

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Margolis, Vice Chair

MEETING DATE: Thursday, March 6, 2014
TIME: 9:00 —11:00 a.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 518 Flores (Similar H 225, Compare S 454)	Child Safety Devices in Motor Vehicles; Revising child restraint requirements for children who are younger than a specified age and less than a specified height; requiring an operator of a motor vehicle to use a separate carrier or integrated child seat; subjecting a violation to penalties, etc. TR 03/06/2014 Fav/CS ATD AP	Fav/CS Yeas 8 Nays 0
2	CS/SB 674 Health Policy / Bean (Similar CS/H 463)	Background Screening; Authorizing the Department of Highway Safety and Motor Vehicles to share reproductions of driver license images with the Department of Health and the Agency for Health Care Administration for specified purposes; exempting a person whose fingerprints are already enrolled in a certain Federal Bureau of Investigation program from the requirement that such fingerprints be forwarded to the bureau; requiring the fingerprints of an employee required to be screened by a specified agency and included in the clearinghouse also to be retained in the national retained print arrest notification program at a specified time, etc. HP 02/11/2014 Fav/CS TR 03/06/2014 Favorable CJ	Favorable Yeas 9 Nays 0
3	SB 724 Dean (Identical H 559)	Military Veterans; Revising references from the "Korean Conflict" and the "Vietnam Era" to the "Korean War" and the "Vietnam War," respectively, and from "Korean Conflict Veteran" to "Korean War Veteran"; authorizing the issuance of a Combat Medical Badge license plate; revising references; establishing a method of proof of eligibility for certain specialty license plates, etc. MS 02/18/2014 Favorable TR 03/06/2014 Favorable AP	Favorable Yeas 9 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Thursday, March 6, 2014, 9:00 —11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1272 Brandes (Compare CS/H 185, H 883, H 7005, S 1184)	Transportation and Motor Vehicles; Requiring the Department of State to consult with the Department of Law Enforcement in establishing a retention schedule for records generated by the use of an automated license plate recognition system; requiring the Department of Highway Safety and Motor Vehicles to develop a system for issuing digital proof of driver license; requiring the Department of Highway Safety and Motor Vehicles to invalidate the digital proof of driver license for a person whose license or registration has been suspended; directing the Department of Highway Safety and Motor Vehicles to develop a plan that addresses certain vehicle registration holds, etc. TR 03/06/2014 Fav/CS ATD AP	Fav/CS Yeas 9 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 518

INTRODUCER: Transportation Committee and Senator Flores

SUBJECT: Child Safety Devices in Motor Vehicles

DATE: March 6, 2014

REVISED: _____

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

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 518 revises child restraint requirements for children passengers in motor vehicles. Current law requires certain child restraint devices for children through age 5 years, although for ages 4 through 5 years, a seat belt may be used in lieu of a specialized device. Under the bill's provisions, a separate carrier, an integrated child seat or a child booster seat is required for transporting children between the ages of 4 through 6 years. A seat belt alone will no longer legally provide sufficient protection for children aged 4 through 6 years. The infraction is a moving violation punishable by a fine of \$60 plus court costs and add-ons and by the assessment of 3 points against the driver's license of the motor vehicle operator.

II. Present Situation:

Currently, s. 316.613, F.S., requires every motor vehicle operator to properly use a crash-tested, federally approved child restraint device when transporting a child 5 years of age or younger. For children 3 years of age or younger, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat. For children aged 4 through 5 years, a separate carrier, an integrated child seat, or a seat belt may be used. These requirements apply to motor vehicles operated on the roadways, streets, and highways of this state. The requirements do not apply to a school bus; a bus used to transport persons for compensation; a farm tractor; a truck of net weight of more than 26,000 pounds; or a motorcycle, moped, or bicycle.¹ A driver who violates

¹ s. 316.613(2)(a-e), F.S.

this requirement is subject to a \$60 fine, court costs and add-ons, and having 3 points assessed against their driver's license.

A driver who violates this requirement may elect, with the court's approval, to participate in a child restraint safety program. Upon completing such program the above penalties may be waived at the court's discretion and the assessment of points waived. The child restraint safety program must use a course approved by the Department of Highway Safety and Motor Vehicles (DHSMV), and the fee for the course must bear a reasonable relationship to the cost of providing the course.

Section 316.613(4), F.S., provides it is legislative intent that all state, county, and local law enforcement agencies, and safety councils, conduct a continuing safety and public awareness campaign as to the magnitude of the problem with child death and injury from unrestrained occupancy in motor vehicles.

Other States' Child Passenger Safety Laws

Child passenger restraint requirements vary based on age, weight and height. Often, this happens in three stages: infants use rear-facing infant seats; toddlers use forward-facing child safety seats; and older children use booster seats.

- All 50 states, the District of Columbia, Guam, the Northern Mariana Islands and the Virgin Islands require child safety seats for infants and children fitting specific criteria.
- 48 states and District of Columbia and Puerto Rico require booster seats or other appropriate devices for children who have outgrown their child safety seats but are still too small to use of adult seat belt safely. Only Florida and South Dakota allow the use of seatbelts (only) for children under the age of 5.
- Five states (California, Florida, Louisiana, New Jersey and New York) have seat belt requirements for school buses. Texas requires them on buses purchased after September 2010.²

Most child seat laws are primary enforcement violations throughout the states. Nebraska and Ohio are the only states having secondary enforcement laws. Both states refer to children older than 4 years of age. The age at which a child-specific restraint or booster seat is required varies by state.

² http://www.ghsa.org/html/stateinfo/laws/childsafety_laws.html, March 2014 (last visited 3/2/14)

Child-specific restraint or booster seat required³

Age Requirement	Number of States
3 and younger	1 (Florida)
4 and younger	South Dakota
5 and younger	9 (AL, SC, LA, AR, OK, IA, NE, MT, NV)
6 and younger	7 MS, KY, CT, NH, NM, ID, ND
7 and younger	31 states including, TX, AZ, CA, GA, NC, VA
8 and younger	2 TN, WY

Safety Benefits

According to the Center for Disease Control and Prevention (CDC), “Child Passenger Safety: Fact Sheet,” motor vehicle injuries are a leading cause of death among children in the U.S.

- Car seat use reduces the risk for death to infants (aged <1 year) by 71%; and to toddlers (aged 1-4 years) by 54% in passenger vehicles.
- Booster seat use reduces the risk for serious injury by 45% for children aged 4-8 years when compared with seat belt use alone)
- For older children and adults, seat belt use reduces the risk for death and serious injury by approximately half.

A recent study of five states that increased the age requirement to 7 or 8 years for car seat/booster seat use found that the rate of children using car seats and booster seats increased nearly three times and the rate of children who sustained fatal or incapacitating injuries decreased by 17%.⁴

The CDC has produced the following guidelines for parents and caregivers.

Child Seat Stages:

- *Birth up to age 2*—Rear-facing car seat.
- *Age 2 up to at least age 5*—Forward-facing car seat. When child outgrows rear-facing seat, he or she should be buckled in a forward-facing car seat, in the back seat, until at least age 5 or when they reach the upper weight or height limit of seat.
- *Age 5 up until seat belts fit properly*—booster seat. Once child outgrows forward-facing seat, (by reaching the upper height or weight limit of their seat) he or she should be buckled in a belt positioning booster seat until seat belts fit properly.

³ <http://www.iihs.org/iihs/topics/laws/safetybeltuse> (last visited 3/4/14)

⁴ http://www.cdc.gov/motorvehiclesafety/child_passenger_safety/cps-factsheet.html (last visited 3/4/14)

- *Once seat belts fit properly without a booster seat*—Child no longer need to use a booster seat once seat belts fit them properly. Seat belts fit properly when the lap belt lays across the upper thighs (not the stomach) and the shoulder belt lays across the chest (not the neck). The recommended height for proper seat belt fit is 57” tall.⁵

III. Effect of Proposed Changes:

The bill amends s. 316.613, F.S., requiring an operator of a motor vehicle who is transporting a child 6 years of age or younger to provide for the protection of the child by properly using a crash-tested, federally approved child restraint device. The bill specifies the device must be a separate carrier, an integrated child seat, or a booster seat.

Any such device must comply with the standards of the United States Department of Transportation and be secured in the vehicle.

Children through 3 years of age must be transported in an integrated or separate child safety seat, and children aged 4 through 6 years must be transported in a separate carrier, an integrated child seat, or a booster seat. Under the provisions of this bill, motorists will no longer be permitted to transport children aged 4 to 7 with only a seat belt used as protection. However, the provisions of the bill does allow for seat belt use if child is being transported gratuitously or in the case of an emergency.

The infraction is a moving violation punishable by a fine of \$60 plus court costs and add-ons, and by assessment of 3 points against the driver’s license.

The bill will be effective January 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁵ Id.

B. Private Sector Impact:

There may be an increase in child restraint devices sales due to the expanded age requirement specified in the bill. There is potential citation fines for individuals failing to use the child restraint devices. Also, there could be additional costs to individuals that either replace current child restraint devices or will make a first time purchase.

C. Government Sector Impact:

The bill may generate additional revenues to local and state government resulting from penalties as a result of the expanded child safety device requirements. However, the additional citations that may be issued and resulting revenues is unknown.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends s. 316.613 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

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

CS by Transportation Committee on March 6, 2014:

Reduces the upper age limit of children from 7 to 6 years and allows use of aftermarket booster seats for children aged 4 to 6 years when child is being transported in a motor vehicle. A seat belt alone is no longer sufficient protection for children 4 to 6 years of age. However, this provision does not apply when a safety belt is used by the driver and he or she is not a member of the immediate family transporting the child gratuitously or in case of an emergency.

B. Amendments:

None.



400864

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 18 - 27
and insert:
the child is 6 ~~5~~ years of age or younger, provide for protection of the child by properly using a crash-tested, federally approved child restraint device.

1. For children aged through 3 years, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat.



400864

11 2. For children aged 4 through 6 ~~5~~ years, a separate
12 carrier, an integrated child seat, or a child booster seat belt
13 may be used. However, the requirement to use a child restraint
14 device under this subparagraph does not apply when a safety belt
15 is used as required in s. 316.614(4)(a) and the motor vehicle
16 operator is not a member of the child's immediate family and is
17 transporting the child gratuitously or in case of an emergency.
18
19

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

21 And the title is amended as follows:

22 Delete lines 5 - 7

23 and insert:

24 than a specified age; requiring an operator of a motor
25 vehicle to use a separate carrier or integrated child
26 seat; providing an exception; subjecting

THE FLORIDA SENATE
APPEARANCE RECORD

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

03-06-14

Meeting Date

Topic Child Restraint Seats

Bill Number 518
(if applicable)

Name Karen K. MacFarland

Amendment Barcode _____
(if applicable)

Job Title Governmental Affairs Advisor

Address 309 Oaks Will Court
Street
Tallahassee FL 32312
City State Zip

Phone 850-766-1026

E-mail karen.macfarland@arlaw.com

Speaking: For Against Information

Representing AAA - The Auto Club Group

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

03-06-14

Meeting Date

Topic Child Restraint Seats

Bill Number 518
(if applicable)

Name H. Lee Moffitt

Amendment Barcode _____
(if applicable)

Job Title Attorney

Address 101 E. Kennedy Blvd

Phone 813-402-2880

Street

Tampa FL 33602

E-mail lee.moffitt@arlaw.com

City

State

Zip

Speaking: For Against Information

Representing AAA - The Auto Club Group

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/14
Meeting Date

Topic CHILD SAFETY DEVICES

Bill Number SB0518
(if applicable)

Name E STEPHAN DEMBINSKY

Amendment Barcode _____
(if applicable)

Job Title CHIEF OF POLICE

Address 3050 SW ATLANTIC AVE
Street

Phone 386 527-0506

DAYTONA BEACH SHORES 32118
City State Zip

E-mail SDEMBINSKY@CITY OF DBS. ORG

Speaking: For Against Information

Representing FLORIDA POLICE CHIEFS ASSOC

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/14

Meeting Date

Topic Child Safety Seats

Bill Number SB 518
(if applicable)

Name Mary-Lynn Cullen

Amendment Barcode _____
(if applicable)

Job Title Legislative Liaison

Address 1674 University Pkwy

Phone 941-928-0278

Street

Sarasota Fl. 34243

City

State

Zip

E-mail alchildren@aol.com

Speaking: For Against Information

Representing Advocacy Institute for Children

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/14

Meeting Date

Topic Booster Seats

Bill Number SB 518
(if applicable)

Name Clint Shouppe

Amendment Barcode _____
(if applicable)

Job Title State Government Relations Director

Address 2985 Drew St

Phone 813-767-0550

Clearwater FL 33759
Street City State Zip

E-mail clint.shouppe@banycare.org

Speaking: For Against Information

Representing St. Joseph's Children's Hospital

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/14

Meeting Date

Topic Child Safety Devices

Bill Number 518
(if applicable)

Name Jim Milligan

Amendment Barcode _____
(if applicable)

Job Title EXECUTIVE CHAIR

Address 4360-55 AV N
Street

Phone 722-481-2852

ST PETERS, FL 33714
City State Zip

E-mail jmilligan@lealmarfire.com

Speaking: For Against Information

Representing SUNCOAST SAFE KIDS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

Meeting Date _____

Topic Child Safety Seats

Bill Number 518
(if applicable)

Name Doug Bell

Amendment Barcode _____
(if applicable)

Job Title _____

Address 215 S. Monroe St
Street
Tall FL
City State Zip

Phone 850 222 3533

E-mail _____

Speaking: For Against Information

Representing FL Chapter American Academy of Pediatrics

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

By Senator Flores

37-00580A-14

2014518__

A bill to be entitled

An act relating to child safety devices in motor vehicles; amending s. 316.613, F.S.; revising child restraint requirements for children who are younger than a specified age and less than a specified height; requiring an operator of a motor vehicle to use a separate carrier or integrated child seat; subjecting a violation to penalties; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) and subsection (5) of section 316.613, Florida Statutes, are amended to read:
316.613 Child restraint requirements.—

(1) (a) Every operator of a motor vehicle as defined in this section, while transporting a child in a motor vehicle operated on the roadways, streets, or highways of this state, shall, if the child is 7 5 years of age or younger and less than 4 feet 9 inches in height, provide for protection of the child by properly using a crash-tested, federally approved child restraint device.

1. For children aged through 3 years, such restraint device must be a separate carrier or a vehicle manufacturer's integrated child seat.

2. For children aged 4 through 7 5 years and less than 4 feet 9 inches in height, a separate carrier or an integrated child seat must, ~~or a seat belt may~~ be used.

(5) A ~~Any~~ person who violates this section commits a moving violation, punishable as provided in chapter 318 and ~~shall have~~

Page 1 of 2

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

37-00580A-14

2014518__

3 points shall be assessed against his or her driver license as set forth in s. 322.27. In lieu of the penalty specified in s. 318.18 and the assessment of points, a person who violates this section may elect, with the court's approval, to participate in a child restraint safety program approved by the chief judge of the circuit in which the violation occurs, and, upon completing such program, the penalty specified in chapter 318 and associated costs may be waived at the court's discretion and the assessment of points shall be waived. The child restraint safety program must use a course approved by the Department of Highway Safety and Motor Vehicles, and the fee for the course must bear a reasonable relationship to the cost of providing the course.

Section 2. This act shall take effect January 1, 2015.

Page 2 of 2

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 674

INTRODUCER: Health Policy Committee and Senator Bean

SUBJECT: Background Screening

DATE: March 6, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stovall	Stovall	HP	Fav/CS
2.	Everette	Eichin	TR	Favorable
3.			CJ	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 674 strengthens and facilitates the background screening provisions for persons required by law to undergo criminal background screening.

The bill updates the disqualifying offenses to include additional offenses involving fraudulent activity for persons screened as a part of health care facility licensure and adds offenses involving attempting, soliciting, or conspiring to commit a listed disqualifying offense for any person subject to background screening.

The 3-year waiting period after payment of court-ordered monetary amounts in order to be eligible for an exemption from disqualification for certain felony convictions is eliminated. Screenings handled through the Care Provider Background Screening Clearinghouse (Clearinghouse) must now be initiated and registered through the Clearinghouse prior to referring the employee or potential employee for fingerprinting. Additionally, certain identifying information of the person to be fingerprinted must be submitted on behalf of all persons to be screened.

The bill provides for the submission of an individual taxpayer identification number if a social security number cannot be obtained and allows health care facilities and employers that are required to conduct background screenings to submit an attestation, rather than an affidavit, that they have complied with the screening requirements.

The statutory placement of the requirement for submission of a photograph taken at the time of fingerprinting is relocated so that it is not a requirement for all screenings but only for those handled through the Clearinghouse.

The Department of Highway Safety and Motor Vehicles (DHSMV) is authorized to provide driver's license photographs to the Department of Health (DOH) and the Agency for Health Care Administration (AHCA) pursuant to an interagency agreement with each agency.

II. Present Situation:

Previous Legislation for Background Screening

Florida has one of the largest vulnerable populations in the country with 17.3 percent of the state's population over the age of 65.¹ In addition to the elderly, the state's vulnerable children and disabled adults require special care because they are at an increased risk of abuse.

In 2010, the Legislature substantially amended the requirements and procedures for background screening.² Major changes made by the 2010 legislation include:

- No person who is required to be screened may begin work until the screening has been completed.
- All Level 1³ screenings were increased to Level 2⁴ screenings.
- By July 1, 2012, all fingerprints submitted to the Florida Department of Law Enforcement (FDLE) must be submitted electronically.
- Certain personnel that were not being screened were required to begin Level 2 screening.
- The addition of serious crimes that disqualify an individual from employment working with vulnerable populations.
- Authorization for agencies to request the retention of fingerprints by FDLE.
- That an exemption for a disqualifying felony may not be granted until at least 3 years after the completion of all sentencing sanctions for that felony.
- That all exemptions from disqualification may be granted only by the agency head.

The Care Provider Background Screening Clearinghouse

In 2012, the Legislature created the Clearinghouse. The Clearinghouse establishes a single data source for background screening results of persons required to be screened by law⁵ for

¹ The Older Population: 2010 Census Briefs, U.S. Census Bureau, Issued November 2011, p. 9, available at:

<http://www.census.gov/prod/cen2010/briefs/c2010br-09.pdf> (Last visited Feb. 7, 2014).

² Chapter 2010-114, L.O.F.

³ Section 435.03, F.S. Level 1 screenings are name-based demographic screenings that must include, but are not limited to, employment history checks and statewide criminal correspondence checks through the FDLE. Level 1 screenings may also include local criminal records checks through local law enforcement agencies. A person undergoing a Level 1 screening must not have been found guilty of any of the listed offenses.

⁴ Section 435.04, F.S. A Level 2 screening consists of a fingerprint-based search of the FDLE and the Federal Bureau of Investigation databases for state and national criminal arrest records. Any person undergoing a Level 2 screening must not have been found guilty of any of the listed offenses.

⁵ Certain persons are required to be screened by specified agencies. "Specified agency" is defined in s. 435.02(5), F.S., and includes the Department of Health, the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Department of Elderly Affairs, the Department of Juvenile Justice, and the Agency for Persons with Disabilities.

employment in positions that provide services to children, the elderly, and disabled individuals.⁶ The Clearinghouse allows the results of criminal history checks to be shared among specified state agencies, thereby reducing duplicative screenings for individuals requiring screening across multiple state agencies. In addition applicants now have their fingerprints retained for a period of 5 years. The retention of fingerprints allows the FDLE to report any new arrest/registration information to the specified state agencies. In turn, if during that 5-year period the individual is arrested or added to a registry, a notification will be sent to the employing provider.⁷

The Clearinghouse also collects photographs of applicants who are required to obtain Level 2 background checks. The requirement to submit a photograph was added to law during the 2012 Legislative Session. However, instead of being in the Clearinghouse statute of s. 435.12, F.S., the requirement currently exists in the general Level 2 screening standards of s. 435.04(1)(e), F.S.

Employers of individuals subject to screening by a specified agency⁸ are required to register with the Clearinghouse and maintain the employment status of all employees with the Clearinghouse for screenings conducted after the date the state agency begins participation in the Clearinghouse. Initial employment status and any change in status must be reported within 10 business days.⁹ Currently, there is no requirement that screenings be initiated through the Clearinghouse.

The Clearinghouse is in the process of being implemented by six designated state agencies. Currently, the clearinghouse is active and being used by the AHCA and the Department of Health (DOH).¹⁰

Current Background Screening Law

Florida licensure laws require providers licensed by the AHCA to conduct Level 2 criminal background screening for:^{11, 12}

- The licensee;
- Administrators and financial officers;
- Staff of health care providers who offer residential and home care services that provide personal care services or have access to client property, funds or living areas; and
- Any person who is a controlling interest if there is reason to suspect they have committed a disqualifying criminal offense.

⁶ *Clearinghouse FAQ*, found at: http://ahca.myflorida.com/MCHQ/Central_Services/Background_Screening/docs/ClearinghouseFAQ.pdf, (Last visited on Feb. 7, 2014).

⁷ *Id.*

⁸ *Supra* n. 5

⁹ Section 435.12(2), F.S.

¹⁰ *See* the AHCA Clearinghouse website at:

http://ahca.myflorida.com/MCHQ/Central_Services/Background_Screening/BGS_results.shtml, (Last visited Feb. 7, 2014).

¹¹ Section 408.809, F.S.

¹² For a full list of all employees subject to background screening see, *Who is Required to be Screened*, found at: http://ahca.myflorida.com/MCHQ/Central_Services/Background_Screening/docs/BGS_WhoRequiredToBeScreened.pdf, (Last visited on Feb. 7, 2014).

Current background screening standards in ch. 435, F.S., and s. 408.809, F.S., the general licensing provisions for health care providers licensed by the AHCA, include various disqualifying offenses pertaining, but not limited to, domestic violence, patient brokering, criminal use of personal identification information, fraudulent use of credit cards, forgery, and possession/sale of illegal drugs.

Some offenses that presently would disqualify an applicant from employment are very similar to certain offenses that presently do not disqualify an applicant from employment. For example, s. 408.809(4)(k), F.S., states that felonious fraudulent use of credit cards, as described in s. 817.61, F.S., is a disqualifying offense. However, using an expired or falsified credit card to obtain goods, as described in s. 817.841, F.S., is not a disqualifying offense.

Designated agencies have the authority to grant exemptions from disqualification.¹³ The exemptions enable people who have been convicted of a disqualifying criminal offense to present information as to why they should not be excluded from working with vulnerable individuals. This information includes: specifics of the offense, how long ago the offense occurred, work history, and rehabilitation. Current law states that an applicant who applies for an exemption for a felony offense must have had 3 years elapse since completion of any sentence or have been lawfully released from confinement, supervision, or sanction for the disqualifying felony.¹⁴ The 3-year waiting period would not have started for the failure to fully satisfy even the smallest related sanction, such as any unpaid balance of a fine. The requirement is similar for disqualifying misdemeanors, except that there is no specific time frame mandated after being lawfully released from confinement, supervision, or sanction.^{15, 16}

DHSMV Driver's License Photograph Access

- The DHSMV has the authority to maintain a record of driver license photographs, signature, and other data required for identification and retrieval.¹⁷ The DHSMV also has the authority to share those photographs, through interagency agreements, with specific state agencies¹⁸ to conduct fraud investigations, protective services, and verification of identity.

III. Effect of Proposed Changes:

CS/SB 674 strengthens and facilitates the background screening provisions for persons required by law to undergo criminal background screening.

¹³ Section 435.07, F.S.

¹⁴ Id.

¹⁵ The term "sanction" does not currently have a formal definition in ch. 435, F.S. Numerous state agencies are bound by chapter 435, F.S., and the interpretation of the term "sanction" varies widely among the agencies.

¹⁶ SB 1112 Bill Analysis and Economic Impact Statement, Agency for Health Care Administration, at page 4, Mar. 13, 2013 (on file with the Senate Health Policy Committee).

¹⁷ Section 322.142(4), F.S.

¹⁸ Section 322.142(4), F.S., provides that the Department of Highway Safety and Motor Vehicles may provide reproductions of the file or digital record to the Department of Business and Professional Regulation, the Department of State, the Department of Revenue, the Department of Children and Families, the Department of Financial Services, or to district medical examiners.

Section 1 amends s. 322.142, F.S., to allow the DHSMV to share a data file that includes a driver licensee's digital image and signature with the DOH and the AHCA pursuant to an interagency agreement with each agency. The images will be used to verify licensed health care practitioners and persons fingerprinted compared with photographs in the Clearinghouse.

Section 2 amends s. 408.806, F.S., relating to the licensure application process applicable to health care facilities licensed by the AHCA, to authorize the application and statement regarding compliance with background screening provisions to be an attestation rather than submitted under oath or as an affidavit. An affidavit requires signature in front of a judge, clerk, deputy clerk of a court, or notary public.¹⁹ The bill also authorizes an individual taxpayer identification number to be submitted on the application if a social security number cannot be obtained.

Section 3 amends s. 408.809, F.S., to add to the list of crimes which disqualify an applicant subject to a background check from employment with a health care facility. The added crimes include:

- Attempts, solicitation, and conspiracy to commit an offense listed in s. 408.809(4), F.S.;²⁰
- Felonies involving the use of false or expired credit cards;²¹
- Fraudulently obtaining goods or services from a health care provider;²²
- Crimes related to racketeering and the collection of illegal debts;²³ and
- Violating the provisions in the Florida Money Laundering Act.²⁴

This section of the bill also authorizes the statement regarding compliance with the background screening provisions to be an attestation rather than submitted as an affidavit.

The bill revises the AHCA's requirement for acceptance of screening results from outside agencies and allows federal retained prints to satisfy rescreening requirements. A technical change is made to update the statute regarding acceptance of screening results since the Clearinghouse is operational for some specified agencies and background screening results are now being retained.

Section 4 amends s. 413.208, F.S., and **Section 5** repeals an unnumbered section of a 2012 chapter law relating to the effective date for implementation of the background screening requirements for service providers registering with the Division of Vocational Rehabilitation.

Section 6 amends s. 435.04, F.S., to require vendors who submit fingerprints on behalf of employers to provide the first, middle, and last name, social security number, date of birth, mailing address, sex, and race of an applicant. If an applicant cannot legally obtain a social security number, then an individual taxpayer identification number must be provided instead. This section also adds attempts, solicitation, and conspiracy to commit any offense listed in s.

¹⁹ See s. 92.50, F.S.

²⁰ As detailed in s. 777.04, F.S.

²¹ As detailed in s. 817.481, F.S. The crime is a felony if the value of the goods or services obtained in violation of s. 817.481, F.S., is \$300 or more.

²² As detailed in s. 817.50, F.S.

²³ As detailed in s. 895.03, F.S.

²⁴ As detailed in s. 896.101, F.S.

435.04(2), F.S.,²⁵ to the list of crimes which disqualify any applicant subject to a Level 2 background check from employment.

The requirement to obtain a photograph of the applicant at the time the fingerprints are submitted is relocated to s. 435.12, F.S., which is limited to specified agencies participating in the Clearinghouse.

Section 7 amends s. 435.05, F.S., to allow employers that are required to conduct Level 2 background screenings to attest annually or at the time of license renewal to compliance with background screening requirements rather than submit an affidavit of compliance.

Section 8 amends s. 435.07, F.S., to strike the term “sanction” from s. 435.07, F.S., and revise the conditions an agency head must consider when determining whether to grant an exemption to disqualification from employment. Under the bill, the 3-year waiting period for a felony offense applies to nonmonetary conditions imposed by the court and not to the satisfaction of monetary requirements. However, all court-ordered fees, fines, or other monetary requirements relating to a disqualifying felony or misdemeanor must be paid in full as a condition of eligibility for an exemption from disqualification of employment.

Section 9 amends s. 435.12, F.S., to require employers of persons subject to background screening by specified agencies²⁶ to register and initiate all criminal history checks through the Clearinghouse before referring an employee or potential employee for electronic fingerprint submission to the FDLE. The registration submitted must include the employee’s first, middle, and last name, social security number, date of birth, mailing address, sex, and race. If an applicant cannot legally obtain a social security number, then an individual taxpayer identification number must be provided instead.

The bill authorizes the FDLE to forward notification of arrest to the AHCA once FDLE begins participating in the national retained print arrest notification program which is anticipated to occur later this year. Under this program, arrest prints will be searched against retained prints at the FBI and notification of arrests will be forwarded to the FDLE.

This section now requires a photograph to be submitted at the time fingerprints are submitted, which is transferred from s. 435.04, F.S.

Section 6 provides for an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²⁵ As detailed in s. 777.04, F.S.

²⁶ *Supra* n. 5

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:

Employers may see an indeterminate fiscal savings by submitting certain documents under attestation rather than as an affidavit and a reduction in costs associated with hiring new employees due to an increased pool of eligible applicants as a result of removing the 3-year waiting period after payment of all court-ordered monetary amounts before an applicant is eligible for exemption from disqualification for employment. The administrative cost associated with submitting certain identifying information for employee fingerprinting may facilitate and offset administrative costs of tracking the status of results.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.142, 408.806, 408.809, 413.208, 435.04, 435.05, 435.07, and 435.12.

This bill repeals Section 7 of Chapter 2012-73, Laws of Florida.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

CS by Health Policy on February 11, 2014: Modifies the background screening provisions to make use of the national retained print arrest notification program when the FDLE begins participation in the program.

B. Amendments:

None.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

03/06/2014

Meeting Date

Topic Background Screening

Bill Number SB 674
(if applicable)

Name Tanya Cooper

Amendment Barcode _____
(if applicable)

Job Title Director, Governmental Relations

Address 325 W. Gaines St.
Street

Phone 850-245-9633

Tallahassee Fl 32399
City State Zip

E-mail Tanya.Cooper@fldoe.org

Speaking: For Against Information

Representing Florida Department of Education

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6
Meeting Date

Topic Back Ground

Bill Number 674
(if applicable)

Name Elizabeth Bradin

Amendment Barcode _____
(if applicable)

Job Title lobbyist

Address _____
Street

Phone 321-508 2890

City _____ State _____ Zip _____

E-mail elizabeth@solaw-me

Speaking: For Against Information

Representing Disability Rights Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/14

Meeting Date

Topic Background Screening

Bill Number 674
(if applicable)

Name Molly McKinstry

Amendment Barcode _____
(if applicable)

Job Title Dep. Sec. HQA

Address 2727 Mahan Blvd

Phone _____

Street

Tallahassee

FL

32308

City

State

Zip

E-mail molly.mckinstry@ahca.my
florida.com

Speaking: For Against Information

Representing Agency for Health Care Administration

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Health Policy, *Chair*
Appropriations
Appropriations Subcommittee on Education
Appropriations Subcommittee on Health
and Human Services
Commerce and Tourism
Communications, Energy, and Public Utilities
Governmental Oversight and Accountability

SELECT COMMITTEE:
Select Committee on Patient Protection
and Affordable Care Act

SENATOR AARON BEAN

4th District

March 3, 2014

The Honorable Jeff Brandes, Chair
Committee on Transportation
324 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Brandes:

Thank you for scheduling CS for SB 674 related to Background Screening, for hearing in your committee on Thursday, March 6, 2014.

Like many members I am experiencing scheduling problems. I respectfully request that my legislative assistant, James Kotas, be allowed to present my bill on my behalf.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Aaron Bean".

Aaron Bean
State Senator, 4th District

Cc: Kurt Eichin, Staff Director
Marilyn Hudson, Committee Administrative Assistant

/jk

REPLY TO:

- 1919 Atlantic Boulevard, Jacksonville, Florida 32207 (904) 346-5039 FAX: (888) 263-1578
- 302 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5004 FAX: (850) 410-4805

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

By the Committee on Health Policy; and Senator Bean

588-01762-14

2014674c1

1 A bill to be entitled
 2 An act relating to background screening; amending s.
 3 322.142, F.S.; authorizing the Department of Highway
 4 Safety and Motor Vehicles to share reproductions of
 5 driver license images with the Department of Health
 6 and the Agency for Health Care Administration for
 7 specified purposes; amending s. 408.806, F.S.;
 8 revising the requirements for licensure; revising a
 9 provision requiring an affidavit; amending s. 408.809,
 10 F.S.; exempting a person whose fingerprints are
 11 already enrolled in a certain Federal Bureau of
 12 Investigation program from the requirement that such
 13 fingerprints be forwarded to the bureau; requiring
 14 certain persons to submit their fingerprints
 15 electronically; requiring the Department of Law
 16 Enforcement to retain fingerprints when the department
 17 begins participation in a certain program; revising
 18 requirements for proof of compliance with level 2
 19 screening standards; revising terminology; adding
 20 additional disqualifying offenses to background
 21 screening requirements; amending s. 413.208, F.S.;
 22 providing applicability for background screening
 23 requirements for certain registrants; repealing s. 7
 24 of chapter 2012-73, Laws of Florida, relating to
 25 background screening requirements; amending s. 435.04,
 26 F.S.; revising information to be required for vendors
 27 submitting employee fingerprints; adding an additional
 28 disqualifying offense to background screening
 29 requirements; amending s. 435.05, F.S.; revising a

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30 provision requiring the annual submission of an
 31 affidavit; amending s. 435.07, F.S.; revising criteria
 32 for an exemption from disqualification for an employee
 33 under certain conditions; amending s. 435.12, F.S.;
 34 requiring the fingerprints of an employee required to
 35 be screened by a specified agency and included in the
 36 clearinghouse also to be retained in the national
 37 retained print arrest notification program at a
 38 specified time; requiring simultaneous submission of a
 39 photographic image and electronic fingerprints to the
 40 Care Provider Background Screening Clearinghouse;
 41 requiring an employer to follow certain criminal
 42 history check procedures and include specified
 43 information regarding referral and registration of an
 44 employee for electronic fingerprinting with the
 45 clearinghouse; providing an effective date.
 46
 47 Be It Enacted by the Legislature of the State of Florida:
 48
 49 Section 1. Subsection (4) of section 322.142, Florida
 50 Statutes, is amended to read:
 51 322.142 Color photographic or digital imaged licenses.—
 52 (4) The department may maintain a film negative or print
 53 file. The department shall maintain a record of the digital
 54 image and signature of the licensees, together with other data
 55 required by the department for identification and retrieval.
 56 Reproductions from the file or digital record are exempt from
 57 the provisions of s. 119.07(1) and may ~~shall~~ be made and issued
 58 only:

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- 59 (a) For departmental administrative purposes;
 60 (b) For the issuance of duplicate licenses;
 61 (c) In response to law enforcement agency requests;
 62 (d) To the Department of Business and Professional
 63 Regulation and the Department of Health pursuant to an
 64 interagency agreement for the purpose of accessing digital
 65 images for reproduction of licenses issued by the Department of
 66 Business and Professional Regulation or the Department of
 67 Health;
 68 (e) To the Department of State pursuant to an interagency
 69 agreement to facilitate determinations of eligibility of voter
 70 registration applicants and registered voters in accordance with
 71 ss. 98.045 and 98.075;
 72 (f) To the Department of Revenue pursuant to an interagency
 73 agreement for use in establishing paternity and establishing,
 74 modifying, or enforcing support obligations in Title IV-D cases;
 75 (g) To the Department of Children and Families pursuant to
 76 an interagency agreement to conduct protective investigations
 77 under part III of chapter 39 and chapter 415;
 78 (h) To the Department of Children and Families pursuant to
 79 an interagency agreement specifying the number of employees in
 80 each of that department's regions to be granted access to the
 81 records for use as verification of identity to expedite the
 82 determination of eligibility for public assistance and for use
 83 in public assistance fraud investigations;
 84 (i) To the Agency for Health Care Administration pursuant
 85 to an interagency agreement for the purpose of verifying
 86 photographs in the Care Provider Background Screening
 87 Clearinghouse authorized under s. 435.12;

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- 88 (j)~~(i)~~ To the Department of Financial Services pursuant to
 89 an interagency agreement to facilitate the location of owners of
 90 unclaimed property, the validation of unclaimed property claims,
 91 and the identification of fraudulent or false claims;
 92 (k)~~(j)~~ To district medical examiners pursuant to an
 93 interagency agreement for the purpose of identifying a deceased
 94 individual, determining cause of death, and notifying next of
 95 kin of any investigations, including autopsies and other
 96 laboratory examinations, authorized in s. 406.11; or
 97 (l)~~(k)~~ To the following persons for the purpose of
 98 identifying a person as part of the official work of a court:
 99 1. A justice or judge of this state;
 100 2. An employee of the state courts system who works in a
 101 position that is designated in writing for access by the Chief
 102 Justice of the Supreme Court or a chief judge of a district or
 103 circuit court, or by his or her designee; or
 104 3. A government employee who performs functions on behalf
 105 of the state courts system in a position that is designated in
 106 writing for access by the Chief Justice or a chief judge, or by
 107 his or her designee.
 108 Section 2. Subsections (1) and (8) of section 408.806,
 109 Florida Statutes, are amended to read:
 110 408.806 License application process.—
 111 (1) An application for licensure must be made to the agency
 112 on forms furnished by the agency, submitted under oath or
 113 attestation, and accompanied by the appropriate fee in order to
 114 be accepted and considered timely. The application must contain
 115 information required by authorizing statutes and applicable
 116 rules and must include:

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117 (a) The name, address, and social security number, or
 118 individual taxpayer identification number if a social security
 119 number cannot legally be obtained, of:

- 120 1. The applicant;
- 121 2. The administrator or a similarly titled person who is
 122 responsible for the day-to-day operation of the provider;
- 123 3. The financial officer or similarly titled person who is
 124 responsible for the financial operation of the licensee or
 125 provider; and
- 126 4. Each controlling interest if the applicant or
 127 controlling interest is an individual.

128 (b) The name, address, and federal employer identification
 129 number or taxpayer identification number of the applicant and
 130 each controlling interest if the applicant or controlling
 131 interest is not an individual.

132 (c) The name by which the provider is to be known.

133 (d) The total number of beds or capacity requested, as
 134 applicable.

135 (e) The name of the person or persons under whose
 136 management or supervision the provider will operate and the name
 137 of the administrator, if required.

138 (f) If the applicant offers continuing care agreements as
 139 defined in chapter 651, proof shall be furnished that the
 140 applicant has obtained a certificate of authority as required
 141 for operation under chapter 651.

142 (g) Other information, including satisfactory inspection
 143 results, that the agency finds necessary to determine the
 144 ability of the applicant to carry out its responsibilities under
 145 this part, authorizing statutes, and applicable rules.

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146 (h) An attestation affidavit, under penalty of perjury, as
 147 required in s. 435.05(3), stating compliance with the provisions
 148 of this section and chapter 435.

149 (8) The agency may establish procedures for the electronic
 150 notification and submission of required information, including,
 151 but not limited to:

- 152 (a) Licensure applications.
- 153 (b) Required signatures.
- 154 (c) Payment of fees.
- 155 (d) Notarization or attestation of applications.

156

157 Requirements for electronic submission of any documents required
 158 by this part or authorizing statutes may be established by rule.
 159 As an alternative to sending documents as required by
 160 authorizing statutes, the agency may provide electronic access
 161 to information or documents.

162 Section 3. Subsections (2) and (4) of section 408.809,
 163 Florida Statutes, are amended to read:

164 408.809 Background screening; prohibited offenses.—

165 (2) Every 5 years following his or her licensure,
 166 employment, or entry into a contract in a capacity that under
 167 subsection (1) would require level 2 background screening under
 168 chapter 435, each such person must submit to level 2 background
 169 rescreening as a condition of retaining such license or
 170 continuing in such employment or contractual status. For any
 171 such rescreening, the agency shall request the Department of Law
 172 Enforcement to forward the person's fingerprints to the Federal
 173 Bureau of Investigation for a national criminal history record
 174 check unless the person's fingerprints are enrolled in the

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175 Federal Bureau of Investigation's national retained print arrest
 176 notification program. If the fingerprints of such a person are
 177 not retained by the Department of Law Enforcement under s.
 178 943.05(2)(g) and (h), the person must submit fingerprints
 179 electronically file a complete set of fingerprints with the
 180 agency and the agency shall forward the fingerprints to the
 181 Department of Law Enforcement for state processing, and the
 182 Department of Law Enforcement shall forward the fingerprints to
 183 the Federal Bureau of Investigation for a national criminal
 184 history record check. The fingerprints shall ~~may~~ be retained by
 185 the Department of Law Enforcement under s. 943.05(2)(g) and (h)
 186 and enrolled in the national retained print arrest notification
 187 program when the Department of Law Enforcement begins
 188 participation in the program. The cost of the state and national
 189 criminal history records checks required by level 2 screening
 190 may be borne by the licensee or the person fingerprinted. Until
 191 a specified agency is fully implemented ~~the person's background~~
 192 ~~screening results are retained~~ in the clearinghouse created
 193 under s. 435.12, the agency may accept as satisfying the
 194 requirements of this section proof of compliance with level 2
 195 screening standards submitted within the previous 5 years to
 196 meet any provider or professional licensure requirements of the
 197 agency, the Department of Health, the Department of Elderly
 198 Affairs, the Agency for Persons with Disabilities, the
 199 Department of Children and Families ~~Family Services~~, or the
 200 Department of Financial Services for an applicant for a
 201 certificate of authority or provisional certificate of authority
 202 to operate a continuing care retirement community under chapter
 203 651, provided that:

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204 (a) The screening standards and disqualifying offenses for
 205 the prior screening are equivalent to those specified in s.
 206 435.04 and this section;
 207 (b) The person subject to screening has not had a break in
 208 service from a position that requires level 2 screening for more
 209 than 90 days; and
 210 (c) Such proof is accompanied, under penalty of perjury, by
 211 an attestation affidavit of compliance with ~~the provisions of~~
 212 chapter 435 and this section using forms provided by the agency.
 213 (4) In addition to the offenses listed in s. 435.04, all
 214 persons required to undergo background screening pursuant to
 215 this part or authorizing statutes must not have an arrest
 216 awaiting final disposition for, must not have been found guilty
 217 of, regardless of adjudication, or entered a plea of nolo
 218 contendere or guilty to, and must not have been adjudicated
 219 delinquent and the record not have been sealed or expunged for
 220 any of the following offenses or any similar offense of another
 221 jurisdiction:
 222 (a) Any authorizing statutes, if the offense was a felony.
 223 (b) This chapter, if the offense was a felony.
 224 (c) Section 409.920, relating to Medicaid provider fraud.
 225 (d) Section 409.9201, relating to Medicaid fraud.
 226 (e) Section 741.28, relating to domestic violence.
 227 (f) Section 777.04, relating to attempts, solicitation, and
 228 conspiracy to commit an offense listed in this subsection.
 229 (g) ~~(f)~~ Section 817.034, relating to fraudulent acts through
 230 mail, wire, radio, electromagnetic, photoelectronic, or
 231 photooptical systems.
 232 (h) ~~(g)~~ Section 817.234, relating to false and fraudulent

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233 insurance claims.

234 (i) Section 817.481, relating to obtaining goods by using a

235 false or expired credit card or other credit device, if the

236 offense was a felony.

237 (j) Section 817.50, relating to fraudulently obtaining

238 goods or services from a health care provider.

239 (k)(h) Section 817.505, relating to patient brokering.

240 (l)(i) Section 817.568, relating to criminal use of

241 personal identification information.

242 (m)(j) Section 817.60, relating to obtaining a credit card

243 through fraudulent means.

244 (n)(k) Section 817.61, relating to fraudulent use of credit

245 cards, if the offense was a felony.

246 (o)(l) Section 831.01, relating to forgery.

247 (p)(m) Section 831.02, relating to uttering forged

248 instruments.

249 (q)(n) Section 831.07, relating to forging bank bills,

250 checks, drafts, or promissory notes.

251 (r)(o) Section 831.09, relating to uttering forged bank

252 bills, checks, drafts, or promissory notes.

253 (s)(p) Section 831.30, relating to fraud in obtaining

254 medicinal drugs.

255 (t)(q) Section 831.31, relating to the sale, manufacture,

256 delivery, or possession with the intent to sell, manufacture, or

257 deliver any counterfeit controlled substance, if the offense was

258 a felony.

259 (u) Section 895.03, relating to racketeering and collection

260 of unlawful debts.

261 (v) Section 896.101, relating to the Florida Money

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262 Laundrying Act.

263 Section 4. Subsection (5) is added to section 413.208,

264 Florida Statutes, to read:

265 413.208 Service providers; quality assurance; fitness for

266 responsibilities; background screening.—

267 (5) The background screening requirements of this section

268 apply only to registrations entered into or renewed with the

269 division after the Care Provider Background Screening

270 Clearinghouse becomes operational and retains the background

271 screening results in the clearinghouse under s. 435.12.

272 Section 5. Section 7 of chapter 2012-73, Laws of Florida,

273 is repealed.

274 Section 6. Paragraph (e) of subsection (1) of section

275 435.04, Florida Statutes, is amended, present paragraphs (d)

276 through (yy) of subsection (2) are redesignated as paragraphs

277 (e) through (zz), respectively, and a new paragraph (d) is added

278 to that subsection, to read:

279 435.04 Level 2 screening standards.—

280 (1)

281 (e) Vendors who submit fingerprints on behalf of employers

282 must:

283 1. Meet the requirements of s. 943.053; and

284 2. Have the ability to communicate electronically with the

285 state agency accepting screening results from the Department of

286 Law Enforcement and provide the applicant's full first name,

287 middle initial, and last name; social security number; date of

288 birth; mailing address; sex; and race. Individuals, persons,

289 applicants, and controlling interests that cannot legally obtain

290 a social security number must provide an individual taxpayer

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291 ~~identification number a photograph of the applicant taken at the~~
 292 ~~time the fingerprints are submitted.~~

293 (2) The security background investigations under this
 294 section must ensure that no persons subject to the provisions of
 295 this section have been arrested for and are awaiting final
 296 disposition of, have been found guilty of, regardless of
 297 adjudication, or entered a plea of nolo contendere or guilty to,
 298 or have been adjudicated delinquent and the record has not been
 299 sealed or expunged for, any offense prohibited under any of the
 300 following provisions of state law or similar law of another
 301 jurisdiction:

302 (d) Section 777.04, relating to attempts, solicitation, and
 303 conspiracy to commit an offense listed in this subsection.

304 Section 7. Subsection (3) of section 435.05, Florida
 305 Statutes, is amended to read:

306 435.05 Requirements for covered employees and employers.—
 307 Except as otherwise provided by law, the following requirements
 308 apply to covered employees and employers:

309 (3) Each employer licensed or registered with an agency
 310 must conduct level 2 background screening and must submit to the
 311 agency annually or at the time of license renewal, under penalty
 312 of perjury, a signed attestation affidavit attesting to
 313 compliance with the provisions of this chapter.

314 Section 8. Subsections (1) and (2) of section 435.07,
 315 Florida Statutes, are amended to read:

316 435.07 Exemptions from disqualification.—Unless otherwise
 317 provided by law, the provisions of this section apply to
 318 exemptions from disqualification for disqualifying offenses
 319 revealed pursuant to background screenings required under this

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320 chapter, regardless of whether those disqualifying offenses are
 321 listed in this chapter or other laws.

322 (1) (a) The head of the appropriate agency may grant to any
 323 employee otherwise disqualified from employment an exemption
 324 from disqualification for:

325 1. ~~(a)~~ Felonies for which at least 3 years have elapsed
 326 since the applicant for the exemption has completed or been
 327 lawfully released from confinement, supervision, or nonmonetary
 328 condition imposed by the court ~~sanction~~ for the disqualifying
 329 felony;

330 2. ~~(b)~~ Misdemeanors prohibited under any of the statutes
 331 cited in this chapter or under similar statutes of other
 332 jurisdictions for which the applicant for the exemption has
 333 completed or been lawfully released from confinement,
 334 supervision, or nonmonetary condition imposed by the court
 335 ~~sanction~~;

336 3. ~~(c)~~ Offenses that were felonies when committed but that
 337 are now misdemeanors and for which the applicant for the
 338 exemption has completed or been lawfully released from
 339 confinement, supervision, or nonmonetary condition imposed by
 340 the court ~~sanction~~; or

341 4. ~~(d)~~ Findings of delinquency. For offenses that would be
 342 felonies if committed by an adult and the record has not been
 343 sealed or expunged, the exemption may not be granted until at
 344 least 3 years have elapsed since the applicant for the exemption
 345 has completed or been lawfully released from confinement,
 346 supervision, or nonmonetary condition imposed by the court
 347 ~~sanction~~ for the disqualifying offense.

348 (b) A person applying for an exemption who was ordered to

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349 pay any amount for any fee, fine, fund, lien, civil judgment,
 350 application, costs of prosecution, trust, or restitution as part
 351 of the judgment and sentence for any disqualifying felony or
 352 misdeemeanor must have paid the court-ordered amount in full
 353 before being eligible for the exemption.

354
 355 For the purposes of this subsection, the term "felonies" means
 356 both felonies prohibited under any of the statutes cited in this
 357 chapter or under similar statutes of other jurisdictions.

358 (2) Persons employed, or applicants for employment, by
 359 treatment providers who treat adolescents 13 years of age and
 360 older who are disqualified from employment solely because of
 361 crimes under s. 817.563, s. 893.13, or s. 893.147 may be
 362 exempted from disqualification from employment pursuant to this
 363 chapter without application of the waiting period in
 364 subparagraph (1) (a)1 ~~paragraph (1) (a).~~

365 Section 9. Subsection (2) of section 435.12, Florida
 366 Statutes, is amended to read:

367 435.12 Care Provider Background Screening Clearinghouse.-

368 (2) (a) To ensure that the information in the clearinghouse
 369 is current, the fingerprints of an employee required to be
 370 screened by a specified agency and included in the clearinghouse
 371 must be:

372 1. Retained by the Department of Law Enforcement pursuant
 373 to s. 943.05(2)(g) and (h) and (3), and the Department of Law
 374 Enforcement must report the results of searching those
 375 fingerprints against state incoming arrest fingerprint
 376 submissions to the Agency for Health Care Administration for
 377 inclusion in the clearinghouse.

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378 2. Retained by the Federal Bureau of Investigation in the
 379 national retained print arrest notification program as soon as
 380 the Department of Law Enforcement begins participation in such
 381 program. Arrest prints will be searched against retained prints
 382 at the Federal Bureau of Investigation and notification of
 383 arrests will be forwarded to the Florida Department of Law
 384 Enforcement and reported to the Agency for Health Care
 385 Administration for inclusion in the clearinghouse.

386 3.2. Resubmitted for a Federal Bureau of Investigation
 387 national criminal history check every 5 years until such time as
 388 the fingerprints are retained by the Federal Bureau of
 389 Investigation.

390 4.3. Subject to retention on a 5-year renewal basis with
 391 fees collected at the time of initial submission or resubmission
 392 of fingerprints.

393 5. Submitted with a photograph of the person taken at the
 394 time the fingerprints are submitted.

395 (b) Until such time as the fingerprints are enrolled in the
 396 national retained print arrest notification program ~~retained~~ at
 397 the Federal Bureau of Investigation, an employee with a break in
 398 service of more than 90 days from a position that requires
 399 screening by a specified agency must submit to a national
 400 screening if the person returns to a position that requires
 401 screening by a specified agency.

402 (c) An employer of persons subject to screening by a
 403 specified agency must register with the clearinghouse and
 404 maintain the employment status of all employees within the
 405 clearinghouse. Initial employment status and any changes in
 406 status must be reported within 10 business days.

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407 (d) An employer must register with and initiate all
408 criminal history checks through the clearinghouse before
409 referring an employee or potential employee for electronic
410 fingerprint submission to the Department of Law Enforcement. The
411 registration must include the employee's full first name, middle
412 initial, and last name; social security number; date of birth;
413 mailing address; sex; and race. Individuals, persons,
414 applicants, and controlling interests that cannot legally obtain
415 a social security number must provide an individual taxpayer
416 identification number.

417 Section 10. This act shall take effect July 1, 2014.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 724

INTRODUCER: Senator Dean

SUBJECT: Military Veterans

DATE: March 6, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ryon/Spaulding</u>	<u>Ryon</u>	<u>MS</u>	Favorable
2.	<u>Everette</u>	<u>Eichin</u>	<u>TR</u>	Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 724 renames references to the “Korean Conflict” and the “Vietnam Era” as the “Korean War” and the “Vietnam War,” respectively. The bill also creates a special use license plate for recipients of the Combat Medical Badge, renames the “Korean Conflict Veteran” special use license plate the “Korean War Veteran” license plate, and requires military-related special use license plates to be redesigned to bear the likeness of the respective campaign medal or badge.

II. Present Situation:

Section 1.01(14), F.S., defines the term “veteran” for purposes of determining eligibility for state benefits available to veterans. A person who has served in the active military and has received an honorable discharge may be eligible for a number of state benefits exclusive to veterans. Additionally, a veteran may be entitled to enhanced benefits as a wartime veteran if the veteran received a campaign badge for service in a campaign or expedition authorized under specified periods of wartime. Current law specifies nine periods of wartime in which status as a wartime veteran can be attained, which include both the “Korean Conflict” and the “Vietnam Era.”¹

Current law refers to military action in the Southeast Asia region from June 27, 1950 to January 31, 1955 as the “Korean Conflict,”² and likewise, refers to military action in the Southeast Asia region from February 28, 1961 to May 7, 1975 as the “Vietnam Era.”³ For both aforementioned campaigns, Congress authorized the use of force, as opposed to issuing a formal declaration of war. Nonetheless, Congress and the Federal Courts passed and affirmed various laws and legal decisions regarding funding of the war efforts, military discipline, “combat zone” tax

¹ Periods of wartime service established in s. 1.01(14), F.S., include the following: Spanish-American War; Mexican Border Period; World War I; World War II; Korean Conflict; Vietnam Era; Persian Gulf War; Operation Enduring Freedom; and Operation Iraqi Freedom.

² Section 1.01(14)(e), F.S.

³ Section 1.01(14)(f), F.S.

exemptions, economic stabilization measures, and subsequent U.S. Department of Veterans Affairs benefits without a formal declaration of war for both campaigns.⁴ Modern day references to the campaigns in Korea and Vietnam are often thought of and referred to as the “Korean War” and the “Vietnam War,” respectively.

Special Use License Plates

Current law provides for several types of license plates. In addition to plates issued for governmental or business purposes, the Department of Highway Safety and Motor Vehicles (DHSMV) offers four basic types of plates to the general public:

- Standard plates;
- Specialty license plates;
- Personalized prestige license plates;
- Special use license plates.

Certain members of the general public may be eligible to apply for special use license plates if they are able to document their eligibility pursuant to various sections of ch. 320, F.S. Special use license plates primarily include special use military license plates as well as plates for the handicapped.

Currently, there are 13 special use license plates authorized in s. 320.089, F.S., which can be issued to military servicemembers or veterans for the following types of service:⁵

- Active or retired member of the Florida National Guard;
- Active or retired member of any branch of the United States Armed Forces Reserve;
- Former Prisoner of War;
- Survivor of Pearl Harbor;
- Recipient of the Purple Heart medal;
- Servicemember or veteran of Operation Desert Storm;
- Servicemember or veteran of Operation Desert Shield;
- Servicemember or veteran of Operation Iraqi Freedom;
- Servicemember or veteran of Operation Enduring Freedom;
- Recipient of the Combat Infantry Badge;
- Recipient of the Combat Action Badge;
- Veteran of the Vietnam War;
- Veteran of the Korean Conflict.

Special use license plates authorized under s. 320.089, F.S., are each stamped with words consistent with the type of special use plate issued. For example, a special use plate issued to a current or former member of the Florida National Guard is stamped with the words “National Guard.” Additionally, two of the thirteen military-related special use license plates are authorized

⁴ Congressional Research Service, Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications, January 11, 2013, <http://www.fas.org/sgp/crs/natsec/RL31133.pdf>,

⁵ s. 320.089, F.S.; Recipients of the special use license plates in s. 320.089, F.S. are required to pay the annual license tax in s. 320.08, F.S., except for survivors of Pearl Harbor, recipients of the Purple Heart medal, and former Prisoners of War.

to display images consistent with the type of special use plate. The Purple Heart and the Combat Infantry Badge special use plates each display images resembling the respective award.

The first \$100,000 of the General Revenue from the issuance of these special use plates is deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act.⁶ Any additional General Revenue is deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.⁷ For Fiscal Year 2012-2013 the total revenue from these plates was \$2,112,491.73.⁸

Tax Collectors maintain an adequate inventory on-hand for each special use license plate. Upon issuance of a redesigned special use license plate, the on-hand inventory of the existing design would become obsolete and be removed from inventory.⁹

Combat Medical Badge

Army regulations provide for three types of combat badges: the Combat Infantry Badge, the Combat Action Badge, and the Combat Medical Badge.¹⁰ All three are awarded to soldiers of the rank of Colonel or below that have engaged in active ground combat against an enemy force. The Combat Medical Badge was created by the War Department on March 1, 1945.¹¹ Its evolution stemmed from a requirement to recognize medical aid-men who shared the same hazards and hardships of ground combat on a daily basis with the infantry soldier.¹² The Combat Medical Badge was designed to provide recognition to the field medic who accompanies the infantryman into battle and shares the experiences unique to the infantry in combat.¹³

Current law authorizes special use plates for the Combat Action Badge and the Combat Infantry Badge, but not the Combat Medical Badge.

III. Effect of Proposed Changes:

Section 1 amends s. 1.01, F.S., to change the references to the “Korean Conflict” and the “Vietnam Era” to the “Korean War” and the “Vietnam War,” respectively.

Section 2 amends s. 295.125(2), F.S., to revise a reference from “Vietnam Era” to “Vietnam War.”

Section 3 amends s. 320.089, F.S., to do the following:

- Create a special use license plate for recipients of the Combat Medical Badge;

⁶ s. 320.089(1)(b), F.S.

⁷ Id.

⁸ Florida Department of Veterans' Affairs, 2014 Agency Bill Analysis: HB 559 (Identical to SB 724)

⁹ DHSMV, 2014 Agency Bill Analysis: HB 559 (Identical to SB 724)

¹⁰ United States Army Regulation 600-8-22, Section II, available at:

http://armypubs.army.mil/epubs/600_Series_Collection_1.html.

¹¹ U.S. Army Human Resources Command, Combat Medical Badge, available at:

<https://www.hrc.army.mil/TAGD/Combat%20Medical%20Badge%20CMB>.

¹² Id.

¹³ Id.

- Change the “Korean Conflict Veteran” special use license plate to read “Korean War Veteran;” and
- Require the military-related special use license plates to be stamped with the likeness of the related campaign medal or badge. These special use license plates would be redesigned and would replace any on-hand license plate inventory. Currently, two of the eleven military-related special use license plates are required to bear the likeness of the related campaign medal or badge.

Section 4 provides that the bill take 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:

A redesigned special use license plate currently listed in s. 320.089, F.S., may be issued to a current Florida motor vehicle registrant, as a “renewal” license plate as opposed to a “new” license plate. Registration fees and taxes vary, based on the weight of the vehicle. On average, it costs approximately \$45-50 in taxes and fees for either the renewal of a special use license plate or the first time issuance of a special use license plate in exchange for a standard license plate.¹⁴

A special use license plate would be available to a new group of registrants who are recipients the Combat Medical Badge.

C. Government Sector Impact:

According to the DHSMV, the initial startup cost to create and manufacture the Combat Medical Badge license plate would be \$4,230. An initial order of 1,500 license plates

¹⁴ Per e-mail correspondence with DHSMV staff. Feb. 12, 2014. On file with Military and Veterans Affairs, Space, and Domestic Security Committee.

would be made (1,500 x \$2.82) and distributed to Tax Collector offices statewide to meet public demand.¹⁵

Additionally, there are 37,419 special use license plates on-hand at Tax Collector offices across the state. Upon passage and implementation of the bill, the on-hand inventory of special use plates that are to be redesigned would be removed from inventory. This would result in a cost of \$105,521.58 (37,419 x \$2.82).¹⁶ However, this would not be an additional cost to the DHSMV because the cost of the on-hand special use plates has already been assumed by the DHSMV.¹⁷

Startup costs to place the redesigned special use license plates (1,500 of each) in inventory statewide would result in a cost of \$46,530 (16,500 x \$2.82).¹⁸

The total cost to create the Combat Medical Badge license plate, redesign the existing special use license plates and dispose of existing inventory would be \$156,281.58.¹⁹

Further, the bill could have a positive impact on the State Homes for Veteran's Trust Fund with the sale of the new Combat Medical Badge special use plate and also any increase in the sale of existing special use plates as a result of the redesigns of the plates to include the respective image.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1.01, 295.125, and 320.089.

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

¹⁵ DHSMV, 2014 Agency Bill Analysis: HB 559 (Identical to SB 724)

¹⁶ Id.

¹⁷ Military and Veteran Affairs, Space, and Domestic Security Committee staff telephone conversation with DHSMV staff Feb. 17, 2014.

¹⁸ DHSMV, 2014 Agency Bill Analysis: HB 559 (Identical to SB 724)

¹⁹ Id.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

6 Mar 2014

Meeting Date

Topic Military Veterans Bill Number SB 724
Name Bobby Carbonell Amendment Barcode _____
(if applicable)

Job Title Legislative and Cabinet Affairs Director

Address 400 S. Monroe St. Suite 2105 Phone 850-487-1533

Street

Tall.

City

FL

State

32399

Zip

E-mail carbonellr@fdva.state.fl.us

Speaking: For Against Information

Representing Department of Veterans Affairs

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

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/2014

Meeting Date

Topic Transportation and Motor Vehicles Bill Number 1272
(if applicable)

Name Ryan Padgett Amendment Barcode _____
(if applicable)

Job Title Asst. General Counsel

Address PO Box 1757 Phone 701-3616

Street

Tallahassee

FL

32302

E-mail rpadgett@flcities.com

City

State

Zip

Speaking: For Against Information

Representing Fla. League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

By Senator Dean

5-00375-14

2014724__

A bill to be entitled

An act relating to military veterans; amending ss. 1.01 and 295.125, F.S.; revising references from the "Korean Conflict" and the "Vietnam Era" to the "Korean War" and the "Vietnam War," respectively, and from "Korean Conflict Veteran" to "Korean War Veteran"; amending s. 320.089, F.S.; authorizing the issuance of a Combat Medical Badge license plate; revising references; establishing a method of proof of eligibility for certain specialty license plates; providing an effective date.

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

Section 1. Subsection (14) of section 1.01, Florida Statutes, is amended to read:

1.01 Definitions.—In construing these statutes and each and every word, phrase, or part hereof, where the context will permit:

(14) The term "veteran" means a person who served in the active military, naval, or air service and who was discharged or released ~~therefrom~~ under honorable conditions only or who later received an upgraded discharge under honorable conditions, notwithstanding any action by the United States Department of Veterans Affairs on individuals discharged or released with other than honorable discharges. To receive benefits as a wartime veteran, a veteran must have served in a campaign or expedition for which a campaign badge has been authorized or a ~~veteran must have served~~ during one of the following periods of

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wartime service:

(a) Spanish-American War: April 21, 1898, to July 4, 1902, and including the Philippine Insurrection and the Boxer Rebellion.

(b) Mexican Border Period: May 9, 1916, to April 5, 1917, in the case of a veteran who during such period served in Mexico, on the borders of thereof, or in the waters adjacent to Mexico thereto.

(c) World War I: April 6, 1917, to November 11, 1918; extended to April 1, 1920, for those veterans who served in Russia; also extended through July 1, 1921, for those veterans who served after November 11, 1918, and before July 2, 1921, provided such veterans had at least 1 day of service between April 5, 1917, and November 12, 1918.

(d) World War II: December 7, 1941, to December 31, 1946.

(e) Korean War Conflict: June 27, 1950, to January 31, 1955.

(f) Vietnam War Era: February 28, 1961, to May 7, 1975.

(g) Persian Gulf War: August 2, 1990, to January 2, 1992.

(h) Operation Enduring Freedom: October 7, 2001, and ending on the date thereafter prescribed by presidential proclamation or by law.

(i) Operation Iraqi Freedom: March 19, 2003, and ending on the date thereafter prescribed by presidential proclamation or by law.

Section 2. Subsection (2) of section 295.125, Florida Statutes, is amended to read:

295.125 Preference for admission to career training.—

(2) In determining order of admission or acceptance for

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59 students, every career center or career program ~~that which~~
 60 receives state funding or support shall give preference as
 61 provided in subsection (3) to a person who served in the Armed
 62 Forces of the United States at any time during the Vietnam War
 63 ~~Era~~, as defined in s. 1.01(14), and who has been separated
 64 therefrom under honorable conditions, if such person's
 65 enrollment is directly related to his or her present employment
 66 or to his or her securing employment.

67 Section 3. Section 320.089, Florida Statutes, is reordered
 68 and amended to read:

69 320.089 Members of National Guard ~~and active United States~~
 70 ~~Armed Forces reservists; former prisoners of war; survivors of~~
 71 ~~Pearl Harbor; Purple Heart medal recipients; active or retired~~
 72 ~~United States Armed Forces reservists~~ Operation Desert Storm
 73 Veterans; Operation Desert Shield Veterans; Operation Iraqi
 74 Freedom and Operation Enduring Freedom Veterans; Combat Infantry
 75 Badge, Combat Medical Badge, or Combat Action Badge recipients;
 76 former prisoners of war; Korean War Veterans; Vietnam War
 77 Veterans; Operation Desert Shield Veterans; Operation Desert
 78 Storm Veterans; Operation Enduring Freedom Veterans; and
 79 Operation Iraqi Freedom ~~Korean Conflict~~ Veterans; special
 80 license plates; fee.—

81 (1) (a) Each owner or lessee of an automobile or truck for
 82 private use or recreational vehicle as specified in s.
 83 320.08(9) (c) or (d), which is not used for hire or commercial
 84 use, who is a resident of the state and an active or retired
 85 member of the Florida National Guard, a survivor of the attack
 86 on Pearl Harbor, a recipient of the Purple Heart medal, an
 87 active or retired member of any branch of the United States

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88 Armed Forces Reserve, or a recipient of the Combat Infantry
 89 Badge, Combat Medical Badge, or Combat Action Badge shall, upon
 90 application to the department, accompanied by proof of active
 91 membership or retired status in the Florida National Guard,
 92 proof of membership in the Pearl Harbor Survivors Association or
 93 proof of active military duty in Pearl Harbor on December 7,
 94 1941, proof of being a Purple Heart medal recipient, proof of
 95 active or retired membership in any branch of the Armed Forces
 96 Reserve, or proof of membership in the Combat Infantrymen's
 97 Association, Inc., or other proof of being a recipient of the
 98 Combat Infantry Badge, Combat Medical Badge, or Combat Action
 99 Badge, and upon payment of the license tax for the vehicle as
 100 provided in s. 320.08, be issued a license plate as provided by
 101 s. 320.06, upon which, in lieu of the serial numbers prescribed
 102 by s. 320.06, shall be stamped the words "National Guard,"
 103 "Pearl Harbor Survivor," "Combat-wounded veteran," "U.S.
 104 Reserve," "Combat Infantry Badge," "Combat Medical Badge," or
 105 "Combat Action Badge," as appropriate, and a likeness of the
 106 related campaign medal or badge, followed by the serial number
 107 of the license plate. Additionally, the Purple Heart plate may
 108 have the words "Purple Heart" stamped on the plate and the
 109 likeness of the Purple Heart medal appearing on the plate.

110 (b) Notwithstanding any other provision of law to the
 111 contrary, beginning with fiscal year 2002-2003 and annually
 112 thereafter, the first \$100,000 in general revenue generated from
 113 the sale of license plates issued under this section shall be
 114 deposited into the Grants and Donations Trust Fund, as described
 115 in s. 296.38(2), to be used for the purposes established by law
 116 for that trust fund. Any additional general revenue generated

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117 from the sale of such plates shall be deposited into the State
 118 Homes for Veterans Trust Fund and used solely to construct,
 119 operate, and maintain domiciliary and nursing homes for
 120 veterans, subject to the requirements of chapter 216.

121 (c) Notwithstanding any provisions of law to the contrary,
 122 an applicant for a Pearl Harbor Survivor license plate or a
 123 Purple Heart license plate who also qualifies for a disabled
 124 veteran's license plate under s. 320.084 shall be issued the
 125 appropriate special license plate without payment of the license
 126 tax imposed by s. 320.08.

127 (2) Each owner or lessee of an automobile or truck for
 128 private use, truck weighing not more than 7,999 pounds, or
 129 recreational vehicle as specified in s. 320.08(9)(c) or (d),
 130 which is not used for hire or commercial use, who is a resident
 131 of the state and who is a former prisoner of war, or their
 132 unremarried surviving spouse, shall, upon application therefor
 133 to the department, be issued a license plate as provided in s.
 134 320.06, on which license plate are stamped the words "Ex-POW"
 135 followed by the serial number. Each application shall be
 136 accompanied by proof that the applicant meets the qualifications
 137 specified in paragraph (a) or paragraph (b).

138 (a) A citizen of the United States who served as a member
 139 of the Armed Forces of the United States or the armed forces of
 140 a nation allied with the United States who was held as a
 141 prisoner of war at such time as the Armed Forces of the United
 142 States were engaged in combat, or their unremarried surviving
 143 spouse, may be issued the special license plate provided for in
 144 this subsection without payment of the license tax imposed by s.
 145 320.08.

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146 (b) A person who was serving as a civilian with the consent
 147 of the United States Government, or a person who was a member of
 148 the Armed Forces of the United States who was not a United
 149 States citizen and was held as a prisoner of war when the Armed
 150 Forces of the United States were engaged in combat, or their
 151 unremarried surviving spouse, may be issued the special license
 152 plate provided for in this subsection upon payment of the
 153 license tax imposed by s. 320.08.

154 (3) Each owner or lessee of an automobile or truck for
 155 private use, truck weighing not more than 7,999 pounds, or
 156 recreational vehicle as specified in s. 320.08(9)(c) or (d),
 157 which is not used for hire or commercial use, who is a resident
 158 of this state and who is the unremarried surviving spouse of a
 159 recipient of the Purple Heart medal shall, upon application
 160 therefor to the department, with the payment of the required
 161 fees, be issued a license plate as provided in s. 320.06, on
 162 which license plate are stamped the words "Purple Heart" and the
 163 likeness of the Purple Heart medal followed by the serial
 164 number. Each application shall be accompanied by proof that the
 165 applicant is the unremarried surviving spouse of a recipient of
 166 the Purple Heart medal.

167 ~~(6)-(4)~~ The owner or lessee of an automobile or truck for
 168 private use, a truck weighing not more than 7,999 pounds, or a
 169 recreational vehicle as specified in s. 320.08(9)(c) or (d)
 170 which automobile, truck, or recreational vehicle is not used for
 171 hire or commercial use who is a resident of the state and a
 172 current or former member of the United States military who was
 173 deployed and served in Saudi Arabia, Kuwait, or another area of
 174 the Persian Gulf during Operation Desert Shield or Operation

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175 ~~Desert Storm or Operation Desert Shield; in Afghanistan during~~
 176 ~~Operation Enduring Freedom; or in Iraq during Operation Iraqi~~
 177 ~~Freedom; or in Afghanistan during Operation Enduring Freedom~~
 178 shall, upon application to the department, accompanied by proof
 179 of active membership or former active duty status during one of
 180 these operations, and upon payment of the license tax for the
 181 vehicle as provided in s. 320.08, be issued a license plate as
 182 provided by s. 320.06 upon which, in lieu of the registration
 183 license number prescribed by s. 320.06, shall be stamped the
 184 words "Operation Desert Shield," "Operation Desert Storm,"
 185 "Operation Enduring Freedom," or "Operation Desert Shield,"
 186 "Operation Iraqi Freedom," or "Operation Enduring Freedom," as
 187 appropriate, and a likeness of the related campaign medal
 188 followed by the registration license number of the plate. Proof
 189 that the applicant was awarded the Southwest Asia Service Medal,
 190 Iraq Campaign Medal, Afghanistan Campaign Medal, or Global War
 191 on Terrorism Expeditionary Medal is sufficient to establish
 192 eligibility for the appropriate license plate.

193 (5) The owner or lessee of an automobile or truck for
 194 private use, a truck weighing not more than 7,999 pounds, or a
 195 recreational vehicle as specified in s. 320.08(9)(c) or (d)
 196 which automobile, truck, or recreational vehicle is not used for
 197 hire or commercial use, who is a resident of the state and a
 198 current or former member of the United States military, and who
 199 was deployed and served in Vietnam during United States military
 200 deployment in Indochina shall, upon application to the
 201 department, accompanied by proof of active membership or former
 202 active duty status during these operations, and, upon payment of
 203 the license tax for the vehicle as provided in s. 320.08, be

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204 issued a license plate as provided by s. 320.06 upon which, in
 205 lieu of the registration license number prescribed by s. 320.06,
 206 shall be stamped the words "Vietnam War Veteran," and a likeness
 207 of the Vietnam Service Medal, followed by the registration
 208 license number of the plate. Proof that the applicant was
 209 awarded the Vietnam Service Medal is sufficient to establish
 210 eligibility for the license plate.

211 ~~(4)(6)~~ The owner or lessee of an automobile or truck for
 212 private use, a truck weighing not more than 7,999 pounds, or a
 213 recreational vehicle as specified in s. 320.08(9)(c) or (d)
 214 which automobile, truck, or recreational vehicle is not used for
 215 hire or commercial use, who is a resident of the state and a
 216 current or former member of the United States Armed Forces
 217 military, and who was deployed and served in Korea during the
 218 Korean War as defined by s. 1.01(14), United States military
 219 deployment in Korea shall, upon application to the department,
 220 accompanied by proof of active membership or former active duty
 221 status during the Korean War ~~these operations~~, and upon payment
 222 of the license tax for the vehicle as provided in s. 320.08, be
 223 issued a license plate as provided by s. 320.06 upon which, in
 224 lieu of the registration license number prescribed by s. 320.06,
 225 shall be stamped the words "Korean War Veteran," and a likeness
 226 of the Korean Service Medal, "~~Korean Conflict Veteran,~~" followed
 227 by the registration license number of the plate. Proof that the
 228 applicant was awarded the Korean Service Medal is sufficient to
 229 establish eligibility for the license plate.

230 Section 4. This act shall take effect July 1, 2014.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1272

INTRODUCER: Transportation Committee and Senator Brandes

SUBJECT: Transportation and Motor Vehicles

DATE: March 12, 2014

REVISED: _____

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

I. Summary:

CS/SB 1272 makes a number of revisions to transportation laws administered by the Florida Department of Transportation (FDOT) and to motor vehicle laws administered by the Department of Highway Safety & Motor Vehicles (DHSMV). More specifically, the bill:

- Extends the Florida Transportation Commission's (FTC) oversight of expressway and bridge authorities to the Mid-Bay Bridge Authority (MBBA) and repeals provisions relating to the Florida Statewide Passenger Rail Commission (FSPRC);
- Prohibits, unless expressly authorized, enforcement of State Uniform Traffic Laws by any means other than the direct observation and intervention of a law enforcement officer or other duly appointed individual;
- Directs the Department of State, in consultation with the Department of Law Enforcement, to establish a retention schedule for records generated through the use of an automated license plate recognition system;
- Prohibits a bus from stopping to load or unload passengers in a manner that restricts the progression of traffic on a roadway;
- Provides that the prohibition against unattended vehicles left with the engine running does not apply to a vehicle started by remote control while the ignition, transmission, and doors are locked;
- Includes devices used to improve driver safety in the current exception for devices that may be mounted on windshields;
- Expands those authorized to conduct testing of autonomous vehicle technology, expands potential testing locations, and removes the requirement that a human operator be in the vehicle on designated testing roadways. However, a human operator must retain the ability to monitor the vehicle's performance and intervene, if necessary, unless the vehicle is being tested on a closed course or on a roadway designated by the FDOT and applicable local and county government;

- Requires that when a vehicle owner's name(s) has been placed on the list of individuals who may not register a vehicle after a notice submitted to the DHSMV by a lienor, only the vehicle noticed may be withheld from issuance. The bill allows the registered owner to dispute a notice to surrender by bringing a civil action and provides procedural requirements for disposition of a challenge;
- Directs the DHSMV to develop a plan of action that addresses motor vehicle registration holds for outstanding tolls, parking tickets, and fines;
- Authorizes individuals with amateur radio licenses **recognized**, as opposed to **issued**, by the Federal Communications Commission (FCC) to apply for a special license plate;
- Requires the DHSMV to develop an optional digital proof of driver license;
- Authorizes tax collectors that conduct certain tests to retain certain portions of fees previously deposited into the Highway Safety Operating Trust Fund;
- Exempts applicants who are homeless or whose annual income is at or below 100% of the federal poverty level from the \$25 fee for an identification card;
- Revises the terms and conditions under which the FDOT may sell or lease properties acquired for transportation rights-of-way;
- Amends the process that the FDOT must follow relating to proposals to enter into a lease of FDOT property for joint public-private development;
- Revises state law relating to the designation, voting membership, and reapportionment of metropolitan planning organizations (MPOs);
- Authorizes Enterprise Florida, Inc., to be a consultant to the FDOT for consideration of economic development transportation projects;
- Requires full-service gasoline stations offering self-service at a lesser cost to meet certain decal display requirements and preempts local government laws and regulations relating to the provision of fueling assistance by a self-service gas station;
- Authorizes the FDOT to program and pay maintenance costs related to the Pinellas Bayway; and
- Makes various editorial and grammatical changes and corrects cross-references necessitated by changes made elsewhere in the bill.

II. Present Situation:

The present situation is discussed below in Effect of Proposed Changes in this bill analysis.

III. Effect of Proposed Changes:

Section 1 (s. 20.23, F.S.) - Florida Transportation Commission Oversight of Mid-Bay Bridge Authority and Passenger Rail Systems

Current Situation

The Florida Transportation Commission (FTC) has long been charged with periodically reviewing the status of the state transportation system, including rail and other component modes, and with recommending improvements to the system to the Governor and the Legislature. In 2007, the Legislature enacted HB 985 amending s. 20.23(2)(b)8, F.S., to expand the oversight role of the Florida Transportation Commission to include the monitoring of the efficiency, productivity, and management of the various tolling authorities created under chs.

348 and 349, F.S. The Commission conducts periodic reviews of each authority's operations and budget, acquisition of property, management of revenue and bond proceeds, and compliance with applicable laws and generally accepted accounting principles.

The Mid-Bay Bridge Authority (MBBA)¹ is the governing body of an independent special district in Okaloosa County for the purpose of planning, constructing, operating, and maintaining a bridge over the Choctawhatchee Bay. The MBBA operates the tolled, 3.6-mile long Mid-Bay Bridge across the Choctawhatchee Bay and approaches (SR 293) on the northern and southern sides of the bridge. The facility, which connects SR 20 with U.S. 98 east of Destin, is a link between Interstate 10 and U.S. 98 and provides a more direct route to tourists and residents between northern and southern Okaloosa and Walton Counties.² However, unlike other regional transportation, expressway, and bridge authorities, no state entity is currently charged with monitoring the efficiency, productivity, and management of the MBBA.

In 2009, the Florida Legislature created the Florida Statewide Passenger Rail Commission (FSPRC) to monitor, advise, and review publicly-funded passenger rail systems³, resulting in oversight responsibilities that overlap with or are redundant to those of the FTC. Specifically, and similar to the duty of the FTC, the Legislature charged the FSPRC in s. 20.23(3)(b)1., F.S., with the function of:

Monitoring the efficiency, productivity, and management of all publicly funded passenger rail systems in the state, including, but not limited to, any authority created under chapter 343, chapter 349, or chapter 163 if the authority receives public funds for the provision of passenger rail service. ... This paragraph does not preclude the Florida Transportation Commission from conducting its performance and work program monitoring responsibilities.

The FDOT provides administrative support and service to the FSPRC. The commission last met in July 2012. Six of the nine seats on the FSPRC are currently vacant. These seats expire in August of 2014.⁴

Effect of Proposed Changes

The bill amends s. 20.23, F.S., expanding the FTC oversight responsibilities to include monitoring the efficiency, productivity, and management of the MBBA. The bill also amends s. 20.23, F.S., to repeal the Florida Statewide Passenger Rail Commission. Overlapping oversight of publicly-funded passenger rail systems is eliminated and remains solely with the FTC.

Section 2 of the bill revises s. 110.205, F.S., to modernize terms and correct cross-references necessitated by statutory changes made elsewhere in the bill.

¹ Re-created by special act, ch. 2000-411, L.O.F..

² Senate Issue Brief 2012-208, *Cost Effectiveness of Regional Expressway and Bridge Authorities*, (September 2011).

³ The only publicly funded passenger rail system in the state (Tri-Rail) then and now existing is operated by the South Florida Regional Transportation Authority, which is established in ch. 343, F.S. However, the first phase (31 miles) of a commuter rail project, SunRail,— an eventual 61-mile stretch of existing rail freight tracks through Orange, Seminole, Volusia and Osceola counties and the City of Orlando -- is under construction, and service could begin as early as 2014.

⁴ The FDOT email, February 24, 2014, on file in the Senate Transportation Committee.

Section 3 (s. 316.0071, F.S.) - Enforcement of State Uniform Traffic Control by Direct Observation***Current Situation***

Section 316.007, F.S., requires that the provisions of ch. 316, F.S., be applicable and uniform throughout the state in all political subdivisions and municipalities. No local authority shall enact or enforce any ordinance on matters covered by this chapter unless expressly authorized.

Effect of Proposed Changes

The bill creates s. 316.0071, F.S., to prohibit, unless expressly authorized, enforcement of ch. 316, F.S., by a method other than the direct observation and intervention of a law enforcement officer, a parking enforcement specialist, a traffic infraction enforcement officer, or any other duly appointed individual. This has the effect of requiring direct observation to issue a traffic citation for violations of ch. 316, F.S., unless automated or other enforcement is expressly authorized. For example, the bill does not have any effect on the use of red light cameras because red light cameras are expressly authorized under s. 316.0083, F.S.

Section 4 (s. 316.0778, F.S.) - Automated License Plate Recognition Systems***Current Situation***

An automated license plate recognition system (ALPRS) uses computerized optical character recognition to extract vehicle license plate information from an image or a sequence of images. The extracted information can be used with or without a database for many applications, such as electronic payment systems (toll payment, parking fee payment), and freeway and arterial monitoring systems for real-time traffic speed projections. This captured information (i.e., license plate number, date, time, and location) is collected, and may be matched to personal identifying databases and sometimes pooled into regional sharing systems. As a result, enormous databases may house the location and travel patterns of thousands, if not millions of individual motorists.

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

Effect of Proposed Changes

The bill creates s. 316.0778, F.S., to define “automated license plate recognition system” to mean “a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of license plates into computer-readable data.” The Department of State, in consultation with the Department of Law Enforcement, is directed to establish a

retention schedule for records containing images and data generated through the use of an automated license plate recognition system, which schedule must institute a maximum period that the records may be retained. Entities in possession of such records will be required to retain them in compliance with the schedule.

Section 5 (s. 316.0817, F.S.) - Loading and Unloading of Bus Passengers

Current Situation

Section 316.0815, F.S., requires that a driver of a vehicle yield the right-of-way to a publicly owned transit bus traveling in the same direction when the bus driver has signaled and the bus is reentering the traffic flow from a specifically designated pullout bay. However, specifically designated pullout bays are not available at every location at which such buses stop for the purpose of loading and unloading bus passengers, and stops are routinely made in the main-traveled portion of a roadway.

Section 316.083, F.S., authorizes drivers to overtake and pass a vehicle proceeding in the same direction and requires the driver of the overtaken vehicle to give way to the right in favor of the overtaking vehicle, without increasing vehicle speed, until completely passed by the overtaking vehicle. This requirement applies to the drivers of buses stopped in the main-traveled portion of a roadway to load and unload passengers.

Effect of Proposed Changes

The bill creates s. 316.0817, F.S., notwithstanding any other law, to prohibit a bus from stopping to load or unload passengers in a manner that impedes, blocks, or otherwise restricts the progression of traffic on the main-traveled portion of a roadway if there is another reasonable means for the bus to stop parallel to the travel lane and safely load and unload passengers. "Reasonable means" is defined for purposes of the new section to mean "sufficient unobstructed pavement or a designated turn lane that is sufficient in length to allow the safe loading and unloading of passengers parallel to the travel lane." These provisions do not apply to school buses. Enforcement of these provisions may be difficult, as the definition of "reasonable means" may be subject to differing interpretations. Private owners of "sufficient unobstructed pavement" that may be adjacent and parallel to the travel lane may object to damage incurred to the pavement should use of the owner's pavement occur.

Section 6 (s. 316.1975, F.S.) - Unattended Motor Vehicles/Remote Starters

Current Situation

Section 316.1975(2)(d), F.S., prohibits vehicles from standing unattended with the engine running and ignition not in locked position with the key removed. The vehicle that is left unattended without stopping the engine and effectively setting the brake violates this section and the driver may be charged with a noncriminal traffic infraction punishable by a \$30 penalty.⁵

This section does not apply to the operator of:

⁵ Section 318.18, F.S.

- An authorized emergency vehicle equipped with antitheft device prohibiting the vehicle from being driven;
- A licensed delivery truck being used for business;
- A solid waste or recovered materials collection vehicle.

Remote keyless systems are devices that allow a vehicle to be started up without requiring either the driver or the key to be physically inside the automobile. This is accomplished through a component that is connected to the ignition system and fitted with a radio receiver. When that component receives a signal from a paired transmitter, which typically takes the form of a key fob, it activates the starter motor. Through the advancement of technology, some latest vehicle models can be started by way of Smartphones.

Many vehicle models currently on the market and in use on the roadways are capable of being started by remote control, without a key. The current exceptions from the prohibition against allowing a vehicle to stand unattended without first stopping the engine, locking the ignition, and removing the key do not include a vehicle that is started by remote control while the ignition, transmission, and doors are locked.

Effect of Proposed Changes

The bill amends s. 316.1975, F.S., to provide that the prohibition does not apply to a vehicle started by remote control while the ignition, transmission, and doors are locked, thereby removing a potential penalty for violating the prohibition.

Section 7 (s. 316.2952(2), F.S.) - Vehicle Windshields/Global Positioning System Devices

Current Situation

Current law requires that every motor vehicle, except a motorcycle or implement of husbandry, be equipped with a windshield.⁶ Operation of a vehicle with any sign, sun-screening material, product, or covering attached to, in, or on the windshield is prohibited, except for the following:

- A certificate or other paper required to be displayed by law.
- Sun-screening material along a strip at the top of the windshield, if the material is transparent and does not encroach upon the driver's direct forward viewing area.
- A device, issued by a governmental entity or its designee, used for electronic toll payments.
- A global positioning system (GPS) or similar device used to obtain navigation or routing information while the motor vehicle is being operated.⁷

Many public and private entities utilize GPS and camera-based devices to monitor fleet operations and provide additional sensory-based safety features.⁸ Suppliers of such devices report multiple benefits, such as improved vehicle maintenance, driver safety, and delivery times, as well as reduced insurance costs and overall reduction in operational expenses. Concern exists

⁶ Section 316.2952(1), F.S.

⁷ Section 316.2952(2), F.S.

⁸ See, e.g., the following supplier websites: <http://www.networkfleet.com/>; <http://www.fleetistics.com/>; <http://www.fmsgps.com/frontend/>.

that the current exception for GPS or similar devices on vehicle windshields for purposes other than navigation or routing may not allow these devices to be placed on windshields.

Effect of Proposed Changes

The bill amends s. 316.2952(2), F.S., to specifically include in the current exception for GPS devices on windshields, those devices used to improve driver safety as a component of safety or provide driver feedback.

Section 8 (s. 316.86, F.S.) – Autonomous Vehicle Testing

Current Situation

Section 316.86, F.S., currently authorizes operation of autonomous, or “self-driving,” vehicles on roads in this state by employees, contractors, or other persons designated by manufacturers of autonomous technology for the purpose of testing the technology. The law requires that a human operator be present in the autonomous vehicle such that the person has the ability to monitor the vehicle’s performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course. Before the start of testing, the entity performing the testing is required to submit to the DHSMV an instrument of insurance, surety bond, or proof of self-insurance acceptable to the DHSMV in the amount of \$5 million.

Effect of Proposed Changes

The bill amends s. 316.86, F.S., to expand those authorized to conduct testing to research organizations associated with accredited educational institutions. The requirement that a human be present in the vehicle is removed in certain circumstances and testing locations are expanded. A human operator must retain the ability to monitor the vehicle’s performance and intervene, if necessary, unless the vehicle is being tested or demonstrated on a closed course *or any other testing roadway as designated by the FDOT and applicable local or county government*. A human operator with the ability to intervene is not required on closed courses or designated testing roadways.

The bill also removes obsolete language requiring a DHSMV report, as the report has already been submitted.

Sections 9 and 11 (ss. 320.02 and 320.1316, F.S.) - Motor Vehicle Registration Holds

Current Situation

Section 320.02, F.S., requires every owner/operator of a motor vehicle, driving on roads of Florida register his or her vehicle in this state. The owner or person in charge shall apply and register to the DHSMV or to its authorized agent each such vehicle on a form prescribed by the DHSMV.

Section 320.1316, F.S., allows a lienor to notify the DHSMV when a liened vehicle is not surrendered as ordered and has otherwise been disposed of, concealed, removed, or destroyed by the registered owner (lienee.) When the DHSMV is so notified, the registered owner’s name is placed on the list of persons who may not be issued a license plate or revalidation sticker for any

vehicle. If the unsurrendered vehicle is jointly-owned, the name of each registered owner is placed on the list and no vehicle may be registered by any of the named individuals.

The lienor must maintain proof that written notice to surrender the vehicle was sent to each registered owner pursuant to s. 320.1316(1), F.S. A revalidation sticker or replacement license plate may not be issued for any vehicle until that person's name is no longer on the list or until the person presents documentation from the lienor that the unsurrendered vehicle has been surrendered to the lienor.

Citing insufficient due process to the affected registered owners, the DHSMV has declined to enforce the provisions of s. 320.1316, F.S., since its revision in 2010.

Effect of Proposed Changes

The bill amends ss. 320.02 and 320.1316, F.S., to require that when an applicant's name appears on a list of persons who may not be issued a license plate, revalidation sticker, or replacement license plate after a written notice to surrender a vehicle or vessel was submitted to the DHSMV by a lienor as provided in s. 320.1316, F.S., the DHSMV shall withhold renewal of registration or replacement registration of *only* the motor vehicle identified in the notice.

The registered owner of the vehicle may dispute a notice to surrender his or her inclusion on the list by bringing a civil action in the county in which he or she resides. If the registered owner challenges the refusal to issue a license plate under s. 320.03(8), F.S., the court shall determine whether the lienor has a recorded lien on the vehicle or vessel and whether the lienor properly made a demand for the surrender in accordance with this section. The court shall determine whether good cause exists, which is limited to proof that:

- The vehicle was traded in to a licensed motor vehicle dealer before the date of the surrender demand;
- The lien of the vehicle in question has been paid in full, and demand satisfied;
- There is ongoing litigation relating to the validity or enforceability of the lien;
- The petitioner no longer has possession of the vehicle or vessel, and the loss of possession occurred under the operation of law (if the loss of possession did not occur under the operation of law, and a third party has physical possession of the vehicle or vessel, good cause is not proven).

If the petitioner establishes good cause for failure to surrender, the vehicle or vessel, the court shall order removal of the petitioner's name(s) from the list of persons who may not be issued a license plate, revalidation sticker, or replacement license plate, and reasonable attorney fees and costs shall be awarded.

However, if the court finds that the demand for surrender was properly made by the lienor and the petitioner fails to establish good cause for the failure to surrender the vehicle or vessel, the court shall award the lienor reasonable attorney fees and costs.

The lienor must maintain proof that written notice to surrender the vehicle or vessel was sent to each registered owner pursuant to s. 320.1316(1), F.S. Only the vehicle identified on the notice to surrender may be withheld from issuance of a revalidation sticker or replacement license plate,

until the person's name no longer appear on the list, having presented the proper documentation from the lienor informing that the vehicle or vessel has been surrendered to the lienor, or a court orders that person's name removed from the list.

Section 23 of the bill also directs the DHSMV to develop a plan of action that addresses motor vehicle registration holds placed pursuant to ss. 316.1001 (toll violations), 316.1967 (parking violations), and 318.15, F.S., (civil penalty compliance), for presentation to the Legislature by February 1, 2015. The plan must include a methodology for applicants who names have been placed on the list of persons who may be issued a license plate or revalidation sticker to rectify the cause of the hold through the payment of any outstanding toll, parking ticket, fine, and any other fee at the point of collection of the registration fee.

Section 10 (s. 320.083) - Amateur Radio Operators/Special License Plate

Current Situation

Amateur radio or ham radio call signs are unique identifiers for licensed amateur radio operators. In the United States, amateur radio licensing is governed by the Federal Communications Commission (FCC) which issues licenses to operate amateur stations for personal use to individuals once they demonstrate an understanding of both pertinent FCC regulations and knowledge of radio station operation and safety considerations. Canadian call signs are regulated internationally by the International Telecommunication Union (ITU) as well as nationally by Industry Canada, which regulates all aspects of amateur radio in the country. It assigns call signs, issues amateur radio licenses, conducts exams, allots frequency spectrum, and monitors the radio waves.

In 1952, Canada and the United States signed a Reciprocal Operating Agreement treaty. In the terms of the agreement, visiting amateurs may operate in the host country in accordance with the rules and regulations of the host country.

Under s. 320.083, F.S., persons who hold a valid amateur radio license *issued* by the FCC, may have their radio's call sign assigned to a special license plate for an additional fee. However, persons whose call sign was assigned in Canada by the ITU, may not.

Effect of Proposed Changes

The bill revises s. 320.083(1), F.S., to allow persons with amateur radio licenses *recognized* by the FCC to apply for a special license plate with their call sign assigned. This will allow Canadian, and potentially other long term visitors who register vehicles in the state to display their amateur radio call signs on their Florida license plate.

Sections 12, 13, and 15 (ss. 322.032, 322.059, and 322.15) - Digital Proof of Driver License

Current Situation

Section 322.059, F.S., requires that any person whose driver license or registration has been suspended must return that driver license immediately to the DHSMV. If he or she fails to return their license or registration, a law enforcement agent may seize the driver's license.

Section 322.15, F.S., requires that every licensee must have his or her driver license in their possession at all times while operating a motor vehicle and shall display that license upon demand of a law enforcement officer or an authorized representative of the DHSMV.

Effect of Proposed Changes

The bill creates s. 322.032, F.S., requiring the DHSMV to begin to review and prepare for the development of a secure and uniform system for issuing an optional digital proof of driver license. The DHSMV may contract with private entities to develop the system.

- The digital proof of driver license system must be in such a format that will allow law enforcement to verify the authenticity of digital driver licenses.
- The DHSMV may promulgate rules to ensure valid authentication of the digital driver licenses by law enforcement.
- A person may not be issued a digital proof of driver license until he or she has satisfied all the requirements of this chapter and has received a physical driver license as provided in this chapter.

A person who:

- Manufactures a false digital proof of driver license commits a felony of the third degree, punishable by a term of imprisonment not exceeding five years,⁹ a possible additional fine not exceeding \$5,000,¹⁰ or imposition under certain circumstances of an extended term of imprisonment for habitual felony offenders, habitual violent felony offenders, three-time felony offenders, and violent career criminals.¹¹
- Possesses a false digital proof of driver license commits a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days.¹²

The bill also amends s. 322.059, F.S., to require the DHSMV to invalidate the digital proof of driver license issued under this chapter if the motor vehicle operator was driving on a suspended license or registration.

Section 322.15, F.S., is amended to provide that a licensee may display digital proof of driver license as provided in this chapter in lieu of a physical driver license.

Sections 14 and 16 (ss. 322.12 and 322.21, F.S.) - Driver License Fees/Tax Collectors

Current Situation

Section 322.12, F.S., requires that each applicant for an original driver license pass an initial knowledge test and initial skills test. An applicant who fails to pass the initial knowledge test must pay a \$10 fee for each subsequent test, to be deposited into the Highway Safety Operating Trust Fund. An applicant who fails to pass the initial skills test must pay a \$20 fee for each subsequent test, to be deposited in the same trust fund.

⁹ Section 775.082, F.S.

¹⁰ Section 775.083, F.S.

¹¹ Section 775.084, F.S.

¹² See supra note 9.

Section 322.21, F.S., establishes the following fees, except as otherwise provided, for:

- A replacement driver license, \$25, of which \$7 is deposited into the Highway Safety Operating Trust Fund and \$18 is deposited into the General Revenue Fund. Beginning July 1, 2015, or upon completion of the transition of driver license issuance services, if the replacement is issued by the tax collector, the tax collector retains the \$7 that would otherwise be deposited into the Highway Safety Operating Trust Fund, and the remaining revenues are deposited into the General Revenue Fund.
- An original, renewal, or replacement identification card issued pursuant to s. 322.051, F.S., \$25, which is distributed as follows:
 - For an original identification card, the \$25 is deposited into the General Revenue Fund;
 - For a renewal identification card issued, \$6 of the \$25 is deposited into the Highway Safety Operating Trust Fund and \$19 into the General Revenue Fund;
 - For a replacement identification card, \$9 of the \$25 is deposited into the Highway Safety Operating Trust Fund and \$16 is deposited into the General Revenue Fund.

Again, beginning July 1, 2015, or upon completion of the transition of driver license issuance services, if the replacement is issued by the tax collector, the tax collector retains the \$9 that would otherwise be deposited into the Highway Safety Operating Trust Fund, and the remaining revenues are deposited into the General Revenue Fund.

Effect of Proposed Changes

The bill amends s. 322.12, F.S., to revise the distribution of fees as follows:

- Of the \$10 fee for each subsequent initial knowledge test, \$6 is retained by the tax collector if the tax collector conducted the test, and the remaining \$4 is deposited into the Highway Safety Operating Trust Fund.
- Of the \$20 fee for each subsequent initial skills test, \$15 is retained by the tax collector if the tax collector conducted the test, and the remaining \$5 is deposited into the Highway Safety Operating Trust Fund.
- In both cases, all fees incurred by an applicant with a third-party provider or administered at a state facility are deposited into the Highway Safety Operating Trust Fund.

The bill also amends s. 322.21, F.S., to authorize county tax collectors to retain \$7 of the \$25 fee for a replacement driver license, and \$9 of the \$25 fee for a replacement identification card, otherwise deposited into the Highway Safety Operating Trust Fund, if the tax collector has completed the transition of driver licensing services.

The bill also exempts an applicant who presents satisfactory evidence that he or she is homeless or that his or her annual income is at or below 100 percent of the federal poverty level¹³ from the \$25 fee for an original, renewal, or replacement identification card issued pursuant to s. 322.051, F.S.

Section 17 (s. 337.25, F.S.) - Disposal and Lease of Real and Personal Property

Current Situation

¹³ <https://www.healthcare.gov/glossary/federal-poverty-level-FPL/> (last visited 2/27/14)

The FDOT is authorized to purchase, lease, exchange, or otherwise acquire any land, property interests, buildings or other improvements necessary for rights-of-way for existing or anticipated transportation facilities on the State Highway System, on the State Park Road System, or in an FDOT designated rail or transportation corridor. The FDOT may also accept donations of land, building, or other improvements for transportation rights-of-way and may compensate an entity by providing replacement facilities when the land, building, or other improvements are needed for transportation purposes but are held by a federal, state, or local governmental entity and used for public purposes other than transportation.¹⁴

The FDOT is required to conduct a complete inventory of all real or personal property immediately upon acquisition, including an itemized listing of all appliances, fixtures, and other severable items, a statement of the location or site of each piece of realty, structure, or severable item; and the serial number assigned to each.¹⁵ The FDOT must evaluate the inventory of real property which has been owned for at least 10 years and which is not within a transportation corridor or the right-of-way of a transportation facility. If the property is not located within a transportation corridor or is not needed for a transportation facility, the FDOT is authorized to dispose of the property.¹⁶ According to the FDOT, 85 percent of its currently-owned surplus property is valued at under \$50,000.

Sale of Property: The FDOT is authorized to sell any land, building, or other real or personal property it acquired if the FDOT determines the property is not needed for a transportation facility.¹⁷ The FDOT is required to first offer the property (“first right of refusal”) to the local government in whose jurisdiction the property is located, with the exception of the following parcels:

- The FDOT may negotiate the sale of property, at no less than fair market value as determined by an independent appraisal, to the owner holding title to abutting property, if in the FDOT’s discretion public sale would be inequitable.¹⁸
- The FDOT may sell property acquired for use as a borrow pit, at no less than fair market value, to the owner of abutting land from which the pit was originally acquired, if the pit is no longer needed.¹⁹
- The FDOT may convey to a county without consideration any property acquired by a county or by the FDOT using constitutional gas tax funds for a right-of-way or borrow pit for a road on the State Highway System, State Park Road System, or county road system if the property is no longer used or needed by the FDOT; and the county may sell the property on receipt of competitive bids.²⁰
- A governmental entity may authorize re-conveyance to the original donor of property donated to the state for transportation purposes if the facility has not been constructed for at least five years, no plans have been prepared for construction of the facility, and the property is not located within a transportation corridor.²¹

¹⁴ Section 337.25(1), F.S.

¹⁵ Section 337.25(2), F.S.

¹⁶ Section 337.25(3), F.S.

¹⁷ Section 337.25(4), F.S.

¹⁸ Section 337.25(4)(c), F.S.

¹⁹ Section 337.25(4)(d), F.S.

²⁰ Section 337.25(4)(f), F.S.

²¹ Section 337.25(4)(g), F.S.

- The FDOT may negotiate the sale of property as replacement housing if the property was originally acquired for persons displaced by transportation projects and if the state receives no less than its investment in such properties or fair market value, whichever is lower. This benefit extends only to persons actually displaced by a project, and dispositions to any other person must be for fair market value.²²

Once the FDOT determines the property is not needed for a transportation facility and has extended and received rejection of required first rights of refusal, FDOT is also authorized to:

- Negotiate the sale of property if its value is \$10,000 or less as determined by FDOT estimate;²³
- Sell the property to the highest bidder through “due advertisement” of receipt of sealed competitive bids or by public auction if its value exceeds \$10,000 as determined by the FDOT estimate;²⁴
- Determine the fair market value of property through appraisal conducted by an FDOT appraiser, if the FDOT begins the process for disposing of property on its own initiative, either by authorized negotiation or by authorized receipt of sealed competitive bids or public auction;²⁵
- Convey the property without consideration to a governmental entity if the property is to be used for a public purpose;²⁶and
- Use the projected maintenance costs of the property over the next five years to offset the market value in establishing a value for disposal of the property, even if that value is zero, if the FDOT determines that the property will require significant costs to be incurred or that continued ownership of the property exposes the FDOT to significant liability risks.²⁷

Lease of Property: The FDOT is further authorized to convey a leasehold interest for commercial or other purposes to any acquired land, building, or other property, real or personal, subject to the following:²⁸

- The FDOT may negotiate such a lease at the prevailing market value with the owner from whom the property was acquired; with the holders of leasehold estates existing at the time of the FDOT’s acquisition; or, if public bidding would be inequitable, with the owner of privately owned abutting property, after reasonable notice to all other abutting property owners.²⁹
- All other leases must be by competitive bid.³⁰
- Such leases are limited to five years in duration, but the FDOT may renegotiate a lease for an additional five-year term without rebidding.³¹

²² Section 337.25(4)(i), F.S.

²³ Section 337.25(4)(a), F.S.

²⁴ Section 337.25(4)(b), F.S.

²⁵ Section 337.25(4)(e), F.S.

²⁶ Section 337.25(4)(h), F.S.

²⁷ Section 337.25(4)(j), F.S.

²⁸ Section 337.25(5), F.S.

²⁹ Section 337.25(5)(a), F.S.

³⁰ Section 337.25(5)(b), F.S.

³¹ Section 337.25(5)(c), F.S.

- Each lease must require that any improvements made to the property during the lease term be removed at the lessee's expense.³²
- If property is to be used for a public purpose, including a fair, art show, or other educational, cultural, or fundraising activity, the property may be leased without consideration to a governmental entity or school board.³³
- No lease may be used by the lessee to establish the four years' standing required by eminent domain law if the business had not been established for four years on the date title passed to the FDOT.³⁴
- The FDOT may enter into a long-term lease without compensation with certain public ports for rail corridors used for the operation of a short-line railroad to the port.³⁵

The appraisals currently required under s. 337.25(4)(c) and (d), F.S., must be prepared in accordance with the FDOT guidelines and rules by an independent appraiser certified by the FDOT.³⁶ When "due advertisement" is required, an advertisement in a newspaper of general circulation in the area of the improvements of not less than 14 calendar days prior to the date of the receipt of bids or the date on which a public auction is to be held satisfies the requirement.³⁷

Effect of Proposed Changes

The bill amends s. 337.25, F.S., to revise the terms and conditions under which the FDOT may sell or lease properties acquired for transportation rights-of-way and to authorize the FDOT to contract for auction services used in the conveyance of real or personal property or leasehold interests and to authorize such contracts to allow the contractor to retain a portion of the proceeds as compensation.

The FDOT is authorized to "convey", rather than "sell" land, buildings, or other real or personal property after determining the property isn't needed for a transportation facility and to dispose of property through negotiations, sealed competitive bids, auctions, or any other means deemed to be in the FDOT's best interest. Due advertisement is required for property valued at more than \$10,000, and no property may be sold at less than fair market value except as specified. The FDOT is authorized, rather than required, to afford a right of first refusal to a political subdivision, or local government in which the parcel is located, except in conveyances when the property has been donated to the state for transportation purposes and a facility has not been constructed for at least 5 years, the property was originally required for replacement housing for persons displaced by transportation projects, or property which the FDOT has determined a sale to anyone other than the abutting land owner would be inequitable.

The FDOT is prohibited from conveying a leasehold interest at a price less than the FDOT's current estimate of value and specifies that a lease may be created through negotiations, sealed competitive bids, auctions, or any other means deemed to be in the best interest by the FDOT. A

³² Section 337.25(5)(d), F.S.

³³ Section 337.25(5)(e), F.S.

³⁴ Section 337.25(5)(g), F.S.

³⁵ Section 337.25(5)(h), F.S.

³⁶ Section 337.25(7), F.S.

³⁷ Section 337.25(8), F.S.

lease shall not be for a period of more than 5 years, however, the FDOT may extend the lease for an additional 5 years without rebidding.

The FDOT is required to publish a notice when a proposal to lease property has been received, stating that a proposal has been received and that FDOT will accept other proposals for 120 days after the date of publication for lease of the property. The FDOT is authorized to establish, by rule, an application fee for the submission of the proposals.

The FDOT's estimate of value must be prepared in accordance with department procedures, guidelines, and rules for valuation of real property. If the value of the property exceeds \$50,000, the sale or lease must be negotiated at a price not less than the estimated value determined by the FDOT.

This section does not modify the eminent domain requirement of s. 73.013, F.S.

Section 18 (s. 337.251, F.S.) - Unsolicited Lease Proposals

Current Situation

Section 337.251, F.S., *Lease of property for joint public-private development and areas above or below department property*, authorizes the FDOT to request proposals for the lease of the FDOT property for joint public-private development or commercial development. The FDOT may also receive and consider unsolicited proposals for such uses. If the FDOT receives an unsolicited proposal to negotiate a lease, the FDOT must publish a notice in a newspaper of general circulation at least once a week for two weeks, stating that it has received the proposal and will accept, for 60 days after the date of publication, other proposals for use of the space. The FDOT must also mail a copy of the notice to each local government in the affected area.

Any unsolicited lease proposal must be selected based on competitive bidding, and the FDOT is authorized to consider such factors as the value of property exchanges, the cost of construction, and other recurring costs for the benefit of the FDOT by the lessee in lieu of direct revenue to the FDOT if such other factors are of equal value including innovative proposals to involve minority businesses. Before entering into any lease, the FDOT must determine that the property subject to the lease has a permanent transportation use related to the FDOT responsibilities, has the potential for such future transportation uses, or constitutes airspace or subsurface rights attached to property having such uses, and is therefore not available for sale as surplus property.

Section 334.30, F.S., *Public-private transportation facilities*, authorizes the FDOT to lease certain toll facilities through public-private partnerships and also authorizes the FDOT to receive unsolicited proposals. That section directs the FDOT to establish by rule an application fee sufficient to pay the costs of evaluating a proposal. The FDOT is further authorized to engage the services of private consultants to assist in the evaluation.

Unlike s. 337.251, F.S., before approving a proposal, the FDOT must determine that the proposed project is in the public's best interest; would not require state funds to be used unless the project is on the SHS; would have adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default or cancellation of the agreement by the FDOT; would have adequate

safeguards in place to ensure that the FDOT or the private entity has the opportunity to add capacity to the proposed project and other transportation facilities serving similar origins and destinations; and would be owned by the FDOT upon completion or termination of the agreement.³⁸ In addition, before awarding a contract for lease of an existing toll facility through a public-private partnership, the FDOT is required to provide an independent analysis of the proposed lease that demonstrates the cost-effectiveness and overall public benefit.

If the FDOT receives an unsolicited proposal for a lease through a public-private partnership, the FDOT must publish a notice in the Florida Administrative Weekly and a newspaper of general circulation at least once a week for two weeks stating that the FDOT has received the proposal and will accept, for 120 days after the initial date of publication, other proposals for the same project purpose. The FDOT must also mail a copy of the notice to each local government in the affected area.

Effect of Proposed Changes

The bill amends s. 337.251(2), F.S., relating to the lease of property for joint public-private development, to:

- Require that if the FDOT receives a proposal for a lease (rather than to negotiate a lease) of particular property the FDOT desires to consider, it shall publish the currently required newspaper notice stating that the FDOT will accept for 120 (rather than 60) days other proposals for lease of the particular property;
- Direct the FDOT to establish by rule an application fee for the submission of proposals under s. 337.251, F.S., sufficient to pay the anticipated costs of evaluating the proposals;
- Authorize the FDOT to engage the services of private consultants to assist in the evaluations;
- Require the FDOT, before approval of any proposal, to determine that the proposed lease is in the public's best interest, does not require state funds to be used, and has adequate safeguards in place to ensure that no additional costs or service disruptions would be realized by the traveling public and residents of the state in the event of default by the private lessee or upon termination or expiration of the lease; and
- Require the FDOT to provide an independent analysis of a proposed lease that demonstrates the cost-effectiveness and overall public benefit before moving forward with the procurement and before awarding the contract if the procurement moves forward.

These revisions bring the process under s. 337.251, F.S., closer to that under s. 334.30, F.S.

Section 19 (s. 339.175, F.S.) - Metropolitan Planning Organizations

Current Situation

Based on census data, the U.S. Bureau of the Census designates urbanized areas throughout the state. Federal law and rule (23 U.S.C. 134 and 23 C.F.R 450 Part C) require a metropolitan planning organization (MPO) to be designated for each urbanized area³⁹ or group of contiguous urbanized areas. In addition, federal law and rules specify the requirements for a MPO transportation planning and programming activities. These requirements are updated after each

³⁸ The ownership requirement in s. 334.30, F.S., would not, of course, apply to a lease arrangement under s. 337.251, F.S.

³⁹ An urbanized area is defined by the U.S. Bureau of the Census and has a population of 50,000 or more.

federal transportation reauthorization bill enacted by Congress. State law also includes provisions governing MPO activities. Section 339.175, F.S., paraphrases or restates some key federal requirements. In addition, state law includes provisions that go beyond the federal requirements. For example, federal requirements regarding MPO membership are very general, while state law is more specific.

Section 339.175(2)(a)2., F.S., currently provides that designation of an MPO be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the MPO jurisdiction, as defined by the United State Bureau of the Census, must be a party to such agreement. This language has been superseded by revisions to 23 U.S.C. 134(d) and 23 C.F.R. 450.310(b), which now require designation to be accomplished by agreement between the Governor and units of general-purpose local government that together represent at least 75 percent of the population (including the largest incorporated city, based on population, as named by the Bureau of the Census) or in accordance with procedures established by applicable State or local law.

An existing MPO may be re-designated by agreement between the Governor and units of general-purpose local government that together represent at least 75 percent of the existing population in the area served, including the largest incorporated city.⁴⁰ Re-designation of an MPO is required whenever the existing MPO proposes to make a substantial change in the proportion of voting members on the existing MPO representing the largest incorporated city, other units of general-purpose local government served by the MPO, and the State; or a substantial change in the decision-making authority or responsibility of the MPO, or in decision-making procedures established under the MPO bylaws.⁴¹

Current law does not authorize more than 19 members on an MPO in cases when the MPO is re-designated as a result of the expansion of an MPO to include a new urbanized area or the consolidation of two or more MPOs, even if the membership is already at 19 members.

For both multicounty and single-county MPOs, current law requires that county commission members compose not less than one-third of the MPO governing board membership. All voting members must be elected officials of general-purpose local government.

MPOs are currently required to establish bylaws and adopt rules pursuant to the Administrative Procedures Act.

Effect of Proposed Changes

The bill amends s. 339.175, F.S., to:

- Revise state law superseded by federal law and rule by requiring that MPO designation occur by agreement between the Governor and units of general-purpose local government that together represent at least 75 percent of the population, including the largest incorporated city, based on population, as named by the Bureau of the Census.

⁴⁰ 23 C.F.R. 450.301(h) (2012).

⁴¹ 23 C.F.R. 450.301(k) (2012).

- Increase the voting membership from 19 to 25 members, which may provide more flexibility when membership apportionment plans are revised based on updated census data and new or expanded urbanized area boundaries, and could potentially benefit MPO consolidation.
- Provide that, with the exception of instances in which all of the county commissioners in a single-county MPO are members of the MPO governing board, county commissioners must compose at least one-third of the MPO governing board membership.
- Provide that a multicounty MPO may satisfy the one-third requirement by any combination of county commissioners from each of the counties constituting the MPO.
- Authorize general purpose local governments serving on an MPO to include one member who represents a group of general purpose local governments through an entity created by an MPO for that purpose. This would allow an entity created by an MPO that is composed of local government officials, such as an MPO-created committee consisting of local governments not on the MPO, to serve on an MPO.
- Authorize, rather than requires, provision of governing board voting membership to authorities or other agencies that perform transportation functions but which are not under the jurisdiction of a general purpose local government. This provides MPO discretion to determine which authorities or other agencies should serve on an MPO governing board.
- Provide that each MPO is to review the composition of its membership after each decennial census and, as necessary, reapportion its membership with the Governor, to clarify that the MPO initiates the review and reapportionment of its governing board membership.
- Authorize MPOs to establish bylaws by action of its governing board providing procedural rules to guide its proceedings and consideration of matters before the council or, alternatively, adopt rules pursuant to the Administrative Procedures Act.

Section 20 (s. 339.2821, F.S.) - Economic Development Transportation Projects

Current Situation

Florida has a number of economic development incentive programs used to recruit industry to Florida or to persuade existing businesses to expand their operations. One such incentive exists in what is commonly referred to as the Road Fund, which is funded by the State Transportation Trust Fund and used to assist local government in paying for highway or other transportation infrastructure improvements that will benefit a relocating or expanding company. The amount appropriated for this transfer varies from year to year. The Legislature in 2012 repealed s. 288.063, F.S., in which the Road Fund was statutorily placed, and created s. 339.2821, F.S. The revisions did not change the purpose of the Road Fund but simply moved oversight of the fund from the Florida Department of Economic Opportunity (FDEO) to the FDOT.⁴²

The FDOT, in consultation with the FDEO, is authorized under the new section to make and approve expenditures and contract with the appropriate government body for the direct costs of transportation projects. Current law specifies that as part of the contractual agreement between the FDOT and a governmental body, the governmental body must provide FDOT with specified quarterly reports, the FDOT may only transfer funds on a quarterly basis, the governmental body

⁴² Budget Committee Final Analysis of SB 1998:

<http://www.flsenate.gov/Session/Bill/2012/1998/Analyses/M6TO2qtoNCs60=PL=Y=PL=DT9BT2bnWNo=%7C11/Public/Bills/1900-1999/1998/Analysis/s1998z2.TEDAS.PDF>.

must expend funds received in a timely manner, and the FDOT may only transfer funds after construction has begun on the facility of a business on whose behalf the award was made.

Effect of Proposed Changes

The bill amends s. 339.2821, F.S., to include Enterprise Florida, Inc., as an FDOT consultant in making and approving economic development transportation project contracts; provide authority for the FDOT to terminate a grant award if construction of the transportation project does not begin within four years after the date of the initial grant award; and expands the type of authorized transportation facility projects to include spaceports.

Section 21 (s. 526.141, F.S.) - Gasoline Stations/Accessibility/Preemption of Regulation

Current Situation

People with disabilities may find it difficult or impossible to use the controls, hose, or nozzle of a self-serve gas pump. As a result, at stations that offer both self and full service, people with disabilities might have no choice but to purchase the more expensive gas from a full-serve pump. At locations with only self-serve pumps, people with disabilities might be unable to purchase gas at all. The Americans with Disabilities Act (ADA) requires self-serve gas stations to provide equal access to their customers with disabilities. If necessary to provide access, gas stations must:

- Provide refueling assistance upon the request of an individual with a disability. A service station or convenience store is not required to provide such service at any time that it is operating on a remote control basis with a single employee, but is encouraged to do so, if feasible.
- Let patrons know (e.g., through appropriate signs) that customers with disabilities can obtain refueling assistance by either honking or otherwise signaling an employee.
- Provide the refueling assistance without any charge beyond the self-serve price.⁴³

Section 526.141, F.S., requires every full-service gasoline station that offers gasoline at a lower price to provide an attendant to dispense gasoline from the self-service portion of the station to any motorist properly displaying an exemption parking permit as provided in s. 316.1958, F.S.,⁴⁴ or a license plate bearing the international accessibility symbol, and the operator is the person to whom such permit was issued. Such stations shall prominently display a decal no larger than 8 square inches on the front of all self-service pumps clearly stating the requirements and applicable penalties for violations. Violation of this section is a misdemeanor of the second degree, punishable by a term of imprisonment not exceeding 60 days⁴⁵ or by a \$500 fine.⁴⁶

Effect of Proposed Changes

The bill amends s. 526.141, F.S., to require, by July 1, 2016, a full-service gas station offering self-service at a lesser cost to prominently display, in addition to the above-described decal, a blue decal at least 15 square inches in size that clearly displays the international symbol of

⁴³ <http://www.ada.gov/gasserve.htm> (last visited 2/26/14)

⁴⁴ Out-of-state vehicles bearing identification of issuance to persons who have disabilities.

⁴⁵ Section 775.082, F.S.

⁴⁶ Section 775.083, F.S.

accessibility, the station's telephone number, and the words "Call for Assistance." The Department of Agriculture and Consumer Services is directed to adopt rules to implement and enforce these provisions, and local government laws and regulations pertaining to the provision of fueling assistance by a self-service gas station are preempted and superseded.

Section 22 (ch. 85-364, as amended by ch. 95-382, L.O.F.) - Pinellas Bayway/Maintenance Costs

Current Situation

The FDOT-owned, tolled Pinellas Bayway System is a series of causeways and bridges providing a connection between St. Petersburg Beach, Fort DeSoto Park, and I-275:

The east-west section of the facility (SR 682) provides a connection between I-275 (via 54th Avenue) on the east and Gulf Boulevard (SR 699) on the west. This section crosses the Bayway Isles and Isle Del Sol. The north-south section of the facility (SR 679) extends from Isle Del Sol through Tierra Verde to Mullet Key and Fort DeSoto Park. The facility was opened to traffic in December 1962.⁴⁷

The 1985 Legislature directed that all tolls collected shall first be used for the payment of annual operating costs, second to discharge the current bond indebtedness,⁴⁸ and thereafter to establish a reserve construction account to be used for certain Pinellas Bayway improvements. Maintenance costs were not included in the directive. Instead, the FDOT was required, upon completion of those certain improvements, to continue to collect tolls on the Pinellas Bayway to reimburse the FDOT for all accrued maintenance costs for the Pinellas Bayway.

The 1995 Legislature amended the 1985 law to remove reference to completed improvements and modify references to future improvements but did not change the directive regarding maintenance costs. Consequently, amounts paid by the FDOT for maintenance costs accrue as long-term debt due the State Transportation Trust Fund (STTF), as opposed to the FDOT paying the maintenance costs from toll revenues. As of December 20, 2013, the long-term debt due the STTF as a result of maintenance costs paid by the FDOT is projected to be approximately \$66 million in fiscal year 2022-23.⁴⁹

Effect of Proposed Changes

The bill amends s. 2 of ch. 85-364, L.O.F., as amended by s. 2 of ch. 95-382, L.O.F., to authorize the FDOT to use tolls first for the payment of annual operating *and maintenance* costs. This will allow the FDOT to pay the costs from the toll revenues and no longer accrue those costs as long-term debt. Users of the facility will pay maintenance costs, rather than having the costs

⁴⁷ Traffic Engineer's Annual Report for Fiscal Year Ended June 30, 2012, p. 51, on file in the Senate Transportation Committee.

⁴⁸ The FDOT advises no current bond indebtedness exists. The FDOT email, February 4, 2014, on file in the Senate Transportation Committee.

⁴⁹ The FDOT Pinellas Bayway Toll Facility Revenue and Expenditure Report, on file in the Senate Transportation Committee.

subsidized by revenues deposited into the STTF. The bill also removes references to completed improvements.

Section 24 provides the bill 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:

The Revenue Estimating Conference has not analyzed the fiscal impact of this bill.

B. Private Sector Impact:

Section 6: Individuals who start their vehicles by remote control while the ignition, transmission, and doors are locked will no longer be subject to a \$30 penalty.

Sections 9 and 11: Individuals will be subject to withholding of registration *only* of the motor vehicle identified in a notice to surrender, which may avoid economic loss for some.

Section 18: Those wishing to submit proposals for lease of the FDOT property that the FDOT wishes to consider will be subject to an application fee sufficient to pay the anticipated cost of evaluation the proposal, to be established by the FDOT rule. Opportunities for private consultant contracts with the FDOT are authorized.

Section 21: Full-service gas stations that offer gasoline at a lower price will incur what is expected to be insignificant expenses associated with displaying the required decal.

C. Government Sector Impact:

Section 1: The FTC will incur additional expenditures associated with monitoring the MBBA and any publicly funded passenger rail system. These expenses are expected to be absorbed within existing resources, as the FTC already monitors the South Florida Regional Transportation Authority, which operates Tri-Rail, and will only add monitoring of the SunRail system to its duties.

Section 4: The Department of State and the Department of Law Enforcement are expected to incur costs associated with establishing a retention schedule for records containing images and data generated through the use of an automated license plate recognition system, which costs are expected to be absorbed within existing resources.

Section 6: The \$30 penalty previously applicable to individuals who start their vehicles by remote control while the ignition, transmission, and doors are locked will no longer be collected.

Section 12: The DHSMV will incur expenses associated with developing a secure and uniform system for issuing an optional digital proof of driver license, which costs are expected to be absorbed within existing resources.

Sections 14 and 16: Deposits into the Highway Safety Operating Trust Fund will be reduced by, and the tax collectors will retain, the specified dollar amounts for initial knowledge and skills tests conducted by tax collectors, and for replacement driver licenses and replacement identification cards issued by tax collectors. The trust fund will additionally be reduced by \$25 for every person made exempt from the fee for an original, renewal, or replacement identification card. A negative impact to the trust fund will occur.

As shown in the following tables, there will be a loss to the Highway Safety Operating Trust Fund of \$5.7 million and a loss of \$1.6 million to the General Revenue Fund in fiscal year 2014-2015. Also, the bill will require programming modifications at a cost of \$282,400 to implement.

	Projected FY 2014-15 Revenue	Projected FY 2015-16 Revenue	Projected FY 2016-17 REC Revenue	Projected FY 2017-18 REC Revenue	Projected FY 2018-19 REC Revenue
Driver licenses knowledge Test	(884,119)	(1,441,287)	(1,461,782)	(1,482,203)	(1,502,909)
Driver license Skill Test	(409,214)	(636,336)	(645,384)	(654,401)	(663,543)

	Projected FY 2014-15 Revenue	Projected FY 2015-16 Revenue	Projected FY 2016-17 REC Revenue	Projected FY 2017-18 REC Revenue	Projected FY 2018-19 REC Revenue
Replacement Driver License	(3,642,060)	(5,345,929)	(5,421,841)	(5,497,747)	(5,573,066)

	Projected FY 2014-15 Revenue	Projected FY 2015-16 Revenue	Projected FY 2016-17 REC Revenue	Projected FY 2017-18 REC Revenue	Projected FY 2018-19 REC Revenue
Original ID Card	(1,181,764)	(1,198,545)	(1,215,444)	(1,232,217)	(1,249,222)
Renewal ID Card	(112,020)	(117,731)	(379,627)	(962,214)	(810,045)

Replacement ID Card	(606,416)	(870,386)	(882,658)	(894,839)	(907,187)
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	Projected FY 2014-15 Revenue	Projected FY 2015-16 Revenue	Projected FY 2016-17 REC Revenue	Projected FY 2017-18 REC Revenue	Projected FY 2018-19 REC Revenue
Replacement ID Card	(606,416)	(870,386)	(882,658)	(894,839)	(907,187)

Information System Administration will require approximately 3070 hours to implement the changes required by this legislative request.

ISA 410 hours at \$40.00 = \$16,400.00
 Contractors 2660 hours at \$100.00 = \$266,000.00

	Projected FY 2014-15 Revenue	Projected FY 2015-16 Revenue	Projected FY 2016-17 REC Revenue	Projected FY 2017-18 REC Revenue	Projected FY 2018-19 REC Revenue
GR	(1,578,539)	(1,604,086)	(1,824,483)	(2,288,446)	(2,194,286)
HSOTF	(5,653,028)	(8,369,422)	(8,550,671)	(8,808,677)	(8,890,343)
Tax Collectors	5,450,846	8,163,379	8,279,267	8,394,963	8,510,628

Section 17: The fiscal impact of the modified terms and conditions governing the FDOT’s sale or lease of surplus property is indeterminate. However, according to the FDOT, a net positive impact to local revenue is expected as properties are returned to the ad valorem tax roll. In addition, an indeterminate savings to the state is expected as a result of reduced appraisal expenses, especially in cases when such costs approach and even exceed the price received by the FDOT.

Section 18: The FDOT’s costs associated with evaluating lease proposals pursuant to s. 337.251, F.S., would presumably be covered by the application fee the FDOT is required to establish by rule, particularly if the fee includes the cost of private consultants the FDOT is authorized to engage to assist in its evaluations.

Section 21: The Department of Agriculture and Consumer Services will incur expenses to adopt rules relating to decal display at full-service gas stations offering self-service at a lower cost, which costs are expected to be absorbed within existing resources.

Section 23: The DHSMV will incur expenses associated with developing a plan of action that address motor vehicle registration holds for outstanding tolls, parking tickets, and fines, which costs are expected to be absorbed within existing resources.

VI. Technical Deficiencies:

The DHSMV is concerned that the creation of a digital driver license does not guarantee acceptance or the same level of acceptance as a physical license. It is the agency's belief that the Transportation Safety Administration and other federal agencies will not accept it in lieu of the actual physical card. Privacy and search and seizure issues could possibly be implicated in a digital driver license verification. First responders may face digital driver license identification challenges when individuals are non-responsive. In addition, digital driver license verifications would be subject to an individual's smart phone operating properly which could result in time intensive digital verifications in the field by law enforcement agencies.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 20.23, 110.205, 316.1975, 316.2952, 320.02, 320.083, 320.1316, 322.059, 322.12, 322.15, 322.21, 337.25, 337.251, 339.175, 339.2821, and 526.141.

This bill amends s. 2 of chapter 85-364, Laws of Florida, as amended by s. 2 of chapter 95-382, Laws of Florida.

This bill creates the following sections of the Florida Statutes: 316.0071, 316.0778, 316.0817, 322.032, and an unnumbered section of the Florida Statutes.

IX. Additional Information:

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

CS by Transportation on March 6, 2014:

The CS revises provisions relating to the testing of autonomous vehicle technology to remove the requirement that a human be present in the vehicle and capable of intervening, if necessary, unless the vehicle is being tested on a closed course. Instead, the bill provides that a human operator must retain the ability to monitor the vehicle and intervene, if necessary, unless the vehicle is being tested on a closed course *or any other testing roadway designated by the FDOT and applicable local or county government.*

The CS also expands those authorized to conduct testing to include research organizations associated with accredited educational institutions. The CS also removes obsolete language requiring a DHSMV report, as the report has already been submitted. Lastly, the CS removes the date certain by which the DHSMV is to develop an optional digital proof of driver license (10/1/16) and instead directs the department to begin to review and prepare for the development.

B. Amendments:

None.

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



530164

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2014	.	
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The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

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Between lines 429 and 430
insert:
Section 8. Subsections (1) and (3) of section 316.86,
Florida Statutes, are amended to read:



530164

9 316.86 Operation of vehicles equipped with autonomous
10 technology on roads for testing purposes; financial
11 responsibility; exemption from liability for manufacturer when
12 third party converts vehicle; report.-

13 (1) Vehicles equipped with autonomous technology may be
14 operated on roads in this state by employees, contractors, or
15 other persons designated by manufacturers of autonomous
16 technology, or by research organizations associated with
17 accredited educational institutions, for the purpose of testing
18 the technology. For testing purposes, a human operator must
19 retain ~~shall be present in the autonomous vehicle such that he~~
20 ~~or she has~~ the ability to monitor the vehicle's performance and
21 intervene, if necessary, unless the vehicle is being tested or
22 demonstrated on a closed course or any other autonomous vehicle
23 testing roadway as designated by the Department of
24 Transportation and applicable local or county government. Before
25 ~~Prior to~~ the start of testing in this state, the entity
26 performing the testing must submit to the Department of Highway
27 Safety and Motor Vehicles an instrument of insurance, surety
28 bond, or proof of self-insurance acceptable to the department in
29 the amount of \$5 million.

30 ~~(3) By February 12, 2014, the Department of Highway Safety~~
31 ~~and Motor Vehicles shall submit a report to the President of the~~
32 ~~Senate and the Speaker of the House of Representatives~~
33 ~~recommending additional legislative or regulatory action that~~
34 ~~may be required for the safe testing and operation of motor~~
35 ~~vehicles equipped with autonomous technology.~~

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



530164

38 And the title is amended as follows:

39 Delete line 30

40 and insert:

41 amending s. 316.86, F.S.; revising provisions relating
42 to the operation of vehicles equipped with autonomous
43 technology on state roads for testing purposes;
44 authorizing research organizations associated with
45 accredited educational institutions to operate such
46 vehicles; authorizing the testing of such vehicles on
47 certain roadways designated by the Department of
48 Transportation and applicable local or county
49 governments; deleting an obsolete provision; amending
50 s. 320.02, F.S.; requiring, rather than



428544

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/11/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 562 - 564
and insert:

(1) The department shall begin to review and prepare for the development of a secure and uniform system for issuing an optional digital proof of driver license. The department may contract with one or more

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



428544

11 And the title is amended as follows:

12 Delete line 56

13 and insert:

14 Vehicles to begin to review and prepare for the
15 development of a system for issuing an optional
16 digital proof

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/14

Meeting Date

Topic MPOs

Bill Number SB 1272 Sec 18

(if applicable)

Name Howard Glassman

Amendment Barcode _____

(if applicable)

Job Title Executive Director MPOAC

Address 605 Suwannee St

Phone 414-4062

Street

Tallahassee FL 32399

City

State

Zip

E-mail howard.glassman@mpace.org

Speaking: For Against Information

Representing Florida MPO Advisory Council

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

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3-6-14
Meeting Date

Topic Transportation

Bill Number 1272
(if applicable)

Name Sandra Northam

Amendment Barcode _____
(if applicable)

Job Title _____

Address 6675 Weeping Willow Way
Tall FL 32311
Street City State Zip

Phone 850-251-2283

E-mail smortham@aol.com

Speaking: For Against Information

Representing FL Independent Automobile Dealers Assoc

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
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2/6/2014
Meeting Date

Topic _____

Bill Number 1272
(if applicable)

Name Michael Nickersheim

Amendment Barcode _____
(if applicable)

Job Title Deputy Legislative Director

Address _____
Street

Phone 727-871-9425

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing F.D.O.T.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

By Senator Brandes

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1 A bill to be entitled
 2 An act relating to transportation and motor vehicles;
 3 amending s. 20.23, F.S.; requiring the Florida
 4 Transportation Commission to monitor the Mid-Bay
 5 Bridge Authority; repealing the Florida Statewide
 6 Passenger Rail Commission; amending s. 110.205, F.S.;
 7 conforming cross-references; creating s. 316.0071,
 8 F.S.; requiring that the provisions of ch. 316, F.S.,
 9 be enforced by the direct observation and intervention
 10 of a law enforcement officer, a parking enforcement
 11 specialist, a traffic infraction enforcement officer,
 12 or any other duly appointed individual unless another
 13 method has been expressly authorized; creating s.
 14 316.0778, F.S.; defining the term "automated license
 15 plate recognition system"; requiring the Department of
 16 State to consult with the Department of Law
 17 Enforcement in establishing a retention schedule for
 18 records generated by the use of an automated license
 19 plate recognition system; creating s. 316.0817, F.S.;
 20 prohibiting a bus from stopping to load or unload
 21 passengers in a manner that impedes, blocks, or
 22 otherwise restricts the progression of traffic under
 23 certain circumstances; amending s. 316.1975, F.S.;
 24 authorizing an operator of a vehicle that is started
 25 by remote control to let the vehicle stand unattended
 26 under certain circumstances; amending s. 316.2952,
 27 F.S.; revising a provision exempting a global position
 28 system device or similar satellite receiver device
 29 from the prohibition of attachments on windshields;

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30 amending s. 320.02, F.S.; requiring, rather than
 31 authorizing, the Department of Highway Safety and
 32 Motor Vehicles to withhold the renewal of registration
 33 or replacement registration of a motor vehicle
 34 identified in a notice submitted by a lienor for
 35 failure to surrender the vehicle if the applicant's
 36 name is on the list of persons who may not be issued a
 37 license plate or revalidation sticker; revising the
 38 conditions under which a revalidation sticker or
 39 replacement license plate may be issued; amending s.
 40 320.083, F.S.; revising the requirements for a special
 41 license plate; amending s. 320.1316, F.S.; prohibiting
 42 the department from issuing a license plate,
 43 revalidation sticker, or replacement license plate for
 44 a vehicle or vessel identified in a notice from a
 45 lienor; requiring that a notice to surrender a vehicle
 46 or vessel be signed under oath by the lienor;
 47 authorizing a registered owner of a vehicle to bring a
 48 civil action, rather than to notify the department and
 49 present certain proof, to dispute a notice to
 50 surrender a vehicle or vessel or his or her inclusion
 51 on the list of persons who may not be issued a license
 52 plate or revalidation sticker; providing a procedure
 53 for such a civil action; providing for the award of
 54 attorney fees and costs; creating s. 322.032, F.S.;
 55 requiring the Department of Highway Safety and Motor
 56 Vehicles to develop a system for issuing digital proof
 57 of driver license; authorizing the Department of
 58 Highway Safety and Motor Vehicles to contract with

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59 private entities to develop the system; providing
 60 requirements for digital proof of driver license;
 61 providing criminal penalties for manufacturing or
 62 possessing a false digital proof of driver license;
 63 amending s. 322.059, F.S.; requiring the Department of
 64 Highway Safety and Motor Vehicles to invalidate the
 65 digital proof of driver license for a person whose
 66 license or registration has been suspended; amending
 67 s. 322.12, F.S.; requiring that certain test fees
 68 incurred by certain applicants for a driver license be
 69 retained by the tax collector; amending s. 322.15,
 70 F.S.; authorizing a digital proof of driver license to
 71 be accepted in lieu of a physical driver license;
 72 amending s. 322.21, F.S.; authorizing certain tax
 73 collectors to retain a replacement driver license or
 74 identification card fee under certain circumstances;
 75 exempting certain individuals who are homeless or
 76 whose annual income is at or below a certain
 77 percentage of the federal poverty level from paying a
 78 fee for an original, renewal, or replacement
 79 identification card; amending s. 337.25, F.S.;
 80 authorizing the Department of Transportation to use
 81 auction services in the conveyance of certain property
 82 or leasehold interests; revising certain inventory
 83 requirements; revising provisions relating to, and
 84 providing criteria for, the disposition of certain
 85 excess property by the Department of Transportation;
 86 providing criteria for the disposition of donated
 87 property, property used for a public purpose, or

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88 property acquired to provide replacement housing for
 89 certain displaced persons; providing value offsets for
 90 property that requires significant maintenance costs
 91 or exposes the Department of Transportation to
 92 significant liability; providing procedures for the
 93 sale of property to abutting property owners; deleting
 94 provisions to conform to changes made by the act;
 95 providing monetary restrictions and criteria for the
 96 conveyance of certain leasehold interests; providing
 97 exceptions to restrictions for leases entered into for
 98 a public purpose; providing criteria for the
 99 preparation of estimates of value prepared by the
 100 Department of Transportation; providing that the
 101 requirements of s. 73.013, F.S., relating to eminent
 102 domain are not modified; amending s. 337.251, F.S.;
 103 revising criteria for leasing certain Department of
 104 Transportation property; increasing the time for the
 105 Department of Transportation to accept proposals for
 106 lease after a notice is published; directing the
 107 Department of Transportation to establish an
 108 application fee by rule; providing criteria for the
 109 fee; providing criteria for a proposed lease;
 110 requiring the Department of Transportation to provide
 111 an independent analysis of a proposed lease; amending
 112 s. 339.175, F.S.; increasing the maximum number of
 113 apportioned members that may compose the voting
 114 membership of a metropolitan planning organization
 115 (M.P.O.); providing that the governing board of a
 116 multicounty M.P.O. may be made up of any combination

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117 of county commissioners from the counties constituting
 118 the M.P.O.; providing that a voting member of an M.P.O.
 119 may represent a group of general-purpose local
 120 governments through an entity created by the M.P.O.;
 121 requiring each M.P.O. to review and reapportion its
 122 membership as necessary in conjunction with the
 123 decennial census, the agreement of the affected units
 124 of the M.P.O., and the agreement of the Governor;
 125 removing provisions requiring the Governor to
 126 apportion, review, and reapportion the composition of
 127 an M.P.O. membership; revising a provision regarding
 128 bylaws to allow the M.P.O. governing board to
 129 establish bylaws; amending s. 339.2821, F.S.;
 130 authorizing Enterprise Florida, Inc., to be a
 131 consultant to the Department of Transportation for
 132 consideration of expenditures associated with and
 133 contracts for transportation projects; revising the
 134 requirements for economic development transportation
 135 project contracts between the Department of
 136 Transportation and a governmental entity; amending s.
 137 526.141, F.S.; requiring full-service gasoline
 138 stations offering self-service at a lesser cost to
 139 display an additional decal; requiring the decal to
 140 contain certain information; requiring the Department
 141 of Agriculture and Consumer Services to adopt rules to
 142 implement and enforce this requirement; providing for
 143 preemption of local regulations pertaining to fueling
 144 assistance for certain motor vehicle operators;
 145 amending chapter 85-634, Laws of Florida, as amended;

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146 providing that maintenance costs are eligible for
 147 payment from certain toll revenues as specified;
 148 removing references to certain completed projects;
 149 directing the Department of Highway Safety and Motor
 150 Vehicles to develop a plan that addresses certain
 151 vehicle registration holds; providing an effective
 152 date.

153
 154 Be It Enacted by the Legislature of the State of Florida:

155
 156 Section 1. Paragraph (b) of subsection (2) and subsection
 157 (3) of section 20.23, Florida Statutes, are amended to read:
 158 20.23 Department of Transportation.—There is created a
 159 Department of Transportation which shall be a decentralized
 160 agency.

161 (2)

162 (b) The commission shall ~~have the primary functions to:~~

163 1. Recommend major transportation policies for the
 164 Governor's approval, and assure that approved policies and any
 165 revisions ~~thereto~~ are properly executed.

166 2. Periodically review the status of the state
 167 transportation system including highway, transit, rail, seaport,
 168 intermodal development, and aviation components of the system
 169 and recommend improvements ~~therein~~ to the Governor and the
 170 Legislature.

171 3. Perform an in-depth evaluation of the annual department
 172 budget request, the Florida Transportation Plan, and the
 173 tentative work program for compliance with all applicable laws
 174 and established departmental policies. Except as specifically

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175 provided in s. 339.135(4)(c)2., (d), and (f), the commission may
 176 not consider individual construction projects, but shall
 177 consider methods of accomplishing the goals of the department in
 178 the most effective, efficient, and businesslike manner.

179 4. Monitor the financial status of the department on a
 180 regular basis to assure that the department is managing revenue
 181 and bond proceeds responsibly and in accordance with law and
 182 established policy.

183 5. Monitor on at least a quarterly basis, the efficiency,
 184 productivity, and management of the department, using
 185 performance and production standards developed by the commission
 186 pursuant to s. 334.045.

187 6. Perform an in-depth evaluation of the factors causing
 188 disruption of project schedules in the adopted work program and
 189 recommend to the Governor Legislature and the Legislature
 190 ~~Governor~~ methods to eliminate or reduce the disruptive effects
 191 of these factors.

192 7. Recommend to the Governor and the Legislature
 193 improvements to the department's organization in order to
 194 streamline and optimize the efficiency of the department. In
 195 reviewing the department's organization, the commission shall
 196 determine if the current district organizational structure is
 197 responsive to this state's Florida's changing economic and
 198 demographic development patterns. The initial report by the
 199 commission must be delivered to the Governor and the Legislature
 200 by December 15, 2000, and each year thereafter, as appropriate.
 201 The commission may retain ~~such~~ experts as ~~are reasonably~~
 202 necessary to carry out effectuate this subparagraph, and the
 203 department shall pay the expenses of the ~~such~~ experts.

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204 8. Monitor the efficiency, productivity, and management of
 205 the authorities created under chapters 348 and 349, including
 206 any authority formed using ~~the provisions of part I of chapter~~
 207 348; the Mid-Bay Bridge Authority re-created pursuant to chapter
 208 2000-411, Laws of Florida; and any authority formed under
 209 chapter 343 ~~which is not monitored under subsection (3).~~ The
 210 commission shall also conduct periodic reviews of each
 211 authority's operations and budget, acquisition of property,
 212 management of revenue and bond proceeds, and compliance with
 213 applicable laws and generally accepted accounting principles.

214 ~~(3) There is created the Florida Statewide Passenger Rail~~
 215 ~~Commission.~~

216 ~~(a)1. The commission shall consist of nine voting members~~
 217 ~~appointed as follows:~~

218 a. ~~Three members shall be appointed by the Governor, one of~~
 219 ~~whom must have a background in the area of environmental~~
 220 ~~concerns, one of whom must have a legislative background, and~~
 221 ~~one of whom must have a general business background.~~

222 b. ~~Three members shall be appointed by the President of the~~
 223 ~~Senate, one of whom must have a background in civil engineering,~~
 224 ~~one of whom must have a background in transportation~~
 225 ~~construction, and one of whom must have a general business~~
 226 ~~background.~~

227 c. ~~Three members shall be appointed by the Speaker of the~~
 228 ~~House of Representatives, one of whom must have a legal~~
 229 ~~background, one of whom must have a background in financial~~
 230 ~~matters, and one of whom must have a general business~~
 231 ~~background.~~

232 2. ~~The initial term of each member appointed by the~~

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233 Governor shall be for 4 years. The initial term of each member
 234 appointed by the President of the Senate shall be for 3 years.
 235 The initial term of each member appointed by the Speaker of the
 236 House of Representatives shall be for 2 years. Succeeding terms
 237 for all members shall be for 4 years.

238 3. A vacancy occurring during a term shall be filled by the
 239 respective appointing authority in the same manner as the
 240 original appointment and only for the balance of the unexpired
 241 term. An appointment to fill a vacancy shall be made within 60
 242 days after the occurrence of the vacancy.

243 4. The commission shall elect one of its members as chair
 244 of the commission. The chair shall hold office at the will of
 245 the commission. Five members of the commission shall constitute
 246 a quorum, and the vote of five members shall be necessary for
 247 any action taken by the commission. The commission may meet upon
 248 the constitution of a quorum. A vacancy in the commission does
 249 not impair the right of a quorum to exercise all rights and
 250 perform all duties of the commission.

251 5. The members of the commission are not entitled to
 252 compensation but are entitled to reimbursement for travel and
 253 other necessary expenses as provided in s. 112.061.

254 (b) The commission shall have the primary functions of:

255 1. ~~Monitoring the efficiency, productivity, and management~~
 256 ~~of all publicly funded passenger rail systems in the state,~~
 257 ~~including, but not limited to, any authority created under~~
 258 ~~chapter 343, chapter 349, or chapter 163 if the authority~~
 259 ~~receives public funds for the provision of passenger rail~~
 260 ~~service. The commission shall advise each monitored authority of~~
 261 ~~its findings and recommendations. The commission shall also~~

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262 ~~conduct periodic reviews of each monitored authority's passenger~~
 263 ~~rail and associated transit operations and budget, acquisition~~
 264 ~~of property, management of revenue and bond proceeds, and~~
 265 ~~compliance with applicable laws and generally accepted~~
 266 ~~accounting principles. The commission may seek the assistance of~~
 267 ~~the Auditor General in conducting such reviews and shall report~~
 268 ~~the findings of such reviews to the Legislature. This paragraph~~
 269 ~~does not preclude the Florida Transportation Commission from~~
 270 ~~conducting its performance and work program monitoring~~
 271 ~~responsibilities.~~

272 2. ~~Advising the department on policies and strategies used~~
 273 ~~in planning, designing, building, operating, financing, and~~
 274 ~~maintaining a coordinated statewide system of passenger rail~~
 275 ~~services.~~

276 3. ~~Evaluating passenger rail policies and providing advice~~
 277 ~~and recommendations to the Legislature on passenger rail~~
 278 ~~operations in the state.~~

279 (c) ~~The commission or a member of the commission may not~~
 280 ~~enter into the day-to-day operation of the department or a~~
 281 ~~monitored authority and is specifically prohibited from taking~~
 282 ~~part in:~~

283 1. ~~The awarding of contracts.~~

284 2. ~~The selection of a consultant or contractor or the~~
 285 ~~prequalification of any individual consultant or contractor.~~
 286 ~~However, the commission may recommend to the secretary standards~~
 287 ~~and policies governing the procedure for selection and~~
 288 ~~prequalification of consultants and contractors.~~

289 3. ~~The selection of a route for a specific project.~~

290 4. ~~The specific location of a transportation facility.~~

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291 5. ~~The acquisition of rights-of-way.~~
 292 6. ~~The employment, promotion, demotion, suspension,~~
 293 ~~transfer, or discharge of any department personnel.~~
 294 7. ~~The granting, denial, suspension, or revocation of any~~
 295 ~~license or permit issued by the department.~~
 296 ~~(d) The commission is assigned to the Office of the~~
 297 ~~Secretary of the Department of Transportation for administrative~~
 298 ~~and fiscal accountability purposes, but it shall otherwise~~
 299 ~~function independently of the control and direction of the~~
 300 ~~department except that reasonable expenses of the commission~~
 301 ~~shall be subject to approval by the Secretary of Transportation.~~
 302 ~~The department shall provide administrative support and service~~
 303 ~~to the commission.~~
 304 Section 2. Paragraphs (j), (m), and (q) of subsection (2)
 305 of section 110.205, Florida Statutes, are amended to read:
 306 110.205 Career service; exemptions.—
 307 (2) EXEMPT POSITIONS.—The exempt positions that are not
 308 covered by this part include the following:
 309 (j) The appointed secretaries and the State Surgeon
 310 General, assistant secretaries, deputy secretaries, and deputy
 311 assistant secretaries of all departments; the executive
 312 directors, assistant executive directors, deputy executive
 313 directors, and deputy assistant executive directors of all
 314 departments; the directors of all divisions and those positions
 315 determined by the department to have managerial responsibilities
 316 comparable to such positions, which positions include, but are
 317 not limited to, program directors, assistant program directors,
 318 district administrators, deputy district administrators, the
 319 Director of Central Operations Services of the Department of

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320 Children and Families Family Services, the State Transportation
 321 Development Administrator, the State Public Transportation and
 322 Modal Administrator, district secretaries, district directors of
 323 transportation development, transportation operations,
 324 transportation support, and the managers of the offices of the
 325 Department of Transportation specified in s. 20.23(3)(b) &
 326 20.23(4)(b), ~~of the Department of Transportation~~. Unless
 327 otherwise fixed by law, the department shall set the salary and
 328 benefits of these positions ~~in accordance with the rules of the~~
 329 ~~Senior Management Service~~; and the positions of county health
 330 department directors and county health department administrators
 331 of the Department of Health in accordance with the rules of the
 332 Senior Management Service.
 333 (m) All assistant division director, deputy division
 334 director, and bureau chief positions in any department, and
 335 those positions determined by the department to have managerial
 336 responsibilities comparable to such positions, which include,
 337 but are not limited to:
 338 1. Positions in the Department of Health and the Department
 339 of Children and Families which Family Services ~~that~~ are assigned
 340 primary duties of serving as the superintendent or assistant
 341 superintendent of an institution.
 342 2. Positions in the Department of Corrections which that
 343 are assigned primary duties of serving as the warden, assistant
 344 warden, colonel, or major of an institution or that are assigned
 345 primary duties of serving as the circuit administrator or deputy
 346 circuit administrator.
 347 3. Positions in the Department of Transportation which that
 348 are assigned primary duties of serving as regional toll managers

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349 and managers of offices, as specified ~~defined~~ in s. 20.23(3) (b)
 350 and (4) (c) s. 20.23(4) (b) and (5) (e).

351 4. Positions in the Department of Environmental Protection
 352 ~~which that~~ are assigned the duty of an Environmental
 353 Administrator or program administrator.

354 5. Positions in the Department of Health ~~which that~~ are
 355 assigned the duties of Environmental Administrator, Assistant
 356 County Health Department Director, and County Health Department
 357 Financial Administrator.

358 6. Positions in the Department of Highway Safety and Motor
 359 Vehicles ~~which that~~ are assigned primary duties of serving as
 360 captains in the Florida Highway Patrol.

361 Unless otherwise fixed by law, the department shall set the
 362 salary and benefits of the positions listed in this paragraph in
 363 accordance with the rules established for the Selected Exempt
 364 Service.

365 (q) The staff directors, assistant staff directors,
 366 district program managers, district program coordinators,
 367 district subdistrict administrators, district administrative
 368 services directors, district attorneys, and the Deputy Director
 369 of Central Operations Services of the Department of Children and
 370 ~~Families Family Services~~. Unless otherwise fixed by law, the
 371 department shall establish the salary pay band and benefits for
 372 these positions in accordance with the rules of the Selected
 373 Exempt Service.

374 Section 3. Section 316.0071, Florida Statutes, is created
 375 to read:
 376 316.0071 Enforcement.—Unless expressly authorized,
 377

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378 enforcement of this chapter by a method other than the direct
 379 observation and intervention of a law enforcement officer, a
 380 parking enforcement specialist, a traffic infraction enforcement
 381 officer, or any other duly appointed individual is prohibited.

382 Section 4. Section 316.0078, Florida Statutes, is created
 383 to read:
 384 316.0778 Automated license plate recognition systems;
 385 records retention.—

386 (1) As used in this section, the term "automated license
 387 plate recognition system" means a system of one or more mobile
 388 or fixed high-speed cameras combined with computer algorithms to
 389 convert images of license plates into computer-readable data.

390 (2) In consultation with the Department of Law Enforcement,
 391 the Department of State shall establish a retention schedule for
 392 records containing images and data generated through the use of
 393 an automated license plate recognition system. The retention
 394 schedule must establish a maximum period that the records may be
 395 retained.

396 Section 5. Section 316.0817, Florida Statutes, is created
 397 to read:
 398 316.0817 Loading and unloading of bus passengers.—

399 (1) Notwithstanding any other law, a bus may not stop to
 400 load or unload passengers in a manner that impedes, blocks, or
 401 otherwise restricts the progression of traffic on the main-
 402 traveled portion of a roadway if there is another reasonable
 403 means for the bus to stop parallel to the travel lane and safely
 404 load and unload passengers. As used in this section, the term
 405 "reasonable means" means sufficient unobstructed pavement or a
 406 designated turn lane that is sufficient in length to allow the

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407 safe loading and unloading of passengers parallel to the travel
 408 lane.

409 (2) This section does not apply to a school bus.

410 Section 6. Paragraph (d) is added to subsection (2) of
 411 section 316.1975, Florida Statutes, to read:

412 316.1975 Unattended motor vehicle.—

413 (2) This section does not apply to the operator of:

414 (d) A vehicle that is started by remote control while the
 415 ignition, transmission, and doors are locked.

416 Section 7. Paragraph (d) of subsection (2) of section
 417 316.2952, Florida Statutes, is amended to read:

418 316.2952 Windshields; requirements; restrictions.—

419 (2) A person shall not operate any motor vehicle on any
 420 public highway, road, or street with any sign, sunscreening
 421 material, product, or covering attached to, or located in or
 422 upon, the windshield, except the following:

423 (d) A global positioning system device or similar satellite
 424 receiver device that which uses the global positioning system
 425 operated pursuant to 10 U.S.C. s. 2281 to obtain for the purpose
 426 of obtaining navigation, to improve driver safety as a component
 427 of safety monitoring equipment capable of providing driver
 428 feedback, or to otherwise route routing information while the
 429 motor vehicle is being operated.

430 Section 8. Subsection (17) of section 320.02, Florida
 431 Statutes, is amended to read:

432 320.02 Registration required; application for registration;
 433 forms.—

434 (17) If an any applicant's name appears on a list of
 435 persons who may not be issued a license plate, revalidation

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436 sticker, or replacement license plate after a written notice to
 437 surrender a vehicle was submitted to the department by a lienor
 438 as provided in s. 320.1316, the department shall ~~may~~ withhold
 439 renewal of registration or replacement registration of the any
 440 motor vehicle identified in ~~owned by the applicant at the time~~
 441 the notice ~~was~~ submitted by the lienor. The lienor must maintain
 442 proof that written notice to surrender the vehicle was sent to
 443 each registered owner pursuant to s. 320.1316(1). A revalidation
 444 sticker or replacement license plate may not be issued for the
 445 identified vehicle until the that person's name no longer
 446 appears on the list, ~~or until~~ the person presents documentation
 447 from the lienor that the vehicle has been surrendered to the
 448 lienor, or a court orders the person's name removed from the
 449 list as provided in s. 320.1316. The department may ~~shall~~ not
 450 withhold an initial registration in connection with an
 451 applicant's purchase or lease of a motor vehicle solely because
 452 the applicant's name is on the list created by s. 320.1316.

453 Section 9. Subsection (1) of section 320.083, Florida
 454 Statutes, is amended to read:

455 320.083 Amateur radio operators; special license plates;
 456 fees.—

457 (1) A person who is the owner or lessee of an automobile or
 458 truck for private use, a truck weighing not more than 7,999
 459 pounds, or a recreational vehicle as specified in s.
 460 320.08(9)(c) or (d), which is not used for hire or commercial
 461 use; who is a resident of the state; and who holds a valid
 462 official amateur radio station license recognized ~~issued~~ by the
 463 Federal Communications Commission shall be issued a special
 464 license plate upon application, accompanied by proof of

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465 ownership of such radio station license, and payment of the
466 following tax and fees:

467 (a) The license tax required for the vehicle, as prescribed
468 by s. 320.08(2), (3)(a), (b), or (c), (4)(a), (b), (c), (d),
469 (e), or (f), or (9); and

470 (b) An initial additional fee of \$5, and an additional fee
471 of \$1.50 thereafter.

472 Section 10. Section 320.1316, Florida Statutes, is amended
473 to read:

474 320.1316 Failure to surrender vehicle or vessel.—

475 (1) Upon receipt from a lienor who claims a lien on a
476 vehicle pursuant to s. 319.27 by the Department of Highway
477 Safety and Motor Vehicles of written notice to surrender a
478 vehicle or vessel that has been disposed of, concealed, removed,
479 or destroyed by the licensee, the department shall place the name
480 of the registered owner of that vehicle on the list of those
481 persons who may not be issued a license plate, revalidation
482 sticker, or replacement license plate ~~for any motor vehicle~~
483 ~~under s. 320.03(8) owned by the licensee at the time the notice~~
484 ~~was given by the lienor.~~ Pursuant to s. 320.03(8), the
485 department may not issue a license plate or revalidation sticker
486 for the vehicle or vessel owned by the licensee which is
487 identified in the claim by the lienor. If the vehicle is owned
488 jointly ~~by more than one person~~, the name of each registered
489 owner shall be placed on the list.

490 (2) The notice to surrender the vehicle shall be signed
491 under oath by the lienor and submitted on forms developed by the
492 department, which must include:

493 (a) The name, address, and telephone number of the lienor.

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494 (b) The name of the registered owner of the vehicle and the
495 address to which the lienor provided notice to surrender the
496 vehicle to the registered owner.

497 (c) A general description of the vehicle, including its
498 color, make, model, body style, and year.

499 (d) The vehicle identification number, registration license
500 plate number, if known, or other identification number, as
501 applicable.

502 (3) The registered owner of the vehicle may dispute a
503 notice to surrender the vehicle or his or her inclusion on the
504 list of those persons who may not be issued a license plate,
505 revalidation sticker, or replacement license plate under s.
506 320.03(8) by bringing a civil action in the county in which he
507 or she resides by notifying the department of the dispute in
508 writing on forms provided by the department and presenting proof
509 that the vehicle was sold to a motor vehicle dealer licensed
510 under s. 320.27, a mobile home dealer licensed under s. 320.77,
511 or a recreational vehicle dealer licensed under s. 320.771.

512 (4) In an action brought pursuant to subsection (3), the
513 petitioner is entitled to the summary procedure specified in s.
514 51.011, and the court shall advance the cause on its calendar if
515 requested by the petitioner.

516 (5) At a hearing challenging the refusal to issue a license
517 plate, revalidation sticker, or replacement license plate under
518 s. 320.03(8), the court shall first determine whether the lienor
519 has a recorded lien on the vehicle or vessel and whether the
520 lienor properly made a demand for the surrender of the vehicle
521 or vessel in accordance with this section. If the court
522 determines that the lien was recorded and that such a demand was

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523 properly made, the court shall determine whether good cause
 524 exists for the lienee's failure to surrender the vehicle or
 525 vessel. As used in this section, the term "good cause" is
 526 limited to proof that:

527 (a) The vehicle that was the subject of the demand for
 528 surrender was traded in to a licensed motor vehicle dealer
 529 before the date of the surrender demand;

530 (b) The lien giving rise to the inclusion on the list has
 531 been paid in full or otherwise satisfied;

532 (c) There is ongoing litigation relating to the validity or
 533 enforceability of the lien;

534 (d) The petitioner was in compliance with all of his or her
 535 contractual obligations with the lienholder at the time of the
 536 demand for surrender;

537 (e) The vehicle or vessel was reported to law enforcement
 538 as stolen by the registered owner of the vehicle or vessel
 539 before the demand for surrender; or

540 (f) The petitioner no longer has possession of the vehicle
 541 or vessel, and the loss of possession occurred pursuant to
 542 operation of law. If the petitioner's loss of possession did not
 543 occur pursuant to operation of law, the fact that a third party
 544 has physical possession of the vehicle or vessel does not
 545 constitute good cause for the failure to surrender the vehicle
 546 or vessel.

547 (6) If the petitioner establishes good cause for his or her
 548 failure to surrender the vehicle or vessel, the court shall
 549 enter an order removing the petitioner's name from the list of
 550 those persons who may not be issued a license plate,
 551 revalidation sticker, or replacement license plate under s.

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552 320.03(8) and shall award the petitioner reasonable attorney
 553 fees and costs actually incurred for the proceeding.

554 (7) If the court finds that the demand for surrender was
 555 properly made by the lienor and the petitioner fails to
 556 establish good cause for the failure to surrender the vehicle or
 557 vessel, the court shall award the lienor reasonable attorney
 558 fees and costs actually incurred for the proceeding.

559 Section 11. Section 322.032, Florida Statutes, is created
 560 to read:

561 322.032 Digital proof of driver license.-

562 (1) The department shall develop a secure and uniform
 563 system for issuing an optional digital proof of driver license
 564 by October 1, 2016. The department may contract with one or more
 565 private entities to develop a digital proof of driver license
 566 system.

567 (2) The digital proof of driver license developed by the
 568 department or by an entity contracted by the department must be
 569 in such a format as to allow law enforcement to verify the
 570 authenticity of the digital proof of driver license. The
 571 department may promulgate rules to ensure valid authentication
 572 of digital driver licenses by law enforcement.

573 (3) A person may not be issued a digital proof of driver
 574 license until he or she has satisfied all the requirements of
 575 this chapter and has received a physical driver license as
 576 provided in this chapter.

577 (4) A person who:

578 (a) Manufactures a false digital proof of driver license
 579 commits a felony of the third degree, punishable as provided in
 580 s. 775.082, s. 775.083, or s. 775.084.

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581 (b) Possesses a false digital proof of driver license
 582 commits a misdemeanor of the second degree, punishable as
 583 provided in s. 775.082.

584 Section 12. Section 322.059, Florida Statutes, is amended
 585 to read:

586 322.059 Mandatory surrender of suspended driver driver's
 587 license and registration.—~~A~~ Any person whose driver driver's
 588 license or registration has been suspended as provided in s.
 589 322.058 must immediately return his or her driver driver's
 590 license and registration to the Department of Highway Safety and
 591 Motor Vehicles. The department shall invalidate the digital
 592 proof of driver license issued pursuant to s. 322.032 for such
 593 person. If such person fails to return his or her driver
 594 driver's license or registration, a any law enforcement agent
 595 may seize the license or registration while the driver driver's
 596 license or registration is suspended.

597 Section 13. Subsection (1) of section 322.12, Florida
 598 Statutes, is amended to read:

599 322.12 Examination of applicants.—

600 (1) It is the intent of the Legislature that each every
 601 applicant for an original driver driver's license in this state
 602 be required to pass an examination pursuant to this section.
 603 However, the department may waive the knowledge, endorsement,
 604 and skills tests for an applicant who is otherwise qualified and
 605 who surrenders a valid driver driver's license from another
 606 state or a province of Canada, or a valid driver driver's
 607 license issued by the United States Armed Forces, if the driver
 608 applies for a Florida license of an equal or lesser
 609 classification. An Any applicant who:

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610 (a) Who Fails to pass the initial knowledge test incurs a
 611 \$10 fee for each subsequent test. Of the \$10 fee, \$6 shall be
 612 retained by the tax collector if the knowledge test is conducted
 613 by the tax collector, and the remaining \$4 shall, ~~to~~ be
 614 deposited into the Highway Safety Operating Trust Fund. All
 615 knowledge test fees incurred by an applicant taking the
 616 knowledge test with a third-party provider or administered at a
 617 state facility shall be deposited into the Highway Safety
 618 Operating Trust Fund. Any applicant

619 (b) Who Fails to pass the initial skills test incurs a \$20
 620 fee for each subsequent test. Of the \$20 fee, \$15 shall be
 621 retained by the tax collector if the skills test is conducted by
 622 the tax collector, and the remaining \$5 shall, ~~to~~ be deposited
 623 into the Highway Safety Operating Trust Fund. All skills test
 624 fees incurred by an applicant taking the skills test with a
 625 third-party provider or administered at a state facility shall
 626 be deposited into the Highway Safety Operating Trust Fund. A
 627 person who

628 (c) Seeks to retain a hazardous-materials endorsement,
 629 pursuant to s. 322.57(1)(d), must pass the hazardous-materials
 630 test, upon surrendering his or her commercial driver driver's
 631 license, if the person has not taken and passed the hazardous-
 632 materials test within 2 years before applying for a commercial
 633 driver driver's license in this state.

634 Section 14. Subsection (1) of section 322.15, Florida
 635 Statutes, is amended to read:

636 322.15 License to be carried and exhibited on demand;
 637 fingerprint to be imprinted upon a citation.—

638 (1) Every licensee shall have his or her driver driver's

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 639 license, which must be fully legible with no portion of such
 640 license faded, altered, mutilated, or defaced, in his or her
 641 immediate possession at all times when operating a motor vehicle
 642 and shall display the same upon the demand of a law enforcement
 643 officer or an authorized representative of the department. A
 644 licensee may display digital proof of driver license as provided
 645 in s. 322.032 in lieu of a physical driver license.

Section 15. Paragraphs (e) and (f) of subsection (1) of
 section 322.21, Florida Statutes, are amended to read:

322.21 License fees; procedure for handling and collecting
 fees.—

(1) Except as otherwise provided herein, the fee for:

(e) A replacement driver license issued pursuant to s.
 322.17 is \$25. Of this amount, \$7 shall be deposited into the
 Highway Safety Operating Trust Fund or retained by the tax
collector if issued by a tax collector that has completed the
transition of driver licensing services, and \$18 shall be
 deposited into the General Revenue Fund. ~~Beginning July 1, 2015,~~
~~or upon completion of the transition of driver license issuance~~
~~services, if the replacement driver license is issued by the tax~~
~~collector, the tax collector shall retain the \$7 that would~~
~~otherwise be deposited into the Highway Safety Operating Trust~~
~~Fund and the remaining revenues shall be deposited into the~~
~~General Revenue Fund.~~

(f) An original, renewal, or replacement identification
 card issued pursuant to s. 322.051 is \$25, except that an
applicant who presents evidence satisfactory to the department
that he or she is homeless as defined in s. 414.0252(7) or his
or her annual income is at or below 100 percent of the federal

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 668 poverty level is exempt from such fee. Funds collected from
 669 these fees for original, renewal, or replacement identification
 670 cards shall be distributed as follows:

1. For an original identification card issued pursuant to
 s. 322.051, ~~the fee is \$25. This amount~~ shall be deposited into
 the General Revenue Fund.

2. For a renewal identification card issued pursuant to s.
 322.051 ~~the fee is \$25. Of this amount~~, \$6 shall be deposited
 into the Highway Safety Operating Trust Fund, and \$19 shall be
 deposited into the General Revenue Fund.

3. For a replacement identification card issued pursuant to
 s. 322.051, the fee is \$25. Of this amount, \$9 shall be
 deposited into the Highway Safety Operating Trust Fund or
retained by the tax collector if issued by a tax collector that
has completed the transition of driver licensing services, and
 \$16 shall be deposited into the General Revenue Fund. ~~Beginning~~
~~July 1, 2015, or upon completion of the transition of the driver~~
~~license issuance services, if the replacement identification~~
~~card is issued by the tax collector, the tax collector shall~~
~~retain the \$9 that would otherwise be deposited into the Highway~~
~~Safety Operating Trust Fund and the remaining revenues shall be~~
~~deposited into the General Revenue Fund.~~

Section 16. Section 337.25, Florida Statutes, is amended to
 read:

337.25 Acquisition, lease, and disposal of real and
 personal property.—

(1) (a) The department may purchase, lease, exchange, or
 otherwise acquire any land, property interests, ~~or~~ buildings, or
 other improvements, including personal property within such

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 697 buildings or on such lands, necessary to secure or use ~~utilize~~
 698 transportation rights-of-way for existing, proposed, or
 699 anticipated transportation facilities on the State Highway
 700 System, on the State Park Road System, in a rail corridor, or in
 701 a transportation corridor designated by the department. Such
 702 property shall be held in the name of the state.

(b) The department may accept donations of any land, ~~or~~
 704 buildings, or other improvements, including personal property
 705 within such buildings or on such lands with or without such
 706 conditions, reservations, or reverter provisions as are
 707 acceptable to the department. Such donations may be used as
 708 transportation rights-of-way or to secure or use ~~utilize~~
 709 transportation rights-of-way for existing, proposed, or
 710 anticipated transportation facilities on the State Highway
 711 System, on the State Park Road System, or in a transportation
 712 corridor designated by the department.

(c) ~~If when~~ lands, buildings, or other improvements are
 714 needed for transportation purposes, but are held by a federal,
 715 state, or local governmental entity and used ~~utilized~~ for public
 716 purposes other than transportation, the department may
 717 compensate the entity for such properties by providing
 718 functionally equivalent replacement facilities. The provision
 719 ~~providing~~ of replacement facilities under this subsection may
 720 only be undertaken with the agreement of the governmental entity
 721 affected.

(d) The department may contract pursuant to s. 287.055 for
 723 auction services used in the conveyance of real or personal
 724 property or the conveyance of leasehold interests under
 725 subsections (4) and (5). The contract may allow for the

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 726 contractor to retain a portion of the proceeds as compensation
 727 for the contractor's services.

(2) A complete inventory shall be made of all real or
 729 personal property immediately upon possession or acquisition.
 730 Such inventory ~~must shall~~ include ~~an itemized listing of all~~
 731 ~~appliances, fixtures, and other severable items,~~ a statement of
 732 the location or site of each piece of realty, structure, or
 733 severable item, ~~and the serial number assigned to each.~~ Copies
 734 of each inventory shall be filed in the district office in which
 735 the property is located. Such inventory shall be carried forward
 736 to show the final disposition of each item of property, both
 737 real and personal.

(3) The inventory of real property ~~that which~~ was acquired
 739 by the state after December 31, 1988, ~~that which~~ has been owned
 740 by the state for 10 or more years, and ~~that which~~ is not within
 741 a transportation corridor or within the right-of-way of a
 742 transportation facility shall be evaluated to determine the
 743 necessity for retaining the property. If the property is not
 744 needed for the construction, operation, and maintenance of a
 745 transportation facility, or is not located within a
 746 transportation corridor, the department may dispose of the
 747 property pursuant to subsection (4).

(4) The department may convey sell, in the name of the
 749 state, any land, building, or other property, real or personal,
 750 which was acquired under ~~the provisions of~~ subsection (1) and
 751 which the department has determined is not needed for the
 752 construction, operation, and maintenance of a transportation
 753 facility. ~~With the exception of any parcel governed by paragraph~~
 754 ~~(e), paragraph (d), paragraph (f), paragraph (g), or paragraph~~

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755 ~~(i), the department shall afford first right of refusal to the~~
 756 ~~local government in the jurisdiction of which the parcel is~~
 757 ~~situated. When such a determination has been made, property may~~
 758 ~~be disposed of through negotiations, sealed competitive bids,~~
 759 ~~auctions, or any other means the department deems to be in its~~
 760 ~~best interest, with due advertisement for property valued by the~~
 761 ~~department at greater than \$10,000. A sale may not occur at a~~
 762 ~~price less than the department's current estimate of value,~~
 763 ~~except as provided in paragraphs (a)-(d). The department may~~
 764 ~~afford a right of first refusal to the local government or other~~
 765 ~~political subdivision in the jurisdiction in which the parcel is~~
 766 ~~situated, except in a conveyance transacted under paragraph (a),~~
 767 ~~paragraph (c), or paragraph (e). in the following manner:~~

768 (a) ~~If the value of the property has been donated to the~~
 769 ~~state for transportation purposes and a transportation facility~~
 770 ~~has not been constructed for at least 5 years, plans have not~~
 771 ~~been prepared for the construction of such facility, and the~~
 772 ~~property is not located in a transportation corridor, the~~
 773 ~~governmental entity may authorize reconveyance of the donated~~
 774 ~~property for no consideration to the original donor or the~~
 775 ~~donor's heirs, successors, assigns, or representatives is~~
 776 ~~\$10,000 or less as determined by department estimate, the~~
 777 ~~department may negotiate the sale.~~

778 (b) ~~If the value of the property is to be used for a public~~
 779 ~~purpose, the property may be conveyed without consideration to a~~
 780 ~~governmental entity exceeds \$10,000 as determined by department~~
 781 ~~estimate, such property may be sold to the highest bidder~~
 782 ~~through receipt of sealed competitive bids, after due~~
 783 ~~advertisement, or by public auction held at the site of the~~

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784 ~~improvement which is being sold.~~

785 (c) If the property was originally acquired specifically to
 786 provide replacement housing for persons displaced by
 787 transportation projects, the department may negotiate for the
 788 sale of such property as replacement housing. As compensation,
 789 the state shall receive at least its investment in such property
 790 or the department's current estimate of value, whichever is
 791 lower. It is expressly intended that this benefit be extended
 792 only to persons actually displaced by the project. Dispositions
 793 to any other person must be for at least the department's
 794 current estimate of value, in the discretion of the department,
 795 public sale would be inequitable, properties may be sold by
 796 negotiation to the owner holding title to the property abutting
 797 the property to be sold, provided such sale is at a negotiated
 798 price not less than fair market value as determined by an
 799 independent appraisal, the cost of which shall be paid by the
 800 owner of the abutting land. If negotiations do not result in the
 801 sale of the property to the owner of the abutting land and the
 802 property is sold to someone else, the cost of the independent
 803 appraisal shall be borne by the purchaser; and the owner of the
 804 abutting land shall have the cost of the appraisal refunded to
 805 him or her. If, however, no purchase takes place, the owner of
 806 the abutting land shall forfeit the sum paid by him or her for
 807 the independent appraisal. If, due to action of the department,
 808 the property is removed from eligibility for sale, the cost of
 809 any appraisal prepared shall be refunded to the owner of the
 810 abutting land.

811 (d) If the department determines that the property requires
 812 significant costs to be incurred or that continued ownership of

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813 ~~the property exposes the department to significant liability~~
 814 ~~risks, the department may use the projected maintenance costs~~
 815 ~~over the next 10 years to offset the property's value in~~
 816 ~~establishing a value for disposal of the property, even if that~~
 817 ~~value is zero property acquired for use as a borrow pit is no~~
 818 ~~longer needed, the department may sell such property to the~~
 819 ~~owner of the parcel of abutting land from which the borrow pit~~
 820 ~~was originally acquired, provided the sale is at a negotiated~~
 821 ~~price not less than fair market value as determined by an~~
 822 ~~independent appraisal, the cost of which shall be paid by the~~
 823 ~~owner of such abutting land.~~

824 (e) If, at the discretion of the department, a sale to a
 825 person other than an abutting property owner would be
 826 inequitable, the property may be sold to the abutting owner for
 827 the department's current estimate of value the department begins
 828 the process for disposing of the property on its own initiative,
 829 either by negotiation under the provisions of paragraph (a),
 830 paragraph (c), paragraph (d), or paragraph (i), or by receipt of
 831 sealed competitive bids or public auction under the provisions
 832 of paragraph (b) or paragraph (i), a department staff appraiser
 833 may determine the fair market value of the property by an
 834 appraisal.

835 ~~(f) Any property which was acquired by a county or by the~~
 836 ~~department using constitutional gas tax funds for the purpose of~~
 837 ~~a right-of-way or borrow pit for a road on the State Highway~~
 838 ~~System, State Park Road System, or county road system and which~~
 839 ~~is no longer used or needed by the department may be conveyed~~
 840 ~~without consideration to that county. The county may then sell~~
 841 ~~such surplus property upon receipt of competitive bids in the~~

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842 ~~same manner prescribed in this section.~~

843 ~~(g) If a property has been donated to the state for~~
 844 ~~transportation purposes and the facility has not been~~
 845 ~~constructed for a period of at least 5 years and no plans have~~
 846 ~~been prepared for the construction of such facility and the~~
 847 ~~property is not located in a transportation corridor, the~~
 848 ~~governmental entity may authorize reconveyance of the donated~~
 849 ~~property for no consideration to the original donor or the~~
 850 ~~donor's heirs, successors, assigns, or representatives.~~

851 ~~(h) If property is to be used for a public purpose, the~~
 852 ~~property may be conveyed without consideration to a governmental~~
 853 ~~entity.~~

854 ~~(i) If property was originally acquired specifically to~~
 855 ~~provide replacement housing for persons displaced by~~
 856 ~~transportation projects, the department may negotiate for the~~
 857 ~~sale of such property as replacement housing. As compensation,~~
 858 ~~the state shall receive no less than its investment in such~~
 859 ~~properties or fair market value, whichever is lower. It is~~
 860 ~~expressly intended that this benefit be extended only to those~~
 861 ~~persons actually displaced by such project. Dispositions to any~~
 862 ~~other persons must be for fair market value.~~

863 ~~(j) If the department determines that the property will~~
 864 ~~require significant costs to be incurred or that continued~~
 865 ~~ownership of the property exposes the department to significant~~
 866 ~~liability risks, the department may use the projected~~
 867 ~~maintenance costs over the next 5 years to offset the market~~
 868 ~~value in establishing a value for disposal of the property, even~~
 869 ~~if that value is zero.~~

870 (5) The department may convey a leasehold interest for

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871 commercial or other purposes, in the name of the state, to any
 872 land, building, or other property, real or personal, which was
 873 acquired under ~~the provisions of~~ subsection (1). However, a
 874 lease may not be entered into at a price less than the
 875 department's current estimate of value. The department's
 876 estimate of value shall be prepared in accordance with
 877 department procedures, guidelines, and rules for valuation of
 878 real property, the cost of which shall be paid by the party
 879 seeking the lease of the property.

880 (a) A lease may be through negotiations, sealed competitive
 881 bids, auctions, or any other means the department deems to be in
 882 its best interest ~~The department may negotiate such a lease at~~
 883 ~~the prevailing market value with the owner from whom the~~
 884 ~~property was acquired, with the holders of leasehold estates~~
 885 ~~existing at the time of the department's acquisition; or, if~~
 886 ~~public bidding would be inequitable, with the owner holding~~
 887 ~~title to privately owned abutting property, if reasonable notice~~
 888 ~~is provided to all other owners of abutting property. The~~
 889 ~~department may allow an outdoor advertising sign to remain on~~
 890 ~~the property acquired, or be relocated on department property,~~
 891 ~~and such sign is shall not be considered a nonconforming sign~~
 892 ~~pursuant to chapter 479.~~

893 (b) If, at the discretion of the department, a lease to a
 894 person other than an abutting property owner or tenant with a
 895 leasehold interest in the abutting property would be
 896 inequitable, the property may be leased to the abutting owner or
 897 tenant for at least the department's current estimate of value
 898 ~~All other leases shall be by competitive bid.~~

899 (c) A ~~No~~ lease signed pursuant to paragraph (a) may not ~~be~~

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900 ~~paragraph (b) shall be for a period of more than 5 years;~~
 901 however, the department may renegotiate or extend such a lease
 902 for an additional ~~term of 5 years~~ as the department deems
 903 appropriate without rebidding.

904 (d) Each lease shall provide that, unless otherwise
 905 directed by the lessor, any improvements made to the property
 906 during ~~the term of~~ the lease shall be removed at the lessee's
 907 expense.

908 (e) If property is to be used for a public purpose,
 909 ~~including a fair, art show, or other educational, cultural, or~~
 910 ~~fundraising activity,~~ the property may be leased without
 911 consideration to a governmental entity ~~or school board~~. A lease
 912 for a public purpose is exempt from the term limits in paragraph
 913 (c).

914 (f) Paragraphs (c) and (e) ~~(d)~~ do not apply to leases
 915 entered into pursuant to s. 260.0161(3), except as provided in
 916 such a lease.

917 (g) A ~~No~~ lease executed under this subsection may not be
 918 used ~~utilized~~ by the lessee to establish the ~~4 years'~~ standing
 919 required under ~~by~~ s. 73.071(3)(b) if the business had not been
 920 established for the specified number of 4 years on the date
 921 title passed to the department.

922 (h) The department may enter into a long-term lease without
 923 compensation with a public port listed in s. 403.021(9)(b) for
 924 rail corridors used for the operation of a short-line railroad
 925 to the port.

926 (6) ~~Nothing in~~ This chapter does not prevent ~~prevents~~ the
 927 joint use of right-of-way for alternative modes of
 928 transportation if; ~~provided that~~ the joint use does not impair

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929 the integrity and safety of the transportation facility.

930 (7) The department shall prepare the estimate of value
 931 provided under subsection (4) in accordance with department
 932 procedures, guidelines, and rules for valuation of real
 933 property. If the value of the property is greater than \$50,000,
 934 as determined by the department estimate, the sale must be at a
 935 negotiated price of at least the estimate of value as determined
 936 by an appraisal prepared in accordance with department
 937 procedures, guidelines, and rules for valuation of real
 938 property, the cost of which shall be paid by the party seeking
 939 the purchase of the property. If the estimated value is \$50,000
 940 or less, the department may use a department staff appraiser or
 941 obtain an independent appraisal required by paragraphs (4)(c)
 942 and (d) shall be prepared in accordance with department
 943 guidelines and rules by an independent appraiser who has been
 944 certified by the department. If federal funds were used in the
 945 acquisition of the property, the appraisal shall also be subject
 946 to the approval of the Federal Highway Administration.

947 (8) As used in this section, the term A "due advertisement"
 948 means under this section is an advertisement in a newspaper of
 949 general circulation in the area of the improvements of at least
 950 not less than 14 calendar days before prior to the date of the
 951 receipt of bids or the date on which a public auction is to be
 952 held.

953 (9) The department, with the approval of the Chief
 954 Financial Officer, ~~may is authorized to~~ disburse state funds for
 955 real estate closings in a manner consistent with good business
 956 practices and in a manner minimizing costs and risks to the
 957 state.

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958 (10) The department ~~may is authorized to~~ purchase title
 959 insurance ~~if in those instances where it determines is~~
 960 ~~determined~~ that such insurance is necessary to protect the
 961 public's investment in property being acquired for
 962 transportation purposes. The department shall adopt procedures
 963 to be followed in making the determination to purchase title
 964 insurance for a particular parcel or group of parcels which, at
 965 a minimum, shall specify ~~set forth~~ criteria that ~~which~~ the
 966 parcels must meet.

967 (11) This section does not modify the requirements of s.
 968 73.013.

969 Section 17. Subsection (2) of section 337.251, Florida
 970 Statutes, is amended, present subsections (3) through (10) of
 971 that section are redesignated as subsections (4) through (11),
 972 respectively, and a new subsection (3) is added to that section,
 973 to read:

974 337.251 Lease of property for joint public-private
 975 development and areas above or below department property.-

976 (2) The department may request proposals for the lease of
 977 such property or, if the department receives a proposal for ~~to~~
 978 negotiate a lease of a particular department property which it
 979 desires to consider, the department ~~it~~ shall publish a notice in
 980 a newspaper of general circulation at least once a week for 2
 981 weeks, ~~stating that it has received the proposal and will~~
 982 ~~accept, for 60 days after the date of publication,~~ other
 983 proposals for lease of such property for 120 days after the date
 984 of publication ~~use of the space~~. A copy of the notice must be
 985 mailed to each local government in the affected area. The
 986 department shall establish by rule an application fee for the

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987 submission of proposals pursuant to this section. The fee must
 988 be sufficient to pay the anticipated costs of evaluating the
 989 proposals. The department may engage the services of private
 990 consultants to assist in the evaluations. Before approval, the
 991 department shall determine that the proposed lease:
 992 (a) Is in the public's best interest;
 993 (b) Does not require that state funds be used; and
 994 (c) Has adequate safeguards in place to ensure that
 995 additional costs are not borne and service disruptions are not
 996 experienced by the traveling public and residents of the state
 997 in the event of default by the private lessee or upon
 998 termination or expiration of the lease.
 999 (3) The department shall provide an independent analysis of
 1000 a proposed lease which demonstrates the cost-effectiveness and
 1001 overall public benefit at the following times:
 1002 (a) Before moving forward with the procurement; and
 1003 (b) Before awarding the contract if the procurement moves
 1004 forward.
 1005 Section 18. Paragraphs (a) and (b) of subsection (3),
 1006 paragraph (a) of subsection (4), and paragraph (c) of subsection
 1007 (11) of section 339.175, Florida Statutes, are amended to read:
 1008 339.175 Metropolitan planning organization.-
 1009 (3) VOTING MEMBERSHIP.-
 1010 (a) The voting membership of an M.P.O. shall consist of at
 1011 least not fewer than 5 but not ~~or~~ more than 25 19 apportioned
 1012 members, with the exact number to be determined on an equitable
 1013 geographic-population ratio basis by the Governor, based on an
 1014 agreement among the affected units of general-purpose local
 1015 government and the Governor, as required by federal ~~rules and~~

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1016 regulations. ~~The Governor~~, In accordance with 23 U.S.C. s. 134,
 1017 the Governor may also allow provide for M.P.O. members who
 1018 represent municipalities to alternate with representatives from
 1019 other municipalities within the metropolitan planning area which
 1020 ~~that~~ do not have members on the M.P.O. With the exception of
 1021 instances in which all of the county commissioners in a single-
 1022 county M.P.O. are members of the M.P.O. governing board, county
 1023 commissioners ~~commission members~~ shall compose at least not less
 1024 ~~than~~ one-third of the M.P.O. governing board membership. A
 1025 multicounty M.P.O. may satisfy this requirement by any
 1026 combination of county commissioners from each of the counties
 1027 constituting the M.P.O., except for an M.P.O. with more than 15
 1028 members located in a county with a 5 member county commission or
 1029 an M.P.O. with 19 members located in a county with no more than
 1030 6 county commissioners, in which case county commission members
 1031 may compose less than one-third percent of the M.P.O.
 1032 membership, but all county commissioners must be members. All
 1033 Voting members shall be elected officials of general-purpose
 1034 local governments, one of whom may represent a group of general-
 1035 purpose local governments through an entity created by an M.P.O.
 1036 for that purpose. except that An M.P.O. may include, as part of
 1037 its apportioned voting members, a member of a statutorily
 1038 authorized planning board, an official of an agency that
 1039 operates or administers a major mode of transportation, or an
 1040 official of Space Florida. As used in this section, the term
 1041 "elected officials of a general-purpose local government"
 1042 excludes ~~shall exclude~~ constitutional officers, including
 1043 sheriffs, tax collectors, supervisors of elections, property
 1044 appraisers, clerks of the court, and similar types of officials.

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1045 County commissioners shall compose not less than 20 percent of
 1046 the M.P.O. membership if an official of an agency that operates
 1047 or administers a major mode of transportation has been appointed
 1048 to an M.P.O.

1049 (b) In metropolitan areas in which authorities or other
 1050 agencies have been or may be created by law to perform
 1051 transportation functions and are or will be performing
 1052 transportation functions that are not under the jurisdiction of
 1053 a general-purpose local government represented on the M.P.O.,
 1054 such authorities or other agencies may ~~they shall~~ be provided
 1055 voting membership on the M.P.O. In all other M.P.O.s in which
 1056 ~~M.P.O.'s where~~ transportation authorities or agencies are to be
 1057 represented by elected officials from general-purpose local
 1058 governments, the M.P.O. shall establish a process by which the
 1059 collective interests of such authorities or other agencies are
 1060 expressed and conveyed.

1061 (4) APPORTIONMENT.—

1062 (a) Each M.P.O. shall review the composition of its
 1063 membership in conjunction with the decennial census, as prepared
 1064 by the United States Department of Commerce, Bureau of the
 1065 Census, and with the agreement of the Governor and the affected
 1066 general-purpose local government units that constitute the
 1067 existing M.P.O., reapportion the membership as necessary to
 1068 comply with subsection (3) ~~The Governor shall, with the~~
 1069 ~~agreement of the affected units of general-purpose local~~
 1070 ~~government as required by federal rules and regulations,~~
 1071 ~~apportion the membership on the applicable M.P.O. among the~~
 1072 ~~various governmental entities within the area.~~ At the request of
 1073 a majority of the affected units of general-purpose local

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1074 government comprising an M.P.O., the Governor and a majority of
 1075 units of general-purpose local government serving on an M.P.O.
 1076 shall cooperatively agree upon and prescribe who may serve as an
 1077 alternate member and a method for appointing alternate members,
 1078 who may vote at any M.P.O. meeting that he or she ~~an alternate~~
 1079 ~~member~~ attends in place of a regular member. The method must
 1080 ~~shall~~ be set forth as a part of the interlocal agreement
 1081 describing the M.P.O. M.P.O.'s membership or in the M.P.O.'s
 1082 operating procedures and bylaws of the M.P.O. The governmental
 1083 entity so designated shall appoint the appropriate number of
 1084 members to the M.P.O. from eligible officials. Representatives
 1085 of the department shall serve as nonvoting advisers to the
 1086 M.P.O. governing board. Additional nonvoting advisers may be
 1087 appointed by the M.P.O. as deemed necessary; however, to the
 1088 maximum extent feasible, each M.P.O. shall seek to appoint
 1089 nonvoting representatives of various multimodal forms of
 1090 transportation not otherwise represented by voting members of
 1091 the M.P.O. An M.P.O. shall appoint nonvoting advisers
 1092 representing major military installations located within the
 1093 jurisdictional boundaries of the M.P.O. upon the request of the
 1094 aforesaid major military installations and subject to the
 1095 agreement of the M.P.O. All nonvoting advisers may attend and
 1096 participate fully in governing board meetings but may not vote
 1097 or be members of the governing board. ~~The Governor shall review~~
 1098 ~~the composition of the M.P.O. membership in conjunction with the~~
 1099 ~~decennial census as prepared by the United States Department of~~
 1100 ~~Commerce, Bureau of the Census, and reapportion it as necessary~~
 1101 ~~to comply with subsection (3).~~

1102 (11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—

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1103 (c) The powers and duties of the Metropolitan Planning
 1104 Organization Advisory Council are to:

1105 1. Enter into contracts with individuals, private
 1106 corporations, and public agencies.

1107 2. Acquire, own, operate, maintain, sell, or lease personal
 1108 property essential for the conduct of business.

1109 3. Accept funds, grants, assistance, gifts, or bequests
 1110 from private, local, state, or federal sources.

1111 4. Establish bylaws by action of its governing board
 1112 providing procedural rules to guide its proceedings and
 1113 consideration of matters before the council, or, alternatively,
 1114 ~~and~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to
 1115 implement provisions of law conferring powers or duties upon it.

1116 5. Assist M.P.O.s ~~M.P.O.'s~~ in carrying out the urbanized
 1117 area transportation planning process by serving as the principal
 1118 forum for collective policy discussion pursuant to law.

1119 6. Serve as a clearinghouse for review and comment by
 1120 M.P.O.s ~~M.P.O.'s~~ on the Florida Transportation Plan and on other
 1121 issues required to comply with federal or state law in carrying
 1122 out the urbanized area transportation and systematic planning
 1123 processes instituted pursuant to s. 339.155.

1124 7. Employ an executive director and such other staff as
 1125 necessary to perform adequately the functions of the council,
 1126 within budgetary limitations. The executive director and staff
 1127 are exempt from part II of chapter 110 and serve at the
 1128 direction and control of the council. The council is assigned to
 1129 the Office of the Secretary of the Department of Transportation
 1130 for fiscal and accountability purposes, but it shall otherwise
 1131 function independently of the control and direction of the

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1132 department.

1133 8. Adopt an agency strategic plan that prioritizes steps
 1134 ~~provides the priority directions~~ the agency will take to carry
 1135 out its mission within the context of the state comprehensive
 1136 plan and any other statutory mandates and directives ~~directions~~
 1137 ~~given to the agency.~~

1138 Section 19. Paragraph (a) of subsection (1) and subsections
 1139 (4) and (5) of section 339.2821, Florida Statutes, are amended
 1140 to read:

1141 339.2821 Economic development transportation projects.—

1142 (1) (a) The department, in consultation with the Department
 1143 of Economic Opportunity and Enterprise Florida, Inc., may make
 1144 and approve expenditures and contract with the appropriate
 1145 governmental body for the direct costs of transportation
 1146 projects. The Department of Economic Opportunity and the
 1147 Department of Environmental Protection may formally review and
 1148 comment on recommended transportation projects, although the
 1149 department has final approval authority for any project
 1150 authorized under this section.

1151 (4) A contract between the department and a governmental
 1152 body for a transportation project must:

1153 (a) Specify that the transportation project is for the
 1154 construction of a new or expanding business and specify the
 1155 number of full-time permanent jobs that will result from the
 1156 project.

1157 (b) Identify the governmental body and require that the
 1158 governmental body award the construction of the particular
 1159 transportation project to the lowest and best bidder in
 1160 accordance with applicable state and federal statutes or rules

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1161 unless the transportation project can be constructed using
 1162 existing local governmental employees within the contract period
 1163 specified by the department.

1164 (c) Require that the governmental body provide the
 1165 department with ~~quarterly~~ progress reports. Each ~~quarterly~~
 1166 progress report must contain:

1167 1. A narrative description of the work completed and
 1168 whether the work is proceeding according to the transportation
 1169 project schedule;

1170 2. A description of each change order executed by the
 1171 governmental body;

1172 3. A budget summary detailing planned expenditures compared
 1173 to actual expenditures; and

1174 4. The identity of each small or minority business used as
 1175 a contractor or subcontractor.

1176 (d) Require that the governmental body make and maintain
 1177 records in accordance with accepted governmental accounting
 1178 principles and practices for each progress payment made for work
 1179 performed in connection with the transportation project, each
 1180 change order executed by the governmental body, and each payment
 1181 made pursuant to a change order. The records are subject to
 1182 financial audit as required by law.

1183 (e) Require that the governmental body, upon completion and
 1184 acceptance of the transportation project, certify to the
 1185 department that the transportation project has been completed in
 1186 compliance with the terms and conditions of the contract between
 1187 the department and the governmental body and meets the minimum
 1188 construction standards established in accordance with s.
 1189 336.045.

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1190 (f) Specify that ~~the department transfer~~ funds will not be
 1191 transferred to the governmental body unless construction has
 1192 begun on the facility of the not more often than quarterly, upon
 1193 receipt of a request for funds from the governmental body and
 1194 consistent with the needs of the transportation project. The
 1195 governmental body shall expend funds received from the
 1196 department in a timely manner. The department may not transfer
 1197 funds unless construction has begun on the facility of a
 1198 business on whose behalf the award was made. The grant award
 1199 shall be terminated if construction of the transportation
 1200 project does not begin within 4 years after the date of the
 1201 initial grant award A contract totaling less than \$200,000 is
 1202 exempt from the transfer requirement.

1203 (g) Require that funds be used only on a transportation
 1204 project that has been properly reviewed and approved in
 1205 accordance with the criteria provided ~~set forth~~ in this section.

1206 (h) Require that the governing board of the governmental
 1207 body adopt a resolution accepting future maintenance and other
 1208 attendant costs occurring after completion of the transportation
 1209 project if the transportation project is constructed on a county
 1210 or municipal system.

1211 (5) For purposes of this section, Space Florida may serve
 1212 as the governmental body or as the contracting agency for a
 1213 ~~transportation~~ project within a spaceport territory as defined
 1214 by s. 331.304.

1215 Section 20. Subsection (5) of section 526.141, Florida
 1216 Statutes, is amended to read:

1217 526.141 Self-service gasoline stations; attendants;
 1218 regulations.—

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1219 (5) (a) Every full-service gasoline station offering self-
 1220 service at a lesser cost shall require an attendant employed by
 1221 the station to dispense gasoline from the self-service portion
 1222 of the station to any motor vehicle properly displaying an
 1223 exemption parking permit as provided in s. 316.1958 or s.
 1224 320.0848 or a license plate issued pursuant to s. 320.084, s.
 1225 320.0842, s. 320.0843, or s. 320.0845 when the person to whom
 1226 such permit has been issued is the operator of the vehicle and
 1227 such service is requested. Such stations shall prominently
 1228 display a decal no larger than 8 square inches on the front of
 1229 all self-service pumps clearly stating the requirements of this
 1230 subsection and the penalties applicable to violations of this
 1231 subsection. The Department of Agriculture and Consumer Services
 1232 shall enforce this requirement.

1233 (b) By July 1, 2016, a full-service gasoline station
 1234 offering self-service at a lesser cost shall prominently
 1235 display, in addition to the decal required under paragraph (a),
 1236 a decal that is blue, is at least 15 square inches in size, and
 1237 clearly displays the international symbol of accessibility shown
 1238 in s. 320.0842, the telephone number of the station, and the
 1239 words "Call for Assistance." The Department of Agriculture and
 1240 Consumer Services shall adopt rules to implement and enforce
 1241 this paragraph. This paragraph preempts and supersedes local
 1242 government laws and regulations pertaining to the provision of
 1243 fueling assistance by a self-service gasoline station to a motor
 1244 vehicle operator described in paragraph (a).

1245 (c) ~~(b)~~ Violation of paragraph (a) is a misdemeanor of the
 1246 second degree, punishable as provided in s. 775.082 or s.
 1247 775.083.

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1248 Section 21. Section 2 of chapter 85-364, Laws of Florida,
 1249 as amended by section 2 of chapter 95-382, Laws of Florida, is
 1250 amended to read:

1251 Section 2. All tolls collected shall ~~first~~ be used first
 1252 for the payment of annual operating and maintenance costs and
 1253 second to discharge the current bond indebtedness related to the
 1254 Pinellas Bayway. Thereafter, tolls collected shall be used to
 1255 establish a reserve construction account to be used, together
 1256 with interest earned thereon, by the department ~~for the~~
 1257 ~~construction of Blind Pass Road, State Road 699 improvements,~~
 1258 ~~and for Phase II of the Pinellas Bayway improvements. A portion~~
 1259 ~~of the tolls collected shall first be used specifically for the~~
 1260 ~~construction of the Blind Pass Road improvements, which~~
 1261 ~~improvements consist of widening to four lanes the Blind Pass~~
 1262 ~~Road, State Road 699, from 75th Avenue north to the approach of~~
 1263 ~~the Blind Pass Bridge, including necessary right-of-way~~
 1264 ~~acquisition along said portion of Blind Pass Road, and~~
 1265 ~~intersection improvements at 75th Avenue and Blind Pass Road in~~
 1266 ~~Pinellas County. Said improvements shall be included in the~~
 1267 ~~department's current 5-year work program. Upon completion of the~~
 1268 ~~Blind Pass Road improvements, the tolls collected shall be used,~~
 1269 ~~together with interest earned thereon, by the department for~~
 1270 ~~Phase II of the Pinellas Bayway improvements consists, which~~
 1271 ~~improvements consist of widening to four lanes the Pinellas~~
 1272 ~~Bayway from State Road 679 west to Gulf Boulevard, including~~
 1273 ~~necessary approaches, bridges, and avenues of access. Upon~~
 1274 ~~completion of the Phase II improvements, the department shall~~
 1275 ~~continue to collect tolls on the Pinellas Bayway for purposes of~~
 1276 ~~reimbursing the department for all accrued maintenance costs for~~

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1277 the Pinellas Bayway.

1278 Section 22. The Department of Highway Safety and Motor
1279 Vehicles is directed to develop a plan of action that addresses
1280 motor vehicle registration holds placed pursuant to ss.
1281 316.1001, 316.1967, and 318.15, Florida Statutes, for
1282 presentation to the Legislature by February 1, 2015. The plan
1283 must, at a minimum, include a methodology for applicants whose
1284 names have been placed on the list of persons who may not be
1285 issued a license plate or revalidation sticker under s.
1286 320.03(8), Florida Statutes, to rectify the cause of the hold
1287 through the payment of any outstanding toll, parking ticket,
1288 fine, and any other fee at the point of collection of the
1289 registration fee.

1290 Section 23. This act shall take effect July 1, 2014.



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

March 3, 2014

The Honorable Don Gaetz
President of the Florida Senate
409 The Capitol

Via email

Dear President Gaetz:

I need to handle a hearing this Wednesday before the City of Miami, and have booked a noon departure flight. I respectfully request that I be excused from Senate Business after 11:00 am. on Wednesday, March 5, and Thursday morning, March 6.

Your consideration is greatly appreciated.

Sincerely,

Miguel Diaz de la Portilla
Senator, District 40

REPLY TO:

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

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: LL 37
Caption: Transportation

Case:
Judge:

Type:

Started: 3/6/2014 9:06:35 AM

Ends: 3/6/2014 10:00:58 AM

Length: 00:54:24

9:06:37 AM Meeting called to order by Chairman Brandes
9:06:53 AM Roll call by Administrative Assistant, Marilyn Hudson
9:07:07 AM Comments from Chairman Brandes
9:07:13 AM Tab 1- SB 518 explained by Senator Flores
9:07:31 AM Introduction of Amendment 400864 by Chairman Brandes
9:07:39 AM Explanation of Amendment 400864 by Senator Flores
9:08:35 AM Comments from Chairman Brandes
9:08:57 AM Question from Senator Lee
9:09:57 AM Response from Senator Flores
9:10:54 AM Question from Senator Thompson
9:11:13 AM Response from Senator Flores
9:11:36 AM Response from Chairman Brandes
9:11:41 AM Response from Senator Flores
9:11:49 AM Follow-up from Senator Thompson
9:12:05 AM Comments from Chairman Brandes
9:12:11 AM Amendment adopted
9:12:24 AM Karen MacFarland, Governmental Affairs Advisor, AAA - The Auto Club Group waives in Support
9:12:30 AM Lee Moffitt, Attorney, AAA - The Auto Club Group waives in support
9:12:41 AM Stephan Dembinsky, Chief of Police, Florida Police Chiefs Association waives in support
9:12:53 AM Comments from Mary-Lynn Cullen, Legislative Liaison, Advocacy Institute for Children in support of the bill
9:14:13 AM Clint Shoupe, State Government Relations Director, St. Joseph's Children's Hospital waives in support
9:14:26 AM Jim Millican, Executive Chair, Suncoast Safe Kids waives in support
9:14:34 AM Doug Bell, Florida Chapter American Academy of Pediatrics waives in support
9:14:42 AM Comments from Chairman Brandes
9:14:54 AM Closure on the bill by Senator Flores
9:15:12 AM Senator Evers moves for Committee Substitute
9:15:21 AM Roll call by Administrative Assistant, Marilyn Hudson
9:15:36 AM SB 518 reported favorably
9:15:43 AM Tab 2 - CS/SB 674 by Senator Bean explained by Mr. James Kotas, Legislative Assistant
9:16:54 AM Question from Senator Joyner
9:17:09 AM Response from Ms. Molly McKinstry, Deputy Secretary, Agency for Health Care Administration
9:17:56 AM Follow-up question from Senator Joyner
9:18:05 AM Response from Ms. Molly McKinstry
9:18:14 AM Additional question from Senator Joyner
9:18:22 AM Response from Ms. Molly McKinstry
9:18:24 AM Question from Senator Evers
9:19:01 AM Response from Ms. Molly McKinstry
9:19:42 AM Question from Senator Thompson
9:20:06 AM Response from Ms. Molly McKinstry
9:20:59 AM Follow-up question from Senator Thompson
9:21:28 AM Response from Ms. Molly McKinstry
9:22:07 AM Question from Senator Joyner
9:23:49 AM Response from Ms. Molly McKinstry
9:23:51 AM Ms. Elizabeth Bradin, Lobbyist, Disability Rights Florida waives in support
9:23:52 AM Tanya Cooper, Director Governmental Relations, Florida Department of Education waives in support
9:25:47 AM Roll call by Administrative Assistant, Marilyn Hudson
9:26:01 AM CS/SB 674 passes favorably
9:26:12 AM Question from Senator Joyner
9:26:49 AM Response from Ms. Molly McKinstry
9:27:46 AM Follow-up comments from Senator Joyner
9:27:57 AM Tab 3 - SB 724 by Senator Dean explained by Mr. Chase Daniels, Legislative Assistant

9:28:21 AM Comments from Chairman Brandes
9:28:32 AM Mr. Bobby Carbonell, Legislative and Cabinet Affairs Director, Department of Veterans Affairs waives in support
9:28:43 AM Closure waived
9:28:46 AM Roll call by Administrative Assistant, Marilyn Hudson
9:29:00 AM SB 724 passes favorably
9:29:12 AM Chair turned over to Senator Margolis
9:29:22 AM Tab 4 - SB 1272 explained by Chairman Brandes
9:33:31 AM Amendments introduced by Senator Margolis
9:33:41 AM Explanation of Amendment 530164 by Senator Brandes
9:34:09 AM Comments from Senator Margolis
9:34:13 AM Amendment 530164 passes
9:34:23 AM Explanation of Amendment 428544 by Senator Brandes
9:34:37 AM Amendment 428544 passes
9:34:54 AM Question from Senator Joyner
9:35:30 AM Response from Chairman Brandes
9:36:29 AM Follow-up question from Senator Joyner
9:36:37 AM Response from Chairman Brandes
9:37:01 AM Additional question from Senator Joyner
9:37:08 AM Response from Chairman Brandes
9:37:15 AM Additional question from Senator Joyner
9:38:04 AM Response from Chairman Brandes
9:39:52 AM Question from Senator Clemens
9:40:09 AM Response from Chairman Brandes
9:40:15 AM Follow-up question from Senator Clemens
9:40:25 AM Response from Chairman Brandes
9:40:31 AM Additional question from Senator Clemens
9:40:43 AM Additional question from Senator Clemens
9:41:09 AM Response from Chairman Brandes
9:41:33 AM Question from Senator Clemens
9:41:42 AM Response from Chairman Brandes
9:42:05 AM Howard Glassman, Executive Director, Florida MPO Advisory Counsel waives in support
9:42:19 AM Sandra Mortham, Florida Independent Automobile Dealers Association waives in support
9:42:28 AM Speaker Ryan Padgett, Assistant General Counsel, Florida Leagues of Cities
9:43:12 AM Comments from Senator Margolis
9:43:18 AM Question from Senator Joyner
9:43:24 AM Response from Chairman Brandes
9:43:51 AM Follow-up question from Senator Joyner
9:44:04 AM Response from Cindy Price
9:45:48 AM Additional question from Senator Joyner
9:46:54 AM Response from Chairman Brandes
9:47:18 AM Comments from Senator Joyner
9:47:24 AM Response from Chairman Brandes
9:47:31 AM Question from Senator Thompson
9:47:37 AM Response from Chairman Brandes
9:49:25 AM Follow-up question from Senator Thompson
9:49:36 AM Response from Chairman Brandes
9:50:04 AM Question from Senator Joyner
9:50:15 AM Response from Senator Brandes
9:51:14 AM Response from Mr. Michael Wickershem, Deputy Legislative Director, F.D.O.T.
9:52:17 AM Comments from Chairman Brandes
9:53:05 AM Question from Senator Clemens
9:53:51 AM Response from Chairman Brandes
9:54:06 AM Comments from Senator Joyner
9:57:18 AM Comments from Senator Lee
9:59:49 AM Comments from Senator Margolis
10:00:01 AM Chairman Brandes moves for Committee Substitute
10:00:14 AM Closure waived
10:00:19 AM Roll call by Administrative Assistant, Marilyn Hudson
10:00:28 AM SB 1272 passes favorably
10:00:44 AM Committee adjourned