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<th>Tab 1</th>
<th><strong>CS/SB 1104</strong> by <strong>IS, Bean</strong> (CO-INTRODUCERS) Broxson; (Similar to CS/CS/H 00505) License Plates</th>
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<td>CS/SB 1106 by <strong>IS, Bean</strong>; (Compare to CS/CS/H 00505) Fees/Specialty License Plates Uniform Annual Use Fee</td>
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<td>CB 1610 by <strong>Montford</strong> (CO-INTRODUCERS) Gainer, Broxson; Emergency Mitigation and Response</td>
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<td>SB 1162 by <strong>Gainer</strong>; (Similar to H 00191) Northwest Florida Rural Inland Affected Counties Recovery Fund</td>
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<td>SB 7092 by <strong>IS</strong>; Fees/Department of Highway Safety and Motor Vehicles</td>
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<td>SB 7094 by <strong>IS</strong>; (Similar to H 01055) Public Records/Department of Highway Safety and Motor Vehicles</td>
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## COMMITTEE MEETING EXPANDED AGENDA
### APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, TOURISM, AND ECONOMIC DEVELOPMENT

**Senator Hutson, Chair**  
**Senator Thurston, Vice Chair**

**MEETING DATE:** Tuesday, April 16, 2019  
**TIME:** 1:00—4:00 p.m.  
**PLACE:** Toni Jennings Committee Room, 110 Senate Building  
**MEMBERS:** Senator Hutson, Chair; Senator Thurston, Vice Chair; Senators Brandes, Lee, Perry, Simpson, Taddeo, and Torres

### BILL DESCRIPTION and SENATE COMMITTEE ACTIONS

<table>
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<tr>
<th>TAB</th>
<th>BILL NO. and INTRODUCER</th>
<th>BILL DESCRIPTION</th>
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<tbody>
<tr>
<td>1</td>
<td>CS/SB 1104</td>
<td>License Plates; Authorizing fleet companies to purchase specialty license plates in lieu of standard fleet license plates; allowing the Department of Highway Safety and Motor Vehicles to authorize dealer and fleet specialty license plates; directing the department to audit certain organizations that receive funds from the sale of specialty license plates, etc.</td>
<td>Favorable</td>
</tr>
</tbody>
</table>
|     | Infrastructure and Security / Bean (Similar CS/CS/H 505, Compare CS/H 199, H 273, H 1225, S 106, S 140, CS/S 480, CS/S 484, S 808, S 1060, S 1376, S 1654, S 1686, Linked CS/S 1106) | IS 04/02/2019 Fav/CS  
ATD 04/16/2019 Fav/CS  
AP | Yeas 8 Nays 0 |
| 2   | CS/SB 1106             | Fees/Specialty License Plates Uniform Annual Use Fee; Creating a uniform annual use fee collected for a specialty license plate unless otherwise specified; adding annual use fees for certain specialty license plates, etc. | Favorable |
|     | Infrastructure and Security / Bean (Compare CS/CS/H 505, Linked CS/S 1104) | IS 04/02/2019 Fav/CS  
ATD 04/16/2019 Favorable  
AP | Yeas 8 Nays 0 |
| 3   | SB 1162                | Northwest Florida Rural Inland Affected Counties Recovery Fund; Creating the Northwest Florida Rural Inland Affected Counties Recovery Fund within the Department of Economic Opportunity; requiring certain payments to be appropriated annually to the fund; requiring the department to grant awards to organizations and local governments for specified infrastructure projects and workforce programs, etc. | Favorable |
|     | Gainer                  | CM 03/11/2019 Temporarily Postponed  
CM 03/18/2019 Favorable  
ATD 04/16/2019 Favorable  
AP | Yeas 8 Nays 0 |
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<td>4</td>
<td>SB 1610 Montford</td>
<td>Emergency Mitigation and Response; Creating the Hurricane Michael Recovery Task Force adjunct to the Division of Emergency Management of the Executive Office of the Governor to make recommendations to the Legislature regarding additional assistance needed in the response to, recovery from, and mitigation of the effects of Hurricane Michael in certain areas; requiring the task force to review the effectiveness of local, state, and federal activities in those areas, as well as the availability of resources and any additional assistance needed, etc.</td>
<td>Fav/CS Yeas 8 Nays 0</td>
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<td>IS 04/09/2019 Favorable</td>
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<td>5</td>
<td>SB 7090 Infrastructure and Security (Compare CS/CS/CS/H 385, CS/CS/H 725, CS/CS/H 1053, H 1269, S 660, S 664, S 1482, CS/S 1638, S 1674, Linked S 7092, S 7094)</td>
<td>Department of Highway Safety and Motor Vehicles; Requiring community service in a trauma center or hospital that receives victims of vehicle crashes; requiring that, under a yellow dot program, certain critical medical information be made readily available to responders in the event of a motor vehicle crash; prohibiting certain persons from being liable or at fault regarding the cause of a crash solely by reason of moving a vehicle; adding an operator to persons who may incur serious bodily injury for purposes of a certain penalty, etc.</td>
<td>Fav/CS Yeas 7 Nays 0</td>
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<td>SB 7092 Infrastructure and Security (Linked S 7090)</td>
<td>Fees/Department of Highway Safety and Motor Vehicles; Requiring that costs incurred by the Department of Highway Safety and Motor Vehicles to obtain a certain order be charged to a subpoenaed person; requiring a specified fee for certain validation stickers; requiring that costs incurred by the department to obtain a certain order be charged to a subpoenaed person, etc.</td>
<td>Fav/CS Yeas 7 Nays 0</td>
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<td>7</td>
<td>SB 7094</td>
<td>Infrastructure and Security</td>
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<td>(Similar H 1055, Linked S 7090)</td>
<td>Yeas 7 Nays 0</td>
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<td>Public Records/Department of Highway Safety and Motor Vehicles; Creating public records exemptions for certain information received by the Department of Highway Safety and Motor Vehicles; providing exemptions from public records requirements for personal information in certain vessel records, e-mail addresses, and cellular telephone numbers issued or collected by the Department of Highway Safety and Motor Vehicles; exempting from public records requirements certain information received by the department as a result of investigations and examinations of private rebuilt inspection providers; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity, etc.</td>
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ATD 04/16/2019 Favorable
AP

Other Related Meeting Documents
I. **Summary:**

PCS/CS/SB 1104 creates 37 specialty license plates (SLP) and provides for the design and the use of the annual fees associated with the SLPs. The bill also makes additional changes to the license plate laws:

- Revises 6 existing SLPs and repeals provisions related to 4 discontinued SLPs;
- Authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to issue SLPs for fleet vehicles and motor vehicle dealer vehicles upon approval by the SLP’s sponsoring organization;
- Establishes a cap of 200 SLPs and provides a revised process for the discontinuation of low performing SLPs, which is effective July 1, 2022, and for the addition of new SLPs;
- Requires the DHSMV to conduct an audit every 3 years of certain SLP recipient organizations;
- Requires SLP recipient organizations to annually attest to complying with the law and authorizes the DHSMV to discontinue distributions if it determines that an organization has not complied with the law.
- Allows out-of-state expenditures for certain military-related SLPs; and
- Expands the prohibition against using SLP revenues for lobbying.

The bill also creates two new SLPs for recipients of the Purple Heart and the Bronze Star.
SB 1106 (2019), which this bill is linked to, provides for an annual use fee of $25 for a SLP and $50 for out of state collegiate SLPs.

According to the DHSMV, the bill will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The bill has an effective date of October 1, 2019, but only if SB 1106 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

II. Present Situation:

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida. Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from $15 to $25, paid in addition to required license taxes and service fees. The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate’s design and designated in statute.

In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:
- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue pre-sale vouchers for the specialty license plate; and
- Within 24 months after the pre-sale vouchers are established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing of the plate may begin.

If the minimum sales requirement has not been met by the end of the 24-month pre-sale period, then the DHSMV will discontinue the plate and issuance of pre-sale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates. Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.

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1 A list of Florida’s specialty license plates is available on the DHSMV website at http://www.flhsmv.gov/dmv/specialtytags/ (last visited April 5, 2019).
2 Section 320.08056, F.S.
3 Section 320.08058, F.S.
4 Section 320.08053(2)(b), F.S.
5 Section 320.08056(10)(a), F.S.
6 Section 320.08062, F.S.
**DHSMV Costs Defrayed**

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of specialty plates to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.\(^7\)

**Discontinuance of Specialty Plates**

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.\(^8\) In addition, the DHSMV is authorized to discontinue any specialty license plate if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient’s request.\(^9\)

**Fleet/Dealer License Plates**

A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate is subject to an annual license tax of $17.\(^10\) These license plates are imprinted with the word “Dealer” at the bottom of the plate.\(^11\) Dealers may, upon payment of the dealer plate license tax, secure one or more dealer license plates. These plates are valid while the motor vehicles are in the dealer’s inventory and for sale, or while being operated in connection with the dealer’s business, except when used as for-hire vehicles.\(^12\)

Fleet license plates\(^13\) are available for companies that own or lease a minimum number of nonapportioned motor vehicles used for business purposes.\(^14\) In order to participate in the fleet vehicle program the company must have a minimum of 200 vehicles or a minimum of 25 trailers or semitrailers used exclusively to haul agricultural products.\(^15\) Fleet license plates are available upon approval by the DHSMV and payment of license taxes prescribed under s. 320.08, F.S. Fleet vehicle license plates have the word “Fleet” imprinted at the bottom of the plate.\(^16\) All vehicles with a fleet license plate must have the company’s name or logo and unit number displayed so that they are readily identifiable.\(^17\)

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\(^7\) Section 320.08056(7), F.S.
\(^8\) Section 320.08056(8)(a), F.S.
\(^9\) Section 320.08056(8)(b), F.S.
\(^10\) Section 320.08(12), F.S.
\(^11\) Section 320.06(3), F.S.
\(^12\) Section 320.13, F.S.
\(^13\) The term “fleet” means nonapportioned motor vehicles owned or leased by a company and used for business purposes. Section 320.0657(1), F.S.
\(^16\) Id.
\(^17\) Id.
\(^{17}\) Section 320.0657(2)(a), F.S.
Neither dealer license plates nor fleet license plates are eligible to be specialty license plates.

**Existing Specialty License Plates**

*Special Olympics Florida License Plate*

Section 320.08058(7), F.S., creates the Special Olympics Florida SLP with an annual use fee of $15.\(^{18}\) The license plate contains the official Special Olympics Florida logo with “Florida” centered at the bottom of the plate, and “Everyone Wins” centered at the top of the plate. The first $5 million collected annually must be forwarded to the Florida Developmental Disabilities Council to be used solely for the Special Olympics. Any additional fees must be deposited into the General Revenue Fund.\(^{19}\)

*Live the Dream License Plate*

Section 320.08058(48), F.S., creates the Live the Dream SLP with an annual use fee of $25.\(^{20}\) The words “Live the Dream” must appear at the bottom of the plate. Proceeds from the Live the Dream SLP are distributed to the Dream Foundation, Inc., which retained the first $60,000 in proceeds from the annual use fees as reimbursement for administrative costs, startup costs, and costs incurred in the SLP approval process. After those costs are reimbursed, up to 25 percent of the proceeds must be used for continuing promotion and marketing of the license plate and concept. The remaining funds must be distributed as follows:

- Twenty-five percent equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc., for programs providing research, care, and treatment for sickle cell disease.
- Twenty-five percent to the Florida chapter of the March of Dimes for programs and services improving the health of babies through preventing birth defects and infant mortality.
- Ten percent to the Florida Association of Healthy Start Coalitions to decrease racial disparity in infant mortality and to increase healthy birth outcomes. Funding will be used by local Healthy Start Coalitions to provide services and increase screening rates for high-risk pregnant women, children under 4 years of age, and women of childbearing age.
- Ten percent to the Community Partnership for Homeless, Inc., for programs that provide relief from poverty, hunger, and homelessness.
- Five percent to the Dream Foundation, Inc., for administrative costs directly associated with operations relating to the management and distribution of the proceeds.

In March 2015, the DHSMV began withholding funds from the Dream Foundation, Inc., because the organization failed to produce financial documentation that the DHSMV requested. In August 2015, a DHSMV Inspector General Audit found that the funds from the sale of the Live the Dream SLP were being improperly distributed.\(^{21}\) Additionally, a royalty payment was due to the Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., for the use of Dr. Martin Luther King Jr.’s image on the license plate. In 2016, the Dream Foundation, Inc., was

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\(^{18}\) Section 320.08056(4)(g), F.S.

\(^{19}\) Section 393.002, F.S.

\(^{20}\) Section 320.08056(4)(vv), F.S.

administratively dissolved and was subsequently reinstated in 2017 with new corporate officers.22

**Lighthouse Association License Plate**

Section 320.08058(65), F.S., creates the Lighthouse Association SLP with an annual use fee of $25.23 The license plate currently features the words “Visit Our Lights” on the bottom of the plate. The annual use fees are distributed to the Florida Lighthouse Association, Inc. A maximum of 10 percent may be used to promote and market the plates and the remaining proceeds shall be used by the association to fund the preservation, restoration, and protection of the 29 historic lighthouses in the state.24

**In God We Trust License Plate**

Section 320.08058(66), F.S., creates an In God We Trust SLP with an annual use fee of $25.25 The words “In God We Trust” must appear at the bottom of the plate. The annual use fees are distributed to the In God We Trust Foundation, Inc., to fund educational scholarships for the children of Florida residents who are members of the United States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds must also be distributed to other nonprofit organizations that may apply for grants and scholarships and to provide educational grants to public and private schools to promote the historical and religious significance of American and Florida history. The In God We Trust Foundation, Inc., must distribute the license plate annual use fees in the following manner:

- The In God We Trust Foundation, Inc., retains all revenues from the sale of the license plates until all startup costs for developing and establishing the license plate have been recovered.
- Ten percent of the funds received by the In God We Trust Foundation, Inc., must be spent on administrative costs, promotion, and marketing of the license plate directly associated with the operations of the In God We Trust Foundation, Inc.
- All remaining funds must be expended by the In God We Trust Foundation, Inc., for programs.

**Fallen Law Enforcement Officer License Plate**

Section 320.08058(80), F.S., creates the Fallen Law Enforcement Officers license plate with an annual use fee of $25.26 The words “A Hero Remembered Never Dies” must appear at the bottom of the plate. The annual use fees are distributed to the Police and Kids Foundation, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plate. The remainder of the proceeds must be used by the Police and Kids Foundation, Inc., to invest and reinvest and the interest earnings must be used for the operation of the Police and Kids Foundation, Inc.

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22 Department of State, Sunbiz.org, Detail by Entity Name, The Dream Foundation, Inc., Document No. N01000003891. Throughout this analysis, references to Department of State, Division of Corporation documents filed by entities can be found by searching at [http://search.sunbiz.org/Inquiry/CorporationSearch/ByName](http://search.sunbiz.org/Inquiry/CorporationSearch/ByName) (last visited April 10, 2019) by entity name or by detail by document number.

23 Section 320.08056(4)(mmm), F.S.
24 Section 320.08058(65)(b)
25 Section 320.08056(4)(nnn), F.S.
26 Section 320.08056(4)(bbbb), F.S.
Military Service Special License Plates

Currently, s. 320.089, F.S., authorizes 21 special license plates available to military service members or veterans for certain types of military service. Examples of service include Veteran of the U.S. Armed Forces, World War II Veteran, and Woman Veteran. While anyone who pays the appropriate fees may purchase most SLPs, one must provide proof of eligibility to obtain a military special license plate.

Military special license plates are each stamped with words consistent with the type of special license plate issued. A likeness of the related campaign medal or badge appears on the plate followed by the license plate serial number.

Applicants for special license plates are required to pay the annual license tax\(^\text{27}\) with the exception of certain disabled veterans who qualify for the Pearl Harbor, Purple Heart, or Prisoner of War plate, to whom such plates are issued at no cost.\(^\text{28}\) The first $100,000 of the revenue generated annually from the issuance of special use plates is deposited into the Grants and Donations Trust Fund under the Veterans’ Nursing Homes of Florida Act. Any additional revenue is deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.\(^\text{29}\)

**The Bronze Star**

The Bronze Star Medal is awarded to any person who, after December 6, 1941, while serving in any capacity with the U.S. Armed Forces, distinguishes himself or herself by heroic or meritorious achievement or service not involving participation in aerial flight.\(^\text{30}\)

**Existing Motorcycle Specialty License Plates**

Section 320.08068, F.S., creates a motorcycle SLP with an annual use fee of $20. The annual use fee is distributed equally to the Brain and Spinal Cord Injury Program Trust Fund, Prevent Blindness Florida, the Blind Services Foundation of Florida, the Florida Association of Centers for Independent Living, and the Florida Association of Centers for Independent Living (20 percent to each organization).\(^\text{31}\)

**Prevent Blindness Florida**

Preserve Vision Florida, formerly Prevent Blindness Florida, is a nonprofit organization offering vision education and services to Florida’s children and adults. Its focus is promoting a lifetime of healthy vision care through advocacy, education, screening and research. Its mission is to promote healthy vision through vision awareness and education, vision screening, assistance to

\(^{27}\) The annual license tax is provided in s. 320.08, F.S.

\(^{28}\) Section 320.089(2)(a), F.S.

\(^{29}\) Section 320.089(1)(b), F.S.


\(^{31}\) Section 320.08068(4), F.S.
receive medical eye care, and advocacy for vision and medical eye care health service. In May 2016, the organization Prevent Blindness Florida changed its name to Preserve Vision Florida. 32

**The Purple Heart**

The Purple Heart is awarded to members of the U.S. Armed Forces who are wounded by an instrument of war in the hands of the enemy and posthumously to the next of kin in the name of those who are killed in action or die of wounds received in action. 33

**Ducks Unlimited**

Ducks Unlimited is a waterfowl and wetlands conservation organization founded in 1937. The mission of Ducks Unlimited is habitat conservation. 34 Since 1985, Ducks Unlimited has worked to conserve more than 26,000 acres of Florida wetlands. 35

**The Dan Marino Foundation, Inc.**

Based in Fort Lauderdale, the Dan Marino Foundation, Inc., is a nonprofit organization dedicated to improving the lives of persons with autism or other developmental disabilities. 36 Opened in 2013, Marino Campus is a 10-month, non-residential program for young adults with autism and other developmental disabilities. Marino Campus offers three programs of study: computer technology, hospitality, and retail. Class instruction combined with real-world internships prepare Marino Campus students to obtain industry-leading certifications.

**Donate Life Florida**

Florida’s organ, tissue, and eye donor registry is named for Joshua Abbott, the recipient of a lung transplant who passed away in 2006. In 2009, the Agency for Health Care Administration chose Donate Life Florida to create a statewide donor registry to increase registry enrollment and educate Floridians about donation.

Donate Life Florida is a charitable organization established in 1997 and is “dedicated to motivating Floridians to designate themselves as organ, tissue and eye donors, so lives are saved and enhanced through donation and transplantation.” 37

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37 Donate Life Florida, *About the Joshua Abbott Organ and Tissue Donor Registry*, [https://www.donatelifeflorida.org/content/about/](https://www.donatelifeflorida.org/content/about/) (last visited April 8, 2019).
Florida State Beekeepers Association

The Florida State Beekeepers Association is dedicated to providing “resources for the improvement of Beekeeping using proven techniques and procedures in the management of Honeybees and to share this knowledge with everyone interested in the Art of Beekeeping.”

America the Beautiful Fund

The America the Beautiful Fund is the fictitious name of Live Laugh Love Give, Inc. Based in Tampa, is a registered Florida nonprofit corporation. The mission statement of Live Laugh Love Give, Inc., is “[e]mpowering children and families against dependency. Animal assistance, sanctuaries, and wildlife preservation. Education grants to better the world. Enhancing lives of military families.”

Childhood Cancer

Neuroblastoma is among the most common childhood cancers and typically affects children under 5 years old. Not usually diagnosed until the tumor grows and presents symptoms, the majority of childhood neuroblastoma cases are aggressive; survival rates are less than 60 percent with standard chemotherapy, and the relapse rate is 50 percent. Once relapsed, there is currently no curative treatment, and for those under 5 years old, the survival rate is less than 10 percent. Beat Nb, Inc., is a nonprofit organization that has the mission to drive neuroblastoma cancer research and to raise awareness of the disease.

No Kid Should Know Cancer, Inc., is a nonprofit organization based in Melbourne, Florida, that is organized to bring awareness to childhood cancer and help families who have been affected by childhood cancer financially and spiritually. Additionally, the organization sponsors, hosts, and participates in events that benefit clinical trials and improved treatment plans.

University of Alabama

The Pensacola Bama Club is a Chapter of the University of Alabama National Alumni Association. They are a nonprofit, fan-based organization representing the University of Alabama National Alumni Association in Pensacola, Florida, and are open to alumni, friends, and fans of the university. “The organization’s primary mission is to provide scholarships to


39 Department of State, Sunbiz.org, Fictitious Name Detail, America the Beautiful Fund, Registration No. G15000109272.


deserving local high school students as well as play host to an annual kick-off event and game watching parties.  

**Rotary**

Rotary is a global network of 1.2 million neighbors, friends, leaders, and problem-solvers who come together to make positive, lasting change in communities at home and abroad.  

Founded in 1990, the Community Foundation of Tampa Bay is dedicated to helping individuals in Citrus, Hernando, Hillsborough, Pinellas, and Pasco counties. The foundation functions as a partnership between donors, nonprofits, community and business leaders, professional advisors, volunteers, and the residents of the counties.

**Florida National Parks Association, Inc.**

The Florida National Parks Association, Inc., (FNPA) is the official nonprofit entity of Everglades National Park, Biscayne National Park, Dry Tortugas National Park, and Big Cypress National Preserve. The purpose of the FNPA is to generate additional revenues to help supplement the park service’s budget as well as support educational, interpretive, historical, and scientific research. The FNPA also operates the book stores within the parks to help generate revenues as well as provides a visitor information services function on behalf of the National Park Service.

**Bonefish and Tarpon Trust**

The Bonefish and Tarpon Trust’s mission is to conserve and restore bonefish and tarpon fisheries and habitats through research, stewardship, education, and advocacy.

**Florida Benevolent Group, Inc.**

Based in Gainesville, Florida, Benevolent Group, Inc., assists students in obtaining a medical education through a college or certificate program. The organization’s mission is to offer assistance to individuals struggling to make it into school or to stay in school.

**University of Georgia**

Founded in 1946 as the Georgia Alumni Association of Jacksonville, the Georgia Bulldog Club of Jacksonville is America’s largest University of Georgia alumni and fan club. In 1988, the

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45 Pensacola Bama Club, *About*, [https://www.pensacolabamaclub.org/about](https://www.pensacolabamaclub.org/about) (last visit April 8, 2019).
47 Community Foundation of Tampa Bay, *What We Do*, [https://cftampabay.org/about/what-we-do/](https://cftampabay.org/about/what-we-do/) (last visited April 8, 2019).
club established the Vince Dooley Scholarship Fund to award scholarships to attend the University of Georgia for students from Duval, Nassau, St. Johns, Clay, or Baker counties, based on academic and economic need.\textsuperscript{52}

**Highwaymen**

The “Florida Highwaymen” were a group of African-American artists who painted the beautiful, untouched Florida landscape from the early 1950s through the 1980s.

The Florida Highwaymen painted wind-bent palm trees, serene sunsets, churning oceans and bright red Poinciana trees. They painted from their garages and back yards on inexpensive Upson board and then on the weekends would travel and sell their Highwaymen paintings to hotels, offices, businesses and individuals who appreciated the artwork for approximately $25 apiece.

Currently, the market for an original work of art by a Florida Highwayman can bring $5,000 or more. Some of the Highwaymen who are still living have resumed painting to meet the continuing demand for their work.\textsuperscript{53}

**St. Lucie County Education Foundation**

In 1990, the St. Lucie County Education Foundation\textsuperscript{54} was organized as a direct support organization of the St. Lucie County School Board to raise private funds for programs to support students, teachers and public schools. The foundation is a nonprofit organization that advances K-12 public education in St. Lucie County by increasing the capacity and resources of the district in partnership with key stakeholders.\textsuperscript{55}

**Florida Professional Sports Team License Plates**

Section 320.08058(9), F.S., requires the DHSMV to develop a professional sports team license plate for Major League Baseball, National Basketball Association, National Football League, Arena Football League, National Hockey League, and Major League Soccer teams domiciled in Florida. The plates must bear DHSMV-approved colors and design and must include the official league or team logo, or both, as appropriate for each team. The word “Florida” must appear at the top of the plate.

\textsuperscript{52} Georgia Bulldog Club of Jacksonville, *Scholarship*, https://jaxbulldogs.com/scholarship-fund/ (last visited April 8, 2019).
\textsuperscript{53} Florida Highwaymen Paintings, available at http://www.floridahighwaymenpaintings.com/ (last visited April 5, 2019).
\textsuperscript{54} Department of State, Sunbiz.org, *Detail by Entity Name, St. Lucie County Education Foundation, Inc.*, Document No. N36808.
\textsuperscript{55} St. Lucie County Education Foundation, *About Us*, available at https://www.educationfoundationstlucie.org/p/3/about-us#.WjFxDGhSyUk (last visited April 8, 2019).
The $25 annual use fee\(^{56}\) is distributed as follows:

- Fifty-five percent to the Professional Sports Development Trust Fund within the Department of Economic Opportunity (DEO), to be used solely to attract and support major sports events in this state.
- The remaining proceeds must be allocated to Enterprise Florida, Inc., (for the Florida Sports Foundation) and must be deposited into the Professional Sports Development Trust Fund within DEO. These funds must be used by Enterprise Florida, Inc., to:
  - Promote the economic development of the sports industry;
  - Distribute licensing and royalty fees to participating professional sports teams;
  - Promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards;
  - Partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement;
  - Institute a grant program for communities bidding on minor sporting events that create an economic impact for the state;
  - Distribute funds to Florida-based charities designated by Enterprise Florida, Inc., and the participating professional sports teams; and
  - Fulfill the sports promotion responsibilities of DEO.

The proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of Enterprise Florida, Inc., (Florida Sports Foundation) and financial support of the Sunshine State Games.

There are nine Florida Professional Sports Teams SLPs available for purchase: Florida Panthers, Tampa Bay Lightning, Miami Heat, Orlando Magic, Tampa Bay Buccaneers, Jacksonville Jaguars, Miami Dolphins, Miami Marlins, and Tampa Bay Rays.\(^{57}\)

**Orlando City Soccer**

The Orlando City Soccer Club was formed in 2010 and was awarded a Major League Soccer franchise in late November of 2013. The first game was played in March 2015 against another expansion team from New York; the game ended in a tie. The team moved into its new stadium in 2017.\(^{58}\)

**Coastal Conservation Association Florida**

The Coastal Conservation Association Florida (CCAF) is a statewide, nonprofit marine organization working in an advocacy role to protect the state’s marine resources and the interests of saltwater anglers. It is comprised of 30 local chapters from Key West to Pensacola and it supports resource-based law enforcement, access to recreational fishing, and fishery regulations.

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\(^{56}\) Section 320.08056(4)(i), F.S.


\(^{58}\) Orlando City Soccer Club, *History*, available at [https://www.orlandocitysc.com/club/history](https://www.orlandocitysc.com/club/history) (last visited April 8, 2019).
to protect state and federal fish stocks. CCAF is one of the 19 state chapters of the Coastal Conservation Association.59

Blue Angels

At the end of World War II, Chief of Naval Operations Admiral Chester W. Nimitz ordered the formation of a flight demonstration team to keep the public interested in naval aviation. In a short three months, the Navy Flight Exhibition Team performed its first flight demonstration on June 15, 1946, at their home base, Naval Air Station (NAS) Jacksonville, Florida. Lt. Commander Roy “Butch” Voris led the team and flew the Grumman F6F-5 Hellcat.60

The new Navy Flight Exhibition team was only the second formal flying demonstration team to have been created in the world, since the Patrouille de France formed in 1931. The team was introduced as the “Blue Angels” at a show in Omaha, Nebraska, in July 1946. Right Wing Pilot Lt. Maurice “Wick” Wickendoll came across the name in the New Yorker Magazine in a column called Goings On About Town. Voris said, “That sounds great! The Blue Angels. Navy, Blue, and Flying!”61

Today, a total of 16 officers voluntarily serve with the Blue Angels. Each year the team typically selects three tactical (fighter or fighter/attack) jet pilots, two support officers and one Marine Corps C-130 pilot to relieve departing members.62

Since 1946, the Blue Angels have performed for nearly 500 million fans.63

Palm Beach Zoo and Conservation Society

In 1969, the Zoological Society of the Palm Beaches was founded based on the interest of a group of citizens in West Palm Beach to create a society for the advancement and support of the Dreher Park Zoo. On October 1, 1969, the operation of the Dreher Park Zoo was transferred over to the Zoological Society. Since then the Zoological Society has operated the zoo, while the city owned and rented the land on which the Palm Beach Zoo was located. In 2014 the Palm Beach Zoo changed its name to the Palm Beach Zoo and Conservation Society. Today, the zoo houses over 500 animals on 23 acres and sees approximately 300,000 visitors annually.64

Florida Society for Ethical Ecotourism

In 1998 the CREW Land and Water Trust and the Florida Department of Environmental Protection Rookery Bay National Estuarine Research Reserve received a grant from the Advisory Council of Environmental Education, within the Florida Game & Fresh Water Fish Commission, to provide an educational workshop for ecotour providers of Southwest Florida. As

61 Id.
63 U.S. Navy Blue Angels, History of the Blue Angels.
64 Palm Beach Zoo & Conservation Society, About Us, https://www.palmbeachzoo.org/about-us (last visited April 8, 2019).
a result of the grant, a day-long Southwest Florida Eco/Heritage Tourism Workshop took place in downtown Ft. Myers in which 85 people participated.\textsuperscript{65}

Following the workshop, a group of volunteers from Southwest Florida communities met and formed the Society for Ethical Ecotourism in Southwest Florida. In 2011 they changed their name to the Florida Society for Ethical Ecotourism, Inc.\textsuperscript{66} The Florida Society for Ethical Ecotourism, Inc., is registered as an active nonprofit corporation with the DOS.\textsuperscript{67}

**Paddle Florida, Inc.**

Paddle Florida, Inc., is a nonprofit corporation\textsuperscript{68} organized to support canoeing and kayaking in Florida. The organization supports multi-day paddling/camping trips in each of Florida's five water management districts, showcasing the state’s natural beauty and rich cultural heritage while promoting water conservation, wildlife preservation, springs restoration, and waterways protection. Paddle Florida seeks to promote Florida as an international destination for nature-based tourism.\textsuperscript{69}

**Knights of Columbus**

The Connecticut State Legislature officially chartered the Knights of Columbus as a fraternal benefit society on March 29, 1882. The order’s founding principles were charity, unity, and fraternity. It offers mutual aid and assistance to sick, disabled, and needy members and their families. Fellowship is promoted among members and their families through educational, charitable, religious, social welfare, war relief, and public relief works. The Knights of Columbus now has 15,900 councils and 1.9 million members throughout the United States and the world.\textsuperscript{70} In Florida, the Florida K of C Charities, Inc., was formed to assist and contribute to the Florida State Council of the Knights of Columbus and its Florida chapters.\textsuperscript{71}

**Daughters of the American Revolution**

The National Society Daughters of the American Revolution (DAR) was founded on October 11, 1890, by a group of women in Washington, D.C., as a result of being excluded from the men’s organizations to celebrate the women’s ancestors who fought during the Revolutionary War. The objectives of the DAR are to continue the memory and spirit of men and women who achieved


\textsuperscript{66} Id.

\textsuperscript{67} Department of State, Sunbiz.org, Detail by Entity Name, Florida Society for Ethical Ecotourism, Inc., Document No. N01000000235.

\textsuperscript{68} Department of State, Sunbiz.org, Detail by Entity Name, Paddle Florida, Inc., Document No. N11000000503.


\textsuperscript{70} Knights of Columbus, Learn About Us, https://www.kofc.org/un/en/todays-knights/about-us.html (last visited April 8, 2019).

America’s independence; to educate the public; and to foster patriotism and love of county. Since its founding in 1890, DAR has admitted more than 950,000 members.\textsuperscript{72}

**Florida Guardian Ad Litem Foundation, Inc.**

The Florida Guardian Ad Litem (GAL) Foundation’s mission is “to provide additional resources for the (GAL) Program, its volunteers, and its affiliated circuit nonprofit organizations in order to promote Guardian Ad Litem representation for abused, neglected and abandoned children in Florida’s dependency system.”\textsuperscript{73}

For 35 years, over 30,000 GAL volunteers have represented the interests of over 200,000 children with 10,000 GAL volunteers. The GAL Foundation has worked to provide targeted support to children involved in the GAL Program through grants, individual or corporate donations, or time. The foundation funds medical needs and activities related to normalcy for children represented by GAL volunteers.\textsuperscript{74}

**St. Johns Riverkeeper**

St. Johns Riverkeeper is a privately-funded and independent organization for the St. Johns River. It is a nonprofit organization that relies on the support of members, donors, and volunteers to defend, advocate and activates others to protect and restore the St. Johns River. The organization is a member of the Waterkeeper Alliance. Waterkeeper Alliance is the world’s fastest growing environmental movement, with over 270 Waterkeeper Organizations protecting waterways on 6 continents.\textsuperscript{75}

**Omega Psi Phi Fraternity**

Omega Psi Phi was founded in 1911, at Howard University in Washington, D.C. It was the first international fraternal organization founded on the campus of a historically black college.\textsuperscript{76}

**State of Florida Omega Friendship Foundation, Inc.**

In 2008, the State of Florida Omega Friendship Foundation, Inc., was created as a nonprofit corporation to work and uplift humanity; mentor youth’ sponsor blood drives; raise money for scholarships and charitable causes; encourage members to make a difference in the lives of Black people; and to encourage high standards, community service, and to assist in building character and leadership development.\textsuperscript{77}


\textsuperscript{73} Florida Guardian Ad Litem Foundation, *About Us*, [https://flgal.org/about/](https://flgal.org/about/) (last visited April 9, 2019).

\textsuperscript{74} Id.


\textsuperscript{76} Omega Psi Phi, *History of Omega*, [https://www.oppf.org/about-omega/](https://www.oppf.org/about-omega/) (last visited April 9, 2019).

Delta Sigma Theta Sorority

Founded in 1913 at Howard University, Delta Sigma Theta Sorority, Inc., was created to promote academic excellence and provide assistance to those in need. The nonprofit organization provides assistance and support through programs in local communities worldwide.78

Delta Research and Educational Foundation, Inc.

Delta Sigma Theta Sorority, Inc., established the Delta Research and Educational Foundation in 1997 as a public charity to support scholastic achievement, public service programs, and research initiatives that are focused on African American women.79

Sigma Gamma Rho Sorority

Established in 1922 at Butler University in Indianapolis, Indiana, Sigma Gamma Rho Sorority, Inc., has more than 85,000 members. The sorority’s mission is to enhance the quality of life for women and their families through community service and civil and social action.80

Mary McLeod Bethune Scholarship Program

Section 1009.73, F.S., establishes the Mary McLeod Bethune Scholarship Program, administered by the Department of Education. The program provides matching grants for private sources that raise money for scholarships to be awarded to students who attend Florida Agricultural and Mechanical University, Bethune-Cookman University, Edward Waters College, or Florida Memorial University.

In order to be eligible to receive a Mary McLeod Bethune Scholarship, an applicant must:

- Meet the general eligibility requirements set forth in s. 1009.40, F.S., for state financial aid awards and tuition assistance grants;
- Be accepted at Florida Agricultural and Mechanical University, Bethune-Cookman University, Edward Waters College, or Florida Memorial University;
- Enroll as a full-time undergraduate student; and
- Earn a 3.0 grade point average on a 4.0 scale, or the equivalent, for high school subjects creditable toward a diploma.81

In order to renew a scholarship awarded, a student must earn a minimum cumulative grade point average of 3.0 on a 4.0 scale and complete 12 credits each term for which the student received the scholarship. The amount of the scholarship to each recipient is $3,000 annually, with priority in awarding the scholarships given to students having financial need.82

79 Delta Research and Educational Foundation, About Us, http://www.deltafoundation.net/about-us (last visited April 9, 2019).
81 Section 1009.73(5), F.S.
82 Section 1009.73(6), F.S.
Kappa Alpha Psi Fraternity

Kappa Alpha Psi Fraternity is a college fraternity charted and incorporated originally under the laws of the State of Indiana as Kappa Alpha Nu on May 15, 1911. Its name changed to Kappa Alpha Psi effective April 15, 1915.83

Southern Province of Kappa Alpha Psi Foundation, Inc.

The Southern Province of Kappa Alpha Psi Foundation, Inc., was organized to:
- Unite men of culture, patriotism, and honor in a bond of fraternity;
- Encourage honorable achievement in every field of human endeavor;
- Promote the spiritual, social, intellectual, and moral welfare of members;
- Assist the aims and purposes of colleges and universities; and
- Inspire service in the public interest.84

Alpha Kappa Alpha Sorority

Alpha Kappa Alpha Sorority, Inc., is an international service organization that was founded on the campus of Howard University in Washington, D.C. in 1908. The sorority has nearly 300,000 members whose focus is lifelong personal and professional development and keeping its organization a respected power and influence of effective advocacy and social change for equality and equity for all citizens.85

Alpha Kappa Alpha Educational Advancement Foundation, Inc.

Founded in 1980, the mission of the Alpha Kappa Alpha Educational Advancement Foundation is to promote lifelong learning. By securing charitable contributions, gifts, and endowed funds, the foundation has been able to award scholarships, fellowships, and grants.86

Alpha Phi Alpha Fraternity

Alpha Phi Alpha was founded at Cornell University in Ithaca, New York, in 1906. The fraternity initially served as a study and support group for minority students who faced racial prejudice, both educationally and socially, at Cornell. The founders and early leaders of the fraternity succeeded in laying a firm foundation for the fraternity’s principles of scholarship, fellowship, good character, and the uplifting of humanity. Chapters were established at other colleges and universities, many of them historically black institutions. The first alumni chapter was established in 1911.87

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83 Kappa Alpha Psi, A Brief History, https://kappaalphapsi.org/a-brief-history/ (last visited April 9, 2019)
**JC Rawls-FFAC Foundation, Inc.**

JC Rawls-FFAC Foundation, Inc., was incorporated in Florida in 2013, and is organized as a nonprofit corporation exclusively for educational and charitable purposes.\(^8^8\)

**Zeta Phi Beta Sorority**

Zeta Phi Beta Sorority, Inc., was founded in 1920, at Howard University. The sorority’s national and local programs include the endowment of its National Educational Foundation community outreach services and support of multiple affiliate organizations. Chapters and auxiliaries have given many hours of voluntary service to educate the public, assist youth, provide scholarships, support organized charities, and promote legislation for social and civic change.\(^8^9\)

**Phi Beta Sigma Fraternity**

Phi Beta Sigma Fraternity was founded at Howard University in 1914. The founders wanted to create an organization that “viewed itself as ‘a part of the general community rather than ‘apart from’ the general community.” Part of the fraternity’s mission statement states: “In order to accomplish the Fraternity’s objectives, it is essential that systems are instituted that effectively embody ‘Culture For Service and Service For Humanity’ and promote brotherhood, scholarship and service.”\(^9^0\)

**Iota Phi Theta Fraternity**

In 1963, at Morgan State College (now Morgan State University), Iota Phi Theta Fraternity, Inc., was founded. Many of the founders were what is now called “non-traditional students, being 3-5 years of age older than average aged students.” Many also held full-time jobs as well as being full-time students. With over 260 chapters nationally, the fraternity still remains dedicated to the founders’ vision of “Building a Tradition. Not Resting Upon One!”\(^9^1\)

**Wildlands Conservation, Inc.**

The Wildlands Conservation, Inc., is a nonprofit corporation that originated as PEER, Inc., (Preserving the Environment through Ecological Research) founded in 2003. Renamed as the Wildlands Conservation, Inc., in 2007, the organization provides conservation planning, land management, land protection, research, banking, education, and outreach. Wildlands Conservation, Inc., handles conservation projects throughout Florida.\(^9^2\)

Wildlands Conservation, Inc., is working with the Gopher Tortoise Council to create the gopher tortoise specialty license plate in Florida as a conservation strategy for the species. The gopher

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88 Department of State, Sunbiz.org, *Detail by Entity Name, JC Rawls-FFAC Foundation, Inc.*, Document No. N13000006981.


91 Iota Phi Theta Fraternity Incorporated, *Historical Overview*, [https://www.iotaphitheta.org/about/historical-overview](https://www.iotaphitheta.org/about/historical-overview) (last visited April 9, 2019).

tortoise is a threatened species in the state. Wildlands Conservation, Inc., is seeking to bring awareness to the gopher tortoise species in creating the specialty license plate. Funds generated by the plate will be used for gopher tortoise habitat conservation, habitat management, and research.93

**Florida Off Road Foundation, Inc.**

Florida Off Road Foundation, Inc., is a nonprofit corporation that was incorporated in 2019. The corporation’s filing documents state that it is organized to provide and distribute funds to the foundation from the sales of Florida Off Road specialty license plates to help preserve and protect Florida’s off road natural habitat, environmental, and other programs.94

**Mental Health Association of Central Florida, Inc.**

The Mental Health Association of Central Florida, Inc., (MHACF) is a nonprofit organization whose objective is “to provide mental health services, support, and information to the members of the Central Florida community.” The MHACF was established in 1946.95

**onePULSE Foundation**

The onePULSE Foundation is a nonprofit organization that was established after the Pulse nightclub shooting on June 12, 2016. The foundation supports the construction and maintenance of a Pulse memorial and museum. The foundation also provides community grants for Pulse survivors and victim’s families, educational programs, and endowed scholarships to honor the 49 victims of the Pulse shooting.96

**Two Spirit Health Services, Inc.**

Two Spirit Health Services, Inc., (TSHS) is a nonprofit organization established in 2011. TSHS provides access to affordable healthcare, behavioral care, drug discount programs, adoption services, aesthetic services, and wellness programs in central Florida. TSHS led the mental health efforts in assisting the victims of the Pulse nightclub shooting.97

**Florida Native Plant Society**

The Florida Native Plant Society, Inc., began in 1980 with a mission of conservation, preservation and restoration of native plants in the state of Florida. The society supports

94 Department of State, Sunbiz.org, *Detail by Entity Name, Florida Off Road Foundation, Inc.*, Document No. N19000001532.
conservation land acquisition, land management, education, public policies to protect native plants, research, and the inclusion of native plants in local landscaping.\textsuperscript{98}

**American Foundation for Suicide Prevention**

The American Foundation for Suicide Prevention was established in 1987 as a volunteer health organization to provide a community for individuals affected by suicide. The foundation funds scientific research, educates the public about mental health issues and suicide prevention, and supports survivors of suicide loss and those affected by suicide.\textsuperscript{99}

**Lake-Sumter State College Electrical Distribution Technology Program**

The Electrical Distribution Technology degree at Lake-Sumter State College provides students wishing to pursue careers as line workers in the electric utility industry with the necessary skills. The courses include basic electrical theory, electric power systems operations, electrical distribution and safe work practices, and overhead pole line and underground electrical utility construction, operation, and maintenance.\textsuperscript{100}

**Lake-Sumter State College Foundation, Inc.**

Through the funding of projects that benefit students, Lake-Sumter State College Foundation, Inc., supports the college’s mission to develop the community through education. The foundation is a not for profit corporation that provides assistance for classroom instructional equipment, athletics department equipment, the college libraries, the nursing program, the college computer labs, and support for the faculty, staff, and students.\textsuperscript{101}

**Audits and Attestations**

All organizations receiving annual use fee proceeds from the DHSMV are responsible for ensuring that proceeds are used in accordance with state law.\textsuperscript{102} Any organization not subject to audit pursuant to the Florida Single Audit Act\textsuperscript{103} must annually attest, under penalties of perjury, that such proceeds were used in compliance with applicable state laws.\textsuperscript{104}

Any organization subject to audit pursuant to the Florida Single Audit Act\textsuperscript{105} must submit an audit report in accordance with the Auditor General’s rules. The annual attestation must be

\textsuperscript{98} Florida Native Plant Society, *Who We Are, Mission and History*, available at https://www.fnps.org/who-we-are/who-we-are (last visited April 16, 2019).


\textsuperscript{100} Lake-Sumter State College, *Electrical Distribution Technology Program Overview*, available at http://lssc.edu/academics/Pages/Academic%20Programs/edt.aspx (last visited April 16, 2019).

\textsuperscript{101} Lake-Sumter State College Foundation, Inc., available at http://lssc.edu/foundation/Pages/default.aspx (last visited April 16, 2019).

\textsuperscript{102} Section 320.08062(1)(a), F.S.

\textsuperscript{103} Section 215.97, F.S.

\textsuperscript{104} Section 320.08062(1)(b), F.S.

\textsuperscript{105} Nonstate entities that receive state financial assistance and meets audit thresholds are subject to the act. Section 215.97(2)(a), F.S., defines an “audit threshold” to include each nonstate entity that expends a total amount of state financial assistance equal to or in excess of $750,000 in any fiscal year. Every 2 years the Auditor General, after consulting with the
submitted to the DHSMV for review within nine months after the end of the organization’s fiscal year.  

Within 120 days after receiving an organization’s audit or attestation, the DHSMV must determine which recipients of revenues from SLP annual use fees have not complied with the appropriate statutory provisions. In determining compliance, the DHSMV may commission an independent actuarial consultant, or an independent certified public accountant, who has expertise in nonprofit and charitable organizations.

The DHSMV must discontinue the distribution of revenues to any organization that fails to submit the required documentation, but may resume distribution of the revenues upon receipt of the required information.

If the DHSMV determines that an organization has not complied with or has failed to use the revenues in accordance with applicable law, the DHSMV must discontinue the distribution of the revenues to the organization. The DHSMV must notify the organization of its findings and direct the organization to make the changes necessary in order to comply. If the officers of the organization sign an affidavit under penalties of perjury stating they acknowledge the findings of the DHSMV and attest they have taken corrective action and that the organization will submit to a follow-up review by the DHSMV, then the department may resume the distribution of revenues.

If an organization fails to comply with the DHSMV’s recommendations and corrective actions as outlined above, the revenue distributions must be discontinued until completion of the next regular session of the Legislature. The DHSMV must notify the President of the Senate and the Speaker of the House of Representatives by the first day of the next regular session of any organization whose revenues have been withheld. If the Legislature does not provide direction to the organization and the DHSMV regarding the status of the undistributed revenues, the DHSMV must de-authorize the plate and the undistributed revenues are immediately deposited into the Highway Safety Operating Trust Fund.

The DHSMV has the authority to examine all records pertaining to the use of funds from the sale of SLPs.

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Executive Office of the Governor, the Department of Financial Services, and all state awarding agencies, shall review the threshold amount for requiring audits and may adjust such threshold amount consistent with the purposes of the statute.

106 Section 320.08062(1)(c), F.S.
107 Section 320.08062(2)(a), F.S.
108 Section 320.08062(2)(b), F.S.
109 Section 320.08062(2)(c), F.S.
110 Section 320.08062(2)(d), F.S.
111 Section 320.08062(3), F.S.
III. Effect of Proposed Changes:

Establishing Specialty License Plates (section 4)

The bill amends s. 320.08053(2)(b), F.S., requiring a minimum sale of 3,000 vouchers prior to the DHSMV manufacturing a SLP, instead of the current 1,000 sales requirement. However, for out-of-state college or university license plates, the minimum sale is 4,000 vouchers.

The bill creates s. 320.08053(3)(a), F.S., providing that new SLPs that have been approved by law but are awaiting issuance are issued in the order they appear in s. 320.08058, F.S.,112 provided that the plates have met the presale requirement and all other provisions of s. 320.08053, F.S. If the next awaiting SLP has not met the presale requirement, the DHSMV must proceed in the order provided in s. 320.08056, F.S., to identify the next qualified SLP that has met the presale requirement. The DHSMV must cycle through the list in statutory order.

The bill creates s. 320.08053(3)(b), F.S., prohibiting the DHSMV from making any new SLPs available for design or issuance until a sufficient number of plates are discontinued if the Legislature has approved 125 or more SLPs.113 The 125 license plate limit does not apply to collegiate license plates established under s. 320.08058(3), F.S.

Discontinuing Specialty License Plates (sections 5 and 6)

The bill amends s. 320.08056(8)(a), F.S., effective July 1, 2022, requiring the DHSMV to discontinue the issuance of an approved SLP if the number of valid registrations falls below 3,000 plates for 12 consecutive months, instead of the current 1,000 plate threshold. However, out-of-state college or university license plates have a 4,000 plate threshold. In addition to the existing exemption from this requirement for in-state collegiate license plates, the bill provides exceptions for institutions and entities of the State University System, SLPs with statutory eligibility limitations for purchase, SLPs for which the annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, and Florida professional sports team license plates.114

The bill creates s. 320.08056(8)(c), F.S., providing that a vehicle owner or lessee issued a SLP that has been discontinued by the DHSMV may keep the discontinued SLP for the remainder of the 10-year license plate replacement period115 and must pay all other applicable registration fees. However, the owner or lessee is exempt from paying the applicable SLP fee for the remainder of the 10-year license plate replacement period.

The bill creates s. 320.08056(8)(d), F.S., providing that if the DHSMV discontinues issuance of a SLP, all annual use fees held or collected by the DHSMV must be distributed within 180 days after the date the SLP is discontinued. Of those fees, the DHSMV must retain an amount sufficient to defray the applicable administrative and inventory closeout costs associated with

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112 Section 320.08058, F.S., lists specific specialty license plates.
113 Specialty license plates will be discontinued pursuant to s. 320.08056(8), F.S.
114 Florida Professional Sports Team license plates are established in s. 320.08058(9), F.S.
115 License plates are issued for a 10-year period pursuant to s. 320.06(1)(b)1., F.S.
The bill creates s. 320.08056(8)(e), F.S., providing that if an organization that is the intended recipient of SLP funds no longer exists, the DHSMV must deposit any undistributed funds into the Highway Safety Operating Trust Fund.

The bill creates s. 320.08056(8)(f), F.S., providing that on January 1 of each year, the DHSMV must discontinue the SLP with the fewest number of plates in circulation, including license plates exempt from a statutory sales requirement. The DHSMV must mail a warning letter to the sponsoring organization of the 10 percent of SLPs with the lowest number of valid, active registrations as of December 1 of each year.

Specialty License Plates – Other Provisions (section 5)

The bill amends s. 320.08056(4), F.S., to repeal references to each SLP that has an annual use fee of $25. SB 1106 standardizes the annual use fee for all SLPs of $25, unless otherwise specified in the statute, into one subsection of s. 320.08056, F.S.

The bill amends s. 320.08056(10)(a), F.S., authorizing out-of-state expenditure of SLP fees for the Support Our Troops, American Legion, Florida Salutes Veterans, United States Marine Corps, Military Services, and the U.S. Paratroopers license plates.

The bill amends s. 320.08056(11), F.S., prohibiting any entity from using SLP revenue for lobbying. The current prohibition is limited to agencies.

The bill creates s. 320.08056(12), F.S., requiring the recipient organization for any out-of-state college or university license plates to:

- Have established an endowment, based in this state, for the purpose of providing scholarships to Florida residents.\(^{117}\)
- Provide documentation to the DHSMV that the recipient organization and the DHSMV have the college’s or university’s consent to use an appropriate image on a license plate.

It is unclear what recourse, if any, is available to the DHSMV if the recipient organization fails to comply with the requirements of s. 320.08056(12), F.S.

Fleet/Dealer Specialty License Plates (sections 1, 2, 3, and 5)

The bill creates ss. 320.08056(2)(b) and (c), F.S., allowing the DHSMV to authorize dealer and fleet SLPs. With the permission of the sponsoring SLP organization, a dealer or fleet company may purchase SLPs to be used on dealer and fleet vehicles. It would be up to the DHSMV to establish how permission of the sponsoring SLP organization must be obtained.

\(^{116}\) Distributions to recipient organizations are pursuant to s. 320.08058, F.S.

\(^{117}\) Section 320.01(34), F.S., defines “resident” to mean a person who has his or her principal place of domicile in Florida for a 6-month period or more, is registered to vote, and has made a statement of domicile or filed for a homestead property tax exemption.
Notwithstanding s. 320.08058, F.S., a dealer or fleet SLP must include the letters “DLR” or “FLT” on the right side of the license plate. Dealer and fleet SLPs must be ordered directly through the DHSMV. The bill amends ss. 320.06(3)(a) and 320.0657(2)(b), F.S., providing that a dealer SLP is not required to say “dealer” and a fleet SLP is not required to say “Fleet” at the bottom of the license plate.

The bill amends ss. 320.0657(2)(b) and 320.08(12), F.S., authorizing the purchase of dealer and fleet SLPs. The bill provides that for the additional annual use fee for the specific SLP, dealers and fleet companies may purchase SLPs in lieu of the standard fleet license plates. Dealers and fleet companies are responsible for all costs associated with the SLPs, including all annual use fees, processing fees, fees associated with switching license plate types, and other applicable fees. There is a technical mistake in the bill in the amendments to s. 320.08(12), F.S., because the amendments refer to “fleet” instead of “dealer.”

**Discontinued Specialty License Plates (sections 5 and 7)**

The bill repeals the American Red Cross SLP, Donate Organs Pass It On SLP, St. Johns River SLP, and Hispanic Achievers SLP from law as these SLPs have been discontinued.

**Existing Specialty License Plates (section 7)**

**Special Olympics Florida License Plate**

The bill redesigns the Special Olympics Florida SLP with “Florida” centered at the top of the plate and “Be a Fan” centered at the bottom of the plate.

**Live the Dream License Plate**

The bill amends the distribution of funds for the Live the Dream SLP. The Dream Foundation, Inc., must use the distributions as follows:

- Up to five percent may be used to administer, promote, and market the license plate.
- At least 60 percent must be distributed equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc.
- At least 30 percent must be distributed to Chapman Partnership, Inc. 118
- Up to five percent may be distributed by the DHSMV on behalf of The Dream Foundation, Inc., to the Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., as a royalty for the use of the image of Dr. Martin Luther King, Jr.

The bill also provides (section 12) that by November 1, 2019, the annual use fees withheld by the DHSMV from the sale of the Live the Dream SLP will first be used to satisfy all outstanding royalty payments due to The Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., for the use of Dr. Martin Luther King, Jr.’s image. All remaining funds will be distributed to the sub-recipients on a pro rata basis according to the revised distributions described above.

118 In 2011, Community Partnership for the Homeless changed its name to Chapman Partnership.
Lighthouse Association License Plate

The bill changes the wording on the bottom of the Lighthouse Association SLP from “Visit Our Lights” to “SaveOurLighthouses.org.”

In God We Trust License Plate

The bill amends the distribution of the annual use fees from the In God We Trust SLP. The annual use fees will be distributed to the In God We Trust Foundation, Inc., which may use up to 10 percent of the proceeds to offset marketing, administration, and promotion of the plate, and the remaining proceeds to address the needs of the military community and the needs of the public safety community, to provide educational grants and scholarships to foster self-reliance and stability in Florida’s children, and to provide education in public and private schools regarding the historical significance of religion in American and Florida history.

Fallen Law Enforcement Officer License Plate

The bill amends the uses of the annual use fees from the Fallen Law Enforcement Officer SLP. Currently the Police and Kids Foundation, Inc., may use up to 10 percent of the proceeds for marketing. The bill requires the remaining proceeds to be used by the foundation for its operations, activities, programs, and projects.

New Military Service Special License Plate (section 11)

Bronze Star Special License Plate

The bill amends s. 320.089, F.S., authorizing the DHSMV to create the Bronze Star special use license plate for recipients of the Bronze Star medal who provide proof of their qualification. The license plate will be stamped with the term “Bronze Star” and a likeness of the related campaign medal. Revenue generated from the sale of the Bronze Star special use license plate will be administered the same as the existing military special license plates, and deposited into the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund to support the State Veterans Homes Program.

Motorcycle Specialty License Plates

Existing Motor Cycle Specialty License Plate – Preserve Vision (section 9)

The bill amends s. 320.08068(4)(b), F.S., changing the statutory reference from “Prevent Blindness Florida” to “Preserve Vision Florida” to reflect the change in the organization’s name.

New Motorcycle Special License Plate – Purple Heart Motorcycle Special License Plate (section 10)

The bill creates s. 320.0875, F.S., creating the Purple Heart motorcycle SLP. Upon application to the DHSMV and payment of the motorcycle license tax, a resident who owns or leases a motorcycle that is not used for hire or commercial use shall be issued a Purple Heart motorcycle license plate if he or she provides documentation acceptable to the DHSMV that he or she is a recipient of the Purple Heart medal.

119 The license tax is provided in s. 320.08, F.S.
The Purple Heart motorcycle SLP will be stamped with the term “Combat-wounded Veteran” followed by the serial number of the license plate. It may have the term “Purple Heart” stamped on the plate and a likeness of the Purple Heart medal.

**New Specialty License Plates (section 7)**

**Ducks Unlimited License Plate**

The bill creates the Ducks Unlimited license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Conserving Florida Wetlands” appears at the bottom of the plate.

The annual use fees are distributed to Ducks Unlimited, Inc., to be used as follows:
- Up to five percent may be used for administrative costs and marketing of the plate.
- At least 95 percent must be used in Florida to support Ducks Unlimited’s mission and efforts to conserve, restore, and manage Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people.

**Dan Marino Campus License Plate**

The bill creates the Dan Marino Campus license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Marino Campus” appears at the bottom of the plate.

The annual use fees are distributed to the Dan Marino Foundation, Inc., which may use up to 10 percent of the fees for administrative costs and marketing the plate. The remainder proceeds must be used by foundation to assist Floridians with developmental disabilities in becoming employed, independent, and productive; to promote awareness of such services; and to promote and fund education scholarships related to such services.

**Donate Life Florida License Plate**

The bill creates the Donate Life Florida license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Donors Save Lives” appears at the bottom of the plate.

The annual use fees are distributed to Donate Life Florida, which may use up to 10 percent of the proceeds for marketing and administrative costs. The remaining proceeds must be used by Donate Life Florida to educate Florida residents on the importance of organ, tissue, and eye donation and for the continued maintenance of the Joshua Abbott Organ and Tissue Donor Registry, which is Florida’s organ, tissue, and eye donor registry.

**Florida State Beekeepers Association License Plate**

The bill creates the Florida State Beekeepers Association license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Save the Bees” appears the bottom of the plate.
The annual use fees are distributed to the Florida State Beekeepers Association, which may use up to 18 percent of the annual use fees for:

- Direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process of the license plate.
- Promotion and marketing costs of the license plate.

The bill requires that all vendors associated with the administrative costs be selected by competitive bid.

The remaining proceeds must be used to raise awareness of the importance of beekeeping to Florida agriculture by funding honeybee research, education, outreach, and husbandry. The Florida State Beekeepers Association board of managers must approve and is accountable for all expenditures.

**America the Beautiful License Plate**

The bill creates the America the Beautiful license plate. The word “Florida” appears at the top of the plate and “America the Beautiful” appears at the bottom of the plate.

The annual use fees are distributed to the America the Beautiful Fund and used as follows:

- Fifteen percent to offset administrative, marketing, and promotion costs of the plate.
- Eighty-five percent for projects and programs teaching character, leadership, and service to Florida youth; the provision of well-being and assistance in the military community; outdoor education advancing self-sufficiency; wildlife conservation, including imperiled and managed species; the maintenance of historic or culturally important sites, buildings, structures, or objects; and the development and modification of playgrounds, recreational areas, or other outdoor amenities, including disability access.

**Beat Childhood Cancer License Plate**

The bill creates the Beat Childhood Cancer license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Beat Childhood Cancer” appears at the bottom of the plate.

The annual use fees are distributed as follows:

- Eighty percent to Beat Nb, Inc., which may use up to 10 percent of the proceeds for administrative costs directly associated with the operation of the corporation and for marketing and promoting the plate. The remaining proceeds must be used by Beat Nb, Inc., to fund pediatric cancer treatment and research.
- Twenty percent to No Kid Should Know Cancer, Inc., which may use up to five percent of the proceeds for administrative costs and for the marketing of the plate. The remaining proceeds must be used by No Kid Should Know Cancer, Inc., to:
  - Support families who have a child recently diagnosed with cancer;
  - Hold events that raise awareness about childhood cancer; and
  - Support clinical trials that work to provide better treatment plans for children diagnosed with cancer.
**University of Alabama License Plate**

The bill creates the University of Alabama license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Roll Tide” appears at the bottom of the plate.

The annual use fees are distributed to the Pensacola Bama Club, which must use the proceeds to award scholarships to Florida residents attending the University of Alabama. Proceeds must be deposited into the endowment required by s. 320.08056(12), F.S. Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship Program and use the scholarship funds for tuition and other expenses related to attending the University of Alabama.

**Rotary License Plate**

The bill creates the Rotary license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Rotary” appears at the bottom of the plate. The license plate will also bear the Rotary International wheel emblem.

The annual use fees are distributed to the Community Foundation of Tampa Bay, Inc., to be used as follows:

- Up to 10 percent for administrative costs and for marketing the plate;
- Ten percent distributed to Rotary’s Camp Florida for direct support to all programs and services provided to special needs children who attend the camp; and
- The remainder distributed, proportionally based on sales, to each Rotary district in the state to support Rotary youth programs in Florida.

**Florida Bay Forever License Plate**

The bill creates the Florida Bay Forever license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Florida Bay Forever” appears at the bottom of the plate.

The annual use fees are distributed to the Florida National Parks Association, Inc., which may use up to 10 percent of the proceeds for administrative costs and marketing the plate. The remaining proceeds must be used to supplement the Everglades National Park’s budget and to support educational, interpretive, historical, and scientific research relating to the Everglades National Park.

**Bonefish and Tarpon Trust License Plate**

The bill creates the Bonefish and Tarpon Trust license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Bonefish and Tarpon Trust” appears at the bottom of the plate.

The annual use fees are distributed to the Bonefish and Tarpon Trust, which may use up to 10 percent of the proceeds to promote and market the plate. The remaining proceeds must be deposited into the endowment required by s. 320.08056(12), F.S. Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship Program and use the scholarship funds for tuition and other expenses related to attending the University of Alabama.

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120 See the discussion under the heading Specialty License Plates – Other Provisions on page 22 of this bill analysis.

121 Section 1009.531, F.S.
used to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments through stewardship, research, education, and advocacy.

**Medical Professionals Who Care License Plate**

The bill creates the Medical Professionals Who Care license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Medical Professionals Who Care” appears at the bottom of the plate.

The annual use fees are distributed to Florida Benevolent Group, Inc., which may use up to 10 percent of the fees for administrative costs, marketing, and promoting the plate. The remaining proceeds must be used to assist low-income individuals in obtaining medical education and careers through scholarships, support, and guidance.

**University of Georgia License Plate**

The bill creates the University of Georgia license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “University of Georgia” appears at the bottom of the plate.

The annual use fees are distributed to the Georgia Bulldog Club of Jacksonville, which must use the proceeds to award scholarships to Florida residents attending the University of Georgia. Proceeds must be deposited into the endowment required by s. 320.08056(12), F.S. Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship Program and use the scholarship funds for tuition and other expenses related to attending the University of Georgia.

**Highwaymen License Plate**

The bill creates the Highwaymen license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Highwaymen” appears at the bottom of the plate.

The annual use fees are distributed to the City of Fort Pierce, subject to a city resolution designating the city as the fiscal agent of the SLP. The city may use up to 10 percent of the fees for administrative costs and marketing of the plate and the remaining proceeds as follows:

- Before completion of construction of the Highwaymen Museum and African-American Cultural Center:
  - A minimum of 15 percent must be distributed to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County.
  - The remaining proceeds must be used by the city to fund the construction of the Highwaymen Museum and African-American Cultural Center.
- Upon completion of construction of the Highwaymen Museum and African-American Cultural Center:
  - A minimum of 10 percent must be distributed to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County.

122 See the discussion under the heading Specialty License Plates – Other Provisions of page 22 of this bill analysis.

123 Section 1009.531, F.S.
The remaining proceeds must be used by the city to fund the day-to-day operations of the Highwaymen Museum and African-American Cultural Center.

**Orlando City Soccer License Plate**

The bill creates the Orlando City Soccer Club license plate as a Florida professional sports team SLP. Section 320.08058(9), F.S., requires the Florida Professional Sports Team license plates to bear the DHSMV-approved colors and design and include the official league or team logo, or both, as appropriate for each team. The word “Florida” must appear at the top of the plate.

The annual use fees are distributed as required in current law for Florida professional sports team SLPs.\(^{124}\)

**Coastal Conservation Association License Plate**

The bill creates the Coastal Conservation Association (CCA) license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Conserve Florida’s Fisheries” appears at the bottom of the plate.

The annual use fees are distributed to the CCA to be used as follows:

- Up to 10 percent for administrative costs;
- Up to 10 percent to promote and market the plate; and
- The remaining proceeds to support the mission and efforts of the CCA of Florida for habitat enhancement and restoration, saltwater fisheries conservation, and education; to advise the public on the conservation of marine resources; and to promote and enhance the present and future availability of those coastal resources for the benefit and enjoyment of the general public.

**Blue Angels License Plate**

The bill creates the Blue Angels license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Home of the Blue Angels” appears at the bottom of the plate.

The annual use fees are distributed to the Naval Aviation Museum Foundation to fund the maintenance, programs, marketing, and projects of the foundation, including the National Naval Aviation Museum and the National Flight Academy in Pensacola as follows:

- Up to 15 percent of the proceeds may be used for marketing the plate and costs directly associated with the administration of the foundation;
- Fifty percent of the funds must be distributed to eligible programs and projects associated with the National Flight Academy; and
- Remaining proceeds must be distributed to eligible programs and projects associated with the National Naval Aviation Museum.

\(^{124}\) See discussion in the Present Situation under the heading Florida Professional Sports Team License Plates.
**Palm Beach Zoo and Conservation Society License Plate**

The bill creates the Palm Beach Zoo and Conservation Society license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Palm Beach Zoo and Conservation Society” appears at the bottom of the plate.

The annual use fees are distributed to the Palm Beach Zoo and Conservation Society to fund educational programs for students in pre-K through grade 12, conservation projects to protect endangered or threatened species, and services for the health and welfare of animals in the zoo’s care. The Palm Beach Zoo and Conservation Society may retain all proceeds until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 10 percent may be used for promoting and marketing the plate and administrative costs directly associated with the programs of the society and the plate.

**Ethical Ecotourism License Plate**

The bill creates the Ethical Ecotourism license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and words approved by the DHSMV appear at the bottom of the plate.

The annual use fees are distributed equally between the Florida Society for Ethical Ecotourism and Paddle Florida, Inc., each of which may use up to 10 percent of the proceeds for administrative costs and the marketing the plate. The remaining proceeds must be used by the Florida Society for Ethical Ecotourism to provide environmental education and awareness that encourage behaviors that contribute to the sustainability of Florida’s natural ecosystems and resources, and by Paddle Florida, Inc., to raise awareness about water conservation, wildlife preservation, restoration of springs, and protection of waterways in this state.

**Knights of Columbus License Plate**

The bill creates the Knights of Columbus license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “In God We Trust” appears at the bottom of the plate.

The annual use fees are distributed to the Florida K of C Charities, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plate. The remaining proceeds must be used by the organization to fund its charitable activities, including, but not limited to, the Christian Refugee Relief Fund, disaster relief, Ultrasound Initiative, Food for Families, and Coats for Kids.

**Daughters of the American Revolution License Plate**

The bill creates the Daughters of the American Revolution license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Daughters of the American Revolution” appears at the bottom of the plate.

The annual use fees are distributed to the Daughters of the American Revolution. Up to 10 percent of the proceeds may be used for promoting and marketing the plate. The remaining proceeds must be used within by the organization to promote patriotism, preserve American
history, and secure America’s future through educational programs for local public and private K-12 students and scholarships and other educational funding for underprivileged children.

**Guardian Ad Litem License Plate**

The bill creates the Guardian Ad Litem license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Heartfelt Child Advocacy” appears at the bottom of the plate.

The annual use fees are distributed to the Florida Guardian Ad Litem Foundation, Inc. Up to 10 percent of the proceeds may be used for administrative costs and marketing the plate. The remaining proceeds must be used to support the mission and efforts of the statewide Guardian Ad Litem Program to recruit and retain volunteer child advocates, meet the unique needs of dependent children, and promote awareness of the mission.

**Jumbo Shrimp License Plate**

The bill creates the Jumbo Shrimp license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Jumbo Shrimp” appears at the bottom of the plate.

The annual use fees are distributed to the St. Johns Riverkeeper. Up to 10 percent of the proceeds may be used for promoting and marketing of the plate. The remaining proceeds must be used by St. Johns Riverkeeper for programs and activities related to fulfilling its mission to protect and restore the health of the St. Johns River.

**Omega Psi Phi Fraternity License Plate**

The bill creates the Omega Psi Phi license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Omega Psi Phi” appears at the bottom of the plate.

The annual use fees are distributed to the State of Florida Omega Friendship Foundation, Inc., to be used as follows:
- Five percent solely for marketing the plate.
- Ninety-five percent for college scholarships for Florida residents attending historically black colleges and universities in this state.

**Delta Sigma Theta Sorority License Plate**

The bill creates the Delta Sigma Theta license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Delta Sigma Theta” appears at the bottom of the plate.

The annual use fees are distributed to the Delta Research and Educational Foundation, Inc., to be used as follows:
- Five percent solely for marketing the plate.
- Ninety-five percent for college scholarships for Florida residents attending historically black colleges and universities in this state.
**Sigma Gamma Rho Sorority License Plate**

The bill creates the Sigma Gamma Rho license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Sigma Gamma Rho” appears at the bottom of the plate.

The annual use fees are distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73, F.S.

**Kappa Alpha Psi Fraternity License Plate**

The bill creates the Kappa Alpha Psi license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Kappa Alpha Psi” appears at the bottom of the plate.

The annual use fees are distributed to the Southern Province of Kappa Alpha Psi Foundation, Inc., to be used as follows:

- Five percent solely for marketing the plate.
- Ninety-five percent for college scholarships for Florida residents attending historically black colleges and universities in this state.

**Alpha Kappa Alpha Sorority License Plate**

The bill creates the Alpha Kappa Alpha license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Alpha Kappa Alpha” appears at the bottom of the plate.

The annual use fees are distributed to the Alpha Kappa Alpha Educational Advancement Foundation, Inc., to be used as follows:

- Five percent solely for marketing the plate.
- Ninety-five percent for college scholarships for Florida residents attending historically black colleges and universities in this state.

**Alpha Phi Alpha Fraternity License Plate**

The bill creates the Alpha Phi Alpha license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Alpha Phi Alpha” appears at the bottom of the plate.

The annual use fees are distributed to the JC Rawls-FFAC Foundation, Inc., to be used as follows:

- Five percent solely for marketing the plate.
- Ninety-five percent for college scholarships for Florida residents attending historically black colleges and universities in this state.
Zeta Phi Beta Sorority License Plate
The bill creates the Zeta Phi Beta license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Zeta Phi Beta” appears at the bottom of the plate.

The annual use fees are distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73, F.S.

Phi Beta Sigma Fraternity License Plate
The bill creates the Phi Beta Sigma license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Phi Beta Sigma” appears at the bottom of the plate.

The annual use fees are distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73, F.S.

Iota Phi Theta Fraternity License Plate
The bill creates the Iota Phi Theta license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Iota Phi Theta” appears at the bottom of the plate.

The annual use fees are distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73, F.S.

Gopher Tortoise License Plate
The bill creates the Gopher Tortoise license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Protect the Gopher Tortoise” appears at the bottom of the plate.

The annual use fees are distributed to the Wildlands Conservation, Inc., to fund gopher tortoise and commensal species research, education, and conservation, as well as upland habitat protection, restoration, and management in this state. Up to 15 percent of the proceeds may be used for marketing the plate and costs directly associated with the administration of the gopher tortoise protection program. The remaining proceeds must be used and distributed to eligible Florida-based scientific, conservation, and educational organizations for gopher tortoise and upland habitat research, conservation, and management.

Tread Lightly Off Road Florida License Plate
The bill creates the Tread Lightly Off Road Florida license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Tread Lightly” appears at the bottom of the plate.

The annual use fees are distributed to the Florida Off Road Foundation, Inc. Up to 10 percent of the proceeds may be used for marketing the plate, costs directly associated with creation of the plate, and administrative costs related to distribution of proceeds, including annual audit services.
and compliance affidavit costs. The remaining proceeds must be used by the foundation to fund qualified nonprofit organizations that protect and preserve Florida’s natural off-road habitat; educate Floridians about responsible use of the off-road environment; support civilian volunteer programs to promote the use of off-road vehicles to assist law enforcement in situations such as search and rescue; support organized cleanups, trail maintenance, and restoration; or preserve Florida’s off-road culture.

**Orlando United License Plate**

The bill creates the Orlando United license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Orlando United” appears at the bottom of the plate.

The annual use fees are distributed as follows:

- Mental Health Association of Central Florida, Inc.
  - Thirty-one percent be used to provide free counseling to anyone affected by the shooting at the Pulse nightclub; of this amount up to five percent for administrative costs.
  - Five percent for marketing the plate.
- OnePULSE Foundation
  - Thirty-one percent to construct and maintain the OnePulse Foundation Memorial; of this amount up to five percent for administrative costs.
  - Two percent for marketing the plate.
- Two Spirit Health Services, Inc.
  - Thirty-one percent to offer free personalized counseling to anyone affected by the shooting at the Pulse nightclub; of this amount up to five percent for administrative costs.

**Florida Native License Plate**

The bill creates the Florida Native license plate. The plate must contain a camouflage background including leaves, flowers, or fronds of a minimum of 12 different plants native to Florida. The word “Florida” appears at the top of the plate and “Native” appears at the bottom of the plate.

The annual use fees are distributed to the Florida Native Plant Society, Inc., which may use a maximum of 10 percent for administrative costs and to market and promote the plate. The remaining proceeds must be used by the society to fulfill its mission. A minimum of 25 percent must be dedicated to maintaining, improving, or restoring public native species and hunting and fishing habitats. Twenty-five percent must be dedicated to promote cultivation of Florida agriculture products through preservation of noncrop plants to provide habitats for pollinators and natural enemies to pests and to provide pollen, nectar, and undisturbed habitats for bee nesting.

**American Foundation for Suicide Prevention License Plate**

The bill creates the American Foundation for Suicide Prevention license plate. The plate must include the logo of the American Foundation for Suicide Prevention in the center and appear in blue and white. The license plate number will have three characters to the left of the logo and three characters to the right of the logo. The background of the license plate must be blue with
thick broken portions of concentric circles in pastel red, yellow, green, and blue colors spreading out across the plate. The word “Florida” appears at the top of the plate and “American Foundation for Suicide Prevention” appears at the bottom of the plate. All words and numbers must be in white.

The annual use fees are distributed to the Central Florida Chapter of the American Foundation for the Prevention of Suicide along with the number of plates sold in each county. The Central Florida Chapter must distribute the funds to all of the Florida chapters based on the sales in each jurisdiction. Each chapter may use 10 percent of proceeds distributed to it for administrative costs and marketing the plate and use the remaining distribution for programs to prevent suicide and assist survivors with guidance and support.

**Thank a Lineman License Plate**

The bill creates the Thank a Lineman license plate. The license plate must bear the DHSMV-approved colors and design. The word “Florida” appears at the top of the plate and “Thank a Lineman” appears at the bottom of the plate.

The annual use fees are distributed to the Lake-Sumter College Foundation, Inc., to fund scholarships for students of the Electrical Distribution Technology Program at Lake-Sumter State College. The foundation may use up to 10 percent of the proceeds for marketing and administrative costs.

**Audits and Attestations (section 8)**

The bill amends s. 320.08062(1)(b), F.S., requiring the DHSMV to audit any SLP revenue recipient every 3 years if the organization is not subject to the Florida Single Audit Act. The purpose of this audit is to ensure that SLP proceeds have been used in compliance with ss. 320.08056 and 320.08058, F.S.

The bill also amends s. 320.08062, F.S., to require an organization that receives annual use fees proceeds to annually attest that the organization meets all requirements of ss. 320.08056 and 320.08058, F.S. The bill authorizes the DHSMV to discontinue distributions to an organization if the DHSMV determines that the requirements of the law are not met.

**Effective Date**

The bill takes effect October 1, 2019, but only if SB 1106 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.
B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

SB 1106 establishes a $25 annual use fee that will be charged for any specialty license plate that the DHSMV is required to develop and a $50 annual use fee for the University of Alabama and the University of Georgia specialty license plates.

Individuals who choose to purchase a specialty license plate created in the bill will pay an additional use fee of $25 in addition to required vehicle license taxes and fees.

Individuals who choose to purchase a University of Alabama or University of Georgia specialty license plate will pay an additional use fee of $50 in addition to required vehicle license taxes and fees.

B. Private Sector Impact:

Organizations receiving SLP revenue may receive additional revenues associated with the sale of SLPs.

Current law prohibits the redesign of a SLP unless the inventory of the license plate has been depleted. However, the organization may purchase the remaining inventory of the SLP from DHSMV at DHSMV’s cost. Special Olympics Florida and the Florida Lighthouse Association may be required to purchase the remaining inventory of its SLPs at DHSMV’s cost prior to the authorized redesign of these SLPs.

C. Government Sector Impact:

Revenues from the sale of the Orlando City Soccer Club SLP will be deposited into the Professional Sports Development Trust Fund within the DEO. To the extent that

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125 Section 320.08056(9), F.S.
individuals choose to purchase this SLP, there may be a positive, but indeterminate impact to the Professional Sports Development Trust Fund.

Revenues from the sale of the Purple Heart Motorcycle plate and Bronze Star plate will be deposited into the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund within the Department of Veterans Affairs; to the extent that eligible individuals choose to purchase these license plates, there may be an indeterminate, positive fiscal impact on these trust funds.

Depending on the number of distributions tied to the plates, the amount of programming may vary as will the resources needed to complete the changes. The average specialty/special license plate requires approximately 200-250 hours of programming, at a rate of $35 to $40 per hour. This results in programming costs of between $7,000 and $10,000 per plate.\textsuperscript{126} Therefore, the potential programming costs for 34 SLPs and 2 special use plates, may range from $252,000 to $360,000. The DHSMV is authorized to retain revenues from the first proceeds of SLP sales to defray departmental expenditures related to the SLP program.\textsuperscript{127} Additionally, the DHSMV states the cost to perform an audit every 3 years of each SLP may result in an insignificant workload impact that can be absorbed within existing resources.

\section{VI. Technical Deficiencies:}

None.

\section{VII. Related Issues:}

Section 320.08056, F.S., (currently and as amended by the bill) requires the fees and any interest earned from the fees to be expended only for use in this state. There is no exception created in the bill to pay for tuition or other expenses for attendance at an out-of-state university. The bill creates a plate for the University of Georgia and the University of Alabama and requires the proceeds of the plates to be used to fund scholarships for students attending either school to pay for tuition or other expenses related to attending the out-of-state school. The recipient organizations of the SLP proceeds must expend the funds as awards of scholarships to Florida students. The students will then expend the scholarship funds out of state at the university. The ultimate use of the funds will be out of state, but the initial expenditure of funds by the recipient organizations will likely be in state. It is uncertain how a court would interpret this provision.

\section{VIII. Statutes Affected:}

This bill substantially amends the following sections of the Florida Statutes: 320.06, 320.0657, 320.08, 320.08053, 320.08056, 320.08058, 320.08062, 320.08068, 320.0875, and 320.089.

\textsuperscript{126} Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: SLP Price for Tim, (February 5, 2019) (on file with the Senate Infrastructure and Security Committee).

\textsuperscript{127} Section 320.08056(7), F.S.
IX. Additional Information:

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

**Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 16, 2019:**
The committee substitute:
- Adds 3 additional SLPs (Florida Native, American Foundation for Suicide Prevention, and Thank a Lineman).
- Requires organizations to annually attest that they meet all requirements of the law and authorizes the DHSMV to discontinue distributions to any organization that has not complied with ss. 320.08056 and 320.08058, F.S.
- Increases the cap on the total number of SLPs in Florida created by the bill from 125 to 200 total SLPs.
- Clarifies that the endowment required by s. 320.08056(12), F.S., created by the bill, must be for scholarships for Florida residents, as defined in s. 320.01(34), F.S.
- Requires the proceeds for the out-of-state university plates to be deposited into the endowment required by s. 320.08056(12), F.S., created by the bill.
- Requires the proceeds of the Alpha Phi Alpha SLP to be distributed to the JC Rawls-FFAC Foundation, Inc., to be used for marketing and for college scholarships in this state (instead of to the Department of Education to be used for the foundation).
- Corrects technical issues and scrivener’s errors.

**CS by Infrastructure and Security on April 2, 2019:**
The committee substitute:
- Incorporates the linked bill number of SB 1106.
- Provides that the 125 plate threshold does not apply to collegiate license plates established under s. 320.08058(3).
- Adds 18 additional SLPs.
- Removes language creating electronic credentials.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Bean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (3) of section 320.06, Florida Statutes, is amended to read:

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

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

Section 2. Paragraph (b) of subsection (2) of section 320.0657, Florida Statutes, is amended to read:

320.0657 Permanent registration; fleet license plates.—
(2)
(b) The plates, which shall be of a distinctive color, shall have the word “Fleet” appearing at the bottom and the word “Florida” appearing at the top unless the license plate is a specialty license plate as authorized in s. 320.08056. The plates shall conform in all respects to the provisions of this chapter, except as specified herein. For additional fees as set forth in s. 320.08056, fleet companies may purchase specialty license plates in lieu of the standard fleet license plates. Fleet companies shall be responsible for all costs associated with the specialty license plate, including all annual use fees, processing fees, fees associated with switching license plate types, and any other applicable fees.

Section 3. Subsection (12) of section 320.08, Florida Statutes, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(4), tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the
registration or renewal of registration of the following:

(12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate: $17 flat, of which $4.50 shall be deposited into the General Revenue Fund. For additional fees as set forth in s. 320.08056, dealers may purchase specialty license plates in lieu of the standard dealer license plates. Dealers shall be responsible for all costs associated with the specialty license plate, including all annual use fees, processing fees, fees associated with switching license plate types, and any other applicable fees.

Section 4. Section 320.08053, Florida Statutes, is amended to read:

320.08053 Establishment of Requirements for requests to establish specialty license plates.—

(1) If a specialty license plate requested by an organization is approved by law, the organization must submit the proposed art design for the specialty license plate to the department, in a medium prescribed by the department, as soon as practicable, but no later than 60 days after the act approving the specialty license plate becomes a law.

(2)(a) Within 120 days after following the specialty license plate becomes law, the department shall establish a method to issue a specialty license plate voucher to allow for the presale of the specialty license plate. The processing fee as prescribed in s. 320.08056, the service charge and branch fee as prescribed in s. 320.04, and the annual use fee as prescribed in s. 320.08056 shall be charged for the
voucher. All other applicable fees shall be charged at the time of issuance of the license plates.

(b) Within 24 months after the presale specialty license plate voucher is established, the approved specialty license plate organization must record with the department a minimum of 3,000 voucher sales, or, in the case of an out-of-state college or university license plate, 4,000 voucher sales, before manufacture of the license plate may commence. If, at the conclusion of the 24-month presale period, the minimum sales requirements have not been met, the specialty plate is deauthorized and the department shall discontinue development of the plate and discontinue issuance of the presale vouchers. Upon deauthorization of the license plate, a purchaser of the license plate voucher may use the annual use fee collected as a credit towards any other specialty license plate or apply for a refund on a form prescribed by the department.

(3)(a) New specialty license plates that have been approved by law but are awaiting issuance under paragraph (b) must be issued in the order they appear in s. 320.08058 provided that they have met the presale requirement. All other provisions of this section must also be met before a plate is issued. If the next awaiting specialty license plate has not met the presale requirement, the department shall proceed in the order provided in s. 320.08058 to identify the next qualified specialty license plate that has met the presale requirement. The department shall cycle through the list in statutory order.

(b) If the Legislature has approved 125 or more specialty license plates, the department may not make any new specialty license plates available for design or issuance until a
sufficient number of plates are discontinued pursuant to s. 320.08056(8) such that the number of plates being issued does not exceed 125. This paragraph does not apply to collegiate license plates established under s. 320.08058(3).

Section 5. Present subsection (12) of section 320.08056, Florida Statutes, is redesignated as subsection (13), paragraphs (c) through (f) are added to subsection (8) of that section, a new subsection (12) is added to that section, and subsections (2) and (4), paragraph (a) of subsection (10), and subsection (11) of that section are amended, to read:

320.08056 Specialty license plates.—
(2)(a) The department shall issue a specialty license plate to the owner or lessee of any motor vehicle, except a vehicle registered under the International Registration Plan, a commercial truck required to display two license plates pursuant to s. 320.0706, or a truck tractor, upon request and payment of the appropriate license tax and fees.

(b) The department may authorize dealer and fleet specialty license plates. With the permission of the sponsoring specialty license plate organization, a dealer or fleet company may purchase specialty license plates to be used on dealer and fleet vehicles.

(c) Notwithstanding s. 320.08058, a dealer or fleet specialty license plate must include the letters “DLR” or “FLT” on the right side of the license plate. Dealer and fleet specialty license plates must be ordered directly through the department.

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:
(a) Manatee license plate, $25.
(b) Challenger/Columbia license plate, $25, except that a person who purchases 1,000 or more of such license plates shall pay an annual use fee of $15 per plate.
(c) Collegiate license plate, $25.
(d) Florida Salutes Veterans license plate, $15.
(e) Florida panther license plate, $25.
(f) Florida United States Olympic Committee license plate, $15.
(g) Florida Special Olympics license plate, $15.
(h) Florida educational license plate, $20.
(i) Florida Professional Sports Team license plate, $25.
(j) Florida Indian River Lagoon license plate, $15.
(k) Invest in Children license plate, $20.
(l) Florida arts license plate, $20.
(m) Bethune-Cookman University license plate, $25.
(n) Florida Agricultural license plate, $20.
(o) Police Athletic League license plate, $20.
(p) Boy Scouts of America license plate, $20.
(q) Largemouth Bass license plate, $25.
(r) Sea Turtle license plate, $23.
(s) Protect Wild Dolphins license plate, $20.
(t) Barry University license plate, $25.
(u) Everglades River of Grass license plate, $20.
(v) Keep Kids Drug-Free license plate, $25.
(w) Florida Sheriffs Youth Ranches license plate, $25.
(x) Conserve Wildlife license plate, $25.
(y) Florida Memorial University license plate, $25.
(z) Tampa Bay Estuary license plate, $15.
Florida Wildflower license plate, $15.
United States Marine Corps license plate, $15.
Choose Life license plate, $20.
Share the Road license plate, $15.
American Red Cross license plate, $25.
United We Stand license plate, $25.
Breast Cancer Research license plate, $25.
Protect Florida Whales license plate, $25.
Florida Golf license plate, $25.
Florida Firefighters license plate, $20.
Police Benevolent Association license plate, $20.
Military Services license plate, $15.
Protect Our Reefs license plate, $25.
Fish Florida license plate, $22.
Child Abuse Prevention and Intervention license plate, $25.
Hospice license plate, $25.
Stop Heart Disease license plate, $25.
Save Our Seas license plate, $25, except that for an owner purchasing the specialty license plate for more than 10 vehicles registered to that owner, the annual use fee shall be $10 per plate.
Aquaculture license plate, $25, except that for an owner purchasing the specialty license plate for more than 10 vehicles registered to that owner, the annual use fee shall be $10 per plate.
Family First license plate, $25.
Wildlife Foundation of Florida license plate, $25.
Live the Dream license plate, $25.
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Florida Food Banks license plate, $25.
Discover Florida’s Oceans license plate, $25.
Family Values license plate, $25.
Parents Make A Difference license plate, $25.
Support Soccer license plate, $25.
Kids Deserve Justice license plate, $25.
Animal Friend license plate, $25.
Future Farmers of America license plate, $25.
Donate Organs-Pass It On license plate, $25.
A State of Vision license plate, $25.
Homeownership For All license plate, $25.
Florida NASCAR license plate, $25.
Protect Florida Springs license plate, $25.
Trees Are Cool license plate, $25.
Support Our Troops license plate, $25.
Florida Tennis license plate, $25.
Lighthouse Association license plate, $25.
In God We Trust license plate, $25.
Horse Country license plate, $25.
Autism license plate, $25.
St. Johns River license plate, $25.
Hispanic Achievers license plate, $25.
Endless Summer license plate, $25.
Fraternal Order of Police license plate, $25.
Protect Our Oceans license plate, $25.
Florida Horse Park license plate, $25.
Florida Biodiversity Foundation license plate, $25.
Freemasonry license plate, $25.
American Legion license plate, $25.
(zzz) Lauren’s Kids license plate, $25.
(aaaa) Big Brothers Big Sisters license plate, $25.
(bbbb) Fallen Law Enforcement Officers license plate, $25.
(eeee) Florida Sheriffs Association license plate, $25.
(dddd) Keiser University license plate, $25.
(eeeeo) Moffitt Cancer Center license plate, $25.
(8)
(c) A vehicle owner or lessee issued a specialty license plate that has been discontinued by the department may keep the discontinued specialty license plate for the remainder of the 10-year license plate replacement period and shall pay all other applicable registration fees. However, such owner or lessee is exempt from paying the applicable specialty license plate fee under paragraph (3)(d) or subsection (4) for the remainder of the 10-year license plate replacement period.
(d) If the department discontinues issuance of a specialty license plate, all annual use fees held or collected by the department must be distributed within 180 days after the date on which the specialty license plate is discontinued. Of those fees, the department shall retain an amount sufficient to defray the applicable administrative and inventory closeout costs associated with discontinuance of the plate. The remaining funds must be distributed to the appropriate organization or organizations pursuant to s. 320.08058.
(e) If an organization that is the intended recipient of the funds pursuant to s. 320.08058 no longer exists, the department shall deposit any undisbursed funds into the Highway Safety Operating Trust Fund.
(f) Notwithstanding paragraph (a), on January 1 of each
year, the department shall discontinue the specialty license plate with the fewest number of plates in circulation, including license plates exempt from a statutory sales requirement. A warning letter must be mailed to the sponsoring organizations of the 10 percent of the total number of specialty license plates with the fewest valid, active registrations as of December 1 of each year.

(10)(a) A specialty license plate annual use fee collected and distributed under this chapter, or any interest earned from those fees, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by s. 320.08058 or to pay the cost of the audit or report required by s. 320.08062(1). The fees and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of United States Armed Forces and veterans-related specialty license plates pursuant to paragraph (3)(d) for the Support Our Troops and American Legion license plates; paragraphs (4)(b), (g), and (v) for the Florida Salutes Veterans, United States Marine Corps, and Military Services license plates, respectively; paragraphs (4)(d), (bb), (ll), (kkk), and (yyy) and s. 320.0891 for the U.S. Paratroopers license plate.

(11) The annual use fee from the sale of specialty license plates, the interest earned from those fees, or any fees received by any entity or agency as a result of the sale of specialty license plates may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, an employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or an elected...
member or employee of the Legislature.

(12) For out-of-state college or university license plates created pursuant to this section, the recipient organization shall meet both of the following requirements:

(a) Have an established endowment, based in this state, for the purpose of providing scholarships to Florida residents, as defined in s. 320.01(34).

(b) Provide documentation to the department that the organization and the department have the college’s or university’s consent to use an appropriate image on a license plate.

Section 6. Effective July 1, 2022, paragraph (a) of subsection (8) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(8)(a) The department must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 3,000, or, in the case of an out-of-state college or university license plate, below 4,000, 1,000 plates for at least 12 consecutive months. A warning letter shall be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or, in the case of an out-of-state college or university license plate, below 4,000 1,000 plates. This paragraph does not apply to in-state collegiate license plates established under s. 320.08058(3), license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates...
for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida Professional Sports Team license plates established under s. 320.08058(9).

Section 7. Subsection (7), present subsections (31), (48), (57), and (65), paragraph (b) of present subsection (66), present subsections (69) and (70), and paragraph (b) of present subsection (80) of section 320.08058, Florida Statutes, are amended, present subsections (32) through (56) of that section are redesignated as subsections (31) through (55), respectively, present subsections (58) through (68) of that section are redesignated as subsections (56) through (66), respectively, present subsections (71) through (83) of that section are redesignated as subsections (67) through (79), respectively, and new subsections (80) through (83) and subsections (84) through (116) are added to that section, to read:

320.08058 Specialty license plates.—

(7) SPECIAL OLYMPICS FLORIDA LICENSE PLATES.—

(a) Special Olympics Florida license plates must contain the official Special Olympics Florida logo and must bear the colors and a design and colors that are approved by the department. The word “Florida” must be centered at the top bottom of the plate, and the words “Be a Fan” “Everyone Wins” must be centered at the bottom top of the plate.

(b) The license plate annual use fees must be annually distributed as follows:

1. The first $5 million collected annually must be forwarded to the private nonprofit corporation as described in s. 393.002 and must be used solely for Special Olympics purposes.
as approved by the private nonprofit corporation.

2. Any additional fees must be deposited into the General Revenue Fund.

(31) AMERICAN RED CROSS LICENSE PLATES.

(a) Notwithstanding the provisions of s. 320.08053, the department shall develop an American Red Cross license plate as provided in this section. The word “Florida” must appear at the top of the plate, and the words “American Red Cross” must appear at the bottom of the plate.

(b) The department shall retain all revenues from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, 50 percent of the annual use fees shall be distributed to the American Red Cross Chapter of Central Florida, with statistics on sales of license plates, which are tabulated by county. The American Red Cross Chapter of Central Florida must distribute to each of the chapters in this state the moneys received from sales in the counties covered by the respective chapters, which moneys must be used for education and disaster relief in Florida. Fifty percent of the annual use fees shall be distributed proportionately to the three statewide approved poison control centers for purposes of combating bioterrorism and other poison-related purposes.

(47)(48) LIVE THE DREAM LICENSE PLATES.—

(a) The department shall develop a Live the Dream license plate as provided in this section. Live the Dream license plates must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Live the Dream” must appear at the bottom of the plate.
(b) The proceeds of the annual use fee shall be distributed to the Dream Foundation, Inc., to The Dream Foundation, Inc., shall retain the first $60,000 in proceeds from the annual use fees as reimbursement for administrative costs, startup costs, and costs incurred in the approval process. Thereafter, up to 25 percent shall be used for continuing promotion and marketing of the license plate and concept. The remaining funds shall be used in the following manner:

1. Up to 5 percent may be used to administer, promote, and market the license plate.

2.1. At least 60 Twenty-five percent shall be distributed equally among the sickle cell organizations that are Florida members of the Sickle Cell Disease Association of America, Inc., for programs that provide research, care, and treatment for sickle cell disease.

2. Twenty-five percent shall be distributed to the Florida chapter of the March of Dimes for programs and services that improve the health of babies through the prevention of birth defects and infant mortality.

3. Ten percent shall be distributed to the Florida Association of Healthy Start Coalitions to decrease racial disparity in infant mortality and to increase healthy birth outcomes. Funding will be used by local Healthy Start Coalitions to provide services and increase screening rates for high-risk pregnant women, children under 4 years of age, and women of childbearing age.

3.4. At least 30 Ten percent shall be distributed to Chapman the Community Partnership for Homeless, Inc., for programs that provide relief from poverty, hunger, and
4. Up to 5 percent may be distributed by the department on behalf of the Dream Foundation, Inc., to the Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., as a royalty for the use of the image of Dr. Martin Luther King, Jr.

5. Five percent of the proceeds shall be used by the foundation for administrative costs directly associated with operations as they relate to the management and distribution of the proceeds.

(57) DONATE ORGANS-PASS IT ON LICENSE PLATES.—
(a) The department shall develop a Donate Organs-Pass It On license plate as provided in this section. The word “Florida” must appear at the top of the plate, and the words “Donate Organs-Pass It On” must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to Transplant Foundation, Inc., and shall use up to 10 percent of the proceeds from the annual use fee for marketing and administrative costs that are directly associated with the management and distribution of the proceeds. The remaining proceeds shall be used to provide statewide grants for patient services, including preoperative, rehabilitative, and housing assistance; organ donor education and awareness programs; and statewide medical research.

(63) LIGHTHOUSE ASSOCIATION LICENSE PLATES.—
(a) The department shall develop a Lighthouse Association license plate as provided in this section. The word “Florida” must appear at the top of the plate, and the words “SaveOurLighthouses.org Visit Our Lights” must appear at the bottom of the plate.
(b) The annual use fees must shall be distributed to the Florida Lighthouse Association, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plates. The remaining proceeds must shall be used by the association to fund the preservation, restoration, and protection of the 29 historic lighthouses remaining in the state.

(64)(66) IN GOD WE TRUST LICENSE PLATES.—
(b) The license plate annual use fees shall be distributed to the In God We Trust Foundation, Inc., which may use a maximum of 10 percent of the fees to offset administrative costs, marketing, and promotion of the plate, and the balance of the fees to address the needs of the military community and the needs of the public safety community, to provide educational grants and scholarships to foster self-reliance and stability in Florida’s children, and to provide education in public and private schools regarding the historical significance of religion in American and Florida history to fund educational scholarships for the children of Florida residents who are members of the United States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds shall also be distributed to other s. 501(c)(3) organizations that may apply for grants and scholarships and to provide educational grants to public and private schools to promote the historical and religious significance of American and Florida history. The In God We Trust Foundation, Inc., shall distribute the license plate annual use fees in the following manner:

1. The In God We Trust Foundation, Inc., shall retain all
revenues from the sale of such plates until all startup costs
for developing and establishing the plate have been recovered.

2. Ten percent of the funds received by the In God We Trust
Foundation, Inc., shall be expended for administrative costs,
promotion, and marketing of the license plate directly
associated with the operations of the In God We Trust
Foundation, Inc.

3. All remaining funds shall be expended by the In God We
Trust Foundation, Inc., for programs.

(69) ST. JOHNS RIVER LICENSE PLATES.—

(a) The department shall develop a St. Johns River license
plate as provided in this section. The St. Johns River license
plates must bear the colors and design approved by the
department. The word “Florida” must appear at the top of the
plate, and the words “St. Johns River” must appear at the bottom
of the plate.

(b) The requirements of s. 320.08053 must be met prior to
the issuance of the plate. Thereafter, the license plate annual
use fees shall be distributed to the St. Johns River Alliance,
Inc., a s. 501(c)(3) nonprofit organization, which shall
administer the fees as follows:

1. The St. Johns River Alliance, Inc., shall retain the
first $60,000 of the annual use fees as direct reimbursement for
administrative costs, startup costs, and costs incurred in the
development and approval process. Thereafter, up to 10 percent
of the annual use fee revenue may be used for administrative
costs directly associated with education programs, conservation,
research, and grant administration of the organization, and up
to 10 percent may be used for promotion and marketing of the
specialty license plate.

2. At least 30 percent of the fees shall be available for competitive grants for targeted community-based or county-based research or projects for which state funding is limited or not currently available. The remaining 50 percent shall be directed toward community outreach and access programs. The competitive grants shall be administered and approved by the board of directors of the St. Johns River Alliance, Inc. A grant advisory committee shall be composed of six members chosen by the St. Johns River Alliance board members.

3. Any remaining funds shall be distributed with the approval of and accountability to the board of directors of the St. Johns River Alliance, Inc., and shall be used to support activities contributing to education, outreach, and springs conservation.

(70) HISPANIC ACHIEVERS LICENSE PLATES.

(a) Notwithstanding the requirements of s. 320.08053, the department shall develop a Hispanic Achievers license plate as provided in this section. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Hispanic Achievers” must appear at the bottom of the plate.

(b) The proceeds from the license plate annual use fee shall be distributed to National Hispanic Corporate Achievers, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to fund grants to nonprofit organizations to operate programs and provide scholarships and for marketing the Hispanic Achievers license plate. National Hispanic Corporate Achievers, Inc., shall establish a Hispanic Achievers Grant...
Council that shall provide recommendations for statewide grants from available Hispanic Achievers license plate proceeds to nonprofit organizations for programs and scholarships for Hispanic and minority Floridians. National Hispanic Corporate Achievers, Inc., shall also establish a Hispanic Achievers License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received under this subsection must be used in this state.

(e) National Hispanic Corporate Achievers, Inc., may retain all proceeds from the annual use fee until documented startup costs for developing and establishing the plate have been recovered. Thereafter, the proceeds from the annual use fee shall be used as follows:

1. Up to 5 percent of the proceeds may be used for the cost of administration of the Hispanic Achievers License Plate Fund, the Hispanic Achievers Grant Council, and related matters.

2. Funds may be used as necessary for annual audit or compliance affidavit costs.

3. Up to 20 percent of the proceeds may be used to market and promote the Hispanic Achievers license plate.

4. Twenty-five percent of the proceeds shall be used by the Hispanic Corporate Achievers, Inc., located in Seminole County, for grants.

5. The remaining proceeds shall be available to the Hispanic Achievers Grant Council to award grants for services, programs, or scholarships for Hispanic and minority individuals and organizations throughout Florida. All grant recipients must provide to the Hispanic Achievers Grant Council an annual program and financial report regarding the use of grant funds.
Such reports must be available to the public.

(d) Effective July 1, 2014, the Hispanic Achievers license plate will shift into the presale voucher phase, as provided in s. 320.08053(2)(b). National Hispanic Corporate Achievers, Inc., shall have 24 months to record a minimum of 1,000 sales. Sales include existing active plates and vouchers sold subsequent to July 1, 2014. During the voucher period, new plates may not be issued, but existing plates may be renewed. If, at the conclusion of the 24-month presale period, the requirement of a minimum of 1,000 sales has been met, the department shall resume normal distribution of the Hispanic Achievers license plate. If, after 24 months, the minimum of 1,000 sales has not been met, the department shall discontinue the Hispanic Achievers license plate. This subsection is repealed June 30, 2016.

FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.—

(b) The annual use fees must be distributed to the Police and Kids Foundation, Inc., which may use up to a maximum of 10 percent of the proceeds for marketing to promote and market the plate. All remaining proceeds must be distributed to and used by the Police and Kids Foundation, Inc., for its operations, activities, programs, and projects. The remainder of the proceeds shall be used by the Police and Kids Foundation, Inc., to invest and reinvest, and the interest earnings shall be used for the operation of the Police and Kids Foundation, Inc.

DUCKS UNLIMITED LICENSE PLATES.—

(a) The department shall develop a Ducks Unlimited license plate as provided in this section and s. 320.08053. Ducks Unlimited license plates must bear the colors and design approved by the department. The word “Florida” must appear at
the top of the plate, and the words “Conserving Florida Wetlands” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to Ducks Unlimited, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:

1. Up to 5 percent may be used for administrative costs and the marketing of the plate.

2. At least 95 percent must be used in this state to support the mission and efforts of Ducks Unlimited, Inc., to conserve, restore, and manage Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people.

(81) DAN MARINO CAMPUS LICENSE PLATES.—

(a) The department shall develop a Dan Marino Campus license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Marino Campus” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to the Dan Marino Foundation, a Florida nonprofit corporation, which may use up to 10 percent of such fees for administrative costs and the marketing of the plate. The balance of the fees must be used by the Dan Marino Foundation to assist Floridians with developmental disabilities in becoming employed, independent, and productive and to promote and fund education scholarships and awareness of these services.

(82) DONATE LIFE FLORIDA LICENSE PLATES.—
(a) The department shall develop a Donate Life Florida license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Donors Save Lives” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to Donate Life Florida, which may use up to 10 percent of the proceeds for marketing and administrative costs. The remaining proceeds must be used by Donate Life Florida to educate Florida residents on the importance of organ, tissue, and eye donation and for the continued maintenance of the Joshua Abbott Organ and Tissue Donor Registry.

(83) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.—

(a) The department shall develop a Florida State Beekeepers Association license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Save the Bees” must appear at the bottom of the plate.

(b) The annual use fees must be distributed to the Florida State Beekeepers Association, a Florida nonprofit corporation. The Florida State Beekeepers Association may use up to 18 percent of the annual use fees for:

1. Direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process of the license plate. All vendors associated with the administrative costs must be selected by competitive bid.

2. Promotion and marketing costs of the license plate.
(c) The remaining funds must be distributed to the Florida State Beekeepers Association and used to raise awareness of the importance of beekeeping to Florida agriculture by funding honeybee research, education, outreach, and husbandry. The Florida State Beekeepers Association board of managers shall approve, and is accountable for, all such expenditures.

(84) AMERICA THE BEAUTIFUL LICENSE PLATES.—
(a) The department shall develop an America the Beautiful license plate as provided in this section and s. 320.08053. The word “Florida” must appear at the top of the plate, and the words “America the Beautiful” must appear at the bottom of the plate.

(b) The annual use fees from the plate must be distributed to the America the Beautiful Fund as follows: 15 percent to offset administrative costs, marketing, and promotion of the plate and the remaining 85 percent for projects and programs teaching character, leadership, and service to Florida youth; the provision of supportive services and assistance to members of the military community; outdoor education advancing the ideal of self-sufficiency; wildlife conservation, including imperiled and managed species; the maintenance of historic or culturally important sites, buildings, structures, or objects; and the development and modification of playgrounds, recreational areas, or other outdoor amenities, including disability access.

(85) BEAT CHILDHOOD CANCER LICENSE PLATES.—
(a) The department shall develop a Beat Childhood Cancer license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the
plate, and the words “Beat Childhood Cancer” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed as follows:

1. Eighty percent shall be distributed to Beat Nb, Inc., which may use up to 10 percent of the proceeds for administrative costs directly associated with the operation of the corporation and for marketing and promoting the plate. The remaining proceeds shall be used by the corporation to fund pediatric cancer treatment and research.

2. Twenty percent shall be distributed to No Kid Should Know Cancer, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, which may use up to 5 percent of the proceeds for administrative costs and for the marketing of the plate. The balance of the fees shall be used by No Kid Should Know Cancer, Inc., to:

   a. Support families who have a child recently diagnosed with cancer;

   b. Hold events that raise awareness about childhood cancer;

   and

   c. Support clinical trials that work to provide better treatment plans for children diagnosed with cancer and, ultimately, a better prognosis.

(86) UNIVERSITY OF ALABAMA LICENSE PLATES.—

(a) The department shall develop a University of Alabama license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Roll Tide” must appear at the bottom of
the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Pensacola Bama Club, which must use the proceeds for the purpose of awarding scholarships to Florida residents attending the University of Alabama. The proceeds must be deposited in the endowment required in s. 320.08056(12). Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship Program pursuant to s. 1009.531 and shall use the scholarship funds for tuition and other expenses related to attending the University of Alabama.

(87) ROTARY LICENSE PLATES.—

(a) The department shall develop a Rotary license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the word “Rotary” must appear on the bottom of the plate. The license plate must bear the Rotary International wheel emblem.

(b) The annual use fees shall be distributed to the Community Foundation of Tampa Bay, Inc., to be used as follows:

1. Up to 10 percent may be used for administrative costs and for marketing of the plate.

2. Ten percent shall be distributed to Rotary’s Camp Florida for direct support to all programs and services provided to children with special needs who attend the camp.

3. The remainder shall be distributed, proportionally based on sales, to each Rotary district in the state in support of Rotary youth programs in Florida.

(88) FLORIDA BAY FOREVER LICENSE PLATES.—

(a) The department shall develop a Florida Bay Forever
license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Florida Bay Forever” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Florida National Park Association, Inc., which may use up to 10 percent of the proceeds for administrative costs and marketing of the plate. The remainder of the funds shall be used to supplement the Everglades National Park’s budgets and to support educational, interpretive, historical, and scientific research relating to the Everglades National Park.

(89) BONEFISH AND TARPON TRUST LICENSE PLATES.—

(a) The department shall develop a Bonefish and Tarpon Trust license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Bonefish and Tarpon Trust” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Bonefish and Tarpon Trust, which may use up to 10 percent of the proceeds to promote and market the license plate. The remainder of the proceeds shall be used to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments through stewardship, research, education, and advocacy.

(90) MEDICAL PROFESSIONALS WHO CARE LICENSE PLATES.—

(a) The department shall develop a Medical Professionals
Who Care license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Medical Professionals Who Care” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Florida Benevolent Group, Inc., a Florida nonprofit corporation, which may use up to 10 percent of such fees for administrative costs, marketing, and promotion of the plate. The remainder of the revenues shall be used by Florida Benevolent Group, Inc., to assist low-income individuals in obtaining a medical education and career through scholarships, support, and guidance.

(91) UNIVERSITY OF GEORGIA LICENSE PLATES.—

(a) The department shall develop a University of Georgia license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “The University of Georgia” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Georgia Bulldog Club of Jacksonville, which must use the proceeds for the purpose of awarding scholarships to Florida residents attending the University of Georgia. The proceeds must be deposited in the endowment required in s. 320.08056(12). Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship Program pursuant to s. 1009.531 and shall use the scholarship funds for tuition and other expenses related to attending the University.
of Georgia.

(92) HIGHWAYMEN LICENSE PLATES.—

(a) The department shall develop a Highwaymen license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the word “Highwaymen” must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the City of Fort Pierce, subject to a city resolution designating the city as the fiscal agent of the license plate. The city may use up to 10 percent of the fees for administrative costs and marketing of the plate and shall use the remainder of the fees as follows:

1. Before completion of construction of the Highwaymen Museum and African-American Cultural Center, the city shall distribute at least 15 percent to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County. The remainder of the fees shall be used by the city to fund the construction of the Highwaymen Museum and African-American Cultural Center.

2. Upon completion of construction of the Highwaymen Museum and African-American Cultural Center, the city shall distribute at least 10 percent to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County. The remainder of the fees shall be used by the city to fund the day-to-day operations of the Highwaymen Museum and African-American Cultural Center.

(93) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—

(a) The department shall develop an Orlando City Soccer Club license plate as provided in paragraph (9)(a).
(b) The annual use fees from the sale of the plate shall be distributed and used as provided in paragraph (9)(b).

(94) COASTAL CONSERVATION ASSOCIATION LICENSE PLATES.—
(a) The department shall develop a Coastal Conservation Association license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Conserve Florida’s Fisheries” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Coastal Conservation Association Florida, a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:
1. Up to 10 percent of the proceeds may be used for administrative costs.
2. Up to 10 percent of the proceeds may be used to promote and market the plate.
3. The remainder of the proceeds shall be used to support the mission and efforts of Coastal Conservation Association Florida for habitat enhancement and restoration, saltwater fisheries conservation, and education; to advise the public on the conservation of marine resources; and to promote and enhance the present and future availability of those coastal resources for the benefit and enjoyment of the general public.

(95) BLUE ANGELS LICENSE PLATES.—
(a) The department shall develop a Blue Angels license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the
words “Home of the Blue Angels” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Naval Aviation Museum Foundation, a nonprofit Florida corporation under s. 501(c)(3) of the Internal Revenue Code, to fund the maintenance, programs, marketing, and projects of the foundation, including the National Naval Aviation Museum and the National Flight Academy in Pensacola. Up to 15 percent of the funds received by the Naval Aviation Museum Foundation may be used for marketing of the plate and costs directly associated with the administration of the foundation. The Naval Aviation Museum Foundation shall distribute 50 percent of the funds to eligible programs and projects associated with the National Flight Academy and the remainder of the funds to eligible programs and projects associated with the National Naval Aviation Museum.

(96) PALM BEACH ZOO AND CONSERVATION SOCIETY LICENSE PLATES.—

(a) The department shall develop a Palm Beach Zoo and Conservation Society license plate as provided in this section and s. 320.08053. Palm Beach Zoo and Conservation Society license plates must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Palm Beach Zoo and Conservation Society” must appear at the bottom of the plate.

(b) The license plate annual use fees shall be distributed to the Palm Beach Zoo and Conservation Society to fund educational programs for students in pre-K through grade 12, conservation projects to protect endangered or threatened
species, and services for the health and welfare of animals in the zoo’s care. The Palm Beach Zoo and Conservation Society may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 10 percent of the annual use fee revenue may be used for promotion and marketing of the specialty license plate and administrative costs directly associated with the programs of the society and the specialty license plate.

(97) ETHICAL ECOTOURISM LICENSE PLATES.—
(a) The department shall develop an Ethical Ecotourism license plate as provided in this section and s. 320.08053. The word “Florida” must appear at the top of the plate, and words that are approved by the department must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed equally between the Florida Society for Ethical Ecotourism and Paddle Florida, Inc., each of which may use up to 10 percent of such proceeds for administrative costs and the marketing of the plate. The remaining proceeds must be used by the Florida Society for Ethical Ecotourism to provide environmental education and awareness that encourage behaviors that contribute to the sustainability of Florida’s natural ecosystems and resources, and by Paddle Florida, Inc., to raise awareness about water conservation, wildlife preservation, restoration of springs, and protection of waterways in this state.

(98) KNIGHTS OF COLUMBUS LICENSE PLATES.—
(a) The department shall develop a Knights of Columbus license plate as provided in this section and s. 320.08053. The
plate must bear the colors and design approved by the
department. The word “Florida” must appear at the top of the
plate, and the words “In God We Trust” must appear at the bottom
of the plate.

(b) The license plate annual use fees shall be distributed
to Florida K of C Charities, Inc., which may use a maximum of 10
percent of the proceeds to promote and market the plate. The
remainder of the proceeds shall be used by Florida K of C
Charities, Inc., a Knights of Columbus organization under s.
501(c)(3) of the Internal Revenue Code, to fund its charitable
activities, including, but not limited to, the Christian Refugee
Relief Fund, disaster relief, Ultrasound Initiative, Food for
Families, and Coats for Kids.

(99) DAUGHTERS OF THE AMERICAN REVOLUTION LICENSE PLATES.—
(a) The department shall develop a Daughters of the
American Revolution license plate as provided in this section
and s. 320.08053. The plate must bear the colors and design
approved by the department. The word “Florida” must appear at
the top of the plate, and the word “Daughters of the American
Revolution” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be
distributed to the Daughters of the American Revolution, a
nonprofit organization under s. 501(c)(3) of the Internal
Revenue Code. Up to 10 percent of the proceeds may be used for
the promotion and marketing of the plate. The remainder of the
proceeds shall be used within this state by the Daughters of the
American Revolution, a nonpolitical volunteer women’s service
organization, to promote patriotism, preserve American history,
and secure America’s future through educational programs for
local public and private K-12 students and scholarships and
erother educational funding for underprivileged children.

(100) GUARDIAN AD LITEM LICENSE PLATES.—

(a) The department shall develop a Guardian Ad Litem
license plate as provided in this section and s. 320.08053. The
plate must bear the colors and design approved by the
department. The word “Florida” must appear at the top of the
plate, and the words “Heartfelt Child Advocacy” must appear at
the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be
distributed to the Florida Guardian Ad Litem Foundation, Inc., a
direct-support organization and a nonprofit corporation under s.
501(c)(3) of the Internal Revenue Code. Up to 10 percent of the
proceeds may be used for administrative costs and the marketing
of the plate. The remainder of the proceeds must be used in this
state to support the mission and efforts of the statewide
Guardian Ad Litem Program to recruit and retain volunteer child
advocates, meet the unique needs of dependent children, and
promote awareness of the mission.

(101) JUMBO SHRIMP LICENSE PLATES.—

(a) The department shall develop a Jumbo Shrimp license
plate as provided in this section and s. 320.08053. The plate
must bear the colors and design approved by the department. The
word “Florida” must appear at the top of the plate, and the word
“Jumbo Shrimp” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be
distributed to St. Johns Riverkeeper, a nonprofit organization
under s. 501(c)(3) of the Internal Revenue Code. Up to 10
percent of the proceeds may be used for the promotion and
marketing of the plate. The remainder of the proceeds shall be used by St. Johns Riverkeeper for programs and activities related to fulfilling its mission to protect and restore the health of the St. Johns River.

(102) OMEGA PSI PHI FRATERNITY LICENSE PLATES.—

(a) The department shall develop an Omega Psi Phi Fraternity license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Omega Psi Phi” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the State of Florida Omega Friendship Foundation, Inc., to be used as follows:

1. Five percent shall be used solely for marketing of the Omega Psi Phi Fraternity license plate.

2. Ninety-five percent shall be used for college scholarships for Florida residents attending historically black colleges and universities in this state.

(103) DELTA SIGMA THETA SORORITY LICENSE PLATES.—

(a) The department shall develop a Delta Sigma Theta Sorority license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Delta Sigma Theta” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Delta Research and Educational Foundation, Inc., to be used as follows:
1. Five percent shall be used solely for marketing of the Delta Sigma Theta Sorority license plate.

2. Ninety-five percent shall be used for college scholarships for Florida residents attending historically black colleges and universities in this state.

(104) SIGMA GAMMA RHO SORORITY LICENSE PLATES.—
(a) The department shall develop a Sigma Gamma Rho Sorority license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Sigma Gamma Rho” must appear at the bottom of the plate.
(b) The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73.

(105) KAPPA ALPHA PSI FRATERNITY LICENSE PLATES.—
(a) The department shall develop a Kappa Alpha Psi Fraternity license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Kappa Alpha Psi” must appear at the bottom of the plate.
(b) The annual use fees from the sale of the plate shall be distributed to the Southern Province of Kappa Alpha Psi Foundation, Inc., to be used as follows:
1. Five percent shall be used solely for marketing of the Kappa Alpha Psi Fraternity license plate.
2. Ninety-five percent shall be used for college
scholarships for Florida residents attending historically black
colleges and universities in this state.

(106) ALPHA KAPPA ALPHA SORORITY LICENSE PLATES.—
(a) The department shall develop an Alpha Kappa Alpha
Sorority license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by
the department. The word “Florida” must appear at the top of the
plate, and the words “Alpha Kappa Alpha” must appear at the
bottom of the plate.
(b) The annual use fees from the sale of the plate shall be
distributed to the Alpha Kappa Alpha Educational Advancement
Foundation, Inc., to be used as follows:
1. Five percent shall be used solely for marketing of the
Alpha Kappa Alpha Sorority license plate.
2. Ninety-five percent shall be used for college
scholarships for Florida residents attending historically black
colleges and universities in this state.

(107) ALPHA PHI ALPHA FRATERNITY LICENSE PLATES.—
(a) The department shall develop an Alpha Phi Alpha
Fraternity license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by
the department. The word “Florida” must appear at the top of the
plate, and the words “Alpha Phi Alpha” must appear at the bottom
of the plate.
(b) The annual use fees from the sale of the plate shall be
distributed to the JC Rawls – FFAC Foundation, Inc., to be used
as follows:
1. Five percent shall be used solely for marketing of the
Alpha Phi Alpha Fraternity license plate.
2. Ninety-five percent shall be used for college scholarships for Florida residents attending historically black colleges and universities in this state.

(108) ZETA PHI BETA SORORITY LICENSE PLATES.—
(a) The department shall develop a Zeta Phi Beta Sorority license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Zeta Phi Beta” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73.

(109) PHI BETA SIGMA FRATERNITY LICENSE PLATES.—
(a) The department shall develop a Phi Beta Sigma Fraternity license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Phi Beta Sigma” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73.

(110) IOTA PHI THETA FRATERNITY LICENSE PLATES.—
(a) The department shall develop an Iota Phi Theta Fraternity license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by
1084 the department. The word "Florida" must appear at the top of the plate, and the words "Iota Phi Theta" must appear at the bottom of the plate.
1087 (b) The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73.
1091 (111) GOPHER TORTOISE LICENSE PLATES.—
1092 (a) The department shall develop a Gopher Tortoise license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Protect the Gopher Tortoise" must appear at the bottom of the plate.
1097 (b) The annual use fees from the sale of the plate shall be distributed to Wildlands Conservation, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to fund gopher tortoise and commensal species research, education, and conservation, as well as upland habitat protection, restoration, and management in this state. Up to 15 percent of the funds received by Wildlands Conservation, Inc., may be used for marketing of the plate and costs directly associated with the administration of the gopher tortoise protection program.
1104 Wildlands Conservation, Inc., shall use and distribute the funds to eligible Florida-based scientific, conservation, and educational organizations for gopher tortoise and upland habitat research, conservation, and management.
1111 (112) TREAD LIGHTLY OFF ROAD FLORIDA LICENSE PLATES.—
1112 (a) The department shall develop a Tread Lightly Off Road
Florida license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Tread Lightly” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Florida Off Road Foundation, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code. Up to 10 percent of the funds may be used for marketing of the plate, costs directly associated with creation of the plate, and administrative costs related to distribution of proceeds, including annual audit services and compliance affidavit costs. The remainder of the funds shall be used by the Florida Off Road Foundation, Inc., to fund qualified nonprofit organizations that protect and preserve Florida’s natural off-road habitat; educate Floridians about responsible use of the off-road environment; support civilian volunteer programs to promote the use of off-road vehicles to assist law enforcement in situations such as search and rescue; support organized cleanups, trail maintenance, and restoration; or preserve Florida’s off-road culture.

(113) ORLANDO UNITED LICENSE PLATES.—

(a) The department shall develop an Orlando United license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Orlando United” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed as follows:
1. Five percent shall be distributed to the Mental Health Association of Central Florida, Inc., to be used for marketing of the license plate.

2. Thirty-one percent shall be distributed to the Mental Health Association of Central Florida, Inc. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to offer free personalized counseling to any person affected by the shooting at the Pulse nightclub in Orlando on June 12, 2016.

3. Two percent shall be distributed to onePULSE Foundation, a charitable, nonprofit organization under s. 501(c)(3) of the Internal Revenue Code, to be used for marketing of the license plate.

4. Thirty-one percent shall be distributed to onePULSE Foundation. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to support the construction and maintenance of the onePULSE Foundation Memorial.

5. Thirty-one percent shall be distributed to Two Spirit Health Services, Inc. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to offer free personalized counseling to any person affected by the shooting at the Pulse nightclub in Orlando on June 12, 2016.

(114) FLORIDA NATIVE LICENSE PLATES.—

(a) The department shall develop a Florida Native license plate as provided in this section and s. 320.08053. The word “Florida” must appear at the top of the plate, and the word “Native” must appear at the bottom of the plate. The plate must
contain a camouflage background including leaves, flowers, or fronds of a minimum of 12 different Florida native plants.

(b)1. The department shall retain all annual use fees from the sale of the plate until all startup costs for developing and issuing the plate have been recovered.

2. Thereafter, the annual use fees from the sale of the plate shall be distributed to the Florida Native Plant Society, Inc., a Florida nonprofit corporation, which may use a maximum of 10 percent of such fees for administrative costs and to market and promote the plate. The balance of the fees shall be used by the Florida Native Plant Society, Inc., to fulfill its mission. A minimum of 25 percent is dedicated to maintaining, improving, or restoring public native species and hunting and fishing habitats. Twenty-five percent is dedicated to promote the cultivation of Florida’s agricultural products through the preservation of native noncrop plants in order to provide habitats for pollinators and natural enemies to plant pests and to provide pollen, nectar, and undisturbed habitats for bee nesting throughout the growing season.

(115) AMERICAN FOUNDATION FOR SUICIDE PREVENTION LICENSE PLATES.—

(a) The Department of Highway Safety and Motor Vehicles shall develop an American Foundation for Suicide Prevention license plate as provided in this section and s. 320.08053. The plate must be designed to include the logo of the American Foundation for Suicide Prevention in the center of the plate, with the license plate number having three characters to the left of the logo and three characters to the right of the logo. The words “American Foundation for Suicide Prevention” must
appear at the bottom of the plate under the license plate number and logo. The word “Florida” must appear at the top of the plate. All words and numbers must be in white. The logo itself must appear in blue and white. The background of the license plate must be blue with thick broken portions of concentric circles in pastel red, yellow, green, and blue colors spreading out across the license plate.

(b) The department shall retain all annual use fees from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, the annual use fees from the sale of the plates must be distributed to the Central Florida Chapter of the American Foundation for Suicide Prevention, together with statistics on sales of the license plates which are tabulated by county. The Central Florida Chapter shall distribute the fees received among all of the Florida chapters of the American Foundation for Suicide Prevention, based upon the number of plates sold in counties within their respective jurisdictions. Each chapter may use 10 percent of the fees distributed to it for administrative costs and the marketing of the plate and must use the balance of the fees distributed to it within its jurisdiction to prevent suicide through awareness, research, and education, and to help survivors heal with guidance and support.

(116) THANK A LINEMAN LICENSE PLATES.—

(a) The department shall develop a Thank a Lineman license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Thank a Lineman” must appear at the bottom of the plate.
(b) The annual use fees from the sale of the plate shall be distributed to the Lake-Sumter State College Foundation, Inc., a nonprofit Florida corporation under s. 501(c)(3) of the Internal Revenue Code, to fund scholarships for students of the Electrical Distribution Technology Program at Lake-Sumter State College. Up to 10 percent of the funds received by the Lake-Sumter State College Foundation, Inc., may be used for marketing of the plate and costs directly associated with administration of the foundation.

Section 8. Subsection (1) and paragraph (c) of subsection (2) of section 320.08062, Florida Statutes, are amended to read:

320.08062 Audits and attestations required; annual use fees of specialty license plates.—

(1)(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that the organization meets all requirements of, and that proceeds are used in accordance with ss. 320.08056 and 320.08058.

(b) Any organization not subject to audit pursuant to s. 215.97 shall annually attest, under penalties of perjury, that the organization meets all requirements of, and that such proceeds were used in compliance with ss. 320.08056 and 320.08058. The attestation shall be made annually in a form and format determined by the department. In addition, the department shall audit any such organization every 3 years to ensure that proceeds have been used in compliance with ss. 320.08056 and 320.08058.

(c) Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General. The organization shall
attest that it meets all requirements of ss. 320.08056 and 320.08058. The annual attestation shall be submitted to the department for review within 9 months after the end of the organization’s fiscal year.

(2)

(c) If the department or its designee determines that an organization has not complied or has failed to meet the requirements of or use the revenues in accordance with ss. 320.08056 and 320.08058, the department must discontinue the distribution of the revenues to the organization. The department shall notify the organization of its findings and direct the organization to make the changes necessary in order to comply with this chapter. If the officers of the organization sign an affidavit under penalties of perjury stating that they acknowledge the findings of the department and attest that they have taken corrective action and that the organization will submit to a followup review by the department, the department may resume the distribution of revenues.

Section 9. Paragraph (b) of subsection (4) of section 320.08068, Florida Statutes, is amended to read:

(4) A license plate annual use fee of $20 shall be collected for each motorcycle specialty license plate. Annual use fees shall be distributed as follows:

(b) Twenty percent to Preserve Vision Prevent Blindness Florida.

Section 10. Section 320.0875, Florida Statutes, is created to read:

320.0875 Purple Heart special motorcycle license plate.—
Upon application to the department and payment of the license tax for the motorcycle as provided in s. 320.08, a resident of this state who owns or leases a motorcycle that is not used for hire or commercial use shall be issued a Purple Heart special motorcycle license plate if he or she provides documentation acceptable to the department that he or she is a recipient of the Purple Heart medal.

The Purple Heart special motorcycle license plate must be stamped with the term “Combat-wounded Veteran” followed by the serial number of the license plate. The Purple Heart special motorcycle license plate may have the term “Purple Heart” stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

Section 11. Paragraph (a) of subsection (1) of section 320.089, Florida Statutes, is amended to read:

320.089 Veterans of the United States Armed Forces; members of National Guard; survivors of Pearl Harbor; Purple Heart medal recipients; Bronze Star recipients; active or retired United States Armed Forces reservists; Combat Infantry Badge, Combat Medical Badge, or Combat Action Badge recipients; Combat Action Ribbon recipients; Air Force Combat Action Medal recipients; Distinguished Flying Cross recipients; former prisoners of war; Korean War Veterans; Vietnam War Veterans; Operation Desert Shield Veterans; Operation Desert Storm Veterans; Operation Enduring Freedom Veterans; Operation Iraqi Freedom Veterans; Women Veterans; World War II Veterans; and Navy Submariners;
special license plates; fee.—

(1) (a) Each owner or lessee of an automobile or truck for private use or recreational vehicle as specified in s.
320.08(9)(c) or (d), which is not used for hire or commercial
use, who is a resident of the state and a veteran of the United
States Armed Forces, a Woman Veteran, a World War II Veteran, a
Navy Submariner, an active or retired member of the Florida
National Guard, a survivor of the attack on Pearl Harbor, a
recipient of the Purple Heart medal, a recipient of the Bronze
Star, an active or retired member of any branch of the United
States Armed Forces Reserve, or a recipient of the Combat
Infantry Badge, Combat Medical Badge, Combat Action Badge,
Combat Action Ribbon, Air Force Combat Action Medal, or
Distinguished Flying Cross, upon application to the department,
accompanied by proof of release or discharge from any branch of
the United States Armed Forces, proof of active membership or
retired status in the Florida National Guard, proof of
membership in the Pearl Harbor Survivors Association or proof of
active military duty in Pearl Harbor on December 7, 1941, proof
of being a Purple Heart medal recipient, proof of being a Bronze
Star recipient, proof of active or retired membership in any
branch of the United States Armed Forces Reserve, or proof of
membership in the Combat Infantrymen’s Association, Inc., proof
of being a recipient of the Combat Infantry Badge, Combat
Medical Badge, Combat Action Badge, Combat Action Ribbon, Air
Force Combat Action Medal, or Distinguished Flying Cross, and
upon payment of the license tax for the vehicle as provided in
s. 320.08, shall be issued a license plate as provided by s.
320.06 which, in lieu of the serial numbers prescribed by s.
320.06, is stamped with the words “Veteran,” “Woman Veteran,”
“WWII Veteran,” “Navy Submariner,” “National Guard,” “Pearl
Harbor Survivor,” “Combat-wounded veteran,” “Bronze Star,” “U.S.
Reserve,” “Combat Infantry Badge,” “Combat Medical Badge,”
Action Medal,” or “Distinguished Flying Cross,” as appropriate,
and a likeness of the related campaign medal or badge, followed
by the serial number of the license plate. Additionally, the
Purple Heart plate may have the words “Purple Heart” stamped on
the plate and the likeness of the Purple Heart medal appearing
on the plate.

Section 12. By November 1, 2019, the annual use fees
withheld by the Department of Highway Safety and Motor Vehicles
from the sale of the Live the Dream specialty license plate
shall be used first to satisfy all outstanding royalty payments
due to the Martin Luther King, Jr., Center for Nonviolent Social
Change, Inc., for the use of the image of Dr. Martin Luther
King, Jr. All remaining funds shall be distributed to the
subrecipients on a pro rata basis according to the percentages
specified in s. 320.08058(47), Florida Statutes.

Section 13. Except as otherwise expressly provided in this
act, this act shall take effect October 1, 2019, but only if SB
1106 or similar legislation takes effect, if such legislation is
adopted in the same legislative session or an extension thereof
and becomes a law.

================ TITLE AMENDMENT ===============
And the title is amended as follows:
Delete everything before the enacting clause
and insert:
A bill to be entitled
An act relating to license plates; amending s. 320.06,
F.S.; providing an exception to a design requirement for dealer license plates; amending s. 320.0657, F.S.; providing an exception to a design requirement for fleet license plates; authorizing fleet companies to purchase specialty license plates in lieu of standard fleet license plates; requiring fleet companies to be responsible for certain costs; amending s. 320.08, F.S.; authorizing dealers to purchase specialty license plates in lieu of standard dealer license plates; requiring dealers to be responsible for certain costs; amending s. 320.08053, F.S.; revising requirements for presale and issuance of specialty license plates; amending s. 320.08056, F.S.; allowing the Department of Highway Safety and Motor Vehicles to authorize dealer and fleet specialty license plates; providing requirements for such plates; making technical changes; deleting fees relating to the American Red Cross, Donate Organs-Pass It On, St. Johns River, and Hispanic Achievers license plates to conform to changes made by the act; revising provisions for discontinuing issuance of a specialty license plate; conforming cross-references; prohibiting use fees received by any entity from being used for certain purposes; requiring certain organizations to establish endowments based in this state for providing scholarships to Florida residents and to provide documentation of consent to use certain images; revising, as of a specified date, the criteria, procedures, and exceptions under which the
department discontinues the issuance of an approved specialty license plate; revising applicability; amending s. 320.08058, F.S.; revising the design of the Special Olympics Florida license plate; deleting provisions requiring the department to develop the American Red Cross license plate; revising the authorized use of proceeds from the sale of the Live the Dream license plate; deleting provisions requiring the department to develop the Donate Organs-Pass It On license plate; revising the design of the Lighthouse Association license plate; revising the authorized use of proceeds from the sale of the In God We Trust license plate; deleting provisions requiring the department to develop the St. Johns River and Hispanic Achievers license plates; revising the distribution of proceeds from the sale of the Fallen Law Enforcement Officers license plate; requiring the department to develop certain specialty license plates; providing for distribution and use of fees collected from the sale of such plates; amending s. 320.08062, F.S.; requiring all organizations that receive annual use fee proceeds from the department to be responsible for ensuring that the organization meets specified requirements; requiring the organizations to attest to meeting such requirements under certain circumstances; directing the department to audit certain organizations that receive funds from the sale of specialty license plates, subject to certain requirements; requiring the department to discontinue
distribution of revenues to an organization if the department or its designee has determined the organization has failed to meet specified requirements; amending s. 320.08068, F.S.; requiring distribution of a specified percentage of motorcycle specialty license plate annual use fees to Preserve Vision Florida; creating s. 320.0875, F.S.; providing for a special motorcycle license plate to be issued to a recipient of the Purple Heart; providing requirements for the plate; amending s. 320.089, F.S.; providing for a special license plate to be issued to a recipient of the Bronze Star; providing for distribution of certain annual use fees withheld by the department; providing contingent effective dates.
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Bean) recommended the following:

Senate Amendment to Amendment (647456)

Delete lines 124 - 129

and insert:

   (b) If the Legislature has approved 200 or more specialty license plates, the department may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued pursuant to s. 320.08056(8) such that the number of plates being issued does not exceed 200. This paragraph does not apply to collegiate...
A bill to be entitled 
An act relating to license plates; amending s. 320.06, 
F.S.; providing an exception to a design requirement 
for dealer license plates; amending s. 320.0657, F.S.; 
providing an exception to a design requirement for 
fleet license plates; authorizing fleet companies to 
purchase specialty license plates in lieu of standard 
fleet license plates; requiring fleet companies to be 
responsible for certain costs; amending s. 320.08, 
F.S.; authorizing dealers to purchase specialty 
license plates in lieu of standard graphic dealer 
license plates; requiring dealers to be responsible 
for certain costs; amending s. 320.08053, F.S.; 
revising requirements for presale and issuance of 
specialty license plates; amending s. 320.08056, F.S.; 
allowing the Department of Highway Safety and Motor 
Vehicles to authorize dealer and fleet specialty 
license plates; providing requirements for such 
plates; making technical changes; deleting fees 
relating to the American Red Cross, Donate Organs-Pass 
It On, St. Johns River, and Hispanic Achievers license 
plates to conform to changes made by the act; revising 
provisions for discontinuing issuance of a specialty 
license plate; conforming cross-references; 
prohibiting use fees received by any entity from being 
used for certain purposes; requiring certain 
organizations to establish endowments based in this 
state for providing scholarships to Florida residents 
and to provide documentation of consent to use certain 
images; revising, as of a specified date, the 
criteria, procedures, and exceptions under which the 
department discontinues the issuance of an approved 
specialty license plate; revising applicability; 
amending s. 320.08058, F.S.; revising the design of 
the Special Olympics Florida license plate; deleting 
provisions requiring the department to develop the 
American Red Cross license plate; revising the 
authorized use of proceeds from the sale of the Live 
the Dream license plate; deleting provisions requiring 
the department to develop the Donate Organs-Pass It On 
license plate; revising the design of the Lighthouse 
Association license plate; revising the authorized use 
of proceeds from the sale of the In God We Trust 
license plate; deleting provisions requiring the 
department to develop the St. Johns River and Hispanic 
Achievers license plate; revising the distribution of 
proceeds from the sale of the Fallen Law Enforcement 
Officers license plate; requiring the department to 
develop certain specialty license plates; providing 
for distribution and use of fees collected from the 
sale of such plates; amending s. 320.08062, F.S.; 
directing the department to audit certain 
organizations that receive funds from the sale of 
specialty license plates; amending s. 320.08068, F.S.; 
requiring distribution of a specified percentage of 
motorcycle specialty license plate annual use fees to 
Preserve Vision Florida; creating s. 320.0875, F.S.; 
providing for a special motorcycle license plate to be 
used for certain purposes; requiring certain 
organizations to establish endowments based in this 
state for providing scholarships to Florida residents 
and to provide documentation of consent to use certain 
images; revising, as of a specified date, the 
criteria, procedures, and exceptions under which the 
department discontinues the issuance of an approved 
specialty license plate; revising applicability; 
amending s. 320.08058, F.S.; revising the design of 
the Special Olympics Florida license plate; deleting 
provisions requiring the department to develop the 
American Red Cross license plate; revising the 
authorized use of proceeds from the sale of the Live 
the Dream license plate; deleting provisions requiring 
the department to develop the Donate Organs-Pass It On 
license plate; revising the design of the Lighthouse 
Association license plate; revising the authorized use 
of proceeds from the sale of the In God We Trust 
license plate; deleting provisions requiring the 
department to develop the St. Johns River and Hispanic 
Achievers license plate; revising the distribution of 
proceeds from the sale of the Fallen Law Enforcement 
Officers license plate; requiring the department to 
develop certain specialty license plates; providing 
for distribution and use of fees collected from the 
sale of such plates; amending s. 320.08062, F.S.; 
directing the department to audit certain 
organizations that receive funds from the sale of 
specialty license plates; amending s. 320.08068, F.S.; 
requiring distribution of a specified percentage of 
motorcycle specialty license plate annual use fees to 
Preserve Vision Florida; creating s. 320.0875, F.S.; 
providing for a special motorcycle license plate to be
Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (a) of subsection (3) of section 320.06, Florida Statutes, is amended to read:

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

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

Section 2. Paragraph (b) of subsection (2) of section 320.0657, Florida Statutes, is amended to read:

320.0657 Permanent registration; fleet license plates.—

(b) The plates, which shall be of a distinctive color, shall have the word “Fleet” appearing at the bottom and the word “Florida” appearing at the top unless the license plate is a specialty license plate as authorized in s. 320.08056. The plates shall conform in all respects to the provisions of this section.
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Chapter, except as specified herein. For additional fees as set forth in s. 320.08056, fleet companies may purchase specialty license plates in lieu of the standard fleet license plates.

Fleet companies shall be responsible for all costs associated with the specialty license plate, including all annual use fees, processing fees, fees associated with switching license plate types, and any other applicable fees.

Section 4. Section 320.08053, Florida Statutes, is amended to read:

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320.08053 Establishment of Requirements for requests to establish specialty license plates.—

(1) If a specialty license plate requested by an organization is approved by law, the organization must submit the proposed art design for the specialty license plate to the department, in a medium prescribed by the department, as soon as practicable, but no later than 60 days after the act approving the specialty license plate becomes a law.

(2)(a) Within 120 days after following the specialty license plate becomes becoming law, the department shall establish a method to issue a specialty license plate voucher to allow for the presale of the specialty license plate. The processing fee as prescribed in s. 320.08056, the service charge and branch fee as prescribed in s. 320.04, and the annual use fee as prescribed in s. 320.08056 shall be charged for the voucher. All other applicable fees shall be charged at the time of issuance of the license plates.

(b) Within 24 months after the presale specialty license plate voucher is established, the approved specialty license plate organization must record with the department a minimum of 3,000 1,000 voucher sales, or, in the case of an out-of-state college or university license plate, 4,000 voucher sales, before manufacture of the license plate may commence. If, at the conclusion of the 24-month presale period, the minimum sales requirement has requirements have not been met, the specialty plate is deauthorized and the department shall discontinue development of the plate and discontinue issuance of the presale vouchers. Upon deauthorization of the license plate, a purchaser of the license plate voucher may use the annual use fee...
The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(a) Manatee license plate, $25.
(b) Challenger/Columbia license plate, $25, except that a person who purchases 1,000 or more of such license plates shall pay an annual use fee of $15 per plate.
(c) Collegiate license plate, $25.

(d) Florida Salutes Veterans license plate, $15.

(e) Florida Panther license plate, $25.
(f) Florida United States Olympic Committee license plate, $15.

(g) Florida Special Olympics license plate, $15.

(h) Florida educational license plate, $20.

(i) Florida Professional Sports Team license plate, $25.

(j) Florida Indian River Lagoon license plate, $15.

(k) Invest in Children license plate, $20.
(h) Florida arts license plate, $20.
(m) Bethune-Cookman University license plate, $25.
(i) Florida Agricultural license plate, $20.
(j) Police Athletic League license plate, $20.
(k) Boy Scouts of America license plate, $20.
(l) Largemouth Bass license plate, $25.
(i) Sea Turtle license plate, $23.
(m) Protect Wild Dolphins license plate, $20.
(l) Barry University license plate, $25.
(n) Everglades River of Grass license plate, $20.
(x) Keep Kids Drug Free license plate, $25.
(w) Florida Sheriffs Youth Ranches license plate, $25.
(n) Conserve Wildlife license plate, $25.
(y) Florida Memorial University license plate, $25.
(e) Tampa Bay Estuary license plate, $15.
(p) Florida Wildflower license plate, $15.
(q) United States Marine Corps license plate, $15.
(r) Choose Life license plate, $20.
(s) Share the Road license plate, $15.
(aa) American Red Cross license plate, $25.
(ff) United We Stand license plate, $25.
(pp) Breast Cancer Research license plate, $25.
(bb) Protect Florida Whales license plate, $25.
(ii) Florida Golf license plate, $25.
(t) Florida Firefighters license plate, $20.
(u) Police Benevolent Association license plate, $20.
(v) Military Services license plate, $15.
(x) Protect Our Reefs license plate, $25.
(w) Fish Florida license plate, $22.

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

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(n) Child Abuse Prevention and Intervention license plate, $25.
(p) Hospital license plate, $25.
(q) Stop Heart Disease license plate, $25.
(x) Save Our Seas license plate, $25, except that for an owner purchasing the specialty license plate for more than 10 vehicles registered to that owner, the annual use fee shall be $10 per plate.
(y) Aquaculture license plate, $25, except that for an owner purchasing the specialty license plate for more than 10 vehicles registered to that owner, the annual use fee shall be $10 per plate.

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CODING: Words **stricken** are deletions; words **underlined** are additions.
the 10-year license plate replacement period.

(d) If the department discontinues issuance of a specialty license plate, all annual use fees held or collected by the department must be distributed within 180 days after the date on which the specialty license plate is discontinued. Of those fees, the department shall retain an amount sufficient to defray the applicable administrative and inventory closeout costs associated with discontinuance of the plate. The remaining funds must be distributed to the appropriate organization or organizations pursuant to s. 320.08058.

(e) If an organization that is the intended recipient of the funds pursuant to s. 320.08058 no longer exists, the department shall deposit any undisbursed funds into the Highway Safety Operating Trust Fund.

(f) Notwithstanding paragraph (a), on January 1 of each year, the department shall discontinue the specialty license plate with the fewest number of plates in circulation, including license plates exempt from a statutory sales requirement. A warning letter must be mailed to the sponsoring organizations of the 10 percent of the total number of specialty license plates with the fewest valid, active registrations as of December 1 of each year.

(10)(a) A specialty license plate annual use fee collected and distributed under this chapter, or any interest earned from those fees, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by s. 320.08058 or to pay the cost of the audit or report required by s. 320.08062(1). The fees and any interest earned from the fees may be expended only for use in this state.
Effective July 1, 2022, paragraph (a) of subsection (8) of section 320.08056, Florida Statutes, is amended to read:

The department must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 3,000, or, in the case of an out-of-state college or university license plate, below 4,000. A warning letter shall be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or, in the case of an out-of-state college or university license plate, below 4,000.

This paragraph does not apply to in-state collegiate license plates established under s. 320.08058(3).
new subsections (80) through (83) and subsections (84) through (113) are added to that section, to read:

320.08058 Specialty license plates.—
(7) SPECIAL OLYMPICS FLORIDA LICENSE PLATES.—
(a) Special Olympics Florida license plates must contain the official Special Olympics Florida logo and must bear the colors and design that are approved by the department. The word “Florida” must be centered at the top bottom of the plate, and the words “Be a Fan” Everyone Wins must be centered at the bottom top of the plate.
(b) The license plate annual use fees must be annually distributed as follows:
1. The first $5 million collected annually must be forwarded to the private nonprofit corporation as described in s. 393.002 and must be used solely for Special Olympics purposes as approved by the private nonprofit corporation.
2. Any additional fees must be deposited into the General Revenue Fund.
(11) AMERICAN RED CROSS LICENSE PLATES.—
(a) Notwithstanding the provisions of s. 320.08053, the department shall develop an American Red Cross license plate as provided in this section. The word “Florida” must appear at the top of the plate, and the words “American Red Cross” must appear at the bottom of the plate.
(b) The department shall retain all revenues from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, 50 percent of the annual use fees shall be distributed to the American Red Cross Chapter of Central Florida, with statistics on sales of specialty license plates, which are tabulated by county. The American Red Cross Chapter of Central Florida must distribute to each of the chapters in this state the moneys received from sales in the counties covered by the respective chapters, which moneys must be used for education and disaster relief in Florida. Fifty percent of the annual use fees shall be distributed proportionately to the three statewide approved poison control centers for purposes of combating bioterrorism and other poison-related purposes.
(47) LIVE THE DREAM LICENSE PLATES.—
(a) The department shall develop a Live the Dream license plate as provided in this section. Live the Dream license plates must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Live the Dream” must appear at the bottom of the plate.
(b) The proceeds of the annual use fee shall be distributed to the Dream Foundation, Inc., to The Dream Foundation, Inc., shall retain the first $50,000 in proceeds from the annual use fees as reimbursement for administrative costs, startup costs, and costs incurred in the approval process. Thereafter, up to 25 percent may be used to administer, promote, and market the license plate.
(c) The department shall retain all revenues from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, 50 percent of the annual use fees shall be distributed to the American Red Cross Chapter of Central Florida, with statistics on sales of Specialty license plates.
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sickle cell disease.

2. Twenty-five percent shall be distributed to the Florida
chapter of the March of Dimes for programs and services that
improve the health of babies through the prevention of birth
defects and infant mortality.

3. Ten percent shall be distributed to the Florida
Association of Healthy Start Coalitions to decrease racial
disparity in infant mortality and to increase healthy birth
outcomes. Funding will be used by local Healthy Start Coalitions
to provide services and increase screening rates for high-risk
pregnant women, children under 5 years of age, and women of
childbearing age.

3. At least 30 percent shall be distributed to
Chapman’s Community Partnership for Homeless, Inc., for
programs that provide relief from poverty, hunger, and
homelessness.

4. Up to 5 percent may be distributed by the department on
behalf of the Dream Foundation, Inc., to the Martin Luther King,
Jr., Center for Nonviolent Social Change, Inc., as a royalty for
the use of the image of Dr. Martin Luther King, Jr.

5. Five percent of the proceeds shall be used by the
foundation for administrative costs directly associated with
operations as they relate to the management and distribution of
the proceeds.

(47) DONATE ORGANS-PASS IT ON LICENSE PLATES—
(a) The department shall develop a Donate Organs-Pass It On
license plate as provided in this section. The word “Florida”
must appear at the top of the plate, and the words “Donate
Organs-Pass It On” must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to Transplant
Foundation, Inc., and shall use up to 10 percent of the proceeds
from the annual use fee for marketing and administrative costs
that are directly associated with the management and
distribution of the proceeds. The remaining proceeds shall be
used to provide statewide grants for patient services, including
preoperative, rehabilitative, and housing assistance; organ
donor education and awareness programs; and statewide medical
research.

(63) LIGHTHOUSE ASSOCIATION LICENSE PLATES—

(a) The department shall develop a Lighthouse Association
license plate as provided in this section. The word “Florida”
must appear at the top of the plate, and the words
“SaveOurLighthouses.org Visit Our Lights” must appear at the
bottom of the plate.

(b) The annual use fees must shall be distributed to the
Florida Lighthouse Association, Inc., which may use a maximum of
10 percent of the proceeds to promote and market the plates. The
remaining proceeds must shall be used by the association to fund
the preservation, restoration, and protection of the 29 historic
lighthouses remaining in the state.

(64) IN GOD WE TRUST LICENSE PLATES—

(a) The license plate annual use fees shall be distributed
to the In God We Trust Foundation, Inc., which may use a maximum
of 10 percent of the proceeds to offset marketing,
administration, and promotion, and the balance of the fees to
address the needs of the military community and the needs of the
public safety community, to provide educational grants and
scholarships to foster self-reliance and stability in Florida’s
children, and to provide education in public and private schools regarding the historical significance of religion in American and Florida history to fund educational scholarships for the children of Florida residents who are members of the United States Armed Forces, the National Guard, and the United States Armed Forces Reserve and for the children of public safety employees who have died in the line of duty who are not covered by existing state law. Funds shall also be distributed to other 501(c)(3) organizations that may apply for grants and scholarships and to provide educational grants to public and private schools to promote the historical and religious significance of American and Florida history. The In God We Trust Foundation, Inc., shall distribute the license plate annual use fees in the following manner:

1. The In God We Trust Foundation, Inc., shall retain all revenues from the sale of such plates until all startup costs for developing and establishing the plate have been recovered.

2. Ten percent of the funds received by the In God We Trust Foundation, Inc., shall be expended for administrative costs, promotion, and marketing of the license plate directly associated with the operations of the In God We Trust Foundation, Inc.

3. All remaining funds shall be expended by the In God We Trust Foundation, Inc., for programs.

(a) St. Johns River License Plates

(1) The department shall develop a St. Johns River license plate as provided in this section. The St. Johns River license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "St. Johns River" must appear at the bottom of the plate.

(2) The requirements of s. 320.08053 must be met prior to the issuance of the plate. Thereafter, the license plate annual use fees shall be distributed to the St. Johns River Alliance, Inc., a 501(c)(3) nonprofit organization, which shall administer the fees as follows:

1. The St. Johns River Alliance, Inc., shall retain the first $40,000 of the annual use fees as direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process. Thereafter, up to 10 percent of the annual use fee revenue may be used for administrative costs directly associated with education programs, conservation, research, and grant administration of the organization, and up to 10 percent may be used for promotion and marketing of the specialty license plate.

2. At least 30 percent of the fees shall be available for competitive grants for targeted community-based or county-based research or projects for which state funding is limited or not currently available. The remaining 50 percent shall be directed toward community outreach and access programs. The competitive grants shall be administered and approved by the board of directors of the St. Johns River Alliance, Inc. A grant advisory committee shall be composed of six members chosen by the St. Johns River Alliance board members.

3. Any remaining funds shall be distributed with the approval of and accountability to the board of directors of the St. Johns River Alliance, Inc., and shall be used to support activities contributing to education, outreach, and springs.
(70) HISPANIC ACHIEVERS LICENSE PLATES

(a) Notwithstanding the requirements of s. 320.08053, the department shall develop a Hispanic Achievers license plate as provided in this section. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Hispanic Achievers" must appear at the bottom of the plate.

(b) The proceeds from the license plate annual use fee shall be distributed to National Hispanic Corporate Achievers, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to fund grants to nonprofit organizations to operate programs and provide scholarships and for marketing the Hispanic Achievers license plate. National Hispanic Corporate Achievers, Inc., shall establish a Hispanic Achievers Grant Council that shall provide recommendations for statewide grants from available Hispanic Achievers license plate proceeds to nonprofit organizations for programs and scholarships for Hispanic and minority Floridians. National Hispanic Corporate Achievers, Inc., shall also establish a Hispanic Achievers License Plate Fund. Moneys in the fund shall be used by the grant council as provided in this paragraph. All funds received under this subsection must be used in this state.

(c) National Hispanic Corporate Achievers, Inc., may retain all proceeds from the annual use fee until documented startup costs for developing and establishing the plate have been recovered. Thereafter, the proceeds from the annual use fee shall be used as follows:

1. Up to 5 percent of the proceeds may be used for the cost of administration of the Hispanic Achievers License Plate Fund, the Hispanic Achievers Grant Council, and related matters.

2. Funds may be used as necessary for annual audit or compliance affidavit costs.

3. Up to 20 percent of the proceeds may be used to market and promote the Hispanic Achievers license plate.

4. Twenty-five percent of the proceeds shall be used by the Hispanic Corporate Achievers, Inc., located in Seminole County, for grants.

5. The remaining proceeds shall be available to the Hispanic Achievers Grant Council to award grants for services, programs, or scholarships for Hispanic and minority individuals and organizations throughout Florida. All grant recipients must provide to the Hispanic Achievers Grant Council an annual program and financial report regarding the use of grant funds. Such reports must be available to the public.

(d) Effective July 1, 2014, the Hispanic Achievers license plate will shift into the presale voucher phase, as provided in s. 320.08053(2)(b). National Hispanic Corporate Achievers, Inc., shall have 24 months to record a minimum of 1,000 sales. Sales include existing active plates and vouchers sold subsequent to July 1, 2014. During the voucher period, new plates may not be issued, but existing plates may be renewed. If, at the conclusion of the 24-month presale period, the requirement of a minimum of 1,000 sales has been met, the department shall resume normal distribution of the Hispanic Achievers license plate. If, after 24 months, the minimum of 1,000 sales has not been met, the department shall discontinue the Hispanic Achievers license plate. This subsection is repealed June 30, 2016.
(76) FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.—

(b) The annual use fees must be distributed to the Police and Kids Foundation, Inc., which may use up to a maximum of 10 percent of the proceeds for marketing to promote and market the plate. All remaining proceeds must be distributed to and used by the Police and Kids Foundation, Inc., for its operations, activities, programs, and projects. The remainder of the proceeds shall be used by the Police and Kids Foundation, Inc., to invest and reinvest, and the interest earnings shall be used for the operation of the Police and Kids Foundation, Inc.

(80) DUCKS UNLIMITED LICENSE PLATES.—

(a) The department shall develop a Ducks Unlimited license plate as provided in this section and s. 320.08053. Ducks Unlimited license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Conserving Florida Wetlands" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to Ducks Unlimited, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:

1. Up to 5 percent may be used for administrative costs and the marketing of the plate.

2. At least 95 percent must be used in this state to support the mission and efforts of Ducks Unlimited, Inc., to conserve, restore, and manage Florida wetlands and associated habitats for the benefit of waterfowl, other wildlife, and people.

(81) DAN MARINO CAMPUS LICENSE PLATES.—

(a) The department shall develop a Dan Marino Campus license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Marino Campus" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to the Dan Marino Foundation, a Florida nonprofit corporation, which may use up to 10 percent of such fees for administrative costs and the marketing of the plate. The balance of the fees must be used by the Dan Marino Foundation to assist Floridians with developmental disabilities in becoming employed, independent, and productive and to promote and fund education scholarships and awareness of these services.

(82) DONATE LIFE FLORIDA LICENSE PLATES.—

(a) The department shall develop a Donate Life Florida license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Donors Save Lives" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to Donate Life Florida, which may use up to 10 percent of the proceeds for marketing and administrative costs. The remaining proceeds must be used by Donate Life Florida to educate Florida residents on the importance of organ, tissue, and eye donation and for the continued maintenance of the Joshua Abbott Organ and Tissue Donor Registry.

(83) FLORIDA STATE BEEKEEPERS ASSOCIATION LICENSE PLATES.—
(a) The department shall develop a Florida State Beekeepers Association license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Save the Bees” must appear at the bottom of the plate.

(b) The annual use fees must be distributed to the Florida State Beekeepers Association, a Florida nonprofit corporation. The Florida State Beekeepers Association may use up to 15 percent of the annual use fees for administrative, marketing, and promotion costs, and the remaining proceeds shall be used by the corporation to fund honeybee research, education, outreach, and husbandry. The Florida State Beekeepers Association board of managers shall approve, and is accountable for, all such expenditures.

(85) AMERICA THE BEAUTIFUL LICENSE PLATES.—

(a) The department shall develop an America the Beautiful license plate as provided in this section and s. 320.08053. The word “Florida” must appear at the top of the plate, and the words “America the Beautiful” must appear on the plate.

(b) The annual use fees from the sale of the plate must be distributed to the America the Beautiful Fund as follows: 15 percent to offset administrative, marketing, and promotion costs, and the remaining 85 percent for projects and programs teaching character, leadership, and service to Florida youth; the provision of supportive services and assistance to members of the military community; outdoor education advancing the ideal of self-sufficiency; wildlife conservation, including imperiled and managed species; the maintenance of historic or culturally important sites, buildings, structures, or objects; and the development and modification of playgrounds, recreational areas, or other outdoor amenities, including disability access.

(85) BEAT CHILDHOOD CANCER LICENSE PLATES.—

(a) The department shall develop a Beat Childhood Cancer license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Beat Childhood Cancer” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed as follows:

1. Eighty percent shall be distributed to Beat Nb, Inc., which may use up to 10 percent of the proceeds for administrative costs directly associated with the operation of the corporation and for marketing and promoting the plate. The remaining proceeds shall be used by the corporation to fund pediatric cancer treatment and research.

2. Twenty percent shall be distributed to No Kid Should Know Cancer, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, which may use up to 5 percent of the proceeds for administrative costs and for the marketing of the plate. The balance of the fees shall be used by No Kid Should Know Cancer, Inc., for pediatric cancer research and care.
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(CODING: Words underlined are additions.)
(90) MEDICAL PROFESSIONALS WHO CARE LICENSE PLATES.—
(a) The department shall develop a Medical Professionals Who Care license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Medical Professionals Who Care" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Bonefish and Tarpon Trust, which may use up to 10 percent of the proceeds to promote and market the license plate. The remainder of the proceeds shall be used to conserve and enhance Florida bonefish and tarpon fisheries and their respective environments through stewardship, research, education, and advocacy.

(91) UNIVERSITY OF GEORGIA LICENSE PLATES.—
(a) The department shall develop a University of Georgia license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "The University of Georgia" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be used by Florida residents attending the University of Georgia. Students receiving these scholarships must be eligible for the Florida Bright Futures Scholarship Program pursuant to s. 1009.531 and shall use the scholarship funds for tuition and other expenses related to attending the University of Georgia.

(92) HIGHWAYMEN LICENSE PLATES.—
(a) The department shall develop a Highwaymen license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the word "Highwaymen" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the City of Fort Pierce, subject to a city resolution designating the city as the fiscal agent of the license plate. The city may use up to 10 percent of the fees for administrative costs and marketing of the plate and shall use the remainder of the fees as follows:

1. Before completion of construction of the Highwaymen Museum and African-American Cultural Center, the city shall distribute at least 15 percent to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County. The remainder of the fees shall be used by the city to fund the construction of the
2. Upon completion of construction of the Highwaymen Museum and African-American Cultural Center, the city shall distribute at least 10 percent to the St. Lucie Education Foundation, Inc., to fund art education and art projects in public schools within St. Lucie County. The remainder of the fees shall be used by the city to fund the day-to-day operations of the Highwaymen Museum and African-American Cultural Center.

(93) ORLANDO CITY SOCCER CLUB LICENSE PLATES.—
(a) The department shall develop an Orlando City Soccer Club license plate as provided in paragraph (9)(a).
(b) The annual use fees from the sale of the plate shall be distributed and used as provided in paragraph (9)(b).

(94) COASTAL CONSERVATION ASSOCIATION LICENSE PLATES.—
(a) The department shall develop a Coastal Conservation Association license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Conserve Florida's Fisheries" must appear at the bottom of the plate.
(b) The annual use fees from the sale of the plate shall be distributed to Coastal Conservation Association Florida, a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:
1. Up to 10 percent of the proceeds may be used for administrative costs,
2. Up to 10 percent of the proceeds may be used to promote and market the plate,
3. The remainder of the proceeds shall be used to support the mission and efforts of Coastal Conservation Association Florida for habitat enhancement and restoration, saltwater fisheries conservation, and education; to advise the public on the conservation of marine resources; and to promote and enhance the present and future availability of those coastal resources for the benefit and enjoyment of the general public.

(95) BLUE ANGELS LICENSE PLATES.—
(a) The department shall develop a Blue Angels license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Home of the Blue Angels" must appear at the bottom of the plate.
(b) The annual use fees from the sale of the plate shall be distributed to the Naval Aviation Museum Foundation, a nonprofit Florida corporation under s. 501(c)(3) of the Internal Revenue Code, to fund the maintenance, programs, marketing, and projects of the foundation, including the National Naval Aviation Museum and the National Flight Academy in Pensacola. Up to 15 percent of the funds received by the Naval Aviation Museum Foundation may be used for marketing of the plate and costs directly associated with the administration of the foundation. The Naval Aviation Museum Foundation shall distribute 50 percent of the funds to eligible programs and projects associated with the National Flight Academy and the remainder of the funds to eligible programs and projects associated with the National Naval Aviation Museum.

(96) PALM BEACH ZOO AND CONSERVATION SOCIETY LICENSE PLATES.—
(a) The department shall develop a Palm Beach Zoo and Conservation Society license plate as provided in this section and s. 320.08053. Palm Beach Zoo and Conservation Society license plates must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Palm Beach Zoo and Conservation Society” must appear at the bottom of the plate.

(b) The license plate annual use fees shall be distributed to the Palm Beach Zoo and Conservation Society to fund educational programs for students in pre-K through grade 12, conservation projects to protect endangered or threatened species, and services for the health and welfare of animals in the zoo’s care. The Palm Beach Zoo and Conservation Society may retain all revenue from the annual use fees until all startup costs for developing and establishing the plate have been recovered. Thereafter, up to 10 percent of the annual use fee revenue may be used for promotion and marketing of the specialty license plate and administrative costs directly associated with the programs of the society and the specialty license plate.

(97) ETHICAL ECOTOURISM LICENSE PLATES.—

(a) The department shall develop an Ethical Ecotourism license plate as provided in this section and s. 320.08053. The word “Florida” must appear at the top of the plate, and words that are approved by the department must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed equally between the Florida Society for Ethical Ecotourism and Paddle Florida, Inc., each of which may use up to 10 percent of such proceeds for administrative costs and the

(98) KNIGHTS OF COLUMBUS LICENSE PLATES.—

(a) The department shall develop a Knights of Columbus license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “In God We Trust” must appear at the bottom of the plate.

(b) The license plate annual use fees shall be distributed to Florida KofC Charities, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plate. The remainder of the proceeds shall be used by Florida KofC Charities, Inc., a Knights of Columbus organization under s. 501(c)(3) of the Internal Revenue Code, to fund its charitable activities, including, but not limited to, the Christian Refugee Relief Fund, disaster relief, Ultrasound Initiative, Food for Families, and Coats for Kids.

(99) DAUGHTERS OF THE AMERICAN REVOLUTION LICENSE PLATES.—

(a) The department shall develop a Daughters of the American Revolution license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at
the top of the plate, and the word “Daughters of the American
Revolution” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be
distributed to the Daughters of the American Revolution, a
nonprofit organization under s. 501(c)(3) of the Internal
Revenue Code. Up to 10 percent of the proceeds may be used for
the promotion and marketing of the plate. The remainder of the
proceeds shall be used within this state by the Daughters of the
American Revolution, a nonpolitical volunteer women’s service
organization, to promote patriotism, preserve American history,
and secure America’s future through educational programs for
local public and private K-12 students and scholarships and
other educational funding for underprivileged children.

(100) GUARDIAN AD LITEM LICENSE PLATES.—
(a) The department shall develop a Guardian Ad Litem
license plate as provided in this section and s. 320.08053. The
plate must bear the colors and design approved by the
department. The word “Florida” must appear at the top of the
plate, and the words “Heartfelt Child Advocacy” must appear at
the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be
distributed to the Florida Guardian Ad Litem Foundation, Inc., a
direct-support organization and a nonprofit corporation under s.
501(c)(3) of the Internal Revenue Code. Up to 10 percent of the
proceeds may be used for administrative costs and the marketing
of the plate. The remainder of the proceeds must be used in this
state to support the mission and efforts of the statewide
Guardian Ad Litem Program to recruit and retain volunteer child
advocates, meet the unique needs of dependent children, and
promote awareness of the mission.

(101) JUMBO SHRIMP LICENSE PLATES.—
(a) The department shall develop a Jumbo Shrimp license
plate as provided in this section and s. 320.08053. The plate
must bear the colors and design approved by the department. The
word “Florida” must appear at the top of the plate, and the word
“Jumbo Shrimp” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be
distributed to St. Johns Riverkeeper, a nonprofit organization
under s. 501(c)(3) of the Internal Revenue Code. Up to 10
percent of the proceeds may be used for the promotion and
marketing of the plate. The remainder of the proceeds shall be
used by St. Johns Riverkeeper for programs and activities
related to fulfilling its mission to protect and restore the
health of the St. Johns River.

(102) OMEGA PSI PHI FRATERNITY LICENSE PLATES.—
(a) The department shall develop an Omega Psi Phi
Fraternity license plate as provided in this section and s.
320.08053. The plate must bear the colors and design approved by the
department. The word “Florida” must appear at the top of the
plate, and the words “Omega Psi Phi” must appear at the bottom
of the plate.

(b) The annual use fees from the sale of the plate shall be
distributed to the State of Florida Omega Friendship Foundation,
Inc., to be used as follows:
1. Five percent shall be used solely for marketing of the
Omega Psi Phi Fraternity license plate.
2. Ninety-five percent shall be used for college
scholarships for Florida residents attending historically black
(105) KAPPA ALPHA PSI FRATERNITY LICENSE PLATES.—
(a) The department shall develop a Kappa Alpha Psi
Sorority license plate as provided in this section and s.
320.08053. The plate must bear the colors and design approved by
the department. The word "Florida" must appear at the top of the
plate, and the words "Kappa Alpha Psi" must appear at the
bottom of the plate.
(b) The annual use fees from the sale of the plate shall be
distributed to the Southern Province of Kappa Alpha Psi
Foundation, Inc., to be used as follows:
1. Five percent shall be used solely for marketing of the
Kappa Alpha Psi Fraternity license plate.
2. Ninety-five percent shall be used for college
scholarships for Florida residents attending historically black
colleges and universities in this state.

(105) DELTA SIGMA THETA SORORITY LICENSE PLATES.—
(a) The department shall develop a Delta Sigma Theta
Sorority license plate as provided in this section and s.
320.08053. The plate must bear the colors and design approved by
the department. The word "Florida" must appear at the top of the
plate, and the words "Delta Sigma Theta" must appear at the
bottom of the plate.
(b) The annual use fees from the sale of the plate shall be
distributed to the Delta Research and Educational Foundation,
Inc., to be used as follows:
1. Five percent shall be used solely for marketing of the
Delta Sigma Theta Sorority license plate.
2. Ninety-five percent shall be used for college
scholarships for Florida residents attending historically black
colleges and universities in this state.

(104) SIGMA GAMMA RHO SORORITY LICENSE PLATES.—
(a) The department shall develop a Sigma Gamma Rho Sorority
license plate as provided in this section and s. 320.08053. The
plate must bear the colors and design approved by the
department. The word "Florida" must appear at the top of the
plate, and the words "Sigma Gamma Rho" must appear at the bottom
of the plate.
(b) The annual use fees from the sale of the plate shall be
distributed to the Department of Education to be used for the
Mary McLeod Bethune Scholarship Program in accordance with s.
1009.73.

(105) KAPPA ALPHA PSI FRATERNITY LICENSE PLATES.—
(a) The department shall develop a Kappa Alpha Psi
Fraternity license plate as provided in this section and s.
320.08053. The plate must bear the colors and design approved by
the department. The word "Florida" must appear at the top of the
plate, and the words "Kappa Alpha Psi" must appear at the bottom
of the plate.
(b) The annual use fees from the sale of the plate shall be
distributed to the Kappa Alpha Psi Educational Advancement
Foundation, Inc., to be used as follows:
1. Five percent shall be used solely for marketing of the
Kappa Alpha Psi Fraternity license plate.
2. Ninety-five percent shall be used for college
scholarships for Florida residents attending historically black
colleges and universities in this state.

(106) ALPHA KAPPA ALPHA SORORITY LICENSE PLATES.—
(a) The department shall develop an Alpha Kappa Alpha
Sorority license plate as provided in this section and s.
320.08053. The plate must bear the colors and design approved by
the department. The word "Florida" must appear at the top of the
plate, and the words "Alpha Kappa Alpha" must appear at the bottom
of the plate.
(b) The annual use fees from the sale of the plate shall be
distributed to the Alpha Kappa Alpha Educational Advancement
Foundation, Inc., to be used as follows:
1. Five percent shall be used solely for marketing of the
Alpha Kappa Alpha Sorority license plate.
2. Ninety-five percent shall be used for college
scholarships for Florida residents attending historically black
colleges and universities in this state.

(107) ALPHA PHI ALPHA FRATERNITY LICENSE PLATES.—
(a) The department shall develop an Alpha Phi Alpha Fraternity license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Alpha Phi Alpha” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the Rawls-FFAC Foundation, Inc.

(108) ZETA PHI BETA SORORITY LICENSE PLATES.—

(a) The department shall develop a Zeta Phi Beta Sorority license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Zeta Phi Beta” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73.

(109) PHI BETA SIGMA FRATERNITY LICENSE PLATES.—

(a) The department shall develop a Phi Beta Sigma Fraternity license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Phi Beta Sigma” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73.

(110) IOTA PHI THETA FRATERNITY LICENSE PLATES.—

(a) The department shall develop an Iota Phi Theta Fraternity license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Iota Phi Theta” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Department of Education to be used for the Mary McLeod Bethune Scholarship Program in accordance with s. 1009.73.

(111) GOPHER TORTOISE LICENSE PLATES.—

(a) The department shall develop a Gopher Tortoise license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Protect the Gopher Tortoise” must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Wildlands Conservation, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to fund gopher tortoise and commensal species research, education, and conservation, as well as upland habitat protection, restoration, and management in this state. Up to 15 percent of the funds received by Wildlands Conservation, Inc., may be used for marketing of the plate and costs directly associated with the administration of the gopher tortoise protection program.
(112) TREAD LIGHTLY OFF ROAD FLORIDA LICENSE PLATES.—
(a) The department shall develop a Tread Lightly Off Road Florida license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The words "Tread Lightly" must appear at the top of the plate, and the word "Florida" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed as follows:
1. Five percent shall be distributed to the Mental Health Association of Central Florida, Inc., to be used for marketing of the license plate.
2. Thirty-one percent shall be distributed to the Mental Health Association of Central Florida, Inc. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to offer free personalized counseling to any person affected by the shooting at the Pulse nightclub in Orlando on June 12, 2016.
3. Two percent shall be distributed to onePULSE Foundation, a charitable, nonprofit organization under s. 501(c)(3) of the Internal Revenue Code, to be used for marketing of the license plate.
4. Thirty-one percent shall be distributed to onePULSE Foundation. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to support the construction and maintenance of the onePULSE Foundation Memorial.
5. Thirty-one percent shall be distributed to Two Spirit Health Services, Inc. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to offer free personalized counseling to any person affected by the shooting at the Pulse nightclub in Orlando on June 12, 2016.

(113) ORLANDO UNITED LICENSE PLATES.—
(a) The department shall develop an Orlando United license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Orlando United" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed as follows:
1. Five percent shall be distributed to the Mental Health Association of Central Florida, Inc., to be used for marketing of the license plate.
2. Thirty-one percent shall be distributed to the Mental Health Association of Central Florida, Inc. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to offer free personalized counseling to any person affected by the shooting at the Pulse nightclub in Orlando on June 12, 2016.
3. Two percent shall be distributed to onePULSE Foundation, a charitable, nonprofit organization under s. 501(c)(3) of the Internal Revenue Code, to be used for marketing of the license plate.
4. Thirty-one percent shall be distributed to onePULSE Foundation. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to support the construction and maintenance of the onePULSE Foundation Memorial.
5. Thirty-one percent shall be distributed to Two Spirit Health Services, Inc. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to offer free personalized counseling to any person affected by the shooting at the Pulse nightclub in Orlando on June 12, 2016.
Section 8. Subsection (1) of section 320.08062, Florida Statutes, is amended to read:

320.08062 Audits and attestations required; annual use fees of specialty license plates.—

(1)(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that such proceeds were used in compliance with ss. 320.08056 and 320.08058.

(b) Any organization not subject to audit pursuant to s. 215.97 shall annually attest, under penalties of perjury, that such proceeds were used in compliance with ss. 320.08056 and 320.08058. The attestation shall be made annually in a form and format determined by the department. In addition, the department shall audit any such organization every 3 years to ensure that such proceeds have been used in compliance with ss. 320.08056 and 320.08058.

(c) Any organization subject to audit pursuant to s. 215.97 shall submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation shall be submitted to the department for review within 9 months after the end of the organization’s fiscal year.

Section 9. Paragraph (b) of subsection (4) of section 320.08068, Florida Statutes, is amended to read:

320.08068 Motorcycle specialty license plates.—

(4) A license plate annual use fee of $50 shall be collected for each motorcycle specialty license plate. Annual use fees shall be distributed as follows:

(b) Twenty percent to Preserve Vision Prevent Blindness

Section 10. Section 320.0875, Florida Statutes, is created to read:

320.0875 Purple Heart special motorcycle license plate.—

(1) Upon application to the department and payment of the license tax for the motorcycle as provided in s. 320.08, a resident of this state who owns or leases a motorcycle that is not used for hire or commercial use shall be issued a Purple Heart special motorcycle license plate if he or she provides documentation acceptable to the department that he or she is a recipient of the Purple Heart medal.

(2) The Purple Heart special motorcycle license plate must be stamped with the term “Combat-wounded Veteran” followed by the serial number of the license plate. The Purple Heart special motorcycle license plate may have the term “Purple Heart” stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

Section 11. Paragraph (a) of subsection (1) of section 320.089, Florida Statutes, is amended to read:

320.089 Veterans of the United States Armed Forces; members of National Guard; survivors of Pearl Harbor; Purple Heart medal recipients; Bronze Star recipients; active or retired United States Armed Forces reservists; Combat Infantry Badge, Combat Medical Badge, or Combat Action Badge recipients; Combat Action Ribbon recipients; Air Force Combat Action Medal recipients; Distinguished Flying Cross recipients; former prisoners of war; Korean War Veterans; Vietnam War Veterans; Operation Desert Shield Veterans; Operation Desert Storm Veterans; Operation Enduring Freedom Veterans; Operation Iraqi Freedom Veterans;
Section 12. By November 1, 2019, the annual use fees withheld by the Department of Highway Safety and Motor Vehicles from the sale of the Live the Dream specialty license plate shall be used first to satisfy all outstanding royalty payments due to the Martin Luther King, Jr., Center for Nonviolent Social Change, Inc., for the use of the image of Dr. Martin Luther King, Jr. All remaining funds shall be distributed to the subrecipients on a pro rata basis according to the percentages specified in s. 320.08058(47), Florida Statutes.

Section 13. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2019, but only if SB 1106 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.
To: Senator Travis Hutson, Chair  
   Appropriations Subcommittee on Transportation, Tourism, and Economic Development

Subject: Committee Agenda Request

Date: April 3, 2019

I respectfully request that Senate Bill # 1104, relating to Transportation Credentials, be placed on the:

☐ committee agenda at your earliest possible convenience.
☒ next committee agenda.

Senator Aaron Bean
Florida Senate, District 4
The Florida Senate

Appearance Record

Meeting Date: 4/16/2019

Bill Number: SB 1104

Amendment Barcode: 4474540

Topic: SB 1104

Name: Sam Wagoner

Job Title: Lobbyist

Address: 7392 Mud Dr

City: Spring Hill

State: FL

Zip: 34686

Phone: 352-584-8647

Email: wagoner@seginc.com

Speaking: [ ] For [ ] Against [ ] Information

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

Representing: Lake Sumter State College

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.

This form is part of the public record for this meeting.
THE FLORIDA SENATE
APPEARANCE RECORD
(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/16/2019
Meeting Date

Bill Number (if applicable)
1104

Amendment Barcode (if applicable)
697456

Topic
License Plates

Name
Nicole Albers

Job Title
Public Affairs Manager

Address
417 E College Ave
Tallahassee FL 32301

Street
City
State
Zip

Phone
850 224 3314 x7

Email
halbers@publicpower.com

Speaking:
☐ For ☐ Against ☐ Information

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

Representing
Florida Municipal Electric Association

Appearing at request of Chair:
☐ Yes ☑ No

Lobbyist registered with Legislature:
☐ Yes ☑ No

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

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

S-001 (10/14/14)
THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date: 4/16/19

Bill Number (if applicable): 1104

Amendment Barcode (if applicable): 1647456

Topic: License Plates

Name: Suzanne Goss

Job Title: Government Relations Specialist

Address: 21 W. Church St.

Phone: 904-665-8331

Email: gossSE@jea.com

City: Jacksonville

State: FL

Zip: 32202

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against

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

Representing: JEA

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.
4-16-19

Meeting Date

License Plates

Topic

Anna Higgins

Name

Lobbyist

Job Title

3375 Rommitch Ct

Address

Pensacola, FL 32504

City State Zip

202-384-6657

Phone

ahiggins@walkerfl.com

Email

Speaking: [ ] For [ ] Against [ ] Information

Representing

Naval Aviation Museum Foundation

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.

This form is part of the public record for this meeting.
April 16, 2019
Meeting Date

Topic ____________________________

Name Erin Ballas

Job Title ____________________________

Address 730 E. Park Ave

	Tallahassee, FL 32301

Phone 850-728-6387

Email erinballas@jaconsultants.com

Speaking: □ For □ Against □ Information

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

Representing Palm Beach Zoo

Appearing at request of Chair: □ Yes □ No

Lobbyist registered with Legislature: □ Yes □ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date: 4-14-19

Bill Number (if applicable): 1104

Amendment Barcode (if applicable):

Topic: FLORIDA NATIVE LICENSE PLATE

Name: Sue Mullins

Job Title:

Address: 989 Rehwinkel Rd

Phone: 850/590-8000

Email: bs.mullins@outlook.com

City: Crawfordville

State: FL

Zip: 32327

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against

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

Representing: Florida Native Plant Society

Appearing at request of Chair: ☑ Yes ☐ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/14/14)
THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date: 4/16/19

Bill Number (if applicable): 4104

Amendment Barcode (if applicable):

Topic: Give the Dream license plate

Name: Michael Dobson

Job Title: President

Address: 4005 Brandon Hill Dr

Phone: (850) 241-5896

Email: Michael@live.thedreamfoundation.org

Street: Tallahassee

City: Tallahassee

State: FL

Zip: 32304

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against

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

Representing: The Dream Foundation, Inc.

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

Lobbyist registered with Legislature: [ ] Yes [ ] No

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

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

S-001 (10/14/14)
THE FLORIDA SENATE

APPEARANCE RECORD

4/16/19
Meeting Date

Topic License Plates

Name Alan Abramowitz

Job Title Executive Director

Address 400 S. Calhoun Street
Street
Tallahassee Florida 32399
City State Zip

Phone 850.241.3232
Email alan.abramowitz@gal.fl.gov

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

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 (10/14/14)
April 16, 2019

Re: SB 1104 & SB 1106

Dear Chair Hutson:

I am respectfully requesting Senator Keith Perry be allowed to present Senate Bills 1104 & 1106, related to License Plates, which is on agenda for the April 16, 2019 meeting of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

I appreciate your consideration of this bill. If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5004.

Thank-you,

Aaron Bean
State Senator | 4th District
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 Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 1106

INTRODUCER: Infrastructure and Security Committee and Senator Bean

SUBJECT: Fees/Specialty License Plates Uniform Annual Use Fee

DATE: April 15, 2019

ACTION

1. Proctor
2. Wells
3. 

ANALYST

STAFF DIRECTOR

REFERENCE

Fav/CS

Recommend: Favorable

ACTION


Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1106 provide that the annual use fee for any specialty license plate created in that statute is $25, unless otherwise specified. The bill also establishes an annual use fee of $50 for the University of Alabama and the University of Georgia specialty license plates.

SB 1104, which this bill is linked to, authorizes the creation of numerous specialty license plates, including the Alabama and Georgia collegiate plates; and provides for the design of the plates and the use of the annual fees associated with the specialty license plates.

According to the Department of Highway Safety and Motor Vehicles (DHSMV), the bill will have a negative, but insignificant fiscal impact associated with programming costs. These costs can be absorbed within existing resources.

The bill has an effective date on the same date that SB 1104 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.
II. Present Situation:

Specialty License Plates

Presently, there are over 120 specialty license plates available for purchase in Florida.¹ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from $15 to $25, paid in addition to required license taxes and service fees.² The annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified on the plate’s design and designated in statute.³

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.⁴ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.⁵

DHSMV Costs Defrayed

The DHSMV is authorized to retain a sufficient portion of annual use fees collected from the sale of specialty plates to defray its costs for inventory, distribution, and other direct costs associated with the specialty license plate program. The remainder of the proceeds collected are distributed as provided by law.⁶

University of Georgia

Founded in 1946 as the Georgia Alumni Association of Jacksonville, the Georgia Bulldog Club of Jacksonville is America’s largest University of Georgia alumni and fan club.⁷ In 1988, the club established the Vince Dooley Scholarship Fund to award scholarships to attend the University of Georgia for students from Duval, Nassau, St. Johns, Clay, or Baker counties, based on academic and economic need.⁸

University of Alabama

The Pensacola Bama Club is a Chapter of the University of Alabama National Alumni Association. They are a nonprofit, fan-based organization representing the University of Alabama National Alumni Association in Pensacola, Florida, and are open to alumni, friends, and fans of the university. “The organization’s primary mission is to provide scholarships to deserving local high school students as well as play host to an annual kick-off event and game watching parties.”⁹

¹ A list of Florida’s specialty license plates is available on the DHSMV website at http://www.flhsmv.gov/dmv/specialtytags/ (last visited April 5, 2019).
² Section 320.08056, F.S.
³ Section 320.08058, F.S.
⁴ Section 320.08056(10)(a), F.S.
⁵ Section 320.08062, F.S.
⁶ Section 320.08056(7), F.S.
III. **Effect of Proposed Changes:**

The bill amends s. 320.08056, F.S., to provide that the annual use fee for any specialty license plate created in that statute is $25, unless otherwise specified in the statute.

The bill also establishes an annual use fee of $50 for the University of Alabama and the University of Georgia specialty license plates created in SB 1104.

The bill has an effective date on the same date that SB 1104 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

IV. **Constitutional Issues:**

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

None.

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

None.

C. **Trust Funds Restrictions:**

None.

D. **State Tax or Fee Increases:**

Section 19, Art. VII of the Florida Constitution requires “a supermajority vote” of two-thirds of the membership of each house to pass legislation which will impose or authorize a new state tax or fee.\(^{10}\) A “fee” is defined as “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”\(^{11}\) A state tax or fee imposed or authorized must be contained in a separate bill that contains no other subject.\(^{12}\)

The $25 annual use fee that will be charged for any specialty license plate that the DHSMV is required to develop and the $50 annual use fee for the University of Alabama and the University of Georgia specialty license plates may be new state fees subject to the constitutional requirements.

E. **Other Constitutional Issues:**

None.

\(^{10}\) *Fla. Const.* art. VII, s. 19(a).

\(^{11}\) *Fla. Const.* art. VII, s. 19(d)(1).

\(^{12}\) *Fla. Const.* art. VII, s. 19(e).
V. **Fiscal Impact Statement:**

A. **Tax/Fee Issues:**

Individuals who choose to purchase a specialty license plate created in SB 1104 will pay an additional use fee of $25 in addition to required vehicle license taxes and fees.

Individuals who choose to purchase a University of Alabama or University of Georgia specialty license plate will pay an additional use fee of $50 in addition to required vehicle license taxes and fees.

B. **Private Sector Impact:**

Revenue from the sale of the specialty license plates created in SB 1104 will benefit numerous organizations listed in that bill.

Revenue from the sale of the University of Alabama specialty license plate will benefit the Pensacola Bama Club, which must use the moneys for the purpose of awarding scholarships to Florida residents attending the University of Alabama.

Revenue from the sale of the University of Georgia specialty license plate will benefit the Georgia Bulldog Club of Jacksonville, which must distribute the moneys received for the purpose of awarding scholarships to Florida residents attending the University of Georgia.

C. **Government Sector Impact:**

Depending on the number of distributions tied to the plate, the amount of programming may vary as will the resources needed to complete the changes. The average specialty/special license plate requires approximately 200-250 hours of programming, at a rate of $35 to $40 per hour. This results in programming costs of between $7,000 and $10,000. The DHSMV is authorized to retain revenues from the first proceeds of specialty license plate sales to defray departmental expenditures related to the specialty license plate program.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

The bill is linked to SB 1106, which establishes 34 specialty license plates.

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13 Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: SLP Price for Tim, (February 5, 2019) (On file with the Senate Infrastructure and Security Committee).

14 Section 320.08056(7), F.S.
VIII. Statutes Affected:

This bill substantially amends section 320.08056 of the Florida Statutes.

IX. Additional Information:

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

**CS by Infrastructure and Security on April 2, 2019:**
The CS incorporates the linked bill number of SB 1104.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
A bill to be entitled
An act relating to fees; amending s. 320.08056, F.S.; creating a uniform annual use fee collected for a specialty license plate unless otherwise specified; adding annual use fees for certain specialty license plates; providing a contingent effective date.

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

Section 1. Paragraph (d) of subsection (3) of section 320.08056, Florida Statutes, is amended, and paragraphs (z) and (aa) are added to subsection (4) of that section, as amended by SB 1104, 2019 Regular Session, to read:

320.08056 Specialty license plates.—
(3) Each request must be made annually to the department or an authorized agent serving on behalf of the department, accompanied by the following tax and fees:
(d) Unless the amount of an annual use fee is otherwise specified, a license plate annual use fee as required in subsection (4) for a particular specialty license plate, an annual use fee of $25 for any specialty license plate that is required to be developed under s. 320.08058.

A request may be made any time during a registration period. If a request is made for a specialty license plate to replace a current valid license plate, the specialty license plate must be issued with appropriate decals attached at no tax for the plate, but all fees and service charges must be paid. If a request is made for a specialty license plate at the beginning of the registration period, the tax, together with all applicable fees and service charges, must be paid.

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:
(z) University of Alabama license plate, $50.
(aa) University of Georgia license plate, $50.

Section 2. This act shall take effect on the same date that SB 1104 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.
To: Senator Travis Hutson, Chair  
Appropriations Subcommittee on Transportation, Tourism, and Economic Development

Subject: Committee Agenda Request

Date: April 3, 2019

I respectfully request that Senate Bill # 1106, relating to Fees/Specialty License Plate, be placed on the:

☐ committee agenda at your earliest possible convenience.
☑ next committee agenda.

Senator Aaron Bean  
Florida Senate, District 4
April 16, 2019

Re: SB 1104 & SB 1106

Dear Chair Hutson:

I am respectfully requesting Senator Keith Perry be allowed to present Senate Bills 1104 & 1106, related to License Plates, which is on agenda for the April 16, 2019 meeting of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

I appreciate your consideration of this bill. If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5004.

Thank-you,

Aaron Bean
State Senator | 4th District
I. Summary:

SB 1162 creates the Northwest Florida Rural Inland Affected Counties Recovery Fund (fund) within the Department of Economic Opportunity (DEO), to facilitate the planning, preparation, and financing of infrastructure projects and workforce programs in rural inland counties affected by the Deepwater Horizon Oil Spill. The bill designates the following counties as rural inland affected counties: Calhoun County, Gadsden County, Holmes County, Jackson County, Jefferson County, Liberty County, and Washington County.

The bill also:
- Directs future Legislatures to appropriate to the fund 5 percent of future settlement payments received by the state pursuant to the Settlement Agreement Between the Gulf States and the BP Entities with Respect to Economic and Other Claims Arising from the Deepwater Horizon Incident;
- Requires the DEO to establish an application procedure and scoring process to grant awards to organizations or local governments within the rural inland affected counties;
- Lists eligible projects and programs that may be provided awards by the DEO;
- Establishes criteria for projects and programs that should be given priority for award by the DEO; and
- Requires the DEO to review and certify applications according to the economic development incentive application process specified in s. 288.061, F.S., and in consultation with Enterprise Florida, Inc., the Florida Tourism Industry Marketing Corporation (VISIT Florida), the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission.

The bill directs future Legislatures to appropriate funds, but contains no current appropriation.

The bill is effective July 1, 2019.
II. Present Situation:

Deepwater Horizon Oil Spill

On April 20, 2010, an offshore drilling rig, known as Deepwater Horizon, exploded in the Gulf of Mexico. The explosion claimed the lives of 11 crewmembers and caused nearly five million barrels of crude oil to spill into the Gulf of Mexico. The five states bordering the Gulf of Mexico (Alabama, Florida, Louisiana, Mississippi, and Texas) were quickly determined to have experienced the most devastating economic and environmental effects of the oil spill.

On July 6, 2012, President Obama signed into law the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies the Gulf Coast States Act of 2012 (RESTORE Act) in an effort to provide a mechanism for funding restoration of the Gulf Coast region. The RESTORE Act required 80 percent of administrative and civil penalties paid by responsible parties under provisions of the federal Clean Water Act to be deposited into the Gulf Coast Restoration Trust Fund. The RESTORE Act set forth the following framework for allocation of the Trust Fund:

- 35 percent equally divided among the five states;
- 30 percent to the Gulf Coast Ecosystem Restoration Council;
- 30 percent to the Oil Spill Restoration Impact;
- 2.5 percent to the Gulf Coast Ecosystem Restoration Science Observation Monitoring and Technology Program; and
- 2.5 percent to Centers of Excellence.

In addition to penalties imposed under the Clean Water Act, responsible parties were liable for Natural Resource Damage Assessment penalties under the Oil Pollution Act of 1990 and criminal penalties asserted by the National Fish and Wildlife Foundation. The funds awarded to the Gulf States were determined pursuant to a consent decree, which approved a $20.8 billion

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3 Robertson, *supra* note 1.


6 Transocean Ltd., British Petroleum (BP), and The Halliburton Company were among the parties found to be responsible.

7 The remaining 20 percent of the administrative and civil penalties are required to be deposited into the federal Oil Spill Liability Trust Fund, which funds removal costs or damages resulting from discharges of oil. See 33 U.S.C. 1321.

8 A table of Projected BP Annual Deposits into the Gulf Coast Restoration Trust Fund created by the U.S. Department of Treasury (September 2, 2016) is available at https://www.treasury.gov/services/restore-act/Documents/BP_Estimated_Deposits_Schedule_June302016.pdf (last visited last visited March 24, 2019).

settlement of a civil lawsuit filed by the United States and the five Gulf States against the parties responsible for the oil spill.\textsuperscript{10}

\textit{Economic Loss Claims}

In an agreement separate from the civil lawsuit, BP also agreed to pay a total of $4.9 billion to the five Gulf States and up to $1 billion to local government entities for economic damage claims related to the oil spill.\textsuperscript{11} Pursuant to the agreement, Florida will receive a total of $2 billion over an 18-year period.\textsuperscript{12} Attorney General Pam Bondi received BP’s initial settlement payment of $400 million in July of 2016, and the funds were deposited into the state General Revenue Fund.\textsuperscript{13} Subsequent settlement payments are scheduled to be paid annually to the state in the amount of $106,666,666 from 2019 until 2033.\textsuperscript{14}

\textit{Florida Legislation}

\textit{Triumph Gulf Coast, Inc.}

In 2013, the Legislature created the Gulf Coast Economic Corridor Act (the act) to provide a long-term source of funding for economic recovery and enhancement efforts in the Gulf Coast region to help businesses, individuals, and local governments recover from the Deepwater Horizon oil spill.\textsuperscript{15} The act created Triumph Gulf Coast, Inc. (Triumph Gulf Coast), a nonprofit corporation, administratively housed under the DEO.\textsuperscript{16}

The duties of Triumph Gulf Coast include:

- Responsibly and prudently managing all funds received and ensuring that the use of funds is in accordance with applicable laws, bylaws, and contractual requirements;
- Administering the program set forth by the act;
- Monitoring, reviewing, and annually evaluating awardees and their projects or programs to determine whether awards should be continued, terminated, reduced, or increased; and
- Operating in a transparent manner, by maintaining a website that provides public access to information, notice of meetings, awards, and the status of projects and programs.\textsuperscript{17}

\textsuperscript{10} A flowchart by the Ocean Conservancy of the funds awarded in the approved settlement is available at http://www.oceanconservancy.org/places/gulf-of-mexico/spill-funds-flowchart-spring.pdf (“Spill Funds” then download pdf) (last visited March 24, 2019).
\textsuperscript{12} Joint Motion for Dismissal, Settlement Agreement Between the Gulf States and the BP Entities with Respect to Economic and Other Claims Arising from the Deepwater Horizon Incident, In re: Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico on April 20, 2010 (no. 2179, M.D.L., October 5, 2015), at page 42, available at http://www.laed.uscourts.gov/sites/default/files/OilSpill/Orders/10052015Motion(DismissalofStates%2015435).pdf (last visited March 24, 2019).
\textsuperscript{13} Court settlement funds negotiated by the state are deposited in the General Revenue Fund pursuant to s. 216.216, F.S.
\textsuperscript{14} Joint Motion for Dismissal, supra note 9.
\textsuperscript{15} Section 288.8011, F.S.
\textsuperscript{16} Sections 288.8013(1), F.S.
\textsuperscript{17} Section 288.8016, F.S.
The activities of Triumph Gulf Coast are to benefit the “disproportionately affected counties,” which are Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton, and Wakulla counties.\(^{18}\)

In 2017, the Legislature created the Triumph Gulf Coast Trust Fund within the DEO as a depository for a portion of the settlement payments received by the state.\(^{19}\) During the same legislative session, the Legislature amended the act to update the criteria for awards and priorities granted by Triumph Gulf Coast, to address additional operations and requirements of Triumph Gulf Coast, and to provide an appropriation for the settlement payments.\(^{20}\)

Pursuant to s. 288.8013, F.S., 75 percent of the payments received by the state pursuant to the settlement agreement must be immediately transferred from the General Revenue Fund to the Triumph Gulf Coast Trust Fund.\(^{21}\) Of the settlement moneys received on or before July 1, 2017, 75 percent (roughly $300 million), was appropriated to Triumph Gulf Coast for allocation by its board of directors. For settlement payments received by the state after July 1, 2017, 75 percent of the moneys (roughly $80 million per annual payment) must be deposited into the Triumph Gulf Coast Trust Fund and released to Triumph Gulf Coast no later than 30 days after such funds are transferred to the Triumph Gulf Coast Trust Fund.\(^{22}\)

As of March 15, 2019, the 2019 settlement payment from BP (roughly $106,666,666) has not yet been received by the state. The payment is anticipated to be made on or around April 4, 2019.

**Economic Development Incentive Application Process**

Section 288.061, F.S., specifies the process by which the Division of Strategic Business Development of the DEO and designated staff of Enterprise Florida, Inc., must review a submitted economic development incentive application to ensure that the application is complete, whether and what type of state and local permits may be necessary for the applicant’s project, whether it is possible to waive such permits, and what state incentives and amounts of such incentives may be available to the applicant.

The DEO must recommend to its executive director to approve or disapprove an applicant business. If review of the application demonstrates that the application is incomplete, the executive director must notify the applicant business within the first 5 business days after receiving the application.

The DEO must review and evaluate each economic development incentive application for the economic benefits of the proposed award of state incentives proposed for the project. The term “economic benefits” means the direct, indirect, and induced gains in state revenues as a percentage of the state’s investment, which includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives. Within 10 business days after the DEO receives the submitted

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\(^{18}\) Sections 288.8012(3) and 288.8017(1), F.S.

\(^{19}\) Chapter 2017-64, L.O.F.

\(^{20}\) See ch. 2017-63, L.O.F.

\(^{21}\) The remaining 25 percent of all payments to the state pursuant to the settlement agreement were not addressed, and as a result, remain in the state’s General Revenue Fund, available for appropriation by the Legislature.

\(^{22}\) Section 288.8013(2)(a), F.S.
economic development incentive application, the executive director must approve or disapprove the application and issue a letter of certification to the applicant which includes a justification of that decision, unless the business requests an extension of that time.

The contract or agreement with the applicant must specify the total amount of the award, the performance conditions that must be met to obtain the award, the schedule for payment, and sanctions that would apply for failure to meet performance conditions. The DEO may enter into one agreement or contract covering all of the state incentives that are being provided to the applicant. The contract must provide that release of funds is contingent upon sufficient appropriation of funds by the Legislature; the release of funds for the incentive or incentives awarded to the applicant depends upon the statutory requirements of the particular incentive program.

The DEO must validate contractor performance and report such validation in the annual incentives report required of Enterprise Florida, Inc.

After an economic development incentive application is approved, the awardee must provide, in each year that the DEO is required to validate contractor performance, a signed written declaration stating that the awardee has reviewed the performance information and that the information is true, correct, and complete to the best of the awardee’s knowledge and belief.

III. Effect of Proposed Changes:

Northwest Florida Rural Inland Affected Counties Recovery Fund

The bill creates s. 288.8055, F.S., to establish the Northwest Florida Rural Inland Affected Counties Recovery Fund (fund) within the DEO. The fund is created to facilitate the planning, preparation, and financing of infrastructure projects and workforce programs in rural inland affected counties, which will encourage job creation, capital investment, and the strengthening and diversification of the economies of such counties by promoting tourism, trade, and economic development.

The “rural inland affected counties” are Calhoun County, Gadsden County, Holmes County, Jackson County, Jefferson County, Liberty County, and Washington County.

Settlement Funds

After settlement funds are transferred to the Triumph Gulf Coast Trust Fund, the bill requires 5 percent of all payments to the state received pursuant to the settlement agreement after July 1, 2019, to be appropriated annually by the Legislature to the fund. The bill clarifies that the transfer of money to the fund does not diminish the amount of money transferred to the Triumph

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23 The bill defines “settlement agreement” to mean the agreement entitled “Settlement Agreement Between the Gulf States and the BP Entities with Respect to Economic and Other Claims Arising From the Deepwater Horizon Incident,” which was entered into on October 5, 2015, in the case styled In re: Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico, on April 20, 2010, MDL 2179 in the United States District Court for the Eastern District of Louisiana.
Gulf Coast Trust Fund. Under the bill, future settlement payments received by the state after July 1, 2019, approximately $106,666,666 annually, will be appropriated as follows:

- Approximately $80 million to Triumph Gulf Coast; and
- If a future Legislature appropriates it, approximately $5.3 million to the Northwest Florida Rural Inland Affected Counties Recovery Fund.\(^{24}\)

The bill also provides that, notwithstanding s. 216.301, F.S., moneys appropriated to the fund are not subject to reversion.

**Application for Awards**

Under the bill, the DEO must grant awards to organizations or local governments within the rural inland affected counties for infrastructure projects and workforce programs that meet the priorities of economic recovery, diversification, and enhancement.

The DEO must establish an application procedure for awards and a scoring process for the selection of infrastructure projects and workforce programs that have the potential to generate increased economic activity in the rural inland affected counties. The DEO is required to review and certify applications according to the economic development incentive application process in s. 288.061, F.S., and in consultation with Enterprise Florida, Inc., the Florida Tourism Marketing Corporation (VISIT Florida), the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate. The application review must include an evaluation of the economic benefit of the infrastructure project or workforce program and its long-term viability. The bill specifies that the DEO has final approval of any awards provided.

**Awards and Priorities**

Awards may be provided for:

- Local match requirements for the Rural Infrastructure Fund in s. 288.0655, F.S.
- Infrastructure planning, design, construction, expansion, or maintenance projects that meet the priorities of the fund.
- Infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities necessary to induce the relocation or expansion of specific employment opportunities.
- Grants to support workforce programs that provide participants in the rural inland affected counties with transferable sustainable workforce skills.
- Grants to the Florida Tourism Industry Marketing Corporation (VISIT Florida) for the purpose of advertising and promoting tourism and agricultural or agricultural-based products marketed under the “Fresh From Florida” or “From Florida” logos and for promoting infrastructure projects and workforce programs on behalf of the rural inland affected counties.
- Grants to regionally based economic development organizations representing the rural inland affected counties for the purpose of building the professional capacity of such organizations and providing technical assistance to businesses served by such organizations.

\(^{24}\) The remaining 20 percent of the settlement payments received after July 1, 2019 (approximately $21.3 million of each annual settlement payment) will remain in the General Revenue Fund, available for appropriation by the Legislature.
The DEO is required to give priority to projects and programs that:

- Generate the maximum estimated economic benefits, based on tools and models not generally employed by economic input-output analyses, including cost-benefit, return-on-investment, or dynamic scoring techniques, to determine how the long-term economic growth potential of the rural inland affected counties may be enhanced by the award;
- Increase household income in the rural inland affected counties above the national average;
- Leverage or further enhance key assets, including K-20 educational institutions, research facilities, and military bases, in the rural inland affected counties;
- Partner with local governments to provide funds, infrastructure, land, or other assistance to the rural inland affected counties;
- Benefit the environment and economy of the rural inland affected counties;
- Provide outcome measures;
- Partner with K-20 educational training institutions or school districts located within the rural inland affected counties;
- Are recommended by the board of county commissioners of the rural inland affected county in which such project or program will be located; and
- Partner with convention and visitor bureaus, tourist development councils, or chambers of commerce located within the rural inland affected counties.

Effective Date

The bill is effective July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

   None.

B. Public Records/Open Meetings Issues:

   None.

C. Trust Funds Restrictions:

   None.

D. State Tax or Fee Increases:

   None.

E. Other Constitutional Issues:

   None.
V. **Fiscal Impact Statement:**

A. **Tax/Fee Issues:**

None.

B. **Private Sector Impact:**

Indeterminate.

C. **Government Sector Impact:**

The DEO may incur costs associated with developing the application procedure and process to evaluate applications and grant awards.

The bill provides that 5 percent of the BP settlement payments received after July 1, 2019 “shall be appropriated annually” to the fund created in the bill. The bill does not appropriate any funds, and without an appropriation in the General Appropriations Act or otherwise, no funds are appropriated to the fund created by the bill.

If a future appropriation is made to the fund of 5 percent of the BP settlement payments, then such appropriation would reduce general revenue by approximately $5.3 million.

VI. **Technical Deficiencies:**

Line 83 of the bill seems to direct VISIT Florida to made grants for promoting infrastructure projects and workforce programs on behalf of the rural inland affected counties. Section 288.8017(1)(g), F.S., for Triumph Gulf Coast and the disproportionately affected counties has a similar provision, but provides for Triumph Gulf Coast to make “grants to promote…” such activities. VISIT Florida is not an appropriate entity to make grants for infrastructure or workforce programs. If the bill is mirroring the similar language in the Triumph Gulf Coast awards statute, then likely this is a technical deficiency that could be addressed by adding the words “grants to” on line 83 of the bill.

VII. **Related Issues:**

Lines 51-52 of the bill create the Northwest Florida Rural Inland Affected Counties Recovery Fund within the DEO. Art. III, s. 19(f), of the State Constitution requires that every trust fund be created by a three-fifths vote of the membership of each house of the Legislature in a separate bill for the sole purpose of created a trust fund. State trust funds terminate not more than 4 years after their initial creation unless re-created. If the fund created by the bill is a trust fund, it should be created in a separate bill. If it is not a trust fund, but merely a program that will be funded out of an existing DEO trust fund, then the terminology could be changed to clarify this intent.

The bill provides that 5 percent of the BP settlement payments received after July 1, 2019 “shall be appropriated annually” to the fund created in the bill. If the intent is to appropriate the payments without further legislative action in subsequent fiscal years, the language “shall be appropriated annually” should be clarified to read “is appropriated annually.”
The bill provides that “organizations” are eligible to receive grant funds without defining the term, which would appear to make the program open to private entities. The bill appears to allow the DEO to grant awards to organizations without the approval or support of the project by a local government.

The bill is silent as to contract and reporting requirements for grant awardees.

Nothing in the bill prohibits the DEO from awarding all available funds to one project or financing 100 percent of a project.

The bill requires the DEO to establish an application procedure for awards and a scoring process, including how to model economic benefits, but also requires that the DEO certify applications pursuant to s. 288.061, F.S., which specifies that “economic benefits” are defined in 288.005, F.S., as the direct, indirect, and induced gains in state revenues as a percentage of the state’s investment.

All counties receiving any funds related to the Deepwater Horizon oil spill is subject to specific audit requirements, including auditing the use of such funds under s. 219.39, F.S., and audits by the Auditor General every two years.²⁵

VIII. Statutes Affected:

This bill creates section 288.8055 of the Florida Statutes.

IX. Additional Information:

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

   None.

B. Amendments:

   None.

²⁵ Section 288.8018, F.S.
By Senator Gainer

A bill to be entitled

An act relating to the Northwest Florida Rural Inland Affected Counties Recovery Fund; creating s. 288.8055, F.S.; providing legislative intent; providing definitions; creating the Northwest Florida Rural Inland Affected Counties Recovery Fund within the Department of Economic Opportunity; requiring certain payments to be appropriated annually to the fund; prohibiting such payments from diminishing funds transferred to the Triumph Gulf Coast Trust Fund; requiring the department to grant awards to organizations and local governments for specified infrastructure projects and workforce programs; requiring the department to establish an application procedure and prioritize projects and programs that meet certain requirements; requiring the department, in consultation with specified entities, to review and certify applications; exempting certain funds from reversion; providing an effective date.

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

Section 1. Section 288.8055, Florida Statutes, is created to read:

288.8055 Northwest Florida Rural Inland Affected Counties Recovery Fund.—
(1) The Legislature recognizes that as a result of the Deepwater Horizon disaster, the rural inland affected counties of Northwest Florida continue to face extraordinary challenges in significantly improving their economies, specifically in terms of household income, job creation, average wages, and strong tax bases. The Legislature also recognizes that this area is designated as a rural area of opportunity by the Governor pursuant to s. 288.065. Therefore, the Legislature intends to provide a long-term source of funding for economic recovery and enhancement efforts of the rural inland affected counties.

(2) As used in this section, the term:
(a) “Fund” means the Northwest Florida Rural Inland Affected Counties Recovery Fund created in this section.
(b) “Rural inland affected county” means Calhoun County, Gadsden County, Holmes County, Jackson County, Jefferson County, Liberty County, or Washington County.
(c) “Settlement agreement” means the agreement entitled "Settlement Agreement Between the Gulf States and the BP Entities with Respect to Economic and Other Claims Arising from the Deepwater Horizon Incident," which was entered into on October 5, 2015, in the case styled In re: Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico, on April 20, 2010, MDL 2179 in the United States District Court for the Eastern District of Louisiana.

(3) The Northwest Florida Rural Inland Affected Counties Recovery Fund is created within the department to facilitate the planning, preparation, and financing of infrastructure projects and workforce programs in rural inland affected counties which will encourage job creation, capital investment, and the strengthening and diversification of the economies of such counties by promoting tourism, trade, and economic development.

(4) After the transfer of funds to the Triumph Gulf Coast
(f) The department shall establish an application procedure for awards and a scoring process for the selection of infrastructure projects and workforce programs that have the potential to generate increased economic activity in the rural inland affected counties, giving priority to such projects and programs that:

(a) Generate maximum estimated economic benefits, based on tools and models not generally employed by economic input-output analyses, including cost-benefit, return-on-investment, or dynamic scoring techniques, to determine how the long-term economic growth potential of the rural inland affected counties may be enhanced by the award.

(b) Increase household income above the national average in the rural inland affected counties.

(c) Leverage or further enhance key assets, including K-20 educational institutions, research facilities, and military bases, in the rural inland affected counties.

(d) Partner with local governments to provide funds, infrastructure, land, or other assistance to the rural inland affected counties.

(e) Benefit the environment and economy of the rural inland affected counties.

(f) Provide outcome measures.

(g) Partner with K-20 educational institutions or school districts located within the rural inland affected counties.

(h) Are recommended by the board of county commissioners of the rural inland affected counties.
the rural inland affected county in which such project or
program will be located.

(i) Partner with convention and visitor bureaus, tourist
development councils, or chambers of commerce located within the
rural inland affected counties.

(7) Applications for awards shall be submitted to the
department. The department, in consultation with Enterprise
Florida, Inc., the Florida Tourism Industry Marketing
Corporation, the Department of Environmental Protection, and the
Florida Fish and Wildlife Conservation Commission, as
appropriate, shall review and certify applications pursuant to
s. 288.061. The review shall include an evaluation of the
economic benefit of the infrastructure project or workforce
program and its long-term viability. The department shall have
final approval of any awards provided pursuant to this section.

(8) Notwithstanding s. 216.301, funds appropriated for the
purposes of this section are not subject to reversion.

Section 2. This act shall take effect July 1, 2019.
THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date: 4/16/19

Bill Number (if applicable): 1162

Amendment Barcode (if applicable): 

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Topic: 

Name: Richard Williams

Job Title: Executive Director

Address: 4636 Hwy 90, Marianna, FL 32446

Phone: 850-255-2441

Email: richardw@opportunityflorida.com

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against

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

Representing: Opportunity 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.
THE FLORIDA SENATE

APPEARANCE RECORD

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

4-16-2019
Meeting Date

1162
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic
WW FL Rural Inland Counties

Name
Marti Coley Eubanks

Job Title
Consultant

Address
150 S. Monroe St.
Tallahassee, FL 32301

Phone
850-209-0069

Email
marti@pinpointrewards.com

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

Representing
David Melvin Engineering

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

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

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

S-001 (10/14/14)
THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date 4-16-19

Bill Number SB 1162

Amendment Barcode (if applicable)

Topic NW Fla. Rural Inland

Name Chris Doolin

Job Title Consultant

Address 431 Hillcrest St

Tall. Fla 32308

Phone 508-5492

Email cdoolin@mctally.com

Speaking: □ For □ Against □ Information

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

Representing SMALL COUNTY COALITION

Appearing at request of Chair: □ Yes □ No

Lobbyist registered with Legislature: ✓ Yes □ No

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

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

APPEARANCE RECORD

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

Meeting Date

Bill Number (if applicable)

Topic  

1162

Name  

Melissa Mastro

Job Title  

Marketing, Panama City

Address  

c/o displaced

Panama City, FL 32404

City  

State  

Zip  

Phone  

1-850-687-3586

Email  

mme@grand slam.com

Speaking:  

[X] For  

[ ] Against  

[ ] Information

Waive Speaking:  

[ ] In Support  

[ ] Against  

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

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.
Meeting Date

Topic Hurricane Michael

Name Lauren Mullinax

Job Title Musician

Address 101 Meadow Ridge Dr.

City Tallahassee

State FL

Zip

Phone 850-509-2826

Email rightpath1992@gmail.com

Speaking: [✓] For [ ] Against [ ] Information

Representing

Appearing at request of Chair: [ ] 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.

Lobbyist registered with Legislature: [ ] Yes [ ] No

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

APPEARANCE RECORD

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

Meeting Date: 4-16-19

Bill Number (if applicable): 1162

Amendment Barcode (if applicable)

Topic: NW FL. Rural Lands

Name: Richard Gentry

Job Title

Address: 2305 Braeburn Cir

Phone: 256-1837

Email: rgenty@comcast.net

State: FL

Zip: 32307

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☑ Against

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

Representing: Stand Up for North FLA.

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/14/14)
SENATOR GEORGE B. GAINER  
2nd District  

April 15, 2019  

Re: SB 1162  

Dear Chair Hutson,  

I am respectfully requesting Senator Keith Perry be allowed to present Senate Bill 1162, related to Northwest Florida Rural Inland Affected Counties, which is on agenda for the April 16, 2019 meeting of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development.  

I appreciate your consideration of this bill. If there are any questions or concerns, please do not hesitate to call my office at (850) 487-5002.  

Thank you,  

[Signature]  

Senator George Gainer  
District 2
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 Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/SB 1610 (782098)
INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Senator Montford and others
SUBJECT: Emergency Mitigation and Response
DATE: April 18, 2019

ANALYST STAFF DIRECTOR REFERENCE ACTION
1. Proctor Miller IS Favorable
2. McAuliffe Hrdlicka ATD Recommend: Fav/CS
3. ___________________ AP ___________________

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 1610 is a bill relating to emergency mitigation and response. The bill:

- Creates a Hurricane Michael Recovery Task Force to review local, state and federal activities related to disaster response, recovery, and mitigation and to make recommendations to the legislature regarding additional assistance needs;
- Requires the Division of Emergency Management (DEM) to conduct an after-action report on shelter operations during Hurricane Michael;
- Requires the DEM to contract to conduct a statewide study for communities’ needs for emergency operations centers;
- Creates the Hurricane Housing Recovery Program within the Florida Housing Finance Corporation (FHFC) to respond to housing needs after hurricanes;
- Directs the Department of Economic Opportunity (DEO) to include a shelter retrofit or repair program as a portion of any mitigation funds received from the federal Department of Housing and Urban Development (HUD);
- Directs the DEO to include single family housing recovery programs in any funding from HUD specifically for Hurricane Michael;
- Directs the Florida Building Commission to make recommendations to strengthen and enhance the building codes for storm impacts;
- Creates a loan program for local governments and school boards to repair or restore damaged facilities;
• Expands the use of the Agricultural Loan Program, and allows for individuals affected by Hurricane Michael to apply; and
• Allows third graders advancing and seniors graduating high school to advance or graduate without meeting assessment requirements in areas impacted by Hurricane Michael.

Several provisions of this bill are contingent upon appropriation. See Section V.

The bill takes effect upon becoming law.

II. Present Situation:

Task Force Requirements under Section 20.03, Florida Statutes

Section 20.03(8), F.S., defines “task force” to mean an “advisory body created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed three years and appointed to study a specific problem and recommend a solution or policy alternative related to that problem.” This provision specifies that the existence of the task force terminates upon the completion of its assignment.

Statewide Public Emergency Shelters

Sections 1013.372(2) and 252.385(2)(b), F.S., require the DEM to prepare a Statewide Emergency Shelter Plan.¹ The plan is a guide for local emergency planning and provides advisory assistance to school districts contemplating construction of educational facilities and the need to provide public shelter space within those facilities. The plan is submitted to the Governor and Cabinet for approval by January 31 of each even-numbered year and must:
• Identify the general location and square footage of existing general population (GP) and special needs shelter (SpNS) space, by Regional Planning Council (RPC) regions;
• Identify the general location and square footage of needed shelters by RPC regions for the next 5 years;
• Provide information on the availability of shelters that accept pets;
• Identify the types of facilities which should be constructed to comply with the public shelter design criteria; and
• Recommend an appropriate and available source of funding for the additional cost of constructing emergency shelters within those public facilities.

Community Development Block Grant – Disaster Recovery Program (CDGB-DR)

“When the President declares a major disaster, Congress may appropriate funds to the Department of Housing and Urban Development (HUD) when there are significant unmet needs for long-term recovery.”² The appropriation is limited to providing the assistance in the most

² U.S. Department of Housing and Urban Development, Fact Sheet: Community Development Block Grant Disaster Recovery (CDBG-DR), https://www.hudexchange.info/resources/documents/CDBG-DR-Fact-Sheet.pdf; see also HUD, CDBG-DR Overview Presentation, https://www.hudexchange.info/resources/documents/CDBG-Disaster-Recovery-Overview.pdf (last visited April 11, 2019). For a comparison of the traditional CDBG program and the DR program, see HUD, CDBG and
impacted and distressed areas. “Each CDBG-DR award/allocation method is published in a Federal Register Notice, which also contains information on:

- Eligible Recovery Activities.
- Program Requirements, including distribution of funds to be spent in low and moderate income communities.
- Appropriation Specific Waivers and Alternative Requirements.”

Traditionally CDBG-DR grants support a variety of disaster recovery activities including housing redevelopment and rebuilding, business assistance, economic revitalization, and infrastructure repair.

Once awarded funds, the state develops an “action plan” of recovery efforts to address the impacts of the disaster; the initial action plan also includes evaluation of “unmet needs” for which additional funding could be provided. The action plan must include a citizen participation plan which describes how the public will be informed and engaged throughout the grant’s lifecycle. Funds must be used within 6 years of the executed agreements between the U.S. Department of Housing and Urban Development (HUD) and the Department of Economic Opportunity.

Historically in Florida, the DEO formulates the use of funds by taking comment from the public and local communities to develop the plan. The needs of the impacted communities and the limitations in the Federal Register notice will set the action plan for use of the funds.

2016 Hurricanes Hermine and Matthew

In January 2017, the DEO was awarded $58.6 million in CBGB-DR funds by the HUD to address damages from Hurricanes Hermine and Matthew. In August 2017, HUD awarded an additional $59.3 million to address additional unmet needs remaining from the hurricanes. The total award for CDBG-DR for the 2016 hurricanes is $117.9 million. The DEO’s action plan for all funds was approved June 1, 2018 (original execution was June 20, 2017).

2017 Hurricane Irma

In September 2017, DEO was awarded $616 million in CDBG-DR grants to address damage from Hurricane Irma. In April 2018, HUD awarded an additional $157,676,000 to address additional unmet needs remaining from Hurricane Irma. The total award for CDBG-DR for the 2017 hurricane is $773 million. The DEO’s action plan for all funds was approved in March 2019 (original execution was in June 2018).

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3 HUD, Fact Sheet.
4 “Unmet needs” are the recovery needs of the impacted communities that remain or are “unmet” after the disaster or the initial action plan is developed.
5 HUD, Fact Sheet.
7 Id.
Congress appropriated and the HUD also awarded an additional $634 million for “mitigation” in February 2018; however, no Federal Register notice has been issued for these funds at this time.\(^8\)

**2018 Hurricane Michael**

At this time, Congress has not appropriated any CDBG-DR funds related to Hurricane Michael. There have been bills filed and heard in Congress, but none have passed yet.\(^9\)

**Affordable Housing**

The two primary state housing assistance programs are the State Housing Initiatives Partnership (SHIP)\(^10\) and the State Apartment Incentive Loan (SAIL)\(^11\) programs. The SHIP program provides funds to eligible local governments, allocated using a population-based formula, to address local housing needs as adopted in the Local Housing Assistance Plan. Eligible local government entities must develop and adopt local housing assistance plans that include, but are not limited to, strategies and incentives for the construction, rehabilitation, repair, or financing of affordable housing production.\(^12\) The SAIL program provides low interest loans on a competitive basis as gap financing for the construction or substantial rehabilitation of multifamily affordable housing developments.\(^13\) This funding often serves to bridge the gap between the primary financing and the total cost of the development. SAIL program funds are available to individuals, public entities, and not-for-profit or for-profit organizations that propose the construction or substantial rehabilitation of multifamily units affordable to very-low-income individuals and families.\(^14\)

**Housing Hurricane Recovery Programs**

Following the 2004 hurricane season, a statewide Hurricane Housing Work Group was created to recommend how best to leverage funding recommended by the Governor for hurricane housing recovery needs. The work group recommended, and the Legislature subsequently funded, the Hurricane Housing Recovery Program (HHRP) and the Rental Recovery Loan Program (RRLP). As a result of the work group’s recommendation, the 2005 Legislature appropriated $250 million for housing recovery: $208 million for the HHRP and another $42 million for the RRLP. With those resources, and an additional $93 million appropriation in 2006 for hurricane rental funding,

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\(^10\) Sections 420.907-9079, F.S.

\(^11\) Section 420.5087, F.S.

\(^12\) Section 420.9071(14), (15), & (16), F.S. These local housing plans must also align with the requirements for housing under the Local Government Comprehensive Planning and Land Development Regulation Act of 1985. Chapter 163, Part II, F.S.

\(^13\) Section 420.5087, F.S.

the FHFC states that it assisted over 10,000 families with the HHRP and created over 1,600 units with the RRLP.\textsuperscript{15}

\textit{Hurricane Housing Recovery Program}

The Hurricane Housing Recovery Program was created as a local housing recovery program and modeled after the existing State Housing Incentive Program (SHIP) aimed at assisting homeowners with post-hurricane recovery efforts. The HHRP funds were distributed to local governments using a need-based formula to allow local communities to evaluate and address needs as appropriate.\textsuperscript{16}

\textit{Rental Recovery Loan Program}

The Rental Recovery Loan Program was created to provide affordable rental units needed to promote the housing recovery needs of local communities. Modeled in part after the State Apartment Incentive Loan (SAIL) Program, the RRLP program allowed the state to leverage existing federal rental financing programs to provide units that served a range of incomes, including extremely low income households, throughout the areas impacted by the hurricanes.

\textit{Florida Building Code}

In 1974, Florida adopted a state minimum building code law requiring all local governments to adopt and enforce a building code. The system provided four separate model codes that local governments could consider and adopt to establish minimum standards of health and life safety for the public. In that system, the state’s role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes as they saw fit.\textsuperscript{17}

In 1996 a study commission was appointed to review the system of local codes created by the 1974 law and to make recommendations for modernizing the entire system. The 1998 Legislature adopted the study commission’s recommendations for a single state building code and an enhanced oversight role for the state in local code enforcement. The same legislation created the Florida Building Commission to develop and maintain the Florida Building Code and related programs and processes. The 2000 Legislature authorized implementation of the Florida Building Code, and the first edition replaced all local codes on March 1, 2002. There have been six editions to date, and the Commission initiated the development of the 7th Edition (2020) Florida Building Code in October of 2017.\textsuperscript{18}

\textsuperscript{18} \textit{Id.}
After Hurricane Michael, the Florida Building Commission began reviewing the building codes and is working with a group from the University of Florida to make recommendations.\(^\text{19}\)

**Budget Stabilization Fund**

Budget stabilization funds, also known as rainy day funds, “allow states to set aside surplus revenue for times of unexpected revenue shortfall or budget deficit.” The fund is a tool to mitigate revenue volatility.\(^\text{20}\) Florida’s fund consists of 5 percent of net revenue collections for the General Revenue Fund for the last completed fiscal year, and the principal balance cannot exceed 10 percent of the net revenue collections for the General Revenue Fund for the last completed fiscal year.\(^\text{21}\) Any expenditure from the fund must be repaid pursuant to a restoration schedule that provides for making five equal annual transfers from the General Revenue Fund, beginning the third fiscal year following the year in which the expenditure was made or a restoration schedule as provided by the Legislature by law.

**Agricultural Loan Program**

In 2000, the Legislature enacted the Agricultural Economic Development Program.\(^\text{22}\) This program was designed to provide loans to farmers who have experienced crop losses due to natural disasters or socio-economic events or conditions. The loans may be used to:

- Restore or replace essential physical property, such as animals, fences, equipment, structural production facilities or orchard trees;
- Pay all or part of production costs associated with the disaster year; or
- Pay essential family living expenses; and
- Restructure farm debts.\(^\text{23}\)

Funds may be issued as direct loans or as loan guarantees for up 90 percent of the total loan, in amounts not less than $30,000 or more than $300,000. Applicants must provide at least ten percent equity.\(^\text{24}\)

The crops eligible for the emergency loan program include:

- Crops grown for human consumption;
- Crops planted and grown for livestock consumption, including, but not limited to, grain, seed, and forage crops;
- Crops grown for fiber, except for trees; and
- Specialty crops, such as seafood and aquaculture, including, but not limited to, the products of shellfish cultivation and harvesting, ornamental fish farming, and commercial fishing;

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\(^{21}\) Section 215.32(2)(c), F.S.

\(^{22}\) Chapter 2000-308, Laws of Fla.

\(^{23}\) Section 570.82(1)(a), F.S.

\(^{24}\) Section 570.82(1)(c), F.S.
floricultural or ornamental nursery crops; Christmas trees; turf for sod; industrial crops; and seed crops used to produce eligible crops.

**Florida Standards Assessment and Accountability Requirements**

**Florida Standards Assessment (FSA)**

Florida’s K-12 assessment system measures students’ achievement of Florida’s education standards, which were developed and implemented to ensure that all students graduate from high school ready for success. The FSA supports instruction and student learning, and test results help Florida’s educational leadership and stakeholders determine whether the goals of the education system are being met. The FSA in English language arts, mathematics, and end-of-course subjects (algebra 1 and geometry) serve Florida students by measuring education gains and progress, and also provides input into the Florida School Accountability Reports.

**Florida School Accountability Reports**

Schools are required to meet federal accountability requirements and are evaluated annually. The Department of Education identifies each public school in need of intervention and support to improve student academic performance. The federal Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA) sets forth the requirements for state and school district report cards on the educational progress of schools, school districts, and the state. The grades include several types of data (components) designed to inform parents and the general public about the performance of a school and understand how well each school is serving its students.

### III. Effect of Proposed Changes:

**Hurricane Michael Recovery Task Force (Section 1)**

The bill creates the Hurricane Michael Recovery Task Force within the DEM, to make recommendations to the Legislature regarding additional assistance needed in the response to, the recovery from, and the mitigation of the effects of Hurricane Michael in the areas designated in the federal disaster declaration DR-4399. The task force must review the local, state, and federal activities conducted and the resources provided in such areas, the effectiveness of such efforts, and any additional assistance necessary.

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26 Section 1008.33(3), F.S.
The task force must consist of the following five members:

- One member representing the business community, who will serve as chair, appointed by the Governor;
- One member representing agricultural interests, appointed by the Commissioner of the Department of Agriculture and Consumer Services;
- One member representing the fishing industry, appointed by the Fish and Wildlife Conservation Commission;
- One member representing emergency response, appointed by the executive director of the DEM; and
- One member representing housing interests, appointed by the executive director of the DEO.

Members will serve at the pleasure of their appointing official and any vacancy must be filled in the same manner as the original appointment. A member of the Legislature or a registered lobbyist may not be appointed to the task force. Members serve without compensation, but are entitled to reimbursement of travel and per diem expenses in the performance of their duties and responsibilities.

The task force will report its findings and make specific recommendations for further response, recovery, and mitigation to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 15, 2019.

The task force is dissolved not later than March 10, 2020.

**Hurricane Michael After-Action Report (Section 2)**

The bill directs the DEM to examine the latest available Statewide Emergency Shelter Plan to determine, based on the number of people who evacuated during Hurricane Michael, whether there is sufficient capacity of GP shelter space and of SpNS shelter space in the applicable RPC regions.

The report must include basic information for each shelter activated during Hurricane Michael, including:

- Shelter type (general population, special needs, or pet friendly);
- Name;
- Address; and
- Maximum occupant capacity.

Additionally, the report must provide functional data for each shelter, including:

- Number of persons served at each shelter throughout the event;
- Timeline for opening and closing each shelter; and
- Whether each shelter had sufficient:
  - Staff;
  - Security;
  - Transportation;
  - Equipment;
  - Lavatories;
The report also must identify any unmet needs at each shelter and must indicate whether each shelter met or exceeded the American Red Cross Standards for Hurricane Evacuation Shelter Selection (ARC 4496), 30 which address risks associated with:

- Surge inundation;
- Rainfall flooding;
- High winds; and
- Hazardous materials.

The report must also identify any shelter not activated for Hurricane Michael and the basis for the determination not to activate it, such as the inability of the shelter to withstand a certain level of hurricane impact. The report must be completed and presented to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 15, 2019.

This section is subject to appropriation of funds by the Legislature.

**Program to Retrofit/Repair Hurricane Evacuation Shelters (Section 3)**

The bill directs the DEO to include a program to retrofit or to repair hurricane evacuation shelters in any action plan submitted to the HUD for use of the CDBG-DR mitigation funds awarded to Florida, provided that federal guidance for use of the funds allows such a program. 31 Because the HUD has not yet issued guidance through the Federal Register for this award of funds, it is unknown if the DEO can include such a program in its action plan for use of the funds.

**Emergency Operations Centers Facilities Study (Section 4)**

The bill requires the DEM to competitively procure a consultant to conduct a study of facilities used as emergency operations centers (EOC). At a minimum, the study must assess the availability, capacity, communications capabilities, hurricane rating, and other safety conditions of EOCs. The study must also assess the need for a new EOC to serve one or more counties in a given region or for upgrades to existing centers.

The study must make recommendations as to how the state may best address communities’ needs for EOCs, or access to such centers, and necessary changes to existing EOCs to ensure the best possible emergency response in a region. The study may take into account the geographic

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locations of EOCs and may recommend joint agreements for use of an EOC for emergency response.

A report of the findings of the study must be completed and presented to President of the Senate, the Speaker of the House of Representatives, and the Governor by December 15, 2019.

This section is subject to appropriation of funds by the Legislature.

**Hurricane Housing Recovery Program (Section 5)**

The bill creates s. 420.57, F.S., to establish the Hurricane Housing Recovery Program (HHRP) and the Rental Recovery Loan Program (RRLP) to provide funds to local governments for affordable housing recovery efforts.

Both programs operate subject to specific appropriation in the General Appropriations Act.

Each participating local government must submit to the FHFC an annual report on its use of funds from the HHRP and RRLP. The FHFC will compile the reports and submit them to the President of the Senate and the Speaker of the House of Representatives.

The FHFC may adopt rules to administer these programs.

**Hurricane Housing Recovery Program**

The HHRP will provide funds to local governments for their affordable housing recovery efforts, similar to the State Housing Initiatives Partnership Program. The funding will be according to a need-based formula that reflects affordable housing damage estimates and population impacts resulting from hurricanes.

Eligible local governments must submit a strategy outlining proposed recovery actions, income levels and number of units to be served, and funding requests. Program funds must be used as follows:

- To serve households with incomes up to 120 percent of the area median income (AMI), except that at least 30 percent of program funds should be reserved for households with incomes up to 50 percent AMI and an additional 30 percent of program funds reserved for households with incomes up to 80 percent AMI.
- At least 65 percent of the funds must be used for homeownership.
- Up to 15 percent may be used for administrative expenses.
- Up to 0.25 percent may be used for compliance monitoring.

**Rental Recovery Loan Program**

The RRLP will provide resources to build additional rental housing due to impacts to the affordable housing stock and changes to the population resulting from hurricanes. The program will allow the state to leverage federal rental financing similar to the SAIL program.
Program to Repair, Renovate, or Replace Single-Family Housing (Section 6)

The bill directs the DEO to include a program to repair, renovate, or replace single-family housing in any action plan submitted to the HUD for use of grant funds appropriated in response to Hurricane Michael, provided that federal guidance for the use of the funds allows such a program. At this time, Congress has not appropriated any CDBG-DR funds related to Hurricane Michael.

Florida Building Code (Section 7)

The bill directs the Florida Building Commission, in consultation with the Building Officials Association of Florida, the Florida Home Builders Association, and other stakeholders, to review the effects of Hurricane Michael and make recommendations to strengthen and enhance the design, construction, and life safety provisions of the Florida Building Code, especially as they are applied in the Florida Panhandle. Recommendations must address at least all of the following:

- The revision of design wind speed maps of the Panhandle, including county-specific design wind speed maps for each building risk category;
- The effects of flood hazard designations and the flood loads and the related effects of flood depth, of velocity, of scour/erosion, and of wave/debris;
- Storm-induced damage to power-generating stations and other public utility facilities; and
- Service disruption and building envelope breach potential for critical facilities, such as hospitals.

The Florida Building Commission must submit a final report including its recommendations to the President of the Senate and the Speaker of the House of Representatives no later than September 1, 2019. This section expires on December 31, 2019.

Public Facilities Hurricane Restoration Cash Flow Loan Program (Section 8)

The bill establishes a Public Facilities Hurricane Restoration Cash Flow Loan Program for the 2019-2020 fiscal year. Counties, municipalities, and district school boards that need assistance with cash flow in order to make timely payments to contractors and suppliers in restoring their county, municipal, or educational facilities damaged by a named hurricane or tropical storm during the 2018 hurricane season may apply to the DEO for a cash flow loan.

The amount of the loan may not exceed the amount the county, municipality, or district school board needs to meet timely payments to contractors and suppliers for the restoration of damaged facilities. To be eligible for a cash flow loan, a county, municipality, or district school board must meet all of the following requirements:

- Have one or more county, municipal, or educational facilities damaged or destroyed by a named hurricane or tropical storm during the 2018 hurricane season;
- Have an agreement to pay contractors or suppliers for the restoration of the damaged facilities, but have insufficient cash flow to make timely payments;
- Agree to repay, from funds received from insurance claims, Federal Emergency Management Agency payments, or other fund sources, the full amount of the funds received from the cash flow loan program; and
• Agree that if repayment is not made in a timely manner, the DEO must withhold future distribution of public capital outlay funds, or other fixed capital outlay funds, until repayment is received by the DEO.

The DEO must provide information and instructions for applying for a cash flow loan and administer the loans in accordance with the bill. The DEO must distribute loan funds based on the county or municipal governing body’s or district superintendent’s certification of the amount needed for payments that are due within the following 30 days. All funds repaid must be deposited unallocated into the Budget Stabilization Fund within 30 days after receipt by the DEO.

The DEM will notify the DEO when payments from the Federal Emergency Management Agency for a named hurricane or tropical storm during the 2018 hurricane season have been distributed to a county, municipality, or district school board that has received a public facilities hurricane restoration cash flow loan.

This section is subject to appropriation of funds by the Legislature.

**Agricultural Loan Program (Section 9)**

The bill amends s. 570.82, F.S., to expand the use of the Agricultural Loan Program to include trees as an eligible crop under the program, and to allow individuals affected by Hurricane Michael in 2018 to apply for a loan. Loan applications must be submitted by December 1, 2019.

**Education Assessment and Accountability Requirements (Sections 10 and 11)**

The bill waives certain education requirements for school districts in Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty, Gadsden, Franklin, Wakulla, Leon, and Taylor counties.

The bill waives the statewide, standardized assessment requirements for a standard high school diploma for grade 12 high school students in their senior year during the 2018-2019 school year. The bill also requires that any grade 12 high school student who is in his or her senior year during the 2018-2019 school year and who has met the 18 or 24 credit and 2.0 GPA requirements as provided in s. 1003.4282, F.S., must be granted a standard high school diploma by his or her respective school.

The bill waives the statewide, standardized assessment for third grade promotion for the 2018-2019 school year. The promotion of third grade students must be based on the preponderance of the evidence through measures determined by each school district.

The bill requires that school grades, as established in s. 1008.34, F.S., for the 2018-2019 school year must be calculated and released for informational purposes only. School districts will be held harmless from any liability for the release of grades for informational purposes only.

The bill states that the “Legislature finds that, because of the catastrophic nature of Hurricane Michael, families in school districts under this section are displaced, and the loss of housing has drastically changed the mobility of students. The Legislature also finds that, until students’
housing arrangements stabilize, no method exists to capture an accurate assessment of a school’s performance in the school districts. Further, the Legislature finds that the enrollment of students for the survey request files will be a small representation of school district performance and not a true measurement of performance.”

The bill amends s. 1008.33, F.S., to direct the Department of Education, upon the effective date of the bill, to suspend the administration of its duties and obligations to enforce public school improvements under s. 1008.33(3), F.S., for the remainder of the 2018-2019 school year and for the 2019-2020 school year for school districts in Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty, Gadsden, Franklin, Wakulla, Leon, and Taylor counties.

Effective Date

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals in need of housing assistance in areas impacted by hurricanes may benefit from the creation of the Hurricane Housing Recovery Program and the Rental Recovery Loan Program.
Recommendations made by the Florida Building Commission in their final report may impact the future cost of construction and construction materials for the private sector.

Those impacted by Hurricane Michael in 2018 who have crops of trees grown for fiber may benefit from the expansion of the Agricultural Loan Program.

C. Government Sector Impact:

The after-action shelter report, the study on emergency operations centers, the hurricane housing recovery programs, the Public Facilities Hurricane Restoration Cash Flow Loan Program, and the Agricultural Loan Program are contingent upon appropriation. The bill makes no appropriation.

SB 2500, First Engrossed, the Senate’s proposed General Appropriations Bill, appropriates $100 million from the housing trust funds for similar hurricane housing recovery programs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Allowing third graders and seniors in high school to advance or graduate without meeting assessment requirements in areas impacted by Hurricane Michael will have an unknown impact on Florida’s Approved 2018 ESSA State Plan.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 570.82 and 1008.33.

This bill creates section 420.57 of the Florida Statutes.

This bill creates undesignated sections of Florida law.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 16, 2019:

The committee substitute removes all appropriations made in the bill for the after-action report on shelters by the DEM, the study on emergency operations centers, the Public Facilities Hurricane Cash Flow Loan Program, and the Agricultural Loan Program. Instead the bill provides that sections 2, 4, and 8 are subject to appropriation.
B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Montford) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. The Hurricane Michael Recovery Task Force, a task force as defined in s. 20.03, Florida Statutes, is established adjunct to the Division of Emergency Management to make recommendations to the Legislature regarding additional assistance needed in the response to, the recovery from, and the mitigation of the effects of Hurricane Michael in the areas...
designated in the federal disaster declaration DR-4399. The task force shall review the local, state, and federal activities conducted and the resources provided in such areas, the effectiveness of such efforts, and any additional assistance necessary.

(1) The task force must consist of the following five members:

(a) One member representing the business community, who shall serve as chair, appointed by the Governor.

(b) One member representing agricultural interests, appointed by the Commissioner of Agriculture.

(c) One member representing the fishing industry, appointed by the Fish and Wildlife Conservation Commission.

(d) One member representing emergency response, appointed by the executive director of the Division of Emergency Management.

(e) One member representing housing interests, appointed by the executive director of the Department of Economic Opportunity.

(2) Members shall serve at the pleasure of their appointing official. Any vacancy must be filled in the same manner as the original appointment. A member of the Legislature or a registered lobbyist may not be appointed to the task force. Members shall serve without compensation, but are entitled to reimbursement of travel and per diem expenses pursuant to section 112.061, Florida Statutes, in the performance of their duties and responsibilities under this section.

(3) The task force shall report its findings and make specific recommendations for further response, recovery, and
mitigation to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 15, 2019. The task force is dissolved not later than March 10, 2020.

Section 2. Subject to the appropriation of funds for that purpose by the Legislature, the Division of Emergency Management must prepare an after-action report on the shelter operations that took place during Hurricane Michael. The division shall examine the latest available Statewide Emergency Shelter Plan prepared pursuant to ss. 252.385 and 1013.372, Florida Statutes, to determine, based on the number of people who evacuated during Hurricane Michael, whether there is sufficient capacity of general population hurricane evacuation shelter space and of special needs hurricane evacuation shelter space in the applicable regional planning council regions. The report must include basic information for each shelter activated during Hurricane Michael, including the shelter type (general population, special needs, or pet friendly), name, address, and maximum occupant capacity. Additionally, the report must provide functional data for each shelter, including the number of persons served at each shelter throughout the event, the timeline for opening and closing each shelter, and whether each shelter had sufficient staff, security, transportation, equipment, lavatories, sanitation, feeding capabilities, capacity, and standby or emergency power. The report also must identify any unmet needs at each shelter and must indicate whether each shelter met or exceeded the American Red Cross Standards for Hurricane Evacuation Shelter Selection (ARC 4496). Finally, the report must identify any shelter not activated for Hurricane Michael and the basis for the determination not to
activate it, such as the inability of the shelter to withstand a certain level hurricane impact. The report must be completed and presented to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 15, 2019.

Section 3. The Department of Economic Opportunity shall include a program to retrofit or to repair hurricane evacuation shelters in any action plan submitted to the federal Department of Housing and Urban Development for use of the funds made available under Grant Number B-18-DP-12-0002, provided that federal guidance for use of the funds allows such a program.

Section 4. Subject to the appropriation of funds for that purpose by the Legislature, the Division of Emergency Management must competitively procure a consultant to conduct a study of facilities used as emergency operations centers. At a minimum, the study must assess the availability, capacity, communications capabilities, hurricane rating, and other safety conditions of such centers. The study must also assess the need for a new emergency operations center to serve one or more counties in a given region or for upgrades to existing centers. The study must make recommendations as to how the state may best address communities’ needs for emergency operations centers, or access to such centers, and necessary changes to existing centers to ensure the best possible emergency response in a region. The study may take into account the geographic locations of emergency operations centers and may recommend joint agreements for use of such centers for emergency response. A report of the findings of the study must be completed by December 15, 2019, and presented to the President of the Senate, the Speaker of the House of Representatives, and the Governor.
Section 5. Section 420.57, Florida Statutes, is created to read:

420.57 Hurricane recovery programs.—

(1)(a) Subject to the appropriation of funds for that purpose by the Legislature, the Hurricane Housing Recovery Program is created to provide funds to local governments for their affordable housing recovery efforts, similar to the State Housing Initiatives Partnership Program as set forth in ss. 420.907-420.9079. The Florida Housing Finance Corporation shall administer the Hurricane Housing Recovery Program. Notwithstanding ss. 420.9072 and 420.9073, the Florida Housing Finance Corporation shall allocate resources to local governments according to a need-based formula that reflects housing damage estimates and population effects resulting from hurricanes. An eligible local government must submit a strategy outlining proposed recovery actions, household income levels, and the number of residential units to be served and an associated funding request. Program funds must be used to serve households with incomes of up to 120 percent of area median income, except that at least 30 percent of program funds must be reserved for households with incomes of up to 50 percent of area median income and an additional 30 percent of program funds must be reserved for households with incomes of up to 80 percent of area median income. Program funds must be used as specified for each of the following purposes:

1. At least 65 percent must be used for homeownership.
2. Up to 15 percent may be used for administrative expenses to ensure the expeditious use of funds.
3. Up to one-quarter of 1 percent may be used by the
Florida Housing Finance Corporation for compliance monitoring.

(b) Each participating local government shall submit to the Florida Housing Finance Corporation an annual report on its use of funds from the Hurricane Housing Recovery Program. The corporation shall compile the reports and submit them to the President of the Senate and the Speaker of the House of Representatives.

(2)(a) Subject to the appropriation of funds by the Legislature for that purpose, the Rental Recovery Loan Program is created to provide funds to build additional rental housing due to impacts to the affordable housing stock and changes to the population resulting from hurricanes. The Florida Housing Finance Corporation shall administer the program. The program is intended to allow the state to leverage additional federal rental financing similar to the State Apartment Incentive Loan Program as described in s. 420.5087.

(b) Each participating local government shall submit to the Florida Housing Finance Corporation an annual report on its use of funds from the Rental Recovery Loan Program. The corporation shall compile the reports and submit them to the President of the Senate and the Speaker of the House of Representatives.

(3) The Florida Housing Finance Corporation may adopt rules to administer this section.

Section 6. The Department of Economic Opportunity shall include a program to repair, renovate, or replace single-family housing in any action plan submitted to the federal Department of Housing and Urban Development for use of the grant funds appropriated in response to Hurricane Michael, provided that federal guidance for the use of the funds allows such a program.
Section 7. (1) The Florida Building Commission shall, in consultation with the Building Officials Association of Florida, the Florida Home Builders Association, and other stakeholders, review the effects of Hurricane Michael and make recommendations to strengthen and enhance the design, construction, and lifesafety provisions of the Florida Building Code, especially as they are applied in the Florida Panhandle. Recommendations must address at least all of the following:

(a) The revision of design wind speed maps of the Panhandle, including county-specific design wind speed maps for each building risk category.

(b) The effects of flood hazard designations and the flood loads and the related effects of flood depth, of velocity, of scour/erosion, and of wave/debris.

(c) Storm-induced damage to power-generating stations and other public utility facilities.

(d) Service disruption and building envelope breach potential for critical facilities, such as hospitals.

(2) The commission shall submit a final report including its recommendations to the President of the Senate and the Speaker of the House of Representatives no later than September 1, 2019.

(3) This section expires December 31, 2019.

Section 8. (1) Subject to the appropriation of funds by the Legislature for that purpose, there is established for the 2019-2020 fiscal year a Public Facilities Hurricane Restoration Cash Flow Loan Program. Counties, municipalities, and district school boards that need assistance with cash flow in order to make timely payments to contractors and suppliers in restoring their...
county, municipal, or educational facilities damaged by a named hurricane or tropical storm during the 2018 hurricane season may apply to the Department of Economic Opportunity for a cash flow loan. The amount of the loan may not exceed the amount the county, municipality, or district school board needs to meet timely payments to contractors and suppliers for the restoration of damaged facilities. To be eligible for a cash flow loan, a county, municipality, or district school board must meet all of the following requirements:

(a) Have one or more county, municipal, or educational facilities damaged or destroyed by a named hurricane or tropical storm during the 2018 hurricane season.

(b) Have an agreement to pay contractors or suppliers for the restoration of the damaged facilities, but have insufficient cash flow to make timely payments.

(c) Agree to repay, from funds received from insurance claims, Federal Emergency Management Agency payments, or other fund sources, the full amount of the funds received from the cash flow loan program.

(d) Agree that if repayment is not made in a timely manner, the Department of Economic Opportunity must withhold future distribution of public capital outlay funds, or other fixed capital outlay funds, until repayment is received by the department.

(2) The Department of Economic Opportunity shall provide information and instructions for applying for a cash flow loan and administer the loans in accordance with this act. The department shall distribute loan funds based on the county or municipal governing body’s or district superintendent’s
certification of the amount needed for payments that are due
within the following 30 days. All funds repaid shall be
deposited unallocated into the Budget Stabilization Fund within
30 days after receipt by the department.

(3) The Division of Emergency Management shall notify the
Department of Economic Opportunity when payments from the
Federal Emergency Management Agency for a named hurricane or
tropical storm during the 2018 hurricane season have been
distributed to a county, municipality, or district school board
that has received a public facilities hurricane restoration cash
flow loan.

Section 9. Paragraph (c) of subsection (2) and subsection
(4) of section 570.82, Florida Statutes, are amended to read:
570.82 Agricultural Economic Development Program disaster
loans and grants and aid.—
(2) ELIGIBLE CROPS.—Crops eligible for the emergency loan
program include:

(c) Crops grown for fiber, except for trees.

(4) LOAN APPLICATION.—In order to qualify for a loan under
this section, an applicant must submit an application to the
department within 90 days after the date the natural disaster or
socioeconomic condition or event occurs or the crop damage
becomes apparent. However, for applicants applying for a loan
under this section related to the effects of Hurricane Michael
that occurred in 2018, an applicant must submit an application
to the department by December 1, 2019. An applicant must be a
citizen of the United States and a bona fide resident of the
state and must also demonstrate the need for economic assistance
and demonstrate that he or she has the ability to repay the
Section 10. (1) This section applies only to school districts in Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty, Gadsden, Franklin, Wakulla, Leon, and Taylor Counties.

(2) For the school districts specified within this section, the statewide, standardized assessment requirements for a standard high school diploma for grade 12 high school students in their senior year during the 2018-2019 school year are waived. Any grade 12 high school student who is in his or her senior year during the 2018-2019 school year and who has met the 18 or 24 credit and 2.0 GPA requirements as provided in s. 1003.4282, Florida Statutes, must be granted a standard high school diploma by his or her respective school.

(3) For the school districts specified within this section, the statewide, standardized assessment for grade 3 promotion for the 2018-2019 school year is waived. The promotion of grade 3 students must be based on the preponderance of the evidence through measures determined by each school district.

(4) For the school districts specified within this section, school grades, as established in s. 1008.34, Florida Statutes, for the 2018-2019 school year must be calculated and released for informational purposes only. School districts shall be held harmless from any liability for the release of grades for informational purposes only. School grades for the 2018-2019 school year must be based on student enrollment for Surveys 2 and 3 match files.

(5) The Legislature finds that, because of the catastrophic nature of Hurricane Michael, families in school districts under this section are displaced, and the loss of housing has
drastically changed the mobility of students. The Legislature also finds that, until students’ housing arrangements stabilize, no method exists to capture an accurate assessment of a school’s performance in the school districts. Further, the Legislature finds that the enrollment of students for the survey request files will be a small representation of school district performance and not a true measurement of performance.

Section 11. Subsection (6) is added to section 1008.33, Florida Statutes, to read:

1008.33 Authority to enforce public school improvement.—
(6) Upon the effective date of this act, the department shall suspend the administration of its duties and obligations under subsection (3) for the remainder of the 2018-2019 school year and for the 2019-2020 school year for school districts in Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty, Gadsden, Franklin, Wakulla, Leon, and Taylor Counties. This subsection expires on July 1, 2020.

Section 12. The Division of Law Revision is directed to replace the phrase “the effective date of this act” wherever it occurs in this act with the date this act becomes a law.

Section 13. This act shall take effect upon becoming a law.

============== TITLE AMENDMENT ===============
And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled
An act relating to emergency mitigation and response;
creating the Hurricane Michael Recovery Task Force
adjunct to the Division of Emergency Management of the Executive Office of the Governor to make recommendations to the Legislature regarding additional assistance needed in the response to, recovery from, and mitigation of the effects of Hurricane Michael in certain areas; requiring the task force to review the effectiveness of local, state, and federal activities in those areas, as well as the availability of resources and any additional assistance needed; providing for the membership of the task force; providing requirements for and restrictions on membership; providing for certain reimbursement; requiring the task force to report its findings and to make specified recommendations to the Legislature and the Governor by a specified date; providing for dissolution of the task force by a specified date; subject to the appropriation of funds, requiring the Division of Emergency Management to prepare an after-action report on the shelter operations that took place during Hurricane Michael, subject to certain requirements; requiring that the report be submitted to the Legislature and the Governor by a specified date; requiring that the Department of Economic Opportunity include a program to retrofit or to repair hurricane evacuation shelters in certain action plans under certain circumstances; subject to the appropriation of funds, requiring the division to competitively procure a consultant to conduct a study of facilities used as emergency
operations centers; providing requirements for the study; authorizing the study to take into account the locations of emergency operations centers and to recommend certain joint agreements for the use of such centers; requiring that a report on the study be submitted to the Legislature and the Governor by a specified date; creating s. 420.57, F.S.; subject to the appropriation of funds, creating the Hurricane Housing Recovery Program to provide funds to local governments for certain affordable housing recovery efforts; requiring that the Florida Housing Finance Corporation administer the program and allocate resources to local governments that meet certain criteria; specifying requirements for receiving and using funds; requiring participating local governments to submit a certain annual report to the corporation; requiring the corporation to compile the reports and submit them to the Legislature; subject to the appropriation of funds, creating the Rental Recovery Loan Program to provide funds to build additional rental housing due to specified impacts; requiring the corporation to administer the program; providing intent for the program; requiring participating local governments to submit a certain annual report to the corporation; requiring the corporation to compile the reports and submit them to the Legislature; authorizing the corporation to adopt rules; requiring that the Department of Economic Opportunity include a program to repair, renovate, or replace single-family
housing in certain action plans submitted to a
specified federal agency, under certain circumstances;
requiring that the Florida Building Commission, in
consultation with specified stakeholders and other
entities, review the effects of Hurricane Michael and
make recommendations to strengthen and enhance the
design, construction, and lifesafety provisions of the
Florida Building Code; providing requirements for such
recommendations; requiring the commission to submit a
certain report to the Legislature by a specified date;
providing for future repeal of certain provisions;
subject to the appropriation of funds, creating the
Public Facilities Hurricane Restoration Cash Flow Loan
Program for the purpose of assisting counties,
municipalities, and district school boards in making
timely payments in restoring certain facilities;
providing eligibility requirements for receiving a
cash flow loan; requiring that the Department of
Economic Opportunity administer the loan program and
distribute loan funds; requiring that the Division of
Emergency Management notify the Department of Economic
Opportunity when certain federal payments have been
distributed; amending s. 570.82, F.S.; providing that
trees grown for fiber are an eligible crop for loans
under the Agricultural Economic Development Program;
requiring that applicants applying for a loan related
to the effects of Hurricane Michael submit an
application to the Department of Agriculture and
Consumer Services by a specified date; providing
applicability; requiring that certain assessment
requirements for specified students be waived;
requiring specified schools to grant standard high
school diplomas to students who meet certain
requirements; requiring that certain assessment
requirements for a specified school year be waived;
providing that the promotion of grade 3 students be
based on measures determined by specified school
districts; requiring that school grades for a
specified school year be calculated and released for
certain purposes; providing that specified school
districts be held harmless from certain liability;
providing requirements for the measurement of school
grades for a specified school year; providing
legislative findings; amending s. 1008.33, F.S.;
effective on a specified date, requiring the
Department of Education to suspend its duties and
obligations under a specified provision for certain
school years for specified school districts; providing
a directive to the Division of Law Revision; providing
an effective date.
A bill to be entitled

An act relating to emergency mitigation and response;
creating the Hurricane Michael Recovery Task Force
adjunct to the Division of Emergency Management of the
Executive Office of the Governor to make
recommendations to the Legislature regarding
additional assistance needed in the response to,
recovery from, and mitigation of the effects of
Hurricane Michael in certain areas; requiring the task
force to review the effectiveness of local, state, and
federal activities in those areas, as well as the
availability of resources and any additional
assistance needed; providing for the membership of the
task force; providing requirements for and
reimbursement; requiring the task force to report its
findings and to make specified recommendations to the
Legislature and the Governor by a specified date;
providing for dissolution of the task force by a
specified date; providing an appropriation to the
Division of Emergency Management from the General
Revenue Fund to prepare an after-action report on the
shelter operations that took place during Hurricane
Michael, subject to certain requirements; requiring
that the report be submitted to the Legislature and
the Governor by a specified date; requiring that the
Department of Economic Opportunity include a program
to retrofit or to repair hurricane evacuation shelters
in certain action plans under certain circumstances;

CODING: Words **stricken** are deletions; words **underlined** are additions.
rules; requiring that the Department of Economic Development Program; requiring that applicants applying for a loan related to the effects of Hurricane Michael submit an application to the Department of Agriculture and Consumer Services by a specified date; providing an appropriation to the Department of Agriculture and Consumer Services from the General Revenue Fund for a certain purpose; providing applicability; requiring that certain assessment requirements for specified students be waived; requiring specified schools to grant standard high school diplomas to students who meet certain requirements; requiring that certain assessment requirements for a specified school year be waived; providing that the promotion of grade 3 students be based on measures determined by specified school districts; requiring that school grades for a specified school year be calculated and released for certain purposes; providing that specified school districts be held harmless from certain liability; providing requirements for the measurement of school grades for a specified school year; providing legislative findings; amending s. 1008.33, F.S.; effective on a specified date, requiring the Department of Education to suspend its duties and obligations under a specified provision for certain school years for specified school districts; providing a directive to the Division of Law Revision; providing an effective date.

59 Opportunity include a program to repair, renovate, or replace single-family housing in certain action plans submitted to a specified federal agency, under certain circumstances; requiring that the Florida Building Commission, in consultation with specified stakeholders and other entities, review the effects of Hurricane Michael and make recommendations to strengthen and enhance the design, construction, and lifesafety provisions of the Florida Building Code; providing requirements for such recommendations; requiring the commission to submit a certain report to the Legislature by a specified date; providing for future repeal of certain provisions; creating the Public Facilities Hurricane Restoration Cash Flow Loan Program for the purpose of assisting counties, municipalities, and district school boards in making timely payments in restoring certain facilities; providing eligibility requirements for receiving a cash flow loan; requiring that the Department of Economic Opportunity administer the loan program and distribute loan funds; requiring that the Division of Emergency Management notify the Department of Economic Opportunity when certain federal payments have been distributed; providing an appropriation to the Department of Economic Opportunity from the Budget Stabilization Fund for a certain purpose; amending s. 570.82, F.S.; providing that trees grown for fiber are an eligible crop for loans under the Agricultural...
Be It Enacted by the Legislature of the State of Florida:

Section 1. The Hurricane Michael Recovery Task Force, a task force as defined in s. 20.03, Florida Statutes, is established adjacent to the Division of Emergency Management to make recommendations to the Legislature regarding additional assistance needed in the response to, the recovery from, and the mitigation of the effects of Hurricane Michael in the areas designated in the federal disaster declaration DR-4399. The task force shall review the local, state, and federal activities conducted and the resources provided in such areas, the effectiveness of such efforts, and any additional assistance necessary.

(i) The task force must consist of the following five members:

(a) One member representing the business community, who shall serve as chair, appointed by the Governor.

(b) One member representing agricultural interests, appointed by the Commissioner of the Department of Agriculture and Consumer Services.

(c) One member representing the fishing industry, appointed by the Fish and Wildlife Conservation Commission.

(d) One member representing emergency response, appointed by the executive director of the Division of Emergency Management.

(e) One member representing housing interests, appointed by the executive director of the Department of Economic Opportunity.

(2) Members shall serve at the pleasure of their appointing official. Any vacancy must be filled in the same manner as the original appointment. A member of the Legislature or a registered lobbyist may not be appointed to the task force.

Members shall serve without compensation, but are entitled to reimbursement of travel and per diem expenses pursuant to section 112.061, Florida Statutes, in the performance of their duties and responsibilities under this section.

(3) The task force shall report its findings and make specific recommendations for further response, recovery, and mitigation to the President of the Senate, the Speaker of the House of Representatives, and the Governor by December 15, 2019. The task force is dissolved not later than March 10, 2020.

Section 2. For the 2019-2020 fiscal year, the sum of $85,000 in nonrecurring funds from the General Revenue Fund is appropriated to the Division of Emergency Management to prepare an after-action report on the shelter operations that took place during Hurricane Michael. The division shall examine the latest available Statewide Emergency Shelter Plan prepared pursuant to ss. 252.385 and 1013.372, Florida Statutes, to determine, based on the number of people who evacuated during Hurricane Michael, whether there is sufficient capacity of general population hurricane evacuation shelter space and of special needs hurricane evacuation shelter space in the applicable regional planning council regions. The report must include basic information for each shelter activated during Hurricane Michael, including the shelter type (general population, special needs, or pet friendly), name, address, and maximum occupant capacity. Additionally, the report must provide functional data for each shelter, including the number of persons served at each shelter.
throughout the event, the timeline for opening and closing each
shelter, and whether each shelter had sufficient staff,
security, transportation, equipment, lavatories, sanitation,
feeding capabilities, capacity, and standby or emergency power.
The report also must identify any unmet needs at each shelter
and must indicate whether each shelter met or exceeded the
American Red Cross Standards for Hurricane Evacuation Shelter
Selection (ARC 4496). Finally, the report must identify any
shelter not activated for Hurricane Michael and the basis for
the determination not to activate it, such as the inability of
the shelter to withstand a certain level hurricane impact. The
report must be completed and presented to the President of the
Senate, the Speaker of the House of Representatives, and the
Governor by December 15, 2019.

Section 3. The Department of Economic Opportunity shall
include a program to retrofit or to repair hurricane evacuation
shelters in any action plan submitted to the federal Department
of Housing and Urban Development for use of the funds made
available under Grant Number B-18-DF-12-0002, provided that
federal guidance for use of the funds allows such a program.

Section 4. For the 2019-2020 fiscal year, the sum of
$200,000 in nonrecurring funds from the General Revenue Fund is
appropriated to the Division of Emergency Management to
competitively procure a consultant to conduct a study of
facilities used as emergency operations centers. At a minimum,
the study must assess the availability, capacity, communications
capabilities, hurricane rating, and other safety conditions of
such centers. The study must also assess the need for a new
emergency operations center to serve one or more counties in a
given region or for upgrades to existing centers. The study must
make recommendations as to how the state may best address
communities’ needs for emergency operations centers, or access
to such centers, and necessary changes to existing centers to
ensure the best possible emergency response in a region. The
study may take into account the geographic locations of
emergency operations centers and may recommend joint agreements
for use of such centers for emergency response. A report of the
findings of the study must be completed by December 15, 2019,
and presented to the President of the Senate, the Speaker of the
House of Representatives, and the Governor.

Section 5. Section 420.57, Florida Statutes, is created to
read:

420.57 Hurricane recovery programs.—
(1)(a) Subject to the appropriation of funds for that
purpose by the Legislature, the Hurricane Recovery
Program is created to provide funds to local governments for
their affordable housing recovery efforts, similar to the State
Housing Initiatives Partnership Program as set forth in ss.
420.907-420.9079. The Florida Housing Finance Corporation shall
administer the program. Notwithstanding ss. 420.9072 and
420.9073, the Florida Housing Finance Corporation shall allocate
resources to local governments according to a need-based formula
that reflects housing damage estimates and population effects
resulting from hurricanes. An eligible local government must
submit a strategy outlining proposed recovery actions, household
income levels, and the number of residential units to be served
and an associated funding request. Program funds must be used to
serve households with incomes of up to 120 percent of area
income levels, and the number of residential units to be served
and an associated funding request. Program funds must be used to
serve households with incomes of up to 120 percent of area
Florida Senate - 2019 SB 1610

(2)(a) Subject to the appropriation of funds by the Legislature for that purpose, the Rental Recovery Loan Program is created to provide funds to build additional rental housing due to impacts to the affordable housing stock and changes to the population resulting from hurricanes. The Florida Housing Finance Corporation shall administer the program. The program is intended to allow the state to leverage additional federal rental financing similar to the State Apartment Incentive Loan Program as described in s. 420.5087.

(b) Each participating local government shall submit to the Florida Housing Finance Corporation an annual report on its use of funds from the Rental Recovery Loan Program. The corporation shall compile the reports and submit them to the President of the Senate and the Speaker of the House of Representatives.

(3) The Florida Housing Finance Corporation may adopt rules to administer this section.

Section 6. The Department of Economic Opportunity shall include a program to repair, renovate, or replace single-family housing in any action plan submitted to the federal Department of Housing and Urban Development for use of the grant funds appropriated in response to Hurricane Michael, provided that federal guidance for the use of the funds allows such a program.

Section 7. (1) The Florida Building Commission shall, in consultation with the Building Officials Association of Florida, the Florida Home Builders Association, and other stakeholders, review the effects of Hurricane Michael and make recommendations to strengthen and enhance the design, construction, and lifesafety provisions of the Florida Building Code, especially as they are applied in the Florida Panhandle. Recommendations must address at least all of the following:

(a) The revision of design wind speed maps of the Panhandle, including county-specific design wind speed maps for each building risk category.

(b) The effects of flood hazard designations and the flood loads and the related effects of flood depth, of velocity, of scour/erosion, and of wave/debris.

(c) Storm-induced damage to power-generating stations and other public utility facilities.

(d) Service disruption and building envelope breach potential for critical facilities, such as hospitals.

(2) The commission shall submit a final report including...
its recommendations to the President of the Senate and the Speaker of the House of Representatives no later than September 1, 2019.

(3) This section expires December 31, 2019.

Section 8. (1) There is established for the 2019-2020 fiscal year a Public Facilities Hurricane Restoration Cash Flow Loan Program. Counties, municipalities, and district school boards that need assistance with cash flow in order to make timely payments to contractors and suppliers in restoring their county, municipal, or educational facilities damaged by a named hurricane or tropical storm during the 2018 hurricane season may apply to the Department of Economic Opportunity for a cash flow loan. The amount of the loan may not exceed the amount the county, municipality, or district school board needs to meet timely payments to contractors and suppliers for the restoration of damaged facilities. To be eligible for a cash flow loan, a county, municipality, or district school board must meet all of the following requirements:

(a) Have one or more county, municipal, or educational facilities damaged or destroyed by a named hurricane or tropical storm during the 2018 hurricane season.

(b) Have an agreement to pay contractors or suppliers for the restoration of the damaged facilities, but have insufficient cash flow to make timely payments.

(c) Agree to repay, from funds received from insurance claims, Federal Emergency Management Agency payments, or other fund sources, the full amount of the funds received from the cash flow loan program.

(d) Agree that if repayment is not made in a timely manner, the Department of Economic Opportunity must withhold future distribution of public capital outlay funds, or other fixed capital outlay funds, until repayment is received by the department.

(2) The Department of Economic Opportunity shall provide information and instructions for applying for a cash flow loan and administer the loans in accordance with this act. The department shall distribute loan funds based on the county or municipal governing body’s or district superintendent’s certification of the amount needed for payments that are due within the following 30 days. All funds repaid shall be deposited unallocated into the Budget Stabilization Fund within 30 days after receipt by the department.

(3) The Division of Emergency Management shall notify the Department of Economic Opportunity when payments from the Federal Emergency Management Agency for a named hurricane or tropical storm during the 2018 hurricane season have been distributed to a county, municipality, or district school board that has received a public facilities hurricane restoration cash flow loan.

Section 9. The sum of $300 million is appropriated from nonrecurring revenues in the Budget Stabilization Fund to the Department of Economic Opportunity for the 2019-2020 fiscal year for the sole purpose of funding the Public Facilities Hurricane Restoration Cash Flow Loan Program for eligible counties, municipalities, and district school boards in accordance with this act.

Section 10. Paragraph (c) of subsection (2) and subsection (3) of section 570.82, Florida Statutes, are amended to read:
Section 13. Subsection (6) is added to section 1008.33, Florida Statutes, to read:

(3) For the school districts specified within this section, the statewide, standardized assessment for grade 3 promotion for the 2018-2019 school year is waived. The promotion of grade 3 students must be based on the preponderance of the evidence through measures determined by each school district.

(4) For the school districts specified within this section, school grades, as established in s. 1008.34, Florida Statutes, for the 2018-2019 school year must be calculated and released for informational purposes only. School districts shall be held harmless from any liability for the release of grades for informational purposes only. School grades for the 2018-2019 school year must be based on student enrollment for Surveys 2 and 3 match files.

(5) The Legislature finds that, because of the catastrophic nature of Hurricane Michael, families in school districts under this section are displaced, and the loss of housing has drastically changed the mobility of students. The Legislature also finds that, until students’ housing arrangements stabilize, no method exists to capture an accurate assessment of a school’s performance in the school districts. Further, the Legislature finds that the enrollment of students for the survey request files will be a small representation of school district performance and not a true measurement of performance.

Section 13. Subsection (6) is added to section 1008.33, Florida Statutes, to read:
1008.33 Authority to enforce public school improvement.—

(6) Upon the effective date of this act, the department
shall suspend the administration of its duties and obligations
under subsection (3) for the remainder of the 2018-2019 school
year and for the 2019-2020 school year for school districts in
Holmes, Washington, Bay, Jackson, Calhoun, Gulf, Liberty,
Gadsden, Franklin, Wakulla, Leon, and Taylor Counties. This
subsection expires on July 1, 2020.

Section 14. The Division of Law Revision is directed to
replace the phrase "the effective date of this act" wherever it
occurs in this act with the date this act becomes a law.

Section 15. This act shall take effect upon becoming a law.
THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date __4/16/19__

Bill Number (if applicable) __1610__

Amendment Barcode (if applicable) ____________

Topic

Name __Richard Williams__

Job Title __Executive Director__

Address __4636 Hwy 90__

Street ____________

City __Marianna__

State __Fl.__

Zip __32446__

Phone __850-557-2441__

Email __richardw@opportunityflorida.com__

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

Waive Speaking: [ ] In Support [ ] Against

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

Representing __Opportunity 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.
THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

Recovery Efforts

Topic

Taylor Roose

Name

Military spouse and volunteer

Job Title

1624 Florence Ave

Address

Phone 602-423-3777

Levi

City

State

2547

Zip

Email taylorroose@yahoo.com

Speaking:  For □ Against □ Information

Representing Affecting citizens of the Panhandle

Appearing at request of Chair:  □ Yes  □ No

Lobbyist registered with Legislature:  □ Yes  □ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date: 4/14/2019

Bill Number (if applicable): 1610

Amendment Barcode (if applicable): ___________

Topic: Emergency Medicaid Program

Name: Jeff Drach

Job Title: Legislative Advocate

Address: Tallahassee, FL

Phone: ____________________________

Email: ____________________________

Speaking: □ For □ Against □ Information

Waive Speaking: X In Support □ Against

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

Representing: Florida League of Cities

Appearing at request of Chair: □ Yes □ 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.

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

S-001 (10/14/14)
THE FLORIDA SENATE
APPEARANCE RECORD

4·16·2019
Meeting Date

SB 1610
Bill Number (if applicable)

Emergency Mitigation & Response
Topic

Marl' Coley Edbanks
Name

Consultant
Job Title

820 S. Monroe St.
Tallahassee, FL 32301
Address

650·209·0069
Phone

marli@pinpointresults.com
Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing
Resident of Affected County

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

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

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

S-001 (10/14/14)
THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date: 4-16-19

Bill Number (if applicable): 1610

Amendment Barcode (if applicable):

Topic: Emergency Mitigation Response

Name: Chris Doolin

Job Title: Consultant

Address: 431 Hillcrest St

Phone: 850-508-5492

Email: cdoolin@oneHall.jpg

City: Tallahassee

State: FLA.

Zip: 32308

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

Representing: Small County Coalition

Appearing at request of Chair: □ Yes  □ No

Lobbyist registered with Legislature: □ Yes  □ No

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

This form is part of the public record for this meeting.
THE FLORIDA SENATE
APPEARANCE RECORD

4-16-19
Meeting Date

Emergency Mitigation
Topic

Richard Centry
Name

Job Title

2305 Blackburn Cir
Address

Phone 850-251-1837

Email rjentry@comcast.net

32309
Zip

State FL

For
Speaking: □ Against □ Information

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

Representing Stand Up for North 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.
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 Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: PCS/SB 7090 (779568)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Infrastructure and Security Committee

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: April 18, 2019

REVISED: 

ANALYST STAFF DIRECTOR REFERENCE ACTION
Proctor Miller ATD
1. Wells Hrdlicka AP IS Submitted as Committee Bill

Recommend: Fav/CS

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

1. Summary:

PCS/SB 7090 is a comprehensive bill relating the Department of Highway Safety and Motor Vehicles (DHSMV). The bill:

- Allows the DHSMV to provide expedited shipping of driver license and identification (ID) cards at the request of the customer for online transactions;
- Allows the DHSMV to provide a replacement ID card, if the previous ID card was stolen;
- Extends the renewal window for ID cards to match driver licenses;
- Expands penalties to dealerships who employ a control person whose dealer license has been revoked;
- Creates a third degree felony for false information on an application for driver license;
- Clarifies the use of the term “crash” in ch. 316, F.S., related to State Uniform Traffic Control;
- Expands the definition of “autocycle” in ch. 316, F.S., to include vehicles with steering mechanisms in addition to steering wheels;
- Establishes subpoena authority for the DHSMV to obtain testimony and documents from third-party entities that cannot be obtained under current law;
- Authorizes the DHSMV and tax collectors to collect and use cellular telephone numbers and email addresses to contact customers for business reasons other than vehicle renewals;
- Updates Florida Statutes to resolve compatibility concerns from the Federal Motor Carrier Safety Administration (FMCSA) between existing state law and federal regulations;
I. **Present Situation:**

Due to the disparate issues in the bill, the present situation for each area is discussed below in conjunction with the Effect of the Proposed Changes.
III. Effect of Proposed Changes:

Definitions - Crash and Serious Bodily Injury

Present Situation
Chapter 316, F.S., related to State Uniform Traffic Control, contains the term “crash” over 150 times, but does not contain a definition for the term. The absence of a standard definition leads to inconsistent policies and procedures across law enforcement agencies that investigate crashes and among courts that adjudicate cases involving crashes.

Chapter 316, F.S., defines “serious bodily injury” in ss. 316.192, 316.027, and 316.1933, F.S. However, the term is not defined in s. 316.003, F.S., which is the definitions section of ch. 316, F.S.

Effect of Proposed Changes
The bill amends s. 316.003, F.S., by establishing a definition for the term “crash” (section 1). “Crash” is defined as the operation of a motor vehicle, motorized scooter, or moped which results in property damage or death, bodily injury, or complaint of bodily injury to any person. The term “crash” includes separation of the operator or an occupant from a motor vehicle, motorized scooter, or moped, or trailer being drawn by a motor vehicle, while in motion, which results in property damage or death, bodily injury, or complaint of bodily injury to any person.

The term “crash” does not include such operation:
- On private property, if such operation does not result in death or serious bodily injury, unless the operator is suspected of violating s. 316.193, F.S., relating to driving under the influence.
- On a closed course used for commercial or recreational purposes, such as a commercial driving school or racetrack, unless the operator is suspected of violating s. 316.193, F.S., relating to driving under the influence.
- If such property damage or death, bodily injury, or complaint of bodily injury to any person results from an intentional act of a law enforcement officer to force a motor vehicle or moped to stop or reduce speed, such as use of a pursuit termination device or the precision immobilization technique. However, the term “crash” does include such operation that results in death, bodily injury, or complaint of bodily injury to, or damage to property of, anyone other than the operator or an occupant being forced to stop or reduce speed or the law enforcement officer.

The term “crash” also does not include the death or suffering of a medical episode by the operator or an occupant of a motor vehicle or moped if operation of the motor vehicle or moped did not result in such death or medical episode and does not result in property damage or death, bodily injury, or complaint of bodily injury to any other person.

The bill amends ss. 316.027, 316.0271, 316.061, 316.194, 316.622, 316.640, 316.655, 321.05, 321.065, 321.23, 322.0602, 322.36, 323.001, 323.002, 324.011, 324.022, 324.023, 324.051, and 324.242, F.S., changing the word “accident” to “crash” (sections 2, 3, 4, 11, 15, 16, 17, 38, 39, 40, 42, 48, 52, 53, 54, 55, 56, 57, and 58).
The bill also amends s. 316.003, F.S., by defining “serious bodily injury” to be an injury to any person which consists of a physical condition that creates a substantial risk of death, significant personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ (section 1). This definition is similar to those already in current law in ch. 316, F.S.

The bill amends ss. 316.027, 316.192, 316.193, 316.1933, and 318.19, F.S., deleting the definition of “serious bodily injury” or reference thereto (sections 2, 8, 9, 10, and 19).

Definitions - Autocycle

Present Situation

Autocycle is defined as a three-wheeled motorcycle that has two wheels in the front and one wheel in the back. It must be equipped with certain items, including a steering wheel.

Effect of Proposed Changes

The bill amends s. 316.003(2), F.S, to expand the definition of autocycle to include those motorcycles equipped with a steering mechanism.

Federal Motor Carrier Safety Administration Compatibility

Present Situation

Federal Motor Carrier Safety Regulations

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

Section 316.003(13), F.S., defines “commercial motor vehicle” (CMV) as any self-propelled or towed vehicle used on public highways in commerce to transport passengers or cargo, if such vehicle:

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

Section 316.302(1)(a), F.S., provides that all owners and drivers of CMVs operating on the state’s public highways while engaged in interstate commerce are subject to certain parts of title 49 of the Code of Federal Regulations (CFR), Federal Motor Carrier Safety Regulations.

Section 316.302(1)(b), F.S., provides that, with certain exceptions, all owners or drivers of CMVs engaged in intrastate commerce are subject to similar parts of title 49 of the CFR, Federal Motor Carrier Safety Regulations, as those rules and regulations existed on December 31, 2012.

² 49 U.S.C. ss. 1801 et seq.
Motor Carrier Safety Assistance Program Review of Florida Statutes

In 2007, the FMCSA conducted a Motor Carrier Safety Assistance Program (MSCAP) Review of Florida and concluded that Florida Statutes have multiple compatibility issues with federal commercial motor vehicle (CMV) safety regulations. To remain compatible with the Federal Motor Carrier Safety Regulations, states generally have up to three years from the effective date of new federal requirements to adopt and enforce such requirements. States that remain incompatible risk losing federal funding.

Section 316.302(1)(b), F.S., provides an exception from 49 C.F.R. s. 390.5 as it relates to the definition of a bus, defined as “any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs.” Florida law excludes taxicabs from the definition of a bus. The MCSAP Review noted that Florida Statutes “exempting, from the definition of a bus, taxicabs as it applies to the intrastate private transportation of passengers, is not compatible” with federal law.

Federal law prohibits certain lamps and reflective devices from being obscured on CMVs. However, s. 316.215(5), F.S., provides an exception from this requirement for front-end loading collection vehicles that are engaged in collecting solid waste or recyclable or recovered materials and are being operated at less than 20 miles per hour with hazard-warning lights activated. According to the MCSAP Review, federal law provides no such exemption.

Federal regulations provide hours of service rules for CMV drivers. Section 316.302(2), F.S., provides prohibitions to the length of time CMV drivers may drive, as well as exemptions from federal requirements for specified vehicles.

Section 316.302(2)(d), F.S., provides that a person operating a CMV solely in intrastate commerce not transporting any hazardous material within a 150 air-mile radius is not required to comply with federal provisions regarding a driver’s record of duty status if the requirements of certain federal rules regarding short-haul operations are met. If a driver is not released from duty within 12 hours after the driver arrives for duty, the motor carrier must maintain documentation of the driver’s driving times throughout the duty period. The MCSAP Review found that the exemption and alternate records requirement contained in s. 316.302(2)(d), F.S., does not comply with federal regulations because the federal exemption for such drivers also requires that the driver return to the work reporting location and is released from work within 12 consecutive hours.

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5 49 C.F.R. s. 390.5T.
6 Section 316.003(6), F.S.
8 49 C.F.R. s. 393.9(b). See also s. 316.302(1)(d), F.S.
10 49 C.F.R. part 395.
12 49 C.F.R. s. 395.1(e)(1)(iii) and (v) are various rules relating to short-haul operations.
Federal law allows a state to exempt a CMV from all or part of its laws or regulations relating to intrastate commerce if the vehicle’s gross vehicle weight, gross vehicle weight rating, gross combined weight, or gross combined weight rating is less than 26,001 pounds and the vehicle is not transporting hazardous materials requiring a placard. However, s. 316.302(2)(f), F.S., provides exemptions from federal laws or regulations for a person who operates a CMV solely in intrastate commerce, having a declared gross vehicle weight of less than 26,001 pounds, and who is not transporting hazardous materials in an amount that requires placarding or who is transporting petroleum products. According to the MCSAP Review, the state interprets this statute as exempting such vehicles transporting petroleum products even if a hazardous materials placard is required, which is not in compliance with federal regulations.

Section 316.203(2)(j), F.S., exempts a person operating a CMV solely in intrastate commerce not transporting any hazardous material from the federal law prohibition and limited waiver requirements for drivers with diabetes. While states are permitted to provide waivers to the driver physical qualification standards, the MCSAP Review found that Florida’s exemption does not conform to the variances allowed in federal law.

**Effect of Proposed Changes**

The bill amends various provisions of s. 316.302(1) and (2), F.S., to address issues related to Florida’s CMV regulations, including issues raised in the MCSAP Review (section 12).

The bill amends s. 316.302(1)(a), F.S., to also apply parts 383 (Commercial Driver License Standards; Requirements and Penalties) and 386 (Rules of Practice for FMCSA Proceedings) of title 49 of the CFR to all owners and drivers of CMVs operating on the state’s public highways while engaged in interstate commerce.

The bill amends s. 316.302(1)(b), F.S., removing the exception for the federal definition of a bus. The bill also applies part 386 (Rules of Practice for FMCSA Proceedings) of title 49 of the CFR to all owners or drivers of CMVs engaged in intrastate commerce and updates reference to the federal law to be as they existed on December 31, 2018 (instead of December 31, 2012).

The bill creates s. 316.302(1)(e), F.S., providing that the requirement for electronic logging devices and hours of service support documents do not go into effect for motor carriers.

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14 49 C.F.R. s. 350.341(a)
15 Section 376.301(33), F.S., defines “petroleum product” as “any liquid fuel commodity made from petroleum, including, but not limited to, all forms of fuel known or sold as diesel fuel, kerosene, all forms of fuel known or sold as gasoline, and fuels containing a mixture of gasoline and other products, excluding liquefied petroleum gas and American Society for Testing and Materials grades no. 5 and no. 6 residual oils, bunker C residual oils, intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher, asphalt oils, and petrochemical feedstocks.”
17 49 C.F.R. 391.41(b)(3), 391.43(e), and 391.64.
18 2007 Florida State MCSAP Review, at p. 4, FL/FI-5. See also 49 C.F.R. 350.341(h).
engaged in intrastate commerce not carrying hazardous materials in amounts requiring placarding until December 31, 2019.

Section 316.302(2)(a), F.S., exempts a person operating a CMV solely in intrastate commerce and not transporting any hazardous material in amounts that require placarding\(^{20}\) from complying with federal law maximum drive time requirements for property carrying vehicles.\(^{21}\) The statute references subsections (a) and (b) of 49 CFR 395.3, and not subsections (c) and (d), which in general are provisions to implement subsections (a) and (b). The bill amends s. 316.302(2)(a), F.S., to clarify that such operators are exempt from all subsections of 49 CFR 395.3. These drivers continue to be subject to the maximum driving times required by state law.

Section 316.302(2)(c), F.S., generally limits the driving hours in consecutive days of a person operating a CMV solely in intrastate commerce not transporting any hazardous material. Upon request of the DHSMV, motor carriers are required to furnish time records or other written verification so that the DHSMV can determine compliance with the hours of service requirements. The bill amends s. 316.302(2)(c), F.S., by removing the $100 fine for falsifying hours of service records because it is duplicative of the fine provided in the state’s CMV penalties statute.\(^{22}\)

The bill amends s. 316.302(2)(d), F.S., to update and correct a reference to federal regulations for the state exemption for a person operating a CMV solely in intrastate commerce not transporting any hazardous material within a 150 air-mile radius from the federal driver’s record of duty status provisions.\(^{23}\) In order to be exempt, a driver must return to the work reporting location and be released from work within 12 consecutive hours and have either 10 or 8 hours off.

The bill amends s. 316.302(2)(f), F.S., to remove specified exemptions from federal law or regulations for drivers transporting petroleum products. The paragraph is also amended to refer to the federal criteria for the exemption: CMVs having a gross vehicle weight, gross vehicle weight rating, and gross combined weight rating of less than 26,001 pounds, instead of a declared gross vehicle weight.

The bill repeals s. 316.302(2)(j), F.S. The bill requires a person operating a CMV solely in intrastate commerce not transporting any hazardous material to comply with the federal law prohibition and limited waiver requirements for drivers with diabetes.

Effective December 31, 2019, the bill amends s. 316.302(1)(d), F.S., to remove exceptions regarding headlamps and turn signals by waste collection vehicles under specified circumstances (\textit{section 13}).

\(^{20}\) Placarding is required pursuant to 49 C.F.R. part 172. In this analysis, everywhere there is a discussion regarding the transportation of hazardous materials, it is assumed to be in amounts that require placarding.

\(^{21}\) 49 C.F.R. s. 395.3(a) and (b).

\(^{22}\) Section 316.3025(3)(b)2., F.S.

\(^{23}\) 49 C.F.R. 395.1(e)(1)(ii) and (iii)(A) and (C) and (v).
Platooning

Present Situation

Platooning is an emerging automated driving technology that allows vehicles to communicate with one another in order to electronically “link” to each other in a line at close proximity, where the lead vehicle controls the speed and braking of the following vehicles. Each vehicle platoons by using an onboard computer connected to a vehicle-to-vehicle (V2V) communications device that receives and transmits data using dedicated short-range communications (DSRC), a two-way wireless communications capability permitting very high data transmission. DSRC is used by both V2V communications as well as vehicle-to-infrastructure (V2I) communications to provide connectivity among vehicles and between infrastructure to prevent crashes and enable safety, mobility, and environmental sustainability.

The National Highway Traffic Safety Administration (NHTSA) published a Notice of Proposed Rulemaking in January 2017, proposing to mandate V2V communications for new light vehicles and standardize the message and format of V2V transmissions to create a standard system, both of which would enable vehicle manufacturers to develop safety applications using V2V communications. These V2V communication device requirements would use DSRC devices to transmit basic information on the road, such as a vehicle’s speed, heading, brake status and path predictions, which can be used to provide drivers timely warnings of impending crash situations that drivers may not otherwise be capable of seeing. NHTSA has expressed that V2V communication “shows great promise in helping to avoid crashes, ease traffic congestion, and improve the environment.”

Assistive Truck Platooning Technology Pilot Project

One form of V2V technology is driver-assistive truck platooning (DATP), which allows trucks to communicate with one another and to travel as close as 30 feet apart with automatic acceleration and braking. A draft is created, reducing wind resistance and cutting down on fuel consumption.

In 2016, s. 316.0896, F.S., was created to require the Florida Department of Transportation (DOT), in consultation with the DHSMV, to study the use and safe operation of DATP technology, and conduct a pilot project to test the use and safe operation of vehicles

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25 Id.
29 Section 316.003(21), F.S., defines “driver-assistive truck platooning technology” as “[v]ehicle automation and safety technology that integrates sensor array, wireless vehicle-to-vehicle communications, active safety systems, and specialized software to link safety systems and synchronize acceleration and braking between two vehicles while leaving each vehicle’s
equipped to operate using DATP, and submit results of the study and any findings or recommendations from the pilot project to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The DOT developed the pilot project as a demonstration and operational phase to:

- Evaluate impacts of DATP on surrounding traffic and infrastructure;
- Evaluate feasibility of conducting enforcement responsibilities when DATP trucks are operating; and
- Evaluate administrative aspects of permitting DATP systems.

The pilot project was conducted with Peloton Technology, one developer of DATP vehicle systems. Peloton’s DATP is a cloud-based system that uses integrated sensors, controls, and wireless communications to determine in real time whether conditions are appropriate to allow specific trucks to engage in platooning operations. Using V2V communications, the system synchronizes acceleration and braking between tractor-trailers, leaving steering to the drivers, but eliminating braking distance otherwise caused by lags in the front or rear driver’s response time.

According to Peloton Technology, Peloton’s demonstration of its DATP technology occurred on the Florida Turnpike and covered over 1,000 miles using two trucks traveling at a separation distance of approximately 65 feet.

State Platoon Laws

According to Peloton, nine states have confirmed allowance for commercial deployment of DATP. At least 17 states with “following too closely” laws, including Florida, exempt vehicles equipped with a DATP system or a platooning system from such state law. Some states enacted laws expressly allowing a person to operate DATP or platooning systems, while other states only allow operation upon state approval of a submitted operations plan or following a certain number of days after submission of such plan, if the plan is not rejected by the overseeing agency. Several states and the federal government are continuing testing of DATP and other platooning systems.

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33 Id.

34 See ss. 316.0895 and 316.0896(2), F.S.


36 Id.
Following Too Closely and TV Receiver Prohibitions

Section 316.0895, F.S., prohibits a driver of a motor vehicle to follow another vehicle more closely than is reasonable and prudent. It is unlawful, when traveling upon a roadway outside a business or residence district, for a motor truck or vehicle towing another vehicle or trailer to follow within 300 feet of a similar vehicle. The law exempts the vehicles operating as part of the DOT’s pilot project in a manner and at locations determined by the DOT.  

Section 316.303, F.S., prohibits a motor vehicle operated on the highways of this state to be equipped with television-type receiving equipment that is visible from the driver’s seat; however, this prohibition does not apply to an electronic display:
- Used in conjunction with a vehicle navigation system;
- Used in a vehicle equipped with autonomous technology in autonomous mode; or
- Used in a vehicle equipped and operating with DATP technology.

Effect of Proposed Changes

The bill amends s. 316.003, F.S., to define “platoon” to mean a group of no more than two trucks that do not require placards, either laden or unladen, traveling in a unified manner using wireless vehicle-to-vehicle communications that electronically coordinate speeds and following distances of the trucks (section 1).

The bill repeals s. 316.0896, F.S., which created the assistive truck platooning technology pilot project conducted by the DOT in consultation with the DHSMV (section 5).

The bill creates s. 316.0897, F.S., providing that s. 316.0895, F.S., following too closely, does not apply to the operator of a nonlead vehicle in a platoon (section 6). The bill allows a platoon to be operated on a roadway in Florida after an operator provides notification to the DOT and the DHSMV.

The bill amends s. 316.303, F.S., to add that the prohibition on television receivers does not apply to an electronic display used by the nonlead vehicle in a platoon operating on a roadway in Florida (section 14).

School Speed Zones

Present Situation

A school zone is an area designated for the purpose of establishing a reduced school zone speed limit that is in effect at the beginning and end of the regularly scheduled school day. Pursuant to s. 316.1895, F.S., a school zone speed limit may not be less than 15 mile per hour, except by local regulation; and cannot be more than 20 miles per hour in an urbanized area. The speed limit is allowed to be in force during certain times of the day: 30 minutes before, during, and after the periods of time when student are arriving at school for a regularly scheduled breakfast program or a regularly scheduled school session and leaving a regularly scheduled school session.

37 Section 316.0896, F.S.
38 “Urbanized area” is defined in s. 334.03, F.S.
Effect of Proposed Changes

The bill creates s. 316.1895(5)(b), F.S., to allow a district school board\textsuperscript{39} to increase the time that a school zone speed limit is in force by an additional 15 minutes before, during, and after the times at which students are arriving at or leaving school (\textit{section 7}). This time can be extended by a simple majority vote of the board.

This may result in a school zone speed limit being in force for up to a total of 45 minutes before, during, and up to a total of 45 minutes after the periods of time when students are arriving at school for a regularly scheduled breakfast program or a regularly scheduled school session and leaving a regularly scheduled school session.

Safety Rules for Nonpublic Sector Buses

Present Situation

Section 316.70, F.S., requires the DOT to establish and revise standards contained in federal law\textsuperscript{40} to ensure the safe operation of nonpublic sector buses. The standards should be directed toward ensuring that:

- Nonpublic sector buses are safely maintained, equipped, and operated.
- Nonpublic sector buses are carrying the insurance required by law and carrying liability insurance on the checked baggage of passengers not to exceed the standard adopted by the U.S. Department of Transportation.
- Florida license tags are purchased for nonpublic sector buses pursuant to state law.
- The driving records of drivers of nonpublic sector buses are checked by their employers at least once each year to ascertain whether the driver has a suspended or revoked driver license.

DOT personnel may conduct compliance reviews for the purpose of determining compliance with these requirements. Civil penalties may be assessed for violations of the statute or any rule or order of the DOT:

- A civil penalty not to exceed $5,000 in the aggregate.
- A civil penalty not to exceed $25,000 in the aggregate for violations found in a follow-up compliance review conducted within a 24-month period.
- A civil penalty not to exceed $25,000 in the aggregate if violations are found after a second follow-up compliance review within 12 months after the first follow-up compliance review and the motor carrier may be prohibited from operating in Florida.\textsuperscript{41}

Effect of Proposed Changes

The bill amends s. 316.70, F.S., to authorize the DHSMV instead of the DOT to ensure the safe operation of nonpublic sector buses (\textit{section 18}). This change should have been made during

\begin{footnotes}
\item\textsuperscript{39} As defined in s. 1003.01(1), F.S.
\item\textsuperscript{40} 49 C.F.R. parts 382, 385, and 390-397.
\item\textsuperscript{41} Section 316.3026, F.S., allows the DHSMV to issue an “out-of-service” order which has the effect of prohibiting the operations of the carrier until violations have been corrected or penalties paid.
\end{footnotes}
the merger of the Office of Motor Carrier Compliance within the DOT to the Office of Commercial Vehicle Enforcement within the DHSMV.

The bill requires all owners and drivers of nonpublic sector busses to comply with applicable federal law, similar to other CMVs, and removes duplicative standards for nonpublic sector buses. The DHSMV is responsible, under the bill, to conduct compliance investigations and may assess civil penalties for violations of law. The time periods for follow-up compliance investigations are repealed.

The bill authorizes a law enforcement officer of the DHSMV or an appointed agent who holds a current safety inspector certification from the Commercial Vehicle Safety Alliance to require the driver of a commercial motor vehicle operated in Florida to stop and submit to an inspection of the vehicle and the driver’s records. If continued operation would be unduly hazardous, the officer may require the vehicle or driver to be removed from service pursuant to North American Standard Out-of-Service Criteria until the safety concerns are corrected, if:

- The vehicle or driver is operating in an unsafe condition; or
- Any require part or equipment is not present or in proper repair or adjustment.

If continued operation would not be unduly hazardous, then the vehicle or driver may be issued a written notice requiring correction of the condition within 15 days.

**Rebuilt Motor Vehicle Inspection Program**

**Present Situation**

In 2013, the Legislature created s. 319.141, F.S., creating a Pilot Rebuilt Motor Vehicle Inspection Program in Miami-Dade and Hillsborough counties through June 30, 2018. The Department of Highway Safety and Motor Vehicles (DHSMV) set standards for the program and certified private sector inspection facilities in Miami-Dade County. The program’s purpose was to evaluate private sector alternatives for rebuilt inspection services, including the feasibility of using private facilities, the cost impact to consumers, and the potential savings to the DHSMV. The DHSMV was required to establish a memorandum of understanding allowing private parties participating in the pilot program to conduct rebuilt vehicle inspections and specifying requirements for oversight, bonding and insurance, procedures, forms, and the electronic submission of documents.

To be approved for the program, an applicant was required to:

- Have and maintain a surety bond or irrevocable letter of credit in the amount of $100,000, executed by the applicant;
- Secure and maintain a facility at a permanent structure at an address recognized by the U.S. Postal Service where the only services provided were rebuilt inspection services;
- Annually attest that he or she was not employed by or did not have an ownership interest in or financial arrangement with a motor vehicle repair shop, motor vehicle dealer, towing company, storage company, vehicle auction, insurance company, salvage yard, metal retailer,

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42 Section 319.14(1)(c)3., defines “rebuilt vehicle” for purposes of that section as a motor vehicle or motor home built from salvage or junk.
or metal rebuilder, from which he or she received remuneration for the referral of customers for rebuilt inspection services;

- Have and maintain garage liability and other insurance required by the DHSMV;
- Have completed criminal background checks of the owners, partners, and corporate officers and the inspectors employed by the facility; and
- Meet any additional criteria that the DHSMV determined necessary to conduct proper inspections.  

Participants were required to access vehicle and title information and enter inspection results in a DHSMV authorized system. Records were required to be maintained at the facility for 5 years. Before any change in ownership, the participant had to give the DHSMV 45 days’ notice of the intended sale and the new owner was required to meet the minimum eligibility requirements and enter into the agreement with the DHSMV before operating. The DHSMV was required to immediately terminate any participant who failed to meet the minimum eligibility requirements.

As required by law, in 2015, the DHSMV submitted a report that summarized the implementation of the pilot program and program results. The DHSMV certified eight private businesses in the Miami area to conduct rebuilt vehicle inspections. The DHSMV employees in Miami-Dade County were responsible for conducting rebuilt vehicle inspections at the DHSMV Regional Office and at various off-site locations and for monitoring the businesses to ensure inspections were conducted in accordance with program standards.

According to the DHSMV, each of the eight pilot program participants met all of the statutory requirements and the requirements of the memorandum executed with the DHSMV. Statutorily authorized state rebuilt inspection fees ($40) and re-inspection fees ($20) were collected and remitted to the state as required. In addition, each pilot program participant was allowed to assess customers a service fee for each inspection. Service fees ranged from $50 to $85 and were not regulated in any manner by the DHSMV.

As provided in its authorizing legislation, the program was repealed on July 1, 2018, as it was not saved from repeal or reauthorized by the Legislature.

**Effect of Proposed Changes**

The bill reestablishes the Rebuilt Motor Vehicle Inspection Program permanently and expands it statewide by reviving, reenacting, and amending s. 319.141, F.S., notwithstanding its repeal on July 1, 2018 (section 21); creating definitions in s. 319.001, F.S. (section 20); creating s. 319.1411, F.S., to provide for monitoring of providers (section 22); creating s. 319.142, F.S., to provide prohibited practices of providers (section 24); and creating s. 319.1414, F.S., to grant the DHSMV investigative powers (section 23).

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43 Section 319.141(4), F.S.
46 *Id.*
47 *Id.*
The new purpose of the program is to prevent the use of stolen parts in the rebuilding process, identify and recovery stolen vehicles, require installation of airbags in rebuilt vehicles not subject to recall, and assist law enforcement with vehicle theft and fraud investigations. The DHSMV is authorized to monitor and investigate private rebuild inspection providers and rebuilt courier services and to examine all records related to inspections or related services provided.

Rebuilt inspection services\(^48\) may only be conducted by providers authorized by the DHSMV who meet the requirements of ch. 319, F.S. A provider must meet the following requirements to be authorized:

- Submitted a request with all required documentation to the DHSMV;
- Passed a physical location inspection by the DHSMV that concludes that the provider is operating in accordance with law at the location and the location:
  - Does not have a common street address with another business operating, attached, connected or joined by the common street address (even if the location is recognized by the U.S. Postal service as a separate address);
  - Has permanent signage with posted business hours;
  - Has a rebuilt inspection area separate and visually obstructed from any area accessible to a customer; and
  - Has a surveillance camera with recording capabilities for the rebuilt inspection area.
- Provided a lease or proof of ownership for the location, which must be:
  - A permanent structure at an address recognized by the U.S. Postal Service where the only services provided are rebuilt inspection services; and
  - Of a size large enough to accommodate all vehicles being inspected and space sufficient to maintain physical security of all required records;
- Provided evidence of a “good and sufficient” surety bond or irrevocable letter of credit in the amount of $100,000, executed by the provider that covers all inspection activities and names the DHSMV as an insured for 1 year;\(^49\)
- Ensured that each owner, partner, and corporate officer of the provider has provided an attestation acknowledging that he or she is deemed to be engaging in activities that are in the public interest and are free from conflicts of interest;\(^50\)
- Provided evidence of garage liability insurance coverage with at least $100,000 single-limit liability coverage, including bodily injury and property damage protection, and $10,000 personal injury protection;
- Provided a criminal background check on all owners, partners, and corporate officers that demonstrates that they have not:
  - Pled guilty or nolo contendere to or been convicted of a felony involving fraud, theft, or dishonest dealing in the last 10 years; or

\(^{48}\) The bill maintains the definition of “rebuilt inspection services” used in the expired s. 319.141, F.S., but also requires that services include before and after photos if an airbag or airbags were deployed which clearly show the deployed airbags and that the airbags have been replaced.

\(^{49}\) The surety bond or letter of credit must be executed by a surety company or bank authorized to do business in Florida.

\(^{50}\) The bill defines “conflict” or “conflict of interest” to mean a situation in which a private interest could benefit from or interfere with official duties or a public interest, including, but not limited to, having a direct or indirect financial interest in a vehicle being inspected under the program; or being employed by, or directly or indirectly having an ownership interest in, an entity that has a financial interest in a vehicle being inspected.
o Been incarcerated for a felony involving fraud, theft, or dishonest dealing in the last 10 years; and
- Provided evidence of authorization to conduct business in Florida from the Division of Corporations of the Department of State.\(^{51}\)

Providers authorized by the DHSMV must enter into a contract with the department that requires the provider to:
- Maintain access to and use the DHSMV’s motor vehicle database, the National Motor Vehicle Title Information System, and information from the National Crime Bureau.
- Follow DHSMV policies and procedures when conducting inspections and to DHSMV oversight.
- Maintain confidentiality of all information in accordance with ch. 119, F.S., and the federal Driver Privacy Protection Act.\(^{52}\)
- Maintain records as required by the DHSMV for at least 5 years and make such records available for inspection by the DHSMV or in accordance with state public records laws.
- Agree to report stolen parts or vehicles.
- Maintain a surety bond and garage liability insurance.

The contract must also prohibit assignment of the contract to a third party without the consent of the DHSMV and specify penalties for noncompliance, including termination of the agreement; other grounds for termination of the agreement; forms required to be used to document completion of the inspection process;\(^{53}\) and conditions to operate a mobile inspection unit, if applicable.

A provider must attest annually by July 1 that it complies with the law and each owner, partner, and corporate officer must affirm that he or she is free from conflicts of interest. Providers may charge a fee for services; fees must be clearly disclosed and conspicuously posted in an area frequented by customers.

Providers can operate at additional locations in Florida with written approval by the DHSMV, based upon criteria discussed above for locations. Additionally, the provider can operate a mobile inspection unit with written approval by the DHSMV in addition to its permanent facility location. To have a mobile unit, the provider must also maintain for each mobile unit general liability insurance of $100,000 and commercial automobile liability insurance of $100,000; physical security for indicia and inspection records; records at the permanent facility; a weekly

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\(^{51}\) Business that want to conduct business in Florida must first register with the Department of State. Section 607.0125(4), F.S., provides that the Department of State’s duty to file documents is ministerial. However, the department does issue certificates of status (domestic corporations, limited liability companies, etc.) and certificates of authorization (foreign/out of state corporations) to show that the businesses are duly incorporated to authorized to transact business in Florida. See s. 607.0128 and 605.0211, F.S., for example.


\(^{53}\) Forms must include, but are not limited to, a completed and signed: certificate of title with or without registration, statement of builder that describes the process and major component parts used, power of attorney for a motor vehicle, mobile home, or vessel, and vehicle identification number and odometer verification.
schedule of planned inspections; and the confidentiality of the process. The provider must also agree to cooperate with the DHSMV oversight requirements.

The bill maintains the 45 days’ notice and requirements for a change of ownership of a provider. The DHSMV may terminate the contract with a participant who fails to meet the law.

The bill permits rebuilt courier services\textsuperscript{54} in Florida or from locations outside of Florida if a courier has a valid, nonexclusive contract with each authorized provider with which the courier conducts business. The contract must require the courier to comply with state law, including any DHSMV rule designed to protect the public, the DHSMV, or the provider from illegal or disruptive conduct; and to provide proof of maintenance of garage liability insurance of at least $100,000.

The bill creates s. 319.1411, F.S., to authorize the DHSMV to monitor and inspect the operations of the providers as it deems necessary to determine whether the provider is operating in compliance with the law and to determine if the provider has engaged in any prohibited business practices (section\textsuperscript{22}).

The bill creates s. 319.142, F.S., to establish rules of conduct and prohibited business practices for the rebuilt inspection service providers (section\textsuperscript{24}). The following is prohibited and grounds for termination of contract with the DHSMV:

- Engaging in any business transaction or activity that is in substantial conflict with the proper discharge of the provider’s duties in the public interest;
- Allowing a vehicle to pass inspection knowing that there was a material misrepresentation in the required documentation or that the documentation submitted in support of the inspection was counterfeit or materially altered;
- Failing to report to the DHSMV the identification of a suspected stolen part or stolen vehicle during an inspection;
- In connection with providing private rebuilt inspection services, engaging in any course of conduct that is fraud or deceit upon the DHSMV, a dealer, or a vehicle owner;
- Knowingly falsifying the DHSMV records or knowingly providing materially false or misleading information to the DHSMV;
- Failing to allow an examination or inspection of a location, including a review of books and records, by the DHSMV or law enforcement during regular business hours;
- Passing a vehicle through inspection without having a reasonable basis to believe that all airbags that are subject to a safety recall issued by the National Highway Transportation Safety Administration were replaced with airbags not subject to such a safety recall;
- Failing to timely respond to a subpoena issued by the DHSMV;
- Conducting rebuilt inspection services at a physical location or mobile unit not approved in writing by the DHSMV;
- Failing to maintain at all times a garage liability insurance in the amount of at least $100,000;

\textsuperscript{54} The bill defines “rebuilt courier service” to mean an individual or entity who provides services to vehicle owners or motor vehicle dealers who use the inspection services of a private rebuilt inspection provider. These services include, but are not limited to, preparing, compiling, or providing forms, applications, certificates of title, or other documentation required to conduct a rebuilt inspection, or engaging in or arranging for the transportation of vehicles for inspection.
• Failing to maintain at all times a good and sufficient surety bond or irrevocable letter of credit in the amount of $100,000 which covers all activities under the program and names the DHSMV as an insured;
• Violating the law or contract with the DHSMV; and
• Using advertising that would reasonably lead the public to believe that the provider was or is an employee or representative of the DHSMV, or using in the provider’s name the terms “Department of Highway Safety and Motor Vehicles,” “DMV,” “DHSMV,” “FLHSMV,” or “HSMV” or any other terms or logos that that are associated with the DHSMV.

The DHSMV must provide written notice of termination before terminating a contract for one of the above reasons.

The bill creates s. 319.1414, F.S., to authorize the DHSMV to conduct investigations and examinations of providers to ensure compliance with the law and the contract with the provider (section 23). The DHSMV is authorized to issue subpoenas, administer oaths or affirmations, examine witnesses, require affidavits, take depositions, and compel attendance of witnesses or production of records or other evidence.

The DHSMV may petition a court of competent jurisdiction to enforce a subpoena in the county where the person’s residence or principal place of business is located. The court must issue an order requiring the person to comply with the subpoena or show cause for failure to do so. Unless the person shows sufficient cause for failure to obey the subpoena, the court must issue an order requiring the person to obey the subpoena and award costs incurred by the DHSMV to obtain the order. The person commits contempt of court for failure to comply with the court order.

Witnesses subpoenaed by the DHSMV are entitled to witness fees, unless the witness is required to appear at his or her residence or place of business during regular business hours.\(^55\)

**Subpoena and Investigative Authority**

**Present Situation**

The DHSMV has jurisdiction over multiple chapters of Florida Statutes, for which they do not have subpoena authority, without which they are often unable to obtain documents and testimony from third-party entities (banks, tow companies, etc.) to conduct administrative or criminal investigations.

**Effect of Proposed Changes**

The bill creates s. 322.71, F.S., and amends ss. 319.25 and 320.861, F.S., authorizing the DHSMV to exercise the power of subpoena and to administer oaths or affirmations, examine witnesses, require affidavits, take depositions, and compel the attendance of witnesses and the production of books, papers, documents, records, and other evidence (sections 25, 36, and 51). The subpoena is to be used for investigations or examinations conducted by the DHSMV of...
suspected violations of chs. 319, 320, or 322, F.S., and may be served by an authorized representative of the DHSMV.

The DHSMV may petition a court of competent jurisdiction to enforce a subpoena in the county where the person’s residence or principal place of business is located. The court must issue an order requiring the person to comply with the subpoena or show cause for failure to do so. Unless the person shows sufficient cause for failure to obey the subpoena, the court must issue an order requiring the person to obey the subpoena and award costs incurred by the DHSMV to obtain the order. The person commits contempt of court for failure to comply with the court order.

Witnesses subpoenaed by the DHSMV are entitled to witness fees, unless the witness is required to appear at his or her residence or place of business during regular business hours. 56

Collection and Use of Cellular Telephone Numbers

Present Situation

The DHSMV lacks statutory authority to collect and use cell phone numbers as a method to communicate with customers in an expedited manner. Florida Statutes already allow the DHSMV is authorized to collect email addresses. Email addresses may be used, in lieu of the U.S. Postal Service, to provide certain renewal notices, including registration renewal notices, driver license renewal notices, and vessel registration renewal notices. However, current law does not allow the e-mail to be used for other business purposes. 57

Effect of Proposed Changes

The bill amends ss. 319.40, 320.95, 322.08, 328.30, and 328.80, F.S. (sections 26, 37, 43, 59, and 62), to authorize the DHSMV and tax collectors to collect and use email addresses and cell phone numbers to contact customers for business reasons other than purposes related to motor vehicle, vessel, and driver license registration and renewal. This must be done in accordance with ch. 119, F.S., and the federal Driver Privacy Protection Act. These sections are contingent upon the passage of SB 7094, which creates a public records exemption for this information.

Providing an email address or cell phone number is optional for the applicant, and before collecting an email mail address or cell phone number the DHSMV or tax collector must disclose to the applicant the purposes for which the contacts may be used.

International Registration Plan – Charter Buses

Present Situation

The International Registration Plan (IRP) is a registration reciprocity agreement among all states in the contiguous United States, the District of Columbia, and several Canadian provinces. It provides for the payment of license fees based on fleet operation in various member

56 Section 92.142, F.S., provides that witnesses receive $5 for each day’s actual attendance and 6 cents per mile for actual distance traveled to and from a court.
57 See ss. 319.40, 320.95, 322.08(10), 328.30, and 328.80, F.S.
This allows a carrier to operate inter-jurisdictionally while only needing to register vehicles in its base jurisdiction, which is the state or province where the registrant has an established place of business.\(^{59}\)

All “apportionable vehicles” domiciled in the state are required to be registered in accordance with the IRP and display “Apportioned” license plates.\(^{60}\)

Apportionable vehicles that do not regularly operate in a particular jurisdiction also have the option to register for trip permits in order to operate in IRP member jurisdictions for limited periods where they do not pay license taxes.\(^{61}\)

An “apportionable vehicle” is any vehicle that is used or intended for use in two or more member jurisdictions and that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and:\(^{62}\)

- Is a power unit having a gross vehicle weight in excess of 26,000 pounds;
- Is a power unit having three or more axles, regardless of weight; or
- Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

The Florida definition excludes recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, government-owned vehicles, and buses used in transportation of chartered parties. The IRP definition excludes a recreational vehicle, a vehicle displaying restricted plates, or a government-owned vehicle. Excluded vehicles may voluntarily register.

Prior to January 1, 2016, charter buses were excluded from having to register under the IRP. The IRP was amended to remove charter buses from the exemption, requiring charter bus operations to register under the IRP. This registration ensures that a charter bus operation will pay license fees to each jurisdiction it operates in, and prevents or suspends the registration of unsafe carriers.\(^{63}\)

**Effect of Proposed Changes**

The bill amends s. 320.01(24), F.S., to remove the exclusion of charter buses from the definition of “apportionable vehicle” (section 27). This aligns Florida’s statutory definition with the requirements of the IRP. All charter buses operating interstate will be required to obtain an IRP registration or purchase trip permits.

\(^{58}\) International Registration Plan, Inc., *Information for Motor Carriers*, [https://www.irponline.org/page/MotorCarrierHomepage](https://www.irponline.org/page/MotorCarrierHomepage) (last visited April 9, 2019).


\(^{60}\) Sections 320.0715(1) and 320.06(3)(a), F.S.


Issuance of Apportionable Vehicle Plates

Present Situation

Florida law requires all apportionable vehicles domiciled in Florida to be registered in accordance with the IRP and to display required license plates.\(^{64}\)

Section 320.06, F.S., requires registration license plates, which bear a graphic symbol and alphanumeric system of identification, to be issued for a 10-year period. However, “Apportioned” license plates issued to vehicles registered under the IRP are issued annually.\(^{65}\) Apportioned vehicles are also issued an annual cab card that denotes the declared gross vehicle weight for each apportioned jurisdiction where the vehicle is authorized to operate.\(^{66}\)

Section 320.0607, F.S., requires an applicant to pay a fee of $28 upon the issuance of an original license plate (whether every 10 years or annually for apportioned vehicles), which is deposited into the Highway Safety Operating Trust Fund.

Effect of Proposed Changes

Under the bill, an apportioned vehicle must be issued an annual license plate and cab card denoting the declared gross vehicle weight until January 1, 2023, at which time this provision in s. 320.06(1)(b), F.S., expires (section 29). Upon implementation of a new operating system for apportioned vehicle registration, a vehicle registered in accordance with the IRP will be issued a license plate for a 5-year period, an annual cab card denoting the declared gross vehicle weight, and an annual validation sticker showing the month and year of expiration.

The license plate and validation sticker will be issued based on the applicant’s appropriate renewal period. The registration period for an apportionable vehicle is 12 months and the validation sticker is valid for 12 months. The bill provides that the fee must be deposited into the Highway Safety Operating Trust Fund. Currently, a $28 fee is paid upon initial issuance and annual reissuance of the “Apportioned” license plates; SB 7092 provides authority for the annual fee for the validation sticker ($28). This section of the bill is contingent upon the passage of SB 7092. If the license plate is damaged or worn it may be replaced at no charge by applying to the DHSMV and surrendering the current license plate.

The bill amends s. 320.0607(5), F.S., to provide that upon implementation of a new operating system for apportioned vehicle registration, the $28 fee for an original license plate does not apply to vehicles registered under the IRP (section 32).

Renting a Motor Vehicle to Another

Present Situation

Section 322.38, F.S., sets the requirements for an individual who wishes to rent a motor vehicle to another. These include that the individual inspects the driver license of the person to whom the

\(^{64}\) Section 320.0715(1), F.S.
\(^{65}\) Section 320.06(1)(b)1., F.S.
vehicle is to be rented, and compares and verifies the signature thereon with the signature of such person written in his or her presence before the vehicle can be rented. Further, the individual must keep a record of the registration number of the motor vehicle rented, the name and address of the person renting, and the number, date, and place of issue of the person’s driver license.

**Effect of Proposed Changes**

The bill amends s. 322.38, F.S., to eliminate the requirement that a person renting a motor vehicle to another verify the latter individual’s signature on his or her driver license, and adds a requirement that the individual renting the vehicle to another verify that the renter’s driver license is unexpired (section 49). The bill also eliminates the requirement that the individual renting the vehicle to another record the date on which the driver license was issued.

This section creates s. 322.38(4), F.S., to provide that the driver license and license inspection requirements are deemed to have been met if the renter verifies that he or she is duly licensed and the license is unexpired when the renter enrolls in a company’s membership program, master agreement, or other means of establishing use of the company’s services or at any time thereafter. This applies when:

- The rental of a motor vehicle is made to a person through digital, electronic, or other means which allows the renter to obtain possession of the vehicle without direct contact with an agent or employee of the motor vehicle rental company; or
- The renter does not execute a rental contract at the time he or she takes possession of the vehicle.

**Motor Vehicle Rental Agreements**

**Present Situation**

Section 320.0605, F.S., requires that a person who rents or leases a vehicle is required to possess a true copy of rental or lease documentation for the motor vehicle at all times while the vehicle is being operated. The documentation must include certain information including the date of the rental, the time of exit from the rental facility, and the rental station location.

**Effect of Proposed Changes**

The bill amends s. 320.0605, F.S., to authorize a person to possess an electronic copy of a rental or lease documentation to be displayed upon the request of a law enforcement officer or an agent of the DHSMV (section 31). Displaying the electronic copy to a law enforcement officer does not constitute consent for the officer or agent to access any information on the electronic device other than the displayed documentation. Additionally, the person who presents the device to the officer or agent assumes liability for any resulting damage to the device.

This section also repeals the requirement that the rental or lease documentation must include the rental station identification. This section also requires the time of rental, instead of the time of exit from the rental facility to be included in the documentation.

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67 A person who cannot display such documentation upon request from an officer or agent of the DHSMV is guilty of a noncriminal traffic infraction, punishable as a nonmoving violation.
Access to Florida Real Time Vehicle Information System

Present Situation

The DHSMV maintains the Florida Real Time Vehicle Information System (FRVIS) that facilitates the collection of taxes and fees for tags, titles, and registrations associated with motor vehicles and vessels. Local tax collector and tag agent offices throughout the state process tag, title, and registration transactions through FRVIS. According to the DHSMV, FRVIS processed approximately 404.6 million transactions for the collection of approximately $3.026 billion in revenue from taxes and fees associated with tags, titles, and registrations for motor vehicles and vessels during Fiscal Year 2017-2018, including amounts retained by local tax collector and tag agent offices. These funds, together with all other sources of the DHSMV’s revenue, are distributed through FRVIS to various state agencies, including the DHSMV, and non-state entities in accordance with governing Florida Statutes.

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

In addition to residential street addresses, the DHSMV is authorized to collect and store (in FRVIS) email addresses. Email addresses may be used, in lieu of the U.S. Postal Service, to provide certain renewal notices, including registration renewal notices, driver license renewal notices, and vessel registration renewal notices.

Registration Duties of Tax Collectors

Tax collectors are authorized agents of the DHSMV that issue motor vehicle and vessel registration certificates, registration license plates, validation stickers, mobile home stickers, vessel numbers, and vessel decals to applicants. Each tax collector must keep a full and complete record and account of all validation stickers, mobile home stickers, vessel decals, or other properties received by him or her from the DHSMV.

Chapter 320, F.S., requires FRVIS to be installed in every tax collector’s and license tag agent’s office in accordance with a schedule established by the DHSMV in consultation with the tax collectors and contingent upon funds being made available for the system by the state.
**Effect of Proposed Changes**

The bill amends ss. 320.03 and 328.73, F.S., to require the DHSMV to provide tax collectors acting on behalf of the DHSMV and tax collector-approved agents and vendors with real-time access to data that other third parties receive from the DHSMV related to registration certificates, registration license plates, validation stickers, and vessel numbers and decals (sections 28 and 61). The DHSMV must approved a request from the entity and enter into a memorandum of understanding with the entity before access may be granted. The memorandum of understanding required may not be more restrictive than any memorandum of understanding between the DHSMV and other third-party vendors.

**Purchasing of Validation Stickers and Paper Stock**

**Present Situation**

Section 320.06(2), F.S., requires the DHSMV to provide tax collectors and license plate agents with the necessary number of validation stickers for plates. To do this, the DHSMV analyzes past usage and anticipated future renewal needs in each county. This estimate is then compared against each order placed in the FRVIS system and then processed on a weekly basis for delivery. If a tax collector or license plate agent requests an amount in excess of the anticipated need in the FRVIS system, then the entity may request an exception for increased delivery, which the DHSMV processes within a week.76

**Effect of Proposed Changes**

The bill amends s. 320.06(2), F.S., to allow the tax collectors and their agents to have the option to purchase validation stickers and paper stock that is used to produce vehicle registrations directly from the DHSMV’s contracted vendor (section 30). The stickers and paper stock may also be purchased from other vendors if such items meet the DHSMV’s specifications and are procured at prices that are at or lower than the pricing reflected in the DHSMV’s existing contracts for procuring the items. The bill specifies that these purchases by the tax collectors and their agents are exempt from the competitive bid requirements of ch. 287, F.S.

The DHSMV is required to reimburse the tax collectors and their agents for these purchases, but reimbursement may not be made at prices higher than the pricing contained in the DHSMV’s existing contract. The tax collectors and their agents will be required to invoice the DHSMV in arrears for the validation stickers and vehicle registrations as they are issued.

**Fleet Vehicle Temporary Tag Pilot Program**

**Present Situation**

Section 320.131, F.S., authorizes the DHSMV to design, issue, and regulate the use of temporary tags for use in certain cases provided in law when a permanent plate may not be immediately available, and provides penalties for the misuse of temporary tags. Generally, a temporary tag is valid for 30 days.77 Temporary tags cost $2 each, of which $1 is deposited into the Brain and

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76 Information from the DHSMV, on file with the Senate Committee on Infrastructure and Security.

77 Except as provided in ss. 320.131(1)(f) and (j), F.S.
Spinal Cord Injury Program Trust Fund and $1 into the Highway Safety Operating Trust Fund. The DHSMV uses a print-on-demand electronic temporary tag registration, record retention, and issue system that is required to be used by every department-authorized issuer of temporary tags. These issuers include motor vehicle dealers and tax collectors who frequently issue temporary tags on behalf of the DHSMV.

**Effect of Proposed Changes**

The bill amends s. 320.131, F.S., to create a Fleet Vehicle Temporary Tag Pilot Program (section 33). The DHSMV may partner with a county tax collector to conduct a pilot program that provides up to 50 temporary tags at a time to fleet companies who have at least 3,500 fleet vehicles registered in Florida. The DHSMV must establish a memorandum of understanding (MOU) that allows a maximum of 10 companies to participate in the pilot program.

Under the pilot program:
- The temporary tags are for exclusive use on the company’s fleet vehicles and may not be used on any other vehicle.
- Each temporary tag must be used on only one vehicle, and each vehicle may only use one temporary tag.
- Upon issuance of the vehicle’s permanent license plate and registration, the temporary tag becomes invalid and must be removed from the vehicle and destroyed.
- Upon a finding by the DHSMV that a temporary tag has been misused under this program, the DHSMV may terminate the MOU with the company, invalidate all temporary tags issued to the company, and require the company to return any unused temporary tags.

The issuance of a temporary tag must be reported to the DHSMV within two business days after the issuance of the tag, and the tax collector must keep a record of each temporary tag issued. If the DHSMV finds that a temporary tag has been misused by a fleet company under the program, then the DHSMV may terminate the memorandum of understanding with that company, invalidate all the issued temporary tags to that company, and require the company to return any unused tags.

This program is repealed October 1, 2022, unless saved from repeal through reenactment by the Legislature.

**Motor Vehicle Dealer Licensing**

**Present Situation**

Section 320.27, F.S., authorizes the DHSMV to revoke a motor vehicle dealership license for failure to comply with certain requirements. The DHSMV reports that it lack the authority to act on persons who have previously had their dealer license revoked that are able to reestablish themselves in other dealerships.

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78 Section 320.131(9), F.S.
Current law allows the DHSMV to file for an injunction against a dealer who fails to comply with the law. However, the DHSMV does not have the authority to petition the court to prohibit the person who operated the dealership from operating in a similar capacity in the future.\textsuperscript{79}

**Effect of Proposed Changes**

The bill amends s. 320.27, F.S., to authorize the DHSMV to deny an initial or renewal application for a motor vehicle dealer license (section 34). The DHSMV can deny the application for the same reasons as in current law for suspension or revocation of a license; however, the bill also grants the DHSMV the authority to make the denial, suspension, or revocation of the license upon proof that the applicant or licensee has:

- Been convicted of a felony and has either not completed the resulting felony sentence or completed the felony sentence less than 10 years after the date of licensure application.
- Previously owned a majority interest in, or acted as a control person\textsuperscript{80} of, a motor vehicle dealer that within the past 10 years has been the subject of any decision, finding, injunction, suspension, revocation, denial, judgment, or administrative order by any court of competent jurisdiction, administrative law judge, or state agency that resulted in a finding of:
  - Violation of any federal or state law relating to unlicensed activity; or
  - Fraud in connection with the sale of a motor vehicle.
- Knowingly employs or contracts such a person as a control person.
- Knowingly employs or contracts as a control person a person who has been convicted of a felony and has either not completed the resulting felony sentence or completed the felony sentence less than 10 years from the date of licensure application.

The bill also provides that if a court grants an injunction, the court may bar, permanently or for a specific time period, any person found to have violated any federal or state law relating to unlicensed activity or fraud in connection with the sale of a motor vehicle. If a person is barred, the person may not continue in any capacity within the industry or have a management, sales, or other role in the operation of a dealership. Further, if a person is permanently barred, the person may not derive income from the dealership beyond reasonable compensation for the sale of his or her ownership interest in the business.

**Establishment of Uniform Standards for Mobile Homes**

**Present Situation**

Sections 320.8232(2), F.S., provides that the provisions of the repair and remodeling code for mobile homes must ensure safe and livable housing and must not be more stringent than those standards required to be met in the manufacture of mobile homes. The provisions of the code must include, but are not limited to, standards for structural adequacy, plumbing, heating, electrical systems, and fire and life safety.

\textsuperscript{79} Information from the DHSMV, on file with the Senate Committee on Infrastructure and Security.

\textsuperscript{80} The bill defines “control person” as mean any person who has significant authority, directly or indirectly, to direct the management or policies of a company, whether through ownership, by contract, or otherwise. The term includes any person who is an owner, director, general partner, officer, manager, or employee exercising decision-making responsibility or exercising similar executive status or functions. The term does not include an employee whose function is only clerical, ministerial, or in sales under the supervision of an owner or manager or other person exercising decision-making responsibility.
Rule 15C-2.0081, F.A.C, provides more specificity for the Mobile and Manufactured Home Repair and Remodeling Code. The rule provides guidelines for structure additions, anchoring, repair, and remodeling; electrical repair and replacement; and plumbing repair and replacement.

**Effect of Proposed Changes**
The bill amends s. 320.8232(2), F.S., by changing the reference to the “repair and remodel code” to the “Mobile and Manufactured Home Repair and Remodeling Code” which has been adopted by rule by the DHSMV (section 35). The bill also requires all repair and remodeling of mobile and manufactured homes be done in accordance with the DHSMV rules.

**ID Card Renewal**

**Present Situation**
A Florida driver license can be renewed within 12 months of expiration; however, an ID card can only be renewed within 90 days of expiration.

**Effect of Proposed Changes**
The bill amends s. 322.051(2)(a), F.S., to extend the renewal window for ID cards to within 12 months of expiration to be consistent with the driver license renewal period (section 41).

**Truancy Reporting and Driving Privileges**

**Present Situation**
A minor is not eligible for driving privileges unless he or she meets certain requirements, such as being enrolled at school or in home education or in other educational activities approved by the district school board and satisfying attendance requirements. If the DHSMV receives a notice of noncompliance from the district school board, it may not issue a driver license or learner’s permit to, or will suspend the driver license or learner’s permit of, any minor. The DHSMV must report quarterly to each school district the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended. According to the DHSMV, the reporting function is now automated for all school districts to access in real time.

**Effect of Proposed Changes**
The bill amends s. 322.091(5), F.S., to require the DHSMV to make the report of students whose driving privileges have been suspended for truancy available upon request, instead of quarterly (section 44). This allows the school districts to access the updated, automated reporting function in real time.

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81 Section 322.18(7), F.S.
82 Section 322.051(2)(a), F.S.
83 Sections 322.091(1) and 1003. (2)(b), F.S.
84 Section 322.091(5), F.S.
85 DHSMV, 2019 Legislative Concepts (on file with the Senate Committee on Infrastructure and Security).
Stolen Identification Cards

Present Situation

Section 322.17(1)(b), F. S., provides for the replacement of a driver license for no fee when reported stolen and accompanied by a police report to the person to whom the same was issued. There is no statutory authority to issue a no-fee replacement ID card when stolen, even when a police report is provided.

Effect of Proposed Changes

The bill amends s. 322.17, F.S., by adding an ID card to the list of cards that can be replaced for free when stolen (section 45).

Expedited Service and Shipping

Present Situation

Individuals can apply to the DHSMV to receive expedited service on title transfers, title issuances, duplicate titles, and recordation of liens by mail or in person and the DHSMV must issue each title within 5 working days after receipt of the application. The DHSMV has the authority to charge a $10 expedited service fee. The expedited service fee is in addition to the standard fees on title transfers, title issuances, duplicate titles, and recordation of liens. After deductions for odometer fraud prevention and detection and retention of $3.50 by the processing agency, the remainder of the expedited service fee is deposited into the General Revenue Fund.

Currently, the law does not provide authorize the DHSMV to collect an expedited service fee related to driver licenses and ID cards from customers. For example, Florida residents needing an immediate replacement or renewal driver license often call the DHSMV customer service center to request expedited shipping of their transactions via the online portal. To assist these individuals, the DHSMV must have the individual prepay directly to a mail courier service for the expedited shipping cost.

Effect of Proposed Changes

The bill creates s. 322.21(10), F.S., to allow an applicant for a renewal or replacement driver license or ID card who applied via online to receive expedited shipping (section 46). The DHSMV, at the applicant’s request, must issue the driver license or ID card within 5 working days after receipt of the application and ship the license or ID card using an expedited mail service. The DHSMV is authorized to charge the applicant for the exact cost of expedited shipping.

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86 For motor vehicles or mobile homes previously titled or registered outside of the state, the 5 working days begins after compliance with DHSMV verification requirements. Sections 319.323 and 319.23(4), F.S.
87 Section 319.323, F.S.
88 See ss. 319.323 and 319.32, F.S.
89 Section 319.324, F.S.
90 Section 319.323, F.S.
91 Department of Highway Safety and Motor Vehicles, 2019 Legislative Concepts (on file with the Senate Committee on Infrastructure and Security).
shipping. Funds collected for the expedited shipping option will be deposited into the Highway Safety Operating Trust Fund.

**Penalties for False Information on Application for Driver License**

**Present Situation**

Section 322.212, F.S., makes using a false or fictitious name in any application for a driver license or ID card or knowingly making a false statement, knowingly concealing a material fact, or otherwise committing fraud in any such application a third degree felony. However, a person who gives a false age in an application only commits a second degree misdemeanor.

In addition to any other penalties in s. 322.212, F.S., a person is disqualified from operating a CMV for 1 year if the person provides false information when applying for a commercial driver license or commercial learner’s permit or is convicted of fraud in connection with testing for a commercial driver license or commercial learner’s permit.

**Effect of Proposed Changes**

The bill amends s. 322.212, F.S., to create additional penalties. The bill makes knowingly providing altered or counterfeit documents or knowingly participating in dishonest or deceptive actions in any application for a driver license or ID card a third degree felony.

The bill also creates an additional penalty for providing false information in certain applications. In addition to other penalties, a person’s driving privilege is suspended for 1 year if the person provides false information when applying for a driver license, ID card, commercial driver license, or commercial learner’s permit or is convicted of fraud in connection with testing for a driver license, commercial driver license, or commercial learner’s permit.

**Serious Disqualifying Offense for a Commercial Motor Vehicle**

**Present Situation**

In 2013, the Legislature amended s. 316.3025, F.S., codifying a federal prohibition on CMV drivers using handheld devices while operating a CMV. However, s. 322.61, F.S., relating to offenses disqualifying someone from driving a CMV was not similarly amended.

Section 316.3025(6)(a), F.S., provides penalties associated with texting and using a handheld mobile telephone while driving a CMV. A driver violating the federal prohibitions against

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92 Section 322.212(5)(a) and (6), F.S. Generally, a third degree felony is punishable by up to 5 years in prison and a fine of up to $5,000. See ss. 775.082, 775.083, and 775.084, F.S.
93 Section 322.212(6), F.S. Generally, a third degree felony is punishable by up to 60 days in jail and a fine of up to $500. See ss. 775.082 and 775.083, F.S.
94 Section 322.212(7), F.S.
95 Section 14, ch. 2013-160, L.O.F.
texting or using a handheld mobile telephone\textsuperscript{96} while operating a CMV, may be assessed a civil penalty and commercial driver license disqualification\textsuperscript{97} as follows:

- First violation: $500.
- Second violation: $1,000 and a 60-day commercial driver license disqualification.\textsuperscript{98}
- Third and subsequent violations: $2,750 and a 120-day commercial driver license disqualification.

Section 322.61, F.S., provides a list of serious disqualifying offenses regarding the operation of a CMV. If while operating a CMV, a person is convicted of two or more listed offenses within a 3 year period, then that person is disqualified from operating a CMV for a period of 60 days.

**Effect of Proposed Changes**

The bill amends s. 322.61, F.S., to incorporate violations for texting or using a handheld phone device while operating a CMV as a serious disqualifying offense to align with federal regulations (section 50).

**Administration of Vessel Registration and Titling Laws; Records**

**Present Situation**

The DHSMV has the authority to protect personal information contained in a motor vehicle record under the federal Driver Privacy Protection Act and s. 119.0712(2), F.S., and an entity that is allowed to receive motor vehicle record information may not use it for mass commercial solicitation of clients for litigation against motor vehicle dealers. No such protection for personal information contained in a vessel title or registration exists.

**Effect of Proposed Changes**

The bill amends s. 328.40, F.S., to provide that the DHSMV must protect personal information contained in a vessel registration and title, subject to inspection and copying, as provided in ch. 119, F.S. (section 60). SB 7094, which is linked to this bill, creates a public records exemption in s. 119.0712(2), F.S., for this information. This bill itself does not create an exemption or protections. This section is contingent upon the passage of SB 7094.

**Required Insurance Coverage for Commercial Motor Vehicles**

**Present Situation**

Section 627.7415, F.S., requires all CMVs subject to the U.S. Department of Transportation minimum levels of financial responsibility set forth in 49 C.F.R. part 387 to be insured are required by the federal law. Currently the statute only references subpart A of the Code of Federal Regulations, which sets the financial responsibility requirements for motor carriers of property. Other CMVs must meet the requirements in s. 627.7415, F.S., for minimum levels of

\textsuperscript{96} 49 C.F.R. 392.82

\textsuperscript{97} Section 320.01(15), F.S., defines “disqualification” as “a prohibition, other than an out-of-service order, that precludes a person from driving a commercial motor vehicle.”

\textsuperscript{98} Commercial driver license disqualification is pursuant to 49 C.F.R. part 383.
combined bodily liability insurance and property damage liability insurance, which are based upon the CMV’s weight.

**Effect of Proposed Changes**

The bill amends s. 627.7415, F.S., to also reference subpart B of the Code of Federal Regulations for minimum levels of financial responsibility, which relates to motor carriers of passengers (section 63).

**Technical Amendments and Effective Date**

**Effect of Proposed Changes**

The bill amends ss. 316.251, 501.976, 655.960, and 856.015, F.S., to correct cross-references (sections 64, 65, 66, and 67).

The act takes effect July 1, 2019, except as otherwise expressly provided (section 68).

**IV. Constitutional Issues:**

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

   Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

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

   The bill amends ss. 319.40, 320.95, 322.08, 328.30, and 328.80, F.S. (sections 26, 37, 43, 59, and 62), to authorize the DHSMV and tax collectors to collect and use email addresses and cell phone numbers of customer and requires this to be done in accordance with ch. 119, F.S., and the federal Driver Privacy Protection Act.

   Currently, s. 119.0712(2), F.S., provides that personal information contained in a motor vehicle record is confidential pursuant to the federal Driver Privacy Protection Act and may only be released as authorized by the federal law. The statute also makes email addresses collected under ss. 319.40, 320.95, and 322.08, F.S., exempt from state public records law.

   Cell phone numbers and email addresses collected by the DHSMV pursuant to the bill may not be exempt from public records. However, SB 7094, which is linked to this bill, would provide an exemption for such information. If SB 7094 is not enacted, then the information may not be exempt.

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99 A motor vehicle record is defined as any record that pertains to a motor vehicle operator’s permit, motor vehicle title, motor vehicle registration, or identification card issued by the DHSMV.

100 18 USC ss. 2721 et. seq.

101 This exemption expires on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.
C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

SB 7092 clarifies the fee for the apportioned vehicle plate changes made in section 29 of the bill. If SB 7092 does not pass, then there will be no fee for the 5-year plate, annual cab card, and annual validation sticker beginning in January 2023.

To the extent that fleet companies choose to participate in the Fleet Vehicle Temporary Tag Pilot Program created in section 33, there may be an indeterminate, increase to the Highway Safety Operating Trust Fund and the Brain and Spinal Cord Injury Program Trust Fund. Of the $2 temporary tag fee for certain vehicles, revenues are divided evenly between the Highway Safety Operating Trust Fund and the Brain and Spinal Cord Injury Program Trust Fund. Further, the tax collectors may receive an indeterminate, increase to local government revenues because tax collected are currently authorized to collect a $3 surcharge for each temporary tag issuance. The bill limits the pilot program to 10 companies, who may be issued a maximum of 50 temporary tags at a time.

The fee for issuance of an original and renewal ID card is $25. The fees collected from original ID card applications are deposited into the General Revenue Fund. Fees collected from renewal ID card applications are deposited as follows: $19 into the General Revenue Fund and $6 into the Highway Safety Operating Trust Fund. The number of people who will renew an ID card 12 months after expiration are unknown, but the DHSMV estimated that there could be a loss to the General Revenue Fund of $113,535 and an increase of the same amount to the Highway Safety Operating Trust Fund (the trust fund would incur about a $9,083 service charge to be paid to the General Revenue Fund) (section 41).102

The fee for a replacement ID card is $25. The fees collected are deposited as follows: $16 into the General Revenue Fund and $9 into the Highway Safety Operating Trust Fund. For replacement ID cards that are issued by a tax collector, the tax collector is allowed to keep the $9 portion of the fee. The bill allows a person whose ID card was stolen to get a replacement card for free (section 45). The number of people who will get

102 Email from Susan Carey, Department of Highway Safety and Motor Vehicles, SB 7090 (April 10, 2019) (on file with the Senate Transportation, Tourism, and Economic Development Appropriations Subcommittee).
a replacement card for a stolen one is unknown, but the DHSMV anticipates that the fiscal impact to the department and tax collectors will be insignificant.

B. Private Sector Impact:

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

Classifying charter buses as apportionable vehicles may change the registration fees for these vehicles; however, the actual impact for any specific vehicle will be based on motor vehicle details, jurisdictions where the vehicle travels, and the mileage percentages in each of the jurisdictions.\(^{103}\)

Individuals whose ID cards are stolen will see a reduction in costs because they will be able to obtain a replacement card at no cost.

Additionally, there may be a positive fiscal impact on fleet companies who qualify to be part of the Fleet Vehicle Temporary Tag pilot program because such companies will be able to receive up to 50 temporary tags at a time, which can reduce the amount of time a replacement fleet vehicle is inoperable while awaiting permanent registration and title.

C. Government Sector Impact:

According to the FMCSA, failure to adopt regulations to comply with federal compatibility requirements may jeopardize federal funding for the state’s motor carrier safety program for Federal Fiscal Year 2019.\(^{104}\) Federal funding for the state’s motor carrier safety program for Fiscal Year 2018-2019 totaled $12,778,315, and when matched with state funds in the amount of $2,254,997, totaled $15,033,312.\(^{105}\) The provisions of the bill brings the state law into compliance.

Tax collectors, and tax collector-approved agents and vendors, may see a positive indeterminate fiscal impact as a result of having real-time access to data and thus being able to provide more efficient service to customers.

The bill makes providing altered or counterfeit documents or participating in dishonest or deceptive actions in any application for a driver license or ID card a third degree felony (Section 47). The Criminal Justice Impact Conference has not yet estimated a prison bed impact for this bill.

\(^{103}\) Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, DHSMV Package - Fiscal (March 21, 2019) (on file with the Senate Committee on Infrastructure and Security).

\(^{104}\) William A. Quade, Associate Administrator for Enforcement (Federal Motor Carrier Safety Administration), letter to Colonel Gene Spaulding, Director (Florida Highway Patrol), August 10, 2018 TS (on file with the Senate Committee on Infrastructure and Security).

\(^{105}\) Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, Mcsap funds, (February 7, 2019) (on file with the Senate Committee on Infrastructure and Security).
According to the DHSMV, the creation of the temporary tag for fleet vehicles will require approximately 87 programming hours, or the equivalent of $3,045 in FTE (section 33). This cost can be absorbed within existing resources.

The cost to the DHSMV to implement the rebuilt motor vehicle inspection program can be absorbed within current resources (sections 20 – 24).

The bill grants and authorizes DHSMV to exercise the power of subpoena as it relates to the investigation of fraud involving motor vehicle registrations, titles, driver licenses, motor vehicle dealers, and other areas of jurisdictional responsibility (sections 23, 25, 36, and 51). All costs related to this new function can be absorbed within existing resources.

The DHSMV may incur an indeterminate programming costs implementing real-time data access to tax collectors and tax collector-approved agents and vendors; however such costs can be absorbed within existing resources (sections 28 and 61).

The DHSMV will incur costs to provide expedited shipping for driver licenses and ID cards. Provided that SB 7092 passes, the DHSMV will be able to offset these costs by charging the applicants for the cost of the expedited shipping (section 46).

The provision of the bill allowing tax collectors to purchase validation stickers and paper stock is expected to be cost neutral to the DHSMV, as reimbursement by the department to the tax collectors cannot be greater than the pricing in the DHSMV’s existing contract for such items (section 30).

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill authorizes the DHSMV top adopt rules to administer the grant of subpoena power in ss. 319.1414, 319.25, 320.861, and 322.71, F.S. (sections 23, 25, 36, and 51).

The bill provides that certain provisions do not apply to the operator of a nonlead vehicle in a platoon and requires notification to the DHSMV and the DOT to operate (section 6). The bill does not specify how platoon operators are to provide the required notification to DOT and DHSMV. It is also unclear how law enforcement will be able to identify that a vehicle is operating in a platoon and thus exempt from certain traffic law requirements.

SB 7092 and SB 7094 are linked to this bill. They contain provisions for revenues and public records exemptions that are related to provisions amended or created in this bill. SB 7092 and SB 7094 are contingent upon the passage of this bill, and the linked provisions in this bill are contingent upon the passage of the other two bills.
SB 7092 contains revenue provisions impacting this bill. The bill allows the DHSMV to charge a $28.00 annual fee for apportionable vehicles related to the initial validation sticker and any renewed validation stickers.

SB 7094 contains public record exemptions impacting this bill. The public record exemptions are for:
- Personal information, including highly restricted personal information, contained in any record that pertains to a vessel title or vessel registration issued by the DHSMV;
- Email addresses and cell phone numbers collected by the DHSMV; and
- Information received by the DHSMV as a result of an investigation or examination, until the investigation or examination ceases to be active or administrative action taken by the DHSMV has concluded or been made part of any hearing or court proceeding.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.027, 316.0271, 316.061, 316.1895, 316.192, 316.193, 316.1933, 316.194, 316.302, 316.303, 316.622, 316.640, 316.655, 316.70, 318.19, 319.001, 319.141, 319.25, 319.40, 320.01, 320.03, 320.06, 320.0605, 320.0607, 320.131, 320.27, 320.8232, 320.861, 320.95, 321.05, 321.065, 321.23, 322.051, 322.0602, 322.08, 322.091, 322.17, 322.21, 322.212, 322.36, 322.38 322.61, 323.001, 323.002, 324.011, 324.022, 324.023, 324.051, 324.242, 328.30, 328.40, 328.73, 328.80, 627.7415, 316.251, 501.976, 655.960, and 856.015.

This bill creates the following sections of the Florida Statutes: 316.0897, 319.002, 319.1411, 319.142, 319.1414, and 322.71.

This bill repeals section 316.0896 of the Florida Statutes.

IX. Additional Information:

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

   Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 16, 2019:
   The committee substitute:
   - Expands the definition of autocycle to include those motorcycles equipped with a steering mechanism.
   - Delays until December 31, 2019, the requirements for waste collection vehicles to comply with the requirements in s. 316.215, F.S., related to headlamps and turn signals.
   - Clarifies the exemption from the prohibition on television receivers for a vehicle operating in a platoon.
   - Removes bill section creating duplicative rulemaking authority for the DHSMV, which currently has rulemaking authority for ch. 319, F.S., in s. 319.17, F.S.
   - Directs a court to award costs incurred by the DHSMV to obtain an order to obey a subpoena.
• Makes section 26, 37, 43, 59, 60, and 62 of the bill contingent upon the passage of SB 7094.
• Makes section 29 of the bill contingent upon the passage of SB 7092.
• Authorizes an electronic copy of a motor vehicle rental or lease documentation to be accepted by law enforcement or agents of the DHSMV as proof of possession of such documentation, and provides restrictions and liability regarding the electronic device displaying such documentation.
• Provides that a motor vehicle rental company is deemed to have met the requirements of inspecting a driver license and prohibiting the rental of a motor vehicle to a person required to be licensed who is not, if the renter verifies he or she holds a valid driver license and the vehicle is rented from the company through digital, electronic, or other means not requiring direct contact with an employee of the rental company.
• Authorizes the DHSMV to charge a customer who requests expedited shipping for a renewal or replacement driver license or ID card for the exact costs of the shipping.
• Clarifies that the third degree felony created by the bill related to providing altered or counterfeit documents or participating in dishonest or deceptive actions related to a driver license application must be done knowingly.

B. Amendments:

SPB by Infrastructure and Security on April 2, 2019 was amended to:
• Define the term “platoon” as no more than 2 trucks that are wirelessly connected;
• Exempt platoon operators from state laws relating to “following too closely” and use of television receivers;
• Permit a platoon to be operated on Florida roadways after an operator provides notification to the DOT and the DHSMV.
• Permit a district school board, by majority vote, to extend the period of enforcement for a school speed zone by an additional 15 minutes before, during, and additional 15 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;
• Authorize the DHSMV and Tax Collectors to collect and use cellular telephone numbers and email addresses to contact customers for business reasons other than vehicle renewals;
• Require the DHSMV to provide tax collectors and their approved agents and vendors with real-time access to data that other third parties receive from the DHSMV related to registration of vehicles, mobile homes, and vessels;
• Change the effective date for the bill’s changes to apportioned vehicle registrations to January 1, 2023;
• Provide tax collectors the option of purchasing validation stickers and paper stock used in producing vehicle registrations from the DHSMV’s contracted vendor or from other vendors, as long as the items meet the DHSMV’s specifications and are procured at prices that are at or lower than the pricing reflected in the DHSMV’s existing contracts for the items;
• Create a Fleet Vehicle Temporary Tag Pilot Program, which allows the DHSMV to partner with a county tax collector to establish an agreement with up to ten companies
allowing the issuance of up to 50 temporary tags at a time for use by the company’s fleet vehicles; and

- Clarify that the DHSMV’s Mobile/Manufactured Home Repair and Remodeling Code, which has been adopted by rule, is uniform statewide and requires that all repairs and remodeling must conform to that Code.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
We have a number for Section 39. Pace based this estimate on the ID Card Renewal File estimated by the Highway Safety Fee Conference. The percentage of late issuances is based on what we see on driver licenses – there is a late fee charged on the DL side – so we know how many people come in late and assume ID card renewals would be about the same (18.99%). The only thing missing from these numbers is the GR service charge – HSOTF would pay about is $9,083 based on first year estimate.

Section 39. Amends current law to allow an identification card to be renewed after the credential has been expired for more than 12 months. Currently, after 90 days of expiration, it is considered an original issuance. This is only a distribution issue as all ID cards are $25. An original, renewal, or replacement identification card is $25. The revenue for original cards is distributed to the General Revenue Fund. The revenue for renewal cards is distributed $6 to Highway Safety Operating Trust Fund, $19 to the General Revenue Fund. Extending the period for renewal to 12 months may have a negative, impact on the General Revenue Fund, as citizens will have a longer period to renew an expired card rather than apply for an original.

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<tr>
<th></th>
<th>FY 19-20</th>
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<td>% Late Issuances</td>
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<td>20,203</td>
<td>19,091</td>
<td>16,364</td>
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<td>(121,218.84)</td>
<td>(114,544.28)</td>
<td>(98,184.88)</td>
<td>(85,260.75)</td>
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<tr>
<td>Estimated Gain to HSOTF</td>
<td>113,534.77</td>
<td>121,218.84</td>
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Lee) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Present subsections (16) through (54) of s. 316.003, Florida Statutes, are redesignated as subsections (17) through (55), present subsections (55) through (73) of that section are redesignated as subsections (57) through (75), present subsections (74) through (101) of that section are
redesignated as subsections (77) through (104), respectively, new subsections (16), (56), and (76) are added to that section, and present subsection (59) of that section is amended, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(16) CRASH.—The operation of a motor vehicle, motorized scooter, or moped in this state which results in property damage or the death of or bodily injury, or a complaint of bodily injury, to any person. The term “crash” includes separation of the operator or an occupant from a motor vehicle, motorized scooter, or moped, or a trailer being drawn by a motor vehicle, while in motion, which results in property damage or the death of or bodily injury, or a complaint of bodily injury, to any person. The term “crash” does not include such operation in any of the following situations:

(a) On private property, if such operation does not result in death or serious bodily injury, except that the term “crash” includes such operation on private property when the operator is suspected of violating s. 316.193.

(b) On a closed course used for commercial or recreational purposes, such as a commercial driving school or race track, except that the term “crash” includes such operation on a closed course when the operator is suspected of violating s. 316.193.

(c) If such property damage, death, bodily injury, or complaint of bodily injury results from an intentional act of a law enforcement officer to force a motor vehicle or moped to stop or reduce speed, such as use of a pursuit termination
device or the precision immobilization technique, except that
the term “crash” includes such operation that results in such
property damage or the death of or bodily injury to, or
complaint of bodily injury to, anyone other than the operator or
occupant of the motor vehicle or moped being forced to stop or
reduce speed or the law enforcement officer.

(d) The death or suffering of a medical episode by the
operator or an occupant of a motor vehicle or moped, if
operation of the motor vehicle or moped did not result in such
death or medical episode and did not result in property damage
or the death of or bodily injury, or complaint of bodily injury,
to any other person.

(56) PLATOON.—A group of no more than two trucks that do
not require placards, either laden or unladen, traveling in a
unified manner using wireless vehicle-to-vehicle communications
that electronically coordinate speeds and following distances of
the trucks.

(61) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
provided in paragraph (84) (b) -(81)-(b), any privately owned way
or place used for vehicular travel by the owner and those having
express or implied permission from the owner, but not by other
persons.

(76) SERIOUS BODILY INJURY.—An injury to any person which
consists of a physical injury that creates a substantial risk of
death, significant personal disfigurement, or protracted loss or
impairment of the function of any bodily member or organ.

Section 2. Subsections (1) and (4) of section 316.027,
Florida Statutes, are amended to read:

316.027 Crash involving death or personal injuries.—
(1) As used in this section, the term:

(a) “Serious bodily injury” means an injury to a 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 a bodily member or organ.

(b) “Vulnerable road user” means any of the following:

   (a) A pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way.

   (b) A person operating a bicycle, motorcycle, scooter, or moped lawfully on the roadway.

   (c) A person riding an animal.

   (d) A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway:

      1. A farm tractor or similar vehicle designed primarily for farm use;

      2. A skateboard, roller skates, or in-line skates;

      3. A horse-drawn carriage;

      4. An electric personal assistive mobility device; or

      5. A wheelchair.

(4) (a) In addition to any other civil, criminal, or administrative penalty imposed, a person whose commission of a noncriminal traffic infraction or a violation of this chapter or s. 1006.66 causes or results in the death of another person may be required by the court to serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle crashes, under the supervision of a registered
nurse, an emergency room physician, or an emergency medical technician pursuant to a voluntary community service program operated by the trauma center or hospital.

(b) Notwithstanding paragraph (a), in addition to any other civil, criminal, or administrative penalty imposed, a person whose commission of a violation of s. 316.172(1)(a) or (b) causes or results in serious bodily injury to or death of another person shall be required by the court to:

1. Serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle crashes, under the supervision of a registered nurse, an emergency room physician, or an emergency medical technician pursuant to a voluntary community service program operated by the trauma center or hospital.

2. Participate in a victim’s impact panel session in a judicial circuit if such a panel exists, or if such a panel does not exist, attend a department-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway as provided in s. 322.0261(2).

Section 3. Subsection (1) and paragraph (a) of subsection (5) of section 316.0271, Florida Statutes, are amended to read:

316.0271 Yellow dot critical motorist medical information program; yellow dot decal, folder, and information form.—

(1) The governing body of a county may create a yellow dot critical motorist medical information program to facilitate the provision of emergency medical care to program participants by emergency medical responders by making critical medical information readily available to responders in the event of a motor vehicle crash accident or a medical emergency involving a
participant’s vehicle.

(5)(a) If the driver or a passenger of a motor vehicle is involved in a motor vehicle crash or emergency situation and a yellow dot decal is affixed to the vehicle, an emergency medical responder at the scene may search the glove compartment of the vehicle for the corresponding yellow dot folder.

Section 4. Subsection (3) of section 316.061, Florida Statutes, is amended to read:

316.061 Crashes involving damage to vehicle or property.—
(3) Employees or authorized agents of the Department of Transportation, law enforcement with proper jurisdiction, or an expressway authority created pursuant to chapter 348, in the exercise, management, control, and maintenance of its highway system, may undertake the removal from the main traveled way of roads on its highway system of all vehicles incapacitated as a result of a motor vehicle crash and of debris caused thereby. Such removal is applicable when such a motor vehicle crash results only in damage to a vehicle or other property, and when such removal can be accomplished safely and will result in the improved safety or convenience of travel upon the road. The driver or any other person who has removed a motor vehicle from the main traveled way of the road as provided in this section may not be considered liable or at fault regarding the cause of the crash solely by reason of moving the vehicle.

Section 5. Section 316.0896, Florida Statutes, is repealed.

Section 6. Section 316.0897, Florida Statutes, is created to read:
316.0897 Platoons.—

(1) Section 316.0895 does not apply to the operator of a nonlead vehicle in a platoon.

(2) A platoon may be operated on a roadway in this state after an operator provides notification to the Department of Transportation and the Department of Highway Safety and Motor Vehicles.

Section 7. Subsection (5) of section 316.1895, Florida Statutes, is amended to read:

316.1895 Establishment of school speed zones, enforcement; designation.—

(5) (a) 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, as defined in s. 334.03. 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.

(b) A district school board as defined in s. 1003.01(1) may by simple majority vote increase the time a school zone speed limit is in force by an additional 15 minutes before, during, and an additional 15 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or at a regularly scheduled school session and leaving a regularly scheduled school session.

Section 8. Paragraph (c) of subsection (3) of section 316.192, Florida Statutes, is amended to read:

316.192 Reckless driving.—
(3) Any person:

(c) Who, by reason of such operation, causes:

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The term “serious bodily injury” means an injury to another person, 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.

Section 9. Subsection (3) of section 316.193, Florida Statutes, is amended to read:

316.193 Driving under the influence; penalties.—

(3) Any person:

(a) Who is in violation of subsection (1);

(b) Who operates a vehicle; and

(c) Who, by reason of such operation, causes or contributes to causing:

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another or to himself or herself, as defined in s. 316.1933, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The death of any human being or unborn child commits DUI manslaughter, and commits:
a. A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:
   (I) At the time of the crash, the person knew, or should have known, that the crash occurred; and
   (II) The person failed to give information and render aid as required by s. 316.062.

For purposes of this subsection, the term “unborn child” has the same meaning as provided in s. 775.021(5). A person who is convicted of DUI manslaughter shall be sentenced to a mandatory minimum term of imprisonment of 4 years.

Section 10. Subsection (1) of section 316.1933, Florida Statutes, is amended to read 316.1933 Blood test for impairment or intoxication in cases of death or serious bodily injury; right to use reasonable force.—

(1) If a law enforcement officer has probable cause to believe that a motor vehicle driven by or in the actual physical control of a person under the influence of alcoholic beverages, any chemical substances, or any controlled substances has caused the death or serious bodily injury of a human being, including serious bodily injury of the driver, a law enforcement officer shall require the person driving or in actual physical control of the motor vehicle to submit to a test of the person’s blood for the purpose of determining the alcoholic content thereof or the presence of chemical substances as set forth in s. 877.111 or any substance controlled under chapter 893. The law
enforcement officer may use reasonable force if necessary to require such person to submit to the administration of the blood test. The blood test shall be performed in a reasonable manner. Notwithstanding s. 316.1932, the testing required by this paragraph need not be incidental to a lawful arrest of the person.

(b) The term “serious bodily injury” means 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.

Section 11. Paragraphs (a) and (b) of subsection (3) of section 316.194, Florida Statutes, are amended to read:

316.194 Stopping, standing or parking outside of municipalities.—

(3)(a) Whenever any police officer or traffic crash accident investigation officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this section, the officer is authorized to move the vehicle, or require the driver or other persons in charge of the vehicle to move the vehicle, to a position off the paved or main-traveled part of the highway.

(b) Officers and traffic crash accident investigation officers may provide for the removal of any abandoned vehicle to the nearest garage or other place of safety, cost of such removal to be a lien against motor vehicle, when an abandoned vehicle is found unattended upon a bridge or causeway or in any tunnel, or on any public highway in the following instances:

1. Where such vehicle constitutes an obstruction of
271 traffic;
272
2. Where such vehicle has been parked or stored on the
273 public right-of-way for a period exceeding 48 hours, in other
274 than designated parking areas, and is within 30 feet of the
275 pavement edge; and
276
3. Where an operative vehicle has been parked or stored on
277 the public right-of-way for a period exceeding 10 days, in other
278 than designated parking areas, and is more than 30 feet from the
279 pavement edge. However, the agency removing such vehicle shall
280 be required to report same to the Department of Highway Safety
281 and Motor Vehicles within 24 hours of such removal.
282
Section 12. Subsections (1) and (2) of section 316.302,
283 Florida Statutes, are amended to read:
284
316.302 Commercial motor vehicles; safety regulations;
285 transporters and shippers of hazardous materials; enforcement.—
286 (1)(a) All owners and drivers of commercial motor vehicles
287 that are operated on the public highways of this state while
288 engaged in interstate commerce are subject to the rules and
289 regulations contained in 49 C.F.R. parts 382, 383, 385, 386 and
290 390-397.
291 (b) Except as otherwise provided in this section, all
292 owners or drivers of commercial motor vehicles that are engaged
293 in intrastate commerce are subject to the rules and regulations
294 contained in 49 C.F.R. parts 382, 383, 385, 386, and 390-397,
295 with the exception of 49 C.F.R. s. 390.5 as it relates to the
296 definition of bus, as such rules and regulations existed on
297 December 31, 2012.
298 (c) The emergency exceptions provided by 49 C.F.R. s.
299 392.82 also apply to communications by utility drivers and
utility contractor drivers during a Level 1 activation of the State Emergency Operations Center, as provided in the Florida Comprehensive Emergency Management plan, or during a state of emergency declared by executive order or proclamation of the Governor.

(d) Except as provided in s. 316.215(5), and except as provided in s. 316.228 for rear overhang lighting and flagging requirements for intrastate operations, the requirements of this section supersede all other safety requirements of this chapter for commercial motor vehicles.

(e) A person who operates a commercial motor vehicle solely in intrastate commerce which does not transport hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172 need not comply with the requirements of electronic logging devices and hours of service supporting documents as provided in 49 C.F.R. parts 385, 386, 390, and 395 until December 31, 2019.

(2)(a) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b)(1) and 395.3(a) and (b).

(b) Except as provided in 49 C.F.R. s. 395.1, a person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 may not drive:

1. More than 12 hours following 10 consecutive hours off duty; or

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

The provisions of this paragraph do not apply to drivers of utility service vehicles as defined in 49 C.F.R. s. 395.2.

(c) Except as provided in 49 C.F.R. s. 395.1, a person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 may not drive after having been on duty more than 70 hours in any period of 7 consecutive days or more than 80 hours in any period of 8 consecutive days if the motor carrier operates every day of the week. Thirty-four consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods, any unprocessed agricultural products or unprocessed food or fiber that is subject to seasonal harvesting from place of harvest to the first place of processing or storage or from place of harvest directly to market or while transporting livestock, livestock feed, or farm supplies directly related to growing or harvesting agricultural products. Upon request of the Department of Highway Safety and Motor Vehicles, motor carriers shall furnish time records or other written verification to that department so that the Department of Highway Safety and Motor Vehicles can determine compliance with this subsection. These time records must be furnished to the Department of Highway Safety and Motor Vehicles within 2 days after receipt of that department’s request. Falsification of such information is subject to a civil
penalty not to exceed $100. The provisions of This paragraph does not apply to operators of farm labor vehicles operated during a state of emergency declared by the Governor or operated pursuant to s. 570.07(21) or, and do not apply to drivers of utility service vehicles as defined in 49 C.F.R. s. 395.2.

(d) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 within a 150 air-mile radius of the location where the vehicle is based need not comply with 49 C.F.R. s. 395.8, if the requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (iii)(A) and (C), and (v) are met. If a driver is not released from duty within 12 hours after the driver arrives for duty, the motor carrier must maintain documentation of the driver’s driving times throughout the duty period.

(e) A person who operates a commercial motor vehicle solely in intrastate commerce is exempt from subsection (1) while transporting agricultural products, including horticultural or forestry products, from farm or harvest place to the first place of processing or storage, or from farm or harvest place directly to market. However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9. A vehicle or combination of vehicles operated pursuant to this paragraph having a gross vehicle weight of 26,001 pounds or more or having three or more axles on the power unit, regardless of weight, must display the name of the vehicle owner or motor carrier and the municipality or town where the vehicle is based on each side of the power unit in letters that contrast with the background and that are readable from a distance of 50 feet. A
person who violates this vehicle identification requirement may be assessed a penalty as provided in s. 316.3025(3)(a).

(f) A person who operates a commercial motor vehicle having declared gross vehicle weight, gross vehicle weight rating, and gross combined weight rating of less than 26,001 pounds solely in intrastate commerce and who is not transporting hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172, or who is transporting petroleum products as defined in s. 376.301, is exempt from subsection (1). However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

(g) A person whose driving record shows no convictions for the preceding 3 years and who, as of October 1, 1988, is employed as a driver-salesperson, as defined in 49 C.F.R. s. 395.2, and who operates solely in intrastate commerce, is exempt from 49 C.F.R. part 391.

(h) A person who is an employee of an electric utility, as defined in s. 361.11, or a telephone company, as defined in s. 364.02, and who operates a commercial motor vehicle solely in intrastate commerce and within a 200 air-mile radius of the location where the vehicle is based, is exempt from 49 C.F.R. ss. 396.11 and 396.13 and 49 C.F.R. part 391, subparts D and E.

(i) A person whose driving record shows no traffic convictions, pursuant to s. 322.61, during the 2-year period immediately preceding the application for the commercial driver license, who is otherwise qualified as a driver under 49 C.F.R. part 391, and who operates a commercial vehicle in intrastate commerce only shall be exempt from the requirements of 49 C.F.R. part 391, subpart E, s. 391.41(b)(10). However, such operators
are still subject to the requirements of ss. 322.12 and 322.121.

As proof of eligibility, such driver shall have in his or her possession a physical examination form dated within the past 24 months.

(j) A person who is otherwise qualified as a driver under 49 C.F.R. part 391, who operates a commercial motor vehicle in intrastate commerce only, and who does not transport hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172, is exempt from the requirements of 49 C.F.R. part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to diabetes.

(j)(k) A person holding a commercial driver license who is a regularly employed driver of a commercial motor vehicle and is subject to an alcohol and controlled substance testing program related to that employment shall not be required to be part of a separate testing program for operating any bus owned and operated by a church when the driver does not receive any form of compensation for operating the bus and when the bus is used to transport people to or from church-related activities at no charge. The provisions of this paragraph may not be implemented if the Federal Government notifies the department that implementation will adversely affect the allocation of federal funds to the state.

Section 13. Subsection (3) of section 316.303, Florida Statutes, is amended to read:

316.303 Television receivers.—

(3) This section does not prohibit the use of an electronic display used in conjunction with a vehicle navigation system; an electronic display used by an operator of a vehicle equipped
with autonomous technology, as defined in s. 316.003(3); or an electronic display used by an operator of the nonlead vehicle in a platoon operating on a roadway in this state equipped and operating with driver-assistive truck platooning technology, as defined in s. 316.003.

Section 14. Subsection (8) of section 316.622, Florida Statutes, is amended to read:

316.622 Farm labor vehicles.—

(8) The department shall provide to the Department of Business and Professional Regulation each quarter a copy of each crash report involving a farm labor vehicle.

Section 15. Paragraph (a) of subsection (1) of section 316.640, Florida Statutes, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles; the Division of Law Enforcement of the Fish and Wildlife Conservation Commission; and the agents, inspectors, and officers of the Department of Law Enforcement each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle.

b. University police officers may enforce all of the traffic laws of this state when violations occur on or within 1,000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of a state university, a direct-support organization of such state
university, or any other organization controlled by the state university or a direct-support organization of the state university, or when such violations occur within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency pursuant to s. 23.1225(1). Traffic laws may also be enforced off-campus when hot pursuit originates on or within 1,000 feet of any such property or facilities, or as agreed upon in accordance with the mutual aid agreement.

c. Florida College System institution police officers may enforce all the traffic laws of this state only when such violations occur on or within 1,000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of the Florida College System institution, or when such violations occur within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency pursuant to s. 23.1225. Traffic laws may also be enforced off-campus when hot pursuit originates on or within 1,000 feet of any such property or facilities, or as agreed upon in accordance with the mutual aid agreement.

d. Police officers employed by an airport authority may enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the
uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. This sub-sub-subparagraph may not be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

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

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

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

2. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer’s traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

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

Section 16. Subsection (2) of section 316.655, Florida Statutes, is amended to read:

316.655 Penalties.—

(2) A driver convicted of a violation of any offense prohibited by this chapter or any other law of this state regulating motor vehicles, which resulted in a crash accident, may have his or her driving privileges revoked or suspended by the court if the court finds such revocation or suspension warranted by the totality of the circumstances resulting in the conviction and the need to provide for the maximum safety for all persons who travel on or who are otherwise affected by the use of the highways of the state. In
determining whether suspension or revocation is appropriate, the
court shall consider all pertinent factors, including, but not
limited to, such factors as the extent and nature of the
driver’s violation of this chapter, the number of persons killed
or injured as the result of the driver’s violation of this
chapter, and the extent of any property damage resulting from
the driver’s violation of this chapter.

Section 17. Section 316.70, Florida Statutes, is amended to
read:

316.70 Nonpublic sector buses; safety rules.—
(1) All owners and drivers of nonpublic sector buses
operated on the public highways of this state are subject to the
rules and regulations The Department of Transportation shall
establish and revise standards to ensure the safe operation of
nonpublic sector buses, which standards shall be those contained
in 49 C.F.R. parts 382, 383, 385, 386, 387 and 390-397. The
department and which shall be directed toward ensuring that:

(a) Nonpublic sector buses are safely maintained, equipped,
and operated.

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

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

(d) The driving records of drivers of nonpublic sector
buses are checked by their employers at least once each year to
ascertain whether the driver has a suspended or revoked driver
license.
(2) Department of Transportation personnel may conduct compliance investigations reviews for the purpose of determining compliance with this section. A civil penalty not to exceed $5,000 in the aggregate may be assessed against any person who violates any provision of this section or who violates any department rule or order of the Department of Transportation. A civil penalty not to exceed $25,000 in the aggregate may be assessed for violations found in a followup compliance investigation review conducted within a 24-month period. A civil penalty not to exceed $25,000 in the aggregate may be assessed and the motor carrier may be enjoined pursuant to s. 316.3026 if violations are found after a second followup compliance review within 12 months after the first followup compliance review. Motor carriers may be enjoined pursuant to s. 316.3026 for violations identified during a compliance investigation or motor carriers found to be operating without insurance coverage required by s. 627.742 or 49 C.F.R. part 387 may be enjoined as provided in s. 316.3026.

(3) For the purpose of enforcing this section, any law enforcement officer of the department or duly appointed agent who holds a current safety inspector certification from the Commercial Vehicle Safety Alliance may require the driver of any commercial vehicle operated on the highways of this state to stop and submit to an inspection of the vehicle or the driver’s records. If the vehicle or driver is operating in an unsafe condition, or if any required part or equipment is not present or is not in proper repair or adjustment, and the continued operation would be unduly hazardous, the officer may require the vehicle or the driver to be removed from service pursuant to the
North American Standard Out-of-Service Criteria, until the safety concerns are corrected. However, if continuous operation would not be unduly hazardous, the officer may give written notice requiring correction of the condition within 15 days. (4) School buses subject to the provisions of chapter 1006 or s. 316.615 are exempt from the provisions of this section.

Section 18. Section 318.19, Florida Statutes, is amended to read:

318.19 Infractions requiring a mandatory hearing.—Subsections 318.14(2), (4), and (9) do not apply to any person cited for an infraction identified in the infractions listed in this section and he or she shall not have the provisions of s. 318.14(2), (4), and (9) available to him or her but must appear before the designated official at the time and location of the scheduled hearing for:

(1) Any infraction that results in a crash that causes the death of another;
(2) Any infraction that results in a crash that causes "serious bodily injury, as defined in s. 316.003," of another or of the person cited for the infraction as defined in s. 316.1933(1);
(3) Any infraction of s. 316.172(1)(b);
(4) Any infraction of s. 316.520(1) or (2); or
(5) Any infraction of s. 316.183(2), s. 316.187, or s. 316.189 of exceeding the speed limit by 30 mph or more.

Section 19. Section 319.001, Florida Statutes, is amended to read:

319.001 Definitions.—As used in this chapter, the term:
(1) “Certificate of title” means the record that is evidence of ownership of a vehicle, whether a paper certificate authorized by the department or a certificate consisting of information that is stored in an electronic form in the department’s database.

(2) “Conflict” or “conflict of interest” means a situation in which a private interest could benefit from or interfere with official duties or a public interest, including, but not limited to, having a direct or indirect financial interest in a vehicle being inspected pursuant to s. 319.141; or being employed by, or directly or indirectly having an ownership interest in, an entity that has a financial interest in a vehicle being inspected pursuant to s. 319.141.

(3) “Department” means the Department of Highway Safety and Motor Vehicles.

(4) “Front-end assembly” means fenders, hood, grill, and bumper.

(5) “Licensed dealer,” unless otherwise specifically provided, means a motor vehicle dealer licensed under s. 320.27, a mobile home dealer licensed under s. 320.77, or a recreational vehicle dealer licensed under s. 320.771.

(6) “Motorcycle body assembly” means frame, fenders, and gas tanks.

(7) “Motorcycle engine” means cylinder block, heads, engine case, and crank case.

(8) “Motorcycle transmission” means drive train.

(9) “New mobile home” means a mobile home the equitable or legal title to which has never been transferred by a manufacturer, distributor, importer, or dealer to an ultimate

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purchaser.

(10) “New motor vehicle” means a motor vehicle the equitable or legal title to which has never been transferred by a manufacturer, distributor, importer, or dealer to an ultimate purchaser; however, when legal title is not transferred but possession of a motor vehicle is transferred pursuant to a conditional sales contract or lease and the conditions are not satisfied and the vehicle is returned to the motor vehicle dealer, the motor vehicle may be resold by the motor vehicle dealer as a new motor vehicle, provided the selling motor vehicle dealer gives the following written notice to the purchaser: “THIS VEHICLE WAS DELIVERED TO A PREVIOUS PURCHASER.” The purchaser shall sign an acknowledgment, a copy of which is kept in the selling dealer’s file.

(11) “Private rebuilt inspection provider” means a person or an entity conducting rebuilt motor vehicle inspections who is physically located in this state and is authorized by the department and operating under this chapter.

(12) “Rear body section” means both quarter panels, decklid, bumper, and floor pan.

(13) “Rebuilt courier service” means an individual or entity who provides services to vehicle owners or motor vehicle dealers who use the inspection services of a private rebuilt inspection provider. These services include, but are not limited to, preparing, compiling, or providing forms, applications, certificates of title, or other documentation required to conduct a rebuilt inspection, or engaging in or arranging for the transportation of vehicles for inspection.

(14) “Rebuilt inspection” means an examination of a rebuilt...
vehicle and the required documentation. Required documentation includes, but is not limited to: a properly endorsed certificate of title, salvage certificate of title, or manufacturer’s statement of origin; an application for a rebuilt branded certificate of title; a rebuilder’s affidavit; a photograph of the junk or salvage vehicle taken before repairs began; receipts or invoices for all major component parts, as defined in s. 319.30; repairs conducted; and proof that notice of rebuilding of the vehicle has been reported to the National Motor Vehicle Title Information System. If an airbag or airbags were deployed, before and after photos must be provided which clearly show the deployed airbags and that the airbags have been replaced.

(15) “Satisfaction of lien” means full payment of a debt or release of a debtor from a lien by the lienholder.

(16) “Used motor vehicle” means any motor vehicle that is not a “new motor vehicle” as defined in this section subsection (9).

Section 20. Section 319.141, Florida Statutes, is amended to read:

319.141 Private Pilot rebuilt motor vehicle inspection program.—

(1) The department may authorize private rebuilt inspection providers under the terms of this section. The purpose of the private rebuilt motor vehicle inspection program is to prevent the use of stolen parts in the rebuilding process, identify and recover stolen vehicles, require the installation of nonrecalled airbags in rebuilt vehicles, and assist law enforcement with the investigation of vehicle theft and related fraud. The department may monitor and investigate private rebuilt inspection providers
and rebuilt courier services to ensure compliance with this chapter. The department may examine all records pertaining to any inspection or related service performed under the program.

(1) As used in this section, the term:
(a) “Facility” means a rebuilt motor vehicle inspection facility authorized and operating under this section.
(b) “Rebuilt inspection services” means an examination of a rebuilt vehicle and a properly endorsed certificate of title, salvage certificate of title, or manufacturer’s statement of origin and an application for a rebuilt certificate of title, a rebuilder’s affidavit, a photograph of the junk or salvage vehicle taken before repairs began, receipts or invoices for all major component parts, as defined in s. 319.30, and repairs which were changed, and proof that notice of rebuilding of the vehicle has been reported to the National Motor Vehicle Title Information System.

(2) By July 1, 2015, the department shall oversee a pilot program in Miami-Dade County to evaluate alternatives for rebuilt inspection services offered by existing private sector operators, including the continued use of private facilities, the cost impact to consumers, and the potential savings to the department.

(2) A person or an entity, other than the department, may not conduct rebuilt inspection services unless authorized to do so by the department pursuant to this chapter.

(3) A person or an entity may not provide rebuilt courier services in this state or from locations outside of this state unless it has a valid, nonexclusive contract with each department-authorized private rebuilt inspection provider with
which the rebuilt courier service conducts business. Such contract must require the rebuilt courier service to comply with state law and department procedures; provide proof of and agree to maintain garage liability insurance in the amount of at least $100,000; and comply with any other requirement established by the department which is designed to protect the public, the department, or the private rebuilt inspection provider from illegal or disruptive conduct.

(3) The department shall establish a memorandum of understanding that allows private parties participating in the pilot program to conduct rebuilt motor vehicle inspections and specifies requirements for oversight, bonding and insurance, procedures, and forms and requires the electronic transmission of documents.

(4) The department shall authorize private rebuilt inspection providers who meet the requirements of this chapter.

(5) Before authorization is granted to a private rebuilt inspection provider an applicant is approved, the department shall ensure that the private rebuilt inspection provider meets applicant meets basic criteria designed to protect the public. At a minimum, the applicant shall meet all of the following requirements:

(a) Has submitted a request for authorization to the department along with all required documentation.

(b) Has passed a physical location inspection conducted by the department to ensure that the private rebuilt inspection provider is operating in accordance with the requirements of this section and in a location where no other business is operating, attached, connected, or joined by a common address,
even if such location is recognized by the United States Postal Service as a separate address. The location must have permanent signage with posted business hours; a rebuilt inspection area separate and visually obstructed from any area accessible to a customer; and a surveillance camera with recording capabilities for the rebuilt inspection area.

(c)(a) Has provided evidence of a good and sufficient Have and maintain a surety bond or irrevocable letter of credit in the amount of $100,000 executed by the private rebuilt inspection provider which covers all activities under the private rebuilt motor vehicle inspection program and names the department as an insured. Such surety bonds and letters of credit must be executed by a surety company authorized to do business in this state as a surety, and irrevocable letters of credit must be issued by a bank authorized to do business in this state as a bank. Surety bonds and letters of credit must be in favor of the department and must be for 1 year applicant.

(d)(b) Has identified and provided a lease or proof of ownership of a proposed location that must be open to the public Secure and maintain a facility at a permanent structure at an address recognized by the United States Postal Service where the only services provided on such property are rebuilt inspection services. The location must be large enough to accommodate all of the vehicles being inspected and must have sufficient space to maintain physical security of all required inspection records. The operator of a facility shall annually attest that he or she is not employed by or does not have an ownership interest in or other financial arrangement with the owner, operator, manager, or employee of a motor vehicle repair shop as defined in s.
559.903, a motor vehicle dealer as defined in s. 320.27(1)(c), a
towing company, a vehicle storage company, a vehicle auction, an
insurance company, a salvage yard, a metal retailer, or a metal
rebuilder, from which he or she receives remuneration, directly
or indirectly, for the referral of customers for rebuilt
inspection services.

(e) Has ensured that each owner, partner, and corporate
officer of the provider has provided an attestation
acknowledging he or she is deemed to be engaging in activities
that are in the public interest and are free of conflicts of
interest.

(f) Has provided evidence of garage liability insurance
coverage with at least $100,000 single-limit liability coverage,
including bodily injury and property damage protection, and
$10,000 personal injury protection Have and maintain garage
liability and other insurance required by the department.

(g) Has provided a criminal background check on all Have
completed criminal background checks of the owners, partners,
and corporate officers which demonstrates that they have not
been:

1. Convicted of a felony, pled guilty to a felony, or pled
nolo contendere to a felony involving fraud, theft, or dishonest
dealing within the last 10 years; or

2. Incarcerated for a felony involving fraud, theft, or
dishonest dealing within the last 10 years and the inspectors
employed by the facility.

(h) Has provided evidence of authorization to conduct
business in the state from the Florida Department of State,
Division of Corporations.
(e) Meet any additional criteria the department determines necessary to conduct proper inspections.

(6) Each authorized private rebuilt inspection provider may operate additional locations in this state with the prior written approval of the department. In determining whether to approve a location, the department must apply the same criteria as in paragraph (5)(b). A private rebuilt inspection provider may operate a mobile inspection unit, with the prior written approval of the department, as long as it also has a permanent facility that meets the criteria specified in paragraph (5)(b), and the operation of such mobile inspection unit complies with the terms of the agreement with the department as specified in paragraph (7)(l).

(7) The department shall enter into a contract with each authorized private rebuilt inspection provider. The agreement must include all of the following:

(a) A requirement that the provider maintain connections with and use the department’s motor vehicle database, the National Motor Vehicle Title Information System, and information from the National Insurance Crime Bureau.

(b) A requirement that the provider follow department policies and procedures when conducting rebuilt inspections.

(c) A requirement that the provider maintain the confidentiality of all information received under the agreement in accordance with chapter 119 and the Driver Protection Privacy Act.

(d) A provision that the agreement is not assignable to a third party, either in whole or in part, without the prior written consent of the department.
(e) A provision that the private rebuilt inspection provider agrees to submit to oversight by the department.

(f) A requirement that the provider maintain records required by department policies and procedures, making those records available to the department for inspection, and complying with state public records laws.

(g) Provisions outlining penalties for noncompliance with the agreement, including termination.

(h) Forms required to be utilized by the private rebuilt inspection provider to document completion of the rebuilt inspection process. These forms must include, but need not be limited to, a completed and signed application for certificate of title with or without registration; a completed and signed statement of builder describing the process and major component parts used in the rebuilding of the motor vehicle; a completed and signed power of attorney for a motor vehicle, mobile home or vessel, if applicable; and a completed and signed vehicle identification number and odometer verification.

(i) A requirement that the provider report stolen parts or vehicles.

(j) A requirement that the provider maintain a surety bond and garage liability insurance.

(k) Conditions under which the agreement may be terminated by either party.

(l) Requirements for the operation of a mobile inspection unit, including, but not limited to, maintenance of general liability insurance in the amount of $100,000 and commercial automobile liability insurance on each mobile unit in the amount of $100,000, physical security for indicia and inspection
records, maintenance of records at a permanent facility, cooperation with department oversight requirements, maintenance of a weekly schedule of planned rebuilt inspections, installation of a camera to document inspections, and observance of the confidentiality of the rebuilt inspection process.

(8) Each authorized private rebuilt inspection provider shall A participant in the program shall access vehicle and title information and enter inspection results through an electronic filing system authorized by the department and shall maintain records of each rebuilt vehicle inspection processed by the private rebuilt inspection provider at such facility for at least 5 years.

(9) The department may immediately terminate the contract with any private rebuilt inspection provider operator from the program who fails to meet the minimum eligibility requirements of this section specified in subsection (4). Before a change in ownership of a private rebuilt inspection provider facility, the current owner operator must give the department 45 days’ written notice of the intended sale. The prospective owner must meet the all eligibility requirements of this section and execute a new contract memorandum of understanding with the department before he or she begins operating as a private rebuilt inspection provider the facility.

(7) This section is repealed on July 1, 2018, unless saved from repeal through reenactment by the Legislature.

(10) By July 1 of each year, an authorized private rebuilt inspection provider shall attest that it has complied with this section and each owner, partner, and corporate officer must affirm he or she is free from conflicts of interest.
(11) Private rebuilt inspection providers may charge a fee for their services in addition to the fees in s. 319.32. This additional fee shall be clearly disclosed to each customer on his or her receipt and be conspicuously posted in an area frequented by customers.

Section 21. Section 319.1411, Florida Statutes, is created to read:

319.1411 Monitoring of private rebuilt inspection providers.—The department may monitor and inspect the operations of private rebuilt inspection providers as it deems necessary to determine whether the private rebuilt inspection provider is operating in compliance with this chapter and to determine if the private rebuilt inspection provider has engaged in any of the business practices prohibited under s. 319.1412.

Section 22. Section 319.142, Florida Statutes, is created to read:

319.142 Rules of conduct and prohibited business practices.—

(1) Each of the following constitutes grounds for termination of any and all contracts entered into with a private rebuilt inspection provider pursuant to this chapter:

(a) Engaging in any business transaction or activity that is in substantial conflict with the proper discharge of the private rebuilt inspection provider’s duties in the public interest.

(b) Allowing a vehicle to pass inspection knowing that there was a material misrepresentation in the required documentation or that the documentation submitted in support of the inspection was counterfeit or materially altered.
(c) Failure to report to the department the identification of a suspected stolen part or stolen vehicle during a rebuilt inspection.

(d) In connection with providing private rebuilt inspection services, engaging in any course of conduct that is fraud or deceit upon the department, a dealer, or a vehicle owner.

(e) Knowingly falsifying department records or knowingly providing materially false or misleading information to the department.

(f) Failing to allow an examination or inspection of a private rebuilt inspection provider facility, including a review of books and records, by the department or law enforcement during regular business hours.

(g) Passing a vehicle through inspection without having a reasonable basis to believe that all airbags that are subject to a safety recall issued by the National Highway Transportation Safety Administration were replaced with airbags not subject to such a safety recall.

(h) Failure to timely respond to a subpoena issued by the department.

(i) Conducting rebuilt inspection services at a physical location not approved in writing by the department or providing services from a mobile unit not approved in writing by the department.

(j) Failure to maintain at all times a garage liability insurance in the amount of at least $100,000.

(k) Failure to maintain at all times a good and sufficient surety bond or irrevocable letter of credit in the amount of $100,000 which covers all activities under the private rebuilt inspection services.
motor vehicle inspection program and names the department as an insured.

(1) Violation of this section or the contract between the department and the private rebuilt inspection provider.

(m) The use of advertising that would reasonably lead the public to believe that the provider was or is an employee or representative of the department, or the use in its name of the terms “Department of Highway Safety and Motor Vehicles,” “DMV,” “DHSMV,” “FLHSMV,” or “HSMV” or any other terms or logos that are associated with the department.

(2) Written notice of termination of a contract under this section must be provided before termination of the contract.

Section 23. Section 319.1414, Florida Statutes, is created to read:

319.1414 Investigations; examinations; subpoenas; hearings; witnesses.—

(1) The department may conduct investigations and examinations of department-authorized private rebuilt inspection providers as it deems necessary to determine whether a person has violated or is about to violate this chapter or a contract entered into pursuant to this chapter or to assist with the enforcement of this chapter.

(2) For purposes of any investigation or examination conducted under this section, the department may exercise the power of subpoena and the powers to administer oaths or affirmations, to examine witnesses, to require affidavits, to take depositions, and to compel the attendance of witnesses and the production of books, papers, documents, records, and other evidence. Such subpoenas may be served by a designated agent of
the department.

(3) If a person refuses to testify, produce books, papers, documents, or records, or otherwise obey a subpoena or subpoena duces tecum issued under subsection (2), the department may petition a court of competent jurisdiction in the county where the person’s residence or principal place of business is located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court shall direct the person to obey the subpoena and award costs incurred by the department to obtain the order. Failure to comply with such order is contempt of court.

(4) For the purpose of any investigation, examination, or proceeding initiated by the department under this chapter, the department is authorized to designate agents to serve subpoenas and other process, and administer oaths or affirmations.

(5) Witnesses subpoenaed under this section are entitled to witness fees at the same rate established by s. 92.142 for witnesses in a civil case, except that witness fees are not payable for appearance at the witness’s place of business during regular business hours or at the witness’s residence.

(6) The department may adopt rules to administer this section.

Section 24. Section 319.25, Florida Statutes, is amended to read:

319.25 Cancellation of certificates; investigations; subpoenas and other process; oaths; rules.—

(1) If it appears that a certificate of title has been
improperly issued, the department shall cancel the certificate. Upon cancellation of any certificate of title, the department shall notify the person to whom the certificate of title was issued, as well as any lienholders appearing thereon, of the cancellation and shall demand the surrender of the certificate of title, but the cancellation shall not affect the validity of any lien noted thereon. The holder of the certificate of title shall return it to the department forthwith. If a certificate of registration has been issued to the holder of a certificate of title so canceled, the department shall immediately cancel the certificate of registration and demand the return of such certificate of registration and license plate or mobile home sticker; and the holder of such certificate of registration and license plate or sticker shall return them to the department forthwith.

(2) The department is authorized, upon application of any person and payment of the proper fees, to prepare and furnish lists containing title information in such form as the department may authorize, to search the records of the department and make reports thereof, and to make photographic copies of the department records and attestations thereof, except as provided in chapter 119.

(3) The department may conduct investigations and examinations of any person suspected of violating or of having violated this chapter or any rule adopted or order issued under this chapter.

(4) For purposes of any investigation or examination conducted under this section, the department may exercise the power of subpoena and the powers to administer oaths or
affirmations, to examine witnesses, to require affidavits, to
take depositions, and to compel the attendance of witnesses and
the production of books, papers, documents, records, and other
evidence. Such subpoenas may be served by an authorized
representative of the department.

(5) If a person refuses to testify, produce books, papers,
documents, or records, or otherwise obey the subpoena or
subpoena duces tecum issued under subsection (4), the department
may petition a court of competent jurisdiction in the county
where the person’s residence or principal place of business is
located, upon which the court must issue an order requiring such
person to obey the subpoena or show cause for failing to obey
the subpoena. Unless the person shows sufficient cause for
failing to obey the subpoena, the court must direct the person
to obey the subpoena and award costs incurred by the department
to obtain the order. Failure to comply with such order is
contempt of court.

(6) For the purpose of any investigation, examination, or
proceeding initiated by the department under this chapter, the
department is authorized to designate agents to serve subpoenas
and other process, and administer oaths or affirmations.

(7) Witnesses subpoenaed under this section are entitled to
witness fees at the same rate established by s. 92.142 for
witnesses in a civil case, except that witness fees are not
payable for appearance at the witness’s place of business during
regular business hours or at the witness’s residence.

(8) The department may adopt rules to administer this
section.

Section 25. Contingent upon the enactment of Senate Bill
7094 or other similar legislation enacted in the 2019 Regular Session or an extension thereof, subsection (3) of section 319.40, Florida Statutes, is amended to read:

319.40 Transactions by electronic or telephonic means.—

(3) The department or tax collector may collect electronic mail addresses or cellular telephone numbers and use electronic mail or text messages in lieu of the United States Postal Service as a method of notification and for the purpose of providing information related to Department of Highway Safety and Motor Vehicles functions in accordance with chapter 119 and pursuant to the federal Driver Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. However, any notice regarding the potential forfeiture or foreclosure of an interest in property must be sent via the United States Postal Service. The provision of electronic mail addresses and cellular telephone numbers by the applicant is optional and, before collection pursuant to this subsection, the department or tax collector shall disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used.

Section 26. Subsection (24) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(24) “Apportionable vehicle” means any vehicle, except recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, buses used in transportation of chartered parties, and government-owned vehicles, which is used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and which is
used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and:

(a) Is a power unit having a gross vehicle weight in excess of 26,000 pounds;
(b) Is a power unit having three or more axles, regardless of weight; or
(c) Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

Vehicles, or combinations thereof, having a gross vehicle weight of 26,000 pounds or less and two-axle vehicles may be proportionally registered.

Section 27. Paragraph (b) of subsection (4) of section 320.03, Florida Statutes, is amended to read:

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

(4)

(b) The Florida Real Time Vehicle Information System shall be installed in every tax collector’s and license tag agent’s office in accordance with a schedule established by the department in consultation with the tax collectors and contingent upon funds being made available for the system by the state. For the purpose of enhancing customer services provided by tax collectors acting on behalf of the department, the department, contingent upon an approved request and memorandum of understanding, shall provide tax collectors, and tax collector-approved agents and vendors with real-time access to data that other third parties receive from the department.
related to vehicle and mobile home registration certificates, registration license plates, and validation stickers, including, but not limited to, the most current address information and electronic mail addresses of applicants. The memorandum of understanding as required under this paragraph may not be more restrictive than any memorandum of understanding between the department and other third-party vendors.

Section 28. Contingent upon the enactment of Senate Bill 7092 or other similar legislation enacted in the 2019 Regular Session or an extension thereof, paragraph (b) of subsection (1) of section 320.06, Florida Statutes, is amended to read:

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

(1)

(b)1. Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year period. At the end of the 10-year period, upon renewal, the plate shall be replaced. The department shall extend the scheduled license plate replacement date from a 6-year period to a 10-year period. The fee for such replacement is $28, $2.80 of which shall be paid each year before the plate is replaced, to be credited toward the next $28 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund may not be given for any prior years’ payments of the prorated replacement fee if the plate is replaced or surrendered before the end of the 10-year period, except that a credit may be given if a registrant is required by the department to replace a license plate under s. 320.08056(8)(a). With each license plate, a validation sticker
shall be issued showing the owner’s birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. The license plate and validation sticker shall be issued based on the applicant’s appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant’s appropriate registration period.

2. A vehicle that has an apportioned registration shall be issued an annual license plate and a cab card denoting that the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate. This subparagraph expires January 1, 2023.

3. Upon implementation of a new operating system for apportioned vehicle registration, a vehicle registered in accordance with the International Registration Plan must be issued a license plate for a 5-year period, an annual cab card denoting the declared gross vehicle weight for each apportioned jurisdiction, and an annual validation sticker showing the month and year of expiration. The validation sticker must be placed in the center of the license plate. The license plate and validation sticker must be issued based on the applicant’s appropriate renewal period. The registration period is 12 months. This fee must be deposited into the Highway Safety Operating Trust Fund. If the license plate is damaged or worn, it may be replaced at no charge by applying to the department and surrendering the current license plate.

4.2 In order to retain the efficient administration of the
taxes and fees imposed by this chapter, the 80-cent fee increase
in the replacement fee imposed by chapter 2009-71, Laws of
Florida, is negated as provided in s. 320.0804.

Section 29. Subsection (2) of section 320.06, Florida
Statutes, is amended to read:

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

(2) The department shall provide the several tax collectors
and license plate agents with the necessary number of validation
stickers. However, the tax collectors and their agents shall
have the option to purchase validation stickers and paper stock
that is used to produce vehicle registrations from the
department’s contracted vendor or from other vendors if such
items meet the department’s specifications and are procured at
prices that are at or lower than the pricing reflected in the
department’s existing contracts for procuring these items. Such
purchases by the tax collectors and their agents are exempt from
the competitive bid requirements of chapter 287. The department
shall reimburse the tax collectors and their agents for these
purchases, but reimbursement may not be made at prices higher
than the pricing contained in the department’s existing
contract. The tax collectors and their agents shall invoice the
department in arrears for the validation stickers and vehicle
registrations as they are issued.

Section 30. Subsection (5) of section 320.0607, Florida
Statutes, is amended to read:

320.0607 Replacement license plates, validation decal, or
mobile home sticker.—

(5) Upon the issuance of an original license plate, the
applicant shall pay a fee of $28 to be deposited in the Highway Safety Operating Trust Fund. Upon implementation of a new operating system for apportioned vehicle registrations, this subsection does not apply to a vehicle registered under the International Registration Plan.

Section 31. Subsection (10) is added to section 320.131, Florida Statutes, to read:

320.131 Temporary tags.—
(10) The department may partner with a county tax collector to conduct a Fleet Vehicle Temporary Tag Pilot Program to provide temporary tags to fleet companies to allow them to operate fleet vehicles awaiting a permanent registration and title.

(a) The department shall enter into a memorandum of understanding that allows up to 10 companies to participate in the pilot program and to receive multiple temporary tags for company fleet vehicles.

(b) To participate in the program, a fleet company must have at least 3,500 fleet vehicles registered in this state which qualify to be registered as fleet vehicles pursuant to s. 320.0657.

(c) The department, upon the request of an eligible fleet company, may issue up to 50 temporary tags per request to such company.

(d) A temporary tag issued under this subsection is for exclusive use on a vehicle purchased for the company’s fleet and may not be used on any other vehicle.

(e) Each temporary tag may be used on only one vehicle, and each vehicle may use only one temporary tag.
(f) Upon issuance of the vehicle’s permanent license plate and registration, the temporary tag becomes invalid and must be removed from the vehicle and destroyed.

(g) Upon a finding by the department that a temporary tag has been misused by a fleet company under the program, the department may terminate the memorandum of understanding with the company, invalidate all temporary tags issued to the company under the program, and require such company to return any unused temporary tags.

(h) The issuance of a tag using this method must be reported to the department within 2 business days, not including weekends or state holidays, after the issuance of the tag. The county tax collector shall keep a record of each temporary tag issued. The record must include the date of issuance, tag number issued, vehicle identification number, and vehicle description.

(i) This subsection is repealed October 1, 2022, unless saved from repeal through reenactment by the Legislature.

Section 32. Paragraph (g) is added to subsection (1) of section 320.27, Florida Statutes, and paragraph (a) of subsection (9) and subsection (11) of that section are amended, to read:

320.27 Motor vehicle dealers.—
(1) DEFINITIONS.—The following words, terms, and phrases when used in this section have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(g) “Control person” means any person who has significant authority, directly or indirectly, to direct the management or policies of a company, whether through ownership, by contract,
or otherwise. The term includes any person who is an owner, director, general partner, officer, manager, or employee exercising decisionmaking responsibility or exercising similar executive status or functions. The term does not include an employee whose function is only clerical, ministerial, or in sales under the supervision of an owner or manager or other person exercising decisionmaking responsibility.

(9) DENIAL, SUSPENSION, OR REVOCATION.—

(a) The department may deny a new or renewal application for or suspend or revoke any license issued hereunder or under the provisions of s. 320.77 or s. 320.771 upon proof that an applicant or a licensee has:

1. Committed fraud or willful misrepresentation in application for or in obtaining a license.

2. Been convicted of a felony and either has not completed the resulting felony sentence or has completed the felony sentence less than 10 years from the date of licensure application.

3. Failed to honor a bank draft or check given to a motor vehicle dealer for the purchase of a motor vehicle by another motor vehicle dealer within 10 days after notification that the bank draft or check has been dishonored. If the transaction is disputed, the maker of the bank draft or check shall post a bond in accordance with the provisions of s. 559.917, and no proceeding for revocation or suspension shall be commenced until the dispute is resolved.

4. a. Failed to provide payment within 10 business days to the department for a check payable to the department that was dishonored due to insufficient funds in the amount due plus any
statutorily authorized fee for uttering a worthless check. The department shall notify an applicant or licensee when the applicant or licensee makes payment to the department by a check that is subsequently dishonored by the bank due to insufficient funds. The applicant or licensee shall, within 10 business days after receiving the notice, provide payment to the department in the form of cash in the amount due plus any statutorily authorized fee. If the applicant or licensee fails to make such payment within 10 business days, the department may deny, suspend, or revoke the applicant’s or licensee’s motor vehicle dealer license.

b. Stopped payment on a check payable to the department, issued a check payable to the department from an account that has been closed, or charged back a credit card transaction to the department. If an applicant or licensee commits any such act, the department may deny, suspend, or revoke the applicant’s or licensee’s motor vehicle dealer license.

5.a. Previously owned a majority interest in, or acted as a control person of, a motor vehicle dealer that, within the past 10 years, has been the subject of any decision, finding, injunction, suspension, revocation, denial, judgment, or administrative order by any court of competent jurisdiction, administrative law judge, or any state agency which resulted in a finding of violation of any federal or state law relating to unlicensed activity or fraud in connection with the sale of a motor vehicle.

b. Knowingly employed or contracted with a person under sub-subparagraph a. or a person who has been convicted of a felony and either has not completed the resulting felony
sentence or completed the felony sentence less than 10 years
from the date of licensure application as a control person.
(11) INJUNCTION.—
   (a) In addition to the remedies provided in this chapter
and notwithstanding the existence of any adequate remedy at law,
the department is authorized to make application to any circuit
court of the state, and such circuit court shall have
jurisdiction, upon a hearing and for cause shown, to grant a
temporary or permanent injunction, or both, restraining any
person from acting as a motor vehicle dealer under the terms of
this section without being properly licensed hereunder, from
violating or continuing to violate any of the provisions of
chapter 319, this chapter, or ss. 559.901-559.9221, or for
failing or refusing to comply with the requirements of chapter
319, this chapter, or ss. 559.901-559.9221, or any rule or
regulation adopted thereunder, such injunction to be issued
without bond. A single act in violation of the provisions of
chapter 319, this chapter, or chapter 559 shall be sufficient to
authorize the issuance of an injunction.
   (b) If the court grants the injunction, the court may bar,
permanently or for a specific time, any person found to have
violated any federal or state law relating to unlicensed
activity or fraud in connection with the sale of a motor
vehicle. A person who is barred by the court under this
paragraph may not continue in any capacity within the industry.
The person may not have a management, sales, or any other role
in the operation of a dealership. Further, if permanently
barred, the person may not derive income from the dealership
beyond reasonable compensation for the sale of his or her
ownership interest in the business.

Section 33. Subsection (2) of section 320.8232, Florida Statutes, is amended to read:

320.8232 Establishment of uniform standards for used recreational vehicles and repair and remodeling code for mobile homes.—

(2) The provisions of the Mobile and Manufactured Home Repair and Remodeling Code shall be a uniform code and repair and remodeling code shall ensure safe and livable housing and shall not be more stringent than those standards required to be met in the manufacture of mobile homes. Such provisions shall include, but not be limited to, standards for structural adequacy, plumbing, heating, electrical systems, and fire and life safety. All repair and remodeling of mobile and manufactured homes shall be done in accordance with department rules.

Section 34. Section 320.861, Florida Statutes, is amended to read:

320.861 Investigations; subpoenas and other process; oaths; rules Inspection of records; production of evidence; subpoena power.—

(1) The department may conduct investigations and examinations on any person suspected of violating or of having violated this chapter or any rule adopted or order issued thereunder inspect the pertinent books, records, letters, and contracts of any licensee, whether dealer or manufacturer, relating to any written complaint made to it against such licensee.

(2) For purposes of any investigation or examination
conducted under this section, the department may be granted and
authorized to exercise the power of subpoena and the powers to
administer oaths or affirmations, to examine witnesses, to
require affidavits, to take depositions, and to compel the
attendance of witnesses and the production of books, papers,
documents, records, and other evidence. Such subpoenas may be
served by a designated agent of the department for the
attendance of witnesses and the production of any documentary
evidence necessary to the disposition by it of any written
complaint against any licensee, whether dealer or manufacturer.

(3) If a person refuses to testify; to produce books,
papers, documents, or records; or to otherwise obey the subpoena
or subpoena duces tecum issued under subsection (2), the
department may petition a court of competent jurisdiction in the
county where the person’s residence or principal place of
business is located, upon which the court must issue an order
requiring such person to obey the subpoena or show cause for
failing to obey the subpoena. Unless the person shows sufficient
cause for failing to obey the subpoena, the court must direct
the person to obey the subpoena and award costs incurred by the
department to obtain the order. Failure to comply with such
order constitutes contempt of court.

(4) For the purpose of any investigation, examination, or
proceeding initiated by the department under this chapter, the
department may designate agents to serve subpoenas and other
process and administer oaths or affirmations. The department
shall exercise this power on its own initiative in accordance
with ss. 320.615 and 320.71.

(5) Witnesses subpoenaed under this section are entitled to
witness fees at the same rate established by s. 92.142 for witnesses in a civil case, except that witness fees are not payable for appearance at the witness’s place of business during regular business hours or at the witness’s residence.

(6) The department may adopt rules to administer this section.

Section 35. Contingent upon the enactment of Senate Bill 7094 or other similar legislation enacted in the 2019 Regular Session or an extension thereof, subsection (2) of section 320.95, Florida Statutes, is amended to read:

320.95 Transactions by electronic or telephonic means.—

(2) The department or tax collector may collect electronic mail addresses or cellular telephone numbers and use electronic mail or text messages in lieu of the United States Postal Service for the purpose of providing information related to Department of Highway Safety and Motor Vehicles functions in accordance with chapter 119 and pursuant to the federal Driver Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The provision of electronic mail addresses and cellular telephone numbers by the applicant is optional and, before collection pursuant to this subsection, the department or tax collector shall disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used renewal notices.

Section 36. Subsection (1) of section 321.05, Florida Statutes, is amended to read:

321.05 Duties, functions, and powers of patrol officers.—

The members of the Florida Highway Patrol are hereby declared to be conservators of the peace and law enforcement officers of the
state, with the common-law right to arrest a person who, in the presence of the arresting officer, commits a felony or commits an affray or breach of the peace constituting a misdemeanor, with full power to bear arms; and they shall apprehend, without warrant, any person in the unlawful commission of any of the acts over which the members of the Florida Highway Patrol are given jurisdiction as hereinafter set out and deliver him or her to the sheriff of the county that further proceedings may be had against him or her according to law. In the performance of any of the powers, duties, and functions authorized by law, members of the Florida Highway Patrol have the same protections and immunities afforded other peace officers, which shall be recognized by all courts having jurisdiction over offenses against the laws of this state, and have authority to apply for, serve, and execute search warrants, arrest warrants, capias, and other process of the court. The patrol officers under the direction and supervision of the Department of Highway Safety and Motor Vehicles shall perform and exercise throughout the state the following duties, functions, and powers:

(1) To patrol the state highways and regulate, control, and direct the movement of traffic thereon; to maintain the public peace by preventing violence on highways; to apprehend fugitives from justice; to enforce all laws regulating and governing traffic, travel, and public safety upon the public highways and providing for the protection of the public highways and public property thereon, including the security and safety of this state’s transportation infrastructure; to make arrests without warrant for the violation of any state law committed in their presence in accordance with state law; providing that no search
may be made unless it is incident to a lawful arrest, to regulate and direct traffic concentrations and congestions; to enforce laws governing the operation, licensing, and taxing and limiting the size, weight, width, length, and speed of vehicles and licensing and controlling the operations of drivers and operators of vehicles, including the safety, size, and weight of commercial motor vehicles; to collect all state fees and revenues levied as an incident to the use or right to use the highways for any purpose, including the taxing and registration of commercial motor vehicles; to require the drivers of vehicles to stop and exhibit their driver licenses, registration cards, or documents required by law to be carried by such vehicles; to investigate traffic crashes, secure testimony of witnesses and of persons involved, and make report thereof with copy, if requested in writing, to any person in interest or his or her attorney; to investigate reported thefts of vehicles; and to seize contraband or stolen property on or being transported on the highways. Each patrol officer of the Florida Highway Patrol is subject to and has the same arrest and other authority provided for law enforcement officers generally in chapter 901 and has statewide jurisdiction. Each officer also has arrest authority as provided for state law enforcement officers in s. 901.15. This section does not conflict with, but is supplemental to, chapter 933.

Section 37. Section 321.065, Florida Statutes, is amended to read:

321.065 Traffic crash accident investigation officers; employment; standards.—The department may employ traffic crash accident investigation officers who must complete any applicable
standards adopted by the Florida Highway Patrol, including, but
not limited to: cognitive testing, drug testing, polygraph
testing, psychological testing, and an extensive background
check, including a credit check.

Section 38. Paragraph (d) of subsection (2) of section
321.23, Florida Statutes, is amended to read:

321.23 Public records; fees for copies; destruction of
obsolete records; photographing records; effect as evidence.—

(2) Fees for copies of public records shall be charged and
collected as follows:

(d) Photographs (crashes accidents, etc.):

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The department shall furnish such information without charge to
any local, state, or federal law enforcement agency upon proof satisfactory to the department as to the purpose of the investigation.

Section 39. Paragraph (a) of subsection (2) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(2)(a) Every identification card:

1. Issued to a person 5 years of age to 14 years of age shall expire, unless canceled earlier, on the fourth birthday of the applicant following the date of original issue.

2. Issued to a person 15 years of age and older shall expire, unless canceled earlier, on the eighth birthday of the applicant following the date of original issue.

Renewal of an identification card shall be made for the applicable term enumerated in this paragraph. Any application for renewal received later than 12 months after expiration of the identification card shall be considered the same as an application for an original identification card.

Section 40. Paragraphs (a) and (b) of subsection (4) of section 322.0602, Florida Statutes, are amended to read:

322.0602 Youthful Drunk Driver Visitation Program.—

(4) VISITATION REQUIREMENT.—

(a) To the extent that personnel and facilities are made available to the court, the court may include a requirement for supervised visitation by the probationer to all, or any, of the following:

1. A trauma center, as defined in s. 395.4001, or a hospital as defined in s. 395.002, which regularly receives
victims of vehicle crashes accidents, between the hours of 10 p.m. and 2 a.m. on a Friday or Saturday night, in order to observe appropriate victims of vehicle crashes accidents involving drinking drivers, under the supervision of any of the following:

a. A registered nurse trained in providing emergency trauma care or prehospital advanced life support.

b. An emergency room physician.

c. An emergency medical technician.

2. A licensed service provider, as defined in s. 397.311, which cares for substance abuse impaired persons, to observe persons in the terminal stages of substance abuse impairment, under the supervision of appropriately licensed medical personnel. Prior to any visitation of such terminally ill or disabled persons, the persons or their legal representatives must give their express consent to participate in the visitation program.

3. If approved by the county coroner, the county coroner’s office or the county morgue to observe appropriate victims of vehicle crashes accidents involving drinking drivers, under the supervision of the coroner or a deputy coroner.

(b) As used in this section, the term “appropriate victims” means victims or their legal representatives, including the next of kin, who have expressly given their consent to participate in the visitation program and victims whose condition is determined by the visitation supervisor to demonstrate the results of crashes accidents involving drinking drivers without being excessively gruesome or traumatic to the probationer.

Section 41. Contingent upon the enactment of Senate Bill
7094 or other similar legislation enacted in the 2019 Regular Session or an extension thereof, subsection (10) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license; requirements for license and identification card forms.–

(10) The department or tax collector may collect electronic mail addresses or cellular telephone numbers and use electronic mail or text messages in lieu of the United States Postal Service for the purpose of providing information related to Department of Highway Safety and Motor Vehicles functions in accordance with chapter 119 and pursuant to the federal Driver Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The provision of electronic mail addresses and cellular telephone numbers by the applicant is optional and, before collection pursuant to this subsection, the department or tax collector shall disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used renewal notices.

Section 42. Subsection (5) of section 322.091, Florida Statutes, is amended to read:

322.091 Attendance requirements.–

(5) REPORTING AND ACCOUNTABILITY.—The department shall make available, upon request, a report quarterly to each school district which includes the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended under this section.

Section 43. Section 322.17, Florida Statutes, is amended to read:

322.17 Replacement licenses, identification cards, and
permits.—

(1)(a) In the event that an instruction permit or driver license issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may, upon payment of the appropriate fee pursuant to s. 322.21, obtain a replacement upon furnishing proof satisfactory to the department that such permit or license has been lost or destroyed, and further furnishing the full name, date of birth, sex, residence and mailing address, proof of birth satisfactory to the department, and proof of identity satisfactory to the department.

(b) In the event that an instruction permit, driver license, or identification card issued under the provisions of this chapter is stolen, the person to whom the same was issued may, at no charge, obtain a replacement upon furnishing proof satisfactory to the department that such permit, driver license, or identification card was stolen and further furnishing the person’s full name, date of birth, sex, residence and mailing address, proof of birth satisfactory to the department, and proof of identity satisfactory to the department.

(2) Upon the surrender of the original license and the payment of the appropriate fees pursuant to s. 322.21, the department shall issue a replacement license to make a change in name, address, or restrictions.

(3) Notwithstanding any other provisions of this chapter, if a licensee establishes his or her identity for a driver license using an identification document authorized under s. 322.08(2)(c)7. or 8., the licensee may not obtain a duplicate or replacement instruction permit or driver license except in
person and upon submission of an identification document authorized under s. 322.08(2)(c)7. or 8.

(4) Notwithstanding any other provision of this section or s. 322.21, the department shall, if necessary, issue or renew a replacement driver license at no charge to an inmate if the department determines that he or she has a valid driver license. If the replacement driver license is scheduled to expire within 6 months, the department may also issue a temporary permit valid for at least 6 months after the release date.

Section 44. Subsection (10) is added to section 322.21, Florida Statutes, to read:

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

(10) An applicant who submits an application for a renewal or replacement driver license or identification card to the department using a convenience service must be provided with an option for expedited shipping in which the department, at the applicant’s request, must issue the license or identification card within 5 working days after receipt of the application and ship the license or card using an expedited mail service. The department must charge the applicant electing the expedited shipping option for the exact cost of the expedited mail service, which is in addition to fees imposed by s. 322.051 or this section. Funds collected for the expedited shipping shall be deposited into the Highway Safety Operating Trust Fund.

Section 45. Present subsection (8) of section 322.212, Florida Statutes, is redesignated as subsection (9), a new subsection (8) is added to that section, and subsection (5) of that section is amended, to read:
322.212 Unauthorized possession of, and other unlawful acts in relation to, driver license or identification card.—

(5)(a) It is unlawful for any person to use a false or fictitious name in any application for a driver license or identification card or knowingly to make a false statement, knowingly conceal a material fact, knowingly provide altered or counterfeit documents, knowingly participate in dishonest or deceptive actions, or otherwise commit a fraud in any such application.

(b) It is unlawful for any person to have in his or her possession a driver license or identification card upon which the date of birth has been altered.

(c) It is unlawful for any person designated as a sexual predator or sexual offender to have in his or her possession a driver license or identification card upon which the sexual predator or sexual offender markings required by s. 322.141 are not displayed or have been altered.

(8) In addition to any other penalties provided by this section, the department shall suspend the license or permit of any person who provides false information when applying for a driver license, identification card, commercial driver license, or commercial learner’s permit or who is convicted of fraud in connection with testing for a driver license, commercial driver license, or commercial learner’s permit for a period of 1 year.

Section 46. Section 322.36, Florida Statutes, is amended to read:

322.36 Permitting unauthorized operator to drive.—A person may not authorize or knowingly permit a motor vehicle owned by him or her or under his or her dominion or control to be
operated upon any highway or public street except by a person who is duly authorized to operate a motor vehicle under this chapter. Any person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. If a person violates this section by knowingly loaning a vehicle to a person whose driver license is suspended and if that vehicle is involved in an accident resulting in bodily injury or death, the driver license of the person violating this section shall be suspended for 1 year.

Section 47. Subsection (1) of section 322.61, Florida Statutes, is amended to read:

322.61 Disqualification from operating a commercial motor vehicle.—

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

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

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

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

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

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

(f) Driving a commercial vehicle without obtaining a
commercial driver license.

(g) Driving a commercial vehicle without the proper class
of commercial driver license or commercial learner’s permit or
without the proper endorsement.

(h) Driving a commercial vehicle without a commercial
driver license or commercial learner’s permit in possession, as
required by s. 322.03.

(i) Texting while driving a commercial motor vehicle as
prohibited by 49 C.F.R. 392.80.

(j) Using a hand-held mobile telephone while driving a
commercial motor vehicle, as prohibited by 49 C.F.R 392.82.

Section 48. Section 322.71, Florida Statutes, is created to
read:

322.71 Investigations; subpoenas and other process; oaths;

rules.—

(1) The department may conduct investigations and
examinations on any person suspected of violating or of having
violated any provision of this chapter or any rule adopted or
order issued under this chapter.

(2) For purposes of any investigation or examination
conducted under this section, the department may exercise the
power of subpoena and the powers to administer oaths or affirmations, to examine witnesses, to require affidavits, to take depositions, and to compel the attendance of witnesses and the production of books, papers, documents, records, and other evidence. Such subpoenas may be served by an authorized representative of the department.

(3) If a person refuses to testify; to produce books, papers, documents, or records; or to otherwise obey the subpoena or subpoena duces tecum issued under subsection (2), the department may petition a court of competent jurisdiction in the county where the person’s residence or principal place of business is located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court must direct the person to obey the subpoena and award costs incurred by the department to obtain the order. Failure to comply with such order constitutes contempt of court.

(4) For the purpose of any investigation, examination, or proceeding initiated by the department under this chapter, the department may designate agents to serve subpoenas and other process and administer oaths or affirmations.

(5) Witnesses subpoenaed under this section are entitled to witness fees at the same rate established by s. 92.142 for witnesses in a civil case, except that witness fees are not payable for appearance at the witness’s place of business during regular business hours or at the witness’s residence.

(6) The department may adopt rules to administer this section.
Section 49. Subsection (4) of section 323.001, Florida Statutes, is amended to read:

323.001 Wrecker operator storage facilities; vehicle holds.—

(4) The requirements for a written hold apply when the following conditions are present:

(a) The officer has probable cause to believe the vehicle should be seized and forfeited under the Florida Contraband Forfeiture Act, ss. 932.701-932.7062;

(b) The officer has probable cause to believe the vehicle should be seized and forfeited under chapter 379;

(c) The officer has probable cause to believe the vehicle was used as the means of committing a crime;

(d) The officer has probable cause to believe that the vehicle is itself evidence that tends to show that a crime has been committed or that the vehicle contains evidence, which cannot readily be removed, which tends to show that a crime has been committed;

(e) The officer has probable cause to believe the vehicle was involved in a traffic crash resulting in death or personal injury and should be sealed for investigation and collection of evidence by a vehicular homicide investigator;

(f) The vehicle is impounded or immobilized pursuant to s. 316.193 or s. 322.34; or

(g) The officer is complying with a court order.

Section 50. Paragraph (c) of subsection (1), paragraph (c) of subsection (2), and subsection (4) of section 323.002, Florida Statutes, are amended to read:

323.002 County and municipal wrecker operator systems;
penalties for operation outside of system.—

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

(c) “Wrecker operator system” means a system for the towing or removal of wrecked, disabled, or abandoned vehicles, similar to the Florida Highway Patrol wrecker operator system described in s. 321.051(2), under which a county or municipality contracts with one or more wrecker operators for the towing or removal of wrecked, disabled, or abandoned vehicles from crash accident scenes, streets, or highways. A wrecker operator system shall include using a method for apportioning the towing assignments among the eligible wrecker operators through the creation of geographic zones, a rotation schedule, or a combination of these methods.

(2) In any county or municipality that operates a wrecker operator system:

(c) When an unauthorized wrecker operator drives by the scene of a wrecked or disabled vehicle and the owner or operator initiates contact by signaling the wrecker operator to stop and provide towing services, the unauthorized wrecker operator must disclose in writing to the owner or operator of the vehicle his or her full name and driver license number, that he or she is not the authorized wrecker operator who has been designated as part of the wrecker operator system, that the motor vehicle is not being towed for the owner’s or operator’s insurance company or lienholder, whether he or she has in effect an insurance policy providing at least $300,000 of liability insurance and at least $50,000 of on-hook cargo insurance, and the maximum charges for towing and storage which will apply before the vehicle is connected to the towing apparatus. The unauthorized
wrecker operator must also provide a copy of the disclosure to the owner or operator in the presence of a law enforcement officer if such officer is at the scene of a motor vehicle accident. Any person who violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and the person’s wrecker, tow truck, or other motor vehicle that was used during the offense may be immediately removed and impounded pursuant to subsection (3).

(4) This section does not prohibit, or in any way prevent, the owner or operator of a vehicle involved in a crash or accident or otherwise disabled from contacting any wrecker operator for the provision of towing services, whether the wrecker operator is an authorized wrecker operator or not.

Section 51. Section 324.011, Florida Statutes, is amended to read:

324.011 Purpose of chapter.—It is the intent of this chapter to recognize the existing privilege to own or operate a motor vehicle on the public streets and highways of this state when such vehicles are used with due consideration for others and their property, and to promote safety and provide financial security requirements for such owners or operators whose responsibility it is to recompense others for injury to person or property caused by the operation of a motor vehicle. Therefore, it is required herein that the operator of a motor vehicle involved in a crash or convicted of certain traffic offenses meeting the operative provisions of s. 324.051(2) shall respond for such damages and show proof of financial ability to respond for damages in future crashes accidents as a requisite to his or her future exercise of such privileges.
Section 52. Subsection (1) of section 324.022, Florida Statutes, is amended to read:

(1) Every owner or operator of a motor vehicle required to be registered in this state shall establish and maintain the ability to respond in damages for liability on account of crashes arising out of the use of the motor vehicle in the amount of $10,000 because of damage to, or destruction of, property of others in any one crash. The requirements of this section may be met by one of the methods established in s. 324.031; by self-insuring as authorized by s. 768.28(16); or by maintaining an insurance policy providing coverage for property damage liability in the amount of at least $10,000 because of damage to, or destruction of, property of others in any one crash arising out of the use of the motor vehicle. The requirements of this section may also be met by having a policy which provides coverage in the amount of at least $30,000 for combined property damage liability and bodily injury liability for any one crash arising out of the use of the motor vehicle. The policy, with respect to coverage for property damage liability, must meet the applicable requirements of s. 324.151, subject to the usual policy exclusions that have been approved in policy forms by the Office of Insurance Regulation. No insurer shall have any duty to defend uncovered claims irrespective of their joinder with covered claims.

Section 53. Section 324.023, Florida Statutes, is amended to read:

324.023 Financial responsibility for bodily injury or death.—In addition to any other financial responsibility
required by law, every owner or operator of a motor vehicle that is required to be registered in this state, or that is located within this state, and who, regardless of adjudication of guilt, has been found guilty of or entered a plea of guilty or nolo contendere to a charge of driving under the influence under s. 316.193 after October 1, 2007, shall, by one of the methods established in s. 324.031(1) or (2), establish and maintain the ability to respond in damages for liability on account of crashes accidents arising out of the use of a motor vehicle in the amount of $100,000 because of bodily injury to, or death of, one person in any one crash and, subject to such limits for one person, in the amount of $300,000 because of bodily injury to, or death of, two or more persons in any one crash and in the amount of $50,000 because of property damage in any one crash.

If the owner or operator chooses to establish and maintain such ability by furnishing a certificate of deposit pursuant to s. 324.031(2), such certificate of deposit must be at least $350,000. Such higher limits must be carried for a minimum period of 3 years. If the owner or operator has not been convicted of driving under the influence or a felony traffic offense for a period of 3 years from the date of reinstatement of driving privileges for a violation of s. 316.193, the owner or operator shall be exempt from this section.

Section 54. Paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 324.051, Florida Statutes, are amended to read:

324.051 Reports of crashes; suspensions of licenses and registrations.—

(1)
(b) The department is hereby further authorized to require reports of crashes from individual owners or operators whenever it deems it necessary for the proper administration of this chapter, and these reports shall be made without prejudice except as specified in this subsection. No such report shall be used as evidence in any trial arising out of a crash. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the crash if that person’s privilege against self-incrimination is not violated.

(2)(a) Thirty days after receipt of notice of any crash described in paragraph (1)(a) involving a motor vehicle within this state, the department shall suspend, after due notice and opportunity to be heard, the license of each operator and all registrations of the owner of the vehicles operated by such operator whether or not involved in such crash and, in the case of a nonresident owner or operator, shall suspend such nonresident’s operating privilege in this state, unless such operator or owner shall, prior to the expiration of such 30 days, be found by the department to be exempt from the operation of this chapter, based upon evidence satisfactory to the department that:

1. The motor vehicle was legally parked at the time of such crash.

2. The motor vehicle was owned by the United States Government, this state, or any political subdivision of this state or any municipality therein.

3. Such operator or owner has secured a duly acknowledged
written agreement providing for release from liability by all parties injured as the result of said crash and has complied with one of the provisions of s. 324.031.

4. Such operator or owner has deposited with the department security to conform with s. 324.061 when applicable and has complied with one of the provisions of s. 324.031.

5. One year has elapsed since such owner or operator was suspended pursuant to subsection (3), the owner or operator has complied with one of the provisions of s. 324.031, and no bill of complaint of which the department has notice has been filed in a court of competent jurisdiction.

No such policy or bond shall be effective under this subsection unless it contains limits of not less than those specified in s. 324.021(7).

Section 55. Subsections (2), (3), and (4) of section 324.242, Florida Statutes, are amended to read:

324.242 Personal injury protection and property damage liability insurance policies; public records exemption.—

(2) Upon receipt of a request and proof of a crash report as required under s. 316.065, s. 316.066, or s. 316.068, or a crash report created pursuant to the laws of another state, the department shall release the policy number for a policy covering a vehicle involved in a motor vehicle crash accident to:

(a) Any person involved in such crash accident;

(b) The attorney of any person involved in such crash accident; or

(c) A representative of the insurer of any person involved in such crash accident.
(3) The department shall provide personal injury protection and property damage liability insurance policy numbers to department-approved third parties that provide data collection services to an insurer of any person involved in such crash.

(4) Before the department’s release of a policy number in accordance with subsection (2) or subsection (3), an insurer’s representative, a contracted third party, or an attorney for a person involved in a crash must provide the department with documentation confirming proof of representation.

Section 56. Contingent upon the enactment of Senate Bill 7094 or other similar legislation enacted in the 2019 Regular Session or an extension thereof, section 328.30, Florida Statutes, is amended to read:

328.30 Transactions by electronic or telephonic means.—
(1) The Department of Highway Safety and Motor Vehicles may accept any application provided for under this part chapter by electronic or telephonic means.

(2) The department may issue an electronic certificate of title in lieu of printing a paper title.

(3) The department or tax collector may collect electronic mail addresses or cellular telephone numbers and use electronic mail or text messages in lieu of the United States Postal Service for the purpose of providing information related to Department of Highway Safety and Motor Vehicles functions in accordance with chapter 119 and pursuant to the federal Driver Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The provision of electronic mail addresses and cellular telephone
numbers by the applicant is optional and, before collection pursuant to this subsection, the department or tax collector shall disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used renewal notices.

Section 57. Contingent upon the enactment of Senate Bill 7094 or other similar legislation enacted in the 2019 Regular Session or an extension thereof, subsection (3) of section 328.40, Florida Statutes, is amended to read:

328.40 Administration of vessel registration and titling laws; records.—

(3) All records made or kept by the Department of Highway Safety and Motor Vehicles under this part are subject to inspection and copying as provided in chapter 119 law are public records except for confidential reports.

Section 58. Subsection (1) of section 328.73, Florida Statutes, is amended to read:

328.73 Registration; duties of tax collectors.—

(1) The tax collectors in the counties of the state, as authorized agents of the department, shall issue registration certificates and vessel numbers and decals to applicants, subject to the requirements of law and in accordance with rules of the department. For the purpose of enhancing customer services provided by tax collectors acting on behalf of the department, the department, contingent upon an approved request and memorandum of understanding, shall provide tax collectors, and tax collector-approved agents and vendors with real-time access to data that other third parties receive from the department related to registration certificates and vessel
numbers and decals, including, but not limited to, the most current address information and electronic mail addresses of applicants. The memorandum of understanding as required under this paragraph may not be more restrictive than any memorandum of understanding between the department and other third-party vendors.

Section 59. Contingent upon the enactment of Senate Bill 7094 or other similar legislation enacted in the 2019 Regular Session or an extension thereof, section 328.80, Florida Statutes, is amended to read:

328.80 Transactions by electronic or telephonic means.—
(1) The Department of Highway Safety and Motor Vehicles commission is authorized to accept any application provided for under this part chapter by electronic or telephonic means.
(2) The department or tax collector may collect electronic mail addresses or cellular telephone numbers and use electronic mail or text messages in lieu of the United States Postal Service for the purpose of providing information related to Department of Highway Safety and Motor Vehicles functions in accordance with chapter 119 and pursuant to the federal Driver Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The provision of electronic mail addresses and cellular telephone numbers by the applicant is optional and, before collection pursuant to this subsection, the department or tax collector shall disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used.

Section 60. Subsection (4) of section 627.7415, Florida Statutes, is amended to read:
Commercial motor vehicles; additional liability insurance coverage.—Commercial motor vehicles, as defined in s. 207.002 or s. 320.01, operated upon the roads and highways of this state shall be insured with the following minimum levels of combined bodily liability insurance and property damage liability insurance in addition to any other insurance requirements:

(4) All commercial motor vehicles subject to regulations of the United States Department of Transportation, 49 C.F.R. part 387, subparts A and B, and as may be hereinafter amended, shall be insured in an amount equivalent to the minimum levels of financial responsibility as set forth in such regulations.

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 61. Subsection (2) of section 316.251, Florida Statutes, is amended to read:

316.251 Maximum bumper heights.—

(2) “New motor vehicles” as defined in s. 319.001(9), “antique automobiles” as defined in s. 320.08, “horseless carriages” as defined in s. 320.086, and “street rods” as defined in s. 320.0863 shall be excluded from the requirements of this section.

Section 62. Subsection (19) of section 501.976, Florida Statutes, is amended to read:

501.976 Actionable, unfair, or deceptive acts or practices.—It is an unfair or deceptive act or practice, actionable under the Florida Deceptive and Unfair Trade
Practices Act, for a dealer to:

(19) Fail to disclose damage to a new motor vehicle, as defined in s. 319.001, of which the dealer had actual knowledge, if the dealer’s actual cost of repairs exceeds the threshold amount, excluding replacement items.

In any civil litigation resulting from a violation of this section, when evaluating the reasonableness of an award of attorney’s fees to a private person, the trial court shall consider the amount of actual damages in relation to the time spent.

Section 63. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

655.960 Definitions; ss. 655.960-655.965.—As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

(1) “Access area” means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(84)(a) or (b) s. 316.003(81)(a) or (b), including any adjacent sidewalk, as defined in s. 316.003.

Section 64. Subsection (5) of section 856.015, Florida Statutes, is amended to read:

856.015 Open house parties.—

(5) If a violation of subsection (2) causes or contributes to causing serious bodily injury, as defined in s. 316.003, or death to the minor, or if the minor causes or contributes to causing serious bodily injury or death to another as a result of the minor’s consumption of alcohol or drugs at
the open house party, the violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 65. This act shall take effect July 1, 2019.

================================ T I T L E  A M E N D M E N T ===============
And the title is amended as follows:
Delete everything before the enacting clause and insert:

A bill to be entitled
An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.003, F.S.; defining terms; conforming a cross-reference; amending s. 316.027, F.S.; deleting the defined term “serious bodily injury”; requiring community service in a trauma center or hospital that receives victims of vehicle crashes; amending s. 316.0271, F.S.; requiring that, under a yellow dot program, certain critical medical information be made readily available to responders in the event of a motor vehicle crash; authorizing an emergency medical responder at a motor vehicle crash to search the glove compartment of the vehicle for a yellow dot folder; amending s. 316.061, F.S.; prohibiting certain persons from being liable or at fault regarding the cause of a crash solely by reason of moving a vehicle; repealing s. 316.0896, F.S., relating to the assistive truck platooning technology pilot project; creating s. 316.0897, F.S.; exempting the operator of a nonlead vehicle in a
platoon from provisions relating to following too
closely; authorizing a platoon to be operated on a
roadway in this state after an operator provides
notification to the Department of Transportation and
the Department of Highway Safety and Motor Vehicles;
amending s. 316.1895, F.S.; authorizing a district
school board by simple majority vote to increase the
time a school zone speed limit is in force under
certain circumstances; amending s. 316.192, F.S.;
deleting the defined term “serious bodily injury”;
amending s. 316.193, F.S.; adding an operator to
persons who may incur serious bodily injury for
purposes of a certain penalty; amending s. 316.1933,
F.S.; adding a driver to persons who may incur serious
bodily injury for purposes of a certain alcohol or
drug test; deleting the defined term “serious bodily
injury”; amending s. 316.194, F.S.; authorizing
traffic crash investigation officers, rather than
traffic accident investigation officers, to move
vehicles; amending s. 316.302, F.S.; revising the
applicability of specified rules and regulations to
certain owners and drivers of commercial motor
vehicles; providing that a person who operates a
commercial motor vehicle solely in intrastate commerce
which does not transport hazardous materials in
amounts that require placarding need not comply with
specified requirements of electronic logging devices
and hours of service supporting documents until a
specified date; removing a limit on civil penalties
for falsification of certain time records; deleting a requirement that a motor carrier maintain documentation of driving times under certain circumstances; revising the conditions under which persons who operate commercial motor vehicles are exempt from specified rules and regulations; amending s. 316.303, F.S.; exempting an operator of a certain platoon vehicle from the prohibition on the active display of television or video; amending s. 316.622, F.S.; requiring that the department provide to the Department of Business and Professional Regulation a copy of each crash report involving a farm labor vehicle; amending s. 316.640, F.S.; authorizing the Division of the Florida Highway Patrol to employ traffic crash investigation officers, rather than traffic accident investigation officers; conforming provisions to changes made by that act; amending s. 316.655, F.S.; authorizing a driver convicted of certain violations resulting in a crash, rather than an accident, to have his or her driving privileges revoked or suspended by the court; amending s. 316.70, F.S.; requiring that owners and drivers of certain nonpublic sector buses be subject to specified rules and regulations; providing duties for the Department of Highway Safety and Motor Vehicles, rather than the Department of Transportation, for such nonpublic sector buses; authorizing department personnel to conduct compliance investigations and assess certain penalties; authorizing motor carriers to be enjoined
under certain circumstances; authorizing certain
officers and agents to require drivers of certain
commercial vehicles to submit to certain inspections
and to either remove the vehicle or driver from
service or provide notice requiring correction under
certain circumstances; amending s. 318.19, F.S.;
revising infractions that require a mandatory hearing;
amending s. 319.001, F.S.; defining terms; amending s.
319.141, F.S.; creating a private rebuilt motor
vehicle inspection program, to replace a pilot rebuilt
motor vehicle inspection program; providing powers and
duties of the department; specifying the purpose of
the program; providing requirements for the program;
providing powers and requirements for private rebuilt
inspection providers; creating s. 319.1411, F.S.;
authorizing the department to monitor and inspect the
operations of private rebuilt inspection providers to
make specified determinations; creating s. 319.142,
F.S.; providing grounds and requirements for
termination of a contract with a private rebuilt
inspection provider; creating s. 319.1414, F.S.;
authorizing the department to investigate and examine
private rebuilt inspection providers under certain
circumstances; providing additional powers related to
such investigations and examinations; requiring a
court to take specified actions under certain
circumstances; providing for witness fees; authorizing
the department to adopt certain rules; amending s.
319.25, F.S.; authorizing the department to conduct
investigations and examinations of certain persons relating to title certificates; authorizing additional powers related to such investigations and examinations; requiring a court to take specified actions under certain circumstances; providing for witness fees; authorizing the department to adopt certain rules; amending s. 319.40, F.S.; authorizing the department or a tax collector to collect electronic mail addresses or cellular telephone numbers and to use them for certain purposes; providing that electronic mail addresses and cellular telephone numbers may be provided at the option of the applicant; requiring the department or a tax collector to disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used; amending s. 320.01, F.S.; reddefining the term “apportioenable vehicle”; amending s. 320.03, F.S.; authorizing the department, under certain circumstances, to provide tax collectors and certain agents and vendors with certain real-time access to data related to vehicle and mobile home registration certificates, registration license plates, and validation stickers; providing requirements for a certain memorandum of understanding; amending s. 320.06, F.S.; providing for future repeal of requirements for vehicles that have apportioned registrations; providing requirements for certain vehicles that have apportioned registrations upon implementation of a certain operating system;
requiring that the fee be deposited into the Highway Safety Operating Trust Fund; authorizing certain license plates to be replaced at no charge; providing tax collectors and their agents the option to purchase validation stickers and paper stock that is used to produce vehicle registrations from vendors under certain circumstances; exempting such purchases from certain competitive bid requirements; requiring the department to reimburse the tax collectors and their agents for such purchases, subject to certain restrictions; requiring the tax collectors and their agents to invoice the department in arrears for the validation stickers and vehicle registrations as they are issued; amending s. 320.0607, F.S.; providing applicability; amending s. 320.131, F.S.; authorizing the department to partner with a county tax collector to conduct a Fleet Vehicle Temporary Tag Pilot Program for certain purposes; providing program requirements; providing for future repeal; amending s. 320.27, F.S.; defining the term “control person”; authorizing the department to deny a new or renewal application for, or suspend or revoke, certain dealer licenses under certain circumstances; authorizing the court to bar a person from acting as a motor vehicle dealer under certain circumstances, subject to certain requirements; amending s. 320.8232, F.S.; requiring the Mobile and Manufactured Home Repair and Remodeling Code to be a uniform code; providing specified standards for provisions of the code; requiring all
repair and remodeling of mobile and manufactured homes to be done in accordance with department rules; amending s. 320.861, F.S.; authorizing the department to conduct investigations and examinations of persons suspected of violating or of having violated certain laws, rules, or orders relating to motor vehicle licenses; providing additional powers related to such investigations and examinations; requiring a court to take specified actions under certain circumstances; providing for witness fees; authorizing the department to adopt certain rules; amending s. 320.95, F.S.; authorizing the department or a tax collector to collect electronic mail addresses or cellular telephone numbers and to use electronic mail or text messages for certain purposes; providing that electronic mail addresses and cellular telephone numbers may be provided at the option of the applicant; requiring the department or a tax collector to disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used; amending s. 321.05, F.S.; authorizing certain patrol officers to investigate traffic crashes; amending s. 321.065, F.S.; authorizing the department to employ certain traffic crash investigation officers; amending s. 321.23, F.S.; revising certain public records photographs to include crashes; amending s. 322.051, F.S.; extending the period after which a renewal application for an identification card is considered the same as an identification card.
original application; amending s. 322.0602, F.S.; 
authorizing courts to include a requirement for 
supervised visitation under the Youthful Drunk Driver 
Visitation Program at trauma centers that regularly 
receive victims of vehicle crashes; conforming 
provisions to changes made by the act; amending s. 
322.08, F.S.; authorizing the department or a tax 
collector to collect electronic mail addresses or 
cellular telephone numbers and use electronic mail or 
text messages for certain purposes; providing that 
electronic mail addresses and cellular telephone 
numbers may be provided at the option of the 
applicant; requiring the department or a tax collector 
to disclose to the applicant the purposes for which 
the electronic mail addresses and cellular telephone 
numbers may be used; amending s. 322.091, F.S.; 
requiring that the department make available, upon 
request, a report that includes specific information 
for students whose driving privileges have been 
suspended; amending s. 322.17, F.S.; authorizing 
stolen identification cards to be replaced at no 
charge under certain circumstances; amending s. 
322.21, F.S.; providing for expedited shipping for the 
renewal or replacement driver licenses or 
identification cards under certain circumstances, 
subject to certain requirements; allowing the 
department to charge for the cost of the expedited 
shipping; requiring that the funds be deposited into 
the Highway Safety Operating Trust Fund; amending s.
322.212, F.S.; prohibiting a person from knowingly providing altered or counterfeit documents or knowingly participating in dishonest or deceptive actions in any application for a driver license or identification card; providing for the suspension of specified licenses or permits for specified periods under certain circumstances; providing construction; amending s. 322.36, F.S.; providing for suspension of license for loaning a vehicle to a person whose license is suspended if such vehicle is involved in certain crashes; amending s. 322.61, F.S.; adding violations for disqualification from operating a commercial motor vehicle; creating s. 322.71, F.S.; authorizing the department to conduct investigations and examinations of persons suspected of violating or of having violated certain laws, rules, or orders relating to motor vehicle licenses; providing additional powers related to such investigations and examinations; requiring a court to take specified actions under certain circumstances; providing for witness fees; authorizing the department to adopt certain rules; amending s. 323.001, F.S.; providing that the requirements for a certain written hold on a motor vehicle apply when an officer has probable cause to believe the vehicle was involved in a certain traffic crash; amending s. 323.002, F.S.; revising the term “wrecker operator system” to include wrecker operators removing vehicles from crash scenes under certain circumstances; requiring that an unauthorized
wrecker operator provide a copy of a certain
disclosure to the owner or operator of a vehicle in
the presence of a law enforcement officer if such
officer is at the scene of a motor vehicle crash;
revising applicability to include vehicles involved in
a crash, rather than an accident; amending s. 324.011,
F.S.; requiring that certain operators of motor
vehicles involved in a crash or convicted of certain
traffic offenses show proof of financial ability to
respond for damages in future crashes; amending s.
324.022, F.S.; requiring that a certain owner or
operator of a motor vehicle establish and maintain the
ability to respond in damages for liability on account
of certain crashes; conforming a provision to changes
made by the act; amending s. 324.023, F.S.; requiring
that a certain owner or operator of a motor vehicle
establish and maintain the ability to respond in
damages for liability on account of certain crashes;
amending s. 324.051, F.S.; authorizing a law
enforcement officer at a criminal trial to testify as
to any statement made to the officer by the person
involved in a crash under certain circumstances;
providing for certain suspensions of license,
registration, and operating privileges after notice of
a certain crash; amending s. 324.242, F.S.; requiring
that the department release a policy number for a
policy covering a vehicle involved in a motor vehicle
crash under certain circumstances; conforming
provisions to changes made by the act; amending s.
328.30, F.S.; authorizing the department to accept certain applications by electronic or telephonic means; authorizing the department or a tax collector to collect electronic mail addresses or cellular telephone numbers and to use electronic mail or text messages for certain purposes; providing that electronic mail addresses and cellular telephone numbers may be provided at the option of the applicant; requiring the department or a tax collector to disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used; amending s. 328.40, F.S.; providing that certain records made or kept by the department are subject to certain inspection and copying requirements; amending s. 328.73, F.S.; requiring the department, under certain circumstances, to provide tax collectors and certain agents and vendors with certain real-time access to data related to registration certificates and vessel numbers and decals; providing requirements for a certain memorandum of understanding; amending s. 328.80, F.S.; authorizing the department to accept certain applications by electronic or telephonic means; authorizing the department or a tax collector to collect electronic mail addresses or cellular telephone numbers and to use electronic mail or text messages for certain purposes; providing that electronic mail addresses and cellular telephone numbers may be provided at the option of an applicant;
requiring the department or tax collector to disclose to an applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used; amending s. 627.7415, F.S.; revising the applicability of certain federal regulations that commercial motor vehicles are subject to for certain insurance purposes; amending ss. 316.251, 501.976, 655.960, 856.015, F.S.; conforming cross-references; providing an effective date.
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Perry) recommended the following:

Senate Amendment to Amendment (896914) (with title amendment)

Between lines 1251 and 1252
insert:
Section 30. Section 320.0605, Florida Statutes, is amended to read:
320.0605 Certificate of registration; possession required; exception.—
   (1)(a) The registration certificate or an official copy
thereof, a true copy or an electronic copy of rental or lease documentation issued for a motor vehicle or issued for a replacement vehicle in the same registration period, a temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet, or a cab card issued for a vehicle registered under the International Registration Plan shall, at all times while the vehicle is being used or operated on the roads of this state, be in the possession of the operator thereof or be carried in the vehicle for which issued and shall be exhibited upon demand of any authorized law enforcement officer or any agent of the department, except for a vehicle registered under s. 320.0657. The provisions of this section do not apply during the first 30 days after purchase of a replacement vehicle. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

(b)1. The act of presenting to a law enforcement officer or an agent of the department an electronic device displaying an electronic copy of rental or lease documentation does not constitute consent for the officer or agent to access any information on the device other than the displayed rental or lease documentation.

2. The person who presents the device to the officer or agent assumes liability for any resulting damage to the device.

(2) Rental or lease documentation that is sufficient to satisfy the requirement in subsection (1) includes the following:

(a) Date of rental and time of exit from rental facility;

(b) Rental station identification;
Section 31. Section 322.38, Florida Statutes, is amended to read:

322.38 Renting motor vehicle to another.—

(1) A person may not rent a motor vehicle to any other person unless the latter person is then duly licensed, or, if a nonresident, he or she shall be licensed under the laws of the state or country of his or her residence, except a nonresident whose home state or country does not require that an operator be licensed.

(2) A person may not rent a motor vehicle to another until he or she has inspected the driver license of the person to whom the vehicle is to be rented, and has compared and verified that the driver license is unexpired with the signature of such person written in his or her presence.

(3) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person, and the date and place when and where the said license was issued. Such record shall be open to inspection by any police officer, or officer or employee of the department.
(4) If a motor vehicle is rented to a person through digital, electronic, or other means that allow the renter to obtain possession of the motor vehicle without direct contact with an owner or agent or an employee of a motor vehicle rental company, or if the renter does not execute a rental contract at the time that he or she takes possession of the vehicle, it must be deemed that the requirements of subsections (1) and (2) are met when, at the time the renter enrolls in a membership program, master agreement, or other means of establishing use of the motor vehicle through the motor vehicle rental company, or any time thereafter, the renter is required to verify that he or she is duly licensed and that the license is unexpired.

------------- T I T L E A M E N D M E N T -------------
And the title is amended as follows:
Delete line 2336
and insert:
are issued; amending s. 320.0605, F.S.; authorizing an electronic copy of certain rental or lease documentation to be in the possession of the vehicle operator or carried in the vehicle and to be exhibited upon demand of any authorized law enforcement officer or any agent of the department; providing that the act of presenting a certain electronic device to the officer or agent does not constitute consent for the officer or agent to access any information on the device other than the displayed rental or lease documentation; providing for assumption of liability for any resulting damage to the device; revising
requirements for rental or lease documentation;
amending s. 322.38, F.S.; prohibiting a person from
renting a motor vehicle to another person unless he or
she has verified that the renter’s driver license is
unexpired; requiring that a person renting a motor
vehicle to another person keep a record of the place
where the renter’s license was issued; providing that,
under certain circumstances, specified requirements
are deemed met when a renter is required at certain
times to verify that he or she is duly licensed and
that the license is unexpired; amending s. 320.0607,
F.S.; providing
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Thurston) recommended the following:

Senate Amendment to Amendment (896914) (with title amendment)

Delete line 2181
and insert:

Section 65. Effective December 31, 2019, paragraph (d) of subsection (1) of section 316.302, Florida Statutes, is amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.–
(1)

(d) Except as provided in s. 316.215(5), and except as provided in s. 316.228 for rear overhang lighting and flagging requirements for intrastate operations, the requirements of this section supersede all other safety requirements of this chapter for commercial motor vehicles.

Section 66. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2019.

And the title is amended as follows:

Delete line 2505

and insert:

amending s. 316.302, F.S.; beginning on a specified date, repealing an exception to the requirement that this section supersede all other safety requirements of this chapter for commercial motor vehicles; providing effective dates.
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Thurston) recommended the following:

**Senate Amendment to Amendment (896914)**

1. Delete lines 305 - 306
2. and insert:
3. (d) Except as provided in s. 316.215(5), and except as provided in s. 316.228 for rear overhang lighting and flagging
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Brandes) recommended the following:

**Senate Amendment to Amendment (896914) (with directory and title amendments)**

Between lines 16 and 17 insert:

(2) AUTOCYCLE.—A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes, a steering mechanism wheel, and seating that does not require the operator to straddle or sit astride it; and
is manufactured in accordance with the applicable federal
motorcycle safety standards in 49 C.F.R. part 571 by a
manufacturer registered with the National Highway Traffic Safety
Administration.

And the directory clause is amended as follows:

Delete line 12

and insert:

and subsection (2) and present subsection (59) of that section
are amended, to read:

And the title is amended as follows:

Delete line 2190

and insert:

revising and defining terms; conforming a cross-
reference; amending
A bill to be entitled
An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.003, F.S.; defining terms; conforming a cross-reference; amending s. 316.027, F.S.; deleting the defined term "serious bodily injury"; requiring community service in a trauma center or hospital that receives victims of vehicle crashes; amending s. 316.0271, F.S.; requiring that, under a yellow dot program, certain critical medical information be made readily available to responders in the event of a motor vehicle crash; authorizing an emergency medical responder at a motor vehicle crash to search the glove compartment of the vehicle for a yellow dot folder; amending s. 316.061, F.S.; prohibiting certain persons from being liable or at fault regarding the cause of a crash solely by reason of moving a vehicle; repealing s. 316.0896, F.S., relating to the assistive truck platooning technology pilot project; creating s. 316.0897, F.S.; exempting the operator of a nonlead vehicle in a platoon from provisions relating to following too closely; authorizing a platoon to be operated on a roadway in this state after an operator provides notification to the Department of Transportation and the Department of Highway Safety and Motor Vehicles; amending s. 316.1895, F.S.; authorizing a district school board by simple majority vote to increase the time a school zone speed limit is in force under certain circumstances; amending s. 316.192, F.S.; deleting the defined term "serious bodily injury"; amending s. 316.193, F.S.; adding an operator to persons who may incur serious bodily injury for purposes of a certain penalty; amending s. 316.1933, F.S.; adding a driver to persons who may incur serious bodily injury for purposes of a certain alcohol or drug test; deleting the defined term "serious bodily injury"; amending s. 316.194, F.S.; authorizing traffic crash investigation officers, rather than traffic accident investigation officers, to move vehicles; amending s. 316.302, F.S.; revising the applicability of specified rules and regulations to certain owners and drivers of commercial motor vehicles; providing that a person who operates a commercial motor vehicle solely in intrastate commerce which does not transport hazardous materials in amounts that require placarding need not comply with specified requirements of electronic logging devices and hours of service supporting documents until a specified date; removing a limit on civil penalties for falsification of certain time records; deleting a requirement that a motor carrier maintain documentation of driving times under certain circumstances; revising the conditions under which persons who operate commercial motor vehicles are exempt from specified rules and regulations; amending s. 316.303, F.S.; exempting an operator of a certain platoon vehicle from the prohibition on the active display of television or video; amending s. 316.622,
AND

and enforcement requirements; providing rulemaking authority for the department; amending s. 319.141, F.S.; creating a private rebuilt motor vehicle inspection program, to replace a pilot rebuilt motor vehicle inspection program; providing powers and duties of the department; specifying the purpose of the program; providing requirements for the program; providing powers and requirements for private rebuilt inspection providers; creating s. 319.1411, F.S.; authorizing the department to monitor and inspect the operations of private rebuilt inspection providers to make specified determinations; creating s. 319.142, F.S.; providing grounds and requirements for termination of a contract with a private rebuilt inspection provider; creating s. 319.1414, F.S.; authorizing the department to investigate and examine private rebuilt inspection providers under certain circumstances; providing additional powers related to such investigations and examinations; requiring a court to take specified actions under certain circumstances; providing for witness fees; authorizing the department to adopt certain rules; amending s. 319.25, F.S.; authorizing the department to conduct investigations and examinations of certain persons relating to title certificates; authorizing additional powers related to such investigations and examinations; requiring a court to take specified actions under certain circumstances; providing for witness fees; authorizing the department to adopt certain rules; amending s. 318.19, F.S.; revising infractions that require a mandatory hearing; amending s. 319.001, F.S.; defining terms; creating s. 319.002, F.S.; providing for department administering

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CODING: Words **stricken** are deletions; words _underlined_ are additions.
certain rules; amending s. 319.40, F.S.; authorizing
the department or a tax collector to collect
electronic mail addresses or cellular telephone
numbers and to use them for certain purposes;
providing that electronic mail addresses and cellular
telephone numbers may be provided at the option of the
applicant; requiring the department or a tax collector
to disclose to the applicant the purposes for which
the electronic mail addresses and cellular telephone
numbers may be used; amending s. 320.01, F.S.;
redefining the term "apportionable vehicle"; amending
s. 320.03, F.S.; authorizing the department, under
certain circumstances, to provide tax collectors and
certain agents and vendors with certain real-time
access to data related to vehicle and mobile home
registration certificates, registration license
plates, and validation stickers; providing
requirements for a certain memorandum of
understanding; amending s. 320.06, F.S.; providing for
future repeal of requirements for vehicles that have
apportioned registrations; providing requirements for
certain vehicles that have apportioned registrations
upon implementation of a certain operating system;
requiring that the fee be deposited into the Highway
Safety Operating Trust Fund; authorizing certain
license plates to be replaced at no charge; providing
tax collectors and their agents the option to purchase
validation stickers and paper stock that is used to
produce vehicle registrations from vendors under
certain circumstances; exempting such purchases from
certain competitive bid requirements; requiring the
department to reimburse the tax collectors and their
agents for such purchases, subject to certain
restrictions; requiring the tax collectors and their
agents to invoice the department in arrears for the
validation stickers and vehicle registrations as they
are issued; amending s. 320.0607, F.S.; providing
applicability; amending s. 320.131, F.S.; authorizing
the department to partner with a county tax collector
to conduct a Fleet Vehicle Temporary Tag Pilot Program
for certain purposes; providing program requirements;
providing for future repeal; amending s. 320.27, F.S.;
defining the term "control person"; authorizing the
department to deny a new or renewal application for,
or suspend or revoke, certain dealer licenses under
certain circumstances; authorizing the court to bar a
person from acting as a motor vehicle dealer under
certain circumstances, subject to certain
requirements; amending s. 320.8232, F.S.; requiring
the Mobile and Manufactured Home Repair and Remodeling
Code to be a uniform code; providing specified
standards for provisions of the code; requiring all
repair and remodeling of mobile and manufactured homes
to be done in accordance with department rules;
amending s. 320.861, F.S.; authorizing the department
to conduct investigations and examinations of persons
suspected of violating or of having violated certain
laws, rules, or orders relating to motor vehicle
licenses; providing additional powers related to such investigations and examinations; requiring a court to take specified actions under certain circumstances; providing for witness fees; authorizing the department to adopt certain rules; amending s. 320.95, F.S.; authorizing the department or a tax collector to collect electronic mail addresses or cellular telephone numbers and to use electronic mail or text messages for certain purposes; providing that electronic mail addresses and cellular telephone numbers may be provided at the option of the applicant; requiring the department or a tax collector to disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used; amending s. 322.091, F.S.; requiring that the department make available, upon request, a report that includes specific information for students whose driving privileges have been suspended; amending s. 322.17, F.S.; authorizing stolen identification cards to be replaced at no charge under certain circumstances; amending s. 322.21, F.S.; providing for expedited shipping for the renewal or replacement driver licenses or identification cards under certain circumstances, subject to certain requirements; requiring that the fee be deposited into the Highway Safety Operating Trust Fund; amending s. 322.212, F.S.; prohibiting a person from providing altered or counterfeit documents or participating in dishonest or deceptive actions in any application for a driver license or identification card; providing for the suspension of specified licenses or permits for specified periods under certain circumstances; providing construction; amending s. 322.36, F.S.; providing for suspension of Visitation Program at trauma centers that regularly receive victims of vehicle crashes; conforming provisions to changes made by the act; amending s. 322.08, F.S.; authorizing the department or a tax collector to collect electronic mail addresses or cellular telephone numbers and use electronic mail or text messages for certain purposes; providing that electronic mail addresses and cellular telephone numbers may be provided at the option of the applicant; requiring the department or a tax collector to disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used; amending s. 322.091, F.S.; requiring that the department make available, upon request, a report that includes specific information for students whose driving privileges have been suspended; amending s. 322.17, F.S.; authorizing stolen identification cards to be replaced at no charge under certain circumstances; amending s. 322.21, F.S.; providing for expedited shipping for the renewal or replacement driver licenses or identification cards under certain circumstances, subject to certain requirements; requiring that the fee be deposited into the Highway Safety Operating Trust Fund; amending s. 322.212, F.S.; prohibiting a person from providing altered or counterfeit documents or participating in dishonest or deceptive actions in any application for a driver license or identification card; providing for the suspension of specified licenses or permits for specified periods under certain circumstances; providing construction; amending s. 322.36, F.S.; providing for suspension of Visitation Program at trauma centers that regularly receive victims of vehicle crashes; conforming provisions to changes made by the act; amending s. 322.08, F.S.; authorizing the department or a tax collector to collect electronic mail addresses or cellular telephone numbers and use electronic mail or text messages for certain purposes; providing that electronic mail addresses and cellular telephone numbers may be provided at the option of the applicant; requiring the department or a tax collector to disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used; amending s. 322.091, F.S.; requiring that the department make available, upon request, a report that includes specific information for students whose driving privileges have been suspended; amending s. 322.17, F.S.; authorizing stolen identification cards to be replaced at no charge under certain circumstances; amending s. 322.21, F.S.; providing for expedited shipping for the renewal or replacement driver licenses or identification cards under certain circumstances, subject to certain requirements; requiring that the fee be deposited into the Highway Safety Operating Trust Fund; amending s. 322.212, F.S.; prohibiting a person from providing altered or counterfeit documents or participating in dishonest or deceptive actions in any application for a driver license or identification card; providing for the suspension of specified licenses or permits for specified periods under certain circumstances; providing construction; amending s. 322.36, F.S.; providing for suspension of
license for loaning a vehicle to a person whose license is suspended if such vehicle is involved in certain crashes; amending s. 322.61, F.S.; adding violations for disqualification from operating a commercial motor vehicle; creating s. 322.71, F.S.; authorizing the department to conduct investigations and examinations of persons suspected of violating or of having violated certain laws, rules, or orders relating to motor vehicle licenses; providing additional powers related to such investigations and examinations; requiring a court to take specified actions under certain circumstances; providing for witness fees; authorizing the department to adopt certain rules; amending s. 323.001, F.S.; providing that the requirements for a certain written hold on a motor vehicle apply when an officer has probable cause to believe the vehicle was involved in a certain traffic crash; amending s. 323.002, F.S.; revising the term “wrecker operator system” to include wrecker operators removing vehicles from crash scenes under certain circumstances; requiring that an unauthorized wrecker operator provide a copy of a certain disclosure to the owner or operator of a vehicle in the presence of a law enforcement officer if such officer is at the scene of a motor vehicle crash; revising applicability to include vehicles involved in a crash, rather than an accident; amending s. 324.011, F.S.; requiring that certain operators of motor vehicles involved in a crash or convicted of certain traffic offenses show proof of financial ability to respond for damages in future crashes; amending s. 324.022, F.S.; requiring that a certain owner or operator of a motor vehicle establish and maintain the ability to respond in damages for liability on account of certain crashes; conforming a provision to changes made by the act; amending s. 324.023, F.S.; requiring that a certain owner or operator of a motor vehicle establish and maintain the ability to respond in damages for liability on account of certain crashes; amending s. 324.051, F.S.; authorizing a law enforcement officer at a criminal trial to testify as to any statement made to the officer by the person involved in a crash under certain circumstances; providing for certain suspensions of license, registration, and operating privileges after notice of a certain crash; amending s. 324.242, F.S.; requiring that the department release a policy number for a policy covering a vehicle involved in a motor vehicle crash under certain circumstances; conforming provisions to changes made by the act; amending s. 328.30, F.S.; authorizing the department to accept certain applications by electronic or telephonic means; authorizing the department or a tax collector to collect electronic mail addresses or cellular telephone numbers and to use electronic mail or text messages for certain purposes; providing that electronic mail addresses and cellular telephone numbers may be provided at the option of the owner or operator of the vehicle involved in a crash.
Florida Senate - 2019 SB 7090

Command List:

This section is added to this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(a) On private property, if such operation does not result in death or serious bodily injury, except that the term “crash” includes such operation on private property when the operator is...

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

Section 1. Present subsections (16) through (54) of s. 316.003, Florida Statutes, are redesignated as subsections (17) through (75), present subsections (55) through (76) of that section are redesignated as subsections (77) through (104), respectively, new subsections (16), (56), and (76) are added to that section, and present subsection (59) of that section is amended, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(16) CRASH.—The operation of a motor vehicle, motorized scooter, or moped in this state which results in property damage or the death of or bodily injury, or a complaint of bodily injury, to any person. The term “crash” includes separation of the operator or an occupant from a motor vehicle, motorized scooter, or moped, or a trailer being drawn by a motor vehicle, while in motion, which results in property damage or the death of or bodily injury, or a complaint of bodily injury, to any person. The term “crash” does not include such operation in any of the following situations:

(a) On private property, if such operation does not result in death or serious bodily injury, except that the term “crash” includes such operation on private property when the operator is...
(b) On a closed course used for commercial or recreational purposes, such as a commercial driving school or race track, except that the term “crash” includes such operation on a closed course when the operator is suspected of violating s. 316.193.

(c) If such property damage, death, bodily injury, or complaint of bodily injury results from an intentional act of a law enforcement officer to force a motor vehicle or moped to stop or reduce speed, such as use of a pursuit termination device or the precision immobilization technique, except that the term “crash” includes such operation that results in such property damage or the death of or bodily injury to, or complaint of bodily injury to, anyone other than the operator or occupant of the motor vehicle or moped being forced to stop or reduce speed or the law enforcement officer.

(d) The death or suffering of a medical episode by the operator or an occupant of a motor vehicle or moped, if operation of the motor vehicle or moped did not result in such death or medical episode and did not result in property damage or the death of or bodily injury, or complaint of bodily injury, to any other person.

(56) PLATOON.—A group of no more than two trucks that do not require placards, either laden or unladen, traveling in a unified manner using wireless vehicle-to-vehicle communications that electronically coordinate speeds and following distances of the trucks.

(61) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (84)(b), (81)(b), any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

(76) SERIOUS BODILY INJURY.—An injury to any person which consists of a physical injury that creates a substantial risk of death, significant personal disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Section 2. Subsections (1) and (4) of section 316.027, Florida Statutes, are amended to read:

316.027 Crash involving death or personal injuries.—

(1) As used in this section, the term

(a) “Serious bodily injury” means an injury to a person

including the driver, which consists of a physical condition that creates a substantial risk of death, significant personal disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

(4) “Vulnerable road user” means any of the following:

(a) A pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way.

(b) A person lawfully operating on a public right-of-way.

(c) A person riding an animal.

(d) A person lawfully operating on a public right-of-way, crosswalk, or shoulder of the roadway:

1. A farm tractor or similar vehicle designed primarily for farm use;

2. A skateboard, roller skates, or in-line skates;

3. A horse-drawn carriage;
Section 3. Subsection (1) and paragraph (a) of subsection 316.0271(4) are amended to read:

An electric personal assistive mobility device; or

A wheelchair.

(4)(a) In addition to any other civil, criminal, or administrative penalty imposed, a person whose commission of a noncriminal traffic infraction or a violation of this chapter or s. 1006.66 causes or results in the death of another person may be required by the court to serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle crashes, under the supervision of a registered nurse, an emergency room physician, or an emergency medical technician pursuant to a voluntary community service program operated by the trauma center or hospital.

(b) Notwithstanding paragraph (a), in addition to any other civil, criminal, or administrative penalty imposed, a person whose commission of a violation of s. 316.172(1)(a) or (b) causes or results in serious bodily injury to or death of another person shall be required by the court to:

1. Serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle crashes, under the supervision of a registered nurse, an emergency room physician, or an emergency medical technician pursuant to a voluntary community service program operated by the trauma center or hospital.

2. Participate in a victim’s impact panel session in a judicial circuit if such a panel exists, or if such a panel does not exist, attend a department-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway as provided in s. 322.0261(2).

Section 4. Subsection (3) of section 316.061, Florida Statutes, is amended to read:

316.061 Crashes involving damage to vehicle or property.—

(3) Employees or authorized agents of the Department of Transportation, law enforcement with proper jurisdiction, or an expressway authority created pursuant to chapter 348, in the exercise, management, control, and maintenance of its highway system, may undertake the removal from the main traveled way of vehicles incapacitated as a result of a motor vehicle crash and of debris caused thereby. Such removal is applicable when such a motor vehicle crash results only in damage to a vehicle or other property, and when such removal can be accomplished safely and will result in the

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A district school board as defined in s. 1003.01(1) may not be considered liable or at fault regarding the cause of the crash accident solely by reason of moving the vehicle.

Section 5. Section 316.0896, Florida Statutes, is repealed.

Section 6. Section 316.0897, Florida Statutes, is created to read:

316.0897 Platoons.—

(1) Section 316.0895 does not apply to the operator of a nonlead vehicle in a platoon, as defined in s. 316.003.

(2) A platoon may be operated on a roadway in this state after an operator provides notification to the Department of Transportation and the Department of Highway Safety and Motor Vehicles.

Section 7. Subsection (5) of section 316.1895, Florida Statutes, is amended to read:

316.1895 Establishment of school speed zones, enforcement; designation.—

(5)(a) 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, as defined in s. 334.03. 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.

(b) A district school board as defined in s. 1003.01(1) may

by simple majority vote increase the time a school zone speed limit is in force by an additional 15 minutes before, during, and an additional 15 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or at a regularly scheduled school session and leaving a regularly scheduled school session.

Section 8. Paragraph (c) of subsection (3) of section 316.192, Florida Statutes, is amended to read:

316.192 Reckless driving.—

(3) Any person:

(c) Who, by reason of such operation, causes:

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The term “serious bodily injury” means an injury to another person, 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.

Section 9. Subsection (3) of section 316.193, Florida Statutes, is amended to read:

316.193 Driving under the influence; penalties.—

(3) Any person:

(a) Who is in violation of subsection (1);

(b) Who operates a vehicle; and

(c) Who, by reason of such operation, causes or contributes to causing:
1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another or to himself or herself, as defined in s. 316.1933, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The death of any human being or unborn child commits DUI manslaughter, and commits:
   a. A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
   b. A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:
      (I) At the time of the crash, the person knew, or should have known, that the crash occurred; and
      (II) The person failed to give information and render aid as required by s. 316.062.

For purposes of this subsection, the term “unborn child” has the same meaning as provided in s. 775.021(5). A person who is convicted of DUI manslaughter shall be sentenced to a mandatory minimum term of imprisonment of 4 years.

Section 10. Subsection (1) of section 316.1933, Florida Statutes, is amended to read

316.1933 Blood test for impairment or intoxication in cases of death or serious bodily injury; right to use reasonable force.—

(1) If a law enforcement officer has probable cause to believe that a motor vehicle driven by or in the actual physical control of a person under the influence of alcoholic beverages, any chemical substances, or any controlled substances has caused the death or serious bodily injury of a human being, including serious bodily injury of the driver, a law enforcement officer shall require the person driving or in actual physical control of the motor vehicle to submit to a test of the person’s blood for the purpose of determining the alcoholic content thereof or the presence of chemical substances as set forth in s. 877.111 or any substance controlled under chapter 893. The law enforcement officer may use reasonable force if necessary to require such person to submit to the administration of the blood test. The blood test shall be performed in a reasonable manner. Notwithstanding s. 316.1932, the testing required by this paragraph need not be incidental to a lawful arrest of the person.

(b) The term “serious bodily injury” means 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.

Section 11. Paragraphs (a) and (b) of subsection (3) of section 316.194, Florida Statutes, are amended to read:

316.194 Stopping, standing or parking outside of municipalities.—

(3)(a) Whenever any police officer or traffic crash investigation officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this section, the officer is authorized to move the vehicle, or require the driver or other persons in charge of the vehicle to...
move the vehicle, to a position off the paved or main-traveled part of the highway.

    (b) Officers and traffic crash accident investigation officers may provide for the removal of any abandoned vehicle to the nearest garage or other place of safety, cost of such removal to be a lien against motor vehicle, when an abandoned vehicle is found unattended upon a bridge or causeway or in any tunnel, or on any public highway in the following instances:

1. Where such vehicle constitutes an obstruction of traffic;

2. Where such vehicle has been parked or stored on the public right-of-way for a period exceeding 48 hours, in other than designated parking areas, and is within 30 feet of the pavement edge; and

3. Where an operative vehicle has been parked or stored on the public right-of-way for a period exceeding 10 days, in other than designated parking areas, and is more than 30 feet from the pavement edge. However, the agency removing such vehicle shall be required to report same to the Department of Highway Safety and Motor Vehicles within 24 hours of such removal.

Section 12. Subsections (1) and (2) of section 316.302, Florida Statutes, are amended to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)(a) All owners and drivers of commercial motor vehicles that are operated on the public highways of this state while engaged in interstate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 385, 386 and 390-397.

(b) Officers and traffic crash accident investigation officers may provide for the removal of any abandoned vehicle to the nearest garage or other place of safety, cost of such removal to be a lien against motor vehicle, when an abandoned vehicle is found unattended upon a bridge or causeway or in any tunnel, or on any public highway in the following instances:

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316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)(a) All owners and drivers of commercial motor vehicles that are operated on the public highways of this state while engaged in interstate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 383, 385, 386 and 390-397.
(b) Except as provided in 49 C.F.R. s. 395.1, a person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 may not drive:

1. More than 12 hours following 10 consecutive hours off duty; or
2. For any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty.

The provisions of this paragraph do not apply to drivers of utility service vehicles as defined in 49 C.F.R. s. 395.2.

(c) Except as provided in 49 C.F.R. s. 395.1, a person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 may not drive after having been on duty more than 70 hours in any period of 7 consecutive days or more than 80 hours in any period of 8 consecutive days if the motor carrier operates every day of the week. Thirty-four consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods, any unprocessed agricultural products or unprocessed feed, or farm supplies directly related to growing or harvesting agricultural products. Upon request of the Department of Highway Safety and Motor Vehicles, motor carriers shall furnish time records or other written verification to that department so that the Department of Highway Safety and Motor Vehicles can determine compliance with this subsection. These time records must be furnished to the Department of Highway Safety and Motor Vehicles within 2 days after receipt of that department’s request. Falsification of such information is subject to a civil penalty not to exceed $100. The provisions of this paragraph do not apply to operators of farm labor vehicles operated during a state of emergency declared by the Governor or operated pursuant to s. 570.07(21) or and do not apply to drivers of utility service vehicles as defined in 49 C.F.R. s. 395.2.

(d) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 within a 150 air-mile radius of the location where the vehicle is based need not comply with 49 C.F.R. s. 395.8, if the requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (iii)(A) and (C), and (v) are met. If a driver is not released from duty within 12 hours after the driver arrives for duty, the motor carrier must maintain documentation of the driver’s driving times throughout the duty period.

(e) A person who operates a commercial motor vehicle solely in intrastate commerce is exempt from subsection (1) while transporting agricultural products, including horticultural or forestry products, from farm or harvest place to the first place of processing or storage, or from farm or harvest place directly to market or while transporting livestock, livestock feed, or farm supplies directly related to growing or harvesting agricultural products. Upon request of the Department of Highway Safety and Motor Vehicles, motor carriers shall furnish time records or other written verification to that department so that the Department of Highway Safety and Motor Vehicles can determine compliance with this subsection. These time records must be furnished to the Department of Highway Safety and Motor Vehicles within 2 days after receipt of that department’s request. Falsification of such information is subject to a civil penalty not to exceed $100. The provisions of this paragraph do not apply to operators of farm labor vehicles operated during a state of emergency declared by the Governor or operated pursuant to s. 570.07(21) or and do not apply to drivers of utility service vehicles as defined in 49 C.F.R. s. 395.2.
to market. However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

A vehicle or combination of vehicles operated pursuant to this paragraph having a gross vehicle weight of 26,001 pounds or more or having three or more axles on the power unit, regardless of weight, must display the name of the vehicle owner or motor carrier and the municipality or town where the vehicle is based on each side of the power unit in letters that contrast with the background and that are readable from a distance of 50 feet. A person who violates this vehicle identification requirement may be assessed a penalty as provided in s. 316.3025(3)(a).

(f) A person who operates a commercial motor vehicle having a declared gross vehicle weight, gross vehicle weight rating, and gross combined weight rating of less than 26,001 pounds solely in intrastate commerce and who is not transporting hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172, or who is transporting petroleum products as defined in s. 376.301, is exempt from subsection (1).

However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

(g) A person whose driving record shows no convictions for the preceding 3 years and who, as of October 1, 1988, is employed as a driver-salesperson, as defined in 49 C.F.R. s. 395.2, and who operates solely in intrastate commerce, is exempt from 49 C.F.R. part 391.

(h) A person who is an employee of an electric utility, as defined in s. 361.11, or a telephone company, as defined in s. 364.02, and who operates a commercial motor vehicle solely in intrastate commerce and within a 200 air-mile radius of the location where the vehicle is based, is exempt from 49 C.F.R. ss. 396.11 and 396.13 and 49 C.F.R. part 391, subparts D and E.

(i) A person whose driving record shows no traffic convictions, pursuant to s. 322.61, during the 2-year period immediately preceding the application for the commercial driver license, who is otherwise qualified as a driver under 49 C.F.R. part 391, and who operates a commercial vehicle in intrastate commerce only shall be exempt from the requirements of 49 C.F.R. part 391, subpart E, ss. 391.41(b)(10). However, such operators are still subject to the requirements of ss. 322.12 and 322.121.

As proof of eligibility, such driver shall have in his or her possession a physical examination form dated within the past 24 months.

(j) A person who is otherwise qualified as a driver under 49 C.F.R. part 391, who operates a commercial motor vehicle in intrastate commerce only, and who does not transport hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172, is exempt from the requirements of 49 C.F.R. part 391, subpart E, ss. 391.41(b)(1) and 391.41(a), relating to diabetes.

(k) A person holding a commercial driver license who is a regularly employed driver of a commercial motor vehicle and is subject to an alcohol and controlled substance testing program related to that employment shall not be required to be part of a separate testing program for operating any bus owned and operated by a church when the driver does not receive any form of compensation for operating the bus and when the bus is used to transport people to or from church-related activities at no charge. The provisions of this paragraph may not be implemented

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755 if the Federal Government notifies the department that
756 implementation will adversely affect the allocation of federal
757 funds to the state.

Section 13. Subsection (3) of section 316.303, Florida
759 Statutes, is amended to read:
760 (3) This section does not prohibit the use of an electronic
display used in conjunction with a vehicle navigation system; an
electronic display used by an operator of a vehicle equipped
with autonomous technology, as defined in s. 316.003(3); or an
electronic display used by an operator of a platoon vehicle
equipped and operating with driver-assisting truck platooning
technology, as defined in s. 316.003.

Section 14. Subsection (8) of section 316.622, Florida
769 Statutes, is amended to read:
770 (8) The department shall provide to the Department of
Business and Professional Regulation each quarter a copy of each
report involving a farm labor vehicle.

Paragraph (a) of subsection (1) of section
784 Subsection (8) of section 316.622, Florida
785 Statutes, is amended to read:
786 Section 15. Paragraph (a) of subsection (1) of section
316.640, Florida Statutes, is amended to read:
316.640 Enforcement.—The enforcement of the traffic laws of
this state is vested as follows:

(a)1.a. The Division of Florida Highway Patrol of the
Department of Highway Safety and Motor Vehicles; the Division of
Law Enforcement of the Fish and Wildlife Conservation
Commission; and the agents, inspectors, and officers of the
Department of Law Enforcement each have authority to enforce all

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enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. This sub-sub-subparagraph may not be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

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

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

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

2. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer’s traffic enforcement activity

must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

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

Section 16. Subsection (2) of section 316.655, Florida Statutes, is amended to read:

(2) A driver convicted of a violation of any offense

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Section 17. Section 316.70, Florida Statutes, is amended to read:

316.70 Nonpublic sector buses; safety rules.—

(1) All owners and drivers of nonpublic sector buses operated on the public highways of this state are subject to the rules and regulations of the Department of Transportation shall establish and revise standards to ensure the safe operation of nonpublic sector buses, which standards shall be those contained in 49 C.F.R. parts 382, 383, 385, 386, 387 and 390-397. The department shall be directed toward ensuring that:

(a) Nonpublic sector buses are safely maintained, equipped, and operated.

(b) Nonpublic sector buses are carrying the insurance required by law and carrying liability insurance on the checked

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

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

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

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

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

Section 18. Section 318.19, Florida Statutes, is amended to read:

318.19 Infractions requiring a mandatory hearing.—

Subsections 318.14(2), (4), and (9) do not apply to any person cited for an infraction identified in the infractions listed in this section and he or she shall not have the provisions of s. 318.14(2), (4), and (9) available to him or her but must appear before the designated official at the time and location of the scheduled hearing for:

(1) Any infraction that results in a crash that causes the death of another;

(2) Any infraction that results in a crash that causes serious bodily injury, as defined in s. 316.003, of another or of the person cited for the infraction as defined in s. 316.003(1).

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“Rebuilt courier service” means an individual or entity who uses the inspection services of a private rebuilt inspection provider. These services include, but are not limited to, preparing, compiling, or providing forms, applications, certificates of title, or other documentation required to conduct a rebuilt inspection, or engaging in or arranging for the transportation of vehicles for inspection.

(14) “Rebuilt inspection” means an examination of a rebuilt vehicle and the required documentation. Required documentation includes, but is not limited to: a properly endorsed certificate of title, salvage certificate of title, or manufacturer’s statement of origin; an application for a rebuilt branded certificate of title; a rebuilder’s affidavit; a photograph of the junk or salvage vehicle taken before repairs began; receipts or invoices for all major component parts, as defined in s. 319.30; repairs conducted; and proof that notice of rebuilding of the vehicle has been reported to the National Motor Vehicle Title Information System. If an airbag or airbags were deployed, before and after photos must be provided which clearly show the deployed airbags and that the airbags have been replaced.

(15) “Satisfaction of lien” means full payment of a debt or release of a debtor from a lien by the lienholder.

(16) “Used motor vehicle” means any motor vehicle that is not a “new motor vehicle” as defined in this section.
The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this chapter, including rules and forms governing reports. The department also has nonexclusive power to define by rule any term, regardless of whether that term is used in this chapter, provided that the definition is not inconsistent with this chapter.

Section 21. Section 319.141, Florida Statutes, is amended to read:

319.141 Private pilot rebuilt motor vehicle inspection program.—

(1) The department may authorize private rebuilt inspection providers under the terms of this section. The purpose of the private rebuilt motor vehicle inspection program is to prevent the use of stolen parts in the rebuilding process, identify and recover stolen vehicles, require the installation of nonrecalled airbags in rebuilt vehicles, and assist law enforcement with the investigation of vehicle theft and related fraud. The department may monitor and investigate private rebuilt inspection providers and rebuilt courier services to ensure compliance with this chapter. The department may examine all records pertaining to any inspection or related service performed under the program.

(2) As used in this section, the terms:

(a) "Facility" means a rebuilt motor vehicle inspection facility authorized and operating under this section.

(b) "Rebuilt inspection services" means an examination of a rebuilt vehicle and a properly endorsed certificate of title, salvage certificate of title, or manufacturer's statement of origin and an application for a rebuilt certificate of title, a rebuilder's affidavit, a photograph of the junk or salvage vehicle taken before repairs began, receipts or invoices for all major component parts, as defined in s. 319.30, and repairs which were changed, and proof that notice of rebuilding of the vehicle has been reported to the National Motor Vehicle Title Information System.

(2) By July 1, 2015, the department shall oversee a pilot program in Miami-Dade County to evaluate alternatives for rebuilding services offered by existing private sector operators, including the continued use of private facilities, the cost impact to consumers, and the potential savings to the department.

(2) A person or an entity, other than the department, may not conduct rebuilt inspection services unless authorized to do so by the department pursuant to this chapter.

(3) A person or an entity may not provide rebuilt courier services in this state or from locations outside of this state unless it has a valid, nonexclusive contract with each department-authorized private rebuilt inspection provider with which the rebuilt courier service conducts business. Such contract must require the rebuilt courier service to comply with state law and department procedures; provide proof of and agree to maintain garage liability insurance in the amount of at least $100,000; and comply with any other requirement established by the department which is designed to protect the public, the department, or the private rebuilt inspection provider from illegal or disruptive conduct.

(4) The department shall establish a memorandum of understanding that allows private parties participating in the pilot program to conduct rebuilt motor vehicle inspections and...
(4) The department shall authorize private rebuilt inspection providers who meet the requirements of this chapter. Before authorization is granted to a private rebuilt inspection provider, the department shall ensure that the private rebuilt inspection provider meets all of the following requirements:

(a) Has submitted a request for authorization to the department along with all required documentation.

(b) Has passed a physical location inspection conducted by the department to ensure that the private rebuilt inspection provider is operating in accordance with the requirements of this section and in a location where no other business is operating, attached, connected, or joined by a common address, even if such location is recognized by the United States Postal Service as a separate address. The location must have permanent signage with posted business hours; a rebuilt inspection area separate and visually obstructed from any area accessible to a customer; and a surveillance camera with recording capabilities for the rebuilt inspection area.

(c) Has provided evidence of a good and sufficient surety bond or irrevocable letter of credit in the amount of $100,000 executed by the private rebuilt inspection provider which covers all activities under the private rebuilt motor vehicle inspection program and names the department as an insured. Such surety bonds and letters of credit must be executed by a surety company authorized to do business in this state as a surety, and irrevocable letters of credit must be issued by a bank authorized to do business in this state as a bank. Surety bonds and letters of credit must be in favor of the department and must be for 1 year.

(d) Has identified and provided a lease or proof of ownership of a proposed location that must be open to the public and must maintain a facility at a permanent structure at an address recognized by the United States Postal Service where the only services provided on such property are rebuilt inspection services. The location must be large enough to accommodate all of the vehicles being inspected and must have sufficient space to maintain physical security of all required inspection records.

The operator of a facility shall annually attest that he or she is not employed by or does not have an ownership interest in or other financial arrangement with the owner, operator, manager, or employee of a motor vehicle repair shop as defined in s. 559.903, a motor vehicle dealer as defined in s. 320.27(1)(c), a towing company, a vehicle storage company, a vehicle auction, an insurance company, a salvage yard, a metal retailer, or a metal rebuilder, from which he or she receives remuneration, directly or indirectly, for the referral of customers for rebuilt inspection services.

(e) Has ensured that each owner, partner, and corporate officer of the provider has provided an attestation acknowledging he or she is deemed to be engaging in activities that are in the public interest and are free of conflicts of interest.
(f)44 Has provided evidence of garage liability insurance coverage with at least $100,000 single-limit liability coverage, including bodily injury and property damage protection, and $10,000 personal injury protection, and maintain garage liability and other insurance required by the department.

(g)45 Has provided a criminal background check on all owners, partners, and corporate officers which demonstrates that they have not been convicted of a felony, pled guilty to a felony, pled nolo contendere to a felony, or been incarcerated for a felony involving fraud, theft, or dishonest dealing within the last 10 years and the inspectors employed by the facility.

(h)46 Has provided evidence of authorization to conduct business in the state from the Florida Department of State, Division of Corporations.

(a) Meet any additional criteria the department determines necessary to conduct proper inspections.

(b) Each authorized private rebuilt inspection provider may operate additional locations in this state with the prior written approval of the department. In determining whether to approve a location, the department must apply the same criteria as in paragraph (5)(b). A private rebuilt inspection provider may operate a mobile inspection unit, with the prior written approval of the department, as long as it also has a permanent facility that meets the criteria specified in paragraph (5)(b), and the operation of such mobile inspection unit complies with the terms of the agreement with the department as specified in paragraph (7)(l).

(7) The department shall enter into a contract with each authorized private rebuilt inspection provider. The agreement must include all of the following:

(a) A requirement that the provider maintain connections with and use the department's motor vehicle database, the National Motor Vehicle Title Information System, and information from the National Insurance Crime Bureau.

(b) A requirement that the provider follow department policies and procedures when conducting rebuilt inspections.

(c) A requirement that the provider maintain the confidentiality of all information received under the agreement, in accordance with chapter 119 and the Driver Protection Privacy Act.

(d) A provision that the agreement is not assignable to a third party, either in whole or in part, without the prior written consent of the department.

(e) A provision that the private rebuilt inspection provider agrees to submit to oversight by the department.

(f) A requirement that the provider maintain records required by department policies and procedures, making those records available to the department for inspection, and complying with state public records laws.

(g) Provisions outlining penalties for noncompliance with the agreement, including termination.

(h) Forms required to be utilized by the private rebuilt inspection provider to document completion of the rebuilt inspection process. These forms must include, but need not be limited to, a completed and signed application for certificate of title with or without registration; a completed and signed statement of builder describing the process and major component.
parts used in the rebuilding of the motor vehicle; a completed
and signed power of attorney for a motor vehicle, mobile home or
vessel, if applicable; and a completed and signed vehicle
identification number and odometer verification.

(i) A requirement that the provider report stolen parts or
vehicles.

(j) A requirement that the provider maintain a surety bond
and garage liability insurance.

(k) Conditions under which the agreement may be terminated
by either party.

(l) Requirements for the operation of a mobile inspection
unit, including, but not limited to, maintenance of general
liability insurance in the amount of $100,000 and commercial
automobile liability insurance on each mobile unit in the amount
of $100,000, physical security for indicia and inspection
records, maintenance of records at a permanent facility,
cooperation with department oversight requirements, maintenance
of a weekly schedule of planned rebuilt inspections,
installation of a camera to document inspections, and observance
of the confidentiality of the rebuilt inspection process.

(8) Each authorized private rebuilt inspection provider
shall participate in the program shall access vehicle and
title information and enter inspection results through an
electronic filing system authorized by the department and shall
maintain records of each rebuilt vehicle inspection processed by
the private rebuilt inspection provider at such facility for at
least 5 years.

(9) The department may immediately terminate the
contract with any private rebuilt inspection provider operator
from the program who fails to meet the minimum eligibility
requirements of this section specified in subsection (i). Before
a change in ownership of a private rebuilt inspection provider
facility, the current owner operator must give the department 45
days’ written notice of the intended sale. The prospective owner
must meet the eligibility requirements of this section and
execute a new contract memorandum of understanding with the
department before he or she begins operating as a private
rebuilt inspection provider the facility.

(10) By July 1 of each year, an authorized private rebuilt
inspection provider shall attest that it has complied with this
section and each owner, partner, and corporate officer must
affirm he or she is free from conflicts of interest.

(II) Private rebuilt inspection providers may charge a fee
for their services in addition to the fees in s. 319.32. This
additional fee shall be clearly disclosed to each customer on
his or her receipt and be conspicuously posted in an area
frequented by customers.

Section 22. Section 319.1411, Florida Statutes, is created
to read:

319.1411 Monitoring of private rebuilt inspection
providers.—The department may monitor and inspect the operations
of private rebuilt inspection providers as it deems necessary to
determine whether the private rebuilt inspection provider is
operating in compliance with this chapter and to determine if
the private rebuilt inspection provider has engaged in any of
the business practices prohibited under s. 319.1412.
Section 23. Section 319.142, Florida Statutes, is created
to read:

319.142 Rules of conduct and prohibited business

practices.—
(1) Each of the following constitutes grounds for
termination of any and all contracts entered into with a private
rebuilt inspection provider pursuant to this chapter:
(a) Engaging in any business transaction or activity that
is in substantial conflict with the proper discharge of the
private rebuilt inspection provider’s duties in the public
interest.
(b) Allowing a vehicle to pass inspection knowing that
there was a material misrepresentation in the required
documentation or that the documentation submitted in support of
the inspection was counterfeit or materially altered.
(c) Failure to report to the department the identification
of a suspected stolen part or stolen vehicle during a rebuilt
inspection.
(d) In connection with providing private rebuilt inspection
services, engaging in any course of conduct that is fraud or
deceit upon the department, a dealer, or a vehicle owner.
(e) Knowingly falsifying department records or knowingly
providing materially false or misleading information to the
department.
(f) Failing to allow an examination or inspection of a
private rebuilt inspection provider facility, including a review
of books and records, by the department or law enforcement
during regular business hours.
(g) Passing a vehicle through inspection without having a

CODING: Words [stricken] are deletions; words [underlined] are additions.

Section 24. Section 319.1414, Florida Statutes, is created
to read:

319.1414, Florida Statutes, is created to read:

(h) Failure to timely respond to a subpoena issued by the
department.
(i) Conducting rebuilt inspection services at a physical
location not approved in writing by the department or providing
services from a mobile unit not approved in writing by the
department.
(j) Failure to maintain at all times a garage liability
insurance in the amount of at least $100,000.
(k) Failure to maintain at all times a good and sufficient
surety bond or irrevocable letter of credit in the amount of
$100,000 which covers all activities under the private rebuilt
motor vehicle inspection program and names the department as an
insured.
(1) Violation of this section or the contract between the
department and the private rebuilt inspection provider.
(m) The use of advertising that would reasonably lead the
public to believe that the provider was or is an employee or
representative of the department, or the use in its name of the
terms “Department of Highway Safety and Motor Vehicles,” “DMV,”
“DHSMV,” “FLDHSMV,” or “HSMV” or any other terms or logos that
that are associated with the department.
(2) Written notice of termination of a contract under this
section must be provided before termination of the contract.

CODING: Words [stricken] are deletions; words [underlined] are additions.
For the purpose of any investigation, examination, or proceeding initiated by the department under this chapter, the

1362 department is authorized to designate agents to serve subpoenas and other process, and administer oaths or affirmations.
1363
1364 (5) Witnesses subpoenaed under this section are entitled to
1365 witness fees at the same rate established by s. 92.142 for
1366 witnesses in a civil case, except that witness fees are not
1367 payable for appearance at the witness’s place of business during
1368 regular business hours or at the witness’s residence.
1369
1370 (6) The department may adopt rules to administer this
1371 section.
1372
1373 Section 25. Section 319.25, Florida Statutes, is amended to
1374 read:
1375
1376 319.25 Cancellation of certificates; investigations; subpoenas and other process; oaths; rules.—
1377
1378 (1) If it appears that a certificate of title has been
1379 improperly issued, the department shall cancel the certificate.
1380 Upon cancellation of any certificate of title, the department
1381 shall notify the person to whom the certificate of title was
1382 issued, as well as any lienholders appearing thereon, of the
1383 cancellation and shall demand the surrender of the certificate
1384 of title, but the cancellation shall not affect the validity of
1385 any lien noted thereon. The holder of the certificate of title
1386 shall return it to the department forthwith. If a certificate of
1387 registration has been issued to the holder of a certificate of
1388 title so canceled, the department shall immediately cancel the
1389 certificate of registration and demand the return of such
1390 certificate of registration and license plate or mobile home
1391 sticker; and the holder of such certificate of registration and
1392 license plate or sticker shall return them to the department
1393 forthwith.
(2) The department is authorized, upon application of any person and payment of the proper fees, to prepare and furnish lists containing title information in such form as the department may authorize, to search the records of the department and make reports thereof, and to make photographic copies of the department records and attestations thereof, except as provided in chapter 119.

(3) The department may conduct investigations and examinations of any person suspected of violating or of having violated this chapter or any rule adopted or order issued under this chapter.

(4) For purposes of any investigation or examination conducted under this section, the department may exercise the power of subpoena and the powers to administer oaths or affirmations, to examine witnesses, to require affidavits, to take depositions, and to compel the attendance of witnesses and the production of books, papers, documents, records, and other evidence. Such subpoenas may be served by an authorized representative of the department.

(5) If a person refuses to testify, produce books, papers, documents, or records, or otherwise obey the subpoena or subpoena duces tecum issued under subsection (4), the department may petition a court of competent jurisdiction in the county where the person’s residence or principal place of business is located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court must direct the person to obey the subpoena. Costs incurred by the department to obtain any investigation, examination or proceeding initiated by the department under this chapter, the department is authorized to designate agents to serve subpoenas and other process, and administer oaths or affirmations.

(6) Witnesses subpoenaed under this section are entitled to witness fees at the same rate established by s. 92.142 for witnesses in a civil case, except that witness fees are not payable for appearance at the witness’s place of business during regular business hours or at the witness’s residence.

(7) The department may adopt rules to administer this section.

Section 26. Subsection (3) of section 319.40, Florida Statutes, is amended to read:

319.40 Transactions by electronic or telephonic means.—

(3) The department or tax collector may collect electronic mail addresses or cellular telephone numbers and use electronic mail or text messages in lieu of the United States Postal Service as a method of notification and for the purpose of providing information related to Department of Highway Safety and Motor Vehicles functions in accordance with chapter 119 and pursuant to the federal Driver Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. However, any notice regarding the potential forfeiture or foreclosure of an interest in property must be sent via the United States Postal Service. The provision of electronic mail addresses and cellular telephone numbers by the applicant is optional and, before collection pursuant to an order granting, in whole or in part, its petition shall be charged to the subpoenaed person, and failure to comply with such order is contempt of court.
Section 27. Subsection (24) of section 320.01, Florida Statutes, is amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(24) “Apportionable vehicle” means any vehicle, except recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, buses used in transportation of charter particles, and government-owned vehicles, which is used or intended for use in two or more member jurisdictions that allocate or proportionally register vehicles and which is used for the transportation of persons for hire or is designed, used, or maintained primarily for the transportation of property and:

(a) Is a power unit having a gross vehicle weight in excess of 26,000 pounds;

(b) Is a power unit having three or more axles, regardless of weight; or

(c) Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

Vehicles, or combinations thereof, having a gross vehicle weight of 26,000 pounds or less and two-axle vehicles may be proportionally registered.

Section 28. Paragraph (b) of subsection (4) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors;

The Florida Real Time Vehicle Information System shall be installed in every tax collector’s and license tag agent’s office in accordance with a schedule established by the department in consultation with the tax collectors and contingent upon funds being made available for the system by the state. For the purpose of enhancing customer services provided by tax collectors acting on behalf of the department, the department, contingent upon an approved request and memorandum of understanding, shall provide tax collectors, and tax collector-approved agents and vendors with real-time access to data that other third parties receive from the department related to vehicle and mobile home registration certificates, registration license plates, and validation stickers, including, but not limited to, the most current address information and electronic mail addresses of applicants. The memorandum of understanding as required under this paragraph may not be more restrictive than any memorandum of understanding between the department and other third-party vendors.

Section 29. Paragraph (b) of subsection (1) and subsection (2) of section 320.06, Florida Statutes, are amended to read:

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

(1) (b1. Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year period. At the end of the 10-year period, upon renewal, the plate shall be replaced. The department shall
3. Upon implementation of a new operating system for apportioned vehicle registration, a vehicle registered in accordance with the International Registration Plan must be issued a license plate for a 5-year period, an annual cab card, and tax collector invoice. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant’s appropriate registration period.

4. In order to retain the efficient administration of the taxes and fees imposed by this chapter, the 80-cent fee increase in the replacement fee imposed by chapter 2009-71, Laws of Florida, is negated as provided in s. 320.0804.

(2) The department shall provide the several tax collectors and license plate agents with the necessary number of validation stickers. However, the tax collectors and their agents shall have the option to purchase validation stickers and paper stock that is used to produce vehicle registrations from the department’s contracted vendor or from other vendors if such items meet the department’s specifications and are procured at prices that are at or lower than the pricing reflected in the department’s existing contracts for procuring these items. Such purchases by the tax collectors and their agents are exempt from the competitive bid requirements of chapter 287. The department shall reimburse the tax collectors and their agents for these purchases, but reimbursement may not be made at prices higher than the pricing contained in the department’s existing contract. The tax collectors and their agents shall invoice the

5. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund may not be made for any prior years’ payments of the prorated replacement fee if the plate is replaced or surrendered before the end of the 10-year period, except that a credit may be given if a registrant is required by the department to replace a license plate under s. 320.08056(8)(a). With each license plate, a validation sticker shall be issued showing the owner’s birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. The license plate and validation sticker shall be issued based on the applicant’s appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant’s appropriate registration period.

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department in arrears for the validation stickers and vehicle registrations as they are issued.

Section 30. Subsection (5) of section 320.0607, Florida Statutes, is amended to read:

320.0607 Replacement license plates, validation decal, or mobile home sticker.—
(5) Upon the issuance of an original license plate, the applicant shall pay a fee of $28 to be deposited in the Highway Safety Operating Trust Fund. Upon implementation of a new operating system for apportioned vehicle registrations, this subsection does not apply to a vehicle registered under the International Registration Plan.

Section 31. Subsection (10) is added to section 320.131, Florida Statutes, to read:

320.131 Temporary tags.—
(10) The department may partner with a county tax collector to conduct a Fleet Vehicle Temporary Tag Pilot Program to provide temporary tags to fleet companies to allow them to operate fleet vehicles awaiting a permanent registration and title.

(a) The department shall enter into a memorandum of understanding that allows up to 10 companies to participate in the pilot program and to receive multiple temporary tags for company fleet vehicles.

(b) To participate in the program, a fleet company must have at least 3,500 fleet vehicles registered in this state which qualify to be registered as fleet vehicles pursuant to s. 320.0657.

(c) The department, upon the request of an eligible fleet company, may issue up to 50 temporary tags per request to such company.

(d) A temporary tag issued under this subsection is for exclusive use on a vehicle purchased for the company’s fleet and may not be used on any other vehicle.

(e) Each temporary tag may be used on only one vehicle, and each vehicle may use only one temporary tag.

(f) Upon issuance of the vehicle’s permanent license plate and registration, the temporary tag becomes invalid and must be removed from the vehicle and destroyed.

(g) Upon a finding by the department that a temporary tag has been misused by a fleet company under the program, the department may terminate the memorandum of understanding with the company, invalidate all temporary tags issued to the company under the program, and require such company to return any unused temporary tags.

(h) The issuance of a tag using this method must be reported to the department within 2 business days, not including weekends or state holidays, after the issuance of the tag. The county tax collector shall keep a record of each temporary tag issued. The record must include the date of issuance, tag number issued, vehicle identification number, and vehicle description.

(i) This subsection is repealed October 1, 2022, unless saved from repeal through reenactment by the Legislature.

Section 32. Paragraph (g) is added to subsection (1) of section 320.27, Florida Statutes, and paragraph (a) of subsection (9) and subsection (11) of that section are amended, to read:

320.27 Motor vehicle dealers.—
(1) DEFINITIONS.—The following words, terms, and phrases ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(g) “Control person” means any person who has significant authority, directly or indirectly, to direct the management or policies of a company, whether through ownership, by contract, or otherwise. The term includes any person who is an owner, director, general partner, officer, manager, or employee exercising decisionmaking responsibility or exercising similar executive status or functions. The term does not include an employee whose function is only clerical, ministerial, or in sales under the supervision of an owner or manager or other person exercising decisionmaking responsibility.

(9) DENIAL, SUSPENSION, OR REVOCATION.—

(a) The department may deny a new or renewal application for or suspend or revoke any license issued hereunder or under the provisions of s. 320.77 or s. 320.771 upon proof that an applicant or a licensee has:

1. Failed to provide payment within 10 business days, the maker of the bank draft or check shall post a bond in accordance with the provisions of s. 559.917, and no proceeding for revocation or suspension shall be commenced until the dispute is resolved.

4.a. Failed to provide payment within 10 business days to the department for a check payable to the department that was dishonored due to insufficient funds in the amount due plus any statutorily authorized fee for uttering a worthless check. The department shall notify an applicant or licensee when the applicant or licensee makes payment to the department by a check that is subsequently dishonored by the bank due to insufficient funds. The applicant or licensee shall, within 10 business days after receiving the notice, provide payment to the department in the form of cash in the amount due plus any statutorily authorized fee. If the applicant or licensee fails to make such payment within 10 business days, the department may deny, suspend, or revoke the applicant’s or licensee’s motor vehicle dealer license.

b. Stopped payment on a check payable to the department, issued a check payable to the department from an account that has been closed, or charged back a credit card transaction to the department. If an applicant or licensee commits any such act, the department may deny, suspend, or revoke the applicant’s or licensee’s motor vehicle dealer license.

5.a. Previously owned a majority interest in, or acted as a control person of, a motor vehicle dealer that, within the past 10 years, has been the subject of any decision, finding, injunction, suspension, revocation, denial, judgment, or administrative order by any court of competent jurisdiction, administrative law judge, or any state agency which resulted in
a finding of violation of any federal or state law relating to
unlicensed activity or fraud in connection with the sale of a
motor vehicle.

b. Knowingly employed or contracted with a person under
sub-subparagraph a. or a person who has been convicted of a
felony and has not completed the resulting felony sentence or
completed the felony sentence less than 10 years from the date
of licensure application as a control person.

(11) INJUNCTION.—
(a) In addition to the remedies provided in this chapter
and notwithstanding the existence of any adequate remedy at law,
the department is authorized to make application to any circuit
court of the state, and such circuit court shall have
jurisdiction, upon a hearing and for cause shown, to grant a
temporary or permanent injunction, or both, restraining any
person from acting as a motor vehicle dealer under the terms of
this section without being properly licensed hereunder, from
violating or continuing to violate any of the provisions of
chapter 319, this chapter, or ss. 559.901-559.9221, or for
failing or refusing to comply with the requirements of chapter
319, this chapter, or ss. 559.901-559.9221, or any rule or
regulation adopted thereunder, such injunction to be issued
without bond. A single act in violation of the provisions of
chapter 319, this chapter, or chapter 559 shall be sufficient to
authorize the issuance of an injunction.

(b) If the court grants the injunction, the court may bar,
permanently or for a specific time, any person found to have
violated any federal or state law relating to unlicensed
activity or fraud in connection with the sale of a motor
vehicle. A person who is barred by the court under this
paragraph may not continue in any capacity within the industry.
The person may not have a management, sales, or any other role
in the operation of a dealership. Further, if permanently
barred, the person may not derive income from the dealership
beyond reasonable compensation for the sale of his or her
ownership interest in the business.

Section 33. Subsection (2) of section 320.8232, Florida
Statutes, is amended to read:

320.8232 Establishment of uniform standards for used
recreational vehicles and repair and remodeling code for mobile
homes.—

(2) The provisions of the Mobile and Manufactured Home
Repair and Remodeling Code shall be a uniform code and repair
and remodeling code shall ensure safe and livable housing and
shall not be more stringent than those standards required to be
met in the manufacture of mobile homes. Such provisions shall
include, but not be limited to, standards for structural
adequacy, plumbing, heating, electrical systems, and fire and
life safety. All repair and remodeling of mobile and
manufactured homes shall be done in accordance with department
rules.

Section 34. Section 320.861, Florida Statutes, is amended
to read:

320.861 Investigations; subpoenas and other process; oaths;
rules. Inspection of records; production of evidence; subpoena
powers.—

(1) The department may conduct investigations and
examinations on any person suspected of violating or of having
For the purpose of any investigation, examination, or proceeding initiated by the department under this chapter, the department may designate agents to serve subpoenas and other process and administer oaths or affirmations. The department shall exercise this power on its own initiative in accordance with ss. 320.615 and 320.71.

(5) Witnesses subpoenaed under this section are entitled to witness fees at the same rate established by s. 92.142 for witnesses in a civil case, except that witness fees are not payable for appearance at the witness’s place of business during regular business hours or at the witness’s residence.

(6) The department may adopt rules to administer this section.

Section 35. Subsection (2) of section 320.95, Florida Statutes, is amended to read:

320.95 Transactions by electronic or telephonic means.—

(2) The department or tax collector may collect electronic mail addresses or cellular telephone numbers and use electronic mail or text messages in lieu of the United States Postal Service for the purpose of providing information related to Department of Highway Safety and Motor Vehicles functions in accordance with chapter 119 and pursuant to the federal Driver Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The provision of electronic mail addresses and cellular telephone numbers by the applicant is optional and, before collection pursuant to this subsection, the department or tax collector shall disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used.

Section 36. Subsection (1) of section 321.05, Florida Statutes, is amended to read:

For the purpose of any investigation, examination, or proceeding initiated by the department under this chapter, the department may petition a court of competent jurisdiction in the county where the person’s residence or principal place of business is located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court must direct the person to obey the subpoena. Failure to comply with such order constitutes contempt of court.

(4) For the purpose of any investigation, examination, or proceeding initiated by the department under this chapter, the department may inspect the pertinent books, records, letters, and contracts of any licensee, whether dealer or manufacturer, relating to any written complaint made to it against such licensee.

(2) For purposes of any investigation or examination conducted under this section, the department may be granted and authorized to exercise the power of subpoena and the powers to require affidavits, to take depositions, and to compel the attendance of witnesses and the production of books, papers, documents, records, and other evidence. Such subpoenas may be served by a designated agent of the department for the attendance of witnesses and the production of any documentary evidence necessary to the disposition by it of any written complaint against any licensee, whether dealer or manufacturer.

(3) If a person refuses to testify; to produce books, papers, documents, or records; or to otherwise obey the subpoena or subpoena duces tecum issued under subsection (2), the department may petition a court of competent jurisdiction in the county where the person’s residence or principal place of business is located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court must direct the person to obey the subpoena. Failure to comply with such order constitutes contempt of court.
The members of the Florida Highway Patrol are hereby declared to be conservators of the peace and law enforcement officers of the state, with the common-law right to arrest a person who, in the presence of the arresting officer, commits a felony or commits an affray or breach of the peace constituting a misdemeanor, with full power to bear arms; and they shall apprehend, without warrant, any person in the unlawful commission of any of the acts over which the members of the Florida Highway Patrol are given jurisdiction as hereinafter set out and deliver him or her to the sheriff of the county that further proceedings may be had against him or her according to law. In the performance of any of the powers, duties, and functions authorized by law, members of the Florida Highway Patrol have the same protections and immunities afforded other peace officers, which shall be recognized by all courts having jurisdiction over offenses against the laws of this state, and have authority to apply for, serve, and execute search warrants, arrest warrants, capias, and other process of the court. The patrol officers under the direction and supervision of the Department of Highway Safety and Motor Vehicles shall perform and exercise throughout the state the following duties, functions, and powers:

(1) To patrol the state highways and regulate, control, and direct the movement of traffic thereon; to maintain the public peace by preventing violence on highways; to apprehend fugitives from justice; to enforce all laws regulating and governing traffic, travel, and public safety upon the public highways and providing for the protection of the public highways and public property thereon, including the security and safety of this state's transportation infrastructure; to make arrests without warrant for the violation of any state law committed in their presence in accordance with state law; providing that no search may be made unless it is incident to a lawful arrest, to regulate and direct traffic concentrations and congestions; to enforce laws governing the operation, licensing, and taxing and limiting the size, weight, width, length, and speed of vehicles and licensing and controlling the operations of drivers and operators of vehicles, including the safety, size, and weight of commercial motor vehicles; to collect all state fees and revenues levied as an incident to the use or right to use the highways for any purpose, including the taxing and registration of commercial motor vehicles; to require the drivers of vehicles to stop and exhibit their driver licenses, registration cards, or documents required by law to be carried by such vehicles; to investigate traffic crashes, secure testimony of witnesses and of persons involved, and make report thereof with copy, if requested in writing, to any person in interest or his or her attorney; to investigate reported thefts of vehicles; and to seize contraband or stolen property on or being transported on the highways. Each patrol officer of the Florida Highway Patrol is subject to and has the same arrest and other authority provided for law enforcement officers generally in chapter 901 and has statewide jurisdiction. Each officer also has arrest authority as provided for state law enforcement officers in s. 901.15. This section does not conflict with, but is supplemental to, chapter 933. Section 37. Section 321.065, Florida Statutes, is amended to read:
321.065 Traffic crash accident investigation officers;

1857 employment; standards.—The department may employ traffic crash accident investigation officers who must complete any applicable standards adopted by the Florida Highway Patrol, including, but not limited to: cognitive testing, drug testing, polygraph testing, psychological testing, and an extensive background check, including a credit check.

1858

Section 38. Paragraph (d) of subsection (2) of section 321.23, Florida Statutes, is amended to read:

321.23 Public records; fees for copies; destruction of obsolete records; photographing records; effect as evidence.—

1864 (2) Fees for copies of public records shall be charged and collected as follows:

1865 (d) Photographs (crashes accidents, etc.):

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<thead>
<tr>
<th>Enlargement</th>
<th>Color</th>
<th>Black &amp; White</th>
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<td>2. 8″ x 10″</td>
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<tr>
<td>3. 11″ x 14″</td>
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<tr>
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<td>$2.75</td>
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<tr>
<td>5. 20″ x 24″</td>
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</table>

1871 Renewal of an identification card shall be made for the applicable term enumerated in this paragraph. Any application for renewal received later than 12 months 90 days after expiration of the identification card shall be considered the same as an application for an original identification card.

1872

Section 40. Paragraphs (a) and (b) of subsection (4) of section 322.0602, Florida Statutes, are amended to read:

322.0602 Youthful Drunk Driver Visitation Program.—

1879 (4) VISITATION REQUIREMENT.—

1880 (a) To the extent that personnel and facilities are made available to the court, the court may include a requirement for supervised visitation by the probationer to all, or any, of the following:
1. A trauma center, as defined in s. 395.4001, or a hospital as defined in s. 395.002, which regularly receives victims of vehicle crashes accidents, between the hours of 10 p.m. and 2 a.m. on a Friday or Saturday night, in order to observe appropriate victims of vehicle crashes accidents involving drinking drivers, under the supervision of any of the following:
   a. A registered nurse trained in providing emergency trauma care or prehospital advanced life support.
   b. An emergency room physician.
   c. An emergency medical technician.

2. A licensed service provider, as defined in s. 397.311, which cares for substance abuse impaired persons, to observe persons in the terminal stages of substance abuse impairment, under the supervision of appropriately licensed medical personnel. Prior to any visitation of such terminally ill or disabled persons, the persons or their legal representatives must give their express consent to participate in the visitation program.

3. If approved by the county coroner, the county coroner’s office or the county morgue to observe appropriate victims of vehicle crashes accidents involving drinking drivers, under the supervision of the coroner or a deputy coroner.

   (b) As used in this section, the term “appropriate victims” means victims or their legal representatives, including the next of kin, who have expressly given their consent to participate in the visitation program and victims whose condition is determined by the visitation supervisor to demonstrate the results of crashes accidents involving drinking drivers without being excessively gruesome or traumatic to the probationer.

Section 41. Subsection (10) of section 322.08, Florida Statutes, is amended to read:

(10) The department or tax collector may collect electronic mail addresses or cellular telephone numbers and use electronic mail or text messages in lieu of the United States Postal Service for the purpose of providing information related to Department of Highway Safety and Motor Vehicles functions in accordance with chapter 119 and pursuant to the federal Driver Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The provision of electronic mail addresses and cellular telephone numbers by the applicant is optional and, before collection pursuant to this subsection, the department or tax collector shall disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used.

Section 42. Subsection (5) of section 322.091, Florida Statutes, is amended to read:

(5) REPORTING AND ACCOUNTABILITY.—The department shall make available, upon request, a report quarterly to each school district which includes the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended under this section.

Section 43. Section 322.17, Florida Statutes, is amended to read:

322.17 Replacement licenses, identification cards, and

CODING: Words stricken are deletions; words underlined are additions.
(1)(a) In the event that an instruction permit or driver license issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may, upon payment of the appropriate fee pursuant to s. 322.21, obtain a replacement upon furnishing proof satisfactory to the department that such permit or license has been lost or destroyed, and further furnishing the full name, date of birth, sex, residence and mailing address, proof of birth satisfactory to the department, and proof of identity satisfactory to the department.

(b) In the event that an instruction permit or driver license, or identification card issued under the provisions of this chapter is stolen, the person to whom the same was issued may, at no charge, obtain a replacement upon furnishing proof satisfactory to the department that such permit or license or identification card was stolen and further furnishing the person’s full name, date of birth, sex, residence and mailing address, proof of birth satisfactory to the department, and proof of identity satisfactory to the department.

(2) Upon the surrender of the original license and the payment of the appropriate fees pursuant to s. 322.21, the department shall issue a replacement license to make a change in name, address, or restrictions.

(3) Notwithstanding any other provisions of this chapter, if a licensee establishes his or her identity for a driver license using an identification document authorized under s. 322.08(2)(c)7. or 8., the licensee may not obtain a duplicate or replacement instruction permit or driver license except in

CODING: Words ___stricken___ are deletions; words ___underlined___ are additions.
Any person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. If a person violates this section by knowingly loaning a vehicle to a person whose driver license is suspended and if that vehicle is involved in a crash resulting in bodily injury or death, the driver license of the person violating this section shall be suspended for 1 year.

Section 47. Subsection (1) of section 322.61, Florida Statutes, is amended to read:

322.61 Disqualification from operating a commercial motor vehicle.—
(1) A person who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations or any combination thereof, arising in separate incidents committed in a commercial motor vehicle for a period of 60 days. A holder of a commercial driver license or commercial learner’s permit who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations, or any combination thereof, arising in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days if such convictions result in the suspension, revocation, or cancellation of the licenseholder’s driving privilege.

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

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

(c) Unlawful speed of 15 miles per hour or more above the
Section 49. Section 322.71, Florida Statutes, is created to read:

322.71 Investigations; subpoenas and other process; oaths;
rules.—

(1) The department may conduct investigations and
examinations on any person suspected of violating or of having
violated any provision of this chapter or any rule adopted or
order issued under this chapter.

(2) For purposes of any investigation or examination
conducted under this section, the department may exercise the
power of subpoena and the powers to administer oaths or
affirmations, to examine witnesses, to require affidavits, to
take depositions, and to compel the attendance of witnesses and
the production of books, papers, documents, records, and other

Evidence. Such subpoenas may be served by an authorized
representative of the department.

(3) If a person refuses to testify; to produce books,
papers, documents, or records; or to otherwise obey the subpoena
or subpoena duces tecum issued under subsection (2), the
department may petition a court of competent jurisdiction in the
county where the person’s residence or principal place of
business is located, upon which the court must issue an order
requiring such person to obey the subpoena or show cause for
failing to obey the subpoena. Unless the person shows sufficient
cause for failing to obey the subpoena, the court must direct
the person to obey the subpoena. Failure to comply with such
order constitutes contempt of court.

(4) For the purpose of any investigation, examination, or
proceeding initiated by the department under this chapter, the
department may designate agents to serve subpoenas and other
process and administer oaths or affirmations.

(5) Witnesses subpoenaed under this section are entitled to
witness fees at the same rate established by s. 92.142 for
witnesses in a civil case, except that witness fees are not
payable for appearance at the witness’s place of business during
regular business hours or at the witness’s residence.

(6) The department may adopt rules to administer this
section.

Section 49. Subsection (4) of section 323.001, Florida
Statutes, is amended to read:

323.001 Wrecker operator storage facilities; vehicle
holds.—

(4) The requirements for a written hold apply when the
following conditions are present:
(a) The officer has probable cause to believe the vehicle
should be seized and forfeited under the Florida Contraband
Forfeiture Act, ss. 932.701-932.7062;
(b) The officer has probable cause to believe the vehicle
should be seized and forfeited under chapter 379;
(c) The officer has probable cause to believe the vehicle
was used as the means of committing a crime;
(d) The officer has probable cause to believe that the
vehicle is itself evidence that tends to show that a crime has
been committed or that the vehicle contains evidence, which
cannot readily be removed, which tends to show that a crime has
been committed;
(e) The officer has probable cause to believe the vehicle
was involved in a traffic crash accident resulting in death or
personal injury and should be sealed for investigation and
collection of evidence by a vehicular homicide investigator;
(f) The vehicle is impounded or immobilized pursuant to s.
316.193 or s. 322.34; or
(g) The officer is complying with a court order.
Section 50. Paragraph (c) of subsection (1), paragraph (c)
of subsection (2), and subsection (4) of section 323.002,
Florida Statutes, are amended to read:
323.002 County and municipal wrecker operator systems;
penalties for operation outside of system.—
(1) As used in this section, the term:
(c) “Wrecker operator system” means a system for the towing
or removal of wrecked, disabled, or abandoned vehicles, similar
to the Florida Highway Patrol wrecker operator system described
in s. 321.051(2), under which a county or municipality contracts
with one or more wrecker operators for the towing or removal of
wrecked, disabled, or abandoned vehicles from crash accident
scenes, streets, or highways. A wrecker operator system shall
include using a method for apportioning the towing assignments
among the eligible wrecker operators through the creation of
geographic zones, a rotation schedule, or a combination of these
methods.
(2) In any county or municipality that operates a wrecker
operator system:
(c) When an unauthorized wrecker operator drives by the
scene of a wrecked or disabled vehicle and the owner or operator
initiates contact by signaling the wrecker operator to stop and
provide towing services, the unauthorized wrecker operator must
disclose in writing to the owner or operator of the vehicle his
or her full name and driver license number, that he or she is
not the authorized wrecker operator who has been designated as
part of the wrecker operator system, that the motor vehicle is
not being towed for the owner’s or operator’s insurance company
or lienholder, whether he or she has in effect an insurance
policy providing at least $300,000 of liability insurance and at
least $50,000 of on-hook cargo insurance, and the maximum
charges for towing and storage which will apply before the
vehicle is connected to the towing apparatus. The unauthorized
wrecker operator must also provide a copy of the disclosure to
the owner or operator in the presence of a law enforcement
officer if such officer is at the scene of a motor vehicle crash
accident. Any person who violates this paragraph commits a
misdemeanor of the second degree, punishable as provided in s.
Section 51. Section 324.011, Florida Statutes, is amended to read:

324.011 Purpose of chapter.—It is the intent of this chapter to recognize the existing privilege to own or operate a motor vehicle on the public streets and highways of this state when such vehicles are used with due consideration for others and their property, and to promote safety and provide financial security requirements for such owners or operators whose responsibility it is to recompense others for injury to person or property caused by the operation of a motor vehicle.

Therefore, it is required herein that the operator of a motor vehicle involved in a crash or convicted of certain traffic offenses meeting the operative provisions of s. 324.051(2) shall respond for such damages and show proof of financial ability to respond for damages in future crashes as a requisite to his or her future exercise of such privileges.

Section 52. Subsection (1) of section 324.022, Florida Statutes, is amended to read:

324.022 Financial responsibility for property damage.—

(1) Every owner or operator of a motor vehicle registered in this state shall establish and maintain the ability to respond in damages for liability on account of crashes arising out of the use of the motor vehicle in the amount of $10,000 because of damage to, or destruction of, property of others in any one crash. The requirements of this section may be met by one of the methods established in s. 324.031; by self-insuring as authorized by s. 768.28(16); or by maintaining an insurance policy providing coverage for property damage liability in the amount of at least $10,000 because of damage to, or destruction of, property of others in any one crash arising out of the use of the motor vehicle. The requirements of this section may also be met by having a policy which provides coverage in the amount of at least $30,000 for combined property damage liability and bodily injury liability for any one crash arising out of the use of the motor vehicle. The policy, with respect to coverage for property damage liability, must meet the applicable requirements of s. 324.151, subject to the usual policy exclusions that have been approved in policy forms by the Office of Insurance Regulation. No insurer shall have any duty to defend uncovered claims irrespective of their joinder with covered claims.

Section 53. Section 324.023, Florida Statutes, is amended to read:

324.023 Financial responsibility for bodily injury or death.—In addition to any other financial responsibility required by law, every owner or operator of a motor vehicle required by law, every owner or operator of a motor vehicle that was used during the offense may be immediately removed and impounded pursuant to subsection (3).

(4) This section does not prohibit, or in any way prevent, the owner or operator of a vehicle involved in a crash or otherwise disabled from contacting any wrecker operator for the provision of towing services, whether the wrecker operator is an authorized wrecker operator or not.

In addition to any other financial responsibility required by law, every owner or operator of a motor vehicle involved in a crash or convicted of certain traffic offenses meeting the operative provisions of s. 324.051(2) shall respond for damages and show proof of financial ability to respond in damages for liability on account of crashes arising out of the use of the motor vehicle in the amount of $10,000 because of damage to, or destruction of, property of others in any one crash. The requirements of this section may be met by one of the methods established in s. 324.031; by self-insuring as authorized by s. 768.28(16); or by maintaining an insurance policy providing coverage for property damage liability in the amount of at least $10,000 because of damage to, or destruction of, property of others in any one crash arising out of the use of the motor vehicle. The requirements of this section may also be met by having a policy which provides coverage in the amount of at least $30,000 for combined property damage liability and bodily injury liability for any one crash arising out of the use of the motor vehicle. The policy, with respect to coverage for property damage liability, must meet the applicable requirements of s. 324.151, subject to the usual policy exclusions that have been approved in policy forms by the Office of Insurance Regulation. No insurer shall have any duty to defend uncovered claims irrespective of their joinder with covered claims.
316.193 after October 1, 2007, shall, by one of the methods established in s. 324.031(1) or (2), establish and maintain the ability to respond in damages for liability on account of the use of a motor vehicle in accidents arising out of the use of a motor vehicle in the state or any municipality therein.

Section 54. Paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 324.051, Florida Statutes, are amended to read:

324.051 Reports of crashes; suspensions of licenses and registrations.—

(b) The department is hereby further authorized to require reports of crashes from individual owners or operators whenever it deems it necessary for the proper administration of this chapter, and these reports shall be made without prejudice except as specified in this subsection. No such report shall be used as evidence in any trial arising out of a crash. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the crash accident if that person’s privilege against self-incrimination is not violated.

(2)(a) Thirty days after receipt of notice of any crash accident described in paragraph (1)(a) involving a motor vehicle within this state, the department shall suspend, after due notice and opportunity to be heard, the license of each operator and all registrations of the owner of the vehicles operated by such operator whether or not involved in such crash and, in the case of a nonresident owner or operator, shall suspend such nonresident’s operating privilege in this state, unless such operator or owner shall, prior to the expiration of such 30 days, be found by the department to be exempt from the operation of this chapter, based upon evidence satisfactory to the department that:

1. The motor vehicle was legally parked at the time of such crash.

2. The motor vehicle was owned by the United States Government, this state, or any political subdivision of this state or any municipality therein.

3. Such operator or owner has secured a duly acknowledged written agreement providing for release from liability by all parties injured as the result of said crash and has complied with one of the provisions of s. 324.031.

4. Such operator or owner has deposited with the department security to conform with s. 324.061 when applicable and has
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compiled with one of the provisions of s. 324.031.

5. One year has elapsed since such owner or operator was
suspended pursuant to subsection (3), the owner or operator has
complied with one of the provisions of s. 324.031, and no bill
of complaint of which the department has notice has been filed
in a court of competent jurisdiction.

No such policy or bond shall be effective under this subsection
unless it contains limits of not less than those specified in s.
324.021(7).

Section 55. Subsections (2), (3), and (4) of section
324.242, Florida Statutes, are amended to read:

(2) Upon receipt of a request and proof of a crash report
as required under s. 316.065, s. 316.066, or s. 316.068, or a
crash report created pursuant to the laws of another state, the
department shall release the policy number for a policy covering
a vehicle involved in a motor vehicle crash accident to:

(a) Any person involved in such crash accident;
(b) The attorney of any person involved in such crash
accident; or
(c) A representative of the insurer of any person involved
in such crash accident.

(3) The department shall provide personal injury protection
and property damage liability insurance policy numbers to
department-approved third parties that provide data collection
services to an insurer of any person involved in such crash
accident.

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(4) Before the department’s release of a policy number in
accordance with subsection (2) or subsection (3), an insurer’s
representative, a contracted third party, or an attorney for a
person involved in a crash accident must provide the
department with documentation confirming proof of
representation.

Section 56. Section 328.30, Florida Statutes, is amended to
read:

328.30 Transactions by electronic or telephonic means.—
(1) The Department of Highway Safety and Motor Vehicles may
accept any application provided for under this part chapter by
electronic or telephonic means.
(2) The department may issue an electronic certificate of
title in lieu of printing a paper title.
(3) The department or tax collector may collect electronic
mail addresses or cellular telephone numbers and use electronic
mail or text messages in lieu of the United States Postal
Service for the purpose of providing information related to
Department of Highway Safety and Motor Vehicles functions in
accordance with chapter 119 and pursuant to the federal Driver
Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The
provision of electronic mail addresses and cellular telephone
numbers by the applicant is optional and, before collection
pursuant to this subsection, the department or tax collector
shall disclose to the applicant the purposes for which the
electronic mail addresses and cellular telephone numbers may be
used internal purposes.

Section 57. Subsection (3) of section 328.40, Florida
Statutes, is amended to read:

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328.40 Administration of vessel registration and titling laws; records.—

(3) All records made or kept by the Department of Highway Safety and Motor Vehicles under this part are subject to inspection and copying as provided in chapter 119 law are public records except for confidential reports.

Section 58. Subsection (1) of section 328.73, Florida Statutes, is amended to read:

328.73 Registration; duties of tax collectors.—

(1) The tax collectors in the counties of the state, as authorized agents of the department, shall issue registration certificates and vessel numbers and decals to applicants, subject to the requirements of law and in accordance with rules of the department. For the purpose of enhancing customer services provided by tax collectors acting on behalf of the department, the department, contingent upon an approved request and memorandum of understanding, shall provide tax collectors, and tax collector-approved agents and vendors with real-time access to data that other third parties receive from the department related to registration certificates and vessel numbers and decals, including, but not limited to, the most current address information and electronic mail addresses of applicants. The memorandum of understanding as required under this paragraph may not be more restrictive than any memorandum of understanding between the department and other third-party vendors.

Section 59. Section 328.80, Florida Statutes, is amended to read:

328.80 Transactions by electronic or telephonic means.—

(1) The Department of Highway Safety and Motor Vehicles commission is authorized to accept any application provided for under this part chapter by electronic or telephonic means.

(2) The department or tax collector may collect electronic mail addresses or cellular telephone numbers and use electronic mail or text messages in lieu of the United States Postal Service for the purpose of providing information related to Department of Highway Safety and Motor Vehicles functions in accordance with chapter 119 and pursuant to the federal Driver Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. The provision of electronic mail addresses and cellular telephone numbers by the applicant is optional and, before collection pursuant to this subsection, the department or tax collector shall disclose to the applicant the purposes for which the electronic mail addresses and cellular telephone numbers may be used.

Section 60. Subsection (4) of section 627.7415, Florida Statutes, is amended to read:

627.7415 Commercial motor vehicles; additional liability insurance coverage.—Commercial motor vehicles, as defined in s. 207.002 or s. 320.01, operated upon the roads and highways of this state shall be insured with the following minimum levels of combined bodily liability insurance and property damage liability insurance in addition to any other insurance requirements:

(4) All commercial motor vehicles subject to regulations of the United States Department of Transportation, 49 C.F.R. part 387, subparts A and B, and as may be hereinafter amended, shall be insured in an amount equivalent to the minimum requirements.
levels of financial responsibility as set forth in such regulations.

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 61. Subsection (2) of section 316.251, Florida Statutes, is amended to read:

316.251 Maximum bumper heights.—

(2) “New motor vehicles” as defined in s. 319.001, “antique automobiles” as defined in s. 320.08, “horseless carriages” as defined in s. 320.086, and “street rods” as defined in s. 320.0863 shall be excluded from the requirements of this section.

Section 62. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

655.960 Definitions; ss. 655.960-655.965.—As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

(1) “Access area” means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003 (84)(a) or (b), including any adjacent sidewalk, as defined in s. 316.003.

Section 63. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

655.960 Definitions; ss. 655.960-655.965.—As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

(1) “Access area” means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003 (84)(a) or (b), including any adjacent sidewalk, as defined in s. 316.003.

Section 64. Subsection (5) of section 856.015, Florida Statutes, is amended to read:

856.015 Open house parties.—

(5) If a violation of subsection (2) causes or contributes to causing serious bodily injury, as defined in ss. 316.1933, or death to the minor, or if the minor causes or contributes to causing serious bodily injury or death to another as a result of the minor’s consumption of alcohol or drugs at the open house party, the violation is a misdemeanor of the first degree, punishable as provided in ss. 775.082 or s. 775.083.

Section 65. This act shall take effect July 1, 2019.
To: Senator Travis Hutson, Chair  
Appropriations Subcommittee on Transportation, Tourism, and Economic Development  

Subject: Committee Agenda Request  

Date: April 8, 2019  

I respectfully request that Senate Bill #7090, relating to Department of Highway Safety and Motor Vehicles, be placed on the:

☐ committee agenda at your earliest possible convenience.
✓ next committee agenda.

[Signature]
Senator Tom Lee  
Florida Senate, District 20
Meeting Date: 4/14/19
Bill Number (if applicable): 7090
Amendment Barcode (if applicable): 304522

Topic: ___________________________________________

Name: Leslie Dughi ______________________________

Job Title: _______________________________________

Address: 101 E. College Avenue _____________________
Street

Phone: ___________________________________________

Email: __________________________________________

City: ___________________________________________
State: __________________ Zip: _________________

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

Representing: Enterprise, National, and Alamo

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

Lobbyist registered with Legislature: [ ] Yes [ ] No

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

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

S-001 (10/14/14)
THE FLORIDA SENATE

APPEARANCE RECORD

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

April 16, 2019
Meeting Date

7090
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic

Erin Ballas
Name

Job Title

730 E. Park Ave
Address

Tallahassee, FL 32301
City
State Zip

850-728-6387
Phone

erin.ballas@paconsultants.com
Email

Speaking: □ For □ Against □ Information

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

Representing National Waste and Recycling Association

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.

This form is part of the public record for this meeting.
April 16, 2019
Meeting Date

Topic

Name Erin Ballas

Job Title

Address 730 E. Park Ave.
          Tallahassee, FL 32301

Phone 850-728-6387

Email Erinballas@paconsultant.com

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

Representing National Waste and Recycling Association

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

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

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

Appearance Record

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

Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic

Name ALIX MILLER

Job Title VICE PRESIDENT

Address 300 E College Ave

Street Tallahassee FL 32301

City State Zip

Phone 850-222-9900

Email ALIX@FITrucking.org

Speaking: [ ] For [ ] Against [ ] Information

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

Representing FLORIDA TRUCKING ASSOCIATION

Appearing at request of Chair: [ ] Yes [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.

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

PCS/SB 7092 allows the Department of Highway Safety and Motor Vehicles (DHSMV) to collect an initial and annual renewal fee for apportionable vehicles of $28.00 for a validation sticker.

SB 7092 takes effect on the same date that SB 7090 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Article VII, s. 19 of the Florida Constitution requires the imposition, authorization, or raising of a state tax or fee be contained in a separate bill that contains no other subject and be approved by two-thirds of the membership of each house of the Legislature. As such, Art. VII, s. 19 of the Florida Constitution may apply if the provisions in the bill are interpreted to be new fees.

II. Present Situation:

The present situation for each issue in the bill is discussed below in conjunction with the Effect of the Proposed Changes.
III. **Effect of Proposed Changes:**

**Issuance of Apportionable Vehicle Plates**

*Present Situation*

Florida law requires all apportionable vehicles domiciled in Florida to be registered in accordance with the IRP and to display required license plates.\(^1\)

Section 320.06, F.S., requires registration license plates, which bear a graphic symbol and alphanumeric system of identification, to be issued for a 10-year period. However, “Apportioned” license plates issued to vehicles registered under the IRP are issued annually.\(^2\) Apportioned vehicles are also issued an annual cab card that denotes the declared gross vehicle weight for each apportioned jurisdiction where the vehicle is authorized to operate.\(^3\)

Section 320.0607, F.S., requires an applicant to pay a fee of $28 upon the issuance of an original license plate (whether every 10 years or annually for apportioned vehicles), which is deposited into the Highway Safety Operating Trust Fund.

*Effect of Proposed Changes*

SB 7090 amends s. 320.06, F.S., to require that upon implementation of a new operating system for apportioned vehicle registration, a vehicle registered in accordance with the IRP will be issued a license plate for a five-year period, an annual cab card denoting the declared gross vehicle weight, and an annual validation sticker showing the month and year of expiration.

The license plate and validation sticker will be issued based on the applicant’s appropriate renewal period. The registration period for an apportionable vehicle is 12 months and the validation sticker is valid for 12 months. The bill provides that the fee must be deposited into the Highway Safety Operating Trust Fund.

Currently, applicants must annually pay a fee of $28. This bill allows the DHSMV to charge and collect the $28 fee for the initial validation sticker and any renewed validation sticker (section 2).

*Effective Date*

The bill takes effect on the same date that SB 7090 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

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\(^1\) Section 320.0715(1), F.S.
\(^2\) Section 320.06(1)(b)1., F.S.
IV. **Constitutional Issues:**

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

None.

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

None.

C. **Trust Funds Restrictions:**

None.

D. **State Tax or Fee Increases:**

Article VII, s. 19 of the Florida Constitution requires the imposition, authorization, or raising of a state tax or fee be contained in a separate bill that contains no other subject and be approved by two-thirds of the membership of each house of the Legislature. As such, Art. VII, s. 19 of the Florida Constitution may apply if the fee provisions in the bill are interpreted to be new fees.

E. **Other Constitutional Issues:**

None.

V. **Fiscal Impact Statement:**

A. **Tax/fee Issues:**

None.

B. **Private Sector Impact:**

The bill does not increase the current fee for apportioned vehicles.

C. **Government Sector Impact:**

The bill is anticipated to have a net zero impact to the state.

The bill allows the DHSMV to charge and collect the $28 annual fee for deposit into the Highway Safety Operating Trust Fund on the initial validation sticker and each renewal validation sticker. Under existing statute, the $28 fee is paid upon initial issuance and annual reissuance of the “Apportioned” license plates issued to vehicles registered under the IRP.\(^4\)

\(^4\) Section 320.06(1)(b)1., F.S.
VI. **Technical Deficiencies:**
None.

VII. **Related Issues:**
None.

VIII. **Statutes Affected:**
The bill substantially amends the section 320.06 of the Florida Statutes.

IX. **Additional Information:**

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

**Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on April 16, 2019:**
The committee substitute removes the sections of the bill related to costs to obtain an order granting a subpoena and costs related to expedited shipping. These provisions have been amended and incorporated into SB 7090.

B. **Amendments:**

**SPB by Infrastructure and Security on April 2, 2019:**
The SPB was amended to incorporate the linked bill number of SB 7090.

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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.
Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Lee) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) of section 320.06, Florida Statutes, as amended by SB 7090, 2019 Regular Session, is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—
(1)

(b)1. Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year period. At the end of the 10-year period, upon renewal, the plate shall be replaced. The department shall extend the scheduled license plate replacement date from a 6-year period to a 10-year period. The fee for such replacement is $28, $2.80 of which shall be paid each year before the plate is replaced, to be credited toward the next $28 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund may not be given for any prior years’ payments of the prorated replacement fee if the plate is replaced or surrendered before the end of the 10-year period, except that a credit may be given if a registrant is required by the department to replace a license plate under s. 320.08056(8)(a). With each license plate, a validation sticker shall be issued showing the owner’s birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. The license plate and validation sticker shall be issued based on the applicant’s appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant’s appropriate registration period.

2. A vehicle that has an apportioned registration shall be issued an annual license plate and a cab card denoting the declared gross vehicle weight for each apportioned jurisdiction. This subparagraph expires January 1, 2023.
3. Upon implementation of a new operating system for apportioned vehicle registration, a vehicle registered in accordance with the International Registration Plan must be issued a license plate for a 5-year period, an annual cab card denoting the declared gross vehicle weight for each apportioned jurisdiction, and an annual validation sticker showing the month and year of expiration. The validation sticker must be placed in the center of the license plate. The license plate and validation sticker must be issued based on the applicant’s appropriate renewal period. The registration period is 12 months. The fee for the initial validation sticker and any renewed validation sticker is $28. This fee must be deposited into the Highway Safety Operating Trust Fund. If the license plate is damaged or worn, it may be replaced at no charge by applying to the department and surrendering the current license plate.

4. In order to retain the efficient administration of the taxes and fees imposed by this chapter, the 80-cent fee increase in the replacement fee imposed by chapter 2009-71, Laws of Florida, is negated as provided in s. 320.0804.

Section 2. This act shall take effect on the same date that SB 7090 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert:
A bill to be entitled
An act relating to fees; amending s. 320.06, F.S.;
requiring a specified fee for certain validation
stickers; providing a contingent effective date.
A bill to be entitled An act relating to fees; amending s. 319.1414, F.S.; requiring that costs incurred by the Department of Highway Safety and Motor Vehicles to obtain a certain order be charged to a subpoenaed person; amending s. 320.06, F.S.; requiring a specified fee for certain validation stickers; amending s. 320.861, F.S.; requiring that costs incurred by the department to obtain a certain order be charged to a subpoenaed person; providing a fee for the expedited shipping of a renewal or replacement driver license or identification card; amending s. 322.21, F.S.; requiring a certain fee for the expedited shipping of a renewal or replacement driver license or identification card; amending s. 322.71, F.S.; requiring that costs incurred by the department to obtain a certain order be charged to a subpoenaed person; providing a contingent effective date. 

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

Section 1. Subsection (3) of section 319.1414, Florida Statutes, as created by SB 7090, 2019 Regular Session, is amended to read:

319.1414 Investigations; examinations; subpoenas; hearings; witnesses.—
(3) If a person refuses to testify, produce books, papers, documents, or records, or otherwise obey a subpoena or subpoena duces tecum issued under subsection (2), the department may file a petition a court of competent jurisdiction in the county where the person’s residence or principal place of business is located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court shall direct the person to obey the subpoena. Costs incurred by the department to obtain an order granting, in whole or in part, its petition must be charged to the subpoenaed person. Failure to comply with such order is contempt of court.

Section 2. Paragraph (b) of subsection (1) of section 320.06, Florida Statutes, as amended by SB 7090, 2019 Regular Session, is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—
(1) 1. Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year period. The fee for such replacement is $28, $2.80 of which shall be paid each year before the plate is renewed, the plate shall be replaced. The department shall extend the scheduled license plate replacement date from a 6-year period to a 10-year period. The fee for such replacement is $28, $2.80 of which shall be paid each year before the plate is replaced, to be credited toward the next $28 replacement fee. The fees shall be deposited into the Highway Safety and Motor Vehicles Trust Fund. A credit or refund may not be given for any prior years’ payments of the prorated replacement fee if the plate is replaced or surrendered before the end of the 10-year period, except that a credit may be given if a registrant is required by the department to replace a license plate under s. 320.08056(8)(a). With each license plate, a validation sticker...
An applicant who submits an application for a renewal of a license plate or cab card shall be issued showing the owner’s birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. The license plate and validation sticker shall be issued based on the applicant’s appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant’s appropriate registration period.

2. A vehicle that has an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate. This subparagraph expires October 1, 2019.

3. Upon implementation of a new operating system for apportioned vehicle registration, a vehicle registered in accordance with the International Registration Plan which has an apportioned registration must be issued a license plate for a 5-year period, an annual cab card denoting the declared gross vehicle weight, and an annual validation sticker showing the month and year of expiration. The validation sticker must be placed in the center of the license plate. The license plate and validation sticker must be issued based on the applicant’s appropriate renewal period. The registration period is 12 months. The fee for the initial validation sticker and any renewed validation sticker is $28. This fee must be deposited into the Highway Safety Operating Trust Fund. If the license plate is damaged or worn, it may be replaced at no charge by applying to the department and surrendering the current license plate.

4. In order to retain the efficient administration of the taxes and fees imposed by this chapter, the 80-cent fee increase in the replacement fee imposed by chapter 2009-71, Laws of Florida, is negated as provided in s. 320.0804.

Section 3. Subsection (3) of section 320.861, Florida Statutes, as created by SB 7090, 2019 Regular Session, is amended to read:

320.861 Investigations; subpoenas and other process; oaths; rules.—

(3) If a person refuses to testify, produce books, papers, documents, or records, or otherwise obey the subpoena or subpoena duces tecum issued under subsection (2), the department may petition a court of competent jurisdiction in the county where the person’s residence or principal place of business is located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court must direct the person to obey the subpoena. Costs incurred by the department to obtain an order granting, in whole or in part, its petition shall be charged to the subpoenaed person. Failure to comply with such order is contempt of court.

Section 4. Subsection (10) of section 322.21, Florida Statutes, as created by SB 7090, 2019 Regular Session, is amended to read:

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

(10) An applicant who submits an application for a renewal
ordin driver license or identification card to the department using a convenience service must be provided with an option for expedited shipping in which the department, at the applicant’s request, must issue the license or identification card within 5 working days after receipt of the application and ship the license or card using an expedited mail service. A fee must be charged for the expedited shipping option, not to exceed the cost of the expedited mail service, which is in addition to fees imposed by s. 322.051 or this section, or for the convenience service. Fees collected for the expedited shipping option shall be deposited into the Highway Safety Operating Trust Fund.

Section 5. Subsection (3) of section 322.7, Florida Statutes, as created by SB 7090, 2019 Regular Session, is amended to read:

322.71 Investigations; subpoenas and other process; oaths; rules.—
(3) If a person refuses to testify, produce books, papers, documents, or records, or otherwise obey the subpoena or subpoena duces tecum issued under subsection (2), the department may petition a court of competent jurisdiction in the county where the person’s residence or principal place of business is located, upon which the court must issue an order requiring such person to obey the subpoena or show cause for failing to obey the subpoena. Unless the person shows sufficient cause for failing to obey the subpoena, the court must direct the person to obey the subpoena. Costs incurred by the department to obtain an order granting, in whole or in part, its petition shall be charged to the subpoenaed person. Failure to comply with such order is contempt of court.

Section 6. This act shall take effect on the same date that SB 7090 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.
To: Senator Travis Hutson, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic Development

Subject: Committee Agenda Request

Date: April 8, 2019

I respectfully request that Senate Bill #7092, relating to Fees/Department of Highway Safety and Motor Vehicles - 2019, be placed on the:

☐ committee agenda at your earliest possible convenience.
☒ next committee agenda.

Senator Tom Lee
Florida Senate, District 20
I. **Summary:**

SB 7094 creates public records exemptions for records held by the Department of Highway Safety and Motor Vehicles (DHSMV):

- Personal information, including highly restricted personal information, contained in any record that pertains to a vessel title or vessel registration issued by the DHSMV;
- Verified email addresses and cell phone numbers collected by the DHSMV; and
- Information received by the DHSMV as a result of an investigation or examination, until the investigation or examination ceases to be active or administrative action taken by the DHSMV has concluded or been made part of any hearing or court proceeding.

The exemptions created by the bill will be repealed on October 2, 2024, unless reviewed and reenacted by the Legislature. The bill contains a public necessity statement as required by the Florida Constitution. Because the bill creates a new public records exemption and expands a current public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill takes effect on the same date that SB 7090 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

II. **Present Situation:**

**Public Records Law**

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.\(^1\) This applies to the official business of the DHSMV.

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\(^1\) FLA. CONST., art. I, s. 24(a).
of any public body, officer, or employee of the state, including all three branches of state
government, local governmental entities, and any person acting on behalf of the government.\(^2\)

Chapter 119, F.S., known as the Public Records Act, constitutes the main body of public records
laws.\(^3\) The Public Records Act states that

\[\text{[i]t is the policy of this state that all state, county, and municipal records}
\text{are open for personal inspection and copying by any person. Providing}
\text{access to public records is a duty of each agency.}\(^4\)

The Public Records Act typically contains general exemptions that apply across agencies. Agency-
or program-specific exemptions often are placed in the substantive statutes
relating to that particular agency or program.

The Public Records Act does not apply to legislative or judicial records.\(^5\) Legislative records are
public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified
primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.

A public record includes virtually any document or recording, regardless of its physical form or
how it may be transmitted.\(^6\) The Florida Supreme Court has interpreted public records as being
“any material prepared in connection with official agency business which is intended to
perpetuate, communicate, or formalize knowledge of some type.”\(^7\)

The Florida Statutes specify conditions under which public access to governmental records must
be provided. The Public Records Act guarantees every person’s right to inspect and copy any
state or local government public record at any reasonable time, under reasonable conditions, and
under supervision by the custodian of the public record.\(^8\) A violation of the Public Records Act
may result in civil or criminal liability.\(^9\)

Only the Legislature may create an exemption to public records requirements.\(^10\) An exemption
must be created by general law and must specifically state the public necessity justifying the

\(^{2}\) Id.
\(^{3}\) Public records laws are found throughout the Florida Statutes.
\(^{4}\) Section 119.01(1), F.S.
\(^{6}\) Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs,
films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means
of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by
any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer,
department, division, board, bureau, commission, or other separate unit of government created or established by law
including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of
Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf
of any public agency.”
\(^{7}\) Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc., 379 So. 2d 633, 640 (Fla. 1980).
\(^{8}\) Section 119.07(1)(a), F.S.
\(^{9}\) Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those
laws.
\(^{10}\) FLA. CONST., art. I, s. 24(c).
exemption. An exemption serves an identifiable purpose if it meets one of the following statutory purposes, the Legislature finds that the purpose of the exemption outweighs open government policy, and the purpose cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt; or
- It protects trade or business secrets.

Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. Additionally, a bill enacting an exemption may not contain other substantive provisions and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.

When creating or expanding a public records exemption, the Legislature may provide that a record is “confidential and exempt” or “exempt.” Records designated as “confidential and exempt” may be released by the records custodian only under the circumstances defined by the Legislature or pursuant to a court order. Records designated as ‘exempt’ may be released at the discretion of the records custodian under certain circumstances.

**Open Government Sunset Review Act**

The Open Government Sunset Review Act (the act) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions, with specified exceptions. It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption. The act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary to meet such public purpose.

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11 Id.
12 Section 119.15(6)(b)1., F.S.
13 Section 119.15(6)(b)2., F.S.
14 The bill may, however, contain multiple exemptions that relate to one subject.
15 FLA. CONST., art. I, s. 24(c).
16 If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. WFTV, Inc. v. The Sch. Bd. of Seminole, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).
17 Williams v. City of Minneola, 575 So. 2d 683 (Fla. 5th DCA 1991).
18 Section 119.15, F.S. An exemption is substantially amended if the amendment expands the scope of the exemption to include more records or information or to include meetings as well as records (s. 119.15(4)(b), F.S.). The requirements of the Act do not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System (s. 119.15(2), F.S.).
19 Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.
20 Section 119.15(3), F.S.
21 Section 119.15(6)(b), F.S. In examining an exemption, the Review Act asks the Legislature to carefully question the purpose and necessity of reenacting the exemption, and specifically requires that the Legislature consider the following questions:
III. Effect of Proposed Changes:

Subpoena and Investigative Authority

Present Situation

The DHSMV has jurisdiction over multiple chapters of Florida Statutes, for which they do not have subpoena authority, without which they are often unable to obtain documents and testimony from third-party entities (banks, tow companies, etc.) to conduct administrative or criminal investigations.

Effect of Proposed Changes

SB 7090 creates ss. 319.1414 and 322.71, F.S., and amends ss. 319.25 and 320.861, F.S., authorizing the DHSMV to exercise the power of subpoena and to administer oaths or affirmations, examine witnesses, require affidavits, take depositions, and compel the attendance of witnesses and the production of books, papers, documents, records, and other evidence (sections 25, 34, and 48 of SB 7090). The subpoena is to be used for investigations or examinations conducted by the DHSMV of suspected violations of chs. 319, 320, or 322, F.S., and may be served by an authorized representative of the DHSMV.

This bill creates a confidential and exempt standard for information received by the department as a result of an investigation or examination conducted pursuant to ss. 319.1414, 319.25, 320.861, F.S., and ch. 322, F.S. (amending s. 322.71, F.S.) (sections 3, 4, 5, and 6).

The bill requires that such information may be disclosed when the investigation or examination ceases to be active or administrative action taken by the DHSMV has concluded or been made part of any hearing or court proceeding. The DHSMV may release information that is made confidential and exempt in furtherance of its official duties and responsibilities or, if released to another governmental agency, in the furtherance of that agency’s official duties and responsibilities.

The bill includes a public necessity statement, stating that release of such information could jeopardize the integrity of the investigation or examination and impair the DHSMV’s ability to perform its official duties and responsibilities under the laws (Section 7).

The exemptions are repealed October 2, 2024, unless reviewed and saved from repeal by the Legislature.

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?
Collection and Use of Cellular Telephone Numbers

Present Situation

The DHSMV lacks statutory authority to collect and use cell phone numbers as a method to communicate with customers in an expedited manner. Florida Statutes already allow the DHSMV to collect email addresses. Email addresses may be used, in lieu of the U.S. Postal Service, to provide certain renewal notices, including registration renewal notices, driver license renewal notices, and vessel registration renewal notices. However, current law does not allow the e-mail to be used for other business purposes.22

Email address collected by the DHSMV for registration purposes are currently exempt from public records under s. 119.0712(2), F.S. The current exemption expires on October 2, 2020, unless reviewed and saved from repeal by the Legislature.

Effect of Proposed Changes

SB 7090 amends ss. 319.40, 320.95, 322.08, 328.30, and 328.80, F.S. (sections 26, 35, 41, 56, and 59 of SB 7090), to authorize the DHSMV and tax collectors to collect and use email addresses and cell phone numbers to contact customers for business reasons other than purposes related to motor vehicle, vessel, and driver license registration and renewal. This must be done in accordance with ch. 119, F.S., and the federal Driver Privacy Protection Act.

Providing an email address or cell phone number is optional for the applicant, and before collecting an email address or cell phone number the DHSMV or tax collector must disclose to the applicant the purposes for which the contacts may be used.

The DHSMV provided some examples of business reasons for which a customer’s email and cell phone number may be used: allowing customers to subscribe to services such as receiving email alerts and text messages when it is time to renew driver license or motor vehicle registrations; to notify customers when adverse action has been taken against their licenses; to communicate online order statuses; and as part of a multi-factor authentication process to verify a user’s identity.23

This bill expands the current exemption for email addresses and creates a confidential and exempt standard for email addresses and cell phone numbers collected by the DHSMV pursuant to chs. 319, 320, 322, 324, or 328, F.S. (section 1, amending current s. 119.0712(2)(c), F.S.).

The bill requires the disclosure of an email address or cell phone number to tax collector if, by interagency agreement, the DHSMV authorizes the tax collector to send electronic communications to such email addresses or cell phone numbers for the purpose of providing information about the issuance of titles, registrations, disabled parking permits, driver licenses, and identification cards; renewal notices; or the tax collector’s office locations, hours of operation, contact information, driving skills testing locations, appointment scheduling information, or website information.

22 See ss. 319.40, 320.95, 322.08(10), 328.30, and 328.80, F.S.
23 Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, DHSMV Package - Fiscal (March 21, 2019) (on file with the Senate Infrastructure and Security Committee).
This exemption applies to email addresses and cell phone numbers held before, on, or after the effective date of the bill.

The bill includes a public necessity statement, stating that the computer system enhancements being made by the DHSMV will increase the ability of the department to communicate more effectively with customers and through email or text messaging (section 2). It further states that the impact on motorist privacy and risk of unsolicited commercial solicitations will have a chilling effect on motorists’ voluntary use of electronic portals to communicate with the DHSMV, thereby undermining the effective use of the computer system enhancements. The retroactive nature of the exemption is remedial in nature.

The exemption is repealed October 2, 2024, unless reviewed and saved from repeal by the Legislature.

**Administration of Vessel Registration and Titling Laws; Records**

**Present Situation**

The DHSMV has the authority to protect personal information contained in a motor vehicle record under the federal Driver Privacy Protection Act and s. 119.0712(2), F.S., and an entity that is allowed to receive motor vehicle record information may not use it for mass commercial solicitation of clients for litigation against motor vehicle dealers. No such protection for personal information contained in a vessel title or registration exists.

**Effect of Proposed Changes**

SB 7090 amends s. 328.40, F.S., to provide that the DHSMV must protect personal information contained in a vessel registration and title, subject to inspection and copying, as provided in ch. 119, F.S. (section 57 of SB 7090).

This bill creates a confidential and exempt standard for personal information, including highly restricted personal information, contained in any record that pertains to a vessel title or vessel registration issued by the DHSMV (section 1, creating s. 119.0712(2)(c), F.S).

The bill allows the release of such information in the same manner provided for a motor vehicle record pursuant to the federal Driver Privacy Protection Act. These uses include:

- In connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, parts, and dealers; motor vehicle market research activities; and removal of non-owner records from the original owner records of motor vehicle manufacturers.
- By any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, state, or local agency in carrying out its functions.
- In the normal course of business by a legitimate business or its agents, employees, or contractors:

24 18 USC ss. 2721 et seq.
To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and
If such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

- In connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to a court order.
- In research activities and in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.
- By any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating, or underwriting.
- In providing notice to the owners of towed or impounded vehicles.
- By any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.
- By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver’s license.
- In connection with the operation of private toll transportation facilities.
- In response to requests for individual motor vehicle records or for bulk distribution for surveys, marketing, or solicitation if the state has obtained the express consent of the person to whom such personal information pertains.
- By any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

This exemption applies to vessel records held before, on, or after the effective date of the bill.

The bill includes a public necessity statement, stating that federal law requires personal motorist information to be confidential when held by the DHSMV (section 2). It further states that while the federal law does not apply direct to vessel registration information, the personal information in vessel registrations is similar to the information contained in motor vehicle records. The unprotected status of the similar information in the vessel registrations undermines the protections of the federal law, “eroding the privacy and safety of motorists.” The retroactive nature of the exemption is remedial in nature.

The exemption is repealed October 2, 2024, unless reviewed and saved from repeal by the Legislature.

**Effective Date**

The bill takes effect on the same date that SB 7090 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.
IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:
None.

B. Public Records/Open Meetings Issues:

Vote Requirement
Article I, s. 24(c), of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. The bill expands an existing exemption and creates several exemptions. Therefore, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement
Article I, s. 24(c), of the State Constitution requires a bill that creates or expands an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Sections 2 and 7 of the bill contain statements of public necessity for the exemptions.

Breadth of Exemption
Article I, s. 24(c), of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The public necessity statement notes that:

- Release of investigation or examination information could obstruct or jeopardize the integrity of the investigation or examination.
- Vessel registration information contains similar information to information that is already protected in motor vehicle registrations.
- Release of customers’ email addresses or cell phone numbers could chill the use of the computer system enhancements of the DHSMV.

For these reasons, the exemptions do not appear broader than necessary to accomplish the stated purpose of the law.

C. Trust Funds Restrictions:
None.

D. State Tax or Fee Increases:
None.

E. Other Constitutional Issues:
None identified.
V. Fiscal Impact Statement:
   A. Tax/Fee Issues:
      None.
   B. Private Sector Impact:
      None.
   C. Government Sector Impact:
      None.

VI. Technical Deficiencies:
None.

VII. Related Issues:
None.

VIII. Statutes Affected:
The bill substantially amends the following sections of the Florida Statutes: 119.0712, 319.1414, 319.25, 320.861, and 322.71.

IX. Additional Information:
   A. Committee Substitute – Statement of Changes:
      (Summarizing differences between the Committee Substitute and the prior version of the bill.)
      None.
   B. Amendments:

      **SPB by Infrastructure and Security on April 2, 2019:**
      The SPB was amended to incorporate the linked bill number of SB 7090. The SPB was amended to change the phrase “verified texting” number to “cellular telephone” number.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 119.0712, Florida Statutes, is amended to read:

119.0712 Executive branch agency - specific exemptions from inspection or copying of public records. —
(2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES. —
(a) For purposes of this subsection, the term "motor vehicle record" means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by the Department of Highway Safety and Motor Vehicles.
(b) Personal information, including highly restricted personal information as defined in 18 U.S.C. s. 2725, contained in a motor vehicle record is confidential pursuant to the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq. Such information may be released only as authorized...
596-03792-19

by that act; however, information received pursuant to that act
may not be used for mass commercial solicitation of clients for
litigation against motor vehicle dealers.

(c)(1). Personal information, including highly restricted
personal information, contained in any record that pertains to a
vessel title or vessel registration issued by the Department of
Highway Safety and Motor Vehicles is confidential and exempt
from s. 119.07(1) and s. 24(a), Art. I of the State
Constitution. Such information in a vessel record may be
released only in the same manner provided for a motor vehicle
record pursuant to the federal Driver’s Privacy Protection Act
of 1994, 18 U.S.C. ss. 2721 et seq. This exemption applies to
vessel records held before, on, or after the effective date of
this exemption.

2. This paragraph is subject to the Open Government Sunset
Review Act in accordance with s. 119.15 and shall stand repealed
on October 2, 2024, unless reviewed and saved from repeal
through reenactment by the Legislature.

(d)1. E-mail addresses and cellular telephone numbers
collected by the Department of Highway Safety and Motor Vehicles
pursuant to chapter 319, chapter 320, chapter 322, chapter 324,
or chapter 328 s. 319.40(3), s. 320.95(2), or s. 322.08(9) are
classified as highly restricted personal information, contained in any record that pertains to a
vessel title or vessel registration issued by the Department of
Highway Safety and Motor Vehicles be made confidential and
exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State Constitution. This exemption applies to e-mail
addresses and cellular telephone numbers held before, on, or
after the effective date of this exemption.

2. The department may disclose such e-mail addresses or
cellular telephone numbers to a tax collector if, by interagency
agreement, the department authorizes the tax collector to send
electronic communications to such e-mail addresses or cellular
telephone numbers for the purpose of providing information about
the issuance of titles, registrations, disabled parking permits,
driver licenses, and identification cards; renewal notices; or
the tax collector’s office locations, hours of operation,
contact information, driving skills testing locations,
appointment scheduling information, or website information.

3. This paragraph is subject to the Open Government Sunset
Review Act in accordance with s. 119.15 and shall stand repealed
on October 2, 2024, unless reviewed and saved from repeal
through reenactment by the Legislature.

(e)1. Emergency contact information contained in a motor
vehicle record is confidential and exempt from s. 119.07(1) and
s. 24(a), Art. I of the State Constitution.

2. Without the express consent of the person to whom such
emergency contact information applies, the emergency contact
information contained in a motor vehicle record may be released
only to law enforcement agencies for purposes of contacting
those listed in the event of an emergency.

Section 2. (1) The Legislature finds that it is a public
necessity that personal information, contained in any record that pertains to a
vessel title or vessel registration issued by the Department of
Highway Safety and Motor Vehicles be made confidential and
exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
Article I of the State Constitution. Motorist personal
information, when held by the Department of Highway Safety and
Motor Vehicles in motor vehicle records, is confidential
pursuant to the federal Driver’s Privacy Protection Act of 1994.
CODING: Words **underlined** are additions.

18 U.S.C. ss. 2721 et seq., and s. 119.0712(2), Florida Statutes. These restrictions on the disclosure of motorist personal information do not apply to vessel titles or vessel registration. Because the personal information in vessel records comprises much of the same information contained in motor vehicle records, when personal information revealed in vessel records is made available to the public, the protections afforded by the federal Driver’s Privacy Protection Act of 1994, 18 U.S.C. ss. 2721 et seq., are significantly undermined, eroding the privacy and safety of motorists. Therefore, the Legislature finds that it is a public necessity to make personal information contained in such vessel records confidential and exempt from public records requirements. The Legislature further finds that this public records exemption must be given retroactive application because it is remedial in nature.

(2) The Legislature finds that it is a public necessity that e-mail addresses and cellular telephone numbers collected by the Department of Highway Safety and Motor Vehicles pursuant to chapter 319, chapter 320, chapter 322, chapter 324, or chapter 328, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. In order to communicate more effectively with motorists through enhancements in information technology, including efforts of the Motorist Modernization project, the Department of Highway Safety and Motor Vehicles seeks to increase communications with motorists through e-mail and text messaging. If the e-mail addresses or cellular telephone numbers of motorists are made available to the public, the impact on motorist privacy and risk of unsolicited commercial solicitation...
Section 4. Present subsection (8) of section 319.25,
Florida Statutes, as created by SB 7090, 2019 Regular Session,
is redesignated as subsection (9), and a new subsection (8) is
added to that section, to read:
319.25 Cancellation of certificates; investigations;
subpoenas and other process; oaths; rules.—
(8) Information received by the department as a result of
an investigation or examination conducted pursuant to this
section is confidential and exempt from disclosure requirements
in s. 119.07(1) and s. 24(a), Art. I of the State Constitution
until the investigation or examination ceases to be active or
administrative action taken by the department has concluded or
been made part of any hearing or court proceeding. The
department may release information that is made confidential and
exempt under this subsection in furtherance of its official
duties and responsibilities or, if released to another
governmental agency, in the furtherance of that agency’s
official duties and responsibilities. This subsection is subject
to the Open Government Sunset Review Act in accordance with s.
119.15 and shall stand repealed on October 2, 2024, unless
reviewed and saved from repeal through reenactment by the
Legislature.

Section 6. Present subsection (6) of section 320.861,
Florida Statutes, as created by SB 7090, 2019 Regular Session,
is redesignated as subsection (7), and a new subsection (6) is
added to that section, to read:
320.861 Investigations; subpoenas and other process; oaths;
rules.—
(6) Information received by the department as a result of
an investigation or examination conducted pursuant to this
chapter is confidential and exempt from disclosure requirements
in s. 119.07(1) and s. 24(a), Art. I of the State Constitution
until the investigation or examination ceases to be active or
administrative action taken by the department has concluded or
been made part of any hearing or court proceeding. The
department may release information that is made confidential and
exempt under this subsection in furtherance of its official
duties and responsibilities or, if released to another
governmental agency, in the furtherance of that agency’s
official duties and responsibilities. This subsection is subject
to the Open Government Sunset Review Act in accordance with s.
119.15 and shall stand repealed on October 2, 2024, unless
reviewed and saved from repeal through reenactment by the
Legislature.

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CODING: Words _______ are deletions; words _______ are additions.

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CODING: Words _______ are deletions; words _______ are additions.
Section 7. The Legislature finds that it is a public necessity that information received by the Department of Highway Safety and Motor Vehicles as a result of an investigation or examination conducted pursuant to s. 319.1414, s. 319.25, chapter 320 as provided in s. 320.861, and chapter 322 as provided in s. 322.71, Florida Statutes, be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution until the investigation or examination ceases to be active or administrative action taken by the department has concluded or been made part of any hearing or court proceeding. The department may release information that is made confidential and exempt under this subsection in furtherance of its official duties and responsibilities or, if released to another governmental agency, in the furtherance of that agency’s official duties and responsibilities. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 8. This act shall take effect on the same date that SB 7090 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.
To: Senator Travis Hutson, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic Development

Subject: Committee Agenda Request

Date: April 8, 2019

I respectfully request that Senate Bill #7094, relating to Public Records/Department of Highway Safety and Motor Vehicles, be placed on the:

☐ committee agenda at your earliest possible convenience.
☒ next committee agenda.

Senator Tom Lee
Florida Senate, District 20
1:04:09 PM Call to order - Sen. Hutson
1:04:12 PM Roll Call
1:04:33 PM Quorum
1:05:17 PM Tab 4 - SB 1610
1:05:23 PM Sen. Montford
1:11:39 PM AM. 678890
1:11:47 PM Sen. Montford
1:12:13 PM Richard Williams, ED, Opportunity Florida
1:13:43 PM Taylor Roose, Military Spouse, Affected Citizens of the Panhandle
1:19:47 PM Jeff Branch, Legislative Advocate, Florida League of Cities (waive in support)
1:19:59 PM Marty Eubanks, Consultant, Resident of Affected County (waive in support)
1:20:10 PM Chris Doolin, Consultant, Small County Coalition (waive in support)
1:20:14 PM Richard Gentry, Stand Up for North Florida (waive in support)
1:20:33 PM Sen. Torres
1:23:17 PM Sen. Montford
1:28:04 PM Roll Call SB 1610
1:28:27 PM SB 1610 - voted favorable
1:28:36 PM Tab 3 - SB 1162
1:28:47 PM Sen. Perry
1:29:31 PM Richard Williams, ED, Opportunity Florida (waive in support)
1:29:36 PM Marti Coley Eubanks, Consultant, David Melvin Engineering
1:29:43 PM Chris Doolin, Consultant, Small County Coalition
1:29:46 PM Melissa Mastro, Marketing Panama City
1:31:10 PM Lauren Mulinack, Citizen
1:34:39 PM Richard Gentry, Stand Up for North Florida (waive in support)
1:34:55 PM Roll Call SB 1162
1:35:16 PM SB 1162 - voted favorable
1:35:22 PM Tab 1 - SB 1104
1:35:30 PM AM. 647456
1:35:42 PM Sen. Perry
1:36:08 PM AM. 841850
1:36:15 PM Sen. Perry
1:36:29 PM AM. 841850 to AM. 647456 adopted
1:36:35 PM AM. 647456 adopted
1:36:44 PM Sam Wagoner, Lobbyist, Lake Sumter State College (waive in support)
1:36:58 PM Nicole Albers, Public Affairs Manager, Florida Municipal Electric Association (waive in support)
1:37:05 PM Suzannne Goss, Government Relations Specialist, JEA (waive in support)
1:37:32 PM SB 1104 cont.
1:37:38 PM Anna Higgins, Lobbyist, Naval Aviation Museum Foundation (waive in support)
1:37:40 PM Erin Ballas, Palm Beach Zoo (waive in support)
1:37:42 PM Sue Mullins, Florida Native Plant Society (waive in support)
1:37:46 PM Micheal Dobson, President, The Dream Foundation, Inc.
1:45:43 PM Sen. Hutson
1:45:46 PM M. Dobson
1:46:47 PM Sen. Thurston
1:48:22 PM Sen. Torres
1:49:03 PM Alan Abramowitz, ED, GAL Program (waive in support)
1:49:16 PM Sen. Torres
1:49:46 PM Sen. Hutson
1:49:56 PM Sen. Perry
1:50:28 PM Roll Call CS/SB 1104
1:50:51 PM CS/SB 1104 - voted favorable
1:50:57 PM Tab 2 CS/SB 1106
1:51:05 PM Sen. Perry
1:51:42 PM Sen. Thurston
1:52:12 PM Roll Call CS/SB 1106
1:52:36 PM CS/SB 1106 - voted favorable
1:52:42 PM Informal recess
1:52:51 PM Recording Paused
2:05:58 PM Recording Resumed
2:06:08 PM Call to Order - Sen. Hutson
2:06:13 PM Tab 5 - SB 7090
2:06:21 PM Sen. Lee
2:14:38 PM AM. 896914
2:14:50 PM Sen. Lee
2:16:21 PM AM. 806522
2:16:30 PM Sen. Perry
2:17:11 PM Leslie Dughi, Enterprise, National, and Alamo (waive in support)
2:17:22 PM AM. 806522 adopted
2:17:29 PM AM. 694180
2:18:31 PM Erin Ballas, National Waste and Recycling Association (waive in support)
2:18:36 PM Sen. Lee
2:19:08 PM AM. 694180 adopted
2:19:17 PM AM. 376134
2:19:25 PM Sen. Thurston
2:19:58 PM Erin Ballas, National Waste and Recycling (waive in support)
2:20:07 PM AM. 376134 adopted
2:20:12 PM AM. 742068
2:20:23 PM Sen. Brandes
2:20:44 PM AM. 742068 adopted
2:20:57 PM AM. 896914 adopted
2:21:21 PM Alix Miller, VP, Florida Trucking Association (waive in support)
2:21:28 PM SB 7090 cont.
2:21:31 PM Roll Call CS/SB 7090
2:21:56 PM CS/SB 7090 - voted favorable
2:22:01 PM Tab 6 - SB 7092
2:22:10 PM Sen. Lee
2:23:43 PM AM. 755838
2:23:45 PM Sen Lee
2:24:32 PM AM. 755838 adopted
2:24:41 PM SB 7092 cont.
2:24:48 PM Roll Call CS/SB 7092
2:25:14 PM CS/SB 7092 - voted favorable
2:25:20 PM Tab 7 - SB 7094
2:25:27 PM Sen. Lee
2:26:00 PM Roll Call SB 7094
2:26:21 PM SB 7094 - voted favorable
2:26:26 PM Sen. Lee
2:26:32 PM CS/SB 1104; CS/SB1106; SB1162; CS/SB1610 Lee vote after in affirmation
2:27:13 PM Sen. Thurston
2:27:22 PM Sen. Thurston moves to adjourn