

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Latvala, Chair
Senator Evers, Vice Chair

MEETING DATE: Tuesday, February 7, 2012

TIME: 1:30 —3:30 p.m.

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

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	A proposed committee substitute combining the following 2 bills (SB 590, SB 568) is expected to be considered:		
2	SB 590 Garcia (Similar CS/H 33)	Traffic Control Signals; Requiring traffic control signals to maintain certain signal intervals and display durations based on approach speeds; providing that a citation for specified violations shall be dismissed if the traffic control signal does not meet specified requirements; providing dates for intersections to meet requirements of the act, etc. TR 02/07/2012 Fav/CS Combined - Lead CA BC	Fav/CS with SB 568 Yeas 8 Nays 0
3	SB 568 Wise	Noncriminal Traffic Infractions; Providing for testing of certain unattended devices used to enforce traffic laws; specifying that, at a hearing of any charge of a noncriminal traffic infraction, the burden for proving guilt rests with the governmental entity bringing the charge; specifying that a person may not be compelled to be a witness against himself or herself in any hearing of a noncriminal traffic infraction; requiring that evidence obtained from such device must be authenticated in court by certain persons who must appear in person and offer direct testimony and account in writing for any evidence used; providing that a person receiving a notice of violation involving such device has the option of paying a fine or requesting a hearing without further issuance of a traffic citation and may not be charged a surcharge for requesting the hearing, etc. TR 02/07/2012 Fav/CS Combined CA BC	See SB 590

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Tuesday, February 7, 2012, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 250 Braynon (Identical H 269)	Uniform Traffic Control; Authorizing school districts to deploy school bus traffic infraction detectors under certain circumstances; authorizing the Department of Highway Safety and Motor Vehicles, a county, or a municipality to authorize a traffic infraction enforcement officer to issue and enforce a citation for a violation of such provisions; requiring notification to be sent to the registered owner of the motor vehicle involved in the violation; providing for distribution of penalties collected; providing that the act does not preclude the issuance of citations by law enforcement officers; providing for penalties for infractions enforced by a traffic infraction enforcement officer; providing for distribution of fines; providing that no points may be assessed against the driver's license for infractions enforced by a traffic infraction enforcement officer, etc. TR 02/07/2012 Fav/CS ED BC	Fav/CS Yeas 9 Nays 1
5	SB 1118 Altman (Similar H 175)	Rental Car Companies; Prohibiting permanently affixed SunPass transponders in rental vehicles unless the transponder can be manually deactivated by the renter; authorizing a lease or rental car company or its designated tolling-program vendor to charge service fees for a transponder only for the days that the transponder is used to pay tolls; providing a penalty, etc. TR 02/07/2012 Favorable CM	Favorable Yeas 10 Nays 0
6	CS/SB 1184 Agriculture / Norman (Identical CS/H 1021, Compare CS/H 1399, CS/S 1866)	Agriculture; Prohibiting certain governmental entities from charging stormwater management assessments or fees on certain bona fide farm operations except under certain circumstances; revising the Florida Uniform Traffic Control Law to authorize the use of citrus harvesting equipment and citrus fruit loaders to transport certain agricultural products and to authorize the use of certain motor vehicles to transport citrus; revising the powers and duties of the Department of Agriculture and Consumer Services to enforce laws and rules relating to the use of commercial stock feeds; authorizing the department to adopt rules establishing certain standards for regulating commercial feed or feedstuff, etc. AG 01/23/2012 Fav/CS TR 02/07/2012 Fav/CS BC	Fav/CS Yeas 10 Nays 0
7	A proposed committee substitute combining the following 5 bills (SB 1776, SB 456, SB 766, SB 926, SB 954) is expected to be considered:		

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Tuesday, February 7, 2012, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	SB 1776 Evers (Similar H 101, Compare H 7039)	Transportation Facility Designations; Providing honorary designations of certain transportation facilities in a specified county; directing the Department of Transportation to erect suitable markers, etc. TR 02/02/2012 Temporarily Postponed TR 02/07/2012 Fav/CS Combined - Lead	Fav/CS with SB 456, SB 766 and SB 926 Yeas 10 Nays 0
9	SB 456 Negron (Identical CS/CS/H 15, Compare H 235, H 7039)	Alma Lee Loy Bridge; Designating the Alma Lee Loy Bridge in Indian River County; directing the Department of Transportation to erect suitable markers, etc. TR 02/02/2012 Temporarily Postponed TR 02/07/2012 Fav/CS Combined	See SB 1776
10	SB 766 Oelrich (Identical H 555, Compare H 7039)	Coach Jimmy Carnes Boulevard; Designating Coach Jimmy Carnes Boulevard in Alachua County; directing the Department of Transportation to erect suitable markers, etc. TR 02/02/2012 Temporarily Postponed TR 02/07/2012 Fav/CS Combined	See SB 1776
11	SB 926 Altman (Identical H 633, Compare H 7039)	Harry T. and Harriette V. Moore Memorial Highway; Designating Harry T. and Harriette V. Moore Memorial Highway in Brevard County; directing the Department of Transportation to erect suitable markers, etc. TR 02/02/2012 Temporarily Postponed TR 02/07/2012 Fav/CS Combined	See SB 1776
12	SB 954 Margolis (Similar H 905, S 124, Compare H 235, H 7039)	Transportation Facility Designations; Providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers, etc. TR 02/02/2012 Temporarily Postponed TR 02/07/2012 Fav/CS	Fav/CS Yeas 10 Nays 0
13	SB 1298 Detert (Identical H 1165)	Identification Cards and Driver Licenses; Providing for a veteran to have a temporary sticker affixed to a state identification card which indicates veteran status; providing for a veteran to have a temporary sticker affixed to a driver license which indicates veteran status; providing for fees, etc. MS 01/26/2012 Favorable TR 02/07/2012 Fav/CS BC	Fav/CS Yeas 10 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Tuesday, February 7, 2012, 1:30 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
14	SB 1130 Storms (Similar CS/H 531)	Homelessness; Requiring the motor vehicle registration form and registration renewal form, the driver license application form, and the driver license application form for renewal issuance or renewal extension to include an option to make a voluntary contribution to aid the homeless; establishing a homelessness prevention grant program; requiring lead agencies for local homeless assistance continuums of care to track, monitor, and report on assisted families for a specified period of time; limiting the percentage of funding that lead agencies may spend on administrative costs, etc. CF 01/19/2012 Fav/1 Amendment TR 02/07/2012 Fav/1 Amendment BC	Fav/1 Amendment (241856) Yeas 10 Nays 0
15	SB 1342 Storms (Compare CS/H 935)	Child Support Enforcement; Providing that, for IV-D cases, an affidavit filed with a child support depository requesting that child support payments be made through the depository need not allege a default in support payments; requiring the Department of Highway Safety and Motor Vehicles to suspend an obligor's driver license unless the obligor begins paying child support by income deduction; requiring the Department of Highway Safety and Motor Vehicles to reinstate an obligor's driving privileges if the obligor is paying his or her support obligation by income deduction order; adding a caregiver to the list of persons who may provide a statement regarding a putative father, etc. CF 01/19/2012 Favorable TR 02/07/2012 Fav/2 Amendments BI BC	Fav/2 Amendments (202046, 682354) Yeas 10 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: CS/SB's 590 & 568

INTRODUCER: Transportation Committee and Senators Garcia and Wise

SUBJECT: Traffic Control Signals

DATE: February 7, 2012

REVISED: _____

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

Please see Section VIII. for Additional Information:

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

I. Summary:

This proposed committee substitute (PCS) contains several provisions relating to red-light cameras. Specifically, the PCS:

- Provides that upon receipt of an affidavit, the person identified as having care, custody, and control of the motor vehicle at the time of the violation may be issued a notice of violation before issuance of a uniform traffic citation (UTC).
- Provides the same procedure that applies to the registered owner under the provisions of the red-light camera statute applies to the person identified as the driver on the affidavit.
- Specifies the registered owner of a motor vehicle is responsible for payment of the fine for a violation unless the motor vehicle's owner was deceased on or before the date the UTC was issued, as established by an affidavit and supporting documentation.
- Applies same standards to left-hand turns made in a careful and prudent manner from a one way street onto a one way street when permissible.
- Standardizes enforcement of right or left hand turns on red.
- Requires minimum yellow light interval to be established in accordance with national standards before a camera can be used at an intersection.

- Requires a local government operating a red light camera program to include the yellow light interval in the notice of violation or maintain records of the programmed yellow light intervals at each camera intersection.
- Requires the yellow light interval to be tested at least once during every calendar year beginning in 2013 if each notice of violation for a particular approach does not state the length of the yellow light duration.
- Specifies a traffic infraction detector monitoring a traffic signal which is not in compliance with the engineering standards must be disabled until the traffic signal is brought into compliance with the standards.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes:

II. Present Situation:

Federal Rules on Traffic Control Devices

The Federal Highway Administration (“FHWA”) publishes a Manual on Uniform Traffic Control Devices (“MUTCD”) that defines standards related to the installation and maintenance of traffic control signals. The MUTCD is updated periodically to “accommodate the nation’s changing transportation needs and address new safety technologies, traffic control tools and traffic management techniques.”¹ On December 16, 2009 a final rule adopting the 2009 Edition of the MUTCD was published in the Federal Register with an effective date of January 15, 2010.² All states must adopt the 2009 edition of the MUTCD by January 15, 2012.³ According to information published on FHWA’s website, Florida has adopted this national standard.⁴

Florida Laws and Rules on Traffic Control Devices

Section 316.0745(1), F.S., requires the Florida Department of Transportation (FDOT) to adopt a uniform system of traffic control devices for use on the streets and highways of the state. Section 316.0745(2), F.S., requires FDOT to compile and publish a manual defining its uniform system. The statute also requires FDOT to compile and publish minimum specifications for traffic control signal devices “certified by [FDOT] as conforming with the uniform system.”⁵

Following statutory requirements, FDOT publishes a Traffic Engineering Manual (“TEM”) to provide traffic engineering standards and guidelines.⁶ The TEM covers the processes whereby standards and guidelines are adopted, as well as chapters devoted to “highway signs and markings, traffic signals, traffic optimization through the use of computer models . . . , and links to information on [FDOT’s] aging road user program –Safe Mobility for Life.”⁷

¹ See the Federal Highway Administration’s (FHWA) information on the MUTCD at <http://mutcd.fhwa.dot.gov/> (Last viewed 2/4/2012).

² *Id.*

³ *Id.*

⁴ See FHWA’s chart indicating Florida has adopted the 2009 Edition of the MUTCD. This information can be accessed at http://mutcd.fhwa.dot.gov/knowledge/natl_adopt_2009.htm (Last visited 2/4/2012).

⁵ s. 316.0745(2), F.S.

⁶ Florida Department of Transportation *Traffic Engineering Manual*, “Adoption Procedure.” This information can be viewed at <http://www.dot.state.fl.us/trafficoperations/Operations/Studies/TEM/TEM.shtm> (last visited 2/4/12).

⁷ *Id.*

In addition to FDOT's TEM, many sections of Florida law require drivers to obey traffic control signal demands. Section 316.075, F.S., requires drivers to follow set traffic control signal commands and yield the right-of-way to pedestrians lawfully in intersections and crosswalks. Violators of s. 316.075, F.S., including those that run red lights, commit non-criminal traffic violations punishable pursuant to ch. 318, F.S.

Institute of Transportation Engineers

According to its website, the Institute of Transportation Engineers ("ITE") is an international, educational and scientific association of transportation professionals.⁸ Among other things, ITE offers recommendations to the MUTCD and is recognized as one of the leading organizations in transportation research. It publishes a Traffic Engineering Handbook containing information used by transportation officials nationwide. FDOT's TEM calculates the minimum yellow signal change and all-red clearance intervals using formulas contained within the ITE's Traffic Engineering Handbook. However, there is no express requirement in Florida law that FDOT's TEM contain formulas contained within ITE's Traffic Engineering Handbook.

Traffic Signal Yellow Intervals

The purpose of the yellow light display is "to provide a safe transition between two conflicting traffic signal phases."⁹ More specifically, the function of the yellow light display is "to warn traffic of an impending change in the right-of-way assignment."¹⁰ The MUTCD states that a yellow change interval should have a minimum duration of 3 seconds and a maximum duration of 6 seconds and a red clearance interval should have a duration not exceeding 6 seconds.¹¹

Drivers approaching a traffic signal displaying a yellow light face at least four conditions:

1. The vehicle is traveling at a speed where the driver can stop comfortably;
2. The vehicle is too close to the intersection to stop comfortably, and must thus continue at the same speed or accelerate to travel through the intersection before conflicting traffic movements begin;
3. The driver can neither stop comfortably nor continue without encountering a conflicting traffic movement (prevalent with short yellow intervals and/or high approach speeds); or
4. The driver can either stop or proceed safely through the intersection.

The ideal yellow interval accommodates conditions 1 and 2, eliminates condition 3, and minimizes condition 4. To accomplish this, traffic engineers nationwide typically employ the following formula, which is heavily influenced by vehicle approach speed, and was developed by the Institute of Transportation Engineers (ITE):

⁸ See the Institute of Transportation Engineers website at <http://www.ite.org/aboutite/index.asp> (last visited 2/4/12).

⁹ Florida Department of Transportation *Traffic Engineering Manual*, s. 3.6.1, "Purpose." This information can be viewed at http://www.dot.state.fl.us/trafficoperations/Operations/PDFs/FDOT_Traffic_Engineering_Manual_revised_January_2012.pdf (last visited 2/4/12).

¹⁰ *Id.*

¹¹ *Id.*

$$Y = t + \frac{1.47v}{2(a + Gg)}$$

Where:

Y = length of yellow interval, sec.

t = perception-reaction time, (Use 1 sec.).

v = speed of approaching vehicles, in mph.

a = deceleration rate in response to the onset of a yellow indication. (Use 10 ft/sec²)

g = acceleration due to gravity. (Use 32.2 ft/sec²)

G = grade, with uphill positive and downhill negative. (percent grade /100)

For Florida traffic signal timing, the FDOT TEM (Topic No. 750-000-005) provides required minimum durations for the yellow change interval in the following table which was computed using the ITE formula:

APPROACH SPEED (MPH)	YELLOW INTERVAL (SECONDS)
25	3.0
30	3.2
35	3.6
40	4.0
45	4.3
50	4.7
55	5.0
60	5.4
65	5.8
* For approach grades other than 0%, Use ITE Formula.	

Traffic Infraction Detectors generally

Traffic infraction detectors, or “red-light cameras,” are used to enforce traffic laws by automatically photographing vehicles whose drivers run red lights. A red light camera is connected to the traffic signal and to sensors that monitor traffic flow at the crosswalk or stop line. The system continuously monitors the traffic signal and the camera is triggered by any vehicle entering the intersection above a pre-set minimum speed and following a specified time after the signal has turned red. A second photograph typically shows the red light violator in the intersection. In some cases, video cameras are used. These video cameras record the license plate number, the date and time of day, the time elapsed since the signal has turned red and the vehicle’s speed.

Traffic Infraction Detectors in Florida

In 2010, the Florida Legislature enacted Chapter 2010-80, Laws of Florida. The law expressly preempted to the state regulation of the use of cameras for enforcing the provisions of Chapter 316, Florida Statutes.¹² The law authorized the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to authorize officials to issue notices of

¹² s. 316.0076, F.S.

violations of ss. 316.074(1) and 316.075(1)(c)1., F.S., for a driver's failure to stop at a traffic signal when such violation was identified by a traffic infraction detector.¹³

Installation, Operation, Equipment and Testing Specifications

Any traffic infraction detector installed on the highways, roads, and streets must meet placement and installation specifications established by FDOT.¹⁴ In addition, traffic infraction detectors must be tested at regular intervals according to procedures prescribed by FDOT to ensure specified technical and operational requirements are met.¹⁵ These requirements are published by FDOT and are to be conducted in accordance with the manufacturer's recommendations or county or city testing requirements, whichever is more stringent.¹⁶ Pursuant to the process, traffic infraction detectors are required to perform and record the results of a daily internal self test sequence that confirms proper operation of each critical system component. If the system fails on one or more portions of the internal self test, the system will render itself inoperable until a successful internal self test is recorded.¹⁷

During the system test phase, traffic infraction detectors are required to activate and create 'event information' consistent with an 'event,' when artificially activated. According to FDOT specifications, an 'event' is defined as the point at which "a motor vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red indication."¹⁸ With regard to the capturing of 'event information' during the testing phase, traffic infraction detectors are required to capture the following:

- a photographic or electronic image of the intersection that includes the rear of the vehicle and license tag at a time the vehicle is in advance (and beyond) of the stop bar or clearly marked stop line with the corresponding traffic control signal steady red light visible in the image; and
- if 'right on red' violations are enforced, a minimum of five seconds of streaming video showing the rear of the vehicle (and license tag) in advance of the stop bar or clearly marked stop line with the corresponding traffic control signal steady red light visible in the image. The streaming video must continue until after the vehicle is beyond the stop bar or clearly marked stop line with the corresponding traffic control signal steady red light visible in the image.

Municipalities may install or authorize installation of traffic infraction detectors on streets and highways in accordance with FDOT standards, and on state roads within the incorporated area when permitted by FDOT.¹⁹ Counties may install or authorize installation of traffic infraction detectors on streets and highways in unincorporated areas of the county in accordance with

¹³ See generally s. 316.0083, F.S.

¹⁴ ss. 316.07456 and 316.0776, F.S.

¹⁵ s. 316.07456, F.S.

¹⁶ DOT's Traffic Infraction Detector Equipment and Testing Specifications may be viewed at <http://www.dot.state.fl.us/trafficoperations/Operations/redlight/101216%20Traffic%20Infraction%20Detector%20Equipment%20Specifications.pdf> (last visited 2/4/12).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ s. 316.008(7), F.S.; s. 316.0776(1), F.S.

FDOT standards, and on state roads in unincorporated areas of the county when permitted by FDOT.²⁰ DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of FDOT, when permitted by FDOT.²¹

If DHSMV, a county, or a municipality installs a traffic infraction detector at an intersection, the respective governmental entity must notify the public that a traffic infraction device may be in use at that intersection, including specific notification of enforcement of violations concerning right turns.²² Such signage must meet the specifications for uniform signals and devices adopted by FDOT pursuant to s. 316.0745, F.S.²³

Notifications and Citations

If a traffic infraction detector identifies a person violating ss. 316.074(1) or 316.075(1)(c)1., F.S., the visual information is captured and reviewed by a traffic infraction enforcement officer. A notification must be issued to the registered owner (first name on registration in cases of joint registration) of the vehicle within 30 days of the alleged violation.²⁴ The notice must be accompanied by a photograph or other recorded image of the violation, a statement of the vehicle owner's right to review images or video of the violation, and the time and place, or Internet location where the evidence may be reviewed.²⁵ Violations may not be issued if the driver is making a right-hand turn "in a careful and prudent manner."²⁶

If the registered owner of the vehicle does not submit payment within 30 days of receipt of the notification described above, the traffic infraction enforcement officer must issue a traffic citation (UTC) to the registered owner (first name on registration in cases of joint registration).²⁷ A citation must be mailed by certified mail, and must be issued no later than 60 days after the violation.²⁸ The citation must also include the photograph and statements described above regarding review of the photographic or video evidence.²⁹ The report of a traffic infraction enforcement officer and images provided by a traffic infraction detector are admissible in court and provide a rebuttable presumption the vehicle was used in a violation.³⁰

A traffic infraction enforcement officer must provide by electronic transmission a replica of the citation data when issued under s. 316.0083, F.S., to the court having jurisdiction over the alleged offense or its traffic violations bureau within 5 days after the issuance date of the citation to the violator.³¹

²⁰ *Id.*

²¹ s. 321.50, F.S. As of February 2012, DHSMV has not undertaken any effort to install or authorize traffic infraction detectors itself.

²² s. 316.0776(2), F.S.

²³ *Id.*

²⁴ s. 316.0083(1)(b), F.S.

²⁵ *Id.*

²⁶ s. 316.0083(2), F.S.

²⁷ s. 316.0083(1)(c), F.S.

²⁸ *Id.*

²⁹ *Id.*

³⁰ s. 316.0083(1)(e), F.S.

³¹ s. 316.650(3)(c), F.S.

Defenses

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

- Passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
- Passed through the intersection at the direction of a law enforcement officer;
- Was, at the time of the violation, in the care, custody, or control of another person; or
- Received a UTC for the alleged violation issued by a law enforcement officer.³²

To establish any of these defenses, the owner of the vehicle must furnish an affidavit to the appropriate governmental entity that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or a copy of the UTC, if issued.³³ If the owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and if known, the driver's license number, of the driver.³⁴ A traffic citation may be issued to this person, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding that person's alleged violation of ss. 316.074(1) or 316.075(1)(c)1., F.S.³⁵ Submission of a false affidavit is a second degree misdemeanor.

If a vehicle is leased, the owner of the leased vehicle is not responsible for paying the citation, nor required to submit an affidavit, if the motor vehicle is registered in the name of the lessee.³⁶ If a person presents documentation from the appropriate governmental entity that the citation was issued in error, the clerk of court may dismiss the case and may not charge for such service.³⁷

Fines

A fine of \$158 is levied on violators who fail to stop at a traffic signal as required by ss. 316.074(1) or 316.075(1)(c)1., F.S. When the \$158 fine is the result of a local government's traffic infraction detector, \$75 is retained by the local government and \$83 is deposited with the Department of Revenue (DOR).³⁸ DOR subsequently distributes the fines by depositing \$70 in the General Revenue Fund, \$10 in the Department of Health Administrative Trust Fund, and \$3 in the Brain and Spinal Cord Injury Trust Fund.³⁹

If a law enforcement officer cites a motorist for the same offense, the fine is still \$158, but the revenue is distributed from the local clerk of court to DOR, where \$30 is distributed to the General Revenue Fund, \$65 is distributed to the Department of Health Administrative Trust

³² s. 316.0083(1)(d), F.S.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ s. 318.18(15), F.S.

³⁸ s. 318.18(15), F.S., s. 316.0083(1)(b)3., F.S.

³⁹ *Id.*

Fund, and \$3 is distributed to the Brain and Spinal Cord Injury Trust Fund. The remaining \$60 is distributed in small percentages to a number of funds pursuant to s. 318.21, F.S.⁴⁰

Violations of ss. 316.074(1) or 316.075(1)(c)1., F.S., enforced by traffic infraction detectors may not result in points assessed against the operator's driver's license and may not be used for the purpose of setting motor vehicle insurance rates.⁴¹

No Notice of Violation Issued to Person Named in the Affidavit

In instances where the registered owner furnishes an affidavit raising the exemption that the vehicle was, at the time of the violation, in the care, custody or control of another person, the identified person is not issued a notice of violation. Instead, the person is immediately issued a traffic citation at a higher amount,⁴² which includes associated court fees and costs.⁴³ The immediate issuance of a traffic citation comes as a result of time constraints imposed by the red-light camera statute. Because a traffic citation must be issued to the registered owner within 60 days after the date of the violation in cases of nonpayment, there is not enough time to issue another notice of violation – even if the registered owner furnishes an affidavit identifying someone else as the driver. As such, while registered owners are given the opportunity to pay a \$158 fine pursuant to the notice of violation, persons identified on the affidavit are subject to a higher fine and run the risk of having a conviction recorded on their driving record if they elect to attend a hearing and are found to have committed the violation.

III. Effect of Proposed Changes:

Section 1 of the bill makes several changes to s. 316.0083, F.S. First, the bill revises the procedure that applies to a person identified on an affidavit as having care, custody, and control of a motor vehicle captured by a traffic infraction detector for an alleged violation of the red-light camera statute. The bill makes these changes by:

- providing that upon receipt of an affidavit, the person identified as having care, custody, and control of the motor vehicle at the time of the violation may be issued a notice of violation before a uniform traffic citation (UTC) is issued; and
- providing that the same procedure that applies to the registered owner under the provisions of the red-light camera statute applies to the person identified as the driver on the affidavit.

Issuance of a Notice of Violation Before Issuance of a Uniform Traffic Citation

The bill provides that upon receipt of an affidavit, the person identified as having care, custody, and control of the motor vehicle at the time of the violation may be issued a notice of violation before issuance of a uniform traffic citation. The effect of the proposed change lifts the time constraints on traffic infraction enforcement officers responsible for mailing notices of violations and UTCs and gives the identified person the same rights as the registered owner. Specifically,

⁴⁰ s. 318.18(15), F.S.

⁴¹ s. 322.27(3)(d)6., F.S.

⁴² The UTC amount varies across jurisdictions due to differing court costs and fees, but is generally above \$200.

⁴³ s. 316.0083(1)(d)3., F.S.

the bill allows the person identified as having care, custody, and control of the motor vehicle at the time of the violation the opportunity to pay a \$158 fine that is not subject to court costs, fees and risks associated with attending a hearing – namely the possibility of a conviction being recorded on the person's driving record. Additionally, because the bill provides that a notice of violation may be sent to the person identified on the affidavit, the identified person receives the same amount of time as a registered owner of a motor vehicle to pay the imposed fine before a UTC is issued.

The Same Procedure that Applies to the Registered Owner Applies to the Person Identified on an Affidavit

The bill provides that the same procedure that applies to the registered owner under the provisions of the red-light camera statute applies to the person identified on the affidavit as having care, custody, and control of the motor vehicle. The effect of the proposed change will require the same notice of violation sent to a registered owner be sent to the person identified on the affidavit. A notice of violation must be accompanied by a photograph or other recorded image of the violation and must include a statement of the cited person's right to review images or video of the violation and the time, place and Internet location where the evidence may be reviewed. The same procedure for non-payment that applies to a registered owner also applies to a person identified on an affidavit.

Second, s. 316.0083(1)(d), F.S., is amended to provide an additional defense to the responsibility and liability for payment of the fine for a violation of s. 316.074(1) or s. 316.075(1)(c)1., F.S. Specifically, the registered owner of the motor vehicle is responsible for payment of the fine unless the motor vehicle's owner was deceased on or before the date the uniformed traffic citation was issued, as established by an affidavit submitted by the representative or the motor vehicle owner's estate, or other designated person or family member.

The affidavit must include a certified copy of the owner's death certificate showing the date of death occurred on or before the issuance of the uniform traffic citation and one of the following:

- A bill of sale or other document showing the deceased owner's motor vehicle was sold after his or her death;
- Documentary proof that the registered license plate belonging to the deceased owner's vehicle was turned into the DHSMV; or
- A copy of a police report showing the deceased owner's registered license plate or motor vehicle was stolen after the owner's death.

Upon receipt of the death certificate and proper documentation, the governmental entity must dismiss the citation and provide proof of such dismissal to the affiant.

Section 316.0083(2), F.S., is amended to include that a notice of violation may not be issued if the driver is making a left-hand turn in a careful and prudent manner from a one-way street onto a one-way street where left-hand turns are permissible. A citation also may not be issued if the driver of the vehicle came to a complete stop before turning right or left when permissible, but failed to stop before the point at which a stop is required.

In addition, a notice of violation or traffic citation for failure to stop at a red light before making a right or left turn must be issued at the discretion of the reviewing traffic infraction enforcement officer, as if the citation had been issued by an officer at an intersection. When examining evidence for violations, a traffic infraction enforcement officer may consider one or more of the following factors that would indicate the turn was not made in careful or prudent manner:

- The operator of the motor vehicle failed to yield to a pedestrian or bicyclist;
- The operator of the motor vehicle put a pedestrian or bicyclist in danger of injury;
- The operator of the motor vehicle failed to yield to another vehicle or oncoming traffic;
- or
- The operator of the motor vehicle commenced the turn in disregard for the safety of person or property.

Lastly, this section of the bill creates subsection (5) to require DSHMV, each county, or each municipality within 15 months or when one year of data is available to submit a report to FDOT that includes a comparison and analysis of:

- Month-to-month violations of ss. 316.074(1) and 316.075(1)(c)1., F.S., which occur at the intersections where traffic infraction detectors are enforcing the law to stop at a red light; and
- The number and type of related traffic collisions that occur at each intersection prior to and after the use of traffic infraction detectors.

The report must also describe instances when camera results are not used and other data, such as traffic crash reports, are used in the comparison and analysis by the DHSMV, county, or municipality.

Section 2 of the bill amends s. 316.075, F.S., to require each jurisdiction to establish minimum yellow light change interval times for use in traffic signals where a traffic infraction detector is used. The minimum time is set in accordance with engineering standards set forth in the Institute of Transportation Engineers' *Traffic Engineering Handbook*, as adopted by the Department of Transportation.

A jurisdiction issuing a notice of violation sent pursuant to s. 316.0083, F.S., must include the length of the yellow light time during the signal phase of the traffic control signal immediately before the violation on the notice or must maintain records of the most recent programmed yellow intervals for inspection in order to ensure compliance.

The yellow light interval must be tested at least once during every calendar year beginning in 2013 if each notice of violation for a particular approach does not state the length of the yellow light duration. A traffic infraction detector monitoring a traffic signal which is not in compliance with the Institute of Transportation Engineers' *Traffic Engineering Handbook* standards must be disabled until the traffic signal is brought into compliance with the standards.

The bill provides the issuance of a notice stating the length of the yellow light duration or annual testing of the yellow light change interval time establishes a presumption that the yellow light cycle was compliant with standards at the time the alleged violation occurred. In addition, a

certificate or signed affidavit verifying compliance establishes a presumption that the testing of the yellow light cycle was compliant with standards and the certificate or affidavit is admissible as proof of such compliance.

The bill provides that traffic infraction detectors operational on July 1, 2012, must be in compliance with the minimum yellow light change interval times by January 1, 2013.

Section 3 amends s. 316.0776(2), F.S., relating to signage requirements notifying the public that a traffic infraction device may be in use at an intersection. Specifically, the bill deletes reference to notification of camera enforcement for only right turns and requires signage notifying the public of camera enforcement of violations concerning turns to conform to other provisions in the bill.

Section 4 provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The registered owner of a motor vehicle and the person identified as having care, custody, and control of the motor vehicle at the time of the violation will be subject to the same procedure for the disposition of a red-light camera citation.

C. Government Sector Impact:

Depending on whether or not the bill's change allows a person identified on an affidavit to first receive a notice of violation instead of a UTC, this bill will reduce or increase the amount of revenue received by state and local governments.

For those signals monitored by traffic infraction detectors that do not record yellow light interval times, local governments will be responsible for the costs associated with the

annual testing of the devices and possibly experience a reduction of fines collected until the signal is made compliant.

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 Committee on February 7, 2012:

The CS combined SB's 590 and 568 and replaced the substance of those bills as described above. The CS was further amended to remove the terms "willful and wanton" when determining whether a turn was made in disregard to safety of person or property. In addition, the CS specifies certain documentation that must be submitted with the affidavit if advising the appropriate government entity of the owner's death to establish an affirmative defense for the issuance of a UTC when the registered owner of the vehicle is deceased. Along with a copy of the death certificate, at least, one other document must be submitted showing the deceased owner's vehicle was sold, stolen after the owner's death or that vehicle's license tag has been turned into the DHSMV.

B. Amendments:

None.



588176

596-02885A-12

Proposed Committee Substitute by the Committee on Transportation

1 A bill to be entitled
2 An act relating to noncriminal traffic infractions;
3 amending s. 316.0083, F.S., relating to use of a
4 traffic infraction detector when a driver has failed
5 to stop at a traffic control signal pursuant to
6 specified provisions; revising procedures applied to a
7 person identified by a motor vehicle owner as having
8 care, custody, and control of the vehicle when a
9 violation occurred; providing for notification and
10 citation within certain time periods after receipt of
11 an affidavit from the owner identifying such person;
12 providing that the owner of a motor vehicle involved
13 in a violation is responsible for paying the uniform
14 traffic citation unless the motor vehicle's owner was
15 deceased on or before the date the uniformed traffic
16 citation was issued; requiring the representative of
17 the deceased owner to submit certain documentation to
18 prove the death of the owner of the vehicle; providing
19 for a traffic citation to be issued at the discretion
20 of the reviewing traffic infraction enforcement
21 officer for failure to stop before making a left-hand
22 turn or right-hand turn where such turn is
23 permissible; specifying factors for the reviewing
24 traffic infraction enforcement officer to consider;
25 requiring that the Department of Highway Safety and
26 Motor Vehicles and counties and municipalities that
27 install a traffic infraction detector to submit a



588176

596-02885A-12

report to the Department of Transportation which provides specified data; amending s. 316.075, F.S.; requiring the establishment of minimum yellow light change interval times for intersections where traffic infraction detectors are used; requiring notices of violation for violations at such intersections to contain specific information regarding the yellow light times; providing that such notices establish a presumption; requiring testing to such traffic control signals; requiring such signals to comply with certain standards; requiring that certain detectors be in compliance with the act by a specified date; amending s. 316.0776, F.S.; revising provisions to conform to changes made by the act; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 316.0083, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

316.0083 Mark Wandall Traffic Safety Program; administration; report.—

(1)(a) For purposes of administering this section, the department, a county, or a municipality may authorize a traffic infraction enforcement officer under s. 316.640 to issue a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. A notice of violation and a traffic citation may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at



588176

596-02885A-12

an intersection where right-hand turns are permissible. This paragraph does not prohibit a review of information from a traffic infraction detector by an authorized employee or agent of the department, a county, or a municipality before issuance of the traffic citation by the traffic infraction enforcement officer. This paragraph does not prohibit the department, a county, or a municipality from issuing notification as provided in paragraph (b) to the registered owner of the motor vehicle or to another person identified as having care, custody, and control of the motor vehicle involved in the violation of s. 316.074(1) or s. 316.075(1)(c)1.

(b)1.a. Within 30 days after a violation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14 and that the violator must pay the penalty of \$158 to the department, county, or municipality, or furnish an affidavit in accordance with paragraph (d), within 30 days following the date of the notification in order to avoid court fees, costs, and the issuance of a traffic citation. The notification shall be sent by first-class mail.

b. Included with the notification to the registered owner of the motor vehicle involved in the infraction must be a notice that the owner has the right to review the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or Internet location where the evidence may be examined and observed.

2. Penalties assessed and collected by the department, county, or municipality authorized to collect the funds provided



588176

596-02885A-12

for in this paragraph, less the amount retained by the county or municipality pursuant to subparagraph 3., shall be paid to the Department of Revenue weekly. Payment by the department, county, or municipality to the state shall be made by means of electronic funds transfers. In addition to the payment, summary detail of the penalties remitted shall be reported to the Department of Revenue.

3. Penalties to be assessed and collected by the department, county, or municipality are as follows:

a. One hundred fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal if enforcement is by the department's traffic infraction enforcement officer. One hundred dollars shall be remitted to the Department of Revenue for deposit into the General Revenue Fund, \$10 shall be remitted to the Department of Revenue for deposit into the Department of Health Administrative Trust Fund, \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and \$45 shall be distributed to the municipality in which the violation occurred, or, if the violation occurred in an unincorporated area, to the county in which the violation occurred. Funds deposited into the Department of Health Administrative Trust Fund under this subparagraph shall be distributed as provided in s. 395.4036(1). Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be used for brain and spinal cord research.

b. One hundred fifty-eight dollars for a violation of s.



588176

596-02885A-12

316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal if enforcement is by a county or municipal traffic infraction enforcement officer. Seventy dollars shall be remitted by the county or municipality to the Department of Revenue for deposit into the General Revenue Fund, \$10 shall be remitted to the Department of Revenue for deposit into the Department of Health Administrative Trust Fund, \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be retained by the county or municipality enforcing the ordinance enacted pursuant to this section. Funds deposited into the Department of Health Administrative Trust Fund under this subparagraph shall be distributed as provided in s. 395.4036(1). Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be used for brain and spinal cord research.

4. An individual may not receive a commission from any revenue collected from violations detected through the use of a traffic infraction detector. A manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detector.

(c)1.a. A traffic citation issued under this section shall be issued by mailing the traffic citation by certified mail to the address of the registered owner of the motor vehicle involved in the violation when payment has not been made within 30 days after notification under subparagraph (b)1.

b. Delivery of the traffic citation constitutes



588176

596-02885A-12

notification under this paragraph.

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

d. The traffic citation shall be mailed to the registered owner of the motor vehicle involved in the violation no later than 60 days after the date of the violation.

2. Included with the notification to the registered owner of the motor vehicle involved in the infraction shall be a notice that the owner has the right to review, either in person or remotely, the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or Internet location where the evidence may be examined and observed.

(d)1. The owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal, unless the owner can establish that:

a. The motor vehicle passed through the intersection in order to yield right-of-way to an emergency vehicle or as part of a funeral procession;

b. The motor vehicle passed through the intersection at the direction of a law enforcement officer;

c. The motor vehicle was, at the time of the violation, in the care, custody, or control of another person; ~~or~~



588176

596-02885A-12

d. A uniform traffic citation was issued by a law enforcement officer to the driver of the motor vehicle for the alleged violation of s. 316.074(1) or s. 316.075(1)(c)1; or-

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

2. In order to establish such facts, the owner of the motor vehicle shall, within 30 days after the date of issuance of the traffic citation, furnish to the appropriate governmental entity an affidavit setting forth detailed information supporting an exemption as provided in this paragraph.

a. An affidavit supporting an exemption under subparagraph 1.c. must include the name, address, date of birth, and, if known, the driver ~~driver's~~ license number of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the alleged violation. If the vehicle was stolen at the time of the alleged offense, the affidavit must include the police report indicating that the vehicle was stolen.

b. If a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. was issued at the location of the violation by a law enforcement officer, the affidavit must include the serial number of the uniform traffic citation.

c. If the motor vehicle's owner to whom a traffic citation has been issued is deceased, the affidavit must include a certified copy of the owner's death certificate showing the date of death occurred on or before the issuance of the uniform



588176

596-02885A-12

202 traffic citation. Upon receipt of the death certificate, the
203 governmental entity must dismiss the citation and provide proof
204 of such dismissal to the affiant.

205 3. Upon receipt of an affidavit, the person designated as
206 having care, custody, and control of the motor vehicle at the
207 time of the violation may be issued a notice of violation
208 pursuant to paragraph (b) ~~traffic citation~~ for a violation of s.
209 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop
210 at a traffic signal. The affidavit is admissible in a proceeding
211 pursuant to this section for the purpose of providing proof that
212 the person identified in the affidavit was in actual care,
213 custody, or control of the motor vehicle. The owner of a leased
214 vehicle for which a traffic citation is issued for a violation
215 of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to
216 stop at a traffic signal is not responsible for paying the
217 traffic citation and is not required to submit an affidavit as
218 specified in this subsection if the motor vehicle involved in
219 the violation is registered in the name of the lessee of such
220 motor vehicle.

221 4. Paragraphs (b) and (c) apply to the person identified on
222 the affidavit, except that the notification under sub-
223 paragraph (b)1.a. must be sent within 30 days after receipt
224 of an affidavit and the traffic citation mailed pursuant to sub-
225 paragraph (c)1.d. must be mailed no later than 60 days after
226 the date of receipt of an affidavit.

227 5.4. The submission of a false affidavit is a misdemeanor
228 of the second degree, punishable as provided in s. 775.082 or s.
229 775.083.

230 (e) The photographic or electronic images or streaming



588176

596-02885A-12

video attached to or referenced in the traffic citation is evidence that a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal has occurred and is admissible in any proceeding to enforce this section and raises a rebuttable presumption that the motor vehicle named in the report or shown in the photographic or electronic images or streaming video evidence was used in violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal.

(2) A notice of violation and a traffic citation may not be issued for failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible or when making a left-hand turn in a careful and prudent manner from a one-way street onto a one-way street where left-hand turns are permissible. A notice of violation or traffic citation for failure to stop at a red light before making a right or left turn shall be issued at the discretion of the reviewing traffic infraction enforcement officer, as if the citation had been issued by an officer at an intersection. When examining evidence for violations under this subsection, a traffic infraction enforcement officer shall consider one or more of the following factors that would indicate the turn was not made in careful or prudent manner:

(a) The operator of the motor vehicle failed to yield to a pedestrian or bicyclist;

(b) The operator of the motor vehicle put a pedestrian or bicyclist in danger of injury;

(c) The operator of the motor vehicle failed to yield to



588176

596-02885A-12

another vehicle or oncoming traffic; or

(d) The operator of the motor vehicle commenced the turn in willful or wanton disregard for the safety of person or property.

A citation may not be issued under this subsection if the driver of the vehicle came to a complete stop before turning right or left when permissible at a red light, but failed to achieve a stop before the point at which a stop is required.

(5) Within 15 months or when 1 year of data is available following the date of installation of a traffic infraction detector, the department, each county, or each municipality shall submit a report to the Department of Transportation which includes a comparison and analysis of:

(a) Month-to-month violations of ss. 316.074(1) and 316.075(1)(c)1. which occur at the intersections where traffic infraction detectors are enforcing the law to stop at a red light; and

(b) The number and type of related traffic collisions that occur at each intersection prior to and after the use of traffic infraction detectors.

The report shall also describe instances when camera results are not used and other data, such as traffic crash reports, are used in the comparison and analysis by the department, county, or municipality.

Section 2. Subsection (4) of section 316.075, Florida Statutes, is amended, and subsection (5) is added to that section, to read:



588176

596-02885A-12

316.075 Traffic control signal devices.—

(4) A violation of subsection (1) or subsection (2) ~~this section~~ is a noncriminal traffic infraction, punishable pursuant to chapter 318 as either a pedestrian violation or, if the infraction resulted from the operation of a vehicle, as a moving violation.

(5) (a) Before initiating the use of a traffic infraction detector for any intersection approach pursuant to s. 316.0083, each jurisdiction shall establish minimum yellow light change interval time for the designated intersection approach in accordance with engineering standards set forth in the Institute of Transportation Engineers Traffic Engineering Handbook, as adopted by the Department of Transportation, and any such established time may not be less than the recognized national minimum standard. The Department of Transportation shall adopt the latest edition of Institute of Transportation Engineers Traffic Engineering Handbook for use in compliance with this subsection.

(b) A jurisdiction issuing a notice of violation sent pursuant to s. 316.0083, must include the length of the yellow light time during the signal phase of the traffic control signal immediately before the violation on the notice or must maintain records of the most recent programmed yellow intervals for inspection in order to ensure compliance with this subsection.

(c) Unless each notice of violation for a particular approach states the length of the yellow light duration, the yellow light interval shall be tested at least once during every calendar year beginning in 2013. A traffic infraction detector monitoring a traffic signal that is not in compliance with the



588176

596-02885A-12

Institute of Transportation Engineers Traffic Engineering Handbook standards, as adopted by the Department of Transportation, shall be disabled until that signal is brought into compliance with the standards.

(d) Issuance of a notice stating the length of the yellow light duration, or annual testing of the yellow light change interval time according to this subsection, establishes a presumption that the yellow light cycle was operating in compliance with this subsection at the time the violation is alleged to have occurred. Production of a certificate, or a signed affidavit, showing that the yellow light cycle was tested in compliance with this subsection, establishes a presumption that the testing of the yellow light cycle was completed in compliance with this subsection and the certificate or affidavit is admissible as proof of such compliance.

(e) A person raising the length of the yellow light cycle as an affirmative defense to the notice of violation must establish by clear and convincing evidence that the signal was not operating in compliance with the Institute of Transportation Engineers Traffic Engineering Handbook standards, as adopted by the Department of Transportation.

(f) A traffic infraction detector that is operational on July 1, 2012, must be in compliance with this section by January 1, 2013.

Section 3. Paragraph (a) of subsection (2) of section 316.0776, Florida Statutes, is amended to read:

316.0776 Traffic infraction detectors; placement and installation.—

(2)(a) If the department, county, or municipality installs



588176

596-02885A-12

a traffic infraction detector at an intersection, the
department, county, or municipality shall notify the public that
a traffic infraction device may be in use at that intersection
and must specifically include notification of camera enforcement
of violations concerning ~~right~~ turns. Such signage used to
notify the public must meet the specifications for uniform
signals and devices adopted by the Department of Transportation
pursuant to s. 316.0745.

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



314574

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2012	.	
	.	
	.	
	.	

The Committee on Transportation (Latvala) recommended the following:

Senate Amendment

Delete lines 198 - 204
and insert:

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

(I) A bill of sale or other document showing the deceased owner's motor vehicle was sold after his or her death;



314574

13 (II) Documentary proof that the registered license plate
14 belonging to the deceased owner's vehicle was turned into the
15 Department of Highway Safety and Motor Vehicles, including any
16 branch or authorized office thereof; or

17 (III) A copy of a police report showing the deceased
18 owner's registered license plate or motor vehicle was stolen
19 after the owner's death.

20
21 Upon receipt of the affidavit and documentation required under
22 this sub-subparagraph, the governmental entity must dismiss the
23 citation and provide proof of such dismissal to the person who
24 submitted the affidavit.



931370

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2012	.	
	.	
	.	
	.	

The Committee on Transportation (Garcia) recommended the following:

Senate Amendment

Delete line 262
and insert:
disregard for the safety of person or

THE FLORIDA SENATE

APPEARANCE RECORD

2-7-2012

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

Meeting Date

Topic Noncriminal Traffic CitationsBill Number SB 590/SA 568
(if applicable)Name Eddy LabradorAmendment Barcode 588/76 ON BILL
(if applicable)Job Title Legislative CounselAddress 115 S. Andrews Ave. Room 427Phone 954-357-7575Street Fort Lauderdale State FL Zip 33301E-mail elabrador@broward.orgSpeaking: ☒ For ☐ Against ☐ InformationRepresenting Broward CountyAppearing 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)

2/7/12

Meeting Date

Topic Traffic Infraction DevicesBill Number PCS/SB 590/568
(if applicable)Name Kathy RussellAmendment Barcode ON PCS
(if applicable)Job Title Dir of Gov RelationsAddress 400 S. Orange AvePhone (407) 383-2075Street Orlando, FL State FL Zip 32801

E-mail _____

Speaking: ☒ For ☐ Against ☐ InformationRepresenting City of OrlandoAppearing 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)

Waive

2-7-12

Meeting Date

Topic _____

Bill Number PCB SB 590-568
(if applicable)

Name MIKE FEWLESS

Amendment Barcode 931370
(if applicable)

Job Title CAPTAIN

Address 2500 W. COLONIAL DR
Street

Phone 407-254-7026

ORLANDO FL 32804
City State Zip

E-mail Mike.Fewless@ocfl.net

Speaking: ☒ For ☐ Against ☐ Information

Representing ORANGE COUNTY SHERIFF'S OFFICE

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)

Waive

Meeting Date

Topic Red Light Camera

Bill Number 590/568
(if applicable)

Name C. Scott Dudley

Amendment Barcode ON BILL
(if applicable)

Job Title Director, Legislative Affairs

Address FLORIDA LEAGUE OF CITIES

Phone 222-9684

1015 S. Bronough St
City TALLAHASSEE, FL State FL Zip 32302

E-mail sdudley@flcities.com

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

APPEARANCE RECORD

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

2/7/12

Meeting Date

Ward

Topic Red Light Cameras Bill Number SB 568/590
 Name Allen Secreast Amendment Barcode _____ (if applicable)
 Job Title Traffic Mobility Manager for City of Tallahassee (if applicable)
 Address 300 S. Adams St Phone 891-8273
 Street City State Zip
Tallahassee 32301
 E-mail allen.secreast@talgov.com
 Speaking: ☐ For ☐ Against ☒ Information
 Representing Available for Questions

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 250

INTRODUCER: Senator Braynon

SUBJECT: Uniform Traffic Control

DATE: February 3, 2012

REVISED: _____

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

I. Summary:

This bill creates the “School Bus Safety Program,” authorizing a Florida school district to deploy school bus infraction detectors on its school buses for enforcing s. 316.172(1)(a) or s. 316.172(1)(b), F.S., when a driver fails to stop upon approaching any school bus which displays a stop signal. A school district deploying school bus traffic infraction detectors must coordinate the issuance of traffic citations with the Florida Highway Patrol, local sheriff’s office, local police department, local school board, if applicable, or any other entity having the authority and jurisdiction to enforce traffic laws. In addition, the bill authorizes the Department of Highway Safety and Motor Vehicles (DHSMV or department), to use images from school bus traffic infraction detectors on any state road under the original jurisdiction of the Florida Department of Transportation (FDOT), when permitted by the FDOT.

The bill provides for the issuance of citations to registered owners of motor vehicles and affirmative defenses available to vehicle owners. The bill provides a \$265 penalty for any violations of ss. 316.172(1)(a) or 316.172(1)(b), F.S., regardless of the method of enforcement. If the penalty is paid within 30 days of notification, the total penalty is \$265. However, if the penalty is not paid within 30 days of notification and a traffic citation is issued, the total penalty is \$265, plus court costs and fees of up to \$98, depending on the county where the offense occurs.

This bill substantially amends sections 316.003, 316.008, 316.640, 316.650, 318.14, 318.18, and 322.27, creates ss. 316.0084, 316.07457, 316.0777, and 321.51 of the Florida Statutes, and creates an undesignated section of law.

II. Present Situation:

National statistics have consistently demonstrated that school buses constitute one of the safest forms of transportation. The National Research Council concluded that children are at far more risk traveling to and from school by bike, walking, or in private passenger vehicles, especially if a teen-age driver is involved, than in school buses.¹ According to the National Highway Traffic Safety Administration, approximately 450,000 public school buses travel approximately 4.3 billion miles to transport 23.5 million children to and from school and school-related activities.² On average, 20 school-age children die each year in school bus-related crashes or incidents. Of these 20, five of the children are injured inside the bus, five are struck by other vehicles, and ten are struck by the school bus itself.³ According to the Florida Department of Education (DOE), from the 1999-2000 to the 2009-2010 school years there have been four pedestrian students struck by a vehicle illegally passing a stopped school bus.⁴ These statistics indicate that there may be an opportunity to improve even this very safe form of travel.⁵ Public health and traffic safety officials have examined the risks associated with school bus stops and noted the importance of carefully selecting bus stop locations.⁶

Current law requires district school boards to establish school bus stops, or provide by district school board rule for establishing school bus stops, as needed at the most reasonably safe locations available.⁷ Where unusual traffic hazards exist at school bus stops on roads maintained by the state outside of municipalities, the FDOT must place signs at the bus stops warning drivers of the location of the stops. The FDOT must place these signs in concurrence and cooperation with and upon request of the district school board. According to the FDOT, there are federal guidelines rather than requirements for states to use in placing “school bus ahead” signs.⁸

Documentation of stop locations and the specific procedures for ensuring stop safety are determined by the school district.⁹ Districts have safety professionals who review new stop locations or existing locations when there is an indication of a hazard.¹⁰ Some districts routinely review all stop locations. The DOE also notes that all school bus operators are trained and instructed to report hazards at stops.

According to the DOE, in 2009-2010, school districts reported that there were 293,126 public school bus stops in Florida.¹¹ There were 14,988 public school buses in daily service in 2009-

¹ *The Relative Risks of School Travel: A National Perspective and Guidance for Local Community Risk Assessment.* Transportation Research Board, 2002.

² See <http://www.nhtsa.gov/staticfiles/nti/buses/pdf/SelectingSchoolBusStopLocations.pdf>.

³ *Id.*

⁴ DOE, Florida Public School Bus Transportation-related Fatalities Multi-Year Summary (Updated 10/13/10).

⁵ *Id.*

⁶ Schieber RA, Vegega ME Reducing childhood pedestrian injuries: summary of a multidisciplinary conference. *Injury Prevention*, 2002; 8:13-110. See http://www.cdc.gov/ncipc/pub-res/childhood_pedestrian/child_pedestrian.htm.

⁷ s. 1006.22(12)(c), F.S.

⁸ *Manual on Uniform Traffic Control Devices*, U.S. Department of Transportation, Federal Highway Administration, <http://mutcd.fhwa.dot.gov/pdfs/2009/mutcd2009edition.pdf>.

⁹ s. 1006.22(12)(c), F.S.

¹⁰ DOE, April 4, 2011, on file with the Education Pre-K – 12 committee.

¹¹ *Id.*

2010, equating to an average of 40 stops per day per bus (20 physical locations, morning and afternoon).¹²

Failure to Stop for a School Bus

A person commits a moving violation if he or she is driving a vehicle and fails to stop when approaching any school bus while the bus is displaying a stop signal.¹³ A violation of this offense is punishable as provided in ch. 318, F.S. Currently, there is a minimum \$100 civil penalty and an additional \$65 civil penalty for a driver who has been found guilty by the court for failing to stop for a school bus.¹⁴ The DHSMV must suspend the driver's license of any person who commits a second or subsequent violation of this section within a 5-year period for not less than 90 days and not more than six months.

Section 316.172(1)(b), F.S., provides that a person commits a moving violation if the person passes a school bus on the side children enter and exit while the bus is displaying a stop signal. A violation of this offense is punishable as provided in ch. 318, F.S., and requires a mandatory hearing. Section 318.18(5)(b), F.S., assesses a minimum \$200 civil penalty and an additional \$65 civil penalty for a violation of s. 316.172(1)(b), F.S. In addition, the DHSMV must suspend the driver's license of any person who commits a violation of this section for not less than 180 days and not more than one year for a second or subsequent offense within a five year period.

According to the DHSMV, in 2009, there were 3,533 citations for failure to stop for a school bus (s. 316.172(1)(a), F.S.) and 295 citations for passing a stopped school bus (s. 316.172(1)(b), F.S.). This data is based on law enforcement citations. Reports of illegal "pass-by" of the school bus by bus operators or other non-law enforcement witnesses can be used for information and analysis, but not to find the offending motorist in violation of the law or impose consequences.¹⁵ In 2000, a Florida study by the Center for Urban Transportation Research found that there were 10,719 reported instances of motorists illegally passing school buses on the day of the survey.¹⁶ There were 14,108 public school buses in daily service at that time.¹⁷

Driver Improvement Courses

Section 322.0261, F.S., requires the DHSMV to identify any operator who was convicted of or who plead nolo contendere to a first violation of failure to stop for or pass a stopped school bus displaying a stop signal and require that operator, in addition to other applicable penalties, to attend a DHSMV-approved driver improvement course in order to maintain driving privileges. If the operator fails to complete the course within 90 days after receiving notice from the DHSMV, the operator's driver license is canceled by the DHSMV until the course is successfully completed. In determining whether to approve a driver improvement course, the DHSMV considers course content designed to promote safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint.

¹² *Id.*

¹³ s. 316.172(1)(a), F.S.

¹⁴ s. 318.18(5)(a)(c), F.S.

¹⁵ DOE, 2011 Bill Analysis: SB 2036, March 29, 2011, on file with the Transportation Committee.

¹⁶ *Id.*

¹⁷ *Id.*

Trauma Centers

A verified trauma center (center) is a hospital with an established trauma program which includes health care practitioners who specialize in the treatment of emergency conditions and facilities appropriate to treat those patients.¹⁸ Part II of Chapter 395, F.S., provides for a tiered system of center verification within the 19 trauma service areas established in s. 395.402, F.S. The Florida Department of Health (DOH) selects hospitals for center designation through an application process. Standards for designation are based on national guidelines established by the American College of Surgeons.¹⁹ Standards for designation as a pediatric center are developed in conjunction with Children's Medical Services.²⁰ Florida's centers treat over 40,000 patients annually.²¹

There are three types of centers:

- Level I centers which have formal trauma care research and education programs, provide support to Level II and pediatric centers and general hospitals, and participate in an inclusive system of trauma care.²²
- Level II centers which serve as a resource for general hospitals and participate in an inclusive system of trauma care.²³
- Pediatric centers which must be in substantial compliance with DOH rules relating to pediatric trauma center operation.²⁴

There are a total of 21 verified centers in Florida: seven Level I centers; eight Level II centers, four Level II and Pediatric centers, and two Pediatric only centers.²⁵ A center may have more than one designation, for example, St. Mary's Medical Center in West Palm Beach carries both a Level II and a Pediatric center designation. Additionally, one provisional center exists in Ft. Pierce, Florida.

Centers are partially funded by traffic infraction fines deposited into the Administrative Trust Fund (Trust Fund) within the DOH. Currently, as provided in s. 318.18(5)(c), F.S., the Department of Revenue (DOR) deposits \$65 of the \$165 or \$265 traffic citation fine for failure to stop for a school bus or passing a school bus, respectively, assessed by law enforcement officers, into the DOH Emergency Medical Services Trust Fund for distribution to trauma centers. The DOH distributes these funds on a quarterly basis to centers based on a distribution methodology, as provided in s. 395.4036, F.S. The distribution methodology requires:

¹⁸ DOH, *The Costs of Trauma Center Readiness*, July 17, 2002, on file with the Transportation Committee.

¹⁹ s. 395.401(2), F.S. Section 395.4025, F.S., delineates the DOH verified trauma center designation process. Detailed DOH standards for designation are found in *Trauma Center Standards, Department of Health, Pamphlet 150-9, January 2008*, see <http://www.doh.state.fl.us/DEMO/Trauma/PDFs/TraumaCntrStandards-DOHPamphlet150-9Jan2008.pdf> (last visited Feb. 6, 2012).

²⁰ *Id.*

²¹ DOH, Division of Emergency Medical Operations, Office of Trauma, see <http://www.doh.state.fl.us/DEMO/Trauma/index.html> (last visited Feb. 6, 2012).

²² s. 395.4001(6), F.S.

²³ s. 395.4001(7), F.S.

²⁴ s. 395.4001(9), F.S.

²⁵ DOH, Division of Emergency Medical Operations, Office of Trauma, see <http://www.doh.state.fl.us/DEMO/Trauma/PDFs/TextEquivforTraumaCentersMap.doc> (last visited Feb. 6, 2012).

- Thirty percent to Level II trauma centers operated by a public hospital governed by an elected board of directors as of December 31, 2008.²⁶
- Thirty-five percent to centers based on a center's trauma caseload for the most recent calendar year for which data is available. The determination of caseload volume for distribution of funds is based on DOH's Trauma Registry data.²⁷
- Thirty-five percent to centers based on the severity of a center's caseload. Severity determination is made by DOH according to the International Classification Injury Severity Scores.²⁸

Verified trauma centers are either subject to audit under s. 215.97, F.S., the Florida Single Audit Act, or, if not subject to audit requirements, must annually attest to DOH that proceeds from distributions under s. 395.4036, F.S., were used in compliance with that section.²⁹ Currently, traffic fine revenues do not directly fund any other type of health care facility or entity.

III. Effect of Proposed Changes:

School Bus Safety Program

Generally, this bill creates the "School Bus Safety Program" and provides a definition of the term "school bus traffic infraction detector." The bill authorizes the use of cameras to enforce the requirements of s. 316.172(1)(a) and s. 316.172(1)(b), F.S., for failing to stop for a school bus when so directed.

Section 1. Amends s. 316.003, F.S., to provide a definition of the term "school bus traffic infraction detector." Specifically, a "school bus traffic infraction detector" is defined as a vehicle sensor installed to work in conjunction with a school bus and a camera or cameras synchronized to automatically record two or more sequenced photographic or electronic images or streaming video of a motor vehicle at the time the vehicle passes a school bus in violation of s. 316.172(1)(a) or s. 316.172(1)(b), F.S. Any notification under s. 316.0084(1)(b), F.S., or traffic citation issued by the use of a school bus traffic infraction detector must include a photograph, video feed, or other recorded image showing both the license tag of the offending vehicle and the school bus stop signal being violated.

Section 2. Amends s. 316.008, F.S., to authorize a Florida school district to deploy school bus infraction detectors on its school buses for enforcing s. 316.172(1)(a), or s. 316.172(1)(b), F.S., when a driver fails to stop upon approaching any school bus which displays a stop signal. A school district would coordinate the issuance of traffic citations with the Florida Highway Patrol, local sheriff's office, local police department, local school board, if applicable, or any other entity having the authority and jurisdiction to enforce the traffic laws and within the particular school district, as provided in ss. 316.006 and 316.640, F.S.

Section 3. Creates s. 316.0084, F.S., to provide:

²⁶ s. 395.4036(1)(b)1., F.S.

²⁷ s. 395.4036(1)(b)2., F.S.

²⁸ s. 395.4036(1)(b)3., F.S. The International Classification Injury Severity Score (ICISS) is a mathematical ratio used to predict and score patient survival from severe injuries. Rule 64J-2.019, F.A.C., provides for classifications of trauma patients based on the ICISS scoring system.

²⁹ s. 395.4036(3), F.S.

Notifications and Citations

If a traffic infraction detector identifies a person violating ss. 316.172(1)(a) or 316.172(1)(b), F.S., the visual information is captured and reviewed by a traffic infraction enforcement officer. The bill provides that a notification must be issued to the registered owner of the vehicle by first class mail within 10 days of the alleged infraction. The notice must be accompanied by a photograph or other recorded image of the violation, and must include a statement of the vehicle owner's right to review images or video of the violation, and the time, place, and Internet location where the evidence may be reviewed.

If the registered owner of the vehicle does not submit payment within 30 days of receipt of the notification described above, the traffic infraction enforcement officer must issue a traffic citation to the owner. A citation must be mailed by certified mail and must be issued no later than 45 days after the violation. The citation must also include the photograph and statements described above regarding a review of the photographic or video evidence. The report of an officer and images provided by a traffic infraction detector are admissible in court to provide a rebuttable presumption that the vehicle was used in a violation.

Affirmative Defenses

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

- Passed the bus at the direction of a law enforcement officer;
- Was, at the time of the violation, in the care, custody, or control of another person; or
- Received a Uniform Traffic Citation (UTC) for the alleged violation issued by a law enforcement officer.

To establish any of these affirmative defenses, the owner of the vehicle must furnish an affidavit to the appropriate governmental entity that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or a copy of the UTC, if issued. If the owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and if known, the driver's license number, of the driver. A traffic citation may be issued to this person, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding that person's alleged violation of ss. 316.172(1)(a) or 316.172(1)(b), F.S. Submission of a false affidavit is a second degree misdemeanor.

If a vehicle is leased, the owner of the leased vehicle is not responsible for paying the citation, nor is the owner required to submit an affidavit, if the motor vehicle is registered in the name of the lessee.

Fines

The bill increases the penalty for a violation of s. 316.172(1)(a), F.S., when a driver has failed to stop for a school bus when so directed, from \$100 to \$200. The fine for a violation of s. 316.172(1)(b), F.S., remains at \$200. The additional \$65 civil penalty still applies for either violation. Therefore, violations of both s. 316.172(1)(a), or s. 316.172(1)(b), F.S., results in a penalty of \$265, regardless of whether the citation is issued by a law enforcement officer or a traffic infraction enforcement officer through the use of a school bus traffic infraction detector.

For violations detected through the use of a traffic infraction detector, the total penalty is \$265, if the penalty is paid within 30 days of notification. However, if the penalty is not paid within 30 days of notification and a traffic citation is issued, the total penalty is \$265, plus court costs and fees of up to \$98, depending on the county where the offense occurs.

Oversight and Accountability

Beginning in 2014, each school district that operates a traffic infraction detector is required to submit an annual report to the DHSMV. Thereafter, the DHSMV must submit a summary report and recommendations to the Governor and the Legislature.

Section 4. Creates s. 316.07457, F.S., to provide that the detectors deployed by a school district must meet requirements established by the DHSMV and must be tested at regular intervals according to specifications prescribed by the DHSMV. The DHSMV must establish the specifications by December 31, 2012.

Section 5. Creates s. 316.0777, F.S., to allow the placement and installation of school bus traffic infraction detectors on school buses when permitted by the DHSMV.

Section 6. Amends s. 316.640, F.S., to authorize traffic infraction enforcement officers to issue uniform traffic citations for violations of ss. 316.172(1)(a) and 316.172(1)(b), F.S., when a driver fails to stop upon approaching any school bus which displays a stop signal and when identified by school bus traffic infraction detectors.

Section 7. Amends s. 316.650, F.S., to specify that procedures relating to issuance of traffic citations under s. 316.0084, F.S., shall be identical to existing procedures for other specified sections of law. Specifically, this section requires a traffic infraction enforcement officer to provide by electronic transmission a replica of the citation data (when issued under s. 316.0084, F.S.) to the court having jurisdiction over the alleged offense or its traffic violations bureau within five business days after the issuance date of the citation to the violator.

Section 8. Amends s. 318.14, F.S., to provide an exception from provisions requiring a person cited for an infraction for failing to stop upon approaching any school bus which displays a stop signal (when issued under s. 316.0084, F.S.) to sign and accept a citation indicating a promise to appear.

Section 9. Amends s. 318.18(5), F.S., to increase the penalty for a violation of s. 316.172(1)(a), F.S., when a driver has failed to stop for a school bus when so directed, from \$100 to \$200. The fine for a violation of s. 316.172(1)(b), F.S., remains at \$200. The additional \$65 civil penalty still applies for either violation. Therefore, violations of both s. 316.172(1)(a), F.S., or s. 316.172(1)(b), F.S., result in a penalty of \$265.

For violations detected through the use of a traffic infraction detector, the total penalty is \$265, if the penalty is paid within 30 days of notification. However, if the penalty is not paid within 30 days of notification and a traffic citation is issued, the total penalty is \$265, plus court costs and fees of up to \$98, depending on the county where the offense occurs.

This section changes the distribution of penalties if the citation is issued by a law enforcement officer for violations of ss. 316.172(1)(a) or 316.172(1)(b), F.S.

The bill provides that if a person presents documentation from the appropriate governmental entity that the citation was issued in error, the clerk of the court may dismiss the case, and may not charge for such service.

Section 10. Creates s. 321.51, F.S., to authorize the DHSMV to use school bus traffic infraction detectors on any state road under the original jurisdiction of the FDOT, when permitted by the FDOT.

The purpose for, and meaning of section 10 of the bill is unclear. As written, this section grants the FDOT the power to allow (and by inference, to disallow) the use of images from school bus infraction detectors by the DHSMV to enforce s. 316.172(1)(a), F.S., or s. 316.172(1)(b), F.S., on state roads under the jurisdiction of the FDOT. It is not clear whether such permission is necessary for other entities (e.g., local sheriff's office, local police department, or local school board) to enforce these statutes or whether such permission is only necessary for enforcement activities that take place on state roads.

Section 11. Amends s. 322.27(3), F.S., to provide that violations of ss. 316.172(1)(a) or s. 316.172(1)(b), F.S., when a driver has failed to stop upon approaching a school bus displaying a stop signal, which are enforced by traffic infraction enforcement officers may not result in points assessed against the operator's driver's license, and may not be used for the purpose of setting motor vehicle insurance rates.

Section 12. Provides a severability clause.

Section 13. Provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill increases the fine from \$100 to \$200 for a violation of s. 316.172(1)(a), F.S.

According to the DHSMV, in 2009, there were 3,533 citations for failure to stop for a school bus (s. 316.172(1)(a), F.S.) and 295 citations for passing a stopped school bus (s. 316.172(1)(b), F.S.). This data is based on law enforcement citations. As the use of school bus traffic infraction detection devices and the penalties for violations are made known, the frequency of these violations may decrease, improving the safety of school bus passengers.

To the extent that school districts choose to permit the use of traffic infraction detectors there may be a fiscal impact to the private sector. Traffic infraction detectors will increase the scope of a local government's enforcement of violations for failing to stop for a school bus and passing a stopped school bus; therefore, increasing the possibility of a motor vehicle owner receiving a citation for these violations. The fine for the violation is \$265.

C. Government Sector Impact:

Section 318.18(5), F.S., changes the distribution of penalties if the citation is issued by a law enforcement officer for violations of ss. 316.172(1)(a) or 316.172(1)(b), F.S.

Regardless of whether the citation is issued by a law enforcement officer or a traffic infraction enforcement officer through the use of a school bus traffic infraction detector, the \$265 penalty is distributed as follows:

- \$170 to the school district in which the violation occurred;
- \$65 to the DOH's Emergency Medical Services Trust Fund;
- \$15 to the DHSMV; and
- \$15 to the county or municipality issuing the notice or citation or the DHSMV if the department issued the notice or citation.

The bill increases the penalty for failing to stop for a school bus or passing a stopped school bus. To the extent the department and school districts choose to permit the use of school bus traffic infraction detectors, there will be a fiscal impact for the cost of the installation and maintenance of the devices, the amount of which will vary depending on the negotiated agreement with any private vendor providing the equipment.

There may be an increase in fine revenue for the school districts and local governments choosing to permit the use of traffic infraction detectors, the amount of which is indeterminate and reliant on driver awareness and future behavior.

The bill requires the DHSMV to adopt rules implementing specifications for installation, placement, and testing of school bus traffic infraction detectors.

VI. Technical Deficiencies:

As proposed, subparagraph 316.0084(1)(b)(2), F.S., requires penalties assessed and collected by the DHSMV, a county, or a municipality, less the amount to be retained by the county or municipality, to be remitted to the Department of Revenue (DOR) weekly by electronic funds transfer. However, subparagraph 316.0084(1)(b)(3), F.S., also provides that specified portions of the funds are to be remitted to the school district and the DHSMV. The DOR recommends that the bill clarify that the funds are remitted to the DOR for payment to the school district and for deposit into a designated fund of the DHSMV.³⁰

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.

³⁰ DOR, 2012 Bill Analysis: SB 250, September 23, 2011, on file with the Transportation Committee.



793934

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2012	.	
	.	
	.	
	.	

The Committee on Transportation (Joyner) recommended the following:

Senate Amendment

Delete lines 140 - 147
and insert:
signal. Of that amount, \$15 shall be retained by the county or municipality issuing the notice or citation or retained by the department if the department issued the notice or citation, and \$250 shall be remitted to the Department of Revenue and disbursed as follows: \$170 to the school district in which the violation occurred; \$65 shall be deposited into the Emergency Medical Services Trust Fund of the Department of Health to be used as provided in s. 395.4036; and \$15 deposited into the



793934

13

department's Operating Trust Fund.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/7/12
Meeting Date

Topic Union Traffic Control Bill Number 250
(if applicable)

Name Vera Pickup-Combs Amendment Barcode BCU
(if applicable)

Job Title Legislative Liaison

Address 571 Kingsbury Terrace Phone 561-644-2439
Street

Wellington FL 33414 E-mail vera.pickup@msn.com
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

Representing Palm Beach School District

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 1118

INTRODUCER: Senator Altman

SUBJECT: Rental Car Companies

DATE: February 3, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Buford	TR	Favorable
2.			CM	
3.				
4.				
5.				
6.				

I. Summary:

This bill prohibits lease and rental car companies from renting vehicles for-hire with a permanently affixed SunPass® transponder unless it can be manually deactivated by the renter. It also prohibits the lease and rental car company from charging a service fee on days when tolls are not incurred by the renter.

This bill substantially amends section 320.0601 of the Florida Statutes.

II. Present Situation:

Florida Statutes require a driver to pay a toll for the use of any toll facility, such as a toll road or bridge. Except for the southernmost part of the Florida turnpike, tolls may be paid with cash or with such prepaid accounts as SunPass®, E-Pass, or Leeway.¹ Since February 19, 2011, the southern part of the turnpike, known as the Homestead Extension, has been converted to an all electronic payment system and tolls must be paid by SunPass® or by “toll-by-plate” option, a system that photographs the vehicle’s license plate and sends a monthly bill for tolls.² SunPass® is a small, pocket sized device called a “SunPass® Portable transponder” or a “SunPass® Mini Sticker transponder” attached to the inside of your car windshield. A picture is taken of the vehicle’s license plate and matches it to a signal from the transponder and toll charges are deducted from your prepaid toll account.³

¹ See http://www.floridasturnpike.com/tools_tollviolations.cfm. Site last visited February 3, 2012.

² See <http://www.floridasturnpike.com/all-electronic tolling/index.cfm>. Site last visited February 3, 2012.

³ See <http://www.sunpass.com/faq>. Site last visited February 3, 2012.

Most rental car companies, through an agreement with Florida's Turnpike Enterprise, offer an option to include tolls in their rental agreement by use of license plate recognition systems identifying rental vehicles and using that information to electronically collect the tolls.⁴ Cameras take a photo of the rental car's license plate as it goes through the toll lane and sends a bill for the tolls to the rental company's tolling program vendor. The vendor collects the toll plus applicable service fees from the customer's credit card and pays the toll road agency. The daily rental fee for use of the transponder ranges from \$2.00 per day to \$6.99 per day plus actual tolls. Some rental car companies give the customer the choice to "Opt In" or "Decline" at the time of reservation and some require automatic participation. If a rental car customer declines participation but incurs toll charges by using a toll lane, some of the rental car agreements provide for administrative fees up to \$25.00 for each infraction.⁵

Some car rental companies in Florida have affixed SunPass® transponders to the vehicle with the transponder set to "on" and customers are being charged a daily service fee even if the vehicle does not pass through a toll booth. Some out of state or foreign visitors are unaware of the transponder and pay cash at the manual toll booth, incurring three charges – the daily fee, the electronic toll and the cash toll.⁶ The Monroe County, Florida mayor, Heather Carruthers, has questioned if rental car companies are using the Florida Turnpike's all electronic toll system as a way to charge consumers without really doing anything. Mayor Carruthers points out that 61 percent of visitors to the Keys each year arrive by rental car and that the vehicle renters are being charged the actual toll cost plus \$2.50 per day and an administrative fee up to \$10 a month or a flat fee of \$5.95 a day or \$27.95 a week, despite the fact that most tourists drive directly to the Florida Keys where there are no toll roads.⁷ In another complaint about an experience with a rental car toll collection fee, a Delaware visitor to the Orlando area received a bill from a rental car company to collect a \$.50 cent fee for a toll violation on the BeachLine Expressway along with a \$25 administrative fee for processing, despite the turnpike's administrative fee for this violation being \$2.50.⁸ The newspaper article reporting this matter referenced an MSNBC.com consumer advocate program that reported that a company's online website that processes toll violations promised car rental companies that it could turn "a costly customer service headache into a profitable customer service solution."

The rental car industry asserts that matching a renter to a violation is time consuming and that it is forced into this situation to provide a system to facilitate toll collections for the state.⁹ One of the major rental car companies that has installed transponders in most, if not all, of its Florida vehicles and that participates in the SunPass® Prepaid Toll Program represents that it charges a daily fee of \$2.50, capped at \$10 for a week. Further, the fee does not begin to be charged until the first time the vehicle goes through a toll booth, but after that, the daily fee will be charged

⁴ *Id.*

⁵ See <http://www.sunpass.com/>. Site last visited February 6, 2012.

⁶ Rohrer, Gray, "Bill would prevent automatic SunPass units, charges in car rentals" LobbyTools, 10/28/2011. Article may be found at <http://apps.lobbytools.com/tools/tc.cfm?a=article&id=25180190>.

⁷ O'Hara, Timothy, "Rental car toll fees at issue" keynews.com, April 18, 2011. Article may be found at <http://keysnews.com/node/31270>.

⁸ Elliott, Chris, "Cashless toll roads, another hazard for car renters", Orlando Sentinel, December 6, 2011. Article may be found at http://articles.orlandosentinel.com/2011-12-06/travel/orl-travel-troubleshooter-2-120611_1_toll-roads-cashless-rental-car.

⁹ *Id.*

until the vehicle is returned. It asserts that the daily fee is a means to recover the rental car company's investment in the installation of the transponders, and setting up and administering the program with the turnpike system.¹⁰

III. Effect of Proposed Changes:

Section 1 amends s. 320.0601, F.S., to add the following provisions regarding SunPass® transponders affixed to vehicles by lease and rental car companies:

- A lease or rental car company may not rent a for-hire vehicle in this state that has a permanently affixed SunPass® transponder unless the transponder can be manually deactivated by the renter.
- A service fee may be charged only for the actual days, based on 24 hour increments, that the renter uses the transponder to pay tolls and no charge may be made for days when tolls are not incurred by the renter.

Section 2 provides that 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:

C. Government Sector Impact:

None.

¹⁰ Per oral conversation February 3, 2012 with Douglas S. Bell, Esq., Pennington, Moore, Wilkinson, Bell and Dunbar, P.A. Attorneys representing Avis Budget Group.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: CS/CS/SB 1184

INTRODUCER: Transportation Committee and Committee on Agriculture and Senator Norman

SUBJECT: Department of Agriculture and Consumer Services

DATE: February 8, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Buford	AG	Fav/CS
2.	Weidenbenner	Buford	TR	Fav/CS
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 committee substitute includes the following provisions related to agriculture:

- Prohibits governmental entities from charging an assessment or fee for stormwater management on a *bona fide* farm operation on land classified as agricultural under certain circumstances. The bill replaces the word “county” with “governmental entity” in the provisions described above which has the effect of expanding, from only counties to counties, municipalities, and regional governmental entities.
- Authorizes the use of citrus harvesting equipment and citrus fruit loaders to transport citrus between farms on public state highways without violating the public highway use restriction for the purpose of qualifying for the motor fuel tax refund.
- Authorizes the Department of Agriculture and Consumer Services (department) to enforce the state laws and rules relating to the use of commercial feed stocks. It requires the department to adopt rules establishing standards for the sale, use, and distribution of commercial feed or feedstuff. If adopted, such standards must be developed in consultation with the Commercial Feed Technical Council.

This committee substitute also includes the following provisions related to licensed security officers:

- Makes it a first degree misdemeanor for a person to engage in any activity for which ch. 493, F.S., requires a license if the person does not hold the required license. However, a second or subsequent violation is a third degree felony and the department may seek the imposition of a civil penalty not to exceed \$10,000. This offense does not apply if the person engages in unlicensed activity within 90 days after the expiration date of the person's license.
- Makes it a third degree felony for a person, while impersonating a security officer, private investigator, recovery agent, or other person required to have a license under ch. 493, F.S., to knowingly and intentionally force another person to assist the impersonator in an activity within the scope of duty of a professional licensed under ch. 493, F.S. However, it is a second degree felony if a person commits this violation during the course of committing a felony, and a first degree felony if a person commits this violation during the course of committing a felony that results in death or serious bodily injury to another human being.
- Authorizes an armed licensed security officer and armed licensed security agency manager, in uniform, to temporarily detain a person on the premises of a critical infrastructure facility ascertaining the person's identity and the circumstances of the activity that is the basis for the temporary detention if the security officer or security agency manager has probable cause to believe the person has committed or is committing a crime against the client of the security officer or security agency manager or the client's patron. The bill provides procedures for notifying law enforcement and transferring the detained person.
- Authorizes the security officer or security agency manager to search the person temporarily detained if they observe that the person is armed with a firearm, concealed weapon, or any destructive device that poses a threat to the safety of the security officer or security agency manager, or the detainee admits to the security officer or security agency manager that he or she is armed with a weapon.

The Legislature's Office of Economic and Demographic Research (EDR) has reviewed SB 154 and has indicated it intends to recommend to the Criminal Justice Impact Conference that the bill has an insignificant prison bed impact.

This committee substitute substantially amends sections 163.3162, 206.41, 316.515, 493.6120, 570.07 and 580.036 of the Florida Statutes and creates an undesignated section of the Florida Statutes.

II. Present Situation:

Stormwater Utility Fees

A number of counties have adopted stormwater utility fees to provide a funding source for stormwater management and water quality programs, and have imposed these fees on agricultural lands even though the land owner has a permitted stormwater management system or has implemented BMPs. The revenue generated directly supports maintenance and upgrade of existing storm drain systems, development of drainage plans, flood control measures, water-quality programs, administrative costs, and sometimes construction of major capital improvements. This may create a duplicative financial burden for the agricultural operation that

is already paying to manage its own permitted stormwater management system, yet has to pay again for a county program.

Agricultural Lands and Practices Act

In 2003, the Legislature passed the Agricultural Lands and Practices Act, codified in s. 163.3162, F.S., to prohibit counties from adopting any duplicative ordinance, resolution, regulation, rule, or policy that limits activity of a *bona fide* farm or farm operation on agricultural land if such activity is regulated through best management practices (BMPs), interim measures, or by an existing state, regional, or federal regulatory program. Prior to the enactment of this legislation, some counties had enacted measures to regulate various agricultural operations in the state which were duplicative and more restrictive than those already dictated through BMPs or an existing governmental regulatory program. While the Agricultural Land and Practices Act banned the adoption of future local government restrictive measures, it did not explicitly prohibit the enforcement of existing local government measures.

In 2011, the Legislature overrode the veto of HB 7103, which passed the House and Senate during the 2010 Legislative Session. HB 7103, in part, amended s. 163.3162(3)(b), F.S., to provide that a county cannot charge an assessment or fee for stormwater management on a *bona fide* farm operation on land classified as agricultural if the farm operation has a National Pollutant Discharge Elimination System (NPDES) permit, environmental resources permit (ERP), or works-of-the-district permit or implements best management practices (BMPs). In addition, HB 7103 amended s. 163.3162(3)(c), F.S., to provide that each county that, before March 1, 2009, adopted a stormwater utility ordinance or resolution, adopted an ordinance or resolution establishing a municipal services benefit unit, or adopted a resolution stating the county's intent to use the uniform method of collection for such stormwater ordinances, can continue to charge an assessment or fee for stormwater management on a *bona fide* farm operation on agricultural land, if the ordinance or resolution provides credits against the assessment or fee on a *bona fide* farm operation for the water quality or flood control benefit of:

- The implementation of BMPs;
- The stormwater quality and quantity measures required as part of the NPDES permit, ERP, or works-of-the-district permit; or
- The implementation of BMPs or alternative measures, which the landowner demonstrates to the county to be of equivalent or greater stormwater benefit than the BMPs adopted by the Department of Environmental Protection, Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program, or stormwater quality and quantity measures required as part of an NPDES permit, ERP, or works-of-the-district permit.

Since the veto override of HB 7103, the City of Palm Coast has adopted and implemented a stormwater fee that affects thousands of acres of timber and agricultural lands.

Motor Fuel Taxes

Agricultural, aquacultural, commercial fishing, or commercial aviation permit holders who have paid the local option fuel tax, an additional tax designated as the "State Comprehensive

Enhanced Transportation System Tax,” or fuel sales tax are entitled to a refund of a portion of the fuel tax levied under sections 206.41(1)(g) and 206.41(c), F.S. For the purpose of establishing what activities qualify for the tax refund, “agricultural and aquacultural purposes” means “motor fuel used in any tractor, vehicle, or other farm equipment that is used exclusively on a farm or for processing farm products on the farm, and no part of which fuel is used in any vehicle or equipment driven or operated upon the public highways of this state. This restriction from being driven or operated upon Florida public highways does not apply to the movement of a farm vehicle or farm equipment between farms. It also does not include citrus harvesting equipment and citrus fruit loaders to the types of equipment that can move between farms on public highways and not violate the public highway use restriction for the purpose of qualifying for the motor fuel tax refund.

Uniform Traffic Control Law

Chapter 316, F.S., establishes the Florida Uniform Traffic Control Law. Section 316.515(5)(a), F.S., provides that, certain agricultural equipment such as straight trucks, agricultural tractors, and cotton module movers, not exceeding 50 feet in length, or any combination of up to and including three implements of husbandry, including the towing power unit, and any single agricultural trailer with a load thereon or any agricultural implements attached to a towing power unit, or a self-propelled agricultural implement or an agricultural tractor, is authorized to transport peanuts, grains, soybeans, cotton, hay, straw, or other perishable farm products from their point of production to the first point of change of custody or of long-term storage, and for the purpose of returning to such point of production, or for the purpose of moving such tractors, movers, and implements from one point of agricultural production to another, by a person engaged in the production of any such product or custom hauler, if such vehicle or combination of vehicles otherwise complies with this section of law. The Florida Uniform Traffic Control Law does not currently authorize the use of citrus harvesting equipment and citrus fruit loaders to the list of machinery authorized to transport certain perishable agricultural products or to authorize the use of certain motor vehicles to transport citrus.

Private Security, Private Investigative, and Recovery Services

The Division of Licensing within the department is responsible for the regulation of licensing of private security, private investigative, and recovery services.¹ Section 493.6101(19), F.S., defines a “security officer” as:

any individual who, for consideration, advertises as providing or performs bodyguard services or otherwise guards persons or property; attempts to prevent theft or unlawful taking of goods, wares, and merchandise; or attempts to prevent the misappropriation or concealment of goods, wares or merchandise, money, bonds, stocks, choses in action, notes, or other documents, papers, and articles of value or procurement of the return

¹ 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.

thereof. The term also includes armored car personnel and those personnel engaged in the transportation of prisoners.

Section 493.6101(16), F.S., defines a “private investigator” as “any individual who, for consideration, advertises as providing or performs private investigation.” Private investigation is defined as an investigation to obtain information on any of the following matters:

- Crime or wrongs done or threatened against the United States or any state or territory of the United States, when operating under express written authority of the governmental official responsible for authorizing such investigation.
- The identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.
- The credibility of witnesses or other persons.
- The whereabouts of missing persons, owners of unclaimed property or escheated property, or heirs to estates.
- The location or recovery of lost or stolen property.
- The causes and origin of, or responsibility for, fires, libels, slanders, losses, accidents, damage, or injuries to real or personal property.
- The business of securing evidence to be used before investigating committees or boards of award or arbitration or in the trial of civil or criminal cases and the preparation therefore.²

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.”

Certain individuals are exempt from the licensing requirements for private security and private investigative services. These individuals include local, state, and federal law enforcement officers, licensed insurance investigators, and individuals solely, exclusively, and regularly employed as unarmed investigators and security officers “in connection with the business of his or her employer, when there exists an employer-employee relationship.”³

Section 493.6106(1), F.S, 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.

² Section 493.6101(17), F.S.

³ Section 493.6102(1)-(4), F.S.

- 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 individual establishes that she or he is not currently abusing any controlled substance and has successfully completed a rehabilitation course.
- Be a citizen or permanent legal resident alien of the United States or have appropriate authorization issued by the United States Citizenship and Immigration Services of the United States Department of Homeland Security.

License Classifications

Chapter 493, F.S., provides for numerous classifications of licenses within the three general categories of licenses, as follows:⁴

PRIVATE INVESTIGATION	
Agency	Class "A"
Private Investigator	Class "C"
Armed Private Investigator	Class "C" & Class "G"
Branch Office	Class "AA"
Manager	Class "C" or Class "MA" or Class "M"
Intern	Class "CC"
PRIVATE SECURITY	
Agency	Class "B"
Security Officer	Class "D"
Armed Security Officer	Class "D" & Class "G"
Branch Office	Class "BB"
Manager	Class "MB" or Class "M"
REPOSSESSION ACTIVITY	
Agency	Class "R"
Recovery Agent	Class "E"
Branch Office	Class "RR"
Manager	Class "MR" or Class "E"

⁴ See 5N-1.116(1), F.A.C.

Intern	Class “EE”
COMBINED PRIVATE INVESTIGATION AND SECURITY	
Agency	Class “A” & Class “B”
Branch Office	Class “AB”
Manager	Class “M”
SCHOOLS	
Security Officer School or Training Facility	Class “DS”
Security Officer Instructor	Class “DI”
Recovery Agent School or Training Facility	Class “RS”
Recovery Agent Instructor	Class “RI”
FIREARMS	
Instructor	Class “K”
Statewide Firearm License	Class “G”
MANAGERS	
Private Investigative Agency or Branch	Class “C”, “MA”, or “M”
Private Security Agency or Branch	Class “MB” or “M”
Recovery Agency or Branch	Class “E” or “MR”
Armed Manager	Appropriate Manager’s License and Class “G”

D, MB, and G Licenses

Generally, an applicant for a Class “D” security officer license must complete a minimum of 40 hours of professional training at a school or training facility licensed by the department, which establishes by rule the general content and number of hours of each subject area to be taught. Class MB security officers may manage a security agency. Class G officers have special firearms training requirements and are authorized to carry their firearms on duty.

Detention by Certified Seaport Security Officers

Class D and Class G security officers who are employed at seaports and who are given the power to detain persons are further required to be certified under the Maritime Transportation Security Act or s. 311.121, F.S.

The statutorily-specified certification curriculum for the seaport security officer training program includes no less than 218 hours of initial certification training that conforms to or exceeds model courses approved by the Federal Maritime Act under Section 109 of the Federal Maritime Transportation Security Act of 2002 for facility personnel with specific security duties.

Pursuant to s. 311.124, F.S., these particular Class D or G security officers are given the power to detain persons for a reasonable period of time if they have “probable cause to believe that a person is trespassing ... in a designated restricted area” pending the arrival of a law enforcement officer.⁵ In addition, this action does not “render the security officer criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.” Furthermore, the seaport security officer must, upon detaining a person for trespass, immediately call a certified law enforcement officer to the scene.

⁵ “Restricted area” is defined by 33 C.F.R. part 105. See also s. 311.12, F.S.

To date, the department has not issued any revised licenses to a Class “D” security officer stating that the person is certified as a seaport security officer.

Impersonating a Licensee

Section 493.6118(1), F.S., authorizes the department to “take disciplinary action” against “any unlicensed person engaged in activities regulated” in ch. 493, F.S., related to private security, private investigative, and recovery services. Grounds for such disciplinary action include:

- Conducting activities regulated under ch. 493, F.S., without a license or with a revoked or suspended license.
- Impersonating, or permitting or aiding and abetting an employee to impersonate, a law enforcement officer.
- Knowingly violating, advising, encouraging, or assisting the violation of any statute, court order, capias, warrant, injunction, or cease and desist order, in the course of business regulated under ch. 493, F.S.
- Violating any provision of ch. 493, F.S.

When the department finds any of the above violations it may impose an administrative fine not to exceed \$1,000 for every count or separate offense.⁶ Section 493.6120, F.S., provides that any person who violates any provision of ch. 493, F.S., with one exception,⁷ commits a first degree misdemeanor.⁸ The department is authorized to institute judicial proceedings in the appropriate circuit court seeking enforcement of ch. 493, F.S., or any rule or order of the department.⁹

The Power to Detain

Section 901.151(2)-(4), F.S., provides:

- Whenever any law enforcement officer of this state encounters any person under circumstances which reasonably indicate that such person has committed, is committing, or is about to commit a violation of the criminal laws of this state or the criminal ordinances of any municipality or county, the officer may temporarily detain such person for the purpose of ascertaining the identity of the person temporarily detained and the circumstances surrounding the person’s presence abroad which led the officer to believe that the person had committed, was committing, or was about to commit a criminal offense.¹⁰

⁶ Section 493.6118(2)(c), F.S.

⁷ The exception is in s. 493.6405, F.S. This section deals with the sale of motor vehicles, mobile homes, motorboats, aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment by a recovery agent or intern, and provides that a violation is a third degree felony.

⁸ A first degree misdemeanor is punishable by up to 1 year in a county jail and a fine of up to \$1,000 may also be imposed. See ss. 775.082 and 775.083, F.S.

⁹ Section 493.6121(6), F.S.

¹⁰ “This standard is consonant with the holding in *Terry v. Ohio*, 392 U.S. 1, 21, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968), which requires ‘specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.’ For reasonable suspicion justifying a detention to exist, ‘the detaining officers must have a particularized and objective basis for suspecting the particular person stopped of criminal activity.’ *United States v. Cortez*, 449 U.S. 411, 417–18, 101 S.Ct. 690, 66 L.Ed.2d 621 (1981).” *Tillman v. State*, 934 So.2d 1263, 1273 (Fla.2006).

- No person shall be temporarily detained [under the provisions of s. 901.151(2), F.S.] longer than is reasonably necessary to effect the purposes of that subsection. Such temporary detention shall not extend beyond the place where it was first effected or the immediate vicinity thereof.
- If at any time after the onset of the temporary detention authorized by s. 901.151(2), F.S., probable cause for arrest of the person shall appear, the person shall be arrested. If, after an inquiry into the circumstances which prompted the temporary detention, no probable cause for the arrest of the person shall appear, the person shall be released.

Section 812.015(3)(a), F.S., authorizes a law enforcement officer, a merchant, a farmer, or a transit agency's employee or agent, who has probable cause to believe that a retail theft, farm theft, or trespass, has been committed by a person and, in the case of retail or farm theft, that the property can be recovered by taking the offender into custody may, for the purpose of attempting to effect such recovery or for prosecution, take the offender into custody and detain the offender in a reasonable manner for a reasonable length of time. In the event the merchant, merchant's employee, farmer, or a transit agency's employee or agent takes the person into custody, a law enforcement officer shall be called to the scene immediately after the person has been taken into custody. Detention provisions are also applicable to transit fare evasion.

Section 509.143, F.S., authorizes innkeepers and food service establishment operators to "take a person into custody and detain that person" if there is probable cause to believe the person is engaging in disorderly conduct that threatens the safety of the person or others. In these situations, a law enforcement agency must be immediately contacted.

"Citizen's Arrest"

A citizen has a common law right to make a "citizen's arrest" for a felony or a breach of the peace committed in his presence. The citizen may make such an arrest and justify his failure to obtain a warrant by proving the person's guilt.¹¹

Commercial Feed and Feedstuff

The department is authorized by s. 570.07, F.S., to enforce the laws and rules of the state relating to the registration, labeling, inspection, sale, composition, formulation, wholesale and retail distribution, and analysis of commercial stock feeds. It does not currently have the authority to enforce laws and rules relating to the use of commercial feed and feedstuff.

The department's Feed Section is responsible for the enforcement and administration of the Florida Commercial Feed Law, chapter 580, F.S., and chapter 5E-3, Florida Administrative Code. Section 580.036, F.S., authorizes the department to adopt rules pursuant to chapter 120, F.S., to enforce the provisions of chapter 580, F.S., and provides that such rules must be consistent with the rules and standards of the United States Food and Drug Administration and United States Department of Agriculture, when applicable. This committee substitute would authorize the department to adopt rules establishing standards for the sale, use, and distribution of commercial feed or feedstuff to ensure usage that is consistent with animal health, safety, and

¹¹ *Phoenix v. State*, 455 So.2d 1024 (Fla.1984).

welfare and, to the extent that meat, poultry, and other animal products may be affected by commercial feed or feedstuff, with the safety of these products for human consumption.

III. Effect of Proposed Changes:

Section 1 amends s. 163.3162, F.S., to replace most references to the word “county” in the Agricultural Lands and Practices Act with the term “governmental entity.” It adds a definition to this section for the term and specifies that it has the same meaning as provided in s. 164.1031, F.S., where “governmental entity” is defined to include local and regional government entities. These changes have the effect of expanding from just counties to counties, municipalities, and regional governments, the types of governmental entities that are not authorized to charge an assessment or fee for stormwater management on a *bona fide* farm operation on land classified as agricultural, under certain circumstances.

Section 2 amends s. 206.41, F.S., to add citrus harvesting equipment and citrus fruit loaders to the types of equipment that can move between farms on public highways in the state without violating the public highway use restriction, thereby qualifying for the motor fuel tax refund provided in this section.

Section 3 amends s. 316.515, F.S., to revise the Florida Uniform Traffic Control Law to allow the use of citrus harvesting equipment and citrus fruit loaders, not exceeding 50 feet in length, to the list of machinery that are authorized to transport certain perishable farm products between farms. It also includes citrus in the list of perishable farm products specified in statute that are authorized to be transported by equipment specified in this section.

Section 4 amends s. 493.6120, F.S., to make it a first degree misdemeanor for a person to engage in any activity for which ch. 493, F.S., requires a license if the person does not hold the required license. However, a second or subsequent violation is a third degree felony¹² and the department may seek the imposition of a civil penalty not to exceed \$10,000. This offense does not apply if the person engages in unlicensed activity within 90 days after the expiration date of the person’s license.

This statute is also amended to make it a third degree felony for a person, while impersonating a security officer, private investigator, recovery agent, or other person required to have a license under ch. 493, F.S., to knowingly and intentionally force another person to assist the impersonator in an activity within the scope of duty of a professional licensed under ch. 493, F.S. However, it is a second degree felony¹³ if a person commits this violation during the course of committing a felony, and a first degree felony if a person commits this violation during the course of committing a felony that results in death or serious bodily injury to another human being.¹⁴

¹² A third degree felony is punishable by up to 5 years in state prison and a fine of up to \$5,000 may also be imposed. See ss. 775.082 and 775.083, F.S.

¹³ A second degree felony is punishable by up to 15 years in state prison and a fine of up to \$10,000 may also be imposed. See ss. 775.082 and 775.083, F.S.

¹⁴ A first degree felony is generally punishable by up to 30 years in state prison and a fine of up to \$10,000 may also be imposed. See ss. 775.082 and 775.083, F.S.

Section 5 creates an undesignated section of the Florida Statutes to provide that an on duty, uniformed armed licensed security officer or armed licensed security agency manager, may temporarily detain a person on the premises of a critical infrastructure facility if the security officer or security agency manager has probable cause to believe that the person has committed or is committing a crime against the client of the security officer or security agency manager or the client's patron. The person may be temporarily detained for the purpose of ascertaining the person's identity and the circumstances of the activity that is the basis for the temporary detention. The security officer or security agency manager must notify the law enforcement agency as soon as reasonably possible. The temporary detention must be done solely for the purpose of detaining the person before the arrival of a law enforcement officer. Custody of this person must be immediately transferred to the responding law enforcement officer unless the law enforcement officer requests the security officer to assist in detaining the person.

The security officer or security agency manager may search the person temporarily detained if the security officer or security agency manager observes that the person is armed with a firearm, concealed weapon, or any destructive device that poses a threat to the safety of the security officer or security agency manager, or the detainee admits to the security officer or security agency manager that he or she is armed with a weapon. The security officer or security agency manager is required to seize any weapon discovered and transfer the weapon to the responding law enforcement officer.

This section defines the term "critical infrastructure facility" to mean any one of the following, *if* it employs measures such as fences, barriers, or guard posts that are designed to exclude unauthorized personnel *and* is determined by a state or federal authority to be so vital to the state that the incapacity or destruction of the facility would have a debilitating impact on security, state economic stability, state public health or safety, or any combination of those matters:

- A chemical manufacturing facility.
- A refinery.
- An electrical power plant as defined in s. 403.031, F.S., including a substation, switching station, electrical control center, or electric transmission or distribution facility.
- A water intake structure, water treatment facility, wastewater treatment plant, or pump station.
- A natural gas transmission compressor station.
- A liquid natural gas terminal or storage facility.
- A telecommunications central switching office.
- A deep water port or railroad switching yard.
- A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.
- A public transportation facility as defined in s. 343.62, F.S.

In addition, a security officer or security agency manager must perform duties required under this new section in a uniform that bears at least one patch or emblem visible at all times clearly identifying the employing agency.

Section 6 amends s. 570.07, F.S., to authorize the department to enforce the laws and rules of the state relating to the use of commercial stock feed.

Section 7 amends s. 580.036, F.S., to authorize the department to adopt rules establishing standards for the sale, use, and distribution of commercial feed or feedstuff to ensure usage that is consistent with animal health, safety, and welfare and, to the extent that meat, poultry, and other animal products may be affected by commercial feed or feedstuff, with the safety of these products for human consumption. These standards, if adopted, must be developed in consultation with the Commercial Feed Technical Council.

Section 8 provides that this act shall take effect July 1, 2012.

Other Potential Implications:

While a person may know that physical barriers and signage indicate that trespassing may be unlawful, they may be unaware that they are in a “critical infrastructure facility” where security personnel would have the lawful authority to detain and search them, if otherwise warranted. The designation of “critical infrastructure facility” is not necessarily public information.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because the bill prohibits a governmental entity from imposing an assessment or fee for stormwater management on certain lands. However, because this legislation has not yet been reviewed by the Revenue Estimating Conference, it is unclear if the reduction in revenues meets the threshold of the mandate or if an exemption applies.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

It is unclear at this point whether the limited searches and seizures which security officers and security agency managers are authorized to make under the bill would raise any Fourth Amendment issues. Since the bill is not law and current law does not specifically provide such search and seizure authorization (e.g., s. 311.124, F.S., which is relevant to seaport security officers, only authorizes temporary *detention* of a person in certain circumstances), there is no relevant and controlling Fourth Amendment case regarding searches and seizures by security officers or security agency managers. However,

security officers and security agency managers should be aware that any evidence they seize may be later used as evidence in a criminal case and should be handled accordingly.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

In 2009, the Revenue Estimating Conference (conference) made the following comment regarding identical legislation that is in section 1 of the bill: “Provisions of this bill that prohibit a county or municipality from imposing an assessment or fee for stormwater management on certain lands will have a negative indeterminate impact on local government revenues as determined by the conference.”

B. Private Sector Impact:

The bill provides relief to agricultural producers who are being assessed with stormwater management fees by certain governmental entities.

The bill provides relief to citrus producers who pay certain taxes on motor fuel for use in citrus harvesting equipment or citrus fruit loaders.

C. Government Sector Impact:

By providing a tax refund for fuel taxes on citrus harvesting equipment or citrus fruit loaders, the state will experience a loss of sales tax revenue. Because this bill has not yet been reviewed by the Revenue Estimating Conference, the fiscal impact on state government is indeterminate at this time.

The bill creates misdemeanor and felony offenses for specific unlicensed activity violations of ch. 493, F.S., as it relates to private investigations, private security, and repossession services. The bill authorizes the department to impose a civil penalty when a person commits a second or subsequent offense not to exceed \$10,000. All fines collected are to be deposited into the Fine and Forfeiture Fund by the clerk of the court in the county where the offense occurred, pursuant to s. 775.083, F.S. All revenues received by the clerk in the Fine and Forfeiture fund from court-related fees, fines, costs, and service charges are considered state funds and shall be remitted monthly to the Department of Revenue for deposit into the Clerks of the Court Trust Fund within the Justice Administrative Commission. The amount of fines to be potentially generated by the provisions of this bill are unknown at this time.

Although the Criminal Justice Impact Conference (CJIC), which provides the final, official estimate of the prison bed impact, if any, of legislation, has not reviewed this bill, it did determine that a very similar bill, SB 1588, during last year’s session was estimated to have an insignificant prison bed impact. Further, the Legislature’s Office of Economic

and Demographic Research (EDR) has reviewed SB 154 and has indicated it intends to recommend to the CJIC that the bill has an insignificant prison bed impact.¹⁵

VI. Technical Deficiencies:

Throughout the bill the words “security officer or security agency manager” appear. However, on line 128 of the bill, only “security officer” is referenced. For consistency, the sponsor of the bill may want to consider a technical, conforming amendment.

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/CS by Transportation Committee on February 7, 2012:

- CS/CS/SB 1184 is different from CS/SB 1184 in that it:
Provides criminal and civil penalties for unlicensed persons engaging in activities for which a license is required under ch. 493, F.S.; and
- Provides a criminal penalty for a person who knowingly and intentionally forces another person to assist in activities for which a license is required under ch. 493, F.S., while impersonating a professional licensed under that chapter; and
- Authorizes certain armed, licensed security officers to detain a person on the premises of a critical infrastructure facility under circumstances described; and
- Provides procedures for notifying law enforcement and transferring the detained person; and
- Authorizes search of the detained person under certain conditions; and
- Defines the term “critical infrastructure facility,” and
- Requires certain persons licensed under ch. 493, F.S., to wear uniforms.

CS by Agriculture Committee on January 23, 2012:

Committee Substitute for Senate Bill 1184 is different from Senate Bill 1184 in that it:

- Deletes Section 6 of SB 1184 which prohibits a person to knowingly enter any nonpublic area of a farm and, without prior written consent to record sounds or images of the farm or farm operations, with certain exceptions. It also provided that violations would be punishable by a term of imprisonment not exceeding one year or a fine of \$1,000. This deleted section of the bill had an effective date of October 1, 2012.

¹⁵ E-mail from Kathleen McCharen, EDR, to Senate Criminal Justice staff, dated October 21, 2011 (on file with the committee).

B. Amendments:

IX. None.

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



377880

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/08/2012	.	
	.	
	.	
	.	

The Committee on Transportation (Latvala) recommended the following:

Senate Amendment (with title amendment)

Between lines 147 and 148
insert:

Section 4. Section 493.6120, Florida Statutes, is amended
to read:

493.6120 Violations; penalty.—

(1) (a) Except as provided in paragraph (c), a person who
engages in any activity for which this chapter requires a
license and who does not hold the required license commits a
misdemeanor of the first degree, punishable as provided in s.
775.082 or s. 775.083.



377880

13 (b) A second or subsequent violation of paragraph (a) is a
14 felony of the third degree, punishable as provided in s.
15 775.082, s. 775.083, or s. 775.084, and the department may seek
16 the imposition of a civil penalty not to exceed \$10,000.

17 (c) Paragraph (a) does not apply if the person engages in
18 unlicensed activity within 90 days after the date of the
19 expiration of his or her license.

20 (2)(a) A person who, while impersonating a security
21 officer, private investigator, recovery agent, or other person
22 required to have a license under this chapter, knowingly and
23 intentionally forces another person to assist the impersonator
24 in an activity within the scope of duty of a professional
25 licensed under this chapter commits a felony of the third
26 degree, punishable as provided in s. 775.082, s. 775.083, or s.
27 775.084.

28 (b) A person who violates paragraph (a) during the course
29 of committing a felony commits a felony of the second degree,
30 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

31 (c) A person who violates paragraph (a) during the course
32 of committing a felony that results in death or serious bodily
33 injury to another human being commits a felony of the first
34 degree, punishable as provided in s. 775.082, s. 775.083, or s.
35 775.084.

36 (3)(1) A ~~Any~~ person who violates any provision of this
37 chapter, except s. 493.6405, subsection (1), or subsection (2),
38 commits a misdemeanor of the first degree, punishable as
39 provided in s. 775.082 or s. 775.083.

40 (4)(2) A ~~Any~~ person who is convicted of any violation of
41 this chapter ~~is shall~~ not ~~be~~ eligible for licensure for a period



377880

of 5 years.

~~(5)-(3)~~ A ~~Any~~ person who violates or disregards any cease and desist order issued by the department commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. In addition, the department may seek the imposition of a civil penalty not to exceed \$5,000.

~~(6)-(4)~~ A ~~Any~~ person who was an owner, officer, partner, or manager of a licensed agency at the time of any activity that is the basis for revocation of the agency or branch office license and who knew or should have known of the activity, shall have his or her personal licenses or approval suspended for 3 years and may not have any financial interest in or be employed in any capacity by a licensed agency during the period of suspension.

Section 5. Protecting critical infrastructure facilities.-

(1) A licensed security officer who possesses a valid Class "G" license, or a licensed security agency manager who possesses a valid Class "G" license, who is on duty, in uniform, providing security services on the premises of a critical infrastructure facility, and who has probable cause to believe that a person has committed or is committing a crime against the client, or the client's patron, of the licensed security officer or the licensed security agency manager, may temporarily detain the person for the purpose of ascertaining his or her identity and the circumstances of the activity that is the basis for the temporary detention. The security officer or security agency manager may detain the person in a reasonable manner until the responding law enforcement officer arrives at the premises of the client and is in the presence of the detainee.

(2) When temporarily detaining a person, the licensed



377880

security officer or security agency manager shall notify the appropriate law enforcement agency as soon as reasonably possible. Temporary detention of a person by a licensed security officer or security agency manager must be done solely for the purpose of detaining the person before the arrival of a law enforcement officer. Custody of any person being temporarily detained shall be immediately transferred to the responding law enforcement officer.

(3) A licensed security officer or security agency manager may not detain a person under this section after the arrival of a law enforcement officer unless the law enforcement officer requests the security officer or security agency manager to continue detaining the person. The responsibilities of the licensed security officer or security agency manager do not extend beyond the place where the person was first detained or in the immediate vicinity.

(4) A person may not be temporarily detained under this section longer than is reasonably necessary to effect the purposes of this section.

(5) If a licensed security officer or security agency manager, while detaining a person under this section, observes that the person temporarily detained is armed with a firearm, a concealed weapon, or a destructive device that poses a threat to the safety of the security officer or security agency manager, or any person for whom the security officer or security agency manager is responsible for providing protection, or if the detainee admits to having a weapon in his or her possession, the security officer or security agency manager may conduct a search of the person and his or her belongings only to the extent



377880

necessary for the purpose of disclosing the presence of a
weapon. If the search reveals such a weapon, the weapon shall be
seized and transferred to the responding law enforcement
officer.

(6) As used in this section, the term "critical
infrastructure facility" means any one of the following, if it
employs measures such as fences, barriers, or guard posts that
are designed to exclude unauthorized persons and is determined
by a state or federal authority to be so vital to the state that
the incapacity or destruction of the facility would have a
debilitating impact on security, state economic stability, state
public health or safety, or any combination of those matters:

(a) A chemical manufacturing facility;

(b) A refinery;

(c) An electrical power plant as defined in s. 403.031,
Florida Statutes, including a substation, switching station,
electrical control center, or electric transmission or
distribution facility;

(d) A water intake structure, water treatment facility,
wastewater treatment plant, or pump station;

(e) A natural gas transmission compressor station;

(f) A liquid natural gas terminal or storage facility;

(g) A telecommunications central switching office;

(h) A deepwater port or railroad switching yard;

(i) A gas processing plant, including a plant used in the
processing, treatment, or fractionation of natural gas; or

(j) A public transportation facility as defined in s.
343.62, Florida Statutes.

(7) A Class "D" or Class "MB" licensee shall perform duties



377880

regulated under this section in a uniform that bears at least
one patch or emblem visible at all times clearly identifying the
employing agency.

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

And the title is amended as follows:

Delete line 16

and insert:

certain motor vehicles to transport citrus; amending
s. 493.6120, F.S.; providing that a person who engages
in any activity for which ch. 493, F.S., requires a
license, but who acts without having a license,
commits a misdemeanor of the first degree; providing
that such person commits a felony of the third degree
for a second or subsequent offense of engaging in
activities without a license; authorizing the
Department of Agriculture and Consumer Services to
impose a civil penalty not to exceed a specified
amount; providing that penalties do not apply if the
person engaged in unlicensed activity within 90 days
after the expiration date of the person's license;
providing that a person who, while impersonating a
security officer, private investigator, recovery
agent, or other person required to have a license
under ch. 493, F.S., knowingly and intentionally
forces another person to assist the impersonator in an
activity within the scope of duty of a professional
licensed under ch. 493, F.S., commits a felony of the
third degree; providing that a person who impersonates



377880

158 a security officer or other designated officer during
159 the commission of a felony commits a felony of the
160 second degree; providing that a person who
161 impersonates a security officer or other designated
162 officer during the commission of a felony that results
163 in death or serious bodily injury to another human
164 being commits a felony of the first degree;
165 authorizing a licensed security officer or a licensed
166 security agency manager to detain a person on the
167 premises of a critical infrastructure facility in
168 certain circumstances; requiring the security officer
169 to notify the law enforcement agency as soon as
170 possible; requiring that custody of any person
171 temporarily detained be immediately transferred to the
172 responding law enforcement officer; providing for an
173 exception to the immediate transfer; providing that
174 the responsibilities of the security officer are
175 limited to specified locations; prohibiting a security
176 officer from detaining a person longer than is
177 reasonably necessary; authorizing the security officer
178 to search the person detained under certain
179 circumstances; defining the term "critical
180 infrastructure facility"; providing identification
181 requirements for certain licensed security officers;
182 amending



124882

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2012	.	
	.	
	.	
	.	

The Committee on Transportation (Latvala) recommended the following:

Senate Substitute for Amendment (377880) (with title amendment)

Between lines 147 and 148
insert:

Section 4. Section 493.6120, Florida Statutes, is amended
to read:

493.6120 Violations; penalty.—

(1) (a) Except as provided in paragraph (c), a person who
engages in any activity for which this chapter requires a
license and who does not hold the required license commits a
misdemeanor of the first degree, punishable as provided in s.



124882

13 775.082 or s. 775.083.

14 (b) A second or subsequent violation of paragraph (a) is a
15 felony of the third degree, punishable as provided in s.
16 775.082, s. 775.083, or s. 775.084, and the department may seek
17 the imposition of a civil penalty not to exceed \$10,000.

18 (c) Paragraph (a) does not apply if the person engages in
19 unlicensed activity within 90 days after the date of the
20 expiration of his or her license.

21 (2)(a) A person who, while impersonating a security
22 officer, private investigator, recovery agent, or other person
23 required to have a license under this chapter, knowingly and
24 intentionally forces another person to assist the impersonator
25 in an activity within the scope of duty of a professional
26 licensed under this chapter commits a felony of the third
27 degree, punishable as provided in s. 775.082, s. 775.083, or s.
28 775.084.

29 (b) A person who violates paragraph (a) during the course
30 of committing a felony commits a felony of the second degree,
31 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

32 (c) A person who violates paragraph (a) during the course
33 of committing a felony that results in death or serious bodily
34 injury to another human being commits a felony of the first
35 degree, punishable as provided in s. 775.082, s. 775.083, or s.
36 775.084.

37 (3)~~(1)~~ A ~~Any~~ person who violates any provision of this
38 chapter, except s. 493.6405, subsection (1), or subsection (2),
39 commits a misdemeanor of the first degree, punishable as
40 provided in s. 775.082 or s. 775.083.

41 (4)~~(2)~~ A ~~Any~~ person who is convicted of any violation of



124882

42 this chapter is ~~shall~~ not ~~be~~ eligible for licensure for a period
43 of 5 years.

44 (5)~~(3)~~ A ~~Any~~ person who violates or disregards any cease
45 and desist order issued by the department commits a misdemeanor
46 of the first degree, punishable as provided in s. 775.082 or s.
47 775.083. In addition, the department may seek the imposition of
48 a civil penalty not to exceed \$5,000.

49 (6)~~(4)~~ A ~~Any~~ person who was an owner, officer, partner, or
50 manager of a licensed agency at the time of any activity that is
51 the basis for revocation of the agency or branch office license
52 and who knew or should have known of the activity, shall have
53 his or her personal licenses or approval suspended for 3 years
54 and may not have any financial interest in or be employed in any
55 capacity by a licensed agency during the period of suspension.

56 Section 5. Protecting critical infrastructure facilities.-

57 (1) A licensed security officer who possesses a valid Class
58 "G" license, or a licensed security agency manager who possesses
59 a valid Class "G" license, who is on duty, in uniform, providing
60 security services on the premises of a critical infrastructure
61 facility, and who has probable cause to believe that a person
62 has committed or is committing a crime against the client, or
63 the client's patron, of the licensed security officer or the
64 licensed security agency manager, may temporarily detain the
65 person for the purpose of ascertaining his or her identity and
66 the circumstances of the activity that is the basis for the
67 temporary detention. The security officer or security agency
68 manager may detain the person in a reasonable manner until the
69 responding law enforcement officer arrives at the premises of
70 the client and is in the presence of the detainee.



124882

71 (2) When temporarily detaining a person, the licensed
72 security officer or security agency manager shall notify the
73 appropriate law enforcement agency as soon as reasonably
74 possible. Temporary detention of a person by a licensed security
75 officer or security agency manager must be done solely for the
76 purpose of detaining the person before the arrival of a law
77 enforcement officer. Custody of any person being temporarily
78 detained shall be immediately transferred to the responding law
79 enforcement officer.

80 (3) A licensed security officer or security agency manager
81 may not detain a person under this section after the arrival of
82 a law enforcement officer unless the law enforcement officer
83 requests the security officer or security agency manager to
84 continue detaining the person. The responsibilities of the
85 licensed security officer or security agency manager do not
86 extend beyond the place where the person was first detained or
87 in the immediate vicinity.

88 (4) A person may not be temporarily detained under this
89 section longer than is reasonably necessary to effect the
90 purposes of this section.

91 (5) If a licensed security officer or security agency
92 manager, while detaining a person under this section, observes
93 that the person temporarily detained is armed with a firearm, a
94 concealed weapon, or a destructive device that poses a threat to
95 the safety of the security officer or security agency manager,
96 or any person for whom the security officer or security agency
97 manager is responsible for providing protection, or if the
98 detainee admits to having a weapon in his or her possession, the
99 security officer or security agency manager may conduct a search



124882

of the person and his or her belongings only to the extent necessary for the purpose of disclosing the presence of a weapon. If the search reveals such a weapon, the weapon shall be seized and transferred to the responding law enforcement officer.

(6) As used in this section, the term "critical infrastructure facility" means any one of the following, if it employs measures such as fences, barriers, or guard posts that are designed to exclude unauthorized persons and is determined by a state or federal authority to be so vital to the state that the incapacity or destruction of the facility would have a debilitating impact on security, state economic stability, state public health or safety, or any combination of those matters:

(a) A chemical manufacturing facility;

(b) A refinery;

(c) An electrical power plant as defined in s. 403.031, Florida Statutes, including a substation, switching station, electrical control center, or electric transmission or distribution facility;

(d) A water intake structure, water treatment facility, wastewater treatment plant, or pump station;

(e) A natural gas transmission compressor station;

(f) A liquid natural gas terminal or storage facility;

(g) A telecommunications central switching office;

(h) A deepwater port or railroad switching yard;

(i) A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas; or

(j) A public transportation facility as defined in s. 343.62, Florida Statutes.



124882

(7) A Class "D" or Class "MB" licensee shall perform duties regulated under this section in a uniform that bears at least one patch or emblem visible at all times clearly identifying the employing agency.

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

And the title is amended as follows:

Delete lines 2 - 16

and insert:

An act relating to the Department of Agriculture and Consumer Services; amending s. 163.3162, F.S.; defining the term "governmental entity"; prohibiting certain governmental entities from charging stormwater management assessments or fees on certain bona fide farm operations except under certain circumstances; providing for applicability; amending s. 206.41, F.S.; revising the definition of the term "agricultural and aquacultural purposes" for purposes of the required refund of state taxes imposed on motor fuel used for such purposes; amending s. 316.515, F.S.; revising the Florida Uniform Traffic Control Law to authorize the use of citrus harvesting equipment and citrus fruit loaders to transport certain agricultural products and to authorize the use of certain motor vehicles to transport citrus; amending s. 493.6120, F.S.; providing that a person who engages in any activity for which ch. 493, F.S., requires a license, but who acts without having a license, commits a misdemeanor of the first degree; providing that such person



124882

commits a felony of the third degree for a second or subsequent offense of engaging in activities without a license; authorizing the Department of Agriculture and Consumer Services to impose a civil penalty not to exceed a specified amount; providing that penalties do not apply if the person engaged in unlicensed activity within 90 days after the expiration date of the person's license; providing that a person who, while impersonating a security officer, private investigator, recovery agent, or other person required to have a license under ch. 493, F.S., knowingly and intentionally forces another person to assist the impersonator in an activity within the scope of duty of a professional licensed under ch. 493, F.S., commits a felony of the third degree; providing that a person who impersonates a security officer or other designated officer during the commission of a felony commits a felony of the second degree; providing that a person who impersonates a security officer or other designated officer during the commission of a felony that results in death or serious bodily injury to another human being commits a felony of the first degree; authorizing a licensed security officer or a licensed security agency manager to detain a person on the premises of a critical infrastructure facility in certain circumstances; requiring the security officer to notify the law enforcement agency as soon as possible; requiring that custody of any person temporarily detained be immediately transferred to the



124882

187 responding law enforcement officer; providing for an
188 exception to the immediate transfer; providing that
189 the responsibilities of the security officer are
190 limited to specified locations; prohibiting a security
191 officer from detaining a person longer than is
192 reasonably necessary; authorizing the security officer
193 to search the person detained under certain
194 circumstances; defining the term "critical
195 infrastructure facility"; providing identification
196 requirements for certain licensed security officers;
197 amending



126972

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/08/2012	.	
	.	
	.	
	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Between lines 182 and 183
insert:

Section 6. Section 604.50, Florida Statutes, is reordered
and amended to read:

604.50 Nonresidential farm buildings, ~~and~~ farm fences, and
farm signs.—

(1) Notwithstanding any other law to the contrary, any
nonresidential farm building, ~~or~~ farm fence, or farm sign is
exempt from the Florida Building Code and any county or
municipal code or fee, except for code provisions implementing



126972

13 local, state, or federal floodplain management regulations.

14 (2) As used in this section, the term:

15 (c)~~(a)~~ "Nonresidential farm building" means any temporary
16 or permanent building or support structure that is classified as
17 a nonresidential farm building on a farm under s. 553.73(9)(c)
18 or that is used primarily for agricultural purposes, is located
19 on land that is an integral part of a farm operation or is
20 classified as agricultural land under s. 193.461, and is not
21 intended to be used as a residential dwelling. The term may
22 include, but is not limited to, a barn, greenhouse, shade house,
23 farm office, storage building, or poultry house.

24 (a)~~(b)~~ "Farm" has the same meaning as provided in s.
25 823.14.

26 (b) "Farm sign" means a sign erected, used, or maintained
27 on a farm by the owner or lessee of the farm which relates
28 solely to farm produce, merchandise, service, or entertainment
29 sold, produced, manufactured, or furnished on the farm.

30
31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete line 25

34 and insert:

35 development of such rules; reordering and amending s.
36 604.50, F.S.; providing an exemption from the Florida
37 Building Code for farm signs; providing an effective

THE FLORIDA SENATE
APPEARANCE RECORD

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

Waive.

2-7-12
Meeting Date

Topic Agriculture
Name Cindy R. Littlejohn
Job Title _____

Bill Number SB 1184
(if applicable)

Amendment Barcode _____
(if applicable)

Address 310 W. College Ave Phone 222-7535
Street
Tallahassee FL 32312 E-mail Cindy@littlejohn.com
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

Representing Plum Creek Timber

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)

Waive

2/7/12
Meeting Date

Topic Agriculture
Name Alan Shelby
Job Title Govt. Rel. Director

Bill Number 1184
(if applicable)

Amendment Barcode _____
(if applicable)

Address 402 E. Jefferson St.
Street
Tallahassee FL 32301
City State Zip

Phone 850 222-5646

E-mail alan@ForestFL.org

Speaking: ☒ For ☐ Against ☐ Information

Representing Florida Forestry Assn.

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)

02/07/2012
Meeting Date

waive

Topic AGRICULTUREBill Number SB 1184
(if applicable)Name HOWARD E. "GENE" ADAMSAmendment Barcode _____
(if applicable)Job Title ATTORNEY, PENNINGTON LAW FIRMAddress 215 S. MONROE ST, 2ND FLOORPhone 850 - 222 - 3533Street TALLAHASSEE State FLA Zip 32301E-mail GENE@PENNINGTONLAW.COMSpeaking: ☒ For ☐ Against ☐ InformationRepresenting FLORIDA FEED 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)

2-7-12
Meeting Date

Spoke

Topic SWU FeeBill Number 1184
(if applicable)Name KURT SPITZERAmendment Barcode ON BELL
(if applicable)Job Title EXEC DIRECTORAddress 719 E. PARKPhone 561-0904Street T City T State FLA Zip 32301

E-mail _____

Speaking: ☐ For ☐ Against ☒ InformationRepresenting FLA. STORMWATER 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

waive

2/7/12

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

Meeting Date

Topic _____

Bill Number 1184
(if applicable)

Name Sam Ard

Amendment Barcode ON THE BILL
(if applicable)

Job Title _____

Address PO Box 10406

Phone 850 5776500

Street

TLH FL 32301

City

State

Zip

E-mail sard@asrlegal.com

Speaking: ☒ For ☐ Against ☐ Information

Representing Fla. Cattlemen's Assn

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

waive

2/7/12

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

Meeting Date

Topic Agriculture

Bill Number 1184
(if applicable)

Name Lee Ann Fisch (FISCH)

Amendment Barcode _____
(if applicable)

Job Title Associate Dir. State Leg. Affairs

Address 315 S Calhoun St # 850

Phone 222 2557

Street

Tallahassee FL 32301

City

State

Zip

E-mail LeeAnn.Fisch@

FFNF.Org

Speaking: ☒ For ☐ Against ☐ Information

Representing FL Farm Bureau (FARM BUREAU)

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: PCS/SB's 1776, 456, 766, 926 & 954

INTRODUCER: Transportation Committee and Senators Evers, Negron, Oelrich, Altman, and Margolis

SUBJECT: Transportation Facility Designations

DATE: January 30, 2012

REVISED: _____

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

I. Summary:

The bill creates a number of honorary designations of transportation facilities around the state. Designations are as follows:

- U.S. Highway 90/98, State Road 10A, East Cervantes Street Bridge (Bridge Number 480198) in Escambia County is designated as "Joyce Webb Nobles Bridge."
- The portion of E. Cervantes Street/U.S. 90 in Escambia County between N. 6th Avenue and N. Davis Highway in Pensacola is designated as "Creola Rutledge Parkway."
- Bridge Number 880077 on State Road 656 between State Road A1A and Indian River Boulevard in the City of Vero Beach in Indian River County is designated as "Alma Lee Loy Bridge."
- The portion of S.W. 23rd Street, in front of James G. Pressly Stadium and 4211 S.W. 23rd Street, located between S.W. 2nd Avenue and Fraternity Row/Drive in Alachua County is designated as "Coach Jimmy Carnes Boulevard."
- The portion of State Road 46 in Brevard County from U.S. 1 to the Volusia County line is designated as "Harry T. and Harriette V. Moore Memorial Highway."
- The portion of State Road 824 between Interstate 95/State Road 9 and U.S. 1/State Road 5 in Broward County is designated as "Mardi Gras Way."

- The portion of U.S. 441/State Road 7 between Pembroke Road and State Road 852/N.W. 215th Street/County Line Road in Broward County is designated as “West Park Boulevard.”
- The portion of State Road 858/Hallandale Beach Boulevard between Interstate 95/State Road 9 and S.W. 56th Avenue in Broward County is designated as “Pembroke Park Boulevard.”
- The portion of Lejuene Road between East 32nd Street and East 41st Street in the City of Hialeah is designated as “Florencio ‘Kiko’ Pernas Avenue.”
- The portion of Coral Way between S.W. 32nd Avenue and S.W. 37th Avenue in Miami-Dade County is designated as “Dr. Oscar Elias Biscet Boulevard.”
- The section of County Road 30A between County Road 283 to County Hwy 395 is designated as “Charles Modica Sr. Hospitality Way.”
- Whale Harbor Bridge (Bridge Number 900076) on U.S. Highway 1/State Road 5 in Monroe County is designated as “Whale Harbor Joe Roth Jr. Bridge.”
- The portion of U.S. Highway 19/27A/98/State Road 55 between the Suwannee River Bridge and N.E. 592nd Street/Chavous Road/Kate Green Road in Dixie County is designated as “SP4 Thomas Berry Corbin Memorial Highway.”
- The portion of U.S. Highway 19/98/State Road 55 between N.E. 592nd Street/Chavous Road/Kate Green Road and N.E. 170th Street in Dixie County is designated as “U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway.”
- The portion of State Road 24 between County Road 347 and Bridge Number 340053 in Levy County is designated as “Marine Lance Corporal Brian R. Buesing Memorial Highway.”
- The portion of U.S. Highway 19/98/State Road 55/S. Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy County is designated as “United States Army Sergeant Karl A. Campbell Memorial Highway.”
- The portion of U.S. Highway 27A/State Road 500/Hathaway Avenue between State Road 24/Thrasher Drive and Town Court in Levy County is designated as “U.S. Army SPC James A. Page Memorial Highway.”
- The portion of State Road 101/Mayport Road between State Road A1A and Wonderwood Connector in Duval County is designated as “USS Stark Memorial Drive.”
- The portion of State Road 44 in Lake County between U.S. Highway 441 and State Road 44/East Orange Avenue near Eustis is designated as “Captain Jim Reynolds, Jr., USAF ‘Malibu’ Road.”

- The portion of State Road 19 in Putnam County between U.S. 17/State Road 15 and Carriage Drive is designated as “Veterans Memorial Highway.”
- The portion of State Road 513 between Banana River Drive and Eau Gallie Boulevard in Brevard County is designated as “U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway.”
- The portion of State Road A1A between Pinetree Drive and Eau Gallie Boulevard in Brevard County is designated as “U.S. Marine Corps Corporal Dustin Schrage Highway.”
- The portion of State Road 20/John Sims Parkway between State Road 85 and the Walton County Line in Okaloosa County is designated as “Purple Heart Memorial Highway.”
- The portion of Biscayne Boulevard from N.E. 88th Street to N.E. 105th Street in Miami Shores Village in Miami-Dade County is designated as “Hugh Anderson Boulevard.”

II. Present Situation:

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

When the Legislature establishes road or bridge designations, the Florida Department of Transportation (FDOT) is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, resolutions supporting the designations must be passed by each affected local government prior to the erection of the markers.

III. Effect of Proposed Changes:

The bill makes the following designations:

Section 1: Designates the U.S. Highway 90/98, State Road 10A, East Cervantes Street Bridge (Bridge Number 480198) in Escambia County as “Joyce Webb Nobles Bridge.” The bill directs FDOT to erect suitable markers.

At nine years old, Joyce Webb Nobles cut the ribbon at the opening ceremony for the East Cervantes Street Bridge (State Road 10A) in Pensacola in 1935. Seventy years later, Mrs. Nobles cut the ribbon again when a concrete bridge replaced the original wooden structure. A former WWII nurse and president of Pensacola Savings and Loan, Joyce is 86 years old and a lifetime

resident of Pensacola. Having been involved in many charitable organizations in Pensacola, Joyce Webb Nobles has earned a reputation as a wise and effective community leader with a genuine spirit of cooperation and fairness.

Section 2: Designates the portion of E. Cervantes Street/U.S. Highway 90 in Escambia County between N. 6th Avenue and N. Davis Highway in Pensacola as “Creola Rutledge Parkway.” The bill directs FDOT to erect suitable markers.

Creola Rutledge began working at the Coffee Cup in 1968, and has remained as its cook for the past 44 years. Established in 1944 at the end of WWII, the Coffee Cup is a well known establishment in Pensacola, Florida. Creola is well known to all who frequent the Coffee Cup for his abilities to singlehandedly operate the grill and cook every customer’s order by memory.

Section 3: Designates Bridge Number 880077 on State Road 656 between State Road A1A and Indian River Boulevard in the City of Vero Beach in Indian River County as “Alma Lee Loy Bridge.” The bill directs FDOT to erect suitable markers.

Alma Lee Loy, an astute businesswoman born and raised in Vero Beach, Florida, has dedicated much of her professional and personal life to preserving the unique history of Indian River County. She became the first woman elected to the Indian River County Commission in 1968, where she served for 12 years, three years as Chairman and three as Vice Chairman. Alma Lee held dozens of civic leadership positions and made contributions through the years including but not limited to serving as president of the Indian River County Chamber of Commerce, acting as a charter member and president of the Downtown Merchants Association and the County’s United Way, and aiding in the expansion of recreational opportunities for Indian River County residents through participation on the Vero Beach Recreation Board. Her efforts have earned her recognition in the form of having a county park and the local chamber of commerce building dedicated in her name. Alma Lee worked tirelessly to ensure the location and building of the 17th Street Bridge, the object of this honorary designation.

Section 4: Designates the portion of S.W. 23rd Street, in front of James G. Pressly Stadium and 4211 S.W. 23rd Street, located between S.W. 2nd Avenue and Fraternity Row/Drive in Alachua County as “Coach Jimmy Carnes Boulevard.” The bill directs FDOT to erect suitable markers.

Jimmy Carnes, the University of Florida’s track coach from 1964 to 1976, passed away on March 3, 2011 at age 76. Jimmy led the Gators to a 93-3 record with 15 top three finishes in SEC Indoor and Outdoor Championships. He served as an assistant coach for the U.S. Olympic Track and Field Team at the Montreal Games in 1976 and was later selected as the head coach for the 1980 Moscow Games, but President Jimmy Carter decided the U.S. teams would boycott in protest of the Soviet Union’s invasion of Afghanistan. Following his coaching career as a Gator, Jimmy was elected as National Chairman of AAU Men’s Track and Field, served as the first president of The Athletics Congress/USA from 1980-84, helped found the Florida Track Club, served as the Executive Director of the United States Track Coaches Association, was a member of the Board of Trustees of the United States Sports Academy, founded Florida’s Sunshine State Games, and served as Executive Director of the Governor’s Council on Physical Fitness and Sports under Governors Graham and Martinez.

Section 5: Designates the portion of State Road 46 in Brevard County from U.S. 1 to the Volusia County line as "Harry T. and Harriette V. Moore Memorial Highway." The bill directs FDOT to erect suitable markers.

Harry T. and Harriette V. Moore were parents, educators, and leaders of local and national civil rights activists. The Moores organized the first Brevard County Branch of the NAACP and remained instrumental in the fight for equality and justice until their untimely deaths. In 1945, Mr. Moore formed the Florida Progressive Voter's League and became its Executive Director. This organization helped register over 100,000 black voters in the State of Florida.

Section 6: Designates the portion of State Road 824 between Interstate 95/State Road 9 and U.S. 1/State Road 5 in Broward County as "Mardi Gras Way." The bill directs FDOT to erect suitable markers.

The City of Hallandale recognizes pari-mutual gaming as part of Florida's history. The city has made efforts to be gaming friendly to bolster marketing and economic development.

Section 7: Designates the portion of U.S. 441/State Road 7 between State Road 824/Pembroke Road and State Road 852/N.W. 215th Street/County Line Road in Broward County as "West Park Boulevard." The bill directs FDOT to erect suitable markers.

The City Commission of West Park recognizes the designated West Park Boulevard as a means to increase visibility.

Section 8: Designates the portion of State Road 858/Hallandale Beach Boulevard between Interstate 95/State Road 9 and S.W. 56th Avenue in Broward County as "Pembroke Park Boulevard." The bill directs FDOT to erect suitable markers. The City of Hallandale Beach has requested this designation.

Section 9: Designates the portion of Lejuene Road between East 32nd Street and East 41st Street in the City of Hialeah as "Florencio 'Kiko' Pernas Avenue." The bill directs FDOT to erect suitable markers.

Florencio 'Kiko' Pernas, a Hialeah resident for over 30 years, passed away on April 30, 2004. Mr. Pernas was born in Cuba and spent many years fighting against Cuban dictators, becoming a Captain of the revolutionary forces that helped oust Fugencio Batista. In the early 1960's, Pernas moved to the United States, where he joined the Bay of Pigs Invasion that was engineered to overthrow Fidel Castro. In 1970, Pernas moved to Hialeah, where he married and raised two sons. He worked multiple jobs until the mid-1980's, when he invested in video stores. From this point, Mr. Pernas and his sons worked for themselves, later purchasing investment properties and pawnshops. His two sons still run the family business today.

Section 10: Designates the portion of Coral Way between S.W. 32nd Avenue and S.W. 37th Avenue in Miami-Dade County as "Dr. Oscar Elias Biscet Boulevard."

Dr. Oscar Elias Biscet Gonzales was president and founder of the Lawton Foundation for Human Rights, an organization dedicated to the peaceful opposition to the human rights violations of the

communist Cuban regime. The Lawton Foundation for Human Rights helped conduct a ten month study documenting unofficial statistical data on abortion techniques and accusing the Cuban National Health System of genocide. The study eventually found its way to the Convention of the Rights of the Child in Geneva, Switzerland. As a leader in many peaceful protests, Dr. Biscet suffered beatings, threats, humiliations, blackmail, as well as a three year sentence at the Cuba Si Prison. After his release, Dr. Biscet spent his 36 days of freedom completing his world-famous Democratic Principles for Cuba and promoting a civic project called "Club for Friends of Human Rights." The Cuban Secret Police detained him on his 36th day of freedom, and he was sentenced, and remains, serving a 25 year term in the Cuban prison system. For his efforts, Dr. Biscet has been awarded a Doctoral Degree in Honoris Causa from Miami Dade College, was named the Honorary President of the Pan American Cuban Medical Convention in Miami, Florida, the Presidential Medal of Freedom, the International Award for Human Rights, and an honorary plaque from the Prime Minister of the Czech Republic.

Section 11: Designates the section of County Road 30A between County Road 283 to County Highway 395 as Charles Modica Sr. Hospitality Way.

Charles Modica, owner of the famous Modica Market and considered a founding father and ambassador of Seaside, Florida, passed away in October of 2010. After opening the Modica Market in the mid 1980's, it quickly became a place for Seaside kids to get their first job experience and a place to visit for anyone traveling to Seaside. Mr. Modica will be remembered as a kind and helpful individual who aided in the transformation of Seaside into the destination it is today.

Section 12: Designates Bridge Number 900076 on U.S. Highway 1/State Road 5 in Monroe County as "Whale Harbor Joe Roth Jr. Bridge." The bill directs FDOT to erect suitable markers.

Joseph H. Roth Jr., the managing general partner of the Holiday Isle Resort for over 20 years and a key contributor in shaping Islamorada into the resort destination it is today, passed away on June 9th, 2010. As a generous philanthropist and successful entrepreneur, Joe served as a member of Board of Directors of TIB Bank for 20 years, a partner and member of the Advisory Board of Noble House Hotels & Resorts, a Board Member of the American Cancer Society, a member of the Upper Keys Rotary Club, a Board Member of Diabetes Research, and was an active supporter of many other charities through the Joe and Lindy Roth Charitable Foundation. For his achievements, Joe received the Grand Marshall of the Upper Keys 4th of July Parade award, the 2009 volunteer of the Year award from Plantation Key Elementary School, as well as a proclamation and appreciation from the Homestead-Florida City Chamber of Commerce for the resort's assistance to military troops stationed in the Homestead-Florida City area after Hurricane Andrew.

Section 13: Designates the portion of U.S. Highway 19/27A/98/State Road 55 between the Suwannee River Bridge and N.E. 592nd Street/Chavous Road/Kate Green Road in Dixie County as "SP4 Thomas Berry Corbin Memorial Highway." The bill directs FDOT to erect suitable markers.

Thomas Corbin, born in Old Town Dixie, lived in Cross City, served in the United States Army as a Specialist Fourth Class and was killed in action during the Vietnam War during a mission against the Viet Cong. He was awarded the Silver Star due to his dedication and commitment.

Section 14: Designates the portion of U.S. Highway 19/98/State Road 55 between N.E. 592nd Street/Chavous Road/ Kate Green Road and N.E. 170th Street in Dixie County as “U.S. Navy BMC Samuel Calhoun Chavous, Jr., Memorial Highway.” The bill directs FDOT to erect suitable markers.

Samuel Chavous Jr. was born in Cross City and served in the U.S. Navy in the Vietnam War where he was killed in action. For his service, he was awarded the Purple Heart.

Section 15: Designates the portion of State Road 24 between County Road 374 and Bridge Number 340053 in Levy County as “Marine Lance Corporal Brian R. Buesing Memorial Highway.” The bill directs FDOT to erect suitable markers.

Lance Corporal Brian Buesing was born and raised in Cedar Key. He enlisted in the Marines and at the age of 21 during Operation Iraqi Freedom, he was killed in action while trying to protect two fellow Marines. For his bravery and dedication, he was awarded the Purple Heart.

Section 16: Designates the portion of U.S. Highway 19/98/State Road 55/S. Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy County as “United States Army Sergeant Karl A. Campbell Memorial Highway.” The bill directs FDOT to erect suitable markers.

Army Sergeant Karl Campbell of Chiefland enlisted in the Army in 1995 and served as an infantryman until 2003. He re-enlisted in November 2009. Sergeant Campbell died from wounds suffered when insurgents in Afghanistan attacked his unit with an improvised explosive device. He has been awarded the Bronze Star and the Purple Heart.

Section 17: Designates the portion of U.S. Highway 27A/State Road 500/Hathaway Avenue between State Road 24/Thrasher Drive and Town Court in Levy County as “U.S. Army SPC James A. Page Memorial Highway.” The bill directs FDOT to erect suitable markers.

Army Specialist James Page of Bronson died from an improvised explosive device at the age of 23 in Afghanistan on August 31, 2010. He has been awarded the Bronze Star and the Purple Heart.

Section 18: Designates the portion of State Road 101/Mayport Road between State Road A1A and Wonderwood Connector in Duval County as “USS Stark Memorial Drive.” The bill directs FDOT to erect suitable markers.

On May 17, 1987, an Iraqi jet fighter fired upon the USS Stark in the Persian Gulf, causing thirty-seven United States sailors to lose their lives and seriously injuring twenty-one others. The USS Stark, a ship deployed on a routine peace-keeping mission from the Mayport navy base in Jacksonville, only survived this unprovoked attack through the determination and heroic actions of its crew.

Section 19: Designates the portion of State Road 44 in Lake County between U.S. Highway 441 and State Road 44/East Orange Avenue as “Captain Jim Reynolds, Jr., USAF “Malibu” Road.” The bill directs FDOT to erect suitable markers.

Captain Jim Reynolds Jr., a decorated Air Force Academy graduate, was killed when his F-16 crashed at the Nellis Air Force Base Range on August 10, 1993. Captain Reynolds became a member of the 308th Tactical Fighter Squadron at Homestead AFB, FL, and was later selected to join the Adversary Tactics Division of Red Flag at Nellis AFB, NV. During his career, Captain Reynolds served as an instructor pilot, chief of Squadron Standardization/Evaluation, mission commander, and a member of the Weapons and Tactics Branch. He received many distinctions, including the ATC Commander’s Trophy, winning the low-angle strafe (LAS) and several Top Gun competitions, the Air Force Commendation Medal with one oak leaf cluster, a Combat Readiness Medal, and the National Defense Service Medal.

Section 20: Designates the portion of State Road 19 in Putnam County between U.S. 17/State Road 15 and Carriage Drive as “Veterans Memorial Highway” in recognition of military veterans. The bill directs FDOT to erect suitable markers.

Section 21: Designates the portion of State Road 513 between Banana River Drive and Eau Gallie Boulevard in Brevard County as “U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway.”

Sergeant Robert Daniel Sanchez of Satellite Beach, Florida enlisted in the United States Army in July of 2004. His Army Ranger Career began with an assignment to B Company, 1st Battalion, 75th Ranger Regiment, where he served as an automatic rifleman and team leader. Sergeant Sanchez was serving his fifth deployment in support of the War on Terror, when he was killed during a combat operation at age 24 in Kandahar Province, Afghanistan. Sergeant Sanchez received the Ranger Tab, Combat Infantryman’s Badge, Expert Infantryman’s Badge, Parachutist Badge, Army Commendation Medal, Afghanistan Service Medal, and the Army Service Ribbon.

Section 22: Designates the portion of State Road A1A between Pinetree Drive and Eau Gallie Boulevard in Brevard County is designated as “U.S. Marine Corps Corporal Dustin Schrage Highway.” The bill directs FDOT to erect suitable markers.

Dustin H. Schrage died while swimming across the Euphrates River during a six-person Marines covert operation in Iraq in May of 2004. Marine Corporal Schrage, a Brevard County native with a dream to serve as part of a police SWAT team after the military, was assigned to the 2nd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force.

Section 23: Designates the portion of State Road 20/John Sims Parkway between State Road 85 and the Walton County Line in Okaloosa County as “Purple Heart Memorial Highway” in recognition of those wounded in combat. The bill directs FDOT to erect suitable markers.

Section 24: Designates the portion of Biscayne Boulevard from N.E. 88th Street to N.E. 105th Street in Miami Shores Village in Miami-Dade County as “Hugh Anderson Boulevard.

Prominent land developer Hugh Anderson came to Miami in 1910 with the grand plan and vision of providing a wide corridor from downtown Miami to the north. After forming the Shoreline Company in the early 1920's, Anderson planned the construction of the 100 foot corridor, now known as Biscayne Boulevard. Because of his contributions, Mr. Anderson is known as the man who both initiated construction of Biscayne Boulevard and as a founding father of Miami Shores Village.

Section 25: Provides an effective date of July 1, 2012, if passed by the Legislature.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Staff estimates the cost to erect road designation markers required under this bill to be at least \$24,000.¹ This is based on the assumption that 48 markers will be erected for twenty-four road designations at a cost of no less than \$500 each. This includes sign fabrication, installation, and maintenance over time. The estimate does not include any additional expenses related to maintenance of traffic, dedication event costs, or replacement necessitated by damage, vandalism, or storm events.

VI. Technical Deficiencies:

None.

¹ The Pernas family have requested to pay the costs associated with the "Florencio 'Kiko' Pernas Avenue" designation. This number does account for these potential future funds.

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.



766934

596-02527B-12

Proposed Committee Substitute by the Committee on Transportation

A bill to be entitled

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

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

Section 1. Joyce Webb Nobles Bridge designated; Department of Transportation to erect suitable markers.—

(1) The U.S. Highway 90/98, State Road 10A, East Cervantes Street Bridge (Bridge Number 480198) in Escambia County is designated as "Joyce Webb Nobles Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Joyce Webb Nobles Bridge as described in subsection (1).

Section 2. Creola Rutledge Parkway designated; Department of Transportation to erect suitable markers.—

(1) That portion of E. Cervantes Street/U.S. 90 in Escambia County between N. 6th Avenue and N. Davis Highway in Pensacola is designated as "Creola Rutledge Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating Creola Rutledge Parkway as described in subsection (1).

Section 3. Alma Lee Loy Bridge designated; Department of Transportation to erect suitable markers.—



766934

596-02527B-12

(1) Bridge Number 880077 on State Road 656 between State Road A1A and Indian River Boulevard in the City of Vero Beach in Indian River County is designated as "Alma Lee Loy Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Alma Lee Loy Bridge as described subsection (1).

Section 4. Coach Jimmy Carnes Boulevard designated; Department of Transportation to erect suitable markers.-

(1) That portion of S.W. 23rd Street, in front of James G. Pressly Stadium and 4211 S.W. 23rd Street, located between S.W. 2nd Avenue and Fraternity Row/Drive in Alachua County is designated as "Coach Jimmy Carnes Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Coach Jimmy Carnes Boulevard as described in subsection (1).

Section 5. Harry T. and Harriette V. Moore Memorial Highway designated; Department of Transportation to erect suitable markers.-

(1) That portion of State Road 46 in Brevard County from U.S. 1 to the Volusia County line is designated as "Harry T. and Harriette V. Moore Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Harry T. and Harriette V. Moore Memorial Highway as described in subsection (1).

Section 6. Mardi Gras Way designated; Department of Transportation to erect suitable markers.-

(1) That portion of State Road 824 between Interstate 95/State Road 9 and U.S. 1/State Road 5 in Broward County is designated as "Mardi Gras Way."



766934

596-02527B-12

58 (2) The Department of Transportation is directed to erect
59 suitable markers designating Mardi Gras Way as described in
60 subsection (1).

61 Section 7. West Park Boulevard designated; Department of
62 Transportation to erect suitable markers.-

63 (1) That portion of U.S. 441/State Road 7 between State
64 Road 824/Pembroke Road and State Road 852/N.W. 215th
65 Street/County Line Road in Broward County is designated as "West
66 Park Boulevard."

67 (2) The Department of Transportation is directed to erect
68 suitable markers designating West Park Boulevard as described in
69 subsection (1).

70 Section 8. Pembroke Park Boulevard designated; Department
71 of Transportation to erect suitable markers.-

72 (1) That portion of State Road 858/Hallandale Beach
73 Boulevard between Interstate 95/State Road 9 and S.W. 56th
74 Avenue in Broward County is designated as "Pembroke Park
75 Boulevard."

76 (2) The Department of Transportation is directed to erect
77 suitable markers designating Pembroke Park Boulevard as
78 described in subsection (1).

79 Section 9. Florencio 'Kiko' Pernas Avenue designated;
80 Department of Transportation to erect suitable markers.-

81 (1) That portion of Lejuene Road between East 32nd Street
82 and East 41st Street in the City of Hialeah is designated as
83 "Florencio 'Kiko' Pernas Avenue."

84 (2) The Department of Transportation is directed to erect
85 suitable markers designating Florencio 'Kiko' Pernas Avenue as
86 described in subsection (1).



766934

596-02527B-12

87 Section 10. Dr. Oscar Elias Biscet Boulevard designated;
88 Department of Transportation to erect suitable markers.—

89 (1) That portion of Coral Way between S.W. 32nd Avenue and
90 S.W. 37th Avenue in Miami-Dade County is designated as "Dr.
91 Oscar Elias Biscet Boulevard."

92 (2) The Department of Transportation is directed to erect
93 suitable markers designating Dr. Oscar Elias Biscet Boulevard as
94 described in subsection (1).

95 Section 11. Charles Modica Sr. Hospitality Way designated;
96 Department of Transportation to erect suitable markers.—

97 (1) That section of County Road 30A between County Road 283
98 to County Hwy 395 is designated as "Charles Modica Sr.
99 Hospitality Way."

100 (2) The Department of Transportation is directed to erect
101 suitable markers designating Charles Modica Sr. Hospitality Way
102 as described in subsection (1).

103 Section 12. Whale Harbor Joe Roth Jr. Bridge designated;
104 Department of Transportation to erect suitable markers.—

105 (1) Whale Harbor Bridge (Bridge Number 900076) on U.S.
106 Highway 1/State Road 5 in Monroe County is designated as "Whale
107 Harbor Joe Roth Jr. Bridge."

108 (2) The Department of Transportation is directed to erect
109 suitable markers designating Whale Harbor Joe Roth Jr. Bridge as
110 described in subsection (1).

111 Section 13. SP4 Thomas Berry Corbin Memorial Highway
112 designated; Department of Transportation to erect suitable
113 markers.—

114 (1) That portion of U.S. Highway 19/27A/98/State Road 55
115 between the Suwannee River Bridge and N.E. 592nd Street/Chavous



766934

596-02527B-12

116 Road/Kate Green Road in Dixie County is designated as "SP4
117 Thomas Berry Corbin Memorial Highway."

118 (2) The Department of Transportation is directed to erect
119 suitable markers designating SP4 Thomas Berry Corbin Memorial
120 Highway as described in subsection (1).

121 Section 14. U.S. Navy BMC Samuel Calhoun Chavous, Jr.,
122 Memorial Highway designated; Department of Transportation to
123 erect suitable markers.—

124 (1) That portion of U.S. Highway 19/98/State Road 55
125 between N.E. 592nd Street/Chavous Road/Kate Green Road and N.E.
126 170th Street in Dixie County is designated as "U.S. Navy BMC
127 Samuel Calhoun Chavous, Jr., Memorial Highway."

128 (2) The Department of Transportation is directed to erect
129 suitable markers designating U.S. Navy BMC Samuel Calhoun
130 Chavous, Jr., Memorial Highway as described in subsection (1).

131 Section 15. Marine Lance Corporal Brian R. Buesing Memorial
132 Highway designated; Department of Transportation to erect
133 suitable markers.—

134 (1) That portion of State Road 24 between County Road 347
135 and Bridge Number 340053 in Levy County is designated as "Marine
136 Lance Corporal Brian R. Buesing Memorial Highway."

137 (2) The Department of Transportation is directed to erect
138 suitable markers designating Marine Lance Corporal Brian R.
139 Buesing Memorial Highway as described in subsection (1).

140 Section 16. United States Army Sergeant Karl A. Campbell
141 Memorial Highway designated; Department of Transportation to
142 erect suitable markers.—

143 (1) That portion of U.S. Highway 19/98/State Road 55/S.
144 Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy



766934

596-02527B-12

County is designated as "United States Army Sergeant Karl A. Campbell Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating United States Army Sergeant Karl A. Campbell Memorial Highway as described in subsection (1).

Section 17. U.S. Army SPC James A. Page Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 27A/State Road 500/Hathaway Avenue between State Road 24/Thrasher Drive and Town Court in Levy County is designated as "U.S. Army SPC James A. Page Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating U.S. Army SPC James A. Page Memorial Highway as described in subsection (1).

Section 18. USS Stark Memorial Drive designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 101/Mayport Road between State Road A1A and Wonderwood Connector in Duval County is designated as "USS Stark Memorial Drive."

(2) The Department of Transportation is directed to erect suitable markers designating USS Stark Memorial Drive as described in subsection (1).

Section 19. Captain Jim Reynolds, Jr., USAF "Malibu" Road designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 44 in Lake County between U.S. Highway 441 and State Road 44/East Orange Avenue near Eustis is designated as "Captain Jim Reynolds, Jr., USAF



766934

596-02527B-12

174 'Malibu' Road."

175 (2) The Department of Transportation is directed to erect
176 suitable markers designating Captain Jim Reynolds, Jr., USAF
177 "Malibu" Road as described in subsection (1).

178 Section 20. Veterans Memorial Highway designated;
179 Department of Transportation to erect suitable markers.—

180 (1) That portion of State Road 19 in Putnam County between
181 U.S. 17/State Road 15 and Carriage Drive is designated as
182 "Veterans Memorial Highway."

183 (2) The Department of Transportation is directed to erect
184 suitable markers designating Veterans Memorial Highway as
185 described in subsection (1).

186 Section 21. U.S. Army Sergeant Robert Daniel Sanchez
187 Memorial Highway designated; Department of Transportation to
188 erect suitable markers.—

189 (1) That portion of State Road 513 between Banana River
190 Drive and Eau Gallie Boulevard in Brevard County is designated
191 as "U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway."

192 (2) The Department of Transportation is directed to erect
193 suitable markers designating U.S. Army Sergeant Robert Daniel
194 Sanchez Memorial Highway as described in subsection (1).

195 Section 22. U.S. Marine Corps Corporal Dustin Schrage
196 Highway designated; Department of Transportation to erect
197 suitable markers.—

198 (1) That portion of State Road A1A between Pinetree Drive
199 and Eau Gallie Boulevard in Brevard County is designated as
200 "U.S. Marine Corps Corporal Dustin Schrage Highway."

201 (2) The Department of Transportation is directed to erect
202 suitable markers designating U.S. Marine Corps Corporal Dustin



766934

596-02527B-12

203 Schrage Highway as described in subsection (1).

204 Section 23. Purple Heart Memorial Highway designated;
205 Department of Transportation to erect suitable markers.—

206 (1) That portion of State Road 20/John Sims Parkway between
207 State Road 85 and the Walton County Line in Okaloosa County is
208 designated as "Purple Heart Memorial Highway."

209 (2) The Department of Transportation is directed to erect
210 suitable markers designating Purple Heart Memorial Highway as
211 described in subsection (1).

212 Section 24. Hugh Anderson Boulevard designated; Department
213 of Transportation to erect suitable markers.—

214 (1) That portion of Biscayne Boulevard from N.E. 88th
215 Street to N.E. 105th Street in Miami Shores Village in Miami-
216 Dade County is designated as "Hugh Anderson Boulevard."

217 (2) The Department of Transportation is directed to erect
218 suitable markers designating Hugh Anderson Boulevard as
219 described in subsection (1).

220 Section 25. This act shall take effect July 1, 2012.



642552

596-02939-12

Proposed Committee Substitute by the Committee on Transportation

A bill to be entitled

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

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

Section 1. Joyce Webb Nobles Bridge designated; Department of Transportation to erect suitable markers.-

(1) The U.S. Highway 90/98, State Road 10A, East Cervantes Street Bridge (Bridge Number 480198) in Escambia County is designated as "Joyce Webb Nobles Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Joyce Webb Nobles Bridge as described in subsection (1).

Section 2. Creola Rutledge Parkway designated; Department of Transportation to erect suitable markers.-

(1) That portion of E. Cervantes Street/U.S. 90 in Escambia County between N. 6th Avenue and N. Davis Highway in Pensacola is designated as "Creola Rutledge Parkway."

(2) The Department of Transportation is directed to erect suitable markers designating Creola Rutledge Parkway as described in subsection (1).

Section 3. Alma Lee Loy Bridge designated; Department of Transportation to erect suitable markers.-



642552

596-02939-12

(1) Bridge Number 880077 on State Road 656 between State Road A1A and Indian River Boulevard in the City of Vero Beach in Indian River County is designated as "Alma Lee Loy Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Alma Lee Loy Bridge as described subsection (1).

Section 4. Coach Jimmy Carnes Boulevard designated; Department of Transportation to erect suitable markers.-

(1) That portion of S.W. 23rd Street, in front of James G. Pressly Stadium and 4211 S.W. 23rd Street, located between S.W. 2nd Avenue and Fraternity Row/Drive in Alachua County, is designated as "Coach Jimmy Carnes Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Coach Jimmy Carnes Boulevard as described in subsection (1).

Section 5. Harry T. and Harriette V. Moore Memorial Highway designated; Department of Transportation to erect suitable markers.-

(1) That portion of State Road 46 in Brevard County from U.S. 1 to the Volusia County line is designated as "Harry T. and Harriette V. Moore Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Harry T. and Harriette V. Moore Memorial Highway as described in subsection (1).

Section 6. Florencio 'Kiko' Pernas Avenue designated; Department of Transportation to erect suitable markers.-

(1) That portion of Lejeune Road between East 32nd Street and East 41st Street in the City of Hialeah is designated as "Florencio 'Kiko' Pernas Avenue."



642552

596-02939-12

58 (2) The Department of Transportation is directed to erect
59 suitable markers designating Florencio 'Kiko' Pernas Avenue as
60 described in subsection (1).

61 Section 7. Dr. Oscar Elias Biscet Boulevard designated;
62 Department of Transportation to erect suitable markers.-

63 (1) That portion of Coral Way between S.W. 32nd Avenue and
64 S.W. 37th Avenue in Miami-Dade County is designated as "Dr.
65 Oscar Elias Biscet Boulevard."

66 (2) The Department of Transportation is directed to erect
67 suitable markers designating Dr. Oscar Elias Biscet Boulevard as
68 described in subsection (1).

69 Section 8. Charles Modica Sr. Hospitality Way designated;
70 Department of Transportation to erect suitable markers.-

71 (1) That section of County Road 30A between County Road 283
72 to County Hwy 395 is designated as "Charles Modica Sr.
73 Hospitality Way."

74 (2) The Department of Transportation is directed to erect
75 suitable markers designating Charles Modica Sr. Hospitality Way
76 as described in subsection (1).

77 Section 9. Whale Harbor Joe Roth Jr. Bridge designated;
78 Department of Transportation to erect suitable markers.-

79 (1) Whale Harbor Bridge (Bridge Number 900076) on U.S.
80 Highway 1/State Road 5 in Monroe County is designated as "Whale
81 Harbor Joe Roth Jr. Bridge."

82 (2) The Department of Transportation is directed to erect
83 suitable markers designating Whale Harbor Joe Roth Jr. Bridge as
84 described in subsection (1).

85 Section 10. SP4 Thomas Berry Corbin Memorial Highway
86 designated; Department of Transportation to erect suitable



642552

596-02939-12

87 markers.-

88 (1) That portion of U.S. Highway 19/27A/98/State Road 55
89 between the Suwannee River Bridge and N.E. 592nd Street/Chavous
90 Road/Kate Green Road in Dixie County is designated as "SP4
91 Thomas Berry Corbin Memorial Highway."

92 (2) The Department of Transportation is directed to erect
93 suitable markers designating SP4 Thomas Berry Corbin Memorial
94 Highway as described in subsection (1).

95 Section 11. U.S. Navy BMC Samuel Calhoun Chavous, Jr.,
96 Memorial Highway designated; Department of Transportation to
97 erect suitable markers.-

98 (1) That portion of U.S. Highway 19/98/State Road 55
99 between N.E. 592nd Street/Chavous Road/Kate Green Road and N.E.
100 170th Street in Dixie County is designated as "U.S. Navy BMC
101 Samuel Calhoun Chavous, Jr., Memorial Highway."

102 (2) The Department of Transportation is directed to erect
103 suitable markers designating U.S. Navy BMC Samuel Calhoun
104 Chavous, Jr., Memorial Highway as described in subsection (1).

105 Section 12. Marine Lance Corporal Brian R. Buesing Memorial
106 Highway designated; Department of Transportation to erect
107 suitable markers.-

108 (1) That portion of State Road 24 between County Road 347
109 and Bridge Number 340053 in Levy County is designated as "Marine
110 Lance Corporal Brian R. Buesing Memorial Highway."

111 (2) The Department of Transportation is directed to erect
112 suitable markers designating Marine Lance Corporal Brian R.
113 Buesing Memorial Highway as described in subsection (1).

114 Section 13. U.S. Army Sergeant Karl A. Campbell Memorial
115 Highway designated; Department of Transportation to erect



642552

596-02939-12

suitable markers.—

(1) That portion of U.S. Highway 19/98/State Road 55/S. Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy County is designated as "U.S. Army Sergeant Karl A. Campbell Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating United States Army Sergeant Karl A. Campbell Memorial Highway as described in subsection (1).

Section 14. U.S. Army SPC James A. Page Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. Highway 27A/State Road 500/Hathaway Avenue between State Road 24/Thrasher Drive and Town Court in Levy County is designated as "U.S. Army SPC James A. Page Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating U.S. Army SPC James A. Page Memorial Highway as described in subsection (1).

Section 15. USS Stark Memorial Drive designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 101/Mayport Road between State Road 1A and Wonderwood Connector in Duval County is designated as "USS Stark Memorial Drive."

(2) The Department of Transportation is directed to erect suitable markers designating USS Stark Memorial Drive as described in subsection (1).

Section 16. Captain Jim Reynolds, Jr., USAF "Malibu" Road designated; Department of Transportation to erect suitable markers.—



642552

596-02939-12

145 (1) That portion of State Road 44 in Lake County between
146 U.S. Highway 441 and State Road 44/East Orange Avenue near
147 Eustis is designated as "Captain Jim Reynolds, Jr., USAF
148 'Malibu' Road."

149 (2) The Department of Transportation is directed to erect
150 suitable markers designating Captain Jim Reynolds, Jr., USAF
151 "Malibu" Road as described in subsection (1).

152 Section 17. Veterans Memorial Highway designated;
153 Department of Transportation to erect suitable markers.-

154 (1) That portion of State Road 19 in Putnam County between
155 U.S. 17/State Road 15 and Carriage Drive is designated as
156 "Veterans Memorial Highway."

157 (2) The Department of Transportation is directed to erect
158 suitable markers designating Veterans Memorial Highway as
159 described in subsection (1).

160 Section 18. U.S. Army Sergeant Robert Daniel Sanchez
161 Memorial Highway designated; Department of Transportation to
162 erect suitable markers.-

163 (1) That portion of State Road 513 between Banana River
164 Drive and Eau Gallie Boulevard in Brevard County is designated
165 as "U.S. Army Sergeant Robert Daniel Sanchez Memorial Highway."

166 (2) The Department of Transportation is directed to erect
167 suitable markers designating U.S. Army Sergeant Robert Daniel
168 Sanchez Memorial Highway as described in subsection (1).

169 Section 19. U.S. Marine Corps Corporal Dustin Schrage
170 Highway designated; Department of Transportation to erect
171 suitable markers.-

172 (1) That portion of State Road A1A between Pinetree Drive
173 and Eau Gallie Boulevard in Brevard County is designated as



642552

596-02939-12

"U.S. Marine Corps Corporal Dustin Schrage Highway."

(2) The Department of Transportation is directed to erect suitable markers designating U.S. Marine Corps Corporal Dustin Schrage Highway as described in subsection (1).

Section 20. Purple Heart Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of State Road 20/John Sims Parkway between State Road 85 and the Walton County Line in Okaloosa County is designated as "Purple Heart Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Purple Heart Memorial Highway as described in subsection (1).

Section 21. Hugh Anderson Boulevard designated; Department of Transportation to erect suitable markers.—

(1) That portion of Biscayne Boulevard from N.E. 88th Street to N.E. 105th Street in Miami Shores Village in Miami-Dade County is designated as "Hugh Anderson Boulevard."

(2) The Department of Transportation is directed to erect suitable markers designating Hugh Anderson Boulevard as described in subsection (1).

Section 22. This act shall take effect July 1, 2012.

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 954

INTRODUCER: Transportation Committee and Senator Margolis

SUBJECT: Transportation Facility Designations

DATE: February 6, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Abrams	Buford	TR	Fav/CS
2.				
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 creates a number of honorary designations of transportation facilities around the state. Designations are as follows:

- The portion of State Road 824 between Interstate 95/State Road 9 and U.S. 1/State Road 5 in Broward County is designated as “Mardi Gras Way.”
- The portion of U.S. 441/State Road 7 between Pembroke Road and State Road 852/N.W. 215th Street/County Line Road in Broward County is designated as “West Park Boulevard.”
- The portion of State Road 858/Hallandale Beach Boulevard between Interstate 95/State Road 9 and S.W. 56th Avenue in Broward County is designated as “Pembroke Park Boulevard.”

II. Present Situation:

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

When the Legislature establishes road or bridge designations, the Florida Department of Transportation (FDOT) is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, resolutions supporting the designations must be passed by each affected local government prior to the erection of the markers.

III. Effect of Proposed Changes:

Section 1: Designates the portion of State Road 824 between Interstate 95/State Road 9 and U.S. 1/State Road 5 in Broward County as “Mardi Gras Way.” The bill directs FDOT to erect suitable markers.

The City of Hallandale recognizes pari-mutual gaming as part of Florida's history. The city has made efforts to be gaming friendly to bolster marketing and economic development.

Section 2: Designates the portion of U.S. 441/State Road 7 between State Road 824/Pembroke Road and State Road 852/N.W. 215th Street/County Line Road in Broward County as “West Park Boulevard.” The bill directs FDOT to erect suitable markers.

The City Commission of West Park recognizes the designated West Park Boulevard as a means to increase visibility.

Section 3: Designates the portion of State Road 858/Hallandale Beach Boulevard between Interstate 95/State Road 9 and S.W. 56th Avenue in Broward County as “Pembroke Park Boulevard.” The bill directs FDOT to erect suitable markers. The City of Hallandale Beach has requested this designation.

Section 4: Provides an effective date of July 1, 2012, if passed by the Legislature.

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:

C. Government Sector Impact:

Staff estimates the cost to erect road designation markers required under this bill to be at least \$3,000. This is based on the assumption that six markers will be erected for three road designations at a cost of no less than \$500 each. This includes sign fabrication, installation, and maintenance over time. The estimate does not include any additional expenses related to maintenance of traffic, dedication event costs, or replacement necessitated by damage, vandalism, or storm events.

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 Committee on February 7, 2012:

The committee substitute makes technical changes to accurately reflect the designations' locations.

B. Amendments:

None.



813774

LEGISLATIVE ACTION

Senate

.
.
.
.
.
.

House

The Committee on Transportation (Joyner) recommended the following:

Senate Amendment

Delete everything after the enacting clause
and insert:

Section 1. Mardi Gras Way designated; Department of
Transportation to erect suitable markers.-

(1) That portion of State Road 824 between Interstate
95/State Road 9 and U.S. 1/State Road 5 in Broward County is
designated as "Mardi Gras Way."

(2) The Department of Transportation is directed to erect
suitable markers designating Mardi Gras Way as described in
subsection (1).



813774

13 Section 2. West Park Boulevard designated; Department of
14 Transportation to erect suitable markers.—

15 (1) That portion of U.S. 441/State Road 7 between State
16 Road 824/Pembroke Road and State Road 852/N.W. 215th
17 Street/County Line Road in Broward County is designated as "West
18 Park Boulevard."

19 (2) The Department of Transportation is directed to erect
20 suitable markers designating West Park Boulevard as described in
21 subsection (1).

22 Section 3. Pembroke Park Boulevard designated; Department
23 of Transportation to erect suitable markers.—

24 (1) That portion of State Road 858/Hallandale Beach
25 Boulevard between Interstate 95/State Road 9 and S.W. 56th
26 Avenue in Broward County is designated as "Pembroke Park
27 Boulevard."

28 (2) The Department of Transportation is directed to erect
29 suitable markers designating Pembroke Park Boulevard as
30 described in subsection (1).

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

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 1298

INTRODUCER: Transportation Committee and Senator Detert

SUBJECT: Identification Cards and Drivers Licenses

DATE: February 7, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Willar	Carter	MS	Favorable
2.	Akhavein	Buford	TR	Fav/CS
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:

To recognize and honor Florida veterans, the law currently allows a veteran of the United States Armed Forces to obtain a veteran designation on an identification card or driver license issued by the Department of Highway Safety and Motor Vehicles. This committee substitute provides that until a veteran renews his or her identification card or driver license, the veteran may pay a \$2 fee and present proof of veteran status to have a temporary capital "V" displayed on the identification card or driver license. Allowing a temporary capital "V" sticker to be affixed to an identification card or driver license would provide veterans an alternative method to display their veteran status prior to their normal renewal period rather than paying the \$25 fee to obtain a replacement credential with the permanent capital "V".

This committee substitute amends sections 322.051 and 322.14 of the Florida Statutes.

II. Present Situation:

In 2011, the Legislature amended ss. 322.051 and 322.14, F.S., to allow a veteran of the United States Armed Forces to be issued an identification card or a driver license by the Department of Highway Safety and Motor Vehicles (DHSMV), which displays a permanent capital "V" to

signify status as a veteran.¹ In order to receive a capital “V” on either of these credentials, a veteran must present his or her DD Form 214 (Certificate of Release or Discharge from Active Duty issued by the United States Department of Defense) to the DHSMV, along with an additional \$1 fee.

A veteran who would like to obtain a capital “V” on an identification card or driver license can do so when the veteran’s credential is up for renewal.² The cost to renew an identification card and a driver license is \$25 and \$48, respectively. If a veteran would like to obtain a capital “V” on his or her credential before it is up for renewal, the veteran would need to purchase a replacement credential. The fee for a replacement identification card or driver license is \$25, plus an extra \$1 fee for the designation.³

According to the DHSMV, since the capital “V” was first offered to veterans in 2011, the DHSMV has issued 5,794 original, 15,898 renewal, and 7,061 replacement identification cards and driver licenses, with a total of 28,753 issuances.⁴

III. Effect of Proposed Changes:

Section 1 amends s. 322.051, F.S., to allow a veteran the option to have a temporary capital “V” sticker affixed to his or her identification card upon the payment of a \$2 fee and presentation of a copy of his or her DD Form 214 or another acceptable form specified by the Department of Veterans’ Affairs. It specifies that an additional fee for the “V” designation will not be charged if the veteran previously paid a designation fee.

Section 2 amends s. 322.14, F.S., to allow a veteran the option to have a temporary capital “V” sticker affixed to his or her driver license card upon the payment of a \$2 fee and presentation of a copy of his or her DD Form 214 or another acceptable form stipulated by the Department of Veterans’ Affairs. It specifies that an additional fee for the “V” designation will not be charged if the veteran previously paid a designation fee.

Section 3 provides that this committee substitute takes effect July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹ Section 322.051(8)(b), F.S., permits a veteran to obtain a “V” on an identification card issued by the DHSMV. Section 322.14(1)(c), F.S., permits a veteran to obtain a “V” on a driver license issued by the DHSMV.

² Section 322.18 (2)(a), F.S., states that every identification card and driver license must be renewed every eight years.

³ Florida Department of Highway Safety and Motor Vehicles Fee Schedule. Available at: <http://www.flhsmv.gov/DHSMVFEES.HTM>. Site last viewed January 20, 2012.

⁴ Email correspondence with DHSMV staff January 25, 2012.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A veteran who elects to obtain a temporary capital “V” sticker to indicate veteran status on his or her identification card or driver license will be charged a \$2 fee. The committee substitute would allow a temporary capital “V” sticker to be affixed to a veteran’s identification card or driver license prior to the veteran’s normal renewal period.

C. Government Sector Impact:

According to the DHSMV, the collection of the \$2 fee will offset additional administrative costs associated with the issuance of the temporary capital “V” stickers. The number of veterans who will elect to obtain a temporary capital “V” sticker is indeterminate.

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 Committee on February 7, 2012:

The committee substitute expands the acceptable forms for veterans to show that they have received an honorable discharge from active duty in order to have a temporary capital “V” designation on his or her driver license or identification card. It authorizes other forms specified by the Department of Veterans’ Affairs in addition to the DD Form 214.

The committee substitute also specifies that an additional fee for the “V” designation will not be charged if the veteran previously paid a designation fee.

B. Amendments:

None.

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



908220

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2012	.	
	.	
	.	
	.	

The Committee on Transportation (Garcia) recommended the following:

Senate Amendment

Delete lines 22 - 38
and insert:
Until a veteran's identification card is next renewed, the
veteran may have a temporary "V" sticker issued by the
department and affixed to his or her identification card upon
the payment of a \$2 fee and presentation of a copy of his or her
DD Form 214, or another acceptable form specified by the
Department of Veterans' Affairs. An additional fee for the "V"
designation will not be charged if the veteran previously paid a
designation fee.



908220

Section 2. Paragraph (c) of subsection (1) of section 322.14, Florida Statutes, is amended to read:

322.14 Licenses issued to drivers.—

(1)

(c) A capital "V" shall be exhibited on the driver ~~driver's~~ license of a veteran upon the payment of an additional \$1 fee for the license and the presentation of a copy of the person's DD Form 214, issued by the United States Department of Defense. Until a veteran's license is next renewed, the veteran may have a temporary "V" sticker issued by the department and affixed to his or her license upon the payment of a \$2 fee and presentation of a copy of his or her DD Form 214, or another acceptable form stipulated by the Department of Veterans' Affairs. An additional fee for the "V" designation will not be charged if the veteran previously paid a designation fee.

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 1130

INTRODUCER: Senator Storms

SUBJECT: Homelessness

DATE: February 6, 2012

REVISED: 2/8/12

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Farmer	CF	Fav/1 amendment
2.	Abrams	Buford	TR	Fav/1 amendment
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

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

I. Summary:

The bill creates and revises multiple sections of Florida Statutes relating to homelessness. Specifically, the bill contains the following provisions:

- Authorizes the collection of voluntary contributions in the amount of \$1 to be added to motor vehicle registration and driver's license fees, both initial and renewal fees, to aid the homeless;
- Exempts the Department of Children and Family Services (DCF or department) and/or the State Office on Homelessness from the required \$10,000 application fee;
- Replaces the current emergency assistance program with newly created homeless prevention grants; and
- Limits the amount a lead agency may spend on administrative costs under a Challenge Grant.

This bill substantially amends ss. 320.02, 322.08, 322.18, 420.622, and 420.625 creates s. 414.161, and repeals s. 414.16, of the Florida Statutes:

II. Present Situation:

Background

The Council on Homelessness and the State Office on Homelessness

The Council on Homelessness (council) and the State Office on Homelessness (office) were created in 2001 within the department.¹ The 17-member council is comprised of representatives of state agencies, counties, homeless advocacy organizations, and volunteers.² The council's duties include developing policy and advising the office.³

The office coordinates state agency responses to homelessness, serves as a single point of contact on homeless issues in the state, and administers state-funded grant programs that support the activities of the 27 local homeless coalitions.⁴ The office administers all homelessness grants through lead agencies. The lead agency has the responsibility for continuum of care plans that help communities or regions envision, plan and implement comprehensive and long term solutions to the problem of homelessness in the community.⁵ Lead agencies are also authorized applicants for the Challenge Grant and the Homeless Housing Assistance Grant.

Emergency Financial Assistance Program

This state grant program provides support to families, with at least one minor child, who are currently without shelter or face the loss of shelter because of the following:⁶

- Nonpayment of rent or mortgage resulting in eviction or notice of eviction;
- Household disaster, which renders the home uninhabitable; or
- Other emergency situations defined in rule.

Families may receive up to \$400 during one period of 30 consecutive days in any 12 consecutive months.⁷ DCF serves approximately 2,000 families a year under this program and utilizes OPS staff to assess eligibility and process payments.⁸

Homeless Housing Assistance Grants

This state grant program provides homeless housing assistance grants up to \$750,000 annually to lead agencies to acquire, construct, or rehabilitate transitional or permanent housing units for homeless persons.⁹ Administrative costs are capped at 5% of the funds awarded.¹⁰

¹ Ch. 2001-98, L.O.F.

² s. 420.622, F.S.

³ *Id.*

⁴ *Id.*

⁵ s. 420.642, F.S.

⁶ s. 414.16, F.S.

⁷ 65A-33.011, F.A.C.

⁸ Department of Children and Family Services. Staff Analysis and Economic Impact. SB 1130. November 2, 2011.

⁹ s. 420.622, F.S.

¹⁰ *Id.*

Challenge Grant

This state grant program includes grants of up to \$500,000 to lead agencies who have developed and implemented a local homeless assistance continuum of care plan to provide services including outreach, emergency shelter, support services, and permanent shelter in the area.¹¹ The state currently has 28 local homeless Continuum of Care planning areas that receive state aid in grant assistance. Currently, state law does not provide for a limit on or use of grant funds for grant administration costs incurred by lead agencies.

Voluntary Contributions

The voluntary contributions process provides the opportunity for citizens to make a voluntary donation by checking a box on a form when registering a vehicle or renewing a registration, as well as applying for a driver's license or replacement.¹²

An organization that desires to have a voluntary contribution on a form issued by the Department of Highway Safety and Motor Vehicles (DHSMV) must be specifically authorized by Florida Statutes. Section 320.023, F.S., establishes requirements for organizations seeking authorization to establish a voluntary contribution on motor vehicle registration application forms, and s. 322.081, F.S., establishes similar requirements for driver's license applications. Both sections require the following:

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

This information must be submitted to the Department at least 90 days before the convening of the next regular session of the Legislature.

Chapter 2010-223, Laws of Florida, provides that the 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. However, the DHSMV may establish a voluntary contribution for an organization that has:

¹¹ *Id.*

¹² Currently, s. 320.02(8)(14) and (15), F.S., 320.08047, F.S., and 328.72(11) and (16), F.S., provide motor vehicle registration applicants with an opportunity to make voluntary contributions to twenty choices. Section. 322.08(7), F.S., provides driver license applicants with an opportunity to make voluntary contributions to fifteen choices.

- Submitted a request to the department before May 1, 2010, to establish a voluntary contribution on a motor vehicle registration application under s. 320.023, F.S., or a driver's license application under s. 322.081, F.S.; and
- Submitted a valid financial analysis, marketing strategy, and application fee before September 1, 2010; or
- Filed a bill during the 2010 Legislative Session to establish a voluntary contribution and have met the requirements of s. 320.023 or s. 322.081, F.S.¹³

III. Effect of Proposed Changes:

Voluntary Contributions

The bill authorizes the collection of voluntary contributions in the amount of \$1.00 to be added to the motor vehicle and driver's license fees - initial and renewal fees - to aid the homeless. The bill does not require the voluntary contributions be subject to the procedures and limitations of ss. 320.023, F.S., and 322.081, F.S., including payment of the application fee. Funds will be placed in a grants and donations trust fund for use by the office to supplement Challenge Grants and Homeless Housing Assistance Grants and to provide information on homelessness to the public.

There is currently a moratorium on the establishment of any new voluntary contributions on motor vehicle registration application and driver's license application forms which does not end until July 1, 2013.¹⁴ According to the DHSMV, neither the Department of Children and Family Services or the State Office of Homelessness has met the moratorium requirements set above.¹⁵

Grant Programs

The bill repeals provisions relating to the Emergency Assistance Program and replaces it with a Homelessness Prevention Grant Program. The new program will be administered by the Office on Homelessness at DCF, with the concurrence of the Council on Homelessness. The office may provide prevention grants through contracts with local lead agencies for homeless assistance continuums of care. The bill specifies the grant application process and certain preferences for applicants who can leverage additional funds and demonstrate effective programs. Eligibility for the grant program is limited to lead agencies who have implemented a local homeless assistance plan for their area. The grants are capped at \$300,000 and may be used to assist families facing the loss of their current home to pay past due rent and mortgage payments, past due utility bills, and case management. Program administrative costs are capped at 3 percent of the grant award.

The bill caps administrative costs for lead agencies administering Challenge Grants at 8 percent. Challenge Grant awards may be up to \$500,000 per lead agency.

¹³ Ch. 2010-223, L.O.F.

¹⁴ This bill, however, circumvents the moratorium requirements in ss 320.023 and 322.081, F.S.

¹⁵ Department of Highway Safety and Motor Vehicles. Agency Bill Analysis. SB 1130. November 15, 2011.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to DCF, the voluntary contributions from motor vehicle registrations and renewals, and original or renewal driver's licenses could provide an estimated \$20,000.

According to the DHSMV, the cost to the department to redesign the application form for motor vehicle registration and renewal is approximately \$10,000 and the cost to redesign the application form for driver's licenses is also \$10,000. Generally, the impact is offset by the \$10,000 application fee that the organization is required to pay per ss. 320.023 and 322.080, F.S. However, this bill is written to exempt the sponsoring organization from paying the required \$10,000 application fee. Consequently, the Department would have to absorb the costs associated with implementing this voluntary contribution.

Therefore, the DHSMV would realize a \$20,000 fiscal impact associated with implementing the provisions of the bill relating to voluntary contributions.

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:**

Barcode 646636 by Children, Families, and Elder Affairs on January 19, 2012: This amendment deletes the section of the bill related to Housing First.

Barcode 241856 by Transportation on February 7, 2012:

The amendment clarifies that the application fee required for motor vehicle registrations and renewal check-offs under s. 320.023, F.S., is waived for the “aid the homeless” check-off.



241856

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/08/2012	.	
	.	
	.	
	.	

The Committee on Transportation (Storms) recommended the following:

Senate Amendment

Delete line 51
and insert:
literature for homeless persons seeking assistance. The
application fee required under s. 320.023 for an organization
that seeks authorization to establish a voluntary contribution
does not apply to this paragraph.



646636

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
01/20/2012	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Storms)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 213 - 235

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

And the title is amended as follows:

Delete lines 27 - 29

and insert:

to changes made by the act; repealing s.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-7-12
Meeting Date

Topic Homelessness

Bill Number 1130
(if applicable)

Name FELY CURVA

Amendment Barcode _____
(if applicable)

Job Title Partner, Curva & Associates LLC

Address 1212 Piedmont Dr.

Phone (850) 508-2252

Tallahassee FL 32312
City State Zip

E-mail Curva@mindgroup.co.

Speaking: ☒ For ☐ Against ☐ Information

Representing FL Coalition for the Homeless; FL IMPACT

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 1342

INTRODUCER: Senator Storms

SUBJECT: Child Support Enforcement

DATE: February 3, 2012

REVISED: 2/8/12

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Daniell	Farmer	CF	Favorable
2.	Eichin	Buford	TR	Fav/2 amendments
3.			BI	
4.			BC	
5.				
6.				

Please see Section VIII. for Additional Information:

- A. COMMITTEE SUBSTITUTE..... ☐ Statement of Substantial Changes
- B. AMENDMENTS..... ☐ Technical amendments were recommended
- ☒ Amendments were recommended
- ☐ Significant amendments were recommended

I. Summary:

This bill amends Florida law relating to child support enforcement. Specifically, the bill:

- Provides that a default in support payments is not required in Title IV-D cases for the Department of Revenue (DOR or department) to request that payments be made through the depository;
- Provides that an obligor's driver's license will not be suspended (and must be reinstated if already suspended) if the obligor begins paying any delinquency by income deduction;
- Makes it discretionary for DOR to notify the Department of Highway Safety and Motor Vehicles and request suspension of an obligor's driver's license;
- Authorizes DOR to commence an administrative paternity proceeding based on an affidavit or written declaration provided by a caregiver that states the putative father may be the child's biological father;
- Requires that a request by a parent from whom support is being sought to informally discuss a proposed administrative support order with DOR be made in writing within 15 days after the date of the mailing of the proposed administrative support order;
- Eliminates the requirement for DOR to provide certain notices by registered or certified mail, requiring regular mail instead;

- Authorizes the department to send notices to a garnishee by secure e-mail or facsimile upon consent by the garnishee;
- Requires the Chief Financial Officer and the department to work cooperatively to establish an automated method for identifying persons who are doing business with the state and who owe overdue support so that support payments may be withheld by the state;
- Makes changes related to the use of unclaimed property for past due support; and
- Authorizes DOR to place an administrative lien on certain claims, judgments, and property.

This bill amends the following sections of the Florida Statutes: 61.13, 61.13016, 322.058, 409.256, 409.2563, 409.25656, 409.25658, and 409.2575. This bill reenacts section 409.256(7), Florida Statutes.

II. Present Situation:

Child support enforcement is a federally funded program that has been administered by the Department of Revenue (DOR or department) since 1994. A “Title IV-D case” is defined as any case in which the child support enforcement agency is enforcing the child support order pursuant to Title IV-D of the Social Security Act. The department provides services under the federally required program in 65 counties and through contracts in two counties.¹

The department is responsible for some case-processing activities including opening and closing cases; collecting and maintaining case, location, and financial data; and receiving and responding to verbal and written inquiries. In 2009, 1.1 million cases were maintained by DOR. In FY 08-09, DOR had a 7.3-percent increase in new service requests and 6.6-percent increase in reopened cases.

To remain eligible for the Temporary Assistance for Needy Families (TANF) Block Grant, Florida must have a federally compliant child support program. The program must contain the following services:

- Paternity establishment;
- Support order establishment;
- Support order review and modification;
- Location of parents, employers, assets;
- Payment collection and disbursement; and
- Order enforcement.

The department establishes the initial child support order and modifies existing orders when a family’s circumstances change. During FY 08-09, DOR processed \$48 million in child support collections on support orders established in that fiscal year.

Some child support orders are established by DOR administratively. Section 409.2563, F.S., was created to provide the department with an alternative procedure for establishing child support obligations in Title IV-D cases in a fair and expeditious manner when there is no court order of

¹ Miami-Dade County cases are handled by the state attorney’s office, and Manatee County cases are handled by the clerk of court.

support. Prior to beginning the administrative process, DOR screens cases for complex circumstances and, if identified, it will proceed with those cases judicially. In order to establish a support order administratively, the department must provide notice to both the parent from whom support is not being sought and to the parent from whom support is being sought.² After providing notice, the department must calculate the proposed support obligation based on the financial affidavits provided by the parties or, if the parties did not provide the required affidavits, then the department may rely on any reliable source for the information. If there is no reliable source, DOR may calculate the proposed support obligation based on the assumption that the parent had an earning capacity equal to the federal minimum wage during the applicable period.³ The department must then send copies of the proposed administrative support order to both parents, along with a notice of rights to the parent from whom support is being sought. This notice of rights must inform the parent from whom support is being sought that within 10 days from the date of the mailing the parent may contact DOR, at the address or telephone number in the notice, to informally discuss the proposed administrative order.⁴ If a request for an administrative hearing in response to the proposed order is not made timely, the department renders a final order that incorporates the terms of the proposed order.⁵ If the parent from whom support is being sought files a timely request for hearing or the department determines that an evidentiary hearing is appropriate, the department shall refer the proceeding to the Division of Administrative Hearings. In 2009, the department established over 12,000 administrative support orders.

Child support orders are enforced by DOR, as well as the receipt and disbursement of collections. In 2009, over \$1.41 billion was collected and distributed, with 98 percent of collections distributed within 24 hours. Of all parents in the DOR caseload, fewer than 30 percent pay their full child support obligation on a monthly basis. In addition, DOR initiated enforcement actions on 92 percent of the support collections eventually received.

The department has several methods for collecting past due child support. Under s. 61.13016, F.S., the obligor is notified by DOR or a clerk of court within 15 days of non-payment or failure to comply with a subpoena or other order, that his or her driver's license may be suspended unless such payment is made or order complied with. The notice provided to the obligor must state:

- the terms of the order creating the obligation;
- the period of the delinquency;
- the total amount of the delinquency or description of the non-compliant order; and
- that the Department of Highway Safety and Motor Vehicles (DHSMV) will be notified to suspend the license, unless the obligor:
 - pays the delinquency within 20 days,
 - enters a written agreement for payment or complies with the non-compliant order;
 - contests the delinquency action in circuit court; and
 - pays any delinquency fees⁶.

² Section 409.2563(4), F.S.

³ Section 409.2563(5)(a), F.S.

⁴ Section 409.2563(5)(c), F.S.

⁵ In contested cases, there is a formal hearing before the Division of Administrative Hearings.

⁶ Section 61.13016(1)(c), F.S.

Although not provided for in statute, DOR also allows an obligor to begin paying a delinquent support order by income deduction in order to avoid license suspension. According to DOR, income deduction is the most reliable way to obtain child support payments.⁷ If the obligor fails to comply with any of these action, 20 days after the notification is sent to the obligor, DOR notifies DHSMV which is required to suspend the driver's license under s. 322.058, F.S.

If a person has a support obligation which is subject to enforcement by the department as the state Title IV-D program, the department can notify all persons who have credits or personal property, including wages, under their control that belong to the obligor that they may not transfer any of the credits or personal property, up to the amount listed in the notice, without DOR consent.⁸ Additionally, the department shall provide notice to the Chief Financial Officer (CFO) identifying the obligor and the amount of support outstanding. The CFO must then withhold all payments to any obligor who provides commodities or services to the state, leases real property to the state, or constructs a public building or public work for the state, and DOR may levy upon the withheld payments.⁹

Another way DOR may collect past due support is through the use of unclaimed property. The department, in cooperation with the Department of Financial Services (DFS), shall identify persons owing support who are presumed to have unclaimed property held by DFS. Before paying an obligor's approved claim for unclaimed property, DFS must notify DOR that the claim was approved, and DOR shall immediately send a notice by certified mail to the obligor advising the obligor of the department's intent to intercept the approved claim up to the amount of the past due support.¹⁰

III. Effect of Proposed Changes:

This bill amends Florida law relating to child support enforcement. Section 61.13, F.S., is amended to provide that in Title IV-D cases, the Department of Revenue (DOR or department) does not need to allege a default in support payments, and a default is not required, in order for the department to request that child support payments be made through the depository. If such a request is made, the depository shall notify all parties that future payments in Title IV-D cases be made to the State Disbursement Unit.

The bill provides additional means for an obligor to avoid having his or her driver's license suspended. Specifically, if an obligor begins paying any delinquency by income deduction, the obligor's license will not be suspended (and it must be reinstated if it had already been suspended). Additionally, the bill makes it discretionary for DOR to notify the Department of Highway Safety and Motor Vehicles to suspend an obligor's driver's license if the delinquency is not paid in full.

⁷ E-mail from Debbie Thomas, Dep't of Revenue, to Senate professional staff (Dec. 12, 2011) (on file with the Senate Committee on Children, Families, and Elder Affairs).

⁸ Section 409.25656(1), F.S.

⁹ Section 409.25656(10), F.S.

¹⁰ Section 409.25658, F.S.

The bill amends s. 409.256, F.S., effective July 1, 2012, authorizing DOR to commence a paternity proceeding if a caregiver states in an affidavit that the putative father is or may be the child's biological father. Under current law, DOR may commence a proceeding only if the child's mother or a putative father states in an affidavit that the putative father is or may be the child's biological father.

Section 409.2563(5), F.S., is amended to require that requests by a parent from whom support is being sought for an informal discussion with DOR about the proposed administrative support order be made in writing within 15 days after the date of mailing the proposed support order.

The bill eliminates the requirement for DOR to serve garnishment notices by registered mail, requiring instead that the department serve notice on garnishees and obligors by regular mail. If the garnishee provides written consent, the department may send notices to the garnishee by secure e-mail or facsimile. The bill requires the Chief Financial Officer and DOR to work cooperatively to establish an automated method for identifying persons who are doing business with the state and who owe past due support so that the support payments may be withheld by the state.

Under current law, DOR provides to the CFO a listing of obligors for whom warrants are outstanding. The CFO then withholds all payments to any obligor doing business with the state and DOR may levy upon the withheld payments. The change made by this bill essentially reverses this method, so that the CFO is disclosing to the department a file of individuals to whom the state pays money. This change may mean that information on persons who do not owe past due child support may also be transmitted to DOR.

The bill requires DOR, in cooperation with the Department of Financial Services (DFS), to identify persons who owe past due support collected by the department who are presumed to have unclaimed property held by DFS. If a claim for unclaimed property is approved by DFS, the department shall send a notice by certified mail to the obligor at the address provided by the obligor to DFS advising the obligor of the department's intent to intercept the approved claim. The DFS must retain custody of the property until a final order has been entered and any appeals have concluded or, if the intercept is uncontested, until notified by the department. If an obligor does not request a hearing, DOR must notify DFS, electronically or in writing, to transfer the property to the department.

The bill authorizes DOR to place an administrative lien for unpaid support on a motor vehicle or vessel, even if owned free and clear by the obligor, and on claims, settlement proceeds, and judgments. The department must notify the obligor of the intent to place a lien by regular mail sent to the obligor's address on file with the depository. The notice must state the amount of past due support owed and inform the obligor of the right to contest the lien at an administrative hearing.

Finally, the bill reenacts s. 409.256, F.S., in order to incorporate the changes made by the bill to s. 322.058, F.S.

The bill is effective upon becoming a law, except as otherwise provided in the act.

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 authorizes the Department of Revenue (DOR or the department) to place an administrative lien for unpaid support on claims, settlements, and judgments, as well as a motor vehicle or vessel that is owned free and clear by the obligor. This change in the law may have a financial impact on obligors who have certain claims, settlements, or judgments and are expecting to receive money in relation to the claim, settlement, or judgment, but also owe unpaid or delinquent support.

C. Government Sector Impact:

According to DOR, its procedures will need to be modified to implement the changes made by this bill. However, DOR expects that any operational impact of the bill will be insignificant.¹¹

DHSMV will likely experience negative impacts to revenue. According to DHSMV, in FY 2010-2011 the department processed 42,698 child support license reinstatements which generated \$3,109,980 in revenue. It is not known how many fewer suspensions (and thus reinstatements) will be processed as a result of this bill; however, reinstatement revenues will likely be negatively impacted. Additionally, Section 2 of the bill effectively makes DOR's request for license suspension discretionary, which could also lead to fewer suspensions and reinstatements.

¹¹ Dep't of Revenue, *2012 Bill Analysis, HB 935*, 5 (Dec. 16, 2011) (on file with the Senate Committee on Children, Families, and Elder Affairs). House bill 935 is substantially similar to SB 1342.

VI. Technical Deficiencies:

Section 409.25658, F.S., is amended so that notice of intent to intercept an approved claim for unclaimed property is sent to the obligor by *certified* mail to the address provided by the obligor to the Department of Financial Services (see lines 316-322). According to the Department of Revenue's (DOR or department) bill analysis, the notice of intent is meant to be mailed to the obligor by *regular* mail.¹² Other sections of the bill also eliminate the requirement for the department to mail notices via registered or certified mail, instead only requiring regular mail. It appears that the intent of the bill is to require notice be sent to an obligor via regular mail when the obligor's unclaimed property is to be used for past due child support. The Legislature may wish to amend line 320 of the bill to address this oversight.

The bill amends s. 409.2575, F.S., allowing the department to cause a lien for unpaid or delinquent support be placed on a "claim, settlement, or judgment." It is unclear what type of claim is being referenced. However, according to DOR's bill analysis, this section is amended "to authorize the Department of Revenue to place an administrative lien for unpaid support on personal injury claims, settlement proceeds, and judgments."¹³ If the intent of the bill is to allow an administrative lien be placed on personal injury claims, the Legislature may wish to amend the bill on line 351 to make the intent clear.

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:

Barcodes 202046 and 682354 by Transportation revise the bill's provisions relating to driver's license suspensions. The unamended bill provides an additional means for an obligor to avoid having his or her driver's license suspended. Specifically, if an obligor begins paying any delinquency by income deduction, the obligor's license will not be suspended (and it must be reinstated if it had already been suspended).

- Barcode 202046 revises the notification sent to obligors prior to the potential suspension of the obligors' driver's license for non-payment of child support. Specifically, this amendment requires DOR to include notification that income deduction is an option to avoid suspension *unless* the obligor receives government assistance, i.e., unemployment compensation, social security disability payments,

¹² *Id.* at 4.

¹³ *Id.*

supplemental security income, or temporary cash assistance. This amendment *removes* the income deduction option if obligors receive government assistance.

- Barcode 682354 provides for the obligor's license to be reinstated upon notification to DHSMV that the obligor is making payments through income deduction *or* is receiving government assistance (unemployment compensation, social security disability payments, supplemental security income, or temporary cash assistance). In contrast to Barcode 202046, this amendment causes the reinstatement of the license of a person *because* that person receives government assistance.

Taken together, these amendments are somewhat contradictory. Staff recommends consideration of further refinement.



202046

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/08/2012	.	
	.	
	.	
	.	

The Committee on Transportation (Storms) recommended the following:

Senate Amendment

Delete lines 118 - 131
and insert:

d. Begins paying by income deduction, unless receiving unemployment compensation, social security disability payments, supplemental security income, or temporary cash assistance; and

2. Pays any applicable delinquency fees.

If the obligor in non-IV-D cases enters into a written agreement for payment before the expiration of the 20-day period, the obligor must provide a copy of the signed written agreement to



202046

the depository or the clerk of the court.

(3) If the obligor does not, within 20 days after the mailing date on the notice, pay the delinquency;~~;~~ enter into a written payment agreement;~~;~~ comply with the subpoena, order to appear, order to show cause, or other similar order; begin paying by income deduction, unless receiving unemployment compensation, social security disability payments, supplemental security income, or temporary cash assistance;~~;~~ or file a motion to contest, the Title IV-D agency in IV-D cases, or the depository or clerk of the court in non-IV-D cases, shall file the notice with the



682354

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/08/2012	.	
	.	
	.	
	.	

The Committee on Transportation (Storms) recommended the following:

Senate Amendment (with title amendment)

Delete line 152
and insert:

(e) The obligor is paying by income deduction or is receiving unemployment compensation, social security disability payments, supplemental security income, or temporary cash assistance.

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

And the title is amended as follows:

Delete line 15



682354

and insert:

order or is receiving unemployment compensation,
social security disability payments, supplemental
security income, or temporary cash assistance;
amending s. 409.256, F.S.; adding a caregiver

CourtSmart Tag Report

Room: LL 37

Case:

Type:

Caption: Senate Committee on Transportation Judge:

Started: 2/7/2012 1:49:25 PM

Ends: 2/7/2012 3:09:38 PM Length: 01:20:14

1:49:30 PM	Call to Order
1:49:33 PM	Roll Call
1:49:38 PM	Quorum present
1:49:45 PM	Pledge of Allegiance
1:50:13 PM	Senator Evers sits as chair
1:50:19 PM	SB 250 presented by Senator Braynon
1:52:37 PM	Amendment barcode 793934
1:53:03 PM	Courtesy by Senator Joyner
1:53:17 PM	Vern "Pick-up" Crawford, Palm Beach School District, waives in support
1:53:30 PM	Debate?
1:53:37 PM	Amendment adopted
1:53:45 PM	Senator Bullard asks a question
1:54:22 PM	Senator Braynon responds
1:54:42 PM	Senator Joyner asks a question
1:54:57 PM	Senator Braynon responds
1:55:13 PM	Senator Gibson asks a question
1:55:27 PM	Senator Braynon responds
1:56:25 PM	Senator Gibson follows up
1:56:41 PM	Senator Braynon responds
1:57:14 PM	Senator Gracia asks a question
1:57:22 PM	Senator Braynon responds
1:58:50 PM	Senator Garcia follows up
1:59:03 PM	Senator Braynon responds
2:00:15 PM	Any further questions?
2:00:30 PM	Senator Braynon closes
2:01:55 PM	Roll Call
2:02:09 PM	SB 250 reports favorably
2:02:32 PM	Tab 12 SB 954 presented by Jeff Branch, Senator Margolis' aide
2:03:19 PM	Amendment 813774 by Senator Joyner
2:04:01 PM	Amendment adopted
2:04:12 PM	Sen Norman moves CS on SB 954
2:04:21 PM	Roll Call
2:04:29 PM	CS/SB 954 reports favorably
2:05:01 PM	Tab 1 SB 590 presented by Senator Garcia
2:05:15 PM	Amendment 588176
2:07:47 PM	Senator Bullard asks a question
2:10:02 PM	Senator Garcia responds
2:11:37 PM	Senator Bullard asks a question
2:11:55 PM	Senator Latvala comments
2:12:28 PM	Amendment 931370
2:13:12 PM	Amendment adopted
2:13:17 PM	Amendment barcode 314574 presented by Senator Evers
2:14:23 PM	Senator Bullard asks a question
2:14:44 PM	Senator Evers responds
2:15:07 PM	Senator Bullard asks a question
2:15:32 PM	Senator Latvala comments
2:16:10 PM	Senator Gibson asks a question
2:17:02 PM	Eddie Labrador, Broward County, responds
2:18:50 PM	Amendment adopted
2:19:10 PM	Scott Dudley, FL League of Cities waives in support
2:19:24 PM	Cpt. Mike Fewless, Orange County Sheriff's Department, waives in support
2:19:39 PM	Kathy Russell, City of Orlando, waives in support

2:20:00 PM Senator Joyner asks a question
 2:20:34 PM Withdraws the question
 2:20:49 PM Senator Evers moves to combine SB 590 and SB 568 in CS
 2:21:11 PM Call Roll
 2:21:24 PM CS/SB 590 reports favorably
 2:21:31 PM Tab 13 SB 1298 presented by Senator Detert
 2:23:27 PM Amendment barcode 908220
 2:23:51 PM Late filed amendment
 2:23:58 PM Senator Bullard asks a question
 2:24:43 PM Senator Detert responds
 2:24:48 PM Senator Bullard asks a question
 2:25:16 PM Senator Detert responds
 2:26:07 PM Senator Detert closes
 2:26:40 PM Senator Garcia moves CS
 2:26:49 PM Roll Call
 2:27:01 PM CS/SB 1298 reports favorably
 2:27:10 PM Tab 14 SB 1130 presented by Senator Storms
 2:27:37 PM Amendment barcode 241856 by Senator Storms
 2:28:42 PM Amendment adopted
 2:28:51 PM Fely Curva, FL Coalition for the Homeless, waives in support
 2:29:30 PM Call Roll
 2:29:43 PM Sb 1130 reports favorably
 2:29:57 PM Tab 15 SB 1342 presented by Senator Storms
 2:31:22 PM Amendment barcode 202046 adopted
 2:31:37 PM Amendment barcode 682354 adopted
 2:31:52 PM Senator Bullard asks a question
 2:32:07 PM Senator Storms responds
 2:32:18 PM Senator Bullard asks a question
 2:32:34 PM Senator Storms responds
 2:33:55 PM Senator Bullard asks a question
 2:34:19 PM Senator Storms responds
 2:35:22 PM Senator Bullard asks a question
 2:35:45 PM Senator Storms responds
 2:36:43 PM Roll Call
 2:37:02 PM SB 1342 reports favorably
 2:37:30 PM Senator Bullard introduces
 2:38:07 PM Senator Latvala welcomes Kurt Eichen, Transportation sr. analyst back
 2:38:31 PM Tab 7 PCB combining 5 bills, presented by Senator Evers
 2:39:35 PM PCS 642552
 2:39:59 PM Senator Bullard asks a question
 2:41:04 PM Senator Evers responds
 2:42:37 PM Senator Bullard asks a question
 2:44:32 PM Senator Latvala responds
 2:45:58 PM Senator Evers makes a motion to combine bills into CS
 2:46:34 PM Roll Call
 2:46:36 PM CS reports favorably
 2:46:52 PM Tab 6 CS/SB 1184 presented by Senator Norman
 2:48:39 PM Pass the chair to Senator Evers
 2:48:51 PM Amendment barcode 124882, Substitute for 377880, presented by Senator Latvala
 2:49:57 PM Amendment adopted
 2:50:07 PM Chair passed back to Senator Latvala
 2:50:17 PM Senator Evers withdraws amendment
 2:50:38 PM Cindy Littlejohn, Plum Creek Timber, waives in support
 2:50:39 PM Alan Shelby, FL Forestry Association, waives in support
 2:50:41 PM Howard Adams, FL Feed Association, waives in support
 2:51:00 PM Kurt Spitzer, Florida Stormwater Association, comments
 2:51:22 PM Sam Ard, FL Cattleman's Association, waives in support
 2:51:34 PM LeeAnn Fisch, FL Farm Bureau, waives in support
 2:51:50 PM Senator Joyner asks a question
 2:52:00 PM Senator Norman responds
 2:52:08 PM Senator Bullard asks a question
 2:52:45 PM CS for SB 1184

2:53:07 PM	Roll Call
2:53:10 PM	CS/SB 1184 reports favorably
2:53:24 PM	Tab 5 SB 1118 presented by Senator Altman
2:55:13 PM	Senator Joyner asks a question
2:55:35 PM	Senator Altman responds
2:56:14 PM	Senator Joyner asks a question
2:56:36 PM	Senator Altman responds
2:57:03 PM	Senator Joyner comments
2:57:24 PM	Senator Bullard asks a question
2:58:21 PM	Senator Altman responds
2:59:46 PM	Senator Storms comments
3:01:14 PM	Senator Altman responds
3:03:42 PM	Senator Storms comments
3:04:05 PM	Senator Gibson asks a question
3:05:25 PM	Senator Altman responds
3:05:43 PM	Senator Gibson asks a question
3:06:06 PM	Senator Altman responds
3:07:21 PM	Senator Garcia asks a question
3:07:34 PM	Senator Altman responds
3:08:07 PM	Senator Altman waives close
3:08:15 PM	Call Roll
3:08:32 PM	SB 1118 reports favorably
3:08:57 PM	Senator Latvala comments
3:09:15 PM	Senator Garcia moves we rise
3:09:24 PM	Meeting Adjourned