



Transportation & Economic Development Appropriations Subcommittee

Meeting Packet

**February 9, 2016
9:00 a.m. – 11:00 a.m.
Sumner Hall**



AGENDA

Transportation & Economic Development Appropriations Subcommittee

February 9, 2016

9:00 a.m. – 11:00 a.m.

Sumner Hall

I. Call to Order/Roll Call

II. Consideration of Bills

CS/HB 411 Farm Vehicles by Highway & Waterway Safety Subcommittee,
Beshears

CS/HB 487 Persons Who Are Deaf by Highway & Waterway Safety
Subcommittee, Torres

CS/HB 1017 Reemployment Assistance Fraud by Economic Development
& Tourism Subcommittee, La Rosa

HB 7081 Issuance of Specialty License Plates by Highway & Waterway
Safety Subcommittee, Steube

HB 7083 Transportation Facility Designations by Transportation & Ports
Subcommittee, Passidomo

III. Closing Remarks/Adjourn

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 411 Farm Vehicles
SPONSOR(S): Highway & Waterway Subcommittee; Beshears
TIED BILLS: IDEN./SIM. **BILLS:** SB 1046

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Highway & Waterway Safety Subcommittee	13 Y, 0 N, As CS	Johnson	Smith
2) Transportation & Economic Development Appropriations Subcommittee		Cobb <i>PC</i>	Davis <i>(DT)</i>
3) Economic Affairs Committee			

SUMMARY ANALYSIS

Current state and federal law contain requirements relating to interstate and intrastate operation of commercial motor vehicles (CMVs). Both federal and state law also contain a number of exemptions specifically applied to agricultural-related CMV operation. The federal Moving Ahead for Progress in the 21st Century Act (MAP-21) exempts "covered farm vehicles" (CFVs) and their drivers from specified federal regulations. These exemptions are not currently authorized in state law.

The bill exempts "covered farm vehicles," under specified conditions, from federal regulations relating to controlled substances and alcohol use and testing; commercial driver licenses; physical qualifications and examinations; hours of service of drivers; and vehicle inspection, repair, and maintenance. These exemptions were authorized in MAP-21 in June 2012, but are not included in state law.

The Department of Highway Safety and Motor Vehicles (DHSMV) estimates approximately 176 programming hours or \$10,040 in FTE and contracted resources will be required to implement the bill, which can be absorbed within existing resources. See fiscal comments.

The bill is effective upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Current state and federal law, the former of which is heavily but not entirely predicated on the latter, contain requirements relating to interstate and intrastate operation of commercial motor vehicles (CMVs).¹ Both federal and state law also contain a number of exemptions specifically applied to agricultural-related CMV operation. The federal MAP-21 Act exempts “covered farm vehicles” (CFVs) and their drivers from specified federal regulations. These exemptions are not currently authorized in state law.

State Application of Federal Law and Relevant State Exemptions

Generally, CMVs operated in interstate or intrastate commerce are subjected to various provisions of federal law in state statute, specifically:

- Part 382, Controlled Substance and Alcohol Use and Testing.
- Part 383, Commercial Driver’s License Standards.
- Part 385, Safety Fitness Procedures.
- Part 390, General Federal Motor Carrier Safety Regulations.
- Part 391, Physical Qualifications and Examinations.^{2, 3}
- Part 392, Driving of Commercial Motor Vehicles.
- Part 393, Parts and Accessories Necessary for Safe Operation.
- Part 395, Hours of Service of Drivers.⁴
- Part 396, Inspection, Repair, and Maintenance.
- Part 397, Transportation of Hazardous Materials; Driving and Parking Rules.⁵

Driver Licensing and Agricultural-Related Exemptions

Every person driving a motor vehicle⁶ must hold a valid driver license.⁷ However, a person is exempt from this requirement while driving or operating any road machine, farm tractor,⁸ or implement of husbandry⁹ temporarily operated or moved on a highway.¹⁰

¹See s. 316.302, F.S.

² Except that a person operating a CMV solely in intrastate commerce not transporting hazard materials that require placarding need not comply with 49 C.F.R., Subpart G, s. 391.11(b)(1), which generally requires a CMV driver to be at least 21 years of age. Section 316.302(2)(a), F.S.

³ Section 316.302 (3), F.S., authorizes a person who has not attained 18 years of age to operate a CMV with a gross vehicle weight of less than 26,001 pounds while transporting agricultural products, including horticultural or forestry products, from farm or harvest place to storage or market.

⁴ Except that a person operating a CMV solely in intrastate commerce not transporting hazard materials that require placarding need not comply with 49 C.F.R. s. 395.3(a) and (b), relating to maximum driving times for property carrying vehicles. Section 316.302(2)(a), F.S. Such operators also need not comply with the duty status record-keeping (“log book”) requirements of 49 C.F.R. s. 395.8. Section 316.302(2)(d), F.S.

⁵ *Supra* note 2. While s. 316.302(1)(a), F.S., does not expressly apply 49 C.F.R. Part 383, relating to CDLs, to interstate CMV drivers, federal CDL requirements are enforced in state law through Chapter 322, F.S.

⁶ Defined for purposes of Chapter 322, F.S, as any self-propelled vehicle, including a motor vehicle combination, not operated upon rails or guideway, excluding vehicles moved solely by human power, motorized wheelchairs, and motorized bicycles as defined in s. 316.003. Section 322.01(27), F.S.

⁷ Section 322.03, F.S.

⁸ Defined for purposes of Ch. 322, F.S., as a motor vehicle that is operated principally on a farm, grove, or orchard in agricultural or horticultural pursuits and that is operated on the roads of this state only incidentally for transportation between the owner’s or operator’s headquarters and the farm, grove, or orchard or between one farm, grove, or orchard and another OR designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry. Section 322.01(20), F.S.

⁹ The term is not defined in Ch. 322, F.S., but is defined in s. 316.003(16), F.S., as any vehicle designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry *and in either case not subject to registration if used upon the highways.*

Every person driving a CMV in this state is required to hold a valid commercial driver license (CDL),¹¹ with certain exceptions. Farmers transporting agricultural products, farm supplies, or farm machinery to or from their farms and within 150 miles of their farms are exempt from the CDL requirement if the transporting vehicle is not used in the operations of a common or contract motor carrier.¹²

Hours of Service and Agricultural-Related Exemptions

In addition, with specified exceptions, *intrastate* CMV operators not transporting hazardous materials that require placarding¹³ may not drive:

- More than 12 hours following 10 consecutive hours off duty, or for any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty;¹⁴ or
- After having been on duty more than 70 hours in any period of seven consecutive days, or more than 80 hours in any period of eight consecutive days if the motor carrier operates every day of the week, with 34 consecutive hours off duty constituting the end of any such period of seven or eight consecutive days.¹⁵

The latter weekly limit does not apply to a person operating solely within the state while transporting during harvest periods any unprocessed agricultural products or unprocessed food or fiber that is subject to seasonal harvesting, from place of harvest to the first place of processing or storage or from place of harvest directly to market or while transporting livestock, livestock feed, or farm supplies directly related to growing or harvesting agricultural products.¹⁶

Further, a person who operates a CMV solely within the state is generally exempt from compliance with parts 382, 385, and 390 through 397 of Title 49 while transporting agricultural products from farm or harvest place to the first place of processing or storage, or from farm or harvest place directly to market.¹⁷ However, such person must comply with parts 382, 392,¹⁸ and 393,¹⁹ and with ss. 396.3(a)(1)²⁰ and 396.9.²¹

Vehicle Registration and Agricultural-Related Exemptions

Chapter 320, F.S., generally requires every owner or person in charge of a motor vehicle to register the vehicle, pay license taxes, and display a license plate. However, exempt from these requirements are:

- Motor vehicles operated principally on a farm, grove, or orchard in agricultural or horticultural pursuits and which are operated on the roads of this state only incidentally in going from the owner's or operator's headquarters to such farm, grove, or orchard and returning therefrom or in going from one farm, grove, or orchard to another.
- Vehicles without motive power which are used principally for the purpose of transporting plows, harrows, fertilizer distributors, spray machines, and other farm or grove equipment and which uses the roads of this state only incidentally.²²

¹⁰ Section 322.04(1)(b), F.S.

¹¹ Section 322.53, F.S.

¹² See also s. 322.53(3), F.S., which requires all drivers of for-hire CMVs to hold a valid CDL.

¹³ The Code of Federal Regulations lists and classifies those materials which the U.S.D.O.T. has designated as hazardous materials for purposes of transportation. Any person who offers a hazardous material for transportation, and each carrier by air, highway, rail, or water who transports a hazardous material, is required to comply with requirements for shipping papers, package marking, labeling, and *transport vehicle placarding* applicable to the shipment and transportation of those hazardous materials. See 49 C.F.R. part 172.

¹⁴ Section 316.302(2)(b), F.S.

¹⁵ Section 316.302(2)(c), F.S.

¹⁶ *Id.*

¹⁷ Section 316.302(2)(e), F.S.

¹⁸ Relating to matters such as driving CMVs at railroad crossings, emergency signals for stopped CMVs, fueling precautions, and prohibited practices.

¹⁹ Relating to parts and accessories necessary for safe operation.

²⁰ Relating to systematic inspection, repair, and maintenance requirements for motor carriers and intermodal equipment providers.

²¹ Containing additional requirements relating to inspection of motor vehicles and intermodal equipment in operation.

²² Section 320.51, F.S. This description of the exempt vehicles is virtually identical to the definition of "farm tractor" for purposes of driver licensing in Chapter 322, F.S.

Maximum Width, Height, and Length Limitations/Implements of Husbandry and Farm Equipment, Agricultural Trailers, Forestry Equipment

Generally, the total outside width of any vehicle or the load thereon may not exceed 102 inches, exclusive of safety devices determine to be necessary for safe and efficient operation. A vehicle may generally not exceed a height of 13 feet, 6 inches, inclusive of the load carried. General vehicle length limitations vary depending on the type of vehicle; i.e., straight trucks, semitrailers, and tandem trailer trucks.²³

However, a person engaged in the production of such products, or a custom hauler, is authorized to transport peanuts, grains, soybeans, citrus, cotton, hay, straw, or other perishable farm products from their point of production to the first point of change of custody or of long-term storage, and for the purpose of returning to such point of production, or for the purpose of moving tractors, movers, and implements from one point of agricultural production to another, by means of the following vehicles, if such vehicles otherwise comply with the requirements of s. 316.515, F.S.:

- Straight trucks, agricultural tractors, citrus harvesting equipment, citrus fruit loaders, and cotton module movers, not exceeding 50 feet in length.
- Any combination of up to and including three implements of husbandry, including the towing power unit.
- Any single agricultural trailer with a load thereon.
- Any agricultural implements attached to a towing power unit.
- A self-propelled agricultural implement.
- An agricultural tractor.²⁴

In addition, a person engaged in the harvesting of forestry products is authorized to transport from one point of harvest to another point of harvest equipment not exceeding 136 inches in width if the equipment is:

- Not capable of exceeding 20 miles per hour.
- Not transported more than 10 miles in distance.
- Used exclusively for harvesting forestry products, not to exceed 10 miles.
- Operated during daylight hours only, and with specified safety requirements.²⁵

Further, the width and height limitations of s. 316.515, F.S., do not apply to farming or agricultural equipment, whether self-propelled, pulled, or hauled, when temporarily operated during daylight hours on a non-limited access facility, which limitations may be exceeded by such equipment without a special permit if the equipment is operated within a 50-mile radius of the real property owned, rented, managed, harvested, or leased by the equipment owner.²⁶

MAP-21 Exemptions

Federal MAP-21 Act defined a new category of vehicles, "covered farm vehicles," (CFVs) and authorized driver operation of such vehicles under certain circumstances. If the required provisions of the definition are met, and if the driver operates a CFV as specified, the CFV and the driver are exempt from federal regulations relating to controlled substances and alcohol use and testing; commercial driver licenses; physical qualifications and examinations; hours of service of drivers; and vehicle inspection, repair, and maintenance.²⁷ A "covered farm vehicle" is:

- A straight truck²⁸ or articulated vehicle²⁹ that is:

²³ See s. 316.515, F.S.

²⁴ Section 316.515(5)(a), F.S.

²⁵ Section 316.515(5)(b), F.S.

²⁶ Section 316.515(5)(c), F.S.

²⁷ 49 C.F.R. Parts 382; 383; 391, subpart E; 395; and 396, respectively.

²⁸ Straight trucks include commonly recognized vehicles such as pick-up trucks, flat-bed trucks, box trucks, and the like. The truck's power unit and cargo unit are located on the same vehicle frame. See also s. 316.003(70), F.S.

- Registered in a state with a license plate or other designation issued by the *state of registration* that allows law enforcement officials to identify it as a farm vehicle.
- Operated by the owner or operator of a farm or ranch, or an employee or family member of an owner or operator of a farm or ranch.
- Used to transport agricultural commodities, livestock, machinery or supplies to or from a farm or ranch.
- Not used in for-hire motor carrier operations, except that a tenant's use of a vehicle pursuant to a crop share farm lease agreement to transport the landlord's share of crops under that agreement is not treated as "for-hire motor carrier operations."

Drivers of vehicles meeting the above definition and having a gross vehicle weight or gross vehicle weight rating, *whichever is greater*, of:

- 26,001 pounds or less may operate anywhere in the United States.
- More than 26,001 pounds may operate anywhere in the state of registration or across state lines within 150 air miles of the farm or ranch with respect to which the vehicle is being operated.

Florida law does not currently authorize the new federal exemptions.

Proposed Changes

The bill creates s. 316.003(94), F.S., defining "covered farm vehicle" in a manner that is virtually identical to the federal definition and has the same result.

The bill creates s. 316.302(3), F.S., providing that with respect to CFVs, notwithstanding any contrary provision in subsections (1) and (2).³⁰ This section of the bill exempts from the previously identified federal regulations a driver of a CFV and the CFV, as defined in s. 316.003, F.S., registered with a license plate or other designation issued by the state of registration when operating:

- Anywhere in this state if the CFV has a gross vehicle weight or gross vehicle weight rating, whichever is greater, of 26,001 pounds or less.
- Anywhere in the state of registration, or across state lines within 150 air miles of the farm or ranch with respect to which the vehicle is being operated, if the CFV has a gross vehicle weight or gross vehicle weight rating, whichever is greater, of more than 26,001 pounds.

The bill, consistent with Federal Motor Carrier Safety Administration's final rule on the matter,³¹ does not allow the federal exemptions if the vehicle is transporting hazardous materials in amounts that require placarding.³²

In some cases, vehicles used for agricultural-related purposes may qualify for more than one exemption. For example, a vehicle meeting the CFV requirements and qualifying for the MAP-21 federal exemptions might also qualify for the exemption for a person operating a CMV solely within the state from compliance with parts 382, 385, and 390 through 397 of Title 49, while transporting agricultural products from farm or harvest place to the first place of processing or storage, or from farm or harvest place directly to market.³³ On the other hand, a person qualifying for the latter exemption would not be able to qualify for the federal exemptions if, for example, that person is not an owner or operator of a farm or ranch, or an employee or family member of such owner or operator.

²⁹ Articulated vehicles, in contrast to straight trucks, include those having a power unit coupled to the cargo-carrying unit. *See also* s. 316.003(60) and (71), F.S.

³⁰ The MAP-21 exemptions do not include exemption from, for example, parts 392 and 393 of Title 49 of the C.F.R.; thus, CFVs must remain subject to those parts to retain compliance with federal law. As both subsections (1) and (2) of s. 316.302, F.S., require compliance with those parts, only *contrary* provisions in subsections (1) and (2) should be withstood.

³¹ *See* the Federal Register, Vol. 78, No. 50, Thursday, March 14, 2013, at p. 16190.

³² *Supra* note 14.

³³ *Supra* note 18.

The bill amends s. 322.53(2), F.S., exempting the driver of a CFV, as defined in s. 316.003, F.S., from the requirement to hold a valid CDL.

The bill also corrects cross-references in ss. 316.302(9)(a), and 316.3025(3)(e), F.S.

The bill has an effective date of July 1, 2016..

B. SECTION DIRECTORY:

Section 1 Amends s. 316.003, F.S., providing definitions.

Section 2 Amends s. 316.302, F.S., relating to commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.

Section 3 Amends s. 322.53, F.S., relating to license required; exceptions.

Section 4 Amends s. 316.3025, F.S., relating to penalties.

Section 5 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

The Department of Highway Safety and Motor Vehicles (DHSMV) estimates approximately 176 programming hours or \$10,040 in FTE and contracted resources will be required to implement the bill, which can be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect municipal or county government.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 1, 2016, the Highway & Waterway Safety Subcommittee adopted a strike all amendment. The strike all amendment:

- Deleted section 2 of the original bill to retain compliance with federal law.
- Created a new s. 316.302(3), F.S., to address CFVs, notwithstanding contrary provisions of ss. 316.302 (1) and (2), F.S., retaining compliance with federal law.
- Revised language to conform to federal language relating to CFV operation.
- Corrected cross-references.

The analysis is written to the committee substitute as reported favorably by the Highway & Waterway Safety Subcommittee.

27 otherwise requires:

28 (94) COVERED FARM VEHICLE.—A straight truck, or an
 29 articulated vehicle, which is all of the following:

30 (a) Registered in a state with a license plate, or any
 31 other designation issued by that state, which allows law
 32 enforcement officers to identify it as a farm vehicle.

33 (b) Operated by the owner or operator of a farm or ranch
 34 or by an employee or a family member of an owner or operator of
 35 a farm or ranch in accordance with s. 316.302(3).

36 (c) Used to transport agricultural commodities, livestock,
 37 machinery, or supplies to or from a farm or ranch.

38 (d) Not used in for-hire motor carrier operations;
 39 however, for-hire motor carrier operations do not include the
 40 operation of a vehicle meeting the requirements of paragraphs
 41 (a)-(c) by a tenant pursuant to a crop-share farm lease
 42 agreement to transport the landlord's portion of the crops under
 43 that agreement.

44 Section 2. Present subsections (3) through (12) of section
 45 316.302, Florida Statutes, are renumbered as subsections (4)
 46 through (13), respectively, a new subsection (3) is added to
 47 that section, and paragraph (a) of present subsection (8) is
 48 amended, to read:

49 316.302 Commercial motor vehicles; safety regulations;
 50 transporters and shippers of hazardous materials; enforcement.—

51 (3) Notwithstanding any contrary provision in subsections
 52 (1) and (2), a covered farm vehicle, as defined in s. 316.003,

53 and the operator of such vehicle are exempt from the
 54 requirements relating to controlled substances and alcohol use
 55 and testing in 49 C.F.R. part 382; commercial driver licenses in
 56 49 C.F.R. part 383; physical qualifications and examinations in
 57 49 C.F.R. part 391, subpart E; hours of service of drivers in 49
 58 C.F.R. part 395; and inspection, repair, and maintenance in 49
 59 C.F.R. part 396, when operating:

60 (a) Anywhere in this state if the covered farm vehicle has
 61 a gross vehicle weight or gross vehicle weight rating, whichever
 62 is greater, of 26,001 pounds or less.

63 (b) Anywhere in the state of registration, or across state
 64 lines within 150 air miles of the farm or ranch with respect to
 65 which the vehicle is being operated, if the covered farm vehicle
 66 has a gross vehicle weight or gross vehicle weight rating,
 67 whichever is greater, of more than 26,001 pounds.

68
 69 The provisions in this subsection do not apply to a vehicle
 70 transporting hazardous materials in amounts that require
 71 placarding pursuant to 49 C.F.R. part 172.

72 (9)-(8) For the purpose of enforcing this section, any law
 73 enforcement officer of the Department of Highway Safety and
 74 Motor Vehicles or duly appointed agent who holds a current
 75 safety inspector certification from the Commercial Vehicle
 76 Safety Alliance may require the driver of any commercial vehicle
 77 operated on the highways of this state to stop and submit to an
 78 inspection of the vehicle or the driver's records. If the

79 vehicle or driver is found to be operating in an unsafe
 80 condition, or if any required part or equipment is not present
 81 or is not in proper repair or adjustment, and the continued
 82 operation would present an unduly hazardous operating condition,
 83 the officer may require the vehicle or the driver to be removed
 84 from service pursuant to the North American Standard Out-of-
 85 Service Criteria, until corrected. However, if continuous
 86 operation would not present an unduly hazardous operating
 87 condition, the officer may give written notice requiring
 88 correction of the condition within 14 days.

89 (a) Any member of the Florida Highway Patrol or any law
 90 enforcement officer employed by a sheriff's office or municipal
 91 police department authorized to enforce the traffic laws of this
 92 state pursuant to s. 316.640 who has reason to believe that a
 93 vehicle or driver is operating in an unsafe condition may, as
 94 provided in subsection (11) ~~(10)~~, enforce the provisions of this
 95 section.

96 Section 3. Paragraph (c) of subsection (2) of section
 97 322.53, Florida Statutes, is amended to read:

98 322.53 License required; exemptions.-

99 (2) The following persons are exempt from the requirement
 100 to obtain a commercial driver license:

101 (c)1. Farmers transporting agricultural products, farm
 102 supplies, or farm machinery to or from their farms and within
 103 150 miles of their farms, if the vehicle operated under this
 104 exemption is not used in the operations of a common or contract

105 motor carrier.

106 2. Drivers of covered farm vehicles, as defined in s.
 107 316.003, if the vehicles are operated in accordance with s.
 108 316.302(3).

109 Section 4. Paragraph (e) of subsection (3) of section
 110 316.3025, Florida Statutes, is amended to read:

111 316.3025 Penalties.—

112 (3)

113 (e) A civil penalty not to exceed \$5,000 in the aggregate
 114 may be assessed for violations found in the conduct of
 115 compliance reviews pursuant to s. 316.302(6) ~~s. 316.302(5)~~. A
 116 civil penalty not to exceed \$25,000 in the aggregate may be
 117 assessed for violations found in a followup compliance review
 118 conducted within a 24-month period. A civil penalty not to
 119 exceed \$25,000 in the aggregate may be assessed and the motor
 120 carrier may be enjoined pursuant to s. 316.3026 if violations
 121 are found after a second followup compliance review within 12
 122 months after the first followup compliance review. Motor
 123 carriers found to be operating without insurance required by s.
 124 627.7415 may be enjoined as provided in s. 316.3026.

125 Section 5. Subsection (1) of section 316.3026, Florida
 126 Statutes, is amended to read:

127 316.3026 Unlawful operation of motor carriers.—

128 (1) The Office of Commercial Vehicle Enforcement may issue
 129 out-of-service orders to motor carriers, as defined in s.
 130 320.01, who, after proper notice, have failed to pay any penalty

131 or fine assessed by the department, or its agent, against any
 132 owner or motor carrier for violations of state law, refused to
 133 submit to a compliance review and provide records pursuant to s.
 134 316.302(6) ~~s. 316.302(5)~~ or s. 316.70, or violated safety
 135 regulations pursuant to s. 316.302 or insurance requirements in
 136 s. 627.7415. Such out-of-service orders have the effect of
 137 prohibiting the operations of any motor vehicles owned, leased,
 138 or otherwise operated by the motor carrier upon the roadways of
 139 this state, until the violations have been corrected or
 140 penalties have been paid. Out-of-service orders must be approved
 141 by the director of the Division of the Florida Highway Patrol or
 142 his or her designee. An administrative hearing pursuant to s.
 143 120.569 shall be afforded to motor carriers subject to such
 144 orders.

145 Section 6. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 487 Persons Who Are Deaf
SPONSOR(S): Highway & Waterway Safety Subcommittee, Torres, Jr. and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 740

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

SUMMARY ANALYSIS

The Department of Highway Safety and Motor Vehicles (DHSMV) will be required to issue to certain applicants an identification card or driver license exhibiting the international symbol for the Deaf and Hard of Hearing upon the applicant's payment of an additional fee and providing sufficient proof that they are deaf or hard of hearing as determined by DHSMV.

An individual who wishes to add the designation when issued an original or renewal identification card or driver license must pay an additional \$1 fee. An individual who surrenders and replaces his or her identification card or driver license before its expiration date for the purpose of adding the international symbol for the Deaf and Hard of Hearing must pay an additional \$2 fee to be deposited into the Highway Safety Operating Trust Fund (HSOTF). If the applicant is not conducting any other transaction affecting the identification card or driver license, the standard \$25 replacement fee is waived.

The changes made by the bill shall apply upon implementation of new designs for the driver license and identification card by DHSMV.

The bill may have a positive but insignificant fiscal impact to the HSOTF. Additionally, the bill may have a negative but insignificant fiscal impact to DHSMV's expenditures, and can be absorbed within existing resources. See fiscal comments.

The bill provides an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Deaf or Hard of Hearing

In Florida, drivers applying for a license who are deaf or cannot hear conversation spoken in a normal tone of voice are restricted to driving with an outside rearview mirror which should be mounted on the left side of the vehicle, or with a hearing aid.¹

There is a restriction currently on a driver license to indicate the requirement to wear a hearing aid. The restriction appears as "K – Hearing Aid" on the back of the driver license. There were 2,001 driver licenses with this restriction as of December 31, 2015.²

One in eight people in the United States (13 percent, or 30 million) ages 12 years and older has hearing loss in both ears, based on standard hearing examinations.³

Proposed Changes

The bill amends ss. 322.051 and 322.14, F.S., requiring DHSMV to issue to certain applicants an identification card or driver license exhibiting the international symbol for the Deaf and Hard of Hearing upon the applicant's payment of an additional fee and providing sufficient proof that they are deaf or hard of hearing as determined by DHSMV.

The international symbol for the Deaf and Hard of Hearing is depicted below:



An individual who wishes to add the designation when issued an original or renewal identification card or driver license must pay an additional \$1 fee. An individual who surrenders and replaces his or her identification card or driver license before its expiration date for the purpose of adding the international symbol for the Deaf and Hard of Hearing must pay an additional \$2 fee to be deposited into the HSOTF. If the applicant is not conducting any other transaction affecting the identification card or driver license, the standard \$25 replacement fee is waived.

The changes made by the bill shall apply upon implementation of new designs for the driver license and identification card by DHSMV.

¹ Florida Administrative Rule 15A-1.003(2)

² Email from the Department of Highway Safety and Motor Vehicles (January 27, 2016) on file with the Highway and Waterway Safety Subcommittee

³ National Institute on Deafness and Other Communication Disorders (NIDCD), *Statistics about Hearing, Ear Infections, and Deafness*, <http://www.nidcd.nih.gov/health/statistics/Pages/quick.aspx> (last visited January 26, 2016)

B. SECTION DIRECTORY:

- Section 1** Amends s. 322.051, F.S., authorizing the international symbol for the Deaf and Hard of Hearing to be exhibited on the identification card of a person who is deaf.
- Section 2** Amends s. 322.14, authorizing the international symbol for the Deaf and Hard of Hearing to be exhibited on the driver license of a person who is deaf or hard of hearing.
- Section 3** Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The additional \$1 fee when adding the designation for a renewal or original identification card or driver license may have a positive but insignificant fiscal impact to the HSOTF, although it is unknown how many individuals may apply for the designation upon original issuance or renewal of an identification card or driver license.

For identification card and driver license replacement transactions, the bill allows DHSMV to collect a \$2 fee when adding the designation. When the replacement transaction is performed for the sole purpose of adding the designation, the standard \$25 replacement fee will be waived, and the \$2 fee will offset the cost of printing an identification card or driver license. Though the bill allows for the waiver of the \$25 fee in this particular circumstance, the individuals who replace their identification cards and licenses for the sole purpose of adding the designation would otherwise have no reason to replace their cards, therefore the waivers should not directly result in any lost revenue.

2. Expenditures:

The provisions of the bill do not take effect until the implementation of the new driver license and identification card design, therefore DHSMV will be able to incorporate this requirement into the new design, and the impact of doing so should be minimal and can be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Individuals can add the international symbol for the Deaf and Hard of Hearing to their identification card or driver license upon payment of an additional \$1 fee when being issued a renewal or original identification card or driver license.

An individual who surrenders and replaces his or her identification card or driver license before its expiration date for the purpose of adding the international symbol for the Deaf and Hard of Hearing is required to pay a \$2 fee. If the applicant is not conducting any other transaction affecting the identification card or driver license, the standard \$25 replacement fee will be waived.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 1, 2016, the Highway & Waterway Safety Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The bill as originally filed:

- Required DHSMV to create a form that an individual must complete for an identification card and a placard that indicates the individual is deaf and required DHSMV to design and develop such cards and placards along with developing and adopting rules.
- Required a law enforcement officer to seek the services of an interpreter before arresting or interrogating a deaf person for an alleged criminal violation, providing for an exception in the case of an emergency, and prohibiting a family member from being considered a qualified interpreter under certain circumstances.
- Provided for the establishment of a database of individuals who are deaf, requiring the Department of Law Enforcement to include information from the forms in the database, and authorizing a law enforcement officer to use the database before detaining or arresting an individual who is suspected of violating a criminal law in this state.
- Required the Criminal Justice Standards and Training Commission to provide training for law enforcement officers to interact with the deaf.
- Required a law enforcement agency to have at least one on-call officer who is trained in or knows American Sign Language or to contract with qualified interpreters, and defined the term "law enforcement agency."

This analysis is written to the committee substitute as adopted by the Highway & Waterway Safety Subcommittee.

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A bill to be entitled
 An act relating to persons who are deaf; amending ss.
 322.051 and 322.14, F.S.; authorizing the
 international symbol for the deaf and hard of hearing
 to be exhibited on the driver license or
 identification card of a person who is deaf or hard of
 hearing; providing applicability; providing an
 effective date.

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

Section 1. Paragraph (c) is added to subsection (8) of
 section 322.051, Florida Statutes, to read:

322.051 Identification cards.-
 (8)

(c) The international symbol for the deaf and hard of
 hearing shall be exhibited on the identification card of a
 person who is deaf or hard of hearing upon the payment of an
 additional \$1 fee for the identification card and the
 presentation of sufficient proof that the person is deaf or hard
 of hearing as determined by the department. Until a person's
 identification card is next renewed, the person may have the
 symbol added to his or her identification card upon surrender of
 his or her current identification card, payment of a \$2 fee to
 be deposited into the Highway Safety Operating Trust Fund, and
 presentation of sufficient proof that the person is deaf or hard

27 of hearing as determined by the department. If the applicant is
 28 not conducting any other transaction affecting the
 29 identification card, a replacement identification card may be
 30 issued with the symbol without payment of the fee required in s.
 31 322.21(1)(f)3. For purposes of this paragraph, the international
 32 symbol for the deaf and hard of hearing is substantially as
 33 follows:



34
 35 Section 2. Paragraph (c) of subsection (1) of section
 36 322.14, Florida Statutes, is redesignated as paragraph (d), and
 37 a new paragraph (c) is added to that subsection to read:

38 322.14 Licenses issued to drivers.-

39 (1)

40 (c) The international symbol for the deaf and hard of
 41 hearing provided in s. 322.051(8)(c) shall be exhibited on the
 42 driver license of a person who is deaf or hard of hearing upon
 43 the payment of an additional \$1 fee for the license and the
 44 presentation of sufficient proof that the person is deaf or hard
 45 of hearing as determined by the department. Until a person's
 46 license is next renewed, the person may have the symbol added to
 47 his or her license upon the surrender of his or her current

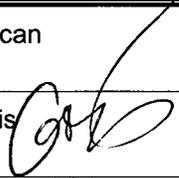
48 license, payment of a \$2 fee to be deposited into the Highway
49 Safety Operating Trust Fund, and presentation of sufficient
50 proof that the person is deaf or hard of hearing as determined
51 by the department. If the applicant is not conducting any other
52 transaction affecting the driver license, a replacement license
53 may be issued with the symbol without payment of the fee
54 required in s. 322.21(1)(e).

55 Section 3. The amendments made by this act to ss. 322.051
56 and 322.14, Florida Statutes, shall apply upon implementation of
57 new designs for the driver license and identification card by
58 the Department of Highway Safety and Motor Vehicles.

59 Section 4. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1017 Reemployment Assistance Fraud
SPONSOR(S): Economic Development & Tourism Subcommittee; La Rosa
TIED BILLS: IDEN./SIM. BILLS: SB 1216

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	11 Y, 0 N, As CS	White	Duncan
2) Transportation & Economic Development Appropriations Subcommittee		Proctor TP	Davis 
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill creates the "Department of Economic Opportunity Cybercrime Prevention Act." The bill permits the Florida Department of Highway Safety and Motor Vehicles to disclose to DEO, pursuant to an interagency agreement, images of licensees that it maintains, for the purpose of facilitating the validation of reemployment assistance claims by DEO and to assist DEO in the identification of fraudulent or false claims for benefits.

The bill modifies the disqualification period imposed on claimants who make false or fraudulent representations for the purpose of obtaining benefits. A claimant found to have committed fraud would be disqualified from benefits for up to one year after DEO discovers the false or fraudulent representation, as provided by current law. However, if the false or fraudulent representation is made in furtherance of any state or federal felony crime relating to identity theft or inappropriate use of personally identifying information, then the claimant would be disqualified from benefits for five years for the first such act; and 10 years for subsequent acts.

The bill amends the definition of "racketeering activity," as it relates to Florida's Racketeer Influenced and Corrupt Organization Act, to include crimes that are chargeable as reemployment assistance fraud. Although current law includes the creation of fictitious employer schemes as "racketeering activity," the bill would make each false statement or representation or failure to disclose a material fact a separate, prosecutable offense.

The bill may have an indeterminate, but likely insignificant fiscal impact on the state. On January 29, 2016, the Criminal Justice Impact Conference met on the Senate companion measure, SB 1216. Regarding the provision expanding the definition of racketeering activity, the conference adopted a positive insignificant prison bed impact on the Department of Corrections (an increase of ten or fewer beds). See fiscal comments.

The bill provides that it takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Reemployment Assistance

The Federal-State Unemployment Insurance Program provides unemployment benefits to eligible workers who are unemployed through no-fault of their own (as determined under state law) and who meet the requirements of state law.¹ The program is administered as a partnership of the federal government and the states.² States are permitted to set benefit eligibility requirements, the amount and duration of benefits and the state tax structure, as long as state law does not conflict with the Federal Unemployment Tax Act (FUTA) or the Social Security Act requirements.³

Florida's unemployment insurance program was created by the Legislature in 1937,⁴ and rebranded as the "reemployment assistance" program in 2012.⁵ The Florida Department of Economic Opportunity (DEO) is responsible for administering Florida's reemployment assistance (RA) laws, primarily through its Division of Workforce Services (Division). The DEO contracts with the Florida Department of Revenue (DOR) to provide unemployment tax collection services.⁶

Collection of Taxes Associated with Reemployment Assistance

Individual states collect payroll taxes on a quarterly basis, which are used to pay benefits, while the Internal Revenue Service (IRS) collects an annual federal payroll tax under FUTA.⁷ FUTA collections go to the states for costs related to the administration of state unemployment insurance and job service programs. Additionally, FUTA pays one-half the cost of extended unemployment benefits (during periods of high unemployment) and provides for a fund from which states may borrow, if necessary, to pay benefits.⁸ The IRS charges each liable employer a federal unemployment tax of 6.0 percent.⁹ If, however, a state program meets the federal requirements and has no delinquent federal loans, employers are eligible for up to a 5.4 percent tax credit, making the net tax rate 0.6 percent.¹⁰

In Florida, RA benefits are financed solely through contributions by employers.¹¹ The calculation for determining each employer's tax rate is statutorily set, and takes into consideration an employer's "experience," the balance of the Unemployment Compensation Trust Fund (UCTF), and other factors.

¹ United States Department of Labor, Employment and Training Administration, State Unemployment Insurance Benefits, *available at* <http://workforcesecurity.doleta.gov/unemploy/uifactsheet.asp> (Last visited Jan. 26, 2016).

² There are 53 programs, including the 50 states, Puerto Rico, the Virgin Islands, and the District of Columbia. Social Security Office of Retirement and Disability Policy, Annual Statistical Supplement, *available at* <https://www.ssa.gov/policy/docs/statcomps/supplement/2014/unemployment.html> (Last visited Jan., 26, 2016).

³ *Id.*

⁴ Chapter 18402, L.O.F.

⁵ Chapter 2012-30, L.O.F.

⁶ Section 443.1316, F.S.

⁷ FUTA is codified at 26 U.S.C. ss. 3301-3311.

⁸ United States Department of Labor, Employment and Training Administration, "Unemployment Insurance Tax Topic," *available at* <http://workforcesecurity.doleta.gov/unemploy/uitaxtopic.asp> (Last visited Jan. 26, 2016).

⁹ 26 U.S.C. s. 3301.

¹⁰ *Supra* note 8.

¹¹ As of Jan. 2015, contributing employers pay taxes on the first \$7,000 of each employee's wages, instead of \$8,000. *See* s. 443.1217(2)(a), F.S. While most employers are "contributory employers," state and local governments are "reimbursing employers." As such, they pay into the UCTF on a dollar-for-dollar basis for benefits paid to former employees. *See* s. 443.1312, F.S.

The employer's experience rating is based on the employer's own employment records,¹² and serves to stabilize the UCTF, as well as ensure that all employers pay their fair share based on their own experience rating. An employer's tax rate is adjusted annually, and may vary from the maximum rate of 5.4 percent to the minimum rate, which varies each year based on adjustment factors.¹³

Recovery of Overpayments for Non-Fraudulent Claims

State laws generally differ in their identification, establishment, and collection of overpayments. Like most states, Florida's recovery of non-fraudulent overpayments includes several options, such as wage garnishment, deducting any outstanding balance from future unemployment benefits or lottery winnings, and forwarding any unpaid balance to a contracted debt collection agency.¹⁴

Upon discovering an overpayment, DEO makes a determination of the amount of overpayment and attempts to make recovery of the overpayment. However, DEO must obtain a final judgment through the civil court system before it may utilize the wage garnishment process provided for in ch. 77, F.S.¹⁵ Interest is not assessed, unless and until a civil judgment is entered. For both fraudulent and non-fraudulent cases, the commencement of collections must be initiated within seven years.¹⁶

Fraudulent Claims

When an unemployed individual files a claim for unemployment assistance,¹⁷ DEO validates their identity based on daily cross matches with external entities, obtained through inter-agency agreements.¹⁸ A cross match with the Social Security Administration (SSA) is conducted for all new claims to establish that the social security number used to file a claim is the number assigned to that individual. To further validate identity, a secondary cross match is conducted against the driver license records maintained by the Department of Highway Safety and Motor Vehicles (HSMV). Because DEO does not have access to the full databases of these external partners, DEO must complete additional verification procedures when exceptions occur.¹⁹ The Fraud Initiative and Rules Rating Engine (FIRRE) unit, within DEO, uses specially-developed "algorithms to identify falsely filed claims and block them from receiving benefits."²⁰ In its first year of operation, FIRRE identified nearly 70,000 fraudulent claims.²¹

In addition to recovery of overpayments, a case in which fraud is established subjects the claimant to disqualification from receiving benefits for up to one year from the date DEO discovers the false or fraudulent representation, and until the overpayment has been repaid in full.²² Additionally, DEO may refer the case to the state attorney for prosecution as a third degree felony.²³

¹² Florida DOR, "Employer Guide to Reemployment Tax," available at <http://dor.myflorida.com/dor/forms/current/rt800002.pdf> (Last visited Jan. 26, 2016).

¹³ *Id.*, at 14.

¹⁴ For state laws on over payments, see US Dept. of Labor, Comparison of State Unemployment Laws, *Chapter 6 Overpayments*, available at <http://www.unemploymentinsurance.doleta.gov/unemploy/comparison2015.asp> (Last visited Jan. 28, 2016).

¹⁵ Section 443.151(6)(e), F.S.

¹⁶ Section 443.151(6)(a), F.S.

¹⁷ Section 443.151(2), F.S., requires claims to be filed using the Internet.

¹⁸ In 2013, DEO implemented a new Reemployment Assistance Claims and Benefits Information System pursuant to the requirements of s. 443.1113, F.S.

¹⁹ DEO has limited access to HSMV's Driver and Vehicle Information Database (DAVID) through an inter-agency agreement.

²⁰ DEO analysis, 2016 Agency Legislative Bill Analysis, HB 1017, at 3 (Jan. 7, 2016).

²¹ Letter to Thomas Perez, US Secretary of Labor, from Jesse Panuccio, Exe. Dir. Fla. DEO, RE: Identity Theft and Fraud in Public Benefit Systems (Mar. 13, 2015).

²² Section 443.101(6), F.S.

²³ Section 443.071, F.S. makes it a third degree felony to make "a false statement or representation, knowing it to be false, or knowingly fails to disclose a material fact to obtain or increase any benefits or other payment..."

The duration of disqualification for fraud in other states is comparable to Florida's, with the majority of states setting it at 52 weeks. Some states further penalize subsequent offenses, such as Alabama which provides a 104 week disqualification for second and subsequent offenses, or Maine which penalizes a third offense with a disqualification to be set by the commissioner of the state RA program. Kansas appears to have the strictest duration of disqualification, which it sets at the latter of five years after commission of the fraudulent act, or after the first day following the last week for which benefits were paid. No states have imposed, in law, a lifetime disqualification.²⁴

Identity Fraud

Chapter 817, F.S., prohibits and punishes various fraudulent acts or practices. In general terms, fraud is the willful act of misrepresenting the truth to someone or concealing an important fact from them for the purpose of inducing that person to act to his or her detriment.²⁵ Identity fraud, which is also known as identity theft, is a criminal act that occurs when a person illegally obtains someone else's personal information and uses that information to commit fraud or theft.²⁶ According to the Federal Trade Commission's most recent Consumer Sentinel Network Data Book, "Florida is the state with the highest per capita rate of reported identity theft complaints...."²⁷ Identity thieves often take names, Social Security numbers (coupled with birth dates), bank account and credit card numbers, and passwords to obtain credit and credit cards, drain money from bank accounts, establish new accounts, apply for loans using the victims' names, and commit other crimes to enrich themselves.²⁸

Racketeering

Section 895.02, F.S., defines a racketeering activity to include the creation of fictitious employer schemes, by reference to s. 443.071(4), F.S. However, the definition of racketeering does not encompass employment benefit fraud, a third degree felony. Instead, s. 443.071(1), F.S., makes employment benefit fraud punishable by a possible combination of penalties, fines, and mandatory minimum prison terms set out in ss. 775.082-084, F.S.

DEO has stated that increased amounts of fraudulent claims have their origin in "organized criminal enterprises... attacking public-benefit systems."²⁹ When benefits are obtained by an individual who is using a stolen identity to obtain benefits, DEO cannot investigate the individual making the fraudulent claim, but instead refers such cases to the Florida Department of Law Enforcement and the Inspector General of the U.S. Department of Labor.³⁰

Effect of Proposed Changes

The bill creates the "Department of Economic Opportunity Cybercrimes Prevention Act."

In order to facilitate the validation of reemployment assistance claims by DEO and to assist DEO in the identification of fraudulent or false claims for benefits, the bill authorizes HSMV to disclose images and signatures of licensees to DEO, pursuant to an interagency agreement. The images and signatures of licensees maintained by HSMV are not public records and are exempt from the provisions of s. 119.07(1), F.S.

²⁴ Information for this paragraph is summarized from tables by the US Dept. of Labor. *Supra* note 14.

²⁵ Black's Law Dictionary (9th ed. 2009).

²⁶ Federal Bureau of Investigation, *Identity Theft Overview*, available at http://www.fbi.gov/about-us/investigate/cyber/identity_theft/identity-theft-overview (last visited Feb. 1, 2016).

²⁷ Federal Trade Commission, *Consumer Sentinel Network Data Book for January-December 2013* (February 2014) p. 3, available at <http://www.ftc.gov/system/files/documents/reports/consumer-sentinel-network-data-book-january-december-2013/sentinel-cy2013.pdf> (last visited on Feb. 1, 2016).

²⁸ Florida Office of the Attorney General, *About Identity Theft Crimes*, available at <http://myfloridalegal.com/pages.nsf/Main/932BC47213C29D3385256DBB0048479D?OpenDocument> (last visited Feb. 1, 2016).

²⁹ Letter to Thomas Perez, US Secretary of Labor, from Jesse Panuccio, Exec. Dir. FL DEO, RE: Identity Theft and Fraud in Public Benefit Systems (Mar. 13, 2015).

³⁰ DEO analysis, 2016 Agency Legislative Bill Analysis, HB 1017 (Jan. 7, 2016).

The bill modifies the duration of disqualification for reemployment assistance benefits obtained by false or fraudulent representation. A claimant found to have committed fraud, continues to be subject to a disqualification from benefits for up to one year after the date DEO discovers the false or fraudulent representation was made. However, a claimant making a false or fraudulent representation, in furtherance of any state or federal felony crime relating to identity theft or inappropriate use of personally identifying information would be subject to:

- Five years disqualification from unemployment benefits for the first such act; and
- 10 years disqualification from unemployment benefits for subsequent acts.

The bill amends the definition of “racketeering activity,” as it relates to Florida’s Racketeer Influenced and Corrupt Organization Act, to include crimes that are chargeable as reemployment assistance fraud. Although current law includes the creation of fictitious employer schemes as “racketeering activity,” the bill would make each false statement or representation or failure to disclose a material fact a separate, prosecutable offense.

Lastly, the bill provides that it becomes effective upon becoming law.

B. SECTION DIRECTORY:

- Section 1: Creates the “Department of Economic Opportunity Cybercrimes Prevention Act.”
- Section 2: Amends chapter 322.142, F.S., authorizing HSMV to provide DEO with the color photographic or digital imaged licenses and signatures of licensees that they maintain.
- Section 3: Amends s. 443.101(6), F.S., providing additional disqualifications for reemployment assistance benefits for claimants making false or fraudulent representations in furtherance of crimes related to identity theft.
- Section 4: Amends s. 895.02(1)(a)7, F.S., to provide that ‘racketeering activity’ includes a crime that is chargeable under ss. 443.071(1), F.S., relating to reemployment assistance fraud.
- Section 5: Provides that the bill becomes effective upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues:
None.

- 2. Expenditures:

The bill may have an insignificant impact due to the data sharing option provided with the Department of Highway Safety and Motor Vehicles. The Department of Economic Opportunity is already engaged in activities to prevent fraud in the reemployment assistance claims process using existing resources.

On January 29, 2016, the Criminal Justice Impact Conference met on the Senate companion measure, SB 1216. Regarding the provision expanding the definition of racketeering activity, the conference adopted a positive insignificant prison bed impact on the Department of Corrections (an increase of ten or fewer beds).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have an indeterminate insignificant fiscal impact related to any reduction in the payment of unemployment taxes as a result of any reduction achieved in fraudulent RA claims.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 1, 2016, the Economic Development & Tourism Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Removed provisions authorizing DEO to hire law enforcement officer.
- Altered the duration of disqualification for fraudulent claims linked to identity theft.
- Removed provisions authorizing DEO to recover overpayments of reemployment assistance benefits through attachment and garnishment proceedings.

This analysis has been updated to reflect the amendment.

27 | expanding range of fraud, including public assistance fraud, and
 28 | WHEREAS, identity theft and related fraud harm those whose
 29 | identities are stolen, rob the social safety net of precious
 30 | resources, impose unwarranted costs on taxpayers, and undermine
 31 | public confidence in government, and

32 | WHEREAS, the Department of Economic Opportunity's efforts
 33 | to detect, prevent, and prosecute fraud have revealed that
 34 | thousands of fraudulent claims for reemployment assistance are
 35 | being filed, and

36 | WHEREAS, the Department of Economic Opportunity has made
 37 | prevention, detection, and prosecution of reemployment
 38 | assistance fraud a top priority and has identified additional
 39 | resources and tools necessary to effectively combat fraud, NOW,
 40 | THEREFORE,

41 |

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

43 |

44 | Section 1. This act may be cited as the "Department of
 45 | Economic Opportunity Cybercrime Prevention Act."

46 | Section 2. Paragraphs (k) and (l) of subsection (4) of
 47 | section 322.142, Florida Statutes, are redesignated as
 48 | paragraphs (l) and (m), respectively, and a new paragraph (k) is
 49 | added to that subsection to read:

50 | 322.142 Color photographic or digital imaged licenses.—

51 | (4) The department may maintain a film negative or print
 52 | file. The department shall maintain a record of the digital

53 image and signature of the licensees, together with other data
 54 required by the department for identification and retrieval.
 55 Reproductions from the file or digital record are exempt from
 56 the provisions of s. 119.07(1) and may be made and issued only:

57 (k) To the Department of Economic Opportunity pursuant to
 58 an interagency agreement to facilitate the validation of
 59 reemployment assistance claims and the identification of
 60 fraudulent or false reemployment assistance claims.

61 Section 3. Subsection (6) of section 443.101, Florida
 62 Statutes, is amended to read:

63 443.101 Disqualification for benefits.—An individual shall
 64 be disqualified for benefits:

65 (6) For making any false or fraudulent representation for
 66 the purpose of obtaining benefits contrary to this chapter,
 67 constituting a violation under s. 443.071.

68 (a) The disqualification imposed under this subsection
 69 begins ~~shall begin with~~ the week in which the false or
 70 fraudulent representation is made and continues ~~shall continue~~
 71 for a period not to exceed 1 year after the date the Department
 72 of Economic Opportunity discovers the false or fraudulent
 73 representation and until any overpayment of benefits resulting
 74 from such representation has been repaid in full. However, if
 75 the false or fraudulent representation is made in furtherance of
 76 any state or federal felony relating to identity theft or
 77 inappropriate use of personal identifying information, the
 78 disqualification imposed under this subsection begins the week

79 in which such representation is made and continues for a period
 80 of 5 years after the date of a first felony conviction or for a
 81 period of 10 years after the date of a second or subsequent
 82 felony conviction.

83 (b) The ~~This~~ disqualification in paragraph (a) may be
 84 appealed in the same manner as any other disqualification
 85 imposed under this section. A conviction by any court of
 86 competent jurisdiction in this state of the offense prohibited
 87 or punished by s. 443.071 is conclusive upon the appeals referee
 88 and the commission of the making of the false or fraudulent
 89 representation for which disqualification is imposed under this
 90 section.

91 Section 4. Paragraph (a) of subsection (1) of section
 92 895.02, Florida Statutes, is amended to read:

93 895.02 Definitions.—As used in ss. 895.01-895.08, the
 94 term:

95 (1) "Racketeering activity" means to commit, to attempt to
 96 commit, to conspire to commit, or to solicit, coerce, or
 97 intimidate another person to commit:

98 (a) Any crime that is chargeable by petition, indictment,
 99 or information under the following provisions of the Florida
 100 Statutes:

101 1. Section 210.18, relating to evasion of payment of
 102 cigarette taxes.

103 2. Section 316.1935, relating to fleeing or attempting to
 104 elude a law enforcement officer and aggravated fleeing or

- 105 eluding.
- 106 3. Section 403.727(3)(b), relating to environmental
- 107 control.
- 108 4. Section 409.920 or s. 409.9201, relating to Medicaid
- 109 fraud.
- 110 5. Section 414.39, relating to public assistance fraud.
- 111 6. Section 440.105 or s. 440.106, relating to workers'
- 112 compensation.
- 113 7. Section 443.071(1) or (4) ~~Section 443.071(4)~~, relating
- 114 to ~~creation of a fictitious employer scheme to commit~~
- 115 reemployment assistance fraud.
- 116 8. Section 465.0161, relating to distribution of medicinal
- 117 drugs without a permit as an Internet pharmacy.
- 118 9. Section 499.0051, relating to crimes involving
- 119 contraband and adulterated drugs.
- 120 10. Part IV of chapter 501, relating to telemarketing.
- 121 11. Chapter 517, relating to sale of securities and
- 122 investor protection.
- 123 12. Section 550.235 or s. 550.3551, relating to dogracing
- 124 and horseracing.
- 125 13. Chapter 550, relating to jai alai frontons.
- 126 14. Section 551.109, relating to slot machine gaming.
- 127 15. Chapter 552, relating to the manufacture,
- 128 distribution, and use of explosives.
- 129 16. Chapter 560, relating to money transmitters, if the
- 130 violation is punishable as a felony.

131 17. Chapter 562, relating to beverage law enforcement.

132 18. Section 624.401, relating to transacting insurance
 133 without a certificate of authority, s. 624.437(4)(c)1., relating
 134 to operating an unauthorized multiple-employer welfare
 135 arrangement, or s. 626.902(1)(b), relating to representing or
 136 aiding an unauthorized insurer.

137 19. Section 655.50, relating to reports of currency
 138 transactions, when such violation is punishable as a felony.

139 20. Chapter 687, relating to interest and usurious
 140 practices.

141 21. Section 721.08, s. 721.09, or s. 721.13, relating to
 142 real estate timeshare plans.

143 22. Section 775.13(5)(b), relating to registration of
 144 persons found to have committed any offense for the purpose of
 145 benefiting, promoting, or furthering the interests of a criminal
 146 gang.

147 23. Section 777.03, relating to commission of crimes by
 148 accessories after the fact.

149 24. Chapter 782, relating to homicide.

150 25. Chapter 784, relating to assault and battery.

151 26. Chapter 787, relating to kidnapping or human
 152 trafficking.

153 27. Chapter 790, relating to weapons and firearms.

154 28. Chapter 794, relating to sexual battery, but only if
 155 such crime was committed with the intent to benefit, promote, or
 156 further the interests of a criminal gang, or for the purpose of

- 157 | increasing a criminal gang member's own standing or position
 158 | within a criminal gang.
- 159 | 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
 160 | 796.05, or s. 796.07, relating to prostitution.
- 161 | 30. Chapter 806, relating to arson and criminal mischief.
- 162 | 31. Chapter 810, relating to burglary and trespass.
- 163 | 32. Chapter 812, relating to theft, robbery, and related
 164 | crimes.
- 165 | 33. Chapter 815, relating to computer-related crimes.
- 166 | 34. Chapter 817, relating to fraudulent practices, false
 167 | pretenses, fraud generally, and credit card crimes.
- 168 | 35. Chapter 825, relating to abuse, neglect, or
 169 | exploitation of an elderly person or disabled adult.
- 170 | 36. Section 827.071, relating to commercial sexual
 171 | exploitation of children.
- 172 | 37. Section 828.122, relating to fighting or baiting
 173 | animals.
- 174 | 38. Chapter 831, relating to forgery and counterfeiting.
- 175 | 39. Chapter 832, relating to issuance of worthless checks
 176 | and drafts.
- 177 | 40. Section 836.05, relating to extortion.
- 178 | 41. Chapter 837, relating to perjury.
- 179 | 42. Chapter 838, relating to bribery and misuse of public
 180 | office.
- 181 | 43. Chapter 843, relating to obstruction of justice.
- 182 | 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or

183 | s. 847.07, relating to obscene literature and profanity.
 184 | 45. Chapter 849, relating to gambling, lottery, gambling
 185 | or gaming devices, slot machines, or any of the provisions
 186 | within that chapter.
 187 | 46. Chapter 874, relating to criminal gangs.
 188 | 47. Chapter 893, relating to drug abuse prevention and
 189 | control.
 190 | 48. Chapter 896, relating to offenses related to financial
 191 | transactions.
 192 | 49. Sections 914.22 and 914.23, relating to tampering with
 193 | or harassing a witness, victim, or informant, and retaliation
 194 | against a witness, victim, or informant.
 195 | 50. Sections 918.12 and 918.13, relating to tampering with
 196 | jurors and evidence.
 197 | Section 5. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7081 PCB HWSS 16-03 Issuance of Specialty License Plates
SPONSOR(S): Highway & Waterway Safety Subcommittee, Steube
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1390

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Highway & Waterway Safety Subcommittee	11 Y, 0 N	Whittaker	Smith
1) Transportation & Economic Development Appropriations Subcommittee		Cobb <i>PZ</i>	Davis <i>ans</i>
2) Economic Affairs Committee			

SUMMARY ANALYSIS

The first Florida specialty license plates were enacted in 1986, and included the creation of the Challenger plate and ten Florida collegiate plates.

Presently, there are over 120 specialty license plates available for purchase in Florida. 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. The annual use fees are distributed by the Department of Highway Safety and Motor Vehicles (DHSMV) to statutorily designated organizations in support of a particular cause or charity.

Only the Legislature may create new specialty license plates. If a specialty license plate is created by law, the following requirements must then be met:

- Within 60 days, the organization must submit an art design, in a medium prescribed by DHSMV.
- Within 120 days, DHSMV must establish a method to issue a specialty license plate voucher to allow for the pre-sale of the specialty plate.
- Within 24 months after the voucher is established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin. If this requirement is not met, the plate is deauthorized and DHSMV must discontinue development of the plate and issuance of the vouchers.

DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate 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 plate registrations falls below 1,000 plates (does not apply to collegiate license plates).

The proposed committee bill raises the minimum pre-sale voucher requirement for a specialty plate from 1,000 to 4,000 before manufacturing of that specialty plate can begin.

The proposed committee bill further provides that, effective July 1, 2018, DHSMV must discontinue the issuance of a specialty plate if the number of valid specialty plate registrations falls below 4,000 for at least 12 consecutive months. A warning letter shall be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations falls below 4,000 plates. Collegiate specialty plates continue to be exempt from this requirement.

The bill could have an indeterminate, but likely insignificant negative fiscal impact to the state, local governments, and various private organizations. See fiscal section.

The bill provides that unless otherwise expressly provided, the effective date is July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Specialty License Plates in General

The first Florida specialty license plates were enacted in 1986, and included the creation of the Challenger plate and ten Florida collegiate plates.¹ Today, there are over 120 specialty license plates available to any owner or lessee of a motor vehicle who is willing to pay the additional use fee for the privilege, typically \$25 annually.² The collected fees are distributed by the Department of Highway Safety and Motor Vehicles (DHSMV) to statutorily designated organizations in support of a particular cause or charity. Vehicles registered under the International Registration Plan, a commercial truck required to display two license plates, or truck tractors are not eligible for specialty license plates.³

Only the Legislature may create new specialty license plates. If a specialty license plate is created by law, the following requirements must then be met:

- Within 60 days, the organization must submit an art design, in a medium prescribed by DHSMV.
- Within 120 days, DHSMV must establish a method to issue a specialty license plate voucher to allow for the pre-sale of the specialty plate.
- Within 24 months after the voucher is established, the organization must obtain a minimum of 1,000 voucher sales before manufacturing may begin. If this requirement is not met, the plate is deauthorized and DHSMV must discontinue development of the plate and issuance of the vouchers.

DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate 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 plate registrations falls below 1,000 plates (does not apply to collegiate license plates).⁴

Organizations in receipt of specialty license plate revenue must adhere to certain accountability requirements found in statute. These requirements include an annual attestation document affirming, under penalty of perjury, that funds received have been spent in accordance with applicable statutes.⁵

A moratorium on the issuance of specialty license plates was imposed by lawmakers in 2008, originally set to expire in 2011; it has been extended to July 1, 2016.⁶

Proposed Changes

The bill amends s. 320.08053, F.S., increasing the minimum voucher sales from 1,000 to 4,000 before manufacturing of a specialty license plate may begin.

The bill amends s. 320.08056, F.S., providing that effective July 1, 2018, DHSMV must discontinue the issuance of a specialty license plate if the number of valid specialty plate registrations falls below 4,000 for

¹ Ch. 86-88, Laws of Florida

² Florida Department of Highway Safety and Motor Vehicles, *Specialty License Plates Index*, <http://www.flhsmv.gov/dmv/specialtytags/> (last visited November 10, 2015)

³ s. 320.08056(2), F.S.

⁴ s. 320.08056 (8)(a), F.S.

⁵ s. 320.08062, F. S.

⁶ Ch. 2008-176, Laws of Fla., as amended by Ch. 2010-223 and Ch. 2014-216, Laws of Fla.

at least 12 consecutive months. A warning letter shall be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations falls below 4,000 plates.

As of November 6, 2015, there were 28 specialty plates with less than 4,000 active registrations.⁷ This count does not include collegiate plates which are exempt from the minimum active plate requirement.

B. SECTION DIRECTORY:

- Section 1** Amends s. 320.08053, F.S., increasing the minimum voucher sales from 1,000 to 4,000 before manufacturing of a specialty license plate may begin.
- Section 2** Amends s. 320.08056, F.S., providing that effective July 1, 2018, DHSMV must discontinue the issuance of a specialty license plate if the number of valid specialty plate registrations falls below 4,000 for at least 12 consecutive months.
- Section 3** Provides that unless otherwise expressly provided, the effective date is July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

While the bill will not have a direct fiscal impact to state revenues, some of the existing specialty plates' annual use fees are distributed to various state entities for specific purposes. To the extent that these plates are deauthorized in the future as a result of this bill, there could be an indeterminate, but likely insignificant negative fiscal impact to various state entities.

2. Expenditures:

DHSMV states that there may additional programming required for each plate that is deauthorized in the future as a result of the bill, but this effort can be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

While the bill will not have a direct fiscal impact to local governments' revenues, some of the existing specialty plates' annual use fees are distributed to various local governments for specific purposes. To the extent that these plates are deauthorized in the future as a result of this bill, there could be an indeterminate, but likely insignificant negative fiscal impact to various local governments.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Currently, there are various organizations that receive distributions from specialty plates' annual use fees. To the extent that these plates are deauthorized in the future as a result of this bill, those organizations would no longer receive the annual use fee distributions.

⁷ Email from the Florida Department of Highway Safety and Motor Vehicles on file with the Transportation and Economic Development Appropriations Subcommittee.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None

HB 7081

2016

1 A bill to be entitled
 2 An act relating to issuance of specialty license
 3 plates; amending s. 320.08053, F.S.; revising presale
 4 requirements for issuance of a specialty plate;
 5 amending s. 320.08056, F.S.; revising conditions for
 6 discontinuing issuance of a specialty plate; providing
 7 applicability; providing effective dates.

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

10
 11 Section 1. Subsection (2) of section 320.08053, Florida
 12 Statutes, is amended to read:

13 320.08053 Establishment of Requirements ~~for requests to~~
 14 ~~establish~~ specialty license plates.-

15 (2)(a) Within 120 days following the specialty license
 16 plate becoming law, the department shall establish a method to
 17 issue a specialty license plate voucher to allow for the presale
 18 of the specialty license plate. The processing fee as prescribed
 19 in s. 320.08056, the service charge and branch fee as prescribed
 20 in s. 320.04, and the annual use fee as prescribed in s.
 21 320.08056 shall be charged for the voucher. All other applicable
 22 fees shall be charged at the time of issuance of the license
 23 plates.

24 (b) Within 24 months after the presale specialty license
 25 plate voucher is established, the approved specialty license
 26 plate organization must record with the department a minimum of

27 | 4,000 ~~1,000~~ voucher sales before manufacture of the license
 28 | plate may begin ~~commence~~. If, at the conclusion of the 24-month
 29 | presale period, the minimum sales requirement ~~has requirements~~
 30 | ~~have~~ not been met, the specialty plate is deauthorized and the
 31 | department shall discontinue development of the plate and
 32 | discontinue issuance of the presale vouchers. Upon
 33 | deauthorization of the license plate, a purchaser of the license
 34 | plate voucher may use the annual use fee collected as a credit
 35 | towards any other specialty license plate or apply for a refund
 36 | on a form prescribed by the department.

37 | Section 2. Effective July 1, 2018, paragraph (a) of
 38 | subsection (8) of section 320.08056, Florida Statutes, is
 39 | amended to read:

40 | 320.08056 Specialty license plates.—

41 | (8) (a) The department must discontinue the issuance of an
 42 | approved specialty license plate if the number of valid
 43 | specialty plate registrations falls below 4,000 ~~1,000~~ ~~plates~~ for
 44 | at least 12 consecutive months. A warning letter shall be mailed
 45 | to the sponsoring organization following the first month in
 46 | which the total number of valid specialty plate registrations is
 47 | below 4,000 ~~1,000~~ ~~plates~~. This paragraph does not apply to
 48 | collegiate license plates established under s. 320.08058(3) or
 49 | license plates of institutions in the State University System.

50 | Section 3. Except as otherwise expressly provided in this
 51 | act, this act shall take effect July 1, 2016.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

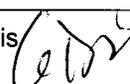
1 Committee/Subcommittee hearing bill: Transportation & Economic
 2 Development Appropriations Subcommittee
 3 Representative Torres offered the following:

Amendment

4
 5
 6 Remove lines 48-49 and insert:
 7 collegiate license plates established under s. 320.08058(3),
 8 license plates of institutions in the State University System,
 9 or specialty license plates that have statutory eligibility
 10 limitations for purchase.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7083 PCB TPS 16-03 Transportation Facility Designations
SPONSOR(S): Transportation & Ports Subcommittee, Passidomo
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Ports Subcommittee	11 Y, 0 N	Willson	Vickers
1) Transportation & Economic Development Appropriations Subcommittee		Davis 	Davis
2) Economic Affairs Committee			

SUMMARY ANALYSIS

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

The bill makes the following designations and directs the Department of Transportation to erect markers:

- Bay County-Colonel William W. Wood Memorial Highway.
- Brevard County-Dr. Martin Luther King, Jr., Memorial Highway
- Broward County-Candice Ellize Francois Street and Potter's Field Memorial Highway.
- Collier County-Mary Ellen Hawkins Street.
- Columbia County-Sergeant Alfonso Lofton Memorial Highway
- Escambia County-Lance Corporal Steven A. Brown Memorial Highway.
- Escambia and Santa Rosa Counties-State Representative C. V. "Clay" Ford Memorial Bridge.
- Franklin County-Specialist Fourth Class Robert Clifford Millender Memorial Highway.
- Gulf County- Dr. Pat's Alley
- Hendry County-Sam Jones Trail.
- Hillsborough County- Barkett Memorial Road, Gonzmart Memorial Road, Judge E.J. Salcines Way, Nick Capitano Memorial Road, Pepin Memorial Road, Jim Holmes Road, and Lieutenant Benedict J. Thomas Memorial Highway.
- Lake County-Sergeant Marvin L. Roberts Memorial Highway and Tera Ross Memorial Interchange.
- Lee County-Caloosahatchee Bridge, Coach Jeff Summer Memorial Highway, and Corporal Joseph R. Bertrand Memorial Highway.
- Leon County-Danny A. Pino Way and C.K. Steele Memorial Highway.
- Levy County-Deputy Sheriff Atticus Haygood Ellzey Memorial Highway.
- Manatee County-Tiffany Marie Olson Memorial Highway.
- Marion County-Elizabeth Inez and Elijah Davis Highway.
- Miami-Dade County-Virginia Gardens Boulevard, Reverend Wilner Maxy Street, Dr. Clifford Garfield O'Connor Road, Georgia Jones-Ayers Street, Robert "Bobby" Parker, Sr., Memorial Highway, Trooper Patrick Ambroise Memorial Highway, Lee Klein Way, Patriot Way, Mr. Luis Fernando Brande Street, Horacio S. Garcia Street, Lance Corporal Antonio Matas-Sosa Way, Lorenzo de Toro Way, and Jose E. "Gene" Miranda Way
- Nassau County-Emmitt G. Coakley Memorial Highway.
- Orange County-Deputy Scott Pine Way, Reverend Kenneth C. Crossman Bridge, and Borinqueneer Boulevard
- Pinellas County-Officer Charles "Charlie K." Kondek Memorial Highway.
- Polk County-Maria Isabel Barajas-Martinez Memorial Highway.
- Taylor County-Private First Class Joey Moody Bridge.
- Volusia County-David G. Ledgerwood Memorial Highway and John Jacob "JJ" Curry Memorial Highway.

The bill has an estimated negative fiscal impact of approximately \$51,000 on the State Transportation Trust Fund which is the cost to DOT to erect the markers specified in the bill.

The bill has an effective date of July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

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

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

Proposed Changes

The bill creates numerous honorary designations for various transportation facilities.

Subsection 1 designates that portion of the Homestead Extension of Florida's Turnpike/S.R. 821 between Milepost 34 and Milepost 36 in Miami-Dade County as "Trooper Patrick Ambroise Memorial Highway."

Trooper Patrick Ambroise was a member of the Florida Highway Patrol killed in the line of duty. On May 15, 2010, at 8:34 p.m., Trooper Ambroise was occupying his patrol vehicle which was parked on the shoulder of northbound S.R. 821. A passing vehicle veered to the right onto the paved emergency shoulder and impacted the left rear section of Trooper Ambroise's patrol vehicle; Trooper Ambroise was killed as a result. Trooper Ambroise served the citizens of Florida, with the Florida Highway Patrol for four years and was 35 years old at the time of his death.

Subsection 2 designates that portion of S.R. 655/Lake Shipp Drive between S.R. 620 and U.S. 17/S.R. 55 in Polk County as "Maria Isabel Barajas-Martinez Memorial Highway."

Maria Isabel Barajas-Martinez was the founder of the Young American Dreamers Group and an activist in numerous organizations advocating for immigrant rights, community service, youth scholarships, food pantries, and many other contributions to central Florida communities. She passed away in a weather related traffic accident on June 24, 2012, at the age of 21.

Subsection 3 designates that portion of Old Water Street between South Franklin Street and Channelside Drive in Hillsborough County as "Barkett Memorial Road."

The Barkett family is prominent in the petroleum industry and currently owns an oil blending and packaging facility in Tampa. Its Amalie Oil Company is the largest independently owned lubricant marketer, manufacturer, and packaging company in the United States.

Subsection 4 designates that portion of S.R. 80 between Hickey Creek Road and Carter Lane in Lee County as "Corporal Joseph R. Bertrand Memorial Highway."

Corporal Joseph R. Bertrand was member of the Florida Highway Patrol killed in the line of duty. On December 22, 1967, Corporal Bertrand was shot and killed by a violator while conducting a driving under the influence investigation on S.R. 80 in Fort Myers. Corporal Bertrand had served the citizens of Florida, with the Florida Highway Patrol, for 16 years and was 46 years of age at the time of his death.

Subsection 5 designates that portion of S.R. 436/Semorán Boulevard between Lake Underhill Road and Hoffner Avenue in Orange County as "Borinqueneer Boulevard."

The 65th Infantry Regiment, nicknamed the "Borinqueneers, from the original Taíno name of the island (Borinquen), is a Puerto Rican Regiment of the United States Army. The 65th Infantry Regiment participated in World War I, World War II, the Korean War, and in the War on Terror. The 65th Infantry Regiment was awarded the Congressional Gold Medal in 2014.

Subsection 6 designates that portion of S.W. 20th Street between S.R. 933/S.W. 12th Avenue and S.W. 13th Avenue in Miami-Dade County as "Mr. Luis Fernando Brande Street."

Luis Fernando Brande was born in Havana, Cuba on May 30, 1954, and emigrated to Miami in November 1961. He played baseball for Miami-Dade Community College, and for the University of Miami, where he was a member of Kappa Delta Pi Educational Honors Society and received a bachelor's degree in Education. After many years of mentoring, teaching, and coaching baseball at both the K-12 and college level, including a trip to Omaha as a Graduate Assistant for the Mississippi State Bulldogs in 1978, he was diagnosed with Bulbar Onset ALS (Lou Gehrig's Disease) in October 2012.

Subsection 7 designates that portion of U.S. 90/S.R. 10A between S.R. 742/Creighton Road and Summit Boulevard in Escambia County as "Lance Corporal Steven A. Brown Memorial Highway."

Lance Corporal Steven A. Brown grew up in Pensacola. He voluntarily joined the Marines in 1966 and served two tours in Vietnam. He died in Vietnam on July 4, 1967. He received numerous military honors including the Purple Heart.

Subsection 8 designates bridge no. 120002 over the Caloosahatchee River on U.S. 41/S.R. 45/Cleveland Avenue in Lee County as the "Caloosahatchee Bridge."

The Caloosahatchee River is located in southwest Florida and is approximately 67 miles long. It drains rural areas on the northern edge of the Everglades, east of Fort Myers. An important link in the Okeechobee Waterway, a manmade inland waterway system of southern Florida, the river forms a tidal estuary along most of its course and has recently become the subject of efforts to restore and preserve the Everglades.

Subsection 9 designates that portion of East 9th Avenue between North 13th Street and North 14th Street as "Nick Capitano Memorial Road."

Nick Capitano was a prominent Tampa business man who founded Radiant Oil Co. in 1931. He was also involved in numerous charitable causes in the Tampa community. He passed away in May 2014 at the age of 98.

Subsection 10 designates that portion of U.S. 1/S.R. 15 between 5th Avenue and Old Dixie Highway in Nassau County as "Emmitt G. Coakley Memorial Highway."

Emmitt G. Coakley was a long-time educator in Nassau County and member of the Nassau County Planning and Zoning Board. He also served two years in the United States Army and graduated from Bethune-Cookman College. He passed away on March 6, 2014.

Subsection 11 designates SunRail Bridge number 750255 over U.S. 17/92/S.R. 15 in Orange County as "Reverend Kenneth C. Crossman Bridge."

Reverend Kenneth C. Crossman was religious leader and civil rights activist. He died September 4, 2004.

Subsection 12 designates that portion of U.S. 17/S.R. 15 between Golden Hills Boulevard and Lake Winona Road in Volusia County as “John Jacob ‘JJ’ Curry Memorial Highway.”

John Jacob “JJ” Curry was a Volusia County firefighter who was killed during a training exercise on November 27, 2007.

Subsection 13 designates that portion of S.R. 35/NE 58th Avenue between County Road 314/NE 7th Street and SE 20th Street in Marion County as “Elizabeth Inez and Elijah Davis Highway.”

Elizabeth Inez Davis was a devoted children’s advocate and community leader in the Ocala area. She founded the Mount Canaan Community Youth Center. She passed away on December 6, 2002. Elijah Davis volunteered for over 60 years at the Mount Canaan Community Youth Center and still volunteers at the age of 101.

Subsection 14 designates portion of the northern egress lane of S.R. 30-A between S.R. 30-A and U.S. 98/S.R. 30 in Gulf County as “Dr. Pat’s Alley.”

Dr. Pat Hardman has served on many committees and advisory boards over the years, and her valuable and knowledgeable input into county operations has made numerous positive impacts for the citizens of Gulf County. She was responsible for initiating the northern egress lane of S.R. 30-A at U.S. 98.

Subsection 15 designates that portion of U.S. 19/98/S.R. 55 between North Otter Creek Avenue and S.E. 1st Avenue in Levy County as “Deputy Sheriff Atticus Haygood Ellzey Memorial Highway.”

Deputy Sheriff Atticus Haygood Ellzey was a Levy County deputy sheriff who was shot and killed in the line of duty on January 28, 1945. In 1953, the Senate introduced SB 1953 to honor his death and to provide relief for his wife and 13 children.

Subsection 16 designates upon completion of construction, the bridge replacing bridge number 480035 between Gulf Breeze and Pensacola on U.S. 98/S.R. 30 in Santa Rosa and Escambia Counties as “State Representative C.V. ‘Clay’ Ford Memorial Bridge.”

State Representative C.V. “Clay” Ford served in the United States Army as an infantry officer and retired as a full Colonel. He served in the Arkansas House of Representatives in the 1970s. From 1990 through 2006 he was a councilman for the City of Gulf Breeze, and Mayor Pro Tem from 2001 through 2006. He also served in the Florida House of Representatives from February 27, 2007, until his death on March 18, 2013.

Subsection 17 designates that portion of Palm Avenue between Pembroke Road and Miramar Parkway in Broward County as “Candice Ellize Francois Street.”

Candice Ellize Francois was born on March 10, 1994 in Miami. She was in the International Baccalaureate Program in high school where she was involved in multiple school activities. Shortly after graduating from high school, she was diagnosed with a rare cancer of the jawbone. She passed away on October 26, 2014, at the age of 20

Subsection 18 designates that portion of N.W. 7th Street between S.R. 9/N.W. 27th Avenue and 37th Avenue in Miami-Dade County as “Horacio S. Garcia Street.”

Born in Cuba, Horacio S. Garcia emigrated to Chicago in 1959 before moving to Miami in the early 1960’s where he became a successful businessman, first owning and operating La Ferrolana and then becoming one of the first Hispanic McDonald’s franchisees in America, eventually owning over a dozen stores. As a Cuban exile leader, he helped create the Cuban American National Foundation with Jorge Mas Canosa, the Cuban Liberty Council, and the Directorio Democratico Cubano.

Subsection 19 designates that portion of County Road 574/7th Avenue between North 20th Street and 22nd Street in Hillsborough County as "Gonzmart Memorial Road."

The Gonzmart's are descendants of the Hernandez family, which founded the Columbia Restaurant in Tampa in 1905, which is Florida's oldest restaurant. Members of the Gonzmart family currently own the Columbia Restaurant Group.

Subsection 20 designates that portion of Golden Gate Parkway between U.S. 41/S.R. 45/Tamiami Trail and County Road 851 in Collier County as "Mary Ellen Hawkins Street."

Mary Ellen Hawkins was Collier County's first female state representative. She served in the Florida House of Representatives from 1974 to 1994, and subsequently remained active in promoting and improving her community.

Subsection 21 designates that portion of N. MacDill Ave between W. Woodlawn Avenue and S.R. 574 in Hillsborough County as "Jim Holmes Road."

Jim Holmes is a religious and philanthropic leader in his community. He founded the Judeo Christian Health Clinic in 1972. This Clinic provides medical, dental, and ophthalmic care to individuals whom cannot afford or might not otherwise qualify for medical assistance.

Subsection 22 designates that portion of County Road 833 between S.R. 80 and the entrance to the Big Cypress Seminole Indian Reservation in Hendry County as "Sam Jones Trail."

Sam Jones was a medicine man and a major leader of the Seminole Tribe of Florida through the three Seminole Wars.

Subsection 23 designates that portion of S.R. 9/N.W. 27th Avenue between S.R. 924/N.W. 119th Street and N.W. 106th Street in Miami-Dade County as "Georgia Jones-Ayers Street."

A community activist since the 1960's, Georgia Ayers was assigned to community relations boards and advisory boards to facilitate relations between the community and local police. Among Ms. Ayers' many contributions to the community, she founded the Alternative Program with a Miami-Dade Circuit judge in 1982, working with the court system to offer an alternative to jail time for people charged with felonies or nonviolent crimes. She also founded the area's Daily Bread Food Bank. She passed away on February 17, 2015.

Subsection 24 designates that portion of S.R. 519/Fiske Boulevard located within the corporate limits of the City of Rockledge in Brevard County as "Dr. Martin Luther King, Jr., Memorial Highway."

Dr. Martin Luther King, Jr., was an American clergyman, activist, and prominent leader in the Civil Rights Movement. He was assassinated on April 4, 1968.

Subsection 25 designates that portion of S.R. 973/87th Avenue between S.R. 94/Kendell Drive and S.W. 92nd Street in Miami-Dade County as "Lee Klein Way."

Lee Klein began her career as a volunteer charity worker for children's causes in 1956. In 1965, she founded what is now known as the Children's Cancer Caring Center. She remains its Chairman and Chief Executive Officer.

Subsection 26 designates that portion of U.S. 19A/S.R. 595 between Tarpon Avenue and the Pasco County line in Pinellas County as "Officer Charles 'Charlie K.' Kondek Memorial Highway."

Officer Charles "Charlie K." Kondek served on the Tarpon Springs Police Department for 17 years. He previously served on the New York City Police Department for five years. He was killed in the line of duty on December 21, 2014.

Subsection 27 designates that portion of S.R. 415 between Acorn Lake Road and Reed Ellis Road in Volusia County as "David G. Ledgerwood Memorial Highway."

David G. Ledgerwood was killed in Vietnam on April 29, 1968. He was posthumously promoted to the rank of sergeant and awarded the Bronze Star. He is buried in Arlington National Cemetery.

Subsection 28 designates that portion of I-10/S.R. 8 between the Suwannee County line and the Baker County line in Columbia County as "Sergeant Alfonso Lofton Memorial Highway."

Sergeant Alfonso Lofton honorably served in the Marine Corps for five years. On May 1, 1970, he became the Florida Highway Patrol's first African-American trooper. During his career, he was appointed to the FHP Equal Employment Opportunity Committee, received the Martin Luther King Brotherhood Award, and was honored by the State of Florida. His distinguished career was cut short by Multiple Sclerosis, which took his life on February 25, 1984 at the age of 39. On August 19, 1988, the Troop E Headquarters Station was dedicated to the memory of Trooper Alphonso Lofton.

Subsection 29 designates portion of S.W. 97th Avenue between Miller Drive/S.W. 56th Street and S.R. 968/S.W. 72nd Street/Sunset Drive in Miami-Dade County as "Lance Corporal Orlando Antonio Matas-Sosa Way."

Born in Cuba, Lance Corporal Orlando Antonio Matas-Sosa emigrated to the United States as part of Operation Peter Pan. He volunteered for the Marine Corps and served his country from 1968 to 1970, including over 11 months in Vietnam, where earned many medals including the Purple Heart. He spent his career working for the City of Coral Gables.

Subsection 30 designates that portion of N.E. 73rd Street between N.E. 2nd Avenue and N.E. 3rd Court in Miami-Dade County as "Reverend Wilner Maxy Street."

Reverend Wilner Maxy is a Haitian born reverend who ministers in low income and impoverished communities in Florida.

Subsection 31 designates that portion of U.S. 98/S.R. 30 between Ryan Drive/W. 11th Street and N.E./S.E. 12th Street in Franklin County as "SP4 Robert Clifford Millender Memorial Highway."

Specialist Fourth Class Robert Clifford Millender was killed in active duty during the Vietnam War on February, 14 1970. He was a recipient of the National Defense Service Medal, Vietnam Campaign Medal, Vietnam Service Medal, and the Purple Heart.

Subsection 32 designates that portion of S.W. 24th Street between S.W. 97th Avenue and S.W. 102nd Avenue in Miami-Dade County as "Jose E. 'Gene' Miranda Way."

Jose E. "Gene" Miranda was born in Cuba in 1928 and emigrated to Florida in 1960. A member of Brigade 2506, he was captured and spent approximately 20 months as a Cuban prisoner before returning to Florida in December 1962. In his career, he held many positions with the Kelly Tractor Company, and ran several successful parts export businesses of his own. He passed away on June 22, 2013 at the age of 85.

Subsection 33 designates upon completion of construction, bridge number 380096 on U.S. 221/S.R. 55 over the Econfina River in Taylor County as "Private First Class Joey Moody Bridge."

Private First Class Joey Moody grew up in Taylor County and was killed in Korea on June 21, 1952, when he was sent to repair a communications line. He was posthumously awarded the National Defense Medal, Korean Combat Medal, Korean Battle Medal, and the Purple Heart.

Subsection 34 designates that portion of N.W. 32nd Avenue between N.W. 87th Street and N.W. 83rd Street in Miami-Dade County as "Dr. Clifford Garfield O'Connor Street,"

Dr. Clifford Garfield O'Connor was a podiatrist who also assisted in training new physicians. He also participated in several medical missions to Jamaica and Haiti. He passed away on February 23, 2015, at the age of 50.

Subsection 35 designates that portion of U.S. 19/S.R. 55 between U.S. 41/S.R. 45/Tamiami Trail and Palm View Road in Manatee in County as "Tiffany Marie Olson Memorial Highway"

Tiffany Marie Olson died in a traffic crash on December 7, 2005 on U.S. 19 between the Tamiami Trail and Palm View Road. Her mother, Christine Olson, began "TIFF – To Inform Families First", a nonprofit organization dedicated to promoting emergency contact registration to help notify families in case of an emergency, in memory of her daughter.

Subsection 36 designates that portion of U.S. 441/S.R. 7 between N.W. 155th Lane and N.W. 151st Street in Miami-Dade County as Robert "Bobby" L. Parker, Sr., Memorial Highway.

Robert "Bobby" Parker, Sr. joined the Miami-Dade Police Department in 1976, where he served in every civil rank in the Department, from police officer to Captain, before being appointed through the ranks of Major, Chief and Assistant Director. On April 1, 2004, he became the first African-American Director of the Miami-Dade Police Department. He honorably served the Department and his community for 33 distinguished years.

Subsections 37 and 38 designate those portions of S.W. 89th and S.W. 92nd Avenues between S.W. 40th Street and S.W. 48th Street in Miami-Dade County as "Patriot Way."

The Patriots is the mascot of the Florida Christian School, which has been serving the communities of West Miami-Dade County since 1968.

Subsection 39 designates that portion of S.R. 583/56th Street between S.R. 574/East Dr. Martin Luther King Boulevard and Harney Road in Hillsborough County as "Pepin Memorial Road."

Arthur Pepin founded Pepin Distributing Company and was a major philanthropist in Tampa. He passed away in 2000. His wife, Polly, passed away in 2012.

Subsection 40 designates that portion of C.R. 435/Apopka-Vineland Road between Old Winter Garden Road and C.R. 439/Conroy-Windermere Road in Orange County as "Deputy Scott Pine Way."

Deputy Scott Pine took his oath as Deputy Sheriff on May 23, 2011, promising to protect and defend the citizens of Orange County. He received the Deputy of the Month in 2014 and was encouraged to assist and mentor new assigned deputies. On February 11, 2014, Deputy Pine was working patrol on the midnight shift when he responded to a call of vehicle burglary. Upon arrival at the scene, Deputy Pine gave chase to a suspect, and the suspect shot Deputy Pine. He succumbed to his injuries, leaving his wife and three young children.

Subsection 41 designates that portion of U.S. 90/S.R. 10 between N. Woodward Avenue and Wadsworth Street in Leon County as "Danny A. Pino Way."

Danny A. Pino was born in Miami-Dade County on April 29, 1995, and played baseball for the United States Merchant Marine Academy, before returning home to study at Florida International University

and joining the Reserve Officer Training Corps in September 2014. His life was cut short on September 28, 2014, after being accidentally struck by a car. His final act of valor was donating his organs to two boys, ages seven and 12, and a 63-year-old man.

Subsection 42 designates that portion of I-95/S.R. 9 between S.R. 842/Broward Boulevard and SR 838/ Sunrise Boulevard in Broward County as "Potter's Field Memorial Highway."

North Woodlawn Cemetery was established during the 1920s, northwest of the present day intersection of NW 9th Street and NW 19th Avenue. It is the resting place of many prominent members of Fort Lauderdale's African-American community, as it was the only cemetery in which African-Americans could be buried from the time segregation laws went into effect in 1927, until the Sunset Memorial Gardens opened in 1962 and racial segregation ended in 1964. The first available historic map of North Woodlawn Cemetery is from 1940. It shows four blocks of cemetery and a potter's field at the west. A "potter's field" is the term used for the burial place of unknown or indigent people, and this section of North Woodlawn Cemetery included burials of people who were unknown to the community and had no local family and friends.

Subsection 43 designates that portion of S.R. 19 between S.R. 50 and C.R. 478/Cherry Lake Road in Lake County "Sergeant Marvin L. Roberts Memorial Highway."

Born in Groveland, Sergeant Marvin L. Roberts graduated from Groveland High School in 1942. Enlisting in the Army in 1943, he landed on Omaha Beach as part of the third wave of the Normandy invasion on D-Day, then fought in the Battles of the Normandy Hedge-Rows, St. Lo, and the Hurtgen Forest before bravely fighting and losing his life in the Battle of the Bulge on January 15, 1945. Among other recognitions, he was honored with the Invasion Bronze Arrow-Head, Bronze Star, two Presidential Unit Citations, and the Purple Heart.

Subsection 44 designates, upon completion of construction, the interchange on the Florida Turnpike Mainline at milepost 279 in Lake County as "Tera Ross Memorial Interchange."

Tera Ross was killed in a traffic accident in December 2003. Her accident led to the creation of the Mainline Safety Program. This program used the presence of guardrails to prevent similar cross over accidents.

Subsection 45 designates that portion of Howard Avenue between West Main Street and West Columbus Drive in Hillsborough County as "Judge E.J. Salcines Way."

Judge E.J. Salcines was a career federal and state prosecutor for 22 years and in private practice for 13 years before being appointed as a judge on the appellate court in 1998, where he served until his retirement in 2008.

Subsection 46 designates portion of U.S. 41/S.R. 45/Tamiami Trail between Corkscrew Road/C.R. 850 and Coconut Road in Lee County as "Coach Jeff Sommer Highway."

Coach Jeff Sommer was a teacher, athletic director, and legendary track coach who dedicated 38 years to Lee County Schools, most of which were spent at Estero High School.

Subsection 47 designates that portion of S.R. 371/373/Orange Avenue between S.R. 263/Capital Circle and S.R. 61/Monroe Street in Leon County as "C. K. Steele Memorial Highway."

In 1956, 38 year-old C.K. Steele moved to Tallahassee where he served as minister at the Bethel Baptist Church until his death in 1980. He organized a bus boycott in Tallahassee in 1956 after two black college students were arrested for sitting in the "whites only" section of a city bus, successfully integrating bus service in the community. He also worked to integrate Tallahassee's schools, restaurants, theaters, and other public facilities. He became a national figure in the civil rights

movement, helping to organize the Southern Christian Leadership Conference. He participated in many national civil rights protests, including the famous march in Selma, Alabama.

Subsection 48 designates that portion of I-75/S.R. 93A between Fowler Avenue and Fletcher Avenue in Hillsborough County as "Lieutenant Benedict J. Thomas Memorial Highway."

Lieutenant Benedict J. Thomas was a member of the Florida Highway Patrol killed in the line of duty. On June 9, 1989, Lieutenant Thomas was struck by a passing car while walking back to his vehicle after investigating an abandoned vehicle on Interstate 75 in Tampa. Lieutenant Thomas had served the citizens of Florida, with the Florida Highway Patrol, for 11 years and was 32 years of age at the time of his death.

Subsection 49 designates that portion of U.S. 41/S.R. 90/S.W. 8th Street between S.W. 53rd Avenue and S.W. 56th Avenue in Miami-Dade County as "Lorenzo de Toro Way."

Mr. de Toro is the founder of Revista Ideal, the longest-existing published magazine of the Cuban exile community. July 2015 marked the 45th anniversary of the publication.

Subsection 50 designates that portion of S.R. 948/N.W. 36th Street between Curtiss Parkway/N.W. 57th Avenue and N.W. 67th Avenue in Miami-Dade County as "Virginia Gardens Boulevard."

Virginia Gardens Boulevard is designated for the portion of S.R. 948 which runs adjacent to the Village of Virginia Gardens.

Subsection 51 designates that portion of S.R. 368 between U.S. 98/S.R. 30 and S.R. 390 in Bay County as "Col. William W. Wood Memorial Highway."

Colonel William W. Wood was a Lt. Colonel assigned to the Army National Guard's 1st Battalion, 184th Infantry Regiment. He was killed by a bomb in Baghdad, Iraq, while directing security operations following an explosion. He died on October 27, 2005, leaving his wife and daughter, and was posthumously promoted to Colonel.

Subsection 52 directs DOT to erect suitable markers designating each of the above designations.

The bill provides an effective date of July 1, 2016.

B. SECTION DIRECTORY:

Section 1 Creates transportation facility designations and directs DOT to erect suitable markers.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

DOT will incur costs of approximately \$51,000 from the State Transportation Trust Fund for erecting markers for the designations. This is based on the assumption that two markers for each

designation will be erected at a cost of \$500 per marker. DOT will also incur the recurring costs of maintaining these signs over time, and for future replacement of the signs as necessary

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The following designations are not on the State Highway System:

- Sam Jones Trail
- Mary Ellen Hawkins Street
- Candice Ellize Francois Street
- Gonzmart Memorial Road
- Judge E.J. Salcines Way
- Barkett Memorial Road
- Nick Capitano Memorial Road
- Dr. Clifford Garfield O'Connor Road.
- Patriot Way
- Jim Holmes Road
- Reverend Wilner Maxy Street
- Mr. Luis Fernando Brande Street
- Horacio S. Garcia Street
- Lance Corporal Antonio Matas-Sosa Way
- Jose E. "Gene" Miranda Way
- Deputy Scott Pine Way

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to transportation facility
 3 designations; providing honorary designations of
 4 various transportation facilities in specified
 5 counties; directing the Department of Transportation
 6 to erect suitable markers; providing an effective
 7 date.

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

10
 11 Section 1. Transportation facility designations;
 12 Department of Transportation to erect suitable markers.-

13 (1) That portion of the Homestead extension of the Florida
 14 Turnpike/S.R. 821 between Milepost 34 and Milepost 36 in Miami-
 15 Dade County is designated as "Trooper Patrick Ambroise Memorial
 16 Highway."

17 (2) That portion of S.R. 655/Lake Shipp Drive between S.R.
 18 620 and U.S. 17/S.R. 55 in Polk County is designated as "Maria
 19 Isabel Barajas-Martinez Memorial Highway."

20 (3) That portion of Old Water Street between S. Franklin
 21 Street and Channelside Drive in Hillsborough County is
 22 designated as "Barkett Memorial Road."

23 (4) That portion of S.R. 80 between Hickey Creek Road and
 24 Carter Lane in Lee County is designated as "Corporal Joseph R.
 25 Bertrand Memorial Highway."

26 (5) That portion of S.R. 436/Semorán Boulevard between

27 Lake Underhill Road and Hoffner Avenue in Orange County is
 28 designated as "Boringueneer Boulevard."

29 (6) That portion of S.W. 20th Street between S.R. 933/S.W.
 30 12th Avenue and S.W. 13th Avenue in Miami-Dade County is
 31 designated as "Mr. Luis Fernando Brande Street."

32 (7) That portion of U.S. 90/S.R. 10A between S.R.
 33 742/Creighton Road and Summit Boulevard in Escambia County is
 34 designated as "Lance Corporal Steven A. Brown Memorial Highway."

35 (8) Bridge number 120002 over the Caloosahatchee River on
 36 U.S. 41/S.R. 45/Cleveland Avenue in Lee County is designated as
 37 "Caloosahatchee Bridge."

38 (9) That portion of E. 9th Avenue between N. 13th Street
 39 and N. 14th Street in Hillsborough County is designated as "Nick
 40 Capitano Memorial Road."

41 (10) That portion of U.S. 1/S.R. 15 between 5th Avenue and
 42 Old Dixie Highway in Nassau County is designated as "Emmitt G.
 43 Coakley Memorial Highway."

44 (11) SunRail Bridge number 750255 over U.S. 17/U.S.
 45 92/S.R. 15 in Orange County is designated as "Reverend Kenneth
 46 C. Crossman Bridge."

47 (12) That portion of U.S. 17/S.R. 15 between Golden Hills
 48 Boulevard and Lake Winona Road in Volusia County is designated
 49 as "John Jacob 'JJ' Curry Memorial Highway."

50 (13) That portion of S.R. 35/N.E. 58th Avenue between C.R.
 51 314/N.E. 7th Street and S.E. 20th Street in Marion County is
 52 designated as "Elizabeth Inez and Elijah Davis Highway."

53 (14) That portion of the northern egress lane of S.R. 30-A
 54 between C.R. 30A/30E and U.S. 98/S.R. 30 in Gulf County is
 55 designated as "Dr. Pat's Alley."

56 (15) That portion of U.S. 19/98/S.R. 55 between N. Otter
 57 Creek Avenue and S.E. 1st Avenue in Levy County is designated as
 58 "Deputy Sheriff Atticus Haygood Ellzey Memorial Highway."

59 (16) Upon completion of construction, the bridge replacing
 60 bridge number 480035 between Gulf Breeze and Pensacola on U.S.
 61 98/S.R. 30 in Santa Rosa and Escambia Counties is designated as
 62 "State Representative C. V. 'Clay' Ford, Jr., Bridge."

63 (17) That portion of Palm Avenue between Pembroke Road and
 64 Miramar Parkway in Broward County is designated as "Candice
 65 Ellize Francois Street."

66 (18) That portion of N.W. 7th Street between S.R. 9/N.W.
 67 27th Avenue and 37th Avenue in Miami-Dade County is designated
 68 as "Horacio S. Garcia Street."

69 (19) That portion of C.R. 574/7th Avenue between N. 20th
 70 Street and 22nd Street in Hillsborough County is designated as
 71 "Gonzmart Memorial Road."

72 (20) That portion of Golden Gate Parkway between U.S.
 73 41/S.R. 45/Tamiami Trail and C.R. 851 in Collier County is
 74 designated as "Mary Ellen Hawkins Street."

75 (21) That portion of N. MacDill Avenue between W. Woodlawn
 76 Avenue and S.R. 574 in Hillsborough County is designated as "Jim
 77 Holmes Road."

78 (22) That portion of C.R. 833 between S.R. 80 and the

79 entrance to the Big Cypress Seminole Indian Reservation in
 80 Hendry County is designated as "Sam Jones Trail."

81 (23) That portion of S.R. 9/N.W. 27th Avenue between S.R.
 82 924/N.W. 119th Street and N.W. 106th Street in Miami-Dade County
 83 is designated as "Georgia Jones-Ayers Street."

84 (24) That portion of S.R. 519/Fiske Boulevard located
 85 within the corporate limits of the City of Rockledge in Brevard
 86 County is designated as "Dr. Martin Luther King, Jr., Memorial
 87 Highway."

88 (25) That portion of S.R. 973/87th Avenue between S.R.
 89 94/Kendall Drive and S.W. 92nd Street in Miami-Dade County is
 90 designated as "Lee Klein Way."

91 (26) That portion of U.S. 19A/S.R. 595 between Tarpon
 92 Avenue and the Pasco County line in Pinellas County is
 93 designated as "Officer Charles 'Charlie K' Kondek, Jr., Memorial
 94 Highway."

95 (27) That portion of S.R. 415 between Acorn Lake Road and
 96 Reed Ellis Road in Volusia County is designated as "David G.
 97 Ledgerwood Memorial Highway."

98 (28) That portion of I-10/S.R. 8 between the Suwannee
 99 County line and the Baker County line in Columbia County is
 100 designated as "Sergeant Alfonso Lofton Memorial Highway."

101 (29) That portion of S.W. 97th Avenue between Miller
 102 Drive/S.W. 56th Street and S.R. 968/S.W. 72nd Street/Sunset
 103 Drive in Miami-Dade County is designated as "Lance Corporal
 104 Orlando Antonio Matas-Sosa Way."

105 (30) That portion of N.E. 73rd Street between N.E. 2nd
 106 Avenue and N.E. 3rd Court in Miami-Dade County is designated as
 107 "Reverend Wilner Maxy Street."

108 (31) That portion of U.S. 98/S.R. 30 between Ryan Drive/W.
 109 11th Street and N.E./S.E. 12th Street in Franklin County is
 110 designated as "SP4 Robert Clifford Millender Memorial Highway."

111 (32) That portion of S.W. 24th Street between S.W. 97th
 112 Avenue and S.W. 102nd Avenue in Miami-Dade County is designated
 113 as "Jose E. 'Gene' Miranda Way."

114 (33) Upon completion of replacement construction, bridge
 115 number 380096 on U.S. 221/S.R. 55 over the Econfina River in
 116 Taylor County is designated as "Private First Class Joey Moody
 117 Bridge."

118 (34) That portion of N.W. 32nd Avenue between N.W. 83rd
 119 Street and N.W. 87th Street in Miami-Dade County is designated
 120 as "Dr. Clifford Garfield O'Connor Street."

121 (35) That portion of U.S. 19/S.R. 55 between U.S. 41/S.R.
 122 45/Tamiami Trail and Palm View Road in Manatee County is
 123 designated as "Tiffiany Marie Olson Memorial Highway."

124 (36) That portion of U.S. 441/S.R. 7 between N.W. 155th
 125 Lane and N.W. 151st Street in Miami-Dade County is designated as
 126 "Robert 'Bobby' L. Parker, Sr., Memorial Highway."

127 (37) That portion of S.W. 89th Avenue between S.W. 40th
 128 Street and S.W. 48th Street in Miami-Dade County is designated
 129 as "Patriot Way."

130 (38) That portion of S.W. 92nd Avenue between S.W. 40th

131 Street and S.W. 48th Street in Miami-Dade County is designated
 132 as "Patriot Way."

133 (39) That portion of S.R. 583/56th Street between S.R.
 134 574/E. Dr. Martin Luther King Boulevard and Harney Road in
 135 Hillsborough County is designated as "Pepin Memorial Road."

136 (40) That portion of C.R. 435/Apopka-Vineland Road between
 137 Old Winter Garden Road and C.R. 439/Conroy-Windermere Road in
 138 Orange County is designated as "Deputy Scott Pine Way."

139 (41) That portion of U.S. 90/S.R. 10 between N. Woodward
 140 Avenue and Wadsworth Street in Leon County is designated as
 141 "Danny A. Pino Way."

142 (42) That portion of I-95/S.R. 9 between S.R. 842/Broward
 143 Boulevard and S.R. 838/Sunrise Boulevard in Broward County is
 144 designated as "Potter's Field Memorial Highway."

145 (43) That portion of S.R. 19 between S.R. 50 and C.R.
 146 478/Cherry Lake Road in Lake County is designated as "Sergeant
 147 Marvin L. Roberts Memorial Highway."

148 (44) Upon completion of construction, the interchange on
 149 S.R. 91/the Florida Turnpike at mile marker 279 in Lake County
 150 is designated as "Tera Ross Memorial Interchange."

151 (45) That portion of Howard Avenue between W. Main Street
 152 and W. Columbus Drive in Hillsborough County is designated as
 153 "Judge E. J. Salcines Way."

154 (46) That portion of U.S. 41/S.R. 45/Tamiami Trail between
 155 Corkscrew Road and Coconut Road in Lee County is designated as
 156 "Coach Jeff Sommer Memorial Highway."

157 (47) That portion of S.R. 371/373/Orange Avenue between
 158 S.R. 263/Capital Circle and S.R. 61/Monroe Street in Leon County
 159 is designated as "C. K. Steele Memorial Highway."

160 (48) That portion of I-75/S.R. 93A between Fowler Avenue
 161 and Fletcher Avenue in Hillsborough County is designated as
 162 "Lieutenant Benedict J. Thomas Memorial Highway."

163 (49) That portion of U.S. 41/S.R. 90/S.W. 8th Street
 164 between S.W. 53rd Avenue and S.W. 56th Avenue in Miami-Dade
 165 County is designated as "Lorenzo de Toro Way."

166 (50) That portion of S.R. 948/N.W. 36th Street between
 167 Curtiss Parkway/N.W. 57th Avenue and N.W. 67th Avenue in Miami-
 168 Dade County is designated as "Virginia Gardens Boulevard."

169 (51) That portion of S.R. 368 between U.S. 98/S.R. 30 and
 170 S.R. 390 in Bay County is designated as "Col. William W. Wood
 171 Memorial Highway."

172 (52) The Department of Transportation is directed to erect
 173 suitable markers designating the transportation facilities as
 174 described in this section.

175 Section 2. This act shall take effect July 1, 2016.