

Tab 1 SB 770 by Garcia; Transportation Disadvantaged

Tab 2 SB 852 by Brandes (CO-INTRODUCERS) Taddeo; (Identical to H 00633) Florida Smart City Challenge Grant Program

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Tab 3 SB 1104 by Brandes; (Compare to H 01189) Vehicle Registration

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331456	AA	S	RCS	TR, Brandes	Delete L.5 - 92:	01/18 11:54 AM
621258	AA	S	WD	TR, Brandes	Delete L.160 - 161:	01/18 11:54 AM
867304	AA	S	RCS	TR, Brandes	Delete L.167 - 175:	01/18 11:54 AM
562916	AA	S	RCS	TR, Brandes	btw L.175 - 176:	01/18 11:54 AM

Tab 4 SB 1270 by Brandes (CO-INTRODUCERS) Rouson; (Similar to H 01095) Penalties and Fees

Tab 5 SB 926 by Broxson; (Identical to H 00647) Natural Gas Fuel Taxes

Tab 6 SB 1012 by Passidomo; Alligator Alley Toll Road

Tab 7 SB 1248 by Gainer; (Identical to H 00983) Specialty License Plates/Coastal Conservation Association

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Gainer, Chair
Senator Rouson, Vice Chair

MEETING DATE: Thursday, January 18, 2018
TIME: 10:00 a.m.—12:00 noon
PLACE: James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

MEMBERS: Senator Gainer, Chair; Senator Rouson, Vice Chair; Senators Baxley, Galvano, Hukill, Rader, and Taddeo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 770 Garcia	Transportation Disadvantaged; Authorizing community transportation coordinators, in cooperation with the coordinating board, to plan for and use regional fare payment systems under certain circumstances which enhance cross-county mobility for specified purposes for certain persons who are unable to transport themselves or to purchase transportation, etc. TR 01/18/2018 Favorable ATD AP	Favorable Yeas 5 Nays 0
2	SB 852 Brandes (Identical H 633)	Florida Smart City Challenge Grant Program; Creating the program within the Department of Transportation; requiring the department to issue a request for proposals by a specified date, etc. TR 01/18/2018 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0
3	SB 1104 Brandes (Compare H 1189)	Vehicle Registration; Deleting a requirement that a vehicle having an apportioned registration be issued an annual license plate and a certain cab card for each apportioned jurisdiction in which the vehicle is authorized to operate; requiring, beginning on a specified date, a vehicle registered in accordance with the International Registration Plan to be issued a license plate for a specified period, an annual cab card denoting the declared gross vehicle weight, and an annual validation sticker showing the month and year of expiration, etc. TR 01/18/2018 Fav/CS ATD AP	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Thursday, January 18, 2018, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1270 Brandes (Similar H 1095, Compare CS/H 731, H 1029, S 350, S 732, S 1288)	Penalties and Fees; Requiring a certain application to provide the applicant with the option to fulfill any court-ordered financial obligation associated with a case by enrolling in a payment plan or by completing community service if ordered by the court; revising requirements relating to the payment of court-related fines or other monetary penalties, fees, charges, and costs; authorizing the clerk to refer any application believed to be fraudulent to the court for review; prohibiting the suspension of a person's driver license solely for failure to pay certain financial obligations if the person requests a hearing and demonstrates specified circumstances to the court, after notice of a penalty and before the suspension takes place; requiring a court to inquire at the time a certain civil penalty is ordered whether the person is able to pay it, etc. TR 01/18/2018 Favorable ACJ AP	Favorable Yeas 5 Nays 0
5	SB 926 Broxson (Identical H 647)	Natural Gas Fuel Taxes; Delaying the effective date of certain taxes on natural gas fuel, etc. TR 01/18/2018 Favorable AFT AP	Favorable Yeas 7 Nays 0
6	SB 1012 Passidomo	Alligator Alley Toll Road; Requiring fees generated from tolls to be used to reimburse, by interlocal agreement effective for a specified period of time, a county or another local governmental entity for the direct actual costs of operating a specified fire station, which may be used by a county or another local governmental entity to provide fire, rescue, and emergency management services to the public, etc. TR 01/18/2018 Favorable ATD AP	Favorable Yeas 7 Nays 0
7	SB 1248 Gainer (Identical H 983)	Specialty License Plates/Coastal Conservation Association; Directing the Department of Highway Safety and Motor Vehicles to develop a Coastal Conservation Association license plate; establishing an annual use fee for the plate, etc. TR 01/18/2018 Favorable ATD AP	Favorable Yeas 6 Nays 0

Other Related Meeting Materials

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 770

INTRODUCER: Senator Garcia

SUBJECT: Transportation Disadvantaged

DATE: January 18, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	Favorable
2.			ATD	
3.			AP	

I. Summary:

SB 770 revises the duties of community transportation coordinators and coordinating boards with respect to services provided to transportation disadvantaged persons. The bill requires community transportation coordinators, in cooperation with their respective coordinating boards, to plan and use regional fare payment systems when available and cost effective. The regional fare system must enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county lines.

The bill also requires coordinating boards to include in their evaluations of multicounty or regional transportation opportunities regional fare payment systems, when available, that enhance cross-county mobility for the transportation disadvantaged for the specified access purposes.

The bill has no impact on state revenues or expenditures. However, there is an indeterminate administrative cost to local coordinators and coordinating boards associated with evaluating, planning and implementing any new regional fare systems. See Section V, "Fiscal Impact Statement," for details.

The bill takes effect July 1, 2018.

II. Present Situation:

The Transportation Disadvantaged Program

The Legislature created the Transportation Disadvantaged (TD) Program in Part I of ch. 427, F.S., in 1979.¹ The TD Program coordinates a network of local and state programs providing

¹ 79-180, L.O.F.

transportation services for elderly, disabled, and low-income citizens. In 1989, the Legislature created the Commission for the Transportation Disadvantaged (commission) as an independent entity within the Florida Department of Transportation.² The purpose of the commission is to accomplish the coordination of transportation services provided to the transportation disadvantaged,³ with the goal of such coordination to assure the cost-effective provision of transportation by qualified community transportation coordinators⁴ or transportation operators.⁵ The commission describes the program as “a shared-ride service which, depending on location, may be provided using the fixed route transit or paratransit (door-to-door) service.”⁶

Each metropolitan planning organization (MPO), or the designated official planning agency in an area outside the purview of an MPO, recommends to the commission a single community transportation coordinator.⁷ A “community transportation coordinator” is a transportation entity responsible for ensuring that coordinated transportation services are provided to the transportation-disadvantaged population in a designated service area.⁸

Coordinators are currently charged with various powers and duties, including, but not limited to establishing eligibility guidelines and priorities with respect to recipients of nonsponsored transportation disadvantaged services,⁹ developing cost-effective coordination strategies and a service plan for the delivery of services, executing uniform contracts for services, and annually reviewing all transportation operator contracts.¹⁰

Coordinators undergo an annual performance evaluation by the local coordinating board.¹¹ A “coordinating board” is an advisory entity in each designated service area, composed of representatives appointed by the MPO or the designated official planning agency, to provide assistance to the community transportation coordinators relative to the coordination of transportation services.¹² These boards develop local service needs and provide information, advice, and direction to the coordinators.

² 89-376, L.O.F.

³ A “transportation disadvantaged person” is a person who because of physical or mental disability, income status, or age is unable to transport himself or herself or to purchase transportation and is, therefore, dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202, F.S. Section 427.011(1), F.S.

⁴ Section 427.011(5), F.S.

⁵ A “transportation operator” is one or more public, private for-profit, or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons pursuant to a coordinated system service plan. Section 427.011(6), F.S.

⁶ See the Commission’s website available at: <http://www.fdot.gov/ctd/communitytransystem.htm>. (Last visited January 10, 2018.)

⁷ Section 427.015(2), F.S.

⁸ A “designated service area” is a geographical area recommended to and approved by the Commission, which defines the community where coordinated transportation services will be provided to the transportation disadvantaged. Rule 41-2.002(4), F.A.C.

⁹ “Nonsponsored transportation disadvantaged services” means transportation disadvantaged services that are not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund. Section 427.011(12), F.S.

¹⁰ Section 427.0155, F.S.

¹¹ A coordinator may provide all or a portion of needed transportation services for the transportation disadvantaged and must subcontract or broker those services that are more cost-effectively and efficiently provided by subcontracting or brokering. Section 427.015(2), F.S.

¹² Section 427.011(7), F.S.

Section 427.0157, F.S., currently assigns a number of powers and duties to the coordinating boards, including, but not limited to, assisting the coordinators in establishing guidelines and priorities, approving the service plan and services provided in meeting the plan, reviewing coordination strategies, and evaluating multicounty or regional transportation opportunities.

Inter-County Trips and Seamless Regional Travel

Designated service areas may include just one county or multiple counties. Trips involving travel in more than one county are provided to eligible transportation disadvantaged persons on a regular basis.¹³ However, issues may arise for transportation disadvantaged persons who must travel across county boundaries, for example, to go to work and return home, because eligibility for transportation disadvantaged services is determined by application in the county of residence.¹⁴

Solutions to such problems may arise in ongoing efforts to address regional multimodal travel through fare collection systems that are interoperable. One such effort in South Florida involves an agreement between Tri-Rail,¹⁵ Broward County Transit, and Palm Tran to allow for the use of a pay card and mobile app on any of their respective transportation modes.¹⁶ Such a system, designed to allow a transportation disadvantaged person deemed eligible in his or her county of residence to move freely across county boundaries in the same or another designated service area, could increase mobility for the transportation disadvantaged person.

III. Effect of Proposed Changes:

Section 1 amends s. 427.0155, F.S., to add to the powers and duties of coordinators, in cooperation with their coordinating boards, planning and using regional fare payment systems when available and cost-effective, which enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county.

Section 2 amends s. 427.0157, F.S., relating to the powers and duties of coordinating boards, to provide additional direction to coordinating boards with respect to the boards' existing duty to evaluate multicounty or regional transportation opportunities during quarterly meetings.¹⁷ This section requires the boards to include evaluations of regional fare payment systems, when available, that enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining activities.

Section 3 provides the bill take effect July 1, 2018.

¹³ Telephone conversation with Commission staff. March 24, 2017.

¹⁴ Individuals are directed to the local community transportation coordinator to find out if they are eligible for transportation disadvantaged services. See the Commission's website available at: <http://www.fdot.gov/ctd/communitytransystem.htm>. (Last visited March 24, 2017.)

¹⁵ Tri-Rail provides commuter rail service in Miami-Dade, Broward, and Palm Beach Counties.

¹⁶ See the Miami-Dade County News Release available at: http://www.miamidade.gov/releases/2017-03-10-dtpw-regional-fare-collection.asp?utm_source=media&utm_medium=email&utm_campaign=release-distribution&utm_term=transit. (Last visited January 10, 2018.)

¹⁷ That section requires coordinating boards to meet "at least" quarterly.

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

Section 18(a), Article VII, of the Florida Constitution provides that no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless: funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure; the legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of such county or municipality; the law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; or the law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.

Article VII, section 18(d) of the Florida Constitution provides laws adopted to require funding of pension benefits existing on the effective date of this section, criminal laws, election laws, the general appropriations act, special appropriations acts, laws reauthorizing but not expanding then-existing statutory authority, laws having insignificant fiscal impact, and laws creating, modifying, or repealing noncriminal infractions, are exempt from the requirements of this section.

An exemption from the mandates provision may apply if the expected fiscal impact on municipalities/counties is less than \$2 million. Because the fiscal impact is anticipated to be less than \$2 million, the bill appears to be exempt from the mandate requirements.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

To the extent that regional fare payment systems are implemented, transportation disadvantaged persons may benefit from increased mobility.

C. Government Sector Impact:

Coordinators and coordinating boards will experience administrative expenses associated with planning for regional fare payment systems to the extent that such planning is not already taking place. Coordinating boards will experience administrative expenses associated with including regional fare payment systems in their evaluations of multicounty and regional transportation opportunities if these evaluations are not currently being performed. The fiscal impact of implementing regional fare payment systems is unknown, however implementation costs may be offset by other program savings as the systems must be cost effective.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 427.011 and 427.0157.

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

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

None.

B. Amendments:

None.

By Senator Garcia

36-00099-18

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1 A bill to be entitled
 2 An act relating to the transportation disadvantaged;
 3 amending s. 427.0155, F.S.; authorizing community
 4 transportation coordinators, in cooperation with the
 5 coordinating board, to plan for and use regional fare
 6 payment systems under certain circumstances which
 7 enhance cross-county mobility for specified purposes
 8 for certain persons who are unable to transport
 9 themselves or to purchase transportation; amending s.
 10 427.0157, F.S.; requiring each coordinating board to
 11 evaluate multicounty or regional transportation
 12 opportunities to include regional fare payment
 13 systems, when available, which enhance cross-county
 14 mobility for specified purposes for such persons;
 15 providing an effective date.
 16
 17 Be It Enacted by the Legislature of the State of Florida:
 18
 19 Section 1. Subsection (10) is added to section 427.0155,
 20 Florida Statutes, to read:
 21 427.0155 Community transportation coordinators; powers and
 22 duties.—Community transportation coordinators shall have the
 23 following powers and duties:
 24 (10) In cooperation with the coordinating board, plan for
 25 and use regional fare payment systems when available and cost-
 26 effective, which enhance cross-county mobility for the
 27 transportation disadvantaged to access employment, health care,
 28 education, shopping, or other life-sustaining services across
 29 one or more county lines.

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

36-00099-18

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30 Section 2. Subsection (6) of section 427.0157, Florida
 31 Statutes, is amended to read:
 32 427.0157 Coordinating boards; powers and duties.—The
 33 purpose of each coordinating board is to develop local service
 34 needs and to provide information, advice, and direction to the
 35 community transportation coordinators on the coordination of
 36 services to be provided to the transportation disadvantaged. The
 37 commission shall, by rule, establish the membership of
 38 coordinating boards. The members of each board shall be
 39 appointed by the metropolitan planning organization or
 40 designated official planning agency. The appointing authority
 41 shall provide each board with sufficient staff support and
 42 resources to enable the board to fulfill its responsibilities
 43 under this section. Each board shall meet at least quarterly and
 44 shall:
 45 (6) Evaluate multicounty or regional transportation
 46 opportunities to include regional fare payment systems, when
 47 available, which enhance cross-county mobility for the
 48 transportation disadvantaged to access employment, health care,
 49 education, shopping, or other life-sustaining services across
 50 one or more county lines.
 51 Section 3. This act shall take effect July 1, 2018.

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/18/18

Meeting Date

SB770

Bill Number (if applicable)

Topic Transportation

Amendment Barcode (if applicable)

Name Becki Forsell

Job Title Founder of Yes of America United

Address 4508 Stonehedge Road

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Speaking: For Against Information

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

Representing Myself

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
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 852

INTRODUCER: Transportation Committee and Senators Brandes and Taddeo

SUBJECT: Florida Smart City Challenge Grant Program

DATE: January 18, 2018 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	Fav/CS
2.			ATD	
3.			AP	

I. Summary:

CS/SB 852 revises and re-creates the Florida Smart City Challenge Grant Program with the goal, among others, to provide opportunities to cities and other regions of the state for developing smart mobility solutions to local transportation challenges. The bill authorizes certain state, county, municipal, regional, or other agencies to submit applications to the Florida Department of Transportation (FDOT) for grants to fund certain innovative transportation projects.

The bill requires the FDOT to issue a Request for Proposals by September 1, 2018, and sets out information and documentation requirements for inclusion in grant proposals. The FDOT must award at least three grants, and each grant amount is limited to \$6 million. Grant awards may be used to fund up to 50 percent of project implementation costs. A grant recipient must fund at least ten percent of project costs. The FDOT must distribute awards by January 1, 2019.

The bill provides project selection, matching funds, and reporting requirements. The FDOT is directed to provide administrative support and to conduct expedited proposal reviews to facilitate smart city technology deployment within the state.

The bill appropriates \$15 million in nonrecurring funds from the State Transportation Trust Fund (STTF) to implement the grant program. The bill may have both positive and negative fiscal impacts. See "Fiscal Impact Statement" below.

The bill takes effect on July 1, 2018.

II. Present Situation:

According to the National League of Cities, "66 percent of cities are investing in smart city technology, and 25 percent of cities with no smart city technology are investigating how to

implement it.¹ A single definition of “smart city technology” is difficult to identify, but in the context of transportation, it relates to “using sensors to collect data about the movement of people, all forms of vehicles and bikes. A smart city is one that greatly reduces vehicle traffic and allows people and goods to be moved easily through various means. Intelligent traffic systems are an example of this and the achievement of autonomous vehicle transportation would be a prime example of success for a smart city, as this could reduce vehicle related deaths. All these efforts would reduce pollution as well as time stuck in traffic, resulting in a healthier population.”²

The Federal Smart City Challenge

The United States Department of Transportation (USDOT) launched a Smart City Challenge in December of 2015. The challenge asked mid-sized cities “to develop ideas for an integrated, first-of-its-kind smart transportation system that would use data, applications, and technology to help people and goods move more quickly, cheaply, and efficiently.”³ The USDOT committed up to \$40 million to one winning city.⁴ The USDOT received 78 applications from cities across America, including the following cities in Florida: Jacksonville, Miami, Orlando, St. Petersburg, Tallahassee, and Tampa.⁵ However, no Florida city received any funding.

Ultimately, Columbus, Ohio won the challenge by proposing “a comprehensive, integrated plan addressing challenges in residential, commercial, freight, and downtown districts using a number of new technologies, including connected infrastructure, an integrated data platform, autonomous vehicles, and more.”⁶ The USDOT then worked with selected finalists to further develop the ideas proposed by the cities and, in October of 2016, announced an additional \$65 million in grants to support advanced technology transportation projects⁷. Again, no city in Florida was selected for project funding.⁸

The State Smart City Challenge Grant Program

The 2017 Legislature enacted legislation⁹ requiring the FDOT, in consultation with the Department of Highway Safety & Motor Vehicles and *subject to appropriation*, to develop the Florida Smart City Challenge Grant Program and establish grant award requirements for municipalities or regions for the purpose of receiving grant awards. The law requires grant applications to demonstrate and document the adoption of emerging technologies and their

¹ See *66% of US Cities Are Investing in Smart City Technology*, with a link to the League’s report, available at: <https://www.techrepublic.com/article/66-of-us-cities-are-investing-in-smart-city-technology/>. (Last visited January 13, 2018.)

² See *Smart Cities: 6 Essential Technologies*, available at: <https://www.techrepublic.com/article/smart-cities-6-essential-technologies/>. (Last visited January 13, 2018.)

³ See the USDOT website available at: <https://www.transportation.gov/smartcity>. (Last visited January 12, 2018.)

⁴ *Id.*

⁵ See the USDOT website available at: <https://www.transportation.gov/smartcity/visionstatements/index>. (Last visited January 12, 2018.)

⁶ See the USDOT website available at: <https://www.transportation.gov/smartcity/winner>. (Last visited January 12, 2018.)

⁷ See the USDOT website available at: <https://www.transportation.gov/smartcity/what-comes-next>. (Last visited January 12, 2018.)

⁸ The USDOT advises that no further funding rounds under the federal program are currently anticipated. Telephone conversation with the USDOT staff, January 12, 2018.

⁹ Ch. 2017-42, Laws of Florida.

impact on transportation systems and to address at least the following focus areas: autonomous vehicles, connected vehicles, sensor-based infrastructure, collecting and using data, electric vehicles (including charging stations), and developing strategic models and partnerships. The law also specifies a non-exclusive list of goals of the grant program.

The law requires the FDOT to develop eligibility, application, and selection criteria for the program grants and a plan for promotion of the grant program to municipalities or regions of the state as an opportunity to compete for the grant funding, including the award of grants to a single recipient and secondary grants to specific projects of merit within other applications. The law authorizes the FDOT to contract with a third party demonstrating knowledge and expertise in the focuses and goals of the program to provide guidance in the development of the program requirements. By January 1, 2018, the FDOT was to submit the grant program guidelines and plans for promotion of the grant program to the Governor, the Senate President, and the House Speaker.

The 2017 General Appropriations Act contained an appropriation for the Smart City Challenge Grant program, authorizing the FDOT to use up to \$325,000 to establish the program. However, that appropriation was vetoed.¹⁰ The program, currently located in s. 316.0898, F.S, expires by its own terms on July 1, 2018.

III. Effect of Proposed Changes:

SB 852 revises and re-creates the Florida Smart City Challenge Grant Program to provide opportunities for grants to fund certain innovative transportation projects. The FDOT must issue a Request for Proposals by September 1, 2018, and distribute awards by January 1, 2019. The bill establishes goals and eligibility requirements for the program; provides project selection criteria and matching funds requirements; sets out reporting requirements; provides for administrative support for the program; and provides an appropriation from the State Transportation Trust Fund to implement the program. More specifically:

The bill creates s. 316.0899, F.S., effective July 1, 2018, re-establishing the Florida Smart City Challenge Grant Program within the FDOT. The bill provides that the goals of the program include, without limitation:

- Providing opportunities to municipalities and other regions of the state to develop innovative smart mobility solutions to local transportation challenges.¹¹
- Deploying smart city technology that has an immediate impact on the safe and efficient movement of people and goods within municipalities and other regions of the state.
- Advancing autonomous, connected, grid-integrated,¹² and electric vehicle readiness and deployment throughout the state.

¹⁰ Ch. 2017-70, Laws of Florida, at p. 272, available at: <http://laws.flrules.org/2017/70>. (Last visited January 13, 2018.)

¹¹ As an example of a Florida community invested in innovative transportation solutions, see *Babcock Ranch Adds Cutting Edge Transportation*, October 17, 2017, available at: <https://fortmyers.floridaweekly.com/articles/babcock-ranch-adds-cutting-edge-transportation/>.

¹² The bill defines this term to mean “a motor vehicle that has the ability for two-way power flow between the vehicle and the electric grid and the communications hardware and software that allow for external control of battery charging and discharging.”

- Providing enhanced education and workforce development opportunities by deploying emerging technologies that support the state's future workforce.
- Meeting the mobility needs of residents of this state, particularly transportation disadvantaged persons as defined in s. 427.011,¹³ by increasing access to and convenience of transportation within municipalities and other regions of the state.
- Facilitating the efficient movement of freight within the state, especially in and around airports and seaports.
- Supporting the reduction or elimination of fossil fuel consumption by relying on renewable energy sources and electric technologies.
- Creating a smart mobility demonstration community in the state that serves as a model for municipalities and other regions nationwide.

The bill authorizes the following entities to apply to the FDOT for project funding under the program:

- A state, county, municipal, regional, or other agency that is responsible for the movement of persons, goods, or services within a defined geographical region, including an entity created pursuant to chapters 343,¹⁴ 348,¹⁵ or 349,¹⁶ F.S.
- A metropolitan planning organization (MPO) or transportation planning organization (TPO), with a requirement that each entity responsible for deploying or operating a project on behalf of an MPO or TPO must submit to the FDOT a letter detailing its commitment to the implementation, operation, and maintenance of the project.
- A state university.

The bill requires an applicant to have in place a plan or framework for the implementation of the proposed project in at least one of the following categories:

- Autonomous vehicle deployment or demonstration.
- Connected vehicle technology deployment.
- Shared mobility services innovation and deployment.
- Acceleration of the use of plug-in electric vehicles and electric charging infrastructure, including the deployment of grid-integrated vehicles.

The FDOT is required to issue a request for proposals for the award of program grants by September 1, 2018. Each submitted proposal must include:

- A statement by the applicant certifying that the project will be implemented within two years after receipt of the grant.

¹³ A "transportation disadvantaged person" is a person who because of physical or mental disability, income status, or age is unable to transport himself or herself or to purchase transportation and is, therefore, dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202, F.S. Section 427.011(1), F.S.

¹⁴ The Northeast Florida Regional Transportation Commission, the South Florida Regional Transportation Authority, the Central Florida Regional Transportation Authority, the Northwest Florida Transportation Corridor Authority, and the Tampa Bay Area Regional Transit Authority are created under Ch. 343, F.S.

¹⁵ The Miami-Dade Expressway Authority, the Tampa-Hillsborough County Expressway Authority, the Santa Rosa Bay Bridge Authority, and the Osceola County Expressway Authority are created under Ch. 348, F.S.

¹⁶ The Jacksonville Transportation Authority is created under Ch. 349, F.S.

- A plan for fulfilling documentation requirements under the FDOT’s Statewide Systems Engineering Management Plan within such two-year period.¹⁷
- A description of how operation and maintenance costs for the project will be funded in order to ensure that the FDOT’s investment in the project is sustained.
- A plan for evaluation of the project and the methods by which such evaluation will be shared with residents of the area served by the project.
- The procedure for integrating the project’s transportation-related data into the FDOT’s Data Integration and Video Aggregation System.¹⁸

The FDOT must award a grant to at least three recipients, with each award limited to no more than \$6 million. The FDOT must distribute awarded grants by January 1, 2019. A grant may fund up to 50 percent of project costs. A grant recipient must fund at least ten percent of project costs. Grant funds must be used exclusively for startup costs, including without limitation acquisition of hardware, software, and assets associated with implementing a project; and may not be used for costs associated with operation, maintenance, or evaluation of the project.

When selecting grant recipients, the FDOT must give priority to proposals demonstrating the availability of matching funds from partner organizations to fund project costs and including a plan for documenting the acquisition and expenditure of such matching funds.¹⁹ Further:

- The FDOT must give priority to those proposals that include matching funds from private-sector partner organizations, but local public funds may also be used.
- Matching funds may be used for costs associated with operation, maintenance, and evaluation of the project.
- A grant recipient that receives matching funds must document the contribution of such funds in a quarterly report that details the manner in which the value of such contribution is calculated.

Regarding reporting requirements:

- Each grant recipient must submit a quarterly report to the FDOT regarding the development, implementation, and operation of the project.
- The FDOT must submit a quarterly report to the Senate President and House Speaker regarding the overall status of the grant program.

¹⁷ A Systems Engineering Management Plan (SEMP) enables an engineer “to manage a project using systems engineering principles and methods to maximize the quality of the system being implemented, while minimizing the budget and schedule required for its completion.” For extensive details, see the FDOT’s website available at:

http://www.fdot.gov/traffic/its/projects_deploy/sempt.htm. (Last visited January 12, 2018.) Federal regulations require all Intelligent Transportation System projects funded with federal highway funds to be based on a systems engineering analysis on a scale commensurate with the project scope. See 23 C.F.R. s. 940.11. Required documentation in a SEMPT can be extensive. See the list of document templates on the identified FDOT website.

¹⁸ This system integrates and manages real-time information. It consists of a data integration subsystem, which collects and integrates transportation and related data from numerous sources and integrates that data for internal and external dissemination and consumption; and a video aggregation subsystem, which aggregates “live streaming video from FDOT and external agency cameras for distribution using ubiquitous, modern video streaming technologies, such that video is made available to users regardless of their specific location or device platform. See the FDOT’s *TSM& Disseminator*, July-August 2017, at p. 9, available at: <http://www.fdot.gov/traffic/Newsletters/2017/2017-AUG.pdf>. (Last visited January 12, 2018.)

¹⁹ Under the bill, “matching funds” includes in-kind services, goods, equipment, or other noncash contributions calculated at fair market value.

- After implementation of a project is complete, each grant recipient must submit an initial report to the Governor, the Senate President, and the House Speaker detailing the project's impact on the transportation system within the area served by the project, the extent to which the goals of the grant program have been met, and recommendations for project revisions or improvements to guide future deployment activities.
- A final report must be submitted two years after submission of the initial report.

The bill requires the FDOT to provide administrative support to the grant program to facilitate the deployment of smart city technology within the state, including without limitation expedited review of submitted proposals.

The FDOT may select an independent nongovernmental entity to assist in project construction, management, and evaluation; to oversee the implementation of the project; and to analyze and document lessons learned during, and benefits derived from, implementation of the project. The nongovernmental entity must have experience with the national Smart Cities Initiative, advanced transportation deployment experience in this state, extensive engineering experience, or expertise in stakeholder engagement of potential partners to create a demonstration community.

Lastly, the bill appropriates \$15 million in nonrecurring funds from the STTF for the 2018-2019 fiscal year to implement the bill's provisions.

The bill takes effect on July 1, 2018, the same date on which the current s. 316.0898, F.S., expires by its own terms.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Users of a grant-funded project may experience increased mobility, reduced traffic congestion, reduced travel costs, and positive environmental benefits.

Private-sector partners who invest in such projects may benefit to the extent that the project receives state grant funding.

C. Government Sector Impact:

The bill appropriates \$15 million in nonrecurring funds from the STTF for fiscal year 2018-2019 with which to award grants.

The FDOT will incur administrative expenses associated with:

- Issuing the request for proposals.
- Conducting expedited reviews of proposals and awarding grants.
- Preparing the required quarterly reports.
- Providing administrative support.

Governmental entities with transportation-related responsibilities that choose to submit applications will incur unknown expenses associated with:

- Preparing the required plan or framework for implementation of a proposed project.
- Preparing the items required for inclusion in an application to the FDOT for a grant, and preparing the application.
- Preparing the required documentation of the contribution of matching funds in the quarterly reports, and preparing the quarterly reports, including information regarding the development, implementation, and operation of the project.
- After a project is completed, preparing the required initial and final reports to the Senate President and House Speaker.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 316.0899.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Transportation on January 18, 2018:

The Committee Substitute:

- Creates a “Definitions” subsection, defines “grid-integrated vehicle,” and relocates the definition of “matching funds” to this subsection.

- Revises one of the categories for which an applicant must have in place a plan or framework for project implementation to include acceleration of deployment of grid-integrated vehicles.
- Requires the FDOT to award at least three grants, rather than awarding a maximum of three.
- Requires a grant recipient to fund at least ten percent of project costs and correspondingly removes a reference to partner organizations funding “50 percent of” projects costs in the provisions relating to priority selection of proposals.
- Revises the authorized uses of grant funds to specifically include acquisition of hardware, software, and assets associated with project implementation.
- Requires each recipient’s initial report to be submitted to the Governor, in addition to the Senate President and the House Speaker.
- Authorizes the FDOT to select an independent nongovernmental entity to assist in project construction, management, and evaluation; and requires such entity to have certain prior experience.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/18/2018	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 316.0899, Florida Statutes, is created
to read:

316.0899 Florida Smart City Challenge Grant Program.-

(1) DEFINITIONS.-As used in this section, the term:

(a) "Grid-integrated vehicle" means a motor vehicle that
has the ability for two-way power flow between the vehicle and



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11 the electric grid and the communications hardware and software
12 that allow for external control of battery charging and
13 discharging.

14 (b) "Matching funds" includes in-kind services, goods,
15 equipment, or other noncash contributions calculated at fair
16 market value.

17 (2) CREATION; GOALS.—The Florida Smart City Challenge Grant
18 Program is created within the Department of Transportation. The
19 goals of the grant program include, but are not limited to:

20 (a) Providing opportunities to municipalities and other
21 regions of the state to develop innovative smart mobility
22 solutions to local transportation challenges.

23 (b) Deploying smart city technology that has an immediate
24 impact on the safe and efficient movement of people and goods
25 within municipalities and other regions of the state.

26 (c) Advancing autonomous, connected, grid-integrated, and
27 electric vehicle readiness and deployment throughout the state.

28 (d) Providing enhanced education and workforce development
29 opportunities by deploying emerging technologies that support
30 the state's future workforce.

31 (e) Meeting the mobility needs of residents of this state,
32 particularly transportation disadvantaged persons as defined in
33 s. 427.011, by increasing access to and convenience of
34 transportation within municipalities and other regions of the
35 state.

36 (f) Facilitating the efficient movement of freight within
37 the state, especially in and around airports and seaports.

38 (g) Supporting the reduction or elimination of fossil fuel
39 consumption by relying on renewable energy sources and electric



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40 technologies.

41 (h) Creating a smart mobility demonstration community in
42 the state that serves as a model for municipalities and other
43 regions nationwide.

44 (3) ELIGIBILITY REQUIREMENTS.—

45 (a) The following entities may apply to the Department of
46 Transportation for a grant to fund projects under the Florida
47 Smart City Challenge Grant Program:

48 1. A state, county, municipal, regional, or other agency
49 that is responsible for the movement of persons, goods, or
50 services within a defined geographical region, including an
51 entity created pursuant to chapter 343, chapter 348, or chapter
52 349.

53 2. A metropolitan planning organization or transportation
54 planning organization. Each entity responsible for deploying or
55 operating the project on behalf of a metropolitan planning
56 organization or transportation planning organization must submit
57 a letter to the department detailing its commitment to the
58 implementation, operation, and maintenance of the project.

59 3. A state university.

60 (b) An applicant for a Florida Smart City Challenge Grant
61 must have in place a plan or framework for the implementation of
62 the proposed project in at least one of the following
63 categories:

64 1. Autonomous vehicle deployment or demonstration.

65 2. Connected vehicle technology deployment.

66 3. Shared mobility services innovation and deployment.

67 4. Acceleration of the use of plug-in electric vehicles and
68 electric charging infrastructure, including deployment of grid-



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69 integrated vehicles.

70 (4) PROPOSALS.—By September 1, 2018, the Department of
71 Transportation shall issue a request for proposals for the award
72 of a Florida Smart City Challenge Grant. Each proposal submitted
73 to the department must include:

74 (a) A statement by the applicant certifying that the
75 project will be implemented and operational within 2 years after
76 receipt of the grant.

77 (b) A plan for fulfilling documentation requirements under
78 the department's Statewide Systems Engineering Management Plan
79 within such 2-year period.

80 (c) A description of how operation and maintenance costs
81 for the project will be funded in order to ensure that the
82 department's investment in the project is sustained.

83 (d) A plan for evaluation of the project and the methods by
84 which such evaluation will be shared with residents of the area
85 served by the project.

86 (e) The procedure for integrating the project's
87 transportation-related data into the department's Data
88 Integration and Video Aggregation System.

89 (5) AWARD OF GRANTS.—The Department of Transportation shall
90 award a Florida Smart City Challenge Grant to at least three
91 recipients. Each award may not exceed \$6 million. The department
92 shall distribute the award to each recipient by January 1, 2019.

93 (a) The grant may fund up to 50 percent of project costs.
94 At least 10 percent of project costs must be funded by the grant
95 recipient. Grant funds must be used exclusively for startup
96 costs, including, but not limited to, acquisition of hardware,
97 software, and assets associated with implementation of the



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98 project, and may not be used for costs associated with operation
99 or maintenance of the project.

100 (b) In selecting grant recipients, the department shall
101 give priority to those proposals that demonstrate the
102 availability of matching funds from partner organizations to
103 fund project costs and that include a plan for documenting the
104 acquisition and expenditure of such matching funds.

105 1. The department shall give further priority to those
106 proposals that include matching funds from private-sector
107 partner organizations; however, local public funds may also be
108 used.

109 2. Matching funds may be used for costs associated with
110 operation, maintenance, and evaluation of the project.

111 3. A grant recipient that receives matching funds must
112 document the contribution of such funds in a quarterly report
113 that details the manner in which the value of such contribution
114 is calculated.

115 (6) REPORTING REQUIREMENTS.-

116 (a) Each recipient of a Florida Smart City Challenge Grant
117 shall submit a quarterly report to the Department of
118 Transportation regarding the development, implementation, and
119 operation of the project. Such report must include information
120 documented pursuant to subparagraph (5)(b)3.

121 (b) The Department of Transportation must submit a
122 quarterly report to the President of the Senate and the Speaker
123 of the House of Representatives regarding the overall status of
124 the grant program.

125 (c) After implementation of the project is complete, each
126 recipient must submit an initial report to the Governor, the



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127 President of the Senate, and the Speaker of the House of
128 Representatives which details the project's impact on the
129 transportation system within the area served by the project, the
130 extent to which the goals of the grant program have been met,
131 and recommendations for project revisions or improvements to
132 guide future deployment activities. A final report must be
133 submitted 2 years after submission of the initial report.

134 (7) ADMINISTRATIVE SUPPORT.—The Department of
135 Transportation shall provide administrative support to the
136 Florida Smart City Challenge Grant Program in order to
137 facilitate the deployment of smart city technology within the
138 state, including, but not limited to, expedited review of
139 proposals submitted under subsection (4). The department may
140 select an independent nongovernmental entity to assist in
141 project construction, management, and evaluation; to oversee the
142 implementation of the project; and to analyze and document
143 lessons learned during, and benefits derived from,
144 implementation of the project. The nongovernmental entity must
145 have experience with the national Smart Cities Initiative,
146 advanced transportation deployment experience in this state,
147 extensive engineering experience, or expertise in stakeholder
148 engagement of potential partners to create a demonstration
149 community as described in paragraph (2) (h).

150 Section 2. For the 2018-2019 fiscal year, the sum of \$15
151 million in nonrecurring funds is appropriated from the State
152 Transportation Trust Fund to the Department of Transportation
153 for the purpose of implementing this act.

154 Section 3. This act shall take effect July 1, 2018.
155



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

157 And the title is amended as follows:

158 Delete everything before the enacting clause

159 and insert:

160 A bill to be entitled

161 An act relating to the Florida Smart City Challenge
162 Grant Program; creating s. 316.0899, F.S.; defining
163 the terms "grid-integrated vehicle" and "matching
164 funds"; creating the program within the Department of
165 Transportation; providing program goals; providing
166 grant eligibility requirements; requiring the
167 department to issue a request for proposals by a
168 specified date; providing proposal requirements;
169 providing requirements for the award of grants and the
170 use of grant funds; providing reporting requirements;
171 requiring administrative support by the department;
172 authorizing the department to select an independent
173 nongovernmental entity to assist in project
174 construction, management, and evaluation for specified
175 purposes; providing requirements for the
176 nongovernmental entity; providing an appropriation;
177 providing an effective date.

By Senator Brandes

24-00747B-18

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1 A bill to be entitled
 2 An act relating to the Florida Smart City Challenge
 3 Grant Program; creating s. 316.0899, F.S.; creating
 4 the program within the Department of Transportation;
 5 providing program goals; providing grant eligibility
 6 requirements; requiring the department to issue a
 7 request for proposals by a specified date; providing
 8 proposal requirements; providing requirements for
 9 award of grants and use of grant funds; defining the
 10 term "matching funds"; providing reporting
 11 requirements; requiring administrative support by the
 12 department; providing an appropriation; providing an
 13 effective date.
 14
 15 Be It Enacted by the Legislature of the State of Florida:
 16
 17 Section 1. Section 316.0899, Florida Statutes, is created
 18 to read:
 19 316.0899 Florida Smart City Challenge Grant Program.—
 20 (1) CREATION; GOALS.—The Florida Smart City Challenge Grant
 21 Program is created within the Department of Transportation. The
 22 goals of the grant program include, but are not limited to:
 23 (a) Providing opportunities to municipalities and other
 24 regions of the state to develop innovative smart mobility
 25 solutions to local transportation challenges.
 26 (b) Deploying smart city technology that has an immediate
 27 impact on the safe and efficient movement of people and goods
 28 within municipalities and other regions of the state.
 29 (c) Advancing autonomous, connected, and electric vehicle

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

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30 readiness and deployment throughout the state.
 31 (d) Providing enhanced education and workforce development
 32 opportunities by deploying emerging technologies that support
 33 the state's future workforce.
 34 (e) Meeting the mobility needs of residents of this state,
 35 particularly transportation disadvantaged persons as defined in
 36 s. 427.011, by increasing access to and convenience of
 37 transportation within municipalities and other regions of the
 38 state.
 39 (f) Facilitating the efficient movement of freight within
 40 the state, especially in and around airports and seaports.
 41 (g) Supporting the reduction or elimination of fossil fuel
 42 consumption by relying on renewable energy sources and electric
 43 technologies.
 44 (h) Creating a smart mobility demonstration community in
 45 the state that serves as a model for municipalities and other
 46 regions nationwide.
 47 (2) ELIGIBILITY REQUIREMENTS.—
 48 (a) The following entities may apply to the Department of
 49 Transportation for a grant to fund projects under the Florida
 50 Smart City Challenge Grant Program:
 51 1. A state, county, municipal, regional, or other agency
 52 that is responsible for the movement of persons, goods, or
 53 services within a defined geographical region, including an
 54 entity created pursuant to chapter 343, chapter 348, or chapter
 55 349.
 56 2. A metropolitan planning organization or transportation
 57 planning organization. Each entity responsible for deploying or
 58 operating the project on behalf of a metropolitan planning

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59 organization or transportation planning organization must submit
 60 a letter to the department detailing its commitment to the
 61 implementation, operation, and maintenance of the project.
 62 3. A state university.
 63 (b) An applicant for a Florida Smart City Challenge Grant
 64 must have in place a plan or framework for the implementation of
 65 the proposed project in at least one of the following
 66 categories:
 67 1. Autonomous vehicle deployment or demonstration.
 68 2. Connected vehicle technology deployment.
 69 3. Shared mobility services innovation and deployment.
 70 4. Acceleration of the use of plug-in electric vehicles and
 71 electric charging infrastructure.
 72 (3) PROPOSALS.—By September 1, 2018, the Department of
 73 Transportation shall issue a request for proposals for the award
 74 of a Florida Smart City Challenge Grant. Each proposal submitted
 75 to the department must include:
 76 (a) A statement by the applicant certifying that the
 77 project will be implemented and operational within 2 years after
 78 receipt of the grant.
 79 (b) A plan for fulfilling documentation requirements under
 80 the department's Statewide Systems Engineering Management Plan
 81 within such 2-year period.
 82 (c) A description of how operation and maintenance costs
 83 for the project will be funded in order to ensure that the
 84 department's investment in the project is sustained.
 85 (d) A plan for evaluation of the project and the methods by
 86 which such evaluation will be shared with residents of the area
 87 served by the project.

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88 (e) The procedure for integrating the project's
 89 transportation-related data into the department's Data
 90 Integration and Video Aggregation System.
 91 (4) AWARD OF GRANTS.—The Department of Transportation may
 92 award a Florida Smart City Challenge Grant to a maximum of three
 93 recipients. Each award may not exceed \$6 million. The department
 94 shall distribute the award to each recipient by January 1, 2019.
 95 (a) The grant may fund up to 50 percent of project costs.
 96 Grant funds must be used exclusively for costs associated with
 97 implementation of the project and may not be used for costs
 98 associated with operation, maintenance, or evaluation of the
 99 project.
 100 (b) In selecting grant recipients, the department shall
 101 give priority to those proposals that demonstrate the
 102 availability of matching funds from partner organizations to
 103 fund the remaining 50 percent of project costs and that include
 104 a plan for documenting the acquisition and expenditure of such
 105 matching funds. For purposes of this paragraph, "matching funds"
 106 includes in-kind services, goods, equipment, or other noncash
 107 contributions calculated at fair market value.
 108 1. The department shall give further priority to those
 109 proposals that include matching funds from private-sector
 110 partner organizations; however, local public funds may also be
 111 used.
 112 2. Matching funds may be used for costs associated with
 113 operation, maintenance, and evaluation of the project.
 114 3. A grant recipient that receives matching funds must
 115 document the contribution of such funds in a quarterly report
 116 that details the manner in which the value of such contribution

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117 is calculated.118 (5) REPORTING REQUIREMENTS.—

119 (a) Each recipient of a Florida Smart City Challenge Grant
 120 must submit a quarterly report to the Department of
 121 Transportation regarding the development, implementation, and
 122 operation of the project. Such report must include information
 123 documented pursuant to subparagraph (4)(b)3.

124 (b) The Department of Transportation must submit a
 125 quarterly report to the President of the Senate and the Speaker
 126 of the House of Representatives regarding the overall status of
 127 the grant program.

128 (c) After implementation of the project is complete, each
 129 recipient must submit an initial report to the President of the
 130 Senate and the Speaker of the House of Representatives which
 131 details the project's impact on the transportation system within
 132 the area served by the project, the extent to which the goals of
 133 the grant program have been met, and recommendations for project
 134 revisions or improvements to guide future deployment activities.
 135 A final report must be submitted 2 years after submission of the
 136 initial report.

137 (6) ADMINISTRATIVE SUPPORT.—The Department of
 138 Transportation shall provide administrative support to the
 139 Florida Smart City Challenge Grant Program in order to
 140 facilitate the deployment of smart city technology within the
 141 state, including, but not limited to, expedited review of
 142 proposals submitted under subsection (3).

143 Section 2. For the 2018-2019 fiscal year, the sum of \$15
 144 million in nonrecurring funds is appropriated from the State
 145 Transportation Trust Fund to the Department of Transportation

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146 for the purpose of implementing this act.147 Section 3. This act shall take effect July 1, 2018.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-18-18
Meeting Date

852

Bill Number (if applicable)

A 295414

Amendment Barcode (if applicable)

Topic _____

Name JERRY PAUL

Job Title _____

Address 310 W. College Ave.
Street
Tallahassee FL 32301
City State Zip

Phone 850-386-5267

Email _____

Speaking: For Against Information

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

Representing "NUVEE VEHICLES-TO-GRID"

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)

1/18/2018
Meeting Date

852
Bill Number (if applicable)

Topic Florida Smart Cities Challenge Grant

Amendment Barcode (if applicable)

Name JEFF BRANCH

Job Title Legislative Advocate

Address Bronough St
Street

Phone 850-701-3655

Tallahassee FL
City State 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)

1/18/18

852

Meeting Date

Bill Number (if applicable)

Topic Smart City Challenge

Amendment Barcode (if applicable)

Name Susan Harbin

Job Title Public Policy Associate

Address 100 S. Monroe

Phone 770 546-8845

Street

Tallahassee FL 32301

Email sharbin@flcounties.com

City

State

Zip

Speaking: [] For [] Against [] Information

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

Representing Florida Association of Counties

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.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/18/18

Meeting Date

852

Bill Number (if applicable)

Topic Smart Cities

Amendment Barcode (if applicable)

Name Chris Emmanuel

Job Title Policy Director

Address 136 S Bronough Street

Phone 850 521 1200

City TLH State FL Zip 32301

Email

Speaking: For Against Information

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

Representing Florida Chamber of Commerce

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)

01/18/2018

Meeting Date

852

Bill Number (if applicable)

Topic Smart Cities Challenge

Amendment Barcode (if applicable)

Name Carl Mikyska

Job Title Executive Director

Address 605 Suwannee St- MS 2813
Street

Phone 850/414-4062

Tallahassee, FL 32399
City State Zip

Email carl.mikyska@mpoc.org

Speaking: For Against Information

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

Representing FL MPO Advisory Council

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)

1/18/18

Meeting Date

852

Bill Number (if applicable)

Topic FLORIDA SMART CITY CHALLENGE GRANT PROGRAM Amendment Barcode (if applicable)

Name DAVID SCHATZ

Job Title PUBLIC POLICY DIRECTOR

Address 355 EYE STREET SW 5025

Street

Phone 215 858 4748

WASHINGTON DC 20024

City

State

Zip

Email david.schatz@chargepoint.com

Speaking: [X] For [] Against [] Information

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

Representing CHARGE POINT

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] 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)

1/18/18
Meeting Date

SB852
Bill Number (if applicable)

Topic Florida Smart City Challenge Grant

Amendment Barcode (if applicable)

Name David Schatz

Job Title Director, Public Policy

Address ~~351~~ 254 E. Hacienda Ave.

Phone 215-858-4748

Campbell CA 95002
City State Zip

Email david.schatz@chargepoint.com

Speaking: For Against Information

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

Representing ChargePoint

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)

1/18/18
Meeting Date

852

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 1674 UNIVERSITY PARKWAY #296
Street

Phone 941-323-2404

SARASOTA FL 34243
City State Zip

Email cullenasea@agf.com

Speaking: For Against Information

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

Representing SIERRA CLUB FL

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 Committee on Transportation

BILL: CS/SB 1104

INTRODUCER: Transportation Committee and Senator Brandes

SUBJECT: Vehicle Registration

DATE: January 22, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1104 makes numerous changes relating to commercial motor vehicles. The bill:

- Updates various commercial motor vehicle regulations to address compatibility issues with federal law and the International Registration Plan;
- Increases the time-frame apportionable vehicles must replace their license plates from annually to every five years;
- Allows motor vehicle dealers and fleet companies to purchase specialty license plates, to use on dealer and fleet vehicles, directly from the Department of Highway Safety and Motor Vehicles (DHSMV), upon approval by the specialty license plate's sponsoring organization;
- Creates 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 three companies allowing the issuance of up to 50 temporary tags at a time for use by the company's fleet vehicles; and
- Provides it is a first degree grand theft penalty for an offender who commits any grand theft and, in the course of committing the offense, uses a device that interferes with a global positioning system or similar system used to identify the location of the cargo or vehicle.

The bill also makes changes regarding motor vehicle platooning. Specifically, it:

- Repeals s. 316.0896, F.S., creating the Assistive truck platooning technology pilot program, which has been conducted by the Florida Department of Transportation (FDOT) in consultation with the DHSMV;
- Deletes the definition of "Driver-assistive truck platooning technology" from Florida Statutes;

- Defines the term “platoon” for purposes of the State Uniform Traffic Control Law;
- Authorizes motor vehicle platoons to be operated upon Florida roadways after an operator provides notification to the FDOT and DHSMV;
- Exempts non-lead platooning vehicles from the state’s “Following Too Closely” law; and
- Provides that s. 316.303, F.S., concerning television receivers, does not prohibit use of an electronic display by an operator of a platoon.

Additionally, the bill makes technical changes to conform to the amendments.

The bill does not appear to require significant expenditures by state or local government. DHSMV will likely incur minimal programming and implementation costs associated with changes made by the bill.

The bill makes changes to address compliance issues with federal laws relating to commercial motor vehicles. The state could experience a reduction of Federal-aid highway funds if the state remains non-compliant with such federal laws. *See* V. Fiscal Impact Statement.

The bill takes effect October 1, 2018.

II. Present Situation:

Due to the disparate issues in the bill, the present situation for each section is discussed below in conjunction with the Effect of the Proposed Changes.

III. Effect of Proposed Changes:

Platoons (Sections 1, 2, 3, and 5)

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.¹ Vehicles platoon 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.² 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.³

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, which

¹ 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 Jan. 18, 2018).

² *Id.*

³ U.S. Department of Transportation, Intelligent Transportation Systems Joint Program Office, *DSRC: The Future of Safer Driving*, https://www.its.dot.gov/factsheets/dsrc_factsheet.htm (last visited Jan. 18, 2018).

enables vehicle manufacturers to develop safety applications using V2V communications.⁴ 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, path predictions, and other vehicle information that can be used to provide drivers timely warnings of impending crash situations that a driver may not be capable of seeing.⁵ NHTSA has expressed that V2V communication "shows great promise in helping to avoid crashes, ease traffic congestion, and improve the environment."⁶

Driver-Assistive Truck Platooning

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.⁷

In 2016, s. 316.0896, F.S., was created to require the Florida Department of Transportation (FDOT), in consultation with the Department of Highway Safety and Motor Vehicles (DHSMV), to study the use and safe operation of DATP technology⁸, develop and conduct a pilot project to test the use and safe operation of vehicles equipped to operate using DATP, and submit results of the study and any findings or recommendations from the pilot project to Florida's Governor and Legislature. The FDOT 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.⁹

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.¹⁰ 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.¹¹ According to Peloton Technology, Peloton's demonstration of its DATP technology

⁴ Federal Motor Vehicle Safety Standards; V2V Communications, 82 Fed. Reg. 3854 (Jan. 12, 2017), available at <https://www.federalregister.gov/documents/2017/01/12/2016-31059/federal-motor-vehicle-safety-standards-v2v-communications> (last visited Jan. 18, 2018).

⁵ *Id.*

⁶ NHTSA, *Vehicle-to-Vehicle Communications*, <http://www.safercar.gov/v2v/index.html>. (last visited Jan. 20, 2018).

⁷ Go by Truck Global News, *Driver Survey: Platooning*, <http://www.gobytrucknews.com/driver-survey-platooning/123> (last visited Jan. 19, 2018).

⁸ Section 316.003(52), 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 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."

⁹ See RFI Document at MyFlorida.com, *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 (last visited Jan. 19, 2018).

¹⁰ Peloton, *How It Works - The Platooning Experience*, <https://peloton-tech.com/how-it-works/> (last visited Jan. 19, 2018).

¹¹ *Id.*

occurred on the Florida Turnpike and covered over 1,000 miles using two trucks traveling at a separation distance of approximately 65 feet.¹² At this time, FDOT has not submitted its report of the results of the study and any findings or recommendations from the pilot project.¹³

Platoon Laws in Other States

According to Peloton, nine states have confirmed allowance for commercial deployment of DATP.¹⁴ At least ten states with “following too closely” laws, including Florida¹⁵, exempt vehicles equipped with a DATP system or a platooning system from such state law.¹⁶ Additionally, Arkansas, Michigan, Nevada and Tennessee passed laws expressly allowing a person to operate DATP or platooning systems; however, Arkansas, Michigan, and Tennessee 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.¹⁷ Several states and the federal government are continuing testing of DATP and other platooning systems.

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, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer to follow within 300 feet of another vehicle.

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

Section 1 of the bill amends s. 316.003, F.S., removing the definition of “driver-assistive truck platooning technology,” and adding a definition for the term “platoon.” The bill defines “platoon” as “a group of individual motor vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than defined under s. 316.0895(2).”

¹² 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 Jan. 19, 2018).

¹³ DHSMV staff has indicated to staff of the Senate Transportation Committee that the report is in the process of being finalized.

¹⁴ Peloton *supra* note 12.

¹⁵ See s. 316.0895, F.S.

¹⁶ The other states are Arkansas, California (only for testing), Georgia, Michigan, Nevada, North Carolina, South Carolina, Tennessee, and Texas. See National Conference of State Legislatures, *Autonomous Vehicles – Self-Driving Enacted Legislation, Enacted Autonomous Vehicles Legislation* (Jan. 2, 2018), <http://www.ncsl.org/research/transportation/autonomous-vehicles-self-driving-vehicles-enacted-legislation.aspx> (last visited Jan. 19, 2018).

¹⁷ *Id.*

Section 2 repeals s. 316.0896, F.S., which created the Assistive truck platooning technology pilot project conducted by the FDOT in consultation with the DHSMV.

Section 3 creates s 316.0897, F.S., providing that a platoon may be operated on Florida roadways after an operator provides notification to the FDOT and DHSMV. Additionally, Florida’s “following too closely” law¹⁸ does not apply to the operator of a non-lead vehicle in a platoon.

Section 5 amends s. 316.303, F.S., to remove reference to DATP technology and add that the prohibition on television receivers does not apply to an electronic display used by an operator of a platoon.

The bill does not provide how notification to the departments is required to be made or what information is required from the operator. It is unclear how law enforcement will be able to identify that a vehicle is operating in a platoon, thus exempt from certain traffic law requirements.

Federal Motor Carrier Safety Administration Compatibility (Section 4)

Present Situation

The Federal Motor Carrier Safety Administration (FMCSA) was established within the United States Department of Transportation on January 1, 2000. Its primary mission is to prevent commercial motor vehicle (CMV)-related fatalities and injuries.¹⁹

Section 316.302, F.S., provides that all owners and drivers of CMVs²⁰ operated on the public highways of this state while engaged in *interstate* commerce are subject to the rules and regulations contained in the following parts of the Federal Motor Carrier Safety Regulations²¹:

- Part 382, Controlled Substance and Alcohol Use and Testing;
- Part 385, Safety Fitness Procedures;
- Part 390, General Federal Motor Carrier Safety Regulations;
- Part 391, Qualifications of Drivers;
- Part 392, Driving of Commercial Motor Vehicles;
- Part 393, Parts and Accessories Necessary for Safe Operation;
- Part 395, Hours of Service of Drivers;
- Part 396, Inspection, Repair, and Maintenance; and
- Part 397, Transportation of Hazardous Materials; Driving and Parking Rules.

¹⁸ Section 316.0895, F.S.

¹⁹ FMCSA website, *About Us*, <https://www.fmcsa.dot.gov/mission/about-us> (last visited Jan. 18, 2018).

²⁰ Section 316.003(12), F.S., defines “commercial motor vehicle” as “any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle: (a) Has a gross vehicle weight rating of 10,000 pounds or more; (b) Is designed to transport more than 15 passengers, including the driver; or (c) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.).”

²¹ 49 C.F.R. ch. III, subchapter B.

Owners and drivers of CMVs engaged in *intrastate* commerce are subject to the same rules and regulations, unless otherwise provided in s. 316.302, F.S., as such rules and regulations existed on December 31, 2012.²² 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.²³ States that remain incompatible risk losing federal funding. A 2007 Florida State Motor Carrier Safety Assistance Program (MCSAP) review found that the Florida Statutes contain multiple compatibility issues.²⁴

2007 Florida State MCSAP Review Findings

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, which is defined as “any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs.” Florida law excludes taxicabs from the definition of a bus.²⁵ 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.²⁶

Federal law prohibits certain lamps and reflective devices from being obscured on CMVs.²⁷ 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.²⁸

Section 316.302(2)(d), F.S., provides an exemption from compliance with 49 C.F.R. s. 395.8, requiring driver’s record of duty status, for drivers of CMVs if the driver:

- Is operating solely in intrastate commerce;
- Is not transporting any hazardous materials in amounts that require placarding²⁹;
- Is within 150-air miles of the vehicle’s base location; and
- Complies with specific federal requirements relating to hours of service.³⁰

Additionally, state law provides that if a driver is not released from duty within 12 hours of arriving on 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 also requires that the driver return to the work reporting location and is released from work within 12 consecutive hours.³¹

²² Section 316.302(1)(b), F.S.

²³ 49 C.F.R. *Appendix A to Part 355 – Guidelines for the Regulatory Review – State Determinations* (2016)

²⁴ 2007 Florida State MCSAP Review, *Summary Findings, Recommendations, and Noteworthy Practices* (June 2007) (on file with the Senate Committee on Transportation).

²⁵ Section 316.003(6), F.S.

²⁶ 2007 Florida State MCSAP Review, *supra* note 24 at p. 2, *FL/FI-1*.

²⁷ 49 C.F.R. s. 393.9(b)

²⁸ 2007 Florida State MCSAP Review, *supra* note 24 at p. 4, *FL/FI-7*.

²⁹ Pursuant to 49 C.F.R. part 172

³⁰ As provided in 49 C.F.R. s. 395.1(e)(1)(iii) and (v).

³¹ 2007 Florida State MCSAP Review, *supra* note 24 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, and the vehicle is not:

- Transporting hazardous materials requiring a placard; or
- Designed or used to transport 16 or more people, including the driver.³²

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. 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.³³

Maximum Driving Time

Section 316.302(2), F.S., provides prohibitions to length of time CMV drivers may drive, as well as exemptions from federal requirements for specified vehicles. Section 316.302(2)(b), F.S., provides that a person who operates a CMV solely in intrastate commerce without any hazardous materials in amounts requiring placarding may not drive:

- More than 12 hours following 10 consecutive hours off duty; or
- For any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty.

Except as provided in the federal hours of service rules³⁴, a person operating a CMV solely in intrastate commerce not transporting any hazardous material may not drive after having been on duty more than 70 hours in any period of seven consecutive days or more than 80 hours in any period of eight consecutive days if the motor carrier operates every day of the week.³⁵ Upon request of DHSMV, motor carriers are required to furnish time records or other written verification so that DHSMV can determine compliance with the hours of service requirements. Falsification of time records is subject to a civil penalty not to exceed \$100.³⁶

Effect of Proposed Changes

Section 4 amends multiple provisions in s. 316.302, F.S., to address federal compatibility issues.

This section amends s. 316.302(1), F.S., to clarify that the section applies to all CMVs except as provided in s. 316.302(3), F.S., relating to covered farm vehicles.

This section amends s. 316.302(1)(b), F.S., to remove an exception to federal law as it relates to the definition of a bus.

³² 49 C.F.R. s. 350.341(a)

³³ 2007 Florida State MCSAP Review, *supra* note 24 at p. 5, *FL/FI-3*.

³⁴ 49 C.F.R. s. 395.1

³⁵ Section 316.302(2)(c), F.S.

³⁶ This penalty is found in 316.302(2)(c), F.S.; However, s. 316.3025, F.S., relating to CMV penalties, provides that a penalty of \$100 may be assessed for a violation of s. 316.302(2)(b) or (c), F.S.

This section adopts federal laws that intrastate CMV owners and drivers are required to comply with as such federal rules and regulations existed on December 31, 2017.³⁷ However, s. 316.302(1)(e), F.S., is created to delay the requirement for electronic logging devices and hours of service support documents³⁸ for intrastate motor carriers, not carrying hazardous materials in amounts requiring placarding, until December 31, 2019.

This section amends s. 316.302(1)(d), F.S., to remove an exemption from federal law allowing specified CMVs to obscure certain lighting or reflective devices.

Due to changes in federal law, the section amends s. 316.302(2)(a), F.S., to provide clarity that drivers of intrastate CMVs that are not transporting hazardous materials requiring placarding are exempt from 49 C.F.R. s. 395.3, which provides maximum driving times for property-carrying vehicles. These drivers continue to be subject to the maximum driving times required by state law.

Section 316.302(2)(d), F.S., is amended to provide that to be exempt from being required to maintain records of duty status for short-haul drivers the driver must also return to the work reporting location and be released from work within 12 consecutive hours. This section is also amended to remove a duplicate penalty for falsifying hours of service records.

Lastly, the section amends s. 316.302(2)(f), F.S., to remove specified exemptions for drivers transporting petroleum products. The section also removes that these exemptions apply when a CMV has a *declared* gross vehicle weight of less than 26,001 pounds. This criterion is changed to CMVs having a *gross vehicle weight, gross vehicle weight rating, and gross combined weight rating* of less than 26,001 pounds.

International Registration Plan – Charter Buses (Section 6)

Present Situation

The 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 jurisdictions.³⁹ This allows carriers to operate inter-jurisdictionally while only needing to register its vehicles in its base jurisdiction, which is the state or province where the registrant has an established place of business.⁴⁰

³⁷ A list of Final Rules adopted as of December 31, 2016, that affect FMCSA rules and regulations are available on the FMCSA website, *Rulemaking Documents*, available at <https://www.fmcsa.dot.gov/regulations/search/rulemaking?keyword=&dt=final&topic=> (last visited Jan. 18, 2018).

³⁸ Electronic Logging Devices and Hours of Service Supporting Documents, 80 Fed. Reg. 78291 (Dec. 16, 2015), available at <https://www.federalregister.gov/documents/2015/12/16/2015-31336/electronic-logging-devices-and-hours-of-service-supporting-documents> (last visited Jan 18, 2018).

³⁹ International Registration Plan, Inc., *About IRP*, <http://www.irponline.org/?page=AboutIRP> (last visited Jan. 11, 2018).

⁴⁰ As defined by the IRP, (January 2017) available at http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/publications/IRP_agreement_eff_january_1_.pdf at p. 16 (last visited Jan. 11, 2018).

All apportionable vehicles domiciled in the state are required to be registered in accordance with the IRP and display “Apportioned” license plates.⁴¹ Motor carriers registered under the IRP are also required to maintain specified records for the DHSMV, and may have their registrations and license plates withheld if:⁴²

- An identifying number issued by the federal agency responsible for motor carrier safety is not provided for the motor carrier and entity responsible for motor carrier safety for each motor vehicle; or
- A motor carrier or vehicle owner has been prohibited from operating by a federal or state agency responsible for motor carrier safety.

Additionally, the DHSMV has authority to suspend, with notice, any commercial motor vehicle or license plate issued to a motor carrier or vehicle owner who has been prohibited from operating by a federal or state agency responsible for motor carrier safety.⁴³ 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.⁴⁴

The IRP defines an apportionable vehicle as:⁴⁵

[A]ny Power Unit 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:

- (i) Has two Axles and a gross Vehicle weight or registered gross Vehicle weight in excess of 26,000 pounds, or
- (ii) Has three or more Axles, regardless of weight, or
- (iii) Is used in combination, when the gross Vehicle weight of such combination exceeds 26,000 pounds.

Prior to January 1, 2016, charter buses were excluded from having to register under the IRP, but retained the option to do so. The IRP was amended to remove charter buses from the exemption, requiring charter bus operations to register under the IRP. This registration ensures that charter bus operations will pay license fees to each jurisdiction it operates in, and prevents or suspends the registration of unsafe carriers.⁴⁶

⁴¹ Section 320.0715(1), F.S.

⁴² Section 320.0715(4), F.S.

⁴³ Section 320.0715(4)(c), F.S.

⁴⁴ See IRP, Inc., *Trip Permits- Cost/Duration* (May 2016), available at http://www.irponline.org/resource/resmgr/Jurisdiction_Info_2/Trip_Permits_5.19.2016.xlsx (last visited Jan 18, 2018).

⁴⁵ IRP, *supra* note 40 at p. 12-13 (last visited Jan. 11, 2018). The definition excludes a recreational vehicle, a vehicle displaying restricted plates, or a government-owned vehicle. However, those excluded vehicles may choose to register under the IRP.

⁴⁶ See IRP, Inc., *Official Amendment to the International Registration Plan* (June 2014) http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/irp_ballots/ballot_391.pdf (last visited Jan. 18, 2018).

Effect of Proposed Changes

Section 6 amends s. 320.01, F.S., to remove charter buses from the apportionable vehicle exclusion. This change is necessary to align with the requirements of the IRP. All charter buses operating interstate are required to obtain an IRP registration or purchase trip permits.

Issuance of Apportionable Vehicle Plates (Sections 7 and 8)*Present Situation*

Section 320.06, F.S., provides for motor vehicle registration certificates, license plates, and validation stickers. Registration license plates, which bear a graphic symbol and alphanumeric system of identification, are issued for a 10-year period. However, “Apportioned” license plates issued to vehicles registered under the IRP are issued annually.⁴⁷ Each original license plate costs \$28, which is deposited into the Highway Safety Operating Trust Fund (HSOTF). 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.⁴⁸

Effect of Proposed Changes

Sections 7 and 8 amend ss. 320.06 and 320.0607, F.S., respectively, to provide that beginning October 1, 2019, apportioned vehicles will be issued license plates valid for a 5-year period, instead of annually. If the license plate is damaged or worn prior to the end of the 5-year period, the DHSMV may replace it at no charge upon application and surrender of the current plate. Cab cards and validation stickers will continue to be issued annually. The \$28 annual fee will apply to the issuance of an original or renewal validation sticker, instead of for the cost of the plate.

Specialty License Plates for Motor Vehicle Dealers and Fleets (Sections 7, 9, 10, and 11)*Present Situation*

A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer license plate is subject to an annual license tax of \$17.⁴⁹ Such license plates are imprinted with the word “Dealer” at the bottom of the plate.⁵⁰ 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 a for-hire vehicle.⁵¹

Fleet license plates are available for companies that own or lease a minimum number of nonapportioned motor vehicles used for business purposes.⁵² Such permanent plates are available

⁴⁷ Section 320.06(1)(b)1., F.S.

⁴⁸ 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 (last visited Jan. 15, 2018).

⁴⁹ Section 320.08(12), F.S.

⁵⁰ Section 320.06(3), F.S.

⁵¹ Section 320.13, F.S.

⁵² Section 320.0657; DHSMV, Division of Motorist Services, Procedure RS-55, *Fleet Registration Program* (Feb. 8, 2013), available at <http://www3.flhsmv.gov/dmv/Proc/RS/RS-55.pdf> (last visited Jan. 18, 2018), provides that the fleet company must have a minimum of 200 vehicles or 25 trailers or semitrailers used exclusively to haul agricultural products.

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.⁵³

There are over 120 specialty license plates available for purchase in Florida.⁵⁴ However, neither dealer license plates, nor fleet license plates are eligible to be specialty license plates. Specialty license plates require payment of an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.⁵⁵ These annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate’s design and designated in statute.⁵⁶

Effect of Proposed Changes

The bill provides that a dealer or fleet company may, with the permission of the specialty license plate organization, purchase specialty license plates directly through the DHSMV to be used on dealer or fleet vehicles. The dealer or fleet company that orders specialty license plates for its vehicles must pay the annual use fee of the specialty license plate, and any other applicable license taxes or fees. The specialty license plate will include the letters “DLR” for dealer license plates and “FLT” for fleet license plate embossed on the right side of the plate.

Fleet Vehicle Temporary Tag Pilot Program (Section 12)

Present Situation

Section 320.131, F.S., provides that the DHSMV is authorized and empowered 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.⁵⁷ Temporary tags cost \$2 each, of which \$1 is deposited into the Brain and Spinal Cord Injury Program Trust Fund and \$1 into the Highway Safety Operating Trust Fund. 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.⁵⁸ These issuers include motor vehicle dealers and tax collectors who frequently issue temporary tags on behalf of the DHSMV.

Effect of Proposed Changes

Section 12 of the bill creates a Fleet Vehicle Temporary Tag Pilot Program. The bill provides that beginning October 1, 2018, 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 shall establish a memorandum of

⁵³ *Id.*

⁵⁴ A list of Florida’s specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Jan. 20, 2018).

⁵⁵ Section 320.08056, F.S.

⁵⁶ Section 320.08058, F.S.

⁵⁷ However, a temporary tag issued to a vehicle required to be weighed or emission tested prior to registration, or required to have the vehicle identification number verified is valid for 10 days, and a temporary tag issued for a vehicle waiting for manufacturing of a purchased specialty or personalized prestige plate is valid for 90 days. *See* ss. 320.131(1)(f) and (j), F.S.

⁵⁸ Section 320.131(9), F.S.

understanding (MOU) that allows a maximum of three companies to participate in the pilot program.

The bill requires:

- The temporary tags be used exclusively on the company's fleet vehicles, and may not be used on any other vehicle;
- That each temporary plate be used on only one vehicle and each vehicle may only use one temporary plate;
- 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 such company to return any unused temporary tags.

This program is repealed on October 1, 2021, unless saved from repeal through reenactment by the Legislature.

Cargo Theft (Section 13)

Present Situation

Section 812.014(2), F.S., provides that an offender commits first degree grand theft⁵⁹, if the offender:

- Stole property valued at \$100,000 or more or is a semitrailer deployed by law enforcement;
- Stole cargo valued at \$50,000 or more that has entered the stream of commerce from the shipper's loading platform to the consignee's receiving dock; or
- Commits any grand theft and in the course of committing the offense:
 - Uses a motor vehicle as an instrumentality, other than merely a getaway vehicle, to assist in committing the offense and thereby damages the real property of another; or
 - Causes damage to the real or personal property of another in excess of \$1,000.

Global positioning system (GPS) jammers are devices using radio frequency transmitters in order to intentionally block, jam, or interfere with GPS systems. It is illegal to market, sell, or use GPS jammers in the United States.⁶⁰ Such devices have been linked to cargo thefts throughout the United States.⁶¹

Effect of Proposed Changes

Section 13 amends s. 812.014(2), F.S., providing that an offender who commits grand theft *and* uses a device in the course of committing the offense to defeat, block, disable, jam, or interfere with a GPS or similar system designed to identify the location of the cargo or the vehicle or trailer carrying the cargo commits first degree grand theft.

⁵⁹ Punishable as a first degree felony, which is up to 30 years in prison, a fine not to exceed \$10,000, or enhanced penalties if for a habitual offender; *See* ss. 775.082, 775.083, or 775.084, F.S.

⁶⁰ *See* GPS.gov, *Information About GPS Jamming*, <http://www.gps.gov/spectrum/jamming/> (last visited Jan. 18, 2018).

⁶¹ Federal Bureau of Investigation, Private Industry Notification 141002-001, *Cargo Thieves use GPS Jammers to Mask GPS Trackers* (Oct. 2, 2014), <https://info.publicintelligence.net/FBI-CargoThievesGPS.pdf> (last visited Jan. 18, 2018).

Effective Date

The bill takes effect October 1, 2018

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

The bill may have a positive fiscal impact on:

- Operators of motor vehicle platoons and manufacturers of platooning technology that will be authorized to operate on Florida roadways;
- Specialty license plate organizations if motor vehicle dealers or fleet companies choose to purchase the organization's specialty license plate; and
- Fleet companies who qualify to be part of the Fleet Vehicle Temporary Tag pilot program and 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.

The bill provides enhanced penalties for offenders who commit grand theft while using a device to interfere with a GPS system or similar system that is designed to identify the location of the cargo or the vehicle or trailer carrying the cargo. This provision may also deter cargo theft.

There is a potential fiscal impact to the CMV industry associated with changes to the CMV regulations contained in the bill; however, the impact is indeterminate at this time.

C. Government Sector Impact:

The bill does not appear to require significant expenditures by state or local government. DHSMV will likely incur minimal programming and implementation costs associated with changes made by the bill.

The bill makes changes to address compliance issues with federal laws relating to commercial motor vehicles. According to the DHSMV, if Florida fails to comply with FMCSA compatibility requirements, Florida may experience a reduction of up to four percent of Federal-aid highway funds following the first year of noncompliance and up to eight percent for subsequent years.⁶² Noncompliance may also affect the potential award of future grants.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.302, 316.303, 320.01, 320.06, 320.0607, 320.0657, 320.08, 320.08056, 320.131, and 812.014.

This bill creates section 316.0897 of the Florida Statutes.

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.)

CS by Transportation on January 18, 2018:

The CS changes the “relating to” clause of the bill to “[a]n act relating to commercial motor vehicles,” and adds numerous provisions to the bill. The CS:

- Repeals s. 316.0896, F.S., creating the Assistive Truck Platooning Technology Pilot Program, which has been conducted by the FDOT in consultation with the DHSMV;
- Removes the definition of “driver-assistive truck platooning technology” and reference to the term in the Florida Statutes;
- Authorizes a motor vehicle platoon to be operated on Florida roadways after an operator provides notification to the FDOT and DHSMV;
- Defines the term “platoon” for purposes of ch. 316, F.S., and exempts certain operators of platoons from state laws relating to “following too closely” and television receiver prohibitions;
- Updates various commercial motor vehicle regulations to address compatibility issues with federal law and the International Registration Plan;
- Allows motor vehicle dealers and fleet companies to purchase specialty license plates;

⁶² Email from the DHSMV (Feb. 17, 2017) (on file with the Senate Committee on Transportation).

- Creates a Fleet Vehicle Temporary Tag pilot program; and
- Provides enhanced penalties for offenders who commit grand theft while using any device to interfere with a GPS system or similar system.

B. Amendments:

None.

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



905658

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/18/2018	.	
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	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) and paragraphs (a), (c), (d), and (f) of subsection (2) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1) Except as otherwise provided in subsection (3):



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11 (a) All owners and drivers of commercial motor vehicles
12 that are operated on the public highways of this state while
13 engaged in interstate commerce are subject to the rules and
14 regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

15 (b) Except as otherwise provided in this section, all
16 owners or drivers of commercial motor vehicles that are engaged
17 in intrastate commerce are subject to the rules and regulations
18 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, ~~with~~
19 ~~the exception of 49 C.F.R. s. 390.5 as it relates to the~~
20 ~~definition of bus,~~ as such rules and regulations existed on
21 December 31, 2017 ~~2012~~.

22 (c) The emergency exceptions provided by 49 C.F.R. s.
23 392.82 also apply to communications by utility drivers and
24 utility contractor drivers during a Level 1 activation of the
25 State Emergency Operations Center, as provided in the Florida
26 Comprehensive Emergency Management plan, or during a state of
27 emergency declared by executive order or proclamation of the
28 Governor.

29 (d) Except as provided in ~~s. 316.215(5)~~, and ~~except as~~
30 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging
31 requirements for intrastate operations, the requirements of this
32 section supersede all other safety requirements of this chapter
33 for commercial motor vehicles.

34 (e) For motor carriers engaged in intrastate commerce who
35 are not carrying hazardous materials in amounts that require
36 placards, the requirement for electronic logging devices and
37 hours of service support documents shall take effect December
38 31, 2019.

39 (2) (a) A person who operates a commercial motor vehicle



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40 solely in intrastate commerce not transporting any hazardous
41 material in amounts that require placarding pursuant to 49
42 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b)(1)
43 and 395.3 ~~395.3(a) and (b)~~.

44 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
45 operates a commercial motor vehicle solely in intrastate
46 commerce not transporting any hazardous material in amounts that
47 require placarding pursuant to 49 C.F.R. part 172 may not drive
48 after having been on duty more than 70 hours in any period of 7
49 consecutive days or more than 80 hours in any period of 8
50 consecutive days if the motor carrier operates every day of the
51 week. Thirty-four consecutive hours off duty shall constitute
52 the end of any such period of 7 or 8 consecutive days. This
53 weekly limit does not apply to a person who operates a
54 commercial motor vehicle solely within this state while
55 transporting, during harvest periods, any unprocessed
56 agricultural products or unprocessed food or fiber that is
57 subject to seasonal harvesting from place of harvest to the
58 first place of processing or storage or from place of harvest
59 directly to market or while transporting livestock, livestock
60 feed, or farm supplies directly related to growing or harvesting
61 agricultural products. Upon request of the Department of Highway
62 Safety and Motor Vehicles, motor carriers shall furnish time
63 records or other written verification to that department so that
64 the Department of Highway Safety and Motor Vehicles can
65 determine compliance with this subsection. These time records
66 must be furnished to the Department of Highway Safety and Motor
67 Vehicles within 2 days after receipt of that department's
68 request. Falsification of such information is subject to a civil



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69 penalty ~~not to exceed \$100. The provisions of~~ This paragraph
70 does ~~de~~ not apply to operators of farm labor vehicles operated
71 during a state of emergency declared by the Governor or operated
72 pursuant to s. 570.07(21), ~~and~~ does ~~de~~ not apply to drivers of
73 utility service vehicles as defined in 49 C.F.R. s. 395.2.

74 (d) A person who operates a commercial motor vehicle solely
75 in intrastate commerce not transporting any hazardous material
76 in amounts that require placarding pursuant to 49 C.F.R. part
77 172 within a 150 air-mile radius of the location where the
78 vehicle is based need not comply with 49 C.F.R. s. 395.8, ~~if the~~
79 requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (iii)(A) and (C),
80 ~~395.1(e)(1)(iii) and (v) are met. If a driver is not released~~
81 ~~from duty within 12 hours after the driver arrives for duty, the~~
82 ~~motor carrier must maintain documentation of the driver's~~
83 ~~driving times throughout the duty period.~~

84 (f) A person who operates a commercial motor vehicle having
85 a ~~declared~~ gross vehicle weight, gross vehicle weight rating,
86 and gross combined weight rating of less than 26,001 pounds
87 solely in intrastate commerce and who is not transporting
88 hazardous materials in amounts that require placarding pursuant
89 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~
90 ~~as defined in s. 376.301,~~ is exempt from subsection (1).
91 However, such person must comply with 49 C.F.R. parts 382, 392,
92 and 393, ~~and~~ with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

93 Section 2. Subsection (24) of section 320.01, Florida
94 Statutes, is amended to read:

95 320.01 Definitions, general.—As used in the Florida
96 Statutes, except as otherwise provided, the term:

97 (24) "Apportionable vehicle" means any vehicle, except



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98 recreational vehicles, vehicles displaying restricted plates,
99 city pickup and delivery vehicles, ~~buses used in transportation~~
100 ~~of chartered parties,~~ and government-owned vehicles, which is
101 used or intended for use in two or more member jurisdictions
102 that allocate or proportionally register vehicles and which is
103 used for the transportation of persons for hire or is designed,
104 used, or maintained primarily for the transportation of property
105 and:

106 (a) Is a power unit having a gross vehicle weight in excess
107 of 26,000 pounds;

108 (b) Is a power unit having three or more axles, regardless
109 of weight; or

110 (c) Is used in combination, when the weight of such
111 combination exceeds 26,000 pounds gross vehicle weight.

112
113 Vehicles, or combinations thereof, having a gross vehicle weight
114 of 26,000 pounds or less and two-axle vehicles may be
115 proportionally registered.

116 Section 3. Paragraph (b) of subsection (1) of section
117 320.06, Florida Statutes, is amended to read:

118 320.06 Registration certificates, license plates, and
119 validation stickers generally.—

120 (1)

121 (b)1. Registration license plates bearing a graphic symbol
122 and the alphanumeric system of identification shall be issued
123 for a 10-year period. At the end of the 10-year period, upon
124 renewal, the plate shall be replaced. The department shall
125 extend the scheduled license plate replacement date from a 6-
126 year period to a 10-year period. The fee for such replacement is



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127 \$28, \$2.80 of which shall be paid each year before the plate is
128 replaced, to be credited toward the next \$28 replacement fee.
129 The fees shall be deposited into the Highway Safety Operating
130 Trust Fund. A credit or refund may not be given for any prior
131 years' payments of the prorated replacement fee if the plate is
132 replaced or surrendered before the end of the 10-year period,
133 except that a credit may be given if a registrant is required by
134 the department to replace a license plate under s.
135 320.08056(8)(a). With each license plate, a validation sticker
136 shall be issued showing the owner's birth month, license plate
137 number, and the year of expiration or the appropriate renewal
138 period if the owner is not a natural person. The validation
139 sticker shall be placed on the upper right corner of the license
140 plate. The license plate and validation sticker shall be issued
141 based on the applicant's appropriate renewal period. The
142 registration period is 12 months, the extended registration
143 period is 24 months, and all expirations occur based on the
144 applicant's appropriate registration period.

145 2. Before October 1, 2019, a vehicle that has an
146 apportioned registration shall be issued an annual license plate
147 and a cab card denoting ~~that denote~~ the declared gross vehicle
148 weight ~~for each apportioned jurisdiction in which the vehicle is~~
149 ~~authorized to operate.~~

150 3. Beginning October 1, 2019, a vehicle registered in
151 accordance with the International Registration Plan shall be
152 issued a license plate for a 5-year period, an annual cab card
153 denoting the declared gross vehicle weight, and an annual
154 validation sticker showing the month and year of expiration. The
155 validation sticker shall be placed in the center of the license



905658

156 plate. The license plate and validation sticker shall be issued
157 based on the applicant's appropriate renewal period. The fee for
158 the initial validation sticker and any renewed validation
159 sticker is \$28. This fee shall be deposited into the Highway
160 Safety Operating Trust Fund. A damaged or worn license plate may
161 be replaced at no charge by applying to the department and
162 surrendering the current license plate.

163 4.2. In order to retain the efficient administration of the
164 taxes and fees imposed by this chapter, the 80-cent fee increase
165 in the replacement fee imposed by chapter 2009-71, Laws of
166 Florida, is negated as provided in s. 320.0804.

167 Section 4. Subsection (5) of section 320.0607, Florida
168 Statutes, is amended to read:

169 320.0607 Replacement license plates, validation decal, or
170 mobile home sticker.—

171 (5) Upon the issuance of an original license plate, the
172 applicant shall pay a fee of \$28 to be deposited in the Highway
173 Safety Operating Trust Fund. Beginning October 1, 2019, this
174 subsection does not apply to a vehicle registered under the
175 International Registration Plan.

176 Section 5. Paragraph (a) of subsection (2) of section
177 812.014, Florida Statutes, is amended to read:

178 812.014 Theft.—

179 (2) (a) 1. If the property stolen is valued at \$100,000 or
180 more or is a semitrailer that was deployed by a law enforcement
181 officer; or

182 2. If the property stolen is cargo valued at \$50,000 or
183 more that has entered the stream of interstate or intrastate
184 commerce from the shipper's loading platform to the consignee's



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185 receiving dock; or
186 3. If the offender commits any grand theft and:
187 a. In the course of committing the offense the offender
188 uses a motor vehicle as an instrumentality, other than merely as
189 a getaway vehicle, to assist in committing the offense and
190 thereby damages the real property of another; ~~or~~
191 b. In the course of committing the offense the offender
192 causes damage to the real or personal property of another in
193 excess of \$1,000; or
194 c. In the course of committing the offense the offender
195 uses any type of device to defeat, block, disable, jam, or
196 interfere with a global positioning system or similar system
197 designed to identify the location of the cargo or the vehicle or
198 trailer carrying the cargo,
199
200 the offender commits grand theft in the first degree, punishable
201 as a felony of the first degree, as provided in s. 775.082, s.
202 775.083, or s. 775.084.

203 Section 6. This act shall take effect October 1, 2018.

204
205 ===== T I T L E A M E N D M E N T =====

206 And the title is amended as follows:

207 Delete everything before the enacting clause
208 and insert:

209 A bill to be entitled
210 An act relating to commercial motor vehicles; amending
211 s. 316.302, F.S.; revising regulations to which owners
212 and drivers of commercial motor vehicles are subject;
213 delaying the requirement for electronic logging



905658

214 devices and support documents for certain intrastate
215 motor carriers; deleting a limitation on a civil
216 penalty for falsification of certain time records;
217 deleting a requirement that a motor carrier maintain
218 certain documentation of driving times; providing an
219 exemption from specified provisions for a person who
220 operates a commercial motor vehicle with a certain
221 gross vehicle weight, gross vehicle weight rating, and
222 gross combined weight rating; deleting the exemption
223 from such provisions for a person transporting
224 petroleum products; amending s. 320.01, F.S.; revising
225 the definition of the term "apportionable vehicle";
226 amending s. 320.06, F.S.; requiring a vehicle that has
227 an apportioned registration to be issued, before a
228 specified date, an annual license plate and a cab card
229 denoting the declared gross vehicle weight; providing
230 requirements, beginning on a specified date, for
231 license plates, cab cards, and validation stickers for
232 vehicles registered in accordance with the
233 International Registration Plan; providing a specified
234 fee for initial and renewed validation stickers;
235 requiring the fee to be deposited into the Highway
236 Safety Operating Trust Fund; authorizing a damaged or
237 worn license plate to be replaced at no charge under
238 certain circumstances; amending s. 320.0607, F.S.;
239 providing an exemption, beginning on a specified date,
240 from a certain fee for vehicles registered under the
241 International Registration Plan; amending s. 812.014,
242 F.S.; providing a criminal penalty for an offender



905658

243 committing grand theft who uses a device to interfere
244 with a global positioning or similar system; providing
245 an effective date.



331456

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/18/2018	.	
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The Committee on Transportation (Brandes) recommended the following:

1 **Senate Amendment to Amendment (905658) (with title**
2 **amendment)**

3
4 Delete lines 5 - 92
5 and insert:

6 Section 1. Present subsection (20) is amended, present
7 subsections (21) through (52) of section 316.003, Florida
8 Statutes, are renumbered as subsections (20) through (51),
9 respectively, and a new subsection (52) is added to that
10 section, to read:



331456

11 316.003 Definitions.—The following words and phrases, when
12 used in this chapter, shall have the meanings respectively
13 ascribed to them in this section, except where the context
14 otherwise requires:

15 ~~(20) DRIVER-ASSISTIVE TRUCK PLATOONING TECHNOLOGY.—Vehicle~~
16 ~~automation and safety technology that integrates sensor array,~~
17 ~~wireless vehicle-to-vehicle communications, active safety~~
18 ~~systems, and specialized software to link safety systems and~~
19 ~~synchronize acceleration and braking between two vehicles while~~
20 ~~leaving each vehicle's steering control and systems command in~~
21 ~~the control of the vehicle's driver in compliance with the~~
22 ~~National Highway Traffic Safety Administration rules regarding~~
23 ~~vehicle-to-vehicle communications.~~

24 (52) PLATOON.—A group of individual motor vehicles
25 traveling in a unified manner at electronically coordinated
26 speeds at following distances that are closer than defined under
27 s. 316.0895(2).

28 Section 2. Section 316.0896, Florida Statutes, is repealed.

29 Section 3. Section 316.0897, Florida Statutes, is created
30 to read:

31 316.0897 Platoons.—

32 (1) Section 316.0895 does not apply to the operator of a
33 non-lead vehicle in a platoon, as defined in s. 316.003.

34 (2) A platoon may be operated on a roadway in this state
35 after an operator provides notification to the Department of
36 Transportation and the Department of Highway Safety and Motor
37 Vehicles.

38 Section 4. Subsection (1) and paragraphs (a), (c), (d), and
39 (f) of subsection (2) of section 316.302, Florida Statutes, are



331456

40 amended to read:

41 316.302 Commercial motor vehicles; safety regulations;
42 transporters and shippers of hazardous materials; enforcement.-

43 (1) Except as otherwise provided in subsection (3):

44 (a) All owners and drivers of commercial motor vehicles
45 that are operated on the public highways of this state while
46 engaged in interstate commerce are subject to the rules and
47 regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

48 (b) Except as otherwise provided in this section, all
49 owners or drivers of commercial motor vehicles that are engaged
50 in intrastate commerce are subject to the rules and regulations
51 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, ~~with~~
52 ~~the exception of 49 C.F.R. s. 390.5 as it relates to the~~
53 ~~definition of bus,~~ as such rules and regulations existed on
54 December 31, 2017 ~~2012~~.

55 (c) The emergency exceptions provided by 49 C.F.R. s.
56 392.82 also apply to communications by utility drivers and
57 utility contractor drivers during a Level 1 activation of the
58 State Emergency Operations Center, as provided in the Florida
59 Comprehensive Emergency Management plan, or during a state of
60 emergency declared by executive order or proclamation of the
61 Governor.

62 (d) Except as provided in ~~s. 316.215(5), and except as~~
63 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging
64 requirements for intrastate operations, the requirements of this
65 section supersede all other safety requirements of this chapter
66 for commercial motor vehicles.

67 (e) For motor carriers engaged in intrastate commerce who
68 are not carrying hazardous materials in amounts that require



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69 placards, the requirement for electronic logging devices and
70 hours of service support documents shall take effect December
71 31, 2019.

72 (2) (a) A person who operates a commercial motor vehicle
73 solely in intrastate commerce not transporting any hazardous
74 material in amounts that require placarding pursuant to 49
75 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b) (1)
76 and 395.3 ~~395.3(a) and (b)~~.

77 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
78 operates a commercial motor vehicle solely in intrastate
79 commerce not transporting any hazardous material in amounts that
80 require placarding pursuant to 49 C.F.R. part 172 may not drive
81 after having been on duty more than 70 hours in any period of 7
82 consecutive days or more than 80 hours in any period of 8
83 consecutive days if the motor carrier operates every day of the
84 week. Thirty-four consecutive hours off duty shall constitute
85 the end of any such period of 7 or 8 consecutive days. This
86 weekly limit does not apply to a person who operates a
87 commercial motor vehicle solely within this state while
88 transporting, during harvest periods, any unprocessed
89 agricultural products or unprocessed food or fiber that is
90 subject to seasonal harvesting from place of harvest to the
91 first place of processing or storage or from place of harvest
92 directly to market or while transporting livestock, livestock
93 feed, or farm supplies directly related to growing or harvesting
94 agricultural products. Upon request of the Department of Highway
95 Safety and Motor Vehicles, motor carriers shall furnish time
96 records or other written verification to that department so that
97 the Department of Highway Safety and Motor Vehicles can



331456

98 determine compliance with this subsection. These time records
99 must be furnished to the Department of Highway Safety and Motor
100 Vehicles within 2 days after receipt of that department's
101 request. Falsification of such information is subject to a civil
102 penalty ~~not to exceed \$100. The provisions of~~ This paragraph
103 does ~~de~~ not apply to operators of farm labor vehicles operated
104 during a state of emergency declared by the Governor or operated
105 pursuant to s. 570.07(21)~~7~~ and does ~~de~~ not apply to drivers of
106 utility service vehicles as defined in 49 C.F.R. s. 395.2.

107 (d) A person who operates a commercial motor vehicle solely
108 in intrastate commerce not transporting any hazardous material
109 in amounts that require placarding pursuant to 49 C.F.R. part
110 172 within a 150 air-mile radius of the location where the
111 vehicle is based need not comply with 49 C.F.R. s. 395.8~~7~~ if the
112 requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (iii)(A) and (C),
113 ~~395.1(e)(1)(iii) and (v) are met. If a driver is not released~~
114 ~~from duty within 12 hours after the driver arrives for duty, the~~
115 ~~motor carrier must maintain documentation of the driver's~~
116 ~~driving times throughout the duty period.~~

117 (f) A person who operates a commercial motor vehicle having
118 a ~~declared~~ gross vehicle weight, gross vehicle weight rating,
119 and gross combined weight rating of less than 26,001 pounds
120 solely in intrastate commerce and who is not transporting
121 hazardous materials in amounts that require placarding pursuant
122 to 49 C.F.R. part 172~~7~~, ~~or who is transporting petroleum products~~
123 ~~as defined in s. 376.301~~7~~~~, is exempt from subsection (1).
124 However, such person must comply with 49 C.F.R. parts 382, 392,
125 and 393~~7~~ and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

126 Section 5. Subsection (3) of section 316.303, Florida



331456

127 Statutes, is amended to read:

128 316.303 Television receivers.—

129 (3) This section does not prohibit the use of an electronic
130 display used in conjunction with a vehicle navigation system; an
131 electronic display used by an operator of a vehicle equipped
132 with autonomous technology, as defined in s. 316.003; or an
133 electronic display used by an operator of a platoon vehicle
134 ~~equipped and operating with driver-assistive truck platooning~~
135 ~~technology~~, as defined in s. 316.003.

136

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

138 And the title is amended as follows:

139 Delete lines 211 - 224

140 and insert:

141 s. 316.003, F.S.; deleting the term "driver-assistive
142 truck platooning technology"; defining the term
143 "platoon"; repealing s. 316.0896, F.S., relating to
144 the assistive truck platooning technology pilot
145 project; creating s. 316.0897, F.S.; exempting the
146 operator of a non-lead vehicle in a platoon from a
147 specified provision; authorizing a platoon to be
148 operated on a roadway in this state after an operator
149 provides notification to the Department of
150 Transportation and the Department of Highway Safety
151 and Motor Vehicles; amending s. 316.302, F.S.;
152 revising regulations to which owners and drivers of
153 commercial motor vehicles are subject; delaying the
154 requirement for electronic logging devices and support
155 documents for certain intrastate motor carriers;



331456

156 deleting a limitation on a civil penalty for
157 falsification of certain time records; deleting a
158 requirement that a motor carrier maintain certain
159 documentation of driving times; providing an exemption
160 from specified provisions for a person who operates a
161 commercial motor vehicle with a certain gross vehicle
162 weight, gross vehicle weight rating, and gross
163 combined weight rating; deleting the exemption from
164 such provisions for a person transporting petroleum
165 products; amending s. 316.303, F.S.; conforming a
166 provision to changes made by the act; amending s.
167 320.01, F.S.; revising



621258

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/18/2018	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment to Amendment (905658) (with title amendment)

Delete lines 160 - 161

and insert:

Safety Operating Trust Fund. A damaged or worn license plate must be replaced at no charge upon applying to the department and

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



621258

11 And the title is amended as follows:

12 Delete line 236

13 and insert:

14 Safety Operating Trust Fund; requiring a damaged or



867304

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/18/2018	.	
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The Committee on Transportation (Brandes) recommended the following:

1 **Senate Amendment to Amendment (905658) (with directory and**
2 **title amendments)**

3
4 Delete lines 167 - 175
5 and insert:

6 (3) (a) Registration license plates must be made of metal
7 specially treated with a retroreflection material, as specified
8 by the department. The registration license plate is designed to
9 increase nighttime visibility and legibility and must be at
10 least 6 inches wide and not less than 12 inches in length,



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



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40 other distinctive character or designation, that distinguishes
41 the motor vehicle as a for-hire motor vehicle.

42 Section 4. Subsection (5) of section 320.0607, Florida
43 Statutes, is amended to read:

44 320.0607 Replacement license plates, validation decal, or
45 mobile home sticker.—

46 (5) Upon the issuance of an original license plate, the
47 applicant shall pay a fee of \$28 to be deposited in the Highway
48 Safety Operating Trust Fund. Beginning October 1, 2019, this
49 subsection does not apply to a vehicle registered under the
50 International Registration Plan.

51 Section 5. Paragraph (b) of subsection (2) of section
52 320.0657, Florida Statutes, is amended to read:

53 320.0657 Permanent registration; fleet license plates.—

54 (2)

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

67 Section 6. Subsection (12) of section 320.08, Florida
68 Statutes, is amended to read:



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69 320.08 License taxes.—Except as otherwise provided herein,
70 there are hereby levied and imposed annual license taxes for the
71 operation of motor vehicles, mopeds, motorized bicycles as
72 defined in s. 316.003(3), tri-vehicles as defined in s. 316.003,
73 and mobile homes as defined in s. 320.01, which shall be paid to
74 and collected by the department or its agent upon the
75 registration or renewal of registration of the following:

76 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
77 motor vehicle dealer, independent motor vehicle dealer, marine
78 boat trailer dealer, or mobile home dealer and manufacturer
79 license plate: \$17 flat, of which \$4.50 shall be deposited into
80 the General Revenue Fund. For additional fees as set forth in s.
81 320.08056, dealers may purchase specialty license plates in lieu
82 of the standard graphic dealer license plates. Dealers shall be
83 responsible for all costs associated with the specialty license
84 plate, including all annual use fees, processing fees, fees
85 associated with switching license plate types, and any other
86 applicable fees.

87 Section 7. Subsection (2) of section 320.08056, Florida
88 Statutes, is amended to read:

89 320.08056 Specialty license plates.—

90 (2) (a) The department shall issue a specialty license plate
91 to the owner or lessee of any motor vehicle, except a vehicle
92 registered under the International Registration Plan, a
93 commercial truck required to display two license plates pursuant
94 to s. 320.0706, or a truck tractor, upon request and payment of
95 the appropriate license tax and fees.

96 (b) The department may authorize dealer and fleet specialty
97 license plates. With the permission of the sponsoring specialty



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98 license plate organization, a dealer or fleet company may
99 purchase specialty license plates to be used on dealer and fleet
100 vehicles.

101 (c) Notwithstanding s. 320.08058, a dealer or fleet
102 specialty license plate must include the letters "DLR" or "FLT"
103 on the right side of the license plate. Dealer and fleet
104 specialty license plates must be ordered directly through the
105 department.

106
107 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

108 And the directory clause is amended as follows:

109 Delete lines 116 - 117

110 and insert:

111 Section 3. Paragraph (b) of subsection (1) and paragraph
112 (a) of subsection (3) of section 320.06, Florida Statutes, are
113 amended to read:

114
115 ===== T I T L E A M E N D M E N T =====

116 And the title is amended as follows:

117 Delete lines 238 - 241

118 and insert:

119 certain circumstances; providing an exception to the
120 design of dealer license plates for specialty license
121 plates; amending s. 320.0607, F.S.; providing an
122 exemption, beginning on a specified date, from a
123 certain fee for vehicles registered under the
124 International Registration Plan; amending s. 320.0657,
125 F.S.; providing an exception to the design of fleet
126 license plates for specialty license plates;



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127 authorizing fleet companies to purchase specialty
128 license plates in lieu of the standard fleet license
129 plates for additional specified fees; requiring fleet
130 companies to be responsible for all costs associated
131 with the specialty license plate; amending s. 320.08,
132 F.S.; authorizing dealers to purchase specialty
133 license plates in lieu of the standard graphic dealer
134 license plates for additional specified fees;
135 requiring dealers to be responsible for all costs
136 associated with the specialty license plate; amending
137 s. 320.08056, F.S.; allowing the Department of Highway
138 Safety and Motor Vehicles to authorize dealer and
139 fleet specialty license plates; authorizing a dealer
140 or fleet company to purchase specialty license plates
141 to be used on dealer and fleet vehicles with the
142 permission of the sponsoring specialty license plate
143 organization; requiring a dealer or fleet specialty
144 license plate to include specified letters on the
145 right side of the license plate; requiring dealer and
146 fleet specialty license plates to be ordered directly
147 through the department; amending s. 812.014,



562916

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/18/2018	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

1 **Senate Amendment to Amendment (905658) (with title**
2 **amendment)**

3
4 Between lines 175 and 176
5 insert:

6 Section 5. Subsection (10) is added to section 320.131,
7 Florida Statutes, to read:

8 320.131 Temporary tags.—

9 (10) Beginning October 1, 2018, the department may partner
10 with a county tax collector to conduct a Fleet Vehicle Temporary



562916

11 Tag pilot program to provide temporary tags to fleet companies
12 to allow them to operate fleet vehicles awaiting a permanent
13 registration and title.

14 (a) The department shall establish a memorandum of
15 understanding that allows a maximum of three companies to
16 participate in the pilot program and receive multiple temporary
17 tags for company fleet vehicles.

18 (b) To participate in the program a fleet company must have
19 a minimum of 3,500 fleet vehicles registered in this state which
20 qualify to be registered as fleet vehicles pursuant to s.
21 320.0657.

22 (c) The department may issue up to 50 temporary tags at a
23 time to an eligible fleet company, if requested by such company.

24 (d) The temporary tags are for exclusive use on a vehicle
25 purchased for the company's fleet, and may not be used on any
26 other vehicle.

27 (e) Each temporary plate may be used on only one vehicle
28 and each vehicle may only use one temporary plate.

29 (f) Upon issuance of the vehicle's permanent license plate
30 and registration, the temporary tag becomes invalid and must be
31 removed from the vehicle and destroyed.

32 (g) Upon a finding by the department that a temporary tag
33 has been misused by a fleet company under this program, the
34 department may terminate the memorandum of understanding with
35 the company, invalidate all temporary tags issued to the company
36 under the program, and require such company to return any unused
37 temporary tags.

38 (h) This subsection is repealed on October 1, 2021, unless
39 saved from repeal through reenactment by the Legislature.



562916

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

And the title is amended as follows:

Delete line 241

and insert:

International Registration Plan; amending s. 320.131,
F.S.; authorizing, beginning on a specified date, the
department to partner with a county tax collector to
conduct a Fleet Vehicle Temporary Tag pilot program,
subject to certain requirements; providing for future
repeal; amending s. 812.014,

By Senator Brandes

24-01266A-18

20181104__

A bill to be entitled

An act relating to vehicle registration; amending s. 320.06, F.S.; deleting a requirement that a vehicle having an apportioned registration be issued an annual license plate and a certain cab card for each apportioned jurisdiction in which the vehicle is authorized to operate; requiring, beginning on a specified date, a vehicle registered in accordance with the International Registration Plan to be issued a license plate for a specified period, an annual cab card denoting the declared gross vehicle weight, and an annual validation sticker showing the month and year of expiration; requiring the validation sticker to be placed in the center of the license plate; requiring the license plate and validation sticker to be issued based on the applicant's appropriate renewal period; providing a specified fee for initial and renewed validation stickers; requiring the fee to be deposited into the Highway Safety Operating Trust Fund; authorizing a damaged or worn license plate to be replaced at no charge by applying to the Department of Highway Safety and Motor Vehicles and surrendering the current license plate; providing an effective date.

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

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

Page 1 of 3

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

24-01266A-18

20181104__

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 shall be issued showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. The license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant's appropriate registration period. A vehicle that has an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle

Page 2 of 3

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

24-01266A-18

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59 ~~weight for each apportioned jurisdiction in which the vehicle is~~
60 ~~authorized to operate.~~

61 2. In order to retain the efficient administration of the
62 taxes and fees imposed by this chapter, the 80-cent fee increase
63 in the replacement fee imposed by chapter 2009-71, Laws of
64 Florida, is negated as provided in s. 320.0804.

65 3. Beginning October 1, 2018, a vehicle registered in
66 accordance with the International Registration Plan shall be
67 issued a license plate for a 5-year period, an annual cab card
68 denoting the declared gross vehicle weight, and an annual
69 validation sticker showing the month and year of expiration. The
70 validation sticker shall be placed in the center of the license
71 plate. The license plate and validation sticker shall be issued
72 based on the applicant's appropriate renewal period. The fee for
73 the initial validation sticker and any renewed validation
74 sticker is \$28. This fee shall be deposited into the Highway
75 Safety Operating Trust Fund. If the license plate is damaged or
76 worn, it may be replaced at no charge by applying to the
77 department and surrendering the current license plate.

78 Section 2. This act shall take effect October 1, 2018.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/18/18

Meeting Date

SB 1104

Bill Number (if applicable)

Topic SMARTCITIES PROVISION

Amendment Barcode (if applicable)

Name JEFFREY STARKY

Job Title President, CAPITOL ALLIANCE GROUP

Address 186 E College Ave, Suite 1040

Phone 850 224 6600

Street

PLH

FL

32301

City

State

Zip

Email JEFFREY.STARKY@edmund

Speaking: For Against Information

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

Representing TESLA MOTORS

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 Committee on Transportation

BILL: SB 1270

INTRODUCER: Senators Brandes and Rouson

SUBJECT: Penalties and Fees

DATE: January 16, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Favorable
2.			ACJ	
3.			AP	

I. Summary:

SB 1270 makes numerous changes to law relating to driver license (DL) suspensions and revocations, and the penalties and fees associated with them. Specifically, the bill:

- Removes suspension and revocation penalties for a number of specified non-driving-related offenses;
- Reduces the length of mandatory DL suspensions for drug convictions from a one year period to six months;
- Allows individuals whose licenses are suspended for failure to comply with a court order or failure to pay court financial obligations, under ss. 318.15 or 322.245, F.S., to apply for a hardship license issued by the Department of Highway Safety and Motor Vehicles;
- Requires the court to inquire about a person's financial ability to pay a fine at the time a civil penalty is ordered in court;
- Prohibits a DL from being suspended solely for inability to pay a financial penalty or court obligation if the individual demonstrates to the court and provides documentation that he or she is unable to pay, and meets specified requirements;
- Prohibits court-approved payment plans from exceeding two percent of an applicant's income, or \$25 per month, whichever is greater ;
- Requires clerks of the circuit court (clerks) to competitively bid for collection agents or private attorneys taking over unpaid accounts, and:
 - Prohibits the clerk from adding collection fees to the unpaid accounts for transferring the account to an agent or attorney; and
 - Prohibits the collections agent or attorney to add additional fees to the account other than the contractually agreed upon surcharge;
- Requires uniform traffic citations include information regarding the option of a payment plan and community service;

- Requires, in criminal cases, that the public defender application forms (for determination of indigent status) include the option to fulfill any court-ordered financial obligation by enrolling in a payment plan or completing community service if ordered by the court;
- Provides that the clerk may use any readily ascertainable or publicly available information to determine whether an applicant is indigent, and may refer any application believed to be fraudulent to the court for review; and
- Allows the court to use the information provided on the application to determine the person's inability to pay court financial obligations for the purpose of converting financial obligations into court-ordered community service.

The bill has an indeterminate negative fiscal impact on state and local government. *See* Section V. Fiscal Impact Statement for details.

The bill has an effective date of October 1, 2018.

II. Present Situation:

Driver license (DL) revocations and suspensions, respectively, terminate or temporarily withdraw one's driving privilege.¹ Although initially used to address poor driving behavior, DL sanctions are now commonly used to punish individuals engaged in behavior unrelated to the operation of a motor vehicle. Consequently, a substantial amount of time and resources are expended by state and local entities to deal with and process non-driving-related DL suspensions and revocations.

According to the American Association of Motor Vehicle Administrators (AAMVA), "[s]ome studies have shown that suspending driving privileges for non-highway safety-related reasons is not effective."² Enforcing non-driving-related suspensions is costly and detracts from highway safety priorities. Licenses being suspended for non-driving-related reasons have caused the seriousness of DL suspensions to become lessened in the minds of law enforcement, the courts, and the public, even though data shows drivers with DL suspensions for traffic-safety-related reasons are three times more likely to be involved in a crash than drivers suspended for other reasons.³

It is estimated that as many as three-fourths of drivers with suspended or revoked licenses continue to drive, indicating DL suspensions may not effectively force compliance.⁴ According to the Transportation Research Board of the National Academies, one out of five traffic fatalities nationally involves a driver who is operating a vehicle without a valid license.⁵

DL suspension and revocation penalties are used to punish individuals who do not pay certain financial penalties and obligations, sometimes whether or not the individual can afford to do so. Furthermore, penalties for driving with a DL that is suspended or revoked increase per offense,

¹ Sections 322.01(36) and (40), F.S.

² AAMVA, *Best Practices Guide to Reducing Suspended Drivers*, (Feb. 2013), available at <http://www.aamva.org/WorkArea/DownloadAsset.aspx?id=3723> at p. 2 (last visited Jan. 11, 2018).

³ *Id.*

⁴ *Id.*

⁵ See *Id.* at p. 6.

causing individuals suffering from financial hardship to become stuck in a self-perpetuating cycle. Drivers who were unable to pay their original fine or court fees may lose their ability to legally travel to and from work. If they are caught driving while the DL is suspended or revoked, they will incur additional court costs and penalties. Additionally, these drivers are not allowed to obtain a hardship license, restricted to business or employment purposes only⁶, even though this option is available for numerous driving-related suspensions, including DUIs.⁷ A driver whose DL is suspended for inability to pay penalties or court financial obligations needs to pay reinstatement fees in addition to outstanding obligations to legally drive.

Clerks of the Court (clerks) use DL sanctions as a means to improve collections of fines and fees and have indicated that DL sanctions are their most effective tool to increase collections.⁸ However, a 2007 report by the Office of Program Policy Analysis and Government Accountability (OPPAGA) indicated, of the 67 clerks they surveyed, there was no meaningful difference between the average revenue collected overall and clerks' use of any particular collection method.⁹ According to a 2004 OPPAGA *Information Brief*, some clerks and judges both indicated that imposing sanctions against a DL for non-traffic-related offenses would not be appropriate since the punishment did not fit the crime; licenses were already overburdened with penalties; and sanctions would result in more unlicensed drivers on Florida's roadways as well as potentially more court cases.¹⁰

Non-Driving-Related DL Suspensions and Revocations

Generally, the threat of losing one's driving privilege has been used to combat truancy, theft, vandalism, illegal possession of drugs, alcohol, tobacco, and firearms, and a number of other non-driving-related offenses. Relevant non-driving offenses are detailed below.

School Attendance Requirements

A minor is not eligible for driving privileges unless that minor:¹¹

- Is enrolled in a public school, nonpublic school, home education program, or other educational activities and satisfies relevant attendance requirements;
- Has received a high school diploma, a high school equivalency diploma, a special diploma, or a certificate of high school completion;
- Is enrolled in a study course in preparation for the high school equivalency examination and satisfies relevant attendance requirements;

⁶ Section 322.271(1)(c), F.S., defines a "business purposes only" restricted driving privilege as limited to driving necessary to maintain livelihood, including driving to and from work, necessary on-the-job driving, driving for educational purposes, and driving for church and medical purposes. An "employment purposes only" restricted driving privilege is limited to driving to and from work and necessary on-the-job driving.

⁷ DHSMV, *Hardship Reinstatement Eligibility Requirements*, (Revised May 12, 2014) (on file with the Senate Committee on Transportation).

⁸ OPPAGA, *Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons*, Report No. 14-07, (Feb. 2014), <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1407rpt.pdf> (last visited Jan. 11, 2018).

⁹ OPPAGA, *Clerks of Court Generally Are Meeting the System's Collections Performance Standards*, Report No. 07-21, (Mar. 2007), <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0721rpt.pdf> at p. 4 (last visited Jan. 11, 2018).

¹⁰ OPPAGA, *Information Brief: Court Fine and Fee Collections Can Increase*, Report No. 04-07, (Jan. 2004), <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0407rpt.pdf> at p. 5 (last visited Jan. 11, 2018).

¹¹ Section 322.091(1), F.S.

- Has been issued a certificate of exemption¹² from the district school superintendent; or
- Has been issued a hardship waiver under s. 322.091, F.S.

In Fiscal Year 2016-2017, the Department of Highway Safety and Motor Vehicles (DHSMV) issued approximately 4,786 DL suspension sanctions for non-compliance with school attendance requirements.¹³ Approximately 60 percent of DL suspensions for non-compliance with school attendance requirements are reinstated in less than one year; however, the majority of the reinstatements are for individuals who reached their eighteenth birthday and were thus, no longer subject to the requirements.¹⁴ According to the National Conference of State Legislatures, 29 states link minors' driving privileges to school enrollment, attendance, academic performance, or behavior.¹⁵

Worthless Check - Failure to Appear

The court may order the suspension or revocation of a DL if the licensee is being prosecuted for giving worthless checks, drafts, or debit card orders under s. 832.05, F.S., and fails to appear before the court after having been previously adjudicated guilty under the same section.¹⁶ The DHSMV issued 32 DL sanctions in Fiscal Year 2016-2017 for failing to appear on a worthless check charge.¹⁷ The driving privilege is suspended until full payment of any court financial obligations incurred as a result of the warrant or *capias* issued is received, the cancellation of the warrant or *capias* from the Department of Law Enforcement is recorded, and a payment of a \$10 fee in addition to the suspension or revocation fee is paid to the DHSMV.¹⁸

Misdemeanor Theft

The court has the option to suspend the DL of a person adjudicated guilty of any misdemeanor violation of theft regardless of the value of the property stolen.¹⁹ The first suspension following an adjudication of guilt for theft is for a period of six months, and a second or subsequent suspension is for a period of one year.²⁰ In Fiscal Year 2016-2017, the DHSMV issued 185 DL sanctions for theft pursuant to s. 812.0155, F.S.²¹

The court may also suspend, revoke, or withhold issuance of a DL of a minor found guilty of a violation of theft²² as an alternative to sentencing the minor to probation, commitment to the Department of Juvenile Justice, community control, or incarceration if the minor has never previously been convicted of or adjudicated delinquent for any criminal offense.²³

¹² See s. 1003.21(3), F.S.

¹³ DHSMV, *Sanctions Created/Effective for FY 16/17* (Dec. 19, 2017) (on file with the Senate Committee on Transportation).

¹⁴ OPPAGA 2014 Report *supra* note 8.

¹⁵ NCSL, *State Statutes Linking Driver's Licenses to School Enrollment, Attendance, Academic Performance, or Behavior* (Jan. 4, 2018), <http://www.ncsl.org/research/transportation/teen-drivers-statutes-chart.aspx> (last visited Jan. 15, 2018).

¹⁶ Section 832.09, F.S., provides the individual is also issued a warrant or *capias* for failure to appear by the court.

¹⁷ DHSMV, *Sanctions Created/Effective for FY 16/17* (Dec. 19, 2017) (on file with the Senate Committee on Transportation).

¹⁸ See s. 322.251(7)(a), F.S., and DHSMV website, *Fee Schedule*, <http://www.flhsmv.gov/fees/> (last visited Jan. 11, 2018).

¹⁹ Section 812.0155, F.S., allows the suspension for a misdemeanor violation under ss. 812.014 or 812.015, F.S.

²⁰ *Id.*

²¹ DHSMV, *Sanctions Created/Effective for FY 16/17* (Dec. 19, 2017) (on file with the Senate Committee on Transportation).

²² Violation of ss. 812.014 or 812.015, F.S.

²³ Section 812.0155(2), F.S.

Providing Alcohol to Persons Under 21

The court has discretion to order the DHSMV to withhold the issuance of, or suspend or revoke the DL of a person found guilty of violating s. 562.11(1), F.S., which prohibits a person from selling, giving, serving, or permitting service of alcoholic beverages to a person under the age of 21 or permitting a person under the age of 21 to consume an alcoholic beverage on a licensed premise.²⁴ Additionally, a person found guilty of violating this prohibition commits a second-degree misdemeanor, and a person who violates this prohibition a second or subsequent time within one year after a prior conviction commits a first-degree misdemeanor.

Minor Guilty of Certain Alcohol, Drug, or Tobacco Offenses

Section 322.056, F.S., requires a mandatory suspension, revocation, or withholding of a DL for persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses. This penalty is in addition to any other penalty imposed by law.

Alcohol and Drug Offenses

The court must direct the DHSMV to revoke or withhold the issuance of driving privileges if a minor, who is eligible by reason of age for driving privileges, is guilty of:

- A violation of s. 562.11(2), F.S., misrepresenting his or her age or the age of another for the purpose of obtaining alcoholic beverages;
- A violation of s. 562.111, F.S., underage possession of alcoholic beverages; or
- A violation of the Florida Comprehensive Drug Abuse Prevention and Control Act.²⁵

The DL or driving privilege is revoked or withheld for six months to one year for a first violation, and two years for a second or subsequent violation. However, the court may direct the DHSMV to issue a hardship license if the person is otherwise qualified for such a license.²⁶

Tobacco and Nicotine Offenses

Section 569.11, F.S., prohibits a minor from knowingly possessing any tobacco product or misrepresenting his or her age to obtain a tobacco product. Additionally, a minor is prohibited from possessing nicotine products, possessing nicotine-dispensing devices, or misrepresenting age to obtain these products or devices.²⁷ A violation is a noncriminal violation punishable by:

- *For a first violation or subsequent violation not within 12 weeks of the first:* 16 hours of community service or a \$25 fine, and the minor must attend a school-approved anti-tobacco and nicotine program, if locally available;
- *For a second violation within 12 weeks of the first:* A \$25 fine, and
- *For a third or subsequent violation within 12 weeks of the first violation:* Suspension or withholding issuance of a DL or driving privilege for 60 consecutive days.

²⁴ Section 322.057, F.S.

²⁵ Chapter 893, F.S.

²⁶ Section 322.056(1), F.S.

²⁷ Sections 877.112(6) and (7), F.S.

If a minor, eligible by reason of age for driving privileges, fails to comply with the penalty, the court must revoke or withhold issuance of the driving privilege of the minor for a period of:²⁸

- 30 days for the first violation or a subsequent violation not within 12 weeks of the first;
- 45 days for a second violation within 12 weeks of the first; or
- 60 consecutive days for a third violation within 12 weeks of the first.

A Minor Guilty of Unlawful Possession of Firearms

Section 790.22, F.S., prohibits a minor from possessing certain weapons and firearms. A person under the age of 18 may not possess a loaded firearm, unless the minor is at least 16 years of age or being supervised by an adult, and engaged in lawful hunting, marksmanship competitions or practice, or other lawful recreational shooting activities. A minor who violates this prohibition commits a first degree misdemeanor for the first offense and may serve a detention period of up to three days, shall be required to perform community service, and have his or her DL or privilege to drive revoked or withheld for up to one year. A second or subsequent offense is a third degree felony, a detention period of up to 15 days, community service, and DL or privilege to drive is revoked or withheld for up to two years.

A minor who commits any other offense involving the use or possession of a firearm, in addition to the penalties provided by that offense and the penalties in s. 790.22(9), F.S., will also have his or her DL or privilege to drive revoked or withheld for up to one year for a first offense and up to two years for a second or subsequent offense.²⁹

Graffiti

A minor found to have illegally placed graffiti on any public or private property, in addition to any other penalty provided by law, will have his or her DL or privilege to drive revoked or withheld for a period of not more than one year.³⁰

Sexting

A minor who is issued a citation for committing a first violation of sexting³¹, and who fails to comply with the citation, may have his or her DL or driving privilege withheld or suspended for 30 consecutive days by order of the court.³²

Drug Convictions

Federal Law requires the state to enact and enforce “[A] law that requires in all circumstances, or requires in the absence of compelling circumstances warranting an exception...” the driver license of any individual convicted of any drug offense be suspended for at least six months.³³ A

²⁸ Sections 322.056(2) and (3), F.S.

²⁹ Section 790.22(10), F.S.

³⁰ Section 806.13(7), F.S.

³¹ Section 847.0141(1), F.S., provides that a minor commits the offense of sexting if he or she knowingly electronically transmits or distributes to another minor any photograph or video of any person which depicts nudity and is harmful to minors. A minor also commits the offense of sexting if he or she possesses a photograph or video transmitted or distributed by another minor which depicts nudity and is harmful to minors, unless the minor did not solicit the photograph or media, took reasonable steps to report the photograph or video, and did not transmit or distribute it to a third party.

³² Section 847.0141(3)(a)3., F.S.

³³ 23 U.S.C. s. 159 (2012).

percentage of federal highway funding given to the state is contingent upon this law. A state may opt-out of the law if the State Governor submits both written certification stating he is opposed to the enforcement of this law and certification from the State Legislature that it has adopted a resolution expressing opposition to the law. As of December 2016, 38 states either have eliminated automatic driver license suspensions for drug convictions or have passed a resolution to opt-out of this law.³⁴

Under Florida Law, the court is required to direct the DHSMV to suspend, revoke, or withhold the issuance of the DL of a person 18 years or older who is convicted of a possession or sale or, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance.³⁵ The privilege to drive is unavailable for one year or until the person is evaluated for and, if deemed necessary, completes a drug treatment and rehabilitation program approved or regulated by the Department of Children and Families. The court has the discretion to direct the DHSMV to issue a hardship license, which is available after six months of suspension of the driving privilege, or a driver may petition the DHSMV for restoration of restricted or unrestricted driving privileges after six months. In 2014, the Legislature passed a bill, which was signed into law, reducing the length of suspension of a DL from two years to one year for individuals convicted of drug offenses.³⁶

The DHSMV issued approximately 17,558 DL sanctions for violations concerning a controlled substance in Fiscal Year 2016-2017.³⁷

Suspensions Initiated by the Clerk of Court

The majority, over 1.3 million in Fiscal Year 2016-2017, of notices of suspension issued by the DHSMV are a result of requests initiated by a clerk of the court.³⁸ Most originate from “failure to pay” offenses, actions that are not necessarily indicative of the violator’s ability to operate a motor vehicle safely.

Suspension for Failure to Comply with Civil Penalties or to Appear

An individual who is issued a noncriminal traffic citation, who is not required to appear before the court, has 30 days to comply with the penalty (i.e., pay the fine), enter into a penalty payment plan with the clerk of court, or request a hearing before the court.³⁹

If an individual does not comply with the civil penalty, enter into a payment plan, attend driver improvement school (if ordered), or appear at a scheduled hearing, the clerk of court must issue notice of failure to the DHSMV within 10 days.⁴⁰ Upon receiving the notice of failure, the DHSMV immediately issues an order suspending the driving privilege of the individual effective

³⁴ Prison Policy Initiative, *Reinstating Common Sense: How driver’s license suspensions for drug offenses unrelated to driving are falling out of favor* (Dec. 2016) available at https://www.prisonpolicy.org/driving/national.html#recent_reforms (last visited Jan. 11, 2018).

³⁵ Section 322.055, F.S.

³⁶ See ch. 2014-216, s. 28, Laws of Fla.

³⁷ DHSMV, *Sanctions Created/Effective for FY 16/17* (Dec. 19, 2017) (on file with the Senate Committee on Transportation).

³⁸ See *Id.*

³⁹ Section 318.14, F.S.

⁴⁰ Section 318.15, F.S.

20 days after the order of suspension is mailed to the individual.⁴¹ The DL and driving privilege are suspended until the driver meets the court requirements for reinstatement, and pays a \$60 reinstatement fee.⁴²

Section 322.245, F.S., provides that the clerk of court shall mail a notice of failure, within five days after the failure, to a person charged with a violation of any criminal offense enumerated in s. 318.17, F.S., or a misdemeanor offense under chs. 320 or 322, F.S., who fails to comply with all directives of the court within the time allotted. The notice indicates the individual has 30 days from the date of the notice to comply with the court directives and pay a delinquency fee up to \$25, or his or her DL will be suspended. Upon failure to comply with the court directives within the 30-day period, the clerk of court must notify the DHSMV of such failure within 10 days. Upon receiving the notice of failure, the DHSMV immediately issues an order suspending the driving privilege of the individual effective 20 days after the order of suspension is mailed to the individual.

Suspension for Failure to Pay Court Financial Obligations

When a clerk of court provides notification to the DHSMV that a person has failed to pay financial obligations for *any* criminal offense, in full or in part under a payment plan with the clerk of court, the DHSMV will suspend the DL of the person until:⁴³

- The person has satisfied the financial obligation in full or made all payments currently due under a payment plan;
- The person has entered into a written agreement for payment of the financial obligation if not presently enrolled in a payment plan; or
- A court has entered an order granting relief to the person ordering reinstatement of the DL.

OPPAGA reported that a large percentage of licenses suspended for failure to pay court obligations are not reinstated for at least two years, and some are not reinstated in over five years.⁴⁴

Payment Plans

The clerk of court is required to accept partial payment of court-related fees, service charges, costs, or fines in accordance with the terms of an established payment plan.⁴⁵ The court may review the reasonableness of the payment plan. A monthly payment amount is “presumed to correspond to the person’s ability to pay if the amount does not exceed two percent of the person’s annual net income,” divided by 12.⁴⁶ The Brennan Center for Justice has indicated this

⁴¹ Notice of cancellation, suspension, revocation, or disqualification of a driver license must be mailed in accordance with s. 322.251, F.S.

⁴² Section 322.29, F.S.

⁴³ Section 322.245(5), F.S.

⁴⁴ OPPAGA 2014 report, *supra* note 8 at p. 8.

⁴⁵ Section 28.246(4), F.S.

⁴⁶ *Id.*

presumption is often ignored and payment levels are set at fixed amounts.⁴⁷ Payment plan fees are \$5 per transaction or a \$25 one-time set-up fee.⁴⁸

Collection of Fees, Service Charges, Fines, Courts Costs, and Liens

Section 28.246(6), F.S., provides a clerk of court must pursue the collection of any unpaid financial obligations to the court which remain unpaid after 90 days by referring the account to a private attorney or collection agent.⁴⁹ The clerk of court must have attempted to collect the unpaid obligation through a collection court, collections docket, or any other collections process established by the court prior to referring the account to a private attorney or collections agent, find the referral to be cost-effective, and follow any applicable procurement processes. A collection fee may be added to the balance owed of up to 40 percent of the amount owed at the time the account is referred to the attorney or agent for collection.

Penalties and Fees

Driving While License is Suspended or Revoked (DWLSR) Penalties

Section 322.34, F.S., provides penalties for individuals driving while their DL is suspended, revoked, canceled, or disqualified. A person, excluding a habitual traffic offender⁵⁰, whose DL has been canceled, suspended, or revoked is guilty of a moving violation if driving a motor vehicle while *unaware* of the DL sanction. A person, excluding a “habitual traffic offender,” who *knowingly* drives a motor vehicle while his or her DL is invalid is guilty of:

- A second degree misdemeanor for the first conviction;
- A first degree misdemeanor for a second conviction; and
- A third degree felony for a third or subsequent conviction.

However, if a person does not have a prior forcible felony⁵¹ conviction, and knowingly drives with a DL that is canceled, suspended, or revoked for failing to:

- Pay child support or certain financial obligations;
- Comply with a civil penalty required in s. 318.15, F.S.;
- Maintain adequate automobile insurance as required in ch. 324, F.S.; or
- Comply with attendance requirements;

⁴⁷ Brennan Center for Justice, *Criminal Justice Debt: A Barrier to Reentry*, (2010), available at <http://www.brennancenter.org/sites/default/files/legacy/Fees%20and%20Fines%20FINAL.pdf> at p. 14 (last visited Jan. 11, 2018).

⁴⁸ Section 28.24(26), F.S.

⁴⁹ A private attorney must be a member in good standing with The Florida Bar, and the collection agent must be registered and in good standing pursuant to ch. 559, F.S.

⁵⁰ Section 322.264, F.S., defines a “habitual traffic offender” as having at least three convictions arising out of separate acts of: manslaughter resulting from the operation of a motor vehicle; driving under the influence; any felony offense using a motor vehicle; driving while license is suspended or revoked; failing to stop and render aid as required; or driving a commercial motor vehicle while privilege is disqualified; or has accumulated 15 convictions of moving traffic offenses for which points may be assessed within a five-year period.

⁵¹ Section 776.08, F.S., defines “forcible felony” as “treason; murder; manslaughter; sexual battery; carjacking; home invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.”

then the person may be penalized with a second-degree misdemeanor, which is increased to a first-degree misdemeanor for a second or subsequent conviction.

Driver License Reinstatement Fees

Section 322.21(8), F.S., requires a person who applies for reinstatement following a DL suspension or revocation to pay a service fee of \$45 following a suspension and \$75 following a revocation, in addition to the \$25 fee to replace their license, if necessary. “Failure to comply” suspensions require a \$60 reinstatement fee.⁵² Additionally, the county tax collectors are required to charge a service fee of \$6.25, when providing services in ch. 322, F.S., including DL reinstatements.⁵³

Community Service Option in Lieu of Payment

A person ordered to pay a civil penalty for a noncriminal traffic infraction who is unable to comply with the court’s order due to demonstrable financial hardship must be allowed, by the court, to satisfy the civil penalty by participating in community service.⁵⁴ The penalty is reduced based on the hourly rate of community service performed. The specified hourly credit rate is the federal minimum wage⁵⁵, currently \$7.25, or the average prevailing wage rate for a trade or profession that the community service agency needs.⁵⁶

Similarly, the court may require a person liable for payment of a financial obligation in a criminal case to appear before the court and be examined under oath concerning the person’s ability to pay the obligation. The court may convert statutory financial obligations into community service after determining the person’s inability to pay.⁵⁷

The Florida Court Clerks and Comptrollers reported in Fiscal Year 2016-2017, that \$4,205,169 of the \$1,060,302,959 court-related fines, fees, penalties, charges, or costs assessed by the courts statewide had been converted to community service.⁵⁸

III. Effect of Proposed Changes:

The bill makes changes to the Florida Statutes in order to reduce the amount of driver license (DL) suspensions and revocations for non-driving-related offenses, reduce the financial burden of DL suspensions, and reduce the severity of suspension-related penalties.

⁵² Section 322.29, F.S.

⁵³ Section 322.135(1)(c), F.S.

⁵⁴ Section 318.18(8)(b), F.S.

⁵⁵ As specified in 29 U.S.C. s. 206(a)(1) under the Federal Fair Labor Standards Act of 1938.

⁵⁶ Section 318.18(8)(b)2., F.S.

⁵⁷ Section 938.30(2), F.S.

⁵⁸ Florida Court Clerks and Comptrollers, *2017 Annual Assessments and Collections Report*, available at http://www.flclerks.com/resource/resmgr/public_documents/Final_2017_A_C_Report_Circui.zip at p. 8 (last visited Jan. 15, 2018).

Non-Driving-Related DL Suspensions and Revocations

The bill removes suspension or revocation of a DL from the potential penalties that may be applied for the following offenses:

- A minor who does not meet school attendance requirements;
- A person who fails to appear in a worthless check case;
- A person found guilty of misdemeanor theft;
- A person who provides alcohol to anyone under 21 years of age;
- A minor possessing alcohol, tobacco, tobacco products, or nicotine products, or misrepresenting age to obtain them;
- A minor illegally possessing a firearm;
- A minor found guilty of graffiti; and
- A minor who does not comply with a citation for the offense of sexting.

The bill retains the 30-day and 45-day DL suspension for minors who do not comply with the penalties for tobacco and nicotine offenses, however, this penalty is at the court's discretion rather than mandatory.

Drug Convictions

The bill reduces the length of the suspension period for a drug conviction from one year to six months for persons over the age of 18, and reduces the suspension period to six months for minors convicted of drug offenses.

The bill deletes provisions allowing individuals to petition the DHSMV for a hardship license after six months of their suspension because the bill reduces the suspension period to six months.

Failure to Comply and Failure to Pay Court Financial Obligations Suspensions

Sections 318.15 and 322.245, F.S., are amended to provide that a person's DL may not be suspended solely for failure to pay a penalty or court financial obligation if the person demonstrates to the court that he or she is unable to pay, and:

- Receives reemployment assistance or unemployment compensation pursuant to ch. 443, F.S.;
- Receives benefits under the federal Supplemental Security Income or Social Security Disability Insurance programs;
- Receives temporary cash assistance pursuant to ch. 414, F.S.
- Is making payments in accordance with a confirmed bankruptcy plan under chs. 11, 12, or 13 of the United States Bankruptcy Code;
- Is on a payment plan or plans with the clerk of court pursuant to s. 28.246(4), F.S.;
- Has been determined indigent after filing an application with the clerk of court in accordance with ss. 27.52 or 57.082, F.S.; or
- Is incarcerated.

The bill requires the person to provide the clerk with updated documentation every 90 days that they meet the above criteria. If the person fails to provide the necessary documentation or no longer meets the criteria, he or she must begin paying the owed fees, service charges, fines, or

penalties within 30 days. If the person fails to begin payments, the clerks must notify the DHSMV of such failure within 10 days after the failure occurs, and the DHSMV must immediately issue an order suspending the DL and driving privilege of such person effective 20 days after the date the order of suspension is mailed.

The bill excludes failure to pay child support in non-IV-D cases from this change because a similar process already exists for individuals involved in such cases to prove inability to pay.⁵⁹

The bill also allows a person whose DL or privilege to drive has been suspended under either of these sections, with the exception of suspensions related to non-payment of child support, to apply to the DHSMV to have his or her DL reinstated on a restricted basis. The restricted license is valid until the 7-year suspension period ends for failure to pay or comply with penalties under s. 318.15, F.S., or until the debt is paid.

Payment Plans with the Clerk of the Circuit Court (Clerk of Court)

Section 28.246(4), F.S., is amended to provide that a monthly payment plan with the clerk of court may not exceed two percent of the person's annual net income, divided by 12, or \$25 per month, whichever is greater.

In addition, the bill requires that uniform traffic citation forms must include language indicating that a person may enter into a payment plan with the clerk of court to pay the penalty.

Collection of Fees, Service Charges, Fines, Courts Costs, and Liens by Clerk of Court

The bill amends s. 28.246(6), F.S., regarding referring accounts to private attorneys or collection agents. The clerk of court must competitively bid a contract to procure a collection agent or private attorney by considering all pertinent criteria, including, but not limited to, performance quality and customer service. The contract with a collection agent or private attorney may be in effect for no longer than three years with the opportunity to make a maximum of two 1-year extensions. The clerk of court is prohibited from assessing any collection surcharges to the account, and the collection agent or private attorney may not impose any additional fees or surcharges other than the contractually agreed upon surcharge.

Community Service Option in Lieu of Payment

The bill adds that the uniform traffic citation form must include language indicating that a person ordered to pay a noncriminal traffic infraction penalty who is unable to comply due to demonstrable hardship will be allowed by the court to satisfy payment by participating in community service. Additionally, if a person is ordered to pay a civil penalty for a noncriminal infraction in court, the court shall inquire regarding the person's ability to pay at the time the civil penalty is ordered.

⁵⁹ See s. 61.13016, F.S.

Public Defender Application – Determination of Indigent Status

The bill amends s. 27.52, F.S., concerning the application a person claiming indigent status makes to the clerk of court in order to receive a public defender. The bill provides that the application must provide the applicant the option to fulfill court-ordered financial obligations by enrolling in a payment plan or completing community service if ordered by the court. For financial obligations in criminal cases, the judge *may* rely on this information as a factor in determining the person's inability to pay court financial obligations when converting statutory financial obligations into court-ordered community service.

Additionally, the bill provides that the clerk may use any readily ascertainable or publicly available information to determine whether an applicant is indigent, and may refer any application believed to be fraudulent to the court for review.

Effective Date

Information regarding payment plans and community service options to be added to the uniform traffic citation form will be added upon the adoption by rule of new forms, which allows the DHSMV to deplete the current stock. DHSMV is required to notify the Division of Law Revision and Information upon the adoption of new uniform citation forms.

The bill takes effect October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18, Florida Constitution, provides that a mandate may exist if a law reduces the authority that counties or municipalities have to raise revenues in the aggregate. Local government tax collectors and clerks retain a portion of driver license (DL) reinstatement fees for DL suspensions and revocations possibly eliminated or reduced by this bill. However, the bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

The bill will have a positive impact on individuals who may have otherwise had their driver license (DL) suspended or revoked, or who will be eligible to receive a hardship license if their DL is suspended.

C. Government Sector Impact:

The bill will have an indeterminate negative fiscal impact to state and local government.

The Revenue Estimating Conference (REC) reviewed a similar bill (HB 1095) on January 12, 2018.⁶⁰ The REC estimates the removal of suspension penalties for non-driving-related offenses will reduce state and local government revenues by \$1.5 million each year for Fiscal Years 2018-2019 through 2022-2023, which will affect the General Revenue Fund, Highway Safety Operating Trust Fund, and local funds.

The REC was unable to determine the impact of the bill on suspensions for “failure to comply” and “failure to pay court obligations” initiated by the clerks. The REC determined that these changes will reduce state and local revenues by an indeterminate amount.

The bill’s sections related to community service, payment plans, and collection agents will have an indeterminate impact on clerk revenues. If more individuals opt to participate in community service rather than pay penalties, the bill will reduce revenues to the clerks who retain a portion of DL reinstatement fees, in addition to other fees associated with DL suspensions and revocations. The REC was unable to quantify the potential reduction in clerk revenues due to the community service provisions. Additionally, the clerks will likely incur costs related to the monitoring and management of the payment plans and documentation requirements of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁶⁰ The Office of Economic and Demographic Research, The Florida Legislature, *Revenue Estimating Impact Conference, HB 1095*, (Jan. 12, 2018), http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/page288-294.pdf (last visited Jan. 15, 2018).

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 27.52, 28.246, 57.082, 316.650, 318.15, 318.18, 322.055, 322.056, 322.057, 322.09, 322.091, 322.245, 322.251, 322.271, 322.34, 562.11, 562.111, 569.11, 790.22, 806.13, 812.0155, 832.09, 847.0141, 877.112, 938.30, 1003.27, 318.14, 322.05, 322.27, and 1003.01.

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

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

None.

B. Amendments:

None.

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

By Senator Brandes

24-00140C-18

20181270__

1 A bill to be entitled
 2 An act relating to penalties and fees; amending s.
 3 27.52, F.S.; requiring a certain application to
 4 provide the applicant with the option to fulfill any
 5 court-ordered financial obligation associated with a
 6 case by enrolling in a payment plan or by completing
 7 community service if ordered by the court; requiring a
 8 clerk of the court to compare the information provided
 9 in the application to any readily ascertainable or
 10 publicly available information under certain
 11 circumstances; authorizing the clerk to refer any
 12 application believed to be fraudulent to the court for
 13 review; amending s. 28.246, F.S.; revising
 14 requirements relating to the payment of court-related
 15 fines or other monetary penalties, fees, charges, and
 16 costs; requiring a clerk of the circuit court to
 17 solicit competitive bids from private attorneys or
 18 collection agents for collection services, subject to
 19 certain requirements; prohibiting the clerk from
 20 assessing a certain surcharge; prohibiting the private
 21 attorney or collection agent from imposing certain
 22 additional fees or surcharges; amending s. 57.082,
 23 F.S.; authorizing the clerk to refer any application
 24 believed to be fraudulent to the court for review;
 25 amending s. 316.650, F.S.; requiring traffic citation
 26 forms to include certain language relating to payment
 27 of a penalty; amending s. 318.15, F.S.; prohibiting
 28 the suspension of a person's driver license solely for
 29 failure to pay certain financial obligations if the

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30 person requests a hearing and demonstrates specified
 31 circumstances to the court, after notice of a penalty
 32 and before the suspension takes place; requiring a
 33 person who meets specified criteria to provide the
 34 clerk with updated documentation at specified
 35 intervals; requiring the person to begin paying
 36 certain outstanding financial obligations under
 37 certain circumstances; requiring the clerk to notify
 38 the Department of Highway Safety and Motor Vehicles of
 39 the person's failure to pay within a specified time
 40 under certain circumstances; requiring the department
 41 to immediately issue an order suspending the driver
 42 license and privilege to drive of the person upon
 43 receipt of such notice, effective after a specified
 44 time; amending s. 318.18, F.S.; requiring a court to
 45 inquire at the time a certain civil penalty is ordered
 46 whether the person is able to pay it; amending s.
 47 322.055, F.S.; decreasing the period for revocation or
 48 suspension of, or delay of eligibility for, driver
 49 licenses or driving privileges for certain persons
 50 convicted of certain drug offenses; deleting
 51 provisions authorizing a driver to petition the
 52 department for restoration of his or her driving
 53 privilege; amending s. 322.056, F.S.; decreasing the
 54 period for revocation or suspension of, or delay of
 55 eligibility for, driver licenses or driving privileges
 56 for certain persons found guilty of certain drug
 57 offenses; deleting a provision authorizing a court to
 58 direct the department to issue a license for certain

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59 restricted driving privileges under certain
 60 circumstances; deleting requirements relating to the
 61 revocation or suspension of, or delay of eligibility
 62 for, driver licenses or driving privileges for certain
 63 persons found guilty of certain alcohol or tobacco
 64 offenses; repealing s. 322.057, F.S., relating to
 65 discretionary revocation or suspension of a driver
 66 license for certain persons who provide alcohol to
 67 persons under a specified age; amending s. 322.09,
 68 F.S.; deleting a provision prohibiting the issuance of
 69 a driver license or learner's driver license under
 70 certain circumstances; repealing s. 322.091, F.S.,
 71 relating to attendance requirements for driving
 72 privileges; amending s. 322.245, F.S.; prohibiting the
 73 suspension of a person's driver license solely for
 74 failure to pay certain financial obligations if the
 75 person requests a hearing and demonstrates specified
 76 circumstances to the court, after notice of a penalty
 77 and before the suspension takes place; providing an
 78 exception; requiring a person who meets specified
 79 criteria to provide the clerk with updated
 80 documentation every specified number of days;
 81 requiring the person to begin paying certain
 82 outstanding financial obligations under certain
 83 circumstances; requiring the clerk to notify the
 84 department of the person's failure to pay within a
 85 specified time under certain circumstances; requiring
 86 the department to immediately issue an order
 87 suspending the driver license and privilege to drive

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88 of the person upon receipt of such notice, effective
 89 after a specified time; repealing s. 322.251(7), F.S.,
 90 relating to notice of suspension or revocation of
 91 driving privileges, reasons for reinstatement of such
 92 driving privileges, and certain electronic access to
 93 identify a person who is the subject of an outstanding
 94 warrant or capias for passing worthless bank checks;
 95 amending s. 322.271, F.S.; providing that a person
 96 whose driver license or privilege to drive has been
 97 suspended may have his or her driver license or
 98 driving privilege reinstated on a restricted basis
 99 under certain circumstances; providing the period of
 100 validity of such restricted license; amending s.
 101 322.34, F.S.; revising the underlying violations
 102 resulting in driver license or driving privilege
 103 cancellation, suspension, or revocation for which
 104 specified penalties apply; amending s. 562.11, F.S.;
 105 revising penalties for selling, giving, serving, or
 106 permitting to be served alcoholic beverages to a
 107 person under a specified age or permitting such person
 108 to consume such beverages on licensed premises;
 109 revising penalties for misrepresenting or misstating
 110 age or age of another to induce a licensee to serve
 111 alcoholic beverages to a person under a specified age;
 112 conforming provisions to changes made by the act;
 113 repealing s. 562.111(3), F.S., relating to withholding
 114 issuance of, or suspending or revoking, a driver
 115 license or driving privilege for possession of
 116 alcoholic beverages by persons under a specified age;

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117 amending s. 569.11, F.S.; revising penalties for
 118 persons under a specified age who knowingly possess,
 119 misrepresent their age or military service to
 120 purchase, or purchase or attempt to purchase tobacco
 121 products; authorizing, rather than requiring, the
 122 court to direct the department to withhold issuance of
 123 or suspend a person's driver license or driving
 124 privilege for certain violations; amending s. 790.22,
 125 F.S.; revising penalties relating to suspending,
 126 revoking, or withholding issuance of driver licenses
 127 or driving privileges for minors under a specified age
 128 who possess firearms under certain circumstances;
 129 deleting provisions relating to penalties for certain
 130 offenses involving the use or possession of a firearm
 131 by a minor under a specified age; amending s. 806.13,
 132 F.S.; deleting provisions relating to certain
 133 penalties for criminal mischief by a minor; repealing
 134 s. 812.0155, F.S., relating to suspension of a driver
 135 license following an adjudication of guilt for theft;
 136 repealing s. 832.09, F.S., relating to suspension of a
 137 driver license after warrant or capias is issued in
 138 worthless check cases; amending s. 847.0141, F.S.;
 139 deleting a provision authorizing a court, upon a
 140 certain finding of contempt, to issue an order to the
 141 department to withhold issuance of or suspend the
 142 driver license or driving privilege of a minor for a
 143 specified time; amending s. 877.112, F.S.; revising
 144 penalties for persons under a specified age who
 145 knowingly possess, misrepresent their age or military

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146 service to purchase, or purchase or attempt to
 147 purchase any nicotine product or nicotine dispensing
 148 device; authorizing, rather than requiring, the court
 149 to direct the department to withhold issuance of or
 150 suspend a person's driver license or driving privilege
 151 for certain violations; amending s. 938.30, F.S.;
 152 authorizing a judge to convert certain statutory
 153 financial obligations into court-ordered obligations
 154 to perform community service by reliance upon
 155 specified information under certain circumstances;
 156 amending s. 1003.27, F.S.; deleting provisions
 157 relating to procedures and penalties for nonenrollment
 158 and nonattendance cases; amending ss. 318.14, 322.05,
 159 322.27, and 1003.01, F.S.; conforming provisions to
 160 changes made by the act; providing applicability of
 161 certain changes made by the act; requiring the
 162 department to notify the Division of Law Revision and
 163 Information upon the adoption of certain uniform
 164 traffic citation forms; providing effective dates.

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

167
 168 Section 1. Paragraph (a) of subsection (1), paragraph (d)
 169 of subsection (2), paragraph (a) of subsection (4), and
 170 paragraph (a) of subsection (7) of section 27.52, Florida
 171 Statutes, are amended to read:

172 27.52 Determination of indigent status.—

173 (1) APPLICATION TO THE CLERK.—A person seeking appointment
 174 of a public defender under s. 27.51 based upon an inability to

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175 pay must apply to the clerk of the court for a determination of
 176 indigent status using an application form developed by the
 177 Florida Clerks of Court Operations Corporation with final
 178 approval by the Supreme Court.

179 (a) The application must include, at a minimum, the
 180 following financial information:

181 1. Net income, consisting of total salary and wages, minus
 182 deductions required by law, including court-ordered support
 183 payments.

184 2. Other income, including, but not limited to, social
 185 security benefits, union funds, veterans' benefits, workers'
 186 compensation, other regular support from absent family members,
 187 public or private employee pensions, reemployment assistance or
 188 unemployment compensation, dividends, interest, rent, trusts,
 189 and gifts.

190 3. Assets, including, but not limited to, cash, savings
 191 accounts, bank accounts, stocks, bonds, certificates of deposit,
 192 equity in real estate, and equity in a boat or a motor vehicle
 193 or in other tangible property.

194 4. All liabilities and debts.

195 5. If applicable, the amount of any bail paid for the
 196 applicant's release from incarceration and the source of the
 197 funds.

198
 199 The application must provide the applicant with the option to
 200 fulfill any court-ordered financial obligation associated with a
 201 case by enrolling in a payment plan or by completing community
 202 service if ordered by the court. The application must include a
 203 signature by the applicant which attests to the truthfulness of

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204 the information provided. The application form developed by the
 205 corporation must include notice that the applicant may seek
 206 court review of a clerk's determination that the applicant is
 207 not indigent, as provided in this section.

208 (2) DETERMINATION BY THE CLERK.—The clerk of the court
 209 shall determine whether an applicant seeking appointment of a
 210 public defender is indigent based upon the information provided
 211 in the application and the criteria prescribed in this
 212 subsection.

213 (d) The duty of the clerk in determining whether an
 214 applicant is indigent shall be limited to receiving the
 215 application and comparing the information provided in the
 216 application to the criteria prescribed in this subsection and to
 217 any readily ascertainable or publicly available information. The
 218 determination of indigent status is a ministerial act of the
 219 clerk and not a decision based on further investigation or the
 220 exercise of independent judgment by the clerk. The clerk may
 221 contract with third parties to perform functions assigned to the
 222 clerk under this section.

223 (4) REVIEW OF CLERK'S DETERMINATION.—

224 (a) If the clerk of the court determines that the applicant
 225 is not indigent, and the applicant seeks review of the clerk's
 226 determination, the court shall make a final determination of
 227 indigent status by reviewing the information provided in the
 228 application against the criteria prescribed in subsection (2),
 229 along with any readily ascertainable or publicly available
 230 information provided by the clerk, and by considering the
 231 following additional factors:

232 1. Whether the applicant has been released on bail in an

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233 amount of \$5,000 or more.

234 2. Whether a bond has been posted, the type of bond, and
235 who paid the bond.

236 3. Whether paying for private counsel in an amount that
237 exceeds the limitations in s. 27.5304, or other due process
238 services creates a substantial hardship for the applicant or the
239 applicant's family.

240 4. Any other relevant financial circumstances of the
241 applicant or the applicant's family.

242 (7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.-

243 (a) The clerk may refer any application believed to be
244 fraudulent to the court for review. If the court learns of
245 discrepancies between the application or motion and the actual
246 financial status of the person found to be indigent or indigent
247 for costs, the court shall determine whether the public
248 defender, office of criminal conflict and civil regional
249 counsel, or private attorney shall continue representation or
250 whether the authorization for any other due process services
251 previously authorized shall be revoked. The person may be heard
252 regarding the information learned by the court. If the court,
253 based on the information, determines that the person is not
254 indigent or indigent for costs, the court shall order the public
255 defender, office of criminal conflict and civil regional
256 counsel, or private attorney to discontinue representation and
257 revoke the provision of any other authorized due process
258 services.

259 Section 2. Subsections (4) and (6) of section 28.246,
260 Florida Statutes, are amended to read:

261 28.246 Payment of court-related fines or other monetary

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262 penalties, fees, charges, and costs; partial payments;
263 distribution of funds.-

264 (4) The clerk of the circuit court shall accept partial
265 payments for court-related fees, service charges, costs, and
266 fines in accordance with the terms of an established payment
267 plan. An individual seeking to defer payment of fees, service
268 charges, costs, or fines imposed by operation of law or order of
269 the court under any provision of general law, including an
270 individual found indigent by the clerk or the court, shall apply
271 to the clerk for enrollment in a payment plan. The clerk shall
272 accept a qualified individual's application for a payment plan
273 and accept ~~The clerk shall enter into a payment plan with an~~
274 ~~individual who the court determines is indigent for costs.~~ a
275 monthly payment amount, calculated based upon all fees and all
276 anticipated costs. The monthly payment amount may, is presumed
277 to correspond to the person's ability to pay if the amount does
278 not exceed 2 percent of the person's annual net income, as
279 defined in s. 27.52(1), divided by 12, or \$25 per month,
280 whichever is greater. The court may review the reasonableness of
281 the payment plan upon motion of the party and may modify the
282 plan.

283 (6) (a) A clerk of court shall pursue the collection of any
284 fees, service charges, fines, court costs, and liens for the
285 payment of attorney fees and costs pursuant to s. 938.29 which
286 remain unpaid after 90 days by referring the account to a
287 private attorney who is a member in good standing of The Florida
288 Bar or collection agent who is registered and in good standing
289 pursuant to chapter 559. In pursuing the collection of such
290 unpaid financial obligations through a private attorney or

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291 collection agent, the clerk of the court must have attempted to
 292 collect the unpaid amount through a collection court,
 293 collections docket, or other collections process, if any,
 294 established by the court, find this to be cost-effective and
 295 follow any applicable procurement practices.

296 (b) In retaining a private attorney or collection agent as
 297 provided in this subsection, the clerk shall solicit competitive
 298 bids from private attorneys or collection agents. The contract
 299 awarded to the successful bidder may be in effect for no longer
 300 than 3 years, with a maximum of two 1-year extensions.

301 (c) The clerk shall consider all pertinent criteria when
 302 considering bids, including, but not limited to, performance
 303 quality and customer service. The collection fee paid to the
 304 private, including any reasonable attorney's fee, paid to any
 305 attorney or collection agent retained by the clerk may be added
 306 to the balance owed in an amount not to exceed 40 percent of the
 307 amount owed at the time the account is referred to the attorney
 308 or agent for collection.

309 (d) The clerk may not assess any surcharge to refer the
 310 account to a private attorney or an agent for collection.

311 (e) The private attorney or collection agent may not impose
 312 any additional fees or surcharges other than the contractually
 313 agreed-upon amounts.

314 (f) The clerk shall give the private attorney or collection
 315 agent the application for the appointment of court-appointed
 316 counsel regardless of whether the court file is otherwise
 317 confidential from disclosure.

318 Section 3. Paragraph (a) of subsection (7) of section
 319 57.082, Florida Statutes, is amended to read:

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320 57.082 Determination of civil indigent status.—

321 (7) FINANCIAL DISCREPANCIES; FRAUD; FALSE INFORMATION.—

322 (a) The clerk may refer any application believed to be
 323 fraudulent to the court for review. If the court learns of
 324 discrepancies between the application and the actual financial
 325 status of the person found to be indigent, the court shall
 326 determine whether the status and any relief provided as a result
 327 of that status shall be revoked. The person may be heard
 328 regarding the information learned by the court. If the court,
 329 based on the information, determines that the person is not
 330 indigent, the court shall revoke the provision of any relief
 331 under this section.

332 Section 4. Present paragraphs (b), (c), and (d) of
 333 subsection (1) of section 316.650, Florida Statutes, are
 334 redesignated as paragraphs (c), (d), and (e), respectively, a
 335 new paragraph (b) is added to that subsection, and present
 336 paragraph (c) of that subsection is amended, to read:

337 316.650 Traffic citations.—

338 (1)

339 (b) The traffic citation form must include language
 340 indicating that a person may enter into a payment plan with the
 341 clerk of court to pay a penalty. The form must also indicate
 342 that a person ordered to pay a penalty for a noncriminal traffic
 343 infraction who is unable to comply due to demonstrable financial
 344 hardship will be allowed by the court to satisfy the payment by
 345 participating in community service pursuant to s. 318.18(8)(b).

346 (d) ~~(c)~~ Notwithstanding paragraphs (a) and (c) ~~(b)~~, a
 347 traffic enforcement agency may produce uniform traffic citations
 348 by electronic means. Such citations must be consistent with the

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349 state traffic court rules and the procedures established by the
350 department and must be appropriately numbered and inventoried.
351 Affidavit-of-compliance forms may also be produced by electronic
352 means.

353 Section 5. Subsections (4) and (5) are added to section
354 318.15, Florida Statutes, to read:

355 318.15 Failure to comply with civil penalty or to appear;
356 penalty.—

357 (4) Notwithstanding any other law, a person's driver
358 license may not be suspended solely for a failure to pay fees,
359 service charges, fines, or penalties if the person demonstrates
360 to the court, after notice of the penalty and before the
361 suspension takes place, that the person is unable to pay and
362 that the person:

363 (a) Receives reemployment assistance or unemployment
364 compensation pursuant to chapter 443;

365 (b) Receives benefits under the federal Supplemental
366 Security Income program or Social Security Disability Insurance
367 program;

368 (c) Receives temporary cash assistance pursuant to chapter
369 414;

370 (d) Is making payments in accordance with a confirmed
371 bankruptcy plan under chapter 11, chapter 12, or chapter 13 of
372 the United States Bankruptcy Code, 11 U.S.C. ss. 101 et seq.;

373 (e) Is on a payment plan or payment plans with the clerk of
374 court pursuant to s. 28.246(4);

375 (f) Has been determined to be indigent after filing an
376 application with the clerk in accordance with s. 27.52 or s.
377 57.082; or

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378 (g) Is incarcerated.
379 (5) A person who meets the criteria under subsection (4)
380 must provide the clerk with updated documentation every 90 days.
381 If the person fails to provide the necessary documentation to
382 the clerk or no longer meets the criteria under subsection (4),
383 he or she must begin paying the outstanding fees, service
384 charges, fines, or penalties. If payment does not begin within
385 30 days, the clerk must notify the department of such failure
386 within 10 days after the failure occurs. Upon receipt of such
387 notice, the department must immediately issue an order
388 suspending the driver license and privilege to drive of such
389 person effective 20 days after the date the order of suspension
390 is mailed in accordance with s. 322.251(1), (2), and (6).

391 Section 6. Paragraph (b) of subsection (8) of section
392 318.18, Florida Statutes, is amended to read:

393 318.18 Amount of penalties.—The penalties required for a
394 noncriminal disposition pursuant to s. 318.14 or a criminal
395 offense listed in s. 318.17 are as follows:

396 (8)

397 (b)1.a. If a person has been ordered to pay a civil penalty
398 for a noncriminal traffic infraction and the person is unable to
399 comply with the court's order due to demonstrable financial
400 hardship, the court shall allow the person to satisfy the civil
401 penalty by participating in community service until the civil
402 penalty is paid.

403 b. The court shall inquire at the time the civil penalty is
404 ordered whether the person is able to pay it.

405 c. If a court orders a person to perform community service,
406 the person shall receive credit for the civil penalty at the

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407 specified hourly credit rate per hour of community service
 408 performed, and each hour of community service performed shall
 409 reduce the civil penalty by that amount.

410 2.a. As used in this paragraph, the term "specified hourly
 411 credit rate" means the wage rate that is specified in 29 U.S.C.
 412 s. 206(a)(1) under the federal Fair Labor Standards Act of 1938,
 413 that is then in effect, and that an employer subject to such
 414 provision must pay per hour to each employee subject to such
 415 provision.

416 b. However, if a person ordered to perform community
 417 service has a trade or profession for which there is a community
 418 service need, the specified hourly credit rate for each hour of
 419 community service performed by that person shall be the average
 420 prevailing wage rate for the trade or profession that the
 421 community service agency needs.

422 3.a. The community service agency supervising the person
 423 shall record the number of hours of community service completed
 424 and the date the community service hours were completed. The
 425 community service agency shall submit the data to the clerk of
 426 court on the letterhead of the community service agency, which
 427 must also bear the notarized signature of the person designated
 428 to represent the community service agency.

429 b. When the number of community service hours completed by
 430 the person equals the amount of the civil penalty, the clerk of
 431 court shall certify this fact to the court. Thereafter, the
 432 clerk of court shall record in the case file that the civil
 433 penalty has been paid in full.

434 4. As used in this paragraph, the term:

435 a. "Community service" means uncompensated labor for a

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436 community service agency.

437 b. "Community service agency" means a not-for-profit
 438 corporation, community organization, charitable organization,
 439 public officer, the state or any political subdivision of the
 440 state, or any other body the purpose of which is to improve the
 441 quality of life or social welfare of the community and which
 442 agrees to accept community service from persons unable to pay
 443 civil penalties for noncriminal traffic infractions.

444 Section 7. Subsections (1) through (4) of section 322.055,
 445 Florida Statutes, are amended to read:

446 322.055 Revocation or suspension of, or delay of
 447 eligibility for, driver license for persons 18 years of age or
 448 older convicted of certain drug offenses.—

449 (1) Notwithstanding s. 322.28, upon the conviction of a
 450 person 18 years of age or older for possession or sale of,
 451 trafficking in, or conspiracy to possess, sell, or traffic in a
 452 controlled substance, the court shall direct the department to
 453 revoke the driver license or driving privilege of the person.
 454 The period of such revocation shall be 6 months ~~1 year~~ or until
 455 the person is evaluated for and, if deemed necessary by the
 456 evaluating agency, completes a drug treatment and rehabilitation
 457 program approved or regulated by the Department of Children and
 458 Families. However, the court may, in its sound discretion,
 459 direct the department to issue a license for driving privilege
 460 restricted to business or employment purposes only, as defined
 461 by s. 322.271, if the person is otherwise qualified for such a
 462 license. ~~A driver whose license or driving privilege has been~~
 463 ~~suspended or revoked under this section or s. 322.056 may, upon~~
 464 ~~the expiration of 6 months, petition the department for~~

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465 ~~restoration of the driving privilege on a restricted or~~
 466 ~~unrestricted basis depending on length of suspension or~~
 467 ~~revocation. In no case shall~~ A restricted license may not be
 468 available until 6 months of the suspension or revocation period
 469 has been completed ~~expired~~.

470 (2) If a person 18 years of age or older is convicted for
 471 the possession or sale of, trafficking in, or conspiracy to
 472 possess, sell, or traffic in a controlled substance and such
 473 person is eligible by reason of age for a driver license or
 474 privilege, the court shall direct the department to withhold
 475 issuance of such person's driver license or driving privilege
 476 for a period of 6 months ~~1 year~~ after the date the person was
 477 convicted or until the person is evaluated for and, if deemed
 478 necessary by the evaluating agency, completes a drug treatment
 479 and rehabilitation program approved or regulated by the
 480 Department of Children and Families. However, the court may, in
 481 its sound discretion, direct the department to issue a license
 482 for driving privilege restricted to business or employment
 483 purposes only, as defined by s. 322.271, if the person is
 484 otherwise qualified for such a license. ~~A driver whose license~~
 485 ~~or driving privilege has been suspended or revoked under this~~
 486 ~~section or s. 322.056 may, upon the expiration of 6 months,~~
 487 ~~petition the department for restoration of the driving privilege~~
 488 ~~on a restricted or unrestricted basis depending on the length of~~
 489 ~~suspension or revocation. In no case shall~~ A restricted license
 490 may not be available until 6 months of the withholding
 491 ~~suspension or revocation~~ period has been completed ~~expired~~.

492 (3) If a person 18 years of age or older is convicted for
 493 the possession or sale of, trafficking in, or conspiracy to

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494 possess, sell, or traffic in a controlled substance and such
 495 person's driver license or driving privilege is already under
 496 suspension or revocation for any reason, the court shall direct
 497 the department to extend the period of such suspension or
 498 revocation by an additional period of 6 months ~~1 year~~ or until
 499 the person is evaluated for and, if deemed necessary by the
 500 evaluating agency, completes a drug treatment and rehabilitation
 501 program approved or regulated by the Department of Children and
 502 Families. However, the court may, in its sound discretion,
 503 direct the department to issue a license for driving privilege
 504 restricted to business or employment purposes only, as defined
 505 by s. 322.271, if the person is otherwise qualified for such a
 506 license. ~~A driver whose license or driving privilege has been~~
 507 ~~suspended or revoked under this section or s. 322.056 may, upon~~
 508 ~~the expiration of 6 months, petition the department for~~
 509 ~~restoration of the driving privilege on a restricted or~~
 510 ~~unrestricted basis depending on the length of suspension or~~
 511 ~~revocation. In no case shall~~ A restricted license may not be
 512 available until 6 months of the suspension or revocation period
 513 has been completed ~~expired~~.

514 (4) If a person 18 years of age or older is convicted for
 515 the possession or sale of, trafficking in, or conspiracy to
 516 possess, sell, or traffic in a controlled substance and such
 517 person is ineligible by reason of age for a driver license or
 518 driving privilege, the court shall direct the department to
 519 withhold issuance of such person's driver license or driving
 520 privilege for a period of 6 months ~~1 year~~ after the date that he
 521 or she would otherwise have become eligible or until he or she
 522 becomes eligible by reason of age for a driver license and is

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523 evaluated for and, if deemed necessary by the evaluating agency,
 524 completes a drug treatment and rehabilitation program approved
 525 or regulated by the Department of Children and Families.
 526 However, the court may, in its sound discretion, direct the
 527 department to issue a license for driving privilege restricted
 528 to business or employment purposes only, as defined by s.
 529 322.271, if the person is otherwise qualified for such a
 530 license. ~~A driver whose license or driving privilege has been~~
 531 ~~suspended or revoked under this section or s. 322.056 may, upon~~
 532 ~~the expiration of 6 months, petition the department for~~
 533 ~~restoration of the driving privilege on a restricted or~~
 534 ~~unrestricted basis depending on the length of suspension or~~
 535 ~~revocation. In no case shall A restricted license may not be~~
 536 available until 6 months of the withholding suspension or
 537 ~~revocation~~ period has been completed ~~expired~~.

538 Section 8. Section 322.056, Florida Statutes, is amended to
 539 read:

540 322.056 Mandatory revocation or suspension of, or delay of
 541 eligibility for, driver license for persons under age 18 found
 542 guilty of certain ~~alcohol, drug, or tobacco~~ offenses;
 543 prohibition.—

544 (1) Notwithstanding ~~the provisions of~~ s. 322.055, if a
 545 person under 18 years of age is found guilty of or delinquent
 546 for a violation of ~~s. 562.11(2), s. 562.111, or~~ chapter 893,
 547 and:

548 (a) The person is eligible by reason of age for a driver
 549 license or driving privilege, the court shall direct the
 550 department to revoke or to withhold issuance of his or her
 551 driver license or driving privilege for a period of 6 months.+

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552 ~~1. Not less than 6 months and not more than 1 year for the~~
 553 ~~first violation.~~

554 ~~2. Two years, for a subsequent violation.~~

555 (b) The person's driver license or driving privilege is
 556 under suspension or revocation for any reason, the court shall
 557 direct the department to extend the period of suspension or
 558 revocation by an additional period of 6 months.+

559 ~~1. Not less than 6 months and not more than 1 year for the~~
 560 ~~first violation.~~

561 ~~2. Two years, for a subsequent violation.~~

562 (c) The person is ineligible by reason of age for a driver
 563 license or driving privilege, the court shall direct the
 564 department to withhold issuance of his or her driver license or
 565 driving privilege for a period of+

566 ~~1. Not less than 6 months and not more than 1 year after~~
 567 ~~the date on which he or she would otherwise have become~~
 568 ~~eligible, for the first violation.~~

569 ~~2. Two years after the date on which he or she would~~
 570 ~~otherwise have become eligible, for a subsequent violation.~~

571 ~~However, the court may, in its sound discretion, direct the~~
 572 ~~department to issue a license for driving privileges restricted~~
 573 ~~to business or employment purposes only, as defined in s.~~
 574 ~~322.271, if the person is otherwise qualified for such a~~
 575 ~~license.~~

576 ~~(2) If a person under 18 years of age is found by the court~~
 577 ~~to have committed a noncriminal violation under s. 569.11 or s.~~
 578 ~~877.112(6) or (7) and that person has failed to comply with the~~
 579 ~~procedures established in that section by failing to fulfill~~
 580

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581 community service requirements, failing to pay the applicable
582 fine, or failing to attend a locally available school-approved
583 anti-tobacco program, and:

584 ~~(a) The person is eligible by reason of age for a driver
585 license or driving privilege, the court shall direct the
586 department to revoke or to withhold issuance of his or her
587 driver license or driving privilege as follows:~~

588 ~~1. For the first violation, for 30 days.~~

589 ~~2. For the second violation within 12 weeks of the first
590 violation, for 45 days.~~

591 ~~(b) The person's driver license or driving privilege is
592 under suspension or revocation for any reason, the court shall
593 direct the department to extend the period of suspension or
594 revocation by an additional period as follows:~~

595 ~~1. For the first violation, for 30 days.~~

596 ~~2. For the second violation within 12 weeks of the first
597 violation, for 45 days.~~

598 ~~(c) The person is ineligible by reason of age for a driver
599 license or driving privilege, the court shall direct the
600 department to withhold issuance of his or her driver license or
601 driving privilege as follows:~~

602 ~~1. For the first violation, for 30 days.~~

603 ~~2. For the second violation within 12 weeks of the first
604 violation, for 45 days.~~

605
606 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not
607 within the 12-week period after the first violation will be
608 treated as a first violation and in the same manner as provided
609 in this subsection.~~

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610 ~~(3) If a person under 18 years of age is found by the court
611 to have committed a third violation of s. 569.11 or s.
612 877.112(6) or (7) within 12 weeks of the first violation, the
613 court must direct the Department of Highway Safety and Motor
614 Vehicles to suspend or withhold issuance of his or her driver
615 license or driving privilege for 60 consecutive days. Any third
616 violation of s. 569.11 or s. 877.112(6) or (7) not within the
617 12-week period after the first violation will be treated as a
618 first violation and in the same manner as provided in subsection
619 (2).~~

620 (2)(4) A penalty imposed under this section shall be in
621 addition to any other penalty imposed by law.

622 ~~(5) The suspension or revocation of a person's driver
623 license imposed pursuant to subsection (2) or subsection (3),
624 shall not result in or be cause for an increase of the convicted
625 person's, or his or her parent's or legal guardian's, automobile
626 insurance rate or premium or result in points assessed against
627 the person's driving record.~~

628 Section 9. Section 322.057, Florida Statutes, is repealed.

629 Section 10. Present subsections (4) and (5) of section
630 322.09, Florida Statutes, are redesignated as subsections (3)
631 and (4), respectively, and present subsection (3) of that
632 section is amended, to read:

633 322.09 Application of minors; responsibility for negligence
634 or misconduct of minor.—

635 ~~(3) The department may not issue a driver license or
636 learner's driver license to any applicant under the age of 18
637 years who is not in compliance with the requirements of s.
638 322.091.~~

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639 Section 11. Section 322.091, Florida Statutes, is repealed.

640 Section 12. Subsections (6) and (7) are added to section
641 322.245, Florida Statutes, to read:

642 322.245 Suspension of license upon failure of person
643 charged with specified offense under chapter 316, chapter 320,
644 or this chapter to comply with directives ordered by traffic
645 court or upon failure to pay child support in non-IV-D cases as
646 provided in chapter 61 or failure to pay any financial
647 obligation in any other criminal case.—

648 (6) Notwithstanding any other law, a person's driver
649 license may not be suspended solely for a failure to pay fees,
650 service charges, fines, or penalties if the person demonstrates
651 to the court, after notice of the penalty and before the
652 suspension takes place, that the person is unable to pay and
653 that the person:

654 (a) Receives reemployment assistance or unemployment
655 compensation pursuant to chapter 443;

656 (b) Receives benefits under the federal Supplemental
657 Security Income program or Social Security Disability Insurance
658 program;

659 (c) Receives temporary cash assistance pursuant to chapter
660 414;

661 (d) Is making payments in accordance with a confirmed
662 bankruptcy plan under chapter 11, chapter 12, or chapter 13 of
663 the United States Bankruptcy Code, 11 U.S.C. ss. 101 et seq.;

664 (e) Is on a payment plan or payment plans with the clerk of
665 court pursuant to s. 28.246(4);

666 (f) Has been determined to be indigent after filing an
667 application with the clerk in accordance with s. 27.52 or s.

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668 57.082; or

669 (g) Is incarcerated.

670
671 This subsection does not apply to failure to pay child support
672 in non-IV-D cases as provided in chapter 61.

673 (7) A person who meets the criteria under subsection (6)
674 must provide the clerk with updated documentation every 90 days.
675 If the person fails to provide the necessary documentation to
676 the clerk or no longer meets the criteria under subsection (6),
677 he or she must begin paying the outstanding fees, service
678 charges, fines, or penalties. If payment does not begin within
679 30 days, the clerk must notify the department of such failure
680 within 10 days after the failure occurs. Upon receipt of such
681 notice, the department must immediately issue an order
682 suspending the driver license and privilege to drive of such
683 person effective 20 days after the date the order of suspension
684 is mailed in accordance with s. 322.251(1), (2), and (6).

685 Section 13. Subsection (7) of section 322.251, Florida
686 Statutes, is repealed.

687 Section 14. Subsection (8) is added to section 322.271,
688 Florida Statutes, to read:

689 322.271 Authority to modify revocation, cancellation, or
690 suspension order.—

691 (8) A person whose driver license or privilege to drive has
692 been suspended under s. 318.15 or s. 322.245, with the exception
693 of any suspension related to s. 61.13016, may have his or her
694 driver license or driving privilege reinstated on a restricted
695 basis by the department in accordance with this section. The
696 restricted license is valid until the 7-year suspension period

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697 ends as provided in s. 318.15 or until the debt is paid.
 698 Section 15. Subsection (10) of section 322.34, Florida
 699 Statutes, is amended to read:
 700 322.34 Driving while license suspended, revoked, canceled,
 701 or disqualified.—
 702 (10) (a) Notwithstanding any other provision of this
 703 section, if a person does not have a prior forcible felony
 704 conviction as defined in s. 776.08, the penalties provided in
 705 paragraph (b) apply if a person's driver license or driving
 706 privilege is canceled, suspended, or revoked for:
 707 1. Failing to pay child support as provided in s. 322.245
 708 or s. 61.13016;
 709 2. Failing to pay any other financial obligation as
 710 provided in s. 322.245 ~~other than those specified in s.~~
 711 ~~322.245(1);~~
 712 3. Failing to comply with a civil penalty required in s.
 713 318.15;
 714 4. Failing to maintain vehicular financial responsibility
 715 as required by chapter 324; or
 716 ~~5. Failing to comply with attendance or other requirements~~
 717 ~~for minors as set forth in s. 322.091; or~~
 718 ~~5.6.~~ Having been designated a habitual traffic offender
 719 under s. 322.264(1) (d) as a result of suspensions of his or her
 720 driver license or driver privilege for any underlying violation
 721 listed in subparagraphs 1.-4. 1.-5.
 722 (b)1. Upon a first conviction for knowingly driving while
 723 his or her license is suspended, revoked, or canceled for any of
 724 the underlying violations listed in subparagraphs (a)1.-5.
 725 ~~(a)1.-6.~~, a person commits a misdemeanor of the second degree,

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726 punishable as provided in s. 775.082 or s. 775.083.
 727 2. Upon a second or subsequent conviction for the same
 728 offense of knowingly driving while his or her license is
 729 suspended, revoked, or canceled for any of the underlying
 730 violations listed in subparagraphs (a)1.-5. ~~(a)1.-6.~~, a person
 731 commits a misdemeanor of the first degree, punishable as
 732 provided in s. 775.082 or s. 775.083.
 733 Section 16. Paragraph (a) of subsection (1) and paragraph
 734 (c) of subsection (2) of section 562.11, Florida Statutes, are
 735 amended to read:
 736 562.11 Selling, giving, or serving alcoholic beverages to
 737 person under age 21; providing a proper name; misrepresenting or
 738 misstating age or age of another to induce licensee to serve
 739 alcoholic beverages to person under 21; penalties.—
 740 (1) ~~(a)1.~~ A person may not sell, give, serve, or permit to
 741 be served alcoholic beverages to a person under 21 years of age
 742 or permit a person under 21 years of age to consume such
 743 beverages on the licensed premises. A person who violates this
 744 paragraph ~~subparagraph~~ commits a misdemeanor of the second
 745 degree, punishable as provided in s. 775.082 or s. 775.083. A
 746 person who violates this paragraph ~~subparagraph~~ a second or
 747 subsequent time within 1 year after a prior conviction commits a
 748 misdemeanor of the first degree, punishable as provided in s.
 749 775.082 or s. 775.083.
 750 ~~2. In addition to any other penalty imposed for a violation~~
 751 ~~of subparagraph 1., the court may order the Department of~~
 752 ~~Highway Safety and Motor Vehicles to withhold the issuance of,~~
 753 ~~or suspend or revoke, the driver license or driving privilege,~~
 754 ~~as provided in s. 322.057, of any person who violates~~

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755 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~
 756 ~~as defined in s. 561.01, who violates subparagraph 1. while~~
 757 ~~acting within the scope of his or her license or an employee or~~
 758 ~~agent of a licensee, as defined in s. 561.01, who violates~~
 759 ~~subparagraph 1. while engaged within the scope of his or her~~
 760 ~~employment or agency.~~

761 ~~3. A court that withholds the issuance of, or suspends or~~
 762 ~~revokes, the driver license or driving privilege of a person~~
 763 ~~pursuant to subparagraph 2. may direct the Department of Highway~~
 764 ~~Safety and Motor Vehicles to issue the person a license for~~
 765 ~~driving privilege restricted to business purposes only, as~~
 766 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

767 (2) It is unlawful for any person to misrepresent or
 768 misstate his or her age or the age of any other person for the
 769 purpose of inducing any licensee or his or her agents or
 770 employees to sell, give, serve, or deliver any alcoholic
 771 beverages to a person under 21 years of age, or for any person
 772 under 21 years of age to purchase or attempt to purchase
 773 alcoholic beverages.

774 (c) In addition to any other penalty imposed for a
 775 violation of this subsection, if a person uses a driver license
 776 or identification card issued by the Department of Highway
 777 Safety and Motor Vehicles in violation of this subsection, the
 778 court:

779 ~~1. may order the person to participate in public service or~~
 780 ~~a community work project for a period not to exceed 40 hours;~~
 781 ~~and~~

782 ~~2. Shall direct the Department of Highway Safety and Motor~~
 783 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~

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784 ~~person's driver license or driving privilege, as provided in s.~~
 785 ~~322.056.~~

786 Section 17. Subsection (3) of section 562.111, Florida
 787 Statutes, is repealed.

788 Section 18. Subsections (1), (2), and (5) of section
 789 569.11, Florida Statutes, are amended to read:

790 569.11 Possession, misrepresenting age or military service
 791 to purchase, and purchase of tobacco products by persons under
 792 18 years of age prohibited; penalties; jurisdiction; disposition
 793 of fines.—

794 (1) It is unlawful for any person under 18 years of age to
 795 knowingly possess any tobacco product. Any person under 18 years
 796 of age who violates ~~the provisions of~~ this subsection commits a
 797 noncriminal violation as provided in s. 775.08(3), punishable
 798 by:

799 (a) For a first violation, 16 hours of community service
 800 or, instead of community service, a \$25 fine. In addition, the
 801 person must attend a school-approved anti-tobacco program, if
 802 locally available; or

803 (b) For a second or subsequent violation within 12 weeks
 804 after ~~of~~ the first violation, a \$25 fine, ~~or~~

805 ~~(c) For a third or subsequent violation within 12 weeks of~~
 806 ~~the first violation, the court must direct the Department of~~
 807 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
 808 ~~suspend or revoke the person's driver license or driving~~
 809 ~~privilege, as provided in s. 322.056.~~

810
 811 Any second or subsequent violation not within the 12-week time
 812 period after the first violation is punishable as provided for a

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813 first violation.

814 (2) It is unlawful for any person under 18 years of age to
815 misrepresent his or her age or military service for the purpose
816 of inducing a dealer or an agent or employee of the dealer to
817 sell, give, barter, furnish, or deliver any tobacco product, or
818 to purchase, or attempt to purchase, any tobacco product from a
819 person or a vending machine. Any person under 18 years of age
820 who violates ~~a provision of~~ this subsection commits a
821 noncriminal violation as provided in s. 775.08(3), punishable
822 by:

823 (a) For a first violation, 16 hours of community service
824 or, instead of community service, a \$25 fine, ~~and~~. In addition,
825 the person must attend a school-approved anti-tobacco program,
826 if locally available; or

827 (b) For a second or subsequent violation within 12 weeks
828 after ~~of~~ the first violation, a \$25 fine, ~~or~~

829 ~~(c) For a third or subsequent violation within 12 weeks of~~
830 ~~the first violation, the court must direct the Department of~~
831 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
832 ~~suspend or revoke the person's driver license or driving~~
833 ~~privilege, as provided in s. 322.056.~~

834 Any second or subsequent violation not within the 12-week time
835 period after the first violation is punishable as provided for a
836 first violation.

838 (5) (a) If a person under 18 years of age is found by the
839 court to have committed a noncriminal violation under this
840 section and that person has failed to complete community
841 service, pay the fine as required by paragraph (1) (a) or

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842 paragraph (2) (a), or attend a school-approved anti-tobacco
843 program, if locally available, the court ~~may~~ must direct the
844 Department of Highway Safety and Motor Vehicles to withhold
845 issuance of or suspend the driver license or driving privilege
846 of that person for a period of 30 consecutive days.

847 (b) If a person under 18 years of age is found by the court
848 to have committed a noncriminal violation under this section and
849 that person has failed to pay the applicable fine as required by
850 paragraph (1) (b) or paragraph (2) (b), the court ~~may~~ must direct
851 the Department of Highway Safety and Motor Vehicles to withhold
852 issuance of or suspend the driver license or driving privilege
853 of that person for a period of 45 consecutive days.

854 Section 19. Subsections (5) and (10) of section 790.22,
855 Florida Statutes, are amended to read:

856 790.22 Use of BB guns, air or gas-operated guns, or
857 electric weapons or devices by minor under 16; limitation;
858 possession of firearms by minor under 18 prohibited; penalties.-

859 (5) (a) A minor who violates subsection (3) commits a
860 misdemeanor of the first degree; for a first offense, may serve
861 a period of detention of up to 3 days in a secure detention
862 facility; and, in addition to any other penalty provided by law,
863 shall be required to perform 100 hours of community service, ~~or~~
864 ~~and:~~

865 ~~1. If the minor is eligible by reason of age for a driver~~
866 ~~license or driving privilege, the court shall direct the~~
867 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
868 ~~withhold issuance of the minor's driver license or driving~~
869 ~~privilege for up to 1 year.~~

870 ~~2. If the minor's driver license or driving privilege is~~

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871 ~~under suspension or revocation for any reason, the court shall~~
 872 ~~direct the Department of Highway Safety and Motor Vehicles to~~
 873 ~~extend the period of suspension or revocation by an additional~~
 874 ~~period of up to 1 year.~~

875 ~~3. If the minor is ineligible by reason of age for a driver~~
 876 ~~license or driving privilege, the court shall direct the~~
 877 ~~Department of Highway Safety and Motor Vehicles to withhold~~
 878 ~~issuance of the minor's driver license or driving privilege for~~
 879 ~~up to 1 year after the date on which the minor would otherwise~~
 880 ~~have become eligible.~~

881 (b) For a second or subsequent offense, a minor who
 882 violates subsection (3) commits a felony of the third degree and
 883 shall serve a period of detention of up to 15 days in a secure
 884 detention facility and shall be required to perform not less
 885 than 100 or not more than 250 hours of community service, and

886 ~~1. If the minor is eligible by reason of age for a driver~~
 887 ~~license or driving privilege, the court shall direct the~~
 888 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
 889 ~~withhold issuance of the minor's driver license or driving~~
 890 ~~privilege for up to 2 years.~~

891 ~~2. If the minor's driver license or driving privilege is~~
 892 ~~under suspension or revocation for any reason, the court shall~~
 893 ~~direct the Department of Highway Safety and Motor Vehicles to~~
 894 ~~extend the period of suspension or revocation by an additional~~
 895 ~~period of up to 2 years.~~

896 ~~3. If the minor is ineligible by reason of age for a driver~~
 897 ~~license or driving privilege, the court shall direct the~~
 898 ~~Department of Highway Safety and Motor Vehicles to withhold~~
 899 ~~issuance of the minor's driver license or driving privilege for~~

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900 ~~up to 2 years after the date on which the minor would otherwise~~
 901 ~~have become eligible.~~

902
 903 For the purposes of this subsection, community service shall be
 904 performed, if possible, in a manner involving a hospital
 905 emergency room or other medical environment that deals on a
 906 regular basis with trauma patients and gunshot wounds.

907 ~~(10) If a minor is found to have committed an offense under~~
 908 ~~subsection (9), the court shall impose the following penalties~~
 909 ~~in addition to any penalty imposed under paragraph (9) (a) or~~
 910 ~~paragraph (9) (b):~~

911 ~~(a) For a first offense:~~

912 ~~1. If the minor is eligible by reason of age for a driver~~
 913 ~~license or driving privilege, the court shall direct the~~
 914 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
 915 ~~withhold issuance of the minor's driver license or driving~~
 916 ~~privilege for up to 1 year.~~

917 ~~2. If the minor's driver license or driving privilege is~~
 918 ~~under suspension or revocation for any reason, the court shall~~
 919 ~~direct the Department of Highway Safety and Motor Vehicles to~~
 920 ~~extend the period of suspension or revocation by an additional~~
 921 ~~period for up to 1 year.~~

922 ~~3. If the minor is ineligible by reason of age for a driver~~
 923 ~~license or driving privilege, the court shall direct the~~
 924 ~~Department of Highway Safety and Motor Vehicles to withhold~~
 925 ~~issuance of the minor's driver license or driving privilege for~~
 926 ~~up to 1 year after the date on which the minor would otherwise~~
 927 ~~have become eligible.~~

928 ~~(b) For a second or subsequent offense:~~

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929 1. ~~If the minor is eligible by reason of age for a driver~~
 930 ~~license or driving privilege, the court shall direct the~~
 931 ~~Department of Highway Safety and Motor Vehicles to revoke or to~~
 932 ~~withhold issuance of the minor's driver license or driving~~
 933 ~~privilege for up to 2 years.~~

934 2. ~~If the minor's driver license or driving privilege is~~
 935 ~~under suspension or revocation for any reason, the court shall~~
 936 ~~direct the Department of Highway Safety and Motor Vehicles to~~
 937 ~~extend the period of suspension or revocation by an additional~~
 938 ~~period for up to 2 years.~~

939 3. ~~If the minor is ineligible by reason of age for a driver~~
 940 ~~license or driving privilege, the court shall direct the~~
 941 ~~Department of Highway Safety and Motor Vehicles to withhold~~
 942 ~~issuance of the minor's driver license or driving privilege for~~
 943 ~~up to 2 years after the date on which the minor would otherwise~~
 944 ~~have become eligible.~~

945 Section 20. Present subsections (7) and (8) of section
 946 806.13, Florida Statutes, are amended, and present subsection
 947 (9) of that section is redesignated as subsection (7), to read:
 948 806.13 Criminal mischief; penalties; penalty for minor.—
 949 (7) ~~In addition to any other penalty provided by law, if a~~
 950 ~~minor is found to have committed a delinquent act under this~~
 951 ~~section for placing graffiti on any public property or private~~
 952 ~~property, and:~~

953 ~~(a) The minor is eligible by reason of age for a driver~~
 954 ~~license or driving privilege, the court shall direct the~~
 955 ~~Department of Highway Safety and Motor Vehicles to revoke or~~
 956 ~~withhold issuance of the minor's driver license or driving~~
 957 ~~privilege for not more than 1 year.~~

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958 ~~(b) The minor's driver license or driving privilege is~~
 959 ~~under suspension or revocation for any reason, the court shall~~
 960 ~~direct the Department of Highway Safety and Motor Vehicles to~~
 961 ~~extend the period of suspension or revocation by an additional~~
 962 ~~period of not more than 1 year.~~

963 ~~(c) The minor is ineligible by reason of age for a driver~~
 964 ~~license or driving privilege, the court shall direct the~~
 965 ~~Department of Highway Safety and Motor Vehicles to withhold~~
 966 ~~issuance of the minor's driver license or driving privilege for~~
 967 ~~not more than 1 year after the date on which he or she would~~
 968 ~~otherwise have become eligible.~~

969 ~~(8) A minor whose driver license or driving privilege is~~
 970 ~~revoked, suspended, or withheld under subsection (7) may elect~~
 971 ~~to reduce the period of revocation, suspension, or withholding~~
 972 ~~by performing community service at the rate of 1 day for each~~
 973 ~~hour of community service performed. In addition, if the court~~
 974 ~~determines that due to a family hardship, the minor's driver~~
 975 ~~license or driving privilege is necessary for employment or~~
 976 ~~medical purposes of the minor or a member of the minor's family,~~
 977 ~~the court shall order the minor to perform community service and~~
 978 ~~reduce the period of revocation, suspension, or withholding at~~
 979 ~~the rate of 1 day for each hour of community service performed.~~
 980 ~~As used in this subsection, the term "community service" means~~
 981 ~~cleaning graffiti from public property.~~

982 Section 21. Section 812.0155, Florida Statutes, is
 983 repealed.

984 Section 22. Section 832.09, Florida Statutes, is repealed.

985 Section 23. Paragraph (a) of subsection (3) of section
 986 847.0141, Florida Statutes, is amended to read:

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987 847.0141 Sexting; prohibited acts; penalties.-
 988 (3) A minor who violates subsection (1):
 989 (a) Commits a noncriminal violation for a first violation.
 990 The minor must sign and accept a citation indicating a promise
 991 to appear before the juvenile court. In lieu of appearing in
 992 court, the minor may complete 8 hours of community service work,
 993 pay a \$60 civil penalty, or participate in a cyber-safety
 994 program if such a program is locally available. The minor must
 995 satisfy any penalty within 30 days after receipt of the
 996 citation.
 997 1. A citation issued to a minor under this subsection must
 998 be in a form prescribed by the issuing law enforcement agency,
 999 must be signed by the minor, and must contain all of the
 1000 following:
 1001 a. The date and time of issuance.
 1002 b. The name and address of the minor to whom the citation
 1003 is issued.
 1004 c. A thumbprint of the minor to whom the citation is
 1005 issued.
 1006 d. Identification of the noncriminal violation and the time
 1007 it was committed.
 1008 e. The facts constituting reasonable cause.
 1009 f. The specific section of law violated.
 1010 g. The name and authority of the citing officer.
 1011 h. The procedures that the minor must follow to contest the
 1012 citation, perform the required community service, pay the civil
 1013 penalty, or participate in a cyber-safety program.
 1014 2. If the citation is contested and the court determines
 1015 that the minor committed a noncriminal violation under this

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1016 section, the court may order the minor to perform 8 hours of
 1017 community service, pay a \$60 civil penalty, or participate in a
 1018 cyber-safety program, or any combination thereof.
 1019 3. A minor who fails to comply with the citation waives his
 1020 or her right to contest it, and the court may impose any of the
 1021 penalties identified in subparagraph 2. or issue an order to
 1022 show cause. Upon a finding of contempt, the court may impose
 1023 additional age-appropriate penalties, ~~which may include issuance~~
 1024 ~~of an order to the Department of Highway Safety and Motor~~
 1025 ~~Vehicles to withhold issuance of, or suspend the driver license~~
 1026 ~~or driving privilege of, the minor for 30 consecutive days.~~
 1027 However, the court may not impose incarceration.
 1028 Section 24. Subsections (6) and (7) and paragraphs (c) and
 1029 (d) of subsection (8) of section 877.112, Florida Statutes, are
 1030 amended to read:
 1031 877.112 Nicotine products and nicotine dispensing devices;
 1032 prohibitions for minors; penalties; civil fines; signage
 1033 requirements; preemption.-
 1034 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR
 1035 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any
 1036 person under 18 years of age to knowingly possess any nicotine
 1037 product or a nicotine dispensing device. Any person under 18
 1038 years of age who violates this subsection commits a noncriminal
 1039 violation as defined in s. 775.08(3), punishable by:
 1040 (a) For a first violation, 16 hours of community service
 1041 or, instead of community service, a \$25 fine. In addition, the
 1042 person must attend a school-approved anti-tobacco and nicotine
 1043 program, if locally available; or
 1044 (b) For a second or subsequent violation within 12 weeks

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1045 ~~after~~ ~~of~~ the first violation, a \$25 fine, ~~or~~
 1046 ~~(c) For a third or subsequent violation within 12 weeks of~~
 1047 ~~the first violation, the court must direct the Department of~~
 1048 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
 1049 ~~suspend or revoke the person's driver license or driving~~
 1050 ~~privilege, as provided in s. 322.056.~~
 1051
 1052 Any second or subsequent violation not within the 12-week time
 1053 period after the first violation is punishable as provided for a
 1054 first violation.
 1055 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for
 1056 any person under 18 years of age to misrepresent his or her age
 1057 or military service for the purpose of inducing a retailer of
 1058 nicotine products or nicotine dispensing devices or an agent or
 1059 employee of such retailer to sell, give, barter, furnish, or
 1060 deliver any nicotine product or nicotine dispensing device, or
 1061 to purchase, or attempt to purchase, any nicotine product or
 1062 nicotine dispensing device from a person or a vending machine.
 1063 Any person under 18 years of age who violates this subsection
 1064 commits a noncriminal violation as defined in s. 775.08(3),
 1065 punishable by:
 1066 (a) For a first violation, 16 hours of community service
 1067 or, instead of community service, a \$25 fine, ~~and~~, In addition,
 1068 the person must attend a school-approved anti-tobacco and
 1069 nicotine program, if locally available; or
 1070 (b) For a second or subsequent violation within 12 weeks of
 1071 the first violation, a \$25 fine, ~~or~~
 1072 ~~(c) For a third or subsequent violation within 12 weeks of~~
 1073 ~~the first violation, the court must direct the Department of~~

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1074 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
 1075 ~~suspend or revoke the person's driver license or driving~~
 1076 ~~privilege, as provided in s. 322.056.~~
 1077
 1078 Any second or subsequent violation not within the 12-week time
 1079 period after the first violation is punishable as provided for a
 1080 first violation.
 1081 (8) PENALTIES FOR MINORS.—
 1082 (c) If a person under 18 years of age is found by the court
 1083 to have committed a noncriminal violation under this section and
 1084 that person has failed to complete community service, pay the
 1085 fine as required by paragraph (6) (a) or paragraph (7) (a), or
 1086 attend a school-approved anti-tobacco and nicotine program, if
 1087 locally available, the court may ~~must~~ direct the Department of
 1088 Highway Safety and Motor Vehicles to withhold issuance of or
 1089 suspend the driver license or driving privilege of that person
 1090 for 30 consecutive days.
 1091 (d) If a person under 18 years of age is found by the court
 1092 to have committed a noncriminal violation under this section and
 1093 that person has failed to pay the applicable fine as required by
 1094 paragraph (6) (b) or paragraph (7) (b), the court may ~~must~~ direct
 1095 the Department of Highway Safety and Motor Vehicles to withhold
 1096 issuance of or suspend the driver license or driving privilege
 1097 of that person for 45 consecutive days.
 1098 Section 25. Subsection (2) of section 938.30, Florida
 1099 Statutes, is amended to read:
 1100 938.30 Financial obligations in criminal cases;
 1101 supplementary proceedings.—
 1102 (2) The court may require a person liable for payment of an

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1103 obligation to appear and be examined under oath concerning the
 1104 person's financial ability to pay the obligation. The judge may
 1105 convert the statutory financial obligation into a court-ordered
 1106 obligation to perform community service, subject to ~~the~~
 1107 ~~provisions of s. 318.18(8)~~, after examining a person under oath
 1108 and determining the person's inability to pay, or by relying
 1109 upon information provided under s. 27.52(1)(a). Any person who
 1110 fails to attend a hearing may be arrested on warrant or capias
 1111 issued by the clerk upon order of the court.

1112 Section 26. Subsection (2) of section 1003.27, Florida
 1113 Statutes, is amended to read:

1114 1003.27 Court procedure and penalties.—The court procedure
 1115 and penalties for the enforcement of the provisions of this
 1116 part, relating to compulsory school attendance, shall be as
 1117 follows:

1118 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

1119 ~~(a)~~ In each case of nonenrollment or of nonattendance upon
 1120 the part of a student who is required to attend some school,
 1121 when no valid reason for such nonenrollment or nonattendance is
 1122 found, the district school superintendent shall institute a
 1123 criminal prosecution against the student's parent.

1124 ~~(b) Each public school principal or the principal's~~
 1125 ~~designee shall notify the district school board of each minor~~
 1126 ~~student under its jurisdiction who accumulates 15 unexcused~~
 1127 ~~absences in a period of 90 calendar days. Each designee of the~~
 1128 ~~governing body of each private school, and each parent whose~~
 1129 ~~child is enrolled in a home education program, may provide the~~
 1130 ~~Department of Highway Safety and Motor Vehicles with the legal~~
 1131 ~~name, sex, date of birth, and social security number of each~~

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1132 ~~minor student under his or her jurisdiction who fails to satisfy~~
 1133 ~~relevant attendance requirements and who fails to otherwise~~
 1134 ~~satisfy the requirements of s. 322.091. The district school~~
 1135 ~~superintendent must provide the Department of Highway Safety and~~
 1136 ~~Motor Vehicles the legal name, sex, date of birth, and social~~
 1137 ~~security number of each minor student who has been reported~~
 1138 ~~under this paragraph and who fails to otherwise satisfy the~~
 1139 ~~requirements of s. 322.091. The Department of Highway Safety and~~
 1140 ~~Motor Vehicles may not issue a driver license or learner's~~
 1141 ~~driver license to, and shall suspend any previously issued~~
 1142 ~~driver license or learner's driver license of, any such minor~~
 1143 ~~student, pursuant to the provisions of s. 322.091.~~

1144 Section 27. Paragraph (a) of subsection (10) of section
 1145 318.14, Florida Statutes, is amended to read:

1146 318.14 Noncriminal traffic infractions; exception;
 1147 procedures.—

1148 (10) (a) Any person who does not hold a commercial driver
 1149 license or commercial learner's permit and who is cited while
 1150 driving a noncommercial motor vehicle for an offense listed
 1151 under this subsection may, in lieu of payment of fine or court
 1152 appearance, elect to enter a plea of nolo contendere and provide
 1153 proof of compliance to the clerk of the court, designated
 1154 official, or authorized operator of a traffic violations bureau.
 1155 In such case, adjudication shall be withheld; however, a person
 1156 may not make an election under this subsection if the person has
 1157 made an election under this subsection in the preceding 12
 1158 months. A person may not make more than three elections under
 1159 this subsection. This subsection applies to the following
 1160 offenses:

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1161 1. Operating a motor vehicle without a valid driver license
 1162 in violation of s. 322.03, s. 322.065, or s. 322.15(1), or
 1163 operating a motor vehicle with a license that has been suspended
 1164 for failure to appear, failure to pay civil penalty, or failure
 1165 to attend a driver improvement course pursuant to s. 322.291.

1166 2. Operating a motor vehicle without a valid registration
 1167 in violation of s. 320.0605, s. 320.07, or s. 320.131.

1168 3. Operating a motor vehicle in violation of s. 316.646.

1169 4. Operating a motor vehicle with a license that has been
 1170 suspended under s. 61.13016 or s. 322.245 for failure to pay
 1171 child support or for failure to pay any other financial
 1172 obligation as provided in s. 322.245; however, this subparagraph
 1173 does not apply if the license has been suspended pursuant to s.
 1174 322.245(1).

1175 ~~5. Operating a motor vehicle with a license that has been~~
 1176 ~~suspended under s. 322.091 for failure to meet school attendance~~
 1177 ~~requirements.~~

1178 Section 28. Subsections (1) and (2) of section 322.05,
 1179 Florida Statutes, are amended to read:

1180 322.05 Persons not to be licensed.—The department may not
 1181 issue a license:

1182 (1) To a person who is under the age of 16 years, except
 1183 that the department may issue a learner's driver license to a
 1184 person who is at least 15 years of age and who meets the
 1185 requirements of s. 322.1615 ~~ss. 322.091 and 322.1615~~ and of any
 1186 other applicable law or rule.

1187 (2) To a person who is at least 16 years of age but is
 1188 under 18 years of age unless the person ~~meets the requirements~~
 1189 ~~of s. 322.091~~ and holds a valid:

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1190 (a) Learner's driver license for at least 12 months, with
 1191 no moving traffic convictions, before applying for a license;

1192 (b) Learner's driver license for at least 12 months and who
 1193 has a moving traffic conviction but elects to attend a traffic
 1194 driving school for which adjudication must be withheld pursuant
 1195 to s. 318.14; or

1196 (c) License that was issued in another state or in a
 1197 foreign jurisdiction and that would not be subject to suspension
 1198 or revocation under the laws of this state.

1199 Section 29. Paragraph (b) of subsection (5) of section
 1200 322.27, Florida Statutes, is amended to read:

1201 322.27 Authority of department to suspend or revoke driver
 1202 license or identification card.—

1203 (5)

1204 (b) If a person whose driver license has been revoked under
 1205 paragraph (a) as a result of a third violation of driving a
 1206 motor vehicle while his or her license is suspended or revoked
 1207 provides proof of compliance for an offense listed in s.
 1208 318.14(10)(a)1.-4. ~~s. 318.14(10)(a)1.-5.~~, the clerk of court
 1209 shall submit an amended disposition to remove the habitual
 1210 traffic offender designation.

1211 Section 30. Subsection (9) of section 1003.01, Florida
 1212 Statutes, is amended to read:

1213 1003.01 Definitions.—As used in this chapter, the term:

1214 (9) "Dropout" means a student who meets any one or more of
 1215 the following criteria:

1216 (a) The student has voluntarily removed himself or herself
 1217 from the school system before graduation for reasons that
 1218 include, but are not limited to, marriage, or the student has

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1219 withdrawn from school because he or she has failed the statewide
 1220 student assessment test and thereby does not receive any of the
 1221 certificates of completion;

1222 (b) The student has not met the relevant attendance
 1223 requirements of the school district pursuant to State Board of
 1224 Education rules, or the student was expected to attend a school
 1225 but did not enter as expected for unknown reasons, or the
 1226 student's whereabouts are unknown;

1227 (c) The student has withdrawn from school, but has not
 1228 transferred to another public or private school or enrolled in
 1229 any career, adult, home education, or alternative educational
 1230 program;

1231 (d) The student has withdrawn from school due to hardship,
 1232 unless such withdrawal has been granted because of ~~under the~~
 1233 ~~provisions of s. 322.091~~, court action, expulsion, medical
 1234 reasons, or pregnancy; or

1235 (e) The student is not eligible to attend school because of
 1236 reaching the maximum age for an exceptional student program in
 1237 accordance with the district's policy.

1238

1239 The State Board of Education may adopt rules to implement ~~the~~
 1240 ~~provisions of~~ this subsection.

1241 Section 31. The amendments made by this act to s. 316.650,
 1242 Florida Statutes, shall take effect upon the depletion of the
 1243 current inventory of uniform traffic citation forms and the
 1244 adoption by rule of new uniform traffic citation forms. The
 1245 Department of Highway Safety and Motor Vehicles shall notify the
 1246 Division of Law Revision and Information upon the adoption of
 1247 the new forms.

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1248 Section 32. Except as otherwise expressly provided in this
 1249 act and except for this section, which shall take effect upon
 1250 this act becoming a law, this act shall take effect October 1,
 1251 2018.

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/18/2018

1270

Meeting Date

Bill Number (if applicable)

Topic Penalties and Fees

Amendment Barcode (if applicable)

Name Sal Nuzzo

Job Title VP of Policy

Address 100 N Duval Street

Phone 850-322-9941

Street

Tallahassee

FL

32301

Email snuzzo@jamesmadison.org

City

State

Zip

Speaking: For Against Information

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

Representing The James Madison Institute

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.

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/18/18

Meeting Date

1270

Bill Number (if applicable)

Topic Penalties & Fees

Amendment Barcode (if applicable)

Name Chelsea Murphy

Job Title State Director

Address 824 N. Duval St.

Phone 954 557 0010

Street

JLH FL 32503

Email _____

City

State

Zip

Speaking: For Against Information

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

Representing Right on Crime

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)

1/17/18
Meeting Date

SB 1270
Bill Number (if applicable)

Topic Penalties & Fees

Amendment Barcode (if applicable)

Name Karen Rushing

Job Title Clerk & Comptroller Sarasota Co.

Address 2000 Main St.

Phone 941-861-7605

Sarasota FL 34230
City State Zip

Email _____

Speaking: For Against Information

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

Representing FL Clerks & Comptrollers

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1.16.18

Meeting Date

1270

Bill Number (if applicable)

Topic Drivers License

Amendment Barcode (if applicable)

Name Amy Bisceglia

Job Title

Address Street

Phone

City

State

Zip

Email

Speaking: [] For [] Against [] Information

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

Representing Campaign for criminal justice reform

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/18/18

Meeting Date

1270

Bill Number (if applicable)

Topic Penalties & Fees

Amendment Barcode (if applicable)

Name Ingrid Delgado

Job Title Associate for Social Concerns & Respect Life

Address 201 W Park Av Phone

Street

Tallahassee

City

FL

State

32301

Zip

Email

Speaking: For Against Information

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

Representing Florida Conference of Catholic Bishops

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.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/18/2018
Meeting Date

1270
Bill Number (if applicable)

Topic DL Suspensions

Amendment Barcode (if applicable)

Name Jorge Chamizo

Job Title Attorney

Address 108 South Monroe Street

Phone (850) 681-0024

Tallahassee FL 32301

Email jorge@flapartners.com

City State Zip

Speaking: For Against Information

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

Representing Fla Association of Criminal Defense Lawyers

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1270

Bill Number (if applicable)

Meeting Date _____

Amendment Barcode (if applicable) _____

Topic _____

Name Kristina Wiggins

Job Title Executive Director

Address 103 North Gadsden St

Phone (850) 488-6850

Street

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing Florida Public Defender 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 Committee on Transportation

BILL: SB 926

INTRODUCER: Senator Broxson

SUBJECT: Natural Gas Fuel Taxes

DATE: January 18, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	Favorable
2.			AFT	
3.			AP	

I. Summary:

SB 926 revises provisions relating to the imposition of certain taxes on natural gas fuel used in motor vehicles. The bill delays the effective date of the imposition from January 1, 2019, to January 1, 2024.

Additional revisions conforming current provisions to the delayed imposition include:

- Delaying the date of expiration of a \$200 penalty for each month a person acts as a natural gas retailer without a valid natural gas fuel retailer license from December 31, 2018, to December 31, 2023.
- Replacing the \$200 penalty, effective January 1, 2024, with a penalty of 25 percent of the tax assessed on the total purchases made during the person’s unlicensed period.
- Delaying the date that natural gas fuel retailers are to begin filing related monthly reports with the Department of Revenue (DOR) from February 2019 to February 2024.

The Revenue Estimating Conference has not yet estimated the fiscal impact of this bill. Imposition of the specified taxes is delayed until January 1, 2024, resulting in an indeterminate positive fiscal impact to owners or operators of natural gas fueled vehicles who would otherwise be subject to the taxes beginning January 1, 2019. This delay will also result in delayed collection of natural gas fuel tax revenue in an indeterminate amount.

The bill takes effect July 1, 2018.

II. Present Situation:

Due to increased domestic exploration and production, the supply of natural gas¹ in the U.S. and in Florida is expanding. While Florida consumes less natural gas than some other states, consumption has grown significantly, such that Florida ranks 15th in the nation in natural gas consumption.² According to a recent report discussing a survey conducted by the Office of Program Policy Analysis & Government Accountability, “suppliers and consumers indicated that they expect their businesses to continue to grow, both in the total number of vehicles served and in gallons of natural gas fuel sold.” Further,

Eighty-nine percent of consumer survey respondents indicated that their natural gas vehicle fleets have increased in size since 2012. In addition, 75% of consumers responding to our survey said that they anticipate the number of natural gas vehicles in their fleet will continue to increase over the next five years. Of those consumer respondents, 46% said their fleet would continue to increase slightly and an additional 29% predicted that their fleet size would increase greatly. Only 13% of all consumers responding to our survey indicated that they anticipate a decrease in their fleet size.³

Because of the benefits of natural gas (e.g., lower fuel costs, environmental benefits, and lower maintenance costs),⁴ some states have undertaken efforts to incentivize use of natural gas fuel. One such effort in Florida relates to taxation of natural gas fuel.

Taxation of Natural Gas Fuel

Pre-2014

Before 2014, natural gas was addressed in Florida law as an “alternative fuel.” Section 206.877, F.S., required owners or operators of motor vehicles licensed in this state and powered by alternative fuels to pay, in lieu of the diesel fuel taxes imposed by s. 206.87(1)(a)-(d), F.S., an annual decal fee on each such motor vehicle in accordance with a specified rate schedule.⁵ In addition, the sale of alternative fuel was subject to sales tax imposed under Ch. 212, F.S.

Section 206.89, F.S., prohibited a person, with certain exceptions, from acting as a retailer of alternative fuel unless that person held a valid retailer-of-alternative-fuel license issued by DOR,

¹ Section 206.9951(2), F.S., currently defines “natural gas fuel” to mean “any liquefied petroleum gas product, compressed natural gas product, or combination thereof used in a motor vehicle as defined in s. 206.01(23). This term includes, but is not limited to, all forms of fuel commonly or commercially known or sold as natural gasoline, butane gas, propane gas, or any other form of liquefied petroleum gas, compressed natural gas, or liquefied natural gas. The term does not include natural gas or liquefied petroleum placed in a separate tank of a motor vehicle for cooking, heating, water heating, or electric generation.” Section 206.9951(4), F.S., currently defines “natural gasoline” to mean “a liquid hydrocarbon that is produced by natural gas and must be blended with other liquid petroleum products to produce motor fuel.”

² See the Office of Program Policy Analysis & Government Accountability Report No. 17-10 at p. 5, available at: <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1710rpt.pdf>. (Last visited January 11, 2018.)

³ *Id.* at pp. 5-6.

⁴ For more details on the benefits of natural gas fuel, see the final bill analysis for CS/CS/HB 579 (2013) available at: <http://www.flsenate.gov/Session/Bill/2013/579/Analyses/h0579f.RAC.PDF>. (Last visited January 12, 2018.)

⁵ The cost for the annual decals ranged between \$199.10 and \$380.10 per motor vehicle, depending on the size and weight of the vehicle. *Supra* note 2. at p. 4.

and any person acting as such who did not hold a license was subject to a penalty of 25% of the tax assessed on total purchases during the unlicensed period. Every person who operated as a retailer of alternative fuel, with certain exceptions, was required to report monthly to DOR and pay tax on all fuel purchases.

The revenues from the state alternative fuel fees imposed by s. 206.877, F.S., were deposited into the State Alternative Fuel User Fee Clearing Trust Fund. After deducting a specified service charge, the proceeds from state alternative fuel fees were distributed as follows:

- One-half of the proceeds to the State Transportation Trust Fund (STTF).
- 50 percent of the remainder to the State Board of Administration for distribution in accordance with the Florida Constitution.
- 25 percent of the remainder to the Revenue Sharing Trust Fund for Municipalities.
- 25 percent of the remainder to the counties for specified public transportation purposes, distributed in accordance with s. 206.60(1), F.S.

Current Law

In 2013, CS/CS/HB 579 was enacted with an effective date of July 1, 2014, except as otherwise provided. The bill established the current fuel tax structure for motor vehicles powered by natural gas.⁶ Natural gas used as a motor fuel since 2014 has been exempt from taxes on motor fuel under Ch. 206, F.S., and also exempt from the sales and use taxes under Ch. 212, F.S.⁷

However, *beginning January 1, 2019*, current law imposes the following taxes on natural gas fuel:

- An excise tax of 4 cents upon each motor fuel equivalent gallon of natural gas fuel.
- An additional tax of 1 cent upon each motor fuel equivalent gallon⁸ of natural gas fuel, which is designated as the “ninth-cent fuel tax.”
- An additional tax of 1 cent on each motor fuel equivalent gallon of natural gas fuel by each county, which is designated as the “local option fuel tax.”
- An additional tax on each motor fuel equivalent gallon of natural gas fuel, which is designated as the “State Comprehensive Enhanced Transportation System (SCETS) Tax,” at a rate determined pursuant to paragraph (d) of the subsection.⁹
- An additional tax is imposed on each motor fuel equivalent gallon of natural gas fuel “for the privilege of selling natural gas fuel,” designated as the “fuel sales tax,” at a rate determined as specified in paragraph (e) of the section.¹⁰

⁶ The bill created a new Part V of Ch. 206, F.S., consisting of ss. 206.9951 – 206.998, entitled ‘NATURAL GAS FUEL.’ It repealed various provisions, including ss. 206.877 and 206.89, F.S.; and it amended and relocated various provisions to the new Part V. *See supra* note 4 for a detailed analysis of the bill.

⁷ *See* s. 212.08(4)(a)2., F.S.

⁸ “Motor fuel equivalent gallon” is defined in s. 206.9951(1), F.S., to mean the volume of natural gas fuel it takes to equal the energy content of one gallon of motor fuel. Section 206.9955, F.S., currently defines the motor fuel equivalent gallon for compressed natural gas, liquefied natural gas, and liquefied petroleum gas.

⁹ Paragraph (d) of s. 206.9955(2), F.S., currently requires the DOR, each calendar year, to determine the tax rate applicable to the sale of natural gas fuel for the following 12-month period beginning January 1, rounded to the nearest tenth of a cent, by adjusting the initially established rate of **5.8 cents per gallon** by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30.

¹⁰ Paragraph (e) of s. 206.9955(2), F.S., currently requires the DOR, each calendar year, to determine the tax rate applicable to the sale of natural gas fuel, rounded to the nearest tenth of a cent, for the following 12-month period beginning January 1.

Section 206.997, F.S., provides that revenues from the natural gas fuel tax will be deposited into the State Alternative Fuel User Fee Clearing Trust Fund to be distributed as follows:

- The revenues from the SCETS tax and fuel sales tax will be transferred to the STTF.
- The revenues from the excise tax will be distributed as follows:
 - 50% shall be transferred to the State Board of Administration for distribution in accordance with the Florida Constitution.
 - 25% shall be transferred to the Revenue Sharing Trust Fund for Municipalities.
 - 25% shall be distributed to the counties for specified public transportation purposes, in accordance with s. 206.60(1), F.S.
- The revenues from the ninth-cent fuel tax and the local option sales tax will be deposited into the Local Alternative Fuel User Fee Clearing Trust Fund and returned monthly to the appropriate counties.

In addition, among other provisions relating to natural gas fuel, current law:

- Provides that *until December 31, 2018*, any person acting as a natural gas retailer without such a license must pay a penalty of \$200 for each month of operation during the unlicensed period.¹¹
- Imposes the penalty of 25 percent of the tax assessed on total purchases during an unlicensed period *beginning January 1, 2019*.¹²
- Requires natural gas fuel retailers to submit an electronic, monthly report to DOR, *beginning with February 2019* and monthly thereafter, showing information on inventory, purchases, nontaxable disposals, table uses, and taxable sales in gallons of natural gas fuel for the preceding month, with certain exceptions and a specified deduction for services rendered and expenses incurred in complying with the reporting requirements.¹³

State Gasoline and Diesel Taxes

Motor Fuel

Section 206.41(1), F.S., provides for the following taxes on motor fuel:

- An excise or license tax of 2 cents per net gallon of motor fuel,¹⁴ designated as the “constitutional fuel tax.”
- An additional 1 cent per net gallon, designated as the “county fuel tax.”
- An additional 1 cent per net gallon, designated as the “municipal fuel tax.”
- An additional tax of 1 cent per net gallon may be imposed by each county, designated as the “ninth-cent fuel tax.”
- An additional tax of between 1 and 11 cents per net gallon may be imposed by each county, designated as the “local option fuel tax.”

The tax rate is to be calculated by adjusting the initially established tax rate of **9.2 cents per gallon** by the percentage change in the average of the Consumer Price Index for the most recent 12-month period ending September 30.

¹¹ Section 206.9952(3)(a), F.S.

¹² Section 206.9952(3)(b), F.S.

¹³ Section 206.996, F.S.

¹⁴ Section 206.01(9), F.S., defines “motor fuel” or “fuel” to mean “all gasoline products or any product blended with gasoline or any fuel placed in the storage supply tank of a gasoline-powered motor vehicle.”

- An additional tax per net gallon of motor fuel is imposed by each county, designated as the SCETS Tax, at a rate determined as specified in paragraph (f) of the subsection.
- An additional tax per net gallon is imposed “on the privileged of selling motor fuel”, designated as the “fuel sales tax,” at a rate determined as specified in paragraph (g) of the subsection.
- An additional 0.125 cents per net gallon for defraying expenses incident to inspecting, testing, and analyzing motor fuel in this state.

The state tax rate on motor fuel beginning January 1, 2018, is 17.7 cents per gallon; the SCETS tax rate on motor fuel is 7.6 cents; and the fuel sales tax rate on motor fuel is 13.7 cents. The local option rate varies by county, and the total state and county rates on motor fuel varies from 31.4 cents to 37.4 cents.¹⁵

Diesel Fuel

Section 206.87(1), F.S., provides for the following taxes on diesel fuel:

- An excise tax of 4 cents per net gallon of diesel fuel.¹⁶
- An additional 1 cent per net gallon is imposed by each county, designated as the “ninth-cent fuel tax.”
- An additional 6 cents per net gallon is imposed by each county, designated as the “local option fuel tax.”
- An additional tax per net gallon is imposed in each county, designated as the SCETS Tax, at a rate determined as specified in paragraph (d) of the subsection; and
- An additional tax per net gallon “on the privilege of selling diesel fuel,” designated as the “fuel sales tax,” at a rate determined as specified in paragraph (e) of the subsection.

The state tax rate on diesel fuel beginning January 1, 2018, is 17.7 cents per gallon; the county tax rate (ninth cent, SCETS, and local option rates) is 14.6 cents statewide; and the fuel sales tax rate is 13.7 cents. The total state and county rates on diesel fuel is 32.3 cents.¹⁷

Section 212.0501(5), F.S., provides that diesel fuel upon which the fuel taxes pursuant to Ch. 206, F.S., have been paid is exempt from the tax on sales, use, and other transactions imposed by Ch. 212, F.S.

III. Effect of Proposed Changes:

SB 926 delays the effective date of the imposition of the specified taxes on natural gas fuel and makes revisions conforming certain provisions to the delayed imposition.

¹⁵ See the DOR’s *Fuel Tax Rates Adjusted Beginning January 1, 2018*, available at: https://revenue.law.floridarevenue.com/LawLibrary/Documents/2017/11/TIP-121500_TIP%2017B05-03%20FINAL%20RLL.pdf. (Last visited January 12, 2018.)

¹⁶ Section 206.86(1), F.S., defines “diesel fuel” to mean “all petroleum distillates commonly known as diesel #2, biodiesel, or any other product blended with diesel or any product placed into the storage supply tank of a diesel-powered motor vehicle.

¹⁷ *Supra* note 14.

Section 2 amends s. 206.9955, F.S., revising the effective date of the imposition of the specified taxes on natural gas fuel from January 1, 2019, to January 1, 2024, thereby providing an additional five years during which natural gas fuel is exempt from those fuel taxes.

Section 1 amends s. 206.9952, (3)(a), F.S., to conform to the delayed imposition by:

- Delaying the date of expiration of the \$200 penalty for each month a person acts as a natural gas retailer without a valid natural gas fuel retailer license from December 31, 2018, to December 31, 2023.
- Replacing the \$200 penalty, effective January 1, 2024, with a penalty of 25 percent of the tax assessed on the total purchases made during the person's unlicensed period.

Section 3 amends s. 206.996, F.S., to conform to the delayed imposition by delaying the date on which natural gas fuel retailers are to begin filing related monthly reports with the DOR from February 2019 to February 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

The Revenue Estimating Conference has not yet estimated the fiscal impact of this bill.

A. Tax/Fee Issues:

Imposition of the specified natural gas fuel taxes is delayed until January 1, 2024.

B. Private Sector Impact:

Imposition of the specified natural gas fuel taxes is delayed until January 1, 2024, resulting in an indeterminate positive fiscal impact to owners or operators of natural gas fueled vehicles who would otherwise be subject to the taxes beginning January 1, 2019.

C. Government Sector Impact:

Imposition of the specified natural gas fuel taxes is delayed until January 1, 2024, resulting in delayed collection of revenues from the taxes in an indeterminate amount. Under current law, these revenues would have been distributed to the STTF, the State Board of Administration, and local governments beginning in 2019.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 206.9952, 206.9955, and 206.996.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Broxson

1-00735-18

2018926__

A bill to be entitled

An act relating to natural gas fuel taxes; amending s. 206.9952, F.S.; conforming provisions to changes made by the act; amending s. 206.9955, F.S.; delaying the effective date of certain taxes on natural gas fuel; amending s. 206.996, F.S.; conforming a provision to changes made by the act; providing an effective date.

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

Section 1. Subsections (3) and (8) of section 206.9952, Florida Statutes, are amended to read:

206.9952 Application for license as a natural gas fuel retailer.—

(3)(a) Any person who acts as a natural gas retailer and does not hold a valid natural gas fuel retailer license shall pay a penalty of \$200 for each month of operation without a license. This paragraph expires December 31, 2023 ~~2018~~.

(b) Effective January 1, 2024 ~~2019~~, any person who acts as a natural gas fuel retailer and does not hold a valid natural gas fuel retailer license shall pay a penalty of 25 percent of the tax assessed on the total purchases made during the unlicensed period.

(8) With the exception of a state or federal agency or a political subdivision licensed under this chapter, each person, as defined in this part, who operates as a natural gas fuel retailer shall report monthly to the department and pay a tax on all natural gas fuel purchases beginning January 1, 2024 ~~2019~~.

Section 2. Subsection (2) of section 206.9955, Florida

Page 1 of 4

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

1-00735-18

2018926__

Statutes, is amended to read:

206.9955 Levy of natural gas fuel tax.—

(2) Effective January 1, 2024 ~~2019~~, the following taxes shall be imposed:

(a) An excise tax of 4 cents upon each motor fuel equivalent gallon of natural gas fuel.

(b) An additional tax of 1 cent upon each motor fuel equivalent gallon of natural gas fuel, which is designated as the "ninth-cent fuel tax."

(c) An additional tax of 1 cent on each motor fuel equivalent gallon of natural gas fuel by each county, which is designated as the "local option fuel tax."

(d) An additional tax on each motor fuel equivalent gallon of natural gas fuel, which is designated as the "State Comprehensive Enhanced Transportation System Tax," at a rate determined pursuant to this paragraph. Each calendar year, the department shall determine the tax rate applicable to the sale of natural gas fuel for the following 12-month period beginning January 1, rounded to the nearest tenth of a cent, by adjusting the initially established tax rate of 5.8 cents per gallon by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30.

(e)1. An additional tax is imposed on each motor fuel equivalent gallon of natural gas fuel for the privilege of selling natural gas fuel. Each calendar year, the department shall determine the tax rate applicable to the sale of natural gas fuel, rounded to the nearest tenth of a cent, for the following 12-month period beginning January 1. The tax rate is

Page 2 of 4

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

1-00735-18 2018926__
 59 calculated by adjusting the initially established tax rate of
 60 9.2 cents per gallon by the percentage change in the average of
 61 the Consumer Price Index issued by the United States Department
 62 of Labor for the most recent 12-month period ending September
 63 30.

64 2. The department is authorized to adopt rules and publish
 65 forms to administer this paragraph.

66 Section 3. Subsection (1) of section 206.996, Florida
 67 Statutes, is amended to read:

68 206.996 Monthly reports by natural gas fuel retailers;
 69 deductions.—

70 (1) For the purpose of determining the amount of taxes
 71 imposed by s. 206.9955, each natural gas fuel retailer shall
 72 file beginning with February 2024 ~~2019~~, and each month
 73 thereafter, no later than the 20th day of each month, monthly
 74 reports electronically with the department showing information
 75 on inventory, purchases, nontaxable disposals, taxable uses, and
 76 taxable sales in gallons of natural gas fuel for the preceding
 77 month. However, if the 20th day of the month falls on a
 78 Saturday, Sunday, or federal or state legal holiday, a return
 79 must be accepted if it is electronically filed on the next
 80 succeeding business day. The reports must include, or be
 81 verified by, a written declaration stating that such report is
 82 made under the penalties of perjury. The natural gas fuel
 83 retailer shall deduct from the amount of taxes shown by the
 84 report to be payable an amount equivalent to 0.67 percent of the
 85 taxes on natural gas fuel imposed by s. 206.9955(2)(a) and (e),
 86 which deduction is allowed to the natural gas fuel retailer to
 87 compensate it for services rendered and expenses incurred in

1-00735-18 2018926__
 88 complying with the requirements of this part. This allowance is
 89 not deductible unless payment of applicable taxes is made on or
 90 before the 20th day of the month. This subsection may not be
 91 construed as authorizing a deduction from the constitutional
 92 fuel tax or the fuel sales tax.

93 Section 4. This act shall take effect July 1, 2018.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/18/2018
Meeting Date

926
Bill Number (if applicable)

Topic Natural Gas Fuel Taxes

Amendment Barcode (if applicable)

Name Carl Mikyska

Job Title Executive Director

Address 605 Suwannee St- MS 28B

Phone 850/414-4062

Street

Tallahassee, FL

32399

Email carl.mikyska@mpoac.org

City

State

Zip

Speaking: For Against Information

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

Representing Florida MPO Advisory Council

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)

1-18-18

Meeting Date

926

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Dale Calhoun

Job Title _____

Address 201 S. Monroe St Unit A

Phone 850 681 0496

Tallahassee FL 32301
City State Zip

Email _____

Speaking: For Against Information

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

Representing Florida Natural Gas Association & Florida Propane Gas 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.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/18
Meeting Date

SB 926
Bill Number (if applicable)

Topic Natural Gas

Amendment Barcode (if applicable)

Name Eric Criss

Job Title President

Address 110 S. Monroe St
Street

Phone 491.3903

Tallahassee FL 32301
City State Zip

Email eric@floridabeers.org

Speaking: For Against Information

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

Representing Beer Industry of FL

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/18/18

Meeting Date

SB926

Bill Number (if applicable)

Topic NATURAL GAS FUEL TAXES

Amendment Barcode (if applicable)

Name CHARLIE LATHAM

Job Title GOV. AFFAIRS MANAGER

Address 6501 GREENLAND RD

Phone 904-910-4004

Street

JACKSONVILLE FL 32258

Email WLATHAM@WM.COM

City

State

Zip

Speaking: For Against Information

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

Representing WASTE MANAGEMENT INC. OF 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.

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)

Jan 18, 2018

Meeting Date

926

Bill Number (if applicable)

Topic Natural Gas Fuel Taxes

Amendment Barcode (if applicable)

Name Erin Ballas

Job Title _____

Address 730 East Park Ave

Phone 850 728 6387

Street

Tallahassee

FL

32301

Email erinballas@paconsultants.com

City

State

Zip

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)

1/15/18

Meeting Date

926

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Donna Simmons

Job Title Dir of Govt Relations

Address 106 E College Ave

Phone 850 781 6785

Street

TLH FL 32301

City

State

Zip

Email _____

Speaking: For Against Information

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

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1012

INTRODUCER: Senator Passidomo

SUBJECT: Alligator Alley Toll Road

DATE: January 18, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	Favorable
2.			ATD	
3.			AP	

I. Summary:

SB 1012 extends the statutory obligation of the Florida Department of Transportation (FDOT) to reimburse a county or another local governmental entity for the direct actual costs of operating the fire station at mile marker 63 on I-75/Alligator Alley, currently set to expire on June 30, 2018. The bill requires the FDOT to make such reimbursement by interlocal agreement effective July 1, 2014, through no later than June 30, 2021. The bill also removes the current statutory restriction which limits the fire station's services to Alligator Alley.

The bill takes effect July 1, 2018.

The fiscal impact is indeterminate but any FDOT expenditures will be based on an agreed-upon estimated schedule of such operational expenses incorporated into the required extended interlocal agreement.

II. Present Situation:

Collier County provides fire, rescue, and emergency management services along I-75/Alligator Alley (the Alley) through its dependent Fire District, the Ochopee Fire Control and Rescue District, and the County's Emergency Medical Services. These services are provided at a facility located at the FDOT's rest area on the Alley at mile marker 63 (MM63).

Required Use of Fees Generated from Alley Tolls

Section 338.26, F.S., addresses the required uses of fees generated from tolls for use of the Alley. In 2011, the Florida Legislature amended s. 338.26(3)(a), F.S., requiring the use of fees generated from tolls on the Alley after payment of certain other expenses and costs (excess

revenues), to develop and operate the MM63 fire station to provide fire, rescue, and emergency management services to the adjacent counties along the Alley.¹

Effective July 1, 2014, the Florida Legislature again amended s. 338.26(3), F.S., revising the FDOT's required use of the excess revenues from tolls collected on the Alley. The statute currently:

- Requires the FDOT's use of such revenues to "develop and operate" a fire station at MM63, instead of to "design and construct" the fire station;
- Authorizes use of the fire station by another local governmental entity, in addition to a county, and authorizes use of the fire station to provide services to the public *on the Alley*, rather than to adjacent counties; and
- By interlocal agreement effective July 1, 2014, through no later than June 30, 2018, requires the FDOT to use the excess revenues to reimburse a county or another local governmental entity for the direct actual costs of operating such fire station.²

Upon termination of the agreement, the FDOT would be authorized to transfer excess revenues from the State Transportation Trust Fund (STTF) to the Everglades Trust Fund for certain environmental projects, or to use such revenues to reimburse outstanding contractual obligations or to operate and maintain the highway and toll facilities, including reconstruction and restoration.

Toll Revenues and Expenses

According to the FDOT's 2016 Annual Report for its Enterprise Toll Operations³, for fiscal year 2016-17 through fiscal year 2020-21 the Alligator Alley will average \$34.5 million in gross toll revenue each year with annual operating and maintenance expenses averaging \$8.9 million and annual debt service payments averaging \$3.45 million.

The Interlocal Agreement

On May 9, 2014, the FDOT and the Board of Commissioners of Collier County entered into an Interlocal Agreement (Agreement), "in effect from July 1, 2014 through no later than June 30, 2018."⁴ The Agreement's stated purpose is to provide the terms and conditions under which the FDOT, from lawfully available excess Alley toll revenues, "will provide funding to the County for the County's expenses in purchasing equipment, compensating County employees, and otherwise providing fire, rescue, and emergency services utilizing the Fire Station."⁵

According to the Agreement, the FDOT funded construction of the fire station within the scope of a design-build contract to rebuild the FDOT's rest area at MM 63. Work began in December

¹ See s. 338.26(3), F.S. (2011) available at: <http://www.flsenate.gov/Laws/Statutes/2011/338.26>. (Last visited January 13, 2018.)

² Ch. 2014-223, Laws of Florida.

³ The 2016 report is the latest posted to the FDOT's Turnpike Enterprise webpage and is available at: http://www.floridasturnpike.com/documents/reports/Toll%20Operations%20Annual%20Report/2016/2016%20OTO_Department%20Owned.pdf. (Last visited January 15, 2018.)

⁴ Emphasis added. (Copy on file in the Senate Transportation Committee.)

⁵ *Id.* at pp. 2-3.

of 2012.⁶ The fire station opened in early 2015.⁷ The FDOT owns the fire station and leases it to the County. The Agreement references entry into a long-term Air Space Agreement, which “will survive beyond the term or earlier termination of this Agreement to allow the County to continue to occupy the Fire Station after the expiration of this Agreement.”⁸

The County has the right of exclusive use of the fire station.⁹ In addition, under the agreement, “all equipment, personal property, vehicles, apparatus and supplies acquired by County with funding provided by DEPARTMENT...shall remain the property of County, notwithstanding any termination of this Agreement.”¹⁰

Funding

The FDOT agreed to provide a maximum of \$1,761,235 in total annual funding for the four-year term of the Agreement for direct actual capital costs. The total annual amount includes up to \$1,498,100 for the County’s direct actual costs of operating the fire station.¹¹ The County agreed to bear all expenses in excess of the FDOT’s specified participation.^{12, 13}

Information regarding the FDOT’s Adopted Five-Year Work Program for 2014-2018¹⁴ reflects the following funding for the MM63 fire station:

Fiscal Year	Amount
2014	\$1,761,235
2015	1,498,100
2016	1,522,070
2017	1,522,070
2018	1,498,100

⁶ The Agreement at p. 2.

⁷ See *New Fire/EMS Station Opens On Alligator Alley*, available at: <http://www.marconews.com/story/news/2015/04/03/new-fully-staffed-fireems-station-opens-alligator-alley/25238329/>. (Last visited January 13, 2018.)

⁸ The Agreement at p. 3.

⁹ The Agreement at p. 12. The agreement provides that state or local law enforcement may station officers, agents, or response teams at the fire station, based on space and availability.

¹⁰ *Id.* at p. 13.

¹¹ The Agreement also authorizes the County to request a Consumer Price Index adjustment of the total operating amount 30 days prior to July 1 for each year after the first covered by the Agreement. *Id.* at p. 10.

¹² *Id.* at p. 11.

¹³ The agreed-upon funding is reflected in Exhibit B to the Agreement and includes various annual operating items such as hired paramedics and fire fighters; expenses for administrative and building maintenance, bulk fuel; and various types of search and rescue equipment. Capital costs include items such as vehicles, radios, and breathing air compressors. Exhibit B to the Agreement.

¹⁴ See the FDOT’s website, updated January 14, 2018, available at: <http://www2.dot.state.fl.us/fmsupportapps/workprogram/Support/WPItemRept.ASPX?RF=HIS&CD=03&SD=FIRE%20STATION&FY=FALSE|FALSE|FALSE|FALSE|FALSE|FALSE&ITM=435389~1&RP=ITEM> and <http://www2.dot.state.fl.us/fmsupportapps/workprogram/Support/WPItemRept.ASPX?RF=WP&CD=03&SD=FIRE%20STATION&FY=FALSE|FALSE|FALSE|FALSE|FALSE|FALSE&ITM=435389~1&RP=ITEM>. (Last visited January 14, 2018.)

III. Effect of Proposed Changes:

The bill amends s. 338.26(3)(a), F.S., extending the FDOT's statutory obligation to reimburse a county or another local governmental entity for the direct actual costs of operating the MM63 fire station by interlocal agreement effective July 1, 2014, through no later than June 30, 2021.

The bill removes the current statutory restriction which limits the fire station's services to the Alley. Thus, the bill also authorizes use of the fire station to provide services *to the public*, rather than limiting provision of such services *to the public on Alligator Alley*.

The bill repeals the current requirement for an interlocal agreement effective July 1, 2014, through no later than June 30, 2018.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDOT is obligated to continue funding the County's direct actual costs of operating the MM63 fire station from the excess revenues generated from tolls collected on the Alley through July 1, 2021. The excess revenues under current law would be deposited into the STTF to be used for certain Everglades projects or to operate and maintain the Alley.

The County receives a positive fiscal impact in the form of an additional three years of funding for such actual operating costs. The exact amount of such funding is unknown but will, as with the first interlocal agreement, be based on an agreed-upon estimated schedule of such expenses incorporated into the required extended interlocal agreement.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 338.236.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Passidomo

28-01580A-18

20181012__

1 A bill to be entitled
 2 An act relating to the Alligator Alley toll road;
 3 amending s. 338.26, F.S.; requiring fees generated
 4 from tolls to be used to reimburse, by interlocal
 5 agreement effective for a specified period of time, a
 6 county or another local governmental entity for the
 7 direct actual costs of operating a specified fire
 8 station, which may be used by a county or another
 9 local governmental entity to provide fire, rescue, and
 10 emergency management services to the public; deleting
 11 obsolete language; providing an effective date.
 12

13 Be It Enacted by the Legislature of the State of Florida:
 14

15 Section 1. Paragraph (a) of subsection (3) of section
 16 338.26, Florida Statutes, is amended to read:

17 338.26 Alligator Alley toll road.—

18 (3) (a) Fees generated from tolls shall be deposited in the
 19 State Transportation Trust Fund and shall be used:

- 20 1. To reimburse outstanding contractual obligations;
- 21 2. To operate and maintain the highway and toll facilities,
 22 including reconstruction and restoration;
- 23 3. To pay for those projects that are funded with Alligator
 24 Alley toll revenues and that are contained in the 1993-1994
 25 adopted work program or the 1994-1995 tentative work program
 26 submitted to the Legislature on February 22, 1994; and
 27 4. By interlocal agreement effective July 1, 2014, through
 28 no later than June 30, 2021, to reimburse a county or another
 29 local governmental entity for the direct actual costs of

Page 1 of 2

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

28-01580A-18

20181012__

30 ~~operating the~~ To design and construct a fire station at mile
 31 marker 63 on Alligator Alley, which may be used by a county or
 32 another local governmental entity to provide fire, rescue, and
 33 emergency management services to the public ~~on Alligator Alley,~~
 34 ~~and~~

35 ~~5. By interlocal agreement effective July 1, 2014, through~~
 36 ~~no later than June 30, 2018, to reimburse a county or another~~
 37 ~~local governmental entity for the direct actual costs of~~
 38 ~~operating such fire station.~~

39 Section 2. This act shall take effect July 1, 2018.

Page 2 of 2

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-18-18

Meeting Date

SB 1012

Bill Number (if applicable)

Topic Mile Marker 63 Fire Station / Allegato Alley Amendment Barcode (if applicable)

Name Kingman Schuldt

Job Title Fire Chief - Greater Naples Fire District

Address 14575 Collier Blvd
Street

Phone 239 348 7540

Naples FL 34119
City State Zip

Email _____

Speaking: For Against Information

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

Representing GREATER NAPLES FIRE DISTRICT

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-18-18

Meeting Date

SB 1012

Bill Number (if applicable)

Topic MM 63 Alligator Alley

Amendment Barcode (if applicable)

Name Tabatha Butcher

Job Title Chief - Collier County EMS

Address _____

Phone 239-289-9353

Street

Naples

FL

Email tabathabutcher@colliercounty.net

City

State

Zip

Speaking: For Against Information

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

Representing Collier 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
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1248

INTRODUCER: Senator Gainer

SUBJECT: Specialty License Plates/Coastal Conservation Association

DATE: January 16, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Favorable
2.			ATD	
3.			AP	

I. Summary:

SB 1248 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to develop a Coastal Conservation Association specialty license plate, establishes a \$25 annual use fee for the plate, and provides the distribution and use of fees collected from the sale of the plate.

The DHSMV estimates programming and implementation costs for creation of the plate is \$7,680. The DHSMV is authorized to retain revenues from the first proceeds of sales to defray departmental costs.

The bill takes effect October 1, 2018.

II. Present Situation:

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.¹ 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.² The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute.³

¹ A list of Florida's specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Nov. 3, 2017).

² Section 320.08056, F.S.

³ Section 320.08058, F.S.

In order to establish a specialty license plate, s. 320.08053, F.S., requires the plate must first be adopted into statute. Upon becoming law:

- 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 approved 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 may begin.

If, at the end of the 24-month pre-sale period, the minimum sales requirement has not been met, the DHSMV will discontinue the plate and issuance of the pre-sale voucher. 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.⁴

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.⁵ 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.⁶

DHSMV Costs Defrayed

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

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 plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum plate requirement.⁸ In addition, 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.⁹

Coastal Conservation Association Florida

The Coastal Conservation Association (CCA) is a non-profit organization whose objective is to conserve, promote, and enhance the present and future availability of coastal resources for the benefit and enjoyment of the public by advising and educating the public on conservation of

⁴ Section 320.08053(2)(b), F.S.

⁵ Section 320.08056(10)(a), F.S.

⁶ Section 320.08062, F.S.

⁷ Section 320.08056(7), F.S.

⁸ Section 320.08056(8)(a), F.S.

⁹ Section 320.08056(8)(b), F.S.

marine resources.¹⁰ The CCA was founded in 1977 in order to combat commercial overfishing along the Texas coast.¹¹ The CCA Florida is one of 17 state chapters of the CCA, and is comprised of 30 local chapters spanning from Pensacola to Key West.¹² The CCA Florida supports resource based law enforcement, access to recreational fishing, and fishery regulations to protect state and federal fish stocks.¹³

III. Effect of Proposed Changes:

The bill directs the DHSMV to create a Coastal Conservation Association specialty license plate, with an annual use fee of \$25 to be distributed to the CCA Florida. Proceeds from the plate are to be used as follows:

- Up to 10 percent for administrative costs;
- Up to 10 percent to promote and market the plate; and
- The remainder to support the mission and efforts of the CCA 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 availability of coastal resources for the public.

The plate must bear the colors and design approved by the DHSMV, with the word “Florida” at the top of the plate, and the words “Conserve Florida’s Fisheries” at the bottom of the plate.

The bill takes effect October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹⁰ CCA website, *About CCA*, available at <http://www.joincca.org/about> (last visited Jan. 11, 2018).

¹¹ *Id.*

¹² See CCA Florida website, <https://ccaflorida.org/> (last visited Jan. 11, 2018).

¹³ *Id.*

B. Private Sector Impact:

Individuals who choose to purchase a Coastal Conservation Association specialty license plate will pay a \$25 annual use fee in addition to appropriate license taxes and fees. The Coastal Conservation Association will receive revenue from each plate purchase.

C. Government Sector Impact:

The DHSMV estimates programming and implementation costs for creation of the plate is \$7,680.¹⁴ 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.¹⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08056 and 320.08058.

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

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

None.

B. Amendments:

None.

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

¹⁴ See DHSMV, *2018 Agency Legislative Bill Analysis: SB 1248* (Jan. 12, 2018) (on file with the Senate Committee on Transportation).

¹⁵ Section 320.08056(7), F.S.

By Senator Gainer

16-00725-18

20181248__

A bill to be entitled

An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a Coastal Conservation Association license plate; establishing an annual use fee for the plate; providing for distribution and use of fees collected from the sale of the plates; providing an effective date.

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

Section 1. Paragraph (ffff) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.—

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

(ffff) Coastal Conservation Association license plate, \$25.

Section 2. Subsection (84) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(84) COASTAL CONSERVATION ASSOCIATION LICENSE PLATES.—

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

(b) The annual use fees from the sale of the plate shall be

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

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distributed to Coastal Conservation Association Florida, a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:

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

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

3. The remainder of the proceeds shall be used to support the mission and efforts of Coastal Conservation Association 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.

Section 3. This act shall take effect October 1, 2018.

Page 2 of 2

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

APPEARANCE RECORD

1/18/18

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1248

Bill Number (if applicable)

Topic Specialty License Plate

Name Lindsey Matthews

Job Title

Address 305 W. 5th St

Street

Panama City FL

City

State

32404

Zip

Phone

Email

Speaking: For Against Information

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

Representing Junior League of Panama City

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.

After Bill Presented

CourtSmart Tag Report

Room: SB 401

Case No.:

Type:

Caption: Senate Transportation Committee

Judge:

Started: 1/18/2018 10:02:48 AM

Ends: 1/18/2018 11:16:53 AM

Length: 01:14:06

10:02:52 AM Roll Call
10:02:52 AM Meeting Called to Order by Chairman Gainer
10:03:07 AM Quorum is Present
10:03:42 AM Tab 6 SB1012- Alligator Alley Toll Road, Explained by Senator Passidomo
10:06:04 AM Tabatha Butcher rep. Collier County Speaks in Support of SB1012
10:07:07 AM Kingman Schuldt rep. Greater Naples Fire District Speaks in Support of SB1012
10:10:53 AM Question From Senator Rader on SB1012
10:11:00 AM Senator Passidomo Responds to Senator Rader
10:12:54 AM Senator Rader Responds to Senator Passidomo
10:13:15 AM Chairman Gainer responds to Senator Rader
10:13:33 AM Senator Taddeo speaks in support of SB1012
10:14:26 AM Senator Passidomo Waives Close
10:14:42 AM Roll Call
10:14:51 AM SB1012 Passes favorably
10:15:07 AM Tab 5 SB926 -Natural Gas Fuel Taxes, Introduced by Chairman Gainer
10:15:28 AM Senator Broxson Explains SB 926
10:16:34 AM Question From Chairman Gainer to Senator Broxson
10:16:48 AM Senator Broxson Responds to Chairman Gainer
10:17:55 AM Carl Mikyska rep. Florida MPO Advisory Council Waives Support
10:18:03 AM Dale Calhoun rep. Florida Natural Gas Association & Florida Propane Gas Association Waives Support
10:18:17 AM Eric Criss rep. Beer Industry of Florida Waives Support
10:18:26 AM Charlie Latham rep. Waste Management Inc. Of Florida Waives Support
10:18:37 AM Erin Ballas rep. National Waste and Recycling Association Waives Support
10:18:49 AM Donna Simmons Waives in Support
10:19:26 AM Senator Broxson Closes on SB926
10:20:06 AM Roll Call
10:20:20 AM SB926 Passes Favorably
10:20:34 AM Tab 2 SB852-Florida Smart City Challenge Grant Program Introduced by Chairman Gainer
10:20:59 AM Senator Brandes Explains SB852
10:22:06 AM Amendment Barcode #295414 Introduced
10:22:13 AM Senator Brandes Explains Amendment Barcode #295414
10:23:11 AM Jerry Paul rep. Nuvee Vehicles-to-Grid Waives Support of Amendment
10:23:27 AM Senator Brandes Waives Close
10:23:32 AM Amendment Barcode #295414 Adopted
10:23:51 AM Question From Senator Hukill
10:24:21 AM Senator Brandes Responds to Senator Hukill
10:25:28 AM Jeff Branch rep. Florida League of Cities Waives Support
10:25:37 AM Susan Harbin rep. Florida Association of Counties Waives Support
10:25:50 AM Chris Emmanuel rep. Florida Chamber of Commerce Waives Support
10:25:59 AM Carl Mikyska rep. Florida MPO Advisory Council Waives Support
10:26:11 AM David Schatz rep. Charge Point Waives in Support
10:26:29 AM David Cullen rep. Sierra Club FL Waives Support
10:26:56 AM Senator Brandes Waives Close
10:27:51 AM Roll Call
10:28:06 AM CS/SB852 Passes Favorably
10:28:15 AM Tab 3 SB1104-Vehicle Registration, Introduced by Chairman Gainer
10:28:27 AM Senator Brandes Explains SB1104
10:28:52 AM Amendment Barcode #905658 Explained by Senator Brandes
10:29:44 AM Question from Senator Hukill
10:30:01 AM Back and Forth Between Senator Hukill and Senator Brandes
10:30:51 AM Amendment to Amendment Barcode #331456 Explained by Senator Brandes
10:31:59 AM Senator Brandes Waives Close on Amendment Barcode #331456

10:32:17 AM Amendment Barcode #331456 Adopted
10:32:26 AM Amendment to Amendment Barcode #621258 Explained by Senator Brandes
10:32:53 AM Question from Senator Rader
10:33:04 AM Response from Senator Brandes
10:33:22 AM Amendment Barcode #621258 Withdrawn
10:33:36 AM Amendment to Amendment Barcode #867304 Explained by Senator Brandes
10:34:28 AM Question from Chairman Gainer
10:34:33 AM Back and forth Between Chairman Gainer and Senator Brandes
10:35:19 AM Question from Senator Hukill
10:35:30 AM Response from Senator Brandes
10:36:04 AM Senator Brandes Waives Close on Amendment Barcode #867304
10:36:21 AM Amendment Barcode #867304 Adopted
10:36:31 AM Senator Brandes Explains Amendment to Amendment Barcode #562916
10:37:22 AM Question From Senator Hukill
10:37:34 AM Senator Brandes Responds
10:38:13 AM Back and Forth Between Senator Hukill and Senator Brandes
10:38:26 AM Question from Chairman Gainer
10:38:44 AM Senator Brandes Responds
10:39:21 AM Senator Brandes Waives Close on Amendment Barcode #562916
10:39:37 AM Amendment Barcode #562916 Adopted
10:40:00 AM Senator Brandes Waives Close on Amendment Barcode #905658
10:40:13 AM Amendment Barcode #905658 Adopted
10:40:31 AM Jeffrey Sharkey rep. Tesla Motors Waives Support
10:41:14 AM Senator Brandes Waives Close
10:41:19 AM Roll Call
10:41:35 AM CS/SB1104 Passes Favorably
10:42:03 AM Tab 7 SB1248-Specialty License Plate/Coastal Conservation Association, Introduced By Senator Rouson
10:42:15 AM Chairman Gainer Explains SB1248
10:43:33 AM Chairman Gainer Waives Close
10:43:36 AM Roll Call
10:43:52 AM SB1248 Passes Favorably
10:44:09 AM Tab 4 SB1270-Penalties and Fees, Introduced by Chairman Gainer
10:44:22 AM Senator Brandes Explains SB1270
10:47:39 AM Sal Nuzzo rep. The James Madison Institute Waives Support
10:47:48 AM Chelsea Murphy rep. Right on Crime Waives Support
10:47:59 AM Karen Rushing rep. Florida Clerks Speaks With Information
10:51:49 AM Question from Senator Rouson
10:52:20 AM Response from Karen Rushing
10:52:37 AM Back and Forth Between Karen Rushing and Senator Rouson
10:53:21 AM Senator Rouson Speaks on SB1270
10:54:02 AM Question from Chairman Gainer
10:54:19 AM Karen Rushing Responds to Chairman Gainer
10:55:01 AM Amy Bisceglia rep. Caompaign For Criminal Justice Reform Waives Support
10:55:11 AM Ingrid Delgato rep. Florida Conference of Catholic Bishops Waives Support
10:55:45 AM Jorge Chamizo rep. Florida Association of Criminal Defense Lawyers Waives Support
10:55:59 AM Question from Senator Hukill
10:56:21 AM Senator Brandes Responds to Senator Hukill
10:58:45 AM Senator Hukill Question
11:00:23 AM Senator Brandes Responds to Senator Hukill
11:02:15 AM Kristina Wiggins rep. Florida Public Defender Association Waives Support
11:02:27 AM Question From Chairman Gainer
11:02:46 AM Back and Forth Between Chairman Gainer and Senator Brandes
11:03:48 AM Senator Hukill Questions Senator Brandes
11:04:15 AM Back and Forth Between Senator Hukill and Senator Brandes
11:06:46 AM Senator Brandes Waives Close
11:06:50 AM Roll Call
11:07:04 AM SB1270 Passes Favorably
11:07:22 AM Tab 1 SB770-Transportation Disadvantaged, Introduced By Chairman Gainer
11:07:30 AM Senator Garcia Explains SB770
11:09:42 AM Becky Forsell rep. Herself Speaks in Support
11:14:48 AM Senator Garcia Closes on SB770
11:15:53 AM Roll Call

11:16:06 AM SB770 Passes Favorably

11:16:23 AM Lindsey Matthews rep. Junior League of Panama City Waives in Support of SB1248

11:16:46 AM Meeting Adjourned