



Transportation & Highway Safety Subcommittee

MEETING PACKET

**Tuesday, March 18, 2014
12:30 PM – 2:30 PM
Sumner Hall (404 HOB)**

**Will Weatherford
Speaker**

**Daniel Davis
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Transportation & Highway Safety Subcommittee

Start Date and Time: Tuesday, March 18, 2014 12:30 pm
End Date and Time: Tuesday, March 18, 2014 02:30 pm
Location: Sumner Hall (404 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 101 Habitual Traffic Offender Designations by Jones, M.
HB 617 Towing of Vehicles & Vessels by Wood
HB 839 Driver Licenses by Broxson
HB 883 License Plates by Broxson
HB 927 Recreational Vehicle Dealer by Edwards
HB 947 Fuel Terminals by Ray
HB 1083 Pub. Rec./CDD Surveillance Recordings by Artiles
HB 1181 Driver Licenses by Young

Consideration of the following proposed committee bill(s):

PCB THSS 14-05 -- Transportation Facility Designations

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Monday, March 17, 2014.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Monday, March 17, 2014.

NOTICE FINALIZED on 03/14/2014 15:56 by Manning.Karen

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 101 Habitual Traffic Offender Designations

SPONSOR(S): Jones and others

TIED BILLS: IDEN./SIM. **BILLS:** SB 652

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Davy <i>NRA</i>	Miller <i>P.M.</i>
2) Criminal Justice Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

This bill addresses certain persons who are currently unable to obtain a Florida driver license.

Current law requires any person whose record as maintained by Department of Highway Safety and Motor Vehicles (DHSMV), in a five year period, has three or more convictions for specific offenses to be designated a "habitual traffic offender" (HTO). The law further provides any person who, in a five year period, has fifteen convictions for moving traffic offenses for which points may be assessed must also be designated a HTO. The law requires DHSMV to revoke the license of any person designated a HTO and such a person is not eligible to be relicensed for a minimum of 5 years from the date of revocation. Currently, there is no provision for HTOs to provide proof of compliance and have their HTO designation removed.

The bill authorizes a person who has received a HTO designation and whose driver license has been revoked as a result of a third violation of driving a motor vehicle while his or her license is suspended or revoked (DWLSR) before July 1, 2014, to provide proof of compliance before July 1, 2016, to the clerk of court before the designated court date. Proof of compliance includes a valid, renewed, or reinstated driver license or registration certificate and proper proof of maintenance of security as required by s. 316.646, F.S. Upon receipt of proof of compliance, the bill requires the clerk of court to submit an amended disposition to remove the HTO designation.

To the extent that individuals provide proof of compliance, the bill may have an insignificant positive impact on state fee revenue associated with court costs. Similarly, to the extent that the department issues new licenses to individuals with suspensions or revocations from other states, the bill may have an insignificant positive impact on state driver license fee revenue. See fiscal comments.

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Habitual Traffic Offenders

Currently, s. 322.264(1), F.S., requires any person whose record as maintained by DHSMV shows three or more convictions in a five year period for specific offenses to be designated as a HTO. These offenses include:

- voluntary or involuntary manslaughter resulting from the operation of a motor vehicle;
- any violation of Driving Under the Influence in violation of s. 316.193, F.S.;
- any felony in the commission of which a motor vehicle is used;
- driving a motor vehicle while his or her license is suspended or revoked;
- failing to stop and render aid as required under the laws of the state in the event of a motor vehicle crash resulting in the death or personal injury of another; or
- driving a commercial motor vehicle while his or her privilege is disqualified.¹

Section 322.264(2), F.S., further provides any person who, in a five year period, has fifteen convictions for moving traffic offenses for which points may be assessed is also designated as a HTO.²

A HTO who drives a motor vehicle while his or her license is revoked is guilty of a felony of the third degree, punishable by imprisonment of up to five years and a fine up to \$5,000.³

Section 322.27(5), F.S., requires DHSMV to revoke the license of any person designated a HTO and such a person is not eligible to be relicensed for a minimum of 5 years from the date of revocation.⁴

Proof of Compliance

Currently, a person who does not hold a commercial driver license or commercial learner's permit and who is cited while driving a noncommercial motor vehicle for the following offenses, may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau:

- operating a motor vehicle without a valid driver license in violation of s. 322.03, F.S., s. 322.065, F.S., or s. 322.15(1), F.S., or operating a motor vehicle with a license that has been suspended for failure to appear, failure to pay civil penalty, or failure to attend a driver improvement course pursuant to s. 322.291, F.S.;
- operating a motor vehicle without a valid registration in violation of s. 320.0605, F.S., s. 320.07, F.S., or s. 320.131, F.S.;
- operating a motor vehicle without proof of security in violation of s. 316.646, F.S.;
- operating a motor vehicle with a license that has been suspended under s. 61.13016, F.S., or s. 322.245, F.S., for failure to pay child support or for failure to pay any other financial obligation as provided in s. 322.245, F.S.; however, this subparagraph does not apply if the license has been suspended pursuant to s. 322.245(1), F.S.; and
- operating a motor vehicle with a license that has been suspended under s. 322.091, F.S., for failure to meet school attendance requirements.⁵

¹ Section 322.264(1), F.S.

² Section 322.264(2), F.S.

³ Section 322.24(5), F.S.

⁴ Section 322.27 (5), F.S.

⁵ Section 318.14(10)(a), F.S.

In such case, adjudication is withheld. A person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may not make more than three elections under this subsection.⁶ Currently, if a defendant in a civil case of unknowingly DWLSR provides proof of compliance and pleas nolo contendere, the court will withhold adjudication, and the citation will not count toward the three total offenses resulting in a HTO designation. Currently, a withhold of adjudication for a criminal DWLSR offense constitutes a conviction and, therefore, counts toward one of the three offenses to receive an HTO designation.⁷

During the 2010 regular legislative session, CS/HB 795 was passed and signed into law, which among other things authorized individuals who had received a HTO designation and whose driver license has been revoked as a result of a third violation of driving a motor vehicle while his or her license is suspended or revoked to provide proof of compliance. The provision was only effective between July 1, 2010 and July 1, 2011.^{8,9}

Currently, any individual who pays a citation of DWLSR or provides proof of compliance for the underlying cause of the suspension receives one of the three convictions needed to receive a HTO designation. The offender has no incentive to take care of the outstanding obligations causing their suspension and provide proof of compliance. A HTO designation cannot be removed by taking care of the outstanding obligations causing the suspension and providing proof of compliance.

Many of the underlying license suspensions in DWLSR cases generally relate to financial concerns, not the driver's actual ability to operate a motor vehicle. As a result, they can create a "snowball" effect for repeat offenders unable to fully-pay a non-criminal traffic fine or other legal financial obligations. A driver who is unable to pay a traffic fine, but needs to operate his or her vehicle in order to remain employed, may be subsequently cited for driving with a suspended or revoked license, thereby incurring an additional fine. By granting these fiscally-challenged HTOs an opportunity to provide "proof of compliance," it is possible that HTOs currently driving on revoked licenses will attempt to stop the "snowball" effect by paying their overdue fines, acquiring proper insurance, and taking care of other legal obligations.

Effect of Proposed Changes

The bill authorizes a person who has received a HTO designation and whose license has been revoked under s. 322.27(5), F.S., as a result of a third violation of driving with a motor vehicle while his or her license is suspended or revoked, to provide proof of compliance to the clerk of court before their designated court date as provided in s. 318.14(10)(a), F.S. Proof of compliance consists of a valid, renewed, or reinstated driver license registration certificate and proper proof of maintenance of security as required by s. 316.646, F.S., before the scheduled court appearance date as provided in statute. The bill provides that if a driver labeled a Habitual Traffic Offender is able to resolve fines through this process, he or she will have their HTO status removed. In such an instance, the clerk of court will submit an amended disposition to remove the HTO designation, which will allow the person to apply for reinstatement of their driver license.

B. SECTION DIRECTORY:

⁶ *Id.*

⁷ *Raulerson v. State*, 763 So.2d 285, (Fla 2000).

⁸ According to DHSMV, during the effective period 4,046 records were reviewed, due to customers calling/writing into DHSMV. Out of the 4,046 reexaminations, 1,549 were approved for reinstatement, 1,711 were not eligible for reinstatement, and 786 reinstated their license. Information received from DHSMV (12/13/13), on file with the Transportation and Highway Safety Subcommittee.

⁹ Chapter 2010-107, Laws of Florida.

- Section 1: Amends s. 318.14, F.S.; providing for the removal of a habitual traffic offender designation upon proof of compliance with statutory provisions by certain offenders.
- Section 2: Provides the bill takes effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
See fiscal comments.
2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.
2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill will likely have a positive impact on HTOs who regain their driving privileges. While not necessarily a measurable or "direct" impact, if the ultimate result of the bill is a decrease in the number of drivers who operate motor vehicles on a suspended license (and by definition, also without insurance), the public at large may see a positive economic impact. As a result, individuals who regain their privilege to drive will be able to have greater access to employment opportunities and play a more active role in the economy.

D. FISCAL COMMENTS:

Any person establishing proof of compliance will be assessed court costs of \$25. The \$25 court cost assessment is distributed as follows:

- One dollar of such costs shall be remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund of the Department of Children and Family Services.
- One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund.
- Fourteen dollars of such costs shall be distributed to the municipality and \$9 shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, F.S., if the offense was committed within the municipality.¹⁰

If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), F.S.¹¹, the entire amount shall be deposited by the clerk of the court into the fine

¹⁰ Section 318.14 (10)(b), F.S.

¹¹ Section 316.646 (1)-(3), F.S., mandates the requirement for an owner and operator of a motor vehicle to maintain proof of property damage liability security, liability security for bodily injury or death, or personal injury protection security. A law enforcement officer may require the operator display the required proper proof of security. A person who fails to provide the required proof of security commits a moving violation subject to the penalty provided in chapter 318, F.S., and will be required to furnish proof of security.

and forfeiture fund established pursuant to s. 142.01, F.S., except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund.¹²

To the extent that HTOs provide proof of compliance and pay the \$25 court cost, the bill could have a positive fiscal impact on the state trust funds and local governments to whom the funds are distributed.

Any person who applies for reinstatement following the end of their HTO designation and revocation of the person's driver license must pay a service fee of \$75, which is in addition to the fee for a license. Of the \$75 fee received from a licensee for reinstatement following a revocation or disqualification, the department must deposit \$35 in the General Revenue Fund and \$40 in the Highway Safety Operating Trust Fund.¹³

An original Class E or motor cycle driver license is \$48, which includes the fee for driver education provided by s. 1003.48, F.S.¹⁴ To the extent that the department issues new licenses to individuals with suspensions or revocations from other states, the bill may have an insignificant positive impact on state driver license fee revenue, which is deposited into the General Revenue Fund.¹⁵

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

¹² *Id.*

¹³ Section 322.21(8), F.S.

¹⁴ Section 322.21 (1), F.S.

¹⁵ Section 322.21(5), F.S.

1 A bill to be entitled
2 An act relating to habitual traffic offender
3 designations; amending s. 318.14, F.S.; providing for
4 removal of a habitual traffic offender designation
5 upon proof of compliance with specified statutory
6 provisions; providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Paragraph (c) is added to subsection (10) of
11 section 318.14, Florida Statutes, to read:

12 318.14 Noncriminal traffic infractions; exception;
13 procedures.—

14 (10)

15 (c) If a person whose license has been revoked under s.
16 322.27(5) as a result of a third violation of driving a motor
17 vehicle while his or her license is suspended or revoked
18 provides proof of compliance as provided in this subsection, the
19 clerk of court shall submit an amended disposition to remove the
20 habitual traffic offender designation.

21 Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 617 Towing of Vehicles & Vessels
SPONSOR(S): Wood
TIED BILLS: IDEN./SIM. **BILLS:** SB 974

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Davy <i>DRA</i>	Miller <i>P.M.</i>
2) Civil Justice Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

Current law provides certain requirements for proper posted notice before an owner or lessee of real property may have a vehicle or vessel removed from the property without the owner of the vehicle or vessel's consent. These include the location of the notice, the graphics of the notice, and the length of time the notice has been posted.

The bill provides an additional exemption from the posted notice requirements. It provides that the owner, lessee, or agent of the owner or lessee of real property may have a vehicle or vessel that has been parked or stored on private property for a period exceeding 10 days removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

The bill does not have a fiscal impact on state or local governments. Owners and lessees of real property could avoid the cost of posting tow-away zone signage when a vehicle or vessel has been parked or stored on the property for more than 10 days.

The bill provides that the act shall take effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Towing Without Consent

In current law, there are several requirements for a private owner or lessee of real property, or any person authorized by the owner or lessee to cause any vehicle or vessel parked on such property without her or his permission to be removed by a person regularly engaged in the business of towing vehicles or vessels, without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage.¹

Posting Requirements

Any property owner or lessee, or person authorized by the property owner or lessee, prior to towing or removing any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel, must post a notice meeting the following requirements²:

- The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.
- The notice must clearly indicate, in not less than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign in not less than 4-inch high letters.
- The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels.
- The sign structure containing the required notices must be permanently installed with the words "tow-away zone" not less than 3 feet and not more than 65 feet above ground level and must be continuously maintained on the property for at least 24 hours prior to the towing or removal of any vehicles or vessels.
- The local government may require permitting and inspection of these signs prior to any towing or removal of vehicles or vessels being authorized.
- A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not less than 4-inch high, light-reflective letters on a contrasting background.
- A property owner towing or removing vessels from real property must post notice consistent with the all other notice requirements that unauthorized vehicles or vessels will be towed away at the owner's expense.

Exceptions to Posting Requirements

The circumstances for lawful towing or removal of any vehicle without posted notice or the consent of the registered owner or other legally authorized person in control of that vehicle are as follows³:

- the property belongs to and obviously a part of a single-family residence;

¹ Section 715.07(2), F.S.

² Section 715.07(2)(a)5.

³ Section 715.07(2)(a)5.

- instances when notice is personally given to the owner or other legally authorized person in control of the vehicle or vessel that the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels and that the vehicle or vessel is subject to being removed at the owner's or operator's expense;
- the vehicle or vessel is parked in such a manner that restricts the normal operation of business; or
- if a vehicle or vessel parked on a public right-of way obstructs access to a private driveway, the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

Effect of Proposed Changes

The bill provides an additional exemption from the posted notice requirements. It provides that the owner, lessee, or agent of the owner or lessee of real property may have a vehicle or vessel that has been parked or stored on private property for a period exceeding 10 days removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

B. SECTION DIRECTORY:

- Section 1. Amends s. 715.07, F.S., to provide that private property owners may have vehicles or vessels removed without meeting posted notice requirements if the vehicles or vessels have been parked on private property for over 10 days.
- Section 2. Provides that the act shall take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
None.
2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
None.
2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The added exemption may provide private property owners with greater ease in having abandoned vehicles towed from their properties. Owners and lessees of real property could avoid the cost of posting tow-away zone signage when a vehicle or vessel has been parked or stored on the property for more than 10 days.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to towing of vehicles and vessels;
 3 amending s. 715.07, F.S.; authorizing an owner or
 4 lessee of real property to have a vehicle or vessel
 5 removed from the property without certain signage if
 6 the vehicle or vessel has remained on the property for
 7 a specified period; providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Section 715.07, Florida Statutes, is amended to
 12 read:

13 715.07 Vehicles or vessels ~~parked on private property;~~
 14 towing.—

15 (1) As used in this section, the term:

16 (a) "Vehicle" means a ~~any~~ mobile item that ~~which~~ normally
 17 uses wheels, whether motorized or not.

18 (b) "Vessel" means every description of watercraft, barge,
 19 and airboat used or capable of being used as a means of
 20 transportation on water, other than a seaplane or a "documented
 21 vessel" as defined in s. 327.02(9).

22 (2) The owner or lessee of real property, or a ~~any~~ person
 23 authorized by the owner or lessee, which person may be the
 24 designated representative of the condominium association if the
 25 real property is a condominium, may cause a ~~any~~ vehicle or
 26 vessel parked on such property without her or his permission to
 27 be removed by a person regularly engaged in the business of

28 towing vehicles or vessels, without liability for the costs of
 29 removal, transportation, or storage or damages caused by such
 30 removal, transportation, or storage, under any of the following
 31 circumstances:

32 (a) The towing or removal of a ~~any~~ vehicle or vessel from
 33 private property without the consent of the registered owner or
 34 other legally authorized person in control of that vehicle or
 35 vessel is subject to strict compliance with the following
 36 conditions and restrictions:

37 1.a. A ~~Any~~ towed or removed vehicle or vessel must be
 38 stored at a site within a 10-mile radius of the point of removal
 39 in a ~~any~~ county with a population of 500,000 ~~population~~ or more
 40 ~~or, and~~ within a 15-mile radius of the point of removal in a ~~any~~
 41 county with a population of less than 500,000 ~~population~~. That
 42 site must be open for the purpose of redemption of vehicles from
 43 8 a.m. to 6 p.m. on any day that the person or firm towing such
 44 vehicle or vessel is open for towing purposes, ~~from 8:00 a.m. to~~
 45 ~~6:00 p.m.,~~ and, when closed, shall have prominently posted a
 46 sign indicating a telephone number where the operator of the
 47 site can be reached at all times. Upon receipt of a telephoned
 48 request to open the site to redeem a vehicle or vessel, the
 49 operator must ~~shall~~ return to the site within 1 hour ~~or she or~~
 50 ~~he will be in violation of this section.~~

51 b. If no towing business providing such service is located
 52 within the area of towing limitations under ~~set forth in~~ sub-
 53 subparagraph a., the following limitations apply: a ~~any~~ towed or
 54 removed vehicle or vessel must be stored at a site within a 20-

55 | mile radius of the point of removal in a any county with a
 56 | population of 500,000 ~~population~~ or more ~~or, and~~ within a 30-
 57 | mile radius of the point of removal in a any county with a
 58 | population of less than 500,000 ~~population~~.

59 | 2. Within 30 minutes after completion of the towing or
 60 | removal, the person or firm that towed or removed ~~towing or~~
 61 | ~~removing~~ the vehicle or vessel must ~~shall, within 30 minutes~~
 62 | ~~after completion of such towing or removal,~~ notify the municipal
 63 | police department or, in an unincorporated area, the sheriff,
 64 | of: the ~~such~~ towing or removal;; the storage site;; the time the
 65 | vehicle or vessel was towed or removed;; and the make, model,
 66 | color, and license plate number of the vehicle or description
 67 | and registration number of the vessel. The person or firm ~~and~~
 68 | shall note on the trip record ~~obtain~~ the name of the person ~~at~~
 69 | ~~that department~~ to whom such information was reported ~~and note~~
 70 | ~~that name on the trip record.~~

71 | 3. A person in the process of towing or removing a vehicle
 72 | or vessel from the premises or parking lot in which the vehicle
 73 | or vessel is not lawfully parked must stop when a person seeks
 74 | the return of the vehicle or vessel. The vehicle or vessel must
 75 | be returned upon the payment of a reasonable service fee of not
 76 | more than one-half of the posted rate for the towing or removal
 77 | service as provided in subparagraph 7. ~~6.~~ The vehicle or vessel
 78 | may be towed or removed if, after a reasonable opportunity, the
 79 | owner or legally authorized person in control of the vehicle or
 80 | vessel is unable to pay the service fee. If the vehicle or
 81 | vessel is redeemed, a detailed signed receipt must be given to

82 the person redeeming the vehicle or vessel.

83 4. A person may not pay or accept money or other valuable
84 consideration for the privilege of towing or removing vehicles
85 or vessels from a particular location.

86 5. Except when the ~~for~~ property is appurtenant to and
87 obviously a part of a single-family residence or, ~~and except for~~
88 ~~instances~~ when notice is personally given to the owner or other
89 legally authorized person in control of the vehicle or vessel
90 that the area in which that vehicle or vessel is parked is
91 reserved or otherwise unavailable for unauthorized vehicles or
92 vessels and that the vehicle or vessel is subject to being
93 removed at the owner's or operator's expense, before towing or
94 removing a vehicle or vessel from private property without the
95 consent of the owner or other legally authorized person in
96 control of that vehicle or vessel, a ~~any~~ property owner or
97 lessee, or person authorized by the property owner or lessee,
98 ~~prior to towing or removing any vehicle or vessel from private~~
99 ~~property without the consent of the owner or other legally~~
100 ~~authorized person in control of that vehicle or vessel,~~ must
101 post a notice subject to meeting the following requirements:

102 a. The notice must:

103 (I) Be prominently placed at each driveway access or curb
104 cut allowing vehicular access to the property, within 5 feet
105 from the public right-of-way line. If there are no curbs or
106 access barriers, the signs must be posted not less than one sign
107 for each 25 feet of lot frontage.

108 (II) ~~b.~~ ~~The notice must~~ Clearly indicate, in not less than

109 2-inch high, light-reflective letters on a contrasting
 110 background, that unauthorized vehicles will be towed away at the
 111 owner's expense. The words "tow-away zone" must be included on
 112 the sign in not less than 4-inch high letters.

113 ~~(III)e. The notice must also~~ Provide the name and current
 114 telephone number of the person or firm towing or removing ~~the~~
 115 vehicles or vessels.

116 ~~b.d.~~ The sign structure containing the required notices
 117 must be permanently installed with the words "tow-away zone" at
 118 least not less than 3 feet but no and not more than 6 feet above
 119 ground level and must be continuously maintained on the property
 120 for at least not less than 24 hours before ~~prior to the~~ towing
 121 or removing a vehicle or vessel ~~removal of any vehicles or~~
 122 ~~vessels.~~

123 ~~e.~~ The local government may require permitting and
 124 inspection of such these signs before ~~prior to any~~ towing or
 125 removing a vehicle or vessel is ~~removal of vehicles or vessels~~
 126 ~~being~~ authorized.

127 ~~c.f.~~ A business with 20 or fewer parking spaces satisfies
 128 the notice requirements of this subparagraph by prominently
 129 displaying a sign stating "Reserved Parking for Customers Only
 130 Unauthorized Vehicles or Vessels Will be Towed Away At the
 131 Owner's Expense" in not less than 4-inch high, light-reflective
 132 letters on a contrasting background.

133 ~~d.g.~~ A property owner towing or removing vessels from real
 134 property must post notice, consistent with the requirements in
 135 sub-subparagraphs a.-c. ~~a.-f.~~ which apply to vehicles, that

136 unauthorized vehicles or vessels will be towed away at the
 137 owner's expense.

138 6. Notwithstanding subparagraph 5., ~~a business owner or~~
 139 ~~lessee may authorize the removal of a vehicle or vessel by a~~
 140 ~~towing company~~ when a ~~the~~ vehicle or vessel is parked in ~~such a~~
 141 manner that restricts the normal operation of business; is and
 142 ~~if a vehicle or vessel~~ parked on a public right-of-way in a
 143 manner that obstructs access to a private driveway; or has been
 144 parked or stored on private property for a period exceeding 10
 145 days, the owner ~~or~~ lessee, or agent of the owner or lessee, of
 146 the real property may have the vehicle or vessel removed by a
 147 towing company upon signing an order that the vehicle or vessel
 148 be removed without a posted tow-away zone sign.

149 7.6. ~~A~~ Any person or firm that tows or removes vehicles or
 150 vessels and proposes to require an owner, operator, or person in
 151 control of a vehicle or vessel to pay the costs of towing and
 152 storage before ~~prior to~~ redemption of the vehicle or vessel must
 153 file and keep on record with the local law enforcement agency a
 154 complete copy of the current rates to be charged for such
 155 services and post at the storage site an identical rate schedule
 156 and any written contracts with property owners, lessees, or
 157 persons in control of property which authorize such person or
 158 firm to remove vehicles or vessels as provided in this section.

159 8.7. ~~A~~ Any person or firm towing or removing ~~any~~ vehicles
 160 or vessels from private property without the consent of the
 161 owner or other legally authorized person in control of the
 162 vehicles or vessels shall, on any trucks, wreckers as defined in

163 s. 713.78(1)(c), or other vehicles used in the towing or
 164 removal, have the name, address, and telephone number of the
 165 company performing such service clearly printed in contrasting
 166 colors on the driver and passenger sides of the vehicle. The
 167 name shall be in at least 3-inch, permanently affixed letters,
 168 and the address and telephone number shall be in at least 1-
 169 inch, permanently affixed letters.

170 9.8. Vehicle entry for the purpose of removing the vehicle
 171 or vessel shall be allowed with reasonable care on the part of
 172 the person or firm towing the vehicle or vessel. Such person or
 173 firm shall be liable for any damage occasioned to the vehicle or
 174 vessel if such entry is not in accordance with the standard of
 175 reasonable care.

176 10.9. When a vehicle or vessel has been towed or removed
 177 pursuant to this section, it must be released to its owner or
 178 custodian within 1 ~~one~~ hour after requested. A ~~Any~~ vehicle or
 179 vessel owner or agent of the owner may ~~shall have the right to~~
 180 inspect the vehicle or vessel before accepting its return. A~~r~~
 181 ~~and no~~ release or waiver of any kind which would release the
 182 person or firm towing the vehicle or vessel from liability for
 183 damages noted by the owner or other legally authorized person at
 184 the time of the redemption may not be required from a ~~any~~
 185 vehicle or vessel owner or~~r~~ custodian~~r~~ or agent of the owner or
 186 custodian as a condition of release of the vehicle or vessel to
 187 its owner. A detailed, signed receipt showing the legal name of
 188 the company or person towing or removing the vehicle or vessel
 189 must be given to the person paying towing or storage charges at

190 the time of payment, whether requested or not.

191 (b) The ~~These~~ requirements of this subsection are minimum
 192 standards and do not preclude enactment of additional
 193 regulations by a ~~any~~ municipality or county including the right
 194 to regulate rates when vehicles or vessels are towed from
 195 private property.

196 (3) This section does not apply to law enforcement,
 197 firefighting, rescue squad, ambulance, or other emergency
 198 vehicles or vessels that are marked as such or to property owned
 199 by a ~~any~~ governmental entity.

200 (4) When a person improperly causes a vehicle or vessel to
 201 be removed, such person shall be liable to the owner or lessee
 202 of the vehicle or vessel for the cost of removal,
 203 transportation, and storage; any damages resulting from the
 204 removal, transportation, or storage of the vehicle or vessel;
 205 attorney's fees; and court costs.

206 (5) (a) A ~~Any~~ person who violates subparagraph (2) (a) 2. or
 207 subparagraph (2) (a) 7. ~~(2) (a) 6.~~ commits a misdemeanor of the
 208 first degree, punishable as provided in s. 775.082 or s.
 209 775.083.

210 (b) A ~~Any~~ person who violates subparagraph (2) (a) 1.,
 211 subparagraph (2) (a) 3., subparagraph (2) (a) 4., subparagraph
 212 (2) (a) 8. ~~(2) (a) 7.~~, or subparagraph (2) (a) 10. ~~(2) (a) 9.~~ commits a
 213 felony of the third degree, punishable as provided in s.
 214 775.082, s. 775.083, or s. 775.084.

215 Section 2. This act shall take effect upon becoming a law.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation & Highway
 2 Safety Subcommittee

3 Representative Wood offered the following:

4
 5 **Amendment (with title amendment)**

6 Between lines 148 and 149, insert:

7 a. The 10-day period after which towing or removal of a
 8 vehicle or vessel from real property without tow-away zone
 9 signage is authorized does not begin until the owner or lessee,
 10 or agent of the owner or lessee, of the real property physically
 11 attaches to the vehicle or vessel with adhesive material notice
 12 that the vehicle or vessel will be towed or removed from the
 13 real property. The notice must:

14 (I) In the case of a vehicle, be attached to the vehicle's
 15 windshield.



Amendment No. 1

16 (II) In the case of a vessel, be attached adjacent to the
17 vessel registration number on the left or port side of the
18 vessel.

19 (III) Be at least 8.5 by 11 inches in size.

20 (IV) Clearly indicate the date on which the notice was
21 posted.

22 (V) Clearly indicate in bold letters that the vehicle or
23 vessel will be towed or removed from the real property after 10
24 days from the date on which the notice was posted.

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

Remove line 7 and insert:
a specified period; providing that the specified period
does not begin until a certain notice is physically
attached to the vehicle or vessel; providing requirements
for the notice; providing an effective date.



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation & Highway
 2 Safety Subcommittee
 3 Representative Wood offered the following:

Amendment

Remove lines 22-31 and insert:

7 (2) The owner or lessee of real property, or a any person
 8 authorized by the owner or lessee, which person may be the
 9 designated representative of the condominium association if the
 10 real property is a condominium, or a cooperative association if
 11 the real property is a cooperative, or a homeowners' association
 12 if the real property is owned by a homeowners' association, may
 13 cause a any vehicle or vessel parked on such property without
 14 her or his permission to be removed by a person regularly
 15 engaged in the business of towing vehicles or vessels, without
 16 liability for the costs of removal, transportation, or storage



Amendment No. 2

17 | or damages caused by such removal, transportation, or storage,
18 | under any of the following circumstances:
19 |

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 839 Driver Licenses
SPONSOR(S): Broxson
TIED BILLS: IDEN./SIM. **BILLS:** SB 1366

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Davy DKA	Miller DM.
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

This bill addresses certain persons who are currently unable to obtain a Florida driver license.

Current law requires any person whose record as maintained by Department of Highway Safety and Motor Vehicles (DHSMV), in a five year period, has three or more convictions for specific offenses to be designated a "habitual traffic offender" (HTO). The law further provides any person who, in a five year period, has fifteen convictions for moving traffic offenses for which points may be assessed must also be designated a HTO. The law requires DHSMV to revoke the license of any person designated a HTO and such a person is not eligible to be relicensed for a minimum of 5 years from the date of revocation. Currently, there is no provision for HTOs to provide proof of compliance and have their HTO designation removed.

The bill authorizes a person who has received a HTO designation and whose driver license has been revoked as a result of a third violation of driving a motor vehicle while his or her license is suspended or revoked (DWLSR) before July 1, 2014, to provide proof of compliance before July 1, 2016, to the clerk of court before the designated court date. Proof of compliance includes a valid, renewed, or reinstated driver license or registration certificate and proper proof of maintenance of security as required by s. 316.646, F.S. Upon receipt of proof of compliance, the bill requires the clerk of court to submit an amended disposition to remove the HTO designation.

Current law requires that DHSMV not issue any individual a new driver license if such an individual has an outstanding suspension or revocation of a driver license or driving privilege in any other state. Florida must enforce suspensions and revocations from other states for underlying offenses that would not result in suspensions or revocations under Florida law.

The bill provides that DHSMV may, in its discretion, issue a driver license, if the applicant's driving privilege or driver license is suspended or revoked in another state for an offense committed in that state which would not have been grounds for suspension or revocation of the person's driving privilege or driver license in this state.

To the extent that individuals provide proof of compliance, the bill may have an insignificant positive impact on state fee revenue associated with court costs. Similarly, to the extent that the department issues new licenses to individuals with suspensions or revocations from other states, the bill may have an insignificant positive impact on state driver license fee revenue. DHSMV is expected to incur an insignificant negative fiscal impact implementing changes. See fiscal comments.

The bill takes effect July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Habitual Traffic Offenders (Section 1)

Present Situation

Currently, s. 322.264(1), F.S., requires any person whose record as maintained by DHSMV shows three or more convictions in a five year period for specific offenses to be designated as a HTO. These offenses include:

- voluntary or involuntary manslaughter resulting from the operation of a motor vehicle;
- any violation of Driving Under the Influence in violation of s. 316.193, F.S.;
- any felony in the commission of which a motor vehicle is used;
- driving a motor vehicle while his or her license is suspended or revoked;
- failing to stop and render aid as required under the laws of the state in the event of a motor vehicle crash resulting in the death or personal injury of another; or
- driving a commercial motor vehicle while his or her privilege is disqualified.¹

Section 322.264(2), F.S., further provides any person who, in a five year period, has fifteen convictions for moving traffic offenses for which points may be assessed is also designated as a HTO.²

A HTO who drives a motor vehicle while his or her license is revoked is guilty of a felony of the third degree, punishable by imprisonment of up to five years and a fine up to \$5,000.³

Section 322.27(5), F.S., requires DHSMV to revoke the license of any person designated a HTO and such a person is not eligible to be relicensed for a minimum of 5 years from the date of revocation.⁴

Proof of Compliance

Currently, a person who does not hold a commercial driver license or commercial learner's permit and who is cited while driving a noncommercial motor vehicle for the following offenses, may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau:

- operating a motor vehicle without a valid driver license in violation of s. 322.03, F.S., s. 322.065, F.S., or s. 322.15(1), F.S., or operating a motor vehicle with a license that has been suspended for failure to appear, failure to pay civil penalty, or failure to attend a driver improvement course pursuant to s. 322.291, F.S.;
- operating a motor vehicle without a valid registration in violation of s. 320.0605, F.S., s. 320.07, F.S., or s. 320.131, F.S.;
- operating a motor vehicle without proof of security in violation of s. 316.646, F.S.;
- operating a motor vehicle with a license that has been suspended under s. 61.13016, F.S., or s. 322.245, F.S., for failure to pay child support or for failure to pay any other financial obligation as provided in s. 322.245, F.S.; however, this subparagraph does not apply if the license has been suspended pursuant to s. 322.245(1), F.S.; and
- operating a motor vehicle with a license that has been suspended under s. 322.091, F.S., for failure to meet school attendance requirements.⁵

¹ Section 322.264(1), F.S.

² Section 322.264(2), F.S.

³ Section 322.24(5), F.S.

⁴ Section 322.27 (5), F.S.

⁵ Section 318.14(10)(a), F.S.

In such case, adjudication is withheld. A person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may not make more than three elections under this subsection.⁶ Currently, if a defendant in a civil case of unknowingly DWLSR provides proof of compliance and pleas nolo contendere, the court will withhold adjudication, and the citation will not count toward the three total offenses resulting in a HTO designation. Currently, a withhold of adjudication for a criminal DWLSR offense constitutes a conviction and, therefore, counts toward one of the three offenses to receive an HTO designation.⁷

During the 2010 regular legislative session, CS/HB 795 was passed and signed into law, which among other things authorized individuals who had received a HTO designation and whose driver license has been revoked as a result of a third violation of driving a motor vehicle while his or her license is suspended or revoked to provide proof of compliance. The provision was only effective between July 1, 2010 and July 1, 2011.^{8,9}

Currently, any individual who pays a citation of DWLSR or provides proof of compliance for the underlying cause of the suspension receives one of the three convictions needed to receive a HTO designation. The offender has no incentive to take care of the outstanding obligations causing their suspension and provide proof of compliance. A HTO designation cannot be removed by taking care of the outstanding obligations causing the suspension and providing proof of compliance.

Many of the underlying license suspensions in DWLSR cases generally relate to financial concerns, not the driver's actual ability to operate a motor vehicle. As a result, they can create a "snowball" effect for repeat offenders unable to fully-pay a non-criminal traffic fine or other legal financial obligations. A driver who is unable to pay a traffic fine, but needs to operate his or her vehicle in order to remain employed, may be subsequently cited for driving with a suspended or revoked license, thereby incurring an additional fine. By granting these fiscally-challenged HTOs an opportunity to provide "proof of compliance," it is possible that HTOs currently driving on revoked licenses will attempt to stop the "snowball" effect by paying their overdue fines, acquiring proper insurance, and taking care of other legal obligations.

Effect of Proposed Changes

The bill authorizes a person who has received a HTO designation and whose license has been revoked under s. 322.27(5), F.S., as a result of a third violation of driving with a motor vehicle while his or her license is suspended or revoked, which occurred before July 1, 2014, to provide proof of compliance before July 1, 2016, to the clerk of court before their designated court date as provided in s. 318.14(10)(a), F.S. Proof of compliance consists of a valid, renewed, or reinstated driver license registration certificate and proper proof of maintenance of security as required by s. 316.646, F.S., before the scheduled court appearance date as provided in statute. The bill provides that if a driver labeled a Habitual Traffic Offender is able to resolve fines through this process, he or she will have their HTO status removed. In such an instance, the clerk of court will submit an amended disposition to remove the HTO designation, which will allow the person to apply for reinstatement of their driver license.

Driver License Reciprocity (Section 2)

Present Situation

⁶ *Id.*

⁷ *Raulerson v. State*, 763 So.2d 285, (Fla 2000).

⁸ According to DHSMV, during the effective period 4,046 records were reviewed, due to customers calling/writing into DHSMV. Out of the 4,046 reexaminations, 1,549 were approved for reinstatement, 1,711 were not eligible for reinstatement, and 786 reinstated their license. Information received from DHSMV (12/13/13), on file with the Transportation and Highway Safety Subcommittee.

⁹ Chapter 2010-107, Laws of Florida.

Driver License Compact¹⁰

The Driver License Compact was created between states to provide uniformity among the member jurisdictions when exchanging information with other members on convictions, records, licenses, withdrawals, and other data pertinent to the licensing process. Uniformity eases administrative costs consistent with the concept which forms the basic tenet with the agreement that each driver, nationwide, have only one driver license and one driver control record.¹¹

Florida entered the Driver License Compact in 1967. Upon application for a license to drive, DHSMV must ascertain whether the applicant has ever held, or is the holder of, a license to drive issued by any other party state. DHSMV must not issue a license to drive to the applicant if¹²:

- The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.
- The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of 1 year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

Some states, will suspend driver licenses for non-driving related offenses that Florida will not suspend for. For example, 26 states will suspend a license for minor possession/consumption of alcohol, while Florida will not.¹³ In addition, 36 states automatically suspend driver licenses and driving privileges for reckless driving and 6 states suspend for careless driving while Florida will not automatically suspend for either.¹⁴ Rather, these driving related offenses in Florida will result in points that upon a licensee's accumulation of¹⁵:

- 12 points within a 12-month period, the period of suspension will be for no more than 30 days.
- 18 points, within an 18-month period, the suspension will be for no more than 3 months.
- 24 points, within a 36-month period, the suspension will be for no more than 1 year.

National Driver Registry

NDR is a computerized database of information about drivers who have had their licenses revoked or suspended, or who have been convicted of serious traffic violations such as driving while impaired by alcohol or drugs. State motor vehicle agencies provide the National Driver Registry (NDR) with the names of individuals who have lost their privileges or who have been convicted of a serious traffic violation. When a person applies for a driver's license, the State DMV checks to see if the name is on the NDR database. If a person has been reported to the NDR as a problem driver, the license may be denied.¹⁶ Florida uses the database to check a driver's record for suspensions and revocations and enforce compliance with the national Driver License Compact.

The NDR is populated with the following "pointer" information¹⁷:

- first, last, and middle name, alias names (if any);
- date of birth, license number, and social security number (if allowed by State law);
- sex, height, weight, eye color (if collected by States); and

¹⁰ Section 322.44, F.S.

¹¹ Information found at: <http://www.aamva.org/drivers-license-compacts/> (last visited on 2/28/2014)

¹² Section 322.44, Article V, F.S.

¹³ Pg 20, AAMVA, 2013 Best Practices Guide to Reducing Suspended Drivers. Found at:

<http://www.aamva.org/workarea/downloadasset.aspx?id=3723> (last visited on 3/7/14)

¹⁴ Pg. 8, NHTSA, 2009 Reasons for Driver License Suspension, Recidivism, and Crash Involvement among driver's with suspended/revoked licenses. Found at:

<http://www.nhtsa.gov/DOT/NHTSA/Traffic%20Injury%20Control/Articles/Associated%20Files/811092.pdf> (last visited on 3/7/14)

¹⁵ Section 322.27(3), F.S.

¹⁶ Information found at: [http://www.nhtsa.gov/Data/National+Driver+Register+\(NDR\)](http://www.nhtsa.gov/Data/National+Driver+Register+(NDR)) (last visited on 3/3/2014)

¹⁷ *Id.*

- the State that added the pointer, also referred to as State-of-Record (SOR).

In addition, the NDR includes the national driver register status that reflects an individual as¹⁸:

- no match: The individual does not have a record on the NDR;
- licensed: Licensed means the individual holds a license in that State and the privilege to drive is valid;
- eligible: The individual privilege to drive or apply for a license in a State(s) is valid;
- not: The individual privilege to drive in a State(s) is invalid; or
- NEN: The individual privilege to drive in a State(s) is invalid due to a non-moving violation.

This information is supplied and maintained by State as a result of convictions and license withdrawals pertaining to highway safety violations. No driver history information is maintained in the NDR¹⁹ and, at the driver license examiner level, there is no automated method to determine the nature of the reported stop, suspension, or revocation in the other state.²⁰

Effect of Proposed Changes

The bill provides that the department may, in its discretion, issue a driver license, with any required restrictions, if the applicant's driving privilege or driver license is suspended or revoked in another state for an offense committed in that state which would not have been grounds for suspension or revocation of the person's driving privilege or driver license in Florida.

Florida does not have access to driver history information through the NDR, which is what is currently used to check a driver license applicant's driving record for outstanding driving privilege and license suspensions and revocations. As a result, DHSMV will need to communicate with other states on a case by case basis to determine the underlying issues or offenses causing suspensions or revocations of applicants' driving privilege or driver license. The bill grants DHSMV discretion in how it implements the bill.

B. SECTION DIRECTORY:

- Section 1: Amends s. 322.27, F.S., providing for the removal of a habitual traffic offender designation upon proof of compliance with statutory provisions by certain offenders.
- Section 2: Creates s. 322.276, F.S., providing for DHSMV to issue a driver license to a person whose license is suspended or revoked in certain circumstances.
- Section 3: Provides the bill takes effect July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
See Fiscal Comments.
2. Expenditures:
See Fiscal Comments.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ DHSMV Agency Analysis for HB 839.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill will likely have a positive impact on HTOs and individuals with suspensions and revocations from other states for offenses not resulting in the same penalty under Florida law who regain their driving privileges. While not necessarily a measurable or "direct" impact, if the ultimate result of the bill is a decrease in the number of drivers who operate motor vehicles on a suspended license (and by definition, also without insurance), the public at large may see a positive economic impact. As a result, individuals who regain their privilege to drive will be able to have greater access to employment opportunities and play a more active role in the economy.

D. FISCAL COMMENTS:

Any person establishing proof of compliance will be assessed court costs of \$25. The \$25 court cost assessment is distributed as follows:

- One dollar of such costs shall be remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund of the Department of Children and Family Services.
- One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund.
- Fourteen dollars of such costs shall be distributed to the municipality and \$9 shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, F.S., if the offense was committed within the municipality.²¹

If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), F.S.²², the entire amount shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, F.S., except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund.²³

To the extent that HTOs provide proof of compliance and pay the \$25 court cost, the bill could have a positive fiscal impact on the state trust funds and local governments to whom the funds are distributed.

Any person who applies for reinstatement following the end of their HTO designation and revocation of the person's driver license must pay a service fee of \$75, which is in addition to the fee for a license. Of the \$75 fee received from a licensee for reinstatement following a revocation or disqualification, the department must deposit \$35 in the General Revenue Fund and \$40 in the Highway Safety Operating Trust Fund.²⁴

²¹ Section 318.14 (10)(b), F.S.

²² Section 316.646 (1)-(3), F.S., mandates the requirement for an owner and operator of a motor vehicle to maintain proof of property damage liability security, liability security for bodily injury or death, or personal injury protection security. A law enforcement officer may require the operator display the required proper proof of security. A person who fails to provide the required proof of security commits a moving violation subject to the penalty provided in chapter 318, F.S., and will be required to furnish proof of security.

²³ *Id.*

²⁴ Section 322.21(8), F.S.

An original Class E or motor cycle driver license is \$48, which includes the fee for driver education provided by s. 1003.48, F.S.²⁵ To the extent that the department issues new licenses to individuals with suspensions or revocations from other states, the bill may have an insignificant positive impact on state driver license fee revenue which is deposited into the General Revenue Fund.²⁶

DHSMV indicates that it will take 160 hours and a negative fiscal impact of \$6,400 to implement the changes this will be absorbed within existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

²⁵ Section 322.21 (1), F.S.

²⁶ Section 322.21(5), F.S.

1 A bill to be entitled
 2 An act relating to driver licenses; amending s.
 3 322.27, F.S.; providing for a clerk of court to remove
 4 a habitual traffic offender designation if the
 5 offender meets certain conditions before a certain
 6 date; creating s. 322.276, F.S.; authorizing the
 7 Department of Highway Safety and Motor Vehicles to
 8 issue a driver license to a person whose license is
 9 suspended or revoked in another state under certain
 10 circumstances; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsection (5) of section 322.27, Florida
 15 Statutes, is amended to read:

16 322.27 Authority of department to suspend or revoke driver
 17 license or identification card.—

18 (5) (a) The department shall revoke the license of any
 19 person designated a habitual offender, as set forth in s.
 20 322.264, and such person is not eligible to be relicensed for a
 21 minimum of 5 years from the date of revocation, except as
 22 provided for in s. 322.271. Any person whose license is revoked
 23 may, by petition to the department, show cause why his or her
 24 license should not be revoked.

25 (b) If a person whose driver license has been revoked
 26 under paragraph (a), as a result of a third violation of driving

27 a motor vehicle while his or her license is suspended or revoked
 28 which occurred before July 1, 2014, provides proof of compliance
 29 as allowed by s. 318.14(10)(a) before July 1, 2016, the clerk of
 30 court shall submit an amended disposition to remove the habitual
 31 traffic offender designation.

32 Section 2. Section 322.276, Florida Statutes, is created
 33 to read:

34 322.276 Out-of-state sanctions; issuance of license.—The
 35 department may, in its discretion, issue a driver license, with
 36 any required restrictions, if the applicant's driving privilege
 37 or driver license is suspended or revoked in another state for
 38 an offense committed in that state which would not have been
 39 grounds for suspension or revocation of the person's driving
 40 privilege or driver license in this state.

41 Section 3. This act shall take effect July 1, 2014.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation & Highway
 2 Safety Subcommittee
 3 Representative Broxson offered the following:

Amendment (with title amendment)

Remove lines 18-31 and insert:

Section 1. Subsection (5) of section 322.27, Florida Statutes, is amended to read:

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

(5)(a) The department shall revoke the license of any person designated a habitual offender, as set forth in s. 322.264, and such person is not eligible to be relicensed for a minimum of 5 years from the date of revocation, except as provided for in s. 322.271. Any person whose license is revoked may, by petition to the department, show cause why his or her license should not be revoked.



Amendment No. 1

18 (b) If a person whose driver license has been revoked
19 under paragraph (a) as a result of a third violation of driving
20 a motor vehicle while his or her license is suspended or revoked
21 provides proof of compliance as provided by s. 318.14(10)(a),
22 the clerk of court shall submit an amended disposition to remove
23 the habitual traffic offender designation.
24
25
26
27

28 -----

29 **T I T L E A M E N D M E N T**

30 Remove lines 2-10 and insert:

31 An act relating to driver licenses; amending s. 322.27, F.S.;

32 providing for a clerk of court to remove a habitual traffic

33 offender designation if the offender meets certain conditions;

34 creating s. 322.276, F.S.; authorizing the Department of Highway

35 Safety and Motor Vehicles to issue a driver license to a person

36 whose license is suspended or revoked in another state under

37 certain circumstances; providing an effective date.

38

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 883 License Plates

SPONSOR(S): Broxson

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Johnson <i>AS</i>	Miller <i>P.M.</i>
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

Current law provides for various stops on vehicle registrations for a uniform traffic citation for toll violations, parking tickets, traffic infraction detector violations, claims by a lienor for failure to surrender a vehicle, or a wrecker's lien.

The bill prohibits the Department of Highway Safety and Motor Vehicles (DHSMV) from issuing a license plate or revalidation decal for a motor vehicle or vessel acknowledged on a uniform traffic citation for toll violations, parking ticket violation, or traffic infraction detector violation because the individuals were recognized on a list provided to DHSMV by the clerk of the court, traffic violations bureau, or government entity. The bill also provides that a license plate or revalidation sticker may not be issued because of a claim by a lienor and provides the process for the removal from the list. The bill also requires that a notice to surrender a vehicle or vessel be signed under oath by the lienor and that the individual may file a civil suit to dispute the notice to surrender or that they are included on the list of those who may not be issued a license plate or revalidation sticker. The bill changes the provisions for registration stops for a wrecker's lien to only the vehicle involved in the lien.

Under the bill, motorists could potentially have registration holds on fewer vehicles since the bill only allows a registration hold on the vehicle involved in the violation or subject to a lien, and not all vehicles owned by the same registered owner.

DHSMV will incur \$8,400 in non-recurring programming costs to implement provisions of the bill.

The bill has an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Toll Violations (Section 1)

Current Situation

Current law allows the clerks of the court to provide the Department of Highway Safety and Motor Vehicles (DHSMV) with machine readable data listing persons with one or more toll violations.¹ When DHSMV receives these lists it electronically places a registration stop on the violator's vehicle registration record. This registration stop only prevents the specific vehicle, not all vehicles, from renewing its registration until the fine is paid.

The registrant will be notified of the registration stop in registration renewal notices, which direct the individual to contact the county license plate agency² for instructions on clearing the registration stop. The license plate agency instructs the individual to contact the agency reporting the toll violation and obtain proof of paying the violation.

Proposed Changes

The bill amends s. 316.1001(4), F.S., requiring DHSMV to collect the driver license or registration number reflected on a uniform traffic citation (UTC) for a toll violation from any governmental entity or clerk of the court. According to DHSMV, it is doing this today.³

The bill requires the governmental entity to notify DHSMV to remove a person's name from the list upon payment of outstanding fines.

DHSMV interprets this provision to mean that the governmental entity or clerk of the court will verify and obtain the driver license number or registration number from the UTC and continue to submit the data as they currently do. Should DHSMV need to pull data elements directly from the UTC to place a registration stop for a toll violation, DHSMV would be required to do some programming. However, based on its interpretation there would be no operational or fiscal impact to DHSMV.⁴

According to DHSMV, in Fiscal Year 2012-2013, DHSMV placed 160,090 stops on records for toll violations. Of these, 67 percent were paid and the stops were removed within 90 days.⁵

Parking Violations (Section 2)

Current Situation

Current law provides that any county or city by ordinance may authorize the clerk of the court or traffic violations bureau to supply DHSMV with a list of persons with three or more outstanding parking violations or persons who have outstanding violations of s. 316.1955, F.S., or similar local ordinances regulating parking spaces designated for use by persons with disabilities.⁶ DHSMV currently marks the appropriate registration record and places a registration stop, which only prevents the specific vehicle, and not all vehicles owned by the registrant, from renewing its registration until the fine is paid.⁷

Proposed Changes

¹ S. 316.1001(4), F.S.

² The county license plate agency is typically the county tax collector.

³ DHSMV bill analysis of HB 883. On file with the Transportation & Highway Safety Subcommittee.

⁴ Id.

⁵ Id.

⁶ S. 316.1967(6), F.S.

⁷ DHSMV bill analysis of HB 883. On file with the Transportation & Highway Safety Subcommittee.

The bill amends s. 316.1967(6), F.S., relating to the payment of parking violations. The bill clarifies some of the text. The bill provides that DHSMV, upon receiving electronic notification, shall not issue a license plate or revalidation sticker to a person on the list for that specific vehicle identified on the parking violation. Upon payment of the fines, the clerk of the court or the traffic violations bureau is required to notify DHSMV to remove a person's name from the list. DHSMV advises that the proposed changes to this section of law would not have an operational or fiscal impact since a process already exists to accommodate this provision. Currently, DHSMV places a registration stop, preventing only the vehicle on the list DHSMV receives from extending that vehicle's registration.⁸

According to DHSMV, in Fiscal Year 2012-2013, DHSMV placed 257,993 stops on records for parking violations, 70 percent of which were removed within 90 days.⁹

Red Light Camera Violations (Section 3)

Current Situation

Currently, s. 318.15(3), F.S., authorizes DHSMV to withhold the license plate or revalidation sticker for any motor vehicle owned or co-owned by a person not to be compliant with the payment or payment plan for a red light citation,¹⁰ failure to comply with an order of the clerk or local hearing officer or failure to appear at a requested hearing. These stops are known as "customer" stops and prevent the registration renewal for all vehicles associated with a customer.

Chapter 318, F.S., relating to the disposition of traffic infractions, and ch. 322, F.S., relating to driver licenses, as they relate to motor vehicle registrations, allow for the suspension of a driver license for failure to comply with directives ordered by traffic court.¹¹ Once a driver license is suspended, DHSMV may prohibit vehicle registrations and renewals. As a result, when an owner of co-owner of a motor vehicle has a suspended driver license for failure to pay a fine, DHSMV is directed to withhold motor vehicle registration. However, the individual may process a title and original registration or transfer an existing license plate. However, an extension of the registration period on existing registrations cannot be processed until the suspension has been cleared and the driver's license reinstated.

Proposed Changes

The bill amends s. 318.15(3), F.S., relating to the failure to comply with a civil penalty for registrants who were mailed a traffic infraction detector¹² violation and failed to pay the civil penalty or for failure to appear. These changes, would not allow DHSMV to renew a specific vehicle's registration to any person with an unpaid violation on his or her record.

This would require DHMSV to no longer place a "customer stop," but instead place a "registration stop" on a person's record. This would no longer prevent "all vehicles" owned from being renewed, but only the specific vehicle associated with the violation. This would require DHSNV to choose a different, existing stop type (registration stop) to be selected, which will require DHSMV to implement programming and procedural changes.¹³

Registration Requirements (Section 4)

Current Situation

Section 320.02(17), F.S. , provides that DHSMV "may" withhold the registration or registration or replacement registration after a written notice to surrender a vehicle is submitted to DHSMV by a

⁸ DHSMV bill analysis of HB 883. On file with the Transportation & Highway Safety Subcommittee.

⁹ Id.

¹⁰ Red light citations are pursuant to s. 316.074(1), F.S., or s. 316.075(1)(c)1., F.S.

¹¹ This is known as a D6 suspension.

¹² Traffic infraction detectors are also known as red light cameras.

¹³ DHSMV bill analysis of HB 883. On file with the Transportation & Highway Safety Subcommittee.

lienor.¹⁴ DHSMV currently places a “customer stop” when notified by a lienor, which prevents the registration renewal for all vehicles associated with a customer.¹⁵

Proposed Changes

The bill amends s. 320.02(17), F.S., providing that DHSMV shall withhold the registration or re-registration or replacement registration after written notice to surrender a vehicle is submitted to DHSMV by a lienor.¹⁶ The bill also requires DHSMV to only prevent the registration of the one vehicle identified in the lienor’s notice, not all vehicles owned by the customer.

The changes to s. 320.02(17), F.S. require DHSMV to no longer place a “customer stop;” but place a newly creates stop that works identical to a registration stop on a person’s record. According to DHSMV, a new type of stop would be created rather than using the existing registration stop because registration stops are placed using a license plate number and both mobile homes and vessels do not have license plates. This would no longer prevent “all vehicles” owned by the person from being renewed; but, only the specific vehicle, vessel, or mobile home associated with the lien. According to DHSMV, this would require programming and process changes.¹⁷

Registration Withholding (Section 5)

Current Situation

Section 320.03(8), F.S. provides for DHSMV to withhold registration if an applicant’s name appears on the list for a toll violation, parking ticket, traffic infraction detector violation, notice from a lienor, or towing, storage, and recovery entity. The license plate or revalidation sticker may not be issued until that person’s name no longer appears on the list or until that person presents a receipt from the governmental entity or the clerk of court providing data showing that the outstanding fines have been paid.

Proposed Changes

The bill amends s. 320.03(8)(a), F.S., providing that vehicles and vessels identified on a UTC, parking citation, or traffic infraction detector violation, notice from a lienor, or notice from a wrecker operator may not issue a license plate or revalidation sticker until the person’s name no longer appears on the list, the governmental entity, clerk of the court, or wrecker operator has notified DHSMV to remove the person’s name from the list or the court orders the name removed from the list.

The changes to this section of statute is conforming language, becoming the statutory location for all other sections to reference. Whether it is a toll violation, parking citation, traffic infraction detector violation, failure to pay, failure to surrender a vehicle or notice from a lienor or wrecker operator, these violations types may result in the registrant’s name appearing on a list that directs DHSMV to place a registration stop on the specific vehicle, vessel, or mobile home.

Failure to Surrender a Vehicle or Vessel (Section 6)

Current Situation

In 2008, the Legislature passed SB 1992,¹⁸ creating the Automobile Lenders Industry Task Force within DHSMV. In 2009, based upon a task force recommendation, s. 320.1316, F.S., relating to failure to surrender a vehicle or vessel was created.¹⁹

¹⁴ This is pursuant to s. 316.1316, F.S.

¹⁵ DHSMV bill analysis of HB 883. On file with the Transportation & Highway Safety Subcommittee.

¹⁶ This is pursuant to s. 320.1316, F.S.

¹⁷ DHSMV bill analysis of HB 883. On file with the Transportation & Highway Safety Subcommittee.

¹⁸ Ch. 2008-176, L.O.F.

¹⁹ Ch. 2009-206, L.O.F.

Section 320.1316(1), F.S., provides that upon the written receipt from a lienor, who claims a lien on a vehicle to surrender a vehicle or vessel that has been disposed of, concealed, removed, or destroyed by the lienee, DHSMV shall place the name of the registered owner on the list of persons who may not be issued a license plate, revalidation sticker, or replacement license plate for any motor vehicle owned by the lienee at the time notice was given by the lienor. Currently, DHSMV places a "customer stop" when notified by a lienor, preventing the registration or renewal for "all" vehicles associated with a customer.²⁰

Since September 2012, DHSMV has suspended the enforcement of s. 320.1316, based on an internal legal opinion "[d]ue to concerns about the opportunity for citizens to appeal DHSMV decisions to levy these 'registration stops. . .'"²¹

Proposed Changes

The bill amends s. 320.1316(1), F.S., providing that upon DHSMV's written receipt from a lienor who claims a lien on a vehicle to surrender a vehicle or vessel that has been disposed of, concealed, removed, or destroyed by a lienee, DHSMV shall place the name of the vehicle's registered owner on the list of persons who may not be issued a license plate, revalidation sticker, or replacement license plate for the vehicle or vessel owned by the lienee which is identified in the claim by the lienor.

According to DHSMV, this provision would require it to no longer place a "customer stop", but place a newly created stop type that works identical to a registration stop on a person's record. The new stop type would be created rather than using a registration stop since registration stops are placed by using a license plate number and both mobile homes and vessels do not have license plates. This would no longer prevent "all vehicles" owned by the person from being renewed; but, only the specific vehicles, vessel, or mobile home, associated with the lien. This would require programming and procedural changes.²²

The bill also removes current law which allows a registered owner to dispute a notice to surrender the vehicle by notifying DHSMV in writing on forms provided by DHSMV and presenting proof that the vehicle was sold to a licensed motor vehicle dealer, a licensed mobile home dealer, or a licensed recreational vehicle dealer. This does not affect s. 320.02, F.S., which continues to authorize DHMSV to withhold registration or re-registration of any motor vehicle if an owner has a driver's license suspended for failure to pay any fine levied under chs. 318 or 322, F.S.

The bill provides that a registered owner of a vehicle may dispute a notice to surrender the vehicle or his or her inclusion on the list of those persons who may not be issued a license plate, revalidation sticker, or replacement license plate²³ by bringing a civil action in the county which he or she resides.

In an action, the petitioner is entitled to summary procedure,²⁴ and the court shall advance the cause in its calendar if requested by the petitioner.

At a hearing challenging the refusal to issue a license plate, revalidation sticker, or replacement license plate, the court first determines whether the lienor has a recorded lien on the vehicle or vessel and whether the lienor properly made a demand for the surrender of the vehicle or vessel. If the court determines that the lien was recorded and that such a demand was properly made, the court determines whether a good cause exists for the person's failure to surrender the vehicle or vessel. The term "good cause" is limited to proof that:

²⁰ Id.

²¹ DHSMV Office of General Council legal opinion. Docket No. 2012-6505. On file with Transportation & Highway Safety Subcommittee staff.

²² Id.

²³ This is under s. 320.03(8), F.S.

²⁴ Summary procedure is specified in s. 51.011, F.S.

- The vehicle that was the subject of the demand for surrender was traded in to a licensed motor vehicle dealer before the date of the surrender demand;
- The lienholder's lien giving rise to the inclusion on the list has been paid in full or otherwise satisfied;
- There is ongoing litigation relating to the validity or enforceability of the lien;
- The petitioner was in compliance with all of his or her contractual obligations with the lienholder at the time of the demand for surrender;
- The vehicle or vessel was reported to law enforcement as stolen by the owner of the vehicle or vessel before the demand to surrender; or
- The petitioner no longer has possession of the vehicle or vessel and the loss of possession occurred pursuant to operation of law. If the petitioner's loss of possession did not occur pursuant to the operation of law, the fact that a third party has physical possession of the vehicle or vessel does not constitute good cause for the failure to surrender the vehicle or vessel.

If the petitioner establishes good cause for failure to surrender the vehicle or vessel, the court shall enter an order removing the petitioner's name from the list of those persons who may not be issued a license plate, revalidation sticker, or replacement license plate and award the petitioner reasonable attorney fees and costs actually incurred for the proceeding.

If the court finds that the demand for surrender was properly made by the lienor and the petitioner fails to establish good cause for the failure to surrender the vehicle or vessel, the court shall award the lienor reasonable attorney fees and costs actually incurred for the proceeding.

Wrecker Liens (Section 7)

Current Situation

Section 713.78(13)(a), F.S., provides that upon receipt of written notice from a wrecker operator,²⁵ who claims a wrecker operator's lien for recovery, towing, or storage of an abandoned vehicle or vessel upon instruction from any law enforcement agency, for which a certificate of destruction has been issued and the vehicle has been reported to the National Motor Vehicle Title Information System (NMVTIS), DHSMV shall place the name of the registered owner of the vehicle or vessel on the list of persons who may not be issued a license plate or revalidation decal for any motor vehicle. Currently, DHSMV places a "customer stop" when notified by the lienor, preventing the registration for all vehicles associated with a customer.²⁶

Proposed Changes

The bill amends s. 713.78(13), F.S., prohibiting DHSMV from issuing a license plate or revalidation decal for a vehicle or vessel identified in a notice from a wrecker operator and provides a process for the removal of a person's name from the list. The wrecker operator is required to notify DHSMV to remove a person's name from the list upon discharge of the wrecker operator's lien. Currently, DHSMV places a "customer stop" on persons identified in a notice from wrecker operators. This stop prevents the extension of registration for all vehicles registered to the customer. It does not stop original registrations or transfer of registration without extension. The stop can be placed for vessels, mobile homes, and all other vehicles.²⁷

These changes require DHSMV to no longer place a "customer stop," but place a registration stop on the person's record. This change would no longer prevent "all vehicles" owned by the person from being renewed, but only the specific vehicle associated with the wrecker lien. This would require the

²⁵ Section 1.01(15), F.S., defines "wrecker operator" as any person or firm regularly engaged for hire in the business of towing or removing motor vehicles."

²⁶ DHSMV bill analysis of HB 883. On file with the Transportation & Highway Safety Subcommittee.

²⁷ *Id.*

creation of a different stop type as mentioned above, which will require programming and procedural change.²⁸

Effective Date (Section 8)

The bill has an effective date of July 1, 2014.

B. SECTION DIRECTORY:

- Section 1 Amends s. 316.1001, F.S., relating to the payment of toll facilities required; penalties.
- Section 2 Amends s. 316.1967, F.S., relating to liability for payment of parking ticket violations and other parking violations.
- Section 3 Amends s. 318.15, F.S., relating to failure to comply with civil penalties or to appear; penalty.
- Section 4 Amends s. 320.02, F.S., relating to registration required; application for registration; forms.
- Section 5 Amends s. 320.03, F.S., relating to registration; duties of tax collectors; International Registration Plan.
- Section 6 Amends s. 320.1316, F.S., relating to failure to surrender vehicle or vessel.
- Section 7 Amends s. 713.78, F.S., relating to liens for recovering, towing, or storing vehicles and vessels.
- Section 8 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DMSMV advises that it will incur non-recurring programming costs of \$8,400 to implement the provisions of this bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

²⁸ Id.

Motorists could potentially have registration holds on fewer vehicles since the bill only allows a registration hold on the vehicle involved in the violation or subject to a lien, and not all vehicles owned by the same registered owner.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill provides for an effective date of July 1, 2014. DHSMV recommends that the effective date be changed to October 1, 2014, to allow sufficient time to implement programming to accommodate the provisions of this bill.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

27 department may not issue a license plate or
 28 revalidation sticker for the vehicle or vessel that
 29 was identified on the notice or violation; providing
 30 that the department may issue a license plate or
 31 revalidation sticker under certain circumstances;
 32 amending s. 320.1316, F.S.; prohibiting the department
 33 from issuing a license plate, revalidation sticker, or
 34 replacement license plate for a vehicle or vessel
 35 identified in a notice from a lienor; requiring that a
 36 notice to surrender a vehicle or vessel be signed
 37 under oath by the lienor; providing that a person may
 38 bring a civil action to dispute a notice to surrender
 39 a vehicle or vessel or his or her inclusion on the
 40 list of persons who may not be issued a license plate
 41 or revalidation sticker; providing a procedure for
 42 such a civil action; providing for the award of
 43 attorney fees and costs; amending s. 713.78, F.S.;

44 prohibiting the department from issuing a license
 45 plate or revalidation sticker for a vehicle or vessel
 46 identified in a notice from a wrecker operator;
 47 providing a process for removal of a person's name
 48 from the list of those persons who may not be issued a
 49 license plate or revalidation sticker for an
 50 identified vehicle or vessel; requiring a wrecker
 51 operator to notify the department to remove a person's
 52 name from the list upon discharge of the wrecker

53 operator's lien; providing an effective date.

54

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

56

57 Section 1. Subsection (4) of section 316.1001, Florida
58 Statutes, is amended to read:

59 316.1001 Payment of toll on toll facilities required;
60 penalties.-

61 (4) Any governmental entity, including, ~~without~~
62 ~~limitation,~~ a clerk of court, may provide the department with
63 data that is machine readable by the department's computer
64 system, listing persons who have one or more outstanding
65 violations of this section, with reference to the person's
66 driver ~~driver's~~ license number or vehicle registration number in
67 the case of a business entity.

68 (a) Pursuant to s. 320.03(8), upon receipt of such data,
69 the department ~~those persons~~ may not issue ~~be issued~~ a license
70 plate or revalidation sticker to a person on the list for the
71 ~~any~~ motor vehicle that is identified on the uniform traffic
72 citation until the fines have been fully paid.

73 (b) The governmental entity shall notify the department to
74 remove a person's name from the list upon payment of the
75 outstanding fines.

76 Section 2. Subsection (6) of section 316.1967, Florida
77 Statutes, is amended to read:

78 316.1967 Liability for payment of parking ticket

79 violations and other parking violations.-

80 (6) A ~~Any~~ county or municipality may require ~~provide~~ by
 81 ordinance that the clerk of the court or the traffic violations
 82 bureau provide ~~shall supply~~ the department with a magnetically
 83 encoded computer tape reel or cartridge or send by other
 84 electronic means data that ~~which~~ is machine readable by the
 85 installed computer system at the department which lists, ~~listing~~
 86 persons who have three or more outstanding parking violations,
 87 including violations of s. 316.1955. Each county shall require
 88 ~~provide~~ by ordinance that the clerk of the court or the traffic
 89 violations bureau provide ~~shall supply~~ the department with a
 90 magnetically encoded computer tape reel or cartridge or send by
 91 other electronic means data that is machine readable by the
 92 installed computer system at the department which lists, ~~listing~~
 93 persons who have any outstanding violations of s. 316.1955 or
 94 ~~any~~ similar local ordinance that regulates parking in spaces
 95 designated for use by persons who have disabilities. The
 96 department shall mark the appropriate registration records of
 97 persons who are so reported.

98 (a) Pursuant to s. 320.03(8), upon receipt of such data,
 99 the department may not issue a license plate or revalidation
 100 sticker to a person on the list for the motor vehicle that is
 101 identified on the parking ticket violation until the fines have
 102 been fully paid ~~Section 320.03(8) applies to each person whose~~
 103 ~~name appears on the list.~~

104 (b) The clerk of the court or the traffic violations

105 bureau shall notify the department to remove a person's name
 106 from the list upon payment of the outstanding fines.

107 Section 3. Subsection (3) of section 318.15, Florida
 108 Statutes, is amended to read:

109 318.15 Failure to comply with civil penalty or to appear;
 110 penalty.—

111 (3) The clerk shall provide ~~notify~~ the department with a
 112 list of persons who were mailed a notice of violation of s.
 113 316.074(1) or s. 316.075(1)(c)1. pursuant to s. 316.0083 and who
 114 failed to enter into, or comply with the terms of, a penalty
 115 payment plan, or order with the clerk to the local hearing
 116 officer or failed to appear at a scheduled hearing within 10
 117 days after such failure, and shall reference the person's driver
 118 license number, or in the case of a business entity, vehicle
 119 registration number.

120 (a) Pursuant to s. 320.03(8), upon receipt of such notice,
 121 the department, or authorized agent thereof, may not issue a
 122 license plate or revalidation sticker to a person on the list
 123 for the ~~any~~ motor vehicle that is identified on the traffic
 124 infraction detector violation ~~owned or coowned by that person~~
 125 ~~pursuant to s. 320.03(8)~~ until the amounts assessed have been
 126 fully paid.

127 (b) The clerk shall notify the department to remove a
 128 person's name from the list upon payment of the outstanding
 129 finances and civil penalties ~~After the issuance of the person's~~
 130 ~~license plate or revalidation sticker is withheld pursuant to~~

131 ~~paragraph (a), the person may challenge the withholding of the~~
 132 ~~license plate or revalidation sticker only on the basis that the~~
 133 ~~outstanding fines and civil penalties have been paid pursuant to~~
 134 ~~s. 320.03(8).~~

135 Section 4. Subsection (17) of section 320.02, Florida
 136 Statutes, is amended to read:

137 320.02 Registration required; application for
 138 registration; forms.—

139 (17) If an ~~any~~ applicant's name appears on a list of
 140 persons who may not be issued a license plate, revalidation
 141 sticker, or replacement license plate after a written notice to
 142 surrender a vehicle was submitted to the department by a lienor
 143 as provided in s. 320.1316, the department shall ~~may~~ withhold
 144 renewal of registration or replacement registration of the ~~any~~
 145 motor vehicle identified in ~~owned by the applicant at the time~~
 146 ~~the notice was~~ submitted by the lienor. The lienor must maintain
 147 proof that written notice to surrender the vehicle was sent to
 148 each registered owner pursuant to s. 320.1316(1). A revalidation
 149 sticker or replacement license plate may not be issued for the
 150 identified vehicle until that person's name no longer appears on
 151 the list, or until ~~or until~~ the person presents documentation from the
 152 lienor that the vehicle has been surrendered to the lienor, or a
 153 court orders the person's name removed from the list as provided
 154 in s. 320.1316. The department may ~~shall~~ not withhold an initial
 155 registration in connection with an applicant's purchase or lease
 156 of a motor vehicle solely because the applicant's name is on the

157 list created by s. 320.1316.

158 Section 5. Subsection (8) of section 320.03, Florida
 159 Statutes, is amended to read:

160 320.03 Registration; duties of tax collectors;
 161 International Registration Plan.—

162 (8) If the applicant's name appears on the list referred
 163 to in s. 316.1001(4), s. 316.1967(6), s. 318.15(3), s. 320.1316,
 164 or s. 713.78(13), a license plate or revalidation sticker may
 165 not be issued for the motor vehicle or vessel that is identified
 166 on a uniform traffic citation, parking ticket violation, traffic
 167 infraction detector violation, notice from a lienor, or notice
 168 from a wrecker operator, as applicable, until that person's name
 169 no longer appears on the list; the governmental entity, clerk of
 170 the court, or wrecker operator has notified the department to
 171 remove the person's name from the list pursuant to s.
 172 316.1001(4), s. 316.1967(6), s. 318.15(3), or s. 713.78(13); the
 173 court orders the person's name removed from the list pursuant to
 174 s. 320.1316; or ~~until~~ the person presents a receipt from the
 175 governmental entity or the clerk of court that provided the data
 176 showing that the fines outstanding have been paid. This
 177 subsection does not apply to the owner of a leased vehicle if
 178 the vehicle is registered in the name of the lessee of the
 179 vehicle. The tax collector and the clerk of the court are each
 180 entitled to receive monthly 10 percent of the civil penalties
 181 and fines recovered from such persons to reimburse them for the
 182 cost of, ~~as costs for~~ implementing and administering this

183 subsection, ~~10 percent of the civil penalties and fines~~
 184 ~~recovered from such persons~~. As used in this subsection, the
 185 term "civil penalties and fines" does not include a wrecker
 186 operator's lien as described in s. 713.78(13). If the tax
 187 collector has private tag agents, such tag agents are entitled
 188 to receive a pro rata share of the amount paid to the tax
 189 collector, based upon the percentage of license plates and
 190 revalidation stickers issued by the tag agent compared to the
 191 total issued within the county. The authority of any private
 192 agent to issue license plates shall be revoked, after notice and
 193 a hearing as provided in chapter 120, if he or she issues any
 194 license plate or revalidation sticker contrary to the provisions
 195 of this subsection. This section applies only to the annual
 196 renewal in the owner's birth month of a motor vehicle
 197 registration and does not apply to the transfer of a
 198 registration of a motor vehicle sold by a motor vehicle dealer
 199 licensed under this chapter, except for the transfer of
 200 registrations which includes ~~the~~ annual renewals. This section
 201 does not affect the issuance of the title to a motor vehicle,
 202 notwithstanding s. 319.23(8) (b).

203 Section 6. Section 320.1316, Florida Statutes, is amended
 204 to read:

205 320.1316 Failure to surrender vehicle or vessel.—

206 (1) Upon receipt from a lienor who claims a lien on a
 207 vehicle pursuant to s. 319.27 by the Department of Highway
 208 Safety and Motor Vehicles of written notice to surrender a

209 vehicle or vessel that has been disposed of, concealed, removed,
 210 or destroyed by the lienee, the department shall place the name
 211 of the registered owner of that vehicle on the list of those
 212 persons who may not be issued a license plate, revalidation
 213 sticker, or replacement license plate ~~for any motor vehicle~~
 214 ~~under s. 320.03(8) owned by the lienee at the time the notice~~
 215 ~~was given by the lienor.~~ Pursuant to s. 320.03(8), the
 216 department may not issue a license plate or revalidation sticker
 217 for the vehicle or vessel owned by the lienee which is
 218 identified in the claim by the lienor. If the vehicle is owned
 219 jointly ~~by more than one person~~, the name of each registered
 220 owner shall be placed on the list.

221 (2) The notice to surrender the vehicle shall be signed
 222 under oath by the lienor and submitted on forms developed by the
 223 department, which must include:

224 (a) The name, address, and telephone number of the lienor.

225 (b) The name of the registered owner of the vehicle and
 226 the address to which the lienor provided notice to surrender the
 227 vehicle to the registered owner.

228 (c) A general description of the vehicle, including its
 229 color, make, model, body style, and year.

230 (d) The vehicle identification number, registration
 231 license plate number, if known, or other identification number,
 232 as applicable.

233 (3) The registered owner of the vehicle may dispute a
 234 notice to surrender the vehicle or his or her inclusion on the

235 list of those persons who may not be issued a license plate,
 236 revalidation sticker, or replacement license plate under s.
 237 320.03(8) by bringing a civil action in the county in which he
 238 or she resides by notifying the department of the dispute in
 239 writing on forms provided by the department and presenting proof
 240 that the vehicle was sold to a motor vehicle dealer licensed
 241 under s. 320.27, a mobile home dealer licensed under s. 320.77,
 242 or a recreational vehicle dealer licensed under s. 320.771.

243 (4) In an action brought pursuant to subsection (3), the
 244 petitioner is entitled to the summary procedure specified in s.
 245 51.011, and the court shall advance the cause on its calendar if
 246 requested by the petitioner.

247 (5) At a hearing challenging the refusal to issue a
 248 license plate, revalidation sticker, or replacement license
 249 plate under s. 320.03(8), the court shall first determine
 250 whether the lienor has a recorded lien on the vehicle or vessel
 251 and whether the lienor properly made a demand for the surrender
 252 of the vehicle or vessel in accordance with this section. If the
 253 court determines that the lien was recorded and that such a
 254 demand was properly made, the court shall determine whether good
 255 cause exists for the person's failure to surrender the vehicle
 256 or vessel. For purposes of this section, the term "good cause"
 257 is limited to proof that:

258 (a) The vehicle that was the subject of the demand for
 259 surrender was traded in to a licensed motor vehicle dealer
 260 before the date of the surrender demand;

261 (b) The lienholder's lien giving rise to the inclusion on
 262 the list has been paid in full or otherwise satisfied;

263 (c) There is ongoing litigation relating to the validity
 264 or enforceability of the lien;

265 (d) The petitioner was in compliance with all of his or
 266 her contractual obligations with the lienholder at the time of
 267 the demand for surrender;

268 (e) The vehicle or vessel was reported to law enforcement
 269 as stolen by the registered owner of the vehicle or vessel
 270 before the demand for surrender; or

271 (f) The petitioner no longer has possession of the vehicle
 272 or vessel and the loss of possession occurred pursuant to
 273 operation of law. If the petitioner's loss of possession did not
 274 occur pursuant to the operation of law, the fact that a third
 275 party has physical possession of the vehicle or vessel does not
 276 constitute good cause for the failure to surrender the vehicle
 277 or vessel.

278 (6) If the petitioner establishes good cause for his or
 279 her failure to surrender the vehicle or vessel, the court shall
 280 enter an order removing the petitioner's name from the list of
 281 those persons who may not be issued a license plate,
 282 revalidation sticker, or replacement license plate under s.
 283 320.03(8) and award the petitioner reasonable attorney fees and
 284 costs actually incurred for the proceeding.

285 (7) If the court finds that the demand for surrender was
 286 properly made by the lienor and the petitioner fails to

287 establish good cause for the failure to surrender the vehicle or
 288 vessel, the court shall award the lienor reasonable attorney
 289 fees and costs actually incurred for the proceeding.

290 Section 7. Subsection (13) of section 713.78, Florida
 291 Statutes, is amended to read:

292 713.78 Liens for recovering, towing, or storing vehicles
 293 and vessels.—

294 (13) (a) Upon receipt by the Department of Highway Safety
 295 and Motor Vehicles of written notice from a wrecker operator who
 296 claims a wrecker operator's lien under paragraph (2) (c) or
 297 paragraph (2) (d) for recovery, towing, or storage of an
 298 abandoned vehicle or vessel upon instructions from a ~~any~~ law
 299 enforcement agency, for which a certificate of destruction has
 300 been issued under subsection (11) and the vehicle has been
 301 reported to the National Motor Vehicle Title Information System,
 302 the department shall place the name of the registered owner of
 303 that vehicle or vessel on the list of those persons who may not
 304 be issued a license plate or revalidation sticker ~~for any motor~~
 305 ~~vehicle~~ under s. 320.03(8). The department may not issue a
 306 license plate or revalidation sticker to the registered owner of
 307 the vehicle or vessel identified on the notice from the wrecker
 308 operator until the department removes the person from the list
 309 pursuant to paragraph (c) or paragraph (d). If the vehicle or
 310 vessel is owned jointly by more than one person, the name of
 311 each registered owner shall be placed on the list. The notice of
 312 wrecker operator's lien shall be submitted on forms provided by

313 the department, which must include:

314 1. The name, address, and telephone number of the wrecker
315 operator.

316 2. The name of the registered owner of the vehicle or
317 vessel and the address to which the wrecker operator provided
318 notice of the lien to the registered owner under subsection (4).

319 3. A general description of the vehicle or vessel,
320 including its color, make, model, body style, and year.

321 4. The vehicle identification number (VIN); registration
322 license plate number, state, and year; validation decal number,
323 state, and year; vessel registration number; hull identification
324 number; or other identification number, as applicable.

325 5. The name of the person or the corresponding law
326 enforcement agency that requested that the vehicle or vessel be
327 recovered, towed, or stored.

328 6. The amount of the wrecker operator's lien, not to
329 exceed the amount allowed by paragraph (b).

330 (b) For purposes of this subsection only, the amount of
331 the wrecker operator's lien for which the department shall ~~will~~
332 prevent issuance of a license plate or revalidation sticker may
333 not exceed the amount of the charges for recovery, towing, and
334 storage of the vehicle or vessel for 7 days. These charges may
335 not exceed the maximum rates imposed by the ordinances of the
336 respective county or municipality under ss. 125.0103(1)(c) and
337 166.043(1)(c). This paragraph does not limit the amount of a
338 wrecker operator's lien claimed under subsection (2) or prevent

339 a wrecker operator from seeking civil remedies for enforcement
 340 of the entire amount of the lien, but limits only that portion
 341 of the lien for which the department shall ~~will~~ prevent issuance
 342 of a license plate or revalidation sticker.

343 (c)1. The registered owner of a vehicle or vessel may
 344 dispute a wrecker operator's lien and his or her inclusion on
 345 the list of those persons who may not be issued a license plate
 346 or revalidation sticker, by notifying the department of the
 347 dispute in writing on forms provided by the department, if at
 348 least one of the following applies:

349 a. The registered owner presents a notarized bill of sale
 350 proving that the vehicle or vessel was sold in a private or
 351 casual sale before the vehicle or vessel was recovered, towed,
 352 or stored.

353 b. The registered owner presents proof that the Florida
 354 certificate of title of the vehicle or vessel was sold to a
 355 licensed dealer as defined in s. 319.001 before the vehicle or
 356 vessel was recovered, towed, or stored.

357 c. The records of the department were marked "sold" before
 358 ~~prior to~~ the date of the tow.

359
 360 If the registered owner's dispute of a wrecker operator's lien
 361 complies with one of these criteria, the department shall
 362 immediately remove the registered owner's name from the list of
 363 those persons who may not be issued a license plate or
 364 revalidation sticker for an identified ~~any~~ motor vehicle under

365 s. 320.03(8), thereby allowing issuance of a license plate or
 366 revalidation sticker. If the vehicle or vessel is owned jointly
 367 by more than one person, each registered owner must dispute the
 368 wrecker operator's lien in order to be removed from the list.
 369 However, the department shall deny any dispute and maintain the
 370 registered owner's name on the list of those persons who may not
 371 be issued a license plate or revalidation sticker for an
 372 identified ~~any~~ motor vehicle under s. 320.03(8) if the wrecker
 373 operator has provided the department with a certified copy of
 374 the judgment of a court which orders the registered owner to pay
 375 the wrecker operator's lien claimed under this section. In such
 376 a case, the amount of the wrecker operator's lien allowed by
 377 paragraph (b) may be increased to include up to ~~no more than~~
 378 \$500 of the reasonable costs and attorney's fees incurred in
 379 obtaining the judgment. The department's action under this
 380 subparagraph is ministerial in nature, is ~~shall~~ not be
 381 ~~considered~~ final agency action, and is appealable only to the
 382 county court for the county in which the vehicle or vessel was
 383 ordered removed.

384 2. A person against whom a wrecker operator's lien has
 385 been imposed may alternatively obtain a discharge of the lien by
 386 filing a complaint, challenging the validity of the lien or the
 387 amount thereof, in the county court of the county in which the
 388 vehicle or vessel was ordered removed. Upon filing ~~of~~ the
 389 complaint, the person may have her or his name removed from the
 390 list of those persons who may not be issued a license plate or

391 revalidation sticker for an identified ~~any~~ motor vehicle under
 392 s. 320.03(8), thereby allowing issuance of a license plate or
 393 revalidation sticker, upon posting with the court a cash or
 394 surety bond or other adequate security equal to the amount of
 395 the wrecker operator's lien to ensure the payment of such lien
 396 if in the event she or he does not prevail. Upon the posting of
 397 the bond and the payment of the applicable fee set forth in s.
 398 28.24, the clerk of the court shall issue a certificate
 399 notifying the department of the posting of the bond and
 400 directing the department to release the wrecker operator's lien.
 401 Upon determining the respective rights of the parties, the court
 402 may award damages and costs in favor of the prevailing party.

403 3. If a person against whom a wrecker operator's lien has
 404 been imposed does not object to the lien, but cannot discharge
 405 the lien by payment because the wrecker operator has moved or
 406 gone out of business, the person may have her or his name
 407 removed from the list of those persons who may not be issued a
 408 license plate or revalidation sticker for an identified ~~any~~
 409 motor vehicle under s. 320.03(8), thereby allowing issuance of a
 410 license plate or revalidation sticker, upon posting with the
 411 clerk of court in the county in which the vehicle or vessel was
 412 ordered removed, a cash or surety bond or other adequate
 413 security equal to the amount of the wrecker operator's lien.
 414 Upon the posting of the bond and the payment of the application
 415 fee set forth in s. 28.24, the clerk of the court shall issue a
 416 certificate notifying the department of the posting of the bond

417 and directing the department to release the wrecker operator's
 418 lien. The department shall mail to the wrecker operator, at the
 419 address upon the lien form, notice that the wrecker operator
 420 must claim the security within 60 days, or the security will be
 421 released back to the person who posted it. At the conclusion of
 422 the 60 days, the department shall direct the clerk as to which
 423 party is entitled to payment of the security, less applicable
 424 clerk's fees.

425 4. A wrecker operator's lien expires 5 years after filing.

426 (d) Upon discharge of the amount of the wrecker operator's
 427 lien allowed by paragraph (b), the wrecker operator must issue a
 428 certificate of discharged wrecker operator's lien on forms
 429 provided by the department to each registered owner of the
 430 vehicle or vessel attesting that the amount of the wrecker
 431 operator's lien allowed by paragraph (b) has been discharged and
 432 notify the department to. ~~Upon presentation of the certificate~~
 433 ~~of discharged wrecker operator's lien by the registered owner,~~
 434 ~~the department shall immediately~~ remove the registered owner's
 435 name from the list of those persons who may not be issued a
 436 license plate or revalidation sticker for an identified ~~any~~
 437 motor vehicle under s. 320.03(8), thereby allowing issuance of a
 438 license plate or revalidation sticker. Issuance of a certificate
 439 of discharged wrecker operator's lien under this paragraph does
 440 not discharge the entire amount of the wrecker operator's lien
 441 claimed under subsection (2), but only certifies to the
 442 department that the amount of the wrecker operator's lien

443 allowed by paragraph (b), for which the department will prevent
 444 issuance of a license plate or revalidation sticker, has been
 445 discharged.

446 (e) If ~~When~~ a wrecker operator files a notice of wrecker
 447 operator's lien under this subsection, the department shall
 448 charge the wrecker operator a fee of \$2, which shall be
 449 deposited into the General Revenue Fund. A service charge of
 450 \$2.50 shall be collected and retained by the tax collector who
 451 processes a notice of wrecker operator's lien.

452 (f) This subsection applies only to the annual renewal in
 453 the registered owner's birth month of a motor vehicle
 454 registration and does not apply to the transfer of a
 455 registration of a motor vehicle sold by a motor vehicle dealer
 456 licensed under chapter 320, except for the transfer of
 457 registrations which includes the annual renewals. This
 458 subsection does not apply to any vehicle registered in the name
 459 of the lessor. This subsection does not affect the issuance of
 460 the title to a motor vehicle, notwithstanding s. 319.23(8)(b).

461 Section 8. This act shall take effect July 1, 2014.



Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation & Highway
 2 Safety Subcommittee
 3 Representative Broxson offered the following:

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Subsection (17) of section 320.02, Florida
 8 Statutes, is amended to read:

9 320.02 Registration required; application for
 10 registration; forms.-

11 (17) If an ~~any~~ applicant's name appears on a list of
 12 persons who may not be issued a license plate, revalidation
 13 sticker, or replacement license plate after a written notice to
 14 surrender a vehicle was submitted to the department by a lienor
 15 as provided in s. 320.1316, the department shall ~~may~~ withhold
 16 renewal of registration or replacement registration of the ~~any~~
 17 motor vehicle identified in ~~owned by the applicant at the time~~



Amendment No. 1.

18 the notice ~~was~~ submitted by the lienor. The lienor must maintain
19 proof that written notice to surrender the vehicle was sent to
20 each registered owner pursuant to s. 320.1316(1). A revalidation
21 sticker or replacement license plate may not be issued for the
22 identified vehicle until the ~~that~~ person's name no longer
23 appears on the list, ~~or until~~ the person presents documentation
24 from the lienor that the vehicle has been surrendered to the
25 lienor, or a court orders the person's name removed from the
26 list as provided in s. 320.1316. The department ~~may~~ shall not
27 withhold an initial registration in connection with an
28 applicant's purchase or lease of a motor vehicle solely because
29 the applicant's name is on the list created by s. 320.1316.

30 Section 2. Section 320.1316, Florida Statutes, is amended
31 to read:

32 320.1316 Failure to surrender vehicle or vessel.-

33 (1) Upon receipt from a lienor who claims a lien on a
34 vehicle pursuant to s. 319.27 by the Department of Highway
35 Safety and Motor Vehicles of written notice to surrender a
36 vehicle or vessel that has been disposed of, concealed, removed,
37 or destroyed by the lienee, the department shall place the name
38 of the registered owner of that vehicle on the list of those
39 persons who may not be issued a license plate, revalidation
40 sticker, or replacement license plate ~~for any motor vehicle~~
41 ~~under s. 320.03(8) owned by the lienee at the time the notice~~
42 ~~was given by the lienor.~~ Pursuant to s. 320.03(8), the
43 department may not issue a license plate or revalidation sticker



Amendment No. 1.

44 | for the vehicle or vessel owned by the lienee which is
45 | identified in the claim by the lienor. If the vehicle is owned
46 | jointly ~~by more than one person~~, the name of each registered
47 | owner shall be placed on the list.

48 | (2) The notice to surrender the vehicle shall be signed
49 | under oath by the lienor and submitted on forms developed by the
50 | department, which must include:

51 | (a) The name, address, and telephone number of the lienor.

52 | (b) The name of the registered owner of the vehicle and
53 | the address to which the lienor provided notice to surrender the
54 | vehicle to the registered owner.

55 | (c) A general description of the vehicle, including its
56 | color, make, model, body style, and year.

57 | (d) The vehicle identification number, registration
58 | license plate number, if known, or other identification number,
59 | as applicable.

60 | (3) The registered owner of the vehicle may dispute a
61 | notice to surrender the vehicle or his or her inclusion on the
62 | list of those persons who may not be issued a license plate,
63 | revalidation sticker, or replacement license plate under s.
64 | 320.03(8) by bringing a civil action in the county in which he
65 | or she resides by notifying the department of the dispute in
66 | writing on forms provided by the department and presenting proof
67 | that the vehicle was sold to a motor vehicle dealer licensed
68 | under s. 320.27, a mobile home dealer licensed under s. 320.77,
69 | or a recreational vehicle dealer licensed under s. 320.771.



Amendment No. 1.

70 (4) In an action brought pursuant to subsection (3), the
71 petitioner is entitled to the summary procedure specified in s.
72 51.011, and the court shall advance the cause on its calendar if
73 requested by the petitioner.

74 (5) At a hearing challenging the refusal to issue a
75 license plate, revalidation sticker, or replacement license
76 plate under s. 320.03(8), the court shall first determine
77 whether the lienor has a recorded lien on the vehicle or vessel
78 and whether the lienor properly made a demand for the surrender
79 of the vehicle or vessel in accordance with this section. If the
80 court determines that the lien was recorded and that such a
81 demand was properly made, the court shall determine whether good
82 cause exists for the lienee's failure to surrender the vehicle
83 or vessel. As used in this section, the term "good cause" is
84 limited to proof that:

85 (a) The vehicle that was the subject of the demand for
86 surrender was traded in to a licensed motor vehicle dealer
87 before the date of the surrender demand;

88 (b) The lien giving rise to the inclusion on the list has
89 been paid in full or otherwise satisfied;

90 (c) There is ongoing litigation relating to the validity
91 or enforceability of the lien;

92 (d) The petitioner was in compliance with all of his or
93 her contractual obligations with the lienholder at the time of
94 the demand for surrender;



Amendment No. 1.

95 (e) The vehicle or vessel was reported to law enforcement
96 as stolen by the registered owner of the vehicle or vessel
97 before the demand for surrender; or

98 (f) The petitioner no longer has possession of the vehicle
99 or vessel, and the loss of possession occurred pursuant to
100 operation of law. If the petitioner's loss of possession did not
101 occur pursuant to operation of law, the fact that a third party
102 has physical possession of the vehicle or vessel does not
103 constitute good cause for the failure to surrender the vehicle
104 or vessel.

105 (6) If the petitioner establishes good cause for his or
106 her failure to surrender the vehicle or vessel, the court shall
107 enter an order removing the petitioner's name from the list of
108 those persons who may not be issued a license plate,
109 revalidation sticker, or replacement license plate under s.
110 320.03(8) and shall award the petitioner reasonable attorney
111 fees and costs actually incurred for the proceeding.

112 (7) If the court finds that the demand for surrender was
113 properly made by the lienor and the petitioner fails to
114 establish good cause for the failure to surrender the vehicle or
115 vessel, the court shall award the lienor reasonable attorney
116 fees and costs actually incurred for the proceeding.

117 Section 3. This act shall take effect October 1, 2014.
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Amendment No. 1.

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

Remove everything before the enacting clause and insert:
An act relating to license plates; amending s. 320.02, F.S.;
requiring, rather than authorizing, the Department of Highway
Safety and Motor Vehicles to withhold the renewal of
registration or replacement registration of a motor vehicle
identified in a notice submitted by a lienor for failure to
surrender the vehicle if the applicant's name is on the list of
persons who may not be issued a license plate or revalidation
sticker; revising the conditions under which a revalidation
sticker or replacement license plate may be issued; amending s.
320.1316, F.S.; prohibiting the department from issuing a
license plate, revalidation sticker, or replacement license
plate for a vehicle or vessel identified in a notice from a
lienor; requiring that a notice to surrender a vehicle or vessel
be signed under oath by the lienor; authorizing a registered
owner of a vehicle to bring a civil action, rather than to
notify the department and present certain proof, to dispute a
notice to surrender a vehicle or vessel or his or her inclusion
on the list of persons who may not be issued a license plate or
revalidation sticker; providing a procedure for such a civil
action; providing for the award of attorney fees and costs;
providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 927 Recreational Vehicle Dealer
SPONSOR(S): Edwards
TIED BILLS: IDEN./SIM. BILLS: SB 766

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Thompson	Miller <i>PM.</i>
2) Business & Professional Regulation Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

Current law authorizes a licensed recreational vehicle dealer to obtain a temporary supplemental license that authorizes off-premises recreational vehicle sales (offsite/supplemental license). Each offsite/supplemental license must be issued at no charge to the dealer and last for a period not to exceed 10 consecutive calendar days.

Current law regulating sales agreements between recreational vehicle manufacturers or distributors and recreational vehicle dealers, allows a recreational vehicle dealer to sell outside of its designated area of sales responsibility if the dealer obtains an offsite/supplemental license and satisfies certain conditions. The conditions relate to whether or not the off-premise sale is in conjunction with a public vehicle show.

The bill provides requirements for a licensed dealer who conducts an off-premise sale that is not in conjunction with a public vehicle show.

Specifically, the bill requires a licensed dealer who conducts an off-premises sale not in conjunction with a public vehicle show, as defined in s. 320.3203(5)(c), to:

- Notify the applicable local Department of Highway Safety and Motor Vehicles (DHSMV) office of the specific dates and location for which such license is requested;
- Provide staff to work at the temporary location for the duration of the off-premises sale;
- Meet all local government permit requirements;
- Have the permission of the property owner to operate at that location;
- Conspicuously display a sign at the licensed location which clearly identifies the dealer's name and business address as listed on the dealer's original license; and
- Prominently include the dealer's name and business address, as listed on the dealer's original license, in all advertisements associated with such sale.

Requiring dealers to notify DHSMV of all off-premises sales not in conjunction with a public vehicle show may have an insignificant negative fiscal impact to the state. Subjecting dealers to additional requirements for such sales may have a negative fiscal impact to the dealers. These fiscal impacts are indeterminate because the extent to which dealers will conduct such sales is unknown.

The bill provides an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Recreational Vehicle Dealers

Recreational vehicle dealers are licensed and regulated by DHSMV under s. 320.771, F.S. Any person that buys, sells, offers for sale, displays for sale, or deals in one or more recreational vehicles¹ in any 12-month period is presumed to be a recreational vehicle dealer and must have an appropriate recreational vehicle dealer license.

In addition, a recreational vehicle dealer may obtain a supplemental license. There are two types of supplemental licenses. They are the following:

- The first type authorizes a licensed recreational vehicle dealer to operate one or more additional places of business for each such business. Each supplemental license must run concurrently with the original license and must be issued by application to the licensee on a form furnished by DHSMV and payment of a \$50 fee.²
- The second type authorizes off-premises sales (offsite/supplemental license). Each offsite/supplemental license must be issued at no charge to the dealer and last for a period not to exceed 10 consecutive calendar days.³

Manufacturer/Dealer Agreements

Section 320.3203, F.S., governs the sales agreements between recreational vehicle manufacturers or distributors and recreational vehicle dealers. The law requires recreational vehicle manufacturers or distributors to have a written manufacturer/dealer agreement prior to selling recreational vehicles in Florida. A major component of the manufacturer/dealer agreement is the area of sales responsibility.⁴ A motor vehicle dealer may not sell a new recreational vehicle in this state outside of the area of sales responsibility designated in the manufacturer/dealer agreement.⁵

However, the law allows a dealer to sell outside of its designated area of sales responsibility if the dealer obtains an offsite/supplemental license pursuant to s. 320.771(7), F.S., and satisfies one of several conditions:

- For sales of the same line-make within another dealer's designated area of sales responsibility, the dealer must obtain in advance of the off-premise sale a written agreement signed by the dealer, the manufacturer of the recreational vehicles to be sold at the off-premise sale, and the dealer in whose designated area of sales responsibility the off-premise sale will occur.

¹ s. 320.01(1)(b), F.S., provides that a recreational vehicle-type unit is primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on the public roadways of this state, must comply with the length and width provisions of s. 316.515, as that section may hereafter be amended. The basic entities of a recreational vehicle-type unit are the, "travel trailer," "camping trailer," "truck camper," "motor home," "private motor coach," "van conversion," "park trailer," and "fifth-wheel trailer." However, s. 320.771(1)(c), F.S., provides that a "recreational vehicle" does not include any camping trailer, as defined in s. 320.01(1)(b)2.

² s. 320.771(7), F.S., provides that the ownership of each supplemental licensed business must be identical to the principal business for which the original license is issued. Only one licensed dealer may operate at the same place of business.

³ s. 320.771(7), F.S.

⁴ s. 320.3203(2), F.S., provides that the manufacturer is required to designate an area of sales responsibility exclusively assigned to a dealer in the manufacturer/dealer agreement. The manufacturer is prohibited from changing the area or contracting with another dealer for sale of the same line-make in the designated area during the duration of the agreement.

⁵ s. 320.3203(4), F.S.

- A written agreement for the same line-make within another dealer's designated area of sales responsibility must:
 - designate the line-make of the recreational vehicles to be sold;
 - set forth the time period for the off-premise sale; and
 - affirmatively authorize the sale of the same line-make of the recreational vehicles.⁶
- The off-premise sale is not located within any dealer's designated area of sales responsibility and is in conjunction with a "public vehicle show;"⁷ or
- The off-premise sale is in conjunction with a public vehicle show in which more than 35 dealers are participating and the show is predominantly funded by manufacturers.⁸

The term public vehicle show means an event sponsored by an organization approved under s. 501(c)(6) of the Internal Revenue Code which has the purpose of promoting the welfare of the recreational vehicle industry and is located at a site that:

- will be used to display and sell recreational vehicles;
- is not used for off-premise sales for more than 10 days in a calendar year; and
- is not the location set forth on any dealer's license as its place of business.⁹

Proposed Changes

The bill provides requirements for a licensed dealer who conducts an off-premises sale that is not in conjunction with a public vehicle show.

Specifically, the bill requires a licensed dealer who conducts an off-premises sale not in conjunction with a public vehicle show, as defined in s. 320.3203(5)(c), to:

- Notify the applicable local department office of the specific dates and location for which such license is requested;
- Provide staff to work at the temporary location for the duration of the off-premises sale;
- Meet all local government permit requirements;
- Have the permission of the property owner to operate at that location;
- Conspicuously display a sign at the licensed location which clearly identifies the dealer's name and business address as listed on the dealer's original license; and
- Prominently include the dealer's name and business address, as listed on the dealer's original license, in all advertisements associated with such sale.

B. SECTION DIRECTORY:

Section 1: amends s. 320.771, F.S., relating to license required of recreational vehicle dealers.

Section 2: provides an effective date of July 1, 2014.

⁶ s. 320.3203(5)(a), F.S.

⁷ s. 320.3203(5)(b), F.S.

⁸ s. 320.3203(5)(c), F.S.

⁹ Id.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The fiscal impact to the state is insignificant. Licensed recreational vehicle dealers who conduct off-premises sales not in conjunction with a public vehicle show will be required to provide notification to DHSMV of the specific dates and location for which the license is requested. According to DHSMV, it may have to establish a notification method and recording system. This bill will have a minimal workload impact on DHSMV which would be absorbed within existing resources.¹⁰

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

To the extent that licensed recreational vehicle dealers will conduct off-premises sales not in conjunction with a public vehicle show, additional requirements for such sales may have a negative fiscal impact to such dealers. It is unknown how many dealers will conduct such off-premises sales, and, thus be subject to the new requirements. Consequently, the fiscal impact to the private sector is indeterminate.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

¹⁰ See the DHSMV 2014 Agency Legislative Bill Analysis for HB 927. This document is on file with the Transportation and Highway Safety Subcommittee.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

Licensed recreational vehicle dealers who conduct off-premises sales not in conjunction with a public vehicle show will be required to provide notification to DHSMV of the specific dates and location for which the license is requested. However, the bill does not specify how this notification will be provided or received.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to recreational vehicle dealers;
 3 amending s. 320.771, F.S.; requiring a licensed
 4 recreational vehicle dealer who applies for a
 5 supplemental license to hold certain off-premises
 6 sales to notify the local Department of Highway Safety
 7 and Motor Vehicles office of the dates and location
 8 for such sales; specifying requirements for licensed
 9 recreational vehicle dealers to hold such sales;
 10 providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsection (7) of section 320.771, Florida
 15 Statutes, is amended to read:

16 320.771 License required of recreational vehicle dealers.-

17 (7) SUPPLEMENTAL LICENSE.-A ~~Any~~ person licensed under
 18 ~~pursuant to~~ this section shall be entitled to operate one or
 19 more additional places of business under a supplemental license
 20 for each such business if the ownership of each business is
 21 identical to that of the principal business for which the
 22 original license is issued. Each supplemental license shall run
 23 concurrently with the original license and shall be issued upon
 24 application by the licensee on a form to be furnished by the
 25 department and payment of a fee of \$50 for each such license.
 26 Only one licensed dealer shall operate at the same place of

27 business. A supplemental license authorizing off-premises sales
 28 shall be issued, at no charge to the dealer, for a period not to
 29 exceed 10 consecutive ~~calendar~~ days. A licensed dealer who
 30 conducts an off-premises sale not in conjunction with a public
 31 vehicle show, as defined in s. 320.3203(5)(c), shall:

32 (a) Notify the applicable local department office of the
 33 specific dates and location for which such license is requested.

34 (b) Provide staff to work at the temporary location for
 35 the duration of the off-premises sale.

36 (c) Meet all local government permit requirements.

37 (d) Have the permission of the property owner to operate
 38 at that location.

39 (e) Conspicuously display a sign at the licensed location
 40 which clearly identifies the dealer's name and business address
 41 as listed on the dealer's original license.

42 (f) Prominently include the dealer's name and business
 43 address, as listed on the dealer's original license, in all
 44 advertisements associated with such sale.

45 Section 2. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 947 Fuel Terminals
SPONSOR(S): Ray
TIED BILLS: IDEN./SIM. BILLS: SB 1070

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Davy <i>DKD</i>	Miller <i>P.M.</i>
2) Local & Federal Affairs Committee			
3) Transportation & Economic Development Appropriations Subcommittee			
4) Economic Affairs Committee			

SUMMARY ANALYSIS

HB 947 declares existing fuel terminals are a permitted and allowable use under all local government comprehensive plans and land use regulations. The bill provides definitions of "fuel," "fuel terminal," and "primary use." The bill declares that certain fuel terminals may be expanded and such expansions will be deemed a permitted and allowable use in all land categories, except for property designated as preservation, conservation, or historic preservation prior to July 1, 2014.

The bill authorizes local governments to adopt land development regulations that enforce aesthetic compatibility based standards with regard to the expanded portions of a fuel terminal. Local governments are prohibited from changing their comprehensive plans in any way that causes a fuel terminal to become a nonconforming use.

The bill declares that fuel terminals proposed after July 1, 2014, are permitted and allowable uses in areas designated for industrial use or other similar uses. Local governments are authorized to prohibit fuel terminals from areas that permit residential or commercial uses as primary uses.

The authority of local governments to enforce local land development regulations that enforce aesthetic compatibility based standards with regard to the expanded portions of a fuel terminal is not limited by the bill. The authority of local governments to enforce state and federal requirements for fuel terminals is not limited by the bill.

The bill does not have a fiscal impact on state or local governments. Existing fuel terminals, expansions of fuel terminals, and new fuel terminals will be permitted and allowable land uses under any comprehensive plan, land use map, zoning district or land development regulation. This would benefit fuel terminal owners by allowing more efficient improvements or expansions of existing terminals and by assisting in the development of proposed future terminals.

The bill provides the act shall take effect July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Growth Management

The Local Government Comprehensive Planning and Land Development Regulation Act (the Act),¹ also known as Florida's Growth Management Act, was adopted in 1985. The Act requires all counties and municipalities to adopt local government comprehensive plans that guide future growth and development.² Comprehensive plans contain chapters or "elements" that address topics including future land use, housing, transportation, conservation, and capital improvements, among others.³ The state land planning agency that administers these provisions is the Department of Economic Opportunity.⁴

Land Development Regulation

Within one year of the adoption of a local comprehensive plan, a county or municipality must promulgate land development regulations that implement the comprehensive plan.⁵ Land is divided into districts and certain uses and developments are assigned to those distinct districts through the process of "zoning."⁶ Typical zoning classifications include "residential," "commercial," and "industrial." These classifications can include finer distinctions within them. For example, a district designated for residential use may be restricted to apartment buildings while another may only permit single family housing.

A "permitted use" within a particular zoning district is a use that a landowner may put his land to as a matter of right.⁷ A "conditional use" may only be utilized secondarily to a permitted use and a local government has some discretion as to its approval.⁸ A "special exception" is a departure from the general provisions of a zoning ordinance granted through the exercise of the local government's legislative authority.⁹ A "nonconforming use" or structure is one in which the use or structure was legally permitted prior to a change in the law, and the change in law would no longer permit the re-establishment of such structure or use.¹⁰

Fuel Terminals

The Internal Revenue Service (IRS) defines a "terminal" used for fuel as "a storage and distribution facility supplied by pipeline or vessel, and from which taxable fuel may be removed at a rack..."¹¹ According to the IRS, there are currently 42 active fuel terminals in Florida.¹² At least one fuel terminal

¹ See ch. 163, part II, F.S.

² Section 163.3167, F.S.

³ Section 163.3177, F.S.

⁴ Section 163.3221, F.S.

⁵ Section 163.3202(1), F.S.

⁶ 7 Fla. Jur 2d Building, Zoning, and Land Controls s. 111 *Generally; "Zoning" and "Planning" Defined and Distinguished* (2014).

⁷ *BMS Enters. LLC v. City of Fort Lauderdale*, 929 So.2d 9, 10 (Fla. 4th DCA 2006).

⁸ *Id.*

⁹ 7 Fla. Jur 2d Building, Zoning, and Land Controls s. 242 *Special Exception or Permit Distinguished from Variance* (2014).

¹⁰ See, e.g., *JPM Inv. Group, Inc. v. Brevard County Bd. of County Commissioners*, 818 So. 2d 595 (Fla. 5th D.C.A. 2002), citing §62-1181, Brevard County Code.

¹¹ Internal Revenue Service, *Publication 510, Excise Taxes: Part One – Fuel Taxes and Fuel Tax Credits and Refunds*, available at <http://www.irs.gov/publications/p510/ch01.html> (last visited March 4, 2014).

¹² Internal Revenue Service, *Approved Terminals 2-28-14*, available at http://www.irs.gov/pub/irs-utl/tcn_db.pdf (last visited March 4, 2014).

facility is a nonconforming use statewide.¹³ Tampa is home to 11 fuel terminals¹⁴ and the Port of Tampa receives approximately 500 petroleum ships and unloads 2.4 billion gallons a year.¹⁵

Effect of Proposed Changes

Legislative Intent

The bill creates s. 163.3206, F.S., to declare certain fuel terminals are a permitted and allowable use under all local government comprehensive plans and land use regulations. The bill states that it is the intent of the Legislature to maintain, encourage, and ensure adequate and reliable fuel terminal infrastructure in Florida because fuel terminals are essential in order to ensure the efficient and reliable transportation and delivery of an adequate quantity of fuel throughout the state. It further states, the ability to receive, store, and distribute fuel is essential to the state's economy and to the health, safety, welfare, and quality of life of residents and visitors.

Definitions

The bill defines "fuel" to include any of the following:

- "Alternative fuel" is defined in s. 525.01, F.S., as:
 - Methanol, denatured ethanol, or other alcohols;
 - Mixtures of gasoline or other fuels with methanol, denatured ethanol, or other alcohols;
 - Hydrogen;
 - Coal-derived liquid fuels; and
 - Fuels, other than alcohol, derived from biological materials.
- "Aviation fuel" is defined in s. 206.9815, F.S., as fuel for use in aircraft, and includes aviation gasoline and aviation turbine fuels and kerosene, as determined by the American Society for Testing Materials specifications D-910 or D-1655 or current specifications.
- "Diesel fuel" is defined in s. 206.86, F.S., as all petroleum distillates commonly known as diesel #2, biodiesel, or any other product blended with diesel or any product placed into the storage supply tank of a diesel-powered motor vehicle.
- "Gas" is defined in s. 206.9925, F.S., as all natural gas, including casing head gas, and all other hydrocarbons not defined as oil in subsection (2).
- "Oil" is defined in s. 206.9925, F.S., as crude petroleum oil and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the reservoir.
- "Motor fuel" is defined in s. 206.01, F.S., as all gasoline products or any product blended with gasoline or any fuel placed in the storage supply tank of a gasoline-powered motor vehicle.
- "Natural gas fuel" is defined in s. 206.9951, F.S., as any liquefied petroleum gas product, compressed natural gas product, or combination thereof used in a motor vehicle as defined in s. 206.01(23), F.S. This term includes, but is not limited to, all forms of fuel commonly or commercially known or sold as natural gasoline, butane gas, propane gas, or any other form of liquefied petroleum gas, compressed natural gas, or liquefied natural gas. This term does not include natural gas or liquefied petroleum placed in a separate tank of a motor vehicle for cooking, heating, water heating, or electric generation.
- "Petroleum fuel" is defined in s. 525.01, F.S., as all gasoline, kerosene (except when used as aviation turbine fuel), diesel fuel, benzine, other like products of petroleum under whatever name designated, or an alternative fuel used for illuminating, heating, cooking, or power purposes, sold, offered, or exposed for sale in this state.

¹³ Information provided by the Florida League of Cities. Due to incomplete information it is unknown if there are more fuel terminal facilities that are nonconforming uses. The one fuel terminal known to be a nonconforming use is a facility in the City of Cape Canaveral.

¹⁴ *Id.*

¹⁵ Jamal Thalji, *Port of Tampa will fuel region with new \$56 million petroleum terminal*, Tampa Bay Times, Oct. 30, 2013, available at <http://marketplace.tampabay.com/news/business/energy/port-of-tampa-unveils-new-55-million-petroleum-terminal/2149912> (last visited March 4, 2014).

- “Petroleum product” is defined in s. 206.9925, F.S., as any refined liquid commodity made wholly or partially from oil or gas, or blends or mixtures of oil with one or more liquid products or byproducts derived from oil or gas, or blends or mixtures of two or more liquid products or byproducts derived from oil or gas, and includes, but is not limited to, motor gasoline, gasohol, aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel, kerosene, distillate fuel oil, residual fuel oil, motor oil and other lubricants, naphtha of less than 400°F for petroleum feed, special naphthas, road oil, still gas, unfinished oils, motor gas blending components, including petroleum-derived ethanol when used for such purpose, and aviation gas blending components.

The bill defines “fuel terminal” as “a storage and distribution facility for fuel, supplied by pipeline or marine vessel, which has the capacity to receive and store a bulk transfer of fuel, is equipped with a loading rack through which fuel is physically transferred into tanker trucks or rail cars, and which is registered with the Internal Revenue Service as a terminal.”

The bill defines a “primary use” as a “use that is allowed as of right and that does not require a special exception, a special use permit, or a conditional use or other similar approval.”

Permitted and Allowable Uses

The bill provides that fuel terminals in existence on July 1, 2014, are a permitted and allowable use under any local comprehensive plan or land use regulation, regardless of local regulations to the contrary. Furthermore, such fuel terminals may be expanded in all land use categories and the expanded area will also be deemed a permitted and allowable use, unless the expansion adds real property that was designated as of July 1, 2014, as preservation, conservation or historic preservation property on the future land use map.

The bill authorizes local governments to adopt and enforce reasonable land development regulations that address aesthetic compatibility-based standards. However, such regulations may only apply to the expanded portion of the fuel terminals.

The bill prohibits a local government from amending its comprehensive plan or land use regulations so that an existing fuel terminal’s classification would not be a permitted or allowable use, including amendments that would make a terminal a nonconforming use.

The bill declares that fuel terminals proposed after July 1, 2014, are a permitted and allowable use in all industrial or similar land use categories and zoning districts that permit industrial uses, manufacturing, warehouses or other similar uses as a primary use. However, the bill authorizes local governments to prohibit the construction of fuel terminals in land use categories and zoning districts that permit residential or commercial uses as a primary use.

The bill does not limit the authority of a local government to enforce federal and state requirements for fuel terminals.

B. SECTION DIRECTORY:

Section 1. creates s. 163.3206, F.S., designating fuel terminals as critical infrastructure; providing that all existing fuel terminals are a permitted and allowable use; providing that expansions of existing fuel terminals are a permitted and allowable use; and providing that all new proposed terminals are a permitted and allowable use; providing that local governments may enforce aesthetic compatibility-based standards, and all applicable federal and state requirements for fuel terminals.

Section 2. provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Existing fuel terminals, expansions of fuel terminals, and new fuel terminals will be permitted and allowable land uses under any comprehensive plan, land use map, zoning district or land development regulation. This would benefit fuel terminal owners by allowing more efficient improvements or expansions of existing terminals and by assisting in the development of proposed future terminals.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to fuel terminals; creating s.
 3 163.3206, F.S.; providing legislative intent; defining
 4 terms; declaring certain fuel terminals a permitted
 5 and allowable use under any local government
 6 comprehensive plan, land use map, zoning district, or
 7 land development regulation; authorizing the expansion
 8 of such fuel terminals; providing an exception to the
 9 expansion of such fuel terminals; authorizing limited
 10 local government regulation of expanded fuel
 11 terminals; prohibiting a local government from
 12 amending its local comprehensive plan, land use map,
 13 zoning districts, or land development regulations to
 14 make such fuel terminals a nonconforming use under the
 15 provisions thereof; providing that future fuel
 16 terminals are a permitted and allowable use in certain
 17 land use categories and zoning districts; authorizing
 18 a local government to prohibit future fuel terminals
 19 in certain land use categories and zoning districts;
 20 providing applicability; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Section 163.3206, Florida Statutes, is created
 25 to read:
 26 163.3206 Fuel terminals.-

27 (1) It is the intent of the Legislature to maintain,
 28 encourage, and ensure adequate and reliable fuel terminal
 29 infrastructure in this state. Fuel terminals are a critical
 30 component of fuel storage and distribution. The ability to
 31 receive, store, and distribute fuel is essential to the state's
 32 economy and to the health, safety, welfare, and quality of life
 33 of residents and visitors. It is essential that fuel terminal
 34 infrastructure be constructed and maintained in various
 35 locations in order to ensure the efficient and reliable
 36 transportation and delivery of an adequate quantity of fuel
 37 throughout the state.

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

39 (a) "Fuel" means any of the following:

- 40 1. Alternative fuel as defined in s. 525.01.
- 41 2. Aviation fuel as defined in s. 206.9815.
- 42 3. Diesel fuel as defined in s. 206.86.
- 43 4. Gas as defined in s. 206.9925.
- 44 5. Motor fuel as defined in s. 206.01.
- 45 6. Natural gas fuel as defined in s. 206.9951.
- 46 7. Oil as defined in s. 206.9925.
- 47 8. Petroleum fuel as defined in s. 525.01.
- 48 9. Petroleum product as defined in s. 206.9925.

49 (b) "Fuel terminal" means a storage and distribution
 50 facility for fuel, supplied by pipeline or marine vessel, which
 51 has the capacity to receive and store a bulk transfer of fuel,
 52 is equipped with a loading rack through which fuel is physically

53 transferred into tanker trucks or rail cars, and which is
 54 registered with the Internal Revenue Service as a terminal.

55 (c) "Primary use" means a use that is allowed as of right
 56 and that does not require a special exception, a special use
 57 permit, or a conditional use or other similar approval.

58 (3) Notwithstanding any local government comprehensive
 59 plan, land use map, zoning district, or land development
 60 regulation to the contrary, fuel terminals in existence on July
 61 1, 2014, are a permitted and allowable use under any local
 62 government comprehensive plan, land use map, zoning district, or
 63 land development regulation.

64 (a) Such fuel terminals, including the real property and
 65 any facility thereon, may be expanded and the expanded fuel
 66 terminal is a permitted and allowable use in all land use
 67 categories in the applicable local government comprehensive plan
 68 and zoning district unless such expansion consists of adding
 69 real property that on July 1, 2014, was designated as
 70 preservation, conservation, or historic preservation property on
 71 the future land use map.

72 1. Local governments may adopt and enforce reasonable land
 73 development regulations for the expanded portion of the fuel
 74 terminal only. Such regulations may address only setback,
 75 landscaping, buffering, screening, lighting, or other aesthetic
 76 compatibility-based standards. Vegetated buffers or screening
 77 may not be required to have a mature height in excess of 14
 78 feet.

79 2. This paragraph does not limit a local government's
 80 authority to grant a variance from setback, landscaping,
 81 buffering, screening, lighting, or other aesthetic
 82 compatibility-based standards to a fuel terminal owner upon the
 83 owner's request.

84 (b) A local government may not amend its comprehensive
 85 plan, land use map, zoning districts, or land development
 86 regulations in a manner that would conflict with a fuel
 87 terminal's classification as a permitted and allowable use under
 88 this section, including, but not limited to, an amendment that
 89 causes a fuel terminal to be a nonconforming use, structure, or
 90 development.

91 (4) Fuel terminals proposed after July 1, 2014, are a
 92 permitted and allowable use in all industrial or similar land
 93 use categories and in zoning districts that, as a primary use,
 94 permit heavy industrial use, light industrial use,
 95 manufacturing, assembly, processing, warehouses, wholesale, or
 96 similar use. However, a local government may prohibit such fuel
 97 terminals in land use categories and in zoning districts that
 98 permit a residential or commercial use as a primary use.

99 (5) This section does not limit the authority of a local
 100 government to implement and enforce applicable federal and state
 101 requirements for fuel terminals, including safety and building
 102 standards. However, the exercise of such authority may not
 103 conflict with federal or state safety and security requirements
 104 for fuel terminals.

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105

Section 2. This act shall take effect July 1, 2014.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation & Highway
 2 Safety Subcommittee
 3 Representative Ray offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

8 Section 1. Section 163.3206, Florida Statutes, is created
9 to read:

163.3206 Fuel terminals.-

11 (1) It is the intent of the Legislature to maintain,
 12 encourage, and ensure adequate and reliable fuel terminal
 13 infrastructure in this state. Fuel terminals are a critical
 14 component of fuel storage and distribution. The ability to
 15 receive, store, and distribute fuel is essential to the state's
 16 economy and to the health, safety, welfare, and quality of life
 17 of residents and visitors. It is essential that fuel terminal



Amendment No. 1

18 infrastructure be constructed and maintained in various
19 locations in order to ensure the efficient and reliable
20 transportation and delivery of an adequate quantity of fuel
21 throughout the state.

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

23 (a) "Fuel" means any of the following:

24 1. Alternative fuel as defined in s. 525.01.

25 2. Aviation fuel as defined in s. 206.9815.

26 3. Diesel fuel as defined in s. 206.86.

27 4. Gas as defined in s. 206.9925.

28 5. Motor fuel as defined in s. 206.01.

29 6. Natural gas fuel as defined in s. 206.9951.

30 7. Oil as defined in s. 206.9925.

31 8. Petroleum fuel as defined in s. 525.01.

32 9. Petroleum product as defined in s. 206.9925.

33 (b) "Fuel terminal" means a storage and distribution
34 facility for fuel, supplied by pipeline or marine vessel, which
35 has the capacity to receive and store a bulk transfer of fuel,
36 is equipped with a loading rack through which fuel is physically
37 transferred into tanker trucks or rail cars, and which is
38 registered with the Internal Revenue Service as a terminal.

39 (c) "Primary use" means a use that is allowed as of right
40 and that does not require a special exception, a special use
41 permit, or a conditional use or other similar approval.

42 (3) Notwithstanding any local government comprehensive
43 plan, land use map, zoning district, or land development



Amendment No. 1

44 regulation to the contrary, fuel terminals in existence on July
45 1, 2014, are a permitted and allowable use under any local
46 government comprehensive plan, land use map, zoning district, or
47 land development regulation.

48 (a) Such fuel terminals may be expanded within the
49 physical boundary of the parcel upon which the fuel terminal is
50 located regardless of the current land use designation of the
51 parcel.

52 1. Local governments may adopt and enforce reasonable land
53 development regulations for the expanded portion of the fuel
54 terminal only. Such regulations may address only setback,
55 landscaping, buffering, screening, lighting, or other aesthetic
56 compatibility-based standards. Vegetated buffers or screening
57 may not be required to have a mature height in excess of 14
58 feet.

59 2. This paragraph does not limit a local government's
60 authority to grant a variance from setback, landscaping,
61 buffering, screening, lighting, or other aesthetic
62 compatibility-based standards to a fuel terminal owner upon the
63 owner's request.

64 (b) A local government may not amend its comprehensive
65 plan, land use map, zoning districts, or land development
66 regulations in a manner that would conflict with a fuel
67 terminal's classification as a permitted and allowable use under
68 this section, including, but not limited to, an amendment that
69 causes a fuel terminal to be a nonconforming use, structure, or



Amendment No. 1

70 development.

71 (4) This section does not limit the authority of a local
72 government to implement and enforce applicable federal and state
73 requirements for fuel terminals, including safety and building
74 standards. However, the exercise of such authority may not
75 conflict with federal or state safety and security requirements
76 for fuel terminals.

77 Section 2. This act shall take effect July 1, 2014.

78

79

80

81

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

82

Remove everything before the enacting clause and insert:

83

An act relating to fuel terminals; creating s. 163.3206,

84

F.S.; providing legislative intent; defining terms;

85

declaring certain fuel terminals a permitted and allowable

86

use under any local government comprehensive plan, land use

87

map, zoning district, or land development regulation;

88

authorizing the expansion of such fuel terminals;

89

authorizing limited local government regulation of expanded

90

fuel terminals; prohibiting a local government from

91

amending its local comprehensive plan, land use map, zoning

92

districts, or land development regulations to make such

93

fuel terminals a nonconforming use under the provisions

94

thereof; providing applicability; providing an effective

95

date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1083 Pub. Rec./CDD Surveillance Recordings
SPONSOR(S): Artiles
TIED BILLS: IDEN./SIM. BILLS: SB 1218

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Thompson	Miller P.M.
2) Government Operations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

Community development districts (CDD) are special districts that are local units of special purpose government, created pursuant to ch 190, F.S., and limited to the authority provided in that act. CDDs are governed by a five member board of supervisors, and have governmental authority to manage and finance infrastructure for planned developments.

Some CDDs utilize video cameras to provide security and surveillance within their community. The security cameras are set up at fixed locations in public areas such as community roadway entrances, pool areas, and clubhouses. The video is used to provide leads in the event of a crime on CDD property, or violations regarding misuse of CDD property or rules.

A CDD is considered an "agency" pursuant to the state's public policy regarding access to government records; thus its records are subject to Florida's public record disclosure requirements. Currently, a public record exemption does not exist that would specifically protect CDD surveillance recordings from public record disclosure requirements. As a result, CDD surveillance recordings must be disclosed to anyone who makes a request.

The bill provides a public record exemption for CDD surveillance recordings. Specifically, the bill provides that any surveillance recording created to monitor activities occurring inside or outside of a public building or on public property that is held by a CDD is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

A district may disclose such a recording:

- To a law enforcement agency in the furtherance of its official duties and responsibilities; or
- Pursuant to a court order.

The bill provides that the public record exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

The bill will not have a fiscal impact to the state, local governments, or the private sector.

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates a new public record exemption; thus, it requires a two-thirds vote for final passage.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Public Records

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. The section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.¹

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record. Furthermore, the Open Government Sunset Review Act² provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protects trade or business secrets.

Community Development Districts

Community development districts (CDD) are special districts that are local units of special purpose government, created pursuant to ch 190, F.S., the "Uniform Community Development District Act of 1980," and limited to the authority provided in that act. CDDs are governed by a five member board of supervisors,³ and have governmental authority to manage and finance infrastructure for planned developments.⁴ They are, in effect, a means by which private entities secure development capital through bond sales repaid by assessments on public improvements and community facilities.

Some CDDs utilize video cameras to provide security and surveillance within their community. The security cameras are set up at fixed locations in public areas such as community roadway entrances, pool areas, and clubhouses. The video is used to provide a CDD board or law enforcement with leads in the event of a crime on CDD property, or violations regarding the misuse of CDD property or rules.⁵

Currently, the Florida Department of State's record retention schedule for state and local agencies requires surveillance recordings to be retained for at least 30 days.⁶ After 30 days, the recordings can

¹ Section 24(c), Art. I of the State Constitution.

² See s. 119.15, F.S.

³ See s. 190.006, F.S.

⁴ See s. 190.002(1)(a), F.S.

⁵ For more information on CDD surveillance cameras, see the Ballantrae Communicator article, *CDD cameras should protect us* (April-June 2014), by Jim Flateau, CDD Chair. This document is on file with the Transportation and Highway Safety Subcommittee.

⁶ According to the State of Florida General Records Schedule GS1-SL for State and Local Government Agencies, October 1, 2013, at page 37 Item #302, surveillance recordings are only required to be maintained for 30 days. This document can be viewed at http://dliis.dos.state.fl.us/barm/genschedules/GS1-SL-2013_Final.pdf. (Last viewed 3/9/14).

be deleted or written over, or stored for longer periods of time. This includes CDD surveillance recordings.

A CDD is considered an "agency"⁷ pursuant to Florida's public record requirements, and unless a specific public record exemption exists that would protect the recordings from public access, a CDD is required to allow access to the records to anyone for inspection or copying.⁸

Currently, a public record exemption does not exist that would specifically protect CDD surveillance recordings from public record disclosure requirements. As a result, unless a CDD chooses to discard or record over the recordings after 30 days, they must be disclosed to anyone who makes a request.

Proposed Changes

The bill provides a public record exemption for CDD surveillance recordings. Specifically, the bill provides that any surveillance recording created to monitor activities occurring inside or outside of a public building or on public property that is held by a CDD is confidential and exempt⁹ from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

A district may disclose such a recording:

- to a law enforcement agency in the furtherance of its official duties and responsibilities; or
- pursuant to a court order.

The bill provides that the public record exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

B. SECTION DIRECTORY:

Section 1: creates s. 190.0121, F.S., relating to the creation of a public record exemption for surveillance recordings held by a community development district.

Section 2: provides a public necessity statement.

Section 3: provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

⁷ Section 119.011(2), F.S., defines agency as any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

⁸ Section 119.07(1), F.S.

⁹ There is a difference between records that the Legislature has made exempt from public inspection and those that are confidential and exempt. If the Legislature makes a record confidential and exempt, such information may not be released by an agency to anyone other than to the persons or entities designated in the statute. Florida Attorney General Opinion 85-62. If instead, the record is simply made exempt from disclosure requirements, an agency is not prohibited from disclosing the record in all circumstances. *Williams v. City of Minneola*, 575 So.2d 683, 687 (Fla. 5th DCA 1991), review denied, 589 So.2d 289 (Fla. 1991).

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill will not have a fiscal impact to the state, local governments, or the private sector.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Vote Requirement

Article I, s. 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates a new public record exemption; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution, requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a new public record exemption; thus, it includes a public necessity statement.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created or expanded public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates the public record exemption to protect from public disclosure surveillance recordings captures by a community development district.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments: Retroactive Application

The Supreme Court of Florida ruled that a public record exemption is not to be applied retroactively unless the legislation clearly expresses intent that such exemption is to be applied retroactively.¹⁰ The bill does not contain a provision requiring retroactive application. According to reports, CDDs have been utilizing surveillance cameras for several years. Although the Florida Department of State's record retention schedule for state and local agencies requires surveillance recordings to be retained for at least 30 days, after 30 days the recordings can be deleted or written over. However, surveillance recordings may also be stored for longer periods of time.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

¹⁰ *Memorial Hospital-West Volusia, Inc. v. News-Journal Corporation*, 729 So.2d. 373 (Fla. 2001).

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 190.0121, F.S.; providing an exemption from public
 4 records requirements for surveillance recordings held
 5 by a community development district; providing for
 6 future legislative review and repeal of the exemption;
 7 providing a statement of public necessity; providing
 8 an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Section 190.0121, Florida Statutes, is created
 13 to read:

14 190.0121 Public records exemption; surveillance
 15 recordings.-

16 (1) Any surveillance recording created to monitor
 17 activities occurring inside or outside of a public building or
 18 on public property that is held by a community development
 19 district is confidential and exempt from s. 119.07(1) and s.
 20 24(a), Art. I of the State Constitution.

21 (2) A district may disclose such a recording:

22 (a) To a law enforcement agency in the furtherance of its
 23 official duties and responsibilities; or

24 (b) Pursuant to a court order.

25 (3) This section is subject to the Open Government Sunset
 26 Review Act in accordance with s. 119.15 and shall stand repealed

27 | on October 2, 2019, unless reviewed and saved from repeal
 28 | through reenactment by the Legislature.

29 | Section 2. The Legislature finds that it is a public
 30 | necessity that any surveillance recording created to monitor
 31 | activities occurring inside or outside of a public building or
 32 | on public property that is held by a community development
 33 | district be made confidential and exempt from s. 119.07(1),
 34 | Florida Statutes, and s. 24(a), Article I of the State
 35 | Constitution. Community development districts provide
 36 | surveillance of public areas in order to monitor activities
 37 | occurring within the district and to ensure the security of the
 38 | residents. The exemption for surveillance recordings allows
 39 | community development districts to effectively and efficiently
 40 | provide security and surveillance while maintaining the privacy
 41 | of the residents and the guests of the residents, including
 42 | those who use community facilities. Without the public records
 43 | exemption, coverage and other technical aspects of the
 44 | surveillance system would be revealed and would make it easier
 45 | for individuals who wish to evade detection by the surveillance
 46 | systems to do so. As such, the Legislature finds that it is a
 47 | public necessity to protect the disclosure of such surveillance
 48 | recordings held by a community development district.

49 | Section 3. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1181 Driver Licenses
SPONSOR(S): Young
TIED BILLS: IDEN./SIM. BILLS:

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR or BUDGET/POLICY CHIEF. Row 1: 1) Transportation & Highway Safety Subcommittee, Thompson, Miller P.M. Row 2: 2) Economic Affairs Committee

SUMMARY ANALYSIS

Currently, an individual's driving privileges may be suspended for numerous "non-driving-related" violations. Many of these violations have no relationship to the operation of a motor vehicle. As a result, non-driving-related driver license suspensions have become burdensome to law enforcement, the courts, local communities, the state, and individuals. Drivers who have been suspended for non-driving-related offenses may lose the ability to legally get to and from work as a result of the suspension, and therefore cannot pay the financial obligation which is the basis of the suspension.

The bill addresses provisions related to driver license suspensions and revocations for non-driving-related reasons. The bill in part:

- Authorizes the court to suspend the driver license of a person who fails to appear in court for a worthless check charge only when the person is a previous offender;
• Authorizes, rather than requiring, the court to suspend the driver license of a person guilty of any offense of misdemeanor theft;
• Reduces the length of driver license revocation for drug related convictions from two years to one year;
• Requires a court that orders a driver license suspension or revocation for a drug related offense to determine whether the issuance of a business purposes only driver license is appropriate in each case;
• Authorizes the issuance of a business purpose only driver license for persons who have had their driver license suspended for violations related to selling, giving, or serving alcohol to minors, or for misdemeanor theft;
• Allows a child support obligor to avoid the suspension of his or her driver license or motor vehicle registration if extenuating circumstances can be proven (circumstances include, receiving reemployment assistance or unemployment compensation; being disabled and incapable of self-support, receiving Supplemental Social Security Income or Social Security Disability; receiving temporary cash assistance; or making payments in accordance with a confirmed ch 11, 12, or 13 bankruptcy plan.);
• Provides that if a child support obligor who seeks to satisfy the extenuating circumstances conditions does not provide applicable documentation or proof to the depository or clerk of court within 20 days after the date the delinquency notice is mailed, the Department of Revenue (DOR) or the clerk of court may file notice with the Department of Highway Safety and Motor Vehicles (DHSMV) to suspend his or her driver license or motor vehicle registration.

To the extent that the bill will reduce driver license reinstatement fees, the bill will have a positive fiscal impact on the private sector. However, a reduction in such revenue will have a negative fiscal impact to the state General Revenue Fund (GR) and the Highway Safety Operating Trust Fund (HSOTF). See Fiscal Comments. The bill was added to the Revenue Estimating Conference (REC) Impact Conference agenda for March 14, 2014. The REC's preliminary review and estimation of the bill's fiscal impacts are negative indeterminate to GR and the HSOTF.

The bill provides an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Non-driving Suspensions

Driver license suspensions and revocations take away a person's privilege to drive.¹ Although originally intended as a sanction to address poor driving behavior, driver's license suspensions and revocations are now commonly used as a means to punish individuals engaged in illegal behavior unrelated to the operation of a motor vehicle.² Consequently, a substantial amount of time and resources are expended by state and local entities to deal with and process non-driving-related suspensions and revocations.

A recent United States Government Accountability Office (GAO) report found that license suspensions can be an effective tool for encouraging compliance with various laws. However, the report also found that some policymakers and advocacy groups have raised concerns that suspensions make it difficult for some low-income individuals to maintain or find work, and may make it more challenging for them to pay fines or meet child support obligations. Additionally, they have raised concerns that suspensions for non-driving offenses may clog court systems and divert resources to activities that do not improve traffic safety.³

According to the American Association of Motor Vehicle Administrators (AAMVA), reducing the amount of drivers who are suspended for non-highway safety related violations, "will result in fewer citations for driving while under suspension and partially alleviate clogged court dockets. Individuals whose offense is unrelated to highway safety will retain their driving privileges, their ability to earn a living, and their ability to contribute to the economy."⁴

Highway Safety

National studies have shown that suspending driving privileges for non-highway safety related reasons is not an effective overall solution to improve traffic safety.⁵ Despite the seriousness of failure to comply, individuals do in fact continue to drive while suspended. It is estimated that as many as three-fourths of suspended or revoked drivers continue to drive.⁶ Studies have found that drivers suspended for bad driving are indeed bad drivers. According to the AAMVA, drivers suspended for highway safety related reasons are almost three times more likely to be involved in a crash than drivers suspended for non-highway safety related reasons.⁷

Law Enforcement

Generally, law enforcement actions for individuals caught driving while suspended or revoked do not differ based upon the underlying reason for the suspension. A driver caught driving while suspended, whether suspended for a driving-related or non-driving-related violation, receives the same treatment. If

¹ ss. 322.01(40) and 322.01(36), F.S.

² The National Highway Traffic Safety Administration, *Reasons for Driver License Suspension, Recidivism, and Crash Involvement Among Drivers With Suspended/Revoked Licenses* FINAL REPORT (January 2009), at page 1. This document is on file with the Transportation and Highway Safety Subcommittee.

³ The United States Government Accountability Office License Suspensions for Non-Driving Offenses report can be accessed at <http://www.gao.gov/new.items/d10217.pdf>. (Last viewed on March 5, 2014).

⁴ American Association of Motor Vehicle Administrators, *Best Practices Guide to Reducing Suspended Drivers* (2013). This document is on file with the Transportation and Highway Safety Subcommittee.

⁵ See the California Department of Motor Vehicles (September 2012) *Estimation of Fatal Crash Rates for Suspended/Revoked and Unlicensed Drivers in California*, at http://apps.dmv.ca.gov/about/profile/rd/r_d_report/Section_6/S6-238.pdf. (Last viewed February 3, 2014).

⁶ The National Cooperative Highway Research Program, Report 500, Volume 2, at page I-1. This document is on file with the Transportation and Highway Safety Subcommittee.

⁷ The American Association of Motor Vehicle Administrators, *Best Practices Guide to Reducing Suspended Drivers* (2013). This document is on file with the Transportation and Highway Safety Subcommittee.

a driver is suspended and involved in a collision, whether they are at fault or not, they are usually not inclined to await a police response.⁸

Current law provides penalties for driving with a suspended, revoked, or canceled license. Unknowing infractions are a moving violation, punishable as provided in chapter 318, F.S. Knowing infractions are punishable as a second degree misdemeanor on the first conviction (up to 30 days in jail and a \$500 fine); a first degree misdemeanor on the second conviction (up to 60 days in jail and a \$1,000 fine); and a third degree felony on the third or subsequent conviction (up to five years in prison and a \$5,000 fine). Additionally, the arresting officer is authorized to impound the vehicle of a driver arrested for criminal violations under certain conditions.⁹

Officer safety is also a concern. According to the National Law Enforcement Officers Memorial Fund, a nonprofit that tracks police deaths, since 2003, traffic fatalities have been the second leading cause of officer deaths, with 457 officers killed. Additionally, since 2003, 138 officers were killed by being struck by a vehicle. Each time an officer stops a driver who is suspended; it increases the officer's exposure and increases the possibility of an incident that may lead to injury or death.¹⁰

Law enforcement is also impacted from the increased administrative workload that is required for non-driving related offenses. Law enforcement agencies must choose where to focus sometimes limited resources. Also, technology advances such as automated license plate readers, result in an increase in traffic stops. Consequently, law enforcement agencies throughout the country are facing significant resource challenges as a result of suspended drivers.¹¹

The Courts

Traffic offenses represent the largest number of charges prosecuted in many state and local courts. According to the most recent data from the National Center for State Courts, there were approximately 1.7 million traffic violations reported to Florida county traffic courts in 2010.¹² State and local courts are tasked with the administration of justice involving a wide variety of offenses in both felony and misdemeanor categories. Court cases regarding non-driving related driver license suspensions and revocations can compound the courts' traffic violation workload.

Self-perpetuating Impacts

Suspensions and revocations can be self-perpetuating. Drivers who have been suspended or revoked for non-driving-related offenses are often trapped within the system. Such drivers may not be able to afford to pay the original fine, and may lose their ability to legally get to and from work as a result of the suspension. Many make the decision to drive while suspended or revoked. The suspension results in increased financial obligations through new requirements such as reinstatement fees, court costs and other penalties.¹³

A report, by the New Jersey Motor Vehicles Affordability and Fairness Task Force, which was created by the New Jersey Legislature to study non-driving related suspensions of driving privileges, substantiates these negative economic effects. In New Jersey, 42 percent of drivers lost their job after

⁸ The American Association of Motor Vehicle Administrators, Best Practices Guide to Reducing Suspended Drivers (2013). This document is on file with the Transportation and Highway Safety Subcommittee.

⁹ s. 322.34(8)(b), F.S.

¹⁰ See the Law Enforcement Officers Memorial Fund, Cause of Law Enforcement Deaths over the Past Decade (2003-2012), at <http://www.nleomf.org/facts/officer-fatalities-data/causes.html>, (Last viewed 2/11/14).

¹¹ The American Association of Motor Vehicle Administrators, Best Practices Guide to Reducing Suspended Drivers (2013). This document is on file with the Transportation and Highway Safety Subcommittee.

¹² See the Conference of State Court Administrators, National Center for State Courts, Court Statistics Project, Traffic – Total Traffic– Other Violations Caseloads, at <http://www.courtstatistics.org/Other-Pages/StateCourtCaseloadStatistics.aspx>, (Last viewed 2/4/14).

¹³ The American Association of Motor Vehicle Administrators, Best Practices Guide to Reducing Suspended Drivers (2013). This document is on file with the Transportation and Highway Safety Subcommittee.

their driving privilege was suspended. Of those drivers, 45 percent were unable to find new employment. Of those that were able to find another job, 88 percent reported a decrease in income.¹⁴

OPPAGA Report

According to a February 2014 Office of Program Policy Analysis & Government Accountability (OPPAGA) report entitled "Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons," in fiscal year 2012-2013, the Department of Highway Safety and Motor Vehicles (DHSMV) suspended or revoked approximately 1.3 million driver licenses. Of this amount, more than 167,000 were for non-driving-related reasons.¹⁵ These reasons included the failure to pay child support, failure to pay court financial obligations, conviction of drug-related offenses, non-compliance with school attendance (truancy), failure to appear in court for a worthless check offense, and conviction of misdemeanor theft offenses.¹⁶

Effectiveness

Two key measures of effectiveness of suspending or revoking driver licenses for non-driving-related violations are the number of driver license reinstatements and the length of time until reinstatement. In Fiscal Year 2012-13, DHSMV issued approximately 98,000 reinstatements to drivers whose licenses had been suspended or revoked for non-driving-related reasons.¹⁷ Some drivers were eligible to apply for temporary hardship licenses prior to reinstatement.¹⁸ However, the length of time to reinstatement varies with the type of suspension or revocation. For infractions such as failure to pay child support, reinstatement can occur as soon as the driver fulfills his or her obligations. For drug crime and theft convictions, the statutes require waiting periods before reinstatement can occur. In many cases, reinstatement can take several years.¹⁹ In fiscal year 2012-2013, DHSMV received approximately \$5.5 million in revenue from reinstatement fees.²⁰

Findings

The OPPAGA report found that most suspensions for delinquent child support and truancy are reinstated fairly quickly. Many of the licenses suspended for failure to pay child support and truancy were reinstated within one year of the suspension. Department of Revenue (DOR) officials stated that the threat of losing a driver license is one of the best compliance tools it has to enforce child support orders. DOR reports that it collected approximately \$101.8 million in delinquent child support payments in fiscal year 2012-2013 from parents who received a notice of suspension or whose license was suspended. However, due to a lack of truancy reinstatement data, it cannot be determined whether minors are modifying their behavior and attending school or if they are simply waiting until they turn 18 to reinstate or obtain their licenses.²¹

The OPPAGA report further found that many suspensions remain on record for multiple years before the license is reinstated by DHSMV. In fiscal year 2012-2013, 44 percent of the suspensions for failure to pay court financial obligations were at least two years old and ten percent were at least five years old. Although clerks of court assert that the ability to suspend a driver license is the most effective tool

¹⁴ The Motor Vehicles Affordability and Fairness Task Force (2006) at page xii, created by New Jersey statute, N.J.S.A. 39:2A-30 (L.2003,c.13,s.30). This document is on file with the Transportation and Highway Safety Subcommittee.

¹⁵ The OPPAGA report (January 2014), *Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons*, at page 2. This document is on file with the Transportation and Highway Safety Subcommittee.

¹⁶ Id.

¹⁷ Id., at page 6.

¹⁸ Id.

¹⁹ Id.

²⁰ Id., at page 5 provides that most reinstatement fees are \$45 for suspensions and \$75 for revocations. However, the amount of the fee can vary depending on the underlying offense. The reinstatement fee is \$55 for worthless check suspensions and \$60 for child support suspensions. In addition, the DHSMV charges an administrative fee of \$130 for alcohol-related offenses.

²¹ Id., at page 8.

for enforcing payment, many individuals cannot drive legally for several years until their court financial obligations are fulfilled.²²

Similarly, many reinstatements for failure to appear in court on a worthless check charge do not occur until the suspensions have been in place for multiple years. In fiscal year 2012-2013, most reinstatements for failure to appear on worthless check charges were more than two years old. This included 26 percent that were five to ten years old and 16 percent that were at least ten years old.²³

Statutorily required timeframes can also lengthen the amount of time to license reinstatement. For example, the statutory requirement that driver license reinstatement after conviction for a drug-related offense generally cannot occur in less than two years is why 87 percent of these suspensions were more than two years old when reinstated. However, it is notable that 34 percent of these reinstated licenses had been suspended for five or more years, with nine percent suspended for ten or more years. According to the report, these delays may be partially attributable to offenders being incarcerated and unable to seek reinstatement until they are released.²⁴

Like drug-related offenses, theft offenses carry a minimum suspension time of up to six months for the first suspension and a mandatory one year period for the second suspension. However, the report found that 49 percent of these reinstatements did not occur until after two years.²⁵

Alternatives

As a result of the reported findings, OPPAGA provided the following Legislative alternatives to modify the use of driver license sanctions for non-driving-related reasons:

- Leave driver license suspension for failure to appear in court on a worthless check, and for a conviction of misdemeanor theft offense charge, at the court's discretion.
- Explore modifying or opting out of Florida's implementation of the federal mandate requiring driver license suspension for drug convictions.
- Codify current DOR child support enforcement practices regarding the use of driver license suspensions.
- Evaluate the effectiveness of driver license suspension for school truancy.

Present Situation

Failure to Appear in Court for Worthless Check

Section 832.09, F.S., provides for the suspension of a driver license after a warrant or capias is issued in a worthless check case. Any person who is being prosecuted for passing a worthless check who fails to appear before the court and against whom a warrant or capias for failure to appear is issued by the court must have his or her driver's license suspended or revoked.²⁶

Within five working days after the issuance of a warrant or capias for failure to appear, the clerk of the court in the county where the warrant or capias is issued is required to notify DHSMV by the most efficient method available of the action of the court.²⁷

In Fiscal Year 2012-13, DHSMV suspended 1,829 driver licenses for failure to appear in court to respond to a worthless check charge.²⁸

²² Id.

²³ Id.

²⁴ Id., at pages 8 and 9.

²⁵ Id., at page 9.

²⁶ s. 832.09(1), F.S.

²⁷ s. 832.09(2) F.S.

²⁸ The OPPAGA report (January 2014), *Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons*, at page 5. This document is on file with the Transportation and Highway Safety Subcommittee.

Misdemeanor Theft

Section 812.0155, F.S., provides for the suspension of a driver license for misdemeanor theft. For a first-time offender, the court is authorized to order the suspension of the driver license of each person adjudicated guilty of any misdemeanor violation of theft pursuant to s. 812.014 or s. 812.015, F.S., regardless of the value of the property stolen.²⁹ For a previous (second or subsequent) offender, the court is required to order the suspension of the driver license of each person adjudicated guilty of the same violation. The first suspension is for up to six months, and subsequent suspensions are one year each.

In Fiscal Year 2012-13, DHSMV suspended or revoked the licenses of 462 persons convicted of such a theft offense.³⁰

Drug Offenses

In 1992, Congress amended the Federal Highway Apportionment Act to encourage states to enact and enforce driver license suspensions or revocations for drug offenders.³¹ The law withholds a portion of federal highway funds from any state that fails to adopt a law that enforces driver license suspensions or revocations for drug offenders.³² The federal law requires participating states to provide a suspension or revocation of at least six months.³³ However, a governor can submit written certification to the Secretary of the United States Department of Transportation that she or he opposes the revocation or suspension and that the state legislature has adopted a resolution expressing opposition to this law and still qualify for full federal funding.³⁴

Florida law exceeds the federal minimum of a six month suspension and requires a two-year revocation. Section 322.055, F.S., provides for the automatic suspension of the driver license of anyone convicted of a drug related offense, whether or not the offense involves the use of a motor vehicle. The clerks of court are required to report to DHSMV all convictions for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance.³⁵ The law applies to persons who are:

- 18 years of age or older;
- 18 years of age or older and eligible by reason of age for a driver's license or privilege;
- 18 years of age or older who's driver license is already under suspension or revocation for any reason; and
- 18 years of age or older and ineligible by reason of age for a driver's license or driving privilege.³⁶

The length of the revocation period is two years, but not less than six months. To be eligible for a driver license reinstatement, restricted or unrestricted, six months of the revocation period must have expired.³⁷ After the required minimum six months, an offender is eligible to petition DHSMV for a

²⁹ ss. 812.014 or s. 812.015, F.S.

³⁰ The OPPAGA report (January 2014), *Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons*, at page 6. This document is on file with the Transportation and Highway Safety Subcommittee.

³¹ Title 23 U.S.C. § 159 and 23 CFR Part 192.

³² *Id.*, at Part 192.9.

³³ *Id.*, at Part 192.4(a)(1)(i).

³⁴ *Id.*, at Part 192.4(c)(2).

³⁵ s. 322.055(5), F.S.

³⁶ s. 322.055(4), F.S., currently requires driver license revocations for persons who are "18 years of age or older... and ineligible by reason of age for a driver license or driving privilege." It is unclear how this description would apply practically. DHSMV is also unaware of how this description applies.

³⁷ s. 322.055(1)(2)(3) and (4), F.S., provides that the court may, in its sound discretion, direct DHSMV to issue a license for driving privileges restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. A driver whose license or driving privilege has been suspended or revoked under this section or s. 322.056 may, upon the

reinstatement. If he or she has been evaluated as needing, and finishes, a drug treatment program, the offender automatically becomes eligible for a full reinstatement.³⁸ DHSMV validates treatment program completion when the offender shows proof of completion of such program to a licensing office or tax collector.³⁹

In fiscal year 2012-2013, DHSMV suspended or revoked 19,024 driver licenses as a result of convictions for drug-related offenses.⁴⁰

Child Support Enforcement

The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 enacted section 466(a)(16) of the Social Security Act, which requires states to have (and use in appropriate cases) the authority to withhold, suspend or restrict the use of driver licenses of individuals owing past due child support. The United States Department of Health and Human Services Office of Child Support Enforcement (OCSE) is a federal-state program that provides funding to child support agencies in the states to help develop, manage and operate their programs effectively and according to federal law.⁴¹

Florida's Child Support Program is administered by DOR.⁴² DOR provides services under the federally required program in 65 counties and through contracts in two counties.⁴³ Each state is required by the federal government to operate a child support enforcement program as a condition for receiving the Temporary Assistance for Needy Families (TANF) federal block grant.⁴⁴ Florida's block grant was \$562.3 million for FY 2012-13.⁴⁵

OSCE generally matches every dollar Florida spends on child support with two dollars of federal funds. Additionally the Florida Child Support Program is awarded federal incentive dollars based on the program's performance on certain federal measures.⁴⁶ To remain eligible for the TANF Block Grant, Florida must be federally compliant.⁴⁷ The following services are required:

- Paternity establishment;
- Support order establishment;
- Support order review and modification;
- Location of parents;
- Payment collection and disbursement; and

expiration of 6 months, petition DHSMV for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation.

³⁸ s., 322.055, F.S.

³⁹ This information was received from DHSMV via email on November 15, 2013. The email is on file with the Transportation and Highway Safety Subcommittee.

⁴⁰ The OPPAGA report (January 2014), *Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons*, at page 2. This document is on file with the Transportation and Highway Safety Subcommittee.

⁴¹ See additional information on the federal Child Support Enforcement Program, at <http://www.acf.hhs.gov/programs/css/about>. (Last viewed 2/17/14).

⁴² Florida Department of Revenue, http://dor.myflorida.com/dor/childsupport/about_us.html (Last viewed 2/13/14).

⁴³ Florida Department of Revenue, http://dor.myflorida.com/dor/childsupport/about_us.html (Last viewed 2/13/14). Miami-Dade County cases are handled by the state attorney's office, and Manatee County cases are handled by the Manatee County Clerk of Court.

⁴⁴ TANF is a block grant program to help move recipients into work and turn welfare into a program of temporary assistance. Under the welfare reform legislation of 1996, TANF replaced the old welfare programs known as the Aid to Families with Dependent Children (AFDC) program, the Job Opportunities and Basic Skills Training (JOBS) program, and the Emergency Assistance (EA) program. The law ended Federal entitlement to assistance and instead created TANF as a block grant that provides States, Territories, and Tribes Federal funds each year. These funds cover benefits and services targeted to needy families. This document can be accessed at the U.S. Dep't of Health and Human Services website http://www.acf.hhs.gov/opa/fact_sheets/tanf_factsheet.html. (Last viewed 2/13/14).

⁴⁵ This information was received via email from the Florida Department of Revenue 2/14/14. The email is on file with the Transportation and Highway Safety Subcommittee.

⁴⁶ Id.

⁴⁷ Section 61.1826(1)(d), F.S.

- Order enforcement.⁴⁸

DOR utilizes various statutory resources in its attempt to collect past due child support. For instance, DOR may suspend the obligor's driver's license. Pursuant to s. 322.058, F.S., when DHSMV receives notice from the Title IV-D agency or depository or the clerk of the court that any person licensed to operate a motor vehicle in the State of Florida has a delinquent support obligation or has failed to comply with a subpoena, order to appear, order to show cause, or similar order, DHSMV is required to suspend the driver's license and the registration of all motor vehicles owned by that person.⁴⁹ However, reinstatement and registration are allowed to occur when the Title IV-D agency in IV-D cases or the depository or the clerk of the court in non-IV-D cases provides to DHSMV an affidavit stating that:

- the person has paid the delinquency;
- the person has reached a written agreement for payment with the Title IV-D agency or the obligee in non-IV-D cases;
- a court has entered an order granting relief to the obligor ordering the reinstatement of the license and motor vehicle registration; or
- the person has complied with the subpoena, order to appear, order to show cause, or similar order.⁵⁰

Similarly, s. 61.13016, F.S., provides that a person (the obligor) who is 15 days delinquent in paying child support may have his or her driver's license and registration suspended after notice and an opportunity for a hearing in circuit court.⁵¹ The obligor may avoid suspension by:

- paying the full amount of the delinquency;
- entering into a written agreement with DOR to pay the past due amount; or
- filing a petition in circuit court to contest suspension.⁵²

According to DOR, it will enter into a written agreement if the parent is paying by income withholding and contacts DOR concerning the driver license suspension.⁵³

Although not specifically provided for in either ss. 61.13016 or 322.058, F.S., DOR allows an obligor to reinstate his or her driver license or registration if he or she is:

- receiving reemployment assistance or unemployment compensation;
- disabled and incapable of self-support, or receiving benefits from either the Supplemental Social Security Income or Social Security Disability programs;
- receiving temporary cash assistance; or
- making payment in accordance with a confirmed ch 11, 12, or 13 bankruptcy plan.

In fiscal year 2012-2013, DHSMV suspended or revoked 68,223 driver licenses as a result of failure to pay child support. In federal fiscal year 2012-2013, the Child Support Program provided services to about a million children and collected and distributed \$1.6 billion dollars in child support.⁵⁴ The total amount in income withholding payments was \$977,089,629.⁵⁵ According to DOR, it does not collect

⁴⁸ See 42 U.S.C. ss. 654(4), (8), (10), and (29).

⁴⁹ s. 322.058(1), F.S.

⁵⁰ s. 322.058(2), F.S.

⁵¹ s. 61.13016(1), F.S.

⁵² s. 61.13016(1)(c), F.S.

⁵³ This information was received via email from the Florida Department of Revenue 2/18/14. The email is on file with the Transportation and Highway Safety Subcommittee.

⁵⁴ The OPPAGA report (January 2014), *Options Exist to Modify Use of Driver License Suspension for Non-Driving-Related Reasons*, at page 2. This document is on file with the Transportation and Highway Safety Subcommittee.

⁵⁵ This information was received via email from the Florida Department of Revenue 2/14/14. The email is on file with the Transportation and Highway Safety Subcommittee.

data that would quantify fiscal impacts from the department's internal policies. However, driver license reinstatement practices are generally productive since having a driver license assists in the ability to become employed.⁵⁶

Sale to Minors Prohibitions

Section 562.11(1)(a), F.S., provides that it is unlawful to sell, give, serve or permit to be served alcoholic beverages to a person under 21 years of age or to permit a person under 21 years of age to consume alcoholic beverages on the licensed premises. Anyone convicted of a violation of these provisions is guilty of a misdemeanor of the second degree, punishable by a maximum term of 60 days and a maximum fine of \$500.

Section 562.11(1)(a)2., F.S., authorizes courts to order DHSMV to withhold the issuance of, or suspend or revoke, the driver license or driving privilege of any person who violates the sale to minors prohibition in s. 562.11(1), F.S.

Driver's License Suspension or Revocations

Section 322.28, F.S., sets forth the provisions related to suspension or revocation of driver licenses. Section 322.28(1), F.S., prohibits DHSMV from suspending a license for a period of more than one year. The section also provides an exception to this limit for violations related to driving under the influence of alcoholic beverages, chemical substances as set forth in s. 877.111, F.S., or controlled substances. For these violations, DHSMV is prohibited from granting a new license until the expiration of one year after such revocation.

Section 322.271, F.S., provides the court may direct DHSMV to issue a driver's license restricted to business or employment purposes only to a person who is otherwise qualified for a license.

Driver License Reinstatement Fees

Section 322.21(8), F.S., requires a person who applies for reinstatement following suspension or revocation of the person's driver license to pay a service fee of \$45 following a suspension, and \$75 following a revocation, in addition to the fee for a license. Of the \$45 fee, DHSMV is required to deposit \$15 into GR and \$30 into the HSOTF. Of the \$75 fee, DHSMV is required to deposit \$35 into GR and \$40 into the HSOTF. In addition, county tax collectors are required to charge a service fee of \$6.25, when providing services in chapter 322, F.S., including driver license reinstatements.⁵⁷

Section 322.21(1), F.S., authorizes a delinquent fee of \$15 for the late renewal of a driver license, and authorizes an issuance fee for original, renewal, and replacement driver license transactions. These fees are as follows:

- Original Driver License \$48 Deposited into GR
- Driver License Renewal \$48 Deposited into GR
- Replacement DL \$25 \$7 deposited into HSOTF; \$18 deposited into GR
- Motorcycle \$55 Deposited into GR
- Original Commercial DL \$75 Deposited into GR
- Commercial DL Renewal \$75 Deposited into GR

Proposed Changes

The bill revises provisions related to driver license suspensions and revocations for non-driving-related reasons. Specifically, the bill addresses suspension practices that result from criminal violations, and several practices that result from child support enforcement policies.

⁵⁶ This information was received via email from the Florida Department of Revenue 3/5/14. The email is on file with the Transportation and Highway Safety Subcommittee.

⁵⁷ s. 322.135(1)(c), F.S.

Failure to Appear in Court for Worthless Check

The bill amends s. 832.09, F.S., to revise the requirement for the court to suspend or revoke a driver license after any violation of failure to appear before the court and against whom a warrant or capias is issued in a worthless check case. The court is instead, authorized to order the suspension or revocation of a driver license of such an offender if he or she has previously been adjudicated guilty of a violation of s. 832.05, F.S., for giving worthless checks, drafts, and debit card orders.

Misdemeanor Theft

The bill amends s. 812.0155, F.S., to revise the requirement for the court to suspend the driver license for a previously convicted offender following an adjudication of guilt for misdemeanor theft. The court is instead authorized to order the suspension of the driver license of anyone adjudicated guilty of any misdemeanor violation of theft. Suspension lengths of six months for a first suspension and one year for a second or subsequent suspension remain in effect.

The bill also amends s. 812.0155, F.S., to authorize the courts to direct DHSMV to issue a license for driving privileges restricted to business purposes only for persons who have had their driver license suspended for misdemeanor theft.

Drug Offenses

The bill amends s. 322.055, F.S., to reduce the length of revocation for drug related convictions from two years to one year. The bill retains the provision which allows reinstatement of the driver license after six months if a drug treatment and rehabilitation program is completed. Specifically, the length of revocation for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance drug related convictions is reduced from two years to one year for persons who are:

- 18 years of age or older;
- 18 years of age or older and eligible by reason of age for a driver's license or privilege;
- 18 years of age or older who's driver license is already under suspension or revocation for any reason; and
- 18 years of age or older and ineligible by reason of age for a driver's license or driving privilege.⁵⁸

The bill also requires a court that orders a driver license suspension or revocation for a drug related offense to make in each case, a specific, articulated determination as to whether the issuance of a license for driving privileges restricted to business purposes only, as defined in s. 322.271, F.S., is appropriate.

Sale to Minors Prohibitions

The bill amends s. 562.11(1)(a), F.S., to authorize the courts to issue a license for driving privileges restricted to business purposes only⁵⁹ for persons who have had their driver license suspended for any violation of the sale to minors prohibition in s. 562.11(1), F.S.

Child Support Enforcement

The bill amends s. 61.13016, F.S., to allow a child support obligor to avoid suspension or have his or her driver license and motor vehicle registration reinstated if extenuating circumstances can be proven. Specifically, DOR must submit a notice to DHSMV to suspend the driving privilege and motor vehicle

⁵⁸ s. 322.055(4), F.S., currently requires driver license revocations for persons who are "18 years of age or older... and ineligible by reason of age for a driver license or driving privilege." It is unclear how this description would apply practically. DHSMV is also unaware of how this description applies.

⁵⁹ s. 322.271(1)(c)1., F.S., defines "a driving privilege restricted to business purposes only" as a driving privilege that is limited to any driving necessary to maintain livelihood, including driving to and from work, necessary on-the-job driving, driving for educational purposes, and driving for church and for medical purposes.

registration, unless within 20 days after the date the notice is mailed, the obligor demonstrates that he or she:

- receives reemployment assistance or unemployment compensation pursuant to chapter 443;
- is disabled and incapable of self-support or that he or she receives benefits under the federal Supplemental Security Income or Social Security Disability Insurance programs;
- receives temporary cash assistance pursuant to chapter 414; or
- is making payments in accordance with a confirmed bankruptcy plan under chapter 11, chapter 12, or chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss. 101 et seq.

If an obligor seeks to satisfy the extenuating circumstances requirements before the expiration of the 20-day period, he or she must provide the applicable documentation or proof to the depository or the clerk of the court. If the obligor does not satisfy these requirements within 20 days, DOR, the depository, or the clerk of court is authorized, instead of required, to file notice with DHSMV and request suspension of the driver license and motor vehicle registration.

The bill amends s. 322.058(2), F.S., to require DHSMV to reinstate the driving privilege and allow registration of a motor vehicle when DOR in IV-D cases or the depository or the clerk of the court in non-IV-D cases provides DHSMV with an affidavit stating that the person:

- receives reemployment assistance or unemployment compensation pursuant to chapter 443;
- is disabled and incapable of self-support or that he or she receives benefits under the federal Supplemental Security Income or Social Security Disability Insurance programs;
- receives temporary cash assistance pursuant to chapter 414; or
- is making payments in accordance with a confirmed bankruptcy plan under chapter 11, chapter 12, or chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss. 101 et seq.

B. SECTION DIRECTORY:

- Section 1: amends s. 61.13016, F.S. relating to suspension of driver licenses and motor vehicle registrations.
- Section 2: amends s. 322.055, F.S., relating to revocation or suspension of, or delay of eligibility for, driver's license for persons 18 years of age or older convicted of certain drug offenses.
- Section 3: amends s. 322.058, F.S., relating to suspension of driving privileges due to support delinquency; reinstatement.
- Section 4: amends s. 562.11, F.S., relating to selling, giving, or serving alcoholic beverages to persons under the age of 21.
- Section 5: amends s. 812.0155, F.S., relating to suspension of driver's license following an adjudication of guilt for theft.
- Section 6: amends s. 832.09, F.S., relating to suspension of driver license after warrant or capias is issued in worthless check case.
- Section 7: Provides for an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See Fiscal Comments.

D. FISCAL COMMENTS:

The bill was added to the REC Impact Conference agenda for March 14, 2014. The REC's preliminary review and estimation of the bill's fiscal impacts are negative indeterminate to GR and the HSOTF.⁶⁰

According to DHSMV, the bill's fiscal impact to the state will be minimal and indeterminate. A one-time amount of \$9,400 will be required for programming costs for implementation.⁶¹

Driver License Reinstatement Fees

Section 322.21(8), F.S., requires a person who applies for reinstatement following suspension or revocation of the person's driver license to pay a service fee of \$45 following a suspension, and \$75 following a revocation, in addition to the fee for a license. Of the \$45 fee, DHSMV is required to deposit \$15 in GR and \$30 in HSOTF. Of the \$75 fee, DHSMV is required to deposit \$35 in GR and \$40 in the HSOTF. Additionally, county tax collectors are required to charge a service fee of \$6.25, when providing services including driver license reinstatements.⁶²

Section 322.21(1), F.S., authorizes a delinquent fee of \$15 for the late renewal of a driver license, and authorizes an issuance fee for original, renewal, and replacement driver license transactions. These fees are as follows:

• Original Driver License	\$48	Deposited into GR
• Driver License Renewal	\$48	Deposited into GR
• Replacement DL	\$25	\$7 deposited into HSOTF; \$18 deposited into GR
• Motorcycle	\$55	Deposited into GR
• Original Commercial DL	\$75	Deposited into GR
• Commercial DL Renewal	\$75	Deposited into GR
• Administrative Hearing Filing Fee	\$12	HSOTF

Failure to Appear in Court for Worthless Check

To the extent that drivers will fail to appear in court for a worthless check charge, prohibiting the court from suspending the driver license for a first offense, and authorizing the court to suspend for second

⁶⁰ This information is on file with the Transportation and Highway Safety Subcommittee.

⁶¹ See the DHSMV 2014 Agency Legislative Bill Analysis for HB 1181. This document is on file with the Transportation and Highway Safety Subcommittee.

⁶² s. 322.135(1)(c), F.S.

or subsequent offenses, may reduce the amount of suspensions that a court is required to order. Consequently, driver license reinstatements may be reduced. This would negatively impact GR, the HSOTF, and county tax collectors; and positively impact first-time offenders, or subsequent offenders for whom a judge decides not to order a suspension. However, it is impossible to predict how many violations will occur, and because suspensions for second or subsequent offenses are discretionary, it is unknown how many the court will actually suspend. As a result, the fiscal impact to the state, local governments, and the private sector is indeterminate.

Misdemeanor Theft

To the extent that drivers will be convicted of misdemeanor theft, removing the requirement for the court to suspend the driver license of previous violators, and instead, allowing the court to suspend for all convictions, may reduce the amount of suspensions that a court is required to order. Consequently, driver license reinstatements may be reduced. This would negatively impact GR, the HSOTF, and county tax collectors; and positively impact previous offenders and those offenders for whom a judge decides not to order a suspension. However, it is impossible to predict how many violations will occur. Also, because the court's decision to suspend is discretionary, it is unknown how many offenders will actually receive a suspension. As a result, the fiscal impact to the state, local governments, and motorists is indeterminate.

Also, authorizing the issuance of a license for driving privileges restricted to business purposes only for persons who have had their driver license suspended for misdemeanor theft may further their ability to pay fines, earn a living, and contribute to the economy.

A court ordered reinstatement for a business purpose only license would allow a driver to go directly to a driver license issuance office to be issued a restricted license. The DHSMV Bureau of Administrative Review collects a \$12 filing fee for each hardship hearing.⁶³ This money is deposited into the HSOTF. A hardship hearing investigates a person's qualification, fitness, need to drive, and requires the completion of a driver training and DUI program substance abuse education course.⁶⁴ Such a review may not be necessary for a person convicted of a misdemeanor theft violation.

The reinstatement related fees associated with the issuance of additional hardship licenses, could have a positive fiscal impact on GR, the HSOTF, and county tax collectors. However, because the court order is discretionary and it is unknown how many misdemeanor theft violations will occur, the fiscal impacts are indeterminate.

Drug Offenses

To the extent that licensed motorists will be convicted of a drug related offense, reducing the length of revocation for such convictions from two years to one year will shorten the length of time offenders are prohibited from driving. Consequently, the number of reinstatements and related revenue will increase from driver licenses being reinstated more quickly. This would positively impact GR, the HSOTF, and county tax collectors. Offenders would be required to pay the necessary reinstatement fees and could potentially obtain and retain employment, and participate in society easier. It is unknown how many violations will occur. As a result, the fiscal impact to the state, local governments, and private sector is indeterminate.

Also, requiring a court that orders a driver license suspension or revocation for a drug related offense to make a specific articulated determination as to whether the issuance of a business purposes only driver license is appropriate in each case, may negatively impact the state court system.

A court ordered reinstatement for a hardship license would allow a driver to go directly to a driver license issuance office to be issued a restricted license. The DHSMV Bureau of Administrative Review

⁶³ See the DHSMV 2014 Agency Legislative Bill Analysis for HB 1181. This document is on file with the Transportation and Highway Safety Subcommittee.

⁶⁴ s. 322.271, F.S.

collects a \$12 filing fee for each hardship hearing.⁶⁵ A hardship hearing investigates a person's qualification, fitness, need to drive, and requires the completion of a driver training and DUI program substance abuse education course. Such a review may not be necessary if the court makes a specific articulated determination as to whether the issuance of a business purposes only driver license is appropriate in each drug related offense case.

The reinstatement related fees associated with the issuance of additional hardship licenses, could have a positive fiscal impact on GR and the HSOTF, and county tax collectors. However, because the court order is discretionary and it is unknown how many drug related violations will occur, the fiscal impacts are indeterminate.

Sale to Minors Prohibitions

Allowing the court to order the issuance of a license for driving privileges restricted to business purposes only for persons who have had their driver license revoked, suspended, or withheld, for any violation of the sale to minors prohibition in s. 562.11(1), F.S., may further the person's ability to pay fines, earn a living, and contribute to the economy.

A court ordered reinstatement for a hardship license would allow a driver to go directly to driver license issuance office to be issued a restricted license. According to DHSMV, its Bureau of Administrative Review collects a \$12 filing fee for a hardship hearing. A hardship hearing investigates a person's qualification, fitness, need to drive, and requires the completion of a driver training and DUI program substance abuse education course. Such a review may not be necessary for a person convicted of a sales to minors violation.

The reinstatement related fees associated with the issuance of additional hardship licenses could have a positive fiscal impact on GR, the HSOTF, and county tax collectors. However, because the court order is discretionary and it is unknown how many sales to minors violations will occur, the fiscal impacts are indeterminate.

Child Support Enforcement

Codifying current DOR child support enforcement practices of allowing extenuating circumstances (if the parent becomes disabled, begins receiving reemployment assistance, temporary cash assistance, or files bankruptcy), in order to reinstate an obligor's driver license and motor vehicle registration, should not result in a fiscal impact. According to DOR, it does not collect data that would quantify fiscal impacts from these policies. However, in general, driver license reinstatement practices are productive since having a driver license assists in the ability to become employed.⁶⁶

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

⁶⁵ See the DHSMV 2014 Agency Legislative Bill Analysis for HB 1181. This document is on file with the Transportation and Highway Safety Subcommittee.

⁶⁶ This information was received via email from the Florida Department of Revenue 3/5/14. This email is on file with the Transportation and Highway Safety Subcommittee.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not appear to create a need for rulemaking or rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

27 restricted driver license to certain persons; amending
 28 s. 832.09, F.S.; providing that the suspension of a
 29 driver license of a person being prosecuted for
 30 passing a worthless check is discretionary; providing
 31 an effective date.

32

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

34

35 Section 1. Subsection (1), paragraph (a) of subsection
 36 (2), and subsection (3) of section 61.13016, Florida Statutes,
 37 are amended to read:

38 61.13016 Suspension of driver ~~driver's~~ licenses and motor
 39 vehicle registrations.—

40 (1) The driver ~~driver's~~ license and motor vehicle
 41 registration of a support obligor who is delinquent in payment
 42 or who has failed to comply with subpoenas or a similar order to
 43 appear or show cause relating to paternity or support
 44 proceedings may be suspended. When an obligor is 15 days
 45 delinquent making a payment in support or failure to comply with
 46 a subpoena, order to appear, order to show cause, or similar
 47 order in IV-D cases, the Title IV-D agency may provide notice to
 48 the obligor of the delinquency or failure to comply with a
 49 subpoena, order to appear, order to show cause, or similar order
 50 and the intent to suspend by regular United States mail that is
 51 posted to the obligor's last address of record with the
 52 Department of Highway Safety and Motor Vehicles. When an obligor

53 is 15 days delinquent in making a payment in support in non-IV-D
 54 cases, and upon the request of the obligee, the depository or
 55 the clerk of the court must provide notice to the obligor of the
 56 delinquency and the intent to suspend by regular United States
 57 mail that is posted to the obligor's last address of record with
 58 the Department of Highway Safety and Motor Vehicles. In either
 59 case, the notice must state:

60 (a) The terms of the order creating the support
 61 obligation;

62 (b) The period of the delinquency and the total amount of
 63 the delinquency as of the date of the notice or describe the
 64 subpoena, order to appear, order to show cause, or other similar
 65 order that ~~which~~ has not been complied with;

66 (c) That notification will be given to the Department of
 67 Highway Safety and Motor Vehicles to suspend the obligor's
 68 driver ~~driver's~~ license and motor vehicle registration unless,
 69 within 20 days after the date that the notice is mailed, the
 70 obligor:

71 1.a. Pays the delinquency in full and any other costs and
 72 fees accrued between the date of the notice and the date the
 73 delinquency is paid;

74 b. Enters into a written agreement for payment with the
 75 obligee in non-IV-D cases or with the Title IV-D agency in IV-D
 76 cases; or in IV-D cases, complies with a subpoena or order to
 77 appear, order to show cause, or a similar order; ~~or~~

78 c. Files a petition with the circuit court to contest the

- 79 delinquency action; ~~and~~
- 80 d. Demonstrates that he or she receives reemployment
- 81 assistance or unemployment compensation pursuant to chapter 443;
- 82 e. Demonstrates that he or she is disabled and incapable
- 83 of self-support or that he or she receives benefits under the
- 84 federal Supplemental Security Income or Social Security
- 85 Disability Insurance programs;
- 86 f. Demonstrates that he or she receives temporary cash
- 87 assistance pursuant to chapter 414; or
- 88 g. Demonstrates that he or she is making payments in
- 89 accordance with a confirmed bankruptcy plan under chapter 11,
- 90 chapter 12, or chapter 13 of the United States Bankruptcy Code,
- 91 11 U.S.C. ss. 101 et seq.; and
- 92 2. Pays any applicable delinquency fees.

93

94 If an ~~the~~ obligor in a non-IV-D case ~~cases~~ enters into a written

95 agreement for payment before the expiration of the 20-day

96 period, the obligor must provide a copy of the signed written

97 agreement to the depository or the clerk of the court. If an

98 obligor seeks to satisfy sub-subparagraph 1.d., sub-subparagraph

99 1.e., sub-subparagraph 1.f., or sub-subparagraph 1.g. before

100 expiration of the 20-day period, the obligor must provide the

101 applicable documentation or proof to the depository or the clerk

102 of the court.

103 (2) (a) Upon petition filed by the obligor in the circuit

104 court within 20 days after the mailing date of the notice, the

105 court may, in its discretion, direct the department to issue a
 106 license for driving privilege ~~privileges~~ restricted to business
 107 purposes only, as defined by s. 322.271, if the person is
 108 otherwise qualified for such a license. As a condition for the
 109 court to exercise its discretion under this subsection, the
 110 obligor must agree to a schedule of payment on any child support
 111 arrearages and to maintain current child support obligations. If
 112 the obligor fails to comply with the schedule of payment, the
 113 court shall direct the Department of Highway Safety and Motor
 114 Vehicles to suspend the obligor's driver ~~driver's~~ license.

115 (3) If the obligor does not, within 20 days after the
 116 mailing date on the notice, pay the delinquency; ~~7~~ enter into a
 117 written payment ~~payment~~ agreement; ~~7~~ comply with the subpoena, order to
 118 appear, order to show cause, or other similar order; begin
 119 paying the delinquency by income deduction; ~~7~~ ~~or~~ file a motion to
 120 contest; or satisfy sub-subparagraph (1)(c)1.d., sub-
 121 subparagraph (1)(c)1.e., sub-subparagraph (1)(c)1.f., or sub-
 122 subparagraph (1)(c)1.g., the Title IV-D agency in IV-D cases, or
 123 the depository or clerk of the court in non-IV-D cases, may
 124 ~~shall~~ file the notice with the Department of Highway Safety and
 125 Motor Vehicles and request the suspension of the obligor's
 126 driver ~~driver's~~ license and motor vehicle registration in
 127 accordance with s. 322.058.

128 Section 2. Section 322.055, Florida Statutes, is amended
 129 to read:

130 322.055 Revocation or suspension of, or delay of

131 eligibility for, driver ~~driver's~~ license for persons 18 years of
 132 age or older convicted of certain drug offenses.-

133 (1) Notwithstanding the provisions of s. 322.28, upon the
 134 conviction of a person 18 years of age or older for possession
 135 or sale of, trafficking in, or conspiracy to possess, sell, or
 136 traffic in a controlled substance, the court shall direct the
 137 department to revoke the driver ~~driver's~~ license or driving
 138 privilege of the person. The period of such revocation shall be
 139 1 year ~~2 years~~ or until the person is evaluated for and, if
 140 deemed necessary by the evaluating agency, completes a drug
 141 treatment and rehabilitation program approved or regulated by
 142 the Department of Children and Family Services. However, the
 143 court may, in its sound discretion, direct the department to
 144 issue a license for driving privilege ~~privileges~~ restricted to
 145 business or employment purposes only, as defined by s. 322.271,
 146 if the person is otherwise qualified for such a license. A
 147 driver whose license or driving privilege has been suspended or
 148 revoked under this section or s. 322.056 may, upon the
 149 expiration of 6 months, petition the department for restoration
 150 of the driving privilege on a restricted or unrestricted basis
 151 depending on length of suspension or revocation. In no case
 152 shall a restricted license be available until 6 months of the
 153 suspension or revocation period has expired.

154 (2) If a person 18 years of age or older is convicted for
 155 the possession or sale of, trafficking in, or conspiracy to
 156 possess, sell, or traffic in a controlled substance and such

157 | person is eligible by reason of age for a driver ~~driver's~~
 158 | license or privilege, the court shall direct the department to
 159 | withhold issuance of such person's driver ~~driver's~~ license or
 160 | driving privilege for a period of 1 year ~~2 years~~ after the date
 161 | the person was convicted or until the person is evaluated for
 162 | and, if deemed necessary by the evaluating agency, completes a
 163 | drug treatment and rehabilitation program approved or regulated
 164 | by the Department of Children and Family Services. However, the
 165 | court may, in its sound discretion, direct the department to
 166 | issue a license for driving privilege ~~privileges~~ restricted to
 167 | business or employment purposes only, as defined by s. 322.271,
 168 | if the person is otherwise qualified for such a license. A
 169 | driver whose license or driving privilege has been suspended or
 170 | revoked under this section or s. 322.056 may, upon the
 171 | expiration of 6 months, petition the department for restoration
 172 | of the driving privilege on a restricted or unrestricted basis
 173 | depending on the length of suspension or revocation. In no case
 174 | shall a restricted license be available until 6 months of the
 175 | suspension or revocation period has expired.

176 | (3) If a person 18 years of age or older is convicted for
 177 | the possession or sale of, trafficking in, or conspiracy to
 178 | possess, sell, or traffic in a controlled substance and such
 179 | person's driver ~~driver's~~ license or driving privilege is already
 180 | under suspension or revocation for any reason, the court shall
 181 | direct the department to extend the period of such suspension or
 182 | revocation by an additional period of 1 year ~~2 years~~ or until

183 the person is evaluated for and, if deemed necessary by the
 184 evaluating agency, completes a drug treatment and rehabilitation
 185 program approved or regulated by the Department of Children and
 186 Family Services. However, the court may, in its sound
 187 discretion, direct the department to issue a license for driving
 188 privilege ~~privileges~~ restricted to business or employment
 189 purposes only, as defined by s. 322.271, if the person is
 190 otherwise qualified for such a license. A driver whose license
 191 or driving privilege has been suspended or revoked under this
 192 section or s. 322.056 may, upon the expiration of 6 months,
 193 petition the department for restoration of the driving privilege
 194 on a restricted or unrestricted basis depending on the length of
 195 suspension or revocation. In no case shall a restricted license
 196 be available until 6 months of the suspension or revocation
 197 period has expired.

198 (4) If a person 18 years of age or older is convicted for
 199 the possession or sale of, trafficking in, or conspiracy to
 200 possess, sell, or traffic in a controlled substance and such
 201 person is ineligible by reason of age for a driver ~~driver's~~
 202 license or driving privilege, the court shall direct the
 203 department to withhold issuance of such person's driver ~~driver's~~
 204 license or driving privilege for a period of 1 year ~~2 years~~
 205 after the date that he or she would otherwise have become
 206 eligible or until he or she becomes eligible by reason of age
 207 for a driver ~~driver's~~ license and is evaluated for and, if
 208 deemed necessary by the evaluating agency, completes a drug

209 treatment and rehabilitation program approved or regulated by
 210 the Department of Children and Family Services. However, the
 211 court may, in its sound discretion, direct the department to
 212 issue a license for driving privilege ~~privileges~~ restricted to
 213 business or employment purposes only, as defined by s. 322.271,
 214 if the person is otherwise qualified for such a license. A
 215 driver whose license or driving privilege has been suspended or
 216 revoked under this section or s. 322.056 may, upon the
 217 expiration of 6 months, petition the department for restoration
 218 of the driving privilege on a restricted or unrestricted basis
 219 depending on the length of suspension or revocation. In no case
 220 shall a restricted license be available until 6 months of the
 221 suspension or revocation period has expired.

222 (5) A court that orders the revocation or suspension of,
 223 or delay in eligibility for, a driver license pursuant to this
 224 section shall make a specific, articulated determination as to
 225 whether the issuance of a license for driving privilege
 226 restricted to business purposes only, as defined in s. 322.271,
 227 is appropriate in each case.

228 ~~(6)(5)~~ Each clerk of court shall promptly report to the
 229 department each conviction for the possession or sale of,
 230 trafficking in, or conspiracy to possess, sell, or traffic in a
 231 controlled substance.

232 Section 3. Subsections (1) and (2) of section 322.058,
 233 Florida Statutes, are amended to read:

234 322.058 Suspension of driving privilege ~~privileges~~ due to

235 support delinquency; reinstatement.—

236 (1) When the department receives notice from the Title IV-
 237 D agency or depository or the clerk of the court that any person
 238 licensed to operate a motor vehicle in the State of Florida
 239 under the provisions of this chapter has a delinquent support
 240 obligation or has failed to comply with a subpoena, order to
 241 appear, order to show cause, or similar order, the department
 242 shall suspend the driver ~~driver's~~ license of the person named in
 243 the notice and the registration of all motor vehicles owned by
 244 that person.

245 (2) The department must reinstate the driving privilege
 246 and allow registration of a motor vehicle when the Title IV-D
 247 agency in IV-D cases or the depository or the clerk of the court
 248 in non-IV-D cases provides to the department an affidavit
 249 stating that:

250 (a) The person has paid the delinquency;

251 (b) The person has reached a written agreement for payment
 252 with the Title IV-D agency or the obligee in non-IV-D cases;

253 (c) A court has entered an order granting relief to the
 254 obligor ordering the reinstatement of the license and motor
 255 vehicle registration; ~~or~~

256 (d) The person has complied with the subpoena, order to
 257 appear, order to show cause, or similar order;

258 (e) The person receives reemployment assistance or
 259 unemployment compensation pursuant to chapter 443;

260 (f) The person is disabled and incapable of self-support

261 or receives benefits under the federal Supplemental Security
 262 Income or Social Security Disability Insurance programs;

263 (g) The person receives temporary cash assistance pursuant
 264 to chapter 414; or

265 (h) The person is making payments in accordance with a
 266 confirmed bankruptcy plan under chapter 11, chapter 12, or
 267 chapter 13 of the United States Bankruptcy Code, 11 U.S.C. ss.
 268 101 et seq.

269 Section 4. Paragraph (a) of subsection (1) of section
 270 562.11, Florida Statutes, is amended to read:

271 562.11 Selling, giving, or serving alcoholic beverages to
 272 person under age 21; providing a proper name; misrepresenting or
 273 misstating age or age of another to induce licensee to serve
 274 alcoholic beverages to person under 21; penalties.-

275 (1)(a)1. A ~~It is unlawful for any person may not to~~ sell,
 276 give, serve, or permit to be served alcoholic beverages to a
 277 person under 21 years of age or ~~to~~ permit a person under 21
 278 years of age to consume such beverages on the licensed premises.
 279 A person who violates this subparagraph commits a misdemeanor of
 280 the second degree, punishable as provided in s. 775.082 or s.
 281 775.083. A person who violates this subparagraph a second or
 282 subsequent time within 1 year after a prior conviction commits a
 283 misdemeanor of the first degree, punishable as provided in s.
 284 775.082 or s. 775.083.

285 2. In addition to any other penalty imposed for a
 286 violation of subparagraph 1., the court may order the Department

287 of Highway Safety and Motor Vehicles to withhold the issuance
 288 of, or suspend or revoke, the driver ~~driver's~~ license or driving
 289 privilege, as provided in s. 322.057, of any person who violates
 290 subparagraph 1. This subparagraph does not apply to a licensee,
 291 as defined in s. 561.01, who violates subparagraph 1. while
 292 acting within the scope of his or her license or an employee or
 293 agent of a licensee, as defined in s. 561.01, who violates
 294 subparagraph 1. while engaged within the scope of his or her
 295 employment or agency.

296 3. A court that withholds the issuance of, or suspends or
 297 revokes, the driver license or driving privilege of a person
 298 pursuant to subparagraph 2., may direct the Department of
 299 Highway Safety and Motor Vehicles to issue the person a license
 300 for driving privilege restricted to business purposes only, as
 301 defined in s. 322.271, if he or she is otherwise qualified.

302 Section 5. Subsection (1) of section 812.0155, Florida
 303 Statutes, is amended, and subsection (5) is added to that
 304 section, to read:

305 812.0155 Suspension of driver ~~driver's~~ license following
 306 an adjudication of guilt for theft.—

307 (1) Except as provided in subsections (2) and (3), the
 308 court may order the suspension of the driver ~~driver's~~ license of
 309 each person adjudicated guilty of any misdemeanor violation of
 310 s. 812.014 or s. 812.015, regardless of the value of the
 311 property stolen. ~~The court shall order the suspension of the~~
 312 ~~driver's license of each person adjudicated guilty of any~~

313 ~~misdemeanor violation of s. 812.014 or s. 812.015 who has~~
 314 ~~previously been convicted of such an offense.~~ Upon ordering the
 315 suspension of the driver ~~driver's~~ license of the person
 316 adjudicated guilty, the court shall forward the driver ~~driver's~~
 317 license of the person adjudicated guilty to the Department of
 318 Highway Safety and Motor Vehicles in accordance with s. 322.25.

319 (a) The first suspension of a driver ~~driver's~~ license
 320 under this subsection shall be for a period of up to 6 months.

321 (b) A second or subsequent suspension of a driver ~~driver's~~
 322 license under this subsection shall be for 1 year.

323 (5) A court that suspends the driver license of a person
 324 pursuant to subsection (1) may direct the Department of Highway
 325 Safety and Motor Vehicles to issue the person a license for
 326 driving privilege restricted to business purposes only, as
 327 defined in s. 322.271, if he or she is otherwise qualified.

328 Section 6. Section 832.09, Florida Statutes, is amended to
 329 read:

330 832.09 Suspension of driver license after warrant or
 331 capias is issued in worthless check case.-

332 (1) The court may order the suspension or revocation of
 333 the driver license of a Any person who is being prosecuted for
 334 passing a worthless check in violation of s. 832.05, who fails
 335 to appear before the court and against whom a warrant or capias
 336 for failure to appear is issued by the court if the person has
 337 previously been adjudicated guilty of a violation of s. 832.05
 338 ~~shall have his or her driver's license suspended or revoked~~

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2014



339 ~~pursuant to s. 322.251.~~

340 (2) Within 5 working days after the court orders the
 341 suspension of a driver license pursuant to subsection (1)
 342 ~~issuance of a warrant or capias for failure to appear~~, the clerk
 343 of the court in the county where the warrant or capias is issued
 344 shall notify the Department of Highway Safety and Motor Vehicles
 345 by the most efficient method available of the action of the
 346 court.

347 Section 7. This act shall take effect July 1, 2014.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB THSS 14-05 Transportation Facility Designations
SPONSOR(S): Transportation & Highway Safety Subcommittee
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Highway Safety Subcommittee		Johnson 	Miller 

SUMMARY ANALYSIS

State law provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not officially change the current names of the facilities, nor does the law require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The bill makes the following designations and directs the Department of Transportation (DOT) to erect suitable markers:

- Miami-Dade County-Reverend John A. Ferguson Street, Sergeant Carl Mertes Street, Detective Sergeant Steven E. Bauer Street, Sergeant Lynette Hodge Street, Full Gospel Assembly Street, Ebenezer Christian Academy Street, Bishop Abe Randall Boulevard, Jacob Fleishman Street, Bishop Isaiah S. Williams, Jr., Street, Reverend Winer Maxi Street, Belen Presidents Way, Arthur & Polly Mays Memorial Highway, Lourdes Guzman-DeJesus Street, Wellness Way, Betty Pino Way, Sabre Way, Pastor Jocelyne Bouchette Street and Gerbuns Agustin Avenue.
- Volusia County-David G. Ledgerwood Memorial Highway and Fred Karl Memorial Highway.
- Bay County-Lieutenant Colonel Carl John Luksic Memorial Highway.
- Hillsborough County-C. Blythe Andrews Road, Roland Manteiga Road, and RADM LeRoy Collins, Jr., Veterans Expressway.
- Broward County-The Honorable Dale G. Bennett Boat Ramp.
- Gadsden County-James Harold Thompson Highway and Julia Munroe Woodward Highway.
- Jefferson County-Trooper James Herbert Fulford, Jr., Memorial Highway.
- Taylor County-SP4 Billy Jacob Hartsfield Bridge.
- Walton County-Dr. Martin Luther King, Jr., Avenue.
- St. Johns County-Ponce de Leon Bridge.
- Okaloosa County-Walter Francis Spence Parkway.
- Lake County-Specialist Alexander Miller Memorial Highway, Sergeant Jess Thomas Memorial Highway, Staff Sergeant Michael A. Bock Memorial Highway, and Specialist Ronald Gaffney Memorial Highway.
- Miami-Dade and Monroe Counties-Purple Heart Trail.
- Lee County-Henry Ford Bridge.
- Orange County-Bessie Coleman Street, Robert Pittman, Jr., Road, and Historic Pine Castle Station.
- Monroe County-Indian Key Irving R. Eyster Bridge.
- Gulf County-Gulf County Veterans Memorial Highway.
- Brevard County-Dr. Martin Luther King, Jr., Memorial Highway.

The bill also authorizes a private entity to erect a memorial near the Sunshine Skyway Bridge for those who died when a ship collided with the bridge in 1980.

The bill has an estimated negative fiscal impact of approximately \$43,000; which is the cost to DOT to erect the markers specified in the bill.

The bill has an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Section 334.071, F.S., provides for legislative designations of transportation facilities for honorary or memorial purposes, or to distinguish a particular facility. The legislative designations do not officially change the current names of the facilities, nor does the statute require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings.

The statute requires DOT to place a marker at each termini or intersection of an identified road or bridge, and to erect other markers it deems appropriate for the transportation facility. The statute also provides that a city or county must pass a resolution in support of a particular designation before road markers are erected. Additionally, if the designated road segment extends through multiple cities or counties, a resolution must be passed by each affected local government.

Reverend John A. Ferguson was the founder and long-time pastor of Second Baptist Church in Miami-Dade County. He passed away on July 26, 2012.

Lieutenant Colonel Carl John Luksic, USAF, served in World War II, the Korean War, and the Vietnam War. He was a Prisoner of War during World War II. He passed away on May 24, 2009.

C. Blythe Andrews was a newspaperman, businessman, fraternal leader, and civic leader in the Tampa community. He passed away on April 2, 1977.

Roland Manteiga was in charge of the La Gaceta newspaper from 1961 until 1998. He was also active in the Tampa community. He passed away on September 25, 1998.

Sergeant Carl Mertes was a North Miami police officer killed in the line of duty on November 6, 1980.

Detective Sergeant Steven E. Bauer was a North Miami police officer killed while working off duty on January 3, 1992.

Sergeant Lynette Hodge was a North Miami police officer killed in a vehicle accident on November 16, 1993.

Full Gospel Assembly is a church founded in Miami on February 6, 1983.

Ebenezer Christian Academy is a Christian school in Miami founded in 1992.

Bishop Abe Randall is pastor of St. Matthews Free Will Baptist Church in Miami, where he has served for 44 years.

Jacob Fleishman founded Jacob Fleishman Cold Storage in Miami, a fourth-generation family business.

Bishop Isaiah S. Williams, Jr., was the founder and senior pastor of Jesus People Ministries Church International, Inc., in Miami. He passed away on July 2, 2009.

The Honorable Dale G. Bennett was the mayor of Hialeah and an Everglades conservationist. He passed away in 1997.

Reverend Wilner Maxi is pastor of Emmanuel Haitian Baptist Church in Miami-Dade County.

James Harold Thompson was a member of the Florida House of Representatives from Gadsden County and served as Speaker from 1985 to 1986.

Trooper James Herbert Fulford, Jr., was a Florida Highway Patrol trooper killed in the line of duty on February 1, 1992.

SP4 Billy Jacob Hartsfield died in a plane crash in South Vietnam on February 12, 1970.

Belen Presidents Way honors the eight presidents who have served as president of Belen Jesuit Preparatory School.

Dr. Martin Luther King, Jr., was a civil rights leader. He was killed on April 4, 1968.

Juan Ponce de Leon was a Spanish explorer instrumental in the discovery of Florida by Europeans in 1513.

RADM LeRoy Collins, Jr., was a Rear Admiral in the Navy Reserve, a prominent businessman and civic leader, and the former Executive Director of the Florida Department of Veterans Affairs. He passed away on July 29, 2010.

Arthur & Polly Mays founded a school in Miami-Dade County. The Arthur & Polly Mays Conservancy of the Arts is named after them.

Lourdes Guzman-DeJesus was fatally shot and killed on her school bus in Miami Dade County on November 20, 2012.

Fred Karl served in the Florida House of Representatives, Florida Senate and as a justice of the Florida Supreme Court. He also served as the Hillsborough County Attorney and County Manager. He passed away on March 7, 2013.

Julia Munroe Woodward was a life-long resident of Quincy, who contributed her time, talent, and resources for the betterment of her community. She passed away on December 9, 2012.

Walter Francis Spence served as President of the Niceville/Valparaiso Chamber of Commerce, a member of the Mid-Bay Bridge Authority and currently serves as a member of the Okaloosa-Walton Metropolitan Planning Organization and the Okaloosa County's Defense Support Initiative Group.

Specialist Alexander Miller died in Afghanistan on July 31, 2009. He is buried in Arlington National Cemetery.

The proposed designation for Wellness Way is for a street that serves several groups of healthcare facilities.

Sergeant Jess Thomas was killed in Vietnam on February 9, 1968.

Staff Sergeant Michael A. Bock died in Afghanistan in August 2010.

Specialist Ronald Gaffney was killed in Vietnam on February 19, 1965.

Purple Heart Trail honors those who have received purple hearts.

Betty Pino was a well-known personality on Univision Radio who recently passed away.

Sabre Way is in honor of St. Brendan High School whose mascot is the Sabres.

Henry Ford was an American industrialist and the founder of the Ford Motor Company.

Bessie Coleman was the first African American woman with a pilot's license. She died in Jacksonville on April 30, 1926.

Robert Pittman, Jr., was active in Florida's citrus industry. He is a member of the Florida Citrus Hall of Fame.

Pine Castle is a development in Orange County that was originally settled in 1870.

Pastor Jocelyne Bouchette is the pastor of Jeune Jesus Miracle in Miami-Dade County.

Gerbuns Augustin resided in Miami-Dade County and suffered from sickle cell anemia. He passed away on September 26, 2010.

Irving R. Eyster was a resident of Islamorada, widely known for his work to preserve Indian Key and Florida Keys artifacts and shared his knowledge and passion for Florida Keys history.

Gulf County Veterans Memorial Highway honors the military veterans of Gulf County.

Proposed Changes

The bill makes the following honorary designations:

- That portion of S.R. 992/S.W. 152nd Street/Coral Reef between SR 821/Homestead Extension of the Florida Turnpike and S.W. 99th Court in Miami-Dade County as "Reverend John A. Ferguson Street."
- That portion of U.S. 98/S.R. 30A/Tyndall Parkway between County Road 2327/Transmitter Road and S.R. 22 in Bay County as "Lieutenant Colonel Carl John Luksic, USAF, Memorial Highway."
- That portion of 21st Avenue between 26th Street and S.R. 585/22nd Street in Hillsborough County as "C. Blythe Andrews Road."
- That portion of Palm Avenue between N. 15th Street and S.R. 45/N. Nebraska Avenue in Hillsborough County as "Roland Manteiga Road."
- That portion of S.R. 922/N.E. 125th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County as "Sergeant Carl Mertes Street."
- That portion of N.E. 126th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County as "Detective Sergeant Steven E. Bauer Street."
- That portion of N.E. 127th Street between N.E. 8th Avenue and N.E. 9th Avenue in Miami Dade County as "Sergeant Lynette Hodge Street."
- That portion of N.W. 40th Street between N.W. 2nd Avenue and N.W. 5th Avenue in Miami-Dade County as "Full Gospel Assembly Street."
- That portion of N.W. 39th Street between N.W. 2nd Avenue and N.W. 3rd Avenue in Miami-Dade County as "Ebenezer Christian Academy Street."
- That portion of N.W. 67th Street between N.W. 2nd Avenue and N.W. 4th Avenue in Miami-Dade County as "Bishop Abe Randall Boulevard."
- That portion of S.R. 934/N.W. 81st Street between U.S. 441/S.R. 7/N.W. 7th Avenue and N.W. 12th Avenue in Miami-Dade County as "Jacob Fleishman Street."
- That portion of S.R. 860/Miami Gardens Drive/N.W. 183rd Street between S.R. 817/N.W. 27th Avenue and N.W. 42nd Avenue in Miami-Dade County as "Bishop Isaiah S. Williams, Jr. Street."
- Boat ramp number 8 located at mile marker 40.7 on Interstate 75/State Road 93/Alligator Alley in Broward County as "The Honorable Dale G. Bennett Boat Ramp."
- That portion of N.E. 73rd Street between N.E. 2nd Avenue and N.E. 3rd Court in Miami-Dade County as "Reverend Winer Maxi Street."

- That portion of U.S. 90/State Road 10 between Gretna and Chattahoochee in Gadsden County as “James Harold Thompson Highway.”
- That portion of I-10/S.R. 8 from mile post 232 to mile post 233 in Jefferson County as “Trooper James Herbert Fulford, Jr., Memorial Highway.”
- Bridge number No. 380047 on U.S. 98/S.R. 30 over the Aucilla River in Taylor County as “SP4 Billy Jacob Hartsfield Bridge.”
- That portion of U.S. 41/S.R. 90/Tamiami Trail/S.W. 8th Street from S.W. 127th Avenue to S.W. 132nd Avenue in Miami-Dade County as “Belen Presidents Way.”
- That portion of U.S. 90/S.R. 10 between N. 5th Street and N. Norwood Road in Walton County as “Dr. Martin Luther King, Jr., Avenue.”
- Bridge No. 780075 on U.S.1/S.R. 5/Ponce de Leon Boulevard over the San Sebastian River in St. Johns County as “Ponce de Leon Bridge.”
- That portion of S.R. 589 and S.R. 568/Veterans Expressway between S.R. 60/Courtney Campbell Causeway and S.R. 597/Dale Mabry Highway as “RADM LeRoy Collins, Jr., Veterans Expressway.”
- That portion of U.S. 1/S.R. 5/South Dixie Highway between S.W. 220th Street and S.W. 216th Street in Miami-Dade County as “Arthur & Polly Mays Memorial Highway.”
- That portion of U.S. 1/S.R. 5/South Dixie Highway between S.W. 296th Street and S.W. 288th Street in Miami-Dade County as “Lourdes Guzman-DeJesus Street.”
- That portion of S.R. 40 between the City of Ormond Beach and the Lake County Line in Volusia County as “Fred Karl Memorial Highway.”
- Upon completion of construction, S.R. 269 between U.S. 90/S.R. 10 and S. R. 12 in Gadsden County as “Julia Munroe Woodward Highway.”
- That portion of S.R. 293/Mid-Bay Bridge Extension between the Mid-Bay Bridge Toll Plaza and State Road 85 in Okaloosa County as “Walter Francis Spence Parkway.”
- That portion of S.R. 50 from U.S. 27 to Hancock Road in Lake County as “Specialist Alexander Miller Memorial Highway.”
- That portion of N.W. 77th Avenue between Miami Lakes Drive/N.W. 154th Street and N.W. 146th Street in Miami-Dade County as “Wellness Way.”
- That portion of S.R. 50 between the Sumter County Line and Lee Road in Lake County as “Sergeant Jess Thomas Memorial Highway.”
- That portion of S.R. 44 between S.R. 44/County Road 44/Main Street and U.S. 27/S.R. 25/14th Street in Lake County as Staff Sergeant Michael A. Bock Memorial Highway.
- That portion of S.R. 50 between S.R. 33 and County Road 565A in Lake County as “Specialist Ronald A. Gaffney Memorial Highway.”
- That portion of U.S. 1 between Florida City in Miami-Dade County and Key Largo in Monroe County as “Purple Heart Trail.”
- That portion of U.S. 41/S.R. 90/Tamiami Trail/S.W. 8th Street between S.W. 37th Avenue and Ponce de Leon Boulevard in Miami-Dade County as “Betty Pino Way.”
- That portion of S.W. 87th Avenue between Coral Way and S.W. 32nd Street in Miami-Dade County as “Sabre Way.”
- Bridge No. 120002 over the Caloosahatchee River on U.S. 41/S.R. 45/Cleveland Avenue in Lee County is designated as “Henry Ford Bridge.”
- That portion of Washington Street between S.R. 423/North John Young Parkway and S.R. 526/North Crystal Lake Drive in Orange County as “Bessie Coleman Street.”
- That portion of S.R. 436 between Sheeler Avenue and the Seminole County Line in Orange County as “Robert Pittman, Jr., Road.”
- The Southbound SunRail Stop near Sand Lake Road in Orange County as “Historic Pine Castle Station.”¹
- That portion of N.W. 112th Street between N.W. 6th Avenue and N.W. 8th Avenue in Miami-Dade County as “Pastor Jocelyne Bouchette Street.”

¹ The State Department of Transportation will operate SunRail for the first seven years of operation, after which the local governments will take over operations.

- That portion of N.E. 8th Avenue between 135th Street and 131st Street in Miami-Dade County as “Gerbuns Augustin Avenue.”
- Bridge No. 900095 on U.S.1/S.R. 5 in Monroe County as “Indian Key Irving R. Eyster Bridge.”
- That portion of SR. 71 between the northern boundary of 1000 Cecil G. Costin, Sr., Boulevard, at the Gulf County Courthouse, and the Calhoun County Line in Gulf County as “Gulf County Veterans Memorial Highway.”
- That portion of S.R. 50/Fiske Boulevard located within the corporate limits of the City of Cocoa in Brevard County as “Dr. Martin Luther King, Jr., Memorial Highway.”

The bill directs DOT to erect suitable markers designating each of the above designations.

The bill also allows DOT to permit the erection by a private entity of a suitable marker in the wayside park on the north end of the Sunshine Skyway Bridge in memory of those who died on May 9, 1980, when the MV Summit Venture collided with the bridge. The type of marker and its location is subject to DOT approval. The private entity is responsible for all costs of the marker and its installation. The private entity is also to provide an annual renewable bond, an irrevocable letter of credit, or another form of security as approved by DOT’s comptroller, for the purpose of securing the cost of removal of the monument and any modifications made to the site as part of the placement of the monument should DOT determine it is necessary to remove or relocate the monument.

The bill has an effective date of July 1, 2014.

B. SECTION DIRECTORY:

- Section 1 Designates Reverend John A. Ferguson Street; directs DOT to erect suitable markers.
- Section 2 Designates Lieutenant Colonel Carl John Luksic, USAF, Memorial Highway; directs DOT to erect suitable markers.
- Section 3 Designates C. Blythe Andrews Road; directs DOT to erect suitable markers.
- Section 4 Designates Roland Manteiga Road; directs DOT to erect suitable markers.
- Section 5 Designates Sergeant Carl Mertes Street; directs DOT to erect suitable markers.
- Section 6 Designates Detective Sergeant Steven E. Bauer Street; directs DOT to erect suitable markers.
- Section 7 Designates Sergeant Lynette Hodge Street; directs DOT to erect suitable markers.
- Section 8 Designates Full Gospel Assembly Street; directs DOT to erect suitable markers.
- Section 9 Designates Ebenezer Christian Academy Street; directs DOT to erect suitable markers.
- Section 10 Designates Bishop Abe Randall Boulevard; directs DOT to erect suitable markers.
- Section 11 Designates Jacob Fleishman Street; directs DOT to erect suitable markers.
- Section 12 Designates Isaiah S. Williams, Jr., Street; directs DOT to erect suitable markers.
- Section 13 Designates the Honorable Dale G. Bennett boat ramp; directs DOT to erect suitable markers.
- Section 14 Designates Reverend Winer Maxi Street; directs DOT to erect suitable markers.

- Section 15 Designates James Harold Thompson Highway; directs DOT to erect suitable markers.
- Section 16 Designates Trooper James Herbert Fulford, Jr., Memorial Highway; directs DOT to erect suitable markers.
- Section 17 Designates SP4 Billy Jacobs Hartsfield Bridge; directs DOT to erect suitable markers.
- Section 18 Designates Belen President's Way; directs DOT to erect suitable markers.
- Section 19 Designates Dr. Martin Luther King, Jr., Avenue; directs DOT to erect suitable markers.
- Section 20 Designates Ponce de Leon Bridge; directs DOT to erect suitable markers.
- Section 21 Designates RADM LeRoy Collins, Jr., Veterans Expressway; directs DOT to erect suitable markers.
- Section 22 Designates Arthur & Polly Mays Memorial Highway; directs DOT to erect suitable markers.
- Section 23 Designates Lourdes Guzman De-Jesus Street; directs DOT to erect suitable markers.
- Section 24 Designates Fred Karl Memorial Highway; directs DOT to erect suitable markers.
- Section 25 Designates Julia Munroe Woodward Highway; directs DOT to erect suitable markers.
- Section 26 Designates Walter Francis Spence Parkway; directs DOT to erect suitable markers.
- Section 27 Designates Specialist Alexander Miller Memorial Highway; directs DOT to erect suitable markers.
- Section 28 Designates Wellness Way; directs DOT to erect suitable markers.
- Section 29 Designates Sergeant Jess Thomas Memorial Highway; directs DOT to erect suitable markers.
- Section 30 Designates Staff Sergeant Michael A. Bock Memorial Highway, directs DOT to erect suitable markers.
- Section 31 Designates Ronald A. Gaffney Memorial Highway; directs DOT to erect suitable markers.
- Section 32 Designates Purple Heart Trail; directs DOT to erect suitable markers.
- Section 33 Designates Betty Pino Way, directs DOT to erect suitable markers.
- Section 34 Designates Sabre Way; directs DOT to erect suitable markers.
- Section 35 Designates Henry Ford Bridge; directs DOT to erect suitable markers.
- Section 36 Designates Bessie Coleman Street; directs DOT to erect suitable markers.
- Section 37 Designates Robert Pittman, Jr., Road; directs DOT to erect suitable markers.

- Section 38 Designates Historic Pine Castle Station; directs DOT to erect suitable markers.
- Section 39 Designates Pastor Jocelyne Bouchette Street; directs DOT to erect suitable markers.
- Section 40 Designates Gerbuns Augustin Avenue, directs DOT to erect suitable markers.
- Section 41 Designates Indian Key Irving R. Eyster Bridge; directs DOT to erect suitable markers.
- Section 42 Designates Gulf County Veterans Memorial Highway; directs DOT to erect suitable markers.
- Section 43 Designates Dr. Martin Luther King, Jr., Memorial Highway; directs DOT to erect suitable makers.
- Section 44 Authorizes a private entity to erect a memorial marker in the wayside park on the north end of the Sunshine Skyway Bridge.
- Section 45 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DOT will incur costs of approximately \$43,000 (from the State Transportation Trust Fund) for erecting markers for the designations. This is based on the assumption that two markers for each designation will be erected at a cost of \$500 per marker. DOT will also incur the recurring costs of maintaining these signs over time, and for future replacement of the signs as necessary

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Comments

The C. Blythe Andrews Road and Roland Manteiga Road, Detective Sergeant Steven E. Bauer Street, Sergeant Lynette Hodge Street, Full Gospel Assembly Street, Ebenezer Christian Academy Street, Bishop Abe Randall Boulevard, Reverend Wilner Maxi Street, Pastor Jocelyne Bouchette Street, and Gerbuns Augustin Street designations are not on the State Highway System.

Portions of the designation for the Juan Armando Torga, Jr., Intersection is not on the State Highway System.

A Jacob Fleishman Street was previously designated in Miami-Dade County in 2012.² This designation appears to be for the same person.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

² Section 19, ch. 2012-228, L.O.F.
STORAGE NAME: pcb05.THSS.DOCX
DATE: 3/14/2014

1 A bill to be entitled
 2 An act relating to transportation facility
 3 designations; providing honorary designations of
 4 various transportation facilities in specified
 5 counties; directing the Department of Transportation
 6 to erect suitable markers; authorizing the department
 7 to permit the erection of a specified marker under
 8 certain conditions; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

11
 12 Section 1. Reverend John A. Ferguson Street designated;
 13 Department of Transportation to erect suitable markers.-

14 (1) That portion of S.R. 992/S.W. 152nd Street/Coral Reef
 15 Drive between S.R. 821/Homestead Extension of the Florida
 16 Turnpike and S.W. 99th Court in Miami-Dade County is designated
 17 as "Reverend John A. Ferguson Street."

18 (2) The Department of Transportation is directed to erect
 19 suitable markers designating Reverend John A. Ferguson Street as
 20 described in subsection (1).

21 Section 2. Lieutenant Colonel Carl John Luksic, USAF,
 22 Memorial Highway designated; Department of Transportation to
 23 erect suitable markers.-

24 (1) That portion of U.S. 98/S.R. 30A/Tyndall Parkway
 25 between County Road 2327/Transmitter Road and S.R. 22 in Bay
 26 County is designated as "Lieutenant Colonel Carl John Luksic,

27 USAF, Memorial Highway."

28 (2) The Department of Transportation is directed to erect
 29 suitable markers designating Lieutenant Colonel Carl John
 30 Luksic, USAF, Memorial Highway as described in subsection (1).

31 Section 3. C. Blythe Andrews Road designated; Department
 32 of Transportation to erect suitable markers.-

33 (1) That portion of 21st Avenue between 26th Street and
 34 S.R. 585/22nd Street in Hillsborough County is designated as "C.
 35 Blythe Andrews Road."

36 (2) The Department of Transportation is directed to erect
 37 suitable markers designating C. Blythe Andrews Road as described
 38 in subsection (1).

39 Section 4. Roland Manteiga Road designated; Department of
 40 Transportation to erect suitable markers.-

41 (1) That portion of Palm Avenue between N. 15th Street and
 42 S.R. 45/N. Nebraska Avenue in Hillsborough County is designated
 43 as "Roland Manteiga Road."

44 (2) The Department of Transportation is directed to erect
 45 suitable markers designating Roland Manteiga Road as described
 46 in subsection (1).

47 Section 5. Sergeant Carl Mertes Street designated;
 48 Department of Transportation to erect suitable markers.-

49 (1) That portion of S.R. 922/N.E. 125th Street between
 50 N.E. 8th Avenue and N.E. 9th Avenue in Miami-Dade County is
 51 designated as "Sergeant Carl Mertes Street."

52 (2) The Department of Transportation is directed to erect

53 suitable markers designating Sergeant Carl Mertes Street as
 54 described in subsection (1).

55 Section 6. Detective Sergeant Steven E. Bauer Street
 56 designated; Department of Transportation to erect suitable
 57 markers.-

58 (1) That portion of N.E. 126th Street between N.E. 8th
 59 Avenue and N.E. 9th Avenue in Miami-Dade County is designated as
 60 "Detective Sergeant Steven E. Bauer Street."

61 (2) The Department of Transportation is directed to erect
 62 suitable markers designating Detective Sergeant Steven E. Bauer
 63 Street as described in subsection (1).

64 Section 7. Sergeant Lynette Hodge Street designated;
 65 Department of Transportation to erect suitable markers.-

66 (1) That portion of N.E. 127th Street between N.E. 8th
 67 Avenue and N.E. 9th Avenue in Miami-Dade County is designated as
 68 "Sergeant Lynette Hodge Street."

69 (2) The Department of Transportation is directed to erect
 70 suitable markers designating Sergeant Lynette Hodge Street as
 71 described in subsection (1).

72 Section 8. Full Gospel Assembly Street designated;
 73 Department of Transportation to erect suitable markers.-

74 (1) That portion of N.W. 40th Street between N.W. 2nd
 75 Avenue and N.W. 5th Avenue in Miami-Dade County is designated as
 76 "Full Gospel Assembly Street."

77 (2) The Department of Transportation is directed to erect
 78 suitable markers designating Full Gospel Assembly Street as

79 described in subsection (1).

80 Section 9. Ebenezer Christian Academy Street designated;
 81 Department of Transportation to erect suitable markers.-

82 (1) That portion of N.W. 39th Street between N.W. 2nd
 83 Avenue and N.W. 3rd Avenue in Miami-Dade County is designated as
 84 "Ebenezer Christian Academy Street."

85 (2) The Department of Transportation is directed to erect
 86 suitable markers designating Ebenezer Christian Academy Street
 87 as described in subsection (1).

88 Section 10. Bishop Abe Randall Boulevard designated;
 89 Department of Transportation to erect suitable markers.-

90 (1) That portion of N.W. 67th Street between N.W. 2nd
 91 Avenue and N.W. 4th Avenue in Miami-Dade County is designated as
 92 "Bishop Abe Randall Boulevard."

93 (2) The Department of Transportation is directed to erect
 94 suitable markers designating Bishop Abe Randall Boulevard as
 95 described in subsection (1).

96 Section 11. Jacob Fleishman Street designated; Department
 97 of Transportation to erect suitable markers.-

98 (1) That portion of S.R. 934/N.W. 81st Street between U.S.
 99 441/S.R. 7/N.W. 7th Avenue and N.W. 12th Avenue in Miami-Dade
 100 County is designated as "Jacob Fleishman Street."

101 (2) The Department of Transportation is directed to erect
 102 suitable markers designating Jacob Fleishman Street as described
 103 in subsection (1).

104 Section 12. Bishop Isaiah S. Williams, Jr., Street

105 | designated; Department of Transportation to erect suitable
 106 | markers.-

107 | (1) That portion of S.R. 860/Miami Gardens Drive/N.W.
 108 | 183rd Street between S.R. 817/N.W. 27th Avenue and N.W. 42nd
 109 | Avenue in Miami-Dade County is designated as "Bishop Isaiah S.
 110 | Williams, Jr., Street."

111 | (2) The Department of Transportation is directed to erect
 112 | suitable markers designating Bishop Isaiah S. Williams, Jr.,
 113 | Street as described in subsection (1).

114 | Section 13. The Honorable Dale G. Bennett Boat Ramp
 115 | designated; Department of Transportation to erect suitable
 116 | markers.-

117 | (1) Boat ramp number 8 located at mile marker 40.7 on I-
 118 | 75/S.R. 93/Alligator Alley in Broward County is designated as
 119 | "The Honorable Dale G. Bennett Boat Ramp."

120 | (2) The Department of Transportation is directed to erect
 121 | suitable markers designating The Honorable Dale G. Bennett Boat
 122 | Ramp as described in subsection (1).

123 | Section 14. Reverend Wilner Maxi Street designated;
 124 | Department of Transportation to erect suitable markers.-

125 | (1) That portion of N.E. 73rd Street between N.E. 2nd
 126 | Avenue and N.E. 3rd Court in Miami-Dade County is designated as
 127 | "Reverend Wilner Maxi Street."

128 | (2) The Department of Transportation is directed to erect
 129 | suitable markers designating Reverend Wilner Maxi Street as
 130 | described in subsection (1).

131 Section 15. James Harold Thompson Highway designated;
 132 Department of Transportation to erect suitable markers.-

133 (1) That portion of U.S. 90/S.R. 10 between Gretna and
 134 Chattahoochee in Gadsden County is designated as "James Harold
 135 Thompson Highway."

136 (2) The Department of Transportation is directed to erect
 137 suitable markers designating James Harold Thompson Highway as
 138 described in subsection (1).

139 Section 16. Trooper James Herbert Fulford, Jr., Memorial
 140 Highway designated; Department of Transportation to erect
 141 suitable markers.-

142 (1) That portion of I-10/S.R. 8 between mile post 232 and
 143 mile post 233 in Jefferson County is designated as "Trooper
 144 James Herbert Fulford, Jr., Memorial Highway."

145 (2) The Department of Transportation is directed to erect
 146 suitable markers designating Trooper James Herbert Fulford, Jr.,
 147 Memorial Highway as described in subsection (1).

148 Section 17. SP4 Billy Jacob Hartsfield Bridge designated;
 149 Department of Transportation to erect suitable markers.-

150 (1) Bridge number 380047 on U.S. 98/S.R. 30 over the
 151 Aucilla River in Taylor County is designated as "SP4 Billy Jacob
 152 Hartsfield Bridge."

153 (2) The Department of Transportation is directed to erect
 154 suitable markers designating SP4 Billy Jacob Hartsfield Bridge
 155 as described in subsection (1).

156 Section 18. Belen Presidents Way designated; Department of

157 Transportation to erect suitable markers.-

158 (1) That portion of U.S. 41/S.R. 90/Tamiami Trail/S.W. 8th
 159 Street between S.W. 127th Avenue and S.W. 132nd Avenue in Miami-
 160 Dade County is designated as "Belen Presidents Way."

161 (2) The Department of Transportation is directed to erect
 162 suitable markers designating Belen Presidents Way as described
 163 in subsection (1).

164 Section 19. Dr. Martin Luther King, Jr., Avenue
 165 designated; Department of Transportation to erect suitable
 166 markers.-

167 (1) That portion of U.S. 90/S.R. 10 between N. 5th Street
 168 and N. Norwood Road in Walton County is designated as "Dr.
 169 Martin Luther King, Jr., Avenue."

170 (2) The Department of Transportation is directed to erect
 171 suitable markers designating Dr. Martin Luther King, Jr., Avenue
 172 as described in subsection (1).

173 Section 20. Ponce de Leon Bridge designated; Department of
 174 Transportation to erect suitable markers.-

175 (1) Bridge number 780075 on U.S. 1/S.R. 5/Ponce de Leon
 176 Boulevard over the San Sebastian River in St. Johns County is
 177 designated as "Ponce de Leon Bridge."

178 (2) The Department of Transportation is directed to erect
 179 suitable markers designating Ponce de Leon Bridge as described
 180 in subsection (1).

181 Section 21. RADM LeRoy Collins, Jr., Veterans Expressway
 182 designated; Department of Transportation to erect suitable
 183 markers.-

184 (1) That portion of S.R. 589 and S.R. 568/Veterans
 185 Expressway between S.R. 60/Courtney Campbell Causeway and S.R.
 186 597/Dale Mabry Highway in Hillsborough County is designated as
 187 "RADM LeRoy Collins, Jr., Veterans Expressway."

188 (2) The Department of Transportation is directed to erect
 189 suitable markers designating RADM LeRoy Collins, Jr., Veterans
 190 Expressway as described in subsection (1).

191 Section 22. Arthur & Polly Mays Memorial Highway
 192 designated; Department of Transportation to erect suitable
 193 markers.-

194 (1) That portion of U.S. 1/S.R. 5/S. Dixie Highway between
 195 S.W. 220th Street and S.W. 216th Street in Miami-Dade County is
 196 designated as "Arthur & Polly Mays Memorial Highway."

197 (2) The Department of Transportation is directed to erect
 198 suitable markers designating Arthur & Polly Mays Memorial
 199 Highway as described in subsection (1).

200 Section 23. Lourdes Guzman-DeJesus Street designated;
 201 Department of Transportation to erect suitable markers.-

202 (1) That portion of U.S. 1/S.R. 5/S. Dixie Highway between
 203 S.W. 296th Street and S.W. 288th Street in Miami-Dade County is
 204 designated as "Lourdes Guzman-DeJesus Street."

205 (2) The Department of Transportation is directed to erect
 206 suitable markers designating Lourdes Guzman-DeJesus Street as

207 described in subsection (1).

208 Section 24. Fred Karl Memorial Highway designated;
 209 Department of Transportation to erect suitable markers.-

210 (1) That portion of S.R. 40 between the City of Ormond
 211 Beach and the Lake County line in Volusia County is designated
 212 as "Fred Karl Memorial Highway."

213 (2) The Department of Transportation is directed to erect
 214 suitable markers designating Fred Karl Memorial Highway as
 215 described in subsection (1).

216 Section 25. Julia Munroe Woodward Highway designated;
 217 Department of Transportation to erect suitable markers.-

218 (1) Upon completion of construction, that portion of S.R.
 219 269 between U.S. 90/S.R. 10 and S.R. 12 in Gadsden County is
 220 designated as "Julia Munroe Woodward Highway."

221 (2) The Department of Transportation is directed to erect
 222 suitable markers designating Julia Munroe Woodward Highway as
 223 described in subsection (1).

224 Section 26. Walter Francis Spence Parkway designated;
 225 Department of Transportation to erect suitable markers.-

226 (1) That portion of S.R. 293/Mid-Bay Bridge Extension
 227 between the Mid-Bay Bridge Toll Plaza and S.R. 85 in Okaloosa
 228 County is designated as "Walter Francis Spence Parkway."

229 (2) The Department of Transportation is directed to erect
 230 suitable markers designating Walter Francis Spence Parkway as
 231 described in subsection (1).

232 Section 27. Specialist Alexander Miller Memorial Highway

233 designated; Department of Transportation to erect suitable
 234 markers.-

235 (1) That portion of S.R. 50 between U.S. 27 and Hancock
 236 Road in Lake County is designated as "Specialist Alexander
 237 Miller Memorial Highway."

238 (2) The Department of Transportation is directed to erect
 239 suitable markers designating Specialist Alexander Miller
 240 Memorial Highway as described in subsection (1).

241 Section 28. Wellness Way designated; Department of
 242 Transportation to erect suitable markers.-

243 (1) That portion of N.W. 77th Avenue between Miami Lakes
 244 Drive/N.W. 154th Street and N.W. 146th Street in Miami-Dade
 245 County is designated as "Wellness Way."

246 (2) The Department of Transportation is directed to erect
 247 suitable markers designating Wellness Way as described in
 248 subsection (1).

249 Section 29. Sergeant Jess Thomas Memorial Highway
 250 designated; Department of Transportation to erect suitable
 251 markers.-

252 (1) That portion of S.R. 50 between the Sumter County line
 253 and Lee Road in Lake County is designated as "Sergeant Jess
 254 Thomas Memorial Highway."

255 (2) The Department of Transportation is directed to erect
 256 suitable markers designating Sergeant Jess Thomas Memorial
 257 Highway as described in subsection (1).

258 Section 30. Staff Sergeant Michael A. Bock Memorial

259 Highway designated; Department of Transportation to erect
 260 suitable markers.-

261 (1) That portion of S.R. 44 between S.R. 44/County Road
 262 44/Main Street and U.S. 27/S.R. 25/14th Street in Lake County is
 263 designated as "Staff Sergeant Michael A. Bock Memorial Highway."

264 (2) The Department of Transportation is directed to erect
 265 suitable markers designating Staff Sergeant Michael A. Bock
 266 Memorial Highway as described in subsection (1).

267 Section 31. Specialist Ronald Gaffney Memorial Highway
 268 designated; Department of Transportation to erect suitable
 269 markers.-

270 (1) That portion of S.R. 50 between S.R. 33 and County
 271 Road 565A in Lake County is designated as "Specialist Ronald
 272 Gaffney Memorial Highway."

273 (2) The Department of Transportation is directed to erect
 274 suitable markers designating Specialist Ronald Gaffney Memorial
 275 Highway as described in subsection (1).

276 Section 32. Purple Heart Trail designated; Department of
 277 Transportation to erect suitable markers.-

278 (1) That portion of U.S. 1 between Florida City in Miami-
 279 Dade County and Key Largo in Monroe County is designated as
 280 "Purple Heart Trail."

281 (2) The Department of Transportation is directed to erect
 282 suitable markers designating Purple Heart Trail as described in
 283 subsection (1).

284 Section 33. Betty Pino Way designated; Department of

285 Transportation to erect suitable markers.-

286 (1) That portion of U.S. 41/S.R. 90/Tamiami Trail/S.W. 8th
 287 Street between S.W. 37th Avenue and Ponce de Leon Boulevard in
 288 Miami-Dade County is designated as "Betty Pino Way."

289 (2) The Department of Transportation is directed to erect
 290 suitable markers designating Betty Pino Way as described in
 291 subsection (1).

292 Section 34. Sabre Way designated; Department of
 293 Transportation to erect suitable markers.-

294 (1) That portion of S.W. 87th Avenue between Coral Way and
 295 S.W. 32nd Street in Miami-Dade County is designated as "Sabre
 296 Way."

297 (2) The Department of Transportation is directed to erect
 298 suitable markers designating Sabre Way as described in
 299 subsection (1).

300 Section 35. Henry Ford Bridge designated; Department of
 301 Transportation to erect suitable markers.-

302 (1) Bridge number 120002 over the Caloosahatchee River on
 303 U.S. 41/S.R. 45/Cleveland Avenue in Lee County is designated as
 304 "Henry Ford Bridge."

305 (2) The Department of Transportation is directed to erect
 306 suitable markers designating Henry Ford Bridge as described in
 307 subsection (1).

308 Section 36. Bessie Coleman Street designated; Department
 309 of Transportation to erect suitable markers.-

310 (1) That portion of Washington Street between S.R.

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311 423/North John Young Parkway and S.R. 526/North Crystal Lake
 312 Drive in Orange County is designated as "Bessie Coleman Street."

313 (2) The Department of Transportation is directed to erect
 314 suitable markers designating Bessie Coleman Street as described
 315 in subsection (1).

316 Section 37. Robert Pittman, Jr., Road designated;
 317 Department of Transportation to erect suitable markers.-

318 (1) That portion of S.R. 436 between Sheeler Avenue and
 319 the Seminole County line in Orange County is designated as
 320 "Robert Pittman, Jr., Road."

321 (2) The Department of Transportation is directed to erect
 322 suitable markers designating Robert Pittman, Jr., Road as
 323 described in subsection (1).

324 Section 38. Historic Pine Castle Station designated;
 325 Department of Transportation to erect suitable markers.-

326 (1) The southbound SunRail stop near Sand Lake Road in
 327 Orange County is designated as "Historic Pine Castle Station."

328 (2) The Department of Transportation is directed to erect
 329 suitable markers designating Historic Pine Castle Station as
 330 described in subsection (1).

331 Section 39. Pastor Jocelyne Bouchette Street designated;
 332 Department of Transportation to erect suitable markers.-

333 (1) That portion of N.W. 112th Street between N.W. 6th
 334 Avenue and N.W. 8th Avenue in Miami-Dade County is designated as
 335 "Pastor Jocelyne Bouchette Street."

336 (2) The Department of Transportation is directed to erect

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337 suitable markers designating Pastor Jocelyne Bouchette Street as
338 described in subsection (1).

339 Section 40. Gerbuns Augustin Avenue designated; Department
340 of Transportation to erect suitable markers.-

341 (1) That portion of N.E. 8th Avenue between 135th Street
342 and 131st Street in Miami-Dade County is designated as "Gerbuns
343 Augustin Avenue."

344 (2) The Department of Transportation is directed to erect
345 suitable markers designating Gerbuns Augustin Avenue as
346 described in subsection (1).

347 Section 41. Indian Key Irving R. Eyster Bridge designated;
348 Department of Transportation to erect suitable markers.-

349 (1) Bridge number 900095 on U.S. 1/S.R. 5 in Monroe County
350 is designated as "Indian Key Irving R. Eyster Bridge."

351 (2) The Department of Transportation is directed to erect
352 suitable markers designating Indian Key Irving R. Eyster Bridge
353 as described in subsection (1).

354 Section 42. Gulf County Veterans Memorial Highway
355 designated; Department of Transportation to erect suitable
356 markers.-

357 (1) That portion of S.R. 71 between the northern boundary
358 of 1000 Cecil G. Costin, Sr., Boulevard, at the Gulf County
359 Courthouse, and the Calhoun County line in Gulf County is
360 designated as "Gulf County Veterans Memorial Highway."

361 (2) The Department of Transportation is directed to erect
362 suitable markers designating Gulf County Veterans Memorial

363 Highway as described in subsection (1).

364 Section 43. Dr. Martin Luther King, Jr., Memorial Highway
 365 designated; Department of Transportation to erect suitable
 366 markers.-

367 (1) That portion of S.R. 50/Fiske Boulevard located within
 368 the corporate limits of the City of Cocoa in Brevard County is
 369 designated as "Dr. Martin Luther King, Jr., Memorial Highway."

370 (2) The Department of Transportation is directed to erect
 371 suitable markers designating Dr. Martin Luther King, Jr.,
 372 Memorial Highway as described in subsection (1).

373 Section 44. The Department of Transportation may permit
 374 the erection by a private entity of a suitable marker in the
 375 wayside park on the north end of bridge numbers 150215 and
 376 150212/Sunshine Skyway Bridge in memory of those who died on May
 377 9, 1980, when the MV Summit Venture collided with the bridge.
 378 The type of marker and its location are subject to the approval
 379 of the department. The private entity is responsible for all
 380 costs of the marker and its installation. The private entity
 381 shall also provide an annual renewable bond, an irrevocable
 382 letter of credit, or another form of security as approved by the
 383 department's comptroller for the purpose of securing the cost of
 384 removal of the marker and any modifications made to the site as
 385 part of the placement of the marker should the department
 386 determine it necessary to remove or relocate the marker.

387 Section 45. This act shall take effect July 1, 2014.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing PCB: Transportation & Highway
 2 Safety Subcommittee
 3 Representative Raschein offered the following:

Amendment

Between lines 372 and 373, insert:

7 Section 44. U.S. Army Sergeant Amaru Aguilar-Borgen
 8 Memorial Highway designated; Department of Transportation to
 9 erect suitable markers.-

10 (1) That portion of S.R. 973/S.W. 87th Avenue between S.R.
 11 836/Dolphin Expressway and S.W.24th Street in Miami-Dade County
 12 is designated "U.S. Army Sergeant Amaru Aguilar-Borgen Memorial
 13 Highway."

14 (2) The Department of Transportation is directed to erect
 15 suitable markers designating U.S. Army Sergeant Amaru Aguilar-
 16 Borgen Memorial Highway as described in subsection (1).

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Amendment No. 1

18 Section 45. David W. Moss Memorial Highway designated;
19 Department of Transportation to erect suitable markers.-

20 (1) That portion of U.S. 27A/41/S.R. 45/121/500/W. Noble
21 Avenue between U.S. 27/41/S.R. 45/121/N.Main Street and U.S.
22 41/S.R. 45/121/S.W.7th Street in Levy County is designated
23 "David W. Moss Memorial Highway."

24 (2) The Department of Transportation is directed to erect
25 suitable markers designating David W. Moss Memorial Highway as
26 described in subsection (1).

27 Section 46. Deputy Sheriff David Anthony Abella Memorial
28 Roadway designated; Department of Transportation to erect
29 suitable markers.-

30 (1) That portion of U.S. 41/S.R. 599/S. 50th Street
31 between Palm River Road and S.R. 676/Causeway Boulevard in
32 Hillsborough County is designated as "Deputy Sheriff David
33 Anthony Abella Memorial Highway."

34 (2) The Department of Transportation is directed to erect
35 suitable markers designating Deputy Sheriff David Anthony Abella
36 Memorial Roadway as described in subsection (1).

37 Section 47. Ralph Sanchez Way designated; Department of
38 Transportation to erect suitable markers.-

39 (1) That portion of U.S. 1/41/S.R. 5/Biscayne Boulevard
40 between U.S.1/41/S.R.5/S.E. 2nd Street and N.E. 3rd Street in
41 Miami-Dade County is designated as "Ralph Sanchez Way."



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42 (2) The Department of Transportation is directed to erect
43 suitable markers designating Ralph Sanchez Way as described in
44 subsection (1).

45 Section 48. C.W. "Bill" Young Memorial Highway designated;
46 Department of Transportation to erect suitable markers.-

47 (1) That portion of S.R. 694/Park Boulevard between U.S.
48 19 and Gulf Boulevard in Pinellas County is designated as "C.W.
49 "Bill" Young Memorial Highway."

50 (2) The Department of Transportation is directed to erect
51 suitable markers designating C.W. "Bill" Young Memorial Highway
52 as described in subsection (1).

53 Section 49. Miami Springs Boulevard designated; Department
54 of Transportation to erect suitable markers.-

55 (1) That portion of N.W. 36th Street between N.W. South
56 River Drive and Curtiss Parkway/N.W. 57th Avenue in Miami-Dade
57 County as "Miami Springs Boulevard."

58 (2) The Department of Transportation is directed to erect
59 suitable markers designating "Miami Springs Boulevard" as
60 described in subsection (1).

61 Section 50. Guillermo Zamora Boulevard designated;
62 Department of Transportation to erect suitable markers.;

63 (1) That portion of S.R. 968 between S.W. 5th Street to
64 17th Street in Miami-Dade County as Guillermo Zamora Boulevard.

65 (2) The Department of Transportation is directed to erect
66 suitable markers designating "Guillermo Zamora Boulevard as
67 described in subsection (1).

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