

Tab 1	SB 410 by Rodriguez (CO-INTRODUCERS) Taddeo ; (Identical to H 00189) Photographic Enforcement of School Zone Speed Limits
Tab 2	CS/SB 438 by MS, Burgess ; (Identical to H 00465) United States Space Force
Tab 3	CS/SB 574 by TR, Gibson ; (Similar to CS/H 00369) Motor Vehicle Registration Certificate Cards
Tab 4	CS/SB 576 by TR, Gibson ; (Similar to CS/H 00371) Fees/Registration Certificate Cards
Tab 5	SB 780 by Hutson ; (Identical to H 00631) Airports

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

**APPROPRIATIONS SUBCOMMITTEE ON
TRANSPORTATION, TOURISM, AND ECONOMIC
DEVELOPMENT**

Senator Gainer, Chair
Senator Hooper, Vice Chair

MEETING DATE: Wednesday, January 26, 2022
TIME: 1:00—3:00 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

MEMBERS: Senator Gainer, Chair; Senator Hooper, Vice Chair; Senators Ausley, Boyd, Cruz, Garcia, Gibson, Hutson, Mayfield, Perry, Taddeo, and Wright

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 410 Rodriguez (Identical H 189, Compare H 797)	Photographic Enforcement of School Zone Speed Limits; Authorizing counties and municipalities to enforce school speed zones through the use of speed detection systems; authorizing counties and municipalities to install, or contract with a vendor to install, speed detection systems; requiring counties and municipalities that install speed detection systems to provide certain notification to the public; authorizing counties and municipalities to authorize traffic infraction enforcement officers to issue certain traffic citations, etc. ED 11/30/2021 Favorable ATD 01/26/2022 Favorable AP	Favorable Yeas 11 Nays 0
2	CS/SB 438 Military and Veterans Affairs, Space, and Domestic Security / Burgess (Identical H 465, Compare CS/H 153, H 1371, CS/S 430, S 1716)	United States Space Force; Revising the definition of the term "uniformed service" to include the United States Space Force; revising the Armed Forces officers authorized to take or administer specified oaths, affidavits, or acknowledgements to include United States Space Force officers; revising the military service branches for which any county or state official who is called to active service may receive a leave of absence; updating military base names; adding post exchanges operated by the United States Space Force to those that are exempt from paying tax on cigarettes sold; revising the armed forces uniforms that are protected from imitation to include uniforms of the United States Space Force, etc. MS 01/11/2022 Fav/CS ATD 01/26/2022 Favorable AP	Favorable Yeas 11 Nays 0

COMMITTEE MEETING EXPANDED AGENDAAppropriations Subcommittee on Transportation, Tourism, and Economic Development
Wednesday, January 26, 2022, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/SB 574 Transportation / Gibson (Similar CS/H 369, Compare CS/H 371, Linked CS/S 576)	Motor Vehicle Registration Certificate Cards; Requiring the application form for motor vehicle registration and renewal of registration to include language permitting applicants to request registration certificate cards; authorizing the Department of Highway Safety and Motor Vehicles and tax collectors to use United States mail service to deliver registration certificate cards; expanding the list of documents required to be in the possession of the operator of a motor vehicle or carried in the vehicle for certain purposes to include registration certificate cards; requiring that registration certificate cards be issued to the owner of a registered vehicle, etc. TR 12/01/2021 Fav/CS ATD 01/26/2022 Favorable AP	Favorable Yeas 11 Nays 0
4	CS/SB 576 Transportation / Gibson (Similar CS/H 371, Compare CS/H 369, Linked CS/S 574)	Fees/Registration Certificate Cards; Authorizing the Department of Highway Safety and Motor Vehicles to collect a mail service charge for mailed registration certificate cards; imposing a specified service charge for the transfer or duplicate issuance of a registration certificate card, etc. TR 12/01/2021 Fav/CS ATD 01/26/2022 Favorable AP	Favorable Yeas 11 Nays 0
5	SB 780 Hutson (Identical H 631)	Airports; Revising the types of airports eligible for specified funding of master planning and eligible aviation development projects by the Florida Department of Transportation, etc. TR 12/01/2021 Favorable ATD 01/26/2022 Favorable AP	Favorable Yeas 11 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: SB 410

INTRODUCER: Senator Rodriguez and others

SUBJECT: Photographic Enforcement of School Zone Speed Limits

DATE: January 25, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	<u>Favorable</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Favorable</u>
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 410 authorizes a local government to install an automated speed detection system on a street or highway and allows use of such systems to enforce speed limits in areas designated as school zones. Under the bill, a local government may appoint local traffic infraction enforcement officers to issue traffic citations to persons that are detected as exceeding a school zone speed limit by at least 10 miles per hour.

Under the bill, a county or municipality may enforce school speed zones within 1 hour before, during the entirety of, and within 1 hour after a regularly scheduled school session. The bill authorizes a traffic infraction enforcement officer employed by a sheriff's department or municipal police department to issue a fine of \$158 or a traffic citation for unlawful speeds in areas designated as school zones as detected by a speed detection system.

In order to use a speed detection system to enforce speed limits in areas designated as school zones, the bill requires:

- The speed detection system to be permitted, placed, and installed in accordance with regulations developed by the Florida Department of Transportation.
- The local government to notify the public of the speed detection system through a 30-day public awareness campaign.
- A notice of violation to be mailed to the registered owner of the motor vehicle alleged to be in violation within 30 days of the violation and include information regarding the right to pay a \$158 fine, review the evidence, request a hearing, or submit an affidavit submitting a defense to the violation.

The bill provides that a traffic citation must be issued to a person who does not pay the fine or submit a specified affidavit within 30 days of the notification of violation. These provisions are similar to those in current law for use of traffic infraction detectors.

The bill includes requirements that will cause the Florida Department of Transportation and Department of Motor Vehicles to incur costs; local governments that choose to implement speed detection systems may incur costs to implement the systems, but these may be offset by the collection of fines. Collection of fines will positively impact general revenue and state trust funds, and may offset costs incurred by local governments that

The bill takes effect upon becoming a law.

II. Present Situation:

The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles (DHSMV); the Division of Law Enforcement of the Fish and Wildlife Conservation Commission; the Division of Law Enforcement of the Department of Environmental Protection; and the agents, inspectors, and officers of the Department of Law Enforcement each have authority to enforce all of the traffic laws in Florida on all the streets and highways and elsewhere throughout the state wherever the public has a right to travel by motor vehicle.¹

Local authorities may also exercise police power on streets and highways within their jurisdictions. This authority includes establishing speed limits and regulating traffic by means of police officers or official traffic control devices.²

Traffic Infraction Enforcement Officers

The DHSMV, a county, or a municipality are authorized to employ or designate traffic infraction enforcement officers. A traffic infraction enforcement officer must successfully complete instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but may not necessarily otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers.³

A DHSMV traffic infraction enforcement officer may issue traffic citations to persons who violate properly placed official traffic control devices or who do not stop at steady red lights.⁴ A sheriff's department or police department of a municipality traffic infraction enforcement officer is authorized to issue traffic citations for noncriminal traffic infractions, or parking infractions, that he or she observes as well as issue traffic citations to persons who violate properly placed official traffic control devices or who do not stop at steady red lights.⁵

¹ Section 316.640(1)(a), F.S.

² Section 316.008(1), F.S.

³ Section 316.640(1)(b)3. and (5), F.S.

⁴ Section 316.640(1)(b)3., F.S., authorizing enforcement of s. 316.0083, F.S.

⁵ Section 316.640(1)(b)3., F.S., authorizing enforcement of ss. 318.14 and 316.0083, F.S.

Failure to Stop at a Traffic Signal

The Florida Department of Transportation (FDOT) compiles and publishes a manual of uniform traffic control devices for use on streets and highways in Florida.⁶

Section 316.074, F.S., requires all drivers to obey the instructions of any official traffic control device, unless otherwise directed by a police officer. Generally, under s. 316.075(1)(c), F.S., a driver facing a steady red signal must stop before entering the crosswalk on the near side of the intersection or, if there is not a crosswalk, before entering the intersection and the driver must remain stopped until a green indication is shown on the signal. Either violation is a noncriminal traffic infraction, punishable as a moving violation under ch. 318, F.S.⁷

Penalties for Failure to Stop at a Traffic Signal

A fine of \$158 is levied on violators who violate properly placed official traffic control devices or steady red lights.⁸ When enforced by a law enforcement officer, fines are remitted to the Department of Revenue and \$60 of the fine is distributed as provided in s. 316.21, F.S.; \$30 is distributed to the General Revenue Fund; \$3 is deposited into the Brain and Spinal Cord Injury Trust Fund;⁹ and the remaining \$65 is deposited into the Department of Health's Emergency Medical Services Trust Fund.¹⁰

A person is ordinarily issued four points against their driver's license for a violation of an official traffic control signal device. Additionally, the violation may not be used for purposes of setting motor vehicle insurance rates.¹¹

There is a point system for convictions of violations of motor vehicle laws to determine whether a person may continue to operate a motor vehicle. The DHSMV is authorized to suspend the license of any person upon a showing of its records or other good and sufficient evidence that the person has been convicted of violating motor vehicle laws or ordinances amounting to 12 or more points as determined by the point system. The suspension may not exceed a period of 1 year.¹²

Traffic Infraction Detectors

Traffic infraction detectors may be used to enforce laws requiring drivers to stop at traffic signals.¹³ A traffic infraction detector is a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographs or electronic images or streaming video of only the rear of a motor

⁶ Section 316.0745(2), F.S.; Rule 14-15.010, F.A.C.

⁷ Sections 316.074(6) and 316.075(4), F.S.

⁸ Section 318.18(15)(a)1., F.S.

⁹ Proceeds are distributed to the Miami Project to Cure Paralysis and used for brain and spinal cord research.

¹⁰ Proceeds are distributed to trauma centers as provided in s. 395.4036, F.S.

¹¹ Section 322.27(3)(d)6., F.S.

¹² Section 322.27(3), F.S.

¹³ See s. 316.008(8), F.S.

vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light.¹⁴

In 2010, the Legislature authorized the DHSMV, counties, and municipalities to issue a traffic citation for a driver's failure to stop at a traffic control signal when such violation is identified by a traffic infraction detector.¹⁵ The state is responsible for regulating the use of such cameras.¹⁶

A municipality may install or authorize installation of traffic infraction detectors on streets and highways in accordance with FDOT standards, and on state roads within the incorporated area when permitted by the FDOT.¹⁷ A county may install or authorize installation of traffic infraction detectors on streets and highways in unincorporated areas of the county in accordance with FDOT standards and on state roads in unincorporated areas of the county when permitted by the FDOT.¹⁸ The DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of the FDOT, when permitted by the FDOT.¹⁹

If the DHSMV, a county, or a municipality installs a traffic infraction detector at an intersection, the respective governmental entity must install signage notifying the public that a traffic infraction device may be in use at that intersection, including specific notification of enforcement of violations concerning right turns.²⁰ Such signage must meet the specifications for uniform signals and devices adopted by the FDOT under to s. 316.0745, F.S.²¹

If the governmental entity has never used a traffic infraction detector program, it must make a public announcement and conduct a public awareness campaign of the proposed use of traffic infraction detectors at least 30 days before commencing the enforcement program.²² A county or municipality that operates a traffic infraction detector must also report annually in October to the DHSMV on statistical data of usage of the detector and procedures for enforcement. The DHSMV compiles these reports annually for submittal to the Governor and the Legislature.²³

Failure to Stop at a Traffic Signal and Traffic Infraction Detectors

If a traffic infraction detector identifies a vehicle disobeying a properly placed official traffic control device or red light, the visual information is captured and reviewed by either a traffic infraction enforcement officer or an authorized employee or agent of the enforcing entity before issuance of the traffic citation by the traffic infraction enforcement officer.²⁴

¹⁴ Section 316.003(98), F.S.

¹⁵ See generally ss. 316.0083, and 316.0776, F.S.; ch. 2010-80, Laws of Fla. Any notification or traffic citation issued by using a traffic infraction detector must include a photograph or other recorded image showing both the license tag of the offending vehicle and the traffic control device being violated. Section 316.003(95), F.S.

¹⁶ Section 316.0076, F.S.

¹⁷ Sections 316.008(8) and 316.0776(1), F.S.

¹⁸ *Ibid.*

¹⁹ Section 321.50, F.S.

²⁰ Section 316.0776(2), F.S.

²¹ *Ibid.*

²² Section 316.0776(2), F.S.

²³ Section 316.0083(4), F.S.

²⁴ Section 316.0083(1)(a), F.S.

A notification must be sent to the registered owner²⁵ of the vehicle within 30 days of the alleged violation. The notice must be accompanied by a photograph or other recorded image of the violation which shows both the license tag of the vehicle and the traffic control device being violated, a statement of the vehicle owner’s right to review images or video of the violation, and the time and place or Internet location where the evidence may be reviewed.²⁶

In order to avoid court fees, costs, and the issuance of a traffic citation, the law requires a person who receives a notification of violation to, within 60 days after the notification, either:

- Pay to the DHSMV, county, or municipality the penalty of \$158.
- Furnish an affidavit and supporting documentation establishing defenses discussed below.
- Request a hearing.

Penalties for Failure to Stop at a Traffic Signal and Traffic Infraction Detectors

Failure to stop at a properly placed official traffic control devices or steady red light when evidenced through use of a traffic infraction detector is also penalized with a fine of \$158.²⁷ Funds collected for violations by the governmental entities are deposited with the Department of Revenue.

Distribution of Fines	Traffic Infraction Enforcement Officer Enforcement	
	By DHSMV Officer	By County or Municipal Officer
General Revenue Fund	\$100	\$70
Emergency Medical Services Trust Fund	\$10	\$10
Brain and Spinal Cord Injury Trust Fund	\$3	\$3
County or Municipality Where Violation Occurred	\$45	\$75

A person may not receive a commission or per-ticket fee for any revenue collected from violations detected through use of traffic infraction detectors and a manufacturer or vendor may also not receive a fee or remuneration based on the number of violations detected through use of the detector.²⁸

No points may be imposed against a person’s driver license for violating an official traffic control signal device when enforced by a traffic infraction enforcement officer, which would include violations enforced by evidence of a traffic infraction detector. Additionally, the violation may not be used for purposes of setting motor vehicle insurance rates.²⁹

²⁵ The first name on the registration in cases of joint registration is considered the registered owner.

Section 316.0083(1)(c)1.c., F.S.

²⁶ Sections 316.003(98) and 316.0083(1)(b), F.S.

²⁷ Section 316.0083(1)(b)3.a., F.S.

²⁸ Sections 316.0083(1)(b)4. and 318.18(15)(d), F.S.

²⁹ Section 322.27(3)(d)6., F.S.

Request for Hearing

A person who receives a notice of violation may request a hearing within 60 days following the notification of violation or pay the penalty pursuant to the notice of violation, but a payment or fee may not be required before the hearing requested by the person. The notice of violation must be accompanied by, or direct the person to a website that provides, information on the person's right to request a hearing and on all court costs related thereto and a form to request a hearing.³⁰ If a person requests a hearing and the violation is upheld, then the local hearing officer may also order the payment of county or municipal costs, not to exceed \$250.³¹

Issuance of Uniform Traffic Citation

If the registered owner of the vehicle does not submit payment or otherwise contest the notice of violation within 60 days of being notified, the traffic infraction enforcement officer must issue and send by certified mail a uniform traffic citation to the registered owner. The citation must also include the photograph and statements described above regarding review of the photographic or video evidence.³² The report of a traffic infraction enforcement officer and images provided by a traffic infraction detector are admissible in court and provide a rebuttable presumption the vehicle was used in a violation.³³ A traffic infraction enforcement officer must provide by electronic transmission a replica of the citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the issuance date of the citation to the violator.³⁴

Defenses

The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish that:³⁵

- The vehicle passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
- The vehicle passed through the intersection at the direction of a law enforcement officer;
- The vehicle was, at the time of the violation, in the care, custody, or control of another person; or
- The driver at the time received a uniform traffic citation for the alleged violation issued by a law enforcement officer.

An additional defense is available if the motor vehicle's owner was deceased on or before the date the uniform traffic citation was issued.³⁶

To establish any of these defenses, the owner of the vehicle must furnish an affidavit to the appropriate governmental entity that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or the serial number of the uniform traffic citation, if issued. If the owner

³⁰ Section 316.0083(1)(b)1.c., F.S.

³¹ Section 318.18(22), F.S.

³² Section 316.0083(1)(c), F.S.

³³ Section 316.0083(1)(e), F.S.

³⁴ Section 316.650(3)(c), F.S.

³⁵ Section 316.0083(d)(1)1., F.S.

³⁶ Section 316.0083(1)(d)1.e., F.S.

submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and, if known, the driver license number of the driver. A traffic citation may be issued to this person, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding that person's alleged violation.³⁷ Submission of a false affidavit is a second degree misdemeanor.³⁸

If a vehicle is leased, the owner of the leased vehicle is neither responsible for paying the citation nor required to submit an affidavit if the motor vehicle is registered in the name of the lessee.³⁹ Upon receipt of the affidavit and documentation of one of the above defenses, the governmental entity must dismiss the citation and provide proof of such dismissal to the person. If a person presents documentation from the appropriate governmental entity that the citation was issued in error, the clerk of court may dismiss the case and may not charge for such service.⁴⁰

Traffic Infraction Detector Litigation

In 2018, the Florida Supreme Court held that the review of red light camera images authorized by Florida law allows city's private third-party vendor, as its agent, to review and sort red light camera images to forward to a law enforcement officer when:

- The vendor's decisions are essentially ministerial and non-discretionary in that such decisions are strictly circumscribed by the contract language, guidelines promulgated by the city, and actual practices;
- Such ministerial decisions are additionally restricted by a broad policy that requires the vendor to automatically forward "close calls" to law enforcement for review;
- The law enforcement officer, not the vendor, makes the actual decision whether probable cause exists and whether a notice and citation should be issued; and
- The law enforcement officer's decision that probable cause exists and that the citation should be issued are supported by the responsible law enforcement officer's full, professional review which does not merely acquiesce to any decision by the vendor.⁴¹

As such, s. 316.0083(1), F.S., authorizes a local government to contract with a third-party vendor to review and sort information and images from red light cameras before sending that information to a trained law enforcement officer. A law enforcement officer must then review the information and determine whether probable cause exists to issue a citation.

Speed-Measuring Devices

Evidence of the speed of a vehicle measured by any radar speed-measuring device is inadmissible in any proceeding with respect to an alleged violation of provisions of law regulating the lawful speed of vehicles, unless such evidence is obtained by an officer who:⁴²

- Has satisfactorily completed the radar training course established by the Criminal Justice Standards and Training Commission pursuant to s. 943.17(1)(b), F.S.

³⁷ Section 316.0083(1)(d)2., F.S.

³⁸ Section 316.0083(1)(d)5., F.S.

³⁹ Section 316.0083(d)3., F.S.

⁴⁰ Sections 316.0083(d)2. and 318.18(15)(c), F.S.

⁴¹ *Jimenez v. State*, 246 So.3d 219 (Fla. 2018).

⁴² Section 316.1906(2), F.S.

- Has made an independent visual determination that the vehicle is operating in excess of the applicable speed limit.
- Has written a citation based on evidence obtained from radar when conditions permit the clear assignment of speed to a single vehicle.
- Is using radar which has no automatic speed locks and no audio alarms, unless disconnected or deactivated.
- Is operating radar with audio Doppler engaged.
- Is using a radar unit which meets the minimum design criteria for such units established by the DHSMV.⁴³

Whenever any peace officer engaged in the enforcement of the motor vehicle laws uses an electronic, electrical, mechanical, or other device used to determine the speed of a motor vehicle on any public road, the device must be approved by the DHSMV and must have been tested to determine that it is operating accurately. Tests for this purpose must be made at least once each six months.⁴⁴ Any police officer, upon receiving information relayed to him or her from a fellow officer stationed on the ground or in the air operating such a device that a driver of a vehicle has violated the speed laws, may arrest the driver for violation of said laws where reasonable and proper identification of the vehicle and the speed of same has been communicated to the arresting officer.⁴⁵

For example, an officer would estimate the actual speed he or she believes that the vehicle is going and then use the speed measurement device to verify that speed. In traffic court proceedings, the officer would testify to observing the vehicle on the road, visually estimating the speed of the vehicle, and then would present the radar measurements. The radar speed measuring device is pointed in the general direction of the vehicle, and when multiple vehicles are on the road, the officer would need to be able to testify where the vehicle was in relation to other vehicles present and whether it appeared to be going faster or slower than those around it.⁴⁶

Speeding Penalties

A person exceeding the legally posted speed limit:⁴⁷

MPH Over the Legally Posted Speed Limit	Fine
1-5 mph	Warning
1-9 mph	\$25
10-14 mph	\$100
15-19 mph	\$150
20-29 mph	\$175
30 mph or more	\$250

⁴³ The DHSMV adopts by rule the minimum design criteria for radar units and laser devices and maintains a list of approved speed measuring devices. Rules 15B-2.0082, 2.013, and 2.014, F.A.C.

⁴⁴ Section 316.1905(1), F.S.

⁴⁵ Section 316.1905(2), F.S.

⁴⁶ Department of Highway Safety and Motor Vehicles, 2022 Agency Legislative Bill Analysis, SB 410, (September 30, 2021) (on file with the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

⁴⁷ Section 318.18(3)(b) and (c), F.S.

Speeding violations are enforced by an officer who makes an independent visual determination that the vehicle is operating in excess of the applicable speed limit. Current law does not provide for the use of remote or other devices to capture evidence of speeding outside of the presence of an officer.

Points assessed against the driver license of a person found speeding are based upon how many mph the person was over the speed limit. For unlawful speed not in excess of 15 mph over the limit, 3 points are assessed; for unlawful speed in excess of 15 mph over the limit, 4 points.⁴⁸

School Zones

The Manual for Uniform Traffic Control Devices defines a school zone as “a designated roadway segment approaching, adjacent to, and beyond school buildings or grounds, or along which school related activities occur.”⁴⁹ A school zone is the “portion of a street or highway located within a school area that includes an established school speed limit posted thereof with signs and flashing beacons.”⁵⁰

The location of a school zone is determined based on an engineering study that assess where the need for reduced speed limits are necessary. The need is due to the fact that children have difficulties seeing and evaluating traffic conditions because of their height, lack of experience and premature judgment, ability to perceive the flow of traffic, understanding of the use of traffic control devices and crosswalks.⁵¹ School zones may be established at other locations when justified by an engineering study, but they cannot be applied in a blanket manner for all roads within a school’s area.⁵² For example, where school zones are “not warranted based on an engineering study, school entrance warning signs may be considered on a case-by-case basis for schools with low volumes of walking students.”⁵³ Further, FDOT advises “School zones should be kept as short as practical and should not necessarily extend along the entire highway frontage of the school property.”⁵⁴

The FDOT is required to maintain the school zones located on state roads, though it can enter into agreements with counties or municipalities for those local governmental entities to maintain

⁴⁸ Section 322.27(3)(d)5., F.S.

⁴⁹ U.S. Department of Transportation, Federal Highway Administration, Manual for Uniform Traffic Control Devices (MUTCD), Section 1A.13(03)(185) (2009 ed.).

⁵⁰ Florida Department of Transportation, *Speed Zoning for Highways, Roads, and Streets In Florida, Chapter 15 Establishing School Zones and School Crossings*, 15.1 (March 2018) available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/traffic/speedzone/2019-01-28_speed-zoning-manual_august-2018.pdf?sfvrsn=ac20bad7_0 (last visited January 22, 2022).

⁵¹ Florida Department of Transportation, *Speed Zoning for Highways, Roads, and Streets In Florida, Chapter 15 Establishing School Zones and School Crossings*, 15.2.

⁵² Florida Department of Transportation, *Speed Zoning for Highways, Roads, and Streets In Florida, Chapter 15 Establishing School Zones and School Crossings*, 15.1.

⁵³ Florida Department of Transportation, *Speed Zoning for Highways, Roads, and Streets In Florida, Chapter 15 Establishing School Zones and School Crossings*, 15.4.1(2).

⁵⁴ Florida Department of Transportation, *Speed Zoning for Highways, Roads, and Streets In Florida, Chapter 15 Establishing School Zones and School Crossings*, 15.4.2(15).

the zones.⁵⁵ Counties are required to maintain school zones on county roads outside of municipalities, and municipalities are required to maintain school zones located in a municipality.⁵⁶

School Speed Limits

Because a school zone is established based on the need for reduced speed limits due to children arriving at and leaving school, a reduced speed limit may be established in a school zone. For posted speeds of 35 mph or greater, a school zone speed limit of 20 mph must be used while on roads with posted speeds of less than 35 mph, a 15 mph school zone speed limit must be used, except if a local regulation allows for a lesser speed.⁵⁷

School zone speed limits may be in force only from 30 minutes before to 30 minutes after the periods of time when pupils are arriving or leaving a regularly scheduled breakfast program or school session.⁵⁸

School Speed Zone Signage

Pedestrian safety depends upon public understanding of accepted methods for efficient traffic control and the uniform approach to school area traffic controls ensures that pedestrians, bicyclists, and other vehicles in the vicinity of schools will understand how to move safely in school areas. “Procedures and devices that are not uniform might cause confusion among pedestrians and other road users, prompt wrong decisions, and contribute to crashes.”⁵⁹

“School area signs advise drivers of school zones and school crossings. School zones and school crossings provide students with a safe zone when they cross the road to and from school.”⁶⁰ In Florida, the FDOT is charged with establishing the uniform system of traffic control devices and pedestrian control devices for use on the streets and highways surrounding all schools, public and private, and publishes a manual containing all such specifications and requirements.⁶¹

Permanent signs designating school zones and school zone speed limits must be uniform in size and color and have the times during which the restrictive speed limit is enforced clearly designated on them.⁶² The school zone beginning and end must be clearly designated on the road surface as required by the FDOT and identified by specific signage. All school-related traffic control devices must meet the requirements established by the FDOT, based upon the federal

⁵⁵ Section 31.1895(3)(a) and (2), F.S. Upon request from the appropriate local government, the FDOT must install and maintain school zones on state roads for all prekindergarten early-intervention schools that receive federal funding through the Headstart program.

⁵⁶ Section 316.1895(3)(b) and (c), F.S.

⁵⁷ Florida Department of Transportation, *Speed Zoning for Highways, Roads, and Streets In Florida, Chapter 15 Establishing School Zones and School Crossings*, 15.4.2(3).

⁵⁸ Section 316.1895(5), F.S.

⁵⁹ MUTCD, Chapter 7A (2009 ed.).

⁶⁰ Florida Department of Highway Safety and Motor Vehicles, *Florida Driver License Handbook*, pp. 23 and 43, available at <https://www3.flhsmv.gov/handbooks/englishdriverhandbook.pdf> (last visited January 22, 2022).

⁶¹ Section 316.1895(1), F.S.; Rule 14-15.012, F.A.C. See generally Florida Department of Transportation, *Speed Zoning for Highways, Roads, and Streets In Florida, Chapter 15 Establishing School Zones and School Crossings*.

⁶² Section 316.1895(6), F.S. Florida Department of Transportation, *Speed Zoning for Highways, Roads, and Streets In Florida, Chapter 15 Establishing School Zones and School Crossings*, 15.5.

Manual for Uniform Traffic Control Devices. The preferred device is the school zone flashing beacon assembly.⁶³

Depending on the posted speed of the road, advance warning signs for school zone must be posed between 100 and 225 feet from the beginning of the zone.⁶⁴

For any newly established school zone or any school zone in which the signing has been replaced, a sign stating “Speeding Fines Doubled” must be installed within the school zone on the same pole as the school zone flashing beacon assembly.⁶⁵ The federal Manual for Uniform Traffic Control Devices requires the postage of signage where increased are imposed for traffic violations within a designated school zone as a supplement to the school zone sign to identify the beginning point of the higher fines zone.⁶⁶

School Zone Speeding Penalties

A person may not drive a vehicle in a school zone at a speed greater than that posted in the school zone.⁶⁷ A violation of the speed limits established under s. 316.1895, F.S., is cited as a moving violation, publishable as provided in ch. 318, F.S.

A person exceeding the legally posted speed limit, as discussed above, in a school zone or designated school crossing must pay a fine equal to double the standard amounts for exceeding the speed limit. Therefore, the fine in a school zone for exceeding the legally posted speed limit by:⁶⁸

MPH Over the Legally Posted Speed Limit	Fine
1-9 mph	\$50
10-14 mph	\$200
15-19 mph	\$300
20-29 mph	\$350
30 mph or more	\$500

Points assessed against the driver license of a person found speeding in a school zone are not different than those for violating regular speed limits.

⁶³ Florida Department of Transportation, *Speed Zoning for Highways, Roads, and Streets In Florida, Chapter 15 Establishing School Zones and School Crossings*, 15.4.2(2), (6), (7), (8).

⁶⁴ Florida Department of Transportation, *Speed Zoning for Highways, Roads, and Streets In Florida, Chapter 15 Establishing School Zones and School Crossings*, 15.4.2.

⁶⁵ Section 316.1895(6), F.S. Florida Department of Transportation, *Speed Zoning for Highways, Roads, and Streets In Florida, Chapter 15 Establishing School Zones and School Crossings*, 15.4.2(5).

⁶⁶ MUTCD, Chapter 7B.10 (2009 ed.).

⁶⁷ Section 316.1895(10), F.S.

⁶⁸ Section 318.18(3)(b) and (c), F.S.

III. Effect of Proposed Changes:

This bill authorizes a local government to install an automated speed detection system on a street or highway and allows use of such systems to enforce speeding in an area designated as a school zone.

Speed Detection Systems (Sections 1 and 3, amending ss. 316.003 and 316.0776, F.S.)

The bill amends s. 316.0776, F.S., to authorize a county or municipality to install a speed detection system on a local road or on a state road when permitted by the FDOT. The system must be placed and installed in accordance with regulations developed by the FDOT. The bill requires the FDOT to establish placement and installation specifications by August 1, 2022.

The bill adds a definition of a speed detection system to s. 316.003, F.S., defining a speed detection system as an automated system used to record a vehicle's speed using radar and to capture a photograph or video of a vehicle that exceeds the speed limit in force at the time of violation.

The authority that installs a speed detection system is required to notify the public using uniform signals and devices adopted by the FDOT. If the authority has never used a traffic infraction detector program, it must make a public announcement and conduct a public awareness campaign of the proposed use of traffic infraction detectors at least 30 days before commencing the enforcement program. During the 30-day public awareness campaign, a driver who is found to violate the speed limited in a school zone by a speed detection system shall only be issued a warning and is not liable for any fines.

Speed Detection Systems Design Requirements (Section 5, amending s. 316.1906, F.S.)

The bill amends s. 316.1906, F.S., to exempt a speed detection system from the design requirements for radar units established by the DHSMV. Instead, the bill requires a speed detection system to have the ability to perform self-tests as to its detection accuracy, which must be performed at least once every 30 days. The bill requires the law enforcement agency, or an agent acting on behalf of the law enforcement agency, that is operating a speed detection system to:

- Maintain a log of the results of the system's self-tests; and
- Perform an independent calibration test on the speed detection system at least once every 12 months.

Traffic Infraction Enforcement Officer and Speed Detection Systems (Sections 5 and 9, amending ss. 316.1906 and 316.640, F.S.)

The bill amends s. 316.640(5), F.S., to authorize a traffic infraction enforcement officer of a sheriff's department or municipal police department to issue traffic citations for enforcement of violations of speed in school zones found by speed detection systems.

The bill amends s. 316.1906, F.S., to modify the requirements related to evidence of speed of a vehicle as measured by a radar speed-measuring device. The bill authorizes a traffic infraction enforcement officer to review photographic or electronic images, streaming video, or evidence of

the speed of a vehicle as measured by a speed detection system to satisfy existing legal requirements for an officer to make an independent visual determination that a vehicle is operating in excess of the applicable speed limit.

School Zones and Speed Detection Systems (Section 2, amending s. 316.008, F.S.)

The bill amends s. 316.008, F.S., to authorize a county or municipality to enforce speed limits in areas designated as school zones within 1 hour before, during the entirety of, and within 1 hour after a regularly scheduled school session through the use of a speed detection system for the measurement of speed and recording of photographs or videos for violations that are in excess of 10 miles per hour over the speed limit in force at the time of the violation.

Currently, s. 316.1985, F.S., authorizes school zone speed limits to be in force only from 30 minutes before to 30 minutes after the periods of time when pupils are arriving or leaving a regularly scheduled breakfast program or school session.

It appears that the bill allows the use of a speed detection system to be used to catch violations of the regular posted speed limit:

- 30 minutes prior to the start of the legally posted school zone speed limits before a regularly scheduled school session;
- At the end of the legally posted school zone speed limits, throughout the day, and until the start of the legally posted school zone speed limits after a regularly scheduled school session; and
- 30 minutes after the end of the legally posted school zone speed limits after a regularly scheduled school session.

A local government may install, or contract with a vendor to install, a speed detection system within 1,000 feet of a school zone to enforce speed limits in school speed zones.

The bill specifies in creating s. 316.1896, F.S., that speed detection systems supplement the enforcement of school speed zones, and do not prohibit law enforcement officers from issuing citations for violations of school speed zones.

School Zone Signage (Sections 2 and 3, amending ss. 316.008 and 316.0776, F.S.)

Under the bill, amending s. 316.008, F.S., compliance with the legal requirements for establishing, installing, maintaining, and providing notice of a school zone and school speed zone under current law creates a rebuttable presumption that the school zone is being properly maintained, even if the school zone does not include a sign stating “Speeding Fines Doubled.” For use of speed detection systems in school speed zones, the bill amends s. 316.0776, F.S., to provide that the sign for notification that speeding fines are doubled in the zone is not required to enforce speed violations in the zone using a speed detection system.

School Zone Speed Violations (Section 4, creating s. 316.1896, F.S.)

The bill creates s. 316.1896, F.S., to provide for enforcement of speed limits in areas designated as school zones through the use of a speed detection system. If a speed detection system identifies a vehicle speeding, the visual information is captured and reviewed by either a traffic

infraction enforcement officer of a sheriff’s department or municipal police department or an authorized employee or agent of the enforcing entity before issuance of the traffic citation by the traffic infraction enforcement officer.

A notification must be sent to the registered owner of the vehicle within 30 days of the alleged violation. Unlike the use of traffic infraction detectors, the notice is not required to be accompanied by a photograph or other recorded image of the violation that shows both the license tag of the vehicle and the location. However, similar to a notice related to use of a traffic infraction detector, the notice must include a statement of the vehicle owner’s right to review images or video of the violation and the time and place or Internet location where the evidence may be reviewed.

In order to avoid court fees, costs, and the issuance of a traffic citation, the bill requires a person who receives a notification of violation to, within 30 days after the notification, either:

- Pay to the county or municipality the penalty of \$158;
- Furnish an affidavit and supporting documentation establishing defenses discussed below; or
- Request a hearing.

Penalties (Section 4, creating s. 316.1896, F.S., and Sections 6 and 7, amending ss. 318.18 and 322.27, F.S.)

The bill amends s. 318.18, F.S., to provide that a person cited for exceeding the speed limit in a school zone when enforced by a traffic infraction enforcement officer using evidence from a speed detection device must pay a fine of \$158. The bill creates s. 316.1896, F.S., to provide that funds collected for violations by the governmental entities are deposited with the Department of Revenue.

Distribution of Fines	
General Revenue Fund	\$60
Department of Law Enforcement Criminal Justice Standards and Training Trust Fund ⁶⁹	\$4
Coach Aaron Feis Guardian Program ⁷⁰	\$4
Public School District Where Violation Occurred	\$6
County or Municipality Where Violation Occurred	\$84

Funds retained by the county or municipality must be used to administer speed detection systems in school zones or other public safety initiatives. Funds distributed to the public school district where the violation occurred must be used for school security initiatives or to improve the safety of student walking conditions; these funds must be shared with charter schools in the district based on each charter school’s proportionate share of the district’s total unweighted full-time equivalent student enrollment to be used for the same purposes.

⁶⁹ See s. 943.25, F.S.

⁷⁰ See s. 30.15(1)(k), F.S., and Florida Department of Education, *Coach Aaron Feis Guardian Program*, available at <https://www.fldoe.org/safe-schools/guardian-program.stml> (last visited January 22, 2022).

Similar to violations of law found through use of traffic infraction detectors, the bill amends s. 322.27, F.S., to provide that no points may be imposed against a person’s driver license for speeding violations evidenced by speed detection systems and the violation may not be used for purposes of setting motor vehicle insurance rates.

This bill allows for the application of different fines for speeding in an area marked as a school zone depending on whether enforced in person by a law enforcement officer or by a traffic infraction enforcement office through use of a speed detection system.

MPH Over the Legally Posted Speed Limit	Current Law		Under the Bill as Evidenced by a Speed Detection System	
	Fine – Regular Posted Speed Limit	Fine – School Zone Speed Limit	Fine – Regular Posted Speed Limit	Fine – School Zone Speed Limit
10-14 mph	\$100	\$200	\$158	\$158
15-19 mph	\$150	\$300	\$158	\$158
20-29 mph	\$175	\$350	\$158	\$158
30 mph or more	\$250	\$500	\$158	\$158

Defense (Section 4, creating s. 316.1896, F.S.)

The bill creates similar defenses to the traffic citation evidenced by a speed detection system as under current law for a traffic citation issued through use of a traffic infraction detector. The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish that:⁷¹

- The vehicle was, at the time of the violation, in the care, custody, or control of another person; or
- The driver at the time received a uniform traffic citation for the alleged violation issued by a law enforcement officer.

An additional defense is available if the motor vehicle’s owner was deceased on or before the date the uniform traffic citation was issued. The affidavit must include a certified copy of the owner’s death certificate showing that the date of death occurred on or before the issuance of the uniform traffic citation and one of the following:

- A bill of sale or other document showing that the deceased owner’s motor vehicle was sold or transferred after his or her death but on or before the date of the alleged violation.
- Documented proof that the registered license plate belonging to the deceased owner’s vehicle was returned to the DHSMV or any branch office or authorized agent of the DHSMV after his or her death but on or before the date of the alleged violation.
- A copy of the police report showing that the deceased owner’s registered license plate or motor vehicle was stolen after his or her death but on or before the date of the alleged violation.

⁷¹ Section 316.0083(d)(1)1., F.S.

Similar to defenses of traffic citations issued through use of a traffic infraction detector, the bill requires that in order to establish any of these defenses, the owner of the vehicle must furnish an affidavit to the appropriate governmental entity that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or the serial number of the uniform traffic citation, if issued. If the owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and, if known, the driver license number of the driver. A traffic citation may be issued to this person, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding that person's alleged violation. If a vehicle is leased, the owner of the leased vehicle is neither responsible for paying the citation nor required to submit an affidavit if the motor vehicle is registered in the name of the lessee.

The bill creates a second degree misdemeanor for submission of a false affidavit.⁷²

Upon receipt of the affidavit and documentation of one of the above defenses, the governmental entity must dismiss the citation and provide proof of such dismissal to the person.

Request for Hearing (Section 4, creating s. 316.1896, F.S.)

The hearing provisions created by the bill are similar to the hearing provisions in current law for traffic citations issued through use of a traffic infraction detector. A person who receives a notice of violation may request a hearing within 30 days following the notification of violation or pay the penalty pursuant to the notice of violation, but a payment or fee may not be required before the hearing requested by the person. The notice of violation must be accompanied by, or direct the person to a website that provides, information on the person's right to request a hearing and on all court costs related thereto and a form to request a hearing.

Hearing Procedures (Section 4, creating s. 316.1896, F.S., and Section 5, amending s. 316.1906, F.S.)

The hearing procedures established by the bill are the same as those for challenging a traffic citations issued through use of a traffic infraction detector. In fact, the bill specifies that a hearing to challenge a traffic citation issued by a traffic infraction enforcement officer for school speed zone violations must be conducted under the procedures established in law for traffic citations issued by traffic infraction enforcement officers in s. 316.0083(5), F.S.

Additionally, hearing provisions include the following, which are also the same as those currently provided under s. 316.0083(5), F.S.:

- The DHSMV must publish and make available electronically to each county and municipality a model request for hearing form to assist each local government that is issuing notifications of school speed zone violations resulting from the use of a speed detection system.
- The county or municipality electing to authorize traffic infraction enforcement officers to issue traffic citations must designate by resolution existing staff to serve as the clerk to the local hearing officer.

⁷² Punishable by a term of imprisonment not to exceed 1 year and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

- Any person, referenced in the bill as the “petitioner,” who elects to request a hearing must be scheduled for a hearing by the clerk to the local hearing officer. The clerk must furnish the petitioner with notice to be sent by first-class mail. Upon receipt of the notice, the petitioner may reschedule the hearing once by submitting a written request to reschedule to the clerk to the local hearing officer at least five calendar days before the day of the originally scheduled hearing. The petitioner may cancel his or her appearance before the local hearing officer by paying the penalty assessed, plus the administrative costs of \$50, before the start of the hearing.
- All testimony at the hearing must be under oath and recorded. The local hearing officer must take testimony from a traffic infraction enforcement officer and the petitioner and may take testimony from others. The local hearing officer must review the photographic or electronic images or streaming video and the evidence of the speed of the vehicle as measured by the speed detection system. Formal rules of evidence do not apply, but due process must be observed and govern the proceedings.
- At the conclusion of the hearing, the local hearing officer must determine whether a violation of school speed zone requirements occurred and either uphold or dismiss the violation. The local hearing officer must issue a final administrative order including the determination and, if the notification of violation is upheld, require the petitioner to pay the penalty previously assessed, and may also require the petitioner to pay county or municipal costs not to exceed \$250 as established in law. The final administrative order must be mailed to the petitioner by first-class mail.
- An aggrieved party may, within 30 days of the date of the final administrative order, appeal to the circuit court. Such an appeal does not initiate a new hearing, but is limited to appellate review of the record created before the enforcement board.

The bill provides that the photographic or electronic images, the streaming video evidence, and the evidence of the speed of the vehicle as measured by a speed detection system attached to or referenced in the traffic citation are evidence of a violation of school speed zone requirements and are admissible in any proceeding to enforce school speed zone requirements. The bill further provides that the images or video and evidence of speed raise a rebuttable presumption that the motor vehicle named in the report or shown in the images or video was used in violation of school speed zone requirements.

The bill amends s. 316.1906, F.S., to allow the self-test logs, as well as the results of the annual calibration test, of speed detection systems to be admitted in any court proceeding for a traffic citation issued for a violation of speed limits in an area designated as a school zone as detected by a speed detection system.

Issuance of Uniform Traffic Citation (Section 4, creating s. 316.1896, F.S., and Sections 10 and 11, amending ss. 316.650 and 318.14, F.S.)

Under the bill, if the registered owner of the vehicle does not submit payment or otherwise contest the notice of violation within 30 days of being notified, then the uniform traffic citation must be sent to the registered owner. Except for the method of mailing, which must be first class for a notice of violation and certified mail for a traffic citation, the bill requires the traffic citation to conform to the notice requirements included within the notification of violation. The bill specifies that delivery of the traffic citation constitutes notification, and if a person initiates a

proceeding to challenge the citation, the person waives any challenge or dispute as to the delivery of the traffic citation.

The bill amends s. 316.650, F.S., to require a traffic infraction enforcement officer to provide by electronic transmission a replica of the traffic citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the date of issuance of the traffic citation to the violator.

The bill provides in s. 318.14, F.S., that persons cited for unlawful speeding in areas designated as school zones as detected by a speed detection system are not required to sign and accept a citation indicating a promise to appear at a mandatory hearing. The bill amends s. 316.650, F.S., to provide that, if a hearing is requested, the traffic infraction enforcement officer must provide a replica of the traffic notice of violation data to the clerk for the local hearing officer having jurisdiction over the alleged offense within 14 days.

Cross-References

Sections 1, 8, 12, and 13 amend ss. 316.003, 316.306, 318.21, and 655.960, F.S., to conform cross-references.

Effective Date (Section 14)

The bill takes effect upon becoming 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 identified.

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

None.

B. Private Sector Impact:

The bill will generate an indeterminable amount of revenue for private companies that manufacture and install speed detection systems.⁷³

Individuals speeding in areas designated as school zones may be subject to fines if found in violation by a traffic infraction enforcement officer reviewing the evidence of the speed detection system. Individuals that submit false affidavits defending the imposition of a traffic infraction may be subject to jail time and fines if found guilty of a second degree misdemeanor.

C. Government Sector Impact:

The Department of Revenue and the court clerks will need to update their systems in order to account for this new fine. The DHSMV will have to update the Uniform Traffic Citation template as well as create a new violation code for UTC reporting. These costs may be absorbed within existing resources.

If a county or municipality elects to implement a speed detection system program the bill may have a positive fiscal impact on state and local government revenues if implementation of the system results in increased enforcement of speed limits in areas designated as school zones. Collection of fines benefit the General Revenue Fund, the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund, the Coach Aaron Feis Guardian Program, public school districts, and local governments.

The fines may offset any costs the local government incur to implement the system, as the portion of fines retained by the counties and municipalities must be used to administer speed detection systems in school zones or other public safety initiatives. Funds distributed to the public school district where the violation occurred must be used for school security initiatives or to improve the safety of student walking conditions; these funds must be shared with charter schools in the district based on each charter school's proportionate share of the district's total unweighted full-time equivalent student enrollment to be used for the same purposes.

Local government costs associated with using speed detection equipment in school zones may vary depending on the unique needs and circumstances in each county or municipality. Costs may be influenced by numerous factors, such as equipment choices, operational and administrative decisions made by the county or municipality, and

⁷³ Department of Education, 2022 Agency Legislative Bill Analysis, SB 410, (October 13, 2021) p. 4 (on file with the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

contractual agreements with vendors.⁷⁴ Local governments will also incur costs to mail notices of violations and issue traffic citations (first-class mail and certified mail, respectively).

VI. Technical Deficiencies:

Line 432 of the bill adds a definition of “traffic enforcement officer” to s. 316.1906, F.S., which sets forth the requirements for the use of radar speed-measuring devices. While the current statute applies to all officers, both state and local, the created definition only applies to traffic infraction enforcement officers of the DHSMV. However, the bill only authorizes local government traffic infraction enforcement officers to enforce violations of school zone speed limited identified by speed detection systems. It is likely that the reference in the definition should be to s. 316.640(5), F.S., and not s. 316.640(1)(b)3., F.S.

VII. Related Issues:

The bill does not amend s. 316.1985, F.S., and may create a conflict and uncertainty in the enforcement of speed limits around schools, including when the school speed zones may be enforced and whether such speed limits may be enforced during regularly scheduled school sessions.

The bill refers to “school speed zones,” which is not clearly defined. It is unclear if this refers just to the currently authorized lower school zone speed limits allowed under s. 316.01895, F.S., or the use of the school zone as an area in which speeding is enforced. It may be more appropriate to refer to the enforcement of speed limits in areas designated as school zones.

While current law allows the legally posted school zone speed limits to be enforced 30 minutes before the start of a regularly schedule breakfast program, the bill does not address that different time frame. There may be some uncertainty when the speed detection system will be used to enforce regular posted speed limits and legally posted school zone speed limits for school zones that are timed based on breakfast programs.

Allowing a local government that uses a speed detection system in a school zone to not post signs indicating that increased fines are imposed may violate the Federal Highway Safety Administration requirements Manual for Uniform Traffic Control Devices, putting the state out of compliance and jeopardizing the receipt of federal highway funding.

Nothing in the bill specifies what the image and video of the speed detection system must capture, unlike with traffic infraction detectors. The DHSMV recommends specifying that the image capture the location where the vehicle is measured as well as the area leading up to it for the visual to be made. A clear view of the vehicle and traffic approaching the speed measurement device would allow the reviewing traffic infraction enforcement officer to be able to see enough of the road and other traffic to ensure that the proper vehicle is cited for speeding, rather than a vehicle traveling next to it.⁷⁵

⁷⁴ Department of Education, 2022 Agency Legislative Bill Analysis, SB 410, (October 13, 2021) p. 4.

⁷⁵ DHSMV, 2022 Agency Legislative Bill Analysis, SB 410, (September 30, 2021).

A notification must be sent to the registered owner of the vehicle within 30 days of the alleged violation evidenced by a speed detection system. Unlike the use of traffic infraction detectors, the notice is not required to be accompanied by a photograph or other recorded image of the violation that shows both the license tag of the vehicle and the location. The sponsor may want to require the inclusion of some evidence of the violation in the notice, which may lead some drivers to decide not to contest the citation.

The fine for failure to stop at a traffic signal is \$158 whether enforced by a law enforcement officer or by a traffic infraction enforcement officer through use of a traffic infraction detector. The bill allows for the application of different fines for speeding in an area marked as a school zone depending on whether enforced by an officer or by evidence of a speed detection system.

MPH Over the Legally Posted Speed Limit	Current Law		Under the Bill as Evidenced by a Speed Detection System	
	Fine – Regular Posted Speed Limit	Fine – School Zone Speed Limit	Fine – Regular Posted Speed Limit	Fine – School Zone Speed Limit
10-14 mph	\$100	\$200	\$158	\$158
15-19 mph	\$150	\$300	\$158	\$158
20-29 mph	\$175	\$350	\$158	\$158
30 mph or more	\$250	\$500	\$158	\$158

The law for traffic infraction detectors prohibits a person from receiving a commission or per-ticket fee for any revenue collected from violations detected through use of traffic infraction detectors and a manufacturer or vendor from receiving a fee or remuneration based on the number of violations detected through use of the detector. The sponsor may wish to include similar provisions for use of a speed detection system.

The Department of Revenue recommends specifying if the \$6 of the fine to be distributed to the school district should be distributed by the department or by the local government. It may be administratively easier for the local government to make such a distribution.⁷⁶

The DHSMV recommends that the effective date of the bill be changed to October 1, 2022, to allow time for the DHSMV and stakeholders to implement the necessary technology changes.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.008, 316.0776, 316.1906, 318.18, 322.27, 316.306, 316.640, 316.650, 318.14, 318.21, and 655.960.

This bill creates section 316.1896 of the Florida Statutes.

⁷⁶ Department of Revenue, 2022 Agency Legislative Bill Analysis, SB 410, (October 19, 2021) p. 4 (on file with the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development).

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Rodriguez

39-00541-22

2022410__

1 A bill to be entitled
 2 An act relating to photographic enforcement of school
 3 zone speed limits; amending s. 316.003, F.S.; defining
 4 the term "speed detection system"; amending s.
 5 316.008, F.S.; authorizing counties and municipalities
 6 to enforce school speed zones through the use of speed
 7 detection systems; providing a rebuttable presumption;
 8 authorizing counties and municipalities to install, or
 9 contract with a vendor to install, speed detection
 10 systems; amending s. 316.0776, F.S.; authorizing the
 11 installation of speed detection systems on state
 12 roads, when permitted by the Department of
 13 Transportation, and on streets and highways under the
 14 jurisdiction of counties and municipalities, in
 15 accordance with certain placement and installation
 16 specifications; requiring the department to establish
 17 such specifications by a certain date; requiring
 18 counties and municipalities that install speed
 19 detection systems to provide certain notification to
 20 the public; providing signage requirements; requiring
 21 counties and municipalities that have never conducted
 22 a speed detection system program to conduct a public
 23 awareness campaign before commencing enforcement using
 24 such system; providing penalties in effect during the
 25 public awareness campaign; creating s. 316.1896, F.S.;
 26 authorizing counties and municipalities to authorize
 27 traffic infraction enforcement officers to issue
 28 certain traffic citations; providing construction;
 29 providing notification requirements and procedures;

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30 authorizing a person who receives a notification of
 31 violation to request a hearing within a specified
 32 timeframe; defining the term "person"; providing for
 33 waiver of challenge or dispute as to the delivery of
 34 the notification of violation; requiring counties and
 35 municipalities to pay certain funds to the Department
 36 of Revenue; providing for the distribution of funds;
 37 providing requirements for issuance of a traffic
 38 citation; providing for waiver of challenge or dispute
 39 as to the delivery of the traffic citation; providing
 40 notification requirements and procedures; specifying
 41 that the registered owner of a motor vehicle is
 42 responsible and liable for paying a traffic citation;
 43 providing exceptions; requiring an owner of a motor
 44 vehicle to furnish an affidavit under certain
 45 circumstances; specifying requirements for such
 46 affidavit; providing a criminal penalty for submitting
 47 a false affidavit; providing that certain images or
 48 video and evidence of speed are admissible in certain
 49 proceedings; providing a rebuttable presumption;
 50 providing construction; providing requirements and
 51 procedures for hearings; amending s. 316.1906, F.S.;
 52 revising the definition of the term "officer";
 53 authorizing a traffic infraction enforcement officer
 54 to satisfy a certain requirement by reviewing certain
 55 images or video and evidence of speed; providing
 56 requirements for speed detection systems; requiring a
 57 law enforcement agency and its agents operating a
 58 speed detection system to maintain a log of results of

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59 the system's self-tests; requiring a law enforcement
60 agency and its agents to perform independent
61 calibration tests of such systems; providing that
62 self-test logs and calibration test results are
63 admissible in certain court proceedings; amending s.
64 318.18, F.S.; providing penalties; amending s. 322.27,
65 F.S.; prohibiting points from being imposed against a
66 driver license for certain infractions enforced by a
67 traffic infraction enforcement officer; prohibiting
68 such infractions from being used to set motor vehicle
69 insurance rates; amending ss. 316.306, 316.640,
70 316.650, 318.14, 318.21, and 655.960, F.S.; conforming
71 cross-references and provisions to changes made by the
72 act; providing an effective date.

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

75 Section 1. Present subsections (82) through (109) of
76 section 316.003, Florida Statutes, are redesignated as
77 subsections (83) through (110), respectively, a new subsection
78 (82) is added to that section, and subsection (64) of that
79 section is amended, to read:

80 316.003 Definitions.—The following words and phrases, when
81 used in this chapter, shall have the meanings respectively
82 ascribed to them in this section, except where the context
83 otherwise requires:

84 (64) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided
85 in paragraph (88) (b) ~~(87) (b)~~, any privately owned way or place
86 used for vehicular travel by the owner and those having express
87

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88 or implied permission from the owner, but not by other persons.
89 (82) SPEED DETECTION SYSTEM.—An automated system used to
90 record a vehicle's speed using radar and to capture a photograph
91 or video of a vehicle that exceeds the speed limit in force at
92 the time of violation.
93 Section 2. Subsection (9) is added to section 316.008,
94 Florida Statutes, to read:
95 316.008 Powers of local authorities.—
96 (9) (a) A county or municipality may enforce school speed
97 zones, as provided in s. 316.1895, within 1 hour before, during
98 the entirety of, and within 1 hour after a regularly scheduled
99 school session through the use of a speed detection system for
100 the measurement of speed and recording of photographs or videos
101 for violations that are in excess of 10 miles per hour over the
102 speed limit in force at the time of the violation. A school
103 zone's compliance with s. 316.1895, except for s. 316.1895(6)
104 relating to a sign stating "Speeding Fines Doubled" as otherwise
105 specified in s. 316.0776, creates a rebuttable presumption that
106 the school zone is being properly maintained.
107 (b) A county or municipality may install, or contract with
108 a vendor to install, a speed detection system within 1,000 feet
109 of a school zone to enforce speed limits in school speed zones,
110 as provided in s. 316.1895.
111 Section 3. Subsection (3) is added to section 316.0776,
112 Florida Statutes, to read:
113 316.0776 Traffic infraction detectors; speed detection
114 systems; placement and installation.—
115 (3) A speed detection system may be installed on a state
116 road when permitted by the Department of Transportation and in

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 117 accordance with placement and installation specifications
 118 developed by the Department of Transportation. A speed detection
 119 system may be installed on a street or highway under the
 120 jurisdiction of a county or a municipality in accordance with
 121 placement and installation specifications established by the
 122 Department of Transportation. The Department of Transportation
 123 shall establish such placement and installation specifications
 124 by August 1, 2022.

125 (a) If a county or municipality installs a speed detection
 126 system, the county or municipality must notify the public that a
 127 speed detection system may be in use and must specifically
 128 include notification of camera or video enforcement of
 129 violations. Such signage used to notify the public must meet the
 130 specifications for uniform signals and devices adopted by the
 131 Department of Transportation pursuant to s. 316.0745. For speed
 132 detection systems enforcing s. 316.1895 in school speed zones,
 133 this paragraph shall govern the signage notifying the public of
 134 the use of a speed detection system, and a sign stating
 135 "Speeding Fines Doubled," as provided in s. 316.1895(6), is not
 136 required when a violation of s. 316.1895 is enforced by a speed
 137 detection system in a school speed zone.

138 (b) If a county or municipality begins a speed detection
 139 system program in a county or municipality that has never
 140 conducted such a program, the respective county or municipality
 141 shall make a public announcement and conduct a public awareness
 142 campaign on the proposed use of speed detection systems at least
 143 30 days before commencing enforcement under the speed detection
 144 system program and notify the public of the specific date on
 145 which the program will commence. During the 30-day public

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 146 awareness campaign about the speed detection system program, a
 147 motor vehicle operator found to have violated s. 316.1895 by a
 148 speed detection system shall be issued a warning for the
 149 violation and is not liable for the civil penalty imposed under
 150 s. 318.18(3)(d).

151 Section 4. Section 316.1896, Florida Statutes, is created
 152 to read:

153 316.1896 School speed zones; speed detection system
 154 enforcement; penalties; appeal procedure.—

155 (1) For purposes of administering this section, a county or
 156 municipality may authorize a traffic infraction enforcement
 157 officer under s. 316.640 to issue a traffic citation for a
 158 violation of s. 316.1895 that occurs within 1 hour before,
 159 during, or within 1 hour after a regularly scheduled school
 160 session which is in excess of 10 miles per hour over the speed
 161 limit in force at the time of the violation. Such violation must
 162 be evidenced by a speed detection system. This subsection does
 163 not prohibit a review of information from a speed detection
 164 system by an authorized employee or agent of a county or
 165 municipality before issuance of the traffic citation by the
 166 traffic infraction enforcement officer. This subsection does not
 167 prohibit a county or municipality from issuing notifications as
 168 provided in subsection (2) to the registered owner of the motor
 169 vehicle in violation of s. 316.1895.

170 (2) Within 30 days after a violation, notification must be
 171 sent to the registered owner of the motor vehicle involved in
 172 the violation specifying the remedies available under s. 318.14
 173 and that the violator must pay the penalty under s. 318.18(3)(d)
 174 to the county or municipality, or furnish an affidavit in

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 175 accordance with subsection (8), within 30 days after the date of
 176 the notification of violation in order to avoid court fees,
 177 costs, and the issuance of a traffic citation. The notification
 178 of violation must:

179 (a) Be sent by first-class mail.

180 (b) Include a notice that the owner has the right to
 181 review, in person or remotely, the photographic or electronic
 182 images or streaming video and the evidence of the speed of the
 183 vehicle as measured by a speed detection system which constitute
 184 a rebuttable presumption against the owner of the vehicle.

185 (c) State the time when and place or website where the
 186 images or video and evidence of speed may be examined and
 187 observed.

188 (3) Notwithstanding any other law, a person who receives a
 189 notification of violation under this section may request a
 190 hearing within 30 days after the notification of violation or
 191 pay the penalty pursuant to the notification of violation, but a
 192 payment or fee may not be required before the hearing requested
 193 by the person. The notification of violation must be accompanied
 194 by, or direct the person to a website that provides, information
 195 on the person's right to request a hearing and on all court
 196 costs related thereto and a form used for requesting a hearing.
 197 As used in this subsection, the term "person" includes a natural
 198 person, the registered owner or co-owner of a motor vehicle, or
 199 the person identified in an affidavit as having actual care,
 200 custody, or control of the motor vehicle at the time of the
 201 violation.

202 (4) If the registered owner or co-owner of the motor
 203 vehicle; the person designated as having care, custody, or

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 204 control of the motor vehicle at the time of the violation; or an
 205 authorized representative of the owner, co-owner, or designated
 206 person initiates a proceeding to challenge the violation, such
 207 person waives any challenge or dispute as to the delivery of the
 208 notification of violation.

209 (5) Penalties assessed and collected by the county or
 210 municipality authorized to collect the funds provided for in
 211 this section, less the amount retained by the county or
 212 municipality pursuant to paragraph (b), shall be paid to the
 213 Department of Revenue weekly. Payment by the county or
 214 municipality to the state must be made by means of electronic
 215 funds transfer. In addition to the payment, a detailed summary
 216 of the penalties remitted shall be reported to the Department of
 217 Revenue. Penalties to be assessed and collected by the county or
 218 municipality as established in s. 318.18(3)(d) shall be remitted
 219 as follows:

220 (a) Sixty dollars shall be remitted to the Department of
 221 Revenue for deposit into the General Revenue Fund.

222 (b) Eighty-four dollars shall be retained by the county or
 223 municipality and shall be used to administer speed detection
 224 systems in school zones or other public safety initiatives.

225 (c) Four dollars shall be remitted to the Department of
 226 Revenue for deposit into the Department of Law Enforcement
 227 Criminal Justice Standards and Training Trust Fund.

228 (d) Six dollars shall be remitted to the public school
 229 district in which the violation occurred and shall be used for
 230 school security initiatives or to improve the safety of student
 231 walking conditions. Funds remitted under this paragraph shall be
 232 shared with charter schools in the district, based on each

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233 charter school's proportionate share of the district's total
 234 unweighted full-time equivalent student enrollment, and shall be
 235 used for school security initiatives or to improve the safety of
 236 student walking conditions.

237 (e) Four dollars shall be remitted to the Department of
 238 Revenue for deposit into the General Revenue Fund for the
 239 benefit of the Coach Aaron Feis Guardian Program.

240 (6) A traffic citation shall be issued by mailing the
 241 traffic citation by certified mail to the address of the
 242 registered owner of the motor vehicle involved in the violation
 243 if payment has not been made within 30 days after notification
 244 under subsection (2), if the registered owner has not requested
 245 a hearing as authorized under subsection (3), or if the
 246 registered owner has not submitted an affidavit in accordance
 247 with subsection (8).

248 (a) Delivery of the traffic citation constitutes
 249 notification under this subsection. If the registered owner or
 250 co-owner of the motor vehicle; the person designated as having
 251 care, custody, or control of the motor vehicle at the time of
 252 the violation; or a duly authorized representative of the owner,
 253 co-owner, or designated person initiates a proceeding to
 254 challenge the citation pursuant to this section, such person
 255 waives any challenge or dispute as to the delivery of the
 256 traffic citation.

257 (b) In the case of joint ownership of a motor vehicle, the
 258 traffic citation shall be mailed to the first name appearing on
 259 the motor vehicle registration, unless the first name appearing
 260 on the registration is a business organization, in which case
 261 the second name appearing on the registration may be used.

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262 (c) Included with the notification to the registered owner
 263 of the motor vehicle involved in the infraction shall be a
 264 notice that the owner has a right to review, in person or
 265 remotely, the photographic or electronic images or streaming
 266 video and the evidence of the speed of the vehicle as measured
 267 by a speed detection system which constitute a rebuttable
 268 presumption against the owner of the vehicle. The notice must
 269 state the time when and place or website where the images or
 270 video and evidence of speed may be examined and observed.

271 (7) The registered owner of the motor vehicle involved in
 272 the violation is responsible and liable for paying the uniform
 273 traffic citation issued for a violation of s. 316.1895 unless
 274 the owner can establish that:

275 (a) The motor vehicle was, at the time of the violation, in
 276 the care, custody, or control of another person;

277 (b) A uniform traffic citation was issued by law
 278 enforcement to the driver of the motor vehicle for the alleged
 279 violation of s. 316.1895; or

280 (c) The motor vehicle's owner was deceased on or before the
 281 date that the uniform traffic citation was issued, as
 282 established by an affidavit submitted by the representative of
 283 the motor vehicle owner's estate or other designated person or
 284 family member.

285 (8) To establish such facts under subsection (7), the
 286 registered owner of the motor vehicle shall, within 30 days
 287 after the date of issuance of the traffic citation, furnish to
 288 the appropriate governmental entity an affidavit setting forth
 289 detailed information supporting an exception under subsection
 290 (7).

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291 (a) An affidavit supporting an exemption under paragraph
 292 (7) (a) must include the name, address, date of birth, and, if
 293 known, the driver license number of the person who leased,
 294 rented, or otherwise had care, custody, or control of the motor
 295 vehicle at the time of the alleged violation. If the motor
 296 vehicle was stolen at the time of the alleged violation, the
 297 affidavit must include the police report indicating that the
 298 motor vehicle was stolen.

299 (b) If a uniform traffic citation for a violation of s.
 300 316.1895 was issued at the location of the violation by a law
 301 enforcement officer, the affidavit must include the serial
 302 number of the uniform traffic citation.

303 (c) If the motor vehicle's owner to whom a uniform traffic
 304 citation has been issued is deceased, the affidavit must include
 305 a certified copy of the owner's death certificate showing that
 306 the date of death occurred on or before the issuance of the
 307 uniform traffic citation and one of the following:

308 1. A bill of sale or other document showing that the
 309 deceased owner's motor vehicle was sold or transferred after his
 310 or her death but on or before the date of the alleged violation.

311 2. Documented proof that the registered license plate
 312 belonging to the deceased owner's vehicle was returned to the
 313 department or any branch office or authorized agent of the
 314 department after his or her death but on or before the date of
 315 the alleged violation.

316 3. A copy of the police report showing that the deceased
 317 owner's registered license plate or motor vehicle was stolen
 318 after his or her death but on or before the date of the alleged
 319 violation.

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320
 321 Upon receipt of the affidavit and documentation required under
 322 this paragraph, the governmental entity must dismiss the
 323 citation and provide proof of such dismissal to the person who
 324 submitted the affidavit.

325 (9) Upon receipt of an affidavit, the person designated as
 326 having care, custody, or control of the motor vehicle at the
 327 time of the violation may be issued a notification of violation
 328 pursuant to subsection (2) for a violation of s. 316.1895. The
 329 affidavit is admissible in a proceeding pursuant to this section
 330 for the purpose of providing proof that the person identified in
 331 the affidavit was in actual care, custody, or control of the
 332 motor vehicle. The owner of a leased vehicle for which a traffic
 333 citation is issued for a violation of s. 316.1895 is not
 334 responsible for paying the traffic citation and is not required
 335 to submit an affidavit as specified in this subsection if the
 336 motor vehicle involved in the violation is registered in the
 337 name of the lessee of such motor vehicle.

338 (10) If a county or municipality receives an affidavit
 339 under subsection (8), the notification of violation required
 340 under subsection (2) must be sent to the person identified in
 341 the affidavit within 30 days after receipt of the affidavit.

342 (11) The submission of a false affidavit is a misdemeanor
 343 of the second degree, punishable as provided in s. 775.082 or s.
 344 775.083.

345 (12) The photographic or electronic images, the streaming
 346 video evidence, and the evidence of the speed of the vehicle as
 347 measured by a speed detection system attached to or referenced
 348 in the traffic citation are evidence of a violation of s.

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 349 316.1895 and are admissible in any proceeding to enforce this
 350 section. The images or video and evidence of speed raise a
 351 rebuttable presumption that the motor vehicle named in the
 352 report or shown in the images or video was used in violation of
 353 s. 316.1895.

354 (13) This section supplements the enforcement of s.
 355 316.1895 by law enforcement officers and does not prohibit a law
 356 enforcement officer from issuing a traffic citation for a
 357 violation of s. 316.1895.

358 (14) A hearing under this section shall be conducted under
 359 the procedures established by s. 316.0083(5) and as follows:

360 (a) The department shall publish and make available
 361 electronically to each county and municipality a model request
 362 for hearing form to assist each local government administering
 363 this section.

364 (b) The county or municipality electing to authorize
 365 traffic infraction enforcement officers to issue traffic
 366 citations under subsection (6) shall designate by resolution
 367 existing staff to serve as the clerk to the local hearing
 368 officer.

369 (c) Any person, herein referred to as the "petitioner," who
 370 elects to request a hearing under subsection (3) shall be
 371 scheduled for a hearing by the clerk to the local hearing
 372 officer. The clerk must furnish the petitioner with notice to be
 373 sent by first-class mail. Upon receipt of the notice, the
 374 petitioner may reschedule the hearing once by submitting a
 375 written request to reschedule to the clerk to the local hearing
 376 officer at least 5 calendar days before the day of the
 377 originally scheduled hearing. The petitioner may cancel his or

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 378 her appearance before the local hearing officer by paying the
 379 penalty assessed under subsection (2), plus the administrative
 380 costs established in s. 316.0083(5) (c), before the start of the
 381 hearing.

382 (d) All testimony at the hearing shall be under oath and
 383 shall be recorded. The local hearing officer shall take
 384 testimony from a traffic infraction enforcement officer and the
 385 petitioner and may take testimony from others. The local hearing
 386 officer shall review the photographic or electronic images or
 387 streaming video and the evidence of the speed of the vehicle as
 388 measured by a speed detection system made available under
 389 paragraph (2) (b). Formal rules of evidence do not apply, but due
 390 process shall be observed and govern the proceedings.

391 (e) At the conclusion of the hearing, the local hearing
 392 officer shall determine whether a violation under this section
 393 occurred and shall uphold or dismiss the violation. The local
 394 hearing officer shall issue a final administrative order
 395 including the determination and, if the notification of
 396 violation is upheld, require the petitioner to pay the penalty
 397 previously assessed under subsection (2), and may also require
 398 the petitioner to pay county or municipal costs not to exceed
 399 the amount established in s. 316.0083(5) (e). The final
 400 administrative order shall be mailed to the petitioner by first-
 401 class mail.

402 (f) An aggrieved party may appeal a final administrative
 403 order consistent with the process provided in s. 162.11.

404 Section 5. Paragraph (d) of subsection (1) and paragraph
 405 (b) of subsection (2) of section 316.1906, Florida Statutes, are
 406 amended, and subsection (3) is added to that section, to read:

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407 316.1906 Radar speed-measuring devices; evidence,
408 admissibility.—

409 (1) DEFINITIONS.—

410 (d) "Officer" means any:

411 1. "Law enforcement officer" who is elected, appointed, or
412 employed full time by any municipality or the state or any
413 political subdivision thereof; who is vested with the authority
414 to bear arms and make arrests; and whose primary responsibility
415 is the prevention and detection of crime or the enforcement of
416 the penal, criminal, traffic, or highway laws of the state;

417 2. "Part-time law enforcement officer" who is employed or
418 appointed less than full time, as defined by an employing
419 agency, with or without compensation; who is vested with
420 authority to bear arms and make arrests; and whose primary
421 responsibility is the prevention and detection of crime or the
422 enforcement of the penal, criminal, traffic, or highway laws of
423 the state; or

424 3. "Auxiliary law enforcement officer" who is employed or
425 appointed, with or without compensation; who aids or assists a
426 full-time or part-time law enforcement officer; and who, while
427 under the direct supervision of a full-time or part-time law
428 enforcement officer, has the authority to arrest and perform law
429 enforcement functions.

430 4. "Traffic infraction enforcement officer" who is employed
431 or appointed and satisfies the requirements of s.
432 316.640(1)(b)3., with or without compensation, and who is vested
433 with authority to enforce a violation of s. 316.1895 pursuant to
434 s. 316.1896.

435 (2) Evidence of the speed of a vehicle measured by any

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436 radar speed-measuring device shall be inadmissible in any
437 proceeding with respect to an alleged violation of provisions of
438 law regulating the lawful speed of vehicles, unless such
439 evidence of speed is obtained by an officer who:

440 (b) Has made an independent visual determination that the
441 vehicle is operating in excess of the applicable speed limit. A
442 traffic infraction enforcement officer may satisfy this
443 paragraph through a review of photographic or electronic images,
444 streaming video, or evidence of the speed of the vehicle as
445 measured by a speed detection system.

446 (3) A speed detection system is exempt from the design
447 requirements for radar units established by the department. A
448 speed detection system must have the ability to perform self-
449 tests as to its detection accuracy. The system must perform a
450 self-test at least once every 30 days. The law enforcement
451 agency, or an agent acting on behalf of the law enforcement
452 agency, operating a speed detection system shall maintain a log
453 of the results of the system's self-tests. The law enforcement
454 agency, or an agent acting on behalf of the law enforcement
455 agency, operating a speed detection system shall also perform an
456 independent calibration test on the speed detection system at
457 least once every 12 months. The self-test logs, as well as the
458 results of the annual calibration test, are admissible in any
459 court proceeding for a traffic citation issued for a violation
460 of s. 316.1895 enforced pursuant to s. 316.1896.

461 Section 6. Present paragraphs (d) through (h) of subsection
462 (3) of section 318.18, Florida Statutes, are redesignated as
463 paragraphs (e) through (i), respectively, and a new paragraph
464 (d) is added to that subsection to read:

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465 318.18 Amount of penalties.—The penalties required for a
 466 noncriminal disposition pursuant to s. 318.14 or a criminal
 467 offense listed in s. 318.17 are as follows:

468 (3)

469 (d) Notwithstanding paragraphs (b) and (c), a person cited
 470 for exceeding the speed limit in a school zone as provided in s.
 471 316.1895, when enforced by a traffic infraction enforcement
 472 officer pursuant to s. 316.1896, shall pay a fine of \$158.

473 Section 7. Paragraph (d) of subsection (3) of section
 474 322.27, Florida Statutes, is amended to read:

475 322.27 Authority of department to suspend or revoke driver
 476 license or identification card.—

477 (3) There is established a point system for evaluation of
 478 convictions of violations of motor vehicle laws or ordinances,
 479 and violations of applicable provisions of s. 403.413(6)(b) when
 480 such violations involve the use of motor vehicles, for the
 481 determination of the continuing qualification of any person to
 482 operate a motor vehicle. The department is authorized to suspend
 483 the license of any person upon showing of its records or other
 484 good and sufficient evidence that the licensee has been
 485 convicted of violation of motor vehicle laws or ordinances, or
 486 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 487 more points as determined by the point system. The suspension
 488 shall be for a period of not more than 1 year.

489 (d) The point system shall have as its basic element a
 490 graduated scale of points assigning relative values to
 491 convictions of the following violations:

- 492 1. Reckless driving, willful and wanton—4 points.
 493 2. Leaving the scene of a crash resulting in property

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494 damage of more than \$50—6 points.

495 3. Unlawful speed, or unlawful use of a wireless
 496 communications device, resulting in a crash—6 points.

497 4. Passing a stopped school bus:

498 a. Not causing or resulting in serious bodily injury to or
 499 death of another—4 points.

500 b. Causing or resulting in serious bodily injury to or
 501 death of another—6 points.

502 5. Unlawful speed:

503 a. Not in excess of 15 miles per hour of lawful or posted
 504 speed—3 points.

505 b. In excess of 15 miles per hour of lawful or posted
 506 speed—4 points.

507 c. No points shall be imposed for a violation of unlawful
 508 speed as provided in s. 316.1895 when enforced by a traffic
 509 infraction enforcement officer pursuant to s. 316.1896. In
 510 addition, a violation of s. 316.1895 when enforced by a traffic
 511 infraction enforcement officer pursuant to s. 316.1896 may not
 512 be used for purposes of setting motor vehicle insurance rates.

513 6. A violation of a traffic control signal device as
 514 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
 515 However, no points shall be imposed for a violation of s.
 516 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 517 stop at a traffic signal and when enforced by a traffic
 518 infraction enforcement officer. In addition, a violation of s.
 519 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 520 stop at a traffic signal and when enforced by a traffic
 521 infraction enforcement officer may not be used for purposes of
 522 setting motor vehicle insurance rates.

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523 7. All other moving violations (including parking on a
524 highway outside the limits of a municipality)—3 points. However,
525 no points shall be imposed for a violation of s. 316.0741 or s.
526 316.2065(11); and points shall be imposed for a violation of s.
527 316.1001 only when imposed by the court after a hearing pursuant
528 to s. 318.14(5).

529 8. Any moving violation covered in this paragraph,
530 excluding unlawful speed and unlawful use of a wireless
531 communications device, resulting in a crash—4 points.

532 9. Any conviction under s. 403.413(6)(b)—3 points.

533 10. Any conviction under s. 316.0775(2)—4 points.

534 11. A moving violation covered in this paragraph which is
535 committed in conjunction with the unlawful use of a wireless
536 communications device within a school safety zone—2 points, in
537 addition to the points assigned for the moving violation.

538 Section 8. Paragraph (a) of subsection (3) of section
539 316.306, Florida Statutes, is amended to read:

540 316.306 School and work zones; prohibition on the use of a
541 wireless communications device in a handheld manner.—

542 (3)(a)1. A person may not operate a motor vehicle while
543 using a wireless communications device in a handheld manner in a
544 designated school crossing, school zone, or work zone area as
545 defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph
546 shall only be applicable to work zone areas if construction
547 personnel are present or are operating equipment on the road or
548 immediately adjacent to the work zone area. For the purposes of
549 this paragraph, a motor vehicle that is stationary is not being
550 operated and is not subject to the prohibition in this
551 paragraph.

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552 2. Effective January 1, 2020, a law enforcement officer may
553 stop motor vehicles and issue citations to persons who are
554 driving while using a wireless communications device in a
555 handheld manner in violation of subparagraph 1.

556 Section 9. Paragraph (a) of subsection (5) of section
557 316.640, Florida Statutes, is amended to read:

558 316.640 Enforcement.—The enforcement of the traffic laws of
559 this state is vested as follows:

560 (5)(a) Any sheriff's department or police department of a
561 municipality may employ, as a traffic infraction enforcement
562 officer, any individual who successfully completes instruction
563 in traffic enforcement procedures and court presentation through
564 the Selective Traffic Enforcement Program as approved by the
565 Division of Criminal Justice Standards and Training of the
566 Department of Law Enforcement, or through a similar program, but
567 who does not necessarily otherwise meet the uniform minimum
568 standards established by the Criminal Justice Standards and
569 Training Commission for law enforcement officers or auxiliary
570 law enforcement officers under s. 943.13. Any such traffic
571 infraction enforcement officer who observes the commission of a
572 traffic infraction or, in the case of a parking infraction, who
573 observes an illegally parked vehicle may issue a traffic
574 citation for the infraction when, based upon personal
575 investigation, he or she has reasonable and probable grounds to
576 believe that an offense has been committed which constitutes a
577 noncriminal traffic infraction as defined in s. 318.14. In
578 addition, any such traffic infraction enforcement officer may
579 issue a traffic citation under ss. 316.0083 and 316.1896 ~~ss.~~
580 ~~316.0083~~. For purposes of enforcing s. 316.0083, and s. 316.1895

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581 pursuant to s. 316.1896 ~~s. 316.0083~~, any sheriff's department or
582 police department of a municipality may designate employees as
583 traffic infraction enforcement officers. The traffic infraction
584 enforcement officers must be physically located in the county of
585 the respective sheriff's or police department.

586 Section 10. Paragraphs (a) and (c) of subsection (3) of
587 section 316.650, Florida Statutes, are amended to read:

588 316.650 Traffic citations.—

589 (3) (a) Except for a traffic citation issued pursuant to s.
590 316.1001, ~~or~~ s. 316.0083, or s. 316.1896, each traffic
591 enforcement officer, upon issuing a traffic citation to an
592 alleged violator of any provision of the motor vehicle laws of
593 this state or of any traffic ordinance of any municipality or
594 town, shall deposit the original traffic citation or, in the
595 case of a traffic enforcement agency that has an automated
596 citation issuance system, the chief administrative officer shall
597 provide by an electronic transmission a replica of the citation
598 data to a court having jurisdiction over the alleged offense or
599 with its traffic violations bureau within 5 days after issuance
600 to the violator.

601 (c) If a traffic citation is issued under s. 316.0083 or s.
602 316.1896, the traffic infraction enforcement officer shall
603 provide by electronic transmission a replica of the traffic
604 citation data to the court having jurisdiction over the alleged
605 offense or its traffic violations bureau within 5 days after the
606 date of issuance of the traffic citation to the violator. If a
607 hearing is requested, the traffic infraction enforcement officer
608 shall provide a replica of the traffic notice of violation data
609 to the clerk for the local hearing officer having jurisdiction

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610 over the alleged offense within 14 days.

611 Section 11. Subsection (2) of section 318.14, Florida
612 Statutes, is amended to read:

613 318.14 Noncriminal traffic infractions; exception;
614 procedures.—

615 (2) Except as provided in ss. 316.1001(2), ~~and~~ 316.0083,
616 and 316.1896, any person cited for a violation requiring a
617 mandatory hearing listed in s. 318.19 or any other criminal
618 traffic violation listed in chapter 316 must sign and accept a
619 citation indicating a promise to appear. The officer may
620 indicate on the traffic citation the time and location of the
621 scheduled hearing and must indicate the applicable civil penalty
622 established in s. 318.18. For all other infractions under this
623 section, except for infractions under s. 316.1001, the officer
624 must certify by electronic, electronic facsimile, or written
625 signature that the citation was delivered to the person cited.
626 This certification is prima facie evidence that the person cited
627 was served with the citation.

628 Section 12. Subsections (4), (5), and (15) of section
629 318.21, Florida Statutes, are amended to read:

630 318.21 Disposition of civil penalties by county courts.—All
631 civil penalties received by a county court pursuant to the
632 provisions of this chapter shall be distributed and paid monthly
633 as follows:

634 (4) Of the additional fine assessed under s. 318.18(3)(g)
635 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must
636 be remitted to the Department of Revenue for deposit in the
637 Grants and Donations Trust Fund of the Division of Blind
638 Services of the Department of Education, and 60 percent must be

39-00541-22

2022410__

639 distributed pursuant to subsections (1) and (2).

640 (5) Of the additional fine assessed under s. 318.18(3)(g)
 641 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1303(1), 60 percent
 642 must be remitted to the Department of Revenue for deposit in the
 643 Grants and Donations Trust Fund of the Division of Vocational
 644 Rehabilitation of the Department of Education, and 40 percent
 645 must be distributed pursuant to subsections (1) and (2).

646 (15) Of the additional fine assessed under s. 318.18(3)(f)
 647 ~~s. 318.18(3)(e)~~ for a violation of s. 316.1893, 50 percent of
 648 the moneys received from the fines shall be appropriated to the
 649 Agency for Health Care Administration as general revenue to
 650 provide an enhanced Medicaid payment to nursing homes that serve
 651 Medicaid recipients with brain and spinal cord injuries. The
 652 remaining 50 percent of the moneys received from the enhanced
 653 fine imposed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ shall be
 654 remitted to the Department of Revenue and deposited into the
 655 Department of Health Emergency Medical Services Trust Fund to
 656 provide financial support to certified trauma centers in the
 657 counties where enhanced penalty zones are established to ensure
 658 the availability and accessibility of trauma services. Funds
 659 deposited into the Emergency Medical Services Trust Fund under
 660 this subsection shall be allocated as follows:

661 (a) Fifty percent shall be allocated equally among all
 662 Level I, Level II, and pediatric trauma centers in recognition
 663 of readiness costs for maintaining trauma services.

664 (b) Fifty percent shall be allocated among Level I, Level
 665 II, and pediatric trauma centers based on each center's relative
 666 volume of trauma cases as calculated using the hospital
 667 discharge data collected pursuant to s. 408.061.

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

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668 Section 13. Subsection (1) of section 655.960, Florida
 669 Statutes, is amended to read:

670 655.960 Definitions; ss. 655.960-655.965.—As used in this
 671 section and ss. 655.961-655.965, unless the context otherwise
 672 requires:

673 (1) "Access area" means any paved walkway or sidewalk which
 674 is within 50 feet of any automated teller machine. The term does
 675 not include any street or highway open to the use of the public,
 676 as defined in s. 316.003(88)(a) or (b) ~~s. 316.003(87)(a) or (b)~~,
 677 including any adjacent sidewalk, as defined in s. 316.003.

678 Section 14. This act shall take effect upon becoming a law.

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



2022 AGENCY LEGISLATIVE BILL ANALYSIS

AGENCY: Highway Safety and Motor Vehicles

BILL INFORMATION	
BILL NUMBER:	SB 410
BILL TITLE:	Photographic Enforcement of School Zone Speed Limits
BILL SPONSOR:	Rodriguez
EFFECTIVE DATE:	Upon becoming a law

COMMITTEES OF REFERENCE
1) Education
2) Appropriations Subcommittee on Transportation, Tourism, and Economic Development
3) Appropriations
4)
5)

IDENTICAL BILLS	
BILL NUMBER:	HB 189
SPONSOR:	Duran

SIMILAR BILLS	
BILL NUMBER:	
SPONSOR:	

PREVIOUS LEGISLATION	
BILL NUMBER:	HB 357
SPONSOR:	Duran, Rodriguez, Benjamin, Tant, Willhite
YEAR:	2021
LAST ACTION:	April 30, 2021: Died in Tourism, Infrastructure & Energy Subcommittee

Is this bill part of an agency package?
No

CURRENT COMMITTEE
Education

BILL ANALYSIS INFORMATION	
DATE OF ANALYSIS:	September 30, 2021
Division Director/Designee MS	<i>R.A. Kyrn 11/12/21</i>
Division Director/Designee FHP	<i>[Signature] 11/9/21</i> <i>[Signature] 11/19/2021</i> <i>Troy Thompson</i>
ADDITIONAL ANALYST(S):	September 28, 2021: Kenny Zimmerman/Stan Kirkland – Strategic Management Office Lindsey Eppes, Captain Lisa M. Barnett, Major Joseph C. "Cory" Harrison – FHP October 4, 2021: Richie Frederick/Jessica Andrews – Bureau of Records (BOR)
LEGAL ANALYST:	October 20, 2021: Kathy Jimenez/Rich Coln/Gregory Pitt
FISCAL ANALYST:	October 28, 2021: Suzie Carey / Pace Callaway

KJ

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Senate Bill 410 (“bill”) authorizes counties and municipalities to enforce school speed zones through use of speed detection systems; authorizes a person who receives notification of violation to request a hearing; requires counties and municipalities to pay certain funds to the Department of Revenue (“DOR”); provides for the distribution of funds; provides notification requirements and procedures; provides criminal penalties; specifies evidence that is admissible in certain proceedings; provides requirements for speed detection systems; prohibits points from being imposed against a person’s driver license for certain infractions; and prohibits infractions from being used to set motor vehicle insurance rates.

If passed, this act shall take effect upon becoming a law.

2. SUBSTANTIVE BILL ANALYSIS

1. PRESENT SITUATION:

Florida Highway Patrol (FHP):

Section 316.1895, F.S., currently allows for enforcement of school speed zones half an hour before, during, and after students arrive and depart a regularly scheduled school session. This is currently done with law enforcement present on site to monitor traffic.

Section 316.1906, F.S. indicates that an officer will make an independent visual determination of how a vehicle was operating in excess of a speed limit, but it does not provide further guidance on this issue.

An example of an independent visual determination would be when a trooper estimates the actual speed they believe the vehicle is going. Then they use the speed measurement device to verify that speed through the audio Doppler tone and visual display on the radar. In traffic court proceedings, troopers have to testify to observing a vehicle upon the roadway and say that they visually estimated the speed of the vehicle to be over the posted speed limit and present the radar measurements.

The trooper will also need to testify that the vehicle that was stopped was the vehicle that was speeding. In the case of the radar speed measurement device, it is not pointed at a single vehicle but in the general direction. If there are multiple vehicles upon the road, the trooper would need to be able to testify where the vehicle was at in relation to any other vehicles in the area and whether it appeared to be going faster or slower than the vehicles around it.

A person that violates the speed limit in a school speed zone must be cited with a moving violation. According to section 318.18, F.S., a person that exceeds the speed limit in a school zone shall pay a fine double the amount listed in s. 318.18(3)(b), F.S.

In 2019, FHP wrote 914 citations in school zones statewide.

Motorist Services:

Uniform Signals and Devices

Section 316.0745, F.S., gives the Florida Department of Transportation (“DOT”) the authority to adopt a “uniform system of traffic control devices” for use on the streets and highways in Florida. The uniform system conforms to the system adopted by the American Association of State Highway and Transportation Officials and can be revised as needed to include changes necessary to conform to a uniform national system or to meet local and state needs. DOT may call upon representatives of local authorities to assist in the preparation or revision of the uniform system of traffic control devices.

DOT is required to compile and publish a manual of uniform traffic control devices which defines the uniform system adopted and must compile and publish minimum specifications for traffic control signals and devices certified by it as conforming with the uniform system.

School Speed Zones

Section 316.1895, F.S., authorizes DOT (under s. 316.0745, F.S.) to adopt a uniform system of traffic control devices and pedestrian control devices for use on the streets and highways in Florida surrounding all public and private schools.

DOT compiles, publishes, and transmits a manual containing all specifications and requirements with respect to the system of devices to the governing body of each county and municipality in Florida. DOT and each county and municipality in Florida must install and maintain such traffic and pedestrian control devices in conformity with this system.

Upon request from the appropriate local government, DOT is required to install and maintain such traffic and pedestrian control devices on state-maintained roads for all pre-kindergarten early-intervention schools that receive federal funding through the Head Start program.¹

A school zone located on a state-maintained primary or secondary road must be maintained by DOT or by a county or municipality pursuant to an agreement with DOT.

A school zone maintained by a county must be periodically inspected by the county sheriff’s office or any other qualified agent to determine whether or not the school zone is being properly maintained.

2. EFFECT OF THE BILL:

FHP and Motorist Services:

Section 1

Section 316.003, F.S. would be amended to define “speed detection system” as “an automated system used to record a vehicle's speed using radar and to capture a photograph or video of a vehicle that exceeds the speed limit in force at the time of violation.”

The Department recommends that consideration be given to requiring an officer to make an independent visual determination of speed in order to ensure consistency with s. 316.1906, F.S. Additionally, the Department recommends that consideration be given to authorizing videos—not photos. This will allow the reviewing officer, court, and accused driver the ability to estimate speed, and if there are multiple vehicles on the roadway, to clearly identify which vehicle was traveling faster at the time the violation occurred (this information is normally part of the officer’s testimony).

Section 2

The bill authorizes a county or municipality to install, or contract with a vendor to install, a speed detection system within 1,000 feet of a school zone to enforce speed limits in school speed zones. The bill amends s. 316.008, F.S., to authorize a county or municipality to enforce school speed zones within 1 hour before, during the entirety of, and within 1 hour after a regularly scheduled school session

¹ <https://www.acf.hhs.gov/ohs/about/head-start>

through the use of a speed detection system for violations that are in excess of 10 miles per hour over the speed limit in force at the time of the violation.

This language can be interpreted as meaning that school zone speeds will be enforced throughout the day. Unless this is the bill's intention, clarifying language may be needed to indicate that violations will only be assessed during the during the hours the school zone speed is in effect. In addition, the speed detection system will need to be able to differentiate between active school zone speed limit enforcement times and regular speed limit enforcement times if active during these time periods. Consideration should also be given to proper programming for school holidays, teacher work days, half days, etc.

Section 3

The bill amends s. 316.0776, F.S., to authorize a speed detection system to be installed on a state road when it is permitted by the Department of Transportation (DOT) and in accordance with placement and installation specifications developed by DOT. The bill also provides that a speed detection system may be installed on a street or highway under the jurisdiction of a county or a municipality in accordance with placement and installation specifications established by DOT. In addition, the bill contains public notice requirements.

Section 4

The bill creates s. 316.1896, F.S., to allow a county or municipality to authorize a traffic infraction enforcement officer to issue traffic citations in a school zone which is evidenced by a speed detection system; require that within 30 days after a violation, notification must be sent to the registered owner of the vehicle involved; require violators to pay penalties; create hearing rights and outline hearing requirements for violators; provide for the assessment and distribution of penalties by a county or municipality; create requirements for the issuance of traffic citations; and outline the methods for challenging a school zone traffic violation citation.

Section 5

The bill amends s. 316.1906, F.S., to include "traffic infraction officer" in the definition of "officer" and provide that a traffic infraction enforcement officer may make an independent visual determination by reviewing photographic or electronic images, streaming video, or evidence of the speed of a vehicle as measured by the speed detection system. The bill also outlines speed detection system technical and testing requirements.

Section 6

The bill amends s. 318.18(3), F.S., to impose a fine of \$158 to a person cited for exceeding the speed limit in a school zone when enforced by a traffic infraction enforcement officer.

Section 7

The bill specifies that no points will be assessed for a school zone speed limit violation enforced by a live traffic infraction enforcement officer.

Impact to the Department:

FHP:

If the bill passes the system would need a video camera that is set up to provide a clear view of the vehicle and traffic approaching the speed measurement device. The video would need to capture the location where the vehicle was measured as well as the area leading up to it in order for the visual estimate to be made. The reviewing officer would need to be able to see enough of the roadway and

other traffic to estimate how fast the vehicle is traveling on the road and to ensure that the vehicle that was cited was in fact the vehicle that was speeding rather than a vehicle traveling next to it or some other vehicle.

Based on the language in this bill, municipalities and counties will be affected rather than FHP as they will utilize their own traffic infraction enforcement officers to enforce this bill. The bill lengthens the enforcement period of the school zone.

Motorist Services:

If the bill passes, the Division of Motorist Services, Bureau of Records, will have to review and approve the Uniform Traffic Citation (UTC) template, which includes the notice of violation and photographic images recorded by the camera, as required by the bill. This review is to ensure forms are consistent with the statutory language and current Departmental procedures. The Department does not collect the school zone camera fines. These fines are received by the municipality, county, or school board district, which is determined at their level.

The Department's Bureau of Records will have to create one new violation code, which will be added to the UTC Citation Annual Statistical Report and the UTC Manual, Appendix C, and may see increased requests to establish Memoranda of Understanding (MOUs) for access to the Driver and Vehicle Information Database (DAVID) to identify the vehicle owner for recorded violations.

3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y N

If yes, explain:	
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Proponents may be municipalities-school boards, parents of school bus riders, private industry vendors to provide school bus traffic infraction detection device manufacturing, installation, support, and maintenance.
Opponents and summary of position:	There are no known opponents.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y N

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y N

Board:	
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Board Purpose:	
Who Appoints?	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? Y N

Revenues:	Indeterminate
Expenditures:	County and municipalites will incur mailing cost associated with mailing traffic violations
Does the legislation increase local taxes or fees? if yes, explain.	NA
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	NA

2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT? Y N

Revenues:	None
Expenditures:	None
Does the legislation contain a State Government appropriation?	NA
If yes, was this appropriated last year?	NA

3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? Y N

Revenues:	None
Expenditures:	None
Other:	NA

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES? Y N

If yes, explain impact.	NA
Bill Section Number:	NA

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y N

If yes, describe the anticipated impact to the agency including any fiscal impact.

This legislation would be a low impact on the Department's operational resources.
Programming is required to create a new violation code and add this code to the annual UTC Statistical Report.

FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y N

If yes, describe the anticipated impact including any fiscal impact.

None

ADDITIONAL COMMENTS

Comments:

Under current law, the burden of liability for operating a motor vehicle above the posted speed limit is the responsibility of the operator. However, pursuant to the bill, the liability for speeding over 10 miles per hour within certain locations would result in penalties to the owner of the motor vehicle rather than the driver who committed the violation.

Amendment:

Section 14, line 678

The Department requests to move the implementation date to October 1, 2022, to allow time for the Department and stakeholders to implement the technology changes.

This act shall take effect upon becoming a law October 1, 2022.

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:

None.



2022 AGENCY LEGISLATIVE BILL ANALYSIS

Florida Department of Education

BILL INFORMATION

BILL NUMBER:	Senate Bill 410
BILL TITLE:	Photographic Enforcement of School Zone Speed Limits
BILL SPONSOR:	Senator A. Rodriguez
EFFECTIVE DATE:	Upon becoming a law

COMMITTEES OF REFERENCE

1) Education
2) Appropriations Subcommittee on Transportation, Tourism, and Economic Development
3) Appropriations
4)
5)

CURRENT COMMITTEE

Education

SIMILAR BILLS

BILL NUMBER:	
SPONSOR:	

PREVIOUS LEGISLATION

BILL NUMBER:	
SPONSOR:	
YEAR:	
LAST ACTION:	

IDENTICAL BILLS

BILL NUMBER:	HB 189
SPONSOR:	Rep. Duran

Is this bill part of an agency package?

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BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	10/13/2021
LEAD AGENCY ANALYST:	Mark Eggers, Assistant Deputy Commissioner, School Business Services
ADDITIONAL ANALYST(S):	Robert Manspeaker, Director, School Transportation
LEGAL ANALYST:	Jason D. Borntrager, Assistant General Counsel
FISCAL ANALYST:	Suzanne Pridgeon, Deputy Commissioner, Finance and Operations

POLICY ANALYSIS

1. EXECUTIVE SUMMARY

Section 1. amends s. 316.003, F.S., to:

- Define the term “speed detection system”; and
- Renumber existing subsections; add a new subsection.

Section 2. amends s. 316.008, F.S., to:

- Authorize counties and municipalities to use speed detection systems to enforce school zone speed limits during certain times; and
- Authorize a county or municipality to install or contract with a vendor to install speed detection systems within 1,000 feet of school zones.

Section 3. amends s. 316.0776, F.S., to:

- Authorize the installation of speed detection systems on state roads when permitted by the Department of Transportation (DOT), or on county or municipal roads in accordance with installation specifications developed by DOT;
- Require the county or municipality to follow signage and public notification specifications established by DOT when installing speed detection systems; and
- Require a county or municipality that has never conducted a speed detection program to conduct a public awareness campaign to announce the proposed speed detection program at least 30 days prior to commencement and to provide a commencement date.

Section 4. creates s. 316.1896, F.S., to:

- Establish school speed zone detection system enforcement, penalties and appeal procedures;
- Specify the collection of civil penalties and the dissemination of funds;
- Establish reporting requirements for funds collected; and
- Establish affidavit and hearing procedures.

Section 5. amends s. 316.1906, F.S., to:

- Define a “Traffic Infraction Enforcement Officer”;
- Authorize a traffic infraction enforcement officer to review electronic images and video evidence of school zone speeding violations measured by speed detection systems;
- Establish requirements for speed detection systems self-tests and independent calibration tests to ensure speed detection accuracy; and
- Establish the admissibility of speed detection system self-test and annual calibration logs for court proceedings.

Section 6. amends s. 318.18, F.S., to:

- Establish a fine of \$158 for the violation of a school zone speed limit when enforced by a traffic infraction enforcement officer.

Section 7. amends s. 322.27, F.S., to:

- Establish that no points are to be imposed on a driving record for a violation of unlawful speed when enforced by a traffic infraction enforcement officer, nor shall such violation be used for setting motor vehicle insurance rates.

Section 8. amends s. 316.306, F.S., to:

- Renumber subsection reference from s. 316.003(109) to s. 316.003(110).

Section 9. amends s. 316.640, F.S., to:

- Add references to s. 316.1895 and s. 316.1896.

Section 10. amends s. 316.650, F.S., to:

- Add references to s. 316.1896.

Section 11. amends s. 318.14, F.S., to:

- Add a reference to s. 316.1896.

Section 12. amends s. 318.21, F.S., to:

- Renumber subsection reference s. 318.18(f) to s. 318.18(g);
- Renumber subsection reference s. 318.18(3)(e) to s. 318.18(3)(f).

Section 13. amends s. 655.960, F.S., to:

- Renumber reference s. 316.003(87)(a) or (b) to s. 316.003(88)(a) or (b).

Section 14. Establishes an effective date.

2. SUBSTANTIVE BILL ANALYSIS**1. PRESENT SITUATION:**

Currently, law enforcement officers must witness traffic infractions of motorists violating school zone speed limits to issue citations.

2. EFFECT OF THE BILL:

The bill would provide municipalities and counties with the authority to install automated speed detection systems in school zones to collect video and photographic evidence of speeding violations for use by traffic infraction enforcement officers to issue citations via U.S. mail to the registered owners of the vehicles involved in such violations.

3. DOES THE LEGISLATION DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES? Y N

If yes, explain:	
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	

4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?

Proponents and summary of position:	Unknown.
Opponents and summary of position:	Unknown.

5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL? Y N

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? Y N

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

1. FISCAL IMPACT TO LOCAL GOVERNMENT

Y N

Revenues:	The county or municipality retains \$84 for each citation, and \$6 for each citation is paid to the local school district.
Expenditures:	Overall, local government costs associated with using speed detection equipment in school zones would vary depending on the unique needs and circumstances in each county or municipality. Costs would be influenced by numerous factors, such as equipment choices, operational and administrative decisions made by the county or municipality and contractual agreements with vendors.
Does the legislation increase local taxes or fees? If yes, explain.	No.
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	

2. FISCAL IMPACT TO STATE GOVERNMENT

Y N

Revenues:	The Florida Department of Revenue will receive \$60 for each citation to be deposited into the General Revenue Fund, and \$4 for each citation will be deposited into the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund.
Expenditures:	None.
Does the legislation contain a State Government appropriation?	No.
If yes, was this appropriated last year?	

3. FISCAL IMPACT TO THE PRIVATE SECTOR

Y N

Revenues:	This act will generate an indeterminable amount of revenue for private companies that manufacture and install speed detection systems.
Expenditures:	Motorists that violate school zone speed limits will incur civil penalties in the amount of \$158 per violation.
Other:	

4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?

Y N

If yes, explain impact.	This bill establishes a fine of \$158 per violation.
Bill Section Number:	Section 6, line 472.

TECHNOLOGY IMPACT

1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)? Y N

If yes, describe the anticipated impact to the agency including any fiscal impact.	
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FEDERAL IMPACT

1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)? Y N

If yes, describe the anticipated impact including any fiscal impact.	
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ADDITIONAL COMMENTS

LEGAL - GENERAL COUNSEL'S OFFICE REVIEW

Issues/concerns/comments:	No additional comments.
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/s/ Jason D. Borntreger
Legal Analyst Signature

10/25/21
Date

APPROVALS

Mark Eggers
Lead Program Policy Analyst

10/15/2021
Date

850-245-0351
Phone Number

Suzanne Pridgeon
Chancellor/Director/Direct Report

10/22/2021
Date

Suzanne Pridgeon
Fiscal Analyst

10/22/2021
Date

Alexis Calatayud
Governmental Relations

11/4/2021
Date



2022 AGENCY LEGISLATIVE BILL ANALYSIS DEPARTMENT OF REVENUE

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Dw

BILL INFORMATION

BILL NUMBER:	SB 410
BILL TITLE:	Photographic Enforcement of School Zone Speed Limits
BILL SPONSOR:	Senator Rodriguez
EFFECTIVE DATE:	Upon becoming a law

COMMITTEES OF REFERENCE

1) Education
2) Appropriations Subcommittee on Transportation, Tourism, and Economic Development
3) Appropriations
4)
5)

CURRENT COMMITTEE

Education

SIMILAR BILLS

BILL NUMBER:	
SPONSOR:	

IDENTICAL BILLS

BILL NUMBER:	HB 189
SPONSOR:	Representative Duran

PREVIOUS LEGISLATION

YEAR/BILL NUMBER/SPONSOR/LAST ACTION: 2021/ HB 357/ Representative Duran/ Died in Tourism, Infrastructure & Energy Subcommittee 2021/ SB 1474/ Senator Rodriguez/ Died in Transportation

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	10/19/2021
AGENCY CONTACT:	Office of Legislative and Cabinet Services (850) 617-8324

POLICY ANALYSIS

1. ANALYSIS OF EACH SECTION THAT AFFECTS THE DEPARTMENT OF REVENUE.

Sections 1. through 3. (pp. 3-6): These sections do not affect the Department

Section 4. School speed zones; speed detection system enforcement; penalties; appeal procedure (pp. 6-14):

PRESENT SITUATION

Currently, the state of Florida does not use speed detection systems to identify motorists that exceed speed limits in school zones.

EFFECT OF THE BILL

Creates section 316.1896, F.S., to provide for the distribution of penalties paid by motorists that violated speed limit provisions in school zones through the use of speed detection systems. The penalties collected by counties and municipalities shall be distributed:

- \$60 is to be distributed to the Department to be deposited in the General Revenue Fund.
- \$4 is to be distributed to the Department for deposit into the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund.
- \$4 is to be distributed to the Department to be deposited into the General Revenue Fund for the benefit of the Coach Aaron Feis Guardian Program.
- \$6 is to be distributed to the public school district where the violation occurred and,
- \$84 is to be retained by the county or municipality to administer the speed detection systems and other public safety initiatives.

Section 5. (pp. 14-16): This section does not affect the Department.

Section 6. Amount of penalties. (pp. 16-17):

PRESENT SITUATION

Currently, the state of Florida does not use speed detection systems to identify motorists that exceed speed limits in school zones.

EFFECT OF THE BILL

Creates a fine of \$158.00 for exceeding the speed limit in a school zone as determined by a speed detection system.

Sections 7. through 11. (pp. 17-22): These sections do not affect the Department

Section 12. Disposition of civil penalties by county courts. (pp. 22-23):

EFFECT OF THE BILL

Renumbers fines assessed under 318.18(3)(e) and (f) that are remitted to the Department.

Section 13. (p. 24): This section does not affect the Department.

Section 14. (p. 24): Provides the act shall be effective upon becoming law.

2. DOES THE DEPARTMENT EXPECT TO DEVELOP, ADOPT, MODIFY OR ELIMINATE ANY RULES, REGULATIONS, POLICIES, OR PROCEDURES? YES NO

If yes, explain:	The new fine will need to be added to Revenue's operating system and a new line added on the clerks' web site.
Rule(s) impacted (provide references to F.A.C., etc.):	

3. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS? N/A

4. DOES THE BILL REQUIRE THE DEPARTMENT TO SUBMIT, MODIFY OR DELETE ANY REPORTS, STUDIES OR PLANS? YES NO

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

5. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? YES NO

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS

6. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT? The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to local governments.

7. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?

Revenues:	The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to state government.
Expenditures: (<i>Department of Revenue expenditures and operational impacts</i>)	<input type="checkbox"/> NO IMPACT <input checked="" type="checkbox"/> LESS THAN \$25,000 <input type="checkbox"/> MORE THAN \$25,000 <input type="checkbox"/> UNABLE TO DETERMINE <input type="checkbox"/> OPERATIONAL IMPACT ONLY
Does the legislation contain an appropriation to the Department?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

8. **DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?** The Department of Revenue does not conduct this analysis.
9. **DOES THE BILL INCREASE OR DECREASE TAXES, FEES OR FINES?** The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact on state and local government, if any.

TECHNOLOGY IMPACT

If any, see attached Fiscal Impact Analysis.

FEDERAL IMPACT

If any, see Additional Comments section below.

ADDITIONAL COMMENTS

10. **STATUTE(S) AFFECTED:** Sections 316.003, 316.008, 316.0776, 316.1896, 316.1906, 316.306, 316.640, 316.650, 318.14, 318.18, 318.21, 322.27, 655.960, F.S.

11. **HAS BILL LANGUAGE BEEN ANALYZED EARLIER THIS SESSION?** YES NO
If no, go to #12. If yes:

A. Identify bill number or source.

B. Were issues/problems identified? YES NO

a. If yes, have they been resolved? YES NO If no, briefly explain.

C. Are new issues/problems created? YES NO If yes, briefly identify.

12. **DOES THE BILL PRESENT DIFFICULTY IN IMPLEMENTATION, ADMINISTRATION OR ENFORCEMENT?** YES NO

If yes, describe administrative problems, technical errors, or other difficulties:

13. **OTHER:**

The new fine will need to be added to Revenue's operating system and a new line added on the clerks' web site.

It would affect CRRS and either require a new remittance system or possibly utilize the existing Red Light Camera system – most likely a new system. This bill would be implemented similarly to the Red Light Camera bill back in 2010. This would also affect the Clerk (CCRRS) as well and require new lines because if someone doesn't pay the ticket when issued and timely, it is turned over to the Clerk's office for collection.

For s. 316.1896(5)(d) \$6 to local school district, it is unclear if this amount is to be retained at the local level and transferred to the school district or is to be distributed to the Department and then transferred to the school district. It may be helpful for administration purposes if these funds were to be retained at the local level then transferred to the school district.



The Florida Senate

Committee Agenda Request

To: Senator George B. Gainer, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: November 30, 2021

I respectfully request that **Senate Bill #410**, relating to Photographic Enforcement of School Zone Speed Limits, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez".

Senator Ana Maria Rodriguez
Florida Senate, District 39

January 26 2022

Meeting Date

App Sub Transportation, Tourism, Economic Dev

Committee

Name Jennifer Cook Pritt

Phone 850-219-3631

Address 2636 Mitcham Drive

Email jpritt@fpca.com

Street

Tallahassee

FL

32308

City

State

Zip

The Florida Senate

APPEARANCE RECORD

410

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Police Chiefs Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

1-26-2022

Meeting Date

SB 410

Bill Number or Topic

APP Sub Trans. Twr. ED

Committee

Amendment Barcode (if applicable)

Name Becky AFONSO

Phone 813-748-1513

Address 174 B STATE ST E

Street

Email becky@FloridaBicycle.org

Oldsmar

City

FL

State

34627

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1/26/22

Meeting Date

SB 410

Bill Number or Topic

Photo. Enforcement School Speed Zone

Deliver both copies of this form to Senate professional staff conducting the meeting

Approps Sub Transp. Tourism : Economic
Committee

Amendment Barcode (if applicable)

Name ("Breeta") Brita Lincoln

Phone 813 541-6256

Address 1747 Orlando Central Pkwy
Street

Email legislation@FloridaPTA.org

Orlando FL 32809
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida PTA (Parent Teachers Assoc.)

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 410

1-26-22

Meeting Date

Bill Number or Topic

Appropriations Subcommittee

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Melissa Wandall

Phone 941-545-3359

Address 6711 63rd Terrace E.

Email melissa@melissawandall.com

Street

Brudenton

FL

34203

City

State

Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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: CS/SB 438

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Burgess

SUBJECT: United States Space Force

DATE: January 25, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Lloyd	Caldwell	MS	Fav/CS
2.	Wells	Hrdlicka	ATD	Recommend: Favorable
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 438 updates definitions and references in the Florida Statutes to include the United States Space Force, the newest branch of the Armed Forces of the United States. Specifically, the bill adds the United States Space Force to several places in statute where exhaustive lists of armed forces branches already exist.

The United States Space Force was created to conduct global space operations for the United States' joint and coalition forces. There are two United States Space Force facilities in Florida operating under Space Launch Delta 45, a Space Force operational unit.

The bill has no fiscal impact. The bill is effective July 1, 2022, except as otherwise provided.

II. Present Situation:

The United States Armed Forces includes six components: Army, Marine Corps, Navy, Air Force, Space Force, and Coast Guard and the reserve components of the Army and Air National Guards. The United States Space Force was established as an independent branch of the uniformed services on December 20, 2019, the first new Armed Force since the United States Air Force was authorized in 1947.¹ Historically, the United States Air Force was the armed

¹ Secretary of Defense, *Memorandum for Chief Management Officer of the Department of Defense – Establishment of the United States Space Force*, (December 20, 2019) available at <https://media.defense.gov/2019/Dec/20/2002228281/-1/->

forces branch responsible for military space operations.² In 1982, the Air Force established the Air Force Space Command with space operations as its primary mission.³ The National Defense Authorization Act for Fiscal Year 2020 redesignated Air Force Space Command as the United States Space Force.⁴ This new branch is organized under the Department of the Air Force in a manner similar to how the Marines are organized under the Department of the Navy.⁵

Space Force is responsible for organizing, training, and equipping the members of Space Force to conduct global space operations that enhance the operational capacities of the joint and coalition forces of the United States armed forces.⁶

The Space Force is created under Title X of the United States Code, Armed Forces and includes the Regular Space Force, persons appointed or enlisted in or conscripted into the Space Force, and all Space Force units and other Space Force organizations which support combat, training, administrative, and logistical elements.⁷ The functions of the Space Force are specifically identified in federal law to be organized, trained, and equipped to:

- Provide freedom of operation for the United States in, from, and to space;
- Conduct space operations; and
- Protect the interests of the United States in space.⁸

The Space Force is headed by the Chief of Space Operations, who reports to the Secretary of the Air Force.⁹

Currently, there are two Space Force facilities in Florida: Cape Canaveral Space Force Station and Patrick Space Force Base.¹⁰ Both facilities operate under Space Launch Delta 45, a Space Force operational unit responsible for operating the Eastern Range.¹¹ A “range” is an area in and over which rockets are fired for testing and tracking.¹² The Eastern Range extends more than 10,000 miles from the Florida mainland through the South Atlantic and into the Indian Ocean.

[1/1/ESTABLISHMENT-OF-THE-UNITED-STATES-SPACE-FORCE.PDF](#) (last visited January 21, 2022). Pub. Law 116-92, div. A, title IX, s. 952(d), 133 Stat. 1562.

² David N. Spires, *Beyond Horizons, A Half Century of Air Force Space Leadership* (Air Force Space Command, 1998), 1-2, available at <https://media.defense.gov/2011/Jan/25/2001330110/-1/-1/0/AFD-110125-038.pdf> (last visited January 21, 2022).

³ Air Force Space Command (Archived), *Air Force Space Command History*, available at <https://www.afspc.af.mil/About-Us/AFSPC-History/> (last visited on January 21, 2022).

⁴ Pub. Law 116-92, 133 Stat. 1561.

⁵ Pub. Law 116-92, 133 Stat. 1562. United States Space Force, *About the United States Space Force*, available at <https://www.spaceforce.mil/About-Us/About-Space-Force/> (last visited January 21, 2022).

⁶ United States Space Force, *United States Space Force Mission*, <https://www.spaceforce.mil/About-Us/About-Space-Force/Mission/> (last visited on Jan. 13, 2022).

⁷ 10 U.S.C. 9081(b).

⁸ 10 U.S.C. 9081(c).

⁹ 10 U.S.C. 9082. United States Space Force, *Chief of Space Operations*, available at <https://www.spaceforce.mil/About-Us/About-Space-Force/Office-of-the-Chief-of-Space-Operations/> (last visited January 21, 2022).

¹⁰ Joe Wallace, *Space Force Bases*, available at <https://militarybase.net/space-force-bases/> (last visited on January 21, 2022).

¹¹ Space Launch Delta 45, *Space Launch Delta 45 Mission*, available at <https://www.patrick.spaceforce.mil/About-Us/> (last visited on January 21, 2022).

¹² National Aeronautics and Space Administration, *What is the “Range?”*, available at https://www.nasa.gov/centers/kennedy/home/eastern_range.html (last visited January 21, 2022).

Space Launch Delta 45 launches space vehicles for the Department of Defense, NASA, and commercial customers both domestic and international.¹³

A number of Florida statutes specifically reference each recognized branch of the armed services when necessary to implement the purpose of the statute.

III. Effect of Proposed Changes:

The bill updates various sections of the Florida Statutes to reflect the creation and operations of Space Force as a separate branch of the armed forces.

Definition of “Uniformed Services” – Sections 1 and 3.

The definition of “uniformed services” in ss. 61.703, F.S., and 97.021, F.S., is amended to incorporate the newly created Space Force. Part IV of ch. 61, F.S., is related to the Uniform Deployed Parents Custody and Visitation Act. Adding the Space Force to the definition of uniformed services in this part includes such servicemembers in the act. The change in s. 97.021, F.S., applies to the entire elections code, and thus includes members of the Space Force in provisions related to voters in the uniformed services such as overseas/vote-by-mail statutes.¹⁴

Incorporation in Statutes that Specifically Identify Individual Armed Forces – Sections 2, 4, 6, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23.

The bill amends the following sections to add the Space Force:

- Section 92.51(1), F.S., related to oaths or acknowledgments administered by a commissioned officer of the United States Armed Forces, to include Space Force in the list of branches of the armed forces that can witness or administer oaths, affidavits, or acknowledgements.
- Section 115.01, F.S., related to a leave of absence for military service, to include the Air Force, Marine Corps, and Space Force in the list of branches of the armed forces mentioned in the section; ch. 115, F.S., allows county or state officials or employees to take a leave of absence to serve when called into active service for a foreign war.
- Section 210.04(4)(a), F.S., related to an exemption to taxes for cigarettes sold on a post exchange, ship store, or base exchange, to include Space Force in the list of branches of the armed forces where such exemption applies.
- Section 250.43(2), F.S., related the penalty for wearing the uniform of the armed forces when not an officer or enlisted person in the armed forces, to include Space Force and the uniform of Space Force in the list of branches and uniforms of the armed forces covered by the prohibition.
- Section 250.52, F.S., pertaining to the penalty for the unlawful solicitation or persuasion of a citizen of the United States not to enlist in the armed forces, to include Space Force in the list of branches of the armed forces covered by the statute.
- Section 296.02(7), F.S., related to the Veterans’ Domiciliary Home of Florida Act, to include Space Force in the definition of “peacetime service” as used in the act; veterans of the Space

¹³ United States Space Force, *Space Launch Delta 45 Operations*, <https://www.patrick.spaceforce.mil/Units/Space-Launch-Delta-45-Operations/> (last visited on January 21, 2022).

¹⁴ See ss. 97.053, 101.62, 101.6921, and 101.6923, F.S.

Force will be eligible for admission to the Robert H. Jenkins Jr. Veterans' Domiciliary Home in Lake City.

- Section 461.002(3), F.S., related to exceptions to the regulations of podiatric medicine, to include graduate podiatric physicians of Space Force.
- Section 466.002(3), F.S., related to persons exempt from the regulations of dentists, dental hygienists, and dental laboratories, to include graduate dentists or dental surgeons of Space Force.
- Section 496.415(6), F.S., related to prohibited acts regarding persons or organizations soliciting funds, to prohibit a person from falsely stating that he or she is a member of the Space Force.
- Section 540.08(3), F.S., related to unauthorized publication of name or likeness for commercial or advertising purpose, to prohibit a person from using the name, portrait, photo, or other likeness of a member of the Space Force without the member's consent.
- Section 695.031(1), F.S., related to affidavits and acknowledgments by members of the armed forces and their spouses during real estate conveyances, to include the Air Force and Space Force in the list of branches of the armed forces whose members may acknowledge any instrument before another commissioned officer.
- Section 718.113(4), F.S., related to the regulation of condominium maintenance and display of flags, to allow display of a Space Force flag by a unit owner, regardless of any declaration rules or requirements for flags or decorations.
- Section 720.304(2)(a), F.S., related to homeowners' associations regulation of flag displays by homeowners, to allow display of a Space Force flag by a homeowner, regardless of any association covenants, restrictions, bylaws, rules, or requirements for flags or decorations.
- Section 790.25(3)(a), F.S., related to lawful weapons and firearms possession and use, to include Space Force in the list of branches of the armed forces whose members are not subject to certain open carry or concealed weapons laws when training or on duty.
- Section 817.312(1)(a), F.S., related to the unlawful use of uniforms, medals, or insignias, to prohibit a person from misrepresenting himself or herself as a member or veteran of the United States Space Force.
- Section 1000.36, F.S., to include Space Force in the Interstate Compact on Educational Opportunity for Military Children, contingent upon SB 430 or similar legislation extending the repeal date of the Interstate Compact on Educational Opportunity for Military Children taking effect.
- Section 1003.051(1)(b), F.S., related to the Purple Star Campus program, to include dependents of members of the Space Force in the definition of military student.

Military Installation Names – Section 5 and 12.

Sections 163.3175 and 331.304, F.S., are amended to recognize the new names of Patrick Space Force Base, previously known as Patrick Air Force Base, and Cape Canaveral Space Force Station, previously known as Cape Canaveral Air Force Station. These installations were redesignated as Space Launch Delta 45 on May 11, 2021.¹⁵

¹⁵ Patrick Space Force Base, Patrick Space Force, *Space Launch Delta 45 History*, <https://www.patrick.spaceforce.mil/history/> (last visited November 17, 2021).

Section 163.3175, F.S., relates to compatibility of development with military installations. Section 331.304(1), F.S., defines the state’s spaceport territories; Space Florida operates within and around such areas in its activities to promote and foster the space industry in the state.

Additionally spaceports are the subject of several Florida Statutes, such as establishing a temporary protection zone near a spaceport territory during a space launch under s. 327.462, F.S.; exempting industrial machinery and equipment for use by a new business conducting spaceport activities in a spaceport territory under s. 212.08, F.S.; and being including in transportation planning for spaceport infrastructure and related transportation projects under ch. 339, F.S.

Definition of “Armed Forces” and “United States Armed Forces” – Sections 7 and 10.

The bill amends the definitions of “armed forces” and “United States Armed Forces” under ss. 250.01 and 295.061, F.S., respectively, to incorporate the newly established Space Force as one of the United States Armed Forces.

Section 295.061, F.S., relates to the death benefits of active duty servicemembers and the bill includes members of the Space Force under these provisions.

The definition of armed forces under s. 250.01(4), F.S., is referenced in multiple other Florida Statutes. For example, members of the Space Force would be covered under the Florida Uniformed Servicemembers Protection Act in Part IV, ch. 250, F.S.

Reenactments Related to the Term “Servicemember” – Sections 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34.

Additionally, by amending the definition of “armed forces” in s. 250.01(4), F.S., the term “servicemember” defined in s. 250.01(19), F.S., will cover members of the Space Force. The term is used in multiple Florida Statutes, thereby extending the servicemembers of the Space Force to be included in these statutes. These include s. 83.683, F.S., related to rental applications by servicemembers; s. 320.07, F.S., related to provisions allow renewal of motor vehicle or mobile home registrations that expire while the servicemember is on active duty; and enhanced penalties under the Florida Unfair and Deceptive Trade Practices Act under s. 501.2077, F.S., for violations involving victims that are service members.

To incorporate the change, the following sections of law where the term “servicemember” as defined in s. 250.01, F.S., is specifically referenced are reenacted:

Statutes Re-Enacted to Incorporate Space Force Inclusion		
Bill Section	Florida Statute Section	Short Title
24	373.324	License Renewal (Active Well Contractors)
25	409.1664	Adoption benefits for qualifying adoptive employees of state agencies, veterans, and servicemembers
26	520.14	Termination of retail installment contract for leasing a motor vehicle by a servicemember

27	627.7283	Cancellation; return of unearned premium
28	689.27	Termination by servicemember of agreement to purchase real property
29	790.015	Nonresidents who are United States citizens and hold a concealed weapons license in another state; reciprocity
30	790.06	License to carry concealed weapon or firearm
31	790.062	Members and veterans of United States Armed Forces; exceptions from licensure procedures
32	790.065	Sale and delivery of firearms
33	790.0655	Purchase and delivery of firearms; mandatory waiting period; exceptions, penalties
34	948.21	Condition of probation, community control; military service members and veterans

Section 35 – Effective Date

The effective date of the bill is July 1, 2022, except as otherwise provided.

Section 22, amending s. 1000.36, F.S., to include Space Force in the Interstate Compact on Educational Opportunity for Military Children, is effective contingent upon SB 430 or similar legislation extending the repeal date of the Interstate Compact on Educational Opportunity for Military Children taking effect.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Adding reference to the United States Space Force in the various statutes has no fiscal impact because the branch and its servicemembers were previously covered under the statutes under the Air Force. The Air Force Space Command was redesignated as the United States Space Force.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 61.703, 92.51, 97.021, 115.01, 163.3175, 210.04, 250.01, 250.43, 250.52, 295.061, 296.02, 331.304, 373.324, 409.1664, 461.002, 466.002, 496.415, 520.14, 540.08, 627.7283, 689.27, 695.031, 718.113, 720.304, 790.015, 790.06, 790.062, 790.065, 790.0655, 790.25, 817.312, 948.21, 1000.36, and 1003.051.

IX. Additional Information:

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

CS by Military and Veterans Affairs, Space, and Domestic Security on January 11, 2022:

The CS incorporates nine additional similarly situated statutory provisions relating to the Space Force which had not been included in the original bill. Those nine sections are identified and described below:

Florida Statute Section	Short Description
s. 92.51, F.S.	Adds Space Force to list of other Armed Forces.
s. 250.52, F.S.	Adds Space Force to list of other Armed Forces.
s. 331.304, F.S.	Amends names of certain Armed Forces bases to Space Force bases.

s. 461.002, F.S.	Adds Space Force to list of other Armed Forces.
s. 466.002, F.S.	Adds Space Force to list of other Armed Forces.
s. 496.415, F.S.	Adds Space Force to list of other Armed Forces.
s. 817.312, F.S.	Adds Space Force to list of other Armed Forces.
s. 1000.36, F.S.	Amends definition of “uniformed services” to include the Space Force.
s. 1003.51, F.S.	Adds Space Force to the definition of a military student.

B. Amendments:

None.

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

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Burgess

583-01958-22

2022438c1

1 A bill to be entitled
 2 An act relating to the United States Space Force;
 3 amending s. 61.703, F.S.; revising the definition of
 4 the term "uniformed service" to include the United
 5 States Space Force; amending s. 92.51, F.S.; revising
 6 the Armed Forces officers authorized to take or
 7 administer specified oaths, affidavits, or
 8 acknowledgements to include United States Space Force
 9 officers; amending s. 97.021, F.S.; revising the
 10 definition of the term "uniformed services" to include
 11 the United States Space Force; amending s. 115.01,
 12 F.S.; revising the military service branches for which
 13 any county or state official who is called to active
 14 service may receive a leave of absence; amending s.
 15 163.3175, F.S.; updating military base names; amending
 16 s. 210.04, F.S.; adding post exchanges operated by the
 17 United States Space Force to those that are exempt
 18 from paying tax on cigarettes sold; amending s.
 19 250.01, F.S.; revising the definition of the term
 20 "armed forces" to include the United States Space
 21 Force; amending s. 250.43, F.S.; revising the armed
 22 forces uniforms that are protected from imitation to
 23 include uniforms of the United States Space Force;
 24 amending s. 250.52, F.S.; prohibiting persons from
 25 soliciting or persuading another not to enlist with
 26 the United States Space Force when the country is at
 27 war or there are indications of a pending war;
 28 amending s. 295.061, F.S.; revising the definition of
 29 the term "United States Armed Forces" to include the

Page 1 of 54

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

583-01958-22

2022438c1

30 United States Space Force; amending s. 296.02, F.S.;
 31 revising the definition of the term "peacetime
 32 service" to include service in the United States Space
 33 Force; amending s. 331.304, F.S.; revising the names
 34 of specified former Air Force bases to reflect they
 35 are Space Force bases; amending s. 461.002, F.S.;
 36 providing an exception to graduate podiatric
 37 physicians practicing in the United States Space
 38 Force; amending s. 466.002, F.S.; providing an
 39 exemption to graduate dentists or dental surgeons
 40 practicing in the United States Space Force; amending
 41 s. 496.415, F.S.; prohibiting a person from
 42 representing or claiming to be a member of the United
 43 States Space Force in connection with any solicitation
 44 or charitable or sponsor sales promotion; amending s.
 45 540.08, F.S.; revising the definition of the term
 46 "member of the armed forces" to include members of the
 47 United States Space Force; amending s. 695.031, F.S.;
 48 including members of the United States Space Force and
 49 the United States Air Force as servicemembers who may
 50 acknowledge certain instruments; amending s. 718.113,
 51 F.S.; including the official flag that represents the
 52 United States Space Force as a flag that may be
 53 displayed by a condominium owner; amending s. 720.304,
 54 F.S.; including the official flag that represents the
 55 United States Space Force as a flag that may be
 56 displayed by a homeowner; amending s. 790.25, F.S.;
 57 authorizing members of the United States Space Force
 58 to own, possess, and lawfully use firearms and other

Page 2 of 54

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

583-01958-22

2022438c1

59 weapons, ammunition, and supplies when on duty, when
 60 training or preparing themselves for military duty, or
 61 while subject to recall or mobilization; amending s.
 62 817.312, F.S.; prohibiting a person from unlawfully
 63 using the uniforms, medals, or insignia of the United
 64 States Space Force; amending s. 1000.36, F.S.;
 65 revising the definition of the term "uniformed
 66 services" to include the United States Space Force;
 67 amending s. 1003.051, F.S.; revising the definition of
 68 the term "military student" to include a student who
 69 is a dependent of a current or former member of the
 70 United States Space Force; reenacting ss. 373.324(7),
 71 409.1664(1)(c), 520.14(1), 627.7283(5), 689.27(1)(d),
 72 790.015(5), 790.06(4) and (1)(b), 790.062(1),
 73 790.065(13), 790.0655(2)(d), and 948.21(1), (2), and
 74 (3), F.S., which reference the definition of the term
 75 "servicemember," to incorporate the amendment made to
 76 s. 250.01, F.S., in references thereto; providing
 77 effective dates.

78
 79 Be It Enacted by the Legislature of the State of Florida:

80
 81 Section 1. Paragraph (a) of subsection (20) of section
 82 61.703, Florida Statutes, is amended to read:
 83 61.703 Definitions.—As used in this part:
 84 (20) "Uniformed service" means any of the following:
 85 (a) Active and reserve components of the Army, Navy, Air
 86 Force, Marine Corps, Space Force, or Coast Guard of the United
 87 States.

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88 Section 2. Subsection (1) of section 92.51, Florida
 89 Statutes, is amended to read:
 90 92.51 Oaths, affidavits, and acknowledgments; taken or
 91 administered by commissioned officer of United States Armed
 92 Forces.—
 93 (1) Oaths, affidavits, and acknowledgments required or
 94 authorized by the laws of this state may be taken or
 95 administered within or without the United States by or before
 96 any commissioned officer in active service of the Armed Forces
 97 of the United States with the rank of second lieutenant or
 98 higher in the Army, Air Force, Space Force, or Marine Corps or
 99 ensign or higher in the Navy or Coast Guard when the person
 100 required or authorized to make and execute the oath, affidavit,
 101 or acknowledgment is a member of the Armed Forces of the United
 102 States, the spouse of such member or a person whose duties
 103 require the person's presence with the Armed Forces of the
 104 United States.
 105 Section 3. Subsection (42) of section 97.021, Florida
 106 Statutes, is amended to read:
 107 97.021 Definitions.—For the purposes of this code, except
 108 where the context clearly indicates otherwise, the term:
 109 (42) "Uniformed services" means the Army, Navy, Air Force,
 110 Marine Corps, Space Force, and Coast Guard, the commissioned
 111 corps of the Public Health Service, and the commissioned corps
 112 of the National Oceanic and Atmospheric Administration.
 113 Section 4. Section 115.01, Florida Statutes, is amended to
 114 read:
 115 115.01 Leave of absence for military service.—Any county or
 116 state official of the state, subject to the provisions and

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117 conditions hereinafter set forth, may be granted leave of
 118 absence from his or her office, to serve in the volunteer forces
 119 of the United States, or in the National Guard of any state, or
 120 in the regular Army, ~~or~~ Navy, Air Force, Marine Corps, or Space
 121 Force of the United States, when the same shall be called into
 122 active service of the United States during war between the
 123 United States and a foreign government.

124 Section 5. Paragraph (n) of subsection (2) of section
 125 163.3175, Florida Statutes, is amended to read:

126 163.3175 Legislative findings on compatibility of
 127 development with military installations; exchange of information
 128 between local governments and military installations.-

129 (2) Certain major military installations, due to their
 130 mission and activities, have a greater potential for
 131 experiencing compatibility and coordination issues than others.
 132 Consequently, this section and the provisions in s.
 133 163.3177(6)(a), relating to compatibility of land development
 134 with military installations, apply to specific affected local
 135 governments in proximity to and in association with specific
 136 military installations, as follows:

137 (n) Patrick Space Air Force Base and Cape Canaveral Space
 138 ~~Air~~ Force Station, associated with Brevard County and Satellite
 139 Beach.

140 Section 6. Paragraph (a) of subsection (4) of section
 141 210.04, Florida Statutes, is amended to read:

142 210.04 Construction; exemptions; collection.-

143 (4) No tax shall be required to be paid:

144 (a) Upon cigarettes sold at post exchanges, ship service
 145 stores, ship stores, sloop chests, or base exchanges to members

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146 of the Armed Services of the United States when such post
 147 exchanges, ship service stores, or base exchanges are operated
 148 under regulations of the Army, Navy, ~~or~~ Air Force, or Space
 149 Force of the United States on military, naval, space force, or
 150 air force reservations in this state or when such ship stores or
 151 sloop chests are operated under the regulations of the United
 152 States Navy on ships of the United States Navy; however, it is
 153 unlawful for anyone, including members of the Armed Services of
 154 the United States, to purchase such tax-exempt cigarettes for
 155 purposes of resale. Any person who resells, or offers for
 156 resale, tax-exempt cigarettes purchased at post exchanges, ship
 157 service stores, ship stores, sloop chests, or base exchanges is
 158 guilty of a violation of the cigarette tax law, punishable as
 159 provided in s. 210.18(1).

160 Section 7. Subsection (4) of section 250.01, Florida
 161 Statutes, is amended to read:

162 250.01 Definitions.-As used in this chapter, the term:

163 (4) "Armed forces" means the United States Army, Navy, Air
 164 Force, Marine Corps, Space Force, and Coast Guard.

165 Section 8. Subsection (2) of section 250.43, Florida
 166 Statutes, is amended to read:

167 250.43 Wearing of uniform and insignia of rank; penalty.-

168 (2) Every person other than an officer or enlisted person
 169 of the Florida National Guard, naval militia, or marine corps of
 170 this state, any other state, Puerto Rico, or the District of
 171 Columbia, or of the United States Army, Navy, Marine Corps, ~~or~~
 172 Air Force, or Space Force, who wears the uniform of the United
 173 States Army, Navy, Marine Corps, Air Force, Space Force,
 174 National Guard, Naval Militia, or Marine Corps or any part of

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175 such uniform, or a uniform or part of uniform similar thereto,
 176 or in imitation thereof, within the bounds of the state, except
 177 in cases where the wearing of such uniform is permitted by the
 178 laws of the United States and the regulations of the Secretary
 179 of Defense, commits a misdemeanor of the first degree,
 180 punishable as provided in s. 775.082 or s. 775.083. This section
 181 does not prohibit persons in the theatrical profession from
 182 wearing such uniforms while actually engaged in such profession,
 183 in any playhouse or theater, in a production in no way
 184 reflecting upon such uniform; does not prohibit the uniform rank
 185 of civic societies parading or traveling in a body or assembling
 186 in a lodge room; and does not apply to cadets of any military
 187 school or to Boy Scouts or Girl Scouts.

188 Section 9. Section 250.52, Florida Statutes, is amended to
 189 read:

190 250.52 Unlawful to persuade citizens not to enlist;
 191 penalty.—Whenever the United States is at war, or our foreign
 192 relations tend to indicate an impending war or state of war, a
 193 person may not solicit or persuade a citizen of the United
 194 States not to enlist or serve in the Army, Air Force, Space
 195 Force, Marine Corps, Coast Guard, or Navy, or in any reserve
 196 component thereof, or in the Florida National Guard, or publicly
 197 attempt to dissuade any such citizen from enlisting. This
 198 section does not apply to the soliciting or persuading done by
 199 any person related by affinity or consanguinity to the person
 200 solicited or persuaded or whose advice is requested by the
 201 person solicited or persuaded. Any person who violates this
 202 section commits a misdemeanor of the first degree, punishable as
 203 provided in s. 775.082 or s. 775.083.

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204 Section 10. Paragraph (b) of subsection (1) of section
 205 295.061, Florida Statutes, is amended to read:

206 295.061 Active duty servicemembers; death benefits.—

207 (1) As used in this section, the term:

208 (b) "United States Armed Forces" means the United States
 209 Army, Navy, Air Force, Marine Corps, Space Force, and Coast
 210 Guard.

211 Section 11. Subsection (7) of section 296.02, Florida
 212 Statutes, is amended to read:

213 296.02 Definitions.—For the purposes of this part, except
 214 where the context clearly indicates otherwise:

215 (7) "Peacetime service" means Army, Navy, Marines, Coast
 216 Guard, ~~or~~ Air Force, or Space Force service that is not during a
 217 wartime era as defined in s. 1.01(14).

218 Section 12. Subsection (1) of section 331.304, Florida
 219 Statutes, is amended to read:

220 331.304 Spaceport territory.—The following property shall
 221 constitute spaceport territory:

222 (1) Certain real property located in Brevard County that is
 223 included within the 1998 boundaries of Patrick Space Force Base,
 224 formerly Patrick Air Force Base; Cape Canaveral Space Force
 225 Station, formerly Cape Canaveral Air Force Station; ~~r~~ or John F.
 226 Kennedy Space Center. The territory consisting of areas within
 227 the John F. Kennedy Space Center and the Cape Canaveral Space
 228 ~~Air~~ Force Station may be referred to as the "Cape Canaveral
 229 Spaceport."

230 Section 13. Subsection (3) of section 461.002, Florida
 231 Statutes, is amended to read:

232 461.002 Exceptions.—

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233 (3) This chapter shall not apply to the practice of
 234 podiatric medicine by graduate podiatric physicians in the
 235 United States Army, Air Force, Space Force, Marines, Navy,
 236 Public Health Service, Coast Guard, or United States Department
 237 of Veterans Affairs in the discharge of their official duties.

238 Section 14. Subsection (3) of section 466.002, Florida
 239 Statutes, is amended to read:

240 466.002 Persons exempt from operation of chapter.—Nothing
 241 in this chapter shall apply to the following practices, acts,
 242 and operations:

243 (3) The practice of dentistry in the discharge of their
 244 official duties by graduate dentists or dental surgeons in the
 245 United States Army, Air Force, Space Force, Marines, Navy,
 246 Public Health Service, Coast Guard, or United States Department
 247 of Veterans Affairs.

248 Section 15. Subsection (6) of section 496.415, Florida
 249 Statutes, is amended to read:

250 496.415 Prohibited acts.—It is unlawful for any person in
 251 connection with the planning, conduct, or execution of any
 252 solicitation or charitable or sponsor sales promotion to:

253 (6) Falsely state that he or she is a member of or
 254 represents a charitable organization or sponsor, or falsely
 255 state or represent that he or she is a member of or represents
 256 the United States Air Force, United States Army, United States
 257 Coast Guard, United States Marine Corps, United States Navy,
 258 United States Space Force, the National Guard, or a law
 259 enforcement or emergency service organization.

260 Section 16. Subsection (3) of section 540.08, Florida
 261 Statutes, is amended to read:

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262 540.08 Unauthorized publication of name or likeness.—

263 (3) If a person uses the name, portrait, photograph, or
 264 other likeness of a member of the armed forces without obtaining
 265 the consent required in subsection (1) and such use is not
 266 subject to any exception listed in this section, a court may
 267 impose a civil penalty of up to \$1,000 per violation in addition
 268 to the civil remedies contained in subsection (2). Each
 269 commercial transaction constitutes a violation under this
 270 section. As used in this section, the term "member of the armed
 271 forces" means an officer or enlisted member of the Army, Navy,
 272 Air Force, Marine Corps, Space Force, or Coast Guard of the
 273 United States, the Florida National Guard, and the United States
 274 Reserve Forces, including any officer or enlisted member who
 275 died as a result of injuries sustained in the line of duty.

276 Section 17. Subsection (1) of section 695.031, Florida
 277 Statutes, is amended to read:

278 695.031 Affidavits and acknowledgments by members of armed
 279 forces and their spouses.—

280 (1) In addition to the manner, form and proof of
 281 acknowledgment of instruments as now provided by law, any person
 282 serving in or with the Armed Forces of the United States,
 283 including the Army, Navy, Air Force, Marine Corps, Space Force,
 284 Coast Guard, or any component or any arm or service of any
 285 thereof, including any female auxiliary of any thereof, and any
 286 person whose duties require his or her presence with the Armed
 287 Forces of the United States, as herein designated, or otherwise
 288 designated by law or military or naval command, may acknowledge
 289 any instrument, wherever located, either within or without the
 290 state, or without the United States, before any commissioned

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291 officer in active service of the Armed Forces of the United
 292 States, as herein designated, or otherwise designated by law, or
 293 military or naval command, or order, with the rank of second
 294 lieutenant or higher in the Army, Air Force, Space Force, or
 295 Marine Corps, or of any component or any arm or service of
 296 either thereof, including any female auxiliary of any thereof,
 297 or ensign or higher in the Navy or United States Coast Guard, or
 298 of any component or any arm or service of either thereof,
 299 including any female auxiliary of any thereof.

300 Section 18. Subsection (4) of section 718.113, Florida
 301 Statutes, is amended to read:

302 718.113 Maintenance; limitation upon improvement; display
 303 of flag; hurricane shutters and protection; display of religious
 304 decorations.—

305 (4) Any unit owner may display one portable, removable
 306 United States flag in a respectful way and, on Armed Forces Day,
 307 Memorial Day, Flag Day, Independence Day, and Veterans Day, may
 308 display in a respectful way portable, removable official flags,
 309 not larger than 4 1/2 feet by 6 feet, that represent the United
 310 States Army, Navy, Air Force, Marine Corps, Space Force, or
 311 Coast Guard, regardless of any declaration rules or requirements
 312 dealing with flags or decorations.

313 Section 19. Paragraph (a) of subsection (2) of section
 314 720.304, Florida Statutes, is amended to read:

315 720.304 Right of owners to peaceably assemble; display of
 316 flag; SLAPP suits prohibited.—

317 (2) (a) Any homeowner may display one portable, removable
 318 United States flag or official flag of the State of Florida in a
 319 respectful manner, and one portable, removable official flag, in

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320 a respectful manner, not larger than 4 1/2 feet by 6 feet, which
 321 represents the United States Army, Navy, Air Force, Marine
 322 Corps, Space Force, or Coast Guard, or a POW-MIA flag,
 323 regardless of any covenants, restrictions, bylaws, rules, or
 324 requirements of the association.

325 Section 20. Subsection (3) of section 790.25, Florida
 326 Statutes, is amended to read:

327 790.25 Lawful ownership, possession, and use of firearms
 328 and other weapons.—

329 (3) LAWFUL USES.—The provisions of ss. 790.053 and 790.06
 330 do not apply in the following instances, and, despite such
 331 sections, it is lawful for the following persons to own,
 332 possess, and lawfully use firearms and other weapons,
 333 ammunition, and supplies for lawful purposes:

334 (a) Members of the Militia, National Guard, Florida State
 335 Defense Force, Army, Navy, Air Force, Marine Corps, Space Force,
 336 Coast Guard, organized reserves, and other armed forces of the
 337 state and of the United States, when on duty, when training or
 338 preparing themselves for military duty, or while subject to
 339 recall or mobilization;

340 (b) Citizens of this state subject to duty in the Armed
 341 Forces under s. 2, Art. X of the State Constitution, under
 342 chapters 250 and 251, and under federal laws, when on duty or
 343 when training or preparing themselves for military duty;

344 (c) Persons carrying out or training for emergency
 345 management duties under chapter 252;

346 (d) Sheriffs, marshals, prison or jail wardens, police
 347 officers, Florida highway patrol officers, game wardens, revenue
 348 officers, forest officials, special officers appointed under the

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349 provisions of chapter 354, and other peace and law enforcement
 350 officers and their deputies and assistants and full-time paid
 351 peace officers of other states and of the Federal Government who
 352 are carrying out official duties while in this state;

353 (e) Officers or employees of the state or United States
 354 duly authorized to carry a concealed weapon;

355 (f) Guards or messengers of common carriers, express
 356 companies, armored car carriers, mail carriers, banks, and other
 357 financial institutions, while actually employed in and about the
 358 shipment, transportation, or delivery of any money, treasure,
 359 bullion, bonds, or other thing of value within this state;

360 (g) Regularly enrolled members of any organization duly
 361 authorized to purchase or receive weapons from the United States
 362 or from this state, or regularly enrolled members of clubs
 363 organized for target, skeet, or trap shooting, while at or going
 364 to or from shooting practice; or regularly enrolled members of
 365 clubs organized for modern or antique firearms collecting, while
 366 such members are at or going to or from their collectors' gun
 367 shows, conventions, or exhibits;

368 (h) A person engaged in fishing, camping, or lawful hunting
 369 or going to or returning from a fishing, camping, or lawful
 370 hunting expedition;

371 (i) A person engaged in the business of manufacturing,
 372 repairing, or dealing in firearms, or the agent or
 373 representative of any such person while engaged in the lawful
 374 course of such business;

375 (j) A person firing weapons for testing or target practice
 376 under safe conditions and in a safe place not prohibited by law
 377 or going to or from such place;

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378 (k) A person firing weapons in a safe and secure indoor
 379 range for testing and target practice;

380 (l) A person traveling by private conveyance when the
 381 weapon is securely encased or in a public conveyance when the
 382 weapon is securely encased and not in the person's manual
 383 possession;

384 (m) A person while carrying a pistol unloaded and in a
 385 secure wrapper, concealed or otherwise, from the place of
 386 purchase to his or her home or place of business or to a place
 387 of repair or back to his or her home or place of business;

388 (n) A person possessing arms at his or her home or place of
 389 business;

390 (o) Investigators employed by the several public defenders
 391 of the state, while actually carrying out official duties,
 392 provided such investigators:

393 1. Are employed full time;

394 2. Meet the official training standards for firearms
 395 established by the Criminal Justice Standards and Training
 396 Commission as provided in s. 943.12(5) and the requirements of
 397 ss. 493.6108(1)(a) and 943.13(1)-(4); and

398 3. Are individually designated by an affidavit of consent
 399 signed by the employing public defender and filed with the clerk
 400 of the circuit court in the county in which the employing public
 401 defender resides.

402 (p) Investigators employed by the capital collateral
 403 regional counsel, while actually carrying out official duties,
 404 provided such investigators:

405 1. Are employed full time;

406 2. Meet the official training standards for firearms as

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407 established by the Criminal Justice Standards and Training
 408 Commission as provided in s. 943.12(1) and the requirements of
 409 ss. 493.6108(1)(a) and 943.13(1)-(4); and

410 3. Are individually designated by an affidavit of consent
 411 signed by the capital collateral regional counsel and filed with
 412 the clerk of the circuit court in the county in which the
 413 investigator is headquartered.

414 (q)1. A tactical medical professional who is actively
 415 operating in direct support of a tactical operation by a law
 416 enforcement agency provided that:

417 a. The tactical medical professional is lawfully able to
 418 possess firearms and has an active concealed weapons permit
 419 issued pursuant to s. 790.06.

420 b. The tactical medical professional is appointed to a law
 421 enforcement tactical team of a law enforcement agency by the
 422 head of the law enforcement agency.

423 c. The law enforcement agency has an established policy
 424 providing for the appointment, training, and deployment of the
 425 tactical medical professional.

426 d. The tactical medical professional successfully completes
 427 a firearms safety training and tactical training as established
 428 or designated by the appointing law enforcement agency.

429 e. The law enforcement agency provides and the tactical
 430 medical professional participates in annual firearm training and
 431 tactical training.

432 2. While actively operating in direct support of a tactical
 433 operation by a law enforcement agency, a tactical medical
 434 professional:

435 a. May carry a firearm in the same manner as a law

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436 enforcement officer, as defined in s. 943.10 and,
 437 notwithstanding any other law, at any place a tactical law
 438 enforcement operation occurs.

439 b. Has no duty to retreat and is justified in the use of
 440 any force which he or she reasonably believes is necessary to
 441 defend himself or herself or another from bodily harm.

442 c. Has the same immunities and privileges as a law
 443 enforcement officer, as defined in s. 943.10, in a civil or
 444 criminal action arising out of a tactical law enforcement
 445 operation when acting within the scope of his or her official
 446 duties.

447 3. This paragraph may not be construed to authorize a
 448 tactical medical professional to carry, transport, or store any
 449 firearm or ammunition on any fire apparatus or EMS vehicle.

450 4. The appointing law enforcement agency shall issue any
 451 firearm or ammunition that the tactical medical professional
 452 carries in accordance with this paragraph.

453 5. For the purposes of this paragraph, the term "tactical
 454 medical professional" means a paramedic, as defined in s.
 455 401.23, a physician, as defined in s. 458.305, or an osteopathic
 456 physician, as defined in s. 459.003, who is appointed to provide
 457 direct support to a tactical law enforcement unit by providing
 458 medical services at high-risk incidents, including, but not
 459 limited to, hostage incidents, narcotics raids, hazardous
 460 surveillance, sniper incidents, armed suicidal persons,
 461 barricaded suspects, high-risk felony warrant service, fugitives
 462 refusing to surrender, and active shooter incidents.

463 Section 21. Paragraph (a) of subsection (1) of section
 464 817.312, Florida Statutes, is amended to read:

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465 817.312 Unlawful use of uniforms, medals, or insignia.-
 466 (1) (a) A person may not:
 467 1. Misrepresent himself or herself as a member or veteran
 468 of the United States Air Force, United States Army, United
 469 States Coast Guard, United States Marine Corps, United States
 470 Navy, United States Space Force, or National Guard; or
 471 2. Wear the uniform of or any medal or insignia authorized
 472 for use by members or veterans of the United States Air Force,
 473 United States Army, United States Coast Guard, United States
 474 Marine Corps, United States Navy, or the National Guard which he
 475 or she is not authorized to wear
 476
 477 while soliciting for charitable contributions or for the purpose
 478 of material gain, including, but not limited to, obtaining
 479 employment or public office resulting in receiving compensation.
 480 Section 22. Contingent upon SB 430 or similar legislation
 481 extending the repeal date of the Interstate Compact on
 482 Educational Opportunity for Military Children taking effect,
 483 section 1000.36, Florida Statutes, is amended to read:
 484 1000.36 Interstate Compact on Educational Opportunity for
 485 Military Children.—The Governor is authorized and directed to
 486 execute the Interstate Compact on Educational Opportunity for
 487 Military Children on behalf of this state with any other state
 488 or states legally joining therein in the form substantially as
 489 follows:
 490
 491 Interstate Compact on Educational
 492 Opportunity for Military Children
 493

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494 ARTICLE I
 495
 496 PURPOSE.—It is the purpose of this compact to remove
 497 barriers to educational success imposed on children of military
 498 families because of frequent moves and deployment of their
 499 parents by:
 500 A. Facilitating the timely enrollment of children of
 501 military families and ensuring that they are not placed at a
 502 disadvantage due to difficulty in the transfer of education
 503 records from the previous school district or variations in
 504 entrance or age requirements.
 505 B. Facilitating the student placement process through which
 506 children of military families are not disadvantaged by
 507 variations in attendance requirements, scheduling, sequencing,
 508 grading, course content, or assessment.
 509 C. Facilitating the qualification and eligibility for
 510 enrollment, educational programs, and participation in
 511 extracurricular academic, athletic, and social activities.
 512 D. Facilitating the on-time graduation of children of
 513 military families.
 514 E. Providing for the adoption and enforcement of
 515 administrative rules implementing this compact.
 516 F. Providing for the uniform collection and sharing of
 517 information between and among member states, schools, and
 518 military families under this compact.
 519 G. Promoting coordination between this compact and other
 520 compacts affecting military children.
 521 H. Promoting flexibility and cooperation between the
 522 educational system, parents, and the student in order to achieve

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523 educational success for the student.

524

525 ARTICLE II

526

527 DEFINITIONS.—As used in this compact, unless the context
528 clearly requires a different construction, the term:

529 A. "Active duty" means the full-time duty status in the
530 active uniformed service of the United States, including members
531 of the National Guard and Reserve on active duty orders pursuant
532 to 10 U.S.C. ss. 1209 and 1211.

533 B. "Children of military families" means school-aged
534 children, enrolled in kindergarten through 12th grade, in the
535 household of an active-duty member.

536 C. "Compact commissioner" means the voting representative
537 of each compacting state appointed under Article VIII of this
538 compact.

539 D. "Deployment" means the period 1 month before the service
540 members' departure from their home station on military orders
541 through 6 months after return to their home station.

542 E. "Educational records" or "education records" means those
543 official records, files, and data directly related to a student
544 and maintained by the school or local education agency,
545 including, but not limited to, records encompassing all the
546 material kept in the student's cumulative folder such as general
547 identifying data, records of attendance and of academic work
548 completed, records of achievement and results of evaluative
549 tests, health data, disciplinary status, test protocols, and
550 individualized education programs.

551 F. "Extracurricular activities" means a voluntary activity

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552 sponsored by the school or local education agency or an

553

organization sanctioned by the local education agency.

554

Extracurricular activities include, but are not limited to,

555

preparation for and involvement in public performances,

556

contests, athletic competitions, demonstrations, displays, and

557

club activities.

558

G. "Interstate Commission on Educational Opportunity for

559

Military Children" means the commission that is created under

560

Article IX of this compact, which is generally referred to as

561

the Interstate Commission.

562

H. "Local education agency" means a public authority

563

legally constituted by the state as an administrative agency to

564

provide control of, and direction for, kindergarten through 12th

565

grade public educational institutions.

566

I. "Member state" means a state that has enacted this

567

compact.

568

J. "Military installation" means a base, camp, post,

569

station, yard, center, homeport facility for any ship, or other

570

activity under the jurisdiction of the Department of Defense,

571

including any leased facility, which is located within any of

572

the several states, the District of Columbia, the Commonwealth

573

of Puerto Rico, the United States Virgin Islands, Guam, American

574

Samoa, the Northern Mariana Islands, and any other United States

575

Territory. The term does not include any facility used primarily

576

for civil works, rivers and harbors projects, or flood control

577

projects.

578

K. "Nonmember state" means a state that has not enacted

579

this compact.

580

L. "Receiving state" means the state to which a child of a

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581 military family is sent, brought, or caused to be sent or
582 brought.

583 M. "Rule" means a written statement by the Interstate
584 Commission adopted under Article XII of this compact which is of
585 general applicability, implements, interprets, or prescribes a
586 policy or provision of the compact, or an organizational,
587 procedural, or practice requirement of the Interstate
588 Commission, and has the force and effect of statutory law in a
589 member state, and includes the amendment, repeal, or suspension
590 of an existing rule.

591 N. "Sending state" means the state from which a child of a
592 military family is sent, brought, or caused to be sent or
593 brought.

594 O. "State" means a state of the United States, the District
595 of Columbia, the Commonwealth of Puerto Rico, the United States
596 Virgin Islands, Guam, American Samoa, the Northern Mariana
597 Islands, and any other United States Territory.

598 P. "Student" means the child of a military family for whom
599 the local education agency receives public funding and who is
600 formally enrolled in kindergarten through 12th grade.

601 Q. "Transition" means:

602 1. The formal and physical process of transferring from
603 school to school; or

604 2. The period of time in which a student moves from one
605 school in the sending state to another school in the receiving
606 state.

607 R. "Uniformed services" means the Army, Navy, Air Force,
608 Space Force, Marine Corps, Coast Guard as well as the
609 Commissioned Corps of the National Oceanic and Atmospheric

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610 Administration, and Public Health Services.

611 S. "Veteran" means a person who served in the uniformed
612 services and who was discharged or released therefrom under
613 conditions other than dishonorable.

614
615 ARTICLE III

616
617 APPLICABILITY.—

618 A. Except as otherwise provided in Section C, this compact
619 applies to the children of:

620 1. Active duty members of the uniformed services, including
621 members of the National Guard and Reserve on active-duty orders
622 pursuant to 10 U.S.C. ss. 1209 and 1211;

623 2. Members or veterans of the uniformed services who are
624 severely injured and medically discharged or retired for a
625 period of 1 year after medical discharge or retirement; and

626 3. Members of the uniformed services who die on active duty
627 or as a result of injuries sustained on active duty for a period
628 of 1 year after death.

629 B. This interstate compact applies to local education
630 agencies.

631 C. This compact does not apply to the children of:

632 1. Inactive members of the National Guard and military
633 reserves;

634 2. Members of the uniformed services now retired, except as
635 provided in Section A;

636 3. Veterans of the uniformed services, except as provided
637 in Section A; and

638 4. Other United States Department of Defense personnel and

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639 other federal agency civilian and contract employees not defined
640 as active-duty members of the uniformed services.

ARTICLE IV

EDUCATIONAL RECORDS AND ENROLLMENT.—

645 A. If a child's official education records cannot be
646 released to the parents for the purpose of transfer, the
647 custodian of the records in the sending state shall prepare and
648 furnish to the parent a complete set of unofficial educational
649 records containing uniform information as determined by the
650 Interstate Commission. Upon receipt of the unofficial education
651 records by a school in the receiving state, that school shall
652 enroll and appropriately place the student based on the
653 information provided in the unofficial records pending
654 validation by the official records, as quickly as possible.

655 B. Simultaneous with the enrollment and conditional
656 placement of the student, the school in the receiving state
657 shall request the student's official education record from the
658 school in the sending state. Upon receipt of the request, the
659 school in the sending state shall process and furnish the
660 official education records to the school in the receiving state
661 within 10 days or within such time as is reasonably determined
662 under the rules adopted by the Interstate Commission.

663 C. Compact states must give 30 days from the date of
664 enrollment or within such time as is reasonably determined under
665 the rules adopted by the Interstate Commission for students to
666 obtain any immunization required by the receiving state. For a
667 series of immunizations, initial vaccinations must be obtained

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668 within 30 days or within such time as is reasonably determined
669 under the rules promulgated by the Interstate Commission.

670 D. Students shall be allowed to continue their enrollment
671 at grade level in the receiving state commensurate with their
672 grade level, including kindergarten, from a local education
673 agency in the sending state at the time of transition,
674 regardless of age. A student who has satisfactorily completed
675 the prerequisite grade level in the local education agency in
676 the sending state is eligible for enrollment in the next highest
677 grade level in the receiving state, regardless of age. A student
678 transferring after the start of the school year in the receiving
679 state shall enter the school in the receiving state on their
680 validated level from an accredited school in the sending state.

ARTICLE V

PLACEMENT AND ATTENDANCE.—

685 A. If a student transfers before or during the school year,
686 the receiving state school shall initially honor placement of
687 the student in educational courses based on the student's
688 enrollment in the sending state school or educational
689 assessments conducted at the school in the sending state if the
690 courses are offered. Course placement includes, but is not
691 limited to, Honors, International Baccalaureate, Advanced
692 Placement, vocational, technical, and career pathways courses.
693 Continuing the student's academic program from the previous
694 school and promoting placement in academically and career
695 challenging courses should be paramount when considering
696 placement. A school in the receiving state is not precluded from

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697 performing subsequent evaluations to ensure appropriate
698 placement and continued enrollment of the student in the
699 courses.

700 B. The receiving state school must initially honor
701 placement of the student in educational programs based on
702 current educational assessments conducted at the school in the
703 sending state or participation or placement in like programs in
704 the sending state. Such programs include, but are not limited
705 to:

- 706 1. Gifted and talented programs; and
- 707 2. English as a second language (ESL).

708
709 A school in the receiving state is not precluded from performing
710 subsequent evaluations to ensure appropriate placement and
711 continued enrollment of the student in the courses.

712 C. A receiving state must initially provide comparable
713 services to a student with disabilities based on his or her
714 current individualized education program (IEP) in compliance
715 with the requirements of the Individuals with Disabilities
716 Education Act (IDEA), 20 U.S.C. s. 1400, et seq. A receiving
717 state must make reasonable accommodations and modifications to
718 address the needs of incoming students with disabilities,
719 subject to an existing section 504 or title II plan, to provide
720 the student with equal access to education, in compliance with
721 the provisions of Section 504 of the Rehabilitation Act, 29
722 U.S.C.A. s. 794, and with title II of the Americans with
723 Disabilities Act, 42 U.S.C. ss. 12131-12165. A school in the
724 receiving state is not precluded from performing subsequent
725 evaluations to ensure appropriate placement and continued

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726 enrollment of the student in the courses.

727 D. Local education agency administrative officials may
728 waive course or program prerequisites, or other preconditions
729 for placement in courses or programs offered under the
730 jurisdiction of the local education agency.

731 E. A student whose parent or legal guardian is an active-
732 duty member of the uniformed services and has been called to
733 duty for, is on leave from, or immediately returned from
734 deployment to, a combat zone or combat support posting shall be
735 granted additional excused absences at the discretion of the
736 local education agency superintendent to visit with his or her
737 parent or legal guardian relative to such leave or deployment of
738 the parent or guardian.

ARTICLE VI

741 ELIGIBILITY.—

742 A. When considering the eligibility of a child for
743 enrolling in a school:

744 1. A special power of attorney relative to the guardianship
745 of a child of a military family and executed under applicable
746 law is sufficient for the purposes of enrolling the child in
747 school and for all other actions requiring parental
748 participation and consent.

749 2. A local education agency is prohibited from charging
750 local tuition to a transitioning military child placed in the
751 care of a noncustodial parent or other person standing in loco
752 parentis who lives in a school's jurisdiction different from
753 that of the custodial parent.
754

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755 3. A transitioning military child, placed in the care of a
 756 noncustodial parent or other person standing in loco parentis
 757 who lives in a school's jurisdiction different from that of the
 758 custodial parent, may continue to attend the school in which he
 759 or she was enrolled while residing with the custodial parent.

760 B. State and local education agencies must facilitate the
 761 opportunity for transitioning military children's inclusion in
 762 extracurricular activities, regardless of application deadlines,
 763 to the extent they are otherwise qualified.

764
 765 ARTICLE VII
 766

767 GRADUATION.—In order to facilitate the on-time graduation
 768 of children of military families, states and local education
 769 agencies shall incorporate the following procedures:

770 A. Local education agency administrative officials shall
 771 waive specific courses required for graduation if similar
 772 coursework has been satisfactorily completed in another local
 773 education agency or shall provide reasonable justification for
 774 denial. If a waiver is not granted to a student who would
 775 qualify to graduate from the sending school, the local education
 776 agency must provide an alternative means of acquiring required
 777 coursework so that graduation may occur on time.

778 B. States shall accept exit or end-of-course exams required
 779 for graduation from the sending state; national norm-referenced
 780 achievement tests; or alternative testing, in lieu of testing
 781 requirements for graduation in the receiving state. If these
 782 alternatives cannot be accommodated by the receiving state for a
 783 student transferring in his or her senior year, then the

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784 provisions of Article VII, Section C shall apply.

785 C. If a military student transfers at the beginning of or
 786 during his or her senior year and is not eligible to graduate
 787 from the receiving local education agency after all alternatives
 788 have been considered, the sending and receiving local education
 789 agencies must ensure the receipt of a diploma from the sending
 790 local education agency, if the student meets the graduation
 791 requirements of the sending local education agency. If one of
 792 the states in question is not a member of this compact, the
 793 member state shall use its best efforts to facilitate the on-
 794 time graduation of the student in accordance with Sections A and
 795 B of this Article.

796
 797 ARTICLE VIII
 798

799 STATE COORDINATION.—Each member state shall, through the
 800 creation of a state council or use of an existing body or board,
 801 provide for the coordination among its agencies of government,
 802 local education agencies, and military installations concerning
 803 the state's participation in, and compliance with, this compact
 804 and Interstate Commission activities.

805 A. Each member state may determine the membership of its
 806 own state council, but the membership must include at least: the
 807 state superintendent of education, the superintendent of a
 808 school district that has a high concentration of military
 809 children, a representative from a military installation, one
 810 representative each from the legislative and executive branches
 811 of government, and other offices and stakeholder groups the
 812 state council deems appropriate. A member state that does not

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813 have a school district deemed to contain a high concentration of
814 military children may appoint a superintendent from another
815 school district to represent local education agencies on the
816 state council.

817 B. The state council of each member state shall appoint or
818 designate a military family education liaison to assist military
819 families and the state in facilitating the implementation of
820 this compact.

821 C. The compact commissioner responsible for the
822 administration and management of the state's participation in
823 the compact shall be appointed by the Governor or as otherwise
824 determined by each member state.

825 D. The compact commissioner and the military family
826 education liaison shall be ex officio members of the state
827 council, unless either is already a full voting member of the
828 state council.

829 ARTICLE IX

830 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR
831 MILITARY CHILDREN.—The member states hereby create the
832 "Interstate Commission on Educational Opportunity for Military
833 Children." The activities of the Interstate Commission are the
834 formation of public policy and are a discretionary state
835 function. The Interstate Commission shall:
836

837 A. Be a body corporate and joint agency of the member
838 states and shall have all the responsibilities, powers, and
839 duties set forth herein, and such additional powers as may be
840 conferred upon it by a subsequent concurrent action of the
841

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842 respective legislatures of the member states in accordance with
843 the terms of this compact.

844 B. Consist of one Interstate Commission voting
845 representative from each member state who shall be that state's
846 compact commissioner.

847 1. Each member state represented at a meeting of the
848 Interstate Commission is entitled to one vote.

849 2. A majority of the total member states shall constitute a
850 quorum for the transaction of business, unless a larger quorum
851 is required by the bylaws of the Interstate Commission.

852 3. A representative shall not delegate a vote to another
853 member state. In the event the compact commissioner is unable to
854 attend a meeting of the Interstate Commission, the Governor or
855 state council may delegate voting authority to another person
856 from their state for a specified meeting.

857 4. The bylaws may provide for meetings of the Interstate
858 Commission to be conducted by telecommunication or electronic
859 communication.

860 C. Consist of ex officio, nonvoting representatives who are
861 members of interested organizations. The ex officio members, as
862 defined in the bylaws, may include, but not be limited to,
863 members of the representative organizations of military family
864 advocates, local education agency officials, parent and teacher
865 groups, the United States Department of Defense, the Education
866 Commission of the States, the Interstate Agreement on the
867 Qualification of Educational Personnel, and other interstate
868 compacts affecting the education of children of military
869 members.

870 D. Meet at least once each calendar year. The chairperson

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871 may call additional meetings and, upon the request of a simple
872 majority of the member states, shall call additional meetings.

873 E. Establish an executive committee, whose members shall
874 include the officers of the Interstate Commission and such other
875 members of the Interstate Commission as determined by the
876 bylaws. Members of the executive committee shall serve a 1-year
877 term. Members of the executive committee are entitled to one
878 vote each. The executive committee shall have the power to act
879 on behalf of the Interstate Commission, with the exception of
880 rulemaking, during periods when the Interstate Commission is not
881 in session. The executive committee shall oversee the day-to-day
882 activities of the administration of the compact, including
883 enforcement and compliance with the compact, its bylaws and
884 rules, and other such duties as deemed necessary. The United
885 States Department of Defense shall serve as an ex officio,
886 nonvoting member of the executive committee.

887 F. The Interstate Commission shall collect standardized
888 data concerning the educational transition of the children of
889 military families under this compact as directed through its
890 rules which shall specify the data to be collected, the means of
891 collection and data exchange, and reporting requirements. The
892 methods of data collection, exchange, and reporting shall,
893 insofar as is reasonably possible, conform to current technology
894 and coordinate its information functions with the appropriate
895 custodian of records as identified in the bylaws and rules.

896 G. The Interstate Commission shall create a procedure that
897 permits military officials, education officials, and parents to
898 inform the Interstate Commission if and when there are alleged
899 violations of the compact or its rules or when issues subject to

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900 the jurisdiction of the compact or its rules are not addressed
901 by the state or local education agency. This section does not
902 create a private right of action against the Interstate
903 Commission or any member state.

ARTICLE X

904
905
906
907 POWERS AND DUTIES OF THE INTERSTATE COMMISSION.—The
908 Interstate Commission has the power to:

- 909 A. Provide for dispute resolution among member states.
910 B. Adopt rules and take all necessary actions to effect the
911 goals, purposes, and obligations as enumerated in this compact.
912 The rules have the force and effect of statutory law and are
913 binding in the compact states to the extent and in the manner
914 provided in this compact.
915 C. Issue, upon request of a member state, advisory opinions
916 concerning the meaning or interpretation of the interstate
917 compact, its bylaws, rules, and actions.
918 D. Enforce compliance with the compact provisions, the
919 rules adopted by the Interstate Commission, and the bylaws,
920 using all necessary and proper means, including, but not limited
921 to, the use of judicial process.
922 E. Establish and maintain offices that shall be located
923 within one or more of the member states.
924 F. Purchase and maintain insurance and bonds.
925 G. Borrow, accept, hire, or contract for services of
926 personnel.
927 H. Establish and appoint committees, including, but not
928 limited to, an executive committee as required by Article IX,

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929 Section E, which shall have the power to act on behalf of the
930 Interstate Commission in carrying out its powers and duties
931 hereunder.

932 I. Elect or appoint such officers, attorneys, employees,
933 agents, or consultants, and to fix their compensation, define
934 their duties, and determine their qualifications; and to
935 establish the Interstate Commission's personnel policies and
936 programs relating to conflicts of interest, rates of
937 compensation, and qualifications of personnel.

938 J. Accept any and all donations and grants of money,
939 equipment, supplies, materials, and services, and to receive,
940 utilize, and dispose of it.

941 K. Lease, purchase, accept contributions or donations of,
942 or otherwise to own, hold, improve, or use any property, real,
943 personal, or mixed.

944 L. Sell, convey, mortgage, pledge, lease, exchange,
945 abandon, or otherwise dispose of any property, real, personal,
946 or mixed.

947 M. Establish a budget and make expenditures.

948 N. Adopt a seal and bylaws governing the management and
949 operation of the Interstate Commission.

950 O. Report annually to the legislatures, governors,
951 judiciary, and state councils of the member states concerning
952 the activities of the Interstate Commission during the preceding
953 year. Such reports shall also include any recommendations that
954 may have been adopted by the Interstate Commission.

955 P. Coordinate education, training, and public awareness
956 regarding the compact, its implementation, and operation for
957 officials and parents involved in such activity.

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958 Q. Establish uniform standards for the reporting,
959 collecting, and exchanging of data.

960 R. Maintain corporate books and records in accordance with
961 the bylaws.

962 S. Perform such functions as may be necessary or
963 appropriate to achieve the purposes of this compact.

964 T. Provide for the uniform collection and sharing of
965 information between and among member states, schools, and
966 military families under this compact.

ARTICLE XI

970 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION.—

971 A. The Interstate Commission shall, by a majority of the
972 members present and voting, within 12 months after the first
973 Interstate Commission meeting, adopt bylaws to govern its
974 conduct as may be necessary or appropriate to carry out the
975 purposes of the compact, including, but not limited to:

976 1. Establishing the fiscal year of the Interstate
977 Commission;

978 2. Establishing an executive committee and such other
979 committees as may be necessary;

980 3. Providing for the establishment of committees and for
981 governing any general or specific delegation of authority or
982 function of the Interstate Commission;

983 4. Providing reasonable procedures for calling and
984 conducting meetings of the Interstate Commission and ensuring
985 reasonable notice of each such meeting;

986 5. Establishing the titles and responsibilities of the

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987 officers and staff of the Interstate Commission;

988 6. Providing a mechanism for concluding the operations of
989 the Interstate Commission and the return of surplus funds that
990 may exist upon the termination of the compact after the payment
991 and reserving of all of its debts and obligations.

992 7. Providing "start up" rules for initial administration of
993 the compact.

994 B. The Interstate Commission shall, by a majority of the
995 members, elect annually from among its members a chairperson, a
996 vice chairperson, and a treasurer, each of whom shall have such
997 authority and duties as may be specified in the bylaws. The
998 chairperson or, in the chairperson's absence or disability, the
999 vice chairperson shall preside at all meetings of the Interstate
1000 Commission. The officers so elected shall serve without
1001 compensation or remuneration from the Interstate Commission;
1002 provided that, subject to the availability of budgeted funds,
1003 the officers shall be reimbursed for ordinary and necessary
1004 costs and expenses incurred by them in the performance of their
1005 responsibilities as officers of the Interstate Commission.

1006 C. The executive committee has the authority and duties as
1007 may be set forth in the bylaws, including, but not limited to:

1008 1. Managing the affairs of the Interstate Commission in a
1009 manner consistent with the bylaws and purposes of the Interstate
1010 Commission;

1011 2. Overseeing an organizational structure within, and
1012 appropriate procedures for, the Interstate Commission to provide
1013 for the adoption of rules, operating procedures, and
1014 administrative and technical support functions; and

1015 3. Planning, implementing, and coordinating communications

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1016 and activities with other state, federal, and local government
1017 organizations in order to advance the goals of the Interstate
1018 Commission.

1019 D. The executive committee may, subject to the approval of
1020 the Interstate Commission, appoint or retain an executive
1021 director for such period, upon such terms and conditions and for
1022 such compensation, as the Interstate Commission may deem
1023 appropriate. The executive director shall serve as secretary to
1024 the Interstate Commission but is not a member of the Interstate
1025 Commission. The executive director shall hire and supervise such
1026 other persons as may be authorized by the Interstate Commission.

1027 E. The Interstate Commission's executive director and its
1028 employees are immune from suit and liability, either personally
1029 or in their official capacity, for a claim for damage to or loss
1030 of property or personal injury or other civil liability caused
1031 or arising out of, or relating to, an actual or alleged act,
1032 error, or omission that occurred, or that such person had a
1033 reasonable basis for believing occurred, within the scope of
1034 Interstate Commission employment, duties, or responsibilities,
1035 provided that the person is not protected from suit or liability
1036 for damage, loss, injury, or liability caused by the intentional
1037 or willful and wanton misconduct of the person.

1038 1. The liability of the Interstate Commission's executive
1039 director and employees or Interstate Commission representatives,
1040 acting within the scope of the person's employment or duties,
1041 for acts, errors, or omissions occurring within the person's
1042 state may not exceed the limits of liability set forth under the
1043 constitution and laws of that state for state officials,
1044 employees, and agents. The Interstate Commission is considered

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1045 to be an instrumentality of the states for the purposes of any
 1046 such action. This subsection does not protect the person from
 1047 suit or liability for damage, loss, injury, or liability caused
 1048 by the intentional or willful and wanton misconduct of the
 1049 person.

1050 2. The Interstate Commission shall defend the executive
 1051 director and its employees and, subject to the approval of the
 1052 Attorney General or other appropriate legal counsel of the
 1053 member state represented by an Interstate Commission
 1054 representative, shall defend an Interstate Commission
 1055 representative in any civil action seeking to impose liability
 1056 arising out of an actual or alleged act, error, or omission that
 1057 occurred within the scope of Interstate Commission employment,
 1058 duties, or responsibilities, or that the defendant had a
 1059 reasonable basis for believing occurred within the scope of
 1060 Interstate Commission employment, duties, or responsibilities,
 1061 provided that the actual or alleged act, error, or omission did
 1062 not result from intentional or willful and wanton misconduct on
 1063 the part of the person.

1064 3. To the extent not covered by the state involved, a
 1065 member state, the Interstate Commission, and the representatives
 1066 or employees of the Interstate Commission shall be held harmless
 1067 in the amount of a settlement or judgment, including attorney's
 1068 fees and costs, obtained against a person arising out of an
 1069 actual or alleged act, error, or omission that occurred within
 1070 the scope of Interstate Commission employment, duties, or
 1071 responsibilities, or that the person had a reasonable basis for
 1072 believing occurred within the scope of Interstate Commission
 1073 employment, duties, or responsibilities, provided that the

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1074 actual or alleged act, error, or omission did not result from
 1075 intentional or willful and wanton misconduct on the part of the
 1076 person.

ARTICLE XII

1077
 1078
 1079
 1080 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION.—The
 1081 Interstate Commission shall adopt rules to effectively and
 1082 efficiently implement this act to achieve the purposes of this
 1083 compact.

1084 A. If the Interstate Commission exercises its rulemaking
 1085 authority in a manner that is beyond the scope of the purposes
 1086 of this act, or the powers granted hereunder, the action
 1087 undertaken by the Interstate Commission is invalid and has no
 1088 force or effect.

1089 B. Rules must be adopted pursuant to a rulemaking process
 1090 that substantially conforms to the "Model State Administrative
 1091 Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p.
 1092 1 (2000) as amended, as may be appropriate to the operations of
 1093 the Interstate Commission.

1094 C. No later than 30 days after a rule is adopted, a person
 1095 may file a petition for judicial review of the rule. The filing
 1096 of the petition does not stay or otherwise prevent the rule from
 1097 becoming effective unless a court finds that the petitioner has
 1098 a substantial likelihood of success on the merits of the
 1099 petition. The court shall give deference to the actions of the
 1100 Interstate Commission consistent with applicable law and shall
 1101 not find the rule to be unlawful if the rule represents a
 1102 reasonable exercise of the Interstate Commission's authority.

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1103 D. If a majority of the legislatures of the compacting
 1104 states rejects a rule by enactment of a statute or resolution in
 1105 the same manner used to adopt the compact, then the rule is
 1106 invalid and has no further force and effect in any compacting
 1107 state.

1108
 1109 ARTICLE XIII

1110
 1111 OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION.-

1112 A. The executive, legislative, and judicial branches of
 1113 state government in each member state shall enforce this compact
 1114 and shall take all actions necessary and appropriate to
 1115 effectuate the compact's purposes and intent. The provisions of
 1116 this compact and the rules adopted under it have the force and
 1117 effect of statutory law.

1118 B. All courts shall take judicial notice of the compact and
 1119 its adopted rules in any judicial or administrative proceeding
 1120 in a member state pertaining to the subject matter of this
 1121 compact which may affect the powers, responsibilities, or
 1122 actions of the Interstate Commission.

1123 C. The Interstate Commission is entitled to receive all
 1124 service of process in any such proceeding, and has standing to
 1125 intervene in the proceeding for all purposes. Failure to provide
 1126 service of process to the Interstate Commission renders a
 1127 judgment or order void as to the Interstate Commission, this
 1128 compact, or its adopted rules.

1129 D. If the Interstate Commission determines that a member
 1130 state has defaulted in the performance of its obligations or
 1131 responsibilities under this compact, or the bylaws or the

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1132 adopted rules, the Interstate Commission shall:

1133 1. Provide written notice to the defaulting state and other
 1134 member states of the nature of the default, the means of curing
 1135 the default, and any action taken by the Interstate Commission.
 1136 The Interstate Commission must specify the conditions by which
 1137 the defaulting state must cure its default.

1138 2. Provide remedial training and specific technical
 1139 assistance regarding the default.

1140 3. If the defaulting state fails to cure the default,
 1141 terminate the defaulting state from the compact upon an
 1142 affirmative vote of a majority of the member states and all
 1143 rights, privileges, and benefits conferred by this compact shall
 1144 be terminated from the effective date of termination. A cure of
 1145 the default does not relieve the offending state of obligations
 1146 or liabilities incurred during the period of the default.

1147 E. Suspension or termination of membership in the compact
 1148 may not be imposed on a member until all other means of securing
 1149 compliance have been exhausted. Notice of the intent to suspend
 1150 or terminate membership must be given by the Interstate
 1151 Commission to the Governor, the majority and minority leaders of
 1152 the defaulting state's legislature, and each of the member
 1153 states.

1154 F. A state that has been suspended or terminated is
 1155 responsible for all assessments, obligations, and liabilities
 1156 incurred through the effective date of suspension or
 1157 termination, including obligations, the performance of which
 1158 extends beyond the effective date of suspension or termination.

1159 G. The remaining member states of the Interstate Commission
 1160 do not bear any costs arising from a state that has been found

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1161 to be in default or that has been suspended or terminated from
 1162 the compact, unless otherwise mutually agreed upon in writing
 1163 between the Interstate Commission and the defaulting state.

1164 H. A defaulting state may appeal the action of the
 1165 Interstate Commission by petitioning the United States District
 1166 Court for the District of Columbia or the federal district where
 1167 the Interstate Commission has its principal offices. The
 1168 prevailing party shall be awarded all costs of such litigation,
 1169 including reasonable attorney's fees.

1170 I. The Interstate Commission shall attempt, upon the
 1171 request of a member state, to resolve disputes that are subject
 1172 to the compact and that may arise among member states and
 1173 between member and nonmember states. The Interstate Commission
 1174 shall promulgate a rule providing for both mediation and binding
 1175 dispute resolution for disputes as appropriate.

1176 1. The Interstate Commission, in the reasonable exercise of
 1177 its discretion, shall enforce the provisions and rules of this
 1178 compact.

1179 2. The Interstate Commission may, by majority vote of the
 1180 members, initiate legal action in the United States District
 1181 Court for the District of Columbia or, at the discretion of the
 1182 Interstate Commission, in the federal district where the
 1183 Interstate Commission has its principal offices to enforce
 1184 compliance with the provisions of the compact, or its
 1185 promulgated rules and bylaws, against a member state in default.
 1186 The relief sought may include both injunctive relief and
 1187 damages. In the event judicial enforcement is necessary, the
 1188 prevailing party shall be awarded all costs of such litigation,
 1189 including reasonable attorney's fees.

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1190 3. The remedies herein are not the exclusive remedies of
 1191 the Interstate Commission. The Interstate Commission may avail
 1192 itself of any other remedies available under state law or the
 1193 regulation of a profession.

ARTICLE XIV

FINANCING OF THE INTERSTATE COMMISSION.—

1194
 1195
 1196
 1197 A. The Interstate Commission shall pay, or provide for the
 1198 payment of, the reasonable expenses of its establishment,
 1199 organization, and ongoing activities.

1200 B. The Interstate Commission may levy on and collect an
 1201 annual assessment from each member state to cover the cost of
 1202 the operations and activities of the Interstate Commission and
 1203 its staff which must be in a total amount sufficient to cover
 1204 the Interstate Commission's annual budget as approved each year.
 1205 The aggregate annual assessment amount shall be allocated based
 1206 upon a formula to be determined by the Interstate Commission,
 1207 which shall adopt a rule binding upon all member states.

1208 C. The Interstate Commission may not incur any obligation
 1209 of any kind before securing the funds adequate to meet the
 1210 obligation and the Interstate Commission may not pledge the
 1211 credit of any of the member states, except by and with the
 1212 permission of the member state.

1213 D. The Interstate Commission shall keep accurate accounts
 1214 of all receipts and disbursements. The receipts and
 1215 disbursements of the Interstate Commission are subject to audit
 1216 and accounting procedures established under its bylaws. However,
 1217 all receipts and disbursements of funds handled by the
 1218

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1219 Interstate Commission shall be audited yearly by a certified or
 1220 licensed public accountant, and the report of the audit shall be
 1221 included in and become part of the annual report of the
 1222 Interstate Commission.

ARTICLE XV

MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT.—

A. Any state is eligible to become a member state.

B. The compact shall take effect and be binding upon
 1229 legislative enactment of the compact into law by not less than
 1230 10 of the states. The effective date shall be no earlier than
 1231 December 1, 2007. Thereafter, it shall become effective and
 1232 binding as to any other member state upon enactment of the
 1233 compact into law by that state. The governors of nonmember
 1234 states or their designees shall be invited to participate in the
 1235 activities of the Interstate Commission on a nonvoting basis
 1236 before adoption of the compact by all states.

C. The Interstate Commission may propose amendments to the
 1238 compact for enactment by the member states. An amendment does
 1239 not become effective and binding upon the Interstate Commission
 1240 and the member states until the amendment is enacted into law by
 1241 unanimous consent of the member states.

ARTICLE XVI

WITHDRAWAL AND DISSOLUTION.—

A. Once in effect, the compact continues in force and
 1247 remains binding upon each and every member state, provided that

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1248 a member state may withdraw from the compact, specifically
 1249 repealing the statute that enacted the compact into law.
 1250 1. Withdrawal from the compact occurs when a statute
 1251 repealing its membership is enacted by the state, but does not
 1252 take effect until 1 year after the effective date of the statute
 1253 and until written notice of the withdrawal has been given by the
 1254 withdrawing state to the Governor of each other member state.
 1255 2. The withdrawing state must immediately notify the
 1256 chairperson of the Interstate Commission in writing upon the
 1257 introduction of legislation repealing this compact in the
 1258 withdrawing state. The Interstate Commission shall notify the
 1259 other member states of the withdrawing state's intent to
 1260 withdraw within 60 days after its receipt thereof.
 1261 3. A withdrawing state is responsible for all assessments,
 1262 obligations, and liabilities incurred through the effective date
 1263 of withdrawal, including obligations, the performance of which
 1264 extend beyond the effective date of withdrawal.
 1265 4. Reinstatement following withdrawal of a member state
 1266 shall occur upon the withdrawing state reenacting the compact or
 1267 upon such later date as determined by the Interstate Commission.
 1268 B. This compact shall dissolve effective upon the date of
 1269 the withdrawal or default of the member state which reduces the
 1270 membership in the compact to one member state.
 1271 C. Upon the dissolution of this compact, the compact
 1272 becomes void and has no further force or effect, and the
 1273 business and affairs of the Interstate Commission shall be
 1274 concluded and surplus funds shall be distributed in accordance
 1275 with the bylaws.
 1276

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ARTICLE XVII

SEVERABILITY AND CONSTRUCTION.—

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. This compact does not prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII

BINDING EFFECT OF COMPACT AND OTHER LAWS.—

A. This compact does not prevent the enforcement of any other law of a member state that is not inconsistent with this compact.

B. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

C. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

D. All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

E. If any part of this compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member

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1306 state.

1307 Section 23. Subsection (1) of section 1003.051, Florida
1308 Statutes, is amended to read:

1309 1003.051 Purple Star Campuses.—

1310 (1) As used in this section, the term "military student"
1311 means a student who is:

1312 (a) Enrolled in a school district, charter school, or any
1313 school or educational institution participating in an
1314 educational choice scholarship program established pursuant to
1315 chapter 1002; and

1316 (b) A dependent of a current member of the United States
1317 military serving on active duty in, or a former member of, the
1318 Army, Navy, Air Force, Space Force, Marine Corps, or Coast
1319 Guard; a reserve component of any branch of the United States
1320 military; or the Florida National Guard.

1321 Section 24. For the purpose of incorporating the amendment
1322 made by this act to section 250.01, Florida Statutes, in a
1323 reference thereto, subsection (7) of section 373.324, Florida
1324 Statutes, is reenacted to read:

1325 373.324 License renewal.—

1326 (7) Notwithstanding the renewal requirements in subsection
1327 (3) and s. 250.4815 for members of the Florida National Guard
1328 and the United States Armed Forces Reserves, any active water
1329 well contractor license issued under this part to a
1330 servicemember as defined in s. 250.01 or his or her spouse, both
1331 of whom reside in Florida, may not become inactive while the
1332 servicemember is serving on military orders which take him or
1333 her over 35 miles from his or her residence and shall be
1334 considered an active license for up to 180 days after the

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1335 servicemember returns to his or her Florida residence. If the
 1336 license renewal requirements are met within the 180-day
 1337 extension period, the servicemember or his or her spouse may not
 1338 be charged any additional costs, such as, but not limited to,
 1339 late fees or delinquency fees, above the normal license fees.
 1340 This subsection does not waive renewal requirements such as
 1341 registering, continuing education, and all associated fees. The
 1342 servicemember must present to the water management district
 1343 issuing the license a copy of his or her official military
 1344 orders or a written verification from the member's commanding
 1345 officer before the end of the 180-day period in order to qualify
 1346 for the extension.

1347 Section 25. For the purpose of incorporating the amendment
 1348 made by this act to section 250.01, Florida Statutes, in a
 1349 reference thereto, paragraph (c) of subsection (1) of section
 1350 409.1664, Florida Statutes, is reenacted to read:

1351 409.1664 Adoption benefits for qualifying adoptive
 1352 employees of state agencies, veterans, and servicemembers.—

1353 (1) As used in this section, the term:

1354 (c) "Servicemember" has the same meaning as in s.
 1355 250.01(19).

1356 Section 26. For the purpose of incorporating the amendment
 1357 made by this act to section 250.01, Florida Statutes, in a
 1358 reference thereto, subsection (1) of section 520.14, Florida
 1359 Statutes, is reenacted to read:

1360 520.14 Termination of retail installment contract for
 1361 leasing a motor vehicle by a servicemember.—

1362 (1) Any servicemember, as defined in s. 250.01, may
 1363 terminate his or her retail installment contract for leasing a

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1364 motor vehicle by providing the sales finance company with a
 1365 written notice of termination, effective on the date specified
 1366 in the notice, which date shall be at least 30 days after the
 1367 receipt of the notice by the sales finance company, if any of
 1368 the following criteria are met:

1369 (a) The servicemember is required, pursuant to a permanent
 1370 change of station, to move outside the continental United
 1371 States; or

1372 (b) The servicemember receives temporary duty orders,
 1373 temporary change of station orders, or active duty orders
 1374 outside the continental United States, provided such orders are
 1375 for a period exceeding 60 days.

1376 Section 27. For the purpose of incorporating the amendment
 1377 made by this act to section 250.01, Florida Statutes, in a
 1378 reference thereto, subsection (5) of section 627.7283, Florida
 1379 Statutes, is reenacted to read:

1380 627.7283 Cancellation; return of unearned premium.—

1381 (5) The insurer must refund 100 percent of the unearned
 1382 premium if the insured is a servicemember, as defined in s.
 1383 250.01, who cancels because he or she is called to active duty
 1384 or transferred by the United States Armed Forces to a location
 1385 where the insurance is not required. The insurer may require a
 1386 servicemember to submit either a copy of the official military
 1387 orders or a written verification signed by the servicemember's
 1388 commanding officer to support the refund authorized under this
 1389 subsection. If the insurer cancels, the insurer must refund 100
 1390 percent of the unearned premium. Cancellation is without
 1391 prejudice to any claim originating prior to the effective date
 1392 of the cancellation. For purposes of this section, unearned

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1393 premiums must be computed on a pro rata basis.

1394 Section 28. For the purpose of incorporating the amendment

1395 made by this act to section 250.01, Florida Statutes, in a

1396 reference thereto, paragraph (d) of subsection (1) of section

1397 689.27, Florida Statutes, is reenacted to read:

1398 689.27 Termination by servicemember of agreement to

1399 purchase real property.—

1400 (1) Notwithstanding any other provisions of law and for the

1401 purposes of this section:

1402 (d) "Servicemember" shall have the same meaning as provided

1403 in s. 250.01.

1404 Section 29. For the purpose of incorporating the amendment

1405 made by this act to section 250.01, Florida Statutes, in a

1406 reference thereto, subsection (5) of section 790.015, Florida

1407 Statutes, is reenacted to read:

1408 790.015 Nonresidents who are United States citizens and

1409 hold a concealed weapons license in another state; reciprocity.—

1410 (5) The requirement of paragraph (1) (a) does not apply to a

1411 person who:

1412 (a) Is a servicemember, as defined in s. 250.01; or

1413 (b) Is a veteran of the United States Armed Forces who was

1414 discharged under honorable conditions.

1415 Section 30. For the purpose of incorporating the amendment

1416 made by this act to section 250.01, Florida Statutes, in

1417 references thereto, subsection (4) and paragraph (b) of

1418 subsection (11) of section 790.06, Florida Statutes, are

1419 reenacted to read:

1420 790.06 License to carry concealed weapon or firearm.—

1421 (4) The application shall be completed, under oath, on a

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1422 form adopted by the Department of Agriculture and Consumer

1423 Services and shall include:

1424 (a) The name, address, place of birth, date of birth, and

1425 race of the applicant;

1426 (b) A statement that the applicant is in compliance with

1427 criteria contained within subsections (2) and (3);

1428 (c) A statement that the applicant has been furnished a

1429 copy of or a website link to this chapter and is knowledgeable

1430 of its provisions;

1431 (d) A conspicuous warning that the application is executed

1432 under oath and that a false answer to any question, or the

1433 submission of any false document by the applicant, subjects the

1434 applicant to criminal prosecution under s. 837.06;

1435 (e) A statement that the applicant desires a concealed

1436 weapon or firearms license as a means of lawful self-defense;

1437 and

1438 (f) Directions for an applicant who is a servicemember, as

1439 defined in s. 250.01, or a veteran, as defined in s. 1.01, to

1440 request expedited processing of his or her application.

1441 (11)

1442 (b) A license issued to a servicemember, as defined in s.

1443 250.01, is subject to paragraph (a); however, such a license

1444 does not expire while the servicemember is serving on military

1445 orders that have taken him or her over 35 miles from his or her

1446 residence and shall be extended, as provided in this paragraph,

1447 for up to 180 days after his or her return to such residence. If

1448 the license renewal requirements in paragraph (a) are met within

1449 the 180-day extension period, the servicemember may not be

1450 charged any additional costs, such as, but not limited to, late

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1451 fees or delinquency fees, above the normal license fees. The
 1452 servicemember must present to the Department of Agriculture and
 1453 Consumer Services a copy of his or her official military orders
 1454 or a written verification from the member's commanding officer
 1455 before the end of the 180-day period in order to qualify for the
 1456 extension.

1457 Section 31. For the purpose of incorporating the amendment
 1458 made by this act to section 250.01, Florida Statutes, in a
 1459 reference thereto, subsection (1) of section 790.062, Florida
 1460 Statutes, is reenacted to read:

1461 790.062 Members and veterans of United States Armed Forces;
 1462 exceptions from licensure provisions.—

1463 (1) Notwithstanding s. 790.06(2)(b), the Department of
 1464 Agriculture and Consumer Services shall issue a license to carry
 1465 a concealed weapon or firearm under s. 790.06 if the applicant
 1466 is otherwise qualified and:

1467 (a) Is a servicemember, as defined in s. 250.01; or

1468 (b) Is a veteran of the United States Armed Forces who was
 1469 discharged under honorable conditions.

1470 Section 32. For the purpose of incorporating the amendment
 1471 made by this act to section 250.01, Florida Statutes, in a
 1472 reference thereto, subsection (13) of section 790.065, Florida
 1473 Statutes, is reenacted to read:

1474 790.065 Sale and delivery of firearms.—

1475 (13) A person younger than 21 years of age may not purchase
 1476 a firearm. The sale or transfer of a firearm to a person younger
 1477 than 21 years of age may not be made or facilitated by a
 1478 licensed importer, licensed manufacturer, or licensed dealer. A
 1479 person who violates this subsection commits a felony of the

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1480 third degree, punishable as provided in s. 775.082, s. 775.083,
 1481 or s. 775.084. The prohibitions of this subsection do not apply
 1482 to the purchase of a rifle or shotgun by a law enforcement
 1483 officer or correctional officer, as those terms are defined in
 1484 s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a
 1485 servicemember as defined in s. 250.01.

1486 Section 33. For the purpose of incorporating the amendment
 1487 made by this act to section 250.01, Florida Statutes, in a
 1488 reference thereto, paragraph (d) of subsection (2) of section
 1489 790.0655, Florida Statutes, is reenacted to read:

1490 790.0655 Purchase and delivery of firearms; mandatory
 1491 waiting period; exceptions; penalties.—

1492 (2) The waiting period does not apply in the following
 1493 circumstances:

1494 (d) When a rifle or shotgun is being purchased by a law
 1495 enforcement officer or correctional officer, as those terms are
 1496 defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a
 1497 servicemember as defined in s. 250.01.

1498 Section 34. For the purpose of incorporating the amendment
 1499 made by this act to section 250.01, Florida Statutes, in
 1500 references thereto, subsections (1), (2), and (3) of section
 1501 948.21, Florida Statutes, are reenacted to read:

1502 948.21 Condition of probation or community control;
 1503 military servicemembers and veterans.—

1504 (1) Effective for a probationer or community controllee
 1505 whose crime is committed on or after July 1, 2012, and who is a
 1506 veteran, as defined in s. 1.01, or servicemember, as defined in
 1507 s. 250.01, who suffers from a military service-related mental
 1508 illness, traumatic brain injury, substance abuse disorder, or

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1509 psychological problem, the court may, in addition to any other
 1510 conditions imposed, impose a condition requiring the probationer
 1511 or community controllee to participate in a treatment program
 1512 capable of treating the probationer's or community controllee's
 1513 mental illness, traumatic brain injury, substance abuse
 1514 disorder, or psychological problem.

1515 (2) Effective for a probationer or community controllee
 1516 whose crime is committed on or after July 1, 2016, and who is a
 1517 veteran, as defined in s. 1.01, including a veteran who is
 1518 discharged or released under a general discharge, or
 1519 servicemember, as defined in s. 250.01, who suffers from a
 1520 military service-related mental illness, traumatic brain injury,
 1521 substance abuse disorder, or psychological problem, the court
 1522 may, in addition to any other conditions imposed, impose a
 1523 condition requiring the probationer or community controllee to
 1524 participate in a treatment program capable of treating the
 1525 probationer or community controllee's mental illness, traumatic
 1526 brain injury, substance abuse disorder, or psychological
 1527 problem.

1528 (3) Effective for a probationer or community controllee
 1529 whose crime is committed on or after October 1, 2019, and who is
 1530 a veteran, as defined in s. 1.01; a veteran who is discharged or
 1531 released under any condition; a servicemember, as defined in s.
 1532 250.01; an individual who is a current or former United States
 1533 Department of Defense contractor; or an individual who is a
 1534 current or former military member of a foreign allied country,
 1535 who suffers from a military service-related mental illness,
 1536 traumatic brain injury, substance abuse disorder, or
 1537 psychological problem, the court may, in addition to any other

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1538 conditions imposed, impose a condition requiring the probationer
 1539 or community controllee to participate in a treatment program
 1540 capable of treating the probationer or community controllee's
 1541 mental illness, traumatic brain injury, substance abuse
 1542 disorder, or psychological problem.

1543 Section 35. Except as otherwise expressly provided in this
 1544 act, this act shall take effect July 1, 2022.

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The Florida Senate

Committee Agenda Request

To: Senator George Gainer, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: January 19, 2022

I respectfully request that **Senate Bill #438**, relating to United States Space Force , be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Danny".

Senator Danny Burgess
Florida Senate, District 20

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 574

INTRODUCER: Transportation Committee and Senator Gibson

SUBJECT: Motor Vehicle Registration Certificate Cards

DATE: January 25, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Favorable</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 574 requires the application form for motor vehicle registration and renewal of registration to include language permitting an applicant to request a registration certificate card in addition to the required registration certificate. The bill defines a registration certificate card to mean a card, the approximate size of a driver license, which contains all of the information provided on a motor vehicle certificate of registration.

The bill also amends several statutes to allow for a registration certificate card to be used in place of a motor vehicle registration certificate.

The bill will have a negative fiscal impact to the Department of Highway Safety and Motor Vehicles (DHSMV). CS/SB 576 is linked to this bill and authorizes the imposition of certain service charges related to the issuance of a registration certificate card which may offset costs incurred by the DHSMV. See Section V. for the fiscal impact.

The bill is effective July 1, 2022

II. Present Situation:

Motor Vehicle Registration Requirements

Except as otherwise provided in ch. 320, F.S., every owner or person in charge of a motor vehicle that is operated or driven on the roads of Florida must register their vehicle. The owner or person in charge must apply to the DHSMV or to its authorized agent for registration of each such vehicle on a form prescribed by the DHSMV. A registration is not required for any motor vehicle that is not operated on the roads of this state during the registration period.¹

A vehicle must have a valid registration to operate on Florida roads, and vehicles with out-of-state registrations are required by law to be registered within 10 days of the owner either becoming employed, placing children in public school, or establishing residency in Florida.² A complete registration consists of the following and is evidence of having paid the registration taxes and fees on a motor vehicle:

- A plate (the number on the plate must match the number provided on the registration certificate and decal) attached to the vehicle in the designated area;³
- A registration certificate in the possession of the operator of the motor vehicle or carried in the vehicle at all times;⁴ and
- A registration decal, which is a sticker that is provided on the registration certificate. The validation decal should be affixed in the square provided in the upper right-hand corner of the Florida license plate.⁵

The owner of a motor vehicle may renew his or her vehicle registration for a period of one or two years and may renew up to three months in advance of the registration expiration. The registration period may not exceed 27 months.⁶

If transferring a license plate or decal to another vehicle, the applicant must submit the previous vehicle registration or license plate and decal number.⁷

Except for certain migrant and seasonal workers, any person who is not a resident of Florida and is temporarily employed in the state is required to register their motor vehicle.⁸ Upon payment of the required fees and proof of insurance coverage as required by the applicant's resident state, the DHSMV must provide a temporary registration plate and a registration certificate valid for 90 days to an applicant who is temporarily employed in this state. The temporary registration plate may be renewed one time for an additional 90-day period. At the end of the 180-day period of temporary registration, the applicant must apply for a permanent registration if there is a further need to remain in this state.⁹

¹ Section 320.02(1), F.S.

² DHSMV, *License Plates & Registrations – Motor Vehicle Registrations*, available at <https://www.flhsmv.gov/motor-vehicles-tags-titles/license-plates-registration/motor-vehicle-registrations/> (last visited January 20, 2022).

³ Section 316.605, F.S.

⁴ Section 320.0605, F.S.

⁵ Section 320.06(1)(b), F.S.

⁶ Section 320.071(1)(a), F.S.

⁷ Section 320.0609, F.S.

⁸ *See* s. 320.38, F.S.

⁹ Section 320.1325, F.S.

The DHSMV appoints license inspectors and supervisors to enforce the registration and other related motor vehicle laws and issue uniform traffic violations as appropriate. Any person who fails or refuses to surrender his or her driver license, registration certificate, and license plate upon lawful demand of a license inspector, supervisor, or authorized agent of the DHSMV commits a misdemeanor of the second degree, punishable as provided in ss. 775.082 or 775.083, F.S.¹⁰

Motor Vehicle Registration Certificates

Upon the receipt of an initial application for registration and payment of the appropriate license tax and other fees required by law, the DHSMV must assign to the motor vehicle a registration license number consisting of letters and numerals or numerals and issue to the owner or lessee a certificate of registration.¹¹ The certificate of registration is printed on a paper material with dimensions of 8 ¼ inches across and 4 inches high, and may be folded.¹²

The registration certificate or an official copy, 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 must, at all times while the vehicle is being used or operated on the roads of Florida, be in the possession of the operator or be carried in the vehicle for which issued.

The registration certificate must be exhibited upon demand of any authorized law enforcement officer or any agent of the DHSMV, except for a vehicle registered under s. 320.0657, F.S., as a fleet vehicle. This does not apply during the first 30 days after purchase of a replacement vehicle. A violation is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in ch. 318, F.S.¹³

The DHSMV collects a registration service charge of \$2.50 for each application that is handled in connection with transfer or duplicate issuance of a registration certificate. The service charge is retained by the DHSMV or by the tax collector, as the case may be, as other fees accruing to those offices.¹⁴ The tax collector may impose an additional service charge of up to 50 cents on the transfer or duplicate issuance of a registration certificate if the transaction occurs at a tax collector's branch office.¹⁵ In addition, if a tax collector elects to exercise its authority to contract with a license plate agent, the tax collector may determine additional service charges to be collected by privately owned license plate agents approved by the tax collector. Additional service charges must be fully itemized and disclosed to the person paying the service charges to

¹⁰ Section 320.58(2), F.S.

¹¹ Section 320.06(1)(a), F.S.

¹² Email from Kevin Jacobs, Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, *Registration Certificate Dimensions* (November 29, 2021) (on file with the Senate Committee on Transportation).

¹³ Section 320.0605(1)(a), F.S.

¹⁴ Section 320.04(1)(a), F.S.

¹⁵ Section 320.04(1)(c), F.S.

the license plate agent. The license plate agent must enter into a contract with the tax collector regarding the disclosure of additional service charges.¹⁶

The registration service charges collected by the DHSMV on all applications handled directly from its office and any fees returned to it by the tax collector must be paid into the Highway Safety Operating Trust Fund.¹⁷

The DHSMV and tax collectors may at the request of the applicant use United States mail service to deliver registration certificates and renewals.¹⁸ A mail service charge may be collected for each registration certificate and validation sticker mailed by the DHSMV or tax collector. Each registration certificate and validation sticker must be mailed by first-class mail unless otherwise requested by the applicant. The amount of the mail service charge is the actual postage required, rounded to the nearest 5 cents, plus a 25 cent handling charge. The mail service charge is in addition to any other service charge and must be deposited into the Highway Safety Operating Trust Fund.¹⁹

A person may not alter the original appearance of a motor vehicle registration certificate. To do so is a noncriminal traffic infraction, punishable as a moving violation as provided in ch. 318, F.S.²⁰

Some entities advise against keeping a vehicle registration certificate inside of the vehicle in order to help protect against identity theft, property theft, and home invasions.²¹

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 320.01, F.S., to provide for a definition of a registration certificate card to mean a card, the approximate size of a driver license, which contains all of the information provided on a motor vehicle certificate of registration.

Section 2 of the bill amends s. 320.02, F.S., to require the application form for motor vehicle registration and renewal of registration must include language permitting an applicant to request a registration certificate card in addition to the required registration certificate.

Sections 3 through 15 of the bill amend several statutes to allow for a registration certificate card to be used in place of a vehicle registration certificate, including amending s. 320.031, F.S., to allow a registration certificate card to be delivered by U.S. mail; and amending s. 320.0609, F.S., to provide that no additional tax, other than the \$4.50 transfer fee, applies to the transfer or exchange of a new license plate and the issuance, at the request of the owner, of a new registration certificate card.

¹⁶ Section 320.04(3), F.S.

¹⁷ Section 320.04(2), F.S.

¹⁸ Section 320.031(1), F.S.

¹⁹ Section 320.031(2), F.S.

²⁰ Section 320.061, F.S.

²¹ Jim Gorzelany, *Here's Why You Shouldn't Leave Your Registration In The Car*, Carfax, (June 8, 2020) available at <https://www.carfax.com/blog/never-leave-registration-in-your-car> (last visited January 5, 2022).

The bill is effective July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure 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:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

CS/SB 576, which is linked to this bill, authorizes the collection of a mail service charge and a \$2.50 registration service charge in connection with the issuance or transfer of a registration certificate card, similar to other transactions under current law.

B. Private Sector Impact:

Individuals may elect to receive a registration certificate card in addition to their vehicle registration certificate, which may be used in place of a vehicle registration certificate. Should individuals make this election they will incur a \$2.50 registration service charge in connection with the issuance of each registration certificate card and a mail service charge.

C. Government Sector Impact:

The bill will have a negative fiscal impact to the DHSMV. The DHSMV will incur a nonrecurring cost of \$167,245 for the purchase of equipment to be provided to the tax

collectors and \$465,567 in recurring costs for card paper, printer maintenance, and supplies.²²

CS/SB 576 (2022), which is linked to this bill, authorizes the DHSMV and tax collectors to also collect a mail service charge and a \$2.50 registration service charge in connection with the issuance or transfer of each registration certificate card, similar to other transactions under current law. The service charges may offset any fiscal impact to the DHSMV and tax collectors.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DHSMV may need additional time beyond the July 1, 2022, effective date of the bill for implementation due to required programming of the Florida Real-Time Vehicle Information System and distribution of equipment and materials necessary to print the new registration certificate card.²³

CS/SB 576, which is linked to this bill, authorizes the collection of a mail service charge for delivery of a registration certificate card and provides that a registration certificate card application is subject to a registration service charge of \$2.50, similar to other transactions under current law.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.01, 320.02, 320.031, 320.055, 320.06, 320.0605, 320.0609, 320.061, 320.07, 320.0843, 320.086, 320.1325, 320.58, 320.27, and 322.121.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Transportation on December 1, 2021:

Provides for a definition of a registration certificate card to mean a card, the approximate size of a driver license, which contains all of the information provided on a motor vehicle certificate of registration.

²² 2022 Agency Legislative Bill Analysis, Department of Highway Safety and Motor Vehicles, SB 574, December 2, 2021.

²³ Conversation with Kevin Jacobs, Legislative Affairs Director, Department of Highway Safety and Motor Vehicles (November 22, 2021).

B. Amendments:

None.

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

By the Committee on Transportation; and Senator Gibson

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1 A bill to be entitled
 2 An act relating to motor vehicle registration
 3 certificate cards; amending s. 320.01, F.S.; defining
 4 the term "registration certificate card"; amending s.
 5 320.02, F.S.; requiring the application form for motor
 6 vehicle registration and renewal of registration to
 7 include language permitting applicants to request
 8 registration certificate cards; amending s. 320.031,
 9 F.S.; authorizing the Department of Highway Safety and
 10 Motor Vehicles and tax collectors to use United States
 11 mail service to deliver registration certificate
 12 cards; specifying a requirement for mailing such
 13 cards; amending s. 320.055, F.S.; requiring the
 14 department to issue registration certificate cards to
 15 specified motor vehicle owners under certain
 16 circumstances; amending s. 320.06, F.S.; requiring the
 17 department to issue a registration certificate card to
 18 the owner or lessee of a motor vehicle if requested by
 19 such owner or lessee; amending s. 320.0605, F.S.;
 20 expanding the list of documents required to be in the
 21 possession of the operator of a motor vehicle or
 22 carried in the vehicle for certain purposes to include
 23 registration certificate cards; providing penalties;
 24 amending s. 320.0609, F.S.; requiring that
 25 registration certificate cards be issued to the owner
 26 of a registered vehicle; authorizing registration
 27 certificate cards to be transferred by the owner or
 28 surrendered under certain circumstances; specifying a
 29 transfer fee for the issuance of a new registration

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30 certificate card under certain circumstances;
 31 authorizing the surviving spouse of a deceased
 32 registered owner of a motor vehicle to request a
 33 registration certificate card; amending s. 320.061,
 34 F.S.; prohibiting a person from altering the original
 35 appearance of a registration certificate card;
 36 providing penalties; amending s. 320.07, F.S.;
 37 providing that a person who has been assessed certain
 38 penalties is not subject to a delinquent fee if the
 39 person obtains a valid registration certificate card
 40 within a specified timeframe; amending s. 320.0843,
 41 F.S.; requiring that eligible applicants for permanent
 42 disabled parking permits be noted on registration
 43 certificate cards under certain circumstances;
 44 amending s. 320.086, F.S.; requiring a registration
 45 certificate card to be carried within former military
 46 vehicles under certain circumstances; amending s.
 47 320.1325, F.S.; requiring the department to provide a
 48 registration certificate card upon request to a person
 49 who owns or leases a motor vehicle and who is
 50 temporarily employed in this state; amending s.
 51 320.58, F.S.; providing criminal penalties; amending
 52 s. 320.27, F.S.; conforming a cross-reference;
 53 amending s. 322.121, F.S.; conforming a provision to
 54 changes made by the act; providing an effective date.

55
 56 Be It Enacted by the Legislature of the State of Florida:

57
 58 Section 1. Subsection (46) is added to section 320.01,

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59 Florida Statutes, to read:

60 320.01 Definitions, general.—As used in the Florida
61 Statutes, except as otherwise provided, the term:

62 (46) "Registration certificate card" means a card, the
63 approximate size of a driver license, which contains all of the
64 information provided on a motor vehicle certificate of
65 registration.

66 Section 2. Present subsections (15) through (20) of section
67 320.02, Florida Statutes, are redesignated as subsections (16)
68 through (21), respectively, and a new subsection (15) is added
69 to that section, to read:

70 320.02 Registration required; application for registration;
71 forms.—

72 (15) The application form for motor vehicle registration
73 and renewal of registration must include language permitting an
74 applicant to request a registration certificate card.

75 Section 3. Section 320.031, Florida Statutes, is amended to
76 read:

77 320.031 Mailing of registration certificates, registration
78 certificate cards, license plates, and validation stickers.—

79 (1) The department and the tax collectors of the several
80 counties of the state may at the request of the applicant use
81 United States mail service to deliver registration certificates
82 and registration certificate cards and renewals thereof, license
83 plates, mobile home stickers, and validation stickers to
84 applicants.

85 (2) A mail service charge may be collected for each
86 registration certificate, license plate, mobile home sticker,
87 and validation sticker mailed by the department or any tax

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88 collector. Each registration certificate, registration
89 certificate card, license plate, mobile home sticker, and
90 validation sticker shall be mailed by first-class mail unless
91 otherwise requested by the applicant. The amount of the mail
92 service charge shall be the actual postage required, rounded to
93 the nearest 5 cents, plus a 25-cent handling charge. The mail
94 service charge is in addition to the service charge provided by
95 s. 320.04. All charges collected by the department under this
96 section shall be deposited into the Highway Safety Operating
97 Trust Fund.

98 Section 4. Paragraph (c) of subsection (1) of section
99 320.055, Florida Statutes, is amended to read:

100 320.055 Registration periods; renewal periods.—The
101 following registration periods and renewal periods are
102 established:

103 (1)

104 (c) Notwithstanding the requirements of paragraph (a), the
105 owner of a motor vehicle subject to paragraph (a) who has had
106 his or her driver license suspended pursuant to a violation of
107 s. 316.193 or pursuant to s. 322.26(2) for driving under the
108 influence must obtain a 6-month registration as a condition of
109 reinstating the license, subject to renewal during the 3-year
110 period that financial responsibility requirements apply. The
111 registration period begins the first day of the birth month of
112 the owner and ends the last day of the fifth month immediately
113 following the owner's birth month. For such vehicles, the
114 department shall issue a vehicle registration certificate and,
115 upon the request of the owner, a registration certificate card
116 that are ~~that is~~ valid for 6 months and shall issue a validation

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117 sticker that displays an expiration date of 6 months after the
 118 date of issuance. The license tax required by s. 320.08 and all
 119 other applicable license taxes shall be one-half of the amount
 120 otherwise required, except the service charge required by s.
 121 320.04 shall be paid in full for each 6-month registration. A
 122 vehicle required to be registered under this paragraph is not
 123 eligible for the extended registration period under paragraph
 124 (b).

125 Section 5. Section 320.06, Florida Statutes, is amended to
 126 read:

127 320.06 Registration certificates, registration certificate
 128 cards, license plates, and validation stickers generally.-

129 (1) (a) Upon the receipt of an initial application for
 130 registration and payment of the appropriate license tax and
 131 other fees required by law, the department shall assign to the
 132 motor vehicle a registration license number consisting of
 133 letters and numerals or numerals and issue to the owner or
 134 lessee a certificate of registration, a registration certificate
 135 card if requested by the owner or lessee, and one registration
 136 license plate, unless two plates are required for display by s.
 137 320.0706, for each vehicle so registered.

138 (b)1. Registration license plates bearing a graphic symbol
 139 and the alphanumeric system of identification shall be issued
 140 for a 10-year period. At the end of the 10-year period, upon
 141 renewal, the plate shall be replaced. The department shall
 142 extend the scheduled license plate replacement date from a 6-
 143 year period to a 10-year period. The fee for such replacement is
 144 \$28, \$2.80 of which shall be paid each year before the plate is
 145 replaced, to be credited toward the next \$28 replacement fee.

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146 The fees shall be deposited into the Highway Safety Operating
 147 Trust Fund. A credit or refund may not be given for any prior
 148 years' payments of the prorated replacement fee if the plate is
 149 replaced or surrendered before the end of the 10-year period,
 150 except that a credit may be given if a registrant is required by
 151 the department to replace a license plate under s.
 152 320.08056(8) (a). With each license plate, a validation sticker
 153 shall be issued showing the owner's birth month, license plate
 154 number, and the year of expiration or the appropriate renewal
 155 period if the owner is not a natural person. The validation
 156 sticker shall be placed on the upper right corner of the license
 157 plate. The license plate and validation sticker shall be issued
 158 based on the applicant's appropriate renewal period. The
 159 registration period is 12 months, the extended registration
 160 period is 24 months, and all expirations occur based on the
 161 applicant's appropriate registration period. Rental vehicles
 162 taxed pursuant to s. 320.08(6) (a) may elect a permanent
 163 registration period, provided payment of the appropriate license
 164 taxes and fees occurs annually. A vehicle that has an
 165 apportioned registration shall be issued an annual license plate
 166 and a cab card that denote the declared gross vehicle weight for
 167 each apportioned jurisdiction in which the vehicle is authorized
 168 to operate.

169 2. In order to retain the efficient administration of the
 170 taxes and fees imposed by this chapter, the 80-cent fee increase
 171 in the replacement fee imposed by chapter 2009-71, Laws of
 172 Florida, is negated as provided in s. 320.0804.

173 (c) Registration license plates equipped with validation
 174 stickers subject to the registration period are valid for not

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175 more than 12 months and expire at midnight on the last day of
 176 the registration period. A registration license plate equipped
 177 with a validation sticker subject to the extended registration
 178 period is valid for not more than 24 months and expires at
 179 midnight on the last day of the extended registration period. A
 180 registration license plate equipped with a validation sticker
 181 subject to a permanent registration period is permanently valid
 182 but shall become void if appropriate license taxes and fees are
 183 not paid annually. For each registration period after the one in
 184 which the metal registration license plate is issued, and until
 185 the license plate is required to be replaced, a validation
 186 sticker showing the month and year of expiration shall be issued
 187 upon payment of the proper license tax amount and fees and is
 188 valid for not more than 12 months. For each extended
 189 registration period occurring after the one in which the metal
 190 registration license plate is issued and until the license plate
 191 is required to be replaced, a validation sticker showing the
 192 year of expiration shall be issued upon payment of the proper
 193 license tax amount and fees and is valid for not more than 24
 194 months. For each permanent registration period occurring after
 195 the one in which the metal registration license plate is issued
 196 and until the license plate is required to be replaced, a
 197 validation sticker showing a permanent registration period shall
 198 be issued upon payment of the proper license tax amount and fees
 199 and is permanently valid but shall become void if the proper
 200 license taxes and fees are not paid annually. When license
 201 plates equipped with validation stickers are issued in any month
 202 other than the owner's birth month or the designated
 203 registration period for any other motor vehicle, the effective

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204 date shall reflect the birth month or month and the year of
 205 renewal. However, when a license plate or validation sticker is
 206 issued for a period of less than 12 months, the applicant shall
 207 pay the appropriate amount of license tax and the applicable fee
 208 under s. 320.14 in addition to all other fees. Validation
 209 stickers issued for vehicles taxed under s. 320.08(6)(a), for
 210 any company that owns 250 vehicles or more, or for semitrailers
 211 taxed under the provisions of s. 320.08(5)(a), for any company
 212 that owns 50 vehicles or more, may be placed on any vehicle in
 213 the fleet so long as the vehicle receiving the validation
 214 sticker has the same owner's name and address as the vehicle to
 215 which the validation sticker was originally assigned.

216 (2) The department shall provide the several tax collectors
 217 and license plate agents with the necessary number of validation
 218 stickers.

219 (3) (a) Registration license plates must be made of metal
 220 specially treated with a retroreflection material, as specified
 221 by the department. The registration license plate is designed to
 222 increase nighttime visibility and legibility and must be at
 223 least 6 inches wide and not less than 12 inches in length,
 224 unless a plate with reduced dimensions is deemed necessary by
 225 the department to accommodate motorcycles, mopeds, or similar
 226 smaller vehicles. Validation stickers must also be treated with
 227 a retroreflection material, must be of such size as specified by
 228 the department, and must adhere to the license plate. The
 229 registration license plate must be imprinted with a combination
 230 of bold letters and numerals or numerals, not to exceed seven
 231 digits, to identify the registration license plate number. The
 232 license plate must be imprinted with the word "Florida" at the

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233 top and the name of the county in which it is sold, the state
 234 motto, or the words "Sunshine State" at the bottom. Apportioned
 235 license plates must have the word "Apportioned" at the bottom,
 236 and license plates issued for vehicles taxed under s.
 237 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have
 238 the word "Restricted" at the bottom. License plates issued for
 239 vehicles taxed under s. 320.08(12) must be imprinted with the
 240 word "Florida" at the top and the word "Dealer" at the bottom
 241 unless the license plate is a specialty license plate as
 242 authorized in s. 320.08056. Manufacturer license plates issued
 243 for vehicles taxed under s. 320.08(12) must be imprinted with
 244 the word "Florida" at the top and the word "Manufacturer" at the
 245 bottom. License plates issued for vehicles taxed under s.
 246 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at
 247 the bottom. Any county may, upon majority vote of the county
 248 commission, elect to have the county name removed from the
 249 license plates sold in that county. The state motto or the words
 250 "Sunshine State" shall be printed in lieu thereof. A license
 251 plate issued for a vehicle taxed under s. 320.08(6) may not be
 252 assigned a registration license number, or be issued with any
 253 other distinctive character or designation, that distinguishes
 254 the motor vehicle as a for-hire motor vehicle.

255 (b) An additional fee of 50 cents shall be collected on
 256 each motor vehicle registration or motor vehicle renewal
 257 registration issued in this state in order for all license
 258 plates and validation stickers to be fully treated with
 259 retroreflection material. The fee shall be deposited into the
 260 Highway Safety Operating Trust Fund.

261 (4) The corporation organized under chapter 946 may

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262 manufacture license plates, validation stickers, and decals, as
 263 well as temporary tags, disabled hang tags, vessel decals, and
 264 fuel use decals, for the Department of Highway Safety and Motor
 265 Vehicles as provided in this chapter and chapter 327. The
 266 Department of Highway Safety and Motor Vehicles is not required
 267 to obtain competitive bids in order to contract with the
 268 corporation.

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

278 (6) All license plates issued pursuant to this chapter are
 279 the property of the state.

280 Section 6. Paragraph (a) of subsection (1) of section
 281 320.0605, Florida Statutes, is amended to read:

282 320.0605 Certificate of registration; possession required;
 283 exception.—

284 (1)(a) The registration certificate or an official copy
 285 thereof, a registration certificate card, a true copy or an
 286 electronic copy of rental or lease documentation issued for a
 287 motor vehicle or issued for a replacement vehicle in the same
 288 registration period, a temporary receipt printed upon self-
 289 initiated electronic renewal of a registration via the Internet,
 290 or a cab card issued for a vehicle registered under the

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291 International Registration Plan shall, at all times while the
 292 vehicle is being used or operated on the roads of this state, be
 293 in the possession of the operator thereof or be carried in the
 294 vehicle for which issued and shall be exhibited upon demand of
 295 any authorized law enforcement officer or any agent of the
 296 department, except for a vehicle registered under s. 320.0657.
 297 This section does not apply during the first 30 days after
 298 purchase of a replacement vehicle. A violation of this section
 299 is a noncriminal traffic infraction, punishable as a nonmoving
 300 violation as provided in chapter 318.

301 Section 7. Paragraph (a) of subsection (1), paragraph (a)
 302 of subsection (5), and subsection (7) of section 320.0609,
 303 Florida Statutes, are amended to read:

304 320.0609 Transfer and exchange of registration license
 305 plates; transfer fee.—

306 (1) (a) The registration license plate, ~~and~~ and certificate of
 307 registration, and registration certificate card shall be issued
 308 to, and remain in the name of, the owner of the vehicle
 309 registered and may be transferred by the owner from the vehicle
 310 for which the registration license plate was issued to any
 311 vehicle which the owner may acquire within the same
 312 classification; or, subject to the procedures set forth in
 313 subsection (2), such plate may be surrendered to the department
 314 in exchange for a license plate of the appropriate
 315 classification, if the replacement vehicle is of a different
 316 classification.

317 (5) For a transfer or exchange other than one specified in
 318 paragraph (2) (b), the following provisions apply:

319 (a) If the replacement motor vehicle requires the same

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320 amount of license tax under s. 320.08 as the original vehicle to
 321 be replaced, no additional tax other than the transfer fee of
 322 \$4.50, accompanied by an application for transfer on a form
 323 supplied by the department, is required to transfer or exchange
 324 a registration license plate for use on a replacement vehicle
 325 for the duration of a current registration period and to issue a
 326 new certificate of registration and, at the request of the
 327 owner, a new registration certificate card.

328 (7) A surviving spouse of a registered owner of any motor
 329 vehicle may, upon presenting the death certificate, request a
 330 registration certificate, a registration certificate card, and
 331 transfer of the registration license plate. If the surviving
 332 spouse does not present the death certificate, the department or
 333 its agent may verify the necessary information through the
 334 electronic file of death records maintained by the Department of
 335 Health.

336 Section 8. Section 320.061, Florida Statutes, is amended to
 337 read:

338 320.061 Unlawful to alter motor vehicle registration
 339 certificates, registration certificate cards, license plates,
 340 temporary license plates, mobile home stickers, or validation
 341 stickers or to obscure license plates; penalty.—A person may not
 342 alter the original appearance of a vehicle registration
 343 certificate, registration certificate card, license plate,
 344 temporary license plate, mobile home sticker, or validation
 345 sticker issued for and assigned to a motor vehicle or mobile
 346 home, whether by mutilation, alteration, defacement, or change
 347 of color or in any other manner. A person may not apply or
 348 attach a substance, reflective matter, illuminated device,

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349 spray, coating, covering, or other material onto or around any
 350 license plate which interferes with the legibility, angular
 351 visibility, or detectability of any feature or detail on the
 352 license plate or interferes with the ability to record any
 353 feature or detail on the license plate. A person who violates
 354 this section commits a noncriminal traffic infraction,
 355 punishable as a moving violation as provided in chapter 318.

356 Section 9. Paragraph (b) of subsection (4) of section
 357 320.07, Florida Statutes, is amended to read:

358 320.07 Expiration of registration; renewal required;
 359 penalties.—

360 (4)

361 (b) A person who has been assessed a penalty pursuant to s.
 362 316.545(2)(b) for failure to have a valid vehicle registration
 363 certificate is not subject to the delinquent fee authorized by
 364 this subsection if such person obtains a valid registration
 365 certificate or registration certificate card within 10 working
 366 days after such penalty was assessed. The official receipt
 367 authorized by s. 316.545(6) constitutes proof of payment of the
 368 penalty authorized in s. 316.545(2)(b).

369 Section 10. Subsection (1) of section 320.0843, Florida
 370 Statutes, is amended to read:

371 320.0843 License plates for persons with disabilities
 372 eligible for permanent disabled parking permits.—

373 (1) Any owner or lessee of a motor vehicle who resides in
 374 this state and qualifies for a disabled parking permit under s.
 375 320.0848(2), upon application to the department and payment of
 376 the license tax for a motor vehicle registered under s.
 377 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b), (6)(a), or

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378 (9)(c) or (d), shall be issued a license plate as provided by s.
 379 320.06 which, in lieu of the serial number prescribed by s.
 380 320.06, shall be stamped with the international wheelchair user
 381 symbol after the serial number of the license plate. The license
 382 plate entitles the person to all privileges afforded by a
 383 parking permit issued under s. 320.0848. When more than one
 384 registrant is listed on the registration issued under this
 385 section, the eligible applicant shall be noted on the
 386 registration certificate and registration certificate card.

387 Section 11. Subsection (5) of section 320.086, Florida
 388 Statutes, is amended to read:

389 320.086 Ancient or antique motor vehicles; horseless
 390 carriage, antique, or historical license plates; former military
 391 vehicles.—

392 (5) A former military vehicle that is used only in
 393 exhibitions, parades, or public display is exempt from the
 394 requirement to display a license plate or registration insignia
 395 if the exemption is necessary to maintain the vehicle's accurate
 396 military markings. However, the license plate and registration
 397 certificate or registration certificate card issued under this
 398 section must be carried within the vehicle and available for
 399 inspection by any law enforcement officer.

400 Section 12. Section 320.1325, Florida Statutes, is amended
 401 to read:

402 320.1325 Registration required for the temporarily
 403 employed.—Motor vehicles owned or leased by persons who are
 404 temporarily employed within the state but are not residents are
 405 required to be registered. Upon payment of the fees prescribed
 406 in this section and proof of insurance coverage as required by

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407 the applicant's resident state, the department shall provide a
 408 temporary registration plate, ~~and~~ a registration certificate,
 409 and, upon request, a registration certificate card valid for 90
 410 days to an applicant who is temporarily employed in this state.
 411 The temporary registration plate may be renewed one time for an
 412 additional 90-day period. At the end of the 180-day period of
 413 temporary registration, the applicant shall apply for a
 414 permanent registration if there is a further need to remain in
 415 this state. A temporary license registration plate may not be
 416 issued for any commercial motor vehicle as defined in s. 320.01.
 417 The fee for the 90-day temporary registration plate shall be \$40
 418 plus the applicable service charge required by s. 320.04.
 419 Subsequent permanent registration and titling of a vehicle
 420 registered hereunder shall subject the applicant to providing
 421 proof of Florida insurance coverage as specified in s. 320.02
 422 and payment of the fees required by s. 320.072, in addition to
 423 all other taxes and fees required.

424 Section 13. Subsection (2) of section 320.58, Florida
 425 Statutes, is amended to read:

426 320.58 License inspectors; powers, appointment.—

427 (2) Any person who fails or refuses to surrender his or her
 428 driver license, registration certificate, registration
 429 certificate card, and license plate upon lawful demand of an
 430 inspector, supervisor, or authorized agent of the department is
 431 guilty of a misdemeanor of the second degree, punishable as
 432 provided in s. 775.082 or s. 775.083.

433 Section 14. Paragraph (b) of subsection (9) of section
 434 320.27, Florida Statutes, is amended to read:

435 320.27 Motor vehicle dealers.—

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436 (9) DENIAL, SUSPENSION, OR REVOCATION.—

437 (b) The department may deny, suspend, or revoke any license
 438 issued hereunder or under the provisions of s. 320.77 or s.
 439 320.771 upon proof that a licensee has committed, with
 440 sufficient frequency so as to establish a pattern of wrongdoing
 441 on the part of a licensee, violations of one or more of the
 442 following activities:

443 1. Representation that a demonstrator is a new motor
 444 vehicle, or the attempt to sell or the sale of a demonstrator as
 445 a new motor vehicle without written notice to the purchaser that
 446 the vehicle is a demonstrator. For the purposes of this section,
 447 a "demonstrator," a "new motor vehicle," and a "used motor
 448 vehicle" shall be defined as under s. 320.60.

449 2. Unjustifiable refusal to comply with a licensee's
 450 responsibility under the terms of the new motor vehicle warranty
 451 issued by its respective manufacturer, distributor, or importer.
 452 However, if such refusal is at the direction of the
 453 manufacturer, distributor, or importer, such refusal shall not
 454 be a ground under this section.

455 3. Misrepresentation or false, deceptive, or misleading
 456 statements with regard to the sale or financing of motor
 457 vehicles which any motor vehicle dealer has, or causes to have,
 458 advertised, printed, displayed, published, distributed,
 459 broadcast, televised, or made in any manner with regard to the
 460 sale or financing of motor vehicles.

461 4. Failure by any motor vehicle dealer to provide a
 462 customer or purchaser with an odometer disclosure statement and
 463 a copy of any bona fide written, executed sales contract or
 464 agreement of purchase connected with the purchase of the motor

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465 vehicle purchased by the customer or purchaser.
 466 5. Failure of any motor vehicle dealer to comply with the
 467 terms of any bona fide written, executed agreement, pursuant to
 468 the sale of a motor vehicle.
 469 6. Failure to apply for transfer of a title as prescribed
 470 in s. 319.23(6).
 471 7. Use of the dealer license identification number by any
 472 person other than the licensed dealer or his or her designee.
 473 8. Failure to continually meet the requirements of the
 474 licensure law.
 475 9. Representation to a customer or any advertisement to the
 476 public representing or suggesting that a motor vehicle is a new
 477 motor vehicle if such vehicle lawfully cannot be titled in the
 478 name of the customer or other member of the public by the seller
 479 using a manufacturer's statement of origin as permitted in s.
 480 319.23(1).
 481 10. Requirement by any motor vehicle dealer that a customer
 482 or purchaser accept equipment on his or her motor vehicle which
 483 was not ordered by the customer or purchaser.
 484 11. Requirement by any motor vehicle dealer that any
 485 customer or purchaser finance a motor vehicle with a specific
 486 financial institution or company.
 487 12. Requirement by any motor vehicle dealer that the
 488 purchaser of a motor vehicle contract with the dealer for
 489 physical damage insurance.
 490 13. Perpetration of a fraud upon any person as a result of
 491 dealing in motor vehicles, including, without limitation, the
 492 misrepresentation to any person by the licensee of the
 493 licensee's relationship to any manufacturer, importer, or

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494 distributor.
 495 14. Violation of any of the provisions of s. 319.35 by any
 496 motor vehicle dealer.
 497 15. Sale by a motor vehicle dealer of a vehicle offered in
 498 trade by a customer prior to consummation of the sale, exchange,
 499 or transfer of a newly acquired vehicle to the customer, unless
 500 the customer provides written authorization for the sale of the
 501 trade-in vehicle prior to delivery of the newly acquired
 502 vehicle.
 503 16. Willful failure to comply with any administrative rule
 504 adopted by the department or the provisions of s. 320.131(8).
 505 17. Violation of chapter 319, this chapter, or ss. 559.901-
 506 559.9221, which has to do with dealing in or repairing motor
 507 vehicles or mobile homes. Additionally, in the case of used
 508 motor vehicles, the willful violation of the federal law and
 509 rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the
 510 consumer sales window form.
 511 18. Failure to maintain evidence of notification to the
 512 owner or co-owner of a vehicle regarding registration or titling
 513 fees owed as required in s. 320.02(18) ~~s. 320.02(17)~~.
 514 19. Failure to register a mobile home salesperson with the
 515 department as required by this section.
 516 Section 15. Paragraph (a) of subsection (2) of section
 517 322.121, Florida Statutes, is amended to read:
 518 322.121 Periodic reexamination of all drivers.—
 519 (2) For each licensee whose driving record does not show
 520 any revocations, disqualifications, or suspensions for the
 521 preceding 7 years or any convictions for the preceding 3 years
 522 except for convictions of the following nonmoving violations:

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523 (a) Failure to exhibit a vehicle registration certificate,
524 vehicle registration certificate card, rental agreement, or cab
525 card pursuant to s. 320.0605;

526
527 the department shall cause such licensee's license to be
528 prominently marked with the notation "Safe Driver."

529 Section 16. This act shall take effect July 1, 2022.



The Florida Senate

Committee Agenda Request

To: Senator George Gainer, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: December 7, 2021

I respectfully request that **Senate Bills #574 and 576**, relating to Motor Vehicle Registration Certificate Cards, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

2nd request

A handwritten signature in black ink, appearing to read "Audrey Gibson".

Senator Audrey Gibson
Florida Senate, District 6

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 576

INTRODUCER: Transportation Committee and Senator Gibson

SUBJECT: Fees/Registration Certificate Cards

DATE: January 25, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Favorable</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 576 authorizes the collection of service charges for each original or duplicate issuance or transfer of a registration certificate card, similar to other transactions under current law. Specifically, the bill authorizes a mail service charge for delivery of a registration certificate card using U.S. mail service and a \$2.50 registration service charge.

SB 574, which this bill is linked to, requires the application form for motor vehicle registration and renewal of registration to include language permitting an applicant to request a registration certificate card. The bill also amends several statutes to allow for a registration certificate card to be used in place of a motor vehicle registration certificate.

SB 574 may have an indeterminate negative fiscal impact to the DHSMV and tax collectors, which may be offset by the collection of a mail service charge and a \$2.50 registration service charge in connection with the issuance of each registration certificate card. Please see Section V. Fiscal Impact Statement for additional information.

Because this bill authorizes a new state fee, it will require a two-thirds vote of each house in order to pass.

This bill will take effect on the same date that SB 574 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:

Motor Vehicle Registration Fees

Initial vehicle registrations require a \$225 initial registration fee, which must be paid when the owner does not have a license plate or record of a license plate registered in their name for a vehicle they previously owned in Florida, to transfer to a newly acquired vehicle. The DHSMV must deposit 85.7 percent of the fee into the State Transportation Trust Fund and 14.3 percent of the fee into the Highway Safety Operating Trust Fund.¹ An initial registration must take place in person at a local service center at the time of titling.

A vehicle owner may renew their vehicle registration for a period of one or two years and may renew up to three months in advance of the registration expiration.² Vehicle registrations expire at midnight on the first owner's birth date unless the owner is a business. Examples of the annual renewal fee include: automobiles up to 2,499 pounds are \$14.50, automobiles 2,500 - 3,499 pounds are \$22.50, automobiles 3,500 or more pounds are \$32.50, and trucks up to 1,999 pounds are \$14.50.³

Registration Service Charge

The DHSMV collects a registration service charge of \$2.50 for each application that is handled in connection with transfer or duplicate issuance of a registration certificate. The service charge is retained by the DHSMV or by the tax collector, as the case may be, as other fees accruing to those offices.⁴ The tax collector may impose an additional service charge of up to 50 cents on the transfer or duplicate issuance of a registration certificate if the transaction occurs at a tax collector's branch office.⁵ In addition, if a tax collector elects to exercise their authority to contract with a license plate agent, the tax collector may determine additional service charges to be collected by privately owned license plate agents approved by the tax collector. Additional service charges must be fully itemized and disclosed to the person paying the service charges to the license plate agent. The license plate agent must enter into a contract with the tax collector regarding the disclosure of additional service charges.⁶

The registration service charges collected by the DHSMV on all applications handled directly from its office and any fees returned to it by the tax collector must be paid into the Highway Safety Operating Trust Fund.⁷

Mail Service Charge

The DHSMV and tax collectors may at the request of the applicant use United States mail service to deliver registration certificates and renewals.⁸ A mail service charge may be collected for each registration certificate and validation sticker mailed by the DHSMV or tax collector.

¹ Section 320.072, F.S.

² Section 320.071(1)(a), F.S.

³ Section 320.08, F.S.

⁴ Section 320.04(1)(a), F.S.

⁵ Section 320.04(1)(c), F.S.

⁶ Section 320.04(3), F.S.

⁷ Section 320.04(2), F.S.

⁸ Section 320.031(1), F.S.

Each registration certificate and validation sticker must be mailed by first-class mail unless otherwise requested by the applicant. The amount of the mail service charge is the actual postage required, rounded to the nearest 5 cents, plus a 25 cent handling charge. The mail service charge is in addition to any other service charge and must be deposited into the Highway Safety Operating Trust Fund.⁹

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 320.031, F.S., as amended by SB 574, to authorize the collection of a mail service charge for delivery of a registration certificate card by U.S. mail service. As provided under current law, the amount of a mail service charge must be the actual postage required, rounded to the nearest 5 cents, plus a 25 cent handling charge.

Section 2 of the bill amends s. 320.04, F.S., to authorize the collection of a service charge of \$2.50 on each original or duplicate issuance or transfer of a registration certificate card. The service charge will be retained by the DHSMV or by the tax collector, as the case may be, similar to other fees accruing to those offices. This service charge of \$2.50 is the same fee currently charged for motor vehicle registration certificates.

Section 3 of the bill provides that the bill will take effect on the same date that SB 574 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law. SB 574 is effective July 1, 2022.

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 that a new state tax or fee, as well as an increased state tax or fee, must be approved by two-thirds of the membership of each house of the Legislature and must be contained in a separate bill that contains no other subject. Article VII, s. 19(d)(1), of the Florida Constitution defines “fee” to mean “any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.”

⁹ Section 320.031(2), F.S.

The \$2.50 fee for the registration certificate card may be a new state fee subject to the constitutional requirements.

The bill also authorizes the DHSMV and tax collectors to, at the request of the applicant, use U.S. mail service to deliver a registration certificate card. Current law already authorizes the use of U.S. mail service for delivery of documents and to collect a mail service charge.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill provides that registration certificate cards are subject to:

- The existing mail service charge, should an applicant request the registration service card be mailed, of actual postage required, rounded to the nearest 5 cents, plus a 25 cent handling charge; and
- A registration service charge of \$2.50, similar to the fee currently charged for motor vehicle registration certificates.

The Revenue Estimating Conference has not yet met to estimate an impact of this bill.

B. Private Sector Impact:

Applicants who choose to receive a registration certificate card will be required to pay a registration service charge of \$2.50.

Applicants requesting to use U.S. mail service to deliver a registration certificate card must pay the actual postage required, rounded to the nearest 5 cents, plus a 25 cent handling charge.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact to the DHSMV associated with the materials and equipment needed and programming requirements for the Florida Real-Time Vehicle Information System. The DHSMV and tax collectors will experience costs related to the issuance, renewal, or transfer of registration certificate cards and their delivery. However, any negative fiscal impact may be offset by the collection of a mail service charge for delivery and a service charge for the original issuance, duplicate issuance, or transfer of a registration certificate card authorized by the bill. The collection of these charges will have an indeterminate positive fiscal impact to the DHSMV and tax collectors who process a registration certificate card requests.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.031 and 320.04.

IX. Additional Information:

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

CS by Transportation on December 1, 2021:

Links the bill to SB 574 and clarifies that a \$2.50 service charge is imposed on each original or duplicate issuance or transfer of a registration certificate card.

- B. **Amendments:**

None.

By the Committee on Transportation; and Senator Gibson

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1 A bill to be entitled
 2 An act relating to fees; amending s. 320.031, F.S.;
 3 authorizing the Department of Highway Safety and Motor
 4 Vehicles to collect a mail service charge for mailed
 5 registration certificate cards; amending s. 320.04,
 6 F.S.; imposing a specified service charge for the
 7 original or duplicate issuance or transfer of a
 8 registration certificate card; providing for the
 9 retention of the service charge; providing a
 10 contingent effective date.
 11
 12 Be It Enacted by the Legislature of the State of Florida:
 13
 14 Section 1. Section 320.031, Florida Statutes, as amended by
 15 SB 574, 2022 Regular Session, is amended to read:
 16 320.031 Mailing of registration certificates, registration
 17 certificate cards, license plates, and validation stickers.-
 18 (1) The department and the tax collectors of the several
 19 counties of this ~~the~~ state may at the request of the applicant
 20 use United States mail service to deliver registration
 21 certificates and registration certificate cards and renewals
 22 thereof, license plates, mobile home stickers, and validation
 23 stickers to applicants.
 24 (2) A mail service charge may be collected for each
 25 registration certificate, registration certificate card, license
 26 plate, mobile home sticker, and validation sticker mailed by the
 27 department or any tax collector. Each registration certificate,
 28 registration certificate card, license plate, mobile home
 29 sticker, and validation sticker shall be mailed by first-class

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30 mail unless otherwise requested by the applicant. The amount of
 31 the mail service charge shall be the actual postage required,
 32 rounded to the nearest 5 cents, plus a 25-cent handling charge.
 33 The mail service charge is in addition to the service charge
 34 provided by s. 320.04. All charges collected by the department
 35 under this section shall be deposited into the Highway Safety
 36 Operating Trust Fund.
 37 Section 2. Paragraph (a) of subsection (1) of section
 38 320.04, Florida Statutes, is amended to read:
 39 320.04 Registration service charge.-
 40 (1) (a) A service charge of \$2.50 shall be imposed on each
 41 application that is handled in connection with original
 42 issuance, duplicate issuance, or transfer of a license plate,
 43 mobile home sticker, or validation sticker or with transfer or
 44 duplicate issuance of a registration certificate. A service
 45 charge of \$2.50 shall be imposed on each original or duplicate
 46 issuance or transfer of a registration certificate card. A ~~This~~
 47 service charge under this paragraph shall be retained by the
 48 department or by the tax collector, as the case may be, as other
 49 fees accruing to those offices.
 50 Section 3. This act shall take effect on the same date that
 51 SB 574 or similar legislation takes effect, if such legislation
 52 is adopted in the same legislative session or an extension
 53 thereof and becomes a law.

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The Florida Senate

Committee Agenda Request

To: Senator George Gainer, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: December 7, 2021

I respectfully request that **Senate Bills #574 and 576**, relating to Motor Vehicle Registration Certificate Cards, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

2nd request

A handwritten signature in black ink, appearing to read "Audrey Gibson".

Senator Audrey Gibson
Florida Senate, District 6

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: SB 780

INTRODUCER: Senator Hutson

SUBJECT: Airports

DATE: January 25, 2022

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Vickers</u>	<u>TR</u>	Favorable
2.	<u>McAuliffe</u>	<u>Hrdlicka</u>	<u>ATD</u>	Recommend: Favorable
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

I. Summary:

SB 780 expands the publicly owned, publicly operated airports eligible for higher funding levels for master planning and eligible aviation development projects by the Florida Department of Transportation (FDOT). Currently, the higher funding is dependent on the availability of federal funds:

- If federal funds are *not* available, the FDOT may fund up to 80 percent of such projects and a 20 percent local match is required.
- If federal funds *are* available, the FDOT may fund up to 80 percent of *the non-federal* share of such projects, or 80 percent of the local match requirement.

This funding is currently limited to airports that have no scheduled commercial service. The bill revises this restriction so that the 80 percent funding levels are limited to:

- General aviation airports; or
- Commercial service airports that have fewer than 100,000 passenger boardings per year as determined by the Federal Aviation Administration.

The bill results in potential funding at the 80 percent funding levels for Vero Beach Regional Airport.

The bill presents no fiscal impact to the FDOT, as the available funding for the identified projects is not revised. The bill may increase by one the number of airports potentially competing for such funding. The bill may increase opportunities for the identified airport to advance aviation projects.

The bill takes effect July 1, 2022.

II. Present Situation:

Airport Oversight

The Federal Aviation Administration (FAA) is responsible for planning and developing a safe and efficient national airport system. This includes all programs related to airport safety and inspections and standards for airport design, construction, and operation. Federal law requires each commercial service airport to operate under a federal certificate and comply with federal aviation requirements. The FAA is responsible for national airport planning and environmental and social requirements and establishes policies related to airport rates and charges, compliance with grant assurances, and airport privatization.¹

At the state level, the FDOT is responsible for planning airport systems and promoting the further development and improvement of airport facilities.² The owner or lessee of a proposed public airport³ must receive the FDOT's approval before site acquisition or construction or establishment of a public airport facility.⁴ The FDOT is also responsible for licensing public airport facilities before the operation of aircraft to or from the facility and must inspect such facilities prior to licensing or license renewal.⁵ Florida law authorizes local governments to establish and operate airports⁶ and governs airport zoning and land use issues.⁷

FAA Airport Categories

Under federal regulations:

- A general aviation airport is a public-use airport that, as determined by the FAA, does not have scheduled commercial service or has scheduled service of less than 2,500 passenger boardings⁸ each year.⁹
- A commercial service airport is a public airport that the FAA determines has at least 2,500 passenger boardings each year and is receiving scheduled passenger aircraft service.¹⁰
 - A large hub airport is a commercial service airport that has at least 1 percent of the passenger boardings in United States.¹¹

¹ See Federal Aviation Administration, *Airports*, https://www.faa.gov/about/office_org/headquarters_offices/arp/ (last visited December 17, 2021).

² Section 332.001, F.S.

³ The term "airport" is defined in s. 330.27(6), F.S. For purposes of FDOT approval and licensure, the term "public airport" means an airport, publicly or privately owned, which is open for use by the public.

⁴ Section 330.30(1), F.S.

⁵ Section 330.30(2), F.S.

⁶ See ch. 332, F.S.

⁷ See ch. 333, F.S.

⁸ "Passenger boardings" means, unless the context indicates otherwise, revenue passenger boardings in the United State *in the prior calendar year* on an aircraft in service in air commerce and includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous states, Alaska, or Hawaii for a nontraffic purpose.

49 U.S.C. 47102(15).

⁹ 49 U.S.C. 47102(8).

¹⁰ 49 U.S.C. 47102(7).

¹¹ 49 U.S.C. 47102(11). Based on the latest FAA data available (calendar year 2020), Florida's large hub airports are Orlando International, Miami International, Fort Lauderdale/Hollywood International, and Tampa International.

- A medium hub airport is a commercial service airport that has at least 0.25 percent but less than 1 percent of the passenger boardings in the United States.¹²
- A small hub airport is a commercial service airport that has at least 0.05 percent but less than 0.25 percent of the passenger boardings in the United States.¹³
- A non-hub airport is a commercial service airport that has less than 0.05 percent of the passenger boardings in the United States but has more than 10,000 passenger boardings.¹⁴
- Primary airports are commercial service airports that have more than 10,000 passenger boardings each year.¹⁵
- Nonprimary airports are commercial service airports that have at least 2,500 and no more than 10,000 passenger boardings each year.¹⁶

Federal Airport Funding

Airports receive federal grants administered by the FAA. The main grant program for federal funds is the Airport Improvement Program (AIP). The AIP provides grants to public agencies (and, in some cases, to private owners and entities) for the planning and development of public-use airports.¹⁷

Eligible AIP projects include airport improvements related to enhancing airport safety, capacity, security, and environmental concerns. In general, airports may receive AIP funds for most airfield capital improvements or rehabilitation projects and, in some specific situations, for terminals, hangars, and nonaviation development. Certain professional services that are necessary for eligible projects may also be eligible. The FAA must be able to determine that the projects are justified based on civil aeronautical demand. The projects must also meet federal environmental and procurement requirements.¹⁸

State Airport Funding

Sections 332.003 through 332.007, F.S., create the Florida Airport Development and Assistance Act. The act sets forth a number of duties of the FDOT, including, but not limited to:

- Providing coordination and assistance for the development of a viable aviation system.
- Assisting airport sponsors in airport master planning.

¹² 49 U.S.C. 47102(13). Florida's medium hub airports are Southwest Florida International (Ft. Myers), Palm Beach International, and Jacksonville International.

¹³ 49 U.S.C. 47102(25). Florida's small hub airports are Orlando Sanford International, Sarasota/Bradenton International, Punta Gorda, Pensacola International, Destin-Ft. Walton Beach, Northwest Florida Beaches International (Panama City), and Key West International.

¹⁴ 49 U.S.C. 47102(14). Florida's non-hub airports are Tallahassee International, Daytona Beach International, Gainesville Regional, and Melbourne Orlando International.

¹⁵ *Id.* 49 U.S.C. 47102(14).

¹⁶ See Federal Aviation Administration, *Airports, Planning and Capacity, Airport Categories*, https://www.faa.gov/airports/planning_capacity/categories/ (last visited on December 17, 2021).

¹⁷ See Federal Aviation Administration, *Airports, Airport Improvement Program (AIP), Overview: What is AIP?*, <https://www.faa.gov/airports/aip/overview/> (last visited December 17, 2021).

¹⁸ See FDOT, Updated 2021 Agency Legislative Bill Analysis of House Bill 1143, p. 4 (March 9, 2021) (on file in the Senate Transportation Committee).

- Providing financial and technical assistance to public agencies operating public-use airports¹⁹ by making resources available on a cost-reimbursement basis to such agencies for special needs of limited duration.
- Administering the FDOT's participation in the program of aviation and airport grants.
- Encouraging the maximum allocation of federal funds to local airport projects in this state.²⁰

Section 332.007, F.S., relates to the administration and financing of aviation and airport programs and projects. The FDOT must prepare and continuously update an aviation and airport work program based on a collection of the local sponsors'²¹ proposed projects to be included in the FDOT's work program.²² The FDOT's airport work program must separately identify development projects and discretionary capacity improvement projects.²³ The FDOT's airport work program must be consistent with the statewide aviation system plan and, to the maximum extent feasible, with approved local government comprehensive plans. Projects involving FDOT-administered funds to be undertaken and implemented by the airport sponsor must be included in the aviation and airport work program.²⁴ Assistance may only be provided for projects that are included in the FDOT's adopted work program.²⁵

Only projects or programs provided for in the act that will contribute to the implementation of the state aviation system plan, that are consistent with and will contribute to the implementation of any airport master plan or layout plan, and that are consistent, to the maximum extent feasible, with the approved local government comprehensive plans are eligible for the expenditure of state funds in accordance with fund participation rates and priorities.²⁶

Authorized Funding Participation Levels

Current law authorizes the FDOT to participate in the capital cost of eligible public airport and aviation development projects at specified rates, unless otherwise provided in the General Appropriations Act or the associated implementing bill. Subject to availability of appropriated funds, the FDOT may generally fund up to 50 percent of the portion of eligible airport project costs which are not funded by the federal government.²⁷ However, subject to appropriation, the FDOT may fund the capital cost of eligible public airport and aviation development projects at a higher rate for certain types of projects.²⁸

When federal funds are not available, the FDOT may fund up to 80 percent of master planning²⁹ and eligible aviation development projects at publicly owned, publicly operated airports,

¹⁹ Section 332.004(14), F.S., defines the term "public-use airport" as any publicly owned airport which is used or to be used for public purposes.

²⁰ Section 332.006, F.S.

²¹ Section 332.004(15), F.S., defines the term "sponsor" as any eligible agency which, either individually or jointly with one or more eligible agencies, submits to the FDOT an application for financial assistance for an airport development project.

²² The FDOT's work program is developed pursuant to s. 339.135, F.S.

²³ Section 332.007(2)(a), F.S.

²⁴ Section 332.007(2)(b), F.S.

²⁵ Section 332.007(3), F.S.

²⁶ Section 332.007(5), F.S.

²⁷ Section 332.007(6)(a), F.S.

²⁸ *Id.*

²⁹ "Airport master planning" means the development, for planning purposes, of information and guidance to determine the extent, type, and nature of development needed at a specific airport. Section 332.004(3), F.S.

requiring a 20 percent local match. If federal funds are available, the FDOT may fund up to 80 percent of the nonfederal share of such projects, or 80 percent of the local match requirement. Such funding is currently limited to airports that have no scheduled commercial service.³⁰

III. Effect of Proposed Changes:

The bill amends s. 332.007(6)(c), F.S., revising the airports potentially eligible for FDOT participation in funding of master planning and eligible aviation development projects. Under the bill, the FDOT can fund projects at:

- General aviation airports;³¹ or
- Commercial service airports that have less than 100,000 passenger boardings per year as determined by the FAA.

The bill removes the current restriction of such funding to projects at airports having no scheduled commercial service.

This revision results in potential funding eligibility at the 80 percent funding levels for the specified projects at Vero Beach Regional Airport. While that airport was previously categorized by the FAA as a commercial service airport due to enplanements at the end of calendar year 2019 (7,698), the FAA now categorizes the airport as a general aviation airport due to reduced enplanements at the end of calendar year 2020 (2,337). Based on the FAA data, no additional airport appears to currently qualify for the potential funding eligibility under the bill.³²

The bill takes effect July 1, 2022.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³⁰ Section 332.007(6)(c), F.S.

³¹ The FDOT previously advised with respect to 2021 SB 1466, containing the same revision relevant to general aviation airports, that the bill presents no change with respect to general aviation airports, as current law already includes these airports. See FDOT email to Senate Transportation Committee staff, March 15, 2021 (on file in the Senate Transportation Committee).

³² Federal Aviation Administration, *Passenger Boarding (Enplanement) and All-Cargo Data for U.S. Airports – Airports*, https://www.faa.gov/airports/planning_capacity/passenger_allcargo_stats/passenger/ (last visited December 17, 2021.)

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill presents no fiscal impact to the FDOT, as any funding for the identified projects is not increased, but the number of airports competing for such funding is potentially increased by one. Over time, the pool of eligible applicants for any available funding for the identified projects may vary with the number of passenger boardings in the United States and the resulting FAA classification of Florida airports.

The bill may increase opportunities to advance the specified aviation projects at the identified publicly owned, publicly operated airport, including, but not limited to, funding assistance to meet the 20 percent local match requirement when federal funds are available.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 332.007 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.

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

By Senator Hutson

7-00710-22

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1 A bill to be entitled
 2 An act relating to airports; amending s. 332.007,
 3 F.S.; revising the types of airports eligible for
 4 specified funding of master planning and eligible
 5 aviation development projects by the Florida
 6 Department of Transportation; providing an effective
 7 date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10 Section 1. Paragraph (c) of subsection (6) of section
 11 332.007, Florida Statutes, is amended to read:

12 332.007 Administration and financing of aviation and
 13 airport programs and projects; state plan.—

14 (6) Subject to the availability of appropriated funds, the
 15 department may participate in the capital cost of eligible
 16 public airport and aviation development projects in accordance
 17 with the following rates, unless otherwise provided in the
 18 General Appropriations Act or the substantive bill implementing
 19 the General Appropriations Act:

20 (c) When federal funds are not available, the department
 21 may fund up to 80 percent of master planning and eligible
 22 aviation development projects at publicly owned, publicly
 23 operated airports. If federal funds are available, the
 24 department may fund up to 80 percent of the nonfederal share of
 25 such projects. Such funding is limited to general aviation
 26 airports, or commercial service airports that have fewer than
 27 100,000 passenger boardings per year as determined by the
 28 Federal Aviation Administration airports that have no scheduled
 29

Page 1 of 2

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

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30 ~~commercial service.~~

31 Section 2. This act shall take effect July 1, 2022.

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



The Florida Senate

Committee Agenda Request

To: Senator George Gainer, Chair
Appropriations Subcommittee on Transportation, Tourism, and Economic
Development

Subject: Committee Agenda Request

Date: December 14, 2021

I respectfully request that **Senate Bill #780**, relating to Airports, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink that reads "Travis Hutson".

Senator Travis Hutson
Florida Senate, District 7

CourtSmart Tag Report

Room: SB 110

Case No.:

Type:

Caption: Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development **Judge:**

Started: 1/26/2022 1:01:49 PM

Ends: 1/26/2022 1:26:27 PM

Length: 00:24:39

1:01:49 PM	Sen. Hooper (Chair)
1:03:14 PM	S 410
1:03:26 PM	Sen. Rodriguez
1:04:30 PM	Sen. Gibson
1:05:18 PM	Sen. Rodriguez
1:06:05 PM	Sen. Hutson
1:06:45 PM	Sen. Rodriguez
1:06:56 PM	Melissa Wandall, President, National Coalition for Safer Roads
1:10:59 PM	Brita Lincoln, Florida Parent Teacher Association, waives in support
1:11:16 PM	Becky Afonso, Executive Director, Florida Bicycle Association, waives in support
1:11:20 PM	Jennifer Cook Pritt, Deputy Executive Director, Florida Police Chiefs Association, waives in support
1:11:32 PM	Sen. Boyd
1:12:10 PM	Sen. Cruz
1:13:07 PM	Sen. Rodriguez
1:13:48 PM	S 574
1:14:00 PM	Sen. Gibson
1:15:24 PM	Sen. Gibson
1:16:06 PM	S 576
1:16:14 PM	Sen. Gibson
1:16:51 PM	Sen. Cruz
1:17:21 PM	Sen. Gibson
1:18:10 PM	Sen. Cruz
1:18:54 PM	Sen. Gibson
1:20:04 PM	S 780
1:20:10 PM	Sen. Hutson
1:22:25 PM	S 438
1:22:35 PM	Sen. Burgess
1:23:01 PM	Sen. Cruz
1:23:17 PM	Sen. Burgess
1:23:55 PM	Sen. Boyd
1:24:19 PM	Sen. Gibson
1:24:47 PM	Sen. Burgess
1:25:47 PM	Sen. Hooper