

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Margolis, Vice Chair

MEETING DATE: Wednesday, February 6, 2013
TIME: 3:00 —5:00 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 140 Braynon	Rental Car Sales and Use Tax Surcharges; Defining the term "car-sharing service;" exempting the provision of vehicles by such services from the rental car surcharge, etc. TR 02/06/2013 Fav/CS CM AFT AP	Fav/CS Yeas 8 Nays 0
2	SB 52 Detert (Similar S 74, Identical H 13, Compare S 152, S 396)	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; defining the term "wireless communications device"; specifying information that is admissible as evidence of a violation; providing for enforcement as a secondary action; providing for points to be assessed against a driver license for the unlawful use of a wireless communications device within a school safety zone or resulting in a crash, etc. TR 02/06/2013 Fav/CS CU JU	Fav/CS Yeas 9 Nays 0
	Presentation by Florida Department of Transportation - Status of Passenger Rail Development Programs		Presented
	Presentation by Florida Department of Transportation - Congestion Management through Managed Lanes		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 Committee on Transportation

BILL: CS/SB 140

INTRODUCER: Transportation Committee and Senator Braynon

SUBJECT: Rental Car Sales and Use Tax Surcharge

DATE: February 6, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.			CM	
3.			AFT	
4.			AP	
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:

CS/SB 140 defines the term “car-sharing service” and exempts the provision of vehicles to individuals by entities meeting the definition from the rental car surcharge.

This bill amends section 212.0606(4), Florida Statutes.

II. Present Situation:

Rental Car Surcharge

Section 216.0606(1), F.S., imposes a surcharge of \$2.00 per day or any part of a day upon the lease or rental of a motor vehicle licensed for hire and designed to carry less than nine passengers, regardless of whether such vehicle is licensed in Florida. The surcharge is included in the lease or rental price on which sales tax is computed and must be listed separately on the invoice. Businesses that collect rental car surcharge are required to report surcharge collections according to the county to which the surcharge was attributed.

The surcharge applies to only the first 30 days of the term of any lease or rental, whether or not the vehicle is licensed in Florida. If the rental or lease of a vehicle is for longer than 30 days,

only the first 30 days are subject to the surcharge. If the lease is renewed, the first 30 days of the renewed lease is subject to the surcharge. If payment for the lease or rental of a motor vehicle is made in Florida, the surcharge applies. The surcharge is not imposed on leases or rentals to tax-exempt entities, i.e., churches and governmental organizations, holding a valid Consumer’s Certificate of Exemption.¹ Section 216.0606(4), F.S., exempts from payment of the surcharge a motor vehicle provided at no charge to a person whose motor vehicle is being repaired, adjusted, or serviced by the entity providing the replacement motor vehicle.

After deduction for administrative fees and the General Revenue Service Charge, the rental car surcharge is distributed as follows:

- 80% of the surcharge to the State Transportation Trust Fund (STTF);
- 15.75% of the surcharge to the Tourism Promotional Trust Fund; and
- 4.25% of the surcharge to the Florida International Trade and Promotion Trust Fund.

The proceeds of the rental car surcharge deposited into the STTF are allocated to each Florida Department of Transportation (FDOT) district for transportation projects, based on the amount of proceeds collected in the counties within each respective district. Rental car surcharge revenues reported by the Department of Revenue (DOR) for each of the seven FDOT districts for fiscal year 2011-2012 are as follows:

District	FY 2012	Share
1	14,445,868	9.64%
2	8,108,404	5.41%
3	7,731,925	5.16%
4	32,726,540	21.84%
5	41,397,895	27.63%
6	27,931,163	18.64%
7	17,473,633	11.66%
Total	149,815,428	

For-Hire Vehicles

With limited exception, offering for lease or rent any motor vehicle in the State of Florida qualifies the vehicle as a “for-hire vehicle” under s. 320.01(15)(a), F.S.:

“For-hire vehicle” means any motor vehicle, when used for transporting persons or goods for compensation; let or rented to another for consideration; offered for rent or hire as a means of transportation for compensation; advertised in a newspaper or generally held out as being for rent or hire; used in connection with a travel bureau; or offered or used to provide transportation for persons solicited through personal contact or advertised on a “share-expense” basis. When goods or passengers are transported for compensation in a motor vehicle outside a municipal

¹ Florida Department of Revenue website: http://dor.myflorida.com/dor/taxes/rental_car.html. Last visited Jan. 24, 2013.

corporation of this state, or when goods are transported in a motor vehicle not owned by the person owning the goods, such transportation is “for hire.” The carriage of goods and other personal property in a motor vehicle by a corporation or association for its stockholders, shareholders, and members, cooperative or otherwise, is transportation “for hire.”

Car-Sharing Services

Car-sharing is generally marketed as an alternative to conventional car rental and car ownership and now exists in a number of forms.

“Traditional carsharing provides members access to a vehicle for short-term daily use. Automobiles owned or leased by a carsharing operator are distributed throughout a network; members access the vehicles with a reservation and are charged per time and often per mile....

“Traditional carsharing is intended for short trips and as a supplement to public transit. Initial market entry in North America focused on the neighborhood carsharing model, characterized by a fleet of shared-use vehicles parked in designated areas throughout a neighborhood or municipality. In recent years, business models have advanced and diversified. Variations on the neighborhood model developed in North America include: business; college/university; government/institutional fleet; and public transit (carsharing provided at public transit stations or multi-modal nodes). Despite differences in target markets, these models share a similar organizational structure, capital ownership, and revenue stream.

“The next generation of shared-use vehicle services, which provide access to a fleet of shared-use vehicles, incorporates new concepts, technologies, and operational methods. These models represent innovative solutions and notable advances. They include one-way carsharing and personal vehicle sharing. One-way carsharing, also known as “free-floating” carsharing, frees users from the restriction of having to return a vehicle to the same location from which it was accessed. Instead, users leave vehicles parked at any spot within the organization’s operating area, allowing for the possibility of one-way trips. The one-way model resembles more traditional forms of carsharing—except for the logistics of vehicle redistribution and the need for expanded vehicle parking.

“Personal vehicle sharing ... represents a more distinct model due to differences in organizational structure, capital stock, and liability. Personal vehicle sharing involves short-term access to privately-owned vehicles, enabling a lower operating cost and a wider vehicle distribution. ...”²

While car sharing began at the local, grassroots level, car-sharing services are now also provided by conventional rental car companies, such as Avis, Enterprise, and Hertz.³ A primary distinguishing characteristic between existing conventional rental car companies and car-sharing

² Shaheen, Susan, Mark Mallery, and Karly Kingsley (2012). “Personal Vehicle Sharing Services in North America,” *Research in Transportation Business & Management*, Vol. 3, pp.71-81.

³ Kell, John, Jan. 2, 2013, “Avis to Buy Car-Sharing Service Zipcar,” *The Wall Street Journal*.

services is disbursement of vehicles throughout a service area and access to a vehicle through automated means.

Environmental and Social Benefits

Car-sharing provides a number of benefits. Aside from the renter's convenience (lower operating costs, ease of access, ability to obtain one-way sharing, etc.), use of shared vehicles can reduce overall vehicle ownership numbers, reducing damage to the roadways. Carsharing also facilitates use of other transportation modes, such as walking, biking, or public transit, leading to reductions in traffic, congestion, and parking demand in urban areas. Vehicle miles traveled and greenhouse gas emissions are reduced, thereby improving air quality.⁴

Current Practice Relating to Surcharge

On September 17, 2012, the DOR issued its Technical Assistance Advisement 12A-022 in which the question presented to DOR was whether a member based car-sharing service is subject to the Florida rental car surcharge. The facts presented to DOR were as follows:

“Taxpayer [the car-sharing service] offers a member based car-sharing service with a fleet of vehicles available for use by registered members at any time of the day, seven days a week. A member can reserve a vehicle before use, or simply locate one and access it. Each use is labeled as a “trip” and can last up to four consecutive days. A unique feature of Taxpayer’s car-sharing service is members may, and often do, use a car for a much shorter period of time than typical car rentals. According to Taxpayer, the typical trip lasts twenty-five to 40 minutes, costing between \$7 and \$10 before taxes. Members are invoiced daily for all trips that occur and Taxpayer adds the rental car surcharge and sales tax to this invoice.”

First noting taxpayer’s assertion that it is not engaged in the “traditional” rental of cars, DOR concluded that the taxpayer is clearly renting cars, is engaged in the rental of motor vehicles and, therefore, the rental car surcharge does apply. However, DOR further cited its rule, Fla. Admin. Code 12A-16.002(3)(b): “When the terms of a lease or rental agreement authorize the lessee to extend the lease or rental beyond the initial lease term without executing an additional lease or agreement and without any action on the part of the lessor, the extension period will not be considered a new lease or rental.”

Highlighting the fact that the taxpayer’s members may make multiple trips in one day without executing any additional agreement and without any action required of the taxpayer, and that members are charged for every trip within the same twenty-four hour period on a single daily invoice, DOR concluded that the rental car “surcharge is due from Taxpayer’s members once a day, regardless of the number of trips taken by a member in a twenty-four hour period.”

⁴ Id. at 72-73.

III. Effect of Proposed Changes:

This bill amends s. 212.0606(4), F.S., to provide that the rental car surcharge does not apply to a motor vehicle provided to a person who is a registered member of a car-sharing service and who uses the motor vehicle for a single trip of a duration of 6 hours or less for a fee and to define “car-sharing service” to mean a business with pre-approved membership criteria requirements that provides the use of a motor vehicle through decentralized automated access for a limited time to registered members for a fee. As a result, a car-sharing service as defined in the bill will no longer collect the \$2.00 surcharge from a member, unless the member’s use of the vehicle exceeds 6-hours in duration.

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:**

The Revenue Estimating Conference has not yet analyzed the fiscal impact of this bill. However, the surcharge will not be collected by entities that qualify as a “car-sharing service” if a member uses a vehicle for 6 hours or less. As DOR currently collects \$2 within any 24-hour period, the result would be negative. On the other hand, the result could be positive. For example, if one member uses a vehicle in excess of 6 hours, returns the vehicle, and then uses a vehicle a second time for more than 6 hours in the same 24-hour period, the result would be positive, as DOR would presumably collect \$4 within that 24-hour period. The fiscal impact is indeterminate.

B. Private Sector Impact:

Entities that qualify under the bill’s definition as a “car-sharing service” will not collect the rental car surcharge from its members, unless the member uses the vehicle for more than 6 hours. The private sector will continue to enjoy the environmental and social benefits of car-sharing.

C. Government Sector Impact:

The bill will have an indeterminate impact on the amount of distributions of rental car surcharge proceeds to the previously identified Trust Funds for their intended purposes.

The government sector will continue to enjoy the environmental and social benefits of car-sharing.

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 February 6, 2013:

The CS exempts from payment of the \$2 rental car surcharge provision of a motor vehicle to a person who is a registered member of a car-sharing service *who uses the motor vehicle for a single trip of a duration of 6 hours or less* for a fee and defines “car-sharing service” to mean a business with pre-approved membership criteria requirements that provides the use of a motor vehicle *through decentralized automated access* for a limited time to registered members for a fee.

- B. **Amendments:**

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/07/2013	.	
	.	
	.	
	.	

The Committee on Transportation (Margolis) recommended the following:

Senate Amendment

Delete lines 18 - 22
and insert:

(b) A motor vehicle provided to a person who is a registered member of a car-sharing service and who uses the motor vehicle for a single trip of a duration of 6 hours or less for a fee. A "car-sharing service" is a business with pre-approved membership criteria requirements that provides the use of a motor vehicle through decentralized automated access for a limited time to registered members for a fee.

By Senator Braynon

36-00261-13

2013140__

1 A bill to be entitled

2 An act relating to rental car sales and use tax

3 surcharges; amending s. 212.0606, F.S.; defining the

4 term "car-sharing service;" exempting the provision of

5 vehicles by such services from the rental car

6 surcharge; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (4) of section 212.0606, Florida
11 Statutes, is amended to read:

12 212.0606 Rental car surcharge.—

13 (4) The surcharge imposed by this section does not apply

14 to:

15 (a) A motor vehicle provided at no charge to a person whose
16 motor vehicle is being repaired, adjusted, or serviced by the
17 entity providing the replacement motor vehicle.

18 (b) A motor vehicle provided to a person through a car-
19 sharing service. As used in this paragraph, the term "car-
20 sharing service" means a business with membership criteria
21 requirements that provides the use of a motor vehicle for a
22 limited time to registered members for a fee.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

02/06/13

Meeting Date

Topic Rental Car Sales & Use Tax Surcharge Bill Number SB 140
(if applicable)

Name David Roberts Amendment Barcode 809580
(if applicable)

Job Title Public Policy Advisor, Akerman Senterfitt

Address 106 E. College Ave Phone 850-224-9634
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Speaking: For Against Information

Representing Car2go

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 Committee on Transportation

BILL: CS/SB 52

INTRODUCER: Transportation Committee and Senator Detert

SUBJECT: Use of Wireless Communications Devices While Driving

DATE: February 6, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	Fav/CS
2.			CU	
3.			JU	
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/SB 52 is the “Florida Ban on Texting While Driving Law”, modeled after a Sample Law developed by the United States Department of Transportation (USDOT) and a cross-section of safety and industry organizations. The bill prohibits the operation of a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other text in a handheld 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, radio broadcasts, and autonomous vehicles. 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 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.¹

States	Hand-held ban	All cell phone ban	Texting ban	Enforcement
Alabama	No	Drivers age 16 and 17 who have held an intermediate license for less than 6 months.	All drivers	Primary
Alaska	No	No	All drivers	Primary
Arizona	No	School bus drivers	No	Primary
Arkansas	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
California	All drivers	School and transit bus drivers and drivers younger than 18	All drivers	Primary
Colorado	No	Drivers younger than 18	All drivers	Primary
Connecticut	All drivers	Learner's permit holders, drivers younger than 18, and school bus drivers	All drivers	Primary
Delaware	All drivers (effective 01/02/11)	Learner's permit and intermediate license holders and school bus drivers	All drivers (effective 01/02/11)	Primary
District of Columbia	All drivers	School bus drivers and learner's permit holders	All drivers	Primary
Florida	No	No	No	Not applicable
Georgia	Drivers younger than 18 (effective 07/01/10)	School bus drivers. Drivers younger than 18.	All drivers (effective 07/01/10)	Primary
Hawaii	No	No	No	Not applicable
Idaho	No	No	All drivers (effective 7/1/2012)	Not applicable

¹ "Cell Phone Use and Texting While Driving Laws," updated November, 2012. Available online at, <http://www.ncsl.org/?tabid=17057>, Document No. 17057.

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

North Carolina	No	Drivers younger than 18 and school bus drivers	All drivers	Primary
North Dakota	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)
Ohio	Local option	Drivers younger than 18.	All drivers	Secondary
Oklahoma	Learner's permit and intermediate license holders, school bus drivers and public transit drivers (effective 11/01/10)	School Bus Drivers and Public Transit Drivers (effective 11/01/10)	Learner's permit and intermediate license holders, school bus drivers and public transit drivers (effective 11/01/10)	Primary
Oregon	All drivers	Drivers younger than 18	All drivers	Primary
Pennsylvania	Local option	No	All drivers	Primary
Rhode Island	No	School bus drivers and drivers younger than 18	All drivers	Primary
South Carolina	No	No	No	Not applicable
South Dakota	No	No	No	Not applicable
Tennessee	No	School bus drivers, and learner's permit and intermediate license holders	All drivers	Primary
Texas	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
Utah	See footnote*	No	All drivers	Primary for texting; secondary for talking on hand-held phone
Vermont	No	Drivers younger than 18 shall not use any portable electronic device while driving	All drivers	Primary
Virginia	No	Drivers younger than 18 and school bus drivers	All drivers	Secondary; primary for school bus drivers
Washington	All drivers	Learners permit and intermediate license holders	All drivers	Primary
West Virginia	All drivers (effective 7/1/2012)	Drivers younger than 18 who hold either a learner's permit or an intermediate license	All drivers (Effective 7/1/2012)	Primary
Wisconsin	No	Learner or Intermediate License holder (Eff. 11/1/12)	All drivers (effective 12/01/10)	Primary (effective 12/01/10)
Wyoming	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

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.² 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 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.³ 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, 2009.⁴

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.⁵

Florida Law

The state has expressly preempted all regulation of the use of electronic communications devices in a motor vehicle.⁶ 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.⁷ Any person who violates the restriction against careless driving shall be cited for a moving violation.⁸

“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,⁹ and at least a \$25 fine¹⁰ or by both such fine and imprisonment. A second or subsequent conviction requires a fine of at least \$50,¹¹ but may also result in imprisonment for not more than

² “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>

³ *Id.*

⁴ *Id.*

⁵ http://www.nhtsa.gov/staticfiles/rulemaking/pdf/Texting_Law_021910.pdf

⁶ s. 316.0075, F.S.

⁷ s. 316.1925, F.S.

⁸ Punishable as provided in ch. 318, F.S.

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

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

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

6 months. Additionally, reckless driving that causes damage to the property or person of another commits a misdemeanor of the first degree.¹² Reckless driving that causes serious bodily injury¹³ to another commits a felony of the third degree.¹⁴

While a prohibition exists against vehicle operators wearing headsets, headphones, or other listening devices, there are exceptions.¹⁵ A driver is permitted to use a headset in conjunction with a cellular telephone that provides sound through only one ear and allows surrounding sounds to be heard with the other ear.¹⁶ 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.¹⁷ 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,¹⁸ up to three months if the driver accumulates 18 points in 18 months,¹⁹ and up to one year if the driver accumulates 24 points within 36 months.²⁰

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 for other than voice communication. 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;

¹² Punishable as provided in ss. 775.082 and 775.083, F.S.

¹³ 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.

¹⁴ Punishable as provided in ss. 775.082 - 775.084, F.S.

¹⁵ s. 316.304, F.S.

¹⁶ s. 316.304(2)(d), F.S.

¹⁷ s. 316.304(3), F.S.

¹⁸ s. 322.27(3)(a), F.S.

¹⁹ s. 322.27(3)(b), F.S.

²⁰ 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 handheld device when being used in a handheld manner 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 service²¹ and which allows text communications. The prohibition is effectively limited to the manual entry of communication messages into a device. For example, a driver may not initiate, or reply to a message unless the device is capable of receiving and processing voice commands. However, a driver may legally read a message or web page on a device that is mounted on the vehicle dashboard, center console, or in the driver’s lap.

The bill also specifies that for purposes of the prohibition on texting, a person is not considered to be operating a vehicle when the vehicle is stationary.²² Violations are enforceable as secondary violations, meaning that a violator has to be first cited for some other traffic offense before he or she can be cited for the texting while driving offense.

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.,²³ performing official duties;
- Reporting an emergency or criminal or suspicious activity to law enforcement;

²¹ “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.

²² 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 be subject to penalty.

²³ 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.

- 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;
- 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; or
- Vehicles that are being operated autonomously.

A user's billing records for a wireless communications device or the testimony of or written statements from appropriate authorities receiving such messages may be admissible as evidence in any proceeding to determine whether a violation of the prohibition has been committed.

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, 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:

An individual violating the prohibition of using wireless communications devices for texting purposes while operating a motor vehicle would be subject to civil penalties and points being assigned to his or her driver license depending on 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 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.²⁴

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 Committee on February 6, 2013:

- Clarifies definition to be a handheld device used in a hands free manner.
- Clarifies that texting communications are allowed when a vehicle is stationary.
- Allows persons operating autonomous vehicles to use wireless communications while vehicle is in operation.

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

B. Amendments:

None.

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

153918B153918

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/07/2013	.	
	.	
	.	
	.	

The Committee on Transportation (Joyner) recommended the following:

Senate Amendment

Delete line 44
and insert:
"wireless communications device" means any handheld device used
in a handheld manner, that is

462058462058

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/07/2013	.	
	.	
	.	
	.	

The Committee on Transportation (Richter) recommended the following:

Senate Amendment

Delete lines 48 - 49
and insert:
allows text communications. For the purposes of this paragraph,
a motor vehicle that is stationary is not being operated and is
not subject to the

Ì6531486Î653148

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/07/2013	.	
	.	
	.	
	.	

The Committee on Transportation (Richter) recommended the following:

Senate Amendment

Between lines 73 and 74

insert:

7. A person operating an autonomous vehicle, as defined in s. 316.003, in autonomous mode.

By Senator Detert

28-00066-13

201352__

1 A bill to be entitled
 2 An act relating to the use of wireless communications
 3 devices while driving; creating s. 316.305, F.S.;
 4 creating the "Florida Ban on Texting While Driving
 5 Law"; providing legislative intent; prohibiting the
 6 operation of a motor vehicle while using a wireless
 7 communications device for certain purposes; defining
 8 the term "wireless communications device"; providing
 9 exceptions; specifying information that is admissible
 10 as evidence of a violation; providing penalties;
 11 providing for enforcement as a secondary action;
 12 amending s. 322.27, F.S.; providing for points to be
 13 assessed against a driver license for the unlawful use
 14 of a wireless communications device within a school
 15 safety zone or resulting in a crash; providing an
 16 effective date.

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

20 Section 1. Section 316.305, Florida Statutes, is created to
 21 read:

22 316.305 Wireless communications devices; prohibition.-

23 (1) This section may be cited as the "Florida Ban on
 24 Texting While Driving Law."

25 (2) It is the intent of the Legislature to:

26 (a) Improve roadway safety for all vehicle operators,
 27 vehicle passengers, bicyclists, pedestrians, and other road
 28 users.

29 (b) Prevent crashes related to the act of text messaging

Page 1 of 6

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

28-00066-13

201352__

30 while driving a motor vehicle.

31 (c) Reduce injuries, deaths, property damage, health care
 32 costs, health insurance rates, and automobile insurance rates
 33 related to motor vehicle crashes.

34 (d) Authorize law enforcement officers to stop motor
 35 vehicles and issue citations as a secondary offense to persons
 36 who are texting while driving.

37 (3) (a) A person may not operate a motor vehicle while
 38 manually typing or entering multiple letters, numbers, symbols,
 39 or other characters into a wireless communications device or
 40 while sending or reading data in such a device for the purpose
 41 of nonvoice interpersonal communication, including, but not
 42 limited to, communication methods known as texting, e-mailing,
 43 and instant messaging. As used in this section, the term
 44 "wireless communications device" means any device that is
 45 designed or intended to receive or transmit text or character-
 46 based messages, access or store data, or connect to the Internet
 47 or any communications service as defined in s. 812.15 and that
 48 allows text communications. A motor vehicle that is legally
 49 parked is not being operated and is not subject to the
 50 prohibition in this paragraph.

51 (b) Paragraph (a) does not apply to a motor vehicle
 52 operator who is:

53 1. Performing official duties as an operator of an
 54 authorized emergency vehicle as defined in s. 322.01, a law
 55 enforcement or fire service professional, or an emergency
 56 medical services professional.

57 2. Reporting an emergency or criminal or suspicious
 58 activity to law enforcement authorities.

Page 2 of 6

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201352__

- 59 3. Receiving messages that are:
 60 a. Related to the operation or navigation of the motor
 61 vehicle;
 62 b. Safety-related information, including emergency,
 63 traffic, or weather alerts;
 64 c. Data used primarily by the motor vehicle; or
 65 d. Radio broadcasts.
 66 4. Using a device or system for navigation purposes.
 67 5. Conducting wireless interpersonal communication that
 68 does not require manual entry of multiple letters, numbers, or
 69 symbols, except to activate, deactivate, or initiate a feature
 70 or function.
 71 6. Conducting wireless interpersonal communication that
 72 does not require reading text messages, except to activate,
 73 deactivate, or initiate a feature or function.
 74 (c) A user's billing records for a wireless communications
 75 device or the testimony of or written statements from
 76 appropriate authorities receiving such messages may be
 77 admissible as evidence in any proceeding to determine whether a
 78 violation of paragraph (a) has been committed.
 79 (4) (a) Any person who violates paragraph (3) (a) commits a
 80 noncriminal traffic infraction, punishable as a nonmoving
 81 violation as provided in chapter 318.
 82 (b) Any person who commits a second or subsequent violation
 83 of paragraph (3) (a) within 5 years after the date of a prior
 84 conviction for a violation of paragraph (3) (a) commits a
 85 noncriminal traffic infraction, punishable as a moving violation
 86 as provided in chapter 318.
 87 (5) Enforcement of this section by state or local law

Page 3 of 6

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201352__

- 88 enforcement agencies must be accomplished only as a secondary
 89 action when an operator of a motor vehicle has been detained for
 90 a suspected violation of another provision of this chapter,
 91 chapter 320, or chapter 322.
 92 Section 2. Paragraph (d) of subsection (3) of section
 93 322.27, Florida Statutes, is amended to read:
 94 322.27 Authority of department to suspend or revoke driver
 95 license or identification card.—
 96 (3) There is established a point system for evaluation of
 97 convictions of violations of motor vehicle laws or ordinances,
 98 and violations of applicable provisions of s. 403.413(6) (b) when
 99 such violations involve the use of motor vehicles, for the
 100 determination of the continuing qualification of any person to
 101 operate a motor vehicle. The department is authorized to suspend
 102 the license of any person upon showing of its records or other
 103 good and sufficient evidence that the licensee has been
 104 convicted of violation of motor vehicle laws or ordinances, or
 105 applicable provisions of s. 403.413(6) (b), amounting to 12 or
 106 more points as determined by the point system. The suspension
 107 shall be for a period of not more than 1 year.
 108 (d) The point system shall have as its basic element a
 109 graduated scale of points assigning relative values to
 110 convictions of the following violations:
 111 1. Reckless driving, willful and wanton—4 points.
 112 2. Leaving the scene of a crash resulting in property
 113 damage of more than \$50—6 points.
 114 3. Unlawful speed, or unlawful use of a wireless
 115 communications device, resulting in a crash—6 points.
 116 4. Passing a stopped school bus—4 points.

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201352__

- 117 5. Unlawful speed:
- 118 a. Not in excess of 15 miles per hour of lawful or posted
- 119 speed-3 points.
- 120 b. In excess of 15 miles per hour of lawful or posted
- 121 speed-4 points.
- 122 6. A violation of a traffic control signal device as
- 123 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.
- 124 However, no points shall be imposed for a violation of s.
- 125 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
- 126 stop at a traffic signal and when enforced by a traffic
- 127 infraction enforcement officer. In addition, a violation of s.
- 128 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
- 129 stop at a traffic signal and when enforced by a traffic
- 130 infraction enforcement officer may not be used for purposes of
- 131 setting motor vehicle insurance rates.
- 132 7. All other moving violations (including parking on a
- 133 highway outside the limits of a municipality)-3 points. However,
- 134 no points shall be imposed for a violation of s. 316.0741 or s.
- 135 316.2065(11); and points shall be imposed for a violation of s.
- 136 316.1001 only when imposed by the court after a hearing pursuant
- 137 to s. 318.14(5).
- 138 8. Any moving violation covered in this paragraph above,
- 139 excluding unlawful speed and unlawful use of a wireless
- 140 communications device, resulting in a crash-4 points.
- 141 9. Any conviction under s. 403.413(6)(b)-3 points.
- 142 10. Any conviction under s. 316.0775(2)-4 points.
- 143 11. Any moving violation covered in this paragraph
- 144 committed in conjunction with the unlawful use of a wireless
- 145 communications device within a school safety zone-2 points.

Page 5 of 6

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28-00066-13

201352__

- 146 Section 3. This act shall take effect October 1, 2013.

Page 6 of 6

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APPEARANCE RECORD

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

February 6 2013

Meeting Date

Topic Hands free vs. hand held wireless device - Joyner Amendment

Bill Number SB 52, by Detert (if applicable)

Name H. Lee Moffitt

Amendment Barcode 153918 (if applicable)

Job Title Attorney

Address 2457 Care Drive Street

Phone 850 878-2411

Tallahassee FL 32308 City State Zip

E-mail lee.moffitt@arlaw.com

Speaking: [] For [x] Against [] Information

Representing AAA Auto Clubs South

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

Lobbyist registered with Legislature: [x] Yes [] No

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

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

S-001 (10/20/11)

APPEARANCE RECORD

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

2/16/13 Meeting Date

Topic Text Ban

Bill Number 52 (if applicable)

Name Conduce Ericks

Amendment Barcode 153918 (if applicable)

Job Title

Address 205 S. Adams Adams Street

Phone

Tallahassee State Zip

E-mail

Speaking: [x] For [] Against [] Information

Representing JM Family

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

Lobbyist registered with Legislature: [x] Yes [] No

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

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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)

2/6/13
Meeting Date

Topic Texting BAN

Bill Number SB 52
(if applicable)

Name DIANE CARR

Amendment Barcode 153918
by JOYNER
(if applicable)

Job Title ATTORNEY

Address 119 S. MONROE

Phone 222.7500

TALL FL 32301
City State Zip

E-mail dcarr@hgsllaw.com

Speaking: For Against Information

Representing ALLIANCE OF AUTOMOBILE MANUFACTURERS
Bill JOYNER amendment

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)

2/6/13
Meeting Date

Topic Texting & Driving BAN

Bill Number 52
(if applicable)

Name MaryRose Siammi

Amendment Barcode _____
(if applicable)

Job Title External Affairs Manager

Address 150 S. Monroe St. Ste 400

Phone 850-591-6009

Tallahassee FL 32301
City State Zip

E-mail MS86750@att.com

Speaking: For Against Information

Representing AT&T

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)

2/6/13

Meeting Date

Topic _____

Bill Number 52
(if applicable)

Name Chris Nuland

Amendment Barcode _____
(if applicable)

Job Title _____

Address 1000 Riverside Ave #115

Phone 904-355-1555

Jacksonville, FL 32204
City State Zip

E-mail nulandlaw@aol.com

Speaking: For Against Information

Representing Florida Public Health Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

February 6 2013

Meeting Date

Topic Texting while Driving

Bill Number SB 52, by Detert
(if applicable)

Name H. Lee Moffitt

Amendment Barcode _____
(if applicable)

Job Title Attorney

Address 2457 Care Drive

Phone 850 878-2411

Tallahassee Florida 32308
City State Zip

E-mail lee.moffitt@arlaw.com

Speaking: For Against Information

Representing AutoNation, Inc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

February 6 2013

Meeting Date

Topic Texting while Driving

Bill Number SB 52, by Detert
(if applicable)

Name H. Lee Moffitt

Amendment Barcode _____
(if applicable)

Job Title Attorney

Address 2457 Care Drive
Street

Phone 850 878-2411

Tallahassee Florida 32308
City State Zip

E-mail lee.moffitt@arlaw.com

Speaking: For Against Information

Representing AAA Auto Club South

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)

Meeting Date

Topic BAN ON TEXTING

Bill Number SB52
(if applicable)

Name STEPHEN ANGELLO

Amendment Barcode _____
(if applicable)

Job Title _____

Address 230 DAN RIVER DR
Street

Phone _____

SPRING HILL FL 34606
City State Zip

E-mail _____

Speaking: For Against Information

Representing PARENT OF ALESSANDRA ANGELLO KILLED BY SOMEONE
TEXTING + DRIVING

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)

Feb. 6 13
Meeting Date

Topic Ban on Texting & Driving [Waive in Support] Bill Number 52
(if applicable)

Name Toni Large Amendment Barcode _____
(if applicable)

Job Title Whifelder & Associates

Address 519 E. Park Ave. Phone 556-1461

Tallahassee, FL 32301 E-mail toni@sukw.net
City State Zip

Speaking: For Against Information

Representing FL College of Emergency Physicians & FL Orthopedic Society

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

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/6/13
Meeting Date

Topic Ban on Texting While Driving Bill Number 52
(if applicable)

Name Laura Cantwell Amendment Barcode _____
(if applicable)

Job Title Associate State Director of Advocacy

Address 200 West College Avenue, Suite 304 Phone 850-577-5163

Tallahassee FL 32301 E-mail lcantwell@aarp.org
City State Zip

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.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

2/6/13

Meeting Date

52

Topic SB ~~148~~ - Ban on Texting

Bill Number SB ~~148~~ 52
(if applicable)

Name Lisa Bacot

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address PO Box 10168

Phone 850-445-8329

Street

Tallahassee FL 32302

City

State

Zip

E-mail LisaBacot@Florida
transit.org

Speaking: For Against Information

Representing Florida Public Transportation 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.

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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)

2-6-13

Meeting Date

Topic Benning texting while driving

Bill Number SB 52
(if applicable)

Name Jordan Connors

Amendment Barcode _____
(if applicable)

Job Title _____

Address 2145 Sw Cape Cod Dr

Phone 772-418-6068

Street

PSL, FL 34953

City

State

Zip

E-mail jordan@jordannconnors.com

Speaking: For Against Information

Representing City of Port St. Lucie

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)

Feb 6th, 2013
Meeting Date

Topic Wireless Devices While Driving

Bill Number SB52
(if applicable)

Name Erin Daly

Amendment Barcode _____
(if applicable)

Job Title _____

Address 110 E. College Ave

Phone 850 681 1065

Tallahassee FL 32301
City State Zip

E-mail erindaly@paconsultants.com

Speaking: For Against Information

Representing National Solid Waste Management Association Chapter ^{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.

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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)

2/6
Meeting Date

Topic Texting

Bill Number SB52
(if applicable)

Name CHRIS CONNELL

Amendment Barcode _____
(if applicable)

Job Title Major - Florida Police Chiefs Assn

Address 234 E. Seventh Ave.

Phone 850-891-4301

Tallahassee FL 32301
City State Zip

E-mail Chris.Connell@flpc.org

Speaking: For Against Information

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.

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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)

02-6-13
Meeting Date

Topic TEXT BAN

Bill Number 52
(if applicable)

Name VICKI WOOLDRIDGE

Amendment Barcode _____
(if applicable)

Job Title GOV. AFFRS. MGR

Address 800 NW 33RD STREET

Phone 954-213-8690

POMPANO BEACH FL 33460
Street City State Zip

E-mail wooldridge@state.fl.gov

Speaking: For Against Information

Representing SOUTH FL. REGIONAL TRANS. AUTHORITY

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)

Meeting Date

Topic ANTI-TEXTING BILL

Bill Number _____
(if applicable)

Name JIM MESSER

Amendment Barcode _____
(if applicable)

Job Title LAWYER

Address 6960 STANDING PINES LN

Phone 893-0602

TALLAHASSEE FL 32312
Street City State Zip

E-mail jamesmesserjr@gmail.com

Speaking: For Against Information

Representing Text Free Dw.ing. Org; Kershay Dugans Foundation; FLORIDA JUSTICE

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)

2/6/13
Meeting Date

Topic Texting while Driving

Bill Number SB52
(if applicable)

Name MIKE FEWLOS

Amendment Barcode _____
(if applicable)

Job Title CAPTAIN

Address 2500 W. COLONIAL DR

Phone 407-254-7026

ORLANDO FL 32801
City State Zip

E-mail Mike.fewlos@ocfl.net

Speaking: For Against Information

Representing Florida Sheriffs Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/6/13
Meeting Date

Topic _____

Bill Number SB 0052
(if applicable)

Name Holly Miller

Amendment Barcode _____
(if applicable)

Job Title Assistant General Counsel

Address 1430 E Piedmont Dr

Phone 850 224 6496

Tallahassee FL 32308
City State Zip

E-mail hmler@fmedical.org

Speaking: For Against Information

Representing FMA

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)

Meeting Date _____

Topic Texting & Driving Bill Number SB 52
Name Angela Clark Amendment Barcode _____
Job Title self employed
Address 3740 Bull Run Ln Phone 850-693-6965
Marianna FL 32446 E-mail unconfused4now@yahoo.com
City State Zip

Speaking: For Against Information
Representing Alon Vasquez & Angel Morales killed by texting & driving
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)

Meeting Date 2/6/13

Topic Anti-texting while driving Bill Number SB 52
Name Mary Lou Rajchel Amendment Barcode _____
Job Title President & CEO
Address 350 E. College Avenue Phone 850.222.9900
Tallahassee, FL 32301 E-mail mrajchel@fltrucking.org
City State Zip

Speaking: For Against Information
Representing Florida Trucking Association
Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

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

Florida Department of Transportation

Status of Florida's Passenger Rail Services

Presented to:

**The Florida Senate
Committee on Transportation**

Presented by:

Ananth Prasad, P.E., Secretary

Fred Wise, Executive Director Florida Rail Enterprise

February 6, 2013





Status of Passenger Rail



All Aboard Florida

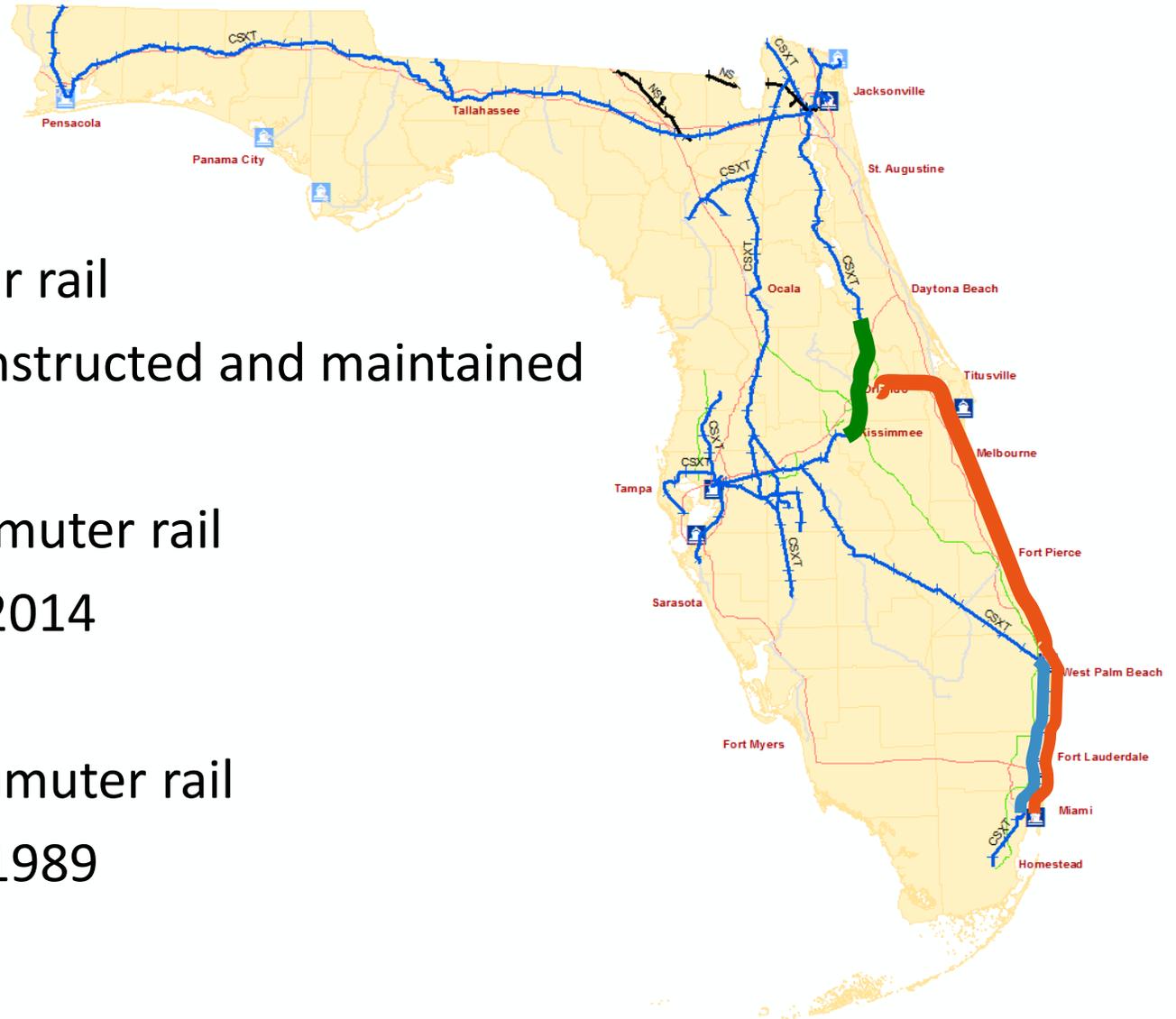
- Intercity passenger rail
- Privately (FEC) constructed and maintained

SunRail

- Intraregional commuter rail
- Begins service in 2014

Tri-Rail

- Intraregional commuter rail
- Began service in 1989





All Aboard Florida



- \$1B Investment
- Privately constructed and operated passenger service by Florida East Coast Inc.
- Hourly Scheduled Service
- 3 Hour Travel Time
- Wi – Fi & Premium Amenities





All Aboard Florida Status



- **Completed and Ongoing Activities**

- Stakeholder Discussions
- Finalized investment grade ridership study, engineering and environmental reviews
- Hired executive leadership team
- Negotiations with FDOT & OOCEA to lease portions of SR 528 Right of Way

- **Next Steps**

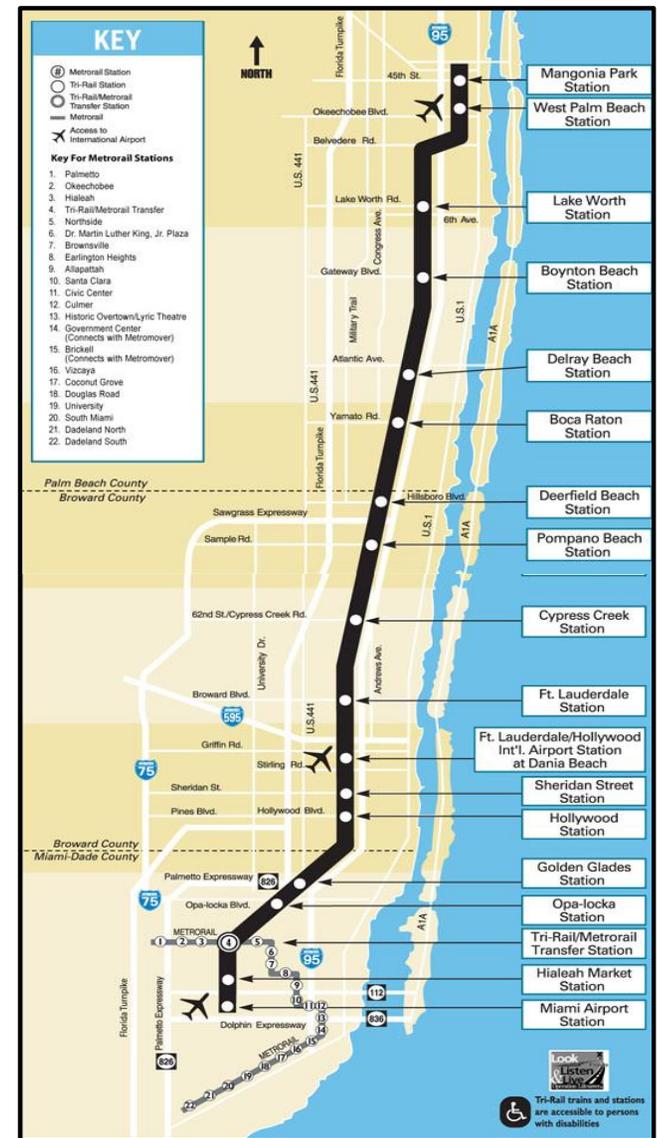
- Finalize route engineering and construction costs
- Finalize station locations
- Select rolling stock provider
- Engage operating partner
- Begin station and rail infrastructure construction



SFRTA Tri-Rail Operations

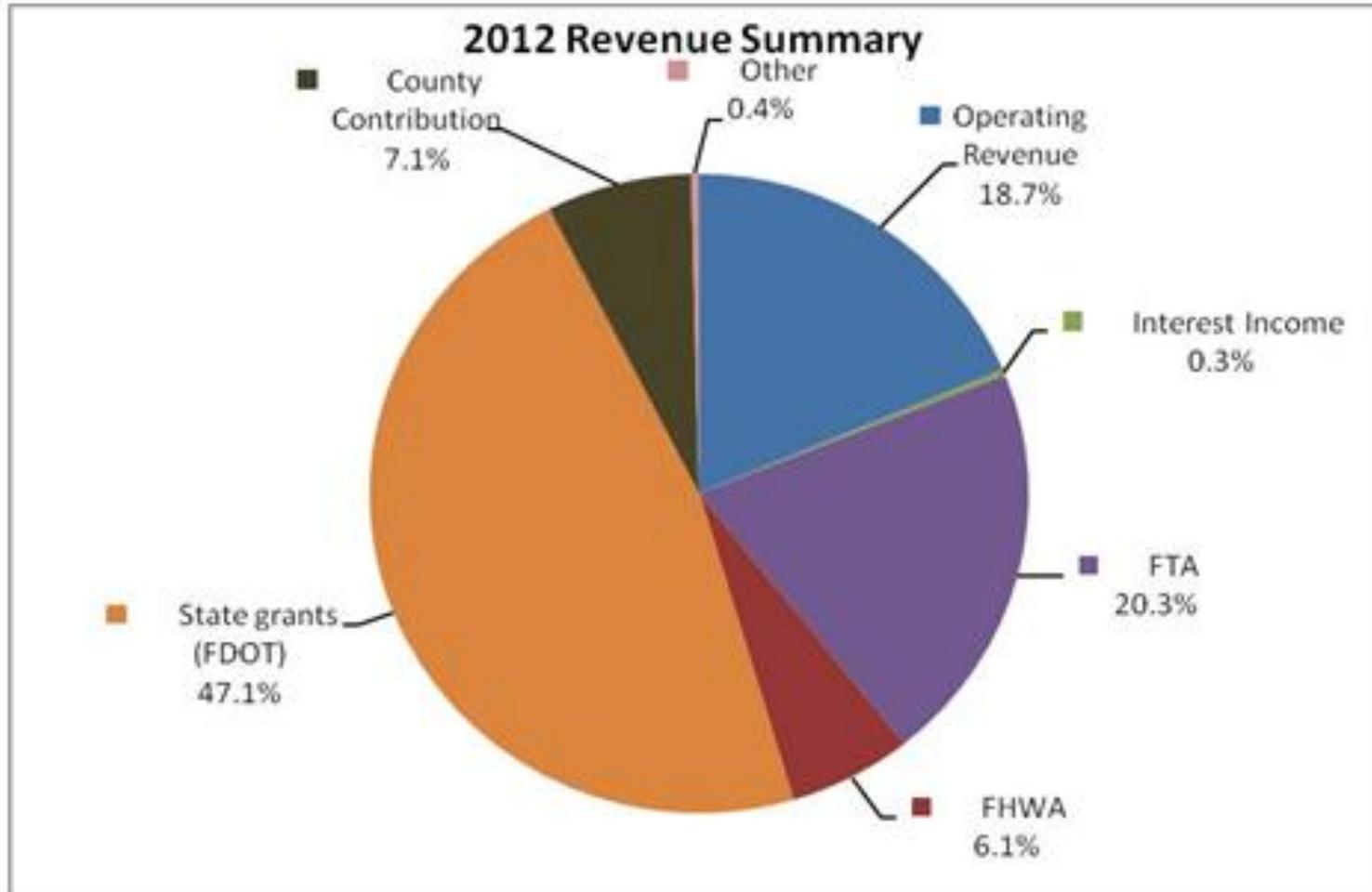


- **Weekday Operations:**
 - 50 trains per day
 - 20 minute headways (AM & PM peak)
 - Hourly headways (off peak)
- **Weekend Operations:**
 - 16 trains a day
 - 2-hour headways
 - 30 trains a day, 1-hour headways (March 13)
- **13,300 average weekday ridership (2012)**
- **4 million annual riders in 2012**
- **72-mile double track corridor from Mangonia Park (Palm Beach Co.) to Miami Intermodal Center/Miami International Airport**





SFRTA Tri-Rail Funding



2012 Operating Revenue Total: \$65,759,211



SFRTA / FDOT Progress



- The Department, CSXT and the SFRTA reached agreement in January, allowing the Department through SFRTA to take over dispatching and maintenance of the South Florida Rail Corridor.
- Last year's State legislation provides the opportunity for SFRTA to take over all responsibilities on the rail corridor if SFRTA obtains local dedicated funding source within the next 7 years. This is a similar arrangement to the Central Florida Rail Corridor agreement and would allow for enhanced passenger services.



CFRC SunRail Operations



- SunRail initiated by the Central Florida region as their #1 transportation priority
- 2014, Phase I – DeBary to Sand Lake Road
- 2016, Phase II– DeLand to Poinciana
- State purchased 61.6-mile corridor from CSXT in November 2011
- State control of maintenance and dispatch for the Central Florida track
- CSXT to invest corridor purchase funding and additional funds for freight capacity projects in Florida to total \$500M over the next 8 years





CFRC SunRail Funding



- **Land Acquisition**
 - Cost to purchase tracks \$432 million
- **Capital Costs**
 - **\$615 million total (year of expenditure)**
 - 50% Federal -- \$307.5 million
 - 25% State -- \$153.75 million
 - 25% Local -- \$153.75 million
- **Operating and Maintenance**
 - State pays all operations and maintenance costs for first seven years of operation
 - Local Rail Commission assumes 100% funding responsibilities in year 8
- **Ridership**
 - 14,500 daily boardings in 2025
- **Transit Oriented Development**
 - \$700 million under construction within ½ mile of stations
 - Additional \$900 million announced within ½ mile of stations



AMTRAK Florida Routes



Amtrak is the National Intercity Passenger Rail Carrier

- Amtrak Routes in Florida

Silver Meteor

- New York-Miami / 372,000 passengers (2011)

Silver Star

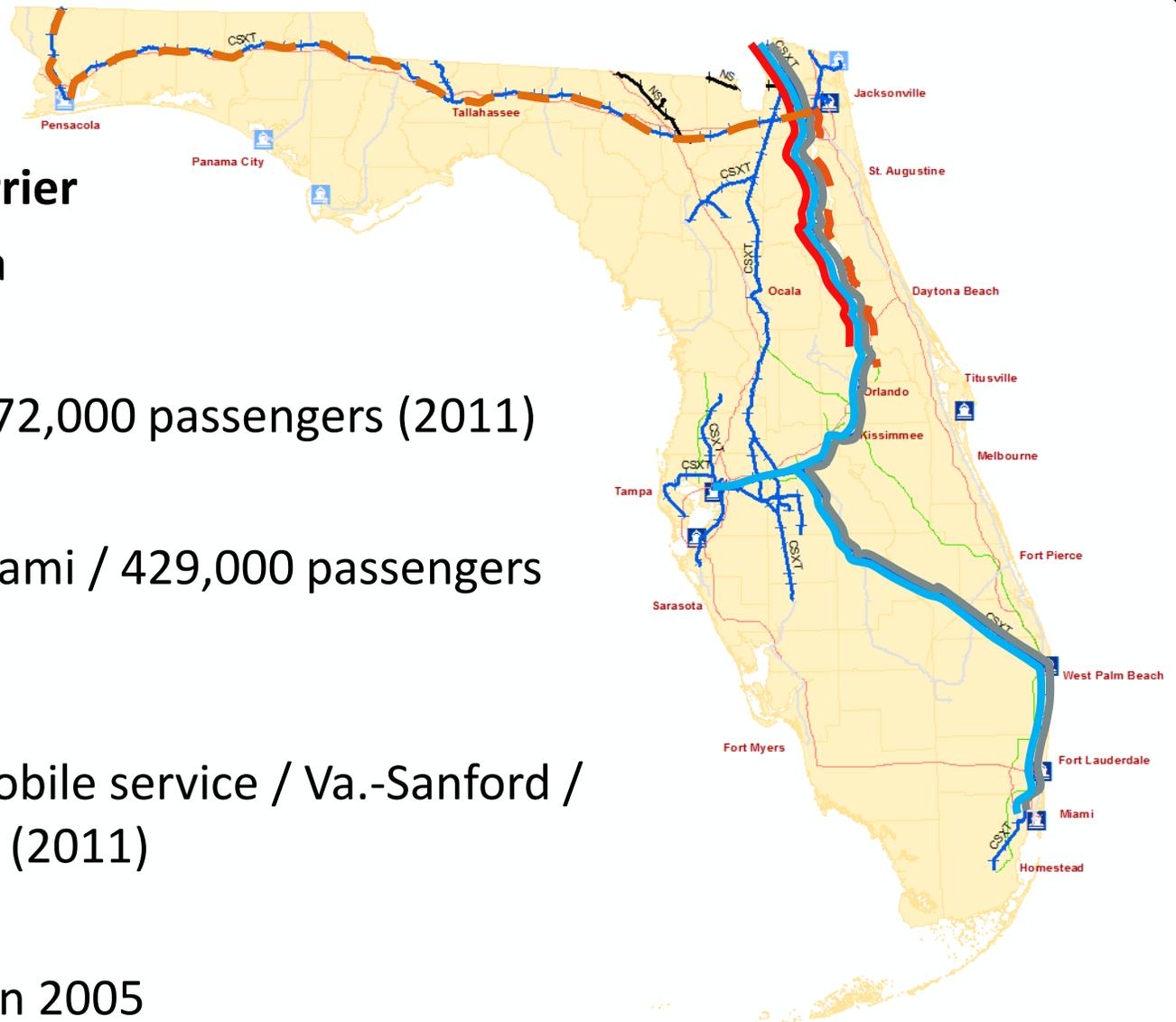
- New York-Tampa-Miami / 429,000 passengers (2011)

Auto Train

- Passenger & automobile service / Va.-Sanford / 262,000 passengers (2011)

Sunset Limited

- Service suspended in 2005



Providing Opportunities Through Managed Lanes



Senate Transportation Committee

February 6, 2013

Ananth Prasad, P.E., Secretary

Today's Presentation

- ◆ Overview of Managed Lanes
- ◆ Florida's Experience With I-95 Express Lanes and Lessons Learned
- ◆ Development of Statewide Policies
- ◆ Future Considerations



What are Managed Lanes?

- ◆ Highways where operational strategies are designed to respond to changing conditions with a combination of tools

- ◆ Many terms used:
 - ✓ High Occupancy Vehicle Lanes (HOV)
 - ✓ High Occupancy Toll Lanes (HOT)
 - ✓ Bus Rapid Transit Lanes (BRT)
 - ✓ Truck-Only Toll Lanes
 - ✓ Ramp Metering
 - ✓ Priced Managed Lanes (a.k.a. Express Lanes)



Express Lanes Defined

- ◆ A separate tolled corridor inside of an existing facility
 - ✓ Congestion is managed with pricing, access, and eligibility
 - ✓ Tolling can be either static or dynamic



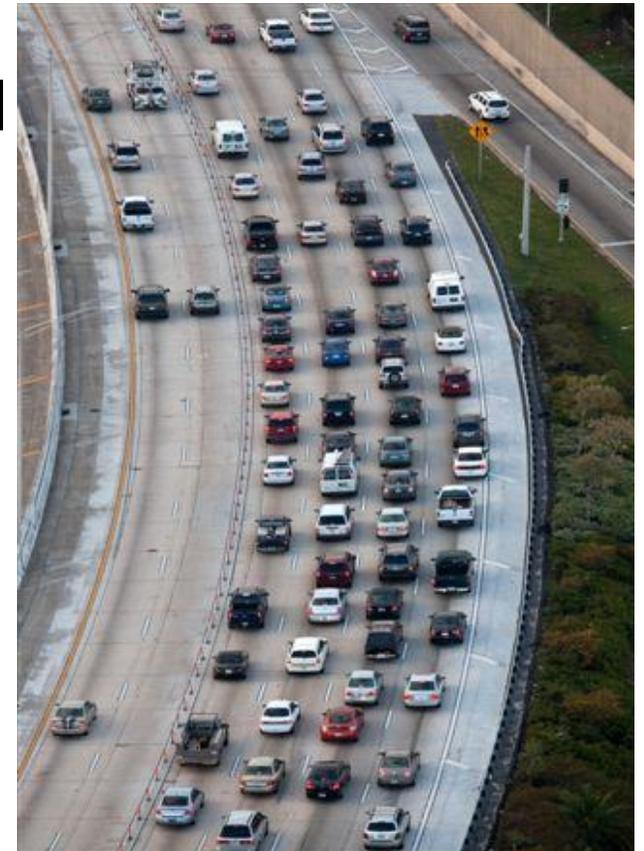
Florida's Experience With I-95 Express Lanes and Lessons Learned



“95 Express”: Addressing a Problem

◆ The Problem

- ✓ Nearly 300,000 trips per day, increasing to 360,000 by 2030
- ✓ Severe congestion, unreliable travel times
- ✓ Very poor HOV lane performance
- ✓ Heavy transit demand
- ✓ Significant commuter corridor



“95 Express”: The Solution

- ◆ USDOT Urban Partnership Agreement
- ◆ Transit, Technology, Travel Demand, and Tolling
 - Increase Occupancy and Enhance Ride-Sharing
 - Manage and Monitor Traffic
 - Detect and Clear Accidents
 - Improve Throughout and Reliability
- ◆ Rapid Project Delivery
 - Built Upon Previous Studies
 - Accelerated Schedule
 - Funding



How FDOT Started: 95 Express

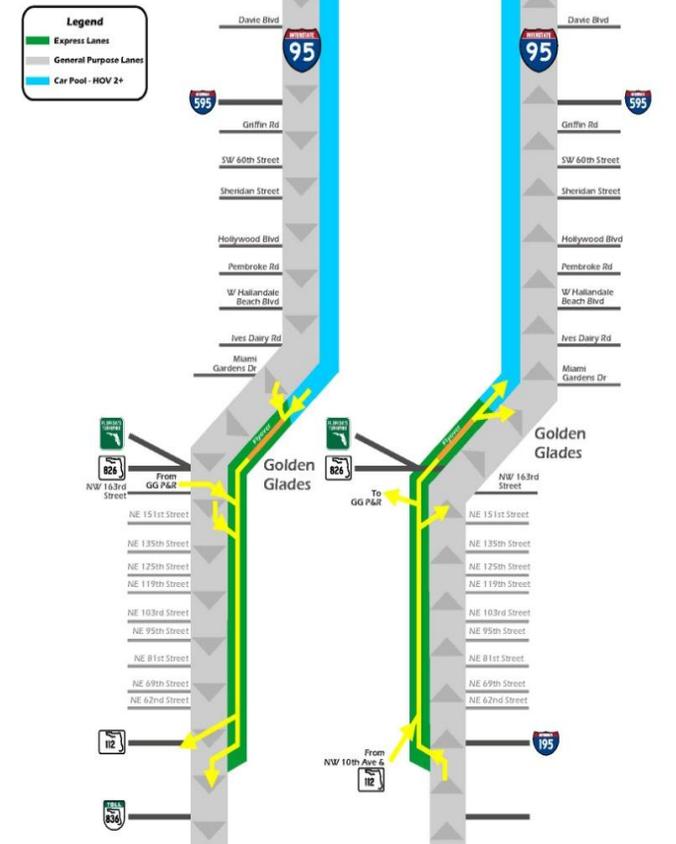
- ◆ Relieve congestion on I-95 in Miami-Dade County during peak periods of demand using congestion - priced tolling

- ◆ Project Goals

- ✓ Increase corridor throughput
- ✓ Increase mobility choices
- ✓ Improved trip-time reliability



Express Lane Entry/Exit Illustration
Phase 1 Completion



95 Express: Project Overview

- ◆ Electronic Toll Collection (SunPass®)
- ◆ Bus Rapid Transit
 - ✓ Multi-County Transfer, Pre-emption, New Buses
- ◆ Complementary Operating Strategies
 - ✓ Ramp Metering
 - ✓ Rapid Response Incident Management
 - ✓ Enhanced Enforcement



Express Lane Performance: Trips/Revenue

◆ Volume/Trips

- ✓ 50m reached in March 2012
- ✓ 105% of projected
- ✓ Ridership on Express Bus Service increased 145% since 2008

◆ Revenue

- ✓ Average \$1.3m per month
- ✓ 107% of projected



Express Lane Performance: Speed

◆ Speed Increases in Peak Periods

✓ Southbound

- Former HOV lanes from 20 mph in 2008 to 63 mph in 2012
- General-use lanes from 15 mph in 2008 to 50 mph in 2012

✓ Northbound

- Former HOV lanes from 18 mph in 2008 to 56 mph in 2012
- General-use lanes from 19 mph to 42 mph in 2012



Express Lane Benefits

- ◆ Trip reliability
- ◆ Time savings
- ◆ Improved mobility
- ◆ Congestion management
- ◆ Reduction in need for highway capital improvements



Common Misconceptions

- ◆ Express lanes make money
 - ✓ The objective is mobility, not revenue

- ◆ Express lanes will work everywhere
 - ✓ Requires severity of congestion and duration of congestion

- ◆ Express lanes benefit only those who can afford to pay the tolls



Policy Framework for Express Lanes

- ◆ How do we identify projects?
 - ✓ Limited Access Highway Corridor (existing or proposed)
 - ✓ Identified statewide capacity need
 - ✓ Screened for existing congestion severity and duration

- ◆ How will we prioritize projects?
 - ✓ Production-readiness
 - ✓ Can the project be funded?
 - ✓ Anticipated benefit (Cost/Benefit and Return on Investment analysis)



Policy Framework for Express Lanes

- ◆ How will we implement projects?
 - ✓ Environmental Impacts: Projects are subject to same environmental reviews as other projects
 - ✓ Funding/Finance: Projects must have a funding and finance plan for construction, maintenance, and operation over its life-cycle
 - ✓ MPO/TPO Plans: Projects should be included or described as an option in an MPO/TPO Transportation Improvement Program or their Long Range Transportation Plan
 - ✓ Transit Considerations: Transit investments planned or programmed in the corridor should be considered



Revenue Usage

- ◆ After payment of design and construction costs then,
 - ✓ Operating and maintenance costs
 - ✓ Express bus service in the corridor
 - ✓ Expansion of, or improvements to, the managed/express lane network, or
 - ✓ Construction, maintenance, or operation of any road on the State Highway System within the county or counties in which the tolls were collected



Other Considerations

- ◆ Develop a statewide policy to address:
 - ✓ Dynamic vs. Static Pricing
 - ✓ Vehicle eligibility (trucks, hybrid vehicles, etc.)
 - ✓ Toll collection (transponder vs. toll-by-plate)
- ◆ Develop performance metrics to measure performance post-implementation
- ◆ Implement a regional network of express lanes in Southeast Florida
- ◆ Evaluate and implement new express lane projects in Tampa, Orlando, and Jacksonville



Express Lane- Future Tolling

NORTHEAST REGION

  Jacksonville Area

CENTRAL REGION

 Orlando Area

 Tampa Bay Area
 

SOUTHEAST REGION

 Broward & Palm Beach Counties

 Broward & Miami-Dade Counties

 Palmetto Expressway in Miami-Dade County



Southeast Florida Regional Concept of Operations

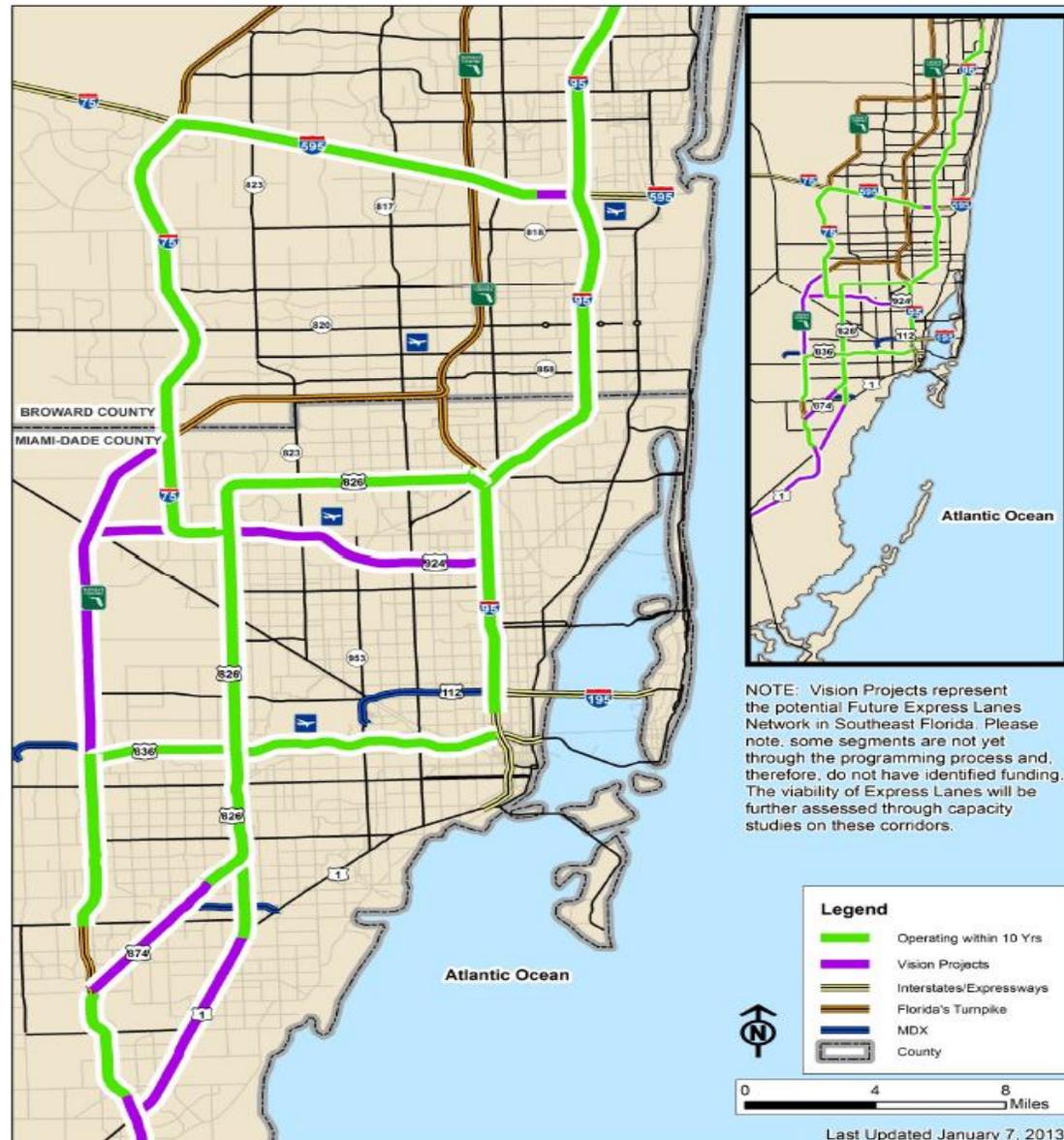
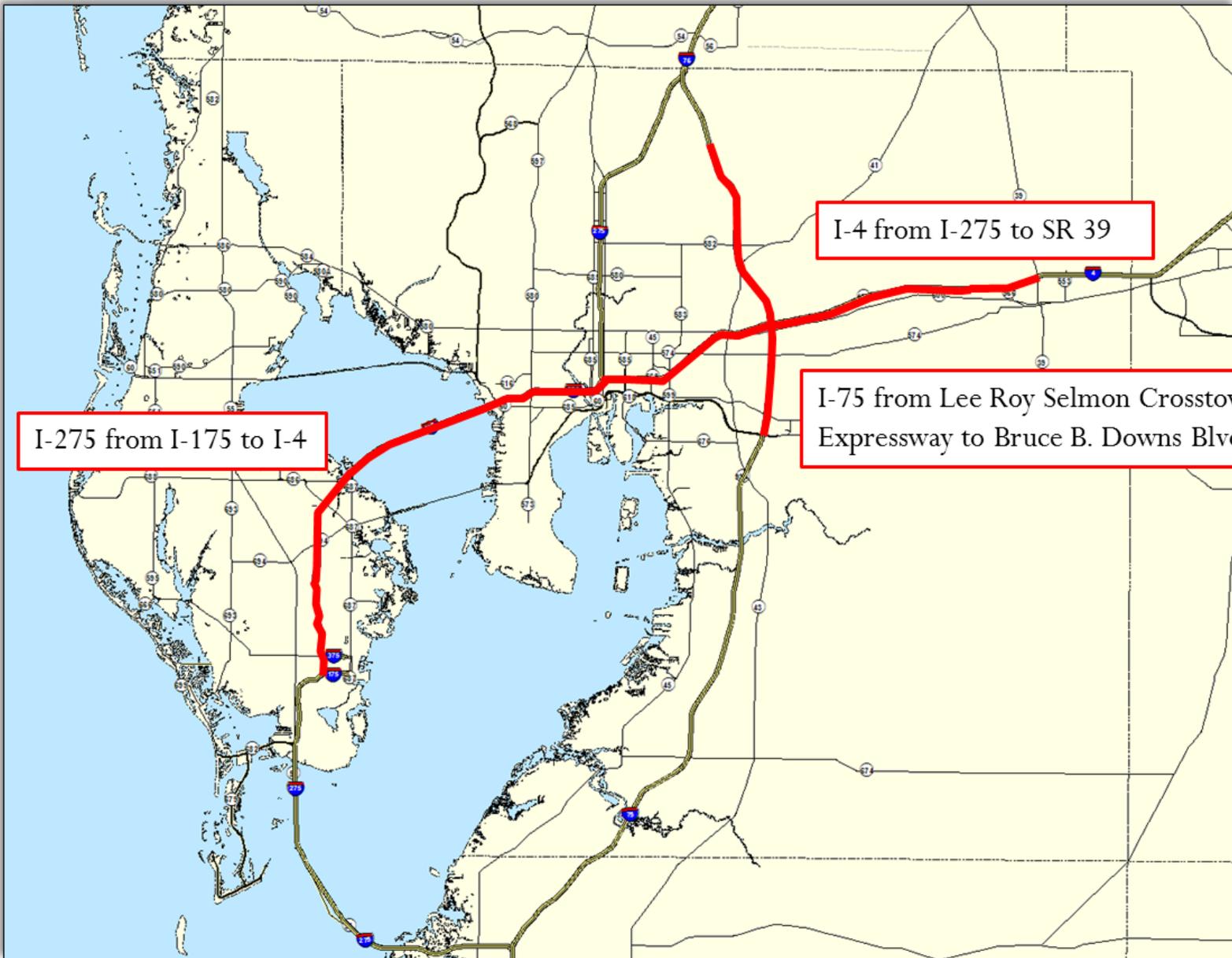
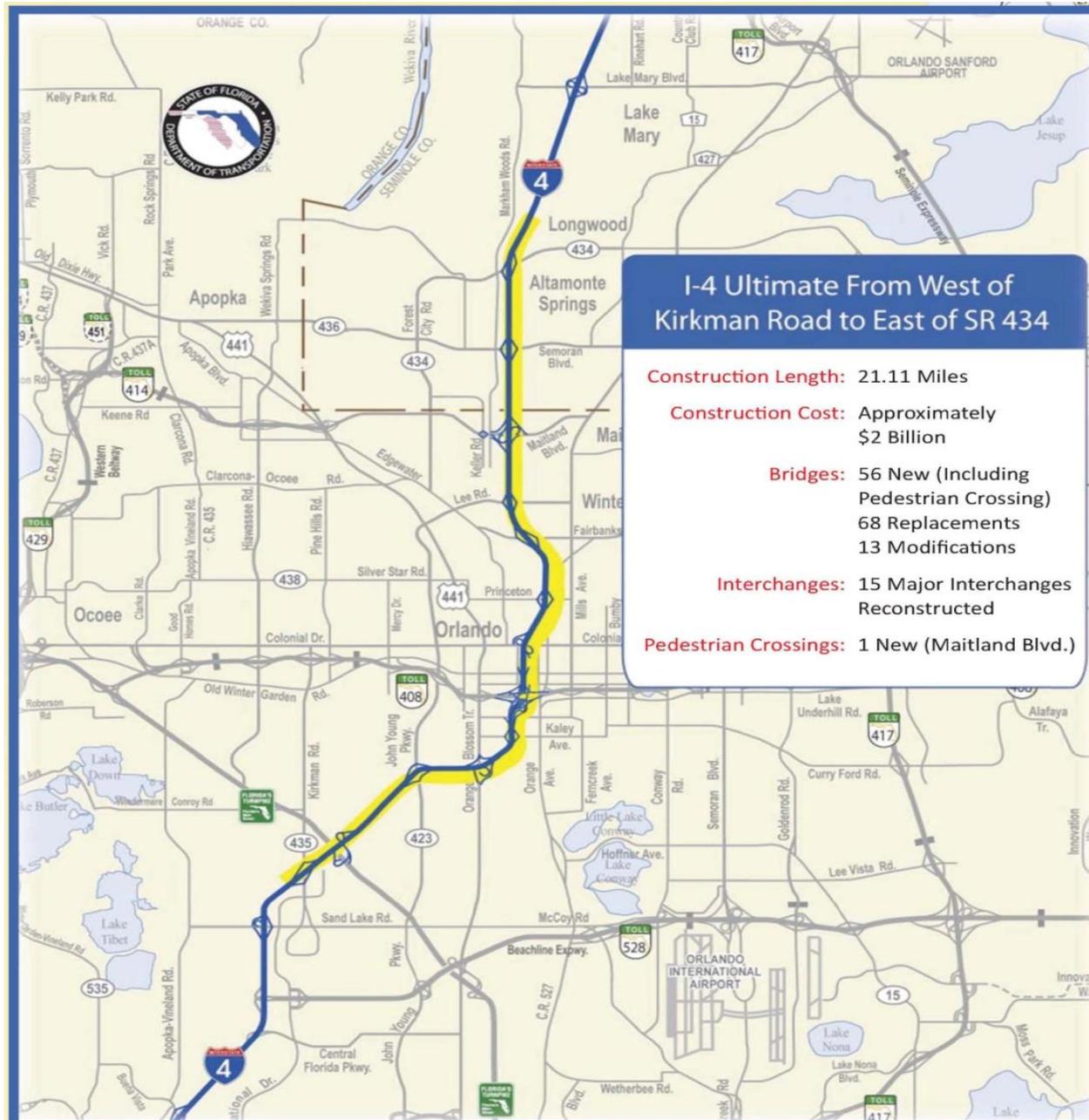


Figure 2: Future Vision for the Express Lanes Network - DRAFT
SOUTHEAST FLORIDA EXPRESS LANES REGIONAL CONCEPT FOR TRANSPORTATION OPERATIONS

Tampa Express Lanes



Orlando I-4 Express Lanes

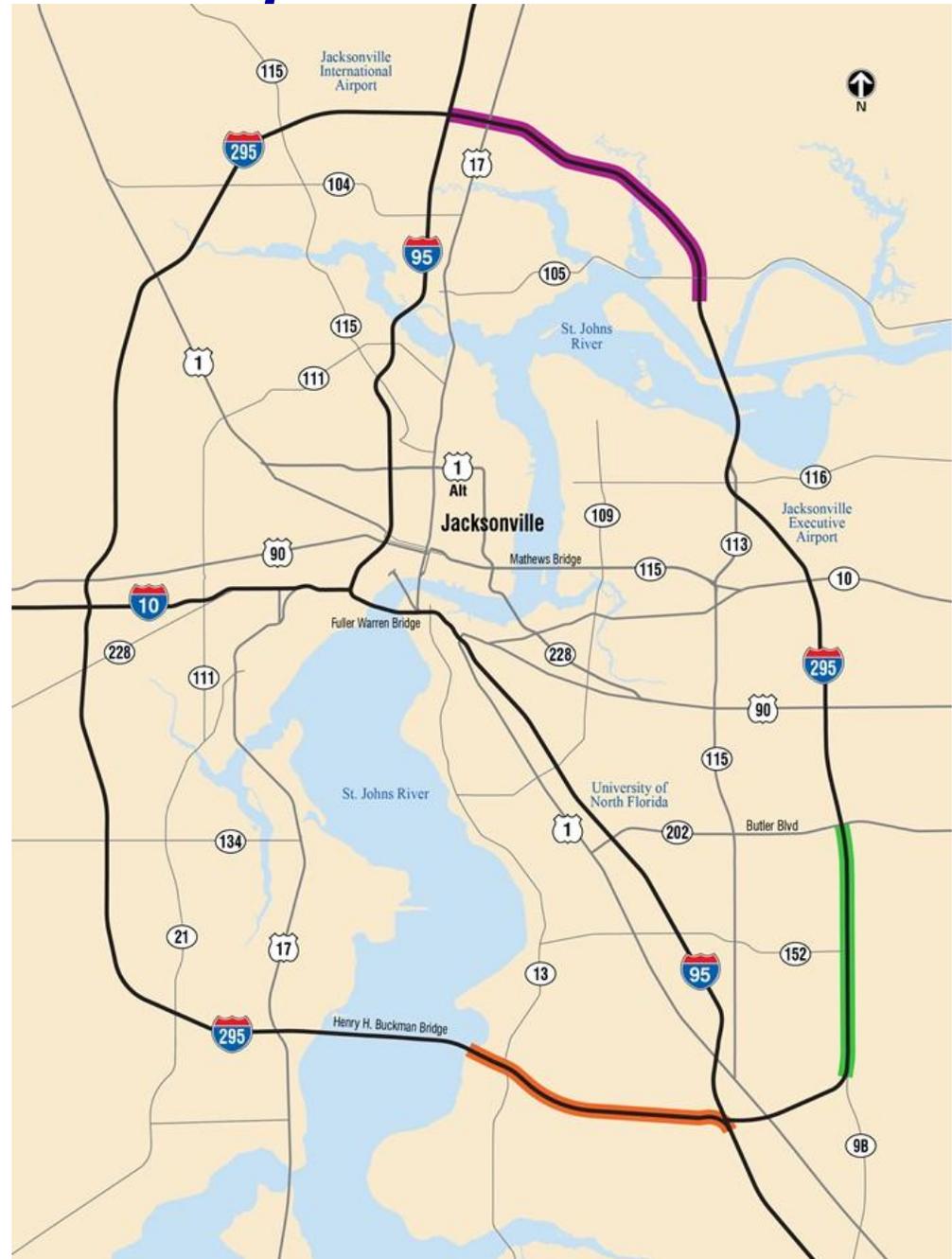


Jacksonville I-295 Express Lanes

I-295 East from I-95 to the Dames Point Bridge: FDOT will receive bids from contractors in 2017. The length of the third express lanes project is seven miles.

I-295 East from J. Turner Butler Boulevard to State Road 9B: FDOT will receive bids from contractors in 2015. The length of the second express lanes project is five miles.

I-295 from I-95 to the Buckman Bridge: FDOT will receive bids from contractors in 2014. The length of the first express lanes project is 5.7 miles.







THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Communications, Energy, and Public Utilities, Vice
Chair
Appropriations Subcommittee on Criminal and
Civil Justice
Appropriations Subcommittee on Health and Human
Services
Transportation
Health Policy
Agriculture
Transportation

JOINT COMMITTEE:

Joint Committee on Administrative Procedures

SENATOR RENE GARCIA

38th District

The Honorable Jeff Brandes
318 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Brandes:

Due to a previously planned event; I will not be able to attend the Transportation Committee meeting scheduled for Wednesday February 6, 2013. Please do not hesitate to contact my office if you have any questions. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "René García".

State Senator René García
District 40
RG:dm

CC: Kurt Eichin, Staff Director

REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- 312 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: LL 37

Caption: Senate Transportation Committee

Case:

Judge:

Type:

Started: 2/6/2013 3:07:06 PM

Ends: 2/6/2013 5:00:32 PM Length: 01:53:27

3:07:12 PM Chairman, Sen. Brandes, Meeting called to order
3:07:41 PM SB 140 Sen. Braynon to present the bill
3:08:57 PM Amendment 809580
3:09:46 PM Sen. Diaz de la Portilla asks question regarding amendment
3:10:13 PM Answered by Sen. Braynon
3:10:40 PM Question by Sen. Evers
3:11:00 PM Answered by Sen. Braynon
3:11:14 PM David Roberts on the amendment
3:11:36 PM Amendment is adopted
3:11:42 PM On the Bill as amended - Sen. Evers
3:12:28 PM Sen. Braynon on the bill to close
3:12:45 PM Sen. Braynon to make the bill a CS
3:12:57 PM Roll by CAA on SB 140 - Bill reported favorably
3:13:25 PM SB 52 by Sen. Detert
3:16:02 PM Sen. Joyner to present amendment Barcode 153918
3:17:28 PM Sen. Evers on the amendment
3:18:06 PM Response by Sen. Joyner
3:18:21 PM Sen. Evers
3:18:40 PM Staff Director, Kurt Eichin on the amendment
3:18:58 PM Sen. Joyner continues to answer questions on amendment
3:19:18 PM Chairman Brandes
3:19:55 PM Lee Moffitt on amendment
3:21:24 PM Sen. Evers question on bill
3:21:41 PM Diane Carr, Alliance of Automobile Manufacturers on the amendment
3:23:43 PM Chairman Brandes on the amendment
3:23:51 PM Amendment adopted
3:24:10 PM Amendment Barcode 462058 by Sen. Richter
3:24:43 PM Sen. Joyner in support of amendment
3:25:29 PM Sen. Evers question on amendment
3:25:58 PM Answered by Sen. Detert
3:26:10 PM Chairman Brandes on amendment
3:26:16 PM Amendment adopted
3:26:21 PM Amendment - Barcode 653148 by Sen. Richter
3:26:58 PM Sen. Richter response to the amendment
3:27:16 PM Question by Sen. Diaz de la Portilla
3:27:27 PM Answered by Sen. Richter
3:27:42 PM Question by Sen. Evers
3:27:53 PM Sen. Richter in response
3:28:08 PM Question by Sen. Margolis
3:28:29 PM Response by Sen. Detert
3:28:45 PM Chairman Brandes on the amendment
3:28:52 PM Amendment Adopted
3:29:04 PM On the bill as amended
3:29:18 PM Sen. Lee on bill
3:31:18 PM Response from Sen. Detert
3:31:41 PM Sen. Lee question
3:31:48 PM Sen. Detert
3:31:57 PM Sen. Lee question
3:32:05 PM Sen. Detert
3:32:09 PM Sen. Lee
3:32:30 PM Sen. Lee in response to Sen. Detert
3:33:31 PM Sen. Detert in response to Sen. Lee

3:34:24 PM Chairman Brandes
3:34:53 PM Mary Rose Sirianni - waive in support
3:35:04 PM Chris Nuland in support
3:35:20 PM H. Lee Moffitt on the bill
3:41:04 PM Stephen Augello (parent) speaks in support of the bill
3:43:57 PM Sen. Evers question of Stephen Augello and answerer
3:45:12 PM Major Chris Connell, Florida Police Chiefs Assn. in support of bill
3:45:53 PM Question from Sen. Evers
3:46:01 PM Answered by Major Chris Connell
3:46:08 PM Question by Sen. Evers and answered by Major Chris Connell
3:50:54 PM Sen. Diaz de la Portilla
3:51:46 PM Major Chris Connell in response to Sen. Diaz de la Portilla and answered by Major Connell
3:52:41 PM Sen. Thompson question of Major Connell and answered by Major Connell
3:54:00 PM Sen. Margolis makes a comment on the bill
3:54:28 PM Sen. Detert in response
3:55:08 PM Chairman Brandes
3:55:11 PM Sen. Clemens on Sen. Thompson's question
3:55:41 PM Sen. Detert in response
3:56:37 PM Chairman Brandes
3:57:15 PM Angela Clark speaks in support
4:00:05 PM Chairman Brandes
4:00:17 PM Chairman Brandes
4:00:19 PM Sen. Richter in debate on the bill
4:02:11 PM Sen. Joyner on the bill
4:04:49 PM Sen. Evers on the bill
4:06:35 PM Sen. Lee
4:10:34 PM Chairman Brandes
4:10:37 PM Sen. Thompson
4:11:48 PM Sen. Detert to close on the bill
4:16:45 PM Chairman Brandes
4:16:53 PM Sen. Detert moves to make the bill a CS
4:17:03 PM Roll Call on SB 52 - passed favorably as CS
4:18:19 PM Roll Call on SB 52 - passed favorably as CS
4:18:23 PM Presentation - FDOT - Status of Passenger Rail Development Programs
4:19:01 PM Fred Wise, FDOT
4:32:05 PM Chairman Brandes asks question
4:32:16 PM Fred Wise
4:33:04 PM Chairman Brandes
4:33:16 PM Sen. Evers
4:33:36 PM Response to Sen. Evers
4:35:24 PM Sen. Diaz de la Portilla question
4:35:43 PM Fred Wise
4:40:06 PM Sen. Margolis question of presenter
4:40:16 PM Fred Wise in response
4:41:09 PM Sen. Clemens
4:41:50 PM Ananth Prasad in response to Sen. Clemens
4:42:03 PM Sen. Clemens
4:42:16 PM Fred Wise in response
4:42:49 PM Sen. Clemens
4:43:04 PM Chairman Brandes
4:43:37 PM Sec. Ananth Prasad, FDOT
4:44:26 PM Sec. Ananth Prasad, FDOT
4:44:27 PM Presentation - Congestion Management through Managed Lanes
4:49:51 PM Chairman Brandes
4:49:58 PM Sec. Prasad to continue presentation
4:54:25 PM Sen. Diaz de la Portilla
4:54:59 PM Sec. Prasad in response to question
4:55:21 PM Sen. Diaz de la Portilla
4:55:31 PM Sec. Prasad in response to question
4:55:47 PM Sen. Diaz de la Portilla
4:56:39 PM Sen. Clemens question
4:56:53 PM Sec. Prasad in response

4:57:44 PM Sen. Clemens
4:57:59 PM Sec. Prasad in response
4:58:33 PM Sen. Margolis
4:59:42 PM Sec. Prasad in response
5:00:03 PM Sen. Margolis
5:00:09 PM Chairman Brandes
5:00:14 PM Sen. Richter moves to rise