

Tourism, Infrastructure & Energy Subcommittee

Wednesday, January 12, 2022
4:30 pm – 6:30 pm
Reed Hall (102 HOB)

Meeting Packet

Chris Sprowls
Speaker

Brad Drake
Chair

The Florida House of Representatives

Commerce Committee

Tourism, Infrastructure & Energy Subcommittee

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Meeting Agenda

Wednesday, January 12, 2022
4:30 PM – 6:30 PM
Reed Hall (102 HOB)

I. Call to Order
II. Roll Call
III. Welcome and Opening Remarks
IV. Consideration of the following bill(s):

HB 89 Transportation Facility Designations by LaMarca

HB 91 Digital License Plates by Duran

HB 157 Transportation Projects by Andrade

HB 223 Mobile Home Registration Periods by Maney

HB 315 Transportation Facility Designations by Williamson

HB 331 Transportation Facility Designations by Williamson

HB 481 Temporary Underground Power Panels by Duggan

HB 661 Transportation Facility Designations by Valdés

HB 789 Lifeline Services by Payne

HB 891 Specialty License Plate Presales by Yarborough

V. Closing Remarks
VI. Adjournment

303 House Office Building, 402 South Monroe Street, Tallahassee, FL 32399-1300
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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 89 Transportation Facility Designations
SPONSOR(S): LaMarca
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Walsh	Keating
2) Infrastructure & Tourism Appropriations Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

Under current law, the Legislature may designate a transportation facility, such as a bridge, interchange, or portion of a road, for honorary or memorial purposes or to distinguish a particular facility. Legislative designations do not change the official names of the facilities. The Department of Transportation (DOT) erects markers for each designation, but may not do so until the appropriate city or county commission passes a resolution in support of the designation.

The bill honors former community leader Pio Ieraci by designating "Pio Ieraci Memorial Drive" in Broward County. Under the bill, DOT must erect suitable markers for the road designation.

The bill will have an insignificant negative fiscal impact to the State Transportation Trust Fund associated with erecting suitable markers for the designation. The cost can be absorbed within DOT's existing resources.

The bill provides an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Transportation Facility Designations
Under current law, the Legislature may designate a transportation facility, such as a bridge, interchange, or portion of a road, for honorary or memorial purposes or to distinguish a particular facility. Legislative designations do not change the official names of the designated facilities, and do not require local governments or private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings to account for the designations.[1]

Current law sets standards for the naming of state buildings and other facilities. The law provides that except as specifically provided by law, state buildings, roads, bridges, parks, recreational complexes, and other similar facilities may not be named for a living person.[2]

Road Markers
The Department of Transportation (DOT) must place a marker at each terminus or intersection of a designated road, bridge, or other transportation facility and erect other markers it deems appropriate for the facility.[3] Road markers may not be erected until the appropriate city or county commission passes a resolution in support of a particular designation. Additionally, if a designated facility extends through multiple cities or counties, a resolution must be passed by each affected local government before the road markers can be erected by DOT.[4]

Pio Ieraci
After moving to Florida over 30 years ago, Pio Richard Ieraci became an active community leader in the Fort Lauderdale Community. Throughout Mr. Ieraci's time in Florida, he served as a member on the City of Fort Lauderdale Education Advisory Board, Chairman of South Florida Business Advisors, Inc., Chairman of the Broward Beach Coalition, President of the Galt Mile Community Association, and President of the Galt Ocean Club Condominium Association. Mr. Ieraci passed away on December 20, 2020, and is survived by his wife and two children.[5]

Effect of the Bill

Under the bill, that portion of S.R. A1A between the northern terminus and southern terminus of Galt Ocean Drive in Broward County is designated as "Pio Ieraci Memorial Drive." The bill requires DOT to erect suitable markers.

B. SECTION DIRECTORY:

Section 1: Designates "Pio Ieraci Memorial Drive."

Section 2: Provides an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

[1] S. 334.071(1), F.S.
[2] S. 267.062(1), F.S.
[3] S. 334.071(2), F.S.
[4] S. 334.071(3), F.S.
[5] Dignity Memorial, *Pio Richard Ieraci*, https://www.dignitymemorial.com/obituaries/fort-lauderdale-fl/pio-ieraci-9961464 (last visited Jan. 5, 2022).

1. Revenues:

   None.

2. Expenditures:

   DOT estimates a cost of $1,040 for the appropriate markers, which provides for two signs per designation at $520 per sign.[6] Therefore, the bill has an estimated negative fiscal impact of $1,040 to the State Transportation Trust Fund. This cost can be absorbed within existing DOT resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill does not require or authorize rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

[6] Email from Amanda Marsh, Legislative Analyst, Florida Department of Transportation, FDOT Memorial Roadway Designation Sign Estimate, (Sep. 15, 2021).

A bill to be entitled

An act relating to transportation facility designations; providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Pio Ieraci Memorial Drive designated; Department of Transportation to erect suitable markers.—

(1) That portion of S.R. A1A between the northern terminus and southern terminus of Galt Ocean Drive in Broward County is designated as "Pio Ieraci Memorial Drive."

(2) The Department of Transportation is directed to erect suitable markers designating Pio Ieraci Memorial Drive as described in subsection (1).

Section 2. This act shall take effect July 1, 2022.

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

TOURISM, INFRASTRUCTURE & ENERGY SUBCOMMITTEE

HB 89 by Rep. LaMarca
Transportation Facility Designations

AMENDMENT SUMMARY
January 12, 2022

Amendment 1 by Rep. LaMarca (Strike All):

- Adds the designation of “Sgt. George Lee Taylor, Sr., Memorial Highway” in Brevard County.
- Adds the designation of “Dr. Martin Luther King, Jr., Boulevard” in Brevard County.
- Revises bill language to reflect multiple designations.

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	_____	

Committee/Subcommittee hearing bill: Tourism, Infrastructure & Energy Subcommittee

Representative LaMarca offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Transportation facility designations; Department of Transportation to erect suitable markers.—

(1) That portion of S.R. A1A between the northern terminus and southern terminus of Galt Ocean Drive in Broward County is designated as "Pio Ieraci Memorial Drive."

(2) That portion of S.R. 520/W. King Street between S.R. 501/Clearlake Road and S.R. 519/Fiske Boulevard in Brevard County is designated as "Sgt. George Lee Taylor, Sr., Memorial Highway."

(3) That portion of S.R. 519/Fiske Boulevard between Rosa L. Jones Drive and I-95 in Brevard County is designated as "Dr. Martin Luther King, Jr., Boulevard."

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

Section 2. This act shall take effect July 1, 2022.

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

Remove everything before the enacting clause and insert: An act relating to transportation facility designations; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

HB 91

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 91 Digital License Plates
SPONSOR(S): Duran and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1178

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Walsh	Keating
2) Commerce Committee			

SUMMARY ANALYSIS

Current law requires motor vehicle license plates to be made out of metal retroreflective material and meet certain statutory requirements regarding size and number of characters allowed on the plate. License plates must be securely fastened to a vehicle and be free of defacement, mutilation, grease, and other obscuring matter, so that the plate is always plainly visible and legible. The Department of Highway Safety and Motor Vehicles (DHSMV) may conduct a pilot program on government vehicles to evaluate alternative license plates.

Digital license plates are dynamic screens, which may be used to replace the current metal license plate. They are able to display information such as a license plate number and annual validation of the current license plate. A digital license plate may also be used for applications such as electronic tolling and broadcasting emergency alerts.

The bill eliminates DHSMV's authority to evaluate alternative license plates through a pilot program. The bill defines digital license plate as an electronic display that is designed to display the information required by law to be included on a physical license plate and be placed on a motor vehicle in lieu of a physical license plate. The bill requires DHSMV to allow a registered motor vehicle to be equipped with a digital license plate in lieu of a physical license plate by October 1, 2023. However, DHSMV must first determine that digital license plates are readable by current automated license plate recognition hardware and software. DHSMV is authorized to adopt implementing rules.

The bill provides that except as otherwise specified in the bill or a DHSMV rule, a digital license plate is subject to Florida's laws applicable to a physical license plate; however, digital license plates are exempt from the statutory design requirements. The bill requires that, before purchasing a digital license plate, the vehicle owner must purchase a metal license plate from DHSMV and pay all applicable motor vehicle fees.

The bill authorizes DHSMV to contract with one or more digital license plate providers. DHSMV may authorize the display of a plate number and validation sticker on a digital license plate. DHSMV may authorize the use of digital license plates for toll collection, if approved by the Department of Transportation or other appropriate tolling authority, and parking permits. DHSMV may establish procedures for displaying emergency alerts, static logo displays, and other displays on the license plate. The bill also provides requirements for the digital license plate and requires providers to maintain an inventory of digital license plates, make available digital versions of each specialty license plate, and update the vehicle's registration in real time.

The bill does not appear to impact state or local government revenues or local government expenditures. The bill appears to have an indeterminate impact on state government expenditures, depending on whether DHSMV is expected to program connectivity.

The bill is effective upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida law requires motor vehicle registration license plates to be made of metal specially treated with a retroreflection material. The license plate must be designed to increase nighttime visibility and legibility and must be at least 6 inches tall and not less than 12 inches wide, unless a plate with reduced dimensions is deemed necessary by the Department of Highway Safety and Motor Vehicles (DHSMV) to accommodate motorcycles, mopeds, or similar smaller vehicles. Annual validation stickers must also be treated with a retroreflection material and must adhere to the license plate. [1]

The license plate must be imprinted with a combination of bold letters and numerals, not to exceed seven digits, so as to identify the license plate number. The license plate must be imprinted with the word "Florida" at the top and the name of the county in which it is sold, the state motto, or the words "Sunshine State" at the bottom. Any county may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold in that county. If the county votes as such, the state motto or the words "Sunshine State" must be printed in lieu of the county name.[2]

Current law requires that every vehicle display a license plate securely fastened to the vehicle's rear[3] in a manner to prevent the plate from swinging. All letters, numerals, printing, writing, the registration decal, and the alphanumeric designation of the registration license plate must be clear, distinct, and free from defacement, mutilation, grease, and other obscuring matter, so that the plate is always plainly visible and legible from 100 feet away.[4]

Florida law provides for the expiration of a motor vehicle registration and the required renewal. Law provides penalties for operating a motor vehicle without a registration license plate or validation sticker. The penalties are as follows:

- Any person whose motor vehicle or mobile home registration has been expired for a period of six months or less commits a noncriminal traffic infraction, punishable as a nonmoving violation.
- Any person whose motor vehicle or mobile home registration has been expired for more than six months, upon a first offense, is subject to the penalty provided in s. 318.14, F.S.[5]
- Any person whose motor vehicle or mobile home registration has been expired for more than six months, upon a second or subsequent offense, commits a misdemeanor of the second degree.[6]

Current law provides that DHSMV may conduct a pilot program to evaluate the designs, concepts, and technologies for alternative license plates. For purposes of the pilot program, DHSMV must investigate the feasibility and use of alternative license plate technologies and the long-term cost impact to the consumer. A pilot program is limited to license plates that are used on government-owned motor vehicles. Such license plates are exempt from statutory design and material requirements for license plates.[7] DHSMV has had this authority since 2012, and currently has six digital license plates installed on vehicles.[8]

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[1] S. 320.06(3)(a), F.S.
[2] *Id.*
[3] An additional front facing plate is required by law for some vehicles, and such plates must meet the same requirements as rear facing plates. *See* s. 316.605(1), F.S.
[4] S. 316.605(1), F.S.
[5] Section 318.14, F.S., provides certain exceptions to noncriminal traffic infractions and provides for court appearances, payment plans, and authorizes proof of compliance with motor vehicle registration requirements.
[6] S. 320.07(3), F.S.
[7] S. 320.06(5), F.S.
[8] Florida Department of Highway Safety and Motor Vehicles, Agency Analysis of 2022 House Bill 91, p. 3 (Dec. 1, 2021).

Under current law, PRIDE, Inc.,[9] may manufacture license plates and validation stickers for DHSMV. DHSMV is not required to obtain competitive bids in order to contract with the corporation.[10]

Digital License Plates

Digital license plates are dynamic screens that may replace current physical license plate. The digital license plates can display information such as a license plate number and validation of the current license plate. Digital license plates also have the capability to work with a vehicle's computer system and communicate with outside sources that may access it remotely.[11] The license plate may be used for applications such as electronic tolling and broadcasting emergency alerts.[12]

Digital license plates are currently available in California and Arizona.[13] One digital license plate provider, Reviver, prices their digital license plates starting at $899.[14]

Effect of the Bill

The bill repeals DHSMV's authority to conduct a pilot program to evaluate the designs, concepts, and technologies of alternative license plates.

Under the bill, "digital license plate" is defined as an electronic display that is designed to:

- Display the information required to be included on a physical license plate; and
- Be placed on a motor vehicle registered under ch. 320, F.S. in lieu of a physical license plate.

The bill requires DHSMV to allow a registered motor vehicle to be equipped with a digital license plate in lieu of a physical license plate by October 1, 2023. Under the bill, DHSMV must determine that digital license plates are readable by current automated license plate recognition hardware and software. Before obtaining a digital license plate, the purchaser must first obtain a physical license plate from DHSMV.

Under the bill, DHSMV is authorized to adopt rules for digital license plates as outlined in the bill.

The bill also provides that the owner of a digital license plate is not subject to the penalties in s. 320.07, F.S., for failure to display a validation sticker if the vehicle was operated in compliance with ch. 320, F.S., and any DHSMV rules governing the placement of digital license plates and registration renewal.

Under the bill, DHSMV may authorize the display of the motor vehicle's validation on each digital license plate in lieu of the validation sticker. The validation must display the owner's birth month, the license plate number, and the year of expiration or appropriate renewal period if the owner is not a natural person. The validation must be displayed in the upper right corner of the digital license plate.

The bill provides that except as otherwise specified in the bill or a DHSMV rule, a digital license plate is subject to Florida's laws applicable to a physical license plate; however, digital license plates are exempt from the statutory design requirements.

The bill also allows DHSMV to authorize the use of a digital license plate for electronic toll collection, if such use has been approved by the Department of Transportation or other appropriate tolling authority or to display a parking permit.

Further, DHSMV may establish procedures for displaying the following information on a digital license plate:

- An emergency alert, including an alert regarding a missing child or missing adult;

[9] PRIDE, Inc., is the corporation organized under ch. 947, F.S., relating to inmate work programs.
[10] S. 320.06(4), F.S.
[11] Florida Department of Highway Safety and Motor Vehicles, Agency Analysis of 2022 House Bill 91, p. 2 (Dec. 1, 2021).
[12] Reviver, https://reviver.com/shop/ (last visited Jan. 7, 2022).
[13] Jacob Ogles, *Digital License Plates Could Come to Florida Roads*, Florida Politics (Mar. 3, 2021), https://floridapolitics.com/archives/409080-digital-license-plates-could-come-to-florida-roads/ (last visited Jan. 7, 2022).
[14] Reviver, https://reviver.com/shop/ (last visited Jan. 7, 2022).

- Static logo displays, including displays for fleet license plates, digital versions of specialty license plates, special license plates for military service, and special license plates for the Governor and federal and state legislators; and
- Other displays that DHSMV, in consultation with law enforcement agencies, determines are in the interest of public safety.

The bills states that a digital license plate must:
- Meet the requirements and specifications previously described;
- Include the same information required to be included on a physical license plate and legibly display that information at all times and in all light conditions; and
- Have wireless connectivity capability.

Under the bill, DHSMV may contract with one or more digital license plate providers[15] for the issuance of digital license plates, including any services related to the issuance of digital license plates. The contract must include provisions governing the protection of personal and motor vehicle registration data obtained by a digital license plate provider in the performance of its services.

A digital license plate provider with whom DHSMV contracts must:
- Maintain an inventory of digital license plates in this state;
- Make available a digital version of each specialty license plate authorized by DHSMV; and
- If a digital license plate displays a validation to reflect the current registration period for the motor vehicle, and upon DHSMV request, suspend the display of the validation or indicate in the digital license plate that the motor vehicle's registration has expired.

The bill provides that a consumer who chooses to purchase a digital license plate must purchase it directly from the digital license plate provider. In addition to any fees associated with the purchase of the digital license plate, the consumer is also responsible for paying to DHSMV all applicable motor vehicle fees, including the annual use fee associated with any specialty license plate the consumer wishes to display on the digital license plate.

The bill is effective upon becoming a law.

B. SECTION DIRECTORY:

Section 1: Amends s. 320.06, F.S., relating to registration certificates, license plates, and validation stickers.

Section 2: Amends s. 320.07, F.S., relating to expiration of registration, renewal required.

Section 3: Creates s. 320.08069, F.S., relating to digital license plates.

Section 4: Provides that the bill is effective upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None. Since purchasers of digital license plates are also required to pay the statutorily required motor vehicle fees, the bill does not appear to impact state government revenues.

2. Expenditures:

[15] The bill defines "digital license plate provider" as a person or an entity engaged in the business of providing digital license plate hardware and services to motor vehicle owners.

Indeterminate. Assuming that most of the connectivity programming is between the digital license plate provider and the consumer, the bill will have an insignificant impact on DHSMV expenditures. If DHSMV is expected to provide connectivity, DHSMV asserts that this will require a significant amount of programming to multiple major DHSMV computer systems.[16]

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Digital license plate providers may see additional revenues associated with the program.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to impact county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill eliminates DHSMV's current authority to conduct a license plate pilot program and authorizes DHSMV to adopt rules to implement digital license plates.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill authorizes DHSMV to contract with one or more digital license plate providers for the issuance of such plates, but it does not expressly require digital license plate providers to contract with DHSMV prior to sale and distribution of such plates. Absent a contract, the bill does not provide for protection of personal information.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

[16] Florida Department of Highway Safety and Motor Vehicles, Agency Analysis of 2022 House Bill 91, p. 7 (Dec. 1, 2021).

A bill to be entitled

An act relating to digital license plates; amending s. 320.06, F.S.; deleting provisions relating to the authority of the Department of Highway Safety and Motor Vehicles to conduct a pilot program to evaluate the designs, concepts, and technologies for alternative license plates; amending s. 320.07, F.S.; exempting owners of digital license plates from certain penalties; creating s. 320.08069, F.S.; providing definitions; providing applicability; authorizing motor vehicles to be equipped with digital license plates by a certain date; authorizing the department to contract with digital license plate providers; providing department authority relating to the display and use of digital license plates; specifying requirements for digital license plates, digital license plate providers, and digital license plate consumers; authorizing the department to adopt rules; providing an effective date.

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

Section 1. Subsection (5) of section 320.06, Florida Statutes, is amended to read:

320.06 Registration certificates, license plates, and

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

validation stickers generally.—

~~(5) The department may conduct a pilot program to evaluate the designs, concepts, and technologies for alternative license plates. For purposes of the pilot program, the department shall investigate the feasibility and use of alternative license plate technologies and the long-term cost impact to the consumer. The pilot program shall be limited to license plates that are used on government-owned motor vehicles as described in s. 320.0655. Such license plates are exempt from the requirements in paragraph (3)(a).~~

Section 2. Subsection (7) is added to section 320.07, Florida Statutes, to read:

320.07 Expiration of registration; renewal required; penalties.—

(7) An owner of a digital license plate as described in s. 320.08069 is not subject to the penalties in this section for failure to display a validation sticker if the vehicle was operated in compliance with this chapter and any rules adopted by the department governing the placement of digital license plates and registration renewal.

Section 3. Section 320.08069, Florida Statutes, is created to read:

320.08069 Digital license plates.—

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

(a) "Digital license plate" means an electronic display

that is designed to:

1. Display the information required in this chapter to be included on a physical license plate.

2. Be placed on a motor vehicle registered under this chapter in lieu of a physical license plate.

(b) "Digital license plate provider" means a person or an entity engaged in the business of providing digital license plate hardware and services to motor vehicle owners.

(2) APPLICABILITY.—Except as otherwise provided in this section or a rule adopted under this section, a digital license plate issued under this section is subject to the laws of this state applicable to a physical license plate. However, digital license plates issued under this section are exempt from s. 320.06(3)(a).

(3) DIGITAL LICENSE PLATE ISSUANCE.—

(a) By October 1, 2023, the department shall allow a motor vehicle registered under this chapter to be equipped with a digital license plate in lieu of a physical license plate issued under s. 320.06 upon a determination that the information on the digital license plate display is readable by current automated license plate recognition hardware and software. However, the purchaser of a digital license plate must first obtain a physical license plate from the department before obtaining a digital license plate from a digital license plate provider.

(b) The department may contract with one or more digital

license plate providers for the issuance of digital license plates, including any services related to the issuance of digital license plates. The contract must include provisions governing the protection of personal and motor vehicle registration data obtained by a digital license plate provider in the performance of its services.

(c) The department may authorize the display of the motor vehicle's validation on each digital license plate in lieu of the validation sticker. The validation must display the owner's birth month, the license plate number, and the year of expiration or appropriate renewal period if the owner is not a natural person. The validation must be displayed in the upper right corner of the digital license plate.

(d) The department may authorize the use of a digital license plate for electronic toll collection, if such use has been approved by the Department of Transportation or other appropriate tolling authority, or to display a parking permit.

(e) The department may establish procedures for displaying the following information on a digital license plate:

1. An emergency alert or other public safety alert issued by a governmental entity, including an alert pursuant to s. 937.021.

2. Static logo displays, including unique displays for fleet license plates as described in s. 320.0657 and digital versions of specialty license plates as described in s.

320.08058, special license plates for military service as authorized in s. 320.089, and special license plates for the Governor and federal and state legislators as authorized in s. 320.0807.

3. Other displays that the department, in consultation with law enforcement agencies, determines are in the interest of public safety.

(4) DIGITAL LICENSE PLATE REQUIREMENTS.—A digital license plate issued under this section must:

(a) Meet the specifications and requirements adopted under subsection (3).

(b) Include the same information required to be included on a physical license plate and legibly display that information at all times and in all light conditions.

(c) Have wireless connectivity capability.

(5) DIGITAL LICENSE PLATE PROVIDERS.—A digital license plate provider with whom the department contracts shall:

(a) Maintain an inventory of digital license plates issued in this state by the digital license plate provider.

(b) Make available a digital version of each specialty license plate authorized by the department.

(c) If a digital license plate displays a validation, promptly update the display of the validation to reflect the current registration period for the motor vehicle and, upon request of the department, suspend the display of the validation

or indicate on the digital license plate that the registration for the motor vehicle has expired.

(6) DIGITAL LICENSE PLATE CONSUMERS.—A consumer who chooses to purchase a digital license plate must purchase a digital license plate directly from a digital license plate provider. In addition to any fees associated with the purchase of a digital license plate, the consumer is also responsible for paying to the department all applicable motor vehicle fees required by this chapter, including any annual use fees pursuant to s. 320.08056 associated with any specialty license plate the consumer wishes to display on the digital license plate.

(7) RULEMAKING.—The department may adopt rules to implement this section.

Section 4. This act shall take effect upon becoming a law.

TOURISM, INFRASTRUCTURE & ENERGY SUBCOMMITTEE

HB 91 by Rep. Duran
Digital License Plates

AMENDMENT SUMMARY
January 12, 2022

Amendment 1 by Rep. Duran (Lines 48-74):

- Clarifies that a digital license plate must be determined by the Department of Transportation to have a display that is readable by current automated license plate readers.
- Affirms that the Department of Highway Safety and Motor Vehicles must allow digital license plates issued pursuant to a contract between the digital license plate provider and the department.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

Committee/Subcommittee hearing bill: Tourism, Infrastructure & Energy Subcommittee

Representative Duran offered the following:

Amendment

Remove lines 48-74 and insert:

320.08069 Digital license plates.—

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

(a) "Digital license plate" means an electronic display that:

1. Is designed to display the information required in this chapter to be included on a physical license plate;

2. Is designed to be placed on a motor vehicle registered under this chapter in lieu of a physical license plate; and

3. Has been determined by the Department of Transportation to have a display that is readable by current automated license plate recognition hardware and software.

(b) "Digital license plate provider" means a person or an entity engaged in the business of providing digital license plate hardware and services to motor vehicle owners.

(2) APPLICABILITY.—Except as otherwise provided in this section or a rule adopted under this section, a digital license plate issued under this section is subject to the laws of this state applicable to a physical license plate. However, digital license plates issued under this section are exempt from s. 320.06(3)(a).

(3) DIGITAL LICENSE PLATE ISSUANCE.—

(a) By October 1, 2023, the department shall allow a motor vehicle registered under this chapter to be equipped with a digital license plate in lieu of a physical license plate issued under s. 320.06 pursuant to a contract between the digital license plate provider and the department entered into under (b). However, the purchaser of a digital license plate must first obtain a physical license plate from the department before obtaining a digital license plate from a digital license plate provider.

HB 157

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 157 Transportation Projects
SPONSOR(S): Andrade
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Johnson	Keating
2) Infrastructure & Tourism Appropriations Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

The bill addresses three matters related to transportation projects.

First, under current law, the Department of Transportation (DOT) must annually commit at least 15 percent of state revenue deposited into the State Transportation Trust Fund (STTF) for public transportation projects. However, there is no statutory maximum amount that may be committed. The bill provides that a maximum of 25 percent of all revenues deposited into the STTF, excluding state revenues used for matching grants, may be annually committed for public transportation projects.

Second, under current law, documents revealing the identity of persons that have requested or obtained a bid package, plan, or specifications relating to a DOT project are confidential and exempt from public records laws beginning two working days before the deadline to obtain the bid package, plan, or specifications and ending when the bid is let. The bill removes this public records exemption.

Third, under current law, DOT may not use moneys in the STTF to contract with the Florida Highway Patrol (FHP) in the Department of Highway Safety and Motor Vehicles (DHSMV) for speed enforcement in work zones. The bill authorizes DOT to enter into an agreement with FHP for work zone speed enforcement and use moneys in the STTF to pay the cost of the agreement.

While the bill does not directly impact state or local government revenues, the cap on revenues that may be used for public transit may impact revenues available for specific transportation projects. See *Fiscal Comments* for details.

The bill has an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Public Transportation Funding

Current Situation

Section 206.46, F.S., creates the State Transportation Trust Fund (STTF), which the Department of Transportation (DOT) utilizes to fund transportation projects, as provided by law. Funds in the STTF support the projects contained in DOT's five-year work program.[1]

Florida law requires that DOT commit a minimum of 15 percent of all state revenues deposited into the STTF to public transportation projects for each fiscal year.[2] Public transportation projects include projects involving transportation facilities within seaports and airports, public transit,[3] and regional transportation.[4]

In Fiscal Year 2022-2023, DOT is projected to receive over $4.7 billion in state revenues. More than $1.4 billion (30 percent) of that revenue is exempt from the 15 percent public transportation requirement. For example, revenues from documentary stamp taxes,[5] rental car surcharges,[6] initial registration fees,[7] and local option fuel taxes[8] are exempt.[9]

In some instances, the law exempts a revenue stream from the 15 percent requirement but specifies an amount of that revenue that must be used for public transportation. For example, s. 201.15, F.S. requires 10 percent of the documentary stamp tax proceeds deposited into the STTF to be used for the New Starts Transit Program. Similarly, s. 339.0801, F.S., requires $10 million per year from tag and title fees to be used for the Seaport Investment Program.[10]

Effect of the Bill

The bill caps the percentage of state revenues deposited into the STTF that may be committed by committed by DOT for public transportation projects. The bill provides that for each fiscal year, at least 15 percent, but not more than 25 percent of all state revenues deposited into the STTF, except those revenues used for matching federal grants, must be annually committed by DOT for public transportation projects.

The following table shows actual and projected state transportation revenues for Fiscal Years 2017-2026. The table also shows those state revenues to which the 15 percent public transportation requirement does and does not apply. The last two rows on the table show the 15 percent – 25 percent range for public transportation funding in millions of dollars.[11]

[1] DOT's work program is developed pursuant to s. 339.135, F.S.
[2] S. 206.46(3), F.S.
[3] Public transit means the transporting of people by conveyances, or a system of conveyances, traveling on land or water, local or regional in nature, and available for use by the public, including paratransit. Eligible public transit could include projects such as a public transit capital project, a commuter assistance project, a transit corridor project, or an intercity bus service project.
[4] Chapter 343, F.S., relating to regional transportation, establishes the South Florida Regional Transportation Authority, the Central Florida Regional Transportation Authority, the Northwest Florida Transportation Corridor Authority, and the Tampa Bay Regional Transit Authority.
[5] S. 201.15, F.S.
[6] S. 212.0606, F.S.
[7] S. 320.072, F.S.
[8] S. 215.211, F.S.
[9] Department of Transportation (DOT), Agency Analysis of 2022 House Bill 157, p. 2 (Sep. 24, 2021)
[10] *Id.*
[11] *Id.*

Actual and Projected State Revenues ($ in millions) Information for HB 157 Relating to Public Transportation										
	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
Transportation REC	$ 3,575.2	$ 3,664.4	$ 3,808.1	$ 3,757.8	$ 3,831.5	$ 4,094.1	$ 4,257.9	$ 4,370.1	$ 4,461.4	$ 4,549.7
Doc Stamps - GR REC	$ 281.8	$ 297.6	$ 315.8	$ 349.5	$ 466.8	$ 466.8	$ 461.7	$ 453.7	$ 451.4	$ 456.0
Total All State Revenues	**$3,857.0**	**$3,962.0**	**$4,123.9**	**$4,107.3**	**$4,298.3**	**$4,560.9**	**$ 4,719.6**	**$4,823.8**	**$4,912.8**	**$5,005.7**
State Revenues Exempt from 15% PTO Requirement	$ 946.5	$ 972.2	$ 1,130.2	$ 1,173.3	$ 1,340.7	$ 1,406.4	$ 1,434.3	$ 1,441.9	$ 1,452.5	$ 1,469.0
State Revenues to which the 15% Requirement Applies	**$2,910.5**	**$2,989.8**	**$2,993.7**	**$2,934.0**	**$2,957.6**	**$3,154.5**	**$ 3,285.3**	**$3,381.9**	**$3,460.3**	**$3,536.7**
15% of Non-Exempt (Minimum Requirement)	$ 436.6	$ 448.5	$ 449.1	$ 440.1	$ 443.6	$ 473.2	$ 492.8	$ 507.3	$ 519.0	$ 530.5
25% of Non-Exempt (Maximum Allowed)	$ 727.6	$ 747.5	$ 748.4	$ 733.5	$ 739.4	$ 788.6	$ 821.3	$ 845.5	$ 865.1	$ 884.2

Source: DOT Agency Bill Analysis of 2021 HB 157, p.2.

The following table shows the amount of state funds that DOT has programmed for public transportation projects. The last row in the table shows the additional amount that could be programmed for public transportation projects with discretionary state funds before reaching the proposed 25 percent limit.[12]

Programming for Public Transportation as of July 1, 2021 ($ in millions)										
	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26
State Funds Programmed for Public Transportation	$ 648.0	$ 783.6	$ 878.9	$ 844.0	$ 852.0	$ 1,060.2	$ 893.7	$ 862.9	$ 770.8	$ 877.1
State Funds Programmed for PTO which are not part of the 15% Requirement (New Starts Transit, Seaport Investment Program, etc.)	$ 160.4	$ 253.3	$ 280.1	$ 275.2	$ 307.0	$ 492.2	$ 274.1	$ 294.0	$ 218.9	$ 289.8
State Funds Programmed for PTO which are part of the 15% PTO Requirement	$ 487.6	$ 530.3	$ 598.8	$ 568.8	$ 545.0	$ 568.0	$ 619.6	$ 568.9	$ 551.9	$ 587.3
% of State Funds Programmed for PTO which are subject to the 15% PTO Requirement	**16.8%**	**17.7%**	**20.0%**	**19.4%**	**18.4%**	**18.0%**	**18.9%**	**16.8%**	**15.9%**	**16.6%**
Potential Additional PTO Programming Before Reaching the Proposed 25% Cap	$ 240.0	$ 217.2	$ 149.6	$ 164.7	$ 194.4	$ 220.6	$ 201.7	$ 276.6	$ 313.2	$ 296.9

Source: DOT Agency Bill Analysis of 2021 HB 157, p.2.

Identities of Potential Bidders on DOT Contracts

Current Situation

Article I, section 24(a) of the Florida 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) of the Florida Constitution.[13]

Current law provides that a document revealing the identity of persons who have requested or obtained bid packages, plans, or specifications pertaining to any project to be let by DOT is confidential and exempt from the public records law for the period which begins two working days before the deadline for obtaining bid packages, plans, or specifications and ends with the letting of the bid. A document that reveals the identity of such persons more than the two working days before the deadline for obtaining bid packages, plans, or specifications remains a public record.[14]

Effect of the Bill

The bill eliminates the public records exemption for documents revealing the identity of a person who has requested or obtained a bid package, plan, or specifications pertaining to any project to be let by DOT for the period that begins two working days before the deadline for obtaining bid packages plans, or specifications, and ends with the letting of the bid. The bill also explicitly states that such documents are public records.

Work Zone and Safety Enforcement

[12] *Id.*
[13] Art. I, s. 24(c), Fla. Const.
[14] S. 336.168(2), F.S.

Current Situation

Florida law defines the term "work zone area" as an area, and approaches to the area, on any state-maintained highway, county-maintained highway, or municipal street where construction, repair, maintenance, or other street-related or highway-related work is being performed or where one or more lanes are closed to traffic.[15]

A work zone area involves workers, vehicles, trucks, and equipment that can necessitate lane closures, detours, and moving equipment, and can last from a few days to several years. Work zone fatalities make up approximately three percent of overall fatalities and two percent of serious injuries. The safe and efficient flow of traffic through work zones is an ongoing priority for Florida's transportation and traffic safety partners.[16]

According to statewide crash data for the years 2015-2019, Florida experienced more than 50,000 work zone-related crashes, including more than 380 fatalities and more than 2,400 severe injuries. The most common traffic violations in work zone areas are speeding and distracted driving.[17]

The Legislature has taken steps to improve work zone safety, such as:

- Requiring DOT's adopted uniform system of traffic control devices to provide for the use of regulatory speed signs in work zone areas.[18]
- Prohibiting the driver of a vehicle from exceeding the posted maximum speed limit in a work zone area,[19] a violation of which is a noncriminal traffic infraction, and the penalty for which ranges from a warning up to $250, depending upon the number of miles per hour in excess of the posted speed limit.[20] A person cited for exceeding the speed limit in a posted construction zone (when workers are present or operating equipment on or immediately adjacent to the road under construction) must pay a fine that is double the amount specified for a given range.[21]
- Authorizing the display of certain lighting on construction equipment in roadway work zones during periods when workers are present.[22]
- Prohibiting a person from operating a motor vehicle while using a wireless communications device in a handheld manner in work zone areas.[23]
- Requiring each road or bridge construction or maintenance contract let by DOT to contain a traffic maintenance plan showing the appropriate regulatory speed signs and traffic control devices for the subject work zone area.[24]

DOT utilizes law enforcement in its work zones to provide stationary off-duty "blue lights" to assist in motorist awareness and for active-duty speed enforcement. When law-enforcement is provided for stationary motorist awareness, they are hired by the construction contractor, not by DOT. These may include the Florida Highway Patrol (FHP) but may also include local sheriffs or other law enforcement agencies.[25]

When FHP is used for active-duty speed enforcement, they are procured via a Contractual Services Agreement with the Department of Highway Safety and Motor Vehicles (DHSMV).[26] This Contractual Services Agreement is known as the "FHP Hireback Agreement" and renews on a five-year term. The agreement is applicable for all roadways on the State Highway System. Additional approval by the

[15] S. 316.003(105), F.S.
[16] DOT, *Work Zone Safety*, https://www.fdot.gov/safety/workzonesafety/default.shtm (last visited Jan. 5, 2022)
[17] *Id.*
[18] S. 316.0745(2)(b), F.S.
[19] S. 316.183(6), F.S.
[20] S. 318.18(3)(b), F.S.
[21] S. 318.18(3)(d), F.S.
[22] S. 316.2397(5), F.S.
[23] S. 316.306(3)(a)1., F.S.
[24] S. 337.11(14), F.S.
[25] DOT *supra* note 2 at 5.
[26] The Florida Highway Patrol is a division of the Department of Highway Safety and Motor Vehicles.

District Director of Transportation is required for use on any facility that is not a limited access facility.[27] Work zone speed enforcement services are included in DOT construction or maintenance contracts. Funding from the STTF currently supports these DHSMV contracts.[28]

Per the Contractual Services Agreement, enforcement services may be requested by DOT on a project-by-project basis for the following construction or maintenance items:

- Speed reduction zones;
- Temporary barriers adjacent to through traffic;
- Nighttime work;
- Workers exposed to high-speed traffic (above 55 mph);
- Lane closures on multilane facilities;
- Work within high use signalized intersections;
- High volume urban roadways with lane closures during peak hour traffic; or
- Any other activity where DOT determines that FHP troopers are required to control the speed of traffic for protection of workers and motorists.[29]

For each request for law enforcement, DOT provides DSHMV an estimate of work to be performed and the price to be paid. DHSMV reviews the request and determines if sufficient staffing and budget is available. Staffing is provided using uniformed troopers on overtime from their regular work assignments. FHP emergency staffing needs take precedence over work zone hire back patrols.[30]

DOT uses funds from construction contracts or maintenance contracts to pay DHSMV. DHSMV submits invoices for compensation on a four-week billing period (two bi-weekly pay periods).[31]

DHSMV is compensated only for hours in which patrols directly associated with the project are performed. Compensation is set at the regular rate of wages per hour multiplied by 1.15 or the rate of $40.00 per hour multiplied by 1.15, whichever is greater. For the competitive market areas of Collier, Dade, Duval, Escambia, Hillsborough, Lee, Marion, Monroe, Pinellas, Orange, Osceola, Seminole, Palm Beach and Broward counties, compensation is set at the regular rate of wages multiplied by 1.15 or the rate of $50.00 per hour multiplied by 1.15, whichever is greater. DOT reimburses DHSMV for fuel at AAA's current average cost per gallon for Florida, less taxes. Additionally, DOT includes an additional 7.5 percent markup on all compensation to cover DHSMV's indirect costs incurred. Costs associated with court appearances and vehicle maintenance costs are the responsibility of DHSMV and are not reimbursed by DOT.[32]

Effect of the Bill

The bill authorizes DOT to pay for work zone speed enforcement from the STTF by entering into an agreement with FHP. However, it appears that contracts are already in place for these patrols.

Effective Date

The bill has an effective date of July 1, 2022.

B. SECTION DIRECTORY:

Section 1 Amends s. 206.46, F.S., relating to the State Transportation Trust Fund.

Section 2 Amends s .337.168, F.S., relating to confidentiality of official estimates, identities of potential bidders, and bid analysis and monitoring system.

[27] Section 334.03(12), F.S., defines the term "limited access facility" as a street or highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility or for any other reason.
[28] DOT *supra* note 2 at 5.
[29] *Id* at 5-6.
[30] *Id.*
[31] *Id.*
[32] *Id.*

Section 3 Amends s. 339.08, F.S., relating to the use of moneys in the State Transportation Trust Fund.

Section 4 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None. See Fiscal Comments.

2. Expenditures:

   None. See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Public Transportation Funding

The bill limits the amount of state revenues in the STTF (excluding state revenues used for matching federal grants) that may be committed to public transportation projects to 25 percent. Currently, there is no limit. Setting a limit may impact projects currently planned in DOT's 5-year work program if the aggregate combined amount for public transportation projects exceeds the proposed cap.[33]

According to DOT, the bill may limit its ability to build a work program which responds to local transportation needs. Although public transportation projects planned in DOT's current 5-year work program remain within the proposed thresholds, the bill has the potential to limit public transportation solutions as a future transportation option when conditions prevent road construction.[34]

Work Zone Enforcement

The bill authorizes DOT to use moneys in the STTF to contract with FHP for speed zone enforcement in work zones. To the extent DOT uses this authority, the bill will cause a decrease in revenues that DOT may use on other projects and an increase in revenues to DHSMV of the same amount. However, DSHMV must use these revenues to offset the cost of FHP troopers doing speed zone enforcement in work zone areas.

According to DHSMV, if the bill's intent is to add speed enforcement to additional work zones, it will need additional budget authority for FHP to staff DOT's requests.[35]

[33] DOT *supra* note 2 at 8.
[34] *Id.*
[35] DHSMV, Agency Analysis of 2022 Senate Bill 398. p. 2. (Oct 13, 2021).

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 to 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:

This bill does not require or authorize rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill repeals a public records exemption by deleting the exemption language and indicating that the relevant information is public record. Unless there is a specified statutory exemption, all government documents are considered public records. Thus, language indicting that the information is a public record is not necessary.

According to DOT, this may have a negative impact on procurement impact by eliminating confidentiality of potential bidders and by allowing documents such as letters of interest to be produced as public record during the procurement process.[36]

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

[36] DOT *supra* note 2 at 6.

A bill to be entitled

An act relating to transportation projects; amending s. 206.46, F.S.; revising the amount of state revenues committed by the Department of Transportation for public transportation projects; amending s. 337.168, F.S.; providing that a document that reveals the identity of a potential bidder on a transportation project is a public record; amending s. 339.08, F.S.; authorizing the department to enter into an agreement with the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles to pay for work zone speed enforcement using moneys in the State Transportation Trust Fund; providing an effective date.

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

Section 1. Subsection (3) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(3) Each fiscal year, at least ~~a minimum of~~ 15 percent but not more than 25 percent of all state revenues deposited into the State Transportation Trust Fund, excluding state revenues used for matching federal grants, shall be committed annually by the department for public transportation projects in accordance

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

with chapter 311, ss. 332.003-332.007, chapter 341, and chapter 343.

Section 2. Subsection (2) of section 337.168, Florida Statutes, is amended to read:

337.168 Confidentiality of official estimates~~, identities of potential bidders,~~ and bid analysis and monitoring system.—

(2) A document that reveals the identity of a person who has requested or obtained a bid package, plan, or specifications pertaining to any project to be let by the department is ~~confidential and exempt from the provisions of s. 119.07(1) for the period that begins 2 working days before the deadline for obtaining bid packages, plans, or specifications and ends with the letting of the bid. A document that reveals the identity of a person who has requested or obtained a bid package, plan, or specifications pertaining to any project to be let by the department before the 2 working days before the deadline for obtaining bid packages, plans, or specifications remains~~ a public record subject to s. 119.07(1).

Section 3. Paragraph (n) of subsection (1) of section 339.08, Florida Statutes, is redesignated as paragraph (o), and a new paragraph (n) is added to that subsection to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(1) The department shall expend moneys in the State Transportation Trust Fund accruing to the department, in accordance with its annual budget. The use of such moneys shall

be restricted to the following purposes:

(n) To pay for work zone speed enforcement by entering into an agreement with the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles.

Section 4. This act shall take effect July 1, 2022.

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	_____

Committee/Subcommittee hearing bill: Tourism, Infrastructure & Energy Subcommittee

Representative Andrade offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (3) of section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(3) Unless otherwise specified in the General Appropriations Act, each fiscal year, at least ~~a minimum of~~ 15 percent but not more than 25 percent of all state revenues deposited into the State Transportation Trust Fund, excluding state revenues used for matching federal grants, shall be committed annually by the department for public transportation projects in accordance with chapter 311, ss. 332.003-332.007,

chapter 341, and chapter 343.

Section 2. Section 337.025, Florida Statutes, is amended to read:

337.025 Innovative transportation projects; department to establish program.—

(1) The department may establish a program for transportation projects demonstrating innovative techniques of highway and bridge design, construction, maintenance, and finance which have the intended effect of measuring resiliency and structural integrity and controlling time and cost increases on construction projects. Such techniques may include, but are not limited to, state-of-the-art technology for pavement, safety, and other aspects of highway and bridge design, construction, and maintenance; innovative bidding and financing techniques; progressive design-build contracts; accelerated construction procedures; and those techniques that have the potential to reduce project life cycle costs. To the maximum extent practical, the department must use the existing process to award and administer construction and maintenance contracts. When specific innovative techniques are to be used, the department is not required to adhere to those provisions of law that would prevent, preclude, or in any way prohibit the department from using the innovative technique. However, before using an innovative technique that is inconsistent with another provision of law, the department must document in writing the

need for the exception and identify what benefits the traveling public and the affected community are anticipated to receive. The department may enter into no more than $120 million in contracts awarded annually for the purposes authorized by this section.

(2) The annual cap on contracts provided in subsection (1) does not apply to:

(a) Turnpike enterprise projects.

(b) Progressive design-build contracts for complex, high risk projects with a minimum contract value of $400 million ~~Low-bid design-build milling and resurfacing contracts~~.

Section 3. Subsection (7) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(7)(a) If the department determines that it is in the best interests of the public, the department may combine the design and construction phases of a ~~building, a major bridge, a limited access facility, or a rail corridor~~ project into a single contract. Such contract is referred to as a design-build contract.

(b) If the department determines that it is in the best interest of the public, the department may combine the design

and construction phase of a project into a single contract and select the design-build firm in the early stages of the project to ensure that the design-build firm is part of the collaboration and development of the design as part of a step-by-step progression through construction. Such contract is referred to as a progressive design-build contract. For progressive design-build contracts, the selection and award process shall include a two-phase process. For phase one, the department shall competitively award the contract to a design-build firm based upon qualifications. For phase two, the design-build firm shall competitively bid construction trade and subcontractor packages and based upon these bids, negotiate with the department a fixed firm price or guaranteed maximum price that meets the project budget and scope, as advertised in the request for qualification.

(c) Design-build contracts and progressive design-build contracts may be advertised and awarded notwithstanding the requirements of paragraph (3)(c). However, construction activities may not begin on any portion of such projects for which the department has not yet obtained title to the necessary rights-of-way and easements for the construction of that portion of the project has vested in the state or a local governmental entity and all railroad crossing and utility agreements have been executed. Title to rights-of-way shall be deemed to have vested in the state when the title has been dedicated to the

public or acquired by prescription.

(d) ~~(b)~~ The department shall adopt by rule procedures for administering design-build contracts and progressive design-build contracts. Such procedures shall include, but not be limited to:

1. Prequalification requirements.
2. Public announcement procedures.
3. Scope of service requirements.
4. Letters of interest requirements.
5. Short-listing criteria and procedures.
6. Bid proposal requirements.
7. Technical review committee.
8. Selection and award processes.
9. Stipend requirements.

(e) ~~(c)~~ The department must receive at least three letters of interest in order to proceed with a request for proposals. The department shall request proposals from no fewer than three of the design-build firms submitting letters of interest. If a design-build firm withdraws from consideration after the department requests proposals, the department may continue if at least two proposals are received.

Section 4. Subsections (4) and (7) of section 337.14, Florida Statutes, is amended to read:

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

(4) If the applicant is found to possess the prescribed qualifications, the department shall issue to him or her a certificate of qualification that, unless thereafter revoked by the department for good cause, will be valid for a period of 18 months after the date of the applicant's financial statement or such shorter period as the department prescribes. Submission of an application does ~~and subsequent approval do~~ not affect expiration of the certificate of qualification. An applicant may submit a written request with a timely submitted application to keep an existing certificate of qualification in place until the expiration date. If the request is approved by the department, the current maximum capacity rating of the applicant will remain in place until expiration of the current certificate of qualification~~, the ability factor of the applicant, or the maximum capacity rating of the applicant~~. If the department finds that an application is incomplete or contains inadequate information or information that cannot be verified, the department may request in writing that the applicant provide the necessary information to complete the application or provide the source from which any information in the application may be verified. If the applicant fails to comply with the initial written request within a reasonable period of time as specified therein, the department shall request the information a second time. If the applicant fails to comply with the second request within a reasonable period of time as specified therein, the

application shall be denied.

(7) A "contractor" as defined in s. 337.165(1)(d) or his or her "affiliate" as defined in s. 337.165(1)(a) qualified with the department under this section may not also qualify under s. 287.055 or s. 337.105 to provide testing services, construction, engineering, and inspection services to the department. This limitation does not apply to any design-build, including progressive design-build, prequalification under s. 337.11(7) and does not apply when the department otherwise determines by written order entered at least 30 days before advertisement that the limitation is not in the best interests of the public with respect to a particular contract for testing services, construction, engineering, and inspection services. This subsection does not authorize a contractor to provide testing services, or provide construction, engineering, and inspection services, to the department in connection with a construction contract under which the contractor is performing any work. Notwithstanding any other provision of law to the contrary, for a project that is wholly or partially funded by the department and administered by a local governmental entity, except for a seaport listed in s. 311.09 or an airport as defined in s. 332.004, the entity performing design and construction engineering and inspection services may not be the same entity.

Section 5. Subsection (3) of section 337.168, Florida Statutes, is redesignated as subsection (2) and present

subsection (2) is amended to read:

337.168 Confidentiality of official estimates, ~~identities of potential bidders,~~ and bid analysis and monitoring system.—

~~(2) A document that reveals the identity of a person who has requested or obtained a bid package, plan, or specifications pertaining to any project to be let by the department is confidential and exempt from the provisions of s. 119.07(1) for the period that begins 2 working days before the deadline for obtaining bid packages, plans, or specifications and ends with the letting of the bid. A document that reveals the identity of a person who has requested or obtained a bid package, plan, or specifications pertaining to any project to be let by the department before the 2 working days before the deadline for obtaining bid packages, plans, or specifications remains a public record subject to s. 119.07(1).~~

Section 6. This act shall take effect July 1, 2022.

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

Remove everything before the enacting clause and insert: An act relating to transportation projects; amending s. 206.46, F.S.; revising the amount of state revenues committed by the Department of Transportation for public transportation projects; providing an exception; amending s. 337.025, F.S.; including progressive design-build contracts as an innovative technique

that the department may use; providing an exception to the annual monetary cap on contracts for projects that demonstrate innovative techniques; amending s. 337.11, F.S.; removing limits on the types of projects that the department may combine into a design-build contract; providing terms under which the department may enter into progressive design-build contracts; providing for a selection and award process; providing for advertising of such contracts; requiring rulemaking; amending s. 337.14, F.S.; providing that an applicant may request to keep an existing certificate of qualification under certain circumstances; providing for the maximum capacity rating of the applicant to remain in place; amending s. 337.168, F.S.; removing a public records exemption for documents that reveal the identity of a potential bidder on a transportation project; providing an effective date.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 223 Mobile Home Registration Periods
SPONSOR(S): Maney
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Johnson	Keating
2) Commerce Committee			

SUMMARY ANALYSIS

Under Florida law, a mobile home is taxed as real property if the owner of the mobile home also owns the land on which the mobile home is permanently affixed. Mobile homes not taxed as real property must be registered with the Department of Highway Safety and Motor Vehicles (DHSMV) and pay a license tax. Based on the length of the mobile home, license taxes range from $20 to 80 per year.

The registration period for a mobile home is from January 1 through December 31, and the renewal period begins 31 days prior to expiration. For most motor vehicles owned by natural persons, the registration period is the first day of the owner's birth month through the last day of the month immediately preceding the owner's birth month in the succeeding year.

The bill revises the registration period for mobile homes owned by natural persons to match the registration period for most other motor vehicles. This new registration period will run from the first day of the owner's birth month through the last day of the month immediately preceding the owner's birth month in the succeeding year. For mobile homes not owned by a natural person (i.e., registered to a business), the registration period remains January 1 through December 31, with the renewal period the 31-day period before expiration.

The bill will have an insignificant negative fiscal impact on interest earned by state and local governments due to the change in timing of mobile home registration revenues. DSHMV will also incur programming expenditures associated with the change in registration periods, but these costs can be absorbed using existing resources.

The bill has an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Under Florida law, a mobile home is defined as a structure, transportable in one or more sections, which is eight body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.[1]

A mobile home is taxed as real property if the owner of the mobile home also owns the land on which the mobile home is permanently affixed. A mobile home taxed as real property is issued an "RP" series sticker to affix onto the mobile home.[2] In this situation, a mobile home owner must obtain a Declaration of Real Property from the county property appraiser. Then, the owner must present this declaration to the county tax collector and purchase an RP decal for his or her mobile home.[3]

A mobile home not taxed as real property must have a current license plate, issued by the Department of Highway Safety and Motor Vehicles (DHSMV), and pay the appropriate registration fee.[4]

Section 320.08(11), F.S., requires the following annual license tax to be paid for mobile homes required to have a license plate, based on the length of the mobile home:

Length of Mobile Home	Annual License Tax
Not exceeding 35 feet	$20
Over 35 feet, but not exceeding 40 feet	$25
Over 40 feet, but not exceeding 45 feet	$30
Over 45 feet, but not exceeding 50 feet	$35
Over 50 feet, but not exceeding 55 feet	$40
Over 55 feet, but not exceeding 60 feet	$45
Over 60 feet, but not exceeding 65 feet	$50
Over 65 feet	$80

For mobile homes subject to registration with DHSMV, the registration period begins January 1 and ends December 31, with the renewal period being the 31 days before expiration.[5] Therefore, all mobile homes registered with DHSMV must have their registration renewed in December. It is a violation of law to fail to display a current registration decal. Mobile homes that fail to properly display a current decal are subject to late fees or tangible personal property taxes. Mobile home registration and decal renewals may be conducted online, by mail, or at a county tax collector's office.[6]

According to DHSMV, during Fiscal Year 2020-2021, it processed 312,224 mobile home registration renewal transactions. Of these, 73,979 are registered to businesses. Additionally, approximately 600,000 mobile homes are registered as real property.[7]

For most motor vehicles owned by a natural person, the registration period begins the first day of the owner's birth month and ends the last day of the month immediately preceding the owner's birth month in the succeeding year. If the vehicle is registered in the name of more than one person, the birth month of the person whose name first appears on the registration is used to determine the registration

[1] S. 320.01(2)(a), F.S.
[2] S. 193.075(1), F.S. This provision does not apply to a mobile home that is being held for display by a licensed mobile home dealer or a licensed mobile home manufacturer and that is not rented or occupied.
[3] Department of Highway Safety and Motor Vehicles (DHSMV), Agency Analysis of 2022 House Bill 223, p. 2. (Nov. 29, 2021).
[4] *See* s. 320.08(11), F.S.
[5] S. 322.055(2), F.S.
[6] DHSMV, *supra* note 3.
[7] *Id.* at 3.

period. For vehicles subject to this registration period, the renewal period is the 30-day period ending at midnight on the vehicle owner's date of birth.[8]

Effect of the Bill

The bill changes the registration period of a mobile home owned by a natural person to the first day of the birth month of the owner through the last day of the month immediately preceding the owner's birth month in the succeeding year. If the vehicle is registered in the name of more than one person, the birth month of the person whose name first appears on the registration is used to determine the registration period. For a vehicle subject to this registration period, the renewal period is the 30-day period ending at midnight on the vehicle owner's date of birth. Thus, the bill conforms the registration period for mobile homes owned by natural persons to the registration period for most motor vehicles owned by natural persons.

For mobile homes not owned by a natural person (i.e., registered to a business), the registration period remains January 1 through December 31, with the renewal period the 31-day period before expiration. Registration renewals for these mobile homes will continue to take place in December.

The bill has an effective date of July 1, 2022.

B. SECTION DIRECTORY:

Section 1 Amends s. 320.055, F.S., relating to registration periods; renewal periods.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

On December 3, 2021, the Revenue Estimating Conference determined that the bill will have an insignificant negative fiscal impact on state government revenues. This impact is associated with changes to interest revenues due to changes in the timing of registration renewals.[9]

2. Expenditures:

DSHMV will incur programming costs related to its various computer systems; however, this programming can be done using existing DHSMV resources.[10]

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

On December 3, 2021, the Revenue Estimating Conference determined that will have an insignificant negative fiscal impact on local government revenues. This impact is associated with changes to interest revenues due to changes in the timing of registration renewals.[11]

2. Expenditures:

None.

[8] S. 320.01(1)(a), F.S.
[9] Revenue Estimating Conference (REC), Results of HB 223 (Dec. 3, 2021). http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2022/_pdf/page68-70.pdf (last visited Dec. 13, 2021).
[10] Email from Kevin Jacobs, Legislative Affairs Director, DHSMV, RE: HB 223 Mobile Home Registration-Fiscal (Jan. 10, 2022)
[11] REC, *supra* note 9.

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:

None.

B. RULE-MAKING AUTHORITY:

This bill does not require or authorize rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not provide for prorated registration fees during the transition to a new registration period. Similar legislation passed in 2019 related to the registration of heavy trucks provided for prorated fees.[12] The sponsor may wish to include a similar provision in this bill.

DHSMV is currently in the process of starting Phase II of its Motorist Modernization project, which will rewrite the Florida Real-Time Vehicle Information System (FRVIS). DHSMV expects it to be completed in late 2023. In order to mitigate any duplication of programming, which would extend Phase II, DHSMV recommends that the effective date of the bill be extended to September 1, 2024.[13]

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

[12] Ch. 2019-66, Laws of Fla.
[13] DHSMV, *supra* note 3 at 6.

A bill to be entitled

An act relating to mobile home registration periods; amending s. 320.055, F.S.; revising the registration and registration renewal periods for a mobile home owned by a natural person; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) and subsection (2) of section 320.055, Florida Statutes, are amended to read:

320.055 Registration periods; renewal periods.—The following registration periods and renewal periods are established:

(1)(a) For a motor vehicle subject to registration under s. 320.08(1), (2), (3), (4)(a) or (b), (5)(b), (c), (d), or (f), (6)(a), (7), (8), (9), ~~or~~ (10)<u>, or (11)</u> and owned by a natural person, the registration period begins the first day of the birth month of the owner and ends the last day of the month immediately preceding the owner's birth month in the succeeding year. If such vehicle is registered in the name of more than one person, the birth month of the person whose name first appears on the registration shall be used to determine the registration period. For a vehicle subject to this registration period, the renewal period is the 30-day period ending at midnight on the

CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

vehicle owner's date of birth.

(2) For a vehicle subject to registration under s. 320.08(11) and not owned by a natural person, the registration period begins January 1 and ends December 31. For a vehicle subject to this registration period, the renewal period is the 31-day period before ~~prior to~~ expiration.

Section 2. This act shall take effect July 1, 2022.

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TOURISM, INFRASTRUCTURE & ENERGY SUBCOMMITTEE

HB 223 by Rep. Maney
Mobile Home Registration Periods

AMENDMENT SUMMARY
January 12, 2022

Amendment 1 by Rep. Maney (Line 32):

- Requires the Department of Highway Safety and Motor Vehicles to give customers the option to renew their mobile home registrations on their dates of birth in 2024 or 2025 so that the renewal fees can be prorated.
- Changes the effective date of the bill to September 1, 2023.

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	_____

Committee/Subcommittee hearing bill: Tourism, Infrastructure & Energy Subcommittee

Representative Maney offered the following:

Amendment (with title amendment)

Remove line 32 and insert:

Section 2. Beginning September 1, 2023, in order to implement the amendment made by this act to s. 320.055, Florida Statutes, the Department of Highway Safety and Motor Vehicles shall give customers the option to renew their registrations on their dates of birth in 2024 or 2025. Customers whose dates of birth occur in the months of January through June may choose to renew for 1 to 18 months. Customers whose dates of birth occur in the months of July through December may choose to renew for 7 to 24 months.

Section 3. This act shall take effect September 1, 2023.

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

Remove line 5 and insert:

owned by a natural person; requiring the Department of Highway Safety and Motor Vehicles, beginning on a specified date, to give customers the option to renew their registrations on their dates of birth in certain years; specifying permissible renewal periods for such renewals; providing an effective

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 315 Transportation Facility Designations
SPONSOR(S): Williamson
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Walsh	Keating
2) Infrastructure & Tourism Appropriations Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

Under current law, the Legislature may designate a transportation facility, such as a bridge, interchange, or portion of a road, for honorary or memorial purposes or to distinguish a particular facility. Legislative designations do not change the official names of the facilities. The Department of Transportation (DOT) erects markers for each designation, but may not do so until the appropriate city or county commission passes a resolution in support of the designation.

The bill designates "Reverend Murray Hamilton, Sr., Highway" in Santa Rosa County. Under the bill, DOT must erect suitable markers for the road designation.

The bill will have an insignificant negative fiscal impact to the State Transportation Trust Fund associated with erecting suitable markers for the designation. The cost can be absorbed within DOT's existing resources.

The bill provides an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Transportation Facility Designations
Under current law, the Legislature may designate a transportation facility, such as a bridge, interchange, or portion of a road, for honorary or memorial purposes or to distinguish a particular facility. Legislative designations do not change the official names of the designated facilities, and do not require local governments or private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings to account for the designations.[1]

Current law sets standards for the naming of state buildings and other facilities. The law provides that except as specifically provided by law, state buildings, roads, bridges, parks, recreational complexes, and other similar facilities may not be named for a living person.[2]

Road Markers
The Department of Transportation (DOT) must place a marker at each terminus or intersection of a designated road, bridge, or other transportation facility and erect other markers it deems appropriate for the facility.[3] Road markers may not be erected until the appropriate city or county commission passes a resolution in support of a particular designation. Additionally, if a designated facility extends through multiple cities or counties, a resolution must be passed by each affected local government before the road markers can be erected by DOT.[4]

Reverend Murray Hamilton, Sr.
Reverend Murray Hamilton, Sr., served in the United States Navy and worked for Monsanto/Solutia for 37 years. His life's work revolved around building the community, and he was influential in developing many programs and organizations in Milton, Florida. Reverend Hamilton passed away on January 25, 2021.[5]

Effect of the Bill

Under the bill, that portion of U.S. 90 between Canal Street and Stewart Street in Santa Rosa County is designated as "Reverend Murray Hamilton, Sr., Highway." The bill directs DOT to erect suitable markers.

B. SECTION DIRECTORY:

Section 1: Designates "Reverend Murray Hamilton, Sr., Highway."

Section 2: Provides an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

[1] S. 334.071(1), F.S.
[2] S. 267.062(1), F.S.
[3] S. 334.071(2), F.S.
[4] S. 334.071(3), F.S.
[5] Email from Sydney Fowler, Legislative Aide, Office of Representative Jayer Williamson, HB 315, (Oct. 27, 2021).

2. Expenditures:

DOT estimates a cost of $1,040 for the appropriate markers, which provides for two signs per designation at $520 per sign.[6] Therefore, the bill has an estimated negative fiscal impact of $1,040 to the State Transportation Trust Fund. This cost can be absorbed within existing DOT resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not require or authorize rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

[6] Email from Amanda Marsh, Legislative Analyst, Florida Department of Transportation, FDOT Memorial Roadway Designation Sign Estimate, (Sep. 15, 2021).

A bill to be entitled

An act relating to transportation facility designations; providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Reverend Murray Hamilton, Sr., Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of U.S. 90 between Canal Street and Stewart Street in Santa Rosa County is designated as "Reverend Murray Hamilton, Sr., Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Reverend Murray Hamilton, Sr., Highway as described in subsection (1).

Section 2. This act shall take effect July 1, 2022.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 331 Transportation Facility Designations
SPONSOR(S): Williamson
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Walsh	Keating
2) Infrastructure & Tourism Appropriations Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

Under current law, the Legislature may designate a transportation facility, such as a bridge, interchange, or portion of a road, for honorary or memorial purposes or to distinguish a particular facility. Legislative designations do not change the official names of the facilities. The Department of Transportation (DOT) erects markers for each designation, but may not do so until the appropriate city or county commission passes a resolution in support of the designation.

The bill designates “Ira Mae Wells-Bruce Memorial Highway” in Santa Rosa County and directs DOT to erect suitable markers.

The bill will have an insignificant negative fiscal impact to the State Transportation Trust Fund associated with erecting suitable markers for the designation. The cost can be absorbed within DOT’s existing resources.

The bill provides an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Transportation Facility Designations
Under current law, the Legislature may designate a transportation facility, such as a bridge, interchange, or portion of a road, for honorary or memorial purposes or to distinguish a particular facility. Legislative designations do not change the official names of the designated facilities, and do not require local governments or private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings to account for the designations.[1]

Current law sets standards for the naming of state buildings and other facilities. The law provides that except as specifically provided by law, state buildings, roads, bridges, parks, recreational complexes, and other similar facilities may not be named for a living person.[2]

Road Markers
The Department of Transportation (DOT) must place a marker at each terminus or intersection of a designated road, bridge, or other transportation facility and erect other markers it deems appropriate for the facility.[3] Road markers may not be erected until the appropriate city or county commission passes a resolution in support of a particular designation. Additionally, if a designated facility extends through multiple cities or counties, a resolution must be passed by each affected local government before the road markers can be erected by DOT.[4]

Ira Mae Wells-Bruce
Ira Mae Wells-Bruce was Santa Rosa County's first female commissioner and presided over numerous business and civic organizations. Additionally, Ms. Bruce was co-broker/owner of Century 21 Island View Realty.[5] Ms. Bruce passed away on December 1, 2020.[6]

Effect of the Bill

Under the bill, that portion of S.R. 87 between E. Bay Boulevard and U.S. 98 in Santa Rosa County is designated as "Ira Mae Wells-Bruce Memorial Highway." The bill requires DOT to erect suitable markers.

B. SECTION DIRECTORY:

Section 1: Designates "Ira Mae Wells-Bruce Memorial Highway."

Section 2: Provides an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

[1] S. 334.071(1), F.S.
[2] S. 267.062(1), F.S.
[3] S. 334.071(2), F.S.
[4] S. 334.071(3), F.S.
[5] South Santa Rosa News (@SouthSRNews), Facebook (Dec. 1, 2020, 3:22 PM), https://www.facebook.com/1619922901599897/posts/santa-rosa-countys-first-female-county-commissioner-has-passed-away-it-is-with-i/2817435305181978/ (last visited Jan. 6, 2022).
[6] *Celebration of life to be held for Ira Mae Bruce*, Navarre Press (May 1, 2021), https://navarrepress.com/celebration-of-life-to-be-held-for-ira-mae-bruce/ (last visited Jan. 6, 2022).

1. Revenues:

   None.

2. Expenditures:

   DOT estimates a cost of $1,040 for the appropriate markers, which provides for two signs per designation at $520 per sign.[7] Therefore, the bill has an estimated negative fiscal impact of $1,040 to the State Transportation Trust Fund. This cost can be absorbed within existing DOT resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill does not require or authorize rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

[7] Email from Amanda Marsh, Legislative Analyst, Florida Department of Transportation, FDOT Memorial Roadway Designation Sign Estimate, (Sep. 15, 2021).

A bill to be entitled

An act relating to transportation facility designations; providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Ira Mae Wells-Bruce Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of S.R. 87 between E. Bay Boulevard and U.S. 98 in Santa Rosa County is designated as "Ira Mae Wells-Bruce Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Ira Mae Wells-Bruce Memorial Highway as described in subsection (1).

Section 2. This act shall take effect July 1, 2022.

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

HB 481

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 481 Temporary Underground Power Panels
SPONSOR(S): Duggan
TIED BILLS: **IDEN./SIM. BILLS:** SB 1332

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Walsh	Keating
2) Local Administration & Veterans Affairs Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

When a residential home is under construction on undeveloped property, the homebuilder may arrange for temporary electric service to provide power to the property through the construction process. If the residence is ultimately going to receive power through an underground service line when the resident takes occupancy, a reduced cost alternative to a temporary power pole on a construction site is temporary underground (TUG) service.

A TUG connection is available for underground residential services where the permanent approved meter socket, meter, and downpipe are configured such that they can be used for temporary service. After the homeowner takes occupancy of the house, the TUG connection installed during construction is then used to provide electric service to the residence.

Before installing TUG service on a construction site, a builder must get approval from the county or municipality, often through the county or municipality's building department.

The National Electrical Code (NEC) is published by the National Fire Protection Association, and serves to safeguard persons and property from hazards arising from the use of electricity.

The bill provides that neither counties nor municipalities may enact any ordinance, regulation, or policy that prevents, or has the effect of preventing, an electric utility from installing a temporary underground power panel, so long as the temporary underground power panel meets the requirements of Article 590 of the National Electrical Code, 2021 edition.

Under the bill, a county or municipality may not require a permanent inspection after it has conducted a temporary inspection of the temporary underground power panel.

The bill would be effective July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Temporary Underground Power

When a residential home is under construction on undeveloped property, the homebuilder may arrange for temporary electric service, to provide power to the property through the construction process. Builders may opt for temporary power poles, which allow them to get enough energy for the necessary equipment on the job site.[1] If the residence is ultimately going to receive power through an underground service line when the resident takes occupancy, a reduced cost alternative to a temporary power pole is temporary underground (TUG) service.[2]

The TUG alternative is available for underground residential services where the permanent approved meter socket, meter, and downpipe are configured such that they can be used for temporary service.[3] In local jurisdictions that allow TUG service, after construction reaches a certain point and a temporary inspection takes place, the electric utility installs the permanent service to the meter socket.[4] The installed permanent service is then used for construction until the Certificate of Occupancy is obtained.[5] After the homeowner takes occupancy of the house, the permanent connection installed for TUG service during construction is then used to provide electric service to the residence.

Before installing TUG service on a construction site, a builder must get approval from the county or municipality, often through the county or municipality's building department.[6] Many, but not all, Florida counties and municipalities offer TUG agreements. An internet search reflects that some of the counties and municipalities that have a TUG program include: Orange County, Osceola County, Palm Beach County, Pasco County, Pinellas County, Volusia County, Altamonte Springs, Fort Myers, Melbourne, Orlando, and Tarpon Springs.

National Electrical Code

The National Electrical Code (NEC) is published by the National Fire Protection Association and is updated every couple of years.[7] All 50 states have adopted the NEC, as it serves to safeguard persons and property from hazards arising from the use of electricity. [8] The most recent version of the NEC was published in 2020.[9] Article 590 of the NEC covers temporary electrical power and lighting installations.[10]

Effect of the Bill

The bill provides that neither counties nor municipalities may enact any ordinance, regulation, or policy that prevents, or has the effect of preventing, an electric utility from installing a temporary underground power panel, so long as the temporary underground power panel meets the requirements of Article 590

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[1] *Step-by-Step Guide: Temporary Construction Site Power,* PowerPlus, https://www.powerplus.com/industrial-power-blog/construction-site-temporary-power/ (last visited Jan. 8, 2022).
[2] *See, e.g.,* Florida Power and Light, *Electric Service Standards* (April 2021), at 10.
[3] *See, e.g., Id.*
[4] *See, e.g.,* Orlando Utilities Commission, *How to Obtain Temporary Underground Service*, https://www.ouc.com/docs/customer-brochures/broc_tug.pdf?sfvrsn=9769e278_6 (last visited Jan. 8, 2022); and *Electric Service Standards* at 10.
[5] *See, e.g., Id.*
[6] *See, e.g., Id.*
[7] National Fire Protection Association, *NFPA 70*, https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=70 (last visited Jan. 10, 2022).
[8] *Id.*; National Fire Protection Association, *National Electrical Code,* 29 (2020), available at https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=70 (last visited Jan. 10, 2021).
[9] National Fire Protection Association, *NFPA 70*.
[10] National Fire Protection Association, *National Electrical Code* at 504.

of the National Electrical Code, 2021 edition. The bill refers to temporary underground power panels as possibly having a meter, meter socket, and downpipe.

Under the bill, a county or municipality may not require a permanent inspection after it has conducted a temporary inspection of the temporary underground power panel.

B. SECTION DIRECTORY:

Section 1: Creates s. 125.488, F.S., relating to ordinances, regulations, and policies concerning temporary underground power panels.

Section 2: Creates s. 166.0484, F.S., relating to ordinances, regulations, and policies concerning temporary underground power panels.

Section 3: Provides that the bill shall take effect July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. See Fiscal Comments.

2. Expenditures:

Indeterminate. See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Homebuilders may have fewer expenditures on fees associated with TUG inspections.

D. FISCAL COMMENTS:

Local government codes relating to TUG service, including fees and inspection requirements, vary across the state. Thus, the bill's impact may vary by jurisdiction.

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 require or authorize rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill uses the term “temporary underground power panel” but does not define it. While this term may have a generally accepted meaning in the construction and utility industry, the inclusion of a definition in the bill would ensure clarity for implementation purposes.

The bill references Article 590 of the National Electrical Code, 2021 edition. According to the National Fire Protection Association website, the 2020 edition is the latest edition of the NEC.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

A bill to be entitled

An act relating to temporary underground power panels; creating ss. 125.488 and 166.0484, F.S.; prohibiting counties and municipalities from enacting ordinances, regulations, or policies that prevent certain electric utilities from installing temporary underground power panels and from requiring permanent inspections of such panels under specified conditions; specifying requirements; prohibiting municipalities and counties from requiring permanent inspections under specified conditions; providing an effective date.

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

Section 1. Section 125.488, Florida Statutes, is created to read:

125.488 Ordinances, regulations, and policies concerning temporary underground power panels.—A county may not enact any ordinance, regulation, or policy that prevents or has the effect of preventing an electric utility, as defined in s. 366.02(2), from installing a temporary underground power panel that may include a meter socket, meter, and downpipe if the temporary underground power panel meets the requirements of Article 590 of the National Electrical Code, 2021 edition, during the construction and installation of the temporary underground power

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

panel. The county may not require that a permanent inspection be conducted after it has conducted a temporary inspection of the temporary underground power panel.

Section 2. Section 166.0484, Florida Statutes, is created to read:

166.0484 Ordinances, regulations, and policies concerning temporary underground power panels.—A municipality may not enact any ordinance, regulation, or policy that prevents or has the effect of preventing an electric utility, as defined in s. 366.02(2), from installing a temporary underground power panel that may include a meter socket, meter, and downpipe if the temporary underground power panel meets the requirements of Article 590 of the National Electrical Code, 2021 edition, during the construction and installation of the temporary underground power panel. The municipality may not require that a permanent inspection be conducted after it has conducted a temporary inspection of the temporary underground power panel.

Section 3. This act shall take effect July 1, 2022.

TOURISM, INFRASTRUCTURE & ENERGY SUBCOMMITTEE

HB 481 by Rep. Duggan
Temporary Underground Power Panels

AMENDMENT SUMMARY
January 12, 2022

Amendment 1 by Rep. Duggan (Strike All):

- Defines the term “temporary underground power panel.”
- Corrects a reference to the National Electrical Code to incorporate the most recent edition.
- Clarifies that a county or municipality may not require a subsequent inspection of a temporary underground power panel as a condition of issuance of the certificate of occupancy.

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	_____

Committee/Subcommittee hearing bill: Tourism, Infrastructure & Energy Subcommittee

Representative Duggan offered the following:

Amendment

Remove everything after the enacting clause and insert:

Section 1. Section 125.488, Florida Statutes, is created to read:

125.488 Ordinances, regulations, and policies concerning temporary underground power panels.—

(1) A county may not enact any ordinance, regulation, or policy that prevents or has the effect of preventing an electric utility, as defined in s. 366.02(2), from installing a temporary underground power panel if the temporary underground power panel meets the requirements of Article 590 of the National Electrical Code, 2020 edition, during the construction and installation of

the temporary underground power panel. After the county has conducted an inspection of the temporary underground power panel, the county may not require a subsequent inspection of the temporary underground power panel as a condition of issuance of the Certificate of Occupancy.

(2) As used in this section, the term "temporary underground power panel" means a permanent meter base that includes a meter socket, meter, and downpipe, to which power is provided through an underground service line by an electric utility pursuant to its tariffs or service standards, that is permanently attached to a block residential structure, provides temporary power for construction of the residential structure, and is intended for use in providing permanent service to the residential structure upon issuance of the Certificate of Occupancy.

Section 2. Section 166.0484, Florida Statutes, is created to read:

166.0484 Ordinances, regulations, and policies concerning temporary underground power panels.—

(1) A municipality may not enact any ordinance, regulation, or policy that prevents or has the effect of preventing an electric utility, as defined in s. 366.02(2), from installing a temporary underground power panel if the temporary underground power panel meets the requirements of Article 590 of the National Electrical Code, 2020 edition, during the

construction and installation of the temporary underground power panel. After the municipality has conducted an inspection of the temporary underground power panel, the municipality may not require a subsequent inspection of the temporary underground power panel as a condition of issuance of the Certificate of Occupancy.

(2) As used in this section, the term "temporary underground power panel" means a permanent meter base that includes a meter socket, meter, and downpipe, to which power is provided through an underground service line by an electric utility pursuant to its tariffs or service standards, that is permanently attached to a block residential structure, provides temporary power for construction of the residential structure, and is intended for use in providing permanent service to the residential structure upon issuance of the Certificate of Occupancy.

Section 3. This act shall take effect July 1, 2022.

HB 661

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 661 Transportation Facility Designations
SPONSOR(S): Valdés
TIED BILLS: **IDEN./SIM. BILLS:** SB 650

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Walsh	Keating
2) Infrastructure & Tourism Appropriations Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

Under current law, the Legislature may designate a transportation facility, such as a bridge, interchange, or portion of a road, for honorary or memorial purposes or to distinguish a particular facility. Legislative designations do not change the official names of the facilities. The Department of Transportation (DOT) erects markers for each designation, but may not do so until the appropriate city or county commission passes a resolution in support of the designation.

The bill honors Virginia Creighton by designating "Virginia Creighton Bridge" in Hillsborough County.

The bill will have an insignificant negative fiscal impact to the State Transportation Trust Fund associated with erecting suitable markers for the designation. The cost can be absorbed within DOT's existing resources.

The bill provides an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Transportation Facility Designations
Under current law, the Legislature may designate a transportation facility, such as a bridge, interchange, or portion of a road, for honorary or memorial purposes or to distinguish a particular facility. Legislative designations do not change the official names of the designated facilities, and do not require local governments or private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings to account for the designations.[1]

Current law sets standards for the naming of state buildings and other facilities. The law provides that except as specifically provided by law, state buildings, roads, bridges, parks, recreational complexes, and other similar facilities may not be named for a living person.[2]

Road Markers
The Department of Transportation (DOT) must place a marker at each terminus or intersection of a designated road, bridge, or other transportation facility and erect other markers it deems appropriate for the facility.[3] Road markers may not be erected until the appropriate city or county commission passes a resolution in support of a particular designation. Additionally, if a designated facility extends through multiple cities or counties, a resolution must be passed by each affected local government before the road markers can be erected by DOT.[4]

Virginia Creighton
Virginia (Ginger) Creighton worked in the field of wetland science and was key to developing the Courtney Campbell Causeway – Old Tampa Bay Water Quality Improvement Project that provided environmental credit for other DOT projects in the Tampa Bay Area.[5] Ms. Creighton passed away on May 29, 2020.[6]

Effect of the Bill

Under the bill, bridge number 100850 on S.R. 60/Courtney Campbell Causeway over Old Tampa Bay in Hillsborough County is designated as "Virginia Creighton Bridge." The bill requires DOT to erect suitable markers.

B. SECTION DIRECTORY:

Section 1: Designates "Virginia Creighton Bridge."

Section 2: Provides an effective date of July 1, 2022.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

[1] S. 334.071(1), F.S.
[2] S. 267.062(1), F.S.
[3] S. 334.071(2), F.S.
[4] S. 334.071(3), F.S.
[5] Virginia (Ginger) Creighton Death Notice from the Florida Department of Transportation.
[6] *Virginia A. "Ginger" Creighton*, Legacy.com, https://www.legacy.com/us/obituaries/staugustine/name/virginia-creighton-obituary?id=8236801 (last visited Jan. 5, 2022).

None.

2. Expenditures:

DOT estimates a cost of $1,040 for the appropriate markers, which provides for two signs per designation at $520 per sign.[7] Therefore, the bill has an estimated negative fiscal impact of $1,040 to the State Transportation Trust Fund. This cost can be absorbed within existing DOT resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not require or authorize rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

[7] Email from Amanda Marsh, Legislative Analyst, Florida Department of Transportation, FDOT Memorial Roadway Designation Sign Estimate, (Sep. 15, 2021).

A bill to be entitled

An act relating to transportation facility designations; providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Virginia Creighton Bridge designated; Department of Transportation to erect suitable markers.—

(1) Bridge number 100850 on S.R. 60/Courtney Campbell Causeway over Old Tampa Bay in Hillsborough County is designated as "Virginia Creighton Bridge."

(2) The Department of Transportation is directed to erect suitable markers designating Virginia Creighton Bridge as described in subsection (1).

Section 2. This act shall take effect July 1, 2022.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 789 Lifeline Services
SPONSOR(S): Payne
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Johnson	Keating
2) Commerce Committee			

SUMMARY ANALYSIS

Since 1985, the Lifeline program (Lifeline) has provided telecommunications service discounts for qualifying low-income consumers. The Federal Communications Commission (FCC) has designated the Universal Service Administrative Company (USAC), an independent not-for-profit corporation, as the program's administrator. Consumers can qualify for Lifeline either through program-based or income-based eligibility standards.

In Florida, the Public Service Commission (PSC) oversees Lifeline. Under Florida law, an eligible telecommunications carrier (ETC) must provide Lifeline to qualified residential subscribers. Florida law provides for automatic enrollment in Lifeline for individuals already enrolled in a qualifying program.

The bill updates Florida's Lifeline statute to be consistent with federal Lifeline regulations. In summary, the bill:

- Clarifies that an ETC must notify a Lifeline subscriber of impending termination of Lifeline service if it has reason to believe that the subscriber no longer qualifies for Lifeline.
- Provides that a Lifeline subscriber upon request, must provide proof of continued eligibility for lifeline to the ETC, the FCC, or the FCC's designee.
- Removes obsolete references to state agencies no longer involved in Lifeline.
- Clarifies that the only government entities involved in Lifeline are the PSC, the Department of Children and Families, and the FCC.
- Removes state standards for the provision of Lifeline that are inconsistent with the FCC's ETC eligibility requirements.
- Authorizes certain information exempt from public records laws to be released to the FCC or its designee as required to administer Lifeline.

The bill does not have a fiscal impact on state or local governments.

The bill has an effective date of July 1, 2022.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Lifeline Program

Since 1985, the Lifeline program (Lifeline) has provided telecommunications service discounts for qualifying low-income consumers. Lifeline's initial goal was to ensure that all Americans had the opportunity and security that basic phone service provides. Over time, that goal has evolved to include broadband Internet service. Qualifying households can receive up to a $9.25 discount on their monthly phone or broadband Internet bills from wireline service providers that have been designated as eligible telecommunications carriers (ETCs). Alternatively, consumers may choose to receive monthly wireless minutes and/or measured data service from designated wireless providers.[1]

The Federal Communications Commission (FCC) establishes rules governing Lifeline. The FCC has designated the Universal Service Administrative Company (USAC), an independent not-for-profit corporation, as Lifeline's administrator. USAC is responsible for data collection and maintenance, support calculation, and disbursement for Lifeline.[2]

Consumers may qualify to participate in Lifeline either through program-based or income-based eligibility standards. Program-based eligibility is determined by a customer's enrollment in specific qualifying programs. Customers can qualify for Lifeline by being enrolled in any of the following programs:

- Supplemental Nutrition Assistance Program (SNAP)
- Medicaid
- Federal Public Housing Assistance
- Supplemental Security Income
- Veterans or Survivors Pension Program
- Bureau of Indian Affairs Programs, including Tribal Temporary Assistance to Needy Families, Head Start Subsidy, and National School Lunch Program.[3]

Consumers whose total household income is less than 135 percent of the Federal Poverty Guidelines may participate in Lifeline under the income-based standard. The Federal Poverty Guidelines are annually updated by the United States Department of Health and Human Services.[4]

Florida Lifeline Law

In Florida, the Public Service Commission (PSC) oversees Lifeline. Under Florida law, an ETC[5] must provide Lifeline service to qualified residential subscribers, as defined in the ETC's published schedules.[6]

Each local exchange telecommunications company with more than one million access lines and which is designated as an ETC must, and any wireless service provider designated as an ETC[7] may, upon

[1] Public Service Commission (PSC), *2021 Florida Lifeline Assistance Report,* December 2021, p. 3. http://floridapsc.com/Files/PDF/Publications/Reports/Telecommunication/LifelineReport/2021.pdf (last visited Dec. 16, 2021)
[2] *Id.*
[3] *Id.*
[4] *Id.* at 4.
[5] Section 364.10(1)(a), F.S., defines the term "eligible telecommunications carrier" to mean a telecommunications company, as defined by s. 364.02, F.S., which is designated as an eligible telecommunications carrier by the PSC pursuant to 47 C.F.R. s. 54.201.
[6] S. 364.10(1)(a), F.S.
[7] Since 2016, no wireline carriers in Florida have had more than a million access lines. Wireless ETCs are given more flexibility in that they "may" provide Lifeline services at the 150 percent threshold. However, it is unlikely that any wireless ETC is currently qualifying customers using this expanded criterion because those customers would not qualify for reimbursement from USAC under the 135 percent guideline.

filing a notice of election to do so with the PSC, provide Lifeline to any otherwise eligible customer or potential customer whose household income is 150 percent or less of the federal poverty guidelines for Lifeline. The Office of Public Counsel (OPC)[8] certifies and maintains claims submitted by customers for Lifeline eligibility under the income test.[9] Customers may also be eligible for Lifeline under the eligibility standards established by federal law based on participation in certain low-income assistance programs.[10]

Additionally, each intrastate interexchange telecommunications company[11] must file or publish a schedule providing at a minimum the intrastate interexchange telecommunications company's current Lifeline benefits and exemptions to Lifeline customers who meet the income eligibility test.[12]

Each state agency which provides benefits to persons eligible for Lifeline service, in cooperation with the Department of Children and Families (DCF), the Department of Education (DOE), the PSC, the OPC, and ETCs must develop procedures to promote Lifeline participation. The departments, the PSC, and OPC may exchange sufficient information with the appropriate ETCs, such as a person's name, date of birth, service address, and telephone number, so that the ETCs can identify and enroll an eligible person in Lifeline. This information is confidential and exempt from public disclosure but may be released to the applicable ETC for purposes of determining eligibility and enrollment in the Lifeline programs.[13]

If any state agency determines that a person is eligible for Lifeline services, the agency must immediately forward the information to the PSC to ensure that the person is automatically enrolled in the program with the appropriate ETC. The state agency must include an option for an eligible customer to choose not to subscribe to the Lifeline service. The PSC and DCF must adopt rules creating procedures to automatically enroll eligible customers in Lifeline service.[14]

Current law requires the PSC, DCF, OPC, and each ETC offering Lifeline to convene a workgroup to discuss how the eligible subscriber information will be shared, the obligations of each party with respect to the use of that information, and the procedures to be implemented to increase enrollment and verify eligibility.[15]

Under Florida law, an ETC must notify a Lifeline subscriber of impending termination of Lifeline service if the ETC reasonably believes that the subscriber no longer qualifies for Lifeline service. This notification must be sent in a letter that is separate from the subscriber's bill. The ETC must allow a subscriber 60 days following the date of the pending termination letter to demonstrate continued eligibility, and the subscriber must present proof of continued eligibility. The ETC may transfer a subscriber off of Lifeline service if the subscriber fails to demonstrate continued eligibility.[16]

Lifeline Modernization

In April 2016, the FCC released its Lifeline Modernization Order (2016 Order) to modernize Lifeline by including broadband as a supported service, designating minimum service standards for Lifeline, and establishing the National Verifier.[17]

Prior to the FCC's 2016 Order, a state that mandated Lifeline support could establish its own qualification criteria. Therefore, a state could have income eligibility standards different from the FCC's

[8] The Office of Public Counsel provides representation for the people of the state in proceedings in front of the PSC. (S. 350.0611, F.S.).
[9] S. 364.10(2)(a), F.S.
[10] S. 364.10(2)(a), F.S.
[11] Section 364.02 (7) defines the term "intrastate interexchange telecommunications company" to mean any entity that provides intrastate interexchange telecommunications services.
[12] S. 364.10(2)(a), F.S.
[13] S. 364.10(2)(g)1., F.S.
[14] S. 364.10(2)(g)2., F.S.
[15] S. 364.10(2)(g)3., F.S.
[16] S. 364.10(1)(e), F.S.
[17] PSC *supra* note 1 at 15.

or include additional state qualifying programs. The FCC's 2016 Order eliminated this provision to simplify the administration of the Lifeline program and establish eligibility criteria that do not vary from state to state.[18]

Further, the 2016 directed the USAC to develop a national Lifeline eligibility verifier as a way to fight waste, fraud, and abuse. The National Verifier's purpose is to determine initial subscriber eligibility, conduct annual recertification, populate a national database consisting of Lifeline customers, and provide support payments to providers serving these customers.[19]

The National Verifier's efficiency is contingent upon the establishment of automated verification interface processes connected to qualifying program databases. To assist in Florida's transition to the National Verifier, in 2019, the PSC coordinated an informal meeting between DCF and USAC. The meeting established the groundwork for an automated verification process that would allow USAC to interface with DCF's qualifying program database. The DCF database would provide USAC with confirmation that a customer is a participant in a qualifying program without revealing the program itself or any other customer information. Once a customer is verified as a qualifying program participant through this process, they are enrolled in the Lifeline program with no need for any further documentation. As of January 2021, USAC's connection to the DCF database has been established.[20]

Effect of the Bill

The bill conforms Florida's Lifeline laws to be consistent with federal Lifeline regulations.

The bill clarifies that an ETC must notify a Lifeline subscriber of impending termination of Lifeline service if it has reason to believe that the subscriber no longer qualifies for Lifeline service. The bill requires the subscriber to provide proof of continued eligibility for Lifeline service upon request to the ETC, the FCC, or the FCC's designee.

The bill also removes references to OPC and DOE because neither entity remains involved in Lifeline. The bill clarifies that the only entities involved in Lifeline are the PSC, DCF, and the FCC. The bill also eliminates state eligibility standards that conflict with the FCC's eligibility standards.

The bill also removes an obsolete Lifeline working group consisting of the PSC, DCF, OPC, and ETCs to discuss procedures regarding the implementation the Lifeline program.

The bill amends the Lifeline public records exemption, authorizing certain information to be released to the FCC or its designee as required to administer the program.

The bill has an effective date of July 1, 2022.

B. SECTION DIRECTORY:

Section 1 Amends s. 364.10, F.S., relating to Lifeline Service.

Section 2 Amends s. 364.107, F.S., relating to a public records exemption for Lifeline Assistance Plan participants.

Section 3 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

[18] *Id.*
[19] *Id.* at 17.
[20] *Id.*

1. Revenues:

   None.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable. This bill does not appear to impact county or municipal governments.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

The bill repeals a requirement that the PSC and DCF adopt rules creating procedures to automatically enroll eligible customers in Lifeline service.

The PSC may need to revise its existing Lifeline rules to conform to provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

A bill to be entitled

An act relating to Lifeline services; amending s. 364.10, F.S.; removing a provision requiring eligible telecommunications carriers to provide a specified number of days to allow a subscriber to demonstrate continued eligibility after a termination letter is sent; requiring subscribers to present proof of continued eligibility upon request of specified entities; removing provisions that specify circumstances under which a telecommunications carrier must credit a consumer's bill with the Lifeline Assistance credit; removing provisions specifying conditions under which certain telecommunications carriers and commercial mobile radio service providers may or must provide Lifeline services to specified customers; removing the Department of Education and the Office of Public Counsel from being entities with whom state agencies must cooperate in developing procedures to promote Lifeline participation; providing that certain information is exempt as well as confidential; revising procedures that state agencies must use in determining a person's eligibility for a Lifeline qualifying program; amending s. 364.107, F.S.; authorizing certain confidential and exempt information to be released to

the Federal Communications Commission or designee; providing an effective date.

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

Section 1. Paragraphs (e) and (f) of subsection (1) and subsection (2) of section 364.10, Florida Statutes, are amended to read:

364.10 Lifeline service.—

(1)

(e)1. An eligible telecommunications carrier must notify a Lifeline subscriber of impending termination of Lifeline service if the company has a reasonable basis for believing that the subscriber no longer qualifies for the service. Notification of pending termination must be in the form of a letter that is separate from the subscriber's bill.

2. ~~An eligible telecommunications carrier shall allow a subscriber 60 days following the date of the pending termination letter to demonstrate continued eligibility.~~ The subscriber must present proof of continued eligibility upon request of the eligible telecommunications carrier or the Federal Communications Commission or its designee. An eligible telecommunications carrier may transfer a subscriber off of Lifeline service, pursuant to its tariff, if the subscriber fails to demonstrate continued eligibility.

3. The commission shall establish procedures for such notification and termination.

(f) An eligible telecommunications carrier shall timely credit a consumer's bill with the Lifeline Assistance credit as soon as practicable, but no later than 60 days following receipt of notice of eligibility ~~from the Office of Public Counsel or proof of eligibility from the consumer~~.

(2)~~(a) Each local exchange telecommunications company that has more than 1 million access lines and that is designated as an eligible telecommunications carrier shall, and any commercial mobile radio service provider designated as an eligible telecommunications carrier pursuant to 47 U.S.C. s. 214(e) may, upon filing a notice of election to do so with the commission, provide Lifeline service to any otherwise eligible customer or potential customer who meets an income eligibility test at 150 percent or less of the federal poverty income guidelines for Lifeline customers. Such a test for eligibility must augment, rather than replace, the eligibility standards established by federal law and based on participation in certain low-income assistance programs. Each intrastate interexchange telecommunications company shall file or publish a schedule providing at a minimum the intrastate interexchange telecommunications company's current Lifeline benefits and exemptions to Lifeline customers who meet the income eligibility test set forth in this subsection. The Office of Public Counsel~~

~~shall certify and maintain claims submitted by a customer for eligibility under the income test authorized by this subsection.~~

(a) ~~(b)~~ Each eligible telecommunications carrier subject to this subsection shall provide to each state and federal agency providing benefits to persons eligible for Lifeline service applications, brochures, pamphlets, or other materials that inform the persons of their eligibility for Lifeline, and each state agency providing the benefits shall furnish the materials to affected persons at the time they apply for benefits.

(b) ~~(c)~~ An eligible telecommunications carrier may not discontinue basic local telecommunications service to a subscriber who receives Lifeline service because of nonpayment by the subscriber of charges for nonbasic services billed by the telecommunications company, including long-distance service. A subscriber who receives Lifeline service shall pay all applicable basic local telecommunications service fees, including the subscriber line charge, E-911, telephone relay system charges, and applicable state and federal taxes.

(c) ~~(d)~~ An eligible telecommunications carrier may not refuse to connect, reconnect, or provide Lifeline service because of unpaid toll charges or nonbasic charges other than basic local telecommunications service.

(d) ~~(e)~~ An eligible telecommunications carrier may require that payment arrangements be made for outstanding debt associated with basic local telecommunications service,

subscriber line charges, E-911, telephone relay system charges, and applicable state and federal taxes.

(e) ~~(f)~~ An eligible telecommunications carrier may block a Lifeline service subscriber's access to all long-distance service, except for toll-free numbers, and may block the ability to accept collect calls if ~~when~~ the subscriber owes an outstanding amount for long-distance service or amounts resulting from collect calls. However, the eligible telecommunications carrier may not impose a charge for blocking long-distance service. The eligible telecommunications carrier shall remove the block at the request of the subscriber without additional cost to the subscriber upon payment of the outstanding amount. An eligible telecommunications carrier may charge a service deposit before removing the block.

(f) ~~(g)~~1. Each state agency that provides benefits to persons eligible for Lifeline service shall undertake, in cooperation with the Department of Children and Families, ~~the Department of Education,~~ the commission, ~~the Office of Public Counsel,~~ and ~~telecommunications companies designated~~ eligible telecommunications carriers providing Lifeline services, the development of procedures to promote Lifeline participation. The department and ~~departments,~~ the commission~~, and the Office of Public Counsel~~ may exchange sufficient information with the appropriate eligible telecommunications carriers or the Federal Communications Commission or its designee ~~and any commercial~~

~~mobile radio service provider electing to provide Lifeline service under paragraph (a)~~, such as a person's name, date of birth, service address, and telephone number, so that eligible customers can be enrolled ~~the carriers can identify and enroll an eligible person~~ in the Lifeline and Link-Up programs. The information remains confidential and exempt pursuant to s. 364.107 and may only be used for purposes of determining eligibility and enrollment in the Lifeline and Link-Up programs.

2. If any state agency determines that a person is eligible for a Lifeline qualifying program ~~Lifeline services~~, the agency must coordinate with the Federal Communications Commission or its designee to verify eligibility for the Lifeline program ~~shall immediately forward the information to the commission to ensure that the person is automatically enrolled in the program with the appropriate eligible telecommunications carrier. The state agency shall include an option for an eligible customer to choose not to subscribe to the Lifeline service. The Public Service Commission and the Department of Children and Families shall adopt rules creating procedures to automatically enroll eligible customers in Lifeline service~~.

~~3. The commission, the Department of Children and Families, the Office of Public Counsel, and each eligible telecommunications carrier offering Lifeline and Link-Up services shall convene a Lifeline Workgroup to discuss how the~~

~~eligible subscriber information in subparagraph 1. will be shared, the obligations of each party with respect to the use of that information, and the procedures to be implemented to increase enrollment and verify eligibility in these programs.~~

(g) ~~(h)~~ The commission shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31 each year on the number of customers who are subscribing to Lifeline service and the effectiveness of any procedures to promote participation.

(h) ~~(i)~~ The commission may undertake appropriate measures to inform low-income consumers of the availability of the Lifeline and Link-Up programs.

(i) ~~(j)~~ The commission shall adopt rules to administer this section.

Section 2. Subsection (2) of section 364.107, Florida Statutes, is amended to read:

364.107 Public records exemption; Lifeline Assistance Plan participants.—

(2) Information made confidential and exempt under subsection (1) may be released to the applicable telecommunications carrier or the Federal Communications Commission or its designee for purposes directly connected with eligibility for, verification related to, or auditing of a Lifeline Assistance Plan.

Section 3. This act shall take effect July 1, 2022.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 891 Specialty License Plate Presales
SPONSOR(S): Yarborough
TIED BILLS: **IDEN./SIM. BILLS:** SB 364

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Johnson	Keating
2) Commerce Committee			

SUMMARY ANALYSIS

Currently, 123 specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay the additional annual use fee for such plate. The collected fees are distributed by the Department of Highway Safety and Motor Vehicles (DHSMV) to statutorily designated organizations in support of a particular cause or charity. Prior to manufacturer of a new specialty license plate, DHSMV must receive at least 3,000 presale vouchers within 24 months. The presale requirement increases to 4,000 for an out-of-state college or university specialty license plate. There are currently 36 specialty license plates in presale, including three out-of-state college or university plates.

The bill decreases the required number of presale vouchers for an out-of-state college or university specialty license plate from 4,000 to 3,000.

The bill also extends the 24-month presale period for each specialty license plate by an additional 24 months if, as of the effective date of the bill, the plate is in its presale period but has not recorded at least 3,000 voucher sales.

The bill does not appear to have a fiscal impact on state or local governments.

The bill is effective upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

The first Florida specialty license plates were created by law in 1986 and included the creation of the Challenger plate and ten Florida collegiate plates. Today, there are 159 legislatively authorized specialty license plates, with 123 available for sale and an additional 36 in presale.[1] Specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay the additional use fee for the privilege, typically $25 annually.[2] Current law provides that if the Legislature[3] has approved 150 or more specialty license plates, the Department of Highway Safety and Motor Vehicles (DHMSV) may not issue any new specialty license plates until a sufficient number of plates are discontinued[4] so that the number of plates being issued does not exceed 150.[5]

Establishment of Specialty License Plates

Within 120 days after an act approving a specialty license plate becomes law, DHSMV must establish a method to issue a voucher allowing for the presale of the plate. A $5 processing fee,[6] a service charge and branch fee,[7] and an annual use fee for the specialty license plate are charged for the voucher. All other applicable fees are charged at the time the license plate is issued.[8]

Within 24 months after establishing a presale specialty license plate voucher, a minimum of 3,000 voucher sales of the plate must be recorded with DHSMV before the license plate may be manufactured. However, the minimum sales threshold for out-of-state college or university license plates is 4,000 voucher sales. If the minimum sales requirement is not met at the conclusion of the 24-month presale period, the specialty license plate is deauthorized, and DHSMV discontinues the plate's development and the issuance of presale vouchers. Upon deauthorization of the license plate or if the plate has met the presale requirement but has not been issued, a purchaser of the license plate voucher may use the annual use fee paid as a credit towards any other specialty license plate or may apply for a refund.[9]

As of September 26, 2021, three out-of-state college or university specialty license plates are available for presale. The presale period for these plates began on October 16, 2020, and ends on October 15, 2022.[10]

License Plate Name	Presale Transactions	Number Need to Meet 4,000 Plate Presale Requirement
University of Alabama	1,169	2,831
Auburn University	1,066	2,934
University of Georgia	377	3,623

Effect of the Bill

[1] Department of Highway Safety and Motor Vehicles (DHSMV), Agency Analysis of 2022 Senate Bill 364, p.2. (Oct. 15, 2021)
[2] Section 320.08056(3)(d), F.S., provides that, except if specifically provided in s. 320.08056(4), F.S., the annual use fee for a specialty license plate is $25.
[3] Creation of a specialty license plate requires an act of the Legislature.
[4] Specialty license plates may be discontinued pursuant to s. 320.08056(8), F.S.
[5] S. 320.08053(3)(b), F.S.
[6] The processing fee is prescribed in s. 320.08056, F.S.
[7] Service charges and branch fees are prescribed in s. 320.04, F.S.
[8] S. 320.08053(2)(a), F.S.
[9] S. 320.08053(2)(b), F.S.
[10] DHSMV *supra* note 1 at 3.

The bill decreases the number of presale vouchers required prior to manufacture of an out-of-state college or university specialty license plate from 4,000 to 3,000. This will reduce the presale requirement for the three specialty license plates listed above.

The bill also directs DHSMV to extend the 24-month presale period for each specialty license plate by an additional 24 months if, as of the effective date of the bill, the plate is in its presale period but has not recorded at least 3,000 voucher sales. This will extend the presale period for 36 specialty license plates.[11]

The bill directs the Division of Law Revision to replace the phrase "the effective date of this act" with the date the act becomes a law.

The bill is effective upon becoming a law.

B. SECTION DIRECTORY:

Section 1 Amends s. 320.08053, F.S., relating to the establishment of specialty license plates.

Section 2 Provides a directive to the Division of Law Revision.

Section 3 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The extension of time for the presale of certain specialty license plates may allow more specialty license plates to meet the presale threshold, thus improving the opportunity for the recipient organization to receive revenues associated with plate sales.

D. FISCAL COMMENTS:

None.

[11] The specialty license plates in presale include: Ducks Unlimited, Auburn University, Beat Childhood Cancer, Florida 4-H, Florida State Beekeepers Association, Rotary, Highwaymen, Dan Marino Campus, Orlando City Soccer Club, Daughters of the American Revolution, Gadsden Flag, America the Beautiful, Explore Off Road Florida, American Eagle, Guardian Ad Litem, Jumbo Shrimp, Thank a Lineman, Best Buddies, University of Georgia, Florida Bay Forever, Bonefish and Tarpon Trust, Florida Stands with Israel, Give Kids the World, Marne Corps League, K9s United, Florida Native, University of Alabama, Divine Nine, Honor Flight, Biscayne Bay, Protect Marine Wildlife, 30A.Com/Scenic Walton, and Support Healthcare Heroes.

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:

This bill does not require or authorize rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

As drafted, the bill applies to specialty license plates created in 2020 and 2021. The additional 24-month presale period does not appear to apply to any specialty license plates that may be created in 2022.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

A bill to be entitled

An act relating to specialty license plate presales; amending s. 320.08053, F.S.; revising the presale voucher sales requirement for out-of-state college or university license plates; requiring the Department of Highway Safety and Motor Vehicles to extend the presale period by a specified period for certain approved specialty license plate organizations; providing a directive to the Division of Law Revision; providing an effective date.

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

Section 1. Paragraph (b) of subsection (2) of section 320.08053, Florida Statutes, is amended to read:

320.08053 Establishment of specialty license plates.—

(2)

(b) Within 24 months after the presale specialty license plate voucher is established, the approved specialty license plate organization must record with the department a minimum of 3,000 voucher sales~~, or in the case of an out-of-state college or university license plate, 4,000 voucher sales,~~ before manufacture of the license plate may commence. The department shall extend this presale period by an additional 24 months for an approved specialty license plate organization that, as of the

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

effective date of this act, is in the presale period but has not recorded at least 3,000 voucher sales. If, at the conclusion of the ~~24-month~~ presale period, the minimum sales requirement has not been met, the specialty plate is deauthorized and the department shall discontinue development of the plate and discontinue issuance of the presale vouchers. Upon deauthorization of the license plate or if the plate has met the presale requirement but has not been issued, a purchaser of the license plate voucher may use the annual use fee collected as a credit towards any other specialty license plate or apply for a refund on a form prescribed by the department.

Section 2. The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.

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

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