

Tab 1	SB 320 by Wright; (Compare to CS/H 00379) Public Records/Prospective Bidders for a Road or Other Public Works						
401062	D	S	RCS	TR, Wright	Delete everything after	01/24 03:01 PM	
Tab 2	SB 332 by Burgess; (Similar to H 00661) Wrecker Operators						
309550	D	S	RCS	TR, Burgess	Delete everything after	01/24 03:01 PM	
Tab 3	SB 858 by Jones; (Similar to H 00911) Specialty License Plates/Recycle Florida and Boating Capital of the World						
144558	A	S	RCS	TR, Jones	Delete L.21 - 48:	01/24 03:01 PM	
Tab 4	SB 934 by Yarborough; (Identical to H 01671) Specialty License Plates/Cure Diabetes						
727200	A	S	RCS	TR, Yarborough	Delete L.26:	01/24 03:02 PM	
Tab 5	SB 1158 by Bradley (CO-INTRODUCERS) Trumbull; (Identical to CS/H 00463) Lights Displayed on Fire Department Vehicles						
Tab 6	SB 1324 by Ingoglia; (Similar to H 01589) Driving Without a Valid Driver License						
Tab 7	SB 1350 by DiCeglie; (Compare to CS/H 01517) Salvage						
544216	D	S	RCS	TR, DiCeglie	Delete everything after	01/24 03:02 PM	
Tab 8	SB 1362 by Harrell; Aviation						
829440	A	S	RCS	TR, Harrell	Delete L.148 - 149:	01/24 03:02 PM	

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator DiCeglie, Chair
Senator Davis, Vice Chair

MEETING DATE: Tuesday, January 23, 2024
TIME: 3:30—5:30 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 320 Wright (Compare CS/H 379)	Public Records/Prospective Bidders for a Road or Other Public Works; Providing an exemption for certain financial information submitted to an agency from prospective bidders for a road or other public works project from certain public records requirements; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. TR 01/23/2024 Fav/CS GO RC	Fav/CS Yeas 6 Nays 0
2	SB 332 Burgess (Similar H 661)	Wrecker Operators; Requiring counties to establish maximum rates for the storage of electric vehicles; authorizing such maximum rates to exceed a specified rate; specifying financial responsibility for vehicles stored more than 30 days at a wrecker operator's storage facility; authorizing a wrecker operator to charge certain fees under certain circumstances, etc. TR 01/23/2024 Fav/CS CA FP	Fav/CS Yeas 6 Nays 0
3	SB 858 Jones (Similar H 911)	Specialty License Plates/Recycle Florida and Boating Capital of the World; Directing the Department of Highway Safety and Motor Vehicles to develop Recycle Florida and Boating Capital of the World license plates; providing for distribution and use of fees collected from the sale of the plates, etc. TR 01/23/2024 Fav/CS ATD FP	Fav/CS Yeas 6 Nays 0
4	SB 934 Yarborough (Identical H 1671)	Specialty License Plates/Cure Diabetes; Directing the Department of Highway Safety and Motor Vehicles to develop a Cure Diabetes license plate, etc. TR 01/23/2024 Fav/CS ATD FP	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Tuesday, January 23, 2024, 3:30—5:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	SB 1158 Bradley (Identical CS/H 463, Compare H 203)	Lights Displayed on Fire Department Vehicles; Authorizing that certain government-owned fire department vehicles may show or display blue lights under certain circumstances, etc. TR 01/23/2024 Favorable CA RC	Favorable Yeas 6 Nays 0
6	SB 1324 Ingoglia (Similar H 1589)	Driving Without a Valid Driver License; Providing criminal penalties for the offense of driving without a valid driver license; requiring the court to sentence an offender to a specified minimum jail sentence upon a third or subsequent conviction for the offense, etc. TR 01/23/2024 Favorable ACJ FP	Favorable Yeas 6 Nays 0
7	SB 1350 DiCeglie (Compare CS/H 1517)	Salvage; Defining the term "vessel"; revising provisions relating to obtaining a salvage certificate of title or certificate of destruction; providing requirements for an independent entity's release to the owner of a damaged or dismantled vessel; prohibiting the independent entity from charging vessel storage fees, etc. TR 01/23/2024 Fav/CS EN FP	Fav/CS Yeas 6 Nays 0
8	SB 1362 Harrell	Aviation; Revising requirements for the statewide aviation system plan developed by the Department of Transportation; providing duties of the department, subject to funding, with respect to vertiports, electric aviation, and other advances in aviation technology, etc. TR 01/23/2024 Fav/CS ATD FP	Fav/CS Yeas 6 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 320

INTRODUCER: Transportation Committee and Senator Wright

SUBJECT: Public Records/Prospective Bidders for a Road or Other Public Works

DATE: January 24, 2024 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Fav/CS
2.	_____	_____	GO	_____
3.	_____	_____	RC	_____

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 320 creates a public records exemption for certain financial information required by the Florida Department of Transportation (FDOT), for prequalification purposes from entities wishing to qualify to bid on FDOT construction projects.

This exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2029, unless reviewed and reenacted by the Legislature.

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

The bill creates a new public records exemption and, therefore, requires a two-thirds vote of the members present and voting for final passage.

The bill may have a minimal fiscal impact to FDOT relating to the workload necessary for the redaction of records in responding to public records requests.

The bill takes effect July 1, 2024.

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, section 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, chapter 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2018-2020) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2018-2020)

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act¹⁶ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

⁷ Section 119.07(1)(a), F.S.

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption *and* it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁶

Information Required by Florida Department of Transportation for Bid Qualification

Section 337.14(1), F.S., requires contractors desiring to bid on any Florida Department of Transportation (FDOT) construction contract in excess of \$250,000 be certified by FDOT. FDOT rules regarding the certification of contractors must include requirements regarding equipment, experience, financial resources, and organizational personnel.²⁷ Included in s. 337.14(1), F.S., is the requirement that the applying contractor submit to FDOT audited, certified

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

²⁷ See Rule 14-22, F.A.C.

financial statements. Section 337.14(1), F.S., provides that the information required by s. 337.14(1), F.S., is confidential and exempt from s. 119.07(1), F.S., relating to public records.

III. Effect of Proposed Changes:

Section 1 creates s. 337.14(1)(b), F.S., providing that any information currently required by FDOT pursuant to s. 337.14(1)(a), F.S., which would reveal the revenue, profit, loss, expenses, gross receipts, taxes paid, or capital investment of any applying contractor is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. This provision is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2029, unless reviewed and reenacted by the Legislature.

Section 2 provides a public necessity statement, as required by the State Constitution. The public necessity statement provides that it is a public necessity that any financial information required by FDOT for prequalification purposes, including information that would reveal the revenue, profit, loss, expenses, gross receipts, taxes paid, or capital investment from any applying contractor, be made exempt from s. 119.07(1), F.S., and s. 24(a), Article I of the State Constitution. In the prequalification process, an applying contractor will provide financial statements to FDOT, and FDOT may request additional financial information in order to verify the financial adequacy of the prospective bidder. These records may contain sensitive information related to an applying contractor's financial condition. The risk of potential disclosure of sensitive financial information defeats the purpose of protections already afforded to financial statements and may have a chilling effect on entities desiring to prequalify or maintain prequalification. The chilling effect may result in a limited pool of prequalified bidders, thus negatively impacting FDOT's ability to receive the best value for projects.

Additionally, protecting this financial information from public disclosure will prevent such information from being used by competitors to gain an unfair advantage against other bidders on the project. Lastly, protecting this information from disclosure promotes the free provision of such information to the department by removing a prospective bidder's concern for attendant risks in doing so. As a result, this exemption promotes the state's interest in ensuring that prospective bidders on transportation projects possess the necessary financial resources to complete such projects, many of which involve immense costs and may be complex and of long duration.

Section 3 provides that the bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

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 bill creating or expanding an exemption to the public records requirements. This bill expands creates a public records exemption; therefore, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. The bill includes a public necessity statement related to the exemption created in the bill.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The bill exempts potentially sensitive financial information required by FDOT from contractors wishing to prequalify to bid on FDOT projects. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have a minimal fiscal impact to agency's relating to the workload necessary for the redaction of records in responding to public records requests.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 337.14 of the Florida Statutes.

IX. Additional Information:

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

CS by Transportation on January 23, 2024.

The committee substitute limits the public records exemption to specified financial information requested by FDOT and revises the public necessity statement.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2024	.	
	.	
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	.	

The Committee on Transportation (Wright) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 337.14, Florida Statutes, is amended to read:

337.14 Application for qualification; certificate of qualification; restrictions; request for hearing.—

(1) (a) Any contractor desiring to bid for the performance of any construction contract in excess of \$250,000 which the



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11 department proposes to let must first be certified by the
12 department as qualified pursuant to this section and rules of
13 the department. The rules of the department must address the
14 qualification of contractors to bid on construction contracts in
15 excess of \$250,000 and must include requirements with respect to
16 the equipment, past record, experience, financial resources, and
17 organizational personnel of the applying contractor which are
18 necessary to perform the specific class of work for which the
19 contractor seeks certification. Any contractor who desires to
20 bid on contracts in excess of \$50 million and who is not
21 qualified and in good standing with the department as of January
22 1, 2019, must first be certified by the department as qualified
23 and must have satisfactorily completed two projects, each in
24 excess of \$15 million, for the department or for any other state
25 department of transportation. The department may limit the
26 dollar amount of any contract upon which a contractor is
27 qualified to bid or the aggregate total dollar volume of
28 contracts such contractor is allowed to have under contract at
29 any one time. Each applying contractor seeking qualification to
30 bid on construction contracts in excess of \$250,000 shall
31 furnish the department a statement under oath, on such forms as
32 the department may prescribe, setting forth detailed information
33 as required on the application. Each application for
34 certification must be accompanied by audited, certified
35 financial statements prepared in accordance with generally
36 accepted accounting principles and auditing standards by a
37 certified public accountant licensed in this state or another
38 state. The audited, certified financial statements must be for
39 the applying contractor and must have been prepared within the



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40 immediately preceding 12 months. The department may not consider
41 any financial information of the parent entity of the applying
42 contractor, if any. The department may not certify as qualified
43 any applying contractor who fails to submit the audited,
44 certified financial statements required by this paragraph
45 ~~subsection~~. If the application or the annual financial statement
46 shows the financial condition of the applying contractor more
47 than 4 months before the date on which the application is
48 received by the department, the applicant must also submit
49 interim audited, certified financial statements prepared in
50 accordance with generally accepted accounting principles and
51 auditing standards by a certified public accountant licensed in
52 this state or another state. The interim financial statements
53 must cover the period from the end date of the annual statement
54 and must show the financial condition of the applying contractor
55 no more than 4 months before the date that the interim financial
56 statements are received by the department. However, upon the
57 request of the applying contractor, an application and
58 accompanying annual or interim financial statement received by
59 the department within 15 days after either 4-month period under
60 this paragraph ~~subsection~~ shall be considered timely. An
61 applying contractor desiring to bid exclusively for the
62 performance of construction contracts with proposed budget
63 estimates of less than \$2 million may submit reviewed annual or
64 reviewed interim financial statements prepared by a certified
65 public accountant. The information required by this paragraph
66 ~~subsection~~ is confidential and exempt from s. 119.07(1). The
67 department shall act upon the application for qualification
68 within 30 days after the department determines that the



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69 application is complete. The department may waive the
70 requirements of this subsection for projects having a contract
71 price of \$500,000 or less if the department determines that the
72 project is of a noncritical nature and the waiver will not
73 endanger public health, safety, or property.

74 (b) In addition to the information required by paragraph
75 (a), any financial information required by the department for
76 prequalification purposes which would reveal the revenue,
77 profit, loss, expenses, gross receipts, taxes paid, or capital
78 investment of any applying contractor is confidential and exempt
79 from s. 119.07(1) and s. 24(a), Art. I of the State
80 Constitution. This paragraph is subject to the Open Government
81 Sunset Review Act in accordance with s. 119.15 and shall stand
82 repealed on October 2, 2029, unless reviewed and saved from
83 repeal through reenactment by the Legislature.

84 Section 2. The Legislature finds that it is a public
85 necessity that any financial information required by the
86 Department of Transportation for prequalification purposes,
87 including information that would reveal the revenue, profit,
88 loss, expenses, gross receipts, taxes paid, or capital
89 investment from any applying contractor, be made exempt from s.
90 119.07(1), Florida Statutes, and s. 24(a), Article I of the
91 State Constitution. In the prequalification process, an applying
92 contractor will provide financial statements to the department,
93 and the department may request additional financial information
94 in order to verify the financial adequacy of the prospective
95 bidder. These records may contain sensitive information related
96 to an applying contractor's financial condition. The risk of
97 potential disclosure of sensitive financial information defeats



98 the purpose of protections already afforded to financial
99 statements and may have a chilling effect on entities desiring
100 to prequalify or maintain prequalification. The chilling effect
101 may result in a limited pool of prequalified bidders, thus
102 negatively impacting the department's ability to receive the
103 best value for projects. Additionally, protecting this financial
104 information from public disclosure will prevent such information
105 from being used by competitors to gain an unfair advantage
106 against other bidders on the project. Lastly, protecting this
107 information from disclosure promotes the free provision of such
108 information to the department by removing a prospective bidder's
109 concern for attendant risks in doing so. As a result, this
110 exemption promotes the state's interest in ensuring that
111 prospective bidders on transportation projects possess the
112 necessary financial resources to complete such projects, many of
113 which involve immense costs and may be complex and of long
114 duration.

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

116
117 ===== T I T L E A M E N D M E N T =====

118 And the title is amended as follows:

119 Delete everything before the enacting clause
120 and insert:

121 A bill to be entitled
122 An act relating to public records; amending s. 337.14,
123 F.S.; providing an exemption from public records
124 requirements for certain financial information
125 provided by a prospective bidder to the Department of
126 Transportation for prequalification purposes;



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127 providing for future legislative review and repeal of
128 the exemption; providing a statement of public
129 necessity; providing an effective date.

By Senator Wright

8-00224A-24

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1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; providing an exemption for certain
 4 financial information submitted to an agency from
 5 prospective bidders for a road or other public works
 6 project from certain public records requirements;
 7 providing for future legislative review and repeal of
 8 the exemption; amending s. 337.14, F.S.; conforming a
 9 provision to changes made by the act; providing a
 10 statement of public necessity; providing an effective
 11 date.

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

15 Section 1. Paragraph (c) of subsection (1) of section
 16 119.071, Florida Statutes, is amended to read:

17 119.071 General exemptions from inspection or copying of
 18 public records.—

19 (1) AGENCY ADMINISTRATION.—

20 (c) Any financial statement or other financial information
 21 required by any department's administrative rules which ~~that~~ an
 22 agency requires a prospective bidder to submit in order to
 23 prequalify for bidding or for responding to a proposal for a
 24 road or any other public works project is exempt from s.
 25 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 26 paragraph is subject to the Open Government Sunset Review Act in
 27 accordance with s. 119.15 and shall stand repealed on October 2,
 28 2029, unless reviewed and saved from repeal through reenactment
 29 by the Legislature.

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

8-00224A-24

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30 Section 2. Subsection (1) of section 337.14, Florida
 31 Statutes, is amended to read:

32 337.14 Application for qualification; certificate of
 33 qualification; restrictions; request for hearing.—

34 (1) Any contractor desiring to bid for the performance of
 35 any construction contract in excess of \$250,000 which the
 36 department proposes to let must first be certified by the
 37 department as qualified pursuant to this section and rules of
 38 the department. The rules of the department must address the
 39 qualification of contractors to bid on construction contracts in
 40 excess of \$250,000 and must include requirements with respect to
 41 the equipment, past record, experience, financial resources, and
 42 organizational personnel of the applying contractor which are
 43 necessary to perform the specific class of work for which the
 44 contractor seeks certification. Any contractor who desires to
 45 bid on contracts in excess of \$50 million and who is not
 46 qualified and in good standing with the department as of January
 47 1, 2019, must first be certified by the department as qualified
 48 and must have satisfactorily completed two projects, each in
 49 excess of \$15 million, for the department or for any other state
 50 department of transportation. The department may limit the
 51 dollar amount of any contract upon which a contractor is
 52 qualified to bid or the aggregate total dollar volume of
 53 contracts such contractor is allowed to have under contract at
 54 any one time. Each applying contractor seeking qualification to
 55 bid on construction contracts in excess of \$250,000 shall
 56 furnish the department a statement under oath, on such forms as
 57 the department may prescribe, setting forth detailed information
 58 as required on the application. Each application for

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

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59 certification must be accompanied by audited, certified
 60 financial statements prepared in accordance with generally
 61 accepted accounting principles and auditing standards by a
 62 certified public accountant licensed in this state or another
 63 state. The audited, certified financial statements must be for
 64 the applying contractor and must have been prepared within the
 65 immediately preceding 12 months. The department may not consider
 66 any financial information of the parent entity of the applying
 67 contractor, if any. The department may not certify as qualified
 68 any applying contractor who fails to submit the audited,
 69 certified financial statements required by this subsection. If
 70 the application or the annual financial statement shows the
 71 financial condition of the applying contractor more than 4
 72 months before the date on which the application is received by
 73 the department, the applicant must also submit interim audited,
 74 certified financial statements prepared in accordance with
 75 generally accepted accounting principles and auditing standards
 76 by a certified public accountant licensed in this state or
 77 another state. The interim financial statements must cover the
 78 period from the end date of the annual statement and must show
 79 the financial condition of the applying contractor no more than
 80 4 months before the date that the interim financial statements
 81 are received by the department. However, upon the request of the
 82 applying contractor, an application and accompanying annual or
 83 interim financial statement received by the department within 15
 84 days after either 4-month period under this subsection are shall
 85 ~~be~~ considered timely. An applying contractor desiring to bid
 86 exclusively for the performance of construction contracts with
 87 proposed budget estimates of less than \$2 million may submit

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

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88 reviewed annual or reviewed interim financial statements
 89 prepared by a certified public accountant. The information
 90 required by this subsection is confidential and exempt from s.
 91 119.07(1). Additionally, any information required by department
 92 rule by any applying contractor is exempt from s. 119.07(1) and
 93 s. 24(a), Art. I of the State Constitution as provided in s.
 94 119.071(1)(c). The department shall act upon the application for
 95 qualification within 30 days after the department determines
 96 that the application is complete. The department may waive the
 97 requirements of this subsection for projects having a contract
 98 price of \$500,000 or less if the department determines that the
 99 project is of a noncritical nature and that the waiver will not
 100 endanger public health, safety, or property.

101 Section 3. The Legislature finds that it is a public
 102 necessity that the financial information required by any
 103 department's administrative rule which prospective bidders are
 104 required to submit in order to prequalify for bidding or in
 105 response to a proposal for any public works project be made
 106 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
 107 Article I of the State Constitution. These records may contain
 108 confidential information related to bidders' financial details
 109 and work product which may be used by competitors to gain an
 110 unfair advantage against other bidders of public works projects.
 111 Subjecting such records to public records requirements may
 112 discourage otherwise qualified bidders from placing bids on
 113 vital public works projects.

114 Section 4. This act shall take effect July 1, 2024.

Page 4 of 4

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 332

INTRODUCER: Transportation Committee and Senator Burgess

SUBJECT: Wrecker Operators

DATE: January 24, 2024 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Fav/CS
2.			CA	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 332 makes several changes to laws related to towing and storage operations, including allowable fees, responsibility for storage where an investigating agency has ordered a vehicle be held, and requirements for the sale of unclaimed vehicles. Specifically, the bill:

- Requires counties and municipalities to establish maximum rates that may be charged for the storage of electric vehicles or alternative fuel motor vehicles and provides that those rates may exceed the rate charged for vehicles that run solely on gasoline or diesel fuels.
- Provides that if a vehicle is stored at a wrecker operator’s facility more than 30 days, the person, entity, or agency that orders the vehicle to be stored for evidentiary purposes at the wrecker operator’s storage facility must take possession of the vehicle within 30 days after the first day of storage.
- Authorizes wrecker operators to charge actual cost plus 10 percent for the cleanup, containment, and disposal of pollution and hazardous materials, including incidents involving an electric vehicle.
- Provides that a “governmental entity” (currently law enforcement agency) has specified authority related to liens for recovering, towing, or storing vehicles and vessels.
- Changes the posting requirement for the publication of the notice of sale of a vehicle from a newspaper in the county in which the sale is to be held to a central database or online format approved or operated by the Department of Highway Safety and Motor Vehicles.

This bill takes effect October 1, 2025.

II. Present Situation:

Towing Fees

A county, municipality, or other entity of a local government may not adopt an ordinance or a rule that imposes price controls upon lawful business activities that is not franchised by, owned by, or under contract with, the governmental agency, unless specifically provided by general law.¹ Florida law does not prevent the enactment by local governments of public service rates otherwise authorized by law, including rates for towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, or rates for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or the removal and storage of vehicles or vessels in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.²

Counties and municipalities must establish maximum rates that may be charged on the towing of vehicles or vessels. If a municipality chooses to enact an ordinance establishing the maximum rates for the towing or immobilization of vehicles or vessels, the county's ordinance does not apply within such municipality.³ The Florida Highway Patrol is authorized to establish maximum rates for the towing and storage of motor vehicles where such rates have not been set by a county or municipality.⁴

Handling of Damaged Electric Vehicles

The National Highway Traffic Safety Administration (NHTSA) has issued guidance for the handling of electric and hybrid-electric vehicles equipped with high-voltage batteries in certain situations.⁵ The guidance provides that in the event of damage, fire, or flooding involving an electric vehicles or hybrid-electric vehicle:

- Assume that the high-voltage battery and the associated components are energized and fully charged;
- Exposed electrical components, wires, and high voltage batteries present potential high voltage shock hazards;
- Venting/off-gassing high voltage battery vapors are potentially flammable;
- Physical damage to vehicle or high voltage battery may result in immediate or delayed release of toxic and/or flammable gases and fire; and
- A high voltage battery in a flooded vehicle may have high voltage and shot circuits that can shock and cause fires.

¹ Sections 125.0103 and 166.043, F.S.

² *Id.*

³ *Id.*

⁴ Section 321.051, F.S.

⁵ U.S Department of Transportation, National Highway Traffic Safety Administration, *Interim Guidance for Electric and Hybrid-Electric Vehicles* (March 2014).

In a post incident situation, the NHTSA guidance recommends to not store a severely damaged vehicle with a lithium-ion battery inside a structure or within 50 feet of any structure, vehicle, or combustible, and to ensure that the vehicle compartments remain well ventilated.⁶

Vehicle Holds by Investigating Agencies

Section 323.001, F.S., states that a hold may be placed on a towed vehicle under certain conditions. An investigating agency is authorized to place a hold on a motor vehicle stored within a wrecker operator's storage facility for no more than five days, excluding holidays and weekends, unless the hold is extended in writing. If the hold is extended past the five days, the investigating agency may remove the vehicle to a designated impound lot. The vehicle is not released until proof of payment of the towing and storage fees are presented to the investigating agency. If the investigating agency does not remove the vehicle from the wrecker's facility, the investigating agency is responsible for the storage charges incurred for the requested extended time. In such case, the owner or lienholder is responsible for payment of the towing and storage charges for the first five days, or any period less than the first five days, when the investigating agency moves the vehicle or provides written notification to hold past the five days.⁷

The investigating agency who ordered the hold must pay the accrued charges for any towing or storage when there is a judicial finding of no probable cause or having continued the immobilization or impoundment. The vehicle owner must pay the accrued towing and storage charges against the vehicle if the person is found guilty of, or please nolo contendere to, the offense that resulted in the hold, regardless of the adjudication of guilt.⁸

Liens for Recovering, Towing, or Storing Vehicles and Vessels

Liens are claims against property that evidence a debt, obligation, or duty. Liens can be created by judgment, equity, agreement, or statute. The rights and duties of a lienholder depend on the type of lien created and are generally set out in the order, agreement, or statute creating the lien. Liens on a vehicle or vessel for towing and storage charges are created in statute.⁹

A wrecker operator who claims a lien is required to give notice, by certified mail, to the registered owner, the insurance company insuring the vehicle, and all persons claiming a lien, as disclosed by the records in the Department of Highway Safety and Motor Vehicles (DHSMV) or as disclosed by the records of any corresponding agency in any other state in which the vehicle is identified through a records check.

A towing-storage operator currently must use a third-party service¹⁰ approved by the DHSMV to transmit the notice (as well as any other notices required under s. 713.78, F.S.). If there is no

⁶ *Id.*

⁷ Section 323.001(2), F.S.

⁸ Section 323.001(7), F.S.

⁹ Section 713.78, F.S.

¹⁰ The term "third-party service" is defined in s. 713.78(16)(a), F.S., to mean a qualified business entity that, upon a request submitted through a website by an operator: 1) Accesses the National Motor Vehicle Title Information System records to obtain the last state of record of the vehicle; 2) Accesses the owner, lienholder, and insurer information, as applicable, for a vehicle or vessel from the DHSMV; 3) Electronically generates the notices required of a towing-storage operator through the website; 4) Prints and sends the notices to each owner, lienholder, and insurer of record by certified mail; 5) Electronically

approved service, the operator may mail the notice and provide evidence of compliance upon application for a certificate of title.¹¹ The notice of lien must be sent by certified mail within seven business days after the date of storage of the vehicle or vessel.¹² A lienor or its agent may charge an administrative fee¹³ to the registered owner or other person claiming a lien against the vehicle or vessel for a release from the lien, not to exceed \$250.¹⁴

If a law enforcement agency authorized a towing-storage operator to remove a vehicle or vessel, or a towing-storage operator notifies a law enforcement agency of possession of a towed vehicle or vessel,¹⁵ the law enforcement agency where the vehicle or vessel is stored must contact the DHSMV, or the appropriate agency in the state of registration, if known, within 24 hours and provide a full description of the vehicle or vessel.¹⁶ The DHSMV, or appropriate state agency, must search its records to determine the identity of the owner, the company insuring the vehicle or vessel, and any lienholders and provide the information to the law enforcement agency within 72 hours.¹⁷ The towing-storage operator must obtain such information from the law enforcement agency within 5 days after the date of storage and provide the required notice.¹⁸

If a towing-storage operator is unsuccessful in locating the name and address of the owner or other lienholder, the operator must, after seven business days after the initial tow or storage, notify the jurisdictional entity where the vehicle or vessel is stored, in writing by certified mail or acknowledged hand delivery, that the operator has been unable to locate the name and address, a physical search of the vehicle or vessel has revealed no ownership information, and a “good faith effort”¹⁹ has been made, including a records check of the DHSMV database and of the National Motor Vehicle Title Information System (NMVTIS).²⁰ Failure of the towing-storage operator to make a good faith effort to identify the owner or lienholder of the vehicle or vessel precludes the towing-storage operator from assessing any storage charges.

returns tracking information or other proof of mailing and delivery of the notices to the towing-storage operator; and 6) Electronically reports to the DHSMV via an electronic data exchange process certain information related to the towing and storage notice.

¹¹ Section 713.78(16), F.S.

¹² Section 713.78(4)(a) and (c), F.S.

¹³ Defined to mean a lien fee or any fee imposed by the lienor or the lienor’s agent for administrative costs added to the amount due for towing and storing the vehicle or vessel. Section 713.78(15)(a), F.S.

¹⁴ *Id.*

¹⁵ Within 30 minutes after completion of a tow or removal from private property without the consent of the registered owner or other legally authorized person, a towing-storage operator must notify the municipal police department, or, in an unincorporated area, the sheriff, of the tow or removal, the storage site, the time of the tow or removal, and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel. S. 715.07(2)(a)2., F.S.

¹⁶ Section 713.78(4)(b), F.S.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Section 713.78(5)(e), F.S., defines the term to mean that the operator has performed a list of “checks” of items such as searching specified databases and information systems; looking for any type of tag, tag record, temporary or regular tag on the vehicle or vessel; or looking for the vehicle identification number or the vessel registration number.

²⁰ “The National Motor Vehicle Title Information System (NMVTIS) is a system that allows the titling agency to instantly and reliably verify the information on the paper title with the electronic data from the state that issued the title.” See AAMVA, *National Motor Vehicle Title Information System (NMVTIS)*, available at <https://www.aamva.org/technology/systems/vehicle-systems/nmvtis#> (last visited December 19, 2023).

Required Notice for Sale of Vehicles and Vessels

A towing-storage operator may sell at public sale a stored vehicle or vessel that remains unclaimed, or for which charges for recovery, towing, or storage remain unpaid, after:

- 35 days from the date of storage if the vehicle or vessel is more than three years old;
- 50 days from the date of storage if the vehicle or vessel is three years old or less.²¹

If the date of the sale was not included in the notice of claim of lien, the towing-storage operator must send a notice of sale by certified mail, no less than 30 days before the date of the sale, to:

- The person in whose name the vehicle or vessel is registered; and
- All persons claiming a lien on the vehicle or vessel as shown in the records of DHSMV or any corresponding agency in any other state in which the vehicle is identified as being titled by a records check of NMVTIS or an equivalent commercially available system.²²

The notice must have clearly identified and printed, if the claim of lien is for a motor vehicle, the last eight digits of the VIN of the motor vehicle subject to the lien, or, if the claim of lien is for a vessel, the hull identification number of the vessel subject to the lien, in the delivery address box and on the outside of the envelope sent to the registered owner and all other persons claiming an interest therein or lien thereon.²³ The towing-storage operator must also publish notice of the time and place of the sale, at least ten days before the date of the sale, in a newspaper of general circulation in the county where the sale will occur.²⁴

III. Effect of Proposed Changes:

Fees Associated with Electric Vehicles and Cleanup/Disposal

The bill amends ss. 125.0103 and 166.043, F.S., to require counties and municipalities to establish maximum rates that may be charged by a wrecker operator for the storage of electric vehicles or alternative fuel motor vehicles in the wrecker operator's storage facilities. Those rates for storing electric vehicles may exceed that rate that is charged for storing vehicles that run solely on gasoline or diesel fuels.

The bill creates s. 323.003, F.S., to provide that a wrecker operator may charge actual cost plus 10 percent for the cleanup, containment, and disposal of pollution and hazardous materials. A wrecker operator may also charge actual cost plus 10 percent for any cleanup and disposal necessary after an accident, fire, or any accidental discharge of hazardous materials or debris associated with electric vehicles.

Vehicle Holds by Investigating Agencies

The bill amends s. 323.001(7), F.S., to provide that if a vehicle is stored at a wrecker operator's storage facility for more than 30 days, the person, entity, or agency that orders the vehicle to be stored for evidentiary purposes (typically a law enforcement agency or state attorney's office) at

²¹ Section 713.78(6), F.S.

²² *Id.*

²³ *Id.*

²⁴ Section 713.78(6), F.S.

the wrecker operator's storage facility must take possession of the vehicle within 30 days after the first day of storage.

Liens for Recovering, Towing, or Storing Vehicles or Vessels

The bill amends s. 713.78, F.S., to remove reference to "law enforcement agency" and replace it with the term "governmental entity". The bill does not define, for purposes of this section, entities that are considered governmental entities. Presumably, this change is intended to expand the number and type of governmental entities that are empowered to authorize the removal of a vehicle or vessel in specified situations.

Required Notice for Sale of Vehicles and Vessels

The bill changes the posting requirement for the publication of the notice of sale from a newspaper in the county in which the sale is to be held to a central database or online format approved or operated by the DHSMV. According to DHSMV, the department would have to create or approve a means to satisfy this requirement or modify the MyDMV portal to allow wrecker and storage companies to provide the required notice.²⁵

This bill takes effect October 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

²⁵DHSMV, *2024 Legislative Bill Analysis: SB 332* (December 21, 2023) at p. 5

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

DHSMV noted that the provision in the bill relating to holds on vehicles could have a negative fiscal impact on law enforcement agencies that are unable to provide their own storage areas for vehicles that must be retained as evidence in prolonged court cases.²⁶

DHSMV estimates that programming and implementation associated with the bill will require \$55,653 in FTE and contracted resources.²⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.0103, 166.043, 323.001, 713.78.

This bill creates section 323.003 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

CS by Transportation on January 23, 2024:

The committee substitute:

- Establishes that a person, entity, office, or agency that orders a vehicle to be stored for evidentiary purposes at a wrecker operator's storage facility must take possession of that vehicle within 30 days after the first day of storage.
- Clarifies that counties and municipalities must establish maximum rates that are to be charged by wrecker operators for the storage of electric vehicles or alternative fuel

²⁶ *Id.* at p. 4

²⁷ *Id.* at p. 7

motor vehicles in the operator's storage facilities. Those established rates may exceed the rate that is charged for the cost of storing vehicles that run solely on gasoline or diesel fuels.

- Establishes that wrecker operators may charge actual costs, plus 10 percent, for cleanup, containment, and disposal of pollution and hazardous materials related to gasoline, diesel and EV's.
- Changes the effective date from July 1, 2024 to October 1, 2025.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2024	.	
	.	
	.	
	.	

The Committee on Transportation (Burgess) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (d) is added to subsection (1) of
section 125.0103, Florida Statutes, to read:

125.0103 Ordinances and rules imposing price controls.—

(1)

(d) Counties must establish maximum rates that may be
charged by a wrecker operator for the storage of electric



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11 vehicles or alternative fuel motor vehicles in the operator's
12 storage facilities. Such rates may exceed the rate that is
13 charged for the cost of storing vehicles that run solely on
14 gasoline or diesel fuels.

15 Section 2. Paragraph (d) is added to subsection (1) of
16 section 166.043, Florida Statutes, to read:

17 166.043 Ordinances and rules imposing price controls.-

18 (1)

19 (d) Municipalities must establish maximum rates that may be
20 charged by a wrecker operator for the storage of electric
21 vehicles or alternative fuel motor vehicles in the operator's
22 storage facilities. Such rates may exceed the rate that is
23 charged for the cost of storing vehicles that run solely on
24 gasoline or diesel fuels.

25 Section 3. Subsection (7) of section 323.001, Florida
26 Statutes, is amended to read:

27 323.001 Wrecker operator storage facilities; vehicle
28 holds.-

29 (7) When a vehicle owner is found guilty of, or pleads nolo
30 contendere to, the offense that resulted in a hold being placed
31 on his or her vehicle, regardless of the adjudication of guilt,
32 the owner must pay the accrued towing and storage charges
33 assessed against the vehicle. If a vehicle is stored at a
34 wrecker operator's storage facility for more than 30 days, the
35 person, entity, office, or agency that orders the vehicle to be
36 stored for evidentiary purposes at the wrecker operator's
37 storage facility must take possession of the vehicle within 30
38 days after the first day of storage.

39 Section 4. Section 323.003, Florida Statutes, is created to



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40 read:

41 323.003 Wrecker operator fees.—A wrecker operator may
42 charge actual cost plus 10 percent for the cleanup, containment,
43 and disposal of pollution and hazardous materials. A wrecker
44 operator may charge actual cost plus 10 percent for any cleanup
45 and disposal necessary after an accident or a fire or any
46 accidental discharge of any hazardous materials or debris
47 associated with an electric vehicle.

48 Section 5. Paragraph (b) of subsection (4) and subsection
49 (6) of section 713.78, Florida Statutes, are amended to read:

50 713.78 Liens for recovering, towing, or storing vehicles
51 and vessels.—

52 (4)

53 (b) Whenever a governmental entity ~~law enforcement agency~~
54 authorizes the removal of a vehicle or vessel or whenever a
55 towing service, garage, repair shop, or automotive service,
56 storage, or parking place notifies the governmental entity ~~law~~
57 ~~enforcement agency~~ of possession of a vehicle or vessel pursuant
58 to s. 715.07(2)(a)2., the governmental entity ~~law enforcement~~
59 ~~agency~~ of the jurisdiction where the vehicle or vessel is stored
60 shall contact the Department of Highway Safety and Motor
61 Vehicles, or the appropriate agency of the state of
62 registration, if known, within 24 hours through the medium of
63 electronic communications, giving the full description of the
64 vehicle or vessel. Upon receipt of the full description of the
65 vehicle or vessel, the department shall search its files to
66 determine the owner's name, the insurance company insuring the
67 vehicle or vessel, and whether any person has filed a lien upon
68 the vehicle or vessel as provided in s. 319.27(2) and (3) and



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69 notify the applicable governmental entity ~~law enforcement agency~~
70 within 72 hours. The person in charge of the towing service,
71 garage, repair shop, or automotive service, storage, or parking
72 place shall obtain such information from the applicable
73 governmental entity ~~law enforcement agency~~ within 5 days after
74 the date of storage and shall give notice pursuant to paragraph
75 (a). The department may release the insurance company
76 information to the requestor notwithstanding s. 627.736.

77 (6) A vehicle or vessel that is stored pursuant to
78 subsection (2) and remains unclaimed, or for which reasonable
79 charges for recovery, towing, or storing remain unpaid, and any
80 contents not released pursuant to subsection (10), may be sold
81 by the owner or operator of the storage space for such towing or
82 storage charge 35 days after the vehicle or vessel is stored by
83 the lienor if the vehicle or vessel is more than 3 years of age
84 or 50 days after the vehicle or vessel is stored by the lienor
85 if the vehicle or vessel is 3 years of age or less. The sale
86 must ~~shall~~ be at public sale for cash. If the date of the sale
87 was not included in the notice required in subsection (4),
88 notice of the sale must ~~shall~~ be given to the person in whose
89 name the vehicle or vessel is registered and to all persons
90 claiming a lien on the vehicle or vessel as shown on the records
91 of the Department of Highway Safety and Motor Vehicles or of any
92 corresponding agency in any other state in which the vehicle is
93 identified through a records check of the National Motor Vehicle
94 Title Information System or an equivalent commercially available
95 system as being titled. Notice of the sale must be sent by
96 certified mail. The notice must have clearly identified and
97 printed, if the claim of lien is for a motor vehicle, the last 8



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98 digits of the vehicle identification number of the motor vehicle
99 subject to the lien, or, if the claim of lien is for a vessel,
100 the hull identification number of the vessel subject to the
101 lien, in the delivery address box and on the outside of the
102 envelope sent to the registered owner and all other persons
103 claiming an interest therein or lien thereon. The notice must be
104 sent to the owner of the vehicle or vessel and the person having
105 the recorded lien on the vehicle or vessel at the address shown
106 on the records of the registering agency at least 30 days before
107 the sale of the vehicle or vessel. The notice must state the
108 name, physical address, and telephone number of the lienor, and
109 the vehicle identification number if the claim of lien is for a
110 vehicle or the hull identification number if the claim of lien
111 is for a vessel, all of which must also appear in the return
112 address section on the outside of the envelope containing the
113 notice of sale. After diligent search and inquiry, if the name
114 and address of the registered owner or the owner of the recorded
115 lien cannot be ascertained, the requirements of notice by mail
116 may be dispensed with. In addition to the notice by mail, public
117 notice of the time and place of sale must ~~shall~~ be made by
118 publishing a notice thereof one time, at least 10 days before
119 the date of the sale, in a central database or online format
120 approved or operated by the Department of Highway Safety and
121 Motor Vehicles ~~in a newspaper of general circulation in the~~
122 ~~county in which the sale is to be held.~~ The proceeds of the
123 sale, after payment of reasonable towing and storage charges,
124 and costs of the sale, in that order of priority, shall be
125 deposited with the clerk of the circuit court for the county if
126 the owner or lienholder is absent, and the clerk shall hold such



127 proceeds subject to the claim of the owner or lienholder legally
128 entitled thereto. The clerk is ~~shall be~~ entitled to receive 5
129 percent of such proceeds for the care and disbursement thereof.
130 The certificate of title issued under this law must ~~shall~~ be
131 discharged of all liens unless otherwise provided by court
132 order. The owner or lienholder may file a complaint after the
133 vehicle or vessel has been sold in the county court of the
134 county in which it is stored. Upon determining the respective
135 rights of the parties, the court may award damages, attorney
136 fees, and costs in favor of the prevailing party.

137 Section 6. This act shall take effect October 1, 2025.

138

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

140 And the title is amended as follows:

141 Delete everything before the enacting clause
142 and insert:

143 A bill to be entitled
144 An act relating to wrecker operators; amending ss.
145 125.0103 and 166.043, F.S.; requiring counties and
146 municipalities, respectively, to establish maximum
147 rates for the storage of electric vehicles or
148 alternative fuel motor vehicles in a wrecker
149 operator's storage facilities; authorizing such
150 maximum rates to exceed a specified rate; amending s.
151 323.001, F.S.; requiring a person, an entity, an
152 office, or an agency that orders a vehicle to be
153 stored at a wrecker operator's facility to take
154 possession of the vehicle within a specified
155 timeframe; creating s. 323.003, F.S.; authorizing a



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156 wrecker operator to charge certain fees under certain
157 circumstances; amending s. 713.78, F.S.; replacing the
158 term "law enforcement agency" with "governmental
159 entity"; revising the notice requirements for certain
160 unclaimed vehicles; making technical changes;
161 providing an effective date.

By Senator Burgess

23-00318A-24

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1 A bill to be entitled
 2 An act relating to wrecker operators; amending ss.
 3 125.0103 and 166.043, F.S.; requiring counties to
 4 establish maximum rates for the storage of electric
 5 vehicles; authorizing such maximum rates to exceed a
 6 specified rate; amending s. 323.001, F.S.; specifying
 7 financial responsibility for vehicles stored more than
 8 30 days at a wrecker operator's storage facility;
 9 creating s. 323.003, F.S.; authorizing a wrecker
 10 operator to charge certain fees under certain
 11 circumstances; amending s. 713.78, F.S.; replacing the
 12 term "law enforcement agency" with "governmental
 13 entity"; revising the notice requirements for certain
 14 unclaimed vehicles; making technical changes;
 15 providing an effective date.

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

18
 19 Section 1. Paragraph (d) is added to subsection (1) of
 20 section 125.0103, Florida Statutes, to read:

21 125.0103 Ordinances and rules imposing price controls.-
 22 (1)

23 (d) Counties must establish maximum rates that may be
 24 charged by a wrecker operator for the storage of electric
 25 vehicles in the operator's storage facilities. Such rates may
 26 exceed the rate that is charged for the cost of storing vehicles
 27 that run on gasoline or diesel fuels.

28 Section 2. Paragraph (d) is added to subsection (1) of
 29 section 166.043, Florida Statutes, to read:

Page 1 of 6

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

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30 166.043 Ordinances and rules imposing price controls.-
 31 (1)

32 (d) Counties must establish maximum rates that may be
 33 charged by a wrecker operator for the storage of electric
 34 vehicles in the operator's storage facilities. Such rates may
 35 exceed the rate that is charged for the cost of storing vehicles
 36 that run on gasoline or diesel fuels.

37 Section 3. Subsection (7) of section 323.001, Florida
 38 Statutes, is amended to read:

39 323.001 Wrecker operator storage facilities; vehicle
 40 holds.-

41 (7) When a vehicle owner is found guilty of, or pleads nolo
 42 contendere to, the offense that resulted in a hold being placed
 43 on his or her vehicle, regardless of the adjudication of guilt,
 44 the owner must pay the accrued towing and storage charges
 45 assessed against the vehicle. If a vehicle is stored at a
 46 wrecker operator's storage facility for more than 30 days, the
 47 person, entity, or agency that requested that the vehicle be
 48 held at the wrecker operator's storage facility is financially
 49 responsible for the daily cost of storing the vehicle after 30
 50 days.

51 Section 4. Section 323.003, Florida Statutes, is created to
 52 read:

53 323.003 Wrecker operator fees.-A wrecker operator may
 54 charge fair and reasonable fees plus 10 percent for the cleanup,
 55 containment, and disposal of pollution and hazardous materials.
 56 A wrecker operator may charge fair and reasonable fees plus 10
 57 percent for any cleanup and disposal necessary after an accident
 58 or fire or any accidental discharge of any hazardous materials

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

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59 or debris associated with an electric vehicle.

60 Section 5. Paragraph (b) of subsection (4) and subsection
61 (6) of section 713.78, Florida Statutes, are amended to read:

62 713.78 Liens for recovering, towing, or storing vehicles
63 and vessels.—

64 (4)

65 (b) Whenever a governmental entity ~~law enforcement agency~~
66 authorizes the removal of a vehicle or vessel or whenever a
67 towing service, garage, repair shop, or automotive service,
68 storage, or parking place notifies the governmental entity ~~law~~
69 ~~enforcement agency~~ of possession of a vehicle or vessel pursuant
70 to s. 715.07(2)(a)2., the governmental entity ~~law enforcement~~
71 ~~agency~~ of the jurisdiction where the vehicle or vessel is stored
72 shall contact the Department of Highway Safety and Motor
73 Vehicles, or the appropriate agency of the state of
74 registration, if known, within 24 hours through the medium of
75 electronic communications, giving the full description of the
76 vehicle or vessel. Upon receipt of the full description of the
77 vehicle or vessel, the department shall search its files to
78 determine the owner's name, the insurance company insuring the
79 vehicle or vessel, and whether any person has filed a lien upon
80 the vehicle or vessel as provided in s. 319.27(2) and (3) and
81 notify the applicable governmental entity ~~law enforcement agency~~
82 within 72 hours. The person in charge of the towing service,
83 garage, repair shop, or automotive service, storage, or parking
84 place shall obtain such information from the applicable
85 governmental entity ~~law enforcement agency~~ within 5 days after
86 the date of storage and shall give notice pursuant to paragraph
87 (a). The department may release the insurance company

Page 3 of 6

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

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88 information to the requestor notwithstanding s. 627.736.

89 (6) A vehicle or vessel that is stored pursuant to
90 subsection (2) and remains unclaimed, or for which reasonable
91 charges for recovery, towing, or storing remain unpaid, and any
92 contents not released pursuant to subsection (10), may be sold
93 by the owner or operator of the storage space for such towing or
94 storage charge 35 days after the vehicle or vessel is stored by
95 the lienor if the vehicle or vessel is more than 3 years of age
96 or 50 days after the vehicle or vessel is stored by the lienor
97 if the vehicle or vessel is 3 years of age or less. The sale
98 must ~~shall~~ be at public sale for cash. If the date of the sale
99 was not included in the notice required in subsection (4),
100 notice of the sale must ~~shall~~ be given to the person in whose
101 name the vehicle or vessel is registered and to all persons
102 claiming a lien on the vehicle or vessel as shown on the records
103 of the Department of Highway Safety and Motor Vehicles or of any
104 corresponding agency in any other state in which the vehicle is
105 identified through a records check of the National Motor Vehicle
106 Title Information System or an equivalent commercially available
107 system as being titled. Notice of the sale must be sent by
108 certified mail. The notice must have clearly identified and
109 printed, if the claim of lien is for a motor vehicle, the last 8
110 digits of the vehicle identification number of the motor vehicle
111 subject to the lien, or, if the claim of lien is for a vessel,
112 the hull identification number of the vessel subject to the
113 lien, in the delivery address box and on the outside of the
114 envelope sent to the registered owner and all other persons
115 claiming an interest therein or lien thereon. The notice must be
116 sent to the owner of the vehicle or vessel and the person having

Page 4 of 6

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2024332__

117 the recorded lien on the vehicle or vessel at the address shown
118 on the records of the registering agency at least 30 days before
119 the sale of the vehicle or vessel. The notice must state the
120 name, physical address, and telephone number of the lienor, and
121 the vehicle identification number if the claim of lien is for a
122 vehicle or the hull identification number if the claim of lien
123 is for a vessel, all of which must also appear in the return
124 address section on the outside of the envelope containing the
125 notice of sale. After diligent search and inquiry, if the name
126 and address of the registered owner or the owner of the recorded
127 lien cannot be ascertained, the requirements of notice by mail
128 may be dispensed with. In addition to the notice by mail, public
129 notice of the time and place of sale must ~~shall~~ be made by
130 publishing a notice thereof one time, at least 10 days before
131 the date of the sale, in a central database or online format
132 approved or operated by the Department of Highway Safety and
133 Motor Vehicles in a newspaper of general circulation in the
134 ~~county in which the sale is to be held~~. The proceeds of the
135 sale, after payment of reasonable towing and storage charges,
136 and costs of the sale, in that order of priority, shall be
137 deposited with the clerk of the circuit court for the county if
138 the owner or lienholder is absent, and the clerk shall hold such
139 proceeds subject to the claim of the owner or lienholder legally
140 entitled thereto. The clerk ~~is shall~~ be entitled to receive 5
141 percent of such proceeds for the care and disbursement thereof.
142 The certificate of title issued under this law must ~~shall~~ be
143 discharged of all liens unless otherwise provided by court
144 order. The owner or lienholder may file a complaint after the
145 vehicle or vessel has been sold in the county court of the

Page 5 of 6

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2024332__

146 county in which it is stored. Upon determining the respective
147 rights of the parties, the court may award damages, attorney
148 fees, and costs in favor of the prevailing party.
149 Section 6. This act shall take effect July 1, 2024.

Page 6 of 6

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The Florida Senate

APPEARANCE RECORD

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1/23

Meeting Date

332

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name

Mike Moor

Phone

813-772-6111

Address

Street

123 S. Adam St.

Email

moor@the-south-fla.com

City

Tallahassee FL

State

72701

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

1/27

Meeting Date

332

Bill Number or Topic

Transportation

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Sean Loscalzo

Phone 954 444 4814

Address 2385 SW 66 Terr. Street

Email sean@superior-testing.com

Davie City

FL State

33317 Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [X] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SB 332

Bill Number or Topic

1/23/2024

Meeting Date

Transportation

Committee

Amendment Barcode (if applicable)

Name Sam Morley

Phone 850 212 4395

Address 304 College Ave

Email smorley@fpress.com

DM FLA 3312

City

State

Zip

Speaking: [] For [X] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 858

INTRODUCER: Transportation Committee and Senator Jones

SUBJECT: Specialty License Plates/Recycle Florida and Boating Capital of the World

DATE: January 24, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Fav/CS
2.			ATD	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 858 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create two new specialty license plates: Recycle Florida and Boating Capital of the World. The annual use fee for each plate is \$25.

Annual use fees from the sale of the Recycle Florida license plate will be distributed to the Recycle Florida Today Foundation, Inc., to be used to increase public awareness about the importance of recycling, resource conservation, and environmental stewardship; to promote robust, comprehensive, and sustainable recycling programs; and to support the professional development of persons employed in the relevant fields.

Annual use fees from the sale of the Boating Capital of the World license plate will be distributed to Captain Sandy Yawn, Inc., to increase public awareness of employment opportunities in the maritime industry; to fund maritime workforce instruction and training; to promote professional development and job placement in all sectors; and to support advancement of education for trainees in the maritime industry.

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

The bill takes effect October 1, 2024.

II. Present Situation:

Recycle Florida Today Foundation, Inc.

Recycle Florida Today Foundation, Inc., was founded in 2022 and is a Florida not-for-profit corporation registered with the Florida Department of State.¹ The organization’s mission is “provide value to our membership by promoting resource conservation and environmental stewardship”².

The organization’s vision is to inform the public, law-making bodies and the business community of the economic significance and importance of waste prevention and source reduction and to demonstrate the high professional standards of those involved in the business of recycling. The organization believes that this is accomplished through sponsorship of education meetings, research and publication of articles, reports, statistics, and other material.³

Captain Sandy Yawn, Inc.

Captain Sandy Yawn, Inc., was founded by Captain Sandy Yawn in 2019 and is a Florida not-for-profit corporation registered with the Florida Department of State.⁴ Captain Sandy Yawn, Inc., supports Captain Sandy’s Charities, which “promote awareness, funding, and structure of four foundational pillars based on Captain Sandy’s direct experience, her desire to give back, and in recognition of those critical people, places and institutions that helped her along the way.”⁵

The organization focuses on maritime employment opportunities, environmental education, behavioral health assistance, and developmental disability services.⁶

Specialty License Plates

As of December 2023, there are 144 specialty license plates authorized by the Legislature. Of these plates, 109 are available for immediate purchase and 31 are in the presale process.⁷ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and

¹ Florida Department of State: Division of Corporations, *Recycle Florida Today Foundation, Inc.*, Sunbiz.org, Document number N22000012565 (December 20, 2023).

² *Id.*

³ Recycle Florida Today Foundation, Inc., *Home*, [Recycle Florida Today, Inc. – Recycle Today for a Sustainable Tomorrow](#) (last visited December 20, 2023).

⁴ Florida Department of State: Division of Corporations, *Captain Sandy Yawn, Inc.*, Sunbiz.org, Document number N19000006425 (December 20, 2023).

⁵ *Id.*

⁶ Captain Sandy Yawn, *Charities*, [Donate to Captain Sandy’s Charities – Captain Sandy Yawn](#) (last visited December 20, 2023).

⁷ DHSMV Presentation to the Senate Transportation Committee, *Specialty License Plates* (January 24, 2023), slideshow available at https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf (last visited October 10, 2023).

service fees.⁸ The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate's design and designated in statute.⁹

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

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue presale vouchers for the specialty license plate; and
- Within 24 months after the presale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales before manufacturing of the plate may begin.¹⁰

If the minimum sales requirement has not been met by the end of the 24-month presale period, then the DHSMV will discontinue the plate and issuance of presale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.¹¹

New specialty license plates that have been approved by law but are awaiting issuance will be issued in the order they appear in s. 320.08058, F.S., provided that presale requirements have been met. If the next listed specialty license plate has not met the presale requirement, the DHSMV will proceed in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement.¹²

If the Legislature has approved 135 or more specialty license plates, the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 135.¹³

Use of Specialty License Plate Fees

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.¹⁴ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.¹⁵

The annual use fees collected by an organization and the interest earned from those fees may not be used for commercial or for-profit activities, or general or administrative expenses, unless

⁸ Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

⁹ Section 320.08058, F.S.

¹⁰ Chapter 2022-189, Laws of Fla., extended the presale requirement by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but had not recorded at least 3,000 voucher sales.

¹¹ Section 320.08053(2)(b), F.S.

¹² Section 320.08053(3)(a), F.S.

¹³ Section 320.08053(3)(b), F.S.

¹⁴ Section 320.08056(10)(a), F.S.

¹⁵ Section 320.08062, F.S.; Such fees may be used to pay for the cost of this required audit or report. See s. 320.08056(10)(a), F.S.

authorized by s. 320.08058, F.S.¹⁶ Additionally, the annual use fees and interest earned from those fees may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, any employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or any elected member or employee of the Legislature.¹⁷

Discontinuance of Specialty Plates

Prior to June 30, 2023, the DHSMV was required to discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter was mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations fell below 1,000 plates. Collegiate plates for Florida universities were exempt from the minimum specialty license plate requirement.¹⁸ In addition, the DHSMV was authorized to discontinue any specialty license plate if the organization ceased to exist, stopped providing services that are funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.¹⁹

However, effective July 1, 2023, the requirement increased so that the DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 3,000 or in the case of an out-of-state college or university license plate, 4,000, for at least 12 consecutive months. The DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or in the case of an out-of-state college or university license plate, 4,000. This does not apply to in-state collegiate license plates established under s. 320.08058(3), F.S., license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida professional sports team license plates established under s. 320.08058(9), F.S.²⁰

III. Effect of Proposed Changes:

The bill amends s. 320.08058, F.S., to authorize DHSMV to create two new specialty license plates: Recycle Florida and Boating Capital of the World. The annual use fee for each plate is \$25. The two plates must bear the colors and designs approved by the department, with the word "Florida" at the top of the plate and the words "Recycle Florida" and "Boating Capital of the World" at the bottom of the respective plates.

Proceeds from the sale of each plate will be distributed to Recycle Florida Today Foundation, Inc. and Captain Sandy Yawn, Inc. The organizations may use up to 10 percent of the proceeds

¹⁶ Section 320.08056(10)(a), F.S.

¹⁷ Section 320.08056(11), F.S.

¹⁸ Section 320.08056(8)(a), F.S.

¹⁹ Section 320.08056(8)(b), F.S.

²⁰ Chapter 2020-181, s. 7, Laws of Fla.

to promote and market each plate. Thereafter, annual use fees from the sale of the plates will be distributed as follows:

- *Recycle Florida License Plate* - Annual use fees shall be used to distributed to the Recycle Florida Today Foundation, Inc., to increase public awareness about the importance of recycling, resource conservation, and environmental stewardship; to promote robust, comprehensive, and sustainable recycling programs; and to support the professional development of persons employed in the fields including, but not limited to, recycling, conservation, and sustainability.
- *Boating Capital of the World License Plate* - Annual use fees shall be distributed to Captain Sandy Yawn, Inc., to be used to increase public awareness of employment opportunities in the maritime industry; to fund maritime workforce instruction and training; to promote professional development and job placement in all sectors of employment; and to support advancement of education for trainees in the maritime industry, both at sea and on land.

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

The bill takes effect October 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If the specialty license plates are produced, the Recycle Florida Today Foundation, Inc., and Captain Sandy Yawn, Inc., will receive the annual use fees associated with sales of the plates.

C. Government Sector Impact:

The DHSMV estimates programming and implementation of each plate will cost \$7,680.²¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following section of the Florida Statutes: 320.08058

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

CS by Transportation on January 23, 2024:

The committee substitute removes obsolete language and limits the permissible amount for administrative costs and marketing to 10 percent of annual use fees from the sale of each plate. Additionally, the committee substitutes clarifies names of corporations who will receive the annual use fees associated with the plates.

B. Amendments:

None.

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

²¹ DHSMV, *2024 Legislative Bill Analysis: SB 858* (December 12,, 2023) at p. 6.



144558

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2024	.	
	.	
	.	
	.	

The Committee on Transportation (Jones) recommended the following:

Senate Amendment

Delete lines 21 - 48
and insert:

(b) The annual use fees from the sale of the plate must be distributed to the Recycle Florida Today Foundation, Inc., which may use up to 10 percent of such fees for administrative costs and marketing of the plate. The balance of the fees shall be used by the Recycle Florida Today Foundation, Inc., to increase public awareness about the importance of recycling, resource



144558

11 conservation, and environmental stewardship; to promote robust,
12 comprehensive, and sustainable recycling programs; and to
13 support the professional development of persons employed in
14 fields relating to recycling, conservation, and sustainability.

15 (128) BOATING CAPITAL OF THE WORLD LICENSE PLATES.

16 (a) The department shall develop a Boating Capital of the
17 World license plate as provided in this section and s.
18 320.08053. The plate must bear the colors and design approved by
19 the department. The word "Florida" must appear at the top of the
20 plate, and the words "Boating Capital of the World" must appear
21 at the bottom of the plate.

22 (b) The annual use fees from the sale of the plate must be
23 distributed to Captain Sandy Yawn, Inc., which may use up to 10
24 percent of such fees for administrative costs and marketing of
25 the plate. The balance of the fees shall be used by Captain
26 Sandy Yawn, Inc., to increase public awareness of employment
27 opportunities in the maritime industry; to fund maritime
28 workforce instruction and training; to promote professional
29 development and job placement in all sectors of employment; and
30 to support the advancement of education of trainees in the
31 maritime industry, both at sea and on land.

By Senator Jones

34-01137-24

2024858__

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop Recycle Florida and Boating Capital of the World license plates; providing for distribution and use of fees collected from the sale of the plates; providing an effective date.

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

Section 1. Subsections (127) and (128) are added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(127) RECYCLE FLORIDA LICENSE PLATES.—

(a) The department shall develop a Recycle Florida license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Recycle Florida" must appear at the bottom of the plate.

(b) The department shall retain all annual use fees from the sale of the plate until all startup costs for developing and issuing the plate have been recovered. Thereafter, the annual use fees from the sale of the plate must be distributed to Recycle Florida Today Foundation, Inc., to increase public awareness about the importance of recycling, resource conservation, and environmental stewardship; to promote robust, comprehensive, and sustainable recycling programs; and to support the professional development of persons employed in

Page 1 of 2

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34-01137-24

2024858__

fields including, but not limited to, recycling, conservation, and sustainability.

(128) BOATING CAPITAL OF THE WORLD LICENSE PLATES.—

(a) The department shall develop a Boating Capital of the World license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Boating Capital of the World" must appear at the bottom of the plate.

(b) The department shall retain all annual use fees from the sale of the plate until all startup costs for developing and issuing the plate have been recovered. Thereafter, the annual use fees from the sale of the plate must be distributed to Captain Sandy's Charities, to be used to increase public awareness of employment opportunities in the maritime industry; to fund maritime workforce instruction and training; to promote professional development and job placement in all sectors of employment; and to support the advancement of education of trainees in the maritime industry, both at sea and on land.

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

Page 2 of 2

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The Florida Senate
APPEARANCE RECORD

858

Meeting Date

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Susan Goldstine

Phone 954-830-6300

Address 215 W. College Ave

Email

Street

Tallahassee FL 32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Captain Sandy's Charities

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

858

Meeting Date

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name Captain Sandy Yawn

Phone 954.253.5252

Address _____

Email Sandy@CaptainSandyYawn.com

Street

Jacksonville FL

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 934

INTRODUCER: Transportation Committee and Senator Yarborough

SUBJECT: Specialty License Plates/Cure Diabetes

DATE: January 24, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Fav/CS
2.			ATD	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 934 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create a Cure Diabetes specialty license plate. The annual use fee for the plate is \$25, which will be distributed equally between the following organizations to fund research to cure Type 1 diabetes:

- The Diabetes Research Institute Foundation;
- The Juvenile Diabetes Research Foundation; and
- The University of Florida Foundation, Inc., which supports the University of Florida Diabetes Institute.

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

The bill takes effect October 1, 2024.

II. Present Situation:

Diabetes Research Organizations

The Diabetes Research Institute Foundation

The Diabetes Research Institute Foundation is a Florida not for profit corporation with a mission to provide the funding necessary to cure diabetes through research. The Diabetes Research Institute is a “designated Center of Excellence at the University of Miami Miller School of

Medicine, providing informative education and training programs for many types of health care professionals and industry representatives.”¹

Juvenile Diabetes Research Foundation

The Juvenile Diabetes Research Foundation (JDRF) is an international, non-profit organization dedicated to raising funds to support and promote diabetes research. JDRF “is the leading global organization funding Type 1 Diabetes (T1D) research,” with a mission of “improving lives today and tomorrow by accelerating life-changing breakthroughs to cure, prevent and treat T1D and its complications.”²

The Foundation has a Northern and Southern Florida Chapter. The local chapters serve as the hub of Foundation information and events held in the area.³

The University of Florida Foundation, Inc.

The University of Florida (UF) Foundation, Inc., which supports the UF Diabetes Institute was founded in 2015 and serves as the umbrella organization for diabetes research, treatment, and education coordinated at UF and UF Health. “Researchers and physicians affiliated with the Diabetes Institute are working to prevent, diagnose and treat diabetes in a wide array of areas, including immunology, genetics, endocrinology, metabolism, pediatrics and social sciences.”⁴ The UF Diabetes Institute is the primary coordinating center for the JDRF Network for Pancreatic Organ Donors with Diseases.

Specialty License Plates

As of December 2023, there are 144 specialty license plates authorized by the Legislature. Of these plates, 109 are available for immediate purchase and 31 are in the presale process.⁵ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.⁶ The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate’s design and designated in statute.⁷

¹ Diabetes Research Institute Foundation, *About Us*, <https://diabetesresearch.org/about-DRI/> (last visited December 20, 2023).

² Juvenile Diabetes Research Foundation, *About Us*, https://www.jdrf.org/about/?_ga=2.216079830.1597347397.1666008274-1688791745.1661161232 (last visited December 20, 2023).

³ See JDRF Northern Florida Chapter, <https://www.jdrf.org/northernflorida/> and JDRF Southern Florida Chapter, <https://www.jdrf.org/southernflorida/> (last visited December 20, 2023).

⁴ University of Florida Diabetes Institute, *About the UF Diabetes Institute*, <https://diabetes.ufl.edu/about-us/> (last visited December 20, 2023).

⁵ DHSMV Presentation to the Senate Transportation Committee, *Specialty License Plates* (January 24, 2023), slideshow available at https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf (last visited March 10, 2023).

⁶ Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

⁷ Section 320.08058, F.S.

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

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue presale vouchers for the specialty license plate; and
- Within 24 months after the presale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales before manufacturing of the plate may begin.⁸

If the minimum sales requirement has not been met by the end of the 24-month presale period, then the DHSMV will discontinue the plate and issuance of presale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.⁹

New specialty license plates that have been approved by law but are awaiting issuance will be issued in the order they appear in s. 320.08058, F.S., provided that presale requirements have been met. If the next listed specialty license plate has not met the presale requirement, the DHSMV will proceed in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement.¹⁰

If the Legislature has approved 135 or more specialty license plates, the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 135.¹¹

Use of Specialty License Plate Fees

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.¹² Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.¹³

The annual use fees collected by an organization and the interest earned from those fees may not be used for commercial or for-profit activities, or general or administrative expenses, unless authorized by s. 320.08058, F.S.¹⁴ Additionally, the annual use fees and interest earned from those fees may not be used for the purpose of marketing to, or lobbying, entertaining, or

⁸ Chapter 2022-189, Laws of Fla., extended the presale requirement by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but had not recorded at least 3,000 voucher sales.

⁹ Section 320.08053(2)(b), F.S.

¹⁰ Section 320.08053(3)(a), F.S.

¹¹ Section 320.08053(3)(b), F.S.

¹² Section 320.08056(10)(a), F.S.

¹³ Section 320.08062, F.S.; Such fees may be used to pay for the cost of this required audit or report. See s. 320.08056(10)(a), F.S.

¹⁴ Section 320.08056(10)(a), F.S.

rewarding, any employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or any elected member or employee of the Legislature.¹⁵

Discontinuance of Specialty Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.¹⁶ In addition, the DHSMV is authorized to discontinue any specialty license plate if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.¹⁷

However, effective July 1, 2023, the requirement increases so that the DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 3,000 or in the case of an out-of-state college or university license plate, 4,000, for at least 12 consecutive months. The DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or in the case of an out-of-state college or university license plate, 4,000. This does not apply to in-state collegiate license plates established under s. 320.08058(3), F.S., license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida professional sports team license plates established under s. 320.08058(9), F.S.¹⁸

III. Effect of Proposed Changes:

The bill amends s. 320.08058, F.S., to authorize the DHSMV to create a Cure Diabetes specialty license plate. The annual use fee for the plate is \$25, which will be distributed equally to the following organizations to fund research to cure Type 1 diabetes:

- The Diabetes Research Institute Foundation;
- The Juvenile Diabetes Research Foundation; and
- The University of Florida Foundation, Inc., which supports the University of Florida Diabetes Institute.

Each organization is authorized to use up to ten percent of proceeds from sales of the plate to market and promote the plate.

The plate must bear the colors and design approved by the department, with the word "Florida" at the top of the plate and the words "Cure Diabetes" at the bottom of the plate.

¹⁵ Section 320.08056(11), F.S.

¹⁶ Section 320.08056(8)(a), F.S.

¹⁷ Section 320.08056(8)(b), F.S.

¹⁸ Chapter 2020-181, s. 7, Laws of Fla.

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

The bill takes effect October 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

If the specialty license plate is produced, the recipient organizations will receive annual use fees associated with sales of the plate.

C. Government Sector Impact:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.08058 of the Florida Statutes.

IX. Additional Information:

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

CS by Transportation on January 23, 2024:

Clarifies the name of the organization at the University of Florida who will receive funds associated with the Cure Diabetes plate.

- B. **Amendments:**

None.

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



727200

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2024	.	
	.	
	.	
	.	

The Committee on Transportation (Yarborough) recommended the following:

Senate Amendment

Delete line 26

and insert:

3. The University of Florida Foundation, Inc., which supports the University of Florida Diabetes Institute.

By Senator Yarborough

4-01072A-24

2024934__

1 A bill to be entitled
 2 An act relating to specialty license plates; amending
 3 s. 320.08058, F.S.; directing the Department of
 4 Highway Safety and Motor Vehicles to develop a Cure
 5 Diabetes license plate; providing for distribution and
 6 use of fees collected from the sale of the plate;
 7 providing an effective date.
 8

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

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

12 320.08058 Specialty license plates.—

13 (127) CURE DIABETES LICENSE PLATES.—

14 (a) The department shall develop a Cure Diabetes license
 15 plate as provided in this section and s. 320.08053. The plate
 16 must bear the colors and design approved by the department. The
 17 word "Florida" must appear at the top of the plate, and the
 18 words "Cure Diabetes" must appear at the bottom of the plate.

19 (b) The annual use fees from the sale of the plate must be
 20 distributed equally to the following organizations:

21 1. The Diabetes Research Institute Foundation, which
 22 supports the Diabetes Research Institute at the University of
 23 Miami Miller School of Medicine;

24 2. The Juvenile Diabetes Research Foundation; and

25 3. The University of Florida Diabetes Institute.

26 (c) Each organization may use up to 10 percent of the
 27 proceeds received by the organization to promote and market the
 28 plate. All remaining proceeds must be used for the purpose of
 29

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

4-01072A-24

2024934__

30 funding research to cure Type 1 diabetes.
 31 Section 2. This act shall take effect October 1, 2024.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1158

INTRODUCER Senators Bradley and Trumbull

SUBJECT: Lights Displayed on Fire Department Vehicles

DATE: January 22, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Favorable
2.			CA	
3.			RC	

I. Summary:

SB 1158 allows government-owned fire department vehicles, excluding vehicles of a fire patrol or volunteer fire departments, to display blue lights, in addition to red or red and white lights, as long as the vehicles meet the following criteria:

- Have a gross weight of 24,000 pounds or more;
- Are authorized in writing by the fire chief of the governmental agency; and
- Show or display the blue lights only on the rear of the government-owned fire department vehicle.

The bill may have indeterminate fiscal impact on local governments.

The bill takes effect July 1, 2024.

II. Present Situation:

Show or Display of Blue Lights on Florida Vehicles or Equipment

Under current Florida law, vehicles of a fire department and fire patrol, including vehicles of volunteer firefighters, may show or display red or red and white lights.¹ Florida does not currently allow the use of blue lights on fire department vehicles.

Florida law expressly prohibits any vehicle or equipment, except police vehicles, to show or display blue lights, with the exception that vehicles owned, operated, or leased by the Department of Corrections or any county correctional agency may show or display blue lights when responding to emergencies.²

¹ Section 316.2397(3), F.S.

² Section 316.2397(2), F.S.

Additionally, under Florida law, it is generally prohibited for *non-government* owned vehicles or vessels to use any flashing or rotating blue light unless such person is a law enforcement officer employed by a federal, state, county, or city law enforcement agency or is appointed by the Governor.³

Visibility of Red and Blue Lights on Emergency Vehicles

At least 16 states in the United States allow fire department vehicles to display blue emergency warning lights.⁴ Studies have shown that blue⁵ and red emergency lights are rated as the most visible colors⁶, with red lights being most visible in the daytime and blue lights being most visible at night.⁷ Such studies recommend that emergency vehicles use a combination of red and blue lights to maximize visibility under all ambient lighting conditions.⁸

Standard Fire Engine Weight

A standard fire engine typically weighs within a 20,000 to 40,000-pound range.⁹

III. Effect of Proposed Changes:

This bill allows government-owned fire department vehicles, excluding vehicles of a fire patrol or volunteer fire departments, to display blue lights, in addition to red or red and white lights, as long as the vehicles meet the following criteria:

- Have a gross weight of 24,000 pounds or more;
- Are authorized in writing by the fire chief of the governmental agency; and
- Show or display the blue lights only on the rear of the government-owned fire department vehicle.

The bill takes effect July 1, 2024.

³ Section 843.081(2), F.S.

⁴ See Guardian Angel, *State Statutes Emergency Vehicle Lights Guide*, <https://www.guardianangeldevices.com/state-statutes/> (last visited January 12, 2024). See also Henry Cesari, *Here's the color of Police and Fire Truck Lights in Every State*, MotorBiscuit (Oct. 16, 2023), <https://www.motorbiscuit.com/heres-the-color-of-police-and-fire-truck-lights-in-every-state/> (last visited January 12, 2024).

⁵ Michael J. Flannigan, Daniel F. Blower, and Joel M. Devonshire, *Effects of Warning Lamp Color and Intensity on Driver Vision*, (Oct. 2008), <https://www.sae.org/standardsdev/tsb/cooperative/warninglamp0810.pdf>, pp. 38-39 (last visited January 12, 2024). The study was supported by Department of Homeland Security, Federal Emergency Management Agency, United States Fire Administration, and the US Department of Justice, Office of Justice Programs. *Id.*

⁶ Emergency Responder Safety Institute, *New Study of Driver Perception of Emergency Warning Lights and Retroreflective Markings Commissioned by The Emergency Responder Safety Institute Yields Surprising Findings*, (Jan. 2022), <https://www.respondersafety.com/news/news/2022/01/new-study-of-driver-perception-of-emergency-warning-lights-and-retroreflective-markings-commissioned-by-the-emergency-responder-safety-institute-yields-surprising-findings/#> (last visited January 12, 2024).

⁷ Justice Technology Information Center, *Law Enforcement Vehicle Lighting and Reflectivity Studies: An Overview*, <https://www.ojp.gov/pdffiles1/nij/nlectc/253106.pdf>, p.8 (last visited January 12, 2024).

⁸ *Id.*

⁹ Simon Burge, *How Much Does a Fire Truck Weigh?*, International Fire and Safety Journal (Aug. 1, 2023), <https://internationalfireandsafetyjournal.com/how-much-does-a-fire-truck-weigh/#:~:text=The%20range%20in%20weight%20is,20%2C000%20to%2040%2C000%2Dpound%20range> (last visited January 12, 2024).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact on fire departments that voluntarily elect to retrofit their vehicles to display blue lights on the rear of qualified vehicles.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.2397 of the Florida Statutes.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By Senator Bradley

6-01021D-24

20241158__

A bill to be entitled

An act relating to lights displayed on fire department vehicles; amending s. 316.2397, F.S.; authorizing that certain government-owned fire department vehicles may show or display blue lights under certain circumstances; making technical changes; providing an effective date.

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

Section 1. Subsections (2) and (3) of section 316.2397, Florida Statutes, are amended to read:

316.2397 Certain lights prohibited; exceptions.—

(2) It is expressly prohibited for any vehicle or equipment to show or display blue lights, except the following:

(a) Police vehicles;

(b) Government-owned fire department vehicles, except vehicles of a fire patrol or volunteer fire department, with a gross vehicle weight rating of more than 24,000 pounds, if authorized in writing by the fire chief of the government agency and if shown or displayed only on the rear of such vehicles; and ~~, to show or display blue lights. However,~~

(c) Vehicles owned, operated, or leased by the Department of Corrections or any county correctional agency ~~may show or display blue lights~~ when responding to emergencies.

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

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

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20241158__

department vehicles pursuant to paragraph (2) (b).

(b) Vehicles of medical staff physicians or technicians of medical facilities licensed by the state or of volunteer ambulance services as authorized under s. 316.2398, ambulances as authorized under this chapter, and buses and taxicabs as authorized under s. 316.2399 may show or display red lights.

(c) Vehicles of the fire department ~~and~~ fire patrol, police vehicles, and such ambulances and emergency vehicles of municipal and county departments, volunteer ambulance services, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Transportation, the Department of Agriculture and Consumer Services, and the Department of Corrections as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any county may operate emergency lights and sirens in an emergency.

(d) Wreckers, mosquito control fog and spray vehicles, and emergency vehicles of governmental departments or public service corporations may show or display amber lights when in actual operation or when a hazard exists provided they are not used going to and from the scene of operation or hazard without specific authorization of a law enforcement officer or law enforcement agency. Wreckers must use amber rotating or flashing lights while performing recoveries and loading on the roadside day or night, and may use such lights while towing a vehicle on wheel lifts, slings, or under reach if the operator of the wrecker deems such lights necessary. A flatbed, car carrier, or rollback may not use amber rotating or flashing lights when

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6-01021D-24

20241158__

59 hauling a vehicle on the bed unless it creates a hazard to other
60 motorists because of protruding objects. Further, escort
61 vehicles may show or display amber lights when in the actual
62 process of escorting overdimensioned equipment, material, or
63 buildings as authorized by law.

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

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

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

01/23/24 Meeting Date

SB 1158 Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Michael Choate, Fire Chief

Phone 239-657-2111

Address Florida Fire Chief's Association 5368 Usoppa Dr. Street

Email

Ave Maria FL 34142 City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

SB 1158

Bill Number or Topic

1/23/24

Meeting Date

TRANSPORTATION

Committee

Amendment Barcode (if applicable)

Name HAROLD THEUS

Phone 352-327-2166

Address 911 SE 5th STREET

Email hmt@alachuacounty.us

Street

GAINESVILLE

City

FL

State

32601

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1324

INTRODUCER: Senator Ingoglia

SUBJECT: Driving Without a Valid Driver License

DATE: January 22, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Favorable
2.			ACJ	
3.			FP	

I. Summary:

SB 1324 establishes revised penalties related to the offense of driving without a valid driver license. Specifically, any person who drives any motor vehicle upon a highway in this state without a valid driver license commits:

- For a first offense, a misdemeanor of the second degree;
- For a second offense, a misdemeanor of the first degree;
- For a third or subsequent offense, a misdemeanor of the first degree and is subject to a minimum of 10 days in jail as ordered by the court.

This bill stipulates that the foregoing penalties do not apply to violations of s. 316.212, F.S., related to the operation of golf carts on roadways.

The bill takes effect July 1, 2024.

II. Present Situation:

Requirement to Be Licensed

Section 322.03, F.S., provides that a person may not operate a motor vehicle in the state without being licensed pursuant to ch. 322, F.S. However, the following individuals are exempt from obtaining a Florida driver license:

- Any employee of the United States Government, while operating a noncommercial motor vehicle owned by or leased to the United States Government and being operated on official business.
- Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway.
- A nonresident who is at least 16 years of age and who has in his or her immediate possession a valid noncommercial driver license issued to the nonresident in his or her home state or

country operating a motor vehicle of the type for which a Class E driver license is required in this state, if the nonresident's license is not invalid under s. 322.033, F.S., relating to proof of the licensee's lawful presence in the United States.

- A nonresident who is at least 18 years of age and who has in his or her immediate possession a valid noncommercial driver license issued to the nonresident in his or her home state or country operating a motor vehicle, other than a commercial motor vehicle, in this state, if the nonresident's license is not invalid under s. 322.033, F.S., relating to proof of the licensee's lawful presence in the United States.
- A person 18 years of age or older operating a golf cart, which is operated in accordance with s. 316.212, F.S.

Section 322.29, F.S., provides that any violation of ch. 322 F.S., unless otherwise specified is punishable as a misdemeanor of the second degree. However, a person charged under s. 322.03, F.S., may not be convicted if, prior to or at a court or hearing appearance, the person is able to produce a driver license valid at the time of arrest.¹

Driving While License Suspended, Revoked, Cancelled or Disqualified

Except as provided in s. 322.34(2), F.S., any person whose driver license or driving privilege has been canceled, suspended, or revoked, except a "habitual traffic offender", who drives a vehicle upon the highways of this state while such license or privilege is canceled, suspended, or revoked is guilty of a moving violation, punishable as provided in ch. 318, F.S.²

Section 322.34(2), F.S., sets out penalties for driving while a driver license is suspended, revoked, canceled or disqualified, or who does not have a driver license but is under suspension or revocation status as defined in s. 322.01(42), F.S., who, *knowing* of such cancellation, suspension, revocation, or suspension or revocation equivalent status, drives a motor vehicle in the state.³ These penalties include:

- A second degree misdemeanor, upon a first conviction;
- A first degree misdemeanor, upon a second or subsequent conviction, except as provided below, and, for a third or subsequent conviction, a minimum of 10 days in jail;
- A third degree felony, upon a third or subsequent conviction if the current violation or the most recent prior violation is related to driving while license canceled, suspended, revoke, or suspension or revocation equivalent status resulting from a violation of: driving under the influence, refusal to submit to a urine, breath-alcohol, or blood alcohol test, a traffic offense causing death or serious bodily injury, or fleeing or eluding.

The element of knowledge is satisfied if the person has been previously cited as provided in s. 322.34(1), F.S.; or the person admits to knowledge of the cancellation, suspension, or revocation, or suspension or revocation equivalent status; or the person received notice as provided in s. 322.34(4), F.S. There is a rebuttable presumption that the knowledge requirement is satisfied if a

¹ Section 320.03(6), F.S.

² Section 322.34(1), F.S.

³ "Suspension or revocation equivalent status" is a designation for a person who does not have a driver license or driving privilege but would qualify for suspension or revocation of his or her driver license or driving privilege if licensed. The Department of Highway Safety and Motor Vehicles may designate a person as having suspension or revocation equivalent status in the same manner as it is authorized to suspend or revoke a driver license or driving privilege by law.

judgment or order as provided in s. 322.23(4), F.S., appears in the department's records for any case except for one involving a suspension by the department for failure to pay a traffic fine or for a financial responsibility violation.⁴

Any judgment or order rendered by a court or adjudicatory body or any uniform traffic citation that cancels, suspends, or revokes a person's driver license or places a person under suspension or revocation equivalent status must contain a provision notifying the person that his or her driver license has been canceled, suspended, or revoked, or of such suspension or revocation equivalent status.⁵

Driver License Requirements - Operation of Golf Carts

As previously noted, persons 18 years of age or older operating a golf cart in accordance with s. 316.212, F.S., are exempt from the requirement to obtain a driver license.⁶ Section 316.212, F.S., sets out various operational and equipment requirements that are applicable to golf carts. In terms of driver licensing, this section provides that a golf cart may not be operated on public roads or streets by a person:

- Who is under 18 years of age unless he or she possesses a valid learner's driver license or valid driver license.
- Who is 18 years of age or older unless he or she possesses a valid form of government-issued photographic identification.

III. Effect of Proposed Changes:

This bill amends s. 322.03, F.S., to provide, that if any person operates any motor vehicle upon a highway, without a valid driver license, a person commits: for the first offense, a misdemeanor of the second degree; for the second offense, a misdemeanor of the first degree; and for a third or subsequent offense, a misdemeanor of the first degree, and is subject to a minimum of 10 days in jail as ordered by the court.

The bill provides that the penalties established in the bill do not apply to violations of s. 316.212, F.S., related to the operation of golf carts on certain roads.

The bill includes various conforming and technical provisions.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁴ Section 322.34(2), F.S.

⁵ Section 322.34(4), F.S.

⁶ Section 320.04(1)(e), F.S.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Individuals operating motor vehicles in Florida without the required driver's license will be subject to enhanced penalties.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.03, 322.15, and 322.291.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Ingoglia

11-01227B-24

20241324__

A bill to be entitled

An act relating to driving without a valid driver license; amending s. 322.03, F.S.; providing criminal penalties for the offense of driving without a valid driver license; requiring the court to sentence an offender to a specified minimum jail sentence upon a third or subsequent conviction for the offense; providing applicability; making technical changes; amending ss. 322.15 and 322.291, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Section 322.03, Florida Statutes, is amended to read:

322.03 Drivers must be licensed; penalties.—

(1) (a) Except as otherwise authorized in this chapter, a person may not drive any motor vehicle upon a highway in this state unless such person has a valid driver license issued under this chapter.

(b) A person who violates paragraph (a) commits:

1. For the first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. For the second offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

3. For a third or subsequent offense, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and the court shall order the person to serve a minimum period of 10 days in jail.

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The penalties provided in paragraph (b) do not apply to violations of s. 316.212.

(2) (a) A person who drives a commercial motor vehicle may not receive a driver license unless and until he or she surrenders to the department all driver licenses in his or her possession issued to him or her by any other jurisdiction or makes an affidavit that he or she does not possess a driver license. Any such person who fails to surrender such licenses commits a noncriminal infraction, punishable as a moving violation as set forth in chapter 318. Any such person who makes a false affidavit concerning such licenses commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) All surrendered licenses may be returned by the department to the issuing jurisdiction together with information that the licensee is now licensed in a new jurisdiction or may be destroyed by the department, which shall notify the issuing jurisdiction of such destruction. A person may not have more than one valid driver license at any time.

(3) ~~(2)~~ Prior to issuing a driver license, the department shall require any person who has been convicted two or more times of a violation of s. 316.193 or of a substantially similar alcohol-related or drug-related offense outside this state within the preceding 5 years, or who has been convicted of three or more such offenses within the preceding 10 years, to present proof of successful completion of or enrollment in a department-approved substance abuse education course. If the person fails to complete such education course within 90 days after issuance,

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59 the department shall cancel the license. Further, prior to
60 issuing the driver license the department shall require such
61 person to present proof of financial responsibility as provided
62 in s. 324.031. For the purposes of this paragraph, a previous
63 conviction for violation of former s. 316.028, former s.
64 316.1931, or former s. 860.01 shall be considered a previous
65 conviction for violation of s. 316.193.

66 (4) (a) (3) (a) The department may not issue a commercial
67 driver license to any person who is not a resident of this
68 state.

69 (b) A resident of this state who is required by the laws of
70 this state to possess a commercial driver license may not
71 operate a commercial motor vehicle in this state unless he or
72 she possesses a valid commercial driver license issued by this
73 state. Except as provided in paragraph (c), any person who
74 violates this paragraph commits ~~is guilty of~~ a misdemeanor of
75 the first degree, punishable as provided in s. 775.082 or s.
76 775.083.

77 (c) Any person whose commercial driver license has been
78 expired for a period of 30 days or less and who drives a
79 commercial motor vehicle within this state commits ~~is guilty of~~
80 a nonmoving violation, punishable as provided in s. 318.18.

81 (5) (4) A person may not operate a motorcycle unless he or
82 she holds a driver license that authorizes such operation,
83 subject to the appropriate restrictions and endorsements. A
84 person may operate an autocycle, as defined in s. 316.003,
85 without a motorcycle endorsement.

86 (6) (5) It is a violation of this section for any person
87 whose driver license has been expired for more than 6 months to

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88 operate a motor vehicle on the highways of this state.

89 (7) (6) A person who is charged with a violation of this
90 section, other than a violation of ~~paragraph (a)~~ of subsection
91 (2) (1), may not be convicted if, prior to or at the time of his
92 or her court or hearing appearance, the person produces in court
93 or to the clerk of the court in which the charge is pending a
94 driver license issued to him or her and valid at the time of his
95 or her arrest. The clerk of the court is authorized to dismiss
96 such case at any time prior to the defendant's appearance in
97 court. The clerk of the court may assess a fee of \$5 for
98 dismissing the case under this subsection.

99 Section 2. Subsection (3) of section 322.15, Florida
100 Statutes, is amended to read:

101 322.15 License to be carried and exhibited on demand;
102 fingerprint to be imprinted upon a citation.-

103 (3) In relation to violations of subsection (1) or s.
104 322.03(6) ~~s. 322.03(5)~~, persons who cannot supply proof of a
105 valid driver license for the reason that the license was
106 suspended for failure to comply with that citation shall be
107 issued a suspension clearance by the clerk of the court for that
108 citation upon payment of the applicable penalty and fee for that
109 citation. If proof of a valid driver license is not provided to
110 the clerk of the court within 30 days, the person's driver
111 license shall again be suspended for failure to comply.

112 Section 3. Section 322.291, Florida Statutes, is amended to
113 read:

114 322.291 Driver improvement schools or DUI programs;
115 required in certain suspension and revocation cases.-Except as
116 provided in s. 322.03(3) ~~s. 322.03(2)~~, any person:

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117 (1) Whose driving privilege has been revoked:
 118 (a) Upon conviction for:
 119 1. Driving, or being in actual physical control of, any
 120 vehicle while under the influence of alcoholic beverages, any
 121 chemical substance set forth in s. 877.111, or any substance
 122 controlled under chapter 893, in violation of s. 316.193;
 123 2. Driving with an unlawful blood- or breath-alcohol level;
 124 3. Manslaughter resulting from the operation of a motor
 125 vehicle;
 126 4. Failure to stop and render aid as required under the
 127 laws of this state in the event of a motor vehicle crash
 128 resulting in the death or personal injury of another;
 129 5. Reckless driving; or
 130 (b) As a habitual offender;
 131 (c) Upon direction of the court, if the court feels that
 132 the seriousness of the offense and the circumstances surrounding
 133 the conviction warrant the revocation of the licensee's driving
 134 privilege; or
 135 (2) Whose license was suspended under the point system, was
 136 suspended for driving with an unlawful blood-alcohol level of
 137 0.10 percent or higher before January 1, 1994, was suspended for
 138 driving with an unlawful blood-alcohol level of 0.08 percent or
 139 higher after December 31, 1993, was suspended for a violation of
 140 s. 316.193(1), or was suspended for refusing to submit to a
 141 lawful breath, blood, or urine test as provided in s. 322.2615
 142
 143 shall, before the driving privilege may be reinstated, present
 144 to the department proof of enrollment in a department-approved
 145 advanced driver improvement course operating pursuant to s.

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146 318.1451 or a substance abuse education course conducted by a
 147 DUI program licensed pursuant to s. 322.292, which shall include
 148 a psychosocial evaluation and treatment, if referred.
 149 Additionally, for a third or subsequent violation of
 150 requirements for installation of an ignition interlock device, a
 151 person must complete treatment as determined by a licensed
 152 treatment agency following a referral by a DUI program and have
 153 the duration of the ignition interlock device requirement
 154 extended by at least 1 month up to the time period required to
 155 complete treatment. If the person fails to complete such course
 156 or evaluation within 90 days after reinstatement, or
 157 subsequently fails to complete treatment, if referred, the DUI
 158 program shall notify the department of the failure. Upon receipt
 159 of the notice, the department shall cancel the offender's
 160 driving privilege, notwithstanding the expiration of the
 161 suspension or revocation of the driving privilege. The
 162 department may temporarily reinstate the driving privilege upon
 163 verification from the DUI program that the offender has
 164 completed the education course and evaluation requirement and
 165 has reentered and is currently participating in treatment. If
 166 the DUI program notifies the department of the second failure to
 167 complete treatment, the department shall reinstate the driving
 168 privilege only after notice of completion of treatment from the
 169 DUI program.
 170 Section 4. This act shall take effect July 1, 2024.

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The Florida Senate

APPEARANCE RECORD

SB 1324

January 23rd

Meeting Date

Deliver both copies of this form to Senate professional staff conducting the meeting

Bill Number or Topic

INCOGLIA

Committee

Amendment Barcode (if applicable)

Name

TAMMY FECCI (ANNOUNCED) "FECHY"

Phone

239-218-8661

Address

201 W. PARK AVE

Email

tfecci@flacathconf.org

Street

TALLAHASSEE FL. 32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FLORIDA CONFERENCE OF CATHOLIC BISHOPS

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1324

1/23/24

Meeting Date

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Transportation

Committee

Amendment Barcode (if applicable)

Name Aurelie Colon

Phone 9548818595

Address 403 Washington Ave

Email aurelie.colon@splcenter.org

Street

Montgomery

City

AZ

State

36104

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

SPLC Action Fund

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1350

INTRODUCER: Transportation Committee and Senator DiCeglie

SUBJECT: Salvage

DATE: January 24, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Fav/CS
2.			EN	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1350 relates to salvage motor vehicles, mobile homes, and vessels. The bill:

- Incorporates vessels into the definition of “independent entity” for purposes of incorporating vessels into the salvage certificate of title statute.
- Defines “major component parts” of electric, hybrid, and plug-in hybrid motor vehicles for verifying the sources of these parts during the rebuilt inspection process.
- Requires, if the owner maintains possession of a total loss motor vehicle or mobile home, that the owner or insurance company or owner notify the Department of Highway Safety and Motor Vehicles (DHSMV), and DHSMV must issue a salvage certificate of title or a certificate of destruction directly to the owner of such motor vehicle or mobile home.
- Incorporates damaged or dismantled “vessel” to the salvage statute and provides procedures for the release and application for titling by an independent entity in possession of the vessel.
- Reenacts statutes relating to the sale of specified motor vehicles and the rebuilt motor vehicle inspection program to incorporate changes to the definition of “major component parts.”

The bill takes effect July 1, 2024.

II. Present Situation:

Electric, Hybrid, and Plug-in Hybrid Vehicle Major Component Parts

Salvage motor vehicle dealers who purchase a major component part of a vehicle must record the date of purchase and the name, address, and personal identification card number of the seller, as well as the vehicle identification number, if available.¹ Before a salvage motor vehicle dealer can resell a salvage motor vehicle or its parts, the motor vehicle's title must indicate it is rebuilt, which requires a rebuilt inspection to assure the identity of the vehicle and all major component parts repaired or replaced.²

The current definition of "major component parts" provided in s. 319.30(1)(j), F.S., is specific to combustion engines and does not include parts of electric, hybrid, and plug-in hybrid motor vehicles that may be considered major component parts.

Total Loss Motor Vehicles or Mobile Homes

Under current law, the owner, including persons who are self-insured, of a motor vehicle or mobile home that is considered salvage must, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the Department of Highway Safety and Motor Vehicles (DHSMV) for processing. However, an insurance company that pays money as compensation for the total loss of a motor vehicle or mobile home must obtain the certificate of title for the motor vehicle or mobile home, make the required notification to the National Motor Vehicle Title Information System (NMVTIS),³ and, within 72 hours after receiving such certificate of title, forward such title to DHSMV for processing.

The owner or insurance company, as applicable, may not dispose of a vehicle or mobile home that is a total loss before it obtains, from DHSMV, a salvage certificate of title or certificate of destruction. Effective January 1, 2020:

- Thirty days after payment of a claim for compensation, the insurance company may receive, from DHSMV, a salvage certificate of title or certificate of destruction if the insurance company is unable to obtain a properly assigned certificate of title from the owner or lienholder of the motor vehicle or mobile home, if the motor vehicle or mobile home does not carry an electronic lien on the title and the insurance company:
 - Has obtained the release of all liens on the motor vehicle or mobile home;
 - Has attested on a DHSMV-provided form that payment of the total loss claim has been distributed; and
 - Has attested on a DHSMV-provided form and signed by the insurance company or its authorized agent stating the attempts that have been made to obtain the title from the owner or lienholder and further stating that all attempts are to no avail. The form must

¹ Section 319.30(6)(a), F.S.

² Sections 319.141 and 319.14, F.S.

³ Section 319.30(1)(o), F.S., defines the term "National Motor Vehicle Title Information System" to mean the national mandated vehicle history database maintained by the United States Department of Justice to link the states' motor vehicle title records, including Florida's Department of Highway Safety and Motor Vehicles' title records, and ensure that states, law enforcement agencies, and consumers have access to vehicle titling, branding, and other information that enables them to verify the accuracy and legality of a motor vehicle title before purchase or title transfer of the vehicle occurs.

include a request that the salvage certificate of title or certificate of destruction be issued in the insurance company's name due to payment of a total loss claim to the owner or lienholder. The attempts to contact the owner may be by written request delivered in person or by first-class mail with a certificate of mailing to the owner's or lienholder's last known address.

- If the owner or lienholder is notified of the request for title in person, the insurance company must provide an affidavit attesting to the in-person request for a certificate of title.
- The request to the owner or lienholder for the certificate of title must include a complete description of the motor vehicle or mobile home and a statement that a total loss claim has been paid on the motor vehicle or mobile home.⁴

Independent Entities Possessing Damaged or Dismantled Vehicles or Vessels

For purposes of s. 319.30, F.S., the term "independent entity" means a business or entity that may temporarily store damaged or dismantled motor vehicles pursuant to an agreement with an insurance company and is engaged in the same or resale of damaged motor vehicle. The term does not include a wrecker operator, a towing company, or repair facility.⁵

Under current law, when an independent entity is in possession of a damaged or dismantled motor vehicle, an insurance company can notify the independent entity, with a DHSMV-prescribed form, authorizing the release of the motor vehicle to the owner. The form contains: the policy and claim number, the name and address of the insured, the vehicle identification number, and the signature of an authorized representative of the insurance company.⁶

Upon receiving this form, the independent entity must notify the owner that the motor vehicle is available for pickup. The notification must be sent by certified mail or another commercially available delivery service that provides proof of delivery to the owner at the owner's address contained in the DHSMV's records. If the vehicle is not claimed within 30 days after delivery or attempted delivery of the notice, the independent entity may apply for a certificate of destruction or a certificate of title.⁷

If DHSMV's records do not contain the motor vehicle owner's address, the independent entity must:

- Send the required notification to the owner's address that is provided by the insurance company in the release statement; and
- Identify the latest titling jurisdiction of the vehicle through NMVTIS or an equivalent commercially available system in an attempt to obtain the owner's address from that jurisdiction. If the jurisdiction provides an address that is different from the owner's address provided by the insurance company, the independent entity must provide the required notice to both addresses.⁸

⁴ Section 319.30(3)(b), F.S.

⁵ Section 319.30(1)(g), F.S.

⁶ Section 319.30(9)(a), F.S.

⁷ Section 319.30(9)(b), F.S.

⁸ Section 319.30(9)(c), F.S.

The independent entity must maintain all records related to the 30-day notice and searches in the NMVTIS for 3 years.⁹ Upon applying for a certificate of destruction or salvage certificate of title, the independent entity must provide a copy of the release statement from the insurance company, proof of the 30-day notice sent to the owner, proof of notification to the NMVTIS, proof of all lien satisfactions or proof of a release of all liens on the motor vehicle, and applicable fees.¹⁰

Currently, the above process does not currently include vessels. The need to include a process for returning to owners, or obtaining salvage certificates of title, for damaged or dismantled vessels in the possession of independent entities became evident following Hurricane Ian in 2022.

III. Effect of Proposed Changes:

Electric, Hybrid, and Plug-in Hybrid Vehicle Major Component Parts

The bill amends s. 319.30(1)(j), F.S., defining the term “major component parts” to include for electric, hybrid, or plug-in hybrid motor vehicles or trucks, in addition to parts currently listed, any electric traction motor, electronic transmission, charge port, DC power converter, onboard charger, power electronics controller, thermal system, traction battery pack, or airbag.

Total Loss Motor Vehicles or Mobile Homes

The bill amends s. 319.30(3)(b), F.S., providing that if the owner maintains possession of a motor vehicle or mobile home in connection with a total loss claim settlement for such motor vehicle or mobile home, the owner must, within 72 hours of the motor vehicle or mobile home becoming salvage, or the insurance company must, within 72 hours after receiving the certificate of title for motor vehicle or mobile home, forward the certificate title to the motor vehicle or mobile home to DHSMV for processing, and DHSMV must issue a salvage certificate of title or certificate of destruction directly to the motor vehicle or mobile home owner rather than to the insurance company or its agent.

The bill clarifies that the certificate of title may be either paper or electronic.

The bill provides that as an alternative for the insurance company having received a release of all liens, it may pay the amount due to the lienholder and obtain proof that the lienholder accepts payment as satisfying the amount due to the lienholder.

The bill clarifies that attempts to contact to the owner or lienholder must be to the owner or lienholder’s last known address.

The bill adds that the request to the owner or lienholder for the assignment of title, in lieu of the certificate of title, must include a complete description of the motor vehicle or mobile home and that a total loss claim has been paid on the motor vehicle or mobile home.

⁹ Section 319.30(9)(d), F.S.

¹⁰ Section 319.30(9)(f), F.S.

The bill provides that DHSMV is not liable and may not be held liable to an owner, lienholder, or any other person as a result of the issuance of a salvage certificate of title or a certificate of destruction.

Independent Entities Possessing Damaged or Dismantled Vehicles or Vessels

The bill amends s. 319.30, F.S., expanding the authority of independent entities to allow them to temporarily store damaged or dismantled vessels pursuant to an agreement with an insurance company and participate in the sale or resale of such vessels. For this purpose, a vessel is defined as every description of a watercraft, barge, and airboat used or capable of being used as a means of transportation on water.¹¹

The bill treats vessels the same as motor vehicles in possession of an independent entity with the following exceptions:

- On the DHSMV-prescribed form, the vessel's hull identification number is reported, instead of the vehicle identification number.
- If the vessel is hull-damaged, the independent entity must comply, as applicable, with the "Hull Damaged" title brand designation requirements outlined in s. 328.045, F.S., and that the application must indicate "Hull Damaged."
- The independent entity is not required to notify NMVTIS before releasing the vessel to the owner or before applying for a certificate of title as defined in s. 328.0015, F.S.¹².

Conforming Changes

The bill reenacts s. 319.14(1)(b), F.S., relating to the sale of specified motor vehicles, and s. 319.141(1)(b), F.S., relating to the rebuilt motor vehicle inspection program, incorporating changes made by the bill to the term "major component parts" to other provisions of statute.

Effective Date

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹¹ This is as provided in s. 713.78(1)(b), F.S., which excludes a seaplane or a vessel for which a valid certificate of documentation is outstanding pursuant to 46 C.F.R. part 67.

¹² Section 328.0015(1)(f), F.S., defines the term "certificate of title" to mean a record, created by DSHMV or by a governmental agency of another jurisdiction under the law of that jurisdiction, that is designated as a certificate of title by DSHMV or agency and is evidence of ownership of a vessel.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

DHSMV's direct issuance of a certificate of title or certificate of destruction when the owner retains a total loss vehicle or vessel will have an indeterminate positive impact on insurance companies due to the streamlined process.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on DHSMV associated with the inspection of electric, hybrid, and plug-in hybrid motor vehicles.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 319.30 of the Florida Statutes.

This bill reenacts portions of the following sections of the Florida Statutes: 319.14 and 319.141.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Transportation on January 23, 2024:

The committee substitute:

-
- Defines the term “major component parts” for electric, hybrid, or plug-in hybrid motor vehicles or trucks.
 - Clarifies the titling for salvage motor vehicles and mobile homes being retained by the owner.
 - Revises the lien release process for total loss motor vehicles.
 - Provides a titling process for abandoned vessels.
 - Removes the changes to the statutory definition of “hull damaged” as it relates to vessels.
 - Makes technical and conforming changes.

B. Amendments:

None.



544216

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2024	.	
	.	
	.	
	.	

The Committee on Transportation (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Paragraphs (g) and (j) of subsection (1), paragraph (b) of subsection (3), and subsection (9) of section 319.30, Florida Statutes, are amended, and paragraph (y) is added to subsection (1) of that section, to read:

319.30 Definitions; dismantling, destruction, change of identity of motor vehicle, vessel, or mobile home; salvage.—



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

12 (g) "Independent entity" means a business or entity that
13 may temporarily store damaged or dismantled motor vehicles or
14 vessels pursuant to an agreement with an insurance company and
15 that is engaged in the sale or resale of damaged or dismantled
16 motor vehicles or vessels. The term does not include a wrecker
17 operator, a towing company, or a repair facility.

18 (j) "Major component parts" means:

19 1. Except as provided in subparagraph 3., for motor
20 vehicles other than motorcycles, any fender, hood, bumper, cowl
21 assembly, rear quarter panel, trunk lid, door, decklid, floor
22 pan, engine, frame, transmission, catalytic converter, or
23 airbag.

24 2. Except as provided in subparagraph 3., for trucks, in
25 addition to those parts listed in subparagraph 1., any truck
26 bed, including dump, wrecker, crane, mixer, cargo box, or any
27 bed which mounts to a truck frame.

28 3. For electric, hybrid, or plug-in hybrid motor vehicles
29 or trucks, in addition to the parts listed in subparagraphs 1.
30 and 2., respectively, any electric traction motor, electronic
31 transmission, charge port, DC power converter, onboard charger,
32 power electronics controller, thermal system, traction battery
33 pack, or airbag.

34 4. For motorcycles, the body assembly, frame, fenders, gas
35 tanks, engine, cylinder block, heads, engine case, crank case,
36 transmission, drive train, front fork assembly, and wheels.

37 ~~5.4.~~ For mobile homes, the frame.

38 (y) "Vessel" has the same meaning as in s. 713.78(1)(b).

39 (3)



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40 (b) The owner, including persons who are self-insured, of a
41 motor vehicle or mobile home ~~that is~~ considered to be salvage
42 shall, within 72 hours after the motor vehicle or mobile home
43 becomes salvage, forward the title to the motor vehicle or
44 mobile home to the department for processing. However, and
45 except as provided in this paragraph for a motor vehicle or
46 mobile home retained by the owner in connection with a total
47 loss claim settlement, an insurance company that pays money as
48 compensation for the total loss of a motor vehicle or mobile
49 home shall obtain the certificate of title for the motor vehicle
50 or mobile home, make the required notification to the National
51 Motor Vehicle Title Information System, and, within 72 hours
52 after receiving such certificate of title, forward such title by
53 the United States Postal Service, by another commercial delivery
54 service, or by electronic means, when such means are made
55 available by the department, to the department for processing.
56 However, if the owner retains possession of a motor vehicle or
57 mobile home in connection with a total loss claim settlement for
58 such motor vehicle or mobile home, the owner must, within 72
59 hours after the motor vehicle or mobile home becomes salvage, or
60 the insurance company must, within 72 hours after receiving the
61 certificate of title for such motor vehicle or mobile home,
62 forward the certificate of title to the motor vehicle or mobile
63 home to the department for processing, and the department must
64 issue a salvage certificate of title or certificate of
65 destruction directly to the motor vehicle or mobile home owner
66 rather than to the insurance company or its agent. The owner or
67 insurance company, as applicable, may not dispose of a motor
68 vehicle or mobile home that is a total loss before it obtains a



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69 salvage certificate of title or certificate of destruction from
70 the department. ~~Effective January 1, 2020:~~

71 1. Thirty days after payment of a claim for compensation
72 pursuant to this paragraph, the insurance company may receive a
73 salvage certificate of title or certificate of destruction from
74 the department if the insurance company is unable to obtain a
75 properly assigned paper certificate of title from the owner or
76 lienholder of the motor vehicle or mobile home or a properly
77 completed assignment of an electronic certificate of title from
78 the owner of, ~~if the motor vehicle or mobile home does not carry~~
79 ~~an electronic lien on the title~~ and the insurance company:

80 a. Has obtained the release of all liens on the motor
81 vehicle or mobile home, or has paid the amount due to the
82 lienholder and has obtained proof that the lienholder accepts
83 payment as satisfying the amount due to the lienholder;

84 b. Has attested on a form provided by the department that
85 payment of the total loss claim has been distributed; and

86 c. Has attested on a form provided by the department and
87 signed by the insurance company or its authorized agent stating
88 the attempts that have been made to obtain the paper certificate
89 of title or a properly completed assignment of an electronic
90 certificate of title from the owner or lienholder and further
91 stating that all attempts are to no avail. The form must include
92 a request that the salvage certificate of title or certificate
93 of destruction be issued in the insurance company's name due to
94 payment of a total loss claim to the owner or lienholder. The
95 attempts to contact the owner or lienholder may be by written
96 request delivered in person or by first-class mail with a
97 certificate of mailing to the owner's last known address or



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98 lienholder's last known address, respectively.

99 2. If the owner or lienholder is notified of the request
100 for title or assignment of title in person, the insurance
101 company must provide an affidavit attesting to the in-person
102 request for a certificate of title or assignment of title.

103 3. The request to the owner or lienholder for the
104 certificate of title or to the owner or lienholder for the
105 assignment of title must include a complete description of the
106 motor vehicle or mobile home and the statement that a total loss
107 claim has been paid on the motor vehicle or mobile home.

108 4. The department is not liable and may not be held liable
109 to an owner, a lienholder, or any other person as a result of
110 the issuance of a salvage certificate of title or a certificate
111 of destruction pursuant to subparagraph 1.

112 (9) (a) An insurance company may notify an independent
113 entity that obtains possession of a damaged or dismantled motor
114 vehicle or vessel to release the vehicle or vessel to the owner.
115 The insurance company shall provide the independent entity a
116 release statement on a form prescribed by the department
117 authorizing the independent entity to release the vehicle or
118 vessel to the owner or lienholder. The form must, at a minimum,
119 contain the following:

- 120 1. The policy and claim number.
121 2. The name and address of the insured.
122 3. The vehicle identification number or vessel hull
123 identification number.

124 4. The signature of an authorized representative of the
125 insurance company.

126 (b) The independent entity in possession of a motor vehicle



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127 or vessel must send a notice to the owner that the motor vehicle
128 or vessel is available for pickup when it receives a release
129 statement from the insurance company. The notice must ~~shall~~ be
130 sent by certified mail or by another commercially available
131 delivery service that provides proof of delivery to the owner at
132 the owner's address contained in the department's records. The
133 notice must state that the owner has 30 days after delivery of
134 the notice to the owner at the owner's address to pick up the
135 motor vehicle or vessel from the independent entity. If the
136 motor vehicle or vessel is not claimed within 30 days after the
137 delivery or attempted delivery of the notice, the independent
138 entity may apply for a certificate of destruction, a salvage
139 certificate of title, or a certificate of title for a motor
140 vehicle or a certificate of title as defined in s. 328.0015 for
141 a vessel. For a vessel that is hull damaged as defined in s.
142 328.0015, the application must indicate "Hull Damaged."

143 (c) If the department's records do not contain the owner's
144 address, the independent entity must do all of the following:

145 1. Send a notice that meets the requirements of paragraph
146 (b) to the owner's address that is provided by the insurance
147 company in the release statement.

148 2. For a motor vehicle, identify the latest titling
149 jurisdiction of the vehicle through use of the National Motor
150 Vehicle Title Information System or an equivalent commercially
151 available system and attempt to obtain the owner's address from
152 that jurisdiction. If the jurisdiction returns an address that
153 is different from the owner's address provided by the insurance
154 company, the independent entity must send a notice that meets
155 the requirements of paragraph (b) to both addresses.



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156 (d) The independent entity shall maintain for at least a
157 ~~minimum of~~ 3 years the records related to the 30-day notice sent
158 to the owner. For motor vehicles, the independent entity shall
159 also maintain for at least 3 years the results of searches of
160 the National Motor Vehicle Title Information System or an
161 equivalent commercially available system, and the notification
162 to the National Motor Vehicle Title Information System made
163 pursuant to paragraph (e).

164 (e) The independent entity shall make the required
165 notification to the National Motor Vehicle Title Information
166 System before releasing any damaged or dismantled motor vehicle
167 to the owner or before applying for a certificate of destruction
168 or salvage certificate of title. The independent entity is not
169 required to notify the National Motor Vehicle Title Information
170 System before releasing any damaged or dismantled vessel to the
171 owner or before applying for a certificate of title as defined
172 in s. 328.0015.

173 (f) Upon applying for a certificate of destruction, ~~or~~
174 salvage certificate of title, or certificate of title for a
175 motor vehicle or for a certificate of title as described in
176 paragraph (b) for a vessel, the independent entity shall provide
177 a copy of the release statement from the insurance company to
178 the independent entity, proof of providing the 30-day notice to
179 the owner, proof of notification to the National Motor Vehicle
180 Title Information System if required, proof of all lien
181 satisfactions or proof of a release of all liens on the motor
182 vehicle or vessel, and applicable fees. If the independent
183 entity is unable to obtain a lien satisfaction or a release of
184 all liens on the motor vehicle or vessel, the independent entity



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185 must provide an affidavit stating that notice was sent to all
186 lienholders that the motor vehicle or vessel is available for
187 pickup, 30 days have passed since the notice was delivered or
188 attempted to be delivered pursuant to this section, attempts
189 have been made to obtain a release from all lienholders, and all
190 such attempts have been to no avail. The notice to lienholders
191 and attempts to obtain a release from lienholders may be by
192 written request delivered in person or by certified mail or
193 another commercially available delivery service that provides
194 proof of delivery to the lienholder at the lienholder's address
195 as provided on the certificate of title for a motor vehicle or
196 on the certificate of title as defined in s. 328.0015 for a
197 vessel and to the address designated with the Department of
198 State pursuant to s. 655.0201(2) if such address is different.

199 (g) The independent entity may not charge an owner of the
200 vehicle or vessel storage fees or apply for a title under s.
201 713.585 or s. 713.78.

202 Section 2. For the purpose of incorporating the amendment
203 made by this act to section 319.30, Florida Statutes, in a
204 reference thereto, paragraph (b) of subsection (1) of section
205 319.14, Florida Statutes, is reenacted to read:

206 319.14 Sale of motor vehicles registered or used as
207 taxicabs, police vehicles, lease vehicles, rebuilt vehicles,
208 nonconforming vehicles, custom vehicles, or street rod vehicles;
209 conversion of low-speed vehicles.-

210 (1)

211 (b) A person may not knowingly offer for sale, sell, or
212 exchange a rebuilt vehicle until the department has stamped in a
213 conspicuous place on the certificate of title for the vehicle



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214 words stating that the vehicle has been rebuilt or assembled
215 from parts, or is a kit car, glider kit, replica, flood vehicle,
216 custom vehicle, or street rod vehicle unless proper application
217 for a certificate of title for a vehicle that is rebuilt or
218 assembled from parts, or is a kit car, glider kit, replica,
219 flood vehicle, custom vehicle, or street rod vehicle has been
220 made to the department in accordance with this chapter and the
221 department has conducted the physical examination of the vehicle
222 to assure the identity of the vehicle and all major component
223 parts, as defined in s. 319.30(1), which have been repaired or
224 replaced. Thereafter, the department shall affix a decal to the
225 vehicle, in the manner prescribed by the department, showing the
226 vehicle to be rebuilt.

227 Section 3. For the purpose of incorporating the amendment
228 made by this act to section 319.30, Florida Statutes, in a
229 reference thereto, paragraph (b) of subsection (1) of section
230 319.141, Florida Statutes, is reenacted to read:

231 319.141 Rebuilt motor vehicle inspection program.—

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

233 (b) "Rebuilt inspection services" means an examination of a
234 rebuilt vehicle and a properly endorsed certificate of title,
235 salvage certificate of title, or manufacturer's statement of
236 origin and an application for a rebuilt certificate of title, a
237 rebuilders' affidavit, a photograph of the junk or salvage
238 vehicle taken before repairs began, if available, a photograph
239 of the interior driver and passenger sides of the vehicle if
240 airbags were previously deployed and replaced, receipts or
241 invoices for all major component parts, as defined in s. 319.30,
242 and repairs which were changed, and proof that notice of



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243 rebuilding of the vehicle has been reported to the National
244 Motor Vehicle Title Information System.

245 Section 4. This act shall take effect July 1, 2024.

246

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

248 And the title is amended as follows:

249 Delete everything before the enacting clause
250 and insert:

251 A bill to be entitled

252 An act relating to salvage; amending s. 319.30, F.S.;

253 revising and defining terms; revising provisions

254 relating to obtaining a salvage certificate of title

255 or certificate of destruction; exempting the

256 Department of Highway Safety and Motor Vehicles from

257 liability to certain persons as a result of the

258 issuance of such certificates; providing requirements

259 for an independent entity's release of a damaged or

260 dismantled vessel to the owner; authorizing the

261 independent entity to apply for certain certificates

262 for an unclaimed vessel; providing requirements for

263 such application; specifying provisions to which the

264 independent entity is subject; prohibiting the

265 independent entity from charging vessel storage fees;

266 reenacting ss. 319.14(1)(b) and 319.141(1)(b), F.S.,

267 relating to the sale of motor vehicles registered or

268 used as specified vehicles and the definition of the

269 term "rebuilt inspection services" as used in the

270 rebuilt motor vehicle inspection program,

271 respectively, to incorporate the amendment made to s.



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272
273

319.30, F.S., in references thereto; providing an
effective date.

By Senator DiCeglie

18-00854-24

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1 A bill to be entitled
 2 An act relating to salvage; amending s. 319.30, F.S.;
 3 revising the definitions of the terms "independent
 4 entity" and "major component parts"; defining the term
 5 "vessel"; revising provisions relating to obtaining a
 6 salvage certificate of title or certificate of
 7 destruction; exempting the Department of Highway
 8 Safety and Motor Vehicles from liability to certain
 9 persons as a result of the issuance of such
 10 certificate; providing requirements for an independent
 11 entity's release to the owner of a damaged or
 12 dismantled vessel; authorizing the independent entity
 13 to apply for certain certificates for an unclaimed
 14 vessel; providing requirements for such application;
 15 specifying provisions to which the independent entity
 16 is subject; prohibiting the independent entity from
 17 charging vessel storage fees; amending s. 328.0015,
 18 F.S.; revising the definition of the term "hull
 19 damaged"; reenacting ss. 319.14(1)(b) and
 20 319.141(1)(b), F.S., relating to the sale of motor
 21 vehicles registered or used as taxicabs, police
 22 vehicles, lease vehicles, rebuilt vehicles,
 23 nonconforming vehicles, custom vehicles, or street rod
 24 vehicles and the definition of the term "rebuilt
 25 inspection services" as used in the rebuilt motor
 26 vehicle inspection program, respectively, to
 27 incorporate the amendments made to s. 319.30, F.S., in
 28 references thereto; providing an effective date.
 29

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30 Be It Enacted by the Legislature of the State of Florida:
 31
 32 Section 1. Paragraphs (g) and (j) of subsection (1),
 33 paragraph (b) of subsection (3), and subsection (9) of section
 34 319.30, Florida Statutes, are amended, and paragraph (y) is
 35 added to subsection (1) of that section, to read:
 36 319.30 Definitions; dismantling, destruction, change of
 37 identity of motor vehicle or mobile home; salvage.—
 38 (1) As used in this section, the term:
 39 (g) "Independent entity" means a business or entity that
 40 may temporarily store damaged or dismantled motor vehicles or
 41 vessels pursuant to an agreement with an insurance company and
 42 that is engaged in the sale or resale of damaged or dismantled
 43 motor vehicles or vessels. The term does not include a wrecker
 44 operator, a towing company, or a repair facility.
 45 (j) "Major component parts" means:
 46 1. Except as provided in subparagraph 3., for motor
 47 vehicles other than motorcycles, any fender, hood, bumper, cowl
 48 assembly, rear quarter panel, trunk lid, door, decklid, floor
 49 pan, engine, frame, transmission, catalytic converter, or
 50 airbag.
 51 2. Except as provided in subparagraph 3., for trucks, in
 52 addition to those parts listed in subparagraph 1., any truck
 53 bed, including dump, wrecker, crane, mixer, cargo box, or any
 54 bed which mounts to a truck frame.
 55 3. For electric, hybrid, or plug-in hybrid motor vehicles
 56 or trucks, in addition to the parts listed in subparagraphs 1.
 57 and 2., respectively, any electric traction motor, electronic
 58 transmission, charge port, DC power converter, onboard charger,

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59 power electronics controller, thermal system, traction battery
60 pack, or airbag.

61 4. For motorcycles, the body assembly, frame, fenders, gas
62 tanks, engine, cylinder block, heads, engine case, crank case,
63 transmission, drive train, front fork assembly, and wheels.

64 ~~5.4.~~ For mobile homes, the frame.

65 (y) "Vessel" has the same meaning as in s. 713.78(1)(b).

66 (3)

67 (b) The owner, including persons who are self-insured, of a
68 motor vehicle or mobile home ~~that is~~ considered to be salvage
69 shall, within 72 hours after the motor vehicle or mobile home
70 becomes salvage, forward the title to the motor vehicle or
71 mobile home to the department for processing. However, an
72 insurance company that pays money as compensation for the total
73 loss of a motor vehicle or mobile home shall obtain the
74 certificate of title for the motor vehicle or mobile home, make
75 the required notification to the National Motor Vehicle Title
76 Information System, and, within 72 hours after receiving such
77 certificate of title, forward such title by the United States
78 Postal Service, by another commercial delivery service, or by
79 electronic means, when such means are made available by the
80 department, to the department for processing. However, if the
81 owner maintains possession of a total loss vehicle or mobile
82 home, the insurance company or owner must, within 72 hours after
83 the motor vehicle or mobile home becomes salvage and is retained
84 by the owner, forward the title to the motor vehicle or mobile
85 home to the department for processing, and the department must
86 issue a salvage certificate of title or certificate of
87 destruction from the department directly to the vehicle owner

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88 rather than to the insurance company or its agent. The owner or
89 insurance company, as applicable, may not dispose of a vehicle
90 or mobile home that is a total loss before it obtains a salvage
91 certificate of title or certificate of destruction from the
92 department. ~~Effective January 1, 2020:~~

93 1. Thirty days after payment of a claim for compensation
94 pursuant to this paragraph, the insurance company may receive a
95 salvage certificate of title or certificate of destruction from
96 the department if the insurance company is unable to obtain a
97 properly assigned paper or electronic certificate of title from
98 the owner or lienholder of the motor vehicle or mobile home, ~~if~~
99 ~~the motor vehicle or mobile home does not carry an electronic~~
100 ~~lien on the title~~ and the insurance company:

101 a. Has obtained the release of all liens on the motor
102 vehicle or mobile home, or has paid the amount due to the
103 lienholder and has obtained proof that the lienholder accepts
104 payment as satisfying the amount due to the lienholder;

105 b. Has attested on a form provided by the department that
106 payment of the total loss claim has been distributed; and

107 c. Has attested on a form provided by the department and
108 signed by the insurance company or its authorized agent stating
109 the attempts that have been made to obtain the title from the
110 owner or lienholder and further stating that all attempts are to
111 no avail. The form must include a request that the salvage
112 certificate of title or certificate of destruction be issued in
113 the insurance company's name due to payment of a total loss
114 claim to the owner or lienholder. The attempts to contact the
115 owner or lienholder may be by written request delivered in
116 person or by first-class mail with a certificate of mailing to

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117 the owner's or the lienholder's last known address,
118 respectively.

119 2. If the owner or lienholder is notified of the request
120 for title in person, the insurance company must provide an
121 affidavit attesting to the in-person request for a certificate
122 of title.

123 3. The request to the owner or lienholder for the
124 certificate of title must include a complete description of the
125 motor vehicle or mobile home and the statement that a total loss
126 claim has been paid on the motor vehicle or mobile home.

127 The department is not liable and may not be held liable to an
128 owner, a lienholder, or any other person as a result of the
129 issuance of a salvage certificate of title or a certificate of
130 destruction pursuant to this paragraph.

132 (9) (a) An insurance company may notify an independent
133 entity that obtains possession of a damaged or dismantled motor
134 vehicle or vessel to release the vehicle or vessel to the owner.
135 The insurance company shall provide the independent entity a
136 release statement on a form prescribed by the department
137 authorizing the independent entity to release the vehicle or
138 vessel to the owner or lienholder. The form must, at a minimum,
139 contain all of the following:

- 140 1. The policy and claim number.
- 141 2. The name and address of the insured.
- 142 3. The vehicle identification number or vessel hull
143 identification number.
- 144 4. The signature of an authorized representative of the
145 insurance company.

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146 (b) The independent entity in possession of a motor vehicle
147 or vessel must send a notice to the owner that the vehicle or
148 vessel is available for pickup when it receives a release
149 statement from the insurance company. The notice ~~must~~ shall be
150 sent by certified mail or by another commercially available
151 delivery service that provides proof of delivery to the owner at
152 the owner's address contained in the department's records. The
153 notice must state that the owner has 30 days after delivery of
154 the notice to the owner at the owner's address to pick up the
155 vehicle or vessel from the independent entity. If the motor
156 vehicle or vessel is not claimed within 30 days after the
157 delivery or attempted delivery of the notice, the independent
158 entity may apply for a certificate of destruction, a salvage
159 certificate of title, or a certificate of title. For a hull-
160 damaged vessel, the independent entity shall comply with s.
161 328.045, as applicable.

162 (c) If the department's records do not contain the owner's
163 address, the independent entity must do all of the following:

- 164 1. Send a notice that meets the requirements of paragraph
165 (b) to the owner's address that is provided by the insurance
166 company in the release statement.
- 167 2. For a vehicle, identify the latest titling jurisdiction
168 of the vehicle through use of the National Motor Vehicle Title
169 Information System or an equivalent commercially available
170 system and attempt to obtain the owner's address from that
171 jurisdiction. If the jurisdiction returns an address ~~that is~~
172 different from the owner's address provided by the insurance
173 company, the independent entity must send a notice that meets
174 the requirements of paragraph (b) to both addresses.

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175 (d) The independent entity shall maintain for at least a
 176 ~~minimum of 3 years~~ the records related to the 30-day notice sent
 177 to the owner. For vehicles, the independent entity shall also
 178 maintain for at least 3 years the results of searches of the
 179 National Motor Vehicle Title Information System or an equivalent
 180 commercially available system, and the notification to the
 181 National Motor Vehicle Title Information System made pursuant to
 182 paragraph (e).

183 (e) The independent entity shall make the required
 184 notification to the National Motor Vehicle Title Information
 185 System before releasing any damaged or dismantled motor vehicle
 186 to the owner or before applying for a certificate of destruction
 187 or salvage certificate of title. The independent entity is not
 188 required to notify the National Motor Vehicle Title Information
 189 System before releasing any damaged or dismantled vessel to the
 190 owner or before applying for a certificate of title.

191 (f) Upon applying for a certificate of destruction, ~~or~~
 192 salvage certificate of title, or certificate of title, the
 193 independent entity shall provide a copy of the release statement
 194 from the insurance company to the independent entity, proof of
 195 providing the 30-day notice to the owner, proof of notification
 196 to the National Motor Vehicle Title Information System if
 197 required, proof of all lien satisfactions or proof of a release
 198 of all liens on the motor vehicle or vessel, and applicable
 199 fees. If the independent entity is unable to obtain a lien
 200 satisfaction or a release of all liens on the motor vehicle or
 201 vessel, the independent entity must provide an affidavit stating
 202 that notice was sent to all lienholders that the motor vehicle
 203 or vessel is available for pickup, 30 days have passed since the

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204 notice was delivered or attempted to be delivered pursuant to
 205 this section, attempts have been made to obtain a release from
 206 all lienholders, and all such attempts have been to no avail.
 207 The notice to lienholders and attempts to obtain a release from
 208 lienholders may be by written request delivered in person or by
 209 certified mail or another commercially available delivery
 210 service that provides proof of delivery to the lienholder at the
 211 lienholder's address as provided on the certificate of title and
 212 to the address designated with the Department of State pursuant
 213 to s. 655.0201(2) if such address is different.

214 (g) The independent entity may not charge an owner of the
 215 vehicle or vessel storage fees or apply for a title under s.
 216 713.585 or s. 713.78.

217 Section 2. Paragraph (n) of subsection (1) of section
 218 328.0015, Florida Statutes, is amended to read:

219 328.0015 Definitions.—

220 (1) As used in this part, the term:

221 (n) "Hull damaged" means compromised with respect to ~~the~~
 222 ~~integrity of~~ a vessel's hull by a collision or, allision damage
 223 that involves a major separation of the hull to the deck joint
 224 or transom or a stringer damage that creates a significant risk
 225 to the integrity of the vessel's hull; a lightning strike that
 226 penetrates the hull in more than one location; fire or,
 227 explosion damage involving a significant portion of the hull;
 228 or, running aground, sinking, or a similar event occurring
 229 ~~occurrence, or the sinking of a vessel~~ in a manner that creates
 230 a significant risk to the integrity of the vessel's hull.

231 Section 3. For the purpose of incorporating the amendment
 232 made by this act to section 319.30, Florida Statutes, in a

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233 reference thereto, paragraph (b) of subsection (1) of section
 234 319.14, Florida Statutes, is reenacted to read:

235 319.14 Sale of motor vehicles registered or used as
 236 taxicabs, police vehicles, lease vehicles, rebuilt vehicles,
 237 nonconforming vehicles, custom vehicles, or street rod vehicles;
 238 conversion of low-speed vehicles.—

239 (1)

240 (b) A person may not knowingly offer for sale, sell, or
 241 exchange a rebuilt vehicle until the department has stamped in a
 242 conspicuous place on the certificate of title for the vehicle
 243 words stating that the vehicle has been rebuilt or assembled
 244 from parts, or is a kit car, glider kit, replica, flood vehicle,
 245 custom vehicle, or street rod vehicle unless proper application
 246 for a certificate of title for a vehicle that is rebuilt or
 247 assembled from parts, or is a kit car, glider kit, replica,
 248 flood vehicle, custom vehicle, or street rod vehicle has been
 249 made to the department in accordance with this chapter and the
 250 department has conducted the physical examination of the vehicle
 251 to assure the identity of the vehicle and all major component
 252 parts, as defined in s. 319.30(1), which have been repaired or
 253 replaced. Thereafter, the department shall affix a decal to the
 254 vehicle, in the manner prescribed by the department, showing the
 255 vehicle to be rebuilt.

256 Section 4. For the purpose of incorporating the amendment
 257 made by this act to section 319.30, Florida Statutes, in a
 258 reference thereto, paragraph (b) of subsection (1) of section
 259 319.141, Florida Statutes, is reenacted to read:

260 319.141 Rebuilt motor vehicle inspection program.—

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

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262 (b) "Rebuilt inspection services" means an examination of a
 263 rebuilt vehicle and a properly endorsed certificate of title,
 264 salvage certificate of title, or manufacturer's statement of
 265 origin and an application for a rebuilt certificate of title, a
 266 rebuilders' affidavit, a photograph of the junk or salvage
 267 vehicle taken before repairs began, if available, a photograph
 268 of the interior driver and passenger sides of the vehicle if
 269 airbags were previously deployed and replaced, receipts or
 270 invoices for all major component parts, as defined in s. 319.30,
 271 and repairs which were changed, and proof that notice of
 272 rebuilding of the vehicle has been reported to the National
 273 Motor Vehicle Title Information System.

274 Section 5. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

1/23/24 Meeting Date

1350 Bill Number or Topic

Transportation Committee

Amendment Barcode (if applicable)

Clark Smith Name

250 251-3240 Phone

123 South Adams Street Address

(Smith @ The Senator) @gmail.com Email

Tall FL 32512 City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [X] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

1-23-24

Meeting Date

1350

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Ron LaFace

Phone

Address

124 W Jefferson St

Email

Street

TLH

FL

32300

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

IAA

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1362

INTRODUCER: Transportation Committee and Senator Harrell

SUBJECT: Aviation

DATE: January 24, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Fav/CS
2.			ATD	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1362 addresses issues relating to aviation and advanced air mobility. The bill:

- Incorporates vertiports and equipment needed for aircraft charging into the definition of “airport or aviation development project.”
- Defines the terms “powered-lift aircraft” and “vertiport.”
- Requires the statewide aviation system plan to address the needs of vertiports, electric aviation charging, and other advances in aviation technology.
- Requires the Florida Department of Transportation (FDOT) to take specified steps regarding vertiport and electric aviation planning, including:
 - Addressing certain needs in FDOT’s statewide aviation system plan and, as appropriate, in FDOT’s work program.
 - Designating a subject matter expert on advanced air mobility (AAM) to serve as a resource to local jurisdictions,
 - Providing a guidebook and technical resources to local jurisdictions.
 - Conducting a review of airport hazard zone regulations and making recommendations to the Legislature.
- Makes technical and conforming changes.

The bill takes effect July 1, 2024.

II. Present Situation:

Advanced Air Mobility

The National Aeronautics and Space Administration (NASA) defines the term “Advanced Air Mobility” (AAM) to mean “an air transportation system that moves people and cargo between places previously not served or underserved by aviation – local, regional, intraregional, urban – using revolutionary new aircraft that are only just now becoming possible.”¹

AAM is a derivative of Urban Air Mobility (UAM), which focuses on transporting cargo and passengers at low altitudes within urban and suburban areas. AAM builds upon UAM by expanding its range and potential use cases.²

Numerous uses for AAM are being explored, including air taxi, air cargo, and public services. Air taxi uses feature passenger transportation within and around urban and regional areas, including routes connecting city centers to airports or to neighboring city centers. Air cargo uses feature cargo transportation supporting the middle-mile of logistics, generally seen as from the cargo port to the distribution center. Public service uses, such as search and rescue, disaster relief, and air ambulance operations are all likely early use cases for electric vertical take-off and landing (eVTOL) aircraft.³

Federal Guidance

In 2022, the Federal Aviation Administration (FAA) issued Engineering Brief 105, providing interim, but limited, guidance on vertiport design until the FAA publishes full Advisory Circular on the topic.⁴ Use of this design guidance is required for federally obligated airports and recommended for all other vertiport development. The engineering brief provides guidance for landing dimensions, visual aids, approach surfaces, and electric charging infrastructure, among other details, but is limited to aircraft no longer or wider than 50 feet with a pilot-on-board operating in visual meteorological conditions. The FAA’s vertiport guidance is expected to evolve into a performance-based design standard as it moves forward with a full Advisory Circular, which expected in the mid-2020s.⁵

Title 14 CFR Part 77, relating to the safe, efficient use, and preservation of navigable airspace, establishes standards and notification requirements for objects affecting navigable airspace. This notification serves as the basis for:

- Evaluating the effect of the construction or alteration on operating procedures;
- Determining the potential hazardous effect of the proposed construction on air navigation;
- Identifying mitigating measures to enhance safe air navigation; and
- Charting of new objects.

¹ Florida Department of Transportation (FDOT), *Advanced Air Mobility*, <https://www.fdot.gov/aviation/advanced-air-mobility> (last visited January 8, 2024).

² FDOT Advanced Air Mobility Working Group, *Report and Recommendations*, August 2023, p.2. <https://www.fdot.gov/aviation/advanced-air-mobility> (last visited January 12, 2024).

³ *Id.* at 2.

⁴ Available at <https://www.faa.gov/sites/faa.gov/files/eb-105-vertiports.pdf> (last visited January 12, 2024).

⁵ *Id.*

Notification allows the FAA to identify potential aeronautical hazards in advance thus preventing or minimizing the adverse impacts to the safe and efficient use of navigable airspace.⁶

Florida Department of Transportation's AAM Working Group

In 2022, the Florida Department of Transportation (FDOT) established an AAM Working Group consisting of representatives of from the FAA, original equipment manufacturers, airports, local governments, FDOT, and other industry stakeholders.⁷ The working group developed various recommendations regarding AAM, included in those recommendations are:

- Designate an AAM subject matter expert within FDOT.
- Review airport hazard regulations and update those regulations as appropriate.
- Incorporate AAM into state transportation planning documents.
- Lead a statewide education campaign for local decision makers and a public awareness campaign for the general public.

Florida Airport Development and Assistance Act

Sections 332.003 through 332.007, F.S., contains the Florida Airport Development and Assistance Act.⁸ That act provides FDOT's duties and responsibilities regarding airports,⁹ and for the administration and financing of aviation and airport programs and projects.¹⁰

Definition of Airport or Aviation Development Project

Section 332.004(4), F.S., defines the term "airport or aviation development project" to mean any activity associated with the design, construction, purchase, improvement, or repair of a public-use airport or portion thereof, including, but not limited to: the purchase of equipment; the acquisition of land, including land required as a condition of a federal, state, or local permit or agreement for environmental mitigation; off-airport noise mitigation projects; the removal, lowering, relocation, marking, and lighting of airport hazards; the installation of navigation aids used by aircraft in landing at or taking off from a public airport; the installation of safety equipment required by rule or regulation for certification of the airport under s. 612 of the Federal Aviation Act of 1958,¹¹ and amendments thereto; and the improvement of access to the airport by road or rail system which is on airport property and which is consistent, to the maximum extent feasible, with the approved local government comprehensive plan of the units of local government in which the airport is located.

⁶ Federal Aviation Administration (FAA), *Notification of Proposed Construction or Alteration on Airport Part 77*, available at <https://www.faa.gov/airports/central/engineering/part77#:~:text=Federal%20Regulation%20Title%2014%20Part%2077%20establishes%20standards,effect%20of%20the%20proposed%20construction%20on%20air%20navigation> (last visited January 12, 2024).

⁷ *Supra* note 2 at 1.

⁸ Section 332.003, F.S.

⁹ Section 322.006, F.S.

¹⁰ Section 322.007, F. S.

¹¹ Pub. L., 85-726, 72 Stat. 731.

FDOT Aviation System Plan

Among FDOT's aviation duties and responsibilities, it is required to provide coordination and assistance for the development of a viable aviation system in Florida. To support the system, FDOT must develop and periodically update a statewide aviation system plan summarizing 5-year, 10-year, and 20-year airport and aviation needs. The statewide aviation system plan must be consistent with the goals of the Florida Transportation Plan.¹² The statewide aviation system plan does not preempt local airport master plans adopted in compliance with federal and state requirements.¹³

Currently, Florida law does not address vertiports or electric aviation.

III. Effect of Proposed Changes:

The bill incorporates vertiports and other advances in aviation technology into the Florida Airport Development and Assistance Act.

The bill amends s. 332.003, F.S., incorporating s. 332.0071, F.S., (created in the bill) into the Florida Airport Development and Assistance Act's short title provision.

Definitions

The bill amends the term "airport or aviation development project" to include the design, construction, purchase, or improvement of a vertiport, and the design, construction, or purchase of equipment needed for aircraft charging.

The bill defines the term "powered lift aircraft" to mean a heavier-than-air aircraft capable of vertical takeoff, vertical landing, and low-speed flight which depends principally on engine-driver lift devices or engine thrust for lift during such flight regimes and nonrotating airfoils for lift during horizontal flight.

The bill defines the term "vertiport" to mean an area of land or water or a structure used or intended to be used as a landing facility, similar to an airport or a mass transit facility, with charging stations for aircraft, restrooms, and accessibility in compliance with the Americans with Disabilities Act, for the transport or goods or passenger service and for the landing or takeoff of power-lifted aircraft capable of vertical takeoff and landing.

FDOT's Aviation System Plan

The bill amends s. 332.006(1), F.S., requiring FDOT's statewide aviation system plan to address the need for vertiports, electric aviation charging, and other advances in aviation technology.

¹² The Florida Transportation Plan is developed pursuant to s. 339.155, F.S.

¹³ Section 332.006(1), F.S.

Vertiports and Electric Aviation Planning

The bill creates s. 332.0071, F.S., relating to vertiports and electric aviation planning. The bill requires FDOT, within the resources provided pursuant to ch. 216, F.S., relating to planning and budgeting, to:

- Address the needs of vertiports, electric aviation charging, and the needs of other advances in aviation technology in the statewide aviation system plan and, as appropriate, in FDOT’s work program.
- Designate a subject matter expert on AAM within FDOT to serve as a resource for local jurisdictions navigating advances in aviation technology, including electric powered-lift aircraft and electric aviation.
- Lead a statewide education campaign for local officials to provide education on the benefits of electric powered-lift aircraft and advances in aviation technology to support the efforts to make the state a leader in aviation technology.
- Provide local jurisdictions with a guidebook and technical resources to support uniform planning and zoning language across the state related to powered-lift aircraft, electric aviation, and other advances in aviation technology.
- Conduct a review of airport hazard¹⁴ regulations and, as needed, make recommendations to the Legislature proposing any changes to regulations as a result of the review.

Conforming Changes

The bill makes conforming changes to ss. 206.46, 334.01, and 339.08, F.S., incorporating s. 332.0071, F.S., created in the bill, into the Florida Airport Development and Assistance Act.”

The bill conforms cross-references in ss. 196.012, 212.08, and 334.27, F.S.

Effective Date

The bill takes effect July 1, 2024.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁴ Section 332.004(2), F.S., defines the term “airport hazard” to mean any structure or object of natural growth located on or in the vicinity of a public-use airport, or any use of land near such airport, which obstructs or causes an obstruction to the airspace required for the flight of aircraft in landing or taking off at such airport or is otherwise hazardous to landing or taking off at such airport.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The AAM industry may see a positive fiscal impact associated with including AAM in the state's aviation planning.

C. Government Sector Impact:

There may be an indeterminate negative fiscal impact to FDOT associated with various planning tasks required by the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 196.012, 206.46, 212.08, 332.003, 332.004, 332.006, 334.01, 334.27, and 339.08.

This bill creates section 332.0071 of the Florida Statutes.

IX. Additional Information:

Committee Substitute – Statement of Changes:

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

CS by Transportation on January 23, 2023:

The committee substitute clarifies that vertiports, electric aviation charging, and other advances in aviation technology must be included in the statewide aviation system plan and, as applicable, in FDOT's work program.

A. Amendments:

None.

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



829440

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2024	.	
	.	
	.	
	.	

The Committee on Transportation (Harrell) recommended the following:

Senate Amendment

Delete lines 148 - 149
and insert:
in the statewide aviation system plan as required under s.
332.006(1) and, as appropriate, in the department's work
program.

By Senator Harrell

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A bill to be entitled

An act relating to aviation; amending s. 332.004, F.S.; revising and providing definitions; amending s. 332.006, F.S.; revising requirements for the statewide aviation system plan developed by the Department of Transportation; conforming a cross-reference; creating s. 332.0071, F.S.; providing duties of the department, subject to funding, with respect to vertiports, electric aviation, and other advances in aviation technology; amending ss. 196.012, 206.46, 212.08, 332.003, 334.01, 334.27, and 339.08, F.S.; conforming cross-references and provisions to changes made by the act; providing an effective date.

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

Section 1. Section 332.004, Florida Statutes, is amended to read:

332.004 Definitions of terms used in ss. 332.003-332.0071 ~~ss. 332.003-332.007.~~—As used in ss. 332.003-332.0071 ~~ss. 332.003-332.007~~, the term:

(1) "Airport" means any area of land or water, or any manmade object or facility located therein, which is used, or intended for public use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for public use, for airport buildings or other airport facilities or rights-of-way.

(2) "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public-use

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airport, or any use of land near such airport, which obstructs or causes an obstruction to the airspace required for the flight of aircraft in landing or taking off at such airport or is otherwise hazardous to landing or taking off at such airport.

(3) "Airport master planning" means the development, for planning purposes, of information and guidance to determine the extent, type, and nature of development needed at a specific airport.

(4) "Airport or aviation development project" or "development project" means any activity associated with the design, construction, purchase, improvement, or repair of a public-use airport or portion thereof, including, but not limited to: the purchase of equipment; the acquisition of land, including land required as a condition of a federal, state, or local permit or agreement for environmental mitigation; off-airport noise mitigation projects; the removal, lowering, relocation, marking, and lighting of airport hazards; the installation of navigation aids used by aircraft in landing at or taking off from a public airport; the installation of safety equipment required by rule or regulation for certification of the airport under s. 612 of the Federal Aviation Act of 1958, and amendments thereto; ~~and~~ the improvement of access to the airport by road or rail system which is on airport property and which is consistent, to the maximum extent feasible, with the approved local government comprehensive plan of the units of local government in which the airport is located; the design, construction, purchase, or improvement of a vertiport; and the design, construction, or purchase of equipment needed for aircraft charging.

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59 (5) "Airport or aviation discretionary capacity improvement
60 projects" or "discretionary capacity improvement projects" means
61 capacity improvements which are consistent, to the maximum
62 extent feasible, with the approved local government
63 comprehensive plans of the units of local government in which
64 the airport is located, and which enhance intercontinental
65 capacity at airports which:

66 (a) Are international airports with United States Bureau of
67 Customs and Border Protection;

68 (b) Had one or more regularly scheduled intercontinental
69 flights during the previous calendar year or have an agreement
70 in writing for installation of one or more regularly scheduled
71 intercontinental flights upon the commitment of funds for
72 stipulated airport capital improvements; and

73 (c) Have available or planned public ground transportation
74 between the airport and other major transportation facilities.

75 (6) "Aviation system planning" means the development of
76 comprehensive aviation plans designed to achieve and facilitate
77 the establishment of a statewide, integrated aviation system in
78 order to meet the current and future aviation needs of this
79 state.

80 (7) "Eligible agency" means a political subdivision of the
81 state or an authority which owns or seeks to develop a public-
82 use airport.

83 (8) "Federal aid" means funds made available from the
84 Federal Government for the accomplishment of airport or aviation
85 development projects.

86 (9) "Florida airport system" means all existing public-use
87 airports that are owned and operated within the state and those

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88 public-use airports which will be developed and made operational
89 in the future.

90 (10) "Landing area" means that area used or intended to be
91 used for the landing, takeoff, or surface maneuvering of an
92 aircraft.

93 (11) "Planning agency" means any agency authorized by the
94 laws of the state or by a political subdivision to engage in
95 area planning for the areas in which assistance under this act
96 is contemplated.

97 (12) "Powered-lift aircraft" means a heavier-than-air
98 aircraft capable of vertical takeoff, vertical landing, and low-
99 speed flight which depends principally on engine-driven lift
100 devices or engine thrust for lift during such flight regimes and
101 on nonrotating airfoils for lift during horizontal flight.

102 (13) "Project" means a project for the accomplishment of
103 airport or aviation development or airport master planning.

104 (14)-(13) "Project cost" means any cost involved in
105 accomplishing a project.

106 (15)-(14) "Public-use airport" means any publicly owned
107 airport which is used or to be used for public purposes.

108 (16)-(15) "Sponsor" means any eligible agency which, either
109 individually or jointly with one or more eligible agencies,
110 submits to the department an application for financial
111 assistance for an airport development project in accordance with
112 this act.

113 (17) "Vertiport" means an area of land or water or a
114 structure used or intended to be used as a landing facility,
115 similar to an airport or a mass transit facility, with charging
116 stations for aircraft, restrooms, and accessibility in

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117 compliance with the Americans with Disabilities Act, for the
 118 transport of goods or passenger service and for the landing or
 119 takeoff of powered-lift aircraft capable of vertical takeoff and
 120 landing.

121 Section 2. Subsections (1) and (6) of section 332.006,
 122 Florida Statutes, are amended to read:

123 332.006 Duties and responsibilities of the Department of
 124 Transportation.—The Department of Transportation shall, within
 125 the resources provided pursuant to chapter 216:

126 (1) Provide coordination and assistance for the development
 127 of a viable aviation system in this state. To support the
 128 system, a statewide aviation system plan shall be developed and
 129 periodically updated which summarizes 5-year, 10-year, and 20-
 130 year airport and aviation needs within the state. The statewide
 131 aviation system plan shall be consistent with the goals of the
 132 Florida Transportation Plan developed pursuant to s. 339.155.
 133 The statewide aviation system plan must also address the need
 134 for vertiports, electric aviation charging, and other advances
 135 in aviation technology. The statewide aviation system plan does
 136 ~~shall~~ not preempt local airport master plans adopted in
 137 compliance with federal and state requirements.

138 (6) Administer department participation in the program of
 139 aviation and airport grants as provided for in ss. 332.003-
 140 332.0071 ~~ss. 332.003-332.007~~.

141 Section 3. Section 332.0071, Florida Statutes, is created
 142 to read:

143 332.0071 Vertiport and electric aviation planning.—The
 144 Department of Transportation shall, within the resources
 145 provided pursuant to chapter 216:

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146 (1) Address the need for vertiports, electric aviation
 147 charging, and the needs of other advances in aviation technology
 148 in the statewide aviation plan as required under s. 332.006(1)
 149 and, as appropriate, in the statewide work plan.

150 (2) Designate a subject matter expert on advanced air
 151 mobility (AAM) within the department to serve as a resource for
 152 local jurisdictions navigating advances in aviation technology,
 153 including electric powered-lift aircraft and electric aviation.

154 (3) Lead a statewide education campaign for local officials
 155 to provide education on the benefits of electric powered-lift
 156 aircraft and advances in aviation technology and to support the
 157 efforts to make this state a leader in aviation technology.

158 (4) Provide local jurisdictions with a guidebook and
 159 technical resources to support uniform planning and zoning
 160 language across the state related to powered-lift aircraft,
 161 electric aviation, and other advances in aviation technology.

162 (5) Conduct a review of airport hazard zone regulations
 163 and, as needed, make recommendations to the Legislature
 164 proposing any changes to regulations as a result of the review.

165 Section 4. Subsection (6) of section 196.012, Florida
 166 Statutes, is amended to read:

167 196.012 Definitions.—For the purpose of this chapter, the
 168 following terms are defined as follows, except where the context
 169 clearly indicates otherwise:

170 (6) Governmental, municipal, or public purpose or function
 171 shall be deemed to be served or performed when the lessee under
 172 any leasehold interest created in property of the United States,
 173 the state or any of its political subdivisions, or any
 174 municipality, agency, special district, authority, or other

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175 public body corporate of the state is demonstrated to perform a
 176 function or serve a governmental purpose which could properly be
 177 performed or served by an appropriate governmental unit or which
 178 is demonstrated to perform a function or serve a purpose which
 179 would otherwise be a valid subject for the allocation of public
 180 funds. For purposes of the preceding sentence, an activity
 181 undertaken by a lessee which is permitted under the terms of its
 182 lease of real property designated as an aviation area on an
 183 airport layout plan which has been approved by the Federal
 184 Aviation Administration and which real property is used for the
 185 administration, operation, business offices and activities
 186 related specifically thereto in connection with the conduct of
 187 an aircraft full service fixed base operation which provides
 188 goods and services to the general aviation public in the
 189 promotion of air commerce shall be deemed an activity which
 190 serves a governmental, municipal, or public purpose or function.
 191 Any activity undertaken by a lessee which is permitted under the
 192 terms of its lease of real property designated as a public-use
 193 ~~public~~ airport as defined in s. 332.004 ~~s. 332.004(14)~~ by
 194 municipalities, agencies, special districts, authorities, or
 195 other public bodies corporate and public bodies politic of the
 196 state, a spaceport as defined in s. 331.303, or which is located
 197 in a deepwater port identified in s. 403.021(9)(b) and owned by
 198 one of the foregoing governmental units, subject to a leasehold
 199 or other possessory interest of a nongovernmental lessee that is
 200 deemed to perform an aviation, airport, aerospace, maritime, or
 201 port purpose or operation shall be deemed an activity that
 202 serves a governmental, municipal, or public purpose. The use by
 203 a lessee, licensee, or management company of real property or a

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204 portion thereof as a convention center, visitor center, sports
 205 facility with permanent seating, concert hall, arena, stadium,
 206 park, or beach is deemed a use that serves a governmental,
 207 municipal, or public purpose or function when access to the
 208 property is open to the general public with or without a charge
 209 for admission. If property deeded to a municipality by the
 210 United States is subject to a requirement that the Federal
 211 Government, through a schedule established by the Secretary of
 212 the Interior, determine that the property is being maintained
 213 for public historic preservation, park, or recreational purposes
 214 and if those conditions are not met the property will revert
 215 back to the Federal Government, then such property shall be
 216 deemed to serve a municipal or public purpose. The term
 217 "governmental purpose" also includes a direct use of property on
 218 federal lands in connection with the Federal Government's Space
 219 Exploration Program or spaceport activities as defined in s.
 220 212.02(22). Real property and tangible personal property owned
 221 by the Federal Government or Space Florida and used for defense
 222 and space exploration purposes or which is put to a use in
 223 support thereof shall be deemed to perform an essential national
 224 governmental purpose and shall be exempt. "Owned by the lessee"
 225 as used in this chapter does not include personal property,
 226 buildings, or other real property improvements used for the
 227 administration, operation, business offices and activities
 228 related specifically thereto in connection with the conduct of
 229 an aircraft full service fixed based operation which provides
 230 goods and services to the general aviation public in the
 231 promotion of air commerce provided that the real property is
 232 designated as an aviation area on an airport layout plan

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233 approved by the Federal Aviation Administration. For purposes of
 234 determination of "ownership," buildings and other real property
 235 improvements which will revert to the airport authority or other
 236 governmental unit upon expiration of the term of the lease shall
 237 be deemed "owned" by the governmental unit and not the lessee.
 238 Providing two-way telecommunications services to the public for
 239 hire by the use of a telecommunications facility, as defined in
 240 s. 364.02(14), and for which a certificate is required under
 241 chapter 364 does not constitute an exempt use for purposes of s.
 242 196.199, unless the telecommunications services are provided by
 243 the operator of a public-use airport, as defined in s. 332.004,
 244 for the operator's provision of telecommunications services for
 245 the airport or its tenants, concessionaires, or licensees, or
 246 unless the telecommunications services are provided by a public
 247 hospital.

248 Section 5. Subsection (3) of section 206.46, Florida
 249 Statutes, is amended to read:

250 206.46 State Transportation Trust Fund.—

251 (3) Each fiscal year, a minimum of 15 percent of all state
 252 revenues deposited into the State Transportation Trust Fund
 253 shall be committed annually by the department for public
 254 transportation projects in accordance with chapter 311, ss.
 255 332.003-332.0071 ~~ss. 332.003-332.007~~, chapter 341, and chapter
 256 343.

257 Section 6. Paragraph (zz) of subsection (7) of section
 258 212.08, Florida Statutes, is amended to read:

259 212.08 Sales, rental, use, consumption, distribution, and
 260 storage tax; specified exemptions.—The sale at retail, the
 261 rental, the use, the consumption, the distribution, and the

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262 storage to be used or consumed in this state of the following
 263 are hereby specifically exempt from the tax imposed by this
 264 chapter.

265 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
 266 entity by this chapter do not inure to any transaction that is
 267 otherwise taxable under this chapter when payment is made by a
 268 representative or employee of the entity by any means,
 269 including, but not limited to, cash, check, or credit card, even
 270 when that representative or employee is subsequently reimbursed
 271 by the entity. In addition, exemptions provided to any entity by
 272 this subsection do not inure to any transaction that is
 273 otherwise taxable under this chapter unless the entity has
 274 obtained a sales tax exemption certificate from the department
 275 or the entity obtains or provides other documentation as
 276 required by the department. Eligible purchases or leases made
 277 with such a certificate must be in strict compliance with this
 278 subsection and departmental rules, and any person who makes an
 279 exempt purchase with a certificate that is not in strict
 280 compliance with this subsection and the rules is liable for and
 281 shall pay the tax. The department may adopt rules to administer
 282 this subsection.

283 (zz) *People-mover systems.*—People-mover systems, and parts
 284 thereof, which are purchased or manufactured by contractors
 285 employed either directly by or as agents for the United States
 286 Government, the state, a county, a municipality, a political
 287 subdivision of the state, or the public operator of a public-use
 288 airport as defined by s. 332.004 ~~s. 332.004(14)~~ are exempt from
 289 the tax imposed by this chapter when the systems or parts go
 290 into or become part of publicly owned facilities. In the case of

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291 contractors who manufacture and install such systems and parts,
 292 this exemption extends to the purchase of component parts and
 293 all other manufacturing and fabrication costs. The department
 294 may provide a form to be used by contractors to provide to
 295 suppliers of people-mover systems or parts to certify the
 296 contractors' eligibility for the exemption provided under this
 297 paragraph. As used in this paragraph, "people-mover systems"
 298 includes wheeled passenger vehicles and related control and
 299 power distribution systems that are part of a transportation
 300 system for use by the general public, regardless of whether such
 301 vehicles are operator-controlled or driverless, self-propelled
 302 or propelled by external power and control systems, or conducted
 303 on roads, rails, guidebeams, or other permanent structures that
 304 are an integral part of such transportation system. "Related
 305 control and power distribution systems" includes any electrical
 306 or electronic control or signaling equipment, but does not
 307 include the embedded wiring, conduits, or cabling used to
 308 transmit electrical or electronic signals among such control
 309 equipment, power distribution equipment, signaling equipment,
 310 and wheeled vehicles.

311 Section 7. Section 332.003, Florida Statutes, is amended to
 312 read:

313 332.003 Florida Airport Development and Assistance Act;
 314 short title.—Sections 332.003-332.0071 ~~332.003-332.007~~ may be
 315 cited as the "Florida Airport Development and Assistance Act."

316 Section 8. Section 334.01, Florida Statutes, is amended to
 317 read:

318 334.01 Florida Transportation Code; short title.—Chapters
 319 334-339, 341, 348, and 349 and ss. 332.003-332.0071 ~~ss. 332.003-~~

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320 ~~332.007~~, 351.35, 351.36, 351.37, and 861.011 may be cited as the
 321 "Florida Transportation Code."

322 Section 9. Subsection (1) of section 334.27, Florida
 323 Statutes, is amended to read:

324 334.27 Governmental transportation entities; property
 325 acquired for transportation purposes; limitation on soil or
 326 groundwater contamination liability.—

327 (1) For the purposes of this section, the term
 328 "governmental transportation entity" means the department; an
 329 authority created pursuant to chapter 343, chapter 348, or
 330 chapter 349; public-use airports as defined in 332.004 ~~ss.~~
 331 ~~332.004(14)~~; a port enumerated in s. 311.09(1); a county; or a
 332 municipality.

333 Section 10. Paragraph (d) of subsection (1) of section
 334 339.08, Florida Statutes, is amended to read:

335 339.08 Use of moneys in State Transportation Trust Fund.—

336 (1) The department shall expend moneys in the State
 337 Transportation Trust Fund accruing to the department, in
 338 accordance with its annual budget. The use of such moneys shall
 339 be restricted to the following purposes:

340 (d) To pay the cost of public transportation projects in
 341 accordance with chapter 341 and ss. 332.003-332.0071 ~~ss.~~
 342 ~~332.003-332.007~~.

343 Section 11. This act shall take effect July 1, 2024.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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01/23/24

Meeting Date

SB 1362

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name Jared Rosenstein

Phone 850.222.9075

Address 124 W. Jefferson St.
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Tallahassee
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State

32301
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Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: Ferrovial

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flisenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/23/24

Meeting Date

Transportation

Committee

1362

Bill Number or Topic

Amendment Barcode (if applicable)

Name Lisa Waters

Phone 561-602-3624

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Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

2/23/24

Meeting Date

SB1362

Bill Number or Topic

TRANS

Committee

Amendment Barcode (if applicable)

Name Cynthia Henderson

Phone 850-559-0855

Address 300 W Pensacola

Email cyhenderson@me.com

Tall FL 32301

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

CourtSmart Tag Report

Room: SB 110 **Case No.:**
Caption: Senate Transportation Committee

Type:
Judge:

Started: **1/23/2024 3:31:57 PM**
Ends: **1/23/2024 4:20:33 PM** **Length: 00:48:37**

3:31:57 PM Chair DiCeglie calls the meeting to order
3:31:59 PM Roll call
3:32:03 PM Quorum present
3:32:40 PM Pledge of Allegiance
3:32:45 PM Chair DiCeglie with opening comments
3:32:54 PM Tab 2, SB 332, Wrecker Operators introduced
3:33:27 PM Explanation by Senator Burgess
3:33:59 PM Amendment Barcode 309550 introduced
3:34:10 PM Explanation of Amendment
3:35:17 PM Chair DiCeglie
3:35:38 PM Closure waived
3:35:44 PM Amendment adopted
3:35:53 PM Chair DiCeglie
3:36:00 PM Questions
3:36:07 PM Senator Davis
3:36:20 PM Senator Burgess
3:37:28 PM Senator Davis
3:37:43 PM Senator Burgess
3:38:03 PM Senator Davis
3:38:05 PM Senator Burgess
3:39:15 PM Chair DiCeglie
3:39:30 PM Mike Moore waives
3:39:36 PM Sean Loscalzo waives
3:39:42 PM Speaker Sam Morley
3:40:36 PM Chair DiCeglie
3:40:45 PM Closure waived
3:40:48 PM Roll call
3:40:51 PM CS/SB 332 reported favorably
3:41:01 PM Tab 8, SB 1362, Aviation introduced
3:41:20 PM Explanation by Senator Harrell
3:42:51 PM Chair DiCeglie
3:44:01 PM Amendment Barcode 829440 introduced
3:44:12 PM Explanation of Amendment
3:44:16 PM Chair DiCeglie
3:44:21 PM Closure waived
3:44:24 PM Amendment adopted
3:44:28 PM Chair DiCeglie
3:44:34 PM Questions
3:44:38 PM Senator Davis
3:44:42 PM Senator Harrell
3:46:48 PM Senator Davis
3:46:53 PM Senator Harrell

3:47:10 PM Chair DiCeglie
3:47:31 PM Jared Rosenstein waives
3:47:41 PM Lisa Waters waives
3:47:47 PM Cynthia Henderson waives
3:47:56 PM Chair DiCeglie
3:48:25 PM Closure by Senator Harrell
3:48:38 PM Roll call
3:48:55 PM CS/SB 1362 reported favorably
3:49:05 PM Tab 1, SB 320, Public Records/Prospective Bidders for a Road or Other Public Works
3:49:40 PM Explanation by Senator Wright
3:50:04 PM Chair DiCeglie
3:51:12 PM Amendment Barcode 401062 introduced
3:51:29 PM Chair DiCeglie
3:51:35 PM Closure waived
3:51:37 PM Amendment adopted
3:51:42 PM Chair DiCeglie
3:51:58 PM Closure by Senator Wright
3:52:03 PM Roll call
3:52:06 PM CS/SB 320 reported favorably
3:52:16 PM Tab 6, SB 1324, Driving Without a Valid Driver License introduced
3:52:53 PM Explanation by Senator Ingoglia
3:53:36 PM Chair DiCeglie
3:53:44 PM Questions
3:53:45 PM Senator Torres
3:53:49 PM Senator Ingoglia
3:53:56 PM Senator Torres
3:54:03 PM Senator Ingoglia
3:54:12 PM Chair DiCeglie
3:54:19 PM Questions
3:54:22 PM Senator Davis
3:54:26 PM Senator Ingoglia
3:55:00 PM Senator Torres
3:55:32 PM Senator Ingoglia
3:55:44 PM Senator Torres
3:55:47 PM Senator Ingoglia
3:56:14 PM Chair DiCeglie
3:56:25 PM Questions
3:56:27 PM Senator Davis
3:56:31 PM Senator Ingoglia
3:56:52 PM Chair DiCeglie
3:56:59 PM Tammy Fecci waives
3:57:13 PM Speaker Aurelie Colon
3:57:45 PM Chair DiCeglie
3:58:47 PM Debate
3:58:49 PM Senator Hooper
3:59:36 PM Senator Torres
3:59:42 PM Chair DiCeglie
4:00:25 PM Closure by Senator Ingoglia
4:00:51 PM Roll call
4:01:05 PM SB 1324 reported favorably
4:01:15 PM Tab 4, SB 934, Specialty License Plates/Cure Diabetes introduced
4:01:39 PM Explanation by Senator Yarborough

4:01:52 PM Chair DiCeglie
4:02:10 PM Amendment Barcode 727200 introduced
4:02:25 PM Explanation of Amendment
4:02:32 PM Chair DiCeglie
4:02:48 PM Closure waived
4:02:50 PM Amendment adopted
4:02:54 PM Chair DiCeglie
4:03:10 PM Debate
4:03:11 PM Senator Davis
4:03:45 PM Chair DiCeglie
4:03:57 PM Closure by Senator Yarborough
4:04:06 PM Roll call
4:04:17 PM CS/SB 934 reported favorably
4:04:26 PM Tab 5, SB 1158, Lights Displayed on Fire Department Vehicles introduced
4:04:56 PM Explanation by Senator Trumbull
4:05:14 PM Chair DiCeglie
4:05:36 PM Michael Choate waives
4:05:45 PM Speaker Harold Theus
4:06:34 PM Chair DiCeglie
4:06:46 PM Closure waived
4:06:48 PM Roll call
4:06:51 PM SB 1158 reported favorably
4:06:59 PM Chair DiCeglie
4:07:11 PM Chair passed to Vice Chair Davis
4:07:21 PM Tab 7, SB 1350, Salvage introduced
4:07:32 PM Explanation by Chair DiCeglie
4:08:32 PM Chair Davis
4:08:51 PM Amendment Barcode 544216 introduced
4:09:06 PM Explanation of Amendment
4:09:11 PM Chair Davis
4:10:08 PM Closure waived
4:10:11 PM Amendment adopted
4:10:14 PM Chair Davis
4:10:27 PM Question
4:10:29 PM Chair Davis
4:10:34 PM Chair DiCeglie
4:10:50 PM Chair Davis
4:11:12 PM Ron LaFace waives
4:11:22 PM Clark Smith waives
4:11:28 PM Chair Davis
4:11:38 PM Closure waived
4:12:10 PM Roll call
4:12:15 PM CS/SB 1350 reported favorably
4:12:30 PM Chair passed to Chair DiCeglie
4:12:35 PM Chair DiCeglie
4:12:45 PM Tab 3, SB 858, Specialty License Plates/Recycle Florida and Boating Capital of the World introduced
4:12:57 PM Explanation by Senator Torres for Senator Jones
4:14:31 PM Chair DiCeglie
4:14:35 PM Amendment Barcode 144558 introduced
4:14:44 PM Explanation by Senator Torres
4:15:19 PM Chair DiCeglie

4:15:27 PM Closure waived
4:15:32 PM Amendment adopted
4:15:38 PM Chair DiCeglie
4:15:45 PM Speaker Susan Goldstein
4:16:49 PM Speaker Captain Sandy Yawn
4:17:27 PM Chair DiCeglie
4:18:43 PM Senator Torres in closure
4:18:57 PM Roll call
4:19:32 PM CS/SB 858 reported favorably
4:19:42 PM Chair DiCeglie
4:19:49 PM Senator Gruters voting in the affirmative on CS/SB 332, CS/SB 1362, CS/SB 320, SB 1324
4:20:07 PM Senator Hooper moves to adjourn
4:20:23 PM Meeting adjourned