<table>
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<tr>
<th>Tab 1</th>
<th>SB 440 by Wright; (Identical to H 00649) Utility Terrain Vehicles</th>
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<td>Tab 2</td>
<td>SB 688 by Martin; (Identical to H 00479) Alternative Mobility Funding Systems</td>
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<td>Tab 3</td>
<td>SB 840 by DiCeglie; (Similar to CS/H 00817) Appointment of a General Lines Agency as an Agent for a Tax Collector</td>
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<td>Tab 4</td>
<td>SB 868 by Boyd; (Similar to H 01341) Transportation Facility Designations/Army Specialist Nicholas Panipinto Memorial Highway</td>
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<td>Tab 5</td>
<td>SB 968 by Calatayud (CO-INTRODUCTERS) Trumbull; (Similar to H 00577) Spaceport Territory</td>
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<td>Tab 6</td>
<td>SB 982 by Thompson; (Identical to H 00121) Specialty License Plates/Project Addiction: Reversing the Stigma</td>
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<td>Tab 7</td>
<td>SB 994 by Burgess; (Similar to H 01045) Student Transportation Safety</td>
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<td>Tab 8</td>
<td>SB 1164 by Burton; (Similar to CS/H 01113) Use of Lights and Sirens on Emergency Vehicles</td>
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# The Florida Senate

## COMMITTEE MEETING EXPANDED AGENDA

**TRANSPORTATION**  
Senator DiCeglie, Chair  
Senator Davis, Vice Chair

**MEETING DATE:** Tuesday, January 30, 2024  
**TIME:** 1:00 — 3:00 p.m.  
**PLACE:** Toni Jennings Committee Room, 110 Senate Building

**MEMBERS:** Senator DiCeglie, Chair; Senator Davis, Vice Chair; Senators Gruters, Hooper, Torres, and Trumbull

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<thead>
<tr>
<th>TAB</th>
<th>BILL NO. and INTRODUCER</th>
<th>BILL DESCRIPTION and SENATE COMMITTEE ACTIONS</th>
<th>COMMITTEE ACTION</th>
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| 1   | SB 440  
Wright  
(Idential H 649) | Utility Terrain Vehicles; Authorizing the operation of utility terrain vehicles on certain roadways; defining the term “utility terrain vehicle” or “UTV”, etc. | TR 01/30/2024  
ATD 01/30/2024  
FP |
| 2   | SB 688  
Martin  
(Idential H 479) | Alternative Mobility Funding Systems; Authorizing certain local governments to adopt an alternative mobility planning and fee system or an alternative system in certain circumstances; prohibiting an alternative system from imposing responsibility for funding an existing transportation deficiency upon new development; providing that only local governments issuing building permits may charge for transportation impacts; revising requirements for the calculation of impact fees by certain local governments and special districts, etc. | CA 01/09/2024 Favorable  
TR 01/30/2024  
RC |
| 3   | SB 840  
DiCeglie  
(Similar CS/H 817) | Appointment of a General Lines Agency as an Agent for a Tax Collector; Requiring the tax collector, upon petition, to appoint an agent in charge of a general lines agency as an agent for the tax collector to carry out certain duties; requiring all general lines agencies appointed as agents for the tax collector to fulfill certain requirements; authorizing agents of general lines to have discretion in whether to provide certain services; limiting the locations where agents of general lines may provide services, etc. | TR 01/30/2024  
BI 01/30/2024  
AP |
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<td>4</td>
<td>SB 868 Boyd</td>
<td>Transportation Facility Designations/Army Specialist Nicholas Panipinto Memorial Highway; Providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers, etc.</td>
<td>TR 01/30/2024 ATD FP</td>
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<tr>
<td>5</td>
<td>SB 968 Calatayud</td>
<td>Spaceport Territory; Revising spaceport territory to include certain property, etc.</td>
<td>MS 01/16/2024 Favorable TR 01/30/2024 RC</td>
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<td>6</td>
<td>SB 982 Thompson</td>
<td>Specialty License Plates/Project Addiction: Reversing the Stigma; Directing the Department of Highway Safety and Motor Vehicles to develop a Project Addiction: Reversing the Stigma license plate, etc.</td>
<td>TR 01/30/2024 ATD FP</td>
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<tr>
<td>7</td>
<td>SB 994 Burgess</td>
<td>Student Transportation Safety; Revising the definition of the term &quot;local hearing officer&quot;; authorizing charter schools and private schools to install and operate school bus infraction detection systems; authorizing traffic infraction enforcement officers who meet specified requirements and school board security agencies to enforce specified violations; providing that a school safety officer who completes certain training may be authorized by a county, municipality, or school entity as a traffic infraction enforcement officer and may issue certain notices and citations, etc.</td>
<td>TR 01/30/2024 ATD FP</td>
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<td>8</td>
<td>SB 1164 Burton</td>
<td>Use of Lights and Sirens on Emergency Vehicles; Authorizing that certain vehicles transporting organs and surgical teams for organ recovery and transplant may operate emergency lights and sirens while en route to a hospital, an airport, or other designated location; providing requirements for operators of such vehicles, etc.</td>
<td>TR 01/30/2024 CA RC</td>
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Other Related Meeting Documents
I. Summary:

SB 440 creates a definition for “utility terrain vehicle” (UTV) and authorizes the operation of such vehicles on certain roadways. Specifically, the bill defines a UTV as a vehicle less than 70 inches in width which has at least two seats allowing passengers to sit in a side-by-side manner and which is equipped with headlamps, stop lamps, turn signals, tail lamps, rearview mirrors, a windshield, seat belts, and a horn. A UTV must comply with specified insurance and registration requirements.

The bill authorizes a UTV to legally operate on non-federal roadways in which the posted speed limit is 55 miles per hour or less. The bill allows the operator to drive the UTV during all hours, however, the operation of UTVs may be undertaken only by a licensed driver or a minor of any age, who is under the direct supervision of a licensed driver.

The bill will likely have both positive and negative fiscal impacts on private and governmental sectors. See “Fiscal Impact Statement” for details.

The bill takes effect July 1, 2024.

II. Present Situation:

Florida law establishes various regulations governing golf carts, all terrain vehicles and low speed vehicles, among others. These regulations generally address applicable traffic laws, equipment, registration, titling and insurance. Currently, Florida law does not define utility terrain vehicles or authorize their operation on public roads.


Operation of Golf Carts

A golf cart is defined as a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour.\(^1\) Section 316.212, F.S., provides for the operation of golf carts on certain roadways. Except as provided in statute, the operation of a golf cart upon public roads or streets is prohibited.

A golf cart may be operated upon a county road designated by the county, a municipal street designated by the municipality, or a two-lane county road located within the jurisdiction of a municipality designated by that municipality, for use by golf carts. Prior to making a designation, the responsible local governmental entity must first determine that golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street. Upon a determination that golf carts may be safely operated on a designated road or street, the responsible governmental entity must post appropriate signs to indicate that such operation is allowed.\(^2\)

A golf cart may be operated on a part of the State Highway System\(^3\) under the following conditions:\(^4\)

- To cross a portion of the State Highway System which intersects a county road or municipal street that has been designated for use by golf carts if the Florida Department of Transportation (FDOT) has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.
- To cross, at midblock, a part of the State Highway System where a golf course is constructed on both sides of the highway if FDOT has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

Upon its determination that golf carts may be operated on a given road, FDOT must post appropriate signs on the road to indicate that such operation is allowed.\(^5\)

A golf cart may only be operated during the hours between sunrise and sunset, unless the responsible governmental entity has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.\(^6\)

A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.\(^7\)

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\(^1\) Section 320.01(22), F.S.
\(^2\) Section 316.212(1), F.S.
\(^3\) Section 334.03(24), F.S., defines the term “State Highway System” to mean the interstate system and all other roads within the state which were under the jurisdiction of the state on June 10, 1995, and roads constructed by an agency of the state for the State Highway System, plus roads transferred to the state’s jurisdiction after that date by mutual consent with another governmental entity, but not including roads so transferred from the state’s jurisdiction. These facilities shall be facilities to which access is regulated.
\(^4\) Section 316.212(2), F.S.
\(^5\) Id.
\(^6\) Section 316.212(5), F.S.
\(^7\) Section 316.212(6), F.S.
A golf cart may not be operated on public roads or streets by a person:
- Who is under 18 unless that person has a valid learner’s driver license or driver license.
- Who is 18 or older unless that person possesses a valid government-issued photographic identification.  

A local governmental entity may enact an ordinance relating to golf cart operation and equipment that is more restrictive than those enumerated in s. 316.212, F.S. However, such an ordinance must apply only to an unlicensed driver. Upon enactment of such ordinance, the local governmental entity must post appropriate signs or otherwise inform the residents that such an ordinance exists and that it will be enforced within the local government's jurisdictional territory.

A violation of age or equipment requirements regarding the use of a golf cart is a noncriminal traffic infraction punishable as a nonmoving violation. A violation of the permissible operation of a golf cart on public roads or a violation of the hours of permissible operation of a golf cart is a noncriminal traffic infraction punishable as a moving violation.

**All Terrain Vehicles (ATVs)**

Section 316.2123, F.S., provides for the operation of an ATV on certain roadways. An ATV is defined as any motorized off-highway or all-terrain vehicle 55 inches or less in width which has a dry weight of 1,500 pounds or less, is designed to travel on three or more nonhighway tires, and is manufactured for recreational use by one or more persons.

An ATV is prohibited upon public roads or streets of Florida, except that an ATV may be operated during the daytime on an unpaved roadway where a posted speed limit is less than 35 miles per hour.

A county is exempt from s. 316.2123, F.S., (specifically, the authorization for ATV operation on specified roadways) if the governing body of the county, by a majority vote, following a noticed public hearing, votes to exempt the county from this provision. Alternatively, a county may, by majority vote after such hearing, designate certain unpaved roadways where an ATV may be operated during the daytime as long as each such designated roadway has a posted speed limit of 35 miles per hour or less, and appropriately marked to indicate permissible ATV use.

Any ATV operation that is permitted under s. 316.2123, F.S., may be undertaken only by a licensed driver or a minor, who may be unlicensed, who is under the direct supervision of...
licensed driver. The operator must provide proof of ownership under ch. 317, F.S., upon the request of a law enforcement officer.\(^{15}\)

ATVs are titled pursuant to chapter 317, F.S.,\(^{16}\) but not registered nor provided with a license plate. The manufacturing, distribution, and sale of ATVs is not regulated under ch. 320, F.S., as a motor vehicle and therefore are not required to meet Florida’s motor vehicle franchise laws.

**Low-speed Vehicles and Mini Trucks**

A low-speed vehicle is defined as any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122, F.S.\(^{17}\) A mini-truck is defined as any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122, F.S.\(^{18}\)

A low-speed vehicle or mini truck may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle or mini truck from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour. A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.\(^{19}\)

A low-speed vehicle or mini truck must be registered and insured in accordance with s. 320.02, F.S., and titled pursuant to ch. 319, F.S. Any person operating a low-speed vehicle or mini truck must have in his or her possession a valid driver license.\(^{20}\)

Low-speed vehicles and mini trucks are regulated under ch. 320, F.S., and fall under the manufacturing, distribution, and sales requirements, which are included in Florida’s motor vehicle franchise dealer laws.

\(^{15}\) Section 316.2123(3), F.S.
\(^{16}\) Chapter 317, F.S., provides that the administration of off-highway vehicle titling laws is under the DHSMV, which shall provide for the issuing, handling, and recording of all off-highway vehicle titling applications and certificates, including the receipt and accounting of off-highway vehicle titling fees. Section 317.0002, F.S., states that it is the intent of the Legislature that all off-highway vehicles operated on public lands be titled and issued a certificate of title to allow for easy determination of ownership.
\(^{17}\) Section 320.01(41), F.S. 49 CFR Part 571 is a set of Federal Motor Vehicle Safety Standards that establish minimum performance requirements for motor vehicles and motor vehicle equipment in the United States. This standard specifies requirements for low-speed vehicles.
\(^{18}\) Section 320.01(41), F.S.
\(^{19}\) Section 316.2122(1), F.S.
\(^{20}\) Id.
Utility Terrain Vehicles (UTVs)

As previously noted, current Florida law does not define a UTV (sometimes referred to as Recreational Off-Highway Vehicles (ROVs)\(^{21}\) or “side-by-sides”), nor does it allow for UTVs to be operated on public roads or streets. Section 317.0003(6), F.S., defines “OHM” or “Off-highway vehicles” to mean any ATV, two-rider ATV, ROV, or OHM that is used off the roads or highways of this state and that is not registered and licensed for highway use pursuant to ch. 320, F.S.

While there are various definitions used in connection with UTVs, the Recreational Off-Highway Vehicle Association\(^{22}\) provides the following definition:

- Designed to travel on four or more non-highway tires;
- Intended by the manufacturer for use by one or more persons and having the following characteristics:
  - A steering wheel for steering control;
  - Non-straddle seating;
  - Seatbelts;
  - An occupant protective structure;
  - Engine displacement of up to 1,000 cc;
  - Maximum speed capability greater than 30 miles per hour; and
  - Less than 80 inches in overall width, exclusive of accessories.\(^ {23}\)

Currently, 20 states allow for UTVs (variously defined) to be operated on public roadways, but regulations vary widely from state to state in terms of the requirements for making a UTV street-legal. “Street-legal UTVs are universally required to have brake lights, turn signals, headlights, and hazard lights. Some states require additional equipment before they deem a UTV to be street-legal. Just as each state has different regulations for the equipment that street-legal UTVs must have, each state also has varying regulations for how these vehicles can be operated on public roads. Most states only allow UTVs to be operated on county roads. UTVs are not allowed on interstate highways”\(^ {24}\)

III. Effect of Proposed Changes:

The bill amends s. 316.2123(1)(b), F.S., to allow a UTV to legally operate on non-federal roadways in which the posted speed limit is 55 miles per hour or less. The bill also allows the operator to drive the UTV during all hours. The operation of UTVs may be undertaken only by a licensed driver or a minor of any age, who is under the direct supervision of a licensed driver.

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\(^{21}\) Section 317.0003, F.S., provides the following definition for the term “ROV”: any motorized recreational off-highway vehicle 80 inches or less in width which has a dry weight of 3,500 pounds or less, is designed to travel on four or more nonhighway tires, and is manufactured for recreational use by one or more persons. The term does not include a golf cart as defined in ss. 316.003 and 320.01, F.S., or a low-speed vehicle as defined in s. 320.01, F.S.

\(^{22}\) The Recreational Off-Highway Vehicle Association is a national, not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles manufactured or distributed in the United States. Recreational Off-Highway Vehicle Association, [https://rohva.org/about-us/](https://rohva.org/about-us/) (last visited January 26, 2024).

\(^{23}\) The Recreational Off-Highway Vehicle Association, [What is an ROV?](https://rohva.org/what-is-an-rov/) (last visited January 26, 2024)

\(^{24}\) [World Population Review, UTV Street Legal States 2024](http://worldpopulationreview.com), [UTV Street Legal States 2024 (worldpopulationreview.com) (last visited January 24, 2024).]
The bill creates s. 320.01(46) F.S., to define the term “utility terrain vehicle” or “UTV” as a vehicle less than 70 inches in width which has at least two seats allowing passengers to sit in a side-by-side manner and which is equipped with headlamps, stop lamps, turn signals, tail lamps, rearview mirrors, a windshield, seat belts, and a horn. A UTV must comply with all insurance and license requirements of mini trucks pursuant to ss. 316.2122 and 320.0847, F.S.

In order to implement the bill DHSMV would issue a title to the UTV owner and the operator of a UTV is required to provide proof of ownership under ch. 317, F.S., upon the request of a law enforcement officer. As a result, UTVs would be titled as an Off-Highway Vehicle, but unlike ATVs that are not registered, UTVs would be registered as an on-highway vehicle (like low-speed vehicles and mini-trucks).^25

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

   None.

B. Public Records/Open Meetings Issues:

   None.

C. Trust Funds Restrictions:

   None.

D. State Tax or Fee Increases:

   None.

E. Other Constitutional Issues:

   None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

   The reclassification of UTVs will subject owners of such vehicles to existing motor vehicle registration fees.

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^25 Department of Highway Safety and Motor Vehicles, Agency Analysis of 2024 Senate Bill 440, p. 3, December 12, 2023. (On file with the Senate Committee on Transportation)
B. Private Sector Impact:

Manufacturers and dealers of UTVs may be subject to regulation under the state’s motor vehicle manufacturer and franchise dealer laws.

C. Government Sector Impact:

DHSMV estimates that the bill will have an indeterminate positive fiscal impact on state government revenue associated with the resulting increase in motor vehicle titling and registration fees.\(^{26}\)

DHSMV anticipates the bill will have an indeterminate negative fiscal impact associated with additional expenditures on title stock, registration stock, license plates, and decal inventory.\(^{27}\)

DHSMV estimates a negative fiscal impact of $69,090 associated with new programming and implementation of the bill.\(^{28}\)

VI. Technical Deficiencies:

None.

VII. Related Issues:

DHSMV’s analysis of the bill included several comments and recommendations, including:

- The bill will require the department to create extensive communication and educational materials;
- The bill will require updates to various DHSMV forms, procedures and handbooks;
- Consideration should be given to requiring minors operating UTVs on public roadways with speed higher speed limits to have a valid learner’s driver’s license.
- If a UTV is operated on paved roadways above 30 miles per hour it is advisable to require that street tires be required as opposed to off-road tires.
- In view of the extensive programming, communication and education requirements associated with the bill, DHSMV recommends changing the effective date to October 1, 2025.\(^{29}\)

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.2123 and 320.01.

\(^{26}\) Id. at 5.
\(^{27}\) Id. at 6.
\(^{28}\) Id. at 5.
\(^{29}\) Id. at 3-8
IX. Additional Information:

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

None.

B. Amendments:

None.

________________________________________________________________________
This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
The Committee on Transportation (Wright) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Section 316.21275, Florida Statutes, is created to read:

316.21275 Operation of a UTV on certain roadways.—
(1) As used in this section, the term:
(a) “Direct supervision” means a person is in the adjacent front passenger seat of the UTV being operated.
(b) “Utility terrain vehicle” or “UTV” means a vehicle less than 70 inches in width which has at least two seats allowing passengers to sit in a side-by-side manner, is operated by foot controls and a steering wheel, and is equipped with headlamps, stop lamps, turn signals, tail lamps, rearview mirrors, a windshield, seat belts, and a horn.

(2) A UTV, may be operated during all hours.

(3) A UTV may be operated only upon:

(a) A two-lane county road with a posted speed limit of less than 55 miles per hour which has been designated by a county; or

(b) A two-lane municipal street with a posted speed limit of less than 55 miles per hour which has been designated by a municipality.

Before making such designation, the responsible county or municipality must first determine that a UTV may safely travel on or cross the public road or street, considering factors including the speed, volume, and character of motor vehicle traffic using the road or street.

(4) A UTV may be operated only on a part of the State Highway System necessary to cross the highway at an angle of approximately 90 degrees to the direction of the roadway and at a place where a quick and safe crossing can be made. The Department of Transportation may prohibit the operation of UTVs on any road in its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

(5) A UTV may only be operated by a person possessing a driver license pursuant to s. 322.18, or a person possessing a
learner’s driver license pursuant to s. 322.1615 and who is
under the direct supervision of a licensed driver.

(6) The owner or operator of a UTV must comply with all of
the following requirements and regulations:

(a) Obey traffic regulations enumerated in this chapter and
operate his or her UTV with due care.

(b) Provide proof of ownership under chapter 317 upon
request of a law enforcement officer.

(c) Fulfil all insurance requirements pursuant to s. 324.022.

(d) Ensure that the UTV has the proper license plate
pursuant to s. 320.0847.

(7) A county or municipality may enact an ordinance
regarding UTV operation and equipment which is more restrictive
than those requirements enumerated in this section.

(8) A county or municipality may prohibit the operation of
a UTV on any road under its jurisdiction if the governing body
of such county or municipality determines that such prohibition
is necessary in the interest of safety.

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

Section 2. Section 320.0847, Florida Statutes, is amended
to read:

320.0847 Mini truck, utility terrain vehicle, and low-speed
vehicle license plates.—

(1) The department shall issue a license plate to the owner
or lessee of any vehicle registered as a low-speed vehicle as
defined in s. 320.01, or a mini truck as defined in s. 320.01,
or a utility terrain vehicle as defined in s. 316.21275 upon payment of the appropriate license taxes and fees prescribed in s. 320.08.

(2) The license plate for a low-speed vehicle, mini truck, or utility terrain vehicle shall comply with the provisions of s. 320.06.

Section 3. This act shall take effect July 1, 2024.

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled An act relating to utility terrain vehicles; creating s. 316.21275, F.S.; defining terms; authorizing a utility terrain vehicle (UTV) to be operated during all hours; authorizing the operation of UTVs on certain roadways; authorizing the operation of UTVs on certain parts of the State Highway System; authorizing the Department of Transportation to prohibit the use of UTVs under certain circumstances; authorizing persons possessing certain licenses to operate a UTV; requiring owners or operators of a UTV to follow certain regulations and requirements; authorizing a county or municipality to restrict the operation of UTVs under certain circumstances; providing penalties; amending s. 320.0847, F.S.; requiring the department to issue a license plate to the owner or lessee of a vehicle registered as a UTV upon payment of certain
taxes and fees; requiring that license plates for UTVs comply with specified provisions; providing an effective date.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 316.2123, Florida Statutes, is amended to read:

316.2123 Operation of an ATV or a UTV on certain roadways.—
(1) The operation of an ATV, as defined in s. 317.0003, upon the public roads or streets of this state is prohibited, except that an ATV may be operated during the daytime on an unpaved roadway where the posted speed limit is less than 35 miles per hour.

(b) A UTV, as defined in s. 320.01(46), may be operated during all hours, but only on nonfederal roadways where the posted speed limit is less than 35 miles per hour.

(2) A county is exempt from this section if the governing body of the county, by majority vote, following a noticed public hearing, votes to exempt the county from this section. Alternatively, a county may, by majority vote after such a hearing, designate certain unpaved roadways where an ATV may be operated during the daytime as long as each such designated roadway has a posted speed limit of less than 35 miles per hour and is appropriately marked to indicate permissible ATV use.

Any ATV or UTV operation that is permitted under subsection (1) or subsection (2) may be undertaken only by a licensed driver or a minor who is under the direct supervision of a licensed driver. The operator must provide proof of ownership under chapter 317 upon the request of a law enforcement officer.

Section 2. Subsection (46) is added to section 320.01, Florida Statutes, to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(46) "Utility terrain vehicle" or "UTV" means a vehicle less than 70 inches in width which has at least two seats allowing passengers to sit in a side-by-side manner and which is equipped with headlamps, stop lamps, turn signals, taillamps, rearview mirrors, a windshield, seat belts, and a horn. A UTV must comply with all insurance and license requirements of mini trucks pursuant to ss. 316.2122 and 320.0847.

Section 3. This act shall take effect July 1, 2024.
I. Summary:

SB 688 revises provisions concerning impact fees and concurrency and provides additional guidance concerning mobility fees. The bill:

- Provides definitions for “mobility fee” and “mobility plan” to be used within the Community Planning Act;
- Provides that local governments adopting and collecting impact fees by ordinance or resolution must use localized data available within the previous 12 months of adoption for the local government’s calculation of impact fees;
- Provides that after an applicant makes its contribution or constructs its proportionate share, the project must be allowed to proceed;
- Prohibits local governments from charging for transportation impacts if they are not the local government that is issuing a building permit;
- Requires that local governments collect for extra-jurisdictional impacts if they are issuing building permits;
- Prohibits local governments from assessing multiple charges for the same transportation impact; and
- Provides that holders of transportation or road impact fee credits, which existed before the adoption of the mobility fee-based funding system, are entitled to the full benefit of the intensity and density prepaid.

The bill takes effect July 1, 2024.
II. Present Situation:

Transportation Impact Fees

The Community Planning Act requires counties and municipalities to produce and maintain a comprehensive plan for future development and growth.\footnote{Part II, chapter 163, F.S.} Each comprehensive plan must include a transportation element, the purpose of which is to plan for a multimodal transportation system emphasizing feasible public transportation, addressing mobility issues pertinent to the size and character of the local government, and designed to support all other elements of the comprehensive plan.\footnote{Section 163.3177(6)(b), F.S.} The transportation element must address traffic circulation, including the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways.\footnote{Section 163.3177(6)(b)1., F.S.}

In furtherance of comprehensive planning, local governments charge impact fees, generally as a condition for the issuance of a project’s building permit, to maintain various civic services amid growth. The principle behind the imposition of impact fees is to transfer to new users of a government-owned system a fair share of the costs the new use of the system involves.\footnote{Contractors & Builders Ass'n of Pinellas County v. City of Dunedin, 329 So. 2d 314, 317-318 (Fla. 1976).} Impact fees have become an accepted method of paying for public improvements that must be constructed to serve new growth.\footnote{St. Johns County v. Ne. Florida Builders Ass'n, Inc., 583 So. 2d 635, 638 (Fla. 1991); section 163.31801(2), F.S.} In order for an impact fee to be a constitutional user fee and not an unconstitutional tax, the fee must meet a dual rational nexus test, through which the local government must demonstrate the impact fee is proportional and reasonably connected to, or has a rational nexus with:

- The need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and
- The expenditures of the funds collected and the benefits accruing to the new residential or nonresidential construction.\footnote{See St. Johns County at 637. Codified as s. 163.31801(3)(f) and (g), F.S.}

Impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government’s determination to charge the full cost or only part of the cost of the infrastructure improvement through utilization of the impact fee.

Local governments must credit against impact fee collections any contribution related to public facilities or infrastructure on a dollar-for-dollar basis at fair market value for the general category or class of public facilities or infrastructure for which the contribution was made. If no impact fee is collected for that category of public facility or infrastructure for which the contribution is made, no credit may be applied.\footnote{Section 163.31801(5), F.S.} Credits for impact fees may be assigned or transferred at any time once established, from one development or parcel to another within the same impact fee
zone or district or within an adjoining impact fee zone or district within the same local
government jurisdiction.\textsuperscript{8}

**Concurrency and Proportionate Share**

“Concurrency” is a phrase referring to a set of land use regulations requiring local governments
to ensure that new development does not outstrip a local government’s ability to provide
necessary services. Developments meet concurrency requirements when the local government
has the infrastructure capacity to serve the new growth.

A concurrency requirement is a law stating that certain infrastructure must be in place and
available to serve new development before the local government may allow new citizens to live
in the new development.\textsuperscript{9} For example, before a local government can approve a building permit
to allow a new development, it must consult with its water suppliers to ensure adequate supplies
to serve the new development will be available by the time citizens can move in.\textsuperscript{10} Certain
services are subject to concurrency statewide (sanitary sewer, solid waste, drainage, and potable
water) while other services, such as public transportation or schools, may optionally be subjected
to concurrency by a local government.\textsuperscript{11}

Proportionate share is a tool local governments may use to require developers to help mitigate
the impacts of their development notwithstanding a failure to achieve and maintain the adopted
level of service standards.\textsuperscript{12} Proportionate share generally requires developers to contribute to
costs, or build facilities, necessary to offset a new development’s impacts.\textsuperscript{13}

**Transportation Concurrency**

Local governments utilizing transportation concurrency must use professionally accepted studies
to evaluate levels of service and techniques to measure such levels of service when evaluating
potential impacts of proposed developments.\textsuperscript{14} While local governments implementing a
transportation concurrency system are encouraged to develop and use certain tools and
guidelines, such as addressing potential negative impacts on urban infill and redevelopment\textsuperscript{15}
and adopting long-term multimodal strategies,\textsuperscript{16} such local governments must follow specific
concurrency requirements including consulting with the Florida Department of Transportation if
proposed amendments to the plan affect the Strategic Intermodal System, exempting public

\textsuperscript{8} Section 163.31801(10), F.S. In an action challenging an impact fee or a failure to provide proper credits, the local
government has the burden of proof to establish the imposition of the fee or the credit complies with the statute, and the court
may not defer to the decision or expertise of the government. S. 163.31801(9), F.S.
\textsuperscript{9} Section 163.3180(2), F.S.
\textsuperscript{10} Id.
\textsuperscript{11} Section 163.3180(1), F.S.
\textsuperscript{12} Florida Department of Community Affairs (now Department of Economic Opportunity), *Transportation Concurrency:
Jan. 5, 2024).
\textsuperscript{13} Id.
\textsuperscript{14} Section 163.3180(5)(b)-(c), F.S.
\textsuperscript{15} Section 163.3180(5)(e), F.S.
\textsuperscript{16} Section 163.3180(f), F.S.
transit facilities from concurrency requirements, and allowing a developer to contribute a proportionate share to mitigate transportation impacts for a specific development.\textsuperscript{17}

**Mobility Plans and Fees**

In the Community Renewal Act\textsuperscript{18} of 2009 (Act), the Legislature found that the concept and application of transportation concurrency was “complex, inequitable, lack(ed) uniformity among jurisdictions, (was) too focused on roadways to the detriment of desired land use patterns and transportation alternatives, and frequently prevent(ed) the attainment of important growth management goals.”\textsuperscript{19} The Act required completion and submission of a mobility fee methodology study\textsuperscript{20} and stated the Legislature’s intent that a mobility fee “should be designed to provide for mobility needs, ensure that development provides mitigation for its impacts on the transportation system in approximate proportionality to those impacts, fairly distribute the fee among the governmental entities responsible for maintaining the impacted roadways, and promote compact, mixed-use, and energy-efficient development.”\textsuperscript{21} In 2013, the concept of a mobility fee-based funding system was added to the comprehensive planning statutes as an encouraged alternative to transportation concurrency.\textsuperscript{22}

Alternative mobility funding systems using a mobility fee are encouraged to incorporate one or more of the statutory tools and techniques, including:

- Adoption of long-term strategies to facilitate development patterns that support multimodal solutions, including urban design, appropriate land use mixes, intensity and density;
- Adoption of an area wide level of service not dependent on any single road segment function;
- Exempting or discounting impacts of locally desired development;
- Assigning secondary priority to vehicle mobility and primary priority to ensuring a safe, comfortable, and attractive pedestrian environment with convenient interconnection to transit;
- Establishing multimodal level of service standards that rely primarily on non-vehicular modes of transportation where existing or planned community design will provide adequate a level of mobility; and
- Reducing impact fees or local access fees to promote development within urban areas, multimodal transportation districts, and a balance of mixed-use development in certain areas or districts, or for affordable or workforce housing.\textsuperscript{23}

Some local governments have adopted mobility plans and mobility fees.\textsuperscript{24}

\textsuperscript{17} Section 163.3180(5)(h), F.S.  
\textsuperscript{18} Chapter 2009-96, s. 1, Laws of Fla.  
\textsuperscript{19} Chapter 2009-96, s. 13(1)(a), Laws of Fla.  
\textsuperscript{21} Chapter 2009-96, s. 13(1)(b), Laws of Fla.  
\textsuperscript{22} Chapter 2013-78, s. 1, Laws of Fla.  
\textsuperscript{23} Section 163.3180(5)(f), F.S.  
\textsuperscript{24} See Hillsborough County Code of County Ordinances, ch. 40, art. III, div. 2, *Mobility Fees*; Pasco County Code of Ordinances, Land Development Code, ch. 1300, s. 1302.2; City of Port St. Lucie Code of Ordinances, Title XV, ch. 159, s. 159.101, *Port St. Lucie Mobility Fee Ordinance*.  

III. **Effect of Proposed Changes:**

The bill revises provisions concerning impact fees and concurrency while providing additional guidance concerning mobility fees.

**Section 1** amends s. 163.3164, F.S., to provide definitions for “mobility fee” and “mobility plan” to be used within the Community Planning Act.

**Section 2** amends s. 163.3180, F.S., to provide that, pursuant to a transportation concurrency agreement, after an applicant makes its contribution or constructs its proportionate share, the project shall be considered to have mitigated its transportation impacts and must be allowed to proceed. The section also provides that local governments may not prevent a single applicant from proceeding after the applicant has satisfied its proportionate-share contribution.

The section further prohibits local governments from charging for transportation impacts if they are not the local government that is issuing a building permit, requires that local governments collect for extra-jurisdictional impacts if they are issuing building permits, and prohibits local governments from assessing multiple charges for the same transportation impact.

**Section 3** amends s. 163.31801, F.S., to provide that local governments adopting and collecting impact fees must use localized data available within the previous 12 months of adoption for the local government’s calculation of impact fees. A local government must also credit against the collection of the impact any contribution identified in the development order or any form of exaction, including monetary contributions.

The section also provides that holders of transportation or road impact fee credits which existed before the adoption of the mobility fee-based funding system, are entitled to the full benefit of the intensity and density prepaid by the credit balance as of the date it was first established.

**Section 4** amends s. 212.055, F.S., to correct a statutory cross-reference.

**Section 5** provides that the bill takes effect July 1, 2024.

IV. **Constitutional Issues:**

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

   None.

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

   None.

C. **Trust Funds Restrictions:**

   None.
D. State Tax or Fee Increases:
None.

E. Other Constitutional Issues:
None.

V. Fiscal Impact Statement:
A. Tax/Fee Issues:
None.

B. Private Sector Impact:
None.

C. Government Sector Impact:
Ideally, local governments in cooperation will continue to collect the full amount of expected transportation and mobility related impact fees. Local governments may nonetheless see costs implementing the provision of the bill requiring only the building permit issuing local government to collect such fees before dispersing them to other affected governments to the extent that current administration, such as operation through interlocal agreement, differs.

VI. Technical Deficiencies:
None.

VII. Related Issues:
None.

VIII. Statutes Affected:
IX. This bill substantially amends sections 163.3164, 163.3180, 163.31801, and 212.055 of the Florida Statutes.

X. Additional Information:
A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)
None.

B. Amendments:
None.
A bill to be entitled
An act relating to alternative mobility funding systems; amending s. 163.3164, F.S.; providing definitions; amending s. 163.3180, F.S.; revising requirements relating to agreements to pay for or construct certain improvements; authorizing certain local governments to adopt an alternative mobility planning and fee system or an alternative system in certain circumstances; providing requirements for the application of an adopted alternative system; prohibiting an alternative system from imposing responsibility for funding an existing transportation deficiency upon new development; providing that only local governments issuing building permits may charge for transportation impacts; requiring local governments that issue building permits to collect for extrajurisdictional impacts; prohibiting local governments from assessing multiple charges for the same transportation impact; amending s. 163.31801, F.S.; revising requirements for the calculation of impact fees by certain local governments and special districts; requiring local governments transitioning to alternative funding systems to provide holders of impact fee credits with full benefit of intensity and density of prepaid credit balances as of a specified date; amending s. 212.055, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. Present subsections (32) through (52) of section 163.3164, Florida Statutes, are redesignated as subsections (34) through (54), respectively, and new subsections (32) and (33) are added to that section, to read:

32. "Mobility fee" means a local government fee schedule established by ordinance and based on the projects included in the local government’s adopted mobility plan.

33. "Mobility plan" means an integrated land use and alternative mobility transportation plan adopted into a local government comprehensive plan that promotes a compact, mixed-use, and interconnected development served by a multimodal transportation system in an area that is urban in character as defined in s. 171.031.

Section 2. Paragraphs (h) and (i) of subsection (5) of section 163.3180, Florida Statutes, are amended, and paragraph (j) is added to that subsection, to read:

30. (h)1. Local governments that continue to implement a transportation concurrency system, whether in the form adopted into the comprehensive plan before the effective date of the Community Planning Act, chapter 2011-139, Laws of Florida, or as subsequently modified, must:

50. a. Consult with the Department of Transportation when proposed plan amendments affect facilities on the strategic intermodal system.

CODING: Words stricken are deletions; words underlined are additions.
b. Exempt public transit facilities from concurrency. For the purposes of this sub-subparagraph, public transit facilities include transit stations and terminals; transit station parking; park-and-ride lots; intermodal public transit connection or transfer facilities; fixed bus, guideway, and rail stations; and airport passenger terminals and concourses, air cargo facilities, and hangars for the assembly, manufacture, maintenance, or storage of aircraft. As used in this sub-subparagraph, the terms "terminals" and "transit facilities" do not include seaports or commercial or residential development constructed in conjunction with a public transit facility.

c. Allow an applicant for a development-of-regional-impact development order, development agreement, rezoning, or other land use development permit to satisfy the transportation concurrency requirements of the local comprehensive plan, the local government's concurrency management system, and s. 380.06, when applicable, if:

(I) The applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate share of required improvements in a manner consistent with this subsection. The agreement must provide that after an applicant makes its contribution or constructs its proportionate share pursuant to this sub-subparagraph, the project shall be considered to have mitigated its transportation impacts and be allowed to proceed.

(II) The proportionate-share contribution or construction is sufficient to accomplish one or more mobility improvements that will benefit a regionally significant transportation facility. A local government may accept contributions from multiple applicants for a planned improvement if it maintains contributions in a separate account designated for that purpose. A local government may not prevent a single applicant from proceeding after the applicant has satisfied its proportionate-share contribution.

d. Provide the basis upon which the landowners will be assessed a proportionate share of the cost addressing the transportation impacts resulting from a proposed development. Pursuant to this paragraph, a local government may not require payment or construction of transportation facilities whose costs would be greater than a development's proportionate share of the improvements necessary to mitigate the development's impacts.

a. The proportionate-share contribution shall be calculated based upon the number of trips from the proposed development expected to reach roadways during the peak hour from the stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain or achieve the adopted level of service, multiplied by the construction cost, at the time of development payment, of the improvement necessary to maintain or achieve the adopted level of service.

b. In using the proportionate-share formula provided in this subparagraph, the applicant, in its traffic analysis, shall identify those roads or facilities that have a transportation deficiency in accordance with the transportation deficiency as defined in subparagraph 4. The proportionate-share formula
The applicant shall receive a credit on a dollar-for-dollar basis for impact fees, mobility fees, and other

In projecting the number of trips to be generated by the

When the provisions of subparagraph 1. and this

When a local government elects to repeal transportation

As used in this subsection, the term "transportation

If a local government elects to repeal transportation

An alternative mobility planning and fee funding system or an

An alternative system that is not mobility plan and fee based. The

Study medium population projections. Additional projected

Background trips are to be coincident with the particular stage

The University of Florida’s Bureau of Economic and Business

Research medium population projections. Additional projected

Background trips are to be coincident with the particular stage

or phase of development. Trips from a previous

mitigation was required or provided may be cumulatively analyzed

with trips from a subsequent stage or phase to determine whether

an impact requires mitigation for the subsequent stage or phase.

d. In projecting the number of trips to be generated by the

development under review, any trips assigned to a toll-financed

facility shall be eliminated from the analysis.

e. The applicant shall receive a credit on a dollar-for-
dollar basis for impact fees, mobility fees, and other
At a minimum, each local government that adopts and collects an impact fee by ordinance and each special district used in the alternative system must be used to implement the needs of the local government’s plan which serves as the basis for the fee imposed. An alternative transportation impacts via the funding mechanism implemented by the local government. The revenue from the funding mechanism used in the alternative system must be used to implement the transportation impacts as defined in paragraph (h).

(j) Only the local government issuing the building permit may charge for transportation impacts within its jurisdiction. Such local government must collect and account for anyextrajurisdictional impacts pursuant to s. 163.3177(6)(h), regardless of whether it implements a transportation concurrency system or an alternative system. A local government may not charge new development or redevelopment for the same transportation impacts.

Section 3. Paragraph (a) of subsection (4), paragraph (a) of subsection (5), and subsection (7) of section 163.31801, Florida Statutes, are amended to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(4) At a minimum, each local government that adopts and collects an impact fee by ordinance and each special district...
credit balance as of the date the alternative funding system was first established.

Section 4. Paragraph (d) of subsection (2) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(d) The proceeds of the surtax authorized by this subsection and any accrued interest shall be expended by the school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure; to acquire any interest in land for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; to provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum; or to finance the closure of county-owned or municipally owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection. Any use of the proceeds or interest for purposes of landfill closure before July 1, 1993, is ratified. The proceeds and any interest may not be used for the operational expenses of infrastructure, except that a county that has a population of fewer than 75,000 and that is required to close a landfill may use the proceeds or interest for long-term maintenance costs associated with landfill closure.

Counties, as defined in s. 125.011, and charter counties may, in addition, use the proceeds or interest to retire or service indebtedness incurred for bonds issued before July 1, 1987, for infrastructure purposes, and for bonds subsequently issued to refund such bonds. Any use of the proceeds or interest for purposes of retiring or servicing indebtedness incurred for refunding bonds before July 1, 1999, is ratified.

1. For the purposes of this paragraph, the term “infrastructure” means:

a. Any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have a life expectancy of 5 or more years, any related land acquisition, land improvement, design, and engineering costs, and all other professional and related costs required to bring the public facilities into service. For purposes of this sub-subparagraph, the term “public facilities” means facilities as defined in s. 163.3164(41).
s. 163.3221(13), or s. 189.012(5), and includes facilities that are necessary to carry out governmental purposes, including, but not limited to, fire stations, general governmental office buildings, and animal shelters, regardless of whether the facilities are owned by the local taxing authority or another governmental entity.

b. A fire department vehicle, an emergency medical service vehicle, a sheriff’s office vehicle, a police department vehicle, or any other vehicle, and the equipment necessary to outfit the vehicle for its official use or equipment that has a life expectancy of at least 5 years.

c. Any expenditure for the construction, lease, or maintenance of, or provision of utilities or security for, facilities, as defined in s. 29.008.

d. Any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of 5 or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or a staging area for emergency response equipment during an emergency officially declared by the state or by the local government under s. 252.38. Such improvements are limited to those necessary to comply with current standards for public emergency evacuation shelters. The owner must enter into a written contract with the local government providing the improvement funding to make the private facility available to the public for purposes of emergency shelter at no cost to the local government for a minimum of 10 years after completion of the improvement, with the provision that the obligation will transfer to any subsequent owner until the end of the minimum period.

e. Any land acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individuals or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or by a special district that enters into a written agreement with the local government to provide such housing. The local government or special district may enter into a ground lease with a public or private person or entity for nominal or other consideration for the construction of the residential housing project on land acquired pursuant to this sub-subparagraph.

f. Instructional technology used solely in a school district’s classrooms. As used in this sub-subparagraph, the term “instructional technology” means an interactive device that assists a teacher in instructing a class or a group of students and includes the necessary hardware and software to operate the interactive device. The term also includes support systems in which an interactive device may mount and is not required to be affixed to the facilities.

2. For the purposes of this paragraph, the term “energy efficiency improvement” means any energy conservation and efficiency improvement that reduces consumption through conservation or a more efficient use of electricity, natural gas, propane, or other forms of energy on the property, including, but not limited to, air sealing; installation of insulation; installation of energy-efficient heating, cooling, or ventilation systems; installation of solar panels; building...
modifications to increase the use of daylight or shade; replacement of windows; installation of energy controls or energy recovery systems; installation of electric vehicle charging equipment; installation of systems for natural gas fuel as defined in s. 206.9951; and installation of efficient lighting equipment.

3. Notwithstanding any other provision of this subsection, a local government infrastructure surtax imposed or extended after July 1, 1998, may allocate up to 15 percent of the surtax proceeds for deposit into a trust fund within the county’s accounts created for the purpose of funding economic development projects having a general public purpose of improving local economies, including the funding of operational costs and incentives related to economic development. The ballot statement must indicate the intention to make an allocation under the authority of this subparagraph.

Section 5. This act shall take effect July 1, 2024.
I. Summary:

SB 840 bill authorizes a licensed general lines insurance agency holding an insurer appointment to write motor vehicle insurance in Florida to petition a tax collector for appointment, and requires the tax collector to make such appointment, as an authorized agent of the tax collector for the purpose of issuing motor vehicle registration certificates, registration license plates, validation stickers, and mobile home stickers.

The bill also permits these insurance agencies to offer applicants the option to register emergency contact information and the choice to be contacted with information about state and federal benefits available as a result of military service, subject to the requirements of law and in accordance with the rules of the Department of Highway Safety and Motor Vehicles (DHSMV).

The bill mandates that a general lines insurance agency appointed by a tax collector:

- Must file a performance bond of $2 million with the DHSMV.
- Must provide the DHSMV with audited financial statements demonstrating that the agency has produced policy premiums in excess of $500 million in each of the two previous years.
- Is not obligated to provide services to the general public and may choose to offer services only to its customers in the normal course of business.
- Must offer such services at no more than five locations in each county where the agency has a branch office.
- Must be authorized by the tax collector to access the DHSMV’s electronic filing system.
- Is subject to all provisions of the law, as if the insurance agency were a private tag agency, except where the context indicates otherwise.

The bill may have an indeterminate impact on state government revenues and a negative fiscal impact on state government expenditures. It may have a positive impact on the private sector. See “Fiscal Impact Statement” for details.
The bill has an effective date of July 1, 2024.

II. Present Situation:

County tax collectors are the Department of Highway Safety and Motor Vehicles’ (DHSMV) authorized agents for titling and registering motor vehicles, motor homes, and vessels. When processing these transactions, tax collectors charge and collect fees specified in state law, which are remitted to the state. However, chs. 319, 320, and 328, F.S., also require tax collectors to retain certain statutorily prescribed service fees and charges.

The renewal of existing registration is the most common motor vehicle transaction. DHSMV and the tax collectors provide registration renewal services online, by mail, in person, through a phone application, through renewal kiosks located in various retail establishments, and by express pick-up where a customer can renew a registration online and pick it up in an office the same day.

Currently, 65 counties have elected tax collectors who are constitutional officers, while Broward and Miami-Dade counties have appointed tax collectors under each county’s charter government. However, pursuant to s. 1(d), Article VIII of the State Constitution, these counties will have elected tax collectors effective January 7, 2025.

License Plate Agents and Fees

Each tax collector is authorized to enter into contracts with private third-party license plate agents (LPAs) for the titling and registration of motor vehicles, mobile homes, and vessels. LPAs are granted online computer access to DHSMV systems and are supplied with title paper, registration decals, and license plates by the tax collector.

Sixteen counties have, or until recently had, contracts with privately owned LPAs to operate 57 offices, primarily in Miami Dade and Broward County, to perform title and registration services for motor vehicles, mobile homes, and vessels. In counties with elected tax collectors, LPAs only charge the fees for those services as expressly authorized in statute. In these counties, the LPAs may retain all or a portion of the statutorily authorized service fee that tax collectors are allowed to collect for motor vehicle, mobile home, and vessel title and registration services, as provided in the contracts between the LPA and the tax collector.

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1 Chapters 320 and 328, F.S. County tax collectors are expressly made agents of the state with respect to motor vehicle registration in s. 320.03(1), F.S., and with respect to vessel registration in s. 328.73(1), F.S.
2 See s. 319.32, F.S., for motor vehicle title fees, s. 320.03, for motor vehicle registration fees, and s. 320.04, F.S., as to motor vehicle service charges, and s. 328.72, F.S., as to vessel registration fees.
3 Department of Highway Safety and Motor Vehicles, Agency Analysis of 2021 SB 342, p. 2, January 14, 2021 (On file with Senate Committee on Transportation)
4 Id.
5 Art. VIII, s. 1(d), Fla. Const.
6 Department of Highway Safety and Motor Vehicles, Agency Analysis of 2024 HB 817, p. 2, December 22, 2023 (On file with the Senate Committee on Transportation)
7 Id.
8 Id.
County charge fees for motor vehicle, mobile home, and vessel title and registration fees in addition to the statutory fees authorized in chs. 319, 320, and 328, F.S. The additional fees levied in Broward and Miami-Dade Counties are levied pursuant to county ordinance and are retained by the LPAs.9

**Driver License Issuance Systems**

DHSMV has transitioned its driver license services from DHSMV-owned facilities to elected county tax collectors. Florida law required DHSMV to completely transition all driver license issuance services to tax collectors who are constitutional officers under s. 1(d), Article VIII of the State Constitution with this transition completed on June 30, 2015. The transition of services to appointed charter county tax collectors may occur on a limited basis as directed by DHSMV.10

DHSMV’s Florida Driver License Information System (FDLIS) is the legacy driver license issuance system that will be completely replaced by 2025 with the newly launched Online Registration and Identity Operating Network (ORION) database application.11 ORION will be used to conduct all driver license and identification card issuances. ORION provides real-time access to extensive information on every driver, including driving history, vehicle insurance information, and personal identity information and documents.

FDLIS/ORION is installed in 195 tax collector offices in 63 counties in Florida and in the 15 driver license offices DHSMV operates in Broward and Miami-Dade counties. Only DHSMV and elected tax collectors have access to FDLIS/ORION. Access to these systems is governed by individual memoranda of understanding between DHSMV and each tax collector.

County tax collectors are required to charge a $6.25 service fee for providing driver license services.12

**Regulation of Insurance Agents and Agency Services**

The Department of Financial Services’ (DFS) Division of Insurance Agent and Agency Services is responsible for the licensing and regulation of insurance agents, adjusters, insurance agencies, as well as related personnel and business entities.13

No person may be, act as, or advertise, or hold himself/herself out to be an insurance agent, insurance adjuster, or customer representative unless he or she is currently licensed by DFS and appointed by an appropriate appointing entity or person.14 There are several types of insurance representatives. These include:
- General lines agents,
- Life insurance agents,
- Health insurance agents,

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9 *Id.*  
10 Section 322.02(1), F.S.  
11 *Supra* note 1 at p. 7; section 322.135(1)(c), F.S.  
13 Ch. 626, parts I, II, III, IV, V, VI, VIII, IX, and XIII, F.S.  
14 S. 626.112, F.S.
• Title insurance agents,
• Personal lines agents, and
• Unaffiliated insurance agents.\textsuperscript{15}

\textbf{General Lines Agent}

A general lines agent\textsuperscript{16} is one who sells the following lines of insurance: property,\textsuperscript{17} casualty,\textsuperscript{18} including commercial liability insurance underwritten by a risk retention group, a commercial self-insurance fund,\textsuperscript{19} or a workers’ compensation self-insurance fund;\textsuperscript{20} surety;\textsuperscript{21} health;\textsuperscript{22} and, marine.\textsuperscript{23} The general lines agent may only transact health insurance for an insurer that the general lines agent also represents for property and casualty insurance. If the general lines agent wishes to represent health insurers that are not also property and casualty insurers, they must be licensed as a health insurance agent.\textsuperscript{24} Motor vehicle insurance is a type of casualty insurance.\textsuperscript{25}

\textbf{III. Effect of Proposed Changes:}

The bill amends s. 320.03, F.S., to authorize a licensed general lines insurance agency holding an insurer appointment to write motor vehicle insurance in Florida to petition a tax collector for appointment, and requires the tax collector to make such appointment, as an authorized agent of the tax collector for the purpose of issuing:
• Registration certificates;
• Registration license plates;
• Validation stickers; and
• Mobile home stickers

The bill permits these insurance agencies to offer applicants the option to register emergency contact information and the choice to be contacted with information about state and federal benefits available as a result of military service, subject to the requirements of law and in accordance with the rules of the DHSMV.

The bill mandates that a general lines insurance agency appointed by a tax collector:
• Must file a performance bond of $2 million with the DHSMV.
• Must provide the DHSMVs with audited financial statements, prepared by a certified public accountant licensed in Florida, for each of the two previous years, demonstrating that the agency has produced policy premiums in excess of $500 million in each of the two previous years.

\textsuperscript{15} Section 626.015, F.S.
\textsuperscript{16} Section 626.015(5), F.S.
\textsuperscript{17} Section 624.604, F.S.
\textsuperscript{18} Section 624.605, F.S.
\textsuperscript{19} As defined in s. 624.462, F.S.
\textsuperscript{20} Pursuant to s. 624.4621, F.S.
\textsuperscript{21} Section 626.606, F.S.
\textsuperscript{22} Sections. 624.603 and 627.6482, F.S.
\textsuperscript{23} Section 624.607, F.S.
\textsuperscript{24} Section 626.829, F.S.
\textsuperscript{25} Section 624.605, F.S.
• Is not obligated to provide services to the general public and may choose to offer services only to its customers in the normal course of business.
• Must offer such services at no more than five locations in each county where the agency has a branch office.
• Must be authorized by the tax collector to access the DHSMV’s electronic filing system.
• Is subject to all provisions of the law, as if the insurance agency were a private tag agency, except where the context indicates otherwise.

DHSMV is authorized to adopt rules to administer this provision, including rules establishing enforcement authority for noncompliance. However, given that general lines insurance agencies are not licensees of DHSMV, it is unclear how the department will be able to effectively discipline such agencies for noncompliance.

The bill has an effective date of July 1, 2024.

IV. **Constitutional Issues:**

A. **Municipality/County Mandates Restrictions:**
   
   None.

B. **Public Records/Open Meetings Issues:**
   
   None.

C. **Trust Funds Restrictions:**
   
   None.

D. **State Tax or Fee Increases:**
   
   None.

E. **Other Constitutional Issues:**
   
   None.

V. **Fiscal Impact Statement:**

A. **Tax/Fee Issues:**
   
   None.

B. **Private Sector Impact:**
   
   Eligible general lines insurance agencies that are appointed for this purpose may experience increased revenues.
C. Government Sector Impact:

DHSMV estimates the bill will produce indeterminate revenues.  

According to the DHSMV, there will be a significant cost associated with providing equipment such as computers, printers, servers, ports, cabling, and software, as well as registration inventory, including license plates and decals, to insurance agencies. Additionally, the DHSMV would require additional staff to ensure that the bill is implemented properly. For instance, DHSMV will likely need to hire more employees in the Tax Collection Liaison Unit to oversee the proper collection of motor vehicle registration fees by insurance agencies.

Specifically, DHSMV projects a first-year cost of $12,965,840, followed by recurring cost of $4,603,955 for each of the following four fiscal years. In the fifth year, DHSMV estimates a cost of $9,377,997.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DHSMV bill analysis includes a number of comments and recommended amendments, including:

- Remove language related to issuance of titles, which is not within the scope of work for general lines agencies proposed by the bill.
- Revise language to exclude the issuance of International Registration Plan registrations and permits for commercial motor vehicles.
- Delay the effective date of the bill until January 1, 2026, to allow it to be implemented after the rollout of ORION and avoid the cost of reprogramming the soon to be phased out FRVIS.

VIII. Statutes Affected:

This bill substantially amends section 320.03 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

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27 Id at 6.
28 Id.
29 Id.
30 Id. at 5.
31 Id. at 7.
B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
A bill to be entitled
An act relating to the appointment of a general lines
agency as an agent for a tax collector; amending s.
320.03 F.S.; requiring the tax collector, upon
petition, to appoint an agent in charge of a general
lines agency as an agent for the tax collector to
carry out certain duties; requiring all general lines
agencies appointed as agents for the tax collector to
fulfill certain requirements; authorizing agents of
general lines to have discretion in whether to provide
certain services; limiting the locations where agents
of general lines may provide services; requiring the
tax collector to be approved for access to the
electronic filing system; subjecting the general lines
agent acting as an agent of the tax collector to
certain provisions of law; authorizing the Department
of Highway Safety and Motor Vehicles to adopt rules;
providing an effective date.

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

Section 1. Subsection (11) is added to section 320.03,
Florida Statutes, to read:
320.03 Registration; duties of tax collectors;
International Registration Plan.—
(11)(a) Upon petition by the agent in charge of a general
lines agency licensed pursuant to chapter 626 and appointed to
write motor vehicle insurance, each tax collector may appoint
such agency as an agent for the tax collector for purposes of
issuing registration certificates, registration license plates,
validation stickers, and mobile home stickers to applicants and
providing to such applicants the option to register emergency
contact information and the option to be contacted with
information about state and federal benefits available as a
result of military service, subject to the requirements of law,
in accordance with the rules of the department.

(b) A general lines agency appointed as an agent for a tax
collector under this subsection:
1. Must provide a performance bond of $2 million to the
department;
2. Must provide audited financial statements from a
certified public accountant licensed to practice in this state
for each of the previous 2 years demonstrating the agency has
produced policy premiums in excess of 500 million in each of the
previous 2 years;
3. Is not required to provide services described in
paragraph (a) to the general public and may provide such
services solely to its customers in the normal course of
business;
4. May not offer such services at more than five locations
in each county where the agency has a branch office;
5. Must be approved by the tax collector pursuant to
paragraph (10)(c) for access to the electronic filing system;
and
6. Is subject to all provisions of law as though such agent
were a private tag agency or agent, except where the context
clearly indicates otherwise.
(c) The department may adopt rules to administer this
subsection, including, but not limited to, rules establishing information that must be contained in a petition to offer services under this subsection and information that must be contained in the audited financial statements and enforcement authority for noncompliance.

Section 2. This act shall take effect July 1, 2024.
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 Committee on Transportation

BILL: SB 868
INTRODUCER: Senator Boyd
SUBJECT: Transportation Facility Designations/Army Specialist Nicholas Panipinto Memorial Highway
DATE: January 29, 2024

I. Summary:

SB 868 designates that portion of U.S. 19 between Palm View Road and Terra Ceia Road in Manatee County as “Army Specialist Nicholas Panipinto Memorial Highway and directs the Florida Department of Transportation (FDOT) to erect suitable markers.

The estimated cost to FDOT to install the designation markers required under the bill is $1,800. See the “Fiscal Impact Statement” below for details.

The bill takes effect July 1, 2024

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.¹

When the Legislature establishes road or bridge designations, 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.²

¹ Section 334.071(1), F.S.
² Section 334.071(2), F.S.
FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before the installation of the markers.\textsuperscript{3}

**Army Specialist Nicholas Panipinto**

Army Specialist Nicholas Panipinto graduated from Manatee High School in 2017 and joined the US Army in January 2018, as an Infantryman. Nicholas was awarded the Army Commendation Medal, National Defense Service Medal, Global War on Terrorism Medal, Army Service Ribbon and received the Expert Marksmanship Badge.\textsuperscript{4} He was killed on November 6, 2019, when, in a training accident, his Bradley fighting vehicle rolled over.\textsuperscript{5}

**III. Effect of Proposed Changes:**

The bill creates an undesignated section of Florida law designating that portion of U.S. 19 between Palm View Road and Terra Ceia Road in Manatee County as Army Specialist Nicholas Panipinto Memorial Highway and directs FDOT to erect suitable markers.

The bill takes effect July 1, 2024.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

   None.

B. Public Records/Open Meetings Issues:

   None.

C. Trust Funds Restrictions:

   None.

D. State Tax or Fee Increases:

   None.

E. Other Constitutional Issues:

   None.

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\textsuperscript{3} Section 334.071(3), F.S.


V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The estimated cost to erect the designation markers required under this bill is $1,800, based on the assumption that a minimum of two markers are required at a cost to FDOT of no less than $900 each. The estimate includes labor, materials, manufacturing, and installation. FDOT is expected to absorb the estimated cost within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill contains an undesignated section of Florida statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
The Committee on Transportation (Boyd) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

1. That portion of U.S. 19 between Palm View Road and Terra Ceia Road in Manatee County is designated as “Army Specialist Nicholas Panipinto Memorial Highway.”

2. The mid-block crossing and pedestrian hybrid beacon on
that portion of E. University Avenue/S.R. 26 between N.E. 26th Terrace and S.E. 26th Terrace in Alachua County is designated as “Dylan Roberts Memorial Crosswalk.”

(3) Those portions of the Gandy Bridge on U.S. 92 located within the geographical boundaries of Hillsborough and Pinellas Counties are designated as “Airman Mohammed ‘Mo’ Sameh Haitham Memorial Way.”

(4) That portion of I-75 between U.S. 17/Duncan Road and Harbor View Road in Charlotte County is designated as “Deputy Sheriff Christopher Taylor Memorial Highway.”

(5) That portion of S.R. 434 between S.R. 400 and Ronald Reagan Boulevard in Seminole County is designated as “Deputy Sheriff George Pfeil Memorial Highway.”

(6) That portion of U.S. 17-92 between 1st Street and 25th Street in Seminole County is designated as “Deputy Sheriff Robert Moore Memorial Highway.”

(7) That portion of C.R. 419 between Snow Hill Road and the Orange County line in Seminole County is designated as “Deputy Sheriff James Cleveland Jacobs Memorial Highway.”

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

Section 2. This act shall take effect July 1, 2024.
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.
A bill to be entitled An act relating to transportation facility designations; providing an honorary designation of a certain transportation facility in a specified county; 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. Army Specialist Nicholas Panipinto Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. 19 between Palm View Road and Terra Ceia Road in Manatee County is designated as "Army Specialist Nicholas Panipinto Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating the transportation facility described in subsection (1).

Section 2. This act shall take effect July 1, 2024.
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 Committee on Transportation

BILL: SB 968
INTRODUCER: Senators Calatayud and Trumbull
SUBJECT: Spaceport Territory
DATE: January 29, 2024

ANALYST STAFF DIRECTOR REFERENCE ACTION
1. Ingram Proctor MS Favorable
2. Shutes Vickers TR Pre-meeting
3. RC

I. Summary:

SB 968 expands spaceport territory to include certain real property in Miami-Dade County consisting of property that was formerly included within the boundaries of Homestead Air Force Base and is included in the Homestead Air Reserve Base or deeded to Miami-Dade County or the City of Homestead. The bill provides that Homestead Air Force Base refers to and includes federal property that is part of Homestead Air Reserve Base and former federal property that was previously part of Homestead Air Force Base and, as of July 1, 2024, or anytime thereafter, is deeded to Miami-Dade County or the City of Homestead.

In addition, the bill expands spaceport territory to include certain real property in Bay County which is included within the boundaries of Tyndall Air Force Base.

The bill may have an indeterminate likely insignificant fiscal impact due to commercial activities within the newly designated spaceport territory.

The bill takes effect July 1, 2024.

II. Present Situation:

Federal Regulations

The Office of Commercial Space Transportation was established in 1984 under the U.S. Department of Transportation, and in 1995, transferred to the Federal Aviation Administration (FAA), to regulate and facilitate safe operations of the U.S. commercial space transportation industry. The Commercial Space Launch Act of 1984, as amended, authorizes the FAA to establish licensing and regulatory requirements for launch vehicles, launch sites, and reusable

suborbital rockets. FAA’s launch regulations require a license or permit for all commercial launches taking place within the U.S. borders as well as for launches being conducted abroad. In general, the FAA does not license launches by U.S. governmental entities. The FAA has licensed the operation of FAA approved launch sites in 10 states including Florida.

**Spaceport Territory in Florida**

Section 331.304, F.S., provides that the following property constitutes spaceport territory:

- Certain real property in Brevard County which is included within the 1998 boundaries of Patrick Space Force Base, Cape Canaveral Space Force Station, or John F. Kennedy Space Center.
- Certain real property in Santa Rosa, Okaloosa, Gulf, and Walton Counties which is included within the 1997 boundaries of Eglin Air Force Base.
- Certain real property in Duval County which is included within the boundaries of Cecil Airport and Cecil Commerce Center.
- Certain real property in Brevard County which is included within the boundaries of Space Coast Regional Airport, Space Coast Regional Airport Industrial Park, and Spaceport Commerce Park.
- Real property within the state which is a spaceport licensed by the FAA, as designated by the board of directors of Space Florida.

**Spaceport**

A spaceport is any area of land or water, or any manmade object or facility located therein, developed by Space Florida, which is intended for public use or for the launching, takeoff, and landing of spacecraft and aircraft, and includes any associated areas which are used or intended for public use, for spaceport buildings, or for other spaceport facilities, spaceport projects, or rights-of-way. U.S. spaceports play a critical role in the growing global commercial space transportation industry.

**Spaceports in Florida**

Currently, Florida has two federally owned spaceports and four FAA licensed commercial spaceports. The Cape Canaveral Space Force Station and the National Aeronautics and Space Administration’s Kennedy Space Center are owned and operated by the federal government. The four FAA licensed commercial spaceports in Florida are the Space Florida Launch Complex 46 and Space Florida Launch and Landing Facility, both operated by Space Florida; the Cecil Air

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3 The FAA website identifies the following states with one or more FAA licensed spaceports: Alabama, Alaska, California, Colorado, Florida, Georgia, New Mexico, Oklahoma, Texas, and Virginia available at https://www.faa.gov/space/spaceports_by_state (last visited Jan. 10, 2024).

4 Federal Aviation Administration, FAQs, Launch Licenses and Launch Sites and Spaceports, available at https://www.faa.gov/space/additional_information/faq#commercial (last visited Jan. 10, 2024).

5 Section 331.303(17), F.S.

and Space Port, operated by the Jacksonville Aviation Authority; and the Space Coast Regional Airport, operated by the Titusville-Cocoa Airport Authority.  

State Investments and Exemptions

Strategic Space Infrastructure Investment

In consultation with Space Florida, the Florida Department of Transportation is authorized to fund up to 100 percent of the cost of a strategic spaceport launch support facilities investment project if the following conditions have been met:

- Important access and on-spaceport and commercial launch facility capacity improvements are provided;
- Capital improvements that strategically position the state to maximize opportunities in international trade are achieved;
- Goals of an integrated intermodal transportation system for the state are achieved; and
- Feasibility and availability of matching funds through federal, local, or private partners are demonstrated.  

Spaceport - Sales and Use Tax Incentives

The state provides a tax exemption for certain machinery and equipment purchased for a new or expanding business in a spaceport territory which is engaged in commercial spaceport activities.  

In accordance with general law and Florida Administrative Code, this exemption is available for machinery for a new business ordered before the start of productive operations and received within 12 months after the date the business begins its productive operations, and for an existing business, the expanding business entity must show a minimum five percent increase in productive output. In order to receive an exemption, the qualifying business entity must file with the Florida Department of Revenue an Application for Temporary Tax Exemption Permit, Form DR-1214.

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8 Section 331.303(14), F.S., defines project as any activity associated with any development, improvement, property, launch, utility, facility, system, works, road, sidewalk, enterprise, service, or convenience, which may include coordination with federal and state partners or agencies; any rocket, capsule, module, launch facility, assembly facility, operations or control facility, tracking facility, administrative facility, or any other type of aerospace-related transportation vehicle, station, or facility; any type of equipment or instrument to be used or useful in connection with any of the foregoing; any type of intellectual property and intellectual property protection in connection with any of the foregoing including, without limitation, any patent, copyright, trademark, and service mark for, among other things, computer software; any water, wastewater, gas, or electric utility system, plant, or distribution or collection system; any small business incubator initiative, including any startup aerospace company, and any aerospace business proposing to expand or locate its business in this state, research and development company, research and development facility, education and workforce training facility, storage facility, and consulting service; or any tourism initiative, including any space experience attraction, microgravity flight program, aerospace launch-related activity, and space museum sponsored or promoted by Space Florida.
9 Section 331.371, F.S.
10 Section 212.02(22), F.S., defines spaceport activities as activities directed or sponsored by Space Florida on spaceport territory pursuant to its powers and responsibilities under the Space Florida Act.
11 Section 212.08(5), F.S.
Homestead Air Force Base and Homestead Air Reserve Base

Homestead Air Force Base was renamed Homestead Air Reserve Base (HARB) in 2003.\textsuperscript{14} HARB is located in southeastern Miami-Dade County, near the southern tip of the Florida peninsula. HARB is located along U.S. Highway 1, approximately 25 miles south of Miami, 5 miles east of Homestead, and 2 miles west of Biscayne Bay. HARB is comprised of 1,943 acres, with the surrounding area being largely agricultural but in the process of being rezoned for residential and commercial purposes. Farther to the east, south, and southeast are vacant parcels of land. These vacant parcels are either protected (due to easements) or unprotected (private ownership and could be developed). There are a few commercial plots to the north and northwest of the installation; some residential areas to the south of the installation; and residential developments to the west, north, and northwest of the installation. Areas to the southwest of the installation are being developed for residential and commercial land uses according to Miami-Dade County Planning and Zoning.\textsuperscript{15}

Tyndall Air Force Base

Tyndall Air Force Base (TAFB) is located one mile southeast of Panama City, Florida. TAFB encompasses approximately 29,000 acres on a narrow, 18-mile-long, northwest-southeast peninsula. Major communities surrounding the installation include Panama City, Lynn Haven, Springfield, Callaway, and Cedar Grove to the northwest, Panama City Beach to the west, and Mexico Beach to the southeast.\textsuperscript{16}

III. Effect of Proposed Changes:

SB 968 amends s. 331.304, F.S., to expand spaceport territory to include certain real property in Miami-Dade County consisting of property that was formerly included within the boundaries of Homestead Air Force Base and is included in the Homestead Air Reserve Base or deeded to Miami-Dade County or the City of Homestead. The bill provides that Homestead Air Force Base refers to and includes federal property that is part of Homestead Air Reserve Base and former federal property that was previously part of Homestead Air Force Base and, as of July 1, 2024, or anytime thereafter, is deeded to Miami-Dade County or the City of Homestead.

In addition, the bill expands spaceport territory to include certain real property in Bay County which is included within the boundaries of Tyndall Air Force Base.

New and expanding businesses engaged in commercial spaceport activities which are located in a spaceport territory designated by the bill may be eligible for a tax exemption on the purchase of certain machinery and equipment.


\textsuperscript{15} Id.

The bill takes effect July 1, 2024.

IV. **Constitutional Issues:**

A. Municipality/County Mandates Restrictions:
   None.

B. Public Records/Open Meetings Issues:
   None.

C. Trust Funds Restrictions:
   None.

D. State Tax or Fee Increases:
   None.

E. Other Constitutional Issues:
   None identified.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:
   None.

B. Private Sector Impact:
   A new or expanding business located within the newly designated spaceport territory which is engaged in commercial spaceport activities may be eligible for a sales tax exemption on the purchase of certain machinery and equipment.

C. Government Sector Impact:
   The bill may have an indeterminate likely insignificant fiscal impact due to commercial activities within the newly designated spaceport territory.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.
VIII. Statutes Affected:

This bill substantially amends section 331.304 of the Florida Statutes.

IX. Additional Information:

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

   None.

B. Amendments:

   None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
A bill to be entitled
An act relating to spaceport territory; amending s.
331.304, F.S.; revising spaceport territory to include
certain property; providing an effective date.

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

Section 1. Subsections (6) and (7) are added to section 
331.304, Florida Statutes, to read:

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

(6) Certain real property located in Miami-Dade County
which was formerly included within the boundaries of Homestead
Air Force Base and is included within the boundaries of
Homestead Air Reserve Base or deeded to Miami-Dade County or the
City of Homestead. Homestead Air Force Base refers to and
includes:

(a) Federal property that is part of Homestead Air Reserve
Base; and

(b) Former federal property that was previously part of
Homestead Air Force Base and, as of July 1, 2024, or any time
thereafter, is deeded to Miami-Dade County or the City of
Homestead.

(7) Certain real property located in Bay County which is
included within the boundaries of Tyndall Air Force Base.

Section 2. This act shall take effect July 1, 2024.
I. Summary:

SB 982 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create a new specialty license plate for Project Addiction: Reversing the Stigma. The annual use fee for the plate is $25.

Proceeds of the sale of the Project Addiction: Reversing the Stigma specialty license plate will be distributed to the not-for-profit organization Project Addiction: Reversing the Stigma, Inc., to be used to promote and support awareness of and education about substance use disorder and mental illness.

The DHSMV estimates programming and implementation of the plate will cost $7,680.

The bill takes effect October 1, 2024.

II. Present Situation:

Project Addiction: Reversing the Stigma

Project Addiction: Reversing the Stigma, Inc., was founded in 2021 and is a Florida not-for-profit corporation registered with the Florida Department of State. The organization’s mission statement is: “Empowering the lives of those with Substance Use Disorder (SUD) and Mental Illness through Education, Awareness, and Support.”

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1 Florida Department of State: Division of Corporations, Project Addiction: Reversing the Stigma, Inc., Sunbiz.org, Document number N2100011775 (December 20, 2023).
2 Id.
The organization was founded to spread awareness of the opioid epidemic and find proactive ways to honor family members lost to Substance Use Disorder and mental illness.\(^3\)

**Specialty License Plates**

As of December 2023, there are 144 specialty license plates authorized by the Legislature. Of these plates, 109 are available for immediate purchase and 31 are in the presale process.\(^4\) Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from $15 to $25, paid in addition to required license taxes and service fees.\(^5\) The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate’s design and designated in statute.\(^6\)

In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue presale vouchers for the specialty license plate; and
- Within 24 months after the presale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales before manufacturing of the plate may begin.\(^7\)

If the minimum sales requirement has not been met by the end of the 24-month presale period, then the DHSMV will discontinue the plate and issuance of presale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.\(^8\)

New specialty license plates that have been approved by law but are awaiting issuance will be issued in the order they appear in s. 320.08058, F.S., provided that presale requirements have been met. If the next listed specialty license plate has not met the presale requirement, the DHSMV will proceed in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement.\(^9\)

If the Legislature has approved 135 or more specialty license plates, the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 135.\(^{10}\)

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\(^3\) Project Addiction: Reversing the Stigma, About Mission Statement, About | Reversing The Stigma (last visited December 20, 2023).


\(^5\) Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is $25.

\(^6\) Section 320.08058, F.S.

\(^7\) Chapter 2022-189, Laws of Fla., extended the presale requirement by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but had not recorded at least 3,000 voucher sales.

\(^8\) Section 320.08053(2)(b), F.S.

\(^9\) Section 320.08053(3)(a), F.S.

\(^{10}\) Section 320.08053(3)(b), F.S.
Use of Specialty License Plate Fees

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates. Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.

The annual use fees collected by an organization and the interest earned from those fees may not be used for commercial or for-profit activities, or general or administrative expenses, unless authorized by s. 320.08058, F.S. Additionally, the annual use fees and interest earned from those fees may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, any employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or any elected member or employee of the Legislature.

Discontinuance of Specialty Plates

Prior to June 30, 2023, the DHSMV was required to discontinue the issuance of an approved specialty license plate if the number of valid registrations fell below 1,000 plates for at least 12 consecutive months. A warning letter was mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations fell below 1,000 plates. Collegiate plates for Florida universities were exempt from the minimum specialty license plate requirement. In addition, the DHSMV was authorized to discontinue any specialty license plate if the organization ceased to exist, stopped providing services that are funded from the annual use fee proceeds, or pursuant to an organizational recipient’s request.

However, effective July 1, 2023, the requirement increased so that the DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 3,000 or in the case of an out-of-state college or university license plate, 4,000, for at least 12 consecutive months. The DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or in the case of an out-of-state college or university license plate, 4,000. This does not apply to in-state collegiate license plates established under s. 320.08058(3), F.S., license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida professional sports team license plates established under s. 320.08058(9), F.S.

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11 Section 320.08056(10)(a), F.S.
12 Section 320.08062, F.S.; Such fees may be used to pay for the cost of this required audit or report. See s. 320.08056(10)(a), F.S.
13 Section 320.08056(10)(a), F.S.
14 Section 320.08056(11), F.S.
15 Section 320.08056(8)(a), F.S.
16 Section 320.08056(8)(b), F.S.
17 Chapter 2020-181, s. 7, Laws of Fla.
III. **Effect of Proposed Changes:**

The bill amends s. 320.08058, F.S., to authorize DHSMV to create a new specialty license plate for Project Addiction: Reversing the Stigma. The annual use fee for the plate is $25. The plate must bear the colors and design approved by the department, with the word “Florida” at the top of the plate and the words “Project Addiction: Reversing the Stigma” at the bottom of the plate.

Proceeds from the sale of the plate will be distributed to Project Addiction: Reversing the Stigma, Inc. The organization may use up to 10 percent of proceeds to promote and market the plate. The remaining funds shall be used to fund the Project Addiction: Reversing the Stigma organization to promote and support awareness of and education about substance use disorder and mental illness.

The plate will be added to the DHSMV presale voucher process, but will not be produced unless the presale requirement of 3,000 vouchers is met and the 135 plate cap has not been reached.

The bill takes effect October 1, 2024.

IV. **Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

   None.

B. Public Records/Open Meetings Issues:

   None.

C. Trust Funds Restrictions:

   None.

D. State Tax or Fee Increases:

   None.

E. Other Constitutional Issues:

   None Identified.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

   None.
B. Private Sector Impact:

If the specialty license plate is produced, the Project Addition: Reversing the Stigma, Inc., will receive annual use fees associated with sales of the plate.

C. Government Sector Impact:

According to previous specialty license plates fiscal impacts, DHSMV estimates programming and implementation of the plate will cost $7,680.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.08058 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (127) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—
(127) PROJECT ADDICTION: REVERSING THE STIGMA LICENSE PLATES.—
(a) The department shall develop a Project Addiction: Reversing the Stigma license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Overdose Awareness” must appear at the bottom of the plate.
(b) The annual use fees from the sale of the plate shall be distributed to Project Addiction: Reversing the Stigma, Inc., a Florida nonprofit corporation, as follows:
1. Up to 10 percent of the annual use fees may be used for:
   a. Promotion and marketing costs of the license plate.
   b. Reimbursing the corporation for administrative costs, startup costs, and costs incurred in the development and approval process of the license plate.
   2. The remaining funds shall be distributed with the approval of and accountability to the board of directors of Project Addiction: Reversing the Stigma, Inc., and must be used to promote and support awareness of and education about substance use disorder and mental illness.

Section 2. This act shall take effect October 1, 2024.
I. Summary:

SB 994 revises statutory provisions relating to the camera enforcement of traffic infractions related to passing of a stopped school bus. Specifically, the bill:

- Authorizes charter schools and private schools to install and operate school bus infraction detector systems.
- Removes a prohibition on receiving a commission of revenue from violations using a school bus infraction detection system.
- Removes a prohibition of a private vendor receiving a fee or remuneration based upon the number of violations detected through the use of a school bus infraction detection system.
- Authorizes charter schools and private schools to enter into interlocal agreements with law enforcement agencies to enforce school bus passing infractions.
- Authorizes traffic infraction enforcement officers and certified school board security agencies to enforce school bus passing infractions detected by school bus infraction detector systems.
- Revises required signage on school buses with infraction detection system.
- Requires charter schools and private schools to conduct, prior to beginning enforcement, certain public awareness campaigns.
- Authorizes school entities to establish, by resolution, certain hearing procedures.
- Creates a process to contest a notice of violation through use of a local hearing officer and incorporates such officers into the statutory definition of “local hearing officer.”
- Allocates civil penalties to the appropriate school district, charter school, or private school to pay for the program and other student transportation safety enhancements.
- Provides that the collection of evidence from a school bus infraction detection system does not constitute remote surveillance.
- Limits the use of video and images from the system to specified purposes.
- Revises certain reporting requirements.
• Authorizes school safety officers meeting specified requirements to enforce school bus traffic infractions.
• Requires specified traffic penalties to be remitted to a school district, charter school, or private school.

The bill takes effect upon becoming a law.

II. **Present Situation:**

**Use of Cameras for Traffic Enforcement**

Florida law expressly preempts to the state the regulation of the use of cameras for enforcing the Florida Uniform Traffic Control Law.¹ The only cameras currently authorized to enforce traffic laws are traffic infraction detectors (commonly known as red light cameras),² speed detection systems used to enforce school zone speed limits for violations in excess of 10 miles per hour over the speed limit,³ and school bus infraction detection systems.⁴

**School Bus-Related Traffic Laws**

Pursuant to s. 316.172, F.S., a school bus must stop as far to the right of the street as possible and display warning lights and stop signals before discharging or loading passengers.⁵ When possible, school buses should not stop where visibility is obscured for a distance of 200 feet from the bus.⁶

When approaching a stopped school bus displaying a stop signal, a driver must bring his or her vehicle to a full stop until the bus’s signal is withdrawn.⁷ However, a driver is not required to stop if his or her vehicle is traveling in the opposite direction of a stopped school bus on a divided highway with an unpaved space of at least five feet, a raised median, or a physical barrier.⁸

A person cited for failing to stop for a school bus displaying a stop signal pursuant to s. 316.172(1)(a), F.S., commits a moving violation and is subject to a $200 civil penalty.⁹ A person cited for a moving violation may either pay the civil penalty or request a hearing to contest the citation.¹⁰ Additionally, any person who is convicted, pleads nolo contendere, or is subject to the court withholding adjudication for such violation must attend a driver improvement course.¹¹

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¹ Section 316.0076, F.S.; ch. 316, F.S., is the Florida Uniform Traffic Control Law.
² Section 316.0083, F.S.
³ Section 316.1896, F.S.
⁴ Section 316.173, F.S.
⁵ Section 316.172(3), F.S.
⁶ *Id.*
⁷ Section 316.172(1)(a), F.S.
⁸ Section 316.172(2), F.S.
⁹ In addition to this penalty, for a second or subsequent offense within a period of 5 years, DHSMV must suspend the driver license of the person for not less than 180 days and not more than 1 year. Section 318.18(5)(a), F.S.
¹⁰ Section 318.14, F.S.
¹¹ Sections 322.0261(4)(a) and(c), F.S.
A driver who passes a school bus on the side that children enter and exit while the school bus displays a stop signal pursuant to s. 316.172(1)(b), F.S., also commits a moving violation; however, he or she is subject to a $400 civil penalty and must attend a mandatory hearing, and attend a driver improvement course.

A driver who illegally passes a stopped school bus and:
- Does not cause serious bodily injury or death to another, will receive four points on his or her driver license record.
- Causes serious bodily injury or death to another, will receive six points on his or her driver license record and must:
  - Serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents;
  - Participate in a victim’s impact panel session; if such panel does not exist, the driver must attend a driver improvement course approved by the Department of Highway Safety and Motor Vehicles (DHSMV) relating to the rights of vulnerable road users relative to vehicles on the roadway, and
  - Pay a $1,500 fine and have his or her driver license suspended for at least one year.

When a driver accumulates a specified number of points on his or her driving record within a certain time period, his or her license is suspended, as follows:
- 12 points in 12 months – 30-day suspension.
- 18 points in 18 months – 3-month suspension.
- 24 points in 36 months – 12-month suspension.

School Bus Stop Arm Traffic Citations

The Florida Department of Education created a statewide survey for bus drivers to complete regarding the illegal passing of their school buses. The 2023 survey showed that on a single day, 11,224 illegal passes were made based on the observations of 8,432 school bus drivers who completed the survey. Of these illegal passes, 568 were made on the right side of the bus where children generally enter and exit the vehicle, and 10,660 were made on the left side.

School Bus Infraction Detection Systems

In 2023, the Legislature authorized the use of school bus infraction detection systems to enforce traffic violations for passing a stopped school bus loading or unloading passengers.

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12 In addition to this penalty, for a second or subsequent offense within a period of 5 years, DHSMV must suspend the driver license of the person for not less than 360 days and not more than 2 years. Section 318.18(5)(a), F.S.
13 Sections 316.172(1)(b) and 318.19(3), F.S.
14 Sections 322.0261(4)(a) and (c), F.S.
15 Section 322.27(3)(d)4.a., F.S.
16 Section 322.27(3)(d)4.b., F.S.
17 Section 316.027(4)(b), F.S.
18 Section 318.18(5)(d), F.S.
19 Section 322.27(3), F.S.
21 CS/CS/SB 766; Chapter 2023-171, Laws of Fla.
That bill defined the term “school bus infraction detection system” to mean a camera system affixed to a school bus with two or more camera sensors or computers that produce a recorded video and two or more film or digital photographic still images for the purpose of documenting a motor vehicle being used or operated in a manner that allegedly violates s. 316.172(1)(a) or (b), F.S.22

The 2023 law authorized school districts to contract with a private vendor or manufacturer to install a school bus infraction detection system on any school bus within its fleet, whether owned, contracted, or leased, and for services including, but not limited to, the installation, operation, and maintenance of the system. The school district's decision to install school bus infraction systems must be based solely on the need to increase public safety.23

An individual may not receive a commission from any revenue collected from violations detected through the use of a school bus infraction detection system. A private vendor or manufacturer may not receive a fee or remuneration based upon the number of violations detected through the use of a school bus infraction detection system.24

School district must ensure that each school bus infraction detection system meets State Board of Education (SBE) specifications and must be tested at regular intervals according to specifications prescribed by SBE rule.25 Equipment acquired via an agreement entered into by a school district on or before December 31, 2023, is not required to meet SBE specifications until July 1, 2024.26

Florida law provides that a school district that elects to install a school bus infraction detection system must enter into an interlocal agreement with one or more law enforcement agencies authorized to enforce traffic violations, within the school district. The interlocal agreement jointly establishes the responsibilities of enforcement and the reimbursement of costs associated with school bus infraction detection systems.27

On any school bus in which a school bus infraction detection system is installed and operational, the school district must post high-visibility reflective signage on the rear of the school bus indicating the use of such system, which must contain the following elements in substantially the following form:

- The words “STOP WHEN RED LIGHTS FLASH” or “DO NOT PASS WHEN RED LIGHTS FLASH.”
- The words “CAMERA ENFORCED.”
- A graphic depiction of a camera.28

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22 Section 316.003(78), F.S.
23 Section 316.173(1)(b), F.S.
24 Id.
25 The State Board of Education’s rules are in Rule 6A-3.003, F.A.C. The SBE was required to establish such specifications, by rule, on or before December 31, 2023.
26 Section 316.173(1)(c) and (18), F.S.
27 Section 316.173(1)(d), F.S.
28 Section 316.173(2), F.S.
If a school district that has never conducted a school bus infraction detection system program begins such a program, the school district must make a public announcement and conduct a public awareness campaign for at least 30 days before beginning enforcement. The school district must notify the public of the specific date on which the program will begin and, during the 30-day public awareness campaign, only a warning may be issued for a violation that is enforced by a school bus infraction detection system, and a civil penalty may not be imposed.29

Within 30 days after an alleged violation is recorded by a school bus infraction detection system, the school district or the private vendor or manufacturer with whom the school district has entered into a contract, must submit the following information to a law enforcement agency that has entered into an interlocal agreement with the school district and has traffic infraction enforcement jurisdiction at the location where the alleged violation occurred:

- A copy of the recorded video and images showing the motor vehicle’s alleged violations;
- The motor vehicle’s license plate number and the state of issuance of the motor vehicle’s license plate; and
- The date, time, and location of the alleged violation.30

Within 30 days after receiving the information required above, the law enforcement agency, if it determines that the motor vehicle violated the laws relating to traffic stopping for a school bus, must send notice of violation to the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14, F.S., 31 and that the violator must pay the penalty under s. 318.18(5), F.S.,32 or furnish an affidavit within 30 days after the date the notice of violation is sent in order to avoid court fees, costs, and the issuance of a uniform traffic citation. The notice of violation must be sent by first-class mail and include all of the following:

- A copy of one or more recorded images showing the motor vehicle involved in the violation, including an image showing the license plate of the motor vehicle;
- The date, time, and location of the violation;
- The amount of the civil penalty, the date by which the civil penalty must be paid, and instructions on how to pay the civil penalty;
- Instructions on how to request a hearing to contest liability or the notice of violation;
- A notice that the owner has the right to review, in person or remotely, the video and images recorded by the school bus infraction detection system which constitute a rebuttable presumption that the motor vehicle was used in violation of law;
- The time when, and the place or website at which, the recorded video and images may be examined and observed; and
- A warning that failure to pay the civil penalty or to contest liability within 30 days after the notice is mailed will result in the issuance of a uniform traffic citation.33

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29 Section 316.173(3), F.S.
30 Section 316.173(4), F.S.
31 Section 318.14, F.S., provides procedures for noncriminal traffic infractions.
32 Section 318.18(5), F.S., provides a minimum penalty of $200 for a failure to stop for a school bus and a minimum penalty of $200 for passing a school bus on the side that children enter and exit if the violation is enforced by a school bus infraction detection system. In addition to these penalties, if the alleged offender is found to have committed the offense and it is enforced by a school bus infraction detection system, then the court must impose the civil penalty aforementioned plus an additional $25.
33 Section 316.173(5), F.S.
If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or an authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the violation, such person waives any challenge or dispute as to the delivery of the notice of violation.\textsuperscript{34}

The civil penalties assessed and collected for a violation enforced by a school bus infraction detection system are remitted to the school district in which the violation occurred. Such civil penalties must be used for the installation or maintenance of school bus infraction detection systems on school buses, for any other technology that increases the safety of the transportation of students, or for the administration and costs associated with the enforcement of violations.\textsuperscript{35}

If payment has not been made within 30 days after the notice of violation and if the registered owner has not submitted an affidavit supporting an exception, a uniform traffic citation must be issued, by certified mail, to the address of the registered owner of the motor vehicle involved in the violation.\textsuperscript{36}

Delivery of the uniform traffic citation constitutes notification of a violation. If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or a duly authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the citation, such person waives any challenge or dispute as to delivery of the uniform traffic citation.\textsuperscript{37}

In the case of joint ownership of a motor vehicle, the uniform traffic citation must be mailed to the first name appearing on the motor vehicle registration, unless the first name appearing on the registration is a business organization, in which case the second name appearing on the registration may be used.\textsuperscript{38} The uniform traffic citation mailed to the registered owner of the motor vehicle involved in the violation must be accompanied by information that was also included in the notice of violation.\textsuperscript{39}

The registered owner of the motor vehicle involved in the violation is responsible and liable for paying the uniform traffic citation issued for a violation of the laws relating to traffic stopping for a school bus, unless the owner can establish that:

- The motor vehicle was, at the time of the violation, in the care, custody, or control of another person;
- A uniform traffic citation was issued by a law enforcement officer to the driver of the motor vehicle for the alleged violation; or
- The motor vehicle's owner was deceased on or before the date of the alleged violation.\textsuperscript{40}

\textsuperscript{34} Section 316.173(6), F.S.
\textsuperscript{35} Section 316.173(7), F.S.
\textsuperscript{36} Section 316.173(8), F.S.
\textsuperscript{37} Id.
\textsuperscript{38} Id.
\textsuperscript{39} Id.
\textsuperscript{40} Section 316.173(9), F.S.
The statute also provides requirements for establishing the above facts and provides mechanism for citing another person who had care, custody, and control of the motor vehicle.\textsuperscript{41}

Florida law provides that the video and images by a school bus infraction detection system which are attached to or referenced in the traffic citation are evidence of a violation and are admissible in any proceeding. The recorded and video images raise a rebuttable presumption that the motor vehicle shown in the recorded and video images was used in violation of the laws relating to stopping for a school bus.\textsuperscript{42} Notwithstanding any other law, equipment deployed as part of a school bus infraction detection system may not be capable of automated or user-controlled remote surveillance.\textsuperscript{43}

Any recorded video or still image obtained through the use of a school bus infraction detection system must be destroyed within 90 days after the final disposition of the recorded event. The vendor providing the school bus infraction detection system must provide the school district with written notice by December 31 of each year that such records have been destroyed. Registered motor vehicle owner information obtained as a result of the operation of a school bus infraction detection system is not the property of the manufacturer or vendor of the system and may be used only for specified purposes.\textsuperscript{44}

To the extent practicable, a school bus infraction detection system may use necessary technology to ensure that personal identifying information contained in the video or still images recorded by the system which is not relevant to the alleged violation is sufficiently obscured so as not to reveal such personal identifying information. A notice of a violation or uniform traffic citation may not be dismissed solely because a recorded video or still images reveal personal identifying information as long as a reasonable effort has been made to comply with the privacy provisions.\textsuperscript{45}

By October 1, 2023, and quarterly thereafter, each school district, in consultation with the law enforcement agencies with which it has interlocal agreements, operating a school bus infraction detection system must submit a report to the Department of Highway Safety and Motor Vehicles (DHSMV) detailing the results of the school bus infraction detection systems in the school district in the preceding quarter. The information submitted by the school district must be submitted in form and manner determined by DHSMV, and must include, the following:

- The number of school buses that have a school bus infraction detection system installed, including the date of installation and, if applicable, the date the systems were removed.
- The number of notices of violations issued and the number that were contested, the number that were upheld, the number that were dismissed, the number that were issued as uniform traffic citations, and the number that were paid.
- Data for each to determine the locations in need of safety improvements.
- Any other statistical data and information DHSMV requires to complete its required report.\textsuperscript{46}

\textsuperscript{41} See sections 316.173(10)-(13), F.S.
\textsuperscript{42} Section 316.173(14), F.S.
\textsuperscript{43} Section 316.173(16), F.S.
\textsuperscript{44} Id.
\textsuperscript{45} Id.
\textsuperscript{46} Section 316.173(17)(a), F.S.
By December 31, 2024, and annually thereafter, DHSMV must submit a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, regarding the use and operation of school bus infraction detection systems along with DHSMV's recommendations and any recommended legislation. The summary report must include a review of the information submitted to DHSMV by the school districts and must describe the enhancement of traffic safety and enforcement programs.47

III. Effect of Proposed Changes:

The bill amends s. 316.173, F.S., relating to school bus infraction detection systems authorizing a charter school or private school to install and operate school bus infraction detection systems for the purpose of enforcing s. 316.172(1)(a) and (b), F.S. As with school districts, this decision must be based solely on the need to increase public safety.

Prohibition on Commissions and Fee-Sharing

The bill removes a prohibition on an individual receiving a commission from any revenue collected from violations detected through the use of a school bus infraction detection system.

The bill also removes a prohibition on private vendor or manufacturer receiving fee or remuneration based upon the number of violations detected through the use of a school bus infraction detection system.

Interlocal Agreements

The bill authorizes, instead of requires, a school district, charter school, or private school to enter into an interlocal agreement with one or more law enforcement agencies authorized to enforce violations within the school district which jointly establishes responsibility and reimbursement of costs associated with school bus infraction detection systems.

Traffic Infraction Enforcement Officers

The bill authorizes traffic infraction enforcement officers and certified school board security agencies that employ law enforcement officers to enforce school bus passing infractions.

Additionally, a school safety officer who successfully completes instruction in traffic enforcement procedures and court presentation may be authorized by a county, municipality, or applicable school entity as a traffic infraction enforcement officer and may issue notices of violation and uniform traffic citations under s. 316.173, F.S., within the county in which the school district, charter school, or private school is located.

47 Section 316.173(17)(c), F.S.
Notice of Violation and Local Hearing Officer Process

For purposes of the school bus infraction detection systems, the bill defines a local hearing officer to mean a person that:

- Is designated by a school district, charter school, or private school to issue traffic citations under laws relating to the school bus infraction system.
- Is authorized to conduct hearings related to a notice of violation issued.

The local hearing officer may:

- Be an attorney in good standing with The Florida Bar for at least five years.
- Serve in such office for one or more school entities, and such service does not constitute dual office holding.\(^{48}\)
- Be the local hearing officer of a county or municipality.

The bill authorizes a notice of violation for a school bus passing infraction to be sent by an agent of law enforcement or by a traffic infraction enforcement officer.

The bill allows, in lieu of hearings administered by a county traffic court, that the governing board of a school entity, by resolution, to establish the following hearing procedures:

- DHSMV must publish and make available electronically to each school entity’s governing board a model request for hearing form.\(^{49}\)
- The school district, charter school, or private school must designate existing staff or a designated staff agent to serve as the clerk to the local hearing officer.
- A petitioner who elects to request a hearing must be scheduled for a hearing by the clerk to the local hearing officer. The petitioner may appear before a local hearing officer in person or virtually, with notice to be sent by first-class mail. Upon receiving the notice, the petitioner may reschedule the hearing once by submitting a written request to reschedule to the clerk to the local hearing officer, at least five calendar days before the day of the originally scheduled hearing. The petitioner may, before the start of the hearing, cancel his or her appearance before the local hearing officer by paying the penalty assessed under s. 318.18, F.S., plus $50 in administrative costs.
- All testimony at the hearing must be under oath and recorded. The local hearing officer must take testimony from a traffic infraction enforcement officer, or law enforcement agency designee, and the petitioner, and may take testimony from others. The local hearing officer must review the video and images. Formal rules of evidence do not apply, but due process and the preponderance of evidence standard must be observed and govern the proceedings.
- At the conclusion of the hearing, the local hearing officer must determine whether a violation has occurred, in which case the hearing officer must uphold or dismiss the violation. The local hearing officer must issue a final administrative order including the determination and, if the notice of violation is upheld, require the petitioner to pay the penalty previously assessed under s. 318.18, F.S., and may also require the petitioner to pay school entity costs, including local hearing officer and hearing administrative costs, not to exceed $250. The final administrative order shall be mailed to the petitioner by first-class mail.

\(^{48}\) Dual office holding is prohibited by s. 5(a), Art. II of the State Constitution.

\(^{49}\) The form must include the option for a petitioner to choose whether to attend the hearing in person or virtually.

\(^{50}\) Section 318.18, F.S., provides the penalties for various traffic infractions.
- Allow for an aggrieved party to appeal a final administrative order consistent with the process provided under s. 162.11, F.S.\(^{51}\)

**School Bus Signage**

The bill revises requirements for signage posted on the rear of a school bus indicating use of a school bus infraction detection system by no longer requiring the signage to be reflective.

**Public Awareness Campaign**

The bill requires a charter school or private school to conduct a public awareness campaign for at least 30 days before commencing the program and notify the public the specific date that enforcement will commence. Only warnings may be issued during the public awareness campaign. The provision parallels the existing requirement for school districts.

**Civil Penalties**

The bill provides that the civil penalties assessed and collected via the enforcement of a school bus infraction detection system must be remitted to the school district in which the violation occurred or to the charter school or private school that reported the violation.

The bill revises the use for civil penalties assessed and collected for a violation enforced by a school bus infraction detection system. Such penalties must be used for the installation, operation, or maintenance of school bus infraction detection systems on school buses, including student transportation safety initiatives, driver recruitment and retention stipends, or other student transportation safety enhancements, or for administration and costs associated with the enforcement of the violations.

The bill clarifies that the $25 civil penalty provided in s. 318.18(5)(c), F.S., applies to a notice of violation. The bill provides that this fee must be remitted to the participating school district, charter school, or private school operating the school bus with a school bus infraction detection system.

**Use of Camera Footage**

The bill provides that a school bus infraction detection system may not be used for remote surveillance, and the collection of evidence by a school bus infraction detection system to enforce violations does not constitute remote surveillance.

The bill provides that a school bus infraction detection system may only be used for traffic enforcement and for purposes of determining criminal or civil liability for incidents captured by the school bus infraction detection system incidental to the permissible use of the school bus infraction detection system.

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\(^{51}\) Section 162.11, F.S. provides that an aggrieved party may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal must not be a hearing de novo but must be limited to appellate review of the record created before the enforcement board. An appeal must be filed within 30 days of the execution of the order to be appealed.
Reporting Requirements

The bill revises the quarterly report requirements due to DHSMV by:

- Requiring that such report which details the results of the school bus infraction detection systems must be made by each school district, charter school, or private school, in consultation with the law enforcement agencies with which it has interlocal agreements or with designated traffic infraction enforcement officers.
- Providing that DHSMV must make the acquired report information available to school districts by August 1, 2023, and to charter schools and private schools by August 1, 2024.
- Amending the data requirements of the report to allow flexibility and no longer expressly mandating the data to include global positioning system coordinates of the infraction, the date and time of the infraction, and the name of the school that the school bus was transporting students to or from.

Authority of Certain Police Departments to Use School Bus Infraction Detection Systems

The bill provides that the authority of a police department of each chartered municipality to enforce traffic laws throughout the municipality includes the authority for such police department to use school bus infraction detection systems.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

   None.

B. Public Records/Open Meetings Issues:

   None.

C. Trust Funds Restrictions:

   None.

D. State Tax or Fee Increases:

   None.

E. Other Constitutional Issues:

   None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

   None.
B. Private Sector Impact:

Private schools and charter schools that choose to install school bus infraction detection systems on their buses may see an increase in revenue, which must be used for specified purposes.

Entities that install and operate school bus infraction detection systems may see an increase in revenues associated with the addition of additional school bus infraction detection system.

C. Government Sector Impact:

Indeterminate. To the extent that school entities elect to establish by resolution the new hearing procedures outlined in the bill, DHSMV will be required to provide such entities with a model request for hearing form, which may incur programming costs. Additionally, with the addition of charter schools and private schools, DHSMV may receive data from additional schools, which may have a negative fiscal impact on DHSMV related to creating the annual summary report.

VI. Technical Deficiencies:

The bill uses the term “school entity” in several places; however, this term is not defined.

The bill uses the term “or its agent” to refer to an agent of the law enforcement agency. It is not clear as to who is the law enforcement agency’s agent.

On lines 207-208, it is not clear what is meant by the term “law enforcement agency designee.”

VII. Related Issues:

The bill authorizes charter schools and private schools enter into interlocal agreements with law enforcement for the purposes of enforcing school bus passing infractions enforced with cameras. However, it appears that s. 163.01, F.S., authorizing interlocal agreements, contemplates public agencies, but not private entities, entering into interlocal agreements.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.173, 316.640, and 318.18.

52 Section 163.01(3)(b), F.S., defines the term “public agency” to mean a political subdivision, agency, or officer of this state or of any state of the United States, including, but not limited to, state government, county, city, school district, single and multipurpose special district, single and multipurpose public authority, metropolitan or consolidated government, a separate legal entity or administrative entity created under s. 163.01(7), F.S., an independently elected county officer, any agency of the United States Government, a federally recognized Native American tribe, and any similar entity of any other state of the United States.
IX. Additional Information:

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

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
The Committee on Transportation (Burgess) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 93 - 98 and insert:

need to increase public safety. An individual may not receive a commission from any revenue collected from violations detected through the use of a school bus infraction detection system. A private vendor or manufacturer may not receive a fee or remuneration based upon the number of violations detected through the use of a school bus infraction detection system.
This paragraph may not be construed to prohibit a private vendor or manufacturer from receiving a fixed percentage of collected proceeds for service rendered in relation to the installation, operation, or maintenance of school bus infraction detection systems.

And the title is amended as follows:

Delete lines 7 - 10

and insert:

systems; authorizing a private vendor or manufacturer to receive a specified percentage of proceeds collected for services relating to the installation, operation, or maintenance of a school bus infraction detection system; authorizing traffic infraction
By Senator Burgess

A bill to be entitled an act relating to student transportation safety; amending s. 316.003, F.S.; revising the definition of the term “local hearing officer”; amending s. 316.173, F.S.; authorizing charter schools and private schools to install and operate school bus infraction detection systems; deleting a prohibition against an individual, a vendor, or a manufacturer receiving commissions, fees, or remuneration based on the number of violations detected; authorizing traffic infraction enforcement officers who meet specified requirements and school board security agencies to enforce specified violations; revising requirements for signage posted on the rear of a school bus indicating usage of a school bus infraction detection system; authorizing the governing board of a school entity to establish certain procedures for a hearing to contest liability or a notice of violation; revising the required uses for civil penalties assessed and collected for certain violations; prohibiting school bus infraction detection systems from being used for remote surveillance; providing construction; revising purposes for which video and images recorded as part of a school bus infraction detection system may be used; conforming provisions and cross-references to changes made by the act; making technical changes; amending s. 316.640, F.S.; providing that a school safety officer who completes certain training may be authorized by a county, municipality, or school entity as a traffic infraction enforcement officer and may issue certain notices and citations; conforming cross-references; amending s. 318.18, F.S.; requiring that certain civil penalties be remitted to a school district, charter school, or private school operating a school bus with a school bus infraction detection system to be used for certain purposes; providing an effective date.

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

Section 1. Subsection (38) of section 316.003, Florida Statutes, is amended to read:

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

(38) LOCAL HEARING OFFICER.—
(a) The person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic citations under ss. 316.0083(1)(a) and 316.1896(1), who is authorized to conduct hearings related to a notice of violation issued pursuant to s. 316.0083 or s. 316.1896. The charter county, noncharter county, or municipality may use its currently appointed code enforcement board or special magistrate to serve as the local hearing officer. The department may enter into an interlocal agreement to use the local hearing officer of a county or municipality.
(b) The person, designated by a school district, charter...
School, or private school that elects to authorize traffic
infraction enforcement officers or one or more law enforcement
agencies to issue traffic citations under s. 316.173, who is
authorized to conduct hearings related to a notice of violation
issued pursuant to s. 316.173. The school district, charter
school, or private school may employ an attorney in good standing
with The Florida Bar for at least 5 years designated by the
governing board to serve as the local hearing officer. A local
hearing officer designated under this paragraph may serve in
such office for one or more school entities, and such service
does not constitute dual officeholding as prohibited by s. 5(a),
Art. II of the State Constitution. The school district, charter
school, or private school may enter into an interlocal agreement
to use the local hearing officer of a county or municipality.

Section 2. Present subsections (6) through (19) of section
316.173, Florida Statutes, are redesignated as subsections (7)
through (20), respectively, a new subsection (6) is added to
that section, and subsection (1), paragraph (a) of subsection
(2), subsections (3), (4), and (5), and present subsections (7),
(8), (10), (11), (12), (16), and (17) of that section are
amended, to read:

316.173 School bus infraction detection systems.—

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

(b) The school district, charter school, or private school
may contract with a private vendor or manufacturer to install a
school bus infraction detection system on any school bus within

An individual may not receive a
commission from any revenue collected from violations detected
through the use of a school bus infraction detection system. A
private vendor or manufacturer may not receive a fee or
remuneration based upon the number of violations detected
through the use of a school bus infraction detection system.

(c) The school district, charter school, or private school
must ensure that each school bus infraction detection system
meets the requirements of subsection (19). (19).

(d) The school district, charter school, or private school
may enter into an interlocal agreement with one or more law
enforcement agencies authorized to enforce violations of s.
316.172(1)(a) and (b) within the school district which jointly
establishes the responsibilities of enforcement and the
reimbursement of costs associated with school bus infraction
detection systems consistent with this section. For the purposes
of administering this section, a traffic infraction enforcement
officer who meets the requirements of s. 316.640 or a certified
school board security agency that employs law enforcement
officers may enforce violations of s. 316.172(1)(a) and (b) as
authorized by this section.

(2)(a) The school district, charter school, or private
school must post high-visibility reflective signage on the rear
of each school bus in which a school bus infraction detection
system is installed and operational which indicates the use of such system. The signage must be in the form of one or more signs or stickers and must contain the following elements in substantially the following form:

1. The words “STOP WHEN RED LIGHTS FLASH” or “DO NOT PASS WHEN RED LIGHTS FLASH.”
2. The words “CAMERA ENFORCED.”
3. A graphic depiction of a camera.

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

(4) Within 30 days after an alleged violation of s. 316.172(1)(a) or (b) is recorded by a school bus infraction detection system, the school district, charter school, or private school or the private vendor or manufacturer under paragraph (1)(b) must submit the following information to a law enforcement agency or a traffic infraction enforcement officer designated that has entered into an interlocal agreement with

-- Words **stricken** are deletions; words **underlined** are additions.
liability or the notice of violation. In lieu of hearings administered by a county traffic court, the governing board of a school entity, by resolution, may establish the hearing procedures provided in subsection (6).

(e) A notice that the owner has the right to review, in person or remotely, the video and images recorded by the school bus infraction detection system which constitute a rebuttable presumption that the motor vehicle was used in violation of s. 316.172(1)(a) or (b).

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

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

(6) The governing board of a school entity, by resolution, may establish the following procedures for a hearing under this section:

(a) The department shall publish and make available electronically to each school entity’s governing board a model Request for Hearing form to assist each school entity’s governing board administering this section.

(b) A school district, charter school, or private school operating school bus infraction detection systems on school buses which elects to authorize traffic infraction enforcement officers or one or more law enforcement agencies to issue traffic citations under this section shall designate by resolution existing staff or a designated staff agent to serve as the clerk to the local hearing officer.

(c) A person, referred to in this subsection as the

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2. An aggrieved party may appeal a final administrative order consistent with the process provided under s. 162.11.

(f) An aggrieved party may appeal a final administrative order to the Florida Administrative Law Agency.

(8) The civil penalties assessed and collected for a violation of s. 316.172(1)(a) or (b) enforced by a school bus infraction detection system must be remitted to the school district in which the violation occurred or to the charter school or private school that reported the violation. Such civil penalties must be used for the installation, operation, or maintenance of school bus infraction detection systems on school buses, including student transportation safety initiatives, driver recruitment and retention stipends, or other student transportation safety enhancements for any other technology that increases the safety of the transportation of students, or for the administration and costs associated with the enforcement of violations as described in this section.

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

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

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

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

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

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

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

3. A copy of the police report showing that the deceased
Upon receipt of the affidavit and documentation required under paragraphs (b) and (c), or 30 days after the date of issuance of a notice of violation sent to a person identified as having care, custody, or control of the vehicle at the time of the violation under paragraph (a), the law enforcement agency or its agent, or traffic infraction enforcement officer must dismiss the notice or citation and provide proof of such dismissal to the person who submitted the affidavit. If, within 30 days after the date of a notice of violation sent to a person under subsection (10)(a), the law enforcement agency or its agent, or traffic infraction enforcement officer receives an affidavit under subsection (13) from the person who was sent a notice of violation affirming that the person did not have care, custody, or control of the motor vehicle at the time of the violation, the law enforcement agency or its agent, or traffic infraction enforcement officer must notify the registered owner that the notice or citation will not be dismissed due to failure to establish that another person had care, custody, or control of the motor vehicle at the time of the violation.

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

If a law enforcement agency or traffic infraction enforcement officer receives an affidavit under paragraph (13) from the person who was sent a notice of violation, the notice of violation required under subsection (5) must be sent to the person identified in the affidavit within 30 days after receipt of the affidavit. The person identified in the affidavit and sent a notice of violation may also affirm he or she did not have care, custody, or control of the motor vehicle at the time of the violation by furnishing to the appropriate law enforcement agency or traffic infraction enforcement officer within 30 days after the date of the notice of violation an affidavit stating such.

Notwithstanding any other law, equipment deployed as part of a school bus infraction detection system as provided under this section may not be used for capable of automated or user-controlled remote surveillance. The collection of evidence by a school bus infraction detection system to enforce violations of s. 316.172 does not constitute remote surveillance.

Video and images recorded as part of a school bus infraction detection system are not admissible in any proceeding pursuant to this section.
2. The number of notices of violations issued, the number of violations
2024, and the contents or interior of a private residence, is sufficiently obscured so as not to reveal such personal identifying information.

3. A notice of a violation or uniform traffic citation issued under this section may not be dismissed solely because a recorded video or still images reveal personal identifying information as provided in subparagraph 2. as long as a reasonable effort has been made to comply with this subsection.

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

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

(18)(a) By October 1, 2023, and quarterly thereafter, each school district, charter school, or private school in consultation with the law enforcement agencies with which it has interlocal agreements pursuant to this section, operating a school bus infraction detection system must submit a report to the department which details the results of the school bus infraction detection systems in the school district, charter school, or private school in the preceding quarter. The information from the school districts, charter schools, or private schools must be submitted in a form and manner determined by the department, which the department must make available to the school districts by August 1, 2023, and to the charter schools and private schools by August 1, 2024, and must include at least the following:

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

2. The number of notices of violations issued, the number
316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:
(1) STATE.—
(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles; the Division of Law Enforcement of the Fish and Wildlife Conservation Commission; the Division of Law Enforcement of the Department of Environmental Protection; and the agents, inspectors, and officers of the Department of Law Enforcement each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle.

(b) University police officers may enforce all of the traffic laws of this state when violations occur on or within 1,000 feet of any property or facilities that are under the guidance, supervision, regulation, or control of a state university, a direct-support organization of such state university, or any other organization controlled by the state university or a direct-support organization of the state university, or when such violations occur within a specified jurisdictional area as agreed upon in a mutual aid agreement entered into with a law enforcement agency pursuant to s. 23.1225(1).

Traffic laws may also be enforced off-campus when a hot pursuit originates on or within 1,000 feet of any such property or facilities, or as agreed upon in accordance with the mutual aid agreement.

(c) Florida College System institution police officers may enforce all the traffic laws of this state only when such
e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services may enforce traffic laws of this state.
f. School safety officers may enforce all of the traffic laws of this state when such violations occur on or about any property or facilities that are under the guidance, supervision, regulation, or control of the district school board. A school safety officer who successfully completes instruction in traffic enforcement procedures and court presentation as specified in paragraph (5)(a) may be authorized by a county, municipality, or applicable school entity as a traffic infraction enforcement officer and may issue notices of violation and uniform traffic citations under s. 316.173 within the county in which the school district, charter school, or private school is located.

2. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer’s traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration or a similar authority employing the specialist, by appropriate state, county, or municipal traffic citation.

CODING: Words **stricken** are deletions; words _underlined_ are additions.
Any sheriff's department or police department of a municipality may employ, as a traffic infraction enforcement officer who observes the commission of a traffic infraction or, in the case of a parking infraction, who observes an illegally parked vehicle may issue a traffic citation for the infraction when, based upon personal belief that an offense has been committed which constitutes a noncriminal traffic infraction as defined in s. 318.14. In addition, any such traffic infraction enforcement officer may issue a traffic citation under ss. 316.0083, 316.173, 316.1895, and 316.1896. For purposes of enforcing ss. 316.0083, 316.173, 316.1895, and 316.1896, any sheriff's department or police department of a municipality may designate employees as traffic infraction enforcement officers. The traffic infraction enforcement officers must be physically located in the county of the respective sheriff’s or police department.

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

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:
(c) In addition to the penalty under paragraph (a) or paragraph (b), $65 for a violation of s. 316.172(1)(a) or (b).

If the alleged offender is found to have committed the offense, the court shall impose the civil penalty under paragraph (a) or paragraph (b) plus an additional $65. The additional $65 collected under this paragraph shall be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health to be used as provided in s. 395.4036. If a violation of s. 316.172(1)(a) or (b) is enforced by a school bus infraction detection system pursuant to s. 316.173, the additional amount imposed on a notice of violation, on a uniform traffic citation, or by the court under this paragraph must be $25, in lieu of the additional $65, and must be remitted to the participating school district, charter school, or private school operating the school bus with a school bus infraction detection system. Such amounts must be used pursuant to s. 316.173(8).

Section 5. This act shall take effect upon becoming a law.
I. Summary:

SB 1164 authorizes vehicles designated as emergency vehicles for the sole purpose of transporting organs and surgical teams for organ recovery and transplant to operate emergency lights and sirens while en route to a hospital, an airport, or other designated location. The bill requires operators of such vehicles to be licensed as a provider of advanced life support services or basic life support transportation services and be licensed to drive such emergency vehicle.

The bill takes effect July 1, 2024.

II. Present Situation:

Organ Transport and Donation

According to organ donation advocacy organizations, one organ donor can save up to eight lives, and on average, 17 people die each day while waiting for an organ transplant.\(^1\) Once recovered from donors, life-saving organs only remain healthy for a short period of time. Therefore, transporting organs or surgical teams for organ recovery is a process that requires timely and seamless coordination between the involved parties. Involved parties include, but are not limited to, donor hospitals, organ procurement organizations, transplant centers, and other contracted service providers.\(^2\) Organ transportation is most commonly achieved through ground or air transportation.\(^3\)

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3. *Id.*
Florida law does not currently allow motor vehicles transporting organs or surgical teams for organ recovery to operate emergency lights and sirens.

**Authorized Lights on Specified Vehicles**

Under Florida law, a person may not drive or move or cause to be moved any vehicle or equipment upon any highway within this state with any lamp or device thereon showing or displaying a red, red and white, or blue light visible from directly in front thereof except for certain vehicles as provided in s. 316.2397, F.S.\(^4\)

Section 316.2397(3), F.S., provides that vehicles of the fire department and fire patrol, including vehicles of volunteer firefighters\(^5\) may show or display red or red and white lights. Vehicles of medical staff physicians or technicians of medical facilities licensed by the state or of volunteer ambulance services,\(^6\) ambulance, and buses and taxicabs\(^7\) may show or display red lights.

The following vehicles may operate emergency lights and sirens in an emergency:
- Vehicles of the fire department or fire patrol;
- Police vehicles;
- Ambulances; and
- Emergency vehicles of;
  - Municipal and county departments
  - Volunteer ambulance services;
  - Public service corporations operated by private corporations;
  - The Fish and Wildlife Conservation Commission;
  - The Department of Environmental Protection;
  - The Department of Transportation;
  - The Department of Agriculture and Consumer Services; and
  - The Department of Corrections.\(^8\)

A violation of is a noncriminal traffic infraction, punishable as a nonmoving violation.\(^9\) The statutory base fine is $30, but with additional fees and court costs, the total fine may be up to $108.\(^10\)

**III. Effect of Proposed Changes:**

The bill provides that vehicles designated as emergency vehicles for the sole purpose of transporting organs and surgical teams for organ recovery and transplant may operate emergency lights and sirens while en route to a hospital, an airport, or other designated location. Such

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\(^4\) Section 316.2397(1), F.S.

\(^5\) This is as permitted under s. 316.2398, F.S., relating to the display or use of red or red and white warning signals.

\(^6\) This is as authorized under s. 316.2398, F.S.

\(^7\) This is as authorized under s. 316.2399, F.S., relating to special warning lights for buses or taxicabs.

\(^8\) Section 316.2397(3), F.S.

\(^9\) Section 316.2397(10)(b), F.S.

vehicles include, but are not limited to, dedicated and marked vehicles operated by organ procurement organizations, transplant centers, or their contracted service providers. Operators of such emergency vehicles must be licensed as a provider of prehospital or interfaculty advanced life support or basic life support transportation services and licensed to drive such emergency vehicle.

The bill takes effect July 1, 2024.

IV. **Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

   None.

B. Public Records/Open Meetings Issues:

   None.

C. Trust Funds Restrictions:

   None.

D. State Tax or Fee Increases:

   None.

E. Other Constitutional Issues:

   None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

   None.

B. Private Sector Impact:

   None.

C. Government Sector Impact:

   None.

VI. **Technical Deficiencies:**

   None.
VII. Related Issues:

The bill does not designate organ transport vehicles as “authorized emergency vehicles” under ch. 316, F.S., relating to state uniform traffic control. Therefore, organ transport vehicles are still required to obey traffic laws, and are not provided authority as authorized emergency vehicles are to, for example, proceed past a red light or to exceed the maximum speed limit.11

VIII. Statutes Affected:

This bill substantially amends section 316.2397 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

11 See s. 316.072(5), F.S.
The Committee on Transportation (Burton) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Present subsections (54) through (111) of section 316.003, Florida Statutes, are redesignated as subsections (55) through (112), respectively, a new subsection (54) is added to that section, and subsection (1) and present subsection (64) of that section are amended, to read:

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

(1) AUTHORIZED EMERGENCY VEHICLES.—Vehicles of the fire department (fire patrol), police vehicles, organ transport vehicles, emergency management vehicles, and such ambulances and emergency vehicles of municipal departments, volunteer ambulance services, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Health, the Department of Transportation, and the Department of Corrections as are designated or authorized by their respective departments or the chief of police of an incorporated city or any sheriff of any of the various counties.

(54) ORGAN TRANSPORT VEHICLE.—Any dedicated and marked vehicle operated by an organ procurement organization, transplant center, or its contracted service provider to transport organs or surgical teams for organ recovery or transplant. An operator of such vehicle must have completed a 16-hour emergency vehicle operator course.

(65) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided in paragraph (90)(b) (89)(b), any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Section 2. Paragraph (a) of subsection (5) of section 316.072, Florida Statutes, is amended to read:

316.072 Obedience to and effect of traffic laws.—
(5) AUTHORIZED EMERGENCY VEHICLES.—
(a) 1. The driver of an authorized emergency vehicle, when responding to an emergency call, when transporting organs or surgical teams for organ recovery or transplant while en route to a hospital, an airport, or other designated location, when in the pursuit of an actual or suspected violator of the law, or when responding to a fire alarm, but not upon returning from a fire;

2. A medical staff physician or technician of a medical facility licensed by the state or of a volunteer ambulance service when responding to an emergency in the line of duty in his or her privately owned vehicle, using red lights as authorized in s. 316.2398; or

3. The driver of an authorized law enforcement vehicle, when conducting a nonemergency escort, to warn the public of an approaching motorcade;

may exercise the privileges set forth in this section, but subject to the conditions herein stated.

Section 3. Subsection (3) of section 316.2397, Florida Statutes, is amended to read:

316.2397 Certain lights prohibited; exceptions.—

(3) (a) Vehicles of the fire department and fire patrol, including vehicles of volunteer firefighters as permitted under s. 316.2398, may show or display red or red and white lights.

(b) Vehicles of medical staff physicians or technicians of medical facilities licensed by the state or of volunteer ambulance services as authorized under s. 316.2398, ambulances as authorized under this chapter, and buses and taxicabs as authorized under s. 316.2399 may show or display red lights.
Vehicles of the fire department, fire patrol, police vehicles, and such ambulances and emergency vehicles of municipal and county departments, volunteer ambulance services, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Transportation, the Department of Agriculture and Consumer Services, and the Department of Corrections as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any county may operate emergency lights and sirens in an emergency.

(c) Organ transport vehicles transporting organs or surgical teams for organ recovery or transplant may show or display red lights and operate sirens while en route to a hospital, an airport, or other designated location.

(d) Wreckers, mosquito control fog and spray vehicles, and emergency vehicles of governmental departments or public service corporations may show or display amber lights when in actual operation or when a hazard exists provided they are not used going to and from the scene of operation or hazard without specific authorization of a law enforcement officer or law enforcement agency.

(e) Wreckers must use amber rotating or flashing lights while performing recoveries and loading on the roadside day or night, and may use such lights while towing a vehicle on wheel lifts, slings, or under reach if the operator of the wrecker deems such lights necessary. A flatbed, car carrier, or rollback may not use amber rotating or flashing lights when hauling a vehicle on the bed unless it creates a hazard to other motorists.
because of protruding objects. Further, escort vehicles may show or display amber lights when in the actual process of escorting overdimensioned equipment, material, or buildings as authorized by law.

(f) Vehicles owned or leased by private security agencies may show or display green and amber lights, with either color being no greater than 50 percent of the lights displayed, while the security personnel are engaged in security duties on private or public property.

Section 4. Subsection (1) of section 316.2398, Florida Statutes, is amended to read:

316.2398 Display or use of red or red and white warning signals; motor vehicles of volunteer firefighters or medical staff.—

(1) A privately owned vehicle belonging to an active firefighter member of a regularly organized volunteer firefighting company or association, while en route to the fire station for the purpose of proceeding to the scene of a fire or other emergency or while en route to the scene of a fire or other emergency in the line of duty as an active firefighter member of a regularly organized firefighting company or association, may display or use red or red and white warning signals. A privately owned vehicle belonging to a medical staff physician or technician of a medical facility licensed by the state or of a volunteer ambulance service, while responding to an emergency in the line of duty, may display or use red warning signals. An organ transport vehicle, while transporting organs or surgical teams for organ recovery or transplant while en route to a hospital, an airport, or other designated location,
may display or use red warning signals. Warning signals must be visible from the front and from the rear of such vehicle, subject to the following restrictions and conditions:

(a) No more than two red or red and white warning signals may be displayed.

(b) No inscription of any kind may appear across the face of the lens of the red or red and white warning signal.

(c) In order for an active volunteer firefighter to display such red or red and white warning signals on his or her vehicle, the volunteer firefighter must first secure a written permit from the chief executive officers of the firefighting organization to use the red or red and white warning signals, and this permit must be carried by the volunteer firefighter at all times while the red or red and white warning signals are displayed.

(d) An emergency medical technician, doctor, or paramedic who is using his or her personal vehicle with a red light to respond to an emergency call must have completed a 16-hour emergency vehicle operator course.

Section 5. Subsection (4) of section 316.271, Florida Statutes, is amended to read:

316.271 Horns and warning devices.—

(4) No vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle, or bell, except as otherwise permitted in this section or s. 316.2397.

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

316.306 School and work zones; prohibition on the use of a wireless communications device in a handheld manner.—
(3)(a)1. A person may not operate a motor vehicle while using a wireless communications device in a handheld manner in a designated school crossing, school zone, or work zone area as defined in s. 316.003(112) or s. 316.003(111). This subparagraph shall only be applicable to work zone areas if construction personnel are present or are operating equipment on the road or immediately adjacent to the work zone area. For the purposes of this paragraph, a motor vehicle that is stationary is not being operated and is not subject to the prohibition in this paragraph.

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

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

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

(1) “Access area” means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(90)(a) or (b) or s. 316.003(89)(a) or (b), including any adjacent sidewalk, as defined in s. 316.003.

Section 8. This act shall take effect July 1, 2024.

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to the use of lights and sirens on
authorized emergency vehicles; amending s. 316.003,
F.S.; revising the definition of the term “authorized
emergency vehicles”; defining the term “organ
transport vehicle”; amending s. 316.072, F.S.;
authorizing organ transport vehicles to exercise
certain privileges; amending s. 316.2397, F.S.;
providing that certain vehicles transporting organs
and surgical teams for organ recovery or transplant
may show or display red lights and operate sirens
while en route to a hospital, an airport, or other
designated location; amending s. 316.2398, F.S.;
authorizing the display or use of red warning signals
by organ transport vehicles under certain
circumstances; amending s. 316.271, F.S., conforming a
provision to changes made by the act; amending ss.
316.306 and 655.960, F.S.; conforming cross-
references; providing an effective date.
A bill to be entitled An act relating to the use of lights and sirens on emergency vehicles; amending s. 316.2397, F.S.; authorizing that certain vehicles transporting organs and surgical teams for organ recovery and transplant may operate emergency lights and sirens while en route to a hospital, an airport, or other designated location; providing requirements for operators of such vehicles; providing an effective date.

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

Section 1. Subsection (3) of section 316.2397, Florida Statutes, is amended to read:

316.2397 Certain lights prohibited; exceptions.—
(3)(a) Vehicles of the fire department and fire patrol, including vehicles of volunteer firefighters as permitted under s. 316.2398, may show or display red or red and white lights.
(b) Vehicles of medical staff physicians or technicians of medical facilities licensed by the state or of volunteer ambulance services as authorized under s. 316.2398, ambulances as authorized under this chapter, and buses and taxicabs as authorized under s. 316.2399 may show or display red lights.
(c) Vehicles of the fire department, fire patrol, police vehicles, and such ambulances and emergency vehicles of municipal and county departments, volunteer ambulance services, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Transportation, the Department of Agriculture and Consumer Services, and the Department of Corrections as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any county may operate emergency lights and sirens in an emergency.
(d) Vehicles designated as emergency vehicles for the sole purpose of transporting organs and surgical teams for organ recovery and transplant may operate emergency lights and sirens while en route to a hospital, an airport, or other designated location. Such vehicles include, but are not limited to, dedicated and marked vehicles operated by organ procurement organizations, transplant centers, or their contracted service providers. Operators of such emergency vehicles must be licensed as a provider of prehospital or interfacility advanced life support services or basic life support transportation services pursuant to s. 401.25 and licensed to drive such emergency vehicles pursuant to the requirements of s. 401.281.
(e) Wreckers, mosquito control fog and spray vehicles, and emergency vehicles of governmental departments or public service corporations may show or display amber lights when in actual operation or when a hazard exists provided they are not used going to and from the scene of operation or hazard without specific authorization of a law enforcement officer or law enforcement agency. Wreckers must use amber rotating or flashing lights while performing recoveries and loading on the roadside day or night, and may use such lights while towing a vehicle on wheel lifts, slings, or under reach if the operator of the wrecker deems such lights necessary. A flatbed, car carrier, or rollback may not use amber rotating or flashing lights when
hauling a vehicle on the bed unless it creates a hazard to other motorists because of protruding objects. Further, escort vehicles may show or display amber lights when in the actual process of escorting overdimensioned equipment, material, or buildings as authorized by law.

(f) Vehicles owned or leased by private security agencies may show or display green and amber lights, with either color being no greater than 50 percent of the lights displayed, while the security personnel are engaged in security duties on private or public property.

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