

Tab 1	SB 100 by Harrell (CO-INTRODUCERS) Taddeo ; (Compare to H 00763) Highway Projects					
Tab 2	SB 252 by Stewart (CO-INTRODUCERS) Torres ; (Identical to H 01287) Child Care Facilities					
Tab 3	SB 342 by Diaz ; (Similar to H 00621) Vehicle and Vessel Registration					
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Tab 4	SB 862 by Gruters ; (Similar to CS/H 00695) Digital License Plate Pilot Program					
Tab 5	CS/SB 890 by CJ, Hooper ; (Similar to H 01541) Use of Electronic Databases					
Tab 6	SB 1082 by Albritton ; (Identical to H 00077) Diesel Exhaust Fluid					
Tab 7	SB 1134 by Harrell ; (Identical to H 01151) Department of Highway Safety and Motor Vehicles					

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Harrell, Chair
Senator Perry, Vice Chair

MEETING DATE: Wednesday, March 3, 2021

TIME: 9:30—11:30 a.m.

PLACE: Toni Jennings Committee Room, 110 Senate Building

MEMBERS: Senator Harrell, Chair; Senator Perry, Vice Chair; Senators Berman, Bracy, Gainer, Jones, Rodriguez, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
PUBLIC TESTIMONY WILL BE RECEIVED FROM ROOM A1 AT THE DONALD L. TUCKER CIVIC CENTER, 505 W. PENSACOLA STREET, TALLAHASSEE, FL 32301			
1	SB 100 Harrell (Compare H 763, S 1030)	Highway Projects; Repealing provisions relating to applications for funding for technical assistance relating to areas in and around a proposed multiuse corridor interchange; requiring that \$35 million transferred to Florida's Turnpike Enterprise be used for a specified purpose beginning in a specified fiscal year and annually for up to 30 years thereafter; requiring that certain increased revenues be used to fund specified projects beginning in a specified fiscal year and annually thereafter; requiring the department, in coordination with the Florida Turnpike Enterprise, to evaluate certain roadways for development of specific controlled access facilities and to include such projects in the work program, etc. TR 03/03/2021 Favorable AP	Favorable Yeas 5 Nays 3
2	SB 252 Stewart (Identical H 1287)	Child Care Facilities; Citing this act as the "Child Safety Alarm Act"; requiring certain vehicles, by a specified date, to be equipped with a reliable alarm system that meets specified criteria; requiring the Department of Children and Families to adopt by rule minimum safety standards for such systems and to maintain a list of approved alarm manufacturers and alarm systems, etc. CF 02/03/2021 Favorable TR 03/03/2021 Favorable RC	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Wednesday, March 3, 2021, 9:30—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 342 Diaz (Similar H 621)	Vehicle and Vessel Registration; Requiring tax collectors to determine service charges collected by privately owned license plate agents for motor vehicle titles; requiring that additional service charges be itemized and disclosed to the person paying them; requiring a license plate agent to enter into a contract with the tax collector for a certain purpose; requiring tax collectors and approved license plate agents to enter into a memorandum of understanding with the department for a certain purpose, etc. TR 03/03/2021 Fav/CS FT RC	Fav/CS Yeas 7 Nays 0
4	SB 862 Gruters (Identical H 695)	Digital License Plate Pilot Program; Deleting provisions relating to the authority of the Department of Highway Safety and Motor Vehicles to conduct a pilot program to evaluate the designs, concepts, and technologies for alternative license plates; creating the Digital License Plate Pilot Program within the department; authorizing the department to contract with digital license plate providers; specifying requirements for digital license plates and for digital license plate providers, etc. TR 03/03/2021 Favorable ATD AP	Favorable Yeas 8 Nays 0
5	CS/SB 890 Criminal Justice / Hooper (Similar H 1541)	Use of Electronic Databases; Increasing the maximum fine imposed on public officers who violate any provision of ch. 119, F.S.; requiring the Criminal Justice Standards and Training Commission to incorporate into the course curriculum required for initial certification of law enforcement officers instruction on the authorized access to and use of personal identification information contained in electronic databases; requiring the commission to adopt rules requiring that each law enforcement officer receive instruction on the authorized access to and use of personal identification information contained in electronic databases for continued employment or appointment as an officer, etc. CJ 02/16/2021 Fav/CS TR 03/03/2021 Favorable RC	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Wednesday, March 3, 2021, 9:30—11:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	SB 1082 Albritton (Identical H 77)	Diesel Exhaust Fluid; Requiring the governing body of each public airport that meets certain criteria to create a diesel exhaust fluid safety mitigation and exclusion plan for submission to the Department of Transportation; providing plan requirements; requiring an annual certification of compliance, etc. TR 03/03/2021 Temporarily Postponed ATD AP	Temporarily Postponed
7	SB 1134 Harrell (Identical H 1151, Compare H 1359)	Department of Highway Safety and Motor Vehicles; Revising regulations applicable to owners and drivers of commercial motor vehicles; revising the length of time within which an officer is authorized to give written notice requiring correction of an unduly hazardous operating condition; requiring the Department of Highway Safety and Motor Vehicles, rather than the Department of Transportation, to establish and revise standards to ensure the safe operation of nonpublic sector buses; providing that vehicles that meet certain conditions are exempt from odometer disclosure after specified periods of time, etc. TR 03/03/2021 Favorable GO RC	Favorable Yeas 8 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: SB 100

INTRODUCER: Senator Harrell

SUBJECT: Highway Projects

DATE: March 3, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Favorable
2.			AP	

I. Summary:

SB 100 repeals the Multi-use Corridors of Regional Economic Significance (M-CORES) Program and related provisions, but retains the associated funding within the State Transportation Trust Fund (STTF). The bill draws on the recommendations of the M-CORES task forces and prioritizes strategic improvements to existing highway facilities. More specifically, the bill:

- Authorizes the Florida Department of Transportation (FDOT) to upgrade existing arterial roadways with targeted improvements, such as adding new tolled or non-tolled limited access alignments to manage congestion points and retrofitting roadways with tolled or non-tolled grade separations that provide alternatives to a signalized intersection for through traffic.
- Prohibits reduction of any non-tolled general use lanes of an existing facility, requires maintenance of existing access points, and limits the location of any tolling points such that a non-tolled alternative exists for local traffic.
- Subjects portions of any project to be tolled to federal and state environmental reviews and generally to the same review and development requirements and processes as are currently applicable to the FDOT's projects.
- Directs the FDOT to develop, by December 31, 2035, and include in the work program construction of controlled access facilities to achieve free flow of traffic on U.S. 19 and requires the facility to be developed using existing or portions of existing roadway by specified improvements.
- Directs the FDOT to identify and include in the work program projects to widen certain two-lane arterial rural roads serving high volumes of truck traffic to four lanes and provides funding for such projects.
- Directs the FDOT to begin the project development and environmental phase for a project to extend the Florida Turnpike from its current terminus in Wildwood to a terminus as determined by the FDOT, and to submit a summary report by December 31, 2022.
- Retains in the STTF the revenue redirected to it as a result of the 2019 M-CORES legislation for purposes of funding the authorized controlled access facility projects and widening projects on arterial rural highways.

- Restores the distribution of certain motor vehicle registration fees from the Florida Turnpike Enterprise to the STTF to support statewide transportation priorities.

The bill is expected to have a minimal fiscal impact to the STTF, as it does not change the amount of revenue distributed to the STTF, but it does revise the authorized uses of such funding. See the “Fiscal Impact Statement” below for additional information.

Except as otherwise provided, the bill takes effect July, 2021.

II. Present Situation:

The FDOT is generally charged with providing “a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of our environment and communities.”¹ Funds in the STTF² support the projects contained in the FDOT’s work program, developed pursuant to s. 339.135, F.S. Current law identifies specific funding from moneys in the STTF for certain transportation systems and projects, as well as specific funding programs aimed at transportation projects in rural communities.

The Florida Strategic Intermodal System

The Strategic Intermodal System (the SIS)³ is composed of transportation facilities and services of statewide and interregional significance. The FDOT describes the SIS as representing “an effort to link Florida’s transportation policies and investments to the state’s economic development strategy.”⁴ The SIS consists of:

- Highway corridors established under s. 339.65, F.S. (discussed below);
- The National Highway System;
- Airport, seaport, and spaceport facilities;
- Rail lines and rail facilities;
- Selected intermodal facilities; passenger and freight terminals; and appropriate components of the State Highway System, county road system, city street system, inland waterways, and local public transit systems that serve as connectors between the above components; and
- Other corridors that serve a statewide or interregional purpose.⁵

¹ FDOT, *About FDOT*, available at <https://www.fdot.gov/agencyresources/aboutfdot.shtm> (last visited February 26, 2021).).

² Established in s. 206.46, F.S.

³ Section 339.61, F.S.

⁴ FDOT, *Work Program Instructions FY 21/22-25/26*, September 18, 2020, at p. 378, available at [WPI_Final_2226 \(state.fl.us\)](https://www.fdot.gov/agencyresources/wpi/FY2122-2526/WPI_Final_2226_state.fl.us) (last visited February 26, 2021).

⁵ Section 339.62, F.S.

Section 339.65, F.S., requires the FDOT to plan and develop SIS highway corridors, to include limited⁶ and controlled access⁷ facilities allowing for high-speed and high-volume traffic movements. The corridors include facilities from the following State Highway System components that meet the adopted SIS criteria:

- Interstate highways,
- The Florida Turnpike System,
- Interregional and intercity limited access facilities,
- Existing interregional and intercity arterial highways⁸ previously upgraded or upgraded in the future to limited or controlled access facility standards, and
- New limited access facilities necessary to complete a balanced statewide system.

For purposes of developing these SIS corridors, s. 339.65(6), F.S., requires the FDOT to allocate annually a minimum of \$450 million, adjusted annually by the Consumer Price Index.

Florida's Turnpike System

The Florida Turnpike Enterprise (FTE) within the FDOT is empowered to plan, construct, maintain, repair, and operate the Florida Turnpike System. The FTE's powers are in addition to those of the FDOT.⁹ The FTE is a single budget entity that develops its own budget, which is submitted to the Legislature along with the FDOT's.¹⁰ For the 2020-2021 fiscal year, the FTE's total budget is \$1,298,303,602.¹¹

A proposed project may not be added to the turnpike system unless the project is determined to be economically feasible, a statement of environmental feasibility is completed for the project, and such project is determined to be consistent with approved local comprehensive plans of the local governments in which the project is located, to the maximum extent feasible.^{12, 13}

⁶ "Limited access facility" is defined to mean "a street or highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason. Such highways or streets may be facilities from which trucks, buses, and other commercial vehicles are excluded; or they may be facilities open to use by all customary forms of street and highway traffic." Section 334.03(12), F.S.

⁷ "Controlled access facility" is defined to mean "a street or highway to which the right of access is highly regulated by the governmental entity having jurisdiction over the facility in order to maximize the operational efficiency and safety of the high-volume through traffic utilizing the facility. Owners or occupants of abutting lands and other persons have a right of access to or from such facility at such points only and in such manner as may be determined by the governmental entity." Section 334.03(7), F.S.

⁸ "Arterial road" is defined to mean "a route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road." Section 334.03(1), F.S.

⁹ Section 338.2216(1)(a), F.S.

¹⁰ Section 338.2216(3)(a), F.S.

¹¹ Chapter 2020-111, s. 6, Specific Appropriations 1987 – 2011, L.O.F.

¹² For a map of the system, see Florida's Turnpike System Maps available at <https://floridasturnpike.com/system-maps/> (last visited February 26, 2021). The turnpike system currently includes the mainline from Miami to Central Florida, as well as the Homestead Extension, Sawgrass Expressway, Seminole Expressway, Beachline Expressway, Southern Connector Extension, Veterans Expressway, Suncoast Parkway, Polk Parkway, Western Beltway, the I-4 Connector, and the First Coast Expressway.

¹³ Section 338.223(1)(a), F.S.

“Economically feasible” for a proposed turnpike project means that, as determined by the FDOT before issuance of revenue bonds for the project, the estimated net revenues of the project, excluding feeder roads¹⁴ and turnpike improvements, will be sufficient to pay at least 50 percent of the annual debt service on the bonds by the end of the 12th year of operation and to pay at least 100 percent of the debt service on the bonds by the end of the 30th year of operation. Up to 50 percent of the adopted work program costs of the project may be funded from turnpike revenues.¹⁵ The required statement of environmental feasibility is a statement by the Department of Environmental Protection of the project’s significant environmental impacts.¹⁶

Legislative approval of the FDOT’s tentative work program containing the turnpike project constitutes approval to issue bonds for such project as required by the Florida Constitution.¹⁷ Section 338.227, F.S., authorizes the Division of Bond Finance to issue turnpike revenue bonds as provided in the State Bond Act to pay all or any part of the cost of legislatively approved turnpike projects. However, no more than \$10 billion of bonds may be outstanding to fund approved turnpike projects.¹⁸ As of June 30, 2020, the FTE had \$2.8 billion of outstanding bonds related to financing the construction of expansion projects and system improvements.¹⁹

The principal and interest on such bonds is payable solely from revenues pledged for their payment.²⁰ All revenues or bond proceeds are restricted to paying the cost of turnpike projects and improvements and for the administration, operation, maintenance, and financing of the turnpike system. No revenues or bond proceeds from the turnpike system may be spent for the operation, maintenance, construction, or financing of any project that is not part of the turnpike system.²¹

The FDOT may use turnpike revenues,²² STTF moneys allocated for turnpike projects as a component of the SIS, federal funds, and bond proceeds in developing a financial plan for funding turnpike projects²³ and may use federal and state funds to pay the cost of the operation, maintenance, and capital costs of turnpike projects.²⁴

¹⁴ A “feeder road” is defined as any road no more than five miles in length, connecting to the turnpike system which the FDOT determines is necessary to create or facilitate access to a turnpike project. Section 338.221(3), F.S.

¹⁵ Section 338.223(1)(a) and s. 338.221(8)(a), F.S.

¹⁶ Section 338.221(10), F.S. The FDOT may authorize engineering, traffic, environmental, and other expert studies of the location, costs, economic feasibility, and practicality of proposed projects but may not request legislative approval of such project until the design phase is at least 30 percent complete.

¹⁷ Section 338.2275(1)(a), F.S.

¹⁸ *Id.*

¹⁹ Florida’s Turnpike System, *2020 Comprehensive Annual Financial Report, Fiscal Years Ended June 30, 2020 and 2019*, at p. 37, available at https://floridasturnpike.com/wp-content/uploads/2021/01/2020-CAFR-Final_low-resolution-for-web_1-29_Final.pdf (last visited February 26, 2021).

²⁰ Section 338.227, F.S. The FTE’s current debt service coverage ratio as reported in the 2020 Comprehensive Annual Financial Report was 2.99 and 3.25 for fiscal years 2020 and 2019, respectively. (The term describes a measure of ability to generate enough income in operations to cover the expense of a debt.) These debt service coverage ratios exceed the 1.2 minimum debt service coverage required by existing bond covenants, but are down from previous coverage ratios, attributed to lower annual toll facilities revenues negatively impacted by COVID-19. *Id.*

²¹ *Id.*

²² Net cash to the FTE from operating activities in a fiscal year 2020 snapshot amounted to approximately \$610 million. *Id.* at p. 30.

²³ Section 338.2275(2), F.S.

²⁴ Section 338.223(4), F.S.

Other Available Funding Mechanisms

In addition to issuance of turnpike revenue bonds for turnpike projects, funding mechanisms currently available to the FDOT for transportation-related projects also include, but are not limited to:

- Right-of-way acquisition or bridge construction bonds: These bonds may be issued to finance or refinance the cost of acquiring real property or rights thereto for state roads or to finance or refinance the cost of state bridge construction. The bonds are payable primarily from motor and diesel fuel taxes and are secured by the full faith and credit of the state. After debt service and other obligations, the proceeds are deposited into the STTF.²⁵
- The FDOT Financing Corporation: The Legislature created the non-profit corporation for the purpose of financing or refinancing transportation projects on behalf of the FDOT. A board of directors consisting of the director of the Office of Policy and Budget within the Executive Office of the Governor, the director of the Division of Bond Finance, and the FDOT secretary governs the corporation. The FDOT may enter into service contracts with the corporation in connection with projects approved in the FDOT's work program. Each service contract may have a term of up to 35 years. The corporation may issue and incur notes, bonds, certificates of indebtedness, and other obligations or evidences of indebtedness to finance or refinance projects in the FDOT's work program, and the FDOT makes payments on the indebtedness under the service contract. The indebtedness does not constitute a debt or obligation of the state or a pledge of the full faith and credit or taxing power of the state. Payment of obligations by the FDOT to the corporation are payable solely from amounts available in the STTF, subject to annual appropriation.²⁶
- Public-private transportation facilities: The FDOT is authorized to receive or solicit proposals and, with legislative approval as evidenced by approval of the project in the FDOT's work program, enter into agreements with private entities for the building, operation, ownership, or financing of transportation facilities. Under specified conditions, the FDOT may advance projects in the ten-year Strategic Intermodal Plan developed for the SIS that are programmed in the adopted five-year work program or that increase transportation capacity and are greater than \$500 million. Advanced projects use funds provided by public-private partnerships or private entities, which are reimbursed by FDOT for the project as programmed in the work program.²⁷

Rural Transportation Programs

Small County Road Assistance Program (SCRAP)

The FDOT administers the SCRAP to assist small county governments in resurfacing or reconstructing county roads that were part of the county road system on June 10, 1995.²⁸

Counties eligible to compete for funding based on population include those with a population of

²⁵ Section 215.605, F.S.

²⁶ Section 339.0809, F.S.

²⁷ Section 334.30, F.S.

²⁸ Section 339.2816, F.S.

75,000 or less according to the 1990 federal census.²⁹ Capacity improvements on county roads are not eligible for SCRAP funding, except where the department determines that widening existing lanes as part of a resurfacing or reconstruction project is necessary to address safety concerns.³⁰ Available funds are allocated to the FDOT districts based on the number of counties eligible for funding under the criteria in s. 339.2816, F.S.³¹

In Fiscal Year 2019-2020, the Legislature appropriated approximately \$29.3 million³² to fund the program and, in 2020-2021, included in the budget approximately \$47.6 million³³ to fund the program. These amounts *include* \$10 million in funding redirected under the M-CORES law, as discussed below.

Small County Outreach Program (SCOP)

The SCOP program within the FDOT assists small counties in repairing or rehabilitating county bridges, paving unpaved roads, addressing road-related drainage improvements, resurfacing or reconstructing county roads, or constructing capacity or safety improvements to county roads. Small counties eligible to compete for project funding include those with a population of 200,000 or less as determined by the most recent official estimate of the Office of Economic and Demographic Research.³⁴ Like the SCRAP Program, available funds are allocated to the FDOT districts based on the number of counties eligible for funding under the criteria in s. 339.2818, F.S.

The FDOT is required to fund 75 percent of the cost of projects on county roads selected for funding under the program³⁵ and the county must provide 25 percent of such costs.³⁶ Rural counties qualifying under the Rural Economic Development Initiative³⁷ may apply for a waiver or reduction of the required 25 local match.³⁸ Subject to specific appropriation in addition to those annually appropriated for the SCOP Program, municipalities within a rural area of opportunity may also compete for funding at up to 100 percent of project costs, excluding capacity improvement projects.³⁹

²⁹ Those counties include Baker, Bradford, Calhoun, Columbia, DeSoto, Dixie, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Highlands, Holmes, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Nassau, Okeechobee, Putnam, Sumter, Suwannee, Taylor, Union, Wakulla, Walton, and Washington. *Supra* note 4 at p. 342.

³⁰ *Supra* note 4 at p. 342.

³¹ For example, if a district has ten counties and there are 31 eligible counties statewide, then the district's allocation would be approximately 32.26% of the total available funding. If there are not enough timely applications in a district, the funds that were allocated to the district remain with the district (put into "reserve" until the applications are complete). This keeps the equitable distribution of the program funds within the districts.

³² Chapter 2019-115, L.O.F.

³³ Chapter 2020-111, L.O.F.

³⁴ Section 339.2818, F.S. Counties qualified to compete for SCOP funding based on population include the same counties now eligible to compete for SCRAP funding listed in footnote 35, plus Bay, Citrus, Charlotte, Hernando, Indian River, Martin, Monroe, and Santa Rosa Counties.

³⁵ Section 339.2818(4)(a), F.S.

³⁶ The County is responsible for any initial bid costs or project overruns of the project that exceed the department's share. This helps ensure that the funds are utilized on as many projects as possible.

³⁷ See s. 288.0656, F.S., for a full description of the Rural Economic Development Initiative. Subsection (7) of that section authorizes waiver of criteria, requirements, or similar provisions of any economic development incentive, including but not limited to waivers of matching funds for transportation projects in the SCOP.

³⁸ *Supra* note 4 at p. 334.

³⁹ Section 339.2818(7), F.S.

In Fiscal Year 2019-2020, the Legislature appropriated approximately \$71.3 million⁴⁰ to fund the program, \$9 million of which was specifically appropriated to fund projects in municipalities within rural areas of opportunity (RAOs) and, in 2020-2021, included in the budget approximately \$96 million⁴¹ to fund the program, \$9 million of which was specifically appropriated for competing municipalities in RAOs. These amounts *include* \$10 million in funding redirected under the M-CORES law, discussed below.

The Multi-use Corridors of Regional Economic Significance Program (M-CORES)

The 2019 Legislature established the M-CORES Program within the FDOT.⁴² Designed to advance construction of regional corridors accommodating multiple modes of transportation and multiple types of infrastructure, the specific purpose of the program is to revitalize rural communities, encourage job creation in those communities, and provide regional connectivity while leveraging technology, enhancing quality of life and public safety, and protecting the environment and natural resources. The goals of the program include “non-traditional” approaches to transportation, such as providing within the three corridors infrastructure to facilitate expansion of broadband, water, and sewer connectivity in rural areas. The schedule for completion of the three corridors is aggressive; to the maximum extent feasible, construction of the projects must begin no later than December 31, 2022, and be open to traffic no later than December 31, 2030.

The Legislature identified three corridors comprising the program⁴³ and directed the FDOT to convene a task force for each corridor comprised of representatives from state agencies and other stakeholders to evaluate and coordinate corridor analysis, environmental and land use impacts, and other pertinent impacts of the corridors.

M-CORES Task Force Reports

After numerous meetings of the required task forces beginning in August of 2019 (some virtual due to COVID-19), community open houses, webinars, as well as opportunities for public comment, the task forces issued their final reports in November of 2020.⁴⁴

Key findings and recommendations of the task forces include:

- Among the responsibilities assigned to the task forces was a charge to evaluate the need for and the impacts of each corridor. Each task force identified an inability to complete this charge, “due to the early stage of planning for [each] corridor and the limited data and analysis on potential needs and impacts available at this time,” and directed the FDOT to establish at least a preliminary determination of transportation need and initial financial feasibility before proceeding with the Project Development and Environment (PD&E) phase.

⁴⁰ Chapter 2019-115, L.O.F.

⁴¹ Chapter 2020-111, L.O.F.

⁴² Chapter 2019-43, L.O.F.

⁴³ The Southwest-Central Florida Connector, extending from Collier County to Polk County; the Suncoast Connector, extending from Citrus County to Jefferson County; and the Northern Turnpike Connector, extending from the northern terminus of the Florida Turnpike northwest to the Suncoast Parkway.

⁴⁴ See FDOT, *Final Task Force Reports*, for all three task force reports, available at <https://floridamcores.com/> (last visited February 26, 2021.)

- The task forces did develop high-level needs that require further evaluation by FDOT, and project-level needs will be evaluated consistent with the task force recommendations. Each task force *expressed a preference, if specific needs are identified, for improvement or expansion of existing major highway corridors* and acknowledged the process for FDOT to consider a “no build” alternative in future project development activities until a final recommendation about each specific project is made.
- Each task force also recommended guiding principles, instructions and an action plan, based on the data and analysis provided, as a “set of directions to FDOT and other partners for future planning, project development, and implementation activities.” Each report was submitted “with a qualifier that FDOT must still develop project-specific needs, environmental feasibility and economic feasibility for future projects.”

While the program has support from certain public officials and interested stakeholders, the public comments received by the FDOT in the course of task force deliberations revealed significant opposition to the M-CORES Program. Following a public records request, a coalition of Florida-based organizations and businesses reportedly performed an analysis of 9,886 comments released by the FDOT, finding that 93 percent of the commenters oppose the toll roads.⁴⁵

Current FDOT M-CORES Status

According to the FDOT, the corridors are being evaluated in a five-step process:

- Task Force
- Alternative Corridor Evaluation
- Project Development & Environment and Design
- Right-of-Way
- Construction

All three corridors are currently undergoing alternative corridor evaluation. The FDOT notes “The Task Force Guiding Principles, in collaboration with federal, state, and local partners, will be used to conduct the preliminary needs and financial analysis and evaluation of potential corridors, including opportunities for linear infrastructure (broadband, sewer, water) and co-location with existing corridors.” Further, “A final report will identify which sections and which corridor(s), if any, are carried forward for further evaluation.”⁴⁶

The Impact of COVID-19 on Transportation Revenues

As the FDOT and the task forces engaged in their work, reports of increasing cases of COVID-19 infection began to proliferate. Reports of the impacts of COVID-19 on various sources of revenue began, as well, including impacts on transportation revenue sources. In a presentation to the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 9, 2021, the FDOT noted projected transportation revenue reductions (from traditional sources such as fuel taxes, documentary stamp tax proceeds, and toll facility

⁴⁵ See MSN News, *Thousands of Public Comments Show Overwhelming Opposition to M-CORES Toll-Road Projects*, available at [Thousands Of Public Comments Show Overwhelming Opposition To M-CORES Toll-Road Projects \(msn.com\)](#) (last visited February 26, 2021).

⁴⁶ See the FDOT's M-CORES Program Overview (on file in the Senate Transportation Committee).

revenues) for the five-year work program for the 2020-21 – 2025-2026 fiscal years in the amount of \$2.91 billion.⁴⁷ For the 2020-2021 fiscal year, the revenue reductions resulted in 23 projects being deferred, while 54 projects were deleted entirely.⁴⁸

Further Present Situation

For ease of organization and readability, additional information on related present situation is discussed below in conjunction with the effect of the proposed changes.

III. Effect of Proposed Changes

M-CORES Program Funding (Section 3)

Present Situation

Section 338.2278, F.S., establishes the M-CORES Program within the FDOT and also provides funding for the M-CORES Program. Subject to the economic and environmental feasibility statement requirements, that section authorizes funding for M-CORES projects through turnpike revenue bonds, right-of-way and bridge construction bonds, the FDOT Financing Corporation, the use of public-private partnerships, or by any combination thereof. The FDOT is also authorized to accept donations of land for use as transportation rights-of-way or to secure or use transportation rights-of-way for such projects.

If projects in the corridors are determined to be economically and environmentally feasible and are consistent to the maximum extent feasible with the appropriate approved local government comprehensive plans, the projects will be included in the FDOT's tentative work program. Upon legislative approval of the projects in the tentative work program, issuance of turnpike revenue bonds will be authorized to pay all or any part of the legislatively approved turnpike projects, subject to the restriction limiting the amount of bonds that may be outstanding for approved turnpike projects to \$10 billion.⁴⁹ The principal and interest on any turnpike revenue bonds issued for these projects will be payable solely from revenues pledged for their repayment.

Part of the M-CORES law includes redirected revenues to the STTF, on a phased-in schedule, from portions of motor vehicle license taxes that were deposited into the General Revenue Fund. Current law dictates how and when the increased revenues are to be distributed and allocated. In addition, from the redirected motor vehicle license tax proceeds, the Legislature authorized additional funding for the SCRAP, the SCOP, and the Transportation Disadvantaged Trust Fund (TDTF),⁵⁰ and also revised and provided funding for the FDOT's workforce development program.

⁴⁷ See the FDOT's Powerpoint presentation at p. 13, available at https://www.flsenate.gov/Committees/Show/ATD/MeetingPacket/5021/8989_MeetingPacket_5021.pdf (last visited February 26, 2020).

⁴⁸ *Id.* at p. 10.

⁴⁹ Section 338.2275(1)(a), F.S.

⁵⁰ The Transportation Disadvantaged Program established in Part I of Chapter 427, F.S., coordinates a network of local and state programs providing transportation services for elderly, disabled, and low-income citizens. The Commission for the Transportation Disadvantaged (CTD) is authorized to use moneys in the TDTF to subsidize a portion of a transportation disadvantaged person's non-sponsored (for example, not paid for by Medicaid) transportation costs. For the 2021-2022 fiscal

The 2019 M-CORES legislation set up a phased-in schedule of distribution from the redirected motor vehicle license tax revenues (approximately \$132 million annually) and provided allocations of the amounts retained in the STTF. These funds are in addition to any other statutory funding allocations provided by law.

For Fiscal Years 2019-2020 and 2020-2021, the General Revenue Fund received transfers of approximately \$65.7 million and \$38.6 million, respectively, from the increased revenues to the STTF. Beginning Fiscal Year 2021-2022 and thereafter, the General Revenue Fund receives no further transfers, and the estimated \$132 million is retained in the STTF.

For the 2019-2020 fiscal year and annually thereafter, from the amounts retained in the STTF, the SCRAP, the SCOP, and the TDTF receive \$10 million annually each, and the workforce development program receives \$2.5 million annually ending in the 2021-2022 fiscal year.

The funds allocated to the TDTF must be used to award competitive grants to community transportation coordinators and transportation network companies to provide cost-effective, door-to-door, on-demand, and scheduled transportation services (services that increase access to job training, employment, health care, and other life-sustaining services; that enhance regional connectivity and cross-county mobility; or that reduce difficulty in connecting to transportation hubs and from hubs to final destinations).

The funds allocated for workforce development must be used by the FDOT to administer workforce development contracts with consultants and non-profit entities, such as local community partners, state colleges, and technical institutions. These entities, as specified in a contract with the FDOT, are deemed to have the primary purposes of providing workforce recruitment, training curriculum for the FDOT's road and bridge construction and corridor projects, and providing support services to remove barriers to work. The program is not repealed when the dedicated \$2.5 million of funding ceases at the end of the 2021-2022 fiscal year but remains authorized in statute. The FDOT may continue administration of the workforce development program to the extent that future funding resources are available.

Section 339.0801(2), F.S., currently provides \$35 million (from increased revenues to the STTF enacted in 2012) in annual funding to the FTE for three fiscal years, 2019-2020, 2020-2021, and 2021-2022, to be used in accordance with turnpike requirements and to the maximum extent feasible for feeder roads, structures, interchanges, and appurtenances to create or facilitate access to the existing turnpike system.⁵¹ Beginning in Fiscal Year 2022-2023, the same annual transfer to the FTE occurs, but the funds must be used in accordance with M-CORES Program requirements and with preference for feeder roads, structures, interchanges, and appurtenances to create or facilitate access to the existing turnpike system.

year, the CTD projects deposits into the TDTF from state sources in the amount of \$68,359,521. See the CTD email to committee staff dated February 26, 2021 (on file in the Senate Transportation Committee).

⁵¹ These transfers originally began in the 2013-2014 fiscal year, to be made annually for up to 30 years.

Effect of Proposed Changes

Section 3 of the bill repeals s. 338.2278, F.S. The M-CORES Program is repealed in its entirety. Beginning in Fiscal Year 2021-2022, the annual allocations to the M-CORES Program, the additional annual allocations over current statutory funding for the SCRAP, the SCOP, and the TDTF, as well as the last year of funding for workforce development, are repealed.

As discussed below, however, the increased revenues derived from redirecting to the STTF portions of motor vehicle license taxes remain in the STTF under the bill.

Arterial Highway Projects (Sections 6, 7, and 9-12)

Present Situation

As part of its duties and responsibilities to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of our environment and communities, the FDOT routinely manages and improves arterial roads to increase capacity and facilitate traffic throughput, while at the same time achieving the paramount goal of improving safety. The FDOT and the FTE are experienced in retrofitting transportation facilities with grade separations and adding new alignments for the same purposes.

The M-CORES task force reports, along with the public comments received during the course of their deliberations, may serve as a beneficial guide on how best to repurpose the funding authorized for the M-CORES Program, by leveraging existing facilities through upgrades to arterial highways and including a continued focus on improvement projects in appropriate rural areas.

An example of upgrades to existing arterial highways⁵² to maximize operational efficiency and safety is implementation of controlled access facilities (CAFs).⁵³ The FDOT's Access Control Classification System and Access Management Standards used in planning, designing, and permitting connections to a facility and in the planning and design of medians, median openings, and signal spacing for roads on the State Highway System employs seven classes of CAFs, beginning with Class 1 (limited access facilities providing for high speed and high volume traffic movements serving interstate, interregional, and intercity highways but which do not provide direct property connections).

According to the FDOT rule,⁵⁴ "Access Classes 2 through 7 consist of controlled access facilities and are arranged from the most restrictive (Access Class 2) to the least restrictive (Access Class 7) class based on development. Generally the roadways serving areas without existing extensive

⁵² "A route providing service which is relatively continuous and of relatively high traffic volume, long average trip length, high operating speed, and high mobility importance. In addition, every United States numbered highway is an arterial road."

⁵³ "A street or highway to which the right of access is highly regulated by the governmental entity having jurisdiction over the facility in order to maximize the operational efficiency and safety of the high-volume through traffic utilizing the facility. Owners or occupants of abutting lands and other persons have a right of access to or from such facility at such points only and in such manner as may be determined by the governmental entity."

⁵⁴ Rule 14-97.003, F.A.C. The rule implements the FDOT's statutory duties with respect to regulation of access to the State Highway System, access permitting, and access management standards in ss. 335.182, 335.184, and 335.188, F.S.

development are classified in the upper portion of the range (Access Class 2, 3 and 4). Those roadways serving areas with existing moderate to extensive development are generally classified in the lower portion of the range (Access Class 5, 6 and 7). The access management standards for each access class are further determined by the posted speed limit.” The rule appears to provide the FDOT the flexibility, based on engineering decisions, to employ the most appropriate type of upgrade to an existing arterial highway given its characteristics and the particular goal of a given project, such as congestion management.

One recent example of the successful implementation of an upgrade to an existing arterial highway is a new limited access facility, approximately seven miles in length, on the west side of Starke, bypassing the developed section of U.S. 301.⁵⁵ This route was apparently chosen over an “urban” alternative involving the widening of a portion of the then existing roadway, in part because the “rural” route minimized right-of-way takings.⁵⁶

An economic impact analysis projected significant negative economic impacts for both alternatives, of different types but comparable in magnitude.⁵⁷ Yet, residents and businesses are reportedly “delighted” since the project opened in 2019. According to a recent article:

- By January [of 2020], the bypass around Starke had diverted 65% of overall traffic from the city of about 5,500 residents, but residents are pleased that the portion of U.S. 301 through Starke is no longer “bombarded with trucks,” as described by an FDOT representative. Travel for local residents in town improved.
- This created an influx of Starke residents willing to drive along U.S. 301, which proved beneficial for businesses. The President of the North Florida Regional Chamber of Commerce is quoted for noting that no businesses closed as a result of the bypass, and local sales tax revenue reportedly increased the first few months after the bypass opened [until the negative impacts of COVID-19 began to appear].⁵⁸

Effect of Proposed Changes

Section 9 creates s. 339.66, F.S., relating to upgrading arterial highways with controlled access facilities, and includes Legislative findings that provision and maintenance of safe, reliable, and predictably free-flowing facilities to support the movement of people and freight and to enhance hurricane evacuation efficiency is important; and that planning now for population growth and technology changes while prudently making timely improvements to address demand is in the best interest of the state.

Building on a primary focus of the M-CORES task forces to *maximize the use of existing facilities*, the bill directs the FDOT, in coordination with the Florida Turnpike Enterprise (FTE), to evaluate existing or portions of existing roadways for development of specific CAFs and include such projects as identified in the work program. The FDOT is authorized to upgrade

⁵⁵ An arterial road by definition. *Supra* note 13.

⁵⁶ See the *Starke U.S. 301 Corridor Study, Bradford County Florida, Economic Impact Analysis*, July 1996, at p. 1-1 (on file in the Senate Transportation Committee).

⁵⁷ *Id.* at p. 1-3.

⁵⁸ See WUFT, *Starke Businesses Survived The Route 301 Bypass. Will They Survive The Pandemic, Too?*, October 8, 2020, available at <https://www.wuft.org/news/2020/10/08/starke-businesses-survived-the-route-301-bypass-will-they-survive-the-pandemic-too/> (last visited February 26, 2021).

roadways with targeted improvements, such as adding new tolled or non-tolled limited access alignments to manage congestion points and retrofitting existing roadway with tolled or non-tolled grade separations that provide alternatives to a signalized intersection for through traffic.

The FDOT may *not* reduce any non-tolled general use lanes of an existing facility and *must*:

- Maintain existing access points to the roadway provided by designated streets, graded roads, or driveways, again avoiding community impact.
- After construction is completed, provide property owners of land with no existing access the right to one access point and provide owners with more than one mile of roadway frontage along a CAF with one access point for each mile owned.
- Locate any tolling points so that a non-tolled alternative exists for local traffic.
- Establish any new alignments with the goal of enhancing the economic prosperity of affected communities.

These requirements appear to be consistent with the task force guiding principles relating to avoiding or minimizing negative impacts to residents and communities, as well as negative economic impacts to existing local businesses.

Under the bill, any portions of a CAF to be tolled are approved turnpike projects that are part of the turnpike system, and a controlled-access portion of a roadway constructed under the new section of law is considered a SIS facility. The existing economic feasibility test applies, as under current law, only to projects that involve tolled upgrades to a facility, but the existing requirement for a statement of environmental feasibility applies to all projects. Also as is the case under current law, all projects using federal funds or requiring federal action are subject to environmental review, consultation, or other action required under the Nation Environmental Policy Act of 1969.⁵⁹ Projects that do not use federal funds or require federal action are likewise subjected to environmental review by the FDOT. Decisions on matters such as configuration, project alignment, and interchange locations must be determined in accordance with applicable FDOT rules, policies, and procedures.

CAF projects under the bill are generally subjected to the same review and development requirements and related processes as are currently applicable to the FDOT's projects, regardless of whether federal funds are used. These provisions appear to be consistent with the task force guiding principles related to consistency of a given project with statutorily required statewide, regional, and local plans, as plan consistency is a primary driver of existing transportation planning and implementation.⁶⁰

The bill also requires the FDOT to consider innovative concepts to combine right-of-way acquisition with the acquisition of lands or easements to facilitate environmental mitigation or ecosystem, wildlife habitat, or water quality protection or restoration. Further, to the greatest extent practical, the FDOT must design roadway alignments, project alignment, and any

⁵⁹ The FDOT assumed responsibility for such review under authorization in s. 344.044(34), F.S.

⁶⁰ As examples of requirements and considerations relating to consistency with plans, see ss. 335.188 (access management standards), 338.223 (proposed turnpike projects), 339.135 (work program), 339.155 (transportation planning), and 339.65 (SIS highway corridors), F.S.

interchange locations so that project rights-of-way are not located within conservation lands acquired under the Florida Preservation 2000 Act⁶¹ and the Florida Forever Act.⁶²

These provisions appear to be consistent with task force guiding principles relating to protection of the environment, including preservation of natural resources and of existing investments in conservation lands.

Lastly, this section of the bill, subject to applicability of the economic feasibility test for portions of a CAF to be tolled and to the environmental statement requirement for all projects, authorizes project funding through turnpike revenue bonds, right-of-way and bridge construction bonds, the FDOT Financing Corporation, the use of public-private partnerships, or by any combination thereof; however, project construction is not eligible for funding until completion of 30 percent of the design phase, except for projects that are under construction or for which project alignment has been determined. The FDOT is also authorized to accept donations of land for use as transportation rights-of-way or to secure or use transportation rights-of-way for such projects.

To the extent legally available, any toll revenues from the turnpike system not required for payment of principal, interest, reserves, and other required deposits for bonds; costs of operations and maintenance; other contractual obligations; or system improvement project costs must be used to repay to the STTF advances made from that fund. In accordance with existing authority, the Division of Bond Finance is authorized to issue right-of-way and bridge construction bonds, turnpike revenue bonds, and FDOT Financing Corporation bonds to finance CAF, as provided in the State Bond Act.

Section 10 creates s. 339.67, F.S., relating to U.S. 19 controlled access facilities, directing the FDOT to develop and include in the work program construction of controlled access facilities necessary to achieve free flow of traffic on U.S. 19, beginning at the terminus of Suncoast Parkway 2 Phase 3 north along U.S. 19 to a logical terminus on Interstate 10 in Madison County. Consistent with the new s. 339.66, F.S., above, the bill deems the project as a SIS facility, which must be developed using existing or portions of existing roadway to ensure the free flow of traffic by improvements such a limited access alignments to manage congestion points and retrofitting the roadway with a series of grade separations that provide an alternative to a signalized intersection for through traffic. The FDOT must develop the project no later than December 31, 2035.

This provision provides the FDOT with a significant amount of time to develop the project through the agency's normal planning and review processes, imposing no deadline on construction or on the facility being open to traffic and providing a model for other regions throughout the state.

Section 11 creates s. 339.68, F.S., relating to arterial rural highway projects. The bill continues a focus on improving rural roadways by directing the FDOT to identify and include in the work program projects to increase capacity by widening existing two-lane arterial rural roads to four lanes. To be included in a program project, the road must be classified as an arterial rural road,

⁶¹ Section 259.101, F.S.

⁶² Section 259.105, F.S.

and truck traffic using the road must amount to at least 15 percent of all such traffic, as determined by the department. The bill directs the FDOT to fund at least \$20 million annually for such projects.

Section 12 provides a Legislative finding that the extension of the Florida Turnpike from its northerly terminus in Wildwood to a logical and appropriate terminus as determined by the FDOT is in the strategic interest of the state. The bill directs the FDOT to begin the PD&E phase of the extension, considering project configuration, alignment, cost, and schedule. The FDOT is required to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives summarizing the result of the PD&E phase by December 31, 2022. The bill does not authorize construction of the extension.

Section 6, effective July 1, 2023, amends s. 339.0801, F.S., to repeal the annual transfer from the STTF to the Turnpike Enterprise of the \$35 million for feeder roads, etc. In effect, the annual \$35 million will remain in the STTF to be used annually for existing or planned strategic transportation projects, as required under current law.

Section 7 creates s. 339.0803, F.S., relating to allocation of the increased motor vehicle license tax fees the Legislature re-directed to the STTF in 2019. As the M-CORES law is repealed, the redirected revenues to the STTF are reallocated by the bill to be used to fund arterial highway projects identified by the FDOT under s. 339.65, F.S., relating to the SIS, and authorizing use of the funds for CAF projects specified in new ss. 339.66 and 339.67, F.S., created by the bill. The FDOT must prioritize use of existing facilities when upgrading arterial highways to limited or controlled access facilities, but the FDOT is not precluded from use of such funding for projects that enhance the capacity of an arterial highway. These funds are in addition to any other statutory funding allocations.

Conforming Revisions (Sections 1, 2, 4, 5, and 8)

Section 1 amends s. 334.044(35), F.S., to remove the M-CORES-related revisions enacted in 2019 with respect to workforce development, including authorization for the FDOT to enter into contracts with consultants and non-profit entities for the provisions of workforce recruitment, training curriculum, and support services, and a requirement for a report the FDOT has already completed. Current funding for the program would expire on July 1, 2021, instead of continuing through the end of the 2021-2022 fiscal year. The FDOT's authorization for the workforce development program is not repealed. The FDOT may continue administration of the program to the extent that future funding resources are available.

Section 2 repeals s. 163.3168(4), F.S., relating to local applications for technical assistance from the Department of Economic Opportunity (DEO), which currently requires the DEO to give a preference to a county that has a population of 200,000 or less, and to a municipality located within such a county, for assistance in determining whether the area in and around a proposed M-CORES interchange contains appropriate land uses and natural resource protections and for aid in developing or amending a local government's comprehensive plan to provide for such uses, protections, and intended benefits under the M-CORES Program.

Section 4 repeals a provision contained in s. 338.236, F.S., relating to staging areas to be activated during a declared state of emergency on the turnpike system. That section currently requires the FDOT to give priority consideration to placement of such staging areas in counties with a population of 200,000 or fewer and in which an M-CORES corridor is located.

Section 5 amends s. 339.0801(2), F.S., to conform to the repeal of the M-CORES Program and restore that subsection as it existed prior to enactment of the M-CORES Program. This statute is also amended under Section 6 of the bill at a future date.

Section 8 repeals s. 339.1373, F.S., to conform to the repeal of the M-CORES Program and related funding in s. 338.2278, F.S. Section 339.1373, F.S., currently directs the FDOT to allocate sufficient funds, develop a plan to expend the M-CORES revenues and allocations, and submit a specified budget amendment.

Except as otherwise provided, the bill takes effect July, 2021.

Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

IV. Fiscal Impact Statement:

A. Tax/Fee Issues:

None. The bill does not change the application of motor vehicle license tax revenues, but instead changes the use of the revenues.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not change the amount of revenue distributed to the STTF. The bill repeals the funding for the M-CORES Program, the workforce development program, and the additional funds dedicated to the SCRAP, the SCOP, and the TDTF. Instead, these revenues will be used for arterial roads in the SIS.

The bill repeals the future change in use of \$35 million of funds transferred to the FTE to conform to the repeal of the M-CORES law, and on July 1, 2023, the bill repeals the transfer of those funds to the FTE. Instead, the funds will be retained in the STTF. Any impact to FTE programming is reduced by the delayed effective date of the elimination of the transfer.

The impact to the 5-year Work Program is expected to be minimal. The funds remain in the STTF for use by the DOT on arterial roads in the SIS. The bill does require the DOT to incorporate into the work program projects related to upgrade of existing facilities with controlled access roads and expansion of certain 2-lane arterial rural roadways.

V. Technical Deficiencies:

None.

VI. Related Issues:

None.

VII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 334.044, 338.236, and 339.0801.

This bill creates the following sections of the Florida Statutes: 339.0803, 339.66, 339.67, and 339.68.

This bill repeals the following sections of the Florida Statutes: 163.3168, 338.2278, and 339.1373.

VIII. 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 Harrell

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1 A bill to be entitled
 2 An act relating to highway projects; repealing s.
 3 163.3168(4), F.S., relating to applications for
 4 funding for technical assistance relating to areas in
 5 and around a proposed multiuse corridor interchange;
 6 amending s. 334.044, F.S.; revising the powers and
 7 duties of the Department of Transportation relating to
 8 the workforce development program; repealing s.
 9 338.2278, F.S., relating to the Multi-use Corridors of
 10 Regional Economic Significance Program; amending s.
 11 338.236, F.S.; deleting a requirement for the
 12 department to give priority consideration to placement
 13 of staging areas in certain counties; amending s.
 14 339.0801, F.S.; requiring that \$35 million transferred
 15 to Florida's Turnpike Enterprise be used for a
 16 specified purpose beginning in a specified fiscal year
 17 and annually for up to 30 years thereafter; conforming
 18 provisions to changes made by the act; amending s.
 19 339.0801, F.S.; deleting a requirement for a specified
 20 amount of funds to be transferred to Florida's
 21 Turnpike Enterprise for a specified purpose; creating
 22 s. 339.0803, F.S.; requiring that certain increased
 23 revenues be used to fund specified projects beginning
 24 in a specified fiscal year and annually thereafter;
 25 authorizing such revenues to be used for certain
 26 projects; requiring the department to prioritize the
 27 use of certain facilities when upgrading arterial
 28 highways; providing construction; providing that such
 29 funding is in addition to other statutory funding

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30 allocations; repealing s. 339.1373, F.S., relating to
 31 funding of the Multi-use Corridors of Regional
 32 Economic Significance Program; creating s. 339.66,
 33 F.S.; providing legislative findings; requiring the
 34 department, in coordination with the Florida Turnpike
 35 Enterprise, to evaluate certain roadways for
 36 development of specific controlled access facilities
 37 and to include such projects in the work program;
 38 authorizing the department to upgrade roadways with
 39 targeted improvements; prohibiting the department from
 40 reducing nontolled general use lanes of an existing
 41 facility; requiring the department to maintain
 42 existing access points; providing for access points
 43 for certain property owners; specifying the location
 44 of tolling points and requiring a nontolled
 45 alternative for local traffic; requiring any new
 46 alignments to be establish with a specified goal;
 47 providing that any tolled facilities are approved
 48 turnpike projects and part of the turnpike system;
 49 designating a controlled-access portion of a specified
 50 roadway a Strategic Intermodal System facility;
 51 providing for applicability of a specified economic
 52 feasibility requirement and a specified statement of
 53 environmental feasibility; requiring environmental
 54 review of projects as specified; requiring certain
 55 decisions to be determined in accordance with
 56 applicable department rules, policies, and procedures;
 57 requiring, to the greatest extent practicable, that
 58 roadway alignments, project alignment, and interchange

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locations be designed as specified; providing for funding sources; providing that project construction is not eligible for funding until completion of 30 percent of the project design phase, with exceptions; authorizing the Division of Bond Finance to issue specified bonds on behalf of the department to finance certain projects; creating s. 339.67, F.S.; requiring the department to develop and include construction of controlled access facilities in the work program of a certain facility; requiring the facility to be developed using existing roadway or portions thereof; requiring the facilities to be developed no later than a specified date to the maximum extent feasible; creating s. 339.68, F.S.; requiring the department to identify and include in the work program projects to increase capacity by widening existing two-lane arterial rural roads to four lanes; providing requirements for roads to be included in work program projects; requiring the department to annually fund at least a specified amount for such projects; providing legislative findings; requiring the department to commence project development and environmental phase of an extension of the Florida Turnpike; requiring the department to prepare a specified report and to submit the report to the Governor and Legislature by a specified date; providing effective dates.

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

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Section 1. Subsection (4) of section 163.3168, Florida Statutes, is repealed.

Section 2. Subsection (35) of section 334.044, Florida Statutes, is amended to read:

334.044 Powers and duties of the department.—The department shall have the following general powers and duties:

(35) To provide a road and bridge construction workforce development program, in consultation with affected stakeholders, for construction of projects designated in the department's work program.

~~(a) The workforce development program is intended to provide direct economic benefits to communities in which the department is constructing infrastructure projects and to promote employment opportunities, including within areas of low income and high unemployment.~~

~~(b) The department shall merge any of its own existing workforce services into the program to create a robust workforce development program. The workforce development program must serve as a tool to address the construction labor shortage by recruiting and developing a group of skilled workers for infrastructure projects to increase the likelihood of department projects remaining on time and within budget.~~

~~(c) To accomplish these activities, the department may administer workforce development contracts with consultants and nonprofit entities, such as local community partners, Florida College System institutions, and technical institutions or centers. These entities, as specified in a contract with the department, shall have the primary purposes of providing all of the following:~~

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1. ~~Workforce recruitment.~~

2. ~~A training curriculum for the department's road and bridge construction projects which includes both traditional and emerging construction methods and skills needed to construct multiuse infrastructure and facilities accommodating emerging technologies.~~

3. ~~Support services to remove barriers to work.~~

(d) ~~The department shall develop performance and outcome metrics to ensure accountability and to measure the benefits and cost-effectiveness of the program. By June 30, 2020, and annually thereafter, the department shall prepare and provide a report to the Governor, President of Senate, and Speaker of the House of Representatives detailing the results of its findings and containing any recommendations relating to future program refinements.~~

Section 3. Section 338.2278, Florida Statutes, is repealed.

Section 4. Subsection (1) of section 338.236, Florida Statutes, is amended to read:

338.236 Staging areas for emergencies.—The Department of Transportation may plan, design, and construct staging areas to be activated during a declared state of emergency at key geographic locations on the turnpike system. Such staging areas must be used for the staging of emergency supplies, such as water, fuel, generators, vehicles, equipment, and other related materials, to facilitate the prompt provision of emergency assistance to the public, and to otherwise facilitate emergency response and assistance, including evacuations, deployment of emergency-related supplies and personnel, and restoration of essential services.

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(1) In selecting a proposed site for a designated staging area under this section, the department, in consultation with the Division of Emergency Management, must consider the extent to which such site:

(a) Is located in a geographic area that best facilitates the wide dissemination of emergency-related supplies and equipment;

(b) Provides ease of access to major highways and other transportation facilities;

(c) Is sufficiently large to accommodate the staging of a significant amount of emergency-related supplies and equipment;

(d) Provides space in support of emergency preparedness and evacuation activities, such as fuel reserve capacity;

(e) Could be used during nonemergency periods for commercial motor vehicle parking and for other uses; and

(f) Is consistent with other state and local emergency management considerations.

~~The department must give priority consideration to placement of such staging areas in counties with a population of 200,000 or fewer, as determined by the most recent official estimate pursuant to s. 186.901, in which a multiuse corridor of regional economic significance, as provided in s. 338.2278, is located.~~

Section 5. Subsection (2) of section 339.0801, Florida Statutes, is amended to read:

339.0801 Allocation of increased revenues derived from amendments to s. 319.32(5) (a) by ch. 2012-128.—Funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 319.32(5) (a) made by this act

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must be used annually, first as set forth in subsection (1) and then as set forth in subsections (2)-(5), notwithstanding any other provision of law:

(2)(a) Beginning in the 2013-2014 fiscal year and annually for up to 30 years thereafter ~~For each of the 2019-2020, 2020-2021, and 2021-2022 fiscal years,~~ \$35 million shall be transferred to Florida's Turnpike Enterprise, to be used in accordance with Florida Turnpike Enterprise Law, to the maximum extent feasible for feeder roads, structures, interchanges, appurtenances, and other rights to create or facilitate access to the existing turnpike system.

~~(b) Beginning with the 2022-2023 fiscal year and annually thereafter, \$35 million shall be transferred to Florida's Turnpike Enterprise, to be used in accordance with s. 338.2278, with preference to feeder roads, interchanges, and appurtenances that create or facilitate multiuse corridor access and connectivity. Of those funds, and to the maximum extent feasible, up to \$5 million annually may be used for projects that assist in the development of broadband infrastructure within or adjacent to a multiuse corridor. The department shall give priority consideration to broadband infrastructure projects located in any area designated as a rural area of opportunity under s. 288.0656 and adjacent to a multiuse corridor.~~

Section 6. Effective July 1, 2023, section 339.0801, Florida Statutes, is amended to read:

339.0801 Allocation of increased revenues derived from amendments to s. 319.32(5) (a) by ch. 2012-128.—Funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 319.32(5) (a) made by this act

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must be used annually, first as set forth in subsection (1) and then as set forth in subsections (2)-(4) ~~(2)-(5)~~, notwithstanding any other provision of law:

(1) (a) Beginning in the 2013-2014 fiscal year and annually for 30 years thereafter, \$10 million shall be for the purpose of funding any seaport project identified in the adopted work program of the Department of Transportation, to be known as the Seaport Investment Program.

(b) The revenues may be assigned, pledged, or set aside as a trust for the payment of principal or interest on revenue bonds, or other forms of indebtedness issued by an individual port or appropriate local government having jurisdiction thereof, or collectively by interlocal agreement among any of the ports, or used to purchase credit support to permit such borrowings. Alternatively, revenue bonds shall be issued by the Division of Bond Finance at the request of the Department of Transportation under the State Bond Act and shall be secured by such revenues as are provided in this subsection.

(c) Revenue bonds or other indebtedness issued hereunder are not a general obligation of the state and are secured solely by a first lien on the revenues distributed under this subsection.

(d) The state covenants with holders of the revenue bonds or other instruments of indebtedness issued pursuant to this subsection that it will not repeal this subsection; nor take any other action, including but not limited to amending this subsection, that will materially and adversely affect the rights of such holders so long as revenue bonds or other indebtedness authorized by this subsection are outstanding.

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(e) The proceeds of any revenue bonds or other indebtedness, after payment of costs of issuance and establishment of any required reserves, shall be invested in projects approved by the Department of Transportation and included in the department's adopted work program, by amendment if necessary. As required under s. 11(f), Art. VII of the State Constitution, the Legislature approves projects included in the department's adopted work program, including any projects added to the work program by amendment under s. 339.135(7).

(f) Any revenues that are not used for the payment of bonds as authorized by this subsection may be used for purposes authorized under the Florida Seaport Transportation and Economic Development Program. This revenue source is in addition to any amounts provided for and appropriated in accordance with ss. 311.07 and 320.20(3) and (4).

~~(2) Beginning in the 2013-2014 fiscal year and annually for up to 30 years thereafter, \$35 million shall be transferred to Florida's Turnpike Enterprise, to be used in accordance with Florida Turnpike Enterprise Law, to the maximum extent feasible for feeder roads, structures, interchanges, appurtenances, and other rights to create or facilitate access to the existing turnpike system.~~

(2)(3) Beginning in the 2013-2014 fiscal year and annually thereafter, \$10 million shall be transferred to the Transportation Disadvantaged Trust Fund, to be used as specified in s. 427.0159.

(3)(4) Beginning in the 2013-2014 fiscal year and annually thereafter, \$10 million shall be allocated to the Small County Outreach Program to be used as specified in s. 339.2818. These

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funds are in addition to the funds provided for the program pursuant to s. 201.15(4)(a)2.

~~(4)(5)~~ After the distributions required pursuant to subsections ~~(1)-(3)~~ ~~(1)-(4)~~, the remaining funds shall be used annually for transportation projects within this state for existing or planned strategic transportation projects which connect major markets within this state or between this state and other states, which focus on job creation, and which increase this state's viability in the national and global markets.

(5)(6) Pursuant to s. 339.135(7), the department shall amend the work program to add the projects provided for in this section.

Section 7. Section 339.0803, Florida Statutes, is created to read:

339.0803 Allocation of increased revenues derived from amendments to s. 320.08 by chapter 2019-43, Laws of Florida.—Beginning in the 2021-2022 fiscal year and each fiscal year thereafter, funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 320.08 made by chapter 2019-43, Laws of Florida, and deposited into the fund pursuant to s. 320.20(5)(a) must be used to fund arterial highway projects identified by the department in accordance with s. 339.65 and may be used for projects as specified in ss. 339.66 and 339.67. For purposes of the funding provided in this section, the department shall prioritize use of existing facilities or portions thereof when upgrading arterial highways to limited or controlled access facilities. However, this section does not preclude use of the funding for projects

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that enhance the capacity of an arterial highway. The funds allocated as provided in this section shall be in addition to any other statutory funding allocations provided by law.

Section 8. Section 339.1373, Florida Statutes, is repealed.

Section 9. Section 339.66, Florida Statutes, is created to read:

339.66 Upgrade of arterial highways with controlled access facilities.—

(1) The Legislature finds that the provision and maintenance of safe, reliable, and predictably free-flowing facilities to support the movement of people and freight and to enhance hurricane evacuation efficiency is important. It is in the best interest of the state to plan now for population growth and technology changes while prudently making timely improvements to address demand.

(2) The department, in coordination with the Florida Turnpike Enterprise, shall evaluate existing roadways or portions thereof for development of specific controlled access facilities and include such projects as identified in the work program.

(3) The department may upgrade roadways with targeted improvements, such as adding new tolled or nontolled limited access alignments to manage congestion points and retrofitting existing roadway with a series of electronically tolled or nontolled grade separations that provide an alternative to a signalized intersection for through traffic.

(a) The department may not reduce any nontolled general use lanes of an existing facility.

(b) The department shall maintain existing access points to

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the roadway provided by designated streets, graded roads, or driveways.

(c) Upon application or as otherwise agreed to by the department, after construction is completed, property owners with parcels of land having no existing access shall have the right to one access point and property owners having more than 1 mile of roadway frontage shall be allowed one access point for each mile owned.

(d) Any tolling points must be located such that a nontolled alternative exists for local traffic.

(e) Any new alignments must be established in accordance with the goal of enhancing the economic prosperity of affected communities.

(4) Any tolled facilities are approved turnpike projects that are part of the turnpike system. A controlled-access portion of a roadway constructed pursuant to this section is considered a Strategic Intermodal System facility.

(5) The economic feasibility requirement of s. 338.223 applies only to projects involving tolled upgrades to a facility. The statement of environmental feasibility required under s. 338.223 applies to all projects.

(6) (a) Projects undertaken are subject to the responsibilities assumed by the department as provided under s. 334.044(34) for environmental review, consultation, or other action required under any federal environmental law applicable to review or approval of such projects or project phases.

(b) For projects that do not receive federal aid or projects that do not require federal action, the department must perform a project evaluation that considers the following:

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349 1. Project purpose and need;
 350 2. An alternatives analysis;
 351 3. Existing conditions of the project area and potential
 352 impacts or enhancements the project may have on social,
 353 economic, cultural, natural, and connectivity issues and
 354 resources;
 355 4. Anticipated permits identified during the project
 356 development and environmental study;
 357 5. Opportunities for stakeholder and regulatory agency
 358 coordination; and
 359 6. Public and agency comments and coordination.
 360 (7) The department shall consider innovative concepts to
 361 combine right-of-way acquisition with the acquisition of lands
 362 or easements to facilitate environmental mitigation or
 363 ecosystem, wildlife habitat, or water quality protection or
 364 restoration.
 365 (8) (a) Decisions on matters such as configuration, project
 366 alignment, and interchange locations must be determined in
 367 accordance with applicable department rules, policies, and
 368 procedures.
 369 (b) To the greatest extent practicable, roadway alignments,
 370 project alignment, and interchange locations shall be designed
 371 so that project rights-of-way are not located within
 372 conservation lands acquired under the Florida Preservation 2000
 373 Act established in s. 259.101 and the Florida Forever Act
 374 established in s. 259.105.
 375 (9) Subject to applicability as provided in subsection (5),
 376 projects may be funded through turnpike revenue bonds or right-
 377 of-way acquisition and bridge construction bonds or financing by

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378 the Florida Department of Transportation Financing Corporation;
 379 by advances from the State Transportation Trust Fund; with funds
 380 obtained through the creation of public-private partnerships; or
 381 any combination thereof. The department also may accept
 382 donations of land for use as transportation rights-of-way or to
 383 secure or use transportation rights-of-way for such projects in
 384 accordance with s. 337.2505. To the extent legally available,
 385 any toll revenues from the turnpike system not required for
 386 payment of principal, interest, reserves, or other required
 387 deposits for bonds; costs of operations and maintenance; other
 388 contractual obligations; or system improvement project costs
 389 must be used to repay advances received from the State
 390 Transportation Trust Fund.
 391 (10) Project construction is not eligible for funding until
 392 completion of 30 percent of the design phase, except for
 393 projects that are under construction or for which project
 394 alignment has been determined.
 395 (11) In accordance with ss. 337.276, 338.227, and 339.0809,
 396 the Division of Bond Finance may issue, on behalf of the
 397 department, right-of-way acquisition and bridge construction
 398 bonds, turnpike revenue bonds, and Florida Department of
 399 Transportation Financing Corporation bonds to finance projects
 400 as provided in the State Bond Act.
 401 Section 10. Section 339.67, Florida Statutes, is created to
 402 read:
 403 339.67 U.S. 19 controlled access facilities.—The department
 404 shall develop and include in the work program the construction
 405 of controlled access facilities as necessary to achieve free
 406 flow of traffic on U.S. 19, beginning at the terminus of the

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407 Suncoast Parkway 2 Phase 3 north along U.S. 19 to a logical
 408 terminus on Interstate 10 in Madison County. This Strategic
 409 Intermodal System facility shall be developed using existing
 410 roadway, or portions thereof, to ensure the free flow of traffic
 411 along the roadway by improvements such as limited access
 412 alignments to manage congestion points and retrofitting existing
 413 roadway with a series of grade separations that provide an
 414 alternative to a signalized intersection for through traffic. To
 415 the maximum extent feasible, the facilities shall be developed
 416 no later than December 31, 2035.

417 Section 11. Section 339.68, Florida Statutes, is created to
 418 read:

419 339.68 Arterial rural highway projects.-The department
 420 shall identify and include in the work program projects to
 421 increase capacity by widening existing two-lane arterial rural
 422 roads to four lanes. To be included in a work program project,
 423 the road must be classified as an arterial rural road, and truck
 424 traffic using the road must amount to at least 15 percent of all
 425 such traffic, as determined by the department. The department
 426 shall fund at least \$20 million annually for such projects.

427 Section 12. The Legislature finds that the extension of the
 428 Florida Turnpike from its northerly terminus in Wildwood to a
 429 logical and appropriate terminus as determined by the department
 430 is in the strategic interest of the state. The department shall
 431 commence the project development and environmental phase of the
 432 extension and shall consider project configuration, alignment,
 433 cost, and schedule. The department shall prepare a report
 434 summarizing the result of the project development and
 435 environmental phase and, by December 31, 2022, submit the report

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

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436 to the Governor, the President of the Senate, and the Speaker of
 437 the House of Representatives.

438 Section 13. Except as otherwise expressly provided in this
 439 act, this act shall take effect July 1, 2021.

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

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THE FLORIDA SENATE

APPEARANCE RECORD

3/3/2021

Meeting Date

100

Bill Number (if applicable)

Topic Highway Projects

Amendment Barcode (if applicable)

Name B.D. Jogerst

Job Title Legislative Affairs Assistant

Address 516 N Adams Street

Phone 850-224-7173

Street

Tallahassee

FL

32301

Email bjogerst@aif.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Associated Industries of 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 (10/14/14)

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Reset Form

THE FLORIDA SENATE
APPEARANCE RECORD

3/3/2021

Meeting Date

S.B.100

Bill Number (if applicable)

Topic Senate Bill 100: Highway Projects

Amendment Barcode (if applicable)

Name Mark Musselman

Job Title President

Address 1007 E. Desoto Park Drive, Ste. 201

Phone 850-222-7300

Street

Tallahassee

FL

32301

Email mmusselman@acaf.org

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Asphalt Contractors Association of Florida, Inc

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

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THE FLORIDA SENATE
APPEARANCE RECORD

3/3/2021

Meeting Date

100

Bill Number (if applicable)

Topic Highway Projects

Amendment Barcode (if applicable)

Name Christopher Emmanuel

Job Title Policy Director

Address 136 S Bronough St

Phone _____

Street

Tallahassee

FL

Email _____

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Chamber of Commerce

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 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/3/21
Meeting Date

100
Bill Number (if applicable)

Topic Transportation bill SB100

Amendment Barcode (if applicable)

Name Paul Owens

Job Title President

Address 308 N. Monroe St.

Phone 407-222-2301

Tallahassee, FL 32801
City State Zip

Email powens@1000fof.org

Speaking: ☐ For ☐ Against ☒ Information

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

Representing 1000 Friends of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/3/2021

Meeting Date

SB 1000

Bill Number (if applicable)

Topic Highway Safety

Amendment Barcode (if applicable)

Name Lauren Storch

Job Title Government Relations

Address 601 E. Kennedy Blvd.

Street

Phone 813-245-2675

Tampa

City

FL

State

33601

Zip

Email storch.la@hcfllgov.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Hillsborough County Board of County Commissioners

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 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/3/21

Meeting Date

SB 100

Bill Number (if applicable)

Topic Highway Projects

Amendment Barcode (if applicable)

Name ALIX MILLER

Job Title Senior Vice President

Address 350 E. College Ave

Street

Tallahassee

City

FL

State

32301

Zip

Phone 868-868-1050

Email alix@floridatrucking.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA TRUCKING ASSOCIATION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

March 3, 2021

Meeting Date

100

Bill Number (if applicable)

Topic Transportation

Amendment Barcode (if applicable)

Name Sally Patrenos

Job Title President

Address 136 S Bronough Street

Phone 850-933-1386

Street

Tallahassee

FL

32301

City

State

Zip

Email spatrenos@bettertransportation.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Floridians for Better Transportation

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 (10/14/14)

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 252

INTRODUCER: Senator Stewart

SUBJECT: Child Care Facilities

DATE: March 3, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Delia</u>	<u>Cox</u>	<u>CF</u>	Favorable
2.	<u>Proctor</u>	<u>Vickers</u>	<u>TR</u>	Favorable
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

I. Summary:

SB 252 creates the “Child Safety Alarm Act” and requires that after January 1, 2022, vehicles used by child care facilities to transport children must be equipped with an approved alarm system that prompts the driver to inspect the vehicle for the presence of children before leaving the area. This change is in response to reported deaths of small children who are left in vehicles during periods of hot weather.

The bill requires the Department of Children and Families (DCF) to adopt minimum safety standards for reliable alarm systems and maintain a list of alarm manufacturers and alarm systems that are approved to be installed in vehicles.

The bill also provides rulemaking authority.

The bill is expected to have a significant fiscal impact on private entities. See Section V. Fiscal Impact Statement.

The bill is effective October 1, 2021.

II. Present Situation:

Death by hyperthermia, or vehicular heat stroke deaths, have become more prevalent since federal law required that children ride in the backseat due to the danger of front passenger seat airbags.¹ The national average number of these deaths is 39 per year.² Fifty-five percent of hyperthermia deaths involve children under the age of one, and eighty-eight percent involve

¹ See Gene Weingarten, *Fatal Distraction: Forgetting a Child in the Backseat of a Car is a Horrifying Mistake. Is it a Crime?*, The Washington Post, Mar. 8, 2009, available at <http://www.washingtonpost.com/wp-dyn/content/article/2009/02/27/AR2009022701549.html> (last visited January 27, 2021).

² See Kids and Cars.org, *Children Vehicular Heatstroke Deaths by Year*, available at <https://www.kidsandcars.org/how-kids-get-hurt/heat-stroke/> (last visited January 27, 2021).

children under the age of three.³ Between 1998 and 2021, Florida has the second highest number of child deaths from vehicular heat stroke.⁴ In 2020, 24 children fell victim to vehicular heat stroke deaths nationwide.⁵ Three of these 24 deaths in 2020 occurred in Florida.⁶

Technology Based Prevention

Automobile Manufacturers

The auto industry has been aware of the problem for years and has researched ways to solve this problem. General Motors (GM) tried over ten years ago to find a solution, but found the results were unreliable. At the 2002 New York Auto Show, GM revealed a new mechanism capable of identifying the heartbeat of a child left in a car and measure the temperature of the vehicle. Once the heartbeat was detected, the mechanism prompted the car to activate its horn to alert individuals nearby. GM later reported that the system was abandoned after it was found "not reliable enough to put into production."⁷

Ford was another automaker who attempted to develop such a system. However, a decade after starting, the technology isn't available on any automobile as a factory standard feature or option. Auto safety groups have called for manufacturers to do more, but for several reasons including cost, technology, liability and privacy issues, there is still no foolproof way of preventing overheating deaths or warning of the possibility before they happen.⁸

In 2016, GM announced it would introduce a new safety system to remind drivers to check for children in the rear seats and that features could be developed later to detect forgotten children.⁹ Later that same year, the National Highway Traffic Safety Administration (NHTSA) said it didn't plan to require automakers to add in-vehicle technology that would alert those who leave young children behind in hot cars.¹⁰

Aftermarket Systems

There are numerous aftermarket warning systems that alert a parent to a child left in a safety seat, shopping cart, or elsewhere, but federal regulators have questioned their efficacy.¹¹

³ See Kids and Cars.org, *Fact Sheet*, available at <https://www.kidsandcars.org/wp-content/uploads/2020/01/Heatstroke-fact-sheet.pdf> (last visited January 27, 2021).

⁴ National Safety Council, *Hot Car Deaths*, available at <https://injuryfacts.nsc.org/motor-vehicle/motor-vehicle-safety-issues/hotcars/> (last visited January 27, 2021).

⁵ *Id.*

⁶ *Id.*

⁷ Paul Eisenstein, *Death in Hot Cars: Why Can't the Automakers Prevent the Danger?* July 14, 2014, available at <http://www.nbcnews.com/storyline/hot-cars-and-kids/death-hot-cars-why-cant-automakers-prevent-danger-n152911> (last visited January 27, 2021).

⁸ *Id.*

⁹ David Shepardson, *GM has a way to help prevent drivers from forgetting children in the back seat*, Business Insider, January 12, 2016, available at <https://www.businessinsider.com/r-gm-unveils-technology-to-help-avoid-child-heatstroke-deaths-2016-1> (last visited January 27, 2021).

¹⁰ *Id.*

¹¹ Ryan Jaslow, *Gov't study: Devices that alert parents they left a child in a car deemed unreliable*, CBS News, July 31, 2012, available at <https://www.cbsnews.com/news/govt-study-devices-that-alert-parents-they-left-a-child-in-car-deemed-unreliable/> (last visited February 1, 2021).

A preliminary assessment performed on technology devices aimed at helping to prevent a child from being unintentionally left in a hot car concluded that they are not reliable and limited in their effectiveness, according to a study by NHTSA and the Children's Hospital of Philadelphia.¹²

The study revealed as number of potential issues, including inconsistent sensitivity in the arming of the device, discrepancies in the distance of the warning signal, potential electronic interference from other devices, children accidentally disarming the alarm by slumping over or sleeping out of position, and other common scenarios, such as a spilled beverage.¹³ Installation was complex and extensive for several of the products tested. Moreover, since the devices are restraint-based, the 20 to 40 percent of children who are killed after entering a vehicle without adult permission would not be helped by these products.¹⁴

Licensing Standards for Child Care Facilities and Large Family Child Care Homes

The DCF establishes licensing standards that each licensed child care facility¹⁵ in the state must meet.¹⁶ Statutory licensing standards for child care facilities are extensive and reference transportation and vehicles, including, in part, the requirement that minimum standards include accountability for children being transported.¹⁷ The Florida Administrative Code provides requirements for licensed child care facilities and large family child care homes¹⁸ to follow in relation to vehicles that are owned, operated, or regularly used by the facility or home, as well as vehicles that provide transportation through a contract or agreement with an outside entity.¹⁹

For example, providers are required to maintain a driver's log for all children being transported. This log must include the child's name, date, time of departure, time of arrival, signature of driver, and signature of second staff member to verify the driver's log and that all children have left the vehicle.²⁰ Upon arrival at the destination, the driver of the vehicle must mark each child off the log as the child departs the vehicle, conduct a physical inspection and visual sweep of the vehicle, and sign, date, and record the driver's log immediately to verify all children were accounted for and that the sweep was conducted.²¹ Upon arrival at the destination, a second staff member must also conduct a physical inspection and visual sweep of the vehicle and sign, date,

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Section 402.302(2), F.S., defines a "child care facility" as "any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit." Exceptions to this definition include public and nonpublic schools and their integral programs, summer camps with children in full-time residence, summer day camps, bible schools normally conducted during vacation periods, and operators of transient establishments under certain conditions.

¹⁶ See Section 402.305, F.S.

¹⁷ *Id.*

¹⁸ Section 402.302(11), F.S. defines a "large family child care home", in part, as an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation.

¹⁹ See 65C-22.001(6), F.A.C.

²⁰ *Id.*

²¹ *Id.*

and record the driver's log to verify all children were accounted for and that the driver's log is complete.²²

As of December 14, 2020, approximately 1,566 child care providers licensed by the DCF offer transportation services.²³ Current standards for child care facilities and large family child care homes do not address alarm systems in vehicles. However, Palm Beach County and Broward County have requirements similar to the one proposed in the bill.²⁴

III. Effect of Proposed Changes:

The bill provides that the act may be cited as the "Child Safety Alarm Act."

The bill amends s. 402.305, F.S., in part, to require that on or after January 1, 2022, vehicles used by child care facilities and large family child care homes to transport children must have an approved alarm system that prompts the driver to inspect the vehicle for the presence of children before leaving the area. The bill requires the DCF to adopt by rule minimum safety standards for reliable alarm systems and maintain a list of alarm manufacturers and alarm systems that are approved to be installed in vehicles.

The bill also modifies existing minimum safety standards pertaining to transportation for child care facilities. Specifically, the bill amends certain standards in s. 402.305(10), F.S., to:

- Clarify that the limitations on the number of children is related to how many may be transported within each vehicle;
- Provide that the standards must include procedures to ensure that children are not inadvertently left in vehicles when transported by the facility, rather than just procedures to avoid leaving children in vehicles; and
- Require that systems are in place to ensure accountability measures for each facility.

The bill also clarifies that child care facilities and large family child care homes are not responsible for the safe transport of children when they are being transported by a parent or guardian.

The bill is effective October 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

²² *Id.*

²³ The DCF, Agency Analysis of Senate Bill 252, p. 6 (December 14, 2020) (on file with the Senate Committee on Children, Families, and Elder Affairs)(hereinafter cited as, "The DCF Analysis").

²⁴ The DCF Analysis, p. 7.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The DCF anticipates that all of the 1,566 licensed providers offering transportation services will need to purchase at least one of the alarm systems required by the bill.²⁵ The DCF estimates that the lowest cost for one of the alarms would be \$130, plus \$100 for installation for a total of \$230 and the highest cost would be \$156 plus \$450 for installation for a total of \$606.²⁶

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 402.305 of the Florida Statutes.

²⁵ The DCF Analysis, p. 6.

²⁶ *Id.*

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Stewart

13-00124-21

2021252__

A bill to be entitled

An act relating to child care facilities; providing a short title; amending s. 402.305, F.S.; requiring certain vehicles, by a specified date, to be equipped with a reliable alarm system that meets specified criteria; requiring the Department of Children and Families to adopt by rule minimum safety standards for such systems and to maintain a list of approved alarm manufacturers and alarm systems; making technical changes; providing an effective date.

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

Section 1. This act may be cited as the "Child Safety Alarm Act."

Section 2. Subsection (10) of section 402.305, Florida Statutes, is amended to read:

402.305 Licensing standards; child care facilities.—

(10) TRANSPORTATION SAFETY.—

(a) Minimum standards shall include all of the following:

1. Requirements for child restraints or seat belts in vehicles used by child care facilities and large family child care homes to transport children.

2. Requirements for annual inspections of such the vehicles.

3. Limitations on the number of children that may be transported in such the vehicles.

4. Procedures to ensure that avoid leaving children are not inadvertently left in vehicles when transported by the facility

Page 1 of 2

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

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~~or home,~~ and that systems are in place to ensure accountability for children transported by such facilities and homes ~~the child care facility.~~

(b) By January 1, 2022, all vehicles used by child care facilities and large family child care homes to transport children must be equipped with a reliable alarm system approved by the department which prompts the driver to inspect the vehicle for children before exiting the vehicle. The department shall adopt by rule minimum safety standards for such systems and shall maintain a list of approved alarm manufacturers and alarm systems that meet or exceed those standards.

(c) A child care facility or large family child care home is not responsible for the safe transport of children when they are being transported by a parent or guardian.

Section 3. This act shall take effect October 1, 2021.

Page 2 of 2

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/3/21
Meeting Date

SB 252
Bill Number (if applicable)

Topic Child Care Facilities

Amendment Barcode (if applicable)

Name Khanh-hien Bako ("Con Lynn")

Job Title Treasurer

Address 1747 Orlando Central Pkwy Phone 407-855-7604
Street

Orlando FL 32809 Email treasurer@floridapta.org
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida PTA

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 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

03/03/2021

Meeting Date

252

Bill Number (if applicable)

Topic Child Care Facilities - 2021

Amendment Barcode (if applicable)

Name Andrew Kalel

Job Title Legislative Affairs Director

Address 227 N. Bronough Street

Street

Tallahassee, Florida, 32301

City

State

Zip

Phone (850)999-4655

Email andrew.kalel@regionalcounsels.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Office of Criminal Conflict & Civil Regional Counsel, 5th Region

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 (10/14/14)

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

252

Bill Number (if applicable)

Topic Child Care Facilities

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title Chief Executive Officer

Address 2215 Thomasville Road

Phone 850.510.9922

Street

Tallahassee

FL

32308

Email Barney@BarneyBishop.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

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 342

INTRODUCER: Senator Diaz

SUBJECT: Vehicle and Vessel Registration

DATE: March 4, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Vickers	TR	Fav/CS
2.			FT	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 342 provides that a tax collector may exercise his or her authority to contract with a privately owned license plate agent (LPA), and may determine any additional service charges that will be collected by the LPA approved by the tax collector. Any additional service charges must be fully itemized and disclosed to a person paying the service charges to the LPA.

The bill requires the LPA to enter into a contract with the tax collector regarding the disclosure of additional service charges.

The bill also requires tax collectors and their approved LPAs to enter into a memorandum of understanding with the Department of Highway Safety and Motor Vehicles (DHSMV) regarding use of the Florida Real Time Vehicle Information System.

The bill has an effective date of July 1, 2021.

II. Present Situation:

Tax Collectors as Agents of the DHSMV

Sixty-five counties currently have elected tax collectors who are constitutional officers.¹ Broward and Miami-Dade counties currently have appointed tax collectors under each county's charter government.²

Chapters 320, 322, and 328, F.S., provide that tax collectors are agents of the DHSMV for the limited purposes of providing motor vehicle and driver license services. Specifically, with regards to the issuance of registration certificates, license plates, and validation stickers (motor vehicle services), the tax collectors in the several counties of the state are “authorized agents of the department [DHSMV] ... subject to the requirements of the law.”³ This principal/agent relationship is memorialized by written agreement in the form of a memorandum of understanding (MOU) between the DHSMV and tax collectors throughout the state, providing that tax collectors are acting as agents of the DHSMV carrying out state law duties at a local level in a uniform and accountable manner.

While the tax collector itself is not a state agency, in its role as an authorized agent of the DHSMV, it is considered a “state agency” when acting pursuant to s. 320.03, F.S., in providing motor vehicle services.⁴ The Florida Attorney General has also concluded that tax collectors are under the direction and control of the DHSMV when providing services under ch. 320 and 322, F.S.⁵

As a result of Florida Constitutional Amendment 10 (amending Section 3 of Article III, Sections 4 and 11 of Article IV, and Sections 1 and 6 of Article VIII of the Florida Constitution) that passed in 2018, Volusia, Broward and Miami-Dade County tax collector offices will be elected positions. The tax collector in Volusia County took office in 2021 and the Broward and Miami-Dade County tax collectors will take office in 2025. Currently, the motor vehicle services in these charter counties are predominately provided by private tag agency/license plate agent/license tag agencies/private license plate agencies⁶ (collectively referred to as “LPA”) that

¹ Volusia County formerly had an appointed tax collector. However, pursuant to s. 1(d), Art. VIII of the State Constitution and effective January 5, 2021, Volusia County has an elected tax collector.

² Pursuant to s. 1(d), Art. VIII of the State Constitution, Broward and Miami Dade counties will have elected tax collectors effective January 7, 2025.

³ Section 320.03(1), F.S.

⁴ *Dealer Tag Agency, Inc. v. First Hillsborough County Auto Tag Agency, Inc.*, 14 So. 3d 1238, 1240 (Fla. 2d DCA 2009). The trial court declared the contract void as a matter of law, because the tax collector established no bid protest procedures as required by Chapter 287, F.S. On appeal, the Second DCA held that the trial court erred, because the tax collector was not an executive branch of the state government bound by Chapters 287 or 120. Instead, the tax collector is a constitutional entity created by Article VIII, Section 1(d) of the Florida Constitution. The court held that “The fact that the Tax Collector is described as an “authorized agent” of the DHSMV for the provisions of section 320.03, F.S., does not make it a state agency for the provisions of chapter 287 and 120.” *Id.* at 1240.

⁵ “The tax collector, who acts as the agent of and under the direction and control of the department in the sale of motor vehicle license plates, is not acting as a county officer and the bond required to be posted protects only the department and not the county for other tax revenues received by the collector.” FL AGO 74-101 (Apr. 1, 1974).

⁶ Various combinations of these words are used interchangeably.

have an agreement with the county to charge an additional county service fee set by the county commission.⁷

Fees for Motor Vehicle Services

Several statutory provisions establish the fees to be charged for various motor vehicle services.⁸ The statute provides that the service charges listed must “be collected by the department [DHSMV] on any application handled directly from its office. Otherwise, these service charges shall be collected and retained by the tax collector who handles the application.”⁹ Section 320.03(2), F.S., requires the tax collector to remit and account for all money that comes into his or her possession or control by reason of performing the various tag and titles services. Section 320.03(3), F.S., also requires the tax collector to “pay all sums officially received by the officer into the State Treasury no later than 5 working days after the close of the business day in which the officer received the funds.”

All fees for specific services are set by statute, without discretion to increase or lower the fee. For example, s. 320.03(5), F.S., provides that tax collectors are required to charge 50 cents on every license registration sold to cover the costs of the FRVIS. In addition, the statute requires the tax collector to charge \$1 for each license registration sold, transferred or replaced and requires a \$1.50 fee for each initial and renewal registration of private-use automobiles and certain trucks.^{10, 11} The tax collector retains \$2.50 for each application handled in connection with a license plate, mobile home sticker and registration certificate.¹² Statute also provides that \$1 must be charged for license plate validation stickers, vessel decals and mobile home stickers issued from an automated vending facility or printer dispensing machine and allows the tax collector to impose an additional service charge of up to 50 cents for the transactions that occur in a tax collector’s branch office.^{13, 14}

However, in two specific situations, fees in excess of these specific amounts can be charged, but again, it is expressly permitted by statute. In s. 320.03(10)(d), F.S., an authorized electronic filing system agent may charge a fee to the customer for use of the electronic filing system, and in s. 320.04(2), F.S., LPAs appointed by the county manager of a charter county which has an appointed tax collector are exempted from the prohibition on charging fees for notary public services in connection with, or incidental to, the issuance of license plates or titles.

⁷ In determining the appropriateness of public funding for equipment used by LPAs, the Attorney General noted for purposes of section 320.03, F.S., that “license tag agencies are the agents of the respective county tax collectors....[and that n]o pecuniary benefit inures to such agents or subagents.” (emphasis added) FL AGO 082-81 (Oct. 11, 1982). The opinion goes on saying, “The license tag agencies in question are the agents of the county tax collector and as such subagents of the department....” *Id.*

⁸ See Sections 319.32 and 320.08, F.S.

⁹ Section 319.32(2)(b), F.S.

¹⁰ Section 320.03(6), F.S.

¹¹ Section 320.03(9), F.S.

¹² Section 320.04(1)(a), F.S.

¹³ Section 320.04(1)(b), F.S.

¹⁴ Section 320.04(1)(c), F.S.

A well-known canon of statutory interpretation is “*expressio unius est exclusio alterius*,” which means the expression of one thing implies the exclusion of all others.¹⁵ Because the Legislature has indicated precisely when and how private parties can charge fees beyond the statutory fees set in some areas, it would follow that LPAs cannot charge fees beyond the statutorily mandated fees in any other areas. In other words, the Legislature has determined where a deviation from the statutory fee may occur for certain services provided on behalf of the DHSMV.

License Plate Agents and Fees

Since a tax collector is acting as an agent for the DHSMV in providing motor vehicle services, when the LPA contracts with the tax collector to provide such state services, it also is acting as an agent for the DHSMV.¹⁶ The DHSMV is bound by statute, and therefore lacks authority to allow a tax collector to charge fees in excess of what is provided by statute. In turn, the tax collector, in its role as an agent of the DHSMV, similarly lacks authority to authorize a LPA to charge fees in excess of the statute without express statutory authority.

No statute currently authorizes an additional service fee that may be charged by a LPA or other agent of the state providing a specific motor vehicle service. Several statutes contemplate the use of an LPA that would provide motor vehicle services, but none of these statutes provide any authority for the LPA to charge an additional amount in excess of the fees set by statute.

Sixteen counties have, or have until recently had, contracts with LPAs to operate fifty-seven offices to perform title and registration services for motor vehicles, mobile homes, and vessels, as follows:

- | | | | |
|--------------------|-------------------|---------------------------|-----------------------------|
| • Alachua – 1 | • Bay – 1 | • Broward – 7 | • Highlands – 1 |
| • Hillsborough – 1 | • Jefferson – 2 | • Lee – 1 (opens in 2021) | • Leon – 1 |
| • Manatee – 1 | • Miami-Dade – 25 | • Orange – 4 | • Palm Beach – 2 |
| • Pasco – 1 | • Pinellas – 3 | • Polk – 3 | • Volusia – 3 ¹⁷ |

The LPAs in Broward and Miami-Dade counties charge (and formerly the LPAs in Volusia County charged) fees for motor vehicle, mobile home, and vessel title and registration services in addition to the statutory fees authorized in ch. 319, 320 and 328, F.S. The additional fees levied in Broward and Miami-Dade counties are levied pursuant to county ordinances and are retained by the LPAs.^{18, 19}

The LPAs in counties which have elected tax collectors currently only charge the fees for those services which are expressly authorized in state law. The LPAs in these counties may retain all or a portion of the statutorily authorized service fees tax collectors are allowed for motor vehicle, mobile home, and vessel title and registration services, as provided in the contracts between the LPA and each respective tax collector.

¹⁵ See, generally, A. Scalia & B. Garner, Reading Law (2012).

¹⁶ See FL AGO 082-81 (Oct. 11, 1982).

¹⁷ These LPA offices operated prior to the elected Volusia County tax collector taking office on January 5, 2021. Currently, these offices are winding down operations and were to close by February 4, 2021.

¹⁸ The additional fees formerly collected in Volusia County were collected pursuant to the contract between Volusia County and the LPAs that operated in Volusia County.

¹⁹ See, Art. XVII, s. 2-123, Code of Miami-Dade County; Ch. 20, Art. XII, s. 20-251, Code of Broward County.

LPAs offering optional “concierge” motor vehicle, mobile home, and vessel title and registration services (including supplementary or complementary services not dealt with by statute) to vehicle or vessel dealerships and other motor vehicle related businesses charge additional fees for these services.

The chart below details the additional fees currently charged by the LPA’s in Broward and Miami-Dade counties and that formerly were charged by the LPAs in Volusia County prior to January 5, 2021.

Additional Fees Charged by LPA			
Transaction Type	Broward	Miami-Dade	Volusia
Registration Transaction	\$3.50	\$5.00	\$2.85
Biennial Renewal	\$7.00	\$10.00	\$2.85
Title (original or transfer)	\$15.00	\$18.00	\$12.00
Certificate of Destruction	\$16.00	\$18.00	\$10.00
Duplicate Title	\$6.75	\$8.00	\$2.85
VIN Verification or HIN	\$3.50	\$8.00	\$2.00
Duplicate or corrected registration	\$3.50	\$5.00	\$2.00
Verification of Ownership, lien, tag, decal (not part of title application)	\$3.50	\$4.00	\$0.50
Preparation of affidavits or forms and notarization	N/A	\$3.00	\$0.00
Copies of docs pertaining to MV & vessels	N/A	\$2.00	N/A
Fast title service - additional fees	\$20.00	\$10.00	N/A
Disabled Persons Parking Placards	\$2.00	\$3.00	\$0.50
Temp tag	\$4.00	\$5.00	\$2.00
Dealer Handling Fee (max per transaction - within county)	\$6.75	n/a	\$6.00
Dealer Handling Fee (max per transaction - for other county dealer)	\$25.00	n/a	\$10.00
Print Electronic Title	N/A	\$14.00	\$2.75
Notice of Lien (82139) no title	\$3.50	\$5.00	\$2.00
Assignment of Lien (82139)	\$4.00	\$5.00	\$2.00
Mail receipt - actual cost of postage	Actual Cost	N/A	Actual Cost
Personalize plate reservation	N/A	\$5.00	\$2.85
Personalized plate issuance	N/A	\$5.00	\$0.00
Personalized plate availability	N/A	\$4.00	\$0.00
Registration stop satisfaction	N/A	\$2.00	\$0.00
Registration stop payment	N/A	\$4.00	\$0.00
Email/fax/forms	N/A	\$2.00	\$0.00
OS lienholder letter	N/A	\$9.00	\$0.00
Mark Title Sold	N/A	\$5.00	\$2.85*
Surrender License Plate	N/A	\$5.00	\$2.85
Adding wrecker operator lien	N/A	\$8.00	\$2.85
Satisfying wrecker operator lien	N/A	\$7.00	\$2.85*
N/A - No charge for these specific transactions			
*Charged only if not part of a transaction			

20

²⁰ Department of Highway Safety and Motor Vehicles, *2021 Legislative Bill Analysis for SB 342*, (January 13, 2021), p. 3 (on file with the Senate Committee on Transportation).

Florida Real Time Vehicle Information System

The DHSMV maintains the Florida Real Time Vehicle Information System (FRVIS) which facilitates the collection of taxes and fees for tags, titles, and registrations associated with motor vehicles and vessels.²¹ Local tax collector and LPA offices throughout the state process tag, title, and registration transactions through FRVIS.²² Revenue from taxes and fees associated with tags, titles, and registrations for motor vehicles and vessels, together with other sources of the DHSMV's revenue, are distributed through FRVIS to various state agencies, including the DHSMV, and non-state entities in accordance with governing Florida Statutes.²³

FRVIS is composed of two processing environments. The first is a distributed environment that consists of the servers at local tax collector and tag agent offices that process tag, title, and registration transactions throughout the state. The second environment is the host portion that consists of the back-end processing that is conducted centrally at the DHSMV's primary data center.²⁴

In addition to residential street addresses, the DHSMV is authorized to collect and store (in FRVIS) e-mail addresses. E-mail addresses may be used, in lieu of the United States Postal Service, to provide certain renewal notices, including registration renewal notices, driver license renewal notices, and vessel registration renewal notices.^{25, 26, 27, 28, 29}

Related Equipment Requirements

Currently, any tax collector or LPA opening a new office or expanding existing offices initially purchases the equipment needed for title and registration issuance to operate that office. The DHSMV periodically refreshes outdated equipment and pays the cost of the new equipment (contingent upon appropriated funds) for both tax collector's and LPA's offices.³⁰

LPAs reimburse the DHSMV for reoccurring circuit costs (i.e., Internet access) for each location, unless the LPA office is collocated with a tax collector office and the circuit is shared.³¹

III. Effect of Proposed Changes:

The bill provides that a tax collector may elect to exercise his or her authority to contract with a LPA, and may determine any additional service charges that will be collected by the LPAs

²¹ Department of Highway Safety and Motor Vehicles, *Florida Real Time Vehicle Information System (FRVIS): Information Technology Operational Audit*, (April 2014), available at https://flauditor.gov/pages/pdf_files/2014-183.pdf (last visited February 22, 2021).

²² *Id.* at pages 1-2.

²³ *Id.* at page 2.

²⁴ *Id.*

²⁵ Section 319.40, F.S.

²⁶ Section 320.95, F.S.

²⁷ Section 322.08(10), F.S.

²⁸ Section 328.30, F.S.

²⁹ Section 328.80, F.S.

³⁰ *Supra* FN 20, p. 4.

³¹ *Id.*

approved by the tax collector. Any additional service charges must be fully itemized and disclosed to a person paying the service charges to the LPA.

The bill requires the LPA to enter into a contract with the tax collector regarding the disclosure of additional service charges.

The bill also requires tax collectors and their approved LPAs to enter into a MOU with the DHSMV regarding use of the FRVIS.

The bill has an effective date of July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Under the 2018 amendment to the Florida Constitution, Article VII, Section 19 requires “a supermajority vote” of 2/3 of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.³² A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”³³

To the extent that the additional service charges that will be collected by the LPAs approved by the tax collector are determined to be new state fees, the requirements of Article VII, s. 19 of the Florida Constitution may apply.

E. Other Constitutional Issues:

None identified.

³² FLA. CONST. art. VII, s. 19(a).

³³ FLA. CONST. art. VII, s. 19(d)(1).

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

The Revenue Estimating Conference has not met to consider the proposed fiscal impact of the bill.

B. Private Sector Impact:

Individuals who elect to use the services of a tax collector approved LPA will incur indeterminate additional service charges.

To the extent that LPAs provide services which have been approved by the tax collector to charge additional service charges, the LPAs may experience an indeterminate positive fiscal impact.

C. Government Sector Impact:

The DHSMV stated that if the bill results in more tax collectors using LPAs or more LPA offices being established to perform motor vehicle, mobile home, and vessel title and registration services, recurring costs for replacement equipment for tax collectors' and LPAs' offices may increase and, potentially, impair the ability of the Highway Safety Operating Trust Fund to cover the refresh rate for equipment in tax collector's offices as well as existing LPAs' offices, which is paid from the Highway Safety Operating Trust Fund.³⁴

The DHSMV stated the bill would be a significant impact on the DHSMV's operational resources and resources dedicated to the Motorist Modernization project. Programing would be required in FVRIS to print fees that LPA's would charge on receipts and reports.³⁵

There may be an indeterminate fiscal impact to tax collectors as they will determine the additional service charge that may be charged by, and then must be collected by the LPAs.³⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not address "off-highway vehicle" titles. An "off-highway vehicle" is not included in the definition of "motor vehicle" in ch. 322, F.S. The definition of "off-highway vehicle" and

³⁴ *Supra* FN 20, p. 5-6.

³⁵ *Ibid*, p. 6.

³⁶ *Id.*

the fees pertaining to titles for those vehicles are found in ch. 317, F.S. The DHSMV recommends provisions for “off-highway vehicle” be added to the bill.³⁷

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 319.32, 320.03, 320.04, and 328.72.

IX. Additional Information:

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

CS by Committee on Transportation on March 3, 2021:

- Clarifies that it is discretionary for tax collectors to exercise their authority to contract with a license plate agent and determine additional service charges collected by privately owned license plate agents for motor vehicle titles.

- B. Amendments:

None.

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

³⁷ *Ibid*, p. 7.



689206

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2021	.	
	.	
	.	
	.	

The Committee on Transportation (Diaz) recommended the following:

Senate Amendment (with title amendment)

Delete lines 35 - 98
and insert:

(c) If a tax collector elects to exercise his or her authority to contract with a license plate agent, the tax collector may determine additional service charges to be collected by the privately owned license plate agents approved by the tax collector. Additional service charges must be fully itemized and disclosed to the person paying the service charges



689206

11 to the license plate agent. The license plate agent shall enter
12 into a contract with the tax collector regarding the disclosure
13 of additional service charges.

14 Section 2. Subsection (5) of section 320.03, Florida
15 Statutes, is amended to read:

16 320.03 Registration; duties of tax collectors;
17 International Registration Plan.—

18 (5) In addition to the fees required under s. 320.08, a fee
19 of 50 cents shall be charged on every license registration sold
20 to cover the costs of the Florida Real Time Vehicle Information
21 System. The fees collected shall be deposited into the Highway
22 Safety Operating Trust Fund to be used exclusively to fund the
23 system. The fee may only be used to fund the system equipment,
24 software, personnel associated with the maintenance and
25 programming of the system, and networks used in the offices of
26 the county tax collectors as agents of the department and the
27 ancillary technology necessary to integrate the system with
28 other tax collection systems. The department shall administer
29 this program upon consultation with the Florida Tax Collectors,
30 Inc., to ensure that each county tax collector's office is
31 technologically equipped and functional for the operation of the
32 Florida Real Time Vehicle Information System. Tax collectors and
33 their approved license plate agents shall enter into a
34 memorandum of understanding with the department regarding use of
35 the Florida Real Time Vehicle Information System in accordance
36 with paragraph (4) (b). Any designated revenue collected to
37 support functions of the county tax collectors and not used in a
38 given year must remain exclusively in the trust fund as a
39 carryover to the following year.



689206

Section 3. Present subsection (3) of section 320.04, Florida Statutes, is redesignated as subsection (4), and a new subsection (3) is added to that section, to read:

320.04 Registration service charge.—

(3) If a tax collector elects to exercise his or her authority to contract with a license plate agent, the tax collector may determine additional service charges to be collected by privately owned license plate agents approved by the tax collector. Additional service charges must be fully itemized and disclosed to the person paying the service charges to the license plate agent. The license plate agent shall enter into a contract with the tax collector regarding the disclosure of additional service charges.

Section 4. Subsection (7) of section 328.72, Florida Statutes, is amended to read:

328.72 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(7) SERVICE FEE.—

(a) In addition to other registration fees, the vessel owner shall pay the tax collector a \$2.25 service fee for each registration issued, replaced, or renewed. Except as provided in subsection (15), all fees, other than the service charge, collected by a tax collector must be remitted to the department not later than 7 working days following the last day of the week in which the money was remitted. Vessels may travel in salt water or fresh water.

(b) If a tax collector elects to exercise his or her authority to contract with a license plate agent, the tax collector may determine additional service charges to be



689206

collected by privately

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

And the title is amended as follows:

Delete lines 3 - 20

and insert:

amending s. 319.32, F.S.; authorizing tax collectors to determine service charges collected by privately owned license plate agents for motor vehicle titles; requiring that additional service charges be itemized and disclosed to the person paying them; requiring a license plate agent to enter into a contract with the tax collector for a certain purpose; amending s. 320.03, F.S.; requiring tax collectors and approved license plate agents to enter into a memorandum of understanding with the department for a certain purpose; amending s. 320.04, F.S.; authorizing the tax collector to determine service charges collected by privately owned license plate agents for motor vehicle registrations; requiring that additional service charges be itemized and disclosed to the person paying them; requiring a license plate agent to enter into a contract with the tax collector for a certain purpose; amending s. 328.72, F.S.; authorizing the tax collector

By Senator Diaz

36-00422A-21

2021342__

A bill to be entitled

An act relating to vehicle and vessel registration; amending s. 319.32, F.S.; requiring tax collectors to determine service charges collected by privately owned license plate agents for motor vehicle titles; requiring that additional service charges be itemized and disclosed to the person paying them; requiring a license plate agent to enter into a contract with the tax collector for a certain purpose; amending s. 320.03, F.S.; requiring tax collectors and approved license plate agents to enter into a memorandum of understanding with the department for a certain purpose; amending s. 320.04, F.S.; requiring the tax collector to determine service charges collected by privately owned license plate agents for motor vehicle registrations; requiring that additional service charges be itemized and disclosed to the person paying them; requiring a license plate agent to enter into a contract with the tax collector for a certain purpose; amending s. 328.72, F.S.; requiring the tax collector to determine service charges collected by privately owned license plate agents for vessel registrations and titles; requiring that additional service charges be itemized and disclosed to the person paying them; requiring a license plate agent to enter into a contract with the tax collector for a certain purpose; providing an effective date.

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

Page 1 of 4

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

36-00422A-21

2021342__

Section 1. Paragraph (c) is added to subsection (2) of section 319.32, Florida Statutes, to read:

319.32 Fees; service charges; disposition.—

(2)

(c) In exercising his or her authority to contract with a license plate agent, the tax collector shall determine the additional service charges that shall be collected by the privately owned license plate agents approved by the tax collector. Additional service charges must be fully itemized and disclosed to the person paying the service charges to the license plate agent. The license plate agent shall enter into a contract with the tax collector regarding the disclosure of additional service charges.

Section 2. Subsection (5) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(5) In addition to the fees required under s. 320.08, a fee of 50 cents shall be charged on every license registration sold to cover the costs of the Florida Real Time Vehicle Information System. The fees collected shall be deposited into the Highway Safety Operating Trust Fund to be used exclusively to fund the system. The fee may only be used to fund the system equipment, software, personnel associated with the maintenance and programming of the system, and networks used in the offices of the county tax collectors as agents of the department and the ancillary technology necessary to integrate the system with other tax collection systems. The department shall administer

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36-00422A-21

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59 this program upon consultation with the Florida Tax Collectors,
 60 Inc., to ensure that each county tax collector's office is
 61 technologically equipped and functional for the operation of the
 62 Florida Real Time Vehicle Information System. Tax collectors and
 63 their approved license plate agents shall enter into a
 64 memorandum of understanding with the department regarding use of
 65 the Florida Real Time Vehicle Information System in accordance
 66 with paragraph (4) (b). Any designated revenue collected to
 67 support functions of the county tax collectors and not used in a
 68 given year must remain exclusively in the trust fund as a
 69 carryover to the following year.

70 Section 3. Present subsection (3) of section 320.04,
 71 Florida Statutes, is redesignated as subsection (4), and a new
 72 subsection (3) is added to that section, to read:

73 320.04 Registration service charge.—

74 (3) In exercising his or her authority to contract with a
 75 license plate agent, the tax collector shall determine the
 76 additional service charges that shall be collected by privately
 77 owned license plate agents approved by the tax collector.
 78 Additional service charges must be fully itemized and disclosed
 79 to the person paying the service charges to the license plate
 80 agent. The license plate agent shall enter into a contract with
 81 the tax collector regarding the disclosure of additional service
 82 charges.

83 Section 4. Subsection (7) of section 328.72, Florida
 84 Statutes, is amended to read:

85 328.72 Classification; registration; fees and charges;
 86 surcharge; disposition of fees; fines; marine turtle stickers.—

87 (7) SERVICE FEE.—

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88 (a) In addition to other registration fees, the vessel
 89 owner shall pay the tax collector a \$2.25 service fee for each
 90 registration issued, replaced, or renewed. Except as provided in
 91 subsection (15), all fees, other than the service charge,
 92 collected by a tax collector must be remitted to the department
 93 not later than 7 working days following the last day of the week
 94 in which the money was remitted. Vessels may travel in salt
 95 water or fresh water.

96 (b) In exercising his or her authority to contract with a
 97 license plate agent, the tax collector shall determine the
 98 additional service charges that shall be collected by privately
 99 owned license plate agents approved by the tax collector.
 100 Additional service charges must be fully itemized and disclosed
 101 to the person paying the service charges to the license plate
 102 agent. The license plate agent shall enter into a contract with
 103 the tax collector regarding the disclosure of additional service
 104 charges.

105 Section 5. This act shall take effect July 1, 2021.

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THE FLORIDA SENATE

APPEARANCE RECORD

3/3/21
Meeting Date

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

342
Bill Number (if applicable)

Topic Vehicle & Vessel Registration

Amendment Barcode (if applicable)

Name Andrew Ketchel

Job Title Consultant

Address 124 W Jefferson St.

Phone 222-9075

Tallahassee, FL 32303
City State Zip

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing Dealer Services 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.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 862

INTRODUCER: Senator Gruters

SUBJECT: Digital License Plate Pilot Program

DATE: March 3, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Proctor	Vickers	TR	Favorable
2. _____	_____	ATD	_____
3. _____	_____	AP	_____

I. Summary:

SB 862 deletes the existing authority of the Department of Highway Safety and Motor Vehicles (DHSMV) to conduct a pilot program to evaluate the designs, concepts, and technologies for alternative license plates and, in its place, creates the Digital License Plate Pilot Program within the DHSMV. The new pilot program authorizes the DHSMV to contract with digital license plate providers and specifies requirements for digital license plates and digital license plate providers.

The bill provides that beginning July 1, 2022, any motor vehicle registered under ch. 320, F.S., must be allowed to be equipped with a digital license in lieu of a physical license plate.

The bill may have an indeterminate, likely insignificant, negative fiscal impact to the DHSMV. See Section V. Fiscal Impact Statement.

The bill takes effect upon becoming law.

II. Present Situation:

The DHSMV administers the issuance of motor vehicle license plates as a part of the tag and registration requirements specified in ch. 320, F.S. License plates are issued for a ten-year period and are replaced upon renewal at the end of the ten-year period. The license plate fee for both an original issuance and replacement is \$28.00, which is deposited in the Highway Operating Trust Fund.¹ An advance replacement fee of \$2.80 is applied to the annual vehicle registration and is credited towards the next replacement, which is deposited in the Highway Operating Trust Fund.²

¹ Sections 320.06 and 320.0607, F.S.

² Section 320.06(1)(b)1., F.S.

Current state law provides for several types of license plates. In addition to plates issued for governmental or business purposes, the DHSMV offers four basic types of plates to the general public:

- **Standard Plates:** The standard license plate currently comes in three configurations: the county name designation, the state motto designation or the state slogan designation.
- **Specialty License Plates:** Specialty license plates generate revenue for various colleges, universities, charities, causes, and civic organizations.
- **Personalized Prestige License Plates:** Personalized license plates allow motorists to define the alpha numeric design (up to seven characters) on a standard plate that must be approved by DHSMV.
- **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. This category of plates primarily includes special military license plates as well as plates for the handicapped. Examples include the Purple Heart, National Guard, United States Armed Forces, Pearl Harbor, Iraqi Freedom, Enduring Freedom, Disabled Veteran³ and Paralyzed Veterans of America plates.⁴

Most license plates are equipped with validation stickers that reflect the period of valid registration, which expire on midnight on the last day of the registration period and are to be issued upon payment of the proper license tax amount and fees.^{5, 6} Current state law provides that license plates must be made of metal specially treated with a retro-reflection material and must have a specified design that increases visibility and legibility.⁷

Digital License Plates

Aside from the expected changes from a metal plate to a digital screen (including the digital screen, circuitry, a power source, and a housing), the digital license plate includes mobile phone technology for over the-air updates, Global Positioning System (GPS), and accelerometers to read when the vehicle is in motion. The mounting bracket typically uses specially shaped “security screws” to prevent unauthorized removal of the plate. If the plate is removed from the bracket, the plate is programmed to display a blank screen.⁸

ReviverMX, Inc. (Reviver) appears to currently be the only manufacturer of a digital license plate product. Currently two states allow digital license plates for use by the public, California

³ Section 320.084(1), F.S. The statute provides that an eligible person may receive one free Disabled Veteran license plate, although other taxes apply.

⁴ Section 320.0845, F.S. This plate requires payment of the annual license tax in s. 320.08, F.S.

⁵ Section 320.06(1)(b), F.S.

⁶ Section 320.06(1)(c), F.S.

⁷ Section 320.06(3)(a), F.S.

⁸ State of California Department of Motor Vehicles, *Report on Alternative Registration Products Pilot Program*, August 2019, <https://www.dmv.ca.gov/portal/uploads/2020/04/AlternativeRegistrationProducts.pdf> (last visited February 25, 2021).

and Arizona.⁹ The digital license plates are purchased from the manufacturer, and are not available through the state's division of motor vehicles.¹⁰

ReviverMX, Inc.

Reviver is the developer of a platform that integrates a digital license plate and a smart phone app. They sell two types of digital license plates: the Rplate and the Rplate Pro. Both are legal for sale in California and Arizona.¹¹ Approximately 4,000 vehicles are equipped with Rplates in California and Arizona.¹²

According to Reviver by making the license plate a digital screen, Rplate allows people to display their own (approved) messages and can also warn people that the car it is on has been stolen, or show an Amber or Silver Alert, if a state decides to allow that functionality. Reviver also allows Rplate users to pay their registration fees through Reviver.¹³

According to Neville Boston, founder of Reviver, the Rplates have the functionality to be used by some businesses as mini-billboards to advertise their products or services and to provide public service messages, such as street closure notifications or to show an ad for a city service. However, the Rplate will be able to do so only when the vehicle comes to a stop for four seconds or longer. The license plate number will still appear on the screen when messages appear, but it will be smaller and in the upper right corner of the screen.^{14, 15}

Rplate installers do not have access to retrieve information from the application and can only input the vehicle identification number (VIN) of the vehicle and serial number of the individual digital license plate unit. The Rconnect application is protected by encryption and standard password authentication for both participants and installers. Aside from the hardware components related to the physical display of an image, the main technological feature of the Rplate is that it uses mobile phone technology. When the digital license plate is installed on the mounting bracket, the Rplate sends a mobile phone signal to Reviver to update the digital license plate with the license number assigned by the state. To this end, a mobile telecommunications service provider could be able to triangulate where a vehicle is located, as mobile service providers can today with mobile phones, but Reviver would not be able to.¹⁶

Purchasers of the Reviver Rplates incur two costs; the price of the screen itself and then the subscription connection service. The basic Reviver Rplate is powered by a five year battery and

⁹ Sebastian Blanco, *Digital License Plates Coming to Michigan in 2021 after Debut in California*, Car and Driver, November 28, 2020, <https://www.caranddriver.com/news/a34748524/digital-license-plates-coming-2021/>.

¹⁰ Arizona Department of Transportation, *Digital License Plate Program*, <https://azdot.gov/motor-vehicles/vehicle-services/plates-and-placards/digital-license-plate-program> (last visited February 25, 2021).

¹¹ Reviver, *Reviver Announces Florida Has Filed Legislation Authorizing its Digital License Plates*, PR News Wire, February 9, 2021, <https://www.prnewswire.com/news-releases/reviverannounces-florida-has-filed-legislation-authorizing-its-digital-license-plates-301224838.html>.

¹² *Supra* FN 10.

¹³ *Id.*

¹⁴ Tony Bizjak, *California debuts 'digital' license plates. Here's what they'll cost you.*, Sacbee, May 28, 2018, <https://www.sacbee.com/news/local/transportation/back-seat-driver/article211828814.html>.

¹⁵ State of California Senate, Senate Rules Committee, SB 806 Senate Floor Analysis (2013), Senate Bill 806, p. 4 (September 3, 2013).

¹⁶ *Supra* FN 9.

is \$499 plus \$55 per year, or \$17.95 per month with a 36 month agreement, and the Reviver Rplate Pro is \$599 plus \$75 per year, or \$24.95 per month with a 36 month agreement. The Reviver Rplate Pro is wired to a vehicle's power source and provides additional options such as telematics through its built in GPS system.¹⁷

California

In 2013 Governor Brown signed Senate Bill 806 (2013), authorizing the California Department of Motor Vehicles (DMV) to establish a pilot program to assess and review the use of alternative products for vehicle registration currently issued by the DMV (license plates, stickers, tabs, and registration cards). The purpose of the pilot was to allow the DMV to examine the functionality of alternatives to standard registration products and to evaluate the cost-effectiveness and feasibility of implementation. In 2015, the DMV awarded and executed a non-competitive bid contract with Reviver for a digital license plate pilot program.¹⁸

The implementation of Rplate through the digital license plate pilot program also included a digital license plate mobile application, Rconnect. Rconnect was designed to provide automated services to digital license plate customers, including billing, and to provide access to vehicle telematics, if available. Telematics is a process of using GPS and other measurements to produce intelligence on where the vehicle is and where it has been, speed when driving, driving habits, and other measurements regarding a vehicle's operation. As required by California Vehicle Code Section 4853(c), the DMV collected no information regarding the current location or movement of vehicles with digital license plates.¹⁹

The digital license plate uses existing information technology connections with the DMV through the Business Partner Automation program to enable digital license plate installers in dealers and shops to associate the VIN with the serial number of the individual digital license plate. By doing so, the VIN and serial number transmitted by Rconnect would allow for a search of the DMV records to display the correct license plate number on the digital license plate.

The California pilot program became operational in December 2015, with five vehicles. In 2017, the pilot program grew to approximately 85 vehicles. In 2018, participation increased to approximately 1,400 vehicles. The pilot program is projected by California to conclude with a population of approximately 1,500 vehicles.²⁰

Arizona

The Arizona Department of Transportation (ADOT) is conducting a pilot program, in conjunction with Reviver, which has been active since early 2017. The goal of the pilot program is to test the functionality, durability, and viability of digital license plates in Arizona's areas with extreme high and low temperatures, as well as to test the ability to operate in areas with low/no cellular connectivity. Arizona's pilot is limited to 10 ADOT-owned vehicles throughout

¹⁷ Reviver, Shop, <https://www.reviver.com/shop/> (last visited February 24, 2021).

¹⁸ *Supra* FN 9.

¹⁹ *Id.*

²⁰ *Id.*

the state. The ADOT selected vehicles with higher monthly mileage to ensure that plate display devices are adequately exposed to the elements.²¹

During this pilot project, the ADOT collaborated with the Arizona Department of Public Safety, which performed readability and functionality testing. Through this testing, the ADOT has found digital license plates:

- Readable from a distance of 100 feet during daylight;
- Readable at night;
- Do not have glare that cause the plates to be difficult to read;
- Continue to operate when disconnected from the power source; and
- Maintain functionality and readability in extreme temperatures.²²

As of January 2019, the digital license plate program has been fully authorized by the ADOT and the Arizona Department of Public Safety, and been made available to the public for use as an alternative registration product. Reviver communicates with the ADOT's database through a web service, where they transmit a specific set of information. Based on the information submitted, the system authenticates whether the customer has valid registration, and allows Reviver to mark verified owners as having a digital license plate.²³

III. Effect of Proposed Changes:

The bill amends s. 320.06(5), F.S., to delete provisions relating to the authority of the DHSMV to conduct a pilot program to evaluate the designs, concepts, and technologies for alternative license plates.

The bill amends s. 320.07, F.S., to provide that an owner of a digital license plate as defined in s. 320.08069, F.S., is not subject to the penalties of s. 320.07, F.S., for failure to display a validation if the vehicle was operated in compliance with ch. 320, F.S., and any rules adopted by the DHSMV governing the placement of digital license plates and registration renewal.

The bill creates s. 320.08069, F.S., to provide for the creation of a Digital License Plate Pilot Program (pilot program) within the DHSMV. The purpose of the pilot program is to evaluate the design, concepts, and technologies available for digital license plates and to determine the feasibility of digital license plates.

The bill defines the following terms:

- “Digital license plate” to mean an electronic display that is designed to:
 - Display the information required to be included on a physical license plate; and
 - Be placed on a motor vehicle registered under this chapter in lieu of a physical license plate.
- “Digital license plate provider” to mean a person or an entity engaged in the business of providing digital license plate hardware and services to motor vehicle owners.

²¹ *Id.*

²² *Id.*

²³ *Id.*

The bill provides, that except as provided for under the pilot program, a digital license plate is subject to the laws of this state applicable to a physical license plate; however, digital license plates issued are exempt from s. 320.06(3)(a), F.S.²⁴

Beginning July 1, 2021, the DHSMV must administer the pilot program and limit it to installation and use of digital license plates on government-owned motor vehicles as described in s. 320.0655, F.S. These vehicles include any motor vehicle owned or exclusively operated by the state or by any county, municipality, or other governmental entity and any motor vehicle owned and exclusively operated by a volunteer fire department.

By July 1, 2022, the DHSMV must allow a motor vehicle registered under ch. 320, F.S., to be equipped with a digital license plate in lieu of a physical license plate. The DHSMV:

- May contract with one or more digital license plate providers for the issuance of digital license plates, including any services related to the issuance of digital license plates;
- May authorize the display of the motor vehicle's validation on each digital license plate in lieu of the validation sticker. The validation must display the owner's birth month, the license plate number, and the year of expiration or appropriate renewal period if the owner is not a natural person. The validation must be displayed in the upper right corner of the digital plate;
- May authorize the use of a digital license plate for electronic toll collection or to display a parking permit;
- May establish procedures for displaying the following information on a digital license plate:
 - An emergency alert or other public safety alert issued by a governmental entity, including an alert pursuant to s. 937.021, F.S.;
 - Static logo displays, including unique displays for fleet license plates, digital versions of specialty license plates, and special license plates for the Governor and federal and state legislators; and
 - Other displays that the DHMSV, in consultation with law enforcement agencies, determines are in the interest of public safety.
- Shall distribute \$4 from the sale of each digital license plate to the nonprofit corporation specified under s. 946.504, F.S., on a quarterly basis.²⁵

²⁴ "Registration license plates must be made of metal specially treated with a retroreflection material, as specified by the department. The registration license plate is designed to increase nighttime visibility and legibility and must be at least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the department to accommodate motorcycles, mopeds, or similar smaller vehicles. Validation stickers must also be treated with a retroreflection material, must be of such size as specified by the department, and must adhere to the license plate. The registration license plate must be imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the registration license plate number. The license plate must be imprinted with the word "Florida" at the top and the name of the county in which it is sold, the state motto, or the words "Sunshine State" at the bottom. Apportioned license plates must have the word "Apportioned" at the bottom, and license plates issued for vehicles taxed under s. [320.08](#)(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have the word "Restricted" at the bottom. License plates issued for vehicles taxed under s. [320.08](#)(12) must be imprinted with the word "Florida" at the top and the word "Dealer" at the bottom unless the license plate is a specialty license plate as authorized in s. [320.08056](#). Manufacturer license plates issued for vehicles taxed under s. [320.08](#)(12) must be imprinted with the word "Florida" at the top and the word "Manufacturer" at the bottom. License plates issued for vehicles taxed under s. [320.08](#)(5)(d) or (e) must be imprinted with the word "Wrecker" at the bottom. Any county may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold in that county. The state motto or the words "Sunshine State" shall be printed in lieu thereof. A license plate issued for a vehicle taxed under s. [320.08](#)(6) may not be assigned a registration license number, or be issued with any other distinctive character or designation, that distinguishes the motor vehicle as a for-hire motor vehicle."

²⁵ The nonprofit corporation specified under s. 946.504, F.S., is PRIDE.

The bill provides that a digital license plate issued under the pilot program must:

- Meet the specifications and requirements adopted under the pilot program;
- Include the same information required to be included on a physical license plate and legibly display that information at all times and in all light conditions; however, the digital license plate may display the information in a smaller type size when the motor vehicle is parked; and
- Have wireless connectivity capability.

The bill provides that a digital license plate provider with whom the DHSMV contracts must:

- Maintain an inventory of the digital license plates issued by the digital license plate provider in this state;
- Make available a digital version of each specialty license plate authorized by the DHSMV; and
- If a digital license plate displays a validation, promptly update the display of the validation to reflect the current registration period for the motor vehicle and, upon request of the DHSMV, suspend the display of the validation or indicate on the digital license plate that the registration for the motor vehicle has expired.

The bill provides rulemaking authority to the DHSMV to adopt rules to implement the provision of the pilot program.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

Reviver appears to currently be the only manufacturer of a digital license plate product. The size and extent of a Digital License Plate Pilot Program, and any subsequent expansion to any motor vehicle registered under ch. 320, F.S., beginning July 1, 2022, would have a positive fiscal impact.

Beginning July 1, 2022, any motor vehicle registered under ch. 320, F.S., must be allowed to be equipped with a digital license plate in lieu of a physical license plate. Therefore, any motor vehicle owner who voluntarily chooses to equip their motor vehicle with a digital license plate would have the increased cost of acquiring a digital license plate, and the recurring cost of maintaining the digital license plate, in addition to current state original and renewal license plate fees.

C. Government Sector Impact:

The bill may have an indeterminate, likely insignificant, negative fiscal impact to the DHSMV with the expectation being that programming and implementation will be conducted between the vendor and the consumer. The DHSMV does not currently plan on programming connectivity between the proposed digital license plates and the DHSMV systems, and will continue with current procedures for original and renewal license plate transactions.²⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 320.06 and 320.07 of the Florida Statutes. This bill creates section 320.08069 of the Florida Statutes.

²⁶ Kevin Jacobs, Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, SB 862, February 25, 2021.

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

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

None.

B. Amendments:

None.

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

By Senator Gruters

23-00933-21

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A bill to be entitled

An act relating to the Digital License Plate Pilot Program; amending s. 320.06, F.S.; deleting provisions relating to the authority of the Department of Highway Safety and Motor Vehicles to conduct a pilot program to evaluate the designs, concepts, and technologies for alternative license plates; amending s. 320.07, F.S.; exempting owners of digital license plates from certain penalties; creating s. 320.08069, F.S.; creating the Digital License Plate Pilot Program within the department; providing the purpose of the program; defining terms; providing applicability; requiring the department to begin administering the program on a specified date; authorizing the department to contract with digital license plate providers; providing additional authorizations to the department relating to the pilot program; providing for the distribution of fees from the sale of digital license plates; specifying requirements for digital license plates and for digital license plate providers; authorizing the department to adopt rules; providing an effective date.

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

Section 1. Subsection (5) of section 320.06, Florida Statutes, is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

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~~(5) The department may conduct a pilot program to evaluate the designs, concepts, and technologies for alternative license plates. For purposes of the pilot program, the department shall investigate the feasibility and use of alternative license plate technologies and the long term cost impact to the consumer. The pilot program shall be limited to license plates that are used on government-owned motor vehicles as described in s. 320.0655. Such license plates are exempt from the requirements in paragraph (3)(a).~~

Section 2. Subsection (7) is added to section 320.07, Florida Statutes, to read:

320.07 Expiration of registration; renewal required; penalties.—

(7) An owner of a digital license plate as described in s. 320.08069 is not subject to the penalties of this section for failure to display a validation if the vehicle was operated in compliance with this chapter and any rules adopted by the department governing the placement of digital license plates and registration renewal.

Section 3. Section 320.08069, Florida Statutes, is created to read:

320.08069 Digital License Plate Pilot Program.—There is created within the department the Digital License Plate Pilot Program. The purpose of the program is to evaluate the design, concepts, and technologies available for digital license plates and to determine the feasibility of digital license plates.

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

(a) "Digital license plate" means an electronic display that is designed to:

Page 2 of 5

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1. Display the information required to be included on a physical license plate; and

2. Be placed on a motor vehicle registered under this chapter in lieu of a physical license plate.

(b) "Digital license plate provider" means a person or an entity engaged in the business of providing digital license plate hardware and services to motor vehicle owners.

(2) APPLICABILITY.—Except as otherwise provided by this section or a rule adopted under this section, a digital license plate issued under this section is subject to the laws of this state applicable to a physical license plate; however, digital license plates issued under this section are exempt from s. 320.06(3)(a).

(3) DIGITAL LICENSE PLATE PILOT PROGRAM.—

(a) Beginning July 1, 2021, the department shall administer the pilot program. The pilot program must be limited to installation and use of digital license plates on government-owned motor vehicles as described in s. 320.0655.

(b) By July 1, 2022, the department shall allow a motor vehicle registered under this chapter to be equipped with a digital license plate in lieu of a physical license plate issued under s. 320.06.

(c) The department may contract with one or more digital license plate providers for the issuance of digital license plates, including any services related to the issuance of digital license plates.

(d) The department may authorize the display of the motor vehicle's validation on each digital license plate in lieu of the validation sticker. The validation must display the owner's

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birth month, the license plate number, and the year of expiration or appropriate renewal period if the owner is not a natural person. The validation must be displayed in the upper right corner of the digital plate.

(e) The department may authorize the use of a digital license plate for electronic toll collection or to display a parking permit.

(f) The department may establish procedures for displaying the following information on a digital license plate:

1. An emergency alert or other public safety alert issued by a governmental entity, including an alert pursuant to s. 937.021;

2. Static logo displays, including unique displays for fleet license plates, digital versions of specialty license plates, and special license plates for the Governor and federal and state legislators; and

3. Other displays that the department, in consultation with law enforcement agencies, determines are in the interest of public safety.

(g) The department shall distribute \$4 from the sale of each digital license plate to the nonprofit corporation specified under s. 946.504 on a quarterly basis.

(4) DIGITAL LICENSE PLATE REQUIREMENTS.—A digital license plate issued under this section must:

(a) Meet the specifications and requirements adopted under subsection (3);

(b) Include the same information required to be included on a physical license plate and legibly display that information at all times and in all light conditions; however, the digital

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license plate may display the information in a smaller type size
when the motor vehicle is parked; and

(c) Have wireless connectivity capability.

(5) DIGITAL LICENSE PLATE PROVIDERS.—A digital license
plate provider with whom the department contracts shall:

(a) Maintain an inventory of the digital license plates
issued by the digital license plate provider in this state;

(b) Make available a digital version of each specialty
license plate authorized by the department; and

(c) If a digital license plate displays a validation,
promptly update the display of the validation to reflect the
current registration period for the motor vehicle and, upon
request of the department, suspend the display of the validation
or indicate on the digital license plate that the registration
for the motor vehicle has expired.

(6) RULEMAKING.—The department may adopt rules to implement
this section.

Section 4. This act shall take effect upon becoming a law.

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

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THE FLORIDA SENATE

APPEARANCE RECORD

03/03/21

Meeting Date

862

Bill Number (if applicable)

Topic Digital License Plate Pilot Program

Amendment Barcode (if applicable)

Name Cory Guzzo

Job Title Governmental Affairs Consultant

Address 108 S Monroe Street

Phone 850-212-2117

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing Reviver Auto

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 (10/14/14)

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 890

INTRODUCER: Criminal Justice Committee and Senator Hooper

SUBJECT: Use of Electronic Databases

DATE: March 3, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stokes	Jones	CJ	Fav/CS
2.	Proctor	Vickers	TR	Favorable
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 890 amends s. 119.10, F.S., increasing the maximum fine from \$500 to \$2000, for a public officer who violates any provision of ch. 119, F.S., relating to public records.

This bill amends s. 943.125, F.S., providing that the law enforcement accreditation program must address access to and use of personal identification information, as defined in s. 817.568(1)(f), F.S., contained in electronic databases.

This bill creates ss. 943.1719 and 943.17191, F.S., requiring the Criminal Justice Standards and Training Commission (CJSTC) to provide training on the authorized access to and use of personal identification information contained in electronic databases used by a law enforcement officer (LEO) in his or her official capacity. This training must be part of the curriculum required for initial certification of a LEO, and as part of the 40 hours of required instruction for continued employment or appointment as an officer. The training under ss. 943.1719 and 943.17191, F.S., must at minimum include:

- The proper use and limitations on use of electronic databases in a LEO's official capacity.
- The penalties associated with the misuse of such electronic databases.

This bill may have a negative fiscal impact on the Florida Department of Law Enforcement (FDLE). See Section V. Fiscal Impact Statement.

This bill is effective October 1, 2021.

II. Present Situation:

Electronic Databases

Government employees have access to various electronic databases. One database frequently accessed by government employees, including law enforcement, is the Driver and Vehicle Information Database (DAVID). The DAVID is a multifaceted database that affords immediate retrieval of driver and motor vehicle information that is indispensable for law enforcement and criminal justice officials.¹ Information contained in DAVID is confidential and protected under the federal Driver's Privacy Protection Act (DPPA). The DPPA provides that government agencies, including any court or law enforcement agency, may access this information in their official capacity to carry out their duties.²

There have been recent reports of government employees abusing their access to electronic databases.³ One government employee admitted to searching both his ex-wife and ex-girlfriend. Other examples of misuse of electronic databases include an officer who was suspended for two days after using DAVID to access addresses for Christmas cards, an officer who was fired for using DAVID to access information on a teen girl he was talking to and her parents, and an officer who resigned after being accused of using DAVID to search personal information of young women he met while on duty.⁴

Violation of Public Records Laws

It is state policy that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵ Chapter 119, F.S., provides various laws regarding public records, and public record exemptions.

Section 119.10, F.S., provides that any public officer who violates any provision of ch. 119, F.S., relating to public records, commits a noncriminal infraction, punishable by a fine of up to \$500. A public officer who knowingly violates s. 119.07(1), F.S.,⁶ is subject to suspension and removal or impeachment and commits a first degree misdemeanor.⁷

¹ Florida Highway Safety and Motor Vehicles, *Driver and Vehicle Information Database (DAVID)*, available at [Driver And Vehicle Information Database \(DAVID\) - Florida Department of Highway Safety and Motor Vehicles \(flhsmv.gov\)](https://www.flhsmv.gov/Driver-And-Vehicle-Information-Database-(DAVID)-Florida-Department-of-Highway-Safety-and-Motor-Vehicles-(flhsmv.gov)) (last visited February 10, 2021).

² 18 U.S.C. s. 2721.

³ 10 Tampa Bay, *10 Investigates: Government workers abusing access to your private info face few consequences*, November 25, 2020, available at [Florida government workers abuse access to your private info | wtsp.com](https://www.wtsp.com/story/news/2020/11/25/florida-government-workers-abuse-access-to-your-private-info-wtsp-com/) (last visited February 10, 2021).

⁴ *Id.*

⁵ Section 119.01(1), F.S.

⁶ Section 119.07(1), F.S., relates to the responsibilities of custodians of public records.

⁷ Section 119.10(1)(a) and (b), F.S.

Additionally, any person who willfully and knowingly violates any provisions of ch. 119, F.S., commits a first degree misdemeanor.⁸ Any person who willfully and knowingly violates s. 119.105, F.S.⁹ commits a third degree felony.^{10, 11}

Misuse of an Electronic Database

Misuse of an electronic database is a violation of an officer's good moral character.¹² An officer misuses an electronic database when he or she willfully and knowingly accesses an electronic database and uses the database to access restricted information for an illegitimate or personal purpose with bad intent. Bad intent may be demonstrated by:

- A pattern of misuse that demonstrates improper access or violations.
- If the violation occurred after the officer received agency or the Criminal Justice Standards and Training Commission (CJSTC) discipline for improperly accessing a computer database, or after the officer received formal training on the database(s) that includes provisions on the improper use of a database.
- The existence of a current or past non-amicable or otherwise contentious relationship between the officer and the subject of the query, or when the purpose of the query is to identify person(s) linked or associated to the relationship.
- Pre-textual queries based on age, race, sex, gender, or other personal identifying characteristics.
- Any additional action taken by the officer as a result of the information obtained from the query, for example, retaining, copying, or reproducing the information obtained from the query, or disseminating information not listed as confidential or exempt in ch. 119, F.S., obtained as a result of the query.¹³

Misuse of an electronic database, such as DAVID, may result in disciplinary action. The recommended penalty the CJSTC should impose for misuse of an electronic database ranges from probation to suspension.¹⁴ Additionally, misuse of an electronic database may subject an officer to the penalties in s. 119.10, F.S., including being charged with a first degree misdemeanor.¹⁵

⁸ Section 119.10(2)(a), F.S.

⁹ Section 119.105, F.S., provides that police reports are public records unless otherwise made confidential and exempt. Nonexempt or nonconfidential police reports may be examined by any person. However, any person who has possession of exempt or confidential information in a police report may not commercially solicit the victims or relatives of the victims in the report and may not knowingly disclose such information for the purpose of solicitation. This does not apply to publication by any news media legally entitled to possess the information.

¹⁰ Section 119.10(2)(b), F.S.

¹¹ A third degree felony is punishable by up to five years imprisonment, a \$5,000 fine, or enhanced penalties as a habitual felony offender. Sections 775.082, 775.083, and 775.084, F.S.

¹² Rule 11B-27.0011, F.A.C.

¹³ Rule 11B-27.0011(4)(c)(14), F.A.C.

¹⁴ Rule 11B-27.005(5)(c), F.A.C.

¹⁵ A first degree misdemeanor is punishable by up to one year in jail and up to a \$1,000 fine. Sections 775.082 and 775.083, F.S.

The Criminal Justice Standards and Training Commission

The CJSTC's mission is to ensure that all citizens of Florida are served by criminal justice officers who are ethical, qualified, and well-trained.¹⁶ The CJSTC is comprised of:

- Three sheriffs.
- Three chiefs of police.
- Five LEOs who are neither sheriffs nor chiefs who are the rank of Sergeant or below.
- Two correctional officers, one of which is an administrator of a state correctional institution and one who is of the rank of sergeant or below.
- One Florida resident who falls into none of the above categories.
- The Attorney General or designated proxy.
- The Secretary of Department of Corrections or designated proxy.
- The Director of the Florida Highway Patrol.¹⁷

The primary responsibilities of the CJSTC are to:

- Establish uniform minimum standards for employment and training of full-time, part-time, and auxiliary law enforcement, and correctional and correctional probation officers.
- Establish and maintain officer training programs, curricula requirements, and certification of training schools and training school instructors.
- Certify officers who complete a Florida Basic Recruit Training Program, or who are diversely qualified through experience and training, and who meet minimum employment standards.
- Review and administer appropriate administrative sanctions in instances when an officer, a training school instructor, or a training school is found in violation of Florida Statutes and CJSTC standards.
- Promulgate rules and procedures to administer the requirements of ch. 943.085-943.257, F.S.
- Conduct studies of compensation, education, and training for the correctional, correctional probation, and law enforcement disciplines.
- Maintain a central repository of records of all certified officers.
- Conduct quarterly meetings to discuss issues and approve rules that relate to officer standards and training.
- Develop, maintain, and administer the State Officer Certification Examination for criminal justice officers.¹⁸

Accreditation

An accreditation program has long been recognized as a means of maintaining the highest standards of professionalism. Accreditation is the certification by an independent reviewing authority that an entity has met specific requirements and prescribed standards.¹⁹

¹⁶ Florida Department of Law Enforcement, *Criminal Justice Standards & Training Commission (CJSTC)*, available at <https://www.fdle.state.fl.us/CJSTC/Commission/CJSTC-Home.aspx> (last visited February 9, 2021).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Florida Accreditation, *Introduction to Florida Accreditation*, available at <http://www.flaccreditation.org/> (last visited February 9, 2021).

Section 943.125, F.S., provides legislative intent that law enforcement agencies voluntarily adopt meaningful standards of operation designed to promote enhanced professionalism and to maximize the capability of law enforcement agencies to enforce the law and prevent and control criminal activity.²⁰ The statute further encourages the continuation of a voluntary state accreditation program to facilitate enhanced professionalism. The accreditation program must be independent of any law enforcement agency, the Department of Corrections, the Florida Sheriff's Association, or the Florida Police Chiefs Association.²¹

The law enforcement accreditation program must address, at minimum, the following aspects of law enforcement:

- Vehicle pursuits.
- Seizure and forfeiture of contraband articles.
- Recording and processing citizens' complaints.
- Use of force.
- Traffic stops.
- Handling natural and manmade disasters.
- Special operations.
- Prisoner transfer.
- Collection and preservation of evidence.
- Recruitment and selection.
- Officer training.
- Performance evaluations.
- Law enforcement disciplinary procedures and rights.
- Use of criminal investigative funds.²²

Commission for Florida Law Enforcement Accreditation, Inc.

The Commission for Florida Law Enforcement Accreditation, Inc. (CFA) was originally formed in 1993 as a response to s. 943.125, F.S.²³ The CFA is comprised of:

- Five police chiefs, from agencies either CFA accredited or with a signed agreement to pursue accreditation;
- Five sheriffs from agencies either CFA accredited or with a signed agreement to pursue accreditation;
- One mayor, city commissioner, city manager, or other member appointed by the Florida League of Cities;
- One county commissioner or other member appointed by the Florida Association of Counties;
- One appellate or circuit court judge appointed by the Florida Supreme Court;
- One law enforcement executive from a state law enforcement agency either CFA accredited or with a signed agreement to pursue accreditation; and

²⁰ Section 943.125(1) and (2), F.S.

²¹ Section 943.125(3), F.S.

²² Section 942.125(4)(a)-(n), F.S.

²³ Florida Department of Law Enforcement, *Florida Accreditation Office*, available at <https://www.fdle.state.fl.us/Accreditation/Accreditation> (last visited February 9, 2021).

- One representative from the Office of Inspector General either CFA accredited or with a signed agreement to pursue accreditation.²⁴

The commission meets three times a year to oversee the accreditation program and to officially accredit agencies that have passed the review process.²⁵

III. Effect of Proposed Changes:

The bill amends s. 119.10, F.S., increasing the maximum fine from \$500 to \$2000, for a public officer who violates any provision of ch. 119, F.S., relating to public records.

This bill amends s. 943.125, F.S., providing that the law enforcement accreditation program must address access to and use of personal identification information contained in electronic databases.

The bill defines personal identification information as it is defined in s. 817.568(1)(f), F.S. Section 817.568(1)(f), F.S., defines “personal identification information,” as any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any:

- Name, postal or electronic mail address, telephone number, social security number, date of birth, mother’s maiden name, official state issued or U.S. issued driver license or identification number, alien registration number, government passport number, employer or taxpayer identification number, Medicaid or food assistance account number, bank account number, credit or debit card number, or personal identification number or code assigned to the holder of a debit card by the issuer to permit authorized electronic use of such card;
- Unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;
- Unique electronic identification number, address, or routing code;
- Medical records;
- Telecommunication identifying information or access device; or
- Other number or information that can be used to access a person’s financial resources.

This bill creates s. 943.1719, F.S., requiring the commission to provide training on the authorized access to and use of personal identification information contained in electronic databases used by a LEO in his or her official capacity. This training must be part of the curriculum required for initial certification of a LEO.

The bill creates s. 943.17191, F.S., providing that the commission must require by rule that each LEO receive, as part of the 40 hours of required instruction for continued employment or appointment as an officer, training on the authorized access to and use of personal identification information contained in electronic databases used by a LEO in his or her official capacity.

²⁴ Email from Ronald Draa, Chief of Staff, FDLE, RE: SB 890 Use of Electronic Databases (Email on file with Committee on Criminal Justice) (February 10, 2021).

²⁵ Florida Department of Law Enforcement, *Florida Accreditation Office*, available at <https://www.fdle.state.fl.us/Accreditation/Accreditation> (last visited February 9, 2021).

The training under ss. 943.1719 and 943.17191, F.S., must at a minimum include:

- The proper use and limitations on use of electronic databases in a LEO's official capacity.
- The penalties associated with the misuse of such electronic databases.

This bill is effective October 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDLE has indicated the department will need \$37,663 in non-recurring funds to implement the provisions of the bill. Specifically, the FDLE estimated the cost to update the law enforcement basic recruit training program and to develop a new post-basic training course is approximately \$7,663. The FDLE also provided that the technological costs of the bill, with approximately 3 months of IT work (analysis, design, programming, and testing), will cost the department approximately \$30,000.²⁶

²⁶ Department of Law Enforcement, *2021 Legislative Bill Analysis for SB 890*, (February 10, 2021), p. 3-5 (on file with the Senate Committee on Criminal Justice).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 119.10 and 943.125.

This bill creates the following sections of the Florida Statutes: 943.1719, and 943.17191.

IX. Additional Information:

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

CS by Criminal Justice on February 16, 2021:

The committee substitute adds a reference to s. 817.568(1)(f), F.S., defining personal identification information. Additionally, the amendment changes the effective date to October 1, 2021.

- B. Amendments:

None.

By the Committee on Criminal Justice; and Senator Hooper

591-02147-21

2021890c1

A bill to be entitled

An act relating to the use of electronic databases; amending s. 119.10, F.S.; increasing the maximum fine imposed on public officers who violate any provision of ch. 119, F.S.; amending s. 943.125, F.S.; requiring the law enforcement accreditation program to address access to and use of personal identification information contained in electronic databases; creating s. 943.1719, F.S.; requiring the Criminal Justice Standards and Training Commission to incorporate into the course curriculum required for initial certification of law enforcement officers instruction on the authorized access to and use of personal identification information contained in electronic databases; providing training requirements; creating s. 943.17191, F.S.; requiring the commission to adopt rules requiring that each law enforcement officer receive instruction on the authorized access to and use of personal identification information contained in electronic databases for continued employment or appointment as an officer; providing training requirements; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 119.10, Florida Statutes, is amended to read:

119.10 Violation of chapter; penalties.—

(1) Any public officer who:

Page 1 of 3

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

591-02147-21

2021890c1

(a) Violates any provision of this chapter commits a noncriminal infraction, punishable by fine not exceeding \$2,000 ~~\$500~~.

Section 2. Paragraph (o) is added to subsection (4) of section 943.125, Florida Statutes, to read:

943.125 Accreditation of state and local law enforcement agencies, correctional facilities, public agency offices of inspectors general, and certain pretrial diversion programs; intent.—

(4) The law enforcement accreditation program must address, at a minimum, the following aspects of law enforcement:

(o) Access to and use of personal identification information, as defined in s. 817.568(1)(f), contained in electronic databases.

Section 3. Section 943.1719, Florida Statutes, is created to read:

943.1719 Basic skills training relating to the use of electronic databases.—The commission shall incorporate into the course curriculum required for initial certification of a law enforcement officer instruction on the authorized access to and use of personal identification information, as defined in s. 817.568(1)(f), contained in electronic databases used by a law enforcement officer in his or her official capacity. This training must include, but need not be limited to, the proper use, and limitations on use, of electronic databases in a law enforcement officer's official capacity and the penalties associated with the misuse of such electronic databases.

Section 4. Section 943.17191, Florida Statutes, is created to read:

Page 2 of 3

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

591-02147-21

2021890c1

59 943.17191 Continued employment training relating to the use
60 of electronic databases.-The commission shall by rule require
61 that each law enforcement officer receive, as part of the 40
62 hours of required instruction for continued employment or
63 appointment as an officer, instruction on the authorized access
64 to and use of personal identification information, as defined in
65 s. 817.568(1)(f), contained in electronic databases used by a
66 law enforcement officer in his or her official capacity. This
67 training must include, but need not be limited to, the proper
68 use, and limitations on use, of electronic databases in a law
69 enforcement officer's official capacity and the penalties
70 associated with the misuse of such electronic databases.

71 Section 5. This act shall take effect October 1, 2021.

YOU MUST PRINT AND DELIVER THIS FORM TO THE ASSIGNED TESTIMONY ROOM

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

March 4, 2021

Meeting Date

890

Bill Number (if applicable)

Topic Use of Electronic Databases

Amendment Barcode (if applicable)

Name Barney Bishop III

Job Title Chief Executive Officer

Address 2215 Thomasville Road

Phone 850.510.9922

Street

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FL

32308

City

State

Zip

Email Barney@BarneyBishop.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

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 1082

INTRODUCER: Senator Albritton

SUBJECT: Diesel Exhaust Fluid

DATE: March 2, 2021

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Price	Vickers	TR	Pre-meeting
2. _____	_____	ATD	_____
3. _____	_____	AP	_____

I. Summary:

SB 1082 addresses safety issues associated with airport use of diesel exhaust fluid (DEF). Airports and airport tenants use DEF in diesel-powered vehicles used in an aircraft support role, including aircraft fire-fighting equipment, life-saving equipment, and emergency generators. DEF is also used to help meet the emission control standards mandated by the Environmental Protection Agency. In recent years, a number of aircraft have experienced engine shutdowns and other engine operability issues due to the contamination of jet fuel as a result of the inadvertent filling of anti-icing injection systems in aircraft fuel trucks with DEF, instead of a product used as a fuel additive to address potential freezing of water within jet fuel in an aircraft at altitude.

The bill requires the governing body of each public airport with specified uses of DEF to create a safety mitigation and exclusion plan and provides minimum requirements for the plan. The governing body must approve the plan by September 1, 2021. By October 1, 2021, the governing body must submit the plan to the Department of Transportation (FDOT) and certify that all DEF has been secured within the airport premises. The plan must be fully implemented by January 1, 2022. Beginning January 1, 2023, each airport must annually certify to the FDOT the airport's compliance with its plan.

The fiscal impact of the bill is indeterminate. See the "Fiscal Impact Statement" for additional information.

The bill takes effect July 1, 2021.

II. Present Situation:

Emission Control Standards

Under the federal Clean Air Act of 1990, the Environmental Protection Agency (EPA) has mandated strengthened emission control standards for vehicle engines to reduce health and environmental issues caused by air pollution. With respect to diesel engines, nitrogen oxides (NO_x) are a major contributor to that pollution, and the EPA has identified NO_x in diesel engine emissions for drastic reduction.¹

Vehicle and engine manufacturers have developed “aftertreatment” technologies to meet the strengthened EPA standards, such as Selective Catalytic Reduction (SCR). SCR reduces NO_x emissions when DEF is injected directly into a catalytic converter² in the vehicle’s exhaust system. Heat from the exhaust helps to break DEF down into ammonia, which in the presence of the catalyst, reacts with the NO_x in the exhaust to neutralize it, transforming it into harmless nitrogen gas and water.³

The EPA mandated emission standards for off-road diesel engines starting in 2014, which apply to airport support vehicles now equipped with SCR systems and therefore require DEF.⁴

According to the Federal Aviation Administration (FAA), DEF is not approved for use in jet fuel:

When mixed with jet fuel, DEF will react with certain jet fuel chemical components to form crystalline deposits in the fuel system. These deposits will flow through the aircraft fuel system and may accumulate on filters, fuel metering components, other fuel system components, or engine fuel nozzles. The deposits may also settle in the fuel tanks or other areas of the aircraft fuel system where they may potentially become dislodged over time and accumulate downstream in the fuel system as described above.⁵

Use of DEF at Airports

Airports and airport tenants use DEF in diesel-powered vehicles used in an aircraft support role, including aircraft fire-fighting equipment, life-saving equipment, and emergency generators.

¹ Aircraft Diesel Exhaust Fluid Contamination Working Group, *A Collaborative Industry Report on the Hazard of Diesel Exhaust Fluid Contamination of Aircraft Fuel*, June 11, 2019, at p. 3, available at https://download.aopa.org/advocacy/2019/2019_06_11_Aircraft_DEF_Contamination_Working_Group_Report_FINAL.pdf (last visited February 25, 2021).

² Merriam-Webster defines the term “catalytic converter” to mean “an automobile exhaust-system component containing a catalyst that causes conversion of harmful gases (such as carbon monoxide and uncombusted hydrocarbons) into mostly harmless products (such as water and carbon dioxide).” Merriam-Webster, *catalytic converter*, available at <https://www.merriam-webster.com/dictionary/catalytic%20converter> (last visited February 25, 2021).

³ *Supra* note 1.

⁴ *Supra* note 1 at p. 4.

⁵ U.S. Department of Transportation Federal Aviation Administration, *SAFO 1815, Jet Fuel Contaminated with Diesel Exhaust Fluid (DEF)*, November 13, 2018, available at https://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/safo/all_safos/media/2018/SAFO18015.pdf (last visited February 12, 2021).

DEF is also used to help meet the EPA-mandated emission control standards.⁶ DEF is stored in separate tanks on vehicles having an installed SCR system, which treats the exhaust of those vehicle engines.⁷

In recent years, a number of aircraft have experienced engine shutdowns and other engine operability issues due to the contamination of jet fuel as a result of the inadvertent filling of anti-icing injection systems in aircraft fuel trucks with DEF, instead of fuel system icing inhibitor (FSII).⁸ One use of FSII is to mitigate against possible freezing of any water within jet fuel contained in an aircraft when at altitude.⁹ FSII injection systems require an FSII fluid reservoir mounted on the truck to supply the injecting system during aircraft refueling.¹⁰ However, since the 2014 application of the EPA mandated emissions standards to off-road diesel engines such as airport refuelers, refueling trucks at airports are often equipped with two reservoirs, one for DEF and one for FSII.¹¹ According to an industry report on DEF contamination of aircraft fuel, difficulty arises in the fact that both DEF and FSII are clear liquids, resulting in confusion and the accidental mixing with or replacement of FSII.¹²

Between November 2017 and May 2019, there were three instances, two in Florida, in which multiple aircraft had jet fuel contaminated with DEF or were refueled using equipment exposed to DEF. In all three cases, the FAA notes the occurrences resulted from the inadvertent adding of DEF to the fuel truck anti-icing injection system reservoirs, instead of FSII.¹³ Because of these instances, and others,¹⁴ numerous aircraft had to perform emergency landings. The FAA conducted a hazard analysis and issued preliminary recommendations to address the problem, including additional training for ground support crews, adoption of best management practices, and dying either DEF or FSII so they can be distinguished from each other.¹⁵

Airport Best Management Standards

In response to Florida incidents of fuel contamination from DEF, the Florida Airports Council (FAC) formed a working group to identify how best to educate airport managers and fuel service providers regarding DEF fuel contamination and promulgated a “Florida Statewide Diesel Exhaust Fluid Best Management Practices Plan and requested airport managers to implement the plan, working with fuel providers, to reduce the risk of fuel contamination.”¹⁶

⁶ See email from Lisa Waters, President/CEO of the Florida Airports Council, to House staff, November 4, 2019 (on file in the Senate Transportation Committee).

⁷ *Supra* note 4.

⁸ *Id.*

⁹ *Id.*

¹⁰ FAA, *Safety Assessment for Jet Fuel Contamination with Diesel Exhaust Fluid (DEF)*, August 30, 2019, p. 4, available at https://www.nata.aero/assets/Site_18/files/GIA/NATA_News/2019-08-30_Safety_Risk_Assessment_Report_DEF-Final.pdf (last visited February 25, 2021).

¹¹ *Id.*

¹² *Supra* note 1 at p. 9.

¹³ *Supra* note 10 at p. 1.

¹⁴ See National Air Transportation Association, *DEF Contamination Awareness*, available at <https://www.nata.aero/advocacy/def-awareness> (last visited February 25, 2021). See also *supra* note 5.

¹⁵ *Supra* note 10 at pp. 10-13.

¹⁶ See Florida Airports Council, *FAC initiates statewide effort to address aviation fuel contamination*, available at [Florida Airports Council](https://www.floridairports.org/news/fac-initiates-statewide-effort-to-address-aviation-fuel-contamination) (last visited March 1, 2021).

Under the plan, if airport managers choose to implement it, each FBO that provides fueling services is responsible for implementing DEF handling and contamination prevention and is required to provide a copy of the FBO's best management practices to the relevant airport manager for record keeping purposes. Airport managers are responsible for making the FBO practices available for review by the FDOT during routine airport inspection. The document provides other sources for FBO's and airport staff relative to DEF contamination, including information from the Federal Aviation Administration, the National Transportation Safety Board, the National Air Transportation Association, and a report from the FAC Aircraft Diesel Exhaust Fluid Contamination Working Group & Recommendations.¹⁷

III. Effect of Proposed Changes:

SB 1082 creates s. 330.401, F.S., requiring the governing body of each public airport (any publicly or privately owned airport open for public use¹⁸) to create a DEF safety mitigation and exclusion plan for each fixed base operator (FBO)¹⁹ that performs onsite treatment of aviation fuel with a FSII. The requirement applies to each such airport at which:

- Aviation fuels receive onsite treatment with FSII;
- Aviation fuel is delivered by a publicly or privately owned FBO; and
- Any aircraft fuel delivery vehicle or ground service equipment that uses DEF is operated within 150 feet of any aircraft.

At a minimum, the plan must include:

- A full inventory of all the FBO's DEF on the airport premises.
- Designation of specific areas of the airport premises where the FBO's DEF may be stored. To the extent practicable, such areas may not be located within or on a vehicle operated for the fueling or servicing of aircraft or at any aviation fuel transfer facility or bulk aviation fuel storage facility.
- Designation of specific areas where DEF may be added to vehicles. These areas may not be located in aircraft operating areas.
- Incorporation of best practices for ensuring the proper labeling and storage of DEF.
- Incorporation of training in the proper use and storage of DEF and FSII for all employees of the FBO who may come into contact with DEF or FSII in the ordinary course of their duties.
- Designation of specific areas where the FBO's FSII may be stored on the airport premises.
- Incorporation of best practices for ensuring the proper labeling and storage of the FBO's fuel system icing inhibitor.
- Physical measures to secure FSII fill points on the FBO's aircraft fuel delivery vehicles, which measures must prevent the addition of any fluid to the FSII fill point by unauthorized personnel.

¹⁷ See Florida Airports Council, *Florida Statewide Diesel Exhaust Fluid Best Management Practices Plan (BMP) January 1, 2021 - Updated February 8, 2021*, available at [final-def-bmp-2_9_2021.pdf \(floridaairports.org\)](https://www.floridaairports.org/final-def-bmp-2_9_2021.pdf) (last visited March 1, 2021).

¹⁸ Section 330.27, F.S.

¹⁹ The term "fixed base operator" refers to commercial businesses allowed to operate on airport grounds to provide services to the airport, such as fueling services, aircraft maintenance services, and baggage handling. See Presidential, *What is a Fixed Base Operator or FBO*, available at <https://www.presidential-aviation.com/fbo/> (last visited February 25, 2021).

The governing body of the airport²⁰ must approve the DEF safety mitigation and exclusion plan by September 1, 2021. By October 1, 2021, the governing body must submit the plan to the FDOT and certify that all DEF has been secured within the airport premises. The plan must be fully implemented on each of the airport premises by January 1, 2022. Beginning January 1, 2023, each airport must annually certify to the FDOT the airport's compliance with its plan.

The bill takes effect July 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, Section 18(a) of the Florida Constitution provides that “no county or municipality shall be bound by any general law requiring such county or municipality to spend funds ... unless the legislature has determined that such law fulfills an important state interest and unless: ... the expenditure is required to comply with a law that applies to all persons similarly situated” The bill applies to all persons similarly situated (publicly or privately owned airports open for use by the public), but it does not include a legislative determination that it fulfills an important state interest.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

²⁰ Publicly owned airports in Florida operate under either a government department model (where the airport operates as a department of the local government) or an airport authority model (where the airport authority is created as either an independent or a dependent special district). Airport operation and administration is generally governed as part of the local government or special district that owns the airport. Privately owned airports open to public use may employ a variety of models for oversight of operations and maintenance, including, but not limited to, sole proprietorships, corporations, and homeowner's associations. See GlobalAir.com, “Airports” tab, “Florida,” available at <https://www.globalair.com/airport/state.aspx> (last visited February 25, 2020).

B. Private Sector Impact:

According to the FDOT, 129 public-use commercial service and general aviation airports currently operate in Florida.²¹ Owners of private airports open to public use at which aviation fuels receive onsite treatment with FSII, at which aviation fuel is delivered by a publicly or privately owned FBO, and at which any aircraft fuel delivery vehicle or ground service equipment that uses DEF is operated within 150 feet of any aircraft will be required to develop and implement the plans specified in the bill. The fiscal impact to these airports is indeterminate, however, as the cost to develop and implement the required plans is unknown. These airports will also incur indeterminate expenses associated with the initial submission of the plan and certification that all DEF is secured within the airport premises, as well as indeterminate expenses associated with the annual submission of certification of plan compliance, to the FDOT.

Tenants of public and private airports open to public use, including fuel providers, will likely incur expenditures associated with complying with airport safety mitigation and exclusion plans; however, the amount of such expenditures is indeterminate.

C. Government Sector Impact:

To the extent that publicly-owned airports are subject to the bill's requirements due to the use of DEF, these airports will incur the same indeterminate expenses as owners of private airports open to public use as described in "Private Sector Impact" above.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 330.401 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.

²¹ FDOT, *Florida Aviation System Plan*, available at <https://www.fdot.gov/aviation/FASP2035> (last visited February 25, 2020).

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

By Senator Albritton

26-00955-21

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A bill to be entitled
An act relating to diesel exhaust fluid; creating s. 330.401, F.S.; requiring the governing body of each public airport that meets certain criteria to create a diesel exhaust fluid safety mitigation and exclusion plan for submission to the Department of Transportation; providing plan requirements; requiring an annual certification of compliance; providing an effective date.

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

Section 1. Section 330.401, Florida Statutes, is created to read:

330.401 Diesel exhaust fluid safety mitigation and exclusion plan; certification.—

(1) (a) The governing body of each public airport as defined in s. 330.27 at which:

1. Aviation fuels receive onsite treatment with fuel system icing inhibitors;

2. Aviation fuel is delivered by a publicly or privately owned fixed-base operator; and

3. Any aircraft fuel delivery vehicle or ground service equipment that uses diesel exhaust fluid is operated within 150 feet of any aircraft

shall create a diesel exhaust fluid safety mitigation and exclusion plan for each fixed-base operator that performs onsite treatment of aviation fuel with a fuel system icing inhibitor.

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(b) The plan must include, at a minimum:
1. A full inventory of all the fixed-base operator's diesel exhaust fluid on the premises of the airport.
2. Designation of specific areas where the fixed-base operator's diesel exhaust fluid may be stored on the premises of the airport. To the extent practicable, such areas may not be located within or on a vehicle operated for the fueling or servicing of aircraft or at any aviation fuel transfer facility or bulk aviation fuel storage facility.
3. Designation of specific areas where diesel exhaust fluid may be added to vehicles. Such areas may not be located in aircraft operating areas.
4. Incorporation of best practices for ensuring the proper labeling and storage of diesel exhaust fluid.
5. Incorporation of training in the proper use and storage of diesel exhaust fluid for all employees of the fixed-base operator who may come in contact with such fluid in the ordinary course of their duties.
6. Designation of specific areas where the fixed-base operator's fuel system icing inhibitor may be stored on the premises of the airport.
7. Incorporation of best practices for ensuring the proper labeling and storage of the fixed-base operator's fuel system icing inhibitor.
8. Incorporation of training in the proper use and storage of fuel system icing inhibitors for all employees of the fixed-base operator who may come in contact with fuel system icing inhibitors in the ordinary course of their duties.
9. Physical measures to secure fuel system icing inhibitor

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59 fill points on the fixed-base operator's aircraft fuel delivery
60 vehicles. Such measures shall prevent the addition of any fluid
61 to the fuel system icing inhibitor fill point by unauthorized
62 personnel.

63 (2) The diesel exhaust fluid safety mitigation and
64 exclusion plan must be approved by the governing body by
65 September 1, 2021. The governing body must, by October 1, 2021,
66 submit the plan to the Department of Transportation and certify
67 that all diesel exhaust fluid has been secured within the
68 premises of the airport.

69 (3) The diesel exhaust fluid safety mitigation and
70 exclusion plan must be fully implemented on the premises of each
71 airport by January 1, 2022.

72 (4) By January 1 of each year, beginning in 2023, each
73 public airport must certify to the department the airport's
74 compliance with its diesel exhaust fluid safety mitigation and
75 exclusion plan.

76 Section 2. This act shall take effect July 1, 2021.

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 1134

INTRODUCER: Senator Harrell

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: March 3, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Proctor	Vickers	TR	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 1134 includes the following provisions:

- Updates the date of adoption of federal regulations and rules for commercial motor vehicles (CMV) to December 31, 2020;
- Revises the length of time within which an officer of the Department of Highway Safety and Motor Vehicles (DHSMV) is authorized to give written notice requiring correction of an unduly hazardous operating condition from 14 days to 15 days;
- Updates statute to reflect the DHSMV is the agency responsible for the safe operations of nonpublic sector buses;
- Provides that current seat belt requirements are applicable when a vehicle is stationary at a traffic signal;
- Amends statute to provide an exemption from odometer disclosure for a vehicle with a model year of 2011 or newer after 20 years;
- Provides that a motor carrier or vehicle owner whose registration has been suspended is required to return their license plate to the DHSMV or surrender it to law enforcement;
- Provides that a person who has been convicted of any felony involving human trafficking under state or federal law involving the use of a CMV may not be licensed as a CMV operator, or hold a CMV license;
- Provides that the expiration date for an original issuance of a commercial driver license is at midnight 8 years after the licensee's last birthday; and
- Incorporates violations for texting or using a handheld phone device while operating a CMV as a serious disqualifying offense, which may result in a person being disqualified from operating a CMV for a specified period of time, to align with federal regulations.

The bill may have an indeterminate fiscal impact. See Section V. Fiscal Impact Statement.

The bill has an effective date of July 1, 2021.

II. Present Situation:

Federal Regulations

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA), an agency within the U.S. Department of Transportation (USDOT), is to prevent CMV-related fatalities and injuries.¹

Florida law defines “commercial motor vehicle” as any self-propelled or towed vehicle used on public highways in commerce to transport passengers or cargo, if such vehicle:

- Has a gross vehicle weight rating of 10,000 pounds or more;
- Is designed to transport more than 15 passengers, including the driver; or
- Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act,² as amended.³

Section 316.302(1)(a), F.S., provides that all owners and drivers of a CMV operating on the state’s public highways while engaged in *interstate* commerce are subject to federal regulations.

Section 316.302(1)(b), F.S., provides that, with certain exceptions, all owners or drivers of CMVs engaged in *intrastate* commerce are subject to federal regulations, as they existed on December 31, 2018.

Federal regulations provide that, with some exceptions, CMV drivers must be at least 21 years of age.⁴ Federal regulations also provide maximum drive time requirements for property carrying vehicles.⁵ Section 316.302(2)(a), F.S., provides that a person operating a CMV solely in intrastate commerce and not transporting any hazardous material in amounts that require placarding⁶ are not required to comply with the above-referenced federal regulations and are not required to comply with 49 C.F.R. 395.3, documenting the maximum driving time for operators of property carrying vehicles. These drivers continue to be subject to the maximum driving times required by state law.

Florida law also provides that, except as provided in federal regulations, a person operating a CMV solely in intrastate commerce and not transporting any hazardous material may not drive:

- More than 12 hours following 10 consecutive hours off duty; or

¹ Federal Motor Carrier Safety Administration, available at <https://www.fmcsa.dot.gov/mission/about-us> (last visited February 10, 2021).

² 49 U.S.C. ss. 1801 et seq.

³ Section 316.003(13), F.S.

⁴ 49 C.F.R. s. 391.11(b)(1).

⁵ 49 C.F.R. s. 395.3(a) and (b).

⁶ Placarding is required pursuant to 49 C.F.R. part 172. In this analysis, everywhere there is a discussion regarding the transportation of hazardous materials, it is assumed to be in amounts that require placarding.

- For any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty.⁷

These provisions do not apply to drivers of utility service vehicles.⁸

Section 316.302(2)(c), F.S., provides that, except as provided in the federal hours of service (HOS) rules,⁹ a person operating a CMV solely in intrastate commerce, not transporting any hazardous material, may not drive after having been on duty more than 70 hours in any period of seven consecutive days or more than 80 hours in any period of eight consecutive days if the motor carrier operates every day of the week. Upon request of the DHSMV, motor carriers must furnish time records or other written verification so that the DHSMV can determine compliance with the HOS requirements. Falsification of time records is subject to a civil penalty not to exceed \$100.

Section 316.302(2)(d), F.S., provides that a person operating a CMV solely in intrastate commerce not transporting any hazardous material within a 150 air-mile radius is not required to comply with federal provisions regarding a driver's record of duty status¹⁰ if the requirements of certain federal rules regarding short-haul operations¹¹ are met. If a driver is not released from duty within 12 hours after the driver arrives for duty, the motor carrier must maintain documentation of the driver's driving times throughout the duty period.

Section 316.302(9) F.S., requires carriers to provide written notification of the repair of a documented defect to the DHSMV within 14 days. This is inconsistent with federal requirements requiring carriers to provide written notification within 15 days.

Seat Belt Usage

It is unlawful for any person to operate a motor vehicle¹² in Florida unless all drivers, all front seat passengers and all passengers under the age of 18 are restrained by a safety belt or by a child restraint device.¹³

⁷ Section 316.302(2)(b), F.S.

⁸ 49 C.F.R. s. 395.2, defines "utility service vehicle" as any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;

(2) While engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(3) Except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

⁹ 49 C.F.R. s. 395.1.

¹⁰ 49 C.F.R. s. 395.8.

¹¹ 49 C.F.R. s. 395.1(e)(1)(iii) and (v) are various rules relating to short-haul operations.

¹² Section 316.003(44), F.S., defines "motor vehicle" as a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped.

¹³ Section 316.614, F.S.

Drivers and passengers 18 or older can be cited if they, or any passenger under the age of 18, are not properly strapped in. Drivers will be charged with a seat belt violation if any passenger under the age of 18 is not restrained with a seat belt or child restraint device.

Florida law requires the use of safety belts for all drivers and passengers in all motorized vehicles, except:

- A person certified with a physician as having a medical condition that causes seat belt use to be inappropriate or dangerous. (Keep a copy of certification while driving/being driven);
- Employee of a newspaper home delivery service while delivering newspapers;
- An employee of a solid waste or recyclable collection service is not required to be restrained by a safety belt while in the course of employment collecting solid waste or recyclables on designated routes;
- The living quarters of a recreational vehicle or a space within a truck body primarily intended for merchandise or property;
- School buses purchased new prior to December 31, 2000;
- Buses used for transportation of persons for compensation;
- Farm equipment;
- Trucks of a net weight of more than 26,000 pounds; and
- A rural letter carrier of the United States Postal Service while performing duties in the course of his or her employment on a designated postal route.¹⁴

A seat belt (without a booster seat) may only be used for children 4-5 years of age when the driver is not a member of the child's immediate family and the child is being transported as a favor or in an emergency.¹⁵

Wearing a seat belt reduces the risk of being injured or killed in a crash by almost 50 percent.¹⁶

Nonpublic Sector Buses

Senate Bill 2000 (2011) moved motor carrier compliance (to include nonpublic sector buses) from the Florida Department of Transportation (FDOT) to the DHSMV.¹⁷ However, some statutes were not amended to reflect the corresponding changes. The FDOT no longer revises standards for the safe operation of nonpublic sector buses since those functions have been moved to the DHSMV.

Odometer Exemption

The federal odometer law, 49 U.S.C. Chapter 327 (Public Law 103-272), prohibits the disconnection, resetting, or alteration of a motor vehicle's odometer with intent to change the number of miles indicated. The law requires that a written disclosure of the mileage registered on an odometer be provided by the seller to the purchaser on the title to the vehicle when the ownership of a vehicle is transferred. If the odometer mileage is incorrect, the law requires a

¹⁴ Section 316.614(6), F.S.

¹⁵ Section 316.613(1)(a)2., F.S.

¹⁶ *Id.*

¹⁷ Ch. 2011-69, Laws of Fla.

statement to that effect to be furnished on the title to the buyer. However, vehicles ten years old and older are exempt from the written disclosure requirements.¹⁸

Violations of any of the above requirements may subject the violator to civil liability if it is determined that their actions were intended to defraud the purchaser. The law makes available to the buyer a remedy in the amount of \$1,500 or treble damages, whichever is greater, together with attorney's fees. To obtain this remedy, 49 U.S. Code Section 32710 of federal law permits the buyer to bring a private civil action in State or Federal court.¹⁹

Beginning January 1, 2021, the USDOT National Highway Traffic Safety Administration began enforcing a new rule for odometer disclosures for every transfer of ownership for the first 20 years, beginning with model year 2011 vehicles.²⁰ Model year 2010 and older vehicles will continue to be subject to the previous 10-year disclosure requirements and thus are exempt from extended Federal odometer disclosure requirements.²¹

Current state law only provides for odometer exemptions for vehicles manufactured with a 2010 model year or older remain exempt under the 10-year exemption.²² Any person who fails to complete or acknowledge an odometer disclosure statement as required by law is guilty of a misdemeanor of the second degree.²³

Performance and Registration Information Systems Management

The Performance Information Systems Management (PRISM) program is a cooperative federal-state safety program developed to reduce commercial vehicle accidents. PRISM utilizes the commercial vehicle registration process of the states to improve motor carrier safety in two ways:

- By determining the safety fitness of the motor carrier prior to issuing license plates; and,
- By motivating the carrier to improve its safety performance either through an improvement process or the application of registration sanctions.

The PRISM program encompasses two major processes registration and enforcement, which are integrated to identify motor carriers and hold them responsible for the safety of their operations. The performance of unsafe carriers is improved through a comprehensive system of identifications, education, data gathering, safety monitoring, and treatment.²⁴

The PRISM program is a key component to FMCSA efforts to reduce the number of CMV crashes, injuries and fatalities in a rapidly expanding interstate motor carrier population. Currently, the DHSMV does not have the authority to deny vehicle registration to a commercial

¹⁸ National Highway Traffic Safety Administration, Odometer Fraud, <https://one.nhtsa.gov/Vehicle-Safety/Odometer-Fraud/Odometer-Information-Overview-for-Consumers> (last visited February 12, 2021).

¹⁹ *Id.*

²⁰ National Highway Traffic Safety Administration, Press Releases, <https://www.nhtsa.gov/press-releases/odometer-disclosure-requirements-change> (last visited February 12, 2021).

²¹ 49 C.F.R. part 580.

²² Section 319.225(4), F.S.

²³ *Id.*

²⁴ Federal Motor Carrier Safety Administration, PRISM Management Grant, <https://www.fmcsa.dot.gov/grants/prism-management-grant/performance-and-registration-information-systems-management-prism> (last visited February 12, 2021).

motor carrier who has received an out of service order by FMCSA but attempts to circumvent the order by obtaining a new USDOT number and company name. These carriers are commonly referred to as “reincarnated” or “chameleon” carriers because they often operate the same vehicles under a different USDOT number and name but maintain the same officers and directors, business address, telephone number, and email of the out of service carrier.

Companies that operate commercial vehicles transporting passengers or hauling cargo in interstate commerce must be registered with the FMCSA, have a USDOT number, and comply with federal safety regulations in order to have their vehicles registered under the International Registration Plan. When a company fails to meet FMCSA safety requirements, it may be placed out of service. However, an out of service order does not automatically impact a vehicle’s registration.

In 2019, over 5,000 motor carriers with serious safety deficiencies were issued a federal out of service order that required registration sanctions. PRISM state registration agencies suspended 27,905 vehicle registrations of these motor carriers.²⁵

An effectiveness evaluation report released in February 2016 by the FMCSA determined that between 2008 and 2013, states that fully participate in PRISM compared to non-fully participating states experience a:

- 20.4 percent observable reduction in all CMV crashes;
- 9.8 percent observable reduction in fatalities involving all CMV crashes; and
- 6.9 percent reduction in state registered CMVs being placed out of service roadside for operating while under a federal order.²⁶

In addition, vehicles registered in states that fully participate in PRISM compared to non-fully participating states experienced the equivalent of 777 lives saved between 2008 and 2013. These results equate to 130 lives saved each year.²⁷

Human Trafficking

The federal Victims of Trafficking and Violence Protection Act of 2000²⁸ defines “sex trafficking” as the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial act. “Severe forms of trafficking in persons” includes:

- Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.²⁹

²⁵ Federal Motor Carrier Safety Administration, PRISM, <https://www.fmcsa.dot.gov/PRISM> (last visited February 12, 2021).

²⁶ Department of Highway Safety and Motor Vehicles, *2021 Legislative Bill Analysis for SB 1134*, (February 9, 2021), p. 4 (on file with the Senate Committee on Transportation).

²⁷ *Id.*

²⁸ Public Law 106-386, s. 103, 22 U.S.C. s. 7102.

²⁹ *Id.*

There are approximately 2.5 million victims of human trafficking in the United States. Many victims are lured with false promises of financial or emotional security; instead they are forced or coerced into commercial sex, domestic servitude, or other types of forced labor. Any minor under the age of 18 who is induced to perform a commercial sex act is a victim of human trafficking, regardless of whether there is forced fraud or coercion. Increasingly, criminal organizations such as gangs, are luring children from local schools into commercial sexual exploitation or trafficking. According to the U.S. Department of Justice, every two minutes a child is trafficked for the purpose of sexual exploitation in the United States.³⁰

On January 8, 2019, the “No Human Trafficking on Our Roads Act” was signed into law.³¹ Subsequently, the FMCSA issued a new rule to prohibit an individual from operating a CMV for life if that individual uses a CMV in committing a felony involving human trafficking. The new rule revises the list of offenses permanently disqualifying individuals from operating a CMV for which a commercial driver’s license or a commercial learner’s permit is required.³² On July 23, 2019, the FMCSA announced the final rule, which went into effect on September 23, 2019, that permanently bans drivers convicted of human trafficking from operating a CMV for which a commercial driver’s license or a commercial learner’s permit is required.

The State of Florida does not have specific authority to take action against a commercial driver license when an individual has committed a felony involving human trafficking.

Human Trafficking in Florida

Florida ranks third in the nation for reported cases of human trafficking.³³ In 2019, the National Human Trafficking Hotline had 896 human trafficking cases reported in Florida.³⁴ Children are often those targeted in trafficking operations, with 12-14 being the average age that a trafficked victim is first used for commercial sex.³⁵

In Florida, any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, or attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking commits the crime of human trafficking.³⁶ Such an offense is punishable as a first degree

³⁰ Florida Department of Education, *Healthy Schools – Human Trafficking*, available at: <http://www.fldoe.org/schools/healthy-schools/human-trafficking.stml> (last visited February 12, 2021).

³¹ Section 1532 - 115th Congress (2017-2018).

³² Federal Motor Carrier Safety Administration, Press Release, <https://www.fmcsa.dot.gov/newsroom/us-department-transportation-permanently-bans-commercial-drivers-convicted-human> (last visited February 12, 2021).

³³ National Human Trafficking Hotline, *Hotline Statistics*, available at <https://humantraffickinghotline.org/states> (last visited February 12, 2021).

³⁴ National Human Trafficking Hotline, *Florida: Statistics*, available at <https://humantraffickinghotline.org/state/florida> (last visited February 12, 2021).

³⁵ Statewide Council on Human Trafficking, *Statewide Council on Human Trafficking Annual Reports*, available at <http://myfloridalegal.com/pages.nsf/Main/8AEA5858B1253D0D85257D34005AFA72> (last visited February 12, 2021).

³⁶ Section 787.06(3), F.S.

felony,³⁷ unless the person being sex trafficked is a child under the age of 18, mentally defective, or mentally incapacitated, then such an offense is punishable as a life felony.³⁸

Human trafficking cases are often hidden operations that require law enforcement agencies to engage in intricate investigations. In November 2018, an investigation in Polk County lead to the arrest of 103 people for charges including prostitution and human trafficking.³⁹ Similarly, in January 2019, a two month-long investigation lead to the arrest of a 36-year-old male in Tallahassee on prostitution and sex trafficking charges involving a 14-year old girl. At the time of his arrest, the male was already facing charges for sex trafficking a child in 2014.⁴⁰

Commercial Driver License

Federal law 49 CFR 383.73(b)(9) requires that a commercial driver license (initial) cannot be valid for more than 8-years from the date of issuance. Currently, the DHSMV issues an original commercial driver license that expires 8-years from the commercial drivers next birthday.⁴¹ This situation allows holders to have a license that is valid for more than 8-years from the issue date that is reflected on both the commercial driver license and driver record. This has been addressed as a deficiency in a recent FMCSA compliance audit.⁴²

Florida law requires every applicant for an original driver license to pass an examination. However, the DHSMV may waive the knowledge, endorsement, and skills tests requirements for an applicant who is otherwise qualified and who surrenders a valid driver license issued by another state, a Canadian province, or the United States Armed Forces, if the driver applies for a Florida license of an equal or lesser classification.⁴³

Under Florida law, the examination for a commercial driver license must include various tests including an actual demonstration of the applicant's ability to operate a motor vehicle or combination of vehicles of the type covered by the license classification the applicant is seeking, including his or her ability to perform a vehicle inspection.⁴⁴

Under FMCSA rules, states may waive knowledge and skill test requirements for commercial driver licenses for current and former military service members who have experience driving a CMV in the military for an equivalent state license. The application must be made within one year of discharge of military service and certain conditions must be met.⁴⁵

³⁷ A first degree felony is punishable by a state prison term not exceeding 30 years, a fine not exceeding \$10,000, or both. Sections 775.082 and 775.083, F.S.

³⁸ Section 787.06(3)(a)-(g), F.S. A life felony is punishable by a state prison term for life, by a term of imprisonment not exceeding 40 years, a fine not exceeding \$15,000, or both. Sections 775.082 and 775.083, F.S.

³⁹ Daniel Dahm and Brianna Volz, *Orlando-area doctor among 103 arrested in Polk County sex sting, sheriff says*, ClickOrlando.com, (December 3, 2018) available at <https://www.clickorlando.com/news/103-arrested-in-polk-county-sex-sting> (last visited February 12, 2021).

⁴⁰ WTXL, *Human trafficking suspect accused of sex-trafficking child in Tallahassee*, (January 26, 2019) available at http://www.wtxl.com/news/human-trafficking-suspect-accused-of-sex-trafficking-child-in-tallahassee/article_9748879c-21a4-11e9-b768-5bb68f906ecc.html (last visited February 12, 2021).

⁴¹ Section 322.18(2)(a), F.S.

⁴² *Supra* FN 27.

⁴³ Section 322.12(1), F.S.

⁴⁴ Section 322.12(4), F.S.

⁴⁵ 49 C.F.R. 383.77

Under the DHSMV's rules, applicants seeking a waiver of commercial driver's license skill testing due to military experience must pass all written knowledge exams for the appropriate license class and any applicable endorsements, and apply for a waiver while on active duty or within 90 days of separation from military service. Additionally, he or she must certify that he or she for at least two years immediately preceding the application operated a motor vehicle in the appropriate class, and present a Certificate for Waiver of Skill Test for Military Personnel form signed by their commanding officer.⁴⁶

Serious Disqualifying Offense for a CMV Driver

Section 316.3025, F.S., codifies a federal prohibition on CMV drivers using handheld devices while operating a CMV.⁴⁷ However, s. 322.61, F.S., relating to offenses disqualifying someone from driving a CMV was not amended to list using a handheld device while operating a CMV as a serious disqualifying offense regarding a commercial driver's license. Current law provides penalties associated with texting and using a handheld mobile telephone while driving a CMV. A driver violating the federal prohibitions against texting⁴⁸ or using a handheld mobile telephone⁴⁹ while operating a CMV, may be assessed a civil penalty and commercial driver's license disqualification as follows:

- First violation: \$500;
- Second violation: \$1,000 and a 60-day disqualification;⁵⁰
- Third and subsequent violations: \$2,750 and a 120-day disqualification.

If while operating a CMV, a person is convicted of two or more of the following offenses within a three-year period, that person is disqualified from operating a CMV for a period of 60 days for:

- A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a crash resulting in death;
- Reckless driving;⁵¹
- Unlawful speed of 15 miles per hour or more above the posted speed limit;
- Improper lane change;⁵²
- Following too closely;⁵³
- Driving a commercial vehicle without obtaining a commercial driver's license;
- Driving a commercial vehicle without the proper class of commercial driver's license or commercial learner's permit or without the proper endorsement; or
- Driving a commercial vehicle without a commercial driver's license or commercial learner's permit in possession.⁵⁴

⁴⁶ Rule 15A-7.018, F.A.C.

⁴⁷ Chapter 2013-160, L.O.F.

⁴⁸ 49 C.F.R. 329.80.

⁴⁹ 49 C.F.R. 392.82.

⁵⁰ Commercial driver license disqualification is pursuant to 49 C.F.R. part 383.

⁵¹ Reckless driving is defined in s. 316.192, F.S.

⁵² Improper lane change is defined in s. 316.085, F.S.

⁵³ Following too closely is defined in s. 316.0895, F.S.

⁵⁴ A license or learner permit is required to drive a commercial motor vehicle pursuant to s. 322.03, F.S.

III. Effect of Proposed Changes:

Federal Regulations (Section 1)

The bill amends the date of adoption of federal regulations in s. 316.302(1)(b), F.S., from 2018 to 2020. The change will have the effect of adopting the most recent federal regulations and rules. It would continue to prevent CMV operators from driving for more than 8 consecutive hours without at least a 30-minute change in duty status, and provide the following changes:

- Increases the minimum annual percentage rate for random controlled substances testing, for owners and drivers of CMV's engaged in intrastate commerce requiring a commercial driver's license, from 25 percent to 50 percent;
- Extends the maximum duty period allowed under the short-haul exception from 12 to 14 hours and extending the distance limit within which the driver may operate from 100 to 150 air miles;
- Allows a driver to extend the maximum "driving window" by up to 2 hours during adverse driving conditions;
- Requires a 30-minute break after 8 hours of driving time (instead of on duty time) and allows on duty/not driving periods to qualify as breaks; and
- Modifies the sleeper berth exception to allow drivers to split their required 10 hours off duty into two periods: an 8/2 split, and a 7/3 split - with neither period counting against the driver's 14-hour driving window.

The bill also amends s. 316.302(9), F.S., to increase the time a CMV carrier has to provide written notification of the repair of a documented defect to the DHSMV from 14 to 15 days.

Seat Belt Usage (Section 2)

The bill amends s. 316.614(3)(a), F.S., to state that current seat belt requirements are applicable when the vehicle is stationary at a traffic control device.

Nonpublic Sector Buses (Section 3)

The bill amends s. 316.70, F.S., to update the statute to reflect that the DHSMV, not the FDOT, has statutory authority to adopt rules for the safe operations of CMVs and conduct compliance reviews for the safe operations of nonpublic sector buses.

Odometer Exemption (Section 4)

The bill amends s. 319.225(4), F.S., to provide an exemption from odometer disclosure for a vehicle with a model year of 2011 or newer after 20 years.

Performance and Registration Information Systems Management (Section 5)

The bill amends s. 320.0715, F.S., to provide that a motor carrier or vehicle owner whose registration has been suspended will be required to return their license plate to the DHSMV or surrender it to law enforcement.

In addition, the DHSMV must deny registration if:

- The applicant fails to disclose material information required on the application;
- The applicant has applied in an attempt to hide the disclosure of the real party in interest who has been issued a federal out-of-service order; or
- The applicant's business is operated, managed, or otherwise controlled by or affiliated with a person who is ineligible for registration, including the applicant entity, a relative, a family member, a corporate officer, or a shareholder.

Human Trafficking (Sections 6, 7, 9-11)

The bill amends ss. 322.01, 322.05, 322.25, 322.28, and 322.61, F.S., to provide:

- That the definition for “human trafficking” has the same meaning as provided in s. 787.06(2)(d), F.S.;⁵⁵
- The DHSMV may not license any person, as a CMV operator, who has been convicted of, or has entered a plea of guilty or nolo contendere to, regardless of whether adjudication was withheld, any felony involving human trafficking under state or federal law involving the use of a CMV;
- That each clerk of court must promptly report to the DHSMV each conviction, regardless of whether adjudication was withheld, for human trafficking which involves the use of a CMV;
- The court must permanently revoke the commercial driver's license of a person who is convicted of, or has entered a plea of guilty or nolo contendere to, regardless of whether adjudication is withheld, any felony involving human trafficking under state or federal law which involves the use of a CMV. If the court has not permanently revoked the driver license or driving privilege within 30 days after imposing a sentence, the DHSMV must permanently revoke the driver license or driving privilege; and
- Any person who uses a CMV in the commission of any felony involving human trafficking under state or federal law shall, upon conviction of, or plea of guilty or nolo contendere to, regardless of whether adjudication is withheld, such felony, be permanently disqualified from operating a CMV.

The bill amends s. 322.34(2), F.S., to update a cross reference.

Commercial Driver License Expiration (Section 8)

The bill amends s. 322.18(2)(f), F.S., to provide that the expiration date for an original issuance of a commercial driver license is at midnight 8 years after the licensee's last birthday.

Serious Disqualifying Offense for a CMV Driver (Section 9)

The bill amends s. 322.61, F.S., to incorporate violations for texting or using a handheld phone device while operating a CMV as a serious disqualifying offense, which may cause a person to be disqualified from operating a CMV, to align with federal regulations.

The bill provides an effective date of July 1, 2021.

⁵⁵ Section 787.06(2)(d), F.S., provides “human trafficking” to mean transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person for the purpose of exploitation of that person.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

Clarifying that current seat belt requirements are applicable when a vehicle is stationary at a traffic signal may result in an increase in the number of seat belt violations issued to drivers. However, the impact is indeterminate at this time.

There is a potential impact to the CMV industry associated with changes to the CMV regulations contained in the bill. However, the impact is indeterminate at this time.

C. Government Sector Impact:

Providing that current seat belt requirements are applicable when a vehicle is stationary at a traffic control device may result in an increase in the number of seat belt violations issued to drivers. This may result in an indeterminate, positive fiscal impact to local governments.

Programming will be required in driver license components of the Online Registration Identity Operating Network (ORION) and the Driver and Vehicle Information Database. There will need to be a new disposition code added and programming will be required within the citation processing and disqualification processes to create the lifetime disqualification for the disposition of an individual who has had their commercial drive

license permanently revoked due to a human trafficking conviction, or plea of guilty or nolo contendere to, any felony involving human trafficking involving the use of a commercial vehicle.⁵⁶ This may result in an insignificant workload impact that can be absorbed within existing DHSMV resources.

Programming will be required in driver license components of the ORION to limit the lifecycle of a commercial driver license to 8 years.⁵⁷ This may result in an insignificant workload impact that can be absorbed within existing DHSMV resources.

Multiple components of the bill will require the DHSMV procedures to be modified, the DHSMV's website to be updated, and communications and outreach to be developed and disseminated, which may result in an insignificant workload impact that can be absorbed within existing DHSMV resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.302, 316.614, 316.70, 319.225, 320.0715, 322.01, 322.05, 322.18, 322.25, 322.28, 322.61, and 322.34.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

⁵⁶ *Supra* FN 27, p.9.

⁵⁷ *Id.*

By Senator Harrell

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1 A bill to be entitled
 2 An act relating to the Department of Highway Safety
 3 and Motor Vehicles; amending s. 316.302, F.S.;
 4 revising regulations applicable to owners and drivers
 5 of commercial motor vehicles; revising the length of
 6 time within which an officer is authorized to give
 7 written notice requiring correction of an unduly
 8 hazardous operating condition; amending s. 316.614,
 9 F.S.; revising the definition of the term "motor
 10 vehicle"; amending s. 316.70, F.S.; requiring the
 11 Department of Highway Safety and Motor Vehicles,
 12 rather than the Department of Transportation, to
 13 establish and revise standards to ensure the safe
 14 operation of nonpublic sector buses; conforming
 15 provisions to changes made by the act; amending s.
 16 319.225, F.S.; revising applicability; providing that
 17 vehicles that meet certain conditions are exempt from
 18 odometer disclosure after specified periods of time;
 19 amending s. 320.0715, F.S.; requiring motor carriers
 20 and vehicle owners whose registrations have been
 21 suspended to return their license plates to the
 22 Department of Highway Safety and Motor Vehicles or
 23 surrender their license plates to law enforcement;
 24 requiring the department to deny registration of a
 25 motor vehicle trip permit under certain conditions;
 26 amending s. 322.01, F.S.; defining the term "human
 27 trafficking"; amending s. 322.05, F.S.; prohibiting
 28 the department from issuing a license to any person as
 29 a commercial motor vehicle operator under specified

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30 conditions; amending s. 322.18, F.S.; providing that
 31 commercial driver licenses expire at midnight 8 years
 32 after the licensee's birthday; amending s. 322.25,
 33 F.S.; requiring clerks of court to promptly report to
 34 the department each conviction for human trafficking,
 35 regardless of whether adjudication is withheld;
 36 amending s. 322.28, F.S.; requiring the court to
 37 permanently revoke the commercial driver license of a
 38 person under specified conditions; requiring the
 39 department to permanently revoke the driver license or
 40 driving privilege of the person if the court has not
 41 revoked such driver license or driving privilege
 42 within a specified timeframe; amending s. 322.61,
 43 F.S.; revising provisions for disqualification from
 44 operating a commercial motor vehicle; providing a
 45 penalty for any person who uses a commercial motor
 46 vehicle in the commission of a felony involving human
 47 trafficking; amending s. 322.34, F.S.; conforming a
 48 cross-reference; providing an effective date.

49
 50 Be It Enacted by the Legislature of the State of Florida:

51
 52 Section 1. Paragraph (b) of subsection (1) and subsection
 53 (9) of section 316.302, Florida Statutes, are amended to read:
 54 316.302 Commercial motor vehicles; safety regulations;
 55 transporters and shippers of hazardous materials; enforcement.—
 56 (1)
 57 (b) Except as otherwise provided in this section, all
 58 owners and ~~or~~ drivers of commercial motor vehicles that are

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engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and 390-397, as such rules and regulations existed on December 31, 2020 ~~2018~~.

(9) For the purpose of enforcing this section, any law enforcement officer of the Department of Highway Safety and Motor Vehicles or duly appointed agent who holds a current safety inspector certification from the Commercial Vehicle Safety Alliance may require the driver of any commercial vehicle operated on the highways of this state to stop and submit to an inspection of the vehicle or the driver's records. If the vehicle or driver is found to be operating in an unsafe condition, or if any required part or equipment is not present or is not in proper repair or adjustment, and the continued operation would present an unduly hazardous operating condition, the officer may require the vehicle or the driver to be removed from service pursuant to the North American Standard Out-of-Service Criteria, until corrected. However, if continuous operation would not present an unduly hazardous operating condition, the officer may give written notice requiring correction of the condition within 15 ~~14~~ days.

(a) Any member of the Florida Highway Patrol or any law enforcement officer employed by a sheriff's office or municipal police department authorized to enforce the traffic laws of this state pursuant to s. 316.640 who has reason to believe that a vehicle or driver is operating in an unsafe condition may, as provided in subsection (11), enforce the provisions of this section.

(b) Any person who fails to comply with an officer's

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request to submit to an inspection under this subsection commits a violation of s. 843.02 if the person resists the officer without violence or a violation of s. 843.01 if the person resists the officer with violence.

Section 2. Paragraph (a) of subsection (3) of section 316.614, Florida Statutes, is amended to read:

316.614 Safety belt usage.—

(3) As used in this section:

(a) "Motor vehicle" means a motor vehicle as defined in s. 316.003 which is operated on the roadways, streets, and highways of this state or when stationary at a traffic control device. The term does not include:

1. A school bus.

2. A bus used for the transportation of persons for compensation.

3. A farm tractor or implement of husbandry.

4. A truck having a gross vehicle weight rating of more than 26,000 pounds.

5. A motorcycle, a moped, a bicycle, or an electric bicycle.

Section 3. Section 316.70, Florida Statutes, is amended to read:

316.70 Nonpublic sector buses; safety rules.—

(1) The Department of Highway Safety and Motor Vehicles ~~Transportation~~ shall establish and revise standards to ensure the safe operation of nonpublic sector buses, which standards shall be those contained in 49 C.F.R. parts 382, 385, and 390-397 and which shall be directed toward ensuring that:

(a) Nonpublic sector buses are safely maintained, equipped,

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and operated.

(b) Nonpublic sector buses are carrying the insurance required by law and carrying liability insurance on the checked baggage of passengers not to exceed the standard adopted by the United States Department of Transportation.

(c) Florida license tags are purchased for nonpublic sector buses pursuant to s. 320.38.

(d) The driving records of drivers of nonpublic sector buses are checked by their employers at least once each year to ascertain whether the driver has a suspended or revoked driver license.

(2) Department of Highway Safety and Motor Vehicles ~~Transportation~~ personnel may conduct compliance reviews for the purpose of determining compliance with this section. A civil penalty not to exceed \$5,000 in the aggregate may be assessed against any person who violates any provision of this section or who violates any rule or order of the Department of Highway Safety and Motor Vehicles ~~Transportation~~. A civil penalty not to exceed \$25,000 in the aggregate may be assessed for violations found in a followup compliance review conducted within a 24-month period. A civil penalty not to exceed \$25,000 in the aggregate may be assessed and the motor carrier may be enjoined pursuant to s. 316.3026 if violations are found after a second followup compliance review within 12 months after the first followup compliance review. Motor carriers found to be operating without insurance coverage required by s. 627.742 or 49 C.F.R. part 387 may be enjoined as provided in s. 316.3026.

(3) School buses subject to the provisions of chapter 1006 or s. 316.615 are exempt from the provisions of this section.

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Section 4. Subsection (4) of section 319.225, Florida Statutes, is amended to read:

319.225 Transfer and reassignment forms; odometer disclosure statements.—

(4) Upon transfer or reassignment of a certificate of title to a used motor vehicle, the transferor shall complete the odometer disclosure statement provided for by this section and the transferee shall acknowledge the disclosure by signing and printing his or her name in the spaces provided. This subsection does not apply to a vehicle that has a gross vehicle rating of more than 16,000 pounds, a vehicle that is not self-propelled, or a vehicle that is exempt from odometer disclosure. A vehicle with a model year of 2011 or newer is exempt from odometer disclosure after 20 years, and a vehicle with a model year of 2010 or older is exempt from odometer disclosure after 10 years ~~old or older~~. A lessor who transfers title to his or her vehicle without obtaining possession of the vehicle shall make odometer disclosure as provided by 49 C.F.R. s. 580.7. Any person who fails to complete or acknowledge a disclosure statement as required by this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. The department may not issue a certificate of title unless this subsection has been complied with.

Section 5. Subsections (6) and (7) are added to section 320.0715, Florida Statutes, to read:

320.0715 International Registration Plan; motor carrier services; permits; retention of records.—

(6) A motor carrier or vehicle owner whose registration has been suspended shall return his or her license plate to the

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175 department or surrender his or her license plates to law
176 enforcement.

177 (7) The department shall deny registration if:

178 (a) The applicant fails to disclose material information
179 required on the application;

180 (b) The applicant has applied in an attempt to hide the
181 disclosure of the real party in interest who has been issued a
182 federal out-of-service order; or

183 (c) The applicant's business is operated, managed, or
184 otherwise controlled by or affiliated with a person who is
185 ineligible for registration, including the applicant entity, a
186 relative, a family member, a corporate officer, or a
187 shareholder.

188 Section 6. Present subsections (25) through (47) of section
189 322.01, Florida Statutes, are redesignated as subsections (26)
190 through (48), respectively, and a new subsection (25) is added
191 to that section, to read:

192 322.01 Definitions.—As used in this chapter:

193 (25) "Human trafficking" has the same meaning as provided
194 in s. 787.06(2) (d).

195 Section 7. Subsection (12) is added to section 322.05,
196 Florida Statutes, to read:

197 322.05 Persons not to be licensed.—The department may not
198 issue a license:

199 (12) To any person, as a commercial motor vehicle operator,
200 who has been convicted of, or has entered a plea of guilty or
201 nolo contendere to, regardless of whether adjudication was
202 withheld, any felony involving human trafficking under state or
203 federal law involving the use of a commercial motor vehicle.

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204 Section 8. Paragraph (f) is added to subsection (2) of
205 section 322.18, Florida Statutes, to read:

206 322.18 Original applications, licenses, and renewals;
207 expiration of licenses; delinquent licenses.—

208 (2) Each applicant who is entitled to the issuance of a
209 driver license, as provided in this section, shall be issued a
210 driver license, as follows:

211 (f) Notwithstanding any other provision of this chapter, an
212 applicant applying for an original issuance of a commercial
213 driver license as defined in s. 322.01(7) shall be issued a
214 driver license that expires at midnight 8 years after the
215 licensee's last birthday.

216 Section 9. Subsection (7) is added to section 322.25,
217 Florida Statutes, to read:

218 322.25 When court to forward license to department and
219 report convictions.—

220 (7) Each clerk of court shall promptly report to the
221 department each conviction, regardless of whether adjudication
222 was withheld, for human trafficking which involves the use of a
223 commercial motor vehicle.

224 Section 10. Subsection (8) is added to section 322.28,
225 Florida Statutes, to read:

226 322.28 Period of suspension or revocation.—

227 (8) The court shall permanently revoke the commercial
228 driver license of a person who is convicted of, or has entered a
229 plea of guilty or nolo contendere to, regardless of whether
230 adjudication is withheld, any felony involving human trafficking
231 under state or federal law which involves the use of a
232 commercial motor vehicle. If the court has not permanently

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233 revoked such driver license or driving privilege within 30 days
 234 after imposing a sentence, the department must permanently
 235 revoke the driver license or driving privilege pursuant to this
 236 section.

237 Section 11. Section 322.61, Florida Statutes, is amended to
 238 read:

239 322.61 Disqualification from operating a commercial motor
 240 vehicle.—

241 (1) A person who, for offenses occurring within a 3-year
 242 period, is convicted of two of the following serious traffic
 243 violations or any combination thereof, arising in separate
 244 incidents committed in a commercial motor vehicle shall, in
 245 addition to any other applicable penalties, be disqualified from
 246 operating a commercial motor vehicle for a period of 60 days. A
 247 holder of a commercial driver license or commercial learner's
 248 permit who, for offenses occurring within a 3-year period, is
 249 convicted of two of the following serious traffic violations, or
 250 any combination thereof, arising in separate incidents committed
 251 in a noncommercial motor vehicle shall, in addition to any other
 252 applicable penalties, be disqualified from operating a
 253 commercial motor vehicle for a period of 60 days if such
 254 convictions result in the suspension, revocation, or
 255 cancellation of the licenseholder's driving privilege:

256 (a) A violation of any state or local law relating to motor
 257 vehicle traffic control, other than a parking violation, arising
 258 in connection with a crash resulting in death;

259 (b) Reckless driving, as defined in s. 316.192;

260 (c) Unlawful speed of 15 miles per hour or more above the
 261 posted speed limit;

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262 (d) Improper lane change, as defined in s. 316.085;

263 (e) Following too closely, as defined in s. 316.0895;

264 (f) Driving a commercial vehicle without obtaining a
 265 commercial driver license;

266 (g) Driving a commercial vehicle without the proper class
 267 of commercial driver license or commercial learner's permit or
 268 without the proper endorsement; ~~or~~

269 (h) Driving a commercial vehicle without a commercial
 270 driver license or commercial learner's permit in possession, as
 271 required by s. 322.03;—

272 (i) Texting while driving; or

273 (j) Using a handheld mobile telephone while driving.

274 (2) (a) Any person who, for offenses occurring within a 3-
 275 year period, is convicted of three serious traffic violations
 276 specified in subsection (1) or any combination thereof, arising
 277 in separate incidents committed in a commercial motor vehicle
 278 shall, in addition to any other applicable penalties, including
 279 but not limited to the penalty provided in subsection (1), be
 280 disqualified from operating a commercial motor vehicle for a
 281 period of 120 days.

282 (b) A holder of a commercial driver license or commercial
 283 learner's permit who, for offenses occurring within a 3-year
 284 period, is convicted of three serious traffic violations
 285 specified in subsection (1) or any combination thereof arising
 286 in separate incidents committed in a noncommercial motor vehicle
 287 shall, in addition to any other applicable penalties, including,
 288 but not limited to, the penalty provided in subsection (1), be
 289 disqualified from operating a commercial motor vehicle for a
 290 period of 120 days if such convictions result in the suspension,

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291 revocation, or cancellation of the licenseholder's driving
292 privilege.

293 (3) (a) Except as provided in subsection (4), any person who
294 is convicted of one of the offenses listed in paragraph (b)
295 while operating a commercial motor vehicle shall, in addition to
296 any other applicable penalties, be disqualified from operating a
297 commercial motor vehicle for a period of 1 year.

298 (b) Except as provided in subsection (4), any holder of a
299 commercial driver license or commercial learner's permit who is
300 convicted of one of the offenses listed in this paragraph while
301 operating a noncommercial motor vehicle shall, in addition to
302 any other applicable penalties, be disqualified from operating a
303 commercial motor vehicle for a period of 1 year:

304 1. Driving a motor vehicle while he or she is under the
305 influence of alcohol or a controlled substance;

306 2. Driving a commercial motor vehicle while the alcohol
307 concentration of his or her blood, breath, or urine is .04
308 percent or higher;

309 3. Leaving the scene of a crash involving a motor vehicle
310 driven by such person;

311 4. Using a motor vehicle in the commission of a felony;

312 5. Refusing to submit to a test to determine his or her
313 alcohol concentration while driving a motor vehicle;

314 6. Driving a commercial motor vehicle when, as a result of
315 prior violations committed operating a commercial motor vehicle,
316 his or her commercial driver license or commercial learner's
317 permit is revoked, suspended, or canceled, or he or she is
318 disqualified from operating a commercial motor vehicle; or

319 7. Causing a fatality through the negligent operation of a

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320 commercial motor vehicle.

321 (4) Any person who is transporting hazardous materials as
322 defined in s. 322.01(24) shall, upon conviction of an offense
323 specified in subsection (3), be disqualified from operating a
324 commercial motor vehicle for a period of 3 years. The penalty
325 provided in this subsection shall be in addition to any other
326 applicable penalty.

327 (5) A person who is convicted of two violations specified
328 in subsection (3) which were committed while operating a
329 commercial motor vehicle, or any combination thereof, arising in
330 separate incidents shall be permanently disqualified from
331 operating a commercial motor vehicle. A holder of a commercial
332 driver license or commercial learner's permit who is convicted
333 of two violations specified in subsection (3) which were
334 committed while operating any motor vehicle arising in separate
335 incidents shall be permanently disqualified from operating a
336 commercial motor vehicle. The penalty provided in this
337 subsection is in addition to any other applicable penalty.

338 (6) Notwithstanding subsections (3), (4), and (5), any
339 person who uses a commercial motor vehicle in the commission of
340 any felony involving the manufacture, distribution, or
341 dispensing of a controlled substance, including possession with
342 intent to manufacture, distribute, or dispense a controlled
343 substance, shall, upon conviction of such felony, be permanently
344 disqualified from operating a commercial motor vehicle.
345 Notwithstanding subsections (3), (4), and (5), any holder of a
346 commercial driver license or commercial learner's permit who
347 uses a noncommercial motor vehicle in the commission of any
348 felony involving the manufacture, distribution, or dispensing of

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a controlled substance, including possession with intent to manufacture, distribute, or dispense a controlled substance, shall, upon conviction of such felony, be permanently disqualified from operating a commercial motor vehicle. The penalty provided in this subsection is in addition to any other applicable penalty.

(7) Any person who uses a commercial motor vehicle in the commission of any felony involving human trafficking under state or federal law shall, upon conviction of, or plea of guilty or nolo contendere to, regardless of whether adjudication is withheld, such felony, be permanently disqualified from operating a commercial motor vehicle. The penalty provided in this subsection is in addition to any other applicable penalty.

(8)~~(7)~~ A person whose privilege to operate a commercial motor vehicle is disqualified under this section may, if otherwise qualified, be issued a Class E driver license, pursuant to s. 322.251.

(9)~~(8)~~ A driver who is convicted of or otherwise found to have committed a violation of an out-of-service order while driving a commercial motor vehicle is disqualified as follows:

(a) At least 180 days but not more than 1 year if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order.

(b) At least 2 years but not more than 5 years if, for offenses occurring during any 10-year period, the driver is convicted of or otherwise found to have committed two violations of out-of-service orders in separate incidents.

(c) At least 3 years but not more than 5 years if, for offenses occurring during any 10-year period, the driver is

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convicted of or otherwise found to have committed three or more violations of out-of-service orders in separate incidents.

(d) At least 180 days but not more than 2 years if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of at least 3 years but not more than 5 years if, for offenses occurring during any 10-year period, the driver is convicted of or otherwise found to have committed any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver.

(10)~~(9)~~ A driver who is convicted of or otherwise found to have committed an offense of operating a commercial motor vehicle in violation of federal, state, or local law or regulation pertaining to one of the following six offenses at a railroad-highway grade crossing must be disqualified for the period of time specified in subsection (11) ~~(10)~~:

(a) For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of approaching trains.

(b) For drivers who are not always required to stop, failing to stop before reaching the crossing if the tracks are not clear.

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407 (c) For drivers who are always required to stop, failing to
408 stop before driving onto the crossing.

409 (d) For all drivers, failing to have sufficient space to
410 drive completely through the crossing without stopping.

411 (e) For all drivers, failing to obey a traffic control
412 device or all directions of an enforcement official at the
413 crossing.

414 (f) For all drivers, failing to negotiate a crossing
415 because of insufficient undercarriage clearance.

416 (11) (a) ~~(10) (a)~~ A driver must be disqualified for at least
417 60 days if the driver is convicted of or otherwise found to have
418 committed a first violation of a railroad-highway grade crossing
419 violation.

420 (b) A driver must be disqualified for at least 120 days if,
421 for offenses occurring during any 3-year period, the driver is
422 convicted of or otherwise found to have committed a second
423 railroad-highway grade crossing violation in separate incidents.

424 (c) A driver must be disqualified for at least 1 year if,
425 for offenses occurring during any 3-year period, the driver is
426 convicted of or otherwise found to have committed a third or
427 subsequent railroad-highway grade crossing violation in separate
428 incidents.

429 Section 12. Subsection (2) of section 322.34, Florida
430 Statutes, is amended to read:

431 322.34 Driving while license suspended, revoked, canceled,
432 or disqualified.—

433 (2) Any person whose driver license or driving privilege
434 has been canceled, suspended, or revoked as provided by law, or
435 who does not have a driver license or driving privilege but is

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436 under suspension or revocation equivalent status as defined in
437 s. 322.01(42) ~~s. 322.01(41)~~, except persons defined in s.
438 322.264, who, knowing of such cancellation, suspension,
439 revocation, or suspension or revocation equivalent status,
440 drives any motor vehicle upon the highways of this state while
441 such license or privilege is canceled, suspended, or revoked, or
442 while under suspension or revocation equivalent status, commits:

443 (a) A misdemeanor of the second degree, punishable as
444 provided in s. 775.082 or s. 775.083.

445 (b)1. A misdemeanor of the first degree, punishable as
446 provided in s. 775.082 or s. 775.083, upon a second or
447 subsequent conviction, except as provided in paragraph (c).

448 2. A person convicted of a third or subsequent conviction,
449 except as provided in paragraph (c), must serve a minimum of 10
450 days in jail.

451 (c) A felony of the third degree, punishable as provided in
452 s. 775.082, s. 775.083, or s. 775.084, upon a third or
453 subsequent conviction if the current violation of this section
454 or the most recent prior violation of the section is related to
455 driving while license canceled, suspended, revoked, or
456 suspension or revocation equivalent status resulting from a
457 violation of:

458 1. Driving under the influence;

459 2. Refusal to submit to a urine, breath-alcohol, or blood
460 alcohol test;

461 3. A traffic offense causing death or serious bodily
462 injury; or

463 4. Fleeing or eluding.

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465 The element of knowledge is satisfied if the person has been
466 previously cited as provided in subsection (1); or the person
467 admits to knowledge of the cancellation, suspension, or
468 revocation, or suspension or revocation equivalent status; or
469 the person received notice as provided in subsection (4). There
470 shall be a rebuttable presumption that the knowledge requirement
471 is satisfied if a judgment or order as provided in subsection
472 (4) appears in the department's records for any case except for
473 one involving a suspension by the department for failure to pay
474 a traffic fine or for a financial responsibility violation.

475 Section 13. This act shall take effect July 1, 2021.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/3/21
Meeting Date

SB 1134
Bill Number (if applicable)

Topic Department of Highway Safety & Motor Vehicles

Amendment Barcode (if applicable)

Name ALIX MILLER

Job Title Senior Vice President

Address 350 E. College Ave
Street

Phone 850-868-1050

Tallahassee FL 32301
City State Zip

Email alix@floridatrucking.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FLORIDA TRUCKING ASSOCIATION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Transportation Committee

Judge:

Started: 3/3/2021 9:31:04 AM

Ends: 3/3/2021 10:28:57 AM

Length: 00:57:54

9:31:03 AM Meeting called to order by Chair Harrell
9:31:16 AM Comments from Chair Harrell
9:31:27 AM Senate Bill 1082 temporarily postponed
9:32:14 AM Roll call by CAA Marilyn Hudson
9:32:32 AM Quorum present
9:32:45 AM Introduction of Tab 4 SB 862 by Chair Harrell
9:32:59 AM Explanation of SB 862, Digital License Plate Pilot Program by Senator Gruters
9:33:58 AM Comments from Chair Harrell
9:34:12 AM Comments from Senator Gruters
9:35:09 AM Comments from Chair Harrell
9:35:16 AM Closure by Senator Gruters
9:35:26 AM Roll Call by CAA
9:35:39 AM SB 862 reported favorably
9:36:04 AM Chair turned over to Vice Chair Perry
9:36:18 AM Introduction of Tab 1, SB 100, Highway Projects by Chair Perry
9:36:34 AM Explanation of SB 100, Highway Projects by Senator Harrell
9:43:27 AM Comments from Chair Perry
9:43:37 AM Question from Senator Jones
9:43:46 AM Response from Senator Harrell
9:44:53 AM Follow-up question from Senator Jones
9:45:27 AM Response from Senator Harrell
9:47:02 AM Question from Senator Bracy
9:47:14 AM Response from Senator Harrell
9:48:13 AM Question from Senator Gainer
9:49:22 AM Response from Senator Harrell
9:49:43 AM Follow-up from Senator Gainer
9:50:01 AM Response from Senator Harrell
9:52:02 AM Follow-up question from Senator Gainer
9:52:18 AM Response from Senator Harrell
9:52:32 AM Follow-up question from Senator Gainer
9:52:53 AM Question from Chair Perry
9:53:40 AM Response from Senator Harrell
9:53:49 AM Follow-up question from Chair Perry
9:54:07 AM Response from Senator Harrell
9:54:19 AM Comments from Chair Perry
9:55:21 AM B.D. Jogerst, Associated Industries of Florida waives in support
9:55:33 AM Mark Musselman, Asphalt Contractors Association of Florida, Inc. waives in support
9:55:48 AM Christopher Emmanuel, Florida Chamber of Commerce waives in support
9:55:53 AM Speaker Christopher Emmanuel, Florida Chamber of Commerce in support
9:56:56 AM Speaker Paul Owens, 1000 Friends of Florida for information
10:00:32 AM Speaker Lauren Storch, Hillsborough County Board of County Commissioners waves in support
10:00:47 AM Alix Miller, Florida Trucking Association waives in support
10:00:55 AM Speaker Sally Patrenos, Floridians for Better Transportation waives in support
10:04:17 AM Comments from Chair Perry
10:04:32 AM Senator Jones in debate
10:06:00 AM Comments from Chair Perry
10:06:10 AM Senator Harrell in closure
10:07:33 AM Roll call by CAA
10:08:37 AM SB 100 reported favorably
10:09:15 AM Introduction of Tab 7, SB 1134 by Chair Perry
10:09:28 AM Explanation of SB 1134, Department of Highway Safety and Motor Vehicles by Senator Harrell
10:10:39 AM Comments from Chair Perry

10:11:39 AM Alix Miller, Florida Trucking Association waives in support
10:11:49 AM Closure waived
10:11:55 AM Roll Call by CAA
10:12:02 AM SB 1134 reported favorably
10:12:12 AM Chair returned to Senator Harrell
10:12:22 AM Introduction of Tab 3, SB 342 by Chair Harrell
10:12:38 AM Explanation of SB 342, Vehicle and Vessel Registration by Senator Diaz
10:13:23 AM Introduction of Amendment Barcode 689206 by Chair Harrell
10:14:24 AM Explanation of Amendment by Senator Diaz
10:14:45 AM Comments from Chair Harrell
10:14:57 AM Amendment Barcode 689206 is adopted
10:15:06 AM Comments from Chair Harrell
10:15:10 AM Question from Chair Harrell
10:15:21 AM Response from Senator Diaz
10:15:37 AM Andrew Ketchel, Dealer Services Network waives in support
10:16:42 AM Comments from Chair Harrell
10:16:49 AM Closure waived
10:16:55 AM Roll call by CAA
10:16:59 AM CS/SB 342 reported favorably
10:17:18 AM Introduction of Tab 2, SB 252 by Chair Harrell
10:17:35 AM Explanation of SB 252, Child Care Facilities by Senator Stewart
10:18:44 AM Comments from Chair Harrell
10:19:24 AM Question from Chair Harrell
10:19:31 AM Response from Senator Stewart
10:20:33 AM Comments from Chair Harrell
10:20:45 AM Khonh-Lien Banko, Florida PTA waives in support
10:20:56 AM Andrew Kalel, Office of Criminal Conflict & Civil Regional Counsel, 5th Region waives in support
10:21:08 AM Barney Bishop, Florida Smart Justice Alliance waives in support
10:21:21 AM Speaker Barney Bishop, Florida Smart Justice Alliance
10:22:39 AM Senator Berman in debate
10:23:20 AM Senator Wright in debate
10:23:30 AM Closure by Senator Stewart
10:23:49 AM Roll call by CAA
10:23:57 AM SB 252 reported favorably
10:24:07 AM Introduction of Tab 5, CS/SB 890 by Chair Harrell
10:24:34 AM Explanation of CS/SB 890, Use of Electronic Databases by Senator Hooper
10:25:59 AM Comments from Chair Harrell
10:26:11 AM Barney Bishop, Florida Smart Justice Alliance waives in support
10:26:30 AM Comments from Senator Harrell
10:26:49 AM Closure waived
10:26:57 AM Roll call by CAA
10:27:04 AM CS/SB 890 reported favorably
10:27:34 AM Appearance card from Cory Guzzo, Reviver Auto on SB 862 read into the record
10:27:51 AM Senator Rodriguez would like to be shown voting in the affirmative on SB 862, SB 1134, and CS/SB 342
10:28:17 AM Senator Berman would like to be shown voting in the affirmative on SB 862
10:28:26 AM Comments from Chair Harrell
10:28:30 AM Senator Bracy moves to adjourn
10:28:44 AM Meeting adjourned