



Highway & Waterway Safety Subcommittee

MEETING PACKET

Wednesday, March 4, 2015
1:30 PM – 3:30 PM
116 (Knott Building)

Steve Crisafulli
Speaker

W. Gregory Steube
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Highway & Waterway Safety Subcommittee

Start Date and Time: Wednesday, March 04, 2015 01:30 pm
End Date and Time: Wednesday, March 04, 2015 03:30 pm
Location: 116 Knott Building
Duration: 2.00 hrs

Consideration of the following bill(s):

HB 27 Issuance of Driver Licenses & Identification Cards by Gaetz
HB 381 Towing of Vehicles & Vessels by Wood
HB 421 Traffic Enforcement Agencies and Traffic Citations by Rodrigues, R.
HB 471 Disabled Parking by DuBose, Moraitis

Consideration of the following proposed committee bill(s):

PCB HWSS 15-01 -- The Department of Highway Safety and Motor Vehicles
PCB HWSS 15-02 -- Pub. Rec./ Email Addresses on Driver License and Motor Vehicle Record

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 3, 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 3, 2015.

NOTICE FINALIZED on 03/02/2015 16:00 by Lawhon.Amanda

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 27 Issuance of Driver Licenses & Identification Cards

SPONSOR(S): Gaetz and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 240

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee		Whittaker	Smith
2) Veteran & Military Affairs Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill provides for the Department of Highway Safety and Motor Vehicles (DHSMV) to accept a military personnel identification card as proof of identity for issuing a driver license or identification card.

The bill has no known fiscal impact on state funds.

The bill will take effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The REAL ID Act of 2005

The Federal REAL ID Act became effective nationwide on May 11, 2008. The REAL ID Act established minimum standards for the production and issuance of state-issued driver's licenses and identification cards. It also prohibits Federal agencies from accepting for official uses driver's licenses and identification cards from states unless the Department of Homeland Security determines that the state meets the standards. Official uses are defined as accessing Federal facilities, entering nuclear power plants, and boarding federally-regulated commercial aircraft.

The Department of Homeland Security (DHS) announced on December 20, 2013 a phased enforcement plan for the REAL ID Act, as passed by Congress that will implement the Act in a measured, fair and responsible way. Below is the phased enforcement schedule.¹

1	Restricted areas for DHS's Nebraska Avenue Complex headquarters	April 21, 2014
2	Restricted areas for all Federal facilities and nuclear power plants	July 21, 2014
3	Semi-restricted areas for most Federal facilities	January 19, 2015
3a	Facility Security Levels 1 and 2	January 19, 2015
3b	Facility Security Levels 3, 4, and 5	October 10, 2015
4	Boarding federally regulated commercial aircraft	No sooner than 2016

Florida began issuing REAL ID compliant credentials in January of 2010. The new credentials have a gold star in the upper right corner of the card.²

According to DHSMV, as of January 13, 2015, 11.5 million individuals have met the new identity standards for a Florida driver license or identification card. Florida is approaching a 70 percent compliance rate and estimates are that by mid to late 2017, numbers will be near 100 percent.³

Proof of Identity

An essential component of DHSMV's issuance security process is the limitation of which documents are acceptable for establishing an individual's identity and lawful presence. In accordance with Florida Statute, the documents below constitute acceptable proof of identity:⁴

U.S. Citizen

- Certified U.S. birth certificate
- Valid U.S. Passport or passport card
- Certificate of Naturalization
- Certificate of Citizenship
- Consular Report of Birth Abroad

¹ U.S. Department of Homeland Security, *REAL ID Enforcement in Brief*, <http://www.dhs.gov/real-id-enforcement-brief> (last viewed February 26, 2015).

² Department of Highway Safety and Motor Vehicles, *The REAL ID Act*, <http://www.flhsmv.gov/realid/> (last visited February 26, 2015).

³ Email from Highway Safety and Motor Vehicles dated January 27, 2015 on file with the Highway and Waterway Safety Subcommittee.

⁴ s. 322.08(2)(c), F.S.

Immigrant

- I-551, Permanent Resident Card (green card)

Each of the documents listed above possess an avenue for electronic verification with the issuing authority by DHSMV and clearly establish the holder's citizenship status.

Effect of Proposed Change

The bill amends s. 322.08(2)(c), F.S., providing for DHSMV to accept a military personnel identification card as proof of identity for issuing a driver license or identification card.

Department of Defense (DoD) Identification Cards

There are two main types of ID cards issued by the DoD. The Common Access Card (CAC) is the standard identification card for active duty uniformed service personnel, Selected Reserve, DoD civilian employees and eligible contractor personnel. The Uniformed Services ID Card is the standard identification card issued to retired military or military family members, they are necessary to access military service benefits and privileges.⁵

REAL ID Compliance

In the case of the military personnel identification card, the issuing authority is the U.S. Department of Defense (DoD). At this time, no electronic verification portal exists for the military identification card and there is no assurance that DoD shares a willingness to create or participate in such a process. In the March 9, 2007, Federal Register [72 FR 10820], the federal government addressed its decision to exclude the DoD Common Access Card (CAC) from the list of acceptable identity documents recognized by the federal government:

DHS also considered the Department of Defense's Common Access Card (CAC). The CAC card may prove convenient for members of the military who move frequently and need to get new driver's licenses and identification cards. For the same reasons as the TWIC, DHS is not proposing to include this document on the list at this time. DHS does not dispute the quality or utility of the CAC; however, DHS believes that any CAC holder would also have one of the other documents on the DHS proposed list, and including the CAC card would require States to connect to additional Federal databases for verification purposes, without sufficient "justification.

The bill adds the military identification card to the list of acceptable documents for establishing an individual's identity. Passage could jeopardize Florida's compliance with the REAL ID Act.

B. SECTION DIRECTORY:

- Section 1 Amends s. 322.08, F.S., providing for the Department of Highway Safety and Motor Vehicles to accept a military personnel identification card as proof of identity for purposes of issuing a driver license or an identification card.
- Section 2 Provides the bill will take effect upon becoming a law.

⁵ Department of Defense, *DoD Common Access Card*, <http://www.cac.mil/> (last visited February 26, 2015).
STORAGE NAME: h0027.HWSS.DOCX
DATE: 2/26/2015

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:

D. FISCAL COMMENTS:

There is no known fiscal impact with this bill.

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

1 A bill to be entitled
 2 An act relating to issuance of driver licenses and
 3 identification cards; amending s. 322.08, F.S.;
 4 providing for the Department of Highway Safety and
 5 Motor Vehicles to accept a military personnel
 6 identification card as proof of identity for purposes
 7 of issuing a driver license or an identification card;
 8 providing an effective date.

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

11
 12 Section 1. Paragraph (c) of subsection (2) of section
 13 322.08, Florida Statutes, is amended to read:

14 322.08 Application for license; requirements for license
 15 and identification card forms.—

16 (2) Each such application shall include the following
 17 information regarding the applicant:

18 (c) Proof of identity satisfactory to the department. Such
 19 proof must include one of the following documents issued to the
 20 applicant:

21 1. A driver license record or identification card record
 22 from another jurisdiction that required the applicant to submit
 23 a document for identification which is substantially similar to
 24 a document required under subparagraph 2., subparagraph 3.,
 25 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
 26 7., ~~or~~ subparagraph 8., or subparagraph 9.;

- 27 | 2. A certified copy of a United States birth certificate;
- 28 | 3. A valid, unexpired United States passport;
- 29 | 4. A naturalization certificate issued by the United
- 30 | States Department of Homeland Security;
- 31 | 5. A valid, unexpired alien registration receipt card
- 32 | (green card);
- 33 | 6. A Consular Report of Birth Abroad provided by the
- 34 | United States Department of State;
- 35 | 7. An unexpired employment authorization card issued by
- 36 | the United States Department of Homeland Security; or
- 37 | 8. Proof of nonimmigrant classification provided by the
- 38 | United States Department of Homeland Security, for an original
- 39 | driver license. In order to prove nonimmigrant classification,
- 40 | an applicant must provide at least one of the following
- 41 | documents. In addition, the department may require applicants to
- 42 | produce United States Department of Homeland Security documents
- 43 | for the sole purpose of establishing the maintenance of, or
- 44 | efforts to maintain, continuous lawful presence:
- 45 | a. A notice of hearing from an immigration court
- 46 | scheduling a hearing on any proceeding.
- 47 | b. A notice from the Board of Immigration Appeals
- 48 | acknowledging pendency of an appeal.
- 49 | c. A notice of the approval of an application for
- 50 | adjustment of status issued by the United States ~~Bureau of~~
- 51 | Citizenship and Immigration Services.
- 52 | d. An official documentation confirming the filing of a

53 petition for asylum or refugee status or any other relief issued
 54 by the United States ~~Bureau of~~ Citizenship and Immigration
 55 Services.

56 e. A notice of action transferring any pending matter from
 57 another jurisdiction to this state issued by the United States
 58 ~~Bureau of~~ Citizenship and Immigration Services.

59 f. An order of an immigration judge or immigration officer
 60 granting relief that authorizes the alien to live and work in
 61 the United States, including, but not limited to, asylum.

62 g. Evidence that an application is pending for adjustment
 63 of status to that of an alien lawfully admitted for permanent
 64 residence in the United States or conditional permanent resident
 65 status in the United States, if a visa number is available
 66 having a current priority date for processing by the United
 67 States ~~Bureau of~~ Citizenship and Immigration Services.

68 h. On or after January 1, 2010, an unexpired foreign
 69 passport with an unexpired United States Visa affixed,
 70 accompanied by an approved I-94, documenting the most recent
 71 admittance into the United States.

72 9. An active or retired military personnel identification
 73 card issued by the United States Government.

74
 75 A driver license or temporary permit issued based on documents
 76 required in subparagraph 7. or subparagraph 8. is valid for a
 77 period not to exceed the expiration date of the document
 78 presented or 1 year.

HB 27

2015

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



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

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

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

7 Section 1. Subsection (1) and paragraph (b) of subsection
8 (8) of section 322.051, Florida Statutes, is amended to read:

9 322.051 Identification cards.—

10 (1) Any person who is 5 years of age or older, or any
11 person who has a disability, regardless of age, who applies for
12 a disabled parking permit under s. 320.0848, may be issued an
13 identification card by the department upon completion of an
14 application and payment of an application fee.

15 (a) The application must include the following information
16 regarding the applicant:



Amendment No. 1

17 1. Full name (first, middle or maiden, and last), gender,
18 proof of social security card number satisfactory to the
19 department which may include a military identification card,
20 county of residence, mailing address, proof of residential
21 address satisfactory to the department, country of birth, and a
22 brief description.

23 2. Proof of birth date satisfactory to the department.

24 3. Proof of identity satisfactory to the department. Such
25 proof must include one of the following documents issued to the
26 applicant:

27 a. A driver license record or identification card record
28 from another jurisdiction that required the applicant to submit
29 a document for identification which is substantially similar to
30 a document required under sub-subparagraph b., sub-subparagraph
31 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
32 f., sub-subparagraph g., or sub-subparagraph h.;

33 b. A certified copy of a United States birth certificate;

34 c. A valid, unexpired United States passport;

35 d. A naturalization certificate issued by the United
36 States Department of Homeland Security;

37 e. A valid, unexpired alien registration receipt card
38 (green card);

39 f. A Consular Report of Birth Abroad provided by the
40 United States Department of State;

41 g. An unexpired employment authorization card issued by
42 the United States Department of Homeland Security; or



Amendment No. 1

43 h. Proof of nonimmigrant classification provided by the
44 United States Department of Homeland Security, for an original
45 identification card. In order to prove nonimmigrant
46 classification, an applicant must provide at least one of the
47 following documents. In addition, the department may require
48 applicants to produce United States Department of Homeland
49 Security documents for the sole purpose of establishing the
50 maintenance of, or efforts to maintain, continuous lawful
51 presence:

52 (I) A notice of hearing from an immigration court
53 scheduling a hearing on any proceeding.

54 (II) A notice from the Board of Immigration Appeals
55 acknowledging pendency of an appeal.

56 (III) A notice of the approval of an application for
57 adjustment of status issued by the United States Bureau of
58 Citizenship and Immigration Services.

59 (IV) An official documentation confirming the filing of a
60 petition for asylum or refugee status or any other relief issued
61 by the United States ~~Bureau of~~ Citizenship and Immigration
62 Services.

63 (V) A notice of action transferring any pending matter
64 from another jurisdiction to Florida, issued by the United
65 States ~~Bureau of~~ Citizenship and Immigration Services.

66 (VI) An order of an immigration judge or immigration
67 officer granting relief that authorizes the alien to live and



Amendment No. 1

68 work in the United States, including, but not limited to,
69 asylum.

70 (VII) Evidence that an application is pending for
71 adjustment of status to that of an alien lawfully admitted for
72 permanent residence in the United States or conditional
73 permanent resident status in the United States, if a visa number
74 is available having a current priority date for processing by
75 the United States ~~Bureau of~~ Citizenship and Immigration
76 Services.

77 (VIII) On or after January 1, 2010, an unexpired foreign
78 passport with an unexpired United States Visa affixed,
79 accompanied by an approved I-94, documenting the most recent
80 admittance into the United States.

81
82 An identification card issued based on documents required in
83 sub-subparagraph g. or sub-subparagraph h. is valid for a period
84 not to exceed the expiration date of the document presented or 1
85 year, whichever occurs first.

86 (b) An application for an identification card must be
87 signed and verified by the applicant in a format designated by
88 the department before a person authorized to administer oaths
89 and payment of the applicable fee pursuant to s. 322.21.

90 (c) Each such applicant may include fingerprints and any
91 other unique biometric means of identity.

92 (8)



Amendment No. 1

93 (b) The word "Veteran" ~~A capital "V"~~ shall be exhibited on
94 the identification card of a veteran upon the payment of an
95 additional \$1 fee for the identification card ~~license~~ and the
96 presentation of a copy of the person's DD Form 214, issued by
97 the United States Department of Defense, or another acceptable
98 form specified by the Department of Veterans' Affairs. Until a
99 veteran's identification card is next renewed, the veteran may
100 have the word "Veteran" ~~capital "V" designation~~ added to his or
101 her identification card upon surrender of his or her current
102 identification card, payment of a \$2 fee to be deposited into
103 the Highway Safety Operating Trust Fund, and presentation of a
104 copy of his or her DD Form 214 or another acceptable form
105 specified by the Department of Veterans' Affairs. If the
106 applicant is not conducting any other transaction affecting the
107 identification card, a replacement identification card may be
108 issued with the word "Veteran" ~~capital "V" designation~~ without
109 payment of the fee required in s. 322.21(1)(f)3.

110 Section 2. Subsections (1) and (2) of section 322.08,
111 Florida Statutes, are amended to read:

112 322.08 Application for license; requirements for license
113 and identification card forms.—

114 (1) Each application for a driver license shall be made in
115 a format designated by the department and sworn to or affirmed
116 by the applicant as to the truth of the statements made in the
117 application.



Amendment No. 1

118 (2) Each such application shall include the following
119 information regarding the applicant:

120 (a) Full name (first, middle or maiden, and last), gender,
121 proof of social security card number satisfactory to the
122 department which may include a military identification card,
123 county of residence, mailing address, proof of residential
124 address satisfactory to the department, country of birth, and a
125 brief description.

126 (b) Proof of birth date satisfactory to the department.

127 (c) Proof of identity satisfactory to the department. Such
128 proof must include one of the following documents issued to the
129 applicant:

130 1. A driver license record or identification card record
131 from another jurisdiction that required the applicant to submit
132 a document for identification which is substantially similar to
133 a document required under subparagraph 2., subparagraph 3.,
134 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
135 7., or subparagraph 8.;

136 2. A certified copy of a United States birth certificate;

137 3. A valid, unexpired United States passport;

138 4. A naturalization certificate issued by the United
139 States Department of Homeland Security;

140 5. A valid, unexpired alien registration receipt card
141 (green card);

142 6. A Consular Report of Birth Abroad provided by the
143 United States Department of State;



Amendment No. 1

144 7. An unexpired employment authorization card issued by
145 the United States Department of Homeland Security; or

146 8. Proof of nonimmigrant classification provided by the
147 United States Department of Homeland Security, for an original
148 driver license. In order to prove nonimmigrant classification,
149 an applicant must provide at least one of the following
150 documents. In addition, the department may require applicants to
151 produce United States Department of Homeland Security documents
152 for the sole purpose of establishing the maintenance of, or
153 efforts to maintain, continuous lawful presence:

154 a. A notice of hearing from an immigration court
155 scheduling a hearing on any proceeding.

156 b. A notice from the Board of Immigration Appeals
157 acknowledging pendency of an appeal.

158 c. A notice of the approval of an application for
159 adjustment of status issued by the United States Bureau of
160 Citizenship and Immigration Services.

161 d. An official documentation confirming the filing of a
162 petition for asylum or refugee status or any other relief issued
163 by the United States ~~Bureau of~~ Citizenship and Immigration
164 Services.

165 e. A notice of action transferring any pending matter from
166 another jurisdiction to this state issued by the United States
167 ~~Bureau of~~ Citizenship and Immigration Services.



Amendment No. 1

168 f. An order of an immigration judge or immigration officer
169 granting relief that authorizes the alien to live and work in
170 the United States, including, but not limited to, asylum.

171 g. Evidence that an application is pending for adjustment
172 of status to that of an alien lawfully admitted for permanent
173 residence in the United States or conditional permanent resident
174 status in the United States, if a visa number is available
175 having a current priority date for processing by the United
176 States Bureau of Citizenship and Immigration Services.

177 h. On or after January 1, 2010, an unexpired foreign
178 passport with an unexpired United States Visa affixed,
179 accompanied by an approved I-94, documenting the most recent
180 admittance into the United States.

181
182 A driver license or temporary permit issued based on documents
183 required in subparagraph 7. or subparagraph 8. is valid for a
184 period not to exceed the expiration date of the document
185 presented or 1 year.

186 (d) Whether the applicant has previously been licensed to
187 drive, and, if so, when and by what state, and whether any such
188 license or driving privilege has ever been disqualified,
189 revoked, or suspended, or whether an application has ever been
190 refused, and, if so, the date of and reason for such
191 disqualification, suspension, revocation, or refusal.

192 (e) Each such application may include fingerprints and
193 other unique biometric means of identity.



Amendment No. 1

194

195 Section 3. Paragraph (c) of subsection (1) of section
196 322.14, Florida Statutes, is amended to read:

197 322.14 Licenses issued to drivers.--

198 (1)

199 (c) The word "Veteran" ~~A capital "V"~~ shall be exhibited on
200 the driver license of a veteran upon the payment of an
201 additional \$1 fee for the license and the presentation of a copy
202 of the person's DD Form 214, issued by the United States
203 Department of Defense, or another acceptable form specified by
204 the Department of Veterans' Affairs. Until a veteran's license
205 is next renewed, the veteran may have the word "Veteran" ~~capital~~
206 ~~"V" designation~~ added to his or her license upon surrender of
207 his or her current license, payment of a \$2 fee to be deposited
208 into the Highway Safety Operating Trust Fund, and presentation
209 of a copy of his or her DD Form 214 or another acceptable form
210 specified by the Department of Veterans' Affairs. If the
211 applicant is not conducting any other transaction affecting the
212 driver license, a replacement license may be issued with the
213 word "Veteran" ~~capital "V" designation~~ without payment of the
214 fee required in s. 322.21(1)(e).

215 Section 4. The amendments made by this act to ss. 322.051
216 and 322.14, Florida Statutes, shall apply upon implementation of
217 new designs for the driver license and identification card by
218 the Department of Highway Safety and Motor Vehicles.

219 Section 5. This act shall take effect July 1, 2015.



Amendment No. 1

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

Remove everything before the enacting clause and insert:
An act relating to driver licenses and identification cards;
amending s. 322.051, F.S. and s. 322.08, F.S. and 322.014, F.S.;
providing for the Department of Highway Safety and Motor
Vehicles to accept a military identification card to meet
certain requirements for the issuance of a driver license or
identification card; authorizing the word "Veteran" to be
exhibited on the driver license or identification card of a
veteran; providing applicability; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 381 Towing of Vehicles & Vessels
SPONSOR(S): Wood
TIED BILLS: IDEN./SIM. BILLS: SB 786

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee		Whittaker	Smith
2) Civil Justice Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill authorizes the owner or lessee, or their agent, of real property to have a vehicle or vessel towed upon signing an order that it be removed without a posted tow-away sign if the vehicle or vessel has been parked without permission on private property for a period exceeding five days.

However, the five day period does not begin until the property owner meets two specific requirements. The first requirement is that the property owner must attach to the vehicle or vessel an adhesive notice that it will be towed or removed from the property. The notice must:

- Be attached to the vehicle's windshield or, for a vessel, adjacent to the registration number on the left or port side.
- Measure at least 8 inches by 10 inches and be sufficiently weatherproofed to withstand normal exposure to the elements.
- Clearly indicate the date on which the notice was posted.
- Clearly indicate in bold letters that the vehicle or vessel will be towed or removed from the real property five days after the date on which a law enforcement agency verifies and documents with a police report the notice's compliance with this statute.
- Provide the name and phone number of the proposed towing company.

The second requirement is that the property owner or lessee notify the local law enforcement agency of the notice being posted as described above. The law enforcement agency then verifies and documents the notices compliance with this statute by means of a police report provided to both the property owner and the towing company.

When notifying the municipal police department or sheriff of the towing or removal of a vehicle or vessel, the person or firm that performed the towing or removal must also note on the trip record the case number, badge number, or name of the person to whom information was reported. Or, if the notification was made by an electronic notification process approved by the police department or sheriff's office, attach the electronic receipt received from the department or office to the trip record.

The bill further provides that conditions and restrictions of s. 715.07, F.S., also apply to the designated representative of the cooperative association if the real property is a cooperative, or the designated representative of the homeowner's association if the real property is owned by a homeowner's association.

The bill makes other technical and grammatical changes to the statute.

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

Posting Requirements for Towing

Currently, the owner or lessee of real property is authorized to have towed or removed from the property any vehicle or vessel parked on such property without the vehicle or vessel owner's permission and without liability for costs. This authorization is subject to strict compliance with specified conditions relating to posted notice requirements, the storage of the towed vehicle or vessel, time limitations for notifying the local police department or sheriff of the towing, and required provisions to the police department or sheriff of vehicle or vessel identification information.

The statute provides that the real property owner or lessee must post specified notice before towing or removing the vehicle or vessel without the consent of the owner or authorized person in control of that vehicle or vessel. The posted notice must meet the following requirements:¹

- Be prominently placed at each driveway access or curb cut allowing vehicular access to the property, within five feet from the public right-of-way line. If there are no curbs or access barriers, the signs must be posted not less than one sign for each 25 feet of lot frontage.
- Clearly indicate, in not less than 2-inch high, light-reflective letters on a contrasting background that unauthorized vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign in not less than 4-inch high letters.
- Provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels.
- The sign structure containing the required notices must be permanently installed with the words "tow-away zone" not less than 3 feet and not more than 6 feet above ground level and must be continuously maintained on the property for at least 24 hours prior to the towing or removal of any vehicles or vessels.

Local government may require permitting and inspection of these signs prior to any towing or removal of vehicles or vessels being authorized.²

A business with 20 or fewer parking spaces satisfies the notice requirements by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not less than 4-inch high, light-reflective letters on a contrasting background.³

Lastly, a business owner or lessee is authorized to have a vehicle or vessel removed by a towing company when the vehicle or vessel is parked in a manner that restricts the normal operation of business; and if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway, the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

Two exceptions exist in current law that does not require the property owner or lessee to post a specified notice or gain consent of the vehicle owner before the towing of a vehicle. These exceptions apply to⁴:

¹ s. 715.07(2)(a)5.a.-d., F.S.

² s. 715.07(2)(a)5.e., F.S.

³ s. 715.07(2)(a)5.f., F.S.

⁴ s. 715.07(2)(a)5., F.S.

- property that is obviously a part of a single-family residence; or
- when notice is personally given to the owner or authorized person in control of the vehicle or vessel that the property is unavailable for unauthorized parking and that the vehicle or vessel is subject to being removed at the owner's or operator's expense.

Proposed Changes

The bill authorizes the owner or lessee, or their agent, of real property to have a vehicle or vessel towed upon signing an order that it be removed without a posted tow-away sign if the vehicle or vessel has been parked without permission on private property for a period exceeding five days.

However, the five day period does not begin until the property owner meets two specific requirements. The first requirement is that the property owner must attach to the vehicle or vessel an adhesive notice that it will be towed or removed from the property. The notice must:

- Be attached to the vehicle's windshield or, for a vessel, adjacent to the registration number on the left or port side.
- Measure at least 8 inches by 10 inches and be sufficiently weatherproofed to withstand normal exposure to the elements.
- Clearly indicate the date on which the notice was posted.
- Clearly indicate in bold letters that the vehicle or vessel will be towed or removed from the real property five days after the date on which a law enforcement agency verifies and documents with a police report the notice's compliance with this statute.
- Provide the name and phone number of the proposed towing company.

The second requirement is that the property owner or lessee notify the local law enforcement agency of the notice being posted as described above. The law enforcement agency then verifies and documents the notices compliance with this statute by means of a police report provided to both the property owner and the towing company.

When notifying the municipal police department or sheriff of the towing or removal of a vehicle or vessel, the person or firm that performed the towing or removal must also note on the trip record the case number, badge number, or name of the person to whom information was reported. Or, if the notification was made by an electronic notification process approved by the police department or sheriff's office, attach the electronic receipt received from the department or office to the trip record.

The bill further provides that conditions and restrictions of s. 715.07, F.S., also apply to the designated representative of the cooperative association if the real property is a cooperative, or the designated representative of the homeowner's association if the real property is owned by a homeowner's association.

The bill makes other technical and grammatical changes to the statute.

B. SECTION DIRECTORY:

Section 1 Amends s. 715.07, F.S., relating to vehicles or vessels parked on private property; towing.

Section 2 Provides an effective date of upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Owners and lessees of real property are relieved of the cost of posting tow-away zone signage when a vehicle or vessel has been parked or stored on the property for more than five days.

D. FISCAL COMMENTS:

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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1 A bill to be entitled
 2 An act relating to towing of vehicles and vessels;
 3 amending s. 715.07, F.S.; providing for removal of a
 4 vehicle or vessel by a cooperative association or a
 5 homeowners' association; authorizing an owner or
 6 lessee of real property to have a vehicle or vessel
 7 removed from the property without certain signage
 8 under certain circumstances; requiring a notice to be
 9 attached to the vehicle or vessel and providing
 10 requirements therefor; requiring police verification
 11 and documentation of such a notice and requirements
 12 therefor; providing an effective date.

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

15
 16 Section 1. Section 715.07, Florida Statutes, is amended to
 17 read:

18 715.07 Vehicles or vessels ~~parked on private property;~~
 19 towing.—

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

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

23 (b) "Vessel" means every description of watercraft, barge,
 24 and airboat used or capable of being used as a means of
 25 transportation on water, other than a seaplane or a "documented
 26 vessel" as defined in s. 327.02.

27 (2) The owner or lessee of real property, or a ~~any~~ person
 28 authorized by the owner or lessee, which person may be the
 29 designated representative of the condominium association if the
 30 real property is a condominium, the designated representative of
 31 the cooperative association if the real property is a
 32 cooperative, or the designated representative of the homeowners'
 33 association if the real property is owned by a homeowners'
 34 association, may cause a ~~any~~ vehicle or vessel parked on such
 35 property without her or his permission to be removed by a person
 36 regularly engaged in the business of towing vehicles or vessels,
 37 without liability for the costs of removal, transportation, or
 38 storage or damages caused by such removal, transportation, or
 39 storage, under any of the following circumstances:

40 (a) The towing or removal of a ~~any~~ vehicle or vessel from
 41 private property without the consent of the registered owner or
 42 other legally authorized person in control of that vehicle or
 43 vessel is subject to strict compliance with the following
 44 conditions and restrictions:

45 1.a. A ~~Any~~ towed or removed vehicle or vessel must be
 46 stored at a site within a 10-mile radius of the point of removal
 47 in a ~~any~~ county with a population of 500,000 ~~population~~ or more
 48 or, ~~and~~ within a 15-mile radius of the point of removal in a ~~any~~
 49 county with a population of less than 500,000 ~~population~~. That
 50 site must be open for the purpose of redemption of vehicles from
 51 8 a.m. to 6 p.m. on any day that the person or firm towing such
 52 vehicle or vessel is open for towing purposes, ~~from 8:00 a.m. to~~

53 ~~6:00 p.m.~~, and, when closed, shall have prominently posted a
 54 sign indicating a telephone number where the operator of the
 55 site can be reached at all times. Upon receipt of a telephoned
 56 request to open the site to redeem a vehicle or vessel, the
 57 operator must ~~shall~~ return to the site within 1 hour ~~or she or~~
 58 ~~he will be in violation of this section.~~

59 b. If no towing business providing such service is located
 60 within the area of towing limitations under ~~set forth in~~ sub-
 61 subparagraph a., the following limitations apply: a ~~any~~ towed or
 62 removed vehicle or vessel must be stored at a site within a 20-
 63 mile radius of the point of removal in a ~~any~~ county with a
 64 population of 500,000 ~~population~~ or more or, ~~and~~ within a 30-
 65 mile radius of the point of removal in a ~~any~~ county with a
 66 population of less than 500,000 ~~population~~.

67 2. Within 30 minutes after completion of the towing or
 68 removal, the person or firm that towed or removed ~~towing or~~
 69 ~~removing~~ the vehicle or vessel must ~~shall,~~ ~~within 30 minutes~~
 70 ~~after completion of such towing or removal,~~ notify the municipal
 71 police department or, in an unincorporated area, the sheriff,
 72 of: the ~~such~~ towing or removal; the storage site; the time the
 73 vehicle or vessel was towed or removed; and the make, model,
 74 color, and license plate number of the vehicle or description
 75 and registration number of the vessel. The person or firm ~~and~~
 76 shall note on the trip record at the time of the telephone call
 77 ~~obtain~~ the case number, badge number, or name of the person at
 78 ~~that department~~ to whom such information was reported or attach

79 | the electronic receipt received from the department or office to
 80 | the trip record if the notification was made by an electronic
 81 | notification process approved by the police department or
 82 | sheriff's office ~~and note that name on the trip record.~~

83 | 3. A person in the process of towing or removing a vehicle
 84 | or vessel from the premises or parking lot in which the vehicle
 85 | or vessel is not lawfully parked must stop when a person seeks
 86 | the return of the vehicle or vessel. The vehicle or vessel must
 87 | be returned upon the payment of a reasonable service fee of not
 88 | more than one-half of the posted rate for the towing or removal
 89 | service as provided in subparagraph 7. ~~6.~~ The vehicle or vessel
 90 | may be towed or removed if, after a reasonable opportunity, the
 91 | owner or legally authorized person in control of the vehicle or
 92 | vessel is unable to pay the service fee. If the vehicle or
 93 | vessel is redeemed, a detailed signed receipt must be given to
 94 | the person redeeming the vehicle or vessel.

95 | 4. A person may not pay or accept money or other valuable
 96 | consideration for the privilege of towing or removing vehicles
 97 | or vessels from a particular location.

98 | 5. Except when the ~~for~~ property is appurtenant to and
 99 | obviously a part of a single-family residence or, ~~and except for~~
 100 | ~~instances~~ when notice is personally given to the owner or other
 101 | legally authorized person in control of the vehicle or vessel
 102 | that the area in which that vehicle or vessel is parked is
 103 | reserved or otherwise unavailable for unauthorized vehicles or
 104 | vessels and that the vehicle or vessel is subject to being

105 removed at the owner's or operator's expense, before towing or
 106 removing a vehicle or vessel from private property without the
 107 consent of the owner or other legally authorized person in
 108 control of that vehicle or vessel, a ~~any~~ property owner or
 109 ~~lessee, or person authorized by the property owner or lessee,~~
 110 ~~prior to towing or removing any vehicle or vessel from private~~
 111 ~~property without the consent of the owner or other legally~~
 112 ~~authorized person in control of that vehicle or vessel, must~~
 113 post a notice subject to meeting the following requirements:

114 a. The notice must:

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

120 (II) ~~b. The notice must~~ Clearly indicate, in not less than
 121 2-inch high, light-reflective letters on a contrasting
 122 background, that unauthorized vehicles will be towed away at the
 123 owner's expense. The words "tow-away zone" must be included on
 124 the sign in not less than 4-inch high letters.

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

128 ~~b.d.~~ The sign structure containing the required notices
 129 must be permanently installed with the words "tow-away zone" at
 130 least ~~not less than~~ 3 feet but no ~~and not~~ more than 6 feet above

131 ground level and must be continuously maintained on the property
 132 for at least ~~not less than~~ 24 hours before ~~prior to the~~ towing
 133 or removing a vehicle or vessel ~~removal of any vehicles or~~
 134 ~~vessels.~~

135 ~~e.~~ The local government may require permitting and
 136 inspection of such ~~these~~ signs before ~~prior to any~~ towing or
 137 removing a vehicle or vessel ~~is removal of vehicles or vessels~~
 138 ~~being~~ authorized.

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

145 ~~d.g.~~ A property owner towing or removing vessels from real
 146 property must post notice, consistent with the requirements in
 147 sub-subparagraphs a.-c. ~~a.-f.~~, which apply to vehicles, that
 148 unauthorized vehicles or vessels will be towed away at the
 149 owner's expense.

150 6. Notwithstanding subparagraph 5., ~~a business owner or~~
 151 ~~lessee may authorize the removal of a vehicle or vessel by a~~
 152 ~~towing company~~ when a ~~the~~ vehicle or vessel is parked in ~~such~~ a
 153 manner that restricts the normal operation of business; is and
 154 ~~if a vehicle or vessel~~ parked on a public right-of-way in a
 155 manner that obstructs access to a private driveway; or has been
 156 parked or stored on private property for a period exceeding 5

157 days, the owner ~~or~~ lessee, or agent of the owner or lessee, of
 158 the real property may have the vehicle or vessel removed by a
 159 towing company upon signing an order that the vehicle or vessel
 160 be removed without a posted tow-away zone sign. However, the 5-
 161 day period after which the owner or lessee, or agent of the
 162 owner or lessee, of the real property may have the vehicle or
 163 vessel removed without tow-away zone signage does not begin
 164 until both of the following requirements are met:

165 a. Such owner, lessee, or agent attaches to the vehicle or
 166 vessel with adhesive material a notice that the vehicle or
 167 vessel will be towed or removed from the property. The notice
 168 must:

169 I. In the case of a vehicle, be attached to the vehicle's
 170 windshield.

171 II. In the case of a vessel, be attached adjacent to the
 172 vessel registration number on the left or port side of the
 173 vessel.

174 III. Be at least 8 inches by 10 inches in size and be
 175 sufficiently weatherproofed to withstand normal exposure to the
 176 elements.

177 IV. Clearly indicate the date on which the notice is
 178 posted.

179 V. Clearly indicate in bold letters that the vehicle or
 180 vessel will be towed or removed from the real property 5 days
 181 after the date on which a local law enforcement agency verifies
 182 and documents with a police report the notice's compliance with

183 this subparagraph.

184 VI. Provide the name and phone number of the proposed
 185 towing company.

186 b. The local law enforcement agency is notified of the
 187 notice being posted pursuant to this subparagraph, and the local
 188 law enforcement agency verifies and documents the notice's
 189 compliance with this subparagraph with a police report that
 190 shall be provided to the property owner and the towing company.

191 7.6. A Any person or firm that tows or removes vehicles or
 192 vessels and proposes to require an owner, operator, or person in
 193 control of a vehicle or vessel to pay the costs of towing and
 194 storage before ~~prior to~~ redemption of the vehicle or vessel must
 195 file and keep on record with the local law enforcement agency a
 196 complete copy of the current rates to be charged for such
 197 services and post at the storage site an identical rate schedule
 198 and any written contracts with property owners, lessees, or
 199 persons in control of property which authorize such person or
 200 firm to remove vehicles or vessels as provided in this section.

201 8.7. A Any person or firm towing or removing ~~any~~ vehicles
 202 or vessels from private property without the consent of the
 203 owner or other legally authorized person in control of the
 204 vehicles or vessels shall, on any trucks, wreckers as defined in
 205 s. 713.78(1)(c), or other vehicles used in the towing or
 206 removal, have the name, address, and telephone number of the
 207 company performing such service clearly printed in contrasting
 208 colors on the driver and passenger sides of the vehicle. The

209 name shall be in at least 3-inch~~ly~~ permanently affixed letters,
 210 and the address and telephone number shall be in at least 1-
 211 inch~~ly~~ permanently affixed letters.

212 ~~9.8.~~ Vehicle entry for the purpose of removing the vehicle
 213 or vessel shall be allowed with reasonable care on the part of
 214 the person or firm towing the vehicle or vessel. Such person or
 215 firm shall be liable for any damage occasioned to the vehicle or
 216 vessel if such entry is not in accordance with the standard of
 217 reasonable care.

218 ~~10.9.~~ When a vehicle or vessel has been towed or removed
 219 pursuant to this section, it must be released to its owner or
 220 custodian within 1 ~~one~~ hour after requested. A ~~Any~~ vehicle or
 221 vessel owner or agent of the owner may ~~shall have the right to~~
 222 inspect the vehicle or vessel before accepting its return. A~~r~~
 223 ~~and no~~ release or waiver of any kind which would release the
 224 person or firm towing the vehicle or vessel from liability for
 225 damages noted by the owner or other legally authorized person at
 226 the time of the redemption may not be required from a ~~any~~
 227 vehicle or vessel owner or~~r~~ custodian~~r~~ or agent of the owner or
 228 custodian as a condition of release of the vehicle or vessel to
 229 its owner. A detailed, signed receipt showing the legal name of
 230 the company or person towing or removing the vehicle or vessel
 231 must be given to the person paying towing or storage charges at
 232 the time of payment, whether requested or not.

233 (b) The ~~These~~ requirements of this subsection are minimum
 234 standards and do not preclude enactment of additional

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235 regulations by a ~~any~~ municipality or county including the right
 236 to regulate rates when vehicles or vessels are towed from
 237 private property.

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

242 (4) When a person improperly causes a vehicle or vessel to
 243 be removed, such person shall be liable to the owner or lessee
 244 of the vehicle or vessel for the cost of removal,
 245 transportation, and storage; any damages resulting from the
 246 removal, transportation, or storage of the vehicle or vessel;
 247 attorney's fees; and court costs.

248 (5) (a) A ~~Any~~ person who violates subparagraph (2) (a) 2. or
 249 subparagraph (2) (a) 7. ~~(2) (a) 6.~~ commits a misdemeanor of the
 250 first degree, punishable as provided in s. 775.082 or s.
 251 775.083.

252 (b) A ~~Any~~ person who violates subparagraph (2) (a) 1.,
 253 subparagraph (2) (a) 3., subparagraph (2) (a) 4., subparagraph
 254 (2) (a) 8. ~~(2) (a) 7.~~, or subparagraph (2) (a) 10. ~~(2) (a) 9.~~ commits a
 255 felony of the third degree, punishable as provided in s.
 256 775.082, s. 775.083, or s. 775.084.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 421 Traffic Enforcement Agencies and Traffic Citations
SPONSOR(S): Rodrigues
TIED BILLS: IDEN./SIM. BILLS: SB 264

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee		Whittaker	Smith
2) Local Government Affairs Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill clarifies that any agency or governmental entity vested with the powers to enforce traffic laws under the state, county, or municipality is a traffic enforcement agency and prohibits a traffic enforcement agency from establishing a traffic citation quota.

The bill further requires a county or municipality to submit a report to the Legislative Auditing Committee if the total revenue from traffic citations received in a fiscal year exceeds 50 percent of the total expenses incurred to operate that county's or municipality's law enforcement agency in the same fiscal year. If required to submit the report, the report must be submitted within six months after the end of the fiscal year and must detail the following:

- total revenue from traffic citations of the city or municipality; and
- total expenses for law enforcement of the city or municipality.

The bill has no fiscal impact on state funds.

The bill will become effective July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In current law, an agency of the state is prohibited from establishing a traffic citation quota.¹

These state agencies are listed as²:

- Florida Highway Patrol;
- Fish and Wildlife Conservation Commission's Division of Law Enforcement;
- Agents, inspectors, and officers of the Department of Law Enforcement;
- University police officers;
- Florida College System police officers;
- School safety officers;
- Police officers and parking enforcement specialists employed by an airport authority; and
- The Office of Agricultural Law Enforcement.

The Department of Transportation, county sheriff's offices, and police departments of chartered municipalities are defined as traffic enforcement agencies of the state³, but are not explicitly prohibited in statute from establishing traffic citation quotas.

The term "Traffic Citation Quota" is not defined in statute. However, it is commonly defined as any establishment of a predetermined or specified number of traffic citations a traffic enforcement officer must issue in a specified time. The prohibition of a traffic citation quota can also include the prohibition of any evaluation, promotion, compensation, or discipline based on a specific number of citations issued.⁴

City of Waldo Police Department

In 2012, the National Motorists Association reported the City of Waldo was voted as one of the worst speed traps in the nation.⁵ This past year, multiple Waldo police officers disclosed they were required to meet traffic citation quotas. It was reported that the revenue from the traffic citations accounted for over one-third of the city's entire revenue. The city has since disbanded its police force.⁶

Proposed Changes

The bill amends s. 316.640, F.S., prohibiting a traffic enforcement agency from establishing traffic citation quotas. It clarifies that any agency or governmental entity vested with the powers to enforce traffic laws under the state, county, or municipality is a traffic enforcement agency.

The bill amends s. 316.660, F.S., requires a county or municipality to submit a report to the Legislative Auditing Committee if the total revenue from traffic citations that a county or municipality receives in a fiscal year exceeds 50 percent of the total expenses incurred to operate the county's or municipality's law enforcement agency in the same fiscal year. If required to submit the report, the report must be submitted within six months after the end of the fiscal year and must detail the following:

- total revenue from traffic citations of the city or municipality; and
- total expenses for law enforcement of the city or municipality.

¹ s. 316.640(1)(a)2., F.S.

² s. 316.640(1), F.S.

³ s. 316.640(8), F.S.

⁴ See La. R.S. 40:2401.1., TENN. CODE ANN. S. 39-16-516., and TEX. TRANSP. CODE ANN. S. 720.002

⁵ National Motorists Association, *Nationwide Poll Reveals Top U.S. and Canadian Speed Traps* (Aug. 2012), <http://www.motorists.org/other/August%202012%20News%20Release--FINAL.pdf> (last viewed 2/12/15)

⁶ CBS News, *Florida Town Infamous for Speed Traps Disbanding Police Force* (Oct. 2014), <http://www.cbsnews.com/news/florida-town-infamous-for-speed-traps-disbanding-police-force/> (last viewed 2/12/15)

B. SECTION DIRECTORY:

- Section 1 Amends s. 316.640, F.S., designating counties and municipalities as traffic enforcement agencies for purposes of the section and prohibiting them from establishing traffic citation quotas.
- Section 2 Amends s. 316.660, F.S., requiring a county or municipality to submit a report of its traffic citation revenue and its expenses for operating a law enforcement agency during a fiscal year to the Legislative Auditing Committee under certain circumstances.
- 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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1 A bill to be entitled
 2 An act relating to traffic enforcement agencies and
 3 traffic citations; amending s. 316.640, F.S.;
 4 designating counties and municipalities as traffic
 5 enforcement agencies for purposes of the section and
 6 prohibiting them from establishing traffic citation
 7 quotas; amending s. 316.660, F.S.; requiring a county
 8 or municipality to submit a report of its traffic
 9 citation revenue and its expenses for operating a law
 10 enforcement agency during a fiscal year to the
 11 Legislative Auditing Committee under certain
 12 circumstances; providing an effective date.

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

15
 16 Section 1. Paragraph (a) of subsection (1) and subsection
 17 (8) of section 316.640, Florida Statutes, are amended to read:

18 316.640 Enforcement.—The enforcement of the traffic laws
 19 of this state is vested as follows:

20 (1) STATE.—

21 (a)1.a. The Division of Florida Highway Patrol of the
 22 Department of Highway Safety and Motor Vehicles; the Division of
 23 Law Enforcement of the Fish and Wildlife Conservation
 24 Commission; and the agents, inspectors, and officers of the
 25 Department of Law Enforcement each have authority to enforce all
 26 of the traffic laws of this state on all the streets and

27 highways thereof and elsewhere throughout the state wherever the
 28 public has a right to travel by motor vehicle.

29 b. University police officers may enforce all of the
 30 traffic laws of this state when violations occur on or within
 31 1,000 feet of any property or facilities that are under the
 32 guidance, supervision, regulation, or control of a state
 33 university, a direct-support organization of such state
 34 university, or any other organization controlled by the state
 35 university or a direct-support organization of the state
 36 university, or when such violations occur within a specified
 37 jurisdictional area as agreed upon in a mutual aid agreement
 38 entered into with a law enforcement agency pursuant to s.
 39 23.1225(1). Traffic laws may also be enforced off-campus when
 40 hot pursuit originates on or within 1,000 feet of any such
 41 property or facilities, or as agreed upon in accordance with the
 42 mutual aid agreement.

43 c. Florida College System institution police officers may
 44 enforce all the traffic laws of this state only when such
 45 violations occur on or within 1,000 feet of any property or
 46 facilities that are under the guidance, supervision, regulation,
 47 or control of the Florida College System institution, or when
 48 such violations occur within a specified jurisdictional area as
 49 agreed upon in a mutual aid agreement entered into with a law
 50 enforcement agency pursuant to s. 23.1225. Traffic laws may also
 51 be enforced off-campus when hot pursuit originates on or within
 52 1,000 feet of any such property or facilities, or as agreed upon

53 | in accordance with the mutual aid agreement.

54 | d. Police officers employed by an airport authority may
 55 | enforce all of the traffic laws of this state only when such
 56 | violations occur on any property or facilities that are owned or
 57 | operated by an airport authority.

58 | (I) An airport authority may employ as a parking
 59 | enforcement specialist any individual who successfully completes
 60 | a training program established and approved by the Criminal
 61 | Justice Standards and Training Commission for parking
 62 | enforcement specialists but who does not otherwise meet the
 63 | uniform minimum standards established by the commission for law
 64 | enforcement officers or auxiliary or part-time officers under s.
 65 | 943.12. This sub-sub-subparagraph may not be construed to permit
 66 | the carrying of firearms or other weapons, nor shall such
 67 | parking enforcement specialist have arrest authority.

68 | (II) A parking enforcement specialist employed by an
 69 | airport authority may enforce all state, county, and municipal
 70 | laws and ordinances governing parking only when such violations
 71 | are on property or facilities owned or operated by the airport
 72 | authority employing the specialist, by appropriate state,
 73 | county, or municipal traffic citation.

74 | e. The Office of Agricultural Law Enforcement of the
 75 | Department of Agriculture and Consumer Services may enforce
 76 | traffic laws of this state.

77 | f. School safety officers may enforce all of the traffic
 78 | laws of this state when such violations occur on or about any

79 | property or facilities that are under the guidance, supervision,
 80 | regulation, or control of the district school board.

81 | ~~2. An agency of the state as described in subparagraph 1.~~
 82 | ~~is prohibited from establishing a traffic citation quota. A~~
 83 | ~~violation of this subparagraph is not subject to the penalties~~
 84 | ~~provided in chapter 318.~~

85 | 2.3. Any disciplinary action taken or performance
 86 | evaluation conducted by an agency of the state as described in
 87 | subparagraph 1. of a law enforcement officer's traffic
 88 | enforcement activity must be in accordance with written work-
 89 | performance standards. Such standards must be approved by the
 90 | agency and any collective bargaining unit representing such law
 91 | enforcement officer. A violation of this subparagraph is not
 92 | subject to the penalties provided in chapter 318.

93 | 3.4. The Division of the Florida Highway Patrol may employ
 94 | as a traffic accident investigation officer any individual who
 95 | successfully completes instruction in traffic accident
 96 | investigation and court presentation through the Selective
 97 | Traffic Enforcement Program as approved by the Criminal Justice
 98 | Standards and Training Commission and funded through the
 99 | National Highway Traffic Safety Administration or a similar
 100 | program approved by the commission, but who does not necessarily
 101 | meet the uniform minimum standards established by the commission
 102 | for law enforcement officers or auxiliary law enforcement
 103 | officers under chapter 943. Any such traffic accident
 104 | investigation officer who makes an investigation at the scene of

105 a traffic accident may issue traffic citations, based upon
 106 personal investigation, when he or she has reasonable and
 107 probable grounds to believe that a person who was involved in
 108 the accident committed an offense under this chapter, chapter
 109 319, chapter 320, or chapter 322 in connection with the
 110 accident. This subparagraph does not permit the officer to carry
 111 firearms or other weapons, and such an officer does not have
 112 authority to make arrests.

113 (8) TRAFFIC ENFORCEMENT AGENCY.—

114 (a) Any agency or governmental entity designated in
 115 subsection (1), subsection (2), or subsection (3), including a
 116 university, a Florida College System institution, a school
 117 board, or an airport authority, is a traffic enforcement agency
 118 for purposes of this section and s. 316.650.

119 (b) A traffic enforcement agency may not establish a
 120 traffic citation quota.

121 Section 2. Section 316.660, Florida Statutes, is amended
 122 to read:

123 316.660 Disposition of fines and forfeitures collected for
 124 violations; reporting requirement.—

125 (1) Except as otherwise provided by law, all fines and
 126 forfeitures received by any county court from violations of any
 127 of the provisions of this chapter, or from violations of any
 128 ordinances adopting matter covered by this chapter, must be paid
 129 and distributed as provided in s. 318.21.

130 (2) If the total revenue from traffic citations that a

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131 county or municipality receives in a fiscal year exceeds 50
132 percent of the total expenses that the county or municipality
133 incurs to operate a law enforcement agency in the same fiscal
134 year, the county or municipality shall submit a report to the
135 Legislative Auditing Committee detailing its total revenue from
136 traffic citations and its total expenses for law enforcement
137 within 6 months after the end of the fiscal year.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 471 Disabled Parking
SPONSOR(S): DuBose
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee		Whittaker	<i>ww</i> Smith <i>MS</i>
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill removes the ability of a county, municipality, or any agency thereof, to charge for parking in a facility or lot that provides timed parking spaces if the vehicle displays a disabled parking permit.

Also removed, is the exemption to not charge a vehicle with specialized equipment, such as ramps, lifts, or foot or hand controls, for use by a person who has a disability, or any vehicle displaying the Florida Toll Exemption permit.

The bill has a negative but indeterminate fiscal impact on local governments.

The bill will become effective July 1, 2015.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

A state agency, county, municipality, or any agency thereof, may not charge a fee for parking in metered parking spaces or on the public streets or highways if the vehicle displays any of the below disabled parking permits or disabled license plates.

- Out of state or out of country disabled license plate or disabled parking permit as recognized under s. 316.1958, F.S..
- Disabled parking permit issued under s. 320.0848, F.S..
- Disabled veteran license plate issued under s. 320.084, F.S..
- Disabled veteran license plate stamped with the international wheelchair user symbol issued under s. 320.0842.
- License plate stamped with the international wheelchair user symbol issued under s. 320.0843, F.S..
- Paralyzed Veterans of America license plate issued under s. 320.0845, F.S..¹

This only applies to vehicles transporting the person who has a disability and to whom the disabled parking permit or license plate was issued.

The driver of a vehicle, as provided above, that is parked on the public streets or highways or in any metered parking space may not be penalized except in clearly defined:

- bus loading zones;
- fire zones;
- access aisles adjacent to the parking spaces for persons who have disabilities;
- areas posted as “No Parking” zones or as emergency vehicle zones; or
- for parking in excess of the posted time limit.²

Several exceptions are provided in current law for when a parking fee may be charged to a vehicle displaying a disabled parking permit. They are:

- When a state, county, or municipal parking facility or lot is being used for an event at a convention center, cruise-port terminal, sports stadium, sports arena, coliseum, or auditorium.³
- In a parking facility that leases a parking space for more than one week.⁴
- An airport that owns, operates, or leases parking facilities, or any other parking facilities that are used for air travel. However, the governing body of each publicly owned or publicly operated airport must grant free parking for a vehicle with specialized equipment, such as a ramp, lift, or foot or hand controls, or for utilization by a person who has a disability or whose vehicle displays the Florida Toll Exemption permit.⁵
- A county, municipality, or any agency thereof, may charge for parking in a facility or lot that provides timed parking spaces for any vehicle that displays a disabled parking permit. An exemption is made for any vehicle with specialized equipment, such as ramps, lifts, or foot or hand controls, for use by a person who has a disability, or vehicles displaying the Florida Toll Exemption permit.⁶

¹ s. 316.1964(1), F.S.

² s. 316.1964(2), F.S.

³ s. 316.1964(3), F.S.

⁴ s. 316.1964(6), F.S.

⁵ s. 316.1964(7), F.S.

⁶ s. 316.1964(8), F.S.

When an on-street parking meter restricts the duration of time that a vehicle may be parked, a vehicle properly displaying a disabled parking permit is allowed a maximum of four hours at no charge. However, local governments may extend such time by local ordinance.⁷

A parking facility that restricts the number of consecutive days that a vehicle may be parked can impose the same restriction on a vehicle that displays a disabled parking permit.⁸

Florida Toll Exemption Permit

A Florida Toll Exemption Permit is issued by the Florida Department of Transportation to any person who has a valid driver's license, operates a vehicle specially equipped for use by the disabled, and has a severe and permanent upper limb mobility or dexterity impairment that substantially impairs the person's ability to deposit coins in toll baskets. The permit allows these individuals to pass free through all tollgates and over all toll bridges and ferries in Florida.⁹

Effect of Proposed Changes

This bill amends s. 316.1964(8), F.S., removing the ability of a county, municipality, or any agency thereof to charge for parking in a facility or lot that provides timed parking spaces if the vehicle displays a disabled parking permit. Also, removes the exemption to not charge any vehicle with specialized equipment, such as ramps, lifts, or foot or hand controls, for use by a person who has a disability, or any vehicle displaying the Florida Toll Exemption permit.

B. SECTION DIRECTORY:

Section 1 Amends s. 316.1964, F.S., removing provisions for charging a parking fee for vehicles displaying a disabled parking permit at certain timed parking facilities and removes the exemption to not charge any vehicle with specialized equipment, such as ramps, lifts, or foot or hand controls, for use by a person who has a disability, or any vehicle displaying the Florida Toll Exemption permit.

Section 2 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:

The bill could have a negative but indeterminate fiscal impact on local governments.

⁷ s. 316.1964(5), F.S.

⁸ s. 316.1964(4), F.S.

⁹ s. 338.155(3), F.S.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A vehicle displaying a disabled parking permit could no longer be charged a fee for parking in a county or municipality parking facility or lot that provides timed parking spaces outside of certain conditions.

An exemption is removed prohibiting a county or municipality from changing a parking fee to vehicles with specialized equipment, for use by a person who has a disability, or any vehicle displaying the Florida Toll Exemption permit in a parking facility or lot with timed parking spaces. These vehicles could now be charged the parking fee.

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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1 A bill to be entitled
 2 An act relating to disabled parking; amending s.
 3 316.1964, F.S.; removing provisions for charging a
 4 parking fee for vehicles displaying a disabled parking
 5 permit at certain timed parking facilities; providing
 6 an effective date.

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

9
 10 Section 1. Subsection (8) of section 316.1964, Florida
 11 Statutes, is amended to read:

12 316.1964 Exemption of vehicles transporting certain
 13 persons who have disabilities from payment of parking fees and
 14 penalties.—

15 (1) A state agency, county, municipality, or any agency
 16 thereof, may not exact any fee for parking on the public streets
 17 or highways or in any metered parking space from the driver of a
 18 vehicle that displays a disabled parking permit or a license
 19 plate issued under s. 316.1958 or s. 320.0848 or a license plate
 20 issued under s. 320.084, s. 320.0842, s. 320.0843, or s.
 21 320.0845 if the vehicle is transporting the person who has a
 22 disability and to whom the disabled parking permit or license
 23 plate was issued.

24 ~~(8) Notwithstanding subsection (1), a county,~~
 25 ~~municipality, or any agency thereof may charge for parking in a~~
 26 ~~facility or lot that provides timed parking spaces any vehicle~~

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27 ~~that displays a disabled parking permit, except that any vehicle~~
28 ~~with specialized equipment, such as ramps, lifts, or foot or~~
29 ~~hand controls, for use by a person who has a disability, or any~~
30 ~~vehicle that is displaying the Florida Toll Exemption permit, is~~
31 ~~exempt from any parking fees.~~

32 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 DuBose offered the following:

Amendment (with title amendment)

6 Remove lines 15-31 and insert:

7 (8) Notwithstanding subsection (1), a county,
 8 municipality, or any agency thereof may charge for parking in a
 9 facility or lot that provides timed parking spaces any vehicle
 10 that displays a disabled parking permit, except that any vehicle
 11 with specialized equipment, such as ramps, lifts, or foot or
 12 hand controls, for use by a person who has a disability, or any
 13 vehicle that is displaying the "DV" license plate issued under
 14 s. 320.084 or the Florida Toll Exemption permit, is exempt from
 15 any parking fees.

17 -----



Amendment No. 1

18
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T I T L E A M E N D M E N T

Remove lines 3-5 and insert:
316.1964, F.S.; revising provisions that allow
counties and municipalities to charge fees for
vehicles displaying a disabled parking permit at
certain timed parking facilities; excluding vehicles
displaying a "DV" license plate issued to certain
disabled veterans from payment of such fees; providing

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB HWSS 15-01 The Department of Highway Safety and Motor Vehicles
SPONSOR(S): Highway & Waterway Safety Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Highway & Waterway Safety Subcommittee		Whittaker	Smith

SUMMARY ANALYSIS

The bill makes various changes to current law related to The Department of Highway Safety and Motor Vehicles (DHSMV). In summary, the bill:

- Authorizes the employing agency to pay up to \$5,000 directly to a venue to cover funeral and burial expenses of a law enforcement officer killed in the line of duty.
- Requires an 18 inch square, red flag on all loads that extend four feet or more beyond a vehicles rear.
- Increases the fine from \$100 to \$500 for a violation of unlawfully displaying vehicles for sale, hire, or rental.
- Directs DHSMV to include language permitting a voluntary contribution of \$1 or more on a motor vehicle registration and driver license application listed as "End Breast Cancer." Such contributions will be distributed by the department to the Florida Breast Cancer Foundation.
- Removes requirements for establishing a specialty license plate that were declared unconstitutional in 2011 by the U.S. Middle District Court in Orlando.
- Removes provisions for the issuance of the Corrections Foundation license plate, the Children First license plate, and the Veterans of Foreign Wars license plate which are no longer in circulation.
- Provides for Major League Soccer to be included as part of Florida's professional sports team for specialty license plate purposes.
- Revises the identification of a motor vehicles ancient and antique status to model year instead of manufactured year and discontinues verification of the age of the engine.
- Expands existing public record exemption for personal injury protection and property damage liability insurance policies to allow the Department of Highway Safety and Motor Vehicles to provide personal injury protection and property damage liability insurance policy numbers to department approved third parties that provide data collection services to an insurer of any person involved in such accident.

The bill has a negative, but insignificant, impact on state funds.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Funeral Expense Flexibility for Law Enforcement Officers (Section 1)

Present Situation

Beneficiaries of full-time law enforcement, correctional, or probation officers employed by the state that are killed in the line of duty are eligible to receive \$1,000 to assist with funeral and burial expenses. This is in addition to other benefits entitled to beneficiaries and dependents under the Workers' Compensation Law or other state or federal statutes.¹

Proposed Change

The bill amends s. 112.19(2)(f), F.S., authorizing the employing agency to pay up to \$5,000 directly to a venue to cover funeral and burial expenses of an officer killed in the line of duty. This authorization is in addition to the \$1,000 provided in statute.

Hazard Flags on Projecting Loads (Section 2)

Present Situation

Florida law requires red flags not less than 12 inches square be attached to a load projecting 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 the Florida Department of Transportation are required by the terms of the permit to obtain 18 inch flags.

Proposed Change

The bill amends s. 316.228(1), F.S., revising requirements from a 12 inch square flag to an 18 inch square flag on all loads that extend four feet or more beyond a vehicles perimeter.

Unlawful Display of Vehicle for Sale, Hire, or Rental (Section 3)

Present Situation

In 2010, Florida Statute 318.18(21) was passed into law imposing a \$100 fine for the unlawful display of vehicles for sale, hire or rental.

The Department of Highway Safety and Motor Vehicles investigated close to 2,000 unlicensed dealer cases through the third quarter of fiscal year 2013-2014.²

Proposed Change

The bill amends s. 318.18(21), F.S., increasing the fine from \$100 to \$500 for a violation of unlawfully displaying vehicles for sale, hire, or rental.

¹ s. 112.19(2)(f), F.S.

² Letter from the Florida Independent Automobile Dealers Association on file with the Highway and Waterway Safety Subcommittee
STORAGE NAME: pcb01.HWSS.DOCX
DATE: 2/27/2015

Establishing a Voluntary Contribution (Sections 4 and 9)

Present Situation

Florida Statutes 320.023 and 322.081 provides requirements that must be met by an organization seeking authorization to establish a voluntary contribution on either a motor vehicle registration or driver license application or renewal. The organization must submit all of the following to DHSMV:

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

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

Currently, there are 26 different voluntary contribution options on a motor vehicle registration application and 19 different voluntary contribution options on a driver license and identification card application.³

The department is authorized to discontinue the voluntary contribution if less than \$25,000 has been contributed by the end of the 5th year or less than \$25,000 is contributed during any subsequent 5-year period.

Proposed Change

The Florida Breast Cancer Foundation organization has met all of the requirements to pursue legislation to establish a voluntary contribution on both a vehicle registration and driver license application and renewal.⁴

The bill amends s. 320.02 and s. 322.08, F.S., directing DHSMV to include language permitting a voluntary contribution of \$1 or more on a motor vehicle registration and driver license application listed as "End Breast Cancer." Such contributions will be distributed by the department to the Florida Breast Cancer Foundation.

Specialty Plate Requirement Clean-up (Section 5)

Background

In 2011, the U.S. Middle District Court in Orlando declared the specialty plate application process as it existed in 2009 to be unconstitutional. That process included an application process, an application fee, and a marketing strategy outlining short and long term marketing plans for the specialty plate.

The pre-sale methodology, created in 2010, replaced the application process. However, the application process, application fee, and marketing strategy language still exists in statute.

The recognized process to establish a specialty plate requires the plate to first be approved by law. After a new specialty plate becomes law the following requirements must be met:

- Within 60 days, the organization must submit an art design, in a medium prescribed by DHSMV.
- Within 120 days, DHSMV must establish a method to issue a specialty license plate voucher to allow for the pre-sale of the specialty plate.

³ Email from DHSMV on file with Highway and Waterway Safety Subcommittee

⁴ Letter from DHSMV on file with the Highway and Waterway Safety Subcommittee

- Within 24 months after the voucher is established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin. If this requirement is not met, the plate is deauthorized and DHSMV must discontinue development of the plate and issuance of the vouchers.

Proposed Changes

The bill amends s. 320.08053, F.S., removing requirements for establishing a specialty license plate that were declared unconstitutional in 2011 by the U.S. Middle District Court in Orlando.

Specialty Plates (Sections 6 and 7)

Present Situation

Three specialty plates referenced in s. 320.08056 and s. 320.08058, F.S., are no longer in circulation. They are the Corrections Foundation license plate, the Children First license plate, and the Veterans of Foreign Wars license plate.

The department is authorized to develop specialty license plates for Florida professional sports teams domiciled in this state that comply with the specialty license plates requirements. The professional sports include Major League Baseball, National Basketball Association, National Football League, Arena Football Teams, and National Hockey League. Reference to Major League Soccer is not provided. Florida has one Major League Soccer team, the Orlando City Soccer Club.

Proposed Change

The bill amends s. 320.08056 and s. 320.08058, F.S., removing provisions for the distribution of funds for the Corrections Foundation license plate, the Children First license plate, and the Veterans of Foreign Wars license plate.

The bill also amends s. 320.08058(9)(a), F.S., to include Major League Soccer as part of Florida's professional sports teams.

Technical changes are made for the reference and renumbering of sections.

Ancient or Antique Motor Vehicles (Section 8)

Present Situation

Ancient motor vehicle is identified in s. 320.086(1), F.S., as a motor vehicle for private use manufactured in 1945 or earlier, equipped with an engine manufactured in 1945 or earlier or manufactured to the specifications of the original engine.

Antique motor vehicle is identified in s. 320.086(2)(a), F.S., as a motor vehicle for private use manufactured after 1945 and of the age of 30 years or more after the manufacture, equipped with an engine of the age of 30 years or more after the date of manufacture.

Section 320.08, F.S., allows owners of motor vehicles, mopeds, and motorcycles to pay a reduced registration annual license tax when the vehicle is considered ancient or antique.

Advisory Memorandum 201314-44, issued by DHSMV's Inspector General noted that motor vehicle antique status was determined using the model date of the vehicle contrary to Florida Statute. This is due to the manufacture date not being captured in motor vehicle records, but instead the model year as indicated in the Vehicle Identification Number.

Proposed Change

The bill amends s. 320.086(1) and 320.086(2)(a), F.S., revising the identification of a motor vehicles ancient and antique status to model year instead of manufactured year and discontinuing verification of the age of the engine.

Public Record Exemption Expansion – Insurance Policy (Section 10)

Present Situation

Under section 324.242, F.S., the department is authorized to release the personal injury protection and property damage liability policy number for a vehicle involved in an accident to any person involved in the accident, the attorney of any person involved in the accident, or a representative of the insurer of any person in the accident. Such information can only be released upon written request.

Proposed Change

The bill amends s. 324.242, F.S., expanding authorization of the department to provide personal injury protection and property damage liability insurance policy numbers to department approved third parties that provide data collection services to an insurer of any person involved in such accident.

The bill clarifies that prior to the department's release of a policy number, an insurer's representative, contracted third party or an attorney for a person involved in an accident must provide the department documentation confirming proof of representation.

The bill further allows for information made exempt to be disclosed to another governmental entity without a written request or copy of the crash report if disclosure is necessary for the receiving government entity to perform its duties and responsibilities.

"Governmental entity" is defined as any federal, state, county, district, authority, or municipal officer, department, division, board, bureau, or commission created or established by law.

Conforming Amendments (Sections 11 and 12)

Reenacts ss. 319.23(3)(c), 320.08(2)(a) and 320.08(3)(e), F.S., relating to motor vehicle certificates of title and motor vehicle license taxes, respectively, to incorporate the amendments made by the bill to s. 320.086, F.S., in reference to ancient and antique motor vehicles.

Effective Date (Section 13)

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

B. SECTION DIRECTORY:

- | | |
|-----------|---|
| Section 1 | Amends s. 112.19(2)(f), F.S., authorizing the employing agency to pay up to \$5,000 directly to a venue to cover funeral and burial expenses of a law enforcement officer killed in the line of duty. |
| Section 2 | Amends s. 316.228(1), F.S., revising requirements from a 12 inch square flag to an 18 inch square flag on all loads that extend four feet or more beyond a vehicles perimeter. |
| Section 3 | Amends s. 318.18(21), F.S., increasing the fine from \$100 to \$500 for a violation of unlawfully displaying vehicles for sale, hire, or rental. |

- Section 4 Amends s. 320.02, F.S., requiring the motor vehicle registration form and registration renewal form to include an option to make a voluntary contribution to the Florida Breast Cancer Foundation.
- Section 5 Amends s. 320.08053, F.S., removing requirements for establishing a specialty license plate that were declared unconstitutional in 2011 by the U.S. Middle District Court in Orlando.
- Section 6 Amends s. 320.08056 removing provisions for the issuance of the Corrections Foundation license plate, the Children First license plate, and the Veterans of Foreign Wars license plate which are no longer in circulation.
- Section 7 Amends s. 320.08058, F.S., removing provisions for distribution of funds for the Corrections Foundation license plate, the Children First license plate, and the Veterans of Foreign Wars license plate; amends s. 320.08058(9)(a), F.S., to include Major League Soccer as part of Florida's professional sports teams; makes technical changes for the reference and renumbering of sections.
- Section 8 Amends s. 320.086(1) and 320.086(2)(a), F.S., revising the identification of a motor vehicles ancient and antique status to model year instead of manufactured year and discontinuing verification of the age of the engine.
- Section 9 Amends s. 322.08, F.S., requiring the driver license application form to include an option to make a voluntary contribution to the Florida Breast Cancer Foundation; providing that contributions received are not income of a revenue nature.
- Section 10 Amends s. 324.242, F.S., expanding authorization of the Department of Highway Safety and Motor Vehicles to provide personal injury protection and property damage liability insurance policy numbers to department-approved third parties under certain circumstances; providing requirements to obtain specified insurance policy information; authorizing the disclosure of certain exempted information to governmental entities under certain circumstances; providing a definition.
- Section 11 Reenacts ss. 319.23(3)(c), F.S., to conform with amendments made to s. 320.086, F.S. by the bill.
- Section 12 Reenacts ss. 320.08(2)(a) and 320.08(3)(e), F.S., to conform with amendments made to s. 320.086, F.S. by the bill.
- Section 13 Provides an effective date of October 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

The bill has a negative, but insignificant impact on state funds.

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 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 highway safety and motor vehicles;
 3 amending s. 112.19, F.S.; authorizing an employing
 4 agency to pay a certain amount of funeral expenses for
 5 certain officers killed in the line of duty; amending
 6 s. 316.228, F.S.; revising requirements for a flag
 7 displayed when a load extends beyond a vehicle;
 8 amending s. 318.18, F.S.; revising a penalty for a
 9 violation of specified provisions prohibiting parking
 10 a motor vehicle in certain locations to display the
 11 vehicle for sale, hire, or rent; amending s. 320.02,
 12 F.S.; requiring the motor vehicle registration form
 13 and registration renewal form to include an option to
 14 make a voluntary contribution to the Florida Breast
 15 Cancer Foundation; amending s. 320.08053, F.S.;
 16 revising requirements for establishing a specialty
 17 license plate; amending ss. 320.08056 and 320.08058,
 18 F.S.; providing for an agent of the Department of
 19 Highway Safety and Motor Vehicles to receive requests
 20 for a specialty license plate; revising provisions for
 21 Florida Professional Sports Team license plates;
 22 removing provisions for issuance of certain specialty
 23 license plates and user fees for such plates; amending
 24 s. 320.086, F.S.; revising provisions for issuance of
 25 special license plates for specified ancient and
 26 antique vehicles; amending s. 322.08, F.S.; requiring

27 the application form for an original, renewal, or
 28 replacement driver license or identification card to
 29 include an option to make a voluntary contribution to
 30 the Florida Breast Cancer Foundation; providing that
 31 contributions received are not income of a revenue
 32 nature; amending s. 324.242, F.S.; revising conditions
 33 under which the department is required to release
 34 certain policy numbers; requiring the department to
 35 provide personal injury protection and property damage
 36 liability insurance policy numbers to department-
 37 approved third parties under certain circumstances;
 38 providing requirements to obtain specified insurance
 39 policy information; authorizing the disclosure of
 40 certain exempted information to governmental entities
 41 under certain circumstances; providing a definition;
 42 reenacting ss. 319.23(3)(c) and 320.08(2)(a) and
 43 (3)(e), F.S., relating to motor vehicle certificates
 44 of title and motor vehicle license taxes,
 45 respectively, to incorporate the amendments made by
 46 the act to s. 320.086, F.S., in references thereto;
 47 providing an effective date.

48

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

50

51 Section 1. Paragraph (f) of subsection (2) of section
 52 112.19, Florida Statutes, is amended to read:

53 112.19 Law enforcement, correctional, and correctional
 54 probation officers; death benefits.—

55 (2)

56 (f) If a full-time law enforcement, correctional, or
 57 correctional probation officer who is certified pursuant to
 58 chapter 943 and employed by a state agency is killed in the line
 59 of duty ~~as a result of an act of violence inflicted by another~~
 60 ~~person~~ while the officer is engaged in the performance of law
 61 enforcement duties or as a result of an assault against the
 62 officer under riot conditions:—

63 1. The sum of \$1,000 shall be paid, as provided for in
 64 paragraph (d), toward the funeral and burial expenses of such
 65 officer. Such benefits are in addition to any other benefits to
 66 which employee beneficiaries and dependents are entitled ~~to~~
 67 ~~under the provisions of~~ the Workers' Compensation Law or any
 68 other state or federal statutes; and

69 2. The officer's employing agency may pay up to \$5,000
 70 directly toward the venue expenses associated with the funeral
 71 and burial services of such officer.

72 Section 2. Subsection (1) of section 316.228, Florida
 73 Statutes, is amended to read:

74 316.228 Lamps or flags on projecting load.—

75 (1) Except as provided in subsection (2), whenever the
 76 load upon any vehicle extends to the rear 4 feet or more beyond
 77 the bed or body of such vehicle, there shall be displayed at the
 78 extreme rear end of the load, at the times specified in s.

79 316.217, two red lamps visible from a distance of at least 500
 80 feet to the rear, two red reflectors visible at night from all
 81 distances within 600 feet to 100 feet to the rear when directly
 82 in front of lawful lower beams of headlamps and located so as to
 83 indicate maximum width, and on each side one red lamp visible
 84 from a distance of at least 500 feet to the side and located so
 85 as to indicate maximum overhang. There shall be displayed at all
 86 other times on any vehicle having a load which extends beyond
 87 its sides or more than 4 feet beyond its rear, red flags, not
 88 less than 18 ~~12~~ inches square, marking the extremities of such
 89 load, at each point where a lamp would otherwise be required by
 90 this section. A violation of this section is a noncriminal
 91 traffic infraction punishable as a nonmoving violation as
 92 provided in chapter 318.

93 Section 3. Subsection (21) of section 318.18, Florida
 94 Statutes, is amended to read:

95 318.18 Amount of penalties.—The penalties required for a
 96 noncriminal disposition pursuant to s. 318.14 or a criminal
 97 offense listed in s. 318.17 are as follows:

98 (21) Five ~~One~~ hundred dollars for a violation of s.
 99 316.1951 for a vehicle that is unlawfully displayed for sale,
 100 hire, or rental. Notwithstanding any other law to the contrary,
 101 fines collected under this subsection shall be retained by the
 102 governing authority that authorized towing of the vehicle. Fines
 103 collected by the department shall be deposited into the Highway
 104 Safety Operating Trust Fund.

PCB HWSS 15-01

2015

105 Section 4. Paragraph (u) is added to subsection (15) of
 106 section 320.02, Florida Statutes, to read:

107 320.02 Registration required; application for
 108 registration; forms.—

109 (15)

110 (u) The application form for motor vehicle registration
 111 and renewal of registration must include language permitting a
 112 voluntary contribution of \$1 or more per applicant to End Breast
 113 Cancer. Such contributions shall be distributed by the
 114 department to the Florida Breast Cancer Foundation.

115
 116 For the purpose of applying the service charge provided in s.
 117 215.20, contributions received under this subsection are not
 118 income of a revenue nature.

119 Section 5. Section 320.08053, Florida Statutes, is amended
 120 to read:

121 320.08053 Requirements for requests to establish specialty
 122 license plates.—

123 ~~(1) An organization that seeks authorization to establish~~
 124 ~~a new specialty license plate for which an annual use fee is to~~
 125 ~~be charged must submit to the department.~~

126 ~~(a) A request for the particular specialty license plate~~
 127 ~~being sought, describing the proposed specialty license plate in~~
 128 ~~specific terms, including a sample plate that conforms to the~~
 129 ~~specifications set by the department and this chapter, and that~~
 130 ~~is in substantially final form.~~

131 ~~(b) An application fee, not to exceed \$60,000, to defray~~
 132 ~~the department's cost for reviewing the application and~~
 133 ~~developing the specialty license plate, if authorized. State~~
 134 ~~funds may not be used to pay the application fee, except for~~
 135 ~~collegiate specialty license plates authorized in s.~~
 136 ~~320.08058(3) and (13). All applications requested on or after~~
 137 ~~the effective date of this act must meet the requirements of~~
 138 ~~this act.~~

139 ~~(c) A marketing strategy outlining short term and long~~
 140 ~~term marketing plans for the requested specialty license plate~~
 141 ~~and a financial analysis outlining the anticipated revenues and~~
 142 ~~the planned expenditures of the revenues to be derived from the~~
 143 ~~sale of the requested specialty license plates.~~

144
 145 ~~The information required under this subsection must be submitted~~
 146 ~~to the department at least 90 days before the convening of the~~
 147 ~~next regular session of the Legislature.~~

148 ~~(1)(2)~~ (1) If a the specialty license plate requested by an
 149 the organization is approved by law, the organization must
 150 submit the proposed art design for the specialty license plate
 151 to the department, in a medium prescribed by the department, as
 152 soon as practicable, but no later than 60 days after the act
 153 approving the specialty license plate becomes a law. ~~If the~~
 154 ~~specialty license plate requested by the organization is not~~
 155 ~~approved by the Legislature or does not meet the presale~~
 156 ~~requirements in subsection (3), the application fee shall be~~

157 ~~refunded to the requesting organization.~~

158 (2)~~(3)~~(a) Within 120 days following the specialty license
 159 plate becoming law, the department shall establish a method to
 160 issue a specialty license plate voucher to allow for the presale
 161 of the specialty license plate. The processing fee as prescribed
 162 in s. 320.08056, the service charge and branch fee as prescribed
 163 in s. 320.04, and the annual use fee as prescribed in s.
 164 320.08056 shall be charged for the voucher. All other applicable
 165 fees shall be charged at the time of issuance of the license
 166 plates.

167 (b) Within 24 months after the presale specialty license
 168 plate voucher is established, the approved specialty license
 169 plate organization must record with the department a minimum of
 170 1,000 voucher sales before manufacture of the license plate may
 171 commence. If, at the conclusion of the 24-month presale period,
 172 the minimum sales requirements have not been met, the specialty
 173 plate is deauthorized and the department shall discontinue
 174 development of the plate and discontinue issuance of the presale
 175 vouchers. Upon deauthorization of the license plate, a purchaser
 176 of the license plate voucher may use the annual use fee
 177 collected as a credit towards any other specialty license plate
 178 or apply for a refund on a form prescribed by the department.

179 ~~(c) An organization that meets the requirements of this~~
 180 ~~subsection shall be deemed to have submitted a valid survey for~~
 181 ~~purposes of s. 45, chapter 2008 176, Laws of Florida, as~~
 182 ~~amended.~~

183 Section 6. Subsection (3), paragraphs (iii), (ttt), and
 184 (uuu) of subsection (4), paragraph (b) of subsection (8), and
 185 paragraph (a) of subsection (10) of section 320.08056, Florida
 186 Statutes, are amended to read:

187 320.08056 Specialty license plates.-

188 (3) Each request must be made annually to the department
 189 or an authorized agent serving on behalf of the department,
 190 accompanied by the following tax and fees:

191 (a) The license tax required for the vehicle as set forth
 192 in s. 320.08.

193 (b) A processing fee of \$5, to be deposited into the
 194 Highway Safety Operating Trust Fund.

195 (c) A license plate fee as required by s. 320.06(1)(b).

196 (d) A license plate annual use fee as required in
 197 subsection (4).

198

199 A request may be made any time during a registration period. If
 200 a request is made for a specialty license plate to replace a
 201 current valid license plate, the specialty license plate must be
 202 issued with appropriate decals attached at no tax for the plate,
 203 but all fees and service charges must be paid. If a request is
 204 made for a specialty license plate at the beginning of the
 205 registration period, the tax, together with all applicable fees
 206 and service charges, must be paid.

207 (4) The following license plate annual use fees shall be
 208 collected for the appropriate specialty license plates:

209 ~~(iii) Corrections Foundation license plate, \$25.~~

210 ~~(ttt) Children First license plate, \$25.~~

211 ~~(uuu) Veterans of Foreign Wars license plate, \$25.~~

212 (8)

213 (b) The department is authorized to discontinue the
 214 issuance of a specialty license plate and distribution of
 215 associated annual use fee proceeds if the organization no longer
 216 exists, if the organization has stopped providing services that
 217 are authorized to be funded from the annual use fee proceeds, if
 218 the organization does not meet the presale requirements as
 219 prescribed in s. 320.08053 ~~320.08053(3)~~, or pursuant to an
 220 organizational recipient's request. Organizations shall notify
 221 the department immediately to stop all warrants for plate sales
 222 if any of the conditions in this section exist and must meet the
 223 requirements of s. 320.08062 for any period of operation during
 224 a fiscal year.

225 (10)(a) A specialty license plate annual use fee collected
 226 and distributed under this chapter, or any interest earned from
 227 those fees, may not be used for commercial or for-profit
 228 activities nor for general or administrative expenses, except as
 229 authorized by s. 320.08058 or to pay the cost of the audit or
 230 report required by s. 320.08062(1). The fees and any interest
 231 earned from the fees may be expended only for use in this state
 232 unless the annual use fee is derived from the sale of United
 233 States Armed Forces and veterans-related specialty license
 234 plates pursuant to paragraphs (4)(d), (bb), (ll), (kkk), and

235 (yyy) ~~(lll)~~, ~~(uuu)~~, and ~~(bbb)~~ and s. 320.0891.

236 Section 7. Subsection (9), subsection (61), paragraph (b)
 237 of subsection (70), paragraph (d) of subsection (71),
 238 subsections (72) and (73), paragraph (a) of subsection (79),
 239 paragraph (a) of subsection (80), paragraph (a) of subsection
 240 (81), paragraph (a) of subsection (82), paragraph (a) of
 241 subsection (83), paragraph (a) of subsection (84), paragraph (a)
 242 of subsection (85), and paragraph (a) of subsection (86) of
 243 section 320.08058, Florida Statutes, are amended to read:

244 320.08058 Specialty license plates.—

245 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

246 (a) The Department of Highway Safety and Motor Vehicles
 247 shall develop a Florida Professional Sports Team license plate
 248 as provided in this section for Major League Baseball, National
 249 Basketball Association, National Football League, Arena Football
 250 League Teams, and National Hockey League, and Major League
 251 Soccer teams domiciled in this state. However, any Florida
 252 Professional Sports Team license plate created or established
 253 after January 1, 1997, must comply with the requirements of s.
 254 320.08053 and be specifically authorized by an act of the
 255 Legislature. Florida Professional Sports Team license plates
 256 must bear the colors and design approved by the department and
 257 must include the official league or team logo, or both, as
 258 appropriate for each team. The word "Florida" must appear at the
 259 top of the plate.

260 (b) The license plate annual use fees are to be annually

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261 distributed as follows:

262 1. Fifty-five percent of the proceeds from the Florida
263 Professional Sports Team plate must be deposited into the
264 Professional Sports Development Trust Fund within the Department
265 of Economic Opportunity. These funds must be used solely to
266 attract and support major sports events in this state. As used
267 in this subparagraph, the term "major sports events" means, but
268 is not limited to, championship or all-star contests of Major
269 League Baseball, the National Basketball Association, the
270 National Football League, the National Hockey League, Major
271 League Soccer, the men's and women's National Collegiate
272 Athletic Association Final Four basketball championship, or a
273 horseracing or dogracing Breeders' Cup. All funds must be used
274 to support and promote major sporting events, and the uses must
275 be approved by the Department of Economic Opportunity.

276 2. The remaining proceeds of the Florida Professional
277 Sports Team license plate must be allocated to Enterprise
278 Florida, Inc. These funds must be deposited into the
279 Professional Sports Development Trust Fund within the Department
280 of Economic Opportunity. These funds must be used by Enterprise
281 Florida, Inc., to promote the economic development of the sports
282 industry; to distribute licensing and royalty fees to
283 participating professional sports teams; to promote education
284 programs in Florida schools that provide an awareness of the
285 benefits of physical activity and nutrition standards; to
286 partner with the Department of Education and the Department of

287 Health to develop a program that recognizes schools whose
 288 students demonstrate excellent physical fitness or fitness
 289 improvement; to institute a grant program for communities
 290 bidding on minor sporting events that create an economic impact
 291 for the state; to distribute funds to Florida-based charities
 292 designated by Enterprise Florida, Inc., and the participating
 293 professional sports teams; and to fulfill the sports promotion
 294 responsibilities of the Department of Economic Opportunity.

295 3. Enterprise Florida, Inc., shall provide an annual
 296 financial audit in accordance with s. 215.981 of its financial
 297 accounts and records by an independent certified public
 298 accountant pursuant to the contract established by the
 299 Department of Economic Opportunity. The auditor shall submit the
 300 audit report to the Department of Economic Opportunity for
 301 review and approval. If the audit report is approved, the
 302 Department of Economic Opportunity shall certify the audit
 303 report to the Auditor General for review.

304 4. Notwithstanding the provisions of subparagraphs 1. and
 305 2., proceeds from the Professional Sports Development Trust Fund
 306 may also be used for operational expenses of Enterprise Florida,
 307 Inc., and financial support of the Sunshine State Games.

308 ~~(61) CORRECTIONS FOUNDATION LICENSE PLATES.—~~

309 ~~(a) The department shall develop a Corrections Foundation~~
 310 ~~license plate as provided in this section. The word "Florida"~~
 311 ~~must appear at the top of the plate, the words "Corrections~~
 312 ~~Foundation" must appear at the bottom of the plate, and the~~

313 ~~Corrections Foundation logo must appear to the left of the~~
 314 ~~numerals.~~

315 ~~(b) The annual use fees shall be distributed to~~
 316 ~~Corrections Foundation, Inc., a direct support organization~~
 317 ~~created pursuant to s. 944.802, and shall be used to continue~~
 318 ~~and expand the charitable work of the foundation, as provided in~~
 319 ~~s. 944.802 and the articles of incorporation of the foundation.~~

320 (69) ~~(70)~~ ST. JOHNS RIVER LICENSE PLATES.-

321 (b) The requirements of s. 320.08053 must be met prior to
 322 the issuance of the plate. Thereafter, the license plate annual
 323 use fees shall be distributed to the St. Johns River Alliance,
 324 Inc., a s. 501(c)(3) nonprofit organization, which shall
 325 administer the fees as follows:

326 1. The St. Johns River Alliance, Inc., shall retain the
 327 first \$60,000 of the annual use fees as direct reimbursement for
 328 administrative costs, startup costs, and costs incurred in the
 329 development and approval process. Thereafter, up to 10 percent
 330 of the annual use fee revenue may be used for administrative
 331 costs directly associated with education programs, conservation,
 332 research, and grant administration of the organization, and up
 333 to 10 percent may be used for promotion and marketing of the
 334 specialty license plate.

335 2. At least 30 percent of the fees shall be available for
 336 competitive grants for targeted community-based or county-based
 337 research or projects for which state funding is limited or not
 338 currently available. The remaining 50 percent shall be directed

339 toward community outreach and access programs. The competitive
 340 grants shall be administered and approved by the board of
 341 directors of the St. Johns River Alliance, Inc. A grant advisory
 342 committee shall be composed of six members chosen by the St.
 343 Johns River Alliance board members.

344 3. Any remaining funds shall be distributed with the
 345 approval of and accountability to the board of directors of the
 346 St. Johns River Alliance, Inc., and shall be used to support
 347 activities contributing to education, outreach, and springs
 348 conservation.

349 4. Effective July 1, 2014, the St. Johns River license
 350 plate will shift into the presale voucher phase, as provided in
 351 s. 320.08053(2)(b) ~~320.08053(3)(b)~~. The St. Johns River
 352 Alliance, Inc., shall have 24 months to record a minimum of
 353 1,000 sales of the license plates. Sales include existing active
 354 plates and vouchers sold subsequent to July 1, 2014. During the
 355 voucher period, new plates may not be issued, but existing
 356 plates may be renewed. If, at the conclusion of the 24-month
 357 presale period, the requirement of a minimum of 1,000 sales has
 358 been met, the department shall resume normal distribution of the
 359 St. Johns River specialty plate. If, after 24 months, the
 360 minimum of 1,000 sales has not been met, the department shall
 361 discontinue the development and issuance of the plate. This
 362 subparagraph is repealed June 30, 2016.

363 (70) ~~(71)~~ HISPANIC ACHIEVERS LICENSE PLATES.—

364 (d) Effective July 1, 2014, the Hispanic Achievers license

365 plate will shift into the presale voucher phase, as provided in
 366 s. 320.08053(2)(b) ~~320.08053(3)(b)~~. National Hispanic Corporate
 367 Achievers, Inc., shall have 24 months to record a minimum of
 368 1,000 sales. Sales include existing active plates and vouchers
 369 sold subsequent to July 1, 2014. During the voucher period, new
 370 plates may not be issued, but existing plates may be renewed.
 371 If, at the conclusion of the 24-month presale period, the
 372 requirement of a minimum of 1,000 sales has been met, the
 373 department shall resume normal distribution of the Hispanic
 374 Achievers license plate. If, after 24 months, the minimum of
 375 1,000 sales has not been met, the department shall discontinue
 376 the Hispanic Achievers license plate. This subsection is
 377 repealed June 30, 2016.

378 ~~(72) CHILDREN FIRST LICENSE PLATES.~~

379 ~~(a) Upon Children First Florida, Inc., meeting the~~
 380 ~~requirements of s. 320.08053, the department shall develop a~~
 381 ~~Children First license plate as provided in this section. The~~
 382 ~~plate must bear the colors and design approved by the~~
 383 ~~department. The word "Florida" must appear at the top of the~~
 384 ~~plate, and the words "Children First" must appear at the bottom~~
 385 ~~of the plate.~~

386 ~~(b) The proceeds from the license plate annual use fee~~
 387 ~~shall be distributed to Children First Florida, Inc., which~~
 388 ~~shall retain all proceeds until the startup costs to develop and~~
 389 ~~establish the plates have been recovered. Thereafter, the~~
 390 ~~proceeds shall be used as follows:~~

391 1. ~~A maximum of 10 percent of the proceeds may be used to~~
 392 ~~administer the license plate program, for direct administrative~~
 393 ~~costs associated with the operations of Children First Florida,~~
 394 ~~Inc., and to promote and market the license plates.~~

395 2. ~~The remaining fees shall be used by Children First~~
 396 ~~Florida, Inc., to fund public schools in this state, including~~
 397 ~~teacher salaries.~~

398 ~~(73) VETERANS OF FOREIGN WARS LICENSE PLATES.—~~

399 ~~(a) Upon Veterans of Foreign Wars, Department of Florida,~~
 400 ~~meeting the requirements of s. 320.08053, the department shall~~
 401 ~~develop a Veterans of Foreign Wars license plate as provided in~~
 402 ~~this section. The plates must bear the colors and design~~
 403 ~~approved by the department and must incorporate the Great Seal~~
 404 ~~of the Veterans of Foreign Wars of the United States as~~
 405 ~~described in Art. VIII, s. 801 of the Congressional Charter and~~
 406 ~~By Laws of the Veterans of Foreign Wars of the United States.~~
 407 ~~The word "Florida" must appear at the top of the plate, and the~~
 408 ~~words "Veterans of Foreign Wars" must appear at the bottom of~~
 409 ~~the plate.~~

410 ~~(b) The Veterans of Foreign Wars, Department of Florida~~
 411 ~~shall retain all revenues from the sale of such plates until all~~
 412 ~~startup costs for developing and issuing the plates have been~~
 413 ~~recovered. Thereafter, 60 percent of the annual revenues shall~~
 414 ~~be distributed to the Veterans of Foreign Wars, Department of~~
 415 ~~Florida to support the Voice of Democracy and Patriots' Pen~~
 416 ~~Scholarship programs, to support high school and college ROTC~~

417 ~~programs, and for administration and marketing the plate; 20~~
 418 ~~percent of the annual revenues shall be distributed to the~~
 419 ~~direct support organization created under s. 292.055 under the~~
 420 ~~Florida Department of Veterans' Affairs; and 20 percent of the~~
 421 ~~annual revenues shall be distributed to the direct support~~
 422 ~~organization created under s. 250.115 under the Department of~~
 423 ~~Military Affairs. From the funds distributed to the Veterans of~~
 424 ~~Foreign Wars, Department of Florida, an amount not to exceed 10~~
 425 ~~percent of the annual revenues received from the sale of the~~
 426 ~~plate may be used for administration and marketing the plate.~~

427 (76)~~(79)~~ FREEMASONRY LICENSE PLATES.-

428 (a) Notwithstanding s. 45, 2008-176, Laws of Florida, as
 429 amended by s. 21, chapter 2010-223, Laws of Florida, and ~~s.~~
 430 ~~320.08053(1)~~, the department shall develop a Freemasonry license
 431 plate as provided in this section and s. 320.08053(1) and (2)
 432 ~~320.08053(2) and (3)~~. The word "Florida" must appear at the top
 433 of the plate, and the words "In God We Trust" must appear at the
 434 bottom of the plate.

435 (77)~~(80)~~ AMERICAN LEGION LICENSE PLATES.-

436 (a) Notwithstanding ~~s. 320.08053(1)~~ and s. 45, chapter
 437 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 438 223, Laws of Florida, the department shall develop an American
 439 Legion license plate as provided in s. 320.08053(1) and (2)
 440 ~~320.08053(2) and (3)~~ and this section. The plate must bear the
 441 colors and design approved by the department. The word "Florida"
 442 must appear at the top of the plate, and the words "American

443 Legion" must appear at the bottom of the plate.

444 (78)~~(81)~~ LAUREN'S KIDS LICENSE PLATES.—

445 (a) Notwithstanding ~~s. 320.08053(1)~~ and s. 45, chapter
 446 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 447 223, Laws of Florida, the department shall develop a Lauren's
 448 Kids, Prevent Child Sexual Abuse license plate as provided in s.
 449 320.08053(1) and (2) ~~320.08053(2) and (3)~~, and this section. The
 450 plate must bear the colors and design approved by the
 451 department. The word "Florida" must appear at the top of the
 452 plate, and the words "Lauren's Kids" must appear at the bottom
 453 of the plate.

454 (79)~~(82)~~ BIG BROTHERS BIG SISTERS LICENSE PLATES.—

455 (a) Notwithstanding ~~s. 320.08053(1)~~ and s. 45, chapter
 456 2008-176, Laws of Florida, as amended by s. 21, chapter 2010-
 457 223, Laws of Florida, the department shall develop a Big
 458 Brothers Big Sisters license plate as provided in s.
 459 320.08053(1) and (2) ~~320.08053(2) and (3)~~, and this section. The
 460 plate must bear the colors and design approved by the
 461 department. The word "Florida" must appear at the top of the
 462 plate, and the words "Big Brothers Big Sisters" must appear at
 463 the bottom of the plate.

464 (80)~~(83)~~ FALLEN LAW ENFORCEMENT OFFICERS LICENSE PLATES.—

465 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 466 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 467 ~~and s. 320.08053(1)~~, the department shall develop a Fallen Law
 468 Enforcement Officers license plate as provided in s.

469 320.08053(1) and (2) ~~320.08053(2) and (3)~~ and this section. The
 470 plate must bear the colors and design approved by the
 471 department. The word "Florida" must appear at the top of the
 472 plate, and the words "A Hero Remembered Never Dies" must appear
 473 at the bottom of the plate.

474 (81)~~(84)~~ FLORIDA SHERIFFS ASSOCIATION LICENSE PLATES.—

475 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 476 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 477 and ~~s. 320.08053(1)~~, the department shall develop a Florida
 478 Sheriffs Association license plate as provided in s.

479 320.08053(1) and (2) ~~320.08053(2) and (3)~~ and this section. The
 480 plate must bear the colors and design approved by the
 481 department. A sheriff's star must appear on the left side of the
 482 plate, the word "Florida" must appear at the top of the plate,
 483 and the words "Florida Sheriffs Association" must appear at the
 484 bottom of the plate.

485 (82)~~(85)~~ KEISER UNIVERSITY LICENSE PLATES.—

486 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 487 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 488 and ~~s. 320.08053(1)~~, the department shall develop a Keiser
 489 University license plate as provided in s. 320.08053(1) and (2)
 490 ~~320.08053(2) and (3)~~ and this section. The plate must bear the
 491 colors and design approved by the department. The word "Florida"
 492 must appear at the top of the plate, and the words "Keiser
 493 University" must appear at the bottom of the plate.

494 (83)~~(86)~~ MOFFITT CANCER CENTER LICENSE PLATES.—

495 (a) Notwithstanding s. 45, chapter 2008-176, Laws of
 496 Florida, as amended by s. 21, chapter 2010-223, Laws of Florida,
 497 ~~and s. 320.08053(1)~~, the department shall develop a Moffitt
 498 Cancer Center license plate as provided in s. 320.08053(1) and
 499 (2) ~~320.08053(2)~~ and ~~(3)~~ and this section. The word "Florida"
 500 must appear at the top of the plate, and the words "Moffitt
 501 Cancer Center" must appear at the bottom of the plate.

502 Section 8. Subsection (1) and paragraph (a) of subsection
 503 (2) of section 320.086, Florida Statutes, are amended to read:

504 320.086 Ancient or antique motor vehicles; horseless
 505 carriage, antique, or historical license plates; former military
 506 vehicles.—

507 (1) The owner of a motor vehicle for private use
 508 manufactured in model year 1945 or earlier, ~~equipped with an~~
 509 ~~engine manufactured in 1945 or earlier or manufactured to the~~
 510 ~~specifications of the original engine~~, and operated on the
 511 streets and highways of this state shall, upon application in
 512 the manner and at the time prescribed by the department and upon
 513 payment of the license tax for an ancient motor vehicle
 514 prescribed by s. 320.08(1)(d), (2)(a), or (3)(e), be issued a
 515 special license plate for such motor vehicle. The license plate
 516 shall be permanent and valid for use without renewal so long as
 517 the vehicle is in existence. In addition to the payment of all
 518 other fees required by law, the applicant shall pay such fee for
 519 the issuance of the special license plate as may be prescribed
 520 by the department commensurate with the cost of its manufacture.

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521 The registration numbers and special license plates assigned to
 522 such motor vehicles shall run in a separate numerical series,
 523 commencing with "Horseless Carriage No. 1," and the plates shall
 524 be of a distinguishing color.

525 (2) (a) The owner of a motor vehicle for private use
 526 manufactured in a model year after 1945 and of the age of 30
 527 years or more after the model year ~~date of manufacture, equipped~~
 528 ~~with an engine of the age of 30 years or more after the date of~~
 529 ~~manufacture,~~ and operated on the streets and highways of this
 530 state may, upon application in the manner and at the time
 531 prescribed by the department and upon payment of the license tax
 532 prescribed by s. 320.08(1) (d), (2) (a), or (3) (e), be issued a
 533 special license plate for such motor vehicle. In addition to the
 534 payment of all other fees required by law, the applicant shall
 535 pay the fee for the issuance of the special license plate
 536 prescribed by the department, commensurate with the cost of its
 537 manufacture. The registration numbers and special license plates
 538 assigned to such motor vehicles shall run in a separate
 539 numerical series, commencing with "Antique No. 1," and the
 540 plates shall be of a distinguishing color. The owner of the
 541 motor vehicle may, upon application and payment of the license
 542 tax prescribed by s. 320.08, be issued a regular Florida license
 543 plate or specialty license plate in lieu of the special
 544 "Antique" license plate.

545 Section 9. Subsection (7) of section 322.08, Florida
 546 Statutes, is amended to read:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

547 322.08 Application for license; requirements for license
 548 and identification card forms.—

549 (7) The application form for an original, renewal, or
 550 replacement driver license or identification card must include
 551 language permitting the following:

552 (a) A voluntary contribution of \$1 per applicant, which
 553 contribution shall be deposited into the Health Care Trust Fund
 554 for organ and tissue donor education and for maintaining the
 555 organ and tissue donor registry.

556 (b) A voluntary contribution of \$1 per applicant, which
 557 shall be distributed to the Florida Council of the Blind.

558 (c) A voluntary contribution of \$2 per applicant, which
 559 shall be distributed to the Hearing Research Institute,
 560 Incorporated.

561 (d) A voluntary contribution of \$1 per applicant, which
 562 shall be distributed to the Juvenile Diabetes Foundation
 563 International.

564 (e) A voluntary contribution of \$1 per applicant, which
 565 shall be distributed to the Children's Hearing Help Fund.

566 (f) A voluntary contribution of \$1 per applicant, which
 567 shall be distributed to Family First, a nonprofit organization.

568 (g) A voluntary contribution of \$1 per applicant to Stop
 569 Heart Disease, which shall be distributed to the Florida Heart
 570 Research Institute, a nonprofit organization.

571 (h) A voluntary contribution of \$1 per applicant to Senior
 572 Vision Services, which shall be distributed to the Florida

573 Association of Agencies Serving the Blind, Inc., a not-for-
 574 profit organization.

575 (i) A voluntary contribution of \$1 per applicant for
 576 services for persons with developmental disabilities, which
 577 shall be distributed to The Arc of Florida.

578 (j) A voluntary contribution of \$1 to the Ronald McDonald
 579 House, which shall be distributed each month to Ronald McDonald
 580 House Charities of Tampa Bay, Inc.

581 (k) Notwithstanding s. 322.081, a voluntary contribution
 582 of \$1 per applicant, which shall be distributed to the League
 583 Against Cancer/La Liga Contra el Cancer, a not-for-profit
 584 organization.

585 (l) A voluntary contribution of \$1 per applicant to
 586 Prevent Child Sexual Abuse, which shall be distributed to
 587 Lauren's Kids, Inc., a nonprofit organization.

588 (m) A voluntary contribution of \$1 per applicant, which
 589 shall be distributed to Prevent Blindness Florida, a not-for-
 590 profit organization, to prevent blindness and preserve the sight
 591 of the residents of this state.

592 (n) Notwithstanding s. 322.081, a voluntary contribution
 593 of \$1 per applicant to the state homes for veterans, to be
 594 distributed on a quarterly basis by the department to the State
 595 Homes for Veterans Trust Fund, which is administered by the
 596 Department of Veterans' Affairs.

597 (o) A voluntary contribution of \$1 per applicant to the
 598 Disabled American Veterans, Department of Florida, which shall

599 be distributed quarterly to Disabled American Veterans,
 600 Department of Florida, a nonprofit organization.

601 (p) A voluntary contribution of \$1 per applicant for
 602 Autism Services and Supports, which shall be distributed to
 603 Achievement and Rehabilitation Centers, Inc., Autism Services
 604 Fund.

605 (q) A voluntary contribution of \$1 per applicant to
 606 Support Our Troops, which shall be distributed to Support Our
 607 Troops, Inc., a Florida not-for-profit organization.

608 (r) A voluntary contribution of \$1 or more per applicant,
 609 which shall be distributed to the Auto Club Group Traffic Safety
 610 Foundation, Inc., a not-for-profit organization.

611 (s) Notwithstanding s. 322.081, a voluntary contribution
 612 of \$1 per applicant to aid the homeless. Contributions made
 613 pursuant to this paragraph shall be deposited into the Grants
 614 and Donations Trust Fund of the Department of Children and
 615 Families and used by the State Office on Homelessness to
 616 supplement grants made under s. 420.622(4) and (5), provide
 617 information to the public about homelessness in the state, and
 618 provide literature for homeless persons seeking assistance.

619 (t) A voluntary contribution of \$1 or more per applicant
 620 to End Breast Cancer, which shall be distributed to the Florida
 621 Breast Cancer Foundation.

622
 623 A statement providing an explanation of the purpose of the trust
 624 funds shall also be included. For the purpose of applying the

625 service charge provided under s. 215.20, contributions received
 626 under paragraphs (b)-(t) ~~(b)-(s)~~ are not income of a revenue
 627 nature.

628 Section 10. Section 324.242, Florida Statutes, is amended
 629 to read:

630 324.242 Personal injury protection and property damage
 631 liability insurance policies; public records exemption.—

632 (1) The following information regarding personal injury
 633 protection and property damage liability insurance policies held
 634 by the department is confidential and exempt from s. 119.07(1)
 635 and s. 24(a), Art. I of the State Constitution:

636 (a) Personal identifying information of an insured or
 637 former insured; and

638 (b) An insurance policy number.

639 (2) Upon receipt of a ~~written~~ request and proof a copy of
 640 a crash report as required under s. 316.065, s. 316.066, or s.
 641 316.068, or a crash report created pursuant to the laws of
 642 another state, the department shall release the policy number
 643 for a policy covering a vehicle involved in a motor vehicle
 644 accident to:

645 (a) Any person involved in such accident;

646 (b) The attorney of any person involved in such accident;

647 or

648 (c) A representative of the insurer of any person involved
 649 in such accident.

650 (3) The department shall provide personal injury

651 protection and property damage liability insurance policy
 652 numbers to department-approved third parties that provide data
 653 collection services to an insurer of any person involved in such
 654 accident.

655 (4) Before the department's release of an insurance policy
 656 number in accordance with subsection (2) or subsection (3), an
 657 insurer's representative, contracted third party, or an attorney
 658 for a person involved in an accident must provide the department
 659 documentation confirming proof of representation.

660 (5) Information made exempt by this section may be
 661 disclosed to another governmental entity without a written
 662 request or copy of the crash report if disclosure is necessary
 663 for the receiving government entity to perform its duties and
 664 responsibilities. For purposes of this subsection, the term
 665 "governmental entity" means any federal, state, county,
 666 district, authority, or municipal officer, department, division,
 667 board, bureau, or commission created or established by law.

668 (6) ~~(3)~~ This exemption applies to personal identifying
 669 information of an insured or former insured and insurance policy
 670 numbers held by the department before, on, or after October 11,
 671 2007.

672 Section 11. For the purpose of incorporating the
 673 amendments made by this act to section 320.086, Florida
 674 Statutes, in a reference thereto, paragraph (c) of subsection
 675 (3) of section 319.23, Florida Statutes, is reenacted to read:

676 319.23 Application for, and issuance of, certificate of

677 title.—

678 (3) If a certificate of title has not previously been
 679 issued for a motor vehicle or mobile home in this state, the
 680 application, unless otherwise provided for in this chapter,
 681 shall be accompanied by a proper bill of sale or sworn statement
 682 of ownership, or a duly certified copy thereof, or by a
 683 certificate of title, bill of sale, or other evidence of
 684 ownership required by the law of the state or county from which
 685 the motor vehicle or mobile home was brought into this state.
 686 The application shall also be accompanied by:

687 (c) If the vehicle is an ancient or antique vehicle, as
 688 defined in s. 320.086, the application shall be accompanied by a
 689 certificate of title; a bill of sale and a registration; or a
 690 bill of sale and an affidavit by the owner defending the title
 691 from all claims. The bill of sale must contain a complete
 692 vehicle description to include the vehicle identification or
 693 engine number, year make, color, selling price, and signatures
 694 of the seller and purchaser.

695
 696 Verification of the vehicle identification number is not
 697 required for any new motor vehicle; any mobile home; any trailer
 698 or semitrailer with a net weight of less than 2,000 pounds; or
 699 any travel trailer, camping trailer, truck camper, or fifth-
 700 wheel recreation trailer.

701 Section 12. For the purpose of incorporating the
 702 amendments made by this act to section 320.086, Florida

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703 Statutes, in references thereto, paragraph (a) of subsection (2)
 704 and paragraph (e) of subsection (3) of section 320.08, Florida
 705 Statutes, are reenacted to read:

706 320.08 License taxes.—Except as otherwise provided herein,
 707 there are hereby levied and imposed annual license taxes for the
 708 operation of motor vehicles, mopeds, motorized bicycles as
 709 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
 710 and mobile homes, as defined in s. 320.01, which shall be paid
 711 to and collected by the department or its agent upon the
 712 registration or renewal of registration of the following:

- 713 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—
- 714 (a) An ancient or antique automobile, as defined in s.
 715 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.
- 716 (3) TRUCKS.—
- 717 (e) An ancient or antique truck, as defined in s. 320.086:
 718 \$7.50 flat.

719 Section 13. This act shall take effect October 1, 2015.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB HWSS 15-02 Pub. Rec./ Email Addresses on Driver License and Motor Vehicle Record
SPONSOR(S): Highway & Waterway Safety Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Highway & Waterway Safety Subcommittee		Whittaker ww	Smith MB

SUMMARY ANALYSIS

The bill creates a public records exemption for electronic mail addresses held by the Department of Highway Safety and Motor Vehicles for the purpose of conducting motor vehicle record and driver license transactions.

The department is currently authorized to collect electronic mail addresses and use electronic mail in lieu of the United States Postal Service for the purposes of issuing a certificate of title¹, providing motor vehicle renewal notices², and providing driver license renewal notices³.

The public records exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and will stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill also provides a public necessity statement as required by the State Constitution.

The bill has no fiscal impact on state funds.

The bill has an effective date of upon becoming law.

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

¹ s. 319.40(3), F.S.

² s. 320.95(2), F.S.

³ s. 322.08(8), F.S.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Public Records Law

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government.

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.071(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record.

Public Record Exemptions

The Legislature may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) and (b) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.⁴

The Open Government Sunset Review Act⁵ provides that a public record exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

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

The Open Government Sunset Review Act requires the automatic repeal of a newly created exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.

Exempt versus Confidential and Exempt

There is a difference between records the Legislature has determined to be exempt and those which have been determined to be confidential and exempt.⁶ If the Legislature has determined the information to be confidential then the information is not subject to inspection by the public.⁷ Also, if the information is deemed to be confidential it may only be released to those persons and entities designated in the statute.⁸ However, the agency is not prohibited from disclosing the records in all circumstances where the records are only exempt.⁹

⁴ FLA CONST. art. I, s. 24(c).

⁵ s. 119.15(6)(b), F.S.

⁶ *WFTV, Inc. v. School Board of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004), *review denied*, 892 So. 2d 1015 (Fla. 2004)

⁷ *Id.*

⁸ *Id.*

⁹ *See Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA), *review denied*, 589 So. 2d 289 (Fla. 1991).

Effect of Proposed Changes

The bill creates a public records exemption for electronic mail addresses held by the Department of Highway Safety and Motor Vehicles for the purpose of conducting motor vehicle record and driver license transactions.

The department is currently authorized to collect electronic mail addresses and use electronic mail in lieu of the United States Postal Service for the purposes of issuing a certificate of title¹⁰, providing motor vehicle renewal notices¹¹, and providing driver license renewal notices¹².

The public records exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and will stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill also provides a public necessity statement as required by the State Constitution.

B. SECTION DIRECTORY:

- Section 1 Amends s. 119.0712, F.S., creating a public records exemption for electronic mail addresses held by the Department of Highway Safety and Motor Vehicles for the purpose of conducting motor vehicle record and driver license transactions; providing for future legislative review and repeal of the exemption.
- Section 2 Provides a statement of public necessity.
- Section 3 Provides an effective date as upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

¹⁰ s. 319.40(3), F.S.

¹¹ s. 320.95(2), F.S.

¹² s. 322.08(8), F.S.

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:

Vote requirement

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

Public Necessity Statement

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

Breadth of Exemption

Article I., s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates a public records exemption for electronic mail addresses held by the Department of Highway Safety and Motor Vehicles for the purpose of conducting motor vehicle record and driver license transactions.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.0712, F.S.; providing a public records exemption
 4 for e-mail addresses obtained from customers when
 5 conducting driver license or motor vehicle record
 6 transactions; providing for future legislative review
 7 and repeal of the exemption; providing a statement of
 8 public necessity; providing an effective date.

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

11
 12 Section 1. Subsection (2) of section 119.0712, Florida
 13 Statutes, is amended to read:

14 119.0712 Executive branch agency-specific exemptions from
 15 inspection or copying of public records.—

16 (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—

17 (a) For purposes of this subsection, the term "motor
 18 vehicle record" means any record that pertains to a motor
 19 vehicle operator's permit, motor vehicle title, motor vehicle
 20 registration, or identification card issued by the Department of
 21 Highway Safety and Motor Vehicles.

22 (b) Personal information, including highly restricted
 23 personal information as defined in 18 U.S.C. s. 2725, contained
 24 in a motor vehicle record is confidential pursuant to the
 25 federal Driver's Privacy Protection Act of 1994, 18 U.S.C. ss.
 26 2721 et seq. Such information may be released only as authorized

27 by that act; however, information received pursuant to that act
 28 may not be used for mass commercial solicitation of clients for
 29 litigation against motor vehicle dealers.

30 (c)1. Emergency contact information contained in a motor
 31 vehicle record is confidential and exempt from s. 119.07(1) and
 32 s. 24(a), Art. I of the State Constitution.

33 2. Without the express consent of the person to whom such
 34 emergency contact information applies, the emergency contact
 35 information contained in a motor vehicle record may be released
 36 only to law enforcement agencies for purposes of contacting
 37 those listed in the event of an emergency.

38 (d)1. Electronic mail addresses, also known as e-mail
 39 addresses, held by the Department of Highway Safety and Motor
 40 Vehicles pursuant to ss. 319.40(3), 320.95(2), and 322.08(8) are
 41 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 42 Constitution.

43 2. This paragraph is subject to the Open Government Sunset
 44 Review Act in accordance with s. 119.15 and shall stand repealed
 45 on October 2, 2020, unless reviewed and saved from repeal
 46 through reenactment by the Legislature.

47 Section 2. The Legislature finds that it is a public
 48 necessity that electronic mail addresses, also known as e-mail
 49 addresses, held by the Department of Highway Safety and Motor
 50 Vehicles for the purpose of conducting motor vehicle record and
 51 driver license transactions be made exempt from s. 119.07(1),
 52 Florida Statutes, and s. 24(a), Article I of the State

53 Constitution. The federal Driver's Privacy Protection Act of
 54 1994, 18 U.S.C. ss. 2721 et seq., did not include e-mail
 55 addresses among the types of personal information protected from
 56 disclosure when enacted in 1994. Customer use of e-mail
 57 addresses in conducting motor vehicle and driver license record
 58 transactions electronically with the department has
 59 significantly increased during the past two decades. Under
 60 current law, e-mail addresses collected by the department are
 61 public records and can be obtained by anyone for any purpose.
 62 However, such e-mail addresses are unique to the individual and,
 63 when combined with other personal identifying information, can
 64 be used for identity theft, customer scams, unwanted
 65 solicitations, or other invasive contacts. The public
 66 availability of personal e-mail addresses puts the department's
 67 customers at increased risk of these activities. Such risk may
 68 be significantly limited by permitting the department to keep
 69 customer e-mail addresses exempt.

70 Section 3. This act shall take effect upon becoming a law.

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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 Steube offered the following:

4
5 **Amendment**

6 Between lines 118 and 119, insert:

7 Section 5. Subsection (1) of section 320.03, Florida
8 Statutes, is amended to read:

9 320.03 Registration; duties of tax collectors;
10 International Registration Plan.-

11 (1) The tax collectors in the several counties of the
12 state, as authorized agents of the department, shall issue
13 registration certificates, registration license plates,
14 validation stickers, and mobile home stickers to applicants, and
15 shall provide to applicants for each the option to register
16 emergency contact information and the option to be contacted
17 with information about state and federal benefits available as a

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18 result of military service, subject to the requirements of law,
19 in accordance with rules of the department. Any person, firm, or
20 corporation representing itself, through advertising or naming
21 of the business, to be an authorized agent of the department
22 shall be deemed guilty of an unfair and deceptive trade practice
23 as defined in part II of chapter 501. No such person, firm, or
24 corporation shall use either the state or county name as a part
25 of their business name when such use can reasonably be
26 interpreted as an official state or county office.

27
28 Remove lines 545-627 and insert:
29 Section 9. Section 322.08, Florida Statutes, is amended to
30 read:

31 322.08 Application for license; requirements for license
32 and identification card forms.—

33 (1) Each application for a driver license shall be made in
34 a format designated by the department and sworn to or affirmed
35 by the applicant as to the truth of the statements made in the
36 application.

37 (2) Each such application shall include the following
38 information regarding the applicant:

39 (a) Full name (first, middle or maiden, and last), gender,
40 proof of social security card number satisfactory to the
41 department, county of residence, mailing address, proof of
42 residential address satisfactory to the department, country of
43 birth, and a brief description.

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44 (b) Proof of birth date satisfactory to the department.

45 (c) Proof of identity satisfactory to the department. Such
46 proof must include one of the following documents issued to the
47 applicant:

48 1. A driver license record or identification card record
49 from another jurisdiction that required the applicant to submit
50 a document for identification which is substantially similar to
51 a document required under subparagraph 2., subparagraph 3.,
52 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
53 7., or subparagraph 8.;

54 2. A certified copy of a United States birth certificate;

55 3. A valid, unexpired United States passport;

56 4. A naturalization certificate issued by the United
57 States Department of Homeland Security;

58 5. A valid, unexpired alien registration receipt card
59 (green card);

60 6. A Consular Report of Birth Abroad provided by the
61 United States Department of State;

62 7. An unexpired employment authorization card issued by
63 the United States Department of Homeland Security; or

64 8. Proof of nonimmigrant classification provided by the
65 United States Department of Homeland Security, for an original
66 driver license. In order to prove nonimmigrant classification,
67 an applicant must provide at least one of the following
68 documents. In addition, the department may require applicants to
69 produce United States Department of Homeland Security documents

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70 for the sole purpose of establishing the maintenance of, or
71 efforts to maintain, continuous lawful presence:

72 a. A notice of hearing from an immigration court
73 scheduling a hearing on any proceeding.

74 b. A notice from the Board of Immigration Appeals
75 acknowledging pendency of an appeal.

76 c. A notice of the approval of an application for
77 adjustment of status issued by the United States Bureau of
78 Citizenship and Immigration Services.

79 d. An official documentation confirming the filing of a
80 petition for asylum or refugee status or any other relief issued
81 by the United States Bureau of Citizenship and Immigration
82 Services.

83 e. A notice of action transferring any pending matter from
84 another jurisdiction to this state issued by the United States
85 Bureau of Citizenship and Immigration Services.

86 f. An order of an immigration judge or immigration officer
87 granting relief that authorizes the alien to live and work in
88 the United States, including, but not limited to, asylum.

89 g. Evidence that an application is pending for adjustment
90 of status to that of an alien lawfully admitted for permanent
91 residence in the United States or conditional permanent resident
92 status in the United States, if a visa number is available
93 having a current priority date for processing by the United
94 States Bureau of Citizenship and Immigration Services.

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95 h. On or after January 1, 2010, an unexpired foreign
96 passport with an unexpired United States Visa affixed,
97 accompanied by an approved I-94, documenting the most recent
98 admittance into the United States.

99
100 A driver license or temporary permit issued based on documents
101 required in subparagraph 7. or subparagraph 8. is valid for a
102 period not to exceed the expiration date of the document
103 presented or 1 year.

104 (d) Whether the applicant has previously been licensed to
105 drive, and, if so, when and by what state, and whether any such
106 license or driving privilege has ever been disqualified,
107 revoked, or suspended, or whether an application has ever been
108 refused, and, if so, the date of and reason for such
109 disqualification, suspension, revocation, or refusal.

110 (e) Each such application may include fingerprints and
111 other unique biometric means of identity.

112 (3) Each such application shall include a consent to
113 release driving record information, entitling the department to
114 request, receive, and exchange such information with other
115 jurisdictions.

116 (4) Each such application shall include the option for the
117 applicant to register emergency contact information and the
118 option to be contacted with information about state and federal
119 benefits available as a result of military service.

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120 ~~(5)(4)~~ In addition to the requirements of subsections (1),
121 (2), and (3), each application for a commercial driver license
122 shall include a certification as to whether the applicant is
123 required by federal or state law to undergo biennial physical
124 examinations and other certifications required by the
125 department.

126 ~~(6)(5)~~ The department may not issue a driver license to a
127 person who has never been issued a driver license in any
128 jurisdiction until he or she successfully completes the traffic
129 law and substance abuse education course prescribed in s.
130 322.095.

131 ~~(7)(6)~~ The department may not issue a driver license or
132 identification card, as described in s. 322.051, to an applicant
133 if the applicant holds a valid driver license or identification
134 card issued by any state.

135 ~~(8)(7)~~ The application form for an original, renewal, or
136 replacement driver license or identification card must include
137 language permitting the following:

138 (a) A voluntary contribution of \$1 per applicant, which
139 contribution shall be deposited into the Health Care Trust Fund
140 for organ and tissue donor education and for maintaining the
141 organ and tissue donor registry.

142 (b) A voluntary contribution of \$1 per applicant, which
143 shall be distributed to the Florida Council of the Blind.

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144 (c) A voluntary contribution of \$2 per applicant, which
145 shall be distributed to the Hearing Research Institute,
146 Incorporated.

147 (d) A voluntary contribution of \$1 per applicant, which
148 shall be distributed to the Juvenile Diabetes Foundation
149 International.

150 (e) A voluntary contribution of \$1 per applicant, which
151 shall be distributed to the Children's Hearing Help Fund.

152 (f) A voluntary contribution of \$1 per applicant, which
153 shall be distributed to Family First, a nonprofit organization.

154 (g) A voluntary contribution of \$1 per applicant to Stop
155 Heart Disease, which shall be distributed to the Florida Heart
156 Research Institute, a nonprofit organization.

157 (h) A voluntary contribution of \$1 per applicant to Senior
158 Vision Services, which shall be distributed to the Florida
159 Association of Agencies Serving the Blind, Inc., a not-for-
160 profit organization.

161 (i) A voluntary contribution of \$1 per applicant for
162 services for persons with developmental disabilities, which
163 shall be distributed to The Arc of Florida.

164 (j) A voluntary contribution of \$1 to the Ronald McDonald
165 House, which shall be distributed each month to Ronald McDonald
166 House Charities of Tampa Bay, Inc.

167 (k) Notwithstanding s. 322.081, a voluntary contribution
168 of \$1 per applicant, which shall be distributed to the League



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169 Against Cancer/La Liga Contra el Cancer, a not-for-profit
170 organization.

171 (l) A voluntary contribution of \$1 per applicant to
172 Prevent Child Sexual Abuse, which shall be distributed to
173 Lauren's Kids, Inc., a nonprofit organization.

174 (m) A voluntary contribution of \$1 per applicant, which
175 shall be distributed to Prevent Blindness Florida, a not-for-
176 profit organization, to prevent blindness and preserve the sight
177 of the residents of this state.

178 (n) Notwithstanding s. 322.081, a voluntary contribution
179 of \$1 per applicant to the state homes for veterans, to be
180 distributed on a quarterly basis by the department to the State
181 Homes for Veterans Trust Fund, which is administered by the
182 Department of Veterans' Affairs.

183 (o) A voluntary contribution of \$1 per applicant to the
184 Disabled American Veterans, Department of Florida, which shall
185 be distributed quarterly to Disabled American Veterans,
186 Department of Florida, a nonprofit organization.

187 (p) A voluntary contribution of \$1 per applicant for
188 Autism Services and Supports, which shall be distributed to
189 Achievement and Rehabilitation Centers, Inc., Autism Services
190 Fund.

191 (q) A voluntary contribution of \$1 per applicant to
192 Support Our Troops, which shall be distributed to Support Our
193 Troops, Inc., a Florida not-for-profit organization.

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194 (r) A voluntary contribution of \$1 or more per applicant,
195 which shall be distributed to the Auto Club Group Traffic Safety
196 Foundation, Inc., a not-for-profit organization.

197 (s) Notwithstanding s. 322.081, a voluntary contribution
198 of \$1 per applicant to aid the homeless. Contributions made
199 pursuant to this paragraph shall be deposited into the Grants
200 and Donations Trust Fund of the Department of Children and
201 Families and used by the State Office on Homelessness to
202 supplement grants made under s. 420.622(4) and (5), provide
203 information to the public about homelessness in the state, and
204 provide literature for homeless persons seeking assistance.

205 (t) A voluntary contribution of \$1 or more per applicant
206 to End Breast Cancer, which shall be distributed to the Florida
207 Breast Cancer Foundation.

208
209 A statement providing an explanation of the purpose of the trust
210 funds shall also be included. For the purpose of applying the
211 service charge provided under s. 215.20, contributions received
212 under paragraphs (b)-(t)~~(b)-(s)~~ are not income of a revenue
213 nature.

214 (9)~~(8)~~ The department may collect electronic mail
215 addresses and use electronic mail in lieu of the United States
216 Postal Service for the purpose of providing renewal notices.

217

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