

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Latvala, Chair
Senator Evers, Vice Chair

MEETING DATE: Wednesday, November 16, 2011
TIME: 8:30 —11:30 a.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Latvala, Chair; Senator Evers, Vice Chair; Senators Benacquisto, Bullard, Garcia, Gibson, Joyner, Norman, Storms, and Wise

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 244 Bennett (Identical H 159)	Motor Vehicles; Cites this act as the "Highway Safety Act;" providing legislative intent relating to road rage and aggressive careless driving; requiring an operator of a motor vehicle to yield the left lane when being overtaken on a multilane highway; revising the number of specified acts necessary to qualify as an aggressive careless driver; providing specified punishments for aggressive careless driving, including imposition of an increased fine; providing that a second or subsequent infraction as an aggressive careless driver requires attendance at a mandatory hearing; requiring the Department of Highway Safety and Motor Vehicles to provide information about the Highway Safety Act in driver's license educational materials, etc. TR 11/01/2011 Temporarily Postponed TR 11/16/2011 Fav/CS BC	Fav/CS Yeas 8 Nays 0
2	SB 474 Norman (Identical H 161)	Driving Without a Valid Driver License; Providing an additional fine for a violation of specified provisions relating to driving with a canceled, suspended, or revoked driver license or driving privilege; providing increased fine amounts for second or subsequent violations; providing for distribution of such fines collected; revising penalties for knowingly driving while the driver license or driving privilege is canceled, suspended, or revoked; revising procedures for impoundment or immobilization of the vehicle, etc. TR 11/16/2011 Temporarily Postponed BC	Temporarily Postponed
3	SB 476 Norman (Identical H 391)	Sale of Motor Fuel; Requiring retail service stations that charge different prices for cash sales and credit sales of motor fuel to display the respective price for each type of sale, etc. TR 11/16/2011 Fav/1 Amendment CM	Fav/1 Amendment (122620) Yeas 6 Nays 3

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Wednesday, November 16, 2011, 8:30 —11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 528 Bennett (Compare S 922)	Combat Infantry Badge License Plates; Providing for the issuance of a Combat Infantry Badge license plate; providing qualifications and requirements for the plate; providing for the use of proceeds from the sale of the plate, etc. TR 11/16/2011 Favorable	Favorable Yeas 8 Nays 0
5	Presentation by the Florida Commission for the Transportation Disadvantaged		Presented
6	Presentation by Metropolitan Planning Organization Advisory Council		Not Considered

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Florida Transportation Commission			
7	Ferre, Maurice A. (Miami)	09/30/2014	Recommend Confirm Yeas 9 Nays 0
Tampa-Hillsborough County Expressway Authority			
8	Diacio, Stephen C. (Tampa)	07/01/2014	Recommend Confirm Yeas 9 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other related meeting documents		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: CS/SB 244

INTRODUCER: Transportation Committee and Senator Bennett

SUBJECT: Motor Vehicles

DATE: November 16, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Buford	TR	Fav/CS
2.			BC	
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill, known as the “Highway Safety Act,” declares the Legislature’s finding that road rage and aggressive driving are a growing threat to the public’s health, safety, and welfare and the Legislature’s intent to reduce road rage and aggressive careless driving, minimize crashes, and promote the orderly free flow of traffic in Florida.

The bill:

- Directs the Department of Highway Safety and Motor Vehicles (DHSMV) to provide information about this act in driver’s license educational materials;
- Prohibits a driver from continuing to operate a vehicle in the left lane of a multi-lane highway when the driver knows, or should reasonably know, he or she is being overtaken (and establishes exceptions to this prohibition);
- Increases from two or more to three or more, the number of driving infractions committed simultaneously in order to qualify as aggressive careless driving;
- Includes the failure to yield to overtaking vehicles to the infractions considered acts of aggressive careless driving;
- Establishes penalties for aggressive careless driving; and

- Provides for the distribution of money received from increased fines associated with penalties, including financial support of trauma centers and emergency medical services organizations throughout Florida.

The effective date of the act is October 1, 2012.

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.083, 316.1923, 318.121, 318.18, and 318.19.

The bill creates two undesignated sections of Florida Law.

Section 316.650, F.S, is reenacted for the purpose of incorporating amendments made by this act.

II. Present Situation:

Road Rage and Aggressive Driving

According to the National Highway Traffic Safety Administration (NHTSA), “aggressive driving” comprises following too closely, driving at excessive speeds, weaving through traffic, running stoplights and signs, and other forms of negligent or inconsiderate driving.¹

Occasionally, aggressive driving transforms into confrontation, physical assault, and even murder. A study on road deaths and injuries shows that:

road death and injury rates are the result, to a considerable extent, of the expression of aggressive behavior. . . Those societies with the greatest amount of violence and aggression in their structure will show this by externalizing some of this violence in the form of dangerous and aggressive driving. . .²

“Road Rage” is the label that has emerged to describe the angry and violent behaviors at the extreme of the aggressive driving continuum. A literature review commissioned by the American Automobile Association (AAA) Foundation for Traffic Safety defines road rage as:

an incident in which an angry or impatient motorist or passenger intentionally injures or kills another motorist, passenger, or pedestrian, or attempts or threatens to injure or kill another motorist, passenger, or pedestrian.³

The willful intent to injure other individuals or to cause damage, although directed at a specific target, presents an immediate danger to all in the vicinity of those engaged in acts of road rage. There are numerous accounts in which road rage incidents inadvertently involve drivers or pedestrians not targeted in the incident.

¹National Highway Traffic Safety Administration, *Aggressive Driving Enforcement: Evaluations of Two Demonstration Programs* (Mar. 2004) (DOT HS 809 707), available at: <http://www.nhtsa.dot.gov/people/injury/research/AggDrivingEnf/images/AggresDrvngEnforce-5.0.pdf> (last visited October 18, 2011).

²Whitlock, F.A., *Death on the Road: A Study in Social Violence*. London (Tavistock Publications 1971).

³Daniel B. Rathbone and Jorg C. Huckabee, AAA Foundation for Traffic Safety, *Controlling Road Rage: A Literature Review and Pilot Study* (June 1999), available at: <http://www.aaafoundation.org/resources/index.cfm?button=roadrage> (last visited October 18, 2011).

Aggressive driving maneuvers, such as tailgating and speeding, can also be seen as the result of the driving environment, and they are also connected with the issue of congestion.⁴ Studies show most incidents happen between the hours of four and six o'clock in the evening, times in which traffic congestion is more than likely a factor or the primary cause of an accident. In addition, there is strong evidence correlating the number of lane change maneuvers to accidents, and speed to accidents. Some researchers have theorized the root cause of these aggressive behaviors is passive-aggressive driving, i.e., the failure to move to the right from a left lane of a multi-lane highway when being overtaken by faster traffic. The theory contends that because slower moving traffic often refuses to yield to vehicles wishing to pass, those faster moving vehicles resort to aggressive driving such as "bobbing and weaving" from lane to lane.

On most roads, drivers are made relatively equal by the prescribed limits of the law regardless of individual differences in capability and status. The vast majority of cars are fully capable of exceeding 70 mph, yet all cars are directed by law to adhere to the same upper and lower limits. Drivers must adhere to the limitations placed on their speed and movement, prescribed directly (by speed limits, or variations in the number of lanes available) and indirectly (by congestion). For this reason, it is easier for the driver to ascribe frustration at being impeded by an ambiguous source, especially if there is no logical reason for the obstruction (to the impeded driver).⁵ This is an example of the possible escalating frustration, which may transform from driving aggressively into an instance of road rage.

Current Florida law in relation to "driving on right side of roadway" requires vehicles moving at a lesser rate of speed to drive in the right hand lane as soon as it is reasonable to proceed into that lane. Exceptions and exemptions include: when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.⁶ Violations of this law are noncriminal offenses. However, enforcement of these provisions has been minimal.

Aggressive driving is considered a traffic violation, while road rage results in criminal offense(s). Currently nine states have laws pertaining to aggressive driving as described above (including Florida). Most, if not all acts under the umbrella of what is considered road rage, are labeled criminal offenses with applicable punishments. Road rage, if not accompanied by some other type of violation, is not considered a punishable crime in any existing statute. Some crimes considered to be an act of road rage if carried out while driving include: *Criminal Damage; Using Threatening, Abusive, or Insulting Words or Behavior* (thereby causing fear or provocation); *Wounding with Intent; Common Assault; Assault with a Deadly Weapon; Murder; Manslaughter; and Vehicular Homicide.*

⁴Dominic Connell and Matthew Joint, *Driver Aggression*, Road Safety Unit Group Public Policy (November 1996), available at: <http://www.aaafoundation.org/resources/index.cfm?button=agdrtext#Driver%20Aggression> (last visited October 18, 2011).

⁵ *Id.*

⁶ Section 316.081(1), (2), and (3), F.S.

Florida Aggressive Driving Laws

Section 316.1923, F.S., describes, “aggressive careless driving” as committing two or more of the following acts simultaneously or in succession:

- Exceeding the posted speed as defined in s. 322.27(3)(d)5.b., F.S.;
- Unsafely or improperly changing lanes as defined in s. 316.085, F.S.;
- Following another vehicle too closely as defined in s. 316.0895(1), F.S.;
- Failing to yield the right-of-way as defined in ss. 316.079, 316.0815, or 316.123, F.S.;
- Improperly passing as defined in ss. 316.083, 316.084, or 316.085, F.S.; or
- Violating traffic control and signal devices as defined in ss. 316.074 and 316.075, F.S.

These violations carry separate penalties for each offense. Section 316.1923, F.S., does not, however, provide for any penalties to be administered for the act of aggressive driving itself. Law enforcement officers, by law are to check off a box, which is included on a ticket or an accident report form, when the officer believes the traffic violation or crash was due to aggressive careless driving. This information is recorded and used by DHSMV.

Current law provides that drivers overtaking other drivers must use the proper signal, and those being overtaken must yield the right of way to the overtaking vehicle. In addition, vehicles being overtaken may not increase speed until the attempted pass is complete or it is reasonably safe to do so.⁷ Some of the infractions may require a mandatory court hearing.⁸

Trauma Centers, Emergency Medical Services/Funding from Traffic Violations

Trauma centers are governed by ch. 395, part II, F.S. A trauma center is defined as “a type of hospital that provides trauma surgeons, neurosurgeons and other surgical and non-surgical specialists and medical personnel, equipment and facilities for immediate or follow-up treatment for severely injured patients, 24 hours-a-day, 7-days-a-week.”⁹ Florida currently has 22 trauma centers. There are seven Level I Centers, thirteen Level II Centers (four of which are also Pediatric Centers), and two centers specializing solely in pediatrics. “Florida is divided into 19 trauma service areas to facilitate planning for system development.”¹⁰

Trauma centers are defined in s. 395.4001, F.S. as follows:

A Level I trauma center:

- Has formal research and education programs for the enhancement of trauma care; is verified by the department to be in substantial compliance with Level I trauma center and pediatric trauma center standards; and has been approved by the Department of Health (department) to operate as a Level I trauma center.
- Serves as a resource facility to Level II trauma centers, pediatric trauma centers, and general hospitals through shared outreach, education, and quality improvement activities.

⁷ Section 316.083, F.S.

⁸ Section 318.19, F.S.

⁹ The Department of Health, Division of Emergency Medical Operations website, *Office of Trauma*, located at: <<http://www.doh.state.fl.us/demo/trauma/center.htm>> (Last visited on October 18, 2011).

¹⁰ Comm. On Appropriations, Fla. Senate, *Review of Trauma Care Planning and Funding in Florida* (Interim Project Report 2004-108)(Nov. 2003).

- Participates in an inclusive system of trauma care, including providing leadership, system evaluation, and quality improvement activities.

A Level II trauma center:

- Is verified by the department to be in substantial compliance with Level II trauma center standards and has been approved by the department to operate as a Level II trauma center.
- Serves as a resource facility to general hospitals through shared outreach, education, and quality improvement activities.
- Participates in an inclusive system of trauma care.

A Pediatric trauma center is defined as a hospital that is verified by the department to be in substantial compliance with pediatric trauma center standards as established by rule of the department and has been approved by the department to operate as a pediatric trauma center. “Pediatric trauma centers are required to participate in collaborative research and conduct education programs for the enhancement of pediatric trauma care.”¹¹

Emergency Medical Services are defined in s. 401.107, F.S., as the activities or services to prevent or treat a sudden critical illness or injury and to provide emergency medical care and prehospital emergency medical transportation to sick, injured, or otherwise incapacitated persons in this state. “Florida’s trauma system helps to ensure that emergency medical services providers provide pre-hospital care and transport of injured residents and visitors to the nearest trauma center.”¹²

Florida law provides for the distribution of fines from various traffic violations to be deposited into the department’s Administrative Trust Fund and the department’s Emergency Medical Services Trust Fund to support trauma centers and emergency medical services according to various allocation methodologies.¹³

III. Effect of Proposed Changes:

Section 1. Creates the “Highway Safety Act.”

Section 2. Provides findings and expresses the legislative intent of the Highway Safety Act to reduce road rage and aggressive careless driving, reduce the incidence of drivers’ interfering with the movement of traffic, minimize crashes, and promote the orderly, free flow of traffic on the roads and highways of Florida.

Section 3. Amends s. 316.003, F.S., which defines terms used in the “Florida Uniform Traffic Control Law,” by defining the term “road rage” to mean:

The act of a driver or passenger to intentionally or unintentionally, due to a loss of emotional control, injure or kill another driver, passenger, or pedestrian, or to attempt or threaten to injure or kill another driver, passenger, or pedestrian.

¹¹ The Department of Health, Division of Emergency Medical Operations website, *Office of Trauma*, located at: <<http://www.doh.state.fl.us/demo/trauma/center.htm>> (Last visited on October 18, 2011).

¹² *Id.*

¹³ See for example ss. 318.14, 318.18, 318.21, 395.4065, and 401.113, F.S.

Section 4. Amends s. 316.083, F.S., to provide that on roads, streets, or highways having two or more lanes that allow movement in the same direction, a driver may not continue to operate a motor vehicle in the furthestmost left-hand lane if the driver knows, or reasonably should know, that he or she is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed.

The bill provides that this prohibition does not apply to a driver operating a motor vehicle in the furthestmost left-hand lane if:

- The driver is driving the legal speed limit and is not impeding the flow of traffic in the furthestmost left-hand lane;
- The driver is in the process of overtaking a slower motor vehicle in the adjacent right-hand lane for the purpose of passing the slower moving vehicle so that the driver may move to the adjacent right-hand lane;
- Conditions make the flow of traffic substantially the same in all lanes or preclude the driver from moving to the adjacent right-hand lane;
- The driver's movement to the adjacent right-hand lane could endanger the driver or other drivers;
- The driver is directed by a law enforcement officer, road sign, or road crew to remain in the furthestmost left-hand lane; or
- The driver is preparing to make a left turn.

A driver simultaneously violating these provisions and the provisions of s. 316.183, F.S. (relating to Unlawful Speed) shall receive a uniform noncriminal traffic citation for the unlawful speed violation.

Section 5. Amends s. 316.1923, F.S., by adding "failing to yield to overtaking vehicles" to the list of offenses that constitute aggressive careless driving. In addition, the number of acts performed simultaneously, or in succession, constituting aggressive careless driving is increased from two or more to three or more.

The bill provides that any person convicted of aggressive careless driving is to be cited for a moving violation and punished as provided in ch. 318, F.S., and by the accumulation of points as provided in s. 322.27, F.S., for each act of aggressive careless driving. Under s. 322.27(3)(d)7. and 8., F.S., a driver will accumulate 3 points for this moving violation or 4 points if it results in a crash.

Section 6. Amends s. 318.121, F.S. to authorize additional fines for aggressive careless driving provided for in the bill to be included in ch. 318, F.S.

Section 7. Amends s. 318.18, F.S. to include subsection (22), to read:

In addition to any penalties or points imposed under s. 316.9123, F.S., (section 5 of the bill), a person convicted of aggressive careless driving must also pay:

- Upon a first conviction, a fine of \$100.
- Upon a second or subsequent "conviction," a fine of not less than \$250 but not more than \$500 and be subject to a mandatory hearing under s. 318.19, F.S.

The moneys collected from the increased fine are to be remitted by the clerk of court to the Department of Revenue (DOR) for deposit into the department's Emergency Medical Services Trust Fund. The department is required to transfer \$200,000 in the first year and \$50,000 in the second and third years after this bill takes effect into the Highway Safety Operating Trust Fund to offset the cost of providing educational materials related to the act. The remaining funds deposited into the department's Emergency Medical Services Trust Fund under this act, are to be allocated as follows:

- Twenty-five percent is to be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services;
- Twenty-five percent is to be allocated among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as reported in the department's Trauma Registry;
- Twenty-five percent is to be transferred to the Emergency Medical Services Trust Fund and used by the department for making matching grants to emergency medical services organizations as defined in s. 401.107(4), F.S.; and
- Twenty-five percent is to be transferred to the Emergency Medical Services Trust Fund and made available to rural emergency medical services as defined in s. 401.107(5), F.S., and must be used solely to improve and expand prehospital emergency medical services in Florida. Additionally, these moneys may be used for the improvement, expansion, or continuation of services provided.

Section 8. Amends s. 318.19, F.S., to include second or subsequent violations of s. 316.1923(1), F.S., (Aggressive Careless Driving) in the list of infractions requiring a mandatory court hearing.

Section 9. Requires DHSMV to provide information about the Highway Safety Act in all newly printed driver's license educational materials after October 1, 2011.

Section 10. Reenacts s. 316.650, F.S., for the purpose of incorporating the amendments made by this act.

Section 11. Establishes an effective date of October 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

C. Trust Funds Restrictions:

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons convicted of aggressive careless driving are to pay \$100 in addition to all fines associated with each individual violation. Upon a second or subsequent conviction, violators will have to pay a fine of no less than \$250 and no more than \$500 in addition to any other fines associated with each individual violation.

C. Government Sector Impact:

The bill requires that \$200,000 will be transferred to the DHSMV Highway Safety Operating Trust Fund in the first year and \$50,000 for the 2 subsequent years to fund the cost of developing educational materials related to this bill. Additional fine revenue collected will be distributed to the DOH Emergency Medical Services Trust Fund for use by certain trauma centers and emergency medical services organizations, of which the total amount is indeterminate.

VI. Technical Deficiencies:

The bill does not prescribe a funding transfer scenario that would be necessary should less than \$200,000 in fines be collected the first year or less than \$50,000 in years two and three.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Transportation on November 16, 2011.

The bill was amended to have the monies collected by the fine imposed for aggressive careless driving deposited directly into the Emergency Medical Services Trust Fund, rather than into the department's Administrative Trust Fund.

B. Amendments:

None.

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



144632

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
11/17/2011	.	
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The Committee on Transportation (Wise) recommended the following:

Senate Amendment

Delete lines 129 - 157
and insert:

(b) The clerk of the court shall remit the moneys collected from the increased fine imposed by this subsection to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund. Of the funds deposited into the Emergency Medical Services Trust Fund, \$200,000 in the first year after October 1, 2012, and \$50,000 in the second and third years, shall be transferred into the Highway Safety Operating Trust Fund to offset the cost of providing educational materials



144632

13 related to this act. Funds deposited into the Emergency Medical
14 Services Trust Fund under this subsection shall be allocated as
15 follows:

16 1. Twenty-five percent shall be allocated equally among all
17 Level I, Level II, and pediatric trauma centers in recognition
18 of readiness costs for maintaining trauma services.

19 2. Twenty-five percent shall be allocated among Level I,
20 Level II, and pediatric trauma centers based on each center's
21 relative volume of trauma cases as reported in the Department of
22 Health Trauma Registry.

23 3. Twenty-five percent shall be used by the department for
24 making matching grants to emergency medical services
25 organizations as defined in s. 401.107.

26 4. Twenty-five percent shall be made available to rural
27 emergency medical services as defined in s. 401.107, and shall
28 be used solely to improve and expand prehospital emergency
29 medical services in this state. Additionally, these moneys may
30 be used for the improvement, expansion, or continuation of
31 services provided.

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 Transportation Committee

BILL: SB 474

INTRODUCER: Senator Norman

SUBJECT: Driving Without a Valid Driver License

DATE: November 14, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Buford	TR	Pre-meeting
2.	_____	_____	BC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill removes criminal penalties for knowingly driving with a suspended, revoked, or canceled license. However, the bill provides any person whose driver's license or driving privilege has been canceled, suspended, or revoked as provided by law, except a habitual traffic offender, who, knowing of the cancellation, suspension, or revocation, drives any motor vehicle upon the highways of this state while the license or privilege is canceled, suspended, or revoked commits a moving violation, punishable as provided in ch. 318, F.S., and the motor vehicle being driven at the time of the offense must be immediately immobilized or impounded.

The bill provides a person who knowingly drives any motor vehicle upon the highways while the person's license or privilege to drive is canceled, suspended, or revoked in violation of s. 322.34(2), F.S., in addition to the fine under s. 318.18(3)(a), F.S., must pay:

- For a first offense, \$100 before release of the vehicle from immobilization or impoundment;
- For a second offense, \$500 before release of the vehicle from immobilization or impoundment; or
- For a third or subsequent offense, \$1,000 before release of the vehicle from immobilization or impoundment.

In addition, the bill provides for the distribution of fines collected and the apportionment between the municipality, the county, and the agency or entity towing and storing the vehicle.

This bill amends ss. 318.18, 318.21, and 322.34 of the Florida Statutes.

II. Present Situation:

Section 318.18, F.S., specifies civil penalties for various violations.

Section 318.21, F.S., provides for the disposition of civil penalties by county courts.

Section 322.34(2), F.S., provides criminal penalties for knowingly driving with a suspended, revoked, or canceled license. Any person whose driver's license or driving privilege has been suspended, revoked, or canceled (except a habitual traffic offender) who drives with knowledge of such suspension, revocation, or cancellation, commits a second degree misdemeanor on the first conviction (up to 30 days in jail and a \$500 fine); a first degree misdemeanor on the second conviction (up to 60 days in jail and a \$1,000 fine); and a third degree felony on the third or subsequent conviction (up to five years in prison and a \$5,000 fine). (Subsection (1) of this section provides it is a moving violation if a person does not have knowledge of the suspension and drives with a suspended, revoked, or canceled license.)

The element of knowledge is satisfied if the person has been previously cited for driving with a suspended, revoked, or canceled license; or the person admits to knowledge of the cancellation, suspension, or revocation; or the person received notice as provided in s. 322.34(4), F.S. There shall be a rebuttable presumption that the knowledge requirement is satisfied if a judgment or order as provided in s. 322.34(4), F.S., appears in the Department of Highway Safety and Motor Vehicles' (DHSMV or department) records for any case except for one involving a suspension by the department for failure to pay a traffic fine or for a financial responsibility violation.

A habitual traffic offender who drives with a suspended, revoked, or canceled license commits a third degree felony under s. 322.34(5), F.S. One way to become a habitual traffic offender is to drive with a suspended or revoked license three times within five years under s. 322.264(1)(d), F.S. Prior to 2008, there was no distinction under either of these statutes regarding what underlying violation was committed to qualify a person for a driving with a suspended license conviction. For instance, underlying violations can be for failing to pay child support, failing to pay court fines or fees, or failing to comply with a court order. However, during the 2008 Session, the Legislature passed CS/SB 1988 which subjects a person convicted of knowingly driving while his or her license is suspended, revoked, or cancelled for underlying violations as enumerated below, to a second degree misdemeanor penalty for the first conviction and a first degree misdemeanor penalty for the second or subsequent conviction.

Specifically, s. 322.34(10), F.S., provides the underlying enumerated violations (allowing a driver to be subject to a first degree misdemeanor penalty rather than the third degree felony penalty for a third or subsequent conviction) are as follows:

- Failing to pay child support under s. 322.245 or s. 61.13016, F.S.;
- Failing to pay any other financial obligation under s. 322.245, F.S., (other than those specified criminal offenses in s. 322.245(1), F.S.);
- Failing to comply with a required civil penalty (paying traffic tickets and fees) under s. 318.15, F.S.;
- Failing to maintain required vehicular financial responsibility under ch. 324, F.S.;
- Failing to comply with attendance or other requirements for minors under s. 322.091, F.S.; or

- Having been designated a habitual traffic offender under s. 322.264(1)(d), F.S., (driving with a suspended license three times in five years) as a result of license suspensions for any of the underlying violations listed above.

The first degree misdemeanor penalty is only available to drivers who do not have a prior forcible felony conviction.

Section 322.34(11), F.S., provides a person who does not hold a commercial driver license and who is cited for an offense of knowingly driving while his or her license is suspended, revoked, or canceled and the underlying suspension, revocation, or cancellation is non-driving related may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau. In addition, this section allows adjudication to be withheld; however, a person may not make an election if an election has been made in the 12 months preceding an election, and a person may not make more than three elections. If adjudication is withheld, such action is not considered a conviction.

Section 322.34(8), F.S., requires law enforcement, upon the arrest of a person for the offense of driving while the person's driver's license or driving privilege is suspended or revoked, to impound or immobilize the vehicle of violators when the arresting officer determines the affirmative of all of the following criteria:

- Whether the person's driver's license is suspended or revoked;
- Whether the person's driver's license has remained suspended or revoked since a conviction for the offense of driving with a suspended or revoked license;
- Whether the suspension or revocation was made because of failure to maintain required security, or because the person is a habitual traffic offender; and
- Whether the driver is the registered owner or co-owner of the vehicle.

III. Effect of Proposed Changes:

The following is a section-by-section analysis of the bill:

Section 1 creates s. 318.18(22), F.S., to provide a person who knowingly drives any motor vehicle upon the highways while the person's license or privilege to drive is canceled, suspended, or revoked in violation of s. 322.34(2), F.S., in addition to the fine under s. 318.18(3)(a), F.S., must pay a civil penalty:

- For a first offense, \$100 before release of the vehicle from immobilization or impoundment;
- For a second offense, \$500 before release of the vehicle from immobilization or impoundment; or
- For a third or subsequent offense, \$1,000 before release of the vehicle from immobilization or impoundment.

Section 2 creates s. 318.21(22), F.S., to provide for the distribution of fines collected pursuant to s. 318.18(22), F.S., and the apportionment between the municipality, the county, and the agency

or entity that towed and stored the vehicle. Specifically for violations committed within a municipality, 40 percent of the moneys collected would go to the municipality, 40 percent to the county and 20 percent to the agency or company that stored the vehicle. For violations committed outside a municipality, 80 percent would be distributed to the county and 20 percent to the agency or company that towed and stored the vehicle.

Section 3 amends s. 322.34(2), F.S., to remove criminal penalties for knowingly driving with a suspended, revoked, or canceled license. However, the bill provides any person whose driver's license or driving privilege has been canceled, suspended, or revoked as provided by law, except a habitual traffic offender, who, knowing of the cancellation, suspension, or revocation, drives any motor vehicle upon the highways of this state while the license or privilege is canceled, suspended, or revoked commits a moving violation, punishable as provided in ch. 318, F.S., and the motor vehicle being driven at the time of the offense must be immediately immobilized or impounded.

The bill makes technical revisions to s. 322.34(5), F.S.

The bill amends s. 322.34(8), F.S., to delete criteria that an arresting officer must determine prior to immediately impounding or immobilizing a vehicle of person arrested for the violation of driving while the person's driver's license or driving privilege is suspended or revoked. The section is amended to require a law enforcement officer to immediately impound or immobilize the vehicle, upon issuing a citation to a person for a violation of s. 322.34(2), F.S., (knowingly driving while the person's driver's license or driving privilege is suspended or revoked). The vehicle must remain impounded or immobilized until payment of the applicable amount required under s. 318.18, F.S., and:

- the person retrieving the vehicle presents to the law enforcement agency proof of a valid driver's license, proof of ownership of the vehicle or written consent by the owner authorizing release to the person, and proof of insurance; or
- the owner presents to the law enforcement agency proof of sale of the vehicle and the buyer presents proof of insurance to the agency.

The bill also amends s. 322.34(10), F.S., relating to financially based driver license suspensions by providing that a person who does not hold a commercial driver's license and is cited for an offense of knowingly driving while his or her license is suspended, revoked, or canceled for any of the underlying failure to pay violations listed in s. 322.34(10)(a), F.S., may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau. In this case, adjudication shall be withheld and the clerk of the court, designated official or authorized operator of a traffic violations bureau shall issue a certificate releasing the vehicle upon payment of the cost of towing and storing the vehicle. A person may not make an election if an election has been made in the 12 months preceding an election, and a person may not make more than three elections in a lifetime. If the court withholds adjudication, this will not go on the driving record, and therefore will not count towards the habitual traffic offender status. The criminal violations previously associated with those offenses that generally relate to financial concerns, not the driver's actual ability to operate a motor vehicle, are deleted.

Section 4 provides an effective date of January 1, 2013.

According to DHSMV, the effect of this bill would be primarily on law enforcement agencies that will now be mandated to immobilize or impound a vehicle in all cases of knowingly driving while license canceled, suspended or revoked, whereas currently that mandate only applies in very limited situations. This will result in a dramatic increase in the number of vehicles impounded or immobilized. In fiscal year 2010-11, there were 187,701 persons charged with knowingly driving while license canceled, suspended or revoked. This bill would require each of the vehicles being driven be impounded or immobilized, regardless of whether the operator is an owner of the vehicle or whether a properly licensed driver can be located to take control of the vehicle.¹

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:

Persons cited for knowingly driving while the person's license or driving privilege is canceled, suspended, or revoked commits a moving violation and the bill requires the immediate impoundment or immobilization of the motor vehicle being driven at the time of the offense. Violators will have to pay, in addition to the \$60 fine and court costs associated with the moving violation, a fine of \$100 for a first offense, a fine of \$500 for a second offense, and a fine of \$1,000 for a third or subsequent offense, before the release of the vehicle from immobilization or impoundment.

C. Government Sector Impact:

This bill may generate civil fine revenue for the state, county and local government, but the potential revenue is indeterminate.

¹ Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 474(September 27, 2011)* (on file with the Senate Transportation Committee).

According to DHSMV, the bill will have an indeterminate fiscal impact to the department. The mandatory immobilization or impoundment of the vehicle, as regarded by this bill, will result in an officer waiting for a wrecker instead of resuming normal duties. As stated in the department's bill analysis, the requirement will decrease officer availability for other duties and potentially impact law enforcement statewide. There will also be minimal fiscal impact resulting from programming requirements, but, the cost would be absorbed within existing resources.²

VI. Technical Deficiencies:

None.

VII. Related Issues:

The department estimates impounding a vehicle will add 30 minutes to each traffic stop due to waiting for a wrecker to arrive. Therefore, based on 2010 citations (187,701) law enforcement statewide would spend over 100,000 hours of duty time implementing this aspect of the bill resulting in a comparable decrease in officer availability for other types of calls.³

Law enforcement agencies will also be required to have a person available to review the documents required to be presented to have the vehicle released. In the case of the Florida Highway Patrol (FHP), persons presenting such documents would be required in some cases to travel to the nearest FHP facilities, which could be several counties away or the FHP would have to make available a trooper to meet the vehicle owners.⁴

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial 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.

² *Id.*

³ *Id.*

⁴ *Id.*

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 Transportation Committee

BILL: SB 476

INTRODUCER: Senator Norman

SUBJECT: Sale of Motor Fuel

DATE: November 8, 2011 REVISED: 11/16/11

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	Buford	TR	Fav/1 amendment
2.			CM	
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input checked="" type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill requires retail service stations that charge a different price for cash and credit purchases of motor fuels to display the respective price for each type of sale on all signage.

This bill substantially amends section 526.121, Florida Statutes.

II. Present Situation:

Section 526.121, Florida Statutes, regulates the posting of prices for gasoline in Florida. Subsection (1) prohibits retail service stations from charging a different price for the same grade of gasoline dispensed from different pumps when supplied from a common storage. Subsection (2) provides an exception to subsection (1) and allows a price differential between a cash sale and a credit sale of the same grade of gasoline. Subsection (2) also provides an exception for price differences between self-service and attendant-controlled pumps.

Current Gas Station Signage Requirements

The Federal Trade Commission has promulgated rules requiring retailers to post automotive fuel ratings on fuel dispensers, but no federal regulations cover retail service station signage requirements.¹ Similarly, Florida does not have a state signage requirement for gas stations.² Instead, the Florida Statutes provide that “[l]ocal land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan and shall . . . [r]egulate signage.”³ For example, a city or county, through its ordinance, may mandate the posting of signs with gasoline prices by retail gasoline stations.⁴

Cash versus Credit Pricing for Gasoline

The Cash Discount Act⁵ of 1981 gives merchants the ability to offer a discount to induce cardholders to pay by cash, check or similar means.⁶ Extending credit for gasoline existed for 60 years as a free service prior to the passage of the Cash Discount Act. In 1982, two major oil companies dropped their credit card programs and many other companies followed. As a result, two-tiered pricing models with “discount-for-cash” programs came into existence. This major departure from the old practice of free extensions of credit resulted in charging credit users a few extra cents per gallon.⁷

Similarly, in Florida in the early 1980’s, Sing Oil Company instituted a cash for discount program, whereby a consumer paid a lower price for gasoline if he or she paid cash. This was challenged by the Florida Department of Agriculture and Consumer Services (DACS). The Second Judicial Circuit decided that s. 526.121, Florida Statutes, was intended to stop misleading pricing and Sing’s posting of a different price was not misleading, but instead only the “granting of a discount.”⁸

Current section 501.0117, Florida Statutes, provides analogous provisions to the Cash Discount Act. In spirit with the original provisions of the Cash Discount Act, this statute allows discounts for the purpose of inducing payments by cash, check or similar means, but prohibits surcharges for using credit cards in lieu of payments via cash, check or similar means. Today, cash discounts are rare outside the retail gasoline industry context.⁹

¹ 16 CFR § 306.10 (2011).

² Despite the no signage requirement, when displaying the retail price of gasoline, Florida law does direct retail stations to maintain certain numeral requirements and include taxes in the advertised price. § 526.111(1) Fla. Stat. (2011).

³ § 163.3202(2)(a) Fla. Stat. (2011)

⁴ See e.g., City of Orlando Ordinance § 43.89 (2011) (requiring gas stations to display the prices of gasoline sold to protect consumers from unfair and deceptive practices. Judge Rodriguez of the Ninth Judicial Circuit of Florida recently upheld this requirement.); Mark Schlueb, *Infamous gas stations put up signs but still face hefty fines* (Orlando Sentinel, October 20, 2011) available at http://articles.orlandosentinel.com/2011-10-20/news/os-airport-gas-stations-20111020_1_suncoast-energys-sun-gas-face-hefty-fines; see also, Code of Metropolitan Dade County, Florida, § 8A-4 available at <http://library.municode.com/index.aspx?nomobile=1&clientid=10620>

⁵ Cash Discount Act, Pub. L. No. 97-25, 95 Stat. 144 (1981), codified at 15 U.S.C. §§1602, 1666f(a) (2000).

⁶ Adam J. Levitin, *Priceless? The Economic Costs of Credit Card Merchant Restraints*, 55 UCLA L. Rev. 1321, 1350 (2008); For more information on Congress’s intention in creating this act, see Senate Report NO. 97-23, S. Rep. 97-23, 2, 1981 U.S.C.C.A.N. 74, 75, 1981 WL 21364, 1.

⁷ John M. Barron, Michael E. Staten & John Umbeck, *Discounts for Cash in Retail Gasoline Marketing*, Credit Research Center, Krannert Graduate School of Management of Purdue University (September 1991).

⁸ Florida House of Representatives Committee on Commerce, *Post 1982 Legislative Session Summary and Explanation of Senate Bill 477* (March 19, 1982) (on file with the Senate Transportation Committee).

⁹ Levitin, *supra* note 6.

III. Effect of Proposed Changes:

The bill requires all signage showing gasoline and motor fuel prices to display the different prices for a cash sale and a credit sale if a retail station charges different prices for each type of sale.

The bill provides an effective date of July 1, 2012.

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

According to the DACS, this bill may conflict with local ordinances regarding business advertising and signage. In turn, this could affect the ability of retail motor fuel stations to advertise motor fuel products.

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:

According to the DACS, if signage is defined to include the individual motor fuel dispensers, most stations would be required to replace or alter their present motor fuel dispensers to simultaneously display both cash and credit prices for all products. Also, retail service stations may need to adjust the size of their existing signage or reduce the number of products advertised to provide space for additional prices. These costs cannot be estimated as they will vary with the specific situation at each station.¹⁰

C. Government Sector Impact:

The bill may alter the nature of consumer complaints received by DACS. Also, the DACS believes that this bill may conflict with local ordinances regarding business advertising and signage.¹¹

¹⁰ Florida Department of Agriculture and Consumer Services, *SENATE BILL # SB 476 Senator Norman* (October 10, 2011) (on file with the Senate Transportation Committee).

¹¹ *Id.*

VI. Technical Deficiencies:

The bill requires all signage to display the differing gasoline and motor fuel prices, but does not provide a clear definition of what constitutes “signage.”¹²

VII. Related Issues:

None.

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

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

None.

B. Amendments:**Barcode 122620 by Transportation on November 16, 2011.**

The amendment clarifies that the motor fuel price requirement on signage only applies to signage visible from the main-traveled way, as defined in ch. 479, Florida Statutes. Additionally, the amendment ensures that the highest price charged to customers is displayed on these signs.

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

¹² *Id.* Under the regulation of professions and occupations outdoor advertising requirements section of the Florida Statutes, a sign is defined as “any combination of structure and message in the form of an outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, advertising structure, advertisement, logo, symbol, or other form, whether placed individually or on a V-type, back-to-back, side-to-side, stacked, or double-faced display or automatic changeable facing, designed, intended, or used to advertise or inform, any part of the advertising message or informative contents of which is visible from any place on the main-traveled way. The term does not include an official traffic control sign, official marker, or specific information panel erected, caused to be erected, or approved by the department.” §479.01(20) Florida Statutes (2011); The Department of Transportation defines a “completed sign” as “an erected sign structure with attached facing, and a posted message.” Fla. Admin. C. Ann. 14-10.0011(b)(2011). Adopting the latter definition from the Florida Administrative Code will help clarify what structures need to include the cash and credit prices of gasoline.



122620

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
11/17/2011	.	
	.	
	.	
	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete lines 24 - 26
and insert:
sales and credit sales, the highest price must be displayed on all signage displaying gasoline and motor fuel prices visible from the main-traveled way, as defined in ch. 479.

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

And the title is amended as follows:

Delete line 5
and insert:



122620

13

Sales of motor fuel to display the highest price

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 Transportation Committee

BILL: SB 528

INTRODUCER: Senators Bennett and Gaetz

SUBJECT: Combat Infantry Badge License Plates

DATE: November 14, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	Buford	TR	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill creates the “Combat Infantry Badge” Special Use license plate. Such plates may be issued to recipients of the Combat Infantry Badge upon application, accompanied by proof of membership in the Combat Infantryman’s Association, Inc., or other proof of being a recipient of the Combat Infantry Badge, and payment of the vehicle license tax.

This bill substantially amends s. 320.089, F.S.

II. Present Situation:

Motor vehicle license plates; issuance; annual license taxes

The Department of Highway Safety and Motor Vehicles (DHSMV) administers the issuance of motor vehicle license plates as a part of the tag and registration requirements specified in chapter 320, F.S. License plates are issued for a 10-year period and are replaced upon renewal at the end of the 10-year period.¹ The license plate fee for both an original issuance and replacement is \$28.00.² An advance replacement fee of \$2.80 is applied to the annual vehicle registration and is credited towards the next replacement. Section 320.08, F.S., requires the payment of an annual license tax that varies by motor vehicle type and weight; for a standard passenger vehicle weighing between 2,500 and 3,500 pounds, the annual tax is \$30.50.

¹ Section 320.06, F.S.

² An initial issuance requires a fee of \$225, pursuant to s. 320.072, F.S.

Current law provides for several types of license plates. In addition to plates issued for governmental or business purposes, DHSMV offers four basic types of plates to the general public:

- **Standard Plates:** The standard license plate currently comes in three configurations, which include the county name designation, the state motto designation, and the state slogan designation.
- **Specialty License Plates:** Specialty license plates are used to generate revenue for colleges, universities and other civic organizations. Organizations seeking to participate in the specialty plate program are required to make application with DHSMV, pay an application fee, and obtain authority from the Florida Legislature.³ The recipient must pay applicable taxes pursuant to sections 320.08, F.S., and 320.06(1)(b), F.S., and an additional charitable contribution ranging from \$15 to \$25 as provided in section 320.08056(a) – (zzz), F.S., in order to receive a specialty license plate. The creation of new specialty license plates by DHSMV is prohibited until July 1, 2014.⁴
- **Personalized Prestige License Plates:** Personalized license plates are available to motorists who wish to personalize a license plate. Personalized license plates allow motorists to define the alpha numeric design (up to 7 characters) on a standard plate that must be approved by the DHSMV. The cost for a personalized prestige license plate (in addition to the applicable tax in section 320.08, F.S.) is \$15 (\$10 use fee and \$5 processing fee), pursuant to section 320.0805, F.S.
- **Special Use License Plates:** Certain members of the general public may be eligible to apply for special use license plates if they are able to document their eligibility pursuant to various sections of chapter 320, F.S. This category of plates primarily includes special military license plates as well as plates for the handicapped. Examples include the Purple Heart, National Guard, U.S. Armed Forces, Ex-POW, Pearl Harbor, Operation Iraqi Freedom, and Operation Enduring Freedom plates,⁵ Disabled Veteran plates,⁶ and Paralyzed Veterans of America plates.⁷

Annually, the first \$100,000 of revenues from the sales of Special Use plates authorized under s. 320.089, F.S., are deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act. Any additional revenues are deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.

Combat Infantryman Badge

³ See generally s. 320.08053, F.S.

⁴ The moratorium on new specialty license plates is created by s. 45, Chapter 2008-176, Laws of Florida, as amended by s. 21, Chapter 2010-223, Laws of Florida.

⁵ Section 320.089, F.S. Some of these plates require payment of the annual license tax in s. 320.08, F.S., while others are exempt from the tax.

⁶ Section 320.084, F.S. The statute provides that an eligible person may receive one free Disabled Veteran license plate, although other taxes apply.

⁷ Section 320.0845, F.S. This plate requires payment of the annual license tax in s. 320.08, F.S.

The Combat Infantryman Badge is the U.S. Army combat service recognition decoration awarded to soldiers—enlisted men and officers (commissioned and warrant) holding colonel rank or below, who personally fought in active ground combat while an assigned member of either an infantry or a Special Forces unit, of brigade size or smaller, any time after December 6, 1941.⁸ The Combat Infantryman Badge and its non-combat analogue, the infantry skill-recognition Expert Infantryman Badge were simultaneously established by Section I, War Department Circular 269, dated October 27, 1943.⁹ The Combat Infantryman Badge was created during World War II with the primary goal of recognizing the combat service and sacrifices of the infantrymen who would likely be wounded or killed in numbers disproportionate to those of soldiers from the Army's other service branches.¹⁰

Combat Infantryman Badge recipients must have met the following criteria to have been awarded this honor as provided by the Military Awards Army Regulation 600-8-22:

- Be an infantryman satisfactorily performing infantry duties.
- Assigned to an infantry during such time as the unit is engaged in active ground combat.
- Actively participate in such ground combat. Campaign or battle credit alone is not sufficient for the award of the Combat Infantry Badge.

III. Effect of Proposed Changes:

This bill amends s. 320.089, F.S., to create a Special Use plate for the recipients of the Combat Infantry Badge. This bill requires the manufacture and issuance of a special license plate stamped with the words "Combat Infantry Badge" to any recipient of the Combat Infantry Badge, who applies for the special license plate, pays the applicable license taxes provided in s. 320.08, F.S., and provides proof of membership in the Combat Infantrymen's Association, Inc., or other acceptable proof of being a Combat Infantry Badge recipient.

The bill provides an effective date of October 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁸ <http://www.army.mil/symbols/CombatBadges/infantry.html>

⁹ <http://cibassoc.com/history/history-of-the-combat-infantrymans-badge/>

¹⁰ *Id.*

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

None.

B. Private Sector Impact:

Persons who purchase a “Combat Infantry Badge” Special Use license plate created by the bill will be required to pay applicable taxes as provided in s. 320.08, F.S.

C. Government Sector Impact:

According to DHSMV, costs to produce the “Combat Infantry Badge” Special Use plate are minimal and can be absorbed within existing resources. It is unknown how many Florida residents are Combat Infantry Badge recipients and will apply for this license plate. Tax Collectors will have to maintain an adequate inventory of these license plates and issue them to qualified Combat Infantry Badge recipients.

Also, the DHSMV’s Information Systems Administration (ISA) will require approximately 120 hours to implement the provisions of this bill. These hours can be incorporated into ISA’s normal workload.¹¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial 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.

¹¹ Florida Department of Highway Safety and Motor Vehicles, *Senate Bill 528 Analysis* (October 25, 2011) (on file with the Senate Transportation Committee).

Florida Commission for the



**Transportation
Disadvantaged**

Senate Transportation Committee
November 16, 2011



What do all these people have in common?





They are
the faces of the
Transportation
Disadvantaged



Each of us knows someone who could be riding with Florida's Coordinated Transportation System

- ☀ Neighbor
- ☀ Friend
- ☀ Family Member
- ☀ Co-Worker



They could be riding because they are....

 Elderly

 Disabled

 Low Income

 Child



They could need a ride to....



☀ Medical
Services

☀ Work

☀ School

☀ Grocery
Store



TD Riders are



☀ Tax Payers

☀ Voters

☀ Members of our Community

Transportation should not be a reason why they can not be active participants in our economy.

1989 Florida Legislature created the Commission for the Transportation Disadvantaged (Chapter 427, FS)

To accomplish the coordination of
transportation services provided to the
Transportation Disadvantaged through the
Florida Coordinated Transportation
System.

Commission Membership

- ❁ Membership consists of seven members, all of whom are appointed by Governor Scott
- ❁ Five members must have significant experience in the operation of a business
- ❁ Two members must have a disability and use the transportation disadvantaged system
- ❁ One member must be at least 65 years of age
- ❁ Chairman is appointed by the Governor and vice chairman is elected by the Commission membership

David Darm, Chairman

Representing Users with a Disability

-  **Mike Willingham, Vice Chairman**
Representing the Business
Community
-  **Commissioner Walt Schoenig**
Representing the Business
Community
-  **Commissioner Bryan Vaughan**
Representing Users with a Disability

-  **Commissioner Mike Horan**
Representing the Business
Community
-  **Commissioner Jill Houghton**
Representing the Business
Community
-  **Commissioner Charlotte Temple**
Representing the Business
Community

Advisor Membership

- ☼ Department of Transportation
- ☼ Department of Children and Family Services
- ☼ Workforce Innovation
- ☼ Department of Veterans' Affairs
- ☼ Department of Elderly Affairs
- ☼ Agency for Health Care Administration
- ☼ Agency for Persons with Disabilities
- ☼ A County Manager or Administrator

Commission's Responsibilities

 Facilitate Coordination

 Administer Transportation Disadvantaged Trust Fund

 Manage Medicaid Non-Emergency Transportation Services

Facilitate Coordination

- ✿ Establish Coordinated Transportation System
- ✿ Work with Funding Sources (State/Federal/Local) ensuring they purchase trips through the Coordinated Transportation System
- ✿ Identify Transportation Needs and Barriers
- ✿ Develop Policies and Procedures
- ✿ Provide Oversight & Technical Assistance
- ✿ Ensure Competition, Cost-efficiency & Quality
- ✿ Coordinated System (all funding agencies)
 - ✿ Provided nearly 52 Million Trips (FY 10/11)
 - ✿ Served over 800,000 Riders (FY 10/11)

How is Coordinated Transportation Accomplished?



PARTNERSHIPS

Return on Investment

Proven Cost Savings:

- Medical Trips \$1 Invested = \$11.08 Returned*
- Employment Trips \$1 Invested = \$5.71 Returned*
- Education Trips \$1 Invested = \$5.85 Returned*
- Nutrition Trips \$1 Invested = \$12.52 Returned*
- Life-Sustaining/Other Trips \$1 Invested = \$4.62 Returned*

Return On Investment for TD Programs in Florida*

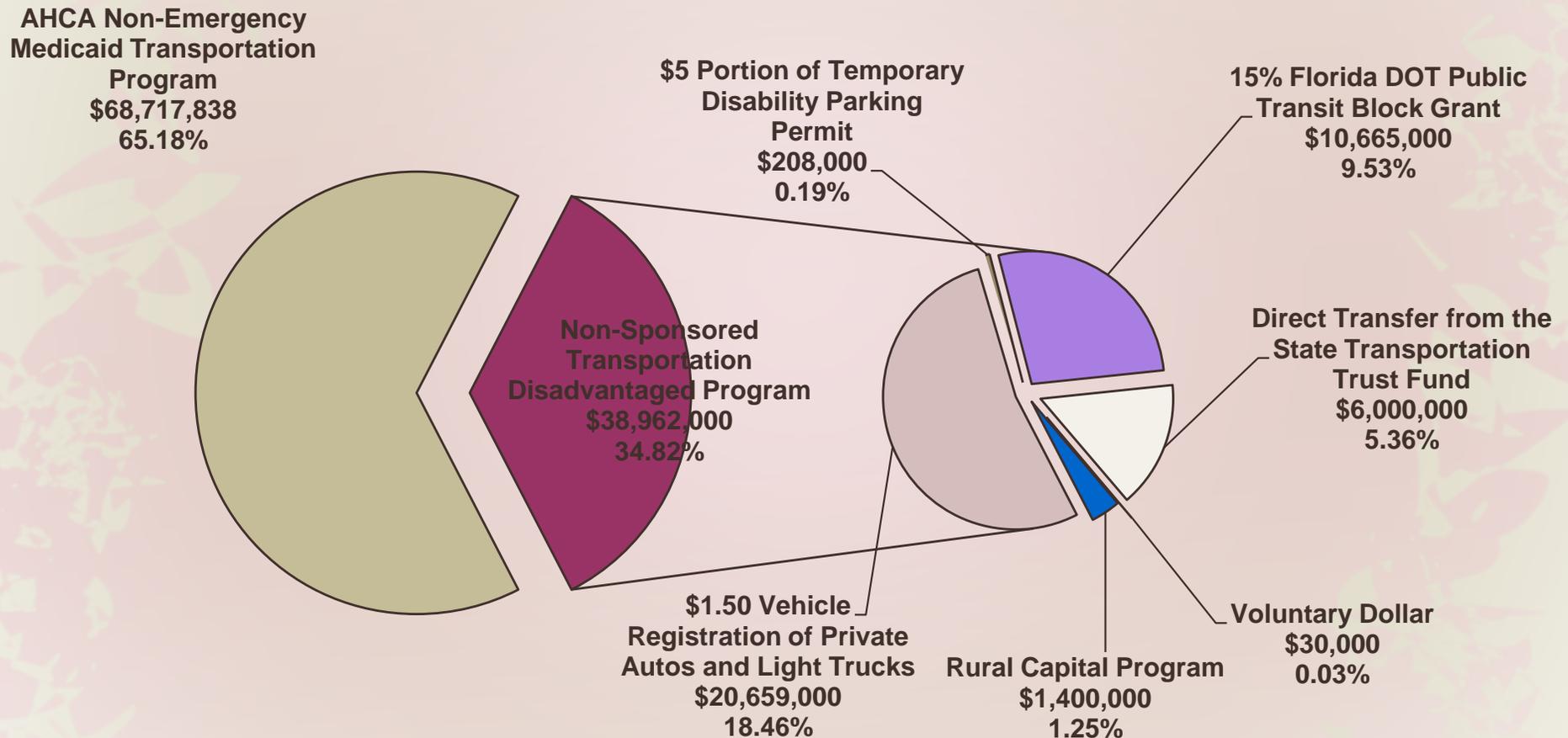


*- "Florida Transportation Disadvantaged Services: Return on Investment Study" -- March 2008 the Marketing Institute -- Florida State University College of Business

Administer Transportation Disadvantaged Trust Fund

- ☼ State Funds
- ☼ Used to Pay for a Portion of a Rider's Transportation Costs which is Not Sponsored By Any Other Agency
- ☼ Distributed through Grants to Community Transportation Coordinators
- ☼ Provided over 8.4 Million trips (FY 10/11)

How Does Florida Fund the TD Trust Fund ?



Manage Medicaid Non-Emergency Transportation Services

- ☼ Contract between Agency for Health Care Administration and Commission
- ☼ Accomplish through Contracts within Coordinated Transportation System
- ☼ Provide Transportation for all Eligible Medicaid Beneficiaries
- ☼ Provide Transportation In and Out of State
- ☼ Provide Oversight and Technical Assistance
- ☼ Provided Over 2.9 Million trips
- ☼ Served over 73,000 riders

Current Activities

-  All Commissioner Positions Filled
-  Completing 2011 Annual Performance Report
-  Approved New Formula for Distribution of Medicaid NET Funding
-  Participating in US Government Accountability Office study on Coordination
-  Participating in Development Disabilities Transportation Task Force
-  U.S. DOT awarded Six Florida Projects over \$7.3 Million for Veterans Transportation
-  Partners with United We Guide Senior Mobility Management Program

Current Activities (cont.)

- ☼ Ensure Smooth Implementation Of Medicaid Reform
- ☼ Completing Five Year Plan
- ☼ Working with FDOT to Update Demand Estimate for Transit Ridership
- ☼ Update Website To Be Informative And User Friendly
- ☼ Re-Establish Relationships and Building New Ones
- ☼ Explore Public/Private Partnerships

Future Growth and Challenges

- ❁ The Demand for Transportation Disadvantaged Services in Florida will continue to grow.
- ❁ By the Year 2020, one in four Floridians will be over the age of 65, half will be 75 or older. The Transportation Disadvantaged Population is estimated to be 11.3 Million
- ❁ In the last five years, 3.75 million trips have been denied due to lack of funding or other reasons.
- ❁ The \$1.50 tag fee has not been increased since 1994.



Future Growth and Challenges

- ☀ Medicaid Reform anticipated to be fully implemented by October 2013.
- ☀ Medicaid Reform will have Impact to Coordinated Transportation System.
- ☀ CTD Currently Conducting Study on Impact of Reform
- ☀ Will Assist Managed Care Organizations and Coordinated Transportation System with Transition.

Thank You!

Karen Somersset

Interim Executive Director

Florida Commission for the

Transportation Disadvantaged

605 Suwannee Street, MS 49

Tallahassee, FL 32399-0450

(850) 410-5700

Karen.Somersset@dot.state.fl.us



Overview of Metropolitan Planning Organizations (MPOs)

Howard Glassman

Executive Director

Florida MPO Advisory Council

Senate Transportation Committee

November 16, 2011



The Interstate Highway Program

- Interstate Highway plans
 - Cities were bypassed
 - Communities divided
 - Local officials and minority populations not represented



- Local government officials sought a voice in transportation decision-making

Origin of the MPO: The Regional Theme

- Need for regional transportation planning recognized by the late 1950s
 - Existing agencies used for regional planning, but no authority
- In the early 1970s, Congress decided a new form of government was needed for regional coordination

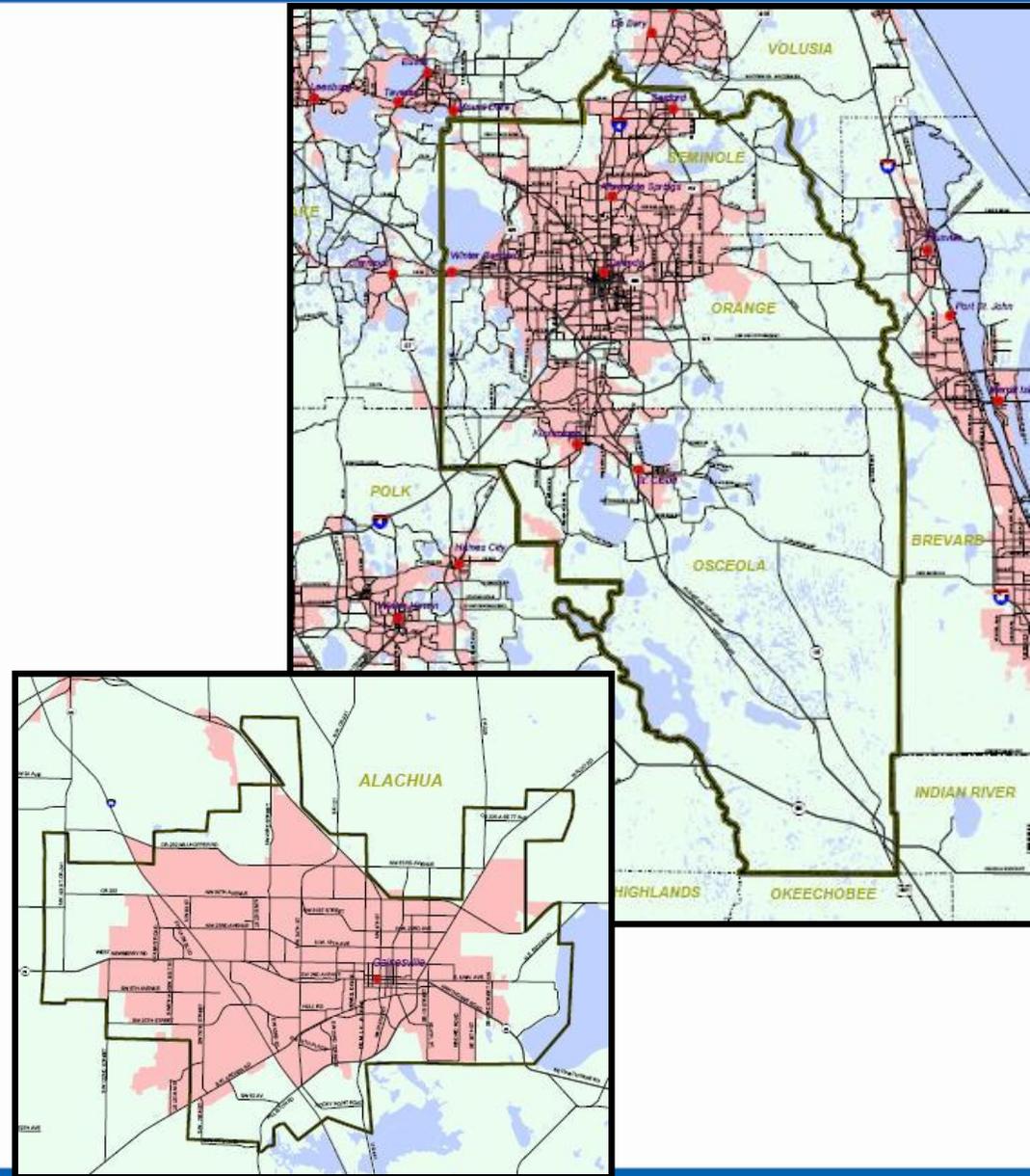


Evolution of MPOs

- 1973 Federal Highway Act
 - mandated MPOs in urban areas of over 50,000 in population
 - required MPOs to approach transportation planning in a multi-modal manner
- 1991 Intermodal Surface Transportation Efficiency Act (ISTEA)
 - expanded MPO role and programs
- 2005 Safe, Accountable, Flexible and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU)
 - currently operating under an extension

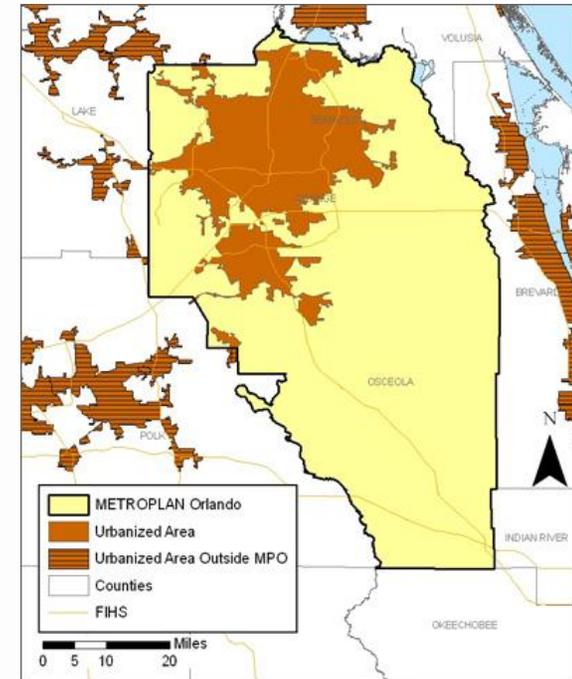
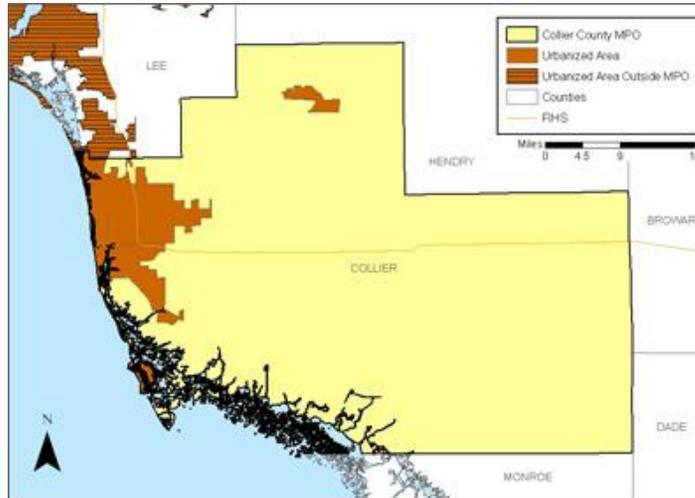
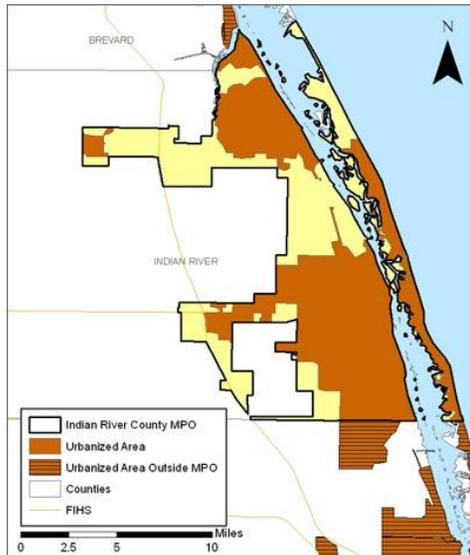
MPO Designation

- Areas with 50,000+ population, must have or be a part of at least one MPO
- All “urbanized areas” must be covered by an MPO process
- MPO boundaries are designated by agreement between Governor and local governments
- Created by interlocal agreement

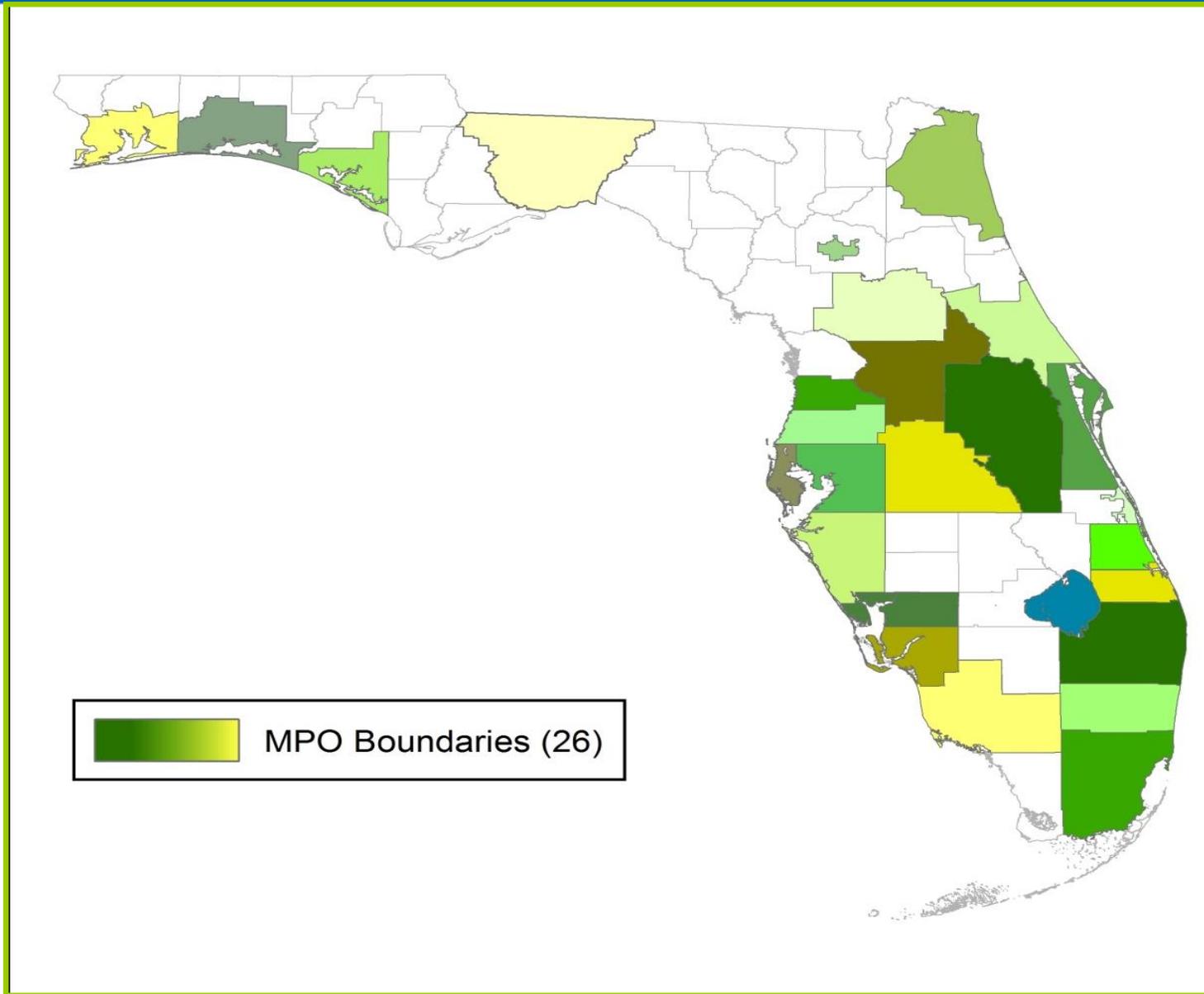


MPO Boundaries in Florida

- Urbanized area only
- Single county
- Multi-county



MPO Areas in Florida



MPO Planning Funds

- Dedicated federal funds
 - PL Funds from FHWA
 - Transit Planning Funds from FTA
 - 1.25% of major core programs
- Funds distributed by formula developed cooperatively by FDOT and MPOs
- Membership dues and Florida Commission for Transportation Disadvantaged



MPO Administrative Structure

- There are a wide variety of MPO organizational structures
- Some MPOs are independent organizations
 - METROPLAN Orlando
 - North Florida TPO
 - Volusia TPO
 - Broward MPO
 - Capital Region TPA
- Most are “hosted” by another agency (county or RPC)

Board Membership – Federal Law

- MPOs are governed by a board
- Membership can include three groups of individuals:
 - Local elected officials
 - “officials of public agencies that administer or operate major modes of transportation in the metropolitan area,” and
 - “appropriate State officials”



Board Membership – Florida Law

- 5 to 19 members
- As a rule, voting members must be “elected officials of general-purpose governments”
- County commissioners must be “not less than one-third of the MPO membership”
- Alternation of municipal representation permitted
- Area public transportation authorities must have voting membership
- Representatives of FDOT serve as nonvoting members
- Other nonvoting advisory members may be appointed to the MPO
- MPOs meeting certain criteria are permitted to develop their own membership structure

MPO Committees

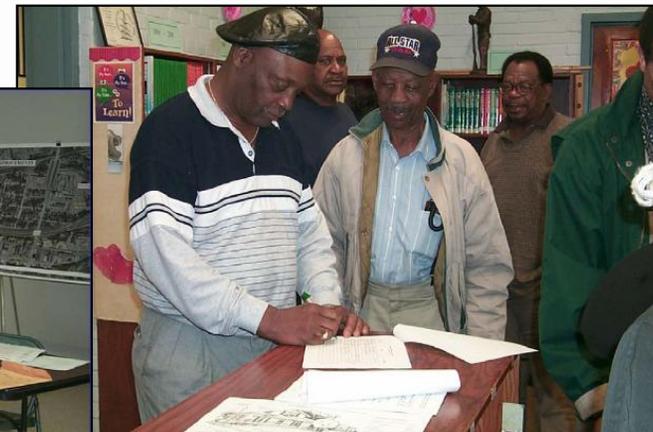
- Advisory committees provide input for the Board to consider:
 - Technical analysis
 - Specialized knowledge
 - Citizen input on specific issues

- Required committees in Florida
 - Technical Committee
 - Citizens Committee

- Examples of other committees
 - Bicycle and pedestrian
 - Transportation Disadvantaged
 - Freight
 - Many more

Role of the Public/Stakeholders

- The public provides an overall community perspective on a wide variety of issues
- Stakeholders provide unique insight on specific issues
 - “Stakeholder” – one who has a share or an interest in something



Overall MPO Responsibilities

- Managing the '3 C' planning process
 - Continuing, Comprehensive, Cooperative
 - Forum for cooperative decision making
- Long Range Transportation Plan (LRTP)
 - Minimum 20 year horizon, updated every 5 years
 - Cost feasible
 - Projects must appear in LRTP for federal funding
- Transportation Improvement Program (TIP)
 - Projects from MPO's LRTP
 - 5 year horizon, updated annually, cost feasible
- Public Participation Plan
- Congestion Management Process
- List of Project Priorities (submitted to FDOT by October 1)

Additional MPO Requirements

- All transportation planning activities and products must take into account:
 - Public input
 - Civil Rights
 - Environmental impacts and preservation
 - Consistency with adopted growth management and economic development plans
 - Other Planning factors



MPO Activities & Accomplishments

- Multi-modal transportation system
- Coordinating transportation and community planning
- Regional transportation planning
 - Regional MPO alliances and interlocal agreements
- Integrating freight, safety and aging road user issues
- Statewide initiatives
 - Florida MPO Advisory Council (MPOAC)
 - MPOAC Institute training program for local elected officials
 - Transportation policy positions
 - Transportation revenue study

Upcoming MPO Challenges

- Federal transportation reauthorization legislation
 - MPO authority and requirement changes
 - MPO threshold changes
 - Performance measurement

- 2010 Census and urbanized areas
 - MPO designation, redesignation and membership apportionment

- MPO planning and project funds

Contact Information

Florida MPO Advisory Council
605 Suwannee Street, MS 28B

Tallahassee, FL 32399

(850) 414-4062 Office

(850) 545-1890 Cell

Howard.Glassman@mpoac.org

www.mpoac.org

2335

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Kurt S. Browning, Secretary of State,
do hereby certify that

Maurice A. Ferre

is duly appointed a member of the

Florida Transportation Commission

for a term beginning on the
Twenty-First day of June, A.D., 2011,
until the Thirtieth day of September, A.D., 2014
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

State of Florida" appears in small letters across the face of this 8 1/2 x 11" document

If photocopied or chemically altered, the word "VOID" will appear.



Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Second day of August, A.D., 2011.

Handwritten signature of Kurt S. Browning in black ink.

Secretary of State

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of MIAMI-DADE

RECEIVED
11 AUG 22 AM 9:52
DIVISION OF ELECTIONS
SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

FLORIDA TRANSPORTATION COMMISSION -
(Title of Office) BOARD MEMBER

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Maurice A. Ferre
Signature

NOTARY PUBLIC-STATE OF FLORIDA
Rita Mauric
Commission #DD721754
Expires: NOV. 22, 2011
BONDED THRU ATLANTIC BONDING CO., INC.

Sworn to and subscribed before me this 18th day of AUGUST, 2011.
Rita Mauric
Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

3900 POINCIANA AVE

Street or Post Office Box

MIAMI 33133 FL

City, State, Zip Code

MAURICE A. FERRE

Print name as you desire commission issued

Maurice A. Ferre
Signature



RICK SCOTT
GOVERNOR

RECEIVED
2011 JUN 28 PM 4:1
DIVISION OF ELECTIONS

June 22, 2011

Mr. Kurt S. Browning, Secretary
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

Please be advised I have made the following appointment under the provisions of Section 20.23, Florida Statutes:

Mr. Maurice A. Ferre
3900 Poinciana Avenue
Miami, Florida 33133

as a member of the Florida Transportation Commission, succeeding Marcos R. Marchena, subject to confirmation by the Senate. This appointment is effective June 21, 2011, for a term ending September 30, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

840

**STATE OF FLORIDA
DEPARTMENT OF STATE**

Division of Elections

I, Kurt S. Browning, Secretary of State,
do hereby certify that

Stephen C. Diaco

is duly appointed a member of the

Tampa-Hillsborough County Expressway Authority

for a term beginning on the
Twenty-First day of June, A.D., 2011,
until the First day of July, A.D., 2014
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital,
this the Twenty-Ninth day of August, A.D., 2011.*



Kurt S. Browning
Secretary of State

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

11 AUG -4 AM 10:38

STATE OF FLORIDA

County of Hillsborough

DIVISION OF ELECTIONS
SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Board member of the Tampa-Hillsborough Expressway
(Title of Office) *Ante.*

on which I am now about to enter, so help me God.

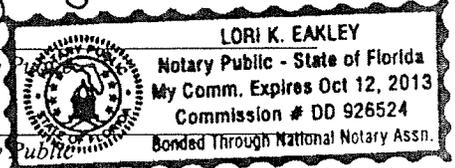
[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 1st day of August, 2011.

[Signature]
Signature of Officer Administering Oath or of Notary Public

Lori K. Eakley
Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

101 E. Kennedy Blvd, Ste 2125
Street or Post Office Box

Tampa, FL 33602
City, State, Zip Code

Stephen C. Diaco
Print name as you desire commission issued

[Signature]
Signature



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE
2011 JUN 28 PM 4:16
DIVISION OF ELECTIONS
TALLAHASSEE, FL

June 21, 2011

Mr. Kurt S. Browning, Secretary
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

Please be advised I have made the following reappointment under the provisions of Section 348.52(2), Florida Statutes:

Mr. Stephen C. Diaco
101 East Kennedy Boulevard
Suite 2175
Tampa, Florida 33602

as a member of the Tampa-Hillsborough County Expressway Authority, subject to confirmation by the Senate. This appointment is effective June 21, 2011 for a term ending July 1, 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

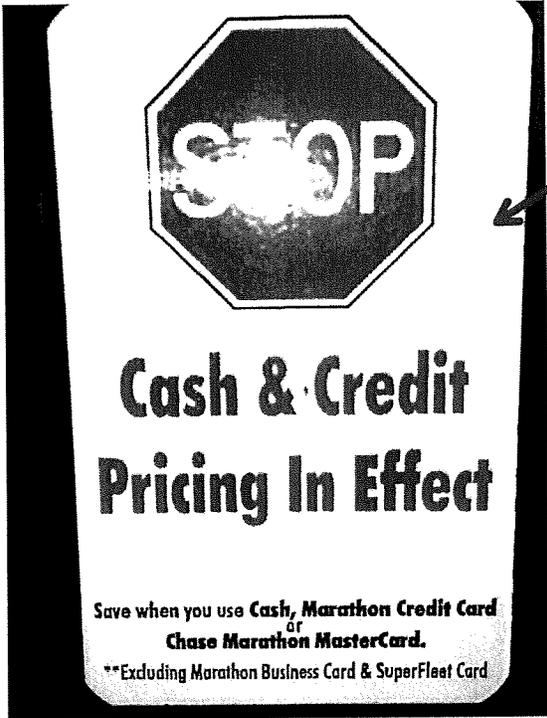
RS/vh

Image controlled by Oil Co.
Franchise image -
City or County control on sq ft
of signage for permit - very
limited on size

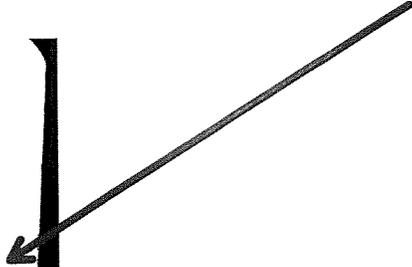


Industry has moved to a
digital format -
very expensive to retro -
fit - appx \$5000-\$10k
per sign

By law - must post
as the cash price with
proper size letters



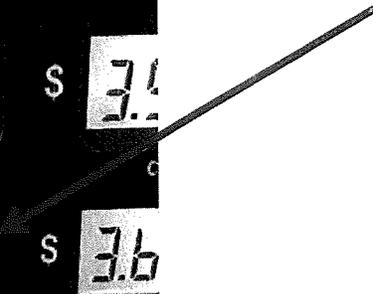
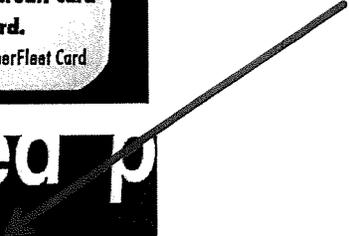
Cash & Credit pricing notice on the pump

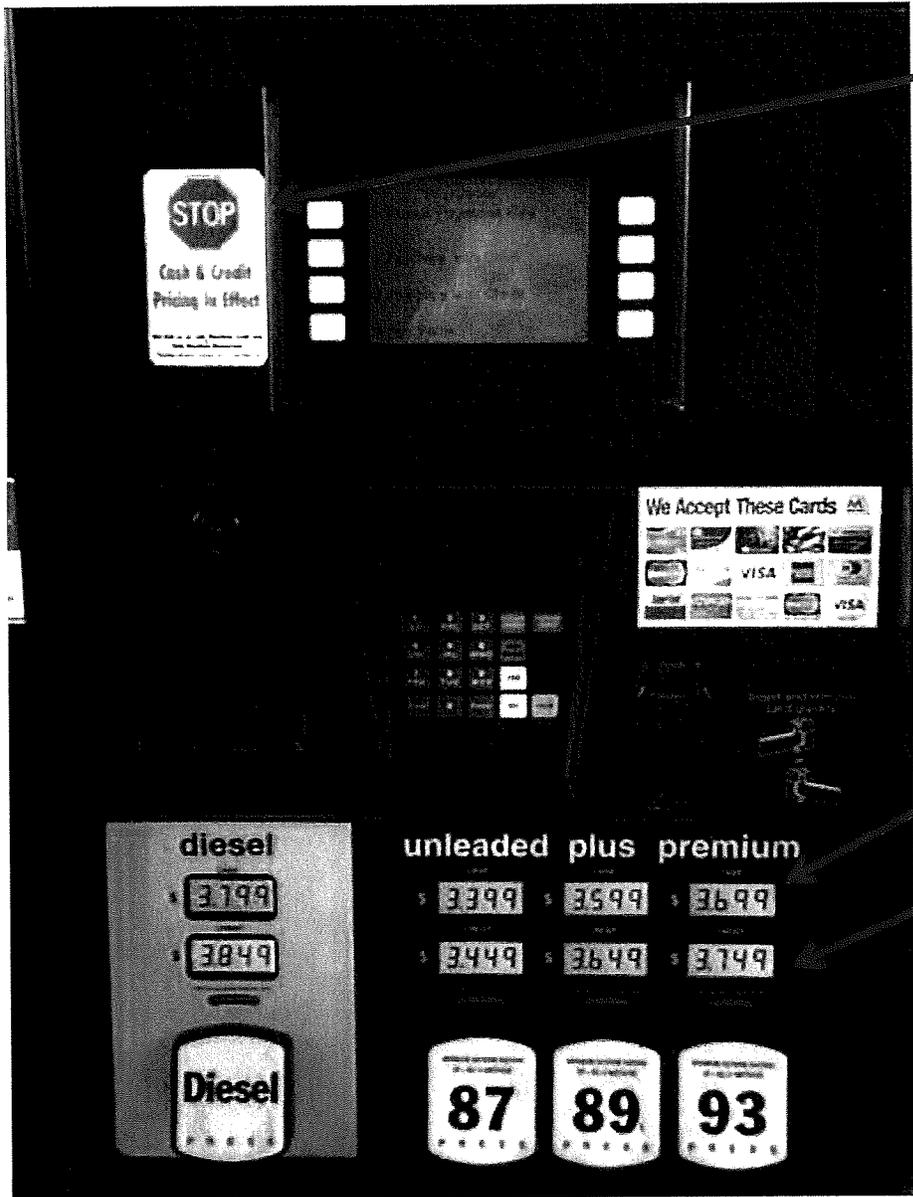


Pump display a cash price window

&

Credit price window





Cash & Credit
Notice on pump

Cash price

Credit Price



**4406 N. Lauber Way
Tampa, FL 33614
813/875-8997, 813/875-0168 fax**

November 15, 2011

Senator Jim Norman
214 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Re: Cash/Credit Pricing

Dear Senator Norman:

I recently became aware of legislation you propose for the introduction of cash/credit street signage at retail fueling locations. I wanted to let you know that I think this is unnecessary and would place an undo burden on marketers throughout the State. In the past years, marketers have had to expend large amounts of capital on mandatory fuel tank upgrades and PCI Compliance upgrades, while experiencing loss of volume, and tighter (lower) margins.

My company, JMP Solutions, Inc., is a distributor for Gilbarco retail fuel dispensers and POS equipment. Gilbarco has a market share in Florida of about 65%. Most dispensers we sell to customers today, and for the past few years, are ordered with dual ppu (price per unit) options. That means the dispensers show both the cash and credit price on the dispenser in separate windows above each grade of fuel. When the transaction is initiated to the POS via credit, debit, or pay cash, the dispenser understands the transaction and displays the appropriate price per gallon as fuel is being pumped. The dispenser is doing the job of the proposed cash/credit street sign.

We actively service close to 1500 locations in Southwest (Ft. Myers/Naples), Central (Metro Orlando), and West Florida (Greater Tampa Bay). We intimately know the obstacles our marketers face day to day just keep a viable business operating. Legislating further expenditures for this class of marketer will result in further negative pressure to operate a profitable business.

Sincerely,


Joey Cheek, President

**12065 Metro Parkway, Suite #200
Ft. Myers, FL 33966
239/768-3535, 239/768-5318 fax**

**2200 NE 36th Avenue, Suite 102
Ocala, FL 34470
352/351-3273, 352/351-3274 fax**



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Children, Families, and Elder Affairs, *Chair*
Budget - Subcommittee on Criminal and Civil Justice
Appropriations
Community Affairs
Military Affairs, Space, and Domestic Security
Reapportionment
Transportation

JOINT COMMITTEE:
Public Counsel Oversight

SENATOR RONDA STORMS

10th District

November 15, 2011

The Honorable Jack Latvala, Chair
Senate Committee on Transportation
405 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Latvala:

Please excuse my absence to the Senate Committee on Transportation meeting tomorrow morning, Wednesday, November 16, 2011. Due to medical necessity, I will not be in attendance.

Thank you in advance for your understanding.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronda Storms".

Ronda Storms
Florida Senate
District 10

RRS/tlp

CC: Rivers H. Buford III, Staff Director

REPLY TO:

- Lithia Oaks Business Center, 421 Lithia Pinecrest Road, Brandon, Florida 33511 (813) 651-2189 FAX: (813) 651-2188
 - 413 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5072
- Internet Address: storms.ronda.web@flsenate.gov

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Community Affairs, *Chair*
Banking and Insurance
Budget - Subcommittee on Criminal and Civil Justice
Appropriations
Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations
Criminal Justice
Military Affairs, Space, and Domestic Security

SENATOR MICHAEL S. "MIKE" BENNETT

President Pro Tempore
21st District

November 16, 2011

The Honorable Jack Latvala
Chair, Transportation Committee
410 Knott Building
404 S. Monroe St.
Tallahassee, FL 32399

Dear Chairman Latvala:

Please be advised that my Chief Legislative Aide, Cheryl Ennis, will be presenting my S244 and S528 at the Transportation Committee, November 16, 2011 at 8:30am as I will be tied up in another committee. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Bennett".

Michael S. "Mike" Bennett

Ec: Buford Rivers, Staff Director
Shirylene Evertt, Administrative Assistant

REPLY TO:

- Wildewood Professional Park, Suite 90, 3653 Cortez Road West, Bradenton, Florida 34210 (941) 727-6349
- 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5078

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

11 / 16 / 2011

Meeting Date

Topic Divers License Bill Number 474
Name BRIAN PITTS Amendment Barcode _____
Job Title TRUSTEE
Address 1119 NEWTON AVENUE SOUTH Phone 727-897-9291
Street
SAINT PETERSBURG FLORIDA 33705
City State Zip
E-mail JUSTICE2JESUS@YAHOO.COM
Speaking: For Against Information
Representing JUSTICE-2-JESUS

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 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/16

Meeting Date

Topic Digs Bill Number 476
Name David Mica Amendment Barcode _____
Job Title Director
Address 215 S. Monroe Phone 561-6300
Street
Tallahassee FL 32301
City State Zip
E-mail _____
Speaking: For Against Information
Representing FLORIDA PETROLEUM 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.



THE FLORIDA SENATE
APPEARANCE RECORD

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

11-14-11

Meeting Date

Topic SAVE OF MOTOR FUEL

Bill Number 476
(if applicable)

Name Frank D. Capitano

Amendment Barcode _____
(if applicable)

Job Title _____

Address 1320 E. 9th Ave

Phone _____

Street Tampa, FL 33605
City State Zip

E-mail _____

Speaking: For Against Information

Representing The Radiant Group

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 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Waive in opposition

11-16-11

Meeting Date

Topic Cash / Credit Gas Signage

Bill Number #476
(if applicable)

Name Charles E. Roberts

Amendment Barcode _____
(if applicable)

Job Title president

Address 2195 UK Bradford Rd

Phone (850) 567-8880

Street Lalaha, Fla 32310
City State Zip

E-mail charlie@eliroberts.com

Speaking: For Against Information

Representing Eli Roberts & Sons, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

*Waive
in opposition*

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

11-16-11
Meeting Date

Topic Sale of Motor Fuel
Name Charles Rooney
Job Title Owner

Bill Number 5B 476
(if applicable)
Amendment Barcode _____
(if applicable)

Address 611 Beard St.
Street
Tallahassee FL 32303
City State Zip

Phone 850-273-1742
E-mail rcaw@emborgmail.com

Speaking: For Against Information

Representing Rainey Cawthon Distributor Inc.

Appearing at request of Chair: Yes No
Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/16/2011
Meeting Date



Topic Fuel
Name BRIAN PITTS
Job Title TRUSTEE

Bill Number 476
(if applicable)
Amendment Barcode _____
(if applicable)

Address 1119 NEWTON AVENUE SOUTH
Street
SAINT PETERSBURG FLORIDA 33705
City State Zip

Phone 727-897-9291
E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

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 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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



11-14-11

Meeting Date

Topic SALE OF MOTOR FUEL

Bill Number 476
(if applicable)

Name MIKE HUEY

Amendment Barcode _____
(if applicable)

Job Title _____

Address 301 S. BRONOUGH ST.

Phone 850-577-9090

TALAHASSEE FL 32301
City State Zip

E-mail MHUEY@GRAY-ROBINSON.COM

Speaking: For Against Information

Representing FLORIDA PETROLEUM MARKETERS & CONVENIENCE STORE 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 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

11/16/2011

Meeting Date

Topic MPO Council

Bill Number Tab 5
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

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 (10/20/11)

CourtSmart Tag Report

Room: LL 37
Caption: Transportation

Case:
Judge:

Type:

Started: 11/16/2011 8:39:18 AM
Ends: 11/16/2011 10:40:00 AM Length: 02:00:43

8:39:20 AM Meeting called to order by Chairman Latvala
8:39:55 AM Roll Call
8:40:17 AM Pledge of Allegiance
8:40:34 AM Comments Chairman Latvala, Senate Bill 244 presented by Cheryl Ennis, Aide to Sen. Bennett
8:41:13 AM Comments from Chairman Latvala
8:41:27 AM Cheryl explains Amendment #144632
8:41:38 AM Comments from Chairman Latvala regarding the Technical Amendment
8:41:56 AM Amendment Adopted
8:42:07 AM Comments from Brian Pitts, Justice-2-Jesus
8:43:19 AM Comments from Senator Bullard
8:43:41 AM Comments from Chairman Latvala
8:43:54 AM Comments from Senator Bullard
8:45:22 AM Comments from Senator Joyner
8:46:38 AM Waived Closure
8:46:52 AM Comments from Chairman, Senator moved to CS
8:47:07 AM Roll Call by Administrative Assistant
8:47:21 AM Comments by the Chair, Bill reported Favorably as a CS
8:47:35 AM Comments from Chairman Latvala regarding Senate Bill 528
8:48:24 AM Chairman Latvala
8:48:27 AM Waived Closure
8:48:33 AM Roll call by AA
8:48:37 AM SB 528 reported Favorably
8:48:48 AM Comments from Chairman regarding moving on to presentations
8:50:01 AM Presentation from Karen Somerset, Interim Executive Director from the FL Commission for the Transportation Dis.
8:52:27 AM Comments from Chairman Latvala
8:52:37 AM Comments from Karen Somerset
8:53:56 AM Question from Senator Gibson
8:54:13 AM Answer from Karen Somerset
8:54:21 AM Question from Senator Bullard
8:54:28 AM Answer from Karen Somerset
8:54:45 AM Follow-up from Senator Bullard
8:55:55 AM Comments from Chairman Latvala
8:56:25 AM Comments from Karen Somerset
8:56:34 AM Question from Chairman Latvala
8:56:41 AM Answer from Karen Somerset
8:56:53 AM Comments from Chairman Latvala
8:57:21 AM Comments from Senator Joyner
8:58:29 AM Comments from Chairman Latvala
8:58:40 AM Continuation of presentation by Karen Somerset
9:03:05 AM Comments from Chairman Latvala
9:03:18 AM Response from Karen Somerset
9:04:07 AM Question from Senator Garcia
9:04:34 AM Answer from Karen Somerset
9:05:03 AM Follow-up comment from Senator Garcia
9:05:23 AM Continuation of presentation from Karen Somerset
9:06:09 AM Question from Chairman Latvala
9:06:17 AM Answer from Karen Somerset
9:07:38 AM Comments from Chairman Latvala
9:07:53 AM Continuation of presentation by Karen Somerset
9:08:45 AM Question from Chairman Latvala
9:08:52 AM Answer from Karen Somerset

9:09:59 AM Question from Senator Bullard
9:10:10 AM Answer from Karen Somerset
9:11:01 AM Follow-up question from Senator Bullard
9:11:18 AM Answer from Karen Somerset
9:12:34 AM Continuation of Presentation by Karen Somerset
9:17:13 AM Comments/question from Chairman Latvala
9:17:40 AM Answer from Karen Somerset
9:18:34 AM Questions from Chairman Latvala
9:18:43 AM Answers from Karen Somerset
9:22:00 AM Answer from Karen Somerset
9:22:08 AM Comments from Chairman Latvala regarding follow-up information
9:22:28 AM Comments from Senator Wise
9:23:17 AM Comments from Karen Somerset
9:23:27 AM Follow-up from Senator Wise
9:23:40 AM Answer from Karen Somerset
9:23:52 AM Comments/question from Chairman Latvala
9:24:25 AM Comments from Chairman Latvala
9:24:29 AM Comments from Senator Wise
9:24:39 AM Comments from Karen Somerset
9:24:55 AM Questions from Senator Gibson
9:25:24 AM Answer from Karen Somerset
9:25:35 AM Follow-up question from Senator Gibson
9:25:52 AM Answer from Karen Somerset
9:26:20 AM Comments from Senator Gibson
9:26:46 AM Comments from Karen Somerset
9:27:11 AM Questions from Senator Gibson
9:27:32 AM Answers from Karen Somerset
9:28:39 AM
9:29:30 AM Comments from Senator Gibson
9:29:44 AM Comments from Chairman Latvala
9:29:54 AM Comments from Senator Latvala regarding Senate Bill 474 will be temporarily passed
9:30:36 AM Question/comments from Senator Benacquisto
9:31:24 AM Comments from Karen Somerset
9:33:10 AM Follow-up from Senator Benacquisto
9:33:29 AM Comments from Karen Somerset
9:33:45 AM Follow-up from Senator Benacquisto
9:33:55 AM Comments from Karen Somerset
9:34:52 AM Comments from Senator Bullard
9:35:47 AM Comments from Chairman Latvala
9:36:27 AM Comments from Senator Garcia
9:36:38 AM Response from Karen Somerset
9:36:52 AM Comments from Chairman Latvala
9:37:05 AM Senator Norman - SB 476
9:39:36 AM Comments from Chairman Latvala regarding Amendment from Senator Evers
9:41:04 AM Comments from David Mica, Director, Florida Petroleum Council
9:45:16 AM Comments from Senator Bullard
9:47:30 AM Comments from David Mica
9:48:59 AM Comments from Chairman Latvala
9:49:19 AM Senator Evers recognized to explain hand written amendment
9:50:10 AM Comments from Chairman Latvala regarding Amendment
9:50:39 AM Senator Gibson regarding debate on the Amendment
9:52:29 AM Comments from Senator Norman
9:53:01 AM Comments from Senator Garcia
9:55:38 AM Comments from Senator Bullard
9:57:41 AM Waived closure on the Amendment
9:57:50 AM Amendment is adopted
9:58:02 AM Comments from Frank Capitano, The Radiant Group, Tampa, FL
10:01:55 AM Comments from Charles Roberts, Eli Roberts & Sons, waived in opposition
10:02:24 AM Comments from Charles Rooney, Rainey Cawthon, waived in opposition
10:02:44 AM Comments from Brian Pitts, Justice-2-Jesus
10:04:40 AM Comments from Mike Huey, Florida Petroleum Marketers in opposition
10:11:15 AM Comments from Chairman Latvala

10:12:18 AM Question from Senator Garcia
10:12:36 AM Comments from Mike Huey
10:13:52 AM Follow-up question from Senator Garcia
10:14:54 AM Comments from Senator Benacquisto
10:16:42 AM Comments from Chairman Latvala
10:16:53 AM Question from Senator Evers
10:17:03 AM Answer from Mike Huey
10:17:13 AM Follow-up from Senator Evers
10:17:44 AM Answer from Mike Huey
10:20:24 AM Follow-up from Senator Evers
10:20:34 AM Comments from Mike Huey
10:21:12 AM Senator Bullard debate on the Bill
10:24:33 AM Comments from Senator Gibson
10:26:00 AM Comments from Senator Wise
10:27:32 AM Comments from Chairman Latvala
10:29:39 AM Comments from Senator Joyner
10:31:42 AM Senator Norman closure on Senate Bill #476
10:34:06 AM Roll call on SB #476
10:34:35 AM SB #476 voted favorably
10:34:52 AM Comments from Chairman Latvala regarding two appointments regarding Maurice Ferre
10:35:33 AM Roll call on confirmation of Mr. Ferre
10:36:06 AM Mr. Ferre nomination is reported favorably
10:36:28 AM Comments from Chairman Latvala regarding confirmation of Stephen Diaco, Tampa-Hillsborough County
10:37:01 AM Senator Norman moves that Mr. Diaco be reported favorably
10:37:17 AM Roll call regarding Mr. Diaco
10:37:30 AM Mr. Diaco is reported favorably per Chairman Diaco
10:37:48 AM Senator Bullard voted favorably on Mr Ferre
10:38:09 AM Comments from Chairman Latvala
10:38:56 AM Comments from Senator Bullard
10:39:36 AM Senator Norman moved for adjournment