

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

**TRANSPORTATION**  
**Senator Latvala, Chair**  
**Senator Evers, Vice Chair**

**MEETING DATE:** Thursday, January 26, 2012  
**TIME:** 1:30 —3:30 p.m.  
**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

**MEMBERS:** Senator Latvala, Chair; Senator Evers, Vice Chair; Senators Benacquisto, Bullard, Garcia, Gibson, Joyner, Norman, Storms, and Wise

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 1392</b> Benacquisto (Similar H 1201)	Transportation Accessibility; Creating the "Florida Transportation Accessibility Independence Act;" requiring certain taxicab operators to provide accessible taxicabs after a certain date; requiring the Department of Transportation to adopt rules; providing for certain airports and deepwater ports to allow for priority rotation of accessible taxicabs after a certain date; providing a tax exemption for the sale or lease of accessible vehicles; requiring transportation services that provide transportation for Medicaid recipients to certify to the Agency for Health Care Administration that the transportation service uses accessible vehicles, etc.  TR 01/19/2012 Temporarily Postponed TR 01/26/2012 Fav/CS BC	Fav/CS Yeas 7 Nays 0
2	<b>SB 556</b> Montford (Identical H 1435, Compare CS/S 1122)	Motor Vehicle Registration Forms; Providing for a voluntary contribution to the Florida Association of Food Banks, Inc., etc.  TR 01/26/2012 Favorable CF BC	Favorable Yeas 7 Nays 0

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Transportation

Thursday, January 26, 2012, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	<b>CS/SB 602</b> Community Affairs / Storms (Similar CS/CS/H 373, Compare CS/CS/CS/H 503, CS/S 716)	Stormwater Management Permits; Allowing an entity created by special act, local ordinance, or interlocal agreement of a county or municipality to receive certain reduced or waived permit processing fees; requiring that the Department of Environmental Protection initiate rulemaking to adopt a general permit for stormwater management systems serving airside activities at airports; authorizing certain municipalities and counties to adopt stormwater adaptive management plans and obtain conceptual permits for urban redevelopment projects; providing requirements for establishment of such permits by water management districts in consultation with the Department of Environmental Protection; providing that provisions may not conflict with existing federally delegated pollution reduction programs, etc.  EP 12/06/2011 Favorable CA 01/12/2012 Fav/CS TR 01/26/2012 Fav/CS BC	Fav/CS Yeas 8 Nays 0
4	<b>SB 1192</b> Lynn (Identical H 405)	Persons with Disabilities; Requiring law enforcement agencies to report certain criminal activity and enforcement of certain laws to the Department of Law Enforcement and the Department of Highway Safety and Motor Vehicles; providing requirements for examination questions pertaining to traffic laws relating to legally blind and mobility impaired persons; requiring certain traffic law education programs to include the study of traffic laws to assist legally blind and mobility impaired persons; requiring the basic skills course required in order for law enforcement officers to obtain certification to include the study of traffic laws to assist legally blind and mobility impaired persons; requiring driver education programs to include study of traffic laws to assist legally blind and mobility impaired persons, etc.  TR 01/26/2012 Fav/CS CJ BC	Fav/CS Yeas 8 Nays 0
5	<b>SB 1384</b> Bennett (Identical H 1213)	Taxes; Expanding exemptions from the sales and use tax on labor and parts and equipment used in aircraft repairs on certain aircraft weighing more than 2,000 pounds, etc.  TR 01/26/2012 Favorable BC	Favorable Yeas 8 Nays 0

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Transportation

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	<b>SB 1388</b> Bogdanoff (Similar H 1287)	Motor Vehicle Registration Forms; Requiring the application forms for motor vehicle registration and renewal of registration to include language permitting the applicant to make a voluntary contribution to Autism Services and Supports and to Support Our Troops; providing that such contributions are not income for specified purposes, etc.  TR 01/26/2012 Fav/CS BC	Fav/CS Yeas 7 Nays 0
7	<b>SB 1494</b> Evers (Identical H 4035, Compare H 1223, CS/S 1122)	Driver Licenses; Repealing provisions relating to the effect of classified licensure on persons holding a chauffeur's license; repealing provisions for licensure of such persons under the appropriate license classification, etc.  TR 01/26/2012 Favorable BC	Favorable Yeas 7 Nays 0
8	<b>SB 1548</b> Hays (Identical H 4099)	Tax on Sales, Use, and Other Transactions; Repealing provisions relating to imposition of a tax on the rental or license fee charged for the use of commercial real property, etc.  TR 01/26/2012 Temporarily Postponed BC	Temporarily Postponed
9	<b>SB 1716</b> Garcia	Disposition of Traffic Infractions; Authorizing local governments to impose a surcharge on school zone traffic violations to fund school crossing guard programs; requiring that the surcharge be imposed pursuant to an ordinance requiring public hearings, etc.  TR 01/26/2012 Fav/CS CA BC	Fav/CS Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Thursday, January 26, 2012, 1:30 —3:30 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	<b>SB 1754</b> Evers	Traffic Offenses; Providing criminal penalties for a person who commits a moving violation that causes serious bodily injury to, or causes or contributes to the death of, a pedestrian or a person operating or riding in a motor vehicle or operating or riding on a motorcycle or bicycle; requiring that the person pay a specified fine, serve a minimum period of incarceration, and attend a driver improvement course; requiring that the court revoke the person's driver license for a minimum specified period; providing that the act does not prohibit the person from being charged with, convicted of, or punished for any other violation of law, etc.	Favorable Yeas 7 Nays 0
		TR 01/26/2012 Favorable CJ BC	
11	<b>SB 1768</b> Negron (Compare H 1207)	Autonomous Vehicle Technology; Directing the Department of Highway Safety and Motor Vehicles to prepare a report on the safe operation of vehicles equipped with autonomous technology on public roads, etc.	Favorable Yeas 8 Nays 0
		TR 01/26/2012 Favorable BC	
Other Related Meeting Documents			

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

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

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Prepared By: The Professional Staff of the Transportation Committee

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BILL: SB 556

INTRODUCER: Senator Montford

SUBJECT: Motor Vehicle Registration Forms

DATE: January 24, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	Buford	TR	<b>Favorable</b>
2.	_____	_____	CF	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill amends section 320.02(15), F.S., to require the application and renewal forms for motor vehicle registrations to include a \$1 (one dollar) voluntary contribution option for the Florida Association of Food Banks, Inc.

**II. Present Situation:**

***Motor Vehicle Registration Voluntary Check-offs***

During the 1998 Session, the Legislature created s. 320.023, F.S., which outlines the procedures that an organization must follow prior to seeking Legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary check-off on a motor vehicle registration application. The check-off allows a registered owner or registrant of a motor vehicle to voluntarily contribute to one or more of the authorized organizations during a motor vehicle registration transaction. Before the organization is eligible, it must submit the following requirements to Department of Highway Safety and Motor Vehicles (DHSMV) at least 90 days before the convening of the Regular Session of the Legislature:

- A request for the particular voluntary contribution being sought, describing it in general terms.
- An application fee of up to \$10,000 to defray DHSMV's costs for reviewing the application and developing the check-off, if authorized. State funds may not be used to pay the application fee.
- A short and long-term marketing strategy and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contributions.

DHSMV must discontinue the check-off if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent five-year period.

Registration Check-offs/Voluntary Contribution	Statutory Authorization	Effective Date	Revenue Collected in 10-11	Total Revenue Collected between FY 2004-05 and 2010-11
Save the Manatee TF (\$2 or \$5)	1984-338, L.O.F.	7/1/1985	\$61,317	\$606,701
Nongame Wildlife Trust Fund (\$1)	1984-194, L.O.F.	10/1/1984	\$59,745	\$334,241
Marine Resources Conservation TF (\$5) Turtle Sticker is issued	1991-215, L.O.F.	7/1/1992	\$59,196	\$541,221
Organ & Tissue Donor Education (\$1)	95-423, L.O.F.	7/1/1995	\$30,318	\$350,246
Highway Safety Operating Trust Fund, used to purchase child safety seats (\$2)	1995-333, L.O.F.	10/1/1995	\$25,125	\$312,797
Transportation Disadvantaged Trust Fund (\$1)	1994-306, L.O.F.	7/1/1994	\$18,231	\$195,876
Prevent Blindness Florida (\$1)	1997-300, L.O.F.	10/1/1997	\$35,163	\$647,857
Florida Mothers Against Drunk Driving, Inc. (unspecified \$)	1999-233, L.O.F.	7/1/1999	\$45,251	\$451,971
Southeastern Guide Dogs, Inc. (\$1)	2005-254, L.O.F.	7/1/2005	\$42,430	\$312,607
Miami Heart Research Institute, Inc. (\$1)	2006-44, L.O.F.	7/1/2006	27,280	156,751
Children's Hearing Help Fund (\$1)	2007-50, L.O.F.	10/1/2007	\$24,444	\$120,740
State Homes for Veterans Trust Fund (\$1)	2008-87, L.O.F.	10/1/2008	\$75,109	\$216,545
Family First (\$1)	2008-102, L.O.F.	10/1/2008	\$15,652	\$64,910
Florida Sheriffs Youth Ranches, Inc. (\$1)	2009-110, L.O.F.	7/1/2009	\$36,709	\$81,860
Florida Network of Children's Advocacy Centers, Inc. (\$1)	2010-186, L.O.F.	7/1/2010	\$11,624	\$11,624
League Against Cancer (\$1)	2010-223, L.O.F.	9/1/2010	\$81,707	\$81,707
Lauren's Kid's Inc. (\$1)	2010-82, L.O.F.	10/1/2010	\$194,185	\$194,185
Florida Association of Agencies Serving the Blind, Inc. (\$1)	2010-86, L.O.F.	10/1/2010	\$41,442	\$41,442
The ARC of Florida (\$1)	2010-86, L.O.F.	10/1/2010	\$14,963	\$14,963
Ronald McDonald House Charities of Tampa Bay, Inc. (\$1)	2010-86, L.O.F.	10/1/2010	\$76,117	\$76,117
<b>Total</b>			<b>\$639,015</b>	<b>\$27,739,170</b>

Section 320.02, F.S., specifies the language that must appear on the State of Florida vehicle's registration and renewal application forms. Included in s. 320.02, F.S., are options for voluntary contributions to the above corporations, trust funds, and organizations as shown in the chart above.<sup>1</sup> The chart includes three additional voluntary contributions relating to registrations authorized in other sections of law.<sup>2</sup>

<sup>1</sup> The numbers for this chart come from the DHSMV: Florida Department of Highway Safety and Motor Vehicles, *Drivers License and Motor Vehicle Voluntary Contributions FY 2004-05 through 2010-11* (on file with Senate Transportation Committee).

<sup>2</sup> Specifically, s. 320.08047, F.S., allows a \$1 voluntary contribution to be deposited into the Health Care Trust Fund for organ and tissue donor education and for maintaining the organ and tissue donor registry. Section 328.72(11), F.S., requires

These contributions are not income revenue and are not subject to the trust fund service charge detailed in s. 215.20, F.S., with the exception of the Organ and Tissue Donor trust fund.<sup>3</sup>

In 2010, the Legislature passed HB 971, which included a moratorium on the creation of new voluntary contributions on motor vehicle registration and driver's license forms by DHSMV. The moratorium is effective from July 1, 2010 to July 1, 2013, but contains an exception to "establish a voluntary contribution for an organization that has submitted a request to the Department of Highway Safety and Motor Vehicles before May 1, 2010, and submitted a valid financial analysis, marketing strategy, and application fee before September 1, 2010," or "which was included in a bill filed during the 2010 Legislative Session and met the requirements."<sup>4</sup> According to DHSMV, five organizations met the moratorium exceptions as set forth in s. 320.023, F.S.<sup>5</sup> The Florida Association of Food Banks, Inc., is one of these five organizations.<sup>6</sup>

### III. Effect of Proposed Changes:

Section 320.02(15), F.S., is amended to include a voluntary contribution check-off option of \$1 on motor vehicle registration and renewal forms to Florida Association of Food Banks, Inc. The department must distribute the proceeds monthly to the Florida Association of Food Banks, Inc., a non-profit 501(c)(3) corporation to be used for the purpose of ending hunger in Florida. Contributions are not income of a revenue nature for the purposes of applying the service charge provided in s. 215.20, F.S.

### IV. Constitutional Issues:

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

None.

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

None.

#### C. Trust Funds Restrictions:

None.

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that vessel registration and renewal application forms include a provision allowing for a voluntary contribution of \$2 or \$5 to the Save the Manatee Trust Fund to fund an impartial scientific benchmark census of the manatee population in the state and other activities intended to provide manatee and marine mammal protection and recovery efforts. Lastly, s. 328.72(16), F.S., requires the DHSMV to offer for sale with vessel registrations a marine turtle sticker for \$5 with proceeds deposited into the Marine Resource Conservation Trust Fund to be used for marine turtle protection, research, and recovery efforts.

<sup>3</sup> Sections 320.02 and 322.081, F.S.

<sup>4</sup> Section 45, 2008-176, Laws of Florida

<sup>5</sup> Florida Department of Highway Safety And Motor Vehicles, *2011 Voluntary Contributions—Motor Vehicle and Driver License* (September 7, 2010) (on file with Senate Transportation Committee).

<sup>6</sup> Department of Highway Safety and Motor Vehicles, *SB 556 Bill Analysis – MV Registration Forms\_FL Association of Food Banks Voluntary Contribution* (October 24, 2011) (on file with Senate Transportation Committee).

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

None.

**B. Private Sector Impact:**

Persons who elect to donate to Florida Association of Food Banks, Inc., on motor vehicle registration applications or renewals will be required to pay an additional \$1 (one dollar). It is impossible to determine how many people will elect to donate on applications or renewals. Thus, the aggregate impact to the private sector cannot be determined.<sup>7</sup>

**C. Government Sector Impact:**

According to DHSMV, the cost to redesign the application form for motor vehicle registration is approximately \$10,000, but the impact is offset by the \$10,000 application fee required under s. 320.023, F.S.<sup>8</sup> Additionally, Tax Collector Offices will be minimally impacted by collecting additional funds when a motorist elects to contribute to Florida Association of Food Banks, Inc.<sup>9</sup>

The Information Systems Administration (ISA) of the DHSMV will require approximately 120 hours, non-recurring, to implement the provisions of this bill. These hours can be incorporated into ISA's normal workload.<sup>10</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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

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

None.

**B. Amendments:**

None.

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

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

<sup>8</sup> *Id.*

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

<sup>10</sup> *Id.*

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/26/2012

Meeting Date

Topic \_\_\_\_\_

Bill Number 556  
(if applicable)

Name BRIAN PITTS

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727/897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking:  For  Against  Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/26/2012

Meeting Date

Topic Check Box For Florida Association of Food Banks

Bill Number 556  
(if applicable)

Name Zach McGee

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Hunger Awareness Coordinator

Address 200 West College Ste. 120

Phone 850-559-2642

Street

Tallahassee FL 32301

E-mail Zach@fafb.org

City

State

Zip

Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)

**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 Transportation Committee

BILL: CS/CS/SB 602

INTRODUCER: Transportation and Community Affairs Committees and Senator Storms

SUBJECT: Stormwater Management Permits

DATE: January 26, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Uchino	Yeatman	EP	<b>Favorable</b>
2.	Uchino	Yeatman	CA	<b>Fav/CS</b>
3.	Looke	Buford	TR	<b>Fav/CS</b>
4.			BC	
5.				
6.				

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

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

The CS expands eligibility for entities created by special act, local ordinance, or interlocal agreement of counties or municipalities that are entitled to a permit processing fee waiver or reduction. It directs the Department of Environmental Protection (DEP) to initiate rulemaking to adopt a general permit for stormwater management systems serving airside activities at airports. The CS requires that the water management districts (WMDs), in consultation with the DEP, establish an urban redevelopment conceptual permitting program and specifies that urban redevelopment projects may qualify for a noticed general permit. Finally, the CS requires areas covered by a conceptual permit to adhere to federally delegated pollution abatement programs administered by the state.

This CS substantially amends sections 218.075 and 373.118 and creates section 373.4131 of the Florida Statutes.

## II. Present Situation:

### Waiver or Reduction of Permit Fees

DEP and the WMDs shall reduce or waive permit processing fees for certain specified small counties and municipalities with a population of 25,000 or less, or any county or municipality not included within a metropolitan statistical area.<sup>1</sup> Fee reductions or waivers are approved on the basis of fiscal hardship or environmental need for a particular project or activity. The governing body must certify that the cost of the permit processing fee is a fiscal hardship due to one of the following factors:

- Per capita taxable value is less than the statewide average for the current fiscal year;
- Percentage of assessed property value that is exempt from ad valorem taxation is higher than the statewide average for the current fiscal year;
- Any condition specified in s. 218.503(1), F.S., which results in the county or municipality being in a state of financial emergency;
- Ad valorem operating millage rate for the current fiscal year is greater than 8 mills; or
- A financial condition that is documented in annual financial statements at the end of the current fiscal year and indicates an inability to pay the permit processing fee during that fiscal year.

The permit applicant must be the governing body of a county or municipality or a third party under contract with a county or municipality and the project for which the fee reduction or waiver is sought must serve a public purpose. If a permit processing fee is reduced, the total fee shall not exceed \$100.

### Airside Stormwater Management

The Federal Aviation Authority (FAA) provides grants to the Florida Department of Transportation (DOT) Aviation Office for airport airside improvements. The grants have 18-month time frames making it difficult to permit and complete a stormwater project within the required time to take advantage of the grant. A solution to the abbreviated time frame would be for the DEP to create a general environmental resource permit for stormwater systems serving airside activities at Florida's airports.

In 1977, the FAA set limitations on stormwater designs on airports to limit wildlife strikes in an advisory circular.<sup>2</sup> The FAA found that stormwater management systems known as "wet ponds" attracted birds and posed a threat to airline safety. In 1998, the DOT, the DEP and three WMDs outlined a study to evaluate airport runway, taxiway and apron stormwater quality. Another joint study by the DEP and the FAA has evaluated chemical loading characteristics of airside runoff

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<sup>1</sup> See U.S. Census Bureau, *Metropolitan and Micropolitan*, <http://www.census.gov/population/www/metroareas/metrodef.html> (last visited Nov. 30, 2011).

<sup>2</sup> U.S. Dep't of Transportation Federal Aviation Administration, Advisory Circular 150/5200-33, *Hazardous Wildlife Attractants On or Near Airports* (May 1997), available at [http://rgl.faa.gov/Regulatory\\_and\\_Guidance\\_Library/rgAdvisoryCircular.nsf/0/53bdf1c5aa1083986256c690074ebab/\\$FILE/150-5200-33.pdf](http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/53bdf1c5aa1083986256c690074ebab/$FILE/150-5200-33.pdf) (last visited Nov. 11, 2011).

and how best management practices can help airports meet federal and state water quality standards.

A secondary phase of the study will be funded by the FAA once a general permit for these stormwater systems is developed and adopted. This phase will convert the wet pond at Orlando International Airport into a wet detention system that complies with the 1997 advisory circular. The system will be monitored for pollutant loading and remediation, including nutrients. About 30 percent of Florida's airports have soil and water table considerations that prevent the use of wet detention systems.<sup>3</sup>

### **The Community Redevelopment Act of 1969<sup>4</sup>**

The Community Redevelopment Act of 1969 was developed to revitalize economically distressed areas in order to improve public welfare and increase the local tax base. The act provides a funding mechanism by which counties and municipalities may undertake community redevelopment.<sup>5</sup> It allows counties or municipalities to retain tax increment revenues from certain community taxing districts to fund redevelopment within a designated Community Redevelopment Area (CRA). To obtain this revenue, a local government must create a community redevelopment agency, designate an area or areas to be a CRA, create a community redevelopment plan, and establish a trust fund to receive the tax increment revenues.<sup>6</sup>

### **The Growth Policy Act of 1999**

The Growth Policy Act authorizes local governments to designate urban infill and redevelopment areas for the purpose of stimulating investment in distressed urban areas and strengthening urban centers.<sup>7</sup> The Act defines "urban infill and redevelopment area" as an area or areas where:

- Public services such as water and wastewater, transportation, schools, and recreation are already available or are scheduled to be provided within five years.
- The area, or one or more neighborhoods within the area, suffers from pervasive poverty, unemployment, and general distress.
- The proportion of properties that are substandard, overcrowded, dilapidated, vacant or abandoned, or functionally obsolete is higher than the average for the local government.
- More than 50 percent of the area is within a quarter of a mile of a transit stop, or a sufficient number of such transit stops will be made available concurrent with the designation.
- The area includes or is adjacent to community redevelopment areas, brownfields, enterprise zones, or Main Street programs, or has been designated by the state or federal government as an urban redevelopment area or similar designation.<sup>8</sup>

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<sup>3</sup> See generally, Email from Eric H. Livingston, Program Administrator, NPDES Stormwater Section, Dep't of Environmental Protection, to analyst (Mar. 21, 2011) (on file with the Senate Committee on Environmental Preservation and Conservation).

<sup>4</sup> See ch. 163, Part III, F.S.

<sup>5</sup> Section 163.353, F.S.

<sup>6</sup> See *supra* note 4.

<sup>7</sup> See ss. 163.2511 through 163.2523, F.S.

<sup>8</sup> Section 163.2514(2), F.S.

Pursuant to s. 163.2517, F.S., local governments that want to designate urban infill and redevelopment areas must develop plans describing redevelopment objectives and strategies or amend existing plans. Local governments must also adopt urban infill and redevelopment plans by ordinance and amend their comprehensive plans to delineate urban infill and redevelopment area boundaries.

### **Urban Stormwater Management**

Unmanaged urban stormwater creates a wide variety of effects on Florida's surface and ground waters. Urbanization leads to:

- Compaction of soil,
- Addition of impervious surfaces such as roads and parking lots,
- Alteration of natural landscape features such as natural depressional areas that hold water, floodplains and wetlands,
- Construction of highly efficient drainage systems that alter the ability of the land to assimilate precipitation, and
- Pollutant loading of receiving water bodies from stormwater discharge.<sup>9</sup>

Urbanization within a watershed decreases the amount of rainwater that seeps into the soil. Rainwater is critical for recharging aquifers, maintaining water levels in lakes and wetlands, and maintaining spring and stream flows. The increased volume, speed, and pollutant loading in stormwater discharged from developed areas leads to flooding, water quality problems and loss of habitat.<sup>10</sup>

In 1982, to manage urban stormwater and minimize impacts to our natural systems, Florida adopted a technology-based rule requiring the treatment of stormwater to a specified level of pollutant load reduction for all new development. The rule included a performance standard for the minimum level of treatment and design criteria for best management practices (BMPs) that will achieve the performance standard. It also included a rebuttable presumption that discharges from a stormwater management system designed in accordance with the BMP design criteria would meet water quality standards.<sup>11</sup> The performance standard was to reduce post-development stormwater pollutant loading of Total Suspended Solids<sup>12</sup> by 80 percent, or by 95 percent for Outstanding Florida Waters (OFWs).<sup>13</sup>

In 1990 the DEP developed and implemented the State Water Resource Implementation Rule (originally known as the State Water Policy rule).<sup>14</sup> This rule sets forth the broad guidelines for the implementation of Florida's stormwater program and describes the roles of the DEP, the

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<sup>9</sup> Florida Dep't of Environmental Protection, *State Stormwater Treatment Rule Development Background*, <http://www.dep.state.fl.us/water/wetlands/erp/rules/stormwater/background.htm> (last visited Nov. 30, 2011).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> Total Suspended Solid is listed as a conventional pollutant under s. 304(a)(4) of the federal Clean Water Act. A conventional pollutant is a water pollutant that is amenable to treatment by a municipal sewage treatment plant.

<sup>13</sup> Rule 62-302.700, F.A.C., provides that an OFW is a water body designated worthy of special protection because of its natural attributes. This special designation is applied to certain water bodies, and is intended to protect and preserve their existing states.

<sup>14</sup> See *supra* note 9. See also ch. 62-40, F.A.C.

WMDs and local governments. One of the primary goals of the program is to maintain the predevelopment stormwater characteristics of a site. The rule sets a minimum performance standard for stormwater treatment systems to remove 80 percent of the postdevelopment stormwater pollutant loading of pollutants “that cause or contribute to violations of water quality standards.”<sup>15</sup>

The DEP and the WMDs jointly administer the environmental resource permit (ERP) program for activities that alter surface water flows.<sup>16</sup> Alteration or construction of new stormwater management systems in urban redevelopment areas is regulated by the ERP program pursuant to s. 373.413, F.S., and must comply with all other relevant sections of part IV of ch. 373, F.S.

### **Delegated Federal Permitting Programs in Florida**

The total maximum daily load (TMDL) program is administered by the DEP under a delegated authority by the U.S. Environmental Protection Agency (EPA) contained in the federal Clean Water Act (CWA) and pursuant to s. 403.067(7), F.S.<sup>17</sup> A TMDL is the maximum allowable pollutant a water body can absorb and still maintain its intended purpose, e.g., fishable/swimmable. Under the CWA, TMDLs must be developed for all water bodies that are not meeting their classification standards and are deemed impaired. There can be multiple TMDLs for one water body if there are multiple pollutants contributing to water quality standards violations.<sup>18</sup>

Once a TMDL is established for an impaired water body, the DEP creates a basin management action plan (BMAP) in cooperation with local stakeholders.<sup>19</sup> BMAPs are the blueprints used to create restoration and recovery strategies for an impaired water body. Activities, permitted and otherwise, contributing to pollutant loading of an impaired water body are assessed in order to develop strategies to reduce loading. These strategies may include reducing permit limits, developing BMPs and creating or revising conservation programs. Local stakeholder input and commitment to the BMAP are crucial to ensure recovery of an impaired water body.<sup>20</sup>

In addition to the TMDL and BMAP programs, the DEP also administers the National Pollutant Discharge Elimination System (NPDES) permitting program under delegated authority from the EPA and pursuant to s. 403.0885, F.S. The NPDES permitting program regulates point source discharges of stormwater into surface waters of the state from certain municipal, industrial and construction activities.<sup>21</sup>

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<sup>15</sup> See *supra* note 9.

<sup>16</sup> See ch. 373, Part IV, F.S. See also Florida Dep’t of Environmental Protection, *Environmental Resource Permitting (ERP) Program*, <http://www.dep.state.fl.us/water/wetlands/erp/index.htm> (last visited Nov. 30, 2011).

<sup>17</sup> 33 U.S.C. s. 1342. See also s. 303(d) of the federal Clean Water Act.

<sup>18</sup> Florida Dep’t of Environmental Protection, *The Total Maximum Daily Load Program – Overview* (Jan. 20, 2003), available at [http://www.dep.state.fl.us/water/tmdl/docs/TMDL\\_Program\\_Overview.pdf](http://www.dep.state.fl.us/water/tmdl/docs/TMDL_Program_Overview.pdf) (last visited Dec. 1, 2011).

<sup>19</sup> Florida Dep’t of Environmental Protection, *Total Maximum Daily Loads*, <http://www.dep.state.fl.us/water/tmdl/> (last visited Dec. 1, 2011).

<sup>20</sup> Florida Dep’t of Environmental Protection, *Watershed Management*, <http://www.dep.state.fl.us/water/watersheds/bmap.htm> (last visited Dec. 1, 2011).

<sup>21</sup> Florida Dep’t of Environmental Protection, *NPDES Stormwater Program*, <http://www.dep.state.fl.us/water/stormwater/npdes/> (last visited Jan. 13, 2012).

### III. Effect of Proposed Changes:

**Section 1** amends s. 218.075, F.S., allowing an entity created by special act, local ordinance or interlocal agreement of counties or municipalities that are entitled to a permit processing fee waiver or reduction to also receive a waiver or reduction.

**Section 2** amends s. 373.118, F.S., directing the DEP to initiate rulemaking to adopt a general permit for stormwater management systems serving airports. The permit applies statewide and may be administered by any WMD or delegated local government. The CS specifies that no additional rulemaking is required and the rules are not subject to any special rulemaking requirements related to small business.

**Section 3** creates s. 373.4131, F.S., addressing conceptual permits for urban redevelopment projects. The CS allows counties and municipalities creating urban redevelopment areas or urban infill and redevelopment areas to adopt stormwater adaptive management plans that address stormwater quality and quantity discharging from those areas. A local government that adopts a plan may obtain a conceptual permit from a WMD or the DEP on the basis of its stormwater adaptive management plan.

The CS directs the WMDs, in consultation with the DEP, to establish the conceptual permit. The conceptual permit:

- Allows discharges from an urban redevelopment area created under ch. 163, F.S., or an urban infill and redevelopment area designated under s. 163.2517, F.S., to continue up to the maximum rate and volume in that area as of the date a stormwater adaptive management plan was adopted.
- Presumes that stormwater discharges from an urban redevelopment area that result in a net improvement of discharge quality as compared to discharges that existed at the time the stormwater adaptive management plan was adopted do not cause or contribute to violations of water quality criteria.
- Cannot contain additional or more stringent limitations on stormwater discharges than those in this section of the CS.
- Must be issued for a duration of at least 20 years, and may be renewed, unless an applicant requests a shorter duration.

The CS directs that urban redevelopment projects that meet all requirements qualify for a noticed general permit for construction and operation of the permitted system.

Finally, the CS requires areas covered by a conceptual permit to adhere to federally delegated pollution abatement programs administered by the state pursuant to ss. 403.0885 and 403.067(7), F.S. These sections address the NPDES permitting program, and the total maximum daily loads and basin management action plan programs, respectively.

**Section 4** provides an effective date of July 1, 2012.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

An entity created by special act, local ordinance or interlocal agreement of a county or municipality may receive a reduction or waiver of permit processing fees. The DEP's fee revenues from such permits may be reduced; however, the impact is indeterminate.

The DOT may more fully take advantage of the FAA's grants to address stormwater management systems for airside activities. Since rulemaking has not yet taken place, the impact is indeterminate.

The DEP and WMDs will be required to expend funds to create and implement the permitting program created by this CS. It is expected that the DEP and WMDs can absorb these costs with existing staff and resources. Additionally, local governments may have to expend funds to modify plans for stormwater management plans in urban redevelopment areas. It is also expected that local governments can absorb these costs with existing staff and resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

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

**CS by Transportation on January 26, 2012:**

Allows conceptual permits for urban redevelopment projects to be issued for periods longer than 20 years and allows for renewal of such permits.

**CS by Community Affairs on January 12, 2012:**

- Allows a county or municipality that has created a community redevelopment area or an urban infill and redevelopment area to adopt a stormwater adaptive management plan;
- Authorizes the WMDs, in consultation with the DEP, to establish a conceptual permit;
- Deletes the definition for “stormwater management plan”;
- Removes the renewal option for a 20-year conceptual permit;
- Specifies that areas meeting the criteria in the conceptual permit qualify for a noticed general permit;
- Clarifies that the noticed general permit authorizes construction and operation for the duration of the conceptual permit; and
- Requires areas covered by a conceptual permit adhere to NPDES, TMDL and BMAP programs.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2012	.	
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The Committee on Transportation (Storms) recommended the following:

**Senate Amendment**

Delete line 116

and insert:

(d) Shall be issued for a duration of at least 20 years and may be renewed, unless a

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/26/12  
Meeting Date

Topic Environmental Permits

Bill Number 602  
*(if applicable)*

Name Ryan Matthews

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Leg. Advocate

Address 301 S. Bronough St. Site 300  
*Street*  
Tallahassee, FL 32302  
*City State Zip*

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Speaking:  For  Against  Information

Representing FL League of Cities

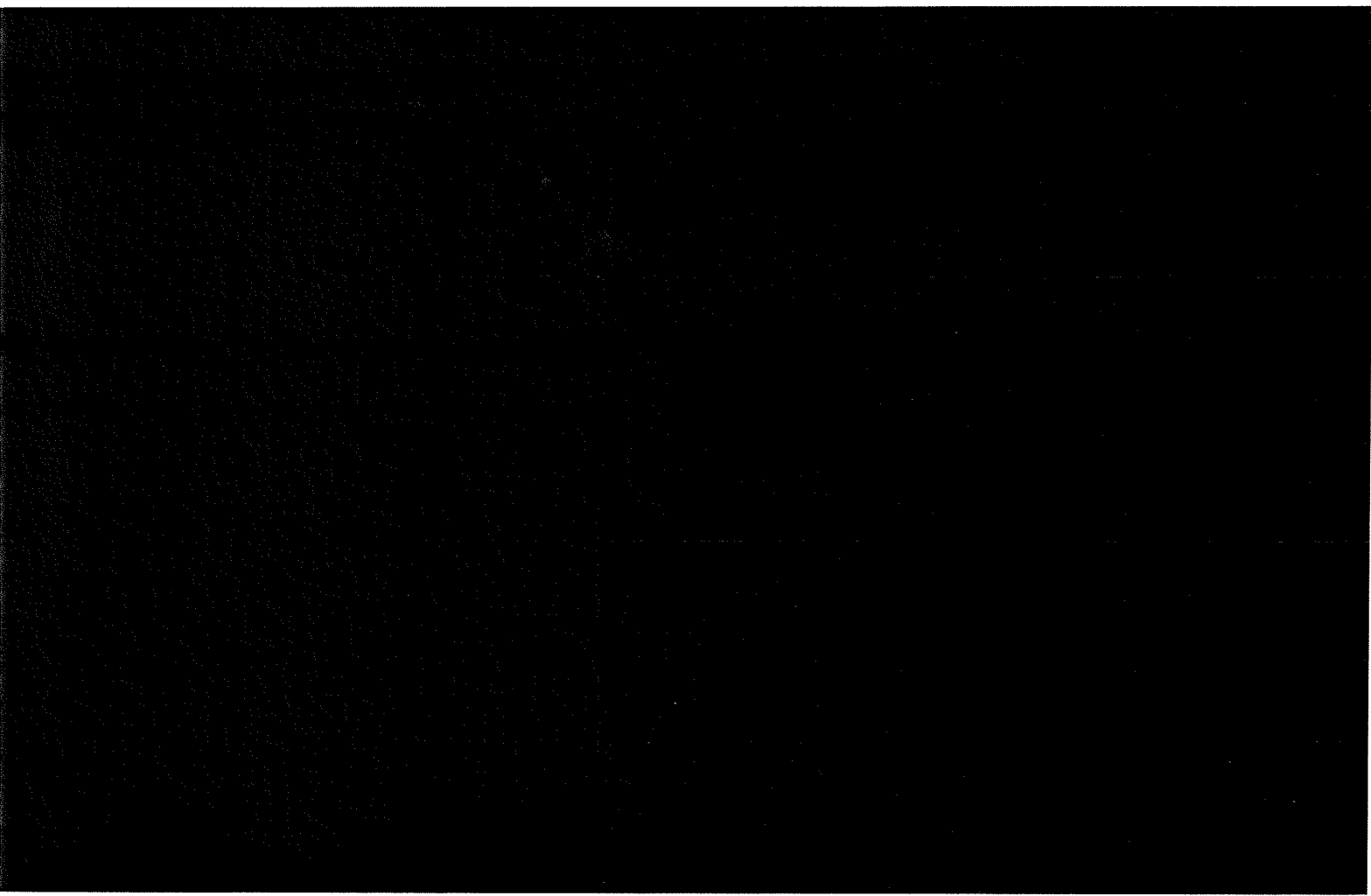
Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)



**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 Transportation Committee

**BILL:** CS/SB 1192

**INTRODUCER:** Transportation Committee and Senator Lynn

**SUBJECT:** Persons with Disabilities

**DATE:** January 26, 2012      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Buford	TR	<b>Fav/CS</b>
2.			CJ	
3.			BC	
4.				
5.				
6.				

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

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

This bill creates a new unnumbered section of the Florida Statutes which requires law enforcement agencies to report crimes affecting persons with disabilities, legally blind persons, and persons who are mobility impaired to the Florida Department of Law Enforcement (FDLE); and to report violations of s. 316.1301, F.S., entitled “traffic regulations to assist blind persons”, any other violations of traffic laws to assist legally blind persons and mobility impaired persons, and incidents of crashes involving such persons to the Department of Highway Safety and Motor Vehicles (DHSMV). FDLE and DHSMV are authorized to provide procedures to collect and maintain such reports in the same manner as other similar reports are collected.

This bill amends s. 322.12, F.S., so that driver license exams for Class E and commercial licenses must include one question testing the applicants knowledge of s. 316.1301, F.S, as well as other traffic laws to assist legally blind persons and mobility impaired persons, with particular emphasis given to pedestrian right of way when a driver is making a right turn at an intersection.

This bill amends ss. 318.1451, 322.0261, 322.095, F.S., in order to add the study of s. 316.1301, F.S, as well as other traffic laws to assist legally blind persons and mobility impaired persons, to

the course curricula for driver improvement courses as well as traffic law and substance abuse education courses.

This bill amends s. 943.17, F.S., to add the study of s. 316.1301, F.S, as well as other traffic laws to assist legally blind persons and mobility impaired persons, to the curricula of every basic skills course required for law enforcement officers to obtain initial certification.

This bill amends s. 1003.48, F.S., in order to add the mandatory study of s. 316.1301, F.S, as well as other traffic laws to assist legally blind persons and mobility impaired persons, to the course curricula of driver education programs available in secondary schools in the state.

## II. Present Situation:

### Law Enforcement Reporting:

#### FDLE

Currently, the FDLE collects data on crimes across the state through its uniform crime report (UCR) program. The current program, which was implemented for the first full year of crime reporting in 1989<sup>1</sup>, collects data according to the following hierarchy of types of crime<sup>2</sup>:

- Murder and Non-Negligent Manslaughter
- Sex Offenses
- Robbery
- Aggravated Assault
- Aggravated Stalking
- Burglary/Breaking and Entering
- Larceny/Theft
- Motor Vehicle Theft
- Simple Assault
- Arson

Between 1989 and 1995, the UCR system relied on monthly reports from the various law enforcement agencies around the state. However, since 1996, the system has moved to a semi-annual or annual reporting system.<sup>3</sup> Currently, no crime data is collected by FDLE relating to crimes against persons with disabilities, legally blind persons, and persons who are mobility impaired.<sup>4</sup>

#### DHSMV

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<sup>1</sup> “Understanding Florida’s UCR Data”, The Florida Department of Law Enforcement, last viewed on 1/23/2012, <http://www.fdle.state.fl.us/Content/getdoc/685508bc-ce34-4423-b867-827ed0dc6fac/datahistory.aspx>

<sup>2</sup> “Uniform Crime Reports Guide Manual”, The Florida Department of Law Enforcement, 2008, last viewed on 1/23/2012, [http://www.fdle.state.fl.us/Content/getdoc/7fad02e4-96bd-46d9-82fc-4a5c46f0be22/datahistory\\_ucrmanual-1-.aspx](http://www.fdle.state.fl.us/Content/getdoc/7fad02e4-96bd-46d9-82fc-4a5c46f0be22/datahistory_ucrmanual-1-.aspx), p. 8.

<sup>3</sup> See note 1.

<sup>4</sup> “SENATE BILL #1192 Relating to Persons With Disabilities” analysis, the Florida Department of Law Enforcement, Jan 13, 2012, on file with the Transportation Committee.

Currently, in accordance with s. 316.066, F.S., all accidents must be recorded through the use of either a long form report or a short form report. The long form report is used to record accidents which involve death, personal injury, damage to a vehicle or property, or DUI. The short form is used to report all other types of accidents. Long form reports must be submitted to DHSMV within ten days completing the investigation. Short form reports are maintained by the agency for which the officer works.

Currently, DHSMV keeps a database of all uniform traffic citations (UTCs) which are issued statewide and also collects records of citation and disposition information which it receives from the county clerks of court.<sup>5</sup> DHSMV does not note the number of traffic citations involving disabled persons, legally blind persons, or mobility impaired persons.

### **Driver License Examinations:**

Currently, the Florida Driver's Handbook, 2012, contains section 5.16.3 entitled "Persons Who are Blind" which includes advice as to how to recognize a blind pedestrian and which also states that "[d]rivers must always yield the right-of-way to persons who are blind. When a pedestrian is crossing a street or highway guided by a dog or carrying a white cane (or a white cane with a red tip), vehicles must come to a complete stop." Also, the Florida Driver's Handbook, 2012, contains section 5.16.4, entitled "Mobility-Impaired Persons", which states that "[d]rivers must yield the right-of-way to mobility-impaired persons and pedestrians utilizing the assistance of a guide dog or service animal. When a pedestrian is crossing a public street or highway and the pedestrian is using a walker, a crutch, or an orthopedic cane or wheelchair, **vehicles must come to a complete stop.**"

Currently, Driver's License exams are formulated by pulling random questions from a large pool of questions. Questions about mobility impaired persons or blind pedestrians may be, but are not guaranteed to be, tested on current driver's license examinations.

### **Traffic Law and Substance Abuse Education Courses:**

Currently, s. 318.1451, F.S., requires that "[i]n determining whether to approve the courses referenced in this section, the department [of Highway Safety and Motor Vehicles] shall consider course content designed to promote safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint"; s. 322.0261, F.S., requires that "[i]n determining whether to approve a driver improvement course for the purposes of this section, the department shall consider course content designed to promote safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint"; and s. 322.095, F.S., requires that the curricula for the courses developed under that section "must provide instruction on the physiological and psychological consequences of the abuse of alcohol and other drugs, the societal and economic costs of alcohol and drug abuse, the effects of alcohol and drug abuse on the driver of a motor vehicle, and the laws of this State relating to the operation of a motor vehicle."

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<sup>5</sup> "2010 Florida Uniform Traffic Citation Statistics Report" cover letter, Department of Highway Safety and Motor Vehicles, last viewed on 1/23/2012, <http://www.flhsmv.gov/reports/2010UTCStats/UTCCoverLetter.pdf>

There is not presently any requirement to include s. 316.1301, F.S., or the traffic laws to assist legally blind and mobility impaired persons in the curricula under s. 322.095, F.S.

### **Law Enforcement Basic Skills Course Curricula:**

According to FDLE, “the study of traffic laws to assist the blind is specifically covered throughout the law enforcement basic recruit training curriculum. The curriculum addresses types of blindness and their definitions, and additionally directs the basic recruit student to make special accommodations for suspects, victims and witnesses who are visually impaired. Law enforcement basic recruit trainees are provided similar guidance with regard to traffic regulations to assist the blind.”<sup>6</sup>

The following is excerpted from the 2010 law enforcement basic recruit textbook:

#### **Chapter 4—Human Issues**

According to the ADA, an individual with a disability is a person who has a physical or mental impairment that substantially limits a major life activity, has a record of such impairment, or is regarded as having such an impairment (IN006.1.I.6.). An **impairment** is defined as any mental or physiological condition that impedes the completion of daily tasks using traditional methods. Examples of impairments are blindness, severe breathing limitation, deafness, inability to use arms or legs, paranoia, or schizophrenia.

**IN006.1.J.3.** Define blindness and partially sighted.

#### **Vision Impairments**

Vision impairment refers to a loss or partial loss of vision. There are several types and degrees of visual impairments. People who have visual impairments, such as blindness or partial sight, meet the ADA definition of disability.

The types of vision impairments that an officer will encounter most often are blindness and partial sight. **Blindness** is a functional loss of vision. This definition applies both to people who cannot see at all (are unable to distinguish light from dark) and people who have some vision in one or both eyes. In fact, 80 to 90 percent of people who are blind or visually impaired have some vision. **Partial sight** is a visual impairment in which, after correction, objects still look dim or out of focus. People with partial sight may not see color well or at all or may lack peripheral vision, but they can still see and even read with magnifiers or other aids. (IN006.1.J.3.)

An officer should make special accommodations for suspects, victims, and witnesses who are visually impaired. When people cannot see, they may be afraid. The officer should reassure a crime victim that the assailant is no longer present. A person with a visual

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<sup>6</sup> “SENATE BILL #1192 Relating to Persons With Disabilities” analysis, the Florida Department of Law Enforcement, Jan 13, 2012, on file with the Transportation Committee.

impairment who is arrested must be given large-print versions of any written documents that require the suspect's signature or have the documents read to him or her. A witness with a visual impairment may provide useful and reliable nonvisual observations. People deprived of one sense often develop their four other senses to make up for the loss. Their nonvisual observations may assist with investigations. (IN006.2.D.)

## **Chapter 5: Patrol 1**

### **IN006.1.J.4. Identify traffic regulations to assist the blind.**

An officer's job when directing traffic is to maintain safety for drivers and pedestrians. Officers should be especially aware of pedestrians who are totally or partially blind, guided by a dog, or carrying a white cane or a white cane tipped in red. F.S. § 316.1301 states:

Whenever a pedestrian is crossing, or attempting to cross, a public street or highway, guided by a dog guide or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, the driver of every vehicle approaching the intersection or place where the pedestrian is attempting to cross shall bring his or her vehicle to a full stop before arriving at such intersection or place of crossing and, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian. A person who is convicted of a violation of this subsection is guilty of a moving violation.

While a white tipped cane or guide dog are clues of a pedestrian's partial or total blindness, all pedestrians should be afforded the same rights when crossing a public street or highway. Officers should also be aware that it is unlawful for any person not partially or totally blind or otherwise incapacitated to carry a white cane in a raised or extended way. Any person convicted of such a violation is guilty of a misdemeanor of the second degree. (IN006.1.J.4.)<sup>7</sup>

### **Driver's Education Courses in Secondary Schools:**

Currently, the district school board determines the manner in which the curricula for courses is developed pursuant to s. 1003.48, F.S. As such, the curricula may vary between districts and there is no set requirement to study s. 316.1301, F.S., or traffic laws to assist legally blind and mobility impaired persons.

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

**Section 1** of this bill creates a new unnumbered section of the Florida Statutes which requires law enforcement agencies to report crimes affecting persons with disabilities, legally blind persons, and persons who are mobility impaired to the Florida Department of Law Enforcement (FDLE); and to report violations of s. 316.1301, F.S., entitled "traffic regulations to assist blind persons," any other violations of traffic laws to assist legally blind persons and mobility impaired

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<sup>7</sup> For complete descriptions, go to [http://www.fdle.state.fl.us/Content/getdoc/8c0fb0b7-3ef5-4cf2-ab9e-6627bb0f2037/FLBRC-LEV1-2011-07-\(1\).aspx](http://www.fdle.state.fl.us/Content/getdoc/8c0fb0b7-3ef5-4cf2-ab9e-6627bb0f2037/FLBRC-LEV1-2011-07-(1).aspx)

persons, and incidents of crashes involving such persons to the Department of Highway Safety and Motor Vehicles (DHSMV). FDLE and DHSMV are authorized to provide procedures to collect and maintain such reports in the same manner as other similar reports are collected.

**Section 2** of this bill amends s. 322.12, F.S., so that driver license exams for Class E and commercial licenses must include one question testing the applicants knowledge of s. 316.1301, F.S, and other traffic laws to assist legally blind persons and mobility impaired persons, with particular emphasis given to pedestrian right of way when a driver is making a right turn at an intersection.

**Section 3** of this bill amends ss. 318.1451, 322.0261, 322.095, F.S., in order to add the study of s. 316.1301, F.S, as well as other traffic laws to assist legally blind persons and mobility impaired persons, to the course curricula for driver improvement courses as well as traffic law and substance abuse education courses.

**Section 4** of this bill amends s. 943.17, F.S., to add the study of s. 316.1301, F.S, as well as other traffic laws to assist legally blind persons and mobility impaired persons, to the curricula of every basic skills course required for law enforcement officers to obtain initial certification.

**Section 5** of this bill amends s. 1003.48, F.S., in order to add the mandatory study of s. 316.1301, F.S, as well as other traffic laws to assist legally blind persons and mobility impaired persons, to the course curricula of driver education programs available in secondary schools in the state.

**Section 6** of this bill creates an effective date of July 1, 2012.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

**Section 3:** There are 22 organizations that provide courses amended by this bill and which will likely experience a direct, but indeterminate fiscal impact due to the need to expand the curricula to meet the bill requirements.

**C. Government Sector Impact:**

**FDLE:** “There is no cost associated with including these provisions in the law enforcement basic recruit training [section 4] because the existing curriculum already addresses the issue. Also, FDLE would require 512 hours of contract programming (\$38,400) and equipment in the amount of \$2,000 to complete this project” (section 1).<sup>8</sup>

**DHSMV:** The provisions of section 1 will likely cause an indeterminate fiscal impact on DHSMV. The provisions of section 2 may cause an indeterminate fiscal impact on DHSMV which will likely be minor because, according to DHSMV, “[t]he modifications to include the question would be simple.”<sup>9</sup>

**Local Law Enforcement Agencies:** The provisions of section 1 will likely cause an indeterminate but significant fiscal impact on local law enforcement agencies due to having to rework their current reporting systems.

**School Districts:** The provisions of section 5 may cause an indeterminate fiscal impact on local school districts; however, it will likely be minimal.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

FDLE requests the effective date be moved to January 1, 2013 in order to begin collection in line with current UCR submission guidelines.<sup>10</sup>

<sup>8</sup> “SENATE BILL #1192 Relating to Persons With Disabilities” analysis, the Florida Department of Law Enforcement, Jan 13, 2012, on file with the Transportation Committee.

<sup>9</sup> Florida Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis, SB 1974* (on file with the Senate Transportation Committee)

<sup>10</sup> “SENATE BILL #1192 Relating to Persons With Disabilities” analysis, the Florida Department of Law Enforcement, Jan 13, 2012, on file with the Transportation Committee.

**VIII. Additional Information:**

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

**CS by Transportation on January 26, 2012:**

The CS adds language mandating the study of s. 316.1301, F.S, as well as other traffic laws to assist legally blind persons and mobility impaired persons, to ss. 322.0261 and 318.1451, F.S., in order to fully cover all of the driver improvement courses which are mandated for various traffic offenses.

- B. **Amendments:**

None.

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

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233768

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2012	.	
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The Committee on Transportation (Wise) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 38 and 39  
insert:

Section 2. Subsection (5) of section 322.0261, Florida Statutes, is amended to read:

322.0261 Driver improvement course; requirement to maintain driving privileges; failure to complete; department approval of course.—

(5) In determining whether to approve a driver improvement course for the purposes of this section, the department shall consider course content designed to promote safety, driver



233768

13 awareness, crash avoidance techniques, and other factors or  
14 criteria to improve driver performance from a safety viewpoint.  
15 The department shall also consider course content that includes  
16 the study of s. 316.1301 and traffic laws to assist legally  
17 blind and mobility-impaired persons.

18  
19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 Delete line 6

22 and insert:

23 of Highway Safety and Motor Vehicles; amending s.  
24 322.0261, F.S.; requiring that, in determining whether  
25 to approve courses offered by driver improvement  
26 schools, the Department of Highway Safety and Motor  
27 Vehicles consider course content related to the study  
28 of traffic laws to assist legally blind and mobility-  
29 impaired persons; amending s.



507698

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2012	.	
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The Committee on Transportation (Wise) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 38 and 39  
insert:

Section 2. Paragraph (a) of subsection (2) of section 318.1451, Florida Statutes, is amended to read:

318.1451 Driver improvement schools.-

(2) (a) In determining whether to approve the courses referenced in this section, the department shall consider course content designed to promote safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint. The department shall



507698

13 also consider course content that includes the study of s.  
14 316.1301 and traffic laws to assist legally blind and mobility-  
15 impaired persons.

16  
17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Delete line 6

20 and insert:

21 of Highway Safety and Motor Vehicles; amending s.  
22 318.1451, F.S.; requiring that, in determining whether  
23 to approve courses offered by driver improvement  
24 schools, the Department of Highway Safety and Motor  
25 Vehicles consider course content related to the study  
26 of traffic laws to assist legally blind and mobility-  
27 impaired persons; amending s.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

Meeting Date \_\_\_\_\_

Topic \_\_\_\_\_

Bill Number SB 1192  
*(if applicable)*

Name Becki Forsell

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

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

Address \_\_\_\_\_  
*Street*

Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing my self

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

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1/26/2012  
Meeting Date

Topic \_\_\_\_\_

Bill Number 1192  
*(if applicable)*

Name BRIAN PITTS

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH  
*Street*

Phone 727/897-9291

SAINT PETERSBURG FLORIDA 33705  
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking:  For  Against  Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/26/2012  
Meeting Date

Topic Persons with Disabilities Bill Number SB1192  
Name DWA FARMER Amendment Barcode \_\_\_\_\_  
Job Title Dir. of Legislative & Public Affairs (if applicable)  
Address 2728 Centerville Dr., Ste. 102 Phone 850.488.9071 x9709  
Tallahassee FL 3201 E-mail \_\_\_\_\_  
City State Zip dwa@d2disabilityrightsflorida.org  
Speaking:  For  Against  Information  
Representing Disability Rights Florida  
Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/26/2012  
Meeting Date

Topic \_\_\_\_\_ Bill Number 1192  
Name BRIAN PITTS Amendment Barcode \_\_\_\_\_  
Job Title TRUSTEE (if applicable)  
Address 1119 NEWTON AVENUE SOUTH Phone 727/897-9291  
SAINT PETERSBURG FLORIDA 33705 E-mail JUSTICE2JESUS@YAHOO.COM  
City State Zip  
Speaking:  For  Against  Information  
Representing JUSTICE-2-JESUS  
Appearing at request of Chair:  Yes  No Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)

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

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

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Prepared By: The Professional Staff of the Transportation Committee

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BILL: SB 1384

INTRODUCER: Senator Bennett

SUBJECT: Taxes

DATE: January 19, 2012

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	Buford	TR	<b>Favorable</b>
2.			BC	
3.				
4.				
5.				
6.				

**I. Summary:**

The bill changes the weight requirements for non-qualified aircraft to receive exemptions from more than 15,000 pounds maximum certified takeoff weight to 2,000 pounds maximum certified takeoff weight. These exemptions apply for labor charges, for the repair and maintenance of non-qualified aircraft, as well as for replacement engines, parts, and equipment. The bill does not affect the current exemptions for qualified aircrafts or rotary wing aircraft.

This bill substantially amends s. 212.08, Florida Statutes.

**II. Present Situation:**

Section 212.08, F.S., provides a long list of exemptions from sales, rental, use, consumption, distribution, and storage taxes. The list includes several aviation-related exemptions. Some of these exemptions are based on the type of aircraft, while others are based on whether, or how long, the aircraft stays in Florida. Two of the current aircraft exemptions delineated in this section are for:

- Aircraft repair and maintenance labor charges – For qualified aircraft,<sup>1</sup> for aircraft of more than 15,000 pounds maximum certified takeoff weight, and for rotary wing aircraft of more than 10,000 pounds maximum certified takeoff weight;<sup>2</sup> and

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<sup>1</sup> “Qualified aircraft” are certain aircraft of less than 10,000 pounds maximum certified takeoff weight. See Section 212.02(33), F.S. To be eligible for the exemptions under s. 212.08(7), F.S., qualified aircraft purchasers or lessees must also comply with s. 212.0801, F.S., requiring participating in university flight training or research programs.

<sup>2</sup> Section 212.08(7)(ee), F.S.; Charges for parts and equipment furnished in connection with such labor charges are taxable, except as otherwise exempt.

- Equipment, parts, and replacement engines used in aircraft repair and maintenance – For qualified aircraft, for aircraft of more than 15,000 pounds maximum certified takeoff weight, and for rotary wing aircraft of more than 10,300 pounds maximum certified takeoff weight.<sup>3</sup>

In order to receive these exemptions, a qualifying entity must submit an affidavit to the seller or repairer, or have the seller or repairer document why the exemption on the repair or replacement engine, equipment or parts is applicable.<sup>4</sup> No consumer certificate of exemption is required.<sup>5</sup>

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

The bill changes the weight requirements for non-qualified aircraft to receive exemptions under s. 212.08 (ee) and (rr) from more than 15,000 pounds maximum certified takeoff weight to 2,000 pounds maximum certified takeoff weight. These exemptions apply for labor charges, as well as replacement engines, parts, and equipment, and for the repair and maintenance of non-qualified aircraft. The bill does not affect the current exemptions for qualified aircrafts or rotary wing aircraft.

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

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

None.

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

None.

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

None.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

This bill exempts a greater number of aircrafts from taxes related to repair and maintenance labor charges and from taxes imposed for equipment used in aircraft repair and maintenance. Thus, the bill will have a negative impact on tax revenues.

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<sup>3</sup> Section 212.08(7)(rr), F.S.

<sup>4</sup> Email from Mark Zych, Florida Department of Revenue Director of Technical Assistance & Dispute Resolution (January 25, 2012) (on file with Senate Transportation Committee).

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

**B. Private Sector Impact:**

Entities owning or purchasing non-qualifying and non-rotary aircrafts over 2,000 pounds maximum certified takeoff weight will no longer need to pay any taxes on labor, replacement engines, parts, and equipment, or the repair and maintenance charges that previously were only provided for non-qualifying, non rotary aircrafts of greater than 15,000 pounds maximum certified takeoff weight.

Due to the decrease in net costs of aircraft repairs and replacement parts resulting from this tax exemption, this bill could potentially encourage owners and purchasers of non-qualifying, non exempt aircrafts to repair and replace parts of their aircrafts in Florida. Thus, the bill could have a positive impact on jobs and the workforce in Florida.

**C. Government Sector Impact:**

This bill exempts a greater number of aircrafts from taxes related to repair and maintenance labor charges and from taxes imposed for equipment used in aircraft repair and maintenance. Thus, the bill will have a negative impact on tax revenues.

According to the Department of Revenue, the bill will require a Tax Information Publication posted on the Internet at no additional cost.<sup>6</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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

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

None.

**B. Amendments:**

None.

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

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<sup>6</sup> Florida Department of Revenue, *2012 SB 1384 Analysis* (January 19, 2012) (On file with Senate Transportation Committee).

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/26/12  
Meeting Date

Topic Sales Tax Exemption for Aircraft Maint.

Bill Number S. 1384  
(if applicable)

Name MARK KIMBERLING

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title DIRECTOR

Address 421 AVIATION WAY  
Street

Phone 410-707-9404

FREPERICK MD 21701  
City State Zip

E-mail MARK.KIMBERLING@AOPA.ORG

Speaking:  For  Against  Information

Representing AIRCRAFT OWNERS AND PILOTS ASSOCIATION (AOPA)

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)



**The Florida Senate**  
**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 Transportation Committee

BILL: CS/SB 1388

INTRODUCER: Transportation Committee and Senator Bogdanoff

SUBJECT: Motor Vehicle Registration Forms

DATE: January 27, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	Buford	TR	Fav/CS
2.			BC	
3.				
4.				
5.				
6.				

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

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

The bill amends ss. 320.02 and 322.08, F.S., to create \$1 voluntary contribution check-offs on a motor vehicle application (initial registration and renewal) and a driver license or identification card application (initial, renewal, or replacement). The check-offs are created for the following entities and causes:

- Autism Services and Supports – contributions must be distributed to Achievement and Rehabilitation Centers, Inc., Autism Services Fund.
- Support Our Troops – contributions must be distributed to Support Our Troops, Inc., a Florida not-for-profit organization.

The bill substantially amends ss. 320.02 and 322.08, F.S.

**II. Present Situation:**

**Motor Vehicle Registration Voluntary Check-offs**

During the 1998 Session, the Legislature created s. 320.023, F.S., which outlines the procedures that an organization must follow prior to seeking Legislative authorization to request the creation

of a new voluntary contribution fee and establish a corresponding voluntary check-off on a motor vehicle registration application. The check-off allows a registered owner or registrant of a motor vehicle to voluntarily contribute to one or more of the authorized organizations during a motor vehicle registration transaction. Before the organization is eligible, it must submit the following requirements to Department of Highway Safety and Motor Vehicles (DHSMV or department) at least 90 days before the convening of the Regular Session of the Legislature:

- A request for the particular voluntary contribution being sought, describing it in general terms.
- An application fee of up to \$10,000 to defray DHSMV's costs for reviewing the application and developing the check-off, if authorized. State funds may not be used to pay the application fee.
- A short and long-term marketing strategy and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contributions.

DHSMV must discontinue the check-off if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent five-year period.

Section 320.02, F.S., specifies the language that must appear on the State of Florida vehicle's registration and renewal application forms. Included in s. 320.02, F.S., are options for seventeen authorized voluntary contributions to the corporations, trust funds, and organizations.<sup>1</sup> There are also three additional voluntary contributions relating to registrations authorized in other sections of law.<sup>2</sup> These contributions are not income revenue and are not subject to the trust fund service charge detailed in s. 215.20, F.S., with the exception of the Organ and Tissue Donor trust fund.<sup>3</sup>

### **Driver License Application Voluntary Check-offs**

Section 322.081, F.S., outlines the procedure an organization must follow prior to seeking legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary contribution on a driver's license or identification card application (initial, renewal, or replacement). The contribution allows a person applying for, renewing, or replacing a Florida driver's license or identification card to voluntarily contribute to one or more of the authorized organizations during the transaction. To become eligible, the organization must submit the following to DHSMV at least 90 days before the convening of the next regular session of the Legislature:

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<sup>1</sup> DHSMV provided a chart listing each authorized motor vehicle registration voluntary check-off that includes revenue collected for each check-off: Florida Department of Highway Safety and Motor Vehicles, *Drivers License and Motor Vehicle Voluntary Contributions FY 2004-05 through 2010-11* (on file with Senate Transportation Committee).

<sup>2</sup> Specifically, s. 320.08047, F.S., allows a \$1 voluntary contribution to be deposited into the Health Care Trust Fund for organ and tissue donor education and for maintaining the organ and tissue donor registry. Section 328.72(11), F.S., requires that vessel registration and renewal application forms include a provision allowing for a voluntary contribution of \$2 or \$5 to the Save the Manatee Trust Fund to fund an impartial scientific benchmark census of the manatee population in the state and other activities intended to provide manatee and marine mammal protection and recovery efforts. Lastly, s. 328.72(16), F.S., requires the DHSMV to offer for sale with vessel registrations a marine turtle sticker for \$5 with proceeds deposited into the Marine Resource Conservation Trust Fund to be used for marine turtle protection, research, and recovery efforts.

<sup>3</sup> Sections 320.02 and 322.081, F.S.

- a request for the particular voluntary contribution being sought, describing it in general terms;
- an application fee of up to \$10,000 (state funds may not be used) to defray the DHSMV's costs for reviewing the application and developing the check-off, if authorized; and
- a short and long-term marketing strategy and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contributions.

DHSMV must discontinue the contribution if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent five-year period.

The authorized voluntary check-offs on a driver's license or identification card application are listed in s. 322.08, F.S.

### **Moratorium on New Voluntary Check-offs**

In 2010, the Legislature passed HB 971, which included a moratorium on the creation of new voluntary contributions on motor vehicle registration and driver license forms by DHSMV. The moratorium is effective from July 1, 2010 to July 1, 2013, but contains an exception to "establish a voluntary contribution for an organization that has submitted a request to the Department of Highway Safety and Motor Vehicles before May 1, 2010, and submitted a valid financial analysis, marketing strategy, and application fee before September 1, 2010," or "which was included in a bill filed during the 2010 Legislative Session and met the requirements."<sup>4</sup>

According to DHSMV, five organizations met the moratorium exceptions as set forth in s. 320.023, F.S.<sup>5</sup> The Achievement and Rehabilitation Centers, Inc., Autism Services Fund and Support Our Troops, Inc., are two organizations that have met these requirements.<sup>6</sup>

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

**Section 1** amends s. 320.02(15), F.S., to include voluntary contribution check-off options of \$1 on motor vehicle registration and renewal forms to Autism Services and Supports and to Support our Troops. The department must distribute the proceeds monthly to the Florida Achievement and Rehabilitation Centers, Inc., Autism Services Fund for the contributions to Autism Services and Supports and to Support Our Troops, Inc., a Florida not-for profit organization, for contributions to Support Our Troops. Contributions are not income of a revenue nature for the purposes of applying the service charge provided in s. 215.20, F.S.

**Section 2** amends s. 322.08, F.S., to create a \$1 voluntary contribution check-off on an original, renewal, or replacement driver's license or identification card application. The check-offs are created for the following entities and causes:

- Autism Services and Supports – contributions shall be distributed to Achievement and Rehabilitation Centers, Inc., Autism Services Fund.

<sup>4</sup> Section 45, 2008-176, Laws of Florida

<sup>5</sup> Florida Department of Highway Safety And Motor Vehicles, *2011 Voluntary Contributions—Motor Vehicle and Driver License* (September 7, 2010) (on file with Senate Transportation Committee).

<sup>6</sup> Florida Department of Highway Safety and Motor Vehicles, *SB 1388 Bill Analysis – Motor Vehicle Registration Forms Contribution* (January 12, 2012) (on file with Senate Transportation Committee).

- Support Our Troops – contributions shall be distributed to Support Our Troops, Inc., a Florida not-for-profit organization.

**Section 3** provides July 1, 2012 as the effective date of the bill.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons who elect to donate to a charitable cause on motor vehicle registration or renewal applications or driver license will be required to pay an additional \$1 for each check-off they elect. It is impossible to determine how many people will elect to donate. Therefore, the aggregate impact to the private sector cannot be determined.

C. Government Sector Impact:

The bill provides the application form for motor vehicle registration (initial or renewal) shall include language permitting the voluntary contribution of \$1 per applicant for two additional charitable organizations that have met the filing requirements set forth in s. 320.023, F.S. The application fee for the organizations is already on deposit with DHSMV to cover the costs for reviewing the application and developing the contribution. The bill provides this same authorization regarding driver's license applications (initial, renewal, or replacement).

Additionally, Tax Collector Offices will be minimally impacted by collecting additional funds when a motorist elects to contribute to Autism Services and Supports or Support Our Troops.<sup>7</sup>

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

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

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

**CS by Transportation on January 26, 2012:**

The committee substitute creates a \$1 voluntary check-off on driver license applications and renewals for the Achievement and Rehabilitation Centers, Inc., and the Support Our Troops, Inc.

- B. **Amendments:**

None.



626904

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2012	.	
	.	
	.	
	.	

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The Committee on Transportation (Norman) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Paragraphs (o) and (p) are added to subsection (15) of section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(15)

(o) The application form for motor vehicle registration and renewal of registration must include language permitting a voluntary contribution of \$1 per applicant for Autism Services



626904

13 and Supports. Such contributions must be transferred by the  
14 department each month to the Achievement and Rehabilitation  
15 Centers, Inc., Autism Services Fund.

16 (p) The application form for motor vehicle registration and  
17 renewal of registration must include language permitting a  
18 voluntary contribution of \$1 per applicant to Support Our  
19 Troops, which shall be distributed monthly to Support Our  
20 Troops, Inc., a Florida not-for-profit organization.

21  
22 For the purpose of applying the service charge provided in s.  
23 215.20, contributions received under this subsection are not  
24 income of a revenue nature.

25 Section 2. Subsection (7) of section 322.08, Florida  
26 Statutes, is amended to read:

27 322.08 Application for license; requirements for license  
28 and identification card forms.—

29 (7) The application form for an original, renewal, or  
30 replacement driver ~~driver's~~ license or identification card shall  
31 include language permitting the following:

32 (a) A voluntary contribution of \$1 per applicant, which  
33 contribution shall be deposited into the Health Care Trust Fund  
34 for organ and tissue donor education and for maintaining the  
35 organ and tissue donor registry.

36 (b) A voluntary contribution of \$1 per applicant, which  
37 contribution shall be distributed to the Florida Council of the  
38 Blind.

39 (c) A voluntary contribution of \$2 per applicant, which  
40 shall be distributed to the Hearing Research Institute,  
41 Incorporated.



626904

42 (d) A voluntary contribution of \$1 per applicant, which  
43 shall be distributed to the Juvenile Diabetes Foundation  
44 International.

45 (e) A voluntary contribution of \$1 per applicant, which  
46 shall be distributed to the Children's Hearing Help Fund.

47 (f) A voluntary contribution of \$1 per applicant, which  
48 shall be distributed to Family First, a nonprofit organization.

49 (g) A voluntary contribution of \$1 per applicant to Stop  
50 Heart Disease, which shall be distributed to the Florida Heart  
51 Research Institute, a nonprofit organization.

52 (h) A voluntary contribution of \$1 per applicant to Senior  
53 Vision Services, which shall be distributed to the Florida  
54 Association of Agencies Serving the Blind, Inc., a not-for-  
55 profit organization.

56 (i) A voluntary contribution of \$1 per applicant for  
57 services for persons with developmental disabilities, which  
58 shall be distributed to The Arc of Florida.

59 (j) A voluntary contribution of \$1 to the Ronald McDonald  
60 House, which shall be distributed each month to Ronald McDonald  
61 House Charities of Tampa Bay, Inc.

62 (k) Notwithstanding s. 322.081, a voluntary contribution of  
63 \$1 per applicant, which shall be distributed to the League  
64 Against Cancer/La Liga Contra el Cancer, a not-for-profit  
65 organization.

66 (l) A voluntary contribution of \$1 per applicant to Prevent  
67 Child Sexual Abuse, which shall be distributed to Lauren's Kids,  
68 Inc., a nonprofit organization.

69 (m) A voluntary contribution of \$1 per applicant, which  
70 shall be distributed to Prevent Blindness Florida, a not-for-



626904

71 profit organization, to prevent blindness and preserve the sight  
72 of the residents of this state.

73 (n) Notwithstanding s. 322.081, a voluntary contribution of  
74 \$1 per applicant to the state homes for veterans, to be  
75 distributed on a quarterly basis by the department to the State  
76 Homes for Veterans Trust Fund, which is administered by the  
77 Department of Veterans' Affairs.

78 (o) A voluntary contribution of \$1 per applicant to the  
79 Disabled American Veterans, Department of Florida, which shall  
80 be distributed quarterly to Disabled American Veterans,  
81 Department of Florida, a nonprofit organization.

82 (p) A voluntary contribution of \$1 per applicant for Autism  
83 Services and Supports, which shall be distributed to Achievement  
84 and Rehabilitation Centers, Inc., Autism Services Fund.

85 (q) A voluntary contribution of \$1 per applicant to Support  
86 Our Troops, which shall be distributed to Support Our Troops,  
87 Inc., a Florida not-for-profit organization.

88  
89 A statement providing an explanation of the purpose of the trust  
90 funds shall also be included. For the purpose of applying the  
91 service charge provided in s. 215.20, contributions received  
92 under paragraphs (b)-(q) ~~(b)-(o)~~ are not income of a revenue  
93 nature.

94 Section 3. This act shall take effect July 1, 2012.

95  
96 ===== T I T L E A M E N D M E N T =====

97 And the title is amended as follows:

98 Delete everything before the enacting clause  
99 and insert:



626904

100                                   A bill to be entitled  
101           An act relating to motor vehicle registration forms;  
102           amending s. 320.02, F.S.; requiring the application  
103           forms for motor vehicle registration and renewal of  
104           registration to include language permitting the  
105           applicant to make a voluntary contribution to Autism  
106           Services and Supports and to Support Our Troops;  
107           providing that such contributions are not income for  
108           specified purposes; amending s. 322.08, F.S.;  
109           requiring the application forms for an original,  
110           renewal, or replacement driver license or  
111           identification card to include language permitting the  
112           applicant to make a voluntary contribution to Autism  
113           Services and Supports and to Support Our Troops;  
114           providing that such contributions are not income for  
115           specified purposes; providing an effective date.

THE FLORIDA SENATE

APPEARANCE RECORD

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

1-26-12 Meeting Date

Topic PRE-MORATORIUM CHECK-OFFS

Bill Number 1388 (if applicable)

Name MARTIN BOIRE

Amendment Barcode (if applicable)

Job Title PRESIDENT

Address P.O. BOX 70 Street

Phone 386-767-8882

DAYTONA BEACH, FL 32115 City State Zip

E-mail

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

IF REQUESTED, OTHERWISE WAIVE IN SUPPORT

Representing SUPPORT OUR TROOPS

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1-26-12 Meeting Date

Topic PRE-MORATORIUM CHECK-OFF

Bill Number 1388 (if applicable)

Name SUSAN K. GOLDSTEIN

Amendment Barcode (if applicable)

Job Title 215 W. COLLEGE AVE, STG 411

Address TALLAHASSEE FL 32301 Street

Phone 954-830-0300

City LAKE WALES SUPPORT State Zip

E-mail

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

Representing ARC BROWARD + SUPPORT OUR TROOPS, INC.

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/26/2012

Meeting Date

Topic \_\_\_\_\_

Bill Number 1388  
(if applicable)

Name BRIAN PITTS

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727/897-9291

Street

SAINT PETERSBURG      FLORIDA      33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking:     For     Against     Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair:     Yes     No

Lobbyist registered with Legislature:     Yes     No

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

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

S-001 (10/20/11)



**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 Transportation Committee

BILL: SB 1494  
 INTRODUCER: Senator Evers  
 SUBJECT: Driver Licenses  
 DATE: January 20, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Buford	TR	<b>Favorable</b>
2.	_____	_____	BC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

The bill repeals s. 322.58, F.S., relating to chauffeur’s licenses, which were phased out and replaced by Commercial Driver Licenses in the early 1990’s.

This bill substantially repeals s. 322.58, F.S.

**II. Present Situation:**

Section 322.58, F.S., enacted in 1989, provides a period of time for holders of chauffeur's licenses to transfer to uniform Commercial Driver's License requirements. The ‘phasing out’ period ended on April 1, 1991, after which time chauffeurs' licenses were no longer issued nor recognized as valid.

**III. Effect of Proposed Changes:**

The bill repeals s. 322.58, F.S., as chauffeurs’ licenses have neither been issued or recognized since 1991.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

**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 Transportation Committee

BILL: SB 1548  
 INTRODUCER: Senator Hays  
 SUBJECT: Tax on Sales, Use, and Other Transactions  
 DATE: January 25, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Buford	TR	<b>Pre-meeting</b>
2.	_____	_____	BC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill repeals the sales tax on the rental, lease, letting, or granting of a license for the use of any real property unless specifically exempted by statute. The practical effect is to repeal the sales tax on commercial real estate leases of real property.

This bill substantially amends the following sections of the Florida Statutes: 212.031, 212.0598, 212.0602, 288.1258, 338.234, and 341.840.

**II. Present Situation:**

Section 212.031 (1)(a), F.S., declares it to be a legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless specifically exempted. Exemptions have been provided for the following types of property:

- agricultural assessed property [s. 212.031 (1)(a) 1, F.S.]
- dwelling units [s. 212.031 (1)(a) 2, F.S.]
- parking, docking, or storage spaces [s. 212.031 (1)(a) 3, F.S.]
- recreational property or common elements of a condominium that meet certain conditions [s. 212.031 (1)(a) 4, F.S.]
- streets or right-of-ways with improvements used by a utility or provider of communications services [s. 212.031 (1)(a) 5, F.S.]
- public street or road used for transportation services [s. 212.031 (1)(a) 6, F.S.]
- airport property used exclusively for landing, taxiing, passenger movement or fueling [s. 212.031 (1)(a) 7, F.S.]

- port authority property used exclusively for docking, mooring, passenger movement, or fueling [s. 212.031 (1)(a) 8, F.S.]
- property used as an integral part of the performance of qualified production services [s. 212.031 (1)(a) 9, F.S.]
- property used by concessionaires at certain venues [s. 212.031 (1)(a) 10, F.S.]
- property declared to be nontaxable pursuant to a Technical Assistance Advisement issued before March 15, 1993 [s. 212.031 (1)(a) 11, F.S.], and
- property used or occupied predominately for space-flight business [s. 212.031 (1)(a) 12, F.S.].

Besides the above specific exemptions, there are other statutory provisions dealing with specific uses of property as described here.

- There is a special provision for air carriers which provides for apportionment for the tax on real property rentals used by the carrier substantially for aircraft maintenance if certain requirements are met (s. 212.0598, F.S.);
- There is a limited exemption (s. 212.0602, F.S.) for lease of real property used to provide education services described in s. 212.031 (1)(a)(9), F.S.; and
- There are exemptions for property used by an entertainment industry, qualified production company (s. 288.1258, F.S.) and concessionaires on the Florida turnpike system (s. 388.234, F.S.).

There is not a recent, published report or a Revenue Estimating Conference (REC) report which would show the amount of revenue generated by the tax which is the subject of this bill. The Office of Tax Research, Department of Revenue, in preparation for a REC meeting to discuss this bill has done some preliminary work which indicates their recommendation of the estimate of the tax impact will be in the \$1.2 billion to \$1.3 billion dollar range.<sup>1</sup>

### III. Effect of Proposed Changes:

**Section 1** repeals s. 212.031, F.S., which imposes a sales tax on renting, leasing, letting, or granting a license for the use of any real property subject to certain exemptions based on use.

**Section 2** amends s. 212.0598, F.S., to delete a sentence that provides that rental of certain real property by air carriers, that does not qualify for apportionment of the carrier's sales and use tax liability, be taxed in accordance with s. 212.031, F.S., as that latter mentioned section is being repealed.

**Section 3** amends s. 212.0602, F.S., to change references related to a limited exemption for taxes imposed by s. 212.031, F.S., on purchases of certain tangible personal property and lease of real property used to provide education services described in s. 212.031 (1)(a)(9), F.S., by adding the word "former" wherever s. 212.031 (1)(a)(9), F.S., appears as that latter mention section is being repealed.

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<sup>1</sup> Oral conversation on January 25, 2012 with Bob McKee, Chief Economist, Office of Tax Research, Department of Revenue.

**Section 4** amends s. 288.1258, F.S., to delete references to s. 212.031, F.S., that provides an exemption from sales and use taxes for an entertainment industry, qualified production company as the sales and use tax provision is being repealed.

**Section 5** amends s. 338.234, F.S., to delete the exemption for sales and use taxes on commercial rentals and related capital improvements for the Florida turnpike enterprise system and its concessionaires as the sales and use tax provision is being repealed.

**Section 6** amends s. 341.840, F.S., to delete the exemption for tax imposed by s. 212.031, F.S., on leases, rentals, or licenses to use real property that becomes part of a high-speed rail system as the sales and use tax provision is being repealed.

**Section 7** provides that this act shall take effect July 1, 2012.

**Other Potential Implications:**

The bill's effective date of July 1, 2012 presents administrative and costly problems to implement it as of that date. The Department of Revenue (DOR) updates forms and instructions to incorporate legislative changes in January of each year. A mid-year effective date for tax law changes will require corresponding mid-year revisions to software vendor programs and DOR sales and use tax forms.<sup>2</sup>

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

As this bill has not been reviewed by the Revenue Estimating Conference, the amount of decrease in sales and use tax revenue arising from rental of commercial real property is unknown at this time but it is believed to be significant.

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<sup>2</sup> Department of Revenue, *Agency Bill Analysis: SB 11548 January 13, 2012* (on file with the Senate Transportation Committee).

**B. Private Sector Impact:**

All individuals and entities that rent real property subject to tax under s. 212.031, F.S., will benefit from not having to pay that tax. As this bill has not been reviewed by the Revenue Estimating Conference, the amount of that benefit is unknown at this time.

**C. Government Sector Impact:**

DOR estimates that it will require a one-time appropriation of \$98,975 to implement this bill mid-year.

As this bill has not been reviewed by the Revenue Estimating Conference, the amount of decrease in sales and use tax revenue arising from rental of commercial real property is unknown at this time but it is believed to be significant.

**VI. Technical Deficiencies:**

Technical deficiencies due to the language used to delete other provisions of the Florida statutes that are related to exemptions from or calculations of the sales and use tax imposed by s. 212.031, F.S. are:

- Section 2 of the bill amends s. 212.0598(2), F.S., but this section of the statute will retain language providing for apportionment of certain tax liability of air carriers for tax on lease or rental of, or license in real property used by the carrier for aircraft maintenance. As Section 1 of the bill repeals the sales and use tax on commercial rentals in its entirety, removal of the retained language would clarify that sales tax does not apply to any real property that an air carrier leases, rents, or has a license in for aircraft maintenance.
- Section 3 of the bill amends s. 212.0602, F.S., but this section of the statute will retain language regarding an exemption pertaining to sales tax on the lease of real property for education activities used for “qualified production services” described in s. 212.031(1)(a)9, F.S. Repeal of the latter mentioned section will result in a loss of the definition of “qualified production services” which needs to be reinstated as it is used to determine other tax exemptions. In addition, the use of the word “former” to refer to a statutory section that granted an exemption from taxes imposed by s. 212.031, F.S., is not necessary since that tax is being repealed.

**VII. Related Issues:**

None.

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

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

None.

B. Amendments:

None.

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

*TR*

1/26/12  
Meeting Date

Topic \_\_\_\_\_

Bill Number SB 1548  
(if applicable)

Name Fred Baggett

Amendment Barcode \_\_\_\_\_  
(if applicable)

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

Address 101 E. College Ave  
Street

Phone 425 8512

Tall. 32301  
City State Zip

E-mail fbaggett@gtlaw.com

Speaking:  For  Against  Information

Representing Airlines for America

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)



**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 Transportation Committee

BILL: SB 1716

INTRODUCER: Senator Garcia

SUBJECT: Disposition of Traffic Infractions

DATE: January 24, 2012      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Buford	TR	<b>Pre-meeting</b>
2.	_____	_____	CM	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

Senate Bill 1716 authorizes a county or municipality, by majority vote of the governing board of the respective county or municipality, to impose a surcharge on school zone traffic violations for the sole purpose of funding school crossing guard programs.

This bill substantially amends section 318.21 of the Florida Statutes.

**II. Present Situation:**

**School Crossing Guards**

Section 316.75, F.S., requires the Department of Transportation (FDOT) to adopt uniform guidelines for the training of school crossing guards. Each local governmental entity administering a school crossing guard program shall provide a training program for school crossing guards according to the uniform guidelines. Successful completion of the training program shall be required of each school guard except:

1. A person who received equivalent training during employment as a law enforcement officer.
2. A person who receives less than \$5,000 in annual compensation in a county with a population of less than 75,000.
3. A student who serves in a school patrol

**Speeding in a Designated School Zone**

Current law states that a school zone speed limit may not be less than 15 miles per hour except by local regulation. No school zone speed limit shall be more than 20 miles per hour in an

urbanized area.<sup>1</sup> Current law also specifies when school zone speed limits are enforced. “Such speed limit may be in force only during those times 30 minutes before, during, and 30 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or a regularly scheduled school session and leaving a regularly scheduled school session.”<sup>2</sup>

Section 316.1895(10), F.S., provides a person may not drive a vehicle on a roadway designated as a school zone at a speed greater than that posted in the school zone. Violation of the established speed limits must be cited as a moving violations, punishable as provided in ch. 318, F.S.

Section 318.18(3), F.S., provides the following fines, in addition to court costs, for moving violations involving unlawful speed:

<b>For speed exceeding the limit by:</b>	<b>Fine</b>
1-5 mph	Warning
6-9 mph	\$25
10-14 mph	\$100
15-19 mph	\$150
20-29 mph	\$175
30 mph and above	\$250

In addition, s. 318.18(3)(c), F.S., provides that a person cited for exceeding the speed limit by up to 5 mph in a legally posted school zone will be fined \$50. A person exceeding the speed limit in a school zone or designated school crossing must pay a fine double the amounts listed above.

**Additional Surcharges**

Section 318.21, F.S., provides for the disposition of civil penalties by county courts. Currently, s. 318.21(11), F.S., provides that local governments may elect to impose a surcharge on parking fines within their jurisdictions, in order to fund school crossing guard programs. The surcharge must be authorized by an ordinance requiring public hearings. The governing body may set aside funds from the surcharge to pay for startup costs and recurring administrative costs related to printing new tickets or other means of implementing the program.

The proceeds of the surcharge must be placed in the School Crossing Guard Trust Fund established by the governing body, and distributed quarterly to fund the school crossing guard programs provided in s. 318.21(3), F.S.

**III. Effect of Proposed Changes:**

This bill authorizes a county or municipality, by majority vote of the governing board of the respective county or municipality, to impose a surcharge on school zone traffic violations for the sole purpose of funding school crossing guard programs. The surcharge must be authorized by ordinance requiring public hearings. The governing body may set aside funds from the surcharge

<sup>1</sup> s. 316.1895(5), F.S.

<sup>2</sup> *Id.*

to pay for startup costs and recurring administrative costs related to printing new tickets or other means of implementing the program.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

The bill could increase the penalties paid by drivers who commit school zone traffic violations in counties or municipalities that vote to impose a surcharge for such violations.

B. Private Sector Impact:

The bill could increase the penalties paid by drivers who commit school zone traffic violations in counties or municipalities that vote to impose a surcharge.

C. Government Sector Impact:

A county or municipality authorizing the imposition of a surcharge on school zone traffic violations may see an indeterminate increase of funding to school crossing guard programs.

According to the Department of Highway Safety and Motor Vehicles, there were 29,161 speeding in a school zone violations during calendar year 2011.<sup>3</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill uses the phrase “school zone traffic violations.” There appears to be only one such violation, unlawful speed in a school zone (s. 316.1895, F.S.), punishable by the increased fines

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<sup>3</sup> Oral conversation with DHSMV staff on 1/25/12.

found in s. 318.18, F.S. Clarification may be needed to specify the surcharge applies to violations of s. 316.1895, F.S.

**VIII. Additional Information:**

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

None.

B. **Amendments:**

None.

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

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905558

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/27/2012	.	
	.	
	.	
	.	

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The Committee on Transportation (Garcia) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Subsection (11) of section 318.21, Florida Statutes, is amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(11) (a) A county or municipality may, by majority vote of the governing board of the respective county or municipality,



13 impose a surcharge on parking fines and violations of s.  
14 316.1895 for the sole purpose of funding school crossing guard  
15 programs; however, the governing body may set aside funds from  
16 this surcharge to pay for startup costs and recurring  
17 administrative costs related to printing new tickets or other  
18 means of implementing the program. The surcharge must be  
19 authorized by ordinance requiring public hearings.

20 ~~(b)~~ The proceeds of this surcharge must be placed in a  
21 trust fund established by the governing body of the county or  
22 municipality called the School Crossing Guard Trust Fund. Funds  
23 collected from this surcharge must be distributed quarterly to  
24 fund the school crossing guard programs provided in subsection  
25 (3).

26 (b)~~(e)~~ If a county government is operating a school  
27 crossing guard program in the exercise of its municipal  
28 responsibilities, the county may, by majority vote of its  
29 governing board, impose a countywide surcharge on parking fines  
30 and violations of s. 316.1895 for the sole purpose of funding  
31 school crossing guard programs throughout the county; however,  
32 the governing body may set aside funds from this surcharge to  
33 pay for startup costs and recurring administrative costs related  
34 to printing new tickets or other means of implementing the  
35 program. The surcharge must be authorized by an ordinance  
36 requiring public hearings. This surcharge, established by the  
37 governing body of the county, must be placed in a trust fund  
38 called the School Crossing Guard Trust Fund. Funds collected  
39 from this surcharge must be distributed quarterly to  
40 jurisdictions to fund school crossing guard programs based on  
41 each jurisdiction's percentage of the school crossing guards in



905558

42 the county school district.

43 Section 2. This act shall take effect July 1, 2012.

44

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

46 And the title is amended as follows:

47 Delete everything before the enacting clause

48 and insert:

49 A bill to be entitled

50 An act relating to the disposition of traffic

51 infractions; amending s. 318.21, F.S.; authorizing

52 local governments to impose surcharges on violations

53 of s. 316.1895, F.S., relating to school speed zones;

54 requiring that the surcharges be imposed pursuant to

55 an ordinance requiring public hearings; providing an

56 effective date.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/26/2012

Meeting Date

Topic \_\_\_\_\_

Bill Number 1716  
(if applicable)

Name BRIAN PITTS

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH  
Street

Phone 727/897-9291

SAINT PETERSBURG FLORIDA 33705  
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking:  For  Against  Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/26/2012

Meeting Date

Topic \_\_\_\_\_

Bill Number 1716  
(if applicable)

Name BRIAN PITTS

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH  
Street

Phone 727/897-9291

SAINT PETERSBURG FLORIDA 33705  
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking:  For  Against  Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)

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

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

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Prepared By: The Professional Staff of the Transportation Committee

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BILL: SB 1754

INTRODUCER: Senator Evers

SUBJECT: Traffic Offenses

DATE: January 24, 2012

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Buford	TR	<b>Favorable</b>
2.			CJ	
3.			BC	
4.				
5.				
6.				

**I. Summary:**

The bill creates criminal penalties for operators of motor vehicles who commit moving traffic violations that cause serious bodily injury or death to a pedestrian, or a person operating or riding in a motor vehicle, or a person operating or riding on a motorcycle or bicycle.

A person who commits a moving violation that results in the serious bodily injury of a pedestrian, or a person operating or riding in a motor vehicle, or a person operating or riding on a motorcycle, or bicycle is guilty of a second degree misdemeanor. In such cases, the bill requires the offender to pay a minimum of \$500, serve a minimum of 30 days in jail, attend a driver improvement course, and have his or her driver's license suspended for at least 30 days.

A person who commits a moving violation that results in the death of a pedestrian, or a person operating or riding in a motor vehicle, or a person operating or riding on a motorcycle, or bicycle is guilty of a first degree misdemeanor. The bill requires these offenders to pay a minimum of \$1,000, serve a minimum of 90 days in jail, attend an advanced driver improvement course, and have his or her driver's license suspended for at least 1 year.

This bill creates section 318.195 of the Florida Statutes.

## II. Present Situation:

### Moving Violations, Generally

Under chapters 316 and 318, F.S., all moving violations are considered non-criminal infractions and are generally punishable by a fine as provided by s. 318.18, F.S. Moving violations include such offenses as speeding, failure to stop at a stop sign or traffic control device, and improper lane change.<sup>1</sup> This section provides a baseline fine of \$60 for all moving violations,<sup>2</sup> although county-by-county fees and surcharges raise the total amount paid. The section also provides tiered fines from \$25 to \$250 for moving violations involving excessive speed.<sup>3</sup>

Moving violations also typically result in points assessed against an operator's driver's license pursuant to s. 322.27(3)(d), F.S.

### Penalties for Causing Death or Injury

#### *Non-Criminal Violations*

A mandatory hearing before the court is required for any infraction or criminal violation of chapter 316, F.S., which caused serious bodily injury<sup>4</sup> or death.<sup>5</sup> Any person committing a traffic infraction causing death may be directed by a judge to perform 120 community service hours in a trauma center, pursuant to s. 316.027(4), F.S.<sup>6</sup>

For any traffic infraction or criminal offense causing death, injury, or property damage, the Department of Highway Safety and Motor Vehicles (DHSMV or department) may require re-examination of the offender's ability to drive.<sup>7</sup> DHSMV may subsequently suspend the offender's license.<sup>8</sup> DHSMV may suspend an offender's license if the person refuses to submit to a re-examination. Refusal to submit to retesting is grounds to suspend the offender's license.<sup>9</sup> The court may suspend the driver's license for any criminal violation.<sup>10</sup>

#### *Criminal Violations*

For any criminal traffic offense causing death or an injury sufficient to require medical transport, the department shall mandate a driver-improvement course (in addition to any other applicable

<sup>1</sup> See generally ch. 316, F.S.

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

<sup>3</sup> s. 318.18(3)(b), F.S.

<sup>4</sup> s. 316.1933(1), F.S., defines the term "serious bodily injury" to mean an injury to any person, including the driver, which consists of a physical condition that creates a substantial risk of death, serious personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

<sup>5</sup> s. 318.19(1)-(2), F.S.

<sup>6</sup> The permissive 120 hours of community service are referenced twice in chapter 318, F.S.:

**318.14(1), F.S.:** "If another person dies as a result of the noncriminal infraction, the person cited may be required to perform 120 community service hours under s. [316.027\(4\)](#), in addition to any other penalties."

**318.18(8)(c), F.S.:** "If the noncriminal infraction has caused or resulted in the death of another, the person who committed the infraction may perform 120 community service hours under s. [316.027\(4\)](#), in addition to any other penalties."

<sup>7</sup> s. 322.221(2)(a), F.S.

<sup>8</sup> s. 322.221(3), F.S.

<sup>9</sup> s. 322.221(3), F.S.

<sup>10</sup> s. 316.655(2), F.S.

penalties). Failure to attend a driver improvement course results in cancellation of the offender's license until the course is completed.<sup>11</sup> If the criminal offense is murder, manslaughter, or a second DUI manslaughter conviction, the DHSMV shall revoke the offender's license.<sup>12</sup> License suspension for a manslaughter conviction may not be lifted unless the offender has completed a driver improvement or substance abuse program.<sup>13</sup>

A person who commits the offense of reckless driving causing injury commits a third-degree felony, punishable separately from fines related to reckless driving.<sup>14</sup> If the court reasonably believes alcohol, or certain chemical or controlled substances were involved, the court shall order the offender to attend a substance abuse program.<sup>15</sup>

An impaired driver who causes an accident involving injury or death commits a third-degree felony, punishable separately from the potential fine and/or incarceration related to the DUI.<sup>16</sup>

A person driving without a valid license who negligently causes an accident involving death or serious bodily injury is guilty of a third-degree felony.<sup>17</sup>

### III. Effect of Proposed Changes:

The bill creates s. 318.195, F.S., providing enhanced penalties for committing certain moving traffic violations.

A person who commits a moving violation resulting in the serious bodily injury of a pedestrian or a person operating or riding in a motor vehicle, or a person operating or riding on a motorcycle or bicycle is guilty of a second degree misdemeanor. In such cases, the bill requires the offender to pay a minimum of \$500, serve a minimum of 30 days in jail, attend a driver improvement course, and have his or her driver's license suspended for at least 30 days.

A person who commits a moving violation resulting in the death of a pedestrian or person operating or riding in a motor vehicle, or a person operating or riding on a motorcycle or bicycle is guilty of a first degree misdemeanor. The bill requires these offenders to pay a minimum of \$1000, serve a mandatory minimum of 90 days in jail, attend an advanced driver improvement course, and have his or her driver's license suspended at least of 1 year.

The bill states s. 318.195, F.S., does not prohibit a person from being charged with, convicted of, or punished for any other violation of the law.

The bill shall take effect July 1, 2012.

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<sup>11</sup> s. 322.0261(2), F.S.

<sup>12</sup> s. 322.26, F.S.(1)(a)-(b), F.S.

<sup>13</sup> s. 322.291(1)(a)3., F.S.

<sup>14</sup> s. 316.192(3)(c)2., F.S.

<sup>15</sup> s. 316.192(5), F.S.

<sup>16</sup> s. 316.193(3)(c)2., F.S.

<sup>17</sup> s. 322.34(6)(a)-(b), F.S. In a related offense, if a person knowingly loans a vehicle to a person whose license is suspended, and the borrower causes death or injury, the owner's license is suspended for one year (s. 322.36, F.S.).

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

Drivers who commit a moving traffic violation resulting in the serious bodily injury or death of a pedestrian or a person operating or riding in a motor vehicle, or a person operating or riding on a motorcycle or bicycle will be subject to the sanctions outlined in s. 318.195, F.S.

Criminalizing previously non criminal conduct would likely invoke application of criminal protections afforded citizens, including the right to counsel, formal arraignment, sentencing by a judge as opposed to a magistrate, and increased involvement of state prosecutors. The fiscal impact of these factors is unknown.

## C. Government Sector Impact:

The bill may generate an indeterminate amount of revenue from fines for the behaviors criminalized by the bill.

Criminalizing previously non criminal conduct would likely invoke application of criminal protections afforded citizens, including the right to counsel, formal arraignment, sentencing by a judge as opposed to a magistrate, and increased involvement of state prosecutors. The fiscal impact of these factors is unknown.

The bill also may have an impact on local jail populations.

According to the Office of the State Courts Administrator, this bill “may decrease judicial workload in the Circuit Courts by a negligible amount but will increase judicial workload

in the County Courts by a substantial amount;”<sup>18</sup> however, “as for the increase in judicial workload, it is uncertain how many cases there will be of moving violations causing death or serious bodily injury.”<sup>19</sup>

“It is likely that a high percentage of these new misdemeanor cases will end up being trials for two reasons. One, the mandatory jail sentences will deter people from entering pleas.”<sup>20</sup> “Two, the low-level of culpability (all the accused had to do was commit a moving violation) will sweep a lot of people who do not consider themselves to be criminals into the criminal justice system.”<sup>21</sup>

“Although likely to have a significant impact on expenditures of the State Courts System, analysis indicates that a quantifiable fiscal impact is indeterminable.”<sup>22</sup>

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

Regardless of potential mitigating circumstances, absence of the violator’s culpability or contributory actions on the part of the victim, the bill does not allow any discretion in the judiciary by its imposition of a mandatory jail sentence on the violator.

The bill also deviates from the normal practice of not imposing criminal penalties for non criminal civil moving violations alone without additional showing of willful or wanton recklessness or intent to violate the law. Examples include: driving under the influence, reckless driving, and fleeing law enforcement.

#### **VIII. Additional Information:**

##### **A. Committee Substitute – Statement of Substantial Changes:**

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

None.

##### **B. Amendments:**

None.

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

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<sup>18</sup> Office of the State Courts Administrator, *2012 Judicial Impact Statement: SB 1754* (on file with the Senate Transportation Committee).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/26/2012

Meeting Date

Topic \_\_\_\_\_

Bill Number 1754  
(if applicable)

Name BRIAN PITTS

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727/897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking:  For  Against  Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

JAN 26, 2012

Meeting Date

Topic Traffic Offenses

Bill Number 1754  
(if applicable)

Name James D. "Doc" Reichenthal

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title lobbyist

Address PO Box 712

Phone 352-625-6353

Street

Silver Springs, FL 34489

E-mail abatet1@att.net

City

State

Zip

Speaking:  For  Against  Information

Representing ABATE OF Florida, Inc.

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

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

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

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Prepared By: The Professional Staff of the Transportation Committee

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BILL: SB 1768

INTRODUCER: Senator Negrón

SUBJECT: Autonomous Vehicle Technology

DATE: January 24, 2012

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Buford	TR	<b>Favorable</b>
2.			BC	
3.				
4.				
5.				
6.				

---

**I. Summary:**

This bill creates a new unnumbered section of the Florida Statutes which defines the term “autonomous technology” and requires that the Department of Highway Safety and Motor Vehicles (DHSMV) prepare a report relating to the safe operation of vehicles equipped with autonomous technology on public roads which it must submit to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 2014.

**II. Present Situation:**

Presently, there is an effort around the world to develop autonomous vehicles; however, the technology is still in its early development phases and a relatively optimistic estimate puts such technologies into consumer production in ten years.<sup>1</sup> In the United States, Google has been developing driverless cars for several years and last year said that it had “test-driven robotic hybrid vehicles more than 140,000 miles on California roads - including Highway 1 between Los Angeles and San Francisco. More than 1,000 miles had been driven entirely autonomously... [and] one of the company’s engineers was testing some of the car’s autonomous features on his 50-mile commute from Berkeley to Google’s headquarters in Mountain View.”<sup>2</sup> Also, according to General Motors’ Vice President of Global Research and Development, Alan Taub, GM may

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<sup>1</sup> “Where is Driverless Car Technology Now?”, National Public Radio, Jan. 17, 2012, last viewed on Jan 24, 2012, found at <http://www.npr.org/2012/01/17/145357668/where-is-driverless-car-technology-now>

<sup>2</sup> Markoff, John, “Google Lobbies Nevada to Allow Self-Driving Cars”, *The New York Times*, May 10, 2011. webpage last viewed on Jan. 24, 2012, [http://www.nytimes.com/2011/05/11/science/11drive.html?\\_r=1](http://www.nytimes.com/2011/05/11/science/11drive.html?_r=1)

have vehicles “that partially drive themselves...by the middle of the decade with more sophisticated self-driving systems by the end of the decade.”<sup>3</sup>

In Europe, BMW, Volvo, and Audi are all developing their own version of autonomous vehicles.<sup>4</sup> BMW’s vehicle is semi-autonomous and uses a system of “radar, lidar, ultrasound, video and highly detailed GPS maps to sense the vehicle’s position in relation to its surroundings, including oncoming traffic” so that it can take over for the driver in traffic jams and can pull the car over if the driver is incapacitated.<sup>5</sup>

During its session last year, Nevada’s legislature passed Assembly Bill 511 which has now been engrossed into ch. 482A of the Nevada Revised Statutes. Section 482A.100, N.R.S., which becomes effective on March 1, 2012, states that:

1. The Department [of Motor Vehicles] shall adopt regulations authorizing the operation of autonomous vehicles on highways within the State of Nevada.
2. The regulations required to be adopted by subsection 1 must:
  - (a) Set forth requirements that an autonomous vehicle must meet before it may be operated on a highway within this State;
  - (b) Set forth requirements for the insurance that is required to test or operate an autonomous vehicle on a highway within this State;
  - (c) Establish minimum safety standards for autonomous vehicles and their operation;
  - (d) Provide for the testing of autonomous vehicles;
  - (e) Restrict the testing of autonomous vehicles to specified geographic areas; and
  - (f) Set forth such other requirements as the Department determines to be necessary.

Also, s. 482A.200, N.R.S., states that “[t]he Department shall by regulation establish a driver’s license endorsement for the operation of an autonomous vehicle on the highways of this State. The driver’s license endorsement described in this section must, in its restrictions or lack thereof, recognize the fact that a person is not required to actively drive an autonomous vehicle.” This legislation does not become effective until March 1, 2012, and, as such, it is too early to tell its effect on the state of Nevada.

### III. Effect of Proposed Changes:

**Section 1** of this bill creates a new unnumbered section of the Florida Statutes which defines the term “autonomous technology” and requires that DHSMV prepare a report relating to the safe operation of vehicles equipped with autonomous technology on public roads. DHSMV must submit that report to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 2014.

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<sup>3</sup> “GM: Self-Driving Vehicles by the End of Decade”, GM News, Oct. 16, 2011, last viewed on Jan 24, 2012, found at [http://media.gm.com/content/media/us/en/gm/news.detail.html/content/Pages/news/us/en/2011/Oct/1016\\_autonomous](http://media.gm.com/content/media/us/en/gm/news.detail.html/content/Pages/news/us/en/2011/Oct/1016_autonomous)

<sup>4</sup> Barry, Keith, “BMW Tests Autonomous Vehicle”, *Wired*, Aug. 30, 2011, webpage last viewed on Jan 24, 2012, <http://www.wired.com/autopia/2011/08/bmw-tests-an-autonomous-vehicle/>

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

**Section 2** of this bill creates an effective date of July 1, 2012.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

Meeting Date

DIANNE CARR

Topic Autonomous Driving

Bill Number 1768  
(if applicable)

Name 119 S. Main

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Hogging Queen & Sane

Address 119 TANZAN

Phone 222.7500

Street \_\_\_\_\_

E-mail dcar@hgsiawc.com

City Lermont State \_\_\_\_\_ Zip \_\_\_\_\_

Speaking:  For  Against  Information

Representing ALLIANCE OF AUTOMOBILE MANUFACTURERS

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

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

This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/26/12

Meeting Date

Topic Autonomous Vehicle Tech

Bill Number 1768  
(if applicable)

Name FRED DICKINSON

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title DUKO POOLE MCKINLEY

Address 106 E. College

Phone 850.681.1980

Street \_\_\_\_\_

E-mail FRED.DICKINSON@DUKOPOLICE.COM

City TLH State FL Zip 32301

Speaking:  For  Against  Information

Representing GENERAL MOTORS

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

Jan 26, 2012  
Meeting Date

Topic Autonomous Vehicle Bill Number 1768  
Name Justin Sayfie Amendment Barcode \_\_\_\_\_  
Job Title Attorney (if applicable)  
Address 450 E. Las Olas Blvd. Phone 954-523-2427  
*Street* Ft. Lauderdale, FL 33301 E-mail justin@sayfielawfirm.com  
*City State Zip*

Speaking:  For  Against  Information  
Representing Google  
Appearing at request of Chair:  Yes  No  
Lobbyist registered with Legislature:  Yes  No

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

This form is part of the public record for this meeting. S-001 (10/20/11)



# CourtSmart Tag Report

Room: LL 37  
Caption: Transportation Committee

Case:  
Judge:

Type:

Started: 1/26/2012 1:36:49 PM

Ends: 1/26/2012 3:24:07 PM

Length: 01:47:19

1:36:50 PM Meeting called to order by Chairman Latvala and Roll Call  
1:37:15 PM Pledge of Allegiance  
1:37:35 PM Chairman Latvala opening remarks  
1:37:55 PM SB 1548, Taxes on Sales, Use and Other Transactions by Senator Hays (Temporarily Postponed - Tab 8)  
1:38:09 PM SB 1192, Persons with Disabilities by Senator Lynn (Tab 4)  
1:38:56 PM SB 1192 amendment by Senator Wise (barcode 233768) adopted  
1:39:35 PM SB 1192 amendment by Senator Wise (barcode 507698) adopted  
1:39:56 PM SB 1192 (Public Testimony)  
1:42:23 PM Senator Lynn remarks  
1:43:17 PM SB 1192 (Public Testimony)  
1:45:25 PM SB 1192, Persons with Disabilities vote  
1:46:02 PM SB 1388, Motor Vehicle Registration Forms (Tab 6)  
1:46:30 PM SB 1388 amendment by Senator Norman (barcode 626904) adopted  
1:47:20 PM SB 1388 (Public Testimony)  
1:48:44 PM SB 1388, Motor Vehicle Registration Forms vote  
1:49:28 PM SB 1392, Transportation Accessibility by Senator Benacquisto (Tab 1)  
1:49:41 PM SB 1392 strike all amendment by Senator Benacquisto (barcode 907828)  
1:50:56 PM Chairman Latvala remarks  
1:51:52 PM SB 1392 (Public Testimony)  
2:15:48 PM Senator Norman remarks and question  
2:18:36 PM Senator Benacquisto response  
2:20:50 PM Senator Norman remarks and follow-up question  
2:21:28 PM Chairman Latvala response  
2:22:49 PM SB 1392 strike all amendment by Senator Benacquisto (barcode 907828) adopted  
2:23:04 PM SB 1392, Transportation Accessibility vote  
2:23:45 PM SB 1384, Taxes by Senator Bennett (Tab 5)  
2:25:27 PM SB 1384, Taxes vote  
2:25:46 PM Chairman Latvala remarks  
2:26:11 PM SB 1768, Autonomous Vehicle Technology by Senator Negron (Tab 11)  
2:28:41 PM Senator Storms question  
2:30:35 PM Senator Negron response  
2:32:38 PM Senator Storms follow-up question  
2:34:16 PM Representative Brandes remarks  
2:35:07 PM SB 1768 (Public Testimony)  
2:38:33 PM Senator Garcia question  
2:38:59 PM SB 1768 (Public Testimony)  
2:44:35 PM Chairman Latvala remarks  
2:45:02 PM Senator Negron waives close  
2:45:10 PM SB 1768, Autonomous Vehicle Technology vote  
2:45:44 PM SB 556, Motor Vehicle Registration Forms by Senator Montford (Tab 2)  
2:46:47 PM SB 556, Motor Vehicle Registration Forms (Public Testimony)  
2:47:37 PM SB 556, Motor Vehicle Registration Forms vote  
2:47:59 PM CS/SB 602, Stormwater Management Permits by Senator Storms (Tab 3)  
2:49:11 PM CS/SB 602 amendment (barcode 865992) by Senator Storms (adopted)  
2:50:28 PM CS/SB 602 (Public Testimony)  
2:51:00 PM CS/SB 602, Stormwater Management Permits vote  
2:51:30 PM SB 1494, Driver Licenses by Senator Evers (Tab 7)  
2:52:02 PM Chairman Latvala remarks  
2:52:12 PM SB 1494, Driver Licenses vote  
2:52:32 PM Chairman Latvala motion  
2:52:55 PM SB 1716, Disposition of Traffic Infractions by Senator Garcia (Tab 9)  
2:53:21 PM SB 1716 strike all amendment by Senator Garcia (barcode 905558) adopted

**2:53:35 PM** SB 1716 (Public Testimony)  
**2:53:49 PM** SB 1716, Disposition of Traffic Infractions vote  
**2:54:10 PM** SB 1754, Traffic Offenses by Senator Evers (Tab 10)  
**2:55:29 PM** SB 1754 (Public Testimony)  
**2:56:07 PM** SB 1754, Traffic Offenses vote  
**2:56:30 PM** Chairman Latvala closing remarks  
**2:57:45 PM** Adjourn