

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

**TRANSPORTATION**  
**Senator Brandes, Chair**  
**Senator Margolis, Vice Chair**

**MEETING DATE:** Thursday, February 13, 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<br>SENATE COMMITTEE ACTIONS   | COMMITTEE ACTION           |
|---------------------------------|---|--|----------------------------|
| 1                               | <b>SB 302</b><br>Braynon<br>(Identical H 317)   | Driver Licenses and Driving Privileges; Citing this act as the "Driver Accountability Act"; providing a criminal penalty payment alternative if a court finds that the violator has demonstrable financial hardship; amending provisions relating to driving while a license is suspended, revoked, canceled, or disqualified; revising provisions for the Department of Highway Safety and Motor Vehicles to suspend the license of a person who has failed to pay a financial obligation for a criminal offense, etc.<br><br>TR 02/13/2014 Temporarily Postponed<br>JU<br>ACJ<br>AP  | Temporarily Postponed      |
| 2                               | <b>SB 642</b><br>Brandes  | Florida Transportation Corporation Act; Repealing a provision relating to the authority of the Auditor General to conduct audits of transportation corporations authorized under the Florida Transportation Corporation Act; repealing a provision relating to the type, structure, and income of an authorized transportation corporation; repealing a provision relating to the contract between the Department of Transportation and an authorized transportation corporation; repealing a provision relating to the board of directors and advisory directors of an authorized transportation corporation, etc.<br><br>TR 02/13/2014 Favorable<br>GO | Favorable<br>Yeas 7 Nays 0 |
| 3                               | Presentation by the Department of Highway Safety and Motor Vehicles: Autonomous Vehicles Report                                   |  | Presented                  |
|                                 | Presentation by the Office of Program Policy Analysis and Governmental Accountability (OPPAGA): Florida Red Light Camera Programs |  | Presented                  |
| Other Related Meeting Documents |   |  |                            |

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 302

INTRODUCER: Senator Braynon

SUBJECT: Driver Licenses and Driving Privileges

DATE: February 11, 2014

REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION             |
|----|---------|----------------|-----------|--------------------|
| 1. | Price   | Eichin         | TR        | <b>Pre-meeting</b> |
| 2. |         |                | JU        |                    |
| 3. |         |                | ACJ       |                    |
| 4. |         |                | AP        |                    |

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**I. Summary:**

SB 302 makes numerous changes to offenses related to operating a motor vehicle with a driver license that is suspended, revoked, canceled, or disqualified. Penalties related to these offenses are revised, reduced, or eliminated, particularly as they pertain to the driver's knowledge that his or her license had been suspended, revoked, canceled, or disqualified. Also, the performance of community service is authorized to satisfy monetary penalties associated with criminal offenses listed in s. 318.17, F.S.

**II. Present Situation:**

***Driving while License Suspended, Revoked, Canceled, or Disqualified***

Under current law, any person, except a "habitual traffic offender," who drives a motor vehicle on the highways of this state while their license is canceled, suspended, or revoked is guilty of a moving violation,<sup>1</sup> punishable by imposition of a \$60 penalty.<sup>2</sup> If the arresting officer determines that a person, except a habitual traffic offender, is operating a motor vehicle *with the knowledge* that their driver license has been canceled, suspended, or revoked,<sup>3</sup> that person is guilty of:

- a second degree misdemeanor upon a first conviction, punishable by a term of imprisonment not exceeding 60 days,<sup>4</sup> plus a possible additional \$500 fine.<sup>5</sup>

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<sup>1</sup> Section 322.34(1), F.S.

<sup>2</sup> Section 318.18(3)(a), F.S.

<sup>3</sup> Section 322.34(2), F.S.

<sup>4</sup> Section 775.082(4)(b), F.S.

<sup>5</sup> Section 775.083(1)(e), F.S.

- a first degree misdemeanor upon a second conviction, punishable by a term of imprisonment not exceeding one year;<sup>6</sup> plus a possible additional \$1,000 fine;<sup>7</sup> and
- a third degree felony upon a third or subsequent conviction, punishable by a term of imprisonment not exceeding five years,<sup>8</sup> plus a possible additional \$5,000 fine,<sup>9</sup> as well as possible imposition of an extended term of imprisonment under certain circumstances for certain offenders.<sup>10</sup>

The element or proof of knowledge is satisfied if the person has been previously cited for driving a motor vehicle while the license is canceled, suspended, or revoked; or the person admits to knowledge of the cancellation, suspension, or revocation; or the person received the notice required in any judgment or order by a court or adjudicatory body or any uniform traffic citation that the license has been canceled, suspended, or revoked.<sup>11</sup>

In any proceeding for a violation of s. 322.34, F.S., a court is authorized to consider evidence, other than that specified above, that the person knowingly violated that section.<sup>12</sup>

### ***Habitual Traffic Offenders***

A “habitual traffic offender” is defined in s. 322.264, F.S., to mean any person whose driving record shows that such person has accumulated the specified number of convictions for the following offenses within a five-year period:

- Three or more convictions of any one or more of the following arising out of separate acts:
  - ✓ voluntary or involuntary manslaughter resulting from the operation of a motor vehicle;
  - ✓ any violation of s. 316.193, F.S. [driving under the influence (DUI)];
  - ✓ any felony in the commission of which a motor vehicle is used; driving a motor vehicle while his or her license is suspended or revoked;
  - ✓ failing to stop and render aide as required by law in the event of a motor vehicle crash resulting in the death or personal injury of another; or
  - ✓ driving a commercial motor vehicle while the driver’s driving privilege is disqualified.

A person whose driver license has been revoked as a habitual offender and who drives a motor vehicle while the license is revoked, and who by careless or negligent operation of the vehicle causes the death of or serious bodily injury to another human being is guilty of a third degree felony,<sup>13</sup> punishable by a term of imprisonment not exceeding five years,<sup>14</sup> plus a possible

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<sup>6</sup> Section 775.082(4)(a), F.S.

<sup>7</sup> Section 775.083(1)(d), F.S.

<sup>8</sup> Section 775.082(3)(d), F.S.

<sup>9</sup> Section 775.083(1)(c), F.S.

<sup>10</sup> Section 775.084, F.S.

<sup>11</sup> Sections 322.34(2) and s. 322.34(4), F.S.

<sup>12</sup> Section 322.34(3), F.S.

<sup>13</sup> Section 322.34(5), F.S.

<sup>14</sup> Section 775.082(3)(d), F.S.

additional \$5,000 fine,<sup>15</sup> as well as possible imposition of an extended term of imprisonment under certain circumstances for certain offenders.<sup>16</sup>

***Death or Serious Injury/ Driving while License Suspended, Revoked, Canceled, or Disqualified***

Any person who operates a motor vehicle without having a driver license, or while the person's driver license is canceled, suspended, or revoked pursuant to s. 316.655,<sup>17</sup> s. 322.26(8)<sup>18</sup>, s. 322.27(2),<sup>19</sup> or s. 322.28(2) or (4),<sup>20</sup> and who by careless or negligent operation of the vehicle causes the death of or serious bodily injury to another human being commits a third degree felony,<sup>21</sup> punishable by a term of imprisonment not exceeding five years,<sup>22</sup> plus a possible additional \$5,000 fine.<sup>23</sup>

Notwithstanding any other law, if a person does not have a prior forcible felony conviction<sup>24</sup> and the person's driver license is canceled, suspended, or revoked for:

- failing to pay child support as provided in s. 322.245 or s. 61.13016;
- failing to pay any other financial obligation as provided in s. 322.245 other than those specified in s. 322.245(1);
- failing to comply with a civil penalty required in s. 318.15;
- failing to maintain vehicular financial responsibility as required by chapter 324;
- failing to comply with attendance or other requirements for minors as set forth in s. 322.091; or
- having been designated a habitual traffic offender under s. 322.264(1)(d) as a result of suspensions of the person's driver license or driver privilege for any underlying violation listed above,

the person commits:

- a second degree misdemeanor upon a first conviction for knowingly driving while his or her license is suspended, revoked, or canceled, punishable as provided in s. 775.082 or s. 775.083; and

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<sup>15</sup> Section 775.083(1)(c). F.S.

<sup>16</sup> Section 775.084, F.S.

<sup>17</sup> When an offense results in an accident, the court may revoke or suspend a driver license if the court finds it warranted by the totality of the circumstances and the need to provide for maximum safety.

<sup>18</sup> When the court feels that the seriousness of an offense and the circumstances surrounding a conviction warrant revocation.

<sup>19</sup> When the court feels that the seriousness of an offense and the circumstances surrounding a conviction warrant suspension.

<sup>20</sup> When the offenses and conviction relate to DUI, DUI involving serious bodily injury, or vehicular manslaughter.

<sup>21</sup> Section 322.34(6), F.S.

<sup>22</sup> Section 775.082(3)(d), F.S.

<sup>23</sup> Section 775.083(1)(c). F.S.

<sup>24</sup> A "forcible felony" means treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; any other felony which involves the use or threat of physical force or violence against any individual. See s. 776.08, F.S.

- a misdemeanor of the first degree upon a second or subsequent conviction for the same offense of knowingly driving while his or her license is suspended, revoked, or canceled, punishable as provided in s. 775.082 or s. 775.083.<sup>25</sup>

A person who does not hold a commercial driver's license and who is cited for an offense of *knowingly* driving while his or her license is suspended, revoked, or canceled for any of the underlying violations listed may, instead of paying the fine or appearing in court, enter a plea of *nolo contendere* and provide proof of compliance, in which case adjudication is withheld. A person may make this choice only if not previously made within the last year, and only three times in total.<sup>26</sup>

### ***Community Service***

Section 318.18, F.S., provides penalties for noncriminal traffic infractions under s. 318.14, F.S., and criminal offenses listed in s. 318.17, F.S. When a person ordered to pay a *civil* penalty for a noncriminal traffic infraction is found to be unable to comply with the court's order due to demonstrable financial hardship, s. 318.18(8)(b), F.S., directs the court to allow the person to satisfy the civil penalty by participating in community service until the civil penalty is paid. Current law does not provide for the performance of community service to satisfy *criminal* penalties.

With respect to criminal offenses, those listed in s. 318.17, F.S., are:

- Fleeing and attempting to elude a police officer, in violation of s. 316.1935;
- Leaving the scene of a crash, in violation of ss. 316.027 and 316.061;
- Driving, or being in actual physical control of, any motor vehicle while under the influence of alcoholic beverages, any specified chemical or controlled substance, or driving with an unlawful blood-alcohol level, in violation of s. 316.193;
- Reckless driving, in violation of s. 316.192;
- Making false crash reports, in violation of s. 316.067;
- Willfully failing or refusing to comply with any lawful order or direction of any police officer or member of the fire department, in violation of s. 316.072(3);
- Obstructing an officer, in violation of s. 316.545(1); or
- Any other offense in ch. 316, F.S., which is classified as a criminal violation.

Chapter 316, F.S., also classifies interference with official traffic control devices or railroad signs or signals as a criminal violation under s. 316.0775, F.S.

### ***Suspensions for Failure to Pay Financial Obligations***

Upon notice from the Clerk of Court, s. 322.245(5), F.S., directs the Department of Highway Safety & Motor Vehicles (DHSMV) to suspend the driver license of a person who has failed to pay financial obligations for criminal offenses other than those listed in s. 318.17, F.S., or any

<sup>25</sup> Section 322.34(10), F.S.

<sup>26</sup> Section 322.34(11), F.S.

offense constituting a misdemeanor under chapters 320 or 322. DHSMV is required to reinstate the license when the clerk provides an affidavit to DHSMV stating:

- The person has satisfied the financial obligation in full or made all payments currently due under a payment plan;
- The person has entered into a written agreement for payment of the financial obligation if not presently enrolled in a payment plan; or
- A court has entered an order granting relief to the person ordering the reinstatement of the license.

### III. Effect of Proposed Changes:

Generally, the bill makes numerous changes to offenses related to operating a motor vehicle with a driver license that is suspended, revoked, canceled, or disqualified. Penalties related to these offenses are revised, reduced, or eliminated, particularly as they pertain to the driver's knowledge that his or her license had been suspended, revoked, canceled, or disqualified. Also, the performance of community service is authorized to satisfy monetary penalties associated with criminal offenses listed in s. 318.17, F.S.

#### **Driving while License Suspended, Revoked, Canceled, or Disqualified, Section 3:**

The bill amends s. 322.34, F.S., primarily as follows:

- Limits application of provisions relating to driving *with knowledge* that a driver license is canceled, suspended, or revoked for unspecified reasons to only driving with knowledge that a driver license is suspended for failing to pay child support, suspended under s. 322.2615, F.S. (DUI or refusal to submit), or revoked as provided by law. The bill's revisions are unclear with relation to penalties associated with offenses stemming from suspensions and revocations for other reasons.
  - Reduces the third degree felony for a third or subsequent conviction of driving *with knowledge* that a driver license is suspended for unspecified reasons to a first degree misdemeanor for a second or subsequent conviction for failure to pay child support.
  - Retains the penalties for driving *with knowledge* that a driver license is suspended under s. 322.2615, F.S., or revoked as provided by law, the same as the penalties under current law for driving with knowledge that a driver license is canceled, suspended, or revoked for unspecified reasons. However, as a result of the last two revisions, the bill does not appear to address *knowing* violations for anything other than a failure to pay child support, a suspension under s. 322.2615, F.S., or a revocation as provided by law. Therefore, a driver may not be charged if the proof of knowledge cannot be established.
- Repeals the third degree felony for first and second convictions of habitual traffic offenders who drive (*with or without knowledge*) while a driver license is revoked for unspecified reasons; limits application to a habitual traffic offender who *knowingly* drives while the person's driver license is revoked as a habitual traffic offender under s. 322.264(1)(d), F.S. (driving while DL is suspended or revoked); and reduces the third degree felony upon a third

or subsequent conviction to a first degree misdemeanor if the person's habitual traffic offender designation is based only on offenses of driving while the driver license is suspended or canceled *without knowledge*. The penalty for a habitual traffic offender who *knowingly* drives while the person's driver license is suspended or revoked based on being designated as a habitual traffic offender under s. 322.264(1)(d), F.S., remains a third degree felony.

- Provides that a person whose driver license has been revoked as a habitual traffic offender under s. 322.264, F.S., for violations other than a violation of s. 322.264(1)(d), F.S., and who *knowingly* drives while the person's driver license is revoked, commits a third degree felony, the same as under current law.
- Provides that a person whose driver license has been revoked as a habitual traffic offender under s. 322.264, F.S., who has a prior forcible felony conviction, and who drives *knowing* of the revocation commits a third degree felony, the same as under current law. Relocates and expands provisions relating to satisfying the element of knowledge currently applicable only to provisions relating to driving with knowledge that a driver license is canceled, suspended, or revoked for unspecified reasons to provide that the element of knowledge is satisfied if the person has been previously cited, in addition, under new subsections (3) and (4) relating to HTOs.

Enforcement of the provisions relating to habitual traffic offenders is likely to be difficult given the database system available to law enforcement officers at roadside for determining whether a violator is a habitual traffic offender, since underlying violations may have been purged from the system or otherwise satisfied.

- Authorizes a court to consider, in any proceeding for a violation of s. 322.34, F.S., evidence other than that specified in subsection (6) relating to satisfying the element of knowledge, in addition to subsection (2), relating to suspension for failing to pay child support.
- Repeals subsection (10), which currently provides penalties for a person who does not have a prior forcible felony conviction if the person's DL is canceled, suspended, or revoked for:
  - ✓ Failing to pay child support;
  - ✓ Failing to pay certain financial obligations;
  - ✓ Failing to comply with a civil penalty;
  - ✓ Failing to maintain insurance;
  - ✓ Failing to comply with attendance or other requirements for minors; or
  - ✓ Having been designated as an HTO under s. 322.264(1)(d), F.S., as a result of suspensions for any underlying violations listed above.
- Eliminates reference to knowledge in relation to the underlying violations being repealed in subsection (10) from the provisions authorizing a person to enter a nolo plea and provide proof of compliance, in which case adjudication is withheld. Thus, the authorization applies to any violation under s. 322.34, F.S. However, in application, proof of compliance can only be provided for convictions related to child support, financial obligations, failure to pay or comply with a traffic summons, and truancy. Other convictions, e.g., racing on the street,

theft, vehicular manslaughter, etc., have no proof of compliance applicability since these are irreversible actions.

### ***Community Service, Section 2***

Section 318.18(8)(b), F.S., is amended to authorize the performance of community service to satisfy criminal penalties, in addition to civil penalties. Specifically, the bill authorizes a court, if a person has been ordered to pay a criminal penalty, including court costs, fines, or fees associated with a criminal offense, and is unable to comply with the court's order due to demonstrable financial hardship, to allow the person to satisfy the criminal penalty by participating in community service until the penalty is paid. The bill also directs the court, in determining whether a person has the ability to pay the criminal penalty, to consider the financial resources of the person, the present and potential future financial needs and earning ability of the person and his or her dependents, and such other factors which the court deems appropriate. If the court finds the person has the inability to pay, the court may consider converting the outstanding penalty to community service.

### ***Department of Highway Safety & Motor Vehicle Suspension, Section 4***

Section 322.245(5), F.S., is amended to require the person's failure to pay the financial obligations be willful and to require suspension of the person's driver license after a finding by the court that the person has the ability to pay. However, a clerk of court may not be able to determine whether a person's failure to pay is willful.

In addition, the bill also:

- **in section 5**, amends s. 921.0022(3)(e), F.S., to correct the cross-reference to a re-numbered subsection of the amended s. 322.34, F.S.;
- **in section 6**, amends s. 932.701, F.S., to correct the cross-reference to a re-numbered subsection of the amended s. 322.34, F.S.;
- **in section 1**, provides that the act may be cited as the "Driver Accountability Act."

## **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:**

Indeterminate.

**C. Government Sector Impact:**

Indeterminate.

**VI. Technical Deficiencies:**

Numerous. (See Effects of Proposed Changes)

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 318.18, 322.34, 322.245, 921.0022, and 932.701.

**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.

## APPEARANCE RECORD

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

2/13/2014

*Meeting Date*Topic Suspended Driver's LicensesBill Number 302Name Honorable Nancy Daniels*(if applicable)*Job Title Public Defender, 2nd Judicial CircuitAmendment Barcode *(if applicable)*Address 301 South Calhoun StreetPhone 850.606.1000

Tallahassee

Florida

32301

*City**State**Zip*Speaking: ☒ For☐ Against☐ InformationRepresenting Florida Public Defender Association, Inc.Appearing at request of Chair: ☐ Yes ☒ NoLobbyist 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 Braynon

36-00422-14

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A bill to be entitled

An act relating to driver licenses and driving privileges; creating the "Driver Accountability Act"; amending s. 318.18, F.S.; providing a criminal penalty payment alternative if a court finds that the violator has demonstrable financial hardship; amending s. 322.34, F.S., relating to driving while a license is suspended, revoked, canceled, or disqualified; revising penalty provisions; amending s. 322.245, F.S.; revising provisions for the Department of Highway Safety and Motor Vehicles to suspend the license of a person who has failed to pay a financial obligation for a criminal offense, to conform to changes made by the act; amending ss. 921.0022 and 932.701, F.S.; conforming cross-references; providing an effective date.

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

Section 1. This act may be cited as the "Driver Accountability Act."

Section 2. Subsection (8) of section 318.18, Florida Statutes, is amended to read:

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

(8) (a) A ~~Any~~ person who fails to comply with the court's requirements or who fails to pay the civil penalties specified

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in this section within the 30-day period provided for in s. 318.14 must pay an additional civil penalty of \$16, \$6.50 of which must be remitted to the Department of Revenue for deposit in the General Revenue Fund, and \$9.50 of which must be remitted to the Department of Revenue for deposit in the Highway Safety Operating Trust Fund. Of this additional civil penalty of \$16, \$4 is not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35.

(b) The department shall contract with the Florida Association of Court Clerks, Inc., to design, establish, operate, upgrade, and maintain an automated statewide Uniform Traffic Citation Accounting System to be operated by the clerks of the court which must ~~shall~~ include, but not be limited to, the accounting for traffic infractions by type, a record of the disposition of the citations, and an accounting system for the fines assessed and the subsequent fine amounts paid to the clerks of the court. ~~On or before December 1, 2001,~~ The clerks of the court must provide the information required by this chapter to be transmitted to the department by electronic transmission pursuant to the contract.

~~(c) (b) 1. a.~~ If a person has been ordered to pay a civil penalty for a noncriminal traffic infraction and the person is unable to comply with the court's order due to demonstrable financial hardship, the court shall allow the person to satisfy the civil penalty by participating in community service until the civil penalty is paid.

(d) If a person has been ordered to pay a criminal penalty, including court costs, fines, or fees associated with a criminal

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59 offense, and the person is unable to comply with the court's  
 60 order due to demonstrable financial hardship, the court may  
 61 allow the person to satisfy the criminal penalty by  
 62 participating in community service until the criminal penalty is  
 63 paid. In determining whether a person has the ability to pay the  
 64 criminal penalty, the court shall consider the financial  
 65 resources of the person, the present and potential future  
 66 financial needs and earning ability of the person and his or her  
 67 dependents, and such other factors that it deems appropriate. If  
 68 the court finds that the person is unable to pay the criminal  
 69 penalty, the court may consider converting the outstanding  
 70 penalty to community service.

71 (e) b. If a court orders a person to perform community  
 72 service, the person shall receive credit for the civil or  
 73 criminal penalty at the specified hourly credit rate per hour of  
 74 community service performed, and each hour of community service  
 75 performed reduces ~~shall reduce~~ the civil or criminal penalty by  
 76 that amount.

77 1.2.a. As used in this paragraph, the term "specified  
 78 hourly credit rate" means the wage rate that is specified in 29  
 79 U.S.C. s. 206(a)(1) under the federal Fair Labor Standards Act  
 80 of 1938, that is then in effect, and that an employer subject to  
 81 such provision must pay per hour to each employee subject to  
 82 such provision.

83 2.b. ~~However,~~ If a person ordered to perform community  
 84 service has a trade or profession for which there is a community  
 85 service need, the specified hourly credit rate for each hour of  
 86 community service performed by that person is ~~shall be~~ the  
 87 average prevailing wage rate for the trade or profession that

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88 the community service agency needs.

89 ~~3.a.~~ The community service agency supervising the person  
 90 shall record the number of hours of community service completed  
 91 and the date the community service hours were completed.

92 a. The community service agency shall submit the data to  
 93 the clerk of the court on the letterhead of the community  
 94 service agency, which must also bear the notarized signature of  
 95 the person designated to represent the community service agency.

96 b. When the number of community service hours completed by  
 97 the person equals the amount of the civil or criminal penalty,  
 98 the clerk of the court shall certify this fact to the court.  
 99 Thereafter, the clerk of the court shall record in the case file  
 100 that the civil or criminal penalty has been paid in full.

101 4. As used in this subsection ~~paragraph~~, the term:

102 a. "Community service" means uncompensated labor for a  
 103 community service agency.

104 b. "Community service agency" means a not-for-profit  
 105 corporation, community organization, charitable organization,  
 106 public officer, the state or any political subdivision of the  
 107 state, or any other body the purpose of which is to improve the  
 108 quality of life or social welfare of the community and which  
 109 agrees to accept community service from persons unable to pay  
 110 civil penalties for noncriminal traffic infractions or criminal  
 111 penalties.

112 (f) (e) If the noncriminal infraction has caused or resulted  
 113 in the death of another, the person who committed the infraction  
 114 may perform 120 community service hours under s. 316.027(4), in  
 115 addition to any other penalties.

116 Section 3. Section 322.34, Florida Statutes, is amended to

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read:

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

(1) Except as provided in subsection (2), ~~a any~~ person whose ~~driver driver's~~ license or driving privilege has been canceled ~~or~~, suspended, ~~or~~ revoked, ~~except a "habitual traffic offender" as defined in s. 322.264,~~ who drives a motor vehicle ~~on upon~~ the highways of this state while such license or privilege is canceled ~~or~~, suspended commits, or revoked is guilty of a moving violation, punishable as provided in chapter 318.

(2)(a) A person whose driver license or driving privilege has been suspended for failing to pay child support as provided in s. 61.13016 or s. 322.245 who, knowing of such suspension, drives a motor vehicle on the highways of this state while such license or privilege is suspended, upon:

1. A first conviction, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. A second or subsequent conviction, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A Any person whose ~~driver driver's~~ license or driving privilege has been suspended under s. 322.2615 or canceled, ~~suspended, or~~ revoked as provided by law, except persons defined as habitual traffic offenders in s. 322.264, who, knowing of such ~~cancellation,~~ suspension, or revocation, drives ~~a any~~ motor vehicle ~~on upon~~ the highways of this state while such license or privilege is ~~canceled,~~ suspended, or revoked, upon:

1.(a) A first conviction, commits is guilty of a

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misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

~~2.(b) A second conviction, commits is guilty of a~~ misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

~~3.(c) A third or subsequent conviction, commits is guilty~~ of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person whose driver license or driving privilege has been revoked as a habitual traffic offender pursuant to s. 322.264(1)(d) who, knowing of such revocation, drives a motor vehicle on the highways of this state while such license or privilege is revoked, upon:

(a) A first conviction, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A second conviction, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A third or subsequent conviction, commits:

1. A misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, if the person's designation as a habitual traffic offender is based only on the offenses of driving while a license is suspended or canceled under subsection (1); or

2. A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person's designation as a habitual traffic offender is based on any offense of driving while a license is suspended or revoked under subsection (2).

(4) A person whose driver license or driving privilege has

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been revoked as a habitual traffic offender under s. 322.264 for violations other than a violation of s. 322.264(1)(d) who, knowing of such revocation, drives a motor vehicle on the highways of this state while such license or privilege is revoked commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) A person whose driver license or driving privilege has been revoked as a habitual traffic offender under s. 322.264 who has a prior conviction of forcible felony as defined in s. 776.08 and who, knowing of the revocation of his or her driver license or driving privilege, drives a motor vehicle on the highways of this state while the license or privilege is revoked commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) The element of knowledge is satisfied if the person has been previously cited as provided in subsections (2)-(4) subsection (1); or the person admits to knowledge of the cancellation, suspension, or revocation; or the person received notice as provided in subsection (8) (4). There is ~~shall be~~ a rebuttable presumption that the knowledge requirement is satisfied if a judgment or order as provided in subsection (8) (4) appears in the department's records for any case except for one involving a suspension by the department for failure to pay a traffic fine or for a financial responsibility violation.

(7)(3) In any proceeding for a violation of this section, a court may consider evidence, other than that specified in subsection (2) or subsection (6), that the person knowingly violated this section.

(8)(4) Any judgment or order rendered by a court or

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adjudicatory body or any uniform traffic citation that cancels, suspends, or revokes a person's driver ~~driver's~~ license must contain a provision notifying the person that his or her driver ~~driver's~~ license has been canceled, suspended, or revoked.

~~(5) Any person whose driver's license has been revoked pursuant to s. 322.264 (habitual offender) and who drives any motor vehicle upon the highways of this state while such license is revoked is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(9)(6) A Any person commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, if he or she ~~who~~ operates a motor vehicle:

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

(b) While his or her driver ~~driver's~~ license or driving privilege is canceled, suspended, or revoked pursuant to s. 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) or (4), and ~~who~~ by careless or negligent operation of the motor vehicle causes the death of or serious bodily injury to another human being ~~is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(10)(7) A~~ Any person whose driver ~~driver's~~ license or driving privilege has been canceled, suspended, revoked, or disqualified ~~and~~ who drives a commercial motor vehicle on the highways of this state while such license or privilege is canceled, suspended, revoked, or disqualified, upon:

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

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

~~(11)-(8)~~ (a) Upon the arrest of a person for the offense of driving while the person's driver ~~driver's~~ license or driving privilege is suspended or revoked, the arresting officer shall determine:

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

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

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

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

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

(c) Within 7 business days after the date the arresting agency impounds or immobilizes the vehicle, ~~either~~ the arresting agency or the towing service, whichever is in possession of the vehicle, shall send notice by certified mail to any coregistered owners of the vehicle other than the person arrested and to each person of record claiming a lien against the vehicle. All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the vehicle

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or, if the vehicle is leased, by the person leasing the vehicle.

(d) ~~Either~~ The arresting agency or the towing service, whichever is in possession of the vehicle, shall determine whether any vehicle impounded or immobilized under this section has been leased or rented or if there are any persons of record with a lien upon the vehicle. ~~Either~~ The arresting agency or the towing service, whichever is in possession of the vehicle, shall notify by express courier service with receipt or certified mail within 7 business days after the date of the immobilization or impoundment of the vehicle, the registered owner and all persons having a recorded lien against the vehicle that the vehicle has been impounded or immobilized. A lessor, rental car company, or lienholder may then obtain the vehicle, upon payment of any lawful towing or storage charges. If the vehicle is a rental vehicle subject to a written contract, the charges may be separately charged to the renter, in addition to the rental rate, along with other separate fees, charges, and recoupments disclosed on the rental agreement. If the storage facility fails to provide timely notice to a lessor, rental car company, or lienholder as required by this paragraph, the storage facility ~~is shall be~~ responsible for payment of any towing or storage charges necessary to release the vehicle to a lessor, rental car company, or lienholder that accrue after the notice period, which charges may then be assessed against the driver of the vehicle if the vehicle was lawfully impounded or immobilized.

(e) Except as provided in paragraph (d), the vehicle shall remain impounded or immobilized for any period imposed by the court until:

1. The owner presents proof of insurance to the arresting

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agency; or

2. The owner presents proof of sale of the vehicle to the arresting agency and the buyer presents proof of insurance to the arresting agency.

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

(f) The owner of a vehicle that is impounded or immobilized under this subsection may, within 10 days after the date the owner has knowledge of the location of the vehicle, file a complaint in the county in which the owner resides to determine whether the vehicle was wrongfully taken or withheld. Upon the filing of a complaint, the owner or lienholder may have the vehicle released by posting with the court a bond or other adequate security equal to the amount of the costs and fees for impoundment or immobilization, including towing or storage, to ensure the payment of such costs and fees if the owner or lienholder does not prevail. When the vehicle owner or lienholder does not prevail on a complaint that the vehicle was wrongfully taken or withheld, he or she must pay the accrued charges for the immobilization or impoundment, including any towing and storage charges assessed against the vehicle. When the bond is posted and the fee is paid as set forth in s. 28.24, the clerk of the court shall issue a certificate releasing the vehicle. At the time of release, after reasonable inspection, the owner must give a receipt to the towing or storage company indicating any loss or damage to the vehicle or to the contents of the vehicle.

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~~(12)(9)~~ (a) A motor vehicle that is driven by a person under the influence of alcohol or drugs in violation of s. 316.193 is subject to seizure and forfeiture under ss. 932.701-932.706 and is subject to liens for recovering, towing, or storing vehicles under s. 713.78 if, at the time of the offense, the person's driver ~~driver's~~ license is suspended, revoked, or canceled as a result of a prior conviction for driving under the influence.

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

(c) Notwithstanding s. 932.703(1)(c) or s. 932.7055, if ~~when~~ the seizing agency obtains a final judgment granting forfeiture of the motor vehicle under this section, 30 percent of the net proceeds from the sale of the motor vehicle shall be retained by the seizing law enforcement agency and 70 percent shall be deposited in the General Revenue Fund for use by regional workforce boards in providing transportation services for participants of the welfare transition program. In a forfeiture proceeding under this section, the court may consider the extent that the family of the owner has other public or private means of transportation.

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

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



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

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

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

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

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

~~(b)1. Upon a first conviction for knowingly driving while his or her license is suspended, revoked, or canceled for any of the underlying violations listed in subparagraphs (a)1.-6., a person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

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

~~(13)(11)(a)~~ A person who does not hold a commercial driver ~~driver's~~ license and who is cited for an offense of ~~knowingly~~ driving while his or her license is suspended, revoked, or canceled ~~for any of the underlying violations listed in paragraph (10)(a)~~ may, in lieu of payment of fine or court

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appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld, and such action is not a conviction. However, an ~~no~~ election may not ~~shall~~ be made under this subsection if such person has made an election under this subsection during the preceding 12 months. A person may not make more than three elections under this subsection.

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

Section 4. Subsection (5) of section 322.245, Florida Statutes, is amended to read:

322.245 Suspension of license upon failure of person charged with specified offense under chapter 316, chapter 320, or this chapter to comply with directives ordered by traffic court or upon failure to pay child support in non-IV-D cases as provided in chapter 61 or failure to pay any financial obligation in any other criminal case.—

(5) (a) If ~~When~~ the department receives notice from a clerk of the court that a person licensed to operate a motor vehicle in this state under ~~the provisions of~~ this chapter has willfully failed to pay financial obligations for any criminal offense other than those specified in subsection (1), in full or in part under a payment plan pursuant to s. 28.246(4) after a finding by the court that the person has the ability to pay, the department shall suspend the license of the person named in the notice.

(b) The department must reinstate the driving privilege if ~~when~~ the clerk of the court provides an affidavit to the department stating that:

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407 1. The person has satisfied the financial obligation in  
 408 full or made all of the payments currently due under a payment  
 409 plan;  
 410 2. The person has entered into a written agreement for  
 411 payment of the financial obligation if not presently enrolled in  
 412 a payment plan; or  
 413 3. The ~~A~~ court has entered an order granting relief to the  
 414 person ordering the reinstatement of the license.  
 415 (c) The department may ~~shall~~ not be held liable for any  
 416 license suspension resulting from the discharge of its duties  
 417 under this section.  
 418 Section 5. Paragraph (e) of subsection (3) of section  
 419 921.0022, Florida Statutes, is amended to read:  
 420 921.0022 Criminal Punishment Code; offense severity ranking  
 421 chart.—  
 422 (3) OFFENSE SEVERITY RANKING CHART  
 423 (e) LEVEL 5

| Florida<br>Statute                       | Felony<br>Degree | Description  |
|--|------------------|--|
| 316.027(1) (a)                           | 3rd              | Accidents involving personal injuries,<br>failure to stop; leaving scene.                                      |
| 316.1935(4) (a)                          | 2nd              | Aggravated fleeing or eluding.   |
| <u>322.34(9)</u><br><del>322.34(6)</del> | 3rd              | Careless operation of motor vehicle<br>with suspended license, resulting in<br>death or serious bodily injury. |

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327.30(5) 3rd Vessel accidents involving personal  
injury; leaving scene.

379.367(4) 3rd Willful molestation of a commercial  
harvester's spiny lobster trap, line,  
or buoy.

379.3671(2) (c) 3. 3rd Willful molestation, possession, or  
removal of a commercial harvester's  
trap contents or trap gear by another  
harvester.

381.0041(11) (b) 3rd Donate blood, plasma, or organs  
knowing HIV positive.

440.10(1) (g) 2nd Failure to obtain workers'  
compensation coverage.

440.105(5) 2nd Unlawful solicitation for the purpose  
of making workers' compensation  
claims.

440.381(2) 2nd Submission of false, misleading, or  
incomplete information with the  
purpose of avoiding or reducing  
workers' compensation premiums.

624.401(4) (b) 2. 2nd Transacting insurance without a  
certificate or authority; premium

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 collected \$20,000 or more but less  
 than \$100,000.

435 626.902(1)(c) 2nd Representing an unauthorized insurer;  
 repeat offender.

436 790.01(2) 3rd Carrying a concealed firearm.

437 790.162 2nd Threat to throw or discharge  
 destructive device.

438 790.163(1) 2nd False report of deadly explosive or  
 weapon of mass destruction.

439 790.221(1) 2nd Possession of short-barreled shotgun  
 or machine gun.

440 790.23 2nd Felons in possession of firearms,  
 ammunition, or electronic weapons or  
 devices.

441 800.04(6)(c) 3rd Lewd or lascivious conduct; offender  
 less than 18 years.

442 800.04(7)(b) 2nd Lewd or lascivious exhibition;  
 offender 18 years or older.

443 806.111(1) 3rd Possess, manufacture, or dispense fire  
 bomb with intent to damage any

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 structure or property.

444 812.0145(2)(b) 2nd Theft from person 65 years of age or  
 older; \$10,000 or more but less than  
 \$50,000.

445 812.015(8) 3rd Retail theft; property stolen is  
 valued at \$300 or more and one or more  
 specified acts.

446 812.019(1) 2nd Stolen property; dealing in or  
 trafficking in.

447 812.131(2)(b) 3rd Robbery by sudden snatching.

448 812.16(2) 3rd Owning, operating, or conducting a  
 chop shop.

449 817.034(4)(a)2. 2nd Communications fraud, value \$20,000 to  
 \$50,000.

450 817.234(11)(b) 2nd Insurance fraud; property value  
 \$20,000 or more but less than  
 \$100,000.

451 817.2341(1), 3rd Filing false financial statements,  
 (2)(a) & making false entries of material fact  
 (3)(a) or false statements regarding property  
 values relating to the solvency of an

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insuring entity.

452

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.

453

817.625(2)(b) 2nd Second or subsequent fraudulent use of scanning device or reencoder.

454

825.1025(4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

455

827.071(4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

456

827.071(5) 3rd Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

457

839.13(2)(b) 2nd Falsifying records of an individual in the care and custody of a state agency

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involving great bodily harm or death.

458

843.01 3rd Resist officer with violence to person; resist arrest with violence.

459

847.0135(5)(b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

460

847.0137 (2) & (3) 3rd Transmission of pornography by electronic device or equipment.

461

847.0138 (2) & (3) 3rd Transmission of material harmful to minors to a minor by electronic device or equipment.

462

874.05(1)(b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

463

874.05(2)(a) 2nd Encouraging or recruiting person under 13 to join a criminal gang.

464

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. drugs).

465

893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1.,

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(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.

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.

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.

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.

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893.13(4)(b) 2nd Deliver to minor 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).

893.1351(1) 3rd Ownership, lease, or rental for  
 trafficking in or manufacturing of  
 controlled substance.

Section 6. Paragraph (a) of subsection (2) of section  
 932.701, Florida Statutes, is amended to read:

932.701 Short title; definitions.—

(2) As used in the Florida Contraband Forfeiture Act:

(a) "Contraband article" means:

1. Any controlled substance as defined in chapter 893 or  
 any substance, device, paraphernalia, or currency or other means  
 of exchange that was used, was attempted to be used, or was  
 intended to be used in violation of any provision of chapter  
 893, if the totality of the facts presented by the state is  
 clearly sufficient to meet the state's burden of establishing  
 probable cause to believe that a nexus exists between the  
 article seized and the narcotics activity, whether or not the  
 use of the contraband article can be traced to a specific  
 narcotics transaction.

2. Any gambling paraphernalia, lottery tickets, money,  
 currency, or other means of exchange which was used, was  
 attempted, or intended to be used in violation of the gambling  
 laws of the state.

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491 3. Any equipment, liquid or solid, which was being used, is  
 492 being used, was attempted to be used, or intended to be used in  
 493 violation of the beverage or tobacco laws of the state.

494 4. Any motor fuel upon which the motor fuel tax has not  
 495 been paid as required by law.

496 5. Any personal property, including, but not limited to,  
 497 any vessel, aircraft, item, object, tool, substance, device,  
 498 weapon, machine, vehicle of any kind, money, securities, books,  
 499 records, research, negotiable instruments, or currency, which  
 500 was used or was attempted to be used as an instrumentality in  
 501 the commission of, or in aiding or abetting in the commission  
 502 of, any felony, whether or not comprising an element of the  
 503 felony, or which is acquired by proceeds obtained as a result of  
 504 a violation of the Florida Contraband Forfeiture Act.

505 6. Any real property, including any right, title,  
 506 leasehold, or other interest in the whole of any lot or tract of  
 507 land, which was used, is being used, or was attempted to be used  
 508 as an instrumentality in the commission of, or in aiding or  
 509 abetting in the commission of, any felony, or which is acquired  
 510 by proceeds obtained as a result of a violation of the Florida  
 511 Contraband Forfeiture Act.

512 7. Any personal property, including, but not limited to,  
 513 equipment, money, securities, books, records, research,  
 514 negotiable instruments, currency, or any vessel, aircraft, item,  
 515 object, tool, substance, device, weapon, machine, or vehicle of  
 516 any kind in the possession of or belonging to any person who  
 517 takes aquaculture products in violation of s. 812.014(2)(c).

518 8. Any motor vehicle offered for sale in violation of s.  
 519 320.28.

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520 9. Any motor vehicle used during the course of committing  
 521 an offense in violation of s. 322.34(12)(a) ~~322.34(9)(a)~~.

522 10. Any photograph, film, or other recorded image,  
 523 including an image recorded on videotape, a compact disc,  
 524 digital tape, or fixed disk, that is recorded in violation of s.  
 525 810.145 and is possessed for the purpose of amusement,  
 526 entertainment, sexual arousal, gratification, or profit, or for  
 527 the purpose of degrading or abusing another person.

528 11. Any real property, including any right, title,  
 529 leasehold, or other interest in the whole of any lot or tract of  
 530 land, which is acquired by proceeds obtained as a result of  
 531 Medicaid fraud under s. 409.920 or s. 409.9201; any personal  
 532 property, including, but not limited to, equipment, money,  
 533 securities, books, records, research, negotiable instruments, or  
 534 currency; or any vessel, aircraft, item, object, tool,  
 535 substance, device, weapon, machine, or vehicle of any kind in  
 536 the possession of or belonging to any person which is acquired  
 537 by proceeds obtained as a result of Medicaid fraud under s.  
 538 409.920 or s. 409.9201.

539 12. Any personal property, including, but not limited to,  
 540 any vehicle, item, object, tool, device, weapon, machine, money,  
 541 security, book, or record, that is used or attempted to be used  
 542 as an instrumentality in the commission of, or in aiding and  
 543 abetting in the commission of, a person's third or subsequent  
 544 violation of s. 509.144, whether or not comprising an element of  
 545 the offense.

546 Section 7. This act shall take effect July 1, 2014.

**COMMITTEE:** Transportation  
**ITEM:** SB 302  
**FINAL ACTION:**  
**MEETING DATE:** Thursday, February 13, 2014  
**TIME:** 9:00 — 11:00 a.m.  
**PLACE:** 37 Senate Office Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 642

INTRODUCER: Senator Brandes

SUBJECT: Florida Transportation Corporation Act

DATE: February 13, 2014

REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION           |
|----|---------|----------------|-----------|------------------|
| 1. | Price   | Eichin         | TR        | <b>Favorable</b> |
| 2. |         |                | GO        |                  |

---

## **I. Summary:**

SB 642 repeals ss. 339.401 through 339.421, F.S., which create the “Florida Transportation Corporation Act.” This act was created in 1988 to allow certain corporations authorized by the Florida Department of Transportation (FDOT) to secure and obtain right-of-way for transportation systems and to assist in the planning and design of such systems. The FDOT advises the provisions of this act have never been used. Consequently, the provisions of s. 11.45(3)(m), which authorize the Auditor General to audit these corporations, have likewise never been used, and the provisions of Fla. Admin. Code R. 14-35, which implement the act, have never been applied.

## **II. Present Situation:**

Sections 339.401 through 339.421, F.S., create the “Florida Transportation Corporation Act.” This act was created in 1988<sup>1</sup> to allow certain nonprofit corporations authorized by the FDOT to act in the FDOT’s behalf in assisting with project planning and design, assembling right-of-way and financial support, and generally promoting projects included in the FDOT’s adopted five-year work program. The act contains various statutory provisions related to the formation, operation, and dissolution of these corporations.

Among the specific activities of transportation corporations authorized under the act are:

- acquiring, holding, investing, and administering property and transferring title to the FDOT for project development;
- performing preliminary and final alignment studies;
- receiving contributions of land for right-of-way and case donations to be applied to the purchase of right-of-way or design and construction projects; and,
- making official presentations to groups concerning the project and issuing press releases and promotional materials.

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<sup>1</sup> s. 3, ch. 88-271, Laws of Florida.



Florida transportation corporations cannot issue bonds and are not empowered to enter into construction contracts or to undertake construction. They are enabled to otherwise borrow money or accept donations to help defray expenses or needs associated with the corporation or a particular transportation project.

The FDOT reports, after a limited number of inquiries immediately following passage of the act, receipt of no further requests for information or other indications of interest in the act, and the provisions of the act have never been used. As a result, the Auditor General's authority to audit corporations acting on behalf of the FDOT in s. 11.45(3)(m), F.S., has never been exercised, and the provisions of Fla. Admin. Code R. 14-35, which implement the act, have never been applied.

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

SB 642 repeals the Auditor General's authority to audit transportation corporations and repeals the Florida Transportation Corporation Act, thereby enabling the FDOT to repeal an unused administrative rule that implements the act, as follows:

**Section 1** repeals s. 11.45(3)(m), F.S., which contains the Auditor General's authority to audit transportation corporations authorized under the Florida Transportation Corporation Act.

**Section 2** repeals the following statutory provisions:

- s. 339.401, F.S., which sets forth the short title, "Florida Transportation Corporation Act."
- s. 339.402, F.S., which defines the terms, "board of directors," "construction," "corporation," "department," and "project" for purposes of the act.
- s. 339.403, F.S., which sets forth Legislative findings and purposes with respect to the authorized transportation corporations.
- s. 339.404, F.S., which authorizes a written application to FDOT requesting that FDOT authorize a corporation.
- s. 339.405, F.S., which addresses the type, structure, and income of an authorized transportation corporation.
- s. 339.406, F.S., which contains provisions that must be included in the contract between FDOT and any authorized transportation corporation.
- s. 339.407, F.S., which contains provisions that must be included in the articles of incorporation of any authorized transportation corporation.
- s. 339.408, F.S., which provides for a board of directors of each authorized transportation corporation; provides for the appointment, terms, removal, and compensation of the directors; and provides for appointment of advisory directors and their service.
- s. 339.409, F.S., which requires the board of directors to adopt, and FDOT to approve, the initial bylaws of an authorized transportation corporation and which prohibits changing the bylaws without FDOT approval.
- s. 339.410, F.S., which provides for a specified notice of each meeting of the board of directors and subjects the board of directors to the provisions of s. 286.011, F.S., relating to public meetings and records.

- s. 339.411, F.S., which provides processes for amending the articles of incorporation and requirements for amended articles.
- s. 339.412, F.S., which sets forth the specific powers of any authorized corporation.
- s. 339.414, F.S., which authorizes FDOT to allow an authorized transportation corporation to use FDOT property, facilities, and personnel as specified and which prohibits any authorized transportation corporation from receiving funds from FDOT by grant, gift, or contract unless specifically authorized by the Legislature.
- s. 339.415, F.S., which exempts authorized transportation corporations from taxation pursuant to s. 3, Art VII of the State Constitution.
- s. 339.416, F.S., which authorizes FDOT, in its sole discretion and pursuant to rule, to require the alteration of the structure, organization, programs, or activities of a transportation corporation or require the termination and dissolution of the corporation as specified.
- s. 339.417, F.S., which directs the board of directors, upon a determination by resolution that the purposes for which a corporation was formed have been substantially complied with and that all obligations have been fully paid, to dissolve the corporation, with FDOT approval.
- s. 339.418, which requires that whenever dissolution occurs, the dissolution proceedings must transfer the title to all funds and properties then owned by a corporation to FDOT.
- s. 339.419, F.S., which directs FDOT to adopt rules to implement the act. Repeal of FDOT's existing, unused Fla. Admin. Code R. 14-35 is thereby made possible.
- s. 339.420, F.S., which provides for liberal construction of the act.
- s. 339.421, F.S., which prohibits transportation corporations created pursuant to the act from entering into any agreement or arrangement for the purpose of facilitating the issuance of debt in any form, except when the debt is authorized for issuance by the Division of Bond Finance in accordance with the State Bond Act.

**Section 3** 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:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill repeals the following sections of the Florida Statutes: 11.45, 339.401, 339.402, 339.403, 339.404, 339.405, 339.406, 339.407, 339.408, 339.409, 339.410, 339.411, 339.412, 339.414, 339.415, 339.416, 339.417, 339.418, 339.419, 339.420, and 339.421.

**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.

By Senator Brandes

22-00452-14

2014642\_\_

1 A bill to be entitled  
 2 An act relating to the Florida Transportation  
 3 Corporation Act; repealing s. 11.45(3)(m), F.S.,  
 4 relating to the authority of the Auditor General to  
 5 conduct audits of transportation corporations  
 6 authorized under the Florida Transportation  
 7 Corporation Act; repealing the Florida Transportation  
 8 Corporation Act; repealing s. 339.401, F.S., relating  
 9 to the short title; repealing s. 339.402, F.S.,  
 10 relating to definitions; repealing s. 339.403, F.S.,  
 11 relating to legislative findings and purpose;  
 12 repealing s. 339.404, F.S., relating to authorization  
 13 of transportation corporations; repealing s. 339.405,  
 14 F.S., relating to the type, structure, and income of  
 15 an authorized transportation corporation; repealing s.  
 16 339.406, F.S., relating to the contract between the  
 17 Department of Transportation and an authorized  
 18 transportation corporation; repealing s. 339.407,  
 19 F.S., relating to the articles of incorporation of an  
 20 authorized transportation corporation; repealing s.  
 21 339.408, F.S., relating to the board of directors and  
 22 advisory directors of an authorized transportation  
 23 corporation; repealing s. 339.409, F.S., relating to  
 24 the bylaws of an authorized transportation  
 25 corporation; repealing s. 339.410, F.S., relating to  
 26 notice of meetings and open records of an authorized  
 27 transportation corporation; repealing s. 339.411,  
 28 F.S., relating to the amendment of the articles of  
 29 incorporation of an authorized transportation

Page 1 of 3

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

22-00452-14

2014642\_\_

30 corporation; repealing s. 339.412, F.S., relating to  
 31 the powers of an authorized transportation  
 32 corporation; repealing s. 339.414, F.S., relating to  
 33 the use of state property by an authorized  
 34 transportation corporation; repealing s. 339.415,  
 35 F.S., relating to tax exemptions for an authorized  
 36 transportation corporation; repealing s. 339.416,  
 37 F.S., relating to the authority of the department to  
 38 alter or dissolve an authorized transportation  
 39 corporation; repealing s. 339.417, F.S., relating to  
 40 the dissolution of an authorized transportation  
 41 corporation upon the completion of its purpose and  
 42 obligations; repealing s. 339.418, F.S., relating to  
 43 the transfer of funds and property of an authorized  
 44 transportation corporation to the department upon the  
 45 dissolution of such corporation; repealing s. 339.419,  
 46 F.S., relating to department rules implementing the  
 47 act; repealing s. 339.420, F.S., relating to  
 48 construction of the act; repealing s. 339.421, F.S.,  
 49 relating to the issuance of debt by an authorized  
 50 transportation corporation; providing an effective  
 51 date.

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

54  
 55 Section 1. Paragraph (m) of subsection (3) of section  
 56 11.45, Florida Statutes, is repealed.

57 Section 2. Sections 339.401, 339.402, 339.403, 339.404,  
 58 339.405, 339.406, 339.407, 339.408, 339.409, 339.410, 339.411,

Page 2 of 3

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

22-00452-14

2014642

59 339.412, 339.414, 339.415, 339.416, 339.417, 339.418, 339.419,  
60 339.420, and 339.421, Florida Statutes, are repealed.

61 Section 3. This act shall take effect July 1, 2014.

## The Florida Senate COMMITTEE VOTE RECORD

**COMMITTEE:** Transportation  
**ITEM:** SB 642  
**FINAL ACTION:** Favorable  
**MEETING DATE:** Thursday, February 13, 2014  
**TIME:** 9:00 — 11:00 a.m.  
**PLACE:** 37 Senate Office Building

[illegible]

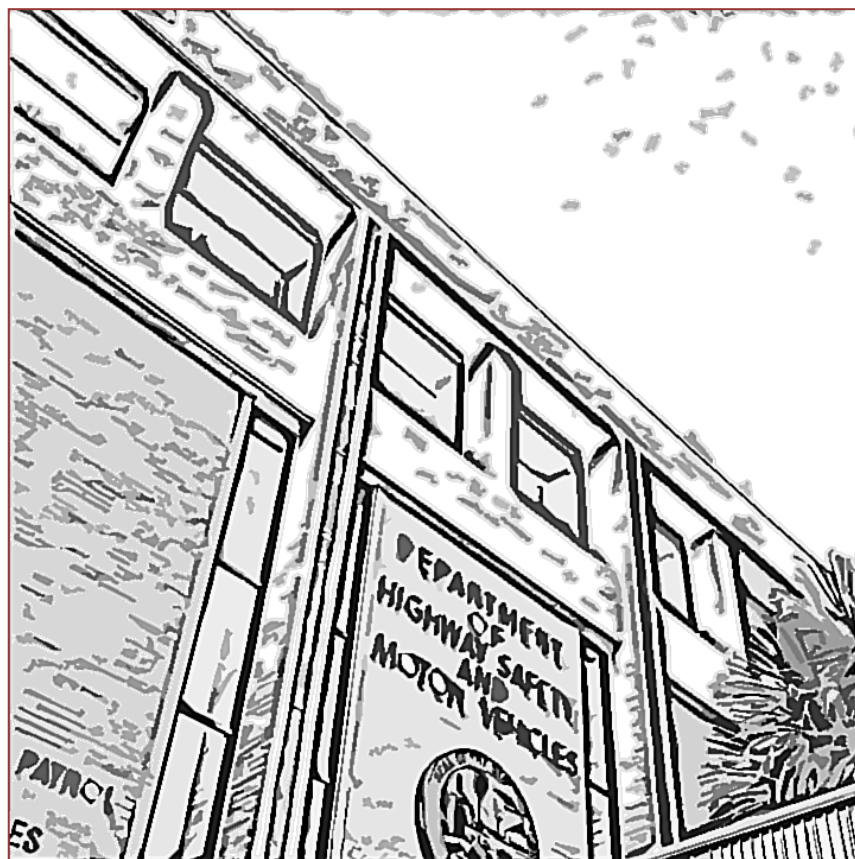
CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

# Autonomous Vehicle Report



Julie L. Jones  
*Executive Director*

February 10, 2014

## Introduction

[Section 316.86](#), Florida Statutes, requires the Department to submit a report to the President of the Senate and the Speaker of the House of Representatives recommending additional legislative or regulatory action that may be required for the safe testing and operation of motor vehicles equipped with autonomous technology. As defined in [section 316.003\(90\)](#), Florida Statutes, an autonomous vehicle is a motor vehicle equipped with technology that *“has the capability to drive the motor vehicle on which the technology is installed without active control or monitoring by a human operator.”*

## Present Situation

[Effective July 1, 2012](#), the Florida Legislature authorized the testing of autonomous vehicles in Florida. The current Florida laws are brief, requiring a licensed driver, unless on a closed course<sup>1</sup>, to monitor the autonomous mode and intervene, when necessary; limiting such drivers to employees, contractors and other persons designated by the manufacturer of the technology; and specifying that the testing entity provide \$5 million in insurance. The person who engages the autonomous technology is deemed the operator.

The autonomous technology must allow the licensed driver to disengage from autonomous mode, must provide a visual indicator inside the vehicle when it is in autonomous mode, and must alert the operator if there is a technology failure. In addition, the autonomous vehicle must comply with applicable traffic and motor vehicle laws.

The original manufacturer of a vehicle converted by a third-party into an autonomous vehicle is not liable for defects in the autonomous technology unless the defects were present in the vehicle as originally manufactured.

Nevada, California, the District of Columbia, and Michigan have also enacted laws related to autonomous vehicles. Nevada was the first to pass [legislation](#) and has previously licensed Google, Audi and Continental to test autonomous vehicles on public roads. California’s laws are very similar to Florida’s. California’s Department of Motor Vehicles has drafted more specific [regulations](#) and is conducting public workshops to promulgate rules prior to January 1, 2015. In December 2013, Michigan’s Governor signed [legislation](#) allowing the testing of autonomous vehicles. The government of Ontario, Canada has [published](#) its intent to initiate a five-year pilot program for autonomous vehicle testing.

Many public and private organizations are involved in researching and testing autonomous vehicles both domestically and abroad, including: technology companies like Google; automobile manufacturers like General Motors, Nissan, Volvo, Audi, and Tesla; and research institutions like Carnegie Mellon University and the University of Oxford. Most recently, Nissan Motor Corporation tested autonomous technology in the Nissan LEAF electric vehicle on the Sagami Expressway in Japan and Mercedes-Benz demonstrated its prototype self-driving car on the public roadway in Germany.

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<sup>1</sup> Florida law does not define “closed course.”



## Discussion

The anticipation and excitement of autonomous vehicles has been around for decades. As a society, we are finally amassing technological advancements sufficient to support autonomous technology, with changes occurring exponentially. Vehicle manufacturers, software developers, and researchers are actively engaged in the development of autonomous technology, with drastically different approaches and solutions.

The automobile manufacturers, like General Motors, are researching ways to change the roadway infrastructure to support the technology. [Carnegie Mellon University](#) explains it as having the vehicles communicate with street lights and other vehicles. On the other hand, [Google](#) is developing technology that would act independently, solely using Google maps, GPS, and sensors on the vehicles. Each entity currently involved in the development and testing of autonomous technology has much at stake, including significant financial investment, future sales, liability, and their credibility.

The Department, like other motor vehicle agencies, relies on vehicle safety standards established by the National Highway Traffic Safety Administration (NHTSA). Currently, NHTSA has not established safety standards for autonomous vehicles. However, NHTSA is in the midst of an extensive research project related to safety standards and software security of autonomous vehicles. The research is expected to lead to new rules and regulations. For the time being, NHTSA has deferred to the states to determine how to address safety issues such as licensing, driver training, and operating autonomous vehicles during the testing phase. NHTSA [recommends](#) that states:

- Ensure that the driver understands how to operate a self-driving vehicle safely
- Ensure that on-road testing of self-driving vehicles minimizes risks to other road users
- Limit testing operations to roadway, traffic and environmental conditions suitable for the capabilities of the tested self-driving vehicles
- Establish reporting requirements to monitor the performance of self-driving technology during testing
- Ensure that the process for transitioning from self-driving mode to driver control is safe, simple, and timely
- Self-driving test vehicles should have the capability of detecting, recording, and informing the driver that the system of automated technologies has malfunctioned
- Ensure that installation and operation of any self-driving vehicle technologies does not disable any federally required safety features or systems
- Ensure that self-driving test vehicles record information about the status of the automated control technologies in the event of a crash or loss of vehicle control

NHTSA outlines five levels of vehicle automation ranging from the human driver being in complete control of all vehicle functions (Level 0) to the vehicle operating without a human driver (Level 4). Cruise control, parking assistance, collision avoidance systems, and lane departure warnings are semi-autonomous features available today. The general belief is that semi-autonomous technologies improve traffic safety, as the vast majority of traffic crashes are caused by human error.

The rapidly changing technology and varying approaches to the development of autonomous technology create enormous challenges in setting safety standards. However, vehicle safety standards are a national issue and should be addressed by NHTSA prior to the public availability of self-driving vehicles.

Absent NHTSA standards, the Department reviewed NHTSA's recommendations and practices in other states to determine if Florida's current laws are satisfactory.

NHTSA recommends that drivers understand how to operate a self-driving vehicle safely and that on-road testing minimizes risk to other road users. Florida law does not specifically address driver training, although it does limit operators to licensed drivers affiliated with the manufacturer of the autonomous technology. California's proposed regulations include similar provisions, but also establish driver qualifications based on driver history (e.g., point offenses, at-fault crashes, and driving under the influence convictions) and require the manufacturer to maintain a test driver training program.

Nevada's testing guidelines require two licensed drivers to be in the autonomous vehicle while testing and that the state issue red license plates to test vehicles. Michigan also requires a special license plate. A license plate provides a clear visual indicator to other drivers that a vehicle may be operating in autonomous mode. Whether this knowledge reduces risk to other road users is debatable. Florida has over 200 specialty license plates, so identification by license plate may not be effective.



NHTSA also recommends limiting testing operations to roadway, traffic, and environmental conditions suitable for the capabilities of the tested self-driving vehicles. California's proposed regulations require a licensed driver in the driver's seat of an autonomous vehicle if it is being tested on public roadways, but do not include any limitations as to what public roadways or geographical locations the technology is tested on, nor does it include that specific permissions of geographical locations are required.

In Nevada, testers are only allowed to test the autonomous technology on predetermined highways in specific geographic regions.

Many of Florida's roadways are in densely populated areas. However, Florida has a number of limited access roads that could potentially be used for testing. Testing entities wishing to use these limited access roads would likely seek permission and guidance from the Florida Department of Transportation and the Department.

Another NHTSA recommendation is to require that self-driving test vehicles record information about the status of the automated control technologies in the event of a crash or loss of vehicle control. Nevada requires that the technology have a way to capture data 30 seconds before a collision occurs and that such data is preserved for three years after the date of the collision. Both Nevada and California require the testing entities or manufacturers to report crashes involving autonomous vehicles to the state within 10 days.

Florida's crash reporting laws already require law enforcement agencies to report crashes involving property damage, bodily injury or death within 10 days of the crash. Florida intends to brand the vehicle title as "autonomous." Any autonomous-branded vehicle could be identified through the existing crash

report process. This, though, does not satisfy NHTSA's recommendation, which is really about data collection by the autonomous technology.

Data collection raises many questions related to public records, data retention, privacy, and trade secrets/proprietary information. How would data be maintained, who would need it, and would it be subject to a public records requests? Could autonomous vehicle data be used to track individuals? Would data from technology owned by a single testing entity or manufacturer constitute trade secrets?

While NHTSA recommends establishing reporting requirements to monitor the performance of self-driving technology during testing, Department staff does not have the expertise to interpret or apply the results. This is a function normally provided by the federal government (NHTSA).

The final NHTSA recommendations include ensuring that the transition from self-driving mode to driver control is safe, simple and timely; requiring the vehicle to detect, record, and inform the driver of system malfunctions; and ensuring that no federally required safety features are disabled. Florida law requires that the human operator have a means to easily engage and disengage the autonomous technology, that the vehicle have the means to visually indicate when the vehicle is in autonomous mode, and that the vehicle alert the operator of technology failure and allow the operator to take control. Additionally, the vehicle must comply with applicable laws. Florida laws are consistent with the laws in the other states.

Florida law briefly addresses liability by establishing two facts: 1) the person who engages the autonomous technology is the operator and 2) the original vehicle manufacturer is not liable for a defect in the autonomous technology unless the defect was present when the vehicle was manufactured. Michigan's and Nevada's laws are similar, while California requires the manufacturer to sign a document binding them to the autonomous vehicle.

To protect the state and the motoring public, Florida law requires the testing entity to provide \$5 million in insurance, in the form of an instrument of insurance, a surety bond, or self-insurance; Florida motor vehicle insurance laws still apply to the driver. California and Nevada also require \$5 million in insurance. California's proposed regulations require the manufacturer to carry proof of insurance in the autonomous vehicle at all times. The proposal details specific requirements for the insurance instrument, surety bond, or self-insurance, many of which are covered in Florida's existing Financial Responsibility Laws. Michigan laws requires a "*proof satisfactory to the secretary of state that the vehicle is insured*" under Michigan's insurance code.

In Florida, when a testing entity presents insurance to the Department and pays the title fees, the Department will brand the vehicle title "autonomous". "Autonomous Vehicle" will print on the registration certificate. California is also proposing to identify the autonomous vehicle as such on the face of the registration card and vehicle certificate of ownership (title).

The Department does not require an application or otherwise regulate the testing entity. Conversely, both California and Nevada require the testing entity to submit an application. The application fee is \$100 annually in Nevada and \$150 annually in California, with additional charges based on the number of vehicles and drivers involved. California's proposed regulations require the testing entity to obtain a Manufacturer's Testing Permit, which is valid for one year and may be renewed. Testing entities applying in Nevada must present proof that the vehicle has been driven in autonomous mode for at

least 10,000 miles and demonstrate the technology to the state, as well other requirements noted above. The application is valid for one year, after which the tester must reapply.

None of the states appear to consider testing history or records from other states in the application process. Florida does not have authority to deny a testing entity for any other reason than that lack of compliance with insurance and titling requirements. The concern becomes whether a testing entity with a poor safety record from other states could conduct testing in Florida without resolution of the safety issues.

Florida, Nevada, California and Michigan each require that the operator of the autonomous vehicle being tested is an employee, contractor, or other person authorized by the manufacturer. Florida, Nevada and Michigan do not require a driver license endorsement or specific permit to operate an autonomous vehicle. California's proposed regulations would require the driver to hold a test vehicle operator permit.

The national decline in traffic fatalities is partly due to vehicle safety improvements. Some researchers estimate that driver error is the cause of 90 percent of traffic crashes. [Google](#) estimates that autonomous vehicles could reduce the annual 30,000 road fatalities and 2 million injuries nationally up to 90 percent. To reach Florida's goal of zero traffic fatalities, and to reduce overall traffic crashes, state regulations need to support the development of technology that will reduce human error.

NHTSA does not recommend that states attempt to establish safety standards for autonomous vehicle technologies (for public use). There are a number of technological issues as well as human performance issues that must be addressed for autonomous vehicles. In light of the rapid evolution and wide variations in autonomous technologies, detailed policies and regulations may not be feasible at this time at the federal or state level, beyond the scope of testing guidelines and regulations.

The Department is part of an autonomous vehicle information sharing workgroup facilitated by the American Association of Motor Vehicle Administrators, which includes representatives from Nevada, California, Washington, Maine, Maryland, New York, Missouri, and South Carolina, among others. In addition, the Department participated in the Autonomous Vehicle Summit hosted by the Florida Department of Transportation and the Florida Engineering Society. The University of South Florida's Center for Urban Transportation Research has launched the Automated Vehicle Institute to help bring Florida to the forefront of technology exploration and policy implementation. The Florida Department of Transportation is also involved extensively in autonomous vehicle research, planning, and outreach.

Rapid technology developments, the lack of a single blueprint for autonomous solutions, and the lack of national safety standards make regulation of autonomous technology and autonomous vehicles much more challenging than regulation of motor vehicles in the past. Finding a balance between ensuring public safety and creating a positive environment for manufacturers to innovate is critical in maintaining the momentum toward self-driving vehicles.

## Fiscal Impact

A. Taxes and Fees

N/A

B. Private Sector

This could potentially attract businesses to the state of Florida.

C. Government Sector

There may be costs for training for Department staff and law enforcement officers responsible for the application, licensing, and safe operation of autonomous vehicles.

Infrastructure-related expenses incurred by the Florida Department of Transportation could lead to long-term cost savings, e.g., more efficient vehicle operations could lessen the need for highway expansion. However, infrastructure expenditures and/or savings are indeterminable at this time.

## Conclusion

Autonomous technology offers business and economic opportunities for Florida, including technology and policy research, and testing, monitoring, and evaluating the technology. The Department recommends that the State of Florida establish working relationships with motor vehicle manufacturers and technology developers to encourage these business opportunities, much like the State of California has done.

Current Florida laws allow manufacturers of autonomous technology to test on Florida's public roadways. Oversight is limited; for example, Florida laws do not provide a mechanism for the Department to deny a manufacturer's request to test in the event of a poor safety record in another state. However, each testing entity is required to comply with existing federal and state safety and traffic regulations. To date, the Department has received no requests from manufacturers of autonomous technology to conduct testing on Florida's roadways.

Technology is rapidly advancing and multiple industries are involved with many different approaches to technology development. In addition, there are no national safety standards and many unknowns. Policy-making at this juncture is difficult, at best. Autonomous technology has potential to significantly improve highway safety by reducing crashes and saving lives. In order to encourage innovation and foster a positive business environment toward that end, the Department proposes no changes to existing Florida laws and rules at this time.

The Department will continue to participate in national, state and local discussions to monitor developments, identify best practices, address safety issues, and craft proposed legislation for the safe testing and operation of autonomous vehicles.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

2/13/14  
Meeting Date

Topic Attomacus Vehicle Report

Bill Number

Name Jennifer Langston

Amendment Barcode

Job Title LPD

(if applicable)  
(if applicable)

Address

Street

Phone 2017-3195

City

State

Zip

E-mail

Speaking:

☐ For

☐ Against

☒ Information

Representing

HSN

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.



# Florida Red Light Camera Programs

*A Presentation to the Senate Transportation Committee*

**Larry Novey, Chief Analyst**

February 13, 2014

# Project Scope

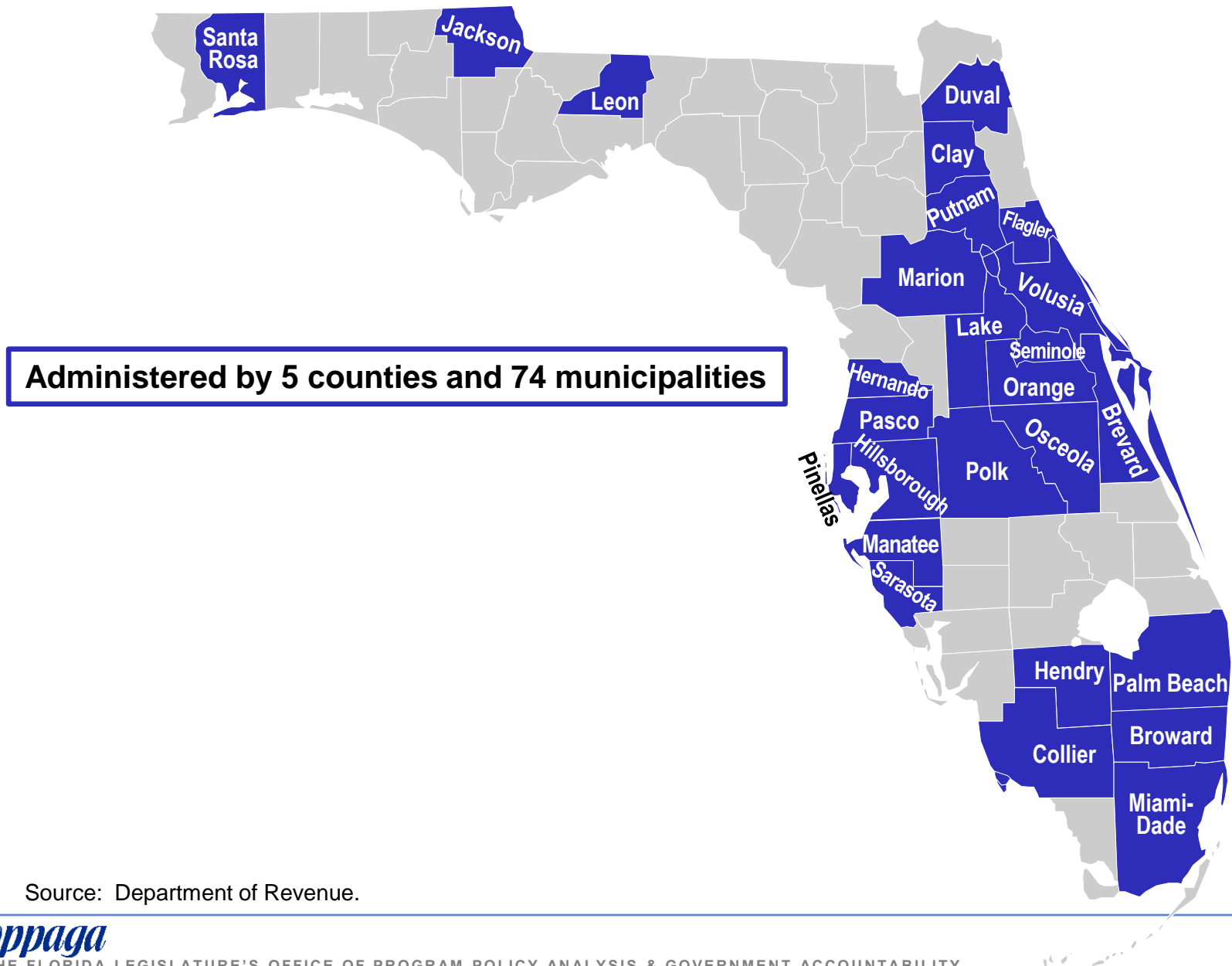
- Florida local governments' implementation and operation of red light camera programs
- Revenue generated by Florida's red light camera programs
- Experience in other states with red light camera programs
- Number of violations and crashes occurring in Florida jurisdictions with red light camera programs
- Options for modifying red light camera programs in Florida



# Red Light Camera Overview

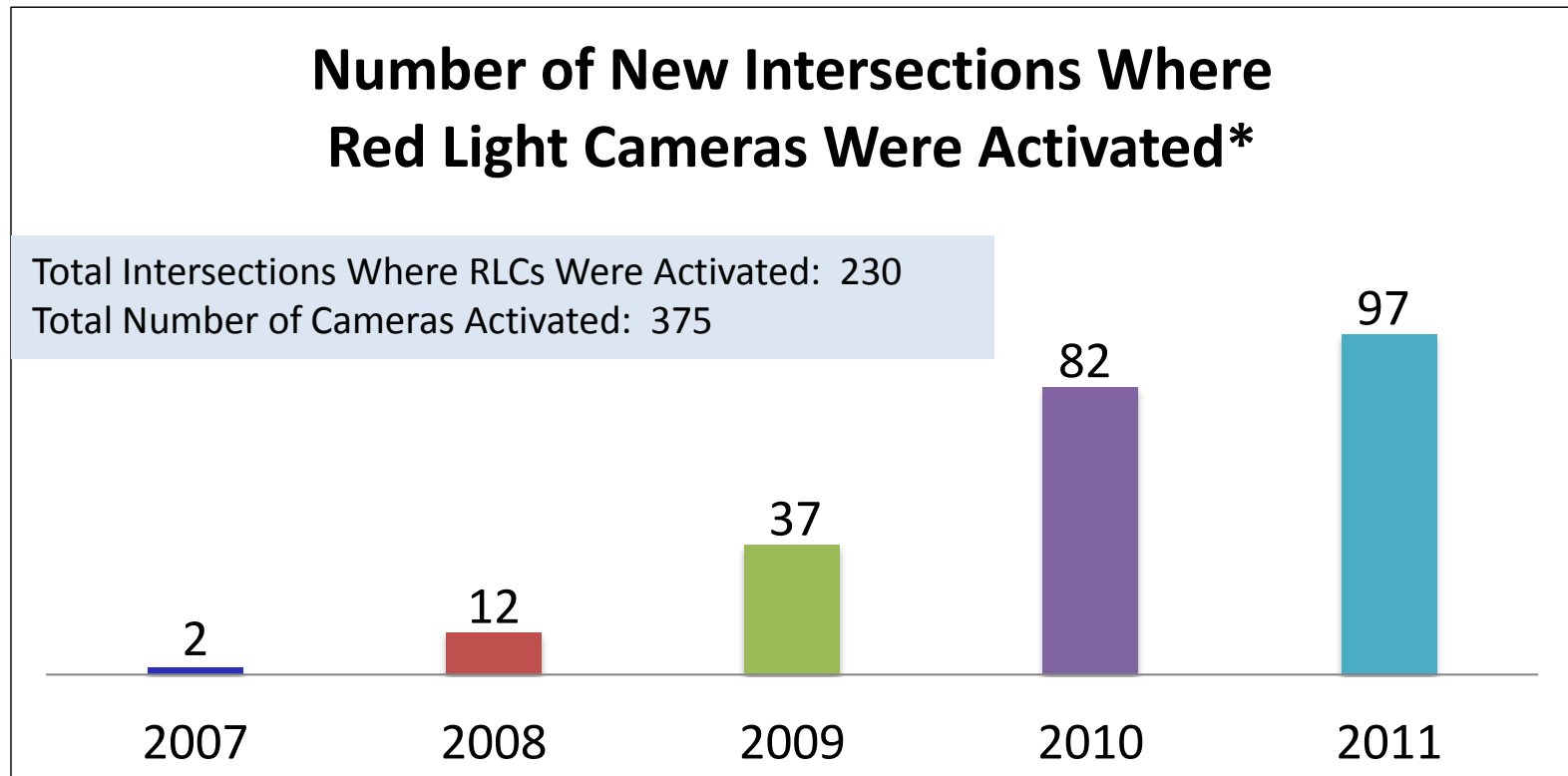
- Traffic infraction detectors – “red light cameras” – are used to enforce traffic laws by photographing vehicles when drivers run red lights
- 2010 Legislature created the Mark Wandall Traffic Safety Program authorizing red light cameras in Florida
- Jurisdictions must install cameras according to DOT standards; yellow light change intervals are subject to department criteria
- Local governments operating red light camera programs must annually report program results

# Local Governments Operate Red Light Camera Programs in 26 Counties



Source: Department of Revenue.

# The Number of Red Light Camera Intersections on State Roads Increased Significantly from 2007 to 2011



\*No additional cameras were activated in 2012.

Source: OPPAGA analysis of Department of Transportation data.

# Several Criteria Used to Make Camera Placement Decisions; Countermeasures Not Always Adopted Before Installation

- OPPAGA survey respondents reported the criteria most frequently used to identify camera locations
  - **Traffic crash data – 66%**
  - **Police observation – 33%**
- Respondents also reported on their use of countermeasures prior to camera installation
  - **Did not implement countermeasures – 56%**
  - **Implemented countermeasures – 44%**
    - ▶ Signal ahead signs, LED signal lenses
    - ▶ Signal-cycle length, yellow light change interval

# Many Jurisdictions Follow Yellow Light Interval Standards; Right Turn on Red Enforcement Varies

- Yellow light change intervals can affect frequency of red light running
- OPPAGA survey respondents reported on the criteria used to determine yellow light change interval timing
  - **Jurisdictions use DOT standard to establish timing – 58%**
  - **Jurisdictions do not have authority to establish timing – 43%**
- Respondents vary in their use of red light cameras for right turn on red violations
  - **Right turn on red without making a complete stop – 57%**
  - **Right turn on red at “No Turn on Red” signs – 30%**
- HSMV found that only 15 jurisdictions reported having written policies defining “careful and prudent” turns, and definitions varied widely

# Red Light Camera Revenues Have Increased Significantly Since Fiscal Year 2010-11

| Revenue Allocations                    | Year                |                     |                      |
|--|---------------------|---------------------|----------------------|
|  | 2010-11             | 2011-12             | 2012-13              |
| General Revenue Fund                   | \$16,666,670        | \$43,070,985        | \$52,663,609         |
| DOH Emergency Medical Services TF      | 2,379,860           | 6,143,495           | 7,534,049            |
| Brain and Spinal Cord Injury TF        | 728,321             | 1,851,361           | 2,257,262            |
| County or Municipality <sup>1, 2</sup> | 17,868,841          | 46,143,833          | 56,435,169           |
| <b>Total</b>                           | <b>\$37,643,692</b> | <b>\$97,209,674</b> | <b>\$118,890,089</b> |

<sup>1</sup> County/Municipality amounts are extrapolated from total amount based on known proportion received by Department of Revenue.

<sup>2</sup> Although they were active during Fiscal Year 2012-13, due to registration issues, red light camera programs operating in Duval County did not remit revenues to the Department of Revenue until January 2014; these revenues are not included in the table.

Source: OPPAGA analysis of Department of Revenue data.

# Nearly 50% of Local Red Light Camera Revenues Are Used for Vendor Payments

- OPPAGA survey respondents reported that the largest program expense is **vendor payments—49% of total funds** collected through red light violations over a three-year period
- After covering administrative expenses, respondents use surplus revenue for various purposes
  - **General fund – 76%**
  - **Public safety/police – 14%**
  - **Road repair/maintenance – 5%**

# Estimates Vary Regarding the Safety Effects of Red Light Camera Programs in Other States

- Studies in other states have widely varying results
  - Many studies have concluded that red light cameras are effective at improving public safety, while some have drawn the opposite conclusion
  - Many others have yielded inconclusive results about the safety effectiveness of red light camera programs
- Research results vary due to differences in factors examined



# At RLC Intersections on Florida's State Roads, Fatal Crashes Decreased; Rear-End, Angle, and Total Crashes Increased

| Type of Crash  | Number Before Camera Activation | Number After Camera Activation | Percentage Change |
|--|---------------------------------|--------------------------------|-------------------|
| Rear-End Crashes   | 4,032                           | 5,454                          | +35%              |
| Angle Crashes  | 1,560                           | 1,909                          | +22%              |
| Sideswipe Crashes  | 987                             | 154                            | -84%              |
| Head-on Crashes  | 363                             | 262                            | -28%              |
| Other Crashes  | 2,907                           | 3,256                          | +12%              |
| <b>Total Crashes</b>                                     | <b>9,849</b>                    | <b>11,035</b>                  | <b>+12%</b>       |
| Crashes Resulting in Fatalities                          | 37                              | 19                             | -49%              |
| Crashes Resulting in Injuries                            | 5,091                           | 5,023                          | -1%               |
| Crashes Resulting in Failure-to-Yield Citation           | 975                             | 1,032                          | +6%               |
| Crashes Resulting in Disregarded Traffic Signal Citation | 491                             | 396                            | -19%              |

NOTE: The crash data in the last four rows represent crash outcome rather than type and should not be summed because one crash may yield multiple outcomes.

Source: OPPAGA analysis of Department of Transportation data.

# The Legislature Could Consider Options for Further Modifying Red Light Camera Programs

- Modify the Permitting Process
  - Require local jurisdictions seeking a permit to provide DOT demonstrable evidence that there is a genuine safety need for the use of a red light camera
- Establish Operational Standards
  - Require local jurisdictions to conduct a traffic engineering study prior to installation of a red light camera
  - Establish a penalty for local jurisdictions determined to be out of compliance with DOT yellow light change interval standards
  - Establish a uniform standard to be used by jurisdictions enforcing right turn on red violations at red light camera intersections

# The Legislature Could Consider Options for Further Modifying Red Light Camera Programs

- Clarify Use of Revenue
  - Restrict local jurisdiction's use of surplus red light camera revenue to public or traffic safety expenditures
- Enhance Data Reporting
  - Ensure compliance with current reporting requirements by establishing a penalty for not timely submitting complete data
  - Require local jurisdictions to annually report specific data, by intersection
  - Direct DHSMV to collaborate with DOT to analyze and annually report crash data for red light camera intersections on state roads

# Questions?



THE FLORIDA LEGISLATURE'S OFFICE OF PROGRAM POLICY ANALYSIS & GOVERNMENT ACCOUNTABILITY

OPPAGA supports the Florida Legislature by providing data, evaluative research, and objective analyses that assist legislative budget and policy deliberations.

## Florida Red Light Camera Programs

February 7, 2014

As directed by the Legislature, OPPAGA examined red light camera programs implemented by Florida cities and counties and answered five questions.

1. How do Florida's local governments implement and operate red light camera programs?
2. How much revenue do Florida's local government red light camera programs generate?
3. What has been the experience in other states with red light camera programs?
4. How many violations and crashes are occurring in Florida jurisdictions with red light camera programs?
5. Are there options for modifying red light camera programs in Florida?

### Background

Traffic infraction detectors, also known as "red light cameras," are used to enforce traffic laws by automatically photographing vehicles whose drivers run red lights. A red light camera is connected to sensors that monitor traffic flow at a crosswalk or stop line and is connected either to another sensor that detects when the traffic light changes color or to an infrared camera that can detect when the light has changed to red. The system continuously monitors the traffic signal, and the camera is triggered by any vehicle entering the intersection above a pre-set minimum speed and following a specified time after the signal has turned red. A second photograph typically shows the red light violator in the intersection. In some cases, video cameras are also used. Cameras record the license plate number, date, time, time elapsed since the beginning of the red signal, and vehicle speed. Red light cameras have been used in at least 33 countries since the 1970s.

In 2010, the Florida Legislature created the Mark Wandall Traffic Safety Program via [Ch. 2010-80, Laws of Florida](#), authorizing the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to use cameras to detect a driver's failure to stop at a traffic signal.<sup>1</sup> Under the law, DHSMV may install or authorize installation of red light cameras on any state road under the original jurisdiction of the Department of Transportation (DOT), when permitted by DOT.<sup>2</sup> Counties may install or authorize installation on streets and highways in unincorporated areas of the county in accordance with DOT standards and on state roads in unincorporated areas of the county when permitted by DOT. Municipalities may install or authorize installation of red light cameras on streets and highways in accordance with DOT standards and on state roads within the incorporated area when permitted by the department. Municipalities and counties are not required to have a permit when the road is not under DOT jurisdiction, but they must be in accordance with DOT placement and installation specifications.

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<sup>1</sup> Violation of ss. 316.074(1) and 316.075(1)(c)1., F.S.

<sup>2</sup> To obtain a permit for a red light camera, a jurisdiction must apply for a DOT General Use Permit and attach a letter in support of a red light camera at the location requested; permits are valid for five years. The permittee must follow the department's *Special Provisions to General Use Permit for New Installations of Traffic Infraction Detectors on the State Highway System*, which includes information that a jurisdiction should consider in the process of installing a red light camera; conditions under which cameras need to be relocated; and camera activation notification requirements. In addition, related construction plans must be signed and sealed by a Florida licensed professional engineer.

The law provides processes regarding required notifications, the issuance of citations to registered owners of motor vehicles, and defenses available to vehicle owners. The law also requires that local governments implement a public awareness campaign if they intend to use red light cameras. In addition, the law requires each governmental entity that operates a traffic infraction detector to submit to DHSMV an annual report that details the results of the detectors and the procedures for enforcement. The department must subsequently submit an annual summary report to the Governor and Legislature. The report must include a review of the information submitted by the counties and municipalities and any recommendations or suggested legislation.

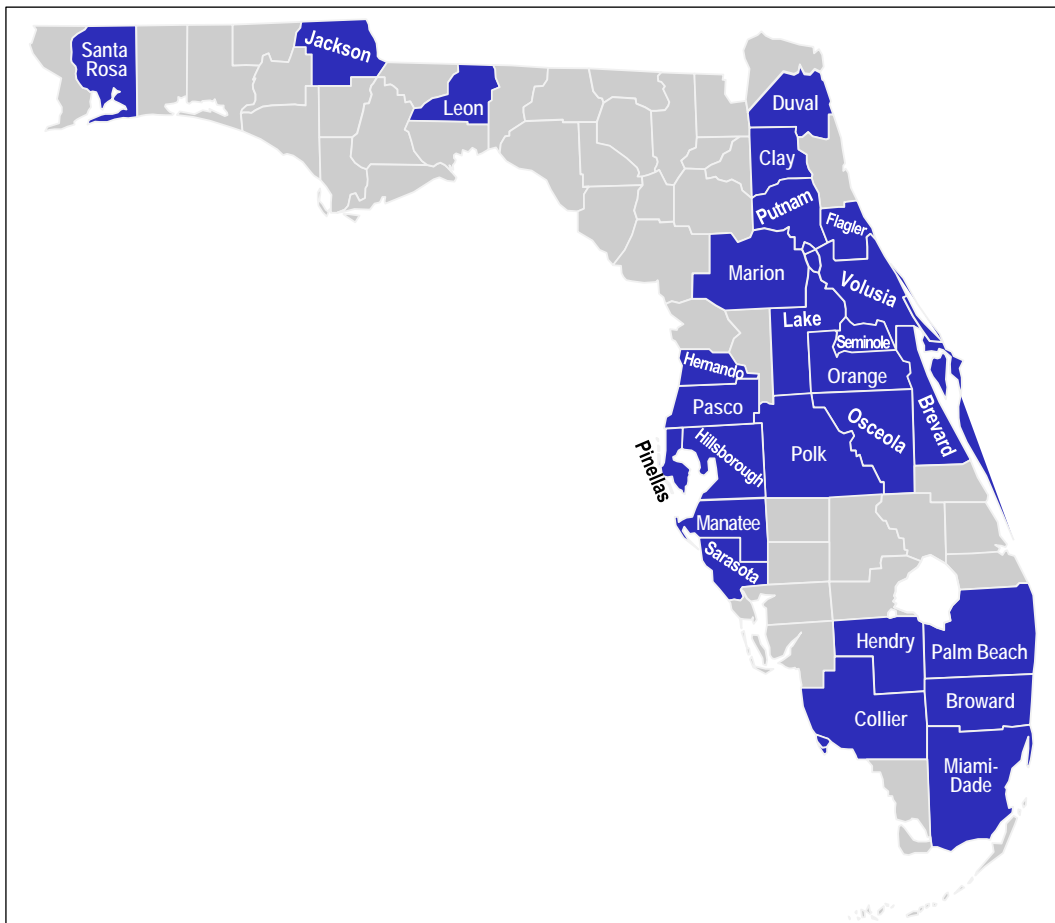
## Questions and Answers

### ***How do Florida's local governments implement and operate red light camera programs?***

At the end of Fiscal Year 2012-13, 79 jurisdictions (74 municipalities, 5 counties) operated red light camera programs in 26 Florida counties.<sup>3, 4</sup> Municipalities ranged in size from small cities with populations as low as 224, to large cities with populations over 413,000. The local governments with red light camera programs are located throughout the state, with most programs operating in Central and South Florida. (See Exhibit 1.)

#### **Exhibit 1**

#### **There Are Red Light Camera Programs in 26 Florida Counties**



Source: Department of Revenue.

<sup>3</sup> Although authorized to do so by state law, DHSMV has not implemented a red light camera program.

<sup>4</sup> Although they were active during Fiscal Year 2012-13, due to registration issues, red light camera programs operating in Duval County did not remit revenues to the Department of Revenue until January 2014.

The Department of Highway Safety and Motor Vehicles' most recent survey of local governments operating red light camera programs found that, as of June 30, 2013, cameras were installed at 922 approaches to intersections; there can be multiple cameras at each intersection.<sup>5</sup> According to Department of Transportation data for state roads, the majority of red light cameras were activated following the creation of the Mark Wandall Traffic Safety Program in 2010, although some jurisdictions had active cameras prior to 2010. In addition, DOT's data shows that the number of intersections on state roads with newly activated red light cameras steadily increased each year from 2007 to 2011. (See Exhibit 2.)

## Exhibit 2

### The Number of Red Light Camera Activations on State Roads Increased Significantly from 2007 to 2011

| Year         | Number of New Intersections Where Red Light Cameras Were Activated | Number of New Red Light Cameras Activated |
|--------------|--|---|
| 2007         | 2  | 2   |
| 2008         | 12   | 16  |
| 2009         | 37   | 45  |
| 2010         | 82   | 145                                       |
| 2011         | 97   | 167                                       |
| <b>Total</b> | <b>230</b>   | <b>375</b>                                |

Source: OPPAGA analysis of Department of Transportation data.

Local governments consider several criteria when making red light camera placement decisions; use of countermeasures at red light intersections varies among jurisdictions. OPPAGA's survey of local governments operating red light camera programs asked what criteria and/or methods jurisdictions use to identify red light camera locations.<sup>6</sup> Most respondents (66%) cited traffic crash data as the most important factor in red light camera placement decisions, with police observation cited as the next most important factor (33%). DHSMV's 2013 survey yielded similar results. When the department asked respondents to rank the importance of several criteria for red light camera placement decisions, traffic crash data (61%) was the most frequently reported criterion for red light camera placement, followed by law enforcement observations (32%).

Using information about a variety of factors, engineering countermeasures can be developed to help reduce the occurrence of hazardous driver behaviors such as red light running.<sup>7</sup> Countermeasures for red light running include ensuring that the traffic signal is visible from a sufficient distance and captures the motorists' attention; increasing the likelihood of stopping for the red signal once it has been seen; addressing intentional violations; and eliminating the need to stop. Selecting the most appropriate countermeasures for red light running depends on individual intersection characteristics and can only be determined after conducting an engineering study that investigates existing intersection design elements and intersection safety as related to red light running and the occurrence of red light violations.

<sup>5</sup> As required by law, DHSMV surveyed 79 jurisdictions with red light camera programs; the department received 75 responses (a 95% response rate). The survey collected information on notices of violation and uniform traffic citations; intersection selection; effects on safety; personnel; right-turn on red; other uses of red light camera images; and consideration for ordinance repeal. Survey questions related to activities from July 1, 2012 through June 30, 2013.

<sup>6</sup> OPPAGA conducted a survey of jurisdictions currently operating red light camera programs. We sent surveys to 80 jurisdictions and received 61 completed responses (a 76% response rate). We asked respondents to report on red light camera program start date; the number of intersections and approaches monitored; camera location criteria; countermeasures implemented; types of violations enforced; third-party vendor roles and contract structure; yellow light change interval criteria; revenues and expenses; and red light camera violation data. Sixty of our 61 survey respondents reported cameras at 741 approaches to 465 intersections as of June 30, 2013. In analyzing responses, we excluded respondents that did not provide a complete response to the question.

<sup>7</sup> Factors include demographic characteristics (e.g., age and gender); human behavioral factors (e.g., driver inattention and speeding); vehicular characteristics (e.g., larger-sized vehicles); and intersection characteristics (e.g., traffic volumes and time of day).



Although national and state transportation organizations strongly recommend the use of countermeasures, OPPAGA's survey results indicate that most (56%) of the respondents did not implement countermeasures prior to installing red light cameras. Of the jurisdictions that did implement countermeasures prior to installing red light cameras (44%), the most frequent types of countermeasures were

- installation of signal ahead signs;
- use of LED signal lenses;
- modification of signal-cycle length; and
- alteration of yellow light change intervals.

Yellow light change intervals are relevant to red light camera programs because altering their duration can affect the frequency of red light running. A study published in 2004 that examined before-and-after effects of increasing the yellow light change interval on red light running found that increasing yellow light duration by 0.5 seconds to 1.5 seconds decreased red light violations by at least 50%.<sup>8</sup> Similarly, a 2007 report by the Insurance Institute for Highway Safety found that in the city studied, yellow light timing changes reduced red light violations by 36%.<sup>9</sup> Most recently, a 2012 National Cooperative Highway Research Program report noted that the "best estimate" of the effect of increasing yellow light change intervals, "based on better designed studies," is about a 36% to 50% reduction in red light running.<sup>10</sup>

The Institute of Transportation Engineers has a formula that calculates the yellow light interval as a function of driver perception/reaction time, speed of approaching vehicles, deceleration rate, acceleration due to gravity, and grade of road. For years, traffic engineers used 1.0 second for the perception/reaction time in the calculation of the formula. However, recent research indicates that using a value greater than 1.0 second would encompass the reaction times of a larger proportion of the driver population. Based on these research results, the Florida Department of Transportation recently revised requirements for yellow light timing across all of the state's jurisdictions. DOT increased the perception/reaction time to 1.4 seconds, effectively increasing the department's previous minimum yellow light change interval by 0.4 seconds. This increase will allow additional time for Florida drivers to perceive the traffic signal change from green to yellow. Intersections with existing red light cameras were required to comply with the new standards by December 31, 2013.

DOT officials reported that the department enters into traffic signal maintenance agreements with counties and municipalities, and these agreements are the mechanism for ensuring that jurisdictions comply with yellow light timing and other traffic signal standards. In addition, department staff conducts field tests and quality assurance reviews that encompass a number of issues, including yellow light interval timing. According to OPPAGA's survey of counties and municipalities that operate red light camera programs, most (58%) jurisdictions reported using DOT standards for yellow light interval timing, while some (43%) jurisdictions reported not having the authority to change yellow light interval timing, as it is often managed at the county level for many cities and towns.<sup>11</sup>

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<sup>8</sup> Bonneson, J.A. and K.H. Zimmerman. "Effect of Yellow-Interval Timing On Red-Light-Violation Frequency at Urban Intersections." In: Proceedings of the Transportation Research Board 83<sup>rd</sup> Annual Meeting, Washington, D.C., 2004.

<sup>9</sup> Retting, R.A., S.A. Ferguson, and C.M. Farmer. "Reducing Red Light Running Through Longer Yellow Signal Timing and Red Light Camera Enforcement: Results of a Field Investigation." Insurance Institute for Highway Safety, January 2007.

<sup>10</sup> McGee, H., K. Moriarty, K. Eccles, M. Liu, T. Gates, and R. Retting. "Guidelines for Timing Yellow and All-Red Intervals at Signalized Intersections." National Cooperative Highway Research Program, Report 731, 2012.

<sup>11</sup> These percentages are not additive because some jurisdictions reported both, i.e., that yellow light timing is not under their jurisdiction and that DOT standards are being followed.



Jurisdictions use red light cameras to enforce several types of traffic infractions. In addition to using red light cameras to enforce red light running, OPPAGA’s survey found that jurisdictions use the devices for other traffic infractions. For example, some jurisdictions also use cameras to enforce right turns on red without making a complete stop (57%) and right turns on red at intersections with “No Turn on Red” signs (30%).<sup>12</sup> (See Exhibit 3.)

### Exhibit 3

#### Local Governments Use Red Light Cameras to Enforce Several Types of Violations

| Infraction  | Percentage of Jurisdictions Enforcing Violation |
|---|---|
| Running a red light   | 100%  |
| Turning right on red without coming to a complete stop      | 57%   |
| Turning right on red when a “No Turn on Red” sign is posted | 30%   |

Source: 2013 OPPAGA Red Light Camera Local Jurisdiction Survey.

These results are consistent with DHSMV’s 2013 survey, which found that 59% of survey respondents reported issuing notices of violation for right turns. However, the department’s survey also found that only 15 jurisdictions reported having policies that define “careful and prudent,” the standard used to determine if a notice of violation should be issued. According to DHSMV, definitions of “careful and prudent” varied widely by jurisdiction.

#### ***How much revenue do Florida’s local government red light camera programs generate?***

State and local red light camera revenue has increased more than 200% since Fiscal Year 2010-11. Section 316.0083, *Florida Statutes*, establishes the penalty for violations detected by red light cameras. Violators must pay \$158 to the jurisdiction that issued the notice of violation. The statute also establishes a schedule for allocating penalty revenues to the state and local government. If a county or municipality operates the red light camera program, the jurisdiction retains \$75 and remits \$83 to the Department of Revenue (\$70 for the General Revenue Fund; \$10 for the Department of Health Emergency Medical Services Trust Fund; and \$3 for the Brain and Spinal Cord Injury Trust Fund).<sup>13</sup> Funds deposited into the Emergency Medical Services Trust Fund are distributed as provided in s. 395.4036(1), *Florida Statutes*, and those deposited into the Brain and Spinal Cord Injury Trust Fund are distributed quarterly to the Miami Project to Cure Paralysis.

Red light camera program revenues have increased significantly over the last three fiscal years. Between Fiscal Year 2010-11 and Fiscal Year 2012-13, total revenues grew from \$37.6 million to \$118.9 million, an increase of 215%. (See Exhibit 4.)

<sup>12</sup> In addition, some OPPAGA survey respondents noted that their jurisdictions have used video footage from red light cameras for other criminal investigations. For example, two municipalities reported that red light camera footage has been used to investigate hit and run collisions, homicides, aggravated assaults, abductions, thefts, and other cases.

<sup>13</sup> If DHSMV operated a red light camera program, the revenue distribution would be \$100 to the General Revenue Fund; \$10 to the Department of Health Emergency Medical Services Trust Fund; \$3 to the Brain and Spinal Cord Injury Trust Fund; and \$45 to the local government.

#### Exhibit 4

#### Red Light Camera Revenues Have Increased Significantly Since Fiscal Year 2010-11

| Revenue Allocations   | Fiscal Year<br>2010-11 | Fiscal Year<br>2011-12 | Fiscal Year<br>2012-13 |
|---|------------------------|------------------------|------------------------|
| General Revenue Fund  | \$16,666,670           | \$43,070,985           | \$52,663,609           |
| Department of Health Emergency Medical Services Trust Fund <sup>1</sup> | 2,379,860              | 6,143,495              | 7,534,049              |
| Brain and Spinal Cord Injury Trust Fund                                 | 728,321                | 1,851,361              | 2,257,262              |
| County or Municipality <sup>2,3</sup>                                   | 17,868,841             | 46,143,833             | 56,435,169             |
| <b>Total</b>  | <b>\$37,643,692</b>    | <b>\$97,209,674</b>    | <b>\$118,890,089</b>   |

<sup>1</sup> Prior to enactment of Ch. 2012-181, *Laws of Florida*, these funds were deposited into the Department of Health Administrative Trust Fund.

<sup>2</sup> Although they were active during Fiscal Year 2012-13, due to registration issues, red light camera programs operating in Duval County did not remit revenues to the Department of Revenue until January 2014; these revenues are not included in the table.

<sup>3</sup> County or municipality amounts are extrapolated from the total amount based on the known proportion received by the Department of Revenue.

Source: OPPAGA analysis of Department of Revenue data.

Of the local governments that reported revenues to the Department of Revenue in Fiscal Year 2012-13, a small number of jurisdictions accounted for a large portion of the \$56.4 million in local red light camera revenues. During the period, 6 jurisdictions accounted for 30% of total local revenues, 10 jurisdictions accounted for 40%, and 15 jurisdictions accounted for 51%. (See Exhibit 5.)

#### Exhibit 5

#### Fifteen Jurisdictions Accounted for Half of Local Revenue from Red Light Camera Violations in Fiscal Year 2012-13

| Jurisdiction            | Jurisdiction Revenue | Cumulative Percentage of<br>Total Revenue to Jurisdictions |
|-------------------------|----------------------|--|
| 1. Miami                | \$5,841,750          | 10%  |
| 2. Miami Gardens        | 2,889,975            | 15%  |
| 3. Tampa                | 2,786,695            | 20%  |
| 4. Apopka               | 1,835,625            | 24%  |
| 5. North Miami          | 1,822,345            | 27%  |
| 6. Orlando              | 1,725,300            | <b>30%</b>   |
| 7. Hollywood            | 1,587,225            | 33%  |
| 8. Boca Raton           | 1,435,173            | 35%  |
| 9. St Petersburg        | 1,433,043            | 38%  |
| 10. Aventura            | 1,423,125            | <b>40%</b>   |
| 11. Hillsborough County | 1,317,810            | 43%  |
| 12. Kissimmee           | 1,310,775            | 45%  |
| 13. Sweetwater          | 1,254,290            | 47%  |
| 14. Fort Lauderdale     | 1,217,546            | 49%  |
| 15. Brooksville         | 1,114,650            | <b>51%</b>   |

Source: OPPAGA analysis of Department of Revenue data.

Nearly 50% of fines collected by local governments are used to pay red light camera vendors. Jurisdictions responding to OPPAGA's survey reported that their largest red light program expense is payments to vendors, which accounted for 49% of total money collected through red light violations over a three-year period. A majority of respondents (78%) reported excess revenue after payments to vendors and other program expenses. However, some jurisdictions (16%) have had difficulty generating sufficient revenue to make payments to vendors and have accrued outstanding balances. Of the respondents that had excess revenues, 76% reported that they allocate these funds to a general revenue fund. Other uses of excess revenue included public safety/police (14%) and road repair and maintenance and other municipal services (5%).

To examine the financial arrangement between jurisdictions and red light camera vendors, we reviewed 36 contracts and city ordinances from 20 unique jurisdictions.<sup>14</sup> We found that jurisdictions typically pay vendors between \$4,250 and \$4,750 per camera, per month. These payments cover costs associated with site selection; camera installation, operation, and maintenance; review of possible violations; violation issuance; payment collection; data collection; and customer service. In general, fees are fixed for the duration of a contract, although unit prices can increase based on changes in the Consumer Price Index.

Contracts vary in length, but generally range from three to five years with the option to extend for additional shorter terms (e.g., five years). Typically, contracts are approved and signed by the jurisdiction's governing entity (e.g., city council or county commission) and include terms and conditions for early termination. Contracts often state that either party may terminate the contract at any time without penalty for several reasons.

- State or federal statutes are amended to prohibit the operation of red light cameras or make it impractical to operate red light cameras or impose restrictions on revenues and uses contrary to the agreement.
- A court rules that a jurisdiction's red light camera program is invalid or inadmissible as evidence or makes it impracticable to operate red light cameras.
- A vendor fails to pay revenues to the jurisdiction as required by the contract.
- The other party commits any material breach of the contract.

If a jurisdiction terminates its contract with the vendor for any other reason, it may be required to pay an early termination fee. The vendor may charge a fee calculated on a per month, per fixed camera location basis for each month remaining in the contract. In other instances, the early termination fee is based on a lump sum per camera amount calculated on a pro rata basis depending on the number of months remaining in the contract.

### ***What has been the experience in other states with red light camera programs?***

Estimates of the safety effects of other states' red light camera programs vary considerably. As of December 2013, 502 communities in the U.S. had red light camera programs. The experiences of other states and jurisdictions that have implemented red light camera programs vary widely. Many studies have concluded that red light cameras are effective at improving public safety, while some have drawn the opposite conclusion. Still many others have yielded inconclusive results about the safety effectiveness of red light camera programs.

For example, a 2002 study conducted in Oxnard, California found that injury crashes declined by 29%, angle crashes declined by 32%, and overall crash severity decreased by 68% at red light camera intersections.<sup>15</sup> Conversely, a study published in 2002 on Greensboro, North Carolina's program found a 40% increase in total crashes, a 40% to 50% increase in property damage and possible injury crashes, and a statistically significant increase in rear-end crashes at red light camera intersections.<sup>16</sup> Moreover, a study released in 2012 on Las Cruces, New Mexico's program reported inconclusive findings. The study's authors found positive traffic safety effects from red light cameras at one

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<sup>14</sup> Some jurisdictions had multiple contracts available due to contract amendments or extensions since program inception.

<sup>15</sup> Retting, R. and S. Kyrychenko. "Reductions in injury crashes associated with red light camera enforcement in Oxnard, California." *American Journal of Public Health* 92(11): 1822-1825, 2002.

<sup>16</sup> Burkey, M.L. and K. Obeng. "A Detailed Investigation of Crash Risk Reduction Resulting From Red Light Cameras in Small Urban Areas." Updated Final Report. Urban Transit Institute, North Carolina Agricultural/Technical State University, Greensboro, July 2004.

intersection, negative traffic safety effects at two other intersections, and inconclusive results at another intersection.<sup>17</sup>

Red light camera research results differ due to wide variation in factors examined; many studies have been limited by methodological concerns. Many studies have reviewed the red light camera safety effectiveness literature and concluded that there is no well-accepted consensus on whether red light cameras are effective at improving public safety because of wide variation in research techniques and considerations. Studies differ significantly across many factors, including

- type of accident considered;
- degree to which accident severity is considered;
- area of study (e.g., camera intersections only versus jurisdiction-wide);
- use and designation of comparison intersections;
- treatment type (e.g., cameras only versus cameras plus warning signs);
- sample size;
- geographic location and scope (e.g., statewide versus jurisdiction); and
- statistical procedure.<sup>18</sup>

Moreover, most red light camera effectiveness studies to date have been limited by methodological difficulties that raise questions about their conclusions. Two significant methodological concerns found in the literature are regression to the mean and spillover effects. Regression to the mean is the statistical tendency for locations chosen because of high crash histories to have lower crash frequencies in subsequent years even without treatment. Studies of red light camera effectiveness that do not account for regression to the mean are likely to result in exaggerated positive effects of red light cameras. Conversely, failure to account for spillover effects may lead to an underestimation of red light camera benefits. Spillover effects refer to cases where the installation of a red light camera system at isolated locations may influence the behavior of motorists at any given traffic signal in a jurisdiction.

According to the National Cooperative Highway Research Program, a proper red light camera safety evaluation should employ a robust study design that uses multiple years of valid crash and roadway data (e.g., weather conditions and traffic volume), accounts for other factors that may cause changes in crash frequency, and employs defensible statistical procedures. The evaluation should consider not only the effects on overall crash frequency, but also the effects on crashes by type and severity. In most cases, some form of a comparison group of sites without red light cameras will be needed to account for other factors that may affect the frequency of crashes at red light camera locations.

### ***How many violations and crashes are occurring in Florida jurisdictions with red light camera programs?***

Notices of violation and uniform traffic citations issued by jurisdictions with red light camera programs have increased significantly since Fiscal Year 2010-11.<sup>19</sup> Based on OPPAGA survey results, notices of violation issued and notices of violation paid increased significantly from Fiscal Year 2010-11 to Fiscal

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<sup>17</sup> Moghimi, A., S. Meyer, A. Muhanga, K. Padilla, and H. Sohn. "Assessment of Impact of City of Las Cruces Safe Traffic Operations Program on Intersection Traffic Safety Before-and-After Analysis of Crash and Violation Data Preliminary Report." A Report on Research Sponsored by City of Las Cruces Public Works Department, August, 2012.

<sup>18</sup> Statistical procedures have included simple before-and-after comparisons, control group methods, and statistical modeling.

<sup>19</sup> Based on data from 27 survey respondents that provided complete responses to the questions on notices of violation and uniform traffic citations.

Year 2011-12, and increased slightly from Fiscal Year 2011-12 to Fiscal Year 2012-13.<sup>20</sup> Specifically, notices of violation issued increased by 72% from Fiscal Year 2010-11 to Fiscal Year 2011-12, but increased by only 4% from Fiscal Year 2011-12 to Fiscal Year 2012-13. With regard to uniform traffic citations, the number increased by 267% from Fiscal Year 2010-11 to Fiscal Year 2011-12, and then decreased by 49% from Fiscal Year 2011-12 to Fiscal Year 2012-13.<sup>21</sup> (See Exhibit 6.)

## Exhibit 6

### Notices of Violation and Uniform Traffic Citations Increased Significantly in the First Year of Red Light Camera Program Implementation but Have Recently Experienced Smaller Increases or Have Decreased

| Action                           | Percentage Change from<br>FY 2010-11 to FY 2011-12 | Percentage Change from<br>FY 2011-12 to FY 2012-13 |
|----------------------------------|--|--|
| Notices of Violation Issued      | +72%   | +4%  |
| Notices of Violation Paid        | +81%   | +9%  |
| Notices of Violation Dismissed   | +38%   | -8%  |
| Uniform Traffic Citations Issued | +267%  | -49%   |

Source: 2013 OPPAGA Red Light Camera Local Jurisdiction Survey.

Crashes resulting in fatalities decreased at red light camera intersections on state roads but rear-end and angle crashes increased. The crash data available to OPPAGA forms the foundation of information necessary to conduct a robust estimation of red light camera safety effects. Due to the methodological issues described earlier, the available data has some limitations, which restricted our analysis to pre- and post-camera installation comparisons. The use of this data affects our ability to draw definitive conclusions regarding the safety effectiveness of red light cameras. However, we can use the data to examine overall crash trends in recent years at red light camera intersections.

Jurisdictions that operate red light camera programs do not uniformly gather or report crash data specific to red light camera intersections. Thus, OPPAGA had to rely upon crash data for red light camera intersections on state roads. To examine crash activity in Florida jurisdictions that have red light camera programs, we reviewed data on fatalities, injuries, crashes by type (e.g., rear-end, angle, sideswipe, etc.), and other characteristics of crashes that occurred at 230 intersections; the data was provided by the Department of Transportation.<sup>22</sup> The intersections have red light cameras that cover at least one state-owned road and are located across 18 counties. For each of the intersections, the data cover a period of 21 and 36 months before the camera activation date to between 21 and 36 months after activation.<sup>23</sup> We calculated before and after differences and percentage changes in crashes, fatalities, and injuries for each intersection statewide and by county.<sup>24</sup>

<sup>20</sup> A notice of violation for red light running must be sent to the registered owner of the motor vehicle involved in the violation within 30 days after the violation. The violator must pay the penalty of \$158 or request a hearing within 60 days following the date of the notification in order to avoid the issuance of a traffic citation.

<sup>21</sup> A uniform traffic citation is issued if a violator does not pay the penalty, furnish an affidavit in accordance with s. 316.0083(1)(d), *F.S.*, or request a hearing within 60 days of issuance of the notice of violation.

<sup>22</sup> A large portion of the data originates from the DHSMV *Florida Traffic Crash Report – Long Form*, which is completed by local law enforcement officers for each crash that involves driver and/or pedestrian injury, driver and/or pedestrian fatality, is alcohol- or drug-use-related, and/or involved someone not remaining at the scene of the accident. Crash reports are submitted to DHSMV electronically or by mail on a weekly basis; the department enters the data into a database and regularly shares the database with DOT. DOT staff has combined the DHSMV data with other DOT data for red light camera intersections on state roads.

<sup>23</sup> The length of the query period ranges from 21 to 36 months for the “before red light camera” and “after red light camera” periods because data availability varies across jurisdictions.

<sup>24</sup> The earliest camera activation date was April 1, 2007, and the latest camera activation date was August 3, 2011. The before and after differences represent crash trends over a period of three and a half to six years for intersections with red light cameras.

When examining crashes by type at red light camera intersections on state roads, we determined that statewide, crashes resulting in a disregarded traffic signal citation decreased by 19% and those resulting in fatalities decreased by 49%. However, angle crashes (the crashes most commonly associated with *red light running*) increased by 22% at red light camera intersections. In addition, rear-end crashes (the crashes most commonly associated with the *presence of red light cameras*) increased statewide by 35% at red light camera intersections during the study period.<sup>25</sup> Total crashes at these intersections also increased by 12%. It should be noted that there were significant decreases in crashes not typically identified as associated with red light running; these include sideswipe and head-on crashes. (See Exhibit 7.)

## Exhibit 7

### Crashes Resulting in Fatalities Decreased at Red Light Camera Intersections on State Roads; Rear-End, Angle, and Total Crashes Increased<sup>1</sup>

| Crash Data                                      |  | Number Before<br>Camera Activation | Number After<br>Camera Activation | Difference<br>(Percentage) <sup>2</sup> |
|---|--|------------------------------------|-----------------------------------|---|
| Rear End,<br>Angle, and<br>Other<br>Crashes     | Rear-End Crashes   | 4,032                              | 5,454                             | 1,422 (+35%)                            |
|   | Angle Crashes  | 1,560                              | 1,909                             | 349 (+22%)                              |
|   | Sideswipe Crashes  | 987                                | 154                               | -833 (-84%)                             |
|   | Head-On Crashes  | 363                                | 262                               | -101 (-28%)                             |
|   | Other Crashes  | 2,907                              | 3,256                             | 349 (+12%)                              |
| <b>Rear End, Angle, and Other Crashes Total</b> |  | <b>9,849</b>                       | <b>11,035</b>                     | <b>1,186 (+12%)</b>                     |
| Crash<br>Results <sup>3</sup>                   | Crashes Resulting in Fatalities                          | 37                                 | 19                                | -18 (-49%)                              |
|   | Crashes Resulting in Injuries                            | 5,091                              | 5,023                             | -68 (-1%)                               |
|   | Crashes Resulting in Failure-to-Yield Citation           | 975                                | 1,032                             | 57 (+6%)                                |
|   | Crashes Resulting in Disregarded Traffic Signal Citation | 491                                | 396                               | -95 (-19%)                              |

<sup>1</sup> Left-turn crashes were not reported for any intersections in the database used for the analysis.

<sup>2</sup> Weighted monthly averages of the crash data were calculated for before and after camera activation time periods and resulted in the same percent difference values.

<sup>3</sup> The crash data in the last four rows represent crash outcome rather than type. The data in these rows should not be summed because one crash may yield multiple outcomes.

Source: OPPAGA analysis of Department of Transportation data.

Among the counties with red light camera intersections on state roads, nearly 40% had increases in rear-end and angle crashes.<sup>26</sup> Seven of the 18 counties that we examined experienced increases in both rear-end and angle crashes during the study period, and 5 counties experienced decreases in both types of crashes. (See Exhibit 8.) Two counties did not experience a change in either type of crash, and four counties experienced mixed results.

Most of the increases in rear-end and angle crashes occurred in two counties: Miami-Dade County and Broward County. Miami-Dade County accounted for 71% and 76% of the statewide increases in rear-end and angle crashes, respectively. Broward County accounted for 24% and 17% of the statewide increases in rear-end and angle crashes, respectively. The two counties accounted for 95% of the statewide increase in rear-end crashes and 93% of the statewide increase in angle crashes.

<sup>25</sup> DHSMV's 2013 report on jurisdictions operating red light camera programs found that "although most jurisdictions reported a decrease in crashes at intersections with red light cameras, the crash data maintained by the Department indicates that crashes at traffic control signal intersections typically increased, both statewide and in the surveyed jurisdictions." According to the report, the increase was 21% from 2011 to 2012 for all signalized intersections.

<sup>26</sup> Our analysis does not include red light camera programs that are implemented exclusively on local (not state-owned) roads and therefore is not representative of all jurisdictions with red light camera programs.



**Exhibit 8****When Comparing Crashes Pre- and Post-Red Light Camera Activation, Seven Counties Experienced Increases in Rear-End and Angle Crashes and Five Counties Experienced Decreases in Both Types of Crashes**

| County       | Rear-End Crashes                               |         | Angle Crashes                                  |         |
|--------------|--|---------|--|---------|
|              | Before-After Difference<br>(Percentage Change) |         | Before-After Difference<br>(Percentage Change) |         |
| Brevard      | 1  | (+8%)   | NA <sup>1</sup>                                |         |
| Broward      | 378  | (+40%)  | 71   | (+30%)  |
| Clay         | 3  | (+20%)  | 3  | (+60%)  |
| Miami-Dade   | 1,126  | (+61%)  | 314  | (+31%)  |
| Pasco        | 11   | (+10%)  | 3  | (+15%)  |
| Pinellas     | 4  | (+9%)   | 9  | (+69%)  |
| Santa Rosa   | 20   | (+400%) | 4  | (+200%) |
| Collier      | -17  | (-40%)  | -5   | (-45%)  |
| Hillsborough | -98  | (-26%)  | -5   | (-7%)   |
| Marion       | -4   | (-80%)  | -1   | (-100%) |
| Orange       | -21  | (-10%)  | -19  | (-25%)  |
| Seminole     | -4   | (-57%)  | -2   | (-67%)  |

<sup>1</sup> There were no angle crashes at locations with red light cameras in the pre-activation period; therefore, the percentage change cannot be calculated.

Source: OPPAGA analysis of Department of Transportation data.

***Are there options for modifying red light camera programs in Florida?***

Since the implementation of the Mark Wandall Traffic Safety Program in 2010, Florida's red light camera programs have continued to be of interest to policymakers. Most recently, the 2013 Legislature took action to improve the state's red light camera programs. Chapter 2013-160, *Laws of Florida*, provided guidance to the Department of Highway Safety and Motor Vehicles and local governments as to what constitutes a "careful and prudent manner" for issuing a red light camera citation for a right-on-red violation. In addition, the law allows a person issued a notice of violation for a red light camera violation to elect to receive a hearing within 60 days of the notice of violation and provides that no payment or fee may be required in order to receive the hearing. To facilitate the hearings, local governments may use currently appointed code enforcement boards or special magistrates.

The Legislature could consider additional options for further enhancing jurisdictions' implementation of red light camera programs, including ensuring that cameras are the appropriate method for reducing red light running, improving the quality of program data to facilitate robust evaluations of safety effectiveness, and standardizing operational and fiscal procedures. These options include modifying the permitting process, establishing operational standards, enhancing data reporting, and clarifying the use of red light camera program revenues. (See Exhibit 9.)

An important consideration in evaluating these options is their impact on local governments. For example, requiring countermeasures and traffic engineering studies would have a fiscal impact on jurisdictions.<sup>27</sup> Increasing reporting requirements would also likely increase costs to local governments, due to expenses associated with gathering and tracking detailed information for every intersection with a red light camera. In addition, some counties and municipalities may view mandating a traffic engineering study and restricting the use of red light camera program revenues as impeding upon their home rule authority.

<sup>27</sup> DOT estimates the cost of a traffic engineering study to be \$6,000 to \$8,000 per intersection.

## Exhibit 9

### The Legislature Could Consider Options for Further Modifying the State's Red Light Camera Programs

#### MODIFY THE PERMITTING PROCESS

**OPTION 1 – Require local jurisdictions seeking permits from the Department of Transportation (DOT) to provide demonstrable evidence that there is a genuine safety need for the use of a red light camera at an intersection; DOT should develop the criteria for what constitutes acceptable demonstrable evidence**

Demonstrable evidence could include the

- accident rate for the intersection;
- rate of red light violations occurring at the intersection (number of violations per number of vehicles);
- difficulty experienced by law enforcement officers in patrol cars or on foot in apprehending violators;
- ability of law enforcement officers to apprehend violators safely within a reasonable distance from the violation; and
- evidence of implementation of countermeasures.

#### ESTABLISH OPERATIONAL STANDARDS

**OPTION 2 – Require local jurisdictions to conduct a traffic engineering study prior to installation of a red light camera; DOT should determine what elements are to be included in the study**

The engineering study could include information regarding

- the current clearance intervals (yellow and all-red);
- whether the signal is coordinated with other signals along the corridor; and
- the current condition of other safety features (e.g., lane markings, speed limits, and signage).

**OPTION 3 – Establish a penalty for local jurisdictions determined to be out of compliance with DOT yellow light change interval standards**

**OPTION 4 – Establish a uniform standard to be used by local jurisdictions that enforce right turn on red violations at red light camera intersections**

#### ENHANCE DATA REPORTING

**OPTION 5 – Ensure compliance with current statutory reporting requirements by establishing a penalty for jurisdictions that do not report complete data by September 30 each year**

**OPTION 6 – Require local jurisdictions to annually report specific data, by intersection**

Data points should include the

- number of intersections and approaches to intersections with red light cameras;
- number of crashes by type (e.g., angle and rear-end) and by contributing factor (e.g., disregarded traffic signal and failure to yield);
- number of violations recorded, adjudicated, and appealed; and
- total amount of fines issued and fines paid.

**OPTION 7 – Direct the Department of Highway Safety and Motor Vehicles to collaborate with DOT to analyze and annually report crash data for red light camera intersections on state roads**

#### CLARIFY USE OF REVENUE

**OPTION 8 – Restrict local jurisdictions' use of surplus revenue from red light cameras to public or traffic safety expenditures**

Source: OPPAGA analysis.



THE FLORIDA SENATE

APPEARANCE RECORD

2-13-2014

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

Meeting Date

Topic Red Light Cameras

Bill Number

Name Larry Novey

Amendment Barcode

Job Title Chief Legislative Analyst

(if applicable)  
(if applicable)

Address 1038 Holland Drive

Street

Phone 850-717-0500

Tallahassee

FL

32301

City

State

Zip

E-mail novey.larry@oppaga.fl.gov

Speaking: ☐ For ☐ Against ☒ Information

Representing OPPAGA

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)

2/13/14

Meeting Date

Topic Red Light Cameras/OPAGA Report

Bill Number N/A

Name Paul Henry

Amendment Barcode (if applicable)

Job Title \_\_\_\_\_

(if applicable)

Address PO Box 698

Street

Phone 850.629.9550

Monticello

FL

32345

City

State

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.

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)

3/13/14  
Meeting Date

Topic Red light cameras

Bill Number \_\_\_\_\_

(if applicable)

Name Dana Reidling

Amendment Barcode \_\_\_\_\_

(if applicable)

Job Title Policy Director, DHSMV

Address 2900 Applebee Pkwy

Street

Phone 850 607 2541

City

Tallahassee FL 32399

State

Zip

E-mail dana.reidling@flhsmv.gov

Speaking: ☐ For ☐ Against ☒ Information

Representing DHSMV

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

2/13

Topic

Red List Carriers

Bill Number

642

Name

Lorelei Bader Jacobs

Amendment Barcode

(if applicable)

Job Title

Legislative Liaison

(if applicable)

Address

2008 E 8th Avenue

Phone

813 363-0375

City

Tampa FL

State

33601

Zip

E-mail

lbad@l3b.com  
lbad@l3b.com

Speaking:

☐ For

☐ Against

☒ Information

Representing

Hillsborough County Sheriff's Office

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

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on Criminal and  
Civil Justice  
Appropriations Subcommittee on Finance and Tax  
Banking and Insurance  
Children, Families, and Elder Affairs  
Ethics and Elections  
Rules  
Transportation

### JOINT COMMITTEE:

Joint Committee on Administrative Procedures

**SENATOR MIGUEL DIAZ de la PORTILLA**

40th District

February 11, 2014

The Honorable Jeff Brandes  
Chairman  
Senate Transportation Committee

Via Email

Dear Chairman Brandes:

I need to take an early flight Thursday morning to return to the district. I respectfully request that I be excused from the Senate Transportation Committee February 13.

Your consideration is greatly appreciated.

Sincerely,

Miguel Diaz de la Portilla  
State Senator, District 40

Cc: Mr. Kurt Eichin, Staff Director; Ms. Marilyn Hudson, Committee Administrative Assistant

### REPLY TO:

- ☐ 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- ☐ 312 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 467-5040

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

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

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

### JOINT COMMITTEE:

Joint Committee on Administrative Procedures

**SENATOR RENE GARCIA**

38th District

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

Dear Chairman Brandes:

Due to a previously planned event; I will not be able to attend the Transportation Committee meeting scheduled for Thursday February 13, 2014. Please do not hesitate to contact my office if you have any questions. Thank you.

Sincerely,

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

State Senator René García  
District 38  
RG:dm

CC: Kurt Eichin, Staff Director

### REPLY TO:

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

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

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

# CourtSmart Tag Report

**Room:** LL 37  
**Caption:** Transportation Committee

**Case:**  
**Judge:**

**Type:**

**Started:** 2/13/2014 9:01:48 AM  
**Ends:** 2/13/2014 10:24:19 AM      **Length:** 01:22:32

9:01:50 AM Meeting called to order by Chairman Brandes  
9:01:54 AM Roll call by Administrative Assistant, Marilyn Hudson  
9:02:13 AM Comments from Chairman Brandes  
9:02:20 AM Tab 1 - SB 302, Driver Licenses an Driving Privileges by Senator Braynon will be TP'd per the Chairman  
9:02:58 AM Question from Senator Joyner  
9:03:10 AM Response from Chairman Brandes  
9:03:26 AM Question from Senator Evers  
9:03:42 AM Response from Chairman Brandes  
9:04:19 AM Speaker: Honorable Nancy Daniels, Public Defender, 2nd Judicial Circuit, Florida Public Defender Association, Inc.  
9:05:05 AM Chair passed to Senator Margolis  
9:05:13 AM Tab 2 - SB 642, Florida Transportation Corporation Act explained by Chairman Brandes  
9:05:53 AM Comments from Senator Margolis  
9:06:00 AM Question from Senator Clemens  
9:06:28 AM Response from Legislative Analyst Cindy Price  
9:06:33 AM Comments from Senator Margolis  
9:06:41 AM Closure waived by Chairman Brandes  
9:06:47 AM Roll call by Administrative Assistant, Marilyn Hudson  
9:07:00 AM SB 642 passes favorably  
9:07:10 AM Chair passed back to Chairman Brandes  
9:07:22 AM Tab 3, Presentation by Jennifer Langston, Department of Highway Safety and Motor Vehicles:  
Autonomous Vehicles Report  
9:14:08 AM Question from Senator Clemens  
9:14:25 AM Response from Jennifer Langston  
9:15:00 AM Question from Senator Margolis  
9:15:23 AM Response from Jennifer Langston  
9:15:57 AM Follow-up question from Senator Margolis  
9:16:10 AM Response from Senator Clemens  
9:17:24 AM Comments from Chairman Brandes  
9:18:40 AM Presentation by Larry Novey, Chief Legislative Analyst, OPPAGA, Florida Red Light Camera Programs  
9:25:12 AM Question from Chairman Brandes  
9:25:22 AM Response from Larry Novey  
9:25:31 AM Continued presentation by Larry Novey  
9:30:54 AM Question from Senator Clemens  
9:31:08 AM Response from Larry Novey  
9:31:36 AM Continued presentation by Larry Novey  
9:32:15 AM Question from Senator Clemens  
9:32:30 AM Response from Larry Novey  
9:32:55 AM Follow-up question from Senator Clemens  
9:33:24 AM Response from Larry Novey  
9:34:01 AM Question from Senator Thompson  
9:34:13 AM Response from Larry Novey  
9:35:22 AM Comments from Senator Thompson  
9:35:41 AM Comments from Senator Margolis  
9:36:03 AM Response from Larry Novey  
9:36:37 AM Follow-up comments from Senator Margolis  
9:36:48 AM Comments from Chairman Brandes  
9:37:09 AM Response from Larry Novey  
9:37:41 AM Continued presentation by Larry Novey  
9:40:16 AM Question from Senator Lee  
9:40:45 AM Response from Larry Novey  
9:42:28 AM Follow-up question from Senator Lee

|             |  |
|-------------|--|
| 9:42:57 AM  | Response from Larry Novey  |
| 9:43:54 AM  | Follow-up question from Senator Lee  |
| 9:44:29 AM  | Response from Larry Novey  |
| 9:45:00 AM  | Comments from Senator Lee  |
| 9:47:46 AM  | Comments from Senator Margolis   |
| 9:50:00 AM  | Comments from Senator Evers  |
| 9:51:21 AM  | Comments from Senator Thompson   |
| 9:52:20 AM  | Question from Senator Clemens  |
| 9:52:29 AM  | Response from Larry Novey  |
| 9:52:35 AM  | Comments from Senator Clemens  |
| 9:52:42 AM  | Comments from Chairman Brandes   |
| 9:52:52 AM  | Comments from Senator Lee  |
| 9:53:59 AM  | Comments/question from Chairman Brandes  |
| 9:54:25 AM  | Response from Larry Novey  |
| 9:54:32 AM  | Comments from Chairman Brandes   |
| 9:54:44 AM  | Response from Larry Novey  |
| 9:55:02 AM  | Speaker Paul Henry, Liberty First Network regarding Red Light Cameras/OPPAGA Report      |
| 10:08:57 AM | Question from Senator Clemens  |
| 10:09:04 AM | Response from Paul Henry   |
| 10:09:11 AM | Question from Senator Thompson   |
| 10:09:30 AM | Response from Paul Henry   |
| 10:09:54 AM | Follow-up question from Senator Thompson   |
| 10:10:04 AM | Response from Paul Henry   |
| 10:11:13 AM | Question from Senator Clemens  |
| 10:11:51 AM | Response from Dana Reiding, Policy Director, Division of Highway Safety & Motor Vehicle  |
| 10:13:12 AM | Comments from Dana Reiding   |
| 10:14:20 AM | Follow-up comments from Senator Clemens  |
| 10:14:55 AM | Response from Dana Reiding   |
| 10:15:19 AM | Response from Chairman Brandes   |
| 10:15:44 AM | Response from Larry Novey  |
| 10:15:45 AM | Comments from Chairman Brandes   |
| 10:15:53 AM | Speaker Lorelei Bowden Jacobs, Legislative Liaison, Hillsborough County Sheriff's office |
| 10:16:33 AM | Comments from Chairman Brandes   |
| 10:16:46 AM | Response from Lorelei Bowden Jacobs  |
| 10:17:13 AM | Comments/question from Senator Lee   |
| 10:18:13 AM | Response from Larry Novey  |
| 10:18:44 AM | Continued comments from Senator Lee  |
| 10:19:49 AM | Comments from Senator Margolis   |
| 10:22:01 AM | Comments from Senator Thompson   |
| 10:23:13 AM | Comments from Chairman Brandes   |
| 10:23:23 AM | Comments from Senator Thompson regarding voting favorably on SB 642                      |
| 10:23:38 AM | Comments from Senator Richter regarding voting favorably on SB 642                       |
| 10:23:56 AM | Comments from Senator Joyner   |
| 10:24:08 AM | Senator Richter moves to rise  |