 Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The  
 1791 provision of electronic mail addresses and cellular telephone  
 1792 numbers by the applicant is optional and, before collection  
 1793 pursuant to this subsection, the department or tax collector  
 1794 shall disclose to the applicant the purposes for which the  
 1795 electronic mail addresses and cellular telephone numbers may be  
 1796 used ~~renewal notices~~.

1797 Section 36. Subsection (1) of section 321.05, Florida  
 1798 Statutes, is amended to read:

596-03794-19

20197090\_\_

1799 321.05 Duties, functions, and powers of patrol officers.-  
 1800 The members of the Florida Highway Patrol are hereby declared to  
 1801 be conservators of the peace and law enforcement officers of the  
 1802 state, with the common-law right to arrest a person who, in the  
 1803 presence of the arresting officer, commits a felony or commits  
 1804 an affray or breach of the peace constituting a misdemeanor,  
 1805 with full power to bear arms; and they shall apprehend, without  
 1806 warrant, any person in the unlawful commission of any of the  
 1807 acts over which the members of the Florida Highway Patrol are  
 1808 given jurisdiction as hereinafter set out and deliver him or her  
 1809 to the sheriff of the county that further proceedings may be had  
 1810 against him or her according to law. In the performance of any  
 1811 of the powers, duties, and functions authorized by law, members  
 1812 of the Florida Highway Patrol have the same protections and  
 1813 immunities afforded other peace officers, which shall be  
 1814 recognized by all courts having jurisdiction over offenses  
 1815 against the laws of this state, and have authority to apply for,  
 1816 serve, and execute search warrants, arrest warrants, capias, and  
 1817 other process of the court. The patrol officers under the  
 1818 direction and supervision of the Department of Highway Safety  
 1819 and Motor Vehicles shall perform and exercise throughout the  
 1820 state the following duties, functions, and powers:

1821 (1) To patrol the state highways and regulate, control, and  
 1822 direct the movement of traffic thereon; to maintain the public  
 1823 peace by preventing violence on highways; to apprehend fugitives  
 1824 from justice; to enforce all laws regulating and governing  
 1825 traffic, travel, and public safety upon the public highways and  
 1826 providing for the protection of the public highways and public  
 1827 property thereon, including the security and safety of this

596-03794-19

20197090\_\_

1828 state's transportation infrastructure; to make arrests without  
 1829 warrant for the violation of any state law committed in their  
 1830 presence in accordance with state law; providing that no search  
 1831 may be made unless it is incident to a lawful arrest, to  
 1832 regulate and direct traffic concentrations and congestions; to  
 1833 enforce laws governing the operation, licensing, and taxing and  
 1834 limiting the size, weight, width, length, and speed of vehicles  
 1835 and licensing and controlling the operations of drivers and  
 1836 operators of vehicles, including the safety, size, and weight of  
 1837 commercial motor vehicles; to collect all state fees and  
 1838 revenues levied as an incident to the use or right to use the  
 1839 highways for any purpose, including the taxing and registration  
 1840 of commercial motor vehicles; to require the drivers of vehicles  
 1841 to stop and exhibit their driver licenses, registration cards,  
 1842 or documents required by law to be carried by such vehicles; to  
 1843 investigate traffic crashes ~~accidents~~, secure testimony of  
 1844 witnesses and of persons involved, and make report thereof with  
 1845 copy, if requested in writing, to any person in interest or his  
 1846 or her attorney; to investigate reported thefts of vehicles; and  
 1847 to seize contraband or stolen property on or being transported  
 1848 on the highways. Each patrol officer of the Florida Highway  
 1849 Patrol is subject to and has the same arrest and other authority  
 1850 provided for law enforcement officers generally in chapter 901  
 1851 and has statewide jurisdiction. Each officer also has arrest  
 1852 authority as provided for state law enforcement officers in s.  
 1853 901.15. This section does not conflict with, but is supplemental  
 1854 to, chapter 933.

1855 Section 37. Section 321.065, Florida Statutes, is amended  
 1856 to read:

596-03794-19 20197090\_\_

1857 321.065 Traffic ~~crash accident~~ investigation officers;  
 1858 employment; standards.—The department may employ traffic crash  
 1859 ~~accident~~ investigation officers who must complete any applicable  
 1860 standards adopted by the Florida Highway Patrol, including, but  
 1861 not limited to: cognitive testing, drug testing, polygraph  
 1862 testing, psychological testing, and an extensive background  
 1863 check, including a credit check.

1864 Section 38. Paragraph (d) of subsection (2) of section  
 1865 321.23, Florida Statutes, is amended to read:

1866 321.23 Public records; fees for copies; destruction of  
 1867 obsolete records; photographing records; effect as evidence.—

1868 (2) Fees for copies of public records shall be charged and  
 1869 collected as follows:

1870 (d) Photographs (crashes accidents, etc.):

	Enlargement Proof	Color	Black & White
1872 1.	5" x 7"	\$1.00	\$0.75
1873 2.	8" x 10"	\$1.50	\$1.00
1874 3.	11" x 14"	Not Available	\$1.75
1875 4.	16" x 20"	Not Available	\$2.75
1876 5.	20" x 24"	Not Available	\$3.75

596-03794-19 20197090\_\_

1879  
 1880 The department shall furnish such information without charge to  
 1881 any local, state, or federal law enforcement agency upon proof  
 1882 satisfactory to the department as to the purpose of the  
 1883 investigation.

1884 Section 39. Paragraph (a) of subsection (2) of section  
 1885 322.051, Florida Statutes, is amended to read:

1886 322.051 Identification cards.—

1887 (2) (a) Every identification card:

1888 1. Issued to a person 5 years of age to 14 years of age  
 1889 shall expire, unless canceled earlier, on the fourth birthday of  
 1890 the applicant following the date of original issue.

1891 2. Issued to a person 15 years of age and older shall  
 1892 expire, unless canceled earlier, on the eighth birthday of the  
 1893 applicant following the date of original issue.

1894  
 1895 Renewal of an identification card shall be made for the  
 1896 applicable term enumerated in this paragraph. Any application  
 1897 for renewal received later than 12 months ~~90 days~~ after  
 1898 expiration of the identification card shall be considered the  
 1899 same as an application for an original identification card.

1900 Section 40. Paragraphs (a) and (b) of subsection (4) of  
 1901 section 322.0602, Florida Statutes, are amended to read:

1902 322.0602 Youthful Drunk Driver Visitation Program.—

1903 (4) VISITATION REQUIREMENT.—

1904 (a) To the extent that personnel and facilities are made  
 1905 available to the court, the court may include a requirement for  
 1906 supervised visitation by the probationer to all, or any, of the  
 1907 following:

596-03794-19

20197090\_\_

1908 1. A trauma center, as defined in s. 395.4001, or a  
 1909 hospital as defined in s. 395.002, which regularly receives  
 1910 victims of vehicle ~~crashes accidents~~, between the hours of 10  
 1911 p.m. and 2 a.m. on a Friday or Saturday night, in order to  
 1912 observe appropriate victims of vehicle ~~crashes accidents~~  
 1913 involving drinking drivers, under the supervision of any of the  
 1914 following:

1915 a. A registered nurse trained in providing emergency trauma  
 1916 care or prehospital advanced life support.

1917 b. An emergency room physician.

1918 c. An emergency medical technician.

1919 2. A licensed service provider, as defined in s. 397.311,  
 1920 which cares for substance abuse impaired persons, to observe  
 1921 persons in the terminal stages of substance abuse impairment,  
 1922 under the supervision of appropriately licensed medical  
 1923 personnel. Prior to any visitation of such terminally ill or  
 1924 disabled persons, the persons or their legal representatives  
 1925 must give their express consent to participate in the visitation  
 1926 program.

1927 3. If approved by the county coroner, the county coroner's  
 1928 office or the county morgue to observe appropriate victims of  
 1929 vehicle ~~crashes accidents~~ involving drinking drivers, under the  
 1930 supervision of the coroner or a deputy coroner.

1931 (b) As used in this section, the term "appropriate victims"  
 1932 means victims or their legal representatives, including the next  
 1933 of kin, who have expressly given their consent to participate in  
 1934 the visitation program and victims whose condition is determined  
 1935 by the visitation supervisor to demonstrate the results of  
 1936 ~~crashes accidents~~ involving drinking drivers without being

596-03794-19

20197090\_\_

1937 excessively gruesome or traumatic to the probationer.

1938 Section 41. Subsection (10) of section 322.08, Florida  
 1939 Statutes, is amended to read:

1940 322.08 Application for license; requirements for license  
 1941 and identification card forms.—

1942 (10) The department or tax collector may collect electronic  
 1943 mail addresses or cellular telephone numbers and use electronic  
 1944 mail or text messages in lieu of the United States Postal  
 1945 Service for the purpose of providing information related to  
 1946 Department of Highway Safety and Motor Vehicles functions in  
 1947 accordance with chapter 119 and pursuant to the federal Driver  
 1948 Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The  
 1949 provision of electronic mail addresses and cellular telephone  
 1950 numbers by the applicant is optional and, before collection  
 1951 pursuant to this subsection, the department or tax collector  
 1952 shall disclose to the applicant the purposes for which the  
 1953 electronic mail addresses and cellular telephone numbers may be  
 1954 used ~~renewal notices~~.

1955 Section 42. Subsection (5) of section 322.091, Florida  
 1956 Statutes, is amended to read:

1957 322.091 Attendance requirements.—

1958 (5) REPORTING AND ACCOUNTABILITY.—The department shall make  
 1959 available, upon request, a report ~~quarterly~~ to each school  
 1960 district which includes the legal name, sex, date of birth, and  
 1961 social security number of each student whose driving privileges  
 1962 have been suspended under this section.

1963 Section 43. Section 322.17, Florida Statutes, is amended to  
 1964 read:

1965 322.17 Replacement licenses, identification cards, and

596-03794-19 20197090\_\_

1966 permits.-

1967 (1) (a) In the event that an instruction permit or driver

1968 license issued under the provisions of this chapter is lost or

1969 destroyed, the person to whom the same was issued may, upon

1970 payment of the appropriate fee pursuant to s. 322.21, obtain a

1971 replacement upon furnishing proof satisfactory to the department

1972 that such permit or license has been lost or destroyed, and

1973 further furnishing the full name, date of birth, sex, residence

1974 and mailing address, proof of birth satisfactory to the

1975 department, and proof of identity satisfactory to the

1976 department.

1977 (b) In the event that an instruction permit, ~~or~~ driver

1978 license, or identification card issued under the provisions of

1979 this chapter is stolen, the person to whom the same was issued

1980 may, at no charge, obtain a replacement upon furnishing proof

1981 satisfactory to the department that such permit, ~~or~~ license, or

1982 identification card was stolen and further furnishing the

1983 person's full name, date of birth, sex, residence and mailing

1984 address, proof of birth satisfactory to the department, and

1985 proof of identity satisfactory to the department.

1986 (2) Upon the surrender of the original license and the

1987 payment of the appropriate fees pursuant to s. 322.21, the

1988 department shall issue a replacement license to make a change in

1989 name, address, or restrictions.

1990 (3) Notwithstanding any other provisions of this chapter,

1991 if a licensee establishes his or her identity for a driver

1992 license using an identification document authorized under s.

1993 322.08(2)(c)7. or 8., the licensee may not obtain a duplicate or

1994 replacement instruction permit or driver license except in

596-03794-19 20197090\_\_

1995 person and upon submission of an identification document

1996 authorized under s. 322.08(2)(c)7. or 8.

1997 (4) Notwithstanding any other provision of this section or

1998 s. 322.21, the department shall, if necessary, issue or renew a

1999 replacement driver license at no charge to an inmate if the

2000 department determines that he or she has a valid driver license.

2001 If the replacement driver license is scheduled to expire within

2002 6 months, the department may also issue a temporary permit valid

2003 for at least 6 months after the release date.

2004 Section 44. Subsection (10) is added to section 322.21,

2005 Florida Statutes, to read:

2006 322.21 License fees; procedure for handling and collecting

2007 fees.-

2008 (10) An applicant who submits an application for a renewal

2009 or replacement driver license or identification card to the

2010 department using a convenience service must be provided with an

2011 option for expedited shipping in which the department, at the

2012 applicant's request, must issue the license or identification

2013 card within 5 working days after receipt of the application and

2014 ship the license or card using an expedited mail service. Fees

2015 collected for the expedited shipping option shall be deposited

2016 into the Highway Safety Operating Trust Fund.

2017 Section 45. Present subsection (8) of section 322.212,

2018 Florida Statutes, is redesignated as subsection (9), a new

2019 subsection (8) is added to that section, and subsection (5) of

2020 that section is amended, to read:

2021 322.212 Unauthorized possession of, and other unlawful acts

2022 in relation to, driver license or identification card.-

2023 (5) (a) It is unlawful for any person to use a false or



596-03794-19

20197090\_\_

2024 fictitious name in any application for a driver license or  
 2025 identification card or knowingly to make a false statement,  
 2026 knowingly conceal a material fact, provide altered or  
 2027 counterfeit documents, participate in dishonest or deceptive  
 2028 actions, or otherwise commit a fraud in any such application.

2029 (b) It is unlawful for any person to have in his or her  
 2030 possession a driver license or identification card upon which  
 2031 the date of birth has been altered.

2032 (c) It is unlawful for any person designated as a sexual  
 2033 predator or sexual offender to have in his or her possession a  
 2034 driver license or identification card upon which the sexual  
 2035 predator or sexual offender markings required by s. 322.141 are  
 2036 not displayed or have been altered.

2037 (8) In addition to any other penalties provided by this  
 2038 section, the department shall suspend the license or permit of  
 2039 any person who provides false information when applying for a  
 2040 driver license, identification card, commercial driver license,  
 2041 or commercial learner's permit or who is convicted of fraud in  
 2042 connection with testing for a driver license, commercial driver  
 2043 license, or commercial learner's permit for a period of 1 year.

2044 Section 46. Section 322.36, Florida Statutes, is amended to  
 2045 read:

2046 322.36 Permitting unauthorized operator to drive.—A person  
 2047 may not authorize or knowingly permit a motor vehicle owned by  
 2048 him or her or under his or her dominion or control to be  
 2049 operated upon any highway or public street except by a person  
 2050 who is duly authorized to operate a motor vehicle under this  
 2051 chapter. Any person who violates this section commits a  
 2052 misdemeanor of the second degree, punishable as provided in s.

Page 71 of 86

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

596-03794-19

20197090\_\_

2053 775.082 or s. 775.083. If a person violates this section by  
 2054 knowingly loaning a vehicle to a person whose driver license is  
 2055 suspended and if that vehicle is involved in a crash ~~an accident~~  
 2056 resulting in bodily injury or death, the driver license of the  
 2057 person violating this section shall be suspended for 1 year.

2058 Section 47. Subsection (1) of section 322.61, Florida  
 2059 Statutes, is amended to read:

2060 322.61 Disqualification from operating a commercial motor  
 2061 vehicle.—

2062 (1) A person who, for offenses occurring within a 3-year  
 2063 period, is convicted of two of the following serious traffic  
 2064 violations or any combination thereof, arising in separate  
 2065 incidents committed in a commercial motor vehicle shall, in  
 2066 addition to any other applicable penalties, be disqualified from  
 2067 operating a commercial motor vehicle for a period of 60 days. A  
 2068 holder of a commercial driver license or commercial learner's  
 2069 permit who, for offenses occurring within a 3-year period, is  
 2070 convicted of two of the following serious traffic violations, or  
 2071 any combination thereof, arising in separate incidents committed  
 2072 in a noncommercial motor vehicle shall, in addition to any other  
 2073 applicable penalties, be disqualified from operating a  
 2074 commercial motor vehicle for a period of 60 days if such  
 2075 convictions result in the suspension, revocation, or  
 2076 cancellation of the licenseholder's driving privilege:

2077 (a) A violation of any state or local law relating to motor  
 2078 vehicle traffic control, other than a parking violation, arising  
 2079 in connection with a crash resulting in death.↗

2080 (b) Reckless driving, as defined in s. 316.192.↗

2081 (c) Unlawful speed of 15 miles per hour or more above the

Page 72 of 86

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

596-03794-19 20197090\_\_

2082 posted speed limit.;

2083 (d) Improper lane change, as defined in s. 316.085. ~~†~~

2084 (e) Following too closely, as defined in s. 316.0895. ~~†~~

2085 (f) Driving a commercial vehicle without obtaining a

2086 commercial driver license. ~~†~~

2087 (g) Driving a commercial vehicle without the proper class

2088 of commercial driver license or commercial learner's permit or

2089 without the proper endorsement. ~~†~~ ~~†~~

2090 (h) Driving a commercial vehicle without a commercial

2091 driver license or commercial learner's permit in possession, as

2092 required by s. 322.03.

2093 (i) Texting while driving a commercial motor vehicle as

2094 prohibited by 49 C.F.R. 392.80.

2095 (j) Using a hand-held mobile telephone while driving a

2096 commercial motor vehicle, as prohibited by 49 C.F.R 392.82.

2097 Section 48. Section 322.71, Florida Statutes, is created to

2098 read:

2099 322.71 Investigations; subpoenas and other process; oaths;

2100 rules.-

2101 (1) The department may conduct investigations and

2102 examinations on any person suspected of violating or of having

2103 violated any provision of this chapter or any rule adopted or

2104 order issued under this chapter.

2105 (2) For purposes of any investigation or examination

2106 conducted under this section, the department may exercise the

2107 power of subpoena and the powers to administer oaths or

2108 affirmations, to examine witnesses, to require affidavits, to

2109 take depositions, and to compel the attendance of witnesses and

2110 the production of books, papers, documents, records, and other

596-03794-19 20197090\_\_

2111 evidence. Such subpoenas may be served by an authorized

2112 representative of the department.

2113 (3) If a person refuses to testify; to produce books,

2114 papers, documents, or records; or to otherwise obey the subpoena

2115 or subpoena duces tecum issued under subsection (2), the

2116 department may petition a court of competent jurisdiction in the

2117 county where the person's residence or principal place of

2118 business is located, upon which the court must issue an order

2119 requiring such person to obey the subpoena or show cause for

2120 failing to obey the subpoena. Unless the person shows sufficient

2121 cause for failing to obey the subpoena, the court must direct

2122 the person to obey the subpoena. Failure to comply with such

2123 order constitutes contempt of court.

2124 (4) For the purpose of any investigation, examination, or

2125 proceeding initiated by the department under this chapter, the

2126 department may designate agents to serve subpoenas and other

2127 process and administer oaths or affirmations.

2128 (5) Witnesses subpoenaed under this section are entitled to

2129 witness fees at the same rate established by s. 92.142 for

2130 witnesses in a civil case, except that witness fees are not

2131 payable for appearance at the witness's place of business during

2132 regular business hours or at the witness's residence.

2133 (6) The department may adopt rules to administer this

2134 section.

2135 Section 49. Subsection (4) of section 323.001, Florida

2136 Statutes, is amended to read:

2137 323.001 Wrecker operator storage facilities; vehicle

2138 holds.-

2139 (4) The requirements for a written hold apply when the

596-03794-19

20197090\_\_

2140 following conditions are present:

2141 (a) The officer has probable cause to believe the vehicle  
2142 should be seized and forfeited under the Florida Contraband  
2143 Forfeiture Act, ss. 932.701-932.7062;

2144 (b) The officer has probable cause to believe the vehicle  
2145 should be seized and forfeited under chapter 379;

2146 (c) The officer has probable cause to believe the vehicle  
2147 was used as the means of committing a crime;

2148 (d) The officer has probable cause to believe that the  
2149 vehicle is itself evidence that tends to show that a crime has  
2150 been committed or that the vehicle contains evidence, which  
2151 cannot readily be removed, which tends to show that a crime has  
2152 been committed;

2153 (e) The officer has probable cause to believe the vehicle  
2154 was involved in a traffic crash ~~accident~~ resulting in death or  
2155 personal injury and should be sealed for investigation and  
2156 collection of evidence by a vehicular homicide investigator;

2157 (f) The vehicle is impounded or immobilized pursuant to s.  
2158 316.193 or s. 322.34; or

2159 (g) The officer is complying with a court order.

2160 Section 50. Paragraph (c) of subsection (1), paragraph (c)  
2161 of subsection (2), and subsection (4) of section 323.002,  
2162 Florida Statutes, are amended to read:

2163 323.002 County and municipal wrecker operator systems;  
2164 penalties for operation outside of system.—

2165 (1) As used in this section, the term:

2166 (c) "Wrecker operator system" means a system for the towing  
2167 or removal of wrecked, disabled, or abandoned vehicles, similar  
2168 to the Florida Highway Patrol wrecker operator system described

596-03794-19

20197090\_\_

2169 in s. 321.051(2), under which a county or municipality contracts  
2170 with one or more wrecker operators for the towing or removal of  
2171 wrecked, disabled, or abandoned vehicles from crash ~~accident~~  
2172 scenes, streets, or highways. A wrecker operator system shall  
2173 include using a method for apportioning the towing assignments  
2174 among the eligible wrecker operators through the creation of  
2175 geographic zones, a rotation schedule, or a combination of these  
2176 methods.

2177 (2) In any county or municipality that operates a wrecker  
2178 operator system:

2179 (c) When an unauthorized wrecker operator drives by the  
2180 scene of a wrecked or disabled vehicle and the owner or operator  
2181 initiates contact by signaling the wrecker operator to stop and  
2182 provide towing services, the unauthorized wrecker operator must  
2183 disclose in writing to the owner or operator of the vehicle his  
2184 or her full name and driver license number, that he or she is  
2185 not the authorized wrecker operator who has been designated as  
2186 part of the wrecker operator system, that the motor vehicle is  
2187 not being towed for the owner's or operator's insurance company  
2188 or lienholder, whether he or she has in effect an insurance  
2189 policy providing at least \$300,000 of liability insurance and at  
2190 least \$50,000 of on-hook cargo insurance, and the maximum  
2191 charges for towing and storage which will apply before the  
2192 vehicle is connected to the towing apparatus. The unauthorized  
2193 wrecker operator must also provide a copy of the disclosure to  
2194 the owner or operator in the presence of a law enforcement  
2195 officer if such officer is at the scene of a motor vehicle crash  
2196 ~~accident~~. Any person who violates this paragraph commits a  
2197 misdemeanor of the second degree, punishable as provided in s.

596-03794-19

20197090\_\_

2198 775.082 or s. 775.083, and the person's wrecker, tow truck, or  
 2199 other motor vehicle that was used during the offense may be  
 2200 immediately removed and impounded pursuant to subsection (3).

2201 (4) This section does not prohibit, or in any way prevent,  
 2202 the owner or operator of a vehicle involved in a crash ~~an~~  
 2203 ~~accident~~ or otherwise disabled from contacting any wrecker  
 2204 operator for the provision of towing services, whether the  
 2205 wrecker operator is an authorized wrecker operator or not.

2206 Section 51. Section 324.011, Florida Statutes, is amended  
 2207 to read:

2208 324.011 Purpose of chapter.—It is the intent of this  
 2209 chapter to recognize the existing privilege to own or operate a  
 2210 motor vehicle on the public streets and highways of this state  
 2211 when such vehicles are used with due consideration for others  
 2212 and their property, and to promote safety and provide financial  
 2213 security requirements for such owners or operators whose  
 2214 responsibility it is to recompense others for injury to person  
 2215 or property caused by the operation of a motor vehicle.  
 2216 Therefore, it is required herein that the operator of a motor  
 2217 vehicle involved in a crash or convicted of certain traffic  
 2218 offenses meeting the operative provisions of s. 324.051(2) shall  
 2219 respond for such damages and show proof of financial ability to  
 2220 respond for damages in future crashes ~~accidents~~ as a requisite  
 2221 to his or her future exercise of such privileges.

2222 Section 52. Subsection (1) of section 324.022, Florida  
 2223 Statutes, is amended to read:

2224 324.022 Financial responsibility for property damage.—

2225 (1) Every owner or operator of a motor vehicle required to  
 2226 be registered in this state shall establish and maintain the

596-03794-19

20197090\_\_

2227 ability to respond in damages for liability on account of  
 2228 crashes ~~accidents~~ arising out of the use of the motor vehicle in  
 2229 the amount of \$10,000 because of damage to, or destruction of,  
 2230 property of others in any one crash. The requirements of this  
 2231 section may be met by one of the methods established in s.  
 2232 324.031; by self-insuring as authorized by s. 768.28(16); or by  
 2233 maintaining an insurance policy providing coverage for property  
 2234 damage liability in the amount of at least \$10,000 because of  
 2235 damage to, or destruction of, property of others in any one  
 2236 crash ~~accident~~ arising out of the use of the motor vehicle. The  
 2237 requirements of this section may also be met by having a policy  
 2238 which provides coverage in the amount of at least \$30,000 for  
 2239 combined property damage liability and bodily injury liability  
 2240 for any one crash arising out of the use of the motor vehicle.  
 2241 The policy, with respect to coverage for property damage  
 2242 liability, must meet the applicable requirements of s. 324.151,  
 2243 subject to the usual policy exclusions that have been approved  
 2244 in policy forms by the Office of Insurance Regulation. No  
 2245 insurer shall have any duty to defend uncovered claims  
 2246 irrespective of their joinder with covered claims.

2247 Section 53. Section 324.023, Florida Statutes, is amended  
 2248 to read:

2249 324.023 Financial responsibility for bodily injury or  
 2250 death.—In addition to any other financial responsibility  
 2251 required by law, every owner or operator of a motor vehicle that  
 2252 is required to be registered in this state, or that is located  
 2253 within this state, and who, regardless of adjudication of guilt,  
 2254 has been found guilty of or entered a plea of guilty or nolo  
 2255 contendere to a charge of driving under the influence under s.

596-03794-19

20197090\_\_

2256 316.193 after October 1, 2007, shall, by one of the methods  
 2257 established in s. 324.031(1) or (2), establish and maintain the  
 2258 ability to respond in damages for liability on account of  
 2259 ~~crashes~~ accidents arising out of the use of a motor vehicle in  
 2260 the amount of \$100,000 because of bodily injury to, or death of,  
 2261 one person in any one crash and, subject to such limits for one  
 2262 person, in the amount of \$300,000 because of bodily injury to,  
 2263 or death of, two or more persons in any one crash and in the  
 2264 amount of \$50,000 because of property damage in any one crash.  
 2265 If the owner or operator chooses to establish and maintain such  
 2266 ability by furnishing a certificate of deposit pursuant to s.  
 2267 324.031(2), such certificate of deposit must be at least  
 2268 \$350,000. Such higher limits must be carried for a minimum  
 2269 period of 3 years. If the owner or operator has not been  
 2270 convicted of driving under the influence or a felony traffic  
 2271 offense for a period of 3 years from the date of reinstatement  
 2272 of driving privileges for a violation of s. 316.193, the owner  
 2273 or operator shall be exempt from this section.

2274 Section 54. Paragraph (b) of subsection (1) and paragraph  
 2275 (a) of subsection (2) of section 324.051, Florida Statutes, are  
 2276 amended to read:

2277 324.051 Reports of crashes; suspensions of licenses and  
 2278 registrations.-

2279 (1)

2280 (b) The department is hereby further authorized to require  
 2281 reports of crashes from individual owners or operators whenever  
 2282 it deems it necessary for the proper administration of this  
 2283 chapter, and these reports shall be made without prejudice  
 2284 except as specified in this subsection. No such report shall be

596-03794-19

20197090\_\_

2285 used as evidence in any trial arising out of a crash. However,  
 2286 subject to the applicable rules of evidence, a law enforcement  
 2287 officer at a criminal trial may testify as to any statement made  
 2288 to the officer by the person involved in the ~~crash~~ accident if  
 2289 that person's privilege against self-incrimination is not  
 2290 violated.

2291 (2) (a) Thirty days after receipt of notice of any crash  
 2292 ~~accident~~ described in paragraph (1) (a) involving a motor vehicle  
 2293 within this state, the department shall suspend, after due  
 2294 notice and opportunity to be heard, the license of each operator  
 2295 and all registrations of the owner of the vehicles operated by  
 2296 such operator whether or not involved in such crash and, in the  
 2297 case of a nonresident owner or operator, shall suspend such  
 2298 nonresident's operating privilege in this state, unless such  
 2299 operator or owner shall, prior to the expiration of such 30  
 2300 days, be found by the department to be exempt from the operation  
 2301 of this chapter, based upon evidence satisfactory to the  
 2302 department that:

2303 1. The motor vehicle was legally parked at the time of such  
 2304 crash.

2305 2. The motor vehicle was owned by the United States  
 2306 Government, this state, or any political subdivision of this  
 2307 state or any municipality therein.

2308 3. Such operator or owner has secured a duly acknowledged  
 2309 written agreement providing for release from liability by all  
 2310 parties injured as the result of said crash and has complied  
 2311 with one of the provisions of s. 324.031.

2312 4. Such operator or owner has deposited with the department  
 2313 security to conform with s. 324.061 when applicable and has

596-03794-19 20197090\_\_

2314 complied with one of the provisions of s. 324.031.

2315 5. One year has elapsed since such owner or operator was

2316 suspended pursuant to subsection (3), the owner or operator has

2317 complied with one of the provisions of s. 324.031, and no bill

2318 of complaint of which the department has notice has been filed

2319 in a court of competent jurisdiction.

2320

2321 No such policy or bond shall be effective under this subsection

2322 unless it contains limits of not less than those specified in s.

2323 324.021(7).

2324 Section 55. Subsections (2), (3), and (4) of section

2325 324.242, Florida Statutes, are amended to read:

2326 324.242 Personal injury protection and property damage

2327 liability insurance policies; public records exemption.—

2328 (2) Upon receipt of a request and proof of a crash report

2329 as required under s. 316.065, s. 316.066, or s. 316.068, or a

2330 crash report created pursuant to the laws of another state, the

2331 department shall release the policy number for a policy covering

2332 a vehicle involved in a motor vehicle crash ~~accident~~ to:

2333 (a) Any person involved in such crash ~~accident~~;

2334 (b) The attorney of any person involved in such crash

2335 ~~accident~~; or

2336 (c) A representative of the insurer of any person involved

2337 in such crash ~~accident~~.

2338 (3) The department shall provide personal injury protection

2339 and property damage liability insurance policy numbers to

2340 department-approved third parties that provide data collection

2341 services to an insurer of any person involved in such crash

2342 ~~accident~~.

596-03794-19 20197090\_\_

2343 (4) Before the department's release of a policy number in

2344 accordance with subsection (2) or subsection (3), an insurer's

2345 representative, a contracted third party, or an attorney for a

2346 person involved in a crash ~~an accident~~ must provide the

2347 department with documentation confirming proof of

2348 representation.

2349 Section 56. Section 328.30, Florida Statutes, is amended to

2350 read:

2351 328.30 Transactions by electronic or telephonic means.—

2352 (1) The Department of Highway Safety and Motor Vehicles may

2353 accept any application provided for under this part ~~chapter~~ by

2354 electronic or telephonic means.

2355 (2) The department may issue an electronic certificate of

2356 title in lieu of printing a paper title.

2357 (3) The department or tax collector may collect electronic

2358 mail addresses or cellular telephone numbers and use electronic

2359 mail or text messages in lieu of the United States Postal

2360 Service for the purpose of providing information related to

2361 Department of Highway Safety and Motor Vehicles functions in

2362 accordance with chapter 119 and pursuant to the federal Driver

2363 Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The

2364 provision of electronic mail addresses and cellular telephone

2365 numbers by the applicant is optional and, before collection

2366 pursuant to this subsection, the department or tax collector

2367 shall disclose to the applicant the purposes for which the

2368 electronic mail addresses and cellular telephone numbers may be

2369 used ~~renewal notices~~.

2370 Section 57. Subsection (3) of section 328.40, Florida

2371 Statutes, is amended to read:

596-03794-19 20197090\_\_

2372 328.40 Administration of vessel registration and titling  
2373 laws; records.—

2374 (3) All records made or kept by the Department of Highway  
2375 Safety and Motor Vehicles under this part are subject to  
2376 inspection and copying as provided in chapter 119 ~~law are public~~  
2377 ~~records except for confidential reports.~~

2378 Section 58. Subsection (1) of section 328.73, Florida  
2379 Statutes, is amended to read:

2380 328.73 Registration; duties of tax collectors.—

2381 (1) The tax collectors in the counties of the state, as  
2382 authorized agents of the department, shall issue registration  
2383 certificates and vessel numbers and decals to applicants,  
2384 subject to the requirements of law and in accordance with rules  
2385 of the department. For the purpose of enhancing customer  
2386 services provided by tax collectors acting on behalf of the  
2387 department, the department, contingent upon an approved request  
2388 and memorandum of understanding, shall provide tax collectors,  
2389 and tax collector-approved agents and vendors with real-time  
2390 access to data that other third parties receive from the  
2391 department related to registration certificates and vessel  
2392 numbers and decals, including, but not limited to, the most  
2393 current address information and electronic mail addresses of  
2394 applicants. The memorandum of understanding as required under  
2395 this paragraph may not be more restrictive than any memorandum  
2396 of understanding between the department and other third-party  
2397 vendors.

2398 Section 59. Section 328.80, Florida Statutes, is amended to  
2399 read:

2400 328.80 Transactions by electronic or telephonic means.—

596-03794-19 20197090\_\_

2401 (1) The Department of Highway Safety and Motor Vehicles  
2402 ~~commission~~ is authorized to accept any application provided for  
2403 under this ~~part chapter~~ by electronic or telephonic means.

2404 (2) The department or tax collector may collect electronic  
2405 mail addresses or cellular telephone numbers and use electronic  
2406 mail or text messages in lieu of the United States Postal  
2407 Service for the purpose of providing information related to  
2408 Department of Highway Safety and Motor Vehicles functions in  
2409 accordance with chapter 119 and pursuant to the federal Driver  
2410 Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The  
2411 provision of electronic mail addresses and cellular telephone  
2412 numbers by the applicant is optional and, before collection  
2413 pursuant to this subsection, the department or tax collector  
2414 shall disclose to the applicant the purposes for which the  
2415 electronic mail addresses and cellular telephone numbers may be  
2416 used.

2417 Section 60. Subsection (4) of section 627.7415, Florida  
2418 Statutes, is amended to read:

2419 627.7415 Commercial motor vehicles; additional liability  
2420 insurance coverage.—Commercial motor vehicles, as defined in s.  
2421 207.002 or s. 320.01, operated upon the roads and highways of  
2422 this state shall be insured with the following minimum levels of  
2423 combined bodily liability insurance and property damage  
2424 liability insurance in addition to any other insurance  
2425 requirements:

2426 (4) All commercial motor vehicles subject to regulations of  
2427 the United States Department of Transportation, 49 C.F.R. part  
2428 387, ~~subparts~~ subpart A and B, and as may be hereinafter  
2429 amended, shall be insured in an amount equivalent to the minimum

596-03794-19 20197090\_\_

2430 levels of financial responsibility as set forth in such  
 2431 regulations.

2432

2433 A violation of this section is a noncriminal traffic infraction,  
 2434 punishable as a nonmoving violation as provided in chapter 318.

2435 Section 61. Subsection (2) of section 316.251, Florida  
 2436 Statutes, is amended to read:

2437 316.251 Maximum bumper heights.—

2438 (2) "New motor vehicles" as defined in s. 319.001 ~~s.~~  
 2439 ~~319.001(9)~~, "antique automobiles" as defined in s. 320.08,  
 2440 "horseless carriages" as defined in s. 320.086, and "street  
 2441 rods" as defined in s. 320.0863 shall be excluded from the  
 2442 requirements of this section.

2443 Section 62. Subsection (19) of section 501.976, Florida  
 2444 Statutes, is amended to read:

2445 501.976 Actionable, unfair, or deceptive acts or  
 2446 practices.—It is an unfair or deceptive act or practice,  
 2447 actionable under the Florida Deceptive and Unfair Trade  
 2448 Practices Act, for a dealer to:

2449 (19) Fail to disclose damage to a new motor vehicle, as  
 2450 defined in s. 319.001 ~~s. 319.001(9)~~, of which the dealer had  
 2451 actual knowledge, if the dealer's actual cost of repairs exceeds  
 2452 the threshold amount, excluding replacement items.

2453

2454 In any civil litigation resulting from a violation of this  
 2455 section, when evaluating the reasonableness of an award of  
 2456 attorney's fees to a private person, the trial court shall  
 2457 consider the amount of actual damages in relation to the time  
 2458 spent.

596-03794-19 20197090\_\_

2459 Section 63. Subsection (1) of section 655.960, Florida  
 2460 Statutes, is amended to read:

2461 655.960 Definitions; ss. 655.960-655.965.—As used in this  
 2462 section and ss. 655.961-655.965, unless the context otherwise  
 2463 requires:

2464 (1) "Access area" means any paved walkway or sidewalk which  
 2465 is within 50 feet of any automated teller machine. The term does  
 2466 not include any street or highway open to the use of the public,  
 2467 as defined in s. 316.003(84)(a) or (b) ~~s. 316.003(81)(a) or (b)~~,  
 2468 including any adjacent sidewalk, as defined in s. 316.003.

2469 Section 64. Subsection (5) of section 856.015, Florida  
 2470 Statutes, is amended to read:

2471 856.015 Open house parties.—

2472 (5) If a violation of subsection (2) causes or contributes  
 2473 to causing serious bodily injury, as defined in s. 316.003  
 2474 ~~316.1933~~, or death to the minor, or if the minor causes or  
 2475 contributes to causing serious bodily injury or death to another  
 2476 as a result of the minor's consumption of alcohol or drugs at  
 2477 the open house party, the violation is a misdemeanor of the  
 2478 first degree, punishable as provided in s. 775.082 or s.  
 2479 775.083.

2480 Section 65. This act shall take effect July 1, 2019.





The Florida Senate

## Committee Agenda Request

**To:** Senator Travis Hutson, Chair  
Appropriations Subcommittee on Transportation, Tourism, and Economic  
Development

**Subject:** Committee Agenda Request

**Date:** April 8, 2019

---

I respectfully request that **Senate Bill #7090**, relating to Department of Highway Safety and Motor Vehicles, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Tom Lee".

---

Senator Tom Lee  
Florida Senate, District 20

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

4/16/19

Meeting Date

7090

Bill Number (if applicable)

904522

Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Leslie Dughi

Job Title \_\_\_\_\_

Address 101 E. College Avenue  
Street

Phone \_\_\_\_\_

City

State

Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Enterprise, National and Alamo

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

April 16, 2019  
Meeting Date

7090

Bill Number (if applicable)

~~694180~~ 694180

Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Erin Ballas

Job Title \_\_\_\_\_

Address 730 E. Park Ave

Street

Tallahassee

City

FL

State

32301

Zip

Phone 8507286387

Email erinballas@paconsultants.com

Speaking:  For  Against  Information

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

Representing National Waste and Recycling Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

April 16, 2019  
Meeting Date

7090  
Bill Number (if applicable)  
~~316134~~ 316134  
Amendment Barcode (if applicable)

Topic \_\_\_\_\_

Name Erin Ballas

Job Title \_\_\_\_\_

Address 730 E. Park Ave.

Phone 850 728 6387

Tallahassee FL 32301  
City State Zip

Email erinballas@paconsultant.com

Speaking:  For  Against  Information

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

Representing National Waste and Recycling Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

7090

Meeting Date \_\_\_\_\_

Bill Number (if applicable) \_\_\_\_\_

Topic \_\_\_\_\_

Amendment Barcode (if applicable) \_\_\_\_\_

Name ALIX MILLER

Job Title VICE PRESIDENT

Address 390 E College Ave

Phone 850-222-9100

Street

Tallahassee

FL

State

32301

Zip

Email alix@fltrucking.org

Speaking:  For  Against  Information

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

Representing FLORIDA TRUCKING ASSOCIATION

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

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

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

---

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

---

BILL: PCS/SB 7092 (248392)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Infrastructure and Security Committee

SUBJECT: Fees/Department of Highway Safety and Motor Vehicles

DATE: April 18, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Proctor	Miller		<b>IS Submitted as Committee Bill</b>
1.	Wells	Hrdlicka	ATD	<b>Recommend: Fav/CS</b>
2.			AP	

---

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

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

PCS/SB 7092 allows the Department of Highway Safety and Motor Vehicles (DHSMV) to collect an initial and annual renewal fee for apportionable vehicles of \$28.00 for a validation sticker.

SB 7092 takes effect on the same date that SB 7090 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Article VII, s. 19 of the Florida Constitution requires the imposition, authorization, or raising of a state tax or fee be contained in a separate bill that contains no other subject and be approved by two-thirds of the membership of each house of the Legislature. As such, Art. VII, s. 19 of the Florida Constitution may apply if the provisions in the bill are interpreted to be new fees.

**II. Present Situation:**

The present situation for each issue in the bill is discussed below in conjunction with the Effect of the Proposed Changes.

### III. Effect of Proposed Changes:

#### Issuance of Apportionable Vehicle Plates

##### *Present Situation*

Florida law requires all apportionable vehicles domiciled in Florida to be registered in accordance with the IRP and to display required license plates.<sup>1</sup>

Section 320.06, F.S., requires registration license plates, which bear a graphic symbol and alphanumeric system of identification, to be issued for a 10-year period. However, “Apportioned” license plates issued to vehicles registered under the IRP are issued annually.<sup>2</sup> Apportioned vehicles are also issued an annual cab card that denotes the declared gross vehicle weight for each apportioned jurisdiction where the vehicle is authorized to operate.<sup>3</sup>

Section 320.0607, F.S., requires an applicant to pay a fee of \$28 upon the issuance of an original license plate (whether every 10 years or annually for apportioned vehicles), which is deposited into the Highway Safety Operating Trust Fund.

##### *Effect of Proposed Changes*

SB 7090 amends s. 320.06, F.S., to require that upon implementation of a new operating system for apportioned vehicle registration, a vehicle registered in accordance with the IRP will be issued a license plate for a five-year period, an annual cab card denoting the declared gross vehicle weight, and an annual validation sticker showing the month and year of expiration.

The license plate and validation sticker will be issued based on the applicant’s appropriate renewal period. The registration period for an apportionable vehicle is 12 months and the validation sticker is valid for 12 months. The bill provides that the fee must be deposited into the Highway Safety Operating Trust Fund.

Currently, applicants must annually pay a fee of \$28. This bill allows the DHSMV to charge and collect the \$28 fee for the initial validation sticker and any renewed validation sticker (**section 2**).

##### **Effective Date**

The bill takes effect on the same date that SB 7090 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

---

<sup>1</sup> Section 320.0715(1), F.S.

<sup>2</sup> Section 320.06(1)(b)1., F.S.

<sup>3</sup> See IRP, Inc., *State of Florida Apportioned Cab Card Sample*,

[http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/cab\\_cards/fl\\_cc\\_sample.pdf](http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/cab_cards/fl_cc_sample.pdf) (last visited April 9, 2019).

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

Article VII, s. 19 of the Florida Constitution requires the imposition, authorization, or raising of a state tax or fee be contained in a separate bill that contains no other subject and be approved by two-thirds of the membership of each house of the Legislature. As such, Art. VII, s. 19 of the Florida Constitution may apply if the fee provisions in the bill are interpreted to be new fees.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

The bill does not increase the current fee for apportioned vehicles.

## C. Government Sector Impact:

The bill is anticipated to have a net zero impact to the state.

The bill allows the DHSMV to charge and collect the \$28 annual fee for deposit into the Highway Safety Operating Trust Fund on the initial validation sticker and each renewal validation sticker. Under existing statute, the \$28 fee is paid upon initial issuance and annual reissuance of the "Apportioned" license plates issued to vehicles registered under the IRP.<sup>4</sup>

---

<sup>4</sup> Section 320.06(1)(b)1., F.S.



**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill substantially amends the section 320.06 of the Florida Statutes.

**IX. Additional Information:**

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

**Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 16, 2019:**

The committee substitute removes the sections of the bill related to costs to obtain an order granting a subpoena and costs related to expedited shipping. These provisions have been amended and incorporated into SB 7090.

- B. **Amendments:**

**SPB by Infrastructure and Security on April 2, 2019:**

The SPB was amended to incorporate the linked bill number of SB 7090.



755838

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/18/2019	.	
	.	
	.	
	.	

---

Appropriations Subcommittee on Transportation, Tourism, and  
Economic Development (Lee) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (b) of subsection (1) of section  
320.06, Florida Statutes, as amended by SB 7090, 2019 Regular  
Session, is amended to read:

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



755838

10 (1)

11 (b)1. Registration license plates bearing a graphic symbol  
12 and the alphanumeric system of identification shall be issued  
13 for a 10-year period. At the end of the 10-year period, upon  
14 renewal, the plate shall be replaced. The department shall  
15 extend the scheduled license plate replacement date from a 6-  
16 year period to a 10-year period. The fee for such replacement is  
17 \$28, \$2.80 of which shall be paid each year before the plate is  
18 replaced, to be credited toward the next \$28 replacement fee.  
19 The fees shall be deposited into the Highway Safety Operating  
20 Trust Fund. A credit or refund may not be given for any prior  
21 years' payments of the prorated replacement fee if the plate is  
22 replaced or surrendered before the end of the 10-year period,  
23 except that a credit may be given if a registrant is required by  
24 the department to replace a license plate under s.

25 320.08056(8)(a). With each license plate, a validation sticker  
26 shall be issued showing the owner's birth month, license plate  
27 number, and the year of expiration or the appropriate renewal  
28 period if the owner is not a natural person. The validation  
29 sticker shall be placed on the upper right corner of the license  
30 plate. The license plate and validation sticker shall be issued  
31 based on the applicant's appropriate renewal period. The  
32 registration period is 12 months, the extended registration  
33 period is 24 months, and all expirations occur based on the  
34 applicant's appropriate registration period.

35 2. A vehicle that has an apportioned registration shall be  
36 issued an annual license plate and a cab card denoting the  
37 declared gross vehicle weight for each apportioned jurisdiction.  
38 This subparagraph expires January 1, 2023.



755838

39           3. Upon implementation of a new operating system for  
40 apportioned vehicle registration, a vehicle registered in  
41 accordance with the International Registration Plan must be  
42 issued a license plate for a 5-year period, an annual cab card  
43 denoting the declared gross vehicle weight for each apportioned  
44 jurisdiction, and an annual validation sticker showing the month  
45 and year of expiration. The validation sticker must be placed in  
46 the center of the license plate. The license plate and  
47 validation sticker must be issued based on the applicant's  
48 appropriate renewal period. The registration period is 12  
49 months. The fee for the initial validation sticker and any  
50 renewed validation sticker is \$28. This fee must be deposited  
51 into the Highway Safety Operating Trust Fund. If the license  
52 plate is damaged or worn, it may be replaced at no charge by  
53 applying to the department and surrendering the current license  
54 plate.

55           4. In order to retain the efficient administration of the  
56 taxes and fees imposed by this chapter, the 80-cent fee increase  
57 in the replacement fee imposed by chapter 2009-71, Laws of  
58 Florida, is negated as provided in s. 320.0804.

59           Section 2. This act shall take effect on the same date that  
60 SB 7090 or similar legislation takes effect, if such legislation  
61 is adopted in the same legislative session or an extension  
62 thereof and becomes a law.

63  
64 ===== T I T L E   A M E N D M E N T =====

65 And the title is amended as follows:

66           Delete everything before the enacting clause  
67 and insert:



755838

68  
69  
70  
71

A bill to be entitled  
An act relating to fees; amending s. 320.06, F.S.;  
requiring a specified fee for certain validation  
stickers; providing a contingent effective date.

By the Committee on Infrastructure and Security

596-03791-19

20197092\_\_

A bill to be entitled

An act relating to fees; amending s. 319.1414, F.S.; requiring that costs incurred by the Department of Highway Safety and Motor Vehicles to obtain a certain order be charged to a subpoenaed person; amending s. 320.06, F.S.; requiring a specified fee for certain validation stickers; amending s. 320.861, F.S.; requiring that costs incurred by the department to obtain a certain order be charged to a subpoenaed person; amending s. 322.21, F.S.; requiring a certain fee for the expedited shipping of a renewal or replacement driver license or identification card; amending s. 322.71, F.S.; requiring that costs incurred by the department to obtain a certain order be charged to a subpoenaed person; providing a contingent effective date.

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

Section 1. Subsection (3) of section 319.1414, Florida Statutes, as created by SB 7090, 2019 Regular Session, is amended to read:

319.1414 Investigations; examinations; subpoenas; hearings; witnesses.-

(3) If a person refuses to testify, produce books, papers, documents, or records, or otherwise obey a subpoena or subpoena duces tecum issued under subsection (2), the department may petition a court of competent jurisdiction in the county where the person's residence or principal place of business is

Page 1 of 6

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

596-03791-19

20197092\_\_

located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court shall direct the person to obey the subpoena. Costs incurred by the department to obtain an order granting, in whole or in part, its petition must be charged to the subpoenaed person. Failure to comply with such order is contempt of court.

Section 2. Paragraph (b) of subsection (1) of section 320.06, Florida Statutes, as amended by SB 7090, 2019 Regular Session, is amended to read:

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

(1)

(b)1. Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year period. At the end of the 10-year period, upon renewal, the plate shall be replaced. The department shall extend the scheduled license plate replacement date from a 6-year period to a 10-year period. The fee for such replacement is \$28, \$2.80 of which shall be paid each year before the plate is replaced, to be credited toward the next \$28 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund may not be given for any prior years' payments of the prorated replacement fee if the plate is replaced or surrendered before the end of the 10-year period, except that a credit may be given if a registrant is required by the department to replace a license plate under s. 320.08056(8)(a). With each license plate, a validation sticker

Page 2 of 6

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

596-03791-19

20197092\_\_

59 shall be issued showing the owner's birth month, license plate  
60 number, and the year of expiration or the appropriate renewal  
61 period if the owner is not a natural person. The validation  
62 sticker shall be placed on the upper right corner of the license  
63 plate. The license plate and validation sticker shall be issued  
64 based on the applicant's appropriate renewal period. The  
65 registration period is 12 months, the extended registration  
66 period is 24 months, and all expirations occur based on the  
67 applicant's appropriate registration period.

68 2. A vehicle that has an apportioned registration shall be  
69 issued an annual license plate and a cab card that denote the  
70 declared gross vehicle weight for each apportioned jurisdiction  
71 in which the vehicle is authorized to operate. This subparagraph  
72 expires October 1, 2019.

73 3. Upon implementation of a new operating system for  
74 apportioned vehicle registration, a vehicle registered in  
75 accordance with the International Registration Plan which has an  
76 apportioned registration must be issued a license plate for a 5-  
77 year period, an annual cab card denoting the declared gross  
78 vehicle weight, and an annual validation sticker showing the  
79 month and year of expiration. The validation sticker must be  
80 placed in the center of the license plate. The license plate and  
81 validation sticker must be issued based on the applicant's  
82 appropriate renewal period. The registration period is 12  
83 months. The fee for the initial validation sticker and any  
84 renewed validation sticker is \$28. This fee must be deposited  
85 into the Highway Safety Operating Trust Fund. If the license  
86 plate is damaged or worn, it may be replaced at no charge by  
87 applying to the department and surrendering the current license

596-03791-19

20197092\_\_

88 plate.

89 4. In order to retain the efficient administration of the  
90 taxes and fees imposed by this chapter, the 80-cent fee increase  
91 in the replacement fee imposed by chapter 2009-71, Laws of  
92 Florida, is negated as provided in s. 320.0804.

93 Section 3. Subsection (3) of section 320.861, Florida  
94 Statutes, as created by SB 7090, 2019 Regular Session, is  
95 amended to read:

96 320.861 Investigations; subpoenas and other process; oaths;  
97 rules.—

98 (3) If a person refuses to testify, produce books, papers,  
99 documents, or records, or otherwise obey the subpoena or  
100 subpoena duces tecum issued under subsection (2), the department  
101 may petition a court of competent jurisdiction in the county  
102 where the person's residence or principal place of business is  
103 located, upon which the court must issue an order requiring such  
104 person to obey the subpoena or show cause for failing to obey  
105 the subpoena. Unless the person shows sufficient cause for  
106 failing to obey the subpoena, the court must direct the person  
107 to obey the subpoena. Costs incurred by the department to obtain  
108 an order granting, in whole or in part, its petition shall be  
109 charged to the subpoenaed person. Failure to comply with such  
110 order is contempt of court.

111 Section 4. Subsection (10) of section 322.21, Florida  
112 Statutes, as created by SB 7090, 2019 Regular Session, is  
113 amended to read:

114 322.21 License fees; procedure for handling and collecting  
115 fees.—

116 (10) An applicant who submits an application for a renewal

596-03791-19

20197092\_\_

117 or replacement driver license or identification card to the  
 118 department using a convenience service must be provided with an  
 119 option for expedited shipping in which the department, at the  
 120 applicant's request, must issue the license or identification  
 121 card within 5 working days after receipt of the application and  
 122 ship the license or card using an expedited mail service. A fee  
 123 must be charged for the expedited shipping option, not to exceed  
 124 the cost of the expedited mail service, which is in addition to  
 125 fees imposed by s. 322.051 or this section, or for the  
 126 convenience service. Fees collected for the expedited shipping  
 127 option shall be deposited into the Highway Safety Operating  
 128 Trust Fund.

129 Section 5. Subsection (3) of section 322.71, Florida  
 130 Statutes, as created by SB 7090, 2019 Regular Session, is  
 131 amended to read:

132 322.71 Investigations; subpoenas and other process; oaths;  
 133 rules.—

134 (3) If a person refuses to testify, produce books, papers,  
 135 documents, or records, or otherwise obey the subpoena or  
 136 subpoena duces tecum issued under subsection (2), the department  
 137 may petition a court of competent jurisdiction in the county  
 138 where the person's residence or principal place of business is  
 139 located, upon which the court must issue an order requiring such  
 140 person to obey the subpoena or show cause for failing to obey  
 141 the subpoena. Unless the person shows sufficient cause for  
 142 failing to obey the subpoena, the court must direct the person  
 143 to obey the subpoena. Costs incurred by the department to obtain  
 144 an order granting, in whole or in part, its petition shall be  
 145 charged to the subpoenaed person. Failure to comply with such

Page 5 of 6

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

596-03791-19

20197092\_\_

146 order is contempt of court.

147 Section 6. This act shall take effect on the same date that  
 148 SB 7090 or similar legislation takes effect, if such legislation  
 149 is adopted in the same legislative session or an extension  
 150 thereof and becomes a law.

Page 6 of 6

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





The Florida Senate

## Committee Agenda Request

**To:** Senator Travis Hutson, Chair  
Appropriations Subcommittee on Transportation, Tourism, and Economic  
Development

**Subject:** Committee Agenda Request

**Date:** April 8, 2019

---

I respectfully request that **Senate Bill #7092**, relating to Fees/Department of Highway Safety and Motor Vehicles - 2019, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Tom Lee".

---

Senator Tom Lee  
Florida Senate, District 20

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

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

---

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

---

BILL: SB 7094

INTRODUCER: Infrastructure and Security Committee

SUBJECT: Public Records/Department of Highway Safety and Motor Vehicles

DATE: April 15, 2019

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Proctor</u>	<u>Miller</u>		<b>IS Submitted as Committee Bill</b>
1.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<b>Recommend: Favorable</b>
2.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

---

**I. Summary:**

SB 7094 creates public records exemptions for records held by the Department of Highway Safety and Motor Vehicles (DHSMV):

- Personal information, including highly restricted personal information, contained in any record that pertains to a vessel title or vessel registration issued by the DHSMV;
- Verified email addresses and cell phone numbers collected by the DHSMV; and
- Information received by the DHSMV as a result of an investigation or examination, until the investigation or examination ceases to be active or administrative action taken by the DHSMV has concluded or been made part of any hearing or court proceeding.

The exemptions created by the bill will be repealed on October 2, 2024, unless reviewed and reenacted by the Legislature. The bill contains a public necessity statement as required by the Florida Constitution. Because the bill creates a new public records exemption and expands a current public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill takes effect on the same date that SB 7090 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

**II. Present Situation:**

**Public Records Law**

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> This applies to the official business

---

<sup>1</sup> FLA. CONST., art. I, s. 24(a).

of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup>

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records laws.<sup>3</sup> The Public Records Act states that

[i]t is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.<sup>4</sup>

The Public Records Act typically contains general exemptions that apply across agencies. Agency- or program-specific exemptions often are placed in the substantive statutes relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.<sup>5</sup> Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.

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

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>8</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>9</sup>

Only the Legislature may create an exemption to public records requirements.<sup>10</sup> An exemption must be created by general law and must specifically state the public necessity justifying the

---

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

<sup>3</sup> Public records laws are found throughout the Florida Statutes.

<sup>4</sup> Section 119.01(1), F.S.

<sup>5</sup> *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

<sup>6</sup> Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

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

<sup>8</sup> Section 119.07(1)(a), F.S.

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

<sup>10</sup> FLA. CONST., art. I, s. 24(c).

exemption.<sup>11</sup> An exemption serves an identifiable purpose if it meets one of the following statutory purposes, the Legislature finds that the purpose of the exemption outweighs open government policy, *and* the purpose cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;<sup>12</sup>
- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>13</sup> or
- It protects trade or business secrets.

Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. Additionally, a bill enacting an exemption may not contain other substantive provisions<sup>14</sup> and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.<sup>15</sup>

When creating or expanding a public records exemption, the Legislature may provide that a record is "confidential and exempt" or "exempt."<sup>16</sup> Records designated as "confidential and exempt" may be released by the records custodian only under the circumstances defined by the Legislature or pursuant to a court order. Records designated as 'exempt' may be released at the discretion of the records custodian under certain circumstances.<sup>17</sup>

### **Open Government Sunset Review Act**

The Open Government Sunset Review Act (the act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions,<sup>18</sup> with specified exceptions.<sup>19</sup> It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>20</sup> The act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet such public purpose.<sup>21</sup>

---

<sup>11</sup> *Id.*

<sup>12</sup> Section 119.15(6)(b)1., F.S.

<sup>13</sup> Section 119.15(6)(b)2., F.S.

<sup>14</sup> The bill may, however, contain multiple exemptions that relate to one subject.

<sup>15</sup> FLA. CONST., art. I, s. 24(c).

<sup>16</sup> If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The Sch. Bd. of Seminole*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

<sup>17</sup> *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

<sup>18</sup> Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the Act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).

<sup>19</sup> Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

<sup>20</sup> Section 119.15(3), F.S.

<sup>21</sup> Section 119.15(6)(b), F.S. In examining an exemption, the Review Act asks the Legislature to carefully question the purpose and necessity of reenacting the exemption, and specifically requires that the Legislature consider the following questions:

### III. Effect of Proposed Changes:

#### Subpoena and Investigative Authority

##### *Present Situation*

The DHSMV has jurisdiction over multiple chapters of Florida Statutes, for which they do not have subpoena authority, without which they are often unable to obtain documents and testimony from third-party entities (banks, tow companies, etc.) to conduct administrative or criminal investigations.

##### *Effect of Proposed Changes*

SB 7090 creates ss. 319.1414 and 322.71, F.S., and amends ss. 319.25 and 320.861, F.S., authorizing the DHSMV to exercise the power of subpoena and to administer oaths or affirmations, examine witnesses, require affidavits, take depositions, and compel the attendance of witnesses and the production of books, papers, documents, records, and other evidence (sections 25, 34, and 48 of SB 7090). The subpoena is to be used for investigations or examinations conducted by the DHSMV of suspected violations of chs. 319, 320, or 322, F.S., and may be served by an authorized representative of the DHSMV.

This bill creates a confidential and exempt standard for information received by the department as a result of an investigation or examination conducted pursuant to ss. 319.1414, 319.25, 320.861, F.S., and ch. 322, F.S. (amending s. 322.71, F.S.) (**sections 3, 4, 5, and 6**).

The bill requires that such information may be disclosed when the investigation or examination ceases to be active or administrative action taken by the DHSMV has concluded or been made part of any hearing or court proceeding. The DHSMV may release information that is made confidential and exempt in furtherance of its official duties and responsibilities or, if released to another governmental agency, in the furtherance of that agency's official duties and responsibilities.

The bill includes a public necessity statement, stating that release of such information could jeopardize the integrity of the investigation or examination and impair the DHSMV's ability to perform its official duties and responsibilities under the laws (**Section 7**).

The exemptions are repealed October 2, 2024, unless reviewed and saved from repeal by the Legislature.

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

## Collection and Use of Cellular Telephone Numbers

### *Present Situation*

The DHSMV lacks statutory authority to collect and use cell phone numbers as a method to communicate with customers in an expedited manner. Florida Statutes already allow the DHSMV to collect email addresses. Email addresses may be used, in lieu of the U.S. Postal Service, to provide certain renewal notices, including registration renewal notices, driver license renewal notices, and vessel registration renewal notices. However, current law does not allow the e-mail to be used for other business purposes.<sup>22</sup>

Email address collected by the DHSMV for registration purposes are currently exempt from public records under s. 119.0712(2), F.S. The current exemption expires on October 2, 2020, unless reviewed and saved from repeal by the Legislature.

### *Effect of Proposed Changes*

SB 7090 amends ss. 319.40, 320.95, 322.08, 328.30, and 328.80, F.S. (sections 26, 35, 41, 56, and 59 of SB 7090), to authorize the DHSMV and tax collectors to collect and use email addresses and cell phone numbers to contact customers for business reasons other than purposes related to motor vehicle, vessel, and driver license registration and renewal. This must be done in accordance with ch. 119, F.S., and the federal Driver Privacy Protection Act.

Providing an email address or cell phone number is optional for the applicant, and before collecting an email mail address or cell phone number the DHSMV or tax collector must disclose to the applicant the purposes for which the contacts may be used.

The DHSMV provided some examples of business reasons for which a customer's email and cell phone number may be used: allowing customers to subscribe to services such as receiving email alerts and text messages when it is time to renew driver license or motor vehicle registrations; to notify customers when adverse action has been taken against their licenses; to communicate online order statuses; and as part of a multi-factor authentication process to verify a user's identity.<sup>23</sup>

This bill expands the current exemption for email addresses and creates a confidential and exempt standard for email addresses and cell phone numbers collected by the DHSMV pursuant to chs. 319, 320, 322, 324, or 328, F.S. (**section 1**, amending current s. 119.0712(2)(c), F.S.).

The bill requires the disclosure of an email address or cell phone number to tax collector if, by interagency agreement, the DHSMV authorizes the tax collector to send electronic communications to such email addresses or cell phone numbers for the purpose of providing information about the issuance of titles, registrations, disabled parking permits, driver licenses, and identification cards; renewal notices; or the tax collector's office locations, hours of operation, contact information, driving skills testing locations, appointment scheduling information, or website information.

---

<sup>22</sup> See ss. 319.40, 320.95, 322.08(10), 328.30, and 328.80, F.S.

<sup>23</sup> Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, *DHSMV Package - Fiscal* (March 21, 2019) (on file with the Senate Infrastructure and Security Committee).

This exemption applies to email addresses and cell phone numbers held before, on, or after the effective date of the bill.

The bill includes a public necessity statement, stating that the computer system enhancements being made by the DHSMV will increase the ability of the department to communicate more effectively with customers and through email or text messaging (**section 2**). It further states that the impact on motorist privacy and risk of unsolicited commercial solicitations will have a chilling effect on motorists' voluntary use of electronic portals to communicate with the DHSMV, thereby undermining the effective use of the computer system enhancements. The retroactive nature of the exemption is remedial in nature.

The exemption is repealed October 2, 2024, unless reviewed and saved from repeal by the Legislature.

## **Administration of Vessel Registration and Titling Laws; Records**

### ***Present Situation***

The DHSMV has the authority to protect personal information contained in a motor vehicle record under the federal Driver Privacy Protection Act and s. 119.0712(2), F.S., and an entity that is allowed to receive motor vehicle record information may not use it for mass commercial solicitation of clients for litigation against motor vehicle dealers. No such protection for personal information contained in a vessel title or registration exists.

### ***Effect of Proposed Changes***

SB 7090 amends s. 328.40, F.S., to provide that the DHSMV must protect personal information contained in a vessel registration and title, subject to inspection and copying, as provided in ch. 119, F.S. (section 57 of SB 7090).

This bill creates a confidential and exempt standard for personal information, including highly restricted personal information, contained in any record that pertains to a vessel title or vessel registration issued by the DHSMV (**section 1**, creating s. 119.0712(2)(c), F.S).

The bill allows the release of such information in the same manner provided for a motor vehicle record pursuant to the federal Driver Privacy Protection Act. These uses include:<sup>24</sup>

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

---

<sup>24</sup> 18 USC ss. 2721 et seq.

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

This exemption applies to vessel records held before, on, or after the effective date of the bill.

The bill includes a public necessity statement, stating that federal law requires personal motorist information to be confidential when held by the DHSMV (**section 2**). It further states that while the federal law does not apply direct to vessel registration information, the personal information in vessel registrations is similar to the information contained in motor vehicle records. The unprotected status of the similar information in the vessel registrations undermines the protections of the federal law, "eroding the privacy and safety of motorists." The retroactive nature of the exemption is remedial in nature.

The exemption is repealed October 2, 2024, unless reviewed and saved from repeal by the Legislature.

### **Effective Date**

The bill takes effect on the same date that SB 7090 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.



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

None.

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

Article I, s. 24(c), of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. The bill expands an existing exemption and creates several exemptions. Therefore, the bill requires a two-thirds vote to be enacted.

***Public Necessity Statement***

Article I, s. 24(c), of the State Constitution requires a bill that creates or expands an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. **Sections 2 and 7** of the bill contain statements of public necessity for the exemptions.

***Breadth of Exemption***

Article I, s. 24(c), of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The public necessity statement notes that:

- Release of investigation or examination information could obstruct or jeopardize the integrity of the investigation or examination.
- Vessel registration information contains similar information to information that is already protected in motor vehicle registrations.
- Release of customers' email addresses or cell phone numbers could chill the use of the computer system enhancements of the DHSMV.

For these reasons, the exemptions do not appear broader than necessary to accomplish the stated purpose of the law.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

The bill substantially amends the following sections of the Florida Statutes: 119.0712, 319.1414, 319.25, 320.861, and 322.71.

**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:

**SPB by Infrastructure and Security on April 2, 2019:**

The SPB was amended to incorporate the linked bill number of SB 7090. The SPB was amended to change the phrase “verified texting” number to “cellular telephone” number.

By the Committee on Infrastructure and Security

596-03792-19

20197094\_\_

1 A bill to be entitled  
 2 An act relating to public records; creating public  
 3 records exemptions for certain information received by  
 4 the Department of Highway Safety and Motor Vehicles;  
 5 amending s. 119.0712, F.S.; providing exemptions from  
 6 public records requirements for personal information  
 7 in certain vessel records, e-mail addresses, and  
 8 cellular telephone numbers issued or collected by the  
 9 Department of Highway Safety and Motor Vehicles;  
 10 providing for retroactive application; authorizing  
 11 disclosure of confidential information under certain  
 12 circumstances; providing for future legislative review  
 13 and repeal of the exemptions; providing statements of  
 14 public necessity; amending s. 319.1414, F.S.;  
 15 exempting from public records requirements certain  
 16 information received by the department as a result of  
 17 investigations and examinations of private rebuilt  
 18 inspection providers; providing for future legislative  
 19 review and repeal of the exemptions; amending s.  
 20 319.25, F.S.; exempting from public record  
 21 requirements certain information received by the  
 22 department as a result of investigations and  
 23 examinations relating to title certificates; providing  
 24 for future legislative review and repeal of the  
 25 exemptions; amending s. 320.861, F.S.; exempting from  
 26 public records requirements certain information  
 27 received by the department as a result of  
 28 investigations and examinations of persons suspected  
 29 of violating or of having violated certain laws,

Page 1 of 10

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

596-03792-19

20197094\_\_

30 rules, or orders relating to motor vehicle licenses;  
 31 providing for future legislative review and repeal of  
 32 the exemptions; amending s. 322.71, F.S.; exempting  
 33 from public records requirements certain information  
 34 received by the department as a result of  
 35 investigations and examinations of persons suspected  
 36 of violating or of having violated certain laws,  
 37 rules, or orders relating to driver licenses;  
 38 providing for future legislative review and repeal of  
 39 the exemptions; providing a statement of public  
 40 necessity; providing a contingent effective date.  
 41  
 42 Be It Enacted by the Legislature of the State of Florida:  
 43  
 44 Section 1. Subsection (2) of section 119.0712, Florida  
 45 Statutes, is amended to read:  
 46 119.0712 Executive branch agency-specific exemptions from  
 47 inspection or copying of public records.—  
 48 (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—  
 49 (a) For purposes of this subsection, the term “motor  
 50 vehicle record” means any record that pertains to a motor  
 51 vehicle operator’s permit, motor vehicle title, motor vehicle  
 52 registration, or identification card issued by the Department of  
 53 Highway Safety and Motor Vehicles.  
 54 (b) Personal information, including highly restricted  
 55 personal information as defined in 18 U.S.C. s. 2725, contained  
 56 in a motor vehicle record is confidential pursuant to the  
 57 federal Driver’s Privacy Protection Act of 1994, 18 U.S.C. ss.  
 58 2721 et seq. Such information may be released only as authorized

Page 2 of 10

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

596-03792-19 20197094\_\_

59 by that act; however, information received pursuant to that act  
60 may not be used for mass commercial solicitation of clients for  
61 litigation against motor vehicle dealers.

62 (c)1. Personal information, including highly restricted  
63 personal information, contained in any record that pertains to a  
64 vessel title or vessel registration issued by the Department of  
65 Highway Safety and Motor Vehicles is confidential and exempt  
66 from s. 119.07(1) and s. 24(a), Art. I of the State  
67 Constitution. Such information in a vessel record may be  
68 released only in the same manner provided for a motor vehicle  
69 record pursuant to the federal Driver's Privacy Protection Act  
70 of 1994, 18 U.S.C. ss. 2721 et seq. This exemption applies to  
71 vessel records held before, on, or after the effective date of  
72 this exemption.

73 2. This paragraph is subject to the Open Government Sunset  
74 Review Act in accordance with s. 119.15 and shall stand repealed  
75 on October 2, 2024, unless reviewed and saved from repeal  
76 through reenactment by the Legislature.

77 (d)1.~~(e)~~ E-mail addresses and cellular telephone numbers  
78 collected by the Department of Highway Safety and Motor Vehicles  
79 pursuant to chapter 319, chapter 320, chapter 322, chapter 324,  
80 or chapter 328 s. 319.40(3), s. 320.95(2), or s. 322.08(9) are  
81 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
82 of the State Constitution. This exemption applies to e-mail  
83 addresses and cellular telephone numbers held before, on, or  
84 after the effective date of this exemption ~~retroactively.~~

85 2. The department may disclose such e-mail addresses or  
86 cellular telephone numbers to a tax collector if, by interagency  
87 agreement, the department authorizes the tax collector to send

596-03792-19 20197094\_\_

88 electronic communications to such e-mail addresses or cellular  
89 telephone numbers for the purpose of providing information about  
90 the issuance of titles, registrations, disabled parking permits,  
91 driver licenses, and identification cards; renewal notices; or  
92 the tax collector's office locations, hours of operation,  
93 contact information, driving skills testing locations,  
94 appointment scheduling information, or website information.

95 3. This paragraph is subject to the Open Government Sunset  
96 Review Act in accordance with s. 119.15 and shall stand repealed  
97 on October 2, ~~2024~~ 2020, unless reviewed and saved from repeal  
98 through reenactment by the Legislature.

99 (e)~~(d)~~1. Emergency contact information contained in a motor  
100 vehicle record is confidential and exempt from s. 119.07(1) and  
101 s. 24(a), Art. I of the State Constitution.

102 2. Without the express consent of the person to whom such  
103 emergency contact information applies, the emergency contact  
104 information contained in a motor vehicle record may be released  
105 only to law enforcement agencies for purposes of contacting  
106 those listed in the event of an emergency.

107 Section 2. (1) The Legislature finds that it is a public  
108 necessity that personal information, including highly restricted  
109 personal information, contained in any record that pertains to a  
110 vessel title or vessel registration issued by the Department of  
111 Highway Safety and Motor Vehicles be made confidential and  
112 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
113 Article I of the State Constitution. Motorist personal  
114 information, when held by the Department of Highway Safety and  
115 Motor Vehicles in motor vehicle records, is confidential  
116 pursuant to the federal Driver's Privacy Protection Act of 1994,

596-03792-19

20197094\_\_

117 18 U.S.C. ss. 2721 et seq., and s. 119.0712(2), Florida  
 118 Statutes. These restrictions on the disclosure of motorist  
 119 personal information do not apply to vessel titles or vessel  
 120 registrations. Because the personal information in vessel  
 121 records comprises much of the same information contained in  
 122 motor vehicle records, when personal information revealed in  
 123 vessel records is made available to the public, the protections  
 124 afforded by the federal Driver's Privacy Protection Act of 1994,  
 125 18 U.S.C. ss. 2721 et seq., are significantly undermined,  
 126 eroding the privacy and safety of motorists. Therefore, the  
 127 Legislature finds that it is a public necessity to make personal  
 128 information contained in such vessel records confidential and  
 129 exempt from public records requirements. The Legislature further  
 130 finds that this public records exemption must be given  
 131 retroactive application because it is remedial in nature.

132 (2) The Legislature finds that it is a public necessity  
 133 that e-mail addresses and cellular telephone numbers collected  
 134 by the Department of Highway Safety and Motor Vehicles pursuant  
 135 to chapter 319, chapter 320, chapter 322, chapter 324, or  
 136 chapter 328, Florida Statutes, be made confidential and exempt  
 137 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of  
 138 the State Constitution. In order to communicate more effectively  
 139 with motorists through enhancements in information technology,  
 140 including efforts of the Motorist Modernization project, the  
 141 Department of Highway Safety and Motor Vehicles seeks to  
 142 increase communications with motorists through e-mail and text  
 143 messaging. If the e-mail addresses or cellular telephone numbers  
 144 of motorists are made available to the public, the impact on  
 145 motorist privacy and risk of unsolicited commercial solicitation

Page 5 of 10

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

596-03792-19

20197094\_\_

146 by e-mail or text message would have an undesirable chilling  
 147 effect on motorists' voluntary use of electronic portals to  
 148 communicate with the department, thereby undermining the  
 149 effective use of these enhancements in information technology.  
 150 Therefore, the Legislature finds that it is a public necessity  
 151 to make such e-mail addresses and cellular telephone numbers  
 152 collected by the Department of Highway Safety and Motor Vehicles  
 153 confidential and exempt from public records requirements. The  
 154 Legislature further finds that this public records exemption  
 155 must be given retroactive application because it is remedial in  
 156 nature.

157 Section 3. Present subsection (6) of section 319.1414,  
 158 Florida Statutes, as created by SB 7090, 2019 Regular Session,  
 159 is redesignated as subsection (7), and a new subsection (6) is  
 160 added to that section, to read:

161 319.1414 Investigations; examinations; subpoenas; hearings;  
 162 witnesses.—

163 (6) Information received by the department as a result of  
 164 an investigation or examination conducted pursuant to this  
 165 section is confidential and exempt from the disclosure  
 166 requirements in s. 119.07(1) and s. 24(a), Art. I of the State  
 167 Constitution until the investigation or examination ceases to be  
 168 active or administrative action taken by the department has  
 169 concluded or been made part of any hearing or court proceeding.  
 170 The department may release information that is made confidential  
 171 and exempt under this subsection in furtherance of its official  
 172 duties and responsibilities or, if released to another  
 173 governmental agency, in the furtherance of that agency's  
 174 official duties and responsibilities. This subsection is subject

Page 6 of 10

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

596-03792-19 20197094\_\_

175 to the Open Government Sunset Review Act in accordance with s.  
 176 119.15 and shall stand repealed on October 2, 2024, unless  
 177 reviewed and saved from repeal through reenactment by the  
 178 Legislature.

179 Section 4. Present subsection (8) of section 319.25,  
 180 Florida Statutes, as created by SB 7090, 2019 Regular Session,  
 181 is redesignated as subsection (9), and a new subsection (8) is  
 182 added to that section, to read:

183 319.25 Cancellation of certificates; investigations;  
 184 subpoenas and other process; oaths; rules.-

185 (8) Information received by the department as a result of  
 186 an investigation or examination conducted pursuant to this  
 187 section is confidential and exempt from disclosure requirements  
 188 in s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
 189 until the investigation or examination ceases to be active or  
 190 administrative action taken by the department has concluded or  
 191 been made part of any hearing or court proceeding. The  
 192 department may release information that is made confidential and  
 193 exempt under this subsection in furtherance of its official  
 194 duties and responsibilities or, if released to another  
 195 governmental agency, in the furtherance of that agency's  
 196 official duties and responsibilities. This subsection is subject  
 197 to the Open Government Sunset Review Act in accordance with s.  
 198 119.15 and shall stand repealed on October 2, 2024, unless  
 199 reviewed and saved from repeal through reenactment by the  
 200 Legislature.

201 Section 5. Present subsection (6) of section 320.861,  
 202 Florida Statutes, as created by SB 7090, 2019 Regular Session,  
 203 is redesignated as subsection (7), and a new subsection (6) is

596-03792-19 20197094\_\_

204 added to that section, to read:

205 320.861 Investigations; subpoenas and other process; oaths;  
 206 rules.-

207 (6) Information received by the department as a result of  
 208 an investigation or examination conducted pursuant to this  
 209 chapter is confidential and exempt from disclosure requirements  
 210 in s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
 211 until the investigation or examination ceases to be active or  
 212 administrative action taken by the department has concluded or  
 213 been made part of any hearing or court proceeding. The  
 214 department may release information that is made confidential and  
 215 exempt under this subsection in furtherance of its official  
 216 duties and responsibilities or, if released to another  
 217 governmental agency, in the furtherance of that agency's  
 218 official duties and responsibilities. This subsection is subject  
 219 to the Open Government Sunset Review Act in accordance with s.  
 220 119.15 and shall stand repealed on October 2, 2024, unless  
 221 reviewed and saved from repeal through reenactment by the  
 222 Legislature.

223 Section 6. Present subsection (6) of section 322.71,  
 224 Florida Statutes, as created by SB 7090, 2019 Regular Session,  
 225 is redesignated as subsection (7) of that section, and a new  
 226 subsection (6) is added to that section, to read:

227 322.71 Investigations; subpoenas and other process; oaths;  
 228 rules.-

229 (6) Information received by the department as a result of  
 230 an investigation or examination conducted pursuant to this  
 231 chapter is confidential and exempt from disclosure requirements  
 232 in s. 119.07(1) and s. 24(a), Art. I of the State Constitution

596-03792-19 20197094\_\_  
 233 until the investigation or examination ceases to be active or  
 234 administrative action taken by the department has concluded or  
 235 been made part of any hearing or court proceeding. The  
 236 department may release information that is made confidential and  
 237 exempt under this subsection in furtherance of its official  
 238 duties and responsibilities or, if released to another  
 239 governmental agency, in the furtherance of that agency's  
 240 official duties and responsibilities. This subsection is subject  
 241 to the Open Government Sunset Review Act in accordance with s.  
 242 119.15 and shall stand repealed on October 2, 2024, unless  
 243 reviewed and saved from repeal through reenactment by the  
 244 Legislature.

245 Section 7. The Legislature finds that it is a public  
 246 necessity that information received by the Department of Highway  
 247 Safety and Motor Vehicles as a result of an investigation or  
 248 examination conducted pursuant to s. 319.1414, s. 319.25,  
 249 chapter 320 as provided in s. 320.861, and chapter 322 as  
 250 provided in s. 322.71, Florida Statutes, be made confidential  
 251 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
 252 Article I of the State Constitution until the investigation or  
 253 examination ceases to be active or administrative action taken  
 254 by the department has concluded or been made part of any hearing  
 255 or court proceeding. The release of such information about a  
 256 pending investigation or examination of violations of s.  
 257 319.1414, s. 319.25, chapter 320, and chapter 322, Florida  
 258 Statutes, could obstruct or jeopardize the integrity of the  
 259 investigation or examination and impair the ability of the  
 260 Department of Highway Safety and Motor Vehicles in the  
 261 performance of its official duties and responsibilities under s.

596-03792-19 20197094\_\_  
 262 319.1414, s. 319.25, chapter 320, and chapter 322, Florida  
 263 Statutes. Therefore, the Legislature finds that it is a public  
 264 necessity to make such information confidential and exempt from  
 265 public records requirements.

266 Section 8. This act shall take effect on the same date that  
 267 SB 7090 or similar legislation takes effect, if such legislation  
 268 is adopted in the same legislative session or an extension  
 269 thereof and becomes a law.



The Florida Senate

## Committee Agenda Request

**To:** Senator Travis Hutson, Chair  
Appropriations Subcommittee on Transportation, Tourism, and Economic  
Development

**Subject:** Committee Agenda Request

**Date:** April 8, 2019

---

I respectfully request that **Senate Bill #7094**, relating to Public Records/Department of Highway Safety and Motor Vehicles, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Tom Lee".

---

Senator Tom Lee  
Florida Senate, District 20



# CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development Judge:

Started: 4/16/2019 1:04:06 PM

Ends: 4/16/2019 2:27:35 PM

Length: 01:23:30

1:04:09 PM Call to order - Sen. Hutson  
1:04:12 PM Roll Call  
1:04:33 PM Quorum  
1:05:17 PM Tab 4 - SB 1610  
1:05:23 PM Sen. Montford  
1:11:39 PM AM. 678890  
1:11:47 PM Sen. Montford  
1:12:13 PM Richard Williams, ED, Opportunity Florida  
1:13:43 PM Taylor Roose, Military Spouse, Affected Citizens of the Panhandle  
1:19:47 PM Jeff Branch, Legislative Advocate, Florida League of Cities (waive in support)  
1:19:59 PM Marty Eubanks, Consultant, Resident of Affected County (waive in support)  
1:20:10 PM Chris Doolin, Consultant, Small County Coalition (waive in support)  
1:20:14 PM Richard Gentry, Stand Up for North Florida (waive in support)  
1:20:33 PM Sen. Torres  
1:23:17 PM Sen. Montford  
1:28:04 PM Roll Call SB 1610  
1:28:27 PM SB 1610 - voted favorable  
1:28:36 PM Tab 3 - SB 1162  
1:28:47 PM Sen. Perry  
1:29:31 PM Richard Williams, ED, Opportunity Florida (waive in support)  
1:29:38 PM Marti Coley Eubanks, Consultant, David Melvin Engineering  
1:29:43 PM Chris Doolin, Consultant, Small County Coalition  
1:29:46 PM Melissa Mastro, Marketing Panama City  
1:31:10 PM Lauren Mulinack, Citizen  
1:34:39 PM Richard Gentry, Stand Up for North Florida (waive in support)  
1:34:55 PM Roll Call SB 1162  
1:35:16 PM SB 1162 - voted favorable  
1:35:22 PM Tab 1 - SB 1104  
1:35:30 PM AM. 647456  
1:35:42 PM Sen. Perry  
1:36:08 PM AM. 841850  
1:36:15 PM Sen. Perry  
1:36:29 PM AM. 841850 to AM. 647456 adopted  
1:36:35 PM AM. 647456 adopted  
1:36:44 PM Sam Wagoner, Lobbyist, Lake Sumter State College (waive in support)  
1:36:58 PM Nicole Albers, Public Affairs Manager, Florida Municipal Electric Association (waive in support)  
1:37:05 PM Suzanne Goss, Government Relations Specialist, JEA (waive in support)  
1:37:32 PM SB 1104 cont.  
1:37:38 PM Anna Higgins, Lobbyist, Naval Aviation Museum Foundation (waive in support)  
1:37:40 PM Erin Ballas, Palm Beach Zoo (waive in support)  
1:37:42 PM Sue Mullins, Florida Native Plant Society (waive in support)  
1:37:46 PM Micheal Dobson, President, The Dream Foundation, Inc.  
1:45:43 PM Sen. Hutson  
1:45:46 PM M. Dobson  
1:46:47 PM Sen. Thurston  
1:48:22 PM Sen. Torres  
1:49:03 PM Alan Abramowitz, ED, GAL Program (waive in support)  
1:49:16 PM Sen. Torres  
1:49:46 PM Sen. Hutson  
1:49:56 PM Sen. Perry  
1:50:28 PM Roll Call CS/SB 1104  
1:50:51 PM CS/SB 1104 - voted favorable

1:50:57 PM Tab 2 CS/SB 1106  
1:51:05 PM Sen. Perry  
1:51:42 PM Sen. Thurston  
1:52:12 PM Roll Call CS/SB 1106  
1:52:36 PM CS/SB 1106 - voted favorable  
1:52:42 PM Informal recess  
1:52:51 PM Recording Paused  
2:05:58 PM Recording Resumed  
2:06:08 PM Call to Order - Sen. Hutson  
2:06:13 PM Tab 5 - SB 7090  
2:06:21 PM Sen. Lee  
2:14:38 PM AM. 896914  
2:14:50 PM Sen. Lee  
2:16:21 PM AM. 806522  
2:16:30 PM Sen. Perry  
2:17:11 PM Leslie Dughi, Enterprise, National, and Alamo (waive in support)  
2:17:22 PM AM. 806522 adopted  
2:17:29 PM AM. 694180  
2:18:31 PM Erin Ballas, National Waste and Recycling Association (waive in support)  
2:18:36 PM Sen. Lee  
2:19:08 PM AM. 694180 adopted  
2:19:17 PM AM. 376134  
2:19:25 PM Sen. Thurston  
2:19:58 PM Erin Ballas, National Waste and Recycling (waive in support)  
2:20:07 PM AM. 376134 adopted  
2:20:12 PM AM. 742068  
2:20:23 PM Sen. Brandes  
2:20:44 PM AM. 742068 adopted  
2:20:57 PM AM. 896914 adopted  
2:21:21 PM Alix Miller, VP, Florida Trucking Association (waive in support)  
2:21:28 PM SB 7090 cont.  
2:21:31 PM Roll Call CS/SB 7090  
2:21:56 PM CS/SB 7090 - voted favorable  
2:22:01 PM Tab 6 - SB 7092  
2:22:10 PM Sen. Lee  
2:23:43 PM AM. 755838  
2:23:45 PM Sen. Lee  
2:24:32 PM AM. 755838 adopted  
2:24:41 PM SB 7092 cont.  
2:24:48 PM Roll Call CS/SB 7092  
2:25:14 PM CS/SB 7092 - voted favorable  
2:25:20 PM Tab 7 - SB 7094  
2:25:27 PM Sen. Lee  
2:26:00 PM Roll Call SB 7094  
2:26:21 PM SB 7094 - voted favorable  
2:26:26 PM Sen. Lee  
2:26:32 PM CS/SB 1104; CS/SB1106; SB1162; CS/SB1610 Lee vote after in affirmation  
2:27:13 PM Sen. Thurston  
2:27:22 PM Sen. Thurston moves to adjourn