

**SB 132** by **Joyner (CO-INTRODUCERS) Dean**; (Identical to H 0051) Disabled Parking Permits

630448 D S RCS TR, Braynon Delete everything after 02/05 10:33 AM

**SB 264** by **Bradley (CO-INTRODUCERS) Brandes**; (Identical to H 0421) Traffic Enforcement Agencies and Traffic Citations

**SB 160** by **Evers**; (Similar to H 0409) Rural Letter Carriers

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

**TRANSPORTATION**  
**Senator Brandes, Chair**  
**Senator Bullard, Vice Chair**

**MEETING DATE:** Thursday, February 5, 2015  
**TIME:** 9:00 —11:00 a.m.  
**PLACE:** *Mallory Horne Committee Room, 37 Senate Office Building*

**MEMBERS:** Senator Brandes, Chair; Senator Bullard, Vice Chair; Senators Braynon, Evers, Grimsley, Simpson, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	Presentation by Department of State and Florida Department of Law Enforcement: Retention Schedule for Data Generated by Automated License Plate Reader Systems		Presented
2	<b>SB 132</b> Joyner (Identical H 51)	Disabled Parking Permits; Prohibiting the Department of Highway Safety and Motor Vehicles from requiring certain veterans to resubmit a certificate of disability for renewal of a disabled parking permit, etc.  MS 01/21/2015 Favorable TR 02/05/2015 Fav/CS FP	Fav/CS Yeas 7 Nays 0
3	<b>SB 264</b> Bradley (Identical H 421)	Traffic Enforcement Agencies and Traffic Citations; Designating counties and municipalities as traffic enforcement agencies for purposes of the section and prohibiting them from establishing traffic citation quotas; requiring a county or municipality to submit a report of its traffic citation revenue and its expenses for operating a law enforcement agency during a fiscal year to the Legislative Auditing Committee under certain circumstances, etc.  TR 02/05/2015 Favorable ATD FP	Favorable Yeas 7 Nays 0
4	<b>SB 160</b> Evers (Similar H 409)	Rural Letter Carriers; Exempting a rural letter carrier of the United States Postal Service from safety belt usage requirements while performing his or her duties on a designated postal route, etc.  TR 02/05/2015 Favorable ATD FP	Favorable Yeas 7 Nays 0

Other Related Meeting Documents

# APPEARANCE RECORD

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

Feb 5, 2015

Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic LPR retention schedule

Name Jennifer Cook Pitt

Job Title Assistant Commissioner

Address 2331 Phillips Road / FDLE

Phone 850 410 7001

City Tallahassee State FL Zip 32306

Email Jennifer.pitt@fldle.state.fl.us

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing FDLE

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.

# APPEARANCE RECORD

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

02/05/2015

Meeting Date

Bill Number (if applicable)

Topic License plate readers

Amendment Barcode (if applicable)

Name Paul Henry

Job Title

Address PO Box 698

Phone 850-629-9550

Street

Monticello

32345

Email paul@libertyfirstfl.org

City

FL

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against

(The Chair will read this information into the record.)

Representing Liberty First Network

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: CS/SB 132

INTRODUCER: Transportation Committee and Senators Joyner and Dean

SUBJECT: Disabled Parking Permits

DATE: February 5, 2015      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders/Ryon</u>	<u>Ryon</u>	<u>MS</u>	<b>Favorable</b>
2.	<u>Jones</u>	<u>Eichin</u>	<u>TR</u>	<b>Fav/CS</b>
3.	_____	_____	<u>FP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 132 allows a permanently and totally disabled veteran to provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, in lieu of a certificate of disability to renew or replace a disabled parking permit.

**II. Present Situation:**

**Disabled Parking Permits**

Section 320.0848, F.S., authorizes the Department of Highway Safety and Motor Vehicles and its agents to issue disabled parking permits to persons with impaired mobility. Such permits may be issued for a period of up to four years to any person with a long-term mobility impairment. Similarly, persons with a temporary mobility impairment may be issued a temporary disabled parking permit for a period of up to six months. A fee may be charged for the permit. However, no person may be charged a fee more frequently than once every 12 months. An applicant for a disabled parking permit must submit either in person or by mail an application and certificate of disability to their local tax collector.

The disabled parking permit is a placard that can be placed in a motor vehicle so as to be visible from the front and rear of the vehicle. Each side of the placard must have the international symbol of accessibility in a contrasting color in the center so as to be visible. One side of the placard must display the applicant's driver's license number or state identification card number

along with a warning that the applicant must have such identification at all times while using the parking permit.

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

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

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

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

To renew a long-term disabled parking permit, the permit holder is required to recertify his or her eligibility for the permit by providing a certificate of disability issued within the last 12 months. Recertification of a disability is also required when obtaining a replacement for a disabled parking permit that has been lost or stolen. Long-term disabled parking permits do not require a renewal fee and the fee for obtaining a replacement permit is \$1.

### **Service-Disabled Veterans**

The U.S. Department of Veterans Affairs (USDVA) assigns disability ratings to veterans who suffer from service-related injuries and seek USDVA benefits. A veteran's disability rating ranges from 0-percent to 100-percent and is illustrative of the severity and impact of the injury or injuries suffered by the individual. The USDVA's rating schedule is intended to reflect the average losses in earning stemming from certain medical conditions.<sup>1</sup> The USDVA determines the disability level for an eligible veteran, and Congress sets the compensation rates for veterans based on ratings.

In some cases, the degree of a veteran's service-connected disability is determined to be total and permanent. A total disability (100 percent) is one where there is present any impairment of mind

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<sup>1</sup> Congressional Budget Office. Veterans' Disability Compensation: Trends and Policy Options. August 2014. Available at: [http://www.cbo.gov/sites/default/files/45615-VADisability\\_2.pdf](http://www.cbo.gov/sites/default/files/45615-VADisability_2.pdf)

or body which is sufficient to render it impossible for the average person to follow substantially gainful occupation.<sup>2</sup> The disability is classified as permanent and total when the total disability is reasonably certain to continue throughout the life of the disabled person.<sup>3</sup> Federal law identifies a permanent total veteran disability as the permanent loss or loss of use of both hands, or of both feet, or of one hand and one foot, or of the sight of both eyes, or becoming permanently helpless or bedridden.<sup>4</sup> Further, diseases and injuries which are totally incapacitating are regarded as permanently and totally disabling when the probability of permanent improvement under treatment is remote.<sup>5</sup>

Disability ratings can change if there is evidence that a disability has improved, or if evidence indicates there has been a material change in a disability or that the current rating may be incorrect.<sup>6</sup> The USDVA is authorized to reexamine veterans receiving compensation benefits at any time, with some exceptions. These exceptions include, among others, a disability that is established as static and in cases of veterans over the age of 55.<sup>7</sup>

### **United States Department of Veterans Affairs Form Letter 27-333 (VAFL 27-333)**

According to the Florida Department of Veterans Affairs, the USDVA issues the VAFL 27-333 to a veteran to certify the veteran is “permanently and totally” disabled due to a service-connected disability.<sup>8</sup> This form is also accepted to determine eligibility for the real estate tax exemptions for “total and permanent” disabled veterans afforded by s. 196.081(1), F.S.<sup>9</sup>

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

The bill amends s. 320.0848, F.S., to allow a permanently and totally disabled veteran, as determined by the USDVA or any branch of the United States Armed Forces, to provide a VAFL 27-333 issued within the last 12 months in lieu of the certificate of disability in order to renew or replace a disabled parking permit.

The bill deletes paragraph (2)(d) from s. 320.0848, F.S., as it is no longer needed.

The bill provides an effective date of July 1, 2015.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

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<sup>2</sup> 38 C.F.R. s. 3-340(a)(1)

<sup>3</sup> 38 C.F.R. s. 3-340(b)

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> 38 C.F.R. s. 3-327(a)

<sup>7</sup> *Id.*

<sup>8</sup> Email from Douglas Walton, Executive Assistant, Benefits and Assistance Division, Florida Department of Veterans Affairs (Feb. 2, 2015) (on file with the Senate Committee on Transportation)

<sup>9</sup> *Id.*

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None

C. Government Sector Impact:

The DHSMV estimates \$4,000 in programming costs to update original, renewal, and replacement permit application forms to comply with the provisions in the bill. According to DHSMV, this cost can be absorbed with existing resources.<sup>10</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 320.0848 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 February 5, 2014:**

The CS modifies the bill by:

- Requiring a permanently and totally disabled veteran who is not providing a certificate of disability, to renew a disabled parking permit by providing a VAFL 27-333, or its equivalent, issued within the last 12 months;

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<sup>10</sup> DHSMV Agency Analysis. 2015 Regular Session, HB 51. (Identical to SB 132)

- Allowing a permanently and totally disabled veteran to provide a VAFL 27-333, or its equivalent, issued within the last 12 months for a disabled parking permit replacement; and
- Deleting paragraph (2)(d) of s. 320.0848, F.S., as it is no longer needed.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/05/2015	.	
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The Committee on Transportation (Braynon) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (d) of subsection (1) and paragraphs  
(d) and (e) of subsection (2) of section 320.0848, Florida  
Statutes, is amended to read:

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



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11 disabilities.-

12 (1)

13 (d) ~~Beginning October 1, 2012,~~The department shall renew  
14 the disabled parking permit of any person certified as  
15 permanently disabled on the application if the person provides a  
16 certificate of disability issued within the last 12 months  
17 pursuant to this subsection. A veteran who has been previously  
18 evaluated and certified by the United States Department of  
19 Veterans Affairs or any branch of the United States Armed Forces  
20 as permanently and totally disabled from a service-connected  
21 disability may provide a United States Department of Veterans  
22 Affairs Form Letter 27-333, or its equivalent, issued within the  
23 last 12 months in lieu of a certificate of disability.

24 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM  
25 MOBILITY PROBLEMS.-

26 ~~(d) If an applicant who is a disabled veteran, is a~~  
27 ~~resident of this state, has been honorably discharged, and~~  
28 ~~either has been determined by the Department of Defense or the~~  
29 ~~United States Department of Veterans Affairs or its predecessor~~  
30 ~~to have a service-connected disability rating for compensation~~  
31 ~~of 50 percent or greater or has been determined to have a~~  
32 ~~service-connected disability rating of 50 percent or greater and~~  
33 ~~is in receipt of both disability retirement pay from the United~~  
34 ~~States Department of Veterans Affairs, he or she must still~~  
35 ~~provide a signed physician's statement of qualification for the~~  
36 ~~disabled parking permits.~~

37 (e) To obtain a replacement for a disabled parking permit  
38 that has been lost or stolen, a person must submit an  
39 application on a form prescribed by the department, provide a



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40 certificate of disability issued within the last 12 months  
41 pursuant to subsection (1), and pay a replacement fee in the  
42 amount of \$1, to be retained by the issuing agency. If the  
43 person submits with the application a police report documenting  
44 that the permit was stolen, there is no replacement fee. A  
45 veteran who has been previously evaluated and certified by the  
46 United States Department of Veterans Affairs or any branch of  
47 the United States Armed Forces as permanently and totally  
48 disabled from a service-connected disability may provide a  
49 United States Department of Veterans Affairs Form Letter 27-333,  
50 or its equivalent, issued within the last 12 months in lieu of a  
51 certificate of disability.

52 Section 2. This act shall take effect July 1, 2015.

53  
54 ===== T I T L E A M E N D M E N T =====

55 And the title is amended as follows:

56 Delete everything before the enacting clause  
57 and insert:

58 A bill to be entitled  
59 An act relating to disabled parking permits; amending  
60 s. 320.0848, F.S.; authorizing certain veterans to  
61 provide the Department of Highway Safety and Motor  
62 Vehicles alternative documentation for renewal or  
63 replacement of a disabled parking permit; providing an  
64 effective date.

By Senator Joyner

19-00017A-15

2015132\_\_

1                           A bill to be entitled  
2           An act relating to disabled parking permits; amending  
3           s. 320.0848, F.S.; prohibiting the Department of  
4           Highway Safety and Motor Vehicles from requiring  
5           certain veterans to resubmit a certificate of  
6           disability for renewal of a disabled parking permit;  
7           providing an effective date.  
8

9   Be It Enacted by the Legislature of the State of Florida:  
10

11           Section 1. Paragraph (d) of subsection (1) of section  
12   320.0848, Florida Statutes, is amended to read:

13           320.0848 Persons who have disabilities; issuance of  
14   disabled parking permits; temporary permits; permits for certain  
15   providers of transportation services to persons who have  
16   disabilities.-

17           (1)

18           (d) ~~Beginning October 1, 2012,~~ The department shall renew  
19   the disabled parking permit of any person certified as  
20   permanently disabled on the application if the person provides a  
21   certificate of disability issued within the last 12 months  
22   pursuant to this subsection. The department may not require a  
23   veteran who has been previously evaluated and certified by the  
24   United States Department of Veterans Affairs as permanently and  
25   totally disabled from a service-connected disability to resubmit  
26   a certificate of disability in order to renew his or her  
27   disabled parking permit.

28           Section 2. This act shall take effect July 1, 2015.

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

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 264

INTRODUCER: Senators Bradley and Brandes

SUBJECT: Traffic Enforcement Agencies and Traffic Citations

DATE: February 4, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	<b>Favorable</b>
2.			ATD	
3.			FP	

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**I. Summary:**

SB 264 prohibits a traffic enforcement agency from establishing a traffic citation quota, and creates a reporting requirement for counties and municipalities under certain circumstances.

**II. Present Situation:**

In current law, an agency of the state is prohibited from establishing a traffic citation quota.<sup>1</sup> These state agencies are listed as<sup>2</sup>:

- Florida Highway Patrol;
- Fish and Wildlife Conservation Commission’s Division of Law Enforcement;
- Agents, inspectors, and officers of the Department of Law Enforcement
- University police officers;
- Florida College System police officers;
- School safety officers;
- Police officers and parking enforcement specialists employed by an airport authority; and
- The Office of Agricultural Law Enforcement

The Department of Transportation, county sheriff’s offices, and police departments of chartered municipalities are defined as traffic enforcement agencies of the state<sup>3</sup>, but are not *explicitly* prohibited in statute from establishing traffic citation quotas.

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<sup>1</sup> Section 316.640(1)(a)2., F.S.

<sup>2</sup> Section 316.640(1), F.S.

<sup>3</sup> Section 316.640(8), F.S.

## Traffic Citation Quotas

The term “Traffic Citation Quota” is not defined in statute. However, it is commonly defined as any establishment of a predetermined or specified number of traffic citations a traffic enforcement officer must issue in a specified time. The prohibition of a traffic citation quota can also include the prohibition of any evaluation, promotion, compensation, or discipline based on a specific number of citations issued.<sup>4</sup>

In some instances, quotas have been used as a way to measure an officer’s performance. However, according to correspondence with The Florida’s Police Chief Association<sup>5</sup>, issuing traffic citations is only part of a traffic enforcement officer’s enumerated duties, and performance is more effectively measured by shifting an officer’s focus to “stopping the errant driving behavior” versus a focus on issuing traffic citations. An officer’s performance evaluation, when assessing matters dealing with traffic safety, also includes<sup>6</sup>:

- Providing for the safe and convenient flow of traffic and pedestrians;
- Investigating traffic crashes;
- Providing first aid;
- Conducting DUI investigations;
- Promoting vehicular and pedestrian safety; and
- Reporting unsafe road conditions.

## City of Waldo Police Department

In 2012, the National Motorists Association reported the City of Waldo was voted as one of the worst speed traps in the nation.<sup>7</sup> Additionally, this past year, multiple Waldo police officers disclosed they were required to meet traffic citation quotas. It was reported that the revenue from the traffic citations accounted for over one-third of the city’s entire revenue, with the police department’s budget financed over 50 percent from traffic citation revenue.<sup>8</sup> The city has since disbanded its police force.

### III. Effect of Proposed Changes:

**Section 1** prohibits a traffic enforcement agency from establishing traffic citation quotas. It clarifies that any agency or governmental entity vested with the powers to enforce traffic laws under the state, county, or municipality is a traffic enforcement agency.

**Section 2** requires a county or municipality to submit a report to the Legislative Auditing Committee if the total revenue from traffic citations exceeds 50 percent of the expense to operate the county’s or municipality’s law enforcement agency in the same fiscal year. If required to

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<sup>4</sup> See La. R.S. 40:2401.1., TENN. CODE ANN. s. 39-16-516., and TEX. TRANSP. CODE ANN. s. 720.002.

<sup>5</sup> Email from Chief Railey to Amy Mercer, Executive Director, The Florida Police Chief’s Association (Jan. 29, 2015) (on file with the Senate Transportation Committee)

<sup>6</sup> *Id.*

<sup>7</sup> National Motorists Association, *Nationwide Poll Reveals Top U.S. and Canadian Speed Traps* (Aug. 2012), <http://www.motorists.org/other/August%202012%20News%20Release--FINAL.pdf> (last visited Jan. 30, 2015)

<sup>8</sup> CBS News, *Florida Town Infamous for Speed Traps Disbanding Police Force* (Oct. 2014), <http://www.cbsnews.com/news/florida-town-infamous-for-speed-traps-disbanding-police-force/> (last visited Jan. 30, 2015)

submit the report, it must be submitted within six months after the end of the fiscal year and must detail:

- The total revenue from traffic citations of the city or municipality; and
- The total expenses for law enforcement of the city or municipality.

**Section 3** provides that the bill takes effect July 1, 2015.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate minimal fiscal impact on a county or municipality required to submit a report.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.640 and 316.660.

**IX. Additional Information:**

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

None.

- B. **Amendments:**

None.

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

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By Senator Bradley

7-00264B-15

2015264\_\_

1 A bill to be entitled  
 2 An act relating to traffic enforcement agencies and  
 3 traffic citations; amending s. 316.640, F.S.;  
 4 designating counties and municipalities as traffic  
 5 enforcement agencies for purposes of the section and  
 6 prohibiting them from establishing traffic citation  
 7 quotas; amending s. 316.660, F.S.; requiring a county  
 8 or municipality to submit a report of its traffic  
 9 citation revenue and its expenses for operating a law  
 10 enforcement agency during a fiscal year to the  
 11 Legislative Auditing Committee under certain  
 12 circumstances; providing an effective date.  
 13  
 14 Be It Enacted by the Legislature of the State of Florida:  
 15  
 16 Section 1. Paragraph (a) of subsection (1) and subsection  
 17 (8) of section 316.640, Florida Statutes, are amended to read:  
 18 316.640 Enforcement.—The enforcement of the traffic laws of  
 19 this state is vested as follows:  
 20 (1) STATE.—  
 21 (a)1.a. The Division of Florida Highway Patrol of the  
 22 Department of Highway Safety and Motor Vehicles; the Division of  
 23 Law Enforcement of the Fish and Wildlife Conservation  
 24 Commission; and the agents, inspectors, and officers of the  
 25 Department of Law Enforcement each have authority to enforce all  
 26 of the traffic laws of this state on all the streets and  
 27 highways thereof and elsewhere throughout the state wherever the  
 28 public has a right to travel by motor vehicle.  
 29 b. University police officers may enforce all of the

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

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2015264\_\_

30 traffic laws of this state when violations occur on or within  
 31 1,000 feet of any property or facilities that are under the  
 32 guidance, supervision, regulation, or control of a state  
 33 university, a direct-support organization of such state  
 34 university, or any other organization controlled by the state  
 35 university or a direct-support organization of the state  
 36 university, or when such violations occur within a specified  
 37 jurisdictional area as agreed upon in a mutual aid agreement  
 38 entered into with a law enforcement agency pursuant to s.  
 39 23.1225(1). Traffic laws may also be enforced off-campus when  
 40 hot pursuit originates on or within 1,000 feet of any such  
 41 property or facilities, or as agreed upon in accordance with the  
 42 mutual aid agreement.  
 43 c. Florida College System institution police officers may  
 44 enforce all the traffic laws of this state only when such  
 45 violations occur on or within 1,000 feet of any property or  
 46 facilities that are under the guidance, supervision, regulation,  
 47 or control of the Florida College System institution, or when  
 48 such violations occur within a specified jurisdictional area as  
 49 agreed upon in a mutual aid agreement entered into with a law  
 50 enforcement agency pursuant to s. 23.1225. Traffic laws may also  
 51 be enforced off-campus when hot pursuit originates on or within  
 52 1,000 feet of any such property or facilities, or as agreed upon  
 53 in accordance with the mutual aid agreement.  
 54 d. Police officers employed by an airport authority may  
 55 enforce all of the traffic laws of this state only when such  
 56 violations occur on any property or facilities that are owned or  
 57 operated by an airport authority.  
 58 (I) An airport authority may employ as a parking

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

7-00264B-15 2015264\_\_  
 59 enforcement specialist any individual who successfully completes  
 60 a training program established and approved by the Criminal  
 61 Justice Standards and Training Commission for parking  
 62 enforcement specialists but who does not otherwise meet the  
 63 uniform minimum standards established by the commission for law  
 64 enforcement officers or auxiliary or part-time officers under s.  
 65 943.12. This sub-sub-subparagraph may not be construed to permit  
 66 the carrying of firearms or other weapons, nor shall such  
 67 parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an  
 68 airport authority may enforce all state, county, and municipal  
 69 laws and ordinances governing parking only when such violations  
 70 are on property or facilities owned or operated by the airport  
 71 authority employing the specialist, by appropriate state,  
 72 county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the  
 73 Department of Agriculture and Consumer Services may enforce  
 74 traffic laws of this state.

f. School safety officers may enforce all of the traffic  
 75 laws of this state when such violations occur on or about any  
 76 property or facilities that are under the guidance, supervision,  
 77 regulation, or control of the district school board.

~~2. An agency of the state as described in subparagraph 1.  
 81 is prohibited from establishing a traffic citation quota. A  
 82 violation of this subparagraph is not subject to the penalties  
 83 provided in chapter 318.~~

2.3- Any disciplinary action taken or performance  
 84 evaluation conducted by an agency of the state as described in  
 85 subparagraph 1. of a law enforcement officer's traffic  
 86

7-00264B-15 2015264\_\_  
 88 enforcement activity must be in accordance with written work-  
 89 performance standards. Such standards must be approved by the  
 90 agency and any collective bargaining unit representing such law  
 91 enforcement officer. A violation of this subparagraph is not  
 92 subject to the penalties provided in chapter 318.

3.4- The Division of the Florida Highway Patrol may employ  
 93 as a traffic accident investigation officer any individual who  
 94 successfully completes instruction in traffic accident  
 95 investigation and court presentation through the Selective  
 96 Traffic Enforcement Program as approved by the Criminal Justice  
 97 Standards and Training Commission and funded through the  
 98 National Highway Traffic Safety Administration or a similar  
 99 program approved by the commission, but who does not necessarily  
 100 meet the uniform minimum standards established by the commission  
 101 for law enforcement officers or auxiliary law enforcement  
 102 officers under chapter 943. Any such traffic accident  
 103 investigation officer who makes an investigation at the scene of  
 104 a traffic accident may issue traffic citations, based upon  
 105 personal investigation, when he or she has reasonable and  
 106 probable grounds to believe that a person who was involved in  
 107 the accident committed an offense under this chapter, chapter  
 108 319, chapter 320, or chapter 322 in connection with the  
 109 accident. This subparagraph does not permit the officer to carry  
 110 firearms or other weapons, and such an officer does not have  
 111 authority to make arrests.

(8) TRAFFIC ENFORCEMENT AGENCY.—

(a) Any agency or governmental entity designated in  
 114 subsection (1), subsection (2), or subsection (3), including a  
 115 university, a Florida College System institution, a school  
 116

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117 board, or an airport authority, is a traffic enforcement agency  
118 for purposes of this section and s. 316.650.

119 (b) A traffic enforcement agency may not establish a  
120 traffic citation quota.

121 Section 2. Section 316.660, Florida Statutes, is amended to  
122 read:

123 316.660 Disposition of fines and forfeitures collected for  
124 violations; reporting requirement.-

125 (1) Except as otherwise provided by law, all fines and  
126 forfeitures received by any county court from violations of any  
127 of the provisions of this chapter, or from violations of any  
128 ordinances adopting matter covered by this chapter, must be paid  
129 and distributed as provided in s. 318.21.

130 (2) If the total revenue from traffic citations that a  
131 county or municipality receives in a fiscal year exceeds 50  
132 percent of the total expenses that the county or municipality  
133 incurs to operate a law enforcement agency in the same fiscal  
134 year, the county or municipality shall submit a report to the  
135 Legislative Auditing Committee detailing its total revenue from  
136 traffic citations and its total expenses for law enforcement  
137 within 6 months after the end of the fiscal year.

138 Section 3. This act shall take effect July 1, 2015.

# APPEARANCE RECORD

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

Meeting Date 2/5/15

Bill Number (if applicable) SB 264

Topic Traffic Enforc. Agencies & Citations Amendment Barcode (if applicable) \_\_\_\_\_

Name Amy Mercer

Job Title Executive Director

Address 924 N. Gadsden St, Phone 8502193631

Tallahassee FL 32303  
City State Zip

Email amercer@fca.com

Speaking:  For  Against  Information  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Police Chiefs Association

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

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

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

# APPEARANCE RECORD

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

2-5-15

Meeting Date

264

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Traffic Citations

Name Ken Kopczynski (Cop-CHEN-ski)

Job Title Lobbyist

Address 300 East Brevard St Phone 850-222-3329

City Talla State FL Zip 32301 Email ken@flpba.org

Speaking:  For  Against  Information  In Support  Against  
(The Chair will read this information into the record.)

Representing Fla PBA

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**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 160

INTRODUCER: Senator Evers

SUBJECT: Rural Letter Carriers

DATE: February 4, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	<b>Favorable</b>
2.			ATD	
3.			FP	

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**I. Summary:**

SB 160 exempts rural letter carriers employed by the United States Postal Service (USPS) from mandatory seat belt usage requirements while serving a designated rural postal route.

**II. Present Situation:**

**Florida's Safety Belt Law**

In 1986, the Legislature enacted the "Florida Safety Belt Law"<sup>1</sup>, to require a motor vehicle operator, front seat passengers, and all passengers under 18 years of age to wear safety belts while the vehicle is in motion.<sup>2</sup> In 2009, the Legislature enacted SB 344 (Ch. 2009-32, Laws of Fla.) to allow for primary enforcement of the law. The penalty for failure to wear a safety belt is \$30, plus administrative and court costs.

Those not subject to the safety belt law include:

- Persons certified by a physician as having a medical condition that would cause the use of a safety belt to be inappropriate or dangerous;
- Persons delivering newspapers on home delivery routes during the course of their employment;
- Front seat passengers of a pickup truck in excess of the number of safety belts installed;
- Employees of a solid waste or recyclable collection service on designated routes during the course of their employment;
- Persons occupying the living quarters of a recreational vehicle or the space within the body of a truck used for the storage of merchandise; and

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<sup>1</sup> Section 316.614, F.S.

<sup>2</sup> Additional child restraint requirements are established in s. 316.613, F.S.

- Persons operating motor vehicles not required to be equipped with a safety belt under federal law.

Unlike 46 other states, Florida law does not provide an exemption for seat belt requirements for rural letter carriers.<sup>3</sup>

### **Postal Service Rules Regarding Safety Belts**

Under USPS rule<sup>4</sup>, a safety belt must be worn by rural letter carriers at all times when operating:

- A USPS-owned or –leased vehicle;
- A privately-owned right-hand-drive (RHD) vehicle; or
- A privately-owned dual control vehicle.

When operating a privately-owned left-hand-drive (LHD) vehicle or partially equipped with dual control, the rule requires carriers to wear safety belts when traveling to and from the designated delivery route. The rule advises the use of a safety belt but allows rural carriers operating a private LHD vehicle to do so without wearing a safety belt provided the carrier determines it is safe to do so considering:

- Distance between stops;
- Traffic density and weather conditions;
- Road design characteristics; and
- Other factors affecting safety.

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

SB 160 creates a new paragraph (e) to s. 316.614(6), F.S., exempting rural letter carriers employed by the USPS from mandatory seat belt usage requirements while serving a designated postal route.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

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<sup>3</sup> Summary of Vehicle Occupant Protection and Motorcycle Laws, Eleventh Edition. (DOT HS 811 768) National Highway Traffic Safety Administration, November 2013

<sup>4</sup>Handbook PO-603, *Rural Carrier Duties and Responsibilities* <https://about.usps.com/postal-bulletin/2005/html/pb22167/postoffice.html> (last visited January 29, 2015)

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

None.

**B. Private Sector Impact:**

Rural letter carriers will not be subject to penalty (\$30 fine plus administrative costs) for failure to wear required safety belts when servicing a designated postal delivery route.

**C. Government Sector Impact:**

There may be a minimally negative loss of revenue from fines associated with reduction in citations issued.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 316.614 of the Florida Statutes.

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

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

None.

**B. Amendments:**

None.

By Senator Evers

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A bill to be entitled

An act relating to rural letter carriers; amending s. 316.614, F.S.; exempting a rural letter carrier of the United States Postal Service from safety belt usage requirements while performing his or her duties on a designated postal route; providing an effective date.

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

Section 1. Paragraph (e) is added to subsection (6) of section 316.614, Florida Statutes, to read:

316.614 Safety belt usage.—

(6)

(e) A rural letter carrier of the United States Postal Service is not required to be restrained by a safety belt while performing duties in the course of his or her employment on a designated postal route.

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

# CourtSmart Tag Report

Room: LL 37

Case:

Type:

Caption: Senate Transportation Committee Judge:

Started: 2/5/2015 9:01:06 AM

Ends: 2/5/2015 9:38:42 AM Length: 00:37:37

9:01:10 AM Meeting called to order by Chair Brandes  
9:01:11 AM Roll call by Administrative Assistant, Marilyn Hudson  
9:01:26 AM Comments by Chair Brandes  
9:01:44 AM Tab 2 - Introduction of SB 132 (Disabled Parking Permit) by Chair Brandes  
9:01:57 AM Explanation of SB 132 by Senator Joyner  
9:02:24 AM Strike-all amendment, barcode #630448 explained by Senator Joyner  
9:03:10 AM Amendment #630448 adopted without objection  
9:03:31 AM Closure waived by Senator Joyner  
9:03:37 AM Roll call on CS SB 132 by Administrative Assistant, Marilyn Hudson  
9:03:52 AM CS SB 132 reported favorably  
9:04:02 AM Tab 3 - SB 264 (Traffic Enforcement Agencies and Traffic Citations) introduced by Chair Brandes  
9:04:08 AM SB 264 explained by Senator Bradley  
9:06:46 AM Amy Mercer, Executive Director, Florida Police Chiefs Association waives in support  
9:06:57 AM Ken Kopczynski, Florida PBA waives in support  
9:07:14 AM Comments/question from Senator Evers  
9:08:16 AM Senator Bradley makes comments regarding Senator Evers statement and closes on the bill  
9:09:04 AM Roll call on SB 264 by Administrative Assistant, Marilyn Hudson  
9:09:19 AM SB 264 reported favorably  
9:09:26 AM Senator Braynon states that he would like to be shown as voting favorably on CS SB 132  
9:09:35 AM Senator Bullard states that he would like to be shown as voting favorably on CS SB 132  
9:09:43 AM Tab 4 - SB 160 (Rural Letter Carriers) introduced by Chair Brandes  
9:09:56 AM Explanation of SB 160 by Senator Evers  
9:10:19 AM Comments from Chair Brandes  
9:10:27 AM Closure waived on SB 160 by Senator Evers  
9:10:30 AM Roll call by Administrative Assistant, Marilyn Hudson  
9:10:40 AM SB 160 reported favorably  
9:10:48 AM Tab 1 - Introduction of Jennifer Cook Pritt by Chair Brandes  
9:11:49 AM Explanation of HB 7005 from last year by Kirk Eichen  
9:12:41 AM Additional comments from Chair Brandes  
9:12:52 AM Presentation by Jennifer Cook Pritt, Assistant Commissioner, Florida Department of Law Enforcement  
9:25:17 AM Comments/thanks from Chair Brandes  
9:25:36 AM Speaker, Paul Henry representing Liberty First Network  
9:28:16 AM Question from Chair Brandes  
9:28:26 AM Response from Mr. Paul Henry  
9:29:09 AM Question from Senator Thompson  
9:29:18 AM Response from Mr. Paul Henry  
9:30:02 AM Follow-up question from Senator Thompson  
9:30:21 AM Response from Mr. Paul Henry  
9:30:53 AM Question from Senator Simpson  
9:31:00 AM Response from Mr. Paul Henry  
9:31:13 AM Statement by Senator Evers  
9:31:53 AM Comments from Chair Brandes  
9:32:12 AM Response from Senator Evers  
9:32:24 AM Question from Senator Simpson to Ms. Pritt  
9:32:44 AM Response from Ms. Jennifer Cook Pritt  
9:32:59 AM Follow-up question from Senator Simpson  
9:33:09 AM Response from Ms. Jennifer Cook Pritt  
9:33:36 AM Question from Chair Brandes  
9:33:51 AM Response from Ms. Jennifer Cook Pritt  
9:34:47 AM Additional question from Chair Brandes  
9:34:55 AM Response from Ms. Jennifer Cook Pritt  
9:35:06 AM Additional question from Chair Brandes

**9:35:15 AM** Response from Ms. Jennifer Cook Pritt  
**9:35:33 AM** Additional question from Chair Brandes  
**9:35:39 AM** Response from Ms. Jennifer Cook Pritt  
**9:35:57 AM** Question from Senator Bullard  
**9:36:05 AM** Response from Ms. Jennifer Cook Pritt  
**9:37:42 AM** Additional question from Chair Brandes  
**9:37:49 AM** Response from Ms. Jennifer Cook Pritt  
**9:38:08 AM** Comments from Chair Brandes  
**9:38:20 AM** Senator Evers moves to rise