State Infrastructure Council

MEETING PACKET

Tuesday, February 21, 2006
1:00 pm – 1:30 pm
404 House Office Building

Revised

Representative David D. Russell, Chair
Representative Adam Hasner, Vice Chair

The Florida House of Representatives

State Infrastructure Council

Dave Russell
Chair

303 House Office Building
(850) 414-9786

AGENDA
February 21, 2006
1:00 pm – 1:30 pm
404 House Office Building

I. Opening Remarks, Chair Dave Russell

II. Consideration of the following bills:

- **HB 121 CS by Rep. Bendross-Mindingall – Road Designations**
- **HB 149 by Rep. Mahon – DUI Education Courses**
- **HB 155 by Rep. Ross – Vehicle Crashes**
- **HB 179 CS by Rep. Hays – Road Designations**
- **HB 201 CS by Rep. Poppell – Nonjudicial Sale of Vessels**
- **HB 281 CS by Rep. Baxley – Specialty License Plates**

III. Closing Remarks, Chair Russell

IV. Adjourn

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 121 CS Road Designations
SPONSOR(S): Bendross-Mindingall
TIED BILLS: **IDEN./SIM. BILLS:** SB 308

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	14 Y, 0 N, w/CS	Rousseau TDR	Miller
2) Transportation & Economic Development Appropriations Committee	17 Y, 0 N, w/CS	McAuliffe	Gordon
3) State Infrastructure Council		Rousseau TDR	Havlicak
4)			
5)			

SUMMARY ANALYSIS

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

HB 121 w/CS designates the following transportation facilities:

- A portion of N.W. 7th Avenue between N.W. 54th Street and N.W. 60th Street in Miami-Dade County is designated as "Osun's Village."
- A portion of N.W. 7th Avenue between N.W. 36th Street and N.W. 79th Street in Miami-Dade County is designated as "African Caribbean Cultural Arts Corridor."
- The pedestrian overpass on John Sims Parkway in the City of Niceville in Okaloosa County is designated as "Burl Marler Walkway."
- The Cervantes Street Bridge on U.S. Highway 90 over Bayou Texar in the City of Pensacola in Escambia County is designated as "Dr. Phillip A. Payne Bridge."

The Florida Department of Transportation (FDOT) is directed to erect suitable markers to denote the honorary designations. The markers will cost an estimated $400 each. Assuming that two markers will be erected for each designation, the estimated fiscal impact to FDOT will be $3,200. This does not include maintenance or installation costs.

HB 121 w/CS does not create any constitutional or other legal issues. It takes effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

HB 121 w/CS does not implicate any House Principles.

B. EFFECT OF PROPOSED CHANGES:

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

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

Based on FDOT records, some 1,079 honorary road and bridge designations have been approved since 1922, most of them by the Legislature. Some public roads and bridges have multiple or overlapping designations.

Effect of HB 121 w/CS
The bill proposes the following designations:

- A portion of N.W. 7th Avenue between N.W. 54th Street and N.W. 60th Street in Miami-Dade County is designated as "Osun's Village." The Osun Village is a cultural, tourism destination, which will serve as a sustainable tool for Afro-centric community and economic development.
- A portion of N.W. 7th Avenue between N.W. 36th Street and N.W. 79th Street in Miami-Dade County is designated as "African Caribbean Cultural Arts Corridor."
- The pedestrian overpass on John Sims Parkway in the City of Niceville in Okaloosa County is designated as "Burl Marler Walkway."
- The Cervantes Street Bridge on U.S. Highway 90 over Bayou Texar in the City of Pensacola in Escambia County is designated as "Dr. Phillip A. Payne Bridge."

The Florida Department of Transportation is directed to erect suitable markers to denote the honorary designations.

The Miami-Dade County designations will be to honor the OSUN shrine in the Oshogbo-Osun State of Nigeria West Africa. The Osun's Village and African Caribbean Cultural Arts Corridor will revitalize a targeted section of Miami-Dade County to create a vibrant urban center fueled by the arts, culture, international trade and entertainment, and a community and economic development plan for social change. These initiatives tie into the focus areas of Enterprise Florida and Miami-Dade County's International Trade Board, facilitating commercial exchange of products and goods and services between the South Florida Region and West Africa.

The Okaloosa County designation will honor Burl Marler, a resident of the City of Niceville who traveled John Sims Parkway daily and touched a great number of residents during his travels.

The Escambia County designation will honor Dr. Phillip A. Payne who grew up along Bayou Texar in Pensacola, Florida, and was a lifelong environmentalist. He founded the Bayou Texar Foundation and was active in several other environmental groups in Pensacola. He was a well-respected dentist in the area until he passed away in July of 2005.

C. SECTION DIRECTORY:

Sections 1-2: Designates two honorary roads in Miami-Dade County.

Section 3: Designates one pedestrian overpass in Okaloosa County.

Section 4: Designates a bridge in Escambia County.

Section 5: Specifies an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   FDOT estimates that the cost to erect suitable road designating markers is approximately $800, for a marker at each end of the designated transportation facility. The total signage cost of HB 121 w/CS is $3,200. The expenditure is from the State Transportation Trust Fund. FDOT also is responsible for any future maintenance and replacement cost, which is indeterminate.

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:

   None.

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

FDOT has sufficient rulemaking authority to implement this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On November 8, 2005, this bill was considered by the Transportation Committee. An amendment was adopted which added the "Burl Marler Walkway" designation. The bill was reported favorably with a committee substitute.

On January 12, 2006, this bill was considered by the Transportation & Economic Development Appropriations Committee. An amendment was adopted which added the "Dr. Phillip A. Payne Bridge" designation. The bill was reported favorably with a committee substitute.

CHAMBER ACTION

The Transportation & Economic Development Appropriations Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to transportation facility designations; designating Osun's Village and African Caribbean Cultural Arts Corridor in Miami-Dade County; designating Burl Marler Walkway in Okaloosa County; designating Dr. Phillip A. Payne Bridge in Escambia 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. Osun's Village designated; Department of Transportation to erect suitable markers.--

(1) That portion of N.W. 7th Avenue between N.W. 54th Street and N.W. 60th Street in Miami-Dade County is designated as "Osun's Village."

22 (2) The Department of Transportation is directed to erect
23 suitable markers designating Osun's Village as described in
24 subsection (1).
25 Section 2. African Caribbean Cultural Arts Corridor
26 designated; Department of Transportation to erect suitable
27 markers.--
28 (1) That portion of N.W. 7th Avenue between N.W. 36th
29 Street and N.W. 79th Street in Miami-Dade County is designated
30 as "African Caribbean Cultural Arts Corridor."
31 (2) The Department of Transportation is directed to erect
32 suitable markers designating African Caribbean Cultural Arts
33 Corridor as described in subsection (1).
34 Section 3. Burl Marler Walkway designated; Department of
35 Transportation to erect suitable markers.--
36 (1) The pedestrian overpass on John Sims Parkway in the
37 City of Niceville in Okaloosa County is designated as "Burl
38 Marler Walkway."
39 (2) The Department of Transportation is directed to erect
40 suitable markers designating Burl Marler Walkway as described in
41 subsection (1).
42 Section 4. Dr. Phillip A. Payne Bridge designated;
43 Department of Transportation to erect suitable markers.--
44 (1) The Cervantes Street Bridge on U.S. Highway 90 over
45 Bayou Texar in the City of Pensacola in Escambia County is
46 designated as "Dr. Phillip A. Payne Bridge."
47 (2) The Department of Transportation is directed to erect
48 suitable markers designating Dr. Phillip A. Payne Bridge as
49 described in subsection (1).

50 Section 5. This act shall take effect July 1, 2006.

HB 149

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 149 DUI Education Courses
SPONSOR(S): Mahon
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	15 Y, 0 N	Thompson	Miller
2) Criminal Justice Committee	6 Y, 0 N	Kramer	Kramer
3) State Infrastructure Council		Thompson J.T.	Havlicak
4)			
5)			

SUMMARY ANALYSIS

HB 149 requires that DUI education courses be conducted only by certified DUI instructors. The bill calls for face-to-face instruction and for interaction in the classroom among offenders and instructors. The bill prohibits DUI education courses from being conducted via the Internet, remote electronic technology, home study, distance learning, or any other method in which the instructor and all offenders are not physically present in the same classroom.

DUI programs are offered by both public and private organizations that provide education, evaluation and treatment referral services to DUI offenders as required by court order or by the Department of Highway Safety and Motor Vehicles (DHSMV). The programs are governed by administrative rules which require certain minimum hours of classroom instruction with certified instructors and interactive educational techniques. While DHSMV rules require that DUI programs include classroom instruction, no specific provision in the Florida Statutes currently requires the program to be delivered in this manner.

The bill may impact those providers that would propose to conduct DUI courses via the Internet or by other alternative methods. The bill has no fiscal impact on state or local governments and becomes effective July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government -The bill would prevent organizations that could potentially offer alternative methods of DUI educational courses from providing such services in the state. However, these alternative methods are not currently allowed by DHSMV rules.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Section 316.193(5), F.S., requires a person who is convicted of a DUI offense to complete a substance abuse course conducted by a DUI program. The Department of Highway Safety and Motor Vehicles (DHSMV) licenses and regulates DUI programs.[1] DUI programs are offered by both public and private organizations that provide education, evaluation, and treatment referral services as required by court order or by DHSMV. The DUI education programs are operated by various safety councils, counseling centers, private traffic schools, and other public and private entities.

Current law requires that DUI program applicants must have a classroom in each county in the circuit located in a permanent structure that is readily accessible by public transportation, if public transportation is available. However, a classroom is not required in any county where the total number of DUI convictions in the most recent calendar year is less than 100.[2]

DUI programs are governed by administrative rules which require certain minimum hours of classroom instruction with certified instructors and interactive educational techniques. Chapter 15A-10 of the Florida Administrative Code outlines the standards for DHSMV's DUI programs. Currently, the rules require the following for DUI education classes:

- DUI programs are only to employ instructors, Special Supervision Services evaluators, clinical supervisors and evaluators who are certified by DHSMV.[3]
- Each organization conducting a DUI program must have sufficient classroom space to comfortably accommodate all students with a minimum of twenty (20) square feet of space per student unless otherwise authorized by local officials.[4]
- Courses must be taught by using primarily interactive educational techniques.[5]

While DUI program classroom instruction is required under department rules, no specific provision in the Florida Statutes requires the program to be delivered in this manner. No specific language in the rules prohibits DUI education courses from being conducted via the Internet, remote electronic technology, home study, distance learning, or any other method. However, the requirements in the administrative code relating to interactive instruction and classroom space appear to indicate that the only method for DUI education courses will be in a classroom.

Effect of Proposed Changes

HB 149 incorporates current DUI program standards from the Florida Administrative Code (F.A.C.) into law. The bill amends s. 322.292, F.S., requiring that DUI education courses be conducted only by certified DUI instructors. The bill requires face-to-face instruction and interaction in the classroom

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[1] See s. 322.292(1), F.S.
[2] See s. 322.292(2)(c)5.c., F.S.
[3] Rule 15A-10.022(1), F.A.C.
[4] Rule 15A-10.023(1), F.A.C.
[5] Rule 15A-10.025(2), F.A.C.

among offenders and instructors. The bill specifically prohibits DUI education courses from being conducted via the Internet, remote electronic technology, home study, distance learning, or any other method in which the instructor and all offenders are not physically present in the same classroom.

C. SECTION DIRECTORY:

Section 1. Creates subsection (4) of s. 322.292, F.S., requiring DUI certified instructors in the classroom and prohibiting alternative methods for DUI education courses.

Section 2. Provides an effective date of July 1, 2006.

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 bill would prevent organizations that might specialize in alternative methods of DUI educational courses from providing such services in the state. HB 149 will allow DUI educational courses to be conducted only by organizations that are registered with DHSMV's DUI program and meet its classroom only guidelines.

D. FISCAL COMMENTS:

According to a representative of the Florida Association of DUI Programs, Inc., the fee for Level I DUI program courses (first offense) is $210 and the fee for Level II courses (second offense) is $320.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None

B. RULE-MAKING AUTHORITY:

Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to DUI education courses; amending s.
3 322.292, F.S.; providing additional requirements for DUI
4 education courses; providing an effective date.
5
6 Be It Enacted by the Legislature of the State of Florida:
7
8 Section 1. Subsection (4) is added to section 322.292,
9 Florida Statutes, to read:
10 322.292 DUI programs supervision; powers and duties of the
11 department.--
12 (4) All DUI education courses must be conducted by a
13 certified DUI instructor in a classroom with face-to-face
14 instruction and provide for interaction in the classroom among
15 offenders and the instructor. DUI education courses may not be
16 conducted via the Internet, remote electronic technology, home
17 study, distance learning, or any other method in which the
18 instructor and all offenders are not physically present in the
19 same classroom.
20 Section 2. This act shall take effect July 1, 2006.

HB 155

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 155 Vehicle Crashes

SPONSOR(S): Ross and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 276

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	16 Y, 0 N	Thompson	Miller
2) Criminal Justice Committee	6 Y, 0 N	Kramer	Kramer
3) Criminal Justice Appropriations Committee	4 Y, 0 N	Sneed	DeBeaugrine
4) State Infrastructure Council		Thompson J.T.	Havlicak RH
5)			

SUMMARY ANALYSIS

HB 155 creates the "Justin McWilliams 'Justice For Justin' Act." Currently a driver of a vehicle involved in a crash that results in an injury or death and that occurs on a public road or elsewhere open to public travel, must immediately stop and remain at the scene of the crash to give information and render aid. Violations of the current law are punishable as a third degree felony if the crash resulted in an injury and are punishable as a second degree felony if the crash resulted in a death.

The bill provides that a driver involved in a crash has the duty to stop and remain at the scene of the crash regardless of whether the crash occurred on public or on private property. The bill also changes the offense from a second degree felony to a first degree felony when the crash results in a death.

The Criminal Justice Impact Conference met on January 9, 2006, and determined that this bill would have an insignificant fiscal impact on the state's prison bed population. This bill has an effective date of October 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Promote personal responsibility— The bill extends the duty of a driver of a vehicle involved in a crash to stop and remain at the scene of the crash, from crashes occurring on public roads or other locations open to public travel, to include crashes occurring on private property. It also changes the offense from a second degree felony to a first degree felony when the crash results in a death.

B. EFFECT OF PROPOSED CHANGES:

Present Situation:

Under s. 316.027, F.S., the driver of a vehicle involved in a crash resulting in an injury of a person must immediately stop the vehicle at the scene of the crash, or as close as possible, and remain at the scene of the crash. The driver is required by s. 316.062, F.S., to give their name, address, vehicle registration number, and, upon request, show their driver's license to any person injured in the crash, to the driver or occupant of a vehicle involved in the crash or person attending any vehicle, or police officer at the scene. The driver is also required to render reasonable assistance to the injured person, including carrying or making arrangements for carrying the injured person to a doctor or hospital for treatment.

Generally, the provisions of chapter 316, the Florida Uniform Traffic Control Law, apply to vehicles, bicycles and pedestrians on all public highways, roads and streets, and wherever vehicles have the right to travel. State law enforcement agencies, county sheriff's offices and city police departments are authorized to enforce the state's traffic laws, (Chapter 316, F.S.), on all public roads, and elsewhere wherever the public has the right to travel by motor vehicle. See ss. 316.072 and 316.640, F.S.

Under current law, violations of s. 316.027, F.S., resulting in injury are punishable as a third degree felony and those resulting in death are punishable as a second degree felony. A third degree felony is punishable by up to five years in prison and a maximum $5,000 fine and a second degree felony is punishable by up to 15 years in prison and a maximum $10,000 fine.[1]

Proposed Changes:

The bill creates the "Justin McWilliams 'Justice for Justin' Act, "[2] extending the duty of a driver of a vehicle involved in a crash to stop and remain at the scene of the crash, from crashes occurring on public roads or other locations open to public travel, to include crashes occurring on private property.

The bill also changes the offense from a second degree felony to a first degree felony when the crash results in a death. As a result, the sanction would be up to 30 years in prison and a maximum fine of $10,000, rather than up to 15 years in prison and a maximum $10,000 fine. The bill would also amend s. 921.0022, F.S., the "Offense Severity Ranking Chart," to provide that failure to stop or leaving the scene of an accident involving death, would result in a first degree felony.

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[1] *See* ss. 775.082 and 775.083, F.S.

[2] According to newspaper reports, Justin McWilliams, age 20, was struck and killed by a driver on private property on April 7, 2002. The driver was charged with leaving the scene of an accident involving injuries. The case was dismissed by the circuit judge because the incident occurred on private property which was fenced and locked. Orlando Sentinel, March 13, 2004.

C. SECTION DIRECTORY:

Section 1. Gives the act the name "Justin McWilliams 'Justice For Justin' Act."

Section 2. Amends s. 316.027, F.S., to revise provisions for a driver of a vehicle involved in a crash to stop and remain at the scene of the crash, increasing penalties.

Section 3. Section 3. Amends s. 921.0022, F.S., to revise felony classification in the Criminal Punishment Code offense severity ranking chart for leaving the scene of accidents involving death.

Section 4. Provides that the act will take effect October 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None

2. Expenditures:

   The Criminal Justice Impact Conference met on January 9, 2006 and determined that this bill will have an insignificant fiscal impact on the state's prison bed population. This bill increases the maximum penalty for the offense from fifteen years in prison to thirty years in prison. However, because the bill does not modify the ranking of the offense in the offense severity ranking chart (from its current level 7 ranking), the lowest permissible sentence for the offense will not change. As a result, this bill is not expected to have a significant fiscal impact.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None

2. Expenditures:

   None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a significant direct economic impact on the private sector.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

   Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

   None

B. RULE-MAKING AUTHORITY:

   None

C. DRAFTING ISSUES OR OTHER COMMENTS:

   None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

1 A bill to be entitled
2 An act relating to vehicle crashes; creating the "Justin
3 McWilliams 'Justice For Justin' Act"; amending s. 316.027,
4 F.S.; requiring the driver of a vehicle involved in a
5 crash occurring on public or private property that results
6 in injury of a person to immediately stop the vehicle and
7 remain at the scene; providing that failure to stop the
8 vehicle and remain at the scene by the driver of a vehicle
9 involved in a crash occurring on public or private
10 property that results in the death of a person is a first
11 degree felony; providing penalties; amending s. 921.0022,
12 F.S.; revising felony classification in the Criminal
13 Punishment Code offense severity ranking chart for
14 specified violations; providing an effective date.
15
16 Be It Enacted by the Legislature of the State of Florida:
17
18 Section 1. <u>This act may be cited as the "Justin McWilliams</u>
19 <u>'Justice For Justin' Act."</u>
20 Section 2. Subsection (1) of section 316.027, Florida
21 Statutes, is amended to read:
22 316.027 Crash involving death or personal injuries.--
23 (1)(a) The driver of any vehicle involved in a crash
24 <u>occurring on public or private property that results</u> ~~resulting~~
25 in injury of any person must immediately stop the vehicle at the
26 scene of the crash, or as close thereto as possible, and must
27 remain at the scene of the crash until he or she has fulfilled
28 the requirements of s. 316.062. Any person who willfully

29 violates this paragraph commits ~~is guilty of~~ a felony of the
30 third degree, punishable as provided in s. 775.082, s. 775.083,
31 or s. 775.084.
32 (b) The driver of any vehicle involved in a crash
33 occurring on public or private property that results ~~resulting~~
34 in the death of any person must immediately stop the vehicle at
35 the scene of the crash, or as close thereto as possible, and
36 must remain at the scene of the crash until he or she has
37 fulfilled the requirements of s. 316.062. Any person who
38 willfully violates this paragraph commits ~~is guilty of~~ a felony
39 of the first ~~second~~ degree, punishable as provided in s.
40 775.082, s. 775.083, or s. 775.084.
41 Section 3. Paragraph (g) of subsection (3) of section
42 921.0022, Florida Statutes, is amended to read:
43 921.0022 Criminal Punishment Code; offense severity
44 ranking chart.--
45 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
46		
		(g) LEVEL 7
47		
316.027(1)(b)	1st ~~2nd~~	Accident involving death, failure to stop; leaving scene.
48		
316.193(3)(c)2.	3rd	DUI resulting in

			serious bodily injury.
49	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
50	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
51	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm,

			permanent disfiguration, permanent disability, or death.
52	409.920(2)	3rd	Medicaid provider fraud.
53	456.065(2)	3rd	Practicing a health care profession without a license.
54	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
55	458.327(1)	3rd	Practicing medicine without a license.
56	459.013(1)	3rd	Practicing osteopathic medicine without a license.
57			

	460.411(1)	3rd	Practicing chiropractic medicine without a license.
58	461.012(1)	3rd	Practicing podiatric medicine without a license.
59	462.17	3rd	Practicing naturopathy without a license.
60	463.015(1)	3rd	Practicing optometry without a license.
61	464.016(1)	3rd	Practicing nursing without a license.
62	465.015(2)	3rd	Practicing pharmacy without a license.
63	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
64	467.201	3rd	Practicing midwifery

			without a license.
65	468.366	3rd	Delivering respiratory care services without a license.
66	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
67	483.901(9)	3rd	Practicing medical physics without a license.
68	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
69	484.053	3rd	Dispensing hearing aids without a license.
70	494.0018(2)	1st	Conviction of any violation of ss.

			494.001-494.0077 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
71	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by money transmitter.
72	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
73	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but

			less than $20,000 by financial institution.
74	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
75	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
76	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
77	782.051(3)	2nd	Attempted felony murder of a person by a person other

			than the perpetrator or the perpetrator of an attempted felony.
78	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
79	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
80	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
81			

	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
82	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
83	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
84	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
85	784.048(7)	3rd	Aggravated stalking; violation of court order.
86	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
87	784.074(1)(a)	1st	Aggravated battery

			on sexually violent predators facility staff.
88	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
89	784.081(1)	1st	Aggravated battery on specified official or employee.
90	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
91	784.083(1)	1st	Aggravated battery on code inspector.
92	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
93			

	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
94			
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
95			
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
96			
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
97			
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while

			committing or attempting to commit a felony.
98	796.03	2nd	Procuring any person under 16 years for prostitution.
99	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
100	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
101	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
102	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed;

			no assault or battery.
103	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
104	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
105	812.014(2)(a)1.	1st	Property stolen, valued at $100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
106	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.
107	812.014(2)(b)3.	2nd	Property stolen,

			emergency medical equipment; 2nd degree grand theft.
108	812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
109	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
110	812.131(2)(a)	2nd	Robbery by sudden snatching.
111	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
112	817.234(8)(a)	2nd	Solicitation of motor vehicle

			accident victims with intent to defraud.
113	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
114	817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.
115	817.2341(2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
116	825.102(3)(b)	2nd	Neglecting an

			elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
117	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $20,000 or more, but less than $100,000.
118	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
119	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
120	837.05(2)	3rd	Giving false information about

			alleged capital felony to a law enforcement officer.
121	838.015	2nd	Bribery.
122	838.016	2nd	Unlawful compensation or reward for official behavior.
123	838.021(3)(a)	2nd	Unlawful harm to a public servant.
124	838.22	2nd	Bid tampering.
125	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
126	872.06	2nd	Abuse of a dead human body.
127	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine

			(or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
128	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified

			business site.
129	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
130	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
131	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
132	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
133	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less

			than 200 grams.
134	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
135	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
136	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
137	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
138	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more,

			less than 5 kilograms.
139	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
140	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
141	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.
142	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure

			to comply with reporting requirements.
143	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
144	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
145	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
146	943.0435(14)	3rd	Sexual offender; failure to report and reregister;

			failure to respond to address verification.
147	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
148	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
149	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
150	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address

verification.

151

152 Section 4. This act shall take effect October 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 179 CS Road Designations
SPONSOR(S): Hays
TIED BILLS: **IDEN./SIM. BILLS:** SB 254

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	16 Y, 0 N	Rousseau	Miller
2) Transportation & Economic Development Appropriations Committee	17 Y, 0 N, w/CS	McAuliffe	Gordon
3) State Infrastructure Council		Rousseau	Havlicak
4)			
5)			

SUMMARY ANALYSIS

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

HB 179 w/CS designates two honorary roads. They are:

- The portion of Old U.S. Highway 441 between David Walker Drive and Eudora Road in Lake County as "Leighton Lee Baker Memorial Highway."
- The portion of S.W. 10th Street between F.A.U. Research Park Boulevard and the Sawgrass Expressway in the City of Deerfield Beach in Broward County as "Trinchi Boulevard."

The Florida Department of Transportation (FDOT) is directed to erect suitable markers to denote the honorary designation. The markers will cost an estimated $400 each. Assuming that two markers will be erected for each designation, the estimated fiscal impact to FDOT will be $1,600. This does not include maintenance or installation costs.

HB 179 w/CS does not create any constitutional or other legal issues. It takes effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

HB 179 does not implicate any House Principles.

B. EFFECT OF PROPOSED CHANGES:

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

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

Based on FDOT records, some 1,079 honorary road and bridge designations have been approved since 1922, most of them by the Legislature. Some public roads and bridges have multiple or overlapping designations.

Effect of HB 179 w/CS
HB 179 designates two honorary roads. They are:

- The portion of Old U.S. Highway 441 between David Walker Drive and Eudora Road in Lake County as "Leighton Lee Baker Memorial Highway."
- The portion of S.W. 10th Street between F.A.U. Research Park Boulevard and the Sawgrass Expressway in the City of Deerfield Beach in Broward County as "Trinchi Boulevard."

Leighton Lee Baker is the late father of State Senator Carey Baker, and he served in the Florida House of Representatives as Lake County's first Republican to be elected to the House since the Civil War.

Amadeo "Trinchi" Trinchitella was a long-time Deerfield Beach City Commissioner and Broward County political activist. He passed away in February, 2005 at the age of 87.

C. SECTION DIRECTORY:

Section 1: Designates Leighton Lee Baker Memorial Highway in Lake County.
Section 2: Designates Trinchi Boulevard in Broward County.
Section 3: Specifies an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

FDOT estimates that the cost to erect two suitable road designating markers is approximately $1600, this assumes the placement of a marker at each end of the designated road segment. The expenditure is from the State Transportation Trust Fund. FDOT also is responsible for any future maintenance and replacement cost, which is indeterminate.

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:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

FDOT has sufficient rulemaking authority to implement this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On January 12, 2006, this bill was considered by the Transportation & Economic Development Appropriations Committee. An amendment was adopted which added the "Trinchi Boulevard" designation. The bill was reported favorably with a committee substitute.

CHAMBER ACTION

The Transportation & Economic Development Appropriations Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to road designations; designating Leighton Lee Baker Memorial Highway in Lake County; designating Trinchi Boulevard in Broward 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. Leighton Lee Baker Memorial Highway designated; Department of Transportation to erect suitable markers.--

(1) That portion of Old U.S. Highway 441 between David Walker Drive and Eudora Road in Lake County is designated as "Leighton Lee Baker Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Leighton Lee Baker Memorial Highway as described in subsection (1).

23 Section 2. Trinchi Boulevard designated; Department of
24 Transportation to erect suitable markers.--
25 (1) That portion of S.W. 10th Street between F.A.U.
26 Research Park Boulevard and the Sawgrass Expressway in the City
27 of Deerfield Beach in Broward County is designated as "Trinchi
28 Boulevard."
29 (2) The Department of Transportation is directed to erect
30 suitable markers designating Trinchi Boulevard as described in
31 subsection (1).
32 Section 3. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 201 CS Nonjudicial Sale of Vessels
SPONSOR(S): Poppell
TIED BILLS: None **IDEN./SIM. BILLS:** SB 648

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	13 Y, 1 N	Rousseau	Miller
2) Civil Justice Committee	7 Y, 0 N, w/CS	Blalock	Bond
3) State Infrastructure Council		Rousseau TDR	Havlicak RH
4)			
5)			

SUMMARY ANALYSIS

Current law provides that a marina has a possessory lien against any vessel in the marina for storage fees, dockage fees, repairs, improvements, or other work related storage charges, and for expenses necessary for preservation of the vessel or expenses reasonably incurred in the sale or other disposition of the vessel. Current law also provides a mechanism for nonjudicial sale of a vessel when the owner does not pay the charges due. This bill:

- Adds that a vessel abandoned at the marina may be subject to the possessory lien.
- Revises the notice requirements that a marina with a lien must follow before the sale of a vessel.
- Reduces the number of days, from 120 to 60, which a vessel's owner has to pay the fees and costs owed to a marina before the marina may sell the vessel.
- Gives the marina the option, in certain circumstances, of removing the vessel, at the owner's expense, instead of selling it.
- Revises provisions relating to priority over other liens.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government -- This bill increases procedural requirements related to a nonjudicial sale of a vessel.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

A marina is a facility which provides secured slip docking or dry storage of vessels for which the vessel owner pays rent.[1] A vessel is any type of watercraft, barge, and air boat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.[2] An owner of a vessel typically pays the marina for docking, storage, repairs, and other services. An owner of a vessel that does not pay a marina is subject to having the vessel sold by the marina. Section 328.17, F.S., provides procedures for the nonjudicial sale of a vessel to pay for the costs and fees owed to a marina by the owner of a vessel.

Section 328.17, F.S., provides that a marina "shall have a possessory lien upon any vessel for storage fees, dockage fees, repairs, improvements, or other work-related storage charges, and for expenses necessary for preservation of the vessel or expenses reasonably incurred in the sale or other disposition of the vessel".[3] The lien attaches on the date the vessel is brought to the marina or first occupies rental space there. Upon default, the marina has to give notice to those who hold perfected security interests against the vessel under the Uniform Commercial Code (UCC).[4]

Before a marina can utilize the nonjudicial sales procedure, the marina must give written notice to the vessel's owner. The notice must be delivered in person or by certified mail to the owner's last known address and be clearly posted at the marina and on the vessel. The marina must also provide written notice to each recorded lienholder of the vessel registered with this state as shown by the records of the Department of Highway Safety and Motor Vehicles at least 30 days prior to the sale.[5]

The notice must include an itemized statement of the claim containing the amount due at the time of notice and the date that amount became due, a description of the vessel, a demand for payment, a clear statement warning that the vessel will be advertised for sale and sold at a particular time and place, and a name, address, and phone number of the marina that the owner may contact regarding the notice.[6]

If the fees and costs that give rise to the lien are due and unpaid 120 days after the vessel owner is given notice, the marina may sell the vessel, including its machinery, rigging, and accessories.[7]

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[1] Section 327.02(19), F.S.
[2] Section 327.02(37), F.S.
[3] Section 328.17(4), F.S.
[4] Section 328.17(4), F.S.
[5] Current law does not require a marina to give notice to lienholders that hold a security interest filed with the United States Coast Guard Vessel Documentation Center, and does not require marinas to obtain an abstract from the United States Coast Guard for these "documented vessels". By not having these requirements in the current law, a number of lienholders are given no notice that the marina is in the process of selling a vessel that the lienholders have a security interest in. The U.S. Coast Guard states that most vessels measuring more than 25 feet meet the statutory tonnage requirement to be eligible for documentation, encompassing a large number of vessels. This bill requires notice be given to these lienholders.
[6] Section 328.17(5)(b), F.S.
[7] Section 328.17(7), F.S.

Before any sale of the vessel the owner may pay the amount of the lien and redeem the vessel. The marina will then have no liability to any person with respect to the vessel.[8] If sold, a good faith purchaser takes the vessel free of any claims except a prior lien perfected under the UCC even if the marina does not comply with the law relating to nonjudicial sale of vessels.[9]

The marina may satisfy its lien from the proceeds of the sale if the marina's lien has priority over all other liens on the vessel other than a prior lien perfected under the UCC. The balance remaining, if any, must be held by the marina for delivery on demand to the owner. A notice of any balance must be delivered by the marina to the owner in person or by certified mail to the last known address of the owner. If the owner does not claim the balance of the proceeds within one year after the date of the sale, the proceeds are deemed abandoned, and the marina will have no further obligation with regard to the payment of the balance.[10]

If the marina's lien does not have priority over all other liens, the sale proceeds will be held for the benefit of the holders of those liens having priority. A notice of the amount of the sale proceeds must be delivered by the marina to the owner or lienholder in person or by certified mail to the owner's or the lienholder's last known address. If the owner or lienholder does not claim the sale proceeds within one year after the date of the sale, the proceeds will be deemed abandoned, and the owner or lienholder will have no further obligation with regard to the payment of the proceeds.[11]

Effect of Bill

This bill amends s. 328.17, F.S., regarding the nonjudicial sale of vessels by: expanding which vessels a marina can attach a possessory lien; revising the notice requirements a marina with a lien must follow before the sale of a vessel; reducing the number of days, from 120 to 60, that a vessel owner has from the time the fees and costs giving rise to the lien are due and unpaid to when the marina can sell the vessel; giving the marina the option, in certain circumstances, of removing the vessel, at the owner's expense, instead of selling it; and by revising provisions relating to the priority over other liens.

Applicability

This bill amends s. 328.17(4), F.S., to add that a marina may attach a possesory lien for expenses incurred in the removal and disposal of any vessel in a wrecked, junked, or substantially dismantled condition, which has been left docked, grounded, beached, or abandoned at a marina without the consent of the marina owner. The lien attaches on the date the vessel is discovered at the marina. If the proceeds of a sale of the vessel, or the scrap value of the vessel, do not cover the removal and disposal costs of the vessel, the marina will be able to recover those excess costs from the vessel's owner.

This bill also provides that a marina may, at its option, remove the vessel from the marina or from the waters of the state, at the owner's expense, rather than proceed to sell the vessel if the vessel is one that is wrecked, junked, or substantially dismantled and has been left docked, grounded, beached, or abandoned at a marina without the consent of the marina owner. This provision does not apply to vessels that are at the marina with the consent of the marina owner, and that owe storage, docking, or repair fees.

[8] Section 328.17(10), F.S.
[9] Section 328.17(11), F.S.
[10] Section 328.17(12), F.S.
[11] Section 328.17(12), F.S.

Notice Requirements

This bill amends s. 328.17(5), F.S., to revise the notice requirements of a marina, by requiring a marina to give notice to each person or entity that: holds a security interest on the vessel as shown in the records of the Department of Highway Safety and Motor Vehicles (DHSMV); holds a preferred ship mortgage or has filed a claim of lien with the United States Coast Guard Vessel Documentation Center; holds a security interest against the vessel under the UCC; or has filed a judgment lien certificate in order to perfect a lien against the vessel.[12] This change only applies to a vessel registered in Florida.

This bill amends s. 328.17(5), F.S., to provide notice procedures a marina must follow when a vessel displays either foreign country identification or a registration from a state other than Florida. A marina is required to conduct a reasonable lien search of the vessel registration records in the jurisdiction where the vessel is registered in order to determine if there is a lienholder entitled to notice. If the result of the search shows that there is no foreign or non-Florida lienholder, the vessel may be sold or removed and a purchaser of the vessel takes title of the vessel.

Lien Search Requirements

This bill amends s. 328.17(5), F.S., to provide search requirements that must be satisfied for the marina to fulfill the notice requirements above. The notice requirements are satisfied if the marina shows that it has:

- obtained ownership documentation for the vessel and trailer, if applicable, from the DHSMV or other agency with which the vessel is registered;
- obtained an abstract from the United States Coast Guard for a vessel that is documented as defined in 46 U.S.C. s. 30101[13];
- performed a current Uniform Commercial Code lien search;
- performed a current Florida judgment lien certificate search; and
- complied with the requirement relating to vessels registered in a foreign country or in a state other than Florida.

Notice Before Sale

This bill amends s. 328.17(5), F.S., to require that written notice be made to both the vessel's owner and the lienholders 60 days prior to the sale of the vessel. This changes the time provision, which currently pertains to only lienholders, from 30 days prior to any sale of the vessel to 60 days prior to the sale.

This bill amends s. 328.17(7), F.S., to include both the vessel's owner and lienholders in this section, and decreases the time provision in this section from 120 days to 60 days. Section 328.17(7), F.S., currently pertains only to the vessel's owner, and gives the vessel's owner 120 days, after notice, to pay for the fees and costs giving rise to the lien before the marina may sell the vessel. This bill

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[12] A judgment lien certificate is a document that records a judgment lien with the Department of State.

[13] 46 U.S.C. s. 30101(1) defines "documented vessel" as a vessel documented under chapter 121 of Title 46. 46 U.S.C. s. 12102 says that a vessel is eligible for documentation if the vessel is at least 5 net tons, not registered under the laws of a foreign country, and is owned by: an individual who is a citizen of the United States; an association, trust, joint venture, or other entity all of whose members are citizens of the United States and capable of holding title to a vessel under the laws of the United States or of a State; a partnership whose general partners are citizens of the United States, and the controlling interest in the partnership is owned by citizens of the United States; a corporation established under the laws of the United States or of a State, whose chief executive officer, by whatever title, and chairman of its board of directors are citizens of the United States and no more of its directors are noncitizens than a minority of the number necessary to constitute a quorum; the United States Government; or the government of a State. Also, a vessel is eligible for documentation only if it has been measured under part J of this subtitle, which regulates how vessels are measured. However, the Secretary of Transportation may issue a temporary certificate of documentation for a vessel before it is measured.

provides that both the vessel's owner and lienholders have 60 days after notice to pay the marina the fees, costs, and late payment interest giving rise to the lien, once they becomes due and are unpaid, before the marina may sell the vessel. After the 60 day time period, if the fees, costs, and late payment interest are still due and unpaid, the marina may sell the vessel, including its machinery, rigging, and accessories. This section also adds the requirement that owners and lienholders pay interest to the marina on late payments.

Priority of Liens

This bill amends s. 328.17(12), F.S., to provide that a marina may satisfy its lien from the proceeds of a sale, "if the marina's lien has priority over all other liens on the vessel". This bill removes the phrase "other than a prior lien perfected under the UCC", and as a result, requires the marina to have priority over all liens on the vessel including prior liens perfected under the UCC. Current law does not require a marina's lien to have priority over a UCC lien before the marina can satisfy its lien against a vessel. By taking out the phrase, "other than a prior lien perfected under the UCC"; this bill requires the marina's lien to have priority over a UCC lien and all other liens on the vessel.

C. SECTION DIRECTORY:

Section 1 amends s. 328.17, F.S., regarding the nonjudicial sale of vessels.

Section 2 provides an effective date of July 1, 2006.

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:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

This bill does not specify who receives proceeds of a sale that are abandoned pursuant to s. 328.17(12), F.S., should an owner fail to collect such funds within one year of the sale.

This bill is unclear as to whether or not the marina would be able to satisfy their lien from the proceeds of the sale where the marina does not have priority, but lienholders have claimed their proceeds within one year.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On January 11, 2006, the Civil Justice Committee adopted one amendment to this bill. The amendment revises s. 328.17(5)(a)4.b.,F.S., of this bill to correct a citation to the United States Code. The bill was then reported favorably with a committee substitute.

CHAMBER ACTION

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1 The Civil Justice Committee recommends the following:
2
3 **Council/Committee Substitute**
4 Remove the entire bill and insert:
5 A bill to be entitled
6 An act relating to nonjudicial sale of vessels; amending
7 s. 328.17, F.S.; revising notice requirements of a marina
8 having a possessory lien on a vessel for unpaid costs,
9 charges, or fees prior to nonjudicial sale of the vessel,
10 including expenses for the removal and disposal of certain
11 vessels in a wrecked, junked, or substantially dismantled
12 condition; reducing the time allowed to pay the fees,
13 charges, and costs giving rise to the lien prior to sale
14 of the vessel; revising requirements with respect to
15 perfection of and priority over prior or other liens;
16 providing an effective date.
17
18 Be It Enacted by the Legislature of the State of Florida:
19
20 Section 1. Subsections (4), (5), (7), (10), (11), and (12)
21 of section 328.17, Florida Statutes, are amended to read:
22 328.17 Nonjudicial sale of vessels.--
23 (4) A marina, as defined in s. 327.02(19), shall have:

24 (a) A possessory lien upon any vessel for storage fees,
25 dockage fees, repairs, improvements, or other work-related
26 storage charges, and for expenses necessary for preservation of
27 the vessel or expenses reasonably incurred in the sale or other
28 disposition of the vessel. The possessory lien shall attach as
29 of the date the vessel is brought to the marina~~,~~ or as of the
30 date the vessel first occupies rental space at the marina
31 facility. ~~However, in the event of default, the marina must give~~
32 ~~notice to persons who hold perfected security interests against~~
33 ~~the vessel under the Uniform Commercial Code in which the owner~~
34 ~~is named as the debtor.~~
35 (b) A possessory lien upon any vessel in a wrecked,
36 junked, or substantially dismantled condition, which has been
37 left docked, grounded, beached, or otherwise abandoned at a
38 marina without consent of the marina owner, for expenses
39 reasonably incurred in the removal and disposal of the vessel.
40 The possessory lien shall attach as of the date the vessel is
41 discovered at the marina facility. If the funds recovered from
42 the sale of such a vessel, or from the scrap or salvage value of
43 such a vessel, are insufficient to cover the expenses reasonably
44 incurred by the marina in removing and disposing of the vessel,
45 all costs in excess of recovery shall be recoverable against the
46 owner of the vessel.
47 (5) A marina's possessory lien may be satisfied as
48 follows:
49 (a)1. The marina shall provide written notice to the
50 vessel's owner, delivered in person or by certified mail to the

51 owner's last known address. The notice shall also be ~~and~~
52 conspicuously posted at the marina and on the vessel.
53 2. In addition to notice provided to the vessel owner
54 under subparagraph 1., the marina shall provide written notice
55 to each person or entity that:
56 a. Holds a security interest on the vessel as shown in the
57 records of the Department of Highway Safety and Motor Vehicles
58 with respect to state-titled vessels.
59 b. Holds a preferred ship mortgage or has filed a claim of
60 lien with the United States Coast Guard Vessel Documentation
61 Center.
62 c. Holds a security interest against the vessel under the
63 Uniform Commercial Code.
64 d. Has perfected a lien against the subject vessel by
65 filing a judgment lien certificate pursuant to ss. 55.201-
66 55.209.
67 3. When a vessel displays a foreign country identification
68 or displays registration numbers from a state other than
69 Florida, the marina shall conduct a reasonable lien search of
70 the vessel registration records in the jurisdiction of registry
71 to determine if there is a lienholder who is entitled to notice
72 pursuant to subparagraph 2. Failure to discover a foreign
73 national or non-Florida United States lienholder after a good
74 faith effort to conduct such a lien search shall not prevent the
75 sale or removal of a vessel from the marina to satisfy the
76 marina's possessory lien or a purchaser, in good faith, from
77 taking title of the vessel, pursuant to subsections (7) and
78 (11).

79 4. The requirements of subparagraph 2. shall be satisfied
80 if the marina:
81 a. Obtains ownership documentation for the vessel and
82 trailer, if applicable, from the Department of Highway Safety
83 and Motor Vehicles or other agency with which the vessel is
84 registered;
85 b. Obtains an abstract from the United States Coast Guard
86 for a vessel that is documented as defined in 46 U.S.C. s.
87 30101;
88 c. Performs a current Uniform Commercial Code lien search;
89 d. Performs a current Florida judgment lien certificate
90 search; and
91 e. Complies with subparagraph 3. with regard to vessels
92 registered in a foreign country or in a state other than
93 Florida.
94 5. The written notice to the vessel owner and lienholders
95 required by this paragraph shall be made at least 60 days prior
96 to any sale of the vessel under this section ~~recorded lienholder~~
97 ~~of such vessel registered with this state as shown by the~~
98 ~~records of the Department of Highway Safety and Motor Vehicles,~~
99 ~~at least 30 days prior to the proposed sale~~.
100 (b) The notice shall include:
101 1. An itemized statement of the marina's claim, showing
102 the sum due at the time of the notice and the date upon which
103 the sum became due.
104 2. A description of the vessel.
105 3. A demand for payment.

106 4. A conspicuous statement that, unless the claim is paid
107 within the time stated in the notice, the vessel will be
108 advertised for sale or other disposition and will be sold or
109 otherwise disposed of at a specified time and place.
110 5. The name, street address, and telephone number of the
111 marina that the owner may contact to respond to the notice.
112 (7) If the fees, ~~and~~ costs, and late payment interest that
113 give rise to such a lien are due and unpaid 60 ~~120~~ days after
114 the vessel owner and lienholder are ~~is~~ given written notice, the
115 marina may sell the vessel, including its machinery, rigging,
116 and accessories as provided for in subsection (8); or the marina
117 may, at its option, remove the vessel from the marina or from
118 the waters of the state at the owner's expense pursuant to
119 paragraph (4)(b).
120 (10) Before any sale or other disposition of the vessel
121 pursuant to this section, the owner or the lienholder may pay
122 the amount necessary to satisfy the lien and the reasonable
123 expenses and late payment interest incurred under this section
124 and thereby redeem and take possession of the vessel. Upon
125 receipt of such payment, the marina shall return the property to
126 the owner or lienholder making such payment and thereafter shall
127 have no liability to any person with respect to such vessel.
128 (11) Unless otherwise provided by law, a purchaser in good
129 faith of a vessel sold to satisfy a lien provided for in this
130 section takes the property free of any claims other than a prior
131 lien perfected under state or federal law ~~the Uniform Commercial~~
132 ~~Code, despite noncompliance by the marina with the requirements~~
133 ~~of this section~~.

134 (12) In the event of a sale under this section, the marina
135 may satisfy its lien from the proceeds of the sale, provided the
136 marina's lien has priority over all other liens on the vessel
137 ~~other than a prior lien perfected under the Uniform Commercial~~
138 ~~Code~~. The lien rights of secured lienholders ~~are~~ automatically
139 also attach ~~transferred~~ to the remaining proceeds of the sale.
140 The balance, if any, shall be held by the marina for delivery on
141 demand to the owner. A notice of any balance shall be delivered
142 by the marina to the owner in person or by certified mail to the
143 last known address of the owner. If the owner does not claim the
144 balance of the proceeds within 1 year after the date of sale,
145 the proceeds shall be deemed abandoned, and the marina shall
146 have no further obligation with regard to the payment of the
147 balance. In the event that the marina's lien does not have
148 priority over all other liens, the sale proceeds shall be held
149 for the benefit of the holders of those liens having priority. A
150 notice of the amount of the sale proceeds shall be delivered by
151 the marina to the owner or secured lienholder in person or by
152 certified mail to the owner's or the secured lienholder's last
153 known address. If the owner or the secured lienholder does not
154 claim the sale proceeds within 1 year after the date of sale,
155 the proceeds shall be deemed abandoned, and the owner or the
156 secured lienholder shall have no further obligation with regard
157 to the payment of the proceeds.
158 Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 281 CS Specialty License Plates
SPONSOR(S): Baxley and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 548

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation Committee	12 Y, 1 N, w/CS	Thompson	Miller
2) Transportation & Economic Development Appropriations Committee	15 Y, 1 N	McAuliffe	Gordon
3) State Infrastructure Council		Thompson J.T.	Havlicak RH
4)			
5)			

SUMMARY ANALYSIS

HB 281 w/CS creates two new specialty license plates:

- The "A State of Vision" license plate, and establishes an annual use fee of $25 to be paid by purchasers in addition to license taxes and fees. The annual use fee will be distributed to The Florida Association of Agencies Serving the Blind, Inc., to fund its activities, programs, and projects within the state through its local nonprofit organizations' direct-support services to blind and visually impaired people.

- The "Future Farmers of America" specialty license plate, and establishes an annual use fee of $25 to be paid by purchasers in addition to license taxes and fees. The annual use fee will be distributed to The Florida Future Farmers of America Foundation, Inc., to fund activities and services of the Future Farmers of America.

Both organizations seeking authority for these plates have submitted the information and application fee required by current law.

In addition, the bill increases the annual use fee of the "Florida Sheriffs Youth Ranches" license plate from $20 to $25.

The fiscal impact of the bill of approximately $120,000 on the Department of Highway Safety and Motor Vehicles (DHSMV) for implementation of the new specialty license plates will be offset by the application fees paid to DHSMV by the sponsoring organizations.

The bill will take effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government - The bill requires DHSMV to develop and provide for the manufacture of new license plates, and therefore requires county tax collectors offices to maintain an appropriate inventory and administer the new plates.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Currently, specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from $15 to $25, paid in addition to required license taxes and service fees, are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute. The Legislature may create a specialty license plate under its own initiative or it can do so at the request of an organization. Under s. 320.08053, F.S., an organization may seek Legislative authorization for a new specialty license plate by meeting a number of requirements.

An organization is first required to submit to the Department of Highway Safety and Motor Vehicles (DHSMV):

- A request for the plate describing it in general terms;
- The results of a professional, independent, and scientific sample survey of Florida residents indicating that 30,000 vehicle owners intend to purchase the plate at the increased cost;
- An application fee of up to $60,000 defraying DHSMV's cost for reviewing the application, developing the new plate, and providing for the manufacture and distribution of the first run of plates; and
- A marketing strategy for the plate and a financial analysis of anticipated revenues and planned expenditures.

These requirements must be satisfied at least 90 days prior to the convening of the regular session of the Legislature. Once the requirements are met, DHSMV notifies the committees of the House of Representatives and Senate with jurisdiction over the issue, and the organization is free to find sponsors and pursue legislative action.

If a proposed specialty plate fails to be enacted by the Legislature, DHSMV returns the application fee and other required documents to the organization. If it passes and becomes law, DHSMV notifies the organization, modifies its computer programming to accommodate the new plate, and requests the laminate manufacturer, 3M Company, to produce a prototype roll-coat. PRIDE, the contracted manufacturer of license plates, embosses and roll-coats sample plates that must be submitted to FHP, the Governor, and the Cabinet for approval. Once approval is given, PRIDE begins full production of the plates and distributes them to the Tax Collectors' Offices for sale to the public.

Discontinuance of an approved specialty license plate occurs only when the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is to be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. According to DHSMV there are currently twenty-two plates that are not meeting the minimum sales requirement and could be discontinued in 2006 if their sales do not increase. If none of these plates meet the minimum sales requirement by next summer, the number of plates offered for sale could be reduced to 78.

Specialty license plates are distinguished from other types of specialized license plates by the fact that anyone may obtain one by simply paying an additional annual use fee, and by the fact that annual use fees are dedicated to supporting a particular cause or organization. The Legislature has also created a number of specialized license plates that are not specialty plates. These plates differ because the purchaser must be eligible by his or her status to obtain the plate, and because ownership of these plates does not require payment of an annual use fee that is distributed for charitable purposes. These types of "status plates" are referred to in the statutes as special plates, and include: the Governor and Legislator plates; the amateur radio operators plate; the disabled veterans plate; the street rods plate; the National Guard, Pearl Harbor Survivor, Combat-wounded veteran and U.S. Reserve plates; and the Medal of Honor plate.

The statutes provide for all specialty plates within ss. 320.08056 and 320.08058, F.S., and provide for a uniform procedure for approval and authorization in s. 320.08053, F.S. By comparison, other specialized plates (the status or special plates) are created on an ad hoc basis by the Legislature, and the statutes provide for them independently of one another in separate sections. It is unnecessary for a proponent of a special plate to obtain prior approval before seeking Legislative action.

The Legislature has enacted 106 specialty license plates to date, though only 100 are currently available for purchase. Annual use fees for sales of specialty license plates for 2003-2004 totaled $26,168,581 and for fiscal year 2004-2005 the total was $29,049,472.90. Since the program's inception in 1986, the DHSMV has collected annual use fees totaling more than $280 million.

Effect of Proposed Changes

HB 281 directs DHSMV to develop the "A State of Vision" license plate. A qualified motor vehicle owner may obtain the "A State of Vision" license plate upon payment of a $25 annual use fee in addition to the appropriate license taxes and service fees.

The Florida Association of Agencies Serving the Blind, Inc., will retain all revenue from the annual use fee to offset costs of developing and establishing the plates. Thereafter, up to 5 percent of the annual use fee proceeds must be distributed to The Florida Association of Agencies Serving the Blind, Inc., for administrative costs and up to 20 percent is to be used for promotion and marketing of the specialty license plate. All remaining annual use fee revenue shall be used by Florida Association of Agencies Serving the Blind, Inc., to fund its activities, programs, and projects within the state through its local nonprofit organizations' direct-support services to blind and visually impaired people.

According to DHSMV, the Florida Association of Agencies Serving the Blind, Inc., has met all the requirements set fourth in s. 320.08053, F.S. with regard to the "A State of Vision" specialty license plate.

The bill also directs DHSMV to develop the "Future Farmers of America" license plate. A qualified motor vehicle owner may obtain the "Future Farmers of America" license plate upon payment of a $25 annual use fee in addition to the appropriate license taxes and service fees.

The Florida Future Farmers of America Foundation, Inc., will retain all revenue from the annual use fee to offset costs of developing and establishing the plates. Thereafter, up to 10 percent of the annual use fee may be used for administrative, handling and disbursement expenses, and up to 5 percent may be used for advertisement and marketing costs. All remaining annual use fee revenue shall be used by the Florida Future Farmers of America Foundation, to fund its activities, programs, and projects including, but not limited to, student and teacher leadership programs, the Foundation for Leadership Training Center, teacher recruitment and retention, and other special projects.

According to DHSMV, the Florida Future Farmers of America Foundation, Inc., has met all the requirements set fourth in s. 320.08053, F.S. with regard to the "Future Farmers of America" specialty license plate.

Also HB 281 w/CS increases the "Florida Sheriffs Youth Ranches" license plate annual use fee from $20 to $25. The annual use fees will be distributed to the Florida Sheriffs Youth Ranches, Inc., for its operations.

C. SECTION DIRECTORY:

Section 1. Amends s. 320.08056, F.S., increasing the annual use fee for the "Florida Sheriffs Youth Ranch" license plate from $20 to $25; and providing for a $25 annual use fee for the "A State of Vision" and the "Future Farmers of America" license plates.

Section 2. Amends s. 320.08058, F.S., creating "A State of Vision" and "Future Farmers of America" license plates; providing for plate design; providing for annual use fees and other fees; and providing for distribution of annual use fees.

Section 3. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   See FISCAL COMMENTS section below.

2. Expenditures:

   See FISCAL COMMENTS section below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

   None.

2. Expenditures:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons who elect to purchase these specialty license plates, will be required to pay an annual use fee of $25 in addition to applicable license taxes and administrative charges. The fee from the "A State of Vision" license plate will be distributed to the Florida Association of Agencies Serving the Blind, Inc. The bill provides for the startup costs for The Florida Association of Agencies Serving the Blind, Inc., to be recovered from the initial plate sale proceeds. Proceeds from the sale of this license plate will fund the association's administrative costs, license plate marketing costs, and direct-support services to blind and visually impaired people in the private sector.

The fee from the "Future Farmers of America" specialty license plate will be distributed to offset costs of developing and establishing the plates. Thereafter, up to 10 percent of the annual use fee may be used for administrative, handling and disbursement expenses, and up to 5 percent may be used for advertisement and marketing costs. All remaining annual use fee revenue shall be used by the Florida Future Farmers of America Foundation, Inc., to fund its activities, programs, and projects including, but not limited to, student and teacher leadership programs, the Foundation for Leadership Training Center, teacher recruitment and retention, and other special projects.

Fees from the "Florida Sheriffs Youth Ranches" license plate will be distributed to the Florida Sheriffs Youth Ranches, Inc., for its operations.

Since it is impossible to determine how many persons will purchase the plates, it is impossible to determine the aggregate impact on the private sector.

D. FISCAL COMMENTS:

Implementation of HB 281 will cost DHSMV approximately $120,000 in contract programming, development labor, and product purchasing costs for creation of the "A State of Vision" and the "Future Farmers of America" license plates. This impact is offset by the statutory application fee of $60,000, which has been submitted to DHSMV by each of the two organizations seeking creation of the specialty license plates.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

   None.

B. RULE-MAKING AUTHORITY:

No additional rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On December 6, 2005, the Committee on Transportation adopted three amendments to HB 281.

- Amendment 1. Removed language "notwithstanding the provisions of s. 320.08058, F.S." related to statutory prerequisites for seeking a specialty license plate from that part of the bill related to creation of the "A State of Vision" license plate. The organization sponsoring this license plate has met the statutory specialty license plate requirements.
- Amendment 2. Created the "Future Farmers of America" specialty license plate. Revenues from the license plate will go to the Florida Future Farmers of America Foundation, Inc., to support FFA programs.
- Amendment 3. Increased the annual use fee for the "Florida Sheriffs Youth Ranches" license plate from $20 to $25.

The committee then voted 12-1 to report the bill favorably with committee substitute.

CHAMBER ACTION

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1 The Transportation Committee recommends the following:
2
3 **Council/Committee Substitute**
4 Remove the entire bill and insert:
5 A bill to be entitled
6 An act relating to specialty license plates; amending s.
7 320.08056, F.S.; revising the annual use fee for the
8 Florida Sheriffs Youth Ranches license plate; providing
9 annual use fees for certain plates; amending s. 320.08058,
10 F.S.; creating the A State of Vision license plate and the
11 Future Farmers of America license plate; providing for the
12 distribution of annual use fees received from the sale of
13 such plates; providing an effective date.
14
15 Be It Enacted by the Legislature of the State of Florida:
16
17 Section 1. Paragraph (x) of subsection (4) of section
18 320.08056, Florida Statutes, is amended, and paragraphs (eee)
19 and (fff) are added to that subsection, to read:
20 320.08056 Specialty license plates.--
21 (4) The following license plate annual use fees shall be
22 collected for the appropriate specialty license plates:
23 (x) Florida Sheriffs Youth Ranches license plate, $25 ~~$20~~.

24 (eee) A State of Vision license plate, $25.
25 (fff) Future Farmers of America license plate, $25.
26 Section 2. Subsections (57) and (58) are added to section
27 320.08058, Florida Statutes, to read:
28 320.08058 Specialty license plates.--
29 (57) A STATE OF VISION LICENSE PLATES.--
30 (a) The department shall develop an A State of Vision
31 license plate as provided in this section. A State of Vision
32 license plates must bear the colors and design approved by the
33 department. The word "Florida" must appear at the top of the
34 plate, and the words "A State of Vision" must appear at the
35 bottom of the plate.
36 (b) The license plate annual use fees shall be distributed
37 quarterly to the Florida Association of Agencies Serving the
38 Blind, Inc., to fund direct-support services to blind and
39 visually impaired people.
40 (c) The Florida Association of Agencies Serving the Blind,
41 Inc., shall retain all revenue from the annual use fees until
42 all startup costs for developing and establishing the plates
43 have been recovered. Thereafter, up to 5 percent of the annual
44 use fee revenue shall be used for administrative costs and up to
45 20 percent shall be used for promotion and marketing of the
46 specialty license plate. All remaining annual use fee revenue
47 shall be used by the Florida Association of Agencies Serving the
48 Blind, Inc., to fund its activities, programs, and projects
49 within the state through its local nonprofit organizations'
50 direct-support services to blind and visually impaired people.
51 (58) FUTURE FARMERS OF AMERICA LICENSE PLATES.--

52 (a) Notwithstanding the provisions of s. 320.08053, the
53 department shall develop a Future Farmers of America license
54 plate as provided in this section. Future Farmers of America
55 license plates must bear the colors and design approved by the
56 department. The word "Florida" must appear at the top of the
57 plate, and the words "Agricultural Education" must appear at the
58 bottom of the plate.
59 (b) The license plate annual use fee shall be distributed
60 quarterly to the Florida Future Farmers of America Foundation,
61 Inc., to fund activities and services of the Future Farmers of
62 America.
63 (c) The Florida Future Farmers of America Foundation,
64 Inc., shall retain all revenue from the annual use fees until
65 all startup costs for developing and establishing the plates
66 have been recovered. Thereafter, up to 10 percent of the annual
67 use fee revenue may be used for administrative, handling, and
68 disbursement expenses and up to 5 percent may be used for
69 advertising and marketing costs. All remaining annual use fee
70 revenue shall be used by the Florida Future Farmers of America
71 Foundation, Inc., to fund its activities, programs, and
72 projects, including, but not limited to, student and teacher
73 leadership programs, the Foundation for Leadership Training
74 Center, teacher recruitment and retention, and other special
75 projects.
76 Section 3. This act shall take effect July 1, 2006.

State Infrastructure Council

AMENDMENT PACKET

Tuesday, February 21, 2006
1:00 pm – 1:30 pm
404 House Office Building

Representative David D. Russell, Chair
Representative Adam Hasner, Vice Chair

Bill No. **HB 121 CS**

COUNCIL/COMMITTEE ACTION

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

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Johnson offered the following:
3
4 **Amendment #1 (with title amendment)**
5 Between line(s) 49 & 50 insert:
6
7 Section 5. Carlos C. Lopez-Aguiar Way designated;
8 Department of Transportation to erect suitable markers.—
9 (1) Coral Way between 22nd Avenue and 27th Avenue in Miami-
10 Dade County is designated as "Carlos C. Lopez-Aguiar Way."
11 (2) The Department of Transportation is directed to erect
12 suitable markers designating Carlos C. Lopez-Aguiar Way as
13 described in subsection (1).
14
15
16 ========== T I T L E A M E N D M E N T ==========
17 On line(s) 11 after the semicolon insert:
18
19 designating Carlos C. Lopez-Aguiar Way in Miami-Dade County;

COUNCIL/COMMITTEE ACTION

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

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Bendross-Mindingall offered the following:
3
4 **Amendment #2 (with title amendment)**
5 Between line(s) 49 & 50 insert:
6
7 Section 5. Reverend Samuel Atchison Boulevard designated;
8 Department of Transportation to erect suitable markers. -
9 (1) That portion of N.W. 7th Avenue between N.W. 62nd
10 Street and N.W. 95th Street in Miami-Dade County is designated
11 as "Reverend Samuel Atchison Boulevard."
12 (2) The Department of Transportation is directed to erect
13 suitable markers designating Reverend Samuel Atchison Boulevard
14 as described in subsection (1).
15
16 ========== T I T L E A M E N D M E N T ==========
17 On line(s) 11 after the semicolon insert:
18
19 designating Reverend Samuel Atchison Boulevard in Miami-Dade
20 County;

Bill No. **HB 121 w/CS**

COUNCIL/COMMITTEE ACTION

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

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative Attkisson offered the following:
3
4 **Amendment #3 (with title amendment)**
5 Between line(s) 49 & 50, insert:
6
7 Section 5. Senator N. Ray Carroll Memorial Interchange
8 designated; Department of Transportation to erect suitable
9 markers.--
10 (1) The Florida Turnpike interchange being constructed at
11 Milepost 240 and Kissimmee Park Road in Osceola County is
12 designated as "Senator N. Ray Carroll Memorial Interchange."
13 (2) The Department of Transportation is directed to erect
14 suitable markers designating Senator N. Ray Carroll Memorial
15 Interchange as described in subsection (1).
16
17 ========== T I T L E A M E N D M E N T ==========
18 On line(s) 11, after the semicolon, insert:
19
20 designating Senator N. Ray Carroll Memorial Interchange in
21 Osceola County;

COUNCIL/COMMITTEE ACTION

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

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Bendross-Mindingall offered the following:
3
4 **Amendment #4 (with title amendment)**
5 Between line(s) 49 & 50 insert:
6
7 Section 5. Adam Leigh Cann Building designated; Department
8 of Transportation to erect suitable markers.--
9 (1) That portion of the Department of Transportation
10 District Six Headquarters commonly known as the Main Building,
11 which is located at 1000 NW 111 Avenue in Miami, is designated
12 as the "Adam Leigh Cann Building."
13 (2) The Department of Transportation is directed to erect
14 suitable markers designating the Adam Leigh Cann Building as
15 described in subsection (1).
16
17 ========== T I T L E A M E N D M E N T ==========
18 On line(s) 11 after the semicolon insert:
19
20 designating the Adam Leigh Cann Building in Miami-Dade County;

COUNCIL/COMMITTEE ACTION

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

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1 Council/Committee hearing bill: State Infrastructure Council
2 Representative(s) Poppell offered the following:
3
4 **Amendment**
5 Remove line(s) 35-46 and insert:
6 (b) A possessory lien upon any vessel in a wrecked, junked,
7 or substantially dismantled condition, which has been left
8 abandoned at the marina, for expenses reasonably incurred in the
9 removal and disposal of the vessel. The possessory lien shall
10 attach as of the date the vessel arrives at the marina or as of
11 the date the vessel first occupies rental space at the marina
12 facility. If the funds recovered from the sale of the vessel, or
13 from the scrap or salvage value of the vessel, are insufficient
14 to cover the expenses reasonably incurred by the marina in
15 removing and disposing of the vessel, all costs in excess of
16 recovery shall be recoverable against the owner of the vessel.
17 For a vessel damaged as a result of a named storm, the
18 provisions of this paragraph shall be suspended for 60 days
19 following the date the vessel is damaged in the named storm. The
20 operation of the provisions specified in this paragraph run

21 concurrently with, and do not extend, the 60-day notice periods
22 provided in subsections (5) and (7)
23
24