



Transportation & Tourism Appropriations Subcommittee

**Monday, February 3, 2020
3:00 PM – 6:00 PM
Reed Hall (102 HOB)**

Committee Meeting Packet

REVISED



The Florida House of Representatives
Appropriations Committee
Transportation & Tourism Appropriations Subcommittee

Jose Oliva
Speaker

Jay Trumbull
Chair

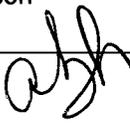
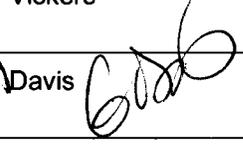
AGENDA

Monday, February 3, 2020
102 HOB (Reed Hall)
3:00 PM – 6:00 PM

- I. Call to Order/Roll Call
- II. Opening Remarks by Chair Trumbull
- III. Consideration of the following bills:
 - CS/HB 569 Diesel Exhaust Fluid by Transportation & Infrastructure Subcommittee, Overdorf
 - CS/HB 571 Vehicle and Vessel Registration Data and Functionality by Transportation & Infrastructure Subcommittee, Fernandez-Barquin
 - CS/HB 787 Driver Licenses by Transportation & Infrastructure Subcommittee, Tomkow
 - CS/HB 789 Driver License Fees by Transportation & Infrastructure Subcommittee, Tomkow
 - HB 969 Broadband Internet Service by Drake
 - CS/HB 971 Electric Bicycles by Transportation & Infrastructure Subcommittee, Grant, M.
- IV. Closing Remarks/Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 569 Diesel Exhaust Fluid
SPONSOR(S): Transportation & Infrastructure Subcommittee, Overdorf and others
TIED BILLS: IDEN./SIM. **BILLS:** SB 1036

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	15 Y, 0 N, As CS	Johnson	Vickers
2) Transportation & Tourism Appropriations Subcommittee		Hicks 	Davis 
3) State Affairs Committee			

SUMMARY ANALYSIS

The United States Environmental Protection Agency (EPA) requires diesel exhaust fluid (DEF) to be used in newer diesel engines, including diesel-powered vehicles used for aircraft and airport support. DEF is an exhaust additive that reduces diesel emissions by neutralizing nitrogen oxide into harmless nitrogen gas and water.

In recent years, a number of aircraft have experienced engine shutdowns and other engine operability issues resulting from the contamination of jet fuel due to the inadvertent filling of fuel truck anti-icing injection system reservoirs with DEF instead of fuel system icing inhibitor. The Federal Aviation Administration (FAA) has made a number of preliminary safety recommendations regarding the use of DEF at airports including additional training and the adoption of best management practices.

The bill requires public airports which utilize DEF to create a DEF safety mitigation and exclusion plan and provides minimum requirements for such plan. The plans must be approved by the governing bodies of the airports and submitted to the Department of Transportation (DOT). The airport must regularly review its plan and annually certify compliance to the DOT.

The bill may have an indeterminate negative fiscal impact on the state and local governments. Tenants of public airports may incur expenditures associated with complying with DEF safety mitigation and exclusion plans. See Fiscal Analysis for details.

The bill provides an effective date of July 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Diesel Exhaust Fluid

As part of the Clean Air Act of 1990, the United States Environmental Protection Agency (EPA) has, in order to curb air pollution, mandated stronger emission control standards for vehicle engines. Nitrogen Oxide (NOx) emissions can be a major pollutant from diesel engines and the EPA has targeted them for significant reductions. In 2007, the EPA mandated that all new on-road heavy duty vehicles manufactured after 2010 meet certain requirements, with light duty vehicles to meet these requirements in 2014. In order to meet these standards, technologies such as selective catalytic reduction have been developed.¹

In diesel vehicles, selective catalytic reduction reduces NOx emissions by injecting diesel exhaust fluid (DEF) into ammonia, which in the presence of the catalyst, reacts with the exhaust NOx to neutralize it into harmless nitrogen gas and water.²

DEF is a nontoxic, nonhazardous, and colorless aqueous solution of automotive grade Urea in deionized water.³

Airport Use of Diesel Exhaust Fluid

At public airports, the airport and its tenants use DEF in various diesel-powered vehicles including aircraft refueling equipment, diesel aircraft fire-fighting equipment, life-saving equipment, and emergency generators.⁴

In recent years, a number of aircraft have experienced engine shutdowns and other engine operability issues due to the contamination of jet fuel as a result of the inadvertent filling of aircraft fuel trucks anti-icing injection system with DEF instead of fuel system icing inhibitor.⁵

Due to fuel system designs, some aircraft require fuel system icing inhibitor to prevent engine operability issues in cold weather. Due to this requirement, for many years, airport refueling trucks have been equipped with fuel system icing inhibitor injection systems, which require a fuel system icing inhibitor fluid reservoir mounted on the truck to supply the injection system during refueling. However, new refueling trucks contain a DEF reservoir in addition to the fuel system icing inhibitor reservoir. Since the EPA's mandate for selective catalytic reduction on non-road diesel trucks began in 2014, airport refueling trucks with two reservoirs have begun appearing at airports.⁶

Between November 2017 and May 2019, there were three instances, two in Florida, in which multiple aircraft had jet fuel contaminated with DEF or were refueled using equipment exposed to DEF. Because of these instances, numerous aircraft had to perform emergency landings. The Federal Aviation Administration (FAA) conducted a hazard analysis, and issued preliminary recommendations to address the problem, including additional training for ground support crews, adoption of best

¹ Aircraft Diesel Exhaust Fluid Contamination Working Group, *A collaborative Industry Report on the Hazard of Diesel Exhaust Fluid Contamination of Aircraft Fuel*, June 11, 2019. P. 3-4 (Copy on file with Transportation & Infrastructure Subcommittee).

² *Id.*

³ *Id.*

⁴ Email from Lisa Waters, President/CEO Florida Airports Council, Diesel Exhaust Fluid, Nov. 4, 2019. (Copy on file with Transportation & Infrastructure Subcommittee).

⁵ Federal Aviation Administration, *Safety Assessment for Jet Fuel Contamination with Diesel Exhaust Fluid*. August 30, 2019. P.4. (Copy on file with Transportation & Infrastructure Subcommittee).

⁶ *Id.*

management practices, and dyeing either DEF or fuel system icing inhibitor so they can be distinguished from each other.⁷ One recommendation called for the aviation industry to request that EPA issue permanent relief from emission control/system performance inducements (which require the use of DEF) for any non-road diesel engine powered vehicles at or on airports.⁸

Effect of the Bill

The bill requires the governing body of each public airport⁹ at which aviation fuels receive onsite treatment with fuel system icing inhibitors by means of injection or mixing systems; and any aircraft fuel delivery vehicle or ground service equipment the exhaust of which is being treated with DEF within 150 feet of any aircraft must create a DEF safety mitigation and exclusion plan.

At a minimum, the plan must include:

- A full inventory of all DEF on the airport's premises.
- Designation of specific areas where DEF may be stored on the airport's premises. To the extent practicable, such areas may not be located within or on a vehicle operated for the fueling or servicing of aircraft or at any aviation fuel transfer facility or bulk aviation storage facility.
- Designation of specific areas where DEF may be added to vehicles. Such areas may not be located in aircraft operating areas.
- Incorporation of best practices for ensuring the proper labeling and storage of DEF.
- Incorporation of training in the proper use and storage of DEF for all persons on the airport's premises who may come into contact with DEF in the ordinary course of his or her duties.

The DEF fuel safety mitigation and exclusion plan must be approved by the airport's governing body by September 1, 2020. The governing body must, by October 1, 2020, submit the plan to the Department of Transportation (DOT) and certify that all DEF has been secured within the premises of the airport.

Each airport's DEF fuel safety mitigation and exclusion plan must be fully implemented by January 1, 2021.

By January 1 of each year, beginning in 2022, each public airport must certify to DOT compliance with the airport's DEF safety mitigation and exclusion plan.

B. SECTION DIRECTORY:

Section 1 creates s. 330.401, F.S., providing for diesel exhaust fluid safety mitigation and exclusion plans; certification.

Section 2 provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to impact state government revenues.

⁷ *Id.*

⁸ *Id.* at 2

⁹ Section 330.27(6), F.S., defines the term "public airport" as an airport, publicly or privately owned, which is open for use by the public.

2. Expenditures:

There is an indeterminate, but likely insignificant fiscal impact to DOT associated with reviewing airport DEF safety mitigation and exclusion plans. DOT anticipates that they can absorb these costs within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to impact local government revenues.

2. Expenditures:

There is an indeterminate, but likely negative fiscal impact to local governments operating public airports associated with reporting requirements.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Tenants of public airports, including fuel providers, will likely incur expenditures associated with complying with the DEF safety mitigation and exclusion plans; however, the impact is indeterminate.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, section 19 of the Florida Constitution may apply because the bill requires public airports to develop DEF safety mitigation and exclusion plans; however, an exemption may apply since there is likely an insignificant fiscal impact.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not grant rulemaking authority, nor does it require rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 21, 2020, the Transportation & Infrastructure Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The strike-all amendment removed the requirement that all DEF be removed from the premises of public airports by October 1, 2030. The amendment also revised provisions regarding the DEF safety plans to incorporate best practices and training requirements regarding the use of DEF. The amendment also changed from the Department of Environmental Protection, to DOT, the agency to which the airports must certify compliance.

1 A bill to be entitled
 2 An act relating to diesel exhaust fluid; creating s.
 3 330.401, F.S.; requiring the governing body of each
 4 public airport that meets certain criteria to create a
 5 diesel exhaust fluid safety mitigation and exclusion
 6 plan for submission to the Department of
 7 Transportation; providing plan requirements; requiring
 8 an annual certification of compliance; providing an
 9 effective date.

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

12
 13 Section 1. Section 330.401, Florida Statutes, is created
 14 to read:

15 330.401 Diesel exhaust fluid safety mitigation and
 16 exclusion plan; certification.-

17 (1)(a) The governing body of each public airport as
 18 defined in s. 330.27 at which:

19 1. Aviation fuels receive onsite treatment with fuel
 20 system icing inhibitors by means of injection or mixing systems;
 21 and

22 2. Any aircraft fuel delivery vehicle or ground service
 23 equipment the exhaust system of which is being treated with
 24 diesel exhaust fluid is operated within 150 feet of any aircraft
 25

26 shall create a diesel exhaust fluid safety mitigation and
 27 exclusion plan.

28 (b) The plan must include, at a minimum:

29 1. A full inventory of all diesel exhaust fluid on the
 30 premises of the airport.

31 2. Designation of specific areas where diesel exhaust
 32 fluid may be stored on the premises of the airport. To the
 33 extent practicable, such areas may not be located within or on a
 34 vehicle operated for the fueling or servicing of aircraft or at
 35 any aviation fuel transfer facility or bulk aviation fuel
 36 storage facility.

37 3. Designation of specific areas where diesel exhaust
 38 fluid may be added to vehicles. Such areas may not be located in
 39 aircraft operating areas.

40 4. Incorporation of best practices for ensuring the proper
 41 labeling and storage of diesel exhaust fluid.

42 5. Incorporation of training in the proper use and storage
 43 of diesel exhaust fluid for all persons on the premises of the
 44 airport who may come in contact with such fluid in the ordinary
 45 course of his or her duties.

46 (2) The diesel exhaust fluid safety mitigation and
 47 exclusion plan must be approved by the governing body by
 48 September 1, 2020. The governing body must, by October 1, 2020,
 49 submit the plan to the Department of Transportation and certify
 50 that all diesel exhaust fluid has been secured within the

51 premises of the airport.

52 (3) The diesel exhaust fluid safety mitigation and
53 exclusion plan must be fully implemented on the premises of each
54 airport by January 1, 2021.

55 (4) By January 1 of each year, beginning in 2022, each
56 public airport must certify to the department the airport's
57 compliance with its diesel exhaust fluid safety mitigation and
58 exclusion plan.

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 571 Vehicle and Vessel Registration Data and Functionality
SPONSOR(S): Transportation & Infrastructure Subcommittee, Fernandez-Barquin
TIED BILLS: IDEN./SIM. **BILLS:** CS/SB 1086

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	15 Y, 0 N, As CS	Roth	Vickers
2) Transportation & Tourism Appropriations Subcommittee		Hicks 	Davis 
3) State Affairs Committee			

SUMMARY ANALYSIS

Tax collectors are authorized agents of the Department of Highway Safety and Motor Vehicles (DHSMV) who issue motor vehicle and vessel registration certificates, motor vehicle registration license plates and validation stickers, vessel numbers and decals to applicants. Each tax collector must keep a full and complete record and account of all validation stickers, mobile home stickers, vessel decals, or other properties received by him or her from DHSMV. Both DHSMV and the tax collectors use third-party agents who provide information technology support, including online and mobile applications.

The Florida Real Time Vehicle Information System (FRVIS) is the database application maintained by DHSMV to issue and account for tags, titles, and registrations for motor vehicles and vessels. FRVIS must be installed in every tax collector's and license tag agent's office in accordance with a schedule established by DHSMV in consultation with the tax collectors and contingent upon funds being made available for the system by the state.

The bill provides, for the purpose of enhancing customer services provided by tax collectors on behalf of DHSMV, the department must provide tax collectors and their agents with the real-time access to the same data and functionality that DHSMV provides to all other third-parties. The bill specifies that this includes data related to motor vehicle and mobile home registration certificates, registration license plates, and validation stickers as well as vessel registration certificates and vessel numbers and decals including, but not limited to, each owner's current residential and electronic mail address.

According to DHSMV, the bill will have an indeterminate, negative fiscal impact on state expenditures associated with programming and implementation costs. These costs can be absorbed within existing resources. See Fiscal Analysis for details.

The bill has an effective date of July 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Registration Requirements

The motor vehicle registration process is set out in s. 320.02, F.S. Upon the receipt of an initial application for registration and payment of the appropriate license tax and other fees required by law, the Department of Highway Safety and Motor Vehicles (DHSMV) must assign to the motor vehicle a registration license number consisting of letters and numbers and issue to the owner a certificate of registration and a registration license plate.¹ For each registration period after the one in which the metal license plate is issued, and until the license plate is required to be replaced, a validation sticker showing the month and year of expiration shall be issued upon payment of the proper license tax amount and fees and is valid for not more than 12 or 24 months accordingly.²

DHSMV is responsible for issuing vessel registrations.³ Applications for titles and registrations must be filed at a county tax collector's office.⁴ Every vessel operated, used, or stored on the waters of Florida must be registered unless it is:

- A vessel operated, used, and stored exclusively on private lakes and ponds;
- A vessel owned by the United States Government;
- A vessel used exclusively as a ship's lifeboat; or
- A non-motor-powered vessel less than 16 feet in length or a non-motor-powered canoe, kayak, racing shell, or rowing scull, regardless of length.⁵

The certificate of registration must be pocket-sized and be available for inspection on the vessel for which it is issued whenever such vessel is in operation.⁶ Additionally, a decal signifying the year or years during which the certificate is valid must be furnished by DHSMV with each certificate of registration issued and affixed to the front of the vessel.⁷

Florida Real Time Vehicle Information System

DHSMV maintains the Florida Real Time Vehicle Information System (FRVIS) that facilitates the collection of taxes and fees for tags, titles, and registrations associated with motor vehicles and vessels.⁸ Local tax collector and tag agent offices throughout the state process tag, title, and registration transactions through FRVIS.⁹ According to DHSMV, FRVIS processed approximately 413.1 million transactions for the collection of approximately \$3.22 billion in revenue from taxes and fees associated with tags, titles, and registrations for motor vehicles and vessels during Fiscal Year 2018-2019, including amounts retained by local tax collector and tag agent offices.¹⁰ These funds, together with all other sources of DHSMV's revenue, are distributed through FRVIS to various state agencies, including DHSMV, and non-state entities in accordance with Florida Statutes.¹¹

¹ Section 320.06(1)(a), F.S.

² Section 320.06(1)(c), F.S.

³ Section 328.48(3), F.S.

⁴ Section 328.48(1)(a), F.S.

⁵ Section 328.48(2), F.S.

⁶ Section 328.48(4), F.S.

⁷ Section 328.48(5), F.S.

⁸ Department of Highway Safety and Motor Vehicles, *Florida Real Time Vehicle Information System (FRVIS): Information Technology Operational Audit*, at 1 (April 2014), available at https://flauditor.gov/pages/pdf_files/2014-183.pdf (last visited March 21, 2019).

⁹ *Id.* at 1-2.

¹⁰ E-mail from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: HB 571, (December 19, 2019).

¹¹ DHSMV, *supra* at 2, FN 8.

FRVIS is composed of two processing environments. The first is a distributed environment that consists of the servers at local tax collector and tag agent offices that process tag, title, and registration transactions throughout the state. The second environment is the host portion that consists of the back-end processing that is conducted centrally at DHSMV's primary data center.¹²

In addition to residential street addresses, DHSMV is authorized to collect and store (in FRVIS) e-mail addresses. E-mail addresses may be used, in lieu of the United States Postal Service, to provide certain renewal notices, including registration renewal notices, driver license renewal notices, and vessel registration renewal notices.^{13,14,15,16,17}

Registration Duties of Tax Collectors

Tax collectors are authorized agents of DHSMV that issue motor vehicle and vessel registration certificates, motor vehicle registration license plates and validation stickers, mobile home stickers, and vessel numbers and decals to applicants.¹⁸ Each tax collector must keep a full and complete record and account of all validation stickers, mobile home stickers, vessel decals, or other properties received by him or her from DHSMV.¹⁹ FRVIS must be installed in every tax collector's and license tag agent's office in accordance with a schedule established by DHSMV in consultation with the tax collectors and contingent upon funds being made available for the system by the state.²⁰

Memorandums of Understanding

Access to DHSMV's systems and data is governed by various Memorandums of Understanding (MOU) between DHSMV, tax collectors, and other third-party entities. The MOUs document how the data will be used and protected, and ensure compliance with various state and federal laws, including the federal Driver's Privacy Protection Act.²¹ Both DHSMV and the tax collector's offices utilize private vendors who assist with various services and are governed by MOUs.

Proposed Changes

The bill amends s. 320.03, F.S., requiring DHSMV to provide tax collectors and their approved agents and vendors with the same real-time access to data and functionality that DHSMV provides to other third-parties. The accessible real-time data received from DHSMV must be related to motor vehicle and mobile home registration certificates, registration license plates, and validation stickers, including but not limited to, each owner's current residential and electronic mail address.

The bill amends s. 328.73, F.S., requiring DHSMV to provide tax collectors and their approved agents and vendors with the same real-time access to data and functionality that DHSMV provides to other third-parties. The accessible real-time data received from DHSMV must be related to vessel registration certificates and vessel numbers and decals, including but not limited to, each owner's current residential and electronic mail address.

¹² *Id.*

¹³ Section 319.40, F.S.

¹⁴ Section 320.95, F.S.

¹⁵ Section 322.08(10), F.S.

¹⁶ Section 328.30, F.S.

¹⁷ Section 328.80, F.S.

¹⁸ Sections 320.03(1) and 328.73(1), F.S.

¹⁹ Sections 320.03(3) and 328.73(2), F.S.

²⁰ Section 320.03(4)(b), F.S.

²¹ Department of Highway Safety and Motor Vehicles, Agency Analysis of 2020 House Bill 571, p. 2 (December 20, 2019).

B. SECTION DIRECTORY:

Section 1: Amends s. 320.03, F.S., relating to registration; duties of tax collectors; International Registration Plan.

Section 2: Amends s. 328.73, F.S., relating to registration; duties of tax collectors.

Section 3: Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

2. Expenditures:

According to DHSMV, programming the department's systems, including FRVIS, will be required to provide real-time access to the same data and functionality that is provided to all other third-parties. Depending on the number of use cases (or specific situations) identified and approved, the amount of programming to implement the change will likely increase as the number of use cases increase. One use case requires approximately 500 hours of programming, at a rate of \$85 per hour.²² The number of use cases are not known at this time. Therefore, the negative fiscal impact associated with the department's programming efforts is indeterminate; however, they expect these costs can be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Tax collectors may see a positive indeterminate fiscal impact as a result of having real time access to data that could allow them to process additional transactions that they currently do not have the ability to process.

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

²² E-mail from Suzie Carey, Chief Financial Officer, Department of Highway Safety and Motor Vehicles, RE: HB 571, (January 22, 2020).

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

Comments:

DHSMV has indicated that the bill is written broadly and may warrant clarification with regards to the definition of “functionality”. Additionally, DHSMV is concerned that the bill requires access to functions and data, but does not authorize or require an MOU. Currently, an MOU enables DHSMV to determine if a requested use is permissible and allows DHSMV to hold the parties accountable to the standards outlined in the agreement. Without an MOU, it is unclear how DHSMV can properly oversee third-party agents and vendors’ use of the functions and data and deny access if the data is misused.²³

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 21, 2020, the Transportation & Infrastructure Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Removed language authorizing DHSMV to require MOUs between DHSMV and the tax collector’s approved agents or vendors when an agent or vendor requests real-time access to data or functionality related to motor vehicles, mobile homes, and vessels.

This analysis is written to the committee substitute as reported favorably by the Transportation & Infrastructure Subcommittee.

²³ E-mail from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, RE: 571, (January 21, 2019).

1 A bill to be entitled
 2 An act relating to vehicle and vessel registration
 3 data and functionality; amending ss. 320.03 and
 4 328.73, F.S.; requiring the Department of Highway
 5 Safety and Motor Vehicles to provide tax collectors
 6 and their approved agents and vendors with real-time
 7 access to certain vehicle and vessel registration data
 8 and functionality in the same manner as provided to
 9 other third parties; providing an effective date.

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

Section 1. Paragraph (b) of subsection (4) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(4)

(b) The Florida Real Time Vehicle Information System shall be installed in every tax collector's and license tag agent's office in accordance with a schedule established by the department in consultation with the tax collectors and contingent upon funds being made available for the system by the state. For the purpose of enhancing customer services provided by tax collectors on behalf of the department, the department shall provide tax collectors and their approved agents and

26 vendors with real-time access to the same data and functionality
 27 that all other third parties receive from the department related
 28 to motor vehicle and mobile home registration certificates,
 29 registration license plates, and validation stickers, including,
 30 but not limited to, each applicant's current residential address
 31 and each applicant's current electronic mail address collected
 32 pursuant to s. 320.95.

33 Section 2. Subsection (1) of section 328.73, Florida
 34 Statutes, is amended to read:

35 328.73 Registration; duties of tax collectors.—

36 (1) The tax collectors in the counties of the state, as
 37 authorized agents of the department, shall issue registration
 38 certificates and vessel numbers and decals to applicants,
 39 subject to the requirements of law and in accordance with rules
 40 of the department. For the purpose of enhancing customer
 41 services provided by tax collectors on behalf of the department,
 42 the department shall provide tax collectors and their approved
 43 agents and vendors with real-time access to the same data and
 44 functionality that all other third parties receive from the
 45 department related to vessel registration certificates and
 46 vessel numbers and decals, including, but not limited to, each
 47 applicant's current residential address and each applicant's
 48 current electronic mail address collected pursuant to s. 328.30.

49 Section 3. This act shall take effect July 1, 2020.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 787 Driver Licenses
SPONSOR(S): Transportation & Infrastructure Subcommittee, Tomkow
TIED BILLS: HB 789 **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	13 Y, 0 N, As CS	Roth	Vickers
2) Transportation & Tourism Appropriations Subcommittee		Hicks <i>abh</i>	Davis <i>GD</i>
3) State Affairs Committee			

SUMMARY ANALYSIS

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

The bill authorizes an optional "D" designation on the driver license of a person who has been diagnosed with a developmental disability. The licensee, or his or her parent or legal guardian, must present DHSMV with sufficient proof that a licensed physician has diagnosed the licensee with a developmental disability. Additionally, a licensee, or his or her parent or legal guardian, may surrender his or her current driver license at any time to add or remove a "D" designation. If the applicant is not conducting any other transaction affecting the driver license, the standard \$25 replacement fee is waived.

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

The bill will likely have an indeterminate, negative fiscal impact on state government expenditures associated with the programming costs required to add the "D" designation and fee code changes, but it is expected the department can absorb these costs within existing resources. See Fiscal Analysis for additional details.

The bill provides an effective date of October 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

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

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

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

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

Effect of Proposed Changes

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

¹ Section 393.063, F.S.

² Section 322.051(1), F.S.

³ Section 322.051(8)(e)1., F.S.

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

⁵ Section 322.14(1)(a), F.S.

⁶ Section 324.14(1)(b), F.S.

⁷ Section 324.14(1)(c), F.S.

⁸ Section 324.14(1)(d), F.S.

⁹ Section 324.14(1)(e), F.S.

or to remove the “D” designation from the license. If the applicant is not conducting any other transaction affecting the driver license, the standard \$25 replacement fee is waived.

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

B. SECTION DIRECTORY:

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

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None. See Fiscal Comments.

2. Expenditures:

DHSMV estimates that the bill will have an indeterminate, negative impact to both the department’s operational resources and to the resources dedicated to Motorist Modernization Phase 1 project. Programming will be required in the Florida Driver License Information System to add the “D” designation to driver licenses and incorporate fee code changes to collect the \$1 or \$2 fee.¹⁰ It is expected the department can absorb these costs within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

House Bill 789 (2020), the linked bill, authorizes DHSMV to charge a \$1 or \$2 fee for a “D” designation on a driver license. Pursuant to s. 322.135(1)(c), F.S., tax collectors are required to charge a service fee of \$6.25 per driver license service request per customer. This will have a positive but likely insignificant impact to the tax collectors.¹¹

2. Expenditures:

The bill does not appear to impact local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

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

¹⁰ *Id.*

¹¹ *Id.* at p. 3.

D. FISCAL COMMENTS:

This bill is linked HB 789 (2020), which authorizes DHSMV to charge a \$1 or \$2 fee to add or remove a “D” designation on a driver license and to deposit those fees into the Highway Safety Operating Trust Fund. DHSMV may see a positive, but insignificant, fiscal impact as a result of collecting these fees for the developmental disability designation on driver licenses.

The bill also allows for the waiver of the \$25 fee when the replacement transaction is performed for the sole purpose of adding a “D” designation. Because the individual would otherwise have no reason to replace their driver license, the waiver should not directly impact revenues. The \$2 fee will offset the cost of printing a new driver license.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 28, 2020, the Transportation & Infrastructure Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Authorized a person with a developmental disability to remove the “D” designation from his or her driver license.
- Authorized a person with a developmental disability to present sufficient proof of the diagnosis from a physician licensed under chapter 459, F.S.
- Changed the effective date from July 1, 2020 to October 1, 2020.

This analysis is written to the committee substitute as reported favorably by the Transportation & Infrastructure Subcommittee.

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

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

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

14 322.14 Licenses issued to drivers.—

15 (1)

16 (f)1. The capital letter "D" shall be exhibited on the
 17 driver license of a person who has a developmental disability,
 18 as defined in s. 393.063, if the person, or his or her parent or
 19 legal guardian, presents sufficient proof that the person has
 20 been diagnosed with a developmental disability by a physician
 21 licensed under chapter 458 or chapter 459 as determined by the
 22 department.

23 2. Until a person's driver license is next renewed, the
 24 person, or his or her parent or legal guardian, may have the
 25 capital letter "D" added to or removed from his or her license

26 upon the surrender of his or her current license and
 27 presentation of sufficient proof that the person has been
 28 diagnosed with a developmental disability by a physician
 29 licensed under chapter 458 or chapter 459 as determined by the
 30 department. If the applicant is not conducting any other
 31 transaction affecting the driver license, a replacement license
 32 may be issued with the capital letter "D" added or removed
 33 without payment of the fee required in s. 322.21(1)(e).

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 789 Driver License Fees
SPONSOR(S): Transportation & Infrastructure Subcommittee, Tomkow
TIED BILLS: HB 787 **IDEN./SIM. BILLS:** SB 1694

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	13 Y, 0 N, As CS	Roth	Vickers
2) Transportation & Tourism Appropriations Subcommittee		Hicks	Davis
3) State Affairs Committee			

SUMMARY ANALYSIS

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

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

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

This bill will have a positive, but insignificant, fiscal impact on state government revenues.

This bill will take effect on the same date that CS/HB 787 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

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

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

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

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

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

Effect of Proposed Changes

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

B. SECTION DIRECTORY:

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

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

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

² Fla. Const. art. VII, s. 19(d).

³ Fla. Const. art. VII, s. 19(e).

⁴ Fla. Const. art. VII s. 19(c).

Based upon the payment of an additional \$1 fee for a new or renewed driver license with a “D” designation or a payment of a \$2 fee upon the surrender and replacement of a current driver license to add or remove a “D” designation, this bill will have a positive, but insignificant, fiscal impact on state government revenues.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

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

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

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

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 28, 2020, the Transportation & Infrastructure Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Authorized a person with a developmental disability to remove the "D" designation from his or her driver license for a \$2 fee.
- Authorized a person with a developmental disability to present sufficient proof of the diagnosis from a physician licensed under chapter 459, F.S.

This analysis is written to the committee substitute as reported favorably by the Transportation & Infrastructure Subcommittee.

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A bill to be entitled
An act relating to driver license fees; amending s.
322.14, F.S.; providing fees for the placement of a
specified letter on, or the removal of such letter
from, the driver license of a person who has a
developmental disability; providing a contingent
effective date.

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

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

322.14 Licenses issued to drivers.—

(1)

(f)1. The capital letter "D" shall be exhibited on the
driver license of a person who has a developmental disability,
as defined in s. 393.063, upon the payment of an additional \$1
fee for the license and if the person, or his or her parent or
legal guardian, presents sufficient proof that the person has
been diagnosed with a developmental disability by a physician
licensed under chapter 458 or chapter 459 as determined by the
department.

2. Until a person's driver license is next renewed, the
person, or his or her parent or legal guardian, may have the

26 capital letter "D" added to or removed from his or her license
 27 upon the surrender of his or her current license, payment of a
 28 \$2 fee to be deposited into the Highway Safety Operating Trust
 29 Fund, and presentation of sufficient proof that the person has
 30 been diagnosed with a developmental disability by a physician
 31 licensed under chapter 458 or chapter 459 as determined by the
 32 department. If the applicant is not conducting any other
 33 transaction affecting the driver license, a replacement license
 34 may be issued with the capital letter "D" added or removed
 35 without payment of the fee required in s. 322.21(1)(e).

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

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 969 Broadband Internet Service
SPONSOR(S): Drake
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Energy & Utilities Subcommittee	14 Y, 0 N	Keating	Keating
2) Transportation & Tourism Appropriations Subcommittee		Cobb <i>PC</i>	Davis <i>GD</i>
3) Commerce Committee			

SUMMARY ANALYSIS

In 2009, the Legislature authorized the Department of Management Services (DMS) to perform certain functions to promote the increased use of broadband Internet service in the state. Under this authority, DMS was awarded federal grant funding through a 2009 U.S. Department of Commerce State Broadband Initiative program. Those funds have since been depleted, and the state broadband program is dormant.

The bill designates the Department of Economic Opportunity (DEO) as the lead state agency to facilitate the expansion of broadband Internet service in the state. It creates the Florida Office of Broadband (Office) within DEO's Division of Community Development for purposes of developing, marketing, and promoting broadband Internet service in the state.

The bill transfers to the new office most of the powers and duties previously given to DMS. Specifically, the Office must:

- Create a strategic plan for increasing the use of broadband Internet service in the state;
- Build local technology planning teams representing, among others, libraries, schools, colleges and universities, local health care providers, private businesses, community organizations, economic development organizations, local governments, tourism, parks and recreation, and agriculture; and
- Encourage the use of broadband Internet service, especially in rural, unserved, and underserved areas of the state through grant programs.

For these purposes, the bill authorizes DEO to apply for and accept federal grant funds, enter into necessary or useful contracts, and establish any committee or workgroup to administer the program.

The bill also repeals ch. 2012-131, L.O.F., which became obsolete when the federal grant funds previously awarded to DMS were depleted.

DEO estimates that in order to implement the bill initially the workload will be absorbed by existing staff. There is no estimate as to any further recurring costs necessary to operate the program. The bill is not expected to have a fiscal impact on local government.

The bill provides an effective date of July 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In 2009, the Legislature authorized the Department of Management Services (DMS) to work collaboratively with Enterprise Florida, state agencies, local governments, private businesses, and community organizations to:

- Assess the needs for broadband Internet service and develop data and maps that provide a baseline assessment of the availability and speed of broadband service throughout Florida;
- Create a strategic plan to increase use of broadband Internet service in Florida;
- Build local technology planning teams representing, among others, libraries, schools, colleges and universities, local health care providers, private businesses, community organizations, economic development organizations, local governments, tourism, parks and recreation, and agriculture; and
- Encourage the use of broadband Internet service, especially in rural, unserved, and underserved areas of the state through grant programs.

DMS was also authorized to apply for and accept federal funds, as well as gifts and donations from individuals, foundations, and private organizations, for these purposes.¹

In 2009, the U.S. Department of Commerce's National Telecommunications Information Administration (NTIA) launched the State Broadband Initiative (SBI) to implement two federal laws, the American Recovery and Reinvestment Act of 2009 and the Broadband Data Improvement Act of 2008. According to the NTIA's SBI website,² twelve separate entities within Florida were awarded grants totaling \$183.7 million for broadband infrastructure, sustainable adoption, and public computer center projects. Among those grants, DMS was awarded a total of \$8,877,028.³

In 2012, the Legislature passed a law transferring the state's broadband program from DMS to the Department of Economic Opportunity (DEO) and designating DEO as the single state entity to receive and manage all federal SBI funds.⁴ By its terms, this law would become effective only if the U.S. Department of Commerce approved the transfer of the existing federal SBI grant from DMS to DEO. This approval was never provided, thus the program remains under DMS. After depletion of the remaining SBI grant funds, the state broadband program has been unfunded and dormant.

Currently, the U.S. Department of Agriculture (USDA), through its ReConnect Program, offers federal loans, grants, and loan/grant combinations to facilitate broadband deployment to rural areas without access to sufficient broadband service.⁵ Eligible entities include cooperatives and non-profits, for-profit companies, and state and local governments and their agencies and political subdivisions. Applicants requesting a grant or a loan/grant combination under the ReConnect Program are required to submit a scoring sheet by which USDA may analyze nine separate evaluation criteria to score the application. One of the evaluation criteria is whether the proposed project is in a state with a broadband plan that has been updated within the previous 5 years.⁶

¹ Ch. 2009-226, L.O.F., codified at s. 364.0135, F.S.

² Broadband USA - NTIA, *State Broadband Initiative*, <http://www2.ntia.doc.gov/SBDD> (last visited Jan. 17, 2020).

³ Broadband USA - NTIA, *Florida Department of Management Services*, <http://www2.ntia.doc.gov/grantee/florida-department-of-management-services> (last visited Jan. 17, 2020).

⁴ Ch. 2012-131, L.O.F.

⁵ USDA, *Broadband*, <https://www.usda.gov/broadband> (last visited Jan. 17, 2020).

⁶ *Id.*

Effect of Proposed Changes

The bill designates DEO as the lead state agency to facilitate the expansion of broadband Internet service in the state. It creates the Florida Office of Broadband (Office) within DEO's Division of Community Development for purposes of developing, marketing, and promoting broadband Internet service in the state.

The bill maintains most of the requirements previously imposed on DMS⁷ and imposes them instead on the new office. Specifically, the Office must:

- Create a strategic plan for increasing the use of broadband Internet service in the state;
- Build local technology planning teams representing, among others, libraries, schools, colleges and universities, local health care providers, private businesses, community organizations, economic development organizations, local governments, tourism, parks and recreation, and agriculture; and
- Encourage the use of broadband Internet service, especially in rural, unserved, and underserved areas of the state through grant programs.

For these purposes, the bill authorizes DEO to apply for and accept federal grant funds, enter into necessary or useful contracts, and establish any committee or workgroup to administer the program.

The bill repeals ch. 2012-131, L.O.F. This law is obsolete. The contingency upon which this law would have become effective – federal approval of the transfer from DMS to DEO of a now-depleted federal grant – did not, and can no longer, occur.

The bill provides an effective date of July 1, 2020.

B. SECTION DIRECTORY:

Section 1. Amends s. 364.0135, F.S., relating to promotion of broadband adoption.

Section 2. Repeals ch. 2012-131, L.O.F.

Section 3. Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DEO estimates that in order to implement the bill initially the workload will be absorbed by existing staff. There is no estimate as to any further recurring costs necessary to operate the program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

⁷ The bill does not require the Office to develop data and maps related to the availability and speed of broadband service throughout Florida.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

By requiring the creation of a strategic broadband plan for the state through a new Florida Office of Broadband, the bill may improve the opportunity for entities within the state to receive funding for rural broadband deployment through the USDA's ReConnect Program.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not provide rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to broadband Internet service;
 3 amending s. 364.0135, F.S.; defining terms;
 4 designating the Department of Economic Opportunity as
 5 the lead state agency to facilitate the expansion of
 6 broadband Internet service in the state; requiring the
 7 department to work collaboratively with certain
 8 entities; creating the Florida Office of Broadband
 9 within the Division of Community Development in the
 10 department; providing purpose and duties of the
 11 office; repealing chapter 2012-131, Laws of Florida,
 12 relating to broadband Internet service; providing an
 13 effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 364.0135, Florida Statutes, is amended
 18 to read:

19 364.0135 Promotion of broadband adoption; Florida Office
 20 of Broadband.—

21 (1) LEGISLATIVE FINDINGS.—The Legislature finds that the
 22 sustainable adoption of broadband Internet service is critical
 23 to the economic and business development of this the state and
 24 is beneficial for libraries, schools, colleges and universities,
 25 health care providers, and community organizations.

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

27 (a) "Department" means the Department of Economic
 28 Opportunity.

29 (b) "Office" means the Florida Office of Broadband.

30 (c) "Sustainable adoption" means the ability for
 31 communications service providers to offer broadband services in
 32 all areas of the state by encouraging adoption and utilization
 33 levels that allow for these services to be offered in the free
 34 market absent the need for governmental subsidy.

35 (3) ~~(2)~~ STATE AGENCY.—The department is designated as the
 36 lead state agency to facilitate the expansion of broadband
 37 Internet service in the state. The department shall ~~of~~
 38 ~~Management Services is authorized to~~ work collaboratively with,
 39 and to receive staffing support and other resources from,
 40 Enterprise Florida, Inc., state agencies, local governments,
 41 ~~private businesses,~~ and community organizations. ~~to~~

42 (4) FLORIDA OFFICE OF BROADBAND.—The Florida Office of
 43 Broadband is created within the Division of Community
 44 Development in the department for the purpose of developing,
 45 marketing, and promoting broadband Internet services in the
 46 state. The office, in the performance of its duties, shall do
 47 all of the following:

48 (a) ~~Monitor the adoption of broadband Internet service in~~
 49 ~~collaboration with communications service providers, including,~~
 50 ~~but not limited to, wireless and wireline Internet service~~

51 ~~providers, to develop geographical information system maps at~~
 52 ~~the census tract level that will:~~

53 ~~1. Identify geographic gaps in broadband services,~~
 54 ~~including areas unserved by any broadband provider and areas~~
 55 ~~served by a single broadband provider;~~

56 ~~2. Identify the download and upload transmission speeds~~
 57 ~~made available to businesses and individuals in the state, at~~
 58 ~~the census tract level of detail, using data rate benchmarks for~~
 59 ~~broadband service used by the Federal Communications Commission~~
 60 ~~to reflect different speed tiers; and~~

61 ~~3. Provide a baseline assessment of statewide broadband~~
 62 ~~deployment in terms of percentage of households with broadband~~
 63 ~~availability.~~

64 ~~(b)~~ Create a strategic plan that has goals and strategies
 65 for increasing the use of broadband Internet service in the
 66 state.

67 ~~(b)~~(e) Build and facilitate local technology planning
 68 teams or partnerships with members representing cross-sections
 69 of the community, which may include, but are not limited to,
 70 representatives from the following organizations and industries:
 71 libraries, K-12 education, colleges and universities, local
 72 health care providers, private businesses, community
 73 organizations, economic development organizations, local
 74 governments, tourism, parks and recreation, and agriculture.

75 ~~(c)~~(d) Encourage the use of broadband Internet service,

76 | especially in the rural, unserved, or ~~and~~ underserved
 77 | communities of the state through grant programs having effective
 78 | strategies to facilitate the statewide deployment of broadband
 79 | Internet service. For any grants to be awarded, priority must be
 80 | given to projects that:

81 | 1. Provide access to broadband education, awareness,
 82 | training, access, equipment, and support to libraries, schools,
 83 | colleges and universities, health care providers, and community
 84 | support organizations.

85 | 2. Encourage the sustainable adoption of broadband in
 86 | primarily underserved ~~unserved~~ areas by removing barriers to
 87 | entry.

88 | 3. Work toward encouraging investments in establishing
 89 | affordable and sustainable broadband Internet service in
 90 | underserved ~~unserved~~ areas of the state.

91 | 4. Facilitate the development of applications, programs,
 92 | and services, including, but not limited to, telework,
 93 | telemedicine, and e-learning to increase the usage of, and
 94 | demand for, broadband Internet service in the state.

95 | (5) ~~(3)~~ ADMINISTRATION.—The department may:

96 | (a) Apply for and accept federal funds for purposes of
 97 | this section, ~~as well as gifts and donations from individuals,~~
 98 | ~~foundations, and private organizations.~~

99 | (b) ~~(4)~~ ~~The department may~~ Enter into contracts necessary
 100 | or useful to carry out the purposes of this section.

101 (c) (5) ~~The department may~~ Establish any committee or
102 workgroup to administer and carry out the purposes of this
103 section.

104 Section 2. Chapter 2012-131, Laws of Florida, is repealed.

105 Section 3. This act shall take effect July 1, 2020.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Transportation & Tourism
 2 Appropriations Subcommittee

3 Representative Drake offered the following:

Amendment (with title amendment)

6 Remove lines 17-94 and insert:

7 Section 1. Paragraph (b) of subsection (2) of section
8 339.0801, Florida Statutes, is amended to read:

9 339.0801 Allocation of increased revenues derived from
 10 amendments to s. 319.32(5)(a) by ch. 2012-128.—Funds that result
 11 from increased revenues to the State Transportation Trust Fund
 12 derived from the amendments to s. 319.32(5)(a) made by this act
 13 must be used annually, first as set forth in subsection (1) and
 14 then as set forth in subsections (2)-(5), notwithstanding any
 15 other provision of law:

16 (2)

Amendment No. 1

17 (b) Beginning with the 2022-2023 fiscal year and annually
18 thereafter, \$35 million shall be transferred to Florida's
19 Turnpike Enterprise, to be used in accordance with s. 338.2278,
20 with preference to feeder roads, interchanges, and appurtenances
21 that create or facilitate multiuse corridor access and
22 connectivity. Of those funds, and to the maximum extent
23 feasible, up to \$5 million annually may be used for projects
24 that assist in the development of broadband infrastructure
25 within or adjacent to a multiuse corridor. The department shall
26 give priority consideration to broadband infrastructure projects
27 located in an area designated as a rural area of opportunity
28 under s. 288.0656 and adjacent to a multiuse corridor.

29 Section 2. Section 364.0135, Florida Statutes, is amended
30 to read:

31 364.0135 Promotion of broadband adoption; Florida Office
32 of Broadband.—

33 (1) LEGISLATIVE FINDINGS.—The Legislature finds that the
34 sustainable adoption of broadband Internet service is critical
35 to the economic and business development of the state and is
36 beneficial for libraries, schools, colleges and universities,
37 health care providers, and community organizations.

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

39 (a) "Department" means the Department of Economic
40 Opportunity.

41 (b) "Office" means the Florida Office of Broadband.

Amendment No. 1

42 (c) "Sustainable adoption" means the ability for
43 communications service providers to offer broadband services in
44 all areas of the state by encouraging adoption and utilization
45 levels that allow for these services to be offered in the free
46 market absent the need for governmental subsidy.

47 ~~(3)-(2)~~ STATE AGENCY.—The department is designated as the
48 lead state agency to facilitate the expansion of broadband
49 Internet service in the state. The department shall of
50 ~~Management Services is authorized to~~ work collaboratively with
51 private businesses, and ~~to~~ receive staffing support and other
52 resources from, Enterprise Florida, Inc., state agencies, local
53 governments, ~~private businesses,~~ and community organizations.
54 ~~to:~~

55 (4) FLORIDA OFFICE OF BROADBAND.—The Florida Office of
56 Broadband is created within the Division of Community
57 Development in the department for the purpose of developing,
58 marketing, and promoting broadband Internet services in the
59 state. The office, in the performance of its duties, shall do
60 all of the following:

61 ~~(a) Monitor the adoption of broadband Internet service in~~
62 ~~collaboration with communications service providers, including,~~
63 ~~but not limited to, wireless and wireline Internet service~~
64 ~~providers, to develop geographical information system maps at~~
65 ~~the census tract level that will:~~

Amendment No. 1

- 66 1. ~~Identify geographic gaps in broadband services,~~
67 ~~including areas unserved by any broadband provider and areas~~
68 ~~served by a single broadband provider;~~
- 69 2. ~~Identify the download and upload transmission speeds~~
70 ~~made available to businesses and individuals in the state, at~~
71 ~~the census tract level of detail, using data rate benchmarks for~~
72 ~~broadband service used by the Federal Communications Commission~~
73 ~~to reflect different speed tiers; and~~
- 74 3. ~~Provide a baseline assessment of statewide broadband~~
75 ~~deployment in terms of percentage of households with broadband~~
76 ~~availability.~~
- 77 ~~(b)~~ Create a strategic plan that has goals and strategies
78 for increasing the use of broadband Internet service in the
79 state. The plan must include a process to review and verify
80 public input regarding transmission speeds and availability of
81 broadband Internet service throughout the state.
- 82 ~~(b)(e)~~ Build and facilitate local technology planning
83 teams or partnerships with members representing cross-sections
84 of the community, which may include, but are not limited to,
85 representatives from the following organizations and industries:
86 libraries, K-12 education, colleges and universities, local
87 health care providers, private businesses, community
88 organizations, economic development organizations, local
89 governments, tourism, parks and recreation, and agriculture.

Amendment No. 1

90 ~~(c)(d)~~ Encourage the use of broadband Internet service,
91 especially in the rural, unserved, or ~~and~~ underserved
92 communities of the state through grant programs having effective
93 strategies to facilitate the statewide deployment of broadband
94 Internet service. For any grants to be awarded, priority must be
95 given to projects that:

96 1. Provide access to broadband education, awareness,
97 training, access, equipment, and support to libraries, schools,
98 colleges and universities, health care providers, and community
99 support organizations.

100 2. Encourage the sustainable adoption of broadband in
101 primarily underserved ~~unserved~~ areas by removing barriers to
102 entry.

103 3. Work toward encouraging investments in establishing
104 affordable and sustainable broadband Internet service in
105 underserved ~~unserved~~ areas of the state.

106 4. Facilitate the development of applications, programs,
107 and services, including, but not limited to, telework,
108 telemedicine, and e-learning to increase the usage of, and
109 demand for, broadband Internet service in the state.

110 (d) Monitor, participate in, and provide input in
111 proceedings of the Federal Communications Commission and other
112 federal agencies related to the geographic availability and
113 deployment of broadband Internet service in the state as
114 necessary to ensure that this information is accurately

Amendment No. 1

115 presented and that rural, unserved, and underserved areas of the
116 state are best positioned to benefit from federal and state
117 broadband deployment programs.

118

119 -----

120

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

121

Between lines 2 and 3, insert:

122

amending s. 339.0801, F.S.; authorizing certain funds

123

within the State Transportation Trust Fund to be used

124

for certain broadband infrastructure projects within

125

or adjacent to multiuse corridors; requiring the

126

Department of Transportation to give priority to

127

certain projects;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 969 (2020)

Amendment No. 1a

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Transportation & Tourism
2 Appropriations Subcommittee
3 Representative Drake offered the following:
4

5 **Amendment to Amendment (662073) by Representative Drake**

6 Between lines 46 and 47 of the amendment, insert:

7 (d) "Underserved" means a geographic area of this state in
8 which there is no provider of broadband Internet service that
9 offers a connection to the Internet with a capacity for
10 transmission at a consistent speed of at least 10 megabits per
11 second downstream and at least 1 megabit per second upstream.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 971 Electric Bicycles
SPONSOR(S): Transportation & Infrastructure Subcommittee, Grant, M.
TIED BILLS: IDEN./SIM. BILLS: SB 1148

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	12 Y, 0 N, As CS	Roth	Vickers
2) Transportation & Tourism Appropriations Subcommittee		Hicks	Davis
3) State Affairs Committee			

SUMMARY ANALYSIS

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

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

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

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

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

The bill provides an effective date of July 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Bicycle Regulations

Section 316.003, F.S., defines a "bicycle" as:

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

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

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

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

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

¹ Section 316.003(4), F.S.

² Section 316.2065(1), F.S.

³ Section 316.2065(3)(d), F.S.

⁴ Section 316.2065(15)(a), F.S.

⁵ Section 316.2065(7), F.S.

⁶ Section 316.2065(10), F.S.

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

⁸ Section 316.2065(5)(a), F.S.

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

Electric Bicycles

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

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

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

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

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

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

⁹ Section 316.2065(5)(b), F.S.

¹⁰ Section 316.2065(6), F.S.

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

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

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

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

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

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

Effect of Proposed Changes

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

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

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

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

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

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

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

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

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

Lastly, the bill removes outdated bicycle helmet standards and eliminates the bicycle seat height requirement that prevents certain bicycles, such as recumbents, from being insured.

B. SECTION DIRECTORY:

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

- Section 2:** Amends s. 316.003, F.S., relating to definitions.
- Section 3:** Amends s. 316.008, F.S., relating to powers of local authorities.
- Section 4:** Amends s. 316.027, F.S., relating to crash involving death or personal injuries.
- Section 5:** Amends s. 316.083, F.S., relating to overtaking and passing a vehicle.
- Section 6:** Amends s. 316.1995, F.S., relating to driving upon sidewalk or bicycle path.
- Section 7:** Amends s. 316.2065, F.S., relating to bicycle regulations.
- Section 8:** Creates s. 316.20655, F.S., relating to electric bicycle regulations.
- Section 9:** Amends s. 316.613, F.S., relating to child restraint requirements.
- Section 10:** Amends s. 316.614, F.S., relating to safety belt usage.
- Section 11:** Amends s. 320.01, F.S., relating to definitions, general.
- Section 12:** Amends s. 322.01, F.S., relating to definitions.
- Section 13:** Amends s. 324.021, F.S., relating to definitions, minimum insurance required.
- Section 14:** Amends s. 403.717, F.S., relating to waste tire and lead-acid battery requirements.
- Section 15:** Amends s. 681.102, F.S., relating to definitions.
- Section 16:** Amends s. 320.08, F.S., relating to license taxes.
- Section 17:** Amends s. 316.306, F.S., relating to school and work zones; prohibition on the use of a wireless communications device in a handheld manner.
- Section 18:** Amends s. 655.960, F.S., relating to definitions.
- Section 19:** Provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

In Fiscal Year 2018-2019, the Department of Highway Safety and Motor Vehicles (DHSMV) collected \$14,633 for both moped and motorized bicycle registration fees.¹⁹ Because the data is collected and stored together, it is estimated that 10 percent of the \$14,633 is associated with motorized bicycle registration fees.

The bill excludes an e-bike or an operator of an e-bike from the provisions of law relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles. Based upon historical collections, DHSMV anticipates this

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

exclusion will result in a negative, but insignificant, fiscal impact on the State Transportation Trust Fund and Highway Safety Operating Trust Fund revenues.

2. Expenditures:

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

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments: Local Regulation

The bill appears to contain inconsistent provisions relating to local government regulation of e-bikes. Section 316.008, F.S., authorizes local governments to regulate the use of e-bikes on sidewalks and sidewalk areas. Section 316.20655, F.S., authorizes local governments to exercise their power under s. 316.008, F.S., by governing the use of e-bikes on sidewalks, sidewalk areas, *streets*, and *highways*.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 28, 2020, the Transportation & Infrastructure Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Removed bicycle seat height requirements.
- Authorized local governments to regulate the operation of e-bikes.
- Removed outdated bicycle helmet standards.

This analysis is written to the committee substitute as reported favorably by the Transportation & Infrastructure Subcommittee.

1 A bill to be entitled
 2 An act relating to electric bicycles; amending s.
 3 261.03, F.S.; revising the definition of the term
 4 "OHM" or "off-highway motorcycle"; amending s.
 5 316.003, F.S.; revising definitions relating to the
 6 Florida Uniform Traffic Control Law; defining the term
 7 "electric bicycle"; amending s. 316.008, F.S.;
 8 authorizing local authorities to regulate the
 9 operation of electric bicycles; amending s. 316.027,
 10 F.S.; revising the definition of the term "vulnerable
 11 road user"; amending s. 316.083, F.S.; requiring the
 12 driver of a vehicle overtaking an electric bicycle to
 13 pass the electric bicycle at a certain distance;
 14 amending s. 316.1995, F.S.; expanding exceptions to a
 15 prohibition on persons driving certain vehicles on
 16 sidewalks and bicycle paths; amending s. 316.2065,
 17 F.S.; deleting obsolete language; creating s.
 18 316.20655, F.S.; providing electric bicycle
 19 regulations; providing for rights and privileges of
 20 electric bicycles and operators of electric bicycles;
 21 providing that electric bicycles are vehicles to the
 22 same extent as bicycles; providing that electric
 23 bicycles and operators of electric bicycles are not
 24 subject to specified provisions; requiring
 25 manufacturers and distributors, beginning on a

26 specified date, to apply a label containing certain
 27 information to each electric bicycle; prohibiting
 28 persons from tampering with or modifying electric
 29 bicycles for certain purposes; providing an exception;
 30 requiring electric bicycles to comply with specified
 31 provisions of law; requiring electric bicycles to
 32 operate in a manner that meets certain requirements;
 33 authorizing operators to ride electric bicycles where
 34 bicycles are allowed; authorizing municipalities,
 35 counties, and agencies to regulate the use of electric
 36 bicycles on certain paths; amending ss. 316.613,
 37 316.614, and 320.01, F.S.; revising the definition of
 38 the term "motor vehicle"; amending s. 322.01, F.S.;
 39 revising the definitions of the terms "motor vehicle"
 40 and "vehicle"; amending ss. 324.021, 403.717, and
 41 681.102, F.S.; revising the definition of the term
 42 "motor vehicle"; amending s. 320.08, F.S.; conforming
 43 a provision to changes made by the act; amending ss.
 44 316.306 and 655.960, F.S.; conforming cross-
 45 references; providing an effective date.

46
 47 Be It Enacted by the Legislature of the State of Florida:

48
 49 Section 1. Subsection (4) of section 261.03, Florida
 50 Statutes, is amended to read:

51 261.03 Definitions.—As used in this chapter, the term:
 52 (4) "OHM" or "off-highway motorcycle" means any motor
 53 vehicle used off the roads or highways of this state that has a
 54 seat or saddle for the use of the rider and is designed to
 55 travel with not more than two wheels in contact with the ground,
 56 but excludes a tractor, an electric bicycle, or a moped.

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

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

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

76 ~~its highest position or a scooter or similar device. A person~~
 77 ~~under the age of 16 may not operate or ride upon a motorized~~
 78 ~~bicycle.~~

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

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

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

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

95 (42) ~~(41)~~ MOPED.—Any vehicle with pedals to permit
 96 propulsion by human power, having a seat or saddle for the use
 97 of the rider and designed to travel on not more than three
 98 wheels, with a motor rated not in excess of 2 brake horsepower
 99 and not capable of propelling the vehicle at a speed greater
 100 than 30 miles per hour on level ground and with a power-drive

101 system that functions directly or automatically without
 102 clutching or shifting gears by the operator after the drive
 103 system is engaged. If an internal combustion engine is used, the
 104 displacement may not exceed 50 cubic centimeters. The term does
 105 not include an electric bicycle.

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

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

121 (46)~~(45)~~ MOTORIZED SCOOTER.—Any vehicle or micromobility
 122 device that is powered by a motor with or without a seat or
 123 saddle for the use of the rider, which is designed to travel on
 124 not more than three wheels, and which is not capable of
 125 propelling the vehicle at a speed greater than 20 miles per hour

126 | on level ground. The term does not include an electric bicycle.

127 | (62)~~(61)~~ PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
 128 | provided in paragraph (84)(b) ~~(83)(b)~~, any privately owned way
 129 | or place used for vehicular travel by the owner and those having
 130 | express or implied permission from the owner, but not by other
 131 | persons.

132 | Section 3. Paragraph (a) of subsection (7) of section
 133 | 316.008, Florida Statutes, is amended to read:

134 | 316.008 Powers of local authorities.—

135 | (7)(a) A county or municipality may enact an ordinance to
 136 | permit, control, or regulate the operation of vehicles, golf
 137 | carts, mopeds, motorized scooters, electric bicycles, and
 138 | electric personal assistive mobility devices on sidewalks or
 139 | sidewalk areas when such use is permissible under federal law.
 140 | The ordinance must restrict such vehicles or devices to a
 141 | maximum speed of 15 miles per hour in such areas.

142 | Section 4. Paragraph (b) of subsection (1) of section
 143 | 316.027, Florida Statutes, is amended to read:

144 | 316.027 Crash involving death or personal injuries.—

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

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

147 | 1. A pedestrian, including a person actually engaged in
 148 | work upon a highway, or in work upon utility facilities along a
 149 | highway, or engaged in the provision of emergency services
 150 | within the right-of-way;

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

153 3. A person riding an animal; or

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

156 a. A farm tractor or similar vehicle designed primarily
157 for farm use;

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

159 c. A horse-drawn carriage;

160 d. An electric personal assistive mobility device; or

161 e. A wheelchair.

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

164 316.083 Overtaking and passing a vehicle.—The following
165 rules shall govern the overtaking and passing of vehicles
166 proceeding in the same direction, subject to those limitations,
167 exceptions, and special rules hereinafter stated:

168 (1) The driver of a vehicle overtaking another vehicle
169 proceeding in the same direction shall give an appropriate
170 signal as provided for in s. 316.156, shall pass to the left
171 thereof at a safe distance, and shall not again drive to the
172 right side of the roadway until safely clear of the overtaken
173 vehicle. The driver of a vehicle overtaking a bicycle or other
174 nonmotorized vehicle, or an electric bicycle, must pass the
175 bicycle, ~~or~~ other nonmotorized vehicle, or electric bicycle at a

176 safe distance of not less than 3 feet between the vehicle and
 177 the bicycle, ~~or~~ other nonmotorized vehicle, or electric bicycle.

178 Section 6. Section 316.1995, Florida Statutes, is amended
 179 to read:

180 316.1995 Driving upon sidewalk or bicycle path.—

181 (1) Except as provided in s. 316.008, s. 316.20655, s.
 182 316.212(8), or s. 316.2128, a person may not drive any vehicle
 183 other than by human power upon a bicycle path, sidewalk, or
 184 sidewalk area, except upon a permanent or duly authorized
 185 temporary driveway.

186 (2) A violation of this section is a noncriminal traffic
 187 infraction, punishable as a moving violation as provided in
 188 chapter 318.

189 (3) This section does not apply to motorized wheelchairs.

190 Section 7. Paragraph (d) of subsection (3) of section
 191 316.2065, Florida Statutes, is amended to read:

192 316.2065 Bicycle regulations.—

193 (3)

194 (d) A bicycle rider or passenger who is under 16 years of
 195 age must wear a bicycle helmet that is properly fitted and is
 196 fastened securely upon the passenger's head by a strap and that
 197 meets the federal safety standard for bicycle helmets, final
 198 rule, 16 C.F.R. part 1203. ~~A helmet purchased before October 1,~~
 199 ~~2012, which meets the standards of the American National~~
 200 ~~Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the~~

201 ~~standards of the Snell Memorial Foundation (1984 Standard for~~
 202 ~~Protective Headgear for Use in Bicycling), or any other~~
 203 ~~nationally recognized standards for bicycle helmets adopted by~~
 204 ~~the department may continue to be worn by a bicycle rider or~~
 205 ~~passenger until January 1, 2016.~~ As used in this subsection, the
 206 term "passenger" includes a child who is riding in a trailer or
 207 semitrailer attached to a bicycle.

208 Section 8. Section 316.20655, Florida Statutes, is created
 209 to read:

210 316.20655 Electric bicycle regulations.-

211 (1) Except as otherwise provided in this section, an
 212 electric bicycle or an operator of an electric bicycle shall be
 213 afforded all the rights and privileges, and be subject to all of
 214 the duties, of a bicycle or the operator of a bicycle, including
 215 s. 316.2065. An electric bicycle is a vehicle to the same extent
 216 as a bicycle. However, this section may not be construed to
 217 prevent a local government, through the exercise of its powers
 218 under s. 316.008, from adopting an ordinance governing the
 219 operation of electric bicycles on streets, highways, sidewalks,
 220 and sidewalk areas under the local government's jurisdiction.

221 (2) An electric bicycle or an operator of an electric
 222 bicycle is not subject to the provisions of law relating to
 223 financial responsibility, driver or motor vehicle licenses,
 224 vehicle registration, title certificates, off-highway
 225 motorcycles, or off-highway vehicles.

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

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

236 (5) An electric bicycle must comply with the equipment and
237 manufacturing requirements for bicycles adopted by the United
238 States Consumer Product Safety Commission under 16 C.F.R. part
239 1512.

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

243 (7)(a) An operator may ride an electric bicycle where
244 bicycles are allowed, including, but not limited to, streets,
245 highways, roadways, shoulders, bicycle lanes, and bicycle or
246 multiuse paths.

247 (b) Following notice and a public hearing, a municipality,
248 county, or agency of the state having jurisdiction over a
249 bicycle or multiuse path may restrict or prohibit the operation
250 of an electric bicycle on the path if the municipality, county,

251 or agency finds that such a restriction is necessary in the
 252 interest of public safety or to comply with other laws or legal
 253 obligations.

254 Section 9. Paragraph (e) of subsection (2) of section
 255 316.613, Florida Statutes, is amended to read:

256 316.613 Child restraint requirements.—

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

261 (e) A motorcycle, a moped, a ~~ex~~ bicycle, or an electric
 262 bicycle.

263 Section 10. Paragraph (a) of subsection (3) of section
 264 316.614, Florida Statutes, is amended to read:

265 316.614 Safety belt usage.—

266 (3) As used in this section:

267 (a) "Motor vehicle" means a motor vehicle as defined in s.
 268 316.003 which is operated on the roadways, streets, and highways
 269 of this state. The term does not include:

270 1. A school bus.

271 2. A bus used for the transportation of persons for
 272 compensation.

273 3. A farm tractor or implement of husbandry.

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

276 5. A motorcycle, a moped, a ~~or~~ bicycle, or an electric
 277 bicycle.

278 Section 11. Paragraph (a) of subsection (1) of section
 279 320.01, Florida Statutes, is amended to read:

280 320.01 Definitions, general.—As used in the Florida
 281 Statutes, except as otherwise provided, the term:

282 (1) "Motor vehicle" means:

283 (a) An automobile, motorcycle, truck, trailer,
 284 semitrailer, truck tractor and semitrailer combination, or any
 285 other vehicle operated on the roads of this state, used to
 286 transport persons or property, and propelled by power other than
 287 muscular power, but the term does not include traction engines,
 288 road rollers, motorized scooters, micromobility devices,
 289 personal delivery devices and mobile carriers as defined in s.
 290 316.003, special mobile equipment as defined in s. 316.003,
 291 vehicles that run only upon a track, bicycles, electric
 292 bicycles, swamp buggies, or mopeds.

293 Section 12. Subsections (27) and (44) of section 322.01,
 294 Florida Statutes, are amended to read:

295 322.01 Definitions.—As used in this chapter:

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

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

305 Section 13. Subsection (1) of section 324.021, Florida
 306 Statutes, is amended to read:

307 324.021 Definitions; minimum insurance required.—The
 308 following words and phrases when used in this chapter shall, for
 309 the purpose of this chapter, have the meanings respectively
 310 ascribed to them in this section, except in those instances
 311 where the context clearly indicates a different meaning:

312 (1) MOTOR VEHICLE.—Every self-propelled vehicle that is
 313 designed and required to be licensed for use upon a highway,
 314 including trailers and semitrailers designed for use with such
 315 vehicles, except traction engines, road rollers, farm tractors,
 316 power shovels, and well drillers, and every vehicle that is
 317 propelled by electric power obtained from overhead wires but not
 318 operated upon rails, but not including any personal delivery
 319 device or mobile carrier as defined in s. 316.003, bicycle,
 320 electric bicycle, or moped. However, the term "motor vehicle"
 321 does not include a motor vehicle as defined in s. 627.732(3)
 322 when the owner of such vehicle has complied with the
 323 requirements of ss. 627.730-627.7405, inclusive, unless the
 324 provisions of s. 324.051 apply; and, in such case, the
 325 applicable proof of insurance provisions of s. 320.02 apply.

326 Section 14. Paragraph (b) of subsection (1) of section
 327 403.717, Florida Statutes, is amended to read:

328 403.717 Waste tire and lead-acid battery requirements.—

329 (1) For purposes of this section and ss. 403.718 and
 330 403.7185:

331 (b) "Motor vehicle" means an automobile, motorcycle,
 332 truck, trailer, semitrailer, truck tractor and semitrailer
 333 combination, or any other vehicle operated in this state, used
 334 to transport persons or property and propelled by power other
 335 than muscular power. The term does not include traction engines,
 336 road rollers, vehicles that run only upon a track, bicycles,
 337 electric bicycles, mopeds, or farm tractors and trailers.

338 Section 15. Subsection (14) of section 681.102, Florida
 339 Statutes, is amended to read:

340 681.102 Definitions.—As used in this chapter, the term:

341 (14) "Motor vehicle" means a new vehicle, propelled by
 342 power other than muscular power, which is sold in this state to
 343 transport persons or property, and includes a recreational
 344 vehicle or a vehicle used as a demonstrator or leased vehicle if
 345 a manufacturer's warranty was issued as a condition of sale, or
 346 the lessee is responsible for repairs, but does not include
 347 vehicles run only upon tracks, off-road vehicles, trucks over
 348 10,000 pounds gross vehicle weight, motorcycles, mopeds,
 349 electric bicycles, or the living facilities of recreational
 350 vehicles. "Living facilities of recreational vehicles" are those

351 portions designed, used, or maintained primarily as living
 352 quarters and include, but are not limited to, the flooring,
 353 plumbing system and fixtures, roof air conditioner, furnace,
 354 generator, electrical systems other than automotive circuits,
 355 the side entrance door, exterior compartments, and windows other
 356 than the windshield and driver and front passenger windows.

357 Section 16. Section 320.08, Florida Statutes, is amended
 358 to read:

359 320.08 License taxes.—Except as otherwise provided herein,
 360 there are hereby levied and imposed annual license taxes for the
 361 operation of motor vehicles, mopeds, ~~motorized bicycles as~~
 362 ~~defined in s. 316.003(4)~~, tri-vehicles as defined in s. 316.003,
 363 and mobile homes as defined in s. 320.01, which shall be paid to
 364 and collected by the department or its agent upon the
 365 registration or renewal of registration of the following:

- 366 (1) MOTORCYCLES AND MOPEDS.—
- 367 (a) Any motorcycle: \$10 flat.
- 368 (b) Any moped: \$5 flat.
- 369 (c) Upon registration of a motorcycle, motor-driven cycle,
 370 or moped, in addition to the license taxes specified in this
 371 subsection, a nonrefundable motorcycle safety education fee in
 372 the amount of \$2.50 shall be paid. The proceeds of such
 373 additional fee shall be deposited in the Highway Safety
 374 Operating Trust Fund to fund a motorcycle driver improvement
 375 program implemented pursuant to s. 322.025, the Florida

376 | Motorcycle Safety Education Program established in s. 322.0255,
 377 | or the general operations of the department.

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

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

380 | (a) An ancient or antique automobile, as defined in s.
 381 | 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

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

383 | (c) Net weight of 2,500 pounds or more, but less than
 384 | 3,500 pounds: \$22.50 flat.

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

386 | (3) TRUCKS.—

387 | (a) Net weight of less than 2,000 pounds: \$14.50 flat.

388 | (b) Net weight of 2,000 pounds or more, but not more than
 389 | 3,000 pounds: \$22.50 flat.

390 | (c) Net weight more than 3,000 pounds, but not more than
 391 | 5,000 pounds: \$32.50 flat.

392 | (d) A truck defined as a "goat," or other vehicle if used
 393 | in the field by a farmer or in the woods for the purpose of
 394 | harvesting a crop, including naval stores, during such
 395 | harvesting operations, and which is not principally operated
 396 | upon the roads of the state: \$7.50 flat. The term "goat" means a
 397 | motor vehicle designed, constructed, and used principally for
 398 | the transportation of citrus fruit within citrus groves or for
 399 | the transportation of crops on farms, and which can also be used
 400 | for hauling associated equipment or supplies, including required

401 sanitary equipment, and the towing of farm trailers.
 402 (e) An ancient or antique truck, as defined in s. 320.086:
 403 \$7.50 flat.
 404 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS
 405 VEHICLE WEIGHT.—
 406 (a) Gross vehicle weight of 5,001 pounds or more, but less
 407 than 6,000 pounds: \$60.75 flat.
 408 (b) Gross vehicle weight of 6,000 pounds or more, but less
 409 than 8,000 pounds: \$87.75 flat.
 410 (c) Gross vehicle weight of 8,000 pounds or more, but less
 411 than 10,000 pounds: \$103 flat.
 412 (d) Gross vehicle weight of 10,000 pounds or more, but
 413 less than 15,000 pounds: \$118 flat.
 414 (e) Gross vehicle weight of 15,000 pounds or more, but
 415 less than 20,000 pounds: \$177 flat.
 416 (f) Gross vehicle weight of 20,000 pounds or more, but
 417 less than 26,001 pounds: \$251 flat.
 418 (g) Gross vehicle weight of 26,001 pounds or more, but
 419 less than 35,000: \$324 flat.
 420 (h) Gross vehicle weight of 35,000 pounds or more, but
 421 less than 44,000 pounds: \$405 flat.
 422 (i) Gross vehicle weight of 44,000 pounds or more, but
 423 less than 55,000 pounds: \$773 flat.
 424 (j) Gross vehicle weight of 55,000 pounds or more, but
 425 less than 62,000 pounds: \$916 flat.

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

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

430 (m) Notwithstanding the declared gross vehicle weight, a
 431 truck tractor used within the state or within a 150-mile radius
 432 of its home address is eligible for a license plate for a fee of
 433 \$324 flat if:

434 1. The truck tractor is used exclusively for hauling
 435 forestry products; or

436 2. The truck tractor is used primarily for the hauling of
 437 forestry products, and is also used for the hauling of
 438 associated forestry harvesting equipment used by the owner of
 439 the truck tractor.

440 (n) A truck tractor or heavy truck, not operated as a for-
 441 hire vehicle and which is engaged exclusively in transporting
 442 raw, unprocessed, and nonmanufactured agricultural or
 443 horticultural products within the state or within a 150-mile
 444 radius of its home address is eligible for a restricted license
 445 plate for a fee of:

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

448 2. If such vehicle's declared gross vehicle weight is
 449 44,000 pounds or more and such vehicle only transports from the
 450 point of production to the point of primary manufacture; to the

451 point of assembling the same; or to a shipping point of a rail,
 452 water, or motor transportation company, \$324 flat.

453

454 Such not-for-hire truck tractors and heavy trucks used
 455 exclusively in transporting raw, unprocessed, and
 456 nonmanufactured agricultural or horticultural products may be
 457 incidentally used to haul farm implements and fertilizers
 458 delivered direct to the growers. The department may require any
 459 documentation deemed necessary to determine eligibility before
 460 issuance of this license plate. For the purpose of this
 461 paragraph, "not-for-hire" means the owner of the motor vehicle
 462 must also be the owner of the raw, unprocessed, and
 463 nonmanufactured agricultural or horticultural product, or the
 464 user of the farm implements and fertilizer being delivered.

465 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 466 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.-

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

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

472 (b) A motor vehicle equipped with machinery and designed
 473 for the exclusive purpose of well drilling, excavation,
 474 construction, spraying, or similar activity, and which is not
 475 designed or used to transport loads other than the machinery

476 described above over public roads: \$44 flat.

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

480 (d) A wrecker, as defined in s. 320.01, which is used to
 481 tow a vessel as defined in s. 327.02, a disabled, abandoned,
 482 stolen-recovered, or impounded motor vehicle as defined in s.
 483 320.01, or a replacement motor vehicle as defined in s. 320.01:
 484 \$41 flat.

485 (e) A wrecker that is used to tow any nondisabled motor
 486 vehicle, a vessel, or any other cargo unless used as defined in
 487 paragraph (d), as follows:

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

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

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

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

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

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

500 7. Gross vehicle weight of 55,000 pounds or more, but less

501 than 62,000 pounds: \$915 flat.
 502 8. Gross vehicle weight of 62,000 pounds or more, but less
 503 than 72,000 pounds: \$1,080 flat.
 504 9. Gross vehicle weight of 72,000 pounds or more: \$1,322
 505 flat.
 506 (f) A hearse or ambulance: \$40.50 flat.
 507 (6) MOTOR VEHICLES FOR HIRE.—
 508 (a) Under nine passengers: \$17 flat plus \$1.50 per cwt.
 509 (b) Nine passengers and over: \$17 flat plus \$2 per cwt.
 510 (7) TRAILERS FOR PRIVATE USE.—
 511 (a) Any trailer weighing 500 pounds or less: \$6.75 flat
 512 per year or any part thereof.
 513 (b) Net weight over 500 pounds: \$3.50 flat plus \$1 per
 514 cwt.
 515 (8) TRAILERS FOR HIRE.—
 516 (a) Net weight under 2,000 pounds: \$3.50 flat plus \$1.50
 517 per cwt.
 518 (b) Net weight 2,000 pounds or more: \$13.50 flat plus
 519 \$1.50 per cwt.
 520 (9) RECREATIONAL VEHICLE-TYPE UNITS.—
 521 (a) A travel trailer or fifth-wheel trailer, as defined by
 522 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27
 523 flat.
 524 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:
 525 \$13.50 flat.

- 526 (c) A motor home, as defined by s. 320.01(1)(b)4.:
- 527 1. Net weight of less than 4,500 pounds: \$27 flat.
- 528 2. Net weight of 4,500 pounds or more: \$47.25 flat.
- 529 (d) A truck camper as defined by s. 320.01(1)(b)3.:
- 530 1. Net weight of less than 4,500 pounds: \$27 flat.
- 531 2. Net weight of 4,500 pounds or more: \$47.25 flat.
- 532 (e) A private motor coach as defined by s. 320.01(1)(b)5.:
- 533 1. Net weight of less than 4,500 pounds: \$27 flat.
- 534 2. Net weight of 4,500 pounds or more: \$47.25 flat.
- 535 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;
- 536 35 FEET TO 40 FEET.—
- 537 (a) *Park trailers.*—Any park trailer, as defined in s.
- 538 320.01(1)(b)7.: \$25 flat.
- 539 (b) *Travel trailers or fifth-wheel trailers.*—A travel
- 540 trailer or fifth-wheel trailer, as defined in s. 320.01(1)(b),
- 541 that exceeds 35 feet: \$25 flat.
- 542 (11) MOBILE HOMES.—
- 543 (a) A mobile home not exceeding 35 feet in length: \$20
- 544 flat.
- 545 (b) A mobile home over 35 feet in length, but not
- 546 exceeding 40 feet: \$25 flat.
- 547 (c) A mobile home over 40 feet in length, but not
- 548 exceeding 45 feet: \$30 flat.
- 549 (d) A mobile home over 45 feet in length, but not
- 550 exceeding 50 feet: \$35 flat.

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

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

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

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

558 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
559 motor vehicle dealer, independent motor vehicle dealer, marine
560 boat trailer dealer, or mobile home dealer and manufacturer
561 license plate: \$17 flat.

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

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

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

571 Section 17. Paragraph (a) of subsection (3) of section
572 316.306, Florida Statutes, is amended to read:

573 316.306 School and work zones; prohibition on the use of a
574 wireless communications device in a handheld manner.—

575 (3)(a)1. A person may not operate a motor vehicle while

576 using a wireless communications device in a handheld manner in a
 577 designated school crossing, school zone, or work zone area as
 578 defined in s. 316.003(105) ~~s. 316.003(104)~~. This subparagraph
 579 shall only be applicable to work zone areas if construction
 580 personnel are present or are operating equipment on the road or
 581 immediately adjacent to the work zone area. For the purposes of
 582 this paragraph, a motor vehicle that is stationary is not being
 583 operated and is not subject to the prohibition in this
 584 paragraph.

585 2.a. During the period from October 1, 2019, through
 586 December 31, 2019, a law enforcement officer may stop motor
 587 vehicles to issue verbal or written warnings to persons who are
 588 in violation of subparagraph 1. for the purposes of informing
 589 and educating such persons of this section. This sub-
 590 subparagraph shall stand repealed on October 1, 2020.

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

595 Section 18. Subsection (1) of section 655.960, Florida
 596 Statutes, is amended to read:

597 655.960 Definitions; ss. 655.960-655.965.—As used in this
 598 section and ss. 655.961-655.965, unless the context otherwise
 599 requires:

600 (1) "Access area" means any paved walkway or sidewalk

601 which is within 50 feet of any automated teller machine. The
 602 term does not include any street or highway open to the use of
 603 the public, as defined in s. 316.003(84)(a) or (b) ~~or~~
 604 ~~316.003(83)(a) or (b)~~, including any adjacent sidewalk, as
 605 defined in s. 316.003.

606 Section 19. This act shall take effect July 1, 2020.