

Agenda Order

<b>Tab 1</b>	<b>SB 2 by Hooper;</b> (Identical to H 06007) Relief of the Estate of Molly Parker/Department of Transportation					
<b>Tab 2</b>	<b>CS/SB 96 by TR, DiCeglie;</b> (Similar to CS/CS/H 00021) Transportation Facility Designations					
622806	A	S	RCS	ATD, DiCeglie	Delete L.54 - 56:	04/14 09:08 AM
<b>Tab 3</b>	<b>CS/SB 464 by TR, Perry;</b> (Similar to CS/H 00421) Interstate Safety					
762430	A	S	RCS	ATD, Perry	Delete L.27:	04/14 09:08 AM
<b>Tab 4</b>	<b>CS/SB 766 by TR, Burgess (CO-INTRODUCERS) Berman;</b> (Similar to CS/H 00741) Enforcement of School Bus Passing Infractions					
<b>Tab 5</b>	<b>CS/SB 996 by TR, Berman;</b> (Identical to CS/H 00965) Driver License, Identification Card, and Motor Vehicle Registration Applications					
<b>Tab 6</b>	<b>CS/SB 1250 by TR, DiCeglie;</b> (Compare to CS/CS/H 01305) Department of Transportation					
143100	D	S	RCS	ATD, DiCeglie	Delete everything after	04/14 09:08 AM
<b>Tab 7</b>	<b>CS/SB 1252 by TR, DiCeglie;</b> (Similar to CS/H 01085) Department of Highway Safety and Motor Vehicles					
<b>Tab 8</b>	<b>CS/SB 1532 by TR, Burgess (CO-INTRODUCERS) Collins;</b> (Identical to CS/H 01397) Regional Transportation Planning					

The Florida Senate  
**COMMITTEE MEETING EXPANDED AGENDA**

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

**Senator Hooper, Chair  
 Senator Trumbull, Vice Chair**

**MEETING DATE:** Wednesday, April 12, 2023

**TIME:** 8:30—11:00 a.m.

**PLACE:** Toni Jennings Committee Room, 110 Senate Building

**MEMBERS:** Senator Hooper, Chair; Senator Trumbull, Vice Chair; Senators Collins, DiCeglie, Grall, Perry, Polsky, Powell, Stewart, Thompson, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 2</b> Hooper (Identical H 6007)	Relief of the Estate of Molly Parker/Department of Transportation; Providing for the relief of the Estate of Molly Parker; providing an appropriation to compensate the estate for Ms. Parker's death as a result of the negligence of the Department of Transportation; providing a limitation on compensation and the payment of attorney fees, etc.  SM JU 04/04/2023 Favorable ATD 04/12/2023 Favorable AP	Favorable Yeas 11 Nays 1
2	<b>CS/SB 96</b> Transportation / DiCeglie (Similar CS/CS/H 21, Compare H 63, H 145, H 285, CS/H 893, S 72, S 606, S 608, S 720, S 982, S 1178, S 1196)	Transportation Facility Designations; Providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers, etc.  TR 03/20/2023 Fav/CS ATD 04/12/2023 Fav/CS FP	Fav/CS Yeas 10 Nays 2
3	<b>CS/SB 464</b> Transportation / Perry (Similar CS/H 421)	Interstate Safety; Defining the term "furthestmost left-hand lane"; prohibiting a driver from continuously operating a motor vehicle in the furthestmost left-hand lane of certain roadways, except under certain circumstances; providing a penalty, etc.  TR 03/27/2023 Fav/CS ATD 04/12/2023 Fav/CS FP	Fav/CS Yeas 11 Nays 1

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Committee on Transportation, Tourism, and Economic Development  
Wednesday, April 12, 2023, 8:30—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>CS/SB 766</b> Transportation / Burgess (Similar CS/H 741)	Enforcement of School Bus Passing Infractions; Defining the term "school bus infraction detection system"; authorizing school districts to install and operate school bus infraction detection systems for a specified purpose; requiring the school district to enter into interlocal agreements with law enforcement agencies to enforce violations; providing that certain images or video are admissible in certain proceedings; prohibiting points from being imposed against a driver license for certain infractions enforced by a school bus infraction detection system, etc.  TR 04/04/2023 Fav/CS ATD 04/12/2023 Favorable FP	Favorable Yeas 11 Nays 1
5	<b>CS/SB 996</b> Transportation / Berman (Identical CS/H 965)	Driver License, Identification Card, and Motor Vehicle Registration Applications; Requiring that the motor vehicle registration form and registration renewal form and the driver license or identification card application form, respectively, include an option to make a voluntary contribution to Best Buddies International, etc.  TR 03/27/2023 Fav/CS ATD 04/12/2023 Favorable FP	Favorable Yeas 12 Nays 0
6	<b>CS/SB 1250</b> Transportation / DiCeglie (Compare CS/CS/H 1305)	Department of Transportation; Revising the contractual services and commodities that are not subject to specified competitive-solicitation requirements; authorizing the department to provide up to 100 percent of project costs for certain eligible projects in rural areas of opportunity; authorizing installation of an automated license plate recognition system within the right-of-way of any road on the State Highway System for a specified purpose; authorizing the department, subject to the availability of appropriated funds, to fund certain projects at specified publicly owned, publicly operated airports with no scheduled commercial service; increasing the maximum cost of contracts for construction and maintenance the department may enter into without advertising and receiving competitive bids, etc.  TR 03/20/2023 Fav/CS ATD 04/12/2023 Fav/CS FP	Fav/CS Yeas 11 Nays 1

**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Committee on Transportation, Tourism, and Economic Development  
Wednesday, April 12, 2023, 8:30—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>CS/SB 1252</b> Transportation / DiCeglie (Similar CS/H 1085, Compare S 1224)	Department of Highway Safety and Motor Vehicles; Requiring the department or its authorized agent to issue certain licenses and fuel tax decals; providing that a certain affidavit constitutes proof of ownership and right of possession to a motor vehicle or mobile home the previous owner of which died testate; authorizing permanent registration of certain rental trucks; requiring that certain information on the driver license or identification card of a sexual offender or sexual predator be printed in red; requiring the department to record in the driver's record that he or she is disqualified from operating a commercial motor vehicle under certain circumstances, etc.  TR 03/27/2023 Fav/CS ATD 04/12/2023 Favorable FP	Favorable Yeas 12 Nays 0
8	<b>CS/SB 1532</b> Transportation / Burgess (Identical CS/H 1397)	Regional Transportation Planning; Requiring the Department of Transportation, or its consultant, to conduct a study regarding the potential dissolution or transfer of the governance, staff, operations, funding, and facilities of the Hillsborough Area Regional Transit Authority; specifying requirements of the study; requiring the department to submit a report to the Governor and Legislature by a specified date, etc.  TR 03/20/2023 Fav/CS ATD 04/12/2023 Favorable FP	Favorable Yeas 12 Nays 0
Other Related Meeting Documents			



## THE FLORIDA SENATE

### SPECIAL MASTER ON CLAIM BILLS

**Location**  
409 The Capitol

**Mailing Address**  
404 South Monroe Street  
Tallahassee, Florida 32399-1100  
(850) 487-5229

DATE	COMM	ACTION
3/30/23	SM	Favorable
4/4/23	JU	Favorable
4/12/23	ATD	Favorable

March 30, 2023

The Honorable Kathleen Passidomo  
President, The Florida Senate  
Suite 409, The Capitol  
Tallahassee, Florida 32399-1100

Re: **SB 2** – Senator Hooper  
**HB 6007** – Representative Abbott  
Relief of Estate of Molly Parker by the Department of Transportation

### SPECIAL MASTER'S FINAL REPORT

THIS IS A SETTLED CLAIM BILL FOR \$5,950,000, FROM UNAPPROPRIATED GENERAL REVENUE FUNDS. THE ESTATE OF MOLLY PARKER SEEKS DAMAGES FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) CAUSED BY THE ALLEGED NEGLIGENCE OF AN FDOT EMPLOYEE, WHICH RESULTED IN THE DEATH OF MOLLY PARKER.

#### FINDINGS OF FACT:

##### The Accident

On the morning of December 12, 2019, Molly Parker was involved in a crash with a dump truck operated by a Florida Department of Transportation (FDOT) employee. This crash occurred at the intersection of State Road 2 (SR 2), which runs east-west, and County Road 167, which runs north-south. There are stop signs and stop lines on County Road 167 on each side of its intersection with SR 2; on the north side of County Road 167, the stop sign is approximately 40 feet behind the stop line. The posted speed limit at the relevant portion of SR 2 is 55 miles per hour.

Just prior to the crash, the FDOT employee stopped at the stop sign, approximately 40 feet behind the stop line, on the

north side of County Road 167, looked left and right multiple times, and did not see any cars on SR 2. However, the employee's view of SR 2 from the stop sign was obscured by trees.<sup>1</sup> The FDOT employee then entered the intersection and noticed a "brief glance of a car right there in the turning lane as I proceeded across the highway."<sup>2</sup> Ms. Parker's car then collided with the FDOT dump truck.

#### Damages

Ms. Parker suffered multiple injuries as a result of the crash. At the scene of the crash, witnesses stated that she had a pulse, but was unresponsive, and she was bleeding from her head.<sup>3</sup> Ms. Parker was intubated and airlifted to the nearest trauma care hospital, Southeast Alabama Medical Center. Ms. Parker underwent emergency hemicraniectomy and evacuation upon arrival. Doctors at the hospital diagnosed Ms. Parker with complex comminuted depressed left cranium skull fractures with intracranial hemorrhage, traumatic brain injury, extensive mid-face and skull fractures, a fractured sternum, multiple broken vertebrae, and a comminuted fracture of her right calcaneus (heel fracture).

On December 22, 2019, Ms. Parker died. She was 39 years old.<sup>4</sup> Expert witness Dr. Matthew Lawson concluded that, based on his review of relevant documents from Ms. Parker's medical records, "Molly Parker's severe traumatic brain injury and death were more likely than not directly caused by the trauma she sustained in the motor vehicle accident on December 12, 2019."<sup>5</sup>

Ms. Parker is survived by her husband, Tom Parker, and minor son. Mr. Parker has since been diagnosed with post-traumatic stress disorder and prolonged grief disorder by Michaelleen Burns, a licensed psychologist. Ms. Burns cites the cause of these diagnoses as "related to the trauma of witnessing Ms. Parker's condition" in the hospital for the ten days following the car accident, and witnessing the moment of her death.

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<sup>1</sup> Deposition of J.A.R., Oct. 5, 2021 at 123-124.

<sup>2</sup> Deposition of J.A.R., Oct. 5, 2021 at 60, lines 7-11. See also, *Fl. Dep't. of Transp. Vehicle Crash/Incident Report*, 1 (Jan. 13, 2020).

<sup>3</sup> Jackson County Sheriff's Office, Emergency CAD Report (911 call details) for Dec. 12, 2019.

<sup>4</sup> Molly Parker's Death Certificate (Dec. 22, 2019).

<sup>5</sup> Affidavit of Matthew F. Lawson, M.D., Apr. 14, 2022.

### **Litigation History and Settlement**

Mr. Parker, acting as a representative of Ms. Parker's estate, filed a civil cause of action in Leon County Circuit Court seeking relief as a result of this incident.<sup>6</sup> Prior to trial, the parties arrived at a settlement agreement<sup>7</sup> and the case was subsequently closed.<sup>8</sup>

### ***Settlement***

Counsel for claimant's estate believe the potential jury verdict value of this matter would be in excess of \$6 million. The respondent did not admit responsibility for the incident, but did reach a settlement agreement of \$6.25 million. As part of the agreement, the respondent agreed to support the passage of a claim bill, and did not present a case or argument at the special master hearing.<sup>9</sup>

### **Funds Received by Claimants**

The claimant has received the full amount of the respondent's statutory limit (\$300,000 per incident) from the FDOT and seeks the remaining balance of the settlement (\$5.95 million) through this claim bill. According to the claimant's attorney, these funds will be partially held in a trust for the education and care of Ms. Parker's minor child.

### **CONCLUSIONS OF LAW:**

The claim bill hearing held on February 4, 2023, was a *de novo* proceeding to determine whether FDOT is liable in negligence for damages suffered by the claimant, and, if so, whether the amount of the claim is reasonable. This report is based on evidence presented to the special master prior to, during, and after the hearing. The Legislature is not bound by settlements or jury verdicts when considering a claim bill, the passage of which is an act of legislative grace.

Section 768.28, of the Florida Statutes, limits the amount of damages a claimant can collect from the state or any of its agencies as a result of its negligence or the negligence of its

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<sup>6</sup> Complaint (Dec. 11, 2020), *Parker, as Personal Representative of the Estate of Molly Morrison Parker, and on behalf of all survivors v. Fl. Dep't. of Transp.*, Case No: 2020-CA-2294 (Fla. 2<sup>nd</sup> Jud. Circ. 2022).

<sup>7</sup> Stipulated Settlement Agreement (June 21, 2022), *Parker, as Personal Representative of the Estate of Molly Morrison Parker, and on behalf of all survivors v. Fl. Dep't. of Transp.*, Case No: 2020-CA-2294 (Fla. 2<sup>nd</sup> Jud. Circ. 2022).

<sup>8</sup> Final Judgment (June 23, 2022), *Parker, as Personal Representative of the Estate of Molly Morrison Parker, and on behalf of all survivors v. Fl. Dep't. of Transp.*, Case No: 2020-CA-2294 (Fla. 2<sup>nd</sup> Jud. Circ. 2022).

<sup>9</sup> Stipulated Settlement Agreement, *supra* at 6.

employees to \$200,000 for one individual and \$300,000 for all claims or judgments arising out of the same incident. Funds in excess of this limit may only be paid upon approval of a claim bill by the Legislature. Thus, the claimant will not receive the full amount of the judgment unless the Legislature approves this claim bill authorizing the additional payment.

In this matter, the claimant alleges negligence on behalf of an employee of the FDOT. The State is liable for a negligent act committed by an employee acting within the scope of his or her employment.<sup>10</sup>

### **Negligence**

Negligence is “the failure to use reasonable care, which is the care that a reasonably careful person would use under like circumstances;”<sup>11</sup> and “a legal cause of loss, injury or damage if it directly and in natural and continuous sequence produces or contributes substantially to producing such loss, injury or damage, so that it can reasonably be said that, but for the negligence, the loss, injury or damage would not have occurred.”<sup>12</sup>

There are four elements to a negligence claim: (1) duty – where the defendant has a legal obligation to protect others against unreasonable risks; (2) breach – which occurs when the defendant has failed to conform to the required standard of conduct; (3) causation – where the defendant’s conduct is foreseeably and substantially the cause of the resulting damages; and (4) damages – actual harm.<sup>13</sup>

### *Duty*

Statute, case law, and agency policy describe the duty of care owed by the operator of a motor vehicle. Generally, the operator of a motor vehicle has a duty to use reasonable care, in light of the attendant circumstances, to prevent injury to persons within the vehicle's path.<sup>14</sup>

The FDOT employee had two additional statutory duties pursuant to section 316.123(2)(a), F.S. The first: to “stop at a

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<sup>10</sup> *City of Boynton Beach v. Weiss*, 120 So. 3d 606, 611 (Fla. 4<sup>th</sup> DCA 2013).

<sup>11</sup> Florida Civil Jury Instructions, 401.4 – Negligence.

<sup>12</sup> Florida Civil Jury Instructions, 401.12(a) - Legal Cause, Generally.

<sup>13</sup> *Williams v. Davis*, 974 So.2d 1052, at 1056-1057 (Fla. 2007).

<sup>14</sup> See *Gowdy v. Bell*, 993 So. 2d 585, 586 (Fla. 1st DCA 2008); and *Williams v. Davis*, *supra* at 13,1063.



clearly marked stop line...before entering the intersection [...]” The second: to “yield the right-of-way to any vehicle [...] which is approaching so closely on said highway as to constitute an immediate hazard.” These duties required the FDOT employee to (1) stop his dump truck at the stop line, rather than the stop sign, and (2) yield the right-of-way to any vehicle which is approaching so closely as to constitute an immediate hazard.

FDOT policy requires its employees to operate the Department’s motor vehicles and heavy equipment in a safe manner.<sup>15</sup>

#### *Breach*

As the evidence demonstrates, the FDOT employee violated section 316.123(2)(a), of the Florida Statutes., and breached the required standard of care when he failed to stop his vehicle at the stop line, and when he entered the intersection in violation of Ms. Parker’s right-of-way, resulting in a collision. This constitutes a failure to use reasonable care to prevent injury to persons within his vehicle’s path.

The FDOT employee was cited for his violation of section 316.123(2)(a), of the Florida Statutes, by the Florida Highway Patrol and ultimately found guilty of that violation at a hearing on March 11, 2021.

FDOT issued an official written reprimand to the employee in question for his violation of the FDOT Disciplinary Standards of Conduct, which required he exercise due care and reasonable diligence in the performance of his job duties.<sup>16</sup>

#### *Causation*

Ms. Parker’s death was the natural and direct consequence of the FDOT employee’s breach of his duties. A collision was a foreseeable outcome from the risk produced by the FDOT employee’s failure to yield the right-of-way and failure to use reasonable care upon entering the intersection. But for these failures, the accident would not have occurred, Ms. Parker

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<sup>15</sup> FDOT Policy 13.5.1(C)(1) requires operators of motor vehicle/heavy industrial equipment to “...safely operate all vehicles or equipment they are assigned to operate.” Additionally, FDOT Policy 10.11.1 states that it is the operator’s responsibility to safely operate FDOT motor vehicles or equipment. FDOT, *Safety and Loss Prevention Manual*, 107 (May 16, 2018).

<sup>16</sup> The FDOT employee reprimand also cited Policy 10.11.1 of its Safety Loss and Prevention Manual, which states that the “safe operation of Department motor vehicles or equipment is the responsibility of the operator.”

would not have been severely injured, and she would not have ultimately died as a result of those injuries.

The employee was acting within the course and scope of his employment with FDOT at the time of the crash. As the employer, FDOT is liable for damages caused by its employee's negligent act.<sup>17</sup>

#### *Damages*

Ms. Parker is survived by her husband and minor son, and worked both a full-time and part-time job to help provide financially for them. Additionally, Ms. Parker performed numerous unpaid tasks in and around the home, and in connection with the care of her son and family.

According to the economic analysis done by the Raffa Consulting Economists, Ms. Parker's estate suffered damages of at least \$2,365,284.51 due to her premature death.<sup>18</sup> Ms. Parker's funeral expenses totaled \$2,549.

Ms. Parker's medical bills initially totaled \$255,347.49, but according to documentation submitted by the claimant's attorney, were reduced by partial payments to \$164,395.75. According to the terms of the bill, lien interests relating to the care and treatment of Molly Parker will be waived and extinguished, excluding the federal portions of any liens.

In addition, Mr. Parker endured and continues to experience pain and suffering relating to the death of his wife, Ms. Parker.

A representative of Ms. Parker's estate and the FDOT have agreed to settle this matter for \$6,250,000. This figure is reasonable based on the evidence and case law. The agreed amount settled upon represents the pain and suffering, expenses incurred, and the loss of services and financial support experienced by Ms. Parker's husband and minor child.

#### ATTORNEY FEES:

Section 768.28(8), of the Florida Statutes, limits a claimant's attorney fees to 25 percent of any judgment or settlement.

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<sup>17</sup> Florida Civil Jury Instructions, 401.14(a), *Vicarious Liability - Owner, Lessee, or Bailee of Vehicle Driven by Another*, and 401.12(a) - 401.14(b)(1), *Vicarious Liability – Agency, Master and Servant*.

<sup>18</sup> Raffa Consulting Economists, Economic Damages Analysis for Molly Parker (May 20, 2022).

Claimant's attorney has agreed to this limit and included related lobbying fees within the limit, as follows:

- Attorney fees: 20 percent (\$1,119,000); and
- Lobbyist fees: 5 percent (\$297,500).

RECOMMENDATIONS:

For the reasons set forth above, the undersigned finds the claimant has demonstrated the elements of negligence by the greater weight of the evidence and the amount sought is reasonable. The undersigned recommends the bill be reported FAVORABLY.

Respectfully submitted,

Jessie Harmsen  
Senate Special Master

cc: Secretary of the Senate

By Senator Hooper

21-00069-23

20232\_\_

A bill to be entitled

An act for the relief of the Estate of Molly Parker; providing an appropriation to compensate the estate for Ms. Parker's death as a result of the negligence of the Department of Transportation; providing a limitation on compensation and the payment of attorney fees; providing legislative intent regarding the waiver of certain liens; providing an effective date.

WHEREAS, on December 12, 2019, 39-year-old Molly Parker was driving her vehicle eastbound on State Road 2 in Jackson County, Florida, approaching the intersection with Old U.S. Road, and

WHEREAS, at the same time, a dump truck loaded with fill dirt and weighing over 40,000 pounds, and owned by the Department of Transportation and driven by an employee of the department, was traveling southbound on Old U.S. Road and arrived at a stop sign at the intersection of Old U.S. Road and State Road 2, and

WHEREAS, the department's employee, failing to yield the right-of-way to Ms. Parker as she entered the intersection, drove the dump truck into the intersection, causing a violent and severe crash in which Ms. Parker's vehicle struck the side of the dump truck, and

WHEREAS, the department's employee was later cited for a violation of s. 316.123(2)(a), Florida Statutes, in connection with the crash, and

WHEREAS, as a result of the impact, Ms. Parker suffered complex comminuted depressed left cranium skull fractures; severe traumatic brain injury; extensive mid-face fractures of

Page 1 of 4

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her facial bones; a comminuted calcaneal fracture; fractures of her spinal transverse processes at L1, L2, L3, and L4; a fracture of her sternum; pulmonary contusions; and kidney injury, and

WHEREAS, Ms. Parker was designated as being in need of Level 1 trauma care and transported emergently by helicopter to Southeast Alabama Medical Center in Dothan, Alabama, where she underwent emergency brain surgery followed by intensive care, where she died from her injuries on December 22, 2019, and

WHEREAS, Ms. Parker, through no fault of her own, suffered and was treated for multiple traumatic injuries until she died from those injuries, and

WHEREAS, the Estate of Molly Parker incurred costs totaling \$255,347.49 for medical and surgical care and treatment related to the injuries Ms. Parker suffered in the crash, and

WHEREAS, prior to her death, Ms. Parker was educated and gainfully employed as a professional photographer; and with a work life expectancy of another 27.61 years, the amount of her lost earnings, lost support, lost services, and net accumulations after reduction to present value is \$3,040,393, and

WHEREAS, Ms. Parker's survivors, her husband and her 4-year-old son, have experienced mental pain and suffering in connection with her tragic and traumatic injury and death and, as a result of her death, must endure the loss of her companionship, guidance, and protection, and

WHEREAS, the department completed an internal investigation into the cause of the collision, which included investigations by a department safety specialist, unit manager, and the

Page 2 of 4

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District 3 safety manager, each of whom testified under oath that the collision was caused solely by the negligence of the department's employee and that their investigations revealed that Ms. Parker did nothing wrong to cause or contribute to causing the motor vehicle crash that killed her, and

WHEREAS, in resolving the civil action brought by the personal representative of the Estate of Molly Parker against the department in the Circuit Court for the Second Judicial Circuit, in and for Leon County, Case No. 2020-CA-002294, a final judgment was entered on June 23, 2022, pursuant to the parties' settlement agreement, in favor of the estate in the amount of \$6.25 million, and

WHEREAS, under the terms of the settlement agreement, a total amount of \$6.25 million is to be paid to the Estate of Molly Parker, of which the department has paid \$300,000 pursuant to s. 768.28, Florida Statutes, and

WHEREAS, the unpaid settlement amount in excess of the limitations on liability set forth in s. 768.28, Florida Statutes, is \$5.95 million, and

WHEREAS, the department has agreed to this claim bill being rendered against the department in this matter and supports passage of this claim bill in the amount agreed upon in the settlement agreement, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The sum of \$5.95 million is appropriated from

Page 3 of 4

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the General Revenue Fund to the Department of Transportation for the relief of the Estate of Molly Parker for injuries and damages sustained as a result of Ms. Parker's death.

Section 3. The Chief Financial Officer is directed to draw a warrant in favor of the Estate of Molly Parker in the sum of \$5.95 million upon funds of the Department of Transportation in the State Treasury and to pay the same out of such funds in the State Treasury.

Section 4. The amount paid by the Division of Risk Management of the Department of Financial Services pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in the death of Molly Parker. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the sum of the total amount previously paid by the Department of Transportation and the amount awarded under this act.

Section 5. Excluding the federal portions of any liens, Medicaid or otherwise, which the claimant must satisfy pursuant to s. 409.910, Florida Statutes, it is the intent of the Legislature that the lien interests relating to the care and treatment of Molly Parker are hereby waived and extinguished.

Section 6. This act shall take effect upon becoming a law.

Page 4 of 4

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April 12, 2023

Meeting Date  
ATD Committee

The Florida Senate  
**APPEARANCE RECORD**

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

SB 2

Bill Number or Topic

Committee  
Name Jackie Corcoran

Amendment Barcode (if applicable)  
(850) 222-0888

Address 112 E. Jefferson Street

Email jackie@corcoranpartners.com

Street  
Tallahassee Florida 32301  
City State Zip

**Reset Form**

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:

The Claimant

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

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

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

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BILL: CS/CS/SB 96

INTRODUCER: Appropriations Committee on Transportation, Tourism and Economic Development;  
Transportation Committee; and Senator DiCeglie

SUBJECT: Transportation Facility Designations

DATE: April 14, 2023

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	<b>Fav/CS</b>
2.	Nortelus	Jerrett	ATD	<b>Fav/CS</b>
3.			FP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 96 creates the following honorary or memorial road and bridge designations:

- The portion of I-275 between mile markers 30 and 31 in Pinellas County as “Deputy Sheriff Michael Hartwick Memorial Highway.”
- The portion of S.R. 87 between E. Bay Boulevard (mile post 2.182) and Bob Tolbert Road (mile post 6.308) in Santa Rosa County as “Sgt. Maj. Thomas Richard “Ric” Landreth Memorial Highway.”
- The portion of Alternate U.S. 19/Bayshore Boulevard between Orange Street and Michigan Boulevard in Pinellas County as “SPC Zachary L. Shannon Memorial Highway.”
- The portion of S.R. 105/Heckscher Drive between New Berlin Road East and Orahod Lane in Duval County as “Officer Scott Eric Bell Highway.”
- The portion of S.R. 9A/East Beltway 295 between Gate Parkway and Baymeadows Road in Duval County as “Officer Christopher Michael Kane Highway.”
- The bridge on Howell Drive over the Ribault River in Duval County as “Coach Gwendolyn Maxwell Bridge to Ribault.”
- Upon completion of construction, the new NASA Causeway Bridge on S.R. 405 over the Indian River in Brevard County as “Dr. Sally Ride Memorial Bridge.”
- The portion of I-95 between mile markers 380 and 381 in Nassau County as “Corporal James McWhorter Memorial Highway.”

- The portion of Cortez Boulevard between U.S. 41 and S.R. 50/50A in Hernando County as “Rush Limbaugh Way.”
- The portion of I-10 between mile markers 222 and 228 in Jefferson County as “Senior Inspector Rita Jane Hall Memorial Highway.”
- The portion of U.S. 19 between C.R. 361/Beach Road and C.R. 30/Foley road in Taylor County as “Michael Scott Williams Parkway.”
- The portion of S.R. 435 between Conroy Road and Vineland Road in Orange County as “Officer Kevin Valencia Memorial Highway.”
- The portion of S.R. 46 between East Lake Mary Boulevard in Seminole County and the Brevard County line as “Deputy Sheriff Eugene ‘Stetson’ Gregory Memorial Highway.”
- The portion of S.R. 70/Okeechobee Road between Ideal Holding Road and C.R. 613/Carlton Road in St. Lucie County is designated as “Kyle Lee Patterson Memorial Highway.”

The bill also revises a designation enacted in 1991.

The estimated cost to the FDOT to install the designation markers required under the bill, including revising or replacing the signs for the revised 1991 designation, is \$22,200. See the “Fiscal Impact Statement” below for details.

The bill takes effect July 1, 2023.

## **II. Present Situation:**

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes or to distinguish a particular facility. Such designations are not to be construed as requiring any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.<sup>1</sup>

When the Legislature establishes road or bridge designations, the FDOT is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation and to erect any other markers it deems appropriate for the transportation facility.<sup>2</sup>

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before the installation of the markers.<sup>3</sup>

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<sup>1</sup> Section 334.071(1), F.S.

<sup>2</sup> Section 334.071(2), F.S.

<sup>3</sup> Section 334.071(3), F.S.



**Deputy Sheriff Michael Hartwick**

On September 22, 2022, Pinellas County Deputy Sheriff Michael Hartwick succumbed to injuries he received while working an overnight traffic-directing assignment in a construction zone at I-275 and Ulmerton Road, near the Howard Frankland Bridge. Deputy Hartwick was outside his cruiser when he was struck by a front-end loader hauling concrete barriers. Deputy Hartwick served with the Pinellas County Sheriff's Office for 19 years. He was 51 and was survived by his two sons and his mother.<sup>4</sup>

**Sgt. Maj. Thomas Richard "Ric" Landreth**

Sergeant Major Thomas Richard "Ric" Landreth, Retired US Army, of Southern Pines, North Carolina, was born on April 1, 1957, at Eglin Air Force Base to the late Thomas and Peggy Landreth. He had over 30 years of military service, including deployments to Grenada, Panama, Somalia, Bosnia, Afghanistan, and Iraq, and served in the US Army Special Ops Command until his retirement in 2005. During his tour in Somalia, Sergeant Major Landreth and his squadron were involved in the Battle of Mogadishu in October of 1993, depicted in the "Black Hawk Down" movie in 2001. He passed away on April 25, 2020, after a brief illness. Preceded in death by one son, Sergeant Major Landreth was survived by his wife, three children, one grandchild, and many other family and friends.<sup>5</sup>

**SPC Zachary L. Shannon**

SPC Zachary L. Shannon of Dunedin was born October 28th, 1991, to Kim and Chip Allison. SPC Shannon, a Black Hawk crew chief, joined the Army in August of 2010 and arrived at the unit in April 2012. He was assigned to the 4th Battalion, 3rd Aviation Regiment, 3rd Combat Aviation Brigade, 3rd Infantry Division, Hunter Army Airfield, Georgia. This was his first deployment. On March 11, 2013, while serving during Operation Enduring Freedom in Kandahar, Afghanistan, SPC Shannon lost his life in a UH-60 Black Hawk helicopter crash. He was 21.<sup>6</sup>

**Officer Scott Eric Bell**

Officer Scott Eric Bell was born in Baltimore, Maryland. He had been a resident of Jacksonville for over 20 years and was a retired U.S. Navy Chief with 23 years of service. For the last seven years before his death, Officer Bell served as a police officer with the Jacksonville Sheriff's Office.<sup>7</sup> On October 12, 2007, Officer Bell was killed when a vehicle operated by an intoxicated

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<sup>4</sup> See [odmp.org](https://odmp.org), [Deputy Sheriff Michael Hartwick, Pinellas County Sheriff's Office, Florida \(odmp.org\)](https://odmp.org), and [foxnews.com](https://www.foxnews.com), [Florida deputy killed by illegal immigrant in hit-and-run before fleeing scene, sheriff says | Fox News](https://www.foxnews.com) (last visited January 10, 2023).

<sup>5</sup> See [findagrave.com](https://findagrave.com), [Thomas Richard Landreth \(1957-2020\) - Find a Grave Memorial](https://findagrave.com), and [pnj.com](https://pnj.com), [State Road 87 could be named after Black Hawk Down vet from Santa Rosa \(pnj.com\)](https://pnj.com) (last visited January 25, 2023).

<sup>6</sup> See [fallenheroesproject.org](https://fallenheroesproject.org), [Zachary L. Shannon \(fallenheroesproject.org\)](https://fallenheroesproject.org), and [thefallen.militarytimes.com](https://thefallen.militarytimes.com), [Army Spc. Zachary L. Shannon | Military Times](https://thefallen.militarytimes.com) (last visited January 10, 2023).

<sup>7</sup> See [legacy.com](https://legacy.com), [Scott Bell Obituary \(2007\) - Jacksonville, FL - Florida Times-Union \(legacy.com\)](https://legacy.com) (last visited March 13, 2023).

driver pulled out in front of his patrol car. Officer Bell was 50<sup>8</sup> and was survived by his wife, mother, and brother, as well as other family members.<sup>9</sup>

### **Officer Christopher Michael Kane**

Officer Christopher Kane was a 12-year veteran of the Jacksonville Sheriff's Office (JSO), having previously served in the U.S. Marine Corps. He received the JSO's Lifesaving Award in 2003 for helping to save an officer who was severely injured in a personal watercraft accident. He was also an assistant coach of the championship Pop Warner football team from the Orange Park Athletic Association, the Cyclones, who finished third in the national Championships in 2007.<sup>10</sup> Officer Kane was killed on September 4, 2008, in a construction zone on Route 9A when his patrol car collided with the back of a semi-truck carrying construction equipment. He was 38 and was survived by his wife and two children.<sup>11</sup>

### **Coach Gwendolyn Maxwell**

Gwendolyn Maxwell, recognized as one of the most successful girls' track and field coaches in the history of Florida, was a lifelong educator for 36 years and the track and field coach at Ribault High School in Jacksonville for 20 years. Among other accomplishments, Coach Maxwell directed five teams to state titles, was named coach of the year five times, and was the Florida representative for the national track coach of the year three times.<sup>12</sup> She was inducted into the Ribault Athletic Hall of Fame in October of 2018, as well as the Florida Athletics Coaches Association Hall of Fame in 1995. Coach Maxwell passed away on June 16, 2020, at the age of 86, after a nearly decade-long battle with Alzheimer's.<sup>13</sup>

### **Dr. Sally Ride**

In 1977, Dr. Sally Ride was one of only six women selected for the National Aeronautics and Space Administration's (NASA's) Astronaut Class of 1978. On June 18, 1983, Dr. Ride became the first American woman in space, and at the age of 32, the youngest American in space as one of five crew members aboard the space shuttle Challenger STS-7. Dr. Ride returned to space on October 5, 1984, aboard another shuttle mission, the STS-41G, and continued working for NASA until 1987. Dr. Ride was passionate about improving science and mathematics education and helping young women and girls foster an interest in science. Dr. Ride passed away on July 23, 2012, after a 17-month battle with pancreatic cancer at the age of 61.<sup>14</sup>

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<sup>8</sup> See odmp.org, [Officer Scott Eric Bell, Jacksonville Sheriff's Office, Florida \(odmp.org\)](https://odmp.org/officer-scott-eric-bell-jacksonville-sheriff-office-florida) (last visited march 13, 2023).

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

<sup>10</sup> See legacy.com, [Christopher Kane Obituary \(2008\) - Jacksonville, FL - Florida Times-Union \(legacy.com\)](https://legacy.com/Christopher-Kane-Obituary-2008-Jacksonville-FL-Florida-Times-Union) (last visited March 13, 2023).

<sup>11</sup> See odmp.org, [Officer Christopher Michael Kane, Jacksonville Sheriff's Office, Florida \(odmp.org\)](https://odmp.org/officer-christopher-michael-kane-jacksonville-sheriff-office-florida) (last visited March 13, 2023).

<sup>12</sup> See Pepper, C., news4jax.com, [Legendary Ribault track coach Gwendolyn Maxwell dies at 86 \(news4jax.com\)](https://news4jax.com/legendary-ribault-track-coach-gwendolyn-maxwell-dies-at-86) (last visited March 13, 2023).

<sup>13</sup> See Frenette, G., Jacksonville.com, [Gwendolyn Maxwell, state championship track coach at Ribault, dies at 86 \(jacksonville.com\)](https://jacksonville.com/gwendolyn-maxwell-state-championship-track-coach-at-ribault-dies-at-86) (last visited March 13, 2023).

<sup>14</sup> See womenshistory.org, [Sally Ride \(womenshistory.org\)](https://womenshistory.org/sally-ride), and sallyrides.science.ucsd.edu, [Dr. Sally Ride – Sally Ride Science \(ucsd.edu\)](https://sallyrides.science.ucsd.edu/dr-sally-ride) (last visited January 25, 2023).

**Corporal James McWhorter**

Officer James McWhorter was hired by the Office of Agricultural Law Enforcement of the Florida Department of Agriculture and Consumer Services (FDACS) in January 2019 and sponsored through the law enforcement academy at the Florida Gateway College Public Safety Training Center where he graduated and was certified in June 2019. Officer McWhorter died in the line of duty in a vehicle crash near the Agricultural Inspection Station on I-95 in Yulee on February 12, 2022, when he was struck by an oncoming vehicle while crossing from the northbound inspection station to the southbound station. He had served with the FDACS for 2 ½ years, was 31 years old, and was survived by his four children and fiancée. Officer McWhorter was posthumously promoted to Corporal.<sup>15</sup>

**Rush Limbaugh**

Florida resident Rush Limbaugh was a U.S. radio personality and political commentator. Former President Trump awarded him the Presidential Medal of Freedom, the nation's highest civilian honor.<sup>16</sup> He was once ranked fourth on Forbes' list of most generous celebrities, having donated \$4.2 million to the Marine Corps Law Enforcement Foundation.<sup>17</sup> Mr. Limbaugh passed away on February 17, 2021, following a battle with cancer. He was 70 years old.<sup>18</sup>

**Senior Inspector Rita Jane Hall**

Rita Jane Hall devoted her career to the service and protection of others. She served with the Tallahassee Police Department from 1988 – 1994, and with the Monticello Police Department from 1997 – 2000, holding the position of Fugitive Unit Coordinator. Ms. Hall also served with the Emergency Action Center, which coordinates emergency responses for all Florida correctional facilities. More recently, she held the position of Senior Inspector for the Office of the Inspector General, Department of Corrections. Ms. Hall passed unexpectedly on December 27<sup>th</sup>, 2018.<sup>19</sup>

**Deputy Michael Scott Williams**

Deputy Michael Scott Williams served as a City of Brooksville Police Officer from 2005 to 2012, prior to moving to Steinhatchee. He served for 17 months with the Taylor County Sheriff's Office.<sup>20</sup> During his law enforcement career, he received numerous certifications in various law enforcement fields of studies, including Traffic Law Enforcement, Advanced Interviews and Interrogations, Community Policing, Field Training, and Drug Investigations. Deputy Williams was praised for his professionalism and dedication by members of the public.<sup>21</sup> On Monday,

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<sup>15</sup> See FDACS email to committee staff dated February 1, 2023 (on file in the Senate Transportation Committee).

<sup>16</sup> See [nbcnews.com](https://www.nbcnews.com), [Trump giving Rush Limbaugh the Medal of Freedom was controversial — and fitting \(nbcnews.com\)](https://www.nbcnews.com/trump-giving-rush-limbaugh-the-medal-of-freedom-was-controversial-and-fitting-nbcnews.com) (last visited March 13, 2023).

<sup>17</sup> See [cnn.com](https://www.cnn.com), [Rush Limbaugh, conservative media icon, dead at 70 following battle with cancer | CNN Business](https://www.cnn.com/rush-limbaugh-conservative-media-icon-dead-at-70-following-battle-with-cancer-cnn-business) (last visited March 13, 2023).

<sup>18</sup> *Id.*

<sup>19</sup> See [tallahassee.com](https://tallahassee.com), [Rita Jane Hall Obituary - Tallahassee Democrat](https://tallahassee.com/rita-jane-hall-obituary-tallahassee-democrat) (last visited March 13, 2023).

<sup>20</sup> See [archive.bluelivesmatter.blue](https://archive.bluelivesmatter.blue), [Officer Down: Hero Michael Scott Williams Killed In Crash - Blue Lives Matter](https://archive.bluelivesmatter.blue/officer-down-hero-michael-scott-williams-killed-in-crash-blue-lives-matter) (lasts visited March 13, 2023).

<sup>21</sup> See email to committee staff dated March 13, 2023 (on file in the Senate Transportation Committee).

October 31, 2016, while serving with the Taylor County Sheriff's Office, Deputy Williams was killed in a vehicle collision with a logging truck at the Intersection of U.S. 98 and U.S. 19.<sup>22</sup>

### **Officer Kevin Valencia**

Born in Queens, New York, on April 16, 1991, Kevin Valencia honorably served the Doral Police Department from 2014 to 2016. He began his career with the Orlando Police Department in 2016, earning numerous awards, including two life-saving awards. On June 11, 2018, Officer Valencia was shot during a domestic violence incident and spent almost the next three years fighting in rehabilitation facilities in Atlanta, Georgia, and Mt. Dora, Florida. On March 15, 2021, Officer Valencia succumbed to the injuries sustained during the domestic violence incident in Tavares, Florida. He was survived by his wife, his two young sons, and many other relatives and friends.<sup>23</sup>

### **Deputy Sheriff Eugene Gregory**

Deputy Sheriff Eugene Gregory served the Seminole County Sheriff's Office for seven years. Deputy Gregory was shot and killed after responding to a shots-fired call on July 8, 1998, while handling an aggravated assault call involving an armed, mentally ill person. He is said to have exemplified the spirit of community policing in his day-to-day service, prompting the Sheriff's Office to take a proactive role in mental health intervention and treatment. Deputy Gregory was 55 years old at the time of his death. He was survived by his wife and three children.<sup>24</sup>

### **Kyle Lee Patterson**

Senior Investigator Kyle Lee Patterson served with the Florida Fish and Wildlife Conservation Commission (FWC) for 15 years.<sup>25</sup> During his career he received numerous awards, including a Lifesaving Award in 2010, an Exceptional Performance Award in 2015, a Letter of Commendation in 2017, the Guy Harvey Ocean Foundation Award in 2018, and recognition for his performance during FWC's responses to Hurricanes Irma and Michael. On June 9, 2022, Senior Investigator Kyle Lee Patterson succumbed to injuries sustained in a head-on collision in which a vehicle traveling in the wrong direction crashed into Investigator Patterson's FWC truck. He was 35 at the time of his death and was survived by his wife and two young children.<sup>26</sup>

### **Armand and Perry Lovell**

In 1991, the Legislature enacted an honorary road designation for Armand Keith Lovell in recognition of his service to the community of Ocala, Florida. Armand passed away on February 13, 1991, at the age of 61. He was survived by his wife, a son, a daughter, and his brother,

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<sup>22</sup> *Supra* note 20.

<sup>23</sup> See legacy.com, *Kevin Valencia*, [Kevin Valencia Obituary \(1991 - 2021\) - Orlando, FL - Orlando Sentinel \(legacy.com\)](https://www.legacy.com/obituaries/orlando/obituary.aspx?n=kevin-valencia&cat=obituary) (last visited March 13, 2023).

<sup>24</sup> See seminolesheriff.org, [In Memoriam \(seminolesheriff.org\)](https://www.seminolesheriff.org/in-memoriam), and odmp.org, [Deputy Sheriff Eugene Andrew Gregory, Seminole County Sheriff's Office, Florida \(odmp.org\)](https://www.odmp.org/deputy-sheriff-eugene-andrew-gregory) (last visited March 17, 2023).

<sup>25</sup> See odmp.org, [Senior Investigator Kyle Lee Patterson, Florida Fish and Wildlife Conservation Commission, Florida \(odmp.org\)](https://www.odmp.org/senior-investigator-kyle-lee-patterson) (last visited April 6, 2023).

<sup>26</sup> See wptv.com, Papaycik, M. and Bohman, D., June 10, 2022, [FWC wildlife officer killed in St. Lucie County wrong-way crash identified \(wptv.com\)](https://www.wptv.com/news/florida/fwc-wildlife-officer-killed-in-st-lucie-county-wrong-way-crash-identified) (last visited April 6, 2023).

Perry.<sup>27</sup> Armand and Perry were co-owners of Lovell Brothers Auto Parts, serving seven counties in north central Florida beginning in 1956. Perry moved to Ocala as a young child and remained an Ocala resident for the remainder of his life. Perry passed away on February 20, 2022, at the age of 89. He was survived by his wife, a daughter, a stepdaughter, and three stepsons.<sup>28</sup>

### III. Effect of Proposed Changes:

The bill creates the following honorary or memorial road and bridge designations:

- The portion of I-275 between mile markers 30 and 31 in Pinellas County as “Deputy Sheriff Michael Hartwick Memorial Highway.”
- The portion of S.R. 87 between E. Bay Boulevard (mile post 2.182) and Bob Tolbert Road (mile post 6.308) in Santa Rosa County as “Sgt. Maj. Thomas Richard ‘Ric’ Landreth Memorial Highway.”
- The portion of Alternate U.S. 19/Bayshore Boulevard between Orange Street and Michigan Boulevard in Pinellas County as “SPC Zachary L. Shannon Memorial Highway.”
- The portion of S.R. 105/Heckscher Drive between New Berlin Road East and Orahod Lane in Duval County as “Officer Scott Eric Bell Highway.”
- The portion of S.R. 9A/East Beltway 295 between Gate Parkway and Baymeadows Road in Duval County as “Officer Christopher Michael Kane Highway.”
- The bridge on Howell Drive over the Ribault River in Duval County as “Coach Gwendolyn Maxwell Bridge to Ribault.”
- Upon completion of construction, the new NASA Causeway Bridge on S.R. 405 over the Indian River in Brevard County as “Dr. Sally Ride Memorial Bridge.”
- The portion of I-95 between mile markers 380 and 381 in Nassau County as “Corporal James McWhorter Memorial Highway.”
- The portion of Cortez Boulevard between U.S. 41 and S.R. 50/50A in Hernando County as “Rush Limbaugh Way.”
- The portion of I-10 between mile markers 222 and 228 in Jefferson County as “Senior Inspector Rita Jane Hall Memorial Highway.”
- The portion of U.S. 19 between C.R. 361/Beach Road and C.R. 30/Foley road in Taylor County as “Michael Scott Williams Parkway.”
- The portion of S.R. 435 between Conroy Road and Vineland Road in Orange County as “Officer Kevin Valencia Memorial Highway.”
- The portion of S.R. 46 between East Lake Mary Boulevard in Seminole County and the Brevard County line as “Deputy Sheriff Eugene ‘Stetson’ Gregory Memorial Highway.”
- The portion of S.R. 70/Okeechobee Road between Ideal Holding Road and C.R. 613/Carlton Road in St. Lucie County is designated as “Kyle Lee Patterson Memorial Highway.”

The bill also revises the 1991 honorary designation of the “Armand Keith Lovell Memorial Highway” to read “Armand and Perry Lovell Memorial Highway.”

<sup>27</sup> See Ch. 91-315, Laws of Florida, and findagrave.com, [Armand Keith Lovell \(1927-1991\) - Find a Grave Memorial](#) (last visited April 6, 2023).

<sup>28</sup> See hiers-baxley.com, [Obituary of Perry Bryan Lovell | Funeral Homes & Cremation Services... \(hiers-baxley.com\)](#) (last visited April 6, 2023).

The bill directs the FDOT to erect suitable markers.

The bill takes effect July 1, 2023.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The estimated cost to erect the designation markers required under this bill is \$22,200, based on the assumption that a minimum of two markers are required for each designation at a cost to the FDOT of no less than \$740 each. The estimate includes labor, materials, manufacturing, and installation, as well as modifying or replacing the existing signs for the revised 1991 designation. The FDOT is expected to absorb the estimated cost within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an undesignated section of Florida law.

**IX. Additional Information:**

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

**CS by Appropriations Committee on Transportation, Tourism and Economic Development on April 12, 2023:**

The committee substitute adds the designation for “Kyle Lee Patterson Memorial Highway” in St. Lucie County and revises an honorary designation enacted in 1991.

**CS by Transportation on March 20, 2023:**

The committee substitute adds the following designations to the bill:

- “Sgt. Maj. Thomas Richard ‘Ric’ Landreth Memorial Highway” in Santa Rosa County.
- “SPC Zachary L. Shannon Memorial Highway” in Pinellas County.
- “Officer Scott Eric Bell Highway” in Duval County.
- “Officer Christopher Michael Kane Highway” in Duval County.
- “Coach Gwendolyn Maxwell Bridge to Ribault” in Duval County.
- “Dr. Sally Ride Memorial Bridge” in Brevard County.
- “Corporal James McWhorter Memorial Highway” in Nassau County.
- “Rush Limbaugh Way” in Hernando County.
- “Senior Inspector Rita Jane Hall Memorial Highway” in Jefferson County.
- “Michael Scott Williams Parkway” in Taylor County.
- “Officer Kevin Valencia Memorial Highway” in Orange County.
- “Deputy Sheriff Eugene ‘Stetson’ Gregory Memorial Highway” in Seminole and Volusia counties.

- B. **Amendments:**

None.



622806

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2023	.	
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	.	
	.	

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The Appropriations Committee on Transportation, Tourism, and Economic Development (DiCeglie) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 54 - 56  
and insert:

(14) That portion of S.R. 70/Okeechobee Road between Ideal Holding Road and C.R. 613/Carlton Road in St. Lucie County is designated as "Kyle Lee Patterson Memorial Highway."

(15) The Department of Transportation is directed to erect suitable markers designating the transportation facilities as described in this section.





622806

Section 2. Sections 1 and 2 of chapter 91-315, Laws of Florida, are amended to read:

Section 1. That portion of State Road 40 between ~~(section 36080) in Marion County from mile marker 5.695 located at the intersection of State Road 35 and the Ocklawaha River Bridge in Marion County (baseline road) east to mile marker 9.640 located at the Cross Florida Barge Canal Bridge for a distance of 3.945 miles~~ is hereby designated as the "Armand and Perry Keith Lovell Memorial Highway."

Section 2. The Department of Transportation is directed to erect suitable markers designating the "Armand and Perry Keith Lovell Memorial Highway."

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

And the title is amended as follows:

Delete line 6  
and insert:

to erect suitable markers; amending chapter 91-315, Laws of Florida; designating a portion of State Road 40 in Marion County as "Armand and Perry Lovell Memorial Highway"; directing the department to erect suitable markers; providing an effective

By the Committee on Transportation; and Senator DiCeglie

596-02749-23

202396c1

A bill to be entitled

An act relating to transportation-related facility designations; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Transportation facility designations; Department of Transportation to erect suitable markers.-

(1) That portion of I-275 between mile markers 30 and 31 in Pinellas County is designated as "Deputy Sheriff Michael Hartwick Memorial Highway."

(2) That portion of S.R. 87 between E. Bay Boulevard (mile post 2.182) and Bob Tolbert Road (mile post 6.308) in Santa Rosa County is designated as "Sgt. Maj. Thomas Richard 'Ric' Landreth Memorial Highway."

(3) That portion of Alternate U.S. 19/Bayshore Boulevard between Orange Street and Michigan Boulevard in Pinellas County is designated as "SPC Zachary L. Shannon Memorial Highway."

(4) That portion of S.R. 105/Heckscher Drive between New Berlin Road East and Orahod Lane in Duval County is designated as "Officer Scott Eric Bell Highway."

(5) That portion of S.R. 9A/East Beltway 295 between Gate Parkway and Baymeadows Road in Duval County is designated as "Officer Christopher Michael Kane Highway."

(6) The bridge on Howell Drive over the Ribault River in

Page 1 of 2

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

596-02749-23

202396c1

Duval County is designated as "Coach Gwendolyn Maxwell Bridge to Ribault."

(7) Upon completion of construction, the new NASA Causeway Bridge on S.R. 405 over the Indian River in Brevard County is designated as "Dr. Sally Ride Memorial Bridge."

(8) That portion of I-95 between mile markers 380 and 381 in Nassau County is designated as "Corporal James McWhorter Memorial Highway."

(9) That portion of Cortez Boulevard between U.S. 41 and S.R. 50/50A in Hernando County is designated as "Rush Limbaugh Way."

(10) That portion of I-10 between mile markers 222 and 228 in Jefferson County is designated as "Senior Inspector Rita Jane Hall Memorial Highway."

(11) That portion of U.S. 19 between C.R. 361/Beach Road and C.R. 30/Foley Road in Taylor County is designated as "Michael Scott Williams Parkway."

(12) That portion of S.R. 435 between Conroy Road and Vineland Road in Orange County is designated as "Officer Kevin Valencia Memorial Highway."

(13) That portion of S.R. 46 between East Lake Mary Boulevard in Seminole County and the Brevard County line is designated as "Deputy Sheriff Eugene 'Stetson' Gregory Memorial Highway."

(14) The Department of Transportation is directed to erect suitable markers designating the transportation facilities as described in this section.

Section 2. This act shall take effect July 1, 2023.

Page 2 of 2

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

The Florida Senate

## APPEARANCE RECORD

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

April 12, 2023

Meeting Date

Approps TTED

Committee

SB 96

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kyle Shephard Phone (407) 579-5952

Address 400 S. Orange Ave. Email kyle.shephard@orlando.gov

Orlando FL 32801

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:

City of Orlando

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

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

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

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BILL: CS/CS/SB 464

INTRODUCER: Appropriations Committee on Transportation, Tourism and Economic Development;  
Transportation Committee; and Senator Perry

SUBJECT: Interstate Safety

DATE: April 14, 2023

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	<b>Fav/CS</b>
2.	Wells	Jerrett	ATD	<b>Fav/CS</b>
3.			FP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 464 prohibits a driver from operating a motor vehicle in the furthestmost left-hand lane on a road, street, or highway having two or more lanes allowing movement in the same direction with a posted speed limit of at least 65 miles per hour. A driver may drive in the furthestmost left-hand lane when overtaking and passing another vehicle, when preparing to exit the road, street, or highway, or when otherwise directed by an official traffic control device. This provision does not apply to authorized emergency vehicles and vehicles engaged in highway maintenance or construction operations. A violation is a noncriminal traffic infraction punishable as a moving violation.

The statutory base fine is \$60, but with additional fees and charges, the total penalty may be up to \$158. The bill may have an indeterminate fiscal impact on state and local government.

The bill takes effect January 1, 2024.

**II. Present Situation:**

Under Florida law, a vehicle must be driven upon the right half of the roadway, except:

- When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

- When an obstruction exists making it necessary to drive to the left of the center of the highway, provided any person so doing yields the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
- Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
- Upon a roadway designated and signposted for one-way traffic.<sup>1</sup>

Upon all roadways, any vehicle proceeding at less than the normal speed of traffic must be driven in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.<sup>2</sup>

On a road, street, or highway having two or more lanes allowing movement in the same direction, a driver may not continue to operate a motor vehicle in the furthestmost left-hand lane if the driver knows or reasonably should know that he or she is being overtaken in that lane from the rear by a motor vehicle traveling at a higher rate of speed. This does not apply to drivers operating a vehicle that is overtaking another vehicle proceeding in the same direction, or is preparing for a left turn at an intersection.<sup>3</sup>

Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, a vehicle may not be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted to drive around an obstruction. However, this may not be construed as prohibiting the crossing of the centerline in making a left turn.<sup>4</sup>

A violation of the above laws is a noncriminal traffic infraction, punishable as a moving violation.<sup>5</sup> The statutory base fine is \$60,<sup>6</sup> but with additional fees and surcharges, the total penalty may be up to \$158.<sup>7</sup>

There are at least eight states where traveling in the left lane on certain roads, streets, and highways is prohibited except for turning and passing.<sup>8</sup> Most states, like Florida, require slower traffic to keep right.<sup>9</sup>

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<sup>1</sup> Section 316.081(1), F.S.

<sup>2</sup> Section 316.081(2), F.S.

<sup>3</sup> Section 316.081(3), F.S.

<sup>4</sup> Section 316.081(4), F.S.

<sup>5</sup> Section 316.081(5), F.S.

<sup>6</sup> Section 318.18(3)(a), F.S.

<sup>7</sup> Florida Court Clerks and Comptrollers, *Distribution Schedule of Court-Related Filing Fees, Service Charges, Costs and Fines, Including a Fee Schedule for Recording* (December 2022), at p. 42, available at [https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/2022/22bull098\\_attach\\_2\\_2022\\_dist.pdf](https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/2022/22bull098_attach_2_2022_dist.pdf) (last visited March 21, 2023).

<sup>8</sup> Bodine, Rachel and Walker, Daniel, *Is left lane driving allowed in your state?* (June 29, 2022), AutoInsurance.Org, <https://www.autoinsurance.org/keep-right-which-states-enforce-left-lane-passing-only/> and Massachusetts Institute of Technology, *State “keep right” laws*, <https://www.mit.edu/~jfc/right.html> (last visited March 22, 2023).

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

**III. Effect of Proposed Changes:**

The bill amends s. 316.081, F.S., to prohibit a driver from operating a motor vehicle in the furthestmost left-hand lane on a road, street, or highway having two or more lanes allowing movement in the same direction with a posted speed limit of at least 65 miles per hour. The bill provides exceptions authorizing a driver to drive in the furthestmost left-hand lane when overtaking and passing another vehicle, when preparing to exit the road, street, or highway, or when otherwise directed by an official traffic control device. Additionally, this prohibition does not apply to authorized emergency vehicles and vehicles engaged in highway maintenance or construction operations.

For purposes of this provision, the term “furthestmost left-hand lane” excludes a high-occupancy-vehicle lane or a designated left turn lane. The furthestmost left-hand lane is considered the lane immediately to the right of such high-occupancy-vehicle lane or left turn lane in these instances.

A violation of this provision is a noncriminal traffic infraction punishable as a moving violation. The statutory base fine is \$60, but with additional fees and charges, the total penalty may be up to \$158.

**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 may have an indeterminate negative impact on individuals who violate this provision. An individual cited for violating this provision may be subject to a penalty of up to \$158.

**C. Government Sector Impact:**

The bill may have an indeterminate negative fiscal impact on the Department of Highway Safety and Motor Vehicles (DHSMV), which will need to update its driver handbook, driver license test question bank, driver improvement course curricula, and the Uniform Traffic Citation manual to reflect the change in law.<sup>10</sup> Additionally, the DHSMV and local law enforcement may need to conduct training on the law change.

The bill may have an indeterminate positive fiscal impact on state and local government that receive revenue from the traffic fine.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

According to the DHSMV, the provisions in the bill may cause confusion for drivers regarding the Move Over Act.<sup>11</sup>

**VIII. Statutes Affected:**

This bill substantially amends section 316.081 of the Florida Statutes.

**IX. Additional Information:**

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

**CS by Appropriations Committee on Transportation, Tourism, and Economic Development on April 12, 2023:**

The committee substitute removes the word “continuously” while operating a motor vehicle in the furthestmost left-hand lane to avoid confusion.

**CS by Transportation on March 27, 2023:**

The CS clarifies that the “furthestmost left-hand lane” for purposes of the bill does not include a high-occupancy-vehicle lane or a designated left turn lane. The furthestmost left-hand lane is considered the lane immediately to the right of such high-occupancy-vehicle

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<sup>10</sup> DHSMV, *2023 Legislative Bill Analysis: SB 464* (March 6, 2023) at p. 5.

<sup>11</sup> Section 316.126(1)(b), F.S., requires drivers, as soon as it is safe, to vacate the lane closest to specified vehicles, including emergency, sanitation, utility service, wrecker, and construction vehicles performing duties on the roadside. If such movement cannot be safely accomplished, the driver must slow to a speed of 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater.

lane or left turn lane in these instances. Additionally, the CS changes the title of the bill to an act relating to interstate safety.

**B. Amendments:**

None.

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

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762430

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2023	.	
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The Appropriations Committee on Transportation, Tourism, and  
Economic Development (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 27  
and insert:  
operate a motor vehicle in the furthestmost left-

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

And the title is amended as follows:

Delete line 4  
and insert:



762430

11      hand lane"; prohibiting a driver from

By the Committee on Transportation; and Senator Perry

596-03090A-23

2023464c1

A bill to be entitled

An act relating to interstate safety; amending s. 316.081, F.S.; defining the term "furthermost left-hand lane"; prohibiting a driver from continuously operating a motor vehicle in the furthermost left-hand lane of certain roadways, except under certain circumstances; providing applicability; providing a penalty; providing an effective date.

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

Section 1. Present subsections (4) and (5) of section 316.081, Florida Statutes, are redesignated as subsections (5) and (6), respectively, a new subsection (4) is added to that section, and present subsection (5) of that section is republished, to read:

316.081 Driving on right side of roadway; exceptions.—

(4) (a) As used in this subsection, the term "furthermost left-hand lane" means the farthest most left-hand lane, except that, if such left-hand lane is a high-occupancy-vehicle lane as defined in s. 316.0741, or is a designated left turn lane, the furthermost left-hand lane shall be the lane immediately to the right of such high-occupancy-vehicle lane or left turn lane.

(b) On a road, street, or highway having two or more lanes allowing movement in the same direction with a posted speed limit of at least 65 miles per hour, a driver may not continuously operate a motor vehicle in the furthermost left-hand lane, except when overtaking and passing another vehicle, when preparing to exit the road, street, or highway, or when

Page 1 of 2

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

596-03090A-23

2023464c1

otherwise directed by an official traffic control device. This subsection does not apply to authorized emergency vehicles and vehicles engaged in highway maintenance or construction operations.

(6) (5) A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 2. This act shall take effect January 1, 2024.

Page 2 of 2

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



The Florida Senate

## Committee Agenda Request

**To:** Senator Ed Hooper, Chair  
Appropriations Committee on Transportation, Tourism, and Economic Development

**Subject:** Committee Agenda Request

**Date:** March 29, 2023

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I respectfully request that **Senate Bill #464**, relating to Interstate Safety, be placed on the:

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

A handwritten signature in black ink that reads "W. Keith Perry". The signature is written in a cursive style with a long, sweeping underline.

Senator Keith Perry  
Florida Senate, District 9

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

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

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

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BILL: CS/SB 766

INTRODUCER: Transportation Committee and Senator Burgess

SUBJECT: Enforcement of School Bus Passing Infractions

DATE: April 12, 2023

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	<b>Fav/CS</b>
2.	Wells	Jerrett	ATD	<b>Favorable</b>
3.			FP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 766 authorizes a school district to install and maintain school bus infraction detection systems. The school district may contract with a private vendor or manufacturer to provide a school bus infraction detection system on each school bus in its fleet. The system uses electronic traffic enforcement technology to record traffic violations when drivers fail to stop for a school bus displaying a stop signal.

In order to use a school bus infraction detection system, the bill requires:

- The school district to enter into an interlocal agreement with a law enforcement agency authorized to enforce school bus stop signal violations within the school district.
- The systems meet specifications established by the State Board of Education.
- School districts make a public announcement and conduct a 30-day public awareness campaign before commencing initial enforcement using such systems.
- School buses with such operational systems have high-visibility reflective signage on the rear of the school bus indicating system use.

The bill requires a private vendor or manufacturer contracting with a school district to submit specific information regarding alleged violations to the law enforcement agency authorized to enforce school bus stop signal violations in the school district. The information must be submitted within 30 days after the alleged violation is captured and include a copy of the recorded image showing the motor vehicle; the license plate number and state of issuance; and the date, time, and place of the alleged violation.

If the law enforcement agency determines a violation occurred, the agency must send a notice of violation, within 30 days, by first-class mail to the vehicle's registered owner. The notice must include information detailing how to pay the civil penalty, review the evidence, request a hearing to contest the violation, or submit an affidavit providing a defense to the violation. If the owner does not contest, pay the civil penalty, or submit an affidavit within 30 days after receiving the notice of violation, he or she will be issued a uniform traffic citation.

Under the bill, a violation enforced by a school bus infraction detection system is subject to a \$225 civil penalty. The \$200 civil penalty collected must be provided to the school district in which the violation occurred, and must be used to install or maintain school bus infraction detection systems, for the administration and costs associated with enforcement of the violations, or for any other technology that increases the safety of the transportation of students. The additional \$25 collected must be dedicated to the safe schools allocation provided to school districts by the Department of Education (DOE). This civil penalty is lower than that in current law, which requires the minimum civil penalty for failure to stop for a school bus is \$265, and illegally passing on the side of the school bus where children enter and exit is \$465.

The bill prohibits individuals from receiving any commission based on revenue collected, or a vendor or manufacturer receiving any fee based on the number of violations detected through use of the system.

Each school district using the system must report information on system use to the DOE beginning October 1, 2024. DOE must submit a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2024, and every year thereafter providing specified information.

The bill may have an indeterminate fiscal impact on school districts electing to install a school bus infraction detection system on its school buses. To the extent that violations are enforced by such systems instead of by in-person law enforcement, the bill may shift penalties from other state and local government funds to school districts. See section V. Fiscal Impact Statement.

The bill takes effect July 1, 2023.

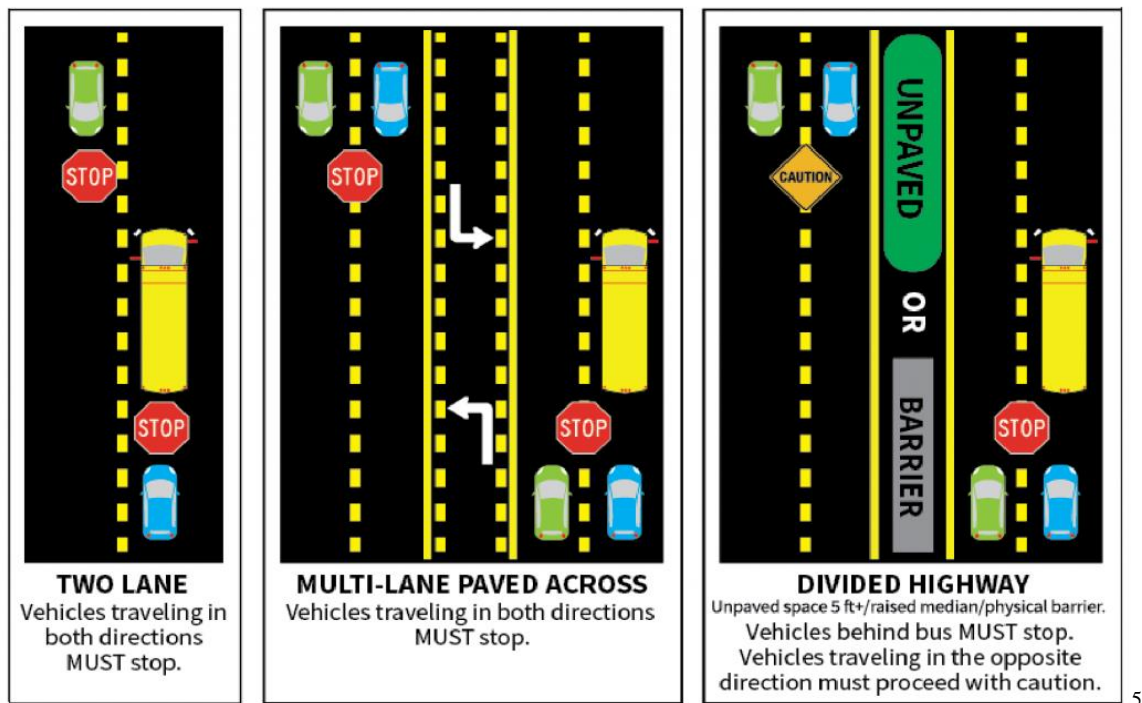
## **II. Present Situation:**

### **School Buses and Traffic Laws**

Law enforcement agencies are responsible for enforcing traffic laws, including school transportation related traffic violations. However, law enforcement officers are not always present along every school transportation route. Because law enforcement officers cannot feasibly monitor each bus on every route each day, many school transportation traffic violations may go unenforced.

In Florida, a school bus must stop as far to the right of the street as possible and display warning lights and stop signals before discharging or loading passengers.<sup>1</sup> When possible, school buses should not stop where visibility is obscured for a distance of 200 feet from the bus.<sup>2</sup>

When approaching a stopped school bus displaying a stop signal, a driver must bring his or her vehicle to a full stop until the bus's signal is withdrawn.<sup>3</sup> However, a driver is not required to stop if his or her vehicle is traveling in the opposite direction of a stopped school bus on a divided highway with an unpaved space of at least 5 feet, a raised median, or a physical barrier.<sup>4</sup>



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A person cited for failing to stop for a school bus displaying a stop signal commits a moving traffic violation<sup>6</sup> and is subject to a \$200 civil penalty.<sup>7</sup> A person cited for a moving violation may either pay the civil penalty or request a hearing to contest the citation.<sup>8</sup> A driver who passes a school bus on the side that children enter and exit while the school bus displays a stop signal

<sup>1</sup> Section 316.172(3), F.S.

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

<sup>3</sup> Section 316.172(1)(a), F.S.

<sup>4</sup> Section 316.172(2), F.S.

<sup>5</sup> DHSMV, *Child Safety: School Bus Safety*, <https://www.flhsmv.gov/safety-center/child-safety/school-bus-safety/> (last visited March 12, 2023).

<sup>6</sup> A moving violation is a classification of a type of traffic citation. The most common moving violations include speeding, running a red light, and driving while intoxicated. However, some moving violations may not actually require the vehicle to be in motion, as the name infers.

<sup>7</sup> In addition to this penalty, for a second or subsequent offense within a period of 5 years, the DHSMV shall suspend the driver license of the person for not less than 180 days and not more than one year. Section 318.18(5)(a), F.S.

<sup>8</sup> Section 318.14, F.S.

also commits a moving violation; however, he or she is subject to a \$400 civil penalty<sup>9</sup> and must attend a mandatory hearing at a specified time and location.<sup>10</sup>

In addition to these civil penalties, the court shall impose an additional \$65 penalty, which is remitted to the Department of Health's Emergency Medical Services Trust Fund to be used to ensure the availability and accessibility of trauma services throughout the state.<sup>11</sup>

A driver who illegally passes a stopped school bus and:

- Does not cause serious bodily injury or death to another, will receive four points on his or her driver license record.<sup>12</sup>
- Causes serious bodily injury or death to another, will receive six points on his or her driver license record and must:<sup>13</sup>
  - Serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents;
  - Participate in a victim's impact panel session; if such panel does not exist, the driver must attend a DHSMV approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway;<sup>14</sup> and
  - Pay a \$1,500 fine and have his or her driver license suspended by DHSMV for at least one year.<sup>15</sup>

When a driver accumulates a certain number of points on his or her driving record within a certain time period, his or her license is suspended, as follows:

- 12 points in 12 months = 30 day suspension.
- 18 points in 18 months = 3 month suspension.
- 24 points in 36 months = 12 month suspension.<sup>16</sup>

### **Traffic Infraction Detectors**

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 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.<sup>17</sup>

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<sup>9</sup> In addition to this penalty, for a second or subsequent offense within a period of 5 years, the DHSMV shall suspend the driver license of the person for not less than 360 days and not more than two years. Section 318.18(5)(b), F.S.

<sup>10</sup> Sections 316.172(1)(b) and 318.19(3), F.S.

<sup>11</sup> Section 318.18(5)(c), F.S.

<sup>12</sup> Section 322.27(3)(d)4.a., F.S.

<sup>13</sup> Section 322.27(3)(d)4.b., F.S.

<sup>14</sup> Section 316.027(4)(b), F.S.

<sup>15</sup> Section 318.18(5)(d), F.S.

<sup>16</sup> Section 322.27(3), F.S.

<sup>17</sup> Section 316.003(95), F.S.



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 was identified by a traffic infraction detector.<sup>18</sup> The state is responsible for regulating the use of such cameras.<sup>19</sup>

A municipality may install or authorize installation of traffic infraction detectors on streets and highways in accordance with the Florida Department of Transportation (FDOT) standards, and on state roads within the incorporated area when permitted by FDOT.<sup>20</sup> 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.<sup>21</sup> 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.<sup>22</sup>

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.<sup>23</sup> Such signage must meet the specifications for uniform signals and devices adopted by the FDOT under to s. 316.0745, F.S.<sup>24</sup>

### ***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.<sup>25</sup>

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

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<sup>18</sup> 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.

<sup>19</sup> Section 316.0076, F.S.

<sup>20</sup> Sections 316.008(8) and 316.0776(1), F.S.

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

<sup>22</sup> Section 321.50, F.S.

<sup>23</sup> Section 316.0776(2), F.S.

<sup>24</sup> *Id.*

<sup>25</sup> *Jimenez v. State*, 246 So.3d 219 (Fla. 2018).

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.

### **Illegal Passing of School Buses**

According to DHSMV, in 2022, there were 2,952 traffic citations issued for failing to stop for a school bus or passing a stopped school bus, of which 21 were issued for passing a school bus on the side children enter and exit.<sup>26</sup>

DOE created a statewide survey for bus drivers to complete regarding the illegal passing of their school buses. The survey results from 2022 show that on a single day, 7,867 illegal passes were made based on the observations of 6,416 school bus drivers who completed the survey. Of these illegal passes, 299 were made on the right side of the bus where children generally enter and exit the vehicle, 7,104 were made on the left side, and for 464 instances, the side was unknown.<sup>27</sup>

To increase student transportation safety, at least 24 states have school bus stop-arm camera laws.<sup>28</sup> These systems are typically equipped with multiple sensors and cameras affixed to a school bus. The sensor triggers a tag on the recording each time it senses a vehicle passing the stopped bus illegally.<sup>29</sup> When a vehicle illegally passes a stopped school bus, the sensor triggers two cameras to capture a high-definition digital video recording (DVR) from both directions. The cameras capture both oncoming traffic and vehicles passing the stopped bus on the driver side. The DVR recording is flagged as a violation and tags information for enforcement, including, but not limited to, the time, date, and location of the violation and images or film of the subject vehicle and license plate. The violation recordings captured are reviewed and processed by a third-party private manufacturer or vendor.<sup>30</sup>

Florida does not currently authorize the use of traffic infraction technology or school bus infraction detection systems to detect violations of school bus stop signals.

### **School District Transportation Duties**

Florida law requires district school superintendents to ascertain which students should be transported to school or to school activities; determine the most effective arrangement of transportation routes to accommodate these students; recommend such routing to the district school board; recommend plans and procedures for providing facilities for the economical and safe transportation of students; recommend such rules as may be necessary. Superintendents are also responsible for seeing that all rules relating to the transportation of students approved by the

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<sup>26</sup> E-mail from Patrice DeVore, Senior Legislative Liaison, DHSMV, *SB 766 - Failing to Stop/Passing a School Bus* (March 31, 2023) (on file with the Senate Committee on Transportation).

<sup>27</sup> DOE, *School Transportation, Illegal Passing of School Buses – Survey Results for 2022*, <https://www.fldoe.org/core/fileparse.php/7585/urlt/2022illegalpassing.pdf> (last visited March 12, 2023).

<sup>28</sup> National Conference of State Legislatures, *State School Bus Stop-Arm Camera Laws* (February 15, 2022), <https://www.ncsl.org/research/transportation/state-school-bus-stop-arm-camera-laws.aspx> (last visited March 12, 2023).

<sup>29</sup> Seon Automated Stop-Arm Camera Solution, <https://www.seon.com/school-bus-safety/school-bus-camera-systems/stop-arm-system> (last visited March 12, 2023).

<sup>30</sup> *Id.*

district school board, as well as rules of the State Board of Education, are properly carried into effect.<sup>31</sup>

After considering recommendations of the district school superintendent, the district school board must make provision for the transportation of students to the public schools or school activities they are required or expected to attend; authorize transportation routes arranged efficiently and economically; provide the necessary transportation facilities; and, when authorized under rules of the State Board of Education and if more economical to do so, provide limited subsistence in lieu thereof. The district school board is also responsible for adopting the necessary rules to ensure safety, economy, and efficiency in the operation of all buses.<sup>32</sup>

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

The bill creates s. 316.173, F.S., which authorizes, but does not require, a school district to install and operate a school bus infraction detection system to record violations of drivers failing to stop for a school bus displaying a stop signal.

The bill defines “school bus infraction detection system” as a camera system affixed to a school bus with:

- Two or more camera sensors or computers that produce recorded video; and
- Two or more film or digital photographic still images that document a motor vehicle failing to stop for a school bus that displays a stop signal.

The bill authorizes a school district to contract with a private vendor or manufacturer to provide a school bus infraction detection system on each bus within its fleet, whether owned, contracted, or leased, and for services including, but not limited to, the installation, operation, and maintenance of the system. The school district’s decision to establish a school bus infraction detection system must be based solely on the need to increase public safety.

A school district must ensure that the school bus infraction detection system meets specifications established by the State Board of Education and must be tested at regular intervals according to specifications prescribed by state board rule. The state board must establish such specifications by rule on or before December 31, 2023. However, any equipment acquired by purchase, lease, or other arrangement under an agreement entered into by a school district on or before July 1, 2024, or equipment used to enforce violations of s. 316.172, F.S., on or before July 1, 2024, is not required to meet the specifications established by the state board until July 1, 2024.

The school district must enter into an interlocal agreement with at least one law enforcement agency authorized to enforce s. 316.172, F.S., within the school district. Such agreement must jointly establish the enforcement responsibilities and reimbursement of costs associated with the school bus infraction detection system violations.

The bill requires a school district using a school bus infraction detection system on a school bus to post high-visibility reflective warning signs or stickers on the rear of all school buses in which

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<sup>31</sup> Section 1006.21(1), F.S.

<sup>32</sup> Section 1006.21(2), F.S.

a system is installed and operational. The signage must occupy at least 75 percent of the available space on the rear of the bus that does not contain signs or insignia otherwise required by law or by the State Board of Education. Such signage must include:

- The words “STOP WHEN RED LIGHTS FLASH” or “DO NOT PASS WHEN RED LIGHTS FLASH.”
- The words “CAMERA ENFORCED.”
- A graphic symbol of a camera.

Additionally, prior to the initial use of a school bus infraction detection system in the school district, the school district must make a public announcement and conduct a 30-day public awareness campaign before commencing initial enforcement using such systems. If a violation is captured by the system during the public awareness campaign, only a warning may be issued to the vehicle’s registered owner.

### **Enforcement Process**

Each private manufacturer or vendor must, within 30 days after an alleged violation is captured, submit the following information to the law enforcement agency authorized to enforce violations of s. 316.172, F.S., under the terms of the interlocal agreement:

- A copy of the recorded image showing the motor vehicle;
- The license plate number and state of issuance of the motor vehicle; and
- The date, time, and place of the alleged violation.

If the law enforcement agency determines a violation occurred, within 30 days after receiving the information provided from the private manufacturer or vendor for the alleged violation, the law enforcement agency must send by first-class mail a notice of violation to the registered owner of the motor vehicle involved in the violation. In the case of joint ownership of a motor vehicle, the notice of violation will be mailed to the first name appearing on the registration. However, if the first name appearing on the registration is a business entity, the second name appearing on the registration may be used.

The notice of violation must include all of the following:

- A copy of the recorded image showing the motor vehicle involved in the violation, including an image showing the license plate of the motor vehicle.
- The date, time, and location of the alleged violation.
- The amount of the civil penalty and the date by which such penalty must be paid.
- Instructions on how to request a hearing to contest liability or the notice of violation.
- Notice that the owner has a right to review, in person or remotely, the images and video captured by the bus infraction detection system, including the time when, and place or website at which, the images or video captured may be examined and observed.
- A warning that failure to pay the civil penalty or to contest liability within 30 days after the notice is mailed will result in the issuance of a uniform traffic citation.

If, within 30 days after a notice of violation is mailed, the violation has not been contested, the civil penalty paid has not been paid, or an affidavit has not been submitted, the law enforcement agency must send by certified mail a uniform traffic citation to the registered owner of the motor

vehicle involved in the violation. 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 provides in s. 318.14, F.S., that persons cited for failing to stop for or illegally passing a school bus as detected by a school bus infraction detection system are not required to sign and accept a citation indicating a promise to appear at a mandatory hearing.

### ***Penalties***

The registered owner of a motor vehicle who is found in violation of s. 316.172, F.S., by a school bus infraction detection system is subject to a civil penalty of \$200 for either passing a school bus while the school bus displays a stop signal or for passing a school bus on the side that children enter and exit while the school bus displays a stop signal. The fine must be paid to the school district in which the violation occurred and must be used for the installation or maintenance of school bus infraction detection systems on school buses, for the administration and costs associated with enforcement of those violations, or for any other technology that increases the safety of the transportation of students. The bill requires an additional \$25 be collected from violators to be dedicated to the safe schools allocation provided to school districts by the DOE.

The civil penalty for enforcement by a school bus infraction detection system is lower than that in current law for enforcement by in-person law enforcement officers, which requires the minimum civil penalty for failure to stop for a school bus is \$265, and illegally passing on the side of the school bus where children enter and exit is \$465.

The bill prohibits individuals from receiving any commission based on revenue collected, or a vendor or manufacturer receiving any fee based on the number of violations detected through use of the system.

The bill provides that a violation issued is not a moving violation, does not add points to a person's license, and is not part of a person's driving record. The violation may not be used for any purpose relating to motor vehicle insurance.

### ***Defenses***

The bill creates defenses to the uniform traffic citation evidenced by a school bus infraction detection system. The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish that:

- 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 issued by a law enforcement officer for the alleged violation.

An additional defense is available if the motor vehicle's owner was deceased on or before the date the 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.

The bill requires that in order to establish any of these defenses, the owner of the vehicle must furnish an affidavit to the law enforcement agency 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 notice of violation 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.<sup>33</sup>

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.

### **School Bus Infraction Detection System Operation**

The bill provides that notwithstanding any other law, equipment deployed as part of a school bus infraction detection system must be incapable of automated or user-controlled remote surveillance by means of recorded video or still images. The bill requires the use of technology ensuring that the recordings or images captured by the system do not identify the driver, any passenger, or the contents of the vehicle. However, a violation may not be dismissed because the video or still images allow for the identification of the driver, any passenger, or the contents of a motor vehicle as long as a reasonable effort has been made to comply with the prohibition.

The bill provides that:

- All recordings and images captured must be destroyed within 90 days after the final disposition of the recorded event.
- The vendor of a school bus infraction detection system must provide the school district with written notice by December 31 of each year that such records have been destroyed.
- Notwithstanding any other law, registered motor vehicle owner information obtained as a result of the operation of a side stop signal arm enforcement system is not the property of the manufacturer or vendor of the system and may be used only for the purposes of this section.

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<sup>33</sup> Punishable by a term of imprisonment not to exceed 60 days and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

- The owner of a motor vehicle is not responsible for a violation if the vehicle involved was reported to a state or local law enforcement agency as stolen at the time the violation occurred.

### **State Board of Education and School District Responsibilities**

The bill amends s. 1006.21, F.S., to provide that district school boards, after considering recommendations of the district school superintendent may install and operate, or enter into an agreement with a private vendor or manufacturer to provide, a school bus infraction detection system for each school bus.

The State Board of Education may adopt rules to address student privacy concerns that may arise from the use of a school bus infraction detection system.

### **Reporting Requirements**

By October 1, 2024, and annually thereafter, a school district operating a school bus infraction detection system must provide a summary report to DOE, which details the use of school bus infraction detection systems, and must include:

- The number of school buses which have a system installed and the date the system was installed or removed, if applicable;
- The number of notices of violation issued, the number that were contested, and the number that were paid per state fiscal year; and
- Any other statistical data required by DOE.

By December 31, 2024, and annually thereafter, DOE must submit a summary report to the Governor, the President of the Senate, the Speaker of the House of Representatives regarding the use and operation of the systems. In the report, DOE must include a review of the information provided by the school districts, a description of the enhancement of traffic safety and enforcement programs, and any recommended necessary legislation.

### **Effective Date**

The bill takes effect July 1, 2023.

## **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 authorizes school districts to contract with a private vendor or manufacturer to provide a school bus infraction detection system on each bus within its fleet, whether owned, contracted, or leased, and for services including, but not limited to, the installation, operation, and maintenance of the system. As such, the bill will have a positive fiscal impact on private vendors providing enforcement system installation, operation, and maintenance.

Registered motor vehicle owners may be negatively impacted by financial penalties imposed by the bill if their vehicle is identified by a school bus infraction detection system to have not stopped for a school bus when required. However, the financial penalties for a violation enforced by a school bus infraction detection system are less than those enforced by in-person law enforcement.

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:

Participating school districts may incur costs associated with installing a school bus infraction detection system on its school buses. The fiscal impact on school districts may be reduced as they receive funds from penalties imposed for school bus stop arm violations captured by an enforcement system. The \$200 civil penalty must be paid to the school district in which the violation occurred and must be used for the installation or maintenance of school bus infraction detection systems on school buses, for the administration and costs associated with enforcement of those violations, or for any other technology that increases the safety of the transportation of students.

The additional \$25 penalty must be dedicated to the safe schools allocation provided to school districts by DOE.

To the extent that violations are enforced by school bus infraction detection systems instead of by in-person law enforcement, the bill may shift penalties from other state and



local government funds to school districts. Currently, penalties for violations of s. 316.172, F.S., are distributed as provided in ss. 318.18 and 318.21, F.S., which includes distributions to the General Revenue Fund, the local government where the violation occurred, and the Department of Health's Emergency Medical Services Trust Fund.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.306, 318.14, 318.18, 322.27, 655.960, and 1006.21.

This bill creates section 316.173 of the Florida Statutes.

**IX. Additional Information:**

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

**CS by Transportation on April 4, 2023:**

The CS makes the following changes to the bill:

- Changes references to “side stop signal arm enforcement system” to “school bus infraction detection system” and defines the term.
- Prohibits an individual from receiving any commission or a vendor or manufacturer from receiving a fee based on revenue collected from violations detected by the system.
- Specifies signage required to be on buses with operational school bus infraction detection systems.
- Requires school districts beginning such program to make a public announcement and conduct a public awareness campaign at least 30 days before commencing enforcement.
- Establishes exceptions to the registered owner of the motor vehicle for the violation and provides how to substantiate such exceptions.
- Requires a uniform traffic citation be issued if an individual fails to pay, contest, or provide an affidavit to support an exception within 30 days after being issued a notice of violation.
- Requires annually, beginning by October 1, 2024, school districts in consultation with the appropriate law enforcement agency with which there is an interlocal agreement, must provide a report to DOE regarding use of the enforcement systems. DOE will be required to submit the summary report to the Governor, the Senate President, and the Speaker of the House.

- Changes the penalty for passing on the side of the school bus children enter and exit, when enforced by the school bus infraction detection system, from \$400 to \$200.
- Reduces the additional \$65 fee to \$25 when enforced by such system.
- Makes other technical and clarifying changes.

B. Amendments:

None.

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

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By the Committee on Transportation; and Senator Burgess

596-03500A-23

2023766c1

1 A bill to be entitled  
 2 An act relating to enforcement of school bus passing  
 3 infractions; amending s. 316.003, F.S.; defining the  
 4 term "school bus infraction detection system";  
 5 creating s. 316.173, F.S.; authorizing school  
 6 districts to install and operate school bus infraction  
 7 detection systems for a specified purpose; authorizing  
 8 school districts to contract with a vendor or  
 9 manufacturer for specified purposes; requiring that  
 10 the decision to install school bus infraction  
 11 detection systems be in the interest of public safety;  
 12 prohibiting an individual from receiving a commission  
 13 from violations detected through the school bus  
 14 infraction detection system; prohibiting a vendor or  
 15 manufacturer from receiving a fee or remuneration  
 16 based on the number of violations detected; requiring  
 17 the school district to ensure that each school bus  
 18 infraction detection system meets certain  
 19 requirements; requiring the school district to enter  
 20 into interlocal agreements with law enforcement  
 21 agencies to enforce violations; providing signage  
 22 requirements; prohibiting the sufficiency of signage  
 23 from being raised in certain proceedings; requiring a  
 24 school district that installs a school bus infraction  
 25 detection system to provide certain notice to the  
 26 public; requiring a school district that has never  
 27 conducted a school bus infraction detection system  
 28 program to conduct a public awareness campaign before  
 29 commencing enforcement of such system; limiting

Page 1 of 21

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596-03500A-23

2023766c1

30 penalties in effect during the public awareness  
 31 campaign; requiring the vendor or manufacturer to  
 32 submit information regarding alleged violations within  
 33 a specified period of time; providing requirements for  
 34 such submissions; providing notification requirements  
 35 and procedures for law enforcement agencies; providing  
 36 for waiver of challenge or dispute as to the delivery  
 37 of notification of violation; providing for the  
 38 distribution of funds; providing requirements for  
 39 issuance of a traffic citation; providing for waiver  
 40 of challenge or dispute as to the delivery of the  
 41 traffic citation; providing notification requirements  
 42 and procedures; specifying that the registered owner  
 43 of a motor vehicle is responsible and liable for  
 44 paying a traffic citation; providing exceptions;  
 45 requiring an owner of a motor vehicle to furnish an  
 46 affidavit under certain circumstances; specifying  
 47 requirements for such affidavit; requiring the law  
 48 enforcement agency to dismiss a notice of violation  
 49 and provide proof of such dismissal under certain  
 50 circumstances; requiring the law enforcement agency to  
 51 notify the registered owner that the notice or  
 52 citation will not be dismissed under certain  
 53 circumstances; authorizing the law enforcement agency  
 54 to issue a certain person a notification of violation;  
 55 providing that the affidavit is admissible in a  
 56 proceeding for the purpose of proving who was  
 57 operating the motor vehicle at the time of the  
 58 violation; providing that the owner of a leased

Page 2 of 21

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596-03500A-23

2023766c1

59 vehicle is not responsible for paying a traffic  
60 citation or submitting an affidavit; specifying a  
61 timeframe for a law enforcement agency to issue a  
62 notification under certain circumstances; requiring  
63 certain persons to issue an affidavit; providing a  
64 criminal penalty for submitting a false affidavit;  
65 providing that certain images or video are admissible  
66 in certain proceedings; providing a rebuttable  
67 presumption; providing construction; specifying  
68 requirements of and prohibitions on the use of  
69 recorded video and images captured by the school bus  
70 infraction detection system; requiring school  
71 districts to submit a report to the Department of  
72 Education; specifying requirements for such report;  
73 requiring the department to submit a summary report to  
74 the Governor and Legislature; requiring school bus  
75 infraction detection systems to meet the State Board  
76 of Education specifications; requiring the state board  
77 to establish certain specifications through rule by a  
78 specified date; authorizing the state board to adopt  
79 rules regarding student privacy; amending s. 318.14,  
80 F.S.; conforming provisions to changes made by the  
81 act; amending s. 318.18, F.S.; providing exceptions to  
82 penalties for violations enforced by a school bus  
83 infraction detection system; amending s. 322.27, F.S.;  
84 prohibiting points from being imposed against a driver  
85 license for certain infractions enforced by a school  
86 bus infraction detection system; prohibiting such  
87 infractions from being used to set motor vehicle

596-03500A-23

2023766c1

88 insurance rates; amending ss. 316.306, 655.960, and  
89 1006.21, F.S.; conforming cross-references and  
90 provisions to changes made by the act; providing an  
91 effective date.

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

95 Section 1. Present subsections (78) through (109) of section  
96 316.003, Florida Statutes, are redesignated as subsections (79)  
97 through (110), respectively, a new subsection (78) is added to  
98 that section, and subsection (64) of that section is amended, to  
99 read:

100 316.003 Definitions.—The following words and phrases, when  
101 used in this chapter, shall have the meanings respectively  
102 ascribed to them in this section, except where the context  
103 otherwise requires:

104 (64) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided  
105 in paragraph (88) (b) ~~(87) (b)~~, any privately owned way or place  
106 used for vehicular travel by the owner and those having express  
107 or implied permission from the owner, but not by other persons.

108 (78) SCHOOL BUS INFRACTION DETECTION SYSTEM.—A camera  
109 system affixed to a school bus with two or more camera sensors  
110 or computers that produce a recorded video and two or more film  
111 or digital photographic still images for the purpose of  
112 documenting a motor vehicle being used or operated in a manner  
113 that allegedly violates s. 316.172(1) (a) or (b).

114 Section 2. Section 316.173, Florida Statutes, is created to  
115 read:

116 316.173 School bus infraction detection systems.—

596-03500A-23

2023766c1

(1) (a) A school district may install and operate a school bus infraction detection system on a school bus for the purpose of enforcing s. 316.172(1) (a) and (b) as provided in and consistent with this section.

(b) The school district may contract with a private vendor or manufacturer to install a school bus infraction detection system on any school bus within its fleet, whether owned, contracted, or leased, and for services including, but not limited to, the installation, operation, and maintenance of the system. The school district's decision to install school bus infraction detection systems must be based solely on the need to increase public safety. An individual may not receive a commission from any revenue collected from violations detected through the use of a school bus infraction detection system. A private vendor or manufacturer may not receive a fee or remuneration based upon the number of violations detected through the use of a school bus infraction detection system.

(c) The school district shall ensure that each school bus infraction detection system meets the requirements of subsection (18).

(d) The school district shall enter into an interlocal agreement with one or more law enforcement agencies authorized to enforce violations of s. 316.172(1) (a) and (b) within the school district which jointly establishes the responsibilities of enforcement and the reimbursement of costs associated with school bus infraction detection systems, consistent with this section.

(2) (a) On any school bus in which a school bus infraction detection system is installed and operational, the school

596-03500A-23

2023766c1

district must post high-visibility reflective signage on the rear of the school bus which indicates the use of such system. The signage must be in the form of one or more signs or stickers and must contain the following elements in substantially the following form:

1. The words "STOP WHEN RED LIGHTS FLASH" or "DO NOT PASS WHEN RED LIGHTS FLASH."

2. The words "CAMERA ENFORCED."

3. A graphic symbol of a camera.

(b) The signage must occupy at least 75 percent of the available space that does not contain signs or insignia that are required by other applicable laws or by the State Board of Education.

(c) The sufficiency of signage or compliance with the signage requirements under this subsection may not be raised in a proceeding challenging a violation of s. 316.172(1) (a) or (b).

(3) If a school district begins a school bus infraction detection system program and has never conducted such a program, the school district must make a public announcement and conduct a public awareness campaign of the proposed use of school bus infraction detection systems at least 30 days before commencing enforcement under the school bus infraction detection system program and notify the public of the specific date on which the program will commence. During the public awareness campaign, only a warning may be issued to the registered owner of the motor vehicle for a violation of s. 316.172(1) (a) or (b), enforced by a school bus infraction detection system, and a civil penalty may not be imposed under chapter 318.

(4) Within 30 days after an alleged violation of s.

596-03500A-23

2023766c1

316.172(1)(a) or (b) is captured by a school bus infraction detection system, the private vendor or manufacturer shall submit the following information to a law enforcement agency that has entered into an interlocal agreement with the school district pursuant to paragraph (1)(d) and has traffic infraction enforcement jurisdiction at the location where the alleged violation occurred:

(a) A copy of the recorded video and images showing the motor vehicle allegedly violating s. 316.172(1)(a) or (b).

(b) The motor vehicle's license plate number and the state of issuance of the motor vehicle's license plate.

(c) The date, time, and location of the alleged violation.

(5) Within 30 days after receiving the information required in subsection (4), the law enforcement agency, if it determines that the motor vehicle violated s. 316.172(1)(a) or (b), must send a notice of violation to the registered owner of the motor vehicle involved in the violation, specifying the remedies available under s. 318.14 and that the violator must pay the penalty under s. 318.18(5) or furnish an affidavit in accordance with subsection (10) within 30 days after the date of the notification of violation in order to avoid court fees, costs, and the issuance of a uniform traffic citation. The notification of violation must be sent by first-class mail and include all of the following:

(a) A copy of the recorded image showing the motor vehicle involved in the violation, including an image showing the license plate of the motor vehicle.

(b) The date, time, and location of the violation.

(c) The amount of civil penalty, the date by which the

596-03500A-23

2023766c1

penalty must be paid, and instructions on how to pay the civil penalty.

(d) Instructions on how to request a hearing to contest liability or the notice of violation.

(e) A notice that the owner has the right to review, in person or remotely, the images and video captured by the school bus infraction detection system which constitute a rebuttable presumption that the motor vehicle was used in violation of s. 316.172(a) or (b).

(f) The time when, and the place or website at which, the images or video captured may be examined and observed.

(g) A warning that failure to pay the civil penalty or to contest liability within 30 days after the notice is mailed will result in the issuance of a uniform traffic citation.

(6) If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or an authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the violation, such person waives any challenge or dispute as to the delivery of the notification of violation.

(7) The civil penalties assessed for a violation of s. 316.172(1)(a) or (b) enforced by a school bus infraction detection system must be remitted to the school district in which the violation occurred. Such civil penalties must be used for the installation or maintenance of school bus infraction detection systems on school buses, for any other technology that increases the safety of the transportation of students, or for the administration and costs associated with the enforcement of

596-03500A-23

2023766c1

violations as described in this section.

(8) A uniform traffic citation must be issued by mailing the uniform traffic citation by certified mail to the address of the registered owner of the motor vehicle involved in the violation if payment has not been made within 30 days after notification under subsection (5), if the registered owner has not requested a hearing under s. 318.14, or if the registered owner has not submitted an affidavit in accordance with subsection (10).

(a) Delivery of the uniform traffic citation constitutes notification for a violation of s. 316.172(1)(a) or (b) under this subsection. If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or a duly authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the citation, such person waives any challenge or dispute as to delivery of the traffic citation.

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

(c) The uniform traffic citation mailed to the registered owner of the motor vehicle involved in the infraction must be accompanied by information described in paragraphs (5)(a)-(f).

(9) The registered owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of s. 316.172(1)(a) or

596-03500A-23

2023766c1

(b) unless the owner can establish that:

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

(b) A uniform traffic citation was issued by law enforcement to the driver of the motor vehicle for the alleged violation of s. 316.172(1)(a) or (b); or

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

(10) To establish such facts under subsection (9), the registered owner of the motor vehicle shall, within 30 days after the date of issuance of the notice of violation or the uniform traffic citation, furnish to the law enforcement agency that issued the notice of violation or uniform traffic citation an affidavit setting forth information supporting an exception under subsection (9).

(a) An affidavit supporting the exemption under paragraph (9)(a) must include the name, address, date of birth, and, if known, the driver license number of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation. If the motor vehicle was stolen at the time of the alleged violation, the affidavit must include the police report indicating that the motor vehicle was stolen.

(b) If a uniform traffic citation for a violation of s. 316.172(1)(a) or (b) was issued at the location of the violation by a law enforcement officer, the affidavit must include the

596-03500A-23

2023766c1

serial number of the uniform traffic citation.

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

1. 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.

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

3. 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.

Upon receipt of the affidavit and documentation required under paragraphs (b) and (c), or 30 days after the date of issuance of a notice of violation sent to a person identified as having care, custody, or control of the motor vehicle at the time of the violation under paragraph (a), the law enforcement agency must dismiss the notice or citation and provide proof of such dismissal to the person who submitted the affidavit. If, within 30 days after the date of a notice of violation sent to a person under subsection (11), the law enforcement agency receives an affidavit under this subsection from the person who was sent a

596-03500A-23

2023766c1

notice of violation affirming that the person did not have care, custody, or control of the motor vehicle at the time of the violation, the law enforcement agency must notify the registered owner that the notice or citation will not be dismissed due to failure to establish that another person had care, custody, or control of the motor vehicle at the time of the violation.

(11) Upon receipt of an affidavit under paragraph (9)(a), the law enforcement agency may issue the person identified as having care, custody, or control of the motor vehicle at the time of the violation a notification of violation pursuant to subsection (5) for a violation of s. 316.172(1)(a) or (b). The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing evidence that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased motor vehicle for which a traffic citation is issued for a violation of s. 316.172(1)(a) or (b) is not responsible for paying the traffic citation and is not required to submit an affidavit as specified in subsection (10) if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.

(12) If a law enforcement agency receives an affidavit under paragraph (9)(a), the notification of violation required under subsection (5) must be sent to the person identified in the affidavit within 30 days after receipt of the affidavit. The person identified in an affidavit and sent a notice of violation may also affirm he or she did not have care, custody, or control of the motor vehicle at the time of the violation by furnishing to the appropriate governmental entity within 30 days after the date of the notice of violation an affidavit stating such.



596-03500A-23

2023766c1

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

(14) The images and video captured by a school bus infraction detection system which are attached to or referenced in the traffic citation are evidence of a violation of s. 316.172(1)(a) or (b) and are admissible in any proceeding to enforce this section. The images and video raise a rebuttable presumption that the motor vehicle shown in the images and video was used in violation of s. 316.172(1)(a) or (b).

(15) This section supplements the enforcement of s. 316.172(1)(a) and (b) by a law enforcement officer and does not prohibit a law enforcement officer from issuing a traffic citation for a violation of s. 316.172(1)(a) or (b).

(16)(a)1. Notwithstanding any other law, equipment deployed as part of a school bus infraction detection system as provided under this section must be incapable of automated or user-controlled remote surveillance by means of recorded video or still images.

2. Images collected as part of the school bus infraction detection system may be used only to document violations of s. 316.172(1)(a) or (b) and may not be used for any other surveillance purposes.

3. To the extent practicable, a school bus infraction detection system must use necessary technology to ensure that personal identifying information contained in the recorded video or still images produced by the system which is not relevant to the alleged violation, including, but not limited to, the identity of the driver and any passenger of a motor vehicle, the

596-03500A-23

2023766c1

interior or contents of a motor vehicle, the identity of an uninvolved person, a number identifying the address of a private residence, and the contents or interior of a private residence, is sufficiently obscured so as not to reveal such personal identifying information.

4. A notice of a violation or uniform traffic citation issued under this section may not be dismissed solely because a recorded video or still images reveal personal identifying information as provided in subparagraph 3., as long as a reasonable effort has been made to comply with this subsection.

(b) Any recorded video or still image obtained through the use of a school bus infraction detection system must be destroyed within 90 days after the final disposition of the recorded event. The vendor of a school bus infraction detection system shall provide the school district with written notice by December 31 of each year that such records have been destroyed in accordance with this section.

(c) Notwithstanding any other law, registered motor vehicle owner information obtained as a result of the operation of a school bus infraction detection system is not the property of the manufacturer or vendor of the system and may be used only for the purposes of this section.

(17)(a) By October 1, 2024, and annually thereafter, each school district, in consultation with the law enforcement agencies with which it has interlocal agreements pursuant to this section, operating a school bus infraction detection system shall provide a report to Department of Education which details the results of the school bus infraction detection systems in the school district in the preceding school year. The

596-03500A-23

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information submitted by the school districts must include:

1. The number of buses which have a school bus infraction detection system installed, including the date of installation and, if applicable, the date the systems were removed.

2. The number of notices of violation issued, the number that were contested, and the number that were paid per state fiscal year.

3. Any other statistical data and information required by the Department of Education to complete the report required by paragraph (b).

(b) By December 31, 2024, and annually thereafter, the Department of Education shall submit a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the use and operation of school bus infraction detection systems under this section, along with the Department of Education's recommendations on any necessary legislation. The summary report must include a review of the information submitted to the Department of Education by the school districts and must describe the enhancement of traffic safety and enforcement programs.

(18) A school bus infraction detection system must meet specifications established by the State Board of Education and must be tested at regular intervals according to specifications prescribed by state board rule. The state board must establish such specifications by rule on or before December 31, 2023. However, any such equipment acquired by purchase, lease, or other arrangement under an agreement entered into by a school district on or before July 1, 2024, or equipment used to enforce violations of s. 316.172(1)(a) or (b) on or before July 1, 2024,

596-03500A-23

2023766c1

is not required to meet the specifications established by the state board until July 1, 2024.

(19) The State Board of Education may adopt rules to address student privacy concerns that may arise from the use of a school bus infraction detection system.

Section 3. Subsection (2) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(2) Except as provided in ss. 316.0083, 316.1001(2), and 316.173 ~~ss. 316.1001(2) and 316.0083~~, any person cited for a violation requiring a mandatory hearing listed in s. 318.19 or any other criminal traffic violation listed in chapter 316 must sign and accept a citation indicating a promise to appear. The officer may indicate on the traffic citation the time and location of the scheduled hearing and must indicate the applicable civil penalty established in s. 318.18. For all other infractions under this section, except for infractions under s. 316.1001, the officer must certify by electronic, electronic facsimile, or written signature that the citation was delivered to the person cited. This certification is prima facie evidence that the person cited was served with the citation.

Section 4. Subsection (5) of section 318.18, Florida Statutes, is amended to read:

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

(5)(a) Two hundred dollars for a violation of s. 316.172(1)(a), failure to stop for a school bus. If, at a

596-03500A-23

2023766c1

hearing, the alleged offender is found to have committed this offense, the court ~~must shall~~ impose a minimum civil penalty of \$200. In addition to this penalty, for a second or subsequent offense within a period of 5 years, the department shall suspend the driver license of the person for not less than 180 days and not more than 1 year.

(b) Four hundred dollars for a violation of s. 316.172(1)(b), passing a school bus on the side that children enter and exit when the school bus displays a stop signal. If, at a hearing, the alleged offender is found to have committed this offense, the court must ~~shall~~ impose a minimum civil penalty of \$400. In addition to this penalty, for a second or subsequent offense within a period of 5 years, the department shall suspend the driver license of the person for not less than 360 days and not more than 2 years. If a violation of s. 316.172(1)(b) is enforced by a school bus infraction detection system pursuant to s. 316.173, the penalty under this paragraph is \$200, in lieu of the \$400 penalty, and a court must impose a minimum civil penalty under this paragraph of \$200, in lieu of the \$400 minimum civil penalty.

(c) In addition to the penalty under paragraph (a) or paragraph (b), \$65 for a violation of s. 316.172(1)(a) or (b). If the alleged offender is found to have committed the offense, the court must ~~shall~~ impose the civil penalty under paragraph (a) or paragraph (b) plus an additional \$65. The additional \$65 collected under this paragraph must ~~shall~~ be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health to be used as provided in s. 395.4036. If a violation of s. 316.172(1)(a) or

596-03500A-23

2023766c1

(b) is enforced by a school bus infraction detection system pursuant to s. 316.173, the fee imposed on the citation or by the court under this paragraph is \$25, in lieu of the \$65 fee, which must be dedicated to the safe schools allocation provided to school districts by the Department of Education pursuant to s. 1011.62(12).

(d) Notwithstanding any other provision of law to the contrary, \$1,500 for a violation of s. 316.172(1)(a) or (b) that causes or results in serious bodily injury to or death of another. The person may enter into a payment plan with the clerk of court pursuant to s. 28.246. In addition to this penalty, the department shall suspend the driver license of the person for not less than 1 year.

Section 5. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

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

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

596-03500A-23

2023766c1

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

1. Reckless driving, willful and wanton—4 points.
2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points.
3. Unlawful speed, or unlawful use of a wireless communications device, resulting in a crash—6 points.
4. Passing a stopped school bus:
  - a. Not causing or resulting in serious bodily injury to or death of another—4 points.
  - b. Causing or resulting in serious bodily injury to or death of another—6 points.
  - c. Points may not be imposed for a violation of passing a stopped school bus when enforced by a school bus infraction detection system. In addition, a violation of s. 316.172(1)(a) or (b) when enforced by a school bus infraction detection system pursuant to s. 316.173 may not be used for purposes of setting motor vehicle insurance rates.
5. Unlawful speed:
  - a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.
  - b. In excess of 15 miles per hour of lawful or posted speed—4 points.
6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points. However, ~~no~~ points may not shall be imposed for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic

596-03500A-23

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infraction enforcement officer. In addition, a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates.

7. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, ~~no~~ points may not shall be imposed for a violation of s. 316.0741 or s. 316.2065(11); and points may shall be imposed for a violation of s. 316.1001 only when imposed by the court after a hearing pursuant to s. 318.14(5).

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

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

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

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

Section 6. Paragraph (a) of subsection (3) of section 316.306, Florida Statutes, is amended to read:

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

(3)(a)1. A person may not operate a motor vehicle while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone area as defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph shall only be applicable to work zone areas if construction

596-03500A-23

2023766c1

personnel are present or are operating equipment on the road or immediately adjacent to the work zone area. For the purposes of this paragraph, a motor vehicle that is stationary is not being operated and is not subject to the prohibition in this paragraph.

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

Section 7. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

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

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

Section 8. Paragraph (h) is added to subsection (3) of section 1006.21, Florida Statutes, to read:

1006.21 Duties of district school superintendent and district school board regarding transportation.—

(3) District school boards, after considering recommendations of the district school superintendent:

(h) May install and operate, or enter into an agreement with a private vendor or manufacturer to provide, a school bus infraction detection system pursuant to s. 316.173.

Section 9. This act shall take effect July 1, 2023.

The Florida Senate

## APPEARANCE RECORD

766

Bill Number or Topic

4/12/2023

Meeting Date

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

App. Transp, Tourism &  
Economic Dev.

Committee

Amendment Barcode (if applicable)

Name Karen Mazzola

Phone 407-855-7604

Address 1747 Orlando Central Pkwy

Email vp.education@floridapta.org

Street

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

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 \(flisenate.gov\)](#)

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

5-001 (08/10/2021)



The Florida Senate

## Committee Agenda Request

**To:** Senator Ed Hooper, Chair  
Appropriations Committee on Transportation, Tourism, and Economic  
Development

**Subject:** Committee Agenda Request

**Date:** April 4, 2023

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I respectfully request that **Senate Bill #766**, relating to Photographic Enforcement of School Bus Safety, be placed on the:

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

A handwritten signature in blue ink, appearing to read "Danny", is written over a horizontal line.

Senator Danny Burgess  
Florida Senate, District 23

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

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

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

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BILL: CS/SB 996

INTRODUCER: Transportation Committee and Senator Berman

SUBJECT: Driver License, Identification Card, and Motor Vehicle Registration Applications

DATE: April 12, 2023

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	<b>Fav/CS</b>
2.	Wells	Jerrett	ATD	<b>Favorable</b>
3.			FP	

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 996 requires the Department of Highway Safety and Motor Vehicles (DHSMV) to include on the application and renewal forms of a motor vehicle registration, driver license, and identification card an option to make a voluntary contribution of \$1 to Best Buddies International. Such contributions will be distributed monthly from the DHSMV to the not-for-profit organization.

The bill will have an indeterminate impact on the DHSMV, which will incur programming and implementation costs related to the bill. However, an organization must submit an application fee to defray the DHSMV's costs for reviewing the application and developing the voluntary checkoff.

The bill takes effect October 1, 2023.

**II. Present Situation:**

**Voluntary Contributions**

The application form for motor vehicle registration and renewal of registration<sup>1</sup> and for an original, renewal, or replacement driver's license or identification card provides a voluntary

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<sup>1</sup> As used in this document, the phrase "motor vehicle registration application" refers to the application form for motor vehicle registration and renewal of registration.



contributions section that allows applicants to make a donation by checking a box on the form.<sup>2</sup> According to the DHSMV, there are currently 27 organizations on the motor vehicle registration form and 20 organizations on the driver license application form that an applicant has the opportunity to contribute to.<sup>3</sup>

Sections 320.023 and 322.081, F.S., establish the requirements for organizations seeking to establish a voluntary contribution on such forms. Requirements include:

- A request for the particular voluntary contribution being sought, describing the proposed voluntary contribution in general terms;
- An application fee,<sup>4</sup> not to exceed \$10,000 to defray the DHSMV's cost for reviewing the application and developing the voluntary contribution checkoff, if authorized;
- A marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution; and
- A financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contribution.

This information must be submitted to the DHSMV at least 90 days before the next regular session of the Legislature convenes.<sup>5</sup> If the voluntary contribution is not approved by the Legislature, the application fee is refunded to the requesting organization.<sup>6</sup> If the voluntary contribution is approved by the Legislature, the DHSMV must include it when the DHSMV reprints such forms.<sup>7</sup>

The DHSMV must discontinue the voluntary contribution if:

- Less than \$25,000 has been contributed by the end of the fifth year.
- Less than \$25,000 is contributed during any subsequent five-year period.<sup>8</sup>

The DHSMV may discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, has stopped providing services authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request. Organizations must immediately notify the DHSMV to stop warrants for voluntary contributions if any of these conditions exist, and must meet the applicable audit or attestation requirements for any period of operation during the fiscal year.<sup>9</sup>

A voluntary contribution collected and distributed, or any interest earned from those contributions, may not be used for commercial or for-profit activities or for general or administrative expenses, except as authorized by law. The law provides that:<sup>10</sup>

- All organizations receiving annual use fee proceeds from the DHSMV are responsible for ensuring proceeds are used in accordance with law.

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<sup>2</sup> Sections 320.02(16) and 322.08(8), F.S., provide applicants with 21 options for voluntary contributions.

<sup>3</sup> DHSMV, *2023 Agency Legislative Bill Analysis: SB 996* (March 20, 2023).

<sup>4</sup> State funds may not be used to pay the application fee. See ss. 320.023(1)(b) and 322.081(1)(b), F.S.

<sup>5</sup> Sections 320.023(1) and 322.081(1), F.S.

<sup>6</sup> Sections 320.023(2) and 322.081(2), F.S.

<sup>7</sup> Sections 320.023(3) and 322.081(3), F.S.

<sup>8</sup> Sections 320.023(4)(a) and 322.081(4)(a), F.S.

<sup>9</sup> Sections 320.023(4)(b) and 322.081(4)(b), F.S.

<sup>10</sup> Sections 320.023(5) and 322.081(5), F.S.

- Any organization not subject to audit pursuant to the Florida Single Audit Act, must annually attest, under penalties of perjury, that such proceeds were used in compliance with law.
- Any voluntary contributions authorized by law are deposited into and distributed from the Motor Vehicle License Clearing Trust Fund to the specified recipients.
- Any organization subject to audit pursuant to the Florida Single Audit Act must submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation shall be submitted to the DHSMV within nine months after the end of the organization's fiscal year.

Within 90 days after receiving an organization's audit or attestation, the DHSMV must determine if recipients have not complied with the above requirements. If the DHSMV determines an organization has not complied or has failed to use the revenues in accordance with law, the DHSMV must discontinue the distribution of the revenues to the organization until determining the organization is in compliance. If an organization fails to comply within 12 months after the voluntary contributions are withheld, the proceeds are deposited into the Highway Safety Operating Trust Fund to offset departmental costs.<sup>11</sup>

The DHSMV is authorized to examine all records pertaining to the use of funds from the voluntary contributions by the organizations.<sup>12</sup>

All organizations seeking to establish a voluntary contribution on a motor vehicle registration application or a driver license and identification card application that are required to operate under the Solicitation of Contributions Act,<sup>13</sup> must do so before these funds may be distributed.<sup>14</sup>

### **Best Buddies International**

Best Buddies International is a 501(c)(3) nonprofit organization "dedicated to establishing a global volunteer movement that creates opportunities for one-to-one friendships, integrated employment, leadership development, and inclusive living for individuals with intellectual and developmental disabilities."<sup>15</sup> Best Buddies has chapters throughout Florida and estimates it has had an impact on 10,854 participants in Florida.<sup>16</sup>

Best Buddies International, Inc., is registered with the Department of State as a foreign not for profit corporation.<sup>17</sup> The organization is also registered with the Department of Agriculture and Consumer Services as a charitable organization in order to solicit contributions in Florida.<sup>18</sup>

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<sup>11</sup> Sections 320.023(6) and 322.081(6), F.S.

<sup>12</sup> Sections 320.023(7) and 322.081(7), F.S.

<sup>13</sup> Chapter 496, F.S.

<sup>14</sup> Sections 320.023(8) and 322.081(8), F.S.

<sup>15</sup> Best Buddies, *What We Do: Mission*, <https://www.bestbuddies.org/what-we-do/mission-vision-goals/> (last visited March 22, 2023).

<sup>16</sup> See Best Buddies of Florida, *Our Impact* (December 2021), <https://www.bestbuddies.org/florida/impact> (last visited March 22, 2023).

<sup>17</sup> Florida Department of State - Division of Corporations, *Best Buddies International, Inc.*, Sunbiz.org.

<sup>18</sup> Florida Department of Agriculture, *Check-A-Charity: Best Buddies International, Inc.* (Registration Number: CH2971), available at <https://csapp.fdacs.gov/CSPublicApp/CheckACharity/CheckACharity.aspx> (last visited March 22, 2023).

Best Buddies International's application to establish a voluntary contribution has been approved by the DHSMV.<sup>19</sup>

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

The bill amends ss. 320.02 and 322.08, F.S., to require the DHSMV to include on the application and renewal forms of a motor vehicle registration, driver license, and identification card an option to make a voluntary contribution of \$1 to Best Buddies International. Such contributions will be distributed monthly from the DHSMV to the not-for-profit organization.

The bill takes effect October 1, 2023.

### **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 may have an indeterminate positive fiscal impact on Best Buddies International, which may receive increased contributions due to the bill.

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<sup>19</sup> Email from Rachel Fleury-Charles, Legislative Liaison, DHSMV, *RE: Bill Analysis Request HB 965* (February 21, 2022).

**C. Government Sector Impact:**

The bill will have an indeterminate impact on the DHSMV, which will incur programming and implementation costs related to the bill. However, an organization must submit an application fee to defray the DHSMV's costs for reviewing the application and developing the voluntary checkoff, if the checkoff is approved by the Legislature.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 320.02 and 322.08.

**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 March 27, 2023:**

The CS changes the effective date of the bill from July 1 to October 1, 2023.

- B. Amendments:**

None.

By the Committee on Transportation; and Senator Berman

596-03093-23

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1 A bill to be entitled  
 2 An act relating to driver license, identification  
 3 card, and motor vehicle registration applications;  
 4 amending ss. 320.02 and 322.08, F.S.; requiring that  
 5 the motor vehicle registration form and registration  
 6 renewal form and the driver license or identification  
 7 card application form, respectively, include an option  
 8 to make a voluntary contribution to Best Buddies  
 9 International; providing an effective date.  
 10  
 11 Be It Enacted by the Legislature of the State of Florida:  
 12  
 13 Section 1. Paragraph (v) is added to subsection (16) of  
 14 section 320.02, Florida Statutes, to read:  
 15 320.02 Registration required; application for registration;  
 16 forms.—  
 17 (16)  
 18 (v) The application form for motor vehicle registration and  
 19 renewal of registration must include language permitting a  
 20 voluntary contribution of \$1 to Best Buddies International. Such  
 21 contributions shall be distributed monthly by the department to  
 22 Best Buddies International, a corporation not for profit under  
 23 s. 501(c)(3) of the Internal Revenue Code.  
 24  
 25 For the purpose of applying the service charge provided in s.  
 26 215.20, contributions received under this subsection are not  
 27 income of a revenue nature.  
 28 Section 2. Subsection (8) of section 322.08, Florida  
 29 Statutes, is amended to read:

Page 1 of 4

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

596-03093-23

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30 322.08 Application for license; requirements for license  
 31 and identification card forms.—  
 32 (8) The application form for an original, renewal, or  
 33 replacement driver license or identification card must include  
 34 language permitting the following:  
 35 (a) A voluntary contribution of \$1 per applicant, which  
 36 contribution shall be deposited into the Health Care Trust Fund  
 37 for organ and tissue donor education and for maintaining the  
 38 organ and tissue donor registry.  
 39 (b) A voluntary contribution of \$1 per applicant, which  
 40 shall be distributed to the Florida Council of the Blind.  
 41 (c) A voluntary contribution of \$2 per applicant, which  
 42 shall be distributed to the Hearing Research Institute,  
 43 Incorporated.  
 44 (d) A voluntary contribution of \$1 per applicant, which  
 45 shall be distributed to the Juvenile Diabetes Foundation  
 46 International.  
 47 (e) A voluntary contribution of \$1 per applicant, which  
 48 shall be distributed to the Children's Hearing Help Fund.  
 49 (f) A voluntary contribution of \$1 per applicant, which  
 50 shall be distributed to Family First, a nonprofit organization.  
 51 (g) A voluntary contribution of \$1 per applicant to Stop  
 52 Heart Disease, which shall be distributed to the Florida Heart  
 53 Research Institute, a nonprofit organization.  
 54 (h) A voluntary contribution of \$1 per applicant to Senior  
 55 Vision Services, which shall be distributed to the Florida  
 56 Association of Agencies Serving the Blind, Inc., a not-for-  
 57 profit organization.  
 58 (i) A voluntary contribution of \$1 per applicant for

Page 2 of 4

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

596-03093-23

2023996c1

services for persons with developmental disabilities, which shall be distributed to The Arc of Florida.

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

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

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

(m) A voluntary contribution of \$1 per applicant, which shall be distributed to Prevent Blindness Florida, a not-for-profit organization, to prevent blindness and preserve the sight of the residents of this state.

(n) Notwithstanding s. 322.081, a voluntary contribution of \$1 per applicant to the state homes for veterans, to be distributed on a quarterly basis by the department to the Operations and Maintenance Trust Fund within the Department of Veterans' Affairs.

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

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

(q) A voluntary contribution of \$1 per applicant to Support

596-03093-23

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

(r) Notwithstanding s. 322.081, a voluntary contribution of \$1 per applicant to aid the homeless. Contributions made pursuant to this paragraph shall be deposited into the Grants and Donations Trust Fund of the Department of Children and Families and used by the State Office on Homelessness to supplement grants made under s. 420.622(4) and (5), provide information to the public about homelessness in the state, and provide literature for homeless persons seeking assistance.

(s) A voluntary contribution of \$1 or more per applicant to End Breast Cancer, which shall be distributed to the Florida Breast Cancer Foundation.

(t) Notwithstanding s. 322.081(1), a voluntary contribution of \$1 or more per applicant to Childhood Cancer Care, which shall be distributed to the Live Like Bella Childhood Cancer Foundation.

(u) A voluntary contribution of \$1 or more per applicant to Best Buddies International, which shall be distributed monthly to Best Buddies International, a corporation not for profit under s. 501(c)(3) of the Internal Revenue Code.

A statement providing an explanation of the purpose of the trust funds shall also be included. For the purpose of applying the service charge provided under s. 215.20, contributions received under paragraphs (b)-(u) ~~(b)-(t)~~ are not income of a revenue nature.

Section 3. This act shall take effect October 1, 2023.



The Florida Senate

## Committee Agenda Request

**To:** Senator Ed Hooper, Chair  
Appropriations Committee on Transportation, Tourism, and Economic  
Development

**Subject:** Committee Agenda Request

**Date:** March 27, 2023

---

I respectfully request that **Senate Bill #996**, relating to Driver License, Identification Card, and Motor Vehicle Registration Applications, also known as "Best Buddies International", be placed on the:

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

A handwritten signature in blue ink, appearing to read "Lori Berman", is written over a horizontal line.

Senator Lori Berman  
Florida Senate, District 26

cc: Senator Jay Trumbull, Vice Chair  
Charlotte Jerrett, Staff Director

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

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

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

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BILL: CS/CS/SB 1250

INTRODUCER: Appropriations Committee on Transportation, Tourism and Economic Development;  
Transportation Committee; and Senator DiCeglie

SUBJECT: Department of Transportation

DATE: April 14, 2023

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

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Price</u>	<u>Vickers</u>	<u>TR</u>	<b>Fav/CS</b>
2. <u>Nortelus</u>	<u>Jerrett</u>	<u>ATD</u>	<b>Fav/CS</b>
3. _____	_____	<u>FP</u>	_____

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1250 contains the Florida Department of Transportation's (FDOT's) 2023 legislative proposals. The bill:

- Provides that the prohibition against use of bond proceeds for acquisition of any building or facility that will be, during the pendency of financing, used by, occupied by, leased to, or paid for by any state, county or municipal agency or entity does not prohibit the use of proceeds from Florida Development Finance Corporation private activity bonds to finance acquisition or construction of a transportation facility under a public-private partnership.
- Authorizes the Florida Development Finance Corporation to issue revenue bonds to finance the costs of acquisition or construction of a transportation facility by a private entity or a consortium of private entities under a specified public-private partnership.
- Authorizes the FDOT to fund up to 100 percent of project costs for eligible intermodal logistics center projects in rural areas of opportunity.
- Authorizes installation, as specified, of automated license plate recognition systems within the rights-of-way of the State Highway System at the discretion of the FDOT when installed at the request of a law enforcement agency for the purpose of collecting active criminal intelligence or investigative information.
- Prohibits the FDOT from requiring an applicant for airport site approval to provide a copy of a written memorandum of understanding or letter of agreement with other airport sites regarding air traffic pattern separation procedures unless such memorandum or letter is required by the Federal Aviation Administration or is deemed necessary by FDOT



- Authorizes the FDOT, subject to availability of appropriated funds, and unless otherwise provided in the General Appropriations Act or the Implementing bill, to fund certain projects at a publicly owned, publicly operated airport located in a rural community which does not have any scheduled commercial service.
- Authorizes the FDOT to purchase promotional items for the promotion of electric vehicle use and charging stations, autonomous vehicles, and context design for electric vehicles and autonomous vehicles.
- Authorizes the FDOT to expend funds, within its discretion, for training, testing, and licensing for full-time employees of the FDOT who are required to have a valid Class A or Class B commercial driver license as a condition of employment with the FDOT.
- Increases from \$250K to \$500K the cap on entering into contracts for construction and maintenance without advertising and receiving competitive bids for reasons of public concern, economy, improved operations, or safety, and only when circumstances dictate rapid completion of the work.
- Removes the expiration date of a provision allowing the chair and vice chair of the Legislative Budget Commission to authorize an FDOT work program amendment if the Commission does not meet or consider the amendment within 30 days after its submittal.
- Abolishes the Chairs Coordinating Committee and requires the metropolitan planning organizations (MPOs) serving specified counties to submit a feasibility report by December 31, 2023, exploring the benefits, costs, and process of consolidation into a single MPO serving the contiguous urbanized area, with specified goals.
- Requires that public transit development plans of eligible providers of public transit block grants be consistent, to the maximum extent feasible, with the long-range transportation plans of the metropolitan planning organization in which the provider is located.
- Removes from annual public transit provider reports a requirement to specifically address potential enhancements to productivity and performance that would have the effect of increasing farebox recovery ratio; and requires each public transit provider to publish on its website, rather than in the local newspaper, the productivity and performance measures established for the year and a report on attainment of such measures.
- Repeals part IV of Chapter 348, F.S., relating to the creation and operation of the Santa Rosa Bay Bridge Authority; transfers governance and control of the Authority and its bridge system and any remaining assets and rights to the FDOT; authorizes the FDOT to assume legal liability for contractual obligations determined to be necessary and authorizes transfer of the bridge system to the Turnpike.

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

Except as otherwise provided, the bill takes effect July 1, 2023

## **II. Present Situation:**

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

### III. Effect of Proposed Changes:

#### Infrastructure Financing/Private Activity Bonds (Section 1)

##### *Present Situation*

Generally, a private activity bond (PAB) is a tax-exempt security issued by or on behalf of a local or state government for the purpose of extending special financing benefits for qualified projects. PABs finance projects for a private user, and the governmental issuer's credit usually isn't pledged, but PABs provide a public benefit as well. They are used to attract private investments for projects "that have public or common utility," and result in increased spending on infrastructure."<sup>1</sup>

The federal government controls the amount of private activity bonds that are permitted to be issued in each state. Part VI of ch. 159, F. S., establishes statewide procedures for allocating Florida's share of private activity bonds. Such allocation is statutorily referred to as the allocation of state volume limitation (s. 159.804, F.S.). The Division of Bond Finance of the State Board of Administration is responsible for annually determining the amount of the private activity bonds permitted for statewide allocation under the 1986 Internal Revenue Code, as amended. Generally, "traditional" road and bridge projects are not qualified under state private activity volume caps, but there is a private activity volume cap available at the federal level for such transportation projects, which was recently increased from \$15 to \$30 billion:

According to the United State Department of Transportation:

Section 11143 of Title XI of SAFETEA-LU amended Section 142 of the Internal Revenue Code to add highway and freight transfer facilities to the types of privately developed and operated projects for which private activity bonds (PABs) may be issued. This change allowed private activity on these types of projects, while maintaining the tax-exempt status of the bonds. The law limited the total amount of the bonds to \$15 billion and directed the Secretary of Transportation to allocate this amount among qualified facilities. The Infrastructure Investment and Jobs Act signed into law on November 15, 2021 increased the available PAB authority from \$15 billion to \$30 billion. Passage of the private activity bond legislation reflects the Federal Government's desire to increase private sector investment in U.S. transportation infrastructure. Providing private developers and operators with access to tax-exempt interest rates lowers the cost of capital significantly, enhancing investment prospects. Increasing the involvement of private investors in highway and freight projects generates new sources of money, ideas, and efficiency. The \$30 billion in exempt facility bonds is not subject to the state volume caps.<sup>2</sup>

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<sup>1</sup> See MunicipalBonds.com, [Understanding Private Activity Bonds \(municipalbonds.com\)](https://municipalbonds.com) (last visited March 7, 2023).

<sup>2</sup> See transportation.gov, [Private Activity Bonds | Build America \(transportation.gov\)](https://transportation.gov) (last visited March 7, 2023).

In Florida, access to PABs is provided by the Florida Development Finance Corporation (FDFC),<sup>3</sup> the “conduit issuer” of PABs, with the power to function within the corporate limits of any public agency with which it has entered into an interlocal agreement. The FDFC issues the bonds, which are purchased by a bank or investor(s). The proceeds from the sale are then loaned to finance capital projects. The interest received by the investor, if specific criteria are met, is exempt from federal income tax.<sup>4</sup>

Current law provides that the proceeds of any bonds of the FDFC may not be used, in any manner, to acquire any building or facility that will be, during the pendency of the financing, used by, occupied by, leased to, or paid for by any state, county, or municipal agency or entity.<sup>5</sup>

The FDFC is currently authorized, without authorization from a public agency,<sup>6</sup> to issue revenue bonds to:

- Finance the undertaking of any projects within the state that promotes renewable energy;
- Finance the undertaking of any project within the state that is a project contemplated or allowed under the American Recovery and Reinvestment Act of 2009; or
- If permitted by federal law, finance qualifying improvement projects with the state under s. 163.08, F.S.<sup>7</sup>

Section 334.30, F.S., authorizes the FDOT to enter into public-private partnerships with private entities, or consortia thereof, for the building, operation, ownership, or financing of transportation facilities. Such agreements, with associated PAB financing, may result in use of proceeds of the FDFC bonds to acquire a transportation facility that will be, during the pendency of the financing, used by, occupied by, leased to, or paid for by any state, county, or municipal agency or entity.

### ***Effect of Proposed Changes***

The bill amends s. 288.9606(6), F.S., providing that the prohibition against use of the proceeds of any FDFC bonds to acquire any building or facility that will be, during the pendency of the financing, used by, occupied by, leased to, or paid for by any state, county, or municipal agency or entity, does not prohibit the use of proceeds of the bonds of the FDFC for the purpose of financing the acquisition or construction of a transportation facility under a public-private partnership agreement authorized under s. 334.30, F.S.

The bill also amends s. 288.9606(7), F.S., authorizing the FDFC, without authorization from a public agency under s. 163.01(7), F.S., to issue bonds or other evidence of indebtedness to

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<sup>3</sup> Created in s. 288.9604, F.S. The board consists of seven directors. The secretary of Economic Opportunity, or designee, serves as the chair of the board. The director of the Division of Bond Finance, or designee, serves as a director. The Governor appoints the remaining five directors, subject to confirmation by the Senate.

<sup>4</sup> See [fdcppace.com](http://fdcppace.com), [Private Activity Bonds | FDFC \(fdcppace.com\)](http://fdcppace.com) (last visited March 7, 2023).

<sup>5</sup> Section 288.0606(6), F.S.

<sup>6</sup> Section 163.01(7), F.S., authorizes an interlocal agreement for a separate legal or administrative entity to administer an interlocal agreement authorizing a public agency of this state to exercise jointly with any other public agency of the state, of any other state, or of the United States Government any power, privilege, or authority which such agencies share in common and which each might exercise separately.

<sup>7</sup> See s. 163.08(2)(b), F.S., for a listing of such improvements, available at [Chapter 163 Section 08 - 2022 Florida Statutes - The Florida Senate \(flsenate.gov\)](http://www.flsenate.gov) (last visited March 7, 2023).

finance the costs of acquisition or construction of a transportation facility by a private entity or consortium of private entities under a public-private partnership agreement authorized by s. 334.30, F.S.

### **Intermodal Logistics Center Infrastructure Support Program Projects/Rural Areas of Opportunity (Section 2)**

#### ***Present Situation***

The Intermodal Logistics Center Infrastructure Support Program (ILC Program) is statutorily established within the FDOT,<sup>8</sup> with the purpose of providing funds for roads, rail facilities, or other means for the conveyance or shipment of goods through a seaport, thereby enabling the state to respond to private sector market demands and meet the state's economic development goal of becoming a hub for trade, logistics, and export-oriented activities. The FDOT is authorized to provide funds to assist with local government projects or projects performed by private entities that meet the public purpose of enhancing transportation facilities for the conveyance or shipment of goods through a seaport to or from an intermodal logistics center.<sup>9</sup>

When evaluating projects for ILC Program assistance, the FDOT must consider, but is not limited to, the following criteria:

- The ability of the project to serve a strategic state interest.
- The ability of the project to facilitate the cost-effective and efficient movement of goods.
- The extent to which the project contributes to economic activity, including job creation, increased wages, and revenues.
- The extent to which the project efficiently interacts with and supports the transportation network.
- A commitment of a funding match.
- The amount of investment or commitments made by the owner or developer of the existing or proposed facility.
- The extent to which the owner has commitments, including memoranda of understanding or memoranda of agreements, with private sector businesses planning to locate operations at the intermodal logistics center.
- Demonstrated local financial support and commitment to the project.<sup>10</sup>

The FDOT must coordinate and consult with the Department of Economic Opportunity in the selection of projects to be funded,<sup>11</sup> and the FDOT must provide up to 50 percent of project costs for eligible projects.<sup>12</sup>

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<sup>8</sup> Section 311.101, F.S.

<sup>9</sup> Section 311.101(1), F.S. The term "intermodal logistics center," which includes, but is not limited to and "inland port," is defined to mean a facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport where activities relating to transport, logistics, goods distribution, consolidation, or value-added activities are carried out and who activities and services are designed to support or be supported by conveyance or shipping through one or more seaports listed in s. 311.09, F.S. Section 311.101(2), F.S.

<sup>10</sup> Section 311.101(3), F.S.

<sup>11</sup> Section 311.101(4), F.S.

<sup>12</sup> Section 311.101(6), F.S. The FDOT is also authorized to administer contracts on behalf of the entity selected to receive funding for a project under the ILC Program. Section 311.101(5), F.S.

The Rural Economic Development Initiative (REDI) was established by the 1999 Legislature to encourage and facilitate the location and expansion of major economic development projects of significant scale in rural communities.<sup>13</sup> The REDI is responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems that affect the fiscal, economic, and community viability of Florida's economically distressed rural communities.<sup>14</sup> The REDI works with local governments, community-based organizations, and private organizations that have an interest in the growth and development of these communities to find ways to balance environmental and growth management issues with local needs.

A rural area of opportunity (RAO) is a rural community,<sup>15</sup> or a region of rural communities, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster, or that presents a unique economic development opportunity of regional impact.<sup>16</sup> The Governor may designate by executive order up to three RAOs, establishing the areas as priority assignments for the REDI. The Governor may waive criteria, requirements, or similar provisions of any economic development incentive for projects located in an RAO.<sup>17</sup> The designated RAOs are:

- The Northwest RAO, comprised of Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and the area within the city limits of Freeport and north of the Choctawhatchee Bay and intercoastal waterway;
- The South Central RAO, comprised of DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, the cities of Pahokee, Belle Glade, and South Bay (Palm Beach County), and Immokalee (Collier County); and
- The North Central RAO, comprised of Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties.<sup>18</sup>

### *Effect of Proposed Changes*

The bill amends s. 311.101(6), F.S., authorizing the FDOT to provide up to 100 percent of project costs for eligible ILC Program projects in rural areas of opportunity designated in accordance with s. 288.0656(7)(a), F.S.

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<sup>13</sup> Section 288.0656, F.S.

<sup>14</sup> Agencies required to participate in the REDI are listed in s. 288.0656(6)(a), F.S.

<sup>15</sup> "Rural community" means: 1. A county with a population of 75,000 or fewer; 2. A county with a population of 125,000 or fewer which is contiguous to a county with a population of 75,000 or fewer; 3. A municipality within a county described in 1. or 2.; or 4. An unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in s. 288.0656(c), F.S. "Economic distress" means conditions affecting the fiscal and economic viability of a rural community, including such factors as low per capita income, low per capita taxable values, high unemployment, high underemployment, low weekly earned wages compared to the state average, low housing values compared to the state average, high percentages of the population receiving public assistance, high poverty levels compared to the state average, and a lack of year-round stable employment opportunities.

<sup>16</sup> Section 288.0656(1)(d), F.S.

<sup>17</sup> Section 288.0656(7)(a), F.S.

<sup>18</sup> Florida Department of Economic Opportunity, *Rural Areas of Opportunity*, <http://www.floridajobs.org/community-planning-and-development/rural-community-programs/rural-areas-of-opportunity> (last visited March 17, 2023).

### **Automated License Plate Recognition Systems/State Highway System (Section 3)**

#### ***Present Situation***

An automated license plate recognition system (ALPRS) is a system of mobile or fixed high-speed cameras combined with computer algorithms to convert images of license plates into computer-readable data.<sup>19</sup> Data obtained from an ALPRS is generally used to check license plates against law enforcement hot lists. Hot lists contain a list of stolen plates and vehicles entered into the National Crime Information Center database, the Florida Crime Information Center database, Driver and Vehicle Information Database, and any information entered manually by the operating member. Examples of manual entries include, but are not limited to: attempt to locate; AMBER/SILVER alerts, child abductions, missing or wanted persons, and registered sexual predators.<sup>20</sup>

Though designed to assist law enforcement with day-to-day vehicle violations, an ALPRS may collect and store extensive location information about each vehicle in its field of vision. Photographs captured by an ALPRS may contain more than simply the license plate, and sometimes include a substantial part of a vehicle, its occupants, and its immediate vicinity. Law enforcement can use captured photographs to verify witness descriptions of vehicles and confirm identifying features.

Florida law requires the Department of State in consultation with the Department of Law Enforcement to establish a retention schedule, including a maximum period that records may be retained, for records containing images and data generated through the use of an ALPRS.<sup>21</sup> The Department of State specifies the retention of license plate recognition records: “Retain until obsolete, superseded, or administrative value is lost, but no longer than 3 anniversary years unless required to be retained under another record series.”<sup>22</sup>

Images and data containing or providing personal identifying information held by an agency and obtained by an ALPRS, as well as personal identifying information derived from ALPRS data or images is confidential and exempt from public record requirements.<sup>23</sup> Such information may be disclosed under the following conditions:

- By or to a criminal justice agency, as defined in s. 119.011(4), F.S., in performance of the agency’s official duties.

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<sup>19</sup> Section 316.0778(1), F.S.

<sup>20</sup> Florida Department of Highway Safety and Motor Vehicles’ “Florida Highway Patrol Policy Manual” on ALPRS available at: <https://www.flhsmv.gov/pdf/fhp/policies/1725.pdf> (last visited March 17, 2023).

<sup>21</sup> Section 316.0778(2), F.S.

<sup>22</sup> Florida Department of State, General Records Schedule GS2 for Law Enforcement, Correctional Facilities and District Medical Examiners, Effective: February 2021, available at: [GS2 for Law Enforcement \(windows.net\)](#) (last visited March 17, 2023).

<sup>23</sup> Section 316.0777(2), F.S.

- To a license plate registrant requesting his or her own information, unless such information constitutes active criminal intelligence information<sup>24</sup> or active criminal investigative information.<sup>25</sup>

### *Effect of Proposed Changes*

The bill creates a new subsection (2) of s. 316.0777, F.S., defining the term “law enforcement agency” for purposes of that subsection to mean an agency that has a primary mission of preventing and detecting crime and enforcing the state penal, criminal, traffic, and motor vehicle laws and in furtherance of that mission employs law enforcement officers as defined in s. 943.10(1), F.S.<sup>26</sup>

The bill authorizes, at the discretion of the FDOT, installation of ALPRSs within the rights-of-way<sup>27</sup> of any road on the State Highway System when installed at the request of a law enforcement agency for the purpose of collecting active criminal intelligence information or active criminal investigative information. Such installations must be in accordance with placement and installation guidelines developed by the FDOT and be removed within 30 days after the FDOT notifies the requesting law enforcement agency that such removal must occur at the sole expense of the requesting agency. The bill prohibits use of an ALPRS to issue a notice of violation or a traffic citation.

The bill provides that the FDOT is not liable for any damages caused to any person by the requesting law enforcement agency’s operation of an ALPRS, and prohibits retention of records containing images and data generated through use of an ALPR for longer than the maximum period provided in the applicable retention schedule.<sup>28</sup>

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<sup>24</sup> Defined to mean information with respect to an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity. Section 119.011(3)(a), F.S. Criminal intelligence information is considered “active” as long as it is related to intelligence gathering conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities. Section 119.011(3)(d)1., F.S.

<sup>25</sup> Defined to mean information with respect to an identifiable person or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including, but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance. Section 119.011(3)(b), F.S. Criminal investigative information is considered “active” as long as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future. Section 119.011(3)(d)2., F.S.

<sup>26</sup> As defined in that section, “law enforcement officer” means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

<sup>27</sup> Defined in s. 334.03(21), F.S., to mean land in which the state, the department, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility.

<sup>28</sup> *Supra* note 17.

**FDOT Airport Site Approval Rules/Air Traffic Pattern Separation Procedures (Section 4)*****Present Situation***

The FDOT is responsible for administering and enforcing the provisions of Chapter 330, F.S., relating to the regulation of aircraft, pilots, and airports, including, but not limited to, establishing requirements for airport site approval, licensure, and registration.<sup>29</sup> Aside from exemptions granted in current law,<sup>30</sup> the owner or lessee of any proposed airport must obtain the FDOT's approval of the airport site before site acquisition or construction or establishment of the proposed airport. The FDOT is required to grant site approval upon satisfaction that:

- The site has adequate area allocated for the airport as proposed.
- The proposed airport will conform to licensing or registration requirements and will comply with applicable local government land development regulations or zoning requirements.
- All affected airports, local governments, and property owners have been notified and any comments submitted by them have been given adequate consideration.
- Safe air-traffic patterns can be established for the proposed airport with all existing airports and approved airport sites in its vicinity.<sup>31</sup>

The FDOT, pursuant to statutory direction,<sup>32</sup> has adopted rules relating to airport site approval.<sup>33</sup> Rule 14-60.005, F.A.C., lists supporting documentation that must accompany an application for public airport site approval. With respect to air traffic patterns, an applicant must provide written confirmation, including a graphical depiction, demonstrating that safe air traffic patterns can be established for the proposed airport with all existing and approved airport sites within three miles of the proposed airport site. The applicant must provide a copy of a written memorandum of understanding or letter of agreement, signed by each respective party, regarding air traffic pattern separation procedures between the parties representing the proposed airport and any existing airport(s) or approved airport site(s) located within three miles of the proposed site.<sup>34</sup>

At least one lessee or owner of an existing airport is reportedly refusing to provide the memorandum of understanding or letter of agreement required by the FDOT's rule, reportedly without justification, and such refusal has delayed approval of a Florida hospital's heliport.

***Effect of Proposed Changes***

The bill amends s. 330.30(1), F.S., prohibiting the FDOT from requiring an applicant for airport site approval to provide a copy of a written memorandum of understanding or letter of agreement with other airport sites regarding air traffic pattern separation procedures unless such memorandum or letter is required by the Federal Aviation Administration (FAA) or is deemed necessary by FDOT. In the absence of the FAA requiring the memorandum or letter or of the FDOT's determination of necessity, no such document would be required.

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<sup>29</sup> Section 330.30, F.S.

<sup>30</sup> Section 330.30(3), F.S.

<sup>31</sup> Section 330.30(1)(a), F.S. Emphasis added.

<sup>32</sup> Section 330.29(4), F.S.

<sup>33</sup> Rule Chapter 14-60, F.A.C.

<sup>34</sup> Rule 14-60(5)(j), F.A.C.



## **Airport Projects/Rural Communities (Section 5)**

### ***Present Situation***

Current law requires the FDOT to continuously update an aviation and airport work program based on a collection of local sponsors<sup>35</sup> proposed projects to be included in the FDOT's work program. The airport work program must separately identify "development projects"<sup>36</sup> and "discretionary capacity improvement projects."<sup>37</sup> The aviation and airport work program must be consistent with the statewide aviation system plan<sup>38</sup> and, to the maximum extent feasible, with approved local government comprehensive plans. Projects involving funds administered by the FDOT to be undertaken and implemented by the airport sponsor shall be included in the aviation and airport work program, and assistance may only be provided for projects which are so included.<sup>39</sup>

The annual legislative budget request for aviation and airport development projects must be based on the funding required for development projects in the aviation and airport work program. The FDOT must provide priority funding in support of the planning, design, and construction of proposed projects by local sponsors, with special emphasis on projects for runways and taxiways, including the painting and marking of runways and taxiways, lighting, other related airside activities, and airport access transportation facility projects on airport property.<sup>40</sup>

No single airport may receive airport or aviation development project funds in excess of 25 percent of the total airport or aviation development project funds available in any given budget year. However, any airport which receives discretionary capacity improvement project funds in a

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<sup>35</sup> "Sponsor" means any eligible agency which, either individually or jointly with one or more eligible agencies, submits to the department an application for financial assistance for an airport development project. Section 332.004(15), F.S. Federal funding of individual local airport projects is wholly between the local airport sponsors and the appropriate federal agencies; however, the FDOT is authorized to receive federal grants for statewide projects when no local sponsor is available. Section 332.2007(1), F.S.

<sup>36</sup> "Airport or aviation development project" or "development project" means any activity associated with the design, construction, purchase, improvement, or repair of a public-use airport or portion thereof, including, but not limited to: the purchase of equipment; the acquisition of land, including land required as a condition of a federal, state, or local permit or agreement for environmental mitigation; off-airport noise mitigation projects; the removal, lowering, relocation, marking, and lighting of airport hazards; the installation of navigation aids used by aircraft in landing at or taking off from a public airport; the installation of safety equipment required by rule or regulation for certification of the airport under s. 612 of the Federal Aviation Act of 1958, and amendments thereto; and the improvement of access to the airport by road or rail system which is on airport property and which is consistent, to the maximum extent feasible, with the approved local government comprehensive plan of the units of local government in which the airport is located. Section 332.004(4), F.S.

<sup>37</sup> "Airport or aviation discretionary capacity improvement projects" or "discretionary capacity improvement projects" means capacity improvements which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government in which the airport is located, and which enhance intercontinental capacity at airports which: are international airports with United States Bureau of Customs and Border Protection; had one or more regularly scheduled intercontinental flights during the previous calendar year or have an agreement in writing for installation of one or more regularly scheduled intercontinental flights upon the commitment of funds for stipulated airport capital improvements; and have available or planned public ground transportation between the airport and other major transportation facilities. Section 332.004(5), F.S.

<sup>38</sup> The FDOT is required to develop and periodically update a statewide aviation system plan that summarizes 5-year, 10-year, and 20-year airport and aviation needs within the state, per s. 332.006, F.S.

<sup>39</sup> Section 332.007(1)-(3), F.S.

<sup>40</sup> Section 332.007(4)(a), F.S.

given fiscal year may not receive greater than ten percent of total aviation and airport development project funds appropriated in that fiscal year.<sup>41</sup>

Subject to the availability of appropriated funds, the FDOT may generally participate in the capital cost of eligible public airport and aviation development projects in accordance with the following rates, unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act:

- Up to 50 percent of the portion of eligible project costs which are not funded by the Federal Government, except that the FDOT may initially fund up to 75 percent of the cost of land acquisition for a new airport or for the expansion of an existing airport which is owned and operated by a municipality, a county, or an authority. The FDOT must be reimbursed when federal funds become available or within ten years after the date of acquisition, whichever is earlier.<sup>42</sup>
- Up to 50 percent of the nonfederal share for land acquisition when such land is needed for airport safety, expansion, tall structure control, clear zone protection, or noise impact reduction, which the FDOT may retroactively reimburse to cities, counties, or airport authorities.<sup>43</sup>
- Up to 80 percent of master planning and eligible aviation development projects at publicly owned, publicly operated airports when federal funds are not available, and up to 80 percent of the nonfederal share when federal funds are available. This funding is limited to general aviation airports<sup>44</sup> or commercial service airports<sup>45</sup> that have fewer than 100,000 passenger boardings per year as determined by the Federal Aviation Administration.<sup>46</sup>
- Up to 100 percent of the cost of an eligible project that is statewide in scope or that involves more than one county where no other governmental entity or appropriate jurisdiction exists.<sup>47</sup>

Subject to the availability of appropriated funds in addition to aviation fuel tax revenues,<sup>48</sup> the FDOT may participate in the capital cost of eligible public airport and aviation discretionary

<sup>41</sup> Section 332.007(4)(c), F.S.

<sup>42</sup> Section 332.007(6)(a), F.S. Such projects must be contained in the Federal Government's Airport Capital Improvement Program, and the Federal Government must fund, or have funded, the first year of the project. The national Airports Capital Improvement Plan (ACIP) is an internal FAA document that serves as the primary planning tool for identifying and prioritizing critical airport development and associated capital needs for the National Airspace System. It also serves as the basis for the distribution of grant funds under the Airport Improvement Program. *See* [faa.gov, Airports Capital Improvement Plan | Federal Aviation Administration \(faa.gov\)](https://www.faa.gov/airports-capital-improvement-plan) (last visited March 19, 2023). The Airport Improvement Program provides grants to public agencies — and, in some cases, to private owners and entities — for the planning and development of public-use airports. *See* [faa.gov, Overview: What is AIP & What is Eligible? | Federal Aviation Administration \(faa.gov\)](https://www.faa.gov/airports-capital-improvement-plan) (last visited March 19, 2023).

<sup>43</sup> Section 332.007(6)(b), F.S. However, no land purchased prior to July 1, 1990, or purchased prior to executing the required FDOT agreements shall be eligible for reimbursement.

<sup>44</sup> A general aviation airport is a public-use airport that does not have scheduled service or has scheduled service with less than 2,500 passenger boardings each year. *See* [faa.gov, Airport Categories | Federal Aviation Administration \(faa.gov\)](https://www.faa.gov/airports-capital-improvement-plan) (last visited March 19, 2023).

<sup>45</sup> A commercial service airport is a publicly owned airport with at least 2,500 annual enplanements and schedule air carrier service. *Id.*

<sup>46</sup> Section 332.007(6)(c), F.S.

<sup>47</sup> Section 332.007(6)(d), F.S.

<sup>48</sup> The aviation fuel tax is imposed in accordance with s. 206.9825, F.S. Aviation fuel tax revenues are initially deposited in the Fuel Tax Collection Trust Fund. After deducting the service charges imposed by s. 215.20, F.S., the refunds granted pursuant to s. 206.9855, F.S., and the administrative costs incurred by the Department of Revenue in collecting,

capacity improvement projects. The annual legislative budget request must also be based on the funding required for discretionary capacity improvement projects in the aviation and airport work program.<sup>49</sup> The FDOT is required to provide priority funding in support of:

- Land acquisition that provides additional capacity at the qualifying international airport or at that airport's supplemental air carrier airport,
- Runway and taxiway projects that add capacity or are necessary to accommodate technological changes in the aviation industry,
- Airport access transportation projects that improve direct airport access and are approved by the airport sponsor,
- International terminal projects that increase international gate capacity.<sup>50</sup>

No single airport may receive discretionary capacity improvement project funds in excess of 50 percent of the total discretionary capacity improvement project funds available in any given budget year.<sup>51</sup>

The FDOT may fund up to 50 percent of the portion of eligible project costs which are not funded by the Federal Government, except that the FDOT may initially fund up to 75 percent of the cost of land acquisition for a new airport or for the expansion of an existing airport which is owned and operated by a municipality, a county, or an authority. The FDOT must be reimbursed when federal funds become available or within 10 years after the date of acquisition, whichever is earlier.<sup>52</sup>

The FDOT is authorized in s. 339.2821, F.S., to expend funds and contract with the appropriate governmental body<sup>53</sup> for the direct costs of "transportation projects"<sup>54</sup> which the FDOT, in consultation with the Florida Department of Economic Opportunity (FDEO), deems necessary to facilitate the economic development and growth of the state. When reviewing projects for approval and funding, the FDOT, in consultation with the FDEO, must consider:

- The cost per job created or retained considering the amount of transportation funds requested and the average hourly rate of wages for jobs created;
- The reliance on any program as an inducement for determining the transportation project's location;
- The amount of capital investment to be made by a business and the demonstrated local commitment;

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administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, are distributed monthly to the State Transportation Trust Fund per s. 206.9845, F.S.

<sup>49</sup> Section 332.007(7), F.S.

<sup>50</sup> Section 332.007(7)(a), F.S.

<sup>51</sup> Section 332.007(7)(b), F.S.

<sup>52</sup> Section 332.007(7)(d), F.S.

<sup>53</sup> Defined to mean an instrumentality of the state or a county, municipality, district, authority, board, or commission, or an agency thereof, within which jurisdiction the transportation project is located and which is responsible to the FDOT for the transportation project. Section 339.2821(1)(b)2., F.S.

<sup>54</sup> Defined to mean a "transportation facility," which is any means for the transportation of people or property from place to place which is constructed, operated, or maintained in whole or in part from public funds. The term includes the property or property rights, both real and personal, which have been or may be established by public bodies for the transportation of people or property from place to place. Section 334.03(30), F.S.

- The location of the transportation project in an enterprise zone as designated in s. 290.0055, F.S.,<sup>55</sup> or in a spaceport territory defined in s. 331.304, F.S.;
- The unemployment rate of the surrounding area; and
- The poverty rate of the community.<sup>56</sup>

The FDOT must approve a transportation project if it determines that it will:

- Attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state.
- Allow for the construction or expansion of a state or federal correctional facility in a county having a population of 75,000 or fewer which creates new employment opportunities or expands or retains employment in the county.<sup>57</sup>

Current law requires inclusion of specific clauses in a contract between the FDOT and a governmental body for economic development transportation projects.<sup>58</sup> Each governmental body receiving funds must submit to the FDOT a financial audit conducted by an independent certified public accountant. The FDOT must monitor the construction or building site for each transportation project.

### ***Effect of Proposed Changes***

The bill creates subsection (10) of s. 332.007, F.S. Subject to the availability of appropriated funds, and unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations act, the bill authorizes the FDOT to fund at a publicly owned, publicly operated airport located in a rural community<sup>59</sup> as defined in s. 288.0656, F.S.:

- The capital cost of runway and taxiway projects that add capacity, prioritized based on the amount of available nonstate matching funds; and
- Economic development transportation projects pursuant to s. 339.2821, F.S.

Any remaining funds must be allocated for development projects per s. 332.007(6), F.S., discussed above. The bill makes no such appropriation.

## **Promotional Items/Public Information and Education Campaigns (Section 6)**

### ***Present Situation***

The FDOT is currently authorized to purchase, lease, or otherwise acquire property and materials, including the purchase of promotional items, as part of public information and education campaigns for the promotion of scenic highways, traffic and train safety awareness, alternatives to single-occupant vehicle travel, and commercial motor vehicle safety.<sup>60</sup>

<sup>55</sup> Florida's Enterprise Zone Program provides state and local incentives to induce private investment in specific geographic areas targeted for economic revitalization. To qualify, these areas must meet specified criteria, including suffering from pervasive poverty, unemployment, and general distress. *See* the Florida Enterprise Zone Act, ss. 290.001-290.016, F.S.

<sup>56</sup> Section 339.2821(2), F.S.

<sup>57</sup> Section 339.2821(3)(a), F.S.

<sup>58</sup> Section 339.2821(4), F.S.

<sup>59</sup> *Supra* note 31.

<sup>60</sup> Section 334.044(5), F.S.

The FDOT recently published Florida’s Electric Vehicle Infrastructure Deployment Plan,<sup>61</sup> deemed as the “framework for implementing the National Electric Vehicle Infrastructure Program (NEVI) to invest funding for EV infrastructure improvements to address charging gaps identified in the market,” which will serve “as a guide for how EV funds will be invested across the State over the five-year timeline of the NEVI program.” Florida reportedly will receive approximately \$198 million in NEVI formula funds through the federal 2026 fiscal year to grow the state’s network of EV chargers.

The Federal Highway Administration views public engagement activities as enabling “a more inclusive, accessible, and transparent process to gain input from communities,” and NEVI funds can be used for public engagement.<sup>62</sup> The FDOT advises that public engagement activities include “briefings, meetings, venues, social media, interactive displays, kiosks, visual materials, etc.”<sup>63</sup> However, the FDOT has no state statutory authority to purchase promotional items relating to electric vehicles or electric vehicle charging stations, nor for autonomous vehicles (which may be electrically powered), or context design for each.<sup>64</sup>

### ***Effect of Proposed Changes***

The bill amends s. 334.044(5), F.S., to authorize the FDOT to purchase promotional items as part of public information and education campaigns for the promotion of electric vehicle use and charging stations, autonomous vehicles, and context design for electric vehicles and autonomous vehicles.

## **Employee Training, Testing, and Licensing/Commercial Driver Licenses (Section 7)**

### ***Present Situation***

The FDOT notes that truck drivers licensed to drive commercial motor vehicles “are the Department’s heaviest need right now. This can also extend to heavy equipment drivers such as bridge snoopers<sup>65</sup> and dump trucks, all of which also require a [commercial driver license] as a condition of employment.”<sup>66</sup>

The 2022 General Appropriations Act contained proviso authorizing the FDOT to expend \$500,000 for training, testing, and licensing for full-time employees of the FDOT who are required to have a valid Class A or Class B commercial driver license as a condition of employment with the FDOT.<sup>67</sup>

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<sup>61</sup> See FDOT, *Florida’s Electric Vehicle Infrastructure Deployment Plan*, p. 3 of 55, available at [florida's-evidp\\_2022-07-29\\_final\\_v2.pdf \(windows.net\)](#) (last visited February 10, 2023).

<sup>62</sup> See FHWA, [National Electric Vehicle Infrastructure \(NEVI\) Formula Program Q&A \(dot.gov\)](#) (last visited February 10, 2023).

<sup>63</sup> See the FDOT’s responses to committee staff questions, Question 2 (on file in the Senate Transportation Committee).

<sup>64</sup> According to the FDOT, context design relates to the various design needs in different communities as electric vehicle and autonomous vehicle technology continues to evolve. *Supra* note 4, Question 4.

<sup>65</sup> Bridge snoopers are designed for under-bridge access inspections and bridge maintenance work. See [paxton-mitchell.com](#), *The Original Snooper Underbridge Inspection Truck*, for a picture of a snooper, available at [Bridge Inspection Equipment | \(paxton-mitchell.com\)](#) (last visited February 10, 2023).

<sup>66</sup> *Supra* note 4, Question 1 (on file in the Senate Transportation Committee).

<sup>67</sup> Ch. 2022-156, L.O.F., p. 319 of 518, available at [156 \(flrules.org\)](#) (last visited February 10, 2023).

***Effect of Proposed Changes***

The bill creates s. 334.044(36), F.S., authorizing the FDOT, within its discretion, to expend funds for training, testing, and licensing for full-time employees of the FDOT who are required to have a valid Class A or Class B commercial driver license as a condition of employment with the FDOT.

**Fast Response Contracting (Section 8)*****Present Situation***

Generally, the FDOT is authorized to enter into contracts for the construction and maintenance of all roads designated as part of the State Highway System, the State Park Road System, or of any roads placed under its supervision by law. This authorization includes construction and maintenance contracts for rest areas, weigh stations, and other structures, including roads, parking areas, supporting facilities and associated buildings used in connection with such facilities. With certain exceptions, these contracts must be advertised for competitive bidding, and such contracts generally must be awarded to the lowest responsible bidder.<sup>68</sup>

One of the exceptions to the competitive bidding requirement currently authorizes the FDOT, under certain conditions, to enter into construction and maintenance contracts, up to the amount of \$250,000, without advertising and receiving competitive bids. The FDOT may exercise this authority when the FDOT determines that doing so is in the best interest of the public for reasons of public concern, economy, improved operations, or safety, and only when circumstances dictate rapid completion of the work:

- To ensure timely completion of projects or avoidance of undue delay for other projects;
- To accomplish minor repairs or construction and maintenance activities for which time is of the essence and for which significant cost savings would occur; or
- To accomplish nonemergency work necessary to ensure avoidance of adverse conditions that affect the safe and efficient flow of traffic.<sup>69</sup>

The FDOT is required to make a good faith effort to obtain two or more quotes, if available, from qualified contractors before entering into any contract and give consideration to disadvantaged business enterprise participation. If, however, the work exists within the limits of an existing contract, the FDOT must make a good faith effort to negotiate and enter into a contract with the prime contractor on the existing contract. These contracts fund projects such as sinkhole repairs that protect roadways and other infrastructure, traffic railing and guardrail repairs needed to protect the safety of the traveling public, and drainage and inlet work that prevents roadway flooding during heavy rain.

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<sup>68</sup> Section 337.11, F.S.

<sup>69</sup> Section 337.11(6)(c), F.S.

When first enacted in 1999, the dollar amount was capped at \$60,000.<sup>70</sup> The Legislature increased that amount to \$120,000 in 2002.<sup>71</sup> In 2017, the cap was increased to \$250,000 at the request of the FDOT, citing increased construction costs due to inflation.<sup>72</sup>

### ***Effect of Proposed Changes***

The bill amends s. 337.11(6)(c), F.S., to increase the threshold amount on fast response contracting from \$250,000 to \$500,000. The FDOT advises that increasing the cap to \$500,000 “will account for increased construction costs and extend the Department’s ability to quickly respond to construction and maintenance needs that are in the best interest of safety and the economy.”<sup>73</sup>

## **Work Program Amendment Approval (Section 9)**

### ***Present Situation***

Current law authorizes the FDOT to amend its adopted work program and provides procedures for such amendments.<sup>74</sup> Any work program amendment that adds a new project, or phase thereof, to the adopted work program in excess of \$3 million is subject to approval by the Legislative Budget Commission (LBC). The submission must be accompanied by specified supplemental information.<sup>75</sup>

If the FDOT submits such an amendment to the LBC and the LBC does not meet or consider the amendment within 30 days after its submittal, the chair and vice chair of the LBC may authorize the amendment.<sup>76</sup>

This provision first appeared in law in 2016, with no expiration date. In 2020, the Legislature added an expiration date of July 1, 2021.<sup>77</sup> The Legislature extended the expiration date by one year in 2021,<sup>78</sup> and did the same in 2022.<sup>79</sup> The authorization for LBC approval of the specified work program amendment is currently set to expire on July 1, 2023.

### ***Effect of Proposed Changes***

The bill amends s. 339.135(7)(h)2., F.S., to remove the expiration date for the current authorization of the LBC to approve the specified amendments under the conditions specified. The authorization would remain in place unless subsequently revised or repealed.

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<sup>70</sup> Ch. 99-385, L.O.F.

<sup>71</sup> Ch. 2002-20, L.O.F.

<sup>72</sup> See the FDOT’s 2017 Legislative Proposal, *Rapid Response Contracts-Price Cap Increase* (on file in the Senate Transportation Committee), and Ch. 2017-42, L.O.F.

<sup>73</sup> See Florida Department of Transportation, *2023 Legislative Proposals*, Number 2 (on file in the Senate Transportation Committee).

<sup>74</sup> Section 339.175(7), F.S.

<sup>75</sup> Section 339.135(7)(h)1., F.S.

<sup>76</sup> Section 339.135(7)(h)2., F.S.

<sup>77</sup> Ch. 2020-114, s. 93, L.O.F.

<sup>78</sup> Ch. 2021-37, ss. 54 and 96, L.O.F.

<sup>79</sup> Ch. 2022-157, s. 75, L.O.F.

## Chairs Coordinating Committee/Metropolitan Planning Organizations (Section 10)

Federal law and regulations give significant responsibility for transportation planning to metropolitan planning organizations (MPOs),<sup>80</sup> in coordination with the FDOT and others. To carry out the MPO planning process, federal<sup>81</sup> and state<sup>82</sup> law require an MPO to be designated for each urbanized area<sup>83</sup> of more than 50,000 individuals, by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as determined by the Bureau of the Census), or in accordance with procedures established by applicable state or local law.<sup>84</sup>

To the extent possible, only one MPO shall be designated for each urbanized area or group of contiguous areas.<sup>85</sup> Under both federal<sup>86</sup> and state law,<sup>87</sup> more than one MPO may be designated within an existing urbanized area *only* if the Governor and the existing MPO determine that the size and complexity of the area make designation of more than one MPO for the area appropriate.

The jurisdictional boundaries of an MPO are determined by agreement between the Governor and the applicable MPO. Such boundaries must include at least the metropolitan planning area,<sup>88</sup> which, under s. 339.175(2)(c), F.S., is the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, and may encompass the entire metropolitan statistical area<sup>89</sup> or the consolidated metropolitan statistical area.<sup>90</sup> In those cases where two or more MPOs serve the same urbanized area, the MPOs shall establish official, written agreements that clearly identify areas of coordination and the division of transportation planning responsibilities among the MPOs.<sup>91</sup>

<sup>80</sup> An MPO is the policy board of an organization created and designated to carry out the MPO transportation planning process, as a condition for receipt of Federal aid for planned transportation projects. 23 C.F.R. § 450.104.

<sup>81</sup> 23 U.S.C. § 134.

<sup>82</sup> Section 339.175, F.S.

<sup>83</sup> According to the Federal Highway Administration (FHWA), the Census definition of “urbanized area” and that of the FHWA differ. For the 2020 Decennial Census, the Census Bureau designated all qualifying areas as “urban areas” and did not distinguish any urban areas as an “urbanized area.” The term “urbanized area” under the FHWA definition means an area with a population of 50,000 or more designated by the Census Bureau, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urbanized area within a State as designated by the Census Bureau. See [\(fhwa.dot.gov, FAQ Topic 1: Definitions - FAQ - Census Urbanized Areas and MPO/TMA Designation - Census Issues - Planning - FHWA \(dot.gov\)\)](https://www.fhwa.dot.gov/FAQ/Topic1/Definitions-FAQ-CensusUrbanizedAreasandMPO/TMADesignation-CensusIssues-Planning-FHWA(dot.gov)) (last visited April 5, 2023). For a table listing all 2020 Census urban areas, including those in Florida, see the Federal Register, Vol. 87, No. 249, December 29, 2022, available at [2022-28286.pdf \(govinfo.gov\)](https://www.govinfo.gov) (last visited April 5, 2022).

<sup>84</sup> Florida law generally mirrors federal law with respect to MPO designation, as well as other provisions relating to MPOs.

<sup>85</sup> Section 339.175(2)(a)2., F.S.

<sup>86</sup> 23 U.S.C. § 134(d)(7).

<sup>87</sup> Section 339.175(2)(a)2., F.S. Each designated MPO operates under the provisions of s. 339.175, F.S., pursuant to an interlocal agreement.

<sup>88</sup> The geographic area determined by agreement between the MPO for the area and the Governor. 23 U.S.C. § 134(b)(1).

<sup>89</sup> Defined by the Office of Management and Budget (OMB) as a core based statistical area associated with at least one urban area that has a population of at least 50,000, comprising the central county or counties containing the core, plus adjacent outlying counties having a high degree of social and economic integration with the central county or counties as measured through commuting. FHWA, *supra* note 2.

<sup>90</sup> The OMB defines a *combined* statistical area as a geographic entity consisting of two or more adjacent core based statistical areas with certain employment interchange measures. FHWA, *supra* note 2.

<sup>91</sup> Section 339.175(2)(d), F.S.



Current federal regulations provide that “an existing MPO may be redesignated only by agreement between the Governor and units of general purpose local government that together represent at least 75% of the existing metropolitan planning area population (including the largest incorporated city, based on population, as named by the Bureau of the Census).”<sup>92, 93</sup>

The federal regulations require redesignation of an existing MPO when that MPO proposes to make:

- A substantial change in the proportion of voting members on the existing MPO representing the largest incorporated city, other units of general purpose local government served by the MPO, and the State; or
- A substantial change in the decision-making authority or responsibility of the MPO, or in decision-making procedures established under MPO bylaws.<sup>94</sup>

While MPO coordination is clearly contemplated in current law, of Florida’s 27 MPOs<sup>95</sup> (the most of any state in the country), most are not multi-jurisdictional; and each has its own priorities.

Following a number of legislative revisions to transportation and transit authorities and related entities in the area,<sup>96</sup> the Sun Coast Transportation Planning Alliance (SCTPA) continues serving the West Central Florida area covered by the MPOs and transportation planning organizations in the same counties as the statutory CCC.

The Sun Coast Transportation Planning Alliance (SCTPA), formerly the MPO Chairs Coordinating Committee (CCC), of West Central Florida is the longest-standing regional transportation planning compact among MPOs in the State of Florida, and its members are Hernando/Citrus, Hillsborough, Pasco, Pinellas, Polk, and Sarasota/Manatee. The group also includes advisors from the Tampa Bay Area Regional Transit Authority (TBARTA), the Florida Department of Transportation (FDOT), the Tampa Bay Regional Planning Council (TBRPC), Pinellas Suncoast Transit Authority (PSTA), and Hillsborough Area Regional Transit (HART).<sup>97</sup>

A review of the SCTPA’s website suggests it is actively engaged in regional transportation planning.<sup>98</sup> Among other relevant information such as transit and trails visions, the Regional Long-Range Transportation Plan, and funding priorities, the website offers items such as assistance relating to public involvement with the SCTPA’s activities and services such as an

<sup>92</sup> 23 C.F.R. 450.310(h) (2017).

<sup>93</sup> For purposes of redesignation, units of general purpose local government may be defined as elected officials from each unit of general purpose local government located within the MPA served by the existing MPO. 23 C.F.R. 450.310(i) (2017).

<sup>94</sup> 23 C.F.R. 450.310(j) (2017).

<sup>95</sup> See mpoac.org, [MPOs – MPOAC](#) for a listing of the 27 Florida MPOs (last visited April 5, 2023).

<sup>96</sup> See the Florida Senate Staff Analysis for CS/SB 198 dated March 7, 2023, available at [2023 S0019 ATD \(flsenate.gov\)](#) (last visited April 11, 2023).

<sup>97</sup> Suncoasttpa.org, [Alliance Members – Sun Coast TPA](#) (last visited April 11, 2023).

<sup>98</sup> Suncoasttpa.org, [Our Board – Sun Coast TPA](#) (last visited April 11, 2023).

interactive Tri-County Trails Map reflecting trails and bike lanes throughout the Tampa Bay Region.<sup>99</sup>

The CCC's minimum statutory duties remain as follows:

- Coordinate transportation projects deemed to be regionally significant by the committee;
- Review the impact of regionally significant land use decisions on the region;
- Review all proposed regionally significant transportation projects in the respective transportation improvement programs<sup>100</sup> which affect more than one of the MPO's represented on the committee; and
- Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

### *Effect of Proposed Changes*

The bill amends s. 339.175(6)(i), F.S., abolishing the CCC. By December 31, 2023, the bill requires the MPOs serving Hillsborough, Pasco, and Pinellas counties (not including current CCC member counties Citrus, Hernando, Manatee, Polk and Sarasota) to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a feasibility report exploring the benefits, costs, and process of consolidation into a single MPO serving the contiguous urbanized area,<sup>101</sup> the goal of which is to:

- Coordinate transportation projects deemed to be regionally significant.
- Review the impact of regionally significant land use decisions on the region.
- Review all proposed regionally significant transportation projects in the transportation improvement programs.

Requiring a feasibility report does not appear to run afoul of federal law and regulations relating to MPOs. Nothing in the bill directs the affected MPOs to enter into any agreement, and nothing in the bill precludes the voluntary coordination of regional transportation planning by any MPOs.

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<sup>99</sup> Suncoasttpa.org, [Sun Coast TPA – Sun Coast Transportation Planning Alliance \(SCTPA\)](#) (last visited April 11, 2023).

<sup>100</sup> The transportation improvement program is used to initiate federally aided transportation facilities and improvements to be funded from the State Transportation Trust Fund and must also be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the MPO. Section 339.175(8), F.S.

<sup>101</sup> According to the Federal Highway Administration (FHWA), the Census definition of “urbanized area” and that of the FHWA differ. For the 2020 Decennial Census, the Census Bureau designated all qualifying areas as “urban areas” and did not distinguish any urban areas as an “urbanized area.” The term “urbanized area” under the FHWA definition means an area with a population of 50,000 or more designated by the Census Bureau, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall encompass, at a minimum, the entire urbanized area within a State as designated by the Census Bureau. See [fhwa.dot.gov, FAQ Topic 1: Definitions - FAQ - Census Urbanized Areas and MPO/TMA Designation - Census Issues - Planning - FHWA \(dot.gov\)](#) (last visited April 5, 2023).

## Public Transportation Development Plan Consistency (Section 11)

### *Present Situation*

The federal Surface Transportation Block Grant Program apportions funding for each state<sup>102</sup> that may be used by states and localities for projects to preserve and improve the conditions and performance on any Federal-aid highway, bridge, and tunnel projects on any public road, pedestrian and bicycle infrastructure, and transit capital projects,<sup>103</sup> including intercity bus terminals.<sup>104</sup> The FDOT and local governmental entities are authorized to receive federal grants or apportionments for public transit<sup>105</sup> and intercity bus service projects<sup>106</sup> in this state.<sup>107</sup>

Section 341.052, F.S., establishes a public transit block grant program which is administered by the FDOT. Block grant funds may only be provided to “Section 9” providers<sup>108</sup> and “Section 18” providers,<sup>109</sup> as specified. Eligible providers must establish public transportation development plans consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the provider is located.<sup>110</sup> Section 341.051(4)(b), F.S., provides that expenditures for public transit and intercity bus service programs are subject to approval by the FDOT as being consistent with the Florida Transportation Plan and regional transportation goals and objectives.

<sup>102</sup> See the Surface Transportation Block Grant Fact Sheet available at [Bipartisan Infrastructure Law - Surface Transportation Block Grant \(STBG\) Fact Sheet | Federal Highway Administration \(dot.gov\)](https://www.bipartisaninfrastructure.com/wp-content/uploads/2021/07/STBG-Fact-Sheet-Federal-Highway-Administration-dot.gov.pdf) (last visited February 13, 2023).

<sup>103</sup> Florida law defines “public transit capital project” as a project undertaken by a public agency to provide public transit to its constituency, and is limited to acquisition, design, construction, reconstruction, or improvement of a governmentally owned or operated transit system.” Section 341.031(7), F.S.

<sup>104</sup> See FHWA, [STBG - Federal-aid Programs - Federal-aid Programs and Special Funding - Federal Highway Administration \(dot.gov\)](https://www.fhwa.dot.gov/STBG/Federal-aid-Programs-Federal-aid-Programs-and-Special-Funding-Federal-Highway-Administration-dot.gov) (last visited February 13, 2023).

<sup>105</sup> “Public transit” means the transporting of people by conveyances, or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the public. Public transit systems may be either governmentally owned or privately owned. Section 341.013(6), F.S.

<sup>106</sup> “Intercity bus service” means regularly scheduled bus service for the general public which operates with limited stops over fixed routes connecting two or more urban areas not in close proximity; has the capacity for transporting baggage carried by passengers; makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available; maintains scheduled information in the National Official Bus Guide; and provides package express service incidental to passenger transportation. Section 341.031(11), F.S.

<sup>107</sup> Section 341.051(1), F.S.

<sup>108</sup> This is historical federal terminology. A “Section 9” provider is now referred to as a Section 5307 provider, one eligible to receive funds from the Urbanized Area Formula Grants program under 49 U.S.C. 5307. The program makes federal resources available to urbanized areas (50,000 population or more) and to governors for transit capital and operating assistance in urbanized areas and for transportation-related planning. Designated recipients that are public bodies with the legal authority to receive and dispense federal funds are eligible. For a long list of eligible activities, see Federal Transit Administration, [Urbanized Area Formula Grants - 5307 | FTA \(dot.gov\)](https://www.fta.dot.gov/Urbanized-Area-Formula-Grants-5307-FTA-dot.gov) (last visited February 13, 2023).

<sup>109</sup> Again, this is historical federal terminology. A “Section 18” provider is now referred to as a Section 5311 provider, one eligible to receive funds from the Formula Grants for Rural Areas under 49 U.S.C. 5311. The grants provide capital, planning, and operating assistance to states to support public transportation in rural areas with populations of less than 50,000, where many residents often rely on public transit to reach their destinations. The program also provides funding for state and national training and technical assistance through the Rural Transportation Assistance Program. Eligible recipients include states and federally recognized Indian Tribes. Sub recipients may include state or local government authorities, nonprofit organizations, and operators of public transportation or intercity bus service. Eligible activities include planning, capital, operating, job access and reverse commute projects, and the acquisition of public transportation services. See Federal Transit Administration, [Formula Grants for Rural Areas - 5311 | FTA \(dot.gov\)](https://www.fta.dot.gov/Formula-Grants-for-Rural-Areas-5311-FTA-dot.gov) (last visited February 13, 2023).

<sup>110</sup> Section 341.052(1), F.S.

The FDOT already requires that transportation development plans be consistent with the Florida Transportation Plan, local government comprehensive plans, and the local metropolitan planning organization's long-range transportation plan.<sup>111</sup>

### ***Effect of Proposed Changes***

The bill amends s. 341.052(1), F.S., to statutorily require provider transportation development plans to also be consistent, to the maximum extent feasible, with the long-range transportation plans of the metropolitan planning organization in which the provider is located.

## **Public Transit Provider Productivity and Performance Measures (Section 12)**

### ***Present Situation***

Section 341.071(2), F.S., requires each public transit provider to establish productivity and performance measures and, by January 31 of each year, to report to the FDOT relative to these measures. The report must specifically address potential enhancements to productivity and performance which would have the effect of increasing farebox recovery. Each provider must publish in the local newspaper of its area the productivity and performance measures established for the year and a report which provides quantitative data relative to the attainment of established productivity and performance measures.

### ***Effect of Proposed Changes***

The bill amends s. 341.071(2), F.S., to remove from the annual report requiring providers to specifically addressing potential enhancements to productivity and performance measures having the effect of increasing farebox recovery. The bill would require the report to include the farebox recovery.

According to the FDOT, "This language is targeted to positive changes in ridership behavior following the pandemic. Localities across Florida have moved to a 'free fare' ridership model which has actually increased their ridership levels – the exact concept targeted with reporting their productivity and performance measures. Updating this language allows the localities to better tailor their reporting to reflect current state."<sup>112</sup>

The bill amends s. 341.071(3), F.S., to authorize public transit providers to publish on its website (or on the city/county websites if those agencies are the managing agency for reporting requirements, according to the FDOT<sup>113</sup>) the productivity and performance measures established for the year, as well as the required report providing quantitative data relative to the attainment of those established measures.

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<sup>111</sup> The FDOT's *TDP Handbook, FDOT Guidance for Preparing & Reviewing Transit Development Plans*, Version III, 2022 Update, p. 107 of 178, available at [2022-transit-development-plan-handbook.pdf \(windows.net\)](https://www.fdot.com/2022-transit-development-plan-handbook.pdf), provides that "At a minimum, TDPs must be consistent with the Florida Transportation Plan, local government comprehensive plans, and the local MPO's LRTP." Emphasis added. (Last visited February 13, 2023).

<sup>112</sup> See the FDOT's responses to committee staff questions, Question 6 (on file in the Senate Transportation Committee).

<sup>113</sup> See the FDOT's document, "Florida Department of Transportation 2023 Legislative Proposals" (on file in the Senate Transportation Committee.)

**Santa Rosa Bay Bridge Authority and Bridge System (Sections 13 and 14)**

The Santa Rosa Bay Bridge Authority (SRBBA) was created in 1984 under part IV of ch. 348, F.S., with the right to acquire, hold, construct, improve, maintain, operate, own, and lease all or any part of the Santa Rosa Bay Bridge System, including the Garcon Point Bridge and related infrastructure. Toll revenues fell short of projections, and payment of debt service on the bonds issued to construct the system went into default. A planned 2014 toll increase was never implemented, the SRBBA board ceased to function, and the bondholders then demanded that the FDOT increase the toll in amounts recommended by their consultant. The FDOT disputed its legal obligation to increase the tolls, litigation ensued, and subsequent Legislative efforts to resolve the matter were unsuccessful.

The on-going litigation between UMB Bank (for the bondholders) and the FDOT has been settled. The settlement called for the FDOT to pay \$134 million lump sum to UMB on June 17, 2022 (two days after toll reductions were announced) and, by July 29, 2022, to pay any previously unremitted tolls or revenues collected for use of the bridge through the lump sum payment date. According to the FDOT, the underlying bonds were paid in full on June 30, 2022, which effectuated transfer of title to the bridge system to the FDOT.<sup>114</sup> Given the recent settlement, part IV of Ch. 348, F.S., appears to be a candidate for repeal.

***Effect of Proposed Changes***

The bill repeals part IV of ch. 348, F.S.,<sup>115</sup> relating to the creation and operation of the SRBBA. The SRBBA is abolished. The bill creates an undesignated section of law, effective upon the act becoming law, transferring governance and control of the SRBBA, as well as any remaining assets, facilities, tangible and intangible property, and any rights in such property, and other legal rights of the authority, to the FDOT. The FDOT succeeds to all powers of the authority.

The bill authorizes the FDOT to review other contracts, financial obligations, and contractual obligations and liabilities of the authority, and to assume legal liability for such obligations the FDOT determines to be necessary for continued operation of the bridge system.

The bill also authorizes the FDOT to transfer the bridge system, or any portion thereof, to become part of the turnpike system under the Florida Turnpike Enterprise Law.<sup>116</sup>

**Effective Date (Section 15)**

Except as otherwise provided, the bill takes effect July 1, 2023.

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

None.

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<sup>114</sup> See FDOT email to committee staff, February 7, 2023 (on file in the Senate Transportation Committee).

<sup>115</sup> Consisting of ss. 348.965, 348.966, 348.967, 348.968, 348.969, 348.97, 348.971, 348.972, 348.973, 348.974, 348.9751, 348.9761, 348.9771, and 348.9781, F.S.

<sup>116</sup> Sections 338.22-338.241, F.S.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None identified.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The authorization for the use of proceeds from Florida Development Finance Corporation private activity bonds to finance the acquisition or construction of a transportation facility under a public-private partnership presents an indeterminate fiscal impact, as it is unknown how many public-private partnerships the FDOT will enter into or the amount of such bonds that would be issued for each such partnership.

The authorization for installation of automated license plate recognition systems within the rights-of-way of the State Highway System in accordance with FDOT placement and installation guidelines may result in expenses for the FDOT and for any law enforcement agency that requests such installation in indeterminate but likely insignificant amounts.

The FDOT may incur indeterminate expenses associated with revising its rule relating to airport site approval, which expenses are expected to be absorbed within existing resources.

The authorization to purchase promotional items for the promotion of electric vehicles and autonomous vehicles, and context design for each, is likely to produce an insignificant negative impact that would be absorbed within existing resources, but may be covered by NEVI funds.

The authorization for the FDOT to expend funds within its discretion for training, testing, and licensing for full-time employees of the FDOT is indeterminate but expected to be absorbed within existing resources.

The fiscal impact of the increased fast-response contracting cap is indeterminate, as it is unknown how many such contracts the FDOT will enter into or the cost of such contracts, but such contracting is capped at \$500,000 and is expected to be absorbed within existing resources.

The MPOs serving Hillsborough, Pasco, and Pinellas counties may incur indeterminate expenses associated with conducting and submitting the feasibility report. The bill makes no appropriation in support of those expenses and presumably will be absorbed by the identified MPOs.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 287.057, 288.9606, 311.101, 316.0777, 332.007, 330.29, 334.044, 337.11, 339.135, 341.052, and 341.071.

This bill repeals the following sections of the Florida Statutes: 348.965, 348.966, 348.967, 348.968, 348.969, 348.97, 348.971, 348.972, 348.973, 348.974, 348.9751, 348.9761, 348.9771, and 348.9781.

The bill creates an undesignated section of Florida law.

**IX. Additional Information:**

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

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

**CS by Appropriations Committee on Transportation, Tourism and Economic Development on April 12, 2023:**

The committee substitute:

- Removes from the bill exclusion of rating agency services from the list of contractual services and commodities that are not subject to the competitive solicitation requirements.
- Revises the authorization for installation of automated license plate recognition systems within the rights-of-way of a road on the State Highway System by prohibiting use of such systems to issue a notice of violation or a traffic citation.

- Relocates and revises the language relating to applications for airport site approvals, providing that the FDOT may not require an applicant to provide an agreement with other airport sites regarding traffic pattern separation procedures unless required by the FAA or deemed necessary by the FDOT.
- Clarifies that the FDOT may fund up to 100 percent of eligible project costs of specified projects at a publicly owned, publicly operated airport located in a rural community which has no scheduled commercial service.
- Abolishes the Chair's Coordinating Committee and requires the MPOs serving Hillsborough, Pasco, and Pinellas counties to submit a feasibility report exploring the benefits, costs, and process of consolidation into a single MPO serving the contiguous urbanized area.

**CS by Transportation on March 20, 2023:**

The committee substitute:

- Authorizes installation, as specified, of automated license plate recognition systems within the rights-of-way of the State Highway System at the discretion of the FDOT when installed at the request of a law enforcement agency for the purpose of collecting active criminal intelligence or investigative information.
- Authorizes the FDOT to fund up to 100 percent of project costs for eligible intermodal logistics center projects in rural areas of opportunity.
- Authorizes the FDOT, subject to availability of appropriate funds, and unless otherwise provided in the General Appropriations Act or the Implementing bill, to fund certain projects at a publicly owned, publicly operated airport located in a rural community which does not have any scheduled commercial service.
- Requires the FDOT's rules governing public airport site approval to include a requirement that an applicant provide a copy of a written memorandum of understanding or letter of agreement regarding air traffic pattern separation procedures between the parties representing a proposed airport and any existing airport or any approved airport site located within three miles of the proposed site, signed by each of the respective parties, but only if required by a final Federal Aviation Administration airspace determination letter or deemed necessary by the FDOT .

**B. Amendments:**

None.





143100

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2023	.	
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The Appropriations Committee on Transportation, Tourism, and Economic Development (DiCeglie) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (6) and (7) of section 288.9606,  
Florida Statutes, are amended to read:

288.9606 Issue of revenue bonds.—

(6) The proceeds of any bonds of the corporation may not be  
used, in any manner, to acquire any building or facility that  
will be, during the pendency of the financing, used by, occupied



143100

by, leased to, or paid for by any state, county, or municipal agency or entity. This subsection does not prohibit the use of proceeds of bonds of the corporation for the purpose of financing the acquisition or construction of a transportation facility under a public-private partnership agreement authorized under s. 334.30.

(7) Notwithstanding any provision of this section, the corporation in its corporate capacity may, without authorization from a public agency under s. 163.01(7), issue revenue bonds or other evidence of indebtedness under this section to:

(a) Finance the undertaking of any project within the state that promotes renewable energy as defined in s. 366.91 or s. 377.803;

(b) Finance the undertaking of any project within the state that is a project contemplated or allowed under s. 406 of the American Recovery and Reinvestment Act of 2009; ~~or~~

(c) If permitted by federal law, finance qualifying improvement projects within the state under s. 163.08; or

(d) Finance the costs of acquisition or construction of a transportation facility by a private entity or consortium of private entities under a public-private partnership agreement authorized under s. 334.30.

Section 2. Subsection (6) of section 311.101, Florida Statutes, is amended to read:

311.101 Intermodal Logistics Center Infrastructure Support Program.—

(6) The department shall provide up to 50 percent of project costs for eligible projects. For eligible projects in rural areas of opportunity designated in accordance with s.



143100

288.0656(7)(a), the department may provide up to 100 percent of project costs.

Section 3. Section 316.0777, Florida Statutes, is amended to read:

316.0777 Automated license plate recognition systems; installation within the rights-of-way of the State Highway System; public records exemption.—

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

(a) "Active," "criminal intelligence information," and "criminal investigative information" have the same meanings as provided in s. 119.011(3).

(b) "Agency" has the same meaning as provided in s. 119.011.

(c) "Automated license plate recognition system" means a system of one or more mobile or fixed high-speed cameras combined with computer algorithms to convert images of license plates into computer-readable data.

(d) "Criminal justice agency" has the same meaning as provided in s. 119.011.

(2)(a) As used in this subsection, the term "law enforcement agency" means an agency that has a primary mission of preventing and detecting crime and enforcing state penal, criminal, traffic, and motor vehicle laws and in furtherance of that mission employs law enforcement officers as defined in s. 943.10(1).

(b) At the discretion of the Department of Transportation, an automated license plate recognition system may be installed within the rights-of-way, as defined in s. 334.03(21), of any road on the State Highway System when installed at the request



143100

of a law enforcement agency for the purpose of collecting active criminal intelligence information or active criminal investigative information as those terms are described in s. 119.011(3). Such installations must be in accordance with placement and installation guidelines developed by the Department of Transportation. An automated license plate recognition system may not be used to issue a notice of violation or a traffic citation. An automated license plate recognition system must be removed within 30 days after the Department of Transportation notifies the requesting law enforcement agency that such removal must occur.

(c) Installation and removal of an automated license plate recognition system is at the sole expense of the requesting law enforcement agency. The Department of Transportation is not liable for any damages caused to any person by the requesting law enforcement agency's operation of such a system.

(d) Records containing images and data generated through use of an automated license plate recognition system may not be retained longer than the maximum period provided in the retention schedule established pursuant to s. 316.0778.

~~(3)~~~~(2)~~ The following information held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Images and data containing or providing personal identifying information obtained through the use of an automated license plate recognition system.

(b) Personal identifying information of an individual in data generated or resulting from images obtained through the use of an automated license plate recognition system.



143100

98        (4)~~(3)~~ Such information may be disclosed as follows:

99        (a) Any such information may be disclosed by or to a  
100 criminal justice agency in the performance of the criminal  
101 justice agency's official duties.

102        (b) Any such information relating to a license plate  
103 registered to an individual may be disclosed to the individual,  
104 unless such information constitutes active criminal intelligence  
105 information or active criminal investigative information.

106        (5)~~(4)~~ This exemption applies to such information held by  
107 an agency before, on, or after the effective date of this  
108 exemption.

109        Section 4. Effective upon this act becoming law, present  
110 paragraphs (d) through (g) of subsection (1) of section 330.30,  
111 Florida Statutes, are redesignated as paragraphs (e) through  
112 (h), respectively, and a new paragraph (d) is added to that  
113 subsection, to read:

114        330.30 Approval of airport sites; registration and  
115 licensure of airports.—

116        (1) SITE APPROVALS; REQUIREMENTS, EFFECTIVE PERIOD,  
117 REVOCATION.—

118        (d) For the purpose of granting site approval, the  
119 department may not require an applicant to provide a written  
120 memorandum of understanding or letter of agreement with other  
121 airport sites regarding air traffic pattern separation  
122 procedures unless such memorandum or letter is required by the  
123 Federal Aviation Administration or is deemed necessary by the  
124 department.

125        Section 5. Subsection (10) is added to section 332.007,  
126 Florida Statutes, to read:



143100

332.007 Administration and financing of aviation and  
airport programs and projects; state plan.—

(10) Subject to the availability of appropriated funds, and  
unless otherwise provided in the General Appropriations Act or  
the substantive bill implementing the General Appropriations  
Act, the department may fund up to 100 percent of eligible  
project costs of all of the following at a publicly owned,  
publicly operated airport located in a rural community as  
defined in s. 288.0656 which does not have any scheduled  
commercial service:

(a) The capital cost of runway and taxiway projects that  
add capacity. Such projects must be prioritized based on the  
amount of available nonstate matching funds.

(b) Economic development transportation projects pursuant  
to s. 339.2821.

Any remaining funds must be allocated for projects specified in  
subsection (6).

Section 6. Subsection (5) of section 334.044, Florida  
Statutes, is amended, and subsection (36) is added to that  
section, to read:

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

(5) To purchase, lease, or otherwise acquire property and  
materials, including the purchase of promotional items as part  
of public information and education campaigns for the promotion  
of scenic highways, traffic and train safety awareness,  
alternatives to single-occupant vehicle travel, ~~and~~ commercial  
motor vehicle safety, electric vehicle use and charging



143100

stations, autonomous vehicles, and context design for electric vehicles and autonomous vehicles; to purchase, lease, or otherwise acquire equipment and supplies; and to sell, exchange, or otherwise dispose of any property that is no longer needed by the department.

(36) To expend funds, at the department's discretion, for training, testing, and licensing for full-time employees of the department who are required to have a valid Class A or Class B commercial driver license as a condition of employment with the department.

Section 7. Paragraph (c) of subsection (6) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(6)

(c) When the department determines that it is in the best interest of the public for reasons of public concern, economy, improved operations, or safety, and only when circumstances dictate rapid completion of the work, the department may, up to the amount of \$500,000 ~~\$250,000~~, enter into contracts for construction and maintenance without advertising and receiving competitive bids. The department may enter into such contracts only upon a determination that the work is necessary for one of the following reasons:

1. To ensure timely completion of projects or avoidance of undue delay for other projects;

2. To accomplish minor repairs or construction and



143100

185 maintenance activities for which time is of the essence and for  
186 which significant cost savings would occur; or

187 3. To accomplish nonemergency work necessary to ensure  
188 avoidance of adverse conditions that affect the safe and  
189 efficient flow of traffic.

190  
191 The department shall make a good faith effort to obtain two or  
192 more quotes, if available, from qualified contractors before  
193 entering into any contract. The department shall give  
194 consideration to disadvantaged business enterprise  
195 participation. However, when the work exists within the limits  
196 of an existing contract, the department shall make a good faith  
197 effort to negotiate and enter into a contract with the prime  
198 contractor on the existing contract.

199 Section 8. Paragraph (h) of subsection (7) of section  
200 339.135, Florida Statutes, is amended to read:

201 339.135 Work program; legislative budget request;  
202 definitions; preparation, adoption, execution, and amendment.—

203 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

204 (h)1. Any work program amendment that also adds a new  
205 project, or phase thereof, to the adopted work program in excess  
206 of \$3 million is subject to approval by the Legislative Budget  
207 Commission. Any work program amendment submitted under this  
208 paragraph must include, as supplemental information, a list of  
209 projects, or phases thereof, in the current 5-year adopted work  
210 program which are eligible for the funds within the  
211 appropriation category being used for the proposed amendment.  
212 The department shall provide a narrative with the rationale for  
213 not advancing an existing project, or phase thereof, in lieu of





143100

the proposed amendment.

2. If the department submits an amendment to the Legislative Budget Commission and the commission does not meet or consider the amendment within 30 days after its submittal, the chair and vice chair of the commission may authorize the amendment to be approved pursuant to s. 216.177. ~~This subparagraph expires July 1, 2023.~~

Section 9. Paragraph (i) of subsection (6) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

(6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(i) By December 31, 2023, There is created the Chairs Coordinating Committee, composed of the M.P.O.'s serving Citrus, Hernando, Hillsborough, Manatee, Pasco, and Pinellas, Polk, and Sarasota Counties must submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a feasibility report exploring the benefits, costs, and process of consolidation into a single M.P.O. serving the contiguous urbanized area, the goal of which is to. ~~The committee must, at~~



143100

~~a minimum:~~

1. Coordinate transportation projects deemed to be regionally significant ~~by the committee.~~

2. Review the impact of regionally significant land use decisions on the region.

3. Review all proposed regionally significant transportation projects in the ~~respective~~ transportation improvement programs ~~which affect more than one of the M.P.O.'s represented on the committee.~~

~~4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.~~

Section 10. Subsection (1) of section 341.052, Florida Statutes, is amended to read:

341.052 Public transit block grant program; administration; eligible projects; limitation.—

(1) There is created a public transit block grant program which shall be administered by the department. Block grant funds shall only be provided to "Section 9" providers and "Section 18" providers designated by the United States Department of Transportation and community transportation coordinators as defined in chapter 427. Eligible providers must establish public transportation development plans consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the provider is located and the long-range transportation plans of the metropolitan planning area in which the provider is located. In developing public transportation development plans, eligible providers must solicit comments from local workforce development



143100

boards established under chapter 445. The development plans must address how the public transit provider will work with the appropriate local workforce development board to provide services to participants in the welfare transition program. Eligible providers must provide information to the local workforce development board serving the county in which the provider is located regarding the availability of transportation services to assist program participants.

Section 11. Subsections (2) and (3) of section 341.071, Florida Statutes, are amended to read:

341.071 Transit productivity and performance measures; reports.—

(2) Each public transit provider shall establish productivity and performance measures, which must be approved by the department and which must be selected from measures developed pursuant to s. 341.041(3). Each provider shall, by January 31 of each year, report to the department relative to these measures. In approving these measures, the department shall give consideration to the goals and objectives of each system, the needs of the local area, and the role for public transit in the local area. The report must include the ~~shall also specifically address potential enhancements to productivity and performance which would have the effect of increasing~~ farebox recovery ratio.

(3) Each public transit provider shall publish on its website ~~in the local newspaper of its area~~ the productivity and performance measures established for the year and a report that ~~which~~ provides quantitative data relative to the attainment of established productivity and performance measures.



143100

Section 12. Effective upon this act becoming a law, part IV of chapter 348, Florida Statutes, consisting of ss. 348.965, 348.966, 348.967, 348.968, 348.969, 348.97, 348.971, 348.972, 348.973, 348.974, 348.9751, 348.9761, 348.9771, and 348.9781, Florida Statutes, is repealed.

Section 13. Effective upon this act becoming a law, the governance and control of the Santa Rosa Bay Bridge Authority is transferred to the Department of Transportation.

(1) Since the Santa Rosa Bay Bridge Authority's bridge system was transferred to the department under the terms of the lease-purchase agreement and a settlement agreement between the department and the authority which was effective as of the close of business on June 30, 2022, any remaining assets, facilities, tangible and intangible property, and any rights in such property, and other legal rights of the authority are transferred to the department. The department succeeds to all powers of the authority. The department may review other contracts, financial obligations, and contractual obligations and liabilities of the authority and may assume legal liability for such obligations that are determined by the department to be necessary for the continued operation of the bridge system.

(2) The bridge system, or any portion thereof, may be transferred by the department and become part of the turnpike system under the Florida Turnpike Enterprise Law, ss. 338.22-338.241, Florida Statutes.

Section 14. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2023.



143100

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to the Department of Transportation;  
amending s. 288.9606, F.S.; providing construction  
regarding the proceeds of bonds of the Florida  
Development Finance Corporation; revising purposes for  
which the corporation may, without certain  
authorization from a public agency, issue revenue  
bonds or other evidence of indebtedness; amending s.  
311.101, F.S.; authorizing the department to provide  
up to 100 percent of project costs for certain  
eligible projects in rural areas of opportunity;  
amending s. 316.0777, F.S.; defining the term "law  
enforcement agency"; authorizing installation of an  
automated license plate recognition system within the  
right-of-way of any road on the State Highway System  
for a specified purpose; providing that such  
installations are solely within the department's  
discretion and must be in accordance with placement  
and installation guidelines developed by the  
department; prohibiting use of an automated license  
plate recognition system to issue a notice of  
violation or a traffic citation; requiring removal of  
such a system within a specified timeframe at the  
expense of the requesting law enforcement agency upon



143100

notification by the department; providing that the department is not liable for any damages resulting from the requesting law enforcement agency's operation of such a system; providing for a maximum period of retention of certain records generated through the use of an automated license plate recognition system; amending s. 330.30, F.S.; prohibiting the department from requiring an applicant to provide a written memorandum of understanding or letter of agreement with other airport sites regarding air traffic pattern separation procedures under certain circumstances; providing exceptions; amending s. 332.007, F.S.; authorizing the department, subject to the availability of appropriated funds, to fund up to 100 percent of eligible project costs of certain projects at specified publicly owned, publicly operated airports with no scheduled commercial service; providing prioritization criteria; providing for allocation of any remaining funds; amending s. 334.044, F.S.; revising the department's powers and duties; amending s. 337.11, F.S.; increasing the maximum cost of contracts for construction and maintenance the department may enter into without advertising and receiving competitive bids; amending s. 339.135, F.S.; abrogating the expiration of provisions authorizing the approval of certain work program amendments submitted by the department; amending s. 339.175, F.S.; abolishing the Chairs Coordinating Committee; requiring metropolitan



143100

planning organizations serving specified counties to submit a certain feasibility report by a specified date, with certain goals; amending s. 341.052, F.S.; requiring that public transportation development plans of eligible providers of public transit block grants be consistent with the long-range transportation plans of the metropolitan planning area in which the providers are located; amending s. 341.071, F.S.; revising requirements of annual public transit provider reports; requiring each public transit provider to publish on its website, rather than in the local newspaper, certain performance measures; repealing part IV of ch. 348, F.S., relating to the Santa Rosa Bay Bridge Authority; transferring the governance and control of the Santa Rosa Bay Bridge Authority to the department; transferring the remaining assets, facilities, property, and property rights of the authority to the department; providing that the department succeeds to all powers of the authority; authorizing the department to review other contracts, financial obligations, and contractual obligations and liabilities of the authority and to assume legal liability for such obligations determined by the department to be necessary for the continued operation of the bridge system; authorizing the department to transfer the bridge system, or any portion thereof, to become part of the turnpike system; providing effective dates.

By the Committee on Transportation; and Senator DiCeglie

596-02755-23

20231250c1

1 A bill to be entitled  
 2 An act relating to the Department of Transportation;  
 3 amending s. 287.057, F.S.; revising the contractual  
 4 services and commodities that are not subject to  
 5 specified competitive-solicitation requirements;  
 6 amending s. 288.9606, F.S.; providing construction  
 7 regarding the proceeds of bonds of the Florida  
 8 Development Finance Corporation; revising purposes for  
 9 which the corporation may, without certain  
 10 authorization from a public agency, issue revenue  
 11 bonds or other evidence of indebtedness; amending s.  
 12 311.101, F.S.; authorizing the department to provide  
 13 up to 100 percent of project costs for certain  
 14 eligible projects in rural areas of opportunity;  
 15 amending s. 316.0777, F.S.; defining the term "law  
 16 enforcement agency"; authorizing installation of an  
 17 automated license plate recognition system within the  
 18 right-of-way of any road on the State Highway System  
 19 for a specified purpose; providing that such  
 20 installations are solely within the department's  
 21 discretion and must be in accordance with placement  
 22 and installation guidelines developed by the  
 23 department; requiring removal of such a system within  
 24 a specified timeframe at the expense of the requesting  
 25 law enforcement agency upon notification by the  
 26 department; providing that the department is not  
 27 liable for any damages resulting from the requesting  
 28 law enforcement agency's operation of such a system;  
 29 providing for a maximum period of retention of certain

Page 1 of 15

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

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30 records generated through the use of an automated  
 31 license plate recognition system; amending s. 332.007,  
 32 F.S.; authorizing the department, subject to the  
 33 availability of appropriated funds, to fund certain  
 34 projects at specified publicly owned, publicly  
 35 operated airports with no scheduled commercial  
 36 service; providing prioritization criteria; providing  
 37 for allocation of any remaining funds; amending s.  
 38 330.29, F.S.; requiring that department rules  
 39 governing public airport site approval include a  
 40 specified requirement relating to a memorandum of  
 41 understanding or letter of agreement regarding air  
 42 traffic pattern separation procedures between  
 43 specified parties; providing applicability; amending  
 44 s. 334.044, F.S.; revising the department's powers and  
 45 duties; amending s. 337.11, F.S.; increasing the  
 46 maximum cost of contracts for construction and  
 47 maintenance the department may enter into without  
 48 advertising and receiving competitive bids; amending  
 49 s. 339.135, F.S.; abrogating the expiration of  
 50 provisions authorizing the approval of certain work  
 51 program amendments submitted by the department;  
 52 amending s. 341.052, F.S.; requiring that public  
 53 transportation development plans of eligible providers  
 54 of public transit block grants be consistent with the  
 55 long-range transportation plans of the metropolitan  
 56 planning area in which the providers are located;  
 57 amending s. 341.071, F.S.; revising requirements of  
 58 annual public transit provider reports; requiring each

Page 2 of 15

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



596-02755-23

20231250c1

public transit provider to publish on its website, rather than in the local newspaper, certain performance measures; repealing part IV of ch. 348, F.S., relating to the Santa Rosa Bay Bridge Authority; transferring the governance and control of the Santa Rosa Bay Bridge Authority to the department; transferring the remaining assets, facilities, property, and property rights of the authority to the department; providing that the department succeeds to all powers of the authority; authorizing the department to review other contracts, financial obligations, and contractual obligations and liabilities of the authority and to assume legal liability for such obligations determined by the department to be necessary for the continued operation of the bridge system; authorizing the department to transfer the bridge system, or any portion thereof, to become part of the turnpike system; providing effective dates.

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

Section 1. Paragraph (e) of subsection (3) of section 287.057, Florida Statutes, is amended to read:

287.057 Procurement of commodities or contractual services.—

(3) If the purchase price of commodities or contractual services exceeds the threshold amount provided in s. 287.017 for CATEGORY TWO, purchase of commodities or contractual services

596-02755-23

20231250c1

may not be made without receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies unless:

(e) The following contractual services and commodities are not subject to the competitive-solicitation requirements of this section:

1. Artistic services. As used in this subsection, the term "artistic services" does not include advertising or typesetting. As used in this subparagraph, the term "advertising" means the making of a representation in any form in connection with a trade, business, craft, or profession in order to promote the supply of commodities or services by the person promoting the commodities or contractual services.

2. Academic program reviews if the fee for such services does not exceed \$50,000.

3. Lectures by individuals.

4. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.

5. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration. The term also includes, but is not limited to, substance abuse and mental health services involving examination, diagnosis, treatment, prevention, or medical consultation if such services are offered to eligible individuals participating in a specific program that qualifies multiple providers and uses a standard payment methodology. Reimbursement of administrative costs for providers of services purchased in this manner are also exempt. For purposes of this subparagraph, the term "providers" means health professionals and health facilities, or organizations

596-02755-23

20231250c1

that deliver or arrange for the delivery of health services.

6. Services provided to persons with mental or physical disabilities by not-for-profit corporations that have obtained exemptions under s. 501(c)(3) of the United States Internal Revenue Code or when such services are governed by Office of Management and Budget Circular A-122. However, in acquiring such services, the agency shall consider the ability of the vendor, past performance, willingness to meet time requirements, and price.

7. Medicaid services delivered to an eligible Medicaid recipient unless the agency is directed otherwise in law.

8. Family placement services.

9. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the vendor, past performance, willingness to meet time requirements, and price.

10. Training and education services provided to injured employees pursuant to s. 440.491(6).

11. Contracts entered into pursuant to s. 337.11.

12. Services or commodities provided by governmental entities.

13. Statewide public service announcement programs provided by a Florida statewide nonprofit corporation under s. 501(c)(6) of the Internal Revenue Code which have a guaranteed documented match of at least \$3 to \$1.

14. Rating agency services.

Section 2. Subsections (6) and (7) of section 288.9606,

596-02755-23

20231250c1

Florida Statutes, are amended to read:

288.9606 Issue of revenue bonds.—

(6) The proceeds of any bonds of the corporation may not be used, in any manner, to acquire any building or facility that will be, during the pendency of the financing, used by, occupied by, leased to, or paid for by any state, county, or municipal agency or entity. This subsection does not prohibit the use of proceeds of bonds of the corporation for the purpose of financing the acquisition or construction of a transportation facility under a public-private partnership agreement authorized under s. 334.30.

(7) Notwithstanding any provision of this section, the corporation in its corporate capacity may, without authorization from a public agency under s. 163.01(7), issue revenue bonds or other evidence of indebtedness under this section to:

(a) Finance the undertaking of any project within the state that promotes renewable energy as defined in s. 366.91 or s. 377.803;

(b) Finance the undertaking of any project within the state that is a project contemplated or allowed under s. 406 of the American Recovery and Reinvestment Act of 2009; ~~or~~

(c) If permitted by federal law, finance qualifying improvement projects within the state under s. 163.08; or

(d) Finance the costs of acquisition or construction of a transportation facility by a private entity or consortium of private entities under a public-private partnership agreement authorized under s. 334.30.

Section 3. Subsection (6) of section 311.101, Florida Statutes, is amended to read:

596-02755-23

20231250c1

175 311.101 Intermodal Logistics Center Infrastructure Support  
176 Program.—

177 (6) The department shall provide up to 50 percent of  
178 project costs for eligible projects. For eligible projects in  
179 rural areas of opportunity designated in accordance with s.  
180 288.0656(7)(a), the department may provide up to 100 percent of  
181 project costs.

182 Section 4. Section 316.0777, Florida Statutes, is amended  
183 to read:

184 316.0777 Automated license plate recognition systems;  
185 installation within the rights-of-way of the State Highway  
186 System; public records exemption.—

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

188 (a) "Active," "criminal intelligence information," and  
189 "criminal investigative information" have the same meanings as  
190 provided in s. 119.011(3).

191 (b) "Agency" has the same meaning as provided in s.  
192 119.011.

193 (c) "Automated license plate recognition system" means a  
194 system of one or more mobile or fixed high-speed cameras  
195 combined with computer algorithms to convert images of license  
196 plates into computer-readable data.

197 (d) "Criminal justice agency" has the same meaning as  
198 provided in s. 119.011.

199 (2)(a) For purposes of this subsection, the term "law  
200 enforcement agency" means an agency that has a primary mission  
201 of preventing and detecting crime and enforcing state penal,  
202 criminal, traffic, and motor vehicle laws and in furtherance of  
203 that mission employs law enforcement officers as defined in s.

596-02755-23

20231250c1

204 943.10(1).

205 (b) At the discretion of the Department of Transportation,  
206 an automated license plate recognition system may be installed  
207 within the rights-of-way, as defined in s. 334.03(21), of any  
208 road on the State Highway System when installed at the request  
209 of a law enforcement agency for the purpose of collecting active  
210 criminal intelligence information or active criminal  
211 investigative information as those terms are described in s.  
212 119.011(3). Such installations must be in accordance with  
213 placement and installation guidelines developed by the  
214 Department of Transportation. An automated license plate  
215 recognition system must be removed within 30 days after the  
216 Department of Transportation notifies the requesting law  
217 enforcement agency that such removal must occur.

218 (c) Installation and removal of an automated license plate  
219 recognition system is at the sole expense of the requesting law  
220 enforcement agency. The Department of Transportation is not  
221 liable for any damages caused to any person by the requesting  
222 law enforcement agency's operation of such a system.

223 (d) Records containing images and data generated through  
224 use of an automated license plate recognition system may not be  
225 retained longer than the maximum period provided in the  
226 retention schedule established pursuant to s. 316.0778.

227 (3)(2) The following information held by an agency is  
228 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
229 of the State Constitution:

230 (a) Images and data containing or providing personal  
231 identifying information obtained through the use of an automated  
232 license plate recognition system.

596-02755-23

20231250c1

(b) Personal identifying information of an individual in data generated or resulting from images obtained through the use of an automated license plate recognition system.

~~(4)(3)~~ Such information may be disclosed as follows:

(a) Any such information may be disclosed by or to a criminal justice agency in the performance of the criminal justice agency's official duties.

(b) Any such information relating to a license plate registered to an individual may be disclosed to the individual, unless such information constitutes active criminal intelligence information or active criminal investigative information.

~~(5)(4)~~ This exemption applies to such information held by an agency before, on, or after the effective date of this exemption.

Section 5. Subsection (10) is added to section 332.007, Florida Statutes, to read:

332.007 Administration and financing of aviation and airport programs and projects; state plan.—

(10) Subject to the availability of appropriated funds, and unless otherwise provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, the department may fund all of the following at a publicly owned, publicly operated airport located in a rural community as defined in s. 288.0656 which does not have any scheduled commercial service:

(a) The capital cost of runway and taxiway projects that add capacity. Such projects must be prioritized based on the amount of available nonstate matching funds.

(b) Economic development transportation projects pursuant

596-02755-23

20231250c1

to s. 339.2821.

Any remaining funds must be allocated for projects specified in subsection (6).

Section 6. Subsection (4) of section 330.29, Florida Statutes, is amended to read:

330.29 Administration and enforcement; rules; requirements for airport sites and airports.—It is the duty of the department to:

(4) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the provisions of~~ this chapter. The department rules governing public airport site approval must include a requirement that an applicant provide a copy of a written memorandum of understanding or letter of agreement regarding air traffic pattern separation procedures between the parties representing a proposed airport and any existing airport or any approved airport site located within 3 miles of the proposed site, which must be signed by each of the respective parties. The requirement applies only if such memorandum or letter is required by the final Federal Aviation Administration airspace determination letter or is deemed necessary by the department.

Section 7. Subsection (5) of section 334.044, Florida Statutes, is amended, and subsection (36) is added to that section, to read:

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

(5) To purchase, lease, or otherwise acquire property and materials, including the purchase of promotional items as part of public information and education campaigns for the promotion

596-02755-23

20231250c1

of scenic highways, traffic and train safety awareness, alternatives to single-occupant vehicle travel, ~~and~~ commercial motor vehicle safety, electric vehicle use and charging stations, autonomous vehicles, and context design for electric vehicles and autonomous vehicles; to purchase, lease, or otherwise acquire equipment and supplies; and to sell, exchange, or otherwise dispose of any property that is no longer needed by the department.

(36) To expend funds, within the department's discretion, for training, testing, and licensing for full-time employees of the department who are required to have a valid Class A or Class B commercial driver license as a condition of employment with the department.

Section 8. Paragraph (c) of subsection (6) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(6)

(c) When the department determines that it is in the best interest of the public for reasons of public concern, economy, improved operations, or safety, and only when circumstances dictate rapid completion of the work, the department may, up to the amount of \$500,000 ~~\$250,000~~, enter into contracts for construction and maintenance without advertising and receiving competitive bids. The department may enter into such contracts only upon a determination that the work is necessary for one of the following reasons:

596-02755-23

20231250c1

1. To ensure timely completion of projects or avoidance of undue delay for other projects;

2. To accomplish minor repairs or construction and maintenance activities for which time is of the essence and for which significant cost savings would occur; or

3. To accomplish nonemergency work necessary to ensure avoidance of adverse conditions that affect the safe and efficient flow of traffic.

The department shall make a good faith effort to obtain two or more quotes, if available, from qualified contractors before entering into any contract. The department shall give consideration to disadvantaged business enterprise participation. However, when the work exists within the limits of an existing contract, the department shall make a good faith effort to negotiate and enter into a contract with the prime contractor on the existing contract.

Section 9. Paragraph (h) of subsection (7) of section 339.135, Florida Statutes, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(h)1. Any work program amendment that also adds a new project, or phase thereof, to the adopted work program in excess of \$3 million is subject to approval by the Legislative Budget Commission. Any work program amendment submitted under this paragraph must include, as supplemental information, a list of projects, or phases thereof, in the current 5-year adopted work program which are eligible for the funds within the

596-02755-23

20231250c1

appropriation category being used for the proposed amendment.  
The department shall provide a narrative with the rationale for not advancing an existing project, or phase thereof, in lieu of the proposed amendment.

2. If the department submits an amendment to the Legislative Budget Commission and the commission does not meet or consider the amendment within 30 days after its submittal, the chair and vice chair of the commission may authorize the amendment to be approved pursuant to s. 216.177. ~~This subparagraph expires July 1, 2023.~~

Section 10. Subsection (1) of section 341.052, Florida Statutes, is amended to read:

341.052 Public transit block grant program; administration; eligible projects; limitation.—

(1) There is created a public transit block grant program which shall be administered by the department. Block grant funds shall only be provided to "Section 9" providers and "Section 18" providers designated by the United States Department of Transportation and community transportation coordinators as defined in chapter 427. Eligible providers must establish public transportation development plans consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the provider is located and the long-range transportation plans of the metropolitan planning area in which the provider is located. In developing public transportation development plans, eligible providers must solicit comments from local workforce development boards established under chapter 445. The development plans must address how the public transit provider will work with the

596-02755-23

20231250c1

appropriate local workforce development board to provide services to participants in the welfare transition program. Eligible providers must provide information to the local workforce development board serving the county in which the provider is located regarding the availability of transportation services to assist program participants.

Section 11. Subsections (2) and (3) of section 341.071, Florida Statutes, are amended to read:

341.071 Transit productivity and performance measures; reports.—

(2) Each public transit provider shall establish productivity and performance measures, which must be approved by the department and which must be selected from measures developed pursuant to s. 341.041(3). Each provider shall, by January 31 of each year, report to the department relative to these measures. In approving these measures, the department shall give consideration to the goals and objectives of each system, the needs of the local area, and the role for public transit in the local area. The report must include the ~~shall also specifically address potential enhancements to productivity and performance which would have the effect of increasing~~ farebox recovery ratio.

(3) Each public transit provider shall publish on its website in the local newspaper of its area the productivity and performance measures established for the year and a report that ~~which~~ provides quantitative data relative to the attainment of established productivity and performance measures.

Section 12. Effective upon this act becoming a law, part IV of chapter 348, Florida Statutes, consisting of sections

596-02755-23 20231250c1

348.965, 348.966, 348.967, 348.968, 348.969, 348.97, 348.971,  
348.972, 348.973, 348.974, 348.9751, 348.9761, 348.9771, and  
348.9781, Florida Statutes, is repealed.

Section 13. Effective upon this act becoming a law, the  
governance and control of the Santa Rosa Bay Bridge Authority is  
transferred to the Department of Transportation.

(1) Since the Santa Rosa Bay Bridge Authority's bridge  
system was transferred to the department under the terms of the  
lease-purchase agreement and a settlement agreement between the  
department and the authority which was effective as of the close  
of business on June 30, 2022, any remaining assets, facilities,  
tangible and intangible property, and any rights in such  
property, and other legal rights of the authority are  
transferred to the department. The department succeeds to all  
powers of the authority. The department may review other  
contracts, financial obligations, and contractual obligations  
and liabilities of the authority and may assume legal liability  
for such obligations that are determined by the department to be  
necessary for the continued operation of the bridge system.

(2) The bridge system, or any portion thereof, may be  
transferred by the department and become part of the turnpike  
system under the Florida Turnpike Enterprise Law, ss. 338.22-  
338.241, Florida Statutes.

Section 14. Except as otherwise expressly provided in this  
act and except for this section, which shall take effect upon  
this act becoming a law, this act shall take effect July 1,  
2023.

04/12/23

Meeting Date

Approps Cmte on Transportation, Tourism....

Committee

Name Jason Rodriguez

Address 2985 Drew Street

Street

Clearwater

City

FL

State

33656

Zip

The Florida Senate  
**APPEARANCE RECORD**

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

1250

Bill Number or Topic

Amendment Barcode (if applicable)

Phone (727)656-4256

Email jason.rodriguez@baycare.org

Reset Form

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:

BayCare Health System

☐ 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)



4/12/2023

Meeting Date

Appropriations Committee on Transportation, Tourism, and Economic Development

The Florida Senate

## APPEARANCE RECORD

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

1250

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Matt Dunagan**

Address **2617 Mahan Drive**

**Tallahassee** **FL** **32308**

City State Zip

Phone **(850) 877-2165**

Email **mdunagan@flsheriffs.org**

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:

**Florida Sheriffs 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.

S-001 (08/10/2021)

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

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

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

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BILL: CS/SB 1252

INTRODUCER: Transportation Committee and Senator DiCeglie

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: April 12, 2023

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Vickers</u>	<u>TR</u>	<u><b>Fav/CS</b></u>
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	<u><b>Favorable</b></u>
3.	<u>                    </u>	<u>                    </u>	<u>FP</u>	<u>                    </u>

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1252 makes numerous changes relating to the Department of Highway Safety and Motor Vehicles (DHSMV). Specifically, the bill:

- Allows “authorized agents” of the DHSMV to conduct International Fuel Tax Agreement transactions;
- Requires all law enforcement agencies to submit crash reports to the DHSMV solely by electronic means by July 1, 2025;
- Exempts motor vehicle dealers from air pollution control equipment certification requirements if the motor vehicle purchaser is the current lessee of the motor vehicle that is not in the possession of the dealer at the time of sale;
- Updates the date of adoption of federal regulations and rules for commercial motor vehicles (CMVs) from December 31, 2020, to December 31, 2022, updates federal references, and removes an expired exemption for CMV operators;
- Expressly states that the DHSMV is charged with the administration and enforcement of specified federal laws relating to CMVs;
- Requires the DHSMV to brand certificates of title of flood vehicles with the words “Salt Water,” “Fresh Water,” or “Other or Unknown Water Type” based on the water type that flooded the vehicle;
- Revises a requirement for a rightful heir to transfer ownership of a motor vehicle or mobile home if the previous owner died testate;
- Clarifies that no additional fee can be charged by the DHSMV or a tax collector for the reissuance of a certificate of title that is lost in transit and is not delivered;

- Defines “major component parts” of electric, hybrid, and plug-in hybrid motor vehicles for the purpose of verifying the sources of these parts during the rebuilt inspection process;
- Amends the process for an insurance company to receive a salvage certificate of title or certificate of destruction for a total loss vehicle when the company is unable to obtain a release of all liens;
- Adds damaged or dismantled “vessel” to the salvage statute and provides procedures regarding the release and application for titling by an independent entity in possession of the vessel;
- Allows rental trucks with a gross vehicle weight up to 15,000 pounds to elect to have a permanent registration period with annual payment of appropriate license taxes and fees;
- Authorizes trailers to be issued reduced dimension license plates;
- Provides that a disabled veteran who qualifies for a free “DV” license plate may choose a military or specialty license plate he or she qualifies for in lieu of the “DV” license plate;
- Requires that the designations on a driver license or identification card indicating an individual is a sexual predator or sexual offender be in a distinctive format and printed in red;
- Removes requirements that certain insurance coverage be noncancelable following reinstatement of a driver license; and
- Makes numerous clarifying, technical, and conforming changes.

The bill also creates a new section of statute and amends various sections of law to adopt requirements related to the federal Drug and Alcohol Clearinghouse program. States must be compliant with this program by November 18, 2024, or risk losing federal grant funding.

The bill may have an indeterminate fiscal impact on state and local government and the private sector. See Section V. Fiscal Impact Statement.

Except as otherwise provided, the bill takes effect July 1, 2023.

## **II. Present Situation:**

Due to the disparate issues in the bill, for ease of organization and readability, the Present Situation for each issue is discussed below in conjunction with the Effect of Proposed Changes.

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

### **International Fuel Tax Agreement (IFTA) Registration (Section 1)**

#### ***Present Situation***

The IFTA is a reciprocal tax collection agreement by and among the 48 contiguous states and the ten Canadian provinces bordering the United States. IFTA qualified commercial motor vehicles (CMVs) registered in Florida report and pay all motor fuel taxes to the state (its base jurisdiction), which distributes such taxes to other member jurisdictions in which the vehicle travelled and incurred motor fuel use tax liability.<sup>1</sup>

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<sup>1</sup> Chapter 207, F.S. and DHSMV, *International Fuel Tax Agreement*, <https://www.flhsmv.gov/driver-licenses-id-cards/commercial-motor-vehicle-drivers/international-fuel-tax-agreement/> (last visited March 6, 2023).

CMVs are IFTA qualified if they are used, designed, or maintained for the interstate transportation of persons or property and:

- Have two axles and a gross vehicle weight (GVW) or registered GVW exceeding 26,000 pounds;
- Have three or more axles, regardless of weight; or
- Are used in combination with a trailer, for a combined GVW or registered GVW in excess of 26,000 pounds.

CMVs that fall under IFTA must obtain an IFTA license and a set of two IFTA decals per qualified vehicle annually. The IFTA license and decals are valid from January 1 through December 31.<sup>2</sup> According to the DHSMV, a licensee can only obtain a new IFTA license and accompanying decals by mail from the DHSMV or in person at the Neil Kirkman Building in Tallahassee.<sup>3</sup>

Current law allows county tax collectors, as authorized agents of the DHSMV, to provide motor vehicle and driver license services, including the issuance of registration certificates, license plates, and validation stickers.<sup>4</sup> However, Florida law does not expressly allow “authorized agents” of the DHSMV to conduct IFTA transactions.

### ***Effect of Proposed Changes***

The bill amends s. 207.004, F.S., to specify that the DHSMV or its authorized agent shall issue licenses and fuel tax decals for CMVs requiring IFTA registration.

This change may provide CMV operators more options for conducting IFTA registration transactions and may reduce in-person traffic and wait times at the Neil Kirkman Building in Tallahassee for IFTA transactions.

### **Electronic Crash Reporting (Sections 2 and 3)**

#### ***Present Situation***

The DHSMV is the official custodian of Florida’s crash data. The DHSMV is responsible for preparing and supplying Florida’s crash report forms to law enforcement agencies in the state,<sup>5</sup> and crash reports prepared by law enforcement agencies must be submitted to the DHSMV.<sup>6</sup> The DHSMV aggregates this data submitted by law enforcement agencies, and uses such data to develop reports and distribute data to safety stakeholders and other interested parties.<sup>7</sup>

Florida law does not mandate how crash report forms are to be submitted to the DHSMV. DHSMV receives approximately 750,000 crash report forms annually. Currently, less than two percent of crash reports received by the DHSMV are paper crash reports.<sup>8</sup> Paper crash reports are

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

<sup>3</sup> DHSMV, 2023 Agency Legislative Bill Analysis - SB 1252 (March 1, 2023) at 2.

<sup>4</sup> See ss. 320.02(1) and 320.03, F.S.

<sup>5</sup> Section 316.068, F.S.

<sup>6</sup> Section 316.066(1)(f), F.S.

<sup>7</sup> Section 316.069, F.S., and DHSMV, *supra* note 3.

<sup>8</sup> DHSMV, *supra* note 3.

received by the DHSMV via regular postal services and are then delivered to a third-party, PRIDE Enterprises, to be manually key punched and submitted electronically to the DHSMV database where the data is validated prior to acceptance.<sup>9</sup>

### ***Effect of Proposed Changes***

The bill amends s. 316.066, F.S., effective July 1, 2025, to require all Florida law enforcement agencies to submit crash reports to the DHSMV solely by electronic means instead of mailing paper crash reports.

The bill contains a legislative finding that this requirement fulfills an important state interest by expediting the availability of crash reports and crash data as well as the availability of information derived from such reports to improve highway safety.

### **Air Pollution Certificate Exemption for Leased Vehicles (Section 4)**

#### ***Present Situation***

Section 316.2935, F.S., prohibits a person or motor vehicle dealer from offering for sale or lease, selling or leasing, or transferring title to, a motor vehicle in Florida that has had its air pollution control equipment tampered with.<sup>10</sup> The motor vehicle seller, lessor, or transferor must certify in writing that the air pollution control equipment has not been tampered with by the certifier or with his or her permission, or by the certifier's agent, employee, or other representative.

Additionally, a licensed motor vehicle dealer also must certify that he, she, or persons under his or her supervision visually observed the air pollution control equipment of the motor vehicle and determined such equipment is in place and appears properly connected and undamaged.<sup>11</sup>

The following transactions are exempt from this requirement:<sup>12</sup>

- Motor vehicles from the manufacturer or distributor provided to a franchise motor vehicle dealer;
- First time lease or sale of new motor vehicles subject to certification under s. 207, Clean Air Act, 42 U.S.C. s. 7541;
- Motor vehicles provided to a licensed motor vehicle dealer who elects to not receive the certification form;
- Motor vehicles transferred between licensed motor vehicle dealers;
- Lease agreements for 30 days or less; and
- Sales of motor vehicles for salvage purposes only.

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<sup>9</sup> DHSMV, *supra* note 3.

<sup>10</sup> Section 316.2935(1)(a), F.S., defines "tampering" as "the dismantling, removal, or rendering ineffective of any air pollution control device or system which has been installed on a motor vehicle by the vehicle manufacturer except to replace such device or system with a device or system equivalent in design and function to the part that was originally installed on the motor vehicle."

<sup>11</sup> Rule 62-243.500, F.A.C., specifies the "air pollution equipment" to be visually observed includes the catalytic converter, fuel inlet instructor, unvented fuel cap, exhaust gas recirculation system, air pump and/or air injection system, and fuel evaporative system, if applicable based on vehicle age.

<sup>12</sup> Section 316.2935(1), F.S. and Rule 62-243.500(2), F.A.C.

Any person or motor vehicle dealer who knowingly and willingly violates this requirement:<sup>13</sup>

- For a first violation, a person is guilty of second degree misdemeanor and a motor vehicle dealer is guilty of a first degree misdemeanor.
- For a second or subsequent violation, any violator is guilty of a first degree misdemeanor, and the DHSMV may temporarily or permanently revoke or suspend the motor vehicle dealer license of the violator.

All other violators shall be charged with a noncriminal traffic infraction, punishable as a moving violation. However, the penalty may be reduced if the violation is corrected.<sup>14</sup>

### ***Effect of Proposed Changes***

The bill amends s. 316.2935, F.S., to exempt licensed motor vehicle dealers from being required to visually inspect and certify that a vehicle's air pollution control equipment has not been tampered with by the dealer or his or her agents when the vehicle is being purchased by the current lessee and is not in the possession of the dealer at the time of sale.

### **Federal CMV Regulations (Sections 5, 14, and 15)**

#### ***Present Situation***

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA), an agency within the U.S. Department of Transportation, is to prevent CMV-related fatalities and injuries.<sup>15</sup>

Section 316.003(14), F.S., defines “commercial motor vehicle” as any self-propelled or towed vehicle used on public highways in commerce to transport passengers or cargo, if such vehicle:

- Has a gross vehicle weight rating of 10,000 pounds or more;
- Is designed to transport more than 15 passengers, including the driver; or
- Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act,<sup>16</sup> as amended.

Section 316.302(1)(a), F.S., provides that all owners and drivers of a CMV operating on the state's public highways while engaged in *interstate* commerce are subject to rules and regulations contained in the following parts of the Federal Motor Carrier Safety Regulations<sup>17</sup>:

<b>Part</b>	<b>Heading</b>
382	Controlled Substances and Alcohol Use and Testing
383	Commercial Driver's License Standards; Requirements and Penalties
385	Safety Fitness Procedures
386	Rules of Practice for FMCSA Proceedings
390	Federal Motor Carrier Safety Regulations; General
391	Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors
392	Driving of Commercial Motor Vehicles

<sup>13</sup> Section 316.2935(5), F.S.

<sup>14</sup> Sections 316.2935(6) and 316.6105, F.S.

<sup>15</sup> FMCSA, *About Us*, available at <https://www.fmcsa.dot.gov/mission/about-us> (last visited March 6, 2023).

<sup>16</sup> 49 U.S.C. ss. 1801 et seq.

<sup>17</sup> 49 C.F.R. ch III, subchapter B.

393	Parts and Accessories Necessary for Safe Operation
395	Hours of Service Drivers
396	Inspection, Repair, and Maintenance
397	Transportation of Hazardous Materials; Driving and Parking Rules

Section 316.302(1)(b), F.S., provides that owners or drivers of CMVs engaged in *intrastate* commerce are subject to the same federal regulations, unless otherwise provided in s. 316.302, F.S., as such regulations existed on December 31, 2020.

States generally have three years to adopt such rules to remain compatible with federal regulations. States that remain incompatible after the compliance date risk losing federal grant funding.

During the most recent Annual Program Review of the DHSMV's compliance with these regulations, the FMCSA noted that Florida law does not expressly subject the DHSMV to comply with the provisions of 49 CFR part 384.<sup>18</sup>

### ***Effect of Proposed Changes***

The bill amends s. 316.302, F.S., to provide that all owners and drivers of CMVs engaged in *intrastate* commerce be subject to CMV rules and regulations, unless otherwise specified, as they existed on December 31, 2022. According to the DHSMV, the FMCSA has adopted or amended six rules between December 31, 2020, and December 31, 2022, which impact the DHSMV.

This update results in the following changes:

- Removes a duplicative requirement that drivers prepare and submit a list of traffic violations annually to their employer;<sup>19</sup>
- Increases the area on the interior of a CMV windshield where vehicle safety technology devices may be mounted;<sup>20</sup>
- Expands the definition of “vehicle safety technology” to include, “systems and items of equipment to promote driver, occupant, and roadway safety,” including “systems and devices that contain cameras, lidar, radar, and/or video”;<sup>21</sup>
- Permits individuals who do not satisfy certain vision standards to be physically qualified by an ophthalmologist or optometrist annually to operate a CMV;<sup>22</sup>
- Requires rear impact guards be examined as part of the required CMV annual inspection and updates certification and labeling requirements for rear impact protection guards;<sup>23</sup> and
- Requires compliance with regulations related to the Drug and Alcohol Clearinghouse (this issue is described in detail in this analysis under the “Commercial Driver Licenses and the Drug and Alcohol Clearinghouse” subheading).

<sup>18</sup> DHSMV, *supra* note 3, at 3.

<sup>19</sup> 87 FR 13192 (March 9, 2022).

<sup>20</sup> 49 C.F.R. s. 393.60(e)(1).

<sup>21</sup> 49 C.F.R. s. 393.5.

<sup>22</sup> 49 C.F.R. s. 391.44.

<sup>23</sup> 86 FR 62105 (November 9, 2021).

The bill also makes changes in the following sections related to CMVs:

- Amends s. 316.302(1)(a) and (b), F.S., to include that all owners and drivers of CMVs are subject to the rules and regulations contained in 49 C.F.R. part 384, which requires state compliance with the federal CDL program.
- Removes s. 316.302(1)(c), F.S., which is now obsolete. The paragraph allowed a delay in compliance with the requirements of electronic logging devices and hours of service supporting documents until December 31, 2019.
- Amends s. 316.302(2)(d), F.S., to update to the appropriate federal references.
- Amends s. 322.02, F.S., to provide that the DHSMV is charged with the enforcement and administration of 49 C.F.R. parts 382-386 and 390-397.
- Clarifies in s. 322.05(4), F.S., that the DHSMV is prohibited from issuing a commercial license to any person who is ineligible to operate a CMV pursuant to 49 C.F.R. part 383.

## **Branding of a Certificate of Title as a “Flood Vehicle” (Section 6)**

### ***Present Situation***

Florida law prohibits a person knowingly offering for sale, selling, or exchanging a flood vehicle until the DHSMV has stamped in a conspicuous place on the certificate of title that the vehicle is a flood vehicle.<sup>24</sup> A “flood vehicle” is defined as a motor vehicle or mobile home declared as a total loss<sup>25</sup> resulting from damage caused by water.<sup>26</sup>

Current law does not differentiate between the types of water that impacted a flood vehicle. In September 2022, Hurricane Ian made landfall in Florida and numerous electric vehicles caught fire from what is believed to be exposure to or submersion in salt water.<sup>27</sup> Lithium-ion batteries power most electric vehicles. Damage to such batteries by salt water, heat, or force can cause a chemical reaction called thermal runaway, which causes batteries to heat up uncontrollably and be prone to fires and off-gassing, which can lead to explosions.<sup>28</sup> According to the National Highway Traffic Safety Administration (NHTSA):

Lithium-ion vehicle battery fires have been observed both rapidly igniting and igniting several weeks after battery damage occurred. The timing of the fire initiation is specific to the battery design, chemistry, and damage to the battery pack. Test results specific to saltwater submersion show that salt bridges can form within the battery pack and provide a path for short circuit and self-heating. This can lead to fire ignition. As with other forms of battery degradation, the time period for this transition from self-heating to fire ignition can vary greatly.<sup>29</sup>

<sup>24</sup> Section 319.14(1)(b), F.S.

<sup>25</sup> Pursuant to 319.30(3)(a), F.S., which defines “total loss” as when an insurance company pays to replace the damaged vehicle or mobile home, or when an uninsured motor vehicle or mobile home is damaged and the cost to repair or rebuild the vehicle is 80 percent or more of the replacement cost.

<sup>26</sup> Section 319.14 (1)(c)8., F.S.

<sup>27</sup> DHSMV, *supra* note 3, at 3-4.

<sup>28</sup> Verzoni, Angelo, *Experts Warn of Electric Fires After Hurricane Ian Damages Lithium-Ion Batteries*, National Fire Protection Association (October 9, 2022), <https://www.nfpa.org/News-and-Research/Publications-and-media/Blogs-Landing-Page/NFPA-Today/Blog-Posts/2022/10/19/Experts-Warn-of-Electric-Vehicle-Fires-After-Hurricane-Ian-Damages-Lithium-Ion-Batteries> (last visited February 21, 2023).

<sup>29</sup> Letter to Florida Chief Financial Officer Jimmy Patronis from NHTSA (October 14, 2022) on p. 2.



Even for electric vehicles that did not combust in fire following submersion in salt water during Hurricane Ian, a concern may exist that the vehicles' batteries may be considered a hazardous material.

### ***Effect of Proposed Changes***

The bill amends s. 319.14, F.S., to require the DHSMV to brand the certificate of title of a flood vehicle with reference to the water type that flooded the vehicle. The certificate of title of a flood vehicle will be branded as either:

- “Flood Vehicle - Salt Water”;
- “Flood Vehicle - Fresh Water”; or
- “Flood Vehicle - Other or Unknown Water Type.”

Including this additional information may provide increased consumer protections. By knowing what type of water a flood vehicle has been exposed to, vehicle purchasers and owners may be more aware of any potential risks associated with fire and hazardous materials.

## **Certificate of Title Transfer of Ownership (Section 8)**

### ***Present Situation***

Florida law states that in the case of transfer of ownership of a motor vehicle or mobile home by operation of law, such as inheritance, the DHSMV must receive satisfactory proof of ownership and right of possession to such motor vehicle or mobile home, and payment of the required certificate of title application fee, before the DHSMV can issue the applicant a certificate of title.<sup>30</sup>

If the previous owner died testate, the application must be accompanied by:<sup>31</sup>

- A certified copy of the will, if probated, and an affidavit that the estate is solvent with sufficient assets to pay all just claims; or
- A sworn copy of the will, if the will is not being probated, and an affidavit that the estate is not indebted.

### ***Effect of Proposed Changes***

The bill amends s. 319.28, F.S., to provide, if the previous owner died testate, an application for the certificate of title may be made by and accompanied with an affidavit attested by a Florida-licensed attorney in good standing with the Florida Bar who represents the previous owner's estate, that such heir or heirs are lawfully entitled to the rights of ownership and possession of the motor vehicle or mobile home. Such affidavit constitutes satisfactory proof of ownership and right of possession, and is not required to be accompanied by a copy of the will or other testamentary instrument.

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<sup>30</sup> Section 319.28(1)(a), F.S.

<sup>31</sup> Section 319.28(1)(b), F.S.

## **Lost Certificates of Title (Section 9)**

### ***Present Situation***

Under current law, if a certificate of title is lost or destroyed, the owner of the motor vehicle or mobile home, or the holder of a lien, must apply to the DHSMV for a duplicate copy.<sup>32</sup> Upon receiving an application signed and sworn to by the applicant, and accompanied by the required fee,<sup>33</sup> the DHSMV must issue a duplicate copy of the certificate of title.<sup>34</sup>

If an original, duplicate, or corrected certificate of title issued by the DHSMV is lost in transit and is not delivered to the addressee, the owner or holder must, within 180 days of the date of issuance of the title, apply to the DHSMV for the reissuance of the certificate of title without an additional fee.<sup>35</sup> Florida law provides that tax collectors can handle certificate of title applications and collect the associated fees.<sup>36</sup>

### ***Effect of Proposed Changes***

The bill amends s. 319.29, F.S., to clarify that the DHSMV *or a tax collector* may reissue a certificate of title without an additional fee when the certificate of title is lost in transit and not delivered. The bill requires the applicant to apply for such reissuance within 180 days *after* the date of issuance of the certificate of title.

## **Electric, Hybrid, and Plug-in Hybrid Vehicle Component Parts (Section 10)**

### ***Present Situation***

Salvage motor vehicle dealers who purchase a major component part of a vehicle must record the date of purchase and the name, address, and personal identification card number of the seller, as well as the vehicle identification number, if available.<sup>37</sup> Before a salvage motor vehicle dealer can resell a salvage motor vehicle or its parts, the motor vehicle's title must indicate it is rebuilt, which requires a rebuilt inspection to assure the identity of the vehicle and all major component parts repaired or replaced.<sup>38</sup>

The definition of “major component parts” provided in s. 319.30(1)(j), F.S., is specific to combustion engines and does not include parts of electric, hybrid, and plug-in hybrid motor vehicles that may be considered major component parts of the vehicle.

### ***Effect of Proposed Changes***

The bill amends s. 319.30(1)(j), F.S., to define “major component parts” of electric, hybrid, and plug-in hybrid vehicles as all the major component parts of a combustible engine vehicle as well

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<sup>32</sup> Section 319.29(1), F.S.

<sup>33</sup> The fee for a duplicate title is generally \$75.25. See Section 319.32(1) and (2), F.S., and DHSMV, *Fees - Motor Vehicle Title Fees*, <https://www.flhsmv.gov/fees/> (last visited March 26, 2023).

<sup>34</sup> Section 319.29(1), F.S.

<sup>35</sup> Section 319.29(3), F.S.

<sup>36</sup> Section 319.32(2)(b), F.S.

<sup>37</sup> Section 319.30(6)(a), F.S.

<sup>38</sup> Sections 319.141 and 319.14, F.S.

as the following parts: electronic transmission, charge port, DC power converter, onboard charger, power electronics controller, thermal system, and traction battery pack.

## **Salvage Certificates of Title or Certificates of Destruction (Section 10)**

### ***Present Situation***

Under Florida law<sup>39</sup>, the owner of a motor vehicle or mobile home that is considered salvage<sup>40</sup> must, within 72 hours after the motor vehicle or mobile home becomes salvage, forward its title to the DHSMV for processing. However, an insurance company that pays money as compensation for the total loss of a motor vehicle or mobile home must obtain the certificate of title for the motor vehicle or mobile home, make the required notification to the National Motor Vehicle Title Information System,<sup>41</sup> and, within 72 hours after receiving such certificate of title, forward the title to the DHSMV for processing. The owner or insurance company may not dispose of a vehicle or mobile home that is a total loss before it obtains a salvage certificate of title or certificate of destruction from the DHSMV.

To facilitate the issuance of salvage certificates of title and certificates of destruction when the insurer has been unable to obtain the title from the owner or lienholder to surrender to the DHSMV:<sup>42</sup>

- Thirty days after payment of a claim for compensation, the insurance company may receive a salvage certificate of title or certificate of destruction from the DHSMV if the insurance company is unable to obtain a properly assigned certificate of title from the owner or lienholder of the motor vehicle or mobile home, if the motor vehicle or mobile home does not carry an electronic lien on the title *and* the insurance company:
  - Has obtained the release of all liens on the motor vehicle or mobile home;
  - Has attested on a form provided by the DHSMV that payment of the total loss claim has been distributed; and
  - Has attested on a form provided by the DHSMV and signed by the insurance company or its authorized agent stating the attempts that have been made to obtain the title from the owner or lienholder and further stating that all attempts are to no avail.<sup>43</sup>

This process does not address a situation where an insurer pays out a total loss claim for a motor vehicle or mobile home that has a lien on it that is not being released.

### ***Effect of Proposed Changes***

The bill amends s. 319.30(3), F.S., to provide a process for an insurance company to obtain a salvage certificate of title or certificate of destruction following payment of a total loss claim

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<sup>39</sup> Section 319.30, F.S.

<sup>40</sup> Section 319.30(1)(t), F.S., defines the term “salvage” as a motor vehicle or mobile home which is a total loss as defined in s. 319.30(3)(a), F.S.

<sup>41</sup> The National Motor Vehicle Title Information System (NMVTIS) is overseen by the United States Department of Justice and is designed to prevent the introduction of stolen motor vehicles into interstate commerce, protect states and consumers from fraud, reduce the use of stolen vehicles for illicit purposes and provide consumers protection from unsafe vehicles. NMVTIS, <https://vehiclehistory.bja.ojp.gov/> (last visited March 7, 2023).

<sup>42</sup> This process provided in s. 319.30(3)(b)1., F.S., had an effective date of January 1, 2020.

<sup>43</sup> Attempts to contact the owner may be delivered in-person or by first-class mail with a certificate of mailing to the owner’s or lienholder’s last known address. Section 319.30(3)(b)1.c., F.S.

when the insurer has been unable to obtain a properly assigned title from the owner or lienholder of the motor vehicle or mobile home *and* there remains a lien on the title.

Specifically, the bill provides that 30 days after payment of a claim for compensation of a total loss motor vehicle or mobile home, the insurer may receive a salvage certificate of title or certificate of destruction from the DHSMV if the insurance company is unable to receive a properly assigned title from the owner or lienholder and, if the insurance company has not obtained the release of all liens on the motor vehicle or mobile home:

- Has fully paid the amounts due to the owner and lienholder;
- Has attested on a form provided by the DHSMV that amounts due to the owner and lienholder have been fully paid; and
- Has attested on a form provided by the DHSMV and signed by the insurance company or its authorized agent stating the attempts that have been made to obtain the title from the owner or lienholder and further stating that all attempts are to no avail.

The bill adds that the DHSMV is not liable to, and may not be held liable by, an owner, a lienholder, or any other person as a result of the issuance of a salvage title or a certificate of destruction pursuant to this process.

### **Independent Entities Possessing Damaged or Dismantled Vehicles or Vessels (Section 10)**

#### ***Present Situation***

Currently, independent entities can temporarily store damaged or dismantled motor vehicles pursuant to an agreement with an insurance company and participate in the sale or resale of such motor vehicles.<sup>44</sup>

When an independent entity is in possession of a damaged or dismantled motor vehicle, an insurance company can notify the independent entity, with a form prescribed by the DHSMV, authorizing the release of the vehicle to the owner. The form contains: the policy and claim number, the name and address of the insured, the vehicle identification number, and the signature of an authorized representative of the insurance company.<sup>45</sup>

Upon receiving this form, the independent entity must notify the owner that the vehicle is available for pickup. The notification must be sent by certified mail or another commercially available delivery service that provides proof of delivery to the owner at the owner's address contained in the DHSMV's records. If the vehicle is not claimed within 30 days after delivery or attempted delivery of the notice, the independent entity may apply for a certificate of destruction or a certificate of title.<sup>46</sup>

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<sup>44</sup> Section 319.30(1)(g), F.S., includes such "independent entity" does not include a wrecker operator, a towing company, or a repair facility.

<sup>45</sup> Section 319.30(9)(a), F.S.

<sup>46</sup> Section 319.30(9)(b), F.S.

If the DHSMV records do not contain the motor vehicle owner's address, the independent entity must do the following:

- Send the required notification to the owner's address that is provided by the insurance company in the release statement; and<sup>47</sup>
- Identify the latest titling jurisdiction of the vehicle through the National Motor Vehicle Title Information System (NMVTIS) or an equivalent commercially available system in an attempt to obtain the owner's address from that jurisdiction. If the jurisdiction provides an address that is different from the owner's address provided by the insurance company, the independent entity must provide the required notice to both addresses.<sup>48</sup>

The independent entity must maintain all records related to the 30-day notice and searches in the NMVTIS for 3 years.<sup>49</sup> Upon applying for a certificate of destruction or salvage certificate of title, the independent entity must provide a copy of the release statement from the insurance company, proof of the 30-day notice sent to the owner, proof of notification to the NMVTIS, proof of all lien satisfactions or proof of a release of all liens on the motor vehicle, and applicable fees.<sup>50</sup>

This process does not currently include vessels. The need to include a process for returning to owners, or obtaining salvage certificates of title, for damaged or dismantled vessels in the possession of independent entities became evident following Hurricane Ian in 2022.

### ***Effect of Proposed Changes***

The bill amends s. 319.30, F.S., to expand the authority of independent entities to allow them to temporarily store damaged or dismantled vessels pursuant to an agreement with an insurance company and participate in the sale or resale of such vessels. For this purpose, vessel is defined as every description of a watercraft, barge, and airboat used or capable of being used as a means of transportation on water.<sup>51</sup>

The bill treats vessels the same as motor vehicles in possession of an independent entity with the following exceptions:

- On the form prescribed by the DHSMV, the hull identification number for the vessel is reported instead of the vehicle identification number.
- If the vessel is hull-damaged, the independent entity must comply as applicable with the "Hull Damaged" title brand designation requirements outlined in s. 328.045, F.S.
- The independent entity is not required to notify the NMVTIS before releasing the vessel to the owner or before applying for a certificate of title.

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<sup>47</sup> Section 319.30(9)(c)1., F.S.

<sup>48</sup> Section 319.30(9)(c)2., F.S.

<sup>49</sup> Section 319.30(9)(d), F.S.

<sup>50</sup> Section 319.30(9)(f), F.S.

<sup>51</sup> As provided in s. 713.78(1)(b), F.S., but which excludes a seaplane or a vessel for which a valid certificate of documentation is outstanding pursuant to 46 C.F.R. part 67.

## **Permanent Registration for Rental Trucks (Section 11)**

### ***Present Situation***

Generally, registration license plates for vehicles are issued for a ten-year period. At the end of the ten-year period, upon renewal, the plate must be replaced. With each license plate, a validation sticker must be issued showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The license plate and validation sticker are issued based on the applicant's appropriate renewal period. Registration periods are for 12 months, or 24 months for an extended registration period<sup>52</sup>, and expire at midnight on the last day of the registration period.<sup>53</sup>

Validation stickers issued to for-hire vehicles holding less than nine passengers<sup>54</sup> for any company that owns 250 vehicles or more may be placed on any vehicle in its fleet so long as the vehicle receiving the validation sticker has the same owner's name and address as the vehicle to which the validation sticker was originally assigned.<sup>55</sup>

As of July 1, 2021, Florida law allows rental vehicles taxed as for-hire vehicles that carry under nine passengers to voluntarily elect a permanent motor vehicle registration period, provided that the appropriate license taxes and fees are paid annually. Validation stickers are voided if the appropriate license taxes and fees are not paid annually.

For rental cars issued a permanent registration, the license plate will continue to expire at the end of the 10-year period, but the validation sticker will not need to be replaced annually. License plates with a permanent registration have a validation sticker with "PM" printed on it (for "permanent") in place of the expiration date, and the paper registration displays "Permanent Decal Issued" printed on it.<sup>56</sup>

### ***Effect of Proposed Changes***

The bill amends s. 320.06, F.S., to authorize rental trucks less than 15,000 pounds to elect a permanent registration period, provided that the appropriate license taxes and fees are paid annually.

Permanent registration may provide convenience for businesses operating rental trucks as the vehicle does not have to be physically tracked down to affix an annual decal.<sup>57</sup>

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<sup>52</sup> Section 320.01(19)(b), F.S., defines the term "extended registration period" as a period of 24 months during which a motor vehicle or mobile home registration is valid.

<sup>53</sup> Section 320.06(1)(c), F.S.

<sup>54</sup> These vehicles are taxed pursuant to s. 320.08(6)(a), F.S.

<sup>55</sup> Section 320.06(1)(c), F.S.

<sup>56</sup> DHSMV, *Technical Advisory - 2020-2021 Legislative Release July 12, 2021* (July 7, 2021), RS/TL21-019, available at <https://www.flhsmv.gov/pdf/bulletins/2021/RSTL21-019.pdf> (last visited March 6, 2023).

<sup>57</sup> DHSMV, *supra* note 3, at 8-9.

## License Plates with Reduced Dimensions (Section 11)

### *Present Situation*

In lieu of a standard license plate, the DHSMV may deem a plate with reduced dimensions necessary to accommodate motorcycles, mopeds, or similar smaller vehicles.<sup>58</sup> All other requirements, including the type of metal, validation stickers, identification letters and numerals, and imprints for specific plates, are the same regardless of registration license plate size.<sup>59</sup>

### *Effect of Proposed Changes*

The bill amends s. 320.06, F.S., to clarify that the DHSMV may deem a reduced dimension license plate necessary for a trailer.

## Disabled Veteran “DV” License Plates (Section 12)

### *Present Situation*

Section 320.084, F.S., provides that a disabled veteran is eligible for one free “DV” license plate if he or she has been a resident of this state for the preceding five years or has established a domicile in this state, has been honorably discharged from the United States Armed Forces, and provides proof that he or she:

- Has a vehicle initially acquired through financial assistance by the United States Department of Veterans Affairs (VA) or its predecessor specifically for the purchase of an automobile;
- Has been determined by the VA or its predecessor to have a service-related one hundred percent disability rating for compensation; or
- Has been determined to have a service connected disability rating of one hundred percent and receives disability retirement pay from any branch of the United States Armed Forces.

The license number on each plate issued to a disabled veteran must be identified by the letter designation “DV.”<sup>60</sup> The design of the special disabled veteran plate is red, white, and blue, and resembles the United States flag.<sup>61</sup> As of January 2023, there were 97,994 active Florida “DV” license plates, the most of any military license plate.<sup>62</sup>

Upon issuance of each new permanent “DV” license plate, an initial validation sticker with an expiration not exceeding 27 months, is issued without cost to the applicant.<sup>63</sup> The applicant does have to pay the associated service charges for each initial application or renewal of registration.<sup>64</sup> Registration must be renewed annually or biennially, and at that time the applicant must submit a certified statement affirming their continued eligibility for the special “DV” license plate.<sup>65</sup>

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<sup>58</sup> Section 320.06(3)(a), F.S.

<sup>59</sup> *Id.*

<sup>60</sup> Section 320.084(3), F.S.

<sup>61</sup> See DHSMV, *Florida Military License Plates*, HSMV 80003, available at [https://www.flhsmv.gov/pdf/specialtyplates/military\\_brochure.pdf](https://www.flhsmv.gov/pdf/specialtyplates/military_brochure.pdf) at 2. (last visited March 26, 2023).

<sup>62</sup> *Id.* at p. 6.

<sup>63</sup> Section 320.084(4)(a), F.S.

<sup>64</sup> Section 320.084(4)(b), F.S.

<sup>65</sup> Section 320.084(4)(c), F.S.

Any vehicle displaying a “DV” license plate that is transporting the person to whom the plate was issued is authorized to park in a designated accessible parking space.<sup>66</sup> A state agency, county, municipality, or any agency thereof, may not enact any fee for parking on the public streets or highways or in any metered parking space from the driver of a vehicle that displays the “DV” license plate when the vehicle is transporting the person who has the disability or who the plate was issued to.<sup>67</sup> Additionally, the governing body of a publicly owned or publicly operated airport must grant free parking to a vehicle displaying a “DV” license plate.<sup>68</sup> These rights are afforded by the state and are not necessarily universally accepted as parking permits and license plates designated with the International Symbol of Accessibility.<sup>69</sup>

### Specialty License Plates

As of January 2023, there are 144 specialty license plates authorized by the Legislature. Of these plates, 109 are available for immediate purchase and 35 are in the presale process.<sup>70</sup> Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.<sup>71</sup> The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate’s design and designated in statute.<sup>72</sup>

### Special Military License Plates

Florida also offers Special Military License Plates, which have specific eligibility requirements that must be met upon application and required payment of the license tax for the vehicle, if applicable, before the plate can be issued.<sup>73</sup> Section 320.089, F.S., authorizes the majority of these special military plates, which include several plates for veterans, plates for National Guard members and former Prisoners of War, and plates for military members who have been awarded specific honors such as combat badges and medals. General revenue generated from the sale of military plates issued under s. 320.089, F.S., are distributed to Florida Department of Veterans’ Affairs trust funds to be used as follows:

- The first \$100,000 are to be used for the common benefit of the residents of Florida Veterans’ Nursing Homes.<sup>74</sup>
- Any additional revenue is to be used to support program operations that benefit veterans or the operation, maintenance, or construction of domiciliary and nursing homes for veterans.<sup>75</sup>

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<sup>66</sup> Sections 553.5041(1) and 316.1955(1), F.S.

<sup>67</sup> Section 316.1964(1), F.S. However, a fee may be charged when such parking facility or lot is being used in connection with an event at a convention center, cruise-port terminal, sports stadium, sports arena, coliseum, or auditorium. See s. 316.1964(3), F.S.

<sup>68</sup> Section 316.1964(7), F.S.

<sup>69</sup> See U.S. Access Board, *Guide to the ADA Accessibility Standards: Guidance on the International Symbol of Accessibility* (March 27, 2017), <https://www.access-board.gov/ada/guides/guidance-on-the-isa/> (last visited March 27, 2023).

<sup>70</sup> DHSMV Presentation to the Senate Transportation Committee, *Specialty License Plates* (January 24, 2023), slideshow available at [https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046\\_MeetingPacket\\_5615\\_3.pdf](https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf) (last visited March 27, 2023).

<sup>71</sup> Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

<sup>72</sup> Section 320.08058, F.S.

<sup>73</sup> See ss. 320.0845, 320.0846, 320.089, 320.0891, 320.0892, 320.0893, F.S. A full-listing of the military plates offered by DHSMV are available at [https://www.flhsmv.gov/pdf/specialtyplates/military\\_brochure.pdf](https://www.flhsmv.gov/pdf/specialtyplates/military_brochure.pdf) *supra*, note 66.

<sup>74</sup> Section 320.089(1)(c), F.S.

<sup>75</sup> *Id.*



- Except for the revenue from the “Woman Veteran” license plate, which is to be used solely for creating and implementing programs to benefit women veterans.<sup>76</sup>

### ***Effect of Proposed Changes***

The bill amends s. 320.084, F.S., to allow a disabled veteran who qualifies for the “DV” license plate to select a special military license plate for which he or she is eligible or specialty license plate in lieu of the free “DV” license plate. The applicant must pay all of the applicable fees related to such plate, except for the initial license plate and registration fees waived for “DV” license plate applicants.

Additionally, the bill provides that an applicant who selects another plate in lieu of the “DV” plate will not be afforded the same protections and rights of the “DV” plate relating to disabled parking accessibility and free parking for vehicles displaying the “DV” plate.

### **Commercial Driver Licenses and the Drug and Alcohol Clearinghouse (Sections 13, 16, 19, and 20)**

#### ***Present Situation***

Owners and drivers of a CMV operating on the state’s public highways are subject to rules and regulations contained in the Federal Motor Carrier Safety Regulations, which includes specific regulations on controlled substances and alcohol use, testing, and reporting.<sup>77</sup>

#### **Drug and Alcohol Clearinghouse**

The Drug and Alcohol Clearinghouse is an online database that provides employers of CMV drivers, the Federal Motor Carrier Safety Administration (FMCSA), State Driver Licensing Agencies, and State law enforcement personnel real-time information about drug and alcohol program violations of CMV operators.<sup>78</sup> The Clearinghouse helps to identify CMV drivers who are prohibited from operating a CMV based on federal drug and alcohol program violations, and to ensure such drivers receive required drug or alcohol evaluation and treatment following a violation.<sup>79</sup>

Effective November 18, 2024, the FMCSA requires states use the Clearinghouse to check the status of a commercial driver license (CDL) or commercial learner permit (referred to in Florida as a commercial instructional permit, or CIP) before performing any licensing functions.<sup>80</sup> This federal regulation prohibits states from issuing, renewing, upgrading, or transferring a CDL or CIP if the individual is restricted from operating a CMV due to any drug and alcohol program violations.

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<sup>76</sup> Section 320.089(1)(d), F.S.

<sup>77</sup> Section 316.302(1), F.S. and *see* 49 C.F.R. Part 382 - Controlled Substances and Alcohol Use Testing.

<sup>78</sup> FMCSA, *About the Clearinghouse - What is the FMCSA Commercial Driver’s License Drug and Alcohol Clearinghouse?* <https://clearinghouse.fmcsa.dot.gov/About> (last visited March 3, 2023).

<sup>79</sup> *Id.*

<sup>80</sup> 49 C.F.R. s. 383.73.

Additionally, the FMCSA requires states to establish procedures for “downgrading” a CDL or CIP, which means removing the privilege to operate a CMV from the driver license.<sup>81</sup> If the state receives notification<sup>82</sup> that an individual is prohibited from operating a CMV due to federal alcohol or controlled substances rules, the state must downgrade the CDL or CIP and record such downgrade on the Commercial Driver’s License Information System (CDLIS) driver record.<sup>83</sup>

Federal regulations also provide information on reinstatement of the CDL or CIP following completion of return-to-duty requirements, or reinstatement of the CDL or CIP and expunction of the downgrade from the CDLIS driving record for Clearinghouse error corrections.<sup>84</sup>

States are required to adopt compatible CMV driving prohibitions to remain eligible to receive Motor Carrier Assistance Program (MCSAP) grant funds.<sup>85</sup> According to the DHSMV, Florida’s current MCSAP federal grant share is \$19.8 million.<sup>86</sup>

#### DHSMV Informal Review Request

Florida law permits an individual to request an informal review when his or her driver license is suspended in certain instances.<sup>87</sup> The informal review is conducted by a hearing officer designated by the DHSMV, and does not require the presence of a law enforcement officer or a witness. The review consists solely of an examination by the DHSMV of materials submitted by a law enforcement or correctional officer and the person whose license is suspended. Following the examination, a notice is sent to the individual providing the DHSMV’s decision to sustain, amend, or invalidate the license suspension.

Section 322.21(9)(a), F.S., provides that for such reviews, the applicant must pay a \$25 filing fee, which is deposited into the Highway Safety Operating Trust Fund.

#### Right of Review

Section 322.31, F.S., provides that the DHSMV’s final orders and rulings wherein any person is denied a license, or where a license has been canceled, suspended, or revoked, shall be reviewable as provided by the Florida Rules of Appellate Procedure only by a writ of certiorari issued by the circuit court in the county where the person resides.

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<sup>81</sup> *Id.* and 49 CFR s. 383.5(4).

<sup>82</sup> Pursuant to 49 C.F.R. s. 382.501(a).

<sup>83</sup> CDLIS is “a nationwide computer system that enables state driver licensing agencies...to ensure that each commercial driver has only one driver license and one complete driver record.” States use this system to transmit out-of-state convictions and withdrawals, transfer CDL driver records to another state, or to respond to requests for driver status and history. See AAMVA, *Commercial Driver’s License Information System (CDLIS)*, <https://www.aamva.org/technology/systems/driver-licensing-systems/cdlis> (last visited March 3, 2023).

<sup>84</sup> 49 C.F.R. s. 383.73.

<sup>85</sup> See 86 FR 55718, *Controlled Substances and Alcohol Testing: State Driver’s Licensing Agency Non-Issuance/Downgrade of Commercial Driver’s License* (October 7, 2021), available at <https://www.federalregister.gov/documents/2021/10/07/2021-21928/controlled-substances-and-alcohol-testing-state-drivers-licensing-agency-non-issuancedowngrade-of> (last visited March 5, 2023).

<sup>86</sup> Email from Jennifer Langston, Chief of Staff, DHSMV, *RE: SB 1252 - Questions* (March 14, 2023) (on file with the Senate Committee on Transportation).

<sup>87</sup> See ss. 322.2615(4) and (5), 322.2616(5) and (6), and 322.64(4) and (5), F.S.

### Reinstatement of Licenses

An applicant for reinstatement of his or her CDL following a disqualification to operate a CMV, must pay a \$75 reinstatement fee in addition to the cost of the license.<sup>88</sup>

### *Effect of Proposed Changes*

The bill amends several sections of law and creates s. 322.591, F.S., to adopt requirements of the Drug and Alcohol Clearinghouse program. These requirements begin November 14, 2024.

The bill creates s. 322.591, F.S., which requires the DHSMV to check the Clearinghouse to ensure a driver is not prohibited from operating a motor vehicle any time a person applies for or seeks to renew, transfer, or make any other change to a CDL or CIP. Additionally, the DHSMV may not issue, renew, transfer, or revise the types of authorized vehicles that may be operated or the endorsements applicable to a CDL or CIP for any person for whom DHSMV receives notification pursuant to 49 C.F.R. s. 382.501 that the person is removed from the safety-sensitive function of operating a CMV because of conduct related to federal drug and alcohol prohibitions.

If the DHSMV receives such notification that a CDL or CIP holder is prohibited from operating a CMV, the DHSMV must downgrade the CDL or CIP. Section 322.01, F.S., defines “downgrade” as defined in 49 C.F.R. s. 383.5(4), which means the state removes the CDL or CIP privilege from the driver’s license. The DHSMV must complete and record the downgrade in CDLIS within 60 days following receipt of the notification. If the downgraded driver is otherwise qualified to be issued a Class E (non-commercial) driver license, the DHSMV will issue the Class E license valid for the length of the driver’s unexpired license period at no cost.

Immediately following receipt of notification that a driver is prohibited from operating a CMV, the DHSMV must:

- Immediately notify the driver that he or she is prohibited from operating a CMV;
- Provide in the notice to the driver that he or she may request an informal hearing within 20 days following receipt of the notice of the downgrade; and
- If a timely hearing request with the required filing fee (\$25) is not received, enter a final order directing the downgrade of the CDL or CIP; or
- If a hearing is requested with the required filing fee, schedule a hearing no later than 30 days after the request is received.

The bill provides that the informal hearing is exempt from the provisions of Chapter 120, F.S., and must be conducted before a DHSMV-designated hearing officer who may conduct such hearing from any location in the state by means of communications technology.

The bill requires the federal notification indicating a driver is prohibited from operating a CMV be in the record for consideration by the hearing officer and in any proceeding pursuant to s. 322.31, F.S., relating to right of review. This notification is considered self-authenticating. The bill also provides that the basis for the federal notification received and the information in the

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<sup>88</sup> Section 322.21(8), F.S. An original or renewal commercial driver license is \$75, except the fee is \$48 (same as a Class E driver license) for an applicant who has completed training and is applying for employment or is currently employed in a school system that requires the commercial license. Section 322.21(1)(a) and (b), F.S.

Clearinghouse that resulted in such notification is not subject to challenge in the hearing or proceeding under s. 322.31, F.S.

If, prior to the entry of the final order to downgrade the CDL or CIP, the DHSMV receives notification that the driver is no longer prohibited from operating a CMV, the DHSMV must dismiss the action to downgrade the CDL or CIP.

If, after entry of a final order that results in the downgrade of a CDL or CIP and the recording in the driver's record that the driver is disqualified from operating a CMV, the DHSMV receives notification that the driver is no longer prohibited from operating a CMV, the DHSMV must reinstate the driver's CDL or CIP upon reinstatement application, which requires a \$75 reinstatement fee.

The bill exempts the DHSMV from liability for a downgrade resulting from the discharge of the DHSMV's duties related to newly created s. 322.591, F.S., which is the exclusive procedure for the downgrade of a CDL or CIP following notification that a driver is prohibited from operating a CMV.

The bill clarifies that the downgrade of a driver's CDL or CIP does not preclude the suspension of the driver license or disqualification from operating a CMV for driving under the influence and drug and alcohol testing refusal offenses under Florida law.

### **Sexual Offender/Predator Designation (Section 17)**

#### ***Present Situation***

Under current law, all licenses for the operation of motor vehicles or identification cards issued or reissued by the DHSMV to a sexual predator under s. 775.21, F.S., must have the marking "SEXUAL PREDATOR" on the front.<sup>89</sup> All licenses or identification cards issued or reissued by DHSMV to a sexual offender under s. 943.0435, F.S., or s. 944.607, F.S., must have the marking "943.0435, F.S." on the front.<sup>90</sup> These requirements also apply to persons subject to similar registration under the laws of another jurisdiction.<sup>91</sup>

Nine states have laws requiring sexual offenders or sexual predators to have a designation indicating such on his or her license or identification card.<sup>92</sup> These designations range from Delaware's requirement of a "Y" to spelling out the words "sexual predator" or "sexual offender" in a distinct color and bold format.<sup>93</sup> Courts have challenged some state laws requiring such designations. Most recently, the Supreme Court of Louisiana ruled that a Louisiana state statute requiring a convicted sexual offender to have a driver license or identification card with the words "SEXUAL OFFENDER" in a bold orange font was found to be unconstitutional as it

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<sup>89</sup> Section 322.141(3)(a), F.S.

<sup>90</sup> Section 322.141(3)(b), F.S.

<sup>91</sup> Section 322.141(3)(a) and (b), F.S.

<sup>92</sup> Funke, Daniel, *Fact check: Some states require special IDs for sex offenders* (Sept. 17, 2021), USA Today, <https://www.usatoday.com/story/news/factcheck/2021/09/17/fact-check-sex-offenders-some-states-must-have-special-ids/8334296002/> (last visited March 27, 2023).

<sup>93</sup> *Id.*

violated the First Amendment of the U.S. Constitution by compelling speech.<sup>94</sup> According to the Court:

While the state certainly has a compelling interest in protecting the public and enabling law enforcement to identify a person as a sex offender, Louisiana has not used the least restrictive means of advancing its otherwise compelled interest, the branded identification card requirement is unconstitutional.<sup>95</sup>

In February 2019, Alabama’s requirement that convicted sex offenders bear the inscription “Criminal Sex Offender” in bold, red letters on their driver licenses or identification cards was also found unconstitutional under the First Amendment as it “unnecessarily compels speech, and it was not the least restrictive means of advancing a compelling state interest.”<sup>96</sup>

### ***Effect of Proposed Changes***

The bill amends s. 322.141, F.S., to require the DHSMV to print the sexual offender or sexual predator designation of a driver license or identification card in a distinctive format and in the color red.

### **Transmission of Driver License Images (Section 18)**

#### ***Present Situation***

Section 322.142, F.S., authorizes the DHSMV to allow specified agencies access to digital driver license images. Federal law allows states to make such information available for a government agency to carry out its functions.<sup>97</sup> These images can be used to verify the identity of individuals and to prevent fraud.

#### Criminal Justice Agencies

Section 943.045(11), F.S., defines “criminal justice agency” as:

- A court;
- Florida Department of Law Enforcement;
- Florida Department of Juvenile Justice;
- The protective investigations component of the Florida Department of Children and Families;
- The investigation component of the Department of Financial Services; and
- Any other governmental agency or subunit that performs the administration of criminal justice pursuant to law or rule of court and that allocates a substantial part of its annual budget to criminal justice.

Currently, Florida law authorizes the DHSMV to provide digital driver license images access in response to law enforcement agency requests and specified positions in the State Courts System, as well as to the Department of Financial Services and Department of Children and Families, pursuant to any interagency agreement, for specified use.<sup>98</sup> However, other criminal justice

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<sup>94</sup> *State of Louisiana vs. Tazin Ardell Hill*, No. 2020-KA-0323, 341 So.3d 539, La., (October 20, 2020).

<sup>95</sup> *Id.* at 22.

<sup>96</sup> *Doe 1 v. Marshall*, 367 F.Supp.3d 1310 (M.D. Ala. Feb. 11, 2019).

<sup>97</sup> 18 U.S.C. s. 2721(b)(1)

<sup>98</sup> Section 322.142(4), F.S.

agencies may require access to such digital driver license images to more effectively carry out agency functions.

#### State-to-State Program

The federal REAL ID Act of 2005 provides minimum security requirements for the issuance and production of state and territory driver licenses and identification cards in order for federal agencies to accept these documents for official purposes<sup>99</sup>, which include entering federal facilities and boarding commercial aircraft.<sup>100</sup> Additionally, the REAL ID Act mandates minimum standards states must adopt when issuing driver license and identification cards.

The federal State-to-State (S2S) Verification Service is a nationwide initiative to ensure persons are only issued one REAL ID compliant identifying credential.<sup>101</sup> To fully participate, driver licensing agencies must be able to transmit driver license and identification card photographs to other state driver licensing agencies to validate identity of applicants and detect potential identify theft. Current state law does not expressly authorize the DHSMV to issue such information to other state driver licensing agencies.

#### ***Effect of Proposed Changes***

The bill amends s. 322.142(4), F.S., authorizing the DHSMV to issue access of digital driver license images to:

- Any criminal justice agency, as defined in s. 943.045(11), F.S., pursuant to interagency agreement for use in carrying out the agency's functions; and
- Other state driver licensing agencies for purposes of validating the identity of an applicant for a driver license or identification card.

#### **Noncancelable Insurance (Sections 23-27)**

##### ***Present Situation***

The DHSMV is required to suspend, after due notice and an opportunity to be heard, the registration and driver license of an owner or registrant of a motor vehicle who fails to maintain a motor vehicle insurance policy that meets the minimum coverage requirements.<sup>102</sup> A suspended driver license or registration may be reinstated upon reobtaining the minimum required motor vehicle insurance and paying the DHSMV a nonrefundable reinstatement fee of \$150 for the first reinstatement, \$250 for the second reinstatement, and \$500 for each subsequent reinstatement during the three years following the first reinstatement. A person reinstating his or her insurance must secure noncancelable coverage and present proof that the coverage is in force and maintain proof for two years.<sup>103</sup>

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<sup>99</sup> 49 U.S.C. 30301 note; 6 U.S.C. 111, 1112.

<sup>100</sup> The deadline to be Real ID compliant is currently May 7, 2025. See Department of Homeland Security, *REAL ID*, <https://www.dhs.gov/real-id> (last visited January 17, 2023).

<sup>101</sup> American Association of Motor Vehicle Administrators (AAMVA), *S2S Frequently Asked Questions*, <https://www.aamva.org/technology/systems/driver-licensing-systems/s2s-frequently-asked-questions> (last visited February 16, 2023).

<sup>102</sup> Section 324.0221(2), F.S.

<sup>103</sup> Section 324.0221(3), F.S.

A person whose driving privileges have been suspended or revoked for driving under the influence must secure noncancelable coverage to have his or her driving privileges reinstated. The noncancelable policy must be issued for at least six months and may not be canceled for any reason by the insured or insurer after the 60-day underwriting period. The premium is collected and the coverage is in effect during the 60-day underwriting period, even if the person's driver license and registration are not in effect. Once the underwriting is complete, the insurer must notify the DHSMV that the policy is in full force and effect, and is noncancelable for the remainder of the policy period. Insurance coverages cannot be reduced below the required minimum limits once the noncancelable policy period becomes effective.<sup>104</sup>

Noncancelable insurance policies may require the full policy to be purchased up front, which can be costly. Communication between the DHSMV and insurers now happens electronically, so the DHSMV will receive notification if a policy has lapsed.

### ***Effect of Proposed Changes***

The bill amends several sections of law to remove requirements that individuals obtain “noncancelable” insurance coverage. The bill removes references to “noncancelable” insurance coverage.

### **Technical Changes and Conforming Cross-References (Sections 7, 21, and 22)**

The bill amends s. 319.23, F.S., replacing the word “county” with “country” to address a scrivener’s error.

The bill amends ss. 322.34 and 322.61, F.S., to conform cross-references.

### **Effective Date (Section 28)**

The amendment to s. 316.066, F.S., relating to electronic crash reports, takes effect July 1, 2025.

All other sections of the bill take effect July 1, 2023.<sup>105</sup>

## **IV. Constitutional Issues:**

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

Article VII, s. 18(a) of the State Constitution provides that:

No county or municipality shall be bound by any general law requiring such county or municipality to spend funds...unless the legislature has determined that such law fulfills an important state interest and unless: ...the law requiring such expenditure is approved by two-thirds of the membership of each house of the legislature...

<sup>104</sup> Section 627.7275, F.S.

<sup>105</sup> However, requirements relating to use of the Drug and Alcohol Clearinghouse will begin November 18, 2024, which is the federal compliance date.

Law enforcement agencies that are not currently submitting crash reports to the DHSMV electronically will be required to do so by July 1, 2025, which may result in local governments incurring costs associated with such requirement. The bill contains a finding that this requirement fulfills an important state interest. Additionally, mandate requirements do not apply to laws having an insignificant fiscal impact. It is unlikely the fiscal impact associated with this provision will result in a significant fiscal impact to local governments overall.

**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, be approved by two-thirds of the membership of each house of the Legislature and be contained in a separate bill that contains no other subject.

This bill subjects specified individuals to *existing* fees for the DHSMV's informal review process and reinstatement of CDL and CIP driving privileges following a required license downgrade.

**E. Other Constitutional Issues:**

Comparative statutes relating to the sexual offender and sexual predator designation on driver licenses and identification cards have been challenged in other states.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

The bill requires an individual requesting an informal review of a CDL or CIP downgrade to pay the existing \$25 filing fee. Similarly, an individual requesting the reinstatement of his or her CDL or CIP following a downgrade must pay the existing \$75 fee for license reinstatement.

**B. Private Sector Impact:**

The bill may have an indeterminate, but likely positive, fiscal impact on the private sector. Several provisions of the bill make changes that will likely result in cost savings to the private sector by eliminating certain regulations or increasing convenience.<sup>106</sup>

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<sup>106</sup> See Sections of the bill relating to: IFTA Registration; Air Pollution Certificate Exemption; Lost Certificates of Title; Independent Entities Possessing Damaged or Dismantled Vehicles or Vessels; Salvage Certificates of Title or Certificates of



**C. Government Sector Impact:**

The bill may have an indeterminate negative fiscal impact on law enforcement agencies currently submitting paper crash reports that will be required to submit crash reports to the DHSMV electronically by July 1, 2025.

The bill may have an indeterminate negative fiscal impact on the DHSMV and local tax collectors for necessary programming, training, or administrative updates related to provisions of the bill.

The bill may have an indeterminate, but likely insignificant, fiscal impact on the Florida Department of Law Enforcement for changes to the sexual offender and sexual predator designation on driver license and identification cards, which may require updates to registration forms, guides, changes to the public registry, law enforcement training, and notifying criminal justice partners and registrants.

Additionally, the state may lose federal MCSAP grant funding if provisions of the bill related to federal CMV requirements are not adopted. This decrease can range from just under \$1 million annually for one year of incompatibility up to \$9.9 million annually if the state remained incompatible after four years of required compliance.<sup>107</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 207.004, 316.066, 316.2935, 316.302, 319.14, 319.23, 319.28, 319.29, 319.30, 320.06, 320.084, 322.01, 322.02, 322.05, 322.07, 322.141, 322.142, 322.21, 322.34, 322.61, 324.0221, 324.131, 627.311, 627.351, and 627.7275.

This bill creates section 322.591 of the Florida Statutes.

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Destruction; Permanent Registration of Rental Trucks; as well as incorporating several federal law updates for CMV operators.

<sup>107</sup> Email from DHSMV, *supra* note 86.

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

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

**CS by Transportation on March 27, 2023:**

The CS adds the following issues to the bill:

- Revises a requirement for a rightful heir to transfer ownership of a motor vehicle or mobile home if the previous owner died testate.
- Clarifies that no additional fee can be charged by the DHSMV or a tax collector for the reissuance of a certificate of title that is lost in transit and is not delivered.
- Adds damaged or dismantled “vessel” to the salvage statute and provides procedures regarding the release and application for titling by the independent entity in possession of the vessel.
- Authorizes trailers to be issued reduced dimension license plates.
- Provides that a disabled veteran who qualifies for a free “DV” license plate may choose a military or specialty license plate he or she qualifies for in lieu of the “DV” license plate.
- Requires that the designations on a driver license or identification card indicating an individual is a sexual predator or sexual offender be in a distinctive format and printed in red.
- Removes requirements that certain insurance coverage be noncancelable following reinstatement of a driver license, and removes references to “noncancelable” coverage.

**B. Amendments:**

None.

By the Committee on Transportation; and Senator DiCeglie

596-03095-23

20231252c1

1 A bill to be entitled  
 2 An act relating to the Department of Highway Safety  
 3 and Motor Vehicles; amending s. 207.004, F.S.;  
 4 requiring the department or its authorized agent to  
 5 issue certain licenses and fuel tax decals; amending  
 6 s. 316.066, F.S.; requiring traffic law enforcement  
 7 agencies to provide uniform crash reports to the  
 8 department by electronic means; requiring that such  
 9 crash reports be consistent with certain rules and  
 10 procedures and to be numbered and inventoried;  
 11 providing a declaration of important state interest;  
 12 amending s. 316.2935, F.S.; providing an exception to  
 13 requirements for certification of air pollution  
 14 control equipment by a motor vehicle seller, lessor,  
 15 or transferor; amending s. 316.302, F.S.; revising the  
 16 list of federal rules and regulations to which owners  
 17 and drivers of certain commercial motor vehicles are  
 18 subject; amending s. 319.14, F.S.; requiring that a  
 19 certificate of title for a flood vehicle specify the  
 20 type of water that caused damage to the vehicle, as  
 21 applicable; revising the definition of the term "flood  
 22 vehicle"; making technical changes; amending s.  
 23 319.23, F.S.; making technical changes; amending s.  
 24 319.28, F.S.; providing that a certain affidavit  
 25 constitutes proof of ownership and right of possession  
 26 to a motor vehicle or mobile home the previous owner  
 27 of which died testate; amending s. 319.29, F.S.;  
 28 prohibiting the department or a tax collector from  
 29 charging a fee for reissuance of certain certificates

Page 1 of 51

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

596-03095-23

20231252c1

30 of title; amending s. 319.30, F.S.; revising the  
 31 definition of the terms "independent entity" and  
 32 "major component parts"; defining the term "vessel";  
 33 revising provisions relating to obtaining a salvage  
 34 certificate of title or certificate of destruction;  
 35 exempting the department from liability to certain  
 36 persons as a result of the issuance of such  
 37 certificate; extending current requirements for an  
 38 independent entity's release of a damaged or  
 39 dismantled vehicle to vessels; authorizing the  
 40 independent entity to apply for certain certificates  
 41 for an unclaimed vessel; providing requirements for  
 42 such application; specifying provisions to which the  
 43 independent entity is subject; prohibiting the  
 44 independent entity from charging vessel storage fees;  
 45 amending s. 320.06, F.S.; authorizing permanent  
 46 registration of certain rental trucks; authorizing the  
 47 department to deem a license plate with reduced  
 48 dimensions to be necessary to accommodate trailers;  
 49 making technical changes; amending s. 320.084, F.S.;  
 50 providing that certain disabled veterans may, upon  
 51 request, be issued a military license plate or  
 52 specialty license plate in lieu of a "DV" license  
 53 plate; specifying applicable fees; specifying  
 54 nonapplicability of certain provisions; amending s.  
 55 322.01, F.S.; revising definitions; defining the term  
 56 "downgrade"; amending s. 322.02, F.S.; charging the  
 57 department with enforcement and administration of  
 58 certain federal provisions; amending s. 322.05, F.S.;

Page 2 of 51

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

596-03095-23

20231252c1

59 prohibiting the department from issuing a commercial  
 60 motor vehicle operator license to certain persons;  
 61 amending s. 322.07, F.S.; revising requirements for  
 62 issuance of a temporary commercial instruction permit;  
 63 amending s. 322.141, F.S.; requiring that certain  
 64 information on the driver license or identification  
 65 card of a sexual offender or sexual predator be  
 66 printed in red; amending s. 322.142, F.S.; authorizing  
 67 the department to issue reproductions of certain files  
 68 and records to certain criminal justice or driver  
 69 licensing agencies for certain purposes; amending s.  
 70 322.21, F.S.; authorizing reinstatement of a  
 71 commercial driver license after a downgrade of the  
 72 person's privilege to operate a commercial motor  
 73 vehicle under certain circumstances; making technical  
 74 changes; creating s. 322.591, F.S.; requiring the  
 75 department to obtain a driver's record from the  
 76 Commercial Driver's License Drug and Alcohol  
 77 Clearinghouse under certain circumstances; prohibiting  
 78 the department from issuing, renewing, transferring,  
 79 or revising the types of authorized vehicles or the  
 80 endorsements of certain commercial driver licenses or  
 81 commercial instruction permits if the department  
 82 receives a certain notification; requiring the  
 83 department to downgrade a commercial driver license or  
 84 commercial instruction permit within a specified  
 85 timeframe if the department receives a certain  
 86 notification; requiring the department to notify  
 87 certain drivers of their prohibition from operating a

596-03095-23

20231252c1

88 commercial motor vehicle and, upon request, afford  
 89 them an opportunity for an informal hearing; providing  
 90 requirements for such notice and hearing; requiring  
 91 the department to enter a final order to downgrade a  
 92 commercial driver license or commercial instruction  
 93 permit under certain circumstances; specifying that a  
 94 request for a hearing tolls certain deadlines;  
 95 specifying that certain notifications received by the  
 96 department must be in the record for consideration and  
 97 are self-authenticating; specifying that the basis for  
 98 the notification and the information in the Commercial  
 99 Driver's License Drug and Alcohol Clearinghouse are  
 100 not subject to challenge; requiring the department to  
 101 dismiss the downgrade of a commercial driver license  
 102 or instruction permit under certain circumstances;  
 103 requiring the department to record in the driver's  
 104 record that he or she is disqualified from operating a  
 105 commercial motor vehicle under certain circumstances;  
 106 specifying that certain actions are not stayed during  
 107 the pendency of certain proceedings; requiring the  
 108 department to reinstate a commercial driver license or  
 109 commercial instruction permit under certain  
 110 circumstances; exempting the department from liability  
 111 for certain commercial driver license or commercial  
 112 instruction permit downgrades; designating the  
 113 exclusive procedure for the downgrade of certain  
 114 commercial driver licenses or commercial instruction  
 115 permits; providing construction and applicability;  
 116 authorizing the department to issue at no cost a

596-03095-23

20231252c1

117 specified driver license to certain persons prohibited  
 118 from operating a commercial motor vehicle; amending  
 119 ss. 322.34 and 322.61, F.S.; conforming cross-  
 120 references; making technical changes; amending ss.  
 121 324.0221, 324.131, 627.311, and 627.351, F.S.;  
 122 conforming provisions to changes made by the act;  
 123 making technical changes; amending s. 627.7275, F.S.;  
 124 deleting provisions relating to noncancelable motor  
 125 vehicle insurance; making technical changes; providing  
 126 effective dates.

127  
 128 Be It Enacted by the Legislature of the State of Florida:

129  
 130 Section 1. Paragraph (a) of subsection (1) of section  
 131 207.004, Florida Statutes, is amended to read:

132 207.004 Registration of motor carriers; identifying  
 133 devices; fees; renewals; temporary fuel-use permits and  
 134 driveaway permits.-

135 (1) (a) A No motor carrier may not shall operate or cause to  
 136 be operated in this state any commercial motor vehicle, other  
 137 than a Florida-based commercial motor vehicle that travels  
 138 Florida intrastate mileage only, that uses diesel fuel or motor  
 139 fuel until such carrier has registered with the department or  
 140 has registered under a cooperative reciprocal agreement as  
 141 described in s. 207.0281, after such time as this state enters  
 142 into such agreement, and has been issued an identifying device  
 143 or such carrier has been issued a permit as authorized under  
 144 subsections (4) and (5) for each vehicle operated. The fee for  
 145 each such identifying device issued is ~~There shall be a fee of~~

Page 5 of 51

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596-03095-23

20231252c1

146 \$4 per year or any fraction thereof ~~for each such identifying~~  
 147 ~~device issued~~. The identifying device ~~must shall~~ be provided by  
 148 the department and must be conspicuously displayed on the  
 149 commercial motor vehicle as prescribed by the department while  
 150 it is being operated on the public highways of this state. The  
 151 transfer of an identifying device from one vehicle to another  
 152 vehicle or from one motor carrier to another motor carrier is  
 153 prohibited. The department or its authorized agent shall issue  
 154 licenses and fuel tax decals.

155 Section 2. Effective July 1, 2025, section 316.066, Florida  
 156 Statutes, is amended to read:

157 316.066 Written reports of crashes; electronic submission.-

158 (1) (a) All traffic law enforcement agencies must provide  
 159 uniform crash reports by electronic means to the department.  
 160 Such crash reports must be consistent with the state traffic  
 161 crash manual rules and the procedures established by the  
 162 department and must be appropriately numbered and inventoried. A  
 163 Florida Traffic Crash Report, Long Form must be completed and  
 164 electronically submitted to the department within 10 days after  
 165 an investigation is completed by the law enforcement officer who  
 166 in the regular course of duty investigates a motor vehicle crash  
 167 that:

- 168 1. Resulted in death of, personal injury to, or any  
 169 indication of complaints of pain or discomfort by any of the  
 170 parties or passengers involved in the crash;
- 171 2. Involved a violation of s. 316.061(1) or s. 316.193;
- 172 3. Rendered a vehicle inoperable to a degree that required  
 173 a wrecker to remove it from the scene of the crash; or
- 174 4. Involved a commercial motor vehicle.

Page 6 of 51

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596-03095-23

20231252c1

175 (b) The Florida Traffic Crash Report, Long Form must  
 176 include:  
 177 1. The date, time, and location of the crash.  
 178 2. A description of the vehicles involved.  
 179 3. The names and addresses of the parties involved,  
 180 including all drivers and passengers, and the identification of  
 181 the vehicle in which each was a driver or a passenger.  
 182 4. The names and addresses of witnesses.  
 183 5. The name, badge number, and law enforcement agency of  
 184 the officer investigating the crash.  
 185 6. The names of the insurance companies for the respective  
 186 parties involved in the crash.  
 187 (c) In any crash for which a Florida Traffic Crash Report,  
 188 Long Form is not required by this section and which occurs on  
 189 the public roadways of this state, the law enforcement officer  
 190 shall complete a short-form crash report or provide a driver  
 191 exchange-of-information form, to be completed by all drivers and  
 192 passengers involved in the crash, which requires the  
 193 identification of each vehicle that the drivers and passengers  
 194 were in. The short-form report must include:  
 195 1. The date, time, and location of the crash.  
 196 2. A description of the vehicles involved.  
 197 3. The names and addresses of the parties involved,  
 198 including all drivers and passengers, and the identification of  
 199 the vehicle in which each was a driver or a passenger.  
 200 4. The names and addresses of witnesses.  
 201 5. The name, badge number, and law enforcement agency of  
 202 the officer investigating the crash.  
 203 6. The names of the insurance companies for the respective

Page 7 of 51

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

596-03095-23

20231252c1

204 parties involved in the crash.  
 205 (d) Each party to the crash must provide the law  
 206 enforcement officer with proof of insurance, which must be  
 207 documented in the crash report. If a law enforcement officer  
 208 submits a report on the crash, proof of insurance must be  
 209 provided to the officer by each party involved in the crash. Any  
 210 party who fails to provide the required information commits a  
 211 noncriminal traffic infraction, punishable as a nonmoving  
 212 violation as provided in chapter 318, unless the officer  
 213 determines that due to injuries or other special circumstances  
 214 such insurance information cannot be provided immediately. If  
 215 the person provides the law enforcement agency, within 24 hours  
 216 after the crash, proof of insurance that was valid at the time  
 217 of the crash, the law enforcement agency may void the citation.  
 218 (e) The driver of a vehicle that was in any manner involved  
 219 in a crash resulting in damage to a vehicle or other property  
 220 which does not require a law enforcement report shall, within 10  
 221 days after the crash, submit a written report of the crash to  
 222 the department. The report must ~~shall~~ be submitted on a form  
 223 approved by the department.  
 224 (f) Long-form and short-form crash reports prepared by law  
 225 enforcement must be submitted to the department and may be  
 226 maintained by the law enforcement officer's agency.  
 227 (2) (a) Crash reports that reveal the identity, home or  
 228 employment telephone number or home or employment address of, or  
 229 other personal information concerning the parties involved in  
 230 the crash and that are held by any agency that regularly  
 231 receives or prepares information from or concerning the parties  
 232 to motor vehicle crashes are confidential and exempt from s.

Page 8 of 51

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596-03095-23

20231252c1

119.07(1) and s. 24(a), Art. I of the State Constitution for a period of 60 days after the date the report is filed.

(b) Crash reports held by an agency under paragraph (a) may be made immediately available to the parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial authorities, law enforcement agencies, the Department of Transportation, county traffic operations, victim services programs, radio and television stations licensed by the Federal Communications Commission, newspapers qualified to publish legal notices under ss. 50.011 and 50.031, and, in accordance with paragraph (f), free newspapers of general circulation, published once a week or more often, of which at least 7,500 copies are distributed by mail or by carrier as verified by a postal statement or by a notarized printer's statement of press run, which are intended to be generally distributed and circulated, and which contain news of general interest with at least 10 pages per publication, available and of interest to the public generally for the dissemination of news. For the purposes of this section, the following products or publications are not newspapers as referred to in this section: those intended primarily for members of a particular profession or occupational group; those with the primary purpose of distributing advertising; and those with the primary purpose of publishing names and other personal identifying information concerning parties to motor vehicle crashes.

(c) Any local, state, or federal agency that is authorized

596-03095-23

20231252c1

to have access to crash reports by any provision of law shall be granted such access in the furtherance of the agency's statutory duties.

(d) As a condition precedent to accessing a crash report within 60 days after the date the report is filed, a person must present a valid driver license or other photographic identification, proof of status, or identification that demonstrates his or her qualifications to access that information and file a written sworn statement with the state or local agency in possession of the information stating that information from a crash report made confidential and exempt by this section will not be used for any commercial solicitation of accident victims, or knowingly disclosed to any third party for the purpose of such solicitation, during the period of time that the information remains confidential and exempt. Such written sworn statement must be completed and sworn to by the requesting party for each individual crash report that is being requested within 60 days after the report is filed. In lieu of requiring the written sworn statement, an agency may provide crash reports by electronic means to third-party vendors under contract with one or more insurers, but only when such contract states that information from a crash report made confidential and exempt by this section will not be used for any commercial solicitation of accident victims by the vendors, or knowingly disclosed by the vendors to any third party for the purpose of such solicitation, during the period of time that the information remains confidential and exempt, and only when a copy of such contract is furnished to the agency as proof of the vendor's claimed status.

596-03095-23

20231252c1

(e) This subsection does not prevent the dissemination or publication of news to the general public by any legitimate media entitled to access confidential and exempt information pursuant to this section.

(3) (a) Any driver failing to file the written report required under subsection (1) commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

(b) Any employee of a state or local agency in possession of information made confidential and exempt by this section who knowingly discloses such confidential and exempt information to a person not entitled to access such information under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person, knowing that he or she is not entitled to obtain information made confidential and exempt by this section, who obtains or attempts to obtain such information commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Any person who knowingly uses confidential and exempt information in violation of a filed written sworn statement or contractual agreement required by this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Except as specified in this subsection, each crash report made by a person involved in a crash and any statement made by such person to a law enforcement officer for the purpose of completing a crash report required by this section must ~~shall~~ be without prejudice to the individual so reporting. Such report

596-03095-23

20231252c1

or statement may not be used as evidence in any trial, civil or criminal. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the crash if that person's privilege against self-incrimination is not violated. The results of breath, urine, and blood tests administered as provided in s. 316.1932 or s. 316.1933 are not confidential and are admissible into evidence in accordance with the provisions of s. 316.1934(2).

(5) A law enforcement officer, as defined in s. 943.10(1), may enforce this section.

Section 3. The Legislature finds that a proper and legitimate purpose is served when crash reports required under s. 316.066, Florida Statutes, are filed electronically with the Department of Highway Safety and Motor Vehicles by all entities required to submit crash reports. Electronic filing will expedite the availability of crash reports to the persons authorized to receive them, simplify the process of making crash reports available, and expedite the availability of information derived from crash reports to improve highway safety. The requirement of this act that all law enforcement agencies that prepare crash reports submit the completed crash reports electronically to the Department of Highway Safety and Motor Vehicles applies to all similarly situated persons, including school district law enforcement agencies, state university law enforcement agencies, and state law enforcement agencies. Therefore, the Legislature determines and declares that the amendments made by this act to s. 316.066, Florida Statutes, fulfill an important state interest.



596-03095-23

20231252c1

349 Section 4. Paragraph (b) of subsection (1) of section  
350 316.2935, Florida Statutes, is amended to read:

351 316.2935 Air pollution control equipment; tampering  
352 prohibited; penalty.—

353 (1)

354 (b) At the time of sale, lease, or transfer of title of a  
355 motor vehicle, the seller, lessor, or transferor shall certify  
356 in writing to the purchaser, lessee, or transferee that the air  
357 pollution control equipment of the motor vehicle has not been  
358 tampered with by the seller, lessor, or transferor or their  
359 agents, employees, or other representatives. A licensed motor  
360 vehicle dealer shall also visually observe those air pollution  
361 control devices listed by department rule pursuant to subsection  
362 (7), and certify that they are in place, and appear properly  
363 connected and undamaged. Such certification may ~~shall~~ not be  
364 deemed or construed as a warranty that the pollution control  
365 devices of the subject vehicle are in functional condition, nor  
366 does the execution or delivery of this certification create by  
367 itself grounds for a cause of action between the parties to this  
368 transaction. This paragraph does not apply if the purchaser of  
369 the motor vehicle is a lessee purchasing the leased motor  
370 vehicle or if the licensed motor vehicle dealer is not in  
371 possession of the motor vehicle at the time of sale.

372 Section 5. Paragraphs (a), (b), and (e) of subsection (1),  
373 paragraph (d) of subsection (2), and subsection (9) of section  
374 316.302, Florida Statutes, are amended to read:

375 316.302 Commercial motor vehicles; safety regulations;  
376 transporters and shippers of hazardous materials; enforcement.—

377 (1)(a) All owners and drivers of commercial motor vehicles

596-03095-23

20231252c1

378 that are operated on the public highways of this state while  
379 engaged in interstate commerce are subject to the rules and  
380 regulations contained in 49 C.F.R. parts 382, 383, 384, 385,  
381 386, and 390-397.

382 (b) Except as otherwise provided in this section, all  
383 owners and drivers of commercial motor vehicles that are engaged  
384 in intrastate commerce are subject to the rules and regulations  
385 contained in 49 C.F.R. parts 382, 383, 384, 385, 386, and 390-  
386 397, as such rules and regulations existed on December 31, 2022  
387 2020.

388 ~~(c) A person who operates a commercial motor vehicle solely~~  
389 ~~in intrastate commerce which does not transport hazardous~~  
390 ~~materials in amounts that require placarding pursuant to 49~~  
391 ~~C.F.R. part 172 need not comply with the requirements of~~  
392 ~~electronic logging devices and hours of service supporting~~  
393 ~~documents as provided in 49 C.F.R. parts 385, 386, 390, and 395~~  
394 ~~until December 31, 2019.~~

395 (2)

396 (d) A person who operates a commercial motor vehicle solely  
397 in intrastate commerce not transporting any hazardous material  
398 in amounts that require placarding pursuant to 49 C.F.R. part  
399 172 within a 150 air-mile radius of the location where the  
400 vehicle is based need not comply with 49 C.F.R. ss. 395.8 and  
401 395.11 ~~s. 395.8~~ if the requirements of 49 C.F.R. s. 395.1(e)(1)  
402 (iii) and (iv) ~~49 C.F.R. s. 395.1(e)(1) (ii), (iii) (A) and (C),~~  
403 ~~and (v)~~ are met.

404 (9) For the purpose of enforcing this section, any law  
405 enforcement officer of the Department of Highway Safety and  
406 Motor Vehicles or duly appointed agent who holds a current

596-03095-23

20231252c1

safety inspector certification from the Commercial Vehicle Safety Alliance may require the driver of any commercial vehicle operated on the highways of this state to stop and submit to an inspection of the vehicle or the driver's records. If the vehicle or driver is found to be operating in an unsafe condition, or if any required part or equipment is not present or is not in proper repair or adjustment, and the continued operation would present an unduly hazardous operating condition, the officer or agent may require the vehicle or the driver to be removed from service pursuant to the North American Standard Out-of-Service Criteria, until corrected. However, if continuous operation would not present an unduly hazardous operating condition, the officer or agent may give written notice requiring correction of the condition within 15 days.

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

(b) Any person who fails to comply with ~~a~~ an officer's request to submit to an inspection under this subsection commits a violation of s. 843.02 if the person resists the officer without violence or a violation of s. 843.01 if the person resists the officer with violence.

Section 6. Paragraphs (b) and (c) of subsection (1) of section 319.14, Florida Statutes, are amended to read:

319.14 Sale of motor vehicles registered or used as

596-03095-23

20231252c1

taxicabs, police vehicles, lease vehicles, rebuilt vehicles, nonconforming vehicles, custom vehicles, or street rod vehicles; conversion of low-speed vehicles.-

(1)

(b) A person may not knowingly offer for sale, sell, or exchange a rebuilt vehicle until the department has stamped in a conspicuous place on the certificate of title for the vehicle words stating that the vehicle has been rebuilt or assembled from parts, or is a kit car, glider kit, replica, flood vehicle, custom vehicle, or street rod vehicle unless proper application for a certificate of title for a vehicle that is rebuilt or assembled from parts, or is a kit car, glider kit, replica, flood vehicle, custom vehicle, or street rod vehicle has been made to the department in accordance with this chapter and the department has conducted the physical examination of the vehicle to assure the identity of the vehicle and all major component parts, as defined in s. 319.30(1), which have been repaired or replaced. If a vehicle is identified as a flood vehicle, the words stamped on the certificate of title must identify the type of water that caused damage to the vehicle as "salt water," "fresh water," or "other or unknown water type," as applicable. Thereafter, the department shall affix a decal to the vehicle, in the manner prescribed by the department, showing the vehicle to be rebuilt.

(c) As used in this section, the term:

9.1- "Police vehicle" means a motor vehicle owned or leased by the state or a county or municipality and used in law enforcement.

13.2-a- "Short-term-lease vehicle" means a motor vehicle

596-03095-23

20231252c1

465 leased without a driver and under a written agreement to one or  
 466 more persons from time to time for a period of less than 12  
 467 months.

468 ~~7.6-~~ "Long-term-lease vehicle" means a motor vehicle leased  
 469 without a driver and under a written agreement to one person for  
 470 a period of 12 months or longer.

471 ~~6.e-~~ "Lease vehicle" includes both short-term-lease  
 472 vehicles and long-term-lease vehicles.

473 ~~10.3-~~ "Rebuilt vehicle" means a motor vehicle or mobile  
 474 home built from salvage or junk, as defined in s. 319.30(1).

475 ~~1.4-~~ "Assembled from parts" means a motor vehicle or mobile  
 476 home assembled from parts or combined from parts of motor  
 477 vehicles or mobile homes, new or used. The term "assembled from  
 478 parts" does not include ~~mean a motor vehicle defined as a~~  
 479 "rebuilt vehicle" as defined in subparagraph 10. in subparagraph  
 480 ~~3.7,~~ which has been declared a total loss pursuant to s. 319.30.

481 5. "Kit car" means a motor vehicle assembled with a kit  
 482 supplied by a manufacturer to rebuild a wrecked or outdated  
 483 motor vehicle with a new body kit.

484 ~~4.6-~~ "Glider kit" means a vehicle assembled with a kit  
 485 supplied by a manufacturer to rebuild a wrecked or outdated  
 486 truck or truck tractor.

487 ~~11.7-~~ "Replica" means a complete new motor vehicle  
 488 manufactured to look like an old vehicle.

489 ~~3.8-~~ "Flood vehicle" means a motor vehicle or mobile home  
 490 that has been declared to be a total loss pursuant to s.  
 491 319.30(3)(a) resulting from damage caused by salt water, fresh  
 492 water, or other or unknown type of water.

493 ~~8.9-~~ "Nonconforming vehicle" means a motor vehicle that

596-03095-23

20231252c1

494 ~~which~~ has been purchased by a manufacturer pursuant to a  
 495 settlement, determination, or decision under chapter 681.

496 ~~12.10-~~ "Settlement" means an agreement entered into between  
 497 a manufacturer and a consumer ~~which that~~ occurs after a dispute  
 498 is submitted to a program, or to an informal dispute settlement  
 499 procedure established by a manufacturer, or is approved for  
 500 arbitration before the Florida New Motor Vehicle Arbitration  
 501 Board as defined in s. 681.102.

502 ~~2.11-~~ "Custom vehicle" means a motor vehicle that:

503 a. Is 25 years of age or older and of a model year after  
 504 1948 or was manufactured to resemble a vehicle that is 25 years  
 505 of age or older and of a model year after 1948; and

506 b. Has been altered from the manufacturer's original design  
 507 or has a body constructed from nonoriginal materials.

508  
 509 The model year and year of manufacture that the body of a custom  
 510 vehicle resembles is the model year and year of manufacture  
 511 listed on the certificate of title, regardless of when the  
 512 vehicle was actually manufactured.

513 ~~14.12-~~ "Street rod" means a motor vehicle that:

514 a. Is of a model year of 1948 or older or was manufactured  
 515 after 1948 to resemble a vehicle of a model year of 1948 or  
 516 older; and

517 b. Has been altered from the manufacturer's original design  
 518 or has a body constructed from nonoriginal materials.

519  
 520 The model year and year of manufacture that the body of a street  
 521 rod resembles is the model year and year of manufacture listed  
 522 on the certificate of title, regardless of when the vehicle was

596-03095-23

20231252c1

actually manufactured.

Section 7. Subsection (3) of section 319.23, Florida Statutes, is amended to read:

319.23 Application for, and issuance of, certificate of title.—

(3) If a certificate of title has not previously been issued for a motor vehicle or mobile home in this state, the application must, unless otherwise provided for in this chapter, ~~shall~~ be accompanied by a proper bill of sale or sworn statement of ownership, or a duly certified copy thereof, or by a certificate of title, bill of sale, or other evidence of ownership required by the law of the state or country ~~county~~ from which the motor vehicle or mobile home was brought into this state. The application must ~~shall~~ also be accompanied by:

(a) 1. A sworn affidavit from the seller and purchaser verifying that the vehicle identification number shown on the affidavit is identical to the vehicle identification number shown on the motor vehicle; or

2. An appropriate departmental form evidencing that a physical examination has been made of the motor vehicle by the owner and by a duly constituted law enforcement officer in any state, a licensed motor vehicle dealer, a license inspector as provided by s. 320.58, or a notary public commissioned by this state and that the vehicle identification number shown on such form is identical to the vehicle identification number shown on the motor vehicle; and

(b) If the vehicle is a used car original, a sworn affidavit from the owner verifying that the odometer reading shown on the affidavit is identical to the odometer reading

596-03095-23

20231252c1

shown on the motor vehicle in accordance with the requirements of 49 C.F.R. s. 580.5 at the time that application for title is made. For the purposes of this section, the term "used car original" means a used vehicle coming into and being titled in this state for the first time.

(c) If the vehicle is an ancient or antique vehicle, as defined in s. 320.086, the application must ~~shall~~ be accompanied by a certificate of title; a bill of sale and a registration; or a bill of sale and an affidavit by the owner defending the title from all claims. The bill of sale must contain a complete vehicle description to include the vehicle identification or engine number, year make, color, selling price, and signatures of the seller and purchaser.

Verification of the vehicle identification number is not required for any new motor vehicle; any mobile home; any trailer or semitrailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

Section 8. Present paragraphs (c) and (d) of subsection (1) of section 319.28, Florida Statutes, are redesignated as paragraphs (d) and (e), respectively, and a new paragraph (c) is added to that subsection, to read:

319.28 Transfer of ownership by operation of law.—

(1)

(c) If the previous owner died testate and the application for a certificate of title is made by, and accompanied by an affidavit attested by, a Florida-licensed attorney in good standing with The Florida Bar who represents the previous

596-03095-23

20231252c1

581 owner's estate, such affidavit, for purposes of paragraph (a),  
 582 constitutes satisfactory proof of ownership and right of  
 583 possession to the motor vehicle or mobile home, so long as the  
 584 affidavit sets forth the rightful heir or heirs and the attorney  
 585 attests in the affidavit that such heir or heirs are lawfully  
 586 entitled to the rights of ownership and possession of the motor  
 587 vehicle or mobile home. The application for certificate of title  
 588 filed under this paragraph is not required to be accompanied by  
 589 a copy of the will or other testamentary instrument.

590 Section 9. Subsection (3) of section 319.29, Florida  
 591 Statutes, is amended to read:

592 319.29 Lost or destroyed certificates.—

593 (3) If, following the issuance of an original, duplicate,  
 594 or corrected certificate of title by the department, the  
 595 certificate is lost in transit and is not delivered to the  
 596 addressee, the owner of the motor vehicle or mobile home, or the  
 597 holder of a lien thereon, may, within 180 days after ~~of~~ the date  
 598 of issuance of the title, apply to the department for reissuance  
 599 of the certificate of title. An ~~No~~ additional fee may not ~~shall~~  
 600 be charged by the department or a tax collector, as agent for  
 601 the department, for reissuance under this subsection.

602 Section 10. Paragraphs (g) and (j) of subsection (1),  
 603 paragraph (b) of subsection (3), and subsection (9) of section  
 604 319.30, Florida Statutes, are amended, and paragraph (y) is  
 605 added to subsection (1) of that section, to read:

606 319.30 Definitions; dismantling, destruction, change of  
 607 identity of motor vehicle or mobile home; salvage.—

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

609 (g) "Independent entity" means a business or entity that

596-03095-23

20231252c1

610 may temporarily store damaged or dismantled motor vehicles or  
 611 vessels pursuant to an agreement with an insurance company and  
 612 is engaged in the sale or resale of damaged or dismantled motor  
 613 vehicles or vessels. The term does not include a wrecker  
 614 operator, a towing company, or a repair facility.

615 (j) "Major component parts" means:

616 1. For motor vehicles other than motorcycles and electric,  
 617 hybrid, or plug-in hybrid motor vehicles, any fender, hood,  
 618 bumper, cowl assembly, rear quarter panel, trunk lid, door,  
 619 decklid, floor pan, engine, frame, transmission, catalytic  
 620 converter, or airbag.

621 2. For trucks, other than electric, hybrid, or plug-in  
 622 hybrid motor vehicles, in addition to those parts listed in  
 623 subparagraph 1., any truck bed, including dump, wrecker, crane,  
 624 mixer, cargo box, or any bed which mounts to a truck frame.

625 3. For motorcycles, the body assembly, frame, fenders, gas  
 626 tanks, engine, cylinder block, heads, engine case, crank case,  
 627 transmission, drive train, front fork assembly, and wheels.

628 4. For mobile homes, the frame.

629 5. For electric, hybrid, or plug-in hybrid motor vehicles,  
 630 any fender, hood, bumper, cowl assembly, rear quarter panel,  
 631 trunk lid, door, decklid, floor pan, engine, electric traction  
 632 motor, frame, transmission or electronic transmission, charge  
 633 port, DC power converter, onboard charger, power electronics  
 634 controller, thermal system, traction battery pack, catalytic  
 635 converter, or airbag.

636 (y) "Vessel" has the same meaning as provided in s.  
 637 713.78(1)(b).

638 (3)

596-03095-23

20231252c1

(b) The owner, including persons who are self-insured, of a motor vehicle or mobile home that is considered to be salvage shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company that pays money as compensation for the total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home, make the required notification to the National Motor Vehicle Title Information System, and, within 72 hours after receiving such certificate of title, forward such title by the United States Postal Service, by another commercial delivery service, or by electronic means, when such means are made available by the department, to the department for processing. The owner or insurance company, as applicable, may not dispose of a vehicle or mobile home that is a total loss before it obtains a salvage certificate of title or certificate of destruction from the department. ~~Effective January 1, 2020:~~

1. Thirty days after payment of a claim for compensation pursuant to this paragraph, the insurance company may receive a salvage certificate of title or certificate of destruction from the department if the insurance company is unable to obtain a properly assigned paper or electronic certificate of title from the owner or lienholder of the motor vehicle or mobile home, ~~if the motor vehicle or mobile home does not carry an electronic lien on the title~~ and the insurance company:

a. Has obtained the release of all liens on the motor vehicle or mobile home or has fully paid the amounts due to the owner and the lienholder;

596-03095-23

20231252c1

b. Has attested on a form provided by the department that payment of the total loss claim has been distributed or, if a release of all liens has not been obtained, that amounts due to the owner and the lienholder have been paid in full; and

c. Has attested on a form provided by the department and signed by the insurance company or its authorized agent stating the attempts that have been made to obtain the title from the owner or the lienholder and further stating that all attempts are to no avail. The form must include a request that the salvage certificate of title or certificate of destruction be issued in the insurance company's name due to payment of a total loss claim to the owner or lienholder. The attempts to contact the owner or the lienholder may be by written request delivered in person or by first-class mail with a certificate of mailing to the owner's or lienholder's last known address.

2. If the owner or the lienholder is notified of the request for title in person, the insurance company must provide an affidavit attesting to the in-person request for a certificate of title.

3. The request to the owner or the lienholder for the certificate of title must include a complete description of the motor vehicle or mobile home and the statement that a total loss claim has been paid on the motor vehicle or mobile home.

The department is not liable to, and may not be held liable by, an owner, a lienholder, or any other person as a result of the issuance of a salvage certificate of title or a certificate of destruction pursuant to this paragraph.

(9) (a) An insurance company may notify an independent

596-03095-23 20231252c1

697 entity that obtains possession of a damaged or dismantled motor  
 698 vehicle or vessel to release the vehicle or vessel to the owner.  
 699 The insurance company shall provide the independent entity a  
 700 release statement on a form prescribed by the department  
 701 authorizing the independent entity to release the vehicle or  
 702 vessel to the owner or lienholder. The form must, at a minimum,  
 703 contain the following:  
 704 1. The policy and claim number.  
 705 2. The name and address of the insured.  
 706 3. The vehicle identification number or vessel hull  
 707 identification number.  
 708 4. The signature of an authorized representative of the  
 709 insurance company.  
 710 (b) The independent entity in possession of a motor vehicle  
 711 or vessel must send a notice to the owner that the vehicle or  
 712 vessel is available for pickup when it receives a release  
 713 statement from the insurance company. The notice must ~~shall~~ be  
 714 sent by certified mail or by another commercially available  
 715 delivery service that provides proof of delivery to the owner at  
 716 the owner's address contained in the department's records. The  
 717 notice must state that the owner has 30 days after delivery of  
 718 the notice to the owner at the owner's address to pick up the  
 719 vehicle or vessel from the independent entity. If the motor  
 720 vehicle or vessel is not claimed within 30 days after the  
 721 delivery or attempted delivery of the notice, the independent  
 722 entity may apply for a certificate of destruction, a salvage  
 723 certificate of title, or a certificate of title. For a hull-  
 724 damaged vessel, the independent entity shall comply with s.  
 725 328.045, as applicable.

596-03095-23 20231252c1

726 (c) If the department's records do not contain the owner's  
 727 address, the independent entity must do all of the following:  
 728 1. Send a notice that meets the requirements of paragraph  
 729 (b) to the owner's address that is provided by the insurance  
 730 company in the release statement.  
 731 2. For a vehicle, identify the latest titling jurisdiction  
 732 of the vehicle through use of the National Motor Vehicle Title  
 733 Information System or an equivalent commercially available  
 734 system and attempt to obtain the owner's address from that  
 735 jurisdiction. If the jurisdiction returns an address that is  
 736 different from the owner's address provided by the insurance  
 737 company, the independent entity must send a notice that meets  
 738 the requirements of paragraph (b) to both addresses.  
 739 (d) The independent entity shall maintain for at least a  
 740 ~~minimum of~~ 3 years the records related to the 30-day notice sent  
 741 to the owner. For vehicles, the independent entity shall also  
 742 maintain for at least 3 years the results of searches of the  
 743 National Motor Vehicle Title Information System or an equivalent  
 744 commercially available system, and the notification to the  
 745 National Motor Vehicle Title Information System made pursuant to  
 746 paragraph (e).  
 747 (e) The independent entity shall make the required  
 748 notification to the National Motor Vehicle Title Information  
 749 System before releasing any damaged or dismantled motor vehicle  
 750 to the owner or before applying for a certificate of destruction  
 751 or salvage certificate of title. The independent entity is not  
 752 required to notify the National Motor Vehicle Title Information  
 753 System before releasing any damaged or dismantled vessel to the  
 754 owner or before applying for a certificate of title.

596-03095-23

20231252c1

(f) Upon applying for a certificate of destruction, ~~or~~ salvage certificate of title, or certificate of title, the independent entity shall provide a copy of the release statement from the insurance company to the independent entity, proof of providing the 30-day notice to the owner, proof of notification to the National Motor Vehicle Title Information System if required, proof of all lien satisfactions or proof of a release of all liens on the motor vehicle or vessel, and applicable fees. If the independent entity is unable to obtain a lien satisfaction or a release of all liens on the motor vehicle or vessel, the independent entity must provide an affidavit stating that notice was sent to all lienholders that the motor vehicle or vessel is available for pickup, 30 days have passed since the notice was delivered or attempted to be delivered pursuant to this section, attempts have been made to obtain a release from all lienholders, and all such attempts have been to no avail. The notice to lienholders and attempts to obtain a release from lienholders may be by written request delivered in person or by certified mail or another commercially available delivery service that provides proof of delivery to the lienholder at the lienholder's address as provided on the certificate of title and to the address designated with the Department of State pursuant to s. 655.0201(2) if such address is different.

(g) The independent entity may not charge an owner of the vehicle or vessel storage fees or apply for a title under s. 713.585 or s. 713.78.

Section 11. Paragraph (b) of subsection (1) and paragraph (a) of subsection (3) of section 320.06, Florida Statutes, are amended to read:

596-03095-23

20231252c1

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

(1)

(b)1. Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year period. At the end of the 10-year period, upon renewal, the plate must ~~shall~~ be replaced. The department shall extend the scheduled license plate replacement date from a 6-year period to a 10-year period. The fee for such replacement is \$28, \$2.80 of which must ~~shall~~ be paid each year before the plate is replaced, to be credited toward the next \$28 replacement fee. The fees must ~~shall~~ be deposited into the Highway Safety Operating Trust Fund. A credit or refund may not be given for any prior years' payments of the prorated replacement fee if the plate is replaced or surrendered before the end of the 10-year period, except that a credit may be given if a registrant is required by the department to replace a license plate under s. 320.08056(8)(a). With each license plate, a validation sticker must ~~shall~~ be issued showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker must ~~shall~~ be placed on the upper right corner of the license plate. The license plate and validation sticker must ~~shall~~ be issued based on the applicant's appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant's appropriate registration period. Rental vehicles taxed pursuant to s. 320.08(6)(a) and rental trucks taxed pursuant to s.



596-03095-23

20231252c1

813 320.08(3)(a), (b), and (c) and (4)(a)-(d) may elect a permanent  
 814 registration period, provided payment of the appropriate license  
 815 taxes and fees occurs annually.

816 2. A vehicle that has an apportioned registration must  
 817 ~~shall~~ be issued an annual license plate and a cab card that  
 818 denote the declared gross vehicle weight for each apportioned  
 819 jurisdiction in which the vehicle is authorized to operate. This  
 820 subparagraph expires June 30, 2024.

821 3. Beginning July 1, 2024, a vehicle registered in  
 822 accordance with the International Registration Plan must be  
 823 issued a license plate for a 3-year period. At the end of the 3-  
 824 year period, upon renewal, the license plate must be replaced.  
 825 Each license plate must include a validation sticker showing the  
 826 month of expiration. A cab card denoting the declared gross  
 827 vehicle weight for each apportioned jurisdiction must be issued  
 828 annually. The fee for an original or a renewal cab card is \$28,  
 829 which must be deposited into the Highway Safety Operating Trust  
 830 Fund. If the license plate is damaged or worn, it may be  
 831 replaced at no charge by applying to the department and  
 832 surrendering the current license plate.

833 4. In order to retain the efficient administration of the  
 834 taxes and fees imposed by this chapter, the 80-cent fee increase  
 835 in the replacement fee imposed by chapter 2009-71, Laws of  
 836 Florida, is negated as provided in s. 320.0804.

837 (3)(a) Registration license plates must be made of metal  
 838 specially treated with a retroreflection material, as specified  
 839 by the department. The registration license plate is designed to  
 840 increase nighttime visibility and legibility and must be at  
 841 least 6 inches wide and not less than 12 inches in length,

596-03095-23

20231252c1

842 unless a plate with reduced dimensions is deemed necessary by  
 843 the department to accommodate motorcycles, mopeds, ~~or~~ similar  
 844 smaller vehicles, or trailers. Validation stickers must also be  
 845 treated with a retroreflection material, must be of such size as  
 846 specified by the department, and must adhere to the license  
 847 plate. The registration license plate must be imprinted with a  
 848 combination of bold letters and numerals or numerals, not to  
 849 exceed seven digits, to identify the registration license plate  
 850 number. The license plate must be imprinted with the word  
 851 "Florida" at the top and the name of the county in which it is  
 852 sold, the state motto, or the words "Sunshine State" at the  
 853 bottom. Apportioned license plates must have the word  
 854 "Apportioned" at the bottom, and license plates issued for  
 855 vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or  
 856 (c), or (14) must have the word "Restricted" at the bottom.  
 857 License plates issued for vehicles taxed under s. 320.08(12)  
 858 must be imprinted with the word "Florida" at the top and the  
 859 word "Dealer" at the bottom unless the license plate is a  
 860 specialty license plate as authorized in s. 320.08056.  
 861 Manufacturer license plates issued for vehicles taxed under s.  
 862 320.08(12) must be imprinted with the word "Florida" at the top  
 863 and the word "Manufacturer" at the bottom. License plates issued  
 864 for vehicles taxed under s. 320.08(5)(d) or (e) must be  
 865 imprinted with the word "Wrecker" at the bottom. Any county may,  
 866 upon majority vote of the county commission, elect to have the  
 867 county name removed from the license plates sold in that county.  
 868 The state motto or the words "Sunshine State" must ~~shall~~ be  
 869 printed in lieu thereof. A license plate issued for a vehicle  
 870 taxed under s. 320.08(6) may not be assigned a registration

596-03095-23

20231252c1

license number, or be issued with any other distinctive character or designation, that distinguishes the motor vehicle as a for-hire motor vehicle.

Section 12. Subsection (1) of section 320.084, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

320.084 Free motor vehicle license plate to certain disabled veterans.—

(1) One free “DV” motor vehicle license number plate must ~~shall~~ be issued by the department for use on any motor vehicle owned or leased by any disabled veteran who has been a resident of this state continuously for the preceding 5 years or has established a domicile in this state as provided by s. 222.17(1), (2), or (3), and who has been honorably discharged from the United States Armed Forces, upon application, accompanied by proof that:

(a) A vehicle was initially acquired through financial assistance by the United States Department of Veterans Affairs or its predecessor specifically for the purchase of an automobile;

(b) The applicant has been determined by the United States Department of Veterans Affairs or its predecessor to have a service-connected 100-percent disability rating for compensation; or

(c) The applicant has been determined to have a service-connected disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services.

(6) (a) A disabled veteran who qualifies for issuance of a

596-03095-23

20231252c1

“DV” license under subsection (1) may be issued, in lieu of the “DV” license plate, a military license plate for which he or she is eligible or a specialty license plate. A disabled veteran electing a military license plate or specialty license plate under this paragraph must pay all applicable fees related to such license plate, except for fees otherwise waived under subsections (1) and (4).

(b) A military license plate or specialty license plate elected under this subsection:

1. Does not provide the protections or rights afforded by s. 316.1955, s. 316.1964, s. 320.0848, s. 526.141, or s. 553.5041.

2. Is not eligible for the international symbol of accessibility as described in s. 320.0842.

Section 13. Present subsections (16) through (48) of section 322.01, Florida Statutes, are redesignated as subsections (17) through (49), respectively, a new subsection (16) is added to that section, and subsection (5) and present subsections (37) and (41) of that section are amended, to read:

322.01 Definitions.—As used in this chapter:

(5) “Cancellation” means the act of declaring a driver license void and terminated, but does not include a downgrade.

(16) “Downgrade” has the same meaning as the definition of the term “CDL downgrade” in 49 C.F.R. s. 383.5(4).

(38)(37) “Revocation” means the termination of a licensee’s privilege to drive, but does not include a downgrade.

(42)(41) “Suspension” means the temporary withdrawal of a licensee’s privilege to drive a motor vehicle, but does not include a downgrade.

596-03095-23

20231252c1

929 Section 14. Subsection (2) of section 322.02, Florida  
 930 Statutes, is amended to read:  
 931 322.02 Legislative intent; administration.—  
 932 (2) The Department of Highway Safety and Motor Vehicles is  
 933 charged with the administration and function of enforcement of  
 934 the provisions of this chapter and the enforcement and  
 935 administration of 49 C.F.R. parts 382-386 and 390-397.  
 936 Section 15. Present subsections (4) through (12) of section  
 937 322.05, Florida Statutes, are redesignated as subsections (5)  
 938 through (13), respectively, and a new subsection (4) is added to  
 939 that section, to read:  
 940 322.05 Persons not to be licensed.—The department may not  
 941 issue a license:  
 942 (4) To any person, as a commercial motor vehicle operator,  
 943 who is ineligible to operate a commercial motor vehicle pursuant  
 944 to 49 C.F.R. part 383.  
 945 Section 16. Subsection (3) of section 322.07, Florida  
 946 Statutes, is amended to read:  
 947 322.07 Instruction permits and temporary licenses.—  
 948 (3) Any person who, except for his or her lack of  
 949 instruction in operating a commercial motor vehicle, would  
 950 otherwise be qualified to obtain a commercial driver license  
 951 under this chapter, may apply for a temporary commercial  
 952 instruction permit. The department shall issue such a permit  
 953 entitling the applicant, while having the permit in his or her  
 954 immediate possession, to drive a commercial motor vehicle on the  
 955 highways, if:  
 956 (a) The applicant possesses a valid Florida driver license;  
 957 ~~and~~

596-03095-23

20231252c1

958 (b) The applicant, while operating a commercial motor  
 959 vehicle, is accompanied by a licensed driver who is 21 years of  
 960 age or older, who is licensed to operate the class of vehicle  
 961 being operated, and who is occupying the closest seat to the  
 962 right of the driver; and  
 963 (c) The department has not been notified that, under 49  
 964 C.F.R. s. 382.501(a), the applicant is prohibited from operating  
 965 a commercial motor vehicle.  
 966 Section 17. Effective January 1, 2024, subsection (3) of  
 967 section 322.141, Florida Statutes, is amended to read:  
 968 322.141 Color or markings of certain licenses or  
 969 identification cards.—  
 970 (3) All licenses for the operation of motor vehicles or  
 971 identification cards originally issued or reissued by the  
 972 department to persons who are designated as sexual predators  
 973 under s. 775.21 or subject to registration as sexual offenders  
 974 under s. 943.0435 or s. 944.607, or who have a similar  
 975 designation or are subject to a similar registration under the  
 976 laws of another jurisdiction, must ~~shall~~ have on the front of  
 977 the license or identification card, in a distinctive format and  
 978 printed in the color red, all of the following information:  
 979 (a) For a person designated as a sexual predator under s.  
 980 775.21 or who has a similar designation under the laws of  
 981 another jurisdiction, the marking "SEXUAL PREDATOR."  
 982 (b) For a person subject to registration as a sexual  
 983 offender under s. 943.0435 or s. 944.607, or subject to a  
 984 similar registration under the laws of another jurisdiction, the  
 985 marking "943.0435, F.S."  
 986 Section 18. Subsection (4) of section 322.142, Florida

596-03095-23

20231252c1

Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record are exempt from the provisions of s. 119.07(1) and may be made and issued only in any of the following manners:

(a) For departmental administrative purposes.†

(b) For the issuance of duplicate licenses.†

(c) In response to law enforcement agency requests.†

(d) To the Department of Business and Professional Regulation and the Department of Health pursuant to an interagency agreement for the purpose of accessing digital images for reproduction of licenses issued by the Department of Business and Professional Regulation or the Department of Health.†

(e) To the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075.†

(f) To the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations in Title IV-D cases.†

(g) To the Department of Children and Families pursuant to an interagency agreement to conduct protective investigations under part III of chapter 39 and chapter 415.†

596-03095-23

20231252c1

(h) To the Department of Children and Families pursuant to an interagency agreement specifying the number of employees in each of that department's regions to be granted access to the records for use as verification of identity to expedite the determination of eligibility for public assistance and for use in public assistance fraud investigations.†

(i) To the Agency for Health Care Administration pursuant to an interagency agreement for the purpose of authorized agencies verifying photographs in the Care Provider Background Screening Clearinghouse authorized under s. 435.12.†

(j) To the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, the identification of fraudulent or false claims, and the investigation of allegations of violations of the insurance code by licensees and unlicensed persons.†

(k) To the Department of Economic Opportunity pursuant to an interagency agreement to facilitate the validation of reemployment assistance claims and the identification of fraudulent or false reemployment assistance claims.†

(l) To district medical examiners pursuant to an interagency agreement for the purpose of identifying a deceased individual, determining cause of death, and notifying next of kin of any investigations, including autopsies and other laboratory examinations, authorized in s. 406.11.†

(m) To the following persons for the purpose of identifying a person as part of the official work of a court:

1. A justice or judge of this state;
2. An employee of the state courts system who works in a

596-03095-23

20231252c1

position that is designated in writing for access by the Chief Justice of the Supreme Court or a chief judge of a district or circuit court, or by his or her designee; or

3. A government employee who performs functions on behalf of the state courts system in a position that is designated in writing for access by the Chief Justice or a chief judge, or by his or her designee. ~~or~~

(n) To the Agency for Health Care Administration pursuant to an interagency agreement to prevent health care fraud. If the Agency for Health Care Administration enters into an agreement with a private entity to carry out duties relating to health care fraud prevention, such contracts must ~~shall~~ include, but need not be limited to:

1. Provisions requiring internal controls and audit processes to identify access, use, and unauthorized access of information.

2. A requirement to report unauthorized access or use to the Agency for Health Care Administration within 1 business day after the discovery of the unauthorized access or use.

3. Provisions for liquidated damages for unauthorized access or use of no less than \$5,000 per occurrence.

(o) To any criminal justice agency, as defined in s. 943.045, pursuant to an interagency agreement for use in carrying out the criminal justice agency's functions.

(p) To the driver licensing agency of any other state for purposes of validating the identity of an applicant for a driver license or identification card.

Section 19. Subsection (8) and paragraph (a) of subsection (9) of section 322.21, Florida Statutes, are amended to read:

596-03095-23

20231252c1

322.21 License fees; procedure for handling and collecting fees.—

(8) A person who applies for reinstatement following the suspension or revocation of the person's driver license must pay a service fee of \$45 following a suspension, and \$75 following a revocation, which is in addition to the fee for a license. A person who applies for reinstatement of a commercial driver license following the disqualification or downgrade of the person's privilege to operate a commercial motor vehicle shall pay a service fee of \$75, which is in addition to the fee for a license. The department shall collect all of these fees at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly transmit all funds received by it as follows:

(a) Of the \$45 fee received from a licensee for reinstatement following a suspension:

1. If the reinstatement is processed by the department, the department must ~~shall~~ deposit \$15 in the General Revenue Fund and \$30 in the Highway Safety Operating Trust Fund.

2. If the reinstatement is processed by the tax collector, \$15, less the general revenue service charge set forth in s. 215.20(1), must ~~shall~~ be retained by the tax collector, \$15 must ~~shall~~ be deposited into the Highway Safety Operating Trust Fund, and \$15 must ~~shall~~ be deposited into the General Revenue Fund.

(b) Of the \$75 fee received from a licensee for reinstatement following a revocation, ~~or~~ disqualification, or downgrade:

1. If the reinstatement is processed by the department, the department must ~~shall~~ deposit \$35 in the General Revenue Fund

596-03095-23

20231252c1

and \$40 in the Highway Safety Operating Trust Fund.

2. If the reinstatement is processed by the tax collector, \$20, less the general revenue service charge set forth in s. 215.20(1), ~~must shall~~ be retained by the tax collector, \$20 ~~must shall~~ be deposited into the Highway Safety Operating Trust Fund, and \$35 ~~must shall~~ be deposited into the General Revenue Fund.

If the revocation or suspension of the driver license was for a violation of s. 316.193, or for refusal to submit to a lawful breath, blood, or urine test, an additional fee of \$130 must be charged. However, only one \$130 fee may be collected from one person convicted of violations arising out of the same incident. The department shall collect the \$130 fee and deposit the fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver license, but the fee may not be collected if the suspension or revocation is overturned. If the revocation or suspension of the driver license was for a conviction for a violation of s. 817.234(8) or (9) or s. 817.505, an additional fee of \$180 is imposed for each offense. The department shall collect and deposit the additional fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver license.

(9) An applicant:

(a) Requesting a review authorized in s. 322.222, s. 322.2615, s. 322.2616, s. 322.27, s. 322.591, or s. 322.64 must pay a filing fee of \$25 to be deposited into the Highway Safety Operating Trust Fund.

Section 20. Section 322.591, Florida Statutes, is created to read:

596-03095-23

20231252c1

322.591 Commercial driver license and commercial instruction permit; Commercial Driver's License Drug and Alcohol Clearinghouse; prohibition on issuance of commercial driver licenses; downgrades.-

(1) Beginning November 18, 2024, when a person applies for or seeks to renew, transfer, or make any other change to a commercial driver license or commercial instruction permit, the department must obtain the driver's record from the Commercial Driver's License Drug and Alcohol Clearinghouse established pursuant to 49 C.F.R. part 382. The department may not issue, renew, transfer, or revise the types of authorized vehicles that may be operated or the endorsements applicable to a commercial driver license or commercial instruction permit for any person for whom the department receives notification pursuant to 49 C.F.R. s. 382.501(a) that the person is prohibited from operating a commercial vehicle.

(2) Beginning November 18, 2024, the department shall downgrade the commercial driver license or commercial instruction permit of any driver if the department receives notification that, pursuant to 49 C.F.R. s. 382.501(a), the driver is prohibited from operating a commercial motor vehicle. Any such downgrade must be completed and recorded by the department in the Commercial Driver's License Information System within 60 days after the department's receipt of such notification.

(3) (a) Beginning November 18, 2024, upon receipt of notification pursuant to 49 C.F.R. s. 382.501(a) that a driver is prohibited from operating a commercial motor vehicle, the department shall immediately notify the driver who is the

596-03095-23

20231252c1

1161 subject of such notification that he or she is prohibited from  
 1162 operating a commercial motor vehicle and, upon his or her  
 1163 request, must afford him or her an opportunity for an informal  
 1164 hearing pursuant to this section. The department's notice must  
 1165 be provided to the driver in the same manner as, and providing  
 1166 such notice has the same effect as, notices provided pursuant to  
 1167 s. 322.251(1) and (2).

1168 (b) Such informal hearing must be requested not later than  
 1169 20 days after the driver receives the notice of the downgrade.  
 1170 If a request for a hearing, together with the filing fee  
 1171 required pursuant to s. 322.21, is not received within 20 days  
 1172 after receipt of such notice, the department must enter a final  
 1173 order directing the downgrade of the driver's commercial driver  
 1174 license or commercial instruction permit, unless the department  
 1175 receives notification pursuant to 49 C.F.R. s. 382.503(a) that  
 1176 the driver is no longer prohibited from operating a commercial  
 1177 motor vehicle.

1178 (c) A hearing requested pursuant to paragraph (b) must be  
 1179 scheduled and held not later than 30 days after receipt by the  
 1180 department of a request for the hearing, together with the  
 1181 filing fee required pursuant to s. 322.21. The submission of a  
 1182 request for hearing pursuant to this subsection tolls the  
 1183 deadline to file a petition for writ of certiorari pursuant to  
 1184 s. 322.31 until after the department enters a final order after  
 1185 a hearing pursuant to this subsection.

1186 (d) The informal hearing authorized pursuant to this  
 1187 subsection is exempt from chapter 120. Such hearing must be  
 1188 conducted before a hearing officer designated by the department.  
 1189 The hearing officer may conduct such hearing from any location

596-03095-23

20231252c1

1190 in this state by means of communications technology.

1191 (e) The notification received by the department pursuant to  
 1192 49 C.F.R. s. 382.501(a) must be in the record for consideration  
 1193 by the hearing officer and in any proceeding pursuant to s.  
 1194 322.31 and is considered self-authenticating. The basis for the  
 1195 notification received by the department pursuant to 49 C.F.R. s.  
 1196 382.501(a) and the information in the Commercial Driver's  
 1197 License Drug and Alcohol Clearinghouse which resulted in such  
 1198 notification are not subject to challenge in the hearing or in  
 1199 any proceeding brought under s. 322.31.

1200 (f) If, before the entry of a final order arising from a  
 1201 notification received by the department pursuant to 49 C.F.R. s.  
 1202 382.501(a), the department receives notification pursuant to 49  
 1203 C.F.R. s. 382.503(a) that the driver is no longer prohibited  
 1204 from operating a commercial motor vehicle, the department must  
 1205 dismiss the action to downgrade the driver's commercial driver  
 1206 license or commercial instruction permit.

1207 (g) Upon the entry of a final order that results in the  
 1208 downgrade of a driver's commercial driver license or commercial  
 1209 instruction permit, the department shall record immediately in  
 1210 the driver's record that the driver is disqualified from  
 1211 operating or driving a commercial motor vehicle. The downgrade  
 1212 of a commercial driver license or commercial instruction permit  
 1213 pursuant to a final order entered pursuant to this section, and,  
 1214 upon the entry of a final order, the recording in the driver's  
 1215 record that the driver subject to such a final order is  
 1216 disqualified from operating or driving a commercial motor  
 1217 vehicle, are not stayed during the pendency of any proceeding  
 1218 pursuant to s. 322.31.

596-03095-23

20231252c1

1219 (h) If, after the entry of a final order that results in  
 1220 the downgrade of a driver's commercial driver license or  
 1221 commercial instruction permit and the department recording in  
 1222 the driver's record that the driver is disqualified from  
 1223 operating or driving a commercial motor vehicle, the department  
 1224 receives notification pursuant to 49 C.F.R. s. 382.503(a) that  
 1225 the driver is no longer prohibited from operating a commercial  
 1226 motor vehicle, the department must reinstate the driver's  
 1227 commercial driver license or commercial instruction permit upon  
 1228 application by such driver.

1229 (i) The department is not liable for any commercial driver  
 1230 license or commercial instruction permit downgrade resulting  
 1231 from the discharge of its duties.

1232 (j) This section is the exclusive procedure for the  
 1233 downgrade of a commercial driver license or commercial  
 1234 instruction permit following notification received by the  
 1235 department that, pursuant to 49 C.F.R. s. 382.501(a), a driver  
 1236 is prohibited from operating a commercial motor vehicle.

1237 (k) The downgrade of a commercial driver license or  
 1238 commercial instruction permit of a person pursuant to this  
 1239 section does not preclude the suspension of the driving  
 1240 privilege for that person pursuant to s. 322.2615 or the  
 1241 disqualification of that person from operating a commercial  
 1242 motor vehicle pursuant to s. 322.64. The driving privilege of a  
 1243 person whose commercial driver license or commercial instruction  
 1244 permit has been downgraded pursuant to this section also may be  
 1245 suspended for a violation of s. 316.193.

1246 (4) Beginning November 18, 2024, a driver for whom the  
 1247 department receives notification that, pursuant to 49 C.F.R. s.

Page 43 of 51

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596-03095-23

20231252c1

1248 382.501(a), such person is prohibited from operating a  
 1249 commercial motor vehicle may, if otherwise qualified, be issued  
 1250 a Class E driver license pursuant to s. 322.251(4), valid for  
 1251 the length of his or her unexpired license period, at no cost.

1252 Section 21. Subsection (2) of section 322.34, Florida  
 1253 Statutes, is amended to read:

1254 322.34 Driving while license suspended, revoked, canceled,  
 1255 or disqualified.—

1256 (2) Any person whose driver license or driving privilege  
 1257 has been canceled, suspended, or revoked as provided by law, or  
 1258 who does not have a driver license or driving privilege but is  
 1259 under suspension or revocation equivalent status as defined in  
 1260 s. 322.01 ~~s. 322.01(42)~~, except persons defined in s. 322.264,  
 1261 who, knowing of such cancellation, suspension, revocation, or  
 1262 suspension or revocation equivalent status, drives any motor  
 1263 vehicle upon the highways of this state while such license or  
 1264 privilege is canceled, suspended, or revoked, or while under  
 1265 suspension or revocation equivalent status, commits:

1266 (a) A misdemeanor of the second degree, punishable as  
 1267 provided in s. 775.082 or s. 775.083.

1268 (b)1. A misdemeanor of the first degree, punishable as  
 1269 provided in s. 775.082 or s. 775.083, upon a second or  
 1270 subsequent conviction, except as provided in paragraph (c).

1271 2. A person convicted of a third or subsequent conviction,  
 1272 except as provided in paragraph (c), must serve a minimum of 10  
 1273 days in jail.

1274 (c) A felony of the third degree, punishable as provided in  
 1275 s. 775.082, s. 775.083, or s. 775.084, upon a third or  
 1276 subsequent conviction if the current violation of this section

Page 44 of 51

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596-03095-23

20231252c1

or the most recent prior violation of the section is related to driving while license canceled, suspended, revoked, or suspension or revocation equivalent status resulting from a violation of:

1. Driving under the influence;
2. Refusal to submit to a urine, breath-alcohol, or blood alcohol test;
3. A traffic offense causing death or serious bodily injury; or
4. Fleeing or eluding.

The element of knowledge is satisfied if the person has been previously cited as provided in subsection (1); or the person admits to knowledge of the cancellation, suspension, or revocation, or suspension or revocation equivalent status; or the person received notice as provided in subsection (4). There ~~is shall be~~ a rebuttable presumption that the knowledge requirement is satisfied if a judgment or order as provided in subsection (4) appears in the department's records for any case except for one involving a suspension by the department for failure to pay a traffic fine or for a financial responsibility violation.

Section 22. Subsection (4) of section 322.61, Florida Statutes, is amended to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(4) Any person who is transporting hazardous materials as defined in s. 322.01 ~~s. 322.01(24) shall~~, upon conviction of an offense specified in subsection (3), is ~~be~~ disqualified from

596-03095-23

20231252c1

operating a commercial motor vehicle for a period of 3 years. The penalty provided in this subsection is ~~shall be~~ in addition to any other applicable penalty.

Section 23. Subsection (3) of section 324.0221, Florida Statutes, is amended to read:

324.0221 Reports by insurers to the department; suspension of driver license and vehicle registrations; reinstatement.—

(3) An operator or owner whose driver license or registration has been suspended under this section or s. 316.646 may effect its reinstatement upon compliance with the requirements of this section and upon payment to the department of a nonrefundable reinstatement fee of \$150 for the first reinstatement. The reinstatement fee is \$250 for the second reinstatement and \$500 for each subsequent reinstatement during the 3 years following the first reinstatement. A person reinstating her or his insurance under this subsection must also secure ~~noncancelable~~ coverage as described in ss. 324.021(8), 324.023, and 627.7275(2) and present to the appropriate person proof that the coverage is in force on a form adopted by the department, and such proof must ~~shall~~ be maintained for 2 years. If the person does not have a second reinstatement within 3 years after her or his initial reinstatement, the reinstatement fee is \$150 for the first reinstatement after that 3-year period. If a person's license and registration are suspended under this section or s. 316.646, only one reinstatement fee must be paid to reinstate the license and the registration. All fees must ~~shall~~ be collected by the department at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly deposit those fees in the Highway

596-03095-23

20231252c1

Safety Operating Trust Fund. One-third of the fees collected under this subsection must ~~shall~~ be distributed from the Highway Safety Operating Trust Fund to the local governmental entity or state agency that employed the law enforcement officer seizing the license plate pursuant to s. 324.201. The funds may be used by the local governmental entity or state agency for any authorized purpose.

Section 24. Section 324.131, Florida Statutes, is amended to read:

324.131 Period of suspension.—Such license, registration and nonresident's operating privilege must ~~shall~~ remain ~~so~~ suspended and may ~~shall~~ not be renewed, nor may ~~shall~~ any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent of the limits stated in s. 324.021(7) and until the said person gives proof of financial responsibility as provided in s. 324.031, such proof to be maintained for 3 years. In addition, if the person's license or registration has been suspended or revoked due to a violation of s. 316.193 or pursuant to s. 322.26(2), that person must ~~shall~~ maintain ~~noncancelable~~ liability coverage for each motor vehicle registered in his or her name, as described in s. 627.7275(2), and must present proof that coverage is in force on a form adopted by the Department of Highway Safety and Motor Vehicles, such proof to be maintained for 3 years.

Section 25. Paragraph (g) of subsection (3) of section 627.311, Florida Statutes, is amended to read:

627.311 Joint underwriters and joint reinsurers; public

596-03095-23

20231252c1

records and public meetings exemptions.—

(3) The office may, after consultation with insurers licensed to write automobile insurance in this state, approve a joint underwriting plan for purposes of equitable apportionment or sharing among insurers of automobile liability insurance and other motor vehicle insurance, as an alternate to the plan required in s. 627.351(1). All insurers authorized to write automobile insurance in this state shall subscribe to the plan and participate therein. The plan is ~~shall be~~ subject to continuous review by the office which may at any time disapprove the entire plan or any part thereof if it determines that conditions have changed since prior approval and that in view of the purposes of the plan changes are warranted. Any disapproval by the office is ~~shall be~~ subject to ~~the provisions of~~ chapter 120. The Florida Automobile Joint Underwriting Association is created under the plan. The plan and the association:

(g) Must make available ~~noncancelable~~ coverage as provided in s. 627.7275(2).

Section 26. Subsection (1) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(1) MOTOR VEHICLE INSURANCE RISK APPORTIONMENT.—Agreements may be made among casualty and surety insurers with respect to the equitable apportionment among them of insurance that ~~which~~ may be afforded applicants who are in good faith entitled to, but are unable to, procure such insurance through ordinary methods, and such insurers may agree among themselves on the use of reasonable rate modifications for such insurance. Such agreements and rate modifications are ~~shall be~~ subject to the

596-03095-23

20231252c1

1393 approval of the office. The office shall, after consultation  
 1394 with the insurers licensed to write automobile liability  
 1395 insurance in this state, adopt a reasonable plan or plans for  
 1396 the equitable apportionment among such insurers of applicants  
 1397 for such insurance who are in good faith entitled to, but are  
 1398 unable to, procure such insurance through ordinary methods, and,  
 1399 when such plan has been adopted, all such insurers shall  
 1400 subscribe to and participate in the plan thereto and shall  
 1401 ~~participate therein~~. Such plan or plans shall include rules for  
 1402 classification of risks and rates therefor. The plan or plans  
 1403 shall make available ~~noncancelable~~ coverage as provided in s.  
 1404 627.7275(2). Any insured placed with the plan must ~~shall~~ be  
 1405 notified of the fact that insurance coverage is being afforded  
 1406 through the plan and not through the private market, and such  
 1407 notification must ~~shall~~ be given in writing within 10 days of  
 1408 such placement. To assure that plan rates are made adequate to  
 1409 pay claims and expenses, insurers shall develop a means of  
 1410 obtaining loss and expense experience at least annually, and the  
 1411 plan shall file such experience, when available, with the office  
 1412 in sufficient detail to make a determination of rate adequacy.  
 1413 Prior to the filing of such experience with the office, the plan  
 1414 shall poll each member insurer as to the need for an actuary who  
 1415 is a member of the Casualty Actuarial Society and who is not  
 1416 affiliated with the plan's statistical agent to certify the  
 1417 plan's rate adequacy. If a majority of those insurers responding  
 1418 indicate a need for such certification, the plan must ~~shall~~  
 1419 include the certification as part of its experience filing. Such  
 1420 experience shall be filed with the office not more than 9 months  
 1421 following the end of the annual statistical period under review,

Page 49 of 51

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596-03095-23

20231252c1

1422 together with a rate filing based on such ~~said~~ experience. The  
 1423 office shall initiate proceedings to disapprove the rate and so  
 1424 notify the plan or shall finalize its review within 60 days  
 1425 after ~~of~~ receipt of the filing. Notification to the plan by the  
 1426 office of its preliminary findings, which include a point of  
 1427 entry to the plan pursuant to chapter 120, tolls ~~shall toll~~ the  
 1428 60-day period during any such proceedings and subsequent  
 1429 judicial review. The rate is ~~shall be~~ deemed approved if the  
 1430 office does not issue notice to the plan of its preliminary  
 1431 findings within 60 days after ~~of~~ the filing. In addition to  
 1432 provisions for claims and expenses, the ratemaking formula must  
 1433 ~~shall~~ include a factor for projected claims trending and 5  
 1434 percent for contingencies. The formula may not ~~In no instance~~  
 1435 ~~shall the formula~~ include a renewal discount for plan insureds.  
 1436 However, the plan shall reunderwrite each insured on an annual  
 1437 basis, based upon all applicable rating factors approved by the  
 1438 office. Trend factors may ~~shall~~ not be found to be inappropriate  
 1439 if they are not in excess of trend factors normally used in the  
 1440 development of residual market rates by the appropriate licensed  
 1441 rating organization. Each application for coverage in the plan  
 1442 must ~~shall~~ include, in boldfaced 12-point type immediately  
 1443 preceding the applicant's signature, the following statement:

1444 "THIS INSURANCE IS BEING AFFORDED THROUGH THE FLORIDA  
 1445 JOINT UNDERWRITING ASSOCIATION AND NOT THROUGH THE  
 1446 PRIVATE MARKET. PLEASE BE ADVISED THAT COVERAGE WITH A  
 1447 PRIVATE INSURER MAY BE AVAILABLE FROM ANOTHER AGENT AT  
 1448 A LOWER COST. AGENT AND COMPANY LISTINGS ARE AVAILABLE  
 1449 IN THE LOCAL YELLOW PAGES."

Page 50 of 51

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596-03095-23

20231252c1

The plan shall annually report to the office the number and percentage of plan insureds who are not surcharged due to their driving record.

Section 27. Paragraph (b) of subsection (2) of section 627.7275, Florida Statutes, is amended to read:

627.7275 Motor vehicle liability.—

(2)

(b) The policies described in paragraph (a) ~~must shall~~ be issued for at least 6 months ~~and, as to the minimum coverages required under this section, may not be canceled by the insured for any reason or by the insurer after 60 days, during which period the insurer is completing the underwriting of the policy.~~ After the insurer has issued ~~completed underwriting~~ the policy, the insurer shall notify the Department of Highway Safety and Motor Vehicles that the policy is in full force and effect ~~and is not cancelable for the remainder of the policy period. A premium shall be collected and the coverage is in effect for the 60-day period during which the insurer is completing the underwriting of the policy whether or not the person's driver license, motor vehicle tag, and motor vehicle registration are in effect. Once the noncancelable provisions of the policy becomes~~ ~~become~~ effective, the coverages for bodily injury, property damage, and personal injury protection may not be reduced during the policy period below the minimum limits required under s. 324.021 or s. 324.023 ~~during the policy period.~~

Section 28. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2023.

The Florida Senate  
**APPEARANCE RECORD**

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

4/12/23

Meeting Date

TED Approps

Committee

1252

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Tim Qualls

Phone

850-222-7206

Address

216 S. Monroe St

Email

TQUALLS@YULAW.NET

Street

Tally

City

FL

State

32301

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:

FL Tax  
Collectors  
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](mailto:flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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

4/12/23  
Meeting Date  
Trans.  
Committee

1252  
Bill Number or Topic  
Amendment Barcode (if applicable)

Name Jennifer Langston  
Address 2900 Apalachee Pkwy  
City Tallahassee State Zip

Phone 907-3100  
Email jennifer.langston@flhsmv.sa

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:

FLHSMV

☐ 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)

4/12/23

Meeting Date

Trans, Tourism, Ec Dev Approp

Committee

Name

Leslie Dughi

Phone

8505193903

Address

Street

Email

Leslie.Dughi@mhdfirm.com

City

State

Zip

The Florida Senate

## APPEARANCE RECORD

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

1252

Bill Number or Topic

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:

Enterprise, National and Alamo  
Rental Car Companies

☐ 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**

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

April 12, 2023

Meeting Date

1252

Bill Number or Topic

App, Transportation

Committee

Amendment Barcode (if applicable)

Name Ann Salamone

Phone 561-846-0930

Address 4228 NW 68 TER

Street

Email ABSalamone@aol.com

Gainesville, FL

City

State

32604

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

## Committee Agenda Request

**To:** Senator Ed Hooper, Chair  
Committee on Transportation, Tourism, and Economic Development

**Subject:** Committee Agenda Request

**Date:** March 29, 2023

---

I respectfully request that **Senate Bill #1252**, relating to Department of Highway Safety and Motor Vehicles be placed on the:

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

A handwritten signature in blue ink that reads "Nick DiCeglie".

---

Senator Nick DiCeglie  
Florida Senate, District 18

**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 Committee on Transportation, Tourism, and Economic Development

---

BILL: CS/SB 1532

INTRODUCER: Transportation Committee and Senator Burgess and others

SUBJECT: Regional Transportation Planning

DATE: April 12, 2023

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	<b>Fav/CS</b>
2.	Nortelus	Jerrett	ATD	<b>Favorable</b>
3.			FP	

---

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1532 provides legislative findings and intent to explore the dissolution or transfer of the governance, staff, operations, funding, and facilities of the Hillsborough Area Regional Transit Authority with the goal of enhancing regional transit service and connectivity in the Tampa Bay Area.

The bill directs the Florida Department of Transportation (FDOT), or its consultant, to conduct a study of the potential dissolution of the Hillsborough Area Regional Transit Authority. The study must address all aspects of the winding down of the affairs of the Hillsborough Area Regional Transit Authority, including the following:

- The dissolution of the governance structure, including governing board membership, powers, and responsibilities.
- The drawdown or transfer of staff.
- The transfer of financial assets and obligations, as well as the transfer of responsibilities and administered programs and of facilities and operations.
- Impacts to federal or state grants or funds.
- Any legal or financial impediments to or limitations on such dissolution.
- The advantages and disadvantages of dissolution or transfer.
- Any other matters deemed necessary or appropriate by the Florida Department of Transportation.

The bill requires the FDOT to submit a report by January 1, 2024, detailing the results of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The FDOT is expected to incur unknown costs associated with the study, which costs are expected to be absorbed within existing resources.

The bill takes effect July 1, 2023.

## **II. Present Situation:**

### **Hillsborough Area Regional Transit Authority**

The Hillsborough Transit Authority, operating and also known as HART, was created as a body politic and corporate under Chapter 163, Part V, ss. 163.567, et. seq, F.S., in October of 1979.<sup>1</sup> HART was chartered for the purpose of providing mass transit service to its two original charter members, the City of Tampa and Hillsborough County. Thereafter, the HART could admit to membership any county or municipality contiguous to one of its members upon application and after approval by a majority vote of the Board of Directors. The City of Temple Terrace was subsequently added to HART's membership.

Currently, HART is governed by a 14-member Board of Directors, as follows:<sup>2</sup>

- Seven Hillsborough County Commissioners;
- Four City of Tampa members, including either the mayor or a city council member;
- One City of Temple Terrace member, either the mayor or a city council member; and the
- Two members appointed by the Governor.<sup>3</sup>

The HART's current service area covers approximately 1,000 square miles with a fleet of almost 200 buses,<sup>4</sup> and also provides other services, such as HARTFLEX, which provides paratransit service;<sup>5</sup> the free-fare TECO Line Streetcar System,<sup>6</sup> and other alternative transportation

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<sup>1</sup> Sections 163.565-163.572, F.S., the Regional Transportation Authority Law, authorize the creation of regional transportation authorities by any two or more contiguous counties, cities, or other political subdivisions, who are authorized to convene a charter committee for the purpose of developing a charter under which a regional transportation authority may be constituted, composed, and operated. However, no county, municipality, or other political subdivision may be a member of more than one regional transportation authority. The law provides for a charter committee to be formed consisting of representatives of the affected local governments (by population formula) to develop a charter defining the powers and duties of the transportation authority and submit the charter to the Department of State. Once the charter is filed, the Governor must appoint two members to the board of directors of the transportation authority. The remaining membership of the board consists of representatives of the local governments. A transportation authority is authorized to incur debt, to levy ad valorem taxes (up to 3 mills, with county commission approval and by a majority of voters in the affected area), and has limited eminent domain powers.

<sup>2</sup> HART is an independent special district.

<sup>3</sup> See hillsboroughcounty.org, [Hillsborough County - HART](https://hillsboroughcounty.org/HillsboroughCounty-HART) (last visited March 15, 2023). The members serve three-year terms.

<sup>4</sup> See gohart.org, [Bus Services | HART \(gohart.org\)](https://gohart.org/BUS-SERVICES) (last visited March 15, 2023).

<sup>5</sup> See gohart.org, [Van Service | HART \(gohart.org\)](https://gohart.org/VAN-SERVICE) (last visited March 15, 2023).

<sup>6</sup> See gohart.org, [TECO Line Streetcar System | HART \(gohart.org\)](https://gohart.org/TECO-Line-Streetcar-System) (last visited March 15, 2023).

services.<sup>7</sup> Concerns surrounding the HART's leadership and staffing have recently been reported.<sup>8</sup>

### **Prior Study on Potential Merger**

In 2012, the Legislature passed HB 599 requiring the Pinellas Suncoast Transit Authority and HART to conduct a study regarding increasing efficiencies through a possible merger. The initial study conducted in 2012 found that merging the two agencies could save an estimated \$2.4 million. A more detailed study conducted by KPMG, an accounting firm, in 2014 decreased that number to \$339,000 due to costs associated with severance pay for the laid-off workers and increased pay for the remaining employees. The study also noted that cutting positions could lead to service reductions and the end of on-going projects across the service areas.<sup>9</sup>

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

The bill creates an undesignated section of Florida law providing legislative findings and intent to explore the dissolution or transfer of the governance, staff, operations, funding, and facilities of HART with the goal of enhancing regional transit service and connectivity in the Tampa Bay Area.

The bill directs the Florida Department of Transportation (FDOT), or its consultant, to conduct a study of the potential dissolution of the HART. The study must address all aspects of the winding down of the affairs of the HART, including the following:

- The dissolution of the governance structure, including governing board membership, powers, and responsibilities;
- The dissolution of the governance structure, including governing board membership, powers, and responsibilities;
- The drawdown or transfer of staff;
- The transfer of financial assets and obligations, as well as the transfer of responsibilities and administered programs and of facilities and operations;
- Impacts to federal or state grants or funds;
- Any legal or financial impediments to or limitations on such dissolution;
- The advantages and disadvantages of dissolution or transfer; and
- Any other matters deemed necessary or appropriate by the FDOT.

The bill requires the FDOT to submit a report by January 1, 2024, detailing the results of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill takes effect July 1, 2023.

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<sup>7</sup> See gohart.org, [Alternative Transportation | HART \(gohart.org\)](https://gohart.org/Alternative-Transportation/HART) (last visited March 15, 2023).

<sup>8</sup> See, e.g., cltamps.com, ['Staff feels demoralized': HART board members never saw a year-old peer review raising concerns over management | Tampa Bay News | Tampa | Creative Loafing Tampa Bay \(cltampa.com\)](https://cltamps.com/Staff-feels-demoralized-HART-board-members-never-saw-a-year-old-peer-review-raising-concerns-over-management-Tampa-Bay-News-Tampa-Creative-Loafing-Tampa-Bay-cltampa.com); transittalent.com, [Pledging truth and transparency, staff say HART CEO fostered fear and secrecy \(transittalent.com\)](https://transittalent.com/Pledging-truth-and-transparency-staff-say-HART-CEO-fostered-fear-and-secrecy-transittalent.com); and tampabay.com, [Investigation into HART CEO to continue, results to be public \(tampabay.com\)](https://tampabay.com/Investigation-into-HART-CEO-to-continue-results-to-be-public-tampabay.com) (last visited March 15, 2023).

<sup>9</sup> See tampabay.com, [REPORT FINDS FEW SAVINGS IN MERGER OF HART, PSTA \(tampabay.com\)](https://tampabay.com/REPORT-FINDS-FEW-SAVINGS-IN-MERGER-OF-HART-PSTA-tampabay.com) (last visited March 15, 2023).

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

None.

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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**E. Other Constitutional Issues:**

None identified.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The FDOT is expected to incur unknown costs associated with the study, which costs are expected to be absorbed within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates an undesignated section of Florida law.

**IX. Additional Information:**

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

**CS by Transportation on March 20, 2023:**

The committee substitute removes the Pinellas Suncoast Transit Authority (PSTA) from the underlying bill, leaving only HART subject to the bill's provisions, and revises the list of items to be addressed by the FDOT's study.

- B. **Amendments:**

None.

By the Committee on Transportation; and Senators Burgess and Collins

596-02747-23

20231532c1

A bill to be entitled

An act relating to regional transportation planning; providing legislative findings and intent; requiring the Department of Transportation, or its consultant, to conduct a study regarding the potential dissolution or transfer of the governance, staff, operations, funding, and facilities of the Hillsborough Area Regional Transit Authority; specifying requirements of the study; requiring the department to submit a report to the Governor and Legislature by a specified date; providing an effective date.

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

Section 1. (1) The Legislature finds that, given this state's rapid population growth, coordination of transportation planning, particularly regional transportation planning, is critical to the safe and efficient management, operation, and development of public transit systems. The Legislature questions whether the dissolution of the Hillsborough Area Regional Transit Authority (HART) would result in operational efficiencies and reduced administrative costs and further a regional approach to transit. It is the intent of the Legislature to explore the dissolution or transfer of the governance, staff, operations, funding, and facilities of HART with the goal of enhancing regional transit service and connectivity in the Tampa Bay area.

(2) The Department of Transportation, or its consultant, shall conduct a study of the potential dissolution of HART. The

Page 1 of 2

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

596-02747-23

20231532c1

study must address all aspects of the winding down of the affairs of HART, including the following:

(a) The dissolution of the governance structure, including governing board membership, powers, and responsibilities.

(b) The drawdown or transfer of staff.

(c) The transfer of financial assets and obligations.

(d) The transfer of responsibilities and administered programs.

(e) The transfer of facilities and operations.

(f) Impacts to federal or state grants or funds.

(g) Any legal or financial impediments to or limitations on such dissolution.

(h) The advantages and disadvantages of dissolution or transfer.

(i) Any other matters deemed necessary or appropriate by the department.

(3) By January 1, 2024, the department shall submit a report detailing the results of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 2. This act shall take effect July 1, 2023.

Page 2 of 2

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

# CourtSmart Tag Report

**Room:** SB 110

**Case No.:**

**Type:**

**Caption:** Senate Appropriations Committee on Transportation, Tourism, and Economic Development

**Judge:**

**Started:** 4/12/2023 8:30:34 AM

**Ends:** 4/12/2023 9:20:05 AM

**Length:** 00:49:32

8:30:36 AM	Sen. Hooper (Chair)
8:31:29 AM	S 996
8:31:34 AM	Sen. Berman
8:33:10 AM	S 766
8:33:17 AM	Sen. Burgess
8:34:33 AM	Sen. Powell
8:34:48 AM	Sen. Burgess
8:34:58 AM	Sen. Powell
8:35:06 AM	Sen. Burgess
8:35:16 AM	Karen Mazzola, FL Parent Teacher Association (waives in support)
8:35:31 AM	Sen. Powell
8:36:28 AM	Sen. Wright
8:36:56 AM	Sen. Burgess
8:38:18 AM	S 1532
8:38:34 AM	Sen. Burgess
8:39:07 AM	Sen. DiCeglie
8:40:20 AM	S 464
8:40:26 AM	Sen. Perry
8:41:18 AM	Sen. Powell
8:41:44 AM	Sen. Perry
8:42:18 AM	Sen. Powell
8:42:36 AM	Sen. Perry
8:42:43 AM	Sen. Powell
8:43:12 AM	Sen. Perry
8:43:24 AM	Sen. Hooper
8:43:34 AM	Am. 762430
8:43:40 AM	Sen. Perry
8:43:53 AM	Sen. Powell
8:44:01 AM	Sen. Perry
8:44:50 AM	Sen. Polsky
8:45:02 AM	Sen. Perry
8:45:22 AM	Sen. Polsky
8:45:25 AM	Sen. Perry
8:47:02 AM	Sen. Polsky
8:47:07 AM	Sen. Perry
8:47:26 AM	Sen. Stewart
8:47:47 AM	S 464 (cont.)
8:48:07 AM	Sen. Perry
8:49:08 AM	S 96
8:49:13 AM	Sen. DiCeglie
8:50:30 AM	Sen. Polsky
8:51:11 AM	Sen. DiCeglie
8:51:36 AM	Sen. Polsky
8:51:42 AM	Sen. DiCeglie
8:51:55 AM	Sen. Polsky
8:52:07 AM	Am. 622806
8:52:40 AM	S 96 (cont.)
8:52:47 AM	Kyle Shephard, City of Orlando (waives in support)
8:53:01 AM	Sen. Polsky
8:54:53 AM	Sen. Powell
8:56:45 AM	Sen. Perry
8:58:51 AM	Sen. Thompson



9:00:12 AM	Sen. Hooper
9:01:08 AM	Sen. Stewart
9:02:18 AM	Sen. DiCeglie
9:03:02 AM	S 1250
9:03:09 AM	Sen. DiCeglie
9:05:00 AM	Am. 143100
9:05:06 AM	Sen. DiCeglie
9:06:45 AM	S 1250 (cont.)
9:07:00 AM	Sen. Grall
9:07:30 AM	Sen. DiCeglie
9:08:15 AM	Matt Dunagan, FL Sheriffs Association (waives in support)
9:08:20 AM	Jason Rodriguez, BayCare Health System (waives in support)
9:08:31 AM	Sen. Grall
9:10:14 AM	S 1252
9:10:20 AM	Sen. DiCeglie
9:11:56 AM	Tim Qualls, FL Tax Collectors Association (waives in support)
9:12:02 AM	Jennifer Langston, FL Highway Safety and Motor Vehicles (waives in support)
9:12:08 AM	Leslie Dughi, Enterprise, National, and Alamo Rental Car Companies (waives in support)
9:12:38 AM	Ann Salamone
9:16:27 AM	Sen. Trumbull (Chair)
9:16:32 AM	S 2
9:16:34 AM	Sen. Hooper
9:17:55 AM	Jackie Corcoran, The Claimant (waives in support)
9:18:35 AM	Sen. Hooper (Chair)
9:18:44 AM	Sen. Collins
9:19:00 AM	Sen. Hooper