

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

**TRANSPORTATION**  
**Senator Latvala, Chair**  
**Senator Evers, Vice Chair**

**MEETING DATE:** Wednesday, December 7, 2011  
**TIME:** 9:30 —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<br>SENATE COMMITTEE ACTIONS   | COMMITTEE ACTION         |
|-----|--|--|--------------------------|
| 1   | <b>SB 474</b><br>Norman<br>(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.<br><br>TR 11/16/2011 Temporarily Postponed<br>TR 12/07/2011 Temporarily Postponed<br>BC | Temporarily Postponed    |
| 2   | <b>SB 122</b><br>Sobel<br>(Compare S 930)    | Driver Improvement Schools and Education Programs for Driver's License Applicants; Requiring the curricula of such programs to include instruction on the risks associated with using a handheld electronic communication device while operating a motor vehicle, etc.<br><br>TR 12/07/2011 Fav/CS<br>ED<br>CU<br>BC   | Fav/CS<br>Yeas 10 Nays 0 |
| 3   | <b>SB 268</b><br>Wise<br>(Similar H 181)     | Sale of Advertising; Cites this act as the "John Anthony Wilson Bicycle Safety Act;" providing for the Department of Environmental Protection to enter into concession agreements for naming rights of state greenway and trail facilities or property or commercial advertising to be displayed on state greenway and trail facilities or property; providing for distribution of proceeds from such concession agreements, etc.<br><br>TR 12/07/2011 Fav/CS<br>CM<br>EP  | Fav/CS<br>Yeas 7 Nays 2  |

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Wednesday, December 7, 2011, 9:30 —11:30 a.m.

| TAB                             | BILL NO. and INTRODUCER  | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS  | COMMITTEE ACTION            |
|---------------------------------|--|--|-----------------------------|
| 4                               | <b>SB 406</b><br>Dean<br>(Similar H 11, S 372, Compare H 235)  | Transportation Facility Designations; Providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers, etc.<br><br>TR 12/07/2011 Fav/CS<br>CA   | Fav/CS<br>Yeas 9 Nays 0     |
| 5                               | <b>SB 416</b><br>Detert<br>(Identical H 299, Compare H 39, H 187)  | Use of Wireless Communications Devices While Driving; Creating the "Florida Ban on Texting While Driving Law"; prohibiting the operation of a motor vehicle while using a wireless communications device for certain purposes; specifying information that is admissible as evidence of a violation; providing penalties; providing for enforcement as a secondary action; providing for points to be assessed against a driver's license for the unlawful use of a wireless communications device resulting in a crash, etc.<br><br>TR 12/07/2011 Favorable<br>CU<br>BC | Favorable<br>Yeas 10 Nays 0 |
| 6                               | Presentation and discussion on REAL ID requirements by the Department of Highway Safety and Motor Vehicles |  | Not Considered              |
| 7                               | Presentation by Metropolitan Planning Organization Advisory Council  |  | Presented                   |
| 8                               | Presentation by Government Efficiency Task Force on Florida Turnpike Enterprise recommendations            |  | Presented                   |
| 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: 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        | <b>Pre-meeting</b> |
| 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 2010, there were 214,945 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.<sup>1</sup>

**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.

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<sup>1</sup> 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.<sup>2</sup>

**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 (214,945) 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.<sup>3</sup>

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.<sup>4</sup>

**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.

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

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

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*



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LEGISLATIVE ACTION

|            |   |       |
|------------|---|-------|
| Senate     | . | House |
| Comm: FAV  | . |       |
| 01/10/2012 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

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The Committee on Transportation (Norman) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsection (22) is added to section 318.18, Florida Statutes, to read:

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

(22) For a person driving any motor vehicle upon the highways of this state while the person's license or privilege to drive is canceled, suspended, or revoked in violation of s.



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13 322.34(2), in addition to the fine under paragraph (3)(a), upon:

14 (a) A first conviction, \$250.

15 (b) A second conviction, \$500.

16 (c) A third or subsequent conviction, \$1,000.

17 Section 2. Subsection (22) is added to section 318.21,  
18 Florida Statutes, to read:

19 318.21 Disposition of civil penalties by county courts.—All  
20 civil penalties received by a county court pursuant to the  
21 provisions of this chapter shall be distributed and paid monthly  
22 as follows:

23 (22) Notwithstanding subsections (1) and (2), the proceeds  
24 from the penalties imposed pursuant to s. 318.18(22) shall be  
25 distributed as follows:

26 (a) For violations committed within a municipality, 40  
27 percent shall be distributed to the municipality, 40 percent  
28 shall be distributed to the county, and 20 percent shall be  
29 distributed to the law enforcement agency that issued the  
30 citation.

31 (b) For violations committed outside a municipality, 80  
32 percent shall be distributed to the county and 20 percent shall  
33 be distributed to the enforcement agency that issued the  
34 citation.

35 Section 3. Section 322.34, Florida Statutes, is amended to  
36 read:

37 322.34 Driving while license suspended ~~or~~ revoked,  
38 ~~anceled, or disqualified.~~—

39 (1) ~~Except as provided in subsection (2),~~ Any person whose  
40 driver's license or driving privilege has been ~~anceled,~~  
41 suspended, or revoked, except a person whose driver license or



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42 driving privilege has been suspended or revoked pursuant to s.  
43 322.28 or a "habitual traffic offender" as defined in s.  
44 322.264, who drives a vehicle upon the highways of this state  
45 while such license or privilege is ~~canceled~~, suspended, or  
46 revoked ~~commits is guilty of~~ a moving violation, punishable as  
47 provided in chapter 318.

48 (2) Any person whose driver ~~driver's~~ license or driving  
49 privilege has been ~~canceled~~, suspended, or revoked pursuant to  
50 s. 322.28, or as a habitual traffic offender as ~~provided by law,~~  
51 ~~except persons~~ defined in s. 322.264, who, knowing of such  
52 ~~cancellation~~, suspension, or revocation, drives any motor  
53 vehicle upon the highways of this state while such license or  
54 privilege is ~~canceled~~, suspended, or revoked, upon:

55 (a) A first conviction is guilty of a misdemeanor of the  
56 second degree, punishable as provided in s. 775.082 or s.  
57 775.083.

58 (b) A second conviction is guilty of a misdemeanor of the  
59 first degree, punishable as provided in s. 775.082 or s.  
60 775.083.

61 (c) A third or subsequent conviction is guilty of a felony  
62 of the third degree, punishable as provided in s. 775.082, s.  
63 775.083, or s. 775.084.

64  
65 The element of knowledge is satisfied if the person has been  
66 previously cited as provided in subsection (1); or the person  
67 admits to knowledge of the ~~cancellation~~, suspension, or  
68 revocation; or the person received notice as provided in  
69 subsection (4). There shall be a rebuttable presumption that the  
70 knowledge requirement is satisfied if a judgment or order as



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71 provided in subsection (4) appears in the department's records  
72 for any case except for one involving a suspension by the  
73 department for failure to pay a traffic fine or for a financial  
74 responsibility violation.

75 (3) In any proceeding for a violation of this section, a  
76 court may consider evidence, other than that specified in  
77 subsection (2), that the person knowingly violated this section.

78 (4) Any judgment or order rendered by a court or  
79 adjudicatory body or any uniform traffic citation that ~~cancel~~,  
80 suspends~~r~~ or revokes a person's driver's license must contain a  
81 provision notifying the person that his or her driver's license  
82 has been ~~cancel~~, suspended~~r~~ or revoked.

83 (5) The motor vehicle being driven at the time of the  
84 offense in subsection (2) shall be immediately impounded if the  
85 driver is the registered owner of the vehicle, and the vehicle  
86 may not be released from impoundment before the impoundment  
87 surcharge is paid. The impoundment surcharge for:

88 (a) A first offense, is \$250 before release of the vehicle  
89 from impoundment.

90 (b) A second offense, is \$500 before release of the vehicle  
91 from impoundment.

92 (c) A third or subsequent offense, is \$1,000 before release  
93 of the vehicle from impoundment.

94  
95 The proceeds from impoundment surcharges shall be distributed as  
96 civil penalties pursuant to s. 318.21(22). Any impoundment  
97 surcharge collected under this subsection shall be credited  
98 toward the civil penalty amount assessed pursuant to s.  
99 318.18(22).



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100            (6)~~(5)~~ Any person whose driver ~~driver's~~ license has been  
101            revoked pursuant to s. 322.264, except for a violation of s.  
102            322.264(1)(d), as a ~~(habitual traffic offender)~~ and who drives  
103            any motor vehicle upon the highways of this state while such  
104            license is revoked commits ~~is guilty of~~ a felony of the third  
105            degree, punishable as provided in s. 775.082, s. 775.083, or s.  
106            775.084.

107            (7)~~(6)~~ Any person who operates a motor vehicle:

108            (a) Without having a driver ~~driver's~~ license as required  
109            under s. 322.03; or

110            (b) While his or her driver ~~driver's~~ license or driving  
111            privilege is canceled, suspended, or revoked pursuant to s.  
112            316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) or (4),

113  
114            and who by careless or negligent operation of the motor vehicle  
115            causes the death of or serious bodily injury to another human  
116            being commits ~~is guilty of~~ a felony of the third degree,  
117            punishable as provided in s. 775.082 or s. 775.083.

118            (8)~~(7)~~ Any person whose driver ~~driver's~~ license or driving  
119            privilege has been canceled, suspended, revoked, or disqualified  
120            and who drives a commercial motor vehicle on the highways of  
121            this state while such license or privilege is canceled,  
122            suspended, revoked, or disqualified, upon:

123            (a) A first conviction is guilty of a misdemeanor of the  
124            first degree, punishable as provided in s. 775.082 or s.  
125            775.083.

126            (b) A second or subsequent conviction is guilty of a felony  
127            of the third degree, punishable as provided in s. 775.082, s.  
128            775.083, or s. 775.084.



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129           ~~(9)-(8)~~(a) Upon issuing a citation to the arrest of a person  
130 for a violation of subsection (2), the offense of driving while  
131 the person's driver ~~driver's~~ license or driving privilege is  
132 suspended or revoked, the law enforcement ~~arresting~~ officer  
133 shall immediately impound the vehicle if the driver is the  
134 registered owner of the vehicle. ~~determine:~~

135           ~~1. Whether the person's driver's license is suspended or~~  
136 ~~revoked.~~

137           ~~2. Whether the person's driver's license has remained~~  
138 ~~suspended or revoked since a conviction for the offense of~~  
139 ~~driving with a suspended or revoked license.~~

140           ~~3. Whether the suspension or revocation was made under s.~~  
141 ~~316.646 or s. 627.733, relating to failure to maintain required~~  
142 ~~security, or under s. 322.264, relating to habitual traffic~~  
143 ~~offenders.~~

144           ~~4. Whether the driver is the registered owner or coowner of~~  
145 ~~the vehicle.~~

146           ~~(b) If the arresting officer finds in the affirmative as to~~  
147 ~~all of the criteria in paragraph (a), the officer shall~~  
148 ~~immediately impound or immobilize the vehicle.~~

149           ~~(b)-(c)~~ Within 7 business days after the date the vehicle is  
150 impounded ~~arresting agency impounds or immobilizes the vehicle,~~  
151 ~~either the~~ law enforcement ~~arresting~~ agency or the towing  
152 service, whichever is in possession of the vehicle, shall send  
153 notice pursuant to s. 713.78 ~~by certified mail~~ to any  
154 ~~co~~registered owners of the vehicle other than the person who was  
155 cited, to the traffic violations bureau, arrested and to each  
156 person of record claiming a lien against the vehicle. All costs  
157 and fees for the impoundment ~~or immobilization~~, including the



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158 cost of notification, must be paid by the owner of the vehicle  
159 or, if the vehicle is leased, by the person leasing the vehicle.

160 (c)~~(d)~~ ~~Either~~ The law enforcement ~~arresting~~ agency or the  
161 towing service, whichever is in possession of the vehicle, shall  
162 determine whether any vehicle impounded ~~or immobilized~~ under  
163 this section has been leased or rented or if there are any  
164 persons of record with a lien upon the vehicle. ~~Either~~ The law  
165 enforcement ~~arresting~~ agency or the towing service, whichever is  
166 in possession of the vehicle, shall send notice pursuant to s.  
167 713.78 ~~notify by express courier service with receipt or~~  
168 ~~certified mail~~ within 7 business days after the date of the  
169 ~~immobilization or~~ impoundment of the vehicle, to the registered  
170 owner and all persons having a recorded lien against the vehicle  
171 that the vehicle has been impounded ~~or immobilized~~. A lessor,  
172 rental car company, or lienholder may ~~then~~ obtain the vehicle,  
173 upon payment of any lawful towing or storage charges. If the  
174 vehicle is a rental vehicle subject to a written contract, the  
175 charges may be separately charged to the renter, in addition to  
176 the rental rate, along with other separate fees, charges, and  
177 recoupments disclosed on the rental agreement. If the storage  
178 facility fails to provide timely notice to a lessor, rental car  
179 company, or lienholder as required by this paragraph, the  
180 storage facility shall be responsible for payment of any towing  
181 or storage charges necessary to release the vehicle to a lessor,  
182 rental car company, or lienholder that accrue after the notice  
183 period, which charges may then be assessed against the driver of  
184 the vehicle if the vehicle was lawfully impounded ~~or~~  
185 ~~immobilized~~.

186 (d)~~(e)~~ Except as provided in paragraph (c) ~~(d)~~, the vehicle



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187 shall remain impounded ~~or immobilized for any period imposed by~~  
188 ~~the court~~ until payment of the applicable impoundment surcharge  
189 required under s. 318.18 and:

190 1. The person retrieving the vehicle ~~owner~~ presents to the  
191 law enforcement agency proof of a valid driver license, proof of  
192 ownership of the vehicle or written consent by the owner  
193 authorizing release to the person, and proof of insurance to the  
194 arresting agency; or

195 2. The owner presents to the law enforcement agency proof  
196 of sale of the vehicle ~~to the arresting agency~~ and the buyer  
197 presents proof of insurance to the ~~arresting~~ agency.

198  
199 If proof is not presented within 35 days after the impoundment  
200 ~~or immobilization~~, a lien shall be placed upon such vehicle  
201 pursuant to s. 713.78.

202 (e) ~~(f)~~ The owner of a vehicle that is impounded ~~or~~  
203 ~~immobilized~~ under this subsection may, within 10 days after the  
204 date the owner has knowledge of the location of the vehicle,  
205 file a complaint in the county in which the owner resides to  
206 determine whether the vehicle was wrongfully taken or withheld.  
207 Upon the filing of a complaint, the owner or lienholder may have  
208 the vehicle released by posting with the court a bond or other  
209 adequate security equal to the amount of the costs and fees for  
210 impoundment ~~or immobilization~~, including towing or storage, to  
211 ensure the payment of such costs and fees if the owner or  
212 lienholder does not prevail. When the vehicle owner or  
213 lienholder does not prevail on a complaint that the vehicle was  
214 wrongfully taken or withheld, he or she must pay the accrued  
215 charges for the ~~immobilization or~~ impoundment, including any



201566

216 towing and storage charges assessed against the vehicle. When  
217 the bond is posted and the fee is paid as set forth in s. 28.24,  
218 the clerk of the court shall issue a certificate releasing the  
219 vehicle. At the time of release, after reasonable inspection,  
220 the owner must give a receipt to the towing or storage company  
221 indicating any loss or damage to the vehicle or to the contents  
222 of the vehicle.

223 (f) Notwithstanding any other provision of this section,  
224 the court shall order the release of the vehicle from  
225 impoundment if the court finds undue hardship to a family  
226 relying upon use of the vehicle without any other means of  
227 private transportation.

228 (10)-(9)(a) A motor vehicle that is driven by a person under  
229 the influence of alcohol or drugs in violation of s. 316.193 is  
230 subject to seizure and forfeiture under ss. 932.701-932.706 and  
231 is subject to liens for recovering, towing, or storing vehicles  
232 under s. 713.78 if, at the time of the offense, the person's  
233 driver's license is suspended, revoked, or canceled as a result  
234 of a prior conviction for driving under the influence.

235 (b) The law enforcement officer shall notify the Department  
236 of Highway Safety and Motor Vehicles of any impoundment or  
237 seizure for violation of paragraph (a) in accordance with  
238 procedures established by the department.

239 (c) Notwithstanding s. 932.703(1)(c) or s. 932.7055, when  
240 the seizing agency obtains a final judgment granting forfeiture  
241 of the motor vehicle under this section, 30 percent of the net  
242 proceeds from the sale of the motor vehicle shall be retained by  
243 the seizing law enforcement agency and 70 percent shall be  
244 deposited in the General Revenue Fund for use by regional



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245 workforce boards in providing transportation services for  
246 participants of the welfare transition program. In a forfeiture  
247 proceeding under this section, the court may consider the extent  
248 that the family of the owner has other public or private means  
249 of transportation.

250 ~~(11)-(10)~~(a) Notwithstanding any other provision of this  
251 section, if a person does not have a prior forcible felony  
252 conviction as defined in s. 776.08, the procedures ~~penalties~~  
253 provided in paragraph (b) apply if a person's driver's license  
254 or driving privilege is canceled, suspended, or revoked for:

255 1. Failing to pay child support as provided in s. 322.245  
256 or s. 61.13016;

257 2. Failing to pay any other financial obligation as  
258 provided in s. 322.245 other than those specified in s.  
259 322.245(1);

260 3. Failing to comply with a civil penalty required in s.  
261 318.15;

262 4. Failing to maintain vehicular financial responsibility  
263 as required by chapter 324;

264 5. Failing to comply with attendance or other requirements  
265 for minors as set forth in s. 322.091; or

266 6. Having been designated a habitual traffic offender under  
267 s. 322.264(1)(d) as a result of suspensions of his or her  
268 driver's license or driver privilege for any underlying  
269 violation listed in subparagraphs 1.-5.

270 ~~(b)1. Upon a first conviction for knowingly driving while  
271 his or her license is suspended, revoked, or canceled for any of  
272 the underlying violations listed in subparagraphs (a)1.-6., a  
273 person commits a misdemeanor of the second degree, punishable as~~



201566

274 ~~provided in s. 775.082 or s. 775.083.~~

275 ~~2. Upon a second or subsequent conviction for the same~~  
276 ~~offense of knowingly driving while his or her license is~~  
277 ~~suspended, revoked, or canceled for any of the underlying~~  
278 ~~violations listed in subparagraphs (a)1.-6., a person commits a~~  
279 ~~misdemeanor of the first degree, punishable as provided in s.~~  
280 ~~775.082 or s. 775.083.~~

281 ~~(b)(11)(a)~~ A person who does not hold a commercial driver  
282 ~~driver's~~ license and who is cited for an offense of knowingly  
283 driving while his or her license is suspended, revoked, or  
284 canceled for any of the underlying violations listed in  
285 paragraph ~~(10)~~(a) may, in lieu of payment of fine or court  
286 appearance, elect to enter a plea of nolo contendere and provide  
287 proof of compliance to the clerk of the court, designated  
288 official, or authorized operator of a traffic violations bureau.  
289 In such case, adjudication shall be withheld and the clerk of  
290 the court, designated official, or authorized operator of a  
291 traffic violations bureau shall issue a certificate releasing  
292 the vehicle upon payment of the cost of towing and storing the  
293 vehicle. However, no election shall be made under this  
294 subsection if such person has made an election under this  
295 subsection during the preceding 12 months. A person may not make  
296 more than three elections under this subsection.

297 ~~(c)(b)~~ If adjudication is withheld under paragraph ~~(b)~~ (a),  
298 such action is not a conviction.

299 Section 4. This act shall take effect July 1, 2012.

300

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

302 And the title is amended as follows:



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303 Delete everything before the enacting clause  
304 and insert:

305 A bill to be entitled  
306 An act relating to driving without a valid driver  
307 license; amending s. 318.18, F.S.; providing an  
308 additional fine for a violation of specified  
309 provisions relating to driving with a canceled,  
310 suspended, or revoked driver license or driving  
311 privilege; providing increased fine amounts for second  
312 or subsequent violations; amending s. 318.21, F.S.;  
313 providing for distribution of such fines collected;  
314 amending s. 322.34, F.S.; revising provisions relating  
315 to a conviction of the offense of driving while a  
316 person's driver license or driving privilege is  
317 canceled, suspended, or revoked; requiring immediate  
318 impoundment of the motor vehicle; conforming  
319 provisions; revising penalties for knowingly driving  
320 while the driver license or driving privilege is  
321 canceled, suspended, or revoked; revising procedures  
322 for impoundment of the vehicle; providing an effective  
323 date.

THE FLORIDA SENATE  
**APPEARANCE RECORD**



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

12/7/11  
Meeting Date

Topic driver license suspensions  
Name Nancy Davids  
Job Title Public Defender 2nd  
Address Leon County Courthouse  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Bill Number 474  
*(if applicable)*  
Amendment Barcode \_\_\_\_\_  
*(if applicable)*  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing Florida Public Defender Assoc

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**

*wave in support*

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

12-7  
Meeting Date

Topic Driver License Bill  
Name Mike Seamon  
Job Title Executive Director  
Address 4718 Edgewater Dr  
City Orlando State FL Zip 32804

Bill Number 474  
*(if applicable)*  
Amendment Barcode \_\_\_\_\_  
*(if applicable)*  
Phone 407-402-1040  
E-mail MSeamon@Hotmail.com

Speaking:  For  Against  Information

Representing Professional Wreckers of Florida

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

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

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

**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 122

**INTRODUCER:** Transportation Committee and Senator Sobel

**SUBJECT:** Driver Improvement Schools Programs and Education Programs for Driver's License Applicants

**DATE:** December 7, 2011      **REVISED:** \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------|
| 1. | Looke   | Buford         | TR        | Fav/CS |
| 2. | _____   | _____          | ED        | _____  |
| 3. | _____   | _____          | CU        | _____  |
| 4. | _____   | _____          | BC        | _____  |
| 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 amends ss. 318.1451, 322.0261, and 322.095, F.S., relating to driver improvement schools as well as education programs for driver's license applicants. This bill amends these sections to include course content regarding the risks associated with the use of handheld electronic communication devices while operating a motor vehicle. The Department of Highway Safety and Motor Vehicles (DHSMV) is required to consider such course content when approving driver improvement courses as well as education programs for driver's license applicants.

This bill amends ss. 318.1451, 322.0261, and 322.095 of the Florida Statutes.

**II. Present Situation:**

Currently, operating a motor vehicle while using a handheld electronic communication device does not violate Florida law; however, the U.S. Highway and Traffic Safety Administration reports that using a cell phone while driving impairs reaction time as much as a blood alcohol level of .08 and that drivers who use hand-held devices increase their risk of getting into a crash

serious enough to cause injury by a factor of four.<sup>1</sup> As currently enacted, s. 318.1451, F.S., requires that “[i]n determining whether to approve the courses referenced in this section, the department [of Highway Safety and Motor Vehicles] shall consider course content designed to promote safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint”; s. 322.0261, F.S., requires that “[i]n determining whether to approve a driver improvement course for the purposes of this section, the department shall consider course content designed to promote safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint”; and s. 322.095, F.S., requires that the curricula for the courses developed under that section “must provide instruction on the physiological and psychological consequences of the abuse of alcohol and other drugs, the societal and economic costs of alcohol and drug abuse, the effects of alcohol and drug abuse on the driver of a motor vehicle, and the laws of this state relating to the operation of a motor vehicle.”

Currently, ss. 318.1451, 322.0261, and 322.095, F.S., do not require curricula pertaining to the risks of using a handheld electronic communication device while operating a motor vehicle.

### III. Effect of Proposed Changes:

**Section 1** of this bill amends s. 318.1451, F.S., to require DHSMV to consider whether a driver improvement school’s curriculum includes awareness of the risks associated with the use of handheld electronic communication devices while operating a motor vehicle when the department is approving such courses.

**Section 2** of this bill amends s. 322.0261, F.S., to require DHSMV to consider whether driver improvement course content includes content on awareness of the risks associated with the use of handheld electronic communication devices while operating a motor vehicle when the department is approving such courses.

**Section 3** of this bill amends s. 322.095, F.S., to require an additional minimum course requirement to traffic law and substance abuse education courses. The bill requires such courses to include the risks associated with the use of handheld electronic communication devices while operating a motor vehicle.

**Section 4** of this bill creates an effective date of July 1, 2012.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

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<sup>1</sup> National Highway Traffic Safety Administration. “Distracted Driving Facts and Statistics. 2009. Last viewed 11/30/11. <http://distraction.gov/content/get-the-facts/facts-and-statistics.html>

C. Trust Funds Restrictions:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There are 22 organizations that provide courses amended by this bill and DHSMV has requested that all course providers update their curriculum by September 30, 2011 in anticipation of the passage of this bill.<sup>2</sup> Those providers that have not complied with DHSMV's request will likely experience a direct, but indeterminate fiscal impact due to the need to expand the curricula to meet the bill requirements.

C. Government Sector Impact:

None.

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.)

**CS by Transportation on December 7, 2011:**

The bill was amended to add the same language to s. 322.0261, F.S., which is added to ss. 318.1451 and 322.095, F.S., in order to maintain statutory consistency.

B. Amendments:

None.

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

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<sup>2</sup> Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 122*, (Sep. 6, 2011, on file with the Senate Transportation Committee). **Updated Note:** In testimony before the Senate Committee on Transportation on December 7, 2011, Steven Fielder from DHSMV indicated that all but two of the organizations which provide courses amended by this bill have updated their course materials in anticipation of the passage of this bill.



168214

LEGISLATIVE ACTION

|            |   |       |
|------------|---|-------|
| Senate     | . | House |
| Comm: RCS  | . |       |
| 12/08/2011 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

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The Committee on Transportation (Joyner) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 21 and 22  
insert:

Section 2. Subsection (5) of section 322.0261, Florida Statutes, is amended to read:

322.0261 Driver improvement course; requirement to maintain driving privileges; failure to complete; department approval of course.—

(5) In determining whether to approve a driver improvement course for the purposes of this section, the department shall consider course content designed to promote safety, driver



168214

13 awareness, crash avoidance techniques, awareness of the risks  
14 associated with using a handheld electronic communication device  
15 while operating a motor vehicle, and other factors or criteria  
16 to improve driver performance from a safety viewpoint.  
17

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

19 And the title is amended as follows:

20 Delete line 4

21 and insert:

22 amending ss. 318.1451, 322.0261, and 322.095, F.S.;

23 requiring the

THE FLORIDA SENATE  
**APPEARANCE RECORD**

*Waive in Support*

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

12/7/11

Meeting Date

Topic Driver Ed

Bill Number S122  
(if applicable)

Name Paula Mateo

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Area Manager / ATT

Address 150 S Monroe St #400

Phone 850 591 6002

Tallahassee FL  
Street City State Zip

E-mail Paula.mateo@att.com

Speaking:  For  Against  Information

Representing ATT

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 Support*

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

7 Dec 11

Meeting Date

Topic DRIVER IMPROVEMENT

Bill Number SB 122  
(if applicable)

Name CHARLES MILSTED

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title ASSOC. STATE DIRECTOR

Address 200 West College Ave

Phone 850-577-5190

Tallahassee FL 32301  
Street City State Zip

E-mail cmilsted@carp.org

Speaking:  For  Against  Information

Representing AARP

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**  
**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 268

INTRODUCER: Transportation Committee and Senator Wise

SUBJECT: Sale of Advertising

DATE: December 7, 2011      REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------|
| 1. | Eichin  | Buford         | TR        | Fav/CS |
| 2. |         |                | CM        |        |
| 3. |         |                | EP        |        |
| 4. |         |                |           |        |
| 5. |         |                |           |        |
| 6. |         |                |           |        |

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

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

**I. Summary:**

SB 268 creates the “John Anthony Wilson Bicycle Safety Act of 2011,” which authorizes the Department of Environmental Protection (DEP) to enter into agreements with not-for-profit or private-sector entities allowing those entities to sponsor signage on state-owned greenway and trail facilities in the form of naming rights and commercial displays.

The bill contains restrictions or approval on placement, size, term, content, materials, and construction. It also describes how proceeds from the agreements are to be distributed: 85 percent to the appropriate DEP trust fund to manage and operate state trails and greenways, and 15 percent to the State Transportation Trust Fund for use in the Florida Traffic and Bicycle Safety Education program and the Florida Safe Routes to School program.

DEP is authorized to adopt rules to implement the bill’s provisions.

SB 268 creates s. 260.014, F.S.

## II. Present Situation:

### Florida Greenways and Trails

The 1979 Legislature enacted ch. 79-110, L.O.F., entitled the "Florida Recreational Trails Act of 1979." The purpose of the Act was to provide for a network of recreational and scenic trails to be used for hiking, biking, horseback riding, canoeing, and jogging, which trails were to be designated as the "Florida Recreational Trails System." DEP (formerly the Department of Natural Resources) was encouraged to use areas within or connecting state parks and forests, national parks and forests, local parks, public rights-of-way, and existing trails.

In 1983, the Florida Trail was designated as the Florida National Scenic Trail, and today, it is a 1,500-mile-long trail, including both National Scenic Trail certified and non-certified miles, which stretches from the Panhandle of Florida to the Big Cypress National Preserve.<sup>1</sup> Portions of the trail are components of the Florida Greenways and Trails program, the successor to the Recreational Trails System.

In 1987, the Florida Rails-to-Trails program at the department was created to provide an emphasis on the acquisition and development of abandoned railroad corridors for use as public recreational trails, and to contribute to the preservation of wildlife habitat. Many railroad lines run along river corridors and coastal plains, areas with the most scenic views and productive habitat. Until 1990, the program depended on annual legislative appropriations, but the creation of the Preservation 2000 (P2000) program changed that. The P2000 program was created as a 10-year, \$3 billion bond program to acquire environmentally sensitive lands for conservation, protection, restoration and preservation purposes. The Rails-to-Trails program was provided with \$3.9 million a year in funding under P2000 through 1996.

In 1996, the Florida Legislature enacted ch. 96-389, L.O.F., which renamed the Recreational Trails System Act as the "Florida Greenways and Trails Act," and provided for a statewide system of greenways and trails for recreational and conservation purposes and uses. Greenways were defined to be "linear open spaces established along either a natural corridor, such as a riverfront, stream valley, or ridgeline, or over land along a railroad right-of-way converted to recreational use..." and trails were defined to mean "linear corridors and any adjacent support parcels on land or water providing public access for recreation or authorized alternative modes of transportation." P2000 funding for Rails-to-Trails was extended through 2000, and was succeeded by funding from the Florida Forever program, as well as other state and federal funding programs.

In 2005, the Florida Legislature enacted ch. 2005-87, L.O.F., to recognize the Florida National Scenic Trail (trail) as Florida's official statewide non-motorized trail from the Florida Panhandle to the Everglades and the Florida Keys. It further recognized the federal government's major contributions and the efforts of private landowners, state government and non-profit entities in establishing the trail. Private landowners were encouraged to continue to allow the use of private property for trail purposes, through incentives and liability protection.

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<sup>1</sup>Florida Trail Association, Hike Florida on Florida's Own National Scenic Trail, available at <http://www.floridatrail.org>. Last visited March 25, 2011.

### The Office of Greenways & Trails (OGT)

An office within DEP, OGT provides statewide coordination to establish, expand, and promote Florida's Statewide System of Greenways and Trails. OGT manages trails and other lands as key components of the Florida greenways and trails system, and partners with nearly 30 communities that manage state acquired greenways and trails through sublease agreements. OGT manages a multi-million dollar capital budget consisting of federal Transportation Enhancement grants and fixed capital funds for the development of trails and facilities on state managed properties.<sup>2</sup>

OGT coordinates with, and provides assistance to, local governments, developers, state and federal agencies, private landowners, and other interested citizens or advocates regarding the acquisition, designation, establishment, and management of greenways and trails projects. OGT works to expand the statewide network through a 1.5-percent annual allocation of Florida Forever funding, about \$4.5 million annually, for acquisition of trails. OGT administers the Recreational Trails Program (RTP), a federally funded competitive grant program providing financial assistance to local communities for the development of trails. Since inception, RTP has assisted communities in 42 Florida counties to establish and expand trails.

Florida's state trails and the Cross Florida Greenway had the highest annual visitation ever in 2009 with more than 4 million visitors, generating an estimated economic impact of \$95 million.<sup>3</sup>

### Florida Trail Association

The Florida Trail Association is a private, non-profit volunteer organization founded in 1966, whose mission is to develop, maintain, promote, and protect a continuous hiking trail that runs the length of the state, as well as the loop and side trails throughout the state.<sup>4</sup>

### Outdoor Advertising

Sections 337.407 and 479.11(8), F.S., prohibit advertising signs from being placed in the right-of-way of any road on the interstate highway system, the federal-aid primary highway system, the State Highway System, or the State Park Road System.

Section 260.016, F.S., sets forth general powers that DEP may use in managing and overseeing the Florida Greenways and Trails System. These powers include charging user fees or rentals but do not specifically authorize DEP to sell naming rights or allow commercial displays.

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

SB 268 creates s. 260.0144, F.S., authorizing DEP to enter into concession agreements that allow not-for-profit or private-sector businesses or entities the right to advertise on state-owned property.

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<sup>2</sup>Greenways and Trails, Florida Department of Environmental Protection, available at <http://www.dep.state.fl.us/gwt>. Last visited April 7, 2011.

<sup>3</sup> See <http://www.dep.state.fl.us/gwt/PDF/OfficeOverview.pdf>. Site last visited April 7, 2011.

<sup>4</sup>Florida Trail Association, Hike Florida on Florida's Own National Scenic Trail, available at <http://www.floridatrail.org>. Last visited April 7, 2011.

Section 1: Names this legislation the “John Anthony Wilson Bicycle Safety Act.” Mr. Wilson<sup>5</sup> was a veteran firefighter for the city of Boca Raton and a cycling enthusiast who was struck and killed by a motor vehicle in February of 2011 while riding his bike.

Section 2: Creates s. 260.0144, F.S., to authorize DEP to enter into concession agreements for naming rights or the display of commercial sponsorship on certain state-owned greenway and trail facilities or property, subject to the following restrictions:

- Placement of signage or displays shall conform to the provisions of s. 337.407, F.S., and ch. 479, F.S., and shall be only at trailheads, trail intersections, directional or distance markers, interpretive exhibits, and parking areas.
- The size of the signage or display is limited to 16 square feet at trailheads and parking areas and 4 square feet at all other areas.
- Any concession agreement must be for a minimum 1-year term unless extended by a multiyear agreement.
- No concession agreement is to be construed to grant a proprietary or compensable interest in any sign or display site or location.
- The name or display must be approved by DEP before installation.
- Materials and construction for signage must meet standards which are to be established by DEP.
- All costs associated with the signage must be borne by the concessionaire.

Any agreement under this section may be terminated by DEP for just cause with 60 days notice to the concessionaire.

Additionally, SB 268 specifies that the naming rights and commercial displays contemplated by the concession agreements are for public relations or advertising purposes for the concessionaires, and as such, are not to be construed as having any relationship with the department other than as set forth in the terms of the concession agreements.

Proceeds from the concession agreements are to be distributed as follows:

- 85 percent to the appropriate DEP trust fund used for the management and operation of state greenway or trail facilities and properties; and
- 15 percent to the State Transportation Trust Fund for use in the Florida Traffic and Bicycle Safety Education program and the Florida Safe Routes to School program.

SB 268 authorizes DEP to adopt rules to administer the act.

Section 3: Provides an effective date of July 1, 2012.

---

<sup>5</sup> More information about the life of Mr. Wilson is available at <http://www.ci.boca-raton.fl.us/fire/pdf/PressReleases/2011/wilson.pdf> and at <http://www.palmbeachpost.com/news/hundreds-from-across-florida-gather-to-mourn-boca-1247122.html>. Sites last visited April 7, 2011.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. Other Constitutional Issues:

SB 268 requires DEP approval prior to the installation of naming signage or an advertising display. It is not clear whether the intent of this language is to provide authority to regulate the content of a message communicated by a display or simply whether the signage meets material and construction standards. Regardless, the provision may give rise to claims based on alleged interference with constitutionally protected free speech. Further, the language could be argued to vest absolute discretion in DEP to decide appropriate content, the exercise of which can be expected to result in litigation challenging the constitutionality of the law either on the face of the law or as it is applied by DEP.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

The Revenue Estimating Conference has not considered this bill yet and, accordingly, the amount of revenue that might be realized due to this bill is not known at this time.

## B. Private Sector Impact:

Indeterminate.

## C. Government Sector Impact:

Indeterminate.

**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.)

**CS by Transportation on December 7, 2011 – The CS:**

- Changed the word “advertising” to the word “sponsorship” throughout the bill.
- Added mandated compliance with s. 337.407, F.S, and Ch. 479, F.S.
- Added a sixty day notice period should the department choose to end a concession agreement for just cause.
- Added paragraph (5) which clarifies that concession agreements under this section do not create proprietary or compensable interests in any sign or display site or location.
- Changed the allocation of revenue from this section from 90 percent to 85 percent allocated to the appropriate department trust fund; and from 10 percent allocated to district school boards which must be used to enhance funds for the school district’s bicycle education program or Safe Route to Schools Program, prorated by population, to 15 percent allocated to the State Transportation Trust Fund for use in Florida Traffic and Bicycle Safety Education program and the Florida Safe Routes to School program.

- B. **Amendments:**

None.



494412

LEGISLATIVE ACTION

| Senate | . | House |
|--------|---|-------|
|        | . |       |
|        | . |       |
|        | . |       |
|        | . |       |
|        | . |       |

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The Committee on Transportation (Wise) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. This act may be cited as the "John Anthony Wilson Bicycle Safety Act."

Section 2. Section 260.0144, Florida Statutes, is created to read:

260.0144 Sponsorship of State Greenways and Trails.—The department may enter into a concession agreement with a not-for-profit entity or private sector business or entity for naming rights of state greenway and trail facilities or property or for



494412

13 commercial sponsorship to be displayed on state greenway and  
14 trail facilities or property.

15 (1) A concession agreement under this section shall be  
16 administered by the department and must include the requirements  
17 of subsections (3) and (4).

18 (2) (a) Naming rights or space for a commercial sponsorship  
19 display may be provided through a concession agreement on  
20 certain state-owned greenway or trail facilities or property.

21 (b) Signage or displays erected under this section shall  
22 comply with the provisions of s. 337.407 and ch. 479, and shall  
23 be limited to trailheads, trail intersections, directional or  
24 distance markers, interpretive exhibits, and parking areas.

25 (c) The size of any sign or display shall be limited as  
26 follows:

27 1. A sign or display located at a trailhead or parking area  
28 may not exceed 16 square feet.

29 2. All other signs or displays may not exceed 4 square  
30 feet.

31 (d) Naming rights of a facility or commercial sponsorship  
32 pursuant to a concession agreement under this section are for  
33 public relations or advertising purposes of a not-for-profit  
34 entity or private sector business or entity, and shall not be  
35 construed by that not-for-profit entity or business or entity as  
36 having a relationship to any other actions of the department.

37 (3) A concession agreement under this section shall be for  
38 a minimum of 1 year but may be for a longer period under a  
39 multiyear agreement, and may be terminated for just cause by the  
40 department with sixty days advance notice.

41 (4) (a) Before installation, each name or sponsorship



494412

42 display must be approved by the department, as appropriate.

43 (b) The department shall set materials and construction  
44 standards for all signage displayed.

45 (c) All costs of a display, including its development,  
46 construction, installation, operation, maintenance, and removal,  
47 shall be paid by the concessionaire.

48 (5) This section does not create a proprietary or  
49 compensable interest in any sign or display site or location.

50 (6) Proceeds from concession agreements under this section  
51 shall be distributed as follows:

52 (a) Eighty-five percent shall be deposited into the  
53 appropriate department trust fund that is the source of funding  
54 for management and operation of state greenway or trail  
55 facilities and properties.

56 (b) Fifteen percent shall be deposited into the State  
57 Transportation Trust Fund for use in the Florida Traffic and  
58 Bicycle Safety Education program and the Florida Safe Routes to  
59 School program, administered by the Department of Transportation  
60 Safety Office.

61 (7) The department may adopt rules to administer this  
62 section.

63 Section 3. This act shall take effect July 1, 2012.

64  
65

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

67 And the title is amended as follows:

68 Delete everything before the enacting clause  
69 and insert:

70 A bill to be entitled



494412

71           An act relating to the sponsorship of state greenways and  
72 trails; creating the "John Anthony Wilson Bicycle Safety Act";  
73 creating s. 260.0144, F.S.; providing for the Department of  
74 Environmental Protection to enter into concession agreements for  
75 naming rights of state greenway and trail facilities or property  
76 or commercial advertising to be displayed on state greenway and  
77 trail facilities or property; providing for distribution of  
78 proceeds from such concession agreements; providing an effective  
79 date.

✓

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

Meeting Date \_\_\_\_\_

Topic Sponsorship of Trails Bill Number 268  
(if applicable)

Name Ken Bryan Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Florida Director

Address PO Box 15227 Phone \_\_\_\_\_  
Street

Tallahassee FL 32317 E-mail \_\_\_\_\_  
City State Zip

Speaking:  For  Against  Information

Representing Rails-to-Trails Conservancy

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**  
**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 406

**INTRODUCER:** Transportation Committee and Senator Dean

**SUBJECT:** Transportation Facility Designations

**DATE:** December 7, 2011      **REVISED:** \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION        |
|----|---------|----------------|-----------|---------------|
| 1. | Abrams  | Buford         | TR        | <b>Fav/CS</b> |
| 2. |         |                | CA        |               |
| 3. |         |                |           |               |
| 4. |         |                |           |               |
| 5. |         |                |           |               |
| 6. |         |                |           |               |

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

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

**I. Summary:**

The bill creates a number of honorary designations of transportation facilities around the state. Designations are as follows:

- U.S. Highway 19/27A/98/State Road 55 between the Suwannee River Bridge and N.E. 592<sup>nd</sup> Street/Chavous Road/Kate Green Road in Dixie County is designated as “SP4 Thomas Berry Corbin Memorial Highway.”
- U.S. Highway 19/98/State Road 55 between N.E. 592<sup>nd</sup> Street/Chavous Road/Kate Green Road and N.E. 170th Street in Dixie County is designated as “U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway.”
- State Road 24 between County Road 347 and Bridge Number 340053 in Levy County is designated as “Marine Lance Corporal Brian R. Buesing Memorial Highway.”
- U.S. Highway 19/98/State Road 55/S. Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy County is designated as “United States Army Sergeant Karl A. Campbell Memorial Highway.”

- U.S. Highway 27A/State Road 500/Hathaway Avenue between State Road 24/Thrasher Drive and Town Court in Levy County is designated as “U.S. Army SPC James A. Page Memorial Highway.”
- The portion of State Road 101/Mayport Road between State Road A1A and Wonderwood Connector in Duval County is designated as “USS Stark Memorial Drive.”
- The portion of State Road 44 in Lake County between U.S. Highway 441 and State Road 44/East Orange Avenue near Eustis is designated as “Captain Jim Reynolds, Jr., USAF “Malibu” Road.”
- The portion of State Road 19 in Putnam County between U.S. 17/State Road 15 and Carriage Drive is designated as “Veterans Memorial Highway.”

## II. Present Situation:

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

When the Legislature establishes road or bridge designations, the Florida Department of Transportation (FDOT) is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility.

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, resolutions supporting the designations must be passed by each affected local government prior to the erection of the markers.

## III. Effect of Proposed Changes:

The bill makes the following designations:

**Section 1:** Designates the portion of U.S. Highway 19/27A/98/State Road 55 between the Suwannee River Bridge and N.E. 592<sup>nd</sup> Street/Chavous Road/Kate Green Road in Dixie County as “SP4 Thomas Berry Corbin Memorial Highway.” The bill directs FDOT to erect suitable markers.

Thomas Corbin, born in Old Town Dixie, lived in Cross City, served in the United States Army as a Specialist Fourth Class and was killed in action during the Vietnam War during a mission against the Viet Cong. He was awarded the Silver Star due to his dedication and commitment.

**Section 2:** Designates the portion of U.S. Highway 19/98/State Road 55 between N.E. 592<sup>nd</sup> Street/Chavous Road/ Kate Green Road and N.E. 170<sup>th</sup> Street in Dixie County as “U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway.” The bill directs FDOT to erect suitable markers.

Samuel Chavous Jr. was born in Cross City and served in the U.S. Navy in the Vietnam War where he was killed in action. For his service, he was awarded the Purple Heart.

**Section 3:** Designates the portion of State Road 24 between County Road 374 and Bridge Number 340053 in Levy County as “Marine Lance Corporal Brian R. Buesing Memorial Highway.” The bill directs FDOT to erect suitable markers.

Lance Corporal Brian Buesing was born and raised in Cedar Key. He enlisted in the Marines and at the age of 21 during Operation Iraqi Freedom, he was killed in action while trying to protect two fellow Marines. For his bravery and dedication, he was awarded the Purple Heart.

**Section 4:** Designates the portion of U.S. Highway 19/98/State Road 55/S. Main Street between N.W. 1<sup>st</sup> Avenue and S.E. 2<sup>nd</sup> Avenue in Levy County as “United States Army Sergeant Karl A. Campbell Memorial Highway.” The bill directs FDOT to erect suitable markers.

Army Sergeant Karl Campbell of Chiefland enlisted in the Army in 1995 and served as an infantryman until 2003. He re-enlisted in November 2009. Sergeant Campbell died from wounds suffered when insurgents in Afghanistan attacked his unit with an improvised explosive device. He has been awarded the Bronze Star and the Purple Heart.

**Section 5:** Designates the portion of U.S. Highway 27A/State Road 500/Hathaway Avenue between State Road 24/Thrasher Drive and Town Court in Levy County as “U.S. Army SPC James A. Page Memorial Highway.” The bill directs FDOT to erect suitable markers.

Army Specialist James Page of Bronson died from an improvised explosive device at the age of 23 in Afghanistan on August 31, 2010. He has been awarded the Bronze Star and the Purple Heart.

**Section 6:** Designates the portion of State Road 101/Mayport Road between State Road A1A and Wonderwood Connector in Duval County as “USS Stark Memorial Drive.”

On May 17, 1987 an Iraqi jet fighter fired upon the USS Stark in the Persian Gulf, causing thirty-seven United States sailors to lose their lives and seriously injuring twenty-one others. The USS Stark, a ship deployed on a routine peace-keeping mission from the Mayport navy base in Jacksonville, only survived this unprovoked attack through the determination and heroic actions of its crew.

**Section 7:** Designates the portion of State Road 44 in Lake County between U.S. Highway 441 and State Road 44/East Orange Avenue as “Captain Jim Reynolds, Jr., USAF “Malibu” Road.”

Captain Jim Reynolds Jr., a decorated Air Force Academy graduate, was killed when his F-16 crashed at the Nellis Air Force Base Range on August 10, 1993. Captain Reynolds became a

member of the 308<sup>th</sup> Tactical Fighter Squadron at Homestead AFB, FL and was later selected to join the Adversary Tactics Division of Red Flag at Nellis AFB, NV. Through his career, Captain Reynolds served as an instructor pilot, chief of Squadron Standardization/Evaluation, mission commander, and a member of the Weapons and Tactics Branch. He received many distinctions, including the ATC Commander's Trophy, winning the low-angle strafe (LAS) and several Top Gun competitions, the Air Force Commendation Medal with one oak leaf cluster, a Combat Readiness Medal, and the National Defense Service Medal.

**Section 8:** Designates the portion of State Road 19 in Putnam County between U.S. 17/State Road 15 and Carriage Drive as "Veterans Memorial Highway" in recognition of military veterans.

**Section 9:** The bill will take effect on July 1, 2012, if passed by the Legislature.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Staff estimates the cost to erect road designation markers required under this bill to be at least \$8,000. This is based on the assumption that 16 markers will be erected for six road designations at a cost of no less than \$500 each. This includes sign fabrication, installation, and maintenance over time. The estimate does not include any additional expenses related to maintenance of traffic, dedication event costs, or replacement necessitated by damage, vandalism, or storm events.

**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.)

**CS by Transportation on December 7, 2011:**

The bill was amended to add the USS Stark Memorial Drive, Captain Jim Reynolds, Jr., USAF “Malibu” Road and Veterans Memorial Highway road designations. The Nona and Papa road designation was removed from the bill. The fiscal was adjusted to reflect the new number of road designations.

- B. **Amendments:**

None.



455782

LEGISLATIVE ACTION

|            |   |       |
|------------|---|-------|
| Senate     | . | House |
| Comm: RCS  | . |       |
| 12/08/2011 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

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The Committee on Transportation (Wise) recommended the following:

**Senate Amendment**

Delete lines 60 - 67  
and insert:

Section 6. USS Stark Memorial Drive designated; Department of Transportation to erect suitable markers.-

(1) That portion of State Road 101/Mayport Road between State Road A1A and Wonderwood Connector in Duval County is designated as "USS Stark Memorial Drive."

(2) The Department of Transportation is directed to erect suitable markers designating USS Stark Memorial Drive as described in subsection (1).



455782

13           Section 7. Captain Jim Reynolds, Jr., USAF "Malibu", Road  
14 designated; Department of Transportation to erect suitable  
15 markers.-

16           (1) That portion of State Road 44 in Lake County between  
17 U.S. Highway 441 and State Road 44/East Orange Avenue near  
18 Eustis is designated as "Captain Jim Reynolds, Jr., USAF  
19 "Malibu", Road."

20           (2) The Department of Transportation is directed to erect  
21 suitable markers designating Captain Jim Reynolds, Jr., USAF  
22 "Malibu", Road as described in subsection (1).

23           Section 8. Veterans Memorial Highway designated; Department  
24 of Transportation to erect suitable markers.-

25           (1) That portion of State Road 19 in Putnam County between  
26 U.S. 17/State Road 15 and Carriage Drive is designated as  
27 "Veterans Memorial Highway."

28           (2) The Department of Transportation is directed to erect  
29 suitable markers designating Veterans Memorial Highway as  
30 described in subsection (1).



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Environmental Preservation and Conservation,  
*Chair*  
Criminal Justice, *Vice Chair*  
Budget - Subcommittee on Transportation, Tourism,  
and Economic Development Appropriations  
Governmental Oversight and Accountability  
Reapportionment  
Regulated Industries

**SENATOR CHARLES S. DEAN, SR.**

3rd District

December 7, 2011

Rivers Buford III  
410 Knott Building  
404 South Monroe St.  
Tallahassee, FL 32399-1100

Dear Mr. Buford:

Thank you for allowing Senate Bill 406, relating to Transportation Facility Designations, to be placed on your agenda. Unfortunately, I will be unable to attend the Committee meeting and would like to request your permission to allow my aide, Travis Hart, to present these bills in my place.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Charles S. Dean".

Charles S. Dean  
State Senator, Dist.3

REPLY TO:

- 405 Tompkins Street, Inverness, Florida 34450 (352) 860-5175
- Post Office Box 2558, Ocala, Florida 34478-2558 (352) 873-6513
- 302 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5017

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

**MIKE HARIDOPOLOS**  
President of the Senate

**MICHAEL S. "MIKE" BENNETT**  
President Pro Tempore

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

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 416

INTRODUCER: Senator Detert

SUBJECT: Use of Wireless Communications Devices While Driving

DATE: November 29, 2011      REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION           |
|----|---------|----------------|-----------|------------------|
| 1. | Davis   | Buford         | TR        | <b>Favorable</b> |
| 2. |         |                | CU        |                  |
| 3. |         |                | BC        |                  |
| 4. |         |                |           |                  |
| 5. |         |                |           |                  |
| 6. |         |                |           |                  |

**I. Summary:**

This bill is the “Florida Ban on Texting While Driving Law”, modeled after a Sample Law promulgated by the United States Department of Transportation (USDOT). The bill prohibits the operation of a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other text in a wireless communication device, or sending or reading data in the device, for the purpose of non-voice interpersonal communication. The bill makes exceptions for emergency workers performing official duties, reporting emergencies or suspicious activities, and for receiving various types of navigation information, emergency traffic data, and radio broadcasts. The bill also makes an exception for interpersonal communications that can be conducted without the need to manually type messages.

The prohibition is enforceable as a secondary offense. A first violation is punishable as a nonmoving violation, with a fine of \$30 plus court costs which vary by county. A second violation committed within 5 years of the first is a moving violation punishable by a \$60 fine plus court costs.

In addition to these penalties, any violation of the ban which results in a crash will result in 6 points added to the offender’s driver’s license record.

This bill may generate additional revenues for local and state governments as a result of the penalties for using wireless communications devices for texting purposes while operating a motor vehicle.

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

This bill creates s. 316.305, F.S., and substantially amends s. 322.27, F.S.

## II. Present Situation:

### *Laws in other states*

Public concern over distracted driving has resulted in a number of jurisdictions making it illegal to use hand-held cellular telephones for talking and/or texting while driving. In November 2001, New York became the first state to implement a ban on hand-held cellular telephone use for drivers. The District of Columbia passed a ban in 2004. Connecticut's ban took effect in 2005. Thirty-five states and the District of Columbia have passed a ban on text-while-driving for all drivers. The National Conference of State Legislators has the following chart detailing each state's cellular telephone use laws.<sup>1</sup>

| States                      | Hand-held ban                                  | All cell phone ban  | Texting ban                       | Enforcement  |
|-----------------------------|--|---|-----------------------------------|--|
| <b>Alabama</b>              | No   | Drivers age 16 and 17 who have held an intermediate license for less than 6 months.       | No                                | Not applicable   |
| <b>Alaska</b>               | No   | No  | All drivers                       | Primary  |
| <b>Arizona</b>              | No   | School bus drivers  | No                                | Primary  |
| <b>Arkansas</b>             | No   | School bus drivers, drivers younger than 18   | All drivers                       | Primary for texting by all drivers and cell phone use by school bus drivers; secondary for cell phone use by young drivers |
| <b>California</b>           | All drivers                                    | School and transit bus drivers and drivers younger than 18                                | All drivers                       | Primary  |
| <b>Colorado</b>             | No   | Drivers younger than 18   | All drivers                       | Primary  |
| <b>Connecticut</b>          | All drivers                                    | Learner's permit holders, drivers younger than 18, and school bus drivers                 | All drivers                       | Primary  |
| <b>Delaware</b>             | All drivers (effective 01/02/11)               | Learner's permit and intermediate license holders and school bus drivers                  | All drivers (effective 01/02/11)  | Primary  |
| <b>District of Columbia</b> | All drivers                                    | School bus drivers and learner's permit holders   | All drivers                       | Primary  |
| <b>Florida</b>              | No   | No  | No                                | Not applicable   |
| <b>Georgia</b>              | Drivers younger than 18 (effective 07/01/10)   | School bus drivers. Drivers younger than 18.  | All drivers (effective 07/01/10)  | Primary  |
| <b>Hawaii</b>               | No   | No  | No                                | Not applicable   |
| <b>Idaho</b>                | No   | No  | No                                | Not applicable   |
| <b>Illinois</b>             | Drivers in construction and school speed zones | Learner's permit holders younger than 19, drivers younger than 19, and school bus drivers | All drivers                       | Primary  |
| <b>Indiana</b>              | No   | Drivers under the age of 18.  | All drivers (effective 07/01/11). | Primary  |
| <b>Iowa</b>                 | No   | Learner's permit and  | All drivers                       | Secondary for texting  |

<sup>1</sup> "Cell Phone Use and Texting While Driving Laws," updated November, 2011. Available online at, <http://www.ncsl.org/?tabid=17057>, Document No. 17057.

|                       |   |  |  |                              |
|-----------------------|---|--|--|------------------------------|
|                       |   | intermediate license holders   |  |                              |
| <b>Kansas</b>         | No  | Learner's permit and intermediate license holders  | All drivers (effective 07/01/10).  | Primary                      |
| <b>Kentucky</b>       | No  | Drivers younger than 18 (effective 07/13/10), school bus drivers   | All drivers (effective 07/13/10)   | Primary (effective 07/13/10) |
| <b>Louisiana</b>      | No  | School bus drivers, learner's permit and intermediate license holders, drivers under age 18                              | All drivers  | Primary                      |
| <b>Maine**</b>        | No  | Learner's permit and intermediate license holders  | All drivers (effective 09/13/11)   | Primary                      |
| <b>Maryland</b>       | All drivers (effective 10/01/10), School Bus Drivers. | Learner's permit and intermediate license holders under 18. School bus drivers   | All drivers  | Primary for texting          |
| <b>Massachusetts</b>  | Local option  | School bus drivers, passenger bus drivers, drivers younger than 18   | All drivers (effective 09/30/10)   | Primary                      |
| <b>Michigan</b>       | Local option  | No   | All drivers (effective 07/01/10)   | Primary (effective 07/01/10) |
| <b>Minnesota</b>      | No  | School bus drivers, learner's permit holders, and provisional license holders during the first 12 months after licensing | All drivers  | Primary                      |
| <b>Mississippi</b>    | No  | School bus drivers.  | Learner's permit holders and intermediate license holders                        | Primary                      |
| <b>Missouri</b>       | No  | No   | Drivers 21 years of age or younger   | Primary                      |
| <b>Montana</b>        | No  | No   | No   | Not applicable               |
| <b>Nebraska</b>       | No  | Learner's permit and intermediate license holders younger than 18  | Learner's permit and intermediate license holders younger than 18<br>All drivers | Secondary                    |
| <b>Nevada</b>         | All drivers (effective 01/01/12)                      | No   | All drivers (effective 01/01/12)   | Not applicable               |
| <b>New Hampshire</b>  | No  | No   | All drivers  | Primary                      |
| <b>New Jersey</b>     | All drivers   | School bus drivers, and learner's permit and intermediate license holders  | All drivers  | Primary                      |
| <b>New Mexico</b>     | Local option  | Learners permit and intermediate license holders   | No   | Not applicable               |
| <b>New York</b>       | All drivers   | No   | All drivers  | Primary                      |
| <b>North Carolina</b> | No  | Drivers younger than 18 and school bus drivers   | All drivers  | Primary                      |
| <b>North Dakota</b>   | Drivers younger than 18 (effective 01/01/12)          | Drivers younger than 18 (effective 01/01/12)   | All drivers (effective 08/01/11)   | Primary (effective 08/01/11) |
| <b>Ohio</b>           | Local option  | No   | No   | Not applicable               |
| <b>Oklahoma</b>       | Learner's permit and intermediate                     | School Bus Drivers and Public Transit Drivers  | Learner's permit and intermediate license  | Primary                      |

|                       | license holders, school bus drivers and public transit drivers (effective 11/01/10) | (effective 11/01/10)  | holders, school bus drivers and public transit drivers (effective 11/01/10)  |   |
|-----------------------|---|---|--|---|
| <b>Oregon</b>         | All drivers   | Drivers younger than 18   | All drivers  | Primary   |
| <b>Pennsylvania</b>   | Local option  | No  | All drivers  | Primary   |
| <b>Rhode Island</b>   | No  | School bus drivers and drivers younger than 18  | All drivers  | Primary   |
| <b>South Carolina</b> | No  | No  | No   | Not applicable  |
| <b>South Dakota</b>   | No  | No  | No   | Not applicable  |
| <b>Tennessee</b>      | No  | School bus drivers, and learner's permit and intermediate license holders             | All drivers  | Primary   |
| <b>Texas</b>          | Drivers in school crossing zones  | Bus drivers. Drivers younger than 18. (09/01/11)                                      | Bus drivers when a passenger 17 and younger is present; intermediate license holders for first 12 months, drivers in school crossing zones | Primary   |
| <b>Utah</b>           | See footnote*   | No  | All drivers  | Primary for texting; secondary for talking on hand-held phone |
| <b>Vermont</b>        | No  | Drivers younger than 18 shall not use any portable electronic device while driving    | All drivers  | Primary   |
| <b>Virginia</b>       | No  | Drivers younger than 18 and school bus drivers  | All drivers  | Secondary; primary for school bus drivers                     |
| <b>Washington</b>     | All drivers   | Learners permit and intermediate license holders                                      | All drivers  | Primary   |
| <b>West Virginia</b>  | No  | Drivers younger than 18 who hold either a learner's permit or an intermediate license | Drivers younger than 18 who hold either a learner's permit or an intermediate license  | Primary   |
| <b>Wisconsin</b>      | No  | No  | All drivers (effective 12/01/10)   | Primary (effective 12/01/10)                                  |
| <b>Wyoming</b>        | No  | No  | All drivers  | Primary   |

\* Utah considers speaking on a cell phone, without a hands-free device, to be an offense only if a driver is also committing some other moving violation (other than speeding).

\*\* Maine has a law that makes driving while distracted a traffic infraction. 29-A M.R.S.A. Sec. 2117.

\*\*\* Listed as a part of contributing factors

*Federal Sample Law*

In February 2010, USDOT unveiled a “Sample Law” to be used as a starting point for states crafting new laws to prohibit texting while driving.<sup>2</sup> Recognizing states have had some difficulty drafting language prohibiting dangerous behaviors, but allowing certain minimal uses of technology, USDOT requested the participation of several national groups to draft language satisfactory to all. The Sample Law, prepared by the National Highway Traffic Safety

<sup>2</sup> “New Sample Bill Will Aid States in Banning Texting While Driving,” United States Department of Transportation, DOT 31-10. USDOT Secretary Ray LaHood, February 22, 2010. <http://www.dot.gov/affairs/2010/dot3110.htm>

Administration (NHTSA), and a cross-section of safety and industry organizations, would authorize law enforcement officers to stop a vehicle and issue a citation to drivers who are texting while driving.<sup>3</sup> The sample state law is patterned on the Executive Order issued by President Obama on October 1, 2009, directing federal employees not to engage in text messaging while driving government-owned vehicles or with government-owned equipment. Federal employees were required to comply with the ban starting on December 30, 2009.<sup>4</sup>

Contributors to the Sample Law include: Advocates for Highway and Auto Safety, Alliance of Automobile Manufacturers, American Association of Motor Vehicle Administrators, American Association of State Highway and Transportation Officials, AAA, Centers for Disease Control and Prevention, CTIA- The Wireless Association, Governors Highway Safety Association, ITS America, International Association of Chiefs of Police, National Conference of State Legislatures, National Safety Council, The National Traffic Law Center of the National District Attorneys Association, and Safe Kids USA.<sup>5</sup>

### *Florida Law*

The state has expressly preempted all regulation of the use of electronic communications devices in a motor vehicle.<sup>6</sup> There are currently no prohibitions related to texting or talking while driving. However, existing laws may apply more generally to distracted operators of motor vehicles. Operators of motor vehicles are in violation of existing statutes when driving carelessly or recklessly.

Careless driving is the failure to drive the same as other operators of motor vehicles, in a careful and prudent manner, having regard to all attendant circumstances, so as not to endanger the life, limb, or property of any person.<sup>7</sup> Any person who violates the restriction against careless driving shall be cited for a moving violation.<sup>8</sup>

Reckless driving involves willful or wanton disregard for the safety of persons or property. Upon a first conviction, reckless driving is punishable by some combination of imprisonment,<sup>9</sup> and at least a \$25 fine<sup>10</sup> or by both such fine and imprisonment. A second or subsequent conviction requires a fine of at least \$50,<sup>11</sup> but may also result in imprisonment for not more than 6 months. Additionally, reckless driving that causes damage to the property or person of another commits a

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> [http://www.nhtsa.gov/staticfiles/rulemaking/pdf/Texting\\_Law\\_021910.pdf](http://www.nhtsa.gov/staticfiles/rulemaking/pdf/Texting_Law_021910.pdf)

<sup>6</sup> s. 316.0075, F.S.

<sup>7</sup> s. 316.1925, F.S.

<sup>8</sup> Punishable as provided in ch. 318, F.S.

<sup>9</sup> For period of not more than 90 days. Section 316.192(2)(a), F.S.

<sup>10</sup> Not less than \$25 nor more than \$500. Section 316.192(2)(a), F.S.

<sup>11</sup> But no more than \$1,000. Section 316.192(2)(b), F.S.

misdeemeanor of the first degree.<sup>12</sup> Reckless driving that causes serious bodily injury<sup>13</sup> to another commits a felony of the third degree.<sup>14</sup>

While prohibition exist against vehicle operators wearing headsets, headphones, or other listening devices, there are exceptions.<sup>15</sup> A driver is permitted to use a headset in conjunction with a cellular telephone that only provide sound through one ear and allows surrounding sounds to be heard with the other ear.<sup>16</sup> The Department of Highway Safety and Motor Vehicles (DHSMV) is granted further rulemaking authority to detail the standards and specifications of radio equipment permitted by statute.<sup>17</sup> DHSMV inspects and reviews all such devices submitted to it and publishes a list by name and type of approved equipment.

Section 322.27(3), F.S., provides a point system used to evaluate the qualifications of any person to operate a motor vehicle after accumulating multiple violations of motor vehicle laws. Moving violations typically result in assessment of three points, unless the infraction or offense is among those considered more serious. For example, pursuant to s. 322.27(3)(d), F.S., reckless driving, passing a stopped school bus, and speeding in excess of 15 mph over the posted limit all require assessment of four points. Leaving the scene of a crash and speeding resulting in a crash require assessment of six points.

DHSMV may suspend a driver for 30 days if the driver accumulates 12 or more points within a 12-month period,<sup>18</sup> up to three months if the driver accumulates 18 points in 18 months,<sup>19</sup> and up to one year if the driver accumulates 24 points within 36 months.<sup>20</sup>

### III. Effect of Proposed Changes:

The bill draws heavily on the Sample Law promulgated by USDOT, particularly with regard to the express legislative intent and the prohibition itself. The penalties are modified somewhat to provide a graduated approach and to integrate with existing Florida Statutes.

#### *Specific Intent*

The bill prohibits any driver from operating a motor vehicle while using a wireless communication device. The bill's specific intention is to:

- Improve roadway safety for motor vehicle operators, passengers, bicyclists, pedestrians and all other road users;
- Prevent crashes related to the act of text messaging;

<sup>12</sup> Punishable as provided in ss. 775.082 and 775.083, F.S.

<sup>13</sup> The term "serious bodily injury" means an injury to another person, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ. Section 316.192(3)(c)(2), F.S.

<sup>14</sup> Punishable as provided in ss. 775.082 - 775.084, F.S.

<sup>15</sup> s. 316.304, F.S.

<sup>16</sup> s. 316.304(2)(d), F.S.

<sup>17</sup> s. 316.304(3), F.S.

<sup>18</sup> s. 322.27(3)(a), F.S.

<sup>19</sup> s. 322.27(3)(b), F.S.

<sup>20</sup> s. 322.27(3)(c), F.S.

- Reduce injuries, deaths, property damage, health care costs, health insurance, and automobile insurance rates related to motor vehicle crashes; and
- Authorize law enforcement officers to issue citations for text messaging while driving as a secondary offense.

### *Prohibition on Texting While Driving*

To achieve these goals, the bill prohibits the operation of a motor vehicle “while manually typing or entering multiple letters, numbers, symbols, or other characters in a wireless communication device, or sending or reading data in the device, for the purpose of non-voice interpersonal communication.”

The bill defines the term “wireless communication device” as any device designed or intended to receive or transmit text or character-based messages, access or store data, or connect to the Internet or any other communications service<sup>21</sup> and which allows text communications. The bill also specifies that for purposes of the prohibition on texting, a person is not operating a vehicle when legally parked.<sup>22</sup> Violations are enforceable as secondary violations.

### *Exceptions*

The bill makes exceptions for:

- Law enforcement, fire service, or emergency medical services personnel, or any operator of an authorized emergency vehicle as defined in s. 322.01, F.S.,<sup>23</sup> performing official duties;
- Reporting an emergency or criminal or suspicious activity to law enforcement;
- Receiving messages related to:
  - The operation or navigation of a motor vehicle;
  - Safety-related information including emergency, traffic, or weather alerts;
  - Data used primarily by the motor vehicle; or
  - Radio broadcasts;
- Using device or system for navigation purposes; or

<sup>21</sup> “Communications service” itself is defined by reference to s. 812.15, F.S. In that statute, the term “communications service” means:

any service lawfully provided for a charge or compensation by any cable system or by any radio, fiber optic, photooptical, electromagnetic, photoelectronic, satellite, microwave, data transmission, Internet-based, or wireless distribution network, system, or facility, including, but not limited to, any electronic, data, video, audio, Internet access, microwave, and radio communications, transmissions, signals, and services, and any such communications, transmissions, signals, and services lawfully provided for a charge or compensation, directly or indirectly by or through any of those networks, systems, or facilities.

<sup>22</sup> Sections 316.194 and 316.1945, F.S., prohibit stopping, standing or parking in certain areas. Therefore, the driver of a vehicle stopped, standing, or parked in one of the prohibited locations may not be considered legally parked.

<sup>23</sup> Section 322.01(4), F.S., defines an “authorized emergency vehicle” as:

a vehicle that is equipped with extraordinary audible and visual warning devices, that is authorized by s. 316.2397 to display red or blue lights, and that is on call to respond to emergencies. The term includes, but is not limited to, ambulances, law enforcement vehicles, fire trucks, and other rescue vehicles. The term does not include wreckers, utility trucks, or other vehicles that are used only incidentally for emergency purposes.

- Conducting wireless interpersonal communication that does *not* require manual entry of multiple letters, numbers, or symbols, or reading text messages (except to activate or deactivate or initiate a feature or function).

### *Penalties*

A penalty for a first violation of the prohibition is a non-moving violation, punishable as provided in ch. 318, F.S. Non-moving violations result in a \$30 fine, plus court costs which vary by jurisdiction.

If a person commits a second violation of the prohibition within 5 years of the first violation, the penalty is increased to a moving violation resulting in 3 points being assigned to the person's driver license. Chapter 318, F.S., provides a \$60 fine plus court costs.

The bill provides DHSMV will assign 6 points to the driver's license of any driver whose use of a wireless communications device results in a crash (regardless of whether the offense is a first or subsequent offense). This is identical to the number of points that would apply to a driver's license when the operator caused a crash as a result of unlawful speed.

The bill has 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.

## **V. Fiscal Impact Statement:**

### A. Tax/Fee Issues:

None.

### B. Private Sector Impact:

An individual violating the prohibition of using wireless communications devices for texting purposes while operating a motor vehicle would be subject to a civil penalties and points being assigned to his or her driver license depending whether the violation is a first offense or a second or subsequent offense.

**C. Government Sector Impact:**

The bill may generate an indeterminate amount of revenue for both state and local law enforcement agencies, depending on the number of secondary violations issued by law enforcement officials, and the frequency with which violators commit subsequent violations, incurring large penalties.

According to DHSMV, programming modifications will be required to carry out the implementation of the bill; however, the necessary hours can be incorporated into ISA's normal workload.<sup>24</sup>

**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.

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

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<sup>24</sup> Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 416* (Oct. 19, 2011, on file with the Senate Transportation Committee).

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

12-7-2011

Meeting Date

Topic Texting While Driving

Bill Number SB416  
(if applicable)

Name Sarah Carroll

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Asst. Executive Director

Address 2617 Mahan Drive

Phone (870) 877-2165

Street

Tallahassee

State

Zip

E-mail scarr@fisheriffs.org

Speaking:  For  Against  Information

Representing Florida Sheriffs Association

*\*Waive in support  
I may have to leave early*

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)

12-7-11

Meeting Date

Topic TEXTING

Bill Number 416  
(if applicable)

Name H. LEE MOFFITT

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title ATTORNEY

Address 3327 N.W. PERIMETER

Phone 813 760-5712

Street

PALM CITY

FL

34990

City

State

Zip

E-mail MRSpeakes@AOL.COM

Speaking:  For  Against  Information

Representing AAA AUTO CLUB South

*Waive in support*

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

*Wave in Support*

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

7 Dec 11

Meeting Date

Topic Wireless Communications

Bill Number SB 416  
(if applicable)

Name CHARLES MILSTED

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title ASSOC, STATE DIRECTOR

Address 200 West College Ave

Phone 850-577-5190

Street  
Tallahassee FL 32301

E-mail cmilsted@carp.org

City State Zip

Speaking:  For  Against  Information

Representing Arnp

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**

*Wave in Support*

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

Meeting Date

Topic Driver Distraction

Bill Number SB 416  
(if applicable)

Name DIANE CARR

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title ATTORNEY

Address 119 S MONROE

Phone 222 7500

Street  
TALL, FL 32301

E-mail dcarr@hgslaw.com

City State Zip

Speaking:  For  Against  Information

Representing ALLIANCE OF AUTOMOBILE MANUFACTURERS

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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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)

*Wanted in support*

12/2/11  
Meeting Date

Topic Texting

Bill Number SB 416  
(if applicable)

Name Paula Mateu

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Area Manager

Address 150 S Monroe St

Phone 850-591-6002

Tallahassee FL  
City State Zip

E-mail Paula.mateu@att.net

Speaking:  For  Against  Information

Representing AST

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)

*Wanted in support*

12-7-11  
Meeting Date

Topic Texting

Bill Number SB 416  
(if applicable)

Name Bevin Maynard

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Child Advocate / Safe Kids Coordinator

Address 1401 E. Fowler Ave

Phone 813-615-0589

Tampa FL 33612  
City State Zip

E-mail bevin.maynard@baycare.org

Speaking:  For  Against  Information

Representing St. Joseph's Children's Hospital - Safe Kids FL

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

*Waive  
in  
support*

12/7/11

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

Meeting Date

Topic Ban on texting

Bill Number SB 416  
(if applicable)

Name Karen Morgan

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Manager, Public Policy

Address 1515 N Westshore Blvd.

Phone 813

Street  
Tampa FL 33607  
City State Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing AAA

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)

# Department of Highway Safety and Motor Vehicles



# What is Real ID?

The Real ID Act was passed in 2005 by Congress. The act identifies minimum document requirements and issuance standards in order to gain federal recognition. Identity documents that do not meet the minimum standards will not be accepted by the federal government. (Examples: Customers would be denied entrance into a federal building, would be unable to board a plane etc.)

Although there is disagreement about Real ID, there is no disputing that efforts to enhance the security of state-issued driver licenses and identification cards are necessary and worthwhile – as the 9/11 Commission recommended.

# How did Florida arrive at its current position?

- Prior to 1999, Florida routinely issued driver licenses and identification cards to anyone who paid the fee and provided minimal documentation of their name and DOB. Examples of documentation accepted included: a family Bible, hand written report cards and personal knowledge by the examiner. Licenses and ID cards were issued using nicknames, initials and other incorrect spellings or naming conventions. Proof of legal presence was not required from 1939 through 1999.
- Florida began to issue credentials only to those legally present in the U. S. in 1999. (See Ch. Law 99-248, Sec s 73 & 74.)
- On January 10, 2002 the 16<sup>th</sup> Statewide Grand Jury issued its report in Case No: SC 01-1095 regarding identity theft in Florida and made several recommendations. Throughout the next several years the DHSMV gradually began implementing the recommendations of the report.
- In 2002, all credentials issued to non-immigrants were given an expiration date that coincided with the expiration of their authorized stay in the U.S. or two years, whichever is less. In addition, the department began scanning all identity documents presented by immigrants and non-immigrants and retaining the images in a secure database. (See Ch. Law 02-259.)
- In June of 2002 DHSMV received a best and final offer for a new generation of driver licenses which significantly enhanced the security of the card and issuance process.
- In 2002, the department began to populate its database with legal presence information based on the information already in its possession or based on data that could be electronically verified.
- In 2003 the Legislature funded the new generation of driver licenses.
- In 2005, Congress passed the Real ID Act
- In 2008, the Department of Homeland Security published the final rules associated with the Real ID Act, which established with greater specificity the issuance standards.
- The department began issuing Real ID compliant credentials on January 1, 2010. All applicants appearing in person are required to provide documentation of lawful presence, to include name and date of birth as well as proof of their SSN and residence address. All documents are scanned and retained according to federal rule 37.31(a).

# More about Real ID

Real ID impacts both the consumer and the state agency charged with implementation.

The U.S. Department of Homeland Security (DHS) was charged with implementation of Real ID nationally. The DHS in consultation with the states, established initial “benchmarks” which are required in order for a state to become “materially compliant” with Real ID. These initial benchmarks contain the items having the greatest impact to the general public.

Additional milestones are required however these changes will not directly impact the consumer.

# What are the initial benchmarks?

| # | Section                   | Requirements Description   | Date of Compliance  | Recommended by Grand Jury?                                   |
|---|---------------------------|--|---|--|
| 1 | § 37.11(a)                | Subject each applicant to a mandatory facial image capture and retain such image even if a driver license (DL) or identification card (ID) is not issued             | November 1995   | This was already occurring when the grand jury was convened. |
| 2 | § 37.11(b)                | Have each applicant sign a declaration under penalty of perjury that the information presented is true and correct, and retain this declaration pursuant to § 37.31. | The Department maintained a perjury statement for many years, however in the fall of 2008 the Department modified its perjury statement slightly. | This was already occurring when the grand jury was convened. |
| 3 | § 37.11(c) (1)            | Require an individual to present at least one of the source documents listed in subsections (i) through (x) when establishing identity                               | July 1999   | Yes  |
| 4 | § 37.11(d)-(g) & 37.31(a) | Require documentation and scanning of:<br>Date of birth<br>Social Security Number<br>Address of principal residence<br>Evidence of lawful status                     | January 2010  | Yes some items are addressed, including scanning.            |
| 5 | § 37.11(h)                | Have a documented exceptions process that meets the requirements established in 37.11(h)(1)-(3) (if States choose to have such a process)                            | January 2010  | Not applicable to the grand jury.                            |
| 6 | § 37.13(a)                | Make reasonable efforts to ensure that the applicant does not have more than one DL or ID already issued by that State under a different identity                    | March 2004  | Yes  |

# Benchmarks

|    |                |  |  |  |
|----|----------------|--|--|--|
| 7  | § 37.13(b)(1)  | Verify lawful status through SAVE or another method approved by DHS  | December 2001  | Yes  |
| 8  | § 37.13(b)(2)  | Verify Social Security account numbers with the Social Security Administration or another method approved by DHS   | Began requiring physical proof of SSN number on Oct 2008.  |  |
| 9  | § 37.15(b)     | Issue DL and IDs that contain Level 1, 2 and 3 integrated security features  | January 2005   | Yes  |
| 10 | § 37.17(a)-(l) | <p>Surface (front and back) of cards include the following printed information in Latin alpha-numeric characters:</p> <ul style="list-style-type: none"> <li>· Full legal name</li> <li>· Date of birth</li> <li>· Gender</li> <li>· Unique DL/ID number</li> <li>· Full facial digital photograph</li> <li>· Address of principal residence</li> <li>· Signature [with exceptions]</li> <li>· Date of transaction</li> <li>· Expiration date</li> <li>· State or territory of issuance</li> </ul> | All items except Full Legal Name and the printing of the residential address on the credential were in place years before REAL ID was signed into law. Full Legal Name was added in October 2009 and residential address in January 2009. Previously, the mailing address was used on the face of the license. | Many of these items were occurring when the grand jury convened. |

# Benchmarks

|    |                        |  |   |                                   |
|----|------------------------|--|---|-----------------------------------|
| 11 | § 37.17 (n)            | Commit to mark materially compliant DL and IDs with a DHS-approved security marking  | January 2010  | Not applicable to the grand jury. |
| 12 | § 37.21                | Issue temporary or limited-term licenses to all individuals with temporary lawful status and tie license validity to the end of lawful status  | February 2002   |                                   |
| 13 | § 37.41                | Have a documented security plan for DMV operations in accordance with the requirements set forth in § 37.41  | July 2009   |                                   |
| 14 | § 37.41(b)(2)          | Have protections in place to ensure the security of personally identifiable information  | Completed and ongoing with improvements in IT technology.   |                                   |
| 15 | § 37.41(b)(5) (i)-(ii) | Require all employees handling source documents or issuing DLs or IDs to attend and complete the AAMVA approved (or equivalent) fraudulent document recognition training and security awareness training | Completed on current employees, and ongoing for new hires during initial training course. Refresher training offered through Department's training section and the Ilearn web app.                                | Yes                               |
| 16 | § 37.45                | Conduct name-based and fingerprint-based criminal history and employment eligibility checks on all employees in covered positions or an alternative procedure approved by DHS                            | Level II background check completed on all covered employees and Tax Collector employees in <b>September 2009</b> . Requirement is ongoing for all new hires. Must be completed before network access is granted. |                                   |

# Benchmarks

|    |                |   |            |                                   |
|----|----------------|---|------------|-----------------------------------|
| 17 | § 37.51 (b)(1) | Commit to be in material compliance with Subparts A through D no later than January 1, 2010 or within 90 days of submission of this document, whichever date is earlier | Completed. | Not applicable to the grand jury. |
| 18 | § 37.71 (b)(1) | Clearly state on the face of non-compliant DLs or IDs that the card is not acceptable for official purposes, except for licenses renewed or reissued under § 37.27      | N/A,       | Not applicable to the grand jury. |

# Florida's Progress

- Over 5 million Floridians have complied with the requirements of Real ID and were issued a compliant credential. This is approx. 1/3 of the driving population.
  - In 2010, the Department authorized 4,770 exceptions, resulting in customers being issued a compliant credential.
  - From January 1, 2011 to date, the Department has issued an additional 56,686 exceptions.
- Net result: 98.8% of customers have demonstrated they are capable of complying with Real Id.

# The Nation's Progress

- 7 states are materially compliant and issuing licenses with gold stars.
- 7 states are materially compliant but have yet to begin issuing gold stars.
- 10 states have announced that they intend to become materially compliant.
- 4 states have enhanced driver license programs that are comparable to Real ID standards.
- 12 states meet all or most of the Real ID standards but have not officially committed to complying with the act.
- 10 states have not relayed their intentions to DHS.

(All data above is as of Nov. 29, 2011 and was received from DHS.)

# The current process for obtaining a credential:

All drivers coming to an office are asked to provide the following:

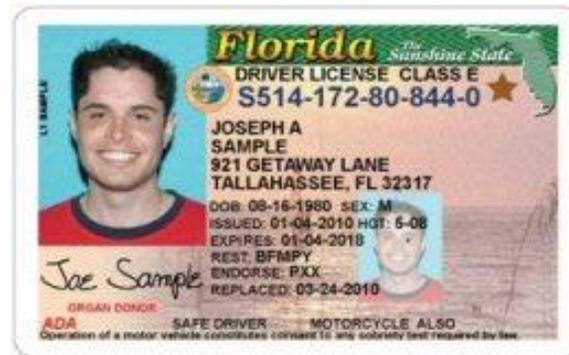
## Citizens:

1. Proof of legal presence & date of birth. (A U.S. birth certificate or a valid Passport)
2. Proof of Social Security Number (Social Security Card, Pay stub or Form 1099)
3. Two proofs of residence address (Utility bill, Bank statement, etc.)
4. If a name change has occurred, then proof of the name change is also required. (Court ordered name change, marriage certificate, divorce decree etc.)

## Foreign Nationals:-

1. Proof of legal presence and date of birth. (A valid Foreign passport or foreign government issued ID) **and**
  - a) Alien Registration or “Green Card” (Form I-551) for all lawful permanent residents **or**
  - b) Evidence from Department of Homeland Security of lawful presence for temporary residents
2. Proof of Social Security Number if issued (This would apply primarily to lawful permanent residents.)
3. Two proofs of residence address (Same as citizen.)
4. If a name change has occurred, then proof of the name change is also required. (Same as citizen.)

# Questions?



Steven Fielder

Department of Highway Safety and Motor Vehicles

850-617-3195

# Overview of Metropolitan Planning Organizations (MPOs)

Howard Glassman

Executive Director

Florida MPO Advisory Council

Senate Transportation Committee

December 7, 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

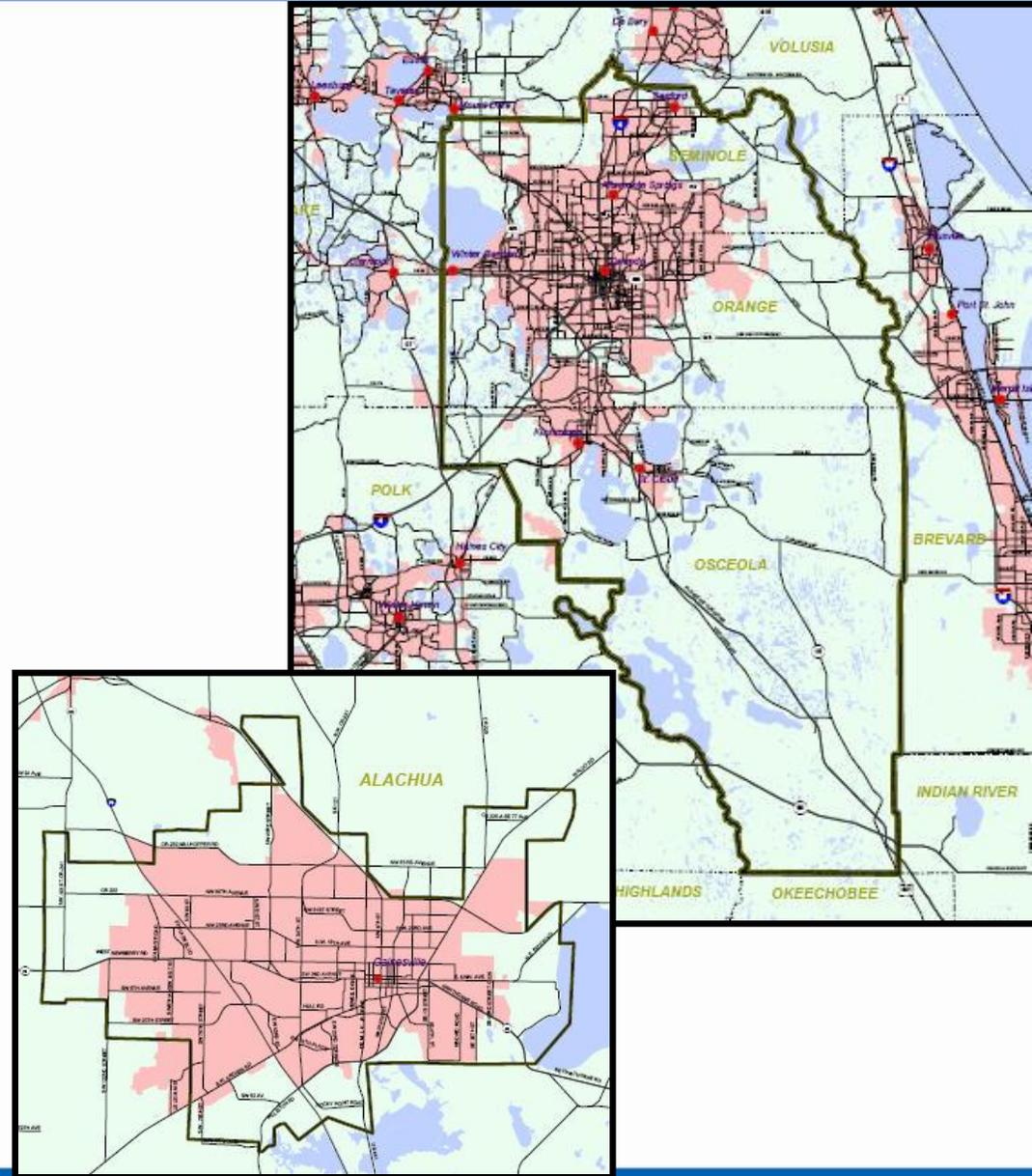


# Evolution of MPOs

- 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

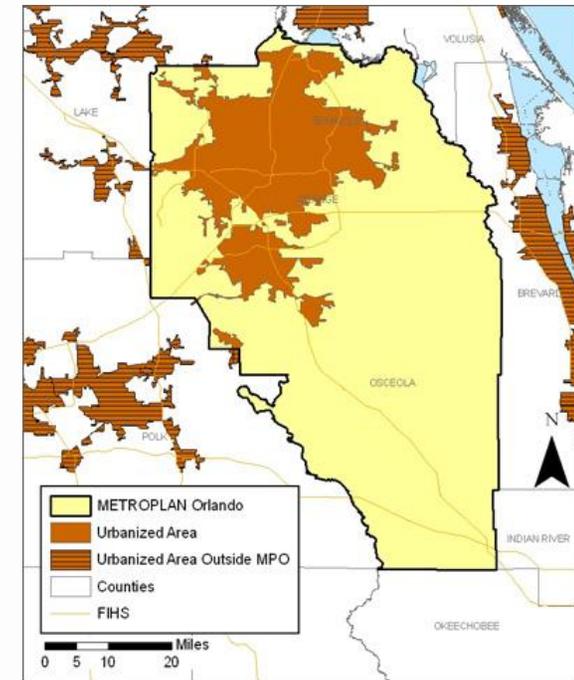
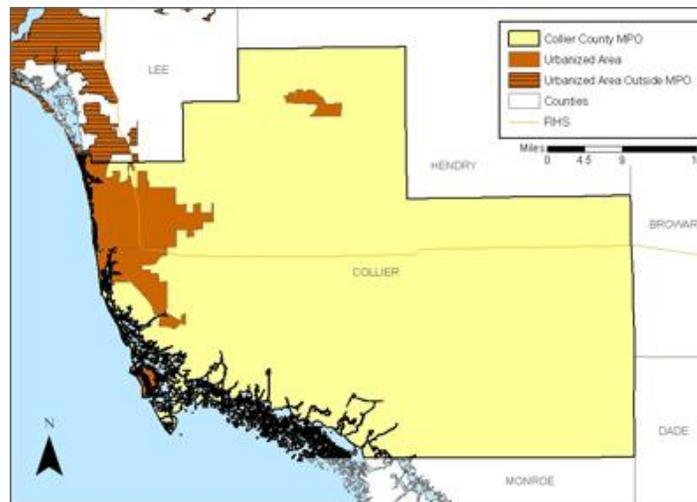
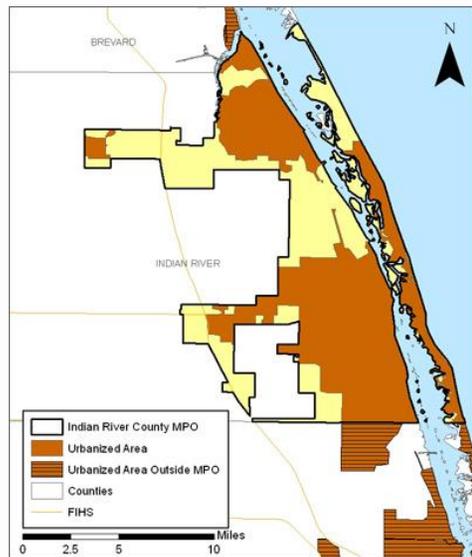
# MPO Designation

- 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

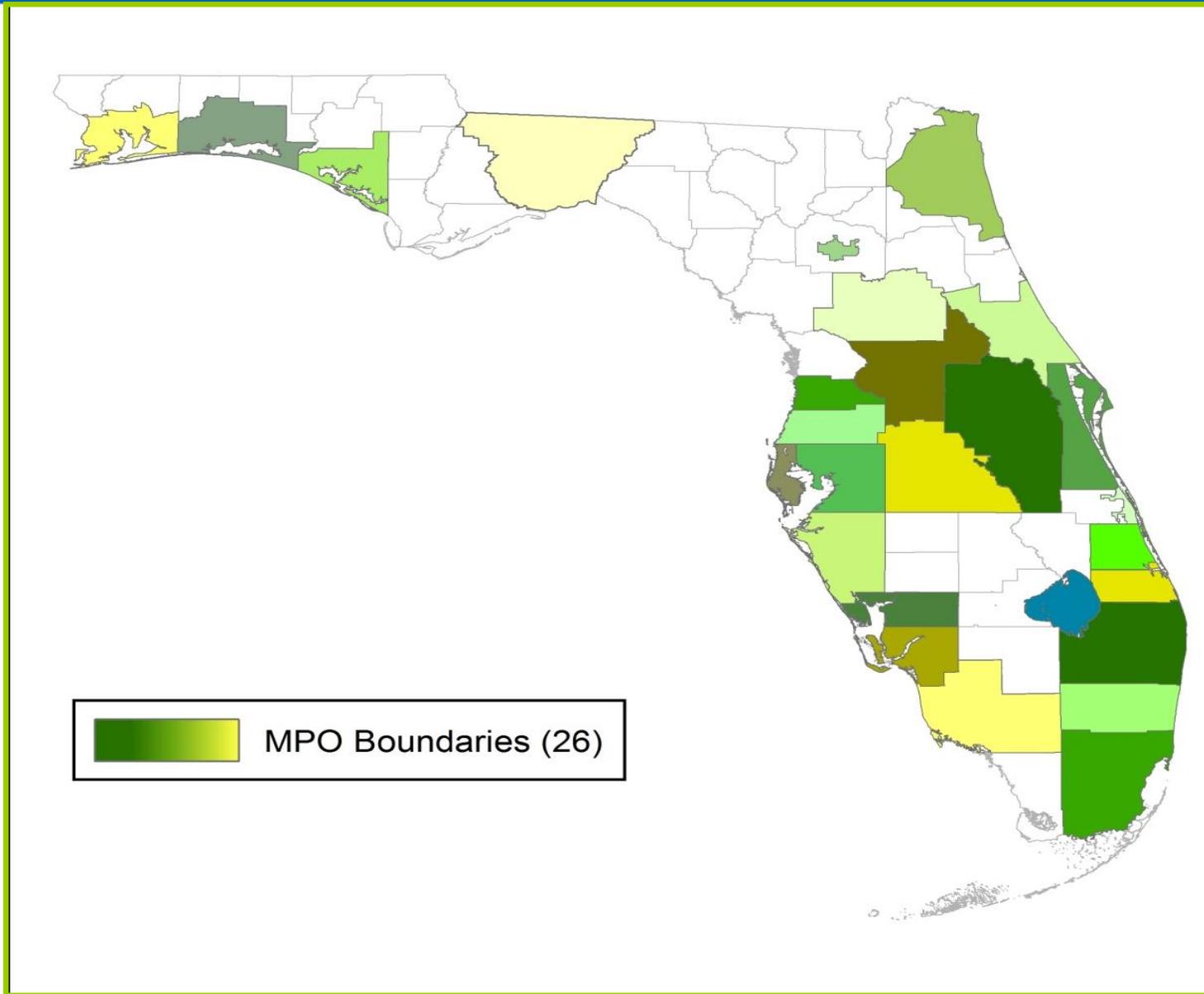


# MPO Boundaries in Florida

- 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

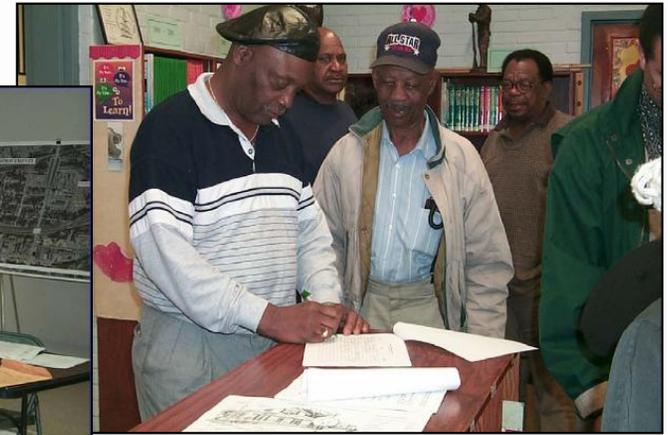
- 5 to 19 members
- As a rule, voting members must be “elected officials of general-purpose governments”
- County commissioners must be “not less than one-third of the MPO membership”
- Alternation of municipal representation permitted
- Area public transportation authorities must have voting membership
- 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

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# Florida Government Efficiency Task Force Work Group Recommendations

**Subject Matter:** Expressway and Bridge Authority Consolidation  
**Work Group Members:** Matthew Falconer, Eric Silagy, and Robert Stork

## **RECOMMENDATION SUMMARY**

The expressway consolidation work group met on October 13<sup>th</sup> and November 4<sup>th</sup> and makes the following recommendations to the Government Efficiency Task Force:

Expressway and Bridge Authority Consolidation:

- An independent party who specializes in best management practices should assist in effectively consolidating the administrative functions of the Orlando-Orange County Expressway Authority (OOCEA) and Tampa-Hillsborough County Expressway Authority (THEA) into Florida's Turnpike Enterprise (FTE). FDOT estimates a savings of \$24,318,000 per year savings. With the utilization of a third party, this process may be more efficient and achieve even greater savings.
- If THEA and OOCEA are consolidated into FTE, all revenue collected in the regions should be spent within the same region and local boards should be maintained to make policy decisions on road construction.
- Consolidate the Mid-Bay Bridge Authority (Mid-Bay) into FTE.
- Consolidate all toll collections into a single entity and system, including all administrative functions, software and IT systems, accounting, collection personnel, enforcement, customer service, and billing.
- Require regional toll agencies to benchmark regional and state transportation and authority salaries to avoid possible excessive salaries.

## FULL RECOMMENDATION(S) ANALYSIS

### I. RECOMMENDATIONS(S) AND BACKGROUND

#### A. REGIONAL EXPRESSWAY AND BRIDGE AUTHORITIES GLOBAL CONSOLIDATION:

There are three independent Expressway and Bridge Authorities considered in the recommendation: Orlando-Orange County Expressway Authority (OOCEA), Tampa-Hillsborough Regional Expressway Authority (THEA), and the Mid-Bay Bridge Authority (MBBA). All three authorities currently operate pursuant to a lease-purchase agreement<sup>1</sup> with the Florida Department of Transportation (FDOT).<sup>2</sup>

#### The Florida Turnpike Enterprise

Florida's Turnpike was created in 1953 as the Florida State Turnpike Authority. The State Turnpike authority became part of the department in 1969. The Turnpike was reorganized as an Office within the department in 1988 and as a district in 1994. Florida's Turnpike Enterprise (FTE), a business-focused organization within the Department, was created by the Legislature in 2002 to manage the Turnpike System (Turnpike). The Turnpike is a system of toll-financed expressways serving sixteen Florida counties covering 460 miles.<sup>3</sup>

*The Florida Turnpike Enterprise*

|            | Lane Miles | Gross Toll Revenue FY2010-11 | Toll Transactions FY2010-11 | Bond Debt Outstanding | Long Term Payable to FDOT |
|------------|------------|------------------------------|-----------------------------|-----------------------|---------------------------|
| <b>FTE</b> | 2,112      | \$600,897,000                | 652,900,000                 | \$2,811,830,000       | \$162,403,077             |

#### Orlando-Orange County Expressway Authority

The Orlando-Orange County Expressway Authority (OOCEA) was created in 1963 by the Florida Legislature.<sup>4</sup> The purpose of the authority is for the construction and operation of an expressway road system in Central Florida. OOCEA has the statutory authority to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards together with authority to construct, repair, replace, operate, install, and maintain electronic toll payment systems outside of Orange County with the respective county's written consent. OOCEA is also authorized to issue toll revenue bonds to finance portions of the system.

*Orlando-Orange County Expressway Authority*

|              | Lane Miles | Gross Toll Revenue FY2010-11 | Toll Transactions FY2010-11 | Bond Debt Outstanding | Long Term Payable to FDOT |
|--------------|------------|------------------------------|-----------------------------|-----------------------|---------------------------|
| <b>OOCEA</b> | 671        | \$263,787,000                | 292,477,739                 | \$2,696,415,000       | \$270,088,808             |

<sup>1</sup> For more information regarding lease-purchase agreements please see The Florida Senate, *Toll Facility Lease-Purchase Agreements*, Issue Brief 2011-227, prepared by Senate Committee on Transportation. Available at: <http://www.flsenate.gov/Committees/InterimReports/2011/2011-227tr.pdf> (last visited 11/10/11).

<sup>2</sup> The Santa Rosa Bay Bridge Authority also operates pursuant to a lease-purchase agreement with FDOT but is not considered in this recommendation report.

<sup>3</sup> See The Florida Senate, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, Issue Brief 2012-208, prepared by Budget Subcommittee on Transportation, tourism, and Economic Development Appropriations. Available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-208%20BTA.pdf> (last visited 11/10/11).

<sup>4</sup> OOCEA operates pursuant to ch. 348, F.S., part V.

## Tampa-Hillsborough County Expressway Authority

The Tampa-Hillsborough County Expressway Authority (THEA) was created in 1963 as an agency of the state pursuant to ch. 348, F.S., for the purposes of and having the authority to construct, reconstruct, improve, extend, repair, maintain and operate the expressway system within Hillsborough County.

### *Tampa-Hillsborough County Expressway Authority*

|             | Lane Miles | Gross Toll Revenue FY2010-11 | Toll Transactions FY2010-11 | Bond Debt Outstanding | Long Term Payable to FDOT |
|-------------|------------|------------------------------|-----------------------------|-----------------------|---------------------------|
| <b>THEA</b> | 112        | \$40,476,072                 | 31,634,997                  | \$324,520,000         | \$200,655,481             |

## Change & Efficiency- OOCEA & THEA

The expressway consolidation work group found there is waste and inefficiency by having separate toll agencies. Each toll agency performs the same functions: administration of road construction and toll collection. Therefore, each agency has duplicative systems and personnel. Significant savings and efficiencies can be achieved through reduction of administrative personnel and consolidation of different systems into one larger system.<sup>5</sup>

Estimates from FDOT provide that the following savings may be realized by consolidating THEA and OOCEA into FTE:

- \$6,572,000 per year from authority contract services;<sup>6</sup>
- \$5,850,000 per year from authority administrative salaries and benefits;<sup>7</sup> and
- \$14,877,000 per year from authority back office toll collection.<sup>8</sup>

FDOT also estimates a savings of \$1,712,000 per year for the removal of the airport plaza and installation of electronic tolling at ramps. With an estimated recurring cost of \$4,693,000 per year to FTE, the consolidation of OOCEA and THEA into FTE would lead to a conservative savings estimate of **\$24,318,000** per year.<sup>9</sup>

Senate Budget Committee staff, during the 2011 session, also estimated that Florida taxpayers would save \$24 million each year by merging all of the independent toll agencies into the Florida Turnpike Authority.<sup>10</sup>

To better assess the benefits of a merger/consolidation, Expressway Consolidation Work Group Chairman Matthew Falconer researched past mergers and consolidations in other states. The most

<sup>5</sup> Chairman Falconer visited the facilities of OOCEA, THEA, and FTE (Chairman Falconer's visit reports are on file with Government Efficiency Task Force staff).

<sup>6</sup> Savings are estimated at \$6.145 million per year for OOCEA and \$427,000 per year for THEA (Estimates on file with Government Efficiency Task Force staff)

<sup>7</sup> Savings are estimated at \$3.781 million per year for OOCEA and \$2.069 million per year for THEA (Estimates on file with Government Efficiency Task Force staff).

<sup>8</sup> Savings are estimated at \$14.261 million per year for OOCEA and \$616,000 per year for THEA (Estimates on file with Government Efficiency Task Force staff).

<sup>9</sup> This does not take into account any possible savings from real estate holdings, leased property and related maintenance and utilities. Savings resulting from debt refinancing are also excluded.

<sup>10</sup> The Florida Senate Bill Analysis and Fiscal Impact Statement, SB 2152 (SPB 7198), Senate Budget Committee, April 1, 2011. Available at: <http://www.flsenate.gov/Session/Bill/2011/2152/Analyses/Vwph1SsHimSG5hGTFLi2jnf1uuM=%7C7/Public/Bills/2100-2199/2152/Analysis/2011s2152.bc.PDF> (last visited 11/10/11).

relevant example found was the merger of the New Jersey Turnpike and the Garden State Parkway.<sup>11</sup> The New Jersey Turnpike and Garden State Parkway collect 2.2 million tolls per day and \$650,000,000 per year. The consolidation allowed for a reduction of 212 employee positions and achieved administrative savings of \$8,200,000 per year. The consolidation also reduced the amount of office space required. Consolidation achieved savings and reduced time for road project completion due to the combined resources of the larger agency.<sup>12</sup>

The work group research concluded a global consolidation will result in significant savings, similar to that of the New Jersey Turnpike. Separate agencies require additional administration, multiple software and IT recourses. Savings from a global consolidation are estimated to be in the tens of millions of dollars annually. In addition, the savings in terms of interest are estimated to be in the tens of millions of dollars as a result of the lower interest rate available to FTE.<sup>13</sup>

Consolidation may also result in a changed business model for the raising of capital for roadway projects and expense planning. THEA and OOCEA currently have \$3.02 billion in outstanding bond debt compared to FTE's \$2.812 billion.<sup>14</sup> FTE, which is required to sell bonds through the Division of Bond Finance, tends to be more conservative in its approach to bond debt. Consolidation may result in a more conservative business model, resulting in less debt and quicker repayment of operations and maintenance expenses to the state.

While there appears to be considerable savings through administrative savings and culture change, because of the complexity of such a consolidation, the work group believes that it is beyond the group's capacity to detail how a consolidation would be carried out. **The work group recommends that an independent party who specializes in best management practices should assist in effectively consolidating the administrative functions of the Orlando-Orange County Expressway Authority (OOCEA) and Tampa-Hillsborough County Expressway Authority (THEA) into Florida's Turnpike Enterprise (FTE).**<sup>15</sup>

If a global consolidation or merger is completed, the work group recommends the following to ensure local governments maintain their influence on local decisions:

**The work group recommends that revenue collected stay in the same system in which it is collected.** The funds collected should be placed into a separate account or be designated for use in the same road system where the funds are collected.

**The work group recommends that local boards be maintained to make policy decisions on road projects built within their system.** Local boards should maintain control of their systems even if administered by a consolidated agency.

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<sup>11</sup> See the *Report of the New Jersey Toll Road Consolidation Study Commission*, February 14, 2003. Available at: [http://slis.njstatelib.org/slisc\\_files/digidocs/r628/r6282003.pdf](http://slis.njstatelib.org/slisc_files/digidocs/r628/r6282003.pdf) (last visited 11/11/10).

<sup>12</sup> See the *Consolidation Case Study: The New Jersey Turnpike Authority and The New Jersey Highway Authority, Two Years Later*. Copy of presentation available at: <http://www.ibtta.org/files/PDFs/Diane%20Scaccetti.pdf> (last visited 11/11/10).

<sup>13</sup> The Expressways have a lower bond rating than FTE. OOCEA's bond rating was recently lowered by Moody's Investor Service A2 with a negative outlook. The downgrade was due to "continued lower than forecasted traffic and revenue growth combined with reduced operating revenue support from Florida's Department of Transportation (FDOT) which we expect will result in lower debt service coverage ratios (DSCRs) going forward. Additional pressures include potential opposition to planned toll increases; a complex and increasingly back-loaded debt structure with substantial exposure to variable rate debt and swaps; and large as yet unfunded capital needs over the next three years" (Letter available with the Government Efficiency Task Force staff).

<sup>14</sup> These numbers are based on the presentation by Reynold Myer, staff director of the Florida Senate Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations. Presentations materials are available <http://www.floridaefficiency.com/UserContent/docs/File/20111005MeetingPacket.pdf> (last visited 11/10/11).

<sup>15</sup> The Hay group performed such a study in the consolidation of the New Jersey Turnpike and the Garden State Parkway.

## Recommendations:

The work group recommends the following:

- Perform an independent study, similar to the study completed during the consolidation of the New Jersey Turnpike and the Garden State Parkway, to best detail how to consolidate Orlando-Orange County Expressway Authority (OOCEA) and Tampa-Hillsborough County Expressway Authority (THEA) into Florida's Turnpike Enterprise (FTE).
- If THEA and OOCEA are consolidated into FTE, all revenue should be spent within the same region where the funds are collected and local boards should be maintained to make policy decisions on road construction.

## B. CONSOLIDATION OF MID-BAY BRIDGE AUTHORITY INTO THE FLORIDA TURNPIKE ENTERPRISE:

### Mid-Bay Bridge Authority

In 1986, the Legislature created the Mid-Bay Bridge Authority (MBBA) as the governing body of an independent special district in Okaloosa County for the purpose of planning, constructing, operating and maintaining a bridge traversing Choctawhatchee Bay.

#### *Mid-Bay Bridge Authority*

|      | Lane Miles | Gross Toll Revenue FY2010-11 | Toll Transactions FY2010-11 | Bond Debt Outstanding | Long Term Payable to FDOT |
|------|------------|------------------------------|-----------------------------|-----------------------|---------------------------|
| MBBA | 20.6       | \$15,476,000                 | 6,519,391                   | \$287,115,000         | \$17,120,448              |

### Change and Efficiency

The Express Consolidation Work Group researched the consolidation of the Mid-Bay Bridge Authority into FTE. The work group reviewed the Florida Senate issue brief on authority cost effectiveness<sup>16</sup> and received testimony from MBBA Executive Director Jim Vest.<sup>17</sup> MBBA currently consists of two employees and oversees 20.6 lane miles of roadway and bridge.<sup>18</sup>

The work group research concluded MBBA's lower credit rating costs an additional \$5 million to \$10 million a year in interest payments when compared to FTE's interest rate.<sup>19</sup>

FDOT and FTE can absorb oversight of management of the existing construction project and HRE contract. FDOT may be able to better handle the project than an agency with one Executive Director and one administrative assistant.

<sup>16</sup> The Florida Senate, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, Issue Brief 2012-208, prepared by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations. Available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-208%20BTA.pdf> (last visited 11/10/11).

<sup>17</sup> Mr. Vest testified during the November 4<sup>th</sup> Expressway Consolidation Work Group meeting and answered questions from members. The podcast is available at <http://www.floridaefficiency.com/meetings.cfm> (last visited 11/10/11).

<sup>18</sup> See The Florida Senate, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, Issue Brief 2012-208, page 1 prepared by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations. Available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-208%20BTA.pdf> (last visited 11/10/11).

<sup>19</sup> This estimate is based on FTE issuing bonds at a higher credit rating compared to MBBA issuing bonds at its current credit rating.

If the MBBA is consolidated into FTE, FDOT projects an annual reduction in operational costs of \$400,000 to \$500,000.<sup>20</sup> Possible savings on bond refinancing may be between \$5 million and \$10 million per year.<sup>21</sup>

Due to lower interest rates and operational costs, consolidation of MBBA into FTE will prevent a possible default situation like the Santa Rose Bay Bridge.<sup>22</sup> The work group members believe that consolidation of MBBA into FTE is in the best interest of the customers of the Mid-Bay Bridge and the taxpayers of Florida.

**The Expressway Consolidation Work Group recommends MBBA be consolidated into FTE without further study.** This consolidation is estimated to result in immediate savings of \$400,000 to \$500,000 a year and produce annual savings of \$5 million to \$10 million a year if the revenue bonds can be refinanced by FTE. With only two employees there is little reason to keep MBBA a separate agency, and consolidation will cost very little to execute. The five member MBBA board should remain intact to provide local input to FTE.

### **Recommendations:**

- The Expressway Consolidation Work Group recommends MBBA be consolidated into FTE without further study.

## **C. CONSOLIDATION OF TOLL COLLECTION:**

### **Toll Collection**

The Expressway Consolidation Work Group also reviewed consolidating services provided by the toll agencies. Aside from road design and construction, toll collection is perhaps the most important service the toll agencies provide. The work group reviewed toll collection both from a cost standpoint as well as the effective and efficient use of time by the toll paying public.

Currently, there are three toll transponder systems in Florida:

- Sun Pass,<sup>23</sup>
- E-Pass,<sup>24</sup> and
- Lee-Way.<sup>25</sup>

In addition, several agencies have gone to “Pay by Plate” systems and “all electronic tolling.” In these locations there is no option to pay cash, and new customers or customers without transponders are mailed invoices for use of the toll roads.

Residents of Florida and visitors must comply with different rules and transponder systems. Currently, Florida’s Turnpike Enterprise (FTE), Orlando-Orange County Expressway (OOCEA), and the Tampa Hillsboro Expressway Authority (THEA) all use different toll collection systems. This requires three separate software systems, three separate vendors, three separate IT systems, and three different invoice and enforcement policies.

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<sup>20</sup> Savings based on FDOT estimates with \$302,000 savings from authority contractual services (non-toll) and \$224,000 from authority administrative salaries and benefits (Estimates on file with Government Efficiency Task Force staff).

<sup>21</sup> This savings estimate is based on refinancing existing debt obligations of MBBA under the FTE bond rating.

<sup>22</sup> See *Florida Bridge Authority Misses Bond Payment, Defaults*, by Michael Connor; Reuters On-line, available at <http://www.reuters.com/article/2011/07/01/us-florida-bridge-default-idUSTRE76053620110701> (last visited 11/11/11).

<sup>23</sup> Administered by Florida’s Turnpike Enterprise and the Florida Department of Transportation. See <https://www.sunpass.com/index> (last visited 11/11/10).

<sup>24</sup> Administered by the Orlando-Orange County Expressway Authority. See <http://www.expresswayauthority.com/corporate/epass/> (last visited 11/11/10).

<sup>25</sup> Used for three bridges in Lee County. See <https://www.leewayinfo.com/> (last visited 11/11/10).

## Change and Efficiency

Having a different collection system for each authority and turnpike is inefficient from a collection standpoint as well as from the customer's point of view. There are duplicative costs and inconsistent regulations regarding collection between counties. A customer with a dead battery in their toll transponder can receive violations from three separate agencies in the same day, leading to confusion.<sup>26</sup>

The Orlando-Orange County Expressway (OOCEA) testified that consolidating toll collections under one agency can "save \$22 million per year."<sup>27</sup> The savings will come from the economies of scale using one software system and one vendor.

Currently, Florida's Turnpike Enterprise processes 652 million transactions each year. FTE also collects tolls for MBBA. THEA processes 31 million transactions per year and OOCEA processes 292 million.<sup>28</sup> SunPass (FTE) has by far the largest number of transponders in service and 3100 locations for customers to buy and replenish accounts.

**It is the recommendation of the work group that Florida's Turnpike Enterprise be responsible for all toll collection in Florida.** Florida's Turnpike Enterprise has by far the most transponders in Florida and processes double the transactions of all other agencies combined. The transformation will allow every customer to utilize one transponder system and will reduce collection costs significantly.

A single system should have a uniform procedure and fee for collecting the toll revenue. For example, if an electronic toll is collected by the Florida Turnpike and paid to OOCEA, the Turnpike should be able to deduct the cost of collecting that toll. By setting that fee at or below current collection costs, there will be no loss of revenue to any toll agency.

The cost to collect tolls will be reduced and have an estimated savings of \$22 million per year. The customer will enjoy a better service when dealing with one collection entity.

### Recommendation

- Consolidate all toll collections into a single entity and system, including all administrative functions, software and IT systems, accounting, collection personnel, enforcement, customer service, and billing.

## D. WAGE PARITY:

### Authority Wages vs. Turnpike Wages

During the course of the research, the work group was provided documentation on employee salaries of the various agencies. Salaries between the authorities and FTE varied greatly, even when the job descriptions were identical. As an example, the Executive Director of OOCEA makes \$247,000 and the

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<sup>26</sup> The Expressway Consolidation work group received testimony from an Orlando resident, Darlene Petty Raimondi. Ms. Raimondi had a transponder in her car but was unaware that her battery in the transponder lost power. Ms. Raimondi used the toll roads and received violations for unpaid tolls. Unaware there are two separate tolling agencies on the same highway, Ms. Raimondi resolved the toll violation with one agency. The other agency's toll violation was not resolved, resulting in Ms. Raimondi license being suspended. As a result Ms. Raimondi's insurance rates went up. A unified toll collection systems and enforcement procedures will be more efficient from the taxpayer's perspective.

<sup>27</sup> Executive Direct of OOCEA, Mike Snyder, testified before the Government Efficiency Task Force on October 5<sup>th</sup>, 2011. Video replay and podcast of the meeting are available at: <http://www.floridaefficiency.com/meetings.cfm> (last visited 11/10/11). FDOT estimates a conservative savings of \$14 to \$15 million per year.

<sup>28</sup> See The Florida Senate, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, Issue Brief 2012-208, page 1 prepared by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations. Available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-208%20BTA.pdf> (last visited 11/10/11).

Florida Secretary of Transportation makes \$140,000, despite having more than ten times the staff.<sup>29</sup> Of the 61 employees at OOCEA, ten make over \$100,000 a year.<sup>30</sup>

*Salary & Benefits of Authorities and Turnpike*

|                              | MBBA      | THEA        | OOCEA       | Combined Authorities | FTE                    |
|------------------------------|-----------|-------------|-------------|----------------------|------------------------|
| <b>Salary &amp; Benefits</b> | \$223,000 | \$2,010,194 | \$6,419,842 | \$8,663,036          | \$30,197,148           |
| <b>FTE's</b>                 | 2         | 17          | 61          | 80                   | 468                    |
| <b>Average per FTE</b>       | \$111,500 | \$118,247   | \$105,243   | \$108,288            | \$64,524 <sup>31</sup> |

**Change and Efficiency**

Regional authority employees perform the same functions as the state employees who make a fraction of the salary. There is considerable cost savings by requiring the expressway and bridge authorities to follow a pay scale similar to FDOT. **The work group recommends that regional toll agencies should benchmark regional and state transportation and authority salaries to avoid possible excessive salaries.** Pay parity will ensure taxpayers are getting value for the public service being performed.

Recommendation

- Require regional toll agencies to benchmark regional and state transportation and authority salaries to avoid possible excessive salaries.

<sup>29</sup> See *Senator Targets Top Expressway Salaries*, Dan Tracey, Orlando Sentinel, October, 7, 2011. Available at [http://articles.orlandosentinel.com/2011-10-07/news/os-salaries-snyder-gaetz-20111007\\_1\\_orlando-authority-salaries-gaetz](http://articles.orlandosentinel.com/2011-10-07/news/os-salaries-snyder-gaetz-20111007_1_orlando-authority-salaries-gaetz) (last visited 11/11/10).

<sup>30</sup> Data is from: The Florida Senate, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, Issue Brief 2012-208, prepared by Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations. Available at: <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-208%20BTA.pdf> (last visited 11/10/11).

<sup>31</sup> Averages are calculated by dividing the total amount of salary & benefits by the total number of FTEs.

# Government Efficiency Task Force

Recommendation Report

Regional Expressway and Bridge Authorities

# PROCESS & DUE DILIGENCE

- Reviewed annual budgets and organizational charts of all toll agencies.
- Visited all toll headquarters and discussed operations with all directors.
- Reviewed all relevant material provided by agencies and others.
- Reviewed steps other states have taken in toll agency consolidation.

# RECOMMENDATIONS

- Consolidate all Toll Collections into a single entity and system, including all administrative functions, software and IT systems, accounting, collection personnel, enforcement, customer service and billing
- Consolidate the Mid-Bay Bridge Authority (Mid-Bay) into FTE.
- Require regional toll agencies to benchmark regional and state transportation authority salaries to avoid possible excessive salaries.
- Engage an independent third party who specializes in best management practices and can assist in effectively consolidating the administrative functions of the Orlando Orange County Expressway Authority (OOCEA) and Tampa-Hillsborough County Expressway Authority (THEA) into the Florida Turnpike Enterprise (FTE).

# TOLL COLLECTIONS

Currently, there are three toll transponder systems in Florida:

- Sun Pass
- E-Pass
- Lee-Way

In addition, several agencies have gone to “Pay by Plate” systems and “all electronic tolling.” In these locations there is no option to pay cash, and new customers or customers without transponders are mailed invoices for use of the toll roads

Residents of Florida and visitors must comply with different rules and transponder systems. Currently, the Florida Turnpike Enterprise (FTE), Orlando-Orange County Expressway (OOCEA), and the Tampa Hillsboro Expressway Authority (THEA) all use different toll collection systems. This requires three separate software systems, three separate vendors, three separate IT systems, and three different invoice and enforcement policies.

Having a different collection system for each authority and turnpike is inefficient from a collection standpoint as well as from the customer's point of view. There are duplicative costs and inconsistent regulations regarding collection between counties. A customer with a dead battery in their toll transponder can receive violations from three separate agencies in the same day, leading to confusion.

Our work group received testimony from a taxpayer who lost their license because they were unaware of multiple agency violations.

- We estimate that consolidating toll collections under one agency can save \$22 million per year. The savings will come from the economies of scale using one software system and one vendor.
- Because FTE is by far the largest of all agencies we recommend consolidation of toll collection under the FTE.

# MID BAY BRIDGE AUTHORITY

- The work group research concluded MBBA's lower credit rating costs an additional \$5 million to \$10 million a year in interest payments when compared to FTE's interest rate.
- FDOT will be able to better manage Mid Bay than an agency with one Executive Director and one administrative assistant.
- If the MBBA is consolidated into FTE, FDOT projects an annual reduction in operational costs of \$400,000 to \$500,000. Possible savings on bond refinancing may be between \$5 million and \$10 million per year.

# CONSOLIDATING ADMINISTRATIVE FUNCTIONS

- FDOT estimates administrative savings of \$24,318,000 per year. With the utilization of a third party, this process may be more efficient and achieve even greater savings.

## AUTHORITY WAGES vs. TURNPIKE WAGES

- Salaries between the authorities and FTE varied greatly, even when the job descriptions were identical.
- As an example, the Executive Director of OOCEA makes \$247,000 and the Florida Secretary of Transportation makes \$140,000, despite having more than ten times the staff.
- We recommend requiring regional toll agencies to benchmark regional and state transportation and authority salaries to avoid possible excessive salaries.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

12/7/11  
Meeting Date

Topic Expressway - Government Efficiency Task Force Bill Number \_\_\_\_\_ (if applicable)  
Name Jeff Woodburn Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Staff Director - Government Efficiency Task Force  
Address 405 Capitol Phone 487-5278  
Tallahassee FL 32399 E-mail \_\_\_\_\_  
City State Zip

Speaking:  For  Against  Information - presentation

Representing \_\_\_\_\_

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

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.  
This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

12/7/11  
Meeting Date

Topic Expressway - Government Efficiency Task Force Bill Number \_\_\_\_\_ (if applicable)  
Name Matthew Falconer Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Member - Government Efficiency Task Force  
Address 405 Capitol Phone 487-5278  
Tallahassee FL 32399 E-mail \_\_\_\_\_  
City State Zip

Speaking:  For  Against  Information - Presentation

Representing \_\_\_\_\_

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

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.  
This form is part of the public record for this meeting. S-001 (10/20/11)

# CourtSmart Tag Report

Room: LL 37  
Caption: Transportation

Case:  
Judge:

Type:

Started: 12/7/2011 9:35:49 AM  
Ends: 12/7/2011 11:30:20 AM Length: 01:54:32

9:35:51 AM Meeting called to order by Vice Chairman Evers  
9:36:11 AM Roll call by Administrative Assistant  
9:36:51 AM Pledge of Allegiance  
9:37:01 AM Comments from Vice Chair, SB 474  
9:37:23 AM Presentation of SB 474 by Senator Norman  
9:38:21 AM Question from Vice Chairman Evers regarding strike-all  
9:38:39 AM Question from Senator Gibson  
9:38:58 AM Answer from Senator Norman  
9:39:30 AM Comments from Chairman Latvala  
9:39:40 AM Question from Senator Gibson  
9:40:07 AM Answer from Senator Norman  
9:40:38 AM Question from Senator Joyner  
9:42:00 AM Answer from Senator Norman  
9:42:44 AM Follow-up question from Senator Joyner  
9:43:09 AM Answer from Senator Norman  
9:43:29 AM Follow-up from Senator Joyner  
9:43:56 AM Answer from Senator Norman  
9:44:13 AM Follow-up Question from Senator Joyner  
9:44:35 AM Answer from Senator Norman  
9:45:12 AM Comments from Chairman Latvala  
9:45:46 AM Question from Senator Joyner  
9:46:13 AM Answer from Senator Norman  
9:46:37 AM Question from Senator Benacquisto  
9:47:11 AM Answer from Senator Norman  
9:47:48 AM Question from Senator Benacquisto  
9:48:23 AM Question from Senator Benacquisto  
9:48:32 AM Question from Senator Storms  
9:50:50 AM Comments from Chairman Latvala  
9:51:00 AM Comments from Fielder  
9:51:59 AM Follow-up from Senator Storms  
9:52:07 AM Answer from Mr. Fielder  
9:52:29 AM Question from Senator Garcia  
9:52:50 AM Answer from Mr. Fielder  
9:53:11 AM Question from Senator Garcia  
9:53:17 AM Answer from Mr. Fielder  
9:53:38 AM Answer from Mr. Fielder  
9:53:39 AM Question from Senator Gibson  
9:53:47 AM Answer from Mr. Fielder  
9:53:53 AM Question from Chairman Latvala  
9:54:13 AM Question from Senator Gibson  
9:54:30 AM Answer from Senator Norman  
9:54:40 AM Comments from Chairman Latvala  
9:54:45 AM Question from Senator Joyner  
9:54:57 AM Answer from Senator Norman  
9:55:14 AM Question from Senator Joyner  
9:55:21 AM Answer Senator Norman  
9:55:43 AM Question from Senator Joyner  
9:56:08 AM Answer from Mr. Fielder  
9:58:02 AM Comments from Chairman Latvala  
9:58:18 AM Mike Seamon, Waived in Support  
9:58:32 AM Nancy Daniels, Public Defender, Leon County  
10:00:29 AM Comments from Chairman Latvala

10:00:42 AM Debate, Senator Gibson  
10:01:44 AM Debate, Senator Gibson  
10:01:45 AM Comments from Senator Joyner  
10:03:33 AM Comments from Chairman Latvala  
10:04:04 AM Comments from Senator Benacquisto  
10:05:05 AM Comments from Senator Norman  
10:05:40 AM Comments from Senator Latvala  
10:06:02 AM Comments from Senator Benacquisto  
10:06:39 AM Comments from Senator Norman  
10:07:20 AM Comments from Chairman Latvala  
10:07:31 AM Comments from Senator Norman  
10:08:14 AM Comments from Chairman Latvala  
10:09:06 AM Comment from Senator Benacquisto  
10:09:30 AM Comments from Senator Norman  
10:09:46 AM Comments from Chairman Latvala  
10:10:08 AM Comments from Mr. Fielder  
10:10:53 AM Senator Norman asked that the bill be TP  
10:11:17 AM Comments from Chairman regarding SB 122  
10:11:35 AM Senator Sobel presented SB122  
10:13:17 AM Question from Chairman Latvala  
10:13:30 AM Answer from Senator Sobel  
10:13:36 AM Question from Senator Wise  
10:14:03 AM Answer from Mr. Fielder  
10:14:28 AM Amendment explained by Senator Sobel  
10:15:00 AM Paula Mateo, waived in support  
10:15:14 AM Charles Milsted, waived in support  
10:15:34 AM Comments from Senator Bullard  
10:16:05 AM Comments from Chairman Latvala  
10:16:11 AM Roll Call on SB 122 by Administrative Assistant  
10:16:28 AM SB122 passed favorably with CS by Senator Evers  
10:17:10 AM Comments from Chair SB 416  
10:17:19 AM SB 416 presented by Senator Detert  
10:20:24 AM Question from Chairman Latvala  
10:20:33 AM Answer from Senator Detert  
10:20:41 AM Question from Senator Storms  
10:21:12 AM Comments from Senator Detert  
10:21:44 AM Question from Senator Gibson  
10:22:15 AM Answer from Senator Detert  
10:22:54 AM Follow-up question from Senator Detert  
10:23:55 AM Answer from Senator Detert  
10:24:04 AM Question from Senator Gibson  
10:24:36 AM Answer from individual from Senator Detert's office  
10:25:08 AM Question from Senator Norman  
10:25:31 AM Answer from Senator Detert  
10:25:58 AM Question from Senator Bullard  
10:26:35 AM Answer from Senator Detert  
10:26:52 AM Follow-up from Senator Bullard  
10:28:18 AM Comments from Senator Detert  
10:28:38 AM Comments from Chairman Latvala  
10:28:55 AM Sarrah Carroll  
10:29:13 AM H. Lil IMoffitt, Waived in Support  
10:29:23 AM Milstead, Waived in Support  
10:29:40 AM Paula Mateo, waived in support  
10:29:50 AM Karen Morgan, waived in support  
10:30:02 AM Diane Carr, waived in support  
10:30:15 AM Bevin Maynard, waived in support  
10:30:21 AM Debate, Senator Garcia  
10:31:52 AM Question from Chairman Latvala  
10:32:00 AM Answer from Senator Detert  
10:32:12 AM Comments from Senator Benacquisto  
10:32:41 AM Comments from Senator Bullard  
10:34:52 AM Comments from Senator Joyner

**10:35:38 AM** Comments from Chairman Latvala  
**10:36:02 AM** Roll Call Administrative Assistant, SB 416  
**10:36:33 AM** SB 416 passed favorably  
**10:36:58 AM** Travis Hart, Senator Dean's office, SB 406  
**10:38:59 AM** Comments from Chairman Latvala  
**10:39:46 AM** Senator Wise recognized to explain Amendment 455782  
**10:41:08 AM** Comments from Senator Bullard  
**10:42:13 AM** Committee Substitute on 406 by Bullard  
**10:42:36 AM** Roll call by Administrative Assistant  
**10:42:47 AM** Chairman reported favorably  
**10:43:11 AM** SB 268, Senator Wise  
**10:44:45 AM** Comments from Senator Garcia, Acting Chair  
**10:45:47 AM** Comments from Senator Wise  
**10:46:53 AM** Question from Senator Gibson  
**10:47:21 AM** Answer from Senator Wise  
**10:48:15 AM** Follow-up from Senator Gibson  
**10:48:31 AM** Answer from Senator Wise  
**10:48:59 AM** Question from Senator Gibson  
**10:49:29 AM** Comments from House Speaker Slosberg  
**10:50:52 AM** Follow-up from Senator Gibson  
**10:51:45 AM** Answer from Senator Wise  
**10:52:44 AM** Question from Senator Benacquisto  
**10:53:16 AM** Answer from Senator Wise  
**10:54:23 AM** Comments from Chairman Garcia  
**10:54:47 AM** Comments from Ken Bryan, Florida Director, Rails-to-Trails Conservancy  
**10:56:48 AM** Question from Senator Joyner  
**10:58:15 AM** Answer from Ken Bryan  
**10:59:32 AM** Comments from Chairman Garcia  
**10:59:42 AM** Question from Senator Norman  
**11:00:07 AM** Answer from Ken Bryan  
**11:00:48 AM** Senator Wise closure on Bill  
**11:00:53 AM** Roll call Administrative Assistant, SB 268  
**11:01:25 AM** SB 268 reported favorably, CS  
**11:02:21 AM** Comments from Chairman Latvala  
**11:03:57 AM** Presentation from Metropolitan Planning Organization Advisory Council by Howard Glassman, Exe. Dir.  
MPO  
**11:14:09 AM** Presentation from Metropolitan Planning Organization Advisory Council by Howard Glassman, Exe. Dir.  
MPO  
**11:14:10 AM** Comments from Chairman Latvala  
**11:14:43 AM** Government Efficiency Task Force, Jeff Woodburn, Staff Director  
**11:15:34 AM** Presentation from Matthew Falcones, Government Efficiency Task Force  
**11:16:59 AM** Question from Chairman Latvala  
**11:17:30 AM** Answer from Matthew Falcones  
**11:18:07 AM** Question from Chairman Latvala  
**11:18:12 AM** Answer from Matthew Falcones  
**11:18:44 AM** Comments from Chairman Latvala  
**11:18:54 AM** Question from Senator Norman  
**11:19:20 AM** Answer from Matthew Falcones  
**11:19:46 AM** Follow-up question from Senator Norman  
**11:20:07 AM** Answer from Matthew Falcones  
**11:20:43 AM** Question from Senator Norman  
**11:20:51 AM** Answer from Matthew Falcones  
**11:21:04 AM** Comments from Senator Norman  
**11:21:42 AM** Comments from Matthew Falcones  
**11:22:36 AM** Comments from Senator Norman  
**11:23:13 AM** Comments from Matthew Falcones  
**11:24:42 AM** Comments from Chairman Latvala  
**11:24:55 AM** Comments from Matthew Falcones  
**11:25:07 AM** Question/comments from Senator Storms  
**11:28:26 AM** Comments from Matthew Falcones  
**11:29:17 AM** Comments from Chairman Latvala  
**11:29:37 AM** Changed vote from Nay to Yes on 268

**11:29:59 AM** Comments Senator Bullard moved to adjourn