

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Margolis, Vice Chair

MEETING DATE: Thursday, January 17, 2013
TIME: 10:30 a.m.—1:30 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Brandes, Chair; Senator Margolis, Vice Chair; Senators Clemens, Diaz de la Portilla, Evers, Garcia, Joyner, Lee, Richter, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 62 Hays (Identical H 71)	Low-speed Vehicles; Authorizing the conversion of a vehicle titled or branded and registered as a low-speed vehicle to a golf cart; providing procedures; providing for a fee, etc. TR 01/17/2013 Fav/CS CM ATD AP	Fav/CS Yeas 10 Nays 0
2	SB 94 Joyner	Disabled Parking Permits and License Plates; Requiring the Department of Highway Safety and Motor Vehicles to automatically renew and issue a license plate stamped with the international wheelchair user symbol to persons who have certain disabilities; requiring the Department of Highway Safety and Motor Vehicles to automatically renew and issue a disabled parking permit to persons who have certain disabilities, etc. TR 01/17/2013 Fav/CS ATD AP	Fav/CS Yeas 10 Nays 0
	Presentation by Metropolitan Planning Organization Advisory Council - Transportation Revenue Study		Presented
	Presentation by the Florida Department of Transportation - Future Revenues and Future Needs		Presented
Other Related Meeting Documents			

A. Federal Law

Federal rule defines “low-speed vehicle” as a four-wheeled motor vehicle with a top speed of between 20 and 25 miles per hour on a paved level surface, and a gross vehicle weight rating of less than 3,000 pounds.¹ The rule requires that LSVs be equipped with headlamps, front and rear turn signal lamps, taillamps, stop lamps, reflex reflectors, mirrors, parking brakes, windshields, seat belts, and vehicle identification numbers. LSVs are not required to meet any criteria for vehicle crashworthiness.

In 1998, the National Highway Traffic Safety Administration (NHTSA) established a limited set of safety standards for LSVs intended for vehicles used “to make short trips for shopping, social and recreational purposes primarily within retirement or other planned communities with golf courses.”² In its discussion, NHTSA explained its determination to exclude conventional golf carts (which, by definition, are incapable of traveling more than 20 miles per hour) from application of the safety standards and to limit application to LSVs:

“The crash forces that 20 to 25 mile-per-hour vehicles will experience are significantly greater than those for 15 to 20 mile-per-hour golf cars and much greater than those for sub-15 mile-per-hour golf cars. Those greater forces make it necessary to require that LSVs be equipped with more safety features than the states and their local jurisdictions currently require for conventional golf cars used on-road.”³

Federal law, specifically 23 U.S.C. s. 217(h), prohibits any motorized vehicle on pedestrian walkways except for maintenance purposes; snowmobiles when snow conditions and State or local regulations permit; motorized wheelchairs; electric bicycles when State or local regulations permit; and such other circumstances as the Secretary deems appropriate.

Section 30 of Title 26 of the United State Code provides for a tax credit for low-speed vehicles⁴ acquired after February 17, 2009, and before January 1, 2012, and that otherwise meet the requirements for receipt of the credit. The credit is limited to \$2,500. Taxpayers are authorized to apply for the credit on the basis of the manufacturer’s specified certification to the purchaser that an eligible vehicle meets all requirements that must be satisfied to claim the credit.

B. State Law

The Florida Legislature in 1999 first authorized the operation of LSVs and set speed limits for LSVs and golf carts consistent with the final federal rule.⁵ Current state law is described below.

¹ 49 C.F.R. 571.3 (2003)

² “Federal Motor Vehicle Safety Standards; Final Rule,” 63 Federal Register 116 (17 June 1998), pp. 33194 – 33217, at 33194.

³ *Id.* at 33198.

⁴ Defined as a vehicle that has at least four wheels; is manufactured primarily for use on public streets, roads and highways; is not manufactured primarily for off-road use, such as primarily for use on a golf course; whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour on a paved level surface; and whose gross vehicle weight rating is less than 3,000 pounds. See *Notice 2009-58, Internal Revenue Service.*

⁵ ch. 99-163, L.O.F.

Low-speed Vehicles

Section 320.01(42), F.S., defines “low-speed vehicle” as any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. A revision by the 2012 Legislature removed language restricting LSVs to electrical power, effectively expanding the definition to include gasoline-powered vehicles. LSVs must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122, F.S.

Section 316.2122, F.S., authorizes the operation of LSVs on any road with the following restrictions:

- An LSV may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit an LSV from crossing a road or street at an intersection where the road or street has a posted limit of more than 35 miles per hour.
- An LSV must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.
- An LSV must be registered and insured in accordance with s. 320.02, F.S., and titled pursuant to ch. 319, F.S.
- Any person operating an LSV must have in his or her possession a valid driver’s license.
- A county or municipality may prohibit the operation of LSVs on any road under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.
- The Florida Department of Transportation (FDOT) may prohibit the operation of LSVs on any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

Operation of an LSV on sidewalks or sidewalk areas is not authorized under Florida law.

Golf Carts

Florida law defines a golf cart as a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and is not capable of exceeding speeds of 20 miles per hour. [ss. 316.003(68) and 320.01(22), F.S.]

Section 320.04(d), F.S., exempts a person operating a golf cart from provisions requiring the operator to have a driver license, and s. 320.105, F.S., exempts golf carts from provisions requiring the registration of vehicles or the display of license plates when operated in accordance with s. 316.212, F.S., or s. 316.2126, F.S.

Generally, golf carts may not be used on the public roads or streets. Section 316.212, F.S., prohibits the operation of a golf cart upon the public roads or streets except that:

- A golf cart may be operated only upon a county road or municipal street that has been designated by the respective county or municipality for use by golf carts provided that certain actions are taken by the local government.

- A golf cart may be operated on a part of the State Highway System (SHS) only under the following conditions:
 - To cross a portion of the SHS if FDOT has reviewed and approved the location and design.
 - To cross, at midblock, a part of the SHS where a golf course is constructed on both sides of the highway if FDOT has reviewed and approved the location and design.
- A golf cart may be operated for the purpose of crossing a street or highway where a single mobile home park is located on both sides and is divided by that street or highway, provided that the location of the crossing is approved by the appropriate governmental authority.
- A golf cart may be operated on a road that is part of the State Park Road System if the posted speed limit is 35 miles per hour or less, when approved by the Department of Environmental Protection.

In all cases where a golf cart may be used on a public road, the golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.⁶ Further, a golf cart may be operated only during the hours between sunrise and sunset, unless the responsible governmental entity determines that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.⁷ In no case may a golf cart be operated on a public road by any person under the age of 14.⁸

Under certain conditions, a local governmental entity may enact an ordinance allowing golf cart operation on sidewalks adjacent to public roads.⁹ Where allowed, golf carts may not be operated at speeds above 15 miles per hour.

Section 316.2125, F.S., authorizes the reasonable operation of a golf cart, equipped and operated as provided in s. 316.212(5), (6), and (7), within any self-contained retirement community unless a county, municipality, or FDOT, for any street or highway under their respective jurisdictions, prohibits such operation in the interest of safety. A local governmental entity may enact a more restrictive ordinance regarding golf cart operation and equipment that applies only to an unlicensed driver and, upon enactment, must post appropriate signs or otherwise inform residents that such an ordinance exists and will be enforced.

Current law provides additional authorized uses of both LSVs and golf carts. Section 316.2126, F.S., authorizes municipal employees to operate golf carts upon any state, county, or municipal road within the corporate limits of such municipalities, upon certain sidewalks, and to cross a portion of the SHS under specified conditions; and state employees, state park volunteers, and state park visitors are authorized to operate golf carts upon public roads within the boundaries of state parks subject to specified conditions. Seasonal delivery personnel are also authorized to use LSVs and golf carts under the conditions specified from midnight October 15 until midnight

⁶ s. 316.212(6), F.S.

⁷ s. 316.212(5), F.S.

⁸ s. 316.212(7), F.S.

⁹ s. 316.212(8)(b), F.S.

December 31 of each year. Lastly, s. 316.21265, F.S., authorizes law enforcement agencies to operate LSVs and golf carts, under the conditions specified, on any street, road, or highway in this state while carrying out its official duties.

DHSMV currently maintains a procedure allowing golf carts to be converted to LSVs, consistent with existing federal law, but current Florida law does not allow for conversion of an LSV to a golf cart. DHSMV has no mechanism for canceling the title and registration of a converted LSV or for removing an LSV vehicle identification number from its records.

Several manufacturers' lines currently offer vehicles which are identical in outward appearance, but can be configured as either an LSV or a golf cart. The only difference between the configurations is internal gearing which provides for a 20 miles per hour maximum speed in the golf cart configuration and a 25 miles per hour maximum speed for the LSV model. With no outwardly apparent difference between the vehicles, law enforcement officers would be unable to ascertain whether a vehicle is required to be registered. Similarly, owners may be unaware of the need to title, register, and insure the vehicle, and unaware of the different allowable conditions under which the vehicle may be operated

III. Effect of Proposed Changes:

This bill creates s. 319.14(10), F.S., to authorize the conversion of a vehicle titled or branded and registered as an LSV to be converted to a golf cart pursuant to the following procedures:

- The owner of the converted vehicle must contact the DHSMV regional office to verify the conversion, surrender the registration plate and the current certificate of title, and pay a \$40 fee to cover DHSMV's cost of verification and associated administrative costs.
- The owner of the converted vehicle must provide an affidavit to DHSMV attesting that the vehicle has been modified to comply with the speed restrictions provided in s. 320.01(42) and acknowledging that the vehicle must be operated in accordance with s. 316.212, s. 316.2125, s. 316.2126, or s. 316.21265.
- Upon verification of the conversion, DHSMV must note in the vehicle record that the LSV has been converted to a golf cart and cancel the certificate of title and the registration of the vehicle
- DHSMV must issue a decal reflecting the conversion of the vehicle to a golf cart, upon which is clearly legible the following text: "CONVERTED VEHICLE. Max speed 20 mph." The decal must be displayed on the rear of the vehicle, so that the decal is plainly visible.

The owner is no longer required to register the vehicle, display a license plate on the vehicle, or insure the vehicle. The vehicle operator is no longer required to have in his or her possession a valid driver license and a person 14 years of age or older may legally operate the vehicle in accordance with s. 316.212, F.S. In order to qualify for the conversion and meet the definition of a "golf cart" under current law, the vehicle must no longer be capable of exceeding 20 miles per hour. If the vehicle, despite the administrative process provided in the bill, continues to be capable of exceeding 20 miles per hour, the vehicles does not qualify as a "golf cart," remains an

LSV as defined in current law, and must be titled, licensed, and insured. Further, the vehicle may only be operated pursuant to provisions governing LSVs.

Reclassification to a golf cart will result in the converted vehicle no longer being able to be legally operated on public roads as currently permitted under s. 316.2122, F.S. However, the converted vehicle could be legally driven on public roads authorized for golf carts. Further, as a golf cart, the converted vehicle (which may weigh up to 2,999 pounds) could share certain sidewalks with pedestrians when the sidewalk has been authorized for golf cart use.¹⁰ For comparison, a 2012 Honda Civic has a curb weight of 2,617 pounds

DHSMV will verify the conversion of LSVs to golf carts on the basis of the affidavit signed by the owner of the vehicle verifying that the statements required by the bill and contained in the affidavit are true. Upon receipt of the affidavit, surrender of the title and registration, and payment of the fee, DHSMV will cancel the certificate of title and the registration of the vehicle, remove the vehicle identification number from its records, and issue the required decal, without any independent verification of the vehicle's capable speed. The owner of the converted vehicle must display the decal on the rear of the vehicle so that the decal is plainly visible.

Other Potential Implications:

The bill does not provide a process for owners of unregistered LSVs to convert their vehicles to a golf cart.

Converting an LSV for which a federal tax credit was taken may thwart the presumed purpose of the tax credit.

The potential severity of crashes between non-motorists (*e.g.*, bicyclists and pedestrians) and golf carts may be increased due to larger vehicles using sidewalks (where permitted) and other facilities generally reserved for non-motorized travel.

In those areas where golf carts may be legally operated on sidewalks and sidewalk areas, such facilities may be damaged by the larger converted vehicles, which can weigh up to 2,999 pounds

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁰ Id. and s. 316.008(7), F.S.

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

None.

B. Private Sector Impact:

Vehicle owners choosing to convert an LSV to a golf cart must pay the \$40 registration fee. The practical effect of a conversion is to eliminate the need to register and insure the vehicle. If conversion is desired due to loss of ability to obtain a driver license required for operation of an LSV, and if authorized operation of the converted golf cart meets the owner's mobility needs, the owner's mobility is preserved. Vehicle owners will incur expenses associated with modification of the vehicle to ensure it is incapable of exceeding speeds of 20 miles per hour.

C. Government Sector Impact:

The number of LSVs that will be converted to golf carts is indeterminate.

According to DHSMV, its Information Systems Administration (ISA) will require approximately 145 hours, non-recurring, in order to implement the provisions of this bill, and these hours can be incorporated into ISA's normal workload.

Due to fewer vehicles being insured, potential property damage, personal injury, and fatalities may result in increased litigation costs and utilization of court system resources

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 January 17, 2013:

The CS requires the owner of a converted vehicle to submit a specified affidavit to DHSMV, requires DHSMV to issue a specified decal, and requires the owner of the vehicle to display the decal on the rear of the converted vehicle.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/18/2013	.	
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	.	
	.	

The Committee on Transportation (Richter) recommended the following:

Senate Amendment (with title amendment)

Delete lines 189 - 195

and insert:

2. The owner of the converted vehicle must provide an affidavit to the department attesting that the vehicle has been modified to comply with the speed restrictions provided in s. 320.01(42) and acknowledging that the vehicle must be operated in accordance with s. 316.212, s. 316.2125, s. 316.2126, or s. 316.21265.

3. Upon verification of the conversion, the department shall note in the vehicle record that the low-speed vehicle has

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13 been converted to a golf cart and shall cancel the certificate
14 of title and registration of the vehicle.

15 (b) The department shall establish a fee of \$40 to cover
16 the cost of verification and associated administrative costs for
17 carrying out its responsibilities under this subsection.

18 (c) The department shall issue a decal reflecting the
19 conversion of the vehicle to a golf cart, upon which is clearly
20 legible the following text: "CONVERTED VEHICLE. Max speed 20
21 mph." The decal must be displayed on the rear of the vehicle, so
22 that the decal is plainly visible.

23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete line 6

27 and insert:

28 requiring an affidavit; requiring the Department of
29 Highway Safety and Motor Vehicles to issue a decal;
30 providing specifications for the decal; providing for
31 a fee; providing an effective date.

By Senator Hays

11-00109-13

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1 A bill to be entitled
 2 An act relating to low-speed vehicles; amending s.
 3 319.14, F.S.; authorizing the conversion of a vehicle
 4 titled or branded and registered as a low-speed
 5 vehicle to a golf cart; providing procedures;
 6 providing for a fee; providing an effective date.
 7
 8 Be It Enacted by the Legislature of the State of Florida:
 9
 10 Section 1. Section 319.14, Florida Statutes, is amended to
 11 read:
 12 319.14 Sale of motor vehicles registered or used as
 13 taxicabs, police vehicles, lease vehicles, rebuilt vehicles,
 14 nonconforming vehicles, custom vehicles, or street rod vehicles;
 15 conversion of low-speed vehicles.—
 16 (1) (a) A person may not knowingly offer for sale, sell, or
 17 exchange any vehicle that has been licensed, registered, or used
 18 as a taxicab, police vehicle, or short-term-lease vehicle, or a
 19 vehicle that has been repurchased by a manufacturer pursuant to
 20 a settlement, determination, or decision under chapter 681,
 21 until the department has stamped in a conspicuous place on the
 22 certificate of title of the vehicle, or its duplicate, words
 23 stating the nature of the previous use of the vehicle or the
 24 title has been stamped "Manufacturer's Buy Back" to reflect that
 25 the vehicle is a nonconforming vehicle. If the certificate of
 26 title or duplicate was not so stamped upon initial issuance
 27 thereof or if, subsequent to initial issuance of the title, the
 28 use of the vehicle is changed to a use requiring the notation
 29 provided for in this section, the owner or lienholder of the

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30 vehicle shall surrender the certificate of title or duplicate to
 31 the department prior to offering the vehicle for sale, and the
 32 department shall stamp the certificate or duplicate as required
 33 herein. When a vehicle has been repurchased by a manufacturer
 34 pursuant to a settlement, determination, or decision under
 35 chapter 681, the title shall be stamped "Manufacturer's Buy
 36 Back" to reflect that the vehicle is a nonconforming vehicle.
 37 (b) A person may not knowingly offer for sale, sell, or
 38 exchange a rebuilt vehicle until the department has stamped in a
 39 conspicuous place on the certificate of title for the vehicle
 40 words stating that the vehicle has been rebuilt or assembled
 41 from parts, or is a kit car, glider kit, replica, flood vehicle,
 42 custom vehicle, or street rod vehicle unless proper application
 43 for a certificate of title for a vehicle that is rebuilt or
 44 assembled from parts, or is a kit car, glider kit, replica,
 45 flood vehicle, custom vehicle, or street rod vehicle has been
 46 made to the department in accordance with this chapter and the
 47 department has conducted the physical examination of the vehicle
 48 to assure the identity of the vehicle and all major component
 49 parts, as defined in s. 319.30(1), which have been repaired or
 50 replaced. Thereafter, the department shall affix a decal to the
 51 vehicle, in the manner prescribed by the department, showing the
 52 vehicle to be rebuilt.
 53 (c) As used in this section, the term:
 54 1. "Police vehicle" means a motor vehicle owned or leased
 55 by the state or a county or municipality and used in law
 56 enforcement.
 57 2.a. "Short-term-lease vehicle" means a motor vehicle
 58 leased without a driver and under a written agreement to one or

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59 more persons from time to time for a period of less than 12
60 months.

61 b. "Long-term-lease vehicle" means a motor vehicle leased
62 without a driver and under a written agreement to one person for
63 a period of 12 months or longer.

64 c. "Lease vehicle" includes both short-term-lease vehicles
65 and long-term-lease vehicles.

66 3. "Rebuilt vehicle" means a motor vehicle or mobile home
67 built from salvage or junk, as defined in s. 319.30(1).

68 4. "Assembled from parts" means a motor vehicle or mobile
69 home assembled from parts or combined from parts of motor
70 vehicles or mobile homes, new or used. "Assembled from parts"
71 does not mean a motor vehicle defined as a "rebuilt vehicle" in
72 subparagraph 3., which has been declared a total loss pursuant
73 to s. 319.30.

74 5. "Kit car" means a motor vehicle assembled with a kit
75 supplied by a manufacturer to rebuild a wrecked or outdated
76 motor vehicle with a new body kit.

77 6. "Glider kit" means a vehicle assembled with a kit
78 supplied by a manufacturer to rebuild a wrecked or outdated
79 truck or truck tractor.

80 7. "Replica" means a complete new motor vehicle
81 manufactured to look like an old vehicle.

82 8. "Flood vehicle" means a motor vehicle or mobile home
83 that has been declared to be a total loss pursuant to s.
84 319.30(3)(a) resulting from damage caused by water.

85 9. "Nonconforming vehicle" means a motor vehicle which has
86 been purchased by a manufacturer pursuant to a settlement,
87 determination, or decision under chapter 681.

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88 10. "Settlement" means an agreement entered into between a
89 manufacturer and a consumer that occurs after a dispute is
90 submitted to a program, or an informal dispute settlement
91 procedure established by a manufacturer or is approved for
92 arbitration before the New Motor Vehicle Arbitration Board as
93 defined in s. 681.102.

94 11. "Custom vehicle" means a motor vehicle that:

95 a. Is 25 years of age or older and of a model year after
96 1948 or was manufactured to resemble a vehicle that is 25 years
97 of age or older and of a model year after 1948; and

98 b. Has been altered from the manufacturer's original design
99 or has a body constructed from nonoriginal materials.

100
101 The model year and year of manufacture that the body of a custom
102 vehicle resembles is the model year and year of manufacture
103 listed on the certificate of title, regardless of when the
104 vehicle was actually manufactured.

105 12. "Street rod" means a motor vehicle that:

106 a. Is of a model year of 1948 or older or was manufactured
107 after 1948 to resemble a vehicle of a model year of 1948 or
108 older; and

109 b. Has been altered from the manufacturer's original design
110 or has a body constructed from nonoriginal materials.

111
112 The model year and year of manufacture that the body of a street
113 rod resembles is the model year and year of manufacture listed
114 on the certificate of title, regardless of when the vehicle was
115 actually manufactured.

116 (2) A person may not knowingly sell, exchange, or transfer

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117 a vehicle referred to in subsection (1) without, before
 118 consummating the sale, exchange, or transfer, disclosing in
 119 writing to the purchaser, customer, or transferee the fact that
 120 the vehicle has previously been titled, registered, or used as a
 121 taxicab, police vehicle, or short-term-lease vehicle, is a
 122 vehicle that is rebuilt or assembled from parts, is a kit car,
 123 glider kit, replica, or flood vehicle, or is a nonconforming
 124 vehicle, custom vehicle, or street rod vehicle, as the case may
 125 be.

126 (3) Any person who, with intent to offer for sale or
 127 exchange any vehicle referred to in subsection (1), knowingly or
 128 intentionally advertises, publishes, disseminates, circulates,
 129 or places before the public in any communications medium,
 130 whether directly or indirectly, any offer to sell or exchange
 131 the vehicle shall clearly and precisely state in each such offer
 132 that the vehicle has previously been titled, registered, or used
 133 as a taxicab, police vehicle, or short-term-lease vehicle or
 134 that the vehicle or mobile home is a vehicle that is rebuilt or
 135 assembled from parts, is a kit car, glider kit, replica, or
 136 flood vehicle, or is a nonconforming vehicle, custom vehicle, or
 137 street rod vehicle, as the case may be. A person who violates
 138 this subsection commits a misdemeanor of the second degree,
 139 punishable as provided in s. 775.082 or s. 775.083.

140 (4) If a certificate of title, including a foreign
 141 certificate, is branded to reflect a condition or prior use of
 142 the titled vehicle, the brand must be noted on the registration
 143 certificate of the vehicle and such brand shall be carried
 144 forward on all subsequent certificates of title and registration
 145 certificates issued for the life of the vehicle.

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146 (5) A person who knowingly sells, exchanges, or offers to
 147 sell or exchange a motor vehicle or mobile home contrary to this
 148 section or any officer, agent, or employee of a person who
 149 knowingly authorizes, directs, aids in, or consents to the sale,
 150 exchange, or offer to sell or exchange a motor vehicle or mobile
 151 home contrary to this section commits a misdemeanor of the
 152 second degree, punishable as provided in s. 775.082 or s.
 153 775.083.

154 (6) A person who removes a rebuilt decal from a rebuilt
 155 vehicle with the intent to conceal the rebuilt status of the
 156 vehicle commits a felony of the third degree, punishable as
 157 provided in s. 775.082, s. 775.083, or s. 775.084.

158 (7) This section applies to a mobile home, travel trailer,
 159 camping trailer, truck camper, or fifth-wheel recreation trailer
 160 only when the mobile home or vehicle is a rebuilt vehicle or is
 161 assembled from parts.

162 (8) A person is not liable or accountable in any civil
 163 action arising out of a violation of this section if the
 164 designation of the previous use or condition of the motor
 165 vehicle is not noted on the certificate of title and
 166 registration certificate of the vehicle which was received by,
 167 or delivered to, such person, unless the person has actively
 168 concealed the prior use or condition of the vehicle from the
 169 purchaser.

170 (9) Subsections (1), (2), and (3) do not apply to the
 171 transfer of ownership of a motor vehicle after the motor vehicle
 172 has ceased to be used as a lease vehicle and the ownership has
 173 been transferred to an owner for private use or to the transfer
 174 of ownership of a nonconforming vehicle with 36,000 or more

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175 miles on its odometer, or 34 months whichever is later and the
176 ownership has been transferred to an owner for private use. Such
177 owner, as shown on the title certificate, may request the
178 department to issue a corrected certificate of title that does
179 not contain the statement of the previous use of the vehicle as
180 a lease vehicle or condition as a nonconforming vehicle.

181 (10) (a) A vehicle titled or branded and registered as a
182 low-speed vehicle may be converted to a golf cart pursuant to
183 the following:

184 1. The owner of the converted vehicle must contact the
185 regional office of the department to verify the conversion,
186 surrender the registration license plate and the current
187 certificate of title, and pay the appropriate fee established
188 under paragraph (b).

189 2. Upon verification of the conversion, the department
190 shall note in the vehicle record that the low-speed vehicle has
191 been converted to a golf cart and cancel the certificate of
192 title and registration of the vehicle.

193 (b) The department shall establish a fee of \$40 to cover
194 the cost of verification and associated administrative costs for
195 carrying out its responsibilities under this subsection.

196 Section 2. This act shall take effect July 1, 2013.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 94

INTRODUCER: Transportation Committee and Senator Joyner

SUBJECT: Disabled Parking Permits and License Plates

DATE: January 17, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	Fav/CS
2.			ATD	
3.			AP	
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:

CS for Senate Bill 94 authorizes the Department of Highway Safety and Motor Vehicles (the department), to renew disabled parking permits without certification of a physician.

The bill amends section 320.0848, Florida Statutes.

This bill creates an effective date of July 1, 2013.

II. Present Situation:

The department issues disabled parking permits and disabled license plates to eligible persons with impaired mobility upon application and payment of the license tax for a vehicle registration.

Disabled Parking Permits

Section 320.0848, F.S., authorizes the department and its agents to issue disabled parking permits to persons with impaired mobility. Such permits may be issued for up to 4 years to any person with a long-term mobility impairment. Similarly, persons with a temporary mobility

impairment may be issued a temporary disabled parking permit for a period of up to 6 months. A fee may be charged for the permit.

Section 320.0848(7), F.S., states that any person who unlawfully displays a disabled parking permit that belongs to a disabled person, while occupying a disabled parking space or aisle as defined in s. 553.5041, F.S., and not transporting a disabled person or is using a replica of such parking permit is guilty of a misdemeanor of the second degree.

In order to be issued a disabled parking permit a person must be currently certified as being legally blind or as having any of the following conditions which would render the person unable to walk 200 feet without stopping to rest:

- The inability to walk without a brace, cane, crutch, prosthetic device, or other assistive device;
- The need to permanently use a wheelchair;
- Lung disease as measured within specified limits;
- Use of portable oxygen;
- A Class III or IV heart condition; or
- A severe limitation in the ability to walk due to an arthritic, neurological, or orthopedic condition.

The certification must be made by a physician, podiatrist, optometrist, advanced registered nurse practitioner, or physician's assistant, any of which must be licensed under one of various chapters of Florida Statutes. However, provisions are made to encompass certification by similarly-licensed physicians from other states, as well. The certification must include:

- The disability of the applicant;
- The certifying practitioner's name, address, and certification number;
- The eligibility criteria for the permit;
- Information concerning the penalty for falsification;
- The duration of the condition; and
- Justification for any additional parking permit issued.

On the application for the disabled parking permit, in bold letters, "A disabled parking permit may be issued only for a medical necessity that severely affects mobility." Also, required on the application and certificate, are signatures of applicant, physician or other certifying practitioner, parent or guardian, and the employee of the department or authorized agent responsible for processing of the application.

License plates for permanent disability

Section 320.0843, F.S., allows any owner or lessee of a motor vehicle residing in Florida who qualifies for a disabled parking permit under s. 320.0848, F.S., may apply to the department and, upon paying the license tax for a motor vehicle registration under s. 320.08(2), F.S., be issued a license plate as provided by s. 320.06, F.S., and stamped with the international wheelchair user symbol after the serial number of the license plate. The license plate entitles the person all privileges afforded by a parking permit issued under s. 320.0848, F.S. When more than one

registrant is listed on the registration issued under this section, the eligible applicant will be noted on the registration certificate.

2012 Revisions

In 2012 the Legislature made several changes to the disabled parking permit and license plate provisions, requiring all renewals be accompanied by a current certificate of disability. Other changes included:

- revising the requirements for renewing or replacing a long-term disabled parking permit and including prohibitions for certain violations;
- providing for random audits of disabled parking permit holders;
- requiring the department to develop and implement a system to allow the reporting of abuses of disabled parking permits; and
- requiring the review of the number of times a permit has been confiscated for fraud or reported stolen or lost.

The bill also required the department to develop and implement a public awareness campaign regarding how such abuse burdens disabled persons, and directed the department to develop and implement a telephone hotline and form that can be submitted online or by mail to report disabled parking permits abuse.

III. Effect of Proposed Changes:

CS/SB 94 removes a provision requiring certain applicants from providing certification for disabled parking permit renewal.

Specifically, the bill, deletes the portion requiring the disabled person to provide a certificate of disability issued within the last 12 months when applying for renewal of a disabled parking permit. Essentially, the department is authorized to renew disability parking permits to any person certified as permanently disabled. A certificate signed by a physician is no longer necessary in order for permanently disabled persons to renew their parking permit.

The bill establishes an effective date of July 1, 2013.

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:

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 January 17, 2013:

The CS authorizes that the department shall renew a disabled parking permit of a person certified as permanently disabled on the application without certification from a physician.

B. Amendments:

Ì256838RÎ256838

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/18/2013	.	
	.	
	.	
	.	

The Committee on Transportation (Joyner) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (d) of subsection (1) of section
320.0848, Florida Statutes, is amended to read:

320.0848 Persons who have disabilities; issuance of
disabled parking permits; temporary permits; permits for certain
providers of transportation services to persons who have
disabilities.-

Ì256838RÍ256838

11 (1)
12 (d) Beginning October 1, 2012, the department shall renew
13 the disabled parking permit of any person certified as
14 permanently disabled on the application ~~if the person provides a~~
15 ~~certificate of disability issued within the last 12 months~~
16 ~~pursuant to this subsection.~~

17 Section 2. This act shall take effect July 1, 2013.

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

20 And the title is amended as follows:

21 Delete everything before the enacting clause
22 and insert:

23 A bill to be entitled
24 An act relating to disabled parking permits; amending
25 s. 320.0848, F.S.; removing a provision that requires
26 an applicant to provide a certificate of disability;
27 providing an effective date.

By Senator Joyner

19-00163A-13

201394

A bill to be entitled

An act relating to disabled parking permits and license plates; amending s. 320.0843, F.S.; requiring the Department of Highway Safety and Motor Vehicles to automatically renew and issue a license plate stamped with the international wheelchair user symbol to persons who have certain disabilities; amending s. 320.0848, F.S.; requiring the Department of Highway Safety and Motor Vehicles to automatically renew and issue a disabled parking permit to persons who have certain disabilities; amending s. 316.1955, F.S.; deleting a cross-reference to conform; providing an effective date.

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

Section 1. Section 320.0843, Florida Statutes, is amended to read:

320.0843 License plates for persons with disabilities eligible for long-term ~~permanent~~ disabled parking permits.—

(1) Any owner or lessee of a motor vehicle who resides in this state and qualifies for a long-term disabled parking permit under s. 320.0848(2), upon application to the department and payment of the license tax for a motor vehicle registered under s. 320.08(2), (3) (a), (b), (c), or (e), (4) (a) or (b), (6) (a), or (9) (c) or (d), shall be issued a license plate as provided by s. 320.06 which, in lieu of the serial number prescribed by s. 320.06, shall be stamped with the international wheelchair user symbol after the serial number of the license plate. The license

Page 1 of 5

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

19-00163A-13

201394

plate entitles the person to all privileges afforded by a parking permit issued under s. 320.0848. When more than one registrant is listed on the registration issued under this section, the eligible applicant shall be noted on the registration certificate.

(2) If a health care practitioner identified in s. 320.0848(1) (b) certifies that the person's mobility impairment is severe and irreversible, the department shall automatically renew and issue the license plate every 10 years at no additional cost to that person ~~All applications for such license plates must be made to the department.~~

Section 2. Subsection (1) of section 320.0848, Florida Statutes, is amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(1) ~~(a)~~ The department ~~of Highway Safety and Motor Vehicles~~ or its authorized agents shall, upon application and receipt of the fee, issue a disabled parking permit for a ~~period of~~ up to 4 years, which ~~period~~ ends on the applicant's birthday, to any person who has long-term mobility impairment, or a temporary disabled parking permit not to exceed 6 months to any person who has a temporary mobility impairment. A person may not ~~No person will~~ be required to pay a fee for a parking permit for disabled persons more than once in a 12-month period from the date of the prior fee payment.

(a) If a health care practitioner identified in subparagraph (b)2. certifies that a person's mobility impairment

Page 2 of 5

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

19-00163A-13 201394
 59 is severe and irreversible, the department shall automatically
 60 renew and issue the disabled parking permit every 4 years at no
 61 additional cost to that person.

62 (b)1. The person must be currently certified as being
 63 legally blind or as having any of the following disabilities
 64 that render him or her unable to walk 200 feet without stopping
 65 to rest:

66 a. Inability to walk without the use of or assistance from
 67 a brace, cane, crutch, prosthetic device, or other assistive
 68 device, or without the assistance of another person. If the
 69 assistive device significantly restores the person's ability to
 70 walk to the extent that the person can walk without severe
 71 limitation, the person is not eligible for the exemption parking
 72 permit.

73 b. The need to permanently use a wheelchair.

74 c. Restriction by lung disease to the extent that the
 75 person's forced (respiratory) expiratory volume for 1 second,
 76 when measured by spirometry, is less than 1 liter, or the
 77 person's arterial oxygen is less than 60 mm/hg on room air at
 78 rest.

79 d. Use of portable oxygen.

80 e. Restriction by cardiac condition to the extent that the
 81 person's functional limitations are classified in severity as
 82 Class III or Class IV according to standards set by the American
 83 Heart Association.

84 f. Severe limitation in the person's ability to walk due to
 85 an arthritic, neurological, or orthopedic condition.

86 2. The certification of disability which is required under
 87 subparagraph 1. must be provided by a physician licensed under

19-00163A-13 201394
 88 chapter 458, chapter 459, or chapter 460, by a podiatric
 89 physician licensed under chapter 461, by an optometrist licensed
 90 under chapter 463, by an advanced registered nurse practitioner
 91 licensed under chapter 464 under the protocol of a licensed
 92 physician as stated in this subparagraph, by a physician
 93 assistant licensed under chapter 458 or chapter 459, or by a
 94 similarly licensed physician from another state if the
 95 application is accompanied by documentation of the physician's
 96 licensure in the other state and a form signed by the out-of-
 97 state physician verifying his or her knowledge of this state's
 98 eligibility guidelines.

99 (c) The certificate of disability must include, but need
 100 not be limited to:

101 1. The disability of the applicant; the certifying
 102 practitioner's name and address; the practitioner's
 103 certification number; the eligibility criteria for the permit;
 104 the penalty for falsification by either the certifying
 105 practitioner or the applicant; the duration of the condition
 106 that entitles the person to the permit; and justification for
 107 the additional placard pursuant to subsection (2).

108 2. The statement, in bold letters: "A disabled parking
 109 permit may be issued only for a medical necessity that severely
 110 affects mobility."

111 3. The signatures of:

112 a. The applicant's physician or other certifying
 113 practitioner.

114 b. The applicant or the applicant's parent or guardian.

115 c. The employee of the department's authorized agent which
 116 employee is processing the application.

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201394

117 (d) Beginning October 1, 2012, the department shall renew
118 the disabled parking permit of any person certified as
119 permanently disabled on the application if the person provides a
120 certificate of disability issued within the last 12 months
121 pursuant to this subsection.

122 (e) The department ~~of Highway Safety and Motor Vehicles~~
123 shall, in consultation with the Commission for the
124 Transportation Disadvantaged, adopt rules, ~~in accordance with~~
125 ~~chapter 120,~~ for the issuance of a disabled parking permit to
126 any organization that can adequately demonstrate a bona fide
127 need for such a permit because the organization provides regular
128 transportation services to persons who have disabilities and are
129 certified as provided in this subsection.

130 Section 3. Paragraph (a) of subsection (4) of section
131 316.1955, Florida Statutes, is amended to read:

132 316.1955 Enforcement of parking requirements for persons
133 who have disabilities.—

134 (4) (a) A vehicle that is transporting a person who has a
135 disability and that has been granted a permit under s.
136 320.0848(1) ~~(a)~~ may be parked for a maximum of 30 minutes in any
137 parking space reserved for persons who have disabilities.

138 Section 4. This act shall take effect July 1, 2013.

MPOAC TRANSPORTATION REVENUE STUDY

The logo for MPOAC, consisting of the letters "MPOAC" in white, uppercase, sans-serif font, centered within a dark blue oval. The oval is set against a yellow rectangular background.

Florida Senate Committee on Transportation

Howard Glassman, Executive Director

Florida MPO Advisory Council

January 17, 2013

Purpose of the Study

- Address the transportation funding shortfall in Florida's metropolitan areas
- Identify sustainable, innovative and acceptable recommendations to meet Florida's mobility needs
- Develop legislative approaches to address transportation funding needs in Florida

MPOAC Transportation Revenue Study was completed in July 2012 through the services of the Center for Urban Transportation Research at USF

Revenue Study Advisory Committee

- Florida Airports Council
- Florida Transportation Builders Association
- Florida Chamber of Commerce
- Florida League of Cities
- Floridians for Better Transportation
- Florida Association of Counties
- The Nature Conservancy in Florida
- Florida Trucking Association
- MPOAC Staff Directors Representative - Chair
- Florida Ports Council
- Chair MPOAC Governing Board
- Florida Transportation Commission
- American Public Works Association, Florida Chapter
- Florida Public Transportation Association
- Florida Regional Councils Association

MPOAC TRANSPORTATION REVENUE STUDY

MPOAC

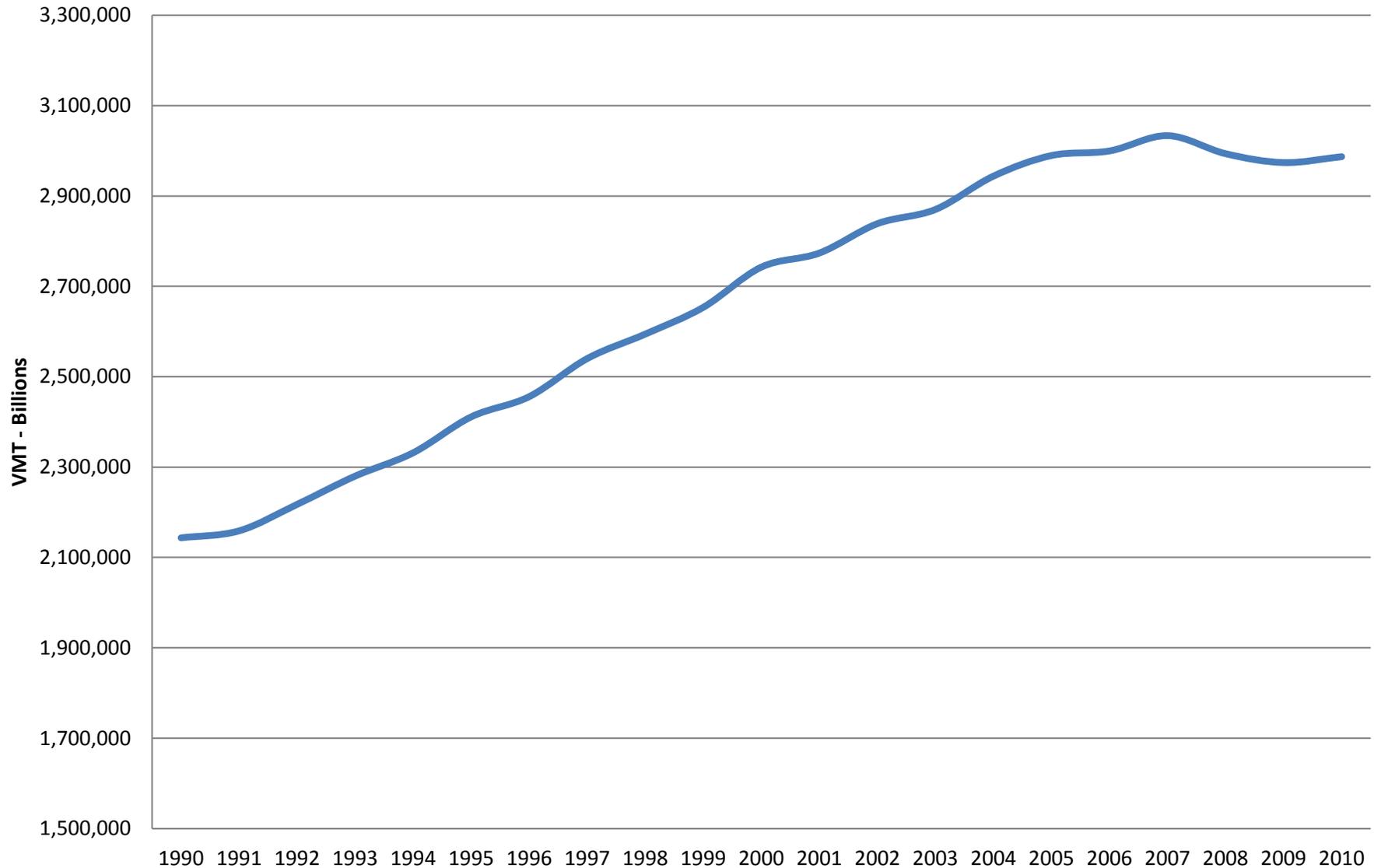
FEDERAL REVENUE SOURCES

Critical Federal Transportation Funding Issues

- Revenues from the tax on highway fuels represent 90 percent of the receipts that accrue to the Federal Highway Trust Fund
- Revenues linked to vehicle miles traveled and vehicle fleet efficiency (fuel use)
- Federal highway taxes flat cents per gallon, not adjusted for inflation and not adjusted since 1997
 - 18.4 cents gasoline
 - 24.4 cents diesel
- Highway Trust Fund balance has been in a steady decline requiring federal General Fund infusions to ensure its solvency
 - \$8.017 billion in September 2008
 - \$7 billion in August of 2010

Highway Travel Trends

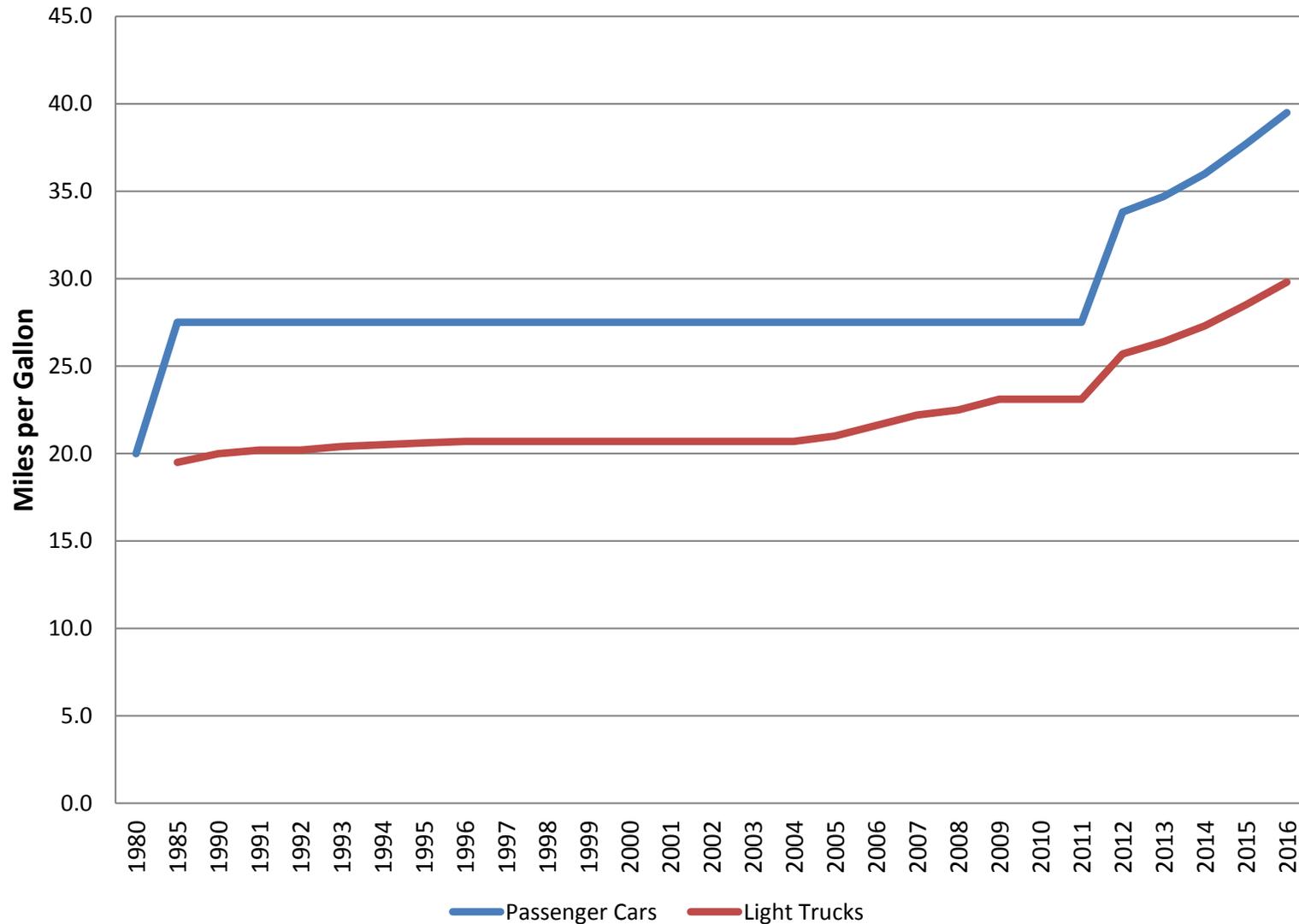
U.S. Vehicle Miles Traveled



Source: USDOT, Federal Highway Administration, "Traffic Volume Trends," August 2010

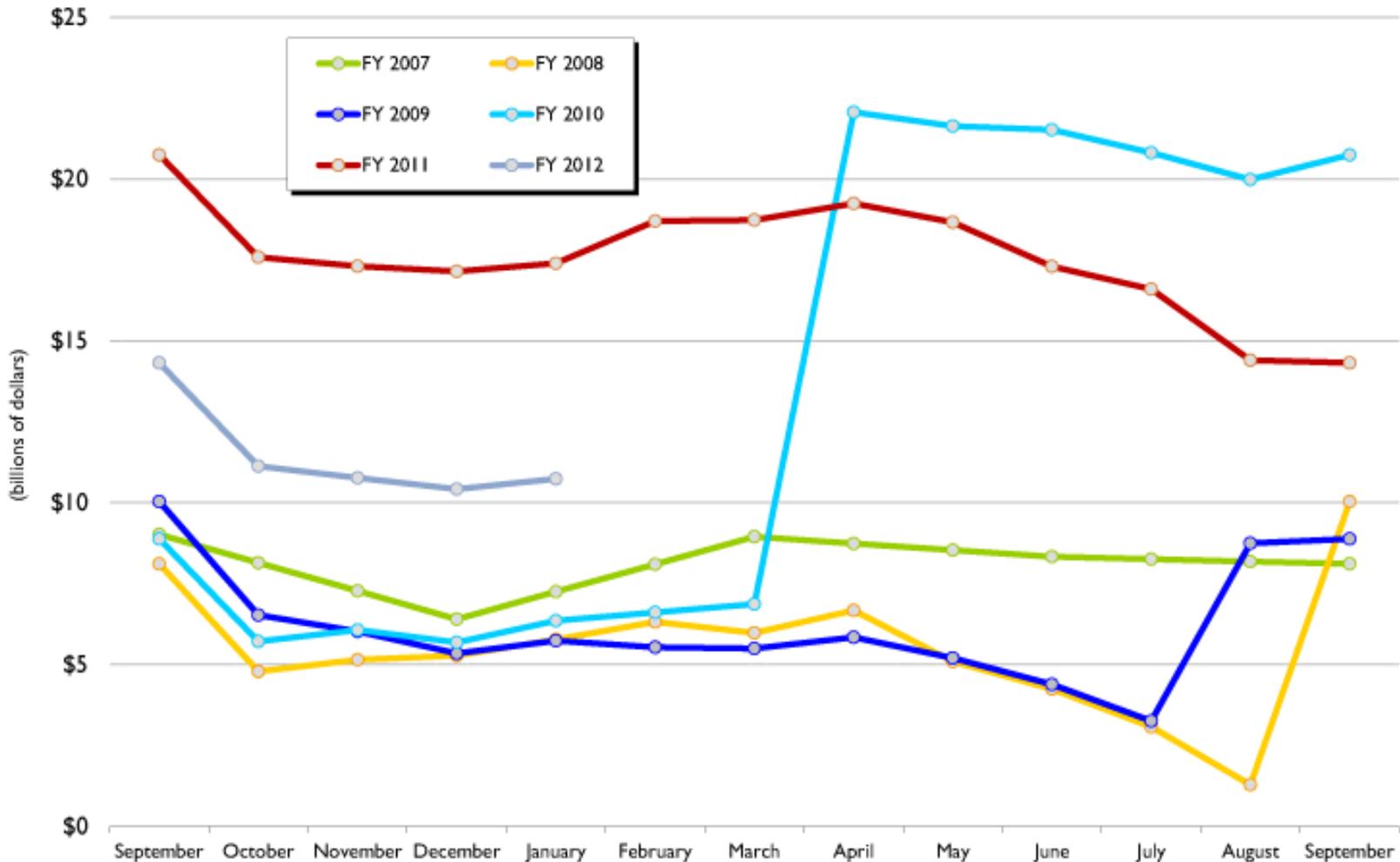
Fuel Efficiency

Corporate Average Fuel Efficiency Standards 1980 - 2016



Federal Trust Fund Balances

Highway Account Balance



Ending balance for FY 2008 includes \$8.017 billion transferred from the General Fund in September pursuant to Public Law 110-318.

Ending balance for FY 2009 includes \$7 billion transferred from the General Fund in August pursuant to Public Law 111-46.

Ending balance for FY 2010 includes \$14.7 billion transferred from the General Fund in April pursuant to Public Law 111-147.

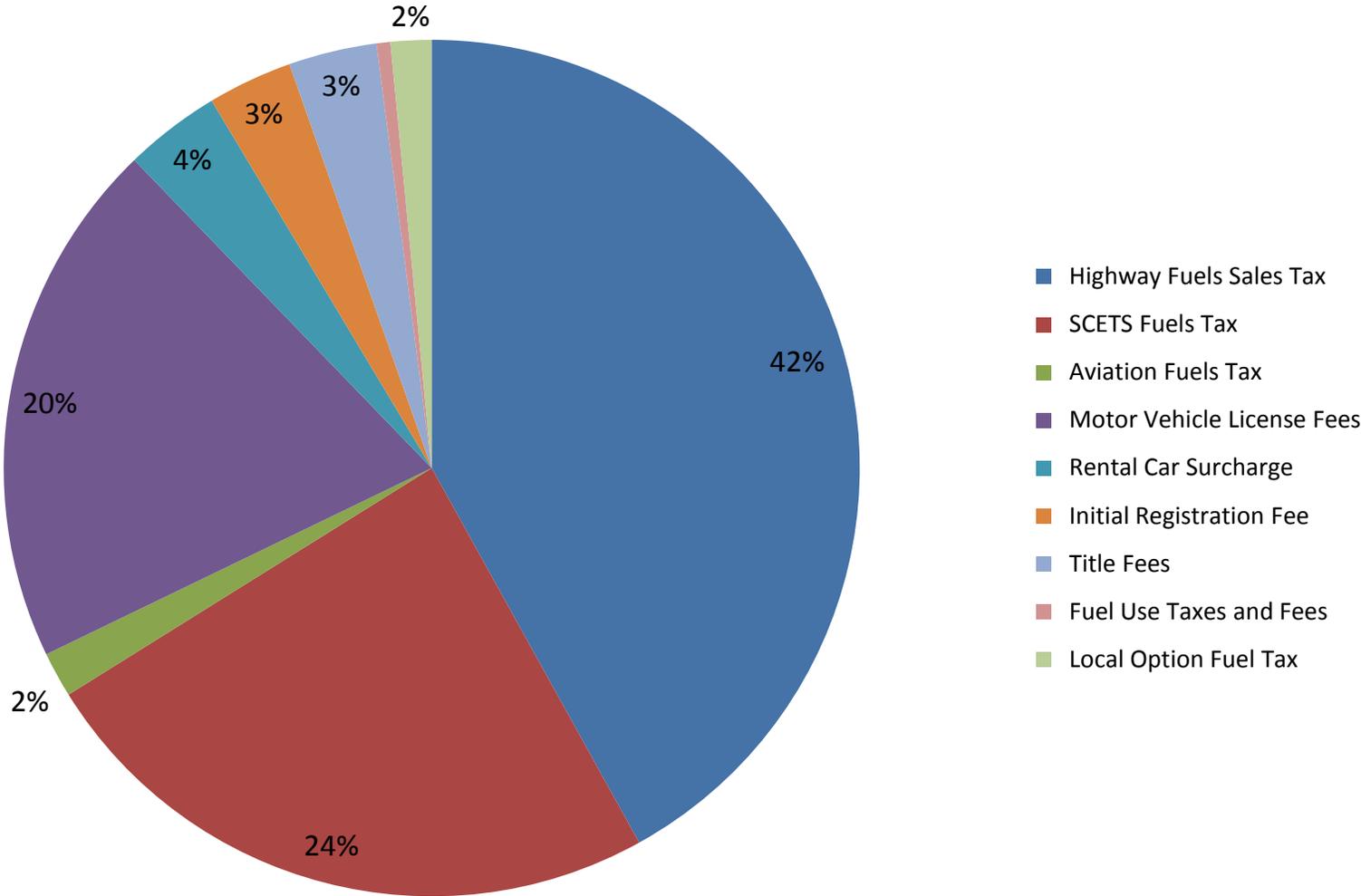
MPOAC TRANSPORTATION REVENUE STUDY

MPOAC

STATE OF FLORIDA REVENUE SOURCES

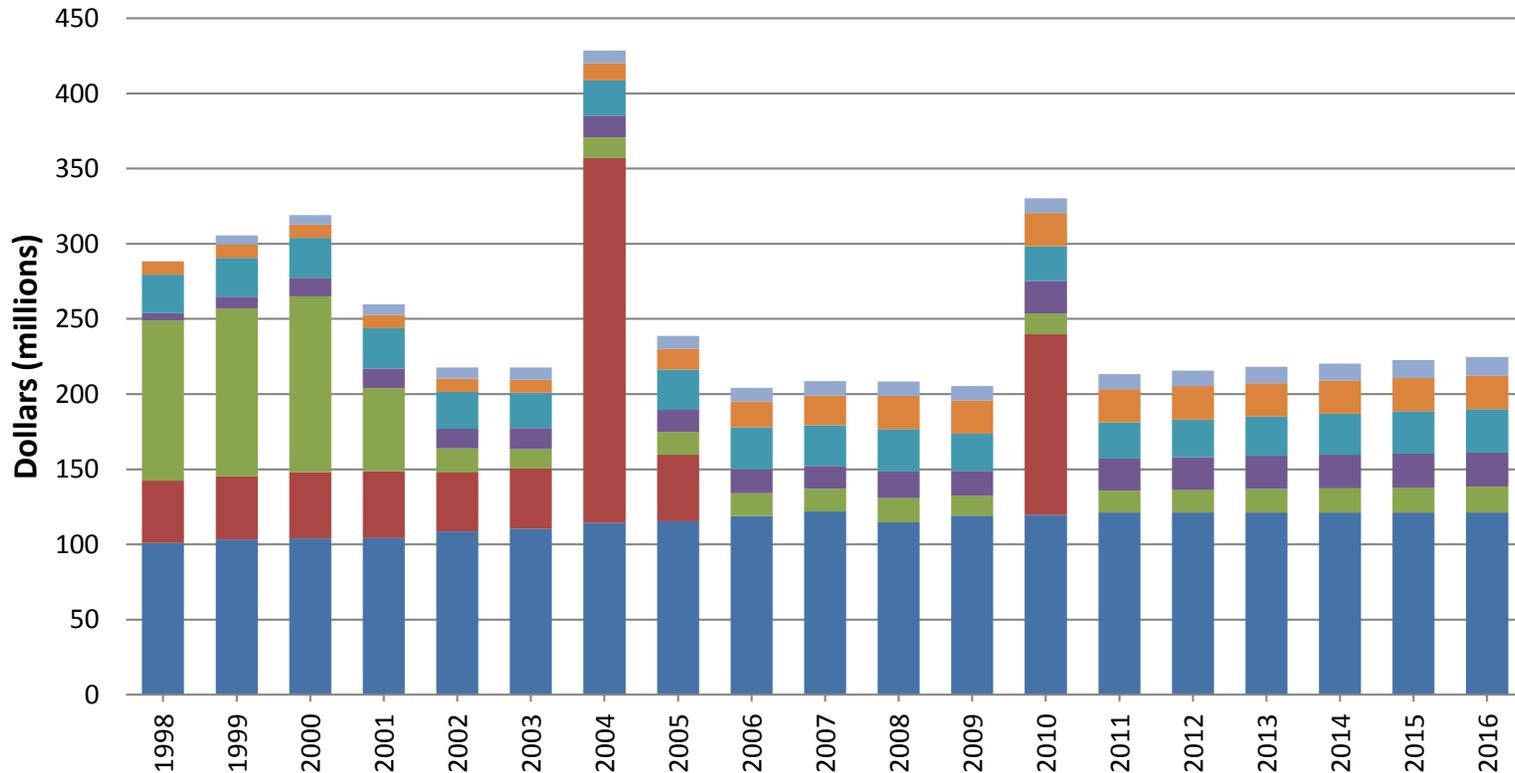
State of Florida Transportation Funds

State Transportation Trust Revenue Sources - FY 2010 -11



Florida Transportation Fund Diversion

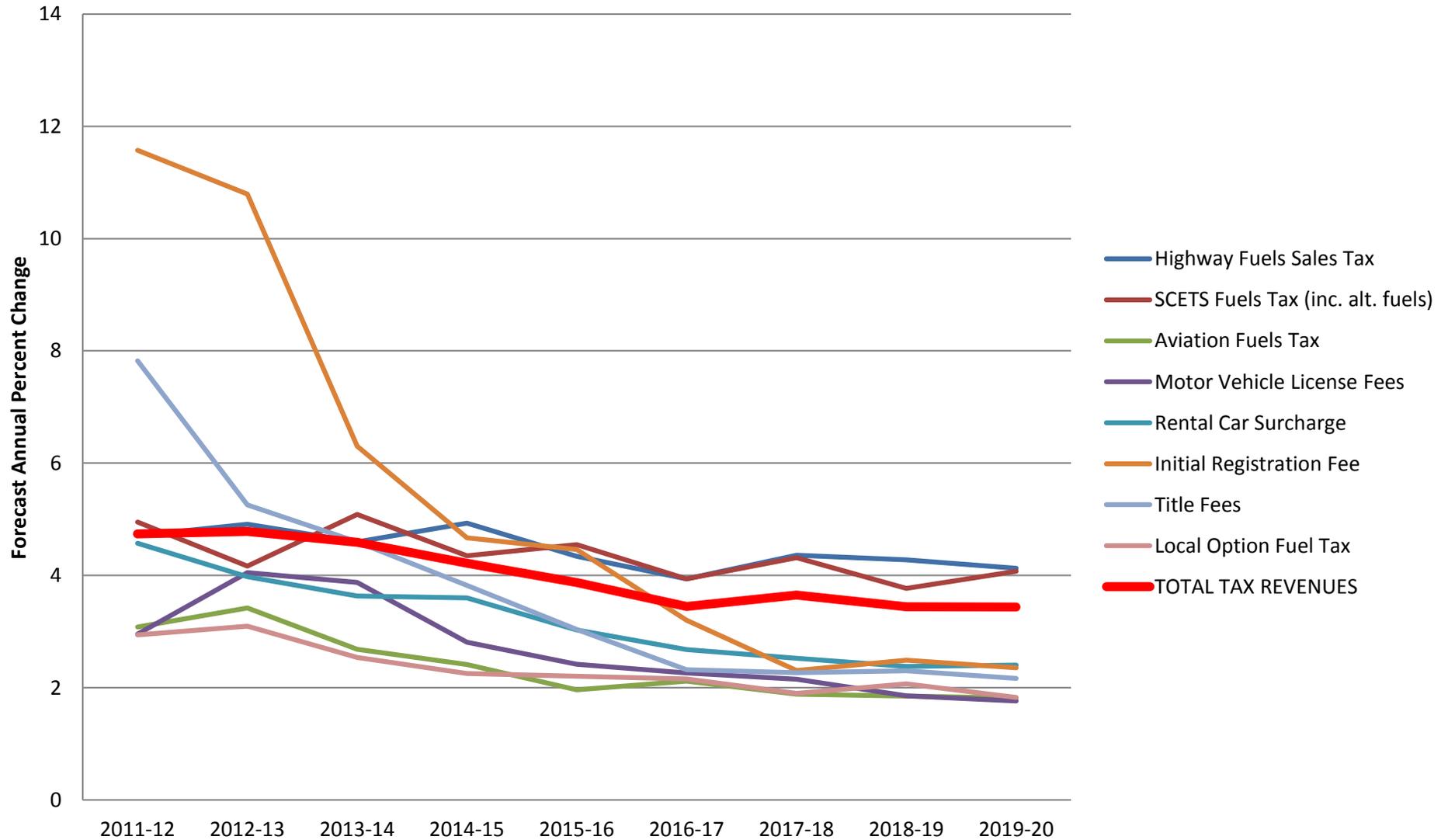
Transportation Funds Used for Other Purposes



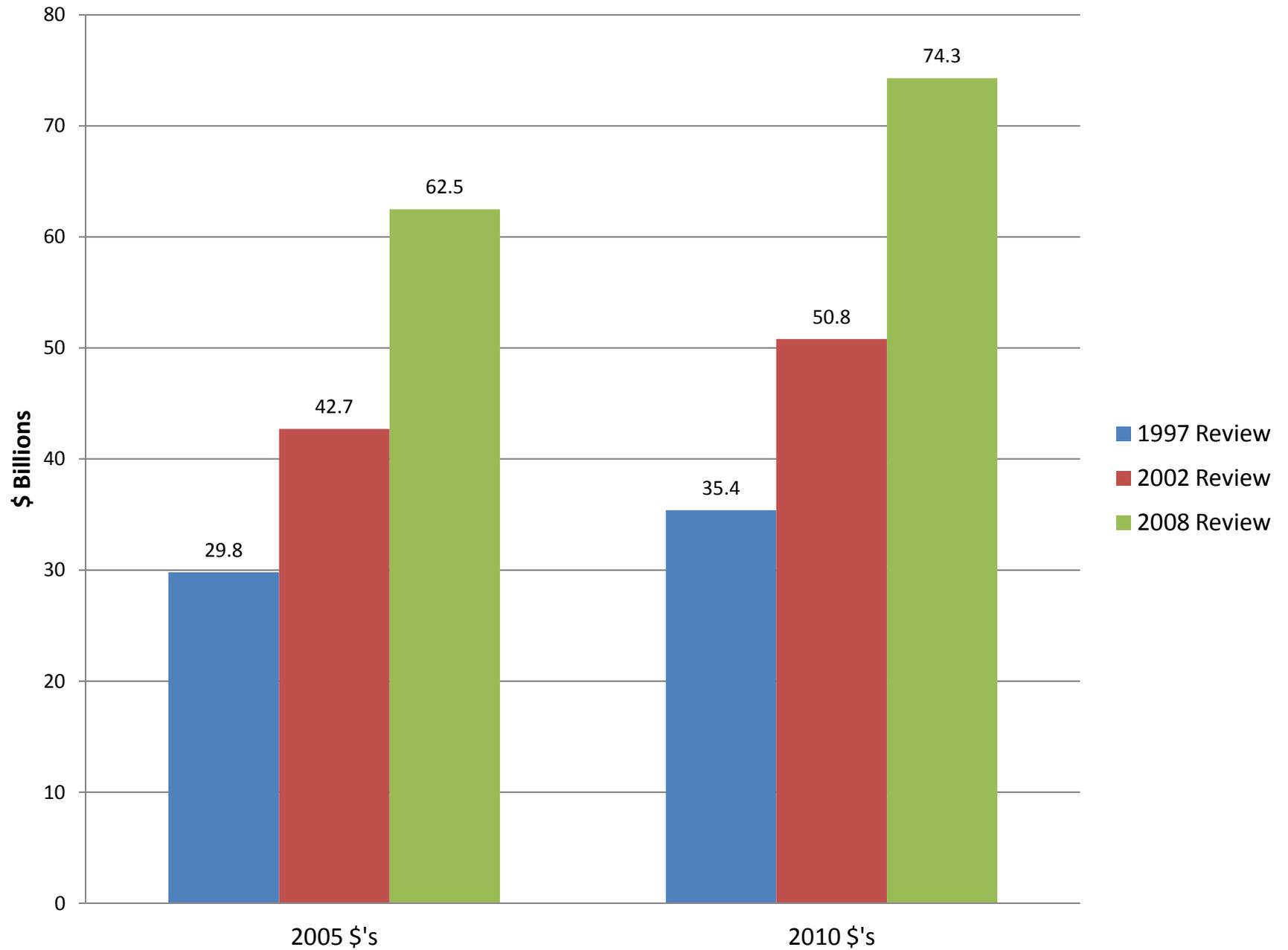
- Education
- GR Fund Transfers
- GR Service Charges
- Admin Charges
- Tourism & Trade
- DEP & GFC
- Agriculture

State Revenue Forecasts

Revenue Estimating Conference Forecast - August 2010



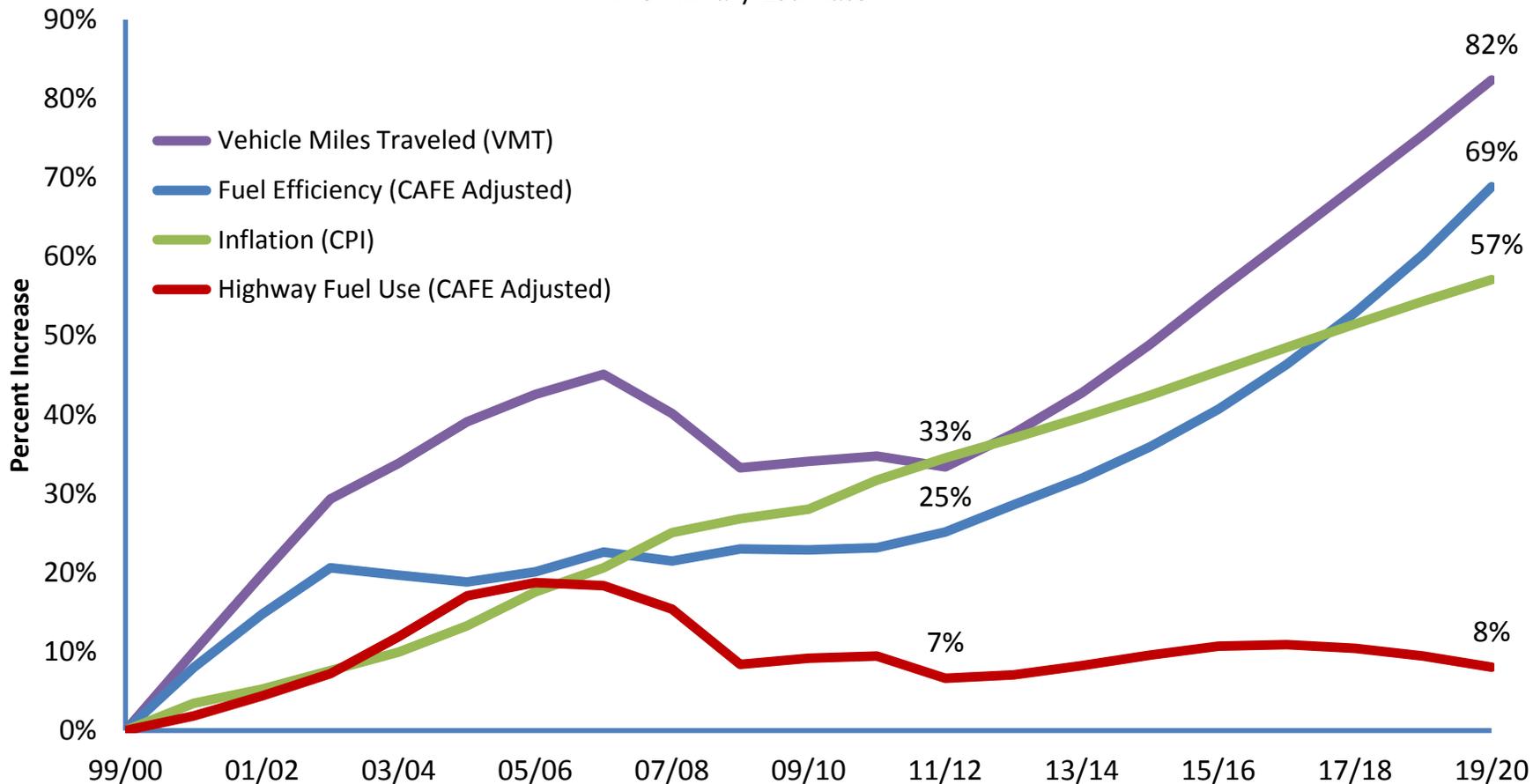
Florida Metro Area Transportation Funding Shortfall Estimates



State Trust Fund Purchasing Power

Variables Affecting The Purchasing Power of Transportation Revenues

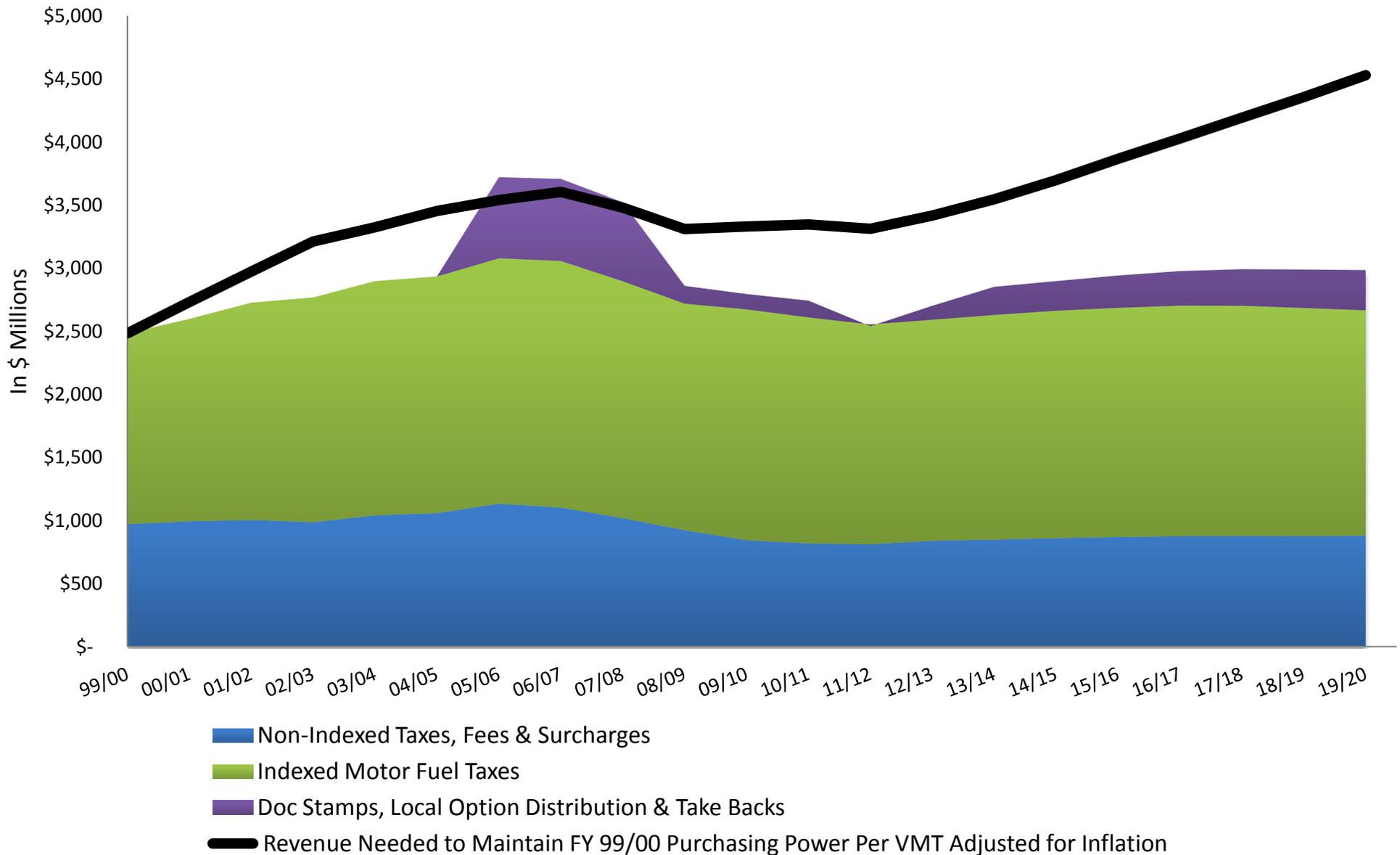
Sources: FDOT 2009 Source Book of Florida Highway Data, Oct 2011 REC & 2012-2025 CAFE Preliminary Estimate



State Transportation Taxes & Fees

\$12.1 Billion In Lost Purchasing Power

In Current \$ - Adjusted for Growth In Vehicle Miles Traveled



Transportation Taxes and Fees
Purchasing Power Value Lost Due to Inflation
Rate Increases Required to Restore Lost Purchasing Power

Table Excludes the Surcharges to General Revenue Enacted in 2009

Tax/Fee	Rate (to STTF)	Unit of Measure	Last STTF Rate Increase	Years Since Last Increase	CPI-U Index Level	Inflation Adjusted Value of \$1.00	To Restore Original Purchasing Power		
							% Rate Increase Needed	Inflation Adjusted Rate	Rate Increase Needed
State Fuel Use	12.3	per gal	2011	0	224.9	\$1.00	0%	12.3	0.0
SCETS	6.8	per gal	2011	0	224.9	\$1.00	0%	6.8	0.0
Off Highway	12.0	per gal	2011	0	224.9	\$1.00	0%	12.0	0.0
Federal Highway Fuel	18.4	per gal	1997	14	160.5	\$0.71	40%	25.8	7.4
Federal Highway Diesel	24.4	per gal	1997	14	160.5	\$0.71	40%	34.2	9.8
Local Option Fuel	12.0	per gal	1993	18	144.5	\$0.64	56%	18.7	6.7
Title Fee	various	one time	1991	20	136.2	\$0.61	65%	various	various
Aviation Fuel	6.9	per gal	1990	21	130.7	\$0.58	72%	11.9	5.0
Initial Registration Fee	\$100.00	one time	1990	21	130.7	\$0.58	72%	\$172.07	\$72.07
Rental Car Surcharge	\$2.00	per day	1990	21	130.7	\$0.58	72%	\$3.44	\$1.44
MVL Fees	various	annual	1983	28	99.6	\$0.44	126%	various	various
Municipal Fuel	1.0	per gal	1971	40	40.5	\$0.18	455%	5.6	4.6
Constitutional Fuel	2.0	per gal	1943	68	17.3	\$0.08	1200%	26.0	24.0
County Fuel	1.0	per gal	1941	70	14.7	\$0.07	1430%	15.3	14.3

Purchasing Power Calculations for Non-Indexed Taxes & Fees Are Calculated Using April 2011 CPI Index of 224.9.

The 2010 General Revenue Surcharges imposed on MVL Fees, Initial Registration Fees, Title Fees and Rental Car Surcharges are excluded from this analysis since they did not impact the purchasing power of the respective share of revenues directed to the State Transportation Trust Fund.

MPOAC Revenue Study Action

- At its April 26, 2012 meeting, the MPOAC took the following action:
 - Transmit to the Legislature / Governor information on the State's unfunded transportation needs and the 14 options to reduce the funding shortfall.
 - Initiate legislative action on the top six revenue options to implement those items.

MPOAC Revenue Study Selected Options

Revenue Option	8 yr Total (\$millions)	Annual Average (\$millions)
Index All Fuel Taxes not Currently Indexed - <i>Local</i>	918	115
1 Cent Municipal Optional Sales Tax- <i>Local</i>	6,637	830
2 Cent Fuel Tax Increase per Year – 5 Years (10 cents) Indexed - <i>State</i>	6,424	803
VMT Study	–	–
5 Cent Local Diesel Tax - <i>Local</i>	576	72
Return MVL, Reg., Title increases to STTF (From GR to STTF)	3,301	413
State Sales Tax@ 6% in Lieu of Fuel Taxes, w/ floor <i>State</i>	1,087	136
Toll Rate Making	–	–
Regional Trans Financing Authority @ \$100mill/ yr	3,200	400
Sales Tax on Motor Vehicle Parts & Services (From GR to STTF)	5,331	666
Sales Tax BEV to STTF (From GR to STTF)	73	9
County \$10 Reg. Fee - <i>Local</i>	1,242	155
Alt. Fuel Decal Expansion - <i>State</i>	204	26
\$100 mill in New Toll Projects	2,450	306

Top 6 Revenue Options

- **Index All Fuel Taxes not Currently Indexed**

In addition to the State taxes mentioned above, there are several different local option taxes levied on a per gallon basis in addition to the Constitutional Fuel Tax (2 cents per gallon), County Fuel Tax (1 cent per gallon) and the Municipal Fuel Tax (1 cent per gallon). The Constitutional, County and Municipal taxes are collected by the State for distribution to local governments. None of these or the local option fuel tax is indexed to the CPI. This option would index them on the same basis as the State Fuel Sales Tax and the SCETS, providing local governments with the same inflation hedge enjoyed by the STTF and generating approximately \$115 million annually for investment in transportation infrastructure. Some of these user fees have not been adjusted since the 1940s.

- **One Cent Municipal Optional Sales Tax**

Under current Florida Statute, Charter Counties and those included in a Regional Transportation Authority district may elect to impose up to a one percent sales tax on items up to \$5,000 with revenues available for transportation uses. This option would extend that flexibility to cities with a population of 150,000 or more, but could not be duplicative of any County transportation sales tax. For example, today Miami-Dade County voters approved a one-half percent sales tax. If the City of Miami wanted to put this in place, it would be limited to an additional one-half percent. In counties without a city with a population of 150,000, the option would be available to the largest municipality in that county based on the latest available census. If fully implemented, it could generate approximately \$830 million to cities in total.

- **Two Cent Fuel Tax Increase per Year – 5 Years (10 cents) Indexed for Inflation**

Implementation would raise the State Highway Fuels Sales Tax from the current rate of 12.6 cents per gallon by 2 cents per year for the next five for a total 10 cent increase. This tax is currently adjusted annually by the Consumer Price Index (CPI) as is the State Comprehensive Enhanced Transportation System (SCETS) Tax which is currently at 6.9 cents per gallon. Additional forecast revenues of approximately \$183 million in 2013 growing to \$1.17 billion by 2020 for the State Transportation Trust Fund (STTF).

Top 6 Revenue Options

- **Vehicle Miles Traveled Study (VMT)**

This recommendation is to have the Legislature commission and fund an extensive effort to deal with the systemic issues of fuel taxes becoming less sustainable as a primary surrogate for a transportation user fee. While fuel taxes served as an adequate substitute for a true user fee for decades, significant increases in mandated vehicle fuel efficiency and the introduction of all electric and plug-in hybrid vehicles are eroding transportation revenues. It is recognized that there are significant concerns over the concept of charging users of the highway system based on each mile traveled. These include privacy of citizens, the cost of implementing such a system, and institutional issues associated with revenue sharing. This effort is intended to address these issues at a minimum, deploy a demonstration of the concept and develop a business plan and implementation roadmap to move Florida to a VMT-based system.

- **Five Cent Local Diesel Tax**

Local option tax rates are fixed in State Law to provide diesel fuel tax rate consistency among counties for purposes of administering the provisions of the International Fuel Tax Agreement. The local option diesel tax rate is currently 7 cents per gallon, while the statewide average for local option gasoline taxes has risen to 9.6 cents per gallon. There has long been recognition that a higher per gallon rate on diesel fuel is appropriate, as the major users of the fuel are heavy trucks. For example, the federal gasoline tax is 18.4 cents per gallon and 24.4 cents for diesel because of the distinction of the demands that are placed on the highway system by heavy trucks and light duty vehicles. This option would establish an additional five cent diesel fuel tax in each county, and the revenues would be required to be expended on projects that serve or enhance commercial highway traffic. This dedicated local source of funding could be used to encourage economic development and improve existing commercial operations. It is estimated to generate about \$72 million per year to Florida's counties.

- **Return Motor Vehicle License, Registration and Titling Fee Increases to the State Transportation Trust Fund**

This recommendation would redirect the increases in the fees that were enacted in 2009 from the State General Revenue Fund to the STTF. These fees have historically been dedicated to the transportation system as a method to further the concept of user fees supporting the transportation system. After a 20 year hiatus of fee adjustments (30 years for registration fees), they were raised in 2009 with the incremental revenue being used to help solve the general budget crisis due to the economic recession. With increasing pressures on transportation funding sources coupled with growing needs, action was taken in the 2012 session of the Florida Legislature to restore a portion of these traditional STTF funds. While the most Title Fees will be remitted to the STTF yielding about \$200 million per year, the Motor Vehicle License Fee and Surcharge increases along with the Initial Registration Fee increase are recommended to be returned as well. The annual estimated revenue impact to the STTF is \$413 million.

Remaining Revenue Options

State Sales Tax@ 6% in Lieu of Both State Fuel Taxes, with a “Floor”

Toll Rates – Transfer toll setting to Florida Transportation Commission

Regional Transportation Financing Authorities

Sales Tax on Motor Vehicle Parts & Services – Shift from General Revenue Fund

Shift Sales Tax on Battery Electric Vehicles to the State Transportation Trust Fund

\$10 County Vehicle Registration Fee

Alternative Fuel Decal Expansion

Invest \$100 million of Incremental Revenue in New Toll Projects

MPOAC TRANSPORTATION REVENUE STUDY

The logo for MPOAC, consisting of the letters "MPOAC" in white, uppercase, sans-serif font, centered within a dark blue oval. The oval is set against a yellow rectangular background.

QUESTIONS?

FOR MORE INFORMATION CONTACT:

Howard.Glassman@mpoac.org

(850) 414-4062 Office

www.mpoac.org

Florida's Transportation System Trends and Future Direction



Senate Transportation Committee

Secretary Ananth Prasad

January 17, 2013

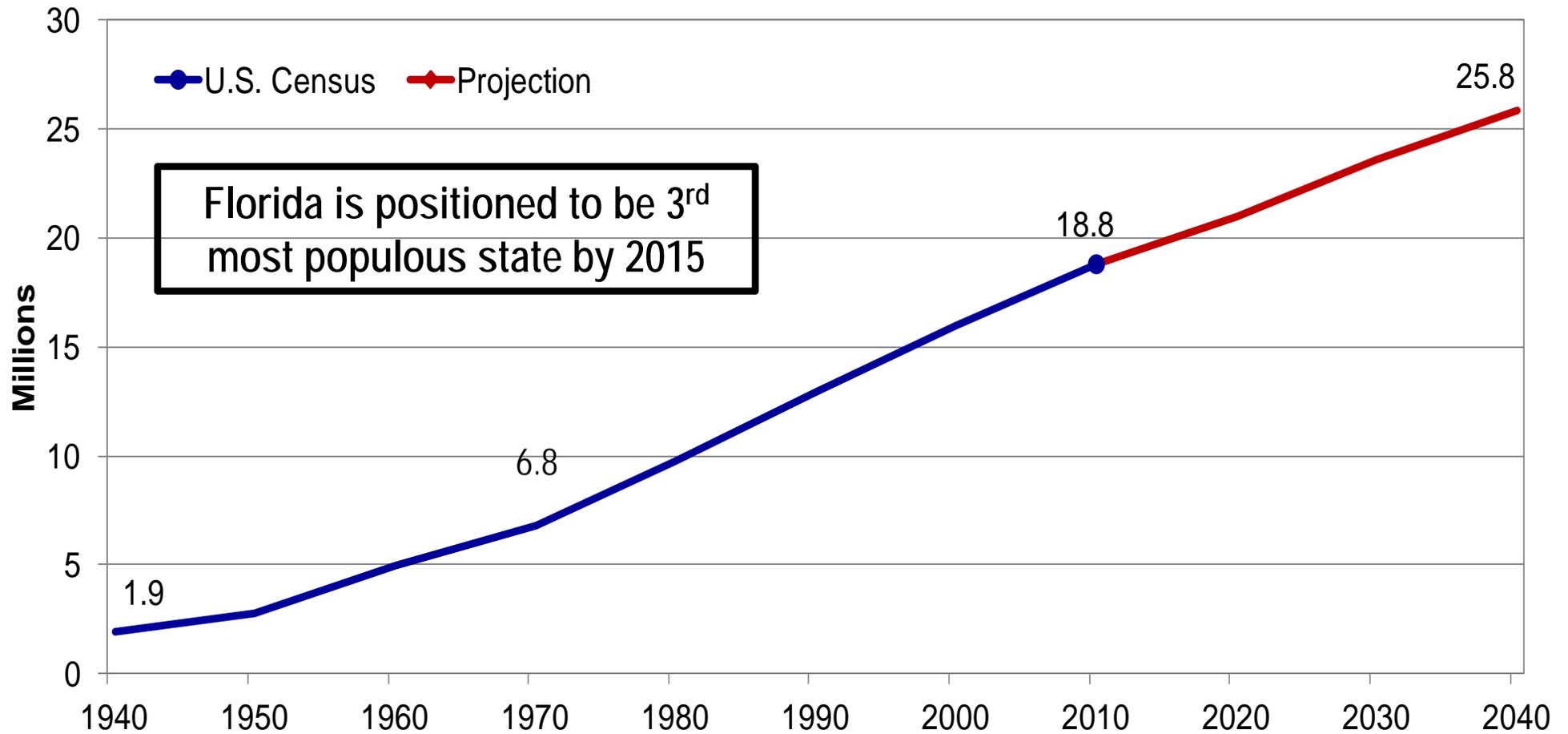


Today's Presentation

- u System trends and conditions
- u Travel demand
- u Challenges and How We Can Respond



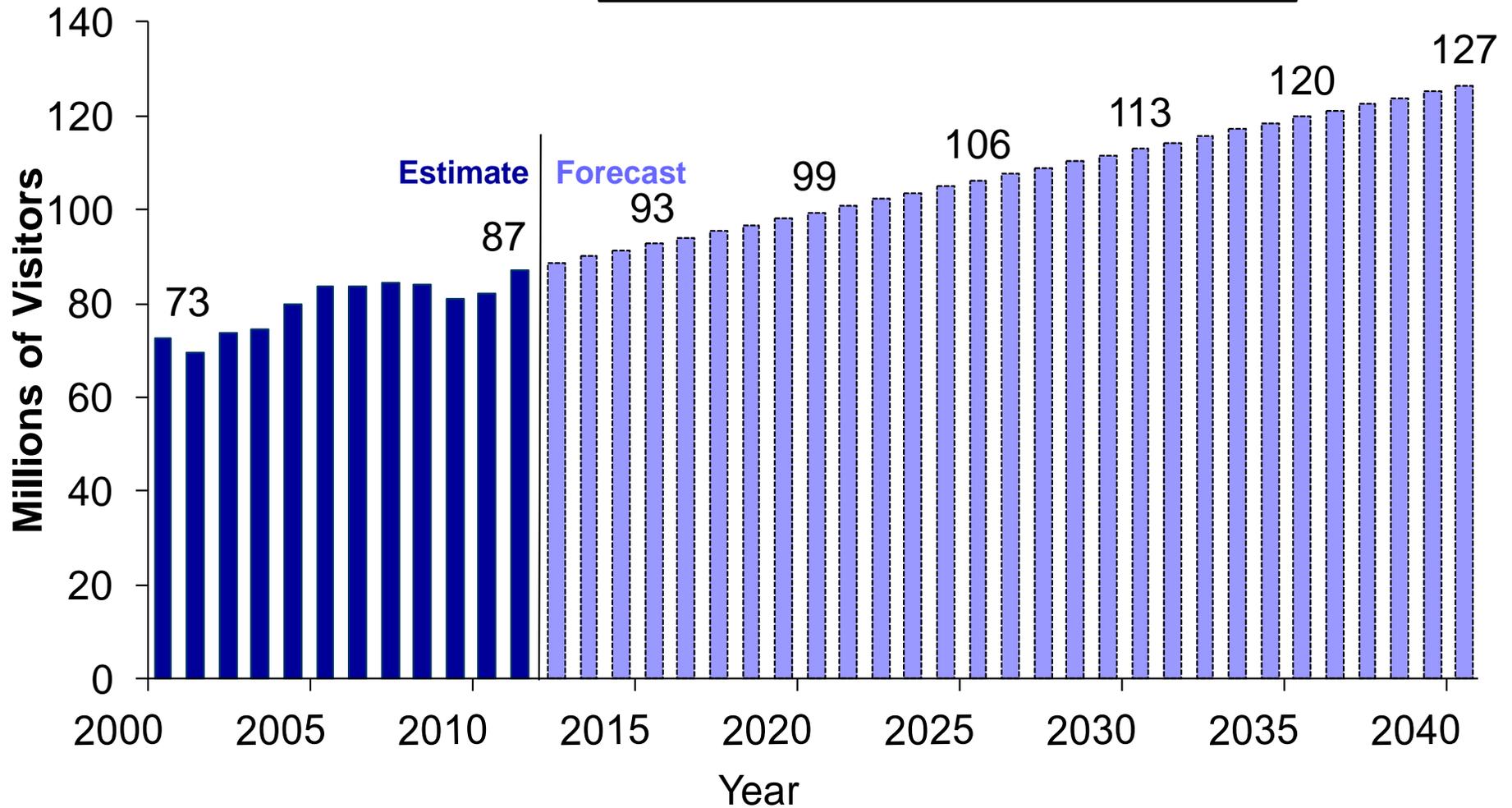
Population Still Growing



Sources: Census Bureau and University of Florida Bureau of Economic and Business Research (BEBR)

More Visitors

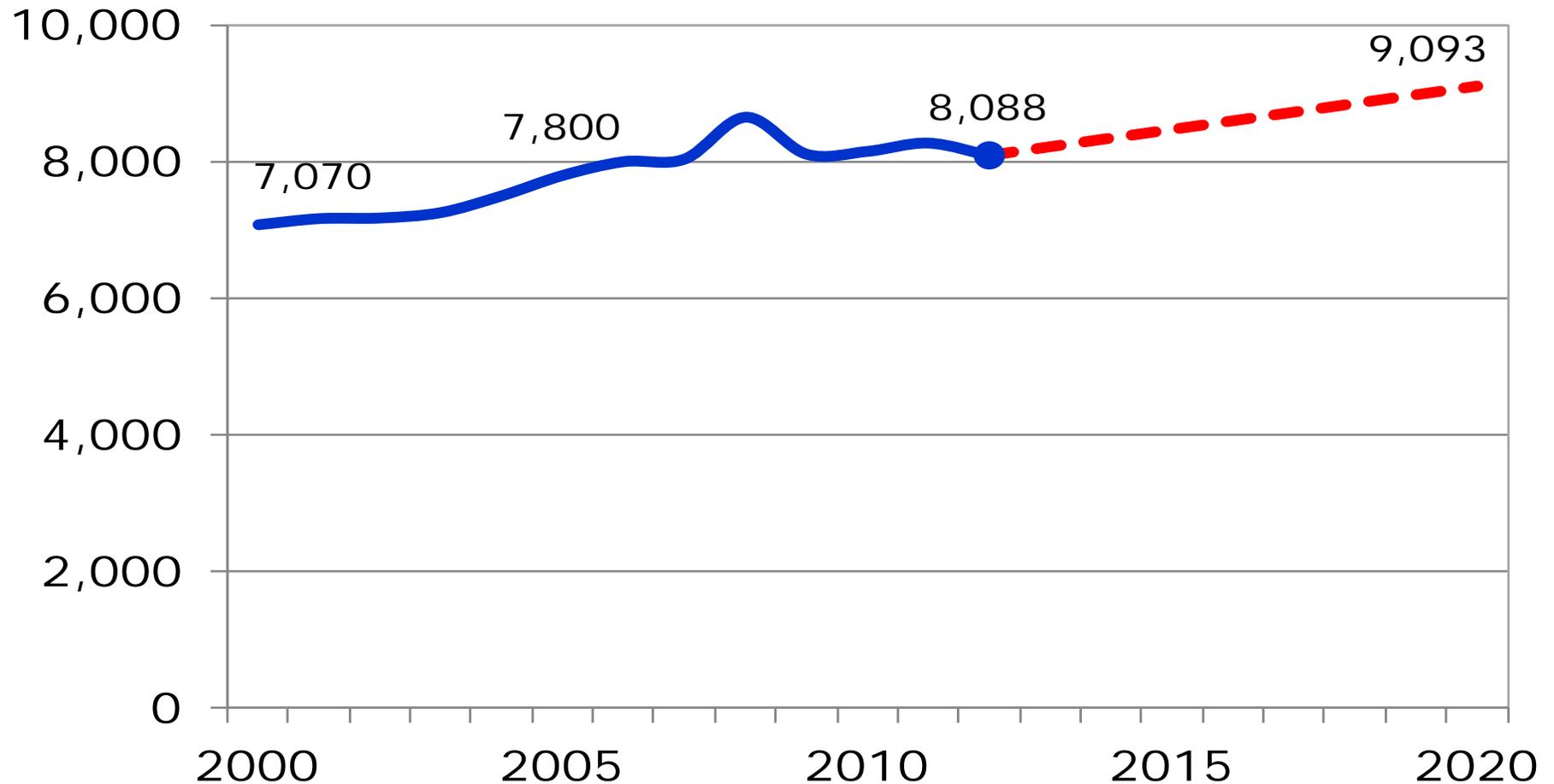
By 2040, increase of ~45% from 2011



Source: Visit Florida (historical, new method used for 2009); FDOT (forecast numbers are extrapolated.)

Employment Rising Again

Employment (in thousands)



Source: U.S. Bureau of Labor Statistics, "Current Employment Statistics," and Florida Office of Economic and Demographic Research (September 2012 forecast)

Passenger Travel Continues To Grow

Mode	Measure (millions)	2011	2035	Change
Auto	Annual vehicle-miles traveled	191,855	318,589	66%
Transit	Trips	261	424	63%
Air	Enplanements	69	101	46%
Water	Cruise passengers	14	24	75%
Rail	Interregional passengers	1.16	1.24	7%

Source: 2011 Estimates: auto, transit and air from FDOT; water from Florida Ports Council; and rail from Amtrak.

2035 Forecast: all forecasts are generated by FDOT using linear regression.



Freight Transport Will Increase

(millions of tons)

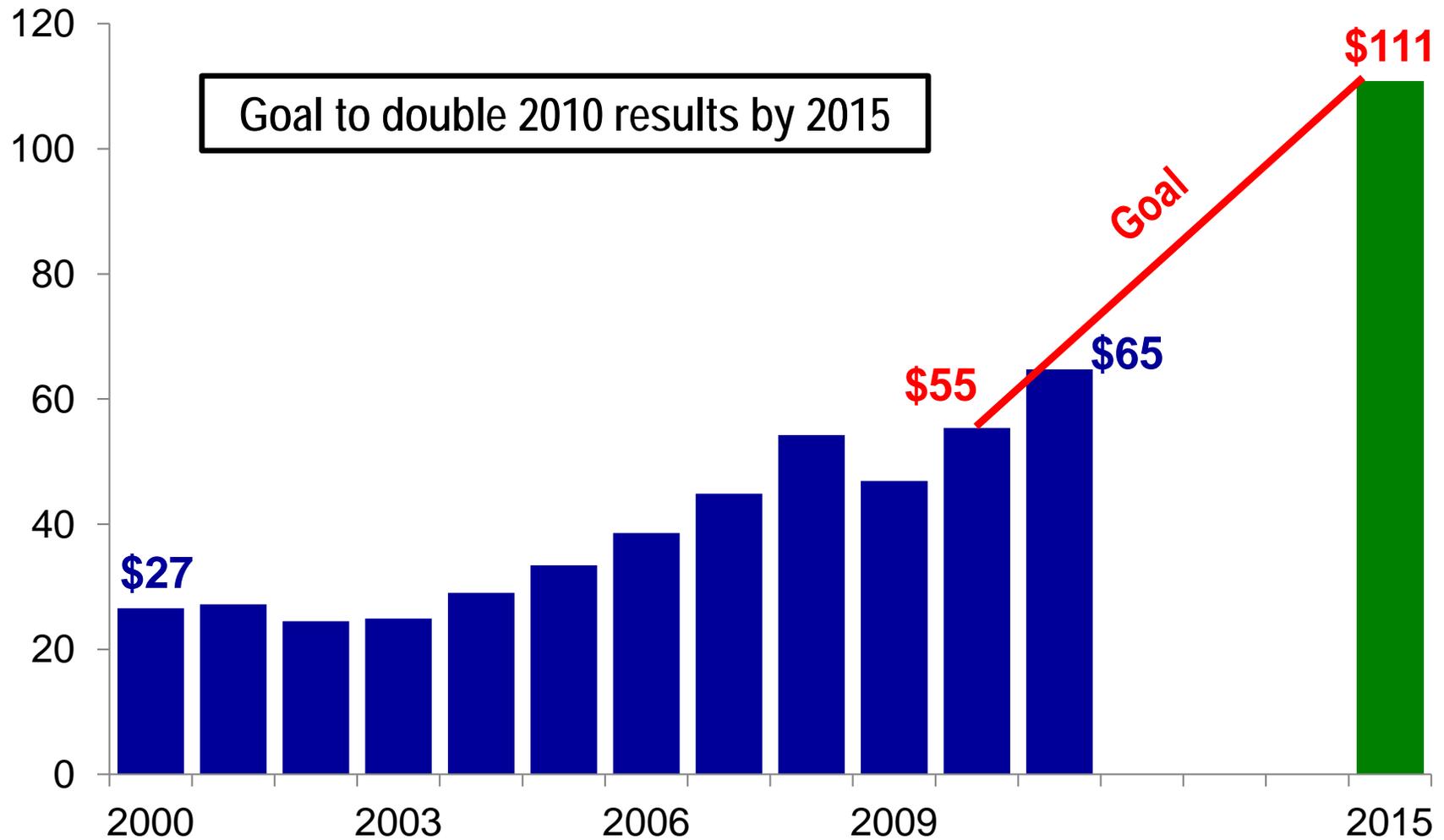
Mode	2010	2035	Change
Truck	452.3	643.0	42%
Rail	75.0	80.2	7%
Int'l waterborne	50.1	78.7	57%
Air	1.2	2.5	108%



Source: Florida Chamber Foundation and Florida Department of Transportation,
Florida Trade and Logistics Study (as of February 2011)

More Global Trade

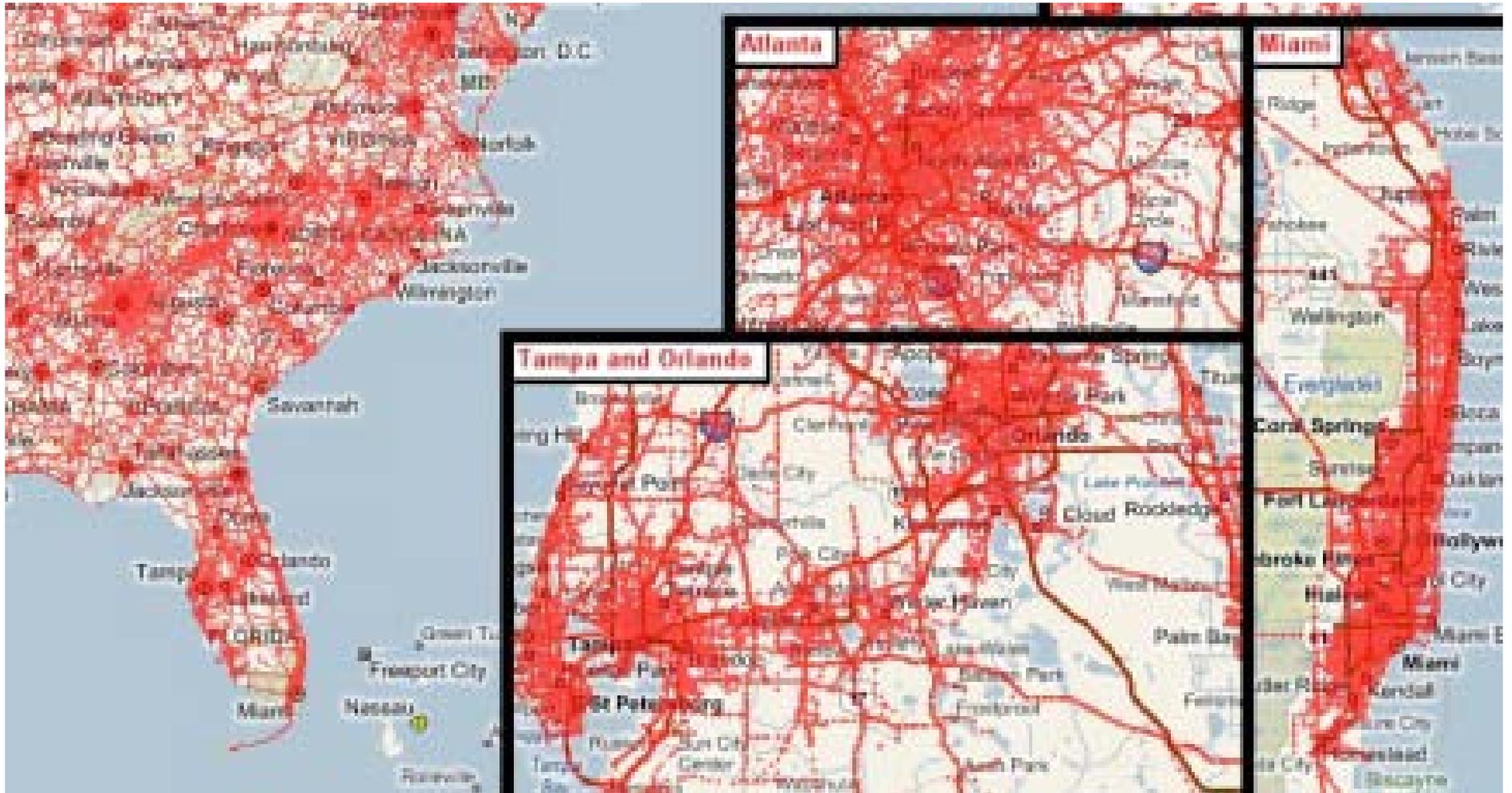
Florida Origin Exports, \$Billions



Source: U.S. Census Bureau, Foreign Trade Division.

Florida – Fall 2010

15 minutes of GPS data – Thursday PM Peak



Florida – Fall 2012

15 minutes of GPS data – Thursday PM Peak



Fuel Economy Standards

- u CAFE standards for new cars will increase from 34.1 MPG in 2016 to 49.6 MPG in 2025
- u Federal gas tax revenues will fall 21 percent by 2040
- u Florida can expect a similar impact on state gas tax collections

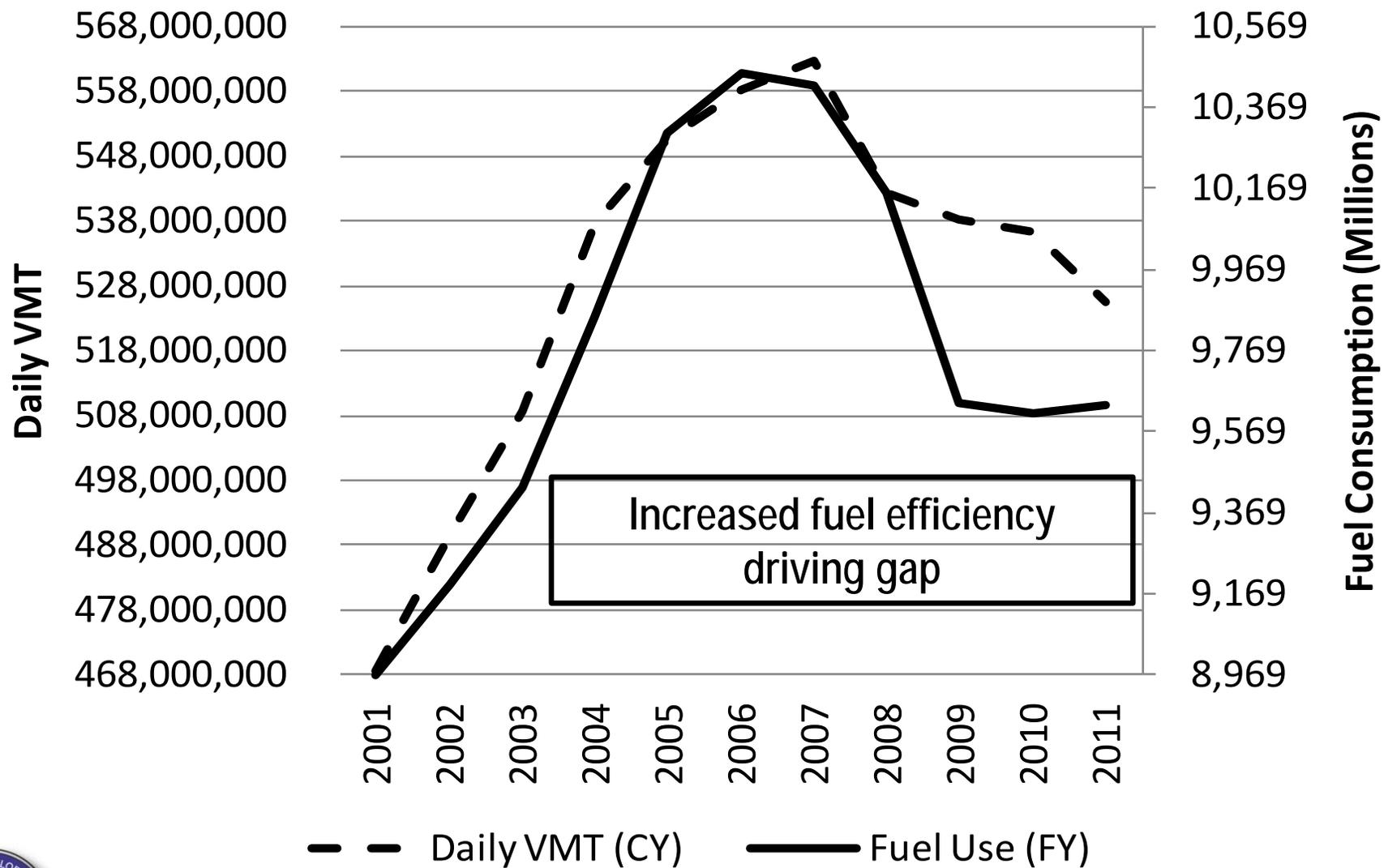


The Future of Fuel Tax

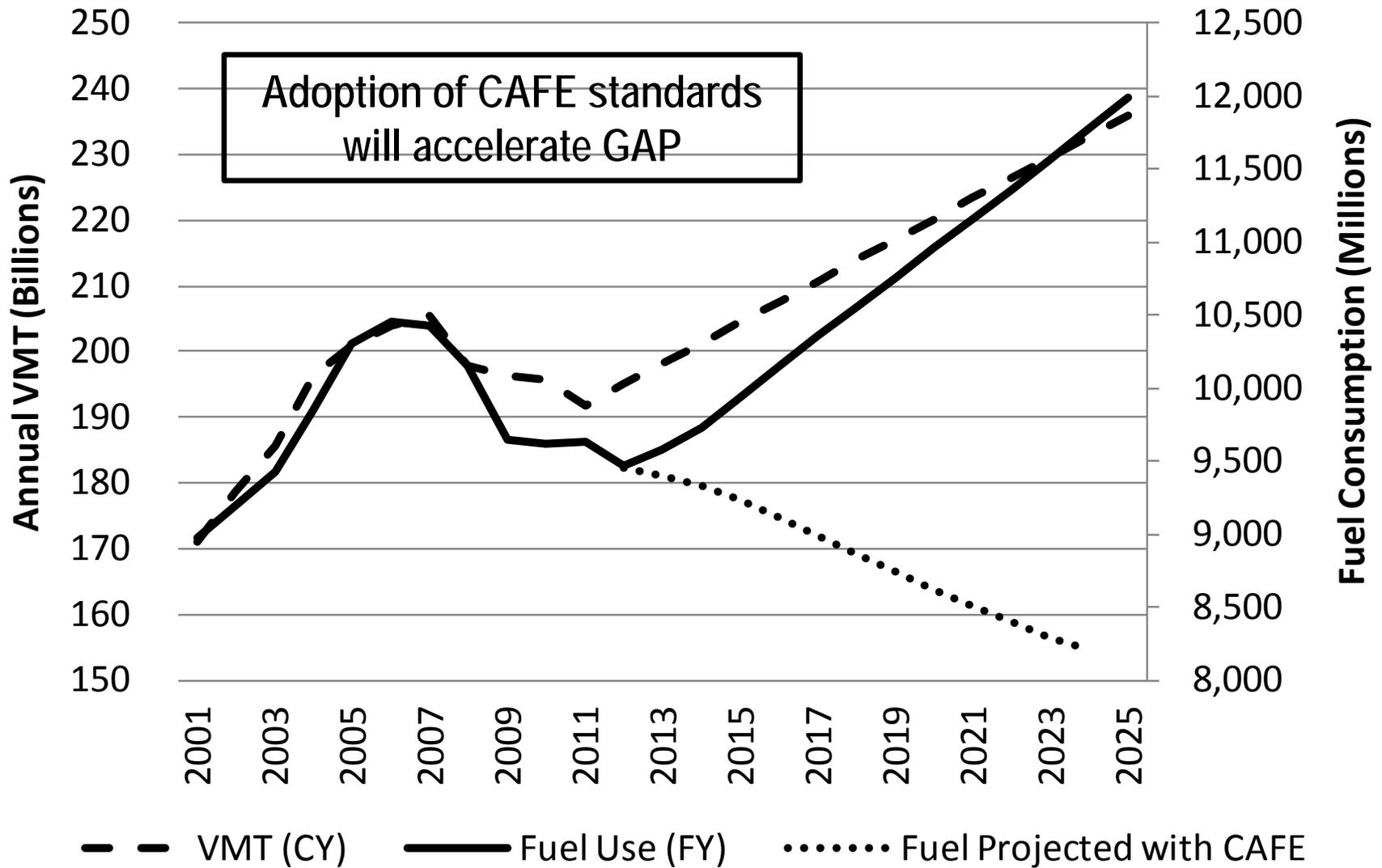
- u Various market pressures are driving up average vehicular fuel efficiencies
- u The average driver will pay less for use of the roadway network in the future
 - ✓ Fuel taxes paid decrease as fuel efficiency increases
 - ✓ Vehicle fuel efficiency is expected to increase from a fleet-wide average of 20.7 mpg in 2012 to new vehicles averaging 49.6 mpg by 2025
- u The fuel tax will become a less sustainable and less equitable proxy fee for road use into the future



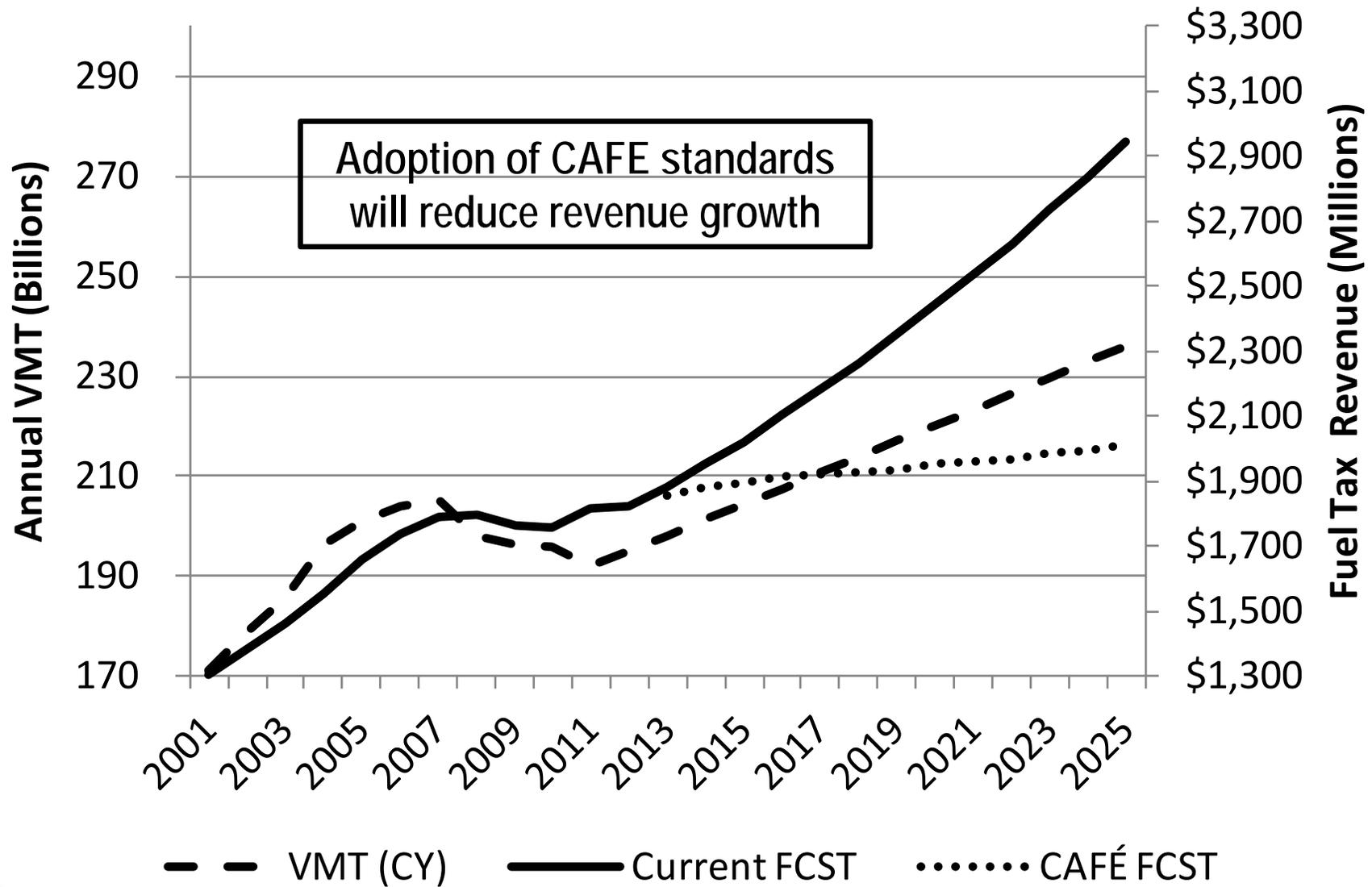
Actual VMT vs Fuel Use – 2001-2011



Projected VMT vs Fuel Use Through 2025



Projected VMT vs Fuel Revenue Through 2025



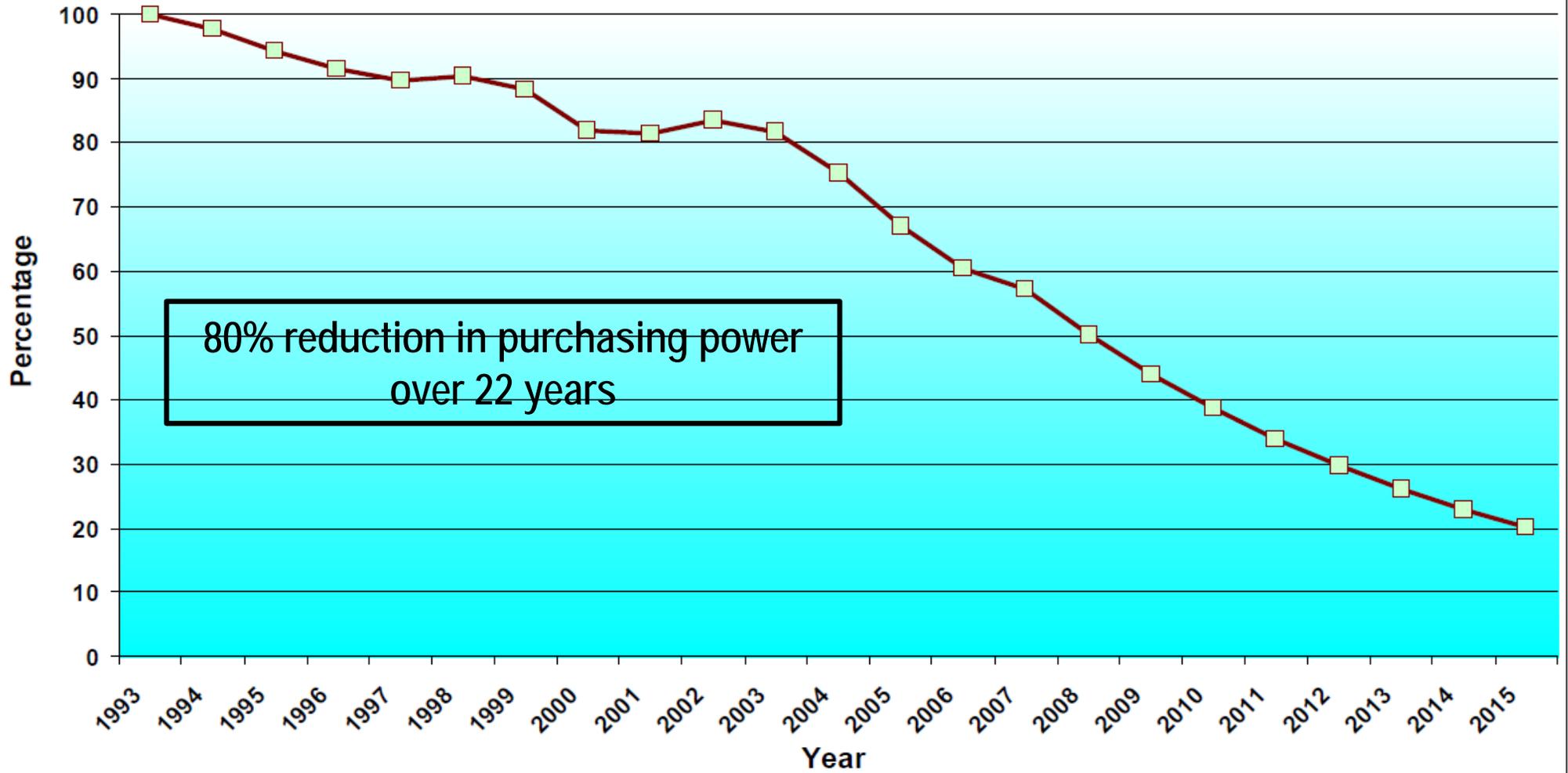
Federal Highway Trust Fund

- u The Federal Highway Trust Fund has required several General Fund (GF) transfers
- u Over \$35 billion in GF transfers were necessary to extend the prior legislation (SAFETEA-LU) for 3 years
- u \$19 billion in GF transfers were necessary to fund the new legislation (MAP-21)
- u \$12 billion per year will be needed to extend current funding levels beyond 2014

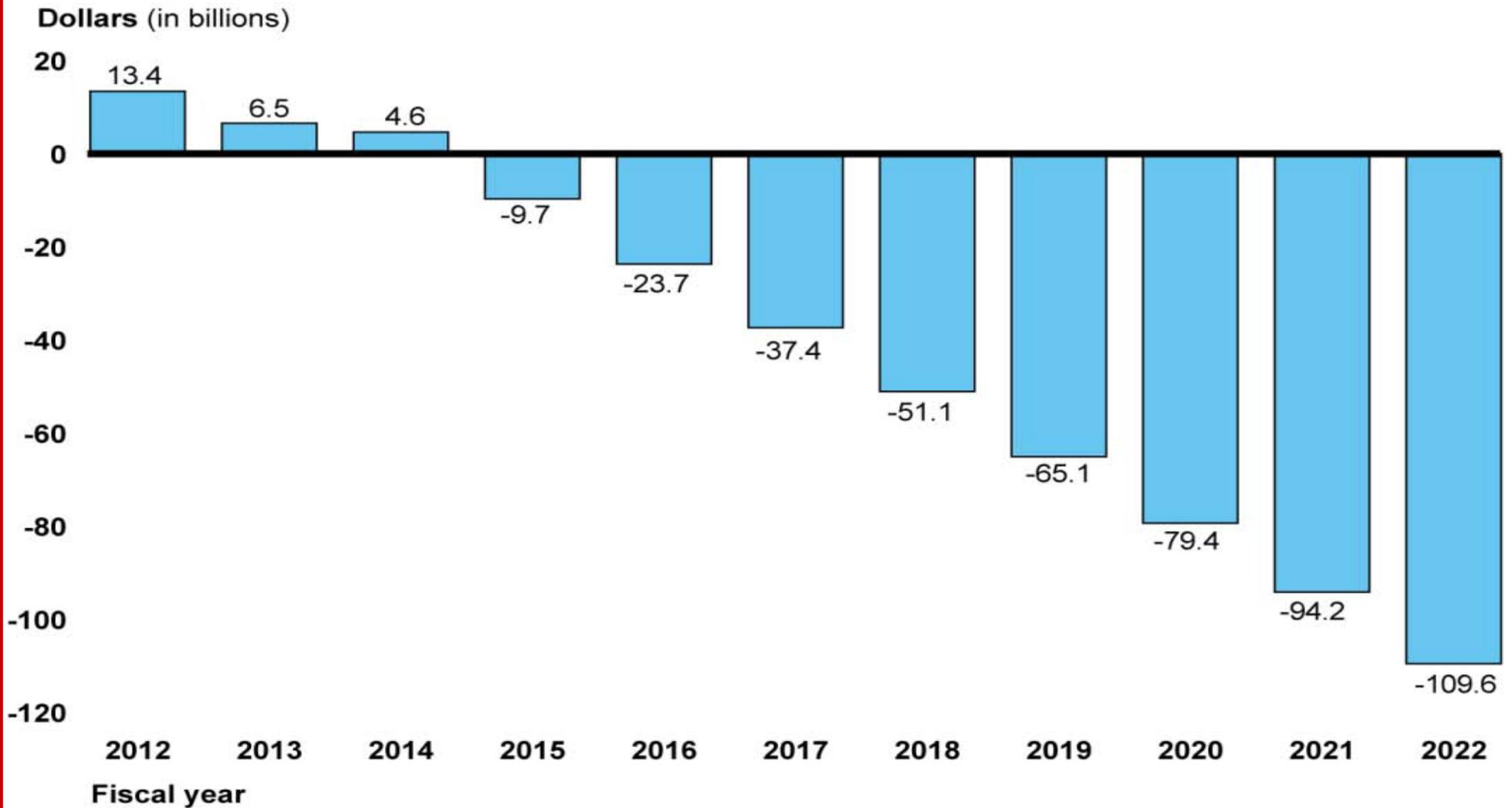


Decline in Purchasing Power of Motor Fuel Taxes

(Based on Inflation since 1993)



Projected Highway Trust Fund Balance, 2012 to 2022



Source: GAO analysis of CBO data.



Average Annual State Fuel Taxes Paid by Passenger Vehicles in Florida



Hybrid
(40 mpg)

\$62



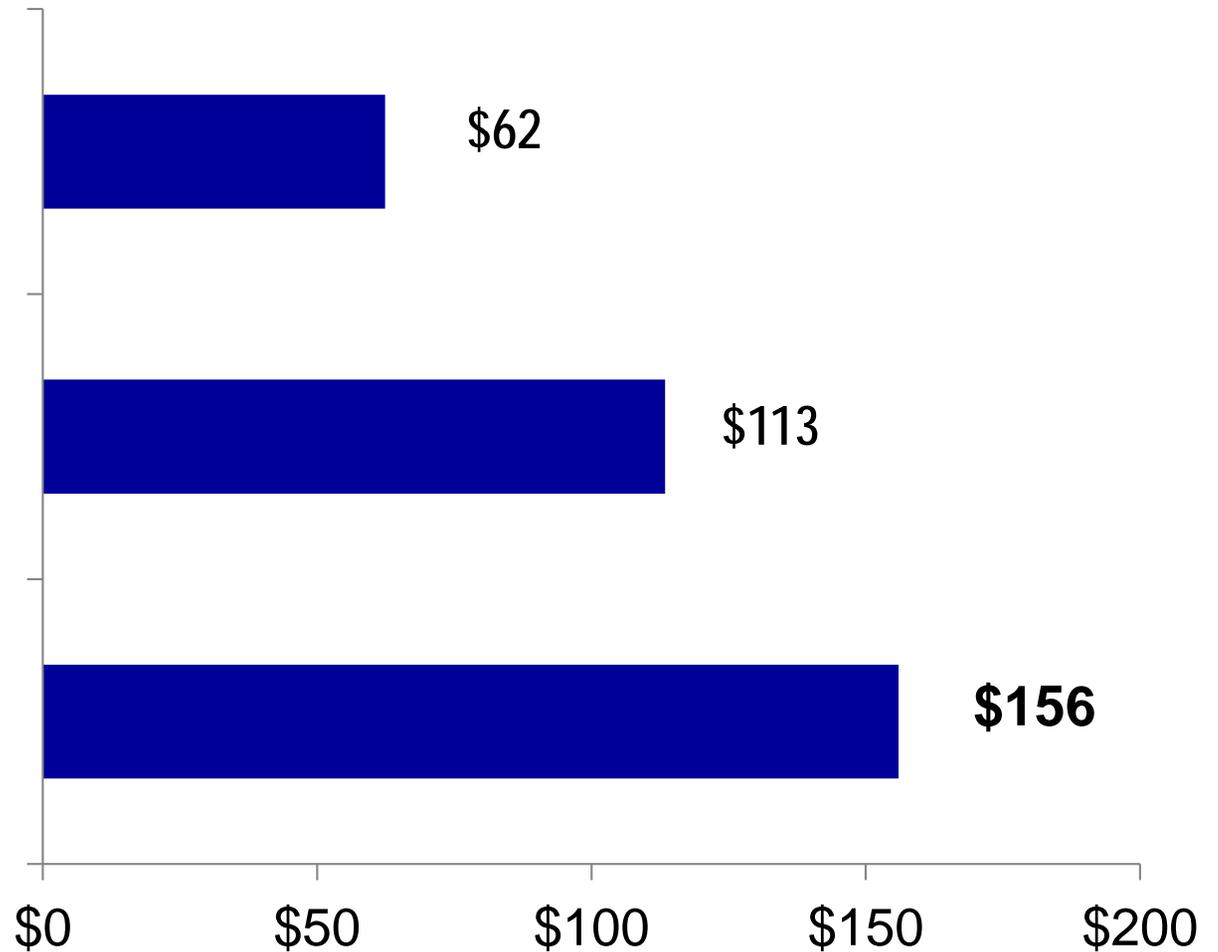
Sedan
(22 mpg)

\$113



SUV
(16 mpg)

\$156



Alternative Approaches Considered by Others

- u Tolling on specific transportation facilities
- u Increasing the Fuel Tax
- u Increase General Sales Tax in Lieu of Fuel Tax
- u Institute a Sales Tax on Gasoline
- u Mileage-Based User Fee



Mileage-Based User Fee

- u In Lieu of Current Fuel Tax
- u Consumption Based Approach
- u Have been recommended by several national studies
- u Could be adjusted to address inequities across vehicle types
- u Offers flexibility to charge varying rates depending on type of road, location, and time of day
- u Growing fleet fuel efficiency does not affect revenues



Mileage-Based User Fee

- u Encouraging trials in other states
- u Federal Government is currently not pursuing a Mileage-Based funding mechanism
- u No state has implemented a Mileage-based revenue approach
- u Is not Today's Immediate Problem, but.....Need to Prepare for the Transition



Mileage-Based User Fee Equivalent

- u Current Annual State Fuel Revenues – \$1.8 billion
- u Current Annual Vehicle Miles Traveled – 192 billion miles
- u Equivalent Cost Per Mile – 0.9¢

Less than 1¢ per mile



Mileage -Based User Fee Potential Obstacles

u Public Objections

✓ Privacy

- Concern that government can use the information to monitor travel patterns of individuals

✓ Cost to administer and enforce

✓ Fairness

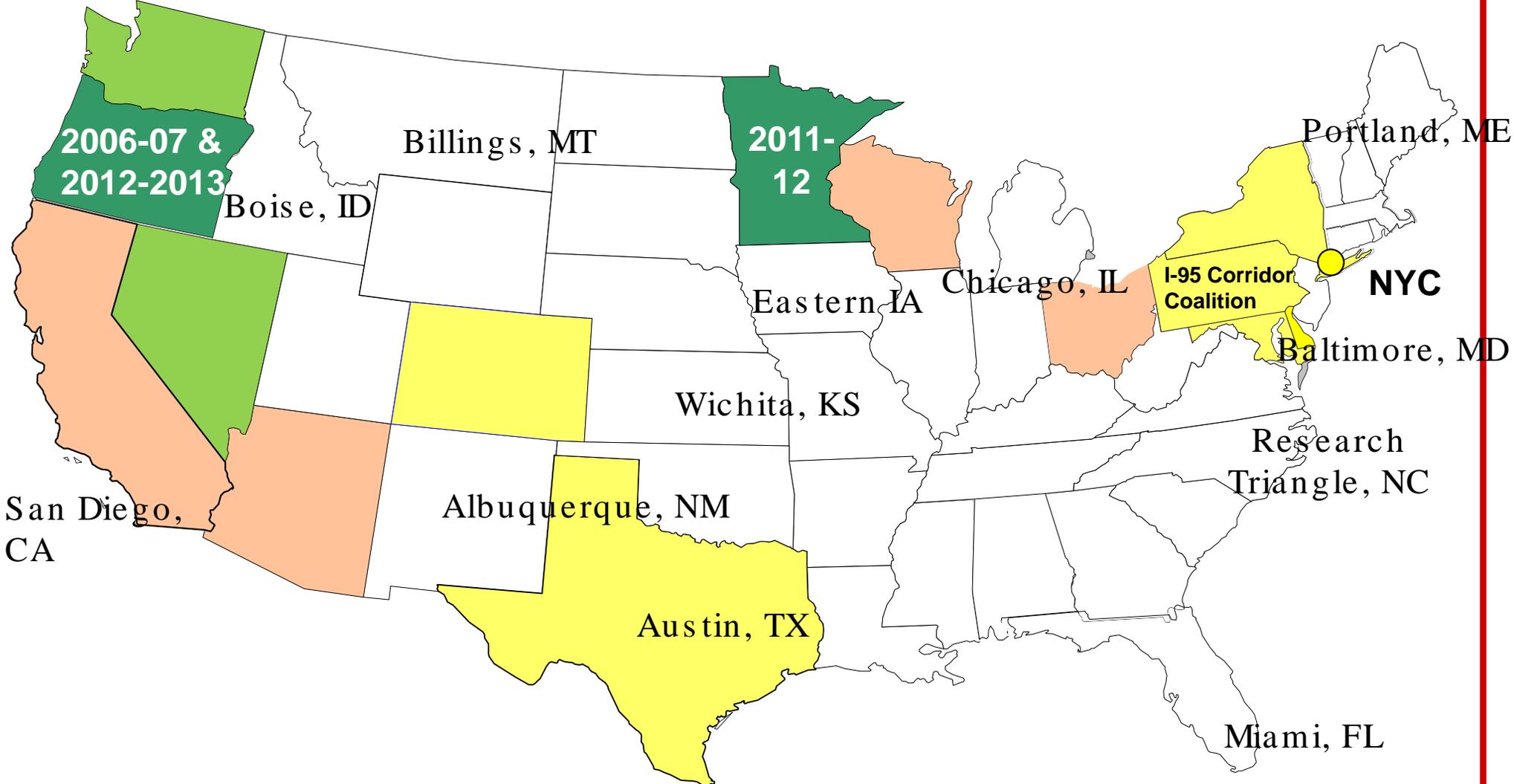
✓ Environmental

- Concern about diminishing incentives for purchasing more fuel-efficient vehicles

u Pilot programs have shown that there are technical and pricing strategies to overcome those concerns

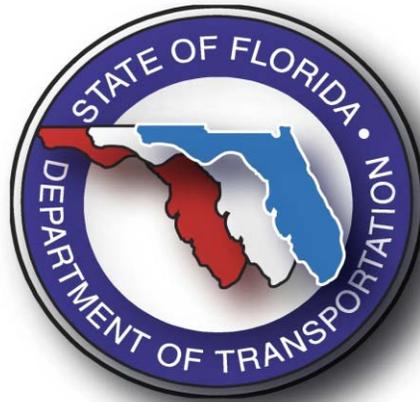


USA VMT Fee Pilots & Study



- University of Iowa Field Tests
- Participating in multi-state pilot
- Formal study underway
- Pilot Program Completed or Underway
- Beginning Inquiry





THE FLORIDA SENATE
APPEARANCE RECORD

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

1/17/2013
Meeting Date

Topic Future Revenues, Future Needs Bill Number _____ (if applicable)
Name Awanth Prasad Amendment Barcode _____ (if applicable)
Job Title Florida Secretary of Transportation

Address _____ Phone _____
Street
City State Zip E-mail _____

Speaking: For Against Information

Representing DOT

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)

1/17/13
Meeting Date

Topic Transportation Revenue Study Bill Number _____ (if applicable)
Name Howard Glassman Amendment Barcode _____ (if applicable)
Job Title Executive Director MPOAC

Address 605 Swayne St. Phone 414-4062
Street
City State Zip E-mail howard.glassman@mpoac.org

Speaking: For Against Information

Representing Florida MPO Advisory Council

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

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

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

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)

1/17/13
Meeting Date

Topic SD 94

Bill Number 94
(if applicable)

Name Matt Montgomery

Amendment Barcode _____
(if applicable)

Job Title LAD

Address 2900 Applebee Pkwy

Phone 850 617 3195

Tallahassee FL 32319
Street City State Zip

E-mail matthewmontgomery@flsen.gov

Speaking: For Against Information

Representing DHSU

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.

CourtSmart Tag Report

Room: LL 37
Caption: Transportation

Case:
Judge:

Type:

Started: 1/17/2013 10:33:24 AM

Ends: 1/17/2013 11:48:01 AM Length: 01:14:38

10:33:28 AM Meeting called to order by Chairman Brandes
10:33:45 AM Roll call by Committee Administrative Assistant
10:33:58 AM Comments from Chairman Brandes
10:34:06 AM Senator Hayes SB 62
10:35:44 AM Comments from Chairman Brandes
10:35:52 AM Amendment adopted 420914
10:36:08 AM Question from Senator Evers
10:36:16 AM Answer from Senator Hayes
10:36:41 AM Additional question from Senator Evers
10:36:51 AM Answer from Senator Hayes
10:36:59 AM Comments from Chairman Brandes regarding Committee Substitute
10:37:24 AM Roll Call by Administrative Assistant on Committee Substitute
10:37:48 AM Bill passed
10:37:52 AM Comments from Chairman regarding SB 94
10:38:09 AM Senator Joyner regarding SB 94
10:38:27 AM Senator Joyner explained strike-all amendment
10:38:42 AM Comments from Chairman Brandes regarding strike-all
10:38:53 AM Comments from Senator Margolis
10:39:49 AM Question from Senator Garcia
10:40:24 AM Comments from Senator Joyner
10:40:32 AM Additional comments from Senator Joyner
10:43:29 AM Comments from Mr. Matt Montgomery, Department of Highway Safety and Motor Vehicles
10:44:32 AM Comments from Senator Margolis
10:45:20 AM Question from Senator Thompson
10:45:49 AM Answer from Mr. Montgomery
10:46:01 AM Question from Senator Lee
10:47:32 AM Answer from Mr. Montgomery
10:48:27 AM Additional question from Senator Lee
10:50:03 AM Question/comments from Senator Evers
10:51:43 AM Comments from Chairman Brandes
10:51:56 AM Senator Joyner closed Strike-all amendment
10:52:36 AM Comments from Chairman Brandes
10:52:48 AM Comments from Senator Garcia
10:53:18 AM Comments from Chairman regarding Committee Substitute
10:53:34 AM Roll call by Administrative Assistant
10:53:50 AM Bill passes per Chairman Brandes
10:54:02 AM Comments from Chairman Brandes regarding presentation - Ananth Prasad, Secretary of Transportation
10:54:54 AM Presentation from Ananth Prasad, Secretary of Transportation
11:03:10 AM Comments from Chairman Brandes regarding Chart
11:03:30 AM Continued presentation by Mr. Prasad
11:03:57 AM Question from Senator Margolis
11:04:40 AM Answer from Mr. Prasad
11:05:56 AM Question from Senator Lee
11:06:27 AM Answer from Mr. Prasad
11:06:39 AM Continued presentation by Mr. Prasad
11:15:14 AM Comments from Chairman Brandes - Howrd Glassman
11:15:51 AM Presentation from Howard Glassman, Executive Director MPOAC Advisory Council
11:29:19 AM Presentation from Howard Glassman, Executive Director MPOAC Advisory Council
11:29:26 AM Presentation from Howard Glassman, Executive Director MPOAC Advisory Council
11:29:39 AM Presentation from Howard Glassman, Executive Director MPOAC Advisory Council
11:29:52 AM Presentation from Howard Glassman, Executive Director MPOAC Advisory Council
11:29:53 AM Comments from Chairman Brandes

11:29:58 AM Question from Senator Lee
11:30:27 AM Answer from Mr. Glassman
11:31:05 AM Additional question from Senator Lee
11:32:34 AM Answer from Mr. Glassman
11:33:06 AM Comments from Senator Diaz de la Portilla
11:35:12 AM Answer from Mr. Glassman
11:35:35 AM Comments from Mr. Prasad
11:36:51 AM Follow-up question from Senator Diaz de la Portilla
11:37:22 AM Answer from Mr. Prasad
11:37:33 AM Additional comments from Senator Diaz de la Portilla
11:38:02 AM Answer from Mr. Prasad
11:38:42 AM Additional question from Senator Diaz de la Portilla
11:39:15 AM Answer from Mr. Prasad
11:40:15 AM Question/Comments from Senator Margolis
11:41:38 AM Comments from Mr. Prasad
11:43:38 AM Question from Senator Clemens
11:44:14 AM Answer from Mr. Prasad
11:45:07 AM Follow-up question from Senator Clemens
11:45:43 AM Answer from Mr. Prasad
11:46:47 AM Comments from Chairman Brandes
11:46:56 AM Senator Lee moves to rise