



Transportation & Infrastructure Subcommittee

**Tuesday, January 28, 2020
12:00 PM – 3:00 PM
Reed Hall (102 HOB)**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Transportation & Infrastructure Subcommittee

Start Date and Time: Tuesday, January 28, 2020 12:00 pm

End Date and Time: Tuesday, January 28, 2020 03:00 pm

Location: Reed Hall (102 HOB)

Duration: 3.00 hrs

Consideration of the following bill(s):

HB 395 Transportation by Andrade

HB 787 Driver Licenses by Tomkow

HB 789 Driver License Fees by Tomkow

HB 943 Electric Vehicle Charging Stations by Daley

HB 971 Electric Bicycles by Grant, M.

HB 1039 Transportation Network Companies by Rommel

HB 1281 Police Vehicles by McGhee

HB 1371 Traffic and Pedestrian Safety by Fine, Caruso

NOTICE FINALIZED on 01/24/2020 4:01PM by Denson.Tori

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 395 Transportation

SPONSOR(S): Andrade

TIED BILLS: **IDEN./SIM. BILLS:** SB 1172

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Johnson	Vickers
2) Transportation & Tourism Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

The bill amends various statutory provisions relating to transportation. In summary, the bill:

- Requires the Florida Transportation Commission to establish and adjust the salary of the Secretary of Transportation based on a market analysis of the salaries of comparatively skilled individuals.
- Sets the minimum salary of the Secretary of Transportation at \$180,000 per year.
- Extends the length of time certain competitive solicitations required by the Department of Transportation (DOT) are exempt from public records requirements.
- Authorizes construction vehicles and portable radar speed display units to display flashing blue lights under certain circumstances.
- Authorizes the use of flashing lights on vehicles during periods of extreme low visibility under certain circumstances.
- Clarifies qualification requirements for contractors desiring to bid on DOT contracts in excess of \$50 million.
- Requires contractors seeking DOT certification as qualified to bid on certain projects to submit specified financial statements.
- Revises liability provisions for DOT contractors under certain conditions.
- Authorizes the Governor, instead of the Secretary of Transportation to suspend tolls in an emergency evacuation and requires suspended tolls to be reinstated when certain conditions are met.

DOT may incur additional operating expenditures associated with salary adjustments. The Florida Transportation Commission will incur expenditures associated with conducting a market analysis to ascertain compensation levels for the Secretary of Transportation. There may be an impact to state and local government revenues due to the automatic reinstatement of tolls following an emergency evacuation. See Fiscal Analysis for details.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

DOT Executive Salaries

Present Situation

Department of Transportation

The Department of Transportation (DOT) is created as a decentralized agency, consisting of seven geographic districts, the Florida Turnpike Enterprise, and the Florida Rail Enterprise.¹

DOT is headed by the Secretary of Transportation, who is appointed by the Governor from among three persons nominated by the Florida Transportation Commission (FTC), subject to Senate confirmation.² The Secretary of Transportation must be a proven, effective administrator who by a combination of education and experience clearly possesses a broad knowledge of the administrative, financial, and technical aspects of the development, operation, and regulation of transportation systems and facilities or comparable systems and facilities.³

The Secretary of Transportation may appoint up to three assistant secretaries who are directly responsible to the secretary, and who perform such duties as are assigned by the secretary. The secretary may delegate to any assistant secretary the authority to act in the absence of the secretary.⁴ The Secretary of Transportation and DOT's assistant secretaries are exempt from the Career Service System⁵ and must be compensated commensurate with their qualifications and competitive with compensation for comparable responsibility in the private sector.⁶

Florida Transportation Commission

The FTC is a nine-member citizen's advisory board for DOT. While specifically prohibited from entering into DOT's day to day operations, the FTC:

- Reviews major transportation policy initiatives or revisions submitted by DOT.
- Recommends transportation policy to the Governor and Legislature.
- Serves as an oversight body for DOT.
- Serves as an oversight body for statutorily-created transportation authorities.⁷

Secretary of Transportation Compensation

Rule 60L-32.001, F.A.C., states that "upon appointment, an agency shall set an employee's base rate of pay within the pay band for the broadband level to which appointed." In the State Personnel System, most agency heads are in Pay Band 25, with a salary range of \$68,135.86 - \$318,327.74. While the broad-banding system is the State Personnel System's official classification/compensation system, for planning and budgeting purposes the Legislature and the Office of Policy and Budget use the state's former pay grade system. Under the former pay grade system, Pay Grade 95, which is associated with the most agency heads, including the Secretary of Transportation, has salary a range of \$77,470.12 - \$184,557.21.⁸ However, unless a specific salary is set by law or in the General Appropriations Act, the salaries of agency heads are determined by the appointing person or entity.⁹

¹ Section 20.23(4)(a), F.S.

² Section 20.23(1)(a), F.S.

³ Section 20.23(1)(b), F.S.

⁴ Section 20.23(1)(d), F.S.

⁵ Part III of Ch. 110, F.S.

⁶ Section 20.23(1)(e), F.S.

⁷ Section 20.23(2), F.S. FTC website, <http://www.ftc.state.fl.us/aboutus.shtm> (Last visited Jan. 22, 2020).

⁸ Exceptions include the Chancellor of the Board of Governors, the Executive Director of the Department of Citrus, and the State Surgeon General.

⁹ Email from Andrew Forst, Deputy Legislative Affairs Director, Department of Management Services, RE: HB 395-Transportation (Oct. 25, 2019).

The Secretary of Transportation's current salary is \$142,500 per year.¹⁰

Effect of the Bill

The bill requires that the Secretary of Transportation and any assistant secretaries be compensated commensurate with his or her qualification and competitive with compensation for persons with comparable responsibility in both other public sector organizations and the private sector.

The bill requires the FTC to establish and adjust the Secretary of Transportation's salary according to a market analysis focused on comparably skilled individuals in other public sector organizations¹¹ and on comparably skilled individuals in the private sector. The market analysis must serve as a basis for ascertaining compensation levels required to retain the Secretary of Transportation in the position within DOT and to attract external individuals whose talents can fulfill DOT's mission and effect change. This market analysis must be updated before the appointment of a new Secretary of Transportation.

The bill also sets the minimum salary for the Secretary of Transportation at \$180,000 per year.

DOT Competitive Solicitations-Public Records Exemption

Present Situation

Public Records

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law, for the exemption of records from the requirements of Article I, section 24(a).¹² The general law must only contain such exemptions and state with specificity the public necessity justifying the exemption¹³ and must be no more broad than necessary to accomplish its purpose.¹⁴

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record. Furthermore, the Open Government Sunset Review Act¹⁵ provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allow the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protect sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protect trade or business secrets.¹⁶

Section 119.071(1), F.S., provides general exemptions from the inspection or copying of public records, including an exemption for sealed bids, proposals, or replies received by an agency¹⁷ pursuant to a

¹⁰ Florida Has A Right to Know, State Employee's Salaries: Available at: https://salaries.myflorida.com/?utf8=%E2%9C%93&by_name=Thibault&by_agency=FL+Dept+of+Transportation&by_class_code=&min_salary=0&max_salary=317200 (Last visited Dec. 9, 2019).

¹¹ These public sector organizations, include, but are not limited to, expressway authorities, aviation authorities, and port authorities.

¹² Art. I, s. 24(c), Fla. Const.

¹³ This portion of a public record exemption is commonly referred to as a "public necessity statement."

¹⁴ Art. I, s. 24(c), Fla. Const.

¹⁵ Section 119.15, F.S.

¹⁶ Section 119.15(6)(b), F.S.

¹⁷ Section 119.011(2), F.S., defines the term "agency" as any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

competitive solicitation¹⁸ until such time as the agency provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever is earlier.¹⁹

DOT's Competitive Solicitation Authority

Section 337.11, F.S., authorizes DOT to enter into contracts for the construction and maintenance of all roads placed under its supervision. DOT may also enter into contracts for the construction and maintenance of various structures used in connection with such facilities.²⁰ The statute provides requirements for contracts that DOT may enter into, including requirements for advertisement, the awarding of contracts, bid protests, design-build contracts, supplemental agreements, and certain required provisions in this contract. However, s. 337.11, F.S., does not contain a separate public records exemption for the documents required for competitive solicitations.

Effect of the Bill

The bill amends s. 119.071(1)(b)2., F.S., providing that DOT's competitive solicitations under s. 337.11, F.S., are exempt from public records requirements until 90 days, instead of the current 30 days, after opening the bids, proposals, or final replies, whichever is earlier.

Display of Blue Lights

Present Situation

Florida law prohibits blue lights on any vehicle or equipment, except police vehicles, and vehicles of the Department of Corrections or any county correctional agency when responding to emergencies.²¹

Road or street maintenance equipment, road or street maintenance vehicles, road service vehicles, refuse collection vehicles, petroleum tankers, and mail carrier vehicles are authorized to display amber lights when in operation or a hazard exists.²² Additionally, road maintenance and construction equipment and vehicles may display flashing white lights or flashing white strobe lights when in operation and where a hazard exists.²³

Effect of the Bill

The bill authorizes construction vehicles within a work zone on roadways with a posted speed limit of 55 miles per hour or more to use flashing blue lights in conjunction with paving operations or where a hazard exists.

The bill also authorizes portable radar speed display units in advance of a work zone on roadways with a posted speed limit of 55 miles per hour or more to show or display flashing red or blue lights when workers are present.

Flashing Lights on Vehicles

Present Situation

Flashing lights are prohibited on vehicles except:

- As a means of indicating a right or left turn, to change lanes, or to indicate that the vehicle is lawfully stopped or disabled upon the highway;
- When a motorist intermittently flashes his or her vehicle's headlamps at an oncoming vehicle notwithstanding the motorist's intent for doing so; and
- For various lamps authorized in statute, which may flash.²⁴

¹⁸ Section 119.071(1)(b)1., F.S. defines the term "competitive solicitation" as a process of requesting and receiving sealed bids, proposals, or replies in accordance with the terms of a competitive process, regardless of the method of procurement.

¹⁹ Section 119.071(1)(b)2., F.S.

²⁰ Section 337.11(1), F.S.

²¹ Section 316.2397(2), F.S.

²² Section 316.2397(4), F.S.

²³ Section 316.2397(5), F.S.

²⁴ Section 316.2397(2), F.S.

A violation is a noncriminal traffic infraction, punishable as a nonmoving violation. The statutory base fine is \$30, but with additional fees and surcharges, the total fine is up to \$108.²⁵

With the exception of funeral processions,²⁶ Florida law does not expressly authorize the use of hazard lights in moving vehicles. The Florida Driver Handbook indicates you **should not** use your emergency flashers in instances of low visibility or rain, and may only be used when a vehicle is broken down or stopped on the side of the road.²⁷

Effect of the Bill

The bill authorizes the use of flashing lights during periods of extreme low visibility on roadways with a posted speed limit of 55 hours or more. This provision effectively authorizes the use of hazard lights on moving vehicles under specified circumstances.

DOT Application for Qualification

Present Situation

Any contractor desiring to bid for the performance of any construction contract in excess of \$250,000 which DOT proposes to let must first be certified by DOT as qualified pursuant to s. 337.14, F.S., and DOT's rules.^{28, 29}

Any contractor who is not qualified and in good standing with DOT as of January 1, 2019, and desires to bid on contracts in excess of \$50 million must have satisfactorily completed two projects, each in excess of \$15 million, for DOT or for any other state department of transportation.³⁰

Each application for certification must be accompanied by the applying contractor's latest annual financial statement, which must have been completed within the last 12 months. If the application or the annual financial statement shows the applying contractor's financial condition more than four months prior to the date on which DOT receives the application, the applying contractor must also submit an interim financial statement and an updated application. The interim financial statement must cover the period from the end date of the annual statement and must show the financial condition of the applying contractor no more than four months prior to the date that DOT receives the interim financial statement. Each required annual or interim financial statement must be audited and accompanied by the opinion of a certified public accountant.³¹

Effect of the Bill

The bill provides that any contractor who desires to bid on contracts in excess of \$50 million must, in addition to have successfully completed two projects, each in excess of \$15 million for DOT or another state transportation department, must also first be certified by DOT as qualified.

The bill requires each application for certification to be accompanied by audited, certified financial statements prepared in accordance with United States generally accepted accounting principles and United States generally accepted auditing standards by a certified public accountant licensed in this state or another state. The applying contractor's audited, certified financial statements must be specifically for the applying contractor and must have been prepared within the immediately preceding 12 months. DOT may not consider any financial information relating to the parent entity of the applying contractor, if any. DOT may not certify as qualified any applying contractor that fails to submit the required audited, certified financial statements.

²⁵ Florida Association of Clerks and Comptrollers; *2019 Distribution Schedule of Court Related Filing Fees, Service Charges, Costs and Fines, including a Fee Schedule for Recording-Effective July 1, 2019*. p. 21. Available at: https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/advisories/advisories_2019/19bull053_Attach_1_2019_Dist.pdf (last visited Nov. 8, 2019).

²⁶ Section 316.1974(3)(c), F.S.

²⁷ Department of Highway Safety and Motor Vehicles, *2018 Florida Driver Handbook*, available at: <https://www3.flhsmv.gov/handbooks/englishdriverhandbook.pdf> (last visited Oct. 30, 2019).

²⁸ DOT's rules regarding qualifications to bid are contained in Ch. 14-22, F.A.C.

²⁹ Section 337.14(1), F.S.

³⁰ *Id.*

³¹ *Id.*

If the application or the annual financial statement shows the applying contractor's financial condition more than four months before the date on which DOT receives the application, the applying contractor must also submit interim audited, certified financial statements prepared in accordance with United States generally accepted accounting and auditing principles and standards. Financial statements must be prepared by a certified public accountant licensed in this state or another state.

Limits of Liability

Present Situation

Under Florida law, a contractor who constructs, maintains, or repairs a transportation facility for DOT is not liable for personal injury, property damage, or death arising from the performance of the construction, maintenance, or repair if, at the time of the incident, the contractor was in compliance with contract documents material to the condition that was the proximate cause of the incident.³²

This limitation on liability does not apply when the proximate cause of the incident is a latent condition, defect, error, or omission that was created by the contractor and not a defect, error, or omission in the contract documents; or when the proximate cause of the personal injury, property damage, or death was the contractor's failure to perform, update, or comply with the maintenance of the traffic safety plan as required by the contract documents.³³

DOT's Contractor Past Performance Rating (CPPR) regime tracks various categories of a contractor's performance during the course of a construction project, including the contractor's conformance with contract documents.^{34, 35} This regime is not set forth in statute, but in DOT's procedures. Categories tracked in DOT's CPPR regime include: the number of performance deficiency letters issued; whether active progress is being made with sufficient labor, materials, and equipment; effectiveness in minimizing impacts to the traveling public; timely and complete submission of documents; timely completion of the project; success in mitigating costs and time overruns; conformance with contract documents; and the utilization of disadvantaged business enterprises.³⁶

Effect of the Bill

The bill provides that in all incidents involving personal injury, property damage or death, a contractor who constructs, maintains, or repairs transportation facilities for DOT is not liable for personal injury, property damage, or death arising from the contractor's performance if, at the time of the incident, the contractor was in compliance with contract documents material to the condition that was the proximate cause of the personal injury, property damage, or death. This limitation on liability applies when, at the time of the incident, the contractor is deemed in compliance with the contract and DOT's CPPR indicates conformance with the contract documents.

This change appears to limit a contractor's liability for DOT projects if the contractor is deemed in compliance with the contract and DOT's CPPR indicates conformance with the contract documents at the time of the incident.

Suspension of Tolls

Present Situation

Payment of Tolls

With limited exceptions, the payment of tolls is required for the use of toll facilities.³⁷ One exception is that the Secretary of Transportation, or his or her designee, may suspend tolls when necessary to

³² Section 337.195(2), F.S.

³³ Section 337.195(2)(a), F.S.

³⁴ This regime is described in DOT Form 700-101-25, which is incorporated by reference into rule 14-22.003, F.A.C.

³⁵ Department of Transportation, Agency Analysis of 2019 House Bill 395 p. 3.

³⁶ DOT Form 700-010-25 (Copy on file with Transportation & Infrastructure Subcommittee).

³⁷ Section 338.155(1)(a), F.S.

assist in an emergency evacuation.³⁸ However, there is no statutory guidance as to when the suspended toll must be reinstated.

State Emergency Operations Center

The Division of Emergency Management (DEM), within the Executive Office of the Governor, operates the State Emergency Operations Center (EOC) as the central clearinghouse for disaster-related information, and requests for deployment of assistance. The EOC has the following *statewide* levels activation:

- *Level 1*-Full scale activation, the EOC is staffed with DEM personnel and all emergency support functions.
- *Level 2*-Activation of State Emergency Response Team, all primary emergency support functions are notified and the EOC is staffed with DEM personnel and necessary emergency support functions.
- *Level 3*-Monitoring Activation-This is a monitoring phase with the EOC staffed with State Warning Point Communications and DEM staff.³⁹

Effect of the Bill

The bill transfers to the Governor, from the Secretary of Transportation, the authority to suspend tolls to assist in emergency evacuations. The bill requires tolls to be automatically reinstated when the county in which such tolls are collected resumes a Level 3 activation at the State Emergency Operations Center. The Governor may override the automatic reinstatement in extraordinary circumstances.

B. SECTION DIRECTORY:

Section 1 amends s. 20.23, F.S., relating to the Department of Transportation.

Section 2 amends s. 119.071, F.S., providing general exemptions from the inspection or copying of public records.

Section 3 amends s. 316.2397, F.S., providing that certain lights are prohibited.

Section 4 amends s. 337.146, F.S., providing for applications for qualification and certificates of qualification.

Section 5 amends s. 338.155, F.S., requiring the payment of tolls.

Section 6 provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate. There may be a change in state toll revenues associated with provisions related to the automatic reinstatement of tolls. However, since the suspension of tolling is authorized during emergency evacuations, the impact on state revenues is indeterminate and cannot be quantified.

2. Expenditures:

Indeterminate. According to DOT, there will be an indeterminate increase in expenditures associated with minimum salary requirements for the Secretary of Transportation, which will require additional budget authority and salary rate. Additionally, the FTC will need additional budget

³⁸ Section 338.155(1)(b), F.S.

³⁹ Florida Division of Emergency Management Website, EOC Activation Levels, <https://www.floridadisaster.org/sert/eoc-activation-levels/> (Last visited Oct. 25, 2019).

authority in order to conduct the required salary analysis, due to insufficient resources to redirect base budget from its other core mission tasks.⁴⁰

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. Local toll agencies may experience a change in toll revenues associated with provisions related to the automatic reinstatement of tolls. However, since the suspension of tolling is authorized during emergency evacuations, the impact on local government revenues is indeterminate and cannot be quantified.

2. Expenditures:

This bill does not appear to impact local government expenditures.

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 require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Public Records

As previously stated, Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. This section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law, for the exemption of records from the requirements of Article I, section 24(a).⁴¹ The general law must only contain such exemptions and state with specificity the public necessity justifying the exemption⁴² and must be no more broad than necessary to accomplish its purpose.⁴³

Section 2 of the bill expands an existing public records exemption for certain documents related to competitive solicitations. Therefore, this provision must be in a separate bill and requires a 2/3 vote of each chamber of the Legislature for passage.

B. RULE-MAKING AUTHORITY:

DOT may need to amend Rule 14-22, F.A.C., regarding qualifications to bid on construction projects to incorporate changes made in the bill.

⁴⁰ Department of Transportation, Agency Analysis of 2020 House Bill 395, p. 5, January 8, 2020.

⁴¹ Art. I, s. 24(c), Fla. Const.

⁴² This portion of a public record exemption is commonly referred to as a "public necessity statement."

⁴³ Art. I, s. 24(c), Fla. Const.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

The requirement that the FTC establish and adjust the Secretary of Transportation's salary is effective upon this act becoming law. However, the bill's effective date only provides that the bill is effective July 1, 2020; and does not make any provision for the other effective date. To incorporate this change into Florida Statutes, a direction to the Division of Law Revision may be needed and the effective date of the bill may need to be amended.

Other Comments: Emergency Operations Center Activation Levels

The bill contemplates that the state EOC's activation levels are on a county level; however the state EOC operates its activation levels on a *statewide* basis. It is not clear how this will impact the toll reinstatement provisions of the bill.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
2 An act relating to transportation; amending s. 20.23,
3 F.S.; revising requirements for determining the
4 salaries of the secretary of the Department of
5 Transportation and assistant secretaries; specifying
6 the secretary's minimum salary; amending s. 119.071,
7 F.S.; revising the time period during which sealed
8 bids, proposals, or replies received by the department
9 pursuant to a competitive solicitation are exempt from
10 public records requirements; amending s. 316.2397,
11 F.S.; authorizing certain vehicles to show or display
12 certain lights under certain circumstances; amending
13 s. 337.14, F.S.; requiring certain contractors to be
14 certified by the department as qualified; revising the
15 financial statements required to accompany an
16 application for certification; prohibiting the
17 department from considering certain financial
18 information; requiring the contractor to submit
19 interim financial statements under certain
20 circumstances; providing requirements for such
21 statements; amending s. 337.195, F.S.; specifying
22 conditions under which limitation on liability of the
23 department for personal injury, property damage, or
24 death applies; amending s. 338.155, F.S.; authorizing
25 the Governor to suspend payment of tolls when

26 necessary to assist emergency evacuation; providing
27 for automatic reinstatement of tolls; authorizing the
28 Governor to override the automatic reinstatement in
29 extraordinary circumstances; providing an effective
30 date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Subsection (1) of section 20.23, Florida
35 Statutes, is amended to read:

36 20.23 Department of Transportation.—There is created a
37 Department of Transportation which shall be a decentralized
38 agency.

39 (1)~~(a)~~ The head of the Department of Transportation is the
40 Secretary of Transportation. The secretary shall be appointed by
41 the Governor from among three persons nominated by the Florida
42 Transportation Commission and shall be subject to confirmation
43 by the Senate. The secretary shall serve at the pleasure of the
44 Governor.

45 ~~(b)~~ The secretary shall be a proven, effective
46 administrator who, by a combination of education and experience,
47 ~~shall~~ clearly possesses ~~possess~~ a broad knowledge of the
48 administrative, financial, and technical aspects of the
49 development, operation, and regulation of transportation systems
50 and facilities or comparable systems and facilities.

51 ~~(e)~~ The secretary shall provide to the Florida
52 Transportation Commission or its staff, such assistance,
53 information, and documents as are requested by the commission or
54 its staff to enable the commission to fulfill its duties and
55 responsibilities.

56 ~~(d)~~ The secretary may appoint up to three assistant
57 secretaries who shall be directly responsible to the secretary
58 and who shall perform such duties as are assigned by the
59 secretary. The secretary shall designate to an assistant
60 secretary the duties related to enhancing economic prosperity,
61 including, but not limited to, the responsibility of liaison
62 with the head of economic development in the Executive Office of
63 the Governor. Such assistant secretary shall be directly
64 responsible for providing the Executive Office of the Governor
65 with investment opportunities and transportation projects that
66 expand the state's role as a global hub for trade and investment
67 and enhance the supply chain system in the state to process,
68 assemble, and ship goods to markets throughout the eastern
69 United States, Canada, the Caribbean, and Latin America. The
70 secretary may delegate to any assistant secretary the authority
71 to act in the absence of the secretary.

72 (a)~~(e)~~ The ~~Any~~ secretary ~~appointed after July 5, 1989,~~ and
73 the assistant secretaries are ~~shall be~~ exempt from ~~the~~
74 ~~provisions of~~ part III of chapter 110 and shall receive
75 compensation commensurate with their qualifications and

76 competitive with compensation for comparable responsibility in
77 other public sector organizations and in the private sector.

78 (b) Upon this act becoming a law, the Florida
79 Transportation Commission shall establish and adjust the salary
80 of the secretary according to a market analysis focused on
81 comparably skilled individuals in other public sector
82 organizations, including, but not limited to, expressway
83 authorities, aviation authorities, and port authorities, and on
84 comparably skilled individuals in the private sector. The market
85 analysis shall serve as a basis for ascertaining compensation
86 levels required to retain the secretary in the position within
87 the department and to attract external individuals whose talents
88 can fulfill the department's mission and effect change. Such
89 market analysis shall be updated before the appointment of a new
90 secretary. The salary of the secretary shall be a minimum of
91 \$180,000 per year.

92 Section 2. Paragraph (b) of subsection (1) of section
93 119.071, Florida Statutes, is amended to read:

94 119.071 General exemptions from inspection or copying of
95 public records.—

96 (1) AGENCY ADMINISTRATION.—

97 (b)1. For purposes of this paragraph, "competitive
98 solicitation" means the process of requesting and receiving
99 sealed bids, proposals, or replies in accordance with the terms
100 of a competitive process, regardless of the method of

101 procurement.

102 2. Sealed bids, proposals, or replies received by an
 103 agency pursuant to a competitive solicitation are exempt from s.
 104 119.07(1) and s. 24(a), Art. I of the State Constitution until
 105 such time as the agency provides notice of an intended decision
 106 or until 30 days, or 90 days for a competitive solicitation
 107 under s. 337.11, after opening the bids, proposals, or final
 108 replies, whichever is earlier.

109 3. If an agency rejects all bids, proposals, or replies
 110 submitted in response to a competitive solicitation and the
 111 agency concurrently provides notice of its intent to reissue the
 112 competitive solicitation, the rejected bids, proposals, or
 113 replies remain exempt from s. 119.07(1) and s. 24(a), Art. I of
 114 the State Constitution until such time as the agency provides
 115 notice of an intended decision concerning the reissued
 116 competitive solicitation or until the agency withdraws the
 117 reissued competitive solicitation. A bid, proposal, or reply is
 118 not exempt for longer than 12 months after the initial agency
 119 notice rejecting all bids, proposals, or replies.

120 Section 3. Subsections (2) and (7) of section 316.2397,
 121 Florida Statutes, are amended to read:

122 316.2397 Certain lights prohibited; exceptions.—

123 (2) It is expressly prohibited for any vehicle or
 124 equipment, ~~except police vehicles,~~ to show or display blue
 125 lights, except that:

126 (a) Police vehicles may show or display blue lights.

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

130 (c) Construction vehicles within a work zone on roadways
 131 with a posted speed limit of 55 miles per hour or more may show
 132 or display flashing blue lights in conjunction with paving
 133 operations or where a hazard exists.

134 (d) Portable radar speed display units in advance of a
 135 work zone on roadways with a posted speed limit of 55 miles per
 136 hour or more may show or display flashing red and blue lights
 137 when workers are present.

138 (7) Flashing lights are prohibited on vehicles except:

139 (a) As a means of indicating a right or left turn, to
 140 change lanes, or to indicate that the vehicle is lawfully
 141 stopped or disabled upon the highway;

142 (b) When a motorist intermittently flashes his or her
 143 vehicle's headlamps at an oncoming vehicle notwithstanding the
 144 motorist's intent for doing so;

145 (c) During periods of extreme low visibility on roadways
 146 with a posted speed limit of 55 miles per hour or more; and

147 (d) ~~(e)~~ For the lamps authorized under subsections ~~(1)~~,
 148 (2), (3), (4), (5), and (9), s. 316.2065, or s. 316.235(6) which
 149 may flash.

150 Section 4. Subsection (1) of section 337.14, Florida

151 Statutes, is amended to read:

152 337.14 Application for qualification; certificate of
153 qualification; restrictions; request for hearing.—

154 (1) Any contractor desiring to bid for the performance of
155 any construction contract in excess of \$250,000 which the
156 department proposes to let must first be certified by the
157 department as qualified pursuant to this section and rules of
158 the department. The rules of the department must address the
159 qualification of contractors to bid on construction contracts in
160 excess of \$250,000 and must include requirements with respect to
161 the equipment, past record, experience, financial resources, and
162 organizational personnel of the applying contractor which are
163 necessary to perform the specific class of work for which the
164 contractor seeks certification. Any contractor who desires to
165 bid on contracts in excess of \$50 million and is not qualified
166 and in good standing with the department as of January 1, 2019,
167 must first be certified by the department as qualified and
168 ~~desires to bid on contracts in excess of \$50 million~~ must have
169 satisfactorily completed two projects, each in excess of \$15
170 million, for the department or for any other state department of
171 transportation. The department may limit the dollar amount of
172 any contract upon which a contractor is qualified to bid or the
173 aggregate total dollar volume of contracts such contractor is
174 allowed to have under contract at any one time. Each applying
175 contractor seeking qualification to bid on construction

176 contracts in excess of \$250,000 shall furnish the department a
177 statement under oath, on such forms as the department may
178 prescribe, setting forth detailed information as required on the
179 application. Each application for certification must be
180 accompanied by audited, certified financial statements prepared
181 in accordance with United States generally accepted accounting
182 principles and United States generally accepted auditing
183 standards by a certified public accountant licensed by this
184 state or another state ~~the latest annual financial statement of~~
185 ~~the applying contractor completed within the last 12 months.~~ The
186 audited, certified financial statements must be for the applying
187 contractor specifically and must have been prepared within the
188 immediately preceding 12 months. The department may not consider
189 any financial information relating to the parent entity of the
190 applying contractor, if any. The department shall not certify as
191 qualified any applying contractor that fails to submit the
192 audited, certified financial statements required by this
193 subsection. If the application or the annual financial statement
194 shows the financial condition of the applying contractor more
195 than 4 months before ~~prior to~~ the date on which the application
196 is received by the department, the applying contractor must also
197 submit interim audited, certified financial statements prepared
198 in accordance with United States generally accepted accounting
199 principles and United States generally accepted auditing
200 standards by a certified public accountant licensed by this

201 state or another state ~~an interim financial statement and an~~
202 ~~updated application must be submitted.~~ The interim financial
203 statements ~~statement~~ must cover the period from the end date of
204 the annual statement and must show the financial condition of
205 the applying contractor no more than 4 months before ~~prior to~~
206 the date that the interim financial statements are ~~statement is~~
207 received by the department. However, upon the request of the
208 applying contractor, an application and accompanying annual or
209 interim financial statements ~~statement~~ received by the
210 department within 15 days after either 4-month period under this
211 subsection shall be considered timely. ~~Each required annual or~~
212 ~~interim financial statement must be audited and accompanied by~~
213 ~~the opinion of a certified public accountant.~~ An applying
214 contractor desiring to bid exclusively for the performance of
215 construction contracts with proposed budget estimates of less
216 than \$1 million may submit reviewed annual or reviewed interim
217 financial statements prepared by a certified public accountant.
218 The information required by this subsection is confidential and
219 exempt from s. 119.07(1). The department shall act upon the
220 application for qualification within 30 days after the
221 department determines that the application is complete. The
222 department may waive the requirements of this subsection for
223 projects having a contract price of \$500,000 or less if the
224 department determines that the project is of a noncritical
225 nature and the waiver will not endanger public health, safety,

226 or property.

227 Section 5. Subsection (2) of section 337.195, Florida
228 Statutes, is amended to read:

229 337.195 Limits on liability.—

230 (2) In all cases involving personal injury, property
231 damage, or death, a contractor who constructs, maintains, or
232 repairs a highway, road, street, bridge, or other transportation
233 facility for the Department of Transportation is not liable to a
234 claimant for personal injury, property damage, or death arising
235 from the performance of the construction, maintenance, or repair
236 if, at the time of the personal injury, property damage, or
237 death, the contractor was in compliance with contract documents
238 material to the condition that was the proximate cause of the
239 personal injury, property damage, or death.

240 (a) The limitation on liability contained in this
241 subsection applies when the contractor is deemed in compliance
242 with the contract and the Department of Transportation
243 Contractor's Past Performance Rating (CPPR) indicates
244 conformance with the contract documents at the time of the
245 personal injury, property damage, or death.

246 (b)-(a) The limitation on liability contained in this
247 subsection does not apply when the proximate cause of the
248 personal injury, property damage, or death is a latent
249 condition, defect, error, or omission that was created by the
250 contractor and not a defect, error, or omission in the contract

251 documents; or when the proximate cause of the personal injury,
252 property damage, or death was the contractor's failure to
253 perform, update, or comply with the maintenance of the traffic
254 safety plan as required by the contract documents.

255 ~~(c)(b) Nothing in This subsection does not relieve shall~~
256 ~~be interpreted or construed as relieving~~ the contractor of any
257 obligation to provide the Department of Transportation with
258 written notice of any apparent error or omission in the contract
259 documents.

260 ~~(d)(e) Nothing in This subsection does not shall be~~
261 ~~interpreted or construed to~~ alter or affect any claim of the
262 Department of Transportation against such contractor.

263 ~~(e)(d)~~ This subsection does not affect any claim of any
264 entity against such contractor, which claim is associated with
265 such entity's facilities on or in Department of Transportation
266 roads or other transportation facilities.

267 Section 6. Paragraph (b) of subsection (1) of section
268 338.155, Florida Statutes, is amended to read:

269 338.155 Payment of toll on toll facilities required;
270 exemptions.—

271 (1)

272 (b) The Governor ~~secretary or the secretary's~~ designee may
273 suspend the payment of tolls on a toll facility when necessary
274 to assist in emergency evacuation. Such tolls shall
275 automatically be reinstated when the county in which such tolls

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276 | are collected resumes a Level 3 activation of the State
277 | Emergency Operations Center. The Governor may override the
278 | automatic reinstatement in extraordinary circumstances.

279 | Section 7. This act shall take effect July 1, 2020.

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COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Transportation &
 2 Infrastructure Subcommittee
 3 Representative Andrade offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (2) and paragraph (b) of subsection
 (55) of section 316.003, Florida Statutes, are amended to read:

316.003 Definitions.—The following words and phrases, when
 used in this chapter, shall have the meanings respectively
 ascribed to them in this section, except where the context
 otherwise requires:

(2) AUTOCYCLE.—A three-wheeled motorcycle that has two
 wheels in the front and one wheel in the back; is equipped with
 a roll cage or roll hoops, a seat belt for each occupant,
~~antilock~~ brakes meeting Federal Motor Vehicle Safety Standard

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17 No. 112, a steering mechanism wheel, and seating that does not
18 require the operator to straddle or sit astride it; and is
19 manufactured in accordance with the applicable federal
20 motorcycle safety standards in 49 C.F.R. part 571 by a
21 manufacturer registered with the National Highway Traffic Safety
22 Administration.

23 (55) PERSONAL DELIVERY DEVICE.—An electrically powered
24 device that:

25 (b) Weighs less than 150 ~~80~~ pounds, excluding cargo;

26
27 A personal delivery device is not considered a vehicle unless
28 expressly defined by law as a vehicle. A mobile carrier is not
29 considered a personal delivery device.

30 Section 2. Subsections (2) and (7) of section 316.2397,
31 Florida Statutes, are amended to read:

32 316.2397 Certain lights prohibited; exceptions.—

33 (2) It is expressly prohibited for any vehicle or
34 equipment, ~~except police vehicles,~~ to show or display blue
35 lights, except that:

36 (a) Police vehicles may show or display blue lights.

37 (b) However, Vehicles owned, operated, or leased by the
38 Department of Corrections or any county correctional agency may
39 show or display blue lights when responding to emergencies.

40 (c) Portable radar speed display units in advance of a
41 work zone area on roadways with a posted speed limit of 55 miles

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42 per hour or more may show or display flashing red and blue
43 lights when workers are present.

44 (7) Flashing lights are prohibited on vehicles except:

45 (a) As a means of indicating a right or left turn, to
46 change lanes, or to indicate that the vehicle is lawfully
47 stopped or disabled upon the highway;

48 (b) When a motorist intermittently flashes his or her
49 vehicle's headlamps at an oncoming vehicle notwithstanding the
50 motorist's intent for doing so;

51 (c) During periods of extreme low visibility on roadways
52 with a posted speed limit of 55 miles per hour or more; and

53 (d)~~(e)~~ For the lamps authorized under subsections ~~(1)~~,
54 (2), (3), (4), (5), and (9), s. 316.2065, or s. 316.235(6) which
55 may flash.

56 Section 3. Subsection (4) of section 316.520, Florida
57 Statutes, is amended to read:

58 316.520 Loads on vehicles.—

59 (4) The provision of subsection (2) requiring covering and
60 securing the load with a close-fitting tarpaulin or other
61 appropriate cover does not apply to vehicles carrying
62 agricultural products locally from a harvest site or to or from
63 a farm on roads where the posted speed limit is 65 miles per
64 hour ~~or less and the distance driven on public roads is less~~
65 ~~than 20 miles.~~

66 Section 4. Paragraph (c) is added to subsection (4) of

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67 section 322.12, Florida Statutes, to read:

68 322.12 Examination of applicants.—

69 (4) The examination for an applicant for a commercial
70 driver license shall include a test of the applicant's eyesight
71 given by a driver license examiner designated by the department
72 or by a licensed ophthalmologist, optometrist, or physician and
73 a test of the applicant's hearing given by a driver license
74 examiner or a licensed physician. The examination shall also
75 include a test of the applicant's ability to read and understand
76 highway signs regulating, warning, and directing traffic; his or
77 her knowledge of the traffic laws of this state pertaining to
78 the class of motor vehicle which he or she is applying to be
79 licensed to operate, including laws regulating driving under the
80 influence of alcohol or controlled substances, driving with an
81 unlawful blood-alcohol level, and driving while intoxicated; his
82 or her knowledge of the effects of alcohol and controlled
83 substances and the dangers of driving a motor vehicle after
84 having consumed alcohol or controlled substances; and his or her
85 knowledge of any special skills, requirements, or precautions
86 necessary for the safe operation of the class of vehicle which
87 he or she is applying to be licensed to operate. In addition,
88 the examination shall include an actual demonstration of the
89 applicant's ability to exercise ordinary and reasonable control
90 in the safe operation of a motor vehicle or combination of
91 vehicles of the type covered by the license classification which

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92 the applicant is seeking, including an examination of the
93 applicant's ability to perform an inspection of his or her
94 vehicle.

95 (c) Notwithstanding any provision of law to the contrary,
96 the department may waive skill test requirements for a
97 commercial driver license contained in this subsection for
98 persons with military commercial motor vehicle experience who
99 qualify under 49 C.F.R. 383.77, while on active duty or within
100 one year of honorable discharge from military service.

101 Section 5. Section 324.031, Florida Statutes, is amended
102 to read:

103 324.031 Manner of proving financial responsibility.—The
104 owner or operator of a taxicab, limousine, jitney, or any other
105 for-hire passenger transportation vehicle may prove financial
106 responsibility by providing satisfactory evidence of holding a
107 motor vehicle liability policy as defined in s. 324.021(8) or s.
108 324.151, which policy is provided by an insurer authorized to do
109 business in this state ~~issued~~ by an insurance carrier which is a
110 member of the Florida Insurance Guaranty Association or an
111 eligible non-admitted insurer that has a superior, excellent,
112 exceptional, or equivalent financial strength rating by a rating
113 agency acceptable to the Office of Insurance Regulation of the
114 Financial Services Commission. The operator or owner of any
115 other vehicle may prove his or her financial responsibility by:

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116 (1) Furnishing satisfactory evidence of holding a motor
117 vehicle liability policy as defined in ss. 324.021(8) and
118 324.151;

119 (2) Furnishing a certificate of self-insurance showing a
120 deposit of cash in accordance with s. 324.161; or

121 (3) Furnishing a certificate of self-insurance issued by
122 the department in accordance with s. 324.171.

123
124 Any person, including any firm, partnership, association,
125 corporation, or other person, other than a natural person,
126 electing to use the method of proof specified in subsection (2)
127 shall furnish a certificate of deposit equal to the number of
128 vehicles owned times \$30,000, to a maximum of \$120,000; in
129 addition, any such person, other than a natural person, shall
130 maintain insurance providing coverage in excess of limits of
131 \$10,000/20,000/10,000 or \$30,000 combined single limits, and
132 such excess insurance shall provide minimum limits of
133 \$125,000/250,000/50,000 or \$300,000 combined single limits.
134 These increased limits shall not affect the requirements for
135 proving financial responsibility under s. 324.032(1).

136 Section 6. Subsection (2) of section 324.032, Florida
137 Statutes, is amended to read:

138 324.032 Manner of proving financial responsibility; for-
139 hire passenger transportation vehicles.—Notwithstanding the
140 provisions of s. 324.031:

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141 (2) An owner or a lessee who is required to maintain
142 insurance under s. 324.021(9)(b) and who operates at least 150
143 ~~300~~ taxicabs, limousines, jitneys, or any other for-hire
144 passenger transportation vehicles may provide financial
145 responsibility by complying with the provisions of s. 324.171,
146 such compliance to be demonstrated by maintaining at its
147 principal place of business an audited financial statement,
148 prepared in accordance with generally accepted accounting
149 principles, and providing to the department a certification
150 issued by a certified public accountant that the applicant's net
151 worth is at least equal to the requirements of s. 324.171 as
152 determined by the Office of Insurance Regulation of the
153 Financial Services Commission, including claims liabilities in
154 an amount certified as adequate by a Fellow of the Casualty
155 Actuarial Society.

156
157 Upon request by the department, the applicant must provide the
158 department at the applicant's principal place of business in
159 this state access to the applicant's underlying financial
160 information and financial statements that provide the basis of
161 the certified public accountant's certification. The applicant
162 shall reimburse the requesting department for all reasonable
163 costs incurred by it in reviewing the supporting information.
164 The maximum amount of self-insurance permissible under this
165 subsection is \$300,000 and must be stated on a per-occurrence

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166 basis, and the applicant shall maintain adequate excess
167 insurance issued by an authorized or eligible insurer licensed
168 or approved by the Office of Insurance Regulation. All risks
169 self-insured shall remain with the owner or lessee providing it,
170 and the risks are not transferable to any other person, unless a
171 policy complying with subsection (1) is obtained.

172 Section 7. Subsection (1) of section 327.59, Florida
173 Statutes, is amended and subsection (5) is added to that section
174 to read:

175 327.59 Marina evacuations.—

176 (1) Except as provided in this section ~~After June 1, 1994,~~
177 marinas may not adopt, maintain, or enforce policies pertaining
178 to evacuation of vessels which require vessels to be removed
179 from marinas following the issuance of a hurricane watch or
180 warning, in order to ensure that protecting the lives and safety
181 of vessel owners is placed before interests of protecting
182 property.

183 (5) Upon the issuance of a hurricane watch affecting the
184 waters of marinas located in a deepwater seaport, vessels under
185 500 gross tons may not remain in the waters of such marinas that
186 have been deemed not suitable for refuge during a hurricane.
187 Vessel owners shall promptly remove their vessels from the
188 waterways upon issuance of an evacuation order by the deepwater
189 seaport. In the event U.S. Coast Guard Captain of the Port sets
190 the deepwater seaport condition to Yankee and a vessel owner has

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191 failed to remove a vessel from the waterway, the marina owner,
192 operator, employee or agent, regardless of existing contractual
193 provisions between the marina owner and vessel owner, shall
194 remove the vessel, or cause it to be removed, if reasonable,
195 from its slip and may charge the vessel owner a reasonable fee
196 for any such services rendered. A marina owner, operator,
197 employee or agent shall not be held liable for any damage
198 incurred to a vessel from hurricanes and is held harmless as a
199 result of such actions to remove the vessel from the waterways.
200 Nothing in this section, may be construed to provide immunity to
201 a marina owner, operator, employee or agent for any damage
202 caused by intentional acts or negligence when removing a vessels
203 as permitted under this section. After the hurricane watch has
204 been issued, the owner or operator of any vessel that has not
205 been removed from the waterway of the marina, pursuant to an
206 order from the deepwater seaport, may be subject to the
207 penalties under s. 313.22(3).

208 Section 8. Subsection (1) of section 337.14, Florida
209 Statutes, is amended to read:

210 337.14 Application for qualification; certificate of
211 qualification; restrictions; request for hearing.—

212 (1) Any contractor desiring to bid for the performance of
213 any construction contract in excess of \$250,000 which the
214 department proposes to let must first be certified by the
215 department as qualified pursuant to this section and rules of

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216 the department. The rules of the department must address the
217 qualification of contractors to bid on construction contracts in
218 excess of \$250,000 and must include requirements with respect to
219 the equipment, past record, experience, financial resources, and
220 organizational personnel of the applying contractor which are
221 necessary to perform the specific class of work for which the
222 contractor seeks certification. Any contractor who desires to
223 bid on contracts in excess of \$50 million and is not qualified
224 and in good standing with the department as of January 1, 2019,
225 must first be certified by the department as qualified and
226 ~~desires to bid on contracts in excess of \$50 million~~ must have
227 satisfactorily completed two projects, each in excess of \$15
228 million, for the department or for any other state department of
229 transportation. The department may limit the dollar amount of
230 any contract upon which a contractor is qualified to bid or the
231 aggregate total dollar volume of contracts such contractor is
232 allowed to have under contract at any one time. Each applying
233 contractor seeking qualification to bid on construction
234 contracts in excess of \$250,000 shall furnish the department a
235 statement under oath, on such forms as the department may
236 prescribe, setting forth detailed information as required on the
237 application. Each application for certification must be
238 accompanied by audited financial statements prepared in
239 accordance with United States generally accepted accounting
240 principles and United States generally accepted auditing

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241 standards by a certified public accountant licensed by this
242 state or another state ~~the latest annual financial statement of~~
243 ~~the applying contractor completed within the last 12 months. The~~
244 audited financial statements must be for the applying contractor
245 specifically and must have been prepared within the immediately
246 preceding 12 months. The department may not consider any
247 financial information relating to the parent entity of the
248 applying contractor, if any. The department shall not certify as
249 qualified any applying contractor that fails to submit the
250 audited financial statements required by this subsection. If the
251 application or the annual financial statement shows the
252 financial condition of the applying contractor more than 4
253 months before ~~prior to~~ the date on which the application is
254 received by the department, the applying contractor must also
255 submit interim audited financial statements prepared in
256 accordance with United States generally accepted accounting
257 principles and United States generally accepted auditing
258 standards by a certified public accountant licensed by this
259 state or another state ~~an interim financial statement and an~~
260 ~~updated application must be submitted.~~ The interim financial
261 statements ~~statement~~ must cover the period from the end date of
262 the annual statement and must show the financial condition of
263 the applying contractor no more than 4 months before ~~prior to~~
264 the date that the interim financial statements are ~~statement is~~
265 received by the department. However, upon the request of the

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266 applying contractor, an application and accompanying annual or
267 interim financial statements ~~statement~~ received by the
268 department within 15 days after either 4-month period under this
269 subsection shall be considered timely. ~~Each required annual or~~
270 ~~interim financial statement must be audited and accompanied by~~
271 ~~the opinion of a certified public accountant.~~ An applying
272 contractor desiring to bid exclusively for the performance of
273 construction contracts with proposed budget estimates of less
274 than \$1 million may submit reviewed annual or reviewed interim
275 financial statements prepared by a certified public accountant.
276 The information required by this subsection is confidential and
277 exempt from s. 119.07(1). The department shall act upon the
278 application for qualification within 30 days after the
279 department determines that the application is complete. The
280 department may waive the requirements of this subsection for
281 projects having a contract price of \$500,000 or less if the
282 department determines that the project is of a noncritical
283 nature and the waiver will not endanger public health, safety,
284 or property.

285 Section 9. Present paragraphs (b), (e) and (g), of
286 subsection (1), subsection (2), paragraph (b) of subsection (7),
287 and paragraph (a) of subsection (15) of Section 627.748, Florida
288 Statutes, are amended and new subsection (15) is added to read:

289 627.748 Transportation network companies.—

290 (1) DEFINITIONS.—As used in this section, the term:

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291 (b) "Prearranged ride" means the provision of
292 transportation by a TNC driver to a rider, beginning when a TNC
293 driver accepts a ride requested by a rider through a digital
294 network controlled by a transportation network company,
295 continuing while the TNC driver transports the rider, and ending
296 when the last rider exits from and is no longer occupying the
297 TNC vehicle. The term does not include a taxicab, ~~for-hire~~
298 ~~vehicle~~, or street hail service and does not include ridesharing
299 as defined in s. 341.031, carpool as defined in s. 450.28, or
300 any other type of service in which the driver receives a fee
301 that does not exceed the driver's cost to provide the ride.

302 (e) "Transportation network company" or "TNC" means an
303 entity operating in this state pursuant to this section using a
304 digital network to connect a rider to a TNC driver, who provides
305 prearranged rides. A TNC is not deemed to own, control, operate,
306 direct, or manage the TNC vehicles or TNC drivers that connect
307 to its digital network, except where agreed to by written
308 contract, and is not a taxicab association ~~or for-hire vehicle~~
309 ~~owner~~. An individual, corporation, partnership, sole
310 proprietorship, or other entity that arranges medical
311 transportation for individuals qualifying for Medicaid or
312 Medicare pursuant to a contract with the state or a managed care
313 organization is not a TNC. This section does not prohibit a TNC
314 from providing prearranged rides to individuals who qualify for
315 Medicaid or Medicare if it meets the requirements of this

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316 section.

317 (g) "Transportation network company vehicle" or "TNC
318 vehicle" means a vehicle that is not a taxicab, jitney, or
319 limousine, ~~or for-hire vehicle as defined in s. 320.01(15)~~ and
320 that is:

321 1. Used by a TNC driver to offer or provide a prearranged
322 ride; and

323 2. Owned, leased, or otherwise authorized to be used by
324 the TNC driver.

325

326 Notwithstanding any other provision of law, a vehicle that is
327 let or rented to another for consideration may be used as a TNC
328 vehicle.

329 (2) NOT OTHER CARRIERS.—A TNC or TNC driver is not a
330 common carrier, contract carrier, or motor carrier and does not
331 provide taxicab ~~or for-hire vehicle~~ service. In addition, a TNC
332 driver is not required to register the vehicle that the TNC
333 driver uses to provide prearranged rides as a commercial motor
334 vehicle or ~~a for-hire vehicle~~.

335 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER
336 INSURANCE REQUIREMENTS.—

337 (b) The following automobile insurance requirements apply
338 while a participating TNC driver is logged on to the digital
339 network but is not engaged in a prearranged ride:

340 1. Automobile insurance that provides:

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341 a. A primary automobile liability coverage of at least
342 \$50,000 for death and bodily injury per person, \$100,000 for
343 death and bodily injury per incident, and \$25,000 for property
344 damage;

345 b. Personal injury protection benefits that meet the
346 minimum coverage amounts required under ss. 627.730-627.7405;
347 and

348 c. Uninsured and underinsured vehicle coverage as required
349 by s. 627.727.

350 2. The coverage requirements of this paragraph may be
351 satisfied by any of the following:

352 a. Automobile insurance maintained by the TNC driver or
353 the TNC vehicle owner;

354 b. Automobile insurance maintained by the TNC; or

355 c. A combination of sub-subparagraphs a. and b.

356 (c) The following automobile insurance requirements apply
357 while a TNC driver is engaged in a prearranged ride:

358 1. Automobile insurance that provides:

359 a. A primary automobile liability coverage of at least \$1
360 million for death, bodily injury, and property damage;

361 b. Personal injury protection benefits that meet the
362 minimum coverage amounts required of a limousine under ss.
363 627.730-627.7405; and

364 c. Uninsured and underinsured vehicle coverage as required
365 by s. 627.727.

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366 2. The coverage requirements of this paragraph may be
367 satisfied by any of the following:

368 a. Automobile insurance maintained by the TNC driver or
369 the TNC vehicle owner;

370 b. Automobile insurance maintained by the TNC; or

371 c. A combination of sub-subparagraphs a. and b.

372 (15) DISABILITY ACCESSIBLE TRANSPORTATION NETWORK
373 COMPANIES.-

374 (a) As used in this subsection, the terms:

375 1. "Disability accessible transportation network company"
376 or "disability accessible TNC" means a company that:

377 a. Meets the requirements of paragraph (b); and

378 b. Notwithstanding other provisions of this section, uses
379 a digital network to connect riders to drivers who operate
380 disability accessible vehicles.

381 2. "Disability accessible vehicle" means a for-hire
382 vehicle as defined in s. 320.01(15), which meets or exceeds the
383 requirements of the Americans with Disabilities Act.

384 (b) An entity may elect, upon written notification to the
385 department, to be regulated as a disability accessible TNC. A
386 disability accessible TNC must:

387 1. Comply with all of the requirements of this section
388 applicable to a TNC, including subsection (16), that do not
389 conflict with subparagraph 2., or that prohibit the company from
390 connecting riders to drivers who operate for-hire vehicles as

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391 defined in s. 320.01(15), including disability accessible
392 vehicles.

393 2. Maintain insurance coverage required in this section
394 when the disability accessible TNC driver is logged on to a
395 digital network or while the disability accessible TNC driver is
396 engaged in a prearranged ride. However, a prospective disability
397 accessible TNC that satisfies minimum financial responsibility
398 at the time of written notification to the department through
399 compliance with s. 324.032(2) by using self-insurance may
400 continue to use self-insurance to satisfy the requirements of
401 this subparagraph.

402 (16)(15) PREEMPTION.-

403 (a) It is the intent of the Legislature to provide for
404 uniformity of laws governing TNCs, TNC drivers, ~~and~~ TNC
405 vehicles, and disability accessible TNCs, disability accessible
406 TNC drivers, and disability accessible TNC vehicles throughout
407 the state. TNCs, TNC drivers, ~~and~~ TNC vehicles, disability
408 accessible TNCs, disability accessible TNC drivers, and
409 disability accessible TNC vehicles are governed exclusively by
410 state law, including in any locality or other jurisdiction that
411 enacted a law or created rules governing TNCs, TNC drivers, ~~or~~
412 TNC vehicles, disability accessible TNCs, disability accessible
413 TNC drivers, and disability accessible TNC vehicles before July
414 1, 2017. A county, municipality, special district, airport
415 authority, port authority, or other local governmental entity or

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Amendment No.

416 subdivision may not:

417 1. Impose a tax on, or require a license for, a TNC, a TNC
418 driver, ~~or~~ a TNC vehicle, disability accessible TNCs, disability
419 accessible TNC drivers, or disability accessible TNC vehicles if
420 such tax or license relates to providing prearranged rides;

421 2. Subject a TNC, a TNC driver, ~~or~~ a TNC vehicle,
422 disability accessible TNCs, disability accessible TNC drivers,
423 or disability accessible TNC vehicles to any rate, entry,
424 operation, or other requirement of the county, municipality,
425 special district, airport authority, port authority, or other
426 local governmental entity or subdivision; or

427 3. Require a TNC ~~or~~ a TNC driver, a disability accessible
428 TNC, or a disability accessible TNC driver to obtain a business
429 license or any other type of similar authorization to operate
430 within the local governmental entity's jurisdiction.

431 Section 10. This act shall take effect July 1, 2020.

432

433

434

435

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

436

Remove everything before the enacting clause and insert:

437

An act relating to transportation; amending s. 316.003, F.S.;

438

revising definitions; amending s. 316.2397, F.S.; authorizing

439

certain vehicles to show or display certain lights under certain

440

circumstances; amending s. 316.520, F.S.; removing the distance

Amendment No.

441 limit of specified vehicles not being required to secure
442 agricultural products; amending s. 322.12, F.S.; authorizing the
443 Department of Highway Safety and Motor Vehicles to waive
444 commercial motor vehicle testing requirements for specified
445 persons if certain conditions are met; amending ss. 324.031 and
446 324.032, F.S.; revising the manner of providing financial
447 responsibility for owners, operators, or lessees of certain for-
448 hire passenger transportation vehicles; amending s. 327.59,
449 F.S.; prohibiting vessels under a specified weight from
450 remaining in certain marinas that have deemed unsuitable for
451 refuge during a hurricane; authorizes removal of specified
452 vessels under certain circumstances; provides limits of
453 liability; provides for certain immunities; providing for
454 penalties; amending s. 337.14, F.S.; requiring certain
455 contractors to be certified by the department as qualified;
456 revising the financial statements required to accompany an
457 application for certification; prohibiting the department from
458 considering certain financial information; requiring the
459 contractor to submit interim financial statements under certain
460 circumstances; providing requirements for such statements;
461 amending s. 627.748, F.S.; revising and providing definitions;
462 deleting for-hire vehicles from the list of vehicles not
463 considered TNC carriers; revising automobile insurance
464 requirements for TNCs and TNC drivers; authorizing entities to
465 be regulated as disability accessible TNCS; providing

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 395 (2020)

Amendment No.

466 requirements; providing that disability accessible TNCs,
467 disability accessible TNC drivers, and disability accessible TNC
468 vehicles are governed by state law; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 787 Driver Licenses

SPONSOR(S): Tomkow

TIED BILLS: HB 789 **IDEN./SIM. BILLS:** SB 1692

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Roth	Vickers
2) Transportation & Tourism Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Upon request by a person diagnosed with a developmental disability, or by a parent or guardian of a child or ward who has a developmental disability, the Department of Highway Safety and Motor Vehicles (DHSMV) must issue an identification card exhibiting a capital "D" after payment of an additional \$1 fee and proof of a developmental disability diagnosis. The \$1 fee must be deposited into the Agency for Persons with Disabilities Operations and Maintenance Trust Fund.

The bill authorizes an optional "D" designation on the driver license of a person who has been diagnosed with a developmental disability. The licensee, or his or her parent or legal guardian, must present DHSMV with sufficient proof that a licensed physician has diagnosed the licensee with a developmental disability. Additionally, a licensee, or his or her parent or legal guardian, may surrender his or her current driver license at any time to receive a replacement license with a "D" designation.

House Bill 789 (2020), which this bill is linked to, provides for the payment of an additional \$1 fee for a new or renewed driver license with a "D" designation on it or a payment of a \$2 fee upon the surrender and replacement of a current driver license with a "D" designation on it. Both fees are to be deposited into the Highway Safety Operating Trust Fund.

The bill will likely have a negative fiscal impact to DHSMV associated with programming costs. See Fiscal Analysis for additional details.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The term “developmental disability” is defined as, a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.¹

Any person who is 5 years of age or older, or any person who has a disability and who applies for a disabled parking permit (regardless of age), may be issued an identification card by the Department of Highway Safety and Motor Vehicles (DHSMV) upon completion of an application and payment of an application fee.² Upon request by a person diagnosed with a developmental disability, or by a parent or guardian of a child or ward who has a developmental disability, DHSMV must issue an identification card exhibiting a capital “D” after payment of an additional \$1 fee and proof of a developmental disability diagnosis. The \$1 fee must be deposited into the Agency for Persons with Disabilities Operations and Maintenance Trust Fund.³ As of January 2020, DHSMV had issued 1,295 identification cards with the “D” designation.⁴

Upon successful completion of all required examinations and payment of the required fee, DHSMV must issue to every qualified applicant a driver license.⁵ Each driver license must exhibit the class of vehicle the licensee is authorized to operate as well as any applicable endorsements (such as a motorcycle endorsement) or restrictions (such as corrective lenses).⁶ There are also optional designations that can be exhibited on a driver license. The international symbol for the deaf and hard of hearing is an optional designation that can be exhibited on the driver license of a person who is deaf or hard of hearing. At the time of receiving a new or renewed driver license, the licensee will pay an additional \$1 and provide sufficient proof to DHSMV that he or she is deaf or hard of hearing. Otherwise, upon the surrender of his or her driver license, a licensee may have the symbol added to his or her license for \$2. Both fees will be deposited into the Highway Safety Operating Trust Fund.⁷

Other optional designations that can be exhibited on a driver license are the word “Veteran”,⁸ and symbols representing lifetime freshwater fishing, saltwater fishing, hunting, and sportsman’s licenses as well as a lifetime boater safety identification card.⁹

Effect of Proposed Changes

The bill authorizes an optional “D” designation on the driver license of a person who has been diagnosed with a developmental disability. The licensee, or his or her parent or legal guardian, must present DHSMV with sufficient proof that a licensed physician has diagnosed the licensee with a qualifying developmental disability. Additionally, a licensee, or his or her parent or legal guardian, may surrender his or her current driver license at any time to receive a replacement license with a “D” designation.

¹ Section 393.063, F.S.

² Section 322.051(1), F.S.

³ Section 322.051(8)(e)1., F.S.

⁴ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: HB 787, (January 16, 2020).

⁵ Section 322.14(1)(a), F.S.

⁶ Section 324.14(1)(b), F.S.

⁷ Section 324.14(1)(c), F.S.

⁸ Section 324.14(1)(d), F.S.

⁹ Section 324.14(1)(e), F.S.

The bill could benefit law enforcement agencies by providing notification to officers that a person has a developmental disability. This knowledge could be helpful in the de-escalation of some scenarios involving law enforcement officers and individuals with developmental disabilities.

House Bill 789 (2020), which this bill is linked to, provides for the payment of an additional \$1 fee for a new or renewed driver license with a “D” designation on it or a payment of a \$2 fee upon the surrender and replacement of a current driver license with a “D” designation on it. Both fees are to be deposited into the Highway Safety Operating Trust Fund.

B. SECTION DIRECTORY:

Section 1: Amends s.322.14, F.S., relating to licenses issued to drivers.

Section 2: Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The linked bill, HB 789, authorizes DHSMV to charge a \$1 or \$2 fee for a “D” designation on a driver license. DHSMV will likely have an insignificant, but positive, fiscal impact to the Highway Safety Operating Trust Fund associated with the additional \$1 or \$2 collected for the developmental disability designation on driver licenses.¹⁰

2. Expenditures:

DHSMV estimates that the bill will have an indeterminate, significant negative impact to both the department’s operational resources and to the resources dedicated to Motorist Modernization Phase 1. Programming will be required in the Florida Driver License Information System to add the “D” designation to driver licenses and fee code changes to collect the \$1 or \$2 fee.¹¹

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The linked bill, HB 789, authorizes DHSMV to charge a \$1 or \$2 fee for a “D” designation on a driver license. Pursuant to s. 322.135(1)(c), F.S., tax collectors are required to charge a service fee of \$6.25 per driver license service request per customer. This will have a positive but likely insignificant impact to the tax collectors.¹²

2. Expenditures:

The bill does not appear to impact local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Individuals diagnosed with a developmental disability may opt to pay \$1 or \$2 for a “D” designation on their driver license.

D. FISCAL COMMENTS:

None.

¹⁰ Department of Highway Safety and Motor Vehicles, Agency Analysis of House Bill 787 & 789, p. 4 (January 23, 2020).

¹¹ *Id.*

¹² *Id.* at p. 3.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to driver licenses; amending s.
 3 322.14, F.S.; authorizing a person with specified
 4 disabilities to have the capital letter "D" placed on
 5 his or her driver license under certain circumstances;
 6 providing requirements for the placement of such
 7 letter on a person's driver license; providing an
 8 effective date.

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

11
 12 Section 1. Paragraph (f) is added to subsection (1) of
 13 section 322.14, Florida Statutes, to read:

14 322.14 Licenses issued to drivers.—

15 (1)

16 (f)1. The capital letter "D" shall be exhibited on the
 17 driver license of a person who has a developmental disability,
 18 as defined in s. 393.063, if the person, or his or her parent or
 19 legal guardian, presents sufficient proof that the person has
 20 been diagnosed with a developmental disability by a physician
 21 licensed under chapter 458 as determined by the department.

22 2. Until a person's driver license is next renewed, the
 23 person, or his or her parent or legal guardian, may have the
 24 capital letter "D" added to his or her license upon the
 25 surrender of his or her current license and presentation of

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26 | sufficient proof that the person has been diagnosed with a
27 | developmental disability by a physician licensed under chapter
28 | 458 as determined by the department. If the applicant is not
29 | conducting any other transaction affecting the driver license, a
30 | replacement license may be issued with the capital letter "D"
31 | without payment of the fee required in s. 322.21(1)(e).

32 | Section 2. This act shall take effect July 1, 2020.

Amendment No.

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 &
 2 Infrastructure Subcommittee
 3 Representative Tomkow offered the following:
 4

Amendment (with title amendment)

Remove lines 24-32 and insert:

7 capital letter "D" added to or removed from his or her license
 8 upon the surrender of his or her current license and
 9 presentation of sufficient proof that the person has been
 10 diagnosed with a developmental disability by a physician
 11 licensed under chapter 458 or chapter 459 as determined by the
 12 department. If the applicant is not conducting any other
 13 transaction affecting the driver license, a replacement license
 14 may be issued with the capital letter "D" without payment of the
 15 fee required in s. 322.21(1) (e).

16 Section 2. This act shall take effect October 1, 2020.

Amendment No.

17
18
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T I T L E A M E N D M E N T

Remove lines 5-6 and insert:
or removed from his or her driver license under certain
circumstances; providing requirements for the placement or
removal of such

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 789 Driver License Fees
SPONSOR(S): Tomkow
TIED BILLS: HB 787 **IDEN./SIM. BILLS:** SB 1694

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Roth	Vickers
2) Transportation & Tourism Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Upon request by a person diagnosed with a developmental disability, or by a parent or guardian of a child or ward who has a developmental disability, the Department of Highway Safety and Motor Vehicles (DHSMV) must issue an identification card exhibiting a capital "D" after payment of an additional \$1 fee and proof of a developmental disability diagnosis. The \$1 fee must be deposited into the Agency for Persons with Disabilities Operations and Maintenance Trust Fund.

House Bill 787 (2020), which this bill is linked to, authorizes an optional "D" designation on the driver license of a person who has been diagnosed with a developmental disability.

This bill provides for the payment of an additional \$1 fee for a new or renewed driver license with a "D" designation or a payment of a \$2 fee upon the surrender and replacement of a current driver license. Both fees are to be deposited into the Highway Safety Operating Trust Fund.

The bill will likely have a negative fiscal impact on DHSMV associated with programming costs. See Fiscal Analysis section for additional details.

This bill authorizes a new state fee, requiring a two-thirds vote of the membership of the House. See Section III.A.2. of the analysis.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The Florida Constitution provides that no state tax or fee may be imposed, authorized, or raised by the Legislature except through legislation approved by two-thirds of the membership of each house of the Legislature.¹ For purposes of this requirement, a “fee” is any charge or payment required by law, including any fee or charge for services and fees or costs for licenses and to “raise” a fee or tax means to:²

- Increase or authorize an increase in the rate of a state tax or fee imposed on a percentage or per mill basis;
- Increase or authorize an increase in the amount of a state tax or fee imposed on a flat or fixed amount basis; or
- Decrease or eliminate a state tax or fee exemption or credit.

A bill that imposes, authorizes, or raises any state fee or tax may only contain the fee or tax provision(s) and may not contain any other subject.³

The constitutional provision does not authorize any state tax or fee to be imposed if it is otherwise prohibited by the constitution and does not apply to any tax or fee authorized or imposed by a county, municipality, school board, or special district.⁴

House Bill 787 (2020), which this bill is linked to, authorizes an optional “D” designation on the driver license of a person who has been diagnosed with a developmental disability.

Effect of Proposed Changes

The bill provides for the payment of an additional \$1 fee for a new or renewed driver license with a “D” designation or a payment of a \$2 fee upon the surrender and replacement of a current driver license. Both fees are to be deposited into the Highway Safety Operating Trust Fund.

B. SECTION DIRECTORY:

Section 1: Amends s.322.14, F.S., relating to licenses issued to drivers.

Section 2: Provides that this act shall take effect on the same date that HB 787 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

¹ Fla. Const. art. VII, s. 19(a)-(b). The amendment appeared on the 2018 ballot as Amendment 5.

² Fla. Const. art. VII, s. 19(d).

³ Fla. Const. art. VII, s. 19(e).

⁴ Fla. Const. art. VII s. 19(c).

1. Revenues:

DHSMV will likely have an insignificant, but positive, fiscal impact to the Highway Safety Operating Trust Fund associated with the additional \$1 or \$2 collected for the developmental disability designation on driver licenses.⁵

2. Expenditures:

DHSMV estimates that the bill will have an indeterminate, negative impact to both the department's operational resources and to the resources dedicated to Motorist Modernization Phase 1. Programming will be required in the Florida Driver License Information System to add the "D" designation to driver licenses and fee code changes to collect the \$1 or \$2 fee.⁶

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Pursuant to s. 322.135(1)(c), F.S., tax collectors are required to charge a service fee of \$6.25 per driver license service request per customer. As a result, the bill will have a positive but insignificant impact to tax collectors.⁷

2. Expenditures:

The bill does not appear to impact local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Individuals diagnosed with a developmental disability may opt to pay \$1 or \$2 for a "D" designation on their driver license.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Article VII, s. 19 of the Florida Constitution requires the imposition, authorization, or raising of a state tax or fee be contained in a separate bill that contains no other subject and be approved by two-thirds of the membership of each house of the Legislature. As such, the bill appears to implicate Art. VII, s. 19 of the Florida Constitution because the bill authorizes a \$1 or \$2 fee for an optional "D" designation on a driver license.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

⁵ Department of Highway Safety and Motor Vehicles, Agency Analysis of House Bill 787 & 789, p. 4 (January 23, 2020).

⁶ *Id.*

⁷ *Id.* at p. 3.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to driver license fees; amending s.
 3 322.14, F.S.; providing fees for the placement of a
 4 specified letter on the driver license of a person who
 5 has a developmental disability; providing a contingent
 6 effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Paragraph (f) of subsection (1) of section
 11 322.14, Florida Statutes, as created by HB 787, is amended to
 12 read:

13 322.14 Licenses issued to drivers.—

14 (1)

15 (f)1. The capital letter "D" shall be exhibited on the
 16 driver license of a person who has a developmental disability,
 17 as defined in s. 393.063, upon the payment of an additional \$1
 18 fee for the license and if the person, or his or her parent or
 19 legal guardian, presents sufficient proof that the person has
 20 been diagnosed with a developmental disability by a physician
 21 licensed under chapter 458 as determined by the department.

22 2. Until a person's driver license is next renewed, the
 23 person, or his or her parent or legal guardian, may have the
 24 capital letter "D" added to his or her license upon the
 25 surrender of his or her current license, payment of a \$2 fee to

26 | be deposited into the highway safety Operating Trust Fund, and
27 | presentation of sufficient proof that the person has been
28 | diagnosed with a developmental disability by a physician
29 | licensed under chapter 458 as determined by the department. If
30 | the applicant is not conducting any other transaction affecting
31 | the driver license, a replacement license may be issued with the
32 | capital letter "D" without payment of the fee required in s.
33 | 322.21(1)(e).

34 | Section 2. This act shall take effect on the same date
35 | that HB 787 or similar legislation takes effect, if such
36 | legislation is adopted in the same legislative session or an
37 | extension thereof and becomes a law.

Amendment No.

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 &
 2 Infrastructure Subcommittee
 3 Representative Tomkow offered the following:

Amendment (with title amendment)

6 Remove lines 24-29 and insert:
 7 capital letter "D" added to or removed from his or her license
 8 upon the surrender of his or her current license, payment of a
 9 \$2 fee to be deposited into the Highway Safety Operating Trust
 10 Fund, and presentation of sufficient proof that the person has
 11 been diagnosed with a developmental disability by a physician
 12 licensed under chapter 458 or chapter 459 as determined by the
 13 department. If

Amendment No.

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

Remove line 3 and insert:

322.14, F.S.; providing fees for the placement or removal of a

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 943 Electric Vehicle Charging Stations

SPONSOR(S): Daley

TIED BILLS: **IDEN./SIM. BILLS:** SB 452

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Johnson	Vickers
2) Appropriations Committee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Under current law, the provision of electric vehicle charging to the public by a nonutility is not considered the retail sale of electricity, and is not subject to regulation as a public utility. Additionally, the Department of Agriculture and Consumer Services is required to adopt rules regarding electric vehicle charging stations, and is authorized, but not required, to post information on its website relating to alternative fueling stations (including electric vehicle charging stations) that are available for public use in this state.

The bill requires the Department of Transportation, in coordination with other entities to, by July 1, 2020, develop and adopt a master plan for electric vehicle charging stations on the State Highway System. The bill provides goals and objectives for the master plan including identifying locations for charging stations, evaluating types of charging stations and the economic potential for charging stations, and identifying specific projects to meet the above goals. The Department of Transportation must then annually update its master plan.

The bill has an indeterminate negative fiscal impact to state government associated with completing the master plan. See Fiscal Analysis for details.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Electric vehicles (EVs) offer a cleaner fuel source, and interest in EV use has been driven in part by their potential for reduction in greenhouse gas emissions. However, their relative high cost compared to conventional fuel-powered vehicles and their relative limited range have restricted the commercial viability of EVs.¹ While advancements in EV-related technology are continuing, EV manufacturing is rising, and EV prices have been dropping, representatives in both the government and the private sector acknowledge that successful adoption of EV use is heavily dependent on the accessibility of charging stations.²

Electric Vehicle Charging Equipment

EV charging equipment is generally classified based on the rate at which the equipment charges the EV batteries. Charging times vary, depending on the depletion level of the battery, how much energy the battery holds, the type of battery, and the type of supply equipment. According to the Alternative Fuels Data Center (AFDC), charging times can range from less than 20 minutes to 20 hours or more, depending on the identified factors. Potential driving distance ranges from:

- Two to five miles of range per one hour of charging for AC Level 1 supply equipment;
- Ten to twenty miles per one hour of charging for AC Level 2 supply equipment; and
- Sixty to eighty miles per twenty minutes of charging for DC fast charging supply equipment.³

According to the AFDC, for most drivers, EV charging currently occurs at home or at fleet facilities.⁴

Level 1 (home) charging cords come as standard equipment on new EVs, only require a standard 120-volt outlet, and can add about 50 miles of range in an overnight charge. Level 1 charging is sufficient for low- and medium-range EV drivers with relatively low daily driving.⁵

Level 2 (home and public) charging commonly requires a charging unit on a 240-volt circuit, with the charging rate dependent on the rate at which a vehicle can accept a charge and the maximum current available. An eight-hour charge adds about 180 miles of range with a typical 30-amp circuit. This method may require the purchase of a home charging unit and modifications to a home electric system, but charges from two to eight times faster than a Level 1, depending on the amperage and the vehicle. These chargers are most commonly found at public charging places like offices, grocery stores, and parking garages.⁶

DC Fast Chargers (public charging) can typically add 50 to 90 miles in 30 minutes, depending on the charging station's power capacity and the make of the EV. These chargers are best used for longer travel distances; vehicles used the major portion of a day, such as taxis; and for vehicles whose drivers have limited access to home charging.⁷

Electric Vehicle Charging in Florida

¹ See the Federal Highway Administration's *FHWA NHTS Brief, Electric Vehicle Feasibility*, July 2016, pp. 1-2, available at <https://nhts.ornl.gov/briefs/EVFeasibility20160701.pdf> (last visited Jan. 6, 2020).

² *Id.* at p. 2. See also CBS Chicago, *Electric Vehicle Sales on the Rise, But More Charging Stations Needed To Keep the Trend Going*, September 19, 2019, available at <https://chicago.cbslocal.com/2019/09/19/electric-vehicles-super-fast-charging-stations/> (last visited Jan. 6, 2020).

³ See the AFDC's website available at: <https://www.afdc.energy.gov/vehicles/electric.html>. (Last visited Jan. 6, 2020.)

⁴ AFDC, *Developing Infrastructure to Charge Electric Plug-In Vehicles*, available at https://afdc.energy.gov/fuels/electricity_infrastructure.html (last visited Jan. 6, 2020).

⁵ UCSUSA, *Electric Vehicle Charging, Types, Time, Cost and Savings*, (March 2018) available at <https://www.ucsusa.org/resources/electric-vehicle-charging-types-time-cost-and-savings> (last visited Jan. 6, 2020).

⁶ *Id.*

⁷ *Id.*

Under Florida law, the provision of electric vehicle charging to the public by a nonutility is not considered the retail sale of electricity, and is not subject to regulation as a public utility.⁸ Additionally, the Department of Agriculture and Consumer Services (DACS) is required to adopt rules to provide definitions, methods of sale, labeling requirements, and price-posting requirements for electric vehicle charging stations to allow for consistency for consumers and the industry.⁹

Section 377.815, F.S., authorizes, but does not require, DACS to post information on its website relating to alternative fueling stations (including electric vehicle charging stations) that are available for public use in this state. DACS' website contains addresses by city and county for EV charging station locations in Florida. The website identifies 930 charging station locations by specific address.¹⁰

Clean Cities Coalitions

Established in 1993 as part of the U.S. Department of Energy's Vehicle Technologies Office, the Clean Cities Coalitions have funded hundreds of transportation projects nationwide in furtherance of their mission to foster the nation's economic, environmental, and energy security by working locally to advance affordable, domestic transportation fuels, energy efficient mobility systems, and other fuel-saving technologies and practices.¹¹ There are four Florida Clean Cities Coalitions: North Florida, Central Florida, Tampa, and Southeast Florida.¹²

Department of Agriculture and Consumer Services Office of Energy Electric Vehicle Roadmap

DACS' Office of Energy is currently working on an EV Roadmap with the goals of:

- Identifying EV charging infrastructure impacts on the electric grid.
- Identifying solutions for any negative impacts.
- Locating areas that lack EV charging infrastructure.
- Identifying best practices for siting EV charging stations.
- Identifying technical or regulatory barriers to expansion of EV charging infrastructure.¹³

Effect of the Bill

The bill defines the term "master plan for electric vehicle charging station" or "master plan" as a comprehensive plan of the Department of Transportation (DOT) which describes current and future plans for the development of electric vehicle charging stations on the State Highway System (SHS).¹⁴

The bill requires DOT to, by July 1, 2021, in coordination with DACS' Office of Energy and the Clean Cities Coalitions or other appropriate public or private entities, develop and adopt a master plan for electric vehicle charging stations on the SHS.

The master plan's goals and objectives include, but are not limited to:

- Identifying optimal locations on the SHS for the development of EV charging stations as a means of facilitating EV short-range and long-range travel and adequately serving as evacuation routes.
- Identifying locations that would serve existing EVs or encourage the expansion of EV use.
- Evaluating and comparing the types of EV charging stations available at present and in the future, including the technology and infrastructure incorporated in such stations, for the purpose of identifying any advantages to developing a particular type of station.

⁸ Section 366.94(1), F.S.

⁹ Section 366.94(2), F.S.

¹⁰ See the Florida Department of Agriculture and Consumer Services website, select *Electricity*, available at <https://www.fdacs.gov/Energy/Florida-Energy-Clearinghouse/Transportation> (last visited Jan. 6, 2020).

¹¹ Clean Cities Coalition, available at <https://cleancities.energy.gov/>, (last visited Jan. 10, 2020).

¹² Florida Department of Agriculture and Consumer Services, Agency Analysis of 2020 Senate Bill 452, p.2. (Oct. 9, 2019)

¹³ *Id.*

¹⁴ Section 334.03(24), F.S., defines the term "State Highway System" as the interstate system and all other roads within the state which were under the jurisdiction of the state on June 10, 1995, and roads constructed by an agency of the state for the State Highway System, plus roads transferred to the state's jurisdiction after that date by mutual consent with another governmental entity, but not including roads so transferred from the state's jurisdiction. These facilities shall be facilities to which access is regulated.

- Evaluating the economic potential for EV charging stations and consider strategies to develop that potential, including methods for building partnerships with local governments, other state and federal entities, electric utilities, the business community, and the public in support of EV charging stations.
- Identifying specific projects that will accomplish the above goals and objectives.

After its adoption, DOT must annually, by July 1, update its master plan.

B. SECTION DIRECTORY:

Section 1 creates s. 339.287, F.S., relating to electric vehicle charging stations.

Section 2 provides that the bill is effective upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to impact state government revenues.

2. Expenditures:

The bill has an indeterminate negative fiscal impact to DOT associated with completing the master plan. DACS may incur a negative fiscal impact associated with assisting DOT in preparing its master plan.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to impact local government revenues.

2. Expenditures:

The bill does not appear to impact local government expenditures.

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 impact county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to electric vehicle charging stations;
 3 creating s. 339.287, F.S.; defining the term "master
 4 plan for electric vehicle charging stations" or
 5 "master plan"; requiring the Department of
 6 Transportation, in coordination with the Office of
 7 Energy within the Department of Agriculture and
 8 Consumer Services and the Florida Clean Cities
 9 Coalitions, or other appropriate entities, to develop
 10 and adopt by a specified date a master plan for
 11 electric vehicle charging stations on the state
 12 highway system; specifying goals and objectives of the
 13 master plan; requiring the master plan to be updated
 14 annually by a specified date; providing an effective
 15 date.

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

18
 19 Section 1. Section 339.287, Florida Statutes, is created
 20 to read:

21 339.287 Electric vehicle charging stations; master plan
 22 requirements.—

23 (1) As used in this section, the term "master plan for
 24 electric vehicle charging stations" or "master plan" means a
 25 comprehensive plan of the department which describes current and

26 | future plans for the development of electric vehicle charging
27 | stations on the state highway system.

28 | (2) The department, in coordination with the Office of
29 | Energy within the Department of Agriculture and Consumer
30 | Services and the Florida Clean Cities Coalitions designated by
31 | the United States Department of Energy, or other appropriate
32 | public or private entities, shall develop and adopt a master
33 | plan for electric vehicle charging stations on the state highway
34 | system by July 1, 2021.

35 | (3) The goals and objectives of the master plan include,
36 | but are not limited to, all of the following:

37 | (a) Identify optimal locations on the state highway system
38 | for the development of electric vehicle charging stations as a
39 | means of facilitating electric vehicle short-range and long-
40 | range travel and adequately serving evacuation routes in this
41 | state.

42 | (b) Identify locations that would serve existing electric
43 | vehicles or encourage the expansion of electric vehicle use in
44 | this state.

45 | (c) Evaluate and compare the types of electric vehicle
46 | charging stations available at present and in the future,
47 | including the technology and infrastructure incorporated in such
48 | stations, for the purpose of identifying any advantages to
49 | developing a particular type of station.

50 | (d) Evaluate the economic potential for electric vehicle

51 charging stations in this state and consider strategies to
52 develop that potential, including, but not limited to, methods
53 of building partnerships with local governments, other state and
54 federal entities, electric utilities, the business community,
55 and the public in support of electric vehicle charging stations.

56 (e) Identify specific projects that will accomplish the
57 goals and objectives of this section.

58 (4) After its adoption, the master plan shall be updated
59 annually by July 1.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 971 Electric Bicycles
SPONSOR(S): Grant, M.
TIED BILLS: **IDEN./SIM. BILLS:** SB 1148

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Roth	Vickers
2) Transportation & Tourism Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

The bill defines electric bicycles (e-bikes) within a three-tiered classification system. Class 1 e-bikes are bicycles equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 20 mph. Class 2 e-bikes are bicycles equipped with a throttle-actuated motor that may be used exclusively to propel the bicycle and that ceases to provide assistance when the e-bike reaches 20 mph. Class 3 e-bikes are bicycles equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the e-bike reaches 28 mph.

Additionally, the bill creates regulations governing the operation of e-bikes. An e-bike or an operator of an e-bike must be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle. An e-bike is considered a vehicle to the same extent as a bicycle, and the bill authorizes an e-bike to operate where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, bicycle lanes, and bicycle or multiuse paths. However, following notice and a public hearing, a municipality, county, or agency of the state having jurisdiction over a bicycle or multiuse path may restrict or prohibit the operation of an e-bike on the path if the entity determines that such a restriction is necessary in the interest of public safety or to comply with other laws or legal obligations.

The bill provides that an e-bike or an operator of an e-bike is not subject to the provisions of law relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles.

The bill requires that beginning January 1, 2021, manufacturers and distributors of e-bikes must apply a label that is permanently affixed in a prominent location to each e-bike. The label must contain the classification number, top assisted speed, and motor wattage of the e-bike. The bill prohibits a person from tampering with or modifying an e-bike in order to change the motor-powered speed capability or engagement of an e-bike, unless the label indicating the classification number required is replaced after such modification.

The bill will likely have a negative but insignificant fiscal impact on state government revenues. See Fiscal Analysis for additional details.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Bicycle Regulations

Section 316.003, F.S., defines a “bicycle” as:

Every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. A person under the age of 16 may not operate or ride upon a motorized bicycle.¹

Under state traffic control laws, bicyclists are considered vehicle operators and are generally required to obey the same rules of the road as other vehicle operators, including traffic signs, signals, and lane markings.² Section 316.2065, F.S., governs the operation of bicycles in Florida and provides for a number of bicycle-specific regulations, including:

- A bicycle rider or passenger who is under 16 years of age must wear a bicycle helmet.³
- A person may not knowingly rent or lease any bicycle to be ridden by a child who is under the age of 16 years unless the child possesses a bicycle helmet or the lessor provides a bicycle helmet for the child to wear.⁴
- Every bicycle in use between sunset and sunrise must be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear each exhibiting a red light visible from a distance of 600 feet to the rear.⁵
- A person operating a bicycle on a sidewalk, or across a roadway on a crosswalk, must yield the right-of-way to any pedestrian and must give an audible signal before overtaking and passing the pedestrian.⁶

A person operating a bicycle on a roadway must ride in the bicycle lane, but if there is no bicycle lane, the bicycle operator must ride as close to the right-hand curb as practicable. However, a bicycle operator may move to the center of the lane when:

- Overtaking and passing another bicycle or vehicle proceeding in the same direction;
- Preparing for a left turn at an intersection or into a private road or driveway; or
- Reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, turn lane, or substandard-width lane,⁷ which makes it unsafe to continue along the right-hand curb or edge or within a bicycle lane.⁸

¹ Section 316.003(4), F.S.

² Section 316.2065(1), F.S.

³ Section 316.2065(3)(d), F.S.

⁴ Section 316.2065(15)(a), F.S.

⁵ Section 316.2065(7), F.S.

⁶ Section 316.2065(10), F.S.

⁷ A substandard width lane is any lane that is too narrow for a bicycle and another vehicle to travel safely side-by-side within the lane.

⁸ Section 316.2065(5)(a), F.S.

Bicycle operators traveling on a one-way highway with two or more marked traffic lanes may ride as near to the left-hand curb as practicable⁹ and bicycle operators may not ride more than two abreast on a roadway.¹⁰

Electric Bicycles

In 2002, Congress amended the Consumer Product Safety Commission (CPSC) definition of electric bicycles (e-bikes).¹¹ The law defines a low-speed e-bike as “A two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph.” The federal law permits e-bikes to be powered by the motor alone (a “throttle-assist” e-bike), or by a combination of motor and human power (a “pedal-assist” e-bike).¹²

Devices that meet the federal definition of an e-bike are regulated by the CPSC and must meet bicycle safety standards. However, federal law only applies to e-bikes’ product standards and safety, and only specifies the maximum speed that an e-bike can travel under motor power alone. It does not provide a maximum speed when the bicycle is being propelled by a combination of human and motor power. The law does distinguish e-bikes that can travel 20 mph or less under motor power alone from motorcycles, mopeds, and motor vehicles. The CPSC has clarified that the federal law does not prohibit e-bikes from traveling faster than 20 mph when using a combination of human and motor power.¹³

While the federal government regulates the manufacturing and first sale of an e-bike, its operation on streets and bikeways remains within each state’s control. Therefore, many states have their own laws that categorize e-bikes with mopeds and other motorized vehicles, require licensure and registration, or do not enable them to be used on facilities such as bike lanes or multi-purpose trails.¹⁴

According to a 2018 bicycle industry analysis, e-bike sales increased 83 percent between May 2017 and May 2018, and e-bikes made up 10 percent of overall bike sales in the U.S. for that time period. E-bikes cost on average \$2,000 - \$3,000, versus a \$1,000 average investment for a mid-range traditional commuter bicycle.¹⁵ As of June 2019, 22 states define e-bikes with a three-class definition.¹⁶

Representatives of the Florida Bicycle Association have expressed some concerns with the e-bike three-class definition. One concern is that the class 2 e-bike does not need pedal assist to engage and may be more similar to a motorized vehicle than a bicycle. Another concern is that the class 3 e-bike can reach speeds of 28 mph, which may be too fast to safely operate on sidewalks or multi-use paths.¹⁷

Likewise, some environmental groups, mountain bikers, hunters, and anglers in other states have voiced opposition to the authorization of e-bikes on public trails. Their concerns relate to damage to the trails, overcrowding of the trails, and too much access to wildlife habitats.¹⁸

Effect of Proposed Changes

⁹ Section 316.2065(5)(b), F.S.

¹⁰ Section 316.2065(6), F.S.

¹¹ House Bill 727, available at <https://www.congress.gov/bill/107th-congress/house-bill/727/text> (last visited January 8, 2020).

¹² National Conference of State Legislatures, *State Electric Bicycle Laws: A Legislative Primer* (March 28, 2019), available at <https://www.ncsl.org/research/transportation/state-electric-bicycle-laws-a-legislative-primer.aspx> (last visited January 8, 2020).

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ People for Bikes, *22 States Now Follow the Three Class E-Bike System, Doubling Total in Six Months* (July 19, 2019), available at <https://peopleforbikes.org/blog/22-states-now-follow-the-three-class-ebike-system/> (last visited January 8, 2020).

¹⁷ Email from Becky Afonso, Executive Director, Florida Bicycle Association, RE: E-bikes (November 11, 2019).

¹⁸ See Kurt Repanshek, *Dozens of Conservation Groups Oppose eBikes on Non-Motorized Trails*, National Parks Traveler (August 7, 2019), available at <https://www.nationalparkstraveler.org/2019/08/dozens-conservation-groups-oppose-ebikes-non-motorized-trails> (last visited January 8, 2020).

The bill removes the definition of “motorized bicycle” from within the definition of “bicycle” and creates a separate definition for “electric bicycle” to read:

A bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:

“Class 1 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

“Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.

“Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.

Additionally, the bill creates regulations governing the operation of e-bikes and provides that an e-bike or an operator of an e-bike must be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle. An e-bike is considered a vehicle to the same extent as a bicycle, and the bill authorizes an e-bike to operate where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, bicycle lanes, and bicycle or multiuse paths. However, following notice and a public hearing, a municipality, county, or agency of the state having jurisdiction over a bicycle or multiuse path may restrict or prohibit the operation of an e-bike on the path if the entity finds that such a restriction is necessary in the interest of public safety or to comply with other laws or legal obligations.

The bill provides that an e-bike or an operator of an e-bike is not subject to the provisions of law relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles. The bill requires that an e-bike must function so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

The bill requires that beginning January 1, 2021, manufacturers and distributors of e-bikes must apply a label that is permanently affixed in a prominent location to each e-bike. The label must contain the classification number, top assisted speed, and motor wattage of the e-bike. The bill prohibits a person from tampering with or modifying an e-bike in order to change the motor-powered speed capability or engagement of an e-bike, unless the label indicating the classification number required is replaced after such modification.

The bill removes the registration fee requirement for “motorized bicycles” and makes conforming changes to exclude “electric bicycle” from the definitions of “off-highway motorcycle”, “moped”, “motor vehicle”, “motorcycle”, and “motorized scooter”.

B. SECTION DIRECTORY:

Section 1: Amends s. 261.03, F.S., relating to definitions.

Section 2: Amends s. 316.003, F.S., relating to definitions.

Section 3: Amends s. 316.027, F.S., relating to crash involving death or personal injuries.

Section 4: Amends s. 316.083, F.S., relating to overtaking and passing a vehicle.

Section 5: Amends s. 316.1995, F.S., relating to driving upon sidewalk or bicycle path.

Section 6: Creates s. 316.20655, F.S., relating to electric bicycle regulations.

Section 7: Amends s. 316.613, F.S., relating to child restraint requirements.

Section 8: Amends s. 316.614, F.S., relating to safety belt usage.

Section 9: Amends s. 320.01, F.S., relating to definitions, general.

Section 10: Amends s. 322.01, F.S., relating to definitions.

Section 11: Amends s. 324.021, F.S., relating to definitions, minimum insurance required.

Section 12: Amends s. 403.717, F.S., relating to waste tire and lead-acid battery requirements.

Section 13: Amends s. 681.102, F.S., relating to definitions.

Section 14: Amends s. 320.08, F.S., relating to license taxes.

Section 15: Amends s. 316.306, F.S., relating to school and work zones; prohibition on the use of a wireless communications device in a handheld manner.

Section 16: Amends s. 655.960, F.S., relating to definitions.

Section 17: Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill will likely have a negative but insignificant fiscal impact to the State Transportation Trust Fund and Highway Safety Operating Trust Fund. In FY 2018-19, \$14,633 was collected by the Department of Highway Safety and Motor Vehicles for both moped and motorized bicycle registration fees.¹⁹ Because the data is collected and stored together, it is uncertain what percent of the \$14,633 is associated with motorized bicycle registration fees.

2. Expenditures:

The bill will likely have no impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill will likely have no impact on local government revenues.

2. Expenditures:

The bill will likely have no impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may increase the sale of e-bikes in this state.

D. FISCAL COMMENTS:

¹⁹ E-mail from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: HB 971 (January 9, 2020).

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
2 An act relating to electric bicycles; amending s.
3 261.03, F.S.; revising the definition of the term
4 "OHM" or "off-highway motorcycle"; amending s.
5 316.003, F.S.; revising definitions relating to the
6 Florida Uniform Traffic Control Law; defining the term
7 "electric bicycle"; amending s. 316.027, F.S.;
8 revising the definition of the term "vulnerable road
9 user"; amending s. 316.083, F.S.; requiring the driver
10 of a vehicle overtaking an electric bicycle to pass
11 the electric bicycle at a certain distance; amending
12 s. 316.1995, F.S.; expanding exceptions to a
13 prohibition on persons driving certain vehicles on
14 sidewalks and bicycle paths; creating s. 316.20655,
15 F.S.; providing electric bicycle regulations;
16 providing for rights and privileges of electric
17 bicycles and operators of electric bicycles; providing
18 that electric bicycles are vehicles to the same extent
19 as bicycles; providing that electric bicycles and
20 operators of electric bicycles are not subject to
21 specified provisions; requiring manufacturers and
22 distributers, beginning on a specified date, to apply
23 a label containing certain information to each
24 electric bicycle; prohibiting persons from tampering
25 with or modifying electric bicycles for certain

26 purposes; providing an exception; requiring electric
27 bicycles to comply with specified provisions of law;
28 requiring electric bicycles to operate in a manner
29 that meets certain requirements; authorizing operators
30 to ride electric bicycles where bicycles are allowed;
31 authorizing municipalities, counties, and agencies to
32 regulate the use of electric bicycles on certain
33 paths; amending ss. 316.613, 316.614, and 320.01,
34 F.S.; revising the definition of the term "motor
35 vehicle"; amending s. 322.01, F.S.; revising the
36 definitions of the terms "motor vehicle" and
37 "vehicle"; amending ss. 324.021, 403.717, and 681.102,
38 F.S.; revising the definition of the term "motor
39 vehicle"; amending s. 320.08, F.S.; conforming a
40 provision to changes made by the act; amending ss.
41 316.306 and 655.960, F.S.; conforming cross-
42 references; providing an effective date.

43
44 Be It Enacted by the Legislature of the State of Florida:

45
46 Section 1. Subsection (4) of section 261.03, Florida
47 Statutes, is amended to read:

48 261.03 Definitions.—As used in this chapter, the term:

49 (4) "OHM" or "off-highway motorcycle" means any motor
50 vehicle used off the roads or highways of this state that has a

51 seat or saddle for the use of the rider and is designed to
52 travel with not more than two wheels in contact with the ground,
53 but excludes a tractor, an electric bicycle, or a moped.

54 Section 2. Present subsections (22) through (104) of
55 section 316.003, Florida Statutes, are redesignated as
56 subsections (23) through (105), respectively, a new subsection
57 (22) is added to that section, and subsection (4) and present
58 subsections (41), (43), (44), (45), and (61) of that section are
59 amended, to read:

60 316.003 Definitions.—The following words and phrases, when
61 used in this chapter, shall have the meanings respectively
62 ascribed to them in this section, except where the context
63 otherwise requires:

64 (4) BICYCLE.—Every vehicle propelled solely by human
65 power, ~~and every motorized bicycle propelled by a combination of~~
66 ~~human power and an electric helper motor capable of propelling~~
67 ~~the vehicle at a speed of not more than 20 miles per hour on~~
68 ~~level ground upon which any person may ride~~, having two tandem
69 wheels, and including any device generally recognized as a
70 bicycle though equipped with two front or two rear wheels. The
71 term does not include such a vehicle with a seat height of no
72 more than 25 inches from the ground when the seat is adjusted to
73 its highest position or a scooter or similar device. ~~A person~~
74 ~~under the age of 16 may not operate or ride upon a motorized~~
75 ~~bicycle.~~

76 (22) ELECTRIC BICYCLE.—A bicycle or tricycle equipped with
77 fully operable pedals, a seat or saddle for the use of the
78 rider, and an electric motor of less than 750 watts which meets
79 the requirements of one of the following three classifications:

80 (a) "Class 1 electric bicycle" means an electric bicycle
81 equipped with a motor that provides assistance only when the
82 rider is pedaling and that ceases to provide assistance when the
83 electric bicycle reaches the speed of 20 miles per hour.

84 (b) "Class 2 electric bicycle" means an electric bicycle
85 equipped with a motor that may be used exclusively to propel the
86 electric bicycle and that ceases to provide assistance when the
87 electric bicycle reaches the speed of 20 miles per hour.

88 (c) "Class 3 electric bicycle" means an electric bicycle
89 equipped with a motor that provides assistance only when the
90 rider is pedaling and that ceases to provide assistance when the
91 electric bicycle reaches the speed of 28 miles per hour.

92 (42)-(41) MOPED.—Any vehicle with pedals to permit
93 propulsion by human power, having a seat or saddle for the use
94 of the rider and designed to travel on not more than three
95 wheels, with a motor rated not in excess of 2 brake horsepower
96 and not capable of propelling the vehicle at a speed greater
97 than 30 miles per hour on level ground and with a power-drive
98 system that functions directly or automatically without
99 clutching or shifting gears by the operator after the drive
100 system is engaged. If an internal combustion engine is used, the

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101 displacement may not exceed 50 cubic centimeters. The term does
102 not include an electric bicycle.

103 (44)~~(43)~~ MOTOR VEHICLE.—Except when used in s. 316.1001, a
104 self-propelled vehicle not operated upon rails or guideway, but
105 not including any bicycle, electric bicycle, motorized scooter,
106 electric personal assistive mobility device, mobile carrier,
107 personal delivery device, swamp buggy, or moped. For purposes of
108 s. 316.1001, "motor vehicle" has the same meaning as provided in
109 s. 320.01(1)(a).

110 (45)~~(44)~~ MOTORCYCLE.—Any motor vehicle having a seat or
111 saddle for the use of the rider and designed to travel on not
112 more than three wheels in contact with the ground. The term
113 includes an auticycle, but does not include a tractor, a moped,
114 an electric bicycle, or any vehicle in which the operator is
115 enclosed by a cabin unless it meets the requirements set forth
116 by the National Highway Traffic Safety Administration for a
117 motorcycle.

118 (46)~~(45)~~ MOTORIZED SCOOTER.—Any vehicle or micromobility
119 device that is powered by a motor with or without a seat or
120 saddle for the use of the rider, which is designed to travel on
121 not more than three wheels, and which is not capable of
122 propelling the vehicle at a speed greater than 20 miles per hour
123 on level ground. The term does not include an electric bicycle.

124 (62)~~(61)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
125 provided in paragraph (84)(b) ~~(83)(b)~~, any privately owned way

126 | or place used for vehicular travel by the owner and those having
 127 | express or implied permission from the owner, but not by other
 128 | persons.

129 | Section 3. Paragraph (b) of subsection (1) of section
 130 | 316.027, Florida Statutes, is amended to read:

131 | 316.027 Crash involving death or personal injuries.—

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

133 | (b) "Vulnerable road user" means:

134 | 1. A pedestrian, including a person actually engaged in
 135 | work upon a highway, or in work upon utility facilities along a
 136 | highway, or engaged in the provision of emergency services
 137 | within the right-of-way;

138 | 2. A person operating a bicycle, an electric bicycle, a
 139 | motorcycle, a scooter, or a moped lawfully on the roadway;

140 | 3. A person riding an animal; or

141 | 4. A person lawfully operating on a public right-of-way,
 142 | crosswalk, or shoulder of the roadway:

143 | a. A farm tractor or similar vehicle designed primarily
 144 | for farm use;

145 | b. A skateboard, roller skates, or in-line skates;

146 | c. A horse-drawn carriage;

147 | d. An electric personal assistive mobility device; or

148 | e. A wheelchair.

149 | Section 4. Subsection (1) of section 316.083, Florida
 150 | Statutes, is amended to read:

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151 316.083 Overtaking and passing a vehicle.—The following
152 rules shall govern the overtaking and passing of vehicles
153 proceeding in the same direction, subject to those limitations,
154 exceptions, and special rules hereinafter stated:

155 (1) The driver of a vehicle overtaking another vehicle
156 proceeding in the same direction shall give an appropriate
157 signal as provided for in s. 316.156, shall pass to the left
158 thereof at a safe distance, and shall not again drive to the
159 right side of the roadway until safely clear of the overtaken
160 vehicle. The driver of a vehicle overtaking a bicycle or other
161 nonmotorized vehicle, or an electric bicycle, must pass the
162 bicycle, ~~or~~ other nonmotorized vehicle, or electric bicycle at a
163 safe distance of not less than 3 feet between the vehicle and
164 the bicycle, ~~or~~ other nonmotorized vehicle, or electric bicycle.

165 Section 5. Section 316.1995, Florida Statutes, is amended
166 to read:

167 316.1995 Driving upon sidewalk or bicycle path.—

168 (1) Except as provided in s. 316.008, s. 316.20655, s.
169 316.212(8), or s. 316.2128, a person may not drive any vehicle
170 other than by human power upon a bicycle path, sidewalk, or
171 sidewalk area, except upon a permanent or duly authorized
172 temporary driveway.

173 (2) A violation of this section is a noncriminal traffic
174 infraction, punishable as a moving violation as provided in
175 chapter 318.

176 (3) This section does not apply to motorized wheelchairs.
177 Section 6. Section 316.20655, Florida Statutes, is created
178 to read:

179 316.20655 Electric bicycle regulations.—

180 (1) Except as otherwise provided in this section, an
181 electric bicycle or an operator of an electric bicycle shall be
182 afforded all the rights and privileges, and be subject to all of
183 the duties, of a bicycle or the operator of a bicycle, including
184 s. 316.2065. An electric bicycle is a vehicle to the same extent
185 as a bicycle.

186 (2) An electric bicycle or an operator of an electric
187 bicycle is not subject to the provisions of law relating to
188 financial responsibility, driver or motor vehicle licenses,
189 vehicle registration, title certificates, off-highway
190 motorcycles, or off-highway vehicles.

191 (3) Beginning on January 1, 2021, manufacturers and
192 distributors of electric bicycles shall apply a label that is
193 permanently affixed in a prominent location to each electric
194 bicycle. The label must contain the classification number, top
195 assisted speed, and motor wattage of the electric bicycle.

196 (4) A person may not tamper with or modify an electric
197 bicycle so as to change the motor-powered speed capability or
198 engagement of an electric bicycle, unless the label indicating
199 the classification number required in subsection (3) is replaced
200 after such modification.

201 (5) An electric bicycle must comply with the equipment and
202 manufacturing requirements for bicycles adopted by the United
203 States Consumer Product Safety Commission under 16 C.F.R. part
204 1512.

205 (6) An electric bicycle must operate in a manner so that
206 the electric motor is disengaged or ceases to function when the
207 rider stops pedaling or when the brakes are applied.

208 (7) (a) An operator may ride an electric bicycle where
209 bicycles are allowed, including, but not limited to, streets,
210 highways, roadways, shoulders, bicycle lanes, and bicycle or
211 multiuse paths.

212 (b) Following notice and a public hearing, a municipality,
213 county, or agency of the state having jurisdiction over a
214 bicycle or multiuse path may restrict or prohibit the operation
215 of an electric bicycle on the path if the municipality, county,
216 or agency finds that such a restriction is necessary in the
217 interest of public safety or to comply with other laws or legal
218 obligations.

219 Section 7. Paragraph (e) of subsection (2) of section
220 316.613, Florida Statutes, is amended to read:

221 316.613 Child restraint requirements.—

222 (2) As used in this section, the term "motor vehicle"
223 means a motor vehicle as defined in s. 316.003 that is operated
224 on the roadways, streets, and highways of the state. The term
225 does not include:

226 (e) A motorcycle, a moped, a ~~ex~~ bicycle, or an electric
 227 bicycle.

228 Section 8. Paragraph (a) of subsection (3) of section
 229 316.614, Florida Statutes, is amended to read:

230 316.614 Safety belt usage.—

231 (3) As used in this section:

232 (a) "Motor vehicle" means a motor vehicle as defined in s.
 233 316.003 which is operated on the roadways, streets, and highways
 234 of this state. The term does not include:

235 1. A school bus.

236 2. A bus used for the transportation of persons for
 237 compensation.

238 3. A farm tractor or implement of husbandry.

239 4. A truck having a gross vehicle weight rating of more
 240 than 26,000 pounds.

241 5. A motorcycle, a moped, a ~~ex~~ bicycle, or an electric
 242 bicycle.

243 Section 9. Paragraph (a) of subsection (1) of section
 244 320.01, Florida Statutes, is amended to read:

245 320.01 Definitions, general.—As used in the Florida
 246 Statutes, except as otherwise provided, the term:

247 (1) "Motor vehicle" means:

248 (a) An automobile, motorcycle, truck, trailer,
 249 semitrailer, truck tractor and semitrailer combination, or any
 250 other vehicle operated on the roads of this state, used to

251 transport persons or property, and propelled by power other than
252 muscular power, but the term does not include traction engines,
253 road rollers, motorized scooters, micromobility devices,
254 personal delivery devices and mobile carriers as defined in s.
255 316.003, special mobile equipment as defined in s. 316.003,
256 vehicles that run only upon a track, bicycles, electric
257 bicycles, swamp buggies, or mopeds.

258 Section 10. Subsections (27) and (44) of section 322.01,
259 Florida Statutes, are amended to read:

260 322.01 Definitions.—As used in this chapter:

261 (27) "Motor vehicle" means any self-propelled vehicle,
262 including a motor vehicle combination, not operated upon rails
263 or guideway, excluding vehicles moved solely by human power,
264 motorized wheelchairs, and electric ~~motorized~~ bicycles as
265 defined in s. 316.003.

266 (44) "Vehicle" means every device in, upon, or by which
267 any person or property is or may be transported or drawn upon a
268 public highway or operated upon rails or guideway, except a
269 bicycle, motorized wheelchair, or electric ~~motorized~~ bicycle.

270 Section 11. Subsection (1) of section 324.021, Florida
271 Statutes, is amended to read:

272 324.021 Definitions; minimum insurance required.—The
273 following words and phrases when used in this chapter shall, for
274 the purpose of this chapter, have the meanings respectively
275 ascribed to them in this section, except in those instances

276 | where the context clearly indicates a different meaning:

277 | (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
 278 | designed and required to be licensed for use upon a highway,
 279 | including trailers and semitrailers designed for use with such
 280 | vehicles, except traction engines, road rollers, farm tractors,
 281 | power shovels, and well drillers, and every vehicle that is
 282 | propelled by electric power obtained from overhead wires but not
 283 | operated upon rails, but not including any personal delivery
 284 | device or mobile carrier as defined in s. 316.003, bicycle,
 285 | electric bicycle, or moped. However, the term "motor vehicle"
 286 | does not include a motor vehicle as defined in s. 627.732(3)
 287 | when the owner of such vehicle has complied with the
 288 | requirements of ss. 627.730-627.7405, inclusive, unless the
 289 | provisions of s. 324.051 apply; and, in such case, the
 290 | applicable proof of insurance provisions of s. 320.02 apply.

291 | Section 12. Paragraph (b) of subsection (1) of section
 292 | 403.717, Florida Statutes, is amended to read:

293 | 403.717 Waste tire and lead-acid battery requirements.—

294 | (1) For purposes of this section and ss. 403.718 and
 295 | 403.7185:

296 | (b) "Motor vehicle" means an automobile, motorcycle,
 297 | truck, trailer, semitrailer, truck tractor and semitrailer
 298 | combination, or any other vehicle operated in this state, used
 299 | to transport persons or property and propelled by power other
 300 | than muscular power. The term does not include traction engines,

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301 road rollers, vehicles that run only upon a track, bicycles,
302 electric bicycles, mopeds, or farm tractors and trailers.

303 Section 13. Subsection (14) of section 681.102, Florida
304 Statutes, is amended to read:

305 681.102 Definitions.—As used in this chapter, the term:

306 (14) "Motor vehicle" means a new vehicle, propelled by
307 power other than muscular power, which is sold in this state to
308 transport persons or property, and includes a recreational
309 vehicle or a vehicle used as a demonstrator or leased vehicle if
310 a manufacturer's warranty was issued as a condition of sale, or
311 the lessee is responsible for repairs, but does not include
312 vehicles run only upon tracks, off-road vehicles, trucks over
313 10,000 pounds gross vehicle weight, motorcycles, mopeds,
314 electric bicycles, or the living facilities of recreational
315 vehicles. "Living facilities of recreational vehicles" are those
316 portions designed, used, or maintained primarily as living
317 quarters and include, but are not limited to, the flooring,
318 plumbing system and fixtures, roof air conditioner, furnace,
319 generator, electrical systems other than automotive circuits,
320 the side entrance door, exterior compartments, and windows other
321 than the windshield and driver and front passenger windows.

322 Section 14. Section 320.08, Florida Statutes, is amended
323 to read:

324 320.08 License taxes.—Except as otherwise provided herein,
325 there are hereby levied and imposed annual license taxes for the

326 operation of motor vehicles, mopeds, ~~motorized bicycles as~~
327 ~~defined in s. 316.003(4)~~, tri-vehicles as defined in s. 316.003,
328 and mobile homes as defined in s. 320.01, which shall be paid to
329 and collected by the department or its agent upon the
330 registration or renewal of registration of the following:

331 (1) MOTORCYCLES AND MOPEDS.—

332 (a) Any motorcycle: \$10 flat.

333 (b) Any moped: \$5 flat.

334 (c) Upon registration of a motorcycle, motor-driven cycle,
335 or moped, in addition to the license taxes specified in this
336 subsection, a nonrefundable motorcycle safety education fee in
337 the amount of \$2.50 shall be paid. The proceeds of such
338 additional fee shall be deposited in the Highway Safety
339 Operating Trust Fund to fund a motorcycle driver improvement
340 program implemented pursuant to s. 322.025, the Florida
341 Motorcycle Safety Education Program established in s. 322.0255,
342 or the general operations of the department.

343 (d) An ancient or antique motorcycle: \$7.50 flat.

344 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

345 (a) An ancient or antique automobile, as defined in s.
346 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

347 (b) Net weight of less than 2,500 pounds: \$14.50 flat.

348 (c) Net weight of 2,500 pounds or more, but less than
349 3,500 pounds: \$22.50 flat.

350 (d) Net weight of 3,500 pounds or more: \$32.50 flat.

- 351 (3) TRUCKS.—
- 352 (a) Net weight of less than 2,000 pounds: \$14.50 flat.
- 353 (b) Net weight of 2,000 pounds or more, but not more than
- 354 3,000 pounds: \$22.50 flat.
- 355 (c) Net weight more than 3,000 pounds, but not more than
- 356 5,000 pounds: \$32.50 flat.
- 357 (d) A truck defined as a "goat," or other vehicle if used
- 358 in the field by a farmer or in the woods for the purpose of
- 359 harvesting a crop, including naval stores, during such
- 360 harvesting operations, and which is not principally operated
- 361 upon the roads of the state: \$7.50 flat. The term "goat" means a
- 362 motor vehicle designed, constructed, and used principally for
- 363 the transportation of citrus fruit within citrus groves or for
- 364 the transportation of crops on farms, and which can also be used
- 365 for hauling associated equipment or supplies, including required
- 366 sanitary equipment, and the towing of farm trailers.
- 367 (e) An ancient or antique truck, as defined in s. 320.086:
- 368 \$7.50 flat.
- 369 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS
- 370 VEHICLE WEIGHT.—
- 371 (a) Gross vehicle weight of 5,001 pounds or more, but less
- 372 than 6,000 pounds: \$60.75 flat.
- 373 (b) Gross vehicle weight of 6,000 pounds or more, but less
- 374 than 8,000 pounds: \$87.75 flat.
- 375 (c) Gross vehicle weight of 8,000 pounds or more, but less

376 | than 10,000 pounds: \$103 flat.

377 | (d) Gross vehicle weight of 10,000 pounds or more, but
378 | less than 15,000 pounds: \$118 flat.

379 | (e) Gross vehicle weight of 15,000 pounds or more, but
380 | less than 20,000 pounds: \$177 flat.

381 | (f) Gross vehicle weight of 20,000 pounds or more, but
382 | less than 26,001 pounds: \$251 flat.

383 | (g) Gross vehicle weight of 26,001 pounds or more, but
384 | less than 35,000: \$324 flat.

385 | (h) Gross vehicle weight of 35,000 pounds or more, but
386 | less than 44,000 pounds: \$405 flat.

387 | (i) Gross vehicle weight of 44,000 pounds or more, but
388 | less than 55,000 pounds: \$773 flat.

389 | (j) Gross vehicle weight of 55,000 pounds or more, but
390 | less than 62,000 pounds: \$916 flat.

391 | (k) Gross vehicle weight of 62,000 pounds or more, but
392 | less than 72,000 pounds: \$1,080 flat.

393 | (l) Gross vehicle weight of 72,000 pounds or more: \$1,322
394 | flat.

395 | (m) Notwithstanding the declared gross vehicle weight, a
396 | truck tractor used within the state or within a 150-mile radius
397 | of its home address is eligible for a license plate for a fee of
398 | \$324 flat if:

399 | 1. The truck tractor is used exclusively for hauling
400 | forestry products; or

401 2. The truck tractor is used primarily for the hauling of
402 forestry products, and is also used for the hauling of
403 associated forestry harvesting equipment used by the owner of
404 the truck tractor.

405 (n) A truck tractor or heavy truck, not operated as a for-
406 hire vehicle and which is engaged exclusively in transporting
407 raw, unprocessed, and nonmanufactured agricultural or
408 horticultural products within the state or within a 150-mile
409 radius of its home address is eligible for a restricted license
410 plate for a fee of:

411 1. If such vehicle's declared gross vehicle weight is less
412 than 44,000 pounds, \$87.75 flat.

413 2. If such vehicle's declared gross vehicle weight is
414 44,000 pounds or more and such vehicle only transports from the
415 point of production to the point of primary manufacture; to the
416 point of assembling the same; or to a shipping point of a rail,
417 water, or motor transportation company, \$324 flat.

418
419 Such not-for-hire truck tractors and heavy trucks used
420 exclusively in transporting raw, unprocessed, and
421 nonmanufactured agricultural or horticultural products may be
422 incidentally used to haul farm implements and fertilizers
423 delivered direct to the growers. The department may require any
424 documentation deemed necessary to determine eligibility before
425 issuance of this license plate. For the purpose of this

426 paragraph, "not-for-hire" means the owner of the motor vehicle
 427 must also be the owner of the raw, unprocessed, and
 428 nonmanufactured agricultural or horticultural product, or the
 429 user of the farm implements and fertilizer being delivered.

430 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 431 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

432 (a)1. A semitrailer drawn by a GVW truck tractor by means
 433 of a fifth-wheel arrangement: \$13.50 flat per registration year
 434 or any part thereof.

435 2. A semitrailer drawn by a GVW truck tractor by means of
 436 a fifth-wheel arrangement: \$68 flat per permanent registration.

437 (b) A motor vehicle equipped with machinery and designed
 438 for the exclusive purpose of well drilling, excavation,
 439 construction, spraying, or similar activity, and which is not
 440 designed or used to transport loads other than the machinery
 441 described above over public roads: \$44 flat.

442 (c) A school bus used exclusively to transport pupils to
 443 and from school or school or church activities or functions
 444 within their own county: \$41 flat.

445 (d) A wrecker, as defined in s. 320.01, which is used to
 446 tow a vessel as defined in s. 327.02, a disabled, abandoned,
 447 stolen-recovered, or impounded motor vehicle as defined in s.
 448 320.01, or a replacement motor vehicle as defined in s. 320.01:
 449 \$41 flat.

450 (e) A wrecker that is used to tow any nondisabled motor

451 vehicle, a vessel, or any other cargo unless used as defined in
 452 paragraph (d), as follows:

453 1. Gross vehicle weight of 10,000 pounds or more, but less
 454 than 15,000 pounds: \$118 flat.

455 2. Gross vehicle weight of 15,000 pounds or more, but less
 456 than 20,000 pounds: \$177 flat.

457 3. Gross vehicle weight of 20,000 pounds or more, but less
 458 than 26,000 pounds: \$251 flat.

459 4. Gross vehicle weight of 26,000 pounds or more, but less
 460 than 35,000 pounds: \$324 flat.

461 5. Gross vehicle weight of 35,000 pounds or more, but less
 462 than 44,000 pounds: \$405 flat.

463 6. Gross vehicle weight of 44,000 pounds or more, but less
 464 than 55,000 pounds: \$772 flat.

465 7. Gross vehicle weight of 55,000 pounds or more, but less
 466 than 62,000 pounds: \$915 flat.

467 8. Gross vehicle weight of 62,000 pounds or more, but less
 468 than 72,000 pounds: \$1,080 flat.

469 9. Gross vehicle weight of 72,000 pounds or more: \$1,322
 470 flat.

471 (f) A hearse or ambulance: \$40.50 flat.

472 (6) MOTOR VEHICLES FOR HIRE.—

473 (a) Under nine passengers: \$17 flat plus \$1.50 per cwt.

474 (b) Nine passengers and over: \$17 flat plus \$2 per cwt.

475 (7) TRAILERS FOR PRIVATE USE.—

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476 (a) Any trailer weighing 500 pounds or less: \$6.75 flat
 477 per year or any part thereof.

478 (b) Net weight over 500 pounds: \$3.50 flat plus \$1 per
 479 cwt.

480 (8) TRAILERS FOR HIRE.—

481 (a) Net weight under 2,000 pounds: \$3.50 flat plus \$1.50
 482 per cwt.

483 (b) Net weight 2,000 pounds or more: \$13.50 flat plus
 484 \$1.50 per cwt.

485 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

486 (a) A travel trailer or fifth-wheel trailer, as defined by
 487 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27
 488 flat.

489 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:
 490 \$13.50 flat.

491 (c) A motor home, as defined by s. 320.01(1)(b)4.:

492 1. Net weight of less than 4,500 pounds: \$27 flat.

493 2. Net weight of 4,500 pounds or more: \$47.25 flat.

494 (d) A truck camper as defined by s. 320.01(1)(b)3.:

495 1. Net weight of less than 4,500 pounds: \$27 flat.

496 2. Net weight of 4,500 pounds or more: \$47.25 flat.

497 (e) A private motor coach as defined by s. 320.01(1)(b)5.:

498 1. Net weight of less than 4,500 pounds: \$27 flat.

499 2. Net weight of 4,500 pounds or more: \$47.25 flat.

500 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;

501 35 FEET TO 40 FEET.—

502 (a) *Park trailers.*—Any park trailer, as defined in s.
503 320.01(1)(b)7.: \$25 flat.

504 (b) *Travel trailers or fifth-wheel trailers.*—A travel
505 trailer or fifth-wheel trailer, as defined in s. 320.01(1)(b),
506 that exceeds 35 feet: \$25 flat.

507 (11) MOBILE HOMES.—

508 (a) A mobile home not exceeding 35 feet in length: \$20
509 flat.

510 (b) A mobile home over 35 feet in length, but not
511 exceeding 40 feet: \$25 flat.

512 (c) A mobile home over 40 feet in length, but not
513 exceeding 45 feet: \$30 flat.

514 (d) A mobile home over 45 feet in length, but not
515 exceeding 50 feet: \$35 flat.

516 (e) A mobile home over 50 feet in length, but not
517 exceeding 55 feet: \$40 flat.

518 (f) A mobile home over 55 feet in length, but not
519 exceeding 60 feet: \$45 flat.

520 (g) A mobile home over 60 feet in length, but not
521 exceeding 65 feet: \$50 flat.

522 (h) A mobile home over 65 feet in length: \$80 flat.

523 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
524 motor vehicle dealer, independent motor vehicle dealer, marine
525 boat trailer dealer, or mobile home dealer and manufacturer

526 license plate: \$17 flat.

527 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or
 528 official license plate: \$4 flat, except that the registration or
 529 renewal of a registration of a marine boat trailer exempt under
 530 s. 320.102 is not subject to any license tax.

531 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor
 532 vehicle for hire operated wholly within a city or within 25
 533 miles thereof: \$17 flat plus \$2 per cwt.

534 (15) TRANSPORTER.—Any transporter license plate issued to
 535 a transporter pursuant to s. 320.133: \$101.25 flat.

536 Section 15. Paragraph (a) of subsection (3) of section
 537 316.306, Florida Statutes, is amended to read:

538 316.306 School and work zones; prohibition on the use of a
 539 wireless communications device in a handheld manner.—

540 (3)(a)1. A person may not operate a motor vehicle while
 541 using a wireless communications device in a handheld manner in a
 542 designated school crossing, school zone, or work zone area as
 543 defined in s. 316.003(105) ~~s. 316.003(104)~~. This subparagraph
 544 shall only be applicable to work zone areas if construction
 545 personnel are present or are operating equipment on the road or
 546 immediately adjacent to the work zone area. For the purposes of
 547 this paragraph, a motor vehicle that is stationary is not being
 548 operated and is not subject to the prohibition in this
 549 paragraph.

550 2.a. During the period from October 1, 2019, through

551 December 31, 2019, a law enforcement officer may stop motor
552 vehicles to issue verbal or written warnings to persons who are
553 in violation of subparagraph 1. for the purposes of informing
554 and educating such persons of this section. This sub-
555 subparagraph shall stand repealed on October 1, 2020.

556 b. Effective January 1, 2020, a law enforcement officer
557 may stop motor vehicles and issue citations to persons who are
558 driving while using a wireless communications device in a
559 handheld manner in violation of subparagraph 1.

560 Section 16. Subsection (1) of section 655.960, Florida
561 Statutes, is amended to read:

562 655.960 Definitions; ss. 655.960-655.965.—As used in this
563 section and ss. 655.961-655.965, unless the context otherwise
564 requires:

565 (1) "Access area" means any paved walkway or sidewalk
566 which is within 50 feet of any automated teller machine. The
567 term does not include any street or highway open to the use of
568 the public, as defined in s. 316.003(84) (a) or (b) ~~s.~~
569 ~~316.003(83) (a) or (b)~~, including any adjacent sidewalk, as
570 defined in s. 316.003.

571 Section 17. This act shall take effect July 1, 2020.

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COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Transportation &
2 Infrastructure Subcommittee
3 Representative Grant, M. offered the following:
4

Amendment (with title amendment)

Remove lines 71-185 and insert:

7 term does not include ~~such a vehicle with a seat height of no~~
8 ~~more than 25 inches from the ground when the seat is adjusted to~~
9 ~~its highest position or a scooter or similar device. A person~~
10 ~~under the age of 16 may not operate or ride upon a motorized~~
11 ~~bicycle.~~

12 (22) ELECTRIC BICYCLE.-A bicycle or tricycle equipped with
13 fully operable pedals, a seat or saddle for the use of the
14 rider, and an electric motor of less than 750 watts which meets
15 the requirements of one of the following three classifications:

16 (a) "Class 1 electric bicycle" means an electric bicycle

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17 equipped with a motor that provides assistance only when the
18 rider is pedaling and that ceases to provide assistance when the
19 electric bicycle reaches the speed of 20 miles per hour.

20 (b) "Class 2 electric bicycle" means an electric bicycle
21 equipped with a motor that may be used exclusively to propel the
22 electric bicycle and that ceases to provide assistance when the
23 electric bicycle reaches the speed of 20 miles per hour.

24 (c) "Class 3 electric bicycle" means an electric bicycle
25 equipped with a motor that provides assistance only when the
26 rider is pedaling and that ceases to provide assistance when the
27 electric bicycle reaches the speed of 28 miles per hour.

28 ~~(42)-(41)~~ MOPED.—Any vehicle with pedals to permit
29 propulsion by human power, having a seat or saddle for the use
30 of the rider and designed to travel on not more than three
31 wheels, with a motor rated not in excess of 2 brake horsepower
32 and not capable of propelling the vehicle at a speed greater
33 than 30 miles per hour on level ground and with a power-drive
34 system that functions directly or automatically without
35 clutching or shifting gears by the operator after the drive
36 system is engaged. If an internal combustion engine is used, the
37 displacement may not exceed 50 cubic centimeters. The term does
38 not include an electric bicycle.

39 ~~(44)-(43)~~ MOTOR VEHICLE.—Except when used in s. 316.1001, a
40 self-propelled vehicle not operated upon rails or guideway, but
41 not including any bicycle, electric bicycle, motorized scooter,

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42 electric personal assistive mobility device, mobile carrier,
43 personal delivery device, swamp buggy, or moped. For purposes of
44 s. 316.1001, "motor vehicle" has the same meaning as provided in
45 s. 320.01(1) (a).

46 ~~(45)-(44)~~ MOTORCYCLE.—Any motor vehicle having a seat or
47 saddle for the use of the rider and designed to travel on not
48 more than three wheels in contact with the ground. The term
49 includes an auticycle, but does not include a tractor, a moped,
50 an electric bicycle, or any vehicle in which the operator is
51 enclosed by a cabin unless it meets the requirements set forth
52 by the National Highway Traffic Safety Administration for a
53 motorcycle.

54 ~~(46)-(45)~~ MOTORIZED SCOOTER.—Any vehicle or micromobility
55 device that is powered by a motor with or without a seat or
56 saddle for the use of the rider, which is designed to travel on
57 not more than three wheels, and which is not capable of
58 propelling the vehicle at a speed greater than 20 miles per hour
59 on level ground. The term does not include an electric bicycle.

60 ~~(62)-(61)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
61 provided in paragraph (84)(b) ~~(83)(b)~~, any privately owned way
62 or place used for vehicular travel by the owner and those having
63 express or implied permission from the owner, but not by other
64 persons.

65 Section 3. Paragraph (a) of subsection (7) of section
66 316.008, Florida Statutes, is amended to read:

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67 316.008 Powers of local authorities.-

68 (7)(a) A county or municipality may enact an ordinance to
69 permit, control, or regulate the operation of vehicles, golf
70 carts, mopeds, motorized scooters, electric bicycles, and
71 electric personal assistive mobility devices on sidewalks or
72 sidewalk areas when such use is permissible under federal law.
73 The ordinance must restrict such vehicles or devices to a
74 maximum speed of 15 miles per hour in such areas.

75 Section 4. Paragraph (b) of subsection (1) of section
76 316.027, Florida Statutes, is amended to read:

77 316.027 Crash involving death or personal injuries.-

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

79 (b) "Vulnerable road user" means:

80 1. A pedestrian, including a person actually engaged in
81 work upon a highway, or in work upon utility facilities along a
82 highway, or engaged in the provision of emergency services
83 within the right-of-way;

84 2. A person operating a bicycle, an electric bicycle, a
85 motorcycle, a scooter, or a moped lawfully on the roadway;

86 3. A person riding an animal; or

87 4. A person lawfully operating on a public right-of-way,
88 crosswalk, or shoulder of the roadway:

89 a. A farm tractor or similar vehicle designed primarily
90 for farm use;

91 b. A skateboard, roller skates, or in-line skates;

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- 92 c. A horse-drawn carriage;
93 d. An electric personal assistive mobility device; or
94 e. A wheelchair.

95 Section 5. Subsection (1) of section 316.083, Florida
96 Statutes, is amended to read:

97 316.083 Overtaking and passing a vehicle.—The following
98 rules shall govern the overtaking and passing of vehicles
99 proceeding in the same direction, subject to those limitations,
100 exceptions, and special rules hereinafter stated:

101 (1) The driver of a vehicle overtaking another vehicle
102 proceeding in the same direction shall give an appropriate
103 signal as provided for in s. 316.156, shall pass to the left
104 thereof at a safe distance, and shall not again drive to the
105 right side of the roadway until safely clear of the overtaken
106 vehicle. The driver of a vehicle overtaking a bicycle or other
107 nonmotorized vehicle, or an electric bicycle, must pass the
108 bicycle, ~~or~~ other nonmotorized vehicle, or electric bicycle at a
109 safe distance of not less than 3 feet between the vehicle and
110 the bicycle, ~~or~~ other nonmotorized vehicle, or electric bicycle.

111 Section 6. Section 316.1995, Florida Statutes, is amended
112 to read:

113 316.1995 Driving upon sidewalk or bicycle path.—

114 (1) Except as provided in s. 316.008, s. 316.20655, s.
115 316.212(8), or s. 316.2128, a person may not drive any vehicle
116 other than by human power upon a bicycle path, sidewalk, or

Amendment No.

117 sidewalk area, except upon a permanent or duly authorized
118 temporary driveway.

119 (2) A violation of this section is a noncriminal traffic
120 infraction, punishable as a moving violation as provided in
121 chapter 318.

122 (3) This section does not apply to motorized wheelchairs.
123 Section 7. Paragraph (d) of subsection (2) of section
124 316.2065, Florida Statutes, is amended to read:

125 316.2065 Bicycle regulations.—

126 (3)

127 (d) A bicycle rider or passenger who is under 16 years of
128 age must wear a bicycle helmet that is properly fitted and is
129 fastened securely upon the passenger's head by a strap and that
130 meets the federal safety standard for bicycle helmets, final
131 rule, 16 C.F.R. part 1203. ~~A helmet purchased before October 1,~~
132 ~~2012, which meets the standards of the American National~~
133 ~~Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the~~
134 ~~standards of the Snell Memorial Foundation (1984 Standard for~~
135 ~~Protective Headgear for Use in Bicycling), or any other~~
136 ~~nationally recognized standards for bicycle helmets adopted by~~
137 ~~the department may continue to be worn by a bicycle rider or~~
138 ~~passenger until January 1, 2016.~~ As used in this subsection, the
139 term "passenger" includes a child who is riding in a trailer or
140 semitrailer attached to a bicycle.

141 Section 8. Section 316.20655, Florida Statutes, is created

Amendment No.

142 to read:

143 316.20655 Electric bicycle regulations.-

144 (1) Except as otherwise provided in this section, an
145 electric bicycle or an operator of an electric bicycle shall be
146 afforded all the rights and privileges, and be subject to all of
147 the duties, of a bicycle or the operator of a bicycle, including
148 s. 316.2065. An electric bicycle is a vehicle to the same extent
149 as a bicycle. However, this section may not be construed to
150 prevent a local government, through the exercise of its powers
151 under s.316.008, from adopting an ordinance governing the
152 operation of electric bicycles on streets, highways, sidewalks,
153 and sidewalk areas under the local government's jurisdiction.

154

155

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

156

157 Remove lines 7-14 and insert:

158 "electric bicycle"; amending s. 316.008, F.S.; authorizing local
159 authorities to regulate the operation of electric bicycles;
160 amending s. 316.027, F.S.; revising the definition of the term
161 "vulnerable road user"; amending s. 316.083, F.S.; requiring the
162 driver of a vehicle overtaking an electric bicycle to pass the
163 electric bicycle at a certain distance; amending s. 316.1995,
164 F.S.; expanding exceptions to a prohibition on persons driving
165 certain vehicles on sidewalks and bicycle paths; amending s.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 971 (2020)

Amendment No.

166 | 316.2065, F.S.; removing outdated standards for bicycle helmets;
167 | creating s. 316.20655,

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1039 Transportation Network Companies

SPONSOR(S): Rommel

TIED BILLS: **IDEN./SIM. BILLS:** SB 1352

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Roth	Vickers
2) Insurance & Banking Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

A transportation network company (TNC) is an entity that uses a digital network to connect a rider to a TNC driver, who provides prearranged rides. With certain exceptions, a “for-hire vehicle” means any motor vehicle used for transporting persons or goods for compensation, or let or rented to another for consideration. There are different regulatory and insurance requirements in place for TNCs and for-hire vehicles.

The bill defines “luxury ground transportation network company” to mean a company that uses its digital network to connect riders exclusively to drivers who operate for-hire vehicles, including limousines and luxury sedans. The bill requires luxury ground TNCs to comply with all of the requirements applicable to a TNC, and requires maintenance of specific insurance coverage at all times.

The bill defines “transportation network company digital advertising device” to mean a device no larger than 20 inches tall and 54 inches long that is fixed to the roof of a TNC vehicle and that displays advertisements on a digital screen only while the TNC vehicle is turned on. The bill provides additional requirements for the use and display of a TNC digital advertising device.

The bill provides that a luxury ground TNC is not considered a for-hire vehicle and that the regulation of luxury ground TNCs, luxury ground TNC drivers, and luxury ground TNC vehicles is preempted to the state.

The bill may have a fiscal impact on the Department of Financial Services. To the extent that local governments currently collect revenue from regulation of digital advertising on vehicles, or fees from regulation of limousines and luxury sedans, that revenue will be negatively impacted. See Fiscal Analysis section for details.

FULL ANALYSIS

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1039.TIS

DATE: 1/24/2020

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Transportation Network Companies

In 2017, the Legislature established a regulatory framework for transportation network companies (TNCs).¹ The law defines a “TNC” as an entity operating in this state that uses a digital network to connect a rider² to a TNC driver, who provides prearranged rides. A TNC is not deemed to own, control, operate, direct, or manage the TNC vehicles or TNC drivers that connect to its digital network, except where agreed to by written contract, and is not a taxicab association or for-hire vehicle owner. The term does not include entities arranging nonemergency medical transportation for individuals who qualify for Medicaid or Medicare pursuant to a contract with the state or a managed care organization.

A “TNC vehicle” is defined as a vehicle that is used by a TNC driver to offer or provide a prearranged ride and that is owned, leased, or otherwise authorized to be used by the TNC driver. A vehicle that is let or rented to another for consideration may be used as a TNC vehicle. The law specifies that a taxicab, jitney, limousine, or for-hire vehicle is not a TNC vehicle.

A “prearranged ride” is defined as the provision of transportation by a TNC driver to a rider, beginning when a TNC driver accepts a ride requested by a rider through a digital network³ controlled by a TNC, continuing while the TNC driver transports the requesting rider, and ending when the last requesting rider departs from the TNC vehicle. The term does not include a taxicab, for-hire vehicle, or street hail⁴ service and does not include ridesharing,⁵ carpool,⁶ or any other type of service in which the driver receives a fee that does not exceed the driver's cost to provide the ride.

A “TNC driver” is defined as an individual who receives connections to potential riders and related services from a TNC and in return for compensation, uses a TNC vehicle to offer or provide a prearranged ride to a rider upon connection through a digital network. The law specifies that a TNC or TNC driver is not a common carrier, contract carrier, or motor carrier and does not provide taxicab or for-hire vehicle service. The law provides that a TNC driver is not required to register a TNC vehicle as a commercial motor vehicle or a for-hire vehicle. It requires the TNC's digital network to display the TNC driver's photograph and the TNC vehicle's license plate number before the rider enters the TNC vehicle.

If a fare is collected from a rider, the law requires the TNC to disclose the fare or fare calculation method on its website or within the online-enabled technology application service before beginning the prearranged ride. If the fare is not disclosed, the rider must have the option to receive an estimated fare before beginning the prearranged ride. In addition, a TNC is required to transmit to the rider an

¹ Section 627.748, F.S.

² “Rider” means an individual who uses a digital network to connect with a TNC driver in order to obtain a prearranged ride in the TNC driver's TNC vehicle between points chosen by the rider.

³ The term “digital network” means any online-enabled technology application service, website, or system offered or used by a TNC that enables the prearrangement of riders with TNC drivers.

⁴ The term “street hail” means an immediate arrangement on a street with a driver by a person using any method other than a digital network to seek immediate transportation.

⁵ Section 341.031(9)(a), F.S., defines “ridesharing” as an “arrangement between persons with a common destination, or destinations, within the same proximity, to share the use of a motor vehicle on a recurring basis for round-trip transportation to and from their place of employment or other common destination. For purposes of ridesharing, employment shall be deemed to commence when an employee arrives at the employer's place of employment to report for work and shall be deemed to terminate when the employee leaves the employer's place of employment, excluding areas not under the control of the employer. However, an employee shall be deemed to be within the course of employment when the employee is engaged in the performance of duties assigned or directed by the employer, or acting in the furtherance of the business of the employer, irrespective of location.”

⁶ Section 450.28(3), F.S., defines “carpool” as “an arrangement made by the workers using one worker's own vehicle for transportation to and from work and for which the driver or owner of the vehicle is not paid by any third person other than the members of the carpool.”

electronic receipt within a reasonable period of time after the completion of a ride. The receipt must list the origin and destination of the ride, total time and distance of the ride, and total fare paid.

A TNC is required to designate and maintain an agent for service of process in this state.⁷

A TNC or TNC driver is not a common carrier, contract carrier, or motor carrier and does not provide taxicab or for-hire vehicle service. As a result, a TNC driver is not required to register the TNC vehicle as a commercial motor vehicle or a for-hire vehicle.⁸

While a TNC driver is logged on to the digital network but is not engaged in a prearranged ride, the TNC or TNC driver must have automobile insurance that provides:⁹

- Primary automobile liability coverage of at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage; and
- Personal injury protection benefits that meet the minimum coverage amounts required under the Florida Motor Vehicle No-Fault Law.¹⁰

When a TNC driver is engaged in a prearranged ride, the automobile insurance must provide:¹¹

- Primary automobile liability coverage of at least \$1 million for death, bodily injury, and property damage; and
- Personal injury protection benefits that meet the minimum coverage amounts required of a limousine under the Florida Motor Vehicle No-Fault Law.

The coverage requirements may be satisfied by automobile insurance maintained by the TNC driver, an automobile insurance policy maintained by the TNC, or a combination of automobile insurance policies maintained by the TNC driver and the TNC.¹²

The law preempts to the state the regulation of TNCs and specifies that a county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision may not:

- Impose a tax on or require a license for a TNC, TNC driver, or TNC vehicle if such tax or license relates to providing prearranged rides;
- Subject a TNC, TNC driver, or TNC vehicle to any rate, entry, operation, or other requirement of the county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision; or
- Require a TNC or TNC driver to obtain a business license or any other type of similar authorization to operate within the local governmental entity's jurisdiction.¹³

For-Hire Vehicles

With certain exceptions, offering for lease or rent any motor vehicle in the State of Florida qualifies the vehicle as a "for-hire vehicle." A "for-hire vehicle" is a motor vehicle used for transporting persons or goods for compensation. When goods or passengers are transported for compensation in a motor vehicle outside a municipal corporation of this state, or when goods are transported in a motor vehicle not owned by the person owning the goods, such transportation is considered "for hire". The carriage of goods and other personal property in a motor vehicle by a corporation or association for its stockholders, shareholders, and members, cooperative or otherwise, is transportation "for hire".¹⁴

Florida law provides specific financial responsibility requirements to for-hire vehicles. For-hire vehicles, such as taxis and limousines must maintain a motor vehicle liability policy with minimum limits of \$125,000 per person for bodily injury, \$250,000 per incident for bodily injury, and \$50,000 for property

⁷ Section 48.091, F.S., requires any corporation doing business in the state to have a registered agent and registered office in the state.

⁸ Section 627.748(2), F.S.

⁹ Section 627.748(7)(b), F.S.

¹⁰ Sections 627.730-627.7405, F.S. The amount of insurance required is \$10,000 for emergency medical disability, \$2,500 non-emergency medical, and \$5,000 for death.

¹¹ Section 627.748(7)(c), F.S.

¹² Section 627.748(7)(b) & (c), F.S.

¹³ Section 627.748(15), F.S.

¹⁴ Section 320.01(15)(a), F.S.

damage.¹⁵ The owner or operator of a for-hire vehicle may also prove financial responsibility by providing satisfactory evidence of holding a motor vehicle liability policy issued by an insurance carrier, which is a member of the Florida Insurance Guaranty Association, or by providing a certificate of self-insurance.¹⁶

Digital Advertising Device

Certain companies allow taxi and TNC drivers to generate revenue through digital advertising via a digital smart screen on top of the taxi or TNC vehicle. The digital screen allows advertisers to run targeted, geofenced campaigns.¹⁷ There are currently digital advertising screens in use on vehicles in New York, Los Angeles, San Francisco, Chicago, and Dallas.¹⁸

Digital advertising screens are installed on the roofs of motor vehicles owned or operated by individuals who commit to drive a minimum number of hours per week in certain urban markets. Drivers with digital advertising screens report earning an average of \$300 a month, depending on how many hours are driven.¹⁹ One startup company reported that over a 12-month period its ads were responsible for 430 million impressions a month, with over 650,000 hours of content played over 40,000 square miles of coverage. This company also reserves ten percent of unsold ad inventory for nonprofits and local government, such as Amber Alerts.

Prohibition Against Certain Lights

Section 316.2397, F.S., provides that a person may not drive any vehicle or equipment upon any highway in this state with any lamp or device thereon showing or displaying a red, red and white, or blue light visible from directly in front of the vehicle, except for certain exceptions, such as fire department vehicles and road maintenance equipment. This section expressly prohibits any vehicle or equipment, except police vehicles, from showing or displaying blue lights, except for Department of Corrections vehicles or county correctional agency vehicles when responding to emergencies. Flashing lights are prohibited on vehicles except:

- As a means of indicating a right or left turn, to change lanes, or to indicate that the vehicle is lawfully stopped or disabled upon the highway;
- When a motorist intermittently flashes his or her vehicle's headlamps at an oncoming vehicle notwithstanding the motorist's intent for doing so; and
- Flashing lamps authorized for bicycle riders and deceleration lighting systems on buses.

Proposed Changes

The bill defines a "luxury ground transportation network company" or "luxury ground TNC", to mean a company that uses its digital network to connect riders exclusively to drivers who operate for-hire vehicles as defined in s. 320.01(15), F.S., including limousines and luxury sedans and excluding taxicabs. The entity may elect, upon written notification to the Department of Financial Services (DFS), to be regulated as a luxury ground TNC. A luxury ground TNC must comply with all of the requirements of s. 627.748 that are applicable to a TNC, including the preemption requirements, but is not required to comply with any requirements that prohibit the company from connecting riders to drivers who operate for-hire vehicles. At all times a luxury ground TNC must maintain insurance coverage at the levels at least equal to the greater of those required in s. 627.748, F.S., and those required of for-hire vehicles, regardless of whether the driver is operating as a for-hire vehicle driver or luxury ground TNC driver. However, a prospective luxury ground TNC that satisfies minimum financial responsibility requirements at the time of written notification to DFS by using self-insurance may continue to use self-insurance to satisfy the insurance requirements for a luxury ground TNC.

¹⁵ Section 324.032(1), F.S.

¹⁶ Section 324.031, F.S.

¹⁷ Anthony Ha, *Rideshare Advertising Startup Firefly Launches with \$21.5M in Funding*, Techcrunch.com (December 6, 2018), available at <https://techcrunch.com/2018/12/06/firefly-launch/> (last visited January 22, 2020).

¹⁸ See Firefly.com, available at <https://fireflyon.com/> (last visited January 22, 2020).

¹⁹ Sarah Holder, *Car-Mounted Ads Take a New Direction: Data Collection*, Citylab.com (November 20, 2019), available at <https://www.citylab.com/transportation/2019/11/firefly-digital-advertising-driver-pay-uber-lyft-cars-data/602077/> (last visited January 22, 2020).

A luxury ground transportation network company is not considered a for-hire vehicle for purposes of Ch. 627, F.S. In order for the bill's definition of "luxury ground transportation network company" to be compatible with current law, the bill makes conforming changes to the definitions of "prearranged ride", "transportation network company", and "transportation network company vehicle", by removing references to "for-hire vehicle", "for-hire vehicle owner", and "limousine". Additionally, the reference to "for-hire vehicle" is removed from the provision of law that states that a TNC or TNC driver is not considered a common carrier and does not have to register a TNC vehicle as a commercial motor vehicle or vehicle for-hire.

Lastly, the bill preempts to the state the regulation of luxury ground TNCs, luxury ground TNC drivers, and luxury ground TNC vehicles.

The bill also defines a "transportation network company digital advertising device" or "TNC digital advertising device" to mean a device no larger than 20 inches tall and 54 inches long that is fixed to the roof of a TNC vehicle and that displays advertisements on a digital screen only while the TNC vehicle is turned on.

The bill provides the following requirements for a TNC digital advertising device:

- A TNC driver may contract with an individual or company to install a TNC digital advertising device on a TNC vehicle.
- A TNC digital advertising device must be enabled with wireless Internet access and equipped with GPS.
- A TNC digital advertising device may not display advertisements when the TNC vehicle is parked or turned off.
- A TNC digital advertising device must follow the lighting requirements of s. 316.2397, F.S.
- No portion of the TNC digital advertising device may extend beyond the front or rear windshield of the vehicle, nor may it impact the TNC driver's vision.
- A TNC digital advertising device must display advertisements only on the sides of the device and not to the front or rear of the vehicle. Identification of the provider does not constitute advertising.
- A TNC digital advertising device must meet the requirements of the MIL-STD-810G standard,²⁰ as determined through independent safety and durability testing under the review of a licensed professional engineer, before being installed on a TNC vehicle.
- A TNC digital advertising device may not display advertisements for illegal products or services or advertisements that include nudity, violent images, or disparaging or false advertisements.
- An individual or company operating a TNC digital advertisement device shall allocate 10 percent of all advertisement inventory for government, not-for-profit, or charitable organizations at no cost.
- For the purposes of chapter 627, F.S., a TNC advertising device shall be deemed part of a TNC vehicle.

As a result of the inclusion of a TNC digital advertising device as part of a TNC vehicle, the regulation of a TNC digital advertising device is preempted to the state.

B. SECTION DIRECTORY:

Section 1: Amends s. 627.748, F.S., relating to transportation network companies.

Section 2: Provides that the act will take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

²⁰ MIL-STD-810G is a U.S. military specification that guarantees a level of durability for a piece of technology. Specifically, it means the equipment has gone through a series of 29 tests, including shock tests, vibration tests, and more.

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill will likely have no impact on state government revenues.

2. Expenditures:

The bill may have a fiscal impact on DFS, but the impact is unknown at this time.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill preempts to the state the regulation of luxury ground TNCs and TNC digital advertising devices. To the extent municipalities, counties, and other governmental entities are imposing fees on luxury ground TNCs and TNC digital advertising devices, they will experience an indeterminate fiscal impact.

2. Expenditures:

The bill will likely have no impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill authorizes the use of TNC digital advertising devices thus enabling TNC drivers to install the devices and earn additional monthly revenue.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because this bill reduces the ability of a county or municipality to raise revenue; however, an exception may apply since the bill is expected to have an insignificant fiscal impact.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled

2 An act relating to transportation network companies;
3 amending s. 627.748, F.S.; revising and providing
4 definitions; deleting for-hire vehicles from the list
5 of vehicles that are not considered TNC carriers or
6 are not exempt from certain registration; authorizing
7 TNC drivers to contract for installment of TNC digital
8 advertising devices; providing requirements for such
9 devices; requiring operators of such devices to
10 allocate a specified percentage of advertisement
11 inventory to certain organizations; providing
12 construction; authorizing entities to be regulated as
13 luxury ground TNCs; providing requirements; providing
14 that luxury ground TNCs, luxury ground TNC drivers,
15 and luxury ground TNC vehicles are governed by state
16 law; providing an effective date.

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

19
20 Section 1. Paragraph (f) of subsection (1), subsections
21 (11) through (14), and subsection (15) of section 627.748,
22 Florida Statutes, are redesignated as paragraph (g) of
23 subsection (1), subsections (12) through (15), and subsection
24 (17), respectively, paragraphs (b) and (e) and present paragraph
25 (g) of subsection (1), subsection (2), and paragraph (a) of

26 present subsection (15) are amended, and a new subsection (11)
 27 and subsection (16) are added to that section, to read:

28 627.748 Transportation network companies.—

29 (1) DEFINITIONS.—As used in this section, the term:

30 (b) "Prearranged ride" means the provision of
 31 transportation by a TNC driver to a rider, beginning when a TNC
 32 driver accepts a ride requested by a rider through a digital
 33 network controlled by a transportation network company,
 34 continuing while the TNC driver transports the rider, and ending
 35 when the last rider exits from and is no longer occupying the
 36 TNC vehicle. The term does not include a taxicab, ~~for hire~~
 37 ~~vehicle~~, or street hail service and does not include ridesharing
 38 as defined in s. 341.031, carpool as defined in s. 450.28, or
 39 any other type of service in which the driver receives a fee
 40 that does not exceed the driver's cost to provide the ride.

41 (e) "Transportation network company" or "TNC" means an
 42 entity operating in this state pursuant to this section using a
 43 digital network to connect a rider to a TNC driver, who provides
 44 prearranged rides. A TNC is not deemed to own, control, operate,
 45 direct, or manage the TNC vehicles or TNC drivers that connect
 46 to its digital network, except where agreed to by written
 47 contract, and is not a taxicab association ~~or for hire vehicle~~
 48 ~~owner~~. An individual, corporation, partnership, sole
 49 proprietorship, or other entity that arranges medical
 50 transportation for individuals qualifying for Medicaid or

51 Medicare pursuant to a contract with the state or a managed care
52 organization is not a TNC. This section does not prohibit a TNC
53 from providing prearranged rides to individuals who qualify for
54 Medicaid or Medicare if it meets the requirements of this
55 section.

56 (f) "Transportation network company digital advertising
57 device" or "TNC digital advertising device" means a device no
58 larger than 20 inches tall and 54 inches long that is fixed to
59 the roof of a TNC vehicle and that displays advertisements on a
60 digital screen only while the TNC vehicle is turned on.

61 (h) ~~(g)~~ "Transportation network company vehicle" or "TNC
62 vehicle" means a vehicle that is not a taxicab ~~or~~ jitney~~r~~
63 limousine, ~~or for-hire vehicle as defined in s. 320.01(15) and~~
64 that is:

65 1. Used by a TNC driver to offer or provide a prearranged
66 ride; and

67 2. Owned, leased, or otherwise authorized to be used by
68 the TNC driver.

69
70 Notwithstanding any other provision of law, a vehicle that is
71 let or rented to another for consideration may be used as a TNC
72 vehicle.

73 (2) NOT OTHER CARRIERS.—A TNC or TNC driver is not a
74 common carrier, contract carrier, or motor carrier and does not
75 provide taxicab ~~or for-hire vehicle~~ service. In addition, a TNC

76 driver is not required to register the vehicle that the TNC
77 driver uses to provide prearranged rides as a commercial motor
78 vehicle ~~or a for-hire vehicle~~.

79 (11) TRANSPORTATION NETWORK COMPANY DIGITAL ADVERTISING
80 DEVICE.-

81 (a) A TNC driver may contract with an individual or
82 company to install a TNC digital advertising device on a TNC
83 vehicle.

84 (b) A TNC digital advertising device must be enabled with
85 wireless Internet access and equipped with GPS.

86 (c) A TNC digital advertising device may not display
87 advertisements when the TNC vehicle is parked or turned off.

88 (d) A TNC digital advertising device must follow the
89 lighting requirements of s. 316.2397.

90 (e) No portion of the TNC digital advertising device may
91 extend beyond the front or rear windshield of the vehicle, nor
92 may it impact the TNC driver's vision.

93 (f) A TNC digital advertising device must display
94 advertisements only on the sides of the device and not to the
95 front or rear of the vehicle. Identification of the provider
96 does not constitute advertising under this paragraph.

97 (g) A TNC digital advertising device must meet the
98 requirements of the MIL-STD-810G standard, as determined through
99 independent safety and durability testing under the review of a
100 licensed professional engineer, before being installed on a TNC

101 vehicle.

102 (h) A TNC digital advertising device may not display
103 advertisements for illegal products or services or
104 advertisements that include nudity, violent images, or
105 disparaging or false advertisements.

106 (i) An individual or company operating a TNC digital
107 advertisement device shall allocate 10 percent of all
108 advertisement inventory for government, not-for-profit, or
109 charitable organizations at no cost.

110 (j) For the purposes of this chapter, a TNC advertising
111 device shall be deemed part of a TNC vehicle.

112 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.—

113 (a) As used in this subsection, the term "luxury ground
114 transportation network company" or "luxury ground TNC" means a
115 company that:

116 1. Meets the requirements of paragraph (b).

117 2. Notwithstanding other provisions of this section, uses
118 its digital network to connect riders exclusively to drivers who
119 operate for-hire vehicles as defined in s. 320.01(15), including
120 limousines and luxury sedans and excluding taxicabs.

121 (b) An entity may elect, upon written notification to the
122 department, to be regulated as a luxury ground TNC. A luxury
123 ground TNC must:

124 1. Comply with all of the requirements of this section
125 applicable to a TNC, including subsection (17), that do not

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126 conflict with subparagraph 2. or that prohibit the company from
127 connecting riders to drivers who operate for-hire vehicles as
128 defined in 320.01(15), including limousines and luxury sedans
129 and excluding taxicabs.

130 2. Maintain at all times insurance coverage at the levels
131 at least equal to the greater of those required in this section
132 and those required of for-hire vehicles, regardless of whether
133 the driver is operating as a for-hire vehicle driver or luxury
134 ground TNC driver. However, a prospective luxury ground TNC that
135 satisfies minimum financial responsibility at the time of
136 written notification to the department through compliance with
137 s. 324.032(2) by using self-insurance may continue to use self-
138 insurance to satisfy the requirements of this subparagraph.

139 (17)-(15) PREEMPTION.-

140 (a) It is the intent of the Legislature to provide for
141 uniformity of laws governing TNCs, TNC drivers, ~~and~~ TNC
142 vehicles, luxury ground TNCs, luxury ground TNC drivers, and
143 luxury ground TNC vehicles throughout the state. TNCs, TNC
144 drivers, ~~and~~ TNC vehicles, luxury ground TNCs, luxury ground TNC
145 drivers, and luxury ground TNC vehicles are governed exclusively
146 by state law, including in any locality or other jurisdiction
147 that enacted a law or created rules governing TNCs, TNC drivers,
148 ~~or~~ TNC vehicles, luxury ground TNCs, luxury ground TNC drivers,
149 or luxury ground TNC vehicles before July 1, 2017. A county,
150 municipality, special district, airport authority, port

151 authority, or other local governmental entity or subdivision may
 152 not:

153 1. Impose a tax on, or require a license for, a TNC, a TNC
 154 driver, ~~or~~ a TNC vehicle, a luxury ground TNC, a luxury ground
 155 TNC driver, or a luxury ground TNC vehicle if such tax or
 156 license relates to providing prearranged rides;

157 2. Subject a TNC, a TNC driver, ~~or~~ a TNC vehicle, a luxury
 158 ground TNC, a luxury ground TNC driver, or a luxury ground TNC
 159 vehicle to any rate, entry, operation, or other requirement of
 160 the county, municipality, special district, airport authority,
 161 port authority, or other local governmental entity or
 162 subdivision; or

163 3. Require a TNC, ~~or~~ a TNC driver, a luxury ground TNC, or
 164 a luxury ground TNC driver to obtain a business license or any
 165 other type of similar authorization to operate within the local
 166 governmental entity's jurisdiction.

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

Amendment No.

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 &
 2 Infrastructure Subcommittee
 3 Representative Rommel offered the following:
 4

Amendment (with directory and title amendments)

Remove lines 79-134 and insert:

7 (7) TRANSPORTATION NETWORK COMPANY AND TNC DRIVER
8 INSURANCE REQUIREMENTS.—

9 (b) The following automobile insurance requirements apply
10 while a participating TNC driver is logged on to the digital
11 network but is not engaged in a prearranged ride:

12 1. Automobile insurance that provides:

13 a. A primary automobile liability coverage of at least
 14 \$50,000 for death and bodily injury per person, \$100,000 for
 15 death and bodily injury per incident, and \$25,000 for property
 16 damage;

Amendment No.

17 b. Personal injury protection benefits that meet the
18 minimum coverage amounts required under ss. 627.730-627.7405;
19 and

20 c. Uninsured and underinsured vehicle coverage as required
21 by s. 627.727.

22 2. The coverage requirements of this paragraph may be
23 satisfied by any of the following:

24 a. Automobile insurance maintained by the TNC driver or
25 the TNC vehicle owner;

26 b. Automobile insurance maintained by the TNC; or

27 c. A combination of sub-subparagraphs a. and b.

28 (c) The following automobile insurance requirements apply
29 while a TNC driver is engaged in a prearranged ride:

30 1. Automobile insurance that provides:

31 a. A primary automobile liability coverage of at least \$1
32 million for death, bodily injury, and property damage;

33 b. Personal injury protection benefits that meet the
34 minimum coverage amounts required of a limousine under ss.
35 627.730-627.7405; and

36 c. Uninsured and underinsured vehicle coverage as required
37 by s. 627.727.

38 2. The coverage requirements of this paragraph may be
39 satisfied by any of the following:

40 a. Automobile insurance maintained by the TNC driver or
41 the TNC vehicle owner;

Amendment No.

42 b. Automobile insurance maintained by the TNC; or

43 c. A combination of sub-subparagraphs a. and b.

44 (11) TRANSPORTATION NETWORK COMPANY DIGITAL ADVERTISING
45 DEVICE.—

46 (a) A TNC driver or his or her designee may contract with
47 a company to install a TNC digital advertising device on a TNC
48 vehicle.

49 (b) A TNC digital advertising device may be enabled with
50 cellular or WiFi-enabled data transmission and equipped with
51 GPS.

52 (c) A TNC digital advertising device may display
53 advertisements only when the TNC vehicle is turned on.

54 (d) A TNC digital advertising device must follow the
55 lighting requirements of s. 316.2397.

56 (e) No portion of the TNC digital advertising device may
57 extend beyond the front or rear windshield of the vehicle, nor
58 may it impact the TNC driver's vision.

59 (f) A TNC digital advertising device must display
60 advertisements only to the sides of the vehicle and not to the
61 front or rear of the vehicle. Identification of the provider
62 does not constitute advertising under this paragraph.

63 (g) A TNC digital advertising device must, at a minimum,
64 meet the requirements of the MIL-STD-810G standard or other
65 reasonable environmental and safety industry standard before
66 being installed on a TNC vehicle.

Amendment No.

67 (h) A TNC digital advertising device may not display
68 advertisements for illegal products or services or
69 advertisements that include nudity or violent images. All
70 advertisements displayed on a TNC digital advertising device are
71 subject to the Florida Deceptive and Unfair Trade Practices Act.

72 (i)1. A TNC driver is immune from liability for the
73 display of an advertisement that violates this section or the
74 Florida Deceptive and Unfair Trade Practices Act unless the TNC
75 driver is the advertiser.

76 2. The owner or operator of a TNC digital advertising
77 device that displays an advertisement that is in violation of
78 this section or the Florida Deceptive and Unfair Trade Practices
79 Act is immune from liability under this section and the Florida
80 Deceptive and Unfair Trade Practices Act for the violation if
81 the advertisement was displayed in good faith and without actual
82 knowledge of the violation, unless the advertiser is the same
83 person as the owner or operator.

84 (j) For the purposes of this chapter, a TNC advertising
85 device shall be deemed part of a TNC vehicle.

86 (16) LUXURY GROUND TRANSPORTATION NETWORK COMPANIES.-

87 (a) As used in this subsection, the term "luxury ground
88 transportation network company" or "luxury ground TNC" means a
89 company that:

90 1. Meets the requirements of paragraph (b).

Amendment No.

91 2. Notwithstanding other provisions of this section, uses
92 a digital network to connect riders exclusively to drivers who
93 operate for-hire vehicles as defined in s. 320.01(15), including
94 limousines and luxury sedans and excluding taxicabs.

95 (b) An entity may elect, upon written notification to the
96 department, to be regulated as a luxury ground TNC. A luxury
97 ground TNC must:

98 1. Comply with all of the requirements of this section
99 applicable to a TNC, including subsection (17), that do not
100 conflict with subparagraph 2. or that do not prohibit the
101 company from connecting riders to drivers who operate for-hire
102 vehicles as defined in 320.01(15), including limousines and
103 luxury sedans and excluding taxicabs.

104 2. Maintain insurance coverage required in this section
105 when the luxury ground TNC driver is logged on to a digital
106 network or while the luxury ground TNC driver is engaged in a
107 prearranged ride. However, a prospective luxury ground TNC that
108

109 -----
110 **D I R E C T O R Y A M E N D M E N T**

111 Remove line 25 and insert:

112 (g) of subsection (1), subsection (2), paragraphs (b) and (c) of
113 subsection (7), and paragraph (a) of
114

115 -----

Amendment No.

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

Remove lines 6-11 and insert:
are not exempt from certain registration; revising
automobile insurance coverage requirements for TNCs
and TNC drivers; authorizing TNC drivers to contract
for installment of TNC digital advertising devices;
providing requirements for such devices; providing
that TNC drivers and owners and operators of TNC
digital advertising devices are immune from specified
liabilities under certain circumstances; providing

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1281 Police Vehicles
SPONSOR(S): McGhee
TIED BILLS: **IDEN./SIM. BILLS:** SB 1508

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Roth	Vickers
2) Criminal Justice Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

In order for a person to knowingly offer for sale, sell, or exchange any vehicle that has been licensed, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle, the Department of Highway Safety and Motor Vehicles must stamp, in a conspicuous place on the certificate of title of the vehicle, or its duplicate, words stating the nature of the previous use of the vehicle.

While most law enforcement agencies have adopted policies relating to the removal of police markings before selling their vehicles to the public, there are no statutory requirements for the removal of police markings.

The bill requires that before a person knowingly sells, exchanges, or transfers a police vehicle, a person must remove any police markings from the vehicle and certify in writing to the purchaser, customer, or transferee the fact that the vehicle has had the police markings removed.

The bill defines the term "police markings" to mean decals, stickers, or other markings attached or applied to a police vehicle.

The bill will have an indeterminate but likely insignificant fiscal impact to state and local government expenditures.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Once police vehicles reach a certain age or mile limit, many law enforcement agencies find it more cost effective to purchase new vehicles than continue to utilize older vehicles.¹ Law enforcement agencies sometimes transition older vehicles to become administrative or training vehicles,² or in many cases, they sell them.³ When Florida Highway Patrol decommissions its vehicles, it removes all emergency vehicle equipment and decals, and then paints over the tan portion of the marked vehicle using a protective enamel black paint that cannot be removed.⁴ While most law enforcement agencies have adopted policies relating to the removal of police markings before selling their vehicles to the public, there are no statutory requirements for the removal of police markings.

In order for a person to knowingly offer for sale, sell, or exchange any vehicle that has been licensed, registered, or used as a taxicab, police vehicle,⁵ or short-term-lease vehicle, DHSMV must stamp, in a conspicuous place on the certificate of title of the vehicle, or its duplicate, words stating the nature of the previous use of the vehicle.⁶ A person (including any officer, agent, or employee of a person) who knowingly sells, exchanges, or offers to sell or exchange a taxicab, police vehicle, or short-term-lease vehicle contrary to the law specified above commits a misdemeanor of the second degree.⁷

It is a first-degree misdemeanor for a person to falsely mislead or cause another person to believe that a vehicle is an official vehicle of a law enforcement or first responder agency.⁸ It is also a first-degree misdemeanor for any person to replicate a sheriff or sheriff deputy vehicle by using the color combination forest green and white or replicate an FHP vehicle by using the color combination black and tan in the same or similar color combination as law enforcement.⁹

Effect of Proposed Changes

The bill requires that before a person knowingly sells, exchanges, or transfers a police vehicle, a person must remove any police markings from the vehicle and certify in writing to the purchaser, customer, or transferee the fact that the vehicle has had the police markings removed.

The bill defines the term “police markings” to mean decals, stickers, or other markings attached or applied to a police vehicle.

B. SECTION DIRECTORY:

¹ Tom Kanewske, *What to do With Old Police Vehicles?*, Officer.com, (February 15, 2017), available at <https://www.officer.com/on-the-street/vehicles-equipment/article/12291284/what-to-do-with-old-police-vehicles> (last visited January 20, 2020).

² *Id.*

³ Thi Dao, *How to Remarket Patrol Vehicles*, Policemag.com (February 7, 2018), available at <https://www.policemag.com/342406/how-to-remarket-patrol-vehicles> (last visited January 20, 2020).

⁴ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: HB 1281 (January 21, 2020).

⁵ Section 319.14(1)(c)1., F.S., defines the term “police vehicle” to mean a motor vehicle owned or leased by the state or a county or municipality and used in law enforcement.

⁶ Section 319.14(1)(a), F.S.

⁷ Section 319.14(5), F.S.

⁸ Section 843.085(2)&(5), F.S.

⁹ Sections 30.46 and 321.03, F.S.

Section 1: Amends s. 319.14, F.S., relating to sale of motor vehicles registered or used as taxicabs, police vehicles, lease vehicles, rebuilt vehicles, nonconforming vehicles, custom vehicles, or street rod vehicles; conversion of low-speed vehicles.

Section 2: Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to impact state government revenues.

2. Expenditures:

The bill may increase expenditures of state law enforcement agencies that are not currently removing police markings from police vehicles. However, the impact is indeterminate and likely insignificant, as most law enforcement agencies have already adopted policies relating to the removal of police markings before selling their vehicles.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to impact local government revenues.

2. Expenditures:

The bill may increase expenditures of local law enforcement agencies that are not currently removing police markings from police vehicles. However, the impact is indeterminate and likely insignificant, as most law enforcement agencies have already adopted policies relating to the removal of police markings before selling their vehicles.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because this bill may increase the expenditures of a county or municipality; however, an exception may apply since the bill is expected to have an insignificant fiscal impact.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Oher Comments: Law Enforcement Concerns

Law enforcement representatives have expressed concerns with the vagueness of the definition of terms “police markings” and “other markings” and requested clarification on the intent of the written certification. Additionally, law enforcement representatives requested that there be an exception to the removal of police markings when the sale or transfer of the police vehicle is from one law enforcement agency to another.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to police vehicles; amending s.
 3 319.14, F.S.; prohibiting a person from knowingly
 4 selling, exchanging, or transferring a police vehicle
 5 without removing any police markings from the vehicle
 6 and certifying that the police markings have been
 7 removed; defining the term "police markings";
 8 providing an effective date.

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

11
 12 Section 1. Present subsections (5) through (10) of section
 13 319.14, Florida Statutes, are redesignated as subsections (6)
 14 through (11), respectively, a new subsection (5) is added to
 15 that section, and present subsection (5) of that section is
 16 republished, to read:

17 319.14 Sale of motor vehicles registered or used as
 18 taxicabs, police vehicles, lease vehicles, rebuilt vehicles,
 19 nonconforming vehicles, custom vehicles, or street rod vehicles;
 20 conversion of low-speed vehicles.-

21 (5) A person may not knowingly sell, exchange, or transfer
 22 a police vehicle without, before consummating the sale,
 23 exchange, or transfer, removing any police markings from the
 24 vehicle and certifying in writing to the purchaser, customer, or
 25 transferee the fact that the vehicle has had the police markings

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26 | removed. For purposes of this subsection, the term "police
27 | markings" means decals, stickers, or other markings attached or
28 | applied to a police vehicle.

29 | (6)-(5) A person who knowingly sells, exchanges, or offers
30 | to sell or exchange a motor vehicle or mobile home contrary to
31 | this section or any officer, agent, or employee of a person who
32 | knowingly authorizes, directs, aids in, or consents to the sale,
33 | exchange, or offer to sell or exchange a motor vehicle or mobile
34 | home contrary to this section commits a misdemeanor of the
35 | second degree, punishable as provided in s. 775.082 or s.
36 | 775.083.

37 | Section 2. This act shall take effect July 1, 2020.

Amendment No.

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 &
 2 Infrastructure Subcommittee
 3 Representative McGhee offered the following:

Amendment (with title amendment)

Remove lines 24-28 and insert:

7 vehicle and providing an official letter of notification from
 8 the agency to the purchaser, customer, or transferee confirming
 9 the fact that the vehicle has had the police markings removed.
 10 For purposes of this subsection, the term "police markings"
 11 means decals, stickers, distinctive paint schemes, or other
 12 markings attached or applied to a police vehicle that identify
 13 the vehicle as a police vehicle. Sales, exchanges, or transfers
 14 of police vehicles between law enforcement agencies are exempt
 15 from the requirements of this subsection.

Amendment No.

17
18
19
20
21

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

Remove line 6 and insert:
and confirming that the police markings have been

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1371 Traffic and Pedestrian Safety

SPONSOR(S): Fine and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 1000

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee		Roth	Vickers
2) Transportation & Tourism Appropriations Subcommittee			
3) State Affairs Committee			

SUMMARY ANALYSIS

Florida law provides the driver of a vehicle must stop for a pedestrian who is walking in the crosswalk at the instruction of a traffic control signal or where signage indicates the driver must stop. If there are no traffic control signals or signage in place at a crosswalk, the driver of a vehicle must yield to a pedestrian who is on the half of the roadway on which the vehicle is traveling. If traffic control signals are in operation, pedestrians may not cross at any place except in a marked crosswalk. If there is no crosswalk, pedestrians crossing a roadway must yield to vehicles.

The Department of Transportation and local governments utilize various types of signals to indicate when pedestrians may safely cross midblock crosswalks (crosswalks that are not at an intersection). Two types of signals commonly used are a rectangular rapid flash beacon and a pedestrian hybrid beacon. The rectangular rapid flash beacon consists of two rapidly and alternately flashing yellow rectangular LED lights that function as a warning beacon. Pedestrians press the call button to activate the flashing lights, but should wait for motorists to clear the intersection before they cross. The pedestrian hybrid beacon consists of three signal sections with a circular yellow signal indication centered below two horizontally aligned circular red signal indications. The pedestrian hybrid beacon is not illuminated until a pedestrian activates it and triggers the warning flashing yellow lens on the major street. After a set amount of time, the indication changes to a solid yellow light to inform drivers to prepare to stop. The beacon then displays a dual solid red light to drivers and a walking person symbol to pedestrians on the crosswalk.

The bill requires that by October 1, 2024, an entity with jurisdiction over a public highway, street, or road must install pedestrian hybrid beacons at any midblock crosswalk or must remove the midblock crosswalk in its entirety. As of October 1, 2024, midblock crosswalks will no longer be authorized to use rectangular rapid flash beacons. The state, county, city, or municipality with jurisdiction over the roadway with the midblock crosswalk will be responsible for the cost.

The bill will likely have a significant fiscal impact to state and local governments. See Fiscal Analysis for details.

This bill may be a county or municipality mandate requiring a two-thirds vote of the membership of the House. See Section III.A.1 of the analysis.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Unless directed otherwise by a law enforcement officer, pedestrians are required to obey the instructions of official traffic control devices that are specifically applicable to pedestrians.¹ If a sidewalk is provided, and no circumstances prevent a pedestrian's use of the sidewalk, a pedestrian is prohibited from walking on a roadway that is paved for vehicular traffic.² If a sidewalk is not provided, a pedestrian, when practicable, must walk only on the shoulder on the left side of the roadway in relation to the pedestrian's direction of travel, facing traffic that may approach from the opposite direction.³

The driver of a vehicle must stop for a pedestrian who is walking in the crosswalk at the instruction of a traffic control signal or where signage indicates the driver to stop. If there are no traffic control signals or signage in place at a crosswalk, the driver of a vehicle must yield to a pedestrian who is on the half of the roadway on which the vehicle is traveling.⁴ If traffic control signals are in operation, pedestrians cannot cross at any place except in a marked crosswalk.⁵ If there are no crosswalks, pedestrians crossing a roadway must yield to vehicles.⁶

When pedestrian traffic control signals or signage is installed, such indicators must conform to the requirements of the most recent Manual on Uniform Traffic Control Devices (MUTCD).⁷ The MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public travel. The Federal Highway Administration (FHWA) publishes the MUTCD.⁸

The Florida Department of Transportation (DOT) and local governments utilize various types of signals to indicate when pedestrians may safely cross midblock crosswalks.⁹ Two types of signals commonly used by DOT and local governments are a rectangular rapid flash beacon (RRFB) and a pedestrian hybrid beacon.¹⁰ The RRFB consists of two rapidly and alternately flashing yellow rectangular LED lights that function as a warning beacon.¹¹ Pedestrians press the call button to activate the flashing lights, but should wait for motorists to clear the intersection before they cross.¹² The pedestrian hybrid beacon consists of three signal sections with a circular yellow signal indication centered below two horizontally aligned circular red signal indications.¹³ The pedestrian hybrid beacon is not illuminated until a pedestrian activates it and triggers the warning flashing yellow lens facing the street.¹⁴ After a set amount of time, the indication changes to a solid yellow light to inform drivers to prepare to stop.¹⁵ The beacon then displays a dual solid red light to drivers on the street and a walking person symbol to pedestrians on the crosswalk.¹⁶ At the conclusion of the walk phase, the beacon displays an alternating

¹ Section 316.130(1), F.S.

² Section 316.130(3), F.S.

³ Section 316.130(4), F.S.

⁴ Section 316.130(7), F.S.

⁵ Section 316.130(11), F.S.

⁶ Section 316.130(10), F.S.

⁷ Section 316.0755, F.S.

⁸ US Department of Transportation, *Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD)*, (updated December 11, 2019), available at <https://mutcd.fhwa.dot.gov/> (last visited January 23, 2020).

⁹ Florida Department of Transportation, *Pedestrian Facilities*, available at <https://www.fdot.gov/roadway/bikeped/bikepedpf.shtm> (last visited January 23, 2020).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ US Department of Transportation, *Safety Effectiveness of the HAWK Pedestrian Crossing Treatment* (July 2010), available at <https://www.fhwa.dot.gov/publications/research/safety/10045/index.cfm> (last visited January 23, 2020).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

flashing red light, and pedestrians are shown an upraised hand symbol with a countdown display informing them of the time remaining to cross the street.¹⁷

In July 2008, the MUTCD was updated to provide interim approval via a memorandum¹⁸ to RRFBs for optional use in limited circumstances. The interim approval allows RRFBs usage as a warning beacon to supplement standard pedestrian crossing warning signs and markings at either a pedestrian or school crossing.¹⁹ The cost is approximately \$10,000 to \$15,000 for purchase and installation of two RRFB units (one on either side of a street).²⁰ The FHWA will grant interim approval for the optional use of the RRFB as a warning beacon in addition to standard pedestrian crossing or school crossing signs at crosswalks to any jurisdiction that submits a written request to the Office of Transportation Operations.²¹ A state may request interim approval for all jurisdictions in that state.²²

As of October 2019, DOT reported at least 219 midblock crosswalks with RRFBs on the state highway system.²³ It is unknown how many midblock crosswalks are in use statewide.²⁴

The process for installing a pedestrian hybrid beacon is set out in the MUTCD.²⁵ A pedestrian hybrid beacon may be considered for installation to facilitate pedestrian crossings at a location that does not meet the requirements of a traffic signal need study,²⁶ or at a location that meets the requirements of a traffic signal need study, but a decision is made not to install a traffic control signal.²⁷ If certain traffic and pedestrian patterns exist,²⁸ the need for a pedestrian hybrid beacon should be considered based on an engineering study of major-street volumes, speeds, widths, and gaps in conjunction with pedestrian volumes, walking speeds, and delay.²⁹ The results of the engineering study will determine the necessity of the pedestrian hybrid beacon.³⁰ If installed, the pedestrian hybrid beacon must be used in conjunction with signs and pavement markings to warn and control traffic at locations where pedestrians enter or cross a street or highway.³¹ A pedestrian hybrid beacon can only be installed at a marked crosswalk.³² When an engineering study finds that installation of a pedestrian hybrid beacon is justified, then at least two pedestrian hybrid beacon lights must be installed for each approach of the major street; a stop line must be installed for each approach to the crosswalk; and a pedestrian signal light must be installed at each end of the marked crosswalk.³³ DOT reports that the conversion of five RRFBs to pedestrian hybrid beacons at midblock crosswalks in Destin cost \$1,035,661.³⁴

Pedestrians who cross the street at midblock crosswalks are likely more susceptible to injury from contact with a motor vehicle than crosswalks at an intersection. As a result, many local and state governments are utilizing RRFBs to alert motor vehicle drivers that a pedestrian is crossing at a midblock crosswalk. However, some drivers do not stop at the crosswalk when the yellow lights are

¹⁷ *Id.*

¹⁸ See *Memorandum of Interim Approval for Optional Use of Rectangular Rapid Flashing Beacons (IA-11)* (July 16, 2008), available at https://mutcd.fhwa.dot.gov/resources/interim_approval/ia11/fhwamemo.htm (last visited January 23, 2020).

¹⁹ US Department of Transportation, *Rectangular Rapid Flash Beacon (RRFB)*, available at https://safety.fhwa.dot.gov/intersection/conventional/unsignalized/tech_sum/fhwasa09009/ (last visited January 23, 2020).

²⁰ *Id.*

²¹ Memorandum of Interim Approval for Optional Use of Rectangular Rapid Flashing Beacons (IA-11), *supra*, at FN 18.

²² *Id.*

²³ Email from Amanda Marsh, Legislative Specialist, Department of Transportation, RE: Midblock crosswalks, (October 18, 2019).

²⁴ *Id.*

²⁵ US Department of Transportation Federal Highway Administration, *Manual on Uniform Traffic Control Devices for Streets and Highways (2009 edition)*, Chapter 4F. *Pedestrian Hybrid Beacons*, p. 509 - 512, available at <https://mutcd.fhwa.dot.gov/pdfs/2009/mutcd2009edition.pdf> (last visited January 23, 2020).

²⁶ See MUTCD Chapter 4C.

²⁷ *Id.* at p. 509.

²⁸ Such as gaps in traffic that are not adequate to permit pedestrians to cross, or if the speed for vehicles approaching on the major street is too high to permit pedestrians to cross, or if pedestrian delay is excessive.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ Email from Amanda Marsh, Legislative Specialist, Department of Transportation, RE: Midblock crosswalks, (October 22, 2019).

flashing, and pedestrians are left in a vulnerable position in the middle of the road. This occurrence has led to multiple injuries and deaths across the state, especially at locations near college campuses and along beaches.

Injury or Death to Non-Motorists at Midblock Crossings³⁵

Injury Level	2017	2018	2019
Midblock - Marked Crosswalk	263	262	247
Pedestrian	164	157	157
Fatal (within 30 days)	12	6	5
Incapacitating	30	22	16
Non-incapacitating	61	57	78
Possible	56	65	50
None	5	7	8
Bicyclist	99	105	90
Fatal (within 30 days)	0	2	0
Incapacitating	15	12	9
Non-incapacitating	33	44	40
Possible	45	39	36
None	6	8	5
As of 01/24/2020. 2019 statistics is preliminary and may change.			

Proposed Changes

The bill creates s. 316.0756, F.S., and requires that by October 1, 2024, an entity with jurisdiction over a public highway, street, or road must install pedestrian hybrid beacons at any midblock crosswalk or must remove the midblock crosswalk in its entirety. As of October 1, 2024, midblock crosswalks will no longer be authorized to use RRFBs. The state, county, city, or municipality with jurisdiction over the roadway with the midblock crosswalk will be responsible for the cost.

B. SECTION DIRECTORY:

Section 1: Creates s. 316.0756, F.S., relating to traffic control signal devices and pedestrian control signals at crosswalks other than at intersections.

Section 2: Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill will likely have no impact on state government revenues.

2. Expenditures:

The fiscal impact to DOT is indeterminate, but is likely significant.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

³⁵ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: non/motorists/midblock crosswalk stats, (January 24, 2020).
STORAGE NAME: h1371.TIS
DATE: 1/25/2020

The bill will likely have no impact on local government revenues.

2. Expenditures:

The fiscal impact to cities and counties is indeterminate, but is likely significant.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill will likely have no fiscal impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 18, of the Florida Constitution may apply because this bill requires cities/counties to install specified traffic and pedestrian signals on roadways. This bill does not appear to qualify under any exemption or exception. If the bill does qualify as a mandate, the law must fulfill an important state interest and final passage must be approved by two-thirds of the membership of each house of the Legislature.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to traffic and pedestrian safety;
 3 creating s. 316.0756, F.S.; requiring a pedestrian
 4 crosswalk on a public highway, street, or road which
 5 is located at any point other than at an intersection
 6 with another public highway, street, or road to be
 7 controlled by traffic control signal devices and
 8 pedestrian control signals that conform to specified
 9 requirements; providing coordination requirements for
 10 such devices and signals; requiring, by a specified
 11 date, the entity with jurisdiction over a public
 12 highway, street, or road with a certain pedestrian
 13 crosswalk to ensure that the crosswalk is controlled
 14 by coordinated traffic control signal devices and
 15 pedestrian control signals; authorizing such entity to
 16 alternatively remove any such crosswalk; providing an
 17 effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Section 316.0756, Florida Statutes, is created
 22 to read:

23 316.0756 Traffic control signal devices and pedestrian
 24 control signals at crosswalks other than at intersections.-

25 (1) Notwithstanding any law to the contrary, a pedestrian

26 crosswalk on a public highway, street, or road which is located
27 at any point other than at an intersection with another public
28 highway, street, or road must be controlled by coordinated
29 traffic control signal devices and pedestrian control signals
30 that conform to the requirements of the most recent Manual on
31 Uniform Traffic Control Devices and other applicable Department
32 of Transportation specifications. Traffic control signal devices
33 and pedestrian control signals at crosswalk locations described
34 in this section must be coordinated according to all of the
35 following requirements:

36 (a) Vehicular traffic approaching the crosswalk is
37 required to come to a complete stop before pedestrians are
38 permitted to enter the crosswalk.

39 (b) Traffic control signal devices at intersections
40 adjacent to the crosswalk are taken into consideration as
41 provided in the most recent Manual on Uniform Traffic Control
42 Devices and other applicable Department of Transportation
43 specifications.

44 (2) By October 1, 2024, the entity with jurisdiction over
45 a public highway, street, or road with a crosswalk described in
46 subsection (1) which is in existence on July 1, 2020, shall
47 ensure that such crosswalk is controlled by coordinated traffic
48 control signal devices and pedestrian control signals as
49 required under subsection (1). The entity with jurisdiction may
50 alternatively remove any such existing crosswalk.

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51 | Section 2. This act shall take effect July 1, 2020. |

Amendment No.

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 &
 2 Infrastructure Subcommittee
 3 Representative Fine offered the following:
 4

Amendment (with title amendment)

6 Remove lines 30-50 and insert:

7 that conform to the requirements of Chapters 4D and 4E of the
 8 most recent Manual on Uniform Traffic Control Devices and other
 9 applicable Department of Transportation specifications. Traffic
 10 control signal devices and pedestrian control signals at
 11 crosswalk locations described in this section must be
 12 coordinated according to all of the following requirements:

13 (a) Vehicular traffic approaching the crosswalk is
 14 required to come to a complete stop before pedestrians are
 15 permitted to enter the crosswalk.

16 (b) Traffic control signal devices at intersections

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17 adjacent to the crosswalk are taken into consideration as
18 provided in the most recent Manual on Uniform Traffic Control
19 Devices and other applicable Department of Transportation
20 specifications.

21 (2) By October 1, 2024, the entity with jurisdiction over
22 a public highway, street, or road with a crosswalk described in
23 subsection (1) which is in existence on July 1, 2020, shall
24 ensure that such crosswalk is controlled by coordinated traffic
25 control signal devices and pedestrian control signals as
26 required under subsection (1). The entity with jurisdiction may
27 alternatively remove any such existing crosswalk.

28 Section 2. The Legislature finds and declares that this
29 act fulfills an important state interest.

31 -----

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

33 Remove line 16 and insert:
34 alternatively remove any such crosswalk; providing a declaration
35 of important state interest; providing an

36
37