



Highway & Waterway Safety Subcommittee

MEETING PACKET

Tuesday, February 17, 2015
9:00 AM – 11:00 AM
116 Knott Building

Steve Crisafulli
Speaker

W. Gregory Steube
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Highway & Waterway Safety Subcommittee

Start Date and Time: Tuesday, February 17, 2015 09:00 am
End Date and Time: Tuesday, February 17, 2015 11:00 am
Location: 116 Knott Building
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 329 Special License Plates by Ingram
HB 409 Rural Letter Carriers by Stone

Presentation by the Department of Highway Safety and Motor Vehicles on Legislative Priorities
Presentation by the Florida Fish and Wildlife Conservation on the Anchoring and Mooring Survey Results

NOTICE FINALIZED on 02/10/2015 15:31 by Lawhon.Amanda

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: 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		Whittaker	Smith
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill amends s. 320.089, F.S., authorizing the Department of Highway Safety and Motor Vehicles (DHSMV) to issue a special use license plate for veterans who were awarded the Distinguished Flying Cross Medal. The plate will be stamped with the words "Distinguished Flying Cross" with an image of the medal, followed by the serial number.

Revenue generated from the sale of the special use license plate will be administered the same 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 to support the State Veterans Homes Program.

The bill has a negative, but insignificant impact on the Highway Safety Operating Trust Fund that can be absorbed with existing resources.

The bill could have a positive indeterminate impact on the State Homes for Veterans Trust Fund with the sale of the new Distinguished Flying Cross special use license plate.

The bill shall take effect July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Special License Plates – Military Service

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 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 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

Distinguished Flying Cross

The Distinguished Flying Cross is a military decoration awarded to any officer or enlisted member of the United States Armed Forces who distinguishes himself or herself in support of operations by "heroism or extraordinary achievement while participating in an aerial flight, subsequent to November 11, 1918." The first award of the Distinguished Flying Cross was made by President Calvin Coolidge on May 2,

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

1927, to ten aviators of the Air Corps who had participated in the U.S. Army Pan American Flight, which took place from December 21, 1926 to May 2, 1927.⁵

Proposed Change

The bill amends s. 320.089, F.S., authorizing the Department of Highway Safety and Motor Vehicles to issue a Distinguished Flying Cross special license plate to those who prove they were awarded this medal. The plate will be stamped with the words "Distinguished Flying Cross" with an image of the medal, followed by the serial number. Revenue generated from the sale of the Distinguished Flying Cross special use license plate will be administered the same 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 to support the State Veterans Homes Program.

B. SECTION DIRECTORY:

- Section 1 Amends s. 320.089, F.S., authorizing the Department of Highway Safety and Motor Vehicles to issue a Distinguished Flying Cross license plate; specifying qualifications and requirements for the plate; providing that the use of proceeds from the sale of the plate will be made according to certain established guidelines.
- Section 2 Provides 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 impact on the State Homes for Veterans Trust Fund with the sale of the new Distinguished Flying Cross special use license plate.

2. Expenditures:

The bill has a negative, but insignificant impact on the Highway Safety Operating Trust Fund that can be absorbed with existing resources.

The department would incur an initial startup cost (\$6,204) for the creation and manufacture of each new special license plate. An initial order of 2,200 license plates would be made (2,200 x \$2.82 = \$6,204) and distributed to Tax Collector offices statewide to meet public demand.

For both specialty and special license plates, programming is required by the department. Approximately 130 non-recurring programming hours, which would be absorbed within existing resources (estimated cost of \$5,200).⁶

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

⁵ [http://en.wikipedia.org/wiki/Distinguished_Flying_Cross_\(United_States\)](http://en.wikipedia.org/wiki/Distinguished_Flying_Cross_(United_States)) (last viewed 1/30/15)

⁶ Email correspondence from HSMV on file with the Highway and Waterway Safety Subcommittee

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The Distinguished Flying Cross special use license plate would be available to a new group of registrants who are recipients of the Distinguished Flying Cross Medal.

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

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 a Distinguished Flying Cross license plate; specifying qualifications and requirements for the plate; providing that the use of proceeds from the sale of the plate will be made according to certain established guidelines; 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 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; and Distinguished Flying Cross recipients; special license plates; fee.—

(1) (a) Each owner or lessee of an automobile or truck for private use or recreational vehicle as specified in s.

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

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53 "Distinguished Flying Cross," as appropriate, and a likeness of
54 the related campaign medal or badge, followed by the serial
55 number of the license plate. Additionally, the Purple Heart
56 plate may have the words "Purple Heart" stamped on the plate and
57 the likeness of the Purple Heart medal appearing on the plate.

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

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

75 (2) Each owner or lessee of an automobile or truck for
76 private use, a truck weighing not more than 7,999 pounds, or a
77 recreational vehicle as specified in s. 320.08(9)(c) or (d),
78 which is not used for hire or commercial use, ~~7~~ who is a resident

79 of this ~~the~~ state and who is a former prisoner of war, or his or
 80 her ~~their~~ unremarried surviving spouse, ~~shall,~~ upon application
 81 ~~therefor~~ to the department, shall be issued a license plate as
 82 provided in s. 320.06, ~~on which license plate are stamped with~~
 83 the words "Ex-POW" followed by the serial number. Each
 84 application shall be accompanied by proof that the applicant
 85 meets the qualifications specified in paragraph (a) or paragraph
 86 (b).

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

95 (b) A person who was serving as a civilian with the
 96 consent of the United States Government, ~~or a person~~ who was a
 97 member of the Armed Forces of the United States while he or she
 98 ~~who~~ was not a United States citizen who ~~and~~ was held as a
 99 prisoner of war when the Armed Forces of the United States were
 100 engaged in combat, or his or her ~~their~~ unremarried surviving
 101 spouse, may be issued the special license plate provided for in
 102 this subsection upon payment of the license tax imposed by s.
 103 320.08.

104 (3) Each owner or lessee of an automobile or truck for

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

117 (4) The owner or lessee of an automobile or truck for
 118 private use, a truck weighing not more than 7,999 pounds, or a
 119 recreational vehicle as specified in s. 320.08(9)(c) or (d)
 120 which ~~automobile, truck, or recreational vehicle~~ is not used for
 121 hire or commercial use~~7~~, who is a resident of this ~~the~~ state and
 122 a current or former member of the United States Armed Forces~~7~~
 123 ~~and~~ who was deployed and served in Korea during the Korean War
 124 as defined in s. 1.01(14), ~~shall~~~~7~~, upon application to the
 125 department~~7~~, accompanied by proof of active membership or former
 126 active duty status during the Korean War~~7~~, and ~~upon~~ payment of
 127 the license tax for the vehicle as provided in s. 320.08, shall
 128 be issued a license plate as provided by s. 320.06 ~~upon~~ which,
 129 in lieu of the registration license number prescribed by s.
 130 320.06, is ~~shall~~ be stamped with the words "Korean War Veteran~~7~~"

131 and a likeness of the Korean Service Medal, followed by the
 132 registration license number of the plate. Proof that the
 133 applicant was awarded the Korean Service Medal is sufficient to
 134 establish eligibility for the license plate.

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

153 (6) The owner or lessee of an automobile or truck for
 154 private use, a truck weighing not more than 7,999 pounds, or a
 155 recreational vehicle as specified in s. 320.08(9)(c) or (d)
 156 which ~~automobile, truck, or recreational vehicle~~ is not used for

157 | hire or commercial use who is a resident of this ~~the~~ state and a
 158 | current or former member of the United States military who was
 159 | deployed and served in Saudi Arabia, Kuwait, or another area of
 160 | the Persian Gulf during Operation Desert Shield or Operation
 161 | Desert Storm; in Afghanistan during Operation Enduring Freedom;
 162 | or in Iraq during Operation Iraqi Freedom ~~shall~~, upon
 163 | application to the department, accompanied by proof of active
 164 | membership or former active duty status during one of these
 165 | operations, and ~~upon~~ payment of the license tax for the vehicle
 166 | as provided in s. 320.08, shall be issued a license plate as
 167 | provided by s. 320.06 ~~upon~~ which, in lieu of the registration
 168 | license number prescribed by s. 320.06, is ~~shall be~~ stamped with
 169 | the words "Operation Desert Shield," "Operation Desert Storm,"
 170 | "Operation Enduring Freedom," or "Operation Iraqi Freedom," as
 171 | appropriate, and a likeness of the related campaign medal
 172 | followed by the registration license number of the plate. Proof
 173 | that the applicant was awarded the Southwest Asia Service Medal,
 174 | Iraq Campaign Medal, Afghanistan Campaign Medal, or Global War
 175 | on Terrorism Expeditionary Medal is sufficient to establish
 176 | eligibility for the appropriate license plate.

177 | 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: Highway & Waterway Safety
 2 Subcommittee
 3 Representative Ingram offered the following:

Amendment (with title amendment)

Remove lines 19-54 and insert:

7 ~~or~~ Combat Action Badge, Combat Action Ribbon, or Air Force
 8 Combat Action Medal recipients; former prisoners of war; Korean
 9 War Veterans; Vietnam War Veterans; Operation Desert Shield
 10 Veterans; Operation Desert Storm Veterans; Operation Enduring
 11 Freedom Veterans; and Operation Iraqi Freedom Veterans; and
 12 Distinguished Flying Cross recipients; special license plates;
 13 fee.-

14 (1) (a) Each owner or lessee of an automobile or truck for
 15 private use or recreational vehicle as specified in s.
 16 320.08(9)(c) or (d), which is not used for hire or commercial
 17 use, who is a resident of this ~~the~~ state and a veteran of the



Amendment No. 1

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



Amendment No. 1

44 Combat Action Ribbon, Air Force Combat Action Medal, or the
45 Distinguished Flying Cross," as appropriate, and a likeness of
46 the related ~~campaign~~ medal, ribbon, or badge, followed by the
47 serial

48
49 -----
50 **T I T L E A M E N D M E N T**

51 Remove lines 4-7 and insert:

52 Safety and Motor Vehicles to issue Combat Action Ribbon,
53 Air Force Combat Action Medal, and Distinguished Flying Cross
54 license plates; specifying qualifications and requirements for
55 the plates; providing that the use of proceeds from the sale of
56 the plates will be made

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		Whittaker	Smith
2) Economic Affairs Committee			

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:

- distance between stops;
- traffic density and weather conditions;

¹ S. 316.614, F.S.

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

³ <https://services.flhsmv.gov/SpecialtyPlates/UniformTrafficCitationReport> (last viewed 1/29/15)

⁴ <http://about.usps.com/postal-bulletin/2005/html/pb22167/postoffice.html> (last viewed 1/29/15)

- 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

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.

**DHSMV-
Leg. Priorities**



A SAFER
FLORIDA
HIGHWAY SAFETY AND MOTOR VEHICLES

**Substantive
Legislative
Proposals**
Fiscal Year:
2015-2016



Terry L. Rhodes, Executive Director

Department of Highway Safety and Motor Vehicles 2015-2016 *Substantive Legislative Proposals*



Issue	Current Situation	Proposed Change	Justification	Fiscal Impact	Statutory Citation
Funeral Expense Flexibility for Law Enforcement Officers	Beneficiaries of full time, certified law enforcement, correctional or correctional probation officers that are killed in the line of duty are eligible to receive \$1,000 to assist with funeral and burial expenses. No authority exists for a state agency to pay any of the funeral or burial expenses directly to the provider of these services.	Provides flexibility for head of employing agency to pay up to \$5,000 directly to venue to cover funeral and burial expenses of those killed in the line of duty.	The size of venues needed for funeral services for those law enforcement officers killed in the line of duty are typically larger than would be needed by family and friends of the deceased as law enforcement officers from other agencies (as well as from other states or countries) often attend to show their respect to both the officer as well as the law enforcement agency itself. This change will allow the agency to pay a venue directly to relieve the bereaved family's burden of having to pay the cost of the larger venue.	Minimal	112.19
Email Addresses Public Records Exemption	The Driver Privacy Protection Act (adopted both in federal and state law) limits public access to an individual's social security number, driver license or identification card number, name, address, telephone number, medical or disability information, and emergency contact information as contained in the person's motor vehicle and driver license. The law was passed in 1994, before the widespread adoption of email, and did not include email addresses as protected personal information.	Creates a public records exemption for email addresses obtained from customers when conducting driver license/motor vehicle record transactions.	Provides consumer protection of customer's email address.	No	119.0712

continued

Department of Highway Safety and Motor Vehicles 2015-2016 *Substantive Legislative Proposals*



Issue	Current Situation	Proposed Change	Justification	Fiscal Impact	Statutory Sites
Revising Size of Hazard Flags On Projecting Loads	Current Florida law requires red flags not less than 12 inches square be attached to a load protruding past the perimeter of a vehicle to alert surrounding drivers of the hazard. Federal regulations require the flag to be 18 inches square. Commercial motor vehicle carriers that obtain dimension/size permits issued by FDOT are already required by the terms of the permit to obtain 18 inch flags.	Change would bring Florida into compliance with Federal regulations to require 18-inch square flags on all vehicles with protruding loads.	The Federal Motor Carrier Safety Administration (FMCSA) has noted the discrepancy between Florida law requiring 12 inches and federal regulations requiring 18 inches in prior Compatibility Reviews.	No	316.228
Antique Vehicles Registration - Technical Change	Antique vehicles are defined as those for private use which are 30 years or more after the date of manufacture. A recent audit by DHSMV's Inspector General noted that vehicle records do not capture the manufacture date but rather the model year. Model year is used for all other vehicle registrations.	Amends the definition of antique status from verifying the manufacture date of a vehicle's engine to utilizing model date of the vehicle.	Provides consistency in vehicle records and addresses audit finding by DHSMV Inspector General.	No	320.086
Public Records Exemption Clarification	On crash reports, insurance policy numbers are authorized to be released for policies covering vehicles involved in an accident to: Any person in the accident, the attorney of any person involved in the accident, a representative of the insurer of any person in the accident.	Specifies disclosure to governmental entities is allowed under certain circumstances if necessary to perform its duties and responsibilities. Clarifies documentation needed to obtain insurance policy information as well as authorizes DHSMV to provide policy information to insurance company's authorized representatives.	Additional consumer protection of information held confidential and exempt. Facilitates disposition of insurance claims in a more efficient manner.	No	324.242

Questions?

**FWC- Anchoring
& Mooring Results**

Executive Summary

The Florida Fish and Wildlife Conservation Commission (FWC), in assisting the Legislature by exploring potential options for regulating the anchoring of non-live-aboard vessels outside the marked boundaries of public mooring fields, has engaged the public through a series of open public meetings and commenting opportunities.

In the summer and fall of 2014, three public meetings related to this topic were held (in Tallahassee, Vero Beach and Bradenton). Both verbal and written comments received as a result of those meetings led to six refined concepts for future consideration. Those concepts, which contemplated the granting of limited authority to local governments to regulate anchoring in their jurisdiction, included:

1. A setback distance where anchoring of vessels would be prohibited in the vicinity of public boating access infrastructure, such as boat ramps, hoists, mooring fields and marinas.
2. A setback distance where anchoring of vessels overnight in close proximity to waterfront residential property would be prohibited.
3. The storing of vessels on the water in deteriorating condition would be prohibited.
4. The timeframe for storing vessels on the water would be limited unless relocated a specified distance away.
5. If authority was granted to local governments to regulate anchoring in their jurisdiction, an allowance could be created for other anchoring regulations where need is demonstrated.
6. If authority was granted to local governments to regulate anchoring in their jurisdiction, the creation of an online, interactive map to help boat operators know which local areas were covered under local anchoring restrictions.

Recognizing that the outcome of the three public meetings was not adequately representative of the wide range of stakeholders potentially affected by this issue, the FWC initiated an online survey intended to expand the reach and diversity of stakeholders sharing their thoughts and preferences related to potential anchoring restrictions.

In addition to questions pertaining to the six concepts mentioned above, questions were also included which were intended to gauge public sentiment about how best to implement any potential restrictions (statewide, county or local level).

The survey, comprised of 25 questions, was conducted during the period from November 21 through December 7, 2014; there were 11,693 completed surveys submitted during the time period. Highlights of the survey responses are as follows:

- * 73% of survey responses were submitted within the first week of the survey.
- * The results appear to confirm that the vast majority of completed surveys were submitted from unique respondents (no duplicates). 86.4% were from unique IP addresses, while there were two surveys submitted from the same IP address in 9.2% of the responses. 4.4% of responses shared an IP address with more than 2 other survey respondents.

DEMOGRAPHIC INFORMATION

Residential status of respondents

- 41% of respondents identified themselves as a full-time Florida resident, with 11% reported as part-time residents and 25% as occasional visitors to Florida.
- 18% of respondents identified themselves as waterfront residents, while 3% are reported to be involved in waterfront water-related business. 2% identified themselves as local, state or federal government officials.
- Responses were received from residents of all 50 states, the District of Columbia, Puerto Rico and the US Virgin Islands. 62.8% of U.S. resident respondents identified Florida as their primary residence. At least 162 respondents (1%) were residents of Canada.
- The Florida counties with the highest number of resident respondents were: Pinellas (8.8%), Charlotte (7.6%), Lee (7.4%), Broward (7.0%), Brevard (5.4%), Palm Beach (5.4%), Miami-Dade (5.2%) and Monroe (5.2%).

Boating status of respondents

- 57% of respondents identified themselves as Florida resident boaters. 28% were residents of another state who cruise Florida waters by boat and 8% reside outside Florida and both store and use their boat in Florida. 7% stated they do not boat in Florida.

- 34% of respondents primarily use their boat for overnight trips of moderate to long duration (a week or longer), while 31% use their boat for mostly day trips with occasional overnight trips of short duration. 18% reported to only use their boats for day trips, while 11% use their boat as a residence or domicile.
- Most respondents reported to keep their boats on the water, either at a marina (34%), docked at a residence (20%), on a mooring (11%) or at anchor (18%). 13% of respondents stated they keep a boat on a trailer and 4% used a high and dry storage facility.

ANCHORING REGULATION PREFERENCES

How best to implement regulation of anchoring

Respondents were provided a scenario where if the Florida Legislature chooses to address the issue of anchoring on state waters, the respondents were asked their preference on how best to regulate anchoring.

- 52% of respondents stated they preferred that anchoring regulations be consistently applied everywhere in the state.
- 40% preferred that local governments which choose to restrict anchoring only be authorized to adopt specific state-authorized restrictions.
- 8% of respondents preferred that local governments have the ability to regulate anchoring on state waters in their jurisdiction in any manner they choose.

Respondents were also asked at what level of government they preferred authority to regulate anchoring to reside.

- 66% preferred that authority to remain at the state level.
- The remaining respondents (34%) preferred authority to be granted to county governments (15%), both county and city-level governments (14%) or city-level governments only (5%).

Anchoring regulation concept 1 – setback from public access infrastructure

Respondents were asked their thoughts about a potential setback distance (150 feet was proposed) from public boating access infrastructure such as mooring fields, boat ramps and other launching or landing facilities.

- 66% either somewhat or strongly agreed that the concept of a minimum setback from public access infrastructure was appropriate. 8% of respondents were neutral on this topic, while 26% either somewhat or strongly disagreed with this concept.
- 44% of respondents identified 150 feet as the appropriate setback distance, while 23% preferred it to be 100 feet. The other preferred setback distances varied significantly among respondents (greater or less than 150 feet).

Anchoring regulation concept 2 – setback from waterfront residences

Respondents were asked their thoughts about a potential setback distance (150 feet was proposed) from waterfront residential property. Proposed exemptions included boats seeking safe harbor, government vessels for law enforcement, fire-fighting or rescue, vessels anchoring for short time periods while fishing and those involved in construction or dredging activities.

- 51% of respondents either somewhat or strongly agreed that a setback from waterfront residences was appropriate. 6% were neutral, and 43% either somewhat or strongly disagreed with this concept.
- 32% of respondents identified 150 feet as the most appropriate setback distance, while others preferred a 100 foot setback (21%) or a 50 foot setback (18%). The other preferred setback distances varied significantly among respondents (greater or less than 150 feet).

Anchoring regulation concept 3 – condition of stored vessels

Respondents were asked their thoughts about a prohibition against storing a boat on waters of the state when in various states of disrepair or neglect or when violating certain laws. Those scenarios included, but are not limited to, vessels unable to navigate under its own means of propulsion (as intended by the manufacturer), those taking on water or sunk, those violating marine sanitation laws, those which have interior areas which are left open to the elements for extended periods of time, etc.

- 86% of respondents either somewhat or strongly agreed that prohibiting storage of vessels on public waters in the listed conditions is appropriate. 3% were neutral and 11% either somewhat or strongly disagreed with this concept.

Anchoring regulation concept 4 – time limit for stored vessels

Respondents were asked their opinions about limiting the number of days a vessel may be stored on public waters in a given area. The proposal would limit the number of days to 60 and would require the vessel to be moved to a private dock, marina slip, removed from the water, or be relocated at least 5 miles from the current location after 60 days.

- 66% of respondents either somewhat or strongly agreed with this concept. 6% were neutral and 28% either somewhat or strongly disagreed with the concept.
- When asked about the appropriate number of days to allow vessels to be stored in one location, 31% of respondents identified 60 days as most appropriate, 16% preferred a 30 day time period, followed by 14% preferring a 90 day limitation. The remaining responses varied significantly (either more or less than 60 days).
- When asked about the appropriate distance a vessel would have to be relocated following the time limitation, 27% preferred 5 miles, 20% preferred 1 mile, 17% preferred one-half mile and 14% preferred 3 miles. 13% of respondents preferred that stored vessels not have to be relocated. Other responses varied significantly (either more or less than 5 miles).

Anchoring regulation concept 5 – provision for extraordinary restrictions

In the event local governments were granted authority to regulate anchoring, and recognizing that there may be situations where there might be justification for a local government to restrict anchoring that has not been fully identified, respondents were asked about how best to deal with a compelling need to regulate anchoring in ways other than those previously identified.

- 48% of the respondents either somewhat or strongly disagreed with the concept. 10% were neutral, while 42% either somewhat or strongly agreed with the concept.
- When asked what level of justification should be demonstrated by local governments in order for extraordinary restrictions be allowed, 81% of respondents identified that a high degree of need be demonstrated.

Anchoring regulation concept – Internet publishing of local anchoring restrictions

In the event local governments were granted authority to regulate anchoring, respondents were asked how important it would be to develop an interactive, online mapping program or application to allow boaters to be informed of those

locations/jurisdictions where they are not allowed to anchor and those specific restrictions.

- 88% of respondents identified this as either somewhat or very important. 6% of respondents were neutral, while 6% identified this as unimportant.

Written comments

Each anchoring regulation concept offered an opportunity for respondents to provide written comments to further explain their thoughts on the topic. More than 2,000 written comments were submitted for each concept, and those comments further explain the respondent's opinion of the concept, but have not been analyzed in-depth for purposes of this report. The individual comments are available for review by interested persons on FWC's website.

The final question in the survey offered respondents an opportunity to provide any final thoughts in written form. 3,796 written comments (33% of total respondents) were received for this question, and those comments have been reviewed and grouped into broad, general categories.

Those categories include the following:

- Do not desire any regulation of anchoring – 8% of total respondents
- Attention should be directed to derelict vessels – 4% of total respondents
- Anchoring should be regulated only by a State-level authority – 3% of total respondents
- Some form of limited regulation is acceptable or inevitable – 3% of total respondents
- State waters should be managed for the benefit of the public – 2% of total respondents
- Any regulation should be uniform across the entire state – 2% of total respondents
- Regulation of anchoring is highly needed and strongly desired – 1% of total respondents
- Designated locations for anchoring would be helpful – 1% of total respondents

**Highway and Waterway Safety Subcommittee
House of Representatives**

**Regulation of Anchoring in Florida Waters
Executive Summary
Results of an Online Public Opinion Survey
Conducted November 21, 2014
through December 7, 2014**



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement - Boating and Waterways
February 17, 2015

Quality Control - Redundant IP Addresses

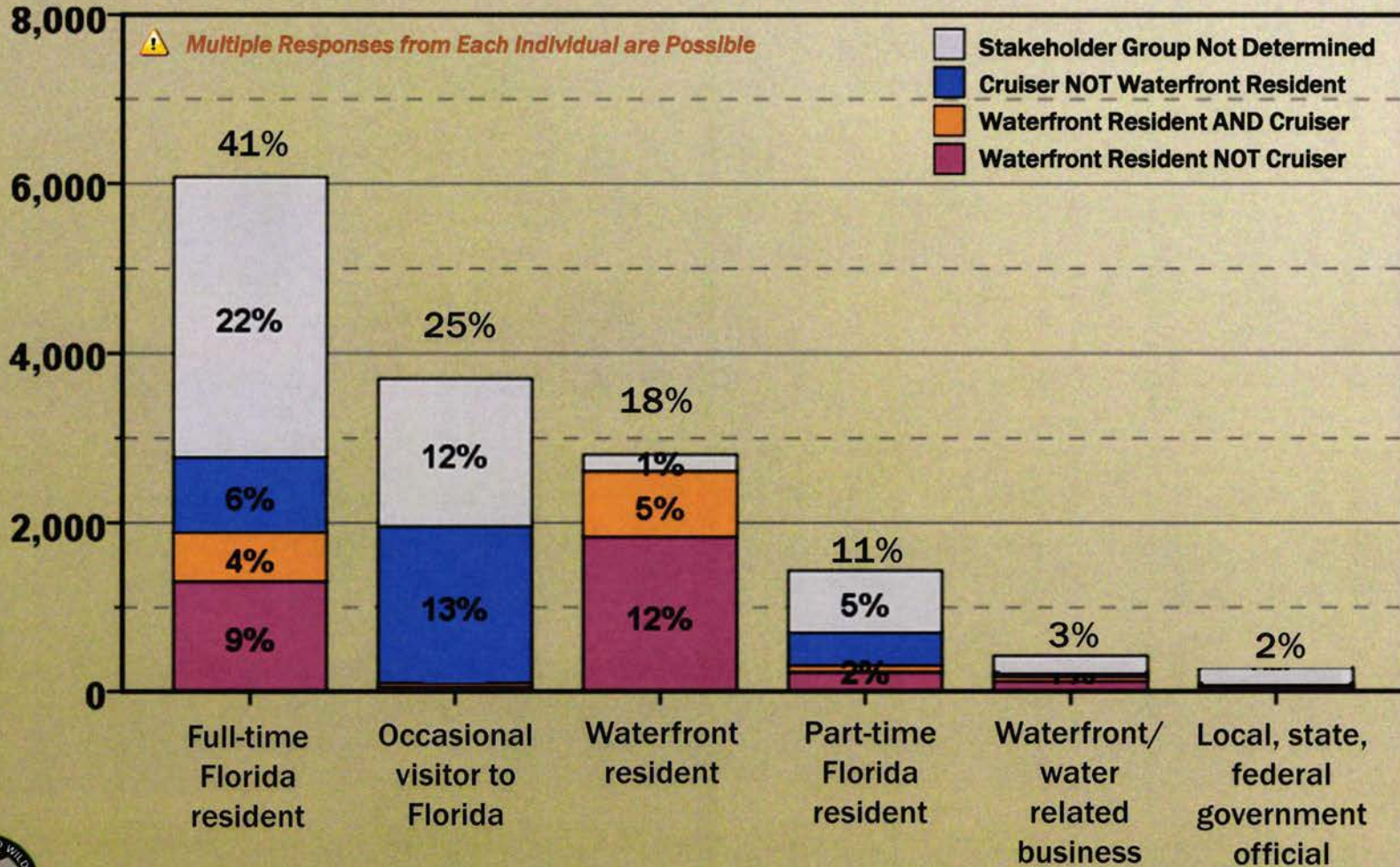
Responses appear to be from unique individuals

- 86.4% of responses came through a unique IP address.
- 9.2% of responses shared an IP address with 1 other response.
- 4.4% of responses shared an IP address with 2 or more other responses.
- Maximum number of responses through a single IP address was 13.



Demographics

Question #1 - Check each of the following which reflect who you are:

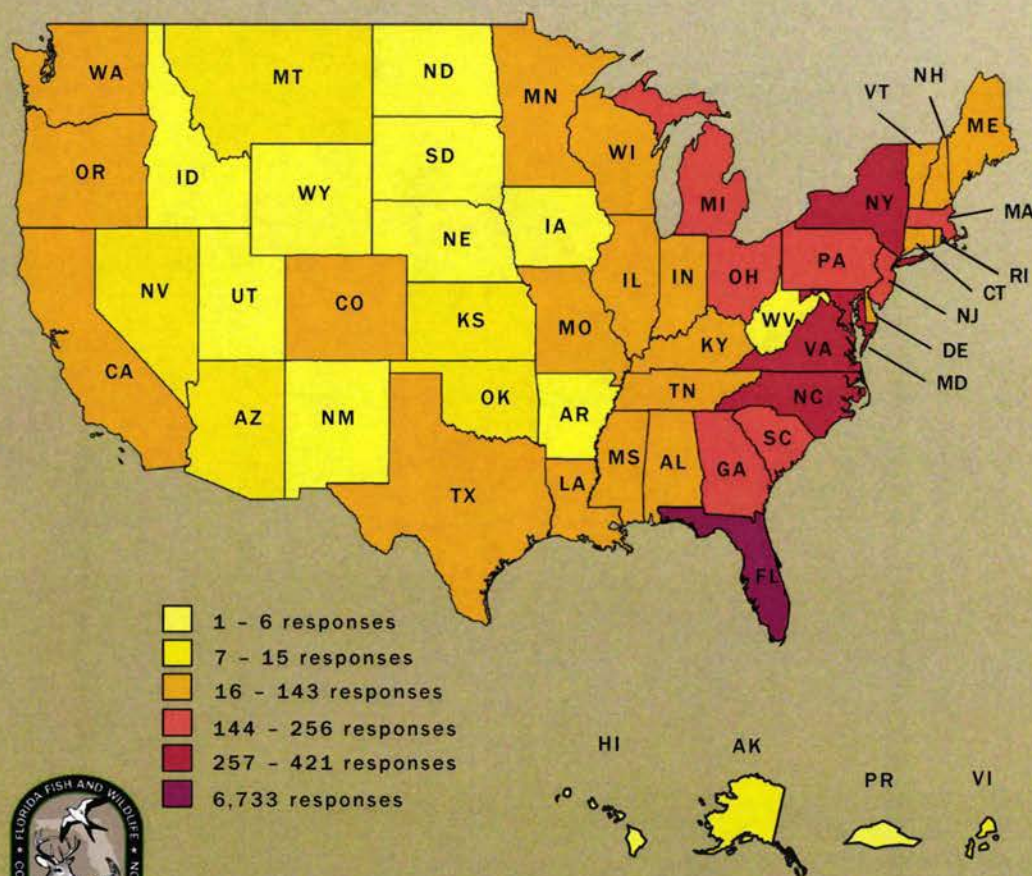


Demographics

U.S. Response = 10,731 people (92%)

Top 15 States

State	Responses	Percent
Florida	6,733	62.8%
Virginia	421	3.9%
North Carolina	374	3.5%
Maryland	350	3.3%
New York	283	2.6%
Pennsylvania	204	1.9%
Georgia	200	1.9%
Massachusetts	197	1.8%
Michigan	191	1.8%
South Carolina	184	1.7%
New Jersey	180	1.7%
Ohio	157	1.5%
Connecticut	130	1.2%
Texas	104	1.0%
Illinois	102	1.0%



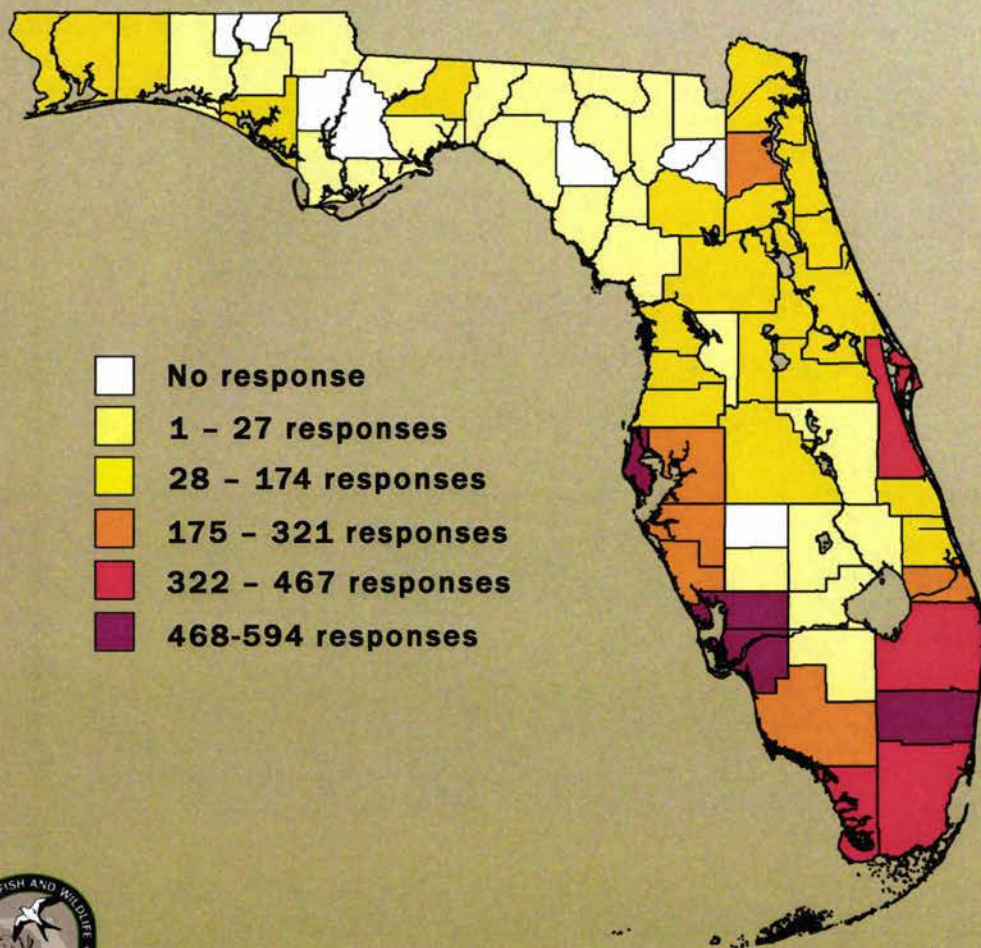
Demographics

Florida Response = 6,733 people (63% of U.S. response)

(58% of total response)

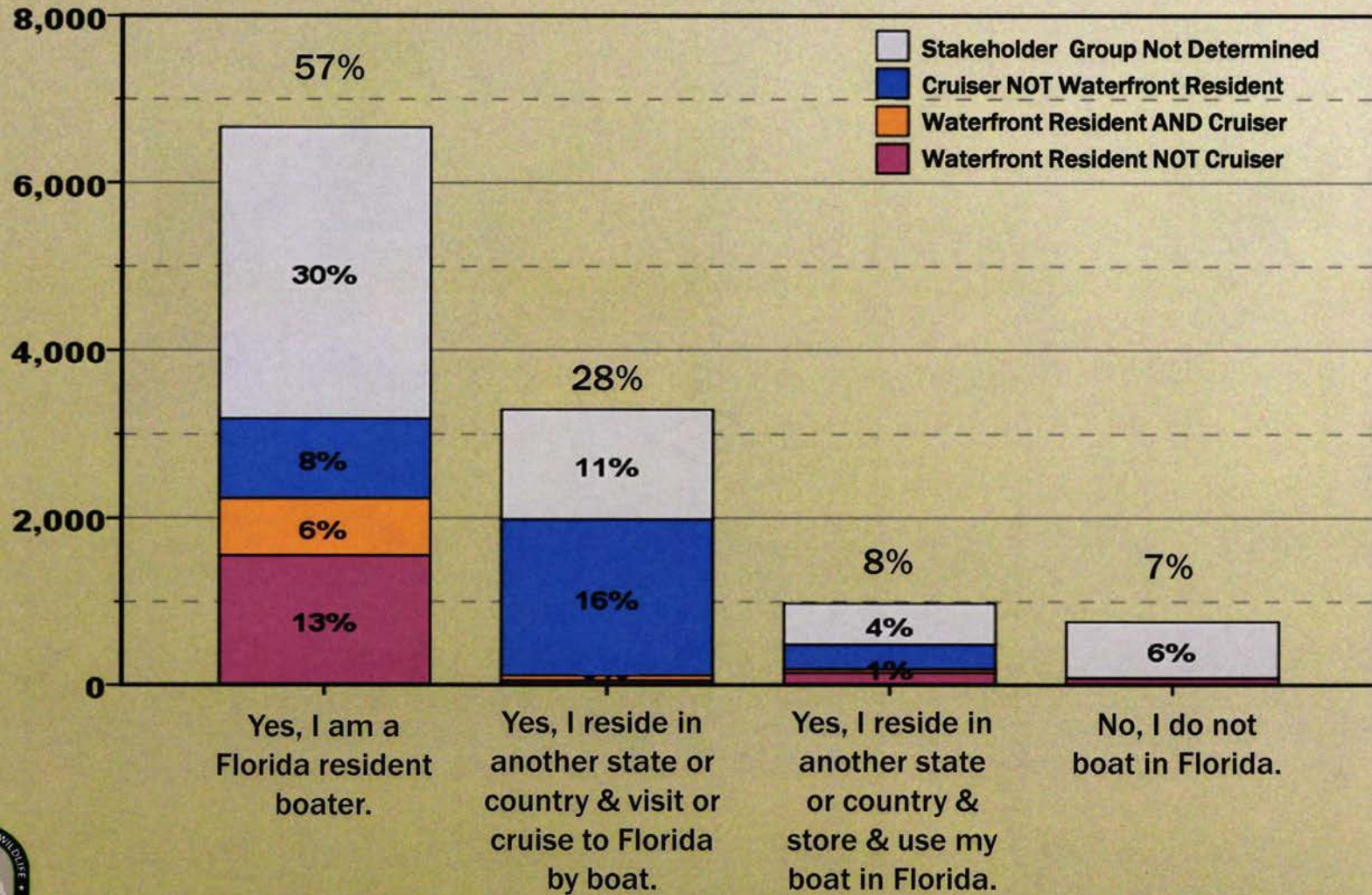
Top 15 Florida Counties

County	Responses	Percent
Pinellas	594	8.8%
Charlotte	512	7.6%
Lee	499	7.4%
Broward	473	7.0%
Palm Beach	365	5.4%
Brevard	363	5.4%
Monroe	352	5.2%
Miami-Dade	350	5.2%
Clay	306	4.5%
Sarasota	271	4.0%
Hillsborough	269	4.0%
Collier	218	3.2%
Manatee	212	3.1%
Martin	195	2.9%
Duval	165	2.5%



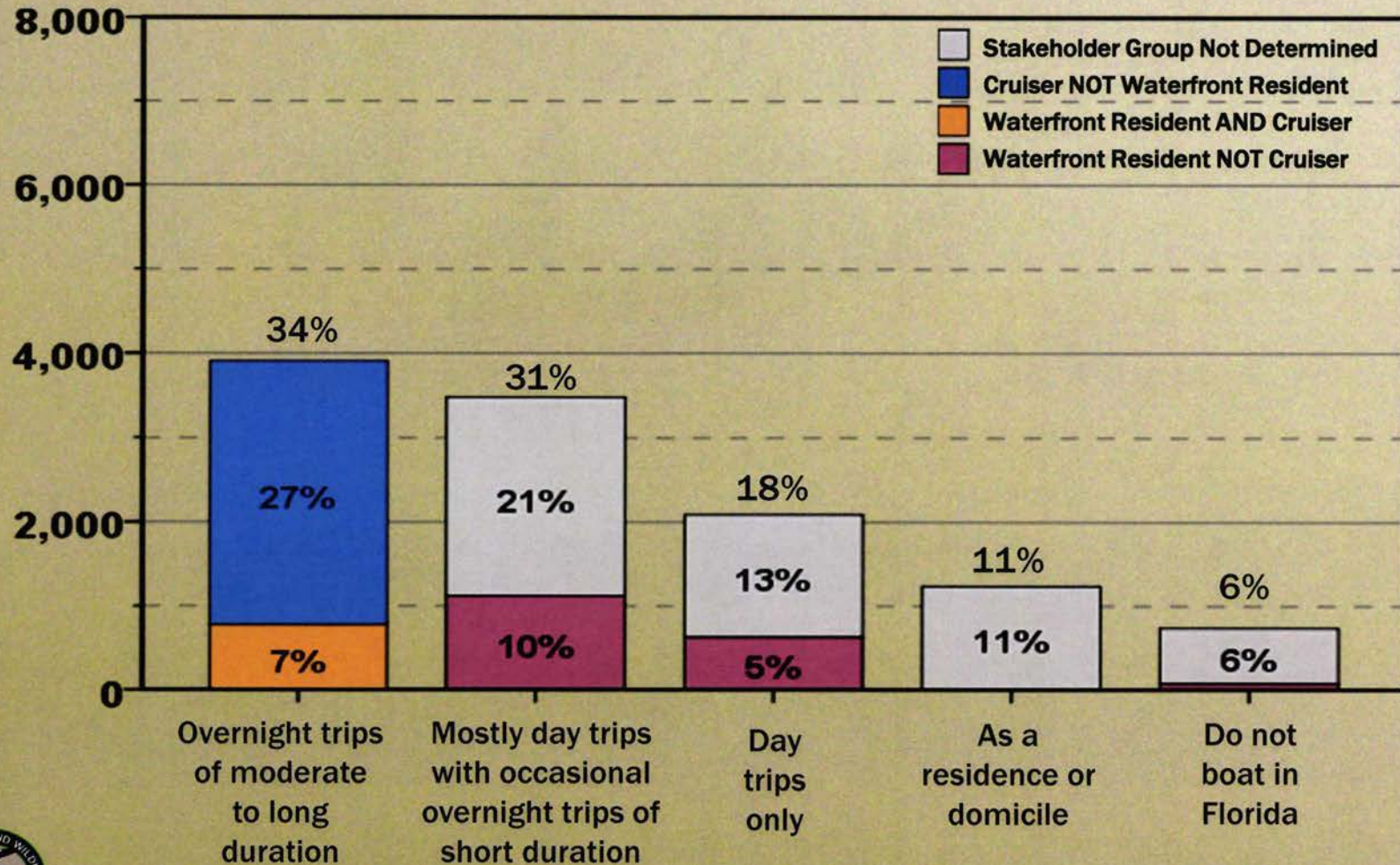
Demographics

Question #3 - Do you boat in Florida?



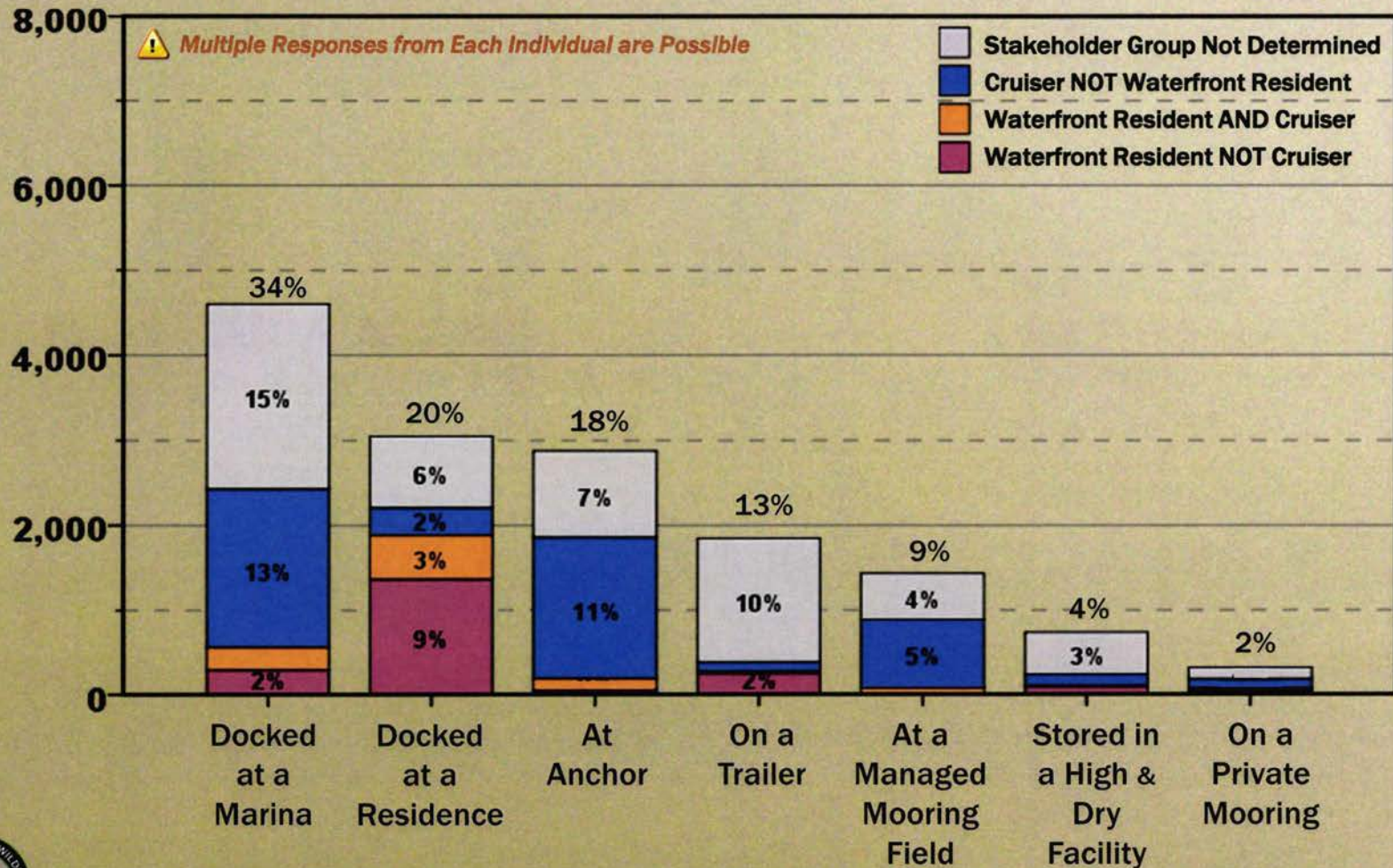
Demographics

Question #4 - How do you use your boat(s) most often?



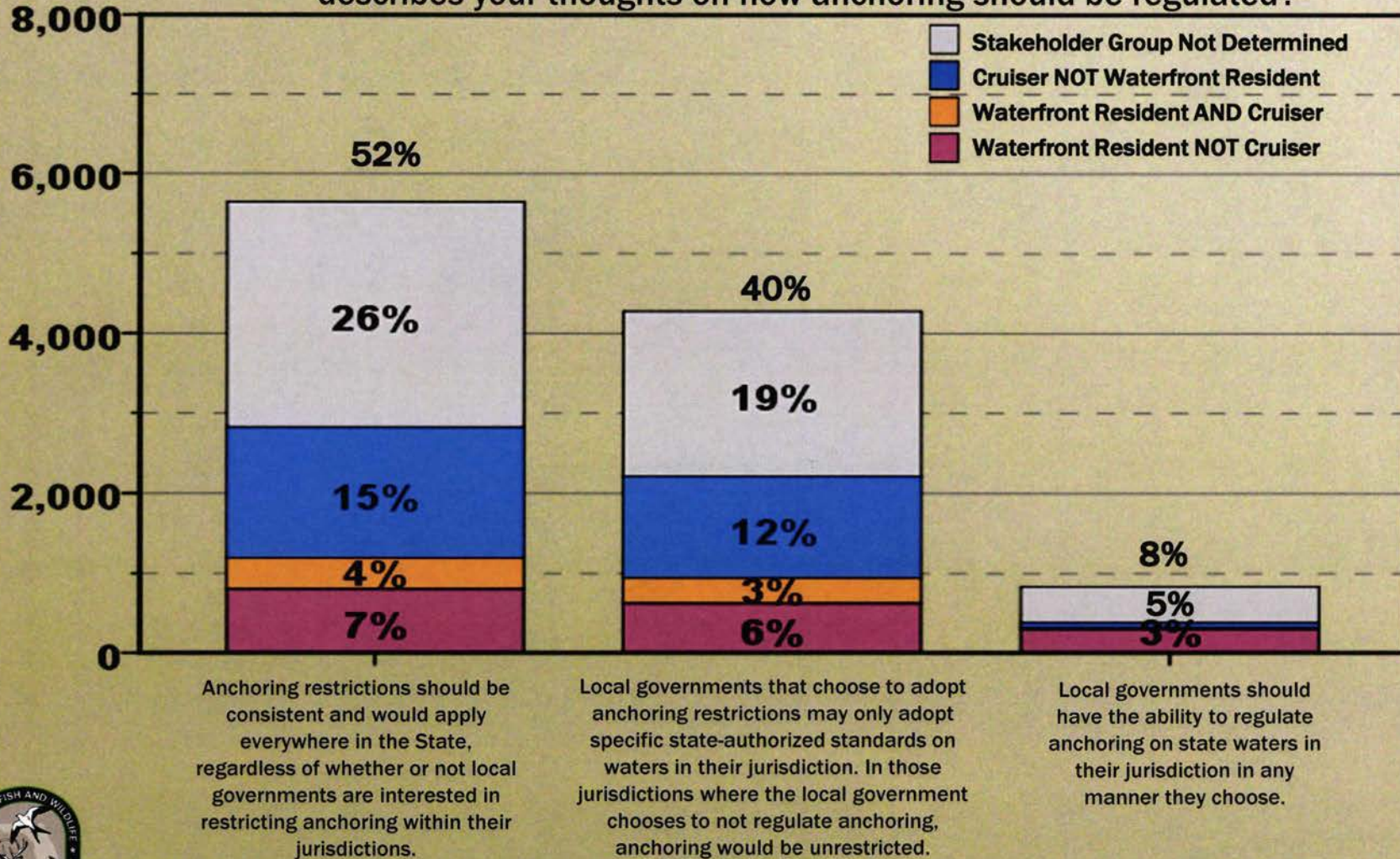
Demographics

Question #5 - Where do you primarily keep your boat(s)?



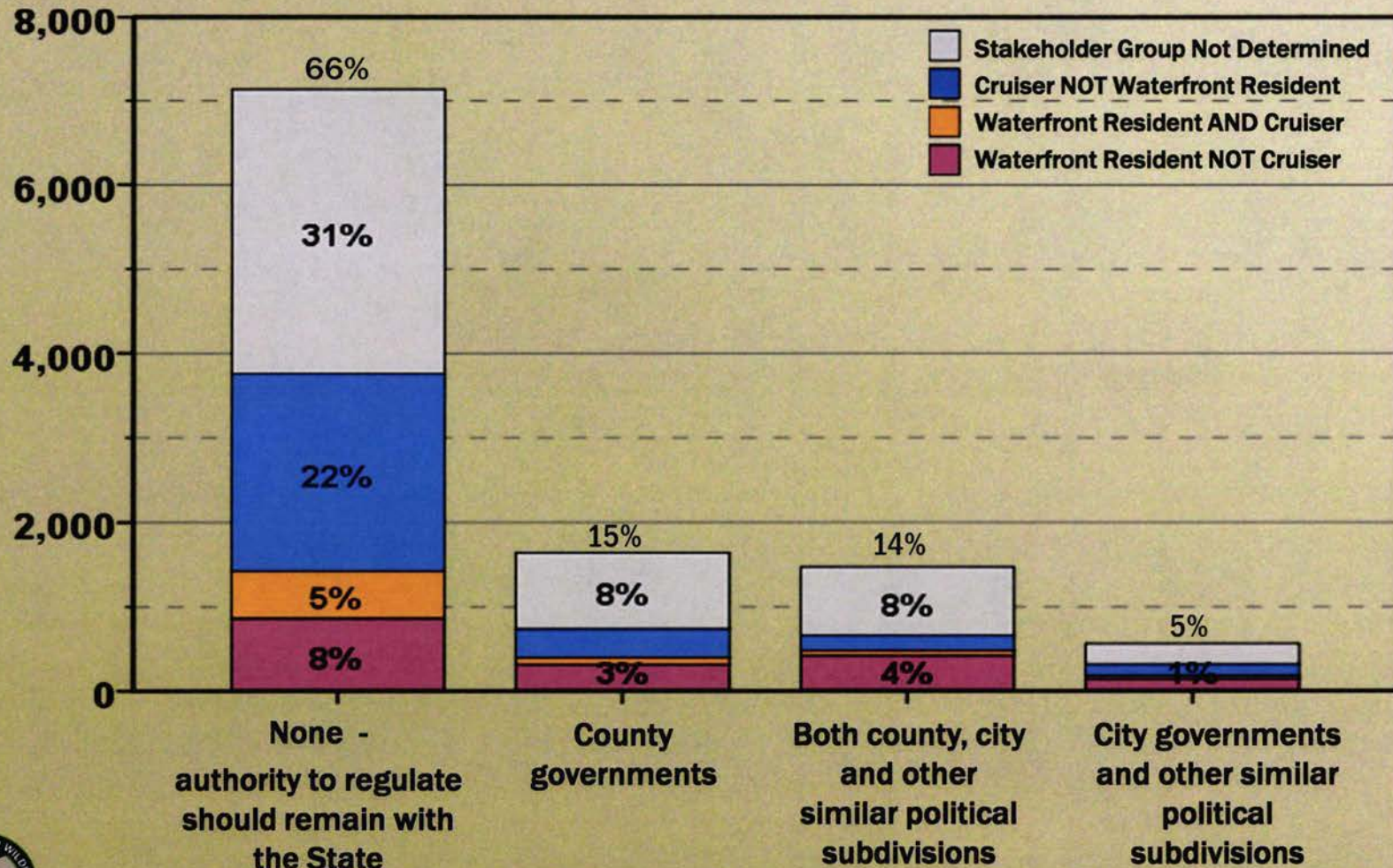
Application of Regulations

Question #6 In the event Florida's Legislature chooses to address the regulation of anchoring on state waters, which of the following alternatives best describes your thoughts on how anchoring should be regulated?



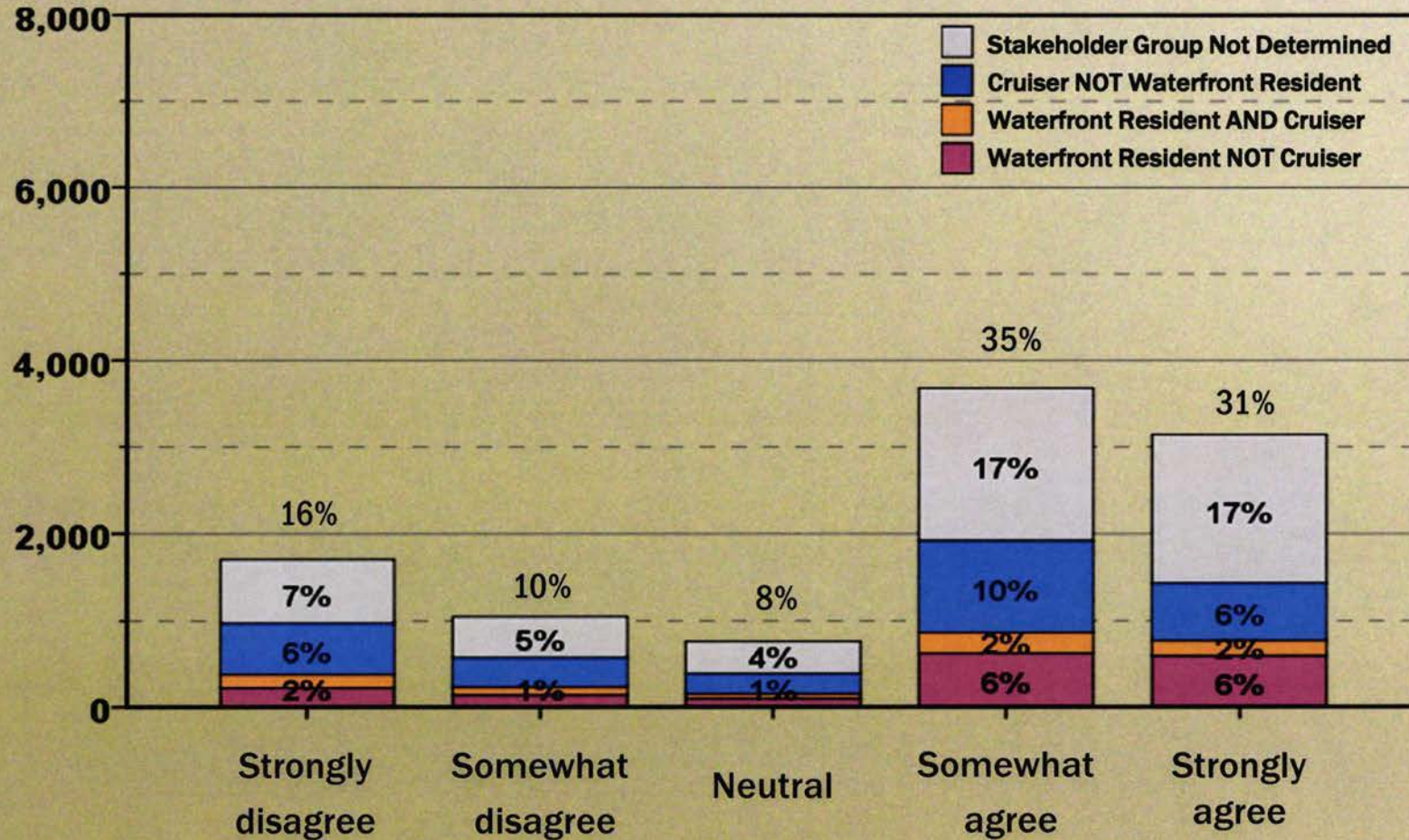
Application of Regulations

Question #7 If the State granted limited authority to local governments to regulate anchoring, that authority should be granted to: (Select One)



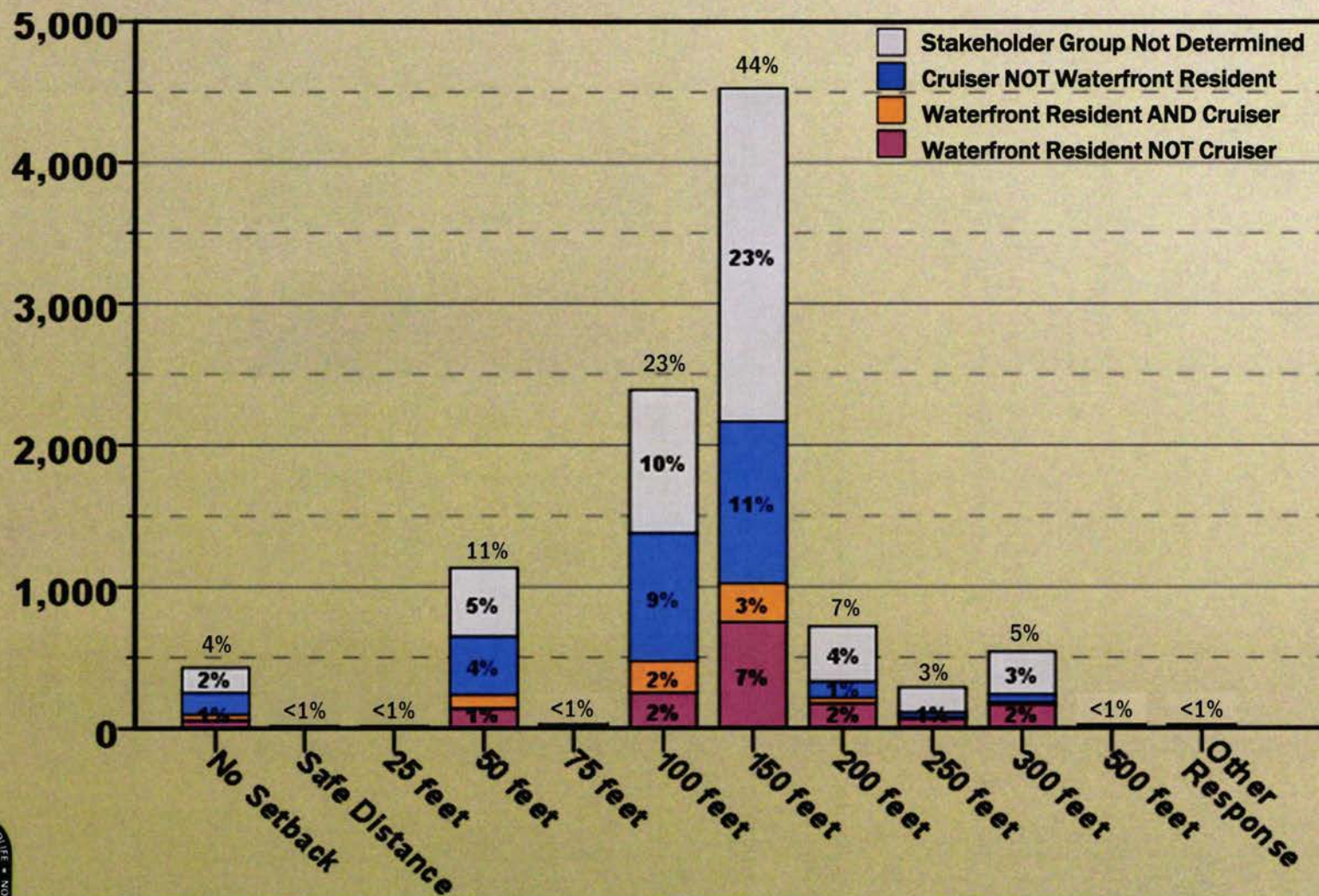
Concept #1 - Setback from Public Access Infrastructure

Question #8 - Please identify your level of agreement with the concept of a potential setback distance (150 feet was proposed) from public boating access infrastructure.



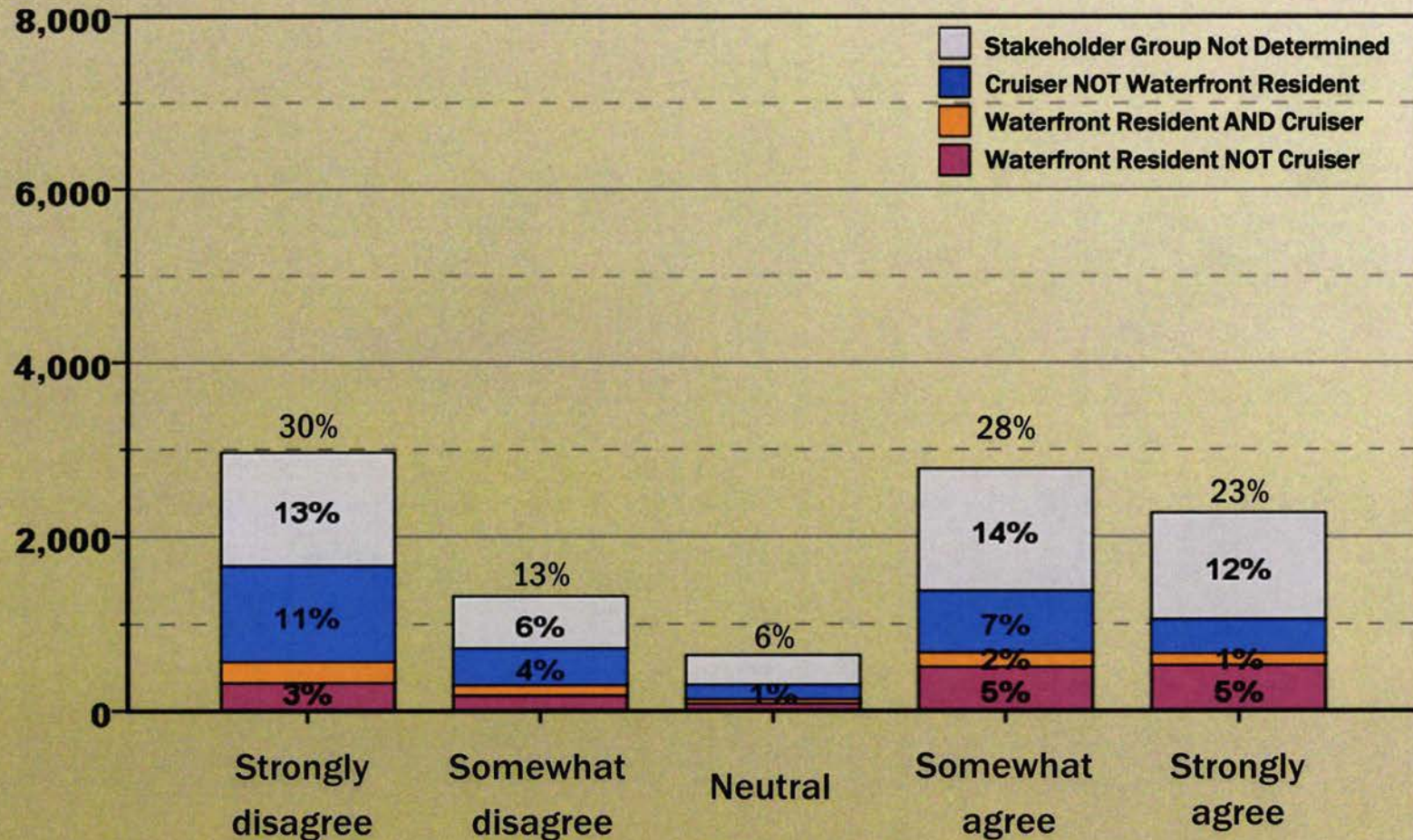
Concept #1 - Setback from Public Access Infrastructure

Question #9 - What do you feel is the most appropriate setback distance from public boating access infrastructure?



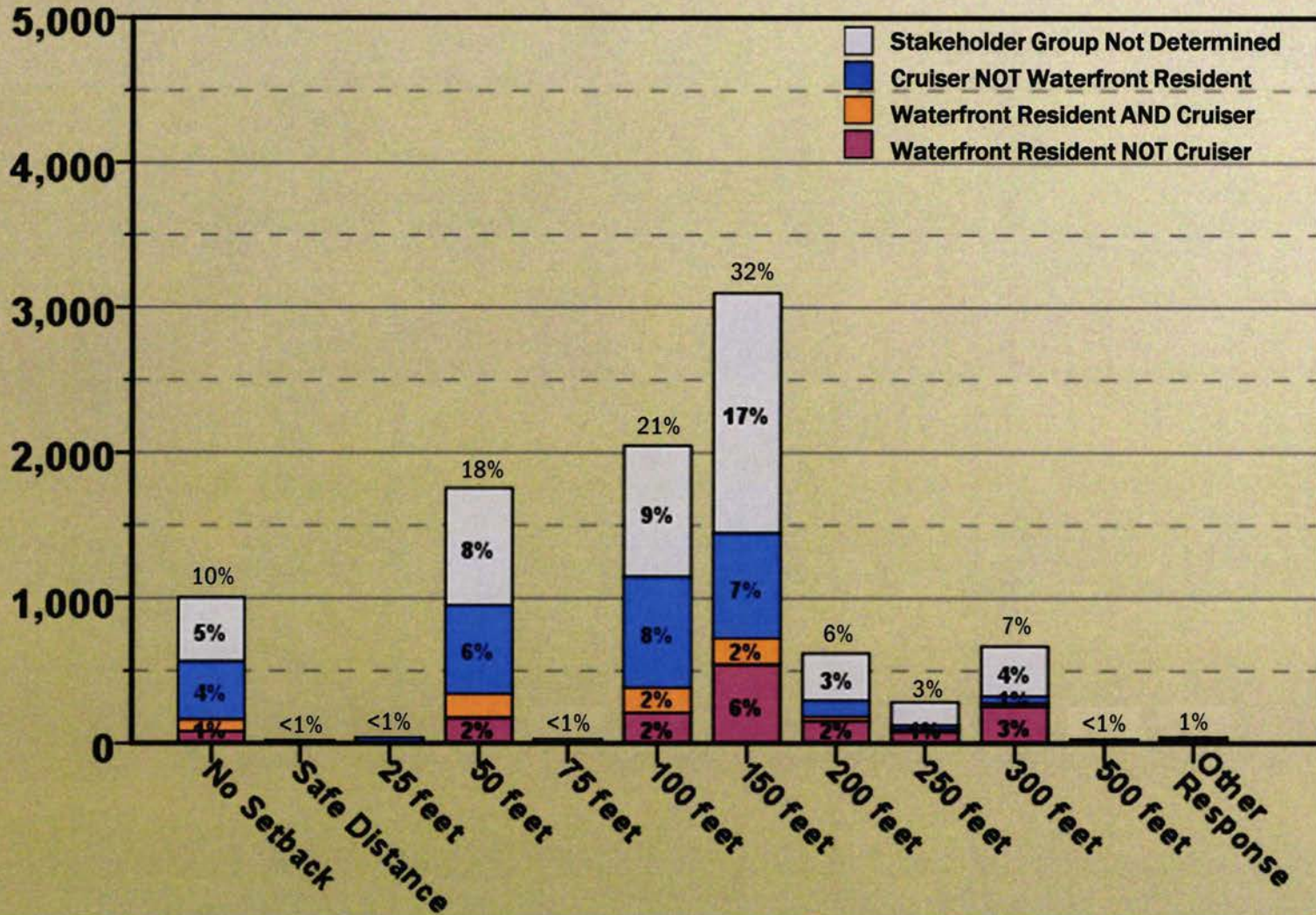
Concept #2 - Setback from Waterfront Residences

Question #11 - Please identify your level of agreement with the concept of a potential setback distance (150 feet was proposed) from waterfront residences.



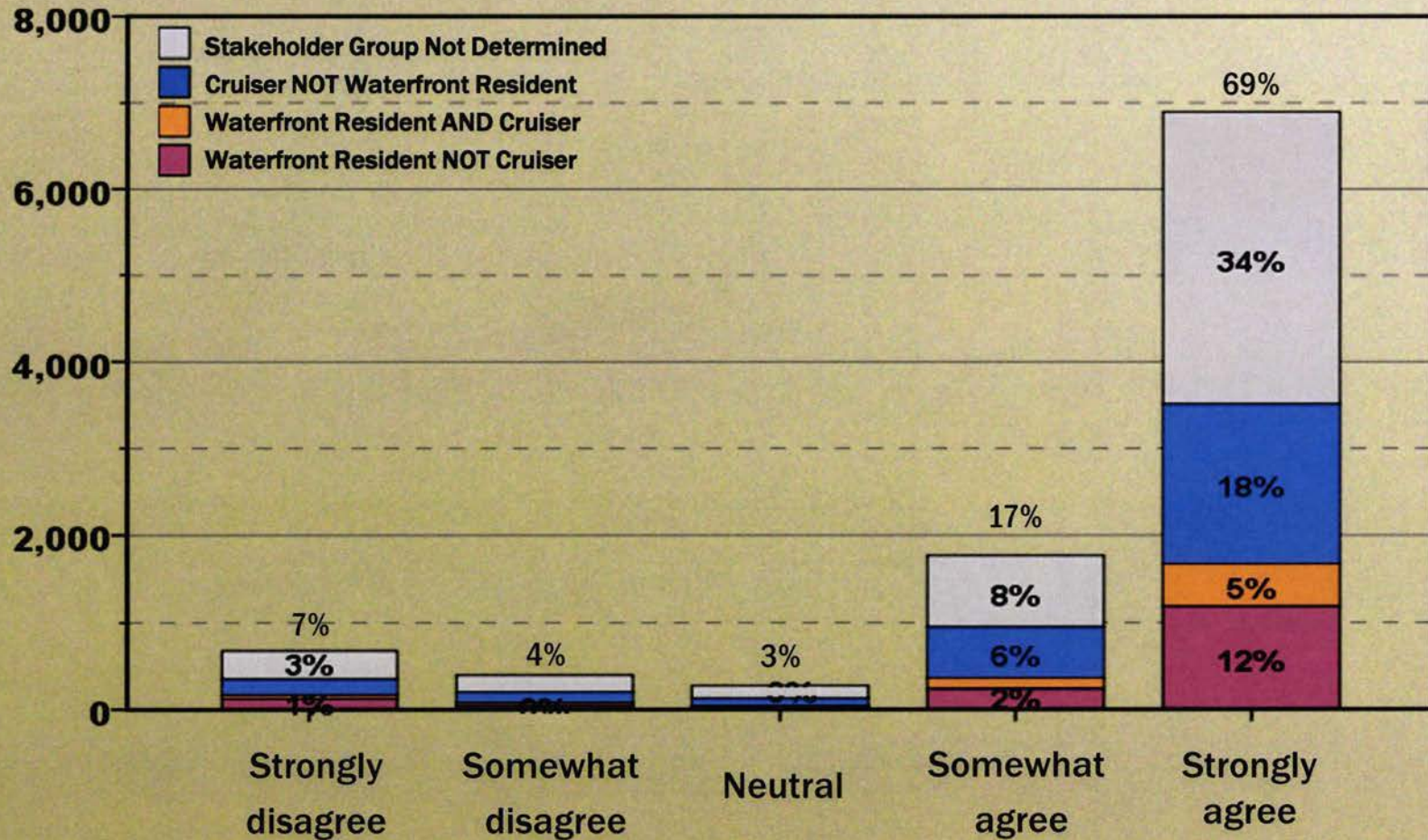
Concept #2 - Setback from Waterfront Residences

Question #12 - What do you feel is the most appropriate setback distance from waterfront residences?



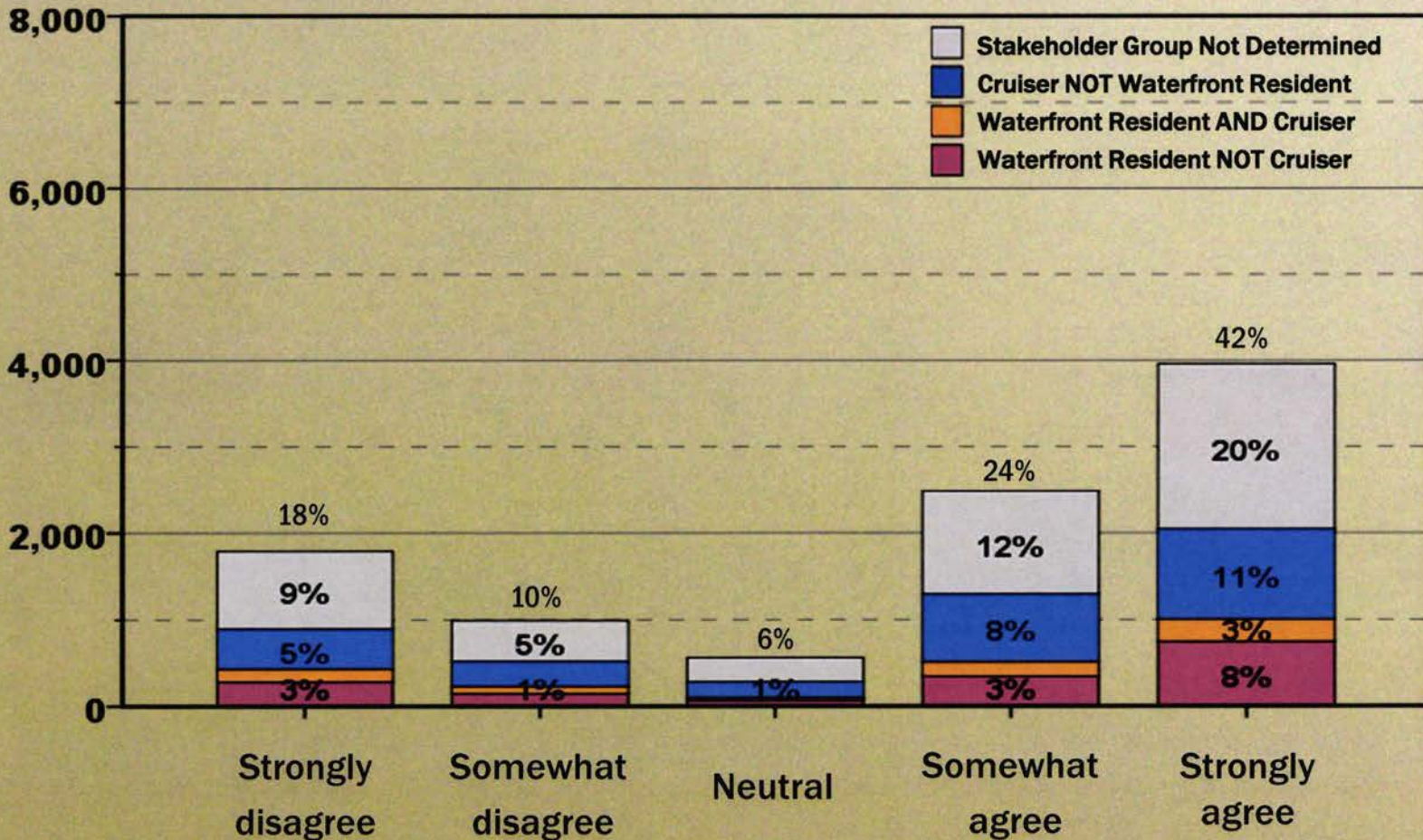
Concept #3 - Condition of Stored Vessels

Question #14 - Please identify your level of agreement with the concept of restricting storage of vessels at anchor while in a condition of disrepair:



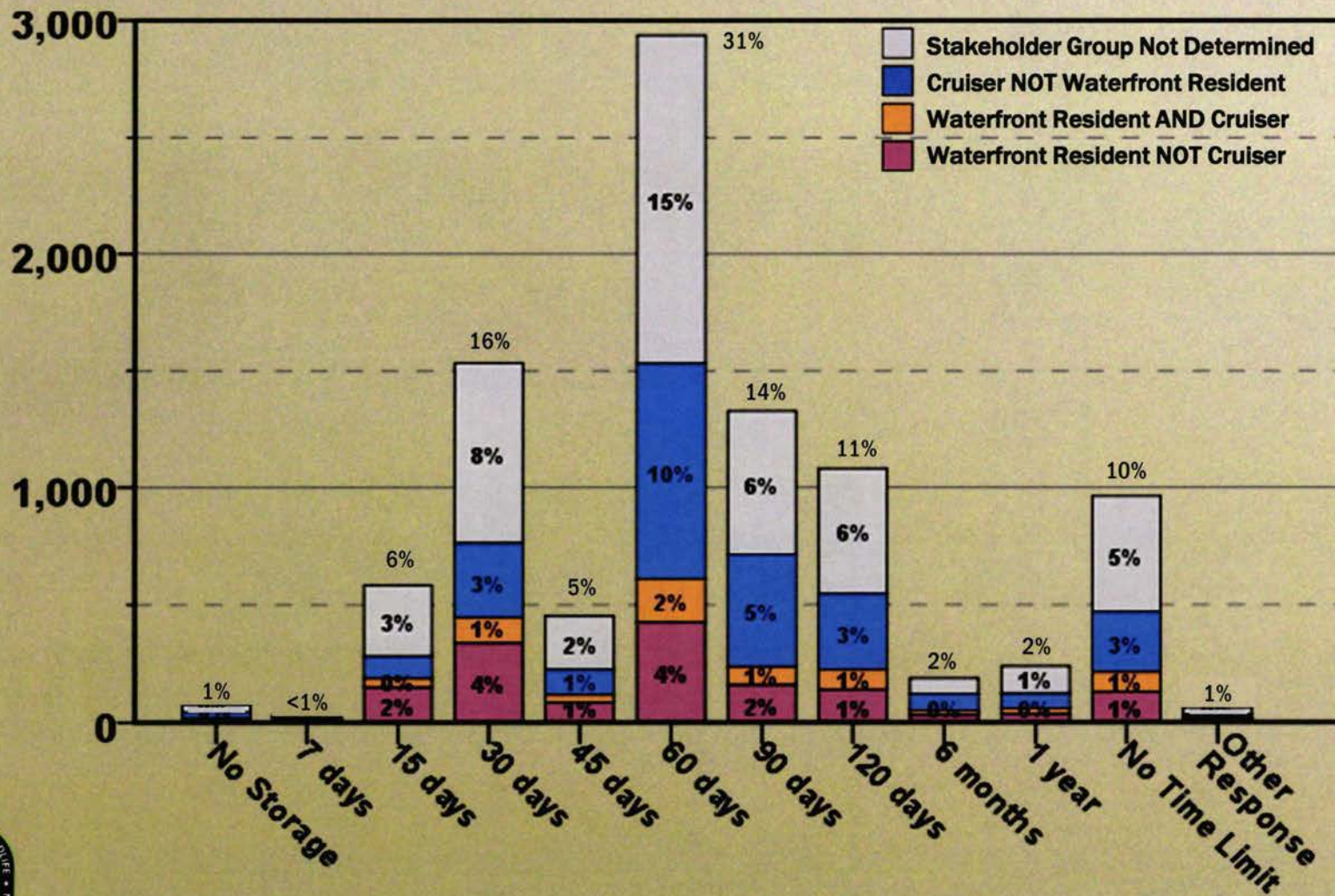
Concept #4 - Time Limit for Stored Vessels

Question #16 - Please identify your level of agreement with the concept of restricting storage of vessels at anchor in excess of 60 days:



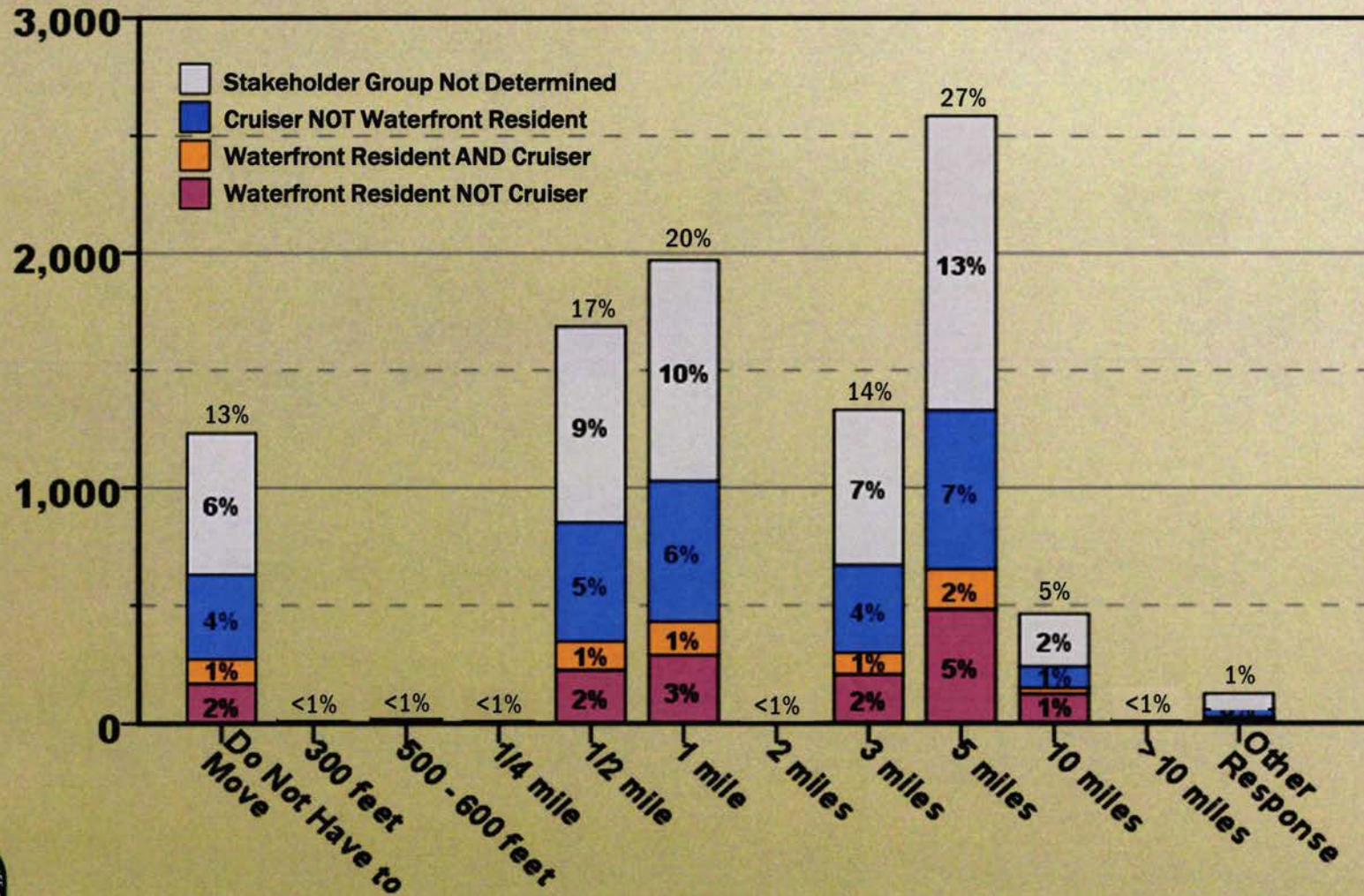
Concept #4 - Time Limit for Stored Vessels

Question #17 - What is the maximum timeframe you feel would be most appropriate for storing a boat in one location on Florida waters?



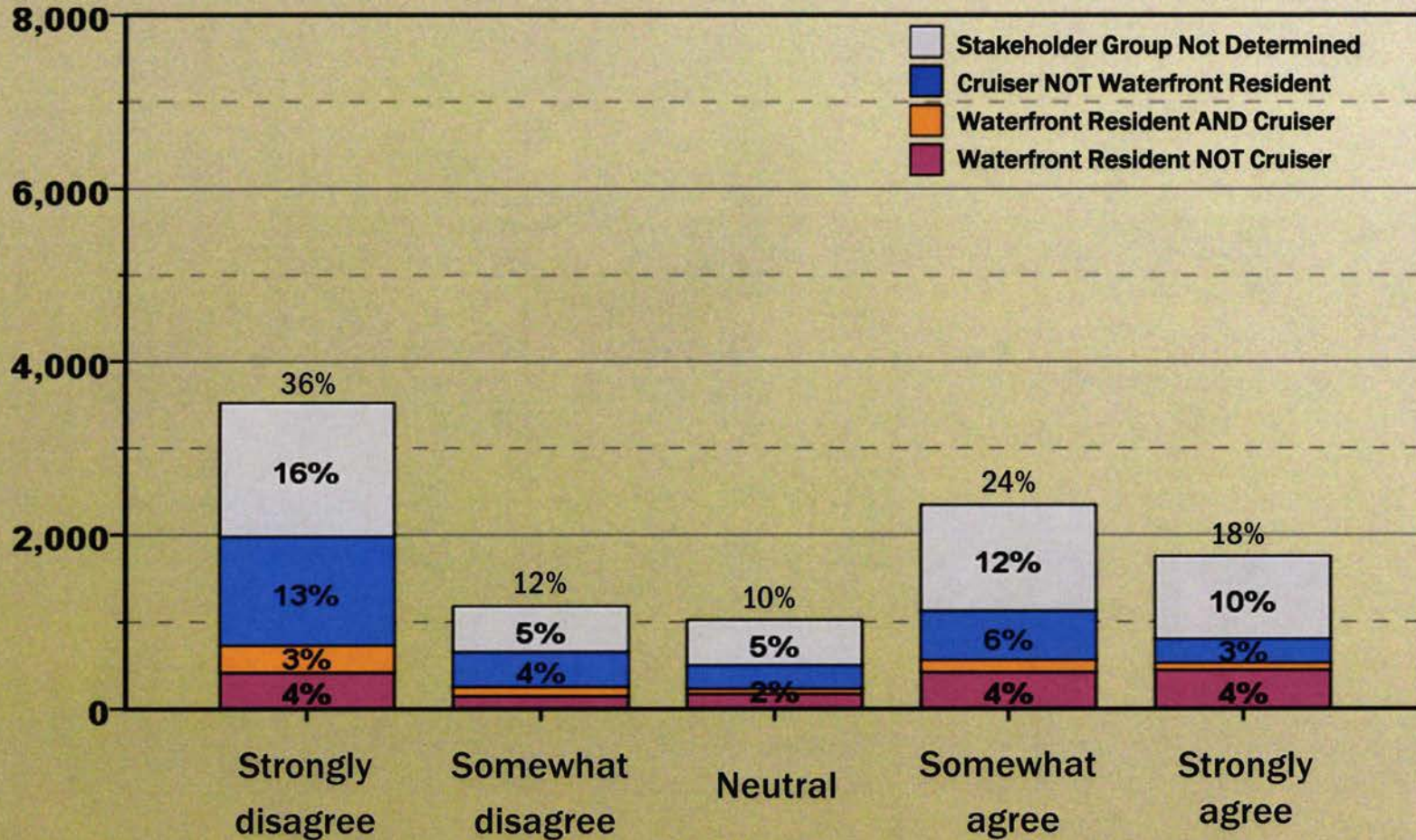
Concept #4 - Time Limit for Stored Vessels

Question #18 - What is the relocation distance you feel would be most appropriate for storing a boat on Florida waters?



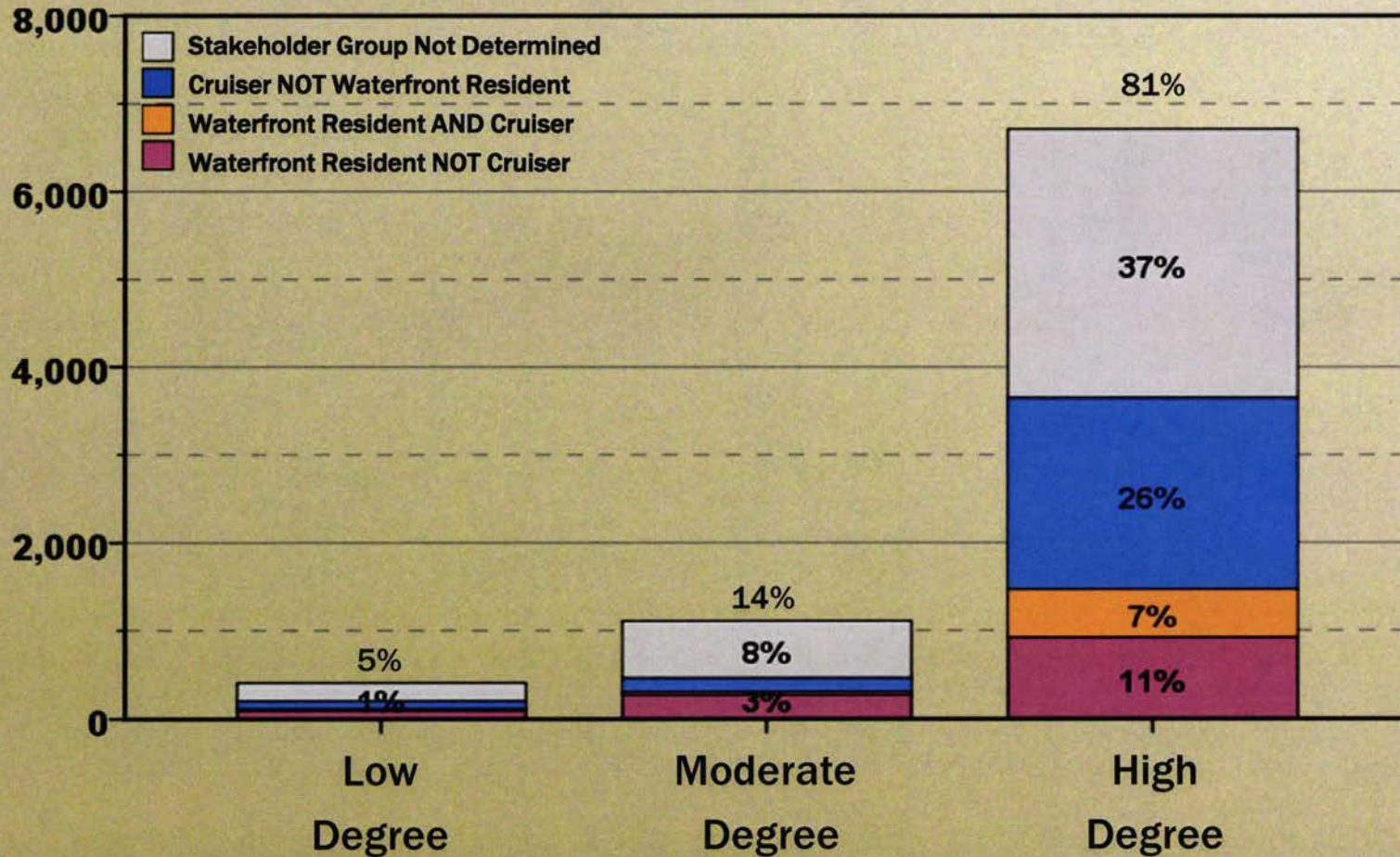
Concept #5 - Provision for Extraordinary Restrictions

Question #20 - Please identify your level of agreement with the concept of a provision to allow for extraordinary anchoring restrictions in justified situations.



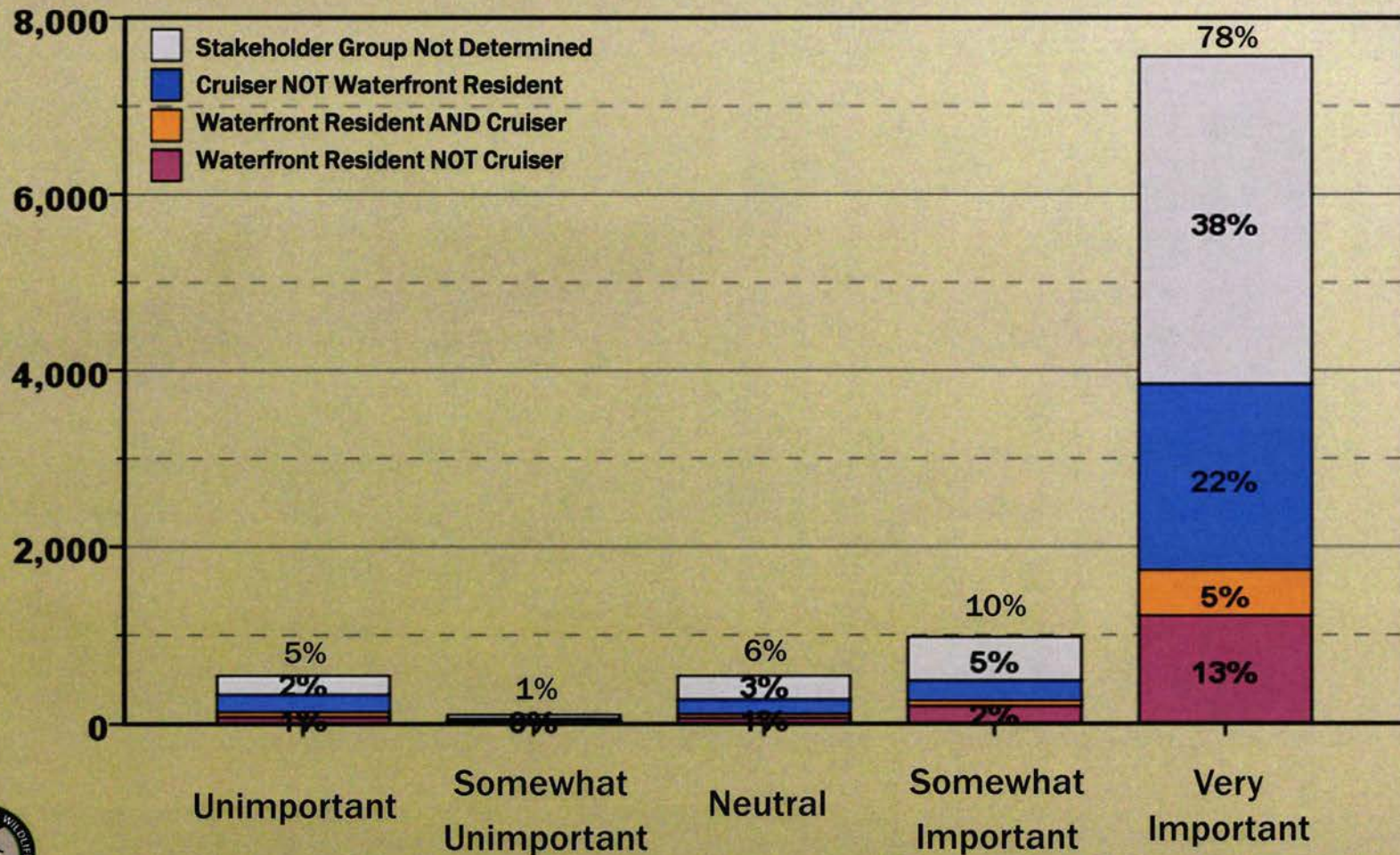
Concept #5 - Provision for Extraordinary Restrictions

Question #21 - What degree of need should be demonstrated before a local government should be allowed to regulate anchoring beyond the specific, limited ways described in Concepts 1 through 4?



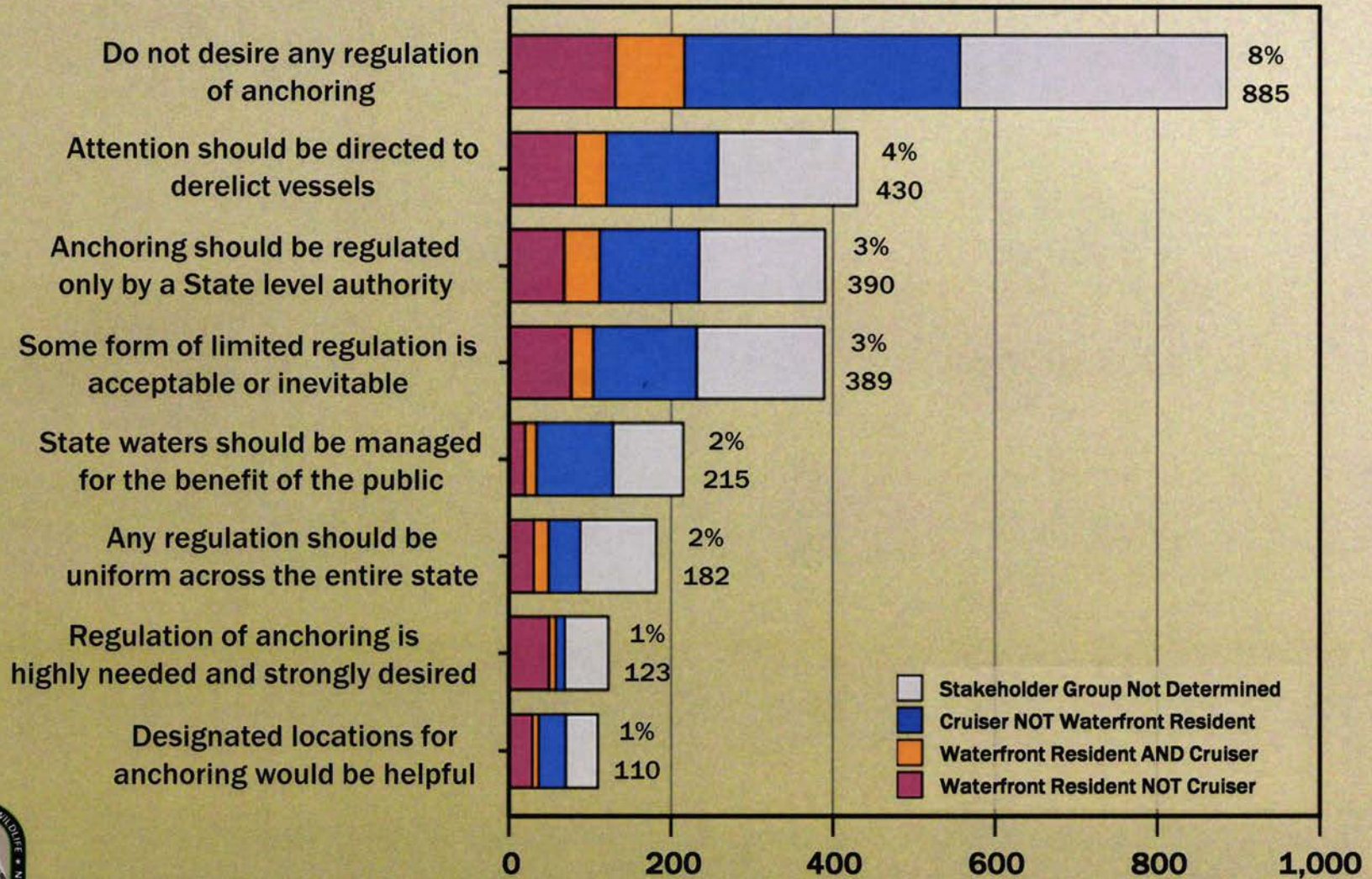
Concept #6 - Internet Publishing of Information

Question #23 - Please identify how important you feel it would be to create a statewide interactive, online mapping program or application to assist the public in knowing where and what type of anchoring restrictions are in place.



Additional Written Comments

Question #25 - Please provide any additional comments you have related to the anchoring of vessels in Florida (limit 500 characters):



**The survey questions, detailed results, written comments received,
and this executive summary of results are available at the
Florida Fish and Wildlife Conservation Commission website.**

<http://www.MyFWC.com/AnchoringSurvey>

Thank You



END