

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Margolis, Vice Chair

MEETING DATE: Thursday, January 9, 2014
TIME: 9:00 —11:00 a.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 230 Simmons (Similar H 311)	Orlando-Orange County Expressway Authority; Renaming the Orlando-Orange County Expressway System as the "Central Florida Expressway System"; providing for the transfer of governance and control, legal rights and powers, responsibilities, terms, and obligations to the authority; extending, to 99 years from 40 years, the term of a lease-purchase agreement; limiting the authority's authority to enter into a lease-purchase agreement; removing the authority and criteria for an authority to waive payment and performance bonds for certain public works projects that are awarded pursuant to an economic development program, etc. TR 01/09/2014 Fav/CS CA AP	Fav/CS Yeas 10 Nays 0
2	CS/SB 274 Criminal Justice / Simmons (Identical H 53, Compare H 43)	Inmate Reentry; Waiving the fee for identification cards issued to certain inmates; requiring a waiver of fees for certain inmates receiving a copy of a birth certificate; requiring the Department of Corrections to work with other agencies in acquiring necessary documents for certain inmates to acquire an identification card before release; requiring the department to provide specified assistance to inmates born outside this state; requiring a report; authorizing the department to operate male and female faith- and character-based institutions, etc. CJ 12/09/2013 Fav/CS TR 01/09/2014 Favorable ATD AP	Favorable Yeas 10 Nays 0
3	SB 262 Abruzzo (Similar H 17, Compare H 19, Link S 350)	Motorist Safety; Authorizing the governing body of a county to create a yellow dot critical motorist medical information program for certain purposes; requiring the program to be free to participants; providing for limited use of information on the forms by emergency medical responders; limiting liability of emergency medical responders in certain circumstances, etc. TR 01/09/2014 Favorable CA	Favorable Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Thursday, January 9, 2014, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 350 Abruzzo (Compare H 17, H 19, Link S 262)	Public Records/Yellow Dot Critical Motorist Medical Information Program; Providing an exemption from public records requirements for personal identifying information of participants in a yellow dot critical motorist medical information program; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. TR 01/09/2014 Favorable HP GO RC	Favorable Yeas 10 Nays 0
5	SB 102 Diaz de la Portilla (Identical H 55, H 183)	Drivers Leaving the Scene of a Crash; Creating the "Aaron Cohen Life Protection Act"; requiring the driver of a vehicle involved in a crash that results in serious bodily injury to a person to immediately stop the vehicle and remain at the scene of the crash; providing that a person commits a felony of the second degree if he or she fails to stop the vehicle and remain at the scene of the crash; requiring the court to revoke for at least 3 years the driver license of a person convicted of leaving the scene of a crash involving injury, serious bodily injury, or death, etc. TR 01/09/2014 Fav/CS CJ ATD AP	Fav/CS Yeas 10 Nays 0
6	SB 226 Brandes	Public Records/Automated License Plate Recognition Systems Exemption; Creating a public records exemption for images obtained through the use of an automated license plate recognition system and personal identifying information of an individual in data generated from such images; providing for retroactive application of the public records exemption, etc. TR 01/09/2014 Fav/CS GO RC	Fav/CS Yeas 10 Nays 0
7	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 230

INTRODUCER: Transportation Committee and Senator Simmons

SUBJECT: Orlando-Orange County Expressway Authority

DATE: January 9 , 2014 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.			CA	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 230 re-names the Orlando-Orange County Expressway Authority (OOCEA) as the Central Florida Expressway Authority (CFX) and expands the area served by CFX to include the counties of Seminole, Lake, and Osceola Counties, in addition to Orange County. The bill provides for the transfer of governance and control, legal rights and powers, responsibilities, terms and obligations of the OOCEA System to CFX and, in addition:

- Provides for the composition of the governing body of CFX, the appointment of its officers and the expiration of terms of standing OOCEA board members, and revises quorum and voting requirements applicable to CFX.
- Removes the existing OOCEA requirement that the route of a project be approved by a municipality before the right-of-way can be acquired.
- Requires that CFX encourage the inclusion of local-, small-, minority-, and women-owned businesses in its procurement and contracting opportunities.
- Removes the existing OOCEA authority to waive payment and performance bonds for certain public works projects awarded pursuant to an economic development program.
- Provides that upon termination of the lease-purchase agreement, title in fee simple to the former OOCEA system will be transferred to the state, and extends the term of authorized lease-purchase agreements from 40 to 99 years.
- Provides for the transfer of the Osceola County Expressway System to CFX and provides for the repeal of part V of chapter 348, Florida Statutes, when the Osceola County Expressway System is transferred to CFX.

- Provides an effective date of July 1, 2015.

II. Present Situation:

The Orlando Orange County Expressway Authority (OOCEA) currently serves Orange County and is authorized to construct, operate, and maintain roads, bridges, avenues of access, thoroughfares, and boulevards in the county, as well as outside the jurisdictional boundaries of Orange County with the consent of the county within whose jurisdiction the activities occur.¹

The OOCEA governing body consists of five members. The Governor appoints three members who are citizens of Orange County and who serve four year terms and may be reappointed. The Orange County mayor and the Florida Department of Transportation's (FDOT) district five secretary serve as *ex-officio* members of the Board.²

The OOCEA currently owns and operates 109 centerline miles of roadway in Orange County, which includes:

- 22 miles of the Spessard L. Holland East-West Expressway (SR 408);
- 23 miles of the Martin Andersen Beachline Expressway (SR 528);
- 33 miles of the Central Florida GreeneWay (SR 417);
- 22 miles of the Daniel Webster Western Beltway (SR 429); and
- 9 miles of the John Land Apopka Expressway (SR 414).³

Pursuant to an existing Memorandum of Understanding (MOU) and lease-purchase agreement between the FDOT and OOCEA, the authority will independently finance, build, own and manage certain portions of the Wekiva Parkway. In order to ensure that funds are available to the FDOT for the Wekiva Parkway, the 2012 Legislature codified references to the existing MOU and lease-purchase agreements, and established a repayment schedule for OOCEA to reimburse the FDOT for the costs of operation and maintenance of the Orlando-Orange County Expressway System in accordance with terms of the MOU.⁴

The OOCEA was required to pay FDOT \$10 million on July 1, 2012, and is required to pay \$20 million every July 1 thereafter to pay off the long-term debt obligation to the FDOT. The FDOT advises that the OOCEA's long-term debt as of November 30, 2013, is \$211,334,985.29.

Osceola County Expressway Authority (OCX)

Created in 2010, the Osceola County Expressway Authority currently serves Osceola County and has the purposes and powers identified in the Florida Expressway Authority Act, including the power to acquire, hold, construct, improve, maintain, operate, and own an expressway system.⁵

¹ Section 348.754(2)(n), F.S.

² Section 348.753, F.S.

³ FTC's *Transportation Authority Monitoring and Oversight Fiscal Year 2012 Report*, p. 40.

⁴ Chapter 2012-128, L.O.F.

⁵ Section 348.0004, F.S.

OCX Governing Board

The OCX governing body consists of six members. Five members, one of which must be a member of a racial or ethnic minority, must be residents of Osceola County. Three of the five are appointed by the governing body of the county and the remaining two are appointed by the Governor. FDOT's district five secretary serves as an *ex-officio*, non-voting member.⁶

OCX Facilities

OCX is not currently operating any facility and has no funding or staff. Staff assistance and other support have been provided by Osceola County. The FDOT provided a \$2.5 million grant to OCX in May of 2012, and the funds will be used for two Project Development and Environment Studies that will be conducted by the Florida Turnpike Enterprise. OCX adopted a 2040 Master Plan that includes construction of four proposed tolled expressways: Poinciana Parkway, Southport Connector Expressway, Northeast Connector Expressway, and Osceola Parkway Extension. OCX has an agreement with Osceola County under which the county will advance funds for operation and startup costs until OCX has a revenue-producing project and which requires OCX to repay the county within 15 years of receiving the funds. A 2012 agreement calls for issuance of bonds by the county to pay for the Poinciana Parkway project costs incurred by OCX, and OCX will design and construct the parkway pursuant to a lease-purchase agreement with the county.⁷

Seminole County and Lake County

The Seminole County Expressway Authority was abolished by the Legislature in 2011;⁸ Seminole County is not currently served by any expressway authority. Lake County is also not currently served by any expressway authority. The Florida Turnpike Enterprise currently owns and operates Florida's Turnpike, parts of which are located within Seminole and Lake Counties.

III. Effect of Proposed Changes:

Generally, the bill re-names the OOCEA as the CFX; expands the area served by CFX beyond Orange County to include in addition Seminole, Lake, and Osceola Counties; and transfers governance and control of the OOCEA system to CFX.

Section 1 amends s. 348.751, F.S., to change the short title of part III of ch. 348, F.S., from the "Orlando-Orange County Expressway Authority Law" to the "Central Florida Expressway Authority Law."

Section 2 amends s. 348.752, F.S., to define:

- the Central Florida Expressway Authority to mean the "body politic and corporate and agency of the state created by this chapter";

⁶ Section 348.9952, F.S.

⁷ FTC's *Transportation Authority Monitoring and Oversight Fiscal Year 2012 Report*, p. 171.

⁸ Ch. 2011-64, L.O.F.

- the Central Florida Expressway System,” to mean “any expressway and appurtenant facilities including all approaches, roads, bridges, and avenues for the expressway and any rapid transit, trams, or fixed guideways located within the right-of-way of an expressway; and
- “transportation facilities” to mean the mobile and fixed assets, and the associated real or personal property or rights, used in the transportation of persons or property by any means of conveyance, and all appurtenances, such as, but not limited to, highways; limited or controlled access lanes, avenues of access, and facilities; vehicles; fixed guideway facilities, including maintenance facilities. Administrative and other office space used by the authority is also included in the term.

This section of the bill also deletes the definitions of “city” and “county,” revises various definitions to conform terminology to the renaming, and makes technical changes.

Section 3 amends s. 348.753, F.S., in which the OOCEA is created, to replace and rename the OOCEA as the Central Florida Expressway Authority (CFX) and requires that CFX assume the governance and control of the OOCEA System effective July 1, 2015.

The bill also provides for eleven members of the CFX governing board as follows:

- three members appointed by the chairs of the boards of county commission of Seminole, Lake, and Osceola Counties, who may be a commission member or chair;
- six citizen members appointed by the Governor, two of which must be citizens of Orange County; one member each from Seminole, Lake, and Osceola Counties; and one member from any of the identified counties;
- the mayor of Orange County; and
- the mayor of the City of Orlando.

The executive director of Florida’s Turnpike Enterprise serves as a nonvoting advisor to the CFX governing body. The Governor’s appointees are to serve four-year terms; county-appointed members are to serve two-year terms; and the terms of currently standing OOCEA board members expire on July 1, 2015. A person who is an officer or employee of a municipality or county may not be an appointed as a CFX board member.

Section 4 amends s. 348.754, F.S., relating to the purposes and powers of the authority, to:

- specify the area served by the authority to be within the geographical boundaries of Orange, Seminole, Lake, and Osceola Counties, except as otherwise specifically provided by law;
- authorize CFX to construct the Central Florida Expressway System, including rapid transit, trams, fixed guideways, thoroughfares, and boulevards;
- authorize CFX to construct, operate, and maintain roads, bridges, and transportation facilities, and electronic toll payment systems on the roads, bridges, and transportation facilities outside the boundaries of Orange, Seminole, Lake, and Osceola Counties with the consent of the county within whose jurisdiction the activities occur; and
- prohibit CFX from constructing any extensions, additions, or improvements to the expressway system in Lake County without the prior consent of the FDOT secretary, to

ensure continued financial feasibility of the construction of the Wekiva Parkway by the FDOT.

The term of authorized existing lease-purchase agreements is extended from 40 to 99 years. However, the bill precludes CFX from entering into any other lease-purchase agreements with the FDOT, and from amending the existing agreement between the OOCEA and the FDOT to expand or increase the FDOT's obligations unless it is determined by the FDOT that an amendment is necessary to permit the refunding of bonds issued prior to July 1, 2013.

Toll revenues attributable to an increase in toll rates charged on or after July 1, 2015, may not be used to construct or expand a different facility, unless a two-thirds majority of the members of the authority approves the use of revenues, with certain exceptions. Notwithstanding s. 338.165, F.S., and except as otherwise prohibited, the bill provides that the authority may, within the right-of-way of the expressway system, use excess revenues to finance or refinance the planning, design, acquisition, construction, extension, rehabilitation, equipping, preservation, maintenance, or improvement of an intermodal facility or facilities, a multimodal corridor or corridors, or any programs or projects that will improve the levels of service on the expressway system.

The requirement for approval of the municipal governing board of a project route prior to the acquisition of right-of-way for a project within the boundaries of Orange County is removed, as are provisions authorizing CFX to waive payment and performance bonds on certain construction contracts and related small business provisions.

Sections 5 through 11 conform terminology and make grammatical and editorial changes by amending:

- s. 348.7543, F.S., relating to bond financing authority for improvements by CFX;
- s. 348.7544, F.S., relating to construction and financing of the Northwest Beltway Part A;
- s. 348.7545, F.S., relating to construction and financing of the Western Beltway Part C;
- s. 348.7546, F.S., relating to construction and financing of the Wekiva Parkway;
- s. 348.7547, F.S., relating to construction and financing of the Maitland Boulevard Extension and Northwest Beltway Part A realignment;
- s. 348.755, F.S., relating to bonds of the authority; and
- s. 348.756, F.S., relating to remedies of the bondholders.

Section 12 amends s. 348.757, F.S., to provide that upon the termination of the current lease-purchase agreement between OOCEA and the FDOT, title in fee simple absolute to the former OOCEA system must be transferred to the state.

Sections 13 through 18 conform terminology and make grammatical and editorial changes by amending:

- s. 348.758, F.S., relating to appointment of the FDOT as construction agent for the authority;
- s. 348.759, F.S., relating to acquisition of lands and property;
- s. 348.760, F.S., relating to cooperation with other units, boards, agencies, and individuals;
- s. 348.761, F.S., relating to covenants of the state;

- s. 348.765, F.S., relating to complete and additional authority; and
- s. 369.317, F.S., relating to the Wekiva Parkway.

Section 19 amends s. 369.324, F.S., to remove and replace references to the OOCEA and to the previously repealed Seminole County Expressway Authority and revise the composition of the Wekiva River Basin Commission as a result of the repeal of the Seminole County Expressway Authority.

Section 20 transfers all powers, governance, and control of the Osceola County Expressway System, and the assets, liabilities, facilities, tangible and intangible property and any rights in the property, as well as any other legal rights, to CFX effective upon completion of the construction of the Poinciana Parkway, with provisions for extension under specified circumstances; and repeals part V, ch. 348, F.S., consisting of ss. 348.9950 – 348.9961, F.S., on the same date that the Osceola County Expressway System is transferred to CFX. CFX is also directed to reimburse all obligations of any other governmental entities with respect to the OCX system as specified.

Section 21 provides the act shall take effect on July 1, 2015.

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:

According to the FDOT: “Possible indeterminate negative impact as the proposed legislation extends the maximum term of the lease-purchase agreement from the longer of 40 years and bonds outstanding to the longer of 99 years and bonds outstanding. Provides that the existing lease-purchase agreement may not be amended to expand or increase the

Department's obligations unless they are determined necessary to permit the refunding of bonds issued before July 1, 2013. Current long term debt is over \$211 million and growing.”⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 348.751, 348.752, 348.753, 348.754, 348.7543, 348.7544, 348.7545, 348.7546, 348.7547, 348.755, 348.756, 348.757, 348.758, 348.759, 348.760, 348.761, 348.765, 369.317, and 369.324.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Transportation on January 9, 2014:

The CS incorporates a technical amendment to change the word “chapter” to the word “part” (lines 72 and 88 of the original bill) to reference the appropriate part of chapter 348, F.S., applicable to the re-named Central Florida Expressway Authority and to correct a title error.

B. Amendments:

None.

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

⁹ 2014 FDOT Legislative Bill Analysis, SB 230. On file in the Senate Transportation Committee.



247500

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/09/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Richter) recommended the following:

Senate Amendment (with title amendment)

Delete lines 72 - 88

and insert:

348.752 Definitions.—As used in this part ~~The following terms, whenever used or referred to in this law, shall have the following meanings, except in those instances where the context clearly indicates otherwise:~~

(1) The term "agency of the state" means ~~and includes~~ the state and any department of, or corporation, agency, or



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11 instrumentality ~~heretofore or hereafter~~ created, designated, or
12 established by, the state.

13 (2) The term "authority" means the body politic and
14 corporate, and agency of the state created by this part.

15 (3) The term "bonds" means ~~and includes~~ the notes, bonds,
16 refunding bonds, or other evidences of indebtedness or
17 obligations, in either temporary or definitive form, which the
18 authority is authorized to issue pursuant to this part.

19 (4) The term "Central Florida Expressway Authority" means
20 the body politic and corporate, and agency of the state created
21 by this part.

22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete line 45

26 and insert:

27 former system shall be transferred to the state;
28 conforming

THE FLORIDA SENATE

APPEARANCE RECORD

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

1 / 9 / 2014

Meeting Date

Topic _____

Name BRIAN PITTS Bill Number 230 (if applicable)

Job Title TRUSTEE Amendment Barcode _____ (if applicable)

Address 1119 NEWTON AVNUE SOUTH Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705 E-mail JUSTICE2JESUS@YAHOO.COM

City State Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

By Senator Simmons

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1 A bill to be entitled
 2 An act relating to the Orlando-Orange County
 3 Expressway Authority; amending ss. 348.751 and
 4 348.752, F.S.; renaming the Orlando-Orange County
 5 Expressway System as the "Central Florida Expressway
 6 System"; revising definitions; making technical
 7 changes; amending s. 348.753, F.S.; creating the
 8 Central Florida Expressway Authority; providing for
 9 the transfer of governance and control, legal rights
 10 and powers, responsibilities, terms, and obligations
 11 to the authority; providing conditions for the
 12 transfer; revising the composition of the governing
 13 body of the authority; providing for appointment of
 14 officers of the authority and for the expiration of
 15 terms of standing board members; revising quorum and
 16 voting requirements; conforming terminology and making
 17 technical changes; amending s. 348.754, F.S.;
 18 providing that the area served by the authority is
 19 within the geopolitical boundaries of Orange,
 20 Seminole, Lake, and Osceola Counties; requiring the
 21 authority to have prior consent from the Secretary of
 22 the Department of Transportation to construct an
 23 extension, addition, or improvement to the expressway
 24 system in Lake County; extending, to 99 years from 40
 25 years, the term of a lease-purchase agreement;
 26 limiting the authority's authority to enter into a
 27 lease-purchase agreement; limiting the use of certain
 28 toll-revenues; providing exceptions; removing the
 29 requirement that the route of a project must be

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

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30 approved by a municipality before the right-of-way can
 31 be acquired; requiring that the authority encourage
 32 the inclusion of local-, small-, minority-, and women-
 33 owned businesses in its procurement and contracting
 34 opportunities; removing the authority and criteria for
 35 an authority to waive payment and performance bonds
 36 for certain public works projects that are awarded
 37 pursuant to an economic development program;
 38 conforming terminology and making technical changes;
 39 amending ss. 348.7543, 348.7544, 348.7545, 348.7546,
 40 348.7547, 348.755, and 348.756, F.S.; conforming
 41 terminology and making technical changes; amending s.
 42 348.757, F.S.; providing that upon termination of the
 43 lease-purchase agreement of the former Orlando-Orange
 44 County Expressway System, title in fee simple to the
 45 system will be retained by the authority; conforming
 46 terminology and making technical changes; amending ss.
 47 348.758, 348.759, 348.760, 348.761, 348.765, and
 48 369.317, F.S.; conforming terminology and making
 49 technical changes; amending s. 369.324, F.S.; revising
 50 the membership of the Wekiva River Basin Commission;
 51 conforming terminology; providing criteria for the
 52 transfer of the Osceola County Expressway System to
 53 the Central Florida Expressway Authority; providing
 54 for the repeal of part V of ch. 348, F.S., when the
 55 Osceola County Expressway System is transferred to the
 56 Central Florida Expressway Authority; requiring the
 57 Central Florida Expressway Authority to reimburse
 58 other governmental entities for obligations related to

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

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59 the Osceola County Expressway System; providing for
60 reimbursement after payment of other obligations;
61 providing an effective date.

62
63 Be It Enacted by the Legislature of the State of Florida:

64
65 Section 1. Section 348.751, Florida Statutes, is amended to
66 read:

67 348.751 Short title.—This part ~~shall be known and~~ may be
68 cited as the "Central Florida Orlando-Orange County Expressway
69 Authority Law."

70 Section 2. Section 348.752, Florida Statutes, is amended to
71 read:

72 348.752 Definitions.—As used in this chapter ~~The following~~
73 ~~terms, whenever used or referred to in this law, shall have the~~
74 ~~following meanings, except in those instances where the context~~
75 ~~clearly indicates otherwise:~~

76 (1) The term "agency of the state" means ~~and includes~~ the
77 state and any department of, or corporation, agency, or
78 instrumentality ~~heretofore or hereafter~~ created, designated, or
79 established by, the state.

80 (2) The term "authority" means the body politic and
81 corporate, and agency of the state created by this part.

82 (3) The term "bonds" means ~~and includes~~ the notes, bonds,
83 refunding bonds, or other evidences of indebtedness or
84 obligations, in either temporary or definitive form, which the
85 authority is authorized to issue pursuant to this part.

86 (4) The term "Central Florida Expressway Authority" means
87 the body politic and corporate, and agency of the state created

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88 by this chapter.

89 (5) The term "Central Florida Expressway System" means any
90 expressway and appurtenant facilities, including all approaches,
91 roads, bridges, and avenues for the expressway and any rapid
92 transit, trams, or fixed guideways located within the right-of-
93 way of an expressway.

94 ~~(4) The term "city" means the City of Orlando.~~

95 ~~(5) The term "county" means the County of Orange.~~

96 (6) The term "department" means the Department of
97 Transportation existing under chapters 334-339.

98 (7) The term "expressway" has the same meaning is the same
99 as limited access expressway.

100 (8) The term "federal agency" means and includes the United
101 States, the President of the United States, and any department
102 of, or corporation, agency, or instrumentality ~~heretofore or~~
103 ~~hereafter~~ created, designated, or established by, the United
104 States.

105 (9) The term "lease-purchase agreement" means the lease-
106 purchase agreements that which the authority is authorized
107 ~~pursuant to this part~~ to enter into with the Department of
108 Transportation pursuant to this part.

109 (10) The term "limited access expressway" means a street or
110 highway specifically especially designed for through traffic,
111 and over, from, or to which, ~~a no~~ person does not shall have the
112 right of easement, use, or access except in accordance with the
113 rules ~~of and regulations promulgated and established by~~ the
114 authority governing its use for the use of such facility. Such
115 highways or streets may be parkways that do not allow traffic
116 ~~by, from which~~ trucks, buses, and other commercial vehicles

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117 ~~shall be excluded, or they may be~~ freeways open to use by all
118 customary forms of street and highway traffic.

119 (11) The term "members" means ~~the governing body of the~~
120 authority, and the term "member" means an individual who serves
121 on the one of the individuals constituting such governing body
122 of the authority.

123 (12) The term "Orange County gasoline tax funds" means ~~all~~
124 the revenue derived from the 80-percent surplus gasoline tax
125 funds accruing in each year to the Department of Transportation
126 for use in Orange County under ~~the provisions of s. 9, Art. XII~~
127 of the State Constitution, after deducting deduction only of any
128 amounts of said gasoline tax funds previously heretofore pledged
129 by the department or the county for outstanding obligations.

130 ~~(13) The term "Orlando-Orange County Expressway System"~~
131 means any and all expressways and appurtenant facilities
132 thereto, including, but not limited to, all approaches, roads,
133 bridges, and avenues of access for said expressway or
134 expressways.

135 ~~(13)(14)~~ The term "State Board of Administration" means the
136 body corporate existing under the provisions of s. 4, Art. IV of
137 the State Constitution, or any successor ~~thereto.~~

138 (14) The term "transportation facilities" means and
139 includes the mobile and fixed assets, and the associated real or
140 personal property or rights, used in the transportation of
141 persons or property by any means of conveyance, and all
142 appurtenances, such as, but not limited to, highways; limited or
143 controlled access lanes, avenues of access, and facilities;
144 vehicles; fixed guideway facilities, including maintenance
145 facilities; and administrative and other office space for the

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146 exercise by the authority of the powers and obligations granted
147 in this part.

148 ~~(15) Words importing singular number include the plural~~
149 ~~number in each case and vice versa, and words importing persons~~
150 ~~include firms and corporations.~~

151 Section 3. Section 348.753, Florida Statutes, is amended to
152 read:

153 348.753 Central Florida ~~Orlando-Orange County~~ Expressway
154 Authority.-

155 (1) There is ~~hereby~~ created and established a body politic
156 and corporate, an agency of the state, to be known as the
157 Central Florida ~~Orlando-Orange County~~ Expressway Authority,
158 hereinafter referred to as "authority."

159 (2) (a) Effective July 1, 2015, the Central Florida
160 Expressway Authority shall assume the governance and control of
161 the Orlando-Orange County Expressway Authority System, including
162 its assets, personnel, contracts, obligations, liabilities,
163 facilities, and tangible and intangible property. Any rights in
164 such property, and other legal rights of the authority, are
165 transferred to the Central Florida Expressway Authority. The
166 Central Florida Expressway Authority shall succeed to and assume
167 the powers, responsibilities, and obligations of the Orlando-
168 Orange County Expressway Authority on July 1, 2015.

169 (b) The transfer pursuant to this subsection is subject to
170 the terms and covenants provided for the protection of the
171 holders of the Orlando-Orange County Expressway Authority bonds
172 in the lease-purchase agreement and the resolutions adopted in
173 connection with the issuance of the bonds. Further, the transfer
174 does not impair the terms of the contract between the Orlando-

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175 Orange County Expressway Authority and the bondholders, does not
 176 act to the detriment of the bondholders, and does not diminish
 177 the security for the bonds. After the transfer, the Central
 178 Florida Expressway Authority shall operate and maintain the
 179 expressway system and any other facilities of the Orlando-Orange
 180 County Expressway Authority in accordance with the terms,
 181 conditions, and covenants contained in the bond resolutions and
 182 lease-purchase agreement securing the bonds of the authority.
 183 The Central Florida Expressway Authority shall collect toll
 184 revenues and apply them to the payment of debt service as
 185 provided in the bond resolution securing the bonds, and shall
 186 expressly assume all obligations relating to the bonds to ensure
 187 that the transfer will have no adverse impact on the security
 188 for the bonds. The transfer does not make the obligation to pay
 189 the principal and interest on the bonds a general liability of
 190 the Central Florida Expressway Authority or pledge additional
 191 expressway system revenues to payment of the bonds. Revenues
 192 that are generated by the expressway system and other facilities
 193 of the Central Florida Expressway Authority which were pledged
 194 by the Orlando-Orange County Expressway Authority to payment of
 195 the bonds will remain subject to the pledge for the benefit of
 196 the bondholders. The transfer does not modify or eliminate any
 197 prior obligation of the department to pay certain costs of the
 198 expressway system from sources other than revenues of the
 199 expressway system.

200 (3)(2) The governing body of the authority shall consist of
 201 11 five members. The chairs of the boards of the county
 202 commissions of Seminole, Lake, and Osceola Counties shall each
 203 appoint one member, who may be a commission member or chair. The

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204 Governor shall appoint six citizen members. Of the Governor's
 205 appointments, two ~~Three~~ members must ~~shall~~ be citizens of Orange
 206 County, one member each must be a citizen of Seminole, Lake, and
 207 Osceola Counties, and one member may be a citizen of any of the
 208 identified counties ~~who shall be appointed by the Governor.~~ The
 209 10th ~~fourth~~ member must ~~shall~~ be, ~~ex officio,~~ the Mayor of chair
 210 of the County Commissioners of Orange County. The 11th member
 211 must be the Mayor of the City of Orlando. The executive director
 212 of Florida Turnpike Enterprise shall serve as a nonvoting
 213 advisor to the governing body of the authority, and the fifth
 214 member shall be, ex officio, the district secretary of the
 215 Department of Transportation serving in the district that
 216 contains Orange County. The term of Each appointed member
 217 appointed by the Governor shall ~~serve~~ be for 4 years. Each
 218 county-appointed member shall serve for 2 years. The terms of
 219 standing board members expire on July 1, 2015. Each appointed
 220 member shall hold office until his or her successor has been
 221 appointed and has qualified. A vacancy occurring during a term
 222 must ~~shall~~ be filled only for the balance of the unexpired term.
 223 Each appointed member of the authority shall be a person of
 224 outstanding reputation for integrity, responsibility, and
 225 business ability, but, ~~except as provided in this subsection, a~~
 226 ~~ne~~ person who is an officer or employee of a municipality or any
 227 ~~city or of Orange county~~ may not in any other capacity shall be
 228 an appointed member of the authority. Any member of the
 229 authority ~~is shall~~ be eligible for reappointment.

230 (4)(3)(a) The authority shall elect one of its members as
 231 chair of the authority. The authority shall also elect one of
 232 its members as vice chair, one of its members as a secretary,

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233 and one of its members as a treasurer who may or may not be
 234 ~~members of the authority~~. The chair, vice chair, secretary, and
 235 treasurer shall hold such offices at the will of the authority.
 236 Six ~~Three~~ members of the authority ~~shall~~ constitute a quorum,
 237 and the vote of six ~~three~~ members ~~is shall be~~ necessary for any
 238 action taken by the authority. A ~~No~~ vacancy in the authority
 239 ~~does not shall~~ impair the right of a quorum of the authority to
 240 exercise all of the rights and perform all of the duties of the
 241 authority.

242 (b) Upon the effective date of his or her appointment, or
 243 as soon thereafter as practicable, each appointed member of the
 244 authority shall enter upon his or her duties.

245 (5) ~~(4)~~ (a) The authority may employ an executive secretary,
 246 an executive director, its own counsel and legal staff,
 247 technical experts, and the such engineers, and such employees
 248 ~~that, permanent or temporary, as it requires~~. The authority may
 249 ~~require and~~ may determine the qualifications and fix the
 250 compensation of such persons, firms, or corporations, and may
 251 employ a fiscal agent or agents; ~~provided, however, that~~ the
 252 authority shall solicit sealed proposals from at least three
 253 persons, firms, or corporations for the performance of any
 254 services as fiscal agents. The authority may delegate to one or
 255 more of its agents or employees the such of its power as it
 256 ~~deems shall deem~~ necessary to carry out the purposes of this
 257 part, ~~subject always to the supervision and control of the~~
 258 ~~authority~~. Members of the authority may be removed from ~~their~~
 259 office by the Governor for misconduct, malfeasance, misfeasance,
 260 or nonfeasance in office.

261 (b) Members of the authority are ~~shall be~~ entitled to

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262 receive from the authority their travel and other necessary
 263 expenses incurred in connection with the business of the
 264 authority as provided in s. 112.061, but may not they shall draw
 265 ~~ne~~ salaries or other compensation.

266 Section 4. Section 348.754, Florida Statutes, is amended to
 267 read:

268 348.754 Purposes and powers.—

269 (1) (a) The authority created and established under by the
 270 ~~provisions of this part is hereby~~ granted and has shall have the
 271 right to acquire, hold, construct, improve, maintain, operate,
 272 own, and lease in the capacity of lessor, the Central Florida
 273 ~~Orlando Orange County Expressway System,~~ hereinafter referred to
 274 as "system." Except as otherwise specifically provided by law,
 275 including paragraph (2) (n), the area served by the authority
 276 shall be within the geographical boundaries of Orange, Seminole,
 277 Lake, and Osceola Counties.

278 (b) ~~It is the express intention of this part that said~~
 279 ~~authority,~~ In the construction of the Central Florida said
 280 ~~Orlando Orange County Expressway System,~~ the authority may shall
 281 ~~be authorized to~~ construct any extensions, additions, or
 282 improvements to the said system or appurtenant facilities,
 283 including all necessary approaches, roads, bridges, ~~and~~ avenues
 284 of access, rapid transit, trams, fixed guideways, thoroughfares,
 285 and boulevards with any such changes, modifications, or
 286 revisions of the said project which are as shall be deemed
 287 desirable and proper.

288 (c) Notwithstanding any other provision of this section to
 289 the contrary, to ensure the continued financial feasibility of
 290 the portion of the Wekiva Parkway to be constructed by the

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291 department, the authority may not, without the prior consent of
 292 the secretary of the department, construct any extensions,
 293 additions, or improvements to the expressway system in Lake
 294 County.

295 (2) The authority ~~is hereby granted, and shall have and~~ may
 296 exercise all powers necessary, appurtenant, convenient, or
 297 incidental to the implementation carrying out of the stated
 298 ~~aforsaid~~ purposes, including, but not without being limited to,
 299 the following rights and powers:

300 (a) To sue and be sued, implead and be impleaded, complain
 301 and defend in all courts.

302 (b) To adopt, use, and alter at will a corporate seal.

303 (c) To acquire by donation or otherwise, purchase, hold,
 304 lease as lessee, and use any franchise or any, property, real,
 305 personal, ~~or~~ mixed, or tangible or intangible, or any options
 306 ~~thereof~~ in its own name or in conjunction with others, or
 307 interest in those options therein, necessary or desirable to
 308 carry for carrying out the purposes of the authority, and to
 309 sell, lease as lessor, transfer, and dispose of any property or
 310 interest in the property therein at any time acquired by it.

311 (d) To enter into and make leases for terms not exceeding
 312 99 years, as ~~either~~ lessee or lessor, in order to carry out the
 313 right to lease as specified set forth in this part.

314 (e) To enter into and make lease-purchase agreements with
 315 the department for terms not exceeding 99 40 years, or until any
 316 bonds secured by a pledge of rentals pursuant to the agreement
 317 ~~thereunder~~, and any refundings pursuant to the agreement
 318 ~~thereof~~, are fully paid as to both principal and interest,
 319 whichever is longer. The authority is a party to a lease-

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320 purchase agreement between the department and the authority
 321 dated December 23, 1985, as supplemented by a first supplement
 322 to the lease-purchase agreement dated November 25, 1986, and a
 323 second supplement to the lease-purchase agreement dated October
 324 27, 1988. The authority may not enter into other lease-purchase
 325 agreements with the department and may not amend the existing
 326 agreement in a manner that expands or increases the department's
 327 obligations unless the department determines that the agreement
 328 or amendment is necessary to permit the refunding of bonds
 329 issued before July 1, 2013.

330 (f) To fix, alter, charge, establish, and collect rates,
 331 fees, rentals, and other charges for the services and facilities
 332 of the Central Florida Orlando Orange County Expressway System,
 333 which must rates, fees, rentals and other charges shall always
 334 be sufficient to comply with any covenants made with the holders
 335 of any bonds issued pursuant to this part; ~~provided,~~ however,
 336 ~~that~~ such right and power may be assigned or delegated, by the
 337 authority, to the department. Toll revenues attributable to an
 338 increase in the toll rates charged on or after July 1, 2015, for
 339 the use of a facility or portion of a facility may not be used
 340 to construct or expand a different facility unless a two-thirds
 341 majority of the members of the authority votes to approve such
 342 use. This requirement does not apply if, and to the extent that:

343 1. Application of the requirement would violate any
 344 covenant established in a resolution or trust indenture under
 345 which bonds were issued by the Orlando-Orange County Expressway
 346 Authority on or before July 1, 2015; or

347 2. Application of the requirement would cause the authority
 348 to be unable to meet its obligations under the terms of the

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349 memorandum of understanding between the authority and the
 350 department as ratified by the Orlando-Orange County Expressway
 351 Authority board on February 22, 2012.

352
 353 Notwithstanding s. 338.165, and except as otherwise prohibited
 354 by this part, to the extent revenues of the expressway system
 355 exceed amounts required to comply with any covenants made with
 356 the holders of bonds issued pursuant to this part, revenues may
 357 be used for purposes enumerated in subsection (6), provided the
 358 expenditures are consistent with the metropolitan planning
 359 organization's adopted long-range plan.

360 (g) To borrow money, make and issue negotiable notes,
 361 bonds, refunding bonds, and other evidences of indebtedness or
 362 obligations, either in temporary or definitive form, ~~hereinafter~~
 363 ~~in this chapter sometimes called "bonds" of the authority,~~ for
 364 the purpose of financing all or part of the improvement or
 365 extension of the Central Florida Orlando-Orange County
 366 Expressway System, and appurtenant facilities, including all
 367 approaches, streets, roads, bridges, and avenues of access for
 368 the Central Florida said Orlando-Orange County Expressway System
 369 and for any other purpose authorized by this part, said bonds to
 370 mature in not exceeding 40 years from the date of the issuance
 371 thereof, and to secure the payment of such bonds or any part
 372 thereof by a pledge of any or all of its revenues, rates, fees,
 373 rentals, or other charges, including all or any portion of the
 374 Orange County gasoline tax funds received by the authority
 375 pursuant to the terms of any lease-purchase agreement between
 376 the authority and the department; and in general to provide for
 377 the security of the said bonds and the rights and remedies of

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378 the holders thereof. ~~Provided, However, that~~ no portion of the
 379 Orange County gasoline tax funds ~~may~~ shall be pledged for the
 380 construction of any project for which a toll is to be charged
 381 unless the anticipated ~~toll is~~ tolls are reasonably estimated by
 382 the board of county commissioners, at the date of its resolution
 383 pledging ~~the said~~ the funds, to be sufficient to cover the principal
 384 and interest of such obligations during the period when ~~the said~~
 385 pledge of funds is shall be in effect. The bonds issued under
 386 this paragraph must mature not more than 40 years after their
 387 issue date.

388 1. The authority shall reimburse Orange County for any sums
 389 expended from ~~the said~~ the gasoline tax funds used for the payment
 390 of such obligations. Any gasoline tax funds so disbursed must
 391 shall be repaid when the authority deems it practicable,
 392 together with interest at the highest rate applicable to any
 393 obligations of the authority.

394 2. If, pursuant to this section, In the event the authority
 395 funds shall determine to fund or refunds refund any bonds
 396 previously theretofore issued by the said authority, or the by
 397 said commission before the bonds mature as aforesaid prior to
 398 the maturity thereof, the proceeds of such funding or refunding
 399 must bonds shall, pending the prior redemption of these the
 400 bonds to be funded or refunded, be invested in direct
 401 obligations of the United States, and it is the express
 402 intention of this part that such outstanding bonds may be funded
 403 or refunded by the issuance of bonds pursuant to this part.

404 (h) To make contracts ~~of every name and nature,~~ including,
 405 but not limited to, partnerships providing for participation in
 406 ownership and revenues, and to execute all instruments necessary

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407 or convenient for conducting ~~the carrying on of~~ its business.

408 (i) Notwithstanding paragraphs (a)-(h), ~~Without limitation~~

409 ~~of the foregoing,~~ to borrow money and accept grants from, and to

410 enter into contracts, leases, or other transactions with any

411 federal agency, the state, any agency of the state, the County

412 of Orange, the City of Orlando, or with any other public body of

413 the state.

414 (j) To have the power of eminent domain, including the

415 procedural powers granted under both chapters 73 and 74.

416 (k) To pledge, hypothecate, or otherwise encumber ~~all or~~

417 any part of the revenues, rates, fees, rentals, or other charges

418 or receipts of the authority, including all or any portion of

419 the Orange County gasoline tax funds received by the authority

420 pursuant to the terms of any lease-purchase agreement between

421 the authority and the department, as security for ~~all or~~ any of

422 the obligations of the authority.

423 (l) To enter into partnership and other agreements

424 respecting ownership and revenue participation in order to

425 facilitate financing and constructing the Western Beltway, or

426 portions thereof.

427 (m) To do everything ~~all acts and things~~ necessary or

428 convenient for the conduct of its business and the general

429 welfare of the authority, in order to comply with ~~carry out the~~

430 ~~powers granted to it by~~ this part or any other law.

431 (n) With the consent of the county within whose

432 jurisdiction the following activities occur, the authority shall

433 have the right to construct, operate, and maintain roads,

434 bridges, avenues of access, transportation facilities,

435 thoroughfares, and boulevards outside the jurisdictional

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436 boundaries of Orange, Seminole, Lake, and Osceola Counties

437 County, together with the right to construct, repair, replace,

438 operate, install, and maintain electronic toll payment systems

439 thereon, ~~with all necessary and incidental powers to accomplish~~

440 ~~the foregoing.~~

441 (3) The authority ~~does not shall~~ have the ~~no~~ power ~~at any~~

442 ~~time or in any manner~~ to pledge the credit or taxing power of

443 the state or any political subdivision or agency thereof,

444 including any city and any county ~~the City of Orlando and the~~

445 ~~County of Orange,~~ nor may ~~nor shall~~ any of the authority's

446 obligations be deemed to be obligations of the state or of any

447 political subdivision or agency thereof, nor may ~~nor shall~~ the

448 state or any political subdivision or agency thereof, except the

449 authority, be liable for the payment of the principal of or

450 interest on such obligations.

451 ~~(4) Anything in this part to the contrary notwithstanding,~~

452 ~~acquisition of right-of-way for a project of the authority which~~

453 ~~is within the boundaries of any municipality in Orange County~~

454 ~~shall not be begun unless and until the route of said project~~

455 ~~within said municipality has been given prior approval by the~~

456 ~~governing body of said municipality.~~

457 ~~(4)-(5)~~ The authority has ~~shall~~ have no power other than by

458 consent of an affected Orange county or any affected city, to

459 enter into any agreement which would legally prohibit the

460 construction of a any road by the respective county or city

461 ~~Orange County or by any city within Orange County.~~

462 (5) The authority shall encourage the inclusion of local-,

463 small-, minority-, and women-owned businesses in its procurement

464 and contracting opportunities.

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465 (6)(a) The authority may, within the right-of-way of the
 466 expressway system, finance or refinance the planning, design,
 467 acquisition, construction, extension, rehabilitation, equipping,
 468 preservation, maintenance, or improvement of an intermodal
 469 facility or facilities, a multimodal corridor or corridors, or
 470 any programs or projects that will improve the levels of service
 471 on the expressway system Notwithstanding s. 255.05, the Orlando-
 472 Orange County Expressway Authority may waive payment and
 473 performance bonds on construction contracts for the construction
 474 of a public building, for the prosecution and completion of a
 475 public work, or for repairs on a public building or public work
 476 that has a cost of \$500,000 or less and when the project is
 477 awarded pursuant to an economic development program for the
 478 encouragement of local small businesses that has been adopted by
 479 the governing body of the Orlando-Orange County Expressway
 480 Authority pursuant to a resolution or policy.

481 (b) The authority's adopted criteria for participation in
 482 the economic development program for local small businesses
 483 requires that a participant:

- 484 1. Be an independent business.
- 485 2. Be principally domiciled in the Orange County Standard
 486 Metropolitan Statistical Area.
- 487 3. Employ 25 or fewer full-time employees.
- 488 4. Have gross annual sales averaging \$3 million or less
 489 over the immediately preceding 3 calendar years with regard to
 490 any construction element of the program.
- 491 5. Be accepted as a participant in the Orlando-Orange
 492 County Expressway Authority's microcontracts program or such
 493 other small business program as may be hereinafter enacted by

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494 ~~the Orlando-Orange County Expressway Authority.~~

495 ~~6. Participate in an educational curriculum or technical~~
 496 ~~assistance program for business development that will assist the~~
 497 ~~small business in becoming eligible for bonding.~~

498 ~~(c) The authority's adopted procedures for waiving payment~~
 499 ~~and performance bonds on projects with values not less than~~
 500 ~~\$200,000 and not exceeding \$500,000 shall provide that payment~~
 501 ~~and performance bonds may only be waived on projects that have~~
 502 ~~been set aside to be competitively bid on by participants in an~~
 503 ~~economic development program for local small businesses. The~~
 504 ~~authority's executive director or his or her designee shall~~
 505 ~~determine whether specific construction projects are suitable~~
 506 ~~for:~~

- 507 1. Bidding under the authority's microcontracts program by
 508 registered local small businesses; and
- 509 2. Waiver of the payment and performance bond.

510 The decision of the authority's executive director or deputy
 511 executive director to waive the payment and performance bond
 512 shall be based upon his or her investigation and conclusion that
 513 there exists sufficient competition so that the authority
 514 receives a fair price and does not undertake any unusual risk
 515 with respect to such project.

516 (d) For any contract for which a payment and performance
 517 bond has been waived pursuant to the authority set forth in this
 518 section, the Orlando-Orange County Expressway Authority shall
 519 pay all persons defined in s. 713.01 who furnish labor,
 520 services, or materials for the prosecution of the work provided
 521 for in the contract to the same extent and upon the same
 522

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523 ~~conditions that a surety on the payment bond under s. 255.05~~
 524 ~~would have been obligated to pay such persons if the payment and~~
 525 ~~performance bond had not been waived. The authority shall record~~
 526 ~~notice of this obligation in the manner and location that surety~~
 527 ~~bonds are recorded. The notice shall include the information~~
 528 ~~describing the contract that s. 255.05(1) requires be stated on~~
 529 ~~the front page of the bond. Notwithstanding that s. 255.05(9)~~
 530 ~~generally applies when a performance and payment bond is~~
 531 ~~required, s. 255.05(9) shall apply under this subsection to any~~
 532 ~~contract on which performance or payment bonds are waived and~~
 533 ~~any claim to payment under this subsection shall be treated as a~~
 534 ~~contract claim pursuant to s. 255.05(9).~~

535 ~~(e) A small business that has been the successful bidder on~~
 536 ~~six projects for which the payment and performance bond was~~
 537 ~~waived by the authority pursuant to paragraph (a) shall be~~
 538 ~~ineligible to bid on additional projects for which the payment~~
 539 ~~and performance bond is to be waived. The local small business~~
 540 ~~may continue to participate in other elements of the economic~~
 541 ~~development program for local small businesses as long as it is~~
 542 ~~eligible.~~

543 ~~(f) The authority shall conduct bond eligibility training~~
 544 ~~for businesses qualifying for bond waiver under this subsection~~
 545 ~~to encourage and promote bond eligibility for such businesses.~~

546 ~~(g) The authority shall prepare a biennial report on the~~
 547 ~~activities undertaken pursuant to this subsection to be~~
 548 ~~submitted to the Orange County legislative delegation. The~~
 549 ~~initial report shall be due December 31, 2010.~~

550 Section 5. Section 348.7543, Florida Statutes, is amended
 551 to read:

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552 348.7543 Improvements, bond financing authority for.-
 553 Pursuant to s. 11(f), Art. VII of the State Constitution, the
 554 Legislature ~~hereby~~ approves for bond financing by the Central
 555 Florida Orlando-Orange County Expressway Authority improvements
 556 to toll collection facilities, interchanges to the legislatively
 557 approved expressway system, and any other facility appurtenant,
 558 necessary, or incidental to the approved system. Subject to
 559 terms and conditions of applicable revenue bond resolutions and
 560 covenants, such costs may be financed in whole or in part by
 561 revenue bonds issued pursuant to s. 348.755(1)(a) or (b) whether
 562 currently issued or issued in the future, or by a combination of
 563 such bonds.

564 Section 6. Section 348.7544, Florida Statutes, is amended
 565 to read:

566 348.7544 Northwest Beltway Part A, construction authorized;
 567 financing.-Notwithstanding s. 338.2275, the Central Florida
 568 Orlando-Orange County Expressway Authority may ~~is hereby~~
 569 ~~authorized to~~ construct, finance, operate, own, and maintain
 570 that portion of the Western Beltway known as the Northwest
 571 Beltway Part A, extending from Florida's Turnpike near Ocoee
 572 north to U.S. 441 near Apopka, as part of the authority's 20-
 573 year capital projects plan. This project may be financed with
 574 any funds available to the authority for such purpose or revenue
 575 bonds issued by the Division of Bond Finance of the State Board
 576 of Administration on behalf of the authority pursuant to s. 11,
 577 Art. VII of the State Constitution and the State Bond Act, ss.
 578 215.57-215.83.

579 Section 7. Section 348.7545, Florida Statutes, is amended
 580 to read:

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581 348.7545 Western Beltway Part C, construction authorized;
 582 financing.—Notwithstanding s. 338.2275, the Central Florida
 583 ~~Orlando-Orange County~~ Expressway Authority ~~may is authorized to~~
 584 exercise its condemnation powers, construct, finance, operate,
 585 own, and maintain that portion of the Western Beltway known as
 586 the Western Beltway Part C, extending from Florida's Turnpike
 587 near Ocoee in Orange County southerly through Orange and Osceola
 588 Counties to an interchange with I-4 near the Osceola-Polk County
 589 line, as part of the authority's 20-year capital projects plan.
 590 This project may be financed with any funds available to the
 591 authority for such purpose or revenue bonds issued by the
 592 Division of Bond Finance of the State Board of Administration on
 593 behalf of the authority pursuant to s. 11, Art. VII of the State
 594 Constitution and the State Bond Act, ss. 215.57-215.83. This
 595 project may be refinanced with bonds issued by the authority
 596 pursuant to s. 348.755(1)(d).

597 Section 8. Section 348.7546, Florida Statutes, is amended
 598 to read:

599 348.7546 Wekiva Parkway, construction authorized;
 600 financing.—

601 (1) The Central Florida ~~Orlando-Orange County~~ Expressway
 602 Authority ~~may is authorized to~~ exercise its condemnation powers
 603 and to construct, finance, operate, own, and maintain those
 604 portions of the Wekiva Parkway which are identified by agreement
 605 between the authority and the department and which are included
 606 as part of the authority's long-range capital improvement plan.
 607 The "Wekiva Parkway" means any limited access highway or
 608 expressway constructed between State Road 429 and Interstate 4
 609 specifically incorporating the corridor alignment recommended by

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610 Recommendation 2 of the Wekiva River Basin Area Task Force final
 611 report dated January 15, 2003, and the recommendations of the SR
 612 429 Working Group which were adopted January 16, 2004. This
 613 project may be financed with any funds available to the
 614 authority for such purpose or revenue bonds issued by the
 615 authority under s. 11, Art. VII of the State Constitution and s.
 616 348.755(1)(b). This section does not invalidate the exercise by
 617 the authority of its condemnation powers or the acquisition of
 618 any property for the Wekiva Parkway before July 1, 2012.

619 (2) Notwithstanding any other provision of law ~~to the~~
 620 ~~contrary~~, in order to ensure that funds are available to the
 621 department for its portion of the Wekiva Parkway, beginning July
 622 1, 2012, the authority shall repay the expenditures by the
 623 department for costs of operation and maintenance of the Central
 624 Florida ~~Orlando-Orange County~~ Expressway System in accordance
 625 with the terms of the memorandum of understanding between the
 626 authority and the department as ratified by the authority board
 627 on February 22, 2012, which requires the authority to pay the
 628 department \$10 million on July 1, 2012, and \$20 million on each
 629 successive July 1 until the department has been fully reimbursed
 630 for all costs of the Central Florida ~~Orlando-Orange County~~
 631 Expressway System which were paid, advanced, or reimbursed to
 632 the authority by the department, with a final payment in the
 633 amount of the balance remaining. Notwithstanding any other law
 634 ~~to the contrary~~, the funds paid to the department pursuant to
 635 this subsection ~~must shall~~ be allocated by the department for
 636 construction of the Wekiva Parkway.

637 (3) The department's obligation to construct its portions
 638 of the Wekiva Parkway is contingent upon the timely payment by

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639 the authority of the annual payments required of the authority
 640 and receipt of all required environmental permits and approvals
 641 by the Federal Government.

642 Section 9. Section 348.7547, Florida Statutes, is amended
 643 to read:

644 348.7547 Maitland Boulevard Extension and Northwest Beltway
 645 Part A Realignment construction authorized; financing.—
 646 Notwithstanding s. 338.2275, the Central Florida Orlando-Orange
 647 County Expressway Authority ~~may is hereby authorized to~~ exercise
 648 its condemnation powers, construct, finance, operate, own, and
 649 maintain the portion of State Road 414 known as the Maitland
 650 Boulevard Extension and the realigned portion of the Northwest
 651 Beltway Part A as part of the authority's long-range capital
 652 improvement plan. The Maitland Boulevard Extension extends will
 653 ~~extend~~ from the current terminus of State Road 414 at U.S. 441
 654 west to State Road 429 in west Orange County. The realigned
 655 portion of the Northwest Beltway Part A runs will run from the
 656 point at or near where the Maitland Boulevard Extension connects
 657 ~~will connect~~ with State Road 429 and proceeds will proceed to
 658 the west and then north resulting in the northern terminus of
 659 State Road 429 moving farther west before reconnecting with U.S.
 660 441. However, under no circumstances ~~may shall~~ the realignment
 661 of the Northwest Beltway Part A conflict with or contradict with
 662 the alignment of the Wekiva Parkway as defined in s. 348.7546.
 663 This project may be financed with any funds available to the
 664 authority for such purpose or revenue bonds issued by the
 665 authority under s. 11, Art. VII of the State Constitution and s.
 666 348.755(1)(b).

667 Section 10. Subsections (2) and (3) of section 348.755,

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668 Florida Statutes, are amended to read:

669 348.755 Bonds of the authority.—

670 (2) Any ~~such resolution that authorizes or resolutions~~
 671 ~~authorizing~~ any bonds issued under this section hereunder may
 672 contain provisions that must ~~which shall~~ be part of the contract
 673 with the holders of such bonds, relating as to:

674 (a) The pledging of ~~all or~~ any part of the revenues, rates,
 675 fees, rentals, ~~(including all or~~ any portion of the Orange
 676 County gasoline tax funds received by the authority pursuant to
 677 the terms of any lease-purchase agreement between the authority
 678 and the department, or any part thereof), or other charges or
 679 receipts of the authority, derived by the authority, from the
 680 Central Florida Orlando-Orange County Expressway System.

681 (b) The completion, improvement, operation, extension,
 682 maintenance, repair, lease or lease-purchase agreement of the
 683 ~~said~~ system, and the duties of the authority and others,
 684 including the department, ~~with reference thereto~~.

685 (c) Limitations on the purposes to which the proceeds of
 686 the bonds, then or thereafter to be issued, or of any loan or
 687 grant by the United States or the state may be applied.

688 (d) The fixing, charging, establishing, and collecting of
 689 rates, fees, rentals, or other charges for use of the services
 690 and facilities of the Central Florida Orlando-Orange County
 691 Expressway System or any part thereof.

692 (e) The setting aside of reserves or sinking funds or
 693 repair and replacement funds and the regulation and disposition
 694 thereof.

695 (f) Limitations on the issuance of additional bonds.

696 (g) The terms and provisions of any lease-purchase

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697 agreement, deed of trust or indenture securing the bonds, or
698 under which the same may be issued.

699 (h) Any other or additional agreements with the holders of
700 the bonds which the authority may deem desirable and proper.

701 (3) The authority may employ fiscal agents as provided by
702 this part or the State Board of Administration of Florida may
703 upon request of the authority act as fiscal agent for the
704 authority in the issuance of any bonds that ~~which~~ may be issued
705 pursuant to this part, and the State Board of Administration may
706 upon request of the authority take over the management, control,
707 administration, custody, and payment of any ~~or all~~ debt services
708 or funds or assets now or hereafter available for any bonds
709 issued pursuant to this part. The authority may enter into any
710 deeds of trust, indentures or other agreements with its fiscal
711 agent, or with any bank or trust company within or without the
712 state, as security for such bonds, and may, under such
713 agreements, sign and pledge ~~all or~~ any of the revenues, rates,
714 fees, rentals or other charges or receipts of the authority,
715 including ~~all or~~ any portion of the Orange County gasoline tax
716 funds received by the authority pursuant to the terms of any
717 lease-purchase agreement between the authority and the
718 department, ~~thereunder~~. Such deed of trust, indenture, or other
719 agreement may contain such provisions as are customary in such
720 instruments, or, as the authority may authorize, including but
721 without limitation, provisions as to:

722 (a) The completion, improvement, operation, extension,
723 maintenance, repair, and lease of, or lease-purchase agreement
724 relating to the Central Florida ~~Orlando-Orange County~~ Expressway
725 System, and the duties of the authority and others including the

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726 department, with reference thereto.

727 (b) The application of funds and the safeguarding of funds
728 on hand or on deposit.

729 (c) The rights and remedies of the trustee and the holders
730 of the bonds.

731 (d) The terms and provisions of the bonds or the
732 resolutions authorizing the issuance of same.

733 Section 11. Subsections (3) and (4) of section 348.756,
734 Florida Statutes, are amended to read:

735 348.756 Remedies of the bondholders.-

736 (3) When a ~~Any~~ trustee is when appointed pursuant to
737 subsection (1) as aforesaid, or is acting under a deed of trust,
738 indenture, or other agreement, and whether or not all bonds have
739 been declared due and payable, the trustee is ~~shall be~~ entitled
740 ~~as of right~~ to the appointment of a receiver, who may enter upon
741 and take possession of the Central Florida ~~Orlando-Orange County~~
742 Expressway System or the facilities or any part of the system or
743 facilities or parts thereof, the rates, fees, rentals, or other
744 revenues, charges, or receipts that from which are, or may be,
745 applicable to the payment of the bonds so in default, and
746 subject to and in compliance with the provisions of any lease-
747 purchase agreement between the authority and the department
748 operate and maintain the same, for and on behalf of and in the
749 name of, the authority, the department, and the bondholders, and
750 collect and receive all rates, fees, rentals, and other charges
751 or receipts or revenues arising therefrom in the same manner as
752 the authority or the department might do, and shall deposit all
753 such moneys in a separate account and apply the same in such
754 manner as the court directs ~~shall direct~~. In any suit, action,

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 755 or proceeding by the trustee, the fees, counsel fees, and
 756 expenses of the trustee, and ~~the said~~ receiver, if any, and all
 757 costs and disbursements allowed by the court ~~must shall~~ be a
 758 first charge on any rates, fees, rentals, or other charges,
 759 revenues, or receipts, derived from the ~~Central Florida Orlando-~~
 760 ~~Orange County~~ Expressway System, or the facilities or services
 761 or any part ~~of the system or facilities or parts thereof,~~
 762 including payments under any such lease-purchase agreement ~~as~~
 763 ~~aforesaid~~ which ~~said~~ rates, fees, rentals, or other charges,
 764 revenues, or receipts ~~shall or~~ may be applicable to the payment
 765 of the bonds ~~that are~~ ~~so~~ in default. ~~The Such~~ trustee ~~has shall,~~
 766 ~~in addition to the foregoing, have and possess~~ all of the powers
 767 necessary or appropriate for the exercise of any functions
 768 specifically set forth ~~in this section herein~~ or incident to the
 769 representation of the bondholders in the enforcement and
 770 protection of their rights.

771 (4) ~~Nothing in~~ This section or any other section of this
 772 part ~~does not shall~~ authorize any receiver appointed ~~pursuant~~
 773 ~~hereto~~ for the purpose, subject to and in compliance with the
 774 provisions of any lease-purchase agreement between the authority
 775 and the department, of operating and maintaining the Central
 776 Florida Orlando-Orange County Expressway System or any
 777 facilities or part ~~of the system or facilities or parts thereof,~~
 778 to sell, assign, mortgage, or otherwise dispose of any of the
 779 assets of whatever kind and character belonging to the
 780 authority. ~~It is the intention of this part to limit~~ The powers
 781 of ~~the such~~ receiver, subject to and in compliance with the
 782 provisions of any lease-purchase agreement between the authority
 783 and the department, are limited to the operation and maintenance

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 784 of the Central Florida ~~Orlando-Orange County~~ Expressway System,
 785 or any facility, or part ~~or parts~~ thereof, as the court may
 786 direct, in the name and for and on behalf of the authority, the
 787 department, and the bondholders, and no holder of bonds on the
 788 authority nor any trustee, ~~has shall ever have~~ the right in any
 789 suit, action, or proceeding at law or in equity, to compel a
 790 receiver, nor ~~may shall~~ any receiver be authorized or any court
 791 be empowered to direct the receiver to sell, assign, mortgage,
 792 or otherwise dispose of any assets ~~of whatever kind or character~~
 793 belonging to the authority.

794 Section 12. Subsections (1) through (7) of section 348.757,
 795 Florida Statutes, are amended to read:

796 348.757 Lease-purchase agreement.—

797 (1) ~~In order to effectuate the purposes of this part and as~~
 798 ~~authorized by this part,~~ The authority may enter into a lease-
 799 purchase agreement with the department relating to and covering
 800 the former Orlando-Orange County Expressway System.

801 (2) ~~The Such~~ lease-purchase agreement must shall provide
 802 for the leasing of the former Orlando-Orange County Expressway
 803 System, by the authority, as lessor, to the department, as
 804 lessee, must shall prescribe the term of such lease and the
 805 rentals to be paid ~~thereunder,~~ and must shall provide that upon
 806 the completion of the faithful performance ~~thereunder~~ and the
 807 termination of ~~the such~~ lease-purchase agreement, title in fee
 808 simple absolute to the former Orlando-Orange County Expressway
 809 System as then constituted shall be transferred in accordance
 810 with law by the authority, to the state and the authority shall
 811 deliver to the department such deeds and conveyances as shall be
 812 necessary or convenient to vest title in fee simple absolute in

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813 the state.

814 (3) ~~The~~ Such lease-purchase agreement may include ~~such~~
 815 other provisions, agreements, and covenants that ~~as~~ the
 816 authority and the department deem advisable or required,
 817 including, but not limited to, provisions as to the bonds to be
 818 issued under, and for the purposes of, this part, the
 819 completion, extension, improvement, operation, and maintenance
 820 of the former Orlando-Orange County Expressway System and the
 821 expenses and the cost of operation of the said authority, the
 822 charging and collection of tolls, rates, fees, and other charges
 823 for the use of the services and facilities of the system
 824 thereof, the application of federal or state grants or aid that
 825 which may be made or given to assist the authority in the
 826 completion, extension, improvement, operation, and maintenance
 827 of the former Orlando-Orange County ~~Orlando~~ Expressway System,
 828 which the authority is ~~hereby~~ authorized to accept and apply to
 829 such purposes, the enforcement of payment and collection of
 830 rentals and any other terms, provisions, or covenants necessary,
 831 incidental, or appurtenant to the making of and full performance
 832 under the such lease-purchase agreement.

833 (4) The department as lessee under the such lease-purchase
 834 agreement, ~~may is hereby authorized to~~ pay as rentals under the
 835 agreement thereunder any rates, fees, charges, funds, moneys,
 836 receipts, or income accruing to the department from the
 837 operation of the former Orlando-Orange County Expressway System
 838 and the Orange County gasoline tax funds and may also pay as
 839 rentals any appropriations received by the department pursuant
 840 to any act of the Legislature of the state heretofore or
 841 hereafter enacted; ~~provided, however, this part or the that~~

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842 ~~nothing herein nor in such~~ lease-purchase agreement is not
 843 intended to and does not ~~nor shall this part or such lease-~~
 844 ~~purchase agreement~~ require the making or continuance of such
 845 appropriations, and ~~nor shall~~ any holder of bonds issued
 846 pursuant to this part does not ~~ever~~ have any right to compel the
 847 making or continuance of such appropriations.

848 (5) ~~A~~ No pledge of the said Orange County gasoline tax
 849 funds as rentals under a such lease-purchase agreement may not
 850 ~~shall~~ be made without the consent of the County of Orange
 851 evidenced by a resolution duly adopted by the board of county
 852 commissioners of said county at a public hearing held pursuant
 853 to due notice thereof published at least once a week for 3
 854 consecutive weeks before the hearing in a newspaper of general
 855 circulation in Orange County. The said resolution, among other
 856 things, must shall provide that any excess of the said pledged
 857 gasoline tax funds which is not required for debt service or
 858 reserves for the such debt service for any bonds issued by the
 859 ~~said~~ authority shall be returned annually to the department for
 860 distribution to Orange County as provided by law. Before making
 861 any application for a such pledge of gasoline tax funds, the
 862 authority shall present the plan of its proposed project to the
 863 Orange County planning and zoning commission for its comments
 864 and recommendations.

865 (6) ~~The said~~ department may shall have power to covenant in
 866 any lease-purchase agreement that it will pay all or any part of
 867 the cost of the operation, maintenance, repair, renewal, and
 868 replacement of the said system, and any part of the cost of
 869 completing the said system to the extent that the proceeds of
 870 bonds issued ~~therefor~~ are insufficient, from sources other than

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871 the revenues derived from the operation of the said system and
 872 the said Orange County gasoline tax funds. The said department
 873 may also agree to make such other payments from any moneys
 874 available to the said commission, the said county, or the said
 875 city in connection with the construction or completion of the
 876 said system as shall be deemed by the said department to be fair
 877 and proper under any ~~such covenants heretofore or hereafter~~
 878 entered into.

879 (7) The said system ~~must shall~~ be a part of the state road
 880 system and the said department ~~may is hereby authorized~~, upon
 881 the request of the authority, ~~to~~ expend out of any funds
 882 available for the purpose the such moneys, and ~~to~~ use ~~such of~~
 883 its engineering and other forces, as may be necessary ~~and~~
 884 ~~desirable in the judgment of said department~~, for the operation
 885 of the said authority and for traffic surveys, borings, surveys,
 886 preparation of plans and specifications, estimates of cost, and
 887 other preliminary engineering and other studies; provided,
 888 however, that the aggregate amount of moneys expended for the
 889 said purposes by the said department ~~do shall~~ not exceed the sum
 890 of \$375,000.

891 Section 13. Section 348.758, Florida Statutes, is amended
 892 to read:

893 348.758 Appointment of department ~~as may be appointed~~ agent
 894 of authority for construction.—The department may be appointed
 895 by the said authority as its agent for the purpose of
 896 constructing improvements and extensions to the Central Florida
 897 Orlando-Orange County Expressway System and for its the
 898 completion thereof. In such event, the authority shall provide
 899 the department with complete copies of all documents,

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900 agreements, resolutions, contracts, and instruments relating
 901 thereto and shall request the department to do such construction
 902 work, including the planning, surveying, and actual construction
 903 of the completion, extensions, and improvements to the Central
 904 Florida Orlando-Orange County Expressway System and shall
 905 transfer to the credit of an account of the department in the
 906 State Treasury ~~of the state~~ the necessary funds, ~~therefor~~ and
 907 the department ~~may shall thereupon be authorized, empowered and~~
 908 ~~directed to~~ proceed with such construction and ~~to~~ use the said
 909 funds for such purpose in the same manner that it is ~~now~~
 910 authorized to use the funds ~~otherwise provided by law~~ for the
 911 its use in construction of roads and bridges.

912 Section 14. Section 348.759, Florida Statutes, is amended
 913 to read:

914 348.759 Acquisition of lands and property.—

915 (1) For the purposes of this part, the Central Florida
 916 Orlando-Orange County Expressway Authority may acquire private
 917 or public property and property rights, including rights of
 918 access, air, view, and light, by gift, devise, purchase, or
 919 condemnation by eminent domain proceedings, as the authority
 920 ~~deems may deem~~ necessary for any of the purposes of this part,
 921 including, but not limited to, any lands reasonably necessary
 922 for securing applicable permits, areas necessary for management
 923 of access, borrow pits, drainage ditches, water retention areas,
 924 rest areas, replacement access for landowners whose access is
 925 impaired due to the construction of a facility, and replacement
 926 rights-of-way for relocated rail and utility facilities; for
 927 existing, proposed, or anticipated transportation facilities on
 928 the Central Florida Orlando-Orange County Expressway System or

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929 in a transportation corridor designated by the authority; or for
 930 the purposes of screening, relocation, removal, or disposal of
 931 junkyards and scrap metal processing facilities. The authority
 932 ~~may shall also have the power to~~ condemn any material and
 933 property necessary for such purposes.

934 (2) The ~~right of eminent domain herein conferred shall be~~
 935 ~~exercised by the authority~~ shall exercise the right of eminent
 936 domain in the manner provided by law.

937 (3) When the authority acquires property for a
 938 transportation facility or in a transportation corridor, it is
 939 not subject to any liability imposed by chapter 376 or chapter
 940 403 for preexisting soil or groundwater contamination due solely
 941 to its ownership. This section does not affect the rights or
 942 liabilities of any past or future owners of the acquired
 943 property and ~~nor~~ does not ~~it~~ affect the liability of any
 944 governmental entity for the results of its actions which create
 945 or exacerbate a pollution source. The authority and the
 946 Department of Environmental Protection may enter into
 947 interagency agreements for the performance, funding, and
 948 reimbursement of the investigative and remedial acts necessary
 949 for property acquired by the authority.

950 Section 15. Section 348.760, Florida Statutes, is amended
 951 to read:

952 348.760 Cooperation with other units, boards, agencies, and
 953 individuals.—~~A Express authority and power is hereby given and~~
 954 ~~granted any~~ county, municipality, drainage district, road and
 955 bridge district, school district or any other political
 956 subdivision, board, commission, or individual in, or of, the
 957 state ~~may~~ to make and enter into with the authority, contracts,

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958 leases, conveyances, partnerships, or other agreements pursuant
 959 to within the provisions and purposes of this part. The
 960 authority ~~may~~ is hereby expressly authorized to make and enter
 961 into contracts, leases, conveyances, partnerships, and other
 962 agreements with any political subdivision, agency, or
 963 instrumentality of the state and any ~~and all~~ federal agencies,
 964 corporations, and individuals, for the purpose of carrying out
 965 the provisions of this part ~~or with the consent of the Seminole~~
 966 ~~County Expressway Authority, for the purpose of carrying out and~~
 967 ~~implementing part VIII of this chapter.~~

968 Section 16. Section 348.761, Florida Statutes, is amended
 969 to read:

970 348.761 Covenant of the state.—The state pledges ~~does~~
 971 ~~hereby pledge~~ to, and agrees, with any person, firm or
 972 corporation, or federal or state agency subscribing to, or
 973 acquiring the bonds to be issued by the authority for the
 974 purposes of this part that the state will not limit or alter the
 975 rights that are hereby vested in the authority and the
 976 department until all issued bonds and interest at any time
 977 ~~issued, together with the interest thereon,~~ are fully paid and
 978 discharged insofar as the pledge ~~same~~ affects the rights of the
 979 holders of bonds issued pursuant to this part hereunder. The
 980 state does further pledge to, and agree, with the United States
 981 that in the event any federal agency constructs or contributes
 982 ~~shall construct or contribute~~ any funds for the completion,
 983 extension, or improvement of the Central Florida Orlando-Orange
 984 ~~County Expressway System, or any part or portion of the system~~
 985 ~~thereof,~~ the state will not alter or limit the rights and powers
 986 of the authority and the department in any manner that which

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987 would be inconsistent with the continued maintenance and
 988 operation of the Central Florida Orlando-Orange County
 989 Expressway System or the completion, extension, or improvement
 990 ~~of the system thereof, or that which~~ would be inconsistent with
 991 the due performance of any agreements between the authority and
 992 any such federal agency, and the authority and the department
 993 shall continue to have and may exercise all powers ~~herein~~
 994 granted in this part, so long as the powers are same shall be
 995 necessary or desirable for the carrying out of the purposes of
 996 this part and the purposes of the United States in the
 997 completion, extension, or improvement of the Central Florida
 998 ~~Orlando-Orange County Expressway System, or any part of the~~
 999 system or portion thereof.

1000 Section 17. Section 348.765, Florida Statutes, is amended
 1001 to read:

1002 348.765 This part complete and additional authority.-

1003 (1) The powers conferred by this part are shall be in
 1004 addition and supplemental to the existing powers of the said
 1005 board and the department, and this part may shall not be
 1006 construed as repealing any of the provisions, of any other law,
 1007 general, special, or local, but to supersede such other laws in
 1008 the exercise of the powers provided in this part, and to provide
 1009 a complete method for the exercise of the powers granted in this
 1010 part. The extension and improvement of the Central Florida said
 1011 ~~Orlando-Orange County Expressway System, and the issuance of~~
 1012 bonds pursuant to this part hereunder to finance all or part of
 1013 the cost of the system thereof, may be accomplished upon
 1014 compliance with the provisions of this part without regard to or
 1015 necessity for compliance with the provisions, limitations, or

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1016 restrictions contained in any other general, special, or local
 1017 law, including, but not limited to, s. 215.821, and no approval
 1018 of any bonds issued under this part by the qualified electors or
 1019 qualified electors who are freeholders in the state or in the
 1020 ~~said~~ County of Orange, or in the said City of Orlando, or in any
 1021 other political subdivision of the state, is shall be required
 1022 for the issuance of such bonds pursuant to this part.

1023 (2) This part ~~does shall not be deemed to~~ repeal, rescind,
 1024 or modify any other law ~~or laws~~ relating to the said State Board
 1025 of Administration, the said Department of Transportation, or the
 1026 Division of Bond Finance of the State Board of Administration,
 1027 but supersedes any shall be deemed to and shall supersede such
 1028 ~~other law that is or laws as~~ are inconsistent with the
 1029 provisions of this part, including, but not limited to, s.
 1030 215.821.

1031 Section 18. Subsections (6) and (7) of section 369.317,
 1032 Florida Statutes, are amended to read:

1033 369.317 Wekiva Parkway.-

1034 (6) The Central Florida Orlando-Orange County Expressway
 1035 Authority is hereby granted the authority to act as a third-
 1036 party acquisition agent, pursuant to s. 259.041 on behalf of the
 1037 Board of Trustees or chapter 373 on behalf of the governing
 1038 board of the St. Johns River Water Management District, for the
 1039 acquisition of all necessary lands, property and all interests
 1040 in property identified herein, including fee simple or less-
 1041 than-fee simple interests. The lands subject to this authority
 1042 are identified in paragraph 10.a., State of Florida, Office of
 1043 the Governor, Executive Order 03-112 of July 1, 2003, and in
 1044 Recommendation 16 of the Wekiva Basin Area Task Force created by

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1045 Executive Order 2002-259, such lands otherwise known as
 1046 Neighborhood Lakes, a 1,587+/-acre parcel located in Orange and
 1047 Lake Counties within Sections 27, 28, 33, and 34 of Township 19
 1048 South, Range 28 East, and Sections 3, 4, 5, and 9 of Township 20
 1049 South, Range 28 East; Seminole Woods/Swamp, a 5,353+/-acre
 1050 parcel located in Lake County within Section 37, Township 19
 1051 South, Range 28 East; New Garden Coal; a 1,605+/-acre parcel in
 1052 Lake County within Sections 23, 25, 26, 35, and 36, Township 19
 1053 South, Range 28 East; Pine Plantation, a 617+/-acre tract
 1054 consisting of eight individual parcels within the Apopka City
 1055 limits. The Department of Transportation, the Department of
 1056 Environmental Protection, the St. Johns River Water Management
 1057 District, and other land acquisition entities shall participate
 1058 and cooperate in providing information and support to the third-
 1059 party acquisition agent. The land acquisition process authorized
 1060 by this paragraph shall begin no later than December 31, 2004.
 1061 Acquisition of the properties identified as Neighborhood Lakes,
 1062 Pine Plantation, and New Garden Coal, or approval as a
 1063 mitigation bank shall be concluded no later than December 31,
 1064 2010. Department of Transportation and Central Florida Orlando-
 1065 ~~Orange County~~ Expressway Authority funds expended to purchase an
 1066 interest in those lands identified in this subsection shall be
 1067 eligible as environmental mitigation for road construction
 1068 related impacts in the Wekiva Study Area. If any of the lands
 1069 identified in this subsection are used as environmental
 1070 mitigation for road-construction-related impacts incurred by the
 1071 Department of Transportation or Central Florida Orlando-Orange
 1072 ~~County~~ Expressway Authority, or for other impacts incurred by
 1073 other entities, within the Wekiva Study Area or within the

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1074 Wekiva parkway alignment corridor, and if the mitigation offsets
 1075 these impacts, the St. Johns River Water Management District and
 1076 the Department of Environmental Protection shall consider the
 1077 activity regulated under part IV of chapter 373 to meet the
 1078 cumulative impact requirements of s. 373.414(8)(a).

1079 (a) Acquisition of the land described in this section is
 1080 required to provide right-of-way for the Wekiva Parkway, a
 1081 limited access roadway linking State Road 429 to Interstate 4,
 1082 an essential component in meeting regional transportation needs
 1083 to provide regional connectivity, improve safety, accommodate
 1084 projected population and economic growth, and satisfy critical
 1085 transportation requirements caused by increased traffic volume
 1086 growth and travel demands.

1087 (b) Acquisition of the lands described in this section is
 1088 also required to protect the surface water and groundwater
 1089 resources of Lake, Orange, and Seminole counties, otherwise
 1090 known as the Wekiva Study Area, including recharge within the
 1091 springshed that provides for the Wekiva River system. Protection
 1092 of this area is crucial to the long term viability of the Wekiva
 1093 River and springs and the central Florida region's water supply.
 1094 Acquisition of the lands described in this section is also
 1095 necessary to alleviate pressure from growth and development
 1096 affecting the surface and groundwater resources within the
 1097 recharge area.

1098 (c) Lands acquired pursuant to this section that are needed
 1099 for transportation facilities for the Wekiva Parkway shall be
 1100 determined not necessary for conservation purposes pursuant to
 1101 ss. 253.034(6) and 373.089(5) and shall be transferred to or
 1102 retained by the Central Florida Orlando-Orange County Expressway

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1103 Authority or the Department of Transportation upon reimbursement
1104 of the full purchase price and acquisition costs.

1105 (7) The Department of Transportation, the Department of
1106 Environmental Protection, the St. Johns River Water Management
1107 District, Central Florida ~~Orlando-Orange County~~ Expressway
1108 Authority, and other land acquisition entities shall cooperate
1109 and establish funding responsibilities and partnerships by
1110 agreement to the extent funds are available to the various
1111 entities. Properties acquired with Florida Forever funds shall
1112 be in accordance with s. 259.041 or chapter 373. The Central
1113 Florida ~~Orlando-Orange County~~ Expressway Authority shall acquire
1114 land in accordance with this section of law to the extent funds
1115 are available from the various funding partners, but shall not
1116 be required nor assumed to fund the land acquisition beyond the
1117 agreement and funding provided by the various land acquisition
1118 entities.

1119 Section 19. Subsection (1) of section 369.324, Florida
1120 Statutes, is amended to read:

1121 369.324 Wekiva River Basin Commission.—

1122 (1) The Wekiva River Basin Commission is created to monitor
1123 and ensure the implementation of the recommendations of the
1124 Wekiva River Basin Coordinating Committee for the Wekiva Study
1125 Area. The East Central Florida Regional Planning Council shall
1126 provide staff support to the commission with funding assistance
1127 from the Department of Economic Opportunity. The commission
1128 shall be comprised of a total of 18 ~~19~~ members appointed by the
1129 Governor, 9 of whom shall be voting members and 9 ~~10~~ shall be ad
1130 hoc nonvoting members. The voting members shall include:

1131 (a) One member of each of the Boards of County

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1132 Commissioners for Lake, Orange, and Seminole Counties.

1133 (b) One municipal elected official to serve as a
1134 representative of the municipalities located within the Wekiva
1135 Study Area of Lake County.

1136 (c) One municipal elected official to serve as a
1137 representative of the municipalities located within the Wekiva
1138 Study Area of Orange County.

1139 (d) One municipal elected official to serve as a
1140 representative of the municipalities located within the Wekiva
1141 Study Area of Seminole County.

1142 (e) One citizen representing an environmental or
1143 conservation organization, one citizen representing a local
1144 property owner, a land developer, or an agricultural entity, and
1145 one at-large citizen who shall serve as chair of the council.

1146 (f) The ad hoc nonvoting members shall include one
1147 representative from each of the following entities:

- 1148 1. St. Johns River Management District.
- 1149 2. Department of Economic Opportunity.
- 1150 3. Department of Environmental Protection.
- 1151 4. Department of Health.
- 1152 5. Department of Agriculture and Consumer Services.
- 1153 6. Fish and Wildlife Conservation Commission.
- 1154 7. Department of Transportation.
- 1155 8. MetroPlan Orlando.
- 1156 9. Central Florida ~~Orlando-Orange County~~ Expressway

1157 Authority.

1158 ~~10. Seminole County Expressway Authority.~~

1159 Section 20. (1) Effective upon the completion of
1160 construction of the Poinciana Parkway, a limited access facility

Page 40 of 42

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

10-00045A-14 2014230__
 1161 of approximately 9 miles in length in Osceola County with its
 1162 northwestern terminus at the intersection of County Road 54 and
 1163 US 17/US 92 and its southeastern terminus at the current
 1164 intersection of Rhododendron and Cypress Parkway, described in
 1165 the Osceola County Expressway Authority May 8, 2012, Master
 1166 Plan, all powers, governance, and control of the Osceola County
 1167 Expressway System, created pursuant to part V, chapter 348,
 1168 Florida Statutes, is transferred to the Central Florida
 1169 Expressway Authority, and the assets, liabilities, facilities,
 1170 tangible and intangible property and any rights in the property,
 1171 and any other legal rights of the Osceola County Expressway
 1172 Authority are transferred to the Central Florida Expressway
 1173 Authority. The effective date of such transfer shall be extended
 1174 until completion of construction of such portions of the
 1175 Southport Connector Expressway, the Northeast Connector
 1176 Expressway, such portions of the Poinciana Parkway to connect to
 1177 State Road 429, and the Osceola Parkway Extension, as each is
 1178 described in the Osceola County Expressway Authority May 8,
 1179 2012, Master Plan, which are included in any design contract
 1180 executed by the Osceola County Expressway Authority before July
 1181 1, 2020. Part V of chapter 348, Florida Statutes, consisting of
 1182 ss. 348.9950-348.9961, is repealed on the same date that the
 1183 Osceola County Expressway System is transferred to the Central
 1184 Florida Expressway Authority.

1185 (2) The Central Florida Expressway Authority shall also
 1186 reimburse any and all obligations of any other governmental
 1187 entities with respect to the Osceola County Expressway System,
 1188 including any obligations of Osceola County with respect to
 1189 operations and maintenance of the Osceola County Expressway

10-00045A-14 2014230__
 1190 System and any loan repayment obligations, including repayment
 1191 obligations with respect to State Infrastructure Bank loans.
 1192 Such reimbursement shall be made from revenues available for
 1193 such purpose after payment of all amounts required:
 1194 (a) Otherwise by law;
 1195 (b) By the terms of any resolution authorizing the issuance
 1196 of bonds by the authority, the Orlando-Orange County Expressway
 1197 Authority, or the Osceola County Expressway Authority;
 1198 (c) By the terms of any resolution under which bonds are
 1199 issued by Osceola County for the purpose of constructing
 1200 improvements to the Osceola County Expressway System; and
 1201 (d) By the terms of the memorandum of understanding between
 1202 the Orlando-Orange County Expressway Authority and the
 1203 department as ratified by the board of the Orlando-Orange County
 1204 Expressway Authority on February 22, 2012.

1205 Section 21. This act shall take effect July 1, 2015.

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 Criminal Justice

BILL: CS/SB 274

INTRODUCER: Criminal Justice Committee, Senator Simmons and Others

SUBJECT: Inmate Reentry

DATE: January 9, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Clodfelter	Cannon	CJ	Fav/CS
2.	Everette	Eichin	TR	Favorable
3.			ATD	
4.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 274 requires the Department of Corrections (DOC) to work with the Department of Health (DOH) and the Department of Highway Safety and Motor Vehicles (DHSMV) to ensure that every Florida-born inmate who leaves prison has a state identification card and a certified copy of their birth certificate at no cost to the inmate.

In the area of faith and character based programs, the bill encourages DOC to maintain faith and character-based institutions for both male and female inmates. It also requires peer-to-peer programs, such as Alcoholics Anonymous and literacy instruction, to be offered at faith and character-based institutions.

II. Present Situation:

Reentry Programs for Nonviolent Offenders

Inmates who enter prison often have shortcomings in one or more areas of education, employment skills, substance abuse-free living, and mental health that contributed to their current situation. For example, 24.6 percent of the inmates admitted to prison during Fiscal Year

2011-2012 had been convicted of a drug crime¹ and almost two-thirds of inmates who enter prison for any crime also have a substance abuse problem.²

Unless addressed, these deficiencies are likely to contribute to re-offending and a return to prison. In the past decade the executive and legislative branches of state government have acknowledged the importance of reentry services and post-release planning and transition. In May 2007, DOC revised its mission statement to include assisting offenders with reentry into society in order to reduce recidivism and to lower crime rates. The goal was to bring down the three-year post-release recidivism rate from 32 percent to 20 percent by 2012. DOC reports that the three-year post-release recidivism rate for inmates released in 2009 was 27 percent.³

Faith- and Character-based Programs

In 1999, DOC opened its first faith-based dormitory in cooperation with Kairos Horizon at Tomoka Correctional Institution. Several other faith-based dormitories were opened around the state beginning in 2000. In 2001, the Legislature required DOC to have six additional faith-based dormitory programs fully operational by June 1, 2002.⁴ In 2003, Lawtey Correctional Institution became the first faith-based institution. DOC currently has faith and character-based programs at 17 institutions:⁵

Faith and Character Based Residential Facilities		
Location	Capacity	Gender
<i>Dormitory-based</i>		
Tomoka C.I.	228	Male
Polk C.I.	128	Male
Lowell Annex	86	Female
Gulf – Annex	128	Male
Everglades C.I.	128	Male
Lancaster C.I.	62	Male youthful offenders
Union C.I.	96	Male over 50
NWFRC	144	Male
Jackson CI	112	Male
Columbia Annex	120	Male
Marion CI	130	Male
Desoto CI	143	Male
Okeechobee CI	172	Male
Total Dormitories	1677	
<i>Institution-wide</i>		
Hernando CI	467	Female

¹ Fla. Dep’t of Corrections, *Inmate Admissions*, http://www.dc.state.fl.us/pub/annual/1112/stats/im_admis.html (last visited December 19, 2013).

² Office of Program Policy Analysis and Governmental Accountability (OPPAGA), *Corrections Rehabilitative Programs Effective, But Serve Only a Portion of the Eligible Population*, Report No. 07-14 (February 2007), p. 6.

³ Department of Corrections, “2012 Florida Prison Recidivism Study – Releases from 2004 to 2012,” p. 9, <http://www.dc.state.fl.us/pub/recidivism/2012/ratesvertime.html> (last visited on December 19, 2013).

⁴ Section 13, Chapter 2001-110, Laws of Florida.

⁵ “Faith- and Character-Based Residential Programs,” <http://www.dc.state.fl.us/oth/faith/index.html> (last visited on December 19, 2013).

Lawtey C.I.	876	Male
Wakulla C.I. & WC	1999	Male
Wakulla Annex	1481	Male
Total Prison	4823	
TOTAL CAPACITY	6500	

OPPAGA's 2009 review of faith and character-based programs found that institution-wide programs had a positive effect on inmate institutional adjustment and security, and a positive but modest effect on reducing recidivism. Dormitory-based programs also had a positive effect on institutional adjustment and security, but had no effect on recidivism.⁶ There are many factors that affect the institution to which an inmate can be assigned, including the need for health services. DOC notes that operating dormitory-based programs allows it to maintain system-wide flexibility in assigning inmates to institutions.⁷

Section 948.803(6), F.S., requires faith and character-based institutions to allow peer-to-peer programming programs, such as Alcoholics Anonymous and literacy instruction. DOC indicates that it actively encourages peer-to-peer programming.⁸

Identification Cards and Social Security Cards

Inmates are issued an identification card during the reception process and are required to display it at all times while incarcerated. This serves DOC's need to account for each inmate while incarcerated. The inmate may retain the identification card for use when released from prison, but it has limited usefulness outside the prison setting. The inmate ID card carries an inherent stigma and is not always accepted as identification. Any other identification card that the inmate had when incarcerated, such as a driver's license or social security card, is returned to them upon release. However, many inmates do not bring identification with them when they enter prison, and identification left with someone else is often either lost or expired by the time they are released. Without proper identification and documentation upon release, inmates may be unable to acquire public assistance, legitimate transportation or employment, and housing.⁹

Section 322.051, F.S., provides for issuance of an official state identification card by the DHSMV. Issuance of a state identification card requires presentation of documentation that is sufficient to prove the applicant's identity in accordance with the state statute and the federal REAL ID Act. Many released inmates do not have this required documentation, and very few have it available while they are incarcerated.

DOC reports that it works in cooperation with DHSMV and the Department of Health's Bureau of Vital Statistics to obtain identification cards for inmates prior to release.¹⁰ DOC obtains birth

⁶ OPPAGA Report No. 09-38 (October 2009), "Faith- and Character-Based Prison Initiative Yields Institutional Benefits; Effect on Recidivism Modest," pp. 3-6.

⁷ Department of Corrections' Analysis of Senate Bill 274, pp. 3-4.

⁸ Department of Corrections' Analysis of Senate Bill 274, p. 4.

⁹ See Office of Program Policy Analysis and Governmental Accountability (OPPAGA), *Department of Corrections Should Maximize Use of Best Practice in Inmate Rehabilitation Efforts*, Report No. 09-44 (December 2009), pages 5-6.

¹⁰ Department of Corrections Analysis of Senate Bill 1032 (2013), p. 9.

certificates from the DOH and works with DHSMV for dispatch of the FLOWmobile (“Florida Licensing On Wheels” vehicle) to department facilities so that inmates are ID prepared and making for a smooth societal reentry. Currently, the program has resulted in issuance of 2480 identification cards to inmates since it began in January 2011.¹¹

In addition to its efforts to obtain identification cards, DOC has a Memorandum of Understanding with the Social Security Administration to expedite the process for inmates to obtain replacement Social Security cards.¹²

The inmate must pay \$9 to obtain a Florida birth certificate and \$25 to obtain an identification card. The cost and difficulty of obtaining an out-of-state birth certificate varies from state to state, ranging from \$5 in some states to \$30 in Connecticut and New York.

III. Effect of Proposed Changes:

Identification Cards

The bill requires DOC to provide every Florida-born inmate with a certified copy of their birth certificate and a state identification card before release from prison. To obtain a birth certificate, DOC must submit a photo and specified personal information of all Florida-born inmates in its custody to DOH. An inmate’s failure to cooperate in providing the photograph and the required information may result in disciplinary action. DOC is also required to assist all inmates with obtaining a social security card before release if needed.

The bill requires DOC to assist inmates born outside of Florida with completing forms needed to apply for a social security card, driver license, or state identification card. DOC must also provide the inmate with the address of the appropriate agency near his or her expected release address where an identification card can be obtained.

The bill amends s. 382.0255, F.S, to require DOH to waive all fees for an inmate to acquire a certified copy of his or her birth certification through the new process created in the bill. It also amends s. 322.051, F.S., to require DHSMV to issue a state identification for no charge to an inmate who obtains the card through the new process created in the bill.

DOC is not required to provide a birth certificate and state identification card to an inmate who:

- Already has a valid driver license or state identification card;
- Has an active detainer, unless cancellation of the detainer is likely or if the incarceration for which the detainer was issued will be for less than twelve months;
- Is released due to emergency release or conditional medical release;
- Is not in DOC’s physical custody at or within 180 days before release; or
- Is subject to sex offender residency restrictions and does not have a qualifying address.

¹¹ Department of Highway Safety and Motor Vehicles Analysis of Senate Bill 274, p. 2.

¹² Department of Corrections’ Analysis of Senate Bill 274, pp. 3.

The bill requires DOC to make an annual report providing the number of inmates who were released with or without identification cards during the previous year, identifying any impediments to implementation of the identification card program, and recommending any needed improvements.

Faith and Character-Based Programs

The bill amends s. 944.803, F.S., to encourage DOC to maintain faith and character-based institutions to serve both male and female inmates. There are currently three faith and character based institutions for males and one for females. The bill also requires faith and character-based institutions to offer peer-to-peer programs such as Alcoholics Anonymous and literacy instruction.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill does not appear to have any fiscal impact on the private sector.

C. Government Sector Impact:

The bill would have an indeterminate negative fiscal impact on state revenues due to the waiver of the fee for a state identification card¹³ and the waiver of the charge for a certified copy of a Florida birth certificate.¹⁴ DHSMV estimates the following potential fiscal impact based upon issuance of a license or identification card to every released Florida-born inmate and ten percent of released inmates who were born out of state.

¹³ Section 322.21(f), F.S., directs that the \$25 fee for issuing a state identification card goes to the General Revenue Fund. For renewals, \$6 of the fee goes to the Highway Safety Operating Trust Fund and \$19 to the General Revenue Fund.

¹⁴ Section 382.0255(4), F.S., provides that fees charged for issuing a copy of a birth certificate are deposited into a DOH trust fund.

Potential Fiscal Impact of Waiving Fee for ID Cards (Loss of Revenue by Fund)				
	FY 14-15	FY 15-16	FY 16-17	FY 17-18
Inmates	21, 104	21, 368	21, 533	21, 628
General Revenue	(455,752)	(461,453)	(465,017)	(467,068)
Highway Safety Operating Trust Fund	(71,848)	(18,645)	(18,789)	(18,872)
Tax Collector		(54,102)	(54,519)	(54,760)

The Department of Corrections reports that approximately 12,600 inmates who were born out of state are released each year. With the cost of out of state birth certificates, DOC estimates that it would cost approximately \$378,000 to provide birth certificates to all releasees who were born out of state.¹⁵ Based upon approximately 20,000 Florida-born inmates being released each year, waiver of the \$9 fee for a birth certificate would result in loss of an annual reduction of \$180,000 in revenues to the Department of Health.

It should be noted that the estimates given for potential lost revenues and costs are the highest possible. The actual amount of lost revenue is expected to be much less for several reasons, including:

- many inmates will not receive one or both documents because of the exclusions included in the bill and the logistical difficulties in getting inmates to a DHSMV facility or having an on-site FLOWmobile visit;
- many inmates would not have obtained either or both documents on their own initiative either before or after release, so the agencies would not have otherwise received fees from those inmates; and
- many inmates who receive a state identification card will obtain a driver’s license after release, so the agencies will still receive fees from them.

In addition to the above costs, DHSMV indicates that its fleet of five FLOWmobiles and crews is not sufficient to process approximately 21,000 identification cards for inmates. It indicates that it could currently process 2000 to 2500 inmates annually, with some growth possible due to increased efficiencies on the part of both DHSMV and DOC.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹⁵ Department of Corrections’ Analysis of Senate Bill 274, p. 5.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statute: 322.051, 382.0255, 944.605, 944.803:

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on December 9, 2013:

The CS includes numerous changes in style and organization. However, it is substantively the same as the bill.

- B. **Amendments:**

None.



328716

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/08/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Richter) recommended the following:

- 1 **Senate Amendment**
- 2
- 3 Delete lines 79 - 81.



181758

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
01/09/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Thompson) recommended the following:

- 1 **Senate Amendment**
- 2
- 3 Delete lines 79 - 81.

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date 9 Jan 13

Topic Inmate Reentry AMENDMENT

Bill Number 5B 274

Name Barney Bishop III

Amendment Barcode 32876 W/D
(if applicable)

Job Title President & CEO

181758
(if applicable)

Address 204 So. Monroe St.

Phone 858/907.3436

City Tallahassee State FL Zip _____

Speaking: For Against Information

E-mail barney@smartjustice
alliance.org

Representing Fla. Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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Meeting Date 9 Jan 13

Topic Inmate Reentry AMENDMENT

Bill Number SB 274

Name Lori Costantino - Parson

Amendment Barcode 32076 W/D
(if applicable)

Job Title President & CEO

181750
(if applicable)

Address 2001 Mercury Drive

Phone 407/291.1500

Street Dorado City FL State FL Zip _____

E-mail lbrown@bridgesofamerica.com

Speaking: For Against Information

Representing Bridges of America

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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1/9/14
Meeting Date

Topic Re Entry

Name Will Kendrick

Job Title Director Long Affairs

Address 501 S Collins St

City Tallahassee State FL Zip 32309

Speaking: For Against Information

Representing DOE

Appearing at request of Chair: Yes No

Bill Number 274 181758

Amendment Barcode 328716
(if applicable)

Phone 850-777-3245

E-mail willkendrick@willkendrick.com

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

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01-09-14

Meeting Date

Topic Inmate Reentry

Bill Number

SB 274

Name Paul Henry

Amendment Barcode

(if applicable)

Job Title _____

(if applicable)

Address PO Box 698

Phone 850-629-9550

Street

Monticello

FL

City

State

32345

Zip

E-mail realid@liberty2010.org

Speaking:

For

Against

Information

Representing Liberty First Network

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

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119/2014
Meeting Date

Topic _____

Name BRIAN PITTS

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

SAINT PETERSBURG FLORIDA 33705
Street State Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

Bill Number 274
(if applicable)

Amendment Barcode _____
(if applicable)

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

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

1-9-12 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic Reentry

Bill Number 2994

Name Bob Billinger

Amendment Barcode _____ (if applicable)

Job Title Public Defender - G

Amendment Barcode _____ (if applicable)

Address 14250 W 49th St N

Street

Phone 727-424-6866

City

State

Zip

E-mail pb@weatherhope.org

Speaking: For Against Information

Representing Fla PD 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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THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date 9 Jan 13

Topic Immte Reentry

Bill Number SB 274
(if applicable)

Name Barney Bishop

Amendment Barcode _____
(if applicable)

Job Title President of CED

Address 204 So. Monroe St.

Phone 850/907-3436

Street Tallahassee
City _____ State _____ Zip _____

E-mail barney@smartjustices
alliance.org

Speaking: For Against Information
Representing Fla. Smart Justice Alliance

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

SB 294
Meeting Date

Topic Driver License Relief

Name Catherine Baer (Baer)?

Job Title

Bill Number SB 294

Amendment Barcode (if applicable)

Address Woodgate Way

Phone

Street TCH
City FL
State 32308
Zip

E-mail

Speaking: For Against Information

Representing The Tea Party Network

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)

Meeting Date 9 Jan 13

Topic Immater Reentry

Bill Number SB 274 (if applicable)

Name Lbri Costantino - Brown

Amendment Barcode _____ (if applicable)

Job Title President & CEO

Address 2001 Mercy Drive

Phone 407/291-1500

City Briarlands State _____ Zip _____

E-mail lbrown@bridgesofamerica.com

Speaking: For Against Information

Representing Bridges of America

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)

Meeting Date _____

Topic Senate Budget

Bill Number S 274
(if applicable)

Name David Christian

Amendment Barcode _____
(if applicable)

Job Title VO-CA

Address 131 S. Brunswick

Phone 821-1211

Street Fellchesslee
City _____ State _____ Zip _____

E-mail _____

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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THE FLORIDA SENATE
APPEARANCE RECORD

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

1-14
Meeting Date

Topic Re Entry

Bill Number 274

Name Will Kendrick

Amendment Barcode _____
(if applicable)

Job Title Director Leg. Affairs

Address 501 S. Lowell St.

Phone 850.717-3045

Street Tallahassee, FL
City State Zip 32399

E-mail will.kendrick@fla.gov
will.de.state.fl.us

Speaking: For Against Information

Representing DOE

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.

By the Committee on Criminal Justice; and Senator Simmons

591-00793-14

2014274c1

1 A bill to be entitled
 2 An act relating to inmate reentry; amending s.
 3 322.051, F.S.; waiving the fee for identification
 4 cards issued to certain inmates; amending s. 382.0255,
 5 F.S.; requiring a waiver of fees for certain inmates
 6 receiving a copy of a birth certificate; amending s.
 7 944.605, F.S.; requiring the Department of Corrections
 8 to work with other agencies in acquiring necessary
 9 documents for certain inmates to acquire an
 10 identification card before release; providing
 11 exceptions; requiring the department to provide
 12 specified assistance to inmates born outside this
 13 state; requiring a report; amending s. 944.803, F.S.;
 14 authorizing the department to operate male and female
 15 faith- and character-based institutions; providing an
 16 effective date.
 17
 18 Be It Enacted by the Legislature of the State of Florida:
 19
 20 Section 1. Subsection (9) of section 322.051, Florida
 21 Statutes, is amended to read:
 22 322.051 Identification cards.—
 23 (9) Notwithstanding any other provision of this section or
 24 s. 322.21 to the contrary, the department shall issue or renew a
 25 card at no charge to a person who presents evidence satisfactory
 26 to the department that he or she is homeless as defined in s.
 27 414.0252(7) or to an inmate receiving a card issued pursuant to
 28 s. 944.605(7).
 29 Section 2. Subsection (3) of section 382.0255, Florida

Page 1 of 4

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591-00793-14

2014274c1

30 Statutes, is amended to read:
 31 382.0255 Fees.—
 32 (3) Fees shall be established by rule. However, until rules
 33 are adopted, the fees assessed pursuant to this section shall be
 34 the minimum fees cited. The fees established by rule must be
 35 sufficient to meet the cost of providing the service. All fees
 36 shall be paid by the person requesting the record, are due and
 37 payable at the time services are requested, and are
 38 nonrefundable, except that, when a search is conducted and no
 39 vital record is found, any fees paid for additional certified
 40 copies shall be refunded. The department may waive all or part
 41 of the fees required under this section for any government
 42 entity. The department shall waive all fees required under this
 43 section for a certified copy of a birth certificate issued for
 44 purposes of an inmate acquiring a state identification card
 45 before release pursuant to s. 944.605(7).
 46 Section 3. Subsection (7) is added to section 944.605,
 47 Florida Statutes, to read:
 48 944.605 Inmate release; notification; identification card.—
 49 (7) (a) The department, working in conjunction with the
 50 Department of Health and the Department of Highway Safety and
 51 Motor Vehicles, shall provide every Florida-born inmate with a
 52 certified copy of their birth certificate and a state
 53 identification card before his or her release upon expiration of
 54 the inmate's sentence.
 55 (b) Paragraph (a) does not apply to inmates who:
 56 1. The department determines have a valid driver license or
 57 state identification card.
 58 2. Have an active detainer, unless the department

Page 2 of 4

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

591-00793-14 2014274c1

59 determines that cancellation of the detainer is likely or that
 60 the incarceration for which the detainer was issued will be less
 61 than 12 months in duration.

62 3. Are released due to an emergency release or a
 63 conditional medical release under s. 947.149.

64 4. Are not in the physical custody of the department at or
 65 within 180 days before release.

66 5. Are subject to sex offender residency restrictions, and
 67 who, upon release under such restrictions, do not have a
 68 qualifying address.

69 (c) The department shall assist each inmate in applying for
 70 and obtaining a social security card before release if the
 71 inmate needs a social security card.

72 (d) The department, for purposes of assisting the inmate in
 73 obtaining a birth certificate, shall submit to the Department of
 74 Health on all Florida-born inmates in its custody, the
 75 department's inmate photo or digitized photo, and as provided by
 76 the inmate his or her date of birth, full name at birth and any
 77 subsequent legal name changes, city or county of birth, mother's
 78 full name including her maiden surname, and father's full name.
 79 Failure of the inmate to cooperate with the department in
 80 providing this information may subject the inmate to
 81 disciplinary action.

82 (e) For inmates born outside of this state, the department
 83 shall assist the inmate in completing the necessary forms or
 84 applications to obtain a social security card, driver license,
 85 or state identification card. The department shall also provide
 86 the inmate with the location and address of the appropriate
 87 licensing authority the inmate will need to obtain a valid

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88 identification card in proximity to the inmate's release
 89 address.

90 (f) The department shall, as part of its annual report,
 91 provide a report that identifies the number of inmates released
 92 with and without identification cards, identifies any
 93 impediments in the implementation of this subsection, and
 94 provides recommendations to improve obtaining release documents
 95 and identification cards for all inmates.

96 Section 4. Subsections (2) and (6) of section 944.803,
 97 Florida Statutes, are amended to read:

98 944.803 Faith- and character-based programs.—

99 (2) It is the intent of the Legislature that the department
 100 expand the faith- and character-based initiative through the use
 101 of faith- and character-based institutions. The department is
 102 encouraged to phase out the faith-based and self improvement
 103 dormitory programs and move toward the goal of only implementing
 104 faith- and character-based institutions. The department is also
 105 encouraged to dedicate and maintain faith- and character-based
 106 institutions that serve both male and female inmates at their
 107 respective institutions.

108 (6) Within faith- and character-based institutions of the
 109 state correctional system, peer-to-peer programming shall be
 110 offered ~~allowed~~, such as Alcoholics Anonymous, literacy
 111 instruction, and other activities, ~~when appropriate.~~

112 Section 5. This act shall take effect July 1, 2014.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 262

INTRODUCER: Senator Abruzzo

SUBJECT: Motorist Safety

DATE: December 10, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	Favorable
2.			CA	

I. Summary:

Senate Bill 262 authorizes, but does not require, the governing board of a county to create a “yellow dot” critical motorist medical information program for the purpose of assisting emergency medical responders in the event of a motorist accident or a medical emergency. Participants in the program receive a yellow dot decal to place on their vehicle’s rear window, which alerts emergency services personnel to look for a corresponding yellow folder in the glove box. The yellow folder may include the injured participant’s emergency contact and medical information.

Under the bill, a person’s participation in the program is voluntary and free. Counties may solicit sponsorships to cover expenditures, including the cost of the yellow dot decals and folders. The bill also authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) and the Department of Transportation (DOT) to provide education and training to encourage emergency medical responders to participate in the program. DHSMV and DOT may also take reasonable measures to publicize the program.

The bill limits the liability of emergency medical responders, and requires the governing body of a participating county to adopt guidelines and procedures to ensure that confidential information is not made public.

II. Present Situation:

The Yellow Dot Program is designed to help first responders provide life-saving medical attention to those in need during a vehicle crash situation. The Yellow Dot Program is a system that alerts first responders at an accident or other medical emergency to search for medical

information in the glove box of the injured person's vehicle—especially if the injured is unconscious or unable to speak.¹

The Yellow Dot Program is a cooperative effort between law enforcement, fire, emergency and medical services and rescue to aid in communicating important health information about individuals involved in automobile crashes. The program's largest participating group is seniors.

A Yellow Dot kit is provided to the participant, and comes with a medical information card and a Yellow Dot decal to be placed on the lower left rear window of the vehicle alerting first responders arriving on the scene that there is vital personal/medical information inside a yellow folder in the vehicle.

The program began in Connecticut in 2002, and now, with slight variations, is in counties scattered across at least nine other states: Kansas, Illinois, Iowa, Minnesota, Massachusetts, Virginia, Alabama, West Virginia and New York.²

III. Effect of Proposed Changes:

The bill authorizes, but does not require, the governing body of a county to create a yellow dot critical motorist medical information program for the purpose of assisting emergency medical responders and program participants in the event of a motor vehicle accident or a medical emergency involving a participant's vehicle.

Under the bill, a person's participation in the program is voluntary and free. A county, or group of counties, may solicit sponsorships from interested business entities and not-for-profit organizations to cover expenditures, including the cost of the yellow dot decals and folders that are provided free of charge to participants. Two or more counties also may enter into an interlocal agreement to solicit these sponsorships.

The bill also authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) and the Department of Transportation (DOT) to provide education and training to encourage emergency medical responders to participate in the program. DHSMV and DOT may also take reasonable measures to publicize the program.

Any owner or lessee of a motor vehicle may participate in the program upon submission of an application. The application is created by the county and must include a statement that the information submitted will be disclosed only to authorized personnel of law enforcement and public safety agencies, emergency medical services agencies, and hospitals in the case of a motor vehicle accident or other emergency situation. The application must describe the confidential nature of the medical information voluntarily provided by the participant. The application must also require that the participant give express written consent for the use and disclosure of the yellow folder's contents to authorized personnel for the following purposes:

¹ Yellow Dot program at www.yellow-dot.com (last viewed on 12/11/13)

² "Yellow Dot car Program speeds to help crash victims." Larry Copeland, USA Today (5/24/2011) at http://usatoday30.usatoday.com/news/nation/2011-05-23-yellow-dot-seniors-drivers-baby-boomers_n.htm (last viewed on 12/11/2013).

- to positively identify the participant;
- to ascertain whether the participant has a medical condition that might impede communications between the participant and the responder;
- to inform the participant's emergency contacts about the location, condition, or death of the participant;
- to learn the nature of any medical information reported by the participant; and
- to ensure that the participant's current medications and preexisting medical conditions are considered when emergency medical treatment is administered for any injury to or condition of the participant.

After submitting a completed application, the participant is given a yellow dot decal to affix onto the lower left corner of his or her vehicle's rear window (or a clearly visible location on a motorcycle), a yellow dot folder, and a form for the participant's information.

The form, which is to be placed inside the yellow folder, is to contain the following information:

- the participant's name;
- the participant's photograph;
- emergency contact information of no more than two persons;
- the participant's medical information, including medical conditions, recent surgeries, allergies and medications;
- the participant's hospital preference; and
- contact information for no more than two physicians.

When the driver of a vehicle with an affixed yellow dot decal is involved in an accident or emergency situation, an emergency medical responder at the scene is authorized to search the glove compartment of the vehicle for the corresponding yellow dot folder. With regard to liability, the bill provides that—except for wanton or willful conduct—an emergency medical responder, or the employer of a responder, does not incur any liability for:

- failing, in good faith, to make contact with a participant's emergency contact person; or
- disseminating, or failing to disseminate, any information from the yellow dot folder to any other emergency medical responder, hospital, or health care provider who renders emergency medical treatment to the participant.

The governing body of a participating county is required to adopt guidelines and procedures for ensuring that any information that is confidential is not made public through the program.

The bill has an effective date of July 1, 2014.

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:

Public participation in the program is voluntary and free. One small corporation in Reno, Nevada (Yellow Dot LLC) advertises a booklet with sticker priced at \$5.00. *See*, <http://www.yellow-dot.com/3301.html>.

The governing board of the county or counties wishing to initiate a motorist medical information program can solicit funds through sponsorships from business entities and not-for-profit organizations. Businesses choosing to participate will do so voluntarily.

C. Government Sector Impact:

The bill does not require any county to create a yellow dot program. If the governing body of a county decides to create such a program, the bill authorizes the county's governing body to seek sponsorships to cover costs. The cost of the program is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an unnumbered section of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/19/14
Meeting Date

Topic Motorist Safety
Name FRED AGELO Bill Number SB262 (if applicable)
Job Title Vice President Amendment Barcode _____ (if applicable)

Address 2328 S. Congress Ave #2C Phone _____
WPB FL 33406
City State Zip

Speaking: For Against Information

Representing Palm Beach County Firefighters & Paramedics

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.

By Senator Abruzzo

25-00277-14

2014262__

A bill to be entitled

An act relating to motorist safety; authorizing the governing body of a county to create a yellow dot critical motorist medical information program for certain purposes; authorizing a county to solicit sponsorships and enter into an interlocal agreement with another county to solicit such sponsorships for the medical information program; authorizing the Department of Highway Safety and Motor Vehicles and the Department of Transportation to provide education and training and publicize the program; requiring the program to be free to participants; providing for yellow dot program applications, decals, folders, and participant information forms; providing procedures for use of the decal, folder, and form; providing for limited use of information on the forms by emergency medical responders; limiting liability of emergency medical responders in certain circumstances; requiring the governing body of a participating county to adopt guidelines and procedures to ensure that confidential information is not made public; providing an effective date.

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

Section 1. Yellow dot critical motorist medical information program; yellow dot decal, folder, and information form.-

(1) The governing body of a county may create a yellow dot critical motorist medical information program to facilitate the

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2014262__

provision of emergency medical care to program participants by emergency medical responders by making critical medical information readily available to responders in the event of a motor vehicle accident or a medical emergency involving a participant's vehicle.

(2) (a) The governing body of a county may solicit sponsorships from business entities and not-for-profit organizations to cover the costs of the program, including the cost of decals and folders that must be provided free of charge to participants. Two or more counties may enter into an interlocal agreement to solicit such sponsorships.

(b) The Department of Highway Safety and Motor Vehicles or the Department of Transportation may provide education and training to encourage emergency medical responders to participate in the program and may take reasonable measures to publicize the program.

(3) Any owner or lessee of a motor vehicle may participate in the program upon submission of an application and documentation in the form and manner prescribed by the governing body of the county.

(a) The application form must include a statement that the information submitted will be disclosed only to authorized personnel of law enforcement and public safety agencies, emergency medical services agencies, and hospitals for the purposes authorized in subsection (5).

(b) The application form must describe the confidential nature of the medical information voluntarily provided by the participant and must include a notice to the participant stating that, by providing the medical information and signing the form,

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59 he or she agrees to the disclosure of the medical information to
60 authorized personnel and their use of such information solely
61 for the purposes listed in subsection (5).

62 (c) The county may not charge a fee to participate in the
63 yellow dot program.

64 (4) A participant shall receive a yellow dot decal, a
65 yellow dot folder, and a form containing the personal and
66 medical information provided by the participant.

67 (a) The participant shall affix the decal onto the rear
68 window in the left lower corner of a motor vehicle or in a
69 clearly visible location on a motorcycle.

70 (b) A person who rides in a motor vehicle as a passenger
71 may also participate in the program but may not be issued a
72 decal if a decal has been issued to the owner or lessee of the
73 motor vehicle in which the person rides.

74 (c) The yellow dot folder, which shall be stored in the
75 glove compartment of the motor vehicle or in a compartment
76 attached to a motorcycle, shall contain a form with the
77 following information about the participant:

78 1. The participant's name.

79 2. The participant's photograph.

80 3. Emergency contact information for no more than two
81 persons.

82 4. The participant's medical information, including medical
83 conditions, recent surgeries, allergies, and current
84 medications.

85 5. The participant's hospital preference.

86 6. Contact information for no more than two physicians.

87 (5) (a) If the driver or a passenger of a motor vehicle is

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88 involved in a motor vehicle accident or emergency situation and
89 a yellow dot decal is affixed to the vehicle, an emergency
90 medical responder at the scene may search the glove compartment
91 of the vehicle for the corresponding yellow dot folder.

92 (b) The use of the information contained in the yellow dot
93 folder by an emergency medical responder at the scene is limited
94 to the following purposes:

95 1. To positively identify the participant.

96 2. To ascertain whether the participant has a medical
97 condition that might impede communications between the
98 participant and the responder.

99 3. To access the medical information form.

100 4. To ensure that the participant's current medications and
101 preexisting medical conditions are considered when emergency
102 medical treatment is administered for any injury to or condition
103 of the participant.

104 (6) Except for wanton or willful conduct, an emergency
105 medical responder or his or her employer is not liable if a
106 responder disseminates or fails to disseminate any information
107 from the yellow dot folder to any other emergency medical
108 responder, hospital, or health care provider who renders
109 emergency medical treatment to the participant.

110 (7) The governing body of a participating county shall
111 adopt guidelines and procedures to prevent the public disclosure
112 of confidential information through the program.

113 Section 2. This act shall take effect July 1, 2014.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 350

INTRODUCER: Senator Abruzzo

SUBJECT: Public Records/Yellow Dot Critical Motorist Medical Information Program

DATE: December 13, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	Favorable
2.			HP	
3.			GO	
4.			RC	

I. Summary:

Senate Bill 350 creates a public record exemption for participants' personal identifying information in a yellow dot critical motorist medical information program (with the passage of SB 262 or HB 17) within counties choosing to participant in such program.

The bill also provides that the public records exemption is subject to repeal on July 1, 2019, unless reviewed and reenacted. It also provides a statement of public necessity as required by the Florida Constitution.

II. Present Situation:

The yellow dot critical motorist medical information program proposed in SB 262/HB 17, is a free and voluntary program designed to assist emergency medical responders and other emergency professionals in providing life-saving medical attention to motorist in a vehicle crash. The bills authorize the governing body of a county or municipality to create the yellow dot program. Under the law, counties or groups of counties may solicit sponsorships from businesses and not-for-profits to cover expenses, including the yellow dot kit (the yellow dot to be placed on the rear passenger's window alerts emergency professionals that a corresponding yellow folder is in the glove box, the personal identifying information application). Since the yellow dot kits are distributed by the county or counties, the counties would become the custodians of applicant's personal records. Therefore, should SB 262/HB 17 become law, the records become subject to public records requests, and could result in invasion of one's privacy.

Public Records Laws

The Florida Constitution provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or

employee of the state, or of persons acting on their behalf.¹ The records of the legislative, executive, and judicial branches are specifically included.²

The Florida Statutes also specify conditions under which public access must be provided to government records. The Public Records Act³ guarantees every person's right to inspect and copy any state or local government public record⁴ at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁵

Only the Legislature may create an exemption to public records requirements.⁶ Such an exemption must be created by general law and must specifically state the public necessity justifying the exemption.⁷ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions⁸ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.⁹

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.¹⁰ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹¹ The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet such public purpose.

¹ FLA CONST., art. I, s. 24(a).

² Id.

³ Chapter 119, F.S.

⁴ Section 119.011(12), F.S., defines "public records" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records (*see Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992)).

⁵ Section 119.07(1)(a), F.S.

⁶ FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and* exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances (*see WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (*see Attorney General Opinion 85-62*, August 1, 1985).

⁷ FLA. CONST., art. I, s. 24(c).

⁸ The bill may, however, contain multiple exemptions that relate to one subject.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the Act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).

¹¹ Section 119.15(3), F.S.

Currently, the yellow dot program does not exist in the State of Florida. Thus, the program has never been subject to s. 119.07, F.S., and s. 24(a), Article I of the State Constitution.

III. Effect of Proposed Changes:

Section 1, creates a public records exemption for participants' in a yellow dot critical motorist medical information program, and authorizes a county's governing body, participating in such program, responsibility of one's personal identifying information.

The bill also subjects the yellow dot critical motorist medical information program to the Open Government Sunset Review Act, based on one's personal identifying information, in accordance with s. 119.15, F.S., and s. 24(a), Article I of the State Constitution and will repeal on July 1, 2019, unless the Legislature repeal and reenacts.

Section 2, provides necessity for a yellow dot critical motorist's personal identifying information, held by a county's governing body to be exempt from public records disclosure. If participants in such program were not exempt from disclosure, anybody could inspect and copy documentation that identifies the program participate. Thus, the accessibility of such information to the public would result in the invasion of the program participant's privacy. Therefore, the importance of protecting personal identifying information of a participant in such program prevents victimization of these volunteers only interested in providing medical information to assist first responders and emergency professionals in their treatment.

This act shall take effect on the same date that SB 262 or HB 17, which is July 1, 2014, or similar legislation is adopted in the same legislative session or an extension thereof, becomes law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Section 24(c), Art. I of the Florida Constitution requires a two-thirds vote of the members present and voting in each house of the Legislature for passage of a newly created or expanded public records or public meetings exemption. Because this bill expands a public necessity statement, it requires a two-thirds vote for passage.

Public Necessity Statement

Section 24(c), Art. I of the Florida Constitution requires a public necessity statement for a newly created or expanded public records or public meetings exemption. Because this bill expands a new public records exemption, it includes a public necessity statement.

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. Statutes Affected:

This bill creates an unnumbered section of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

THE FLORIDA SENATE
APPEARANCE RECORD

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

4/29/2011
Meeting Date

Topic _____

Name BRIAN PITTS

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

SAINT PETERSBURG FLORIDA 33705
City State Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

Bill Number 350
(if applicable)

Amendment Barcode _____
(if applicable)

Phone 727-897-9291

E-mail JUSTICE2JESUS@YAHOO.COM

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.

By Senator Abruzzo

25-00278A-14

2014350__

A bill to be entitled

An act relating to public records; providing an exemption from public records requirements for personal identifying information of participants in a yellow dot critical motorist medical information program; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Public records exemption; participants in a yellow dot critical motorist medical information program.-

(1) Personal identifying information of a participant in a yellow dot critical motorist medical information program which is held by the governing body of a county participating in such program is exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution.

(2) Subsection (1) is subject to the Open Government Sunset Review Act in accordance with s. 119.15, Florida Statutes, and is repealed on July 1, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that the personal identifying information of a participant in a yellow dot critical motorist medical information program held by the governing body of a county participating in such program be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State

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2014350__

Constitution. Nevertheless, allowing the governing bodies of participating counties to distribute yellow dot folders, as well as allowing emergency medical responders and law enforcement agents to access the information provided in yellow dot folders, will ensure the most rapid and effective treatment for victims of serious traffic accidents. If the personal identifying information of a participant in such program were not exempt from disclosure, any person could inspect and copy documentation that identifies the program participant. Consequently, the availability of such information to the public would result in the invasion of the program participant's privacy. If information regarding the program participant could be correlated with his or her medical records, it would be possible for the public to become aware of any diseases or other medical concerns for which the qualifying patient is being treated by his or her physician. This knowledge could be used to embarrass or humiliate a qualifying patient or to discriminate against him or her. Finally, protecting the personal identifying information of a participant in such program prevents the identification of program participants who could be victimized by robbery, burglary, or illicit drug activities. Accordingly, the Legislature finds that the harm to a program participant which could result from the release of personal identifying information of the participant outweighs any minimal public benefit that would be derived from disclosure of that information to the public. Therefore, it is the finding of the Legislature that such identifying information must be made confidential and exempt from public disclosure.

Section 3. This act shall take effect on the same date that

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2014350_

59 SB 262 or similar legislation authorizing the governing body of
60 a county to create a yellow dot critical motorist medical
61 information program takes effect, if such legislation is adopted
62 in the same legislative session or an extension thereof and
63 becomes a law.

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 102

INTRODUCER: Transportation Committee; and Senator Diaz de la Portilla and others

SUBJECT: Drivers Leaving the Scene of a Crash

DATE: January 9, 2014

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CSSB 102 creates the “Aaron Cohen Life Protection Act.” The bill addresses a perceived or potential incentive in current law to leave the scene of a crash by:

- punishing leaving the scene of a crash resulting in serious bodily injury to a person as a second degree felony, rather than a third degree felony;
- imposing a mandatory minimum term of imprisonment of four years for a driver convicted of leaving the scene of a crash resulting in the death of a person;
- increasing the mandatory minimum term of imprisonment from two to four years for a person convicted of leaving the scene of a crash resulting in the death of a person while driving under the influence (DUI);
- imposing a minimum driver license revocation period of at least three years and driver education requirements for leaving the scene of a crash ;
- for purposes of sentencing and determining gain-time eligibility, ranking offenses for leaving the scene of a crash one level higher than specified in the Criminal Punishment Code if the victim of the offense was a “vulnerable road user”;
- authorizing a defendant to move to depart from the mandatory minimum term of imprisonment for leaving the scene of a crash resulting in death, unless the violation was committed while the defendant was DUI; authorizing the state to object; and authorizing a court to grant the motion, the basis for which must be stated in open court, upon a finding that imposition of the mandatory minimum would constitute or result in an injustice.

II. Present Situation:

Aaron Cohen was an experienced cyclist and avid runner who was 36 years old when, on February 15, 2012, he was struck and killed in a hit-and-run accident on the Rickenbacker Causeway, which leads to Key Biscayne in Miami-Dade County.¹

“The driver of the vehicle that struck Aaron Cohen, Michel Traverso, fled the scene of the accident and eventually turned himself in the following day. Aaron eventually died as a result of his injuries, leaving behind a wife and two young children.

“Evidence in Traverso’s prosecution later showed that he’d been at a local bar before getting behind the wheel of his car that morning ... However prosecutors had no direct evidence that Traverso was actually intoxicated at the time his vehicle struck Aaron Cohen, which would have been necessary for a DUI manslaughter prosecution.

“Traverso eventually pled guilty to violating Florida’s leaving the scene of an accident (LSA) law, and was sentenced to 21 months in jail.”²

Leaving the Scene of a Crash

Section 316.027, F.S., requires the driver of a vehicle involved in a crash occurring on public or private property and resulting in injury to or death of a person to immediately stop the vehicle at the scene of the crash, or as close thereto as possible, and remain at the scene until the driver fulfills the requirements of s. 316.062, F.S.

Section 316.062, F.S., requires the driver of any vehicle involved in a crash resulting in injury to or death of any person or damage to any vehicle or other property driven or attended by any person to:

- give his or her name, address, and vehicle registration number;
- provide a driver’s license, upon request and if available, to any person injured in the crash or to the driver or occupant of or person attending any vehicle or other property damaged in the crash;
- provide a driver’s license, upon request, to any police officer at the scene or who is investigating the crash;
- render to any injured person reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary, or if such carrying is requested by the injured person; and
- having stopped and remained at the scene to provide the required information, if none of the persons identified are able to receive the information, report the crash to the nearest police authority and submit the required information.

¹ SR 932 (2013 Reg. Session).

² <http://aaroncohenlaw.org/?page/114045/read-this---the-lsa-gap-in-florida>: Last visited December 17, 2013.

Injury

For crashes resulting in injury to a person, a driver found in willful violation of s. 316.027, F.S., commits a third degree felony punishable by a term of imprisonment not exceeding five years,³ a possible additional fine not exceeding \$5,000,⁴ or imposition under certain circumstances of an extended term of imprisonment for habitual felony offenders, habitual violent felony offenders, three-time felony offenders, and violent career criminals.⁵ Proof that the driver caused or contributed to causing injury to a person is not required for a conviction.⁶ Current law reflects no mandatory minimum sentence for these violations, except as may be applicable under the provisions of s. 775.084, F.S., relating to habitual felony offenders, etc.

Death

For crashes resulting in the death of a person, a driver found in willful violation commits a first degree felony punishable by a term of imprisonment up to 30 years,⁷ a possible additional fine up to \$10,000,⁸ or imposition of an extended term of imprisonment under certain circumstances for certain offenders.⁹ Again, proof that the driver caused or contributed to causing the death of a person is not required for a conviction, and current law reflects no mandatory minimum sentence for these violations, except as may be applicable under the provisions of s. 775.084, F.S., relating to habitual felony offenders, etc.

However, a driver must be sentenced to a mandatory minimum term of imprisonment of two years if the violation occurs while driving under the influence of alcoholic beverages, certain chemical substances, or certain controlled substances when affected to the extent that the person's normal faculties are impaired, or when the person has a 0.08 blood- or breath-alcohol level.¹⁰

The DHSMV is required to revoke the driver's license of a person convicted of a violation of s. 316.027, F.S. Further, with respect to a crash involving death or a bodily injury requiring transport to a medical facility, a convicted driver must also attend a driver improvement course approved by the Department of Highway Safety & Motor Vehicles (DHSMV) to maintain driving privileges.¹¹ If a crash causes or results in the death of another person, the convicted person may also be required by the court to serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents.

Fleeing or Attempting to Elude a Law Enforcement Officer

Under s. 316.1935, F.S., any person who

- in the course of unlawfully leaving or attempting to leave the scene of a crash in violation of ss. 316.027 and 316.062, F.S.;

³ Section 775.082, F.S.

⁴ Section 775.083, F.S.

⁵ Section 775.084, F.S.

⁶ See *Lawrence v. State*, 801 So.2d 293, 295 (Fla. 2d DCA 2001) and *Kelly v. State*, 987 So.2d 1237, 1239 (Fla. 2d DCA 2008).

⁷ Section 775.082, F.S.

⁸ Section 775.083, F.S.

⁹ Section 775.084, F.S.

¹⁰ Section 316.193(1), F.S.

¹¹ Section 322.0261, F.S.

- having knowledge of an order to stop by a law enforcement officer;
- willfully refuses or fails to stop or, having stopped in knowing compliance, willfully flees in an attempt to elude the officer; and
- as a result of such fleeing or eluding:
 - *causes injury to another person or damage to another's property* commits aggravated fleeing or eluding, a second degree felony, punishable by a term of imprisonment up to 15 years,¹² a possible additional fine up to \$10,000,¹³ or imposition of an extended term of imprisonment under certain circumstances for certain offenders;¹⁴ or
 - *causes serious bodily injury or death to another person*, including any law enforcement officer involved in attempting to stop the person's vehicle, commits aggravated fleeing or eluding with serious bodily injury or death, a first degree felony, punishable by a term of imprisonment up to 30 years,¹⁵ a possible additional fine up to \$10,000,¹⁶ or imposition of an extended term of imprisonment under certain circumstances for certain offenders.¹⁷

In both cases, a person may also be charged with the offenses under ss. 316.027 and 316.062, relating to unlawfully leaving the scene of a crash. A court is required to sentence any person convicted of committing aggravated fleeing or eluding *with serious bodily injury or death* to a mandatory minimum sentence of 3 years imprisonment.

Driving Under the Influence

Section 316.193(1), F.S., provides a person is guilty of driving under the influence when that person is driving a vehicle under the influence of alcoholic beverages, certain chemical substances, or certain controlled substances when affected to the extent that the person's normal faculties are impaired, or when the person has a 0.08 blood- or breath-alcohol level.

Serious Bodily Injury

Any person under the influence as described above and who by reason of operating a vehicle *causes or contributes to causing serious bodily injury* to another,¹⁸ commits a third degree felony¹⁹ punishable by a term of imprisonment not exceeding five years,²⁰ a possible additional fine not exceeding \$5,000,²¹ or imposition under certain circumstances of an extended term of imprisonment for habitual felony offenders, habitual violent felony offenders, three-time felony offenders, and violent career criminals.²² Current law reflects no mandatory minimum sentence for these violations, except as may be applicable under the provisions of s. 775.084, F.S., relating to habitual felony offenders, etc.

¹² Section 775.082, F.S.

¹³ Section 775.083, F.S.

¹⁴ Section 775.084, F.S.

¹⁵ Section 775.082, F.S.

¹⁶ Section 775.083, F.S.

¹⁷ Section 775.084, F.S.

¹⁸ Defined to mean "an injury to any person, including the driver, 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."

¹⁹ Section 316.193(3)(c)2., F.S.

²⁰ Section 775.082, F.S.

²¹ Section 775.083, F.S.

²² Section 775.084, F.S.

Death

Any person under the influence as described above and who by reason of operating a vehicle *causes or contributes to causing the death*²³ of any human being or unborn quick child commits a second degree felony and DUI manslaughter,²⁴ punishable by a term of imprisonment up to 15 years,²⁵ a possible additional fine up to \$10,000,²⁶ or imposition of an extended term of imprisonment under certain circumstances for certain offenders.²⁷

If, at the time of the crash, the person knew or should have known the crash occurred and the person failed to give information and render aid as required by s. 316.062, F.S., that person commits a first degree felony and DUI manslaughter, punishable by a term of imprisonment up to 30 years,²⁸ a possible additional fine up to \$10,000,²⁹ or imposition of an extended term of imprisonment under certain circumstances for certain offenders.³⁰

A person convicted of DUI manslaughter must serve a mandatory minimum term of imprisonment of four years.

Thus, in cases involving DUI and leaving the scene of a crash resulting in death, current law may provide an incentive to leave because the mandatory minimum sentence of four years for DUI manslaughter is avoided if a DUI charge is avoided by leaving the scene. A person driving DUI may also view an attempt to flee or elude in the process of leaving the scene as advantageous because, if successful in fleeing or eluding, a DUI charge is again avoided, and the mandatory minimum for fleeing and eluding is one year less than the mandatory minimum of four years for DUI manslaughter.

Driver License/Periods of Suspension or Revocation:

Section 322.28, F.S., provides for certain driver license suspension and revocation periods and, unless otherwise provided, subsection (1) limits the authority of the DHSMV to suspend or revoke a driver's license to one year. Thus, the revocation period for violations of s. 316.027, F.S., whether the crash resulted in injury or death (in the absence of DUI), is one year.

The revocation period for aggravated fleeing and eluding resulting in injury to another person, damage to the property of another person, or serious bodily injury or death to another person is not less than one year nor more than five years.³¹

Section 322.28(4), F.S., currently requires a court to revoke for a minimum of three years the driver license of a person convicted of DUI under s. 316.193(3)(c)2., F.S., who by vehicle operation *caused or contributed to causing serious bodily injury to another*, as defined in s.

²³ See *Magaw v. State*, 537 So.2d 564, 567 (Fla. 1989): “[Under the DUI manslaughter statute,] the state is not required to prove that the operator’s drinking caused the accident. The statute requires only that the operation of the vehicle ... caused the accident.”

²⁴ Section 316.193(3)(c)3., F.S.

²⁵ Section 775.082, F.S.

²⁶ Section 775.083, F.S.

²⁷ Section 775.084, F.S.

²⁸ Section 775.082, F.S.

²⁹ Section 775.083, F.S.

³⁰ Section 775.084, F.S.

³¹ Section 316.1935(5), F.S.

316.1933, F.S. That section defines “serious bodily injury” to mean “an injury to any person, including the driver, 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.” If a conviction under s. 316.193(3)(c)2., F.S., involving serious bodily injury, also constitutes a previous conviction,³² the period of suspension or revocation graduates based on whether the offender has prior convictions/suspensions.³³ A court is required to permanently revoke the driver license of any person convicted of DUI manslaughter in violation of s. 316.193, F.S.

Thus, under current law, in cases involving DUI and leaving the scene of a crash resulting in death, while revocation of the driver’s license for violations under s. 316.027, F.S. and s. 316.193, F.S., is permanent, a person driving DUI may similarly view an attempt to flee or elude in the process of leaving the scene as advantageous because, if successful in fleeing or eluding, a DUI charge is avoided. The period of license revocation in such event would be not less than one year nor more than five, as opposed to permanent.

Criminal Punishment Code/Offense Severity Ranking Chart

The Criminal Punishment Code (Code)³⁴ is Florida’s framework or mechanism for determining permissible sentencing ranges for noncapital felonies. Noncapital felonies sentenced under the Code receive an offense severity level ranking (Levels 1-10). Points are assigned and accrue based upon the level ranking (sentence points escalate as the level escalates) assigned to the primary offense, additional offenses, and prior offenses. Points may be added or multiplied for other factors.

Total sentence points are entered into a mathematical calculation (specified in statute) to determine the lowest permissible sentence. The permissible sentencing range is generally the lowest permissible sentence scored up to and including the maximum penalty provided under s. 775.082, F.S., for the primary offense and any additional offenses before the court for sentencing. The court is permitted to impose sentences concurrently or consecutively.

The Code includes a list of ‘mitigating’ factors. If a mitigating factor is found by the sentencing court, the court may decrease an offender’s sentence below the lowest permissible sentence (a “downward departure”). A mandatory minimum term is not subject to these mitigating factors.³⁵

Mandatory minimum terms impact Code sentencing. “If the lowest permissible sentence is less than the mandatory minimum sentence, the mandatory minimum sentence takes precedence. If the lowest permissible sentence exceeds the mandatory sentence, the requirements of the ... Code and any mandatory minimum penalties apply.”³⁶

³² See s. 322.28(2)(a) and (d), F.S.

³³ Section 322.28(2)(d), F.S. See also s. 322.26, F.S.

³⁴ Sections 921.002 - 921.0027, F.S.

³⁵ See *State v. Vanderhoff*, 14 So.3d 1185 (Fla. 5th DCA 2009).

³⁶ Rule 3.704(26) (“The Criminal Punishment Code”), Florida Rules of Criminal Procedure. A trafficking mandatory minimum term is a minimum sentencing ‘floor’ for the court and there is no prohibition to gain-time. If the court only sentences the defendant to the mandatory term specified by statute, the Department of Corrections (DOC) establishes an 85% minimum service date on the term and the offender is subject to s. 944.275(4)(b)3., F.S., which does not allow release prior to serving a minimum of 85% of the sentence. If the court imposes a sentence that exceeds the mandatory term specified by statute, the DOC establishes an 85% minimum service date on the sentence. See *Mastay v. McDonough*, 928 So.2d 512 (Fla.

III. Effect of Proposed Changes:

The bill generally addresses the incentive in current law to leave the scene of a crash by imposing mandatory minimum sentences where none currently exist and, particularly, with respect to cases involving DUI and death, by increasing the penalty for leaving the scene.

Section 1 provides that the act may be cited as the “Aaron Cohen Life Protection Act.”

Section 2 amends s. 316.027, F.S., as follows:

- creates a new subsection (1) and defines “serious bodily injury” as the term is currently defined in s. 316.1933, F.S., to mean an injury to a person, including the driver, 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 a bodily member or organ; and
- defines “vulnerable road user” to mean:
 - a pedestrian, including a person actually engaged in work upon a highway, or in work up utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;
 - a person operating a bicycle, motorcycle, scooter, or moped lawfully on the roadway;
 - a person riding an animal; or
 - a person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway:
 - a farm tractor or similar vehicle designed primarily for farm use;
 - a skateboard, roller skates, in-line skates;
 - a horse-drawn carriage;
 - an electric personal assistive mobility device; or
 - a wheelchair.
- revises the existing provisions requiring a person to stop and remain at the scene of a crash to address separately crashes resulting in injury to a person *other than serious bodily injury*, crashes resulting in serious bodily injury to a person, and crashes resulting in death of a person; and to impose punishment as follows:
 - Leaving the scene of a crash resulting in injury to a person other than serious bodily injury continues to be punished as a third degree felony.
 - Leaving the scene of a crash resulting in serious bodily injury to a person is punished as a second degree felony, as opposed to the current third degree.
 - Leaving the scene of a crash resulting in the death of a person continues to be punished as a first degree felony, but a mandatory minimum term of imprisonment of four years is imposed.
 - If the violation occurs while the driver is also DUI, the current mandatory minimum sentence is increased from two years to four years, the same as for DUI manslaughter.

1st DCA 2006) (Section 893.135, F.S., does not preclude earning gain-time during the mandatory term as long as it does not result in the prisoner’s release prior to serving a minimum of 85% of the sentence).

- requires a driver found in violation of leaving the scene of a crash involving injury, serious bodily injury, or death to:
 - have his or her driver license revoked for a minimum of three years as provided in s. 322.28(4), F.S.,
 - participate in a victim’s impact panel session in a judicial circuit if such panel exists, and
 - participate in a driver education course relating to the rights of vulnerable road users relative to vehicles on the roadway.
- for purposes of sentencing and determining gain-time eligibility, ranks offenses for leaving the scene of a crash one level higher than specified in the Code if the victim of the offense was a “vulnerable road user,” resulting in higher total sentence points and a higher lowest permissible sentence; and
- allows a defendant to move to depart from the four-year mandatory minimum sentence for leaving the scene of a crash with a death, unless the defendant was driving DUI at the time of the violation; authorizes the state to object to the departure; allows the court to depart only if it finds that a factor, consideration, or circumstance clearly demonstrates that imposing the mandatory minimum term would constitute or result in an injustice; and requires the court to state the basis for granting a departure in open court.

The bill also makes technical and conforming changes to s. 316.027, F.S.

Section 3 amends s. 322.0261(2), F.S., to require the DHSMV to include in its approved driver improvement course curriculum instruction specifically addressing the rights of vulnerable road users relative to vehicles on the roadway.

Section 4 amends s. 322.28(4), F.S., to require a court to revoke the driver license of a person convicted of leaving the scene of a crash for the same period of time, a minimum of three years; and to incorporate the minimum revocation period into provisions directing the DHSMV to revoke the driver license for such period in the event the period of revocation was not specified by the court at the time of imposing sentence or within 30 days thereafter.

Section 5 reenacts s. 322.34(6), F.S., relating to driving while a driver license is suspended, revoked, canceled, or disqualified, to incorporate the amendment to s. 322.28, F.S., in a reference thereto, and makes a technical change.

Section 6 amends s. 921.0022, F.S., to revise the offense severity ranking chart to correct the cross reference to the appropriate subsection, paragraph, and description of s. 316.027, F.S., for leaving the scene of a crash with injury *other than serious bodily injury*, which remains a Level 5 third degree felony; to include the second degree felony for a violation of leaving the scene of a crash involving serious bodily injury as a Level 6 offense; and to revise the cross reference to the offense of leaving the scene of a crash resulting in death, which remains a Level 7 first degree felony. As noted, if the victim is a “vulnerable road user,” offenses for leaving the scene of a crash are ranked one level higher.

Section 7 provides the act takes effect on July 1, 2014.

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:

Indeterminate, except that the DHSMV advises the bill will require approximately 30 non-recurring system programming hours, the cost of which will be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 316.027, 322.0261, 322.28, 322.34, and 921.0022.

IX. Additional Information:A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Transportation on January 9, 2014:**

The CS differs from the original bill primarily as follows:

- removes the three-year and seven-year mandatory minimum sentences for leaving the scene of a crash with injury or with serious bodily injury, respectively;
- imposes a mandatory minimum sentence of four years for leaving the scene of a crash with a death, rather than ten years;
- increases the mandatory minimum sentence for leaving the scene with a death while DUI from two to four years, the same as for DUI manslaughter;
- provides for ranking one level higher than specified in the Code offenses for leaving the scene of a crash if the victim of the offense was a “vulnerable road user”; and allows a defendant to move for departure from the four-year mandatory minimum sentence for leaving the scene with a death in the absence of DUI; authorizes the state to object; requires the court to state in open court the basis for granting such motion, upon a finding that a factor, consideration, or circumstance clearly demonstrates that imposing a mandatory minimum term of imprisonment would constitute or result in an injustice.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/09/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Diaz de la Portilla)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as the "Aaron Cohen Life
Protection Act."

Section 2. Section 316.027, Florida Statutes, is amended to
read:

316.027 Crash involving death or personal injuries.—

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



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11 (a) "Serious bodily injury" means an injury to a person,
12 including the driver, which consists of a physical condition
13 that creates a substantial risk of death, serious personal
14 disfigurement, or protracted loss or impairment of the function
15 of a bodily member or organ.

16 (b) "Vulnerable road user" means:

17 1. A pedestrian, including a person actually engaged in
18 work upon a highway, or in work upon utility facilities along a
19 highway, or engaged in the provision of emergency services
20 within the right-of-way;

21 2. A person operating a bicycle, motorcycle, scooter, or
22 moped lawfully on the roadway;

23 3. A person riding an animal; or

24 4. A person lawfully operating on a public right-of-way,
25 crosswalk, or shoulder of the roadway:

26 a. A farm tractor or similar vehicle designed primarily for
27 farm use;

28 b. A skateboard, roller skates, or in-line skates;

29 c. A horse-drawn carriage;

30 d. An electric personal assistive mobility device; or

31 e. A wheelchair.

32 (2)(1)(a) The driver of a ~~any~~ vehicle involved in a crash
33 occurring on public or private property ~~which that~~ results in
34 injury to a ~~of any~~ person other than serious bodily injury shall
35 ~~must~~ immediately stop the vehicle at the scene of the crash, or
36 as close thereto as possible, and shall ~~must~~ remain at the scene
37 of the crash until he or she has fulfilled the requirements of
38 s. 316.062. ~~A~~ Any person who willfully violates this paragraph
39 commits a felony of the third degree, punishable as provided in



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40 s. 775.082, s. 775.083, or s. 775.084.

41 (b) The driver of a vehicle involved in a crash occurring
42 on public or private property which results in serious bodily
43 injury to a person shall immediately stop the vehicle at the
44 scene of the crash, or as close thereto as possible, and shall
45 remain at the scene of the crash until he or she has fulfilled
46 the requirements of s. 316.062. A person who willfully violates
47 this paragraph commits a felony of the second degree, punishable
48 as provided in s. 775.082, s. 775.083, or s. 775.084.

49 (c) ~~(b)~~ The driver of a any vehicle involved in a crash
50 occurring on public or private property which ~~that~~ results in
51 the death of a any person shall ~~must~~ immediately stop the
52 vehicle at the scene of the crash, or as close thereto as
53 possible, and shall ~~must~~ remain at the scene of the crash until
54 he or she has fulfilled the requirements of s. 316.062. A person
55 who is arrested for a violation of this paragraph and who has
56 previously been convicted of a violation of this section, s.
57 316.061, s. 316.191, or s. 316.193, or a felony violation of s.
58 322.34, shall be held in custody until brought before the court
59 for admittance to bail in accordance with chapter 903. A Any
60 person who willfully violates this paragraph commits a felony of
61 the first degree, punishable as provided in s. 775.082, s.
62 775.083, or s. 775.084, and shall be sentenced to a mandatory
63 minimum term of imprisonment of 4 years. A Any person who
64 willfully commits such a violation while driving under the
65 influence as set forth in s. 316.193(1) shall be sentenced to a
66 mandatory minimum term of imprisonment of 4 ~~2~~ years.

67 (d) ~~(e)~~ Notwithstanding s. 775.089(1) (a), if the driver of a
68 vehicle violates paragraph (a), ~~or~~ paragraph (b), or paragraph



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69 (c), the court shall order the driver to make restitution to the
70 victim for any damage or loss unless the court finds clear and
71 compelling reasons not to order the restitution. Restitution may
72 be monetary or nonmonetary restitution. The court shall make the
73 payment of restitution a condition of probation in accordance
74 with s. 948.03. An order requiring the defendant to make
75 restitution to a victim does not remove or diminish the
76 requirement that the court order payment to the Crimes
77 Compensation Trust Fund under chapter 960. Payment of an award
78 by the Crimes Compensation Trust Fund creates an order of
79 restitution to the Crimes Compensation Trust Fund unless
80 specifically waived in accordance with s. 775.089(1)(b).

81 (e) A driver who violates paragraph (a), paragraph (b), or
82 paragraph (c) shall:

83 1. Have his or her driver license revoked for at least 3
84 years as provided in s. 322.28(4);

85 2. Participate in a victim's impact panel session in a
86 judicial circuit if such a panel exists; or

87 3. Participate in a driver education course relating to the
88 rights of vulnerable road users relative to vehicles on the
89 roadway.

90 (f) For purposes of sentencing under chapter 921 and
91 determining incentive gain-time eligibility under chapter 944,
92 an offense listed in this subsection is ranked one level above
93 the ranking specified in s. 921.0022 or s. 921.0023 for the
94 offense committed if the victim of the offense was a vulnerable
95 road user.

96 (g) The defendant may move to depart from the mandatory
97 minimum term of imprisonment prescribed in paragraph (c) unless



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98 the violation was committed while the defendant was driving
99 under the influence. The state may object to this departure. The
100 court may grant the motion only if it finds that a factor,
101 consideration, or circumstance clearly demonstrates that
102 imposing a mandatory minimum term of imprisonment would
103 constitute or result in an injustice. The court shall state in
104 open court the basis for granting the motion.

105 ~~(2) The department shall revoke the driver's license of the~~
106 ~~person so convicted.~~

107 (3) The stops shall ~~Every stop must~~ be made without
108 ~~unnecessarily~~ obstructing traffic ~~more than is necessary~~, and,
109 if a damaged vehicle is obstructing traffic, the driver of the
110 vehicle shall ~~must~~ make every reasonable effort to move the
111 vehicle or have it moved so as not to obstruct the regular flow
112 of traffic. A ~~Any~~ person who fails to comply with this
113 subsection shall be cited for a nonmoving violation, punishable
114 as provided in chapter 318.

115 (4) In addition to any other civil, criminal, or
116 administrative penalty imposed, a person whose commission of a
117 noncriminal traffic infraction or a ~~any~~ violation of this
118 chapter or s. 1006.66 causes or results in the death of another
119 person may, ~~in addition to any other civil, criminal, or~~
120 ~~administrative penalty imposed~~, be required by the court to
121 serve 120 community service hours in a trauma center or hospital
122 that regularly receives victims of vehicle accidents, under the
123 supervision of a registered nurse, an emergency room physician,
124 or an emergency medical technician pursuant to a voluntary
125 community service program operated by the trauma center or
126 hospital.



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127 (5) This section does not apply to crashes occurring during
128 a motorsports event, as defined in s. 549.10(1), or at a closed-
129 course motorsport facility, as defined in s. 549.09(1).

130 Section 3. Subsection (4) of section 322.28, Florida
131 Statutes, is amended to read:

132 322.28 Period of suspension or revocation.—

133 (4) (a) Upon a conviction for a violation of s.
134 316.193(3)(c)2., involving serious bodily injury, a conviction
135 of manslaughter resulting from the operation of a motor vehicle,
136 or a conviction of vehicular homicide, the court shall revoke
137 the driver license of the person convicted for a minimum period
138 of 3 years. If a conviction under s. 316.193(3)(c)2., involving
139 serious bodily injury, is also a subsequent conviction as
140 described under paragraph (2)(a), the court shall revoke the
141 driver license or driving privilege of the person convicted for
142 the period applicable as provided in paragraph (2)(a) or
143 paragraph (2)(d).

144 (b) Upon a conviction for a violation of s. 316.027(2)(a),
145 s. 316.027(2)(b), or s. 316.027(2)(c) involving injury, serious
146 bodily injury, or death, the court shall revoke the driver
147 license of the person convicted for a minimum period of 3 years.

148 (c) ~~(b)~~ If the period of revocation was not specified by the
149 court at the time of imposing sentence or within 30 days
150 thereafter, the department shall revoke the driver license for
151 the minimum period applicable under paragraph (a) or paragraph
152 (b) or, for a subsequent conviction, for the minimum period
153 applicable under paragraph (2)(a) or paragraph (2)(d).

154 Section 4. For the purpose of incorporating the amendment
155 made by this act to section 322.28, Florida Statutes, in a



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156 reference thereto, subsection (6) of section 322.34, Florida
157 Statutes, is reenacted and amended to read:

158 322.34 Driving while license suspended, revoked, canceled,
159 or disqualified.—

160 (6) Any person who operates a motor vehicle:

161 (a) Without having a driver's license as required under s.
162 322.03; or

163 (b) While his or her driver's license or driving privilege
164 is canceled, suspended, or revoked pursuant to s. 316.655, s.
165 322.26(8), s. 322.27(2), or s. 322.28(2) or (4),

166
167 and who by careless or negligent operation of the motor vehicle
168 causes the death of or serious bodily injury to another human
169 being commits ~~is guilty of~~ a felony of the third degree,
170 punishable as provided in s. 775.082 or s. 775.083.

171 Section 5. Paragraphs (e) through (g) of subsection (3) of
172 section 921.0022, Florida Statutes, are amended to read:

173 921.0022 Criminal Punishment Code; offense severity ranking
174 chart.—

175 (3) OFFENSE SEVERITY RANKING CHART

176 (e) LEVEL 5

177

Florida Statute	Felony Degree	Description
316.027(2)(a) (1)(a)	3rd	Accidents involving personal injuries <u>other than serious bodily injury,</u>

178



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179

316.1935 (4) (a)

2nd

failure to stop;
leaving scene.

Aggravated fleeing or
eluding.

180

322.34 (6)

3rd

Careless operation of
motor vehicle with
suspended license,
resulting in death or
serious bodily
injury.

181

327.30 (5)

3rd

Vessel accidents
involving personal
injury; leaving
scene.

182

379.367 (4)

3rd

Willful molestation
of a commercial
harvester's spiny
lobster trap, line,
or buoy.

183

379.3671
(2) (c) 3.

3rd

Willful molestation,
possession, or
removal of a
commercial
harvester's trap



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184

381.0041(11)(b)

3rd

contents or trap gear
by another harvester.

Donate blood, plasma,
or organs knowing HIV
positive.

185

440.10(1)(g)

2nd

Failure to obtain
workers' compensation
coverage.

186

440.105(5)

2nd

Unlawful solicitation
for the purpose of
making workers'
compensation claims.

187

440.381(2)

2nd

Submission of false,
misleading, or
incomplete
information with the
purpose of avoiding
or reducing workers'
compensation
premiums.

188

624.401(4)(b)2.

2nd

Transacting insurance
without a certificate
or authority; premium
collected \$20,000 or



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189			more but less than \$100,000.
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
190			
	790.01 (2)	3rd	Carrying a concealed firearm.
191			
	790.162	2nd	Threat to throw or discharge destructive device.
192			
	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
193			
	790.221 (1)	2nd	Possession of short- barreled shotgun or machine gun.
194			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
195			



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196	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years <u>of</u> <u>age</u> .
197	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years <u>of age</u> or older.
198	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
199	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
200	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
	812.019 (1)	2nd	Stolen property;



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201			dealing in or trafficking in.
202	812.131 (2) (b)	3rd	Robbery by sudden snatching.
203	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
204	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
205	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
206	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.



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207	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
208	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
209	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion



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210	827.071 (5)	3rd	picture, etc., which includes sexual conduct by a child.
211	839.13 (2) (b)	2nd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
212	843.01	3rd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
213	847.0135 (5) (b)	2nd	Resist officer with violence to person; resist arrest with violence.
214			Lewd or lascivious exhibition using computer; offender 18 years or older.



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215	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
216	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
217	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
218	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 <u>years of age</u> to join a criminal gang.
	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.



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219

893.13(1)(c)2.

2nd

drugs).

Sell, manufacture, or
deliver cannabis (or
other s.

893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)5.,
(2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9.,
(3), or (4) drugs)
within 1,000 feet of
a child care
facility, school, or
state, county, or
municipal park or
publicly owned
recreational facility
or community center.

220

893.13(1)(d)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s.

893.03(1)(a), (1)(b),
(1)(d), (2)(a),
(2)(b), or (2)(c)4.
drugs) within 1,000
feet of university.

221



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893.13(1)(e)2.

2nd

Sell, manufacture, or deliver cannabis or other drug prohibited under s.

893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)5.,
(2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9.,
(3), or (4) within
1,000 feet of
property used for
religious services or
a specified business
site.

222

893.13(1)(f)1.

1st

Sell, manufacture, or deliver cocaine (or other s.

893.03(1)(a), (1)(b),
(1)(d), or (2)(a),
(2)(b), or (2)(c)4.
drugs) within 1,000
feet of public
housing facility.

223

893.13(4)(b)

2nd

Deliver to minor
cannabis (or other s.
893.03(1)(c),



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(2) (c) 1., (2) (c) 2.,
 (2) (c) 3., (2) (c) 5.,
 (2) (c) 6., (2) (c) 7.,
 (2) (c) 8., (2) (c) 9.,
 (3), or (4) drugs).

224

893.1351 (1)

3rd

Ownership, lease, or
 rental for
 trafficking in or
 manufacturing of
 controlled substance.

225

226

227

(f) LEVEL 6

228

Florida
 Statute

Felony
 Degree

Description

229

316.027 (2) (b)

2nd

Leaving the scene of a
 crash involving serious
 bodily injury.

230

316.193 (2) (b)

3rd

Felony DUI, 4th or
 subsequent conviction.

231

499.0051 (3)

2nd

Knowing forgery of
 pedigree papers.

232

499.0051 (4)

2nd

Knowing purchase or



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233			receipt of prescription drug from unauthorized person.
234	499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
235	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
236	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
237	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
238	784.041	3rd	Felony battery; domestic battery by strangulation.
239	784.048 (3)	3rd	Aggravated stalking; credible threat.
240	784.048 (5)	3rd	Aggravated stalking of person under 16.
	784.07 (2) (c)	2nd	Aggravated assault on



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241			law enforcement officer.
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
242			
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
243			
	784.081 (2)	2nd	Aggravated assault on specified official or employee.
244			
	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
245			
	784.083 (2)	2nd	Aggravated assault on code inspector.
246			
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
247			
	790.115 (2) (d)	2nd	Discharging firearm or



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248			weapon on school property.
	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
249			
	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
250			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
251			
	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
252			
	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
253			
	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12



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254	800.04 (6) (b)	2nd	years of age or older but less than 16 years <u>of age</u> ; offender less than 18 years.
255	806.031 (2)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
256	810.02 (3) (c)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
257	810.145 (8) (b)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
258	812.014 (2) (b) 1.	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
259	812.014 (6)	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
			Theft; property stolen \$3,000 or more;



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260			coordination of others.
	812.015 (9) (a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
261			
	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
262			
	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
263			
	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
264			
	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
265			
	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
266			
	825.1025 (3)	3rd	Lewd or lascivious



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267			molestation of an elderly person or disabled adult.
268	825.103 (2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
269	827.03 (2) (c)	3rd	Abuse of a child.
270	827.03 (2) (d)	3rd	Neglect of a child.
271	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
272	836.05	2nd	Threats; extortion.
273	836.10	2nd	Written threats to kill or do bodily injury.
274	843.12	3rd	Aids or assists person to escape.
	847.011	3rd	Distributing, offering to distribute, or possessing with intent



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275			to distribute obscene materials depicting minors.
	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
276			
	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
277			
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
278			
	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
279			



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280	944.40	2nd	Escapes.
281	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
282	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
283	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
284	(g) LEVEL 7		
285	Florida	Felony	
286	Statute	Degree	Description
287	316.027 <u>(2) (c)</u> (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
288	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.



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289	316.1935 (3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
290	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
291	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
292	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
293	409.920	2nd	Medicaid provider



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	(2) (b) 1.b.		fraud; more than \$10,000, but less than \$50,000.
294	456.065 (2)	3rd	Practicing a health care profession without a license.
295	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
296	458.327 (1)	3rd	Practicing medicine without a license.
297	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
298	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
299	461.012 (1)	3rd	Practicing podiatric medicine without a license.

300



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301	462.17	3rd	Practicing naturopathy without a license.
302	463.015 (1)	3rd	Practicing optometry without a license.
303	464.016 (1)	3rd	Practicing nursing without a license.
304	465.015 (2)	3rd	Practicing pharmacy without a license.
305	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
306	467.201	3rd	Practicing midwifery without a license.
307	468.366	3rd	Delivering respiratory care services without a license.
308	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
	483.901 (9)	3rd	Practicing medical physics without a



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309			license.
	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
310			
	484.053	3rd	Dispensing hearing aids without a license.
311			
	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
312			
	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
313			
	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding



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314	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
315	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
316	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
317	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
318	782.051 (3)	2nd	Attempted felony murder



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of a person by a person
other than the
perpetrator or the
perpetrator of an
attempted felony.

319

782.07(1)

2nd

Killing of a human
being by the act,
procurement, or
culpable negligence of
another (manslaughter).

320

782.071

2nd

Killing of a human
being or viable fetus
by the operation of a
motor vehicle in a
reckless manner
(vehicular homicide).

321

782.072

2nd

Killing of a human
being by the operation
of a vessel in a
reckless manner (vessel
homicide).

322

784.045(1)(a)1.

2nd

Aggravated battery;
intentionally causing
great bodily harm or
disfigurement.



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323	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
324	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
325	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
326	784.048 (7)	3rd	Aggravated stalking; violation of court order.
327	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
328	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
329	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.

330



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331	784.081 (1)	1st	Aggravated battery on specified official or employee.
332	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
333	784.083 (1)	1st	Aggravated battery on code inspector.
334	787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.
335	787.06 (3) (e)	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
336	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).



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337	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
338	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
339	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
340	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
341	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
	790.23	1st,PBL	Possession of a firearm



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by a person who
qualifies for the
penalty enhancements
provided for in s.
874.04.

342

794.08(4)

3rd

Female genital
mutilation; consent by
a parent, guardian, or
a person in custodial
authority to a victim
younger than 18 years
of age.

343

796.03

2nd

Procuring any person
under 16 years of age
for prostitution.

344

800.04(5)(c)1.

2nd

Lewd or lascivious
molestation; victim
less than 12 years of
age; offender less than
18 years of age.

345

800.04(5)(c)2.

2nd

Lewd or lascivious
molestation; victim 12
years of age or older
but less than 16 years
of age; offender 18



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years of age or older.

346

806.01 (2)

2nd

Maliciously damage
structure by fire or
explosive.

347

810.02 (3) (a)

2nd

Burglary of occupied
dwelling; unarmed; no
assault or battery.

348

810.02 (3) (b)

2nd

Burglary of unoccupied
dwelling; unarmed; no
assault or battery.

349

810.02 (3) (d)

2nd

Burglary of occupied
conveyance; unarmed; no
assault or battery.

350

810.02 (3) (e)

2nd

Burglary of authorized
emergency vehicle.

351

812.014 (2) (a) 1.

1st

Property stolen, valued
at \$100,000 or more or
a semitrailer deployed
by a law enforcement
officer; property
stolen while causing
other property damage;
1st degree grand theft.



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352	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
353	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
354	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
355	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
356	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
357	812.131 (2) (a)	2nd	Robbery by sudden snatching.



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358	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
359	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
360	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
361	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
362	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
363	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring



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364	817.535 (2) (a)	3rd	entity which are a significant cause of the insolvency of that entity. Filing false lien or other unauthorized document.
365	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
366	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
367	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
368	827.04 (3)	3rd	Impregnation of a child



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369			under 16 years of age by person 21 years of age or older.
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
370			
	838.015	2nd	Bribery.
371			
	838.016	2nd	Unlawful compensation or reward for official behavior.
372			
	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
373			
	838.22	2nd	Bid tampering.
374			
	843.0855 (2)	3rd	Impersonation of a public officer or employee.
375			
	843.0855 (3)	3rd	Unlawful simulation of legal process.
376			
	843.0855 (4)	3rd	Intimidation of a



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377			public officer or employee.
	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
378			
	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
379			
	872.06	2nd	Abuse of a dead human body.
380			
	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
381			
	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
382			
	893.13 (1) (c) 1.	1st	Sell, manufacture, or



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deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

383

893.13(1)(e)1.

1st

Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.

384

893.13(4)(a)

1st

Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b),



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or (2)(c)4. drugs).

385

893.135(1)(a)1. 1st Trafficking in
cannabis, more than 25
lbs., less than 2,000
lbs.

386

893.135 1st Trafficking in cocaine,
(1)(b)1.a. more than 28 grams,
less than 200 grams.

387

893.135 1st Trafficking in illegal
(1)(c)1.a. drugs, more than 4
grams, less than 14
grams.

388

893.135(1)(d)1. 1st Trafficking in
phencyclidine, more
than 28 grams, less
than 200 grams.

389

893.135(1)(e)1. 1st Trafficking in
methaqualone, more than
200 grams, less than 5
kilograms.

390

893.135(1)(f)1. 1st Trafficking in
amphetamine, more than
14 grams, less than 28



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grams.

391

893.135
(1) (g) 1.a.

1st

Trafficking in
flunitrazepam, 4 grams
or more, less than 14
grams.

392

893.135
(1) (h) 1.a.

1st

Trafficking in gamma-
hydroxybutyric acid
(GHB), 1 kilogram or
more, less than 5
kilograms.

393

893.135
(1) (j) 1.a.

1st

Trafficking in 1,4-
Butanediol, 1 kilogram
or more, less than 5
kilograms.

394

893.135
(1) (k) 2.a.

1st

Trafficking in
Phenethylamines, 10
grams or more, less
than 200 grams.

395

893.1351 (2)

2nd

Possession of place for
trafficking in or
manufacturing of
controlled substance.

396

896.101 (5) (a)

3rd

Money laundering,



300572

financial transactions
exceeding \$300 but less
than \$20,000.

397

896.104 (4) (a) 1.

3rd

Structuring
transactions to evade
reporting or
registration
requirements, financial
transactions exceeding
\$300 but less than
\$20,000.

398

943.0435 (4) (c)

2nd

Sexual offender
vacating permanent
residence; failure to
comply with reporting
requirements.

399

943.0435 (8)

2nd

Sexual offender;
remains in state after
indicating intent to
leave; failure to
comply with reporting
requirements.

400

943.0435 (9) (a)

3rd

Sexual offender;
failure to comply with
reporting requirements.



300572

401	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
402	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
403	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
404	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
405	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.



300572

406

944.607(13) 3rd Sexual offender;
failure to report and
reregister; failure to
respond to address
verification.

407

985.4815(10) 3rd Sexual offender;
failure to submit to
the taking of a
digitized photograph.

408

985.4815(12) 3rd Failure to report or
providing false
information about a
sexual offender; harbor
or conceal a sexual
offender.

409

985.4815(13) 3rd Sexual offender;
failure to report and
reregister; failure to
respond to address
verification.

410

Section 6. This act shall take effect July 1, 2014.

412

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

414 And the title is amended as follows:



300572

415 Delete everything before the enacting clause
416 and insert:

417 A bill to be entitled
418 An act relating to drivers leaving the scene of a
419 crash; creating the "Aaron Cohen Life Protection Act";
420 amending s. 316.027, F.S.; redefining the term
421 "serious bodily injury" and defining the term
422 "vulnerable road user"; requiring the driver of a
423 vehicle involved in a crash that results in serious
424 bodily injury to a person to immediately stop the
425 vehicle and remain at the scene of the crash;
426 providing that a person commits a felony of the second
427 degree if he or she fails to stop the vehicle and
428 remain at the scene of the crash until specified
429 requirements are fulfilled; requiring the court to
430 impose a mandatory minimum term of imprisonment under
431 certain circumstances; requiring the revocation of the
432 driver's driver license; requiring the driver to
433 participate in specified programs; providing for
434 ranking of an offense committed if the victim of the
435 offense was a vulnerable road user; authorizing the
436 defendant to move to depart from the mandatory minimum
437 term of imprisonment under certain circumstances;
438 providing requirements and procedures for such
439 departure; amending s. 322.28, F.S.; requiring the
440 court to revoke for at least 3 years the driver
441 license of a person convicted of leaving the scene of
442 a crash involving injury, serious bodily injury, or
443 death; reenacting and amending s. 322.34(6), F.S.,



300572

444 relating to driving while a driver license is
445 suspended, revoked, canceled, or disqualified, to
446 incorporate the amendment to s. 322.28, F.S., in a
447 reference thereto; amending s. 921.0022, F.S.;
448 revising the offense severity ranking chart;
449 conforming a cross-reference; providing an effective
450 date.



338160

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/09/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Diaz de la Portilla)
recommended the following:

1 **Senate Amendment to Amendment (300572) (with title**
2 **amendment)**

3
4 Between lines 129 and 130
5 insert:

6 Section 3. Subsection (2) of section 322.0261, Florida
7 Statutes, is amended to read:

8 322.0261 Driver improvement course; requirement to maintain
9 driving privileges; failure to complete; department approval of
10 course.-



338160

11 (2) With respect to an operator convicted of, or who
12 pleaded nolo contendere to, a traffic offense giving rise to a
13 crash identified in paragraph (1)(a) or paragraph (1)(b), the
14 department shall require that the operator, in addition to other
15 applicable penalties, attend a department-approved driver
16 improvement course in order to maintain his or her driving
17 privileges. The department shall include in the course
18 curriculum instruction specifically addressing the rights of
19 vulnerable road users as defined in s. 316.027 relative to
20 vehicles on the roadway. If the operator fails to complete the
21 course within 90 days after receiving notice from the
22 department, the operator's driver ~~driver's~~ license shall be
23 canceled by the department until the course is successfully
24 completed.

25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete line 439

29 and insert:

30 departure; amending s. 322.0261, F.S.; requiring the
31 Department of Highway Safety and Motor Vehicles to
32 include in the curriculum of a certain driver
33 improvement course instruction addressing the rights
34 of vulnerable road users; amending s. 322.28, F.S.;

35 requiring the

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/9/14
Meeting Date

Topic Aaron Cohen Life Protection Act

Name Michelina Witte

Job Title Dr.

Address 950 Brickell Bay Dr. #5211

Miami FL 33131
City State Zip

Speaking: For Against Information

Representing Aaron Cohen Law Initiative

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.

Bill Number SB102
(if applicable)

Amendment Barcode 300592
(if applicable)

Phone 305 340-8277

E-mail mc@mickeywitte.com

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/9/14 Meeting Date

Topic Aaron Cohen Life Protection Act
Name ENDA WALSH
Job Title
Bill Number SB102
Amendment Barcode 300572

Address 444 Lybier Ave.
City Miami FL 33133
State Zip
Phone 305 668 9460
E-mail ewalsh@ffes.com

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

Representing Aaron Cohen Law Initiative

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

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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1/9/13
Meeting Date

Topic AMON Cohen Life Protection Act

Bill Number SB102

Name Jose Diaz (if applicable)

Job Title Miami-Dade County Commissioner (if applicable)

Address 111 NW 1st Street Phone (305) 375-5600

City Miami State FL Zip 33128 E-mail belkysr6Miami@ade.gov

Speaking: For Against Information

Representing Miami-Dade County

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

1-9-14
Meeting Date

Topic ANTON COHEN BILL Bill Number SB 102 (if applicable)

Name TIMOTHY JUSTIS Amendment Barcode _____ (if applicable)

Job Title EXECUTIVE DIRECTOR

Address 336 N. WOODWARD BLVD. Phone 850-238-5328

DELAND City State FL Zip 32720 E-mail TIM@FLORIDABICYCLE.org

Speaking: For Against Information

Representing FLORIDA BICYCLE ASSOCIATION

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

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

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

THE FLORIDA SENATE

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1 / 9 / 2011
Meeting Date

Topic _____ Bill Number 102 (if applicable)
Name BRIAN PITTS
Job Title TRUSTEE Amendment Barcode _____ (if applicable)

Address 1119 NEWTON AVNUE SOUTH Phone 727-897-9291
Street
SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM
Speaking: For Against Information
Representing JUSTICE-2-JESUS

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

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/9/14
Meeting Date

Topic CA hanchel matter Bill Number 102
(if applicable)

Name SAMES DOA RECHAMPBET Amendment Barcode _____
(if applicable)

Job Title Lobbyist

Address PO Box 212 Phone _____

212 City FL State _____ Zip _____
E-mail _____

Speaking: For Against Information

Representing APP STATE OF FL

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

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/9/14
Meeting Date

Topic ARON COHEN LIFE PROTECTION Act

Bill Number SB 102

(if applicable)

Name SUSAN KAWALESKI

Amendment Barcode

(if applicable)

Job Title _____

Address 6830 GRATIAN ST.

Phone 305 978 2233

CORAL GABLES FL 33146
City State Zip

E-mail typeople@ymail.com

Speaking: For Against Information

Representing MAOR CYCLE & FITNESS - CYCLING ADVOCACY

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.

By Senator Diaz de la Portilla

40-00010-14

2014102__

1 A bill to be entitled
 2 An act relating to drivers leaving the scene of a
 3 crash; creating the "Aaron Cohen Life Protection Act";
 4 amending s. 316.027, F.S.; defining the terms "serious
 5 bodily injury" and "vulnerable road user"; requiring
 6 the driver of a vehicle involved in a crash that
 7 results in serious bodily injury to a person to
 8 immediately stop the vehicle and remain at the scene
 9 of the crash; providing that a person commits a felony
 10 of the second degree if he or she fails to stop the
 11 vehicle and remain at the scene of the crash;
 12 requiring the court to impose a mandatory minimum term
 13 of imprisonment under certain circumstances; requiring
 14 the revocation of the driver's driver license;
 15 requiring the driver to participate in specified
 16 programs; amending s. 322.28, F.S.; requiring the
 17 court to revoke for at least 3 years the driver
 18 license of a person convicted of leaving the scene of
 19 a crash involving injury, serious bodily injury, or
 20 death; amending and reenacting s. 322.34(6), F.S.,
 21 relating to driving while a driver license is
 22 suspended, revoked, canceled, or disqualified, to
 23 incorporate the amendment to s. 322.28, F.S., in a
 24 reference thereto; amending s. 921.0022, F.S.;
 25 revising the offense severity ranking chart;
 26 conforming a cross-reference; providing an effective
 27 date.
 28
 29 Be It Enacted by the Legislature of the State of Florida:

Page 1 of 37

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2014102__

30
 31 Section 1. This act may be cited as the "Aaron Cohen Life
 32 Protection Act."
 33 Section 2. Section 316.027, Florida Statutes, is amended to
 34 read:
 35 316.027 Crash involving death or personal injuries.-
 36 (1) As used in this section, the term:
 37 (a) "Serious bodily injury" means an injury to a person,
 38 including the driver, which consists of a physical condition
 39 that creates a substantial risk of death, serious personal
 40 disfigurement, or protracted loss or impairment of the function
 41 of a bodily member or organ.
 42 (b) "Vulnerable road user" means:
 43 1. A pedestrian, including a person actually engaged in
 44 work upon a highway, or in work upon utility facilities along a
 45 highway, or engaged in the provision of emergency services
 46 within the right-of-way;
 47 2. A person operating a bicycle, motorcycle, scooter, or
 48 moped lawfully on the roadway;
 49 3. A person riding an animal; or
 50 4. A person lawfully operating on a public right-of-way,
 51 crosswalk, or shoulder of the roadway:
 52 a. A farm tractor or similar vehicle designed primarily for
 53 farm use;
 54 b. A skateboard, roller skates, in-line skates;
 55 c. A horse-drawn carriage;
 56 d. An electric personal assistive mobility device; or
 57 e. A wheelchair.
 58 (2)(1)-(a) The driver of a ~~any~~ vehicle involved in a crash

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59 occurring on public or private property which that results in
 60 injury to a ~~of any~~ person other than serious bodily injury shall
 61 ~~must~~ immediately stop the vehicle at the scene of the crash, or
 62 as close thereto as possible, and shall must remain at the scene
 63 of the crash until he or she has fulfilled the requirements of
 64 s. 316.062. A Any person who willfully violates this paragraph
 65 commits a felony of the third degree, punishable as provided in
 66 s. 775.082, s. 775.083, or s. 775.084.

67 (b) The driver of a vehicle involved in a crash occurring
 68 on public or private property which results in serious bodily
 69 injury to a person shall immediately stop the vehicle at the
 70 scene of the crash, or as close thereto as possible, and shall
 71 remain at the scene of the crash until he or she has fulfilled
 72 the requirements of s. 316.062. A person who willfully violates
 73 this paragraph commits a felony of the second degree, punishable
 74 as provided in s. 775.082, s. 775.083, or s. 775.084.

75 (c) (b) The driver of a ~~any~~ vehicle involved in a crash
 76 occurring on public or private property which that results in
 77 the death of a ~~any~~ person shall must immediately stop the
 78 vehicle at the scene of the crash, or as close thereto as
 79 possible, and shall must remain at the scene of the crash until
 80 he or she has fulfilled the requirements of s. 316.062. A person
 81 who is arrested for a violation of this paragraph and who has
 82 previously been convicted of a violation of this section, s.
 83 316.061, s. 316.191, or s. 316.193, or a felony violation of s.
 84 322.34, shall be held in custody until brought before the court
 85 for admittance to bail in accordance with chapter 903. A Any
 86 person who willfully violates this paragraph commits a felony of
 87 the first degree, punishable as provided in s. 775.082, s.

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88 775.083, or s. 775.084. A Any person who willfully commits such
 89 a violation while driving under the influence as set forth in s.
 90 316.193(1) shall be sentenced to a mandatory minimum term of
 91 imprisonment of 10 2 years.

92 (d) (e) Notwithstanding s. 775.089(1) (a), if the driver of a
 93 vehicle violates paragraph (a), ~~or~~ paragraph (b), or paragraph
 94 (c), the court shall order the driver to make restitution to the
 95 victim for any damage or loss unless the court finds clear and
 96 compelling reasons not to order the restitution. Restitution may
 97 be monetary or nonmonetary restitution. The court shall make the
 98 payment of restitution a condition of probation in accordance
 99 with s. 948.03. An order requiring the defendant to make
 100 restitution to a victim does not remove or diminish the
 101 requirement that the court order payment to the Crimes
 102 Compensation Trust Fund under chapter 960. Payment of an award
 103 by the Crimes Compensation Trust Fund creates an order of
 104 restitution to the Crimes Compensation Trust Fund unless
 105 specifically waived in accordance with s. 775.089(1) (b).

106 (e) A driver who violates paragraph (a), paragraph (b), or
 107 paragraph (c) shall:

- 108 1. Serve a mandatory minimum term of imprisonment of:
 - 109 a. Three years if the crash results in injury to a person;
 - 110 b. Seven years if the crash results in serious bodily
 111 injury to a person; or
 - 112 c. Ten years if the crash results in the death of a person;
- 113 2. Have his or her driver license revoked for a minimum
 114 period of at least 3 years as provided in s. 322.28(4);
- 115 3. Participate in a victim's impact panel session in a
 116 judicial circuit if such panel exists; or

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2014102__

117 4. Participate in a driver education course relating to the
 118 rights of vulnerable road users relative to vehicles on the
 119 roadway.

120 ~~(2) The department shall revoke the driver's license of the~~
 121 ~~person so convicted.~~

122 (3) ~~The stops shall~~ Every stop must be made without
 123 unnecessarily obstructing traffic ~~more than is necessary~~, and,
 124 if a damaged vehicle is obstructing traffic, the driver of the
 125 vehicle shall ~~must~~ make every reasonable effort to move the
 126 vehicle or have it moved so as not to obstruct the regular flow
 127 of traffic. A ~~Any~~ person who fails to comply with this
 128 subsection shall be cited for a nonmoving violation, punishable
 129 as provided in chapter 318.

130 (4) In addition to any other civil, criminal, or
 131 administrative penalty imposed, a person whose commission of a
 132 noncriminal traffic infraction or a ~~any~~ violation of this
 133 chapter or s. 1006.66 causes or results in the death of another
 134 person may, ~~in addition to any other civil, criminal, or~~
 135 ~~administrative penalty imposed~~, be required by the court to
 136 serve 120 community service hours in a trauma center or hospital
 137 that regularly receives victims of vehicle accidents, under the
 138 supervision of a registered nurse, an emergency room physician,
 139 or an emergency medical technician pursuant to a voluntary
 140 community service program operated by the trauma center or
 141 hospital.

142 (5) This section does not apply to crashes occurring during
 143 a motorsports event, as defined in s. 549.10(1), or at a closed-
 144 course motorsport facility, as defined in s. 549.09(1).

145 Section 3. Subsection (4) of section 322.28, Florida

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2014102__

146 Statutes, is amended to read:

147 322.28 Period of suspension or revocation.—

148 (4) (a) Upon a conviction for a violation of s.

149 316.193(3)(c)2., involving serious bodily injury, a conviction
 150 of manslaughter resulting from the operation of a motor vehicle,
 151 or a conviction of vehicular homicide, the court shall revoke
 152 the driver license of the person convicted for a minimum period
 153 of 3 years. If a conviction under s. 316.193(3)(c)2., involving
 154 serious bodily injury, is also a subsequent conviction as
 155 described under paragraph (2) (a), the court shall revoke the
 156 driver license or driving privilege of the person convicted for
 157 the period applicable as provided in paragraph (2) (a) or
 158 paragraph (2) (d).

159 (b) Upon a conviction for a violation of s. 316.027(2) (a),
 160 s. 316.027(2) (b), or s. 316.027(2) (c) involving injury, serious
 161 bodily injury, or death, the court shall revoke the driver
 162 license of the person convicted for a minimum period of 3 years.

163 (c) (b) If the period of revocation was not specified by the
 164 court at the time of imposing sentence or within 30 days
 165 thereafter, the department shall revoke the driver license for
 166 the minimum period applicable under paragraph (a) or paragraph
 167 (b) or, for a subsequent conviction, for the minimum period
 168 applicable under paragraph (2) (a) or paragraph (2) (d).

169 Section 4. For the purpose of incorporating the amendment
 170 made by this act to section 322.28, Florida Statutes, in a
 171 reference thereto, subsection (6) of section 322.34, Florida
 172 Statutes, is reenacted and amended to read:

173 322.34 Driving while license suspended, revoked, canceled,
 174 or disqualified.—

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175 (6) Any person who operates a motor vehicle:
 176 (a) Without having a driver's license as required under s.
 177 322.03; or
 178 (b) While his or her driver's license or driving privilege
 179 is canceled, suspended, or revoked pursuant to s. 316.655, s.
 180 322.26(8), s. 322.27(2), or s. 322.28(2) or (4),
 181
 182 and who by careless or negligent operation of the motor vehicle
 183 causes the death of or serious bodily injury to another human
 184 being ~~commits is guilty of~~ a felony of the third degree,
 185 punishable as provided in s. 775.082 or s. 775.083.
 186 Section 5. Paragraphs (f) and (g) of subsection (3) of
 187 section 921.0022, Florida Statutes, are amended to read:
 188 921.0022 Criminal Punishment Code; offense severity ranking
 189 chart.-
 190 (3) OFFENSE SEVERITY RANKING CHART
 191 (f) LEVEL 6

Florida Statute	Felony Degree	Description
<u>316.027(2)(b)</u>	<u>2nd</u>	<u>Leaving the scene of a crash involving serious bodily injury.</u>
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Knowing forgery of pedigree papers.

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195 499.0051(4) 2nd Knowing purchase or receipt of prescription drug from unauthorized person.
 196 499.0051(5) 2nd Knowing sale or transfer of prescription drug to unauthorized person.
 197 775.0875(1) 3rd Taking firearm from law enforcement officer.
 198 784.021(1)(a) 3rd Aggravated assault; deadly weapon without intent to kill.
 199 784.021(1)(b) 3rd Aggravated assault; intent to commit felony.
 200 784.041 3rd Felony battery; domestic battery by strangulation.
 201 784.048(3) 3rd Aggravated stalking; credible threat.
 202 784.048(5) 3rd Aggravated stalking of person under 16.

203	40-00010-14		2014102__
	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
204	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
205	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
206	784.081(2)	2nd	Aggravated assault on specified official or employee.
207	784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
208	784.083(2)	2nd	Aggravated assault on code inspector.
209	787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.

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210	40-00010-14		2014102__
	790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
211	790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
212	790.164(1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
213	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
214	794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
215	794.05(1)	2nd	Unlawful sexual activity with specified minor.
216			

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	40-00010-14		2014102__
	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
217			
	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
218			
	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
219			
	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
220			
	810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
221			
	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
222			

	40-00010-14		2014102__
	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
223			
	812.015(9)(a)	2nd	Retail theft; property stolen \$300 or more; second or subsequent conviction.
224			
	812.015(9)(b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
225			
	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
226			
	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
227			
	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
228			
	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.

	40-00010-14		2014102__
229	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
230	825.103(2) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
231	827.03(2) (c)	3rd	Abuse of a child.
232	827.03(2) (d)	3rd	Neglect of a child.
233	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
234	836.05	2nd	Threats; extortion.
235	836.10	2nd	Written threats to kill or do bodily injury.
236	843.12	3rd	Aids or assists person to escape.
237	847.011	3rd	Distributing, offering

	40-00010-14		2014102__
			to distribute, or possessing with intent to distribute obscene materials depicting minors.
238	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
239	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
240	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
241	944.35(3) (a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great

242	40-00010-14		2014102__	bodily harm.
243	944.40	2nd		Escapes.
244	944.46	3rd		Harboring, concealing, aiding escaped prisoners.
245	944.47(1)(a)5.	2nd		Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
246	951.22(1)	3rd		Intoxicating drug, firearm, or weapon introduced into county facility.
247				
248	(g) LEVEL 7			
249	Florida Statute	Felony Degree		Description
250	316.027(2)(c) (1)(b)	1st		Accident involving death, failure to stop; leaving scene.
	316.193(3)(c)2.	3rd		DUI resulting in

251	40-00010-14		2014102__	serious bodily injury.
	316.1935(3)(b)	1st		Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
252	327.35(3)(c)2.	3rd		Vessel BUI resulting in serious bodily injury.
253	402.319(2)	2nd		Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
254	409.920	3rd		Medicaid provider fraud; \$10,000 or less.
255	(2)(b)1.a.			

	40-00010-14		2014102__
	409.920	2nd	Medicaid provider
	(2) (b) 1.b.		fraud; more than
			\$10,000, but less than
256			\$50,000.
	456.065(2)	3rd	Practicing a health
			care profession without
			a license.
257			
	456.065(2)	2nd	Practicing a health
			care profession without
			a license which results
			in serious bodily
			injury.
258			
	458.327(1)	3rd	Practicing medicine
			without a license.
259			
	459.013(1)	3rd	Practicing osteopathic
			medicine without a
			license.
260			
	460.411(1)	3rd	Practicing chiropractic
			medicine without a
			license.
261			
	461.012(1)	3rd	Practicing podiatric
			medicine without a
			license.

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

	40-00010-14		2014102__
262			
	462.17	3rd	Practicing naturopathy
			without a license.
263			
	463.015(1)	3rd	Practicing optometry
			without a license.
264			
	464.016(1)	3rd	Practicing nursing
			without a license.
265			
	465.015(2)	3rd	Practicing pharmacy
			without a license.
266			
	466.026(1)	3rd	Practicing dentistry or
			dental hygiene without
			a license.
267			
	467.201	3rd	Practicing midwifery
			without a license.
268			
	468.366	3rd	Delivering respiratory
			care services without a
			license.
269			
	483.828(1)	3rd	Practicing as clinical
			laboratory personnel
			without a license.
270			
	483.901(9)	3rd	Practicing medical

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	40-00010-14		2014102__	
			physics without a	
			license.	
271	484.013(1)(c)	3rd	Preparing or dispensing	
			optical devices without	
			a prescription.	
272	484.053	3rd	Dispensing hearing aids	
			without a license.	
273	494.0018(2)	1st	Conviction of any	
			violation of ss.	
			494.001-494.0077 in	
			which the total money	
			and property unlawfully	
			obtained exceeded	
			\$50,000 and there were	
			five or more victims.	
274	560.123(8)(b)1.	3rd	Failure to report	
			currency or payment	
			instruments exceeding	
			\$300 but less than	
			\$20,000 by a money	
			services business.	
275	560.125(5)(a)	3rd	Money services business	
			by unauthorized person,	
			currency or payment	

	40-00010-14		2014102__	
			instruments exceeding	
			\$300 but less than	
			\$20,000.	
276	655.50(10)(b)1.	3rd	Failure to report	
			financial transactions	
			exceeding \$300 but less	
			than \$20,000 by	
			financial institution.	
277	775.21(10)(a)	3rd	Sexual predator;	
			failure to register;	
			failure to renew	
			driver's license or	
			identification card;	
			other registration	
			violations.	
278	775.21(10)(b)	3rd	Sexual predator working	
			where children	
			regularly congregate.	
279	775.21(10)(g)	3rd	Failure to report or	
			providing false	
			information about a	
			sexual predator; harbor	
			or conceal a sexual	
			predator.	
280				

	40-00010-14		2014102__
	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
281	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
282	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
283	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
284	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or

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	40-00010-14		2014102__
			disfigurement.
285	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
286	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
287	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
288	784.048(7)	3rd	Aggravated stalking; violation of court order.
289	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
290	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
291	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.

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

292	40-00010-14		2014102__	
	784.081(1)	1st	Aggravated battery on specified official or employee.	
293	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.	
294	784.083(1)	1st	Aggravated battery on code inspector.	
295	787.06(3)(a)	1st	Human trafficking using coercion for labor and services.	
296	787.06(3)(e)	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.	
297	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	

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298	40-00010-14		2014102__	
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.	
299	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.	
300	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.	
301	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.	
302	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.	
303				

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

	40-00010-14		2014102__
	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
304	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
305	796.03	2nd	Procuring any person under 16 years for prostitution.
306	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
307	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years;

	40-00010-14		2014102__
			offender 18 years or older.
308	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
309	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
310	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
311	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
312	810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
313	812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage;

	40-00010-14		2014102__	
			1st degree grand theft.	
314	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.	
315	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.	
316	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.	
317	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.	
318	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.	
319	812.131 (2) (a)	2nd	Robbery by sudden	

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

	40-00010-14		2014102__	
			snatching.	
320	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.	
321	812.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.	
322	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.	
323	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.	
324	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.	
325	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the	

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

	40-00010-14		2014102__	
			solvency of an insuring	
			entity which are a	
			significant cause of	
			the insolvency of that	
			entity.	
326	817.535(2)(a)	3rd	Filing false lien or	
			other unauthorized	
			document.	
327	825.102(3)(b)	2nd	Neglecting an elderly	
			person or disabled	
			adult causing great	
			bodily harm,	
			disability, or	
			disfigurement.	
328	825.103(2)(b)	2nd	Exploiting an elderly	
			person or disabled	
			adult and property is	
			valued at \$20,000 or	
			more, but less than	
			\$100,000.	
329	827.03(2)(b)	2nd	Neglect of a child	
			causing great bodily	
			harm, disability, or	
			disfigurement.	
330				

	40-00010-14		2014102__	
	827.04(3)	3rd	Impregnation of a child	
			under 16 years of age	
			by person 21 years of	
			age or older.	
331	837.05(2)	3rd	Giving false	
			information about	
			alleged capital felony	
			to a law enforcement	
			officer.	
332	838.015	2nd	Bribery.	
333	838.016	2nd	Unlawful compensation	
			or reward for official	
			behavior.	
334	838.021(3)(a)	2nd	Unlawful harm to a	
			public servant.	
335	838.22	2nd	Bid tampering.	
336	843.0855(2)	3rd	Impersonation of a	
			public officer or	
			employee.	
337	843.0855(3)	3rd	Unlawful simulation of	
			legal process.	
338				

	40-00010-14		2014102__
339	843.0855(4)	3rd	Intimidation of a public officer or employee.
	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
340	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
341	872.06	2nd	Abuse of a dead human body.
342	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
343	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
344			

	40-00010-14		2014102__
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
345	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
346	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b),

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 (1) (d), (2) (a), (2) (b),
 or (2) (c) 4. drugs).
 347 893.135(1) (a) 1. 1st Trafficking in
 cannabis, more than 25
 lbs., less than 2,000
 lbs.
 348 893.135 1st Trafficking in cocaine,
 (1) (b) 1.a. more than 28 grams,
 less than 200 grams.
 349 893.135 1st Trafficking in illegal
 (1) (c) 1.a. drugs, more than 4
 grams, less than 14
 grams.
 350 893.135(1) (d) 1. 1st Trafficking in
 phencyclidine, more
 than 28 grams, less
 than 200 grams.
 351 893.135(1) (e) 1. 1st Trafficking in
 methaqualone, more than
 200 grams, less than 5
 kilograms.
 352 893.135(1) (f) 1. 1st Trafficking in
 amphetamine, more than

40-00010-14 2014102__
 14 grams, less than 28
 grams.
 353 893.135 1st Trafficking in
 (1) (g) 1.a. flunitrazepam, 4 grams
 or more, less than 14
 grams.
 354 893.135 1st Trafficking in gamma-
 (1) (h) 1.a. hydroxybutyric acid
 (GHB), 1 kilogram or
 more, less than 5
 kilograms.
 355 893.135 1st Trafficking in 1,4-
 (1) (j) 1.a. Butanediol, 1 kilogram
 or more, less than 5
 kilograms.
 356 893.135 1st Trafficking in
 (1) (k) 2.a. Phenethylamines, 10
 grams or more, less
 than 200 grams.
 357 893.1351(2) 2nd Possession of place for
 trafficking in or
 manufacturing of
 controlled substance.
 358

	40-00010-14		2014102__
	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
359	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
360	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
361	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
362	943.0435(9)(a)	3rd	Sexual offender; failure to comply with

	40-00010-14		2014102__
			reporting requirements.
363	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
364	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
365	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
366	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
367	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual

368	40-00010-14		2014102__	offender.
369	944.607(13)	3rd		Sexual offender; failure to report and reregister; failure to respond to address verification.
370	985.4815(10)	3rd		Sexual offender; failure to submit to the taking of a digitized photograph.
371	985.4815(12)	3rd		Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
372	985.4815(13)	3rd		Sexual offender; failure to report and reregister; failure to respond to address verification.
373	Section 6. This act shall take effect July 1, 2014.			

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 226

INTRODUCER: Transportation Committee and Senator Brandes

SUBJECT: Public Records/Automated License Plate Recognition Systems Exemption

DATE: January 9, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Everette	Eichin	TR	Fav/CS
2.			GO	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

Senate Bill 226 creates definitions and a confidential and exempt standard for images and personal identifying information obtained and held by an agency through the use of an automated license plate recognition system.

The bill further specifies disclosure conditions for any such information:

- By or to a criminal justice agency in the performance of its official duties.
- To a license plate registrant requesting his or her own information.

The confidential and exempt public records requirement applies to information held by an agency retroactive of the July 1, 2014 effective date.

II. Present Situation:

An automated license plate recognition system (ALPRS) uses computerized optical character recognition to extract vehicle license plate information from an image or a sequence of images. It is sometimes also referred to as automated number plate recognition system or automated licensed reader. The extracted information can be used with or without a database in many applications, such as electronic payment systems (toll payment, parking fee payment), and

freeway and arterial monitoring systems for traffic surveillance. The ALPRS uses either a color, black and white, or ultraviolet camera to take images of passing license plates and quickly processes the data under different environmental conditions, such as indoors, outdoors, day or night.

Data obtained from an ALPRS is generally used to check license plates against law enforcement “hot” lists. This captured information (i.e., license plate number, date, time, and location) is collected, matched to personal identifying databases and sometimes pooled into regional sharing systems. As a result, enormous databases may house the location and travel patterns of thousands, if not millions of individual motorists.

As an operational tool for law enforcement, ALPRSs scan the license plates of moving or parked vehicles while either mounted on a moving patrol car or attached to a fixed location, such as a toll plaza or free-standing installation. Though designed to assist law enforcement with day-to-day vehicle violations, an ALPRS may collect and store extensive location information about each vehicle in its field of vision. Photographs captured by an ALPRS may contain more than simply the license plate, and sometimes include a substantial part of a vehicle, its occupants, and its immediate vicinity. Law enforcement can use captured photographs to verify witness descriptions of vehicles and confirm identifying features.

In July 2012, the American Civil Liberties Union (ACLU) sent public records act requests to nearly 600 local and state police departments and other state and federal agencies to obtain information on how these agencies use such information.¹ In response, 26,000 pages were received detailing the use of the technology around the country. The ACLU report found that although police departments typically only have a few of its vehicles equipped with the ALPRSs, they project increased numbers within the next 5 years. The same report found that law enforcement agencies were increasingly capturing drivers’ locations outside church, the doctor’s office, and school, etc., giving law enforcement and private companies the ability to build detailed pictures of citizens’ lives. In some instances the stored information stretched back months, even years.²

The ACLU recommends the following principles for the use and disclosure of automated license plate recognition systems:

- Law enforcement agencies must place access controls on license plate reader databases. Only agents who have been trained in the departments’ policies governing such databases should be permitted access, and departments should log access records pertaining to the databases.
- People should be able to find out if plate data of vehicles registered to them are contained in a law enforcement agency’s database. They should also be able to access the data. This policy should also apply to disclosure to a third party if the registered vehicle owner consents, or for criminal defendants seeking relevant evidence.

¹ <https://www.aclu.org/alpr> (last visited on 1/06/14)

² i.d.

- Law enforcement agencies should not share license plate reader data with third parties that do not conform to the above retention and access principles, and should be transparent regarding with whom license plate reader data are shared.³

Public Records Laws

The Florida Constitution provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.⁴ The records of the legislative, executive, and judicial branches are specifically included.⁵

The Florida Statutes also specify conditions under which public access must be provided to government records. The Public Records Act⁶ guarantees every person's right to inspect and copy any state or local government public record⁷ at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁸

Only the Legislature may create an exemption to public records requirements.⁹ Such an exemption must be created by general law and must specifically state the public necessity justifying the exemption.¹⁰ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions¹¹ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.¹²

³<https://www.aclu.org/files/assets/071613-aclu-alprreport-opt-v05.pdf> (last visited 1/7/14)

⁴ FLA CONST., art. I, s. 24(a).

⁵ Id.

⁶ Chapter 119, F.S.

⁷ Section 119.011(12), F.S., defines "public records" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records (*see Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992)).

⁸ Section 119.07(1)(a), F.S.

⁹ FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and* exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances (*see WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (*see Attorney General Opinion 85-62*, August 1, 1985).

¹⁰ FLA. CONST., art. I, s. 24(c).

¹¹ The bill may, however, contain multiple exemptions that relate to one subject.

¹² FLA. CONST., art. I, s. 24(c).

The Open Government Sunset Review Act (the Act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.¹³ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁴ The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet such public purpose.

There is no specific public records exemption for data generated by automated license plate recognition systems in the State of Florida. Thus, the program has never been subject to s. 119.07, F.S., and s. 24(a), Article I of the State Constitution.

III. Effect of Proposed Changes:

Section 1 creates a confidential and exempt standard of protection for data generated by automated license plate recognition system. Section 316.0777, F.S., defines “agency” as having the same meaning as in s. 119.011, F.S.,¹⁵ and “automated license plate recognition system” as a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of license plates into computer-readable data.

The bill requires that such information may be disclosed as follows:

- By or to a criminal justice agency, as defined in s. 119.011(4),¹⁶ in performance with the agency’s official duties.
- To a license plate registrant requesting his or her own such information as long as it is not related to any ongoing criminal investigation.

The exemption applies to personal identifying information images and data held by any agency before, on, or after the passage of this exemption, July 1, 2014.

The bill further requires, in accordance with s. 119.15, F.S., this section is subject to the Open Government Sunset Review Act and will repeal on October 2, 2019 if not reviewed and saved from repeal through reenactment by the Legislature.

Section 2, provides that personal identifying information images and data obtained and held through the use of automated license plate recognition systems by an agency are confidential and exempt from public records disclosure requirements. The bill clarifies the release of such images could enable a third party to track a person’s movements and use personal images and data in a negative way against that person. Therefore, the exemption is necessary to keep a person’s

¹³ Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the Act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).

¹⁴ Section 119.15(3), F.S.

¹⁵ “Agency” means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

¹⁶ See supra note 7.

privacy private. The harm that could befall an individual outweighs any measure of public benefit from access to such personal identifying information.

The act shall take effect July 1, 2014.

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. Statutes Affected:

This bill creates section 316.0777 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on January 9, 2014:

The CS differs from the original bill in that it:

- Changes the standard of protection from “exempt” to “confidential and exempt”¹⁷ in order to specify conditions for disclosure.
- Specifies the following conditions under which the confidential and exempt information may be disclosed:
 - For any such information, by or to a criminal justice agency in the performance of its official duties.
 - For any information relating to a license registered to an individual, to such individual.
Such information may not be released if it is relevant to an ongoing criminal investigation.

- B. **Amendments:**

None.

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

¹⁷ For an explanation of the difference between the standards, see supra note 9.



673050

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/09/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 26 - 45
and insert:

(2) The following information held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Images obtained through the use of an automated license plate recognition system.

(b) Personal identifying information of an individual in



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11 data generated or resulting from images obtained through the use
12 of an automated license plate recognition system.

13 (3) Such information may be disclosed as follows:

14 (a) Any such information may be disclosed by or to a
15 criminal justice agency, as defined in s. 119.011(4), in the
16 performance of a criminal justice agency's official duties.

17 (b) Any such information relating to a license plate
18 registered to an individual may be disclosed to the individual,
19 unless such information constitutes active criminal intelligence
20 information or active criminal investigative information, as
21 defined in s. 119.011(3).

22 (4) This exemption applies to such information held by an
23 agency before, on, or after the effective date of this
24 exemption.

25 (5) This section is subject to the Open Government Sunset
26 Review Act in accordance with s. 119.15 and shall stand repealed
27 on October 2, 2019, unless reviewed and saved from repeal
28 through reenactment by the Legislature.

29 Section 2. The Legislature finds that it is a public
30 necessity that images obtained through the use of an automated
31 license plate recognition system held by an agency and personal
32 identifying information in data generated from such images be
33 confidential and exempt from public records requirements. The
34 release of such

35
36 ===== T I T L E A M E N D M E N T =====

37 And the title is amended as follows:

38 Delete lines 3 - 7

39 and insert:



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40 316.0777, F.S.; providing definitions; declaring
41 public records relating to images obtained through the
42 use of an automated license plate recognition system
43 and personal identifying information of an individual
44 in data generated from such images as confidential and
45 exempt from general state policy on public records
46 disclosure; providing conditions for disclosure of
47 such images and information;

THE FLORIDA SENATE

APPEARANCE RECORD

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

5/29/2011

Meeting Date

Topic _____ Bill Number 226 (if applicable)

Name BRIAN PITTS Amendment Barcode _____ (if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705
City State Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

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

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

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

By Senator Brandes

22-00211A-14

2014226__

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 316.0777, F.S.; providing definitions; creating a
 4 public records exemption for images obtained through
 5 the use of an automated license plate recognition
 6 system and personal identifying information of an
 7 individual in data generated from such images;
 8 providing for retroactive application of the public
 9 records exemption; providing for future repeal and
 10 legislative review of the exemption under the Open
 11 Government Sunset Review Act; providing a statement of
 12 public necessity; providing an effective date.
 13
 14 Be It Enacted by the Legislature of the State of Florida:
 15
 16 Section 1. Section 316.0777, Florida Statutes, is created
 17 to read:
 18 316.0777 Automated license plate recognition systems;
 19 public records exemption.-
 20 (1) As used in this section, the term:
 21 (a) "Agency" has the same meaning as in s. 119.011.
 22 (b) "Automated license plate recognition system" means a
 23 system of one or more mobile or fixed high-speed cameras
 24 combined with computer algorithms to convert images of license
 25 plates into computer-readable data.
 26 (2) The following information held by an agency is exempt
 27 from s. 119.07(1) and s. 24(a), Art. I of the State
 28 Constitution:
 29 (a) Images obtained through the use of an automated license

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

22-00211A-14

2014226__

30 plate recognition system.
 31 (b) Personal identifying information of an individual in
 32 data generated from images obtained through the use of an
 33 automated license plate recognition system.
 34 (3) This exemption applies to such information held by an
 35 agency before, on, or after the effective date of this
 36 exemption.
 37 (4) This section is subject to the Open Government Sunset
 38 Review Act in accordance with s. 119.15 and shall stand repealed
 39 on October 2, 2019, unless reviewed and saved from repeal
 40 through reenactment by the Legislature.
 41 Section 2. The Legislature finds that it is a public
 42 necessity that images obtained through the use of an automated
 43 license plate recognition system held by an agency and personal
 44 identifying information in data generated from such images be
 45 exempt from public records requirements. The release of such
 46 images and data gathered through automated license plate
 47 recognition systems could enable a third party to track a
 48 person's movements and compile a history on where a person has
 49 driven. This exemption is necessary because the public
 50 disclosure of such information constitutes an unwarranted
 51 invasion into the personal life and privacy of a person. The
 52 harm from disclosing such information outweighs any public
 53 benefit that can be derived from widespread and unregulated
 54 public access to such information.
 55 Section 3. This act shall take effect July 1, 2014.

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

CourtSmart Tag Report

Room: LL 37
Caption: Senate Transportation

Case:
Judge:

Type:

Started: 1/9/2014 9:02:31 AM

Ends: 1/9/2014 10:57:05 AM

Length: 01:54:35

9:02:32 AM Meeting called to order by Chairman Brandes
9:02:44 AM Roll call by Administrative Assistant, Marilyn Hudson
9:02:56 AM Comments from Chairman Brandes
9:03:06 AM Chairman Brandes - SB 230 by Senator Simmons
9:03:26 AM Explanation of SB 230 by Senator Simmons
9:06:16 AM Question from Senator Joyner
9:07:03 AM Response from Senator Simmons
9:08:27 AM Follow-up question from Senator Joyner
9:08:38 AM Response from Senator Simmons
9:09:01 AM Follow-up question/comments from Senator Joyner
9:10:31 AM Response from Senator Simmons
9:12:07 AM Question from Senator Clemens
9:12:23 AM Response from Senator Simmons
9:13:17 AM Question from Senator Margolis
9:13:36 AM Response from Senator Simmons
9:14:08 AM Follow-up question from Senator Margolis
9:14:20 AM Response from Senator Simmons
9:14:38 AM Question from Senator Thompson
9:15:00 AM Response from Senator Simmons
9:15:54 AM Follow-up question from Senator Thompson
9:16:12 AM Response from Senator Simmons
9:16:21 AM Comments from Chairman Brandes regarding Amendment 247500 by Senator Richter
9:16:48 AM Explanation of Amendment 247500 by Senator Simmons
9:17:13 AM Amendment 247500 adopted
9:17:24 AM Speaker, Brian Pitts, Justice-2-Jesus regarding SB 230
9:20:49 AM Comments from Chairman Brandes
9:21:30 AM Comments from Senator Lee
9:24:04 AM Senator Simmons closure on SB 230
9:26:21 AM Comments from Chairman Brandes, Sen. Richter moves for CS
9:26:42 AM Roll call by Administrative Assistant, Marilyn Hudson
9:26:51 AM Comments from Chairman Brandes regarding passing of SB 230
9:27:02 AM Explanation of CS/SB 274 by Senator Simmons
9:28:56 AM Question from Senator Joyner
9:29:42 AM Response from Senator Simmons
9:31:29 AM Question from Senator Evers
9:31:57 AM Response from Senator Simmons
9:32:35 AM Additional question from Senator Evers
9:32:43 AM Response from Senator Simmons
9:32:55 AM Comments from Senator Evers
9:33:02 AM Comments from Chairman Brandes
9:33:07 AM Comments from Senator Evers
9:33:36 AM Comments from Senator Simmons
9:34:21 AM Question from Senator Clemens
9:34:42 AM Response from Senator Simmons
9:35:38 AM Follow-up question from Senator Clemens
9:35:58 AM Response from Senator Simmons
9:36:26 AM Comments from Chairman Brandes regarding Late-filed Amendment 181758
9:36:48 AM Explanation of Late-filed Amendment 181758 by Senator Thompson
9:37:56 AM Question from Senator Richter
9:38:18 AM Comment from Chairman Brandes
9:38:35 AM Response from Senator Simmons
9:40:33 AM Question from Senator Garcia

9:41:21 AM Response from Senator Simmons
9:42:18 AM Question from Senator Clemens
9:42:37 AM Comments from Chairman Brandes
9:42:51 AM Speaker, Barney Bishop, President & CEO, Florida Smart Justice Alliance regarding Amendment 181758
9:46:34 AM Question from Senator Lee
9:47:03 AM Response from Barney Bishop
9:47:29 AM Speaker, Lori Costantino-Brown, President & CEO, Bridges of America regarding Amendment 181758
9:50:17 AM Comments from Chairman Brandes
9:50:30 AM Speaker, Will Kendrick, Director, Legislative Affairs, Department of Corrections on Amendment 181758
9:51:34 AM Question from Senator Clemens
9:51:51 AM Response from Will Kendrick
9:51:58 AM Question from Senator Joyner
9:52:16 AM Response from Will Kendrick
9:52:21 AM Follow-up question from Senator Joyner
9:52:34 AM Response from Will Kendrick
9:53:26 AM Comments from Chairman Brandes
9:53:39 AM Comments from Senator Richter
9:53:50 AM Response from Senator Simmons regarding the Amendment
9:54:41 AM Question from Senator Joyner
9:54:58 AM Comments from Chairman Brandes
9:55:53 AM Senator Thompson closure on the Amendment
9:57:21 AM Roll call on Amendment 181758 by Administrative Assistant, Marilyn Hudson
9:57:49 AM Amendment 181758 is not adopted
9:58:07 AM Speaker, Bob Dillinger on CS/SB 274
9:59:39 AM Speaker, Paul Henry in opposition to Bill
9:59:56 AM Speaker, Brian Pitts, Justice-2-Jesus
10:04:00 AM Speaker, Barney Bishop, Florida Smart Justice Alliance
10:07:08 AM Speaker, Catherine Baer, The Tea Party Network
10:09:55 AM Speaker, Lori Costantino-Brown waives in support
10:10:19 AM Speaker, David Christian, Vice President, CA waives in support
10:10:37 AM Speaker, Will Kendrick, Director, Legislative Affairs, Department of Corrections
10:12:14 AM Comments from Chairman Brandes
10:12:28 AM Comments from Senator Joyner
10:12:37 AM Comments from Senator Lee
10:13:13 AM Comments from Senator Evers
10:14:49 AM Closure on CS/SB 274 by Senator Simmons
10:15:53 AM Roll call on CS/SB 274 by Administrative Assistant, Marilyn Hudson
10:16:42 AM Bill reported favorably
10:16:51 AM Senator Evers wants to be in the affirmative on SB 230
10:17:16 AM Explanation of SB 262 by Senator Abruzzo
10:17:54 AM Question from Senator Clemens
10:18:15 AM Response from Senator Abruzzo
10:18:31 AM Speaker, Fred Angelo, Vice President, Palm Beach County Firefighters and Paramedics waives in support
10:18:51 AM Closure on SB 262 by Senator Abruzzo
10:19:01 AM Roll call on SB 262 by Administrative Assistant, Marilyn Hudson
10:19:15 AM SB 262 reported favorably
10:19:33 AM Explanation of SB 350 by Senator Abruzzo
10:19:48 AM Brian Pitts, Justice-2-Jesus waives in support
10:19:57 AM Roll call on SB 350 by Administrative Assistant, Marilyn Hudson
10:20:03 AM SB 350 reported favorably
10:20:21 AM Explanation of SB 102 by Senator Diaz de la Portilla
10:22:24 AM Explanation of Strike-All Amendment 300572 by Senator Diaz de la Portilla
10:24:38 AM Comments from Chairman Brandes
10:24:50 AM Explanation of the Amendment to the Amendment by Senator Diaz de la Portilla
10:25:05 AM Comments from Chairman Brandes regarding 338160
10:25:19 AM Amendment to the Amendment is adopted
10:25:28 AM Question from Senator Joyner regarding Strike-All Amendment 300572
10:26:19 AM Response from Senator Diaz de la Portilla
10:27:07 AM Speaker Enda Walsh, Aaron Cohen Law Initiative
10:29:58 AM Speaker Michelina Witte, Aaron Cohen Law Initiative regarding Amendment 300592
10:34:36 AM Question from Senator Clements
10:34:55 AM Response from Michelina Witte

10:35:40 AM Comments from Senator Garcia
10:36:19 AM Speaker, Commissioner Jose Diaz, Miami Dade County
10:40:24 AM Speaker, Timothy Rostos, Executive Director, Florida Bicycle Association
10:41:38 AM Speaker, Brian Pitts, Justice-2-Jesus
10:46:00 AM Speaker, James Doc Reichenback II, Lobbyist, Abate of Florida, Inc.
10:48:59 AM Speaker, Susan Kawalerski, Mack Cycle & Fitness - Cycling Advocacy
10:52:39 AM Amendment to Amendment adopted
10:52:54 AM Senator Diaz de la Portilla regarding closure on the Bill
10:53:48 AM Committee substitute adopted
10:53:55 AM Roll call on SB 102 by Administrative Assistant, Marilyn Hudson
10:54:10 AM SB 102 passes favorably
10:54:25 AM Chairman Brandes passes gavel to Senator Margolis
10:54:27 AM Explanation of SB 226 by Chairman Brandes
10:55:06 AM Comments Senator Margolis
10:55:14 AM Explanation of Amendment 673050 by Chairman Brandes
10:55:49 AM Amendment is adopted
10:56:00 AM Chairman Brandes waives closure
10:56:07 AM Brian Pitts waives in support
10:56:17 AM Motion for CS by Chairman Brandes
10:56:26 AM Roll call on SB 226 by Administrative Assistant, Marilyn Hudson
10:56:36 AM SB 226 passes favorably
10:56:50 AM Senator Evers moves to rise