

Tourism, Infrastructure & Energy Subcommittee

Tuesday, January 18, 2022
2:00 pm – 4:00 pm
Reed Hall (102 HOB)

Meeting Packet

Chris Sprowls
Speaker

Brad Drake
Chair

The Florida House of Representatives

Commerce Committee

Tourism, Infrastructure & Energy Subcommittee

Chris Sprowls
Speaker

Brad Drake
Chair

Meeting Agenda

Tuesday, January 18, 2022
2:00 PM – 4:00 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 145 Recreational Off-Highway Vehicle Weight Limits by Hage

HB 369 Motor Vehicle Registration Certificate Cards by McCurdy

HB 371 Fees/Motor Vehicle Registration Certificate Cards by McCurdy

HB 489 Tourism Marketing by Chaney

HB 701 Boating and Vessel Safety by McFarland

V. Closing Remarks

VI. Adjournment

303 House Office Building, 402 South Monroe Street, Tallahassee, FL 32399-1300
(850) 717-4870

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 145 Recreational Off-Highway Vehicle Weight Limits
SPONSOR(S): Hage
TIED BILLS: **IDEN./SIM. BILLS:** SB 474

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

SUMMARY ANALYSIS

In 2002, the T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act was passed, developing an off-highway vehicle recreational system of areas and trails on public lands within the state. Current law provides that the public land managing agency must avoid or minimize adverse impacts to the environment by repairing and maintaining areas and trails, preventing erosion, and rehabilitating lands from the use of off-highway vehicles. The public land managing agency may regulate or prohibit the use of off-highway vehicles on public lands to prevent destruction.

The Florida Department of Highway Safety and Motor Vehicles and its agents (tax collector offices) are responsible for issuing, handling, and recording off-highway vehicle titling applications and certificates, including the receipt and accounting of related fees.

Current law defines an off-highway vehicle as any all-terrain vehicle (ATV), two-rider ATV, recreational off-highway vehicle, or off-highway motorcycle that is used off the roads or highways of this state and that is not registered and licensed for highway use under ch. 320. The definition of recreational off-highway vehicle (ROV) found in Florida law distinguishes these vehicles by width, weight, and number of non-highway tires.

Some ROV manufacturers are adding hydrogen and electric models to their lineup. The weight of these new models has the potential to be greater than the traditional combustion engine models.

The bill increases the dry weight allowed for recreational off-highway vehicles from 2,500 pounds to 3,500 pounds.

The bill may have a positive indeterminate impact on state revenues. The bill does not appear to impact state or local government expenditures or local government revenues.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In 2002, the Legislature found that off-highway vehicles were becoming increasingly popular in Florida and that the use of these vehicles should be controlled and managed to minimize negative effects on the environment, wildlife habitats, native wildlife, and native flora and fauna.[1] The T. Mark Schmidt Off-Highway Vehicle Safety and Recreation Act[2] was passed, developing an off-highway vehicle recreational system of areas and trails on public lands[3] within the state.

Current law provides that the public land managing agency must avoid or minimize adverse impacts to the environment by repairing and maintaining areas and trails, preventing erosion, and rehabilitating lands from the use of off-highway vehicles. The public land managing agency may regulate or prohibit the use of off-highway vehicles on public lands to prevent destruction.[4]

Florida law requires all off-highway vehicles purchased after July 1, 2002, and all off-highway vehicles operated on public lands to be titled and be issued a certificate of title to allow for easy determination of ownership.[5] The Florida Department of Highway Safety and Motor Vehicles (DHSMV) and its agents (tax collector offices) are responsible for issuing, handling, and recording off-highway vehicle titling applications and certificates, including the receipt and accounting of related fees.[6] Two dollars in administrative costs per title transaction is deposited in the Highway Safety Operating Trust Fund, and the rest of the funds for these title transactions are deposited in the Incidental Trust Fund of the Florida Forest Service of the Department of Agriculture and Consumer Services.[7]

Current law defines an off-highway vehicle as any all-terrain vehicle (ATV), two-rider ATV, recreational off-highway vehicle, or off-highway motorcycle that is used off the roads or highways of this state and that is not registered and licensed for highway use under ch. 320.[8] The definition of recreational off-highway vehicle (ROV) found in Florida law distinguishes these vehicles by width, weight, and number of non-highway tires.[9] Under current law, an ROV must:

- Be 80 inches or less in width;
- Have a dry weight of 2,500 pounds or less;
- Be designed to travel on four or more non-highway tires; and
- Be manufactured for recreational use by one or more persons.[10, 11]

Any person who commits one of the following violations commits a noncriminal infraction, is subject to a fine of not less than $100, and may have their privilege to operate an ROV on public lands revoked:[12]

- Carrying more passengers on an off-highway vehicle than the machine is specifically designed by the manufacturer to carry;

---

[1] S. 261.02(1), F.S.
[2] S. 261.01, F.S.
[3] The term "public lands" means lands within the state that are available for public use and that are owned, operated, or managed by a federal, state, county, or municipal governmental entity. S. 261.03(7), F.S.
[4] S. 261.08, F.S.
[5] S. 317.0006, F.S.; *See* Fla. CS/HB 1681 (2002), p. 75, available at https://www.flsenate.gov/Session/Bill/2002/1681/BillText/er/HTML (last visited Jan. 14, 2022).
[6] Florida Department of Highway Safety and Motor Vehicles, Agency Analysis of 2022 House Bill 145, p. 2 (Nov. 30, 2021); S. 317.1114(1), F.S.
[7] Agency Analysis of 2022 House Bill 145 at 2.
[8] S. 261.03(5), F.S.
[9] S. 261.03(8), F.S.
[10] *Id.*
[11] The term "ROV" does not include a golf cart or a low-speed vehicle as defined by current law. See S. 261.03(8), F.S.
[12] S. 261.20(6), F.S

- Operating an ROV while under the influence of alcohol, a controlled substance, or any prescription or over-the-counter drug that impairs vision or motor condition;
- A person, who has not attained 16 years of age, operating an ROV without wearing eye protection, over-the-ankle boots, and a safety helmet that is approved by the United States Department of Transportation or Snell Memorial Foundation; and
- Operating an ROV in a careless or reckless manner that endangers or causes injury or damage to another person or property.[13]

Some ROV manufacturers are adding hydrogen and electric models to their lineup. The weight of these new models has the potential to be greater than the traditional combustion engine models. For example, Polaris produces the electric powered Ranger EV (dry weight of 1,762 pounds)[14] and Ranger XP Kinetic (dry weight of 1,980 pounds)[15] models; Nikola produces the NTZ model (dry weight of 2,300 to 4,400 pounds depending on motor and battery capacity);[16] and Lexus has revealed a new ROV hydrogen concept model.[17]

Effect of Proposed Changes

The bill increases the dry weight allowed for recreational off-highway vehicles from 2,500 pounds to 3,500 pounds.

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

B. SECTION DIRECTORY:

Section 1: Revises the definition of "ROV" in Section 261.03, F.S.

Section 2: Revises the definition of "ROV" in Section 317.0003, F.S.

Section 3: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The bill may have a positive indeterminate impact to the Highway Safety Operating Trust, since the bill allows ROVs with a higher dry weight to be titled.[18]

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

---

[13] S. 261.20(5), F.S.
[14] Polaris, *Ranger EV*, https://ranger.polaris.com/en-us/ranger-ev/ (last visited Jan. 14, 2022).
[15] Polaris, *Ranger XP Kinetic*, https://ranger.polaris.com/en-us/ranger-xp-kinetic-ultimate-polaris-pursuit-camo/specs/ (last visited Jan. 14, 2022).
[16] Nikola Motor, *NZT*, https://nikolamotor.com/nzt (last visited Jan. 14, 2022); Lucas Cooney, *590-Horsepower Electric Nikola NZT Specs*, ATV.com, https://www.atv.com/manufacturer/nikola/590-horsepower-electric-nikola-nzt-specs (last visited Jan. 14, 2022).
[17] *Lexus Unveils Hydrogen-Engined ROV Concept*, Green Car Congress, https://www.greencarcongress.com/2021/12/20211204-lexusrov.html (last visited Jan. 14, 2022).
[18] Agency Analysis of 2022 House Bill 145 at 4.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There could be a positive impact on private sector revenues, since the bill allows ROVs with a higher dry weight to be titled, and as permitted by the public land management agency, to operate on public lands.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

Not applicable.

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.

A bill to be entitled

An act relating to recreational off-highway vehicle weight limits; amending ss. 261.03 and 317.0003, F.S.; revising the weight limit of a vehicle defined as an "ROV"; providing an effective date.

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

Section 1. Subsection (8) of section 261.03, Florida Statutes, is amended to read:

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

(8) "ROV" means any motorized recreational off-highway vehicle 80 inches or less in width which has a dry weight of 3,500 ~~2,500~~ pounds or less, is designed to travel on four or more nonhighway tires, and is manufactured for recreational use by one or more persons. The term does not include a golf cart as defined in ss. 316.003 and 320.01 or a low-speed vehicle as defined in s. 320.01.

Section 2. Subsection (9) of section 317.0003, Florida Statutes, is amended to read:

317.0003 Definitions.—As used in this chapter, the term:

(9) "ROV" means any motorized recreational off-highway vehicle 80 inches or less in width which has a dry weight of 3,500 ~~2,500~~ pounds or less, is designed to travel on four or more nonhighway tires, and is manufactured for recreational use

by one or more persons. The term does not include a golf cart as defined in ss. 316.003 and 320.01 or a low-speed vehicle as defined in s. 320.01.

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

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

HB 369

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 369 Motor Vehicle Registration Certificate Cards
SPONSOR(S): McCurdy
TIED BILLS: HB 371 **IDEN./SIM. BILLS:** CS/SB 574

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

Except as otherwise provided by law, every owner or person in charge of a motor vehicle that is operated or driven on Florida's roads must register the vehicle. A state-issued registration certificate provides proof that the vehicle is registered.

The bill requires the application form for motor vehicle registration, renewal, and transfer of a registration to include language permitting an applicant to request an optional registration certificate card in addition to the required registration certificate. The bill also amends various statutory provisions to allow registration certificate card to be used in lieu of a motor vehicle registration certificate.

The bill has a negative fiscal impact to the Department of Highway Safety and Motor Vehicles. HB 371 (2022), which is linked to this bill, authorizes the imposition of fees for registration certificate cards, which may offset all or some of the costs to DHSMV.

This bill takes effect on July 1, 2022, but only if HB 371 (2022) or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Under Florida law, a vehicle must have a valid registration to operate on Florida's roads. A complete motor vehicle registration consists of the following and is evidence of having paid the appropriate registration taxes and fees on a motor vehicle:

- A license plate attached to the vehicle in the designated area;[1]
- A registration certificate in the possession of the operator of the motor vehicle or carried in the vehicle at all times;[2] and
- A registration decal, which is a sticker that is provided on the registration certificate. The validation decal should be affixed in the square provided in the upper right-hand corner of the license plate.[3]

Upon the receipt of an initial application for registration and payment of the appropriate license tax[4] and other required fees, DHSMV must assign to the motor vehicle a registration license number and issue the owner or lessee a registration certificate.[5]

The motor vehicle registration certificate or other proof of registration must, at all times while the vehicle is being operated, be in the possession of the motor vehicle operator or be carried in the vehicle. The certificate must be exhibited upon demand of any authorized law enforcement officer or any agent of DHSMV. This provision does not apply during the first 30 days after purchase of a replacement vehicle. A violation is a noncriminal traffic infraction, punishable as a nonmoving violation.[6]

Effect of the Bill

The bill requires the application for a motor vehicle registration and renewal of registration to include language permitting an applicant to request a registration certificate card, and authorizes a registration certificate card to be used in lieu of the required certificate of registration. This card may be issued as proof of motor vehicle registration. The bill also makes it unlawful to alter a registration certificate card, with a violation being a noncriminal traffic infraction. The bill amends various statutes to allow a registration certificate card to be used in lieu of a motor vehicle registration certificate by:

- Authorizing use of for a registration certificate card during reduced registration periods for persons with a suspended driver license for driving under the influence.
- Authorizing use of a replacement registration card when exchanging the registration for a replacement vehicle or transferring the vehicle to a surviving spouse.
- Authorizing notations on a registration certificate card indicating that the registration holder has a license plate for persons with disabilities.
- Authorizing use of a registration certificate card for former military vehicles and the temporarily employed.
- Authorizing a person to obtain a valid registration certificate card in order to avoid a penalty for failure to have a valid registration.
- Adding a registration certificate card to the list of documents a person must submit to an inspector, supervisor, or authorized agent of DHSMV upon request.

The bill also adds failure to exhibit a registration certificate card to the list of nonmoving violations where one may still have "safe driver" marked on his or her driver license.

---

[1] S. 316.605, F.S.
[2] S. 320.0605, F.S.
[3] S. 320.06(1)(b), F.S.
[4] License taxes are provided for in s. 320.08, F.S., and are based on the weight and type of motor vehicle.
[5] S. 320.06(1), F.S.
[6] S. 320.0605(1)(a), F.S.

The bill has an effective date of July 1, 2022, but only if HB 371 (2022) if similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

HB 371 (2022)

HB 371 (2022), to which this bill is linked, authorizes the collection of a mail service charge for delivery of a registration certificate card, provides that a registration certificate card application is subject to a service charge of $2.50, and provides that no additional tax, other than the $4.50 transfer fee, applies to the transfer or exchange of a new license plate and for the issuance, at the request of the owner, of a new registration certificate card.

B. SECTION DIRECTORY:

Section 1 Amends s. 320.02, F.S., relating to registration required; application for registration; forms.

Section 2 Amends s. 320.055, F.S., relating to registration periods; renewal periods.

Section 3 Amends s. 320.06, F.S., relating to registration certificates, registration certificate cards, license plates, and validation stickers generally.

Section 4 Amends s. 320.0605, F.S., relating to certificate of registration; possession required; exception.

Section 5 Amends s. 320.0609, F.S., relating to the transfer and exchange of registration license plates; transfer fee.

Section 6 Amends s. 320.061, F.S., relating to unlawful to alter motor vehicle registration certificates, registration certificate cards, license plates, temporary license plates, mobile home stickers, or validation stickers or to obscure license plates; penalty.

Section 7 Amends s. 320.07, F.S., relating to expiration of registration, renewal required; penalties.

Section 8 Amends s. 320.0843, F.S., relating to license plates for persons with disabilities eligible for permanent disabled parking permits.

Section 9 Amends s. 320.086, F.S., relating to ancient or antique motor vehicles; horseless carriage, antique or historical license plates; former military vehicles.

Section 10 Amends s. 320.1325, F.S., relating to registration required for the temporarily employed.

Section 11 Amends s. 320.58, F.S., relating to license inspectors; powers, appointment.

Section 12 Amends s. 320.27, F.S., relating to motor vehicle dealers.

Section 13 Amends s. 322.121, F.S., relating to the periodic reexamination of all drivers.

Section 14 Provides a contingent effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

   DHSMV will incur costs to revise its procedures, update its website, make programming changes, and update the Florida Highway Patrol's (FHP's) enforcement policies and training.[7]

   Assuming one-fourth of all registrants opt for a registration certificate card, DSHMV estimates that the cost of materials to implement the bill is $632,812.[8]

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 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 define the term "registration certificate card."

DHSMV asserts may need additional time beyond the July 1, 2022, effective date to implement this bill due to required programming and the distribution of equipment and materials necessary to print the new registration certificate card.[9]

[7] Department of Highway Safety and Motor Vehicles, Agency Analysis of House Bill 369, p.6. (Dec. 8, 2021)
[8] *Id*.
[9] *Id.* at 9.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

A bill to be entitled

An act relating to motor vehicle registration certificate cards; amending s. 320.02, F.S.; requiring the application form for motor vehicle registration and renewal of registration to include language permitting applicants to request registration certificate cards; amending s. 320.055, F.S.; requiring the Department of Highway Safety and Motor Vehicles to issue registration certificate cards to specified motor vehicle owners under certain circumstances; amending s. 320.06, F.S.; requiring the department to issue a registration certificate card to the owner or lessee of a motor vehicle if requested by such owner or lessee; amending s. 320.0605, F.S.; expanding the list of documents required to be in the possession of the operator of a motor vehicle or carried in the vehicle for certain purposes to include registration certificate cards; providing penalties; amending s. 320.0609, F.S.; requiring that registration certificate cards be issued to the owner of a registered vehicle; authorizing registration certificate cards to be transferred by the owner or surrendered under certain circumstances; providing that no additional tax is required to issue a new registration certificate card; authorizing the

surviving spouse of a deceased registered owner of a motor vehicle to request a registration certificate card; amending s. 320.061, F.S.; prohibiting a person from altering the original appearance of a registration certificate card; providing penalties; amending s. 320.07, F.S.; providing that a person who has been assessed certain penalties is not subject to a delinquent fee if the person obtains a valid registration certificate card within a specified timeframe; amending s. 320.0843, F.S.; requiring that eligible applicants for permanent disabled parking permits be noted on registration certificate cards under certain circumstances; amending s. 320.086, F.S.; requiring a registration certificate card to be carried within former military vehicles under certain circumstances; amending s. 320.1325, F.S.; requiring the department to provide a registration certificate card upon request to a person who owns or leases a motor vehicle and who is temporarily employed in this state; amending s. 320.58, F.S.; providing criminal penalties; amending s. 320.27, F.S.; conforming a cross-reference; amending s. 322.121, F.S.; conforming a provision to changes made by the act; providing a contingent effective date.

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

Section 1. Subsections (15) through (20) of section 320.02, Florida Statutes, are renumbered as subsections (16) through (21), respectively, and a new subsection (15) is added to that section to read:

320.02 Registration required; application for registration; forms.—

(15) The application form for motor vehicle registration and renewal of registration must include language permitting an applicant to request a registration certificate card.

Section 2. Paragraph (c) of subsection (1) of section 320.055, Florida Statutes, is amended to read:

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

(1)

(c) Notwithstanding the requirements of paragraph (a), the owner of a motor vehicle subject to paragraph (a) who has had his or her driver license suspended pursuant to a violation of s. 316.193 or pursuant to s. 322.26(2) for driving under the influence must obtain a 6-month registration as a condition of reinstating the license, subject to renewal during the 3-year period that financial responsibility requirements apply. The registration period begins the first day of the birth month of

the owner and ends the last day of the fifth month immediately following the owner's birth month. For such vehicles, the department shall issue a vehicle registration certificate and, upon the request of the owner, a registration certificate card that are ~~that is~~ valid for 6 months and shall issue a validation sticker that displays an expiration date of 6 months after the date of issuance. The license tax required by s. 320.08 and all other applicable license taxes shall be one-half of the amount otherwise required, except the service charge required by s. 320.04 shall be paid in full for each 6-month registration. A vehicle required to be registered under this paragraph is not eligible for the extended registration period under paragraph (b).

Section 3. Paragraph (a) of subsection (1) of section 320.06, Florida Statutes, is amended to read:

320.06 Registration certificates, registration certificate cards, license plates, and validation stickers generally.—

(1)(a) Upon the receipt of an initial application for registration and payment of the appropriate license tax and other fees required by law, the department shall assign to the motor vehicle a registration license number consisting of letters and numerals or numerals and issue to the owner or lessee a certificate of registration, a registration certificate card if requested by the owner or lessee, and one registration license plate, unless two plates are required for display by s.

320.0706, for each vehicle so registered.

Section 4. Paragraph (a) of subsection (1) of section 320.0605, Florida Statutes, is amended to read:

320.0605 Certificate of registration; possession required; exception.—

(1)(a) The registration certificate or an official copy thereof, a registration certificate card, a true copy or an electronic copy of rental or lease documentation issued for a motor vehicle or issued for a replacement vehicle in the same registration period, a temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet, or a cab card issued for a vehicle registered under the International Registration Plan shall, at all times while the vehicle is being used or operated on the roads of this state, be in the possession of the operator thereof or be carried in the vehicle for which issued and shall be exhibited upon demand of any authorized law enforcement officer or any agent of the department, except for a vehicle registered under s. 320.0657. This section does not apply during the first 30 days after purchase of a replacement vehicle. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 5. Paragraph (a) of subsection (1), subsection (4), and subsection (7) of section 320.0609, Florida Statutes, are amended to read:

320.0609 Transfer and exchange of registration license plates; transfer fee.—

(1)(a) The registration license plate, ~~and~~ certificate of registration, and registration certificate card shall be issued to, and remain in the name of, the owner of the vehicle registered and may be transferred by the owner from the vehicle for which the registration license plate was issued to any vehicle which the owner may acquire within the same classification; or, subject to the procedures set forth in subsection (2), such plate may be surrendered to the department in exchange for a license plate of the appropriate classification, if the replacement vehicle is of a different classification.

(4) If the replacement vehicle and the original vehicle to be replaced meet the criteria in paragraph (2)(b), there shall be no additional tax required in order to transfer the registration license plate to the replacement vehicle for the duration of a current registration period and to issue a new registration certificate or registration certificate card.

(7) A surviving spouse of a registered owner of any motor vehicle may, upon presenting the death certificate, request a registration certificate, a registration certificate card, and transfer of the registration license plate. If the surviving spouse does not present the death certificate, the department or its agent may verify the necessary information through the

electronic file of death records maintained by the Department of Health.

Section 6. Section 320.061, Florida Statutes, is amended to read:

320.061 Unlawful to alter motor vehicle registration certificates, registration certificate cards, license plates, temporary license plates, mobile home stickers, or validation stickers or to obscure license plates; penalty.—A person may not alter the original appearance of a vehicle registration certificate, registration certificate card, license plate, temporary license plate, mobile home sticker, or validation sticker issued for and assigned to a motor vehicle or mobile home, whether by mutilation, alteration, defacement, or change of color or in any other manner. A person may not apply or attach a substance, reflective matter, illuminated device, spray, coating, covering, or other material onto or around any license plate which interferes with the legibility, angular visibility, or detectability of any feature or detail on the license plate or interferes with the ability to record any feature or detail on the license plate. A person who violates this section commits a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 7. Paragraph (b) of subsection (4) of section 320.07, Florida Statutes, is amended to read:

320.07 Expiration of registration; renewal required;

penalties.—

(4)

(b) A person who has been assessed a penalty pursuant to s. 316.545(2)(b) for failure to have a valid vehicle registration certificate is not subject to the delinquent fee authorized by this subsection if such person obtains a valid registration certificate or registration certificate card within 10 working days after such penalty was assessed. The official receipt authorized by s. 316.545(6) constitutes proof of payment of the penalty authorized in s. 316.545(2)(b).

Section 8. Subsection (1) of section 320.0843, Florida Statutes, is amended to read:

320.0843 License plates for persons with disabilities eligible for permanent disabled parking permits.—

(1) Any owner or lessee of a motor vehicle who resides in this state and qualifies for a disabled parking permit under s. 320.0848(2), upon application to the department and payment of the license tax for a motor vehicle registered under s. 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b), (6)(a), or (9)(c) or (d), shall be issued a license plate as provided by s. 320.06 which, in lieu of the serial number prescribed by s. 320.06, shall be stamped with the international wheelchair user symbol after the serial number of the license plate. The license plate entitles the person to all privileges afforded by a parking permit issued under s. 320.0848. When more than one

registrant is listed on the registration issued under this section, the eligible applicant shall be noted on the registration certificate and registration certificate card.

Section 9. Subsection (5) of section 320.086, Florida Statutes, is amended to read:

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

(5) A former military vehicle that is used only in exhibitions, parades, or public display is exempt from the requirement to display a license plate or registration insignia if the exemption is necessary to maintain the vehicle's accurate military markings. However, the license plate and registration certificate or registration certificate card issued under this section must be carried within the vehicle and available for inspection by any law enforcement officer.

Section 10. Section 320.1325, Florida Statutes, is amended to read:

320.1325 Registration required for the temporarily employed.—Motor vehicles owned or leased by persons who are temporarily employed within the state but are not residents are required to be registered. Upon payment of the fees prescribed in this section and proof of insurance coverage as required by the applicant's resident state, the department shall provide a temporary registration plate, ~~and~~ a registration certificate,

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

and, upon request, a registration certificate card valid for 90 days to an applicant who is temporarily employed in this state. The temporary registration plate may be renewed one time for an additional 90-day period. At the end of the 180-day period of temporary registration, the applicant shall apply for a permanent registration if there is a further need to remain in this state. A temporary license registration plate may not be issued for any commercial motor vehicle as defined in s. 320.01. The fee for the 90-day temporary registration plate shall be $40 plus the applicable service charge required by s. 320.04. Subsequent permanent registration and titling of a vehicle registered hereunder shall subject the applicant to providing proof of Florida insurance coverage as specified in s. 320.02 and payment of the fees required by s. 320.072, in addition to all other taxes and fees required.

Section 11. Subsection (2) of section 320.58, Florida Statutes, is amended to read:

320.58 License inspectors; powers, appointment.—

(2) Any person who fails or refuses to surrender his or her driver license, registration certificate, registration certificate card, and license plate upon lawful demand of an inspector, supervisor, or authorized agent of the department commits ~~is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 12. Paragraph (b) of subsection (9) of section

320.27, Florida Statutes, is amended to read:

320.27 Motor vehicle dealers.—

(9) DENIAL, SUSPENSION, OR REVOCATION.—

(b) The department may deny, suspend, or revoke any license issued hereunder or under the provisions of s. 320.77 or s. 320.771 upon proof that a licensee has committed, with sufficient frequency so as to establish a pattern of wrongdoing on the part of a licensee, violations of one or more of the following activities:

1. Representation that a demonstrator is a new motor vehicle, or the attempt to sell or the sale of a demonstrator as a new motor vehicle without written notice to the purchaser that the vehicle is a demonstrator. For the purposes of this section, a "demonstrator," a "new motor vehicle," and a "used motor vehicle" shall be defined as under s. 320.60.

2. Unjustifiable refusal to comply with a licensee's responsibility under the terms of the new motor vehicle warranty issued by its respective manufacturer, distributor, or importer. However, if such refusal is at the direction of the manufacturer, distributor, or importer, such refusal shall not be a ground under this section.

3. Misrepresentation or false, deceptive, or misleading statements with regard to the sale or financing of motor vehicles which any motor vehicle dealer has, or causes to have, advertised, printed, displayed, published, distributed,

broadcast, televised, or made in any manner with regard to the sale or financing of motor vehicles.

4. Failure by any motor vehicle dealer to provide a customer or purchaser with an odometer disclosure statement and a copy of any bona fide written, executed sales contract or agreement of purchase connected with the purchase of the motor vehicle purchased by the customer or purchaser.

5. Failure of any motor vehicle dealer to comply with the terms of any bona fide written, executed agreement, pursuant to the sale of a motor vehicle.

6. Failure to apply for transfer of a title as prescribed in s. 319.23(6).

7. Use of the dealer license identification number by any person other than the licensed dealer or his or her designee.

8. Failure to continually meet the requirements of the licensure law.

9. Representation to a customer or any advertisement to the public representing or suggesting that a motor vehicle is a new motor vehicle if such vehicle lawfully cannot be titled in the name of the customer or other member of the public by the seller using a manufacturer's statement of origin as permitted in s. 319.23(1).

10. Requirement by any motor vehicle dealer that a customer or purchaser accept equipment on his or her motor vehicle which was not ordered by the customer or purchaser.

11. Requirement by any motor vehicle dealer that any customer or purchaser finance a motor vehicle with a specific financial institution or company.

12. Requirement by any motor vehicle dealer that the purchaser of a motor vehicle contract with the dealer for physical damage insurance.

13. Perpetration of a fraud upon any person as a result of dealing in motor vehicles, including, without limitation, the misrepresentation to any person by the licensee of the licensee's relationship to any manufacturer, importer, or distributor.

14. Violation of any of the provisions of s. 319.35 by any motor vehicle dealer.

15. Sale by a motor vehicle dealer of a vehicle offered in trade by a customer prior to consummation of the sale, exchange, or transfer of a newly acquired vehicle to the customer, unless the customer provides written authorization for the sale of the trade-in vehicle prior to delivery of the newly acquired vehicle.

16. Willful failure to comply with any administrative rule adopted by the department or the provisions of s. 320.131(8).

17. Violation of chapter 319, this chapter, or ss. 559.901-559.9221, which has to do with dealing in or repairing motor vehicles or mobile homes. Additionally, in the case of used motor vehicles, the willful violation of the federal law

and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the consumer sales window form.

18. Failure to maintain evidence of notification to the owner or co-owner of a vehicle regarding registration or titling fees owed as required in s. 320.02(18) ~~s. 320.02(17)~~.

19. Failure to register a mobile home salesperson with the department as required by this section.

Section 13. Paragraph (a) of subsection (2) of section 322.121, Florida Statutes, is amended to read:

322.121 Periodic reexamination of all drivers.—

(2) For each licensee whose driving record does not show any revocations, disqualifications, or suspensions for the preceding 7 years or any convictions for the preceding 3 years except for convictions of the following nonmoving violations:

(a) Failure to exhibit a vehicle registration certificate, vehicle registration certificate card, rental agreement, or cab card pursuant to s. 320.0605;

the department shall cause such licensee's license to be prominently marked with the notation "Safe Driver."

Section 14. This act shall take effect July 1, 2022, but only if HB 371 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

TOURISM, INFRASTRUCTURE & ENERGY SUBCOMMITTEE

HB 369 by Rep. McCurdy
Motor Vehicle Registration Certificate Cards

AMENDMENT SUMMARY
January 18, 2022

Amendment 1 by Rep. McCurdy (Line 52):

- Defines the term “registration certificate card.”

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 McCurdy offered the following:

Amendment (with title amendment)

Between lines 52 and 53, insert:

Section 1. Subsection (46) is added to section 320.01, Florida Statutes, to read:

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

(46) "Registration certificate card" means a card, the approximate size of a driver license, which contains all of the information provided on a motor vehicle certificate of registration.

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

Remove line 3 and insert:

certificate cards; amending s. 320.01, F.S.; defining the term "registration certificate card"; amending s. 320.02, F.S.; requiring

HB 371

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 371 Fees/Motor Vehicle Registration Certificate Cards
SPONSOR(S): McCurdy
TIED BILLS: HB 369 **IDEN./SIM. BILLS:** CS/SB 576

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

Except as otherwise provided by law, every owner or person in charge of a motor vehicle that is operated or driven on Florida's roads must register the vehicle. A registration certificate provides proof that the vehicle is registered. HB 369 (2022), to which this bill is linked, requires the application form for motor vehicle registration and renewal of registration to include language permitting an applicant to request a registration certificate card. That bill also amends various statutory provisions allowing for a registration certificate card to be used in lieu of a motor vehicle registration certificate.

This bill provides that a registration certificate card application is subject to a service charge of $2.50, which is the same fee currently charged for motor vehicle registration certificates. This service charge is retained by the Department of Highway Safety and Motors (DHSMV) or the county tax collector, depending on the entity processing the transaction.

This bill authorizes the collection of a mail service charge, identical to the charge applicable to the delivery of registration certificates, for the delivery of a registration certificate card. The collected mail service charge is deposited in the Highway Safety Operating Trust Fund.

The bill provides that no additional tax, other than a $4.50 transfer fee, applies to the transfer or exchange of a new license plate and for the issuance, at the request of the owner, of a new registration certificate card.

The bill has an indeterminate positive fiscal impact to the DHSMV and tax collectors.

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

The bill takes effect on the same date that HB 369 (2022) or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Legislation Imposing or Raising State Fees or Taxes

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

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

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

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

HB 369 (2022)

HB 369 (2022), to which this bill is linked, authorizes the creation and issuance of motor vehicle registration certificate cards and authorizes their use under various circumstances where motor vehicle registration certificates are now utilized.

Motor Vehicle Registration Service Charges

Florida law authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) and county tax collectors to, at the request of the applicant, mail motor vehicle registration certificates and renewals.[5] DHSMV or the county tax collector may collect a mail service charge for each registration certificate and validation sticker mailed. The mail service charge is the actual postage required, rounded to the nearest five cents, plus a 25-cent handling charge. The mail service charge is in addition to any other service charge and is deposited into the Highway Safety Operating Trust Fund.[6]

Florida law imposes a $2.50 service charge on each application that is handled in connection with the original issuance, duplicate issuance, or transfer of a license plate, mobile home sticker, or validation sticker or with transfer or duplicate issuance of a registration certificate. This service charge is retained by DHSMV or the county tax collector that handles the transaction.[7]

Under Florida law, for a transfer or exchange other than for the sale, trade or transfer of a motor vehicle, if the replacement vehicle requires the same amount of license tax as the original vehicle being

[1] Art. VII, s.19(a)-(b), Fla. Const.
[2] Art. VII, s.19(d), Fla. Const.
[3] Art. VII, s.19(e), Fla. Const.
[4] Art. VII, s.19(c), Fla. Const.
[5] S. 320.031(1), F.S.
[6] S. 320.031(2), F.S.
[7] S. 320.04(1)(a), F.S.

replaced, only a transfer fee of $4.50 is required to transfer or exchange a registration license plate and issue a new registration certificate.[8]

Effect of the Bill

The bill authorizes application of the current mail service charge for vehicle registrations and renewals to be collected for the mailing of a registration certificate card.

The bill authorizes the current $2.50 registration service charge for transfer or duplicate issuance of a registration certificate to be imposed on the issuance or duplicate issuance of a registration certificate card.

The bill authorizes application of the current $4.50 transfer fee for the transfer or exchange of a registration license plate and issuance of a new registration card, if the replacement vehicle requires the same amount of license tax as the original vehicle.

The bill is effective on the same date as HB 369 (2022) or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

B. SECTION DIRECTORY:

Section 1 Amends s. 320.031, F.S., relating to mailing of registration certificates, registration certificate cards, license plates, and tax collectors.

Section 2 Amends s. 320.04, F.S., relating to registration service charge.

Section 3 Amends s. 320.0609, F.S., relating to transfer and exchange of registration license plate, transfer fee.

Section 4 Provides a contingent effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   The bill authorizes the collection of a mail service charge if the registration certificate card is mailed to the customer. This may result in an indeterminate positive fiscal impact to the Highway Safety Operating Trust Fund.

   For an original issuance, duplicate issuance, or transfer of a registration certificate card, the bill requires a $2.50 fee. If the transaction is processed by DHSMV, DHSMV retains the fee. This may result in an indeterminate positive fiscal impact to DHSMV.

2. Expenditures:

   None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   For an original issuance, duplicate issuance, or transfer of a registration certificate card. The bill requires a $2.50 fee. If the transaction is processed by a county tax collector, the county tax collector retains the fee. This may result in an indeterminate positive fiscal impact to county tax collectors.

[8] S, 320.0609(5)(a), F.S.

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 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 sales tax shared with counties or municipalities.

2. Other:

Article VII, s. 19 of the Florida Constitution requires the imposition, authorization, or raising of a state tax or fee be contained in a separate bill that contains no other subject and be approved by two-thirds of the membership of each house of the Legislature. As such, the bill appears to implicate Art. VII, s. 19 of the Florida Constitution because the bill authorizes a state fee.

B. RULE-MAKING AUTHORITY:

This bill does not require or authorize rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

A bill to be entitled

An act relating to fees; amending s. 320.031, F.S.; authorizing the Department of Highway Safety and Motor Vehicles and tax collectors to use United States mail service to deliver registration certificate cards; authorizing the department to collect a mail service charge for mailed registration certificate cards; requiring registration certificate cards to be mailed by first-class mail under certain circumstances; amending s. 320.04, F.S.; imposing a specified service charge for the transfer or duplicate issuance of a registration certificate card; amending s. 320.0609, F.S.; specifying a transfer fee for the issuance of a new registration certificate card under certain circumstances; providing a contingent effective date.

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

Section 1. Section 320.031, Florida Statutes, is amended to read:

320.031 Mailing of registration certificates, registration certificate cards, license plates, and validation stickers.—

(1) The department and the tax collectors of the several counties of the state may at the request of the applicant use United States mail service to deliver registration certificates

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

and registration certificate cards and renewals thereof, license plates, mobile home stickers, and validation stickers to applicants.

(2) A mail service charge may be collected for each registration certificate, registration certificate card, license plate, mobile home sticker, and validation sticker mailed by the department or any tax collector. Each registration certificate, registration certificate card, license plate, mobile home sticker, and validation sticker shall be mailed by first-class mail unless otherwise requested by the applicant. The amount of the mail service charge shall be the actual postage required, rounded to the nearest 5 cents, plus a 25-cent handling charge. The mail service charge is in addition to the service charge provided by s. 320.04. All charges collected by the department under this section shall be deposited into the Highway Safety Operating Trust Fund.

Section 2. Paragraph (a) of subsection (1) of section 320.04, Florida Statutes, is amended to read:

320.04 Registration service charge.—

(1)(a) A service charge of $2.50 shall be imposed on each application that is handled in connection with original issuance, duplicate issuance, or transfer of a license plate, mobile home sticker, or validation sticker or with transfer or duplicate issuance of a registration certificate or a registration certificate card. This service charge shall be

retained by the department or by the tax collector, as the case may be, as other fees accruing to those offices.

Section 3. Paragraph (a) of subsection (5) of section 320.0609, Florida Statutes, is amended to read:

320.0609 Transfer and exchange of registration license plates; transfer fee.—

(5) For a transfer or exchange other than one specified in paragraph (2)(b), the following provisions apply:

(a) If the replacement motor vehicle requires the same amount of license tax under s. 320.08 as the original vehicle to be replaced, no additional tax other than the transfer fee of $4.50, accompanied by an application for transfer on a form supplied by the department, is required to transfer or exchange a registration license plate for use on a replacement vehicle for the duration of a current registration period and to issue a new certificate of registration and, at the request of the owner, a new registration certificate card.

Section 4. This act shall take effect on the same date that HB 369 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

TOURISM, INFRASTRUCTURE & ENERGY SUBCOMMITTEE

HB 371 by Rep. McCurdy
Fees/Motor Vehicle Registration Certificate Cards

AMENDMENT SUMMARY
January 18, 2022

Amendment 1 by Rep. McCurdy (Line 52):

- Clarifies that the $2.50 service charge is imposed on each original or duplicate issuance or transfer of a registration certificate card.

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 McCurdy offered the following:

Amendment

Remove lines 49-51 and insert:

duplicate issuance of a registration certificate. A service charge of $2.50 shall be imposed on each original or duplicate issuance or transfer of a registration certificate card. A ~~This~~ service charge under this paragraph shall be retained by the department or by the tax collector, as the case

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 489 Tourism Marketing
SPONSOR(S): Chaney
TIED BILLS: **IDEN./SIM. BILLS:** SB 434

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

SUMMARY ANALYSIS

The Florida Tourism Industry Marketing Corporation, better known as VISIT FLORIDA, is a state-funded non-profit corporation that serves as Florida's destination marketing organization, in conjunction with the Division of Tourism Marketing within Enterprise Florida, Inc.

VISIT FLORIDA is authorized by statute and requires an annual appropriation to support its operations. The current statutory authorization is scheduled for repeal on October 1, 2023, unless reviewed and saved from repeal by the Legislature.

Under the bill, the scheduled repeal date for VISIT FLORIDA and the Division of Tourism Marketing is extended from October 1, 2023, to October 1, 2028.

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Enterprise Florida Inc. and VISIT FLORIDA

Enterprise Florida, Inc., (EFI) is a non-profit corporation created to act as the state's economic development organization, using expertise from both the private and public sectors. EFI is not a unit or entity of state government.[1]

EFI is statutorily required to maintain divisions related to the following areas:

- International Trade and Business Development;
- Business Retention and Recruitment;
- Tourism Marketing;
- Minority Business Development; and
- Sports Industry Development.[2]

EFI's Division of Tourism Marketing is the entity created through statute that interacts and contracts with its direct support organization,[3] the Florida Tourism Industry Marketing Corporation. The Florida Tourism Industry Marketing Corporation was created by the legislature in 1996 and is otherwise known by the service mark "VISIT FLORIDA," which operates as a non-profit corporation that serves as Florida's statewide destination marketing organization, representing the state's tourism industry.[4] In practice, VISIT FLORIDA (VF) is EFI's tourism marketing division. The division is staffed by VF, but that staff is not employed by EFI.[5] VF's primary responsibilities include:

- Administering domestic and international advertising campaigns;
- Coordinating domestic and international marketing activities;
- Coordinating marketing efforts with local tourism marketing organizations;
- Managing Florida's four welcome centers;
- Conducting research on tourism and travel trends;
- Administering marketing activities for Veterans Florida;[6] and
- Marketing to assist the state following critical events, such as storms.[7]

Through a contractual relationship with the Department of Economic Opportunity (DEO), VF is held to performance measures and standards. VF's 31-member board of directors is appointed by DEO in conjunction with EFI and meets three times a year to provide guidance, input, and insight to, and work directly with VF executive staff.[8] VF's board of directors is composed of 16 regional members, with at least two representing each of six statutorily designated geographic areas of the state, and 15 additional tourism industry related members that serve two-year terms, including:

---

[1] S. 288.901(1) and (2), F.S.

[2] S. 288.92(1), F.S.

[3] "Direct support organization" means a not-for-profit Florida corporation incorporated under the provisions of chapter 617, F.S., and authorized by Florida law to exist as a direct support organization to benefit or provide assistance to a governmental entity. *See* State of Florida Auditor General, *Audits of Certain Nonprofit Organizations*, Rules of the Auditor General (Jun. 30, 2021), available at https://flauditor.gov/pages/pdf_files/10_700.pdf (last visited Jan. 6, 2022).

[4] S. 288.1226, F.S. The fictitious name "VISIT FLORIDA" is registered with the Department of State, registration no. G18000088414.

[5] S. 288.923(5), F.S.

[6] Veterans Florida is a non-profit corporation created by the State of Florida to help military veterans transition to civilian life and to promote Florida's status as the nation's most veteran-friendly state. *See* Veterans Florida, *About Us*, https://www.veteransflorida.org/about/ (last visited Jan. 14, 2022).

[7] Office of Program Policy Analysis and Government Accountability, *Florida Economic Development Program Evaluations – Year 8*, 13 (December 2020), available at https://oppaga.fl.gov/Documents/Reports/20-08.pdf (last visited Jan. 6, 2022).

[8] *Id.* at 12.

- One from the statewide rental car industry;
- Seven from tourist-related statewide associations;[9]
- Three from county destination marketing organizations;
- One from the cruise industry;
- One from an automobile and travel services membership organization;[10]
- One from the airline industry; and
- One from the space tourism industry.[11]

VF is required to develop a four-year marketing plan[12] for the state that addresses issues such as continuation of tourism growth in Florida, expansion to new or underrepresented markets, coordination with local and private sector partners on tourism advertising, and addressing emergency responses to disasters from a marketing standpoint.[13]

VF also administers a number of grant programs that provide organizations and state agencies funding for certain tourism-related activities. In the 2018-2019 fiscal year, grant funds averaged $2,250,087, which is nearly $2.0 million more than in the 2017-2018 fiscal year. However, this is primarily due to the $1.9 million spent on two special grant programs for Hurricane Michael and red tide in fiscal year 2018-2019.[14]

For the 2021-2022 fiscal year, VF received a total appropriation of $75 million.[15] Payments are made to VF through EFI from DEO. VF enters into a funding agreement with EFI and DEO and an operating agreement with EFI.[16]

As a public-private partnership, VF is required to obtain private sector contributions to match public contributions. Eligible matching contributions come from four categories:

- Direct cash contributions;
- Fees for services;
- Cooperative advertising, which is limited to partner expenditures for paid media placement and actual market value of contributed products, air time, and print space; and
- In-kind contributions, which is limited to the actual market value of promotional contributions of partner-supplied benefits or of non-partner supplied airtime or print space.[17]

Both VF and the Division of Tourism Marketing will sunset on October 1, 2023, unless reviewed and saved from repeal by the Legislature.[18]

Economic Development Programs Evaluations

Pursuant to s. 288.001(2) (b), F.S., the Office of Economic and Demographic Research (EDR) and the Office of Program Policy Analysis and Government Accountability (OPPAGA) must provide a detailed

[9] This includes tourist-related associations that represent hotels, campgrounds, county destination marketing organizations, museums, restaurants, retail, and attractions. *See* S. 288.1226(4) (b).
[10] Such organization must have at least 2.8 million members in Florida. *See Id.*
[11] S. 288.1226(4), F.S.
[12] This plan is annual in construction and ongoing in nature. *See* S. 288.923(4)(c), F.S.
[13] S. 288.923(4)(c), F.S.
[14] *Florida Economic Development Program Evaluations – Year 8* at 15.
[15] Specific Appropriation 2244, s. 6, ch. 2021-36, Laws of Fla.; S.A. 2244, s. 152, ch. 2021-36, Laws of Fla.
[16] *See Funding Agreement SB22-003 - Agreement between the Department of Economic Opportunity, Enterprise Florida, Inc., and the Florida Tourism Industry Marketing Corporation*, executed October 4, 2021, available at https://facts.fldfs.com/Search/ContractDetail.aspx?AgencyId=400000&ContractId=S0165 (last visited Jan. 7, 2022); *Funding Agreement SB22-002 – Grant Agreement* , executed November 19, 2021, available at https://facts.fldfs.com/Search/ContractDetail.aspx?AgencyId=400000&ContractId=S0170 (last visited Jan. 7, 2022).
[17] S. 288.1226(6), F.S.
[18] Ss. 288.1226(14) and 288.923(6), F.S.

analysis of certain economic development programs according to a recurring schedule established by law. VF's most recent evaluation was completed in January 2021 and covered fiscal years 2016-2017, 2017-2018, and 2018-2019.[19]

OPPAGA Review

OPPAGA evaluates programs for effectiveness and value to the state taxpayers and to provide recommendations for consideration by the Legislature. The most recent OPPAGA review determined that between 2010 and 2019 Florida outpaced several other states in tourism growth, showing a significant competitive advantage compared to other states with strong tourism industries, such as California, Nevada, New York and Texas.[20]

VF continually met the statutorily required one-to-one match of public and private funding. Over the review period, 83 percent of private sector contributions were in the form of industry-contributed promotional value.[21] On average, 59 percent of VF's expenditures are on media and industry cooperative advertising, with most of the remaining expenditures comprised of fees and services and salaries and benefits.[22]

VF's paying partners, which include members of the hospitality, entertainment, and outdoor recreation industries, have expressed overall support for the agency's mission and services.[23]

EDR Review

EDR is required to analyze the economic benefits of the programs included in OPPAGA's program evaluation. EDR's most recent analysis found that, from the state's investment of $228 million over the review period of 2016 to 2019, VF contributed approximately $15.85 billion to Florida's GDP and $744.64 million in state revenue.[24]

Although it is difficult to determine VF's precise influence on the state's tourism industry compared to that of other marketing efforts, EDR approximated that VF was responsible for 9.05 percent of all marketing-influenced tourists over the review period.[25] This amounted to an estimated 19.92 million tourists being accredited to VF's marketing efforts over the review period.[26]

Effect of the Bill

The bill extends the scheduled repeal date for the Florida Tourism Industry Marketing Corporation (VISIT FLORIDA) and Enterprise Florida's Division of Tourism Marketing from October 1, 2023, to October 1, 2028.

The bill takes effect upon becoming law.

B. SECTION DIRECTORY:

Section 1: Changes the repeal date for the Florida Tourism Industry Marketing Corporation.

Section 2: Changes the repeal date for the Division of Tourism Marketing.

---

[19] Office of Economic and Demographic Research, *Return on Investment for VISIT FLORIDA*, 1 (January 2021), available at http://edr.state.fl.us/Content/returnoninvestment/Tourism2021.pdf (last visited Jan. 7, 2022).
[20] *Florida Economic Development Program Evaluations – Year 8* at 11.
[21] *Id.* at 14.
[22] *Id.* at 15.
[23] *Id.* at 20.
[24] *Return on Investment for VISIT FLORIDA* at 30.
[25] *Id.* at 24.
[26] *Id.*

Section 3: Provides that the bill shall take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   See Fiscal Comments.

2. Expenditures:

   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:

The five-year average of appropriations to VF is $65.4 million.[27] If VF's authorization is repealed on October 1, 2023, the dissolved entity's assets, after all legal liabilities and obligations have been paid or adequate provisions have been made, will revert to the state.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable. The 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.

[27] Chapter 2021-036, s. 152, Specific Appropriation 2251, Laws of Fla.; Ch. 2020-111, SA 2294, s. 6, Laws of Fla.; Ch. 2019-115, SA 2328, s. 6, Laws of Fla.; Ch. 2018-9, SA 2239, s. 6, Laws of Fla.; Ch. 2017-233, s. 26, Laws of Fla.

A bill to be entitled

An act relating to tourism marketing; amending s. 288.1226, F.S.; revising the scheduled repeal date of the Florida Tourism Industry Marketing Corporation; amending s. 288.923, F.S.; revising the scheduled repeal date of the Division of Tourism Marketing within Enterprise Florida, Inc.; providing an effective date.

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

Section 1. Subsection (14) of section 288.1226, Florida Statutes, is amended to read:

288.1226 Florida Tourism Industry Marketing Corporation; use of property; board of directors; duties; audit.—

(14) REPEAL.—This section is repealed October 1, 2028 ~~2023~~, unless reviewed and saved from repeal by the Legislature.

Section 2. Subsection (6) of section 288.923, Florida Statutes, is amended to read:

288.923 Division of Tourism Marketing; definitions; responsibilities.—

(6) This section is repealed October 1, 2028 ~~2023~~, unless reviewed and saved from repeal by the Legislature.

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

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 701 Boating and Vessel Safety
SPONSOR(S): McFarland
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Tourism, Infrastructure & Energy Subcommittee		Neuffer	Keating
2) Environment, Agriculture & Flooding Subcommittee			
3) Commerce Committee			

SUMMARY ANALYSIS

The Florida Fish and Wildlife Conservation Commission (FWC) regulates, manages, and conserves the fish and wildlife resources within the state. Within the FWC, the Division of Law Enforcement enforces boating rules and regulations, coordinates boating safety campaigns and education, and investigates boating accidents.

Any person born on or after January 1, 1988, who wishes to operate a vessel powered by a motor 10 horsepower or greater must complete a boating safety education course approved by the National Association of State Boating Law Administrators (NASBLA). The NASBLA provides minimum standards which are reviewed every five years and apply to all basic boating courses across the U.S. and its territories.

In 2018, federal law went into effect requiring operators of vessels less than 26 feet in length and with three or more horsepower to employ an engine cut-off switch if installed on the vessel. Florida has a similar law but with regard only to jet skis.

The bill requires that FWC include as components in boating safety education campaigns and education material, as appropriate, the following:

- The dangers of passengers sitting in areas not designed and designated for seating.
- The operation of a boat with persons in the water nearby.
- The dangers of starting a vessel with the engine in gear.
- The risks of leaving a vessel running while passengers are onboarding or disembarking.
- The proper use and benefits of an engine cut-off switch for motorboats and personal watercrafts.

The bill also requires that instructors of water sports or activities which involve people participating from the water wear an engine cut-off switch.

The bill does not have an impact on state or local government revenues. The bill does not have an impact on local government expenditures. The bill may have an insignificant fiscal impact on state government expenditures.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Florida Fish and Wildlife Conservation Commission (FWC) regulates, manages, and conserves the fish and wildlife resources within the state.[1] The Division of Law Enforcement within the FWC is tasked with the enforcement of boating rules and regulations, coordinating boating safety campaigns and education, and investigating boating accidents.

Any person born on or after January 1, 1988, must complete a boating safety education course approved by the National Association of State Boating Law Administrators (NASBLA) in order to operate a vessel powered by a motor of 10 horsepower or greater.[2] Any operator required by statute to complete the boating safety education course must carry a boating education ID card and a photo ID while operating any qualifying vessel.[3]

NASBLA provides minimum standards that apply to all basic boating courses in the U.S. and its territories.[4] The minimum standards are reviewed every five years with the purpose of establishing a national standard for all courses across the nation. Under current NASBLA standards, courses must describe state-required equipment, such as engine cut-off lanyards or bailing devices.[5] Courses must additionally cover boat operation, trip planning, and emergency preparation.[6] There are several courses within the state of Florida which meet NASBLA's 8-hour instruction requirement, ranging from no cost to $50.[7] A boating safety education course card is valid for life unless it was obtained through a temporary examination, in which instance it is valid for only 90 days.[8]

Florida law specifies certain equipment and lighting standards for all vessels operated in the waters of the state, and identifies the equipment which must be carried, stored, maintained, and used in accordance with current United States Coast Guard (USCG) safety equipment requirements.[9]

Federal law requires any individual operating a covered recreational vessel[10] to use an engine cut-off switch link while operating on plane or above displacement speed.[11] Any manufacturer, distributer, or dealer of propulsion machinery associated with starting controls on a covered recreational vessel must equip such vessel with an engine cut-off switch and an engine cut-off switch link.[12] Engine cut-off switches are normally coiled bungee cords but can also be electronic wireless devices. They operate to shut off the engine if the operator is separated from the operating area, reducing the dangers created by a runaway vessel or impact with the spinning propeller.[13] A person in violation of this law is liable for a civil penalty to the United States Government of not more than $100 for the first offense,[14] $250 for

---

[1] Art. IV, s. 9, Fla. Const.
[2] *See* s. 327.395(6)(a)-(g), F.S., (listing exemptions from the boating safety education course requirement).
[3] S. 327.395(2), F.S.
[4] *See* ANSI/NASBLA, *103-2016: Basic Boating Knowledge – Power* (November 18, 2015).
[5] *See* National Association of State Boating Law Administrators, *NASBLA Policy: Basic Boating Education Course Approval* (September 13, 2016) (describing the minimum educational requirements of a boating course for NASBLA approval).
[6] *Id.*
[7] FWC, *Boating Safety Courses*, https://myfwc.com/boating/safety-education/courses/ (last visited January 4, 2022).
[8] S. 327.395(5), F.S.
[9] S. 327.50, F.S.
[10] *See* 46 U.S.C. § 4312(e)(1) (defining covered recreational vessel as a recreational vessel that is less than 26 feet overall in length and capable of developing 115 pounds or more of static thrust); *see* 46 U.S.C. § 4312(e)(6) (defining static thrust as the forward or backwards thrust developed by propulsion machinery while stationary).
[11] 46 U.S.C. § 4312(b).
[12] 46 U.S.C. § 4312(a).
[13] USCG, *Engine Cut-Off Switches, supra.*
[14] 46 U.S.C. § 4311(c)(1).

the second offense,[15] and $500 for any subsequent offense.[16] Although the law did not go into effect until 2018, most U.S. boat manufacturers had already voluntarily installed engine cut-off switches on their boats.[17] Exceptions are provided for vessels if the main helm is within an enclosed cabin, or if the vessel is not required to have an engine cut-off switch.[18]

Florida's current law provides a similar mandate but only for personal watercraft, commonly identified as jet skis.[19]

Effect of Proposed Changes

In 2020, there were 836 boating accidents in the state of Florida.[20] Of those accidents, 79 resulted in fatalities, with 69% of operators having no formal boater education.[21]

The bill expands the list of topics that must be covered in FWC boating safety education campaigns and commission materials to include:

- The dangers of passengers sitting in areas not designed and designated for seating.
- The operation of a boat with persons in the water nearby.
- The dangers of starting a vessel with the engine in gear.
- The risks of leaving a vessel running while passengers are onboarding or disembarking.
- The proper use and benefits of an engine cut-off switch for motorboats and personal watercrafts.

The bill also requires the instructor of a water sport or activity which causes participants to be in the water to wear an engine cut-off switch link. The bill does not provide a legal penalty for failure to comply with the bill.

B. SECTION DIRECTORY:

Section 1 Amends s. 327.395, F.S.; relating to boating safety education.

Section 2 Amends s. 327.50, F.S.; relating to vessel safety regulations.

Section 3 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

[15] 46 U.S.C. § 4311(c)(2).
[16] 46 U.S.C. § 4311(c)(3).
[17] United States Coast Guard, *Engine Cut-Off Switches*, https://uscgboating.org/recreational-boaters/engine-cut-off-devices.php (last visited January 4, 2022).
[18] 46 U.S.C. § 4312(b)(2).
[19] S. 327.39, F.S.; *see* s. 327.02(37) (defining "personal watercraft" as a vessel less than 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel).
[20] Florida Fish and Wildlife Conservation Commission, *2020 Boating Accident Statistical Report*, 2020, https://myfwc.com/media/26463/2020-basr-booklet.pdf (last visited January 13, 2022).
[21] *Id.*

The bill appears to have an insignificant impact to FWC expenditures necessary to incorporate the required items into education campaigns and materials.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Motorized vessels that are not covered under federal law and which are used for the instruction of water sports and activities will be required to have an engine cut-off switch installed if not already equipped with one.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures 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 requires that the instructor of a water sport or activity wear an engine cut-off switch at specified times. However, the instructor may not always be the same person as the vessel operator. Thus, the bill could be clarified to state that the operator, rather than instructor, must use an engine cut-off switch and wear an operative link to the switch.

Further, the precise term for the device connected to a person is the engine cut-off switch link. The engine cut-off switch which is located near the vessel's engine area, not on the operator's person. Therefore, the bill could be clarified to state that the operator must wear an engine cut-off switch link.

Neither the bill nor the chapter define "water sports or activities." Given the broad range of activities that can occur in the water and in close proximity to boats, definitions for these terms could clarify the bill's scope.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.

A bill to be entitled

An act relating to boating and vessel safety; amending s. 327.395, F.S.; requiring certain boating safety education courses and temporary certificate examinations to include specified components; directing the Fish and Wildlife Conservation Commission to include such components in boating safety education campaigns and certain educational materials; amending s. 327.50, F.S.; requiring instructors of water sports and activities to wear engine cutoff switches under certain conditions; providing an effective date.

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

Section 1. Subsection (4) of section 327.395, Florida Statutes, is amended to read:

327.395 Boating safety education.—

(4) A commission-approved boating safety education course or temporary certificate examination developed or approved by the commission must include components ~~a component~~ regarding:

(a) Diving vessels, awareness of divers in the water, divers-down warning devices, and the requirements of s. 327.331.

(b) The danger associated with:

1. A passenger riding on a seat back, gunwale, transom,

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

bow, motor cover, or any other vessel area not designed and designated by the manufacturer for seating.

2. A passenger falling overboard.

3. Operating a vessel with a person in the water near the vessel.

4. Starting a vessel with the engine in gear.

5. Leaving the vessel running when passengers are boarding or disembarking.

(c) The proper use and lifesaving benefits of an engine cutoff switch for motorboats and personal watercraft.

The commission must include the components under this subsection in boating safety education campaigns and in educational materials produced by the commission, as appropriate.

Section 2. Subsection (4) is added to section 327.50, Florida Statutes, to read:

327.50 Vessel safety regulations; equipment and lighting requirements.—

(4) The instructor of a water sport or activity must wear an engine cutoff switch for any vessel used in the instruction of the water sport or activity when people participating in the water sport or activity are in the water.

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

TOURISM, INFRASTRUCTURE & ENERGY SUBCOMMITTEE

HB 701 by Rep. McFarland
Boating and Vessel Safety

AMENDMENT SUMMARY
January 18, 2022

Amendment 1 by Rep. McFarland (Strike-All):

- Provides the act be designated “Ethan’s Law.”
- Clarifies that the operator of a vessel used in the instruction of a water sport or activity must use an engine cutoff switch and operative link.

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 McFarland offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. This act may be cited as "Ethan's Law."

Section 2. Subsection (4) of section 327.395, Florida Statutes, is amended to read:

327.395 Boating safety education.—

(4) A commission-approved boating safety education course or temporary certificate examination developed or approved by the commission must include components ~~a component~~ regarding:

(a) Diving vessels, awareness of divers in the water, divers-down warning devices, and the requirements of s. 327.331.

(b) The danger associated with:

1. A passenger riding on a seat back, gunwale, transom, bow, motor cover, or any other vessel area not designed and designated by the manufacturer for seating.

2. A passenger falling overboard.

3. Operating a vessel with a person in the water near the vessel.

4. Starting a vessel with the engine in gear.

5. Leaving the vessel running when passengers are boarding or disembarking.

(c) The proper use and lifesaving benefits of an engine cutoff switch for motorboats and personal watercraft.

The commission must include the components under this subsection in boating safety education campaigns and in educational materials produced by the commission, as appropriate.

Section 3. Subsection (4) is added to section 327.50, Florida Statutes, to read:

327.50 Vessel safety regulations; equipment and lighting requirements.—

(4) The operator of a vessel used in the instruction of a water sport or activity must use an engine cutoff switch and wear an operative link to the switch when people participating in the water sport or activity are in the water.

Section 4. 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 boating and vessel safety; providing a short title; amending s. 327.395, F.S.; requiring certain boating safety education courses and temporary certificate examinations to include specified components; directing the Fish and Wildlife Conservation Commission to include such components in boating safety education campaigns and certain educational materials; amending s. 327.50, F.S.; requiring operators of vessels used in the instruction of a water sport or activity to use an engine cutoff switch and link under certain conditions; providing an effective date.