

ECONOMIC AFFAIRS COMMITTEE

MEETING PACKET

**Wednesday, March 11, 2015
1:00 PM – 3:00 PM
Reed Hall (102 HOB)**

**Steve Crisafulli
Speaker**

**Jose Oliva
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Economic Affairs Committee

Start Date and Time: Wednesday, March 11, 2015 01:00 pm
End Date and Time: Wednesday, March 11, 2015 03:00 pm
Location: Reed Hall (102 HOB)
Duration: 2.00 hrs

Consideration of the following bill(s):

CS/HB 145 Commercial Motor Vehicle Review Board by Highway & Waterway Safety Subcommittee, Beshears

HB 241 Personal Flotation Devices by Trumbull

HB 257 Freight Logistics Zones by Ray

CS/HB 329 Special License Plates by Highway & Waterway Safety Subcommittee, Ingram

HB 409 Rural Letter Carriers by Stone

HB 7007 Emergency Management by Economic Development & Tourism Subcommittee, Eagle


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., Tuesday, March 10, 2015.

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., Tuesday, March 10, 2015.

NOTICE FINALIZED on 03/09/2015 15:51 by Manning.Karen

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 145 Commercial Motor Vehicle Review Board
SPONSOR(S): Highway & Waterway Safety Subcommittee and Beshears
TIED BILLS: IDEN./SIM. BILLS: SB 220

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	10 Y, 1 N, As CS	Whittaker	Smith
2) Transportation & Economic Development Appropriations Subcommittee	13 Y, 0 N	Cobb	Davis
3) Economic Affairs Committee		Whittaker	Cremerer 

SUMMARY ANALYSIS

The Commercial Motor Vehicle Review Board (Board) is the state entity created in statute that functions to consider protested commercial vehicle citations. The Board may review, sustain, modify, cancel, or revoke any penalty imposed on any vehicle or person under the provisions of chapter 316, F.S., relating to weights imposed on the highways by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations. Any person may, upon payment of his or her penalty, apply to the Board for a modification, cancellation, or revocation of a penalty for violations of certain commercial vehicle regulations. The Board is part of the Florida Department of Transportation (FDOT), and has three permanent members who are the Secretary of the Department of Transportation, the Executive Director of the Department of Highway Safety and Motor Vehicles (DHSMV), and the Commissioner of Agriculture, or their authorized representatives.

This bill revises the membership of the Board by adding four appointed members who have private sector experience in the state of Florida. The Governor will appoint three of the members from the private sector: one from the road construction industry, one from the trucking industry, and one with a general business or legal background. The Commissioner of Agriculture will appoint the final member of the Board from the agriculture industry. Appointments must be made by September 1, 2015, for terms beginning October 1, 2015.

The bill provides that the Governor may remove appointed members of the Board for misconduct, malfeasance, misfeasance, or nonfeasance in office. Each member must take an oath of office pledging to honestly, faithfully, and impartially perform his or her duties before beginning official action on the Board.

The bill provides that official action may be taken by a quorum of the Board. Four members will constitute a quorum.

This bill further provides that whenever a driver is issued a citation for exceeding weight limits established by s. 316.535, F.S., by means of a portable scale, the driver may proceed to the next weigh station or public scale for verification of weight. If the vehicle is found to be in compliance with the weight requirements of this chapter at the fixed scale, the driver may submit, by US mail, both the portable scale citation and certified scale ticket to the Commercial Motor Vehicle Review Board for revocation of the penalty.

It is unknown whether this bill will result in changes to the number of citations heard by the Board, or the total amount of refunds granted. Changes to the total amount of funds received from commercial motor vehicle compliance penalties would impact the State Transportation Trust Fund. The fiscal impact of this bill is indeterminate. See Fiscal Comments.

The effective date of the bill is July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background:

Section 316.545, F.S., provides that whenever an officer of the Florida Highway Patrol or weight inspector of the Department of Transportation, upon weighing a vehicle or combination of vehicles with load, determines that the axle weight or gross weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place, and remain standing until a determination can be made as to the amount of weight thereon, and, if overloaded, determine the amount of the penalty to be assessed.

Currently, enforcement of commercial motor vehicle compliance is carried out by the DHSMV¹, and motor vehicle weight inspections are carried out by the FDOT.² Any individual who receives a penalty under the provisions of Ch. 316 relating to weights imposed on the highways by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations may, upon payment of his or her penalty³, apply to the Board to have the penalty reconsidered. The Board is then authorized to modify, cancel, revoke, or sustain each penalty.⁴

Upon receipt of payment, the Board reviews testimony or other evidence supporting the modification, cancellation, or revocation of penalties imposed pursuant to sections:

- 316.516, F.S., regarding size restrictions of width, height, or length;
- 316.545, F.S., regarding weight and load violations and special fuel and motor fuel tax violations;
- 316.550, F.S., regarding operating an oversize or overweight vehicle without a special permit; and
- 316.3025, F.S., regarding operating an unsafe and out of service vehicle, texting while driving a commercial vehicle, or unsafe handling of hazardous cargo.

The Commercial Motor Vehicle Review Board currently resides within the FDOT. The Board consists of three permanent members who are the Secretary of the FDOT, the Executive Director of the DHSMV and the Commissioner of Agriculture, or their authorized representatives. Each permanent member of the Board may designate one additional person to be a member of the Board.

The Board may hold sessions and conduct proceedings at any place within the state. The Board is scheduled to meet monthly in 2015, and the locations will rotate from Ft. Lauderdale, Tallahassee, Orlando, and Tampa.⁵

Pursuant to s. 112.061, F.S., as state officers and employees, each member receives reimbursement for travel expenses and per diem relating to their service on the Board.⁶

Case Volume and Outcomes Fiscal Year 2013/2014

In Fiscal Year 2013/2014, the Board heard 1,172 cases that represented a total of \$1,373,088.45 in fines. Out of these 1,172 cases, relief was granted on 454 of the cases, or 38.74%, for a total refunded amount of \$552,332.94, or 40.23%.

¹ S. 20.24, F.S.

² S. 20.23, F.S.

³ Florida Administrative Code 14A-1.004

⁴ S. 316.545 (8), F.S.

⁵ www.dot.state.fl.us/trafficoperations/Traf_Incident/CMVRB/CMVRB.shtm (last viewed 1/8/15)

⁶ www.dot.state.fl.us/trafficoperations/Traf_Incident/CMVRB/CMVRB.shtm (last viewed 1/8/15)

Decisions

The Board renders its decision within 30 days of the protest hearing, and notifies the person of its decision in writing via a disposition letter. Once the disposition letter is delivered by U.S. Mail, pursuant to Rule 14A-1.004(7), Florida Administrative Code, the Board's decision is final.

Rehearing

A rehearing may be requested only if additional evidence is presented. Individuals may request a rehearing by filing such a request within fifteen (15) days of the date of the disposition letter.⁷

Refunds

If the Board votes to give a partial or full refund of a citation fine, a refund will be issued by check in a timely manner. Checks are issued by the Florida Department of Highway Safety and Motor Vehicles (DHSMV).⁸

Proposed Changes:

This bill amends s. 316.545, F.S., providing that whenever a driver is issued a citation for exceeding weight limits established by s. 316.535, F.S., by means of portable scale, the driver may proceed to the next weigh station or public scale for verification of weight. If the vehicle is found to be in compliance with the weight requirements of this chapter at the fixed scale, the driver may submit, by US mail, both the portable scale citation and certified scale ticket to the Commercial Motor Vehicle Review Board for revocation of the penalty.

It is unknown whether this bill will result in changes to the number of citations heard by the Board, or the total amount of refunds granted. Changes to the total amount of funds received from commercial motor vehicle compliance penalties would impact the State Transportation Trust Fund.⁹

This bill revises the membership of the Board by providing four additional members. The Governor will appoint three members from the private sector: one from the road construction industry, one from the trucking industry, and one with a general business or legal background. The Commissioner of Agriculture will appoint the final member of the Board from the agriculture industry. The appointed members must be registered voters and citizens of the state of Florida, and possess private sector business experience. Additionally, the three permanent members of the Board will no longer have the power to appoint an additional member.

Each appointed member will serve a two-year term on the Board. The appointments to the Board must be made no later than September 1, 2015, for terms beginning October 1, 2015. A vacancy on the Board occurring during a term of an appointed member will only be filled for the balance of the unexpired term. The Governor may remove members from the Board for misconduct, malfeasance, misfeasance, or nonfeasance in office. Each member is required to take and subscribe to an oath before an official authorized by law to administer oaths prior to entering upon his or her official duties. The oath declares that he or she that he or she will honestly, faithfully, and impartially perform the duties devolving upon him or her in office as a member of the Board, and that he or she will not neglect any duties imposed upon him or her by ss. 316.3025, 316.550, or 316.545, Florida Statutes.

Four members of the Board will constitute a quorum, and the vote of four members shall be necessary for any action taken by the Board. A vacancy on the Board shall not impair the right of a quorum of the Board to exercise all of the rights, and perform all of the duties of the Board.

⁷ www.dot.state.fl.us/trafficoperations/Traf_Incident/CMVRB/CMVRB.shtm (last viewed 1/8/15)

⁸ www.dot.state.fl.us/trafficoperations/Traf_Incident/CMVRB/CMVRB.shtm (last viewed 1/8/15)

⁹ S. 316.545 (6), F.S.

The bill removes the ability of the Board to execute its responsibilities by meeting as subgroups.

B. SECTION DIRECTORY:

- Section 1 Amends s. 316.545, F.S., creating a weight appeal process to the Commercial Motor Vehicle Review Board; revises the membership of the Board, requires additional appointments of Board members by the Governor and the Commissioner of Agriculture, provide qualifications and terms for the appointees, and specifies Board quorum requirements; provides for removal of appointed members by the Governor; removes the ability of each permanent member to designate an additional member; removes the ability of the board to meet as subgroups.
- Section 2 Provides for appointments to be made by September 1, 2015, for terms to begin on October 1, 2015.
- Section 3 Provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
Indeterminate. See Fiscal Comment.
2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There is a potential positive impact on the private sector as there may be an increase in the number of revocations and subsequent refunds for citations for excess vehicle load weight whenever the initial weight is recorded on a portable scale. The total positive impact to the private sector is indeterminate.

D. FISCAL COMMENTS:

There is an indeterminate, negative impact to the State Transportation Trust Fund. This bill may result in changes to the number of citation revocations issued by the Board for excess vehicle load weight initially recorded at a portable scale, and the total amount of refunds granted.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 4, 2015, The Highway & Waterway Safety Subcommittee adopted one amendment to HB 145 and reported the bill favorably as a committee substitute. The amendment provided:

- When a driver is issued a citation for exceeding weight limits established by s. 316.535 by means of portable scales the driver may proceed to the next weigh station or public scales for verification of weight. In the event the vehicle is found to be in compliance with the weight requirements of this chapter at the fixed scale the driver may submit, by US mail, both the portable scale citation and certified scale ticket to the or revocation of the penalty.

This analysis is drafted to the committee substitute as reported by the Highway & Waterway Safety Subcommittee.

1 A bill to be entitled
 2 An act relating to the Commercial Motor Vehicle Review
 3 Board; amending s. 316.545, F.S.; providing for an
 4 appeal to the board for an excess weight citation
 5 under certain circumstances; providing for citation
 6 revocation by the board; revising the membership of
 7 the board; providing for appointment of additional
 8 members by the Governor and the Commissioner of
 9 Agriculture; providing for terms of the additional
 10 members; providing qualifications for such members;
 11 providing for removal of members by the Governor under
 12 certain circumstances; providing for action by a
 13 quorum of the board; requiring that the additional
 14 appointments be made by a specified date; providing
 15 effective dates.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Paragraph (a) of subsection (2) of section
 20 316.545, Florida Statutes, is amended to read:

21 316.545 Weight and load unlawful; special fuel and motor
 22 fuel tax enforcement; inspection; penalty; review.—

23 (2)(a) Whenever an officer of the Florida Highway Patrol
 24 or weight inspector of the Department of Transportation, upon
 25 weighing a vehicle or combination of vehicles with load,
 26 determines that the axle weight or gross weight is unlawful, the

27 officer may require the driver to stop the vehicle in a suitable
 28 place and remain standing until a determination can be made as
 29 to the amount of weight thereon and, if overloaded, the amount
 30 of penalty to be assessed as provided herein. However, any gross
 31 weight over and beyond 6,000 pounds beyond the maximum herein
 32 set shall be unloaded and all material so unloaded shall be
 33 cared for by the owner or operator of the vehicle at the risk of
 34 such owner or operator. Except as otherwise provided in this
 35 chapter, to facilitate compliance with and enforcement of the
 36 weight limits established in s. 316.535, weight tables published
 37 pursuant to s. 316.535(7) shall include a 10-percent scale
 38 tolerance and shall thereby reflect the maximum scaled weights
 39 allowed any vehicle or combination of vehicles. As used in this
 40 section, scale tolerance means the allowable deviation from
 41 legal weights established in s. 316.535. Notwithstanding any
 42 other provision of the weight law, if a vehicle or combination
 43 of vehicles does not exceed the gross, external bridge, or
 44 internal bridge weight limits imposed in s. 316.535 and the
 45 driver of such vehicle or combination of vehicles can comply
 46 with the requirements of this chapter by shifting or equalizing
 47 the load on all wheels or axles and does so when requested by
 48 the proper authority, the driver shall not be held to be
 49 operating in violation of said weight limits. When a driver is
 50 issued a citation for exceeding weight limits established in s.
 51 316.535 determined by means of portable scales, the driver may
 52 proceed to the next weigh station or public scales for

53 verification of weight. If the vehicle is found to be in
 54 compliance with the weight requirements of this chapter at the
 55 fixed scale, the driver may submit by United States mail both
 56 the portable scale citation and certified scale ticket to the
 57 Commercial Motor Vehicle Review Board for revocation of the
 58 citation.

59 Section 2. Effective October 1, 2015, subsection (7) of
 60 section 316.545, Florida Statutes, is amended to read:

61 316.545 Weight and load unlawful; special fuel and motor
 62 fuel tax enforcement; inspection; penalty; review.—

63 (7) There is created within the Department of
 64 Transportation the Commercial Motor Vehicle Review Board,
 65 consisting of three permanent members who shall be the Secretary
 66 of ~~the Department of~~ Transportation, the executive director of
 67 the Department of Highway Safety and Motor Vehicles, and the
 68 Commissioner of Agriculture, or their authorized
 69 representatives, and four additional members appointed pursuant
 70 to paragraph (b), which may review any penalty imposed upon any
 71 vehicle or person under the provisions of this chapter relating
 72 to weights imposed on the highways by the axles and wheels of
 73 motor vehicles, to special fuel and motor fuel tax compliance,
 74 or to violations of safety regulations.

75 (a) The Secretary of ~~the Department of~~ Transportation or
 76 his or her authorized representative shall be the chair of the
 77 review board.

78 (b) The Governor shall appoint one member from the road

79 construction industry, one member from the trucking industry,
 80 and one member with a general business or legal background. The
 81 Commissioner of Agriculture shall appoint one member from the
 82 agriculture industry. Each member appointed under this paragraph
 83 must be a registered voter and citizen of the state and must
 84 possess business experience in the private sector. Members
 85 appointed pursuant to this paragraph shall each serve a 2-year
 86 term. A vacancy occurring during the term of a member appointed
 87 under this paragraph shall be filled only for the remainder of
 88 the unexpired term. Members of the board appointed under this
 89 paragraph may be removed from office by the Governor for
 90 misconduct, malfeasance, misfeasance, or nonfeasance in office
 91 ~~Each permanent member of the review board may designate one~~
 92 ~~additional person to be a member of the review board.~~

93 (c) Each member, before entering upon his or her official
 94 duties, shall take and subscribe to an oath before an official
 95 authorized by law to administer oaths that he or she will
 96 honestly, faithfully, and impartially perform the duties
 97 devolving upon him or her in office as a member of the review
 98 board and that he or she will not neglect any duties imposed
 99 upon him or her by s. 316.3025, s. 316.550, or this section ~~The~~
 100 ~~review board may execute its responsibilities by meeting as a~~
 101 ~~single group or as subgroups consisting of one authorized~~
 102 ~~representative of each permanent member.~~

103 (d) The chair of the review board is responsible for the
 104 administrative functions of the review board.

105 (e) Four members of the board shall constitute a quorum,
 106 and the vote of four members shall be necessary for any action
 107 taken by the board. A vacancy on the board shall not impair the
 108 right of a quorum of the board to exercise all of the rights and
 109 perform all of the duties of the board.

110 (f)~~(e)~~ The review board may hold sessions and conduct
 111 proceedings at any place within the state.

112 Section 3. The appointment of additional members to the
 113 Commercial Motor Vehicle Review Board in accordance with the
 114 changes made by this act to s. 316.545, Florida Statutes, shall
 115 be made by September 1, 2015, for terms beginning October 1,
 116 2015.

117 Section 4. Except as otherwise expressly provided in this
 118 act, this act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 241 Personal Flotation Devices
SPONSOR(S): Trumbull
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	11 Y, 0 N	Whittaker	Smith
2) Economic Affairs Committee		Whittaker ↻ ↻	Creamer <i>u</i>

SUMMARY ANALYSIS

Florida law specifically requires life jackets to be worn when operating personal watercraft¹, for children younger than six², and for certain watersports such as skiing and tubing³. Florida law also defers to U.S. Coast Guard approved life jackets, specified by type, as the authorized safety equipment on Florida waters. This bill removes language specifying the labeled "type codes" (I, II, III, IV, and V) and replaces it with the phrase "and used in accordance with the U. S. Coast Guard approval label".

The U.S. Coast Guard is in the process of eliminating the classification of life jackets by "type" in Federal code, classifying them instead based on their buoyancy, size, and intended use to make it easier for the public to understand.

The bill has no fiscal impact on state funds.

The bill has an effective date of July 1, 2015.

¹ ss. 327.39(1), F.S.

² ss. 327.50(1)(b), F.S.

³ ss. 327.37(2)(b), F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation:

Federal and state law requires all recreational boats to carry life jackets in sufficient quantity and correct type so that each individual on the boat has at least one wearable life jacket. Any boat 16ft and longer (except canoes and kayaks) must also carry at least one throwable life jacket.⁴

There are five official "types" of personal flotation devices approved by the Coast Guard and referenced in Florida Statute. The types are specified on the label of life jackets and are described below:

Type I – Off Shore Life Jacket

Best for all waters, open ocean, rough seas, or remote water, where rescue may be slow coming.

Type II – Near Shore Vest

For general boating activities. Good for calm, inland waters, or where there is a good chance for fast rescue.

Type III – Flotation Aid

For general boating or the specialized activity that is marked on the device such as water skiing, hunting, fishing, canoeing, kayaking and others. Good for calm, inland waters, or where there is a good chance for fast rescue.

Type IV – Throwable Devices

These are either rings or cushions designed to be thrown to someone in the water.

Type V – Special-Use Devices

Only for special uses or conditions. These devices include hybrid inflatable personal flotation devices, canoe/kayak vest, boardsailing vest, deck suits, work vests for commercial vessels, man-overboard rescue devices, and law enforcement flotation devices.

There are additional specific requirements in Florida law which mandates that life jackets are to be worn by persons participating in certain water sports and for children:

1. Section 327.37(1)(b), F.S., requires each person engaged in water skiing, parasailing, aquaplaning, or any similar activity unless such person is wearing a noninflatable type I, type II, type III, or type V personal flotation device approved by the Coast Guard.
2. Section 327.39(1), F.S. requires each person operating, riding, or being towed by a personal watercraft wear a type I, type II, type III, or type V personal flotation device approved by the Coast Guard.
3. Section 327.50(1)(b), F.S., requires children under six years of age on board a vessel less than 26 feet in length to wear a type I, type II, or type III Coast Guard approved personal flotation device.

⁴ United States Coast Guard, http://www.uscgboating.org/safety/life_jacket_wear_wearing_your_life_jacket.aspx. (Last viewed 1/28/15)

Proposed Changes:

The U.S. Coast Guard (Coast Guard) is in the process of eliminating the “type codes” specified on the label of life jackets in Federal code and classifying them instead based on their buoyancy, size and intended use. The result will be new labels that contain specific fields of information intended to improve the ability of the consumer to understand what activities a specific device is approved for and how it can be expected to perform in the water.⁵

Specifically, this bill amends subsections 327.37(1)(b), 327.39(1), and 327.50(1)(b), F.S., removing the references to the “type” codes for personal flotation devices in Florida law and inserts the phrase, “and in accordance with the U.S. Coast Guard approval label”. This modification will allow personal flotation devices that are currently labeled by “type” and those that will be labeled under the new classification system to be acceptable to meet state laws.

B. SECTION DIRECTORY:

- Section 1 Amends ss. 327.37(1)(b), F.S., removes the specified type codes and inserts the phrase “and used in accordance with the United States Coast Guard approval label.”
- Section 2 Amends ss. 327.39(1), F.S., removes the specified type codes and inserts the phrase “and used in accordance with the United States Coast Guard approval label.”
- Section 3 Amends ss. 327.50(1)(b), F.S., removes the specified type codes and inserts the phrase “approved by the United States Coast Guard and used in accordance with the United States Coast Guard approval label.”
- Section 4 Provides an effective date of July 1, 2015.

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.

⁵ FWC 2015 Session Legislative Proposal on Life Jackets, on file with the Highway & Waterway Safety Subcommittee.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to personal flotation devices;
 3 amending ss. 327.37, 327.39, and 327.50, F.S.;
 4 requiring that personal floatation devices be used in
 5 accordance with the United States Coast Guard approval
 6 label during operation of certain vessels or personal
 7 watercraft or while engaged in water skiing,
 8 parasailing, aquaplaning, and similar activities;
 9 providing an effective date.

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

12
 13 Section 1. Paragraph (b) of subsection (2) of section
 14 327.37, Florida Statutes, is amended to read:

15 327.37 Water skis, parasails, aquaplanes, kiteboarding,
 16 kitesurfing, and moored ballooning regulated.—

17 (2)

18 (b) A person may not engage in water skiing, parasailing,
 19 aquaplaning, or any similar activity unless such person is
 20 wearing a noninflatable ~~type I, type II, type III, or type V~~
 21 personal flotation device approved by the United States Coast
 22 Guard and used in accordance with the United States Coast Guard
 23 approval label.

24 Section 2. Subsection (1) of section 327.39, Florida
 25 Statutes, is amended to read:

26 327.39 Personal watercraft regulated.—

27 (1) A person may not operate a personal watercraft unless
 28 each person riding on or being towed behind such vessel is
 29 wearing a ~~type I, type II, type III, or type V~~ personal
 30 flotation device, other than an inflatable device, approved by
 31 the United States Coast Guard and used in accordance with the
 32 United States Coast Guard approval label.

33 Section 3. Paragraph (b) of subsection (1) of section
 34 327.50, Florida Statutes, is amended to read:

35 327.50 Vessel safety regulations; equipment and lighting
 36 requirements.—



37 (1)

38 (b) A ~~No~~ person may not ~~shall~~ operate a vessel less than
 39 26 feet in length on the waters of this state unless every
 40 person under 6 years of age on board the vessel is wearing a
 41 ~~type I, type II, or type III Coast Guard approved~~ personal
 42 flotation device approved by the United States Coast Guard and
 43 used in accordance with the United States Coast Guard approval
 44 label while such vessel is underway. For the purpose of this
 45 section, "underway" means ~~shall mean~~ at all times except when a
 46 vessel is anchored, moored, made fast to the shore, or aground.

47 Section 4. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 257 Freight Logistics Zones
SPONSOR(S): Ray
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Ports Subcommittee	12 Y, 0 N	Johnson	Vickers
2) Transportation & Economic Development Appropriations Subcommittee	13 Y, 0 N	Proctor	Davis
3) Economic Affairs Committee		Johnson 	Creamer 

SUMMARY ANALYSIS

The bill creates s. 311.103, F.S., defining a freight logistics zone as a grouping of activities and infrastructure associated with freight transportation and related services within a defined area, and allows a county, or two or more contiguous counties to designate a freight logistics zone, which must include a strategic plan. Projects within freight logistics zones, which are consistent with the Department of Transportation's (DOT) Freight Mobility and Trade Plan, may be eligible for priority in state funding and certain incentive programs. Currently, freight logistics zones are not defined or designated.

The bill has an indeterminate fiscal impact on both state and local governments since incentives will vary from project to project and are ultimately subject to the availability of funds provided in the annual General Appropriations Act.

The bill has an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Freight

The U.S. economy's success depends on a complex, interconnected transportation network comprised of highways, railways, seaports, and airports. The growing importance of freight movement in the overall economy is reflected in the federal transportation authorization legislation, Moving Ahead for Progress in the 21st Century (MAP-21).¹ MAP 21 creates a streamlined, performance-based, and multimodal program to address the many challenges facing all modes of U.S. transportation. In terms of freight, MAP-21 policies and provisions outline the requirements for developing a 27,000 mile National Freight Network that is critical to the nation's long-term economic growth. Additionally, MAP-21 provides a number of new funding opportunities, including up to 95 percent match for certain freight-related projects.

In recent years, Florida has taken a number of steps to address freight mobility needs and diversify the state's economy. The Department of Transportation (DOT) is pursuing a goal to develop a coordinated multi-modal transportation system for freight movement in Florida. In furthering that goal, DOT established the Office of Freight Mobility and Passenger Operations.

In 2012, the Legislature enacted CS/CS/CS/HB 599,² which created the Florida Freight Mobility and Trade Plan (FMTP).³ The FMTP will play an important role in transforming the state's economy to become a global hub of trade, logistics, and export oriented manufacturing activities. The four main objectives of the FMTP include:

- Increasing the flow of domestic and international trade through the state's seaports and airports, including specific policies and investments that will recapture cargo currently shipped through seaports and airports located outside the state;
- Increasing the development of intermodal logistic centers in the state, including specific strategies, policies, and investments that capitalize on the state's empty backhaul trucking and rail market;
- Increasing the development of manufacturing industries in the state, including specific policies and investments in transportation facilities that will promote the successful development and expansion of manufacturing facilities; and
- Increasing the implementation of compressed natural gas (CNG), liquefied natural gas (LNG), and propane energy policies that reduce transportation costs for businesses and residents located in the state.⁴

The FMTP is being developed in two phases. The Policy Element was adopted on June 19, 2013, and lays out the policy framework through the development of objectives, strategies, and action items.⁵ The Investment Element builds on the Policy Element and is specifically intended to:

- Identify freight needs;
- Identify criteria for state investments in freight;

¹ P.L. 112-141

² Ch. 2012-174, L.O.F.

³ Information on the development of the FMTP is available at <http://www.freightmovesflorida.com/freight-mobility-and-trade-plan/freight-mobility-and-trade-plan-overview> (January 14, 2015).

⁴ S. 334.044(4)(a), F.S.

⁵ A copy of the Policy Element of the FMTP is available at <http://www.freightmovesflorida.com/freight-mobility-and-trade-plan/policy-element> (Last visited January 14, 2015).

- Prioritize freight investments across modes; and
- Meet requirements of federal MAP-21.

The investment element has been adopted by DOT, and it is waiting on confirmation from the Federal Highway Administration (FHWA) that it meets federal MAP-21 requirements.⁶

Another key element of Florida's freight mobility strategy is the establishment of intermodal logistics centers (ILCs). Section 311.101(2), F.S., defines an ILC as a facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport where activities related to the transport, logistics, goods distribution, consolidation, or value-added activities are carried out and whose activities and services are designed to support or be supported by conveyance or shipping through one or more seaports listed in s. 311.09, F.S.⁷

Section 311.101, F.S., also establishes the ILC Infrastructure Support Program which provides a minimum of \$5 million in funds annually to support projects that create or improve the movement of freight goods along all modes of transportation. This program is open to state, local, or private entities that have obtained local support and funding for their project. The eligibility of a project is determined by DOT and the Department of Economic Opportunity (DEO). Eligible projects must show a benefit to the community as well as demonstrate the improvement of freight movement within the affected region.

Finally in 2012, ILCs were added to the list of transportation facilities eligible to receive funding for transportation capacity improvements under the Strategic Intermodal System (SIS).⁸ Designation as part of the SIS requires review and approval by DOT. DOT has developed designation criteria for SIS eligibility for ILCs.

Currently, freight logistics zones are not defined or designated.

Incentive Programs: Parts I, III, and V of ch. 288, F.S.

Current law provides a number of economic development incentives in various forms, including tax credits, tax refunds, tax exemptions, infrastructure funding, and cash grants.⁹ These programs are administered by the Department of Economic Opportunity.

With respect to part I of Ch. 288, F.S., the Quick Response Training Program is intended to meet the short-term, immediate, workforce-skill needs of certain "business and industries that support the state's economic development goals, particularly high value-added businesses or businesses that locate in and provide jobs the state's distressed urban areas."¹⁰

The Rural Infrastructure Fund facilitates "the planning, preparing, and financing of infrastructure projects in rural communities that will encourage job creation, capital investment, and the strengthening and diversification of rural economies by promoting tourism, trade, and economic development."¹¹

Section 288.106, F.S., establishes a tax refund program for qualified, eligible target industry businesses for projects that create a new business or expand an existing business.

Part III of Ch. 288, F.S., authorizes any corporation or government agency to apply to federal authorities for a grant of privilege of establishing, operating, and maintaining foreign trade zones and subzones in or adjacent to ports of entry of the United States pursuant to the Foreign Trade Zone Act of

⁶ A copy of the FMTP Investment Element is available at: <http://www.freightmovesflorida.com/freight-mobility-and-trade-plan/freight-mobility-investment> (Last visited January 14, 2015).

⁷ Section 311.09(1), F.S. lists the following seaports: Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.

⁸ The SIS is created pursuant to ss. 339.61 through 339.65, F.S.

⁹ See Ch. 288, F.S., relating to Commercial Development and Capital Improvements.

¹⁰ S. 288.047, F.S.

¹¹ S. 288.0655, F.S.

1934. A grant includes authority to select and describe the location of zones or subzones and to make rules as may be necessary to comply with the rules and regulations made in accordance with the Act.

Part V of Ch. 288, F.S., creates the Florida Export Finance Corporation as a not-for-profit corporation. The corporation's intended purpose is to assist small and medium-sized Florida businesses in the expansion of international trade and to expand job opportunities for Florida's workforce.

Each of the various programs under parts I, III, and V of Ch. 288, F.S., has its own set of eligibility criteria and related requirements.

Proposed Changes

The bill creates s. 311.103, F.S., defining a freight logistics zone as a grouping of activities and infrastructure associated with freight transportation and related services around an ILC. The bill allows a county, or two or more contiguous counties, to designate a geographic area or areas within its jurisdiction as a freight logistics zone. The designation must be accompanied by a strategic plan adopted by the county or counties. At a minimum, the strategic plan must include, but is not limited to:

- A map depicting the geographic area or areas to be included within the designation.
- Identification of existing or planned freight facilities or logistics clusters located within the zone.
- Identification of existing transportation infrastructure, such as roads, rail, airports, and seaports, within or in close proximity to the proposed freight logistics zone.
- Identification of existing workforce availability within or in close proximity to the proposed zone.
- Identification of any existing or planned local, state, or federal workforce training capabilities available for a business seeking to expand or locate within the proposed zone.
- Identification of any local, state, or federal plans, including transportation, seaport, or airport plans, concerning the movement of freight within or in close proximity to the proposed zone.
- Identification of financial or other local government incentives to encourage new development, expansion of existing development, or redevelopment within the proposed zone.
- Documentation that the plan is consistent with applicable local government comprehensive plans and adopted long range transportation plans of a metropolitan planning organization, where applicable.

The bill provides that projects within freight logistics zones, which are consistent with DOT's FMTP,¹² may be eligible for priority in state funding and incentive programs relating to freight logistics zones under applicable programs in parts I, III, and V of Ch. 288, F.S.

The bill provides criteria for evaluating projects within a designated freight logistics zone to determine funding or incentive program eligibility, consideration must be given to:

- The presence of an existing or planned intermodal logistics center within the freight logistics zone.
- Whether the project serves a strategic state interest.
- Whether the project facilitates the cost-effective and efficient movement of goods.
- The extent to which the project contributes to economic activity, including job creation, increased wages, and revenues.
- The extent to which the project efficiently interacts with and supports the existing or planned transportation network.
- The amount of investment or commitments made by the owner or developer of the existing or proposed facility.
- The extent to which the county or counties have commitments with private sector businesses planning to locate operations within the freight logistics zone.

¹² DOT's Freight Mobility and Trade Plan is developed pursuant to s. 334.044(33), F.S.

- Demonstrated local financial support and commitment to the project, including in-kind contributions.

According to DOT, under the provisions of the bill, the following programs would be allowed to provide priority funding consideration to projects within freight logistics zones that meet the new requirements.

- The Strategic Intermodal System,¹³ a network of high-priority transportation facilities, which improves airports, spaceports, deepwater seaports, freight rail terminals, passenger rail and intercity bus terminals, rail corridors, waterways and highways as well as the infrastructure connections that link ILCs that meet certain thresholds for cargo throughput to the statewide network of priority transportation facilities;
- The Economic Development Transportation Fund,¹⁴ which alleviates transportation problems that adversely affect the decision of a specific company to locate, expand or remain in Florida;
- The Intermodal Logistics Center Infrastructure Support Program,¹⁵ which improves the movement of goods to or from ILCs that ship freight through one of Florida's 15 deepwater seaports;
- The Seaport Program¹⁶ which provides infrastructure funding to support cargo mobility not only on waterfront facilities, but also on freight corridors and transloading and distribution centers that handle waterborne commerce; and
- The Aviation Program¹⁷ which provides funding to support airport planning, capital improvement, land acquisition, and economic development.¹⁸

The bill has an effective date of July 1, 2015.

B. SECTION DIRECTORY:

- Section 1 Creates s. 311.103, F.S., relating to the designation of state freight logistics zones.
- Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Indeterminate. Creating new freight logistics zones that are eligible for priority incentive funding under applicable programs in parts I, III, and V of ch. 288, F.S., may promote more use of the state's economic incentive programs. The extent to which any projects are deemed viable for utilizing state incentive programs, however, would still be determined by the Department of Economic Opportunity, and subject to the availability of funding through legislative appropriation in the annual General Appropriations Act.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

¹³ The Strategic Intermodal System is created pursuant to ss. 339.61 through 339.65, F.S.

¹⁴ The Economic Development Transportation Fund is created pursuant to s. 339.2821, F.S.

¹⁵ The Intermodal Logistics Center Infrastructure Support Program is created pursuant to s. 339.101, F.S.

¹⁶ Information on DOT's Seaport Program is available at: <http://www.dot.state.fl.us/seaport/> (Last visited February 3, 2015).

¹⁷ Information on DOT's Aviation Program is available at: <http://www.dot.state.fl.us/seaport/> (Last visited February 3, 2015).

¹⁸ Florida Department of Transportation HB 257 bill analysis. Copy on file with Transportation & Ports Subcommittee.

1. Revenues:

Indeterminate. The growth of the freight industry and related businesses in the freight logistics zones may have a positive impact on revenues generated from local taxes and fees.

2. Expenditures:

Indeterminate. Financial or other local government incentives are to be identified in the strategic plan for a designated freight logistics zone and will vary from project to project.

Counties that choose to designate freight logistics zones will incur expenses, in unknown amounts, associated with creating strategic plans and designating freight logistics zones.

Local government financial support and commitment, in unknown amounts, are to be identified in the required strategic plans.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may promote the growth of the freight industry and related businesses in freight logistics zones.

D. FISCAL COMMENTS:

There is no direct impact to DOT. Projects within freight logistic zones may be given priority consideration for funding during the development of the Five-Year Tentative Work Program, but there are no requirements placed on the department.¹⁹ The eligibility incentivizes coordination of local, regional and state planning of, and investment in, intermodal infrastructure.

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.

¹⁹ DOT's work program is developed pursuant to s. 339.135, F.S.
STORAGE NAME: h0257d.EAC.DOCX
DATE: 3/4/2015

1 A bill to be entitled
 2 An act relating to freight logistics zones; creating
 3 s. 311.103, F.S.; defining the term "freight logistics
 4 zone"; authorizing a county or two or more contiguous
 5 counties to designate a geographic area or areas
 6 within its jurisdiction as a freight logistics zone;
 7 requiring the adoption of a strategic plan which must
 8 include certain information; providing that certain
 9 projects within freight logistics zones may be
 10 eligible for priority in state funding and certain
 11 incentive programs; providing evaluation criteria for
 12 freight logistics zones; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 311.103, Florida Statutes, is created
 17 to read:

18 311.103 Designation of state freight logistics zones.-

19 (1) As used in this section, the term "freight logistics
 20 zone" means a grouping of activities and infrastructure
 21 associated with freight transportation and related services
 22 within a defined area around an intermodal logistics center as
 23 defined in s. 311.101(2).

24 (2) A county, or two or more contiguous counties, may
 25 designate a geographic area or areas within its jurisdiction as
 26 a freight logistics zone. The designation must be accompanied by

27 a strategic plan adopted by the county or counties. At a
 28 minimum, the strategic plan must include, but is not limited to:

29 (a) A map depicting the geographic area or areas to be
 30 included within the designation.

31 (b) Identification of the existing or planned freight
 32 facilities or logistics clusters located within the designated
 33 zone.

34 (c) Identification of existing transportation
 35 infrastructure, such as roads, rail, airports, and seaports,
 36 within or in close proximity to the proposed freight logistics
 37 zone.

38 (d) Identification of existing workforce availability
 39 within or in close proximity to the proposed zone.

40 (e) Identification of any existing or planned local,
 41 state, or federal workforce training capabilities available for
 42 a business seeking to locate or expand within the proposed zone.

43 (f) Identification of any local, state, or federal plans,
 44 including transportation, seaport, or airport plans, concerning
 45 the movement of freight within or in close proximity to the
 46 proposed zone.

47 (g) Identification of financial or other local government
 48 incentives to encourage new development, expansion of existing
 49 development, or redevelopment within the proposed zone.

50 (h) Documentation that the plan is consistent with
 51 applicable local government comprehensive plans and adopted
 52 long-range transportation plans of a metropolitan planning

53 organization, where applicable.

54 (3) Projects within freight logistics zones designated
 55 pursuant to this section, which are consistent with the Freight
 56 Mobility and Trade Plan developed in accordance with s.
 57 334.044(33), may be eligible for priority in state funding and
 58 incentive programs relating to freight logistics zones,
 59 including applicable programs identified in parts I, III, and V
 60 of chapter 288.

61 (4) When evaluating projects within a designated freight
 62 logistics zone for purposes of determining funding or incentive
 63 program eligibility under this section, consideration must be
 64 given to:

65 (a) The presence of an existing or planned intermodal
 66 logistics center within the freight logistics zone.

67 (b) Whether the project serves a strategic state interest.

68 (c) Whether the project facilitates the cost-effective and
 69 efficient movement of goods.

70 (d) The extent to which the project contributes to
 71 economic activity, including job creation, increased wages, and
 72 revenues.

73 (e) The extent to which the project efficiently interacts
 74 with and supports the existing or planned transportation
 75 network.

76 (f) The amount of investment or commitments made by the
 77 owner or developer of the existing or proposed facility.

78 (g) The extent to which the county or counties have


79 | commitments with private sector businesses planning to locate
80 | operations within the freight logistics zone.

81 | (h) Demonstrated local financial support and commitment to
82 | the project, including in-kind contributions.

83 | Section 2. This act shall take effect July 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 329 Special License Plates
SPONSOR(S): Ingram
TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 112

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	11 Y, 0 N, As CS	Whittaker	Smith
2) Transportation & Economic Development Appropriations Subcommittee	13 Y, 0 N	Cobb	Davis
3) Economic Affairs Committee		Whittaker	Cremer 

SUMMARY ANALYSIS

The bill adds three new special use license plates for veterans awarded the Combat Action Ribbon, Air Force Combat Action Medal, or Distinguished Flying Cross Medal. Revenue generated from the sale of these three special use plates will be deposited into the Grants and Donations Trust Fund, and the State Homes for Veterans Trust Fund within the Department of Veterans Affairs to support the Veterans' Homes Program.

The bill has an insignificant, negative fiscal impact on the Highway Safety Operating Trust Fund within the Department of Highway Safety and Motor Vehicles associated with creating the plate and computer programming costs.

The bill could have a positive, indeterminate fiscal impact on the Grants and Donations Trust fund and the State Homes for Veterans Trust Fund with the sale of the new special use license plates.

The bill shall take effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Military Special Use License Plates

There are currently 15 special use license plates authorized in s. 320.089, F.S., available to military service members or veterans for the following types of service:

- Veteran of the United States Armed Forces;
- Active or retired member of the Florida National Guard;
- Survivor of the attack on Pearl Harbor;
- Recipient of the Purple Heart Medal;
- Active or retired member of any branch of the United States Armed Forces Reserve;
- Recipient of the Combat Infantry Badge;
- Recipient of the Combat Medical Badge;
- Recipient of the Combat Action Badge;
- Former Prisoner of War;
- Veteran of the Korean War;
- Veteran of the Vietnam War;
- Service member or veteran of Operation Desert Shield;
- Service member or veteran of Operation Desert Storm;
- Service member or veteran of Operation Enduring Freedom;
- Service member or veteran of Operation Iraqi Freedom.

Special use license plates authorized under s. 320.089 (1)(a), F.S., are each stamped with words consistent with the type of special use plate issued. A likeness of the related campaign medal or badge appears on the plate followed by the serial number.

Applicants for special use license plates in s. 320.089, F.S., are required to pay the annual license tax in s. 320.08, F.S., with the exception of certain disabled veterans who qualify for the Pearl Harbor, Purple Heart, or Prisoner of War plate, to whom such plates are issued at no cost.¹ The first \$100,000 of the general revenue generated annually from the issuance of the 15 aforementioned special use plates is deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act, as described in s. 296.38(2), F.S.² Any additional general revenue is deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.³ For Fiscal Year 2013-2014 the total revenue from these plates was \$2,087,743.⁴

¹ S. 320.089(2)(a), F.S.

² S. 320.089(1)(b), F.S.

³ Id.

⁴ Florida Department of Veterans' Affairs, 2015 Agency Bill Analysis: SB 112

Combat Action Ribbon

The Combat Action Ribbon was instituted in 1969 and awarded to members of the Navy, Marine Corps, and Coast Guard (when the Coast Guard or units thereof operate under the control of the Navy) in the grade of captain/colonel and junior thereto, who have actively participated in ground or surface combat. The principal eligibility criterion is that the individual must have participated in a bona fide ground or surface combat fire fight or action during which he was under enemy fire and his performance while under fire was satisfactory.⁵

Air Force Combat Action Medal

The Air Force Combat Action Medal was established on March 15, 2007 by the Secretary of the Air Force to recognize any military member of the Air Force (airman basic thru colonel) who actively participated in combat (ground or air). The principal eligibility criterion is that the individual must have been under direct and hostile fire while operating in unsecured space (outside the defended perimeter), or physically engaging hostile forces with direct and lethal fire.⁶

Distinguished Flying Cross

The Distinguished Flying Cross is America's oldest military aviation award and was established on July 2, 1926. The decoration could be awarded to anyone in the Air Corps of the Army, Navy or Marine Corps after April 6, 1917, who distinguished himself by heroism or extraordinary achievement while participating in aerial flight.

The first Distinguished Flying Cross award citations were presented to the Pan American Flight crew on 2 May 1927 by President Coolidge, for their five ship, 22,000 mile flight five weeks before the medal was struck. The first recipient of the Distinguished Flying Cross medal was Charles A. Lindbergh, then a captain in the Army Reserve on 11 June 1927. The award recognized his 1927 transatlantic crossing in the Spirit of St. Louis.⁷

Proposed Change

This bill amends s. 320.089, F.S., authorizing the Department of Highway Safety and Motor Vehicles (DHSMV) to create three new special use license plates for recipients of the Combat Action Ribbon, Air Force Combat Action Badge, or Distinguished Flying Cross. The plate will be stamped with the words "Combat Action Ribbon," "Air Force Combat Action Medal," or "Distinguished Flying Cross" with an image of the award, followed by the serial number. Revenue generated from the sale of the Combat Action Ribbon, Air Force Combat Action Badge, and Distinguished Flying Cross special use license plates will be administered in the same manner as the existing special use license plates in s. 320.089, F.S., and deposited into the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund within the Department of Veterans Affairs to support the State Veterans Homes Program.

⁵ Combat Action Ribbon, *Award Replacement Certificates & Citations*, http://www.3rdmarines.net/combat_action_ribbon.htm (last viewed 2/23/15)

⁶ Air Force Personnel Center, *Air Force Combat Action Medal*, <http://www.afpc.af.mil/library/factsheets/factsheet.asp?id=11444> (last viewed 2/23/15)

⁷ The Distinguished Flying Cross Society, *The Medal*, <http://www.dfcsociety.net/the-medal/> (last viewed 2/23/15)

B. SECTION DIRECTORY:

- Section 1 Amending s. 320.089, F.S., authorizing the Department of Highway Safety and Motor Vehicles to issue Combat Action Ribbon, Air Force Combat Action Medal, and Distinguished Flying Cross license plates; specifying qualifications and requirements for the plates; providing that the use of proceeds from the sale of the plates will be made according to certain established guidelines.
- Section 2 Providing an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill could have a positive, indeterminate fiscal impact on both the Grants and Donations Trust Fund and the State Homes for Veterans Trust Fund with the sale of the new special use license plates.

2. Expenditures:

The DHSMV would incur an initial startup cost (\$6,204) for the creation and manufacture of each new special use license plate. An initial order of 2,200 license plates would be made (2,200 x \$2.82 = \$6,204) for each newly created plate, and distributed to Tax Collector Offices statewide to meet public demand.⁸ The total estimated cost to produce and distribute the three new special use license plates is approximately \$18,642.

Approximately 130 nonrecurring programming hours are required by the department for special use license plates at an estimated cost of \$5,200. These costs would be absorbed within existing resources.⁹

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The Combat Action Ribbon, Air Force Combat Action Medal and Distinguished Flying Cross special use license plates would be available to a new group of registrants who are recipients of the Combat Action Ribbon, Air Force Combat Action Medal, or the Distinguished Flying Cross Medal.

⁸ Email correspondence from DHSMV on file with the Highway and Waterway Safety Subcommittee

⁹ Id.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 17, 2015, The Highway & Waterway Safety Subcommittee adopted one amendment to HB 329 and reported the bill favorably as a committee substitute. The amendment provided:

- To create two new special use license plates for recipients of the Combat Action Ribbon and the Air Force Combat Action Medal.

This analysis is drafted to the committee substitute as reported by the Highway & Waterway Safety Subcommittee.

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A bill to be entitled
 An act relating to special license plates; amending s.
 320.089, F.S.; authorizing the Department of Highway
 Safety and Motor Vehicles to issue Combat Action
 Ribbon, Air Force Combat Action Medal, and
 Distinguished Flying Cross license plates; specifying
 qualifications and requirements for the plates;
 providing for the use of proceeds from the sale of the
 plates; providing an effective date.

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

Section 1. Section 320.089, Florida Statutes, is amended
 to read:

320.089 Veterans of the United States Armed Forces;
 members of National Guard; survivors of Pearl Harbor; Purple
 Heart medal recipients; active or retired United States Armed
 Forces reservists; Combat Infantry Badge, Combat Medical Badge,
~~or~~ Combat Action Badge, Combat Action Ribbon, or Air Force
Combat Action Medal recipients; former prisoners of war; Korean
 War Veterans; Vietnam War Veterans; Operation Desert Shield
 Veterans; Operation Desert Storm Veterans; Operation Enduring
 Freedom Veterans; ~~and~~ Operation Iraqi Freedom Veterans;
Distinguished Flying Cross recipients; special license plates;
 fee.—

(1) (a) Each owner or lessee of an automobile or truck for

27 private use or recreational vehicle as specified in s.
 28 320.08(9)(c) or (d), which is not used for hire or commercial
 29 use, who is a resident of this ~~the~~ state and a veteran of the
 30 United States Armed Forces, an active or retired member of the
 31 Florida National Guard, a survivor of the attack on Pearl
 32 Harbor, a recipient of the Purple Heart medal, an active or
 33 retired member of any branch of the United States Armed Forces
 34 Reserve, or a recipient of the Combat Infantry Badge, Combat
 35 Medical Badge, ~~or~~ Combat Action Badge, Combat Action Ribbon, Air
 36 Force Combat Action Medal, or Distinguished Flying Cross ~~shall~~,
 37 upon application to the department, accompanied by proof of
 38 release or discharge from any branch of the United States Armed
 39 Forces, proof of active membership or retired status in the
 40 Florida National Guard, proof of membership in the Pearl Harbor
 41 Survivors Association or proof of active military duty in Pearl
 42 Harbor on December 7, 1941, proof of being a Purple Heart medal
 43 recipient, proof of active or retired membership in any branch
 44 of the United States Armed Forces Reserve, ~~or~~ proof of
 45 membership in the Combat Infantrymen's Association, Inc., ~~or~~
 46 ~~other~~ proof of being a recipient of the Combat Infantry Badge,
 47 Combat Medical Badge, ~~or~~ Combat Action Badge, Combat Action
 48 Ribbon, Air Force Combat Action Medal, or Distinguished Flying
 49 Cross, and upon payment of the license tax for the vehicle as
 50 provided in s. 320.08, shall be issued a license plate as
 51 provided by s. 320.06, ~~upon~~ which, in lieu of the serial numbers
 52 prescribed by s. 320.06, is ~~shall be~~ stamped with the words

53 "Veteran," "National Guard," "Pearl Harbor Survivor," "Combat-
 54 wounded veteran," "U.S. Reserve," "Combat Infantry Badge,"
 55 "Combat Medical Badge," ~~or~~ "Combat Action Badge," "Combat Action
 56 Ribbon," "Air Force Combat Action Medal," or "Distinguished
 57 Flying Cross," as appropriate, and a likeness of the related
 58 ~~campaign~~ medal, ribbon, or badge, followed by the serial number
 59 of the license plate. Additionally, the Purple Heart plate may
 60 have the words "Purple Heart" stamped on the plate and the
 61 likeness of the Purple Heart medal appearing on the plate.

62 (b) Notwithstanding any other provision of law to the
 63 contrary, beginning with fiscal year 2002-2003 and annually
 64 thereafter, the first \$100,000 in general revenue generated from
 65 the sale of license plates issued under this section shall be
 66 deposited into the Grants and Donations Trust Fund, as described
 67 in s. 296.38(2), to be used for the purposes established by law
 68 for that trust fund. Any additional general revenue generated
 69 from the sale of such plates shall be deposited into the State
 70 Homes for Veterans Trust Fund and used solely to construct,
 71 operate, and maintain domiciliary and nursing homes for
 72 veterans, subject to ~~the requirements of~~ chapter 216.

73 (c) Notwithstanding any other provision ~~provisions~~ of law
 74 to the contrary, an applicant for a Pearl Harbor Survivor
 75 license plate or a Purple Heart license plate who also qualifies
 76 for a disabled veteran's license plate under s. 320.084 shall be
 77 issued the appropriate special license plate without payment of
 78 the license tax imposed by s. 320.08.

79 (2) Each owner or lessee of an automobile or truck for
 80 private use, a truck weighing not more than 7,999 pounds, or a
 81 recreational vehicle as specified in s. 320.08(9)(c) or (d),
 82 which is not used for hire or commercial use, who is a resident
 83 of this ~~the~~ state and who is a former prisoner of war, or his or
 84 her ~~their~~ unremarried surviving spouse, ~~shall~~, upon application
 85 ~~therefor~~ to the department, shall be issued a license plate as
 86 provided in s. 320.06, ~~on which license plate are stamped with~~
 87 the words "Ex-POW" followed by the serial number. Each
 88 application shall be accompanied by proof that the applicant
 89 meets the qualifications specified in paragraph (a) or paragraph
 90 (b).

91 (a) A citizen of the United States who served as a member
 92 of the Armed Forces of the United States or the armed forces of
 93 a nation allied with the United States who was held as a
 94 prisoner of war at such time as the Armed Forces of the United
 95 States were engaged in combat, or his or her ~~their~~ unremarried
 96 surviving spouse, may be issued the special license plate
 97 provided for in this subsection without payment of the license
 98 tax imposed by s. 320.08.

99 (b) A person who was serving as a civilian with the
 100 consent of the United States Government, ~~or a person~~ who was a
 101 member of the Armed Forces of the United States while he or she
 102 ~~who~~ was not a United States citizen who ~~and~~ was held as a
 103 prisoner of war when the Armed Forces of the United States were
 104 engaged in combat, or his or her ~~their~~ unremarried surviving

105 spouse, may be issued the special license plate provided for in
 106 this subsection upon payment of the license tax imposed by s.
 107 320.08.

108 (3) Each owner or lessee of an automobile or truck for
 109 private use, a truck weighing not more than 7,999 pounds, or a
 110 recreational vehicle as specified in s. 320.08(9)(c) or (d),
 111 which is not used for hire or commercial use, who is a resident
 112 of this state and who is the unremarried surviving spouse of a
 113 recipient of the Purple Heart medal ~~shall~~, upon application
 114 ~~therefor~~ to the department accompanied by, ~~with~~ the payment of
 115 the required fees, shall be issued a license plate as provided
 116 in s. 320.06, ~~on which license plate are stamped~~ with the words
 117 "Purple Heart" and the likeness of the Purple Heart medal
 118 followed by the serial number. Each application shall be
 119 accompanied by proof that the applicant is the unremarried
 120 surviving spouse of a recipient of the Purple Heart medal.

121 (4) The owner or lessee of an automobile or truck for
 122 private use, a truck weighing not more than 7,999 pounds, or a
 123 recreational vehicle as specified in s. 320.08(9)(c) or (d),
 124 which ~~automobile, truck, or recreational vehicle~~ is not used for
 125 hire or commercial use, who is a resident of this ~~the~~ state and
 126 a current or former member of the United States Armed Forces,
 127 ~~and~~ who was deployed and served in Korea during the Korean War
 128 as defined in s. 1.01(14), ~~shall~~ upon application to the
 129 department, accompanied by proof of active membership or former
 130 active duty status during the Korean War, and ~~upon~~ payment of

131 the license tax for the vehicle as provided in s. 320.08, shall
 132 be issued a license plate as provided by s. 320.06 ~~upon~~ which,
 133 in lieu of the registration license number prescribed by s.
 134 320.06, is ~~shall be~~ stamped with the words "Korean War Veteran,"
 135 and a likeness of the Korean Service Medal, followed by the
 136 registration license number of the plate. Proof that the
 137 applicant was awarded the Korean Service Medal is sufficient to
 138 establish eligibility for the license plate.

139 (5) The owner or lessee of an automobile or truck for
 140 private use, a truck weighing not more than 7,999 pounds, or a
 141 recreational vehicle as specified in s. 320.08(9)(c) or (d),
 142 which ~~automobile, truck, or recreational vehicle~~ is not used for
 143 hire or commercial use, who is a resident of this ~~the~~ state and
 144 a current or former member of the United States military, ~~and~~
 145 who was deployed and served in Vietnam during United States
 146 military deployment in Indochina ~~shall~~, upon application to the
 147 department, accompanied by proof of active membership or former
 148 active duty status during these operations, ~~and, upon~~ payment of
 149 the license tax for the vehicle as provided in s. 320.08, shall
 150 be issued a license plate as provided by s. 320.06 ~~upon~~ which,
 151 in lieu of the registration license number prescribed by s.
 152 320.06, is ~~shall be~~ stamped with the words "Vietnam War
 153 Veteran," and a likeness of the Vietnam Service Medal, followed
 154 by the registration license number of the plate. Proof that the
 155 applicant was awarded the Vietnam Service Medal is sufficient to
 156 establish eligibility for the license plate.

157 (6) The owner or lessee of an automobile or truck for
 158 private use, a truck weighing not more than 7,999 pounds, or a
 159 recreational vehicle as specified in s. 320.08(9)(c) or (d),
 160 which ~~automobile, truck, or recreational vehicle~~ is not used for
 161 hire or commercial use, who is a resident of this ~~the~~ state and
 162 a current or former member of the United States military who was
 163 deployed and served in Saudi Arabia, Kuwait, or another area of
 164 the Persian Gulf during Operation Desert Shield or Operation
 165 Desert Storm; in Afghanistan during Operation Enduring Freedom;
 166 or in Iraq during Operation Iraqi Freedom ~~shall~~, upon
 167 application to the department, accompanied by proof of active
 168 membership or former active duty status during one of these
 169 operations, and ~~upon~~ payment of the license tax for the vehicle
 170 as provided in s. 320.08, shall be issued a license plate as
 171 provided by s. 320.06 ~~upon~~ which, in lieu of the registration
 172 license number prescribed by s. 320.06, is ~~shall be~~ stamped with
 173 the words "Operation Desert Shield," "Operation Desert Storm,"
 174 "Operation Enduring Freedom," or "Operation Iraqi Freedom," as
 175 appropriate, and a likeness of the related campaign medal
 176 followed by the registration license number of the plate. Proof
 177 that the applicant was awarded the Southwest Asia Service Medal,
 178 Iraq Campaign Medal, Afghanistan Campaign Medal, or Global War
 179 on Terrorism Expeditionary Medal is sufficient to establish
 180 eligibility for the appropriate license plate.

181 Section 2. This act shall take effect July 1, 2015.



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: Economic Affairs Committee
 2 Representative Ingram offered the following:

Amendment (with title amendment)

Remove lines 19-25 and insert:

6 ~~or~~ Combat Action Badge, Combat Action Ribbon, Air Force Combat
 7 Action Medal, or Distinguished Flying Cross recipients; former
 8 prisoners of war; Korean War Veterans; Vietnam War Veterans;
 9 Operation Desert Shield Veterans; Operation Desert Storm
 10 Veterans; Operation Enduring Freedom Veterans; ~~and~~ Operation
 11 Iraqi Freedom Veterans; World War II Veteran; Woman Veteran;
 12 Navy Combat Veteran; Marine Corps Combat Veteran; Air Force
 13 Combat Veteran and Navy Submariners; special license plates;
 14 fee.—

Remove lines 30-61 and insert:



Amendment No. 1

17 United States Armed Forces, World War II Veteran, Woman Veteran,
18 Navy Combat Veteran, Marine Corps Combat Veteran, Air Force
19 Combat Veteran, Navy Submariners, an active or retired member of
20 the Florida National Guard, a survivor of the attack on Pearl
21 Harbor, a recipient of the Purple Heart medal, an active or
22 retired member of any branch of the United States Armed Forces
23 Reserve, or a recipient of the Combat Infantry Badge, Combat
24 Medical Badge, ~~or~~ Combat Action Badge, Combat Action Ribbon, Air
25 Force Combat Action Medal, or the Distinguished Flying Cross
26 medal ~~shall~~, upon application to the department, accompanied by
27 proof of release or discharge from any branch of the United
28 States Armed Forces, proof of active membership or retired
29 status in the Florida National Guard, proof of membership in the
30 Pearl Harbor Survivors Association or proof of active military
31 duty in Pearl Harbor on December 7, 1941, proof of being a
32 Purple Heart medal recipient, proof of active or retired
33 membership in any branch of the United States Armed Forces
34 Reserve, ~~or~~ proof of membership in the Combat Infantrymen's
35 Association, Inc., ~~or other~~ proof of being a recipient of the
36 Combat Infantry Badge, Combat Medical Badge, ~~or~~ Combat Action
37 Badge, Combat Action Ribbon, Air Force Combat Action Medal, or
38 Distinguished Flying Cross, and upon payment of the license tax
39 for the vehicle as provided in s. 320.08, shall be issued a
40 license plate as provided by s. 320.06, ~~upon~~ which, in lieu of
41 the serial numbers prescribed by s. 320.06, is ~~shall~~ be stamped

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Amendment No. 1

42 with the words "Veteran," "World War II Veteran," "Woman
43 Veteran," "Navy Combat Veteran," "Marine Corps Combat Veteran,"
44 "Air Force Combat Veteran," "Navy Submariners," "National
45 Guard," "Pearl Harbor Survivor," "Combat-wounded veteran," "U.S.
46 Reserve," "Combat Infantry Badge," "Combat Medical Badge," or
47 "Combat Action Badge," "Combat Action Ribbon," "Air Force Combat
48 Action Medal," or "Distinguished Flying Cross," as appropriate,
49 and a likeness of the related ~~campaign~~ medal, ribbon, or badge,
50 followed by the serial number of the license plate.
51 Additionally, the Purple Heart plate may have the words "Purple
52 Heart" stamped on the plate and the likeness of the Purple Heart
53 medal appearing on the plate.

54
55 Remove lines 73-90 and insert:

56 (c) Any revenue generated from the sale of Woman Veteran
57 License Plates shall be deposited in the Operations and
58 Maintenance Trust Fund administered by the Department of
59 Veteran's Affairs pursuant to s. 20.375(3) and are to be used
60 solely for the purpose of creating and implementing programs to
61 benefit women veterans. Notwithstanding any provisions of law to
62 the contrary, an applicant for a Pearl Harbor Survivor license
63 plate or a Purple Heart license plate who also qualifies for a
64 disabled veteran's license plate under s. 320.084 shall be
65 issued the appropriate special license plate without payment of
66 the license tax imposed by s. 320.08.



Amendment No. 1

67 (2) Each owner or lessee of an automobile or truck for
68 private use, a truck weighing not more than 7,999 pounds, or a
69 recreational vehicle as specified in s. 320.08(9)(c) or (d),
70 which is not used for hire or commercial use, who is a resident
71 of this ~~the~~ state and who is a former prisoner of war, or his or
72 her ~~their~~ unremarried surviving spouse, ~~shall,~~ upon application
73 ~~therefor~~ to the department, shall be issued a license plate as
74 provided in s. 320.06, ~~on which license plate are stamped with~~
75 the words "Ex-POW" followed by the serial number. Each
76 application shall be accompanied by proof that the applicant
77 meets the qualifications specified in paragraph (a) or paragraph
78 (b).

79

80 Remove lines 108-120 and insert:

81 (3) Each owner or lessee of an automobile or truck for private
82 use, a truck weighing not more than 7,999 pounds, or a
83 recreational vehicle as specified in s. 320.08(9)(c) or (d),
84 which is not used for hire or commercial use, who is a resident
85 of this state and who is the unremarried surviving spouse of a
86 recipient of the Purple Heart medal ~~shall,~~ upon application
87 ~~therefor~~ to the department accompanied by, ~~with~~ the payment of
88 the required fees, shall be issued a license plate as provided
89 in s. 320.06, ~~on which license plate are stamped with~~ the words
90 "Purple Heart" and the likeness of the Purple Heart medal
91 followed by the serial number. Each application shall be



Amendment No. 1

92 accompanied by proof that the applicant is the unremarried
93 surviving spouse of a recipient of the Purple Heart medal.
94

95 Remove lines 141-143 and insert:
96 recreational vehicle as specified in s. 320.08(9)(c) or (d)
97 which ~~automobile, truck, or recreational vehicle~~ is not used for
98 hire or commercial use, who is a resident of this ~~the~~ state and
99 a
100

101 -----

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

103 Remove lines 5-6 and insert:
104 Ribbon, Air Force Combat Action Medal, Distinguished Flying
105 Cross, World War II Veteran, Woman Veteran, Navy Combat Veteran,
106 Marine Corps Combat Veteran, Air Force Combat Veteran and Navy
107 Submariners license plates; specifying

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 409 Rural Letter Carriers
SPONSOR(S): Stone
TIED BILLS: IDEN./SIM. **BILLS:** SB 160

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	12 Y, 0 N	Whittaker	Smith
2) Economic Affairs Committee		Whittaker	Creamer <i>JC</i>

SUMMARY ANALYSIS

The bill exempts rural letter carriers of the United States Postal Service (USPS) from mandatory seat belt usage while in the course of employment serving a designated postal route.

The bill has no fiscal impact on state funds.

The bill will become effective upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida's Safety (seat) Belt Law

In 1986, the Legislature enacted the "Florida Safety Belt Law"¹ to require a motor vehicle operator, front seat passengers, and all passengers less than 18 years of age to wear safety belts while the vehicle is in motion.² In 2009, the Legislature enacted SB 344 (Ch. 2009-32, Laws of Fla.) to allow for primary enforcement of the law. The penalty for failure to wear a safety belt is \$30, plus administrative fees and court costs.

Exemptions

Section 316.614(3), F.S., provides the following vehicles are not considered a "motor vehicle" and thus are not subject to the requirements of the seat belt law:

- A school bus.
- A bus used for transportation of persons for compensation.
- A farm tractor or implement of husbandry.
- A truck having a gross vehicle weight rating of more than 26,000 pounds.
- A motorcycle, moped, or bicycle.

Section 316.614(6), F.S., exempts the following from the seat belt law:

- Persons certified by a physician as having a medical condition that would cause the use of a safety belt to be inappropriate or dangerous.
- Employees of a newspaper home delivery service delivering newspapers on home delivery routes.
- Employees of a solid waste or recyclable collection service on designated routes during the course of their employment.
- The living quarters of a recreational vehicle.
- The space within the body of a truck used for the storage of merchandise.
- Motor vehicles not required to be equipped with a safety belt under federal law.

In 2013, there were 279,200 safety belt violations.³

USPS Seat Belt Rules

Under USPS rule⁴, a safety belt must be worn by rural letter carriers at all times when operating:

- A USPS-owned or -leased vehicle.
- A privately-owned right-hand-drive (RHD) vehicle.
- A privately-owned dual control vehicle.

When operating a privately-owned left-hand-drive (LHD) vehicle or partially equipped with dual control, the rule requires carriers to wear safety belts when traveling to and from the designated delivery route. The rule advises the use of safety belt but allows rural carriers operating a private LHD vehicle to do so without wearing a safety belt provided the carrier determines it is safe to do so considering:

¹ S. 316.614, F.S.

² Additional child restraints requirements are established in s. 316.613, F.S.

³ Florida Department of Highway Safety and Motor Vehicles, *Annual Uniform Traffic Citation Report*, <https://services.flhsmv.gov/SpecialtyPlates/UniformTrafficCitationReport> (last viewed 1/29/15)

⁴ United States Postal Service, *Post Offices*, <http://about.usps.com/postal-bulletin/2005/html/pb22167/postoffice.html> (last viewed 1/29/15)

- distance between stops;
- traffic density and weather conditions;
- road design characteristics; and
- other factors affecting safety.

Proposed Change

This bill amends s. 316.614 (6), F.S., providing that a rural carrier of the United States Postal Service is not required to be restrained by a safety belt while in the course of employment serving a designated postal route.

B. SECTION DIRECTORY:

- Section 1 Amends s. 316.614, F.S., exempting rural letter carriers of the United States Postal Service from requirements to be restrained by a safety belt while performing their duties.
- Section 2 Provides this bill will become effective upon becoming 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:

Rural letter carriers will not be subject to penalty (\$30 fine plus administrative costs) for failure to wear required safety belts when servicing a designated postal delivery route.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expand funds or to take action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None

1 A bill to be entitled
2 An act relating to rural letter carriers; amending s.
3 316.614, F.S.; exempting rural carriers of the United
4 States Postal Service from requirements to be
5 restrained by a safety belt while performing their
6 duties; providing an effective date.

7

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

9

10 Section 1. Paragraph (e) is added to subsection (6) of
11 section 316.614, Florida Statutes, to read:

12 316.614 Safety belt usage.—

13 (6)

14 (e) A rural carrier of the United States Postal Service is
15 not required to be restrained by a safety belt while in the
16 course of employment serving a designated postal route.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7007 PCB EDTS 15-01 Emergency Management
SPONSOR(S): Economic Development & Tourism Subcommittee, Eagle
TIED BILLS: **IDEN./SIM. BILLS:** SB 620

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Economic Development & Tourism Subcommittee	9 Y, 0 N	Lukis	Duncan
1) Economic Affairs Committee		Lukis <i>AL</i>	Creamer <i>JC</i>

SUMMARY ANALYSIS

The Emergency Management Assistance Compact (EMAC) is an agreement between all 50 states, the Commonwealth of Puerto Rico, the District of Columbia, and all other United States territorial possessions to provide each other mutual assistance in managing an emergency or disaster declared by the governor of the affected state. EMAC directs all party states that receive aid from another party state pursuant to EMAC to reimburse the aiding party state for its expenses.

The Division of Emergency Management (DEM) has received numerous requests through EMAC to assist states responding to manmade or natural disasters. Despite EMAC's reimbursement requirements, current law does not permit state employees traveling on an EMAC mission to receive travel reimbursement based on the amount agreed upon by the requesting state and DEM. Thus, current law may prevent a state employee from being fully reimbursed as certain EMAC missions take place in states where expenses exceed authorized reimbursement levels.

The bill provides that the per diem and travel expense reimbursement provisions under s. 112.061, F.S., do not apply to state employees traveling on an EMAC mission when such expenses are reimbursed pursuant to an amount agreed upon in an interstate mutual aid request for assistance.

The bill has no fiscal impact on state or local government revenues.

The bill provides an effective date of July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida Division of Emergency Management

Florida's Division of Emergency Management (DEM) administers programs to rapidly apply all available aid to communities stricken by emergency.¹ In doing so, DEM coordinates efforts with and among the federal government, other state agencies, local governments, school boards, and private agencies that have a role in emergency management.²

The State Emergency Act (Act)³ establishes DEM's powers and responsibilities, which include the following:

- preparation of a comprehensive statewide emergency management plan;
- adopting standards and requirements for county emergency management plans;
- assisting political subdivisions in preparing and maintaining emergency management plans;
- ascertaining the requirements for equipment and supplies for use in an emergency;
- instituting statewide public awareness programs;
- coordinating federal, state, and local emergency management activities in advance of an emergency; and
- using and employing the property, services, and resources within the state in accordance with the Act.⁴

DEM is administratively housed within the Executive Office of the Governor, and the Governor appoints DEM's Director, who is responsible for all matters under DEM's jurisdiction.⁵

Emergency Management Assistance Compact

Although DEM's primary role is to assist Florida communities, DEM also coordinates Florida's emergency assistance to other states. Accordingly, DEM manages Florida's participation in the Emergency Management Assistance Compact (EMAC).⁶

EMAC is an agreement between all 50 states, the Commonwealth of Puerto Rico, the District of Columbia, and all other United States territorial possessions to provide each other mutual assistance in managing an emergency or disaster declared by the governor of the affected state.⁷ The emergency may arise from a natural or manmade disaster, technological hazard, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack.⁸

The United States Congress passed a joint resolution that granted consent for the creation of EMAC in 1996.⁹ The Florida Legislature authorized Florida's participation in EMAC the same year.¹⁰

¹ Section 14.2016, F.S.

² Section 252.35(1), F.S.

³ Sections 252.31-252.60, F.S.

⁴ Section 252.35, F.S.

⁵ Section 14.2016, F.S.

⁶ See ss. 252.921-252.933, F.S.

⁷ Section 252.922(1), F.S.

⁸ Section 252.922(2), F.S.

⁹ Public Law 104-321 – Oct. 19, 1996.

Party State Cooperation and Communication

In tune with its purpose, EMAC directs its party states to carry out the following tasks:

- review individual state hazards analyses and determine those potential emergencies from which the party states might jointly suffer;
- review party states' individual emergency plans and identify each state's mechanism for interstate management and provision of assistance;
- develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;
- assist in warning communities adjacent to or crossing the state boundaries;
- protect and assure uninterrupted delivery of services, resources and supplies;
- inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and
- provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.¹¹

The authorized representative of a party state may request the assistance of another party state by contacting the authorized representative of that state. Requests for assistance must provide the following information:

- a description of the emergency service for which the support is needed;
- the amount and type of personnel, equipment, materials, and supplies needed, and a reasonable estimate of the length of time the resources will be needed; and
- the specific place and time where the assistance is needed and a point of contact at that location.¹²

The EMAC Process¹³

1. The Governor of the affected state declares a state of emergency due to a natural or man-made disaster/emergency.
2. The affected state assesses resource needs and identifies shortfalls for which assistance will be requested.
3. The affected state requests resources from EMAC member states through the state emergency management agencies.
4. State emergency management personnel and local resource providers work together to identify available resources and estimated mission costs.
5. The requesting and assisting states execute the EMAC Request for Assistance Form, which is called the REQ-A.¹⁴
6. Personnel deploying under EMAC are given a Mission Order Authorization Form, which outlines the mission, helpful information, and guidance.

¹⁰ Chapter 96-244, L.O.F.

¹¹ Section 252.924(1), F.S.

¹² Section 252.924(2), F.S.

¹³ Emergency Management Assistance Compact, Training & Education, Education Publications, Being Deployed Under EMAC? What You Need to Know, July 2013, p. 3, 2013 EMAC Deployment Brochure – July 2013.pdf.

¹⁴ The REQ-A is the official form used by states to request, offer, and accept assistance through EMAC. It is also the basis for reimbursement. The Emergency Management Assistance Compact, EMAC Overview 9-2011.pptx, Library Documents Docs ID #2646, Slide 35, available at http://www.nemaweb.org/index.php?option=com_pollybrower&Itemid=201.

7. The assisting states send resources to the requesting state.
8. When the mission is completed, resources return to the home state.
9. Deployed personnel provide receipts/records and work with the home state to develop and review reimbursement packages.
10. The assisting state sends a reimbursement package to the requesting state.
11. The requesting state reimburses the assisting state.

EMAC Reimbursement

Any party state that renders aid to another party state pursuant to EMAC must be reimbursed by the party state that receives such aid. Specifically, the receiving state is required to reimburse the aiding state for "any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the cost incurred in connection with such requests."¹⁵ However, an aiding party state may assume in whole or in part the costs of the aid it provides and may donate or loan equipment or services as it wishes.¹⁶ In addition, any two or more party states are authorized to enter into supplementary agreements establishing a particular allocation of costs among such states.¹⁷

Florida's Public Employee Travel Reimbursement Law

The Legislature has standardized travel reimbursement rates, procedures, and limitations, with certain exceptions and exemptions, applicable to all public officers, employees, and authorized persons whose travel is authorized and paid for by a public agency.¹⁸ All travel must be authorized by the head of the agency, or his or her designated representative, from whose funds the travel is paid. In addition, travel expenses should be limited to those necessarily incurred in pursuance of a public purpose.¹⁹ State law establishes the following three categories of travel:²⁰

- Class A Travel, which includes continuous travel of 24 hours or more away from official headquarters;
- Class B Travel, which includes continuous travel of less than 24 hours that involves overnight absence from official headquarters; and
- Class C Travel, which includes travel for short or day trips where the traveler is not away from his or her official headquarters overnight.

The state is required to allow for subsistence for public employees engaged in Class A or Class B Travel and provides the following two travel reimbursement options:²¹

- \$80 per diem; or
- if actual expenses exceed \$80, the state will pay a maximum of \$36 (\$6 for breakfast, \$11 for lunch, and \$19 for dinner) in addition to the actual expenses for lodging at a single-occupancy rate supported by paid bills.

DEM Deployment – EMAC

DEM has received numerous requests through EMAC to assist other states. Despite EMAC's reimbursement requirements, Florida's per diem and travel reimbursement law for public employees controls the specific reimbursement procedures and guidelines for DEM staff deployed on an EMAC

¹⁵ Section 252.929, F.S.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Section 112.061(1), F.S.

¹⁹ Section 112.061(3), F.S.

²⁰ Section 112.061(2)(k)-(m), F.S.

²¹ Section 112.061(6), F.S.

mission.²² Current law does not permit state employees traveling on an EMAC mission to receive travel reimbursement based on the amount agreed upon by the requesting state and DEM.²³ Consequently, at times, current law may prevent a state employee from being fully reimbursed as certain EMAC missions take place in states where expenses exceed authorized reimbursement levels.

Below is a list of missions in which DEM staff was deployed to provide assistance under EMAC from 2010-2014.²⁴

MISSION	NUMBER DEPLOYED	LOCATION	EVENT
2014			
Deputy Operations Chief	1	Hawaii	Hurricanes Iselle/Julio
2013			
Hazard mitigation grant experts	2	Colorado	Flood
Public information specialist to assist with operations JFO	2	Alaska	Flood
State Volunteer Agency Liaison	1	Alaska	Flood
2012			
Law enforcement strike teams	28	New Jersey	Sandy
Region IV Support Team to assist in staffing EOC	10	New York	Sandy
Donations Management Coordinator	1	New Jersey	Sandy
Personnel able to support NYC EOC	14	New York	Sandy
Donations Coordinator	1	New York	Sandy
Governor's Office of Volunteerism	1	New Jersey	Sandy
Finance personnel to assist NYC EOC	1	New York	Sandy
Field operations (door to door)	2	New York	Sandy
Request for assistance with mass care/feeding	2	Maryland	Sandy
2011			
Need for mitigation officer	2	Vermont	Irene
Request ESF 6 support	1	New Jersey	Irene
Donations Manager	1	New York	Tropical Storm Lee
Request EOC support team	17	New York	Irene
Mitigation personnel	3	Tennessee	Flood
Cadaver Dog Team	7	Alabama	Tornados
Communication teams	2	Alabama	Tornados
Volunteer donations coordinator	1	Missouri	Tornados
Volunteer donations coordinator	1	Alabama	Tornados
PIO Request	2	Alabama	Tornados
Individual Assistance Personnel	5	Mississippi	Severe weather
2010			
Air Craft Crew Chiefs for oil spill	15	Louisiana	Deep Water Horizon
National Guard	20	Louisiana	Deep Water Horizon

²² See s. 112.061, F.S.

²³ *Id.*

²⁴ Florida Division of Emergency Management, Email to House Economic Development & Tourism Subcommittee (EDTS) staff, Dec. 10, 2013; updated February 5, 2014 email to EDTS staff. Emails on file.

Effect of Proposed Changes

The bill provides that the per diem and travel expense reimbursement provisions under s. 112.061, F.S., do not apply to state employees traveling on an EMAC mission when such expenses are reimbursed pursuant to an amount agreed upon in an interstate mutual aid request for assistance.

B. SECTION DIRECTORY:

- Section 1: Amends s. 252.921, F.S., relating to the short title of the Emergency Management Assistance Compact (EMAC), to identify the statutory sections that govern EMAC.
- Section 2: Creates s. 252.9335, F.S., relating to expense reimbursement under EMAC, to provide that expense reimbursement provisions under s. 112.061, F.S., do not apply to an employee traveling under EMAC when such expenses are reimbursed based on the amount agreed upon in an interstate mutual aid request for assistance.
- Section 3: Provides an effective date of July 1, 2015.

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:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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A bill to be entitled
An act relating to emergency management; amending s.
252.921, F.S.; conforming a cross-reference; creating
s. 252.9335, F.S.; exempting state employees from
specified travel expense provisions when traveling
under the Emergency Management Assistance Compact
pursuant to a request for assistance from another
state under certain circumstances; providing an
effective date.

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

Section 1. Section 252.921, Florida Statutes, is amended
to read:

252.921 Short title.—Sections 252.921-252.933 ~~This part~~
may be cited as the "Emergency Management Assistance Compact."

Section 2. Section 252.9335, Florida Statutes, is created
to read:

252.9335 Expense reimbursement under compact.—Travel
expense reimbursement provisions of s. 112.061 do not apply to a
state employee traveling under the Emergency Management
Assistance Compact, ss. 252.921-252.933, when such expenses are
reimbursed based on the amount agreed upon in an interstate
mutual aid request for assistance.

Section 3. This act shall take effect July 1, 2015.