

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Latvala, Chair
Senator Evers, Vice Chair

MEETING DATE: Monday, January 9, 2012**TIME:** 3:15 —5:15 p.m.**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building**MEMBERS:** Senator Latvala, Chair; Senator Evers, Vice Chair; Senators Benacquisto, Bullard, Garcia, Gibson, Joyner, Norman, Storms, and Wise

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 474 Norman (Identical H 161)	Driving Without a Valid Driver License; Providing an additional fine for a violation of specified provisions relating to driving with a canceled, suspended, or revoked driver license or driving privilege; providing increased fine amounts for second or subsequent violations; providing for distribution of such fines collected; revising penalties for knowingly driving while the driver license or driving privilege is canceled, suspended, or revoked; revising procedures for impoundment or immobilization of the vehicle, etc. TR 11/16/2011 Temporarily Postponed TR 12/07/2011 Temporarily Postponed TR 01/09/2012 Temporarily Postponed BC	Temporarily Postponed
2	SB 354 Simmons (Identical H 219)	Seminole County Expressway Authority; Creating the Seminole County Expressway Authority Law; creating the Seminole County Expressway Authority; prohibiting an entity or body or another authority from exercising jurisdiction, control, authority, or power over an expressway system in Seminole County without the consent of the Seminole County Expressway Authority; requiring notice of public hearing and an opportunity for municipal officials and residents to discuss and advise the authority; providing for the issuance of bonds; providing for lease-purchase agreements between the Department of Transportation and the authority; authorizing the Department of Transportation to use funds for the operation of the authority and to generate preparatory information necessary for an expressway system; authorizing the authority to acquire land and properties, etc. TR 01/09/2012 Fav/CS CA BC	Fav/CS Yeas 10 Nays 0

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	SB 546 Sobel (Similar H 295)	Contracts for Rail Projects; Requiring an entity that applies for a rail project contract with the Department of Transportation, an agency or instrumentality of the state, or a local governmental entity to certify involvement or noninvolvement with deportation of individuals to extermination camps or death camps during a specified timeframe, etc. TR 01/09/2012 Favorable CA GO BC	Favorable Yeas 10 Nays 0
4	SB 780 Ring	Airport Parking Fees; Exempting vehicles transporting motorized scooters for use by persons who have a disability from payment of parking fees at a publicly owned or operated airport, etc. TR 01/09/2012 Fav/CS CA	Fav/CS Yeas 10 Nays 0
5	SB 854 Evers (Identical H 571)	Teenage Drivers; Providing for the Department of Highway Safety and Motor Vehicles to electronically notify a parent or guardian when certain events are added to the driving record of a minor licensed to drive; providing for discontinuance of the notifications; providing for forms; providing for a fee, etc. TR 01/09/2012 Temporarily Postponed BC	Temporarily Postponed
6	Presentation and discussion on REAL ID requirements by the Department of Highway Safety and Motor Vehicles		Presented
7	Presentation by Joint Law Enforcement Consolidation Taskforce		Presented

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
Florida Transportation Commission			
8	Ellington, Donald L. (Gainesville)	09/30/2013	Recommend Confirm Yeas 10 Nays 0
Florida Transportation Commission			
9	Tuck, Andy (Sebring)	09/30/2014	Recommend Confirm Yeas 10 Nays 0

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	Other related meeting documents		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 474

INTRODUCER: Senator Norman

SUBJECT: Driving Without a Valid Driver License

DATE: November 14, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Buford	TR	Pre-meeting
2.			BC	
3.				
4.				
5.				
6.				

I. Summary:

The bill removes criminal penalties for knowingly driving with a suspended, revoked, or canceled license. However, the bill provides any person whose driver's license or driving privilege has been canceled, suspended, or revoked as provided by law, except a habitual traffic offender, who, knowing of the cancellation, suspension, or revocation, drives any motor vehicle upon the highways of this state while the license or privilege is canceled, suspended, or revoked commits a moving violation, punishable as provided in ch. 318, F.S., and the motor vehicle being driven at the time of the offense must be immediately immobilized or impounded.

The bill provides a person who knowingly drives any motor vehicle upon the highways while the person's license or privilege to drive is canceled, suspended, or revoked in violation of s. 322.34(2), F.S., in addition to the fine under s. 318.18(3)(a), F.S., must pay:

- For a first offense, \$100 before release of the vehicle from immobilization or impoundment;
- For a second offense, \$500 before release of the vehicle from immobilization or impoundment; or
- For a third or subsequent offense, \$1,000 before release of the vehicle from immobilization or impoundment.

In addition, the bill provides for the distribution of fines collected and the apportionment between the municipality, the county, and the agency or entity towing and storing the vehicle.

This bill amends ss. 318.18, 318.21, and 322.34 of the Florida Statutes.

II. Present Situation:

Section 318.18, F.S., specifies civil penalties for various violations.

Section 318.21, F.S., provides for the disposition of civil penalties by county courts.

Section 322.34(2), F.S., provides criminal penalties for knowingly driving with a suspended, revoked, or canceled license. Any person whose driver's license or driving privilege has been suspended, revoked, or canceled (except a habitual traffic offender) who drives with knowledge of such suspension, revocation, or cancellation, commits a second degree misdemeanor on the first conviction (up to 30 days in jail and a \$500 fine); a first degree misdemeanor on the second conviction (up to 60 days in jail and a \$1,000 fine); and a third degree felony on the third or subsequent conviction (up to five years in prison and a \$5,000 fine). (Subsection (1) of this section provides it is a moving violation if a person does not have knowledge of the suspension and drives with a suspended, revoked, or canceled license.)

The element of knowledge is satisfied if the person has been previously cited for driving with a suspended, revoked, or canceled license; or the person admits to knowledge of the cancellation, suspension, or revocation; or the person received notice as provided in s. 322.34(4), F.S. There shall be a rebuttable presumption that the knowledge requirement is satisfied if a judgment or order as provided in s. 322.34(4), F.S., appears in the Department of Highway Safety and Motor Vehicles' (DHSMV or department) 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.

A habitual traffic offender who drives with a suspended, revoked, or canceled license commits a third degree felony under s. 322.34(5), F.S. One way to become a habitual traffic offender is to drive with a suspended or revoked license three times within five years under s. 322.264(1)(d), F.S. Prior to 2008, there was no distinction under either of these statutes regarding what underlying violation was committed to qualify a person for a driving with a suspended license conviction. For instance, underlying violations can be for failing to pay child support, failing to pay court fines or fees, or failing to comply with a court order. However, during the 2008 Session, the Legislature passed CS/SB 1988 which subjects a person convicted of knowingly driving while his or her license is suspended, revoked, or cancelled for underlying violations as enumerated below, to a second degree misdemeanor penalty for the first conviction and a first degree misdemeanor penalty for the second or subsequent conviction.

Specifically, s. 322.34(10), F.S., provides the underlying enumerated violations (allowing a driver to be subject to a first degree misdemeanor penalty rather than the third degree felony penalty for a third or subsequent conviction) are as follows:

- Failing to pay child support under s. 322.245 or s. 61.13016, F.S.;
- Failing to pay any other financial obligation under s. 322.245, F.S., (other than those specified criminal offenses in s. 322.245(1), F.S.);
- Failing to comply with a required civil penalty (paying traffic tickets and fees) under s. 318.15, F.S.;
- Failing to maintain required vehicular financial responsibility under ch. 324, F.S.;
- Failing to comply with attendance or other requirements for minors under s. 322.091, F.S.; or

- Having been designated a habitual traffic offender under s. 322.264(1)(d), F.S., (driving with a suspended license three times in five years) as a result of license suspensions for any of the underlying violations listed above.

The first degree misdemeanor penalty is only available to drivers who do not have a prior forcible felony conviction.

Section 322.34(11), F.S., provides a person who does not hold a commercial driver license and who is cited for an offense of knowingly driving while his or her license is suspended, revoked, or canceled and the underlying suspension, revocation, or cancellation is non-driving related may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau. In addition, this section allows adjudication to be withheld; however, a person may not make an election if an election has been made in the 12 months preceding an election, and a person may not make more than three elections. If adjudication is withheld, such action is not considered a conviction.

Section 322.34(8), F.S., requires law enforcement, upon the arrest of a person for the offense of driving while the person's driver's license or driving privilege is suspended or revoked, to impound or immobilize the vehicle of violators when the arresting officer determines the affirmative of all of the following criteria:

- Whether the person's driver's license is suspended or revoked;
- Whether the person's driver's license has remained suspended or revoked since a conviction for the offense of driving with a suspended or revoked license;
- Whether the suspension or revocation was made because of failure to maintain required security, or because the person is a habitual traffic offender; and
- Whether the driver is the registered owner or co-owner of the vehicle.

III. Effect of Proposed Changes:

The following is a section-by-section analysis of the bill:

Section 1 creates s. 318.18(22), F.S., to provide a person who knowingly drives any motor vehicle upon the highways while the person's license or privilege to drive is canceled, suspended, or revoked in violation of s. 322.34(2), F.S., in addition to the fine under s. 318.18(3)(a), F.S., must pay a civil penalty:

- For a first offense, \$100 before release of the vehicle from immobilization or impoundment;
- For a second offense, \$500 before release of the vehicle from immobilization or impoundment; or
- For a third or subsequent offense, \$1,000 before release of the vehicle from immobilization or impoundment.

Section 2 creates s. 318.21(22), F.S., to provide for the distribution of fines collected pursuant to s. 318.18(22), F.S., and the apportionment between the municipality, the county, and the agency

or entity that towed and stored the vehicle. Specifically for violations committed within a municipality, 40 percent of the moneys collected would go to the municipality, 40 percent to the county and 20 percent to the agency or company that stored the vehicle. For violations committed outside a municipality, 80 percent would be distributed to the county and 20 percent to the agency or company that towed and stored the vehicle.

Section 3 amends s. 322.34(2), F.S., to remove criminal penalties for knowingly driving with a suspended, revoked, or canceled license. However, the bill provides any person whose driver's license or driving privilege has been canceled, suspended, or revoked as provided by law, except a habitual traffic offender, who, knowing of the cancellation, suspension, or revocation, drives any motor vehicle upon the highways of this state while the license or privilege is canceled, suspended, or revoked commits a moving violation, punishable as provided in ch. 318, F.S., and the motor vehicle being driven at the time of the offense must be immediately immobilized or impounded.

The bill makes technical revisions to s. 322.34(5), F.S.

The bill amends s. 322.34(8), F.S., to delete criteria that an arresting officer must determine prior to immediately impounding or immobilizing a vehicle of person arrested for the violation of driving while the person's driver's license or driving privilege is suspended or revoked. The section is amended to require a law enforcement officer to immediately impound or immobilize the vehicle, upon issuing a citation to a person for a violation of s. 322.34(2), F.S., (knowingly driving while the person's driver's license or driving privilege is suspended or revoked). The vehicle must remain impounded or immobilized until payment of the applicable amount required under s. 318.18, F.S., and:

- the person retrieving the vehicle presents to the law enforcement agency proof of a valid driver's license, proof of ownership of the vehicle or written consent by the owner authorizing release to the person, and proof of insurance; or
- the owner presents to the law enforcement agency proof of sale of the vehicle and the buyer presents proof of insurance to the agency.

The bill also amends s. 322.34(10), F.S., relating to financially based driver license suspensions by providing that a person who does not hold a commercial driver's license and is cited for an offense of knowingly driving while his or her license is suspended, revoked, or canceled for any of the underlying failure to pay violations listed in s. 322.34(10)(a), F.S., may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau. In this case, adjudication shall be withheld and the clerk of the court, designated official or authorized operator of a traffic violations bureau shall issue a certificate releasing the vehicle upon payment of the cost of towing and storing the vehicle. A person may not make an election if an election has been made in the 12 months preceding an election, and a person may not make more than three elections in a lifetime. If the court withholds adjudication, this will not go on the driving record, and therefore will not count towards the habitual traffic offender status. The criminal violations previously associated with those offenses that generally relate to financial concerns, not the driver's actual ability to operate a motor vehicle, are deleted.

Section 4 provides an effective date of January 1, 2013.

According to DHSMV, the effect of this bill would be primarily on law enforcement agencies that will now be mandated to immobilize or impound a vehicle in all cases of knowingly driving while license canceled, suspended or revoked, whereas currently that mandate only applies in very limited situations. This will result in a dramatic increase in the number of vehicles impounded or immobilized. In 2010, there were 214,945 persons charged with knowingly driving while license canceled, suspended or revoked. This bill would require each of the vehicles being driven be impounded or immobilized, regardless of whether the operator is an owner of the vehicle or whether a properly licensed driver can be located to take control of the vehicle.¹

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons cited for knowingly driving while the person's license or driving privilege is canceled, suspended, or revoked commits a moving violation and the bill requires the immediate impoundment or immobilization of the motor vehicle being driven at the time of the offense. Violators will have to pay, in addition to the \$60 fine and court costs associated with the moving violation, a fine of \$100 for a first offense, a fine of \$500 for a second offense, and a fine of \$1,000 for a third or subsequent offense, before the release of the vehicle from immobilization or impoundment.

C. Government Sector Impact:

This bill may generate civil fine revenue for the state, county and local government, but the potential revenue is indeterminate.

¹ Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 474(September 27, 2011)* (on file with the Senate Transportation Committee).

According to DHSMV, the bill will have an indeterminate fiscal impact to the department. The mandatory immobilization or impoundment of the vehicle, as regarded by this bill, will result in an officer waiting for a wrecker instead of resuming normal duties. As stated in the department's bill analysis, the requirement will decrease officer availability for other duties and potentially impact law enforcement statewide. There will also be minimal fiscal impact resulting from programming requirements, but, the cost would be absorbed within existing resources.²

VI. Technical Deficiencies:

None.

VII. Related Issues:

The department estimates impounding a vehicle will add 30 minutes to each traffic stop due to waiting for a wrecker to arrive. Therefore, based on 2010 citations (214,945) law enforcement statewide would spend over 100,000 hours of duty time implementing this aspect of the bill resulting in a comparable decrease in officer availability for other types of calls.³

Law enforcement agencies will also be required to have a person available to review the documents required to be presented to have the vehicle released. In the case of the Florida Highway Patrol (FHP), persons presenting such documents would be required in some cases to travel to the nearest FHP facilities, which could be several counties away or the FHP would have to make available a trooper to meet the vehicle owners.⁴

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

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

² *Id.*

³ *Id.*

⁴ *Id.*



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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/10/2012	.	
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The Committee on Transportation (Norman) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (22) is added to section 318.18,
Florida Statutes, 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:

(22) For a person driving any motor vehicle upon the
highways of this state while the person's license or privilege
to drive is canceled, suspended, or revoked in violation of s.



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322.34(2), in addition to the fine under paragraph (3)(a), upon:

(a) A first conviction, \$250.

(b) A second conviction, \$500.

(c) A third or subsequent conviction, \$1,000.

Section 2. Subsection (22) is added to section 318.21, Florida Statutes, to read:

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

(22) Notwithstanding subsections (1) and (2), the proceeds from the penalties imposed pursuant to s. 318.18(22) shall be distributed as follows:

(a) For violations committed within a municipality, 40 percent shall be distributed to the municipality, 40 percent shall be distributed to the county, and 20 percent shall be distributed to the law enforcement agency that issued the citation.

(b) For violations committed outside a municipality, 80 percent shall be distributed to the county and 20 percent shall be distributed to the enforcement agency that issued the citation.

Section 3. Section 322.34, Florida Statutes, is amended to read:

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

(1) ~~Except as provided in subsection (2),~~ Any person whose driver's license or driving privilege has been ~~canceled,~~ suspended, ~~or~~ revoked, except a person whose driver license or



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42 driving privilege has been suspended or revoked pursuant to s.
43 322.28 or a "habitual traffic offender" as defined in s.
44 322.264, who drives a vehicle upon the highways of this state
45 while such license or privilege is ~~canceled~~, suspended, or
46 revoked ~~commits is guilty of~~ a moving violation, punishable as
47 provided in chapter 318.

48 (2) Any person whose driver ~~driver's~~ license or driving
49 privilege has been ~~canceled~~, suspended, or revoked pursuant to
50 s. 322.28, or as a habitual traffic offender as provided by law,
51 ~~except persons~~ defined in s. 322.264, who, knowing of such
52 ~~cancellation~~, suspension, or revocation, drives any motor
53 vehicle upon the highways of this state while such license or
54 privilege is ~~canceled~~, suspended, or revoked, upon:

55 (a) A first conviction is guilty of a misdemeanor of the
56 second degree, punishable as provided in s. 775.082 or s.
57 775.083.

58 (b) A second conviction is guilty of a misdemeanor of the
59 first degree, punishable as provided in s. 775.082 or s.
60 775.083.

61 (c) A third or subsequent conviction is guilty of a felony
62 of the third degree, punishable as provided in s. 775.082, s.
63 775.083, or s. 775.084.

64
65 The element of knowledge is satisfied if the person has been
66 previously cited as provided in subsection (1); or the person
67 admits to knowledge of the ~~cancellation~~, suspension, or
68 revocation; or the person received notice as provided in
69 subsection (4). There shall be a rebuttable presumption that the
70 knowledge requirement is satisfied if a judgment or order as



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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.

(3) In any proceeding for a violation of this section, a court may consider evidence, other than that specified in subsection (2), that the person knowingly violated this section.

(4) Any judgment or order rendered by a court or adjudicatory body or any uniform traffic citation that ~~cancels,~~ suspends~~,~~ or revokes a person's driver's license must contain a provision notifying the person that his or her driver's license has been ~~canceled,~~ suspended~~,~~ or revoked.

(5) The motor vehicle being driven at the time of the offense in subsection (2) shall be immediately impounded if the driver is the registered owner of the vehicle, and the vehicle may not be released from impoundment before the impoundment surcharge is paid. The impoundment surcharge for:

(a) A first offense, is \$250 before release of the vehicle from impoundment.

(b) A second offense, is \$500 before release of the vehicle from impoundment.

(c) A third or subsequent offense, is \$1,000 before release of the vehicle from impoundment.

The proceeds from impoundment surcharges shall be distributed as civil penalties pursuant to s. 318.21(22). Any impoundment surcharge collected under this subsection shall be credited toward the civil penalty amount assessed pursuant to s. 318.18(22).



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100 (6)~~(5)~~ Any person whose driver ~~driver's~~ license has been
101 revoked pursuant to s. 322.264, except for a violation of s.
102 322.264(1)(d), as a ~~(habitual traffic offender)~~ and who drives
103 any motor vehicle upon the highways of this state while such
104 license is revoked commits ~~is guilty of~~ a felony of the third
105 degree, punishable as provided in s. 775.082, s. 775.083, or s.
106 775.084.

107 (7)~~(6)~~ Any person who operates a motor vehicle:

108 (a) Without having a driver ~~driver's~~ license as required
109 under s. 322.03; or

110 (b) While his or her driver ~~driver's~~ license or driving
111 privilege is canceled, suspended, or revoked pursuant to s.
112 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) or (4),
113
114 and who by careless or negligent operation of the motor vehicle
115 causes the death of or serious bodily injury to another human
116 being commits ~~is guilty of~~ a felony of the third degree,
117 punishable as provided in s. 775.082 or s. 775.083.

118 (8)~~(7)~~ Any person whose driver ~~driver's~~ license or driving
119 privilege has been canceled, suspended, revoked, or disqualified
120 and who drives a commercial motor vehicle on the highways of
121 this state while such license or privilege is canceled,
122 suspended, revoked, or disqualified, upon:

123 (a) A first conviction is guilty of a misdemeanor of the
124 first degree, punishable as provided in s. 775.082 or s.
125 775.083.

126 (b) A second or subsequent conviction is guilty of a felony
127 of the third degree, punishable as provided in s. 775.082, s.
128 775.083, or s. 775.084.



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129 ~~(9)-(8)~~ (a) Upon issuing a citation to the arrest of a person
130 for a violation of subsection (2), the offense of driving while
131 the person's driver ~~driver's~~ license or driving privilege is
132 suspended or revoked, the law enforcement ~~arresting~~ officer
133 shall immediately impound the vehicle if the driver is the
134 registered owner of the vehicle. ~~determine:~~

135 ~~1. Whether the person's driver's license is suspended or~~
136 ~~revoked.~~

137 ~~2. Whether the person's driver's license has remained~~
138 ~~suspended or revoked since a conviction for the offense of~~
139 ~~driving with a suspended or revoked license.~~

140 ~~3. Whether the suspension or revocation was made under s.~~
141 ~~316.646 or s. 627.733, relating to failure to maintain required~~
142 ~~security, or under s. 322.264, relating to habitual traffic~~
143 ~~offenders.~~

144 ~~4. Whether the driver is the registered owner or coowner of~~
145 ~~the vehicle.~~

146 ~~(b) If the arresting officer finds in the affirmative as to~~
147 ~~all of the criteria in paragraph (a), the officer shall~~
148 ~~immediately impound or immobilize the vehicle.~~

149 ~~(b)-(c)~~ Within 7 business days after the date the vehicle is
150 impounded ~~arresting agency impounds or immobilizes the vehicle,~~
151 ~~either the~~ law enforcement ~~arresting~~ agency or the towing
152 service, whichever is in possession of the vehicle, shall send
153 notice pursuant to s. 713.78 ~~by certified mail~~ to any
154 ~~co~~registered owners of the vehicle other than the person who was
155 cited, to the traffic violations bureau, arrested and to each
156 person of record claiming a lien against the vehicle. All costs
157 and fees for the impoundment ~~or immobilization~~, including the



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cost of notification, must be paid by the owner of the vehicle or, if the vehicle is leased, by the person leasing the vehicle.

(c) ~~(d)~~ ~~Either~~ The law enforcement ~~arresting~~ agency or the towing service, whichever is in possession of the vehicle, shall determine whether any vehicle impounded ~~or immobilized~~ under this section has been leased or rented or if there are any persons of record with a lien upon the vehicle. ~~Either~~ The law enforcement ~~arresting~~ agency or the towing service, whichever is in possession of the vehicle, shall send notice pursuant to s. 713.78 ~~notify by express courier service with receipt or certified mail~~ within 7 business days after the date of the ~~immobilization or~~ impoundment of the vehicle, to the registered owner and all persons having a recorded lien against the vehicle that the vehicle has been impounded ~~or immobilized~~. A lessor, rental car company, or lienholder may ~~then~~ obtain the vehicle, upon payment of any lawful towing or storage charges. If the vehicle is a rental vehicle subject to a written contract, the charges may be separately charged to the renter, in addition to the rental rate, along with other separate fees, charges, and recoupments disclosed on the rental agreement. If the storage facility fails to provide timely notice to a lessor, rental car company, or lienholder as required by this paragraph, the storage facility shall be responsible for payment of any towing or storage charges necessary to release the vehicle to a lessor, rental car company, or lienholder that accrue after the notice period, which charges may then be assessed against the driver of the vehicle if the vehicle was lawfully impounded ~~or immobilized~~.

(d) ~~(e)~~ Except as provided in paragraph (c) ~~(d)~~, the vehicle



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shall remain impounded ~~or immobilized for any period imposed by the court~~ until payment of the applicable impoundment surcharge required under s. 318.18 and:

1. The person retrieving the vehicle ~~owner~~ presents to the law enforcement agency proof of a valid driver license, proof of ownership of the vehicle or written consent by the owner authorizing release to the person, and proof of insurance to the arresting agency; or

2. The owner presents to the law enforcement agency proof of sale of the vehicle ~~to the arresting agency~~ and the buyer presents proof of insurance to the ~~arresting~~ agency.

If proof is not presented within 35 days after the impoundment ~~or immobilization~~, a lien shall be placed upon such vehicle pursuant to s. 713.78.

(e) ~~(f)~~ The owner of a vehicle that is impounded ~~or immobilized~~ under this subsection may, within 10 days after the date the owner has knowledge of the location of the vehicle, file a complaint in the county in which the owner resides to determine whether the vehicle was wrongfully taken or withheld. Upon the filing of a complaint, the owner or lienholder may have the vehicle released by posting with the court a bond or other adequate security equal to the amount of the costs and fees for impoundment ~~or immobilization~~, including towing or storage, to ensure the payment of such costs and fees if the owner or lienholder does not prevail. When the vehicle owner or lienholder does not prevail on a complaint that the vehicle was wrongfully taken or withheld, he or she must pay the accrued charges for the ~~immobilization or~~ impoundment, including any



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towing and storage charges assessed against the vehicle. When the bond is posted and the fee is paid as set forth in s. 28.24, the clerk of the court shall issue a certificate releasing the vehicle. At the time of release, after reasonable inspection, the owner must give a receipt to the towing or storage company indicating any loss or damage to the vehicle or to the contents of the vehicle.

(f) Notwithstanding any other provision of this section, the court shall order the release of the vehicle from impoundment if the court finds undue hardship to a family relying upon use of the vehicle without any other means of private transportation.

(10)-(9) (a) A motor vehicle that is driven by a person under the influence of alcohol or drugs in violation of s. 316.193 is subject to seizure and forfeiture under ss. 932.701-932.706 and is subject to liens for recovering, towing, or storing vehicles under s. 713.78 if, at the time of the offense, the person's driver's license is suspended, revoked, or canceled as a result of a prior conviction for driving under the influence.

(b) The law enforcement officer shall notify the Department of Highway Safety and Motor Vehicles of any impoundment or seizure for violation of paragraph (a) in accordance with procedures established by the department.

(c) Notwithstanding s. 932.703(1)(c) or s. 932.7055, when the seizing agency obtains a final judgment granting forfeiture of the motor vehicle under this section, 30 percent of the net proceeds from the sale of the motor vehicle shall be retained by the seizing law enforcement agency and 70 percent shall be deposited in the General Revenue Fund for use by regional



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workforce boards in providing transportation services for participants of the welfare transition program. In a forfeiture proceeding under this section, the court may consider the extent that the family of the owner has other public or private means of transportation.

(11)(10)(a) Notwithstanding any other provision of this section, if a person does not have a prior forcible felony conviction as defined in s. 776.08, the procedures ~~penalties~~ provided in paragraph (b) apply if a person's driver's license or driving privilege is canceled, suspended, or revoked for:

1. Failing to pay child support as provided in s. 322.245 or s. 61.13016;

2. Failing to pay any other financial obligation as provided in s. 322.245 other than those specified in s. 322.245(1);

3. Failing to comply with a civil penalty required in s. 318.15;

4. Failing to maintain vehicular financial responsibility as required by chapter 324;

5. Failing to comply with attendance or other requirements for minors as set forth in s. 322.091; or

6. Having been designated a habitual traffic offender under s. 322.264(1)(d) as a result of suspensions of his or her driver's license or driver privilege for any underlying violation listed in subparagraphs 1.-5.

~~(b)1. Upon a first conviction for knowingly driving while his or her license is suspended, revoked, or canceled for any of the underlying violations listed in subparagraphs (a)1.-6., a person commits a misdemeanor of the second degree, punishable as~~



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~~provided in s. 775.082 or s. 775.083.~~

~~2. Upon a second or subsequent conviction for the same offense of knowingly driving while his or her license is suspended, revoked, or canceled for any of the underlying violations listed in subparagraphs (a)1.-6., a person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(b) (11) (a)~~ A person who does not hold a commercial driver
~~driver's~~ license and who is cited for an offense of knowingly driving while his or her license is suspended, revoked, or canceled for any of the underlying violations listed in paragraph ~~(10)~~ (a) may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld and the clerk of the court, designated official, or authorized operator of a traffic violations bureau shall issue a certificate releasing the vehicle upon payment of the cost of towing and storing the vehicle. However, no election shall be made under this subsection if such person has made an election under this subsection during the preceding 12 months. A person may not make more than three elections under this subsection.

~~(c) (b)~~ If adjudication is withheld under paragraph ~~(b)~~ ~~(a)~~, such action is not a conviction.

Section 4. This act shall take effect July 1, 2012.

===== T I T L E A M E N D M E N T =====
And the title is amended as follows:



201566

303 Delete everything before the enacting clause
304 and insert:

305 A bill to be entitled
306 An act relating to driving without a valid driver
307 license; amending s. 318.18, F.S.; providing an
308 additional fine for a violation of specified
309 provisions relating to driving with a canceled,
310 suspended, or revoked driver license or driving
311 privilege; providing increased fine amounts for second
312 or subsequent violations; amending s. 318.21, F.S.;
313 providing for distribution of such fines collected;
314 amending s. 322.34, F.S.; revising provisions relating
315 to a conviction of the offense of driving while a
316 person's driver license or driving privilege is
317 canceled, suspended, or revoked; requiring immediate
318 impoundment of the motor vehicle; conforming
319 provisions; revising penalties for knowingly driving
320 while the driver license or driving privilege is
321 canceled, suspended, or revoked; revising procedures
322 for impoundment of the vehicle; providing an effective
323 date.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: CS/SB 354

INTRODUCER: Transportation Committee and Senator Simmons

SUBJECT: Seminole County Expressway Authority

DATE: January 9, 2012

REVISED: _____

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

Please see Section VIII. for Additional Information:

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

I. Summary:

Senate Bill 354 recreates the Seminole County Expressway Authority (the Authority or SCEA), which was dissolved through the enactment of legislation during the 2011 Session. The Authority may assume and resume all duties and responsibilities of the prior SCEA for any contract or agreement that existed on June 30, 2011, and to which the prior SCEA was a party.

This bill creates numerous undesignated sections of law.

II. Present Situation:

Florida expressway authorities are formed either under the Florida Expressway Authority Act (ch. 348, F.S., Part I of the Florida Statutes) or by special act of the Legislature. The purpose of Florida's expressway authorities is to construct, maintain, and operate tolled transportation facilities complementing the State Highway System and the Florida Turnpike Enterprise. The expressway authorities have boards of directors that typically include a combination of local-government officials and Governor appointees who decide on projects and expenditure of funds.

Chapter 2011-64, L.O.F., enacted during the 2011 Legislative Session, contains various provisions related to transportation, including the repeal of statutes creating six expressway authorities, which do not currently operate or maintain a toll facility.¹ Specifically, ch. 2011-64, L.O.F., repealed Part VIII of ch. 348, F.S., which provided for the creation and operation of the Seminole County Expressway Authority. The law also removed provisions authorizing the remaining authorities to enter into lease purchase agreements.

The Authority was an agency of the state, created in 1974 under ch. 348, Part VIII, F.S., (consisting of ss. 348.95 through 348.963, F.S.) for the purposes and having the right to acquire, hold, construct, improve, maintain, operate, own and lease the expressway system within Seminole County.

The Florida Transportation Commission (FTC), as part of its primary functions, serves as an oversight body for transportation authorities and monitors and reports on the efficiency, productivity and management of those authorities created under chs. 343 and 348, F.S. According to FTC's Transportation Authority Monitoring and Oversight Fiscal Year 2010 Report, "the SCEA does not operate any facilities, but does have a Board that generally meets semi-annually. The Board is made up of five County Commissioners and two City Commissioners, who meet to track planning for future toll roads in the county. SCEA, working with the [Florida] Department [of Transportation] and the Orlando- Orange County Expressway Authority, recently approved the final road alignment for the Wekiva Parkway in Seminole County."² For purposes of FTC's report, SCEA was considered an inactive authority.³

III. Effect of Proposed Changes:

This bill recreates the Authority and reinstates previously repealed provisions that were found in ss. 348.95 through 348.963, F.S. (2011). In addition, the Authority may assume and resume all duties and responsibilities of the prior SCEA for any contract or agreement that existed on June 30, 2011, and to which the prior SCEA was a party.

The governing body of the authority will have seven members consisting of:

- five members of the Board of County Commissioners of Seminole County; and
- two members that are duly elected municipal officers of Seminole County appointed by the Board of County Commissioners.

Municipal members of the governing board shall be eligible for reappointment. The members shall elect from their number a chairperson; they also may select a treasurer and a secretary who are not required to be authority members. Four members constitute a quorum, and the affirmative vote of three members is necessary for the authority to take action. Authority members are entitled to receive per diem and other expenses incurred in connection with Authority business, pursuant to s. 112.061, F.S.

¹ Expressway authorities deleted from the Florida Statutes include: Brevard County Expressway Authority, Broward County Expressway Authority, Pasco County Expressway Authority, St. Lucie County Expressway Authority, Seminole County Expressway Authority, and Southwest Florida Expressway Authority.

² http://www.ftc.state.fl.us/PDF/Reports/TAMO/Final_FY2010_Oversight_Report_052511.pdf (last visited 1/5/12).

³ The status of "inactive" was assigned to those organizations that had never met, operated no facilities, disbanded, or were active at one time and transferred their facilities.

The SCEA may acquire, hold, construct, improve, maintain, operate, own and lease an expressway system. Powers are granted to:

- enter lease or lease-purchase agreements;
- set and collect tolls, fees, or charges and to delegate toll collection responsibility to the FDOT;
- borrow money, and make and issue negotiable notes;
- enter contracts;
- have the power of eminent domain;
- encumber all or any part of the revenues, rates, fees, rentals, or other receipts of the authority, including gasoline tax revenues received from county under a lease-purchase agreement; and
- do all things necessary or convenient for the conduct of its business.

Bonds may be issued through the state Division of Bond Finance. No obligation of the Authority may be deemed an obligation of the state. The FDOT may be appointed by the authority as an agent for construction of the expressway system.

Section 1: Provides a popular title: “Seminole County Expressway Authority Law.”

Section 2: Defines terms used in this part.

Section 3: Creates the Authority and specifies membership on the expressway authority board of directors, their terms and duties, and allows hiring of staff.

Section 4: Specifies powers of the governing board, including authorizing SCEA to assume and resume all duties and responsibilities of the prior SCEA for any contract or agreement that existed on June 30, 2011, and to which the prior SCEA was a party.

Section 5: Specifies bonds may be issued by the State Division of Bond Finance on behalf of the expressway authority.

Section 6: Allows the Authority to enter into a lease-purchase agreement with the FDOT for any transportation facilities built by the Authority.

Section 7: Allows the Authority to appoint FDOT as its agent for purposes of constructing aforementioned facilities.

Section 8: Allows the Authority to acquire land and property and provides the right of eminent domain.

Section 9: Provides the Authority the ability to enter into contracts with other governmental bodies.

Section 10: Specifies the covenant of the state against altering the right vested in the Authority until all bonds are paid and discharged.

Section 11: Exempts the Authority from certain taxation.

Section 12: Provides eligibility for investments and securities.

Section 13: Expresses the intention of pledges made by the FDOT are enforceable in court.

Section 14: Specifies no approval from voters shall be necessary before bonds can be issued.

Section 15: Provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

CS by Transportation on January 9, 2012:

The CS includes as powers and duties of the Authority that the SCEA may assume and resume all duties and responsibilities of the prior SCEA for any contract or agreement that existed on June 30, 2011, and to which the prior SCEA was a party.

- B. **Amendments:**

None.

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



285014

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
	.	
	.	
	.	

The Committee on Transportation (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete line 219
and insert:

or any other law;

Delete line 257
and insert:
bonds; and

(n) To assume and resume all duties and responsibilities of the prior Seminole County Expressway Authority for any contract or agreement that existed on June 30, 2011, and to which the prior Seminole County Expressway Authority was a party.



285014

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

And the title is amended as follows:

Delete line 13

and insert:

powers and duties of the authority; providing for the
assumption of duties and responsibilities of the prior
Seminole County Expressway Authority for certain
contracts and agreements; requiring notice

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 546

INTRODUCER: Senator Sobel

SUBJECT: Contracts for Rail Projects

DATE: December 9, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Buford	TR	Favorable
2.			CA	
3.			GO	
4.			BC	
5.				
6.				

I. Summary:

This bill creates a new undesignated section of the Florida Statutes which requires any entity that applies for a contract with the Department of Transportation (department), an agency or instrumentality of the state, or a local governmental entity, for any partially or fully publicly funded rail project, to certify to the department whether they had any direct involvement in the deportation of any individual to an extermination camp or death camp, or any facility used for the purpose of transiting individuals to such camps, between January 1, 1939 and December 31, 1944.

II. Present Situation:

Historical Background

The bill focuses on the deportation of persons to the various categories of camps in Europe between January 1, 1939 through December 31, 1944. Many, if not all of the national railroads in Europe at that time were involved in wartime activities, including the transportation of people to concentration and other camps. For example, the Société Nationale des Chemins de Fer Français (French National Railway Corporation - SNCF), which was created as a state enterprise in 1938 when the French government nationalized five private railroad companies, transported 75,000 Jews from France east to concentration camps.¹ Today, SNCF remains a state owned company.

Similarly, other railroads were also involved in the transportation of deportees in Europe, most notably the Deutsche Reichsbahn, the German national railroad which was created in 1924 and was placed under the control of the Nazi government in 1937. During the period covered by this

¹ <http://www.bbc.co.uk/news/world-europe-11751246>

bill it is well documented that it carried persons to concentration and other kinds of camps. Both SNCF and Deutsche Reichsbahn were compensated to transport persons to the camps.

Following the war, the Deutsche Bundesbahn was created in 1949 as the successor to the Deutsche Reichsbahn and was owned by German government until 1994. The successor to Deutsche Bundesbahn is Deutsche Bahn AG, a private railroad operating company.

III. Effect of Proposed Changes:

Section 1 of this bill requires any entity that applies for a contract with the department, an agency or instrumentality of the state, or a local governmental entity, for any partially or fully publicly funded rail project, to certify to the department whether they had any direct involvement in the deportation of any individual to an extermination camp or death camp, or any facility used for the purpose of transiting individuals to such camps, between January 1, 1939 and December 31, 1944.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: CS/SB 780

INTRODUCER: Transportation Committee and Senator Ring

SUBJECT: Airport Parking Fees

DATE: January 9, 2012

REVISED: _____

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

Please see Section VIII. for Additional Information:

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

I. Summary:

This bill amends s. 316.1964(7), F.S., to add “vehicles with attachments to transport power mobility devices, as defined in 42 C.F.R. s. 410.38” to the list of those vehicles which specifically must be granted free parking by the governing bodies of publicly owned or publicly operated airports.

This bill creates an effective date of July 1, 2012.

II. Present Situation:

Currently, the governing body of a publicly owned or operated airport may choose whether or not to charge disabled drivers for parking at airports within their jurisdiction except that they must “grant free parking to any vehicle with specialized equipment, such as ramps, lifts, foot or hand controls, or for utilization by a person who has a disability or whose vehicle is displaying the Florida Toll Exemption permit.”¹ This grant of local control has caused some airports in the

¹ s. 316.1964(7), F.S.

state to charge for parking for certain vehicles which are not specifically exempted, while other airports in the state would not charge for parking those same vehicles.

III. Effect of Proposed Changes:

This bill would add “vehicles with attachments to transport power mobility devices, as defined in 42 C.F.R. s. 410.38” to the list of those vehicles which specifically must be granted free parking by the governing bodies of publicly owned or publicly operated airports, under s. 316.1964(7), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Private individuals with “vehicles with attachments to transport power mobility devices, as defined in 42 C.F.R. s. 410.38” would be able to park for free at publicly owned or publicly operated airports that may have charged for such parking previously.

C. Government Sector Impact:

Some publicly owned or operated airports may lose an indeterminate amount of revenue because they must now offer free parking to a new class of vehicles. However, some airports currently offer this form of free parking, including Miami International Airport and Melbourne International Airport², and, as such, would be unaffected.

VI. Technical Deficiencies:

None.

² As per an email conversation with Bill Johnson, Florida Airports Council, *Executive Director*, (December 22, 2011), on file with the Senate Committee on Transportation.

VII. Related Issues:

None.

VIII. Additional Information:

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

CS by Transportation on January 9, 2012:

The CS changed the term “motorized scooter” to the term “power mobility device”, which is defined in 42 C.F.R. s. 410.38, in order to correct a technical deficiency.

- B. **Amendments:**

None.



928200

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/10/2012	.	
	.	
	.	
	.	

The Committee on Transportation (Norman) recommended the following:

Senate Amendment (with title amendment)

Delete lines 24 - 25
and insert:
foot or hand controls, or attachments to transport power
mobility devices, as defined in 42 C.F.R. s. 410.38, ~~or~~ for use
~~utilization~~ by a person who has a

===== 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:



928200

13

power mobility devices for use by persons who have a

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 854

INTRODUCER: Senator Evers

SUBJECT: Teenage Drivers

DATE: December 19, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	Buford	TR	Pre-meeting
2.			BC	
3.				
4.				
5.				
6.				

I. Summary:

This bill creates section 322.097, F.S., the Teen Electronic Event Notification Service (TEENS). TEENS is an optional program that provides parents and guardians with an e-mail or text message notification each time a traffic citation, conviction of a traffic violation, vehicle crash, or license suspension or revocation is added to their teen's driving record. The bill gives the Department of Highway Safety and Motor Vehicles (DHSMV) the authority to prescribe the forms for applications to join TEENS and requires the charging of a \$5 fee to cover the administrative costs of the notifications. Any excess funds generated will be used to promote safe driving by teenagers.

II. Present Situation:

Vehicle crashes are the leading cause of death for teens in Florida and throughout the United States.¹ During the first year of driving, teens face their greatest accident risk.² For example, one out of every five licensed 16 year-olds will be in a vehicle crash.³ In 2007, 306 Florida teens between the ages of 15-19 died in motor vehicle crashes.⁴ These accidents may result from teen drivers' inexperience and inability to understand the risks of driving or a lack of judgment resulting from incomplete brain development, as human brains develop well into the 20s.⁵ To combat these risks, Florida has implemented laws and rules to mitigate teen driving accidents.

¹ Florida Department of Highway Safety and Motor Vehicles, *Teach Your Teen to Drive with Care*, available at http://www.flhsmv.gov/teens/parent_home.html (last accessed December 22, 2011).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

Florida Rules for Teenage Drivers:

After reaching the age of 15, submitting a parental consent form and passing a Traffic Law and Substance Abuse Course as well as written, vision and hearing tests, teens may apply for a Learner's License.⁶ Learner's Licenses allow a person under the age of 18 to drive only while accompanied by a licensed driver of 21 years or older in the front passenger seat.⁷ For the first three months after obtaining the Learner's License, a teen may only drive during daylight hours.⁸ Following the three months, a teen may drive from the daylight hours until 10 p.m.⁹

After holding a Learner's License for at least one year without any traffic convictions, a teen may earn an Intermediate License.¹⁰ The Intermediate License allows teens to drive to or from work or with a licensed driver of at least 21 years of age in the front passenger seat without time restrictions.¹¹ At all other times, teens with Intermediate licenses must only drive during certain hours based on the teen's age: From 16 to 17 years of age, the permissible driving hours with an Intermediate License are from 6 a.m. until 11 p.m.¹² From 17 to 18, the Intermediate Licensee's permissible driving hours are from 5 a.m. until 1 a.m.¹³ When teens reach the age of 18, these restrictions are removed and the state grants a full privilege license.¹⁴

In addition to the hourly limitations, a number of other acts may result in the restriction or revocation of a teen's driving privileges. First, if a teen is convicted of a traffic violation while only having a Learner's License, the teen cannot apply for an Intermediate License for one year from the conviction date or until turning 18 years old.¹⁵ Second, if the teen receives six points on his/her driving record within a 12 month period, that teen's driving will be limited to "business purposes only" for 12 months or until the teen turns 18 years old.¹⁶ For each additional point above the six, the restriction is extended 90 days.¹⁷ Third, if a driver under 21 years of age has a blood alcohol level of .02 or more, the driver's license will be administratively suspended for six months.¹⁸ A second offense results in a one-year suspension.¹⁹ Refusal to submit to testing creates a suspension of twelve months and a second offense results in an 18-month administrative suspension.²⁰ Fourth, a teen's license may be suspended for truancy from school until the student provides proof of attendance for 30 consecutive days.²¹ Lastly, a conviction of

⁶ Florida Department of Highway Safety and Motor Vehicles, *Graduated Driving Laws*, available at http://www.flhsmv.gov/teens/parent_gdl.html (last accessed January 3, 2012).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

tobacco possession for a teen under 18 years old will result in the revocation of his or her license from six months to one year.²²

Courts may impose additional or harsher sanctions for infractions under chs. 318 and 322, F.S.²³ For example, a court may require a minor and his or her parents and guardians to participate in a registered youthful monitoring service as one of the sanctions for a violation of the Florida Uniform Traffic Control Law.²⁴

Youthful Driver Monitoring Services

Section 318.1435, F.S., enables private vendors that provide teen driver monitoring services to register with the DHSMV. The vendors must provide a description of their services and contact information for the manager in charge of the service to the DHSMV when registering. A number of vendors that provide and perform various monitoring and safety functions make up these “youthful driver monitoring services.” The services range from supplying car magnets and window stickers with toll-free numbers for reporting inappropriate driving practices to GPS-enabled phone or other dedicated GPS tracker devices that inform parents or guardians of real-time location, speed and direction of their teen drivers on an online map.²⁵ Parents or guardians must enter into contracts with the private entities providing these services and the service provider must deliver timely reports of inappropriate driving practices by the minor.²⁶

Florida Driver’s License Check

The DHSMV’s website currently grants parents the ability to check both the current driver status and a review of the driver history for a child under the age of 18 at no cost.²⁷

New York State DMV’s TEENS Program

The New York Department of Motor Vehicles recently launched a Teen Electronic Event Notification Service²⁸ (NY TEENS); a comparable program to what this bill creates. NY TEENS is an optional program for parents or guardians to receive notifications whenever a driver under the age of 18 receives a ticket, conviction, suspension, revocation, or is involved in an accident that meets the report threshold requirements—Only accidents that involve a death, personal injury or property damage to any one person in excess of \$1,000 and that are reported by the police or motorists will appear on a driver’s file and invoke NY TEENS notification.²⁹ This service is voluntary and parents and guardians receive the notification through a mailed letter or via email.³⁰ The notifications are strictly informational and do not impact DMV actions.³¹ To

²² *Id.*

²³ Specifically, s. 318.143, Fla. Stat., details the sanctions for traffic infractions by minors.

²⁴ § 318.143 (f), Fla. Stat. (2011).

²⁵ For a list and description of vendors and services, see Florida Department of Highway Safety and Motor Vehicles, *Florida Youth Driver Monitoring Service Registration Pursuant to Section 318.1435, Florida Statutes*, available at <http://www3.hsmv.state.fl.us/ddl/drivingschools/youthservices.cfm> (last accessed December 22, 2011).

²⁶ *Id.*

²⁷ Florida Department of Highway Safety and Motor Vehicles, *Analysis for House Bill 571---Teenage Drivers*, (December 22, 2011.) (on file with Senate Transportation Committee); see Florida Department of Highway Safety and Motor Vehicles, *Driver License Check*, available at <https://www6.hsmv.state.fl.us/DLCheck/main.jsp> (last accessed January 3, 2012).

²⁸ New York State Department of Motor Vehicles, *TEENS (Teen Electronic Notification Service) Program FAQs*, available at <http://www.nydmv.state.ny.us/youngerdriver/teensfaqs.htm> (last accessed December 22, 2011).

²⁹ *Id.*

³⁰ *Id.*

participate in NY TEENS, the teen needs to have a New York driver's permit or license and the parent or guardian must have a New York license or non-driver ID.³² The program was designed to inform parents or guardians of any risky habits their teens may develop and to encourage parents and guardians to take more active roles in the development of their teens' safe driving behaviors.³³ No fee is charged for this service in New York.³⁴

III. Effect of Proposed Changes:

This bill creates s. 322.097, F.S., and establishes a Teen Electronic Event Notification Service (TEENS). TEENS is an optional program administered by the DHSMV that notifies parents or guardians whenever the driving record of a person under the age of 18 changes as a result of receiving a ticket, conviction of a traffic violation, suspension or revocation of the licensee's privilege to drive or hold a driver's license, or involvement in a vehicle crash.³⁵

The bill delegates the authority to prescribe the forms for these applications to DHSMV. The bill further directs DHSMV to make notifications either electronically to the parent's or guardian's e-mail address or through a telephone text messaging system, as requested by the parent or guardian. The parent or guardian may discontinue these notifications upon request, or they will automatically discontinue when the licensee attains 18 years of age.

DHSMV will charge a \$5 fee to cover the administrative costs associated with the notifications and any amounts received that are greater than the cost to administer the program will be used by the DHSMV to promote safe driving by teenagers.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³¹ *Id.*

³² *Id.*

³³ New York State Department of Motor Vehicles, *TEENS Program*, available at <http://www.nydmv.state.ny.us/youngerdriver/teensProgram.htm> (last accessed December 22, 2011).

³⁴ *Id.*

³⁵ *Id.*

³⁵ This service only provides notice of a change in the teen's driving record. To obtain details about any incident, it is necessary to acquire a driving record.

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

None.

B. Private Sector Impact:

Parents and guardians who voluntarily join TEENS must pay a \$5 administrative fee to the DHSMV. Parents and guardians can be notified by electronic mail or by telephone text messaging of any traffic citation convictions, for any suspensions or revocations of the licensee's privilege to drive or hold a driver's license, and any vehicle crashes that are added to their minor's driving record.³⁶

C. Government Sector Impact:

According to the DHSMV, the Information Systems Administration of the DHSMV (ISA) will require approximately 300 non-recurring hours, in order to implement the provisions of this bill.³⁷ These hours can be incorporated into ISA's normal workload.³⁸ Additionally, there will be 1500 contracted service hours required at a rate of \$100/hour and \$10,000 in fees at the Shared Resource Center for additional services, network modifications and configuration changes.³⁹ Also, the DHSMV's high-level estimate for sending bulk emails and text messages is a recurring cost of \$2500/month.⁴⁰ Based on these numbers, DHSMV estimates total first year expenditures at \$190,000 and recurring expenditures of \$30,000 following the first year.⁴¹

It is indeterminable how many people will sign up for this service. On January 4, 2012 there were a total of 326,669 driver's licenses held by teens aged 15 through 17.⁴² If a parent or guardian of 50% of these teens sign up for the service, the DHSMV estimates revenue of \$816,672 in the first year and \$272,224/year in the following years.⁴³ The estimated revenue is higher in the first year because the service is new and parents or guardians of 15, 16 and 17 year old teens are likely to sign up, whereas the following years approximately 1/3 of this teen population will become 18 and no longer eligible for the program. Concurrently, approximately 1/3 of this population will become 15 years of age and will be eligible for TEENS in subsequent years. Using the estimated 50% sign-up rate and multiplying that number by 1/3 of the eligible teen population turning 15 years old, the revenue is estimated at \$272,224/year in the years following the first year.⁴⁴

³⁶ Florida Department of Highway Safety and Motor Vehicles, *Analysis for House Bill 571---Teenage Drivers*, (December 22, 2011) (on file with Senate Transportation Committee).

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

VI. Technical Deficiencies:

The DHSMV is not aware of the issuance of a citation and cannot send notifications until a disposition from the court is received.⁴⁵

This bill does not specify that the “appropriate fee” described in subsection (1) refers to the \$5 fee indicated in subsection (4). Additionally, the bill does not specify whether the \$5 fee is a onetime fee or a recurring annual fee. Also, the DHSMV requires rulemaking authority to prescribe forms for the TEENS program.

VII. Related Issues:

None.

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

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

None.

B. Amendments:

None.

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

⁴⁵ *Id.*



800432

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/10/2012	.	
	.	
	.	
	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 322.097, Florida Statutes, is created to
read:

322.097 Electronic notification service.—

(1) Upon application and receipt of the fee described in
subsection (4) from an individual requesting notification of
additions to the driving record of a specified licensee, the
department shall provide electronic notification to the
requestor each time any of the following events are added to the



800432

licensee's driving record:

(a) Conviction for a traffic violation.

(b) A notice of pending suspension, revocation, disqualification, withdrawal, or cancellation of the licensee's privilege to drive or driver license.

(c) Suspension, revocation, disqualification, withdrawal, or cancellation of the licensee's privilege to drive or driver license.

(d) An at-fault vehicle crash.

(2) Application forms under subsection (1) shall be as prescribed by the department.

(3) Electronic notifications under subsection (1) shall be made to the requestor's e-mail address or telephone text messaging system, as specified in the application.

(4) The department shall charge an annual subscription fee of \$5 per licensee record requested to cover the department's administrative costs of providing the electronic notifications. Funds collected by the department shall be deposited into the Highway Safety Operating Trust Fund. Any amounts received which are greater than the annual cost to administer the program shall be used by the department to promote safe driving.

(5) The department may adopt rules as necessary to administer this section.

Section 2. This act shall take effect October 1, 2012.

===== 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:



800432

42 A bill to be entitled
43 An act relating to driving records; creating s.
44 322.097, F.S.; authorizing the Department of Highway
45 Safety and Motor Vehicles to electronically notify an
46 individual when certain events are added to the
47 driving record of a specified licensee; providing for
48 application forms; providing for a fee; providing
49 rulemaking authority; providing an effective date.

Department of Highway Safety and Motor Vehicles



What is Real ID?

The Real ID Act was passed in 2005 by Congress. The act identifies minimum document requirements and issuance standards in order to gain federal recognition. Identity documents that do not meet the minimum standards will not be accepted by the federal government. (Examples: Customers would be denied entrance into a federal building, would be unable to board a plane etc.)

Although there is disagreement about Real ID, there is no disputing that efforts to enhance the security of state-issued driver licenses and identification cards are necessary and worthwhile – as the 9/11 Commission recommended.

How did Florida arrive at its current position?

- Prior to 1999, Florida routinely issued driver licenses and identification cards to anyone who paid the fee and provided minimal documentation of their name and DOB. Examples of documentation accepted included: a family Bible, hand written report cards and personal knowledge by the examiner. Licenses and ID cards were issued using nicknames, initials and other incorrect spellings or naming conventions. Proof of legal presence was not required from 1939 through 1999.
- Florida began to issue credentials only to those legally present in the U. S. in 1999. (See Ch. Law 99-248, Sec s 73 & 74.)
- On January 10, 2002 the 16th Statewide Grand Jury issued its report in Case No: SC 01-1095 regarding identity theft in Florida and made several recommendations. Throughout the next several years the DHSMV gradually began implementing the recommendations of the report.
- In 2002, all credentials issued to non-immigrants were given an expiration date that coincided with the expiration of their authorized stay in the U.S. or two years, whichever is less. In addition, the department began scanning all identity documents presented by immigrants and non-immigrants and retaining the images in a secure database. (See Ch. Law 02-259.)
- In June of 2002 DHSMV received a best and final offer for a new generation of driver licenses which significantly enhanced the security of the card and issuance process.
- In 2002, the department began to populate its database with legal presence information based on the information already in its possession or based on data that could be electronically verified.
- In 2003 the Legislature funded the new generation of driver licenses.
- In 2005, Congress passed the Real ID Act
- In 2008, the Department of Homeland Security published the final rules associated with the Real ID Act, which established with greater specificity the issuance standards.
- The department began issuing Real ID compliant credentials on January 1, 2010. All applicants appearing in person are required to provide documentation of lawful presence, to include name and date of birth as well as proof of their SSN and residence address. All documents are scanned and retained according to federal rule 37.31(a).

More about Real ID

Real ID impacts both the consumer and the state agency charged with implementation.

The U.S. Department of Homeland Security (DHS) was charged with implementation of Real ID nationally. The DHS in consultation with the states, established initial “benchmarks” which are required in order for a state to become “materially compliant” with Real ID. These initial benchmarks contain the items having the greatest impact to the general public.

Additional milestones are required however these changes will not directly impact the consumer.

What are the initial benchmarks?

#	Section	Requirements Description	Date of Compliance	Recommended by Grand Jury?
1	§ 37.11(a)	Subject each applicant to a mandatory facial image capture and retain such image even if a driver license (DL) or identification card (ID) is not issued	November 1995	This was already occurring when the grand jury was convened.
2	§ 37.11(b)	Have each applicant sign a declaration under penalty of perjury that the information presented is true and correct, and retain this declaration pursuant to § 37.31.	The Department maintained a perjury statement for many years, however in the fall of 2008 the Department modified its perjury statement slightly.	This was already occurring when the grand jury was convened.
3	§ 37.11(c) (1)	Require an individual to present at least one of the source documents listed in subsections (i) through (x) when establishing identity	July 1999	Yes
4	§ 37.11(d)-(g) & 37.31(a)	Require documentation and scanning of: <div> <div>Date of birth</div> <div>Social Security Number</div> <div>Address of principal residence</div> <div>Evidence of lawful status</div> </div>	January 2010	Yes some items are addressed, including scanning.
5	§ 37.11(h)	Have a documented exceptions process that meets the requirements established in 37.11(h)(1)-(3) (if States choose to have such a process)	January 2010	Not applicable to the grand jury.
6	§ 37.13(a)	Make reasonable efforts to ensure that the applicant does not have more than one DL or ID already issued by that State under a different identity	March 2004	Yes

Benchmarks

7	§ 37.13(b)(1)	Verify lawful status through SAVE or another method approved by DHS	December 2001	Yes
8	§ 37.13(b)(2)	Verify Social Security account numbers with the Social Security Administration or another method approved by DHS	Began requiring physical proof of SSN number on Oct 2008.	
9	§ 37.15(b)	Issue DL and IDs that contain Level 1, 2 and 3 integrated security features	January 2005	Yes
10	§ 37.17(a)-(l)	<p>Surface (front and back) of cards include the following printed information in Latin alpha-numeric characters:</p> <ul style="list-style-type: none"> · Full legal name · Date of birth · Gender · Unique DL/ID number · Full facial digital photograph · Address of principal residence · Signature [with exceptions] · Date of transaction · Expiration date · State or territory of issuance 	<p>All items except Full Legal Name and the printing of the residential address on the credential were in place years before REAL ID was signed into law. Full Legal Name was added in October 2009 and residential address in January 2009. Previously, the mailing address was used on the face of the license.</p>	Many of these items were occurring when the grand jury convened.

Benchmarks

11	§ 37.17 (n)	Commit to mark materially compliant DL and IDs with a DHS-approved security marking	January 2010	Not applicable to the grand jury.
12	§ 37.21	Issue temporary or limited-term licenses to all individuals with temporary lawful status and tie license validity to the end of lawful status	February 2002	
13	§ 37.41	Have a documented security plan for DMV operations in accordance with the requirements set forth in § 37.41	July 2009	
14	§ 37.41(b)(2)	Have protections in place to ensure the security of personally identifiable information	Completed and ongoing with improvements in IT technology.	
15	§ 37.41(b)(5) (i)-(ii)	Require all employees handling source documents or issuing DLs or IDs to attend and complete the AAMVA approved (or equivalent) fraudulent document recognition training and security awareness training	Completed on current employees, and ongoing for new hires during initial training course. Refresher training offered through Department's training section and the Ilearn web app.	Yes
16	§ 37.45	Conduct name-based and fingerprint-based criminal history and employment eligibility checks on all employees in covered positions or an alternative procedure approved by DHS	Level II background check completed on all covered employees and Tax Collector employees in September 2009. Requirement is ongoing for all new hires. Must be completed before network access is granted.	

Benchmarks

17	§ 37.51 (b)(1)	Commit to be in material compliance with Subparts A through D no later than January 1, 2010 or within 90 days of submission of this document, whichever date is earlier	Completed.	Not applicable to the grand jury.
18	§ 37.71 (b)(1)	Clearly state on the face of non-compliant DLs or IDs that the card is not acceptable for official purposes, except for licenses renewed or reissued under § 37.27	N/A,	Not applicable to the grand jury.

Florida's Progress

- Over 5 million Floridians have complied with the requirements of Real ID and were issued a compliant credential. This is approx. 1/3 of the driving population.
 - In 2010, the Department authorized 4,770 exceptions, resulting in customers being issued a compliant credential.
 - From January 1, 2011 to date, the Department has issued an additional 56,686 exceptions.
- Net result: 98.8% of customers have demonstrated they are capable of complying with Real Id.

The Nation's Progress

- 7 states are materially compliant and issuing licenses with gold stars.
- 7 states are materially compliant but have yet to begin issuing gold stars.
- 10 states have announced that they intend to become materially compliant.
- 4 states have enhanced driver license programs that are comparable to Real ID standards.
- 12 states meet all or most of the Real ID standards but have not officially committed to complying with the act.
- 10 states have not relayed their intentions to DHS.

(All data above is as of Nov. 29, 2011 and was received from DHS.)

The current process for obtaining a credential:

All drivers coming to an office are asked to provide the following:

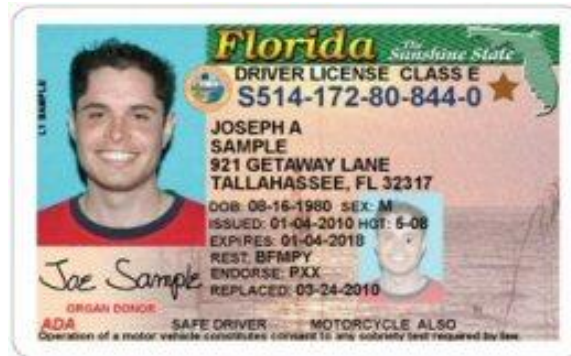
Citizens:

1. Proof of legal presence & date of birth. (A U.S. birth certificate or a valid Passport)
2. Proof of Social Security Number (Social Security Card, Pay stub or Form 1099)
3. Two proofs of residence address (Utility bill, Bank statement, etc.)
4. If a name change has occurred, then proof of the name change is also required. (Court ordered name change, marriage certificate, divorce decree etc.)

Foreign Nationals:-

1. Proof of legal presence and date of birth. (A valid Foreign passport or foreign government issued ID) **and**
 - a) Alien Registration or “Green Card” (Form I-551) for all lawful permanent residents **or**
 - b) Evidence from Department of Homeland Security of lawful presence for temporary residents
2. Proof of Social Security Number if issued (This would apply primarily to lawful permanent residents.)
3. Two proofs of residence address (Same as citizen.)
4. If a name change has occurred, then proof of the name change is also required. (Same as citizen.)

Questions?



Steven Fielder

Department of Highway Safety and Motor Vehicles

850-617-3195

THE FLORIDA SENATE
APPEARANCE RECORD



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

1/9/2012

Meeting Date

Topic Real ID

Bill Number _____
(if applicable)

Name Mike McCaskill

Amendment Barcode _____
(if applicable)

Job Title Asst. Deputy Director Motorist Services

Address 2900 Apalachee Pkwy, Tallahassee, FL, 32399

Phone 917-2688

City

State

Zip

E-mail MikeMcCaskill@flhsmv.gov

Speaking: ☐ For ☐ Against ☒ Information

Representing FLHSMV

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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



1/9/11
Meeting Date

Topic Real ID

Bill Number _____
(if applicable)

Name Steven Fidler

Amendment Barcode _____
(if applicable)

Job Title Leg Affairs Admin

Address 200 Apalachee Pkwy
Street
Tall FL
City State Zip

Phone 617-3195

E-mail _____

Speaking: ☐ For ☐ Against ☒ Information

Representing _____

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/20/11)

Law Enforcement Consolidation Task Force

2012



Task Force Members

- **Chair-Executive Director, Julie Jones, Florida Department of Highway Safety and Motor Vehicles**
- **Colonel Jerry Bailey, Florida Department of Law Enforcement**
- **Colonel David Brierton, Florida Highway Patrol**
- **Colonel Jim Brown, Florida Fish and Wildlife Conservation Commission**
- **Colonel Jerry Bryan, Florida Department of Agriculture and Consumer Affairs**
- **Director Emery Gainey, Office of the Attorney General**
- **Hillsborough County Sheriff David Gee, Florida Sheriffs Association**
- **Port Orange Police Chief Gerald Monahan, Florida Police Chiefs Association**

OVERVIEW

Creation of the Task Force:

- The Legislature enacted Senate bill 2160 which created the Law Enforcement Consolidation Task Force. The task force was directed to evaluate any duplication of state law enforcement functions and identify any functions that would be appropriate for possible consolidation.
- The legislation specifically charged the task force with evaluating administrative functions including accreditation, training, legal representation, vehicle fleets, aircraft, civilian-support staffing, information technology, geographic regions and the jurisdiction of the Florida Highway Patrol.

Task Force Teamwork

- Presentations were received from relevant Departments/Divisions
- Workgroups performed fact finding activities
 - *Accreditation*
 - *Agriculture Interdiction/Motor Carrier*
 - *Aviation Consolidation*
 - *Civilianization*
 - *Environmental Law Enforcement*
 - *FHP Jurisdiction*
 - *Forensics*
 - *Information Technology*
 - *Inspector Generals*
 - *Investigations*
 - *Law Enforcement Administration and Support*
 - *Training*
 - *Vehicle/Fleet Management/Logistics*

Recommendations Related to DHSMV

Agriculture Interdiction & Commercial Vehicle Enforcement –

Conducted an operational review of FDACS Agricultural Interdiction, FHP Motor Carrier Compliance, and FDOT Motor Carrier Size and Weight Weigh Stations to determine if duplication of function existed.

- Consolidation of DACS & FHP operations are not recommended due to the unique nature of the inspections and operations. However potential efficiencies may be gained by co-locating FHP-DACS operations at (3) specific Interstate Highway System locations. Further operational review is underway and should be ready for consideration prior to the June 30, 2012 task force expiration

Civilianization - A review was conducted of numerous filled sworn law enforcement personnel throughout state agencies. It appears that some of those positions may be handled by non-sworn personnel thereby providing future salary efficiencies. The FHP has already begun implementing a reorganization that will civilianize some positions and those savings have been provided to this committee as a reduction issue for this session.

Recommendations Related to DHSMV

FHP Jurisdiction- Focused on impacts of limiting FHP jurisdiction to only roadways in the State Highway System (SHS) and to the Florida Intrastate Highway System (SIHS). Including: operational impacts, investigations, traffic crashes/homicides and natural disasters and emergencies.

- A survey of Florida police chiefs and sheriffs was conducted to determine the impact on their operations if FHP jurisdiction were limited. Wide support from Police Chiefs and Sheriffs was expressed to **not** limit FHP's jurisdiction.
- The task force recommends exploring a “tiered approach” for patrol resource allocation that considers an equitable distribution of traffic crash investigation. The approach should classify counties according to population, identify roadway networks patrolled by FHP; and allocate/re-allocate current resources according to the projected traffic crash workload

Recommendations Related to DHSMV

State Aviation Consolidation-Reviewed state-owned aviation units to determine if any duplication of functions existed with the air units housed within FHP,FWC,FDLE, DOT, & FFS. Several recommendations and best practices were identified to increase efficiencies.

The main recommendations include:

- Integration of 3 specific air units (FHP, FDLE, & FWC) to prevent duplication of effort, provide all state law enforcement agencies with access to a variety of resources, and the ability to cross-train pilots, resulting in better trained and diversified pilots. Additionally recommends FDOT and FFS aviation programs remain in their current agencies and structure. The FSS to provide aerial ignition aircraft services to all state land management services (duties currently shared with FWC).
- Creation of a State Aviation Managers Group to ensure efficient and effective overall operations.

Recommendations Related to DHSMV

Vehicle/Fleet Management and Logistics—Reviewed procurement process through to the auction of surplus vehicles to determine efficiencies in the process and to ensure that law enforcement vehicles are replaced in a logical manner to ensure they are safe for law enforcement officers to operate. Repair, funding and/or budgeting for vehicles and maintenance are addressed in the report.

- Recommends consolidating State law enforcement vehicle fleet acquisition and management into one agency. It was recommended that either DMS or DHSMV be the lead agency.
- Create a group of fleet managers to meet twice per year to advise the lead agency on standardization, refurbishment, and future needs.
- Identify a funding source and allocate it to the purchase and maintenance of all state law enforcement vehicles.

Questions

**Department of Highway Safety and Motor Vehicles
2900 Apalachee Parkway
Tallahassee, FL 32399
(850) 617-3195**

THE FLORIDA SENATE

APPEARANCE RECORD

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

1/9/11
Meeting Date

Topic LE Consolidation

Bill Number _____
(if applicable)

Name John Jones

Amendment Barcode _____
(if applicable)

Job Title Executive Director

Address 800 Apalachee Hwy
Street
Tall FL 32399
City State Zip

Phone 617-3100

E-mail _____

Speaking: ☐ For ☐ Against ☒ Information

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/20/11)

2385

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Kurt S. Browning, Secretary of State,
do hereby certify that

Donnie Ellington

is duly appointed a member of the

Florida Transportation Commission

for a term beginning on the
Twenty-Sixth day of September, A.D., 2011,
until the Thirtieth day of September, A.D., 2013
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Eleventh day of October, A.D., 2011.*

Secretary of State



RICK SCOTT
GOVERNOR

RECEIVED
OFFICE OF THE GOVERNOR
2011 SEP 28 PM 2:31
DIVISION OF LEGAL COUNSEL
TALLAHASSEE, FL

September 27, 2011

Mr. Kurt S. Browning, Secretary
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

Please be advised I have made the following appointment under the provisions of Section 20.23, Florida Statutes:

Mr. Donald L. Ellington
8973 Southwest 15th Avenue
Gainesville, Florida 32607

as a member of the Florida Transportation Commission, succeeding Martha T. Lanahan, subject to confirmation by the Senate. This appointment is effective September 26, 2011, for a term ending September 30, 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Alachua

RECEIVED

11 OCT 11 AM 10:14

DIVISION OF ELECTIONS
SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Transportation Commission

(Title of Office)

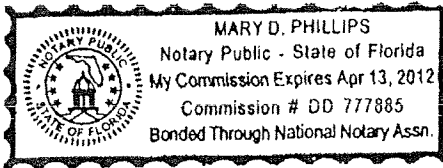
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Donnie Ellington
Signature

Sworn to and subscribed before me this 6th day of October, 2011.

Mary D. Phillips
Signature of Officer Administering Oath or of Notary Public



Mary D. Phillips
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

8973 SW 15th Avenue
Street or Post Office Box
Gainesville, FL 32607
City, State, Zip Code

Donnie Ellington
Print name as you desire commission issued
Donnie Ellington
Signature

2335

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Kurt S. Browning, Secretary of State,
do hereby certify that

Andy Tuck

is duly appointed a member of the

Florida Transportation Commission

for a term beginning on the
Twenty-Sixth day of September, A.D., 2011,
until the Thirtieth day of September, A.D., 2014
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Fifth day of October, A.D., 2011.*

A handwritten signature in black ink, appearing to read "Kurt Browning".

Secretary of State

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of Highlands

RECEIVED
11 OCT 10 AM 11:08
DIVISION OF ELECTIONS
SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Florida Transportation Commission
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 10th day of October 2011

Betty Sue Oakley
Signature of Officer Administering Oath or of Notary Public

Betty Sue Oakley
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: ☒ Home ☐ Office

1611 Sandwedge Ct.
Street or Post Office Box

Selma FL 33812
City, State, Zip Code

Andy Tuck
Print name as you desire commission issued

[Signature]
Signature



RICK SCOTT
GOVERNOR

RECEIVED
DEPARTMENT OF STATE

2011 SEP 28 PM 2:36

DIVISION OF ELECTIONS
TALLAHASSEE, FL

September 27, 2011

Mr. Kurt S. Browning, Secretary
Department of State
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Browning:

Please be advised I have made the following appointment under the provisions of Section 20.23, Florida Statutes:

The Honorable Andy Tuck
1611 Sandwedge Court
Sebring, Florida 33872

as a member of the Florida Transportation Commission, succeeding Bart R. Pullum, subject to confirmation by the Senate. This appointment is effective September 26, 2011, for a term ending September 30, 2014.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

CourtSmart Tag Report

Room: LL 37
Caption: Transportation Committee

Case:
Judge:

Type:

Started: 1/9/2012 3:15:32 PM
Ends: 1/9/2012 5:09:41 PM **Length:** 01:54:10

3:15:34 PM Call to order
3:15:43 PM CAA call the role
3:15:54 PM Quorum Present
3:16:02 PM Pledge was said
3:16:23 PM SB 474 Sen. Norman TP
3:16:44 PM Tab #2 SB 354 Sen. Simmons - Presented by the Senator
3:18:56 PM Am #285014 by Sen. Norman
3:20:09 PM Amendment adopted
3:20:29 PM Sen. Joyner - Question
3:21:16 PM Sen. Simmons - Answer
3:23:09 PM CAA role call on CS SB 354
3:23:32 PM SB 354 passes as a CS
3:23:46 PM Tab #3 - SB 546 by Senator Sobel
3:25:20 PM Sen. Bullard - Question
3:25:59 PM Sen. Sobel - Answer
3:26:16 PM Sen. Bullard - Question
3:26:37 PM Sen. Sobel - Answer
3:27:21 PM Sen. Bullard - Question
3:27:59 PM Sen. Sobel - Answer
3:28:35 PM Sen. Bullard - Question
3:29:37 PM Sen. Sobel - Answer
3:30:57 PM Sen. Benacquisto moved SB 548 - CAA call the role on SB 548 - the bill passes
3:31:42 PM SB 780 - by Sen. Ring - presented by Joel Ramos
3:32:16 PM Am # 928-- by Sen. Norman - presented by Joel Ramos
3:32:37 PM The Amendment adopted
3:33:24 PM Sen. Wise - Question
3:34:00 PM CAA called the role on SB 780 - CS SB 780 Passed
3:34:36 PM Sen. Evers - SB 854 - presented by Senator Evers
3:35:10 PM Am # 800432 by Sen. Evers - presented by Sen. Evers
3:36:10 PM Sen. Gibson - ask for an explanation to explain the amendment
3:36:52 PM Mr. Steven Fielder - Leg. Affairs DHSMV explain the amendment
3:39:11 PM Sen. Benacquisto - Question
3:40:11 PM Sen. Benacquisto - Question
3:40:13 PM Sen. Bullard - makes a statement about the amendment
3:40:51 PM Sen. Joyner - Question
3:41:41 PM Mr. Fielder - Answer
3:42:37 PM Sen. Joyner - Question
3:43:30 PM Sen. Gibson - Question
3:44:09 PM Mr. Fielder - Answer
3:44:44 PM Sen. Evers W/D amendment
3:44:54 PM Back on the SB 854
3:46:03 PM SB 854 TP'd
3:46:16 PM Tab # 8 Office and Appointment
3:47:12 PM Florida Transportation Commission
3:47:20 PM Sen. Norman moves on the appointment
3:47:33 PM CAA called the role on the appointments/confirmation - passed
3:48:06 PM Tab 6 - Real ID - by Mr. Steven Field - Leg. Affairs - DHSMV
4:00:41 PM Sen. Bullard - Question
4:01:10 PM Mr. Fielder - Answer
4:09:12 PM Sen. Bullard - Question
4:10:27 PM Mr. Fielder - Answer
4:10:56 PM Sen. Bullard - Question

4:11:41 PM	Mr. Fielder - Answer
4:11:59 PM	Sen. Storms - Question
4:14:01 PM	Mr. Fielder - Answer
4:15:31 PM	Sen. Storms - Question
4:18:12 PM	Mr. Fielder - Answer
4:18:36 PM	Sen. Garcia - Question
4:18:53 PM	Mr. Fielder - Answer
4:19:34 PM	Sen. Garcia
4:19:42 PM	Sen. Garcia
4:19:42 PM	Sen. Garcia
4:19:44 PM	Sen. Latvala - Question
4:19:58 PM	Mr. Fielder - Answer
4:20:28 PM	Sen. Garcia - Question
4:22:22 PM	The Chairman - Answer
4:23:02 PM	Mr. Fielder - Presentation starts again
4:26:47 PM	The Chairman - Question
4:26:55 PM	Mr. Fielder - Answer
4:28:09 PM	The Chairman - Question
4:28:25 PM	Mr. Fielder - Answer
4:28:48 PM	The chairman - Question
4:28:56 PM	Mr. Fielder - answer
4:33:29 PM	Sen. Norman - Question
4:34:18 PM	Mr. Fielder - answer
4:34:34 PM	Sen. Norman - Question
4:34:43 PM	Mr. Fielder - answer
4:37:04 PM	Mr. Mike McCaskill speak to Sen. Norman's question re SS and Saving Bonds
4:38:48 PM	Sen. Bullard - Question
4:39:07 PM	Mr. Fielder - answer
4:39:14 PM	Sen. Evers - Question
4:39:32 PM	Mr. Fielder - Answer
4:40:04 PM	Sen. Evers - question
4:40:12 PM	Mr. Fielder - answer
4:40:20 PM	Sen. Bullard - Question
4:40:43 PM	Mr. Fielder - Answer
4:41:03 PM	Sen. Garcia - Question
4:42:37 PM	Mr. Fielder - Answer
4:44:15 PM	Sen. Storms wishes to be shown voting "yea" on bills missed: SB 354, SB 546, and SB 780
4:45:18 PM	Ms. Julie Jones - Executive Director DHSMV - Law Enforcement Consolidation Presentation
4:54:35 PM	Sen. Bullard - Question
4:55:41 PM	Ms. Jones - answer
4:56:52 PM	Ms. Jones continues her presentation
5:04:40 PM	The Chairman gave a brief statement about the report
5:04:51 PM	Sen. Norman - Question
5:05:40 PM	Mrs. Jones - Answer
5:05:49 PM	Sen. Norman - Question
5:06:42 PM	Mrs. Jones - Answer
5:07:46 PM	The Chairman as that Commissioner Bailey did he want to speak?
5:08:31 PM	Commissioner did not want to speak
5:08:42 PM	The Chairman gave some brief words about the next committee meeting
5:09:06 PM	carry over SB 855 for next meeting
5:09:19 PM	Sen. Garcia move to rise