

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

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

**MEETING DATE:** Thursday, January 19, 2012

**TIME:** 8:00 —10:00 a.m.

**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 854</b> 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 TR 01/19/2012 Fav/CS BC	Fav/CS Yeas 10 Nays 0
2	<b>SB 1392</b> Benacquisto (Similar H 1201)	Transportation Accessibility; Creating the "Florida Transportation Accessibility Independence Act;" requiring certain taxicab operators to provide accessible taxicabs after a certain date; requiring the Department of Transportation to adopt rules; providing for certain airports and deepwater ports to allow for priority rotation of accessible taxicabs after a certain date; providing a tax exemption for the sale or lease of accessible vehicles; requiring transportation services that provide transportation for Medicaid recipients to certify to the Agency for Health Care Administration that the transportation service uses accessible vehicles, etc.  TR 01/19/2012 Temporarily Postponed BC	Temporarily Postponed

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Thursday, January 19, 2012, 8:00 —10:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	<b>SB 1122</b> Latvala (Similar H 1223, Compare H 393, H 763, H 797, H 977, H 1101, H 4035, S 334, S 388, CS/S 390, S 528, CS/S 922, S 1068, S 1494, S 1620, S 1850)	Department of Highway Safety and Motor Vehicles; Renaming the Office of Motor Carrier Compliance within the Division of the Florida Highway Patrol as the "Office of Commercial Vehicle Enforcement"; prohibiting the operation of swamp buggies on a public road, highway, or street; requiring that the application for a certificate of title, corrected certificate, or assignment or reassignment be filed after the consummation of the sale of a mobile home; requiring that the department establish and administer an electronic titling program; requiring that the department develop a bid process for legislatively authorized voluntary contribution organizations to be listed on the renewal notices for vehicle registrations, vessel registrations, and driver licenses; authorizing the department to issue a specialty driver license or identification card to qualified applicants; revising provisions relating to license fees, etc.  TR 01/19/2012 Fav/CS BC	Fav/CS Yeas 10 Nays 0
4	<b>SB 812</b> Norman	Motor Vehicles; Waiving the standard registration and license plate fees and charges for one motor vehicle for any member of the United States Armed Forces who is stationed outside the state; requiring that the applicant pay the applicable fee for any additional motor vehicle registration or license plate or personalized prestige or specialty plate, etc.  MS 01/09/2012 Favorable TR 01/19/2012 Favorable BC	Favorable Yeas 10 Nays 0
5	<b>CS/SB 344</b> Education Pre-K - 12 / Montford (Similar CS/H 19, Identical S 348)	Public School Buses; Providing for district school board policies that authorize commercial advertisements on school buses; providing policy requirements relating to reimbursement to the school district, prohibited advertisements, and signage and equipment standards; requiring a school bus to be withdrawn from use under certain circumstances; providing for the remittance and allocation of revenue, etc.  ED 01/09/2012 Fav/CS TR 01/19/2012 Favorable BC	Favorable Yeas 8 Nays 2

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Thursday, January 19, 2012, 8:00 —10:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
6	<b>SB 824</b> Dean (Similar CS/H 599, Compare H 1399, S 1866)	Mitigation Requirements for Transportation Projects; Revising legislative intent to encourage the use of other mitigation options that satisfy state and federal requirements; providing the Department of Transportation or a transportation authority the option of participating in a mitigation project; requiring the Department of Transportation or a transportation authority to submit lists of its projects in the adopted work program to the water management districts; prohibiting a mitigation plan from being implemented unless the plan is submitted to and approved by the Department of Environmental Protection; providing additional factors that must be explained regarding the choice of mitigation bank; prohibiting a governmental entity from providing or creating mitigation except under specified circumstances, etc.  TR 01/19/2012 Fav/CS EP BC	Fav/CS Yeas 10 Nays 0
7	<b>SB 1068</b> Joyner (Identical H 763, Compare S 1122)	Motor Vehicle Registration; Specifying that a vehicle may not be operated after expiration of the renewal period or, for a natural person, after midnight on the owner's birthday unless the registration was renewed before then; authorizing a person who has renewed a vehicle registration during an early registration period to apply for a refund of specified license taxes upon surrendering the registration license plate before the end of the renewal period, etc.  TR 01/19/2012 Favorable BC	Favorable Yeas 10 Nays 0
8	<b>SB 1168</b> Ring (Compare H 679, H 1399, S 1866)	Freight Mobility Development; Providing tax credits of a specified amount relating to increased trade activities at port facilities for use against specifically enumerated taxes for a specified number of tax years; providing eligibility criteria, limitations, conditions, requirements, and prohibitions relating to applying for, approving, calculating, claiming, issuing, recapturing, carrying over, and redeeming such tax credits; redesignating the ports to be benefitted by the Florida Seaport Transportation and Economic Development Program; creating the Strategic Port Investment Initiative; requiring a specified minimum amount of annual funding from the State Transportation Trust Fund to the initiative; requiring the Department of Transportation to develop a Statewide Seaport and Waterways System Plan, etc.  TR 01/19/2012 Fav/CS CM BC	Fav/CS Yeas 10 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Transportation

Thursday, January 19, 2012, 8:00 —10:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
9	<b>SB 1238</b> Hays (Identical H 1009)	Low-speed Vehicles; Authorizing the conversion of a vehicle titled or branded and registered as a low-speed vehicle to a golf cart; providing procedures; providing for a fee, etc.  TR 01/19/2012 Fav/CS BC	Fav/CS Yeas 10 Nays 0

10	<b>SB 1170</b> Ring (Identical H 919)	Disabled Parking Permits; Requiring a disabled parking permit placard to display the person's image, etc.  TR 01/19/2012 Temporarily Postponed BC	Temporarily Postponed
----	---	--	-----------------------

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**

11	Trumbull, Jay N. (Panama City)	09/30/2015	Recommend Confirm Yeas 10 Nays 0
----	--------------------------------	------------	-------------------------------------

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
-----	-------------------------	--	------------------

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: CS/SB 854

INTRODUCER: Transportation Committee and Senator Evers

SUBJECT: Teenage Drivers

DATE: January 19, 2012

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	Buford	TR	<b>Fav/CS</b>
2.			BC	
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 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 conviction of a traffic violation or at-fault vehicle crash is added to their teen's driving record. TEENS also provides notifications every time the teen receives notice of pending or actual license suspension, revocation, disqualification, withdrawal or cancellation. 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 one-time \$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.<sup>1</sup> During the first year of driving, teens face their greatest accident risk.<sup>2</sup> For example, one

<sup>1</sup> 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](http://www.flhsmv.gov/teens/parent_home.html) (last accessed December 22, 2011).

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

out of every five licensed 16 year-olds will be in a vehicle crash.<sup>3</sup> In 2007, 306 Florida teens between the ages of 15-19 died in motor vehicle crashes.<sup>4</sup> 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.<sup>5</sup> To combat these risks, Florida has implemented laws and rules to mitigate teen driving accidents.

***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.<sup>6</sup> 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.<sup>7</sup> For the first three months after obtaining the Learner's License, a teen may only drive during daylight hours.<sup>8</sup> Following the three months, a teen may drive from the daylight hours until 10 p.m.<sup>9</sup>

After holding a Learner's License for at least one year without any traffic convictions, a teen may earn an Intermediate License.<sup>10</sup> 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.<sup>11</sup> 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.<sup>12</sup> From 17 to 18, the Intermediate Licensee's permissible driving hours are from 5 a.m. until 1 a.m.<sup>13</sup> When teens reach the age of 18, these restrictions are removed and the state grants a full privilege license.<sup>14</sup>

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.<sup>15</sup> 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.<sup>16</sup> For each additional point above the six, the restriction is extended 90 days.<sup>17</sup> 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.<sup>18</sup> A second offense results in a one-year suspension.<sup>19</sup> Refusal to submit to testing

---

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

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

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

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

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

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

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

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

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

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

creates a suspension of twelve months and a second offense results in an 18-month administrative suspension.<sup>20</sup> Fourth, a teen's license may be suspended for truancy from school until the student provides proof of attendance for 30 consecutive days.<sup>21</sup> Lastly, a conviction of 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.<sup>22</sup>

Courts may impose additional or harsher sanctions for infractions under chs. 318 and 322, F.S.<sup>23</sup> 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.<sup>24</sup>

### ***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.<sup>25</sup> 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.<sup>26</sup>

### ***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.<sup>27</sup>

### ***New York State DMV's TEENS Program***

The New York Department of Motor Vehicles recently launched a Teen Electronic Event Notification Service<sup>28</sup> (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

---

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

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

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

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

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

<sup>24</sup> § 318.143 (f), Fla. Stat. (2011).

<sup>25</sup> 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).

<sup>26</sup> *Id.*

<sup>27</sup> 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).

<sup>28</sup> 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).

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.<sup>29</sup> This service is voluntary and parents and guardians receive the notification through a mailed letter or via email.<sup>30</sup> The notifications are strictly informational and do not impact DMV actions.<sup>31</sup> To 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.<sup>32</sup> 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.<sup>33</sup> No fee is charged for this service in New York.<sup>34</sup>

### 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 their 15, 16 or 17 year old changes as a result of a conviction of a traffic violation or involvement in an at-fault vehicle crash. It also provides notifications when their teen receives notice of pending or actual suspension, revocation, disqualification, withdrawal or cancellation of the licensee's privilege to drive or hold a driver's license.<sup>35</sup>

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 one-time \$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.

The bill gives DHSMV rulemaking authority to administer the program.

### IV. Constitutional Issues:

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

None.

---

<sup>29</sup> *Id.*

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

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> 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).

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>35</sup> 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.



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:

Parents and guardians who voluntarily join TEENS must pay a one-time \$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 notifications of or actual suspension, revocation, disqualification, withdrawal or cancellation of the licensee's privilege to drive or hold a driver's license, and any at-fault vehicle crashes that are added to their minor's driving record.

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.<sup>36</sup> These hours can be incorporated into ISA's normal workload.<sup>37</sup> 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.<sup>38</sup> Also, the DHSMV's high-level estimate for sending bulk emails and text messages is a recurring cost of \$2500/month.<sup>39</sup> Based on these numbers, DHSMV estimates total first year expenditures at \$190,000 and recurring expenditures of \$30,000 following the first year.<sup>40</sup>

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.<sup>41</sup> 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.<sup>42</sup> 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

---

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

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

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.<sup>43</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

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

**Committee Substitute by Transportation on January 19, 2012:**

The substitute more accurately depicts when DHSMV will provide notice by striking the provision providing notification after issuance of a traffic citation and adding notifications for pending suspension, revocation, disqualification, withdrawal or cancellation of the licensee's privilege to drive or hold a driver's license. The vehicle crash notice provision is clarified to require the licensee to be at fault to invoke the notification service. It further clarifies that the fee charged to a parent or guardian is a one-time \$5 fee to join TEENS. Lastly, the amendment grants rulemaking authority to the DHSMV to administer this section.

**B. Amendments:**

None.

---

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

---

---

<sup>43</sup> *Id.*



800432

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/19/2012	.	
	.	
	.	
	.	

---

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.



388294

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

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 Teen electronic event notification service.—

(1) Upon application and receipt of the appropriate fee, as  
described in subsection (4), from a parent or guardian of a  
person who has not attained 18 years of age and who holds a  
valid driver license or learner's driver license, the department  
shall notify the parent or guardian each time any of the



388294

following events is added to the person's driving record:

(a) Conviction of any 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) Forms for applications under subsection (1) shall be as prescribed by the department.

(3) Notifications under subsection (1) shall be made electronically to the parent's or guardian's e-mail address or telephone text messaging system, as requested by the parent or guardian. The notifications shall be discontinued upon request by the parent or guardian receiving the notifications or when the licensee attains 18 years of age.

(4) The department shall charge a one-time fee of \$5 to cover the administrative costs of the notifications. Any amounts received which are greater than the cost to administer the program shall be used by the department to promote safe driving by teenagers.

(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



388294

and insert:

A bill to be entitled

An act relating to teenage drivers; creating s.  
322.097, F.S.; 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; providing  
for the adoption of rules; providing an effective  
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: SB 1392

INTRODUCER: Senator Benacquisto

SUBJECT: Transportation Accessibility

DATE: January 17, 2012

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

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

**I. Summary:**

This bill creates a new unnumbered section of the Florida Statutes which is entitled the “Florida Transportation Accessibility Independence Act.” The act:

- defines the terms “accessible taxicab”, “fleet owner”, and “physically disabled person”;
- requires that by December 31, 2014 all taxicab fleet owners must operate a minimum of one-twelfth of their fleets using accessible taxicabs;
- grants the Florida Department of Transportation (FDOT) rulemaking authority to implement this section;
- and, grants airports and deepwater ports the ability to provide priority rotation of accessible taxicabs and priority service to passengers seeking such taxicabs.

This bill amends s. 212.08, F.S., to add an exemption to the sales, rental, use, consumption, distribution, and storage tax for sales or leases of accessible vehicles, as defined, provided that, should the accessible vehicle be an aftermarket conversion, only the price of the conversion is exempt from the tax.

This bill amends s. 409.905, F.S., to add that, in order to receive payment from Medicaid for transportation services, the transportation provider must certify to the Agency for Healthcare Administration that the vehicles used to provide the services comply with Americans with Disabilities Act (ADA) requirements, comply with all applicable federal motor vehicle safety standards, and provides enough floor space to accommodate a service animal.

## II. Present Situation:

Currently, there is no state or federal requirement that taxicab companies purchase or maintain accessible taxicabs, as defined in this bill, unless they purchase vehicles larger than automobiles. Under s. 49 CFR 37.29(b), “[p]roviders of taxi service are not required to purchase or lease accessible automobiles.” However, “[i]f a taxi company purchases a larger vehicle, like a van, it is subject to the same rules as any other private entity primarily engaged in the business of transporting people which operates a demand responsive service. That is, unless it is already providing equivalent service, any van it acquires must be accessible.”<sup>1</sup>

However, local jurisdictions sometimes require or incentivize taxicab companies to provide accessible vehicles. For example, Miami-Dade County requires that “at least three (3) percent of the total number of for-hire taxicab licenses are operated using accessible vehicles.”<sup>2</sup> And, the City of Orlando allows taxicab companies to increase their fleet size by adding dual-purpose taxicabs which are defined as cabs “specifically equipped for transporting handicapped or wheelchair bound passengers.”<sup>3</sup>

In addition to these potential requirements, the state also provides accessible transportation, by request, through the Florida Commission for the Transportation Disadvantaged (FCTD). FCTD provides accessible and affordable rides, for both Medicaid and non-Medicaid purposes, to people with disabilities by contracting with 48 local Community Transportation Coordinators and, in the case of Medicaid based transportation, 10 Sub-contracted Transportation Providers. According to the FCTD’s 2011 Annual Performance Report, the FCTD’s “Coordinated Transportation System...provided 51.1 million trips to over 700,000 older adults, persons with disabilities, people with low income, or at-risk children.”<sup>4</sup> For non-emergency Medicaid patients alone FCTD provided 586,419 wheelchair trips.<sup>5</sup> Also, even though the FCTD was not able to meet requests for 228,640 trips, only 4,821 trip requests were denied due to a lack of a vehicle.<sup>6</sup>

Currently, there is no sales tax exemption for accessible vehicles such as the one provided for in this bill. Though it is possible to retrofit vehicles in order to comply with ADA specifications for accessible vehicles, only one company currently manufactures such vehicles from the ground up and, as such, can take full advantage of the sales tax exemption.

Currently, there is no need for a transportation provider to certify to the Agency for Health Care Administration that their vehicles comply with ADA requirements for accessibility, meet all applicable federal motor vehicle safety standards and regulations, and provide sufficient floor space to accommodate a service animal in order to receive Medicaid payment for transportation services.

---

<sup>1</sup> Appendix D to Part 37 – Construction and Interpretation of Provisions of 49 CFR Part 37 – Section 37.29 Private Providers of Taxi Service, found at [http://www.fta.dot.gov/12876\\_3906.html](http://www.fta.dot.gov/12876_3906.html), last viewed on January 17, 2012.

<sup>2</sup> Miami-Dade County code, s. 31-82(k)(1)

<sup>3</sup> City of Orlando Code of Ordinances, s. 55.25(3)

<sup>4</sup> 2011 Annual Performance Report, Florida Commission for the Transportation Disadvantaged, Jan. 1, 2012, pg. 6

<sup>5</sup> Id. at 15

<sup>6</sup> Id. at 55-57

### III. Effect of Proposed Changes:

**Section 1** of this bill creates the “Florida Transportation Accessibility Independence Act” which mandates that one-twelfth of the fleets of all taxicab fleet owners, defined as a person that owns, operates, or manages 12 or more taxicabs directly or through subsidiaries, must consist of accessible taxicabs by December 31, 2014. The act also grants FDOT rulemaking authority and allows airports and deepwater ports to provide priority rotation for accessible taxicabs and priority access for those passengers who need such taxicabs.

**Section 2** of this bill amends s. 212.08, F.S., to add an exemption to the sales, rental, use, consumption, distribution, and storage tax for sales or leases of accessible vehicles, as defined, provided that, should the accessible vehicle be an aftermarket conversion, only the price of the conversion is exempt from the tax.

**Section 3** of this bill amends s. 409.905, F.S., to add that, in order to receive payment from Medicare for transportation services, the transportation provider must certify to the Agency for Healthcare Administration that the vehicles used to provide the services comply with Americans with Disabilities Act (ADA) requirements, comply with all applicable federal motor vehicle safety standards, and provides enough floor space to accommodate a service animal.

**Section 4** of this bill creates an effective date of July 1, 2012.

#### **Other Potential Implications:**

- There is a question as to whether or not the term “fleet owner” would apply to a taxicab dispatching service whose only duty is dispatching taxicabs that are individually owned and operated.
- It is possible that the certification provisions in section three of this bill will cause a greater than intended impact by requiring that all transportation services for Medicaid be certified ADA accessible even if they are not transporting disabled persons, and by not exempting emergency vehicles from the requirements of the section.

### IV. Constitutional Issues:

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

None.

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

None.

#### C. Trust Funds Restrictions:

None.

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

This bill creates a new tax exemption from the sales, rental, use, consumption, distribution, and storage tax for sales or leases of accessible vehicles, as defined, provided that, should the accessible vehicle be an aftermarket conversion, only the price of the conversion is exempt from the tax. This new tax exemption would cause an indeterminate negative impact on general revenue.

**B. Private Sector Impact:**

This bill could have an indeterminate negative impact on private sector taxicab fleet owners by requiring that they expend money to either purchase new vehicles or retrofit old vehicles to meet ADA accessibility requirements and the other requirements listed in this bill. This bill could also have an indeterminate negative impact on private companies offering Medicaid transportation services by requiring that all of their vehicles offering such services be certified as ADA accessible as well as meet several other requirements. This bill could have a potential but indeterminate positive impact on companies who sell vehicles that comply with the criteria of the tax exemption or retrofit vehicles to comply with the criteria of the tax exemption.

**C. Government Sector Impact:**

This bill could have a potential negative impact on any government service which provides Medicaid transportation services by requiring that all of their vehicles offering such services be certified accessible under the ADA, among other requirements.

**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.

# **Assessing the Full Cost of Implementing An Accessible Taxicab Program**

Prepared For  
Taxicab, Limousine & Paratransit Foundation

Prepared Under the Direction of

Ray Mundy, Ph.D.  
Director

By

Esha Christie  
Aysin Koparan  
David Long  
Regis Perrot  
Michelle Quach  
Teresa Wolfram  
Jeremy North  
Center for Transportation Studies  
University of Missouri-Saint Louis  
March 1, 2010



## **Table of Contents**

<b>EXECUTIVE SUMMARY</b>	<b>I</b>
<b>INTRODUCTION</b>	<b>1</b>
<b>TAXICAB INDUSTRY: SIZE AND STRUCTURE</b>	<b>3</b>
<b>ACCESSIBILITY COSTS</b>	<b>4</b>
<b>PRACTICAL DIFFICULTIES</b>	<b>7</b>
<b>COMPETITION FOR SERVICE MARKET</b>	<b>11</b>
<b>OVERCOMING IMPEDIMENTS TO ACCESSIBLE SERVICE PROVISION</b>	<b>11</b>
<b>LEGAL OBLIGATIONS</b>	<b>20</b>
<b>CURRENT USAGE DOCUMENTATION</b>	<b>25</b>
<b>IMPLEMENTATION STRATEGIES</b>	<b>31</b>
<b>TAXI ACCESSIBILITY IN EUROPE</b>	<b>39</b>
<b>CONCLUSION</b>	<b>45</b>
<b>APPENDIX A: ACCESSIBLE TAXICAB COST CALCULATOR</b>	

## **Executive Summary**

---

The Americans with Disabilities Act (ADA) federal legislation was enacted to eliminate discrimination based on disability. Although the ADA specifically exempts automobile-type vehicles, including most taxicabs, from the requirement to be wheelchair accessible, it has greatly affected the taxicab industry in the United States. First, many of the current ADA-mandated trips which were formerly provided by taxicabs, are currently provided by public transit agencies or non-profit firms. These firms provide taxpayer-supported ADA complementary paratransit service. As a result, the market for privately-provided services has all but been eliminated. It is hard to compete with free or largely free services. Secondly, some state and local regulatory authorities are going beyond the federal legislation and mandating that ADA-approved accessible vehicles be a part (typically 2% to 5%) of their permitted taxi fleets. Some taxicab companies are being forced to bear the significantly increased costs in order to provide these accessible transportation services – often without appropriate public financial support. Included among these increased costs are the cost of an ADA-compliant vehicle, operating costs such as fuel due to decreased gas mileage/efficiency, liability insurance, training, vehicle productivity, passenger assistance on ingress and egress, and perhaps vehicle shipping. Finally, for those communities that have mandated wheelchair accessible taxicab services, there is the problem of having an independent contractor driver willingly accept these trips, a topic to be more fully addressed within the scope of this study.

Fortunately, there are many different positive approaches being taken by communities and taxi companies to achieve greater mobility for the transportation disadvantaged. Some communities provide financial incentives for taxicab companies to operate ADA-qualified vehicles, while other alternatives offered might be reduced license and permitting fees. Others may purchase ADA-approved vehicles and lease them to taxi companies at a reduced rate. However, there is a reasonable concern of whether the incentives gained are enough to cover their cost in most instances.

Finally, there are individual full service taxi companies that are finding some success by integrating these ADA-compliant accessible services into their general operating systems with some relatively minor public assistance. Each of these situations, their costs and long term benefits to taxi companies, users and communities alike are discussed within.

This report addresses the issue of ADA-mandated taxicab service through the documentation of costs and operational difficulties resulting from the local expansions of ADA-type legislation. To determine accurate costs, the research team interviewed various ADA-approved vehicle distributors in North America and verified their cost findings through interviews with North American taxicab companies. Practical difficulties are analyzed in this report through research and interviews with taxicab companies already operating ADA-compliant vehicles. The actual demand or public need for accessible taxicabs at airports, based on data from the top fifty (50) North American airports, is also detailed. Finally, an interactive cost analysis spreadsheet is included so that local taxicab companies and authorities can easily calculate the estimated costs for implementing ADA-approved vehicles within their community.

Overall, the report concludes that a small portion of integrated accessible taxicabs for curb-to-curb service are in the best long-term interest of both the public and the taxicab companies. Additional costs of these services are real, however, and must be supported by the communities these taxicabs serve.

A final comment would be that one must consider the taxicab environment when initiating desired ADA taxicab services. If the community has a fractured taxicab system with many individual companies and no real full service taxi companies, implementation of an integrated ADA wheelchair accessible system will be extremely difficult and costly. Some progress might be possible with a centralized dispatch system which requires all taxicabs to accept calls. However, the economic realities are that the human behavior of the typical independent taxicab driver will work against the overall needs of the community to make these services available at reasonable and normal taxicab rates. In these situations, community leaders may have little choice but to directly contract ADA providers that schedule and deliver these publicly provided services.



## Introduction

---

On July 26, 1990, the American with Disabilities Act (ADA) was signed into law by President George Bush in order to eliminate discrimination based on physical and mental disabilities. The term disability is defined in the law as “a physical or mental impairment that substantially limits a major life activity.” The ADA consists of five main sections: employment, public services and public transportation, public accommodation and commercial facilities, telecommunications and miscellaneous provisions. Our concern is with those aspects of the law that apply to privately provided public transportation commonly known as “taxicabs.”<sup>1</sup>

Since ADA covers nondiscrimination in the transportation industry, this act has particularly impacted public transit agencies which, as a result of the 1990 legislation, must provide a full range of both linehaul and specialized services to the ADA community. Many wheelchair trips, formerly provided by taxi companies, were now mandated to be provided by the public transit agencies. Specifically, transit systems were required to equip all new linehaul vehicles with accessible lifts and to provide ADA complementary paratransit (accessible) services to all people living within three-fourths of a mile of a transit line.

Seeking even greater mobility options for residents and visitors alike, some local transportation regulatory authorities are now going beyond the federal mandate on publicly funded transit systems and requiring that ADA accessible vehicles also become part of their community’s privately provided taxi fleet. This represents an unfunded mandate on the privately-provided taxi industry, made with little consideration or understanding of the actual demand for these wheelchair accessible services and the additional cost to the taxi industry and its drivers.

Practical difficulties in the taxicab industry that arise from the enactment of local ADA-type initiatives include additional incurred fixed and variable costs, low demand, and greater service time consumption, resulting in lower revenue per trip and per vehicle. However, there are various alternatives and incentives for ADA-compliant taxi vehicles and companies to overcome these practical difficulties. Communities should not simply mandate wheelchair accessibility without consideration of these practical difficulties. The successful integration of taxicabs into this ADA accessible market depends upon existing regulatory structure for taxicabs, per trip subsidies, other accommodations a taxi company might receive from its local

---

<sup>1</sup> *The Americans with Disabilities Act* "ADA Home Page" Ada.Gov 30 Apr. 2008 <http://www.ada.gov/>

authority and the environment in return for their successful adoption by the taxi industry. Furthermore, agencies which impose these local unfunded mandates often fail to monitor and evaluate their success or failure once mandated. As an example, some cities have provided new wheelchair accessible taxi permits at a substantially lower cost than standard sedan permits, but have then failed to assess how many actual wheelchair trips are being provided.

Unfortunately, many of the financial costs and benefits associated with these accessible services are not readily known. Through this report, its case examples, and associated cost evaluation software, these costs can be replicated and reasonably determined for each local taxi company or driver. In addition, specific recommendations are provided for local authorities on how to make accessible taxicab services more successful in their community.

Finally, please note that the authors are referring to curb-to-curb wheelchair accessible taxicab services. Users of these accessible taxicabs would utilize these services in much the same way a standard taxicab service is used. They would be transported from one curb (origin) to a destination curb. The driver can assist with the wheelchair device and help the user enter and exit the vehicle. This is not to be confused with non-standard accessible wheelchair taxi service, such as door-through-door paratransit-type services which require additional training and special handling.

## **Taxicab Industry: Size and Structure**

---

There are approximately 171,000 vehicles licensed as taxicabs in the United States. Most of those taxicabs are operated through 6,300 taxicab organizations. These taxicab organizations differ in many ways; how they are organized (privately held companies, driver associations, cooperatives, dispatch centers, etc.), their ability to provide comprehensive, community-wide taxicab service, and the number of taxicabs they operate.

Dependent on the number of taxicabs in operation, one can divide the taxicab companies into subgroups defined as small, medium and large companies. Approximately 63 percent of all taxicab companies are extremely small, operating nine or fewer taxicabs. About 26 percent of taxicab companies are relatively small, operating between 10 and 49 taxicabs. Another five percent are medium-sized companies, operating between 50 and 99 taxicabs. That leaves less than six percent of the taxicab organizations with significantly more resources, enabling those companies to build an infrastructure that supports the operation of 100 or more taxicabs.<sup>2</sup>

Furthermore, company size aside, experiments in relaxed entry regulations, combined with poor regulatory enforcement, have further eroded the ability of the taxicab industry to build a solid infrastructure that would support not only the dispatched taxicab industry, but more specific to this paper, the provision of accessible taxicab service. To provide such quality taxicab service, this infrastructure would include safe and comfortable taxicab vehicles, automated GPS-type dispatch systems with vehicle tracking capability, advanced non-cash fare processing capability, competent/trained taxicab drivers, competent management teams for fleet operations, and a unique taxicab organization brand; i.e. uniform fleet-wide name and color scheme. Without a proper regulatory environment and a solid industry infrastructure, it is almost pointless to discuss placing new, unfunded service mandates on a taxicab industry consisting mainly of very small, independent units which are only loosely associated with a centralized taxi dispatch system.

---

<sup>2</sup> Alfred LaGasse, CEO, TLPA Rockville, Maryland at NYC Taxi Summit, April 2007.

## **Accessibility Costs**

---

There are a limited number of nationally recognized competitors in the wheelchair accessible vehicles conversion market. Among these, the main companies are Liberty Motors, Barnett Mobility, Freedom Motors, and Mobility Works, but there are also smaller companies such as Southern Bus and Mobility, and United Access that are operating in the Midwest. Most companies are offering new and low mileage accessible vehicles, but there is also the possibility of using one's own vehicle with a conversion package on it.

The most popular vehicle for conversion is the Dodge Grand Caravan, because its width and entry height are arguably the best in the category. According to one company spokesperson, a competitor's vehicle height is two inches less than that of the Dodge, which could be a concern if the taxicab is transporting a tall person.

Also, there are two main entry options, the side-entry and the rear-entry. The side-entry consists of a sliding door and a fold-out ramp along with a lowered floor to make entrance for the wheelchair passenger easier. At the rear-entry, the passenger is loaded into the back of the vehicle by means of a ramp, similar to the one that exists in the side-entry conversion. The additional seats can be folded up or down, depending on the needs and the number of passengers riding in the van. Practical problems exist with both alternatives. Some passengers prefer to not be loaded from the rear of the vehicle. Side-loading often requires that the vehicle get close to the curb. Of course, when parking is not available, the vehicle must be loaded and unloaded on the street side. This is not a preferable practice, and it is infinitely more difficult with the side-loading vehicle option.

There are also extra options available, such as an automated system to open the door and unfold the ramp, but these are naturally more expensive, require more maintenance and are subject to breakdown.

## **Procurement Pattern of Taxicab Companies**

The choice of the entrance mode varies from company to company since some drivers prefer the rear-entry and others the side-entry. This is a very subjective choice because neither system has yet been proven to be better than the other.

The choice of the entry mode depends upon the physical area in which the company is operating; some drivers feel there is more space to load and/or unload passengers using a

particular system within their environment. Another element to consider is the time spent helping passengers loading or unloading. Some drivers believe that using one or the other system helps them save time when they are assisting wheelchair users, thereby making them more productive and able to earn more money.

The procurement pattern is very similar for all taxicab companies considering the general purchase of the vehicles. For example, Yellow Cab of San Antonio is buying Dodge Grand Caravans from the factory at a volume discount and then has the conversion performed by one of the major converters. The conversion takes six to eight weeks, according to the General Manager of Yellow Cab of San Antonio.

Other taxi companies buy their vehicles directly from a wheelchair accessible conversion firm. These firms usually hold an inventory of low mileage, already converted vans that are available for purchase. Taxicab companies can browse their inventory in order to find the van they need. This procurement method is the one favored primarily by smaller taxicab companies or independent owner operator drivers.

### **General Insurances Carried**

As is true for any other regular taxicab, cities are requiring insurance for companies willing to operate a wheelchair accessible taxicab service to cover property damage, injury, and liability insurance. The main difference between accessible vehicles and regular taxicabs is the cost of the policies with respect to both property damage and liability. The accessible vehicles are usually newer and more expensive than used sedans and therefore have greater property damage exposure when involved in an accident. Also, rates can be expected to be more due to the fact that proportionally more liability claims are filed by passengers with disabilities and their claims are for higher dollar amounts.

### **Type of Equipment Purchased**

If the taxicab company chooses to or receives a mandate to operate ADA compliant vehicles, they have to purchase special kinds of equipment, usually a van, in order to transport customers who use wheelchairs. Although it is possible to have a wheelchair user riding in a normal sedan taxicab if their wheelchair can fold to fit in the trunk, this method of transport, while perfectly legal, is not ADA-compliant. Therefore, taxicab companies must use a specially

equipped van to meet ADA standards. These vehicles are more spacious and have larger dimensions as specified by the ADA. The conversion package includes other elements as well:

- Special locks to secure the passenger and his/her wheelchair
- A lower floor to make sure that the customers who use wheelchairs can enter the vehicle easily
- A suitable ramp or lift to facilitate the access to the taxicab

### **Accessible Vehicle Costs**

As listed below, accessible vehicle prices are considerably more than the \$5,000, which is typically the amount paid for used police vehicles bought at public auctions. Here are some current price examples for accessibility costs:

- A Dodge Grand Caravan with low mileage (25,000 miles) equipped with a rear entry system ranges in price from \$25,000 to \$35,000
- A brand new Dodge Caravan equipped with a rear or side entry system is sold for around \$46,000 to \$49,000
- A Ford Freestar with a mileage of around 40,000 miles equipped with a rear entry is sold for around \$27,000 to \$30,000
- A conversion package installed on a personally owned vehicle costs around \$11,500 to \$12,590

## **Practical Difficulties**

---

Implementing a good wheelchair accessible curb-to-curb taxicab service in the United States that will serve individuals who use wheelchairs efficiently, is a difficult challenge for regulators and the taxi companies alike. In addition to cost differences in the delivery of accessible taxicab services, there are a number of other issues taxi companies and drivers must deal with.

### **Usability Issue**

Fifty-four million, or 20.6% of the people living in the United States have some level of disability. However, only 1.8 million people (roughly 2.9% of persons with disabilities or well under one percent of the entire US population) use wheelchairs<sup>3</sup>. To put these numbers into perspective, there is one taxicab for every 1,778 people in the United States. If two percent of all taxicabs were ADA compliant, then there would be 3,420 accessible taxis. That equates to one accessible taxi for every 526 persons who use wheelchairs or more than three times the taxi-to-population ratio for the general public. Therefore, the issue of providing curb-to-curb wheelchair accessible service focuses only on this small wheelchair user population. Furthermore, it is not clear how many wheelchair users actually can readily use curb-to-curb taxicab service.

### **Cost Issue**

Another important issue is the additional cost that is generated by the fact that special vehicles must be used to transport certain wheelchair users who need to stay in their wheelchair or scooter. The fixed costs of these vehicles are higher than those of traditional sedan taxicabs because of both their purchase price and the special equipment that must be installed on-board. Also, ADA approved taxicabs are typically newer vehicles. Standard taxi industry procedure is to add used vehicles, which were typically police or other city/state sedans. These vehicles are usually bought at public auctions, sometimes as fleet purchases. The typical cost of such vehicles is in the \$5,000 range with another \$1,000 to \$2,000 in cost for painting and equipping with a "taxi package." This package would involve a taxi meter and other technology for

---

<sup>3</sup> <http://www.udl.com/articles/universal-design-eliminate-the-fear.cfm>

receiving and accepting dispatch calls, payment by credit cards and even turn-by-turn GPS directions.

Furthermore, the operating costs are also higher because wheelchair accessible vans use more gasoline due to the additional weight of the wheelchair lift. Many accessible vans are also built on full-size van chassis with larger engines, requiring greater fuel usage. In addition, these vans may not be able to tolerate the same kind of heavy urban use as a classic sedan. A Ford Crown Victoria or a used police car is outfitted with a heavy suspension system, large engine, etc., while most standard vans are not. Also, annual auto liability insurance on an ADA certified van typically costs approximately \$2,000 more than liability insurance for a sedan taxicab, and can run as high as \$6,000 more per vehicle in some states. The insurance industry representatives indicate that the additional costs result from the higher claims history for wheelchair accessible service, as previously mentioned.

These cost issues are a major reason why many taxi drivers and taxi company officials feel there is a lack of financial incentives provided by cities. Some cities such as New York City, Miami and others, have reserved a certain number of medallions for accessible taxicabs, sold at a discounted price. However, the value of those incentives may be questionable due to the extra costs generated by the use of wheelchair accessible vehicles. Extra fuel may represent a \$25 or more per day additional cost. This is especially true when comparing the fuel use of new vehicles where the choice may be between an accessible van and a more fuel-efficient hybrid vehicle.

Taxi drivers are, for the most part, independent contractors who either own or lease their vehicles from the taxi company. Taxicab companies, therefore, must give these drivers special incentives such as a lower lease rate to have them drive a wheelchair accessible taxicab, since they would derive less income from these vehicles, as well as incur significantly higher operating costs per shift.

A final practical issue is the willingness of independent contract taxicab drivers to actually respond to dispatch calls for ADA service. Unlike working with employees, independent contractors cannot be “scheduled” or controlled. That is, it is up to the drivers if they want to transport an individual – including wheelchair users. Although an accessible vehicle permit can be obtained at a special discount, these vehicles can, are often waiting hours at an airport serving predominantly non-wheelchair customers. This problem, of course, can be partially overcome by



local ordinances requiring ADA compliant vehicles to give priority service to wheelchair users, but enforcement of such ordinances has been a problem.

### **Training Issue**

Taxi companies with wheelchair accessible taxicabs must provide these drivers with adequate training. Training might include how to install and use the specialized equipment, how to tie down the wheelchair, and how to properly assist the wheelchair user. Finally, care of the mobility impaired requires compassion and an attitude of service that is not found in every person. Thus, drivers must volunteer for this type of service.

### **Length of the Trips**

One of the main problems suggested by managers of taxicab companies operating wheelchair accessible vehicles is that the length of the trip performed for wheelchair users is usually shorter than for other individuals. Short trips, such as driving one person to the hospital that is less than five miles from their home and back, are not economically attractive for many taxicab drivers unless the driver is making a large number of these and other trips each shift.

These short trips, and the fact that their gratuity is smaller because of the lower meter fare, are one of the major reasons that taxicab companies have a difficult time convincing their drivers to use wheelchair accessible vehicles, especially when their drivers are independent contractors. However, some taxi companies are making extraordinary efforts to serve the wheelchair user, irrespective of the trip length. These companies attempt to maintain their driver's total income through a lower lease rate or a specific minimum amount of trips per shift. The general manager of Yellow Cab of San Antonio reported that their taxicab company is providing incentives to the drivers to encourage them to use ADA approved taxi vehicles, especially during times of high demand, such as on family-oriented days and holidays. Drivers are offered an additional free lease day when they accept a minimum of six wheelchair trips on those special days. Additional incentives offered by Yellow Cab of San Antonio include discounted daily (\$67 vs. \$73) and weekly (\$214 vs. \$244) lease fees; free Sunday lease for leasing the previous complete week; free lease day for accepting 15 (non-personal) wheelchair trips during the previous week and a free lease day for accepting more wheelchair trips than any other wheelchair driver the previous week.

## Summary

The costs associated with providing curb-to-curb accessible taxicab service can be substantial. As an example, industry experts like Alfred LaGasse, CEO of the Taxicab, Limousine & Paratransit Foundation (TLPA) and researchers involved in this study agree that,

“The lowest expense differential between acquiring and operating a used sedan taxicab and a used, rear entry, ramp minivan is \$21,000 in the first year and \$6,000 each additional year. With these increased costs, assuming a five-year life span for the used wheelchair accessible vehicle, the vehicle requires at least \$10,000 more revenue per year to provide the same net return per vehicle as a sedan taxicab does over five years”<sup>4</sup>.

However, under the ADA, a taxicab company cannot charge a passenger more for providing specialized curb-to-curb wheelchair accessible taxicab service than it can for offering regular sedan taxicab services. In other words, the accessible vehicle takes in no additional revenue unless it is used in contract services, whereby a more equitable rate can be negotiated.

The accessible vehicle used to serve wheelchair users typically brings in less money than the regular trips provided by sedan taxicab vehicles. The driver must engage the lift or ramp operation for boarding, then secure the passenger and wheelchair, then disengage the lift or ramp, and upon arriving at the destination, the driver must reengage the lift or ramp, release the securements, assist the passenger in disembarking, and disengage the lift or ramp. All these actions require a significant amount of the driver’s time. As stated by TLPA’s Alfred LaGasse,

“These time costs result in approximately 20% fewer trips per day for a wheelchair accessible taxicab. The driver’s income gets affected as an effect of time costs, thus producing driver resistance to service such trips. In effect, every unsubsidized accessible trip taken by a taxicab driver results in some revenue lost by the driver and the related taxicab company. When all these amounts are multiplied on a large scale, the effect is a loss of thousands of dollars per year. So, the more unsubsidized wheelchair accessible taxicab service the taxicab industry provides, the greater the losses will be.”

---

<sup>4</sup> Alfred LaGasse, CEO, TLPA, Rockville, Maryland at NYC Taxi Summit, April 2007.

## **COMPETITION FOR SERVICE MARKET**

---

### **Public Transit Competition for Wheelchair Accessible Taxicab Service**

To comply with ADA requirements, most city-owned transport systems in the U.S. are providing their users with public transportation services that meet or exceed those requirements, or at least they are working on meeting them. As previously mentioned, the law requires the provision of ADA complementary paratransit services by public transit to anybody who is eligible and within three-fourths of a mile from either a bus or a rail line.

The market for traditional taxicab service suffers from this competition from other paratransit services that are put into place by cities in an attempt to improve their service for the mobility impaired. As Hal Morgan, Executive Vice-President of TLPF stated, "Anyone who is ADA eligible is not going to pay an \$18 cab fare when he or she can use complimentary paratransit and take the same trip for \$2."

The vast majority of these passengers do not require a wheelchair, but may require some assistance from the driver; a time honored tradition for good drivers in the taxicab industry. Those passengers utilizing a wheelchair were often assisted with a transfer from their chair to the taxi then the wheelchair was folded into the trunk of the taxi. The taxi industry still makes this type of service available to wheelchair users every day in the cities they serve.

The reality is that the market for truly wheelchair accessible taxicabs outside of ADA complementary paratransit service, is very limited and consists mainly of people who are not ADA eligible. There are locations where it is hard to obtain public transportation, such as an airport. Even there, however, the total number of wheelchair accessible trips, as shown by the accompanying survey, is quite small in comparison to the general population.

Another possible taxi market is for those individuals who require immediate transportation in the case of an emergency or after-hours when public transportation may not be operating. However, when a city implements significantly more ADA complementary paratransit service, wheelchair accessible taxicabs trips go down. Public policy that mandates wheelchair accessible taxicabs on the one hand, and then subsidizes the competition for these trips through extensive paratransit subsidies on the other hand, is counter-productive. It is impossible for the private taxicab industry to compete with the publicly financed or ADA complementary paratransit services provided by public transit authorities. It's simply impossible to compete with free or relatively free transportation service.

## **OVERCOMING IMPEDIMENTS TO ACCESSIBLE SERVICE PROVISION**

Implementing a wheelchair accessible taxicab service raises a certain number of challenges. First and most obvious is the cost. Having wheelchair accessible taxicabs that are more expensive to purchase, insure and operate are impossible for unaffiliated single individual permit owners to manage on their own. They must have some form of central dispatch and accountability in order to be effective.

Integrating accessible trips with regular taxi trips efficiently is the desired outcome. Due to the fact that wheelchair accessible taxicabs are more expensive to operate, it is important for companies to have these vehicles performing normal trips when they are not in use by wheelchair users, a topic more fully developed below. Thus, a centralized dispatch system, whether for independent taxi drivers or a full service taxi company, is required because it will enable taxicab companies or a central dispatch operator to monitor the accessible taxicabs and dispatch them as required.

Finally, there is also the issue of competition. It will be difficult for private taxicab companies to operate a viable accessible taxi program if they are competing against highly subsidized public transportation programs. If there is a high level of ridership on either subsidized public transportation or non-profit subsidized services, then the market will be relatively small or non-existent for unsubsidized accessible taxi trips.

### **Integrating Accessible Trips with Regular Taxi Trips**

At issue, is the necessity to limit the idle time of wheelchair accessible vehicles since they are more expensive to operate. The best way to achieve this is to have the drivers carry out non-wheelchair taxi trips as well. It must be stated, though, that wheelchair users must be given the priority over able riders for these specialized vehicles. Therefore, there is a trade-off between the taxicab drivers who are attempting to make money by maximizing the use of their taxicab and the wheelchair users who do not want to wait longer for their ride. In order to reduce this problem, smaller taxicab company officials may want their clients to reserve their ride at least 24-hours in advance. It may even be good public policy to support advanced reservations for wheelchair accessible taxis, because the provision of an advance pick-up notice, when possible, can help to achieve the desired level of service. Under the ADA guidelines, however, the wheelchair user must receive equivalent service if that service is offered, and taxicab companies

are not permitted legally to require advance notice, whereas some public transit and paratransit systems may, and do, require advance notice as a condition of receiving the subsidy for their trips. Of particular concern, this practice of advance notice required by public agencies, could also prevent their wheelchair users from having a secure ride in the case of an emergency. By supporting and subsidizing wheelchair accessible taxicabs, a community may be able to lower its costs of subsidy per trip and achieve a higher, safer level of service at the same time. Taxicab drivers, would like to, but do not require advance notice, for either going to the destination or returning. Unlike on most public transit and paratransit systems, accessible taxicabs also would provide the user with exclusive use of the vehicle. In a taxicab, the individual passenger goes to and from the destination unless group riding is in effect, but even then, due to the capacity of a taxicabs versus that of a cutaway bus, the “group” ride usually means only one or two other individuals.

In communities where there is no major full service taxi company dispatch, a coordinating agency must be established to receive calls for service and contact the nearest wheelchair accessible taxi vehicle. Once a taxi driver has completed a call from this centralized dispatch, they revert to their company dispatch system if there is one. Unless the wheelchair accessible taxi is associated with a full service taxi company, they then work the airport, hotels, other public taxi stands or personals. Unlike taxis in operation with a full service taxi company, these vehicles tend to achieve much lower revenues per hour of service, and are therefore often unable to absorb the increased costs and low utilization associated with a wheelchair accessible taxicab. As previously mentioned, some of these wheelchair accessible taxicab drivers often refuse trips if it would involve significant deadhead (unpaid) mileage for a short trip fare.

Some taxicab companies are operating as partners and are working with the same central dispatch. This type of cooperation is the case for the City of Chicago and its suburbs where the taxicab operators are united under the TAP (Taxi Access Program) which is coordinated by Pace, (Pace is the suburban bus division of the Regional Transportation Authority in the Chicago metropolitan area). Under this program, wheelchair users can call a toll-free number and access the nearest available wheelchair accessible taxicab from one of the companies participating in the program. In another example, starting on November 3, 2008, accessible taxicabs receive priority when being dispatched at JFK Airport. The Port Authority of NY-NJ is sponsoring this

pilot program as an incentive to encourage taxicab drivers to provide service to people with disabilities.

Thanks to the use of a centralized dispatch system, a taxicab company is better able to manage the process of accepting, scheduling, and documenting the rider. Also, with the use of GPS tracking it is possible to monitor where the taxicabs are and to give the customer an accurate estimate of his or her pickup time. These central dispatch systems can be, and typically are, equipped with the electronic means to capture this data. Electronic readouts show that the trip was made using the shortest possible distance and cost to the individual or supporting agency.

### **Full Service Taxi Companies - The Best Integrators**

For provision of wheelchair accessible taxicab services, the benefits of a full service taxi company are quite obvious. Full service taxi companies have sufficient vehicles to service a wide geographic area and provide extensive marketing, training, modern GPS dispatch, corporate vouchers, school trips, special event services, etc.

Denver, Colorado is one city where wheelchair accessible taxicab service is integrated into full service taxi companies. Regulated by the State of Colorado Public Utilities Commission, Denver taxis, like many U.S. city taxis, have never been severely fragmented through open entry taxi deregulation.. Until a couple of months ago, three taxi companies existed to service this large western community and its surrounding area. Two of these firms, Denver Metro Taxi and Denver Yellow Taxi are large full service taxi companies with extensive modern dispatch and marketing efforts. With several hundred taxis, most company-owned, each is fully capable of serving the entire metropolitan area with efficient, relatively quick, on-demand taxi service at all times throughout the day or night. Taxis in Denver are not medallion cabs, so the major capitalization of operations lies in the taxicab companies providing the market opportunities for their independent taxi drivers to serve. Denver Yellow Cab, for instance, has more than twenty different leases for drivers to choose from – one being for a wheelchair accessible vehicle. Drivers can choose to select the lease that best suits their preferences for driving times or market. The lowest lease rate would be an owner operator wishing to serve only the airport, while the highest lease rate would be for a new Prius vehicle with full dispatch services.

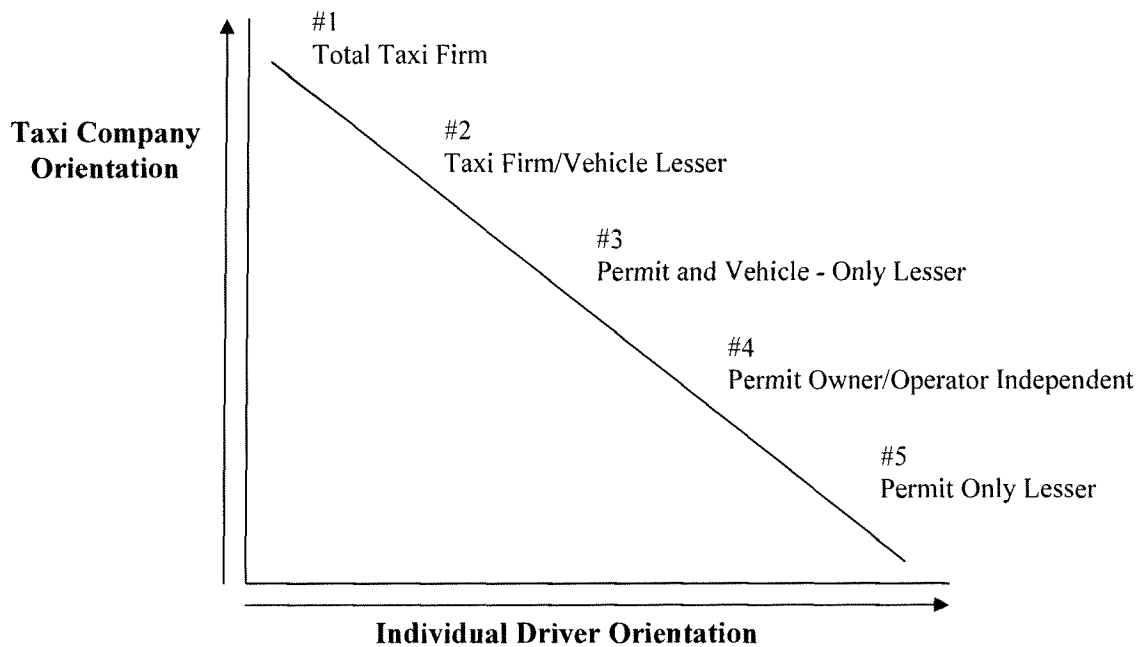
Officials in both of these taxicab companies, valuing their service to the community and in competition with each other, are offering wheelchair services to the community with no advance reservations or other special requirements or fares in addition to their respective contracted wheelchair accessible services. Denver Metro currently has 20 wheelchair accessible vehicles in operation while Denver Yellow Cab utilizes a similar number of these wheelchair accessible taxis. Each company dispatches their own wheelchair accessible vehicles as calls come in. Each will call the other if they are unable to provide service for the caller, but this seldom occurs since their current supply outstrips current demand. This is only possible however, because these full service taxi companies have generated enough regular taxi trips for their drivers that wheelchair accessible trips can be easily integrated into regular trips, making it economical and remunerative for drivers to select these lower lease rate wheelchair accessible vehicles to drive. Only through an integration of some contracted wheelchair services and non-wheelchair trips is this service available to the community without the requirement of a subsidy or other financial assistance. Taxicab companies who are not subsidized in any way can only make this service possible with the presence of healthy full service taxi companies serving the community.

The third taxicab company in Denver, Freedom Cab, was initiated following a lawsuit that had the effect of forcing the PUC to admit at least one other taxi company to the market. Managers with this new company, holding 50 taxi permits at first, and an additional 100 permits through later application, chose not to be a full service taxi company. This company is currently using owner/operators and is serving primarily only the airport and downtown hotel stands. The operation has been unable to provide sufficient internal capital for modern dispatching, marketing, and business development. None of its owner/operator taxi drivers has elected to purchase and operate wheelchair accessible vehicles. There is no way an operation of this type can provide accessible wheelchair service unless there is substantial financial assistance (subsidy) and a centralized dispatch, due to the cost and lack of demand.

As this illustration shows, the type of taxi operations and even individual taxi companies within the community definitely affects the probability of accessible services without the need for subsidizing all wheelchair accessible trips. Within the full service taxi company framework it is definitely possible, as shown in the case of Denver and other cities. However, just as visible is the impossibility of doing so without substantial financial assistance to less than full service

taxi companies. This is especially the case in communities that may have seriously fragmented their local taxicab industry through allowing open entry and/or the development of multiple small taxi companies that are then unable to generate sufficient capital for wheelchair accessible vehicles, modern GPS based dispatching, and extensive market development.

Through the foregoing discussion of practical difficulties, it should be obvious that communities wishing to implement local ADA requirements for taxicab companies can probably only do so if they have full service taxi companies or some form of central dispatching and accounting responsibility. Those communities which regulate the number of taxi companies to only a few full service taxicab companies, and work with companies to not oversupply the community with too many taxicabs, would be in the best position to successfully implement accessible taxicabs throughout their service areas.



**Continuum of Full Service Taxi Companies**

At the top of the above slope, Category #1 represents the total or historical taxi firm. In this category, a taxi firm provides drivers (as employees) significant advertising, comprehensive



computerized radio dispatching, insurance, credit card and corporate voucher processing, and fleet maintained vehicles. Moreover, this type of taxi firm provides for collective agreements with major clients or social service agencies, accepts credit cards with no additional charge, and represents a firm that stands behind its service -- often trying to differentiate its service from the competition. These firms accept all major credit cards, establish voucher systems with hotels and airlines for group rides, and often pre-sell their services to conference and convention groups. Only one major city currently has this type of full service taxicab firm utilizing employee drivers - Las Vegas, Nevada.

Competitive pressures and industry interests pushed for the elimination of drivers as employees in virtually all other major U.S. cities. In their place are the less costly independent contractors or lease drivers (Category #2 in Figure 1). At this level the taxi firm retains all the service and obligations of its former common carrier status, i.e., insurance, vehicle ownership, dispatch, service agreements, etc., but elects to lease or rent its fleet vehicles to independent contractor drivers. These independent drivers then decide whether or not to take dispatched trips as they are presented. As independent drivers, the taxi firm dispatchers may only offer the passenger trip. Usually the dispatch offer for business is taken, but not always. In order to maintain the non-employee status, the taxi firm dispatchers may not order a driver to take any particular call.

This system provides much greater flexibility for the driver to choose his/her own working hours, the taxi stands to frequent, and a greater opportunity to develop personals. There is also an economic gain to the traditional taxi firm to move to Category #2, (e.g. no employee taxes, wages, liability for driver accidents, and less record keeping), but there may be a noticeable loss of managerial control. As stated above, a driver does not have to accept a dispatched call, but rather can elect to wait for a better fare. This is true of drivers of wheelchair accessible taxicabs also. Drivers may choose to go to the airport and wait for more lucrative airport trips rather than serve time-consuming and shorter ADA supported trips. On the other hand, if the city taxi driver permit requires that the drivers do not turn down offered fares (dispatched trips), then the service levels and service management can be maintained. This is especially true when computerized dispatching systems are utilized. Drivers who frequently turn down ADA trips or less desirable fares can be quickly identified in the system's data analysis.

Another level of taxicab firm is represented by Category #3 in Figure 1 -- Permit and Vehicle-Only Lessor. In this scenario, a single individual, acting as a taxi firm, will lease his/her taxicab permit(s) and vehicle(s) with insurance to independent contractor drivers. Such an individual or firm can provide all the dispatching and marketing of a Category #2 firm. Often good taxi cooperatives are managed this way. However, just the opposite could also occur when the taxi company does not provide central dispatching, GPS positioning, data maintenance, and invoicing for ADA and other voucher trips. Some Category #3 firms will do very little to support their taxi fleets other than provide for the use of a taxi permit, the company colors, perhaps insurance, and a general listing in the Yellow Pages local phone book. Today, this is possible because almost all drivers have cell phones for quick connection to other drivers and for use with regular patrons. In summary, this Category #3 taxi firm could offer all the amenities and support of a Category #2 firm but simply chose not to have their own vehicles, and maintenance operations. However, some Category #3 firms would offer no real 24-hour dispatch service, advertising, service contracts, credit card, or voucher support. Thus, they would leave their associated taxis to operate much like Category #4 firms below.

The fourth category on the continuum of taxi firms is that of the single permit owner/operator. In this scenario the holder of the permit is also the driver. This driver typically does not have availability of dispatch and/or service contracts with hotels and is forced to work the public cabstands, primarily the airport, and any "personals" he/she may develop. In this scenario, the taxi driver is an independent driver contracted mainly to the city or airport or both. Thus, the airport or the city becomes the de-facto personnel department for these drivers. The city or airport's responsibility is to screen them (issue a permit), manage their conduct (require that they follow the taxi ordinances), and discipline them when necessary (issues, citations/violations).

Furthest away from the traditional regulated taxi firm is Category #5 -- Permit Only Lessor. In this scenario the holder of city or airport permits simply pays the city an annual fee for the permit privilege and then leases it to the independent taxi driver who must provide his own vehicle, insurance, maintenance, etc. associated with operating a taxicab. Nothing else is provided. In essence, the permit, or in some cities the taxi medallion holder provides no additional economic value to the permit other than to lease it to a city-licensed taxicab driver and inspected vehicle. In this scenario, the city or airport again assumes the role of being the

personnel department for the independent taxicab drivers. In addition, the airport under this scenario also becomes the stand dispatcher for these taxicabs when they operate at the airport.

As shown, this continuum of taxicab firms ranges from the total taxi firm which adds significant economic value to the city's taxicab permit, down to that of a simple permit holder who leases a the taxi permit to the highest bidder. At the high end of this continuum, the total taxi firm is adding significant value to the city permit using their own employees. As we move toward the concept of the independent driver who owns their own vehicle, the city or airport inherits a much greater role in the management of these taxi drivers on a day-to-day basis. For obvious reasons, the probability of a successful community-wide wheelchair accessible program will be significantly greater if the community is dealing with full service taxi firms described as Category #1, Category #2, and certain Category #3 taxi companies.

## **Legal Obligations**

---

Both taxi operators and citizens often ask, “What are typical taxi companies required to do in the way of making their service available to wheelchair users?” The answer is that while the ADA does not require the taxicab industry to operate wheelchair accessible vehicles, it does place some requirements on sedan taxicab operations.

Taxi services must comply with ADA requirements as private companies, primarily engaged in the business of transporting people that provide demand-responsive transportation. Under the law, each taxi service shall ensure that personnel are trained to proficiency. Not only does this relate to the safe operation of vehicles and equipment, drivers must be able to properly assist and treat customers with disabilities in a respectful and courteous way.

Taxi companies and drivers must provide service in a manner that does not discriminate against people with disabilities. Examples of discriminatory service include:

- the company or the driver denying service to individuals with disabilities who can use taxi vehicles
- the company or the driver charging higher fares or fees to passengers with disabilities
- the company or the driver denying a ride to a customer using a service animal
- the driver refusing to assist with stowing wheelchairs or other mobility devices

A taxi service and driver cannot deny a ride to an individual because of his/her disability if he/she is able to use a taxi. If the person is using a wheelchair or other mobility aid that can be stowed in the cab, and the passenger can transfer from a wheelchair to a vehicle seat, the company and the driver must provide service. Neither the company nor the driver can require the passenger to wait for a lift-equipped van. Drivers also cannot refuse to assist with stowing a wheelchair in the trunk, since taxi drivers routinely assist passengers without disabilities with stowing luggage. Drivers cannot charge a higher fee or fare for serving a person with a disability, nor charge a higher fee for stowing a wheelchair. Charging the same fee for stowing a wheelchair as for stowing a suitcase or other items would be proper.

The “Americans with Disabilities Act” applies to paratransit and for-hire transportation services in Section 223 under federal law. For the purposes of Section 202 of ADA and Section #504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), paratransit and other special transportation services must (1) provide transportation comparable to the level of services provided to individuals without disabilities utilizing the system and (2) exhibit comparable

response times as well, while charging the same fare for all customers. Elements of equivalent service include:<sup>5</sup>

- Response time
- Fares
- Geographic area of service
- Hours and days of service
- Availability of information
- Reservations capability
- Any constraints on capacity or service availability
- Restrictions priorities based on trip purpose (if the system is demand responsive)

The ADA does not require 100% fixed route accessibility, but instead requires that the public transit system, including paratransit services, provide the wheelchair user with services that are comparable to the services offered to the non-disabled<sup>6</sup>.

### **ADA Requirements for the Taxicab Industry**

While “automotive body type” taxicabs are exempt, the following are requirements by the Americans with Disabilities Act for ADA compliant vehicles if utilized by taxi companies. These requirements are based on the publication, *The Americans with Disabilities Act and You: Frequently Asked Questions on Taxicab Service*, presented by Easter Seals Project ACTION and the Taxicab, Limousine & Paratransit Association:

- For vehicles *in excess of twenty-two feet in length*, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of a ramp, shall be a minimum of 68 inches.
- For vehicles of *twenty-two feet in length or less*, the overhead clearance between the top of the door opening and the raised lift platform, and the highest point of a ramp, shall be a minimum of 56 inches.
- Accessible taxicabs must have a two-part securement system: (1) to secure the common wheelchair, and (2) a seatbelt and shoulder harness for the customer using a wheelchair. The securement aids should move no more than 2 inches in any direction during normal driving operations. If the vehicle is more than 22 feet in length, then the vehicle must have securement devices for two wheelchairs.

---

<sup>5</sup> *The Americans with Disabilities Act and You: Frequently Asked Questions on Taxicab Service* The Taxicab, Limousine, and Paratransit Association. Retrieved January 15<sup>th</sup>, 2008 from <http://www.TLPF.org/news/adanotice.pdf>

<sup>6</sup> *Case Law: Tandy v. City of Wichita*, 208 F.Supp.2d 1214 (D.Kan. 2002).

- There must be enough room inside the vehicle so the customer using a mobility aide can reach the securement location.
- Side-facing securement is not permitted in vehicles 22 feet or less in length.
- Lift or ramp must be 30 inches minimum and hold a capacity of at least 600 lbs.
- Lift or ramp surfaces, securement locations, and all places where people walk must have continuous and slip-resistant surfaces.
- Ramp slope shall not exceed 1:4 when deployed to ground level.
- There shall be a minimum of 30 inches by 48 inches for a floor clearance area.
- Vehicles 22 feet in length or less must have only forward or rear seating only.
- Ramp stowage should be safe and non-hazardous to people.

The categories of ADA complementary paratransit eligibility mentioned by the ADA are related to the nature of the disability of the person and his or her ability to access the fixed routes transportation system. These following categories are utilized to help analyze the public necessity for accessible taxicabs.

**Category 1:** *"Any individual with a disability who is unable, as the result of a physical or mental impairment (including a vision impairment), and without the assistance of another individual (except the operator of a wheelchair lift or other boarding assistance device), to board, ride, or disembark from any vehicle on the system which is readily accessible to and usable by individuals with disabilities." [37.123(e) (1)]*

This category refers to persons who are totally unable to navigate through the public transportation system because of mental or visual impairment (inability to board the right bus for example), physical disability (inability to stand up in a crowd for instance), and/or wheelchair users that cannot board because of the absence of a lift.

**Category 2:** *"Any individual with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able, with such assistance, to board, ride, and disembark from any vehicle which is readily accessible to and usable by individuals with disabilities if the individual wants to travel on a route of the system during the hours of operation of the system at a time, or within a reasonable period of such time, when such a vehicle is not being used to provide designated public transportation on the route." [37.123(e)(2)]*

This category relates to people who, despite their disability, are able to use the public transportation system provided that it is equipped with devices to make it accessible to them. The people in this category are therefore eligible if the route they intend to use is not fully accessible, even if some other part of the transportation system is accessible.

**Category 3:** *"Any individual with a disability who has a specific impairment-related condition which prevents such individual from traveling to a boarding location or from a disembarking location on such system" [37.123(e) (3)]*

Two important qualifiers to this category are included in the regulations. First, environmental conditions and architectural barriers not under the control of the public entity do not, when considered alone, confer eligibility. If, however, travel to or from a boarding location is prevented when these factors are combined with the person's specific impairment-related condition, paratransit service must be provided. Examples of architectural and environmental factors that, in combination with certain disabilities, could prevent travel include: a lack of curb-cuts, the distance from the stop/station to the trip origin or destination, steep terrain, snow and/or ice, extremes in temperature (hot or cold), major intersections or other difficult to negotiate architectural barriers, temporary construction projects, and severe air pollution

### **Financial Incentives**

In an effort to limit the public sector's cost of implementing ADA paratransit service, various local and state authorities have offered incentives for taxicab owners and companies to add a percentage of ADA approved vehicles to their fleets. Some cities, such as Miami and New York City, have increased the number of taxi medallions, pricing the medallions for accessible taxicabs far less than regular sedan medallions. Miami's regular taxi permit through their annual auction is priced at \$30,000, while wheelchair accessible permits are priced at \$15,000. Once these permits have been in operation for 5 years, owners may sell them on the open market, bringing as much as \$200,000 and more. New York City, which previously issued new wheelchair accessible taxi permits for a 16% discount, have now mandated that these wheelchair accessible taxis may also go to the head of the taxi line at JFK Airport.

In addition, there are two main tax incentives under President Bush's New Freedom Initiative that are available for businesses that comply with ADA requirements. The first one, the

“Architectural/Transportation Tax Deduction,” can be found in Section 190 of the Internal Revenue Code. It is directed toward all passenger transportation businesses with the maximum tax deduction amount at \$15,000 (but it is limited to one vehicle per year). Its purpose is to help companies remove all physical, structural and transportation barriers, i.e. the modification of a vehicle to make it wheelchair accessible.

The second incentive can be found in Section 44 of the Code, “Disabled Access Credit”. This tax credit is aimed at small businesses with less than \$1,000,000 revenue last year and with a workforce fewer or equal to 30 fulltime employees. The credit can be used for most expenses to comply with the ADA, such as the purchase of adaptive equipment or the removal of architectural barriers. The amount of the tax credit can be used to cover 50% of the total eligible excess expenditures by the company in a year, within the boundaries of \$250 and \$10,250, or a maximum deductible amount of \$5,000.



## Current Usage Documentation

---

### Airport Accessible Taxicab Survey Analysis

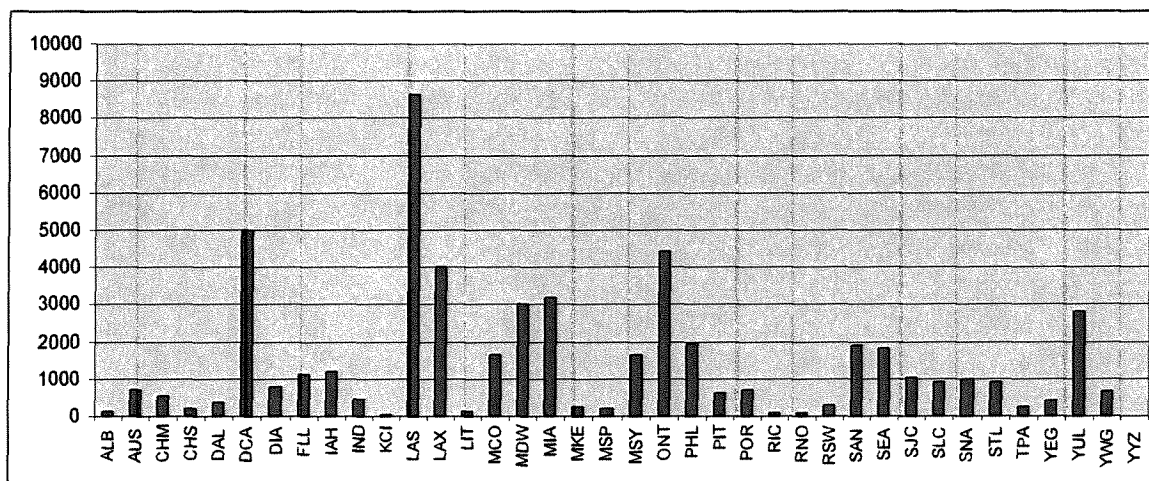
A short survey was sent by e-mail to the top 100 North American airports, primarily to landside managers. The list of contacts, fax and emails was provided by the AGTA (Airport Ground Transportation Association). A few sample questions used in the survey follow.

1. Do you have statistics about the daily, weekly or monthly use of taxicabs at your airport? If yes, please provide the data.
2. Do you dispatch wheelchair accessible vehicle services at your airport? If yes, what kind? If not, what reasons apply?
3. Why do you provide wheelchair accessible vehicle service?
4. Do you have any data about the actual count of wheelchair accessible vehicles used at your airport? If yes, please provide the data?

### Statistical Analysis of the Survey Results

The following is a summary of the statistical analysis results based on the 49 surveys, with a return rate of 50%. Of those the 49 surveys returned, 42 airports were compiling statistics about the utilization of all taxicabs at their airports. There is a wide range in the number of daily trips provided by taxicabs at the airport.

**Daily Usage of Regular Taxicabs at the Airport**



The table below shows data regarding the average number of taxi trips that are dispatched daily at the 49 North American airports surveyed. Out of the 49 airports surveyed, ten airports were unable to provide the data requested for daily taxicab usage.

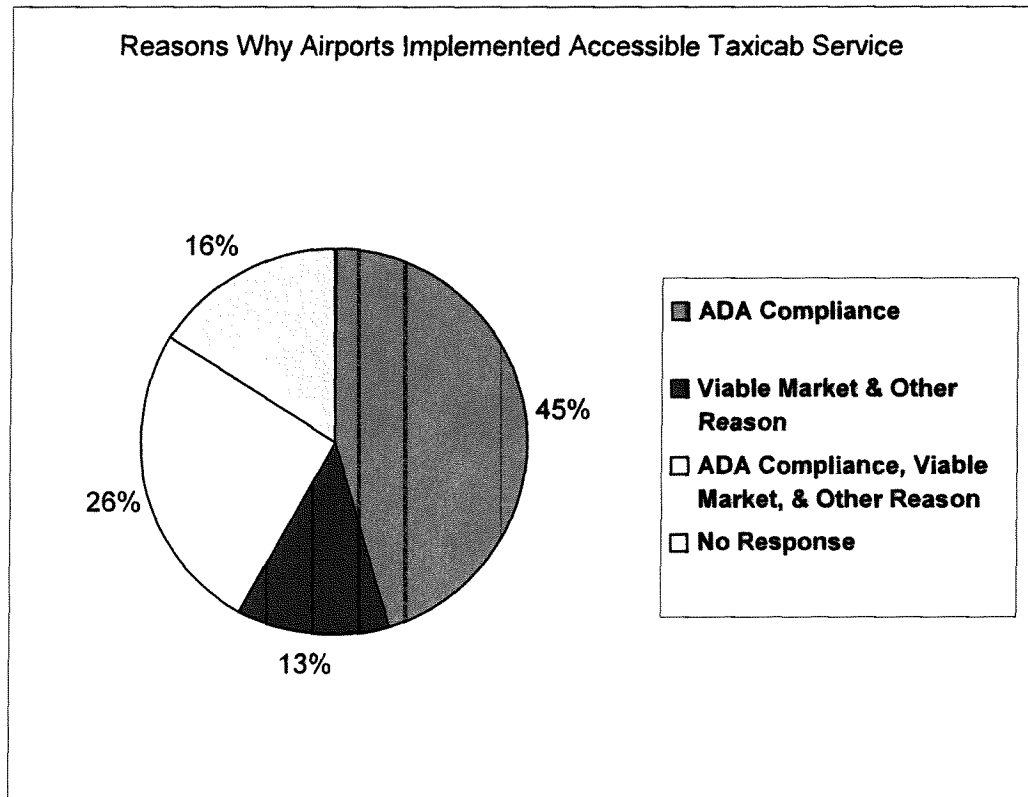
**North American Airports' Number of Daily Taxi Trips Based on Survey**

Airport Code	City	Number of Daily Trips
ABQ	Albuquerque	Unavailable
ALB	Albany	133
ANC	Anchorage	Unavailable
AVL	Asheville	Unavailable
AUS	Austin-Bergstrom	700
CHM	Columbus	550
CHS	Charleston	200
DAL	Dallas	365
DCA	Washington	5000
DIA	Denver	795
DTW	Detroit	Unavailable
FLL	Fort Lauderdale	1100
HNL	Honolulu	Unavailable
HOU	Houston	Unavailable
IAH	Houston	1200
IND	Indianapolis	435
JAN	Jackson	Unavailable
KCI	Kansas City	25
LAS	Los Vegas	8654
LAX	Los Angeles	4000
LIT	Little Rock	105
MCO	Orlando	1640
MDW	Chicago	3023
MEM	Memphis	Unavailable

Airport Code	City	Number of Daily Trips
MIA	Miami	3200
MKE	Milwaukee	262
MSP	Minneapolis	200
MSY	New Orleans	1644
ONT	Ontario	4401
ORF	Miami	Unavailable
PHL	Philadelphia	1950
PIT	Pittsburgh	633
PDX	Portland	720
RIC	Richmond	100
RNO	Reno	66
RSW	Fort Myers	272
SAN	San Diego	1900
SAT	San Antonio	Unavailable
SEA	Seattle	1800
SJC	San Jose	1050
SLC	Salt Lake City	919
SNA	Santa Ana	1000
STL	St Louis	890
TPA	Tampa	250
YEG	Edmonton	400
YUL	Montreal	2800
YWG	Winnipeg	666
YYZ	Toronto	3287

### **Dispatch of wheelchair accessible taxicabs**

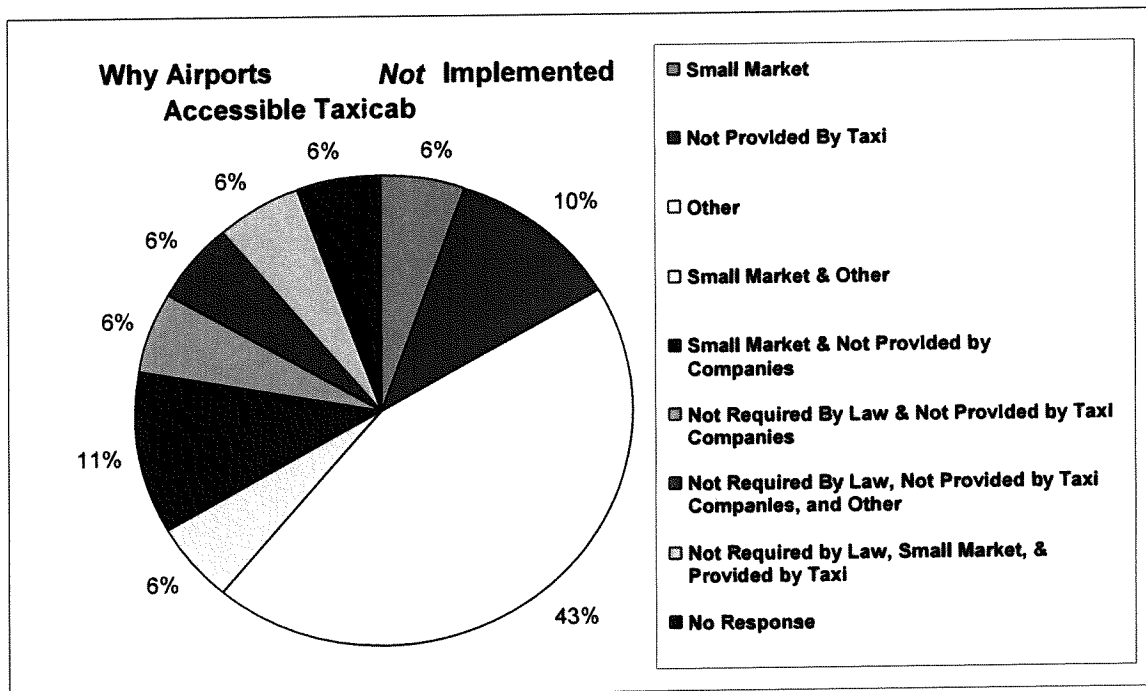
Thirty-two of the 49 airports dispatch wheelchair accessible taxicabs, a figure that represents around 65% of the respondents. This chart illustrates the main reasons stated by the interviewees:



Analyzing other reasons given by airports for why they dispatch wheelchair accessible taxicabs, some managers explained that despite the fact that the demand was low, they are providing wheelchair accessible taxicabs in order to improve their customer service.

### **Non-Dispatch of Wheelchair Accessible Taxicabs**

Among the 49 airports surveyed, 17 were not providing wheelchair accessible taxicab service, representing 34% of the respondents. When asked why they chose not to, respondents stated several reasons, illustrated on this graph.



### Actual Count of Wheelchair Accessible Taxi Use at Airports

Minimal data was available about the actual count of the wheelchair accessible taxi usage at the responding airports. In the end, only nine of the respondents had such data available. While the response rate to this query was low, the range for those who did respond went from a high utilization at one airport of 10 accessible taxi trips per day to a low utilization of only one accessible taxi trip per day at another, representing a current utilization rate of less than 1/10 of 1% of the total taxi trips dispatched by North American airports.

### Airport Accessible Van Demand

More detailed data on wheelchair usage at U.S. airports has been gathered by the SuperShuttle Corporation. As shown by data collected by the country's largest shared ride van company, the actual demand for airport wheelchair accessible vans is relatively low in consideration of the supply currently provided at the airports served by this company. While SuperShuttle officials feel that all ground transportation providers should provide accessible service, they urge caution in requiring more than the market demands due to the real costs involved in equipping a van which wheelchair access and additional operational costs involved with such services.

**SuperShuttle International  
Vehicle Inventory**

City	Vehicles	Accessible Vehicles	% of fleet
Austin	30	2	6.67%
Nashville	20	2	10.00%
Burbank	70	3	4.28%
Baltimore	80	3	3.75%
Washington	125	4	3.20%
Dallas	80	2	2.50%
Denver	75	2	2.67%
Houston	60	2	3.33%
KC	30	2	6.67%
LA	215	6	2.79%
Minneapolis	35	4	11.42%
NYC	125	4	3.20%
Ontario	80	4	5.00%
Phoenix	105	6	5.71%
San Diego	75	2	2.67%
San Francisco	105	4	3.81%
Sacramento	45	3	6.67%
Tampa	60	2	3.33%
<b>Total</b>	<b>1,415</b>	<b>57</b>	<b>4.02%</b>

**SuperShuttle**

**SuperShuttle International  
Reservation Breakdown**

City	<u>Total Res.</u>	<u>ADA Res</u>	<u>% ADA</u>
Austin	7,609	12	0.16%
Nashville	1,054	1	0.09%
Burbank	10,020	26	0.26%
Baltimore	16,164	47	0.29%
Washington	21,419	78	0.36%
Dallas	17,687	45	0.25%
Denver	13,929	34	0.24%
Houston	11,165	20	0.18%
Kansas City	4,870	1	0.02%
Los Angeles	46,211	175	0.38%
Minneapolis	5,183	91	1.76%
NYC	28,313	56	0.20%
Ontario	10,411	47	0.45%
Phoenix	35,466	129	0.36%
San Diego	13,504	101	0.75%
San Francisco	28,311	49	0.17%
Sacramento	7,648	54	0.71%
Tampa	17,977	65	0.38%
<b>Total</b>	<b>296,941</b>	<b>1,031</b>	<b>0.35%</b>

**SuperShuttle**

As shown by these recent airport statistics, the actual ADA wheelchair demand at airports served by SuperShuttle was approximately one third of one percent of its ridership. Alternatively stated, four percent of their fleet had 12 times the capacity presently required by wheelchair users. SuperShuttle did not allow this four percent of their fleet to remain idle they utilized them to transport non-ADA passengers as well. Thus, the extra acquisition and operational costs of a wheelchair accessible van was borne by SuperShuttle and its franchise drivers.

## **Implementation Strategies**

---

There are number of successful implementations strategies for developing the wheelchair accessible taxi market, a few of these are presented below.

### **City of Boston**

The City of Boston currently has 1,640 taxicabs operating within in its metropolitan area. Among these, 2.3% are wheelchair accessible vehicles, representing about 38 accessible taxicabs. According to an interview with a spokesperson with the City of Boston:

- Their evaluation process to see if additional medallions are needed is based on a formula, taking the increase in population and the number of trips provided from the airport into account.
- They meet with wheelchair users twice a year and, so far, those persons are very satisfied with the wheelchair accessible taxicab services provided by the companies.

### **City of Portland**

According to Mr. Dufay, spokesperson for the City of Portland, there are 382 licensed taxicabs currently operating; and of these, 38 (10%) are wheelchair accessible. Portland requires that every company operate at least 20% of their fleet using accessible taxicabs. There is an exception, which is that companies can operate a reduced percentage (10%) if they belong to the Portland Accessible Cab Association (PACA). PACA is an inter-company agreement that requires members to work cooperatively to ensure the best possible service to customers that require an accessible vehicle. All of the Portland companies choose to belong to this association.

In addition to those 38 accessible taxis, Broadway Cab operates 35-40 accessible Specially Attended Transportations (SAT) vehicles. SAT vehicles are permitted by and unique to the City of Portland. They are for-hire vehicles, but are restricted to providing service only to public agencies such as the local transit district, Medicaid brokerage and school districts. While these vehicles are not taxicabs, they do play an important role in keeping the supply and demand for accessible vehicles in balance.

Also, according to Mr. Dufay, it is very difficult to assess whether or not the supply and the demand for wheelchair accessible taxicabs is appropriate. Some representatives from both

sides of this issue are dissatisfied. On-the-one-hand, he meets with people who complain about the lack of consideration from the taxicab companies and about the fact that they have to wait a long time before pick-up. On-the-other-hand, taxicab companies complain about the fact that their wheelchair accessible vans were under-utilized and that the trips provided were too short to provide sufficient profit.

### **City of Houston**

Houston appears to be more advanced when it comes to providing wheelchair accessible taxicab services. Among the 2,245 taxicabs operating within the city, 200 are wheelchair accessible. One hundred-fifty of these vehicles are operated under a paratransit contract from the local transit agency, METRO, and are available only on a limited basis for the general public. However, the remaining 50 accessible taxicabs (2.2%) have been integrated into Houston Yellow Cab's.

Officials of METRO decided to not provide large amounts of publicly operated paratransit transportation, preferring to lower their costs by contracting out this market to private providers, of which there are currently two. In order to help the passengers obtain good wheelchair accessible service, METRO subsidizes every ADA mandated trip at an average of \$20 per trip. Also, Houston Yellow Cab is using current federal tax incentives to assist in the cost of the conversion of their vans in their "on demand" fleet.

According to an official at METRO, the program is successful, and they recently renewed the contract with Houston Yellow Cab. This official further stressed that the population in the Houston area is aging and as a result, they anticipate there will be more demand in the future for wheelchair accessible services.

The experience of Houston Yellow Cab illustrates the fact that such a service is far more likely to be successful if the taxicab company is working as part of the publicly sponsored (subsidized) complementary ADA paratransit program rather than competing with it. With the contract that was awarded to Houston Yellow Cab, the company is enjoying market density since it is, in a practical sense, one of the few options available for "on demand" wheelchair users.



## **City of San Francisco**

In 1978, Luxor Cab of San Francisco implemented a full-service accessible taxicab system through its paratransit program with Caltrans. One of the main reasons Luxor Cab implemented an accessible taxicab service was to fulfill the needs of the wheelchair users in the San Francisco community; the owner was also personally motivated because his mother was disabled.

Currently, there are 47 accessible minivans out of Luxor's 210-taxicab fleet. According to Luxor officials, the customer demand for accessible taxicab service is higher in San Francisco than in other cities. On a daily basis, there are an average 60 to 80 ADA subsidized trips dispatched from Luxor's office, not including personal wheelchair user phone calls for accessible service to taxicab drivers. As a result, Luxor Cab's accessible minivan fleet is larger than that of other taxi companies, so they can cover the demand of the entire San Francisco area. This demand level, however, is only 3 trips per van per day, so these vans must also service non-accessible wheelchair trips in order to be profitable.

Again, a discount is awarded to drivers who operate an accessible taxicab. Most importantly, the City issues paratransit coupon books to wheelchair bound citizens with a face value of \$30, but the citizen only pays four dollars. Based on the service required, the paratransit customer can receive up to \$300 per month in taxi script (paratransit coupons). The City chooses to fund the users, not the service providers. The city then pays the taxicab company when the coupons are submitted. From here, the taxicab company pays its independent contractors for the trips serviced that used the payment coupon.

Although the Luxor Cab has successfully implemented a full-service accessible taxicab system, the company has encountered several problems. For one, maintenance costs for the Dodge and Ford minivans have been quite high. Adding an additional 750-1,000 pounds of equipment for accessible vans adds a lot of strain on the vehicle's transmission, brakes, and other parts as well. On top of that, San Francisco has large hills, further depleting fuel efficiency.

Luxor Cab also converted from side-entry accessible vans to rear-entry accessible vans because many passengers were breaking the van's gate when entering the vehicle. Rear-entry taxicab vans prevent such gate damage, but are troublesome when wheeling a passenger into the vehicle on a large hill, and in terms of unloading and loading passengers, there is a substantially greater time requirement compared to loading regular passengers. Furthermore, Luxor Cab has

found that the life of minivans, based on mileage, is not as long as with regular sedans. To counter these costs, Luxor Cab has strived to maintain high customer demand for the regular taxicab business. They have managed to maintain customers and attract new demand by introducing the latest technology, such as an advanced Global Positioning System (GPS), digital dispatch, and reducing service charges. Many of Luxor's taxicabs provide point-of-pickup to point-of-delivery service, which the public transit system is not designed to provide.

Nevertheless, having a full-service accessible taxicab program comes with other benefits regardless of costs. Luxor officials believe that when they present proposals to public officials, the officials are willing to listen to them because Luxor is considered more credible due to their full-service accessible taxicab program.

In total, there are 1,400 taxicabs in San Francisco and 100 (7.1%) of those are wheelchair accessible.

### **City of San Antonio**

There are a total of 824 taxis, 34 (4.1%) of which are wheelchair accessible in San Antonio. The demand for accessible taxicabs in San Antonio is about 600 to 800 trips per week. To meet this demand, San Antonio Yellow Cab has 25 wheelchair accessible vans out of its 560-taxicab fleet, or 4.5% of the fleet. Currently, Yellow Cab in San Antonio does not utilize any grants or subsidies for implementation but does charge a normal taxi fare.

One problem that Yellow Cab San Antonio is experiencing is the challenge of attracting independent contractor taxicab drivers. To stimulate participation, Yellow Cab has provided incentives. For every 6 accessible trips provided on special family-oriented days and holidays, the driver will receive a free lease day. The conversion cost is about \$9000 per vehicle and includes a fleet discount. When accessible vans are utilized as regular taxis, the van can transport up to four passengers at a time and may often be called when a taxi with larger capacity is requested.

Since Yellow Cab San Antonio is a full service taxi company and has a larger, dominant fleet compared to its competitors, they are able to provide accessible services and absorb the costs.

### **Long Beach “Dial-a-Lift” Program**

One of the best examples of wheelchair accessible taxi service operates in Long Beach, California. Beginning in 1998, Long Beach Transit contracted with Long Beach Yellow Cab to provide paratransit services to eligible program participants using wheelchair-accessible taxicabs, with backup from Long Beach Yellow Cab’s non-accessible taxicab fleet. The wheelchair-accessible minivans used for this purpose are owned by Long Beach Transit and leased to Long Beach Yellow Cab. Long Beach Yellow Cab reimburses Long Beach Transit proportionately for its capital cost of each vehicle based on the percent of non-contract miles driven. Of the 175 taxicabs currently authorized in Long Beach, 15 (8.6%) are wheelchair accessible.

While Long Beach Transit pays Long Beach Yellow Cab considerably less than what it paid to the previous traditional paratransit contractor, it does pay more than the city approved taximeter rate. This difference helps for many different expenses, including the additional expense of maintaining the modified minivans, extra dispatch and training, accounting and administration, and higher levels of insurance required. More importantly, it ensures sufficiency of funds to subsidize drivers who provide service to wheelchair user passengers.

As already recognized in this report, accessible trips are normally short and require more time for passenger loading and unloading, therefore, drivers need incentives to accept those trips. As an incentive, Long Beach Yellow Cab provides a minimum fare guarantee of \$10 for each contracted trip to the drivers. In addition, for accessible trips that are not part of the contract, Long Beach Yellow Cab pays a \$15 subsidy above the taxi fare to the driver. This subsidy compensates the driver for the lost time, extra deadheading, and extra time and work associated with the accessible trips.

The quality of the taxicab company is a key aspect in the success of this program. As the only wheelchair accessible taxicab company licensed in Long Beach, Long Beach Yellow Cab is highly motivated to maintain the highest quality of taxicab service possible, stay ahead of the technology curve, and accept the community responsibility of helping to resolve mobility issues faced by the wheelchair user community.

The result of their program has been positive for both Long Beach Transit and for the Long Beach community. During the first year of its contract with Long Beach Yellow Cab, Long Beach Transit saved over \$600,000 on a \$1,500,000 contract (40% reduction in annual

operating costs) compared to the previous year. Subsequent years have shown similar cost savings. Long Beach Transit estimates an accumulated savings of over \$8,000,000 during the past 10 years. Service efficiency levels and customer quality are higher, with vehicles responding faster and passengers traveling more directly from pick-up to drop-off, avoiding shared circuitous routes necessary on larger vehicles. Most passengers now have essentially private curb-to-curb service. More importantly, as licensed taxicabs, the accessible vehicles are also available for paying non-program participants having similar mobility issues 24-hours/day, 7-days/week; and they are available for regular taxicab trips during other times.

To summarize, the Long Beach Dial-A-Lift program's structure reduces capital and operating costs for the city agency, while providing adequate subsidies to cover the higher maintenance costs and driver incentives, resulting in excellent service response times and quality of service to the passenger.

### **Arlington, VA Case Study**

There are 765 taxicabs in Arlington County, VA and 29 (3.9%) of those are wheelchair accessible. Arlington County, VA is a 26 square mile jurisdiction with a resident population of 207,000 and a workday population of approximately 300,000, located in the core of the Washington, DC metropolitan region (total population 3.5M estimated). It is an urban-suburban community, heavily served by regional transit operated by the Washington Metropolitan Area Transit Authority (WMATA/Metro) with 11 Metrorail stations located within the County and extensive Metrobus service, as well as a County-operated (contracted) intra-county transit service (ART). In addition to WMATA-provided ADA complementary paratransit service (MetroAccess), the County operates its own paratransit system, STAR (So That All May Ride), with a contracted call center (First Transit) and contracted service providers Red Top Cab and Diamond Transportation Service, a local for-profit paratransit provider.

In 1994, with the advent of the ADA, Arlington officials were considering a commitment to the planned MetroAccess system for its local paratransit needs when they were approached by local providers Red Top Cab and Diamond Transportation Service with a proposal to use existing local providers in order to provide flexible, high-quality service, yet cost-effective, service. A plan was put together utilizing the local American Red Cross for call intake and trip

distribution to Red Top and Diamond, and the resulting Arlington Access service began nearly one year before MetroAccess initiated service.

In 1996, Red Top voluntarily introduced wheelchair-accessible taxicab service in Arlington, utilizing special permits authorized by the county for that purpose. This was to allow the Arlington Access program to take advantage of the service flexibility and lower cost structure of taxicab service for wheelchair accessible service without any publicly-funded capital subsidies. All vehicles, including wheelchair-accessible taxicabs, are owned by the providers, so the program (now STAR) only purchases services.

A key component of the STAR program's successful use of accessible taxicabs has been the payment by the county of a \$5 per trip surcharge, or premium, on those trips requiring wheelchair-accessible taxicabs. A \$2 surcharge is paid by STAR for standard taxicab trips. STAR also pays no-show fees of \$10 and \$7, respectively, for accessible and ambulatory dispatched trips. All of these surcharges go to the drivers as incentives for the additional training, time, and work associated with STAR trips. These surcharges have been instrumental in attracting and retaining drivers to participate in the STAR program and the wheelchair accessible service in general.

It should also be noted that Red Top leases its wheelchair-accessible taxis to drivers at a reduced rate compared to conventional taxis in its fleet, for which the company receives no reimbursement. As a result of the success of the STAR program, WMATA's MetroAccess program, for which Red Top is also a contract provider, also agreed to pay per trip incentives to Red Top's drivers. This has provided an overall benefit to the public by promoting the growth of wheelchair-accessible taxicab service with Red Top's fleet now including 23 such vehicles.

In the STAR program, the county has historically maintained that its unit costs through the use of taxicab contractors are less than the cost to the county of transporting Arlington residents via the regional MetroAccess system other than for some interjurisdictional trips that are more cost-effectively served if directed to MetroAccess. Even as budgets have tightened, Red Top has worked with STAR to increase its efficient use of taxis by utilizing ride-sharing strategies that can commingle riders needing accessible service with ambulatory riders.

Key to the success of wheelchair accessible taxis has been the ability of the local jurisdiction to effectively partner with a full service taxicab provider that has been willing to meet community needs by investing capital and other resources on a voluntary basis. In return,

the county has seen the advantages and benefited from its willingness to contract directly with a local taxicab provider. The county also helps to ensure the program's success by providing modest incentives to the taxicab company, in the form of special operating certificates, and to the taxi drivers by paying a reasonable trip premium. The result is not simply more cost-effective local paratransit programs, but more available transportation options for the county's residents and visitors, whether by contract, e.g., with senior centers, or simply by the availability of accessible taxi service to the general public.

## **Taxi Accessibility in Europe**

---

Some of the public pressure for greater taxicab accessibility in the U.S. is coming from proponents who view Europe as being generally more accessible to the mobility impaired. Ireland, with 8% accessible taxicabs, Norway with 10% accessible taxicabs, and the Netherlands at 20% accessible taxicabs, are certainly impressive. However, it can be said that accessibility to taxis, although a much-discussed topic, is not actually widely implemented throughout Europe. The United Kingdom has the highest percentage of accessible taxis in operation, with London at a current rate in excess of 50%, and a decision that all of their fabled Black Cabs will be accessible in the future. According to the April, 2007 issue of *Taxicab*, a publication of TLPA's Taxicab Division, the London taxi industry supported the regulatory change for three key reasons. First, taxicabs provided the majority of wheelchair accessible transportation service for London, which was heavily subsidized at (\$11.5 million US) through a Taxicard program. Second, taxicabs were given access to exclusive bus transit lanes, transit stops and priority access to all locations in the city. And, third a rate increase was given to the taxicab industry to help pay for the new wheelchair accessible vehicle. The two-pronged financial incentive combined with access to express traffic lanes and all pick up and drop off locations in London gave the industry a reason to accept regulatory change. (It should be noted however that London's Black Cabs would not meet ADA's requirements for wheelchair accessible taxicabs). Many other European countries still seem to neglect the problem, however<sup>7</sup>.

A report published in 2007 by the International Road Transportation Union (IRU) and the European Conference of Ministers of Transport (ECMT), deals with the topic of "Improving Access to Taxis." A summary of the main topics and findings of the report follow.

The *IRU* was founded in 1948 and is an organization responsible for maintaining the interests of the road transportation industry all over the world. The IRU's subgroup "Taxis and Hire-Cars with Driver" includes 28 member organizations from 25 countries (including the United States) and is responsible for the representation of the taxi industry within the IRU. This group deals with issues, such as accessibility and the creation of standards for Certificates of Training for taxis with drivers. The *ECMT*, on the other hand, is an inter-governmental organization established in 1953, which comprises 44 European countries as full members, and

---

<sup>7</sup> Economic Aspects of Taxi Accessibility by International Road Transport Unit (IRU), 2001.

seven Associate member countries in other parts of the world, including the United States. The ECMT is a forum of Ministers with responsibilities in the field of inland transportation, which cooperate on policy.

Both organizations have been working in order to improve accessibility to transportation, as they view accessibility as a crucial factor for the provision of high-quality transportation service. But taxi accessibility remains an immense challenge, mostly because of the economic factors and structure of the trade associated with taxi service. Nevertheless, because of the potential importance of taxi service for this customer segment, due to the need for reliable door-to-door service, a focus on this part of the transportation sector is certainly warranted. In 2007, another study was conducted jointly by the IRU and the ECMT on the “Economic Aspects of Taxi Accessibility”. The summarized study at hand builds on this report conducted in 2001.

As mentioned before, taxis are of high value for handicapped people who can afford the service, due to the “individual” nature of the taxi service. Moreover, a study conducted in the 90s in England showed the only mode of transportation where wheelchair users made more journeys than non-disabled was taxi transportation. The ECMT already approved a resolution in 1994, which recommended that taxi manufacturers and designers should address the issue of accessibility in their taxis. But implementation of the resolution has been very slow. Up to date, only one European country has a percentage of more than 20% accessible taxis (and those 20% do not meet ADA standards), while a few countries have less than 10% and most have no accessible taxis. A factor stressing the importance of this issue of accessibility is the fact that the European population is aging and that to date there are an estimated 45 million wheelchair users within the European Union.

### **Taxi Vehicle Design Recommendations**

The design recommendations presented in the report are to be regarded for the medium and longer-term, rather than as suggestions for immediate implementation. There are two recommended design levels. Level One: Wheelchair accessible taxis that are capable of carrying the majority of passengers with wheelchairs or other disabilities; and Level Two: Designed to make use by wheelchair users easier, but can only carry wheelchair users who can transfer to a taxi seat.



The report recommends that in the future, taxi fleets should be composed of both types of taxis. The design recommendations presented in the report include suggested specifications for the door, steps, ramps, and seats, etc, and a comparison is given of current standards in the European countries with the ideal standards laid out in the report. The main finding is that in almost all cases, the actual dimensions fall short of the proposed ones. This emphasizes the point made throughout their report that either new taxi vehicles will have to be designed or a light commercial vehicle with a higher roof line will have to be converted. According to the report, the second recommendation is, in this case, the more viable one due to the high cost of new car development of approximately 148 million Euros.

### **Other Factors to Ensuring Taxi Accessibility**

Although the design of taxis is the main factor ensuring accessibility, other factors should not be forgotten, such as the encouragement of the provision of taxi accessibility, which can be established by regulation and/or financial incentive. The circumstances of the individual country will influence the appropriate option. Infrastructure design is also important, as accessible taxis need enough room to use their ramps at "taxi ranks" (the curb). Last but not least, taxi drivers need training in disability awareness in order to be able to assist people with disabilities, and to be able to use the necessary equipment.

### **Structure of the Trade**

In the European market, the taxi industry is dominated by owner/drivers and small proprietors. Large companies are the exception rather than the rule.

#### **Structure of the European Taxi Industry**

Country	Structure (%)			Vehicles bought by (Independents/Entrepreneurs/ Companies)	% of new vehicles
	Indeps Small	Small Companies	Large Companies		
Austria	50	45	5	Independents	90
Belgium	50	30	20	80% indep. 20% companies	95
Bosnia & Herzegovina	x	x	x	Independents	n/a

<b>Czech Republic</b>	75	20	5	Independents	Mainly second hand
<b>Denmark</b>		n/a		n/a	Mainly new
<b>Finland</b>	98	2		Independents	100
<b>France</b>	90	<10	<1	Independents	Mainly new
<b>Germany</b>	87	13		Entrepreneurs	90
<b>Greece</b>	x	x		Independents	35
<b>Hungary</b>	x	x		Mainly independent	65
<b>Ireland</b>	x			Independents	35
<b>Luxembourg</b>	90	10		Independents	95
<b>Netherlands</b>	x	x	x	Companies that employ drivers	95
<b>Norway</b>	x			Independents	85
<b>Poland</b>	x			Independents	n/a
<b>Portugal</b>	85	15		Independents	n/a
<b>Slovakia</b>	99	1		Independents	30
<b>Spain</b>	x	x		Mainly independent	100
<b>Sweden</b>	x	x		Independents	Almost 100
<b>Ukraine</b>	91	9		Independents	Mostly second-hand
<b>UK</b>	x	x		Mainly independent	n/a

### European Provision of Taxis for Disabled People

The proportion of wheelchair accessible taxis in most European countries is considered by most officials to be low to non-existent, the exception being in the Scandinavian countries, the Netherlands and the UK, which have 10% or more wheelchair accessible taxis. However, European studies are silent as to the actual percentage of wheelchair accessible trips provided by these taxi systems. Also, there is typically no publicly provided alternative to the privately provided taxi service.

### Wheelchair Accessible Taxis in National Taxi Parcs<sup>8</sup>/Fleets

Country	(% wheelchair accessible)
Austria	1
Belgium	5
Bosnia & Herzegovina	0
Czech Republic	0
Denmark	n/a
Finland	15
France	n/a
Germany	1.3-1.4
Greece	0.05
Hungary	n/a
Ireland	8.3
Luxembourg	0
Netherlands	20
Norway	10
Poland	n/a
Portugal	n/a
Slovakia	0.05
Spain	2.15
Sweden	10
Ukraine	0
UK	52

So far, there are relatively few examples of national regulations on the accessibility of taxis. Finland's reform, containing quality requirements was set for 2006. In Austria, a Disability Discrimination Act was implemented on January 1, 2006, requiring that newly purchased goods must comply with the Act and must be accessible for wheelchair users, but owner-drivers can be exempted from this. In Ireland, new regulation was put in place in 2006, and includes training for drivers and better standards for accessibility. In the Netherlands, there are no legal regulations, but technical recommendations were published, while Norway, Portugal, and Spain each have technical specifications for vehicles designed for wheelchair accessibility. In Sweden, national technical regulations exist for accessible multi-purpose vehicles. Regional authorities in Belgium are responsible for taxi regulation, while in the UK the national government is responsible and proposed the introduction of the aforementioned regulation in 2003.

---

<sup>8</sup> 2 Parc - European terminology used to describe the total number of registered vehicles within a certain geographic region

### **Proportion of Wheelchair-Accessible Taxis**

Another issue for consideration was whether the proposed standards for taxis should be applied to all taxis or just a select proportion. Many wheelchair users and people with other handicaps would naturally prefer entire taxi fleets to be accessible, but this is an unreasonable accommodation when observed demand is extremely limited. In general, it can be said the proposed proportion should be dependant to some extent on the structure of the taxi trade and the existing demand in that area. Other conditions influencing demand might be other modes of accessible transportation, tourism density, and the population age structure.

Two general ways of encouragement exist for the provision of accessible taxis, regulation and/or financial incentive. A possible third alternative would be the requirement by local authorities that operators have to provide accessible vehicles as a condition of their general operating authority.

The main conclusion derived from the European report is that a mainstream taxi fleet should include both wheelchair accessible vehicles and other standard vehicles. Regulation of the taxi sector is the responsibility of local authorities, and a number of different policies have been tried in an effort to encourage the introduction of accessible vehicles, such as only issuing new licenses for accessible taxis, or contracts with local authorities to provide service for taking handicapped children to school, etc, but they have found only limited success.

The example provided in the UK, however, shows it is possible that all taxis in an area can be mandated to be accessible, but financial participation by the government is needed to make this possible, suggesting that such support should be granted to those operations that have accessible taxi fleets already.

## Conclusion

---

This report has been a review of the U.S. taxi industry's history and response to individuals with disabilities. As shown, the taxi industry was for many years, the primary on-demand transportation mode for individuals traveling with the aid of a wheelchair and/or other physical and mental impairments. Drivers routinely assisted passengers out of their wheelchair and into the vehicle – stowing the wheelchair in the trunk. The advent of the Americans with Disabilities Act (ADA) in 1990, requiring mass transit systems to provide wheelchair accessible services, however, changed the local dynamic for serving this transportation market. Major new operators entered the wheelchair accessible transportation market – mass transit systems were required to augment their fixed route operations with wheelchair accessible vehicles and provide accessible service to assist individuals to reach these fixed route transit lines. Many transit systems developed these services in-house while a few contracted with private operators, both for-profit and not-for-profit, to provide this service. The major differences were that these vehicles were now fully wheelchair accessible and the fare charged to the passenger was no more than twice the bus fare. Much of the former taxi wheelchair market was now provided by the public sector through substantial subsidies to mass transit systems and/or their accessible service providers. Who would pay \$20.00 to take a cab when public transit service costs the user only \$2.00?

Now, the private taxi market for wheelchair accessible trips is very small – estimated to be approximately 1/3 of 1% of all taxi or airport shuttle van trips taken. Regardless, some communities are requiring that their local taxi operations offer accessible wheelchair service. Some groups would prefer that all taxis be wheelchair accessible at some date in the future. However, as the report details, there are numerous financial and practical difficulties associated with these requests or potential mandates. Most significant are the capital and operating costs associated with accessible wheelchair taxi services. To acquire even used accessible taxicab vehicles typically cost \$20,000 or more than the sedans commonly utilized as taxis in the U.S. and Canada. Accessible vehicle operating costs are higher and their capacity for daily trips is lower due to the time it requires to service the wheelchair accessible client and the short trip nature of this market. Most important for the readers of this report is the simple software application that we have included to show the estimated costs of requiring or adding a number of wheelchair accessible vehicles to an existing fleet. Local taxi operators and officials can easily

calculate the additional estimated costs and, as well, the subsidies that would be necessary for a 2%, 4%, or 100% accessible taxicab fleet. (Appendix A)

While these costs are real and potentially devastating to local taxi companies, there are several positive case examples included in this report that demonstrate that wheelchair accessible taxicab services by full service taxi companies, properly integrated with contracted or other subsidized services, can substantially lower the cost of publicly provided mass transit and other contracted wheelchair accessible services while providing a superior level of service at the same time. Publicly provided door-to-door accessible transit services are typically provided in cutaway buses using advance routing and group riding. Reservations must be made in advance for both the trip to and from the destination, such as a doctor's office or hospital visit. Thus, large amounts of travel and wait time for each user is common.

Utilizing privately accessible taxicabs for passengers capable of using curb-to-curb wheelchair accessible vehicles – both those in wheelchairs and those incapable of walking to the nearest transit stop, will greatly lessen the financial burden upon public transit systems. In some communities, the cost difference between the publicly provided service and the full cost of the integrated accessible taxicab is \$20 per trip. The user benefits greatly by being able to call for a taxi just as any other individual would. The user would be picked up by a private taxi, rather than a large public transit vehicle. The community gains accessible taxicabs within their overall taxi service fleet that may be utilized for non-subsidized wheelchair accessible trips. As the market grows and if the publicly-provided or other subsidized trips are turned over to the privately provided taxi operations, we would expect the presence of wheelchair accessible taxicabs to become much more prevalent.

The final point of the report is that the full potential of wheelchair accessible taxicab service in the United States is possible only through integration with full service taxi companies that possess modern computerized dispatch, tracking, and billing of trips taken by subsidized or publicly provided users. Such accountability, tracking, and billing is greatly enhanced with new, modern taxi dispatch and billing technology not previously available. Properly done (regulations supporting full service taxi companies and appropriate subsidies for accessible taxicab service), these integrated wheelchair accessible taxi services could become the norm in the relatively short period of time of a decade or so.

## References

---

*The Americans with Disabilities Act and You: Frequently Asked Questions on Taxicab Service*  
Taxicab, Limousine, and Paratransit Association. Retrieved January 15<sup>th</sup>, 2008 from  
<http://www.TLPF.org/news/adanotice.pdf>

*The Americans with Disabilities Act*  
"ADA Home Page" Ada.Gov 30 Apr. 2008 <http://www.ada.gov/>

*"Americans with Disabilities Act (ADA) Paratransit Eligibility Manual - Draft."*  
National Transportation Library Sept. 1993. Office of Grants Management  
<http://ntl.bts.gov/DOCS/manual.html>

*"Tax Incentives for Improving Accessibility"*  
Ada.Gov. <http://www.ada.gov/taxpack.htm>

*Improving Access to Taxis*  
International Road Transportation Union (IRU) and the European Conference of  
Ministers of Transport 2007

*Economic Aspects of Taxi Accessibility*  
International Road Transportation Union (IRU) and the European Conference of  
Ministers of Transport (ECMT) 2001

"Barnett Mobility,"  
<http://www.barnettmobility.com/>.

"National Transit Database," Federal Transit Administration  
<http://www.ntdprogram.gov/>

"National Transit Database, Annual databases RY 2007." Federal Transit Administration  
<http://www.ntdprogram.gov/ntdprogram/data.htm>

## Additional Materials

---

Dalton, Dan, and Karen Wolf-Branigin. *Moving Forward Together: a Workbook for Initiating and Increasing Accessible Taxi Services in Your Community*. Washington: Easter Seals Project Action, 2005. This workbook is available upon request at Easter Seals Project Action, 1425 K Street, NW, Suite 200, □ Washington, DC 20005, Phone: (202) 347-3066, Toll-free: (800) 659-6428, Fax: (202) 737-7914, TDD: (202) 347-7385

## **Appendix A**

### **Accessible Taxicab Cost Calculator Software**

# **Accessible Taxicab Project for the Taxicab, Limousine & Paratransit Foundation**

## **Designed and Coded by**

David Long

Under the direction of Dr. Ray Mundy

Center for Transportation Studies

University of Missouri - St. Louis





## **Table of Contents**

	<b>Page no.</b>
<b>1. Preface:</b>	
Overview .....	2
Why use this application? .....	2
Information you need .....	2
<b>2. Cost Clarification for Taximeter Application</b>	
Capital cost .....	4
Insurance cost .....	5
Operating cost .....	5
Depreciation cost .....	5
<b>3. User Directions</b>	
Fill in the costs .....	6
Average annual mileage/kilometer .....	6
Expected useful life .....	7
Fleet size and percent of accessible vehicles .....	7
Getting the results .....	7
<b>4. Understanding the Results</b>	
Total cost .....	9

## **CHAPTER-1: Preface**

### **Overview**

Unfortunately, many proponents of wheelchair accessible taxicab services have little knowledge of the costs associated with providing those services. The Accessible Taxicab Cost Calculator software application is an aid for local regulatory officials, taxi companies, and taxicab drivers in their decision of whether or not to implement accessible taxicab services based on the costs. It is a very distinctive application that will help taxicab companies find quick, accurate, and reliable cost comparisons between their current costs and costs for implementing fully accessible taxicab services.

### **Why use this software application?**

The uniqueness of this application lies in its implementation of an accurate model to incorporate the depreciation, insurance, and operating costs for the taxicab companies. It provides a flexible tool for obtaining fast results for cost calculations. Users can either fill in the series of costs or use the default costs already provided. Using this application, officials of a taxicab company can acquire accurate and reliable cost information to compare and contrast the costs of having a percentage of their fleet as accessible taxis with the costs of a traditional taxi fleet. Besides being reliable and efficient, this application is easy to use and user-friendly. It is simple to understand and does not require any training other than reading the user manual for the first-time user.

### **Information you need**

To find the total cost of integrated accessible taxi fleets, the application asks the user to enter a series of costs. These costs include the purchase price of a vehicle, insurance cost, and operating costs. Additionally, users input the expected procurement costs of selected accessible

vehicles (existing and planned), probable insurance costs, and expected operating cost. The default values are the result of the research of the Center for Transportation research team, and function as general estimates by the user. To get an idea of what it would cost to obtain and operate an accessible taxicab fleet, the user will determine the total fleet size of vehicles and the percent of the total fleet that should be accessible vehicles.

Default values for Canada were calculated by converting the U.S. dollar values to Canadian dollars using the nominal exchange rates published on the Bank of Canada website for 23 Oct 2009 as 1 USD (closing) = 1.0519 CAD.<sup>9</sup> The default operating cost value is an estimation based on the Automobile Allowance Rate published by the Canada Revenue Agency.<sup>10</sup> Insurance rates originate from a report issued by the City of Toronto Municipal Licensing and Standards Division.<sup>11</sup>

---

<sup>9</sup> <http://www1.bank-banque-canada.ca/en/rates/exchange.html>

<sup>10</sup> <http://www.cra-arc.gc.ca/tx/bsnss/tpcs/pyrll/bnfts/tmbl/llwnc/rt-eng.html>

<sup>11</sup> <http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-23256.pdf>

## **CHAPTER-2: Cost Clarification for Taximeter Application**

### **Capital cost**

The purpose of the capital cost entry is to determine the depreciation expense incurred each year.

#### **1. Used sedan capital cost**

This cost represents the current cost to purchase a used sedan and convert it to a taxi. The cost includes painting and equipment such as the two-way communications (radio and/or computer mobile data terminal), meter, and items necessary to convert the vehicle to a taxicab.

#### **2. New accessible taxi capital cost**

This cost is the current rate for purchasing a new van already equipped with a rear or side-entry system.

#### **3. Used van capital cost**

This cost represents an estimate of the cost to purchase a used van that is or will be equipped with a conversion package. The conversion costs may be included in the purchase price of a used van. In the event retrofitting takes place post purchase, enter the costs separately to expense them in the first year (see Retrofit Cost below).

#### **4. Retrofit cost**

In the event that the acquisition of a used van requires subsequent retrofitting to make it an accessible van, this entry allows the user to enter these costs separately if the user would like these costs expensed in the first year. If the used van were already an accessible van prior to purchase, these costs would be included in the purchase price of the used van.

## **Insurance cost**

The insurance cost for all three types of vehicles will vary greatly due to the geographic area. In addition, the accessible vehicles will carry a higher premium due to the specialized equipment installed.

## **Operating cost**

The expectation is that the operating cost will vary between vehicle types. This is primarily due to the higher fuel consumption of vans as compared to sedans. In addition, new vans should get better fuel efficiency over older used vans. Other than fuel consumption, operating cost includes general maintenance and upkeep like oil, tires, and parts for the vehicle as needed.

## **Depreciation cost (U.S.) / Capital Cost Allowance (Canada)**

This cost category includes depreciation expenses, which are expenses incurred as the result of a decrease in value of company owned revenue vehicles due to age, wear, or adverse market conditions. U.S. companies have the option of selecting Straight Line depreciation, Double Declining Balance depreciation or Sum-of-Years depreciation method. The Straight Line method depreciates the capital expense equally spread across the useful life. The Double Declining Balance and Sum-of-Years methods both depreciate an asset's value at an accelerated rate incurring the greatest expense in the first year of operation of the asset with each subsequent year having a lesser amount expensed.

The Capital Cost Allowance (CCA) is used when the country of operation selected is Canada. This method is calculated using the assumption that the asset is expensed using the CCA method described in Publication T4002(E) Rev. 08. Only 50% of the allowable CCA is expensed in the first year. The allowable CCA is determined as 40% of the Undepreciated Capital Cost.

## CHAPTER-3: User Directions

### Step 1: Fill in the costs

The first step is to fill in the cost information. The user fills in the cost information by clicking on the cell and typing in the figure. The figures already present in the fields are the figures researched and updated by the CTS team. The user can use the data that already exists or fill in new data that better represents his/her firm's cost structure.

The user needs to fill in three sets of information: one for the sedan, one for accessible taxis using new vehicles, and one for accessible taxis using used vans. If the user does not have cost information for accessible taxi fleets, he/she can estimate the costs or use the estimated values. Each set of information must be input into the appropriate field.

	Used Sedan	New Accessible Taxi	Used Van
Capital cost per vehicle	\$6,000	\$46,000	\$15,000 ?
Insurance cost per vehicle per year	\$3,000	\$5,000	\$5,000 ?
Operating cost per Mile	\$0.505	\$0.530	\$0.550 ?
Average annual mileage per vehicle per year	55,000	55,000	55,000 ?
Expected useful life of vehicle in years	3	5	3 ?
Current number of vehicles in fleet	100	?	?
Percent of vehicles to be accessible	5%	?	?

	Used Sedan	New Accessible Taxi	Used Van
Capital cost per vehicle	CAD \$6,233	CAD \$47,789	CAD \$15,583 ?
Insurance cost per vehicle per year	CAD \$4,000	CAD \$7,000	CAD \$7,000 ?
Operating cost per Kilometer	CAD \$0.490	CAD \$0.510	CAD \$0.530 ?
Average annual kilometers per vehicle per year	88,514	88,514	88,514 ?
CCA rate	40%	?	?
Current number of vehicles in fleet	100	?	?
Percent of vehicles to be accessible	5%	?	?

(Hover your mouse cursor over the “?” for tips for that row)

### Step 2: Average annual mileage / kilometers

Enter the average mileage/kilometers a single taxi travels in a given year. This number determines the annual operating cost for your fleet.

### **Step 3: Expected useful life (US only)**

The expected useful life calculates the yearly depreciation expense over this period. The values for the used vehicles are variable as long as the number of years does not exceed seven years. The assumption is that no taxi is productive after seven years if it makes it that long. However, the application does calculate the costs for seven years so that after fully depreciated only the operating costs will remain. These costs can be seen in the yearly breakdown report.

### **Step 3: CCA rate (Canada only)**

This value should only need to be changed if Canada modifies the CCA rate for taxis.

### **Step 4: Fleet size and percent of accessible vehicles**

Enter the fleet size and the percent of fleet size to use as accessible vehicles. You may use your existing fleet size to determine the difference in cost between your current operations and the cost you would have if you had accessible vehicles in your existing fleet.

### **Step 5: Depreciation method (US only)**

You are provided with the capability to select the type of depreciation method you wish to use. The three options available for U.S. companies are 1) Straight Line, 2) Double Declining, and 3) Sum of Years. For Canadian companies, the CCA method is used. The current rate of 40% is the default. In the event of future rate changes for taxicabs, this value may be changed.

### **Step 6: Getting the results**

The next two paragraphs describe each of the two forms that you may choose to display on-screen. While each of these gives you the opportunity to print the results, you may also use the **Print Report** button on the main form. When you click **Print Report** button, the two reports shown below are produced in addition to an additional page that prints the values used in the calculations.

\*\*\* Some printers do not print the report pages correctly \*\*\*

There are two types of results that can be obtained. First, when you click the **Display Cost Summary** button, it displays the accumulated costs over the maximum of depreciation years for three different scenarios: using only sedans with no accessible vehicles, combined sedans with new accessible vehicles, and combined sedans with used accessible vehicles. The bottom shows the total additional subsidy required to implement accessible taxis for both new and used scenarios in addition to the average cost per year.

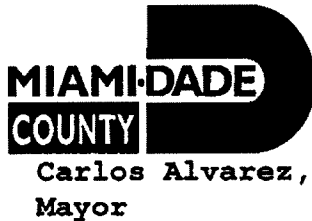
Summary Results		
This report shows the TOTAL accumulated costs over 5 years including depreciation.		
Cost using 100% sedans. (100 regular taxis)	\$15,987,500	
Cost meeting 5% accessible taxi requirement. (5 new vans and 95 regular taxis)	\$16,271,875	
Cost meeting 5% accessible taxi requirement (5 used vans and 95 regular taxis)	\$16,204,375	
Additional subsidy needed to implement an accessible taxi service with a fleet of 100 total vehicles of which 5% are accessible vehicles:		
	Total Cost Differential	Avg Cost per Year
Using new vans:	\$284,375.00	\$56,875.00
Using used vans:	\$216,875.00	\$43,375.00
<div>Print</div> <div>Close</div>		

Summary Results		
This report shows the TOTAL accumulated costs over 7 years including depreciation.		
Cost using 100% sedans. (100 regular taxis)	CAD\$33,604,092	
Cost meeting 5% accessible taxi requirement. (5 new vans and 95 regular taxis)	CAD\$33,963,033	
Cost meeting 5% accessible taxi requirement (5 used vans and 95 regular taxis)	CAD\$33,928,632	
Additional subsidy needed to implement an accessible taxi service with a fleet of 100 total vehicles of which 5% are accessible vehicles:		
	Total Differential	Avg Per Year
Using new vans:	CAD\$358,941.50	CAD\$51,277.36
Using used vans:	CAD\$324,540.60	CAD\$46,362.94
<div>Print</div> <div>Close</div>		

After clicking the **Display Cost Summary** button, the **View Yearly Breakdown** button becomes available. Clicking this button displays four different tables for each group of vehicles (see next page). Each table displays the depreciation and total cost for each year. The first vehicle group is 100% sedans. The other three groups show the vehicles needed to implement accessible taxis. One group is the costs for new accessible taxis. Another group is for the alternative of purchasing used vans that will be converted to accessible taxis. The last group shows the costs for the sedans necessary to complete the total fleet size in addition to the accessible taxis.







Consumer Services Department  
Passenger Transportation Regulatory Division  
140 West Flagler Street, Suite 904  
Miami, Florida 33130-1561  
T 305-375-2460 F 305-372-6321  
consumer@miamidade.gov  
www.miamidade.gov/csd

miamidade.gov

February 19, 2010

TO: Wheelchair Taxicab For-Hire License Holders

Re: Inspection requirements/Radio Dispatching regulations

Dear Valued Customers:

This letter is to invite you to a **mandatory** meeting that will take place on Tuesday, March 16, 2010, at 10:00 a.m. at 140 W. Flagler Street, Room #908, Miami, Florida. The purpose of this meeting is to discuss several issues relating to the important service that you provide as a wheelchair taxicab medallion holder. The following are some of the topics that will be discussed at the meeting:

1. Verifying as part of the vehicle inspection process the ability of the operator to operate the ramp and secure the wheelchair to the vehicle (4 points of securement),
2. Ordinance No. 09-11 (approved on February 17, 2009), which mandates that by June 1, 2010, all wheelchair taxicab medallions shall have a mobile two-way radio or electronic dispatch system, installed and operating properly, that is connected to an subscribed to service with a passenger service company that has a fixed-base call center operated 24 hours a day, 365 days a year, and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation.
3. Interest of WAC medallion holders in joining the ARTS (blue cabs) program.
4. Inclusion on the trip sheet whether or not wheelchair passenger transported.

We look forward to your active participation in this meeting. Should you have any questions, please feel free to contact Raul A. Gonzalez at (305) 375-5801 or by email at [gonzalr@miamidade.gov](mailto:gonzalr@miamidade.gov).

Sincerely,



Cathy Grimes Peel  
Director

c: Cathy Grimes Peel, Director, Consumer Services Department  
Mario Goderich, Deputy Director, Consumer Services Department  
Raul A. Gonzalez, Special Projects Administrator 2

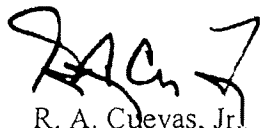


# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: November 20, 2008

FROM:   
R. A. Cuevas, Jr.  
County Attorney

SUBJECT: Agenda Item No. 4(F)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☒ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

2

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4 (F)  
11-20-08

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO VEHICLES FOR-HIRE;  
AMENDING CHAPTER 31, ARTICLE II OF THE CODE OF  
MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT  
WHEELCHAIR ACCESSIBLE TAXICABS SERVING  
DESIGNATED AREAS MAY OPERATE COUNTYWIDE  
WITH CERTAIN EXCEPTIONS; REQUIRING THAT  
ACCESSIBLE TAXICABS UTILIZE SPECIFIED DISPATCH  
SYSTEM WITHIN SPECIFIED TIME PERIOD; PROVIDING  
SEVERABILITY, INCLUSION IN THE CODE, AND AN  
EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-  
DADE COUNTY, FLORIDA:

**Section 1.** Chapter 31, Article II of the Code of Miami-Dade County, Florida, is  
hereby amended to read as follows:<sup>1</sup>

**Chapter 31**

**VEHICLES FOR HIRE**

\* \* \*

**ARTICLE II.**

**LICENSING AND REGULATION OF  
FOR-HIRE MOTOR VEHICLES**

\* \* \*

---

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

**Sec. 31-82. For-hire licenses.**

\* \* \*

- (l) In order to assure the development and maintenance of adequate wheelchair accessible taxicab service, Miami-Dade County shall strive to ensure that at least three (3) percent of the total number of for-hire taxicab licenses are operated using accessible vehicles by December 31, 2006.
- (1) The director, by administrative decision, may require that at least fifty percent of for-hire vehicles authorized to operate under a for-hire license initially issued pursuant to sections 31-82(o)(1) and 31-82(p) after the effective date of this ordinance must be accessible vehicles. All for-hire taxicab licenses issued pursuant to this subsection (1) shall be selected first in each lottery.
- (2) Licenses to be operated using accessible vehicles pursuant to 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) shall be issued upon payment of an amount that is \$10,000 less than the amounts stated in sections 31-82(m), 31-93(c)(2), or 31-93(d), respectively, or \$5,000, whichever amount is greater, payable in full within one hundred and twenty (120) days after each lottery.
- (3) It shall be a condition of all for-hire taxicab licenses that are required to operate using accessible vehicles pursuant to sections 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) that the vehicle operated under the authority of such license shall always be an accessible vehicle.
- (4) Notwithstanding any provision to the contrary, all for-hire taxicab licenses ordered by the director to operate using accessible vehicles pursuant to sections 31-82(l)(1) or 31-82(o)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than five (5) model years of age. Any vehicle over ten (10) years of age shall not be operated as a taxicab.

>>(5) Notwithstanding any provision to the contrary, each for-hire license holder who has been issued a for-hire taxicab license which is required to be operated using an accessible vehicle pursuant to section 31-82(o)(2) or 31-82(o)(3) may convert that for-hire license into a license which may, except as provided herein, operate countywide upon payment of \$10,000 to the County by April 1, 2009. Notwithstanding the foregoing, a for-hire license which has been converted into a for-hire license authorized to provide countywide service, as provided for in this subsection, shall be prohibited from providing transportation of persons and their baggage from Miami International Airport.

(6) Notwithstanding any provision to the contrary, all for-hire taxicab licenses that are required to operate using accessible vehicles pursuant to sections 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) shall, by June 1, 2010, have a mobile two-way radio or electronic dispatch system, installed and operating properly, that is connected to and subscribed to service with a passenger service company that has a fixed-base call center operated twenty-four (24) hours a day, three hundred and sixty-five (365) days a year, and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for-hire transportation to a passenger. <<

(m) All new taxicab for-hire licenses issued after the effective date of this ordinance shall be issued pursuant to a medallion system. Such licenses shall be issued upon payment of twenty-five thousand dollars (\$25,000), payable in full within one hundred and twenty (120) days after lottery and only to such drivers who have had a Miami-Dade County taxicab chauffeur's registration for the previous five (5) years in good standing and satisfy the criteria stated in section 31-82(c). A sixty-day extension may be granted by the CSD Director provided good cause be shown.

\*

\*

\*

5

>>(5) Notwithstanding any provision to the contrary, each for-hire license holder who has been issued a for-hire taxicab license which is required to be operated using an accessible vehicle pursuant to section 31-82(o)(2) or 31-82(o)(3) may convert that for-hire license into a license which may, except as provided herein, operate countywide upon payment of \$10,000 to the County by April 1, 2009. Notwithstanding the foregoing, a for-hire license which has been converted into a for-hire license authorized to provide countywide service, as provided for in this subsection, shall be prohibited from providing transportation of persons and their baggage from Miami International Airport.

(6) Notwithstanding any provision to the contrary, all for-hire taxicab licenses that are required to operate using accessible vehicles pursuant to sections 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) shall, by June 1, 2010, have a mobile two-way radio or electronic dispatch system, installed and operating properly, that is connected to and subscribed to service with a passenger service company that has a fixed-base call center operated twenty-four (24) hours a day, three hundred and sixty-five (365) days a year, and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for-hire transportation to a passenger. <<

(m) All new taxicab for-hire licenses issued after the effective date of this ordinance shall be issued pursuant to a medallion system. Such licenses shall be issued upon payment of twenty-five thousand dollars (\$25,000), payable in full within one hundred and twenty (120) days after lottery and only to such drivers who have had a Miami-Dade County taxicab chauffeur's registration for the previous five (5) years in good standing and satisfy the criteria stated in section 31-82(c). A sixty-day extension may be granted by the CSD Director provided good cause be shown.

\*

\*

\*

5

>>(5) Notwithstanding any provision to the contrary, each for-hire license holder who has been issued a for-hire license which is required to be operated using an accessible vehicle pursuant to section 31-82(o)(2) or 31-82(o)(3) may convert that for-hire license into a license which may, except as provided herein, operate countywide upon payment of \$10,000 to the County by July 1, 2009. For-hire licenses which are converted as provided in this subsection may not be placed into service prior to July 1, 2009. Notwithstanding the foregoing, a for-hire license which has been converted into a for-hire license authorized to provide countywide service, as provided for in this subsection, shall be prohibited from providing transportation of persons and their baggage from Miami International Airport.

(6) Notwithstanding any provision to the contrary, all for-hire taxicab licenses that are required to operate using accessible vehicles pursuant to sections 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) shall, by June 1, 2010, have a mobile two-way radio or electronic dispatch system, installed and operating properly, that is connected to and subscribed to service with a passenger service company that has a fixed-base call center operated twenty-four (24) hours a day, three hundred and sixty-five (365) days a year, and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for-hire transportation to a passenger.<<

- (m) All new taxicab for-hire licenses issued after the effective date of this ordinance shall be issued pursuant to a medallion system. Such licenses shall be issued upon payment of twenty-five thousand dollars (\$25,000), payable in full within one hundred and twenty (120) days after lottery and only to such drivers who have had a Miami-Dade County taxicab chauffeur's registration for the previous five (5) years in good standing and satisfy the criteria stated in section 31-82(c). A sixty-day extension may be granted by the CSD Director provided good cause be shown.

\* \* \*



Avenue, north along 47<sup>th</sup> Avenue to N.W.  
215<sup>th</sup> Street.

For purposes of this subsection, an "underserved area taxicab" means a taxicab where: (a) the for-hire license holder has entered into a passenger service company agreement with a passenger service company that has its principal place of business within the underserved taxicab service area; (b) an average minimum of seventy-five (75) percent of all pickups by the taxicab during each twenty-four hour period originate in the underserved taxicab service area; and (c) the for-hire license holder has applied for and been designated by the Director of CSD as an underserved area taxicab. Any for-hire license holder who seeks to be designated as an underserved area taxicab shall complete and submit a form provided by CSD documenting compliance with the provisions of this subsection for the three-month period preceding submission of the application. Each for-hire license holder authorized to operate as an underserved area taxicab shall on a semiannual basis submit on a form provided by CSD documentation demonstrating continuing compliance with the requirements of this subsection. Failure of the underserved area taxicab for-hire license holder to comply with any of the provisions of this subsection shall result in the suspension or revocation of authorization to operate as an underserved area taxicab. All taxicabs operated pursuant to this subsection that were, as of March 14, 2007, equipped with a properly installed and operating two-way dispatch system shall continue to utilize and maintain the two-way dispatch system which shall be operated twenty-four hours a day.

- (2) Underserved area for-hire taxicab licenses shall be issued through a separate lottery pursuant to Section 31-82(o)(3) to qualified chauffeurs who satisfy the criteria of Section 31-82 (q) and enter into a binding agreement with the County that contains, among others, the following provisions: (i) the chauffeur is restricted to picking up passengers in an underserved taxicab service area only; and (ii) the chauffeur shall enter into a passenger service

7

place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for veterans of the United States Armed Forces or drivers who have been a Miami-Dade County chauffeur for twenty (20) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who satisfy the requirements of Section 31-82(q). When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for twenty-five (25) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who have been Miami-Dade County chauffeurs for twenty (20) years.

- (2) In addition to the for-hire licenses authorized by the preceding subsection, an additional seven (7) South Miami-Dade taxicab service area for-hire taxicab licenses shall be issued in 2004, 2005 and 2006, pursuant to Section 31-93(d) utilizing the criteria and procedure provided in Section 31-82. One of the for hire taxicab licenses issued pursuant to this subsection (o)(2) shall be operated using an accessible vehicle. Three (3) of the seven (7) for hire licenses issued pursuant to this subsection shall be issued as follows: one (1) of the seven (7) for-hire licenses to be issued shall be issued through a separate lottery to a veteran of the United States Armed Forces who has been honorably discharged and satisfies all the requirements of this chapter; one (1) of the for-hire licenses shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for twenty (20) or more years and satisfies all the requirements of this chapter; and one (1) of the for-hire licenses shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for twenty-five (25) or more years and satisfies all of the requirements of this chapter. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty (20) years is

more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery of chauffeurs who are veterans of the United States Armed Forces who have been honorably discharged is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty-five (25) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for veterans of the United States Armed Forces or drivers who have been a Miami-Dade County chauffeur for twenty (20) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who satisfy the requirements of Section 31-82(q). When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for twenty-five (25) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who have been Miami-Dade County chauffeurs for twenty (20) years.

- (3) In addition to the for-hire licenses authorized by the preceding subsections, an additional six (6) for-hire taxicab licenses shall be issued in 2004, 2005 and 2006, pursuant to Section 31-93(c), utilizing the criteria and procedure provided in Section 31-82. Two (2) of the for-hire taxicab licenses issued pursuant to this subsection (o)(3) shall be operated using an accessible vehicle. One (1) of the six (6)

for-hire licenses issued pursuant to this subsection shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for twenty-five (25) or more years and satisfies all of the requirements of this chapter. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty-five (25) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for twenty-five (25) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who meet the requirements of Section 31-82(q).

\* \* \*

**Sec. 31-93. Special provisions.**

\* \* \*

- (b) Any taxicab licensed pursuant to Section 31-82 of this article and meeting all standards set forth in Section 31-89 of this article shall be authorized to provide transportation of persons and their baggage from Miami International Airport and from the Port of Miami upon compliance with reasonable and nondiscriminatory terms, conditions and fees, as established by the County Manager. The transportation of persons and baggage from Miami International Airport or from the Port of Miami shall constitute an agreement by the operator that he will conform and cause the chauffeur driving such taxicab to conform to such terms, conditions, and fees.
- (c) Underserved taxicab service area.
  - (1) An underserved taxicab service area is hereby established. For purposes of this subsection, an "underserved taxicab service area" means the

economically disadvantaged area in Miami-Dade County that is bounded as follows:

1. on the north by a line commencing at N.W. 47<sup>th</sup> Avenue and N.W. 215<sup>th</sup> Street running east to N.E. 2<sup>nd</sup> Avenue;
2. on the east by a line commencing at N.W. 215<sup>th</sup> Street and running north to south along N.E. 2<sup>nd</sup> Avenue to N.W. 7<sup>th</sup> Street;
3. on the south by a line commencing at N.E. 2<sup>nd</sup> Avenue and running west along 7<sup>th</sup> Street to N.W. 42<sup>nd</sup> Avenue; and
4. on the west by a line commencing at N.W. 7<sup>th</sup> Street and N.W. 42<sup>nd</sup> Avenue north to N.W. 119<sup>th</sup> Street, west along N.W. 119<sup>th</sup> Street to N.W. 47<sup>th</sup> Avenue, north along 47<sup>th</sup> Avenue to N.W. 135<sup>th</sup> Street, west along 135<sup>th</sup> Street to N.W. 57<sup>th</sup> Avenue, north along 57<sup>th</sup> Avenue to N.W. 167<sup>th</sup> Street, east along N.W. 167<sup>th</sup> Street to N.W. 47<sup>th</sup> Avenue, north along 47<sup>th</sup> Avenue to N.W. 215<sup>th</sup> Street.

For purposes of this subsection, an "underserved area taxicab" means a taxicab where: (a) the for-hire license holder has entered into a passenger service company agreement with a passenger service company that has its principal place of business within the underserved taxicab service area; (b) an average minimum of seventy-five (75) percent of all pickups by the taxicab during each twenty-four hour period originate in the underserved taxicab service area; and (c) the for-hire license holder has applied for and been designated by the Director of CSD as an underserved area taxicab. Any for-hire license holder who seeks to be designated as an underserved area taxicab shall complete and submit a form provided by CSD documenting compliance with the provisions of this subsection for the three-month period preceding submission of the application. Each for-hire license holder authorized to operate as an underserved area taxicab shall on a semiannual basis submit on a form provided by

CSD documentation demonstrating continuing compliance with the requirements of this subsection. Failure of the underserved area taxicab for-hire license holder to comply with any of the provisions of this subsection shall result in the suspension or revocation of authorization to operate as an underserved area taxicab. All taxicabs operated pursuant to this subsection that were, as of March 14, 2007, equipped with a properly installed and operating two-way dispatch system shall continue to utilize and maintain the two-way dispatch system which shall be operated twenty-four hours a day.

- (2) Underserved area for-hire taxicab licenses shall be issued through a separate lottery pursuant to Section 31-82(o)(3) to qualified chauffeurs who satisfy the criteria of Section 31-82 (q) and enter into a binding agreement with the County that contains, among others, the following provisions: (i) the chauffeur is restricted to picking up passengers in an underserved taxicab service area only; and (ii) the chauffeur shall enter into a passenger service company agreement with a passenger service company which has its principal place of business in an underserved taxicab service area. Any chauffeur issued a for-hire taxicab license pursuant to this subsection shall not transfer the taxicab license during the time periods specified in Section 31-82(q) of the Code. Any transfer of an underserved taxicab license shall only be made to a qualified chauffeur who meets the requirements of this subsection. The price for an underserved taxicab area for-hire license issued pursuant to a lottery shall be fifteen thousand dollars (\$15,000.00).
- (3) Notwithstanding any provision to the contrary, a taxicab that satisfies the requirements of either subsection (c)(1) or (c)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than eight (8) model years of age. Any vehicle over ten (10) years of age shall not be operated as a taxicab.

- (4) Notwithstanding any provision to the contrary, a taxicab that satisfies the requirements of either subsection (c)(1) or (c)(2) may utilize a color scheme approved by the Director of CSD which does not satisfy the requirements of Section 31-85(a) pertaining to uniform color scheme.
- (d) South Miami-Dade taxicab service area. A South Miami-Dade taxicab service area is hereby established. For purposes of this subsection, the South Miami-Dade taxicab service area means the area located south of S.W. 88 Street. South Miami-Dade taxicab service area, seven (7) additional for-hire taxicab licenses shall be issued through a separate lottery, pursuant to Section 31-82(o)(2), to qualified chauffeurs who satisfy the criteria of Section 31-82(q) and enter into a binding agreement with the County that the chauffeur is restricted to picking up passengers in the South Miami-Dade taxicab service area only. Any chauffeur issued a for-hire taxicab license pursuant to this subsection shall not transfer the taxicab license during the time periods specified in section 31-82(q) of this Code. Any transfer of a South Miami-Dade taxicab service area license shall only be made to a qualified chauffeur who meets the requirements of this subsection. The price for a South Miami-Dade taxicab service area for-hire license issued pursuant to a lottery shall be fifteen thousand dollars (\$15,000). All taxicabs operated pursuant to this subsection that were, as of March 14, 2007, equipped with a properly installed and operating two-way dispatch system shall continue to utilize and maintain the two-way dispatch system which shall be operated twenty-four hours a day.

**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

RAC

Prepared by:

GKS

Gerald K. Sanchez

Prime Sponsor: Commissioner Audrey M. Edmonson





## MEMORANDUM

Agenda Item No. 7(A)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** February 17, 2009

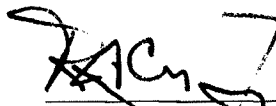
**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance relating to vehicles  
for-hire; amending Chapter 31  
of the Code of Miami-Dade  
County, providing that  
wheelchair accessible taxicabs  
serving designated areas may  
operate countywide with  
certain exceptions requiring  
that accessible taxicabs utilize  
specified dispatch system

---

**This ordinance was amended by the Economic Development and Human Services Committee to provide that wheelchair accessible taxicabs which are converted to provide countywide service may not be placed into service prior to July 1, 2009.**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/cp

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** February 17, 2009  
**To:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners  
**From:** George M. Bridges  
County Manager  
**Subject:** Ordinance relating to vehicles for-hire

---

The ordinance relating vehicles for-hire may have a positive fiscal impact of up to \$90,000 as there are nine taxicabs associated with the north and south Miami-Dade service areas that would be eligible to convert to countywide operations.

  
\_\_\_\_\_  
Susanne M. Forriente  
Assistant County Manager

fts01109

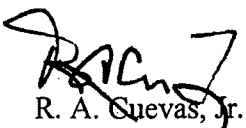


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss  
and Members, Board of County Commissioners

**DATE:** February 17, 2009

**FROM:**   
R. A. Guevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 7(A)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Mayor's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(A)  
2-17-09

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO VEHICLES FOR-HIRE;  
AMENDING CHAPTER 31, ARTICLE II OF THE CODE OF  
MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT  
WHEELCHAIR ACCESSIBLE TAXICABS SERVING  
DESIGNATED AREAS MAY OPERATE COUNTYWIDE  
WITH CERTAIN EXCEPTIONS; REQUIRING THAT  
ACCESSIBLE TAXICABS UTILIZE SPECIFIED DISPATCH  
SYSTEM WITHIN SPECIFIED TIME PERIOD; PROVIDING  
SEVERABILITY, INCLUSION IN THE CODE, AND AN  
EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Chapter 31, Article II of the Code of Miami-Dade County, Florida, is  
hereby amended to read as follows:<sup>1</sup>

**Chapter 31**

**VEHICLES FOR HIRE**

\* \* \*

**ARTICLE II.**

**LICENSING AND REGULATION OF  
FOR-HIRE MOTOR VEHICLES**

\* \* \*

---

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

**Sec. 31-82. For-hire licenses.**

\* \* \*

- (l) In order to assure the development and maintenance of adequate wheelchair accessible taxicab service, Miami-Dade County shall strive to ensure that at least three (3) percent of the total number of for-hire taxicab licenses are operated using accessible vehicles by December 31, 2006.
- (1) The director, by administrative decision, may require that at least fifty percent of for-hire vehicles authorized to operate under a for-hire license initially issued pursuant to sections 31-82(o)(1) and 31-82(p) after the effective date of this ordinance must be accessible vehicles. All for-hire taxicab licenses issued pursuant to this subsection (1) shall be selected first in each lottery.
- (2) Licenses to be operated using accessible vehicles pursuant to 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) shall be issued upon payment of an amount that is \$10,000 less than the amounts stated in sections 31-82(m), 31-93(c)(2), or 31-93(d), respectively, or \$5,000, whichever amount is greater, payable in full within one hundred and twenty (120) days after each lottery.
- (3) It shall be a condition of all for-hire taxicab licenses that are required to operate using accessible vehicles pursuant to sections 31-82(l)(1), 31-82(o)(1), 31-82(o)(2), or 31-82(o)(3) that the vehicle operated under the authority of such license shall always be an accessible vehicle.
- (4) Notwithstanding any provision to the contrary, all for-hire taxicab licenses ordered by the director to operate using accessible vehicles pursuant to sections 31-82(l)(1) or 31-82(o)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall be no greater than five (5) model years of age. Any vehicle over ten (10) years of age shall not be operated as a taxicab.

January 18, 2012

The Honorable Dean Cannon, Speaker  
Florida House of Representatives  
420 The Capitol  
402 S. Monroe Street  
Tallahassee, FL 32399-1300

Mike Haridopolos  
President of the Florida State Senate  
409 The Capitol  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

Re: Opposition to House Bill 1201 / Senate Bill 1392  
Subject: An Act Relating to Transportation Accessibility  
Involving Taxicabs, Department of Transportation  
Rules and Medicaid Transportation

Gentlemen:

I write you in opposition to House Bill 1201 and Senate Bill 1392. As President of Yellow Cab of Tampa, we operate under the regulatory guidance of the Hillsborough County Public Transportation Commission ("Commission"). While we operate in excess of 200 permitted taxicabs, we also operate a separate fleet of wheelchair/stretchers-type vehicles that are regulated as "handicabs." These handicabs are fully accessible vehicles. In addition, a portion of our regular demand taxi service also are fully wheelchair accessible taxis. Our taxicab fleet has 11 such taxicab vehicles, in addition to those handicabs previously referenced. Our demand taxi service fleet of 11 accessible taxis, however, is grossly under-utilized with present demand. For example, while we have these 11 vehicles available 24 hours a day, 7 days a week, we are averaging only about seven calls per day for wheelchair taxi service. This, of course, could be handled by one such vehicle as the unit hourly utilization rate for the seven calls per day that we are receiving is extremely low. This analysis is buttressed by the fact that the Commission has not received any complaints concerning the availability of wheelchair accessible vehicles.

Our experience is mirrored by other providers in the marketplace. Specifically, Gulf Coast Transportation, Inc. d/b/a United Cab is another large taxi service provider in Hillsborough County, Florida. They have seven accessible taxis; however, they are only averaging one call per day for these seven vehicles. Again, this is direct evidence that the market simply will not support additional wheelchair accessible vans.

In Hillsborough County there are a total of 633 permitted taxicabs. In addition there are 82 permitted handicabs. Combining these two fleets you have a total of 715 demand taxi vehicles available under the current regulations. Of this fleet, approximately 14.5% of the fleet are wheelchair accessible vehicles. As noted above, this number, however, is grossly under-utilized and is well in excess of any demands in the marketplace for such services. As a result, our survey of other taxi providers around the State of Florida, including in the Orlando and Fort Lauderdale markets, reveals that the typical marketplace is served with about 3% wheelchair accessible vehicles. Our current needs for our existing citizens and visitors does not exceed this limit and our existing accessible vehicle supply is more than adequate to meet current demand.

As you can see from the above, market demand dictates how many wheelchair accessible vans providers need. Given that the vehicles cost approximate \$40,000.00 per unit, providers are reluctant to add additional vehicles, with these fully accessible capabilities, when there is no demand for them. However, when demand grows the fleet operators will add such additional vehicles. This should be a matter governed by market demand rather than legislated by others.

At present, the House Bill would require up to one-third of the state's entire taxi fleet become wheelchair accessible. This is an extreme position that is simply not justified by the current demand. For example, in the hotel industry, only about 4% of the rooms are made handicapped accessible. Why would 33-1/3% (as set forth in the House Bill) or (8.5%) as set forth in the Senate Bill be necessary for taxicabs? Again, the demand simply is not present.

In addition to these problems, each of the Bills suffers from the fact that it would require the fleet operators to purchase fully accessible equipment at a cost of about \$40,000.00 per unit. In Hillsborough County (and I assume throughout the balance of the State) there is one taxi per 2,000 inhabitants. Given Florida's population of approximately 18 million citizens, that would equate to approximately 9,000 cabs statewide. If up to one-third of this fleet had to be made fully accessible that would cost the fleet operators approximately \$118 million. Of course, given the language in the Bills, this would result in a loss of sales tax receipts (and thus loss of revenue to the State of Florida) of approximately \$9 million. In such tight budgetary times, the loss of this revenue coupled with the extreme hardships placed upon fleet operators of having to purchase these vehicles (or alternatively reduce the size of their fleets to comply with a statutorily mandated ratios) would be extreme.

We are all small business operators and we employ literally thousands of state residents. This Bill could do great harm to the jobs market for those at some of the

lowest rungs of the economic ladder. As noted, it would also reduce state revenues and would increase the regulatory burden on state officials both at the Agency for Healthcare Administration which is asked to certify certain facts and at the Florida Department of Transportation which is asked to enact and enforce rules. In short, this is simply a bad Bill. The Bill increases governmental regulation, is not revenue neutral, is a job-killer and is completely unnecessary given the demands for the current service, when matched with available resources.

In closing, I want to strongly urge you and your colleagues in both the House and the Senate to kill this Bill. While the goals of providing accessible transportation are laudatory, the means by which you are attempting to accomplish this are draconian, inefficient and unnecessary. Please allow market forces to dictate the need. As prudent businessmen we will add the vehicles as demand increases. Please do not try to legislate how we are to run our businesses as I can assure you that the fleet operators in the State of Florida want to make a profit and will do so if the demand is present. We do not need additional layers of governmental regulation, or government interference in small business affairs.

I thank you for your time and attention to this matter and look forward to answering any questions you may have.

Respectfully submitted,

YELLOW CAB OF TAMPA

Louis Minardi  
President



## References

---

*The Americans with Disabilities Act and You: Frequently Asked Questions on Taxicab Service*  
Taxicab, Limousine, and Paratransit Association. Retrieved January 15<sup>th</sup>, 2008 from  
<http://www.TLPF.org/news/adanotice.pdf>

*The Americans with Disabilities Act*  
"ADA Home Page" Ada.Gov 30 Apr. 2008 <http://www.ada.gov/>

*"Americans with Disabilities Act (ADA) Paratransit Eligibility Manual - Draft."*  
National Transportation Library Sept. 1993. Office of Grants Management  
<http://ntl.bts.gov/DOCS/manual.html>

*"Tax Incentives for Improving Accessibility"*  
Ada.Gov: <http://www.ada.gov/taxpack.htm>

*Improving Access to Taxis*  
International Road Transportation Union (IRU) and the European Conference of  
Ministers of Transport 2007

*Economic Aspects of Taxi Accessibility*  
International Road Transportation Union (IRU) and the European Conference of  
Ministers of Transport (ECMT) 2001

"Barnett Mobility,"  
<http://www.barnettmobility.com/>.

"National Transit Database," Federal Transit Administration  
<http://www.ntdprogram.gov/>

"National Transit Database, Annual databases RY 2007." Federal Transit Administration  
<http://www.ntdprogram.gov/ntdprogram/data.htm>

## Additional Materials

---

Dalton, Dan, and Karen Wolf-Branigin. *Moving Forward Together: a Workbook for Initiating and Increasing Accessible Taxi Services in Your Community*. Washington: Easter Seals Project Action, 2005. This workbook is available upon request at Easter Seals Project Action, 1425 K Street, NW, Suite 200, □ Washington, DC 20005, Phone: (202) 347-3066, Toll-free: (800) 659-6428, Fax: (202) 737-7914, TDD: (202) 347-7385

## **Appendix A**

### **Accessible Taxicab Cost Calculator Software**

# **Accessible Taxicab Project for the Taxicab, Limousine & Paratransit Foundation**

## **Designed and Coded by**

David Long

Under the direction of Dr. Ray Mundy

Center for Transportation Studies

University of Missouri - St. Louis



## **Table of Contents**

	<b>Page no.</b>
<b>1. Preface:</b>	
Overview .....	2
Why use this application? .....	2
Information you need .....	2
<b>2. Cost Clarification for Taximeter Application</b>	
Capital cost .....	4
Insurance cost .....	5
Operating cost .....	5
Depreciation cost .....	5
<b>3. User Directions</b>	
Fill in the costs .....	6
Average annual mileage/kilometer .....	6
Expected useful life .....	7
Fleet size and percent of accessible vehicles .....	7
Getting the results .....	7
<b>4. Understanding the Results</b>	
Total cost .....	9

## **CHAPTER-1: Preface**

### **Overview**

Unfortunately, many proponents of wheelchair accessible taxicab services have little knowledge of the costs associated with providing those services. The Accessible Taxicab Cost Calculator software application is an aid for local regulatory officials, taxi companies, and taxicab drivers in their decision of whether or not to implement accessible taxicab services based on the costs. It is a very distinctive application that will help taxicab companies find quick, accurate, and reliable cost comparisons between their current costs and costs for implementing fully accessible taxicab services.

### **Why use this software application?**

The uniqueness of this application lies in its implementation of an accurate model to incorporate the depreciation, insurance, and operating costs for the taxicab companies. It provides a flexible tool for obtaining fast results for cost calculations. Users can either fill in the series of costs or use the default costs already provided. Using this application, officials of a taxicab company can acquire accurate and reliable cost information to compare and contrast the costs of having a percentage of their fleet as accessible taxis with the costs of a traditional taxi fleet. Besides being reliable and efficient, this application is easy to use and user-friendly. It is simple to understand and does not require any training other than reading the user manual for the first-time user.

### **Information you need**

To find the total cost of integrated accessible taxi fleets, the application asks the user to enter a series of costs. These costs include the purchase price of a vehicle, insurance cost, and operating costs. Additionally, users input the expected procurement costs of selected accessible

vehicles (existing and planned), probable insurance costs, and expected operating cost. The default values are the result of the research of the Center for Transportation research team, and function as general estimates by the user. To get an idea of what it would cost to obtain and operate an accessible taxicab fleet, the user will determine the total fleet size of vehicles and the percent of the total fleet that should be accessible vehicles.

Default values for Canada were calculated by converting the U.S. dollar values to Canadian dollars using the nominal exchange rates published on the Bank of Canada website for 23 Oct 2009 as 1 USD (closing) = 1.0519 CAD.<sup>9</sup> The default operating cost value is an estimation based on the Automobile Allowance Rate published by the Canada Revenue Agency.<sup>10</sup> Insurance rates originate from a report issued by the City of Toronto Municipal Licensing and Standards Division.<sup>11</sup>

---

<sup>9</sup> <http://www1.bank-banque-canada.ca/en/rates/exchange.html>

<sup>10</sup> <http://www.cra-arc.gc.ca/tx/bsnss/tpcs/pyrll/bnfts/tmbll/tlwnrc/rts-eng.html>

<sup>11</sup> <http://www.toronto.ca/legdocs/mmis/2009/ls/bgrd/backgroundfile-23256.pdf>

## **CHAPTER-2: Cost Clarification for Taximeter Application**

### **Capital cost**

The purpose of the capital cost entry is to determine the depreciation expense incurred each year.

#### **1. Used sedan capital cost**

This cost represents the current cost to purchase a used sedan and convert it to a taxi. The cost includes painting and equipment such as the two-way communications (radio and/or computer mobile data terminal), meter, and items necessary to convert the vehicle to a taxicab.

#### **2. New accessible taxi capital cost**

This cost is the current rate for purchasing a new van already equipped with a rear or side -entry system.

#### **3. Used van capital cost**

This cost represents an estimate of the cost to purchase a used van that is or will be equipped with a conversion package. The conversion costs may be included in the purchase price of a used van. In the event retrofitting takes place post purchase, enter the costs separately to expense them in the first year (see Retrofit Cost below).

#### **4. Retrofit cost**

In the event that the acquisition of a used van requires subsequent retrofitting to make it an accessible van, this entry allows the user to enter these costs separately if the user would like these costs expensed in the first year. If the used van were already an accessible van prior to purchase, these costs would be included in the purchase price of the used van.

## **Insurance cost**

The insurance cost for all three types of vehicles will vary greatly due to the geographic area. In addition, the accessible vehicles will carry a higher premium due to the specialized equipment installed.

## **Operating cost**

The expectation is that the operating cost will vary between vehicle types. This is primarily due to the higher fuel consumption of vans as compared to sedans. In addition, new vans should get better fuel efficiency over older used vans. Other than fuel consumption, operating cost includes general maintenance and upkeep like oil, tires, and parts for the vehicle as needed.

## **Depreciation cost (U.S.) / Capital Cost Allowance (Canada)**

This cost category includes depreciation expenses, which are expenses incurred as the result of a decrease in value of company owned revenue vehicles due to age, wear, or adverse market conditions. U.S. companies have the option of selecting Straight Line depreciation, Double Declining Balance depreciation or Sum-of-Years depreciation method. The Straight Line method depreciates the capital expense equally spread across the useful life. The Double Declining Balance and Sum-of-Years methods both depreciate an asset's value at an accelerated rate incurring the greatest expense in the first year of operation of the asset with each subsequent year having a lesser amount expensed.

The Capital Cost Allowance (CCA) is used when the country of operation selected is Canada. This method is calculated using the assumption that the asset is expensed using the CCA method described in Publication T4002(E) Rev. 08. Only 50% of the allowable CCA is expensed in the first year. The allowable CCA is determined as 40% of the Undepreciated Capital Cost.

## CHAPTER-3: User Directions

### Step 1: Fill in the costs

The first step is to fill in the cost information. The user fills in the cost information by clicking on the cell and typing in the figure. The figures already present in the fields are the figures researched and updated by the CTS team. The user can use the data that already exists or fill in new data that better represents his/her firm's cost structure.

The user needs to fill in three sets of information: one for the sedan, one for accessible taxis using new vehicles, and one for accessible taxis using used vans. If the user does not have cost information for accessible taxi fleets, he/she can estimate the costs or use the estimated values. Each set of information must be input into the appropriate field.

	Used Sedan	New Accessible Taxi	Used Van
Capital cost per vehicle	\$6,000	\$46,000	\$15,000
Insurance cost per vehicle per year	\$3,000	\$5,000	\$5,000
Operating cost per mile/km	\$0.505	\$0.530	\$0.550
Average annual mileage per vehicle per year	55,000	55,000	55,000
Expected useful life of vehicle in years	3	5	3
Current number of vehicles in fleet	100		
Percent of vehicles to be accessible	5%		

(Hover your mouse cursor over the “?” for tips for that row)

### Step 2: Average annual mileage / kilometers

Enter the average mileage/kilometers a single taxi travels in a given year. This number determines the annual operating cost for your fleet.



### **Step 3: Expected useful life (US only)**

The expected useful life calculates the yearly depreciation expense over this period. The values for the used vehicles are variable as long as the number of years does not exceed seven years. The assumption is that no taxi is productive after seven years if it makes it that long. However, the application does calculate the costs for seven years so that after fully depreciated only the operating costs will remain. These costs can be seen in the yearly breakdown report.

### **Step 3: CCA rate (Canada only)**

This value should only need to be changed if Canada modifies the CCA rate for taxis.

### **Step 4: Fleet size and percent of accessible vehicles**

Enter the fleet size and the percent of fleet size to use as accessible vehicles. You may use your existing fleet size to determine the difference in cost between your current operations and the cost you would have if your had accessible vehicles in your existing fleet.

### **Step 5: Depreciation method (US only)**

You are provided with the capability to select the type of depreciation method you wish to use. The three options available for U.S. companies are 1) Straight Line, 2) Double Declining, and 3) Sum of Years. For Canadian companies, the CCA method is used. The current rate of 40% is the default. In the event of future rate changes for taxicabs, this value may be changed.

### **Step 6: Getting the results**

The next two paragraphs describe each of the two forms that you may choose to display on-screen. While each of these gives you the opportunity to print the results, you may also use the **Print Report** button on the main form. When you click **Print Report** button, the two reports shown below are produced in addition to an additional page that prints the values used in the calculations.

\*\*\* Some printers do not print the report pages correctly \*\*\*

There are two types of results that can be obtained. First, when you click the **Display Cost Summary** button, it displays the accumulated costs over the maximum of depreciation years for three different scenarios: using only sedans with no accessible vehicles, combined sedans with new accessible vehicles, and combined sedans with used accessible vehicles. The bottom shows the total additional subsidy required to implement accessible taxis for both new and used scenarios in addition to the average cost per year.

Summary Results		Summary Results	
This report shows the TOTAL accumulated costs over 5 years including depreciation.		This report shows the TOTAL accumulated costs over 7 years including depreciation.	
Cost using 100% sedans. (100 regular taxis)	\$15,987,500	Cost using 100% sedans. (100 regular taxis)	CAD\$33,604,092
Cost meeting 5% accessible taxi requirement. (5 new vans and 95 regular taxis)	\$16,271,875	Cost meeting 5% accessible taxi requirement. (5 new vans and 95 regular taxis)	CAD\$33,963,033
Cost meeting 5% accessible taxi requirement (5 used vans and 95 regular taxis)	\$16,204,375	Cost meeting 5% accessible taxi requirement (5 used vans and 95 regular taxis)	CAD\$33,928,632
Additional subsidy needed to implement an accessible taxi service with a fleet of 100 total vehicles of which 5% are accessible vehicles:		Additional subsidy needed to implement an accessible taxi service with a fleet of 100 total vehicles of which 5% are accessible vehicles:	
	Total Cost Differential	Avg Cost per Year	
Using new vans:	\$284,375.00	\$56,875.00	
Using used vans:	\$216,875.00	\$43,375.00	
Print		Close	

After clicking the **Display Cost Summary** button, the **View Yearly Breakdown** button becomes available. Clicking this button displays four different tables for each group of vehicles (see next page). Each table displays the depreciation and total cost for each year. The first vehicle group is 100% sedans. The other three groups show the vehicles needed to implement accessible taxis. One group is the costs for new accessible taxis. Another group is for the alternative of purchasing used vans that will be converted to accessible taxis. The last group shows the costs for the sedans necessary to complete the total fleet size in addition to the accessible taxis.

Yearly Totals			Yearly Totals		
Costs for company with only sedans:			Cost if new accessible vehicles purchased:		
Year	Depreciation Costs	Total Costs	Year	CCA	Total Costs
1	\$400,000	\$3,477,500	1	CAD\$124,660	CAD\$4,861,846
2	\$200,000	\$3,277,500	2	\$199,456	\$4,936,642
3	\$0	\$3,077,500	3	\$119,674	\$4,656,360
4	\$0	\$3,077,500	4	\$71,804	\$4,737,186
5	\$0	\$3,077,500	5	\$43,082	\$4,737,186
			6	\$25,849	\$4,737,186
			7	\$15,510	\$4,737,186
	Grand Total:	\$15,987,500		Grand Total:	CAD\$33,604,092
Total number of sedans = 100			Total number of accessible vans = 5		
Costs for remaining sedans when combined with accessible taxis:			Cost if used vans are converted:		
Year	Depreciation Costs	Total Costs	Year	CCA	Total Costs
1	\$380,000	\$3,303,625	1	CAD\$118,427	CAD\$4,616,754
2	\$190,000	\$3,113,625	2	\$189,493	\$4,689,910
3	\$0	\$2,923,625	3	\$113,690	\$4,614,017
4	\$0	\$2,923,625	4	\$68,214	\$4,500,327
5	\$0	\$2,923,625	5	\$40,928	\$4,500,327
			6	\$24,557	\$4,500,327
			7	\$14,734	\$4,500,327
	Grand Total:	\$15,188,125		Grand Total:	CAD\$31,923,889
Total number of sedans = 95			Total number of accessible vans = 5		

## CHAPTER-4: Understanding the Results

### Total cost

This data represents the total estimated cost for all vehicles of this type. The total cost includes the operating cost, the insurance cost, and the depreciation cost. The operating cost is calculated as the cost per mile multiplied by the total average miles in a year multiplied by the number of vehicles for each of the seven years. The insurance cost is calculated by multiplying the number of vehicles by the insurance cost for each of the seven years.

The user can compare the total cost of a sedan only fleet with the total costs of an accessible taxi fleet. The difference of these costs will give the user a realistic view of how much more it will cost to operate a partial or fully accessible taxi fleet.

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

1/19/2012  
Date

1392  
Bill Number

Barcode

Name Brook Negusei  
Address 4810 N HALE AVE  
City TAMPA State FL Zip 33614

Phone 813-428-1756  
E-mail bnegusei@tampsbay.fl.gov  
Job Title President

Speaking: ☐ For ☒ Against ☐ Information Appearing at request of Chair ☐

Subject \_\_\_\_\_

Representing Cab Plus, Black Car Taxi Service

Lobbyist registered with Legislature: ☐ Yes ☒ No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from \_\_\_\_\_ .m. to \_\_\_\_\_ .m.

S-001 (04/14/10)

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

1/19/12  
Date

1392  
Bill Number

Barcode

Name FASIL GARREMARIAH  
Address 312 E 7th Ave.  
City TAMPA State FL Zip 33602

Phone 813-765-0388  
E-mail Fasil@USA-afreen.org  
Job Title CEO - FOOTSTEPS INTERNATIONAL

Speaking: ☐ For ☒ Against ☐ Information Appearing at request of Chair ☐

Subject \_\_\_\_\_

Representing TAMPA TAXI COALITION AND REPRESENTING 9 MINORITY OWNED TAXI COMPANIES

Lobbyist registered with Legislature: ☐ Yes ☒ No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from \_\_\_\_\_ .m. to \_\_\_\_\_ .m.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/19/11  
Meeting Date

Topic \_\_\_\_\_

Bill Number SB1392  
(if applicable)

Name Ego Feliciano

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

Job Title President of SFTA

Address PO BOX 420769  
Street

Phone (305) 710 4142

Miami FL 33242  
City State Zip

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)

THE FLORIDA SENATE  
**COMMITTEE APPEARANCE RECORD**

(Submit to Committee Chair or Administrative Assistant)

1/19/2012  
Date

1392  
Bill Number

Name Nick Cambas

Phone \_\_\_\_\_

Address 13825 ICOT BLVD S-613

E-mail Nick.Cambas@TMSmp.com

Clearwater FL 34760  
Street City State Zip

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

Speaking: ☐ For ☒ Against ☐ Information

Appearing at request of Chair ☐

Subject \_\_\_\_\_

Representing \_\_\_\_\_

Lobbyist registered with Legislature: ☐ Yes ☒ No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from \_\_\_\_\_ .m. to \_\_\_\_\_ .m.

S-001 (08/2005)

2

THE FLORIDA SENATE  
**COMMITTEE APPEARANCE RECORD**

(Submit to Committee Chair or Administrative Assistant)

1-19  
Date

1392  
Bill Number

Name Roger Chapin - Mears Transportation  
Address 324 W. Gore St.  
Street Orlando FL 32801  
City State Zip

Phone 407/422-4561  
E-mail RChapin@mearstransportation.com  
Job Title EVP-Public Affairs

Speaking: ☐ For ☒ Against ☐ Information  
Subject wheel chair mandate/regulation  
Representing Mears Transportation Group

Appearing at request of Chair ☐

Lobbyist registered with Legislature: ☐ Yes ☒ No

Pursuant to s. 11.061, *Florida Statutes*, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from \_\_\_\_\_ .m. to \_\_\_\_\_ .m.

S-001 (08/2005)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

Meeting Date \_\_\_\_\_  
Topic SPORTS - Disabled Vehicle Access  
Name MICHAEL RUBIN  
Job Title VP  
Address 502 E. JEFFERSON ST.  
Street TALL, FL 32302  
City State Zip

Bill Number 1392  
(if applicable)

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

Phone 850-200-8008  
E-mail Mike.Rubin@FloridaKIDS.org

Speaking: ☐ For ☒ Against ☐ Information  
Representing Florida Kids Council

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

## COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

1/19/2012  
Date1392  
Bill Number

Barcode

Name Grady Bradlock Jr.

Phone 904.345-3333

Address 9850 Interstate Center Dr.

E-mail brad@charkacaboff.com

Street Jacksonville FL 32218  
City State Zip

Job Title General Manager

Speaking: ☐ For ☒ Against ☐ InformationAppearing at request of Chair ☐

Subject

Representing

Lobbyist registered with Legislature: ☐ Yes ☒ No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from .m. to .m.

S-001 (04/14/10)

## THE FLORIDA SENATE

## COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

1/19/2012  
DateSB 1392  
Bill Number

Barcode

Name Jamie Corbett

Phone (239) 337-4005

Address 3252 Palm Ave

E-mail jcorbett@swiftrans.com

Street Fort Myers FL 33901  
City State Zip

Job Title General Manager

Speaking: ☐ For ☒ Against ☐ InformationAppearing at request of Chair ☐

Subject

Representing

Lobbyist registered with Legislature: ☐ Yes ☒ No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from .m. to .m.

S-001 (04/14/10)

THE FLORIDA SENATE  
**COMMITTEE APPEARANCE RECORD**

(Submit to Committee Chair or Administrative Assistant)

1/19/12  
Date

1392  
Bill Number

Name LOUIS MINARDI  
Address 4413 N. Hesperides St.  
Tampa FL 33614  
City State Zip

Phone (813) 9177946  
E-mail louis@tampacab.com  
Job Title president

Speaking: ☐ For ☒ Against ☐ Information  
Subject wheelchair accessible vehicles  
Representing Yellow Cab of Tampa

Appearing at request of Chair ☐

Lobbyist registered with Legislature: ☐ Yes ☒ No

Pursuant to s. 11.061, *Florida Statutes*, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from \_\_\_\_\_ .m. to \_\_\_\_\_ .m.

S-001 (08/2005)

THE FLORIDA SENATE  
**COMMITTEE APPEARANCE RECORD**

(Submit to Committee Chair or Administrative Assistant)

19 JAN '12  
Date

1392  
Bill Number

Name MICHAEL SPINELLI  
Address \_\_\_\_\_  
Street  
\_\_\_\_\_  
City State Zip

Phone \_\_\_\_\_  
E-mail \_\_\_\_\_  
Job Title \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information  
Subject \_\_\_\_\_  
Representing \_\_\_\_\_

Appearing at request of Chair ☐

Lobbyist registered with Legislature: ☒ Yes ☐ No

Pursuant to s. 11.061, *Florida Statutes*, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from \_\_\_\_\_ .m. to \_\_\_\_\_ .m.

S-001 (08/2005)



**THE FLORIDA SENATE**  
**COMMITTEE APPEARANCE RECORD**

(Submit to Committee Chair or Administrative Assistant)

1/19/12  
Date

SB 1392  
Bill Number

Name LARRY WILLIAMS

Phone 850 521-1980

Address 215 SOUTH MUNROE SUITE 601  
Street

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

TALLAHASSEE FLORIDA 32301  
City State Zip

Job Title ATTORNEY

Speaking: ☐ For ☒ Against ☐ Information

Appearing at request of Chair ☐

Subject TAXI CABS

Representing WEARS TRANSPORTATION GROUP

Lobbyist registered with Legislature: ☒ Yes ☐ No

Pursuant to s. 11.061, *Florida Statutes*, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from \_\_\_\_\_ .m. to \_\_\_\_\_ .m.

**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 1122

INTRODUCER: Transportation Committee and Senator Latvala

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: January 19, 2012

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Buford	TR	Fav/CS
2.			BC	
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:**

The bill contains numerous changes to highway safety and motor vehicle laws administered by the Department of Highway Safety and Motor Vehicles (DHSMV or department). Examples of major provisions in the bill include:

- Changes the name of the Office of Motor Carrier Compliance to the Office of Commercial Vehicle Enforcement;
- Revises safety standard requirements for bicycle helmets worn by minor riders and passengers to require the helmets to meet certain federal safety standards;
- Modifies motorcycle and moped license tag legibility and positioning requirements;
- Creates and authorizes a bonding program for replacement and issuance of motor vehicle titles;
- Defines the term “swamp buggy” and authorize the operation of a swamp buggy on certain roads, streets, highways or land;
- Allows a motorist to intermittently flash his or her vehicle’s headlamps at an oncoming vehicle;
- Permits the DHSMV to use electronic methods to title motor vehicles and vessels, and to collect and use e-mail addresses for various customer notifications;

- Requires DHSMV to establish and administer an electronic titling program that requires electronic recording of vehicle and vessel title information for new, transferred, and corrected title certificates;
- Exempts certain dealers of farm or industrial equipment who conduct repossessions from licensure as a recovery agent or recovery agency;
- Creates an annual bid process for legislatively authorized voluntary contribution organizations to be listed on the renewal notices beginning with the 2013 calendar year;
- Exempts active-duty military members, who are Florida residents, from the requirement to provide a Florida residential address on an application for vehicle registration;
- Allows DHSMV to conduct a pilot project using alternative license plates on state vehicles only;
- Adds temporary license plates to the list of documents that are unlawful to alter;
- Revises the distribution of certain proceeds from temporary disabled parking permits intended for the Florida Endowment Foundation for Vocational Rehabilitation;
- Clarifies the expiration of the registration renewal period for a motor vehicle or mobile home owner, who is a natural person, is at midnight on the owner's birthday;
- Specifies circumstances when a RV dealer may apply for a certificate of title to a RV using a manufacturer's statement of origin;
- Revises requirements by which an applicant for a driver license and an identification card may prove non-immigrant status;
- Requires the department to issue or renew an identification card at no charge to a person who presents good cause for a fee waiver;
- Clarifies military personnel shall be granted an automatic extension on the expiration of a Class E license when on active duty outside the state;
- Requires foreign visitors to receive an original license in lieu of a driver license renewal upon returning to the state;
- Authorizes DHSMV to issue Enhanced Driver Licenses that prove identity, nationality and meet the requirements of the Western Hemisphere Travel Initiative;
- Creates the "Combat Infantry Badge" special license plate;
- Raises the annual usage fee for the Tampa Bay Estuary specialty license plate from \$15 to \$25;
- Authorizes the department to administer a specialty driver license and identification card program for Florida's state and independent universities, professional sports teams and all branches of the Armed Forces;
- Shortens the period (from 30 days to 14 days) for drivers to provide proof of insurance to DHSMV after being involved in an automobile crash or conviction within the purview of ch. 324, F.S.;
- Revises law relating to documents that must be possessed by drivers while operating a motor vehicle by allowing a true copy of rental or lease documentation in lieu of a true copy of a rental or lease agreement; and
- Revises several Motor Carrier Safety Administration regulations.

This bill substantially amends the following sections of the Florida Statutes: 20.24, 316.003, 316.1303, 316.183, 316.2065, 316.2085, 316.2126, 316.2397, 316.302, 316.3026 316.6135, 316.614, 316.655, 318.14, 318.15 318.18, 318.21, 319.14, 319.23, 319.24, 319.27, 319.28, 319.40, 320.01, 320.02, 320.03, 320.06, 320.0605, 320.061, 320.07, 320.08056, 320.08058,

320.08068, 320.0848, 320.089, 320.13, 320.15, 320.27, 320.771, 320.95, 322.04, 322.051, 322.058, 322.065, 322.07, 322.08, 322.081, 322.121, 322.14, 322.18, 322.19, 322.21, 322.251, 322.27, 322.53, 322.54, 322.59, 322.61, 323.002, 324.072, 324.091, 328.15, 328.16, 328.30, and 713.78.

The bill creates ss. 316.2129, 320.023, 322.1415, and 322.145.

The bill also repeals s. 322.58, F.S.

## **II. Present Situation:**

### **Office of Commercial Vehicle Enforcement**

The department was created by ch. 20.24 F.S. The mission of DHSMV is “Providing Highway Safety and Security Through Excellence in Service, Education, and Enforcement” by providing services in partnership with county tax collectors; local, state, and federal law enforcement agencies to promote a safe driving environment; issue driver licenses and identification cards; and provide services related to consumer protection and public safety.

The department is composed of two divisions: Florida Highway Patrol and Motorists Services. Chapter 2011-66, L.O.F., enacted during the 2011 Legislative Session, created the Office of Motor Carrier Compliance (OMCC) within the Division of the Florida Highway Patrol and provided for the transfer of OMCC that had been housed within the Florida Department of Transportation (FDOT) to the Florida Highway Patrol at DHSMV.

In an effort to reduce the number of crashes related to commercial motor vehicles, OMCC officers perform safety inspections on commercial vehicles and enforce traffic with an emphasis on violations by commercial motor vehicles and passenger vehicles interacting with large trucks.<sup>1</sup> The primary purpose of OMCC's weight enforcement program is to protect Florida's highway system and bridges from damage from overweight vehicles.<sup>2</sup> OMCC conducts vehicle weighings at its 20 fixed weigh station locations and mobile enforcement with portable scales statewide.<sup>3</sup> In 2010 officers conducted over 118,000 commercial vehicle inspections placing over 16,000 vehicles and over 6,000 drivers out of service for critical safety violations.<sup>4</sup>

### **Mobility-Impaired Persons**

Section 316.1303, F.S., provides whenever a pedestrian who is mobility impaired (using a guide dog or designated service animal, walker, crutch, orthopedic cane, or wheelchair) is in the process of crossing a public street or highway, a driver of a vehicle approaching an intersection is required to bring his or her vehicle to a full stop before arriving at the intersection, and, before proceeding, take precautions as may be necessary to avoid injuring the pedestrian. Pursuant to s. 318.18(3), F.S., drivers who violate s. 316.1303, F.S., are subject to a \$60 fine. If a driver violates s. 316.1303, F.S., and the violation results in an injury to the pedestrian or damage to the

<sup>1</sup> <http://www.flhsmv.gov/fhp/OMCC/> (last visited January 13, 2012)

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Id.

pedestrian's property, an additional fine of up to \$250 will be imposed. Section 318.21, F.S., specifies how the additional fine will be disbursed.

### **School Bus/Unlawful Speed**

Section 316.183(3), F.S., specifies a school bus may not exceed the posted speed limit and may not exceed 55 miles per hour at any time.

### **Bicycle Regulations**

#### ***Operating Procedures***

Bicyclists are considered vehicle operators; they are required to obey the same rules of the road as other vehicle operators, including obeying traffic signs, signals, and lane markings.<sup>5</sup> Each year, more than 500,000 people in the US are treated in emergency departments, and more than 700 people die as a result of bicycle-related injuries.<sup>6</sup> In 2009, 630 pedalcyclists<sup>7</sup> were killed and an additional 51,000 were injured in motor vehicle traffic crashes. Pedalcyclist deaths accounted for two percent of all motor vehicle traffic fatalities, and made up two percent of all the people injured in traffic crashes during the year.<sup>8</sup>

Section 316.2065, F.S., requires bicyclists on the roadway to ride in the marked bicycle lane if the roadway is marked for bicycle use or if no lane is marked, as close as practicable to the right-hand curb or edge of the roadway, with the following exceptions:

- When overtaking and passing another bicycle or vehicle moving in the same direction;
- When preparing to turn left; or
- When “reasonably necessary” to avoid unsafe conditions such as fixed objects, surface hazards, parked vehicles, etc.

Law enforcement officers are authorized to issue noncriminal traffic citations for violations of s. 316.02065, F.S. Pedestrian and bicycle infractions overall accounted for 15,293 of the 4.3 million tickets issued statewide in 2010.<sup>9</sup>

#### ***Current Bicycle Helmet Requirements***

Under current law, a bicycle rider or passenger who is less than 16 years of age must wear a bicycle helmet properly fitted and fastened securely by a strap. The helmet must meet the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the Department of Highway Safety and Motor Vehicles. The term “passenger” includes a child who

---

<sup>5</sup> U.S. Department of Transportation, National Highway Traffic Safety Administration, Traffic Safety Facts: 2009 Data, available at <http://www-nrd.nhtsa.dot.gov/Pubs/811386.pdf>, (Last visited on October 25, 2011).

<sup>6</sup> Bicycle Related Injuries, Centers for Disease Control and Prevention, available at <http://www.cdc.gov/HomeandRecreationalSafety/bikeinjuries.html>, (Last visited on October 25, 2011).

<sup>7</sup> The term pedalcyclists includes operators of two-wheel nonmotorized vehicles, tricycles, and unicycles powered solely by pedals. *Supra* note 1.

<sup>8</sup> *Supra* note 1.

<sup>9</sup> Department of Highway Safety and Motor Vehicles, *2010 Annual Report Uniform Traffic Citation Statistics* (September 1, 2011) available at <http://www.flhsmv.gov/reports/2010UTCStats/2010.UTC.pdf>, last accessed October 28, 2011.

is riding in a trailer or semi trailer attached to a bicycle. A law enforcement officer or school crossing guard is specifically authorized to issue a bicycle safety brochure and a verbal warning to a rider or passenger who violates the helmet law. A law enforcement officer is authorized to issue a citation and the violator will be assessed a \$15 fine plus applicable court costs and fees. An officer may issue a traffic citation for a violation of this provision only if the violation occurs on a bicycle path or road. A court is required to dismiss the charge against a bicycle rider or passenger for a first violation of the provision upon proof of purchase of a bicycle helmet in compliance with the law. Further, a court is authorized to waive, reduce or suspend payment of any fine imposed for a violation of the helmet law.

### ***Standards for Bicycle Helmet Manufacturing***

Nearly 18 years ago, the United States Congress passed the Child Safety Protection Act of 1994, requiring the Consumer Product Safety Commission (CPSC) to develop mandatory bicycle helmet standards. The CPSC published 16 CFR Part 1203 in March, 1998, to apply to all helmets manufactured since March, 1999. The rule mandates several performance requirements related to impact protection, children's helmets head coverage, and chin strap strength and stability. Helmets meeting the requirements display a label indicating compliance with the standards.

### ***Current Bicycle Lighting Requirements***

Currently, every bicycle in use between sunset and sunrise must be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear, each exhibiting a red light visible from a distance of 600 feet to the rear. A bicycle or its rider may be equipped with lights or reflectors in addition to those required by law. Violation of bicycle lighting requirements is a non-criminal traffic infraction punishable as a pedestrian violation by a \$15 fine plus applicable court costs and fees.

### ***Motorcycles/Mopeds***

Section 316.2085, F.S., provides for the proper operation of a motorcycle – including a requirement that the license tag of a motorcycle must be “permanently affixed to the vehicle,” and incapable of being adjusted or “flipped up.” The section also provides a prohibition regarding the visibility or legibility of a tag specifying that “[n]o device for or method of concealing or obscuring the legibility of the license tag of a motorcycle shall be installed or used” by a rider. The license tag of a motorcycle or moped may be affixed and displayed parallel to the ground in a manner that the numbers and letters read from left to right. Alternatively, a license tag for a motorcycle or moped may be affixed and displayed perpendicularly to the ground in a manner that the numbers and letters read from top to bottom, if the registered owner of the motorcycle or moped maintains a prepaid toll account in good standing and an affixed transponder.

### ***Authorized Use of Golf Carts and Utility Vehicles***

Section 316.2126, F.S., authorizes municipalities to utilize golf carts and utility vehicles upon state, county, or municipal roads located within the corporate limits of the municipality. This authorization is subject to certain conditions. For example, municipalities must ensure golf carts and utility vehicles comply with certain state operational and safety requirements, as well as municipal ordinances that are more restrictive than state law and may be only operated by

municipal employees for municipal purposes. One operational requirement governing golf carts and utility vehicles is that they may be operated only on state roads that have a posted speed limit of 30 miles per hour or less.

### **Flashing Headlamps**

Section 316.2397(7), F.S., prohibits flashing lights on vehicles except as a means of indicating a right or left turn, to change lanes, or to indicate the vehicle is lawfully stopped or disabled upon the highway or except when authorized lamps are permitted to flash. A violation is a noncriminal traffic infraction, punishable as a nonmoving violation.

### **Children Unattended in a Motor Vehicle**

Section 316.6135, F.S., prohibits a parent, legal guardian, or other person responsible for a child under the age of six years from leaving the child unattended or unsupervised in a motor vehicle for a period in excess of 15 minutes. If the motor vehicle is running or the health of the child is in danger, such persons are prohibited from leaving a child unattended or unsupervised for any period of time.

A violation of the '15 minute' prohibition is a second degree misdemeanor, punishable by potential imprisonment up to 60 days and/or a fine not exceeding \$500.<sup>10</sup> A violation of the 'engine-running' prohibition is a non-criminal traffic infraction punishable by a fine of not less than \$50 and not to exceed \$500. Additionally, if a violation of either prohibition results in great bodily harm, permanent disability, or permanent disfigurement to a child, the penalty is a third degree felony, punishable by potential imprisonment up to 5 years and/or a fine not exceeding \$5,000.<sup>11</sup>

Law enforcement officers are authorized to use any means necessary to protect the child or remove the child from the vehicle if a child is found unattended or unsupervised in violation of this provision. If a child who is removed from the vehicle is also removed from the immediate area, notification is to be placed on the vehicle. If law enforcement is unable to locate the parent or person responsible for the child, the child is to be placed in the custody of the Department of Children and Families, pursuant to ch. 39, F.S., which sets forth the provisions pertaining to child protection and dependency proceedings.

### **Seat Belt Violations/Racial and Ethnic Data Reports**

Section 316.614, F.S., otherwise known as the "Florida Safety Belt Law," requires, among other things, every state law enforcement agency to adopt departmental policies to prohibit the practice of racial profiling. Section 316.614(9), F.S., requires law enforcement officers to record the race and ethnicity of the violator whenever issuing a citation for violating the safety belt law. All state law enforcement agencies must aggregate this information and submit it to DHSMV, which in turn annually reports the data to the Governor, the President of the Senate and the Speaker of the House of Representatives. In its report, DHSMV is required to show separate statewide totals for

---

<sup>10</sup> s. 775.082 or s. 775.083, F.S.

<sup>11</sup> s. 775.082, s. 775.083, or s. 775.084, F.S.

the county sheriffs' offices and municipal law enforcement agencies, state law enforcement agencies and state university law enforcement agencies. This reporting requirement has been in effect since January 1, 2006<sup>12</sup>, and according to DHSMV, the annual reports have shown no evidence of racial profiling occurring.<sup>13</sup>

### **Violations Resulting in Accidents**

Section 316.655(2), F.S., authorizes the court to suspend or revoke a driver's license if a person is convicted of a violation of any action prohibited by this chapter or any other law of the state regulating motor vehicles. Such suspension or revocation is authorized if the court finds the suspension or revocation warranted by the totality of the circumstances resulting in the conviction and need to provide for maximum safety for all person who travel on or who are otherwise affected by the use of highways of the state.

### **Failure to Comply with Civil Penalty or to Appear; Penalty**

Section 318.15, F.S., deals with the failure to comply with civil penalties related to the disposition of traffic infractions. Pursuant to this section, DHSMV is authorized to suspend the licensee's license if the licensee fails to, among other things, enter into or comply with the terms of a penalty payment plan with the court, fails to appear at a scheduled hearing or fails to attend driver improvement school. Currently, the section does not contain a provision allowing persons charged with a traffic violation to request a hearing up to 180 days after the date of the violation.

### **State Agency Law Enforcement Radio System**

Section 318.18(17), F.S., authorizes a surcharge of \$3, in addition to any other penalties imposed, for all criminal offenses listed in s. 318.17, F.S., and for all non-criminal moving traffic violations under ch. 316, F.S. Revenue from the surcharges is deposited into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services for the state agency law enforcement radio system, and to provide technical assistance to state agencies and local law enforcement agencies with their statewide systems or regional law enforcement communications.

### **Transfers and Reassignments - Mobile Homes; Bonded Titles**

Section 319.23, F.S., provides procedures for applying for a certificate of title to a motor vehicle or mobile home. If the motor vehicle has not been previously titled, the application for title must include a bill of sale, as well as sworn affidavits from the seller and purchaser.<sup>14</sup> In the case of a transfer of a motor vehicle or mobile home, the application for a certificate of title or reassignment must be filed with DHSMV "within 30 days after the delivery of the motor vehicle or mobile home."

---

<sup>12</sup> Chapter 2005-164, L.O.F.

<sup>13</sup> These reports may be accessed at <http://www.flhsmv.gov/html/safety.html> (last visited 1/23/12).

<sup>14</sup> Section 319.23(3), F.S.



When a previously-titled vehicle is sold in a private transaction, the seller of the vehicle signs and delivers the certificate of title to the buyer. The buyer is obligated to apply for a certificate of title by presenting to DHSMV the duly assigned certificate of title from the seller,<sup>15</sup> along with an application fee for a new certificate.<sup>16</sup>

Section 319.23, F.S., provides for the application and issuance of motor vehicle titles; however, ch. 319, F.S., does not authorize the DHSMV to accept a bond if an applicant for a certificate of title is unable to provide a title assigning the prior owner's interest in the motor vehicle.

### **Definitions; Custom and Street Rod Vehicles; Swamp Buggies**

Section 320.01, F.S., defines a "motor vehicle" in part as "an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power..."

Section 316.003, F.S., defines "special mobile equipment" as "any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to, ditch digging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earthmoving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earthmoving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached."

Section 320.0863(1)(b), F.S., defines "custom vehicle" to mean a motor vehicle that:

- Is 25 years old or older and of a model year after 1948 or was manufactured to resemble a vehicle that is 25 years old or older and of a model year after 1948; and,
- Has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

Section 320.0863(1)(c), F.S., defines "street rod" to mean a motor vehicle that:

- Is of a model year of 1948 or older or was manufactured after 1948 to resemble a vehicle of a model year of 1948 or older; and,
- Has been altered from the manufacturer's original design or has a body constructed from nonoriginal materials.

Section 320.0863(2), F.S., provides the model year and year of manufacture which the body of a custom vehicle or street rod resembles is the model year and year of manufacture listed on the certificate of title, regardless of when the vehicle was actually manufactured.

Currently, ch. 320, F.S., provides for unique license plates for custom and street rod vehicles; however, ch. 319, F.S., does not provide for a unique titling process (i.e. titling requirement,

---

<sup>15</sup> Section 319.23(1), F.S.

<sup>16</sup> The fee is generally \$70 for a certificate of title, but see s. 319.32, F.S., for exceptions and additional charges.

branding requirements or definitions for custom and street rod vehicles). According to the department, this has caused a lack of direction for Tax Collector agencies and regional offices in terms of titling these vehicles. Custom vehicles and street rod vehicles fall into the same category as motor vehicles registered as rebuilt vehicles and non-conforming vehicles. Consequently, the department has been titling these vehicles according to these same requirements when one of these vehicles is offered for sale.<sup>17</sup>

### **Electronic Transactions – Liens, Motor Vehicle Certificates of Title, Motor Vehicle Licenses and Vessel Registration**

#### ***Email Addresses***

Chapter 319, F.S., governs vehicle title certificates issued in Florida as well as fees, liens, and related issues. Section 319.40, F.S., authorizes the department to accept motor vehicle title applications provided for in ch. 319, F.S., by “electronic or telephonic means;” however, it does not specifically allow the collection and use of email addresses or the issuing of electronic titles in lieu of printing paper titles.

Section 320.95, F.S., authorizes the department to accept motor vehicle registration applications provided for in ch. 320, F.S., by “electronic or telephonic means;” however, it does not specifically allow the collection and use of email addresses from vehicle owners and registrants.

Section 322.08, F.S., provides requirements for driver license applications. It does not specifically allow the collection and use of email addresses from driver license applicants.

Chapter 328, F.S., governs title certificates and registration of vessels in Florida. Section 328.30, F.S., authorizes the DHSMV to accept any application required under ch. 328, F.S., by “electronic or telephonic means,” relating to vessel titles.

#### ***Electronic Titling Program***

Sections 319.24 and 328.16, F.S., authorize DHSMV, although it is not required, to electronically transmit a lien on a motor vehicle, mobile home, or vessel to the first lienholder and electronically notify the first lienholder of additional liens if there are one or more lien encumbrances on a motor vehicle or mobile home. Subsequent lien satisfactions may be submitted electronically to the department and must include the name and address of the person or entity satisfying the lien. When electronic transmission of liens and lien satisfaction is used, the issuance of a certificate of title may be waived until the last lien is satisfied and a clear certificate of title is issued to the vehicle owner.

Currently, the Department utilizes a voluntary electronic titling and lienholder system. Lienholders provide lien information electronically through third party vendors who contract with the department. Third party providers add, modify, and satisfy liens using the Electronic Lien Transaction (ELT) system. The ELT system allows for electronic processing that otherwise must be done manually.<sup>18</sup>

---

<sup>17</sup> Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1122*, (on file with the Senate Transportation Committee).

<sup>18</sup> Id.

## Recovery Services

The Division of Licensing within the Department of Agriculture and Consumer Services is responsible for the regulation of licensing of private security, private investigative, and recovery services.<sup>19</sup> Section 493.6101(21), F.S., defines a “recovery agent” as “any individual who, for consideration, advertises as providing or performs repossessions.” Section 493.6101(20), F.S., defines “recovery agency” as “any person who, for consideration, advertises as providing or is engaged in the business of performing repossessions.” Section 493.6101(22), F.S., defines “repossession” as recovery of motor vehicles, motor boats, airplanes, personal watercraft, all-terrain vehicles, farm equipment, industrial equipment, and motor homes “by an individual who is authorized by the legal owner, lienholder, or lessor to recover, or to collect money payment in lieu of recovery of, that which has been sold or leased under a security agreement that contains a repossession clause.”

Florida law establishes criteria for granting licenses for security, private investigative, and repossession services. Individuals seeking a license must clear a criminal background check as well as meet specific training and experience requirements, which vary by the type of license. In addition, the applicant must meet the following criteria:

- Be at least 18 years of age.
- Be of good moral character.
- Not have been adjudicated incapacitated, unless capacity has been judicially restored.
- Not have been involuntarily placed in a treatment facility for the mentally ill, unless competency has been judicially restored.
- Not have been diagnosed as having an incapacitating mental illness, unless a psychologist or psychiatrist licensed in this state certifies that she or he does not currently suffer from the mental illness.
- Not be a chronic and habitual user of alcoholic beverages to the extent that her or his normal faculties are impaired.
- Not have been committed under ch. 397, F.S., former ch. 396, F.S., or a similar law in any other state.
- Not have been found to be a habitual offender under s. 856.011(3), F.S., or a similar law in any other state.
- Not have had two or more convictions under s. 316.193, F.S., or a similar law in any other state within the 3-year period immediately preceding the date the application was filed, unless the individual establishes that she or he is not currently impaired and has successfully completed a rehabilitation course.
- Not have been committed for controlled substance abuse or have been found guilty of a crime under ch. 893, F.S., or a similar law relating to controlled substances in any other state within a 3-year period immediately preceding the date the application was filed, unless the

---

<sup>19</sup> The responsibility for regulating private investigative, private security, and recovery industries was assigned to the Department of State in 1965. In 2002, the Division of Licensing of the Department of State was transferred to the Department of Agriculture and Consumer Services, including the Concealed Weapons Permit Program. *See* ss. 1, 3-10, ch. 2002-295, L.O.F.

individual establishes that she or he is not currently abusing any controlled substance and has successfully completed a rehabilitation course.

- Be a citizen or legal resident alien of the United States or have been granted authorization to seek employment in this country by the United States Bureau of Citizenship and Immigration Services.<sup>20</sup>

## **Motor Vehicle Registration**

### ***Permanent Address Requirements - Active Duty Military Members***

Section 320.02, F.S., requires every owner or person in charge of a motor vehicle operated or driven on the roads of this state to register the vehicle in this state. The owner or person in charge must apply to the department or to its authorized agent for registration of the vehicle. The application for registration must include the street address of the owner's permanent residence or the address of his or her permanent place of business and shall be accompanied by personal or business identification information which may include, but need not be limited to, a driver's license number, Florida identification card number, or federal employer identification number.

### ***Possession of Registration Requirements***

Section 320.0605, F.S., requires a motor vehicle operator to carry the certificate of registration or official copy, a true copy of a rental or lease agreement, a temporary receipt printed upon self-initiated electronic renewal of a registration via the internet, or a cab card issued for a vehicle registered under the IRP at all times while operating a registered motor vehicle, or to have the certificate in the vehicle while it is being operated, and to exhibit it upon demand of any authorized law enforcement officer or any agent of DHSMV.

## **Motor Vehicle Registration and Driver License Applications – Voluntary Contributions**

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

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

---

<sup>20</sup> Section 493.6106(1), F.S.

DHSMV must discontinue the check-off if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent five-year period.<sup>21</sup>

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

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

DHSMV must discontinue the contribution if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent 5-year period.<sup>22</sup>

Chapter 2010-223, L.O.F., established a moratorium on new voluntary check offs. DHSMV "may not establish any new voluntary contributions on the motor vehicle registration application form under s. 320.023, F.S., or the driver's license application form under s. 322.081, F.S., between July 1, 2010, and July 1, 2013." An exemption to the moratorium allows those charities that were in the process of complying with s. 322.081, F.S., in 2010 to continue to seek a check-off. DHSMV has identified four remaining charitable organizations that fall within the exemption from the moratorium.

#### ***Administrative Costs of Voluntary Contribution Check-offs***

Currently, DHSMV is not authorized to retain certain proceeds derived from the motor vehicle registrations or driver license voluntary contributions program to defray the pro rata share of the department's costs that are directly related to the voluntary contributions program. Funds collected are distributed in full to the respective organizations as provided by law.

#### **Alternative License Plate Technologies**

Section 320.06, F.S., requires registration license plates be made of metal specially treated with a retroreflection material, as specified by the department. The registration license plate is designed to increase nighttime visibility and legibility and must be at least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the department to accommodate motorcycles, mopeds, or similar smaller vehicles. Validation stickers must also be treated with a retroreflection material, must be of such size as specified by

---

<sup>21</sup> Section 320.023(4)(a), F.S.

<sup>22</sup> Section 322.081(4)(a), F.S.

the department, and must adhere to the license plate. The registration license plate must be imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the registration license plate number. The license plate must be imprinted with the word “Florida” at the top and the name of the county in which it is sold, the state motto, or the words “Sunshine State” at the bottom.

### **Temporary License Plates**

Section 320.061, F.S., prohibits altering the original appearance of any motor vehicle registration certificates, license plates, mobile home stickers, or validation stickers or to obscure license plates; however, the prohibition does not include temporary license plates. A violation of this provision is a noncriminal traffic infraction, punishable as a moving violation as provided in ch. 318, F.S.

### **Expiration of Motor Vehicle Registrations**

Section 320.07(1), F.S., provides the registration of a motor vehicle or mobile home expires at midnight on the last day of the registration or extended registration period. In addition, a vehicle shall not be operated on the roads after expiration of the renewal period unless the registration has been renewed according to law.

### **Registration Refunds**

Section 320.071, F.S., authorizes advance registration renewals. Specifically, an owner of any motor vehicle, mobile home, or apportioned motor vehicle currently registered in the state may apply for renewal of the registration with DHSMV any time during the three months preceding the date of expiration of the registration period.

Section 320.15, F.S., entitles a resident owner of a motor vehicle or mobile home that has been destroyed or permanently removed from this state, upon application to DHSMV and surrender of the vehicle’s issued sticker, to a credit applicable to the registration of any other vehicle in the name of the owner, if the amount is \$3 or more, for the unexpired period. A credit for surrendered “for-hire” license plates may not be more than one-half of the annual license tax. A credit is not valid after the expiration date of the license plate which is current on the date of the credit.

Currently s. 320.15, F.S., is silent in regards to providing a refund to a motor vehicle registrant who renews during the advance renewal period if the registrant surrenders the license plate prior to the first day of his or her birth month. However, s. 215.26(1)(b), F.S., authorizes a refund of any moneys paid into the State Treasury when no tax, license, or account is due. According to DHSMV, “this applies to the situation where a refund is made to a motor vehicle registrant who renewed during the advance renewal period and surrendered the license plate before the first day of their birth month”.<sup>23</sup> Therefore, no tax is due.<sup>24</sup>

---

<sup>23</sup> Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1068* (on file with the Senate Transportation Committee).

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

### **Motorcycle Specialty License Plates**

Section 320.08068, F.S., creates a specialty license plate for motorcycles. A motorcycle owner wishing to receive this plate must pay an additional \$20 annual use fee, which is distributed to The Able Trust, which is permitted to use up to 10 percent of the proceeds for administrative costs. Pursuant to s. 320.08068(4), F.S., the remaining proceeds must be distributed as follows:

- Twenty percent to the Brain and Spinal Cord Injury Program Trust Fund.
- Twenty percent to Prevent Blindness Florida.
- Twenty percent to the Blind Services Foundation of Florida.
- Twenty percent to the Foundation for Vocational Rehabilitation to support the Personal Care Attendant Program pursuant to s. 413.402.
- Twenty percent to the Florida Association of Centers for Independent Living to be used to leverage additional funding and new sources of revenue for the centers for independent living in this state.

### **Temporary Disabled Parking Permits – Florida Governor’s Alliance for the Employment of Disabled Citizens, Inc.**

Section 320.0848, F.S., provides for the disbursement of the \$15 fee for a temporary disabled parking permit. Specifically, from the proceeds of each temporary disabled parking permit fee:

- The department must receive \$3.50, to be deposited into the Highway Safety Operating Trust Fund and used for implementing the real-time disabled parking permit database and for administering the disabled parking permit program.
- The tax collector, for processing, must receive \$2.50.
- The remainder must be distributed monthly as follows:
  - \$4 to the Florida Governor’s Alliance for the Employment of Disabled Citizens for the purpose of improving employment and training opportunities for persons who have disabilities, with special emphasis on removing transportation barriers. These fees must be deposited into the Transportation Disadvantaged Trust Fund for transfer to the Florida Governor’s Alliance for Employment of Disabled Citizens.
  - \$5 to the Transportation Disadvantaged Trust Fund to be used for funding matching grants to counties for the purpose of improving transportation of persons who have disabilities.

### **Specialty and Special Use License Plates**

The DHSMV administers the issuance of motor vehicle license plates as a part of the tag and registration requirements specified in ch. 320, F.S. License plates are issued for a 10-year period and are replaced upon renewal at the end of the 10-year period.<sup>25</sup> The license plate fee for both an original issuance and replacement is \$28.00.<sup>26</sup> An advance replacement fee of \$2.80 is applied to the annual vehicle registration and is credited towards the next replacement. Section 320.08, F.S., requires the payment of an annual license tax that varies by motor vehicle type and weight;

---

<sup>25</sup> Section 320.06, F.S.

<sup>26</sup> An initial issuance requires a fee of \$225, pursuant to s. 320.072, F.S.

for a standard passenger vehicle weighing between 2,500 and 3,500 pounds, the annual tax is \$30.50.

Current law provides for several types of license plates. In addition to plates issued for governmental or business purposes, DHSMV offers four basic types of plates to the general public:

- **Standard Plates:** The standard license plate currently comes in three configurations, which include the county name designation, the state motto designation, and the state slogan designation.
- **Specialty License Plates:** Specialty license plates are used to generate revenue for colleges, universities and other civic organizations. Organizations seeking to participate in the specialty plate program are required to make application with DHSMV, pay an application fee, and obtain authority from the Florida Legislature.<sup>27</sup> The recipient must pay applicable taxes pursuant to sections 320.08, F.S., and 320.06(1)(b), F.S., and an additional charitable contribution ranging from \$15 to \$25 as provided in section 320.08056(a) – (zzz), F.S., in order to receive a specialty license plate. The creation of new specialty license plates by DHSMV is prohibited until July 1, 2014.<sup>28</sup>
- **Personalized Prestige License Plates:** Personalized license plates are available to motorists who wish to personalize a license plate. Personalized license plates allow motorists to define the alpha numeric design (up to 7 characters) on a standard plate that must be approved by the DHSMV. The cost for a personalized prestige license plate (in addition to the applicable tax in section 320.08, F.S.) is \$15 (\$10 use fee and \$5 processing fee), pursuant to section 320.0805, F.S.
- **Special Use License Plates:** Certain members of the general public may be eligible to apply for special use license plates if they are able to document their eligibility pursuant to various sections of chapter 320, F.S. This category of plates primarily includes special military license plates as well as plates for the handicapped. Examples include the Purple Heart, National Guard, U.S. Armed Forces, Ex-POW, Pearl Harbor, Operation Iraqi Freedom, and Operation Enduring Freedom plates,<sup>29</sup> Disabled Veteran plates,<sup>30</sup> and Paralyzed Veterans of America plates.<sup>31</sup>

Annually, the first \$100,000 of revenues from the sales of Special Use plates authorized under s. 320.089, F.S., are deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act. Any additional revenues are deposited into the State Homes for

---

<sup>27</sup> See generally s. 320.08053, F.S.

<sup>28</sup> The moratorium on new specialty license plates is created by s. 45, Chapter 2008-176, L.O.F., as amended by s. 21, Chapter 2010-223, Laws of Florida.

<sup>29</sup> Section 320.089, F.S. Some of these plates require payment of the annual license tax in s. 320.08, F.S., while others are exempt from the tax.

<sup>30</sup> Section 320.084, F.S. The statute provides that an eligible person may receive one free Disabled Veteran license plate, although other taxes apply.

<sup>31</sup> Section 320.0845, F.S. This plate requires payment of the annual license tax in s. 320.08, F.S.



Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.

### ***Combat Infantryman Badge***

The Combat Infantryman Badge is the U.S. Army combat service recognition decoration awarded to soldiers—enlisted men and officers (commissioned and warrant) holding colonel rank or below, who personally fought in active ground combat while an assigned member of either an infantry or a Special Forces unit, of brigade size or smaller, any time after December 6, 1941.<sup>32</sup> The Combat Infantryman Badge and its non-combat analogue, the infantry skill-recognition Expert Infantryman Badge were simultaneously established by Section I, War Department Circular 269, dated October 27, 1943.<sup>33</sup> The Combat Infantryman Badge was created during World War II with the primary goal of recognizing the combat service and sacrifices of the infantrymen who would likely be wounded or killed in numbers disproportionate to those of soldiers from the Army's other service branches.<sup>34</sup>

Combat Infantryman Badge recipients must have met the following criteria to have been awarded this honor as provided by the Military Awards Army Regulation 600-8-22:

- Be an infantryman satisfactorily performing infantry duties.
- Assigned to an infantry during such time as the unit is engaged in active ground combat.
- Actively participate in such ground combat. Campaign or battle credit alone is not sufficient for the award of the Combat Infantryman Badge.

### ***Tampa Bay Estuary Specialty License Plate***

The Tampa Bay Estuary Program is one of the civic organizations for which DHSMV is authorized to issue a specialty license plate. The mission of the Tampa Bay Estuary Program is to build partnerships to restore and protect Tampa Bay through implementation of a scientifically sound, community-based management plan.<sup>35</sup>

### ***Aquaculture Specialty License Plate***

The annual use fees for the Aquaculture specialty license plate are distributed to the Harbor Branch Oceanographic Institution, Inc. After the Harbor Branch Oceanographic Institution, Inc., has been reimbursed for documented costs expended for establishing the license plate the annual use fee proceeds are to be distributed as follows:

- Ten percent of the funds to the Guy Harvey Research Foundation to conduct outreach and education regarding aquaculture in Florida;
- Up to 15 percent for administrative costs directly associated with the Harbor Branch Oceanographic Institution, Inc.'s, aquaculture programs and administrative costs associated with the specialty license plate; and
- Up to 10 percent for continuing promotion and marketing of the specialty license plate.

The remaining annual use fee proceeds must be used to conduct scientific research and education on environmentally responsible and sustainable methods of farming, including:

---

<sup>32</sup> <http://www.army.mil/symbols/CombatBadges/infantry.html>

<sup>33</sup> <http://cibassoc.com/history/history-of-the-combat-infantrymans-badge/>

<sup>34</sup> *Id.*

<sup>35</sup> See The Tampa Bay Estuary Program's website at <http://www.tbep.org/index.html> (Last viewed 1/23/2012).

- Freshwater and saltwater organisms such as fish, shellfish, and crustaceans for food;
- Biomedical species for pharmaceutical and nutraceutical compounds; and
- Marine ornamentals for the aquarium trade.

The remaining annual use fee proceeds must be used to expand Harbor Branch Oceanographic Institution, Inc.'s, educational programs, including secondary school field trips, college degree programs, and other intensive courses, with the objective of increasing aquaculture's contribution to Florida's economy.

### **Heavy Truck Dealers**

Section 320.13, F.S., allows a licensed motor vehicle and motor home dealer, upon payment of appropriate license fees, to secure one or more dealer license plates for use on vehicles owned, by the dealer to whom such plates are issued while the motor vehicles or mobile homes are in inventory and for sale or while being operated in connection with such dealer's business, but are not valid for use for hire. Currently, there is no provision in law allowing a dealer of heavy trucks this option while the heavy trucks are being used for in Florida for demonstration purposes.

### **Salvage Motor Vehicle Dealers**

Section 320.27, F.S., provides for the licensing and certification of motor vehicle dealers. Section 320.27(1)(c)5., F.S., defines a "salvage motor vehicle dealer" as "any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts."

Subsection (3) of s. 320.27, F.S., provides for an application process for motor vehicle dealers to be licensed by DHSMV. Among the requirements to receive a license, the motor vehicle dealer must provide to DHSMV "evidence that the applicant is insured under a garage liability insurance policy<sup>36</sup> or a general liability insurance policy coupled with a business automobile policy,<sup>37</sup> which shall include, at a minimum, \$25,000 combined single-limit liability coverage including bodily injury and property damage protection and \$10,000 personal injury protection."

Franchise dealers must submit a garage liability insurance policy, and all other dealers must submit a garage liability insurance policy or a general liability insurance policy coupled with a business automobile policy.

### **Recreation Vehicle (RV) Dealers**

Section 320.771, F.S., requires recreational vehicle dealers to be licensed by DHSMV, and provides a number of regulations for RV dealers relating to dealer licensing and RV titling. Currently, s. 320.771, F.S., provides no specific guidance to DHSMV regarding the authorization

---

<sup>36</sup> "Garage liability insurance" is a form of business insurance generally covering liability for the premises, operations, products, and completed operations within a commercial garage.

<sup>37</sup> A "business insurance policy" generally covers a company's use of cars, trucks, and other vehicles in the course of carrying out its business.

of an RV dealer to apply for a title for certain RVs by providing a manufacturer's statement of origin to the department.

According to DHSMV, as of September 30, 2011, the department has issued licenses to 117 RV manufacturers, distributors or importers, and 84 RV dealers. These manufacturers, distributors or importers are licensed for particular line-make(s) and most of them have more than one model under each line-make. The department authorizes the sale of models under each line-make by an agreement signed by both the dealer and manufacturer.

### **Electronic Authentication of Licenses**

Chapter 322, F.S., governs the issuance of driver's licenses and the DHSMV's administration of the program. Florida law in this regard covers legislative intent, definitions and requirements for the issuance of a valid Florida driver's license. Among the sections are requirements related to the color or markings of certain licenses, as well as color photographic or digital imaged licenses.

### **Persons Exempt from Obtaining a Florida Driver's License**

Section 322.04(1)(c), F.S., provides a nonresident who is at least 16 years of age and who has in his or her immediate possession a valid noncommercial driver's license issued to the nonresident in his or her home state or country, may operate a motor vehicle of the type for which a Class E driver's license is required in Florida.

Section 322.04(1)(d), F.S., provides a nonresident who is at least 18 years of age and who has in his or her immediate possession a valid noncommercial driver's license issued to the nonresident in his or her home state or country may operate a motor vehicle, other than a commercial motor vehicle, in Florida.

### **Identity Documents**

Sections 322.051 and 322.08, F.S., provide requirements for the issuance of an identification card or driver's license. An applicant must submit the following proof of identity:

- 1) Full name (first, middle or maiden, and last), gender, proof of social security card number satisfactory to the department, county of residence, mailing address, proof of residential address satisfactory to the department, country of birth, and a brief description.
- 2) Proof of birth date satisfactory to the department.
- 3) Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:
  - a) A driver's license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under sub-subparagraph b., sub-subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph f., or sub-subparagraph g.;
  - b) A certified copy of a United States birth certificate;
  - c) A valid, unexpired United States passport;

- d) A naturalization certificate issued by the United States Department of Homeland Security;
- e) An valid, unexpired alien registration receipt card (green card);
- f) A Consular Report of Birth Abroad provided by the United States Department of State;
- g) An unexpired employment authorization card issued by the United States Department of Homeland Security; or
- h) Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original identification card. In order to prove such nonimmigrant classification, applicants may produce but are not limited to the following documents:
  - A notice of hearing from an immigration court scheduling a hearing on any proceeding.
  - A notice from the Board of Immigration Appeals acknowledging pendency of an appeal.
  - Notice of the approval of an application for adjustment of status issued by the United States Bureau of Citizenship and Immigration Services.
  - Any official documentation confirming the filing of a petition for asylum or refugee status or any other relief issued by the United States Bureau of Citizenship and Immigration Services.
  - Notice of action transferring any pending matter from another jurisdiction to Florida, issued by the United States Bureau of Citizenship and Immigration Services.
  - Order of an immigration judge or immigration officer granting any relief that authorizes the alien to live and work in the United States including, but not limited to asylum.
  - Evidence that an application is pending for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States, if a visa number is available having a current priority date for processing by the United States Bureau of Citizenship and Immigration Services.
  - On or after January 1, 2010, an unexpired foreign passport with an unexpired United States Visa affixed, accompanied by an approved I-94, documenting the most recent admittance into the United States.

Presentation of any of the documents in (3)(g) or (3)(h) entitles the applicant to a driver's license or temporary permit for a period not to exceed the expiration date of the document presented or one year, whichever occurs first.

### **Driver Licenses for Foreign Visitors – Late Fees**

Currently, foreign visitor's driver licenses are only issued for the duration of the foreign visitor's authorized stay in the United States. By law, these visitors, who often own homes in Florida and are seasonal residents, must leave the country and return before being issued a renewal driver's license. The current process requires all foreign visitors to renew their driver's licenses after the expiration date, which subjects the foreign visitor to a \$15 late fee. This late fee is a penalty imposed on these customers as a result of a process over which they have no control.

## Enhanced Driver Licenses

State-issued enhanced drivers licenses (EDLs) provide proof of identity and U.S. citizenship, are issued in a secure process, and include technology that makes travel easier.<sup>38</sup> They provide travelers with a low-cost, convenient alternative for entering the United States from Canada, Mexico or the Caribbean<sup>39</sup> through a land or sea port of entry, in addition to serving as a permit to drive.<sup>40</sup>

The U.S. Department of Homeland Security (DHS) has been working with states to enhance their drivers licenses and identification documents to comply with travel rules under the Western Hemisphere Travel Initiative (WHTI), effective June 1, 2009. The WHTI was recommended by the 9/11 Commission to strengthen border security and to facilitate travel in the Western Hemisphere.<sup>41</sup> WHTI is a federal rule that regulates which documents U.S. citizens can use when they travel in the Western Hemisphere.<sup>42</sup> The states of Michigan, New York, Vermont and Washington are issuing these enhanced drivers licenses.<sup>43</sup>

Enhanced drivers licenses make it easier for U.S. citizens to cross the border into the United States because they include a:

- vicinity Radio Frequency Identification (RFID) chip that will signal a secure system to pull up your biographic and biometric data for the Customs Border Protection (CBP) officer as you approach the border inspection booth, and
- Machine Readable Zone (MRZ) or barcode that the CBP officer can read electronically if RFID isn't available.<sup>44</sup>

The top 39 land ports of entry, which process more than 95 percent of land border crossings, are equipped with RFID technology that helps facilitate travel by individual presenting EDLs or one of the other RFID-enabled documents.<sup>45</sup>

## Expired Driver's Licenses

Section 322.065, F.S., provides that a person whose driver's license is expired for four months or less and who drives a motor vehicle upon the highways of this state is guilty of an infraction and subject to penalty provided in s. 318.18, F.S. Section 322.03(5), F.S., provides that it is a violation of law to operate a motor vehicle with a driver license that has been expired for six months or more. However, there is no provision of Florida law penalizing drivers whose licenses have been expired for five months.

<sup>38</sup> [http://www.dhs.gov/files/crossingborders/gc\\_1197575704846.shtm](http://www.dhs.gov/files/crossingborders/gc_1197575704846.shtm) (last visited January 17, 2012).

<sup>39</sup> Puerto Rico and the U.S. Virgin Islands (includes St. Croix, St. John and St. Thomas) are U.S. possessions. In addition, the U.S. State Department site has a list of the 17 countries, territories and islands that are not U.S. possessions but that are also part of "the Caribbean" under WHTI.

<sup>40</sup> [http://www.dhs.gov/files/crossingborders/gc\\_1197575704846.shtm](http://www.dhs.gov/files/crossingborders/gc_1197575704846.shtm) (last visited January 17, 2012).

<sup>41</sup> <http://www.dmv.ny.gov/edl-faqs.htm> (last visited January 17, 2012).

<sup>42</sup> Id.

<sup>43</sup> [http://www.dhs.gov/files/crossingborders/gc\\_1197575704846.shtm](http://www.dhs.gov/files/crossingborders/gc_1197575704846.shtm) (last visited January 17, 2012).

<sup>44</sup> Id.

<sup>45</sup> Id.

**Military Driver's License Extensions**

Section 322.121(5), F.S., grants members of the Armed Forces, or their dependents residing with them, an automatic extension for the expiration of their licenses without reexamination while serving on active duty outside the state. The extension is valid for 90 days after the member of the Armed Forces is either discharged or returns to Florida to live.

**Driver's License Photographs**

Section 322.14, F.S., requires that applicants qualifying to receive a Class A, Class B, or Class C driver's license must appear in person within the state for issuance of a color photographic or digital imaged driver's license. DHSMV has confirmed that all such license holders have complied with the requirement and had a digital photograph issued.

**Driver's License; Change of Address**

Section 322.19, F.S., provides change-of-address requirements for persons who hold a driver's license. When a person changes his or her residence or mailing address, the person must apply for a replacement license to update the address within 10 calendar days. A violation of this section is a nonmoving violation, punishable by a \$30 fine, plus court costs and fees which vary by jurisdiction.

The current statute is silent as to whether or not a person is required to update the address on his or her driver's license if the person has only temporarily changed addresses (for example, a student who attends college in one city, while retaining permanent residence at his or her parent's home in another city.) Other statutes do require notification of changes in either permanent or temporary residence. Sections 775.13, 775.21, 775.25, and 943.0435, F.S., require certain convicted felons, sexual predators, and sexual offenders to notify the Florida Department of Law Enforcement of permanent and temporary address changes within 48 hours.

**Fraudulent Use of Identification Cards**

Section 322.27(1), F.S., authorizes the department to suspend the license of any person without preliminary hearing upon a showing of its records or other sufficient evidence the licensee has permitted an unlawful or fraudulent use of the license or has knowingly been a party to the obtaining of a license by fraud or misrepresentation or to display, or represent as one's own license not issued to him or her. Currently, DHSMV is not authorized to suspend a person's identification card in the same manner as a driver license for fraudulent use.

**Insurance Notification Requirements**

Section 320.02(5)(e), F.S., requires DHSMV to suspend the registration of a motor carrier who operates a commercial motor vehicle or permits it to be operated without having in full force and effect liability insurance, a surety bond, or a valid self-insurance certificate. The liability insurance policy or surety bond may not be canceled on less than 30 days' written notice by the

insurer to the department, such 30 days' notice to commence from the date notice is received by the department.

Section 324.091, F.S., requires an owner and operator involved in a crash or conviction case within the purview of ch. 324, F.S., to furnish evidence of automobile liability insurance, motor vehicle liability insurance, or surety bond within 30 days from the date of the mailing of notice of crash by DHSMV.

Section 322.251, F.S., provides the giving of notice and an order of cancellation, suspension, revocation, or disqualification by mail is complete upon expiration of 20 days after deposit in the U.S. mail. Proof of the giving of notice and an order of cancellation, suspension, revocation, or disqualification in either manner must be made by entry in the records of the department that such notice was given. The entry is admissible in court and constitutes sufficient proof that such notice was given.

### **Financial Responsibility**

Section 324.072, F.S., provides upon the suspension or revocation of a license under s. 322.26 or s. 322.27, F.S., the department must suspend the registration all motor vehicles registered in the name of the licensee, either individually or jointly. However, DHSMV may not suspend the registration if the person has previously given or immediately give, and thereafter maintain, proof of financial responsibility with respect to all motor vehicles registered by such person.

### **Chauffeurs' Licenses**

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

### **Motor Carrier Compliance - Commercial Vehicles; Federal Requirements - Inconsistencies**

The Federal Motor Carrier Safety Administration (FMCSA) requires states to comply with federal commercial motor vehicle and licensing regulations. The FMCSA has requested minor modifications to current Florida law regarding the following commercial motor vehicle issues:

#### ***Driver Improvement Courses; Withhold of Adjudication***

Sections 318.14(9) and (10) F.S., provide conditions for the court to withhold adjudication for certain violations and upon such action it shall not be considered a conviction.

Section 318.14(9)F.S., provides a person who does not hold a commercial driver's license and who is cited for certain violations may, in lieu of a court appearance, elect to attend a basic driver improvement course approved by the department.<sup>46</sup> In such a case, adjudication must be withheld, points may not be assessed, and the civil penalty must be reduced by 18 percent;

---

<sup>46</sup> The election is not available for certain infractions, including but not limited to speeding in excess of a posted speed limit by 30 mph or more, driving without a valid registration, and driving without possession of a valid driver license.

however, a person may not elect to attend such course if he or she has attended the course within the preceding 12 months. In addition, a person may make no more than five elections in a lifetime.

Section 318.14(10), F.S., provides any person who does not hold a commercial driver's license and who is cited for a listed offense (i.e. infractions involving an invalid driver license, registration, or proof of insurance) may, in lieu of payment of the fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of court, designated official, or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld; however, no election shall be made if the person has made an election in the past 12 months, and no person may make more than three elections.

#### ***Temporary Commercial Instruction Permits***

Section 322.07(3), F.S., provides any person who, except for his or her lack of instruction in operating a commercial motor vehicle, would otherwise be qualified to obtain a commercial driver's license under this chapter, may apply for a temporary commercial instruction permit. The department shall issue such a permit entitling the applicant, while having the permit in his or her immediate possession, to drive a commercial motor vehicle on the highways, provided that:

- The applicant possesses a valid driver's license issued in any state; and,
- The applicant, while operating a commercial motor vehicle, is accompanied by a licensed driver who is 21 years of age or older, who is licensed to operate the class of vehicle being operated, and who is actually occupying the closest seat to the right of the driver.

#### ***Farm Vehicles and Straight Trucks***

Section 322.53, F.S., requires every person driving a commercial vehicle to possess a commercial driver's license (CDL). The section also lists several exemptions from this requirement, including:

- Drivers of authorized emergency vehicles;
- Military personnel driving vehicles operated for military purposes;
- Farmers transporting farm supplies or farm machinery within 150 miles of their farm, or transporting agricultural products to or from the first place of storage or processing or directly to or from market, within 150 miles of their farm;
- Drivers of recreational vehicles;
- Drivers of straight trucks that are exclusively transporting their own tangible property personal property which is not for sale; and,
- Employees of a public transit system when moving the vehicle for maintenance or parking.

Notwithstanding these exemptions, all drivers of for-hire commercial motor vehicles are required to possess a valid CDL.

#### ***Classification - Commercial Motor Vehicle Weight***

Section 322.54, F.S., provides for the classification of vehicles and driver's licenses. Currently, any vehicle with a declared and actual weight of 26,001 pounds or more is classified as a commercial motor vehicle for CDL purposes. Under the provisions, the department is directed to issue driver's licenses for three classes of CDLs, Class A, Class B, and Class C, (as well as one class of non-commercial driver's license, Class E.) The class of CDL required for the legal operation of a commercial motor vehicle is determined by the weight of the vehicle, with heavier



vehicles and load requiring a more stringently administered CDL. Rather than weighing each vehicle, the classification is based on the GVWR ascribed to each vehicle by the manufacturer. The GVWR is typically identified by the Vehicle Identification Number (VIN) plate or by a separate plate attached to the vehicle. There is currently no provision for classifying a vehicle in situations where a GVWR or VIN is not available.

***Possession of Medical Examiner's Certification***

Section 322.59, F.S., provides the department shall not issue a commercial driver's license to any person who is required by the laws of this state or by federal law to possess a medical examiner's certificate, unless such person presents a valid certificate prior to licensure.

***Federal Motor Carrier Safety Administration Regulations – Disqualifications***

Section 322.61, F.S., establishes criteria for disqualifying a commercial driver licensee from operating a commercial motor vehicle if the violations were committed in a commercial motor vehicle. The criteria consist of specified violations that, if made within certain timeframes, result in a temporary disqualification to operate a commercial motor vehicle. These violations and specifications mirror requirements provided by the FMCSA regulations, which the states are required to implement. [Florida is required to change its laws to mirror the federal standards. Failure to comply can result in consequences ranging from loss of federal funds to decertification of the state to issue commercial driver's licenses.]

Section 322.61(3), F.S., provides that if any driver is convicted of committing one of the following violations while operating a commercial motor vehicle, or if a CDL-holder is convicted of committing one of the following violations while operating a non-commercial motor vehicle, he or she will be disqualified for one year from operating a commercial motor vehicle:

- Driving a motor vehicle under the influence;
- Driving a commercial motor vehicle with a blood alcohol content (BAC) of .04 percent or higher;
- Leaving the scene of a crash involving a commercial motor vehicle driven by the driver;
- Using a motor vehicle in the commission of a felony;
- Driving a commercial motor vehicle while in possession of a controlled substance;
- Refusing to submit to test of alcohol concentration while driving a motor vehicle;
- Driving a commercial motor vehicle while the commercial driver's license is suspended, revoked, cancelled or while the driver is disqualified from driving a commercial motor vehicle; or
- Causing a fatality through the negligent operation of a commercial motor vehicle.

Section 322.61(5), F.S., specifies any holder of a commercial driver's license who is convicted of two of the violations listed above, which were committed while operating a noncommercial motor vehicle, or any combination thereof, arising in separate incidents shall be permanently disqualified from operating a commercial motor vehicle.

All owners and drivers of commercial motor vehicles engaged in commerce (interstate and intrastate) are subject to federal regulation. Florida law incorporates this language into s. 316.302, F.S. Among the requirements is a prohibition on the operation of a commercial motor

vehicle beyond a specified number of consecutive hours of operation, under certain instances. Specifically, s. 316.302(2)(c), F.S., prohibits a person from operating a commercial motor vehicle more than 70 hours in any period of seven consecutive days or more than 80 hours in any period of eight consecutive days if the motor carrier operates every day of the week. Thirty-four consecutive hours off duty shall constitute the end of any such period of seven or eight consecutive days. This prohibition applies to persons operating solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172. Section 316.302(2)(c), F.S., provides an exception to the prohibition for operator's of commercial motor vehicles that transport time-sensitive, unprocessed agricultural products and other specified types of food.

### **Wrecker Operators**

Section 323.002, F.S., authorizes a wrecker operator system in cities and counties. This section sets forth provisions to identify and penalize wrecker operators who act outside the system where such a system exists. Specifically, s. 323.002(1), F.S., defines an authorized and unauthorized wrecker operator. Unauthorized wrecker operators are not permitted to be part of a wrecker operator system.

Section 323.002(2), F.S., provides that in a county or municipality that operates a wrecker operator system for the removal and storage of wrecked, disabled, or abandoned vehicles, which system operates in a manner similar to the rotation operated by the Florida Highway Patrol (FHP), a wrecker may not solicit or offer towing services as a result of information received by police radio. A violation of this provision is a noncriminal violation, punishable as provided in s. 775.083 (a \$500 fine). Further, the section provides it is unlawful for an unauthorized wrecker operator to drive by the scene of a wrecked or disabled vehicle before the arrival of an authorized wrecker operator or initiate contact with the owner or driver of the vehicle. A violation of this provision is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, F.S.

An unauthorized wrecker may offer towing services when the operator of a vehicle signals the wrecker for assistance. However, the unauthorized wrecker must disclose to the owner or driver: (a) that he or she is not an authorized wrecker operator designated as part of the wrecker operator system and (b) in writing, what towing and storing charges will apply before the vehicle is connected to the towing apparatus.

It is also unlawful for a wrecker operator to falsely identify herself or himself as being a part of the wrecker operator system. A violation of this provision is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, F.S.

The provisions of s. 320.002, F.S., do not prohibit the owner or operator of a motor vehicle involved in an accident or otherwise disabled from contracting with any wrecker operator for wrecker services, regardless of whether the wrecker operator is an authorized member of the rotation system.

### III. Effect of Proposed Changes:

**Section 1** amends s. 20.24, F.S., to change the name of the Office of Motor Carrier Compliance to the Office of Commercial Vehicle Enforcement. This Office is established within the Division of the Florida Highway Patrol. According to DHSMV, “the purpose of this revision is to better identify the Office and [this change] will have no effect on enforcement.”<sup>47</sup>

**Section 2** amends s. 316.003, F.S., relating to definitions. Section 316.003 (21), F.S., is amended to revise the term “motor vehicle” to exclude “swamp buggy”. In addition, s. 316.003(89), F.S., defines the term “swamp buggy” to mean a motorized off-road vehicle designed or modified to travel over swamp or varied terrain, which may utilize large tires or tracks operated from an elevated platform. A swamp buggy does not include any vehicle defined in ch. 261, F.S., or defined or classified in ch. 316, F.S.

**Section 3** amends s. 316.1303, F.S., to provide a person with impaired mobility who is using a motorized wheelchair on a sidewalk may temporarily leave the sidewalk and use the roadway to avoid a potential conflict, if no alternative route exists. Law enforcement may issue verbal warnings.

**Section 4** amends s. 316.183, F.S., to remove the provision prohibiting a school bus from exceeding 55 miles per hour. A school bus must still obey all posted speed limits.

**Section 5** amends s. 316.2065(3), F.S., to require compliance with the federal safety standard for bicycle helmets contained in 16 C.F.R., part 1203. Helmets purchased prior to October 1, 2012, in compliance with the existing statutory standards may continue to be worn legally by riders or passengers until January 1, 2016.

Section 316.2065(5), F.S., is amended to clarify situations in which a bicyclist is not required to ride in the marked bicycle lane (if the roadway is marked for bicycle use) or as close as practicable to the right-hand curb or edge of the roadway. The bill clarifies that a bicyclist is exempt from this requirement when a “potential conflict” or a turn lane interrupts the roadway or bicycle lane.

The bill amends s. 316.2065(8), F.S., to allow law enforcement officers to issue bicycle safety brochures and verbal warnings to bicycle riders and passengers who violate bicycle lighting equipment standards in lieu of issuing a citation. At the discretion of the law enforcement officer, a bicycle rider who violates the bicycle lighting equipment standards may still be issued a citation and assessed a fine as described above. However, the bill requires the court to dismiss the charge against a bicycle rider for a first violation of this offense upon proof of purchase and installation of the proper lighting equipment.

**Section 6** clarifies s. 316.2085, F.S., by requiring the tag of a motorcycle or moped to “remain clearly visible from the rear at all times.” The bill also clarifies the prohibited action of concealing a tag by eliminating the prohibition on a specific device or method and instead

---

<sup>47</sup> Florida Department of Highway Safety and Motor Vehicles, *Senate Bill 1122 Analysis* (January 11, 2012) (on file with the Senate Transportation Committee).

explicitly stating that “any deliberate act to conceal or obscure” the legibility of a tag is prohibited. With respect to license tags affixed vertically to a motorcycle or moped, vehicles registered in other jurisdictions are permitted to affix license tags vertically. Vehicles with such tags, registered in Florida, must maintain a prepaid account and a transponder.

**Section 7** amends s. 316.2126, F.S., to expand the scope of golf cart and utility vehicle operation upon state roads located within the corporate limits of municipalities authorizing such utilization. The bill creates s. 316.2126(1)(d) and (e), F.S., to authorize golf carts and utility vehicles to cross state roads (only at intersections with an official traffic control device) that have a speed limit of 45 miles per hour or less and to authorize golf carts and utility vehicles to be operated on sidewalks adjacent to state highways if the golf carts and utility vehicles yield to pedestrians and if the sidewalks are at least five feet wide.

**Section 8** creates s. 316.2129(1), F.S., to authorize the operation of a swamp buggy on a public road, street, or highway if a local governmental entity has designated the public road, street, or highway for use by swamp buggies. Upon determining swamp buggies may safely operate on or cross a public road, street, or highway, the local governmental entity is required to post appropriate signs or otherwise inform the public the operation of swamp buggies is allowed.

Section 316.2129(2), F.S., is created to allow the operation of a swamp buggy on land managed, owned, or leased by state or federal agencies if the state or federal agency authorizes the operation of swamp buggies on such land, including any public road, street, or highway running through or located on the land. Upon determining swamp buggies may safely operate on or cross such roads or land, the state or federal agency is required to post appropriate signs or otherwise inform the public the operation of swamp buggies is permitted.

**Section 9** amends s. 316.2397(7), F.S., to allow a motorist to intermittently flash his or her vehicle’s headlamps at an oncoming vehicle notwithstanding the motorist’s intent for doing so.

In addition, this section creates a cross-reference to s. 316.2065, F.S., to add bicycles to the list of vehicles permitted to have flashing lights located on the vehicle.

**Section 10** amends s. 316.302, F.S., to clarify that the provisions of the s. 316.302(2)(c), F.S., do not apply to operators of farm labor vehicles operated during a state of emergency declared by the Governor or operated pursuant to an emergency declared under the authority of the Florida Department of Agriculture and Consumer Services and/or its Commissioner.

**Section 11** amends s. 316.3026, F.S., to make conforming changes to reflect the name change of the Office of Motor Carrier Compliance to the Office of Commercial Vehicle Enforcement.

**Section 12** amends s. 316.6135, F.S., to specify a child under 6 years of age may not be left unattended or unsupervised in a motor vehicle for any period of time if the child appears in distress. A violation is a noncriminal traffic infraction, punishable by a fine not less than \$50 and not more than \$500. A violation resulting in great bodily harm, permanent disability or permanent disfigurement is punishable as a 3<sup>rd</sup> degree felony.

**Section 13** amends s. 316.614, F.S., to eliminate the provision requiring DHSMV to collect violation information relating to the race and ethnicity of violators receiving a citation for not wearing a safety belt from all law enforcement officers and annually report this data to the Governor and the Legislature.

**Section 14** amends s. 316.655, F.S., to clarify the court has the option to suspend or revoke the driver license of a person who has committed a non-criminal traffic violation if that violation *resulted in an accident* and the court determines the suspension or revocation is warranted.

**Section 15** amends s. 318.14, F.S., to comply with a federal regulation denying eligibility for elective withholding of adjudication to persons cited for traffic violations who either (i) hold a CDL (regardless of the vehicle being driven) or (ii) hold a regular operator license but are cited while driving a vehicle requiring a CDL. The bill provides eligibility for the withhold-of-adjudication is restricted to drivers who have noncommercial driver's licenses and were not driving a commercial motor vehicle when cited. According to the department, this is needed for compliance with 49 C.F.R. 384.226, which prohibits masking these convictions on drivers' records.<sup>48</sup>

**Section 16** amends s. 318.15, F.S., and is intended to create a uniform standard for requesting hearings with the clerks of court when a person has been charged with a traffic infraction. Specifically, a person charged with a traffic infraction may request a hearing within 180 days after the date of the violation, regardless of any action taken by the court or the department to suspend the person's driving privilege, and upon request, the clerk must set the case for hearing. The person shall be given a form for requesting that the driving privilege be reinstated. If the 180th day after the date that the violation occurred is a Saturday, Sunday, or a legal holiday, then the person charged must request the hearing within 177 days after the date that the violation occurred; however, the court may grant a request for a hearing made after 180 days after the alleged offense. This paragraph does not affect the assessment of late fees.

According to DHSMV, this "should have no impact on the department since the Clerk of the Court would be responsible for notifying the department to suspend and providing the department clearance when the process is complete."<sup>49</sup>

**Section 17** amends s. 318.18(3), F.S., to correct a statutory cross-reference relating to s. 316.1303, F.S., which will change as a result of the bill.

Section 318.18 (17), F.S., is amended to extend the date of expiration for surcharges deposited into the State Agency Law Enforcement Radio System Trust Fund from 2012 to 2021.

**Section 18** amends s. 318.21(5), F.S., to correct a statutory cross-reference relating to s. 316.1303, F.S., which will change as a result of the bill.

**Section 19** amends s. 319.14, F.S., to prohibit a person from knowingly offering for sale, selling, or exchanging certain vehicles unless the department has stamped in a conspicuous place on the

---

<sup>48</sup> Id.

<sup>49</sup> Id.

certificate of title words stating that the vehicle is a custom vehicle or street rod vehicle. In addition, this section is amended to include the terms and definitions of “custom vehicle” and street rod vehicle” to conform to existing definitions in ch. 320, F.S.

**Section 20** amends s. 319.23(6), F.S., to modify title transfers of mobile homes. The bill provides that with respect to mobile homes, the application for a certificate of title or reassignment must be filed within 30 days after the “consummation of the sale” of the mobile home, in lieu of 30 days after delivery.

The bill creates s. 319.23(7), F.S., to allow the department to accept a bond and affidavit, which includes verification of the vehicle identification number and application for title, if an applicant for a certificate of title is unable to provide the department with a certificate of title assigning the prior owner’s interest in the motor vehicle. The bond must be in a form prescribed by the department, and must be:

- Executed by the applicant;
- Issued by a person authorized to conduct a surety business in this state;
- In an amount equal to two times the value of the vehicle, as determined by DHSMV; and,
- Conditioned to indemnify all prior owners and lienholders and all subsequent purchasers of the vehicle or persons who acquire a security interest in the vehicle, and their successors in interest, against any expense, loss, or damage, including reasonable attorney’s fees, occurring because of the issuance of the certificate of title for the vehicle or for a defect in or undisclosed security interest on the right, title, or interest of the applicant to the vehicle.

An interested person has a right to recover on the bond for a breach of the bond’s condition. The aggregate liability of the surety to all persons may not exceed the amount of the bond. A bond under this subsection expires on the third anniversary of the date the bond became effective.

The affidavit must be in a form prescribed by the department, and must:

- Include the facts and circumstances through which the applicant acquired ownership and possession of the motor vehicle;
- Disclose that no security interests, liens, or encumbrances against the motor vehicle are known to the applicant against the motor vehicle; and,
- State that the applicant has the right to have a certificate of title issued.

According to the department, this provision will align Florida with many other states that offer bonding as a way to provide consumer protection and allow the issuance of a title without having to obtain a court order or provide other acceptable alternative proof of ownership.<sup>50</sup>

**Section 21** amends s. 319.24, F.S., to require the department to electronically transmit a lien to the first lienholder and electronically notify the first lienholder of additional liens if there are one or more lien encumbrances on a motor vehicle or mobile home. Subsequent lien satisfactions must be submitted electronically to the department.

---

<sup>50</sup> Florida Department of Highway Safety and Motor Vehicles, *Senate Bill 1150 Analysis* (March 2, 2011) (on file with the Senate Transportation Committee).

**Section 22** amends s. 319.27, F.S., to require DHSMV to establish and administer an electronic titling program that requires electronic recording of vehicle title information for new, transferred, and corrected title certificates. Lienholders must electronically transmit liens and lien satisfactions to DHSMV in a prescribed format. Individuals and lienholders that are not normally engaged in the business or practice of financing vehicles are exempt from the electronic titling requirement. According to DHSMV, “this means that lienholders would be required to contract with a third party provider.”<sup>51</sup>

“Currently, the department utilizes a voluntary electronic titling and lienholder system.”<sup>52</sup> Lienholders provide lien information electronically through third party vendors who contract with the department.”<sup>53</sup> “Third party providers add, modify, and satisfy liens using the Electronic Lien Transaction (ELT) system.”<sup>54</sup> “The ELT system allows for electronic processing that otherwise must be done manually.”<sup>55</sup>

According to DHSMV, passage of this legislation supports DHSMV’s strategic commitment to electronic titling, which is being studied at the national level to determine if the National Motor Vehicle Title Information System can be used as a platform to issue titles electronically across state lines.<sup>56</sup> As more electronic titles are utilized, fewer paper titles will need to exist.<sup>57</sup> This will result in a cost savings, which is strictly based upon the decline in paper certificates of title.<sup>58</sup>

**Section 23** amends s. 319.28, F.S., to provide a dealer of farm or industrial equipment who repossesses the equipment as defined in s. 493.6101(22), F.S., is not required to be a licensed recovery agent or agency if the dealer regularly engages in sale of the equipment for a particular manufacturer and the lender is affiliated with the manufacturer.

**Section 24** amends s. 319.40, F.S., to authorize the department to issue electronic certificates of title and to collect e-mail addresses of vehicle owners and registrants for notification purposes related to vehicle titles in lieu of the United States Postal Service. However, the bill provides DHSMV may not use electronic notification for any notice regarding the potential forfeiture or foreclosure of an interest in property.

**Section 25** amends s. 320.01, F.S., to revise the term “motor vehicle” to exclude “special mobile equipment” as defined in ch. 316, F.S., and “swamp buggies”. In addition, s. 320.01(46), F.S., is created to define the term “swamp buggy” to mean a motorized off-road vehicle designed or modified to travel over swampy or varied terrain, which may utilize large tires or tracks operated from an elevated platform. A swamp buggy does not include any vehicle defined in ch. 261, F.S., or defined or otherwise defined or classified in ch. 320, F.S.

---

<sup>51</sup> Florida Department of Highway Safety and Motor Vehicles, *Senate Bill 1122 Analysis* (January 11, 2012) (on file with the Senate Transportation Committee).

<sup>52</sup> Id.

<sup>53</sup> Id.

<sup>54</sup> Id.

<sup>55</sup> Id.

<sup>56</sup> Id.

<sup>57</sup> Id.

<sup>58</sup> Id.

**Section 26** amends s. 320.02, F.S., to exempt active-duty military members, who are Florida residents, from the requirement to provide a Florida residential address on an application for vehicle registration.

Section 320.02(5), F.S., is amended to allow DHSMV to cancel a commercial motor vehicle registration no less than 10 days after receiving notification from the insurance company that the policy has been cancelled instead of the current 30 day statutory requirement. This subsection also requires insurance companies to notify DHSMV of commercial motor vehicle cancellations using the department's set criteria established by rule or be in violation of the Florida Insurance Code.

Section 320.02(15)(o), F.S., is amended to include a voluntary contribution check-off option of \$1 on motor vehicle registration and renewal forms to Florida Association of Food Banks, Inc. The department must distribute the proceeds monthly to the Florida Association of Food Banks, Inc., a non-profit 501(c)(3) corporation to be used for the purpose of ending hunger in Florida. Contributions are not income of a revenue nature for the purposes of applying the service charge provided in s. 215.20, F.S. According to DHSMV, the Florida Association of Food Banks, Inc., has met the requirements set forth in s. 320.023, F.S.

Section 320.02(18), F.S., is created to specify all electronic registration records must be retained by the department for at least 10 years. Currently, the department has no specified retention timeframe provided relating to electronic registration records. This will align the retention period for registration records to the retention period for electronic title records, which is also 10 years.

**Section 27** amends s. 320.023, F.S., by providing a bid process for legislatively authorized voluntary contribution organizations to be listed on the renewal notices beginning with the 2013 calendar year. In September 2012, and each September thereafter, DHSMV is to accept bids from legislatively authorized organizations to be listed on the renewal notices for vehicle registrations, vessel registrations and driver licenses during the following calendar year.

This subsection also provides DHSMV shall list a maximum of 20 organizations on renewal notices printed by the department or Tax Collectors. Organizations that are not listed on the renewal notices must be listed on the department's internet website. According to DHSMV, the driver license notices have 15 organizations and the motor vehicle registration notices have 20 organizations.<sup>59</sup>

The funds collected through the bidding process are to be deposited into the Highway Safety Operating Trust Fund to offset the costs associated with administering the voluntary contribution program. The department must refund fees collected from voluntary contribution organizations that are not selected to be listed on the renewal notices.

**Section 28** amends s. 320.03, F.S., to correct a cross-reference relating to s. 319.23, F.S., which will change as a result of the bill.

---

<sup>59</sup> Id.



**Section 29** amends s. 320.06, F.S., to allow DHSMV to perform a pilot program limited to state-owned vehicles, in order to evaluate designs, concepts, and alternative technologies for license plates. The section also specifies all license plates issued by the department are the property of the state.

According to DHSMV, Florida law specifically describes the physical attributes of a license plate and by doing so prohibits the testing of some emerging plate technologies on the roads of Florida. This pilot program will allow the department to investigate newly available license plate designs, concepts and technologies, possibly resulting in going beyond current production standards. By doing so, the pilot program will provide answers to questions involving alternative license plate technologies.

**Section 30** amends s. 320.0605(1), F.S., to require a true copy of a rental or lease documentation (instead of the lease agreement) to be in the possession of a motor vehicle operator or be carried in the vehicle for it was which issued.

Section 320.0605(2), F.S., is created to specify the information sufficient to satisfy the rental or lease documentation requirement of s. 320.0605(1), F.S., includes the following:

- Date of rental and time of exit from rental facility;
- Rental station identification;
- Rental agreement number;
- Rental vehicle identification number;
- Rental vehicle license plate number and state of registration;
- Vehicle's make, model, and color;
- Vehicle's mileage; and
- Authorized renter's name.

**Section 31** amends s. 320.061, F.S., to include a prohibition on the alteration of temporary license plates and provide such violation is a noncriminal traffic infraction, punishable as a moving violation as provided in ch. 318, F.S.

This change will allow law enforcement to take action against person who alter temporary tags and vehicle registration certificates.

**Section 32** amends s. 320.07, F.S., to clarify the expiration of the registration renewal period for a motor vehicle or mobile home owner, who is a natural person, is at midnight on the owner's birthday. According to the department, this has been the historical interpretation of this section; however, this clarification may be useful information for motorists as it distinguishes between a company and an individual.<sup>60</sup>

**Section 33** amends s. 320.08056(4)(z), F.S., to increase the annual usage fee for the Tampa Bay Estuary Program specialty license plate from \$15 to \$25.

**Section 34** amends s. 320.08058(45), F.S., to modify the disbursement of annual use fees for the Aquaculture specialty license plate. Specifically, this section requires up to 30 percent of the

---

<sup>60</sup> Id.

annual use fees collected for the Aquaculture specialty license plate be distributed to the Florida Aquaculture Association for research and education.

**Section 35** amends s. 320.08068, F.S., to remove the requirement that funds received by the Florida Association of Centers for Independent Living must be used to “leverage additional funding and new sources of revenue for the centers for independent living in this state.”

**Section 36** amends s. 320.0848, F.S., to replace the name “Florida Governor’s Alliance for the Employment of Disabled Citizens” with the “Florida Endowment Foundation for Vocational Rehabilitation, known as ‘The Able Trust,’”<sup>61</sup> as the recipient organization of the \$4 proceeds from temporary disabled parking permits. The bill also provides that DHSMV must deposit these fees directly with the Florida Endowment Foundation for Vocational Rehabilitation. For practical purposes, the recipient of these funds is not changed, the bill simply streamlines the process for the distribution of these proceeds.

**Section 37** amends s. 320.089, F.S., to create a Special Use plate for recipients of the Combat Infantry Badge. Upon payment of the license tax for the vehicle as provided in s. 320.08, F.S., and proof of membership in the Combat Infantrymen's Association, Inc., or other proof of being a recipient of the Combat Infantry Badge, the applicant may receive a Special Use plate bearing the words “Combat Infantry Badge,” followed by the serial number of the license plate.

**Section 38** amends s. 320.13, F.S., to allow a dealer of heavy trucks as defined in s. 320.01(10), F.S., upon payment of appropriate license fees, to secure one or more dealer license plates for use on vehicles owned, by the dealer to whom such plates are issued while the heavy trucks are in inventory and for sale and are being used only in the state for demonstration purposes. The license plates may be used for demonstration purposes for a period not to exceed 24 hours. The license plates must be validated on a form prescribed by the department and must be retained in the vehicle being operated.

**Section 39** amends s. 320.15, F.S., to provide a motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period (up to three months before the actual registration period begins) and who surrenders the vehicle license plate before the end of the renewal period may apply for a refund of the license taxes assessed in s. 320.08, F.S. Accordingly, this will extend the refund period beyond the advanced period to the end of the renewal period.

**Section 40** amends s. 320.27, F.S., to provide salvage motor vehicle dealers are exempt from the requirements for garage liability insurance and personal injury protection on those vehicles that cannot be legally operated on state roads, highways or streets.

**Section 41** amends s. 320.771, F.S., to specify circumstances under which a RV dealer may apply for a certificate of title to an RV using a manufacturer’s statement of origin. The bill provides that RV dealers may apply for a certificate of title on RVs within a given line-make only if:

---

<sup>61</sup> The Florida Endowment Foundation for Vocational Rehabilitation, or “Able Trust,” is a direct-support organization of the Division of Vocational Rehabilitation within the Department of Education, as established in s. 413.615, F.S.

- The dealer is authorized by a manufacturer/dealer agreement, as defined in s. 320.3202, F.S., on file with DHSMV, to buy, sell, or deal in that line-make, and
- The dealer is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on that line-make.

**Section 42** amends s. 320.95, F.S., to expressly permit the department to collect and use e-mail addresses of motor vehicle owners and registrants as a method of notification for the purpose of providing renewal notices in lieu of the United States Postal Service.

**Section 43** amends s. 322.04, F.S., to revise provisions exempting a nonresident from the requirement to obtain a driver's license. Specifically, international visitors are permitted to use an International Driving Permit (IDP) issued in his or her name by their country of residence to operate a motor vehicle of the type for which a Class E driver's license is required. The person must be in immediate possession of both an IDP and a valid driver's license issued in the person's country of residence.

According to the department, under the rules adopted in the Geneva Convention, the IDP is considered valid only when the holder of an IDP also has a valid license from the country of residence.<sup>62</sup>

**Section 44** amends s. 322.051(1), F.S., to revise requirements by which an applicant for an identification card may prove non-immigrant status. Specifically, every applicant for an identification card must have documents to prove evidence of lawful presence and the department is authorized to require additional United States Department of Homeland Security documents in order to establish the applicant's efforts to maintain continuous lawful presence in the United States.

In addition, this section is amended to ensure the revised documentary evidence does not make the applicant entitled to an identification card, but only eligible for one which, when issued, will be valid for a period not to exceed one year from the date of issue or until the date of expiration of the document, whichever first occurs.

Section 322.051(9), F.S., is created to require the department to issue or renew an identification card at no charge to a person who presents good cause for a fee waiver, notwithstanding any other provision of this section or s. 322.21, F.S., to the contrary.

**Section 45** amends s. 322.058, F.S., to correct a statutory cross-reference relating to s. 319.23, F.S., which will change as a result of the bill.

**Section 46** amends s. 322.065, F.S., to revise the period of expiration that constitutes the offense of driving with an expired driver license from four months to six months, to conform to s. 322.03, F.S. The effect of this change will close the loophole relating to drivers whose licenses have been expired for more than four months but less than six months.

---

<sup>62</sup> Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1122* (on file with the Senate Transportation Committee).

**Section 47** amends s. 322.07, F.S., to clarify that an applicant must hold a valid Florida driver license, before being issued a temporary commercial instruction permit. According to the department, this provision is needed to prohibit issuance of CDL Learner's Permits to non-residents which complies with federal requirements under 49 C.F.R. 348.212.

**Section 48** amends s. 322.08(2), F.S., to revise requirements by which an applicant for driver license may prove non-immigrant status. Specifically, every applicant for a driver license must have documents to prove evidence of lawful presence and the department is authorized to require additional United States Department of Homeland Security documents in order to establish the applicant's efforts to maintain continuous lawful presence in the United States.

In addition, this section is amended to ensure the revised documentary evidence does not make the applicant entitled to a driver license or temporary permit, but only eligible for one which, when issued, will be valid for a period not to exceed one year from the date of issue or until the date of expiration of the document, whichever first occurs; it does not entitle the applicant to a permanent license.

Section 322.08(8), F.S., is created to authorize DHSMV to collect and use e-mail addresses for the purpose of providing driver license renewal notices in lieu of the USPS.

**Section 49** amends s. 322.081, F.S., by providing a bid process for legislatively authorized voluntary contribution organizations to be listed on the renewal notices beginning with the 2013 calendar year. In September 2012, and each September thereafter, DHSMV is to accept bids from legislatively authorized organizations to be listed on the renewal notices for vehicle registrations, vessel registrations and driver licenses during the following calendar year.

This subsection also provides DHSMV shall list a maximum of 20 organizations on renewal notices printed by the department or Tax Collectors. Organizations that are not listed on the renewal notices must be listed on the department's internet website. According to DHSMV, the driver license notices have 15 organizations and the motor vehicle registration notices have 20 organizations.<sup>63</sup>

The funds collected through the bidding process are to be deposited into the Highway Safety Operating Trust Fund to offset the costs associated with administering the voluntary contribution program. The department must refund fees collected from voluntary contribution organizations that are not selected to be listed on the renewal notices.

**Section 50** amends s. 322.121(5), F.S., to clarify that military personnel shall be granted an automatic extension on the expiration of a Class E license when on active duty outside the state.

**Section 51** amends s. 322.14, F.S., removes the requirement that Class A, Class B, and Class C license holders must appear in person within the state for issuance of a color photographic or digital imaged driver's license. This change allows these license holders to renew or replace licenses online.

---

<sup>63</sup> Id.

**Section 52** creates s. 322.1415, F.S., to establish a specialty driver's license and identification card program. The department may issue to any applicant qualified pursuant to s. 322.14, F.S., a specialty driver's license or identification card upon payment of the \$25 fee. Department-approved specialty driver's licenses and identification cards must, at a minimum, be available for state and independent universities domiciled in Florida, all Florida professional sports teams designated in s. 320.08058(9)(a), F.S., and all branches of the United States military. The design and use of each specialty driver's license and identification card must be approved by the department and the organization that is recognized by the driver's license or card. This section is repealed August 31, 2016.

**Section 53** creates s. 322.145, F.S., to require a driver's license issued on or after July 1, 2013, to contain a means of electronic authentication, which conforms to a recognized standard for such authentication, such as public key infrastructure, symmetric key algorithms, security tokens, medimetrics, or biometrics. The department must provide, at the applicant's option a security token that can be electronically authenticated through a personal computer. The department must negotiate a new contract with the vendor selected to implement the electronic authentication feature which provides that the vendor pay all costs associated with implementing the system; however, the contract must not conflict with current contractual arrangements for the issuance of driver's licenses.

**Section 54** amends s. 322.18, F.S., to provide a person who has been issued a driver license based on documentation specified in s. 322.08(2)(c)8., F.S., as proof of identity is not eligible to renew the driver license and must obtain an original license.

In calendar year 2010, 77,320 non-immigrants paid a late fee of \$15, which is deposited into the General Revenue Fund, for the renewal of their driver license for a total revenue collection of \$1,159,800. Passage of this subsection will remove the late fee requirement and reduce the annual revenue in the General Revenue Fund by approximately \$1,159,800.<sup>64</sup>

**Section 55** amends s. 322.19, F.S., to provide that persons with a valid current student identification card issued by an educational institution in this state are presumed not to have changed their legal residence or mailing address. The bill explicitly states that this presumption shall not affect any person who is otherwise required to notify the state of address changes pursuant to ss. 775.13, 775.21, 775.25, or 943.0435, F.S.

**Section 56** creates s. 322.21(1)(e), F.S., to allow for the optional issuance of an Enhanced Driver License (EDL) or Enhanced Identification Card (EIC) for all residents who are otherwise qualified to be issued a Class A, B, C, or E driver license or an identification card. This paragraph provides an original or renewal EDL or EIC card that meets the requirements of the Western Hemisphere Travel Initiative, in addition to required fees, may not exceed \$30. The funds collected will be deposited into the Highway Safety Operating Trust Fund to offset the cost of administration and materials related to the issuance of the EDL or EIC.

---

<sup>64</sup> Id.

This section creates paragraph (j) of s. 322.21(1), F.S., to provide a specialty license or identification card issued pursuant to s. 322.1415 is \$25, which is in addition to other fees. The specialty fee shall be distributed as follows:

- Fifty percent must be distributed to the appropriate state or independent university foundation, the Florida Sports Foundation, or the State Homes for Veterans Trust Fund, as designated by the purchaser, for deposit into an unrestricted account; and,
- Fifty percent must be distributed to the department for department costs directly related to the specialty driver's license and identification card program and to defray costs of production enhancements and distribution.

**Section 57** amends s. 322.251, F.S., to provide that notices issued under ch. 324, F.S., or ss. 627.733-627.734, F.S., of cancellation, suspension, revocation, or disqualification of a driver license are complete 15 days after deposit into the U.S. mail. This change allows for the suspension of a driver license 15 days after the letter is deposited in the U.S. mail for all financial responsibility related cases.

**Section 58** amends s. 322.27, F.S., to authorize DHSMV to suspend the driving privilege when a licensee has permitted the unlawful use of his or her identification card or has knowingly been a party to obtaining an identification card by fraud or misrepresentation or to the display or representation as one's own identification card not issued to him or her.

**Section 59** amends s. 322.53, F.S. Specifically, s. 322.53(2), F.S., is revised to clarify exemptions to the requirement for drivers of commercial motor vehicles to possess a CDL. Paragraph (c) is amended to clarify that farmers are exempt from CDL requirements only when transporting agricultural products, farm machinery, and farm supplies, within 150 miles of, and to or from, their farms. The exemption does not apply if the products, machinery, or supplies are being transported by a vehicle used by a common or contract carrier.

**Section 60** amends s. 322.54, F.S., to include the motor vehicle's gross vehicle weight to be used in the determination of the class of CDL required.

**Section 61** repeals s. 322.58, F.S., relating to chauffeur's licenses, which were phased out and replaced by Commercial Driver's Licenses in the early 1990's.

**Section 62** amends s. 322.59, F.S., to mirror the FMCSA regulations and remedy inconsistencies. Specifically, s. 322.59, F.S., is amended to provide that the department may not issue a CDL to a person who is required by the laws of this state or by federal law to possess a medical examiner's certificate, unless the person presents a valid certificate, as described in 49 C.F.R. s. 383.71, before licensure.

This section further is amended to require the department to disqualify a driver holding a CDL who fails to comply with the medical certification requirements described in 49 C.F.R. s. 383.71, from commercial motor vehicle operation. The section also allows for a person who is disqualified from operating a commercial motor vehicle to be issued a Class E driver license if otherwise qualified.

**Section 63** amends s. 322.61, F.S., to mirror the FMCSA regulations and remedy inconsistencies. Specifically, s. 322.61(5), F.S., is amended to provide any holder of a commercial driver's license who is convicted of two violations of specified offenses listed in s. 322.61(3), F.S., which were committed while operating any motor vehicle arising in separate incidents shall be permanently disqualified from operating a commercial motor vehicle.

**Section 64** amends s. 323.002, F.S., to provide additional penalties for offenses committed by unauthorized wrecker operators. Specifically, an unauthorized wrecker operator's wrecker, tow truck, or other motor vehicle used during the following offenses may be immediately removed and impounded:

- The unauthorized wrecker operator monitors a police radio to find the location of a wrecked or disabled vehicle in order to drive by the scene of an accident for the purpose of soliciting towing services;
- The unauthorized wrecker operator drives by the scene of a wrecked or disabled vehicle before the arrival of an authorized wrecker operator or initiates contact with the owner or driver of the vehicle for the purpose of soliciting towing services and tows such vehicle; and
- The unauthorized wrecker operator falsely identifies themselves as a part of the wrecker operator system,

In addition, an unauthorized wrecker may offer towing services when the operator of a vehicle signals the wrecker for assistance. However, the unauthorized wrecker must disclose in writing to the owner or driver: (a) *his or her full name and driver license number* (b) that he or she is not an authorized wrecker operator designated as part of the wrecker operator system (c) *the motor vehicle is not being towed for the owner's or operator's insurance company or lienholder*, and (d) the maximum charges will apply before the vehicle is connected to the towing apparatus. The unauthorized wrecker operator must also provide a copy to the owner operator in the presence of the police officer, should one be at the scene of the accident. If the unauthorized wrecker operator fails to comply, his or her wrecker, tow truck, or other motor vehicle used during the offense may be immediately removed and impounded.

A law enforcement officer from any local governmental agency or state law enforcement agency may cause to be immediately removed or impounded from the scene, at the unauthorized wrecker operator's expense, any wrecker, tow truck, or other motor vehicle used in violation of the offenses listed above. The wrecker operator is assessed a cost recovery fine, in addition to fees associated with the removal and storage of the unauthorized wrecker, and the impounded vehicle may not be released until a release form has been completed by the authority towing the vehicle which verifies such a fine was paid. The vehicle is impounded until the fine is paid or until it is sold at public auction.

This section provides the cost recovery fine is \$500 for a first offense and \$1000 for any subsequent offenses, payable to the authority that ordered the removal and impoundment. Cost recovery funds collected may be used only for the enforcement, investigation, prosecution, and training related to towing violations and crimes involving motor vehicles.

**Section 65** amends s. 324.072, F.S., to prohibit the department from suspending a registration of a motor vehicle if the person to whom the motor vehicle is registered had insurance coverage limits required under s. 324.031, F.S., on the date of the latest offense that caused the suspension or revocation.

**Section 66** amends s. 324.091, F.S., to shorten the timeframe that an owner or operator involved in a crash must furnish evidence of automobile liability insurance, motor vehicle liability insurance, or surety bond. The timeframe is revised from 30 days to 14 days after the date of mailing notice of crash by the department.

**Section 67** amends s. 328.15, F.S., to require DHSMV to establish and administer an electronic titling program that requires electronic recording of vessel title information for new, transferred, and corrected title certificates. Lienholders must electronically transmit liens and lien satisfactions to DHSMV in a prescribed format. Individuals and lienholders that are not normally engaged in the business or practice of financing vessels are exempt from the electronic titling requirement. According to DHSMV, “this means that lienholders would be required to contract with a third party provider.”<sup>65</sup>

The department states, “passage of this legislation supports DHSMV’s strategic commitment to electronic titling, which is being studied at the national level to determine if the National Motor Vehicle Title Information System can be used as a platform to issue titles electronically across state lines.” “As more electronic titles are utilized, fewer paper titles will need to exist.” “This will result in a cost savings, which is strictly based upon the decline in paper certificates of title.”

**Section 68** amends s. 328.16, F.S., to require the department to electronically transmit a lien on a vessel to the first lienholder and electronically notify the first lienholder of additional liens if there are one or more lien encumbrances on a motor vehicle or mobile home. Subsequent lien satisfactions must be submitted electronically to the department

**Section 69** amends s. 328.30, F.S., to permit DHSMV to issue an electronic certificate of title for vessels in lieu of printing a paper title and to permit DHSMV to collect and use e-mail addresses as a method of notification regarding vessel titles and registration in lieu of the USPS.

**Section 70** amends s. 713.78, F.S., regarding liens for recovery, towing, or storing vehicles, to correct a statutory cross-reference relating to s. 319.23, F.S., which will change as a result of the bill.

**Section 71** provides this act shall take effect January 1, 2013, except as otherwise expressly provided in the act.

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

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

None.

---

<sup>65</sup> Florida Department of Highway Safety and Motor Vehicles, *Senate Bill 1122 Analysis* (January 11, 2012) (on file with the Senate Transportation Committee).



B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

**Section 54.** According to DHSMV, in calendar year 2010, 77,320 non-immigrants paid a late fee of \$15, which is deposited into the General Revenue Fund, for the renewal of their driver license for a total revenue collection of \$1,159,800. Passage of this subsection will remove the late fee requirement and reduce the annual revenue in the General Revenue Fund by approximately \$1,159,800.<sup>66</sup> Based on the effective date the bill, there would be a negative fiscal impact to the General Revenue Fund in FY 2012-2013 of approximately \$773,200.

B. Private Sector Impact:

**Section 5.** The bill may cause an increase in bicyclists purchasing lighting and/or reflective equipment to comply with the provisions of this bill. Violators may be subject to a fine for failure to comply with the provisions of this bill.<sup>67</sup>

**Section 26. Person who elect to voluntarily donate to the Florida Association of Food Banks, Inc., on the motor vehicle registration application or renewal form will pay an additional \$1 for the check-off.**

**Section 33. Persons who voluntarily purchase the Tampa Bay Estuary specialty license plate will pay \$25.**

**Section 37.** Persons who purchase a “Combat Infantry Badge” Special Use license plate created by the bill will be required to pay applicable taxes as provided in s. 320.08, F.S.

**Section 39.** The bill extends the refund period beyond the advanced period to the end of the renewal period, which is a natural person’s birthday.

**Section 41.** Recreational vehicle dealers may apply for a certificate of title on RVs within a given line-make only if: (1) the dealer is authorized by a manufacturer/dealer agreement, as defined in s. 320.3202, F.S., on file with DHSMV, to buy, sell, or deal in that line-make, and (2) the dealer is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on that line-make.

---

<sup>66</sup> Id.

<sup>67</sup> Department of Highway Safety and Motor Vehicles, *Senate Bill 390 Bill Analysis* (October 20, 2011) (on file with the Senate Transportation Committee).

**Section 44.** Persons who present good cause for a fee waiver, may be issued a new or renewal identification card at no charge.

**Section 56.** Persons who elect to purchase an Enhanced Driver License or Enhance Identification card will be required to pay an additional \$30 fee.

Persons who elect to purchase a specialty driver's license or identification card will be required to pay an additional \$25 fee.

C. Government Sector Impact:

**Section 5.** DHSMV states state and local governments may see additional revenues as a result of possible fines for pedestrian violations.<sup>68</sup>

The bill does not provide for the printing of bicycle safety brochures. However, profits from the Florida "Share the Road" specialty tag program inure to the benefit of the Florida Bicycle Association<sup>69</sup> and Bike Florida.<sup>70</sup> These organizations use a portion of these proceeds to create educational materials and may be able to provide the requisite number of bicycle safety brochures.

**Sections 24, 42, 48, and 69.** According to DHSMV, authorizing the collection of email addresses will allow the department to provide enhanced customer service by facilitating electronic communication. Postal costs may be reduced in the future depending on the number of customers participating in the electronic service. Also provides electronic tracking of correspondence.

**Section 31.** According to DHSMV, costs to produce the "Combat Infantry Badge" Special Use plate are minimal and can be absorbed within existing resources. It is unknown how many Florida residents are Combat Infantry Badge recipients and will apply for this license plate. Tax Collectors will have to maintain an adequate inventory of these license plates and issue them to qualified Combat Infantry Badge recipients.

Also, the DHSMV's Information Systems Administration (ISA) will require approximately 120 hours to implement the provisions of this section. These hours can be incorporated into ISA's normal workload.<sup>71</sup>

**Section 39.** The department anticipates an increase in refunds; however, the exact amount is indeterminable but is estimated to be minimal.<sup>72</sup>

---

<sup>68</sup> *Id.*

<sup>69</sup> Florida Bicycle Association, <http://www.floridabicycle.org/programs/sharetheroad.html>, last accessed November 1, 2011.

<sup>70</sup> Bike Florida, Inc., <http://www.bikeflorida.org/about.php>, last accessed November 1, 2011.

<sup>71</sup> Florida Department of Highway Safety and Motor Vehicles, *Senate Bill 528 Analysis* (October 25, 2011) (on file with the Senate Transportation Committee).

<sup>72</sup> Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1068* (on file with the Senate Transportation Committee).

According to DHSMV, ISA will require approximately 40 hours, non-recurring, in order to implement this provision, which can be incorporated into ISA's normal workload.

**Section 41.** Programming costs to implement the provisions of this section will be absorbed within existing resources.

According to the department, programming will be required to capture all brand or model names under a line-make for each of the manufacturers and their associated recreational vehicle dealers. This would require Information Systems Administration (ISA) to:

- Provide additional fields in the line-make code table in the Florida Real-Time Vehicle Information System (FRVIS) to capture the brands or models under a line-make for a manufacturer, importer, or distributor.
- Provide a drop down box of brands or models under a line-make to select from while licensing new franchise dealers.
- Provide a method to add the brands under a line-make for existing franchise dealers.
- Enhance existing reports on manufacturers and dealers for particular line-makes to also be generated by models.<sup>73</sup>

In addition, capturing the brands under a line-make for a licensed manufacturer and its associated dealers will be great assistance to the department to ensure that the correct brands stated in the single franchise agreement for the dealer are being sold.<sup>74</sup>

**Section 44.** Persons who present good cause for a fee waiver, may be issued a new or renewal identification card at no charge. The fiscal impact of this provision is indeterminate.

**Section 54.** According to DHSMV, in calendar year 2010, 77,320 non-immigrants paid a late fee of \$15, which is deposited into the General Revenue Fund, for the renewal of their driver license for a total revenue collection of \$1,159,800. Passage of this subsection will remove the late fee requirement and reduce the annual revenue in the General Revenue Fund by approximately \$1,159,800.<sup>75</sup> Based on an effective date of the bill, there would be a negative fiscal impact to the General Revenue Fund in FY 2012-2013 of approximately \$773,200.

## VI. Technical Deficiencies:

Section 59 of the bill (lines 2324 and 2329) appears to contain a scrivener's error. Section 328.15, F.S., relates to notice of lien on vessels. Accordingly, "vehicle" should be replaced with "vessel". Barcode 672774 corrected this error.

---

<sup>73</sup> Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 388*, (October 12, 2011); however, modified on November 1, 2011, on file with the Transportation Committee).

<sup>74</sup> *Id.*

<sup>75</sup> Florida Department of Highway Safety and Motor Vehicles, *Senate Bill 1122 Analysis* (January 11, 2012) (on file with the Senate Transportation Committee)..

**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 Committee on January 19, 2012:**

- Removes a provision prohibiting a school bus from exceeding 55 miles per hour.
- Authorizes municipalities to use golf carts and utility vehicles to cross state roads (only at intersections with an official traffic control device) that have a speed limit of 45 miles per hour or less and to authorize golf carts and utility vehicles to be operated on sidewalks adjacent to state highways if the golf carts and utility vehicles yield to pedestrians and if the sidewalks are at least five feet wide.
- Authorizes the operation of swamp buggies on a public road, street, or highway or land owned, managed or leased by a state or federal agency when the respective local government, state, or federal agency determines whether or not conditions safely allow for the safer operation of a swamp buggy along its infrastructure.
- Adds bicycles to the list of vehicles permitted to have flashing lights located on the vehicle.
- Clarifies the provisions of the s. 316.302(2)(c), F.S., do not apply to operators of farm labor vehicles operated during a state of emergency declared by the Governor or operated pursuant to an emergency declared under the authority of the Florida Department of Agriculture and Consumer Services and/or its Commissioner.
- Clarifies the court has the option to suspend or revoke the driver license of a person who has committed a non-criminal traffic violation if that violation *resulted in an accident* and the court determines the suspension or revocation is warranted.
- Extends the date of expiration for surcharges deposited into the State Agency Law Enforcement Radio System Trust Fund from 2012 to 2021.
- Includes a voluntary contribution check-off option of \$1 on motor vehicle registration and renewal forms to Florida Association of Food Banks, Inc.
- Replaces the provision deleting the requirement that registration license plates be made of metal with a provision allowing DHSMV to perform a pilot program limited to state-owned vehicles, in order to evaluate designs, concepts, and alternative technologies for license plates.
- Increases the cost of the Tampa Bay Estuary specialty license plates from \$15 to \$25.
- Modifies the disbursement of annual use fees for the Aquaculture specialty license plate.
- Allows a dealer of heavy trucks to obtain dealer license plates for vehicles owned, inventoried, and for sale by the dealer as long as the dealer pays the appropriate fees and is only using the vehicle for demonstration purposes for a period not to exceed 24 hours.
- Includes the motor vehicle's gross vehicle weight as an additional factor to be used in the determination of the class of CDL required.

- Provides if an unauthorized wrecker operator is flagged down at an accident scene and is asked to provide towing services, he or she must disclose in writing their full name and drivers license number, the vehicle is not being towed for the owner's or operator's insurance company or lienholder, and the maximum charges which will apply before connecting the vehicle to his or her wrecker. The unauthorized wrecker operator must also provide a copy to the owner operator in the presence of the police officer, should one be at the scene.
- Allows for an unauthorized wrecker operator's wrecker, tow truck, or other motor vehicle used during certain unlawful offenses to be immediately removed and impounded. The wrecker operator will be assessed a cost recovery fine of \$500 for a first offense and \$1000 for any subsequent offenses and fees associated with the removal and storage of the unauthorized wrecker.
- Corrected a scrivener's error in section 59 of the bill (lines 2324 and 2329). Section 328.15, F.S., relates to notice of lien on vessels. Accordingly, "vehicle" was replaced with "vessel".
- Changed the effective date of the bill to January 1, 2013.

B. Amendments:

None.



875924

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 464 - 520  
and insert:

Section 6. Subsection (1) of section 316.2126, Florida  
Statutes, is amended to read:

316.2126 Authorized use of golf carts, low-speed vehicles,  
and utility vehicles.—

(1) In addition to the powers granted by ss. 316.212 and  
316.2125, municipalities are authorized to utilize golf carts  
and utility vehicles, as defined in s. 320.01, upon any state,  
county, or municipal roads located within the corporate limits



875924

of such municipalities, subject to the following conditions:

(a) Golf carts and utility vehicles must comply with the operational and safety requirements in ss. 316.212 and 316.2125, and with any more restrictive ordinances enacted by the local governmental entity pursuant to s. 316.212(8), and shall be operated only by municipal employees for municipal purposes, including, but not limited to, police patrol, traffic enforcement, and inspection of public facilities.

(b) In addition to the safety equipment required in s. 316.212(6) and any more restrictive safety equipment required by the local governmental entity pursuant to s. 316.212(8), such golf carts and utility vehicles must be equipped with sufficient lighting and turn signal equipment.

(c) Golf carts and utility vehicles may be operated only on state roads that have a posted speed limit of 30 miles per hour or less.

(d) Golf carts and utility vehicles may cross any portion of the State Highway System having a posted speed limit of 45 miles per hour or less only at an intersection that has an official traffic control device.

(e) Golf carts and utility vehicles may be operated on a sidewalk adjacent to a state highway only if such golf carts and utility vehicles yield to pedestrians and if the sidewalk is at least 5 feet wide.

Section 7. Section 316.2129, Florida Statutes, is created to read:

316.2129 Operation of swamp buggies on public roads, streets, or highways authorized.—

(1) The operation of a swamp buggy on a public road,



875924

street, or highway is authorized if a local governmental entity has designated the public road, street, or highway for use by swamp buggies. Upon determining that swamp buggies may safely operate on or cross a public road, street, or highway, the local governmental entity shall post appropriate signs or otherwise inform the public that the operation of swamp buggies is allowed.

(2) The operation of a swamp buggy on land managed, owned, or leased by a state or federal agency is authorized if the state or federal agency allows the operation of swamp buggies on such land, including any public road, street, or highway running through or located within the state or federal land. Upon determining that swamp buggies may safely operate on or cross a public road, street, or highway running through or located within such land, the state or federal agency shall post appropriate signs or otherwise inform the public that the operation of swamp buggies is allowed.

Section 8. Subsection (7) of section 316.2397, Florida Statutes, is amended to read:

316.2397 Certain lights prohibited; exceptions.—

(7) Flashing lights are prohibited on vehicles except:

(a) As a means of indicating a right or left turn, to change lanes, or to indicate that the vehicle is lawfully stopped or disabled upon the highway;

(b) When a motorist intermittently flashes his or her vehicle's headlamps at an oncoming vehicle notwithstanding the motorist's intent for doing so; and ~~or except that~~

(c) For the lamps authorized under ~~in~~ subsections (1), (2), (3), (4), and (9), s. 316.2065, or ~~and~~ s. 316.235(5) which may





875924

~~are permitted to flash.~~

Section 9. Subsection (1) of section 316.3026, Florida Statutes, is amended to read:

316.3026 Unlawful operation of motor carriers.—

(1) The Office of Commercial Vehicle Enforcement ~~Motor Carrier Compliance~~ may issue out-of-service orders to motor carriers, as defined in s. 320.01(33), who, after proper notice, have failed to pay any penalty or fine assessed by the department, or its agent, against any owner or motor carrier for violations of state law, refused to submit to a compliance review and provide records pursuant to s. 316.302(5) or s. 316.70, or violated safety regulations pursuant to s. 316.302 or insurance requirements in s. 627.7415. Such out-of-service orders have the effect of prohibiting the operations of any motor vehicles owned, leased, or otherwise operated by the motor carrier upon the roadways of this state, until the violations have been corrected or penalties have been paid. Out-of-service orders must be approved by the director of the Division of the Florida Highway Patrol or his or her designee. An administrative hearing pursuant to s. 120.569 shall be afforded to motor carriers subject to such orders.

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

And the title is amended as follows:

Delete lines 28 - 38

and insert:

be affixed perpendicularly to the ground; amending s.  
316.2126, F.S.; authorizing municipalities to use golf  
carts and utility vehicles to cross the State Highway



875924

System and operate on sidewalks adjacent to state highways under certain circumstances; creating s. 316.2129, F.S.; authorizing the operation of swamp buggies on a public road, highway, or street if a local governmental entity has designated the public road, highway, or street for such use; authorizing the operation of swamp buggies on land managed, owned, or leased by a state or federal agency; amending s. 316.2397, F.S.; providing an exception to the prohibition against flashing vehicle lights for motorists who intermittently flash their vehicle's headlamps at an oncoming vehicle, regardless of their intent in doing so, and for persons operating bicycles equipped with lamps; amending s. 316.3026, F.S.;



787160

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 548 and 549  
insert:

Section 11. Subsection (2) of section 316.655, Florida  
Statutes, is amended to read:

316.655 Penalties.—

(2) Drivers convicted of a violation of any offense  
prohibited by this chapter or any other law of this state  
regulating motor vehicles, which resulted in an accident, may  
have their driving privileges revoked or suspended by the court  
if the court finds such revocation or suspension warranted by



787160

the totality of the circumstances resulting in the conviction and the need to provide for the maximum safety for all persons who travel on or who are otherwise affected by the use of the highways of the state. In determining whether suspension or revocation is appropriate, the court shall consider all pertinent factors, including, but not limited to, such factors as the extent and nature of the driver's violation of this chapter, the number of persons killed or injured as the result of the driver's violation of this chapter, and the extent of any property damage resulting from the driver's violation of this chapter.

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

And the title is amended as follows:

Delete line 51

and insert:

information and provide reports; amending s. 316.655, F.S.; providing that drivers convicted of a violation of certain offenses relating to motor vehicles which resulted in an accident may have their driving privileges revoked or suspended; amending s. 318.14,



122786

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Latvala) recommended the following:

**Senate Amendment (with directory and title amendments)**

Between lines 666 and 667  
insert:

(17) In addition to any penalties imposed, a surcharge of \$3 must be paid for all criminal offenses listed in s. 318.17 and for all noncriminal moving traffic violations under chapter 316. Revenue from the surcharge shall be remitted to the Department of Revenue and deposited quarterly into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services for the state agency law enforcement radio system, as described in s. 282.709, and to provide



122786

technical assistance to state agencies and local law enforcement agencies with their statewide systems of regional law enforcement communications, as described in s. 282.7101. This subsection expires July 1, 2021 ~~2012~~. The Department of Management Services may retain funds sufficient to recover the costs and expenses incurred for managing, administering, and overseeing the Statewide Law Enforcement Radio System, and providing technical assistance to state agencies and local law enforcement agencies with their statewide systems of regional law enforcement communications. The Department of Management Services working in conjunction with the Joint Task Force on State Agency Law Enforcement Communications shall determine and direct the purposes for which these funds are used to enhance and improve the radio system.

===== D I R E C T O R Y   C L A U S E   A M E N D M E N T =====

And the directory clause is amended as follows:

Delete lines 656 - 657

and insert:

Section 13. Paragraph (f) of subsection (3) and subsection (17) of section 318.18, Florida Statutes, are amended to read:

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

And the title is amended as follows:

Delete lines 71 - 72

and insert:

s. 318.18, F.S.; conforming a cross-reference;  
extending the future expiration of provisions relating  
to surcharges deposited into the State Agency Law



122786

42 Enforcement Radio System Trust Fund of the Department  
43 of Management Services; amending s. 318.21, F.S.;  
44 conforming a cross-reference; amending s. 319.14,  
45 F.S.; prohibiting the



540048

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

The Committee on Transportation (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 1124 - 1197  
and insert:

Section 25. Subsections (5) and (6) are added to section 320.06, Florida Statutes, to read:

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

(5) The department may conduct a pilot program to evaluate the designs, concepts, and technologies for alternative license plates. For purposes of the pilot program, the department shall investigate the feasibility and use of alternative license plate





540048

technologies. The pilot program shall be limited to license plates that are used on government-owned motor vehicles as described in s. 320.0655. Such license plates are exempt from the requirements in paragraph (3)(a).

(6) All license plates issued pursuant to this chapter are the property of the state.

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

And the title is amended as follows:

Delete lines 142 - 144

and insert:

320.06, F.S.; authorizing the department to conduct a pilot program to evaluate the designs, concepts, and technologies for alternative license plates; requiring that the department investigate the feasibility and use of alternative license plate technologies for purposes of the pilot program; limiting the scope of the pilot program to license plates that are used on government-owned motor vehicles; providing an exemption for such license plates from certain requirements; providing that license plates issued under ch. 320, F.S., are the property of the state; amending s. 320.0605, F.S.; revising



550572

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 1261 and 1262  
insert:

Section 29. Paragraph (z) of subsection (4) of section  
320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(4) The following license plate annual use fees shall be  
collected for the appropriate specialty license plates:

(z) Tampa Bay Estuary license plate, \$25 ~~\$15~~.

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



550572

13 And the title is amended as follows:  
14 Delete line 156  
15 and insert:  
16 midnight on the owner's birthday; amending s.  
17 320.08056, F.S.; increasing the annual use fee for the  
18 Tampa Bay Estuary license plate; amending s.



882498

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 1412 and 1413  
insert:

Section 32. Paragraph (c) is added to subsection (1) of  
section 320.13, Florida Statutes, to read:

320.13 Dealer and manufacturer license plates and  
alternative method of registration.—

(1)

(c) A dealer of heavy trucks as defined in s. 320.01(10),  
upon payment of the license tax imposed by s. 320.08(12), may  
secure one or more dealer license plates that are valid for use



882498

on vehicles owned by the dealer to whom such plates are issued while the heavy trucks are in inventory and for sale and are being used only in the state for demonstration purposes. The license plates may be used for demonstration purposes for a period not to exceed 24 hours. The license plates must be validated on a form prescribed by the department and must be retained in the vehicle being operated.

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

And the title is amended as follows:

Delete line 174

and insert:

plate; amending s. 320.13, F.S.; authorizing a dealer of heavy trucks, upon payment of a license tax, to secure one or more dealer license plates under certain circumstances; providing that the license plates may be used for demonstration purposes for a specified period; requiring that the license plates be validated on a form prescribed by the department and be retained in the vehicle being operated; amending s. 320.15, F.S.; providing that an



342894

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 2218 - 2224  
and insert:

Section 53. Subsection (2) of section 322.54, Florida  
Statutes, is amended to read:

322.54 Classification.—

(2) The department shall issue, pursuant to the  
requirements of this chapter, driver ~~drivers'~~ licenses in  
accordance with the following classifications:

(a) Any person who drives a motor vehicle combination  
having a gross vehicle weight rating or gross vehicle weight of



342894

26,001 pounds or more must possess a valid Class A driver  
~~driver's~~ license, if provided the gross vehicle weight rating or  
gross vehicle weight of the vehicle being towed is more than  
10,000 pounds. Any person who possesses a valid Class A driver  
~~driver's~~ license may, subject to the appropriate restrictions  
and endorsements, drive any class of motor vehicle within this  
state.

(b) Any person, except a person who possesses a valid Class  
A driver ~~driver's~~ license, who drives a motor vehicle having a  
gross vehicle weight rating or gross vehicle weight of 26,001  
pounds or more must possess a valid Class B driver ~~driver's~~  
license. Any person, except a person who possesses a valid Class  
A driver ~~driver's~~ license, who drives such vehicle towing a  
vehicle having a gross vehicle weight rating of 10,000 pounds or  
less must possess a valid Class B driver ~~driver's~~ license. Any  
person who possesses a valid Class B driver ~~driver's~~ license  
may, subject to the appropriate restrictions and endorsements,  
drive any class of motor vehicle, other than the type of motor  
vehicle for which a Class A driver ~~driver's~~ license is required,  
within this state.

(c) Any person, except a person who possesses a valid Class  
A or a valid Class B driver ~~driver's~~ license, who drives a motor  
vehicle having a gross vehicle weight rating of less than 26,001  
pounds and who is required to obtain an endorsement pursuant to  
paragraph (1)(b), paragraph (1)(c), or paragraph (1)(e) of s.  
322.57, must possess a valid Class C driver ~~driver's~~ license.  
Any person who possesses a valid Class C driver ~~driver's~~ license  
may, subject to the appropriate restrictions and endorsements,  
drive any class of motor vehicle, other than the type of motor



342894

vehicle for which a Class A or a Class B driver ~~driver's~~ license is required, within this state.

(d) Any person, except a person who possesses a valid Class A, valid Class B, or valid Class C driver ~~driver's~~ license, who drives a motor vehicle must possess a valid Class E driver ~~driver's~~ license. Any person who possesses a valid Class E driver ~~driver's~~ license may, subject to the appropriate restrictions and endorsements, drive any type of motor vehicle, other than the type of motor vehicle for which a Class A, Class B, or Class C driver ~~driver's~~ license is required, within this state.

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

And the title is amended as follows:

Delete lines 289 - 292

and insert:

F.S.; requiring that persons who drive a motor vehicle having a gross vehicle weight rating or gross vehicle weight of a specified amount or more possess certain classifications of driver licenses;





310678

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 2260 and 2261  
insert:

Section 57. Paragraph (b) of subsection (9) of section  
324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The  
following words and phrases when used in this chapter shall, for  
the purpose of this chapter, have the meanings respectively  
ascribed to them in this section, except in those instances  
where the context clearly indicates a different meaning:

(9) OWNER; OWNER/LESSOR.—



310678

(b) *Owner/lessor.*—Notwithstanding any other provision of the Florida Statutes or existing case law:

1. An owner of a motor vehicle who rents or leases the motor vehicle to a person is not liable for harm to persons or property which results or arises out of the use, operation, or possession of the motor vehicle during the period of the rental or lease or any extension thereof, if the owner/lessor is engaged in the trade or business of renting or leasing motor vehicles and there is no negligence or criminal wrongdoing on the part of the owner/lessor, so long as the rental or lease agreement is in writing.

2. Notwithstanding subparagraph 1., an owner/lessor is subject to the following financial responsibilities:

a.1. The lessor, under an agreement to lease a motor vehicle for 1 year or longer, must obtain or ensure that the lessee obtains ~~which requires the lessee to obtain insurance that acceptable to the lessor which~~ contains limits not less than \$100,000/\$300,000 bodily injury liability and \$50,000 property damage liability or not less than \$500,000 combined property damage liability and bodily injury liability, ~~shall not be deemed the owner of said motor vehicle for the purpose of determining financial responsibility for the operation of said motor vehicle or for the acts of the operator in connection therewith; further, this subparagraph shall be applicable so long as the insurance meeting these requirements is in effect.~~ The insurance meeting such requirements may be obtained by the lessor or lessee, provided, if such insurance is obtained by the lessor, the combined coverage for bodily injury liability and property damage liability shall contain limits of not less than



310678

\$1 million and may be provided by a lessor's blanket policy.

~~b.2.~~ The lessor, under an agreement to rent or lease a motor vehicle for a period of less than 1 year, must obtain insurance that contains limits not less than ~~shall be deemed the owner of the motor vehicle for the purpose of determining liability for the operation of the vehicle or the acts of the operator in connection therewith only up to \$100,000 per person and up to \$300,000 per incident for bodily injury and up to \$50,000 for property damage. If the lessee or the operator of the motor vehicle is uninsured or has any insurance with limits less than \$500,000 combined property damage and bodily injury liability, the lessor shall be liable for up to an additional \$500,000 in economic damages only arising out of the use of the motor vehicle. The additional specified liability of the lessor for economic damages shall be reduced by amounts actually recovered from the lessee, from the operator, and from any insurance or self-insurance covering the lessee or operator. Nothing in this subparagraph shall be construed to affect the liability of the lessor for its own negligence.~~

3. The owner who is a natural person and loans a motor vehicle to any permissive user shall be liable for the operation of the vehicle or the acts of the operator in connection therewith only up to \$100,000 per person and up to \$300,000 per incident for bodily injury and up to \$50,000 for property damage. If the permissive user of the motor vehicle is uninsured or has any insurance with limits less than \$500,000 combined property damage and bodily injury liability, the owner shall be liable for up to an additional \$500,000 in economic damages only arising out of the use of the motor vehicle. The additional



310678

specified liability of the owner for economic damages shall be reduced by amounts actually recovered from the permissive user and from any insurance or self-insurance covering the permissive user. Nothing in this subparagraph shall be construed to affect the liability of the owner for his or her own negligence.

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

And the title is amended as follows:

Delete line 311

and insert:

motor vehicle; amending s. 324.021, F.S.; revising the definition of the term "owner/lessor" for purposes of liability; providing that an owner of a motor vehicle who rents or leases the vehicle is not liable for harm to persons or property under certain circumstances; providing the financial responsibilities of an owner/lessor of a motor vehicle; amending s. 324.072, F.S.; prohibiting



181638

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Latvala) recommended the following:

**Senate Substitute for Amendment (310678) (with title amendment)**

Between lines 2260 and 2261  
insert:

Section 57. Paragraph (b) of subsection (9) of section 324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:



181638

(9) OWNER; OWNER/LESSOR.—

(b) *Owner/lessor.*—Notwithstanding any other provision of the Florida Statutes or existing case law:

1. An owner of a motor vehicle who rents or leases the motor vehicle to a person is not liable for harm to persons or property which results or arises out of the use, operation, or possession of the motor vehicle during the period of the rental or lease, or any extension thereof, if the owner/lessor is engaged in the trade or business of renting or leasing motor vehicles and there is no negligence or criminal wrongdoing on the part of the owner/lessor, so long as the rental or lease agreement is in writing.

2. Notwithstanding subparagraph 1., an owner/lessor is subject to the following financial responsibilities:

a.1- The lessor, under an agreement to lease a motor vehicle for 1 year or longer, must maintain or ensure that the lessee maintains which requires the lessee to obtain insurance as required by ss. 324.022 and 627.733. If the lessor obtains such insurance, it may be provided through a lessor's blanket policy. acceptable to the lessor which contains limits not less than \$100,000/\$300,000 bodily injury liability and \$50,000 property damage liability or not less than \$500,000 combined property damage liability and bodily injury liability, shall not be deemed the owner of said motor vehicle for the purpose of determining financial responsibility for the operation of said motor vehicle or for the acts of the operator in connection therewith; further, this subparagraph shall be applicable so long as the insurance meeting these requirements is in effect. The insurance meeting such requirements may be obtained by the



181638

~~lessor or lessee, provided, if such insurance is obtained by the lessor, the combined coverage for bodily injury liability and property damage liability shall contain limits of not less than \$1 million and may be provided by a lessor's blanket policy.~~

~~b.2. The lessor, under an agreement to rent or lease a motor vehicle for a period of less than 1 year, must obtain insurance as required by ss. 324.022 and 627.733. If the lessor obtains such insurance, it may be provided through a lessor's blanket policy. shall be deemed the owner of the motor vehicle for the purpose of determining liability for the operation of the vehicle or the acts of the operator in connection therewith only up to \$100,000 per person and up to \$300,000 per incident for bodily injury and up to \$50,000 for property damage. If the lessee or the operator of the motor vehicle is uninsured or has any insurance with limits less than \$500,000 combined property damage and bodily injury liability, the lessor shall be liable for up to an additional \$500,000 in economic damages only arising out of the use of the motor vehicle. The additional specified liability of the lessor for economic damages shall be reduced by amounts actually recovered from the lessee, from the operator, and from any insurance or self-insurance covering the lessee or operator. Nothing in this subparagraph shall be construed to affect the liability of the lessor for its own negligence.~~

~~3. The owner who is a natural person and loans a motor vehicle to any permissive user shall be liable for the operation of the vehicle or the acts of the operator in connection therewith only up to \$100,000 per person and up to \$300,000 per incident for bodily injury and up to \$50,000 for property~~



181638

71 damage. If the permissive user of the motor vehicle is uninsured  
72 or has any insurance with limits less than \$500,000 combined  
73 property damage and bodily injury liability, the owner shall be  
74 liable for up to an additional \$500,000 in economic damages only  
75 arising out of the use of the motor vehicle. The additional  
76 specified liability of the owner for economic damages shall be  
77 reduced by amounts actually recovered from the permissive user  
78 and from any insurance or self-insurance covering the permissive  
79 user. Nothing in this subparagraph shall be construed to affect  
80 the liability of the owner for his or her own negligence.

81  
82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84 Delete line 311

85 and insert:

86 motor vehicle; amending s. 324.021, F.S.; revising the  
87 definition of the term "owner/lessor" for purposes of  
88 liability; providing that an owner of a motor vehicle  
89 who rents or leases the vehicle is not liable for harm  
90 to persons or property under certain circumstances;  
91 revising the financial responsibilities of an  
92 owner/lessor of a motor vehicle; amending s. 324.072,  
93 F.S.; prohibiting





672774

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Latvala) recommended the following:

**Senate Amendment**

Delete line 2324  
and insert:  
vessel title information for new, transferred, and corrected  
Delete line 2329  
and insert:  
business or practice of financing vessels are not required to  
Delete lines 2376 - 2377  
and insert:  
this act becoming a law, this act shall take effect January 1,  
2013.



438534

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 2260 and 2261  
insert:

Section 57. Subsections (1) and (2) of section 323.001,  
Florida Statutes, are amended to read:

323.001 Wrecker operator storage facilities; vehicle  
holds.—

(1) An investigating agency may place a hold on a motor  
vehicle stored within a wrecker operator's storage facility for  
a period not to exceed 7 ~~5~~ days, excluding holidays and  
weekends, unless extended in writing.



438534

(2) The investigating agency must notify the wrecker operator in writing within 7 ½ days, excluding holidays and weekends, whether the hold is to be continued. If no notification follows this period of time, the wrecker operator may release the vehicle to the designated person pursuant to s. 713.78.

(a) If the hold is to continue beyond 7 ½ days, excluding holidays and weekends, the investigating agency may have the vehicle removed to a designated impound lot, in which event the vehicle will not be released by the investigating agency to the owner or lienholder of the vehicle until proof of payment of the towing and storage charges incurred by the wrecker operator is presented to the investigating agency.

(b) If the investigating agency chooses to have the vehicle remain at the wrecker operator's storage facility beyond 7 ½ days, excluding holidays and weekends, pursuant to the written notification, the investigating agency shall be responsible for payment of the storage charges incurred by the wrecker operator for the requested extended period. In such an event, the owner or lienholder shall be responsible for payment of accrued towing and storage charges for the first 7 ½ days, excluding holidays and weekends, or any period less than the first 7 ½ days, excluding holidays and weekends, when the investigating agency either moves the vehicle from the wrecker operator's storage facility to a designated impound lot or provides written notification to extend the hold on the vehicle before ~~prior to~~ the expiration of the 7 ½ days, excluding holidays and weekends.

(c) The towing and storage rates for the owner or lienholder of the held vehicle may ~~shall~~ not exceed the contract



438534

or county rates.

Section 58. Section 323.002, Florida Statutes, is amended to read:

323.002 County and municipal wrecker operator systems; penalties for operation outside of system.—

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

(a) "Authorized wrecker operator" means any wrecker operator who has been designated as part of the wrecker operator system established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle.

(b) "Unauthorized wrecker operator" means any wrecker operator who has not been designated as part of the wrecker operator system established by the governmental unit having jurisdiction over the scene of a wrecked or disabled vehicle.

(c) "Wrecker operator system" means a system for the towing or removal of wrecked, disabled, or abandoned vehicles, similar to the Florida Highway Patrol wrecker operator system described in s. 321.051(2), under which a county or municipality contracts with one or more wrecker operators for the towing or removal of wrecked, disabled, or abandoned vehicles from accident scenes, streets, or highways. A wrecker operator system shall include using a method for apportioning the towing assignments among the eligible wrecker operators through the creation of geographic zones, a rotation schedule, or a combination of these methods.

(2) In any county or municipality that operates a wrecker operator system:

(a) It is unlawful for an unauthorized wrecker operator or its employees or agents to monitor police radio for communications between patrol field units and the dispatcher in



438534

71 order to determine the location of a wrecked or disabled vehicle  
72 for the purpose of driving by the scene of such vehicle in a  
73 manner described in paragraph (b) or paragraph (c). Any person  
74 who violates this paragraph commits ~~is guilty of~~ a noncriminal  
75 violation, punishable as provided in s. 775.083, and the  
76 person's wrecker, tow truck, or other motor vehicle that was  
77 used during the offense may be immediately removed and impounded  
78 pursuant to subsection (3).

79 (b) It is unlawful for an unauthorized wrecker operator to  
80 drive by the scene of a wrecked or disabled vehicle before the  
81 arrival of an authorized wrecker operator, initiate contact with  
82 the owner or operator of such vehicle by soliciting or offering  
83 towing services, and tow such vehicle. Any person who violates  
84 this paragraph commits ~~is guilty of~~ a misdemeanor of the second  
85 degree, punishable as provided in s. 775.082 or s. 775.083, and  
86 the person's wrecker, tow truck, or other motor vehicle that was  
87 used during the offense may be immediately removed and impounded  
88 pursuant to subsection (3).

89 (c) When an unauthorized wrecker operator drives by the  
90 scene of a wrecked or disabled vehicle and the owner or operator  
91 initiates contact by signaling the wrecker operator to stop and  
92 provide towing services, the unauthorized wrecker operator must  
93 disclose in writing to the owner or operator of the vehicle his  
94 or her full name and driver license number, that he or she is  
95 not the authorized wrecker operator who has been designated as  
96 part of the wrecker operator system, that the motor vehicle is  
97 not being towed for the owner's or operator's insurance company  
98 or lienholder, and the maximum ~~must disclose, in writing, what~~  
99 charges for towing and storage which will apply before the



438534

vehicle is connected to the towing apparatus. The unauthorized wrecker operator must also provide a copy of the disclosure to the owner or operator in the presence of a law enforcement officer if such officer is at the scene of a motor vehicle accident. Any person who violates this paragraph commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and the person's wrecker, tow truck, or other motor vehicle that was used during the offense may be immediately removed and impounded pursuant to subsection (3).

(d) At the scene of a wrecked or disabled vehicle, it is unlawful for a wrecker operator to falsely identify himself or herself as being part of the wrecker operator system. Any person who violates this paragraph commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and the person's wrecker, tow truck, or other motor vehicle that was used during the offense may be immediately removed and impounded pursuant to subsection (3).

(3) (a) A law enforcement officer from any local governmental agency or state law enforcement agency may cause to be immediately removed and impounded from the scene of a wrecked or disabled vehicle, at the unauthorized wrecker operator's expense, any wrecker, tow truck, or other motor vehicle that is used in violation of any provision of subsection (2). The unauthorized wrecker operator shall be assessed a cost recovery fine as provided in paragraph (b) by the authority that ordered the immediate removal and impoundment of the wrecker, tow truck, or other motor vehicle. A wrecker, tow truck, or other motor vehicle that is removed and impounded pursuant to this section



438534

may not be released from an impound or towing and storage facility before a release form has been completed by the authority that ordered the immediate removal and impoundment of the wrecker, tow truck, or other motor vehicle which verifies that the cost recovery fine has been paid to the authority. The vehicle must remain impounded until the fine has been paid or until the vehicle is sold at public sale pursuant to s. 713.78.

(b) Notwithstanding any other provision of law to the contrary, the unauthorized wrecker operator, upon retrieval of the wrecker, tow truck, or other motor vehicle removed or impounded pursuant to this section, and in addition to any other penalties that may be imposed for noncriminal violations, shall pay a cost recovery fine of \$500 for a first-time violation of any provision of subsection (2), or a fine of \$1,000 for each subsequent violation, to the authority that ordered the immediate removal and impoundment of the wrecker, tow truck, or other motor vehicle. Cost recovery funds collected under this subsection shall be retained by the authority that ordered the removal and impoundment of the wrecker, tow truck, or other motor vehicle and may be used only for the enforcement, investigation, prosecution, and training related to towing violations and crimes involving motor vehicles.

(c) Notwithstanding any other provision of law to the contrary and in addition to the cost recovery fine required by this subsection, a person who violates any provision of subsection (2) shall pay the fees associated with the removal and storage of the unauthorized wrecker, tow truck, or other motor vehicle.

~~(4)-(3)~~ This section does not prohibit, or in any way



438534

prevent, the owner or operator of a vehicle involved in an accident or otherwise disabled from contacting any wrecker operator for the provision of towing services, whether the wrecker operator is an authorized wrecker operator or not.

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

And the title is amended as follows:

Delete line 311

and insert:

motor vehicle; amending s. 323.001, F.S.; revising the period during which an investigating agency may place a hold on a motor vehicle stored within a wrecker operator's storage facility; revising provisions to conform to changes made by the act; amending s. 323.002, F.S.; providing that an unauthorized wrecker operator's wrecker, tow truck, or other motor vehicle used during certain offenses may be immediately removed and impounded; requiring that an unauthorized wrecker operator disclose in writing to the owner or operator of a motor vehicle certain information; requiring that the unauthorized wrecker operator also provide a copy of the disclosure to the owner or operator in the presence of a law enforcement officer if at the scene of a motor vehicle accident; authorizing a law enforcement officer from a local governmental agency or state law enforcement agency to cause to be removed and impounded from the scene of a wrecked or disabled vehicle an unauthorized wrecker, tow truck, or other motor vehicle; authorizing the





438534

187 authority that caused the removal and impoundment to  
188 assess a cost recovery fine; requiring a release form;  
189 requiring that the wrecker, tow truck, or other motor  
190 vehicle remain impounded until the fine has been paid;  
191 providing the amounts for the cost recovery fine for  
192 first-time and subsequent violations; requiring that  
193 the unauthorized wrecker operator pay the fees  
194 associated with the removal and storage of the  
195 wrecker, tow truck, or other motor vehicle; amending  
196 s. 324.072, F.S.; prohibiting



645734

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Latvala) recommended the following:

**Senate Amendment to Amendment (438534) (with title amendment)**

Delete lines 5 - 42.

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

And the title is amended as follows:

Delete lines 167 - 171

and insert:

motor vehicle; amending s.



279228

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Evers) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 1261 and 1262  
insert:

Section 29. Paragraph (b) of subsection (45) of section  
320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.—

(45) AQUACULTURE LICENSE PLATES.—

(b) The annual use fees shall be distributed to the Harbor  
Branch Oceanographic Institution, Inc. After reimbursement for  
documented costs expended for establishing the license plate,  
the Harbor Branch Oceanographic Institution, Inc., shall use the



279228

remaining funds for aquaculture research and education programs  
as follows:

1. Ten percent of the funds shall be distributed to the Guy  
Harvey Research Institute of the Nova Southeastern University  
Oceanographic Center to conduct outreach and education regarding  
aquaculture in the state.

2. Up to 15 percent of the funds may be used for  
administrative costs directly associated with the Harbor Branch  
Oceanographic Institution's aquaculture programs and  
administrative costs associated with the Aquaculture license  
plate.

3. Up to 10 percent of the funds may be used for continuing  
promotion and marketing of the license plate.

4. Up to 30 percent of the funds shall be distributed to  
the Florida Aquaculture Association for research and education.

5.4. The remaining funds shall be used to conduct  
scientific research on environmentally responsible and  
sustainable methods of farming freshwater and saltwater  
organisms such as fish, shellfish, and crustaceans for food;  
biomedical species for pharmaceutical and nutraceutical  
compounds; and marine ornamentals for the aquarium trade. These  
funds shall also be used to expand the institution's educational  
programs that include secondary school field experiences,  
college degree programs, and intensive courses in order to  
further the objective of increasing aquaculture's contribution  
to the state's economy.

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

And the title is amended as follows:



279228

42 Delete line 156  
43 and insert:  
44 midnight on the owner's birthday; amending s.  
45 320.08058, F.S.; requiring that the Harbor Branch  
46 Oceanographic Institution, Inc., distribute a  
47 specified percentage of the remaining fees from the  
48 Aquaculture license plate to the Florida Aquaculture  
49 Association for research and education; amending s.



390462

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Evers) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 488 and 489  
insert:

Section 7. Paragraph (c) of subsection (2) of section  
316.302, Florida Statutes, is amended to read:

316.302 Commercial motor vehicles; safety regulations;  
transporters and shippers of hazardous materials; enforcement.-  
(2)

(c) Except as provided in 49 C.F.R. s. 395.1, a person who  
operates a commercial motor vehicle solely in intrastate  
commerce not transporting any hazardous material in amounts that



390462

require placarding pursuant to 49 C.F.R. part 172 may not drive after having been on duty more than 70 hours in any period of 7 consecutive days or more than 80 hours in any period of 8 consecutive days if the motor carrier operates every day of the week. Thirty-four consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods, any unprocessed agricultural products or unprocessed food or fiber that is subject to seasonal harvesting from place of harvest to the first place of processing or storage or from place of harvest directly to market or while transporting livestock, livestock feed, or farm supplies directly related to growing or harvesting agricultural products. Upon request of the Department of Transportation, motor carriers shall furnish time records or other written verification to that department so that the Department of Transportation can determine compliance with this subsection. These time records must be furnished to the Department of Transportation within 2 days after receipt of that department's request. Falsification of such information is subject to a civil penalty not to exceed \$100. The provisions of this paragraph do not apply to operators of farm labor vehicles operated during a state of emergency declared by the Governor or operated pursuant to s. 570.07(21), and do not apply to drivers of utility service vehicles as defined in 49 C.F.R. s. 395.2.

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

And the title is amended as follows:



390462

42 Delete line 38  
43 and insert:  
44 intent in doing so; amending s. 316.302, F.S.;  
45 providing that certain restrictions on the number of  
46 consecutive hours that a commercial motor vehicle may  
47 operate do not apply to a farm labor vehicle operated  
48 during a state of emergency or during an emergency  
49 pertaining to agriculture; amending s. 316.3026, F.S.;





934862

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

The Committee on Transportation (Evers) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 366 and 367  
insert:

Section 3. Subsection (3) of section 316.183, Florida  
Statutes, is amended to read:

316.183 Unlawful speed.—

(3) A No school bus may not ~~shall~~ exceed the posted speed  
limits, ~~not to exceed 55 miles per hour~~ at any time.

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

And the title is amended as follows:



934862

13 Delete line 9  
14 and insert:  
15 term "swamp buggy"; amending s. 316.183, F.S.;  
16 revising a provision that prohibits a school bus from  
17 exceeding the posted speed limits; amending s.  
18 316.1303, F.S.;



916222

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/19/2012	.	
	.	
	.	
	.	

---

The Committee on Transportation (Evers) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 443 - 463  
and insert:

Section 5. Subsection (3) of section 316.2085, Florida  
Statutes, is amended to read:

316.2085 Riding on motorcycles or mopeds.—

(3) The license tag of a motorcycle or moped must be  
permanently affixed to the vehicle and remain clearly visible  
from the rear at all times ~~may not be adjusted or capable of~~  
~~being flipped up.~~ Any deliberate act to conceal or obscure ~~No~~  
~~device for or method of concealing or obscuring~~ the legibility



916222

of the license tag of a motorcycle or moped is prohibited ~~shall~~  
~~be installed or used.~~ The license tag of a motorcycle or moped  
may be affixed horizontally to the ground so that the numbers  
and letters read from left to right. ~~Alternatively,~~ A license  
tag for a motorcycle or moped for which the numbers and letters  
read from top to bottom may be affixed perpendicularly to the  
ground, ~~provided that the registered owner of the motorcycle or~~  
~~moped maintains a prepaid toll account in good standing and a~~  
~~transponder associated with the prepaid toll account is affixed~~  
~~to the motorcycle or moped.~~

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

And the title is amended as follows:

Delete lines 27 - 28

and insert:

license tag; providing that license tags may be fixed  
perpendicularly to the ground without the registered  
owner maintaining a prepaid toll account and a  
transponder affixed to the motorcycle or moped;  
creating s.



263468

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

The Committee on Transportation (Benacquisto) recommended the following:

**Senate Amendment (with directory and title amendments)**

Between lines 1057 and 1058  
insert:  
(15)  
(o) The application form for motor vehicle registration must include language permitting a voluntary contribution of \$1 to the Florida Association of Food Banks, Inc. Such contributions shall be distributed by the department each month to the Florida Association of Food Banks, Inc., to be used by that organization for the purpose of ending hunger in this state.



263468

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

===== D I R E C T O R Y   C L A U S E   A M E N D M E N T =====

And the directory clause is amended as follows:

Delete lines 1001 - 1003

and insert:

Section 22. Subsection (2) and paragraph (e) of subsection  
(5) of section 320.02, Florida Statutes, are amended, paragraph  
(o) is added to subsection (15) of that section, and subsection  
(18) is added to that section, to read:

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

And the title is amended as follows:

Delete line 125

and insert:

purposes; requiring that the application form for  
motor vehicle registration must provide for the  
applicant to make a voluntary contribution to the  
Florida Association of Food Banks, Inc., to end  
hunger; requiring that the department retain all



837012

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Gibson) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 367 - 666  
and insert:

Section 3. Subsection (1) of section 316.081, Florida  
Statutes, is amended to read:

316.081 Driving on right side of roadway; exceptions.—

(1) Upon all roadways of sufficient width, a vehicle shall  
be driven upon the right half of the roadway, except as follows:

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

(b) When an obstruction exists making it necessary to drive



837012

to the left of the center of the highway; provided any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) When the presence of a garbage, trash, refuse, or recycling collection vehicle makes it necessary to drive to the left of the center of the roadway; provided any person doing so shall yield the right-of-way to pedestrian workers working with the collection vehicle and to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard;

(d) ~~(e)~~ Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

(e) ~~(d)~~ Upon a roadway designated and signposted for one-way traffic.

Section 4. Section 316.0835, Florida Statutes, is created to read:

316.0835 Duty to yield to sanitation workers.—

(1) The driver of a vehicle shall yield the right-of-way to a pedestrian worker engaged in the collection of garbage, trash, refuse, or recycling along a roadway whenever the driver is reasonably and lawfully notified of the presence of such worker by the presence of a collection vehicle or by a warning sign or device.

(2) The driver of a vehicle on public roadways shall yield the right-of-way to an authorized garbage, trash, refuse, or recycling collection vehicle that is stopped along a roadway or traveling in the same direction and that is engaged in the





837012

active collection of garbage, trash, refuse, or recycling along a roadway or that has signaled and is reentering the traffic flow.

(3) When an authorized garbage, trash, refuse, or recycling collection vehicle using visual signals is performing a collection on the roadside, the driver of every other vehicle, as soon as it is safe:

(a) Shall vacate the lane closest to the collection vehicle when driving on a highway with two or more lanes traveling in the direction of the collection vehicle, except when otherwise directed by a law enforcement officer. If such movement cannot be safely accomplished, the driver shall reduce speed as provided in paragraph (b).

(b) Shall slow to a speed that is 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or greater or travel at 5 miles per hour when the posted speed limit is 20 miles per hour or less, when driving on a two-lane road, except when otherwise directed by a law enforcement officer.

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

(5) This section does not relieve the driver of a garbage, trash, refuse, or recycling collection vehicle from the duty to drive with due regard for the safety of all persons using the roadway.

Section 5. Section 316.1303, Florida Statutes, is amended to read:

316.1303 Traffic regulations to assist mobility-impaired



837012

persons.—

(1) Whenever a pedestrian who is mobility impaired is in the process of crossing a public street or highway with the assistance of ~~and the pedestrian is mobility impaired (using a guide dog or service animal designated as such with a visible means of identification, a walker, a crutch, an orthopedic cane, or a wheelchair)~~, the driver of a every vehicle approaching the intersection, as defined in s. 316.003(17), shall bring his or her vehicle to a full stop before arriving at the such intersection and, before proceeding, shall take ~~such~~ precautions ~~as may be necessary~~ to avoid injuring the such pedestrian.

(2) A person who is mobility impaired and who is using a motorized wheelchair on a sidewalk may temporarily leave the sidewalk and use the roadway to avoid a potential conflict, if no alternative route exists. A law enforcement officer may issue only a verbal warning to such person.

(3) A person who is convicted of a violation of subsection (1) this section shall be punished as provided in s. 318.18(3).

Section 6. Paragraph (d) of subsection (3) and subsections (5) and (8) of section 316.2065, Florida Statutes, are amended to read:

316.2065 Bicycle regulations.—

(3)

(d) A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap, and that meets the federal safety standard for bicycle helmets, final rule, 16 C.F.R. part 1203. A helmet purchased before October 1, 2012, which meets the standards of the American National



837012

Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the department may continue to be worn by a bicycle rider or passenger until January 1, 2016. As used in this subsection, the term "passenger" includes a child who is riding in a trailer or semitrailer attached to a bicycle.

(5) (a) Any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride in the lane marked for bicycle use or, if no lane is marked for bicycle use, as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.

2. When preparing for a left turn at an intersection or into a private road or driveway.

3. When reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane, which ~~that~~ makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane. For the purposes of this subsection, a "substandard-width lane" is a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

(b) Any person operating a bicycle upon a one-way highway with two or more marked traffic lanes may ride as near the left-



837012

hand curb or edge of such roadway as practicable.

(8) Every bicycle in use between sunset and sunrise shall be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear. A bicycle or its rider may be equipped with lights or reflectors in addition to those required by this section. A law enforcement officer may issue a bicycle safety brochure and a verbal warning to a bicycle rider who violates this subsection or may issue a citation and assess a fine for a pedestrian violation, as provided in s. 318.18. The court shall dismiss the charge against a bicycle rider for a first violation of this subsection upon proof of purchase and installation of the proper lighting equipment.

Section 7. Subsection (3) of section 316.2085, Florida Statutes, is amended to read:

316.2085 Riding on motorcycles or mopeds.—

(3) The license tag of a motorcycle or moped must be permanently affixed to the vehicle and remain clearly visible from the rear at all times ~~may not be adjusted or capable of being flipped up.~~ Any deliberate act to conceal or obscure ~~No device for or method of concealing or obscuring~~ the legibility of the license tag of a motorcycle or moped is prohibited ~~shall be installed or used.~~ The license tag of a motorcycle or moped may be affixed horizontally to the ground so that the numbers and letters read from left to right. Alternatively, a Florida license tag for a motorcycle or moped for which the numbers and letters read from top to bottom may be affixed perpendicularly



837012

to the ground, provided that the registered owner of the motorcycle or moped maintains a prepaid toll account in good standing and a transponder associated with the prepaid toll account is affixed to the motorcycle or moped. A license tag for a motorcycle or moped issued by another jurisdiction for which the numbers and letters read from top to bottom may be affixed perpendicularly to the ground.

Section 8. Section 316.2129, Florida Statutes, is created to read:

316.2129 Operation of swamp buggies on public roads, streets, or highways prohibited; exceptions.—

(1) The operation of a swamp buggy on a public road, street, or highway is prohibited unless a local governmental entity has designated the public road, street, or highway for use by swamp buggies based on factors, including, but not limited to, the speed, volume, and character of the motor vehicle traffic currently using the public road, street, or highway. Upon determining that swamp buggies may be safely operated on a public road, street, or highway, the local governmental entity shall post appropriate signs or otherwise inform the public that the operation of swamp buggies is allowed.

(2) The operation of a swamp buggy on land managed, owned, or leased by a state or federal agency is prohibited unless the state or federal agency authorizes the operation of swamp buggies on such land, including any public road, street, or highway running through or located within the state or federal land. Upon determining that swamp buggies may be safely operated on a public road, street, or highway running through or located



837012

within such land, the state or federal agency shall post appropriate signs or otherwise inform the public that the operation of swamp buggies is allowed.

Section 9. Subsection (7) of section 316.2397, Florida Statutes, is amended to read:

316.2397 Certain lights prohibited; exceptions.—

(7) Flashing lights are prohibited on vehicles except:

(a) As a means of indicating a right or left turn, to change lanes, or to indicate that the vehicle is lawfully stopped or disabled upon the highway;

(b) When a motorist intermittently flashes his or her vehicle's headlamps at an oncoming vehicle notwithstanding the motorist's intent for doing so; and ~~or except that~~

(c) For the lamps authorized in subsections (1), (2), (3), (4), and (9) and s. 316.235(5), which are permitted to flash.

Section 10. Subsection (1) of section 316.3026, Florida Statutes, is amended to read:

316.3026 Unlawful operation of motor carriers.—

(1) The Office of Commercial Vehicle Enforcement ~~Motor Carrier Compliance~~ may issue out-of-service orders to motor carriers, as defined in s. 320.01(33), who, after proper notice, have failed to pay any penalty or fine assessed by the department, or its agent, against any owner or motor carrier for violations of state law, refused to submit to a compliance review and provide records pursuant to s. 316.302(5) or s. 316.70, or violated safety regulations pursuant to s. 316.302 or insurance requirements in s. 627.7415. Such out-of-service orders have the effect of prohibiting the operations of any motor vehicles owned, leased, or otherwise operated by the motor



837012

carrier upon the roadways of this state, until the violations have been corrected or penalties have been paid. Out-of-service orders must be approved by the director of the Division of the Florida Highway Patrol or his or her designee. An administrative hearing pursuant to s. 120.569 shall be afforded to motor carriers subject to such orders.

Section 11. Subsection (1) of section 316.6135, Florida Statutes, is amended to read:

316.6135 Leaving children unattended or unsupervised in motor vehicles; penalty; authority of law enforcement officer.—

(1) A parent, legal guardian, or other person responsible for a child younger than 6 years of age may not leave the ~~such~~ child unattended or unsupervised in a motor vehicle:

(a) For a period in excess of 15 minutes; or

(b) For any period of time if the motor of the vehicle is running, ~~or~~ the health of the child is in danger, or the child appears to be in distress.

Section 12. Subsection (9) of section 316.614, Florida Statutes, is amended to read:

316.614 Safety belt usage.—

(9) ~~By January 1, 2006, Each law enforcement agency in this state shall adopt departmental policies to prohibit the practice of racial profiling. When a law enforcement officer issues a citation for a violation of this section, the law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and forward the information to the department in a form and manner determined by the department. The department shall collect this information by jurisdiction and annually report the data to the~~



837012

~~Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must show separate statewide totals for the state's county sheriffs and municipal law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies.~~

Section 13. Subsections (9) and (10) of section 318.14, Florida Statutes, are amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(9) Any person who does not hold a commercial driver ~~driver's~~ license and who is cited while driving a noncommercial motor vehicle for an infraction under this section other than a violation of s. 316.183(2), s. 316.187, or s. 316.189 when the driver exceeds the posted limit by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court appearance, elect to attend in the location of his or her choice within this state a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles. In such a case, adjudication must be withheld and points, as provided by s. 322.27, may not be assessed. However, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may not make ~~no~~ more than five elections within his or her lifetime under this subsection. The requirement for community service under s. 318.18(8) is not waived by a plea of nolo contendere or by the withholding of adjudication of guilt by a court. If a person makes an election to attend a basic driver improvement course under this subsection, 18 percent of the civil penalty imposed





837012

under s. 318.18(3) shall be deposited in the State Courts Revenue Trust Fund; however, that portion is not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35.

(10) (a) Any person who does not hold a commercial driver ~~driver's~~ license and who is cited while driving a noncommercial motor vehicle for an offense listed under this subsection 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; however, a person may not make an ~~no~~ election ~~shall be made~~ under this subsection if the ~~such~~ person has made an election under this subsection in the preceding 12 months ~~preceding election hereunder~~. A ~~No~~ person may not make more than three elections under this subsection. This subsection applies to the following offenses:

1. Operating a motor vehicle without a valid driver ~~driver's~~ license in violation of ~~the provisions of~~ s. 322.03, s. 322.065, or s. 322.15(1), or operating a motor vehicle with a license that has been suspended for failure to appear, failure to pay civil penalty, or failure to attend a driver improvement course pursuant to s. 322.291.

2. Operating a motor vehicle without a valid registration in violation of s. 320.0605, s. 320.07, or s. 320.131.

3. Operating a motor vehicle in violation of s. 316.646.

4. Operating a motor vehicle with a license that has been suspended under s. 61.13016 or s. 322.245 for failure to pay child support or for failure to pay any other financial



837012

obligation as provided in s. 322.245; however, this subparagraph does not apply if the license has been suspended pursuant to s. 322.245(1).

5. Operating a motor vehicle with a license that has been suspended under s. 322.091 for failure to meet school attendance requirements.

(b) Any person cited for an offense listed in this subsection shall present proof of compliance before ~~prior to~~ the scheduled court appearance date. For the purposes of this subsection, proof of compliance shall consist of a valid, renewed, or reinstated driver ~~driver's~~ license or registration certificate and proper proof of maintenance of security as required by s. 316.646. Notwithstanding waiver of fine, any person establishing proof of compliance shall be assessed court costs of \$25, except that a person charged with violation of s. 316.646(1)-(3) may be assessed court costs of \$8. One dollar of such costs shall be remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund of the Department of Children and Family Services. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. Fourteen dollars of such costs shall be distributed to the municipality and \$9 shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, if the offense was committed within the municipality. If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), the entire amount shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01,



837012

except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund. This subsection does ~~shall not be construed to~~ authorize the operation of a vehicle without a valid driver ~~driver's~~ license, without a valid vehicle tag and registration, or without the maintenance of required security.

Section 14. Paragraph (c) is added to subsection (1) of section 318.15, Florida Statutes, to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(1)

(c) A person who is charged with a traffic infraction may request a hearing within 180 days after the date upon which the violation occurred, regardless of any action taken by the court or the department to suspend the person's driving privilege, and upon request, the clerk must set the case for hearing. The person shall be given a form for requesting that his or her driving privilege be reinstated. If the 180th day after the date upon which the violation occurred is a Saturday, Sunday, or legal holiday, the person who is charged must request a hearing within 177 days after the date upon which the violation occurred; however, the court may grant a request for a hearing made more than 180 days after the date upon which the violation occurred. This paragraph does not affect the assessment of late fees as otherwise provided in this chapter.

Section 15. Paragraph (f) of subsection (3) of section 318.18, Florida Statutes, is amended, and subsection (22) is added to that section, to read:

318.18 Amount of penalties.—The penalties required for a



837012

noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(3)

(f) If a violation of s. 316.1301 or s. 316.1303(1) ~~s. 316.1303~~ results in an injury to the pedestrian or damage to the property of the pedestrian, an additional fine of up to \$250 shall be paid. This amount must be distributed pursuant to s. 318.21.

(22) Fifty dollars for a violation of s. 316.0835.

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

And the title is amended as follows:

Delete lines 9 - 72

and insert:

term "swamp buggy"; amending s. 316.081, F.S.; providing an exception from the requirement that a vehicle be driven on the right half of the roadway when the vehicle is in the presence of a garbage, trash, refuse, or recycling collection vehicle; creating s. 316.0835, F.S.; requiring that the driver of a vehicle yield the right-of-way to a pedestrian worker engaged in the collection of garbage, trash, refuse, or recycling along a roadway or to an authorized garbage, trash, refuse, or recycling collection vehicle; providing that the failure to yield is a noncriminal traffic infraction; amending s. 316.1303, F.S.; authorizing a person who is mobility impaired to use a motorized wheelchair to temporarily leave the sidewalk and use the roadway under certain



837012

circumstances; authorizing a law enforcement officer to issue only a verbal warning to such person; amending s. 316.2065, F.S.; revising safety standard requirements for bicycle helmets that must be worn by certain riders and passengers; revising requirements for a bicycle operator to ride in a bicycle lane or along the curb or edge of the roadway; providing for enforcement of requirements for bicycle lighting equipment; providing penalties for violations; providing for dismissal of the charge following a first offense under certain circumstances; amending s. 316.2085, F.S.; requiring that the license tag of a motorcycle or moped remain clearly visible from the rear at all times; prohibiting deliberate acts to conceal or obscure the license tag; providing that certain license tags may be affixed perpendicularly to the ground; creating s. 316.2129, F.S.; prohibiting the operation of swamp buggies on a public road, highway, or street; providing exceptions; prohibiting the operation of swamp buggies on land managed, owned, or leased by a state or federal agency; providing exceptions; amending s. 316.2397, F.S.; providing an exception to the prohibition against flashing vehicle lights for motorists who intermittently flash their vehicle's headlamps at an oncoming vehicle, regardless of their intent in doing so; amending s. 316.3026, F.S.; revising provisions to rename the Office of Motor Carrier Compliance within the Division of the Florida Highway Patrol as the Office of Commercial



837012

Vehicle Enforcement to conform to changes made by the act; amending s. 316.6135, F.S.; revising the criteria under which a child may not be left unattended in a vehicle; amending s. 316.614, F.S.; deleting provisions that require that a law enforcement officer record the race and ethnicity of a person who is given a citation for not wearing his or her safety belt; deleting provisions that require that the Department of Highway Safety and Motor Vehicles collect such information and provide reports; amending s. 318.14, F.S.; authorizing a person who does not hold a commercial driver license and who is cited for a noncriminal traffic infraction while driving a noncommercial motor vehicle to elect to attend a basic driver improvement course in lieu of a court appearance; authorizing a person who does not hold a commercial driver license and who is cited for certain offenses while driving a noncommercial motor vehicle to elect to enter a plea of nolo contendere and to provide proof of compliance in lieu of payment of fine or court appearance; amending s. 318.15, F.S.; providing that a person charged with a traffic infraction may request a hearing within a specified period after the date upon which the violation occurred; requiring that the clerk set the case for hearing; providing exceptions to the time period for requesting a hearing; authorizing the court to grant a request for a hearing made more than 180 days after the date upon which the violation occurred; amending



837012

448 s. 318.18, F.S.; conforming a cross-reference;  
449 providing a penalty for a violation of the duty to  
450 yield to sanitation workers; amending s. 318.21, F.S.;  
451 conforming a cross-reference; amending s. 319.14,  
452 F.S.; prohibiting the

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

01/19/12  
Meeting Date

Base Bill

Topic SB 1122 Bill Number SB 1122  
Name Jackie Fauls Amendment Barcode \_\_\_\_\_  
Job Title Legislative Affairs Director (if applicable)  
Address 620 S. Meridian Street Phone 487-3795  
Tallahassee FL 32394 E-mail jackie.fauls  
City State Zip

Speaking: ☒ For ☐ Against ☐ Information  
Representing Fish & Wildlife Conservation Commission  
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)

1-19-12  
Meeting Date

Topic Bidding on Dollar Contribution Bill Number 1122  
Name Michael Scott Amendment Barcode \_\_\_\_\_  
Job Title VP (if applicable)  
Address 6241 NW 23rd St. Phone 352-215-4419  
GAINESVILLE, FL 32653 E-mail m.scott@donorcare.org  
City State Zip

Speaking: ☐ For ☐ Against ☒ Information  
Representing Southeast Tissue Alliance  
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)

Meeting Date

Topic 1122 Check off Food Banks

Bill Number 1122 LA  
(if applicable)

Name Zach McGee

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

Job Title Hunger Awareness Coordinator

Address 700 W. College Ave. Ste. 120  
Street

Phone \_\_\_\_\_

Tallahassee FL 32301  
City State Zip

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

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Association of Food Banks

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)

1-19-12  
Meeting Date

Topic \_\_\_\_\_

Bill Number 1122  
(if applicable)

Name Mike Seamon

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

Job Title Executive Director

Address 4718 Edgewater dr  
Street

Phone 407-402-1040

Orlando FL 32804  
City State Zip

E-mail MSeamon@Hotmail.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Professional Wrecker Operators of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/19/12

Meeting Date

Topic Rental/Lease amendment

Bill Number 1122

(if applicable)

Name John Grant

Amendment Barcode 428531

(if applicable)

Job Title Ex. Senator

30678

Address 10025 Orange Grove Dr.

Phone 813-787-9900

Street

Tampa, FL

33618

City

State

Zip

E-mail john.grant@johngrant.net

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Independent Automobile Dealers

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)

1/19/12

Meeting Date

Topic Motor Vehicles

Bill Number SB1122

(if applicable)

Name Compton Cramer

Amendment Barcode \_\_\_\_\_

(if applicable)

Job Title PRESIDENT - Cramer Toyota of Venice

Address 900 US 41 By-Pass South

Phone 941-484-9000

Street

VENICE

FL

34285

City

State

Zip

E-mail cc@cpcc@aol.com

Speaking: ☒ For ☐ Against ☐ Information

Representing FLORIDA AUTO DEALERS ASSOCIATION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

19 JAN 2012

Meeting Date

Topic RENTAL CAR FINANCIAL RESPONSIBILITY Bill Number 1122  
Name PAUL JESS Amendment Barcode 310678  
Job Title \_\_\_\_\_ (if applicable)  
Address 218 S MONROE ST Phone 850 224-9403  
City TALLAHASSEE State FL Zip 32301 E-mail \_\_\_\_\_  
Speaking: ☐ For ☐ Against ☐ Information AGAINST 181638 FOR 310678  
Representing FLORIDA JUSTICE ASSOCIATION  
Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/19/12

Meeting Date

Topic Timing amendment Bill Number 1122  
Name John Grant Amendment Barcode 428534  
Job Title Ex. Senator (if applicable)  
Address 10025 Orange Grove Dr. Phone 813-781-9900  
City Tampa State FL Zip 33618 E-mail john.grant@johngrant.net  
Speaking: ☒ For ☐ Against ☐ Information  
Representing Florida Independent Automobile Association  
Appearing at request of Chair: ☐ Yes ☒ No Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

1/19/12

Meeting Date

Topic Sanitation Worker Safety

Bill Number 1122  
(if applicable)

Name Keyna Cory

Amendment Barcode 837012  
(if applicable)

Job Title Lobbyist

Address 110 E. College Ave

Phone 850 681 1065

Street

Tallahassee

FL

32301

City

State

Zip

E-mail keynacory@pacconsultants.com

Speaking: ☒ For ☐ Against ☐ Information

Representing NSWMA

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)

1/19/12

Meeting Date

Topic Support for Sanitation Worker Safety Amend.

Bill Number 1122  
(if applicable)

Name Derek Bruce

Amendment Barcode TBD  
(if applicable)

Job Title Prime Lobbyist

Address 250 N. Orange Ave Suite 600

Phone 4078491235

Street

Orlando

FL

32801

City

State

Zip

E-mail derek@edgepublicaffairs.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Advanced Disposal

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)

1-19-12

Meeting Date

Topic Transportation BillBill Number SB 1122  
(if applicable)Name James D. "Doc" Reichenbach IIAmendment Barcode \_\_\_\_\_  
(if applicable)Job Title State President + LobbyistAddress PO Box 712Phone 352-625-6353

Street

Silver Springs FL 34489

City

State

Zip

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

Speaking: ☒ For ☐ Against ☐ InformationRepresenting Apate of Florida, Inc.Appearing at request of Chair: ☐ Yes ☐ NoLobbyist 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)

1-19-12

Meeting Date

Topic AQUACULTURE TAG AMEND.Bill Number 1122  
(if applicable)Name JOSEPH R. SPRATTAmendment Barcode \_\_\_\_\_  
(if applicable)Job Title LobbyistAddress 250 4th St.Phone 863-617-0235

Street

LA BELLE FL 33975

City

State

Zip

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

Speaking: ☐ For ☐ Against ☒ InformationRepresenting FLORIDA AQUACULTURE ASSOC.Appearing at request of Chair: ☐ Yes ☐ NoLobbyist 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)

11/17/12  
Meeting Date



Topic \_\_\_\_\_

Bill Number 1122  
(if applicable)

Name Steven Fielder

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

Job Title Leg Affairs Admin

Address 2900 Apalachee Pkwy  
Street

Phone 617-3195

Tall FL 32399  
City State Zip

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

Speaking: ☒ For ☐ Against ☐ Information

Representing DHSMV

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)

1/19/12  
Meeting Date



Topic SB 1122 Amend 9/6/22

Bill Number \_\_\_\_\_  
(if applicable)

Name Gerard O'Rourke

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

Job Title Leg. Affairs Dir FDOT

Address 605 Seawanna St.  
Street

Phone \_\_\_\_\_

Tallahassee FL 32399  
City State Zip

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

Speaking: ☐ For ☐ Against ☒ Information

Representing FDOT

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

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

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

---

Prepared By: The Professional Staff of the Transportation Committee

---

BILL: SB 812

INTRODUCER: Senator Norman

SUBJECT: Motor Vehicles

DATE: January 12, 2012

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

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

---

**I. Summary:**

The bill authorizes Florida residents who are active military members currently serving in or assigned to another country to obtain one standard registration and license plate without charge. An eligible military member may opt to obtain a specialty license plate, without charge, with the exception of the fee that applies specifically to the chosen specialty license plate.

The bill provides an effective date of July 1, 2012.

The bill creates section 320.08465 of the Florida Statutes.

**II. Present Situation:**

The Department of Highway Safety and Motor Vehicles (DHSMV) administers the issuance of motor vehicle license plates as a part of the tag and registration requirements specified in chapter 320, F.S. License plates are issued for a 10-year period and are replaced upon renewal at the end of the 10-year period.<sup>1</sup> The license plate fee for both an original issuance and replacement is \$28.00.<sup>2</sup> An advance replacement fee of \$2.80 is applied to the annual vehicle registration and is credited towards the next replacement. Section 320.08, F.S., requires the payment of an annual license tax that varies by motor vehicle type and weight; for a standard passenger vehicle weighing between 2,500 and 3,500 pounds, the annual tax is \$30.50.

---

<sup>1</sup> Section 320.06, F.S.

<sup>2</sup> An initial issuance requires a fee of \$225, pursuant to s. 320.072, F.S.

Current law provides for several types of license plates. In addition to plates issued for governmental or business purposes, DHSMV offers four basic types of plates to the general public:

- **Standard Plates:** The standard license plate currently comes in three configurations, which include the county name designation, the state motto designation, and the state slogan designation.
- **Specialty License Plates:** Specialty license plates are used to generate revenue for colleges, universities and other civic organizations. The recipient must pay applicable taxes pursuant to sections 320.08, F.S., and 320.06(1)(b), F.S., and an additional charitable contribution ranging from \$15 to \$25 as provided in section 320.08056(a) – (zzz), F.S., in order to receive a specialty license plate.
- **Personalized Prestige License Plates:** Personalized license plates are available to motorists who wish to personalize a license plate. Personalized license plates allow motorists to define the alpha numeric design (up to 7 characters) on a standard plate that must be approved by the DHSMV. The cost for a personalized prestige license plate (in addition to the applicable tax in section 320.08, F.S.) is \$15 (\$10 use fee and \$5 processing fee), pursuant to section 320.0805, F.S.
- **Special Use License Plates:** Certain members of the general public may be eligible to apply for special use license plates if they are able to document their eligibility pursuant to various sections of chapter 320, F.S. This category of plates primarily includes special military license plates as well as plates for the handicapped. Examples include the Purple Heart, National Guard, U.S. Armed Forces, Ex-POW, Pearl Harbor, Operation Iraqi Freedom, and Operation Enduring Freedom plates,<sup>3</sup> Disabled Veteran plates,<sup>4</sup> and Paralyzed Veterans of America plates.<sup>5</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 320.08465, F.S., to enable Florida residents who are active military members currently serving in or assigned to another country to be issued one standard registration and license plate without charge. An eligible military member may opt to obtain a specialty license plate, without charge, with the exception of the applicable specialty license plate fee as provided in s. 320.08056(a)-(zzz), F.S.

**Section 2** provides an effective date of July 1, 2012.

### IV. Constitutional Issues:

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

None.

---

<sup>3</sup> Section 320.089, F.S. Some of these plates require payment of the annual license tax in s. 320.08, F.S., while others are exempt from the tax.

<sup>4</sup> Section 320.084, F.S. The statute provides that an eligible person may receive one free Disabled Veteran license plate, although other taxes apply.

<sup>5</sup> Section 320.0845, F.S. This plate requires payment of the annual license tax in s. 320.08, F.S.



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

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

Active military members who are currently stationed in or assigned to a foreign country can provide proof of eligibility and be issued a license plate at no cost.

**C. Government Sector Impact:**

On November 30, 2011, the total deployed military service members claiming Florida residency was 7,649.<sup>6</sup> However, the amount of revenue the DHSMV will forego as a result of the bill is indeterminate because the number of Florida registrants who will apply for registrations or plates is unknown.

**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.

---

<sup>6</sup> Defense Manpower Data Center, Unit\*/Home Residence for Service Members Currently Deployed (December 28, 2011) (on file with Senate Transportation Committee).

---

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 344

INTRODUCER: Education Pre-K - 12 Committee and Senator Montford

SUBJECT: Public School Buses

DATE: January 13, 2012

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	deMarsh-Mathues	ED	<b>Fav/CS</b>
2.	Abrams	Buford	TR	<b>Favorable</b>
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:**

Under the bill, commercial advertisements would be permitted to be placed on the exterior of a school bus, according to district school board policies that delineate the content, placement, number, and cost of advertisements. Any bus in non-compliance with these requirements must be withdrawn from use until compliance is met.

Advertising revenue would be allocated as follows: 50 percent for school district transportation, 25 percent for school district-determined programs and 25 percent for the school district foundation to create an endowment that provides income from interest that is matched by corporations or individuals.

This bill substantially amends s. 1006.25 of the Florida Statutes.

## **II. Present Situation:**

Exterior advertising on public school buses is currently prohibited in the Florida School Bus Specifications, adopted by reference in administrative rule.<sup>1</sup> According to the Department of Education (DOE), this specification requirement is based on the 2005 National School Transportation Specifications and Procedures for the purpose of providing national uniformity of the familiar exterior yellow and black coloration of school buses and ensuring safety.<sup>2</sup> The specifications limit the coloration, lettering, identification, and markings that may be installed on public school bus exteriors, including the National School Bus Yellow paint, black trim, and white roof; retroreflective conspicuity striping; belt line lettering identifying the school district; and bus numbers.

States that permit this type of advertising include New Mexico<sup>3</sup> and Arizona.<sup>4</sup> These states allow local officials to set policies and prohibit or limit various types of advertisements, such as those related to alcohol or tobacco products. Arizona law specifies the permissible location of the ads (e.g., in areas other than those that will impede the safe operation of the school bus).<sup>5</sup>

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

Under the bill, commercial advertisements would be permitted to be placed on the exterior of a school bus, according to district school board policies that delineate content, placement, number, size, and cost of advertisements. If a bus does not comply, it must be withdrawn from use until compliance is met.

School board contracts must prohibit specified types of advertising, including advertising that is discriminatory in nature or content, contains material that is not child- and community-sensitive, relates to antisocial behavior, or implies or expresses endorsement by the school district. It is unclear what is meant by advertising that is discriminatory, not child- or community-sensitive, or antisocial, and therefore, would likely differ from district to district. Additionally, authorizing advertisements on school buses would likely, by its very nature, be presumed to indicate endorsement by the district. In making its determination as to what constitutes objectionable advertising, a school board would have to balance this with an advertiser's exercise of commercial speech.

Proponents note that school bus advertising provides a necessary source of revenue in challenging economic times. Opponents assert that advertising will compromise the distinctive characteristics of school buses, namely the uniform color of buses, which is associated with the presence of children. They further express concern that a motorist may be distracted by

---

<sup>1</sup> Rule 6A-3.0291, F.A.C.

<sup>2</sup> DOE bill analysis for HB 19, August 25, 2011, on file with the Senate Committee on Education Pre-K - 12.

<sup>3</sup> NMSA §22-28-1.

<sup>4</sup> A.R.S. §15-342.

<sup>5</sup> Based on responses to a January 2010 survey of all states, the DOE reported that 23 states (74 percent of the 31 respondents) prohibited exterior advertising on school buses: one state allowed it without restrictions; and, seven states (23 percent) allowed it with some restrictions. The DOE notes that this information includes the 2011 New Jersey legislation, which allows exterior school bus advertising, subject to specified limitations. DOE bill analysis for HB 19, August 25, 2011, on file with the Senate Committee on Education Pre-K - 12.

advertising and will result in driving hazards. In response, proponents cite the absence of empirical evidence that advertising distracts motorists. Opponents cite studies that confirm the effects of distraction on motor vehicle crashes.<sup>6</sup>

Advertising revenue would be allocated as follows: 50 percent for school district transportation, 25 percent for school district-determined programs and 25 percent for the school district foundation to create an endowment that provides income from interest that is matched by corporations or individuals.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

In general, that a property is government-owned does not automatically open the property up to the public.<sup>7</sup> Rather, the nature of the forum dictates the level of government control over that property.<sup>8</sup> Courts distinguish among traditional public forums; designated or limited forums; and nonpublic forums.<sup>9</sup> A traditional public forum is a physical space such as a public street or park that has traditionally been held in trust for public use, and is a place of open discourse and assembly.<sup>10</sup> A designated public forum refers to public property the government has provided specifically for the purpose of expressive activity, such as university meeting facilities, school board meetings, and municipal theaters.<sup>11</sup> Courts have consistently applied strict scrutiny, or the highest level of review, to content-based government restrictions on speech that takes place in a traditional public forum.<sup>12</sup> To survive strict scrutiny, the state is required to show a governmental regulation is narrowly drawn to accomplish a compelling governmental interest, the regulation is reasonable, and the viewpoint neutral.<sup>13</sup> If the regulation is content-neutral, and the government imposes restrictions in a time, place, and manner approach, mid-level

---

<sup>6</sup> *Statistics and Facts about Distracted Driving*, U.S. Department of Transportation. See <http://www.distraction.gov/content/get-the-facts/facts-and-statistics.html>; Last checked January 5, 2012.

<sup>7</sup> *Uptown Pawn & Jewelry, Inc.*, 337 F.3d 1275, 1278 (11<sup>th</sup> Cir. 2003).

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

<sup>9</sup> Michael A. Scherago, *Closing the Door on the Public Forum*, 26 Loy. L.A. L. Rev. 241, 244-245 (Nov. 1992).

<sup>10</sup> *Id.* at 244.

<sup>11</sup> *Id.* at 245.

<sup>12</sup> See *Ledford v. State*, 652 So. 2d 1254 (2<sup>nd</sup> DCA 1995).

<sup>13</sup> *Id.* at 1256.

scrutiny applies.<sup>14</sup> If so, the state is required to demonstrate a significant, rather than compelling state interest.<sup>15</sup> These same levels of scrutiny apply to a designated public forum, provided the character of the forum is maintained.<sup>16</sup> Public property that is neither a traditional public forum, nor a limited purpose forum, is designated as a nonpublic forum, and subject to low-level scrutiny.<sup>17</sup> Here, the state only needs to show the restrictions are reasonable and not viewpoint discriminatory.<sup>18</sup> Public buses, subways, and streetcars have been classified as nonpublic fora.<sup>19</sup> Courts have been mixed, however, regarding whether the advertising space on buses constitutes public fora.<sup>20</sup>

For example, in 1974, the U.S. Supreme Court held that interior advertising space on a city transit system does not constitute a public forum.<sup>21</sup> Here, the city refused to allow advertising that was political in nature, basing its decision on the appearance of support of one political candidate over another. In upholding the city's action, the court distinguished between speech conveyed in a traditional public forum, where passersby are free to come and go, and speech that is forced upon a captive audience.<sup>22</sup> In a concurring opinion, Justice Douglas stated more specifically, "if we are to turn a bus or streetcar into either a newspaper or a park, we take great liberties with people who because of necessity become commuters and at the same time captive viewers or listeners."<sup>23</sup> The decision to designate a public bus as a nonpublic forum has subsequently been questioned.<sup>24</sup>

In refusing to rule on whether the interiors of subways and trolley cars constitute a public forum, a 1994 court cited inconsistency and lack of clarity in its application to those places. Instead, the court proceeded directly to the issue of whether the Massachusetts Bay Transportation Authority's restriction was content neutral.<sup>25</sup> The First Circuit U.S. Court of Appeals affirmed the District Court's opinion, which struck down the Massachusetts Bay Transportation Authority's ("Authority") policy on restricting advertising in subways and trolley cars.<sup>26</sup> Here, where the Authority prohibited ads which used sexual innuendo to educate about Acquired Immune Deficiency Syndrome (AIDS) and condom use, but permitted movie ads with similar levels of sexual content, the court held that the Authority committed viewpoint discrimination.<sup>27</sup>

---

<sup>14</sup> Scherago, *supra* note 9, at 245.

<sup>15</sup> State v. Catalano 60 So.3d 1139, 1144 (Fla. 2d DCA 2011)..

<sup>16</sup> Scherago, *supra* note 9, at 245.

<sup>17</sup> *Id.* at 246.

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

<sup>19</sup> Cynthia R. Mabry, *Brother Can You Spare Some Change?—And Your Privacy Too?: Avoiding a Fatal Collision Between Public Interests and Beggars' First Amendment Rights*, 28 U.S.F. L. Rev. 309, 329 (Winter, 1994).

<sup>20</sup> See, i.e., *New York Magazine v. Metropolitan Transportation Authority*, 136 F.3d 123 (2d Cir. 1998) in which the court held that advertising space on buses were designated public forum; *Ridley v. Massachusetts Bay Transportation Authority*, 390 F.3d 65 (1<sup>st</sup> Cir. 2004) in which the court finds the opposite.

<sup>21</sup> *Lehman v. City of Shaker Heights*, 94 S.Ct. 2714 (1974).

<sup>22</sup> *Id.* at 2715.

<sup>23</sup> *Id.* at 2719.

<sup>24</sup> Scherago, *supra* note 9, at 261.

<sup>25</sup> *Aids Action Committee of Massachusetts, Inc., v. Massachusetts Bay Transportation Authority*, 42 F.3d 1, 10 (1<sup>st</sup> Cir. 1994)

<sup>26</sup> *Id.* at 3.

<sup>27</sup> *Ridley*, *supra* note 20, at 85-86.

While the court has recognized it is possible for a transit authority to define as a legitimate policy the rejection of ads harmful to children, the inquiry does not end upon a mere assertion of child protection.<sup>28</sup> Where a transit authority prohibited marijuana decriminalization ads but had previously accepted ads promoting the use of alcohol, the court held the authority had not adequately refuted viewpoint discrimination. Further, the court held the authority failed to show a sufficient link between the drug ads and a negative impact on juveniles.<sup>29</sup>

The bill, as written, does not provide guidelines on sponsor language, and therefore, is not likely itself to be the subject to a court challenge. A greater potential for challenge exists when a school board adopts policies for acceptance/rejection of sponsors. It is unclear whether a court would interpret the listing of a sponsor's name and logo on the outside of school buses as forcing ideas on a captive audience, in this case the students riding on the bus, in the same vein as the impact of political advertising inside the bus or subway on passengers, as was the case in *Lehman*. Provided that a court would likely designate a school bus as a nonpublic forum, it appears that lower level scrutiny would apply to a review of restrictions on speech, such that the state would only be required to show a reasonable relationship between the restriction and the state's purpose. In this case, the state would probably assert the protection of children as the state interest. Case law, however, still requires restrictions on speech to be viewpoint neutral. This is particularly notable if a district school board rejects certain sponsors and permits others who are similarly situated.

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

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

None.

### **B. Private Sector Impact:**

The revenue that would accrue to businesses under contract with school districts for advertisements is indeterminate.

### **C. Government Sector Impact:**

Businesses under contract with school districts must reimburse school districts for all costs associated with advertising, such as retrofitting buses and related maintenance. The amount of revenue that will accrue to school districts is indeterminate.

## **VI. Technical Deficiencies:**

None.

---

<sup>28</sup> *Id.*

<sup>29</sup> *Id.* at 88-89.

**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 the Committee on Pre-K – 12 on January 19, 2012:**

This bill reallocates advertising revenue at the following percentages:

- 50 percent for school district transportation;
- 25 percent for school district-determined programs; and
- 25 percent for the school district foundation to create an endowment that provides income from interest that is matched by corporations or individuals.

- B. **Amendments:**

None.



## SB 344/ H 19 Concerns (Ads of School Buses)

Dear Senators and Representatives, please postpone your vote on these Bills until you have thoroughly discussed the analysis, concerns and consequences. There are a lot of ways to increase school budgets without turning our School Buses into Rolling Billboards! I have given you several concerns that need to be addressed before you vote on these Bills. **If you vote today without discussing the concerns I have given you, YOU are putting our Students and School Districts AT RISK!**

### **Mental & Physical Safety**

Students traveling in a "Rolling Billboard"

Drivers distracted by Ads. If even 1 bus is involved in an accident because of Ads, you will be responsible.

Students exposed to Unnecessary Propaganda

Students held Hostage to Propaganda (You can't turn Off the Ads.)

Lawsuits: Discrimination and Freedom of Speech (Cost to district?)

Student self-esteem lowered by Ads they can't afford! (Nanny, nanny, boo, boo, I have an I Pad, do You?

Confusion: When asked, "What bus do you ride?"...The young child said, "The Zee-Mart bus". I looked out and saw 40 "Zee-Mart" buses!

If an Ad comes off a bus and causes an accident, who is responsible...the school district or the advertiser?

If a parent/student or citizen has a complaint about an Ad, what procedures are in place to handle the complaint?

If this passes, **YOU** have opened our school doors to Ads creeping down our halls and attaching themselves to bulletin boards, lockers and toilet seats!

### **Bus Questions**

**Will the bus warranty be void, if you attach something or alter its appearance?**

Will the three (4 inch) black strips running along the side be removed?

If the black strips are removed, is the integrity of the bus weakened?

Will the very important "reflector" strip running along the side be removed or covered?

Will Ads be put on the emergency door at the rear?

Will all Ads have to be 2' x 6'?

If they can be smaller than 2' x 6', how many Ads can be put on a bus?

Will the Ads be screwed, painted or magnetically attached?

If the Ads are screwed on without removing the black strips, there will be an air gap which could allow a small hand to get caught. It might also cut down on the gas mileage for the bus.

Is the white paint above the windows reflector paint?

If a bus is withdrawn from use because a school employee messed up the compliance issue, how will those students get to school?

### **Pricing**

These bills are **discriminating against small rural school districts**. They have fewer buses and advertisers.

What is the cost of an Ad?

How many Ads can a company purchase?

Will there be a "Bidding Process" for the Ads? If so, what is the process?

What is the shortest "time period" for Ads?

What is the longest "time period" for an Ad?

Where is a sample contract?

Will all Ad fees be paid in advance?

What will the district do with Ads that are no longer being used, if the owner does not want them? (District cost to haul off)

Will Lobbyists be hired by districts to solicit Ads?

How will YOU track the results of your actions if these bills pass?

## Questions/Concerns of Bill Analysis by Brown Jan. 5, 2012

The analyst (Brown) only heard back from 31 states. **23 of the 31 respondents DO NOT ALLOW ADS on School Buses!**

Why didn't the other 19 states respond? Did they think it was so foolish, it didn't merit a response?

Which state allowed Ads with No Restrictions?

Analyst Brown in III (Effect of Proposed Changes) **The District School Boards will delineate content, placement, number and size of the Ads. This goes Against the wording in the bills.**

Analyst Brown said, **"It is UNCLEAR what is meant by advertising that is discriminatory, not child or community sensitive or antisocial and therefore, would likely differ from district to district."** Does this mean some districts are more moral than others?

**Who will determine** what is child or community sensitive, antisocial and discriminatory?

Analyst Brown said the **Ads will presume the district endorses that product.** Do we want our School Districts telling us what to buy?

Footnote #6 page 2 of analyst report DOES NOT address the issue of Ads on School Buses, but it **DOES PROVE DISTRACTIONS cause ACCIDENTS.**

Where are the opponents assertions, analyst Brown mentioned, that address that Ads will compromise the distinctive characteristics of school buses, which is associated with the presence of children?

Where are the studies? "Proponents cite the absence of empirical evidence that advertising distracts motorists".

Where are the Student and Parent Surveys concerning this Bill?

**Please Carefully Read "Other Constitutional Issues" in the Analysis!**

This section was very confusing to me. I don't have a law degree, but the first sentence says, **"In general, that a property is government-owned (like a School Bus) does not automatically open the property up to the public"**. If you pass this Bill, YOU have opened our School Buses up to the public! Does that mean anyone from the public will now be allowed to ride the bus?

**"Courts have been mixed**, however, regarding whether the advertising space on buses constitutes public fora". How can analyst Brown compare a School Bus to a public bus? He footnoted (21,22) court cases. One ruled against the Ads, the other for, but this had nothing to do with a School Bus.

Have **YOU** questioned or researched the 30 footnotes on the Analysis? Do any of them directly address the issues in SB 344 or HB 19? I would like to see the data for the footnotes that concern school buses.

According the analyst Brown, Justice Douglas stated... If we are to turn a bus into a newspaper, **we take GREAT LIBERTIES with people** (students) who because of necessity become commuters and at the same time **CAPTIVE VIEWERS**.

**The Ads YOU want to put on School Buses will be FORCED SPEECH upon a CAPTIVE Audience (our STUDENTS) because they will be forced to see it every time they see a school bus!**

**Footnote 28: The Court held that the Authority committed Viewpoint Discrimination!**

According to Brown, (page 5) **"The bill, as written, does not provide guidelines on sponsor language, and therefore, is not likely itself to be the subject to a court challenge"**. (Does this mean your bill allows for foul and

foreign language with no fear of a court challenge? What does "guidelines on sponsor language" mean?)

According to Brown, **"A greater potential for challenge exists when a school board adopts policies for acceptance/rejection of sponsors"**.

According to Brown, **"It is UNCLEAR whether a COURT would interpret the listing of a sponsor's name and logo on the outside of school buses as FORCING IDEAS on a CAPTIVE AUDIENCE"**.

According to Brown, **"Case law, (Which Case Law?) however, still requires restrictions on speech to be Viewpoint Neutral. This is particularly notable if a district school board rejects certain sponsors and permits others who are similarly situated"**. (What is Viewpoint Neutral?)

**Fiscal Impact:**

According to Brown: The revenue to school districts from paid Ads on buses is **indeterminate**. (So, you are trying to pass these bills with NO idea of the fiscal impact.)

**Senate Amendment 1/09/2012 Lines 72-82 (Education Pre K-12)**

**Original Bill Wording: Revenue from Bill:**

50% to Transportation

40% to any program

10% to driver education of which 30% for behind the wheel (If no driver education program, the 10% is added to the 40% to any program)

**Amendment Bill Wording:**

50% to Transportation

25% to any program

25% to school district foundation for the creation of an endowment that provides income from the interest which is matched by corporate or individual gifts

**I thought "creation of an endowment," endowment meaning "gift", that this 25% would be a Scholarship Fund for deserving students. But one Senator told me this would be a matching, business partnership type fund and the money could be used for any enhancement program.**

**What constitutes an "enhancement" program?**

So we CUT a SAFETY program for Students by not saying that a % had to go to Driver Education and Behind the wheel training.

The Amendment could have read:

50% to Transportation

50% to Any program

The % to "Any program" makes tracking the revenue much harder.

### **FOUND MONEY FOR SCHOOLS**

**At least \$15,000,000 every year, forever!** Put last year's SB 2172 on agenda & vote For it. (Pay School Board members a stipend instead of salary and full benefits) If you like what the majority of other states have always done, jump on this Bandwagon.

**?????Millions & Millions?????** Combine Educational Lobbyists Associations such as FADSS and FSBA and cut their budgets. They are receiving **HUNDREDS & HUNDREDS** of THOUSANDS of EDUCATIONAL DOLLARS, maybe MILLIONS. They don't like to share their finances!

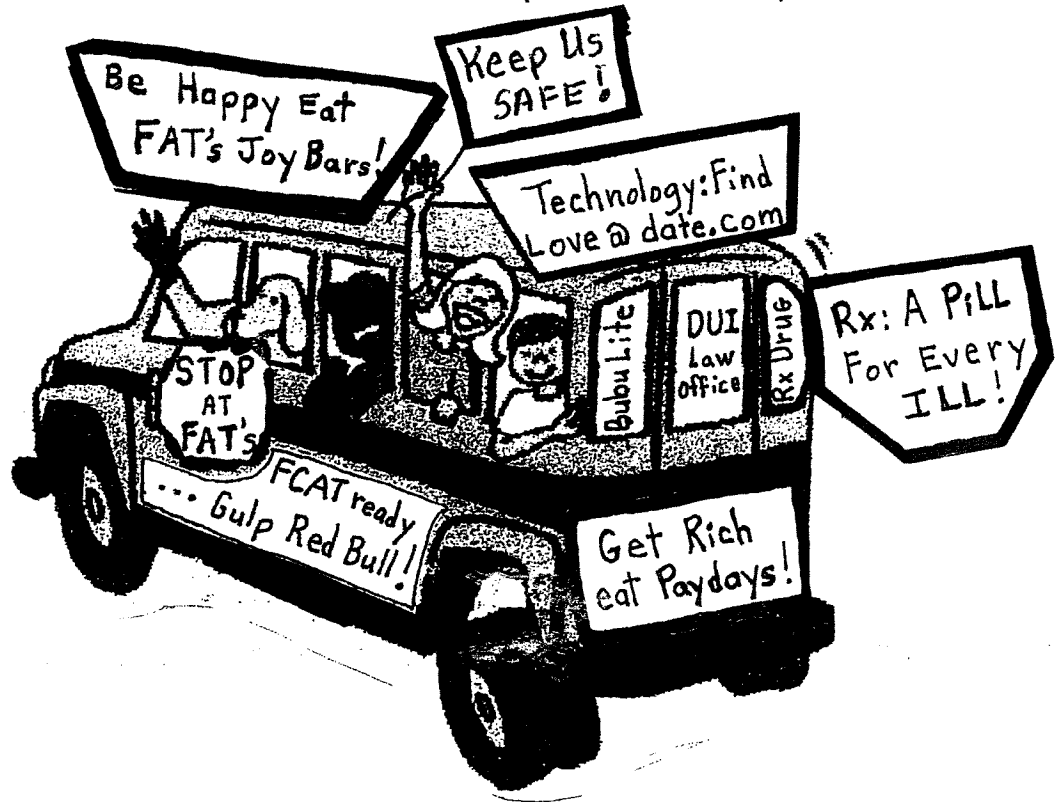
**Please table SB 344 and HB 19 until you have investigated these concerns, have surveyed the students and parents and realize you will be putting our STUDENTS AT RISK by riding on a "Rolling Billboard".**

Thank you,

Donna Sanford    Crawfordville, FL 850-926-7602

Keep Our School Buses PURE, Say NO To PROPAGANDA On Our Buses!

Senate Bill 344 & House Bill 19 (Ads on School Buses)



*Donna Sanford*  
850-926-7602

## APPEARANCE RECORD

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

1/19/2012

Meeting Date

Topic Public School BusesBill Number 344  
(if applicable)Name Janet LamoureuxAmendment Barcode \_\_\_\_\_  
(if applicable)Job Title Florida PTAAddress 1345 Turkey TrlPhone 863 899-7301

Street

City

Lakeland

State

Zip

FL 33810E-mail janetL@tampabay.rr.comSpeaking: ☐ For ☐ Against ☒ InformationRepresenting Florida PTAAppearing at request of Chair: ☐ Yes ☐ NoLobbyist 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)

## APPEARANCE RECORD

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

Meeting Date

Topic Public School BusesBill Number 344  
(if applicable)Name Foyt RalstonAmendment Barcode \_\_\_\_\_  
(if applicable)Job Title Board of DirectorsAddress 2716 Millstone BlavattonPhone 850-274-5350

Street

City

Tallahassee, FL

State

Zip

32312E-mail fralston@arr.comSpeaking: ☒ For ☐ Against ☐ InformationRepresenting Foundation for Leon County Public SchoolsAppearing at request of Chair: ☐ Yes ☒ NoLobbyist 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)

Meeting Date

Topic SB 344

Bill Number 344  
(if applicable)

Name Donna Sanford

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

Job Title Retired

Address P.O. Box 1478

Phone 850 926 87602

Street Crawfordville  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail glsdks123@yahoo.com

Speaking: ☐ For ☒ Against ☐ Information

Representing Students

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)

1-19-12  
Meeting Date

Topic Education SB 344

Bill Number 344  
(if applicable)

Name Brewser Brown

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

Job Title Lobbyist - Consortium of Florida Education Foundations

Address 317 E. Park Ave

Phone 850-516-5644

Street Tallahassee FL 32301  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail brewser@brewserbrown.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Consortium of Florida Education Foundations

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

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

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: CS/SB 824

INTRODUCER: Transportation Committee and Senator Dean

SUBJECT: Mitigation Requirements for Transportation Projects

DATE: January 19, 2012

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Buford	TR	<b>Fav/CS</b>
2.			EP	
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:**

This bill amends s. 373.4137, F.S., to allow the Florida Department of Transportation (FDOT) more freedom in choosing between various mitigation methods when mitigation is required for transportation projects by:

- Changing the legislative intent to include the use of “any other mitigation options that satisfy state and federal requirements.”
- Allowing the release of funds that are identified or maintained in escrow for the Water Management Districts (WMDs) if the transportation project falls outside, in whole or in part, of the WMD mitigation plan.
- Allowing FDOT to elect whether or not to incorporate its mitigation efforts into the planning structure detailed under this section.
- Requires FDOT, when making such an election, to:
  - investigate the use of credits from permitted private mitigation banks;
  - and create a written cost-effectiveness analysis which considers several enumerated factors.

This bill requires that mitigation plans under this section be approved by the Department of Environmental Protection (DEP), as well the appropriate WMD, before implementation.

This bill amends s. 373.4135, F.S., to require that a governmental entity not create or provide mitigation unless it is providing mitigation for its own project, or it uses new land not previously purchased for conservation and provides the same financial assurances as mitigation banks permitted under s. 373.4136, F.S., or regional offsite mitigation areas as permitted under s. 373.4135(6), F.S. This paragraph does not apply to:

- governmental mitigation banks permitted before December 31, 2011;
- offsite regional mitigation areas established before December 31, 2011;
- mitigation for transportation projects under ss. 373.4137 and 373.4139, F.S.;
- mitigation for impacts from mining activities under s. 373.41492, F.S.
- or mitigation provided for single-family lots or homeowners.

## II. Present Situation:

### ***Background, Legislative Intent and Purpose***

Environmental mitigation as it relates to wetlands regulatory programs is generally “defined as the creation, restoration, preservation or enhancement of wetlands to compensate for permitted wetlands losses.”<sup>1</sup> Mitigation banking is a concept designed to increase the success of environmental mitigation efforts and reduce costs to developers of individual mitigation projects.<sup>2</sup>

Section 373.4135, F.S., as part of the Environmental Reorganization Act of 1993, directs the DEP and WMDs to participate in and encourage the establishment of private and public mitigation banks and offsite regional mitigation.<sup>3</sup> Section 404 of the Federal Clean Water Act<sup>4</sup> and early Florida law attempted to regulate wetlands impacts. However, these pieces of legislation did not specifically establish a wetlands protection program. As such, the Florida Legislature responded to the lack of both a comprehensive policy and a regulatory framework to handle environmental mitigation efforts with passage of s. 373.4135, F.S.<sup>5</sup> With few exceptions, it was intended that the provisions for establishing mitigation banks, creating and providing mitigation would apply equally to both public and private entities.<sup>6</sup>

### ***Mitigation Banking Process***

In 1994, rules were adopted to govern the establishment and use of mitigation banks.<sup>7</sup> The substantive aspects of these rules, which were later codified<sup>8</sup> in s. 373.4136, F.S., address the following:

---

<sup>1</sup> John J. Fumero, *Environmental Law: 1994 Survey of Florida Law – At a Crossroads in Natural Resource Protection and Management in Florida*, 19 Nova L. Rev. 77, 101 (1994).

<sup>2</sup> *Id.* at 103.

<sup>3</sup> Section 29, Ch. 93-213, Laws of Florida.

<sup>4</sup> 33 U.S.C. § 1344

<sup>5</sup> Fumero, *supra* note 1 at 103.

<sup>6</sup> s. 373.4135, F.S.

<sup>7</sup> The rules have been amended several times and may now be found in Ch. 62-342.700, F.A.C., effective May, 2001.

- the establishment of mitigation banks by governmental, nonprofit or for-profit entities;
- requirements to ensure the financial responsibility of nongovernmental entities proposing to develop mitigation banks;
- circumstances in which mitigation banking is appropriate or desirable: only when onsite mitigation is determined not to have comparable long-term viability and the bank itself would improve ecological value more than on-site mitigation;
- a framework for determining the value of a mitigation bank through the issuance of credits;
- criteria for withdrawal of mitigation credits by projects within or outside the regional watershed where the bank is located;
- measures to ensure the long-term management and protection of mitigation banks; and
- criteria governing the contribution of funds or land to an approved mitigation bank.<sup>9</sup>

A ‘banker’ is an entity that creates, operates, manages, or maintains a mitigation bank.<sup>10</sup> A banker must apply for a mitigation bank permit before establishing and operating a mitigation bank.<sup>11</sup> Mitigation banks are permitted by DEP or one of the WMDs that have adopted rules based on the location of the bank and activity-based considerations, such as whether the ecological benefits will preserve wetlands losses resulting from development or land use activities or will offset losses to threatened and endangered species.<sup>12</sup> The mitigation bank permit authorizes the implementation and operation of the mitigation bank and sets forth the rights and responsibilities, including financial responsibilities, of the banker and DEP for its implementation, management, maintenance and operation.<sup>13</sup> Specific state mitigation bank permit requirements are contained within s. 373.4136, F.S., Ch. 62-342.450, F.A.C., and Ch. 342.700, F.A.C. Mitigation banks must also go through a federal permitting process overseen by the United States Army Corps of Engineers.

There are separate and distinct requirements for mitigation efforts related to transportation projects.

### ***Mitigation Requirements for Specified Transportation Projects***

In 1996, the Florida Legislature found that environmental mitigation efforts related to transportation projects proposed by the FDOT or transportation authorities could be more effectively achieved through regional, long-range mitigation planning rather than on a project-by-project basis.<sup>14</sup> As such, s. 373.4137, F.S., requires FDOT to fund mitigation efforts to offset the adverse impacts of transportation projects on wetlands, wildlife and other aspects of the

---

<sup>8</sup> In 1996, the Florida Legislature revised the statutes on mitigation banking and the substantive sections of the rules were placed in s. 373.4136, F.S. See the “Legal Authority” section of the Florida Department of Environmental Protection’s website on the Mitigation Banking Rule and Synopsis. This information may be viewed at <http://www.dep.state.fl.us/water/wetlands/mitigation/synopsis.htm> (Last viewed 1/12/2012). Chapter 62-342, F.A.C. was subsequently revised in May, 2001, providing specific financial assurance requirements.

<sup>9</sup> Fumero, *supra* note 1 at 104.

<sup>10</sup> Ch. 62-342.200(1), F.A.C. (2011).

<sup>11</sup> Ch. 62-342.200(1), F.A.C. (2011).

<sup>12</sup> See the Florida Department of Environmental Protection’s website on the Mitigation and Banking Rule and Procedure Synopsis at <http://www.dep.state.fl.us/water/wetlands/mitigation/synopsis.htm>. (Last viewed 12/9/2011).

<sup>13</sup> *Id.*

<sup>14</sup> Section 1., Ch. 96-238, Laws of Florida

natural environment. Mitigation efforts are required to be carried out by a combination of WMDs and through the use of mitigation banks.

### ***FDOT's Role in the Mitigation Process***

Section 373.4137, F.S., requires FDOT (and transportation authorities) to annually submit (by July 1<sup>st</sup>) a copy of its adopted work program along with an environmental impact inventory of affected habitats (WMDs are responsible for ensuring compliance with federal permitting requirements). The environmental impact inventory must be submitted to the WMDs and must include the following:

- a description of habitats impacted by transportation projects, including location, acreage and type;
- a statement of the water quality classification of impacted wetlands and other surface waters;
- identification of any other state or regional designations for the habitats; and
- a survey of threatened species, endangered species and species of special concern affected by the proposed project.

### ***WMDs Decision to Involve Mitigation Banks in the Mitigation Process***

By March 1<sup>st</sup> of each year, each WMD must develop a mitigation plan in consultation with DEP, the United States Army Corps of Engineers, FDOT, transportation authorities and various other federal, state and local governmental entities and submit the plan to its governing board for review and approval.<sup>15</sup> This plan is, in part, based off of the information provided in the environmental impact inventory and compiled in coordination with mitigation bankers.<sup>16</sup> Among other things, WMDs are required to consider the purchase of credits from properly permitted public or private mitigation banks when developing the plan and shall include this information in the plan when the purchase would:

- offset the impact of the transportation project;
- provide equal benefits to the water resources than other mitigation options being considered; and
- provide the most cost-effective mitigation option.<sup>17</sup>

For each transportation project with a funding request for the next fiscal year, the mitigation plan must include a brief explanation of why a mitigation bank was or was not chosen as a mitigation option, including an estimation of identifiable costs of the mitigation bank and nonbank options to the extent practicable. Currently, factors such as time saved, liability for success of the mitigation and long-term maintenance are not required.

Florida law also provides that a specific project may be excluded from the mitigation plan in certain instances if FDOT, the applicable transportation authority and WMD agree that the efficiency or timeliness of the planning or permitting process would be hampered were the

---

<sup>15</sup> s. 373.4137(4), F.S.

<sup>16</sup> s. 373.4137(4), F.S.

<sup>17</sup> *Id.*

project included. Additionally, a WMD may unilaterally exclude a project from the mitigation plan if appropriate mitigation for the project is not identifiable.<sup>18</sup> At this time, Florida law does not allow FDOT to unilaterally elect which projects to include or exclude from the mitigation plan.

### ***Mitigation Credits***

Each quarter, FDOT and transportation authorities must transfer sufficient funds into escrow accounts within the State Transportation Trust Fund to pay for mitigation of projected acreage impacts resulting from projects identified in the approved mitigation plan. By statute, the amount transferred must correspond to \$75,000/acre of acreage projected to be impacted and must be spent down through the use of 'mitigation credits' throughout the fiscal year. This \$75,000/acre statutory figure was originally based on estimates of the historical average cost per acre that FDOT was spending on mitigation on a project-by-project basis in the early 1990's (usually this mitigation was conducted strictly on-site to restore or enhance wetlands directly linked to the impacted area). Over time, the process has changed. Now, this amount is adjusted on July 1<sup>st</sup> of each year based on the percentage change in the average of the Consumer Price Index. For fiscal year 2011-2012, the adjusted amount is \$104,701 per acre. As defined by statute, a 'mitigation credit' is a unit of measure which represents the increase in ecological value resulting from mitigation efforts on a proposed project or projects.<sup>19</sup> One mitigation credit equals the ecological value gained by successfully creating one acre of wetlands.<sup>20</sup>

At the end of each quarter, the projected acreage impacts are compared to the actual acreage impacts and escrow balances are adjusted accordingly. Pursuant to the process, and with limited exceptions, WMDs may request a release of funds from the escrow accounts no sooner than 30 days prior to the date the funds are needed to pay for costs associated with the development or implementation of the mitigation efforts. Associated costs relate to, but are not limited to, the following:

- design costs;
- engineering costs;
- production costs; and
- staff support.

### ***Mitigation Expenditures***

From 2007 to 2011, FDOT's mitigation expenditures have totaled \$169,921,562. WMDs have received \$116,456,080 (68.54%) of the total expenditures, while public and private mitigation banks have received \$38,107,600 (22.43%) of the total expenditures.<sup>21</sup> During this time, FDOT also carried out its own mitigation in cases where mitigation banks were unavailable or the WMD could not identify the appropriate amount of mitigation within the existing statutory scheme. These related expenditures amount to \$15,357,882 (9.04%) of total expenditures.

---

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

<sup>19</sup> s. 373.403(20), F.S.

<sup>20</sup> Ch. 62-342.200(5), F.A.C.

<sup>21</sup> According to FDOT, "itemizing mitigation bank purchases by project is not readily available because of the ability to purchase advance mitigation credits and the ability to lump various projects within a single mitigation bank credit purchase."

From inception of the FDOT mitigation program in 1996 through present time, many acres of wetlands impacts have been – or plan to be – offset across the state. According to its 2011 FDOT Mitigation Plan, the St. John’s River Water Management District has, as of September 30, 2010, provided 35,036.68 acres of mitigation to offset 1305 acres of wetlands and other surface waters impacts. This total includes the mitigation acreage associated with 132.09 mitigation bank credits. The Southwest Florida Water Management District, according to its draft 2012 FDOT Mitigation Plan, has provided (including proposed projects) a total of 814 acres of wetlands impacts.<sup>22</sup> This total includes mitigation acreage associated with 44.01 mitigation bank credits purchased from four mitigation banks and two local government regional off-site mitigation areas.<sup>23</sup>

### ***Statewide Anticipated Mitigation Inventory for Fiscal Year 2012-2013***

For fiscal year 2012-2013,<sup>24</sup> the total anticipated mitigation inventory is \$20,068,232. It is anticipated that WMDs will receive \$10,374,303 of the total, while public and private mitigation banks are anticipated to receive \$9,643,929 of the total. FDOT also anticipates it will carry out its own mitigation totaling \$50,000.

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

### **Section 1:**

#### **FDOT opt-out clause:**

This bill amends s. 373.4137, F.S., to allow FDOT more freedom in choosing between various mitigation methods when mitigation is required for transportation projects by:

- Changing the legislative intent to include the use of “any other mitigation options that satisfy state and federal requirements.”
- Allowing the release of funds that are identified or maintained in escrow for the WMD if the transportation project falls outside, in whole or in part, of the WMD mitigation plan.
- Allowing FDOT to elect whether or not to incorporate its mitigation efforts into the planning structure detailed under this section.
- Requires FDOT, when making such an election, to:
  - investigate the use of credits from permitted private mitigation banks;
  - and create a written cost-effectiveness analysis which considers several enumerated factors.

This provision of the bill allows FDOT to bypass the WMD in choosing which mitigation method is the most efficient and cost-effective, according to the criteria listed in this section.

---

<sup>22</sup> This plan is projected to be approved by the Southwest Florida Water Management District Governing Board on January 31, 2012. The draft plan may be viewed at <http://www.swfwmd.state.fl.us/projects/mitigation/> (Last viewed 1/5/2012).

<sup>23</sup> *Id.*

<sup>24</sup> According to FDOT, these figures are current as of 11/17/2011 and are subject to change based on FDOT work program changes and/or coordination with WMDS and the U.S. Army Corps of Engineers

Also, this provision overrides the effective veto power that the WMD has under current law over mitigation plans proposed by FDOT.

**DEP approval of mitigation plans:**

This bill requires that mitigation plans under this section be approved by the DEP, as well the appropriate WMD, before implementation. This adds an extra layer of scrutiny to plans created under the current statute.

**Mitigation by governmental entities:**

**Section 2:**

Section 2 of this bill amends s. 373.4135, F.S., to require that a governmental entity not create or provide mitigation unless it is providing mitigation for its own project, or it uses new land not previously purchased for conservation and provides the same financial assurances as mitigation banks permitted under s. 373.4136, F.S., or regional offsite mitigation areas as permitted under s. 373.4135(6), F.S. This paragraph does not apply to:

- governmental mitigation banks permitted before December 31, 2011;
- offsite regional mitigation areas established before December 31, 2011;
- mitigation for transportation projects under ss. 373.4137 and 373.4139, F.S.;
- mitigation for impacts from mining activities under s. 373.41492, F.S.
- or mitigation provided for single-family lots or homeowners.

This provision restricts most governmental entities' ability to run a mitigation banks and brings the requirements placed on governmental entities that provide mitigation more in line with those placed on private mitigation banks.

**Section 3:**

Section 3 states that the act will take effect upon becoming law.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.



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

None.

**B. Private Sector Impact:**

This bill could have a positive but indeterminate impact on private mitigation banks which now may benefit from extra business and will no longer have to compete with governmental entities.

**C. Government Sector Impact:**

This bill could have a positive impact on FDOT granting it the ability to choose the most cost-effective mitigation method that it finds appropriate. This bill could also have a negative impact on both the WMDs, should FDOT opt-out of their mitigation plan, and on local governments because their ability to provide mitigation banks is somewhat restricted.

**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 19, 2012 – the CS:**

- Deletes subsection (10) of the bill
- Creates a new section 2 which is similar to the old subsection (10) except that:
  - It no longer restricts governmental entities from competing with private mitigation banks;
  - It references financial obligations in ss. 373.4136 and 373.4135(6) which governmental entities that provide mitigation must follow, instead of listing them in the bill;
  - It lists specific types of mitigation which are exempt from the newly created paragraph.
- Creates a new section 3 which makes the act effective upon becoming law, rather than on July 1, 2012.

B. Amendments:

None.

---

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

---



415400

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Storms) recommended the following:

**Senate Amendment (with directory and title amendments)**

Delete lines 217 - 226.

Delete line 227

and insert:

Section 2. Present paragraphs (b) through (e) of subsection (1) of section 373.4135, Florida Statutes, are redesignated as paragraphs (c) through (f), respectively, and a new paragraph (b) is added to that subsection, to read:

373.4135 Mitigation banks and offsite regional mitigation.—

(1) The Legislature finds that the adverse impacts of activities regulated under this part may be offset by the



415400

creation, maintenance, and use of mitigation banks and offsite regional mitigation. Mitigation banks and offsite regional mitigation can enhance the certainty of mitigation and provide ecological value due to the improved likelihood of environmental success associated with their proper construction, maintenance, and management. Therefore, the department and the water management districts are directed to participate in and encourage the establishment of private and public mitigation banks and offsite regional mitigation. Mitigation banks and offsite regional mitigation should emphasize the restoration and enhancement of degraded ecosystems and the preservation of uplands and wetlands as intact ecosystems rather than alteration of landscapes to create wetlands. This is best accomplished through restoration of ecological communities that were historically present.

(b) Notwithstanding subsection (5), a governmental entity may not create or provide mitigation for a project other than its own unless the governmental entity uses land that was not previously purchased for conservation and unless the governmental entity provides the same financial assurances as required for mitigation banks permitted under s. 373.4136 and regional offsite mitigation areas permitted under subsection (6). This paragraph does not apply to:

1. Mitigation banks permitted before December 31, 2011, under s. 373.4136;

2. Offsite regional mitigation areas established before December 31, 2011, under subsection (6);

3. Mitigation for transportation projects under ss. 373.4137 and 373.4139;



415400

4. Mitigation for impacts from mining activities under s.  
373.41492; or

5. Mitigation provided for single-family lots or homeowners  
under subsection (6).

Section 3. This act shall take effect upon becoming a law.

==== D I R E C T O R Y C L A U S E A M E N D M E N T =====

And the directory clause is amended as follows:

Delete lines 34 - 35

and insert:

Florida Statutes, are amended to read:

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

And the title is amended as follows:

Delete lines 2 - 3

and insert:

An act relating to mitigation; amending s. 373.4137,  
F.S.;

Delete lines 26 - 28

and insert:

plan; amending s. 373.4135, F.S.; limiting the  
circumstances under which a governmental entity may  
create or provide mitigation for a project other than  
its own project; specifying certain exceptions;  
providing an effective 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: SB 1068

INTRODUCER: Senator Joyner

SUBJECT: Motor Vehicle Registration

DATE: January 13, 2012

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

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

**I. Summary:**

Senate Bill 1068 specifies that a vehicle may not be operated on the roads of this state after expiration of the renewal period, or, for a natural person, at midnight on the owner's birthday, which clarifies when the motor vehicle registration expires for an individual.

In addition, the bill authorizes a refund of the license taxes assessed in s. 320.08, F.S., to a motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period (up to three months before the actual registration period begins) and who surrenders the vehicle license plate before the end of the renewal period. Accordingly, this will extend the refund period beyond the advanced period to the end of the renewal period.

This bill substantially amends ss. 320.07 and 320.15 of the Florida Statutes.

**II. Present Situation:**

Section 320.07(1), F.S., provides the registration of a motor vehicle or mobile home expires at midnight on the last day of the registration or extended registration period. In addition, a vehicle shall not be operated on the roads after expiration of the renewal period unless the registration has been renewed according to law.

Section 320.071, F.S., authorizes advance registration renewals. Specifically, an owner of any motor vehicle, mobile home, or apportioned motor vehicle currently registered in the state may apply for renewal of the registration with the Department of Highway Safety and Motor Vehicles (DHSMV or department) any time during the three months preceding the date of expiration of the registration period.

Section 320.15, F.S., entitles a resident owner of a motor vehicle or mobile home that has been destroyed or permanently removed from this state, upon application to DHSMV and surrender of the vehicle's issued sticker, to a credit applicable to the registration of any other vehicle in the name of the owner, if the amount is \$3 or more, for the unexpired period. A credit for surrendered "for-hire" license plates may not be more than one-half of the annual license tax. A credit is not valid after the expiration date of the license plate which is current on the date of the credit.

Currently s. 320.15, F.S., is silent in regards to providing a refund to a motor vehicle registrant who renews during the advance renewal period if the registrant surrenders the license plate prior to the first day of his or her birth month. However, s. 215.26(1)(b), F.S., authorizes a refund of any moneys paid into the State Treasury when no tax, license, or account is due. According to DHSMV, "this applies to the situation where a refund is made to a motor vehicle registrant who renewed during the advance renewal period and surrendered the license plate before the first day of their birth month."<sup>1</sup> Therefore, no tax is due.<sup>2</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 320.07(1), F.S., to clarify the expiration of the registration renewal period for an individual is at midnight on the owner's birthday. According the department, this has been the historical interpretation of this section; however, this clarification may be useful information for motorists as it distinguishes between a company and an individual.<sup>3</sup>

**Section 2** amends s. 320.15, F.S., to provide a motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period (up to three months before the actual registration period begins) and who surrenders the vehicle license plate before the end of the renewal period may apply for a refund of the license taxes assessed in s. 320.08, F.S. Accordingly, this will extend the refund period beyond the advanced period to the end of the renewal period.

### IV. Constitutional Issues:

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

None.

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

None.

---

<sup>1</sup> Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1068* (on file with the Senate Transportation Committee).

<sup>2</sup> Id.

<sup>3</sup> Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1122* (on file with the Senate Transportation Committee).

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill extends the refund period beyond the advanced period to the end of the renewal period, which is a natural person's birthday.

C. Government Sector Impact:

The department anticipates an increase in refunds; however, the exact amount is indeterminable but is estimated to be minimal.<sup>4</sup>

According to DHSMV, ISA will require approximately 40 hours, non-recurring, in order to implement the provisions of this bill, which can be incorporated into ISA's normal workload.

**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.

---

---

<sup>4</sup> Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1068* (on file with the Senate Transportation Committee).



**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 1168

INTRODUCER: Transportation Committee and Senator Ring

SUBJECT: Freight Mobility Development

DATE: January 19, 2012

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Buford	TR	<b>Fav/CS</b>
2.			CM	
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:**

This bill creates a new unnumbered section of the Florida Statutes entitled the “Freight and Logistics Facility Credit” which:

- Defines terms.
- Creates a tax credit, which begins on January 1, 2013 and extends through January 1, 2017. The credit can be used against the intangible personal property tax (ch. 199, F.S.), the excise document tax (ch. 201, F.S.), the sales and use tax (ch. 212, F.S.), the corporate income tax (ch. 220, F.S.), or the insurance premium tax (s. 624.509, F.S.).
- States that the tax credit is equal to:
  - **either** \$3000 per “qualified full-time employee” (QFE), as defined in (1)(e), who is hired as a result of increased “qualified trade activities”, as defined in (1)(f);
  - **or**, 5% of any “capital investment”, as defined in (1)(a), made by the taxpayer to facilitate increased “qualified trade activities”, as defined in (1)(f).
- States that the taxpayer must elect which tax credit to use and that both credits cannot be used for the same activities in the same calendar year.
- Qualifies that any tax credit claimed for an employee who works for less than a full 12 months must be reduced proportionally to the number of months worked.

- Caps the maximum tax credit per taxpayer at \$500,000 per taxable year.
- States that the Department of Economic Opportunity (DEO) shall issue written certification of tax credits, upon approval, to taxpayers who have applied for the tax credit:
  - up to a yearly maximum of \$10 million;
  - proportionately among all qualified taxpayers;
  - until January 30, 2017;
- Allows tax credits to be carried forward for up to 10 taxable years.
- Restricts the credit from being earned for a QFE under certain enumerated circumstances.
- Allows for the credit to be allocated directly to the partners, shareholders, or members in case the credit is claimed by a partnership, S corporation, or limited liability company.
- Allows for two or more affiliated companies to combine their activities in order to qualify for the credit allowed.
- Calls for the recapture of a credit amount (equal to the decrease in the amount of credit that would have been earned for the lower number of employees) should the company's number of QFEs fall below the average within the taxable year the credit was earned.
- Calls for the recapture of all credits should the average number of QFEs fall below the number employed by the taxpayer before claiming any tax credits within 5 taxable years after the year the credits were earned.
- Grants DEO rulemaking authority to administer this section, including but not limited to several enumerated provisions.

This bill retitles ch. 311, F.S., as "Seaport Programs and Facilities"

This bill amends s. 311.07, F.S., to:

- Conform the statutes to the current funding practice for the Florida Seaport Transportation and Economic Development (FSTED) Program of \$15 million (instead of \$8 million), at which it has been funded since 2004.
- Require that the FSTED Council develop guidelines for project funding and work with the Florida Department of Transportation (FDOT) and DEO to review projects and allocate funds as required to include them in FDOT's tentative work program.
- Allow funding for updates to seaport master plans or strategic development plans, including the purchase of data.
- Remove caps on funding for each port of \$7 million per year and \$30 million over 5 years.
- Make permissible, rather than require, that FDOT conduct a mandatory audit of any project which receives funds under this section and any project which receives funds under s. 320.20, F.S.

This bill amends s. 311.09, F.S., to:

- Revise the criteria for evaluating port projects.
- Eliminate the requirement that the Department of Community Affairs (which no longer exists) review the list of approved projects.
- Reduce FDOT oversight and evaluation of FSTED funded projects

- Add additional oversight to DEO to determine that projects are consistent with state economic development goals and state, regional, and local plans. If DEO determines they are not, it must notify the FSTED council.
- Restrict the FSTED Council from including projects found to be inconsistent by both FDOT and DEO.
- Require FDOT to request \$15 million for the FSTED program in its annual budget.

This bill creates s. 311.10, F.S., entitled the “Strategic Port Investment Initiative”, which:

- Allocates \$35 million from the State Transportation Trust Fund (STTF) to fund the initiative.
- Requires FDOT and the ports on the FSTED council to annually develop, update and maintain a list of strategic investment projects.
- Creates several criteria for inclusion on the list of projects.
- Requires FDOT to hold a public workshop with DEO to take comments and review the proposed projects before finalizing the list.
- Require FDOT to include the projects on the list in its tentative work program, to the extent feasible.

This bill amends s. 311.14, F.S., to:

- Require that FDOT, along with the ports on the FSTED council and other partners, develop a Statewide Seaport and Waterways System Plan.
- Repeal the requirement for FDOT and the FSTED council to develop freight-mobility and trade-corridor plans.

This bill amends s. 311.22, F.S., to correct cross-references changed by this bill.

This bill amends s. 320.20, F.S., to correct cross-references changed by this bill.

## **II. Present Situation:**

### **Freight and Logistics Facility Credit:**

Currently, there are no tax credits earned by hiring new employees or completing capital investment projects such as those that would be granted by this bill.

### **Ch. 311 Revisions:**

Section 311.07(2), F.S., currently requires that a minimum of \$8 million per year be made available from the State Transportation Trust Fund (STTF) to partially fund the FSTED Program. *(These funds are in addition to the annual appropriation of \$15M in license tag fees to the FSTED Program required under s. 320.20, F.S.)* These funds are used to fund eligible and approved port projects as provided in s. 311.07(3), F.S. The allocation and programming of funds is determined by FDOT.

The program has been consistently funded at \$15 million annually since 2004. Other seaport-related FDOT funding is currently limited to bond repayment, the Strategic Intermodal System program, and district discretionary funds.

Eligible projects may be funded on a 50/50 basis by FSTED and the deepwater ports. However, projects involving the rehabilitation of wharves, docks, berths, bulkheads, or similar structures require only a 25% match.

Program funds may also be used by the FSTED Council to develop trade data information products which will assist Florida's seaports and international trade. *(Previously, such data would have been developed with the Florida Trade Data Center. However, the authorizing language for the center was repealed in 2010.)*

### III. Effect of Proposed Changes:

**Section 1** of this bill creates a new section of law granting a tax credit which begins on January 1, 2013 and extends through January 1, 2017. This credit can be used against the intangible personal property tax (ch. 199, F.S.), the excise document tax (ch. 201, F.S.), the sales and use tax (ch. 212, F.S.), the corporate income tax (ch. 220, F.S.), or the insurance premium tax (s. 624.509, F.S.).

The tax credit is equal to either \$3000 per "qualified full-time employee" (QFE), as defined in (1)(e), who is hired as a result of increased "qualified trade activities", as defined in (1)(f); or 5% of any "capital investment", as defined in (1)(a), made by the taxpayer to facilitate increased "qualified trade activities", as defined in (1)(f). The taxpayer must elect which credit to take and may only take one type of credit per year for the same activity. Also, each taxpayer is eligible only up to a maximum of \$500,000 per taxable year in credits and any unused credits may be carried forward for up to 10 taxable years.

DEO is required to administer the tax credit and give written certification of the credit amount to the taxpayer upon approval. The taxpayer must attach the written certification to their tax return in order to claim the credit. DEO may not issue more than \$10 million in credits per year and must issue such credits proportionately among all qualified taxpayers who requested credits. Also, DEO may no longer issue credits after January 30, 2017.

The credit for an employee who works for less than 12 months must be reduced proportionally to the time the employee worked divided by 12. Also, credits may not be earned for employees:

- for whom a credit was already received under this section by a related party or a trade or business under common control (as defined in 267(b) and 52(b), respectively, of the Internal Revenue Code);
- who were previously employed in the same job function in this state by a related party or trade or business under common control;
- whose job function was previously performed at a different location in this state by an employee of the taxpayer, by a related party, or by a trade or business under common control;

- or, whose job function previously qualified for a credit under this section at a different major business facility that constitutes an employing unit (as defined in s. 443.036, F.S.) on behalf of the taxpayer, by a related party or by a trade or business under common control.

Any tax credit which is attributable to a partnership, S corporation, or limited liability company should be allocated directly to the partners, shareholders, or members, respectively. Also, two or more affiliated companies may elect to aggregate their credit generating activities in order to qualify for the credit allowed.

Recapture of the credit is required should the QFEs of the taxpayer receiving the credit ever fall below the average number of QFEs during the taxable year. This recapture should occur by an increase in the tax, over the five taxable years after the year the credit was earned, equal to the decrease in the amount of credit that would have been earned for the lower number of employees. Also, recapture of all earned credits is necessary if the average number of QFEs falls below the total number of QFEs employed before the taxpayer claimed any credits within 5 taxable years after the credits were first earned. Credits may not be recaptured twice.

DEO is granted rulemaking authority to implement this section.

**Section 2** of this bill retitles ch. 311, F.S., as “Seaport Programs and Facilities”

**Section 3** of this bill amends s. 311.07, F.S., to:

- Increase the funding for the Florida Seaport Transportation and Economic Development (FSTED) Program from \$8 million to \$15 million.
- Require that the FSTED Council develop guidelines for project funding and work with the Florida Department of Transportation (FDOT) and DEO to review projects and allocate funds as required to include them in FDOT’s tentative work program.
- Allow funding for updates to seaport master plans or strategic development plans, including the purchase of data.
- Remove caps on funding for each port of \$7 million per year and \$30 million over 5 years.
- Make permissible, rather than require, that FDOT conduct a mandatory audit of any project which receives funds under this section and any project which receives funds under s. 320.20, F.S.

**Section 4** of this bill amends s. 311.09, F.S., to:

- Revise the criteria for evaluating port projects.
- Eliminate the requirement that the Department of Community Affairs review the list of approved projects.
- Reduce FDOT oversight and evaluation of FSTED funded projects
- Add additional oversight to DEO to determine that projects are consistent with state economic development goals and state, regional, and local plans. If DEO determines they are not, it must notify the FSTED council.

- Restrict the FSTED Council from including projects found to be inconsistent by both FDOT and DEO.
- Require FDOT to request \$15 million for the FSTED program in its annual budget.

**Section 5** of this bill creates s. 311.10, F.S., entitled the “Strategic Port Investment Initiative”, which:

- Allocates \$35 million annually from the State Transportation Trust Fund (STTF) to fund the initiative.
- Requires FDOT and the ports on the FSTED council to annually develop, update and maintain a list of strategic investment projects.
- Creates several criteria for inclusion on the list of projects.
- Requires FDOT to hold a public workshop with DEO to take comments and review the proposed projects before finalizing the list.
- Require FDOT to include the projects on the list in its tentative work program, to the extent feasible.

**Section 6** of this bill amends s. 311.14, F.S., to:

- Require that FDOT, along with the ports on the FSTED council and other partners, develop a Statewide Seaport and Waterways System Plan.
- Repeal the requirement for FDOT and the FSTED council to develop freight-mobility and trade-corridor plans.

**Sections 7 and 8** of this bill correct cross-references.

**Section 9** of this bill establishes an effective date of July 1, 2012.

#### **Other Potential Implications:**

##### **Department of Revenue Concerns:**

According to the Department of Revenue (DOR), it is unclear how the tax credit generated by this bill would be applied towards some of the enumerated taxes (2)(a) of section 1. Second, DOR lists several other difficulties in implementation of the tax credit, such as adding the tax credits to various sections of the Florida Statutes which typically hold information about how to use and claim such credits. Also, DOR requests rulemaking authority in order to administer the credit against taxes which they administer.<sup>1</sup>

##### **Other Concerns:**

The language of section 1 of this bill gives rise to several possible outcomes which may or may not be intended:

---

<sup>1</sup> Bill Analysis of SB 1168: “Freight Mobility Development”, the Department of Revenue, on file with the Senate Transportation Committee.

- First, it is unclear whether or not, by casting a wide-net for potential abuses of the new QFE based tax credit, the provisions in paragraph (d) will disincentivize the rehiring of already trained employees, such as those who may have been laid in due to a slow in business.
  - This concern may be alleviated by clarifying the language in paragraph (d) and possibly adding a time certain for which an employee must off the job to become eligible for a credit as a rehire.
- Second, paragraph (f) raises some concerns about possible tax plays due to the lack of specificity with which companies may aggregate their tax credits.
  - This concern may be alleviated by adding more specific language to paragraph (f), such as language about proportionality of tax credit division, or through the rulemaking authority granted to DEO.
- Third, the language about tax-credit recapture is somewhat unclear as well. For example, some of the language states:

“[i]f the average number of [QFE]s employed at a freight and logistics facility falls below the number employed by the taxpayer before claiming any credits under this section...all credits...must be recaptured.”

A reading of this language raises the question of exactly how the number of employees “employed by the taxpayer before claiming any credits” is determined. Is it the number of employees employed immediately before claiming the credit, or, possibly, the average of the number of employees employed by the taxpayer over the time in business before claiming the credit?

- This concern may be alleviated through more specific language in the bill, or through the rulemaking authority granted to DEO.

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

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

None.

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

None.

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

None.

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

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

This bill creates a new tax credit which may have an annual cost to general revenue of up to \$10 million per year for 4 years, between January 1, 2013 and January 1, 2017, and which may impact revenue for up to 10 additional years due to the carry over provisions.

The revenue estimating conference has not met on this bill.

**B. Private Sector Impact:**

Companies claiming credits under section 1 of this bill could see a benefit of up to \$500,000 per year in tax credits between January 1, 2013 and January 1, 2017.

**C. Government Sector Impact:**

**Section 1** will generate a one-time cost of \$50,200 in order to implement the provisions in this bill.<sup>2</sup> This section may have an indeterminate, but positive impact on Florida's ports. Also, this section may generate additional revenue by incentivizing the hiring of new employees and increased capital investment on the part of private taxpayers.

**Section 3** has a face-value cost of \$7 million but no actual cost. Though this section increases statutory funding for FSTED from \$8 million to \$15 million, FSTED has been funded at \$15 million since 2004 and, as such, this section is only codifying existing practice, however it limits the legislature from funding FSTED at the lower level, should it see cause to.

**Section 5** will generate an annual reoccurring cost of \$35 million allocated from the State Transportation Trust Fund.

**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 19, 2012:**

The CS corrects two technical deficiencies by:

- amending line 350 so the sentence reads “strategic plan development” instead of “strategic development plan”,
- and correcting the statutory citation in line 512 to “s. 311.07” instead of “s. 377.07”

---

<sup>2</sup> Id.



B. Amendments:

None.

---

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

---



452658

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Garcia) recommended the following:

**Senate Amendment**

Delete line 350  
and insert:  
plan development, including the purchase of data to support such



544170

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Garcia) recommended the following:

**Senate Amendment**

Delete line 512  
and insert:  
Program to be funded under s. 311.07 ~~this section~~ during the

## THE FLORIDA SENATE

## APPEARANCE RECORD

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

1/19/12

Meeting Date

Topic FREIGHT MOBILITYBill Number 1168  
(if applicable)Name NANCY STEPHENSAmendment Barcode \_\_\_\_\_  
(if applicable)Job Title EXEC DIR

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street

City

State

Zip

Tallahassee FL

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

Speaking: ☒ For ☐ Against ☐ InformationRepresenting MANUFACTURERS ASSOCIATION OF FLORIDAAppearing at request of Chair: ☐ Yes ☐ NoLobbyist 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)

1/19/12

Meeting Date

Topic \_\_\_\_\_

Bill Number 1168  
(if applicable)Name WARD BLAKELYAmendment Barcode \_\_\_\_\_  
(if applicable)

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

Address 4495 - 304 # 314 ROOSEVELT BLVDPhone 904/910-6847

Street

City

State

Zip

JAX, FL 32210E-mail ward@bluetushcommunications.comSpeaking: ☒ For ☐ Against ☐ InformationRepresenting JACKSONVILLE PORT AUTHORITYAppearing at request of Chair: ☐ Yes ☒ NoLobbyist 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)

1-19-12

Meeting Date

Topic Mitigation

Bill Number 824  
(if applicable)

Name Lori Killinger

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

Job Title Attorney

Address 315 S. Calhoun St.

Phone 850 222 5702

Street

Tallahassee

FL

32301

City

State

Zip

E-mail lkillinger@llw-law.com

Speaking: ☒ For ☐ Against ☐ Information

Representing MITIGATION BANKERS

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)

1/19/12

Meeting Date

Topic Transportation Mitigation

Bill Number SB 824  
(if applicable)

Name Steven Hogge

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

Job Title Legislative Advocate

Address P.O. Box 1757

Phone \_\_\_\_\_

Street

Tallahassee

FL

32302

City

State

Zip

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

Speaking: ☐ For ☒ Against ☐ Information

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/20/11)

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

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: CS/SB 1238

INTRODUCER: Transportation Committee and Senator Hays

SUBJECT: Low-speed Vehicles

DATE: January 19, 2012

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Buford	TR	<b>Fav/CS</b>
2.			BC	
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 establishes procedures to allow the conversion of a vehicle titled or branded and registered as a low-speed vehicle to a golf cart upon payment of a \$40 administrative fee, and verification of the conversion by the Department of Highway Safety and Motor Vehicles (department).

This bill substantially amends section 319.14 of the Florida Statutes.

**II. Present Situation:**

**Low-speed Vehicles**

Section 320.01(42), F.S., defines "low-speed vehicle" as any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122, F.S.

Section 316.2122, F.S., authorizes operation of a low-speed vehicle on any road with the following restrictions:

- A low-speed vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.
- A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.
- A low-speed vehicle must be registered and insured in accordance with s. 320.02, F.S., and titled pursuant to ch. 319, F.S.
- Any person operating a low-speed vehicle must have in his or her possession a valid driver's license.
- A county or municipality may prohibit the operation of low-speed vehicles on any road under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.
- The Florida Department of Transportation (FDOT) may prohibit the operation of low-speed vehicles on any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

### **Golf Carts**

Section 320.01(22), F.S., defines a golf cart as a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and is not capable of exceeding speeds of 20 miles per hour.

Golf carts are exempt from registration and license taxes under s. 320.105, F.S., and pursuant to s. 322.04, F.S., golf cart drivers are not required to have a driver's license or insurance.

Pursuant to s. 316.2125(2)(a), F.S., the operation of golf carts on local roads is allowed. After making a safety determination, a city or county may designate county or city roads for golf cart use. A city or county may prohibit the use of golf carts on any road under its jurisdiction in the interest of safety.

Pursuant to s. 316.212(2), F.S., the operation of a golf cart on state highways is allowed if the FDOT determines: the safe and efficient flow of traffic will not be impeded; the road is the only available public road along which the golf carts may travel or the road provides the safest travel route among alternative routes available; and, the speed, volume, and character of motor vehicle traffic using the road is considered.

Pursuant to s. 316.212(6), F.S., a golf cart operated on a public road must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and the rear. A golf cart may be operated only during the hours between sunrise and sunset, unless the FDOT or local government has determined a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield, in addition to the other equipment requirements.

Pursuant to s. 316.2125, F.S., golf carts may operate on roads within a self-contained retirement community unless the roads within the community are state or local roads and the FDOT or local

government prohibits such use for safety reasons. Golf carts operating within a self-contained retirement community must also be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and the rear. Golf carts operating at night within a self-contained retirement community must also be equipped with headlights, brake lights, turn signals, and a windshield.

### **Low Speed Vehicles Versus Golf Carts**

The significant differences for an owner of a low speed vehicle and a golf cart are:

- The golf cart does not have to be driven by a licensed driver;
- The golf cart does not have to be registered or titled; and
- The golf cart does not have to be insured.

In 1999, the Florida Legislature first authorized the use of low speed vehicles on certain public roads and set speed limits for golf carts.<sup>1</sup> Golf carts have become the symbol of liberation in active, self contained-retirement communities. There is one such community in Florida that boasts of more than 83,000 residents, 50,000 golf carts and 100 miles of golf cart trails that will allow residents to go to the hairdresser, grocery store, bank, dancing, movies, and even play golf.<sup>2</sup> It has been estimated that license and insurance costs for low speed vehicles can approach \$600 annually.<sup>3</sup> The rising costs of insurance is burdensome on residents in retirement communities who are living on fixed incomes and have seen annual premiums rise from as low as \$150 to as much as \$1,000 despite the fact that these low speed vehicles are being driven primarily on the same paths as golf carts and there has been no documented history of accidents involving these vehicles.<sup>4</sup> Many residents in retirement communities own low speed vehicles and desire to convert to a slower speed vehicle to eliminate insurance and registration costs. This conversion can be accomplished by reprogramming the controller board or by changing the controller which is not a highly complex undertaking.<sup>5</sup> Current Florida law does not allow for rebranding of a low speed vehicle as a golf cart after the conversion is performed.

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

The bill creates s. 319.14(10)(a), F.S., to authorize a vehicle titled or branded and registered as a low-speed vehicle to be converted to a golf cart pursuant to the following procedures:

- The owner of the converted vehicle must contact the regional office of the department to verify the conversion, surrender the registration license plate and the current certificate of title, and pay the \$40 administrative fee.
- Upon verification of the conversion, the department shall note in the vehicle record that the low-speed vehicle has been converted to a golf cart and cancel the certificate of title and registration of the vehicle.

---

<sup>1</sup> L.O.F. 99-163.

<sup>2</sup> [http://www.slate.com/articles/life/silver\\_lining/2011/02/slow Ride\\_take\\_it\\_easy.single.html](http://www.slate.com/articles/life/silver_lining/2011/02/slow Ride_take_it_easy.single.html). Site last visited 1/17/2012.

<sup>3</sup> <http://m.tcpalm.com/news/2011/dec/30/tradition-resident-pushing-for-use-of-golf-carts/>. Site last visited 1/17/2012.

<sup>4</sup> Oral conversation on 1/17/2012 with Jerry Dillon, representative of Tomberlin Ambassador Group, a club for golf cart owners in The Villages, Florida.

<sup>5</sup> Oral conversation on 1/17/2012 with Jose Mateo, sole proprietor, dba BV Golf Carts, Tallahassee, Florida.



Section 319.14(10)(b), F.S., provides the department shall establish a fee of \$40 to cover the cost of verification and associated administrative costs for carrying out its responsibilities under s. 319.14(10).F.S.

This act shall take effect 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:

Vehicle owners choosing to convert his or her low speed vehicle to a golf cart must pay the \$40 verification fee. The practical effect of a conversion is to eliminate the need to register and insure the vehicle.

C. Government Sector Impact:

The number of low-speed vehicles that will be converted to a golf cart is indeterminate; therefore the fiscal impact is not known.<sup>6</sup>

According to the department, its Information Systems Administration (ISA) will require approximately 93 hours, non-recurring, in order to implement the provisions of this bill; however, these hours can be incorporated into ISA's normal workload.

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

None.

---

<sup>6</sup> Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1009 (December 21, 2011)* (on file with the Senate Transportation Committee).

**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 19, 2012:**

The CS eliminates references to an “inspection” by the Department of Highway Safety and Motor Vehicles as verification of a conversion can be performed without a physical inspection.

**B. Amendments:**

None.

---

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

---



888880

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/19/2012	.	
	.	
	.	
	.	

---

---

The Committee on Transportation (Evers) recommended the following:

**Senate Amendment**

Delete line 169  
and insert:  
the cost of verification and associated administrative costs for

**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 1170

INTRODUCER: Senator Ring

SUBJECT: Disabled Parking Permits

DATE: January 11, 2012

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

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

**I. Summary:**

This bill requires the displaying of a color photograph or digital image of the applicant on both long-term and temporary disabled parking permits.

The bill substantially amends section 320.0848 of the Florida Statutes.

**II. Present Situation:**

Section 320.0848, F.S., provides that upon application and receipt of the appropriate fee,<sup>1</sup> the Department of Highway Safety and Motor Vehicles (DHSMV) or its authorized agents issue disabled parking permits for a period of up to 4 years for persons with long-term mobility impairments and for a period not to exceed 6 months for persons with temporary mobility impairments. Persons with disabled parking permits are required to display placards in a position that makes the placard visible from the front and the rear of the vehicle. All placards must have:

- The international symbol of accessibility with a contrasting color in the center on both sides;
- A validation sticker of the size specified by the DHSMV affixed that shows the month and year of expiration on both sides; and

---

<sup>1</sup> Form HSMV 83039 is the application for this permit. The application provides that there is no charge for a Permanent Parking Placard and a \$15 charge for a Temporary Parking Placard. This form also describes the requirements to apply for permanent and temporary disabled parking permits. See Department of Highway Safety and Motor Vehicles – Division of Motorist Services, *Application for Disabled Person Parking Permit*, <http://www.flhsmv.gov/dmv/forms/BTR/83039.pdf> (last accessed January 12, 2012).

- The applicant's driver license number or state identification number along with a warning that the applicant must have such identification at all times while using the parking permit on one side, or
- A physician's signature on the exemption section of the department's parking permit application if the severity of the disability prevents the person from physically visiting or being transported to a driver license or tax collector office to obtain a driver license or identification card.

Long-term disabled parking permit placards must use the same colors as license plate validations. Conversely, temporary disabled parking permit placards must use a different color from the color of the long-term disabled parking permit placard. Additionally, the temporary placards must clearly display the date of expiration in large print and with color coding on the front and back of the placard.

Current s. 320.0848, F.S., does not require a color photograph or digital image of the applicant for a permanent or temporary disabled parking permit.

DHSMV has contracted with Prison Rehabilitative Industries and Diversified Enterprises, Inc., (PRIDE) to provide its placard stock. DHSMV currently pays \$0.235 each for the Blue Handicap and \$0.138 each for the Red (Temporary) Handicap placards.<sup>2</sup> There are approximately 300 Tax Collector offices and tag agencies that stock and issue temporary and permanent disabled parking placards and in fiscal year 2010-2011, 555,537 Florida disabled parking placards were issued by the DHSMV and its agents.<sup>3</sup> Florida's current parking placard is not designed to have a photograph or digital image on it.<sup>4</sup> Instead, Florida parking placards are currently manufactured with numbers pre-printed on them.<sup>5</sup>

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

This bill amends s. 320.0848(2)(a) and (3)(a), F.S., and creates the additional requirement for persons holding permanent or temporary disabled parking permits to display a color photograph or digital image of the applicant on the disabled parking permit.

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

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

None.

---

<sup>2</sup> Revised Florida Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis SB 1170 – Disabled Parking Permits* (December 22, 2011) (on file with Senate Transportation Committee).

<sup>3</sup> *Id.*; Of this 555,537 placards issued, 44,934 are duplicates/replacements and 91,438 were issued to frequent fliers or quadriplegics.

<sup>4</sup> *Id.*

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

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:

Individuals who currently have disabled parking permit placards will need to obtain new placards with a photograph or digital image included. While there is currently no charge for issuing Permanent Parking Placards, individuals with Temporary Parking Placards will have to pay for a \$15 replacement placard if the new Temporary Parking Placard is obtained more than a year after acquiring the initial Temporary Parking Placard.<sup>6</sup>

C. Government Sector Impact:

If this bill passes, DHSMV will be required to redesign the disabled parking placard as well as implement a new issuance process.<sup>7</sup> To accomplish this, DHSMV will need to determine whether placards are issued centrally, over the counter, or a combination of both methods.<sup>8</sup> The type and quantities of equipment can only be determined after DHSMV decides which approach to take.<sup>9</sup> However, DHSMV estimates that equipment and other costs may be \$850,000 or higher to implement this process.<sup>10</sup> Additionally, DHSMV estimates 1340 hours and \$163,660 in non-recurring programming and other initial costs, as the Information Systems Administration (ISA) of the DHSMV cannot incorporate this into their normal workload.<sup>11</sup> Also, recurring expenditures for the salaries, expenses and HR services associated with one (1) full time Senior Clerk may be required at \$31,223 and \$8,629 for related expenses of which \$3,432 is non-recurring.<sup>12</sup>

The placement of a photograph on a placard in addition to the other requirements may help curb abuses of disabled parking placards.<sup>13</sup>

Tax Collectors may have increased costs associated with the issuing of new placards.<sup>14</sup>

---

<sup>6</sup> See Department of Highway Safety and Motor Vehicles – Division of Motorist Services, *supra* note 1.

<sup>7</sup> Revised Agency Bill Analysis SB 1170, *supra* note 2.

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

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

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

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

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

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

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

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.

---

2335

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

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

***Jay N. Trumbull***

is duly appointed a member of the

**Florida Transportation Commission**

for a term beginning on the  
Thirty-First day of October, A.D., 2011,  
until the Thirtieth day of September, A.D., 2015  
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-Ninth day of November, A.D., 2011.*

Secretary of State



# OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

County of BAY

RECEIVED  
11 NOV 28 AM 10:33  
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

Sworn to and subscribed before me this 20 day of November, 2011

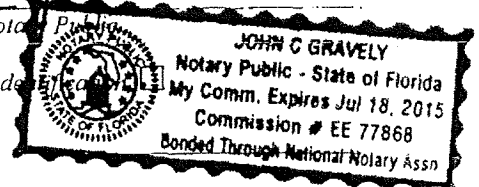
Signature of Officer Administering Oath or of Notary Public

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

315 E. 15th street

Street or Post Office Box

Panama City, FL 32405

City, State, Zip Code

JAY N. Trumbull  
Print name as you desire commission issued

Signature



**RICK SCOTT**  
GOVERNOR

November 1, 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 reappointment under the provisions of Section 20.23, Florida Statutes:

Mr. Jay N. Trumbull  
2708 Longleaf Road  
Panama City, Florida 32405

as a member of the Florida Transportation Commission, subject to confirmation by the Senate. This appointment is effective October 31, 2011 for a term ending September 30, 2015.

Sincerely,

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

Rick Scott  
Governor

RS/vh

# CourtSmart Tag Report

Room: LL 37  
Caption: Transportation

Case:  
Judge:

Type:

Started: 1/19/2012 8:03:32 AM

Ends: 1/19/2012 9:59:45 AM

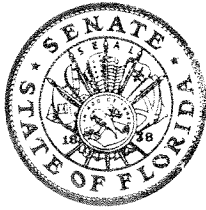
Length: 01:56:14

8:03:38 AM Meeting called to order by Chairman Latvala  
8:04:07 AM Roll call by the Administrative Assistant  
8:04:44 AM Pledge of Allegiance  
8:04:58 AM Senator Dean's Bill - Tab #6, SB 824  
8:06:41 AM Courtesy Amendment filed by Senator Storms (Norman in her absence) explained by Senator Dean  
8:07:12 AM Comments by Chairman Latvala regarding Amendment  
8:07:41 AM Waived in Support by Lori Killinger  
8:07:54 AM Sen. Norman moved CS for SB 824  
8:08:08 AM Roll Call by Administrative Assistant  
8:08:30 AM CS is reported favorably on SB 824  
8:08:44 AM Tab #8, SB 1168 by Senator Ring  
8:10:35 AM Comments from Chairman regarding Bill - 2 late filed amendments  
8:10:56 AM Senator Ring explained Amendment 452658 and 544170  
8:11:39 AM Comments from Chairman Latvala regarding Amendments Adopted  
8:12:21 AM Waived in Support - All cards  
8:13:01 AM Senator Evers moved for CS SB 1168  
8:13:07 AM Comments from Chairman Latvala  
8:13:14 AM Roll Call by the Administrative Assistant  
8:13:27 AM CS reported favorably on SB 1168  
8:13:39 AM Sen. Ring - Tab 10, SB 1170  
8:14:30 AM Question, Senator Bullard  
8:15:48 AM Response, Senator Ring  
8:16:39 AM Follow-up question from Senator Bullard  
8:18:10 AM Questions, Senator Norman  
8:18:57 AM Response, Senator Ring  
8:19:12 AM Question from Senator Norman  
8:19:27 AM Answer from Senator Ring  
8:19:58 AM Comments from Senator Norman  
8:20:09 AM Answer from Senator Ring  
8:20:30 AM Question from Senator Gibson  
8:21:12 AM Answer from Senator Ring  
8:21:36 AM Question from Senator Benacquisto  
8:22:25 AM Answer from Senator Ring  
8:23:04 AM Comments from Chairman Latvala  
8:23:09 AM Question from Senator Storms  
8:25:54 AM Answer from Senator Ring  
8:26:31 AM Comments from Chairman Latvala  
8:26:42 AM Comments from Senator Joyner  
8:27:09 AM Comments from Chairman Latvala regarding TP bill  
8:27:38 AM Comments from Chairman Latvala regarding SB 1392 - Tab 2  
8:29:28 AM Speaker - Fassil Garremariam, Tampa Taxi Coalition  
8:30:31 AM Speaker - Brook Negusei, Cab Plus, Black Car Taxi Service  
8:31:11 AM Comments from Chairman Latvala  
8:31:20 AM Response from Brook Negusei  
8:31:33 AM Speaker - Diego Feliciano, President of SFTA, Miami, FL  
8:34:02 AM Comments from Chairman Latvala  
8:34:11 AM Speaker - Nick Cambas, Clearwater, FL  
8:35:06 AM Comments from Chairman Latvala  
8:35:31 AM Comments from Senator Benacquisto  
8:35:48 AM Comments from Chairman Latvala regarding SB 1392 for next agenda  
8:36:13 AM Comments from Chairman regarding CS/SB 344  
8:36:40 AM Comments from Senator Montford

8:39:40 AM Comments from Chairman Latvala  
 8:39:49 AM Question/comments from Senator Storms  
 8:41:31 AM Comments from Senator Montford  
 8:42:58 AM Question from Senator Joyner  
 8:43:16 AM Answer from Senator Montford  
 8:43:26 AM Follow-up question from Senator Joyner  
 8:43:34 AM Answer from Senator Montford  
 8:43:57 AM Question from Senator Gibson  
 8:44:38 AM Answer from Senator Montford  
 8:44:47 AM Comment from Senator Gibson  
 8:45:06 AM Answer from Senator Montford  
 8:45:59 AM Question from Senator Evers  
 8:46:18 AM Answer from Senator Montford  
 8:46:30 AM Comments from Senator Evers  
 8:46:36 AM Comments from Senator Montford  
 8:46:58 AM Speaker - Janet Lemourevx, Florida PTA  
 8:47:43 AM Foyt Ralston waived in support  
 8:48:05 AM Speaker - Donna Sanford  
 8:51:14 AM Brewser Brown waived in support  
 8:51:25 AM Comments from Chairman Latvala  
 8:51:32 AM Comments from Senator Bullard  
 8:53:33 AM Comments from Chairman Latvala  
 8:53:38 AM Comments from Senator Gibson  
 8:53:57 AM Comments from Chairman Latvala  
 8:54:05 AM Comments from Senator Norman  
 8:54:16 AM Comments from Chairman Latvala - Senator Wise move the bill  
 8:54:33 AM Roll call by the Administrative Assistant  
 8:54:44 AM Comments from Chairman Latvala - CS/SB 344 reported favorably  
 8:55:19 AM Comments from Chairman regarding SB 1238, Nancy Cornwell presented bill on behalf of Senator Hays  
 8:56:20 AM Chairman Latvala technical amendment reported favorably  
 8:56:49 AM Comments from Senator Storms  
 8:56:57 AM Comments from Chairman Latvala  
 8:57:09 AM Comments from Senator Bullard  
 8:57:17 AM Senator Storms move CS on bill  
 8:57:30 AM Roll call by the Administrative Assistant  
 8:57:46 AM Chairman SB 1238 reported favorably with CS  
 8:58:20 AM Chairman Latvala, SB 854  
 8:58:31 AM Comments by Senator Evers regarding SB 854  
 8:58:46 AM Comments Chairman Latvala, Strike-All Amendment #388294  
 8:59:06 AM Comments by Senator Evers  
 8:59:11 AM Comments from Chairman Latvala  
 8:59:21 AM Senator move for CS on SB 854  
 8:59:32 AM Roll call by Administrative Assistant  
 8:59:42 AM Chairman SB 854 with CS reported favorably  
 8:59:56 AM Comments from Chairman regarding SB 812  
 9:00:10 AM Comments from Senator Norman regarding SB 812  
 9:00:30 AM Comments from Chairman Latvala  
 9:00:42 AM Senator Norman moves SB 812  
 9:00:50 AM Roll call by Administrative Assistant  
 9:01:03 AM Comments from Chairman SB 812 reported favorably  
 9:01:18 AM Comments from Chairman regarding SB 1068  
 9:01:32 AM Comments from Senator Joyner SB 1068  
 9:01:48 AM Comments from Chairman Latvala  
 9:01:56 AM Question from Senator Bullard  
 9:02:13 AM Answer from Senator Joyner  
 9:02:50 AM Follow-up question from Senator Bullard  
 9:03:55 AM Answer from Senator Joyner  
 9:04:27 AM Comments from the Chairman  
 9:04:37 AM Comments from Senator Gibson  
 9:04:46 AM Answer from Senator Joyner  
 9:04:53 AM Comments from Chairman Latvala, Senator Joyner moves the bill  
 9:05:04 AM Roll call by the Administrative Assistant

9:05:16 AM Comments from Chairman, SB 1068 reported favorably  
9:05:30 AM Comments from Chairman regarding confirmation hearing  
9:05:51 AM Senator Evers moved that Jay Trumbull be confirmed  
9:06:01 AM Roll call by Administrative Assistant  
9:06:08 AM Comments from Chairman Latvala confirmation reported favorably  
9:06:25 AM Chair turned gavel over to the Vice chair  
9:06:41 AM Senator Latvala explained SB 1122  
9:11:34 AM Comments from Chairman Evers  
9:11:47 AM Question from Senator Bullard  
9:12:24 AM Answer from Senator Latvala  
9:13:00 AM Comments from Steven Fielder, DHSMV  
9:13:55 AM Comments from Chairman Evers regarding Amendments  
9:14:08 AM Senator Benacquisto regarding late filed Amendment 263468  
9:14:53 AM Comments from Senator Latvala  
9:15:00 AM Comments from Chairman Evers - Amendment adopted  
9:15:48 AM Senator Latvala regarding Amendment 875924  
9:17:01 AM Comments from Chairman Latvala - Amendment 875924 adopted  
9:17:32 AM Explanation of Amendment #787160 by Senator Latvala  
9:18:27 AM Comments by Chairman Evers, Amendment 787160 adopted  
9:18:44 AM Senator Latvala, Amendment 122786  
9:19:01 AM Amendment 122786 Adopted  
9:19:15 AM Amendment 540048 by Senator Latvala  
9:19:30 AM Question from Senator Latvala to staff  
9:19:46 AM Response, Niki Davis  
9:20:24 AM Amendment 540048 adopted per Chairman Evers  
9:20:38 AM Amendment 550572 by Senator Latvala  
9:21:13 AM Comments from Niki Davis  
9:21:26 AM Amendment 550572 adopted per Senator Evers  
9:21:37 AM Amendment 882498 by Senator Latvala  
9:21:57 AM Amendment 882498 adopted per Chairman Evers  
9:22:11 AM Amendment 342894 by Senator Latvala  
9:22:33 AM Amendment 342894 adopted per Chairman Evers  
9:22:49 AM Amendment 181638 by Senator Latvala  
9:25:02 AM Substitute Amendment 181638 by Senator Latvala  
9:25:42 AM Question from Senator Joyner  
9:26:06 AM Comments from John Grant, Florida Independent Automobile Dealers  
9:29:25 AM Comments from Chairman Evers  
9:29:34 AM Comments from Paul Jess, Florida Justice Association  
9:30:48 AM Comments from Chairman Evers  
9:30:54 AM Question from Senator Joyner  
9:31:07 AM Comments from Senator Latvala withdrawing 310678 and 181638 without objection  
9:31:53 AM  
9:31:53 AM Amendment 672774 Adopted  
9:32:08 AM Amendment 438534, late filed by Senator Latvala  
9:33:33 AM Comments from Chairman Evers regarding Amendment 438534  
9:33:51 AM Comments from Senator Joyner  
9:34:11 AM Speaker - John Grant regarding Amendment 438534  
9:35:35 AM Speaker, Mike Seamon, Professional Wrecker Operators of Florida  
9:36:46 AM Comments from Chairman Evers  
9:36:53 AM Question from Senator Joyner  
9:37:01 AM Answer from Mr. Seamon  
9:37:18 AM Question from Senator Joyner  
9:37:27 AM Answer from Senator Latvala  
9:39:33 AM Follow-up from Senator Joyner  
9:39:40 AM Answer from Senator Latvala  
9:39:49 AM Comment from Senator Joyner  
9:39:56 AM Answer from Senator Latvala  
9:40:22 AM Question from Senator Joyner  
9:40:51 AM Answer from Mr. Seamon  
9:41:19 AM Comments from Chairman Evers regarding Amendment to Amendment  
9:41:38 AM Comments from Senator Latvala  
9:41:54 AM Comments from Chairman Evers regarding Amendment to Amendment

9:42:18 AM Amendment adopted per Chairman Evers  
9:42:34 AM Senator Gibson, Amendment 837012 withdraw amendment  
9:43:08 AM Comments from Senator Latvala regarding Senator Gibson's Amendment  
9:43:31 AM Comments from Chairman Evers Amendment 837012 withdrawn  
9:43:50 AM Question from Senator Joyner  
9:43:56 AM Gavel passed to Senator Benacquisto  
9:43:57 AM Comments from Chairman Benacquisto  
9:44:20 AM Senator Evers Amendment 279288  
9:44:37 AM Question Senator Joyner  
9:44:57 AM Per Chairman Benacquisto - Amendment 279228 adopted  
9:45:13 AM Amendment 390462 explained by Senator Evers  
9:45:33 AM Amendment 390462 Adopted  
9:45:46 AM Amendment 934862 by Senator Evers  
9:46:20 AM Question from Senator Storms  
9:46:25 AM Answer from Senator Evers  
9:46:50 AM Question from Senator Norman  
9:47:37 AM Answer from Senator Evers  
9:48:31 AM Question from Senator Norman  
9:49:02 AM Answer from Steven Fielder, DHSMV  
9:49:36 AM Comments from Chairman Benacquisto - Amendment 934862 Adopted  
9:49:54 AM Amendment 916222 by Senator Evers  
9:51:05 AM  
9:51:22 AM Comments from Senator Latvala  
9:52:24 AM Comments from Mr. Fielder  
9:53:18 AM Comments from Mr. Fielder  
9:53:19 AM Comments from Senator Latvala  
9:53:28 AM Answer from Mr. Fielder  
9:53:41 AM Comments from Senator Evers  
9:54:03 AM Answer from Mr. Fielder  
9:54:26 AM Comments from Chairman Benacquisto  
9:54:42 AM Comments from Senator Evers  
9:55:17 AM Comments from representative of the Florida Turnpike  
9:55:47 AM Comments from Senator Latvala regarding withdrawing Amendment  
9:56:15 AM Senator Evers withdrew Amendment  
9:56:39 AM Gavel passed back to Chairman Evers regarding discussion  
9:56:56 AM Question from Senator Bullard  
9:57:34 AM Answer from Senator Latvala  
9:58:00 AM Comments from Senator Latvala  
9:58:36 AM Roll call by Administrative Assistant - SB 1122  
9:58:56 AM Comments from Chairman Evers SB 1122 reported favorably  
9:59:09 AM Comments from Chairman Latvala  
9:59:26 AM Senator Benacquisto moves to adjourn



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Budget - Subcommittee on General Government  
Appropriations, *Chair*  
Agriculture  
Banking and Insurance  
Budget  
Budget - Subcommittee on Higher Education  
Appropriations  
Children, Families, and Elder Affairs  
Reapportionment

**SENATOR D. ALAN HAYS**  
20th District

January 18, 2012

Senator Jack Latvala, Chair  
Transportation Committee  
405 Senate Office Building  
410 Knott Building  
404 S. Monroe Street  
Tallahassee, FL 32399-1100

RE: SB 1238 Relating to Low Speed Vehicles

Dear Chair Latvala,

I will be in a committee presenting another bill. I respectfully request that you allow my legislative assistant, Nanci Cornwell to present the above referenced bill before the Transportation Committee on 1/19/12.

Thank you for your kind consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "D. Alan Hays, DMD".

D. Alan Hays, DMD  
Senator District 20

CC: Rivers Buford, Staff Director  
Shirlyne Everett, Administrative Assistant

**REPLY TO:**

- ☐ 871 South Central Avenue, Umatilla, Florida 32784-9290 (352) 742-6441
- ☐ 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5014

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**MIKE HARIDOPOLOS**  
President of the Senate

**MICHAEL S. "MIKE" BENNETT**  
President Pro Tempore