



Transportation & Modals Subcommittee

**Friday, January 19, 2024
9:00 AM
Sumner Hall (404 HOB)**

Meeting Packet

**Paul Renner
Speaker**

**Fiona McFarland
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Transportation & Modals Subcommittee

Start Date and Time: Friday, January 19, 2024 09:00 am
End Date and Time: Friday, January 19, 2024 12:00 pm
Location: Sumner Hall (404 HOB)
Duration: 3.00 hrs

Consideration of the following bill(s):

HB 1113 Use of Lights and Sirens on Emergency Vehicles by Killebrew
HB 1517 Damaged or Salvage Motor Vehicles, Mobile Homes, and Vessels by Tramont

Consideration of the following proposed committee substitute(s):

PCS for HB 179 -- Towing and Storage
PCS for HB 247 -- Services Provided by the Department of Highway Safety and Motor Vehicles or Its Agents

Consideration of the following proposed committee bill(s):

PCB TMS 24-01 -- Transportation

To submit an electronic appearance form, and for information about attending or testifying at a committee meeting, please see the "Visiting the House" tab at www.myfloridahouse.gov.

NOTICE FINALIZED on 01/17/2024 3:59PM by Mejia.Margarita

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 179 Towing and Storage
SPONSOR(S): Transportation & Modals Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Modals Subcommittee		Hinshelwood	Hinshelwood

SUMMARY ANALYSIS

Under Florida law, towing-storage operators may claim a lien on motor vehicles or vessels for specified fees, and Florida law provides a process foreclosing on such lien if fees remain unpaid. The bill makes the following changes to the laws relating to towing-storage operators:

- Amends provisions related to maximum rates set by counties, cities, and the Florida Highway Patrol.
- Defines the term “towing-storage operator” and makes conforming changes.
- Specifies the existing fees which a towing-storage operator may charge for specified services.
- Modifies timelines relating to the sending of a notice of lien by a towing-storage operator.
- Increases the minimum number of days that must pass before an unclaimed vehicle or vessel may be sold.
- Lowers the number of days over which a towing-storage operator may not charge a person if the towing-storage operator failed to provide notice to a lender or other lienholder on a vehicle or vessel.
- Requires a towing-storage operator to accept specified forms of payment methods.
- Provides requirements for record retention and for a towing-storage operator rate sheet and itemized invoice.

The bill has an indeterminate fiscal impact on the state, local governments, and the private sector.

The bill provides an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Fees Charged by a Towing Company and Lien Against Vehicle

Background

In the case where the vehicle's owner or operator requests the vehicle to be towed, it is a consensual tow, and towing fees are established by contract between the towing company and the vehicle owner or operator.

If the vehicle is towed for a reason other than the request of the owner or operator, it is a consensual tow. Examples of nonconsensual tows include towing at the request of law enforcement due to an accident, an arrest, the vehicle being disabled or abandoned, or the vehicle being evidence of a crime. Other examples include towing at the request of a private property owner due to the vehicle being wrongfully parked or remaining on a landlord's property after the tenancy has expired.

Maximum rates *must* be set by each county.¹ Cities *may* establish maximum rates, in which case the county rates do not apply.² If the Florida Highway Patrol (FHP) calls for the tow, the maximum rates set by FHP apply, unless the county or city has established rates.³

As a result of a tow, whether consensual or non-consensual, the towing company has a lien on the vehicle for a reasonable:⁴

- Towing fee,
- Administrative fee imposed by a city or county, and
- Storage fee.

However, a storage fee may not be charged if the vehicle is stored for fewer than 6 hours. In addition to the amount due for the towing and storage of the vehicle, a towing company may charge an administrative fee of up to \$250 for releasing the claim of lien.⁵

In order to cover the cost of enforcement, including parking enforcement, a city or county may impose a fee of up to 25% of the maximum towing rate when a vehicle is towed from public property.⁶ This fee is collected by the towing company and is remitted to the city or county after it is collected.⁷

Effect

The bill requires counties and FHP to establish maximum rates that towers may charge for cleanup and disposal of hazardous materials incidental to a nonconsensual tow. Cities may enact such rates, in which case the city's rates apply.

The bill makes FHP's maximum towing and storage rates applicable in areas where no maximum towing and storage rates have been established by a city or county.

A county or city that has established maximum towing and storage rates must post such rates on their respective website and must establish a process for investigating and resolving complaints regarding fees charged in excess of such maximum rates. Similarly, FHP's maximum rates for towing and storage

¹ Ss. 125.0103(1) and 166.043, F.S.

² Ss. 125.0103(1)(c) and 166.043(1)(c), F.S.

³ S. 321.051(2), F.S.

⁴ S. 713.78(2), F.S.

⁵ S. 713.78(15)(a), F.S.

⁶ Ss. 125.01047(2)(b) and 166.04465(2)(b), F.S.

⁷ *Id.*

must be posted on the website for the Department of Highway Safety and Motor Vehicles (DHSMV), and DHSMV must establish a process for investigating and resolving complaints regarding fees charged in excess of FHP's maximum rates.

The bill provides a list of already-established fees that a towing-storage operator⁸ may charge the owner or operator of a vehicle or vessel for, or incidental to, the recovery, removal, or storage of the vehicle or vessel:

- Any reasonable fee for service specifically authorized pursuant to ss. 125.0103 or 166.043, F.S., by ordinance, resolution, regulation, or rule of the county or municipality in which the service is performed.
- Any reasonable fee for service specifically authorized by FHP pursuant to s. 321.051(2), F.S.
- Any reasonable fee for service as agreed upon in writing between a towing-storage operator and the owner of a vehicle or vessel.
- Any lien release administrative fee as set forth in s. 713.78(15)(a), F.S.
- Any reasonable administrative fee or charge imposed by a county or municipality pursuant to ss. 125.01047, 166.04465, or 323.002, F.S., upon the registered owner or other legally authorized person in control of a vehicle or vessel.

The bill clarifies that the fees listed above create a lien against a vehicle or vessel, and the bill adds that a tow requested by a county or municipality is a type of tow for which the above fees create a lien against a vehicle or vessel.

The bill prohibits a towing-storage operator from charging a storage fee prior to the towing-storage operator submitting the vehicle or vessel information to the third-party service in order for the third-party service to transmit notices required by law.

Third-Party Service Required to Send Notices

Background

A towing company must use a third-party service approved by DHSMV to transmit all required notices relating to liens for towing and storage.

There are currently two DHSMV-approved third-party providers:⁹

- Auto Data Direct
- Beacon Software

A third-party service must maintain a publicly available website that allows owners, registrants, lienholders, insurance companies, or their agents to search for notices sent.¹⁰

Effect

The bill clarifies that the process provided in current law for law enforcement's search for information on a towed vehicle or vessel may only be utilized if an approved third-party service cannot obtain the vehicle's or vessel's owner, lienholder, and insurer information or last state of record. The bill also clarifies that in this context, notices must be sent by the approved third-party service.

Liens for Recovering, Towing, or Storing Vehicles and Vessels

Background

⁸ For purposes of the statute relating to liens for recovering, towing, or storing vehicles and vessels, the bill defines the term "towing-storage operator" to mean a person who regularly engages in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier, or storing such vehicles or vessels.

⁹ FLHSMV, *Liens for Auto Repair Shops and Towing Companies*, <https://www.flhsmv.gov/motor-vehicles-tags-titles/liens-and-titles/liens-for-auto-repair-shops-and-towing-companies/> (last visited 1/17/24).

¹⁰ S. 713.78(16)(f), F.S.

Liens Generally

A lien is a claim against property that evidences a debt, obligation, or duty.¹¹ A lien can be created by judgment, equity, agreement, or statute.¹² The rights and duties of a lienholder depend on the type of lien created and are generally set out in the order, agreement, or statute creating the lien.¹³ A statutory lien expires in the manner and method set forth in statute, and a consensual lien expires according to the terms of the parties' agreement.¹⁴

Notice of Lien

A towing-storage operator who claims such a lien must give notice of the lien, by certified mail, to the registered owner, the insurance company insuring the vehicle, and all persons claiming a lien on the vehicle or vessel, as disclosed in DHSMV records or as disclosed by the records of any corresponding agency in any other state in which the vehicle or vessel is identified through a records check.¹⁵ However, a towing-storage operator must use a DHSMV-approved third-party service¹⁶ to transmit the notice of lien (as well as any other notices required under s. 713.78, F.S.).¹⁷ If there is no approved third-party service, the towing-storage operator may mail the notice and provide evidence of compliance upon application for a certificate of title or destruction.¹⁸

In either case, the notice of lien must be sent by certified mail within seven business days after the date of the vehicle's or vessel's storage.¹⁹ Where a towing-storage operator is unsuccessful in locating the name and address of the owner or other lienholder, the operator must, after seven business days after the initial tow or storage, notify the jurisdictional entity where the vehicle or vessel is stored, in writing by certified mail or acknowledged hand delivery, that the operator has been unable to locate the name and address, a physical search of the vehicle or vessel has revealed no ownership information, and a "good faith effort"²⁰ has been made, including a records check of the DHSMV database and of the National Motor Vehicle Title Information System (NMVTIS).²¹ Failure of the towing-storage operator to make a good faith effort to identify the owner or lienholder of the vehicle or vessel precludes the towing-storage operator from assessing any storage charges.²²

Law Enforcement Requirements

If a law enforcement agency authorized a towing-storage operator to remove a vehicle or vessel, or a towing-storage operator notifies a law enforcement agency of possession of a towed vehicle or vessel,²³ the law enforcement agency where the vehicle or vessel is stored must contact DHSMV, or

¹¹ Fla. Jur. 2d Liens § 37:1

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Section 713.18(16)(a), F.S., defines the term "third-party service" to mean a qualified business entity that, upon a request submitted through a website by an operator: 1) Accesses the National Motor Vehicle Title Information System records to obtain the last state of record of the vehicle; 2) Accesses the owner, lienholder, and insurer information, as applicable, for a vehicle or vessel from the DHSMV; 3) Electronically generates the notices required of a towing-storage operator through the website; 4) Prints and sends the notices to each owner, lienholder, and insurer of record by certified mail; 5) Electronically returns tracking information or other proof of mailing and delivery of the notices to the towing-storage operator; and 6) Electronically reports to the DHSMV via an electronic data exchange process certain information related to the towing and storage notice.

¹⁷ S. 713.78(16), F.S.

¹⁸ *Id.*

¹⁹ S.713.78(4)(a) and (c), F.S.

²⁰ Section 713.78(5)(e), F.S., defines the term to mean that the operator has performed a list of "checks" of items such as searching specified databases and information systems; looking for any type of tag, tag record, temporary or regular tag on the vehicle or vessel; or looking for the vehicle identification number or the vessel registration number.

²¹ "The National Motor Vehicle Title Information System (NMVTIS) is a system that allows the titling agency to instantly and reliably verify the information on the paper title with the electronic data from the state that issued the title." See AAMVA, *National Motor Vehicle Title Information System (NMVTIS)*, <https://www.aamva.org/technology/systems/vehicle-systems/nmvtis#> (last visited March 17, 2023).

²² S. 713.78(9), F.S.

²³ Section 715.07(2)(a)2., F.S., provides that within 30 minutes after completion of a tow or removal from private property without the consent of the registered owner or other legally authorized person, a towing-storage operator must notify the municipal police

the appropriate agency in the state of registration, if known, within 24 hours and provide a full description of the vehicle or vessel.²⁴ DHSMV, or appropriate state agency, must search its records to determine the identity of the owner, the company insuring the vehicle or vessel, and any lienholders and provide the information to the law enforcement agency within 72 hours.²⁵ The towing-storage operator must obtain such information from the law enforcement agency within 5 days after the date of storage and provide the required notice.²⁶

Inspection and Release of Personal Property

Towing-storage operators must allow vehicle or vessel owners, lienholders, insurance company representatives, or agents to inspect a towed vehicle or vessel and release to that person the vehicle, vessel, or all personal property not affixed to the vehicle or vessel which was in the vehicle or vessel at the time the vehicle or vessel came into the custody of the towing-storage operator.²⁷ Agency must be evidenced in an original writing acknowledged by the owner before a notary public or someone authorized to administer oaths.²⁸

Public Sale of Stored Vehicles and Vessels

A towing-storage operator may sell at public sale a stored vehicle or vessel that remains unclaimed, or for which charges for recovery, towing, or storage remain unpaid, after:

- 35 days from the date of storage if the vehicle or vessel is more than 3 years old; or
- 50 days from the date of storage if the vehicle or vessel is 3 years old or less.²⁹

If the date of the sale was not included in the notice of claim of lien, the towing-storage operator must send a notice of sale by certified mail, no less than 30 days before the date of the sale, to:

- The person in whose name the vehicle or vessel is registered; and
- All persons claiming a lien on the vehicle or vessel as shown in the records of DHSMV or any corresponding agency in any other state in which the vehicle is identified as being titled by a records check of NMVTIS or an equivalent commercially available system.³⁰

The notice must have clearly identified and printed, if the claim of lien is for a motor vehicle, the last eight digits of the VIN of the motor vehicle subject to the lien, or, if the claim of lien is for a vessel, the hull identification number of the vessel subject to the lien, in the delivery address box and on the outside of the envelope sent to the registered owner and all other persons claiming an interest therein or lien thereon.³¹ The towing-storage operator must also publish notice of the time and place of the sale, at least ten days before the date of the sale, in a newspaper of general circulation in the county where the sale will occur.³²

The sale must be a public sale for cash. If the owner or lienholder of the vehicle or vessel sold is absent, the proceeds of the sale of the vehicle or vessel, minus any reasonable towing and storage charges owed and costs of the sale, must be deposited with the clerk of the court for the county where the sale occurred.³³ The clerk must hold the proceeds for the benefit of the owner or lienholder whose interest in the vehicle or vessel was destroyed by the sale; however, the clerk is entitled to receive five percent of such proceeds for their care and disbursement.³⁴

department, or, in an unincorporated area, the sheriff, of the tow or removal, the storage site, the time of the tow or removal, and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel.

²⁴ S. 713.78(4)(b), F.S.

²⁵ *Id.*

²⁶ *Id.*

²⁷ S. 713.78(10), F.S.

²⁸ *Id.*

²⁹ S. 713.78(6), F.S.

³⁰ *Id.*

³¹ *Id.*

³² S. 713.78(6), F.S.

³³ *Id.*

³⁴ *Id.*

The certificate of title issued after such sale must be discharged of all liens unless otherwise provided by court order. Further, the owner or lienholder of the vehicle or vessel sold may file a complaint after the sale in the county court of the county in which it was stored. Upon determining the respective rights of the parties, the court may award damages, attorney fees, and costs in favor of the prevailing party.³⁵

Good Faith Effort

A towing-storage operator's failure to make a good faith effort to comply with the notice requirements in s. 713.78, F.S., precludes the imposition of any storage charges against the vehicle or vessel.³⁶ Further, if a lienor fails to provide notice to a person claiming a lien on a vehicle or vessel, the lienor may not charge the person for more than seven days of storage, but such failure does not affect charges made for towing the vehicle or vessel or the priority of liens on the vehicle or vessel.³⁷

Effect

The bill reduces the time a towing-storage operator has to send a notice of lien from seven business days after the date of storage of the vehicle or vessel to five business days after such date. The bill clarifies that the count of days does not include federal or legal holidays. The bill also modifies how soon before the vehicle or vessel's sale such notice may be sent from not less than 30 days before such sale to not less than:

- 30 days before such sale if the vehicle or vessel is an older model;³⁸ or
- 60 days before such sale if the vehicle or vessel is a newer model.³⁹

The bill increases from 50 days to 60 days the minimum number of days that must pass before an unclaimed vehicle or vessel may be sold. Under the bill, a vehicle or vessel may not be sold until:

- 35 days after the vehicle or vessel is stored if the vehicle or vessel is an older model.
- 55 days after the vehicle or vessel is stored if the vehicle or vessel is a newer model.

The bill requires a towing-storage operator to accept an original or a copy of any of the following documents, which need not be notarized, as evidence of a person's interest in a vehicle or vessel:

- An electronic title;
- A paper title;
- A contract between a lender and the owner of the vehicle or vessel;
- A contract between a lessor and the lessee of the vehicle or vessel;
- A written agreement evidencing that the person is an agent of the vehicle or vessel owner, lienholder, or insurance company.

Additionally, the bill provides that presenting one form of current government-issued photo identification constitutes sufficient identity verification.

The bill requires a towing-storage operator to allow inspection and release of the vehicle, vessel, or personal property within one hour after arrival of the owner, lienholder, insurance company representative, or their agent, during normal business hours at the site where the vehicle or vessel is stored. A rental vehicle or vessel agreement is not evidence that the person who rented a vehicle or vessel is an agent of the rental vehicle or vessel owner for the purpose of releasing the vehicle or vessel. However, a towing-storage operator must release to the renter of a rental vehicle or vessel all personal property of the renter not affixed to the vehicle or vessel within one hour after arrival.

The bill increases from 10 days to 20 days the time before a public sale that a notice of such public sale must be made. The bill removes the requirement that notice of public sale be made in a newspaper of

³⁵ *Id.*

³⁶ S. 713.78(9), F.S.

³⁷ *Id.*

³⁸ The bill defines "older model" to mean a vehicle or vessel which is more than 3 model years old, beginning with the model year of the vehicle or vessel as year one.

³⁹ The bill defines "newer model" to mean a vehicle or vessel which is 3 model years old, beginning with the model year of the vehicle or vessel as year one, or less.

general circulation. Rather, notice of public sale will be made on the publicly available website maintained by an approved third-party service. The third-party service must electronically report to the DHDSMV, via an electronic data exchange process using a web interface, the name, physical address, and telephone number of the lienor; the time and place of sale; the vehicle's plate number, if known; the vehicle identification number, if the claim of lien is for a vehicle, or the hull identification number, if the claim of lien is for a vessel; and the amount due for towing, recovery, storage, and administrative fees. The third-party service that publishes the public notice of sale and electronically reports the required information to DHSMV may collect and retain a service charge of no more than \$1.00.

The bill lowers from 7 days to 4 days the number of days over which a towing-storage operator may not charge a person if the towing-storage operator failed to provide notice to a person claiming a lien on a vehicle or vessel.

Forms of Payment Accepted by a Towing-Storage Operator

Background

Florida law does not contain a requirement for towing-storage operators to accept specified forms of payment.

Effect

The bill requires a towing-storage operator to accept payment for accrued charges from specified authorized persons in any form from at least two of the following lists:

- Cash, cashier's check, money order, or traveler's check.
- Bank, debit, or credit card.
- Mobile payment service, digital wallet, or other electronic payment system.

A person presenting such forms of payment are not required to furnish more than one form of current government-issued photo identification when payment is made.

Towing-Storage Operator Record Retention

Background

Florida law does not contain any record-keeping requirements for towing-storage operators.

Effect

The requires a towing-storage operator to retain for three years records produced for all vehicles or vessels recovered, towed, stored, or released. Such records must include at least all of the following:

- All notice publications and certified mailings.
- The purchase price of any unclaimed vehicle or vessel sold.
- The names and addresses of persons to which vehicles or vessels were released.
- The names and addresses of vehicle or vessel purchasers.
- All fees imposed under s. 713.78, F.S., including the required itemized invoice described below.

Towing-Storage Operator Rate Sheet and Itemized Invoice

Background

Florida law does not currently contain provisions relating to a rate sheet and itemized invoice applicable to all types of towing.

Effect

The bill requires a towing-storage operator to maintain a rate sheet listing all fees for, or incidental to, the recovery, removal, or storage of a vehicle or vessel. The towing-storage operator must:

- Post the rate sheet at its place of business;
- Make the rate sheet available upon request of a vehicle or vessel owner, lienholder, insurance company, or their agent;
- Prior to attaching a vehicle or vessel to a wrecker, furnish the rate sheet to the vehicle or vessel owner or operator, if the owner or operator is present at the scene of the disabled vehicle or vessel; and
- File and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services.

Any fee charged in excess of those listed on the rate sheet is deemed unreasonable.

Additionally, the bill requires that an itemized invoice of actual fees charged by a towing-storage operator for a completed tow must be produced and be available to the vehicle or vessel owner, lienholder, insurance company, or their agent no later than one business day after:

- The tow is completed; or
- The towing-storage operator has obtained all necessary information to be included on the invoice, including any charges submitted by subcontractors used by the towing-storage operator to complete the tow and recovery.

The itemized invoice must contain all of the following information:

- The date and time the vehicle or vessel was towed;
- The location to which the vehicle or vessel was towed;
- The name, address, and telephone number of the towing-storage operator;
- A description of the towed vehicle or vessel, including the color, make, model, model year, and vehicle identification number of the vehicle or hull identification number of the vessel;
- The license plate number and state of registration for the towed vehicle or vessel;
- The cost of the initial towing service;
- The cost of any storage fees, expressed as a daily rate;
- Other fees, including administrative fees, vehicle or vessel search fees, fees for hazardous material and non-hazardous material cleanup, and fees for labor; and
- A list of the services that were performed under a warranty or that were otherwise performed at no cost to the owner of the vehicle or vessel.

Any service performed or fee charged in addition to fees for towing and storage must be set forth on the itemized invoice individually as a single line item that includes an explanation and the exact amount charged for the service or the exact amount of the fee.

A towing-storage operator must make the itemized invoice available for inspection and copying no later than 48 hours after receiving a written request for inspection from:

- A law enforcement agency;
- The Attorney General;
- A city attorney, county attorney, or the prosecuting attorney having jurisdiction in the location of any of the towing-storage operator's business locations;
- The vehicle or vessel owner, lienholder, insurance company, or their agent; or
- If the vehicle or vessel was involved in a collision, any individual involved in the underlying collision or the individual's insurance company

Effective Date

The bill provides an effective date of July 1, 2024.

B. SECTION DIRECTORY:

Section 1: Amends s. 125.0103, F.S., relating to ordinances and rules imposing price controls.

Section 2: Amends s. 166.043, F.S., relating to ordinances and rules imposing price controls.

Section 3: Amends s. 321.051, F.S., relating to Florida Highway Patrol wrecker operator system; penalties for operation outside of system

Section 4: Amends s 713.78, F.S., relating to liens for recovering, towing, or storing vehicles and vessels.

Section 5: Amends s. 715.07, F.S., relating to vehicles or vessels parked on private property; towing.

Section 6: Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate.

2. Expenditures:

Indeterminate.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate.

2. Expenditures:

Indeterminate.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate.

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 revenue in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Rulemaking may be necessary to conform with changes made by the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

N/A

26 enforcement agencies and the Department of Highway
 27 Safety and Motor Vehicles relating to the removal of
 28 vehicles or vessels; revising requirements for notices
 29 of lien; revising requirements for towing-storage
 30 operators providing notice to public agencies of
 31 jurisdiction; revising the timeframe in which certain
 32 unclaimed vehicles or vessels may be sold; revising
 33 requirements for notices of sale; requiring an
 34 approved third-party service to publish public notices
 35 of sale and report certain information by specified
 36 means to the Department of Highway Safety and Motor
 37 Vehicles; providing the maximum fee that an approved
 38 third-party service may collect and retain for
 39 performing such functions; revising the number of days
 40 that a lienor may charge for vehicle or vessel storage
 41 under certain circumstances; revising provisions for
 42 permission to inspect and release a vehicle or vessel
 43 or release certain personal property; revising
 44 requirements for evidence of certain persons' interest
 45 in a vehicle or vessel; providing exceptions;
 46 providing when a vehicle, vessel, or certain personal
 47 property must be made available for inspection and
 48 release; revising criminal penalties; requiring a
 49 towing-storage operator to maintain certain records
 50 for at least a specified period of time; requiring

51 towing-storage operators to accept certain types of
 52 payment; prohibiting certain persons from being
 53 required to furnish more than one form of current
 54 government-issued photo identification for purposes of
 55 verifying their identity; requiring a towing-storage
 56 operator to maintain a rate sheet; providing
 57 requirements for such rate sheets; deeming certain
 58 charges unreasonable; requiring an itemized invoice
 59 for specified fees; providing requirements for such
 60 itemized invoice; requiring disclosure of such
 61 itemized invoice to specified persons with a certain
 62 time; making technical changes; amending s. 715.07,
 63 F.S.; conforming a cross-reference; providing an
 64 effective date.

65

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

67

68 Section 1. Paragraphs (b) and (c) of subsection (1) of
 69 section 125.0103, Florida Statutes, are amended, and paragraphs
 70 (d) and (e) are added to that section, to read:

71 125.0103 Ordinances and rules imposing price controls.—

72 (1)

73 (b) This section does not prevent the enactment by local
 74 governments of public service rates otherwise authorized by law,
 75 including water, sewer, solid waste, public transportation,

76 taxicab, or port rates~~;~~ rates for towing of vehicles or vessels
 77 from or immobilization of vehicles or vessels on private
 78 property~~;~~ or rates for removal and storage of wrecked or
 79 disabled vehicles or vessels from an accident scene or the
 80 removal and storage of vehicles or vessels, in the event the
 81 owner or operator is incapacitated, unavailable, leaves the
 82 procurement of wrecker service to the law enforcement officer at
 83 the scene, or otherwise does not consent to the removal of the
 84 vehicle or vessel.

85 (c) Counties must establish maximum rates which may be
 86 charged on the towing of vehicles or vessels from or
 87 immobilization of vehicles or vessels on private property~~;~~ or
 88 which may be charged for removal and storage of wrecked or
 89 disabled vehicles or vessels from an accident scene or for the
 90 removal and storage of vehicles or vessels, in the event the
 91 owner or operator is incapacitated, unavailable, leaves the
 92 procurement of wrecker service to the law enforcement officer at
 93 the scene, or otherwise does not consent to the removal of the
 94 vehicle or vessel. However, if a municipality chooses to enact
 95 an ordinance establishing the maximum rates for the towing or
 96 immobilization of vehicles or vessels as described in paragraph
 97 (b), the county's ordinance does not apply within such
 98 municipality.

99 (d) Counties must, and municipalities may, establish
 100 maximum rates which may be charged for cleanup and disposal of

101 hazardous materials incidental to removal and storage of wrecked
 102 or disabled vehicles or vessels from an accident scene or the
 103 removal and storage of vehicles or vessels, in the event the
 104 owner or operator is incapacitated, unavailable, leaves the
 105 procurement of wrecker service to the law enforcement officer at
 106 the scene, or otherwise does not consent to the removal of the
 107 vehicle or vessel. If a municipality enacts an ordinance
 108 establishing maximum rates under this paragraph, the county's
 109 ordinance does not apply within such municipality.

110 (e) A county or municipality which has established maximum
 111 rates as described in paragraphs (c) or (d) must publish such
 112 rates on its website and must establish a process for
 113 investigating and resolving complaints regarding fees charged in
 114 excess of such maximum rates. In areas where no maximum rates as
 115 described in paragraphs (c) or (d) have been established, the
 116 maximum rates established by the Division of Florida Highway
 117 Patrol under s. 321.051(2) apply in such areas.

118 Section 2. Paragraphs (b) and (c) of subsection (1) of
 119 section 166.043, Florida Statutes, are amended, and paragraphs
 120 (d) and (e) are added to that section, to read:

121 166.043 Ordinances and rules imposing price controls.—

122 (1)

123 (c) Counties must establish maximum rates which may be
 124 charged on the towing of vehicles or vessels from or
 125 immobilization of vehicles or vessels on private property,

126 removal and storage of wrecked or disabled vehicles or vessels
 127 from an accident scene or for the removal and storage of
 128 vehicles or vessels, in the event the owner or operator is
 129 incapacitated, unavailable, leaves the procurement of wrecker
 130 service to the law enforcement officer at the scene, or
 131 otherwise does not consent to the removal of the vehicle or
 132 vessel. However, if a municipality chooses to enact an ordinance
 133 establishing the maximum rates for the towing or immobilization
 134 of vehicles or vessels as described in paragraph (b), the
 135 county's ordinance established under s. 125.0103 does not apply
 136 within such municipality. A county or municipality which has
 137 established maximum rates pursuant to this paragraph must
 138 publish such rates on its website. In areas where no maximum
 139 rates have been established pursuant to this section, the
 140 maximum rates established by the Division of Florida Highway
 141 Patrol pursuant to s. 321.051(2) apply in such areas.

142 Section 3. Subsection (2) of section 321.051, Florida
 143 Statutes, is amended to read:

144 321.051 Florida Highway Patrol wrecker operator system;
 145 penalties for operation outside of system.—

146 (2) The Division of Florida Highway Patrol of the
 147 Department of Highway Safety and Motor Vehicles is authorized to
 148 establish within areas designated by the patrol a wrecker
 149 operator system using qualified, reputable wrecker operators for
 150 removal and storage of wrecked or disabled vehicles from a crash

151 scene or for removal and storage of abandoned vehicles, in the
152 event the owner or operator is incapacitated or unavailable or
153 leaves the procurement of wrecker service to the officer at the
154 scene. All reputable wrecker operators shall be eligible for use
155 in the system provided their equipment and drivers meet
156 recognized safety qualifications and mechanical standards set by
157 rules of the Division of Florida Highway Patrol for the size of
158 vehicle it is designed to handle. The division is authorized to
159 limit the number of wrecker operators participating in the
160 wrecker operator system, which authority shall not affect
161 wrecker operators currently participating in the system
162 established by this section. The division must ~~is authorized to~~
163 establish maximum rates for the towing and storage of vehicles
164 removed at the division's request, and for cleanup and disposal
165 of hazardous materials incidental to towing of such vehicles,
166 where such rates have not been set by a county or municipality
167 pursuant to s. 125.0103 or s. 166.043. Such rates shall not be
168 considered rules for the purpose of chapter 120; however, the
169 department shall establish by rule a procedure for setting such
170 rates. The department must publish on its website the maximum
171 rates established under this subsection and must establish a
172 process for investigating and resolving complaints regarding
173 fees charged in excess of such maximum rates. Any provision in
174 chapter 120 to the contrary notwithstanding, a final order of
175 the department denying, suspending, or revoking a wrecker

176 operator's participation in the system shall be reviewable in
 177 the manner and within the time provided by the Florida Rules of
 178 Appellate Procedure only by a writ of certiorari issued by the
 179 circuit court in the county wherein such wrecker operator
 180 resides.

181 Section 4. Subsections (1), (2), and (4), paragraph (a) of
 182 subsection (5), subsections (6), (8), (9), and (10), paragraph
 183 (a) of subsection (11), paragraphs (a) and (d) of subsection
 184 (12), paragraphs (a), (b), and (d) of subsection (13), and
 185 subsection (17) of section 713.78, Florida Statutes, are
 186 amended, and subsections (18), (19), and (20) are added to that
 187 section, to read:

188 713.78 Liens for recovering, towing, or storing vehicles
 189 and vessels.—

190 (1) For the purposes of this section, the term:

191 (a)~~(e)~~ "Equivalent commercially available system" means a
 192 service that charges a fee to provide vehicle information and
 193 that at a minimum maintains records from those states
 194 participating in data sharing with the National Motor Vehicle
 195 Title Information System.

196 (b) "Good faith effort" means that all of the following
 197 checks have been performed by a towing-storage operator to
 198 establish the prior state of registration and title of a vehicle
 199 or vessel that has been towed or stored by the towing-storage
 200 operator:

201 1. A check of the department's database for the owner and
 202 any lienholder.

203 2. A check of the electronic National Motor Vehicle Title
 204 Information System or an equivalent commercially available
 205 system to determine the state of registration when there is not
 206 a current registration record for the vehicle or vessel on file
 207 with the department.

208 3. A check of the vehicle or vessel for any type of tag,
 209 tag record, temporary tag, or regular tag.

210 4. A check of the law enforcement report for a tag number
 211 or other information identifying the vehicle or vessel, if the
 212 vehicle or vessel was towed at the request of a law enforcement
 213 officer.

214 5. A check of the trip sheet or tow ticket of the tow
 215 truck operator to determine whether a tag was on the vehicle or
 216 vessel at the beginning of the tow, if a private tow.

217 6. If there is no address of the owner on the impound
 218 report, a check of the law enforcement report to determine
 219 whether an out-of-state address is indicated from driver license
 220 information.

221 7. A check of the vehicle or vessel for an inspection
 222 sticker or other stickers and decals that may indicate a state
 223 of possible registration.

224 8. A check of the interior of the vehicle or vessel for
 225 any papers that may be in the glove box, trunk, or other areas

226 for a state of registration.

227 9. A check of the vehicle for a vehicle identification
228 number.

229 10. A check of the vessel for a vessel registration
230 number.

231 11. A check of the vessel hull for a hull identification
232 number which should be carved, burned, stamped, embossed, or
233 otherwise permanently affixed to the outboard side of the
234 transom or, if there is no transom, to the outmost seaboard side
235 at the end of the hull that bears the rudder or other steering
236 mechanism.

237 (c)-(d) "National Motor Vehicle Title Information System"
238 means the federally authorized electronic National Motor Vehicle
239 Title Information System.

240 (d) "Newer model" means a vehicle or vessel which is 3
241 model years old, beginning with the model year of the vehicle or
242 vessel as year one, or less.

243 (e) "Older model" means a vehicle or vessel which is more
244 than 3 model years old, beginning with the model year of the
245 vehicle or vessel as year one.

246 (f) "Towing-storage operator" means a person who regularly
247 engages in the business of transporting vehicles or vessels by
248 wrecker, tow truck, or car carrier, or storing such vehicles or
249 vessels.

250 (g)-(a) "Vehicle" means any mobile item, whether motorized

251 or not, which is mounted on wheels.

252 (h)~~(b)~~ "Vessel" means every description of watercraft,
 253 barge, and airboat used or capable of being used as a means of
 254 transportation on water, other than a seaplane or a "documented
 255 vessel" as defined in s. 327.02.

256 (i)~~(e)~~ "Wrecker" means any truck or other vehicle that
 257 ~~which~~ is used to tow, carry, or otherwise transport ~~motor~~
 258 vehicles or vessels upon the streets and highways of this state
 259 and ~~which~~ is equipped for that purpose with a boom, winch, car
 260 carrier, or other similar equipment.

261 (2)(a) ~~Whenever~~ A towing-storage operator may charge the
 262 owner or operator of a vehicle or vessel only the following fees
 263 for, or incidental to, the recovery, removal, or storage of the
 264 vehicle or vessel:

265 1. Any reasonable fee for service specifically authorized
 266 pursuant to s. 125.0103 or s. 166.043 by ordinance, resolution,
 267 regulation, or rule of the county or municipality in which the
 268 service is performed.

269 2. Any reasonable fee for service specifically authorized
 270 by Division of Florida Highway Patrol of the Department of
 271 Highway Safety and Motor Vehicles pursuant to s. 321.051(2).

272 3. Any reasonable fee for service as agreed upon in
 273 writing between a towing-storage operator and the owner of a
 274 vehicle or vessel.

275 4. Any lien release administrative fee as set forth in

276 paragraph (15) (a).

277 5. Any reasonable administrative fee or charge imposed by
 278 a county or municipality pursuant to s. 125.01047, s. 166.04465,
 279 or s. 323.002 upon the registered owner or other legally
 280 authorized person in control of a vehicle or vessel.

281 (b) If a towing-storage operator ~~person regularly engaged~~
 282 ~~in the business of transporting vehicles or vessels by wrecker,~~
 283 ~~tow truck, or car carrier~~ recovers, removes, or stores a vehicle
 284 or vessel upon instructions from:

285 1.(a) The owner thereof;

286 2.(b) The owner or lessor, or a person authorized by the
 287 owner or lessor, of property on which such vehicle or vessel is
 288 wrongfully parked, and the removal is done in compliance with s.
 289 715.07;

290 3.(c) The landlord or a person authorized by the landlord,
 291 when such ~~motor~~ vehicle or vessel remained on the premises after
 292 the tenancy terminated and the removal is done in compliance
 293 with s. 83.806 or s. 715.104; or

294 4.(d) Any law enforcement agency, county, or municipality,

295
 296 she or he has ~~shall have~~ a lien on the vehicle or vessel for
 297 fees specified in paragraph (a) ~~a reasonable towing fee, for a~~
 298 ~~reasonable administrative fee or charge imposed by a county or~~
 299 ~~municipality, and for a reasonable storage fee;~~ except that a
 300 storage fee may not be charged if the vehicle or vessel is

301 stored for less ~~fewer~~ than 6 hours, and a storage fee may not be
302 charged for any storage prior to the towing-storage operator
303 submitting the vehicle or vessel information to an approved
304 third-party service in order for the third-party service to
305 transmit notices as required by subsection (16).

306 (4) (a) A towing-storage operator ~~person regularly engaged~~
307 ~~in the business of recovering, towing, or storing vehicles or~~
308 ~~vessels~~ who comes into possession of a vehicle or vessel
309 pursuant to paragraph (2) (b) ~~subsection (2)~~, and who claims a
310 lien for recovery, towing, or storage services, must ~~shall~~ give
311 notice, by certified mail, pursuant to subsection (16), to the
312 registered owner, the insurance company insuring the vehicle
313 notwithstanding s. 627.736, and all persons claiming a lien
314 thereon, as disclosed by the records in the Department of
315 Highway Safety and Motor Vehicles or as disclosed by the records
316 of any corresponding agency in any other state in which the
317 vehicle is identified through a records check of the National
318 Motor Vehicle Title Information System or an equivalent
319 commercially available system as being titled or registered.

320 (b) When ~~Whenever~~ a law enforcement agency authorizes the
321 removal of a vehicle or vessel or ~~whenever~~ a towing service,
322 garage, repair shop, or automotive service, storage, or parking
323 place notifies the law enforcement agency of possession of a
324 vehicle or vessel pursuant to s. 715.07(2) (a)2., if an approved
325 third-party service cannot obtain the vehicle's or vessel's

326 owner, lienholder, and insurer information or last state of
327 record pursuant to subsection (16), then the person in charge of
328 the towing service, garage, repair shop, or automotive service,
329 storage, or parking place must request such information from the
330 law enforcement agency of the jurisdiction where the vehicle or
331 vessel is stored. The law enforcement agency to which the
332 request was made must ~~shall~~ contact the Department of Highway
333 Safety and Motor Vehicles, or the appropriate agency of the
334 state of registration, if known, within 24 hours through the
335 medium of electronic communications, giving the full description
336 of the vehicle or vessel. Upon receipt of the full description
337 of the vehicle or vessel, the department must ~~shall~~ search its
338 files to determine the owner's name, the insurance company
339 insuring the vehicle or vessel, and whether any person has filed
340 a lien upon the vehicle or vessel as provided in s. 319.27(2)
341 and (3) and notify the applicable law enforcement agency within
342 72 hours. The person in charge of the towing service, garage,
343 repair shop, or automotive service, storage, or parking place
344 must request ~~shall obtain~~ such information from the applicable
345 law enforcement agency within 5 days after the date of storage
346 and must provide the information to the approved third-party
347 service in order to transmit notices as required by subsection
348 (16) ~~shall give notice pursuant to paragraph (a)~~. The department
349 may release the insurance company information to the requestor
350 notwithstanding s. 627.736.

351 (c) The notice of lien must be sent by an approved third-
 352 party service by certified mail to the registered owner, the
 353 insurance company insuring the vehicle notwithstanding s.
 354 627.736, and all other persons claiming a lien thereon within 5
 355 7 business days, excluding a Saturday, and Sunday, or federal
 356 legal holiday, after the date of storage of the vehicle or
 357 vessel. ~~However, in no event shall the notice of lien be sent~~
 358 ~~less than 30 days before the sale of the vehicle or vessel.~~ The
 359 notice must state all of the following:

360 1. If the claim of lien is for a vehicle, the last 8
 361 digits of the vehicle identification number of the vehicle
 362 subject to the lien, or, if the claim of lien is for a vessel,
 363 the hull identification number of the vessel subject to the
 364 lien, clearly printed in the delivery address box and on the
 365 outside of the envelope sent to the registered owner and all
 366 other persons claiming an interest in ~~therein~~ or lien on the
 367 vehicle or vessel ~~thereon~~.

368 2. The name, physical address, and telephone number of the
 369 lienor, and the entity name, as registered with the Division of
 370 Corporations, of the business where the towing and storage
 371 occurred, which must also appear on the outside of the envelope
 372 sent to the registered owner and all other persons claiming an
 373 interest in or lien on the vehicle or vessel.

374 3. The fact of possession of the vehicle or vessel.

375 4. The name of the person or entity that authorized the

376 | lienor to take possession of the vehicle or vessel.

377 | 5. That a lien as provided in paragraph (2)(b) ~~subsection~~
 378 | ~~(2)~~ is claimed.

379 | 6. That charges have accrued and include an itemized
 380 | statement of the amount thereof.

381 | 7. That the lien is subject to enforcement under law and
 382 | that the owner or lienholder, if any, has the right to a hearing
 383 | as set forth in subsection (5).

384 | 8. That any vehicle or vessel that remains unclaimed, or
 385 | for which the charges for recovery, towing, or storage services
 386 | remain unpaid, may be sold free of all prior liens 35 days after
 387 | the vehicle or vessel is stored by the lienor if the vehicle or
 388 | vessel is an older model ~~more than 3 years of age~~ or 60 ~~50~~ days
 389 | after the vehicle or vessel is stored by the lienor if the
 390 | vehicle or vessel is a newer model ~~3 years of age or less~~.

391 | 9. The address at which the vehicle or vessel is
 392 | physically located.

393 | (d) The notice of lien may not be sent to the registered
 394 | owner, the insurance company insuring the vehicle or vessel, and
 395 | all other persons claiming a lien thereon less than 30 days
 396 | before the sale of a the vehicle or vessel that is an older
 397 | model or less than 60 days before the sale of a vehicle or
 398 | vessel that is a newer model.

399 | (e) If attempts to locate the name and address of the
 400 | owner or lienholder are ~~prove~~ unsuccessful, 5 ~~the towing-storage~~

401 ~~operator shall, after 7~~ business days, excluding a Saturday, and
 402 Sunday, or federal legal holiday, after the initial tow or
 403 storage, the towing-storage operator must notify the public
 404 agency of jurisdiction where the vehicle or vessel is stored in
 405 writing by certified mail or receipt-acknowledged electronic
 406 delivery ~~acknowledged hand delivery~~ that the towing-storage
 407 company has been unable to locate the name and address of the
 408 owner or lienholder and a physical search of the vehicle or
 409 vessel has disclosed no ownership information and a good faith
 410 effort has been made, including records checks of the Department
 411 of Highway Safety and Motor Vehicles database and the National
 412 Motor Vehicle Title Information System or an equivalent
 413 commercially available system. ~~For purposes of this paragraph~~
 414 ~~and subsection (9), the term "good faith effort" means that the~~
 415 ~~following checks have been performed by the company to establish~~
 416 ~~the prior state of registration and for title:~~

417 1. ~~A check of the department's database for the owner and~~
 418 ~~any lienholder.~~

419 2. ~~A check of the electronic National Motor Vehicle Title~~
 420 ~~Information System or an equivalent commercially available~~
 421 ~~system to determine the state of registration when there is not~~
 422 ~~a current registration record for the vehicle or vessel on file~~
 423 ~~with the department.~~

424 3. ~~A check of the vehicle or vessel for any type of tag,~~
 425 ~~tag record, temporary tag, or regular tag.~~

426 ~~4. A check of the law enforcement report for a tag number~~
 427 ~~or other information identifying the vehicle or vessel, if the~~
 428 ~~vehicle or vessel was towed at the request of a law enforcement~~
 429 ~~officer.~~

430 ~~5. A check of the trip sheet or tow ticket of the tow~~
 431 ~~truck operator to determine whether a tag was on the vehicle or~~
 432 ~~vessel at the beginning of the tow, if a private tow.~~

433 ~~6. If there is no address of the owner on the impound~~
 434 ~~report, a check of the law enforcement report to determine~~
 435 ~~whether an out-of-state address is indicated from driver license~~
 436 ~~information.~~

437 ~~7. A check of the vehicle or vessel for an inspection~~
 438 ~~sticker or other stickers and decals that may indicate a state~~
 439 ~~of possible registration.~~

440 ~~8. A check of the interior of the vehicle or vessel for~~
 441 ~~any papers that may be in the glove box, trunk, or other areas~~
 442 ~~for a state of registration.~~

443 ~~9. A check of the vehicle for a vehicle identification~~
 444 ~~number.~~

445 ~~10. A check of the vessel for a vessel registration~~
 446 ~~number.~~

447 ~~11. A check of the vessel hull for a hull identification~~
 448 ~~number which should be carved, burned, stamped, embossed, or~~
 449 ~~otherwise permanently affixed to the outboard side of the~~
 450 ~~transom or, if there is no transom, to the outmost seaboard side~~

451 ~~at the end of the hull that bears the rudder or other steering~~
 452 ~~mechanism.~~

453 (5) (a) The owner of a vehicle or vessel removed pursuant
 454 to paragraph (2) (b) ~~subsection (2)~~, or any person claiming a
 455 lien, other than the towing-storage operator, within 10 days
 456 after the time she or he has knowledge of the location of the
 457 vehicle or vessel, may file a complaint in the county court of
 458 the county in which the vehicle or vessel is stored to determine
 459 whether her or his property was wrongfully taken or withheld.

460 (6) A vehicle or vessel that is stored pursuant to
 461 paragraph (2) (b) ~~subsection (2)~~ and remains unclaimed, or for
 462 which reasonable charges for recovery, towing, or storing remain
 463 unpaid, and any contents not released pursuant to subsection
 464 (10), may be sold by the owner or operator of the storage space
 465 for such towing or storage charge 35 days after the vehicle or
 466 vessel is stored by the lienor if the vehicle or vessel is an
 467 older model ~~more than 3 years of age~~ or 55 ~~50~~ days after the
 468 vehicle or vessel is stored by the lienor if the vehicle or
 469 vessel is a newer model ~~3 years of age or less~~. The sale must
 470 ~~shall~~ be at public sale for cash. If the date of the sale was
 471 not included in the notice required in subsection (4), notice of
 472 the sale must ~~shall~~ be given to the person in whose name the
 473 vehicle or vessel is registered and to all persons claiming a
 474 lien on the vehicle or vessel as shown on the records of the
 475 Department of Highway Safety and Motor Vehicles or of any

476 | corresponding agency in any other state in which the vehicle is
 477 | identified through a records check of the National Motor Vehicle
 478 | Title Information System or an equivalent commercially available
 479 | system as being titled. Notice of the sale must be sent by
 480 | certified mail to the registered owner of the vehicle or vessel,
 481 | the insurance company insuring the vehicle or vessel, and the
 482 | person having the recorded lien on the vehicle or vessel at the
 483 | address shown on the records of the registering agency at least
 484 | 30 days before the sale of the vehicle or vessel. ~~The notice~~
 485 | ~~must have clearly identified and printed, if the claim of lien~~
 486 | ~~is for a motor vehicle,~~ The last 8 digits of the vehicle
 487 | identification number of the ~~motor~~ vehicle subject to the lien,
 488 | or, if the claim of lien is for a vessel, the hull
 489 | identification number of the vessel subject to the lien, must be
 490 | clearly identified and printed in the delivery address box and
 491 | on the outside of the envelope sent to the registered owner and
 492 | all other persons claiming an interest in ~~therein~~ or lien on the
 493 | vehicle or vessel ~~thereon.~~ ~~The notice must be sent to the owner~~
 494 | ~~of the vehicle or vessel and the person having the recorded lien~~
 495 | ~~on the vehicle or vessel at the address shown on the records of~~
 496 | ~~the registering agency at least 30 days before the sale of the~~
 497 | ~~vehicle or vessel.~~ The notice must state the name, physical
 498 | address, and telephone number of the lienor, and the vehicle
 499 | identification number if the claim of lien is for a vehicle or
 500 | the hull identification number if the claim of lien is for a

501 vessel, all of which must also appear in the return address
 502 section on the outside of the envelope containing the notice of
 503 sale. After diligent search and inquiry, if the name and address
 504 of the registered owner or the owner of the recorded lien cannot
 505 be ascertained, the requirements of notice by mail may be
 506 dispensed with. In addition to the notice by mail, public notice
 507 of the time and place of sale must ~~shall~~ be made by publishing a
 508 notice thereof one time, at least 20 ~~10~~ days before the date of
 509 the sale, on the publicly available website maintained by an
 510 approved third-party service. The third-party service must
 511 electronically report to the Department of Highway Safety and
 512 Motor Vehicles, via an electronic data exchange process using a
 513 web interface, the name, physical address, and telephone number
 514 of the lienor; the time and place of sale; the vehicle's plate
 515 number, if known; the vehicle identification number, if the
 516 claim of lien is for a vehicle, or the hull identification
 517 number, if the claim of lien is for a vessel; and the amount due
 518 for towing, recovery, storage, and administrative fees. The
 519 third-party service that publishes the public notice of sale and
 520 electronically reports the required information to the
 521 department may collect and retain a service charge of no more
 522 than \$1.00 in a newspaper of general circulation in the county
 523 ~~in which the sale is to be held.~~ The proceeds of the sale, after
 524 payment of reasonable towing and storage charges, and costs of
 525 the sale, in that order of priority, must ~~shall~~ be deposited

526 with the clerk of the circuit court for the county if the owner
527 or lienholder is absent, and the clerk must ~~shall~~ hold such
528 proceeds subject to the claim of the owner or lienholder legally
529 entitled thereto. The clerk is ~~shall be~~ entitled to receive 5
530 percent of such proceeds for the care and disbursement thereof.
531 The certificate of title issued under this section must ~~this law~~
532 ~~shall~~ be discharged of all liens unless otherwise provided by
533 court order. The owner or lienholder may file a complaint after
534 the vehicle or vessel has been sold in the county court of the
535 county in which it is stored. Upon determining the respective
536 rights of the parties, the court may award damages, attorney
537 fees, and costs in favor of the prevailing party.

538 (8) A towing-storage operator ~~person regularly engaged in~~
539 ~~the business of recovering, towing, or storing vehicles or~~
540 ~~vessels~~, except a person licensed under chapter 493 while
541 engaged in "repossession" activities as defined in s. 493.6101,
542 may not operate a wrecker, tow truck, or car carrier unless the
543 name, address, and telephone number of the company performing
544 the service is clearly printed in contrasting colors on the
545 driver and passenger sides of its vehicle. The name must be in
546 at least 3-inch permanently affixed letters, and the address and
547 telephone number must be in at least 1-inch permanently affixed
548 letters.

549 (9) Failure to make good faith efforts to comply with the
550 notice requirements of this section precludes the imposition of

551 any storage charges against the vehicle or vessel. If a lienor
552 fails to provide notice to a person claiming a lien on a vehicle
553 or vessel in accordance with subsection (4), the lienor may not
554 charge the person for more than 4 7 days of storage, but such
555 failure does not affect charges made for towing the vehicle or
556 vessel or the priority of liens on the vehicle or vessel.

557 (10) A towing-storage operator must ~~Persons who provide~~
558 ~~services pursuant to this section shall~~ permit vehicle or vessel
559 owners, lienholders, insurance company representatives, or their
560 agents, whose interest in the vehicle or vessel is evidenced by
561 documents pursuant to subsection (17) which agency is evidenced
562 ~~by an original writing acknowledged by the owner before a notary~~
563 ~~public or other person empowered by law to administer oaths,~~ to
564 inspect the towed vehicle or vessel and must ~~shall~~ release to
565 the owner, lienholder, or agent the vehicle, vessel, or all
566 personal property not affixed to the vehicle or vessel which was
567 in the vehicle or vessel at the time the vehicle or vessel came
568 into the custody of the towing-storage operator. The inspection
569 and release of the vehicle, vessel, or personal property must be
570 permitted within one hour after arrival of the owner,
571 lienholder, insurance company representative, or their agent,
572 during normal business hours at the site where the vehicle or
573 vessel is stored. Notwithstanding sub-paragraph (17)(a)5., a
574 rental vehicle or vessel agreement is not evidence that the
575 person who rented a vehicle or vessel is an agent of the rental

576 vehicle or vessel owner for the purpose of releasing the vehicle
 577 or vessel. However, a towing-storage operator must release to
 578 the renter of a rental vehicle or vessel all personal property
 579 of the renter not affixed to the vehicle or vessel within one
 580 hour after arrival ~~person providing such services.~~

581 (11) (a) A towing-storage operator ~~Any person regularly~~
 582 ~~engaged in the business of recovering, towing, or storing~~
 583 ~~vehicles or vessels~~ who comes into possession of a vehicle or
 584 vessel pursuant to paragraph (2) (b) ~~subsection (2)~~ and who has
 585 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),
 586 when such vehicle or vessel is to be sold for purposes of being
 587 dismantled, destroyed, or changed in such manner that it is not
 588 the ~~motor~~ vehicle or vessel described in the certificate of
 589 title, must ~~shall~~ report the vehicle to the National Motor
 590 Vehicle Title Information System and apply to the Department of
 591 Highway Safety and Motor Vehicles for a certificate of
 592 destruction. A certificate of destruction, which authorizes the
 593 dismantling or destruction of the vehicle or vessel described
 594 therein, is ~~shall be~~ reassignable a maximum of two times before
 595 dismantling or destruction of the vehicle is ~~shall be~~ required,
 596 and must ~~shall~~ accompany the vehicle or vessel for which it is
 597 issued, when such vehicle or vessel is sold for such purposes,
 598 in lieu of a certificate of title. The application for a
 599 certificate of destruction must include proof of reporting to
 600 the National Motor Vehicle Title Information System and an

601 affidavit from the applicant that she or he ~~it~~ has complied with
 602 all applicable requirements of this section and, if the vehicle
 603 or vessel is not registered in this state or any other state, by
 604 a statement from a law enforcement officer that the vehicle or
 605 vessel is not reported stolen, and must ~~shall~~ be accompanied by
 606 such documentation as may be required by the department.

607 (12) (a) Any person who violates ~~any provision of~~
 608 ~~subsection (1),~~ subsection (2), subsection (4), subsection (5),
 609 subsection (6), or subsection (7) is guilty of a misdemeanor of
 610 the first degree, punishable as provided in s. 775.082 or s.
 611 775.083.

612 (d) Employees of the Department of Highway Safety and
 613 Motor Vehicles and law enforcement officers are authorized to
 614 inspect the records of a towing-storage operator ~~any person~~
 615 ~~regularly engaged in the business of recovering, towing, or~~
 616 ~~storing vehicles or vessels or transporting vehicles or vessels~~
 617 ~~by wrecker, tow truck, or car carrier,~~ to ensure compliance with
 618 the requirements of this section. A towing-storage operator ~~Any~~
 619 ~~person~~ who fails to maintain records, or fails to produce
 620 records when required in a reasonable manner and at a reasonable
 621 time, commits a misdemeanor of the first degree, punishable as
 622 provided in s. 775.082 or s. 775.083.

623 (13) (a) Upon receipt by the Department of Highway Safety
 624 and Motor Vehicles of written notice from a wrecker operator who
 625 claims a wrecker operator's lien under subparagraph (2) (b) 4.

626 ~~paragraph (2)(d)~~ for recovery, towing, or storage of an
 627 abandoned vehicle or vessel upon instructions from any law
 628 enforcement agency, for which a certificate of destruction has
 629 been issued under subsection (11) and the vehicle has been
 630 reported to the National Motor Vehicle Title Information System,
 631 the department shall place the name of the registered owner of
 632 that vehicle or vessel on the list of those persons who may not
 633 be issued a license plate or revalidation sticker for any motor
 634 vehicle under s. 320.03(8). If the vehicle or vessel is owned
 635 jointly by more than one person, the name of each registered
 636 owner must ~~shall~~ be placed on the list. The notice of wrecker
 637 operator's lien must ~~shall~~ be submitted on forms provided by the
 638 department and, ~~which must~~ include all of the following:

639 1. The name, address, and telephone number of the wrecker
 640 operator.

641 2. The name of the registered owner of the vehicle or
 642 vessel and the address to which the wrecker operator provided
 643 notice of the lien to the registered owner under subsection (4).

644 3. A general description of the vehicle or vessel,
 645 including its color, make, model, body style, and year.

646 4. The vehicle identification number (VIN); registration
 647 license plate number, state, and year; validation decal number,
 648 state, and year; vessel registration number; hull identification
 649 number; or other identification number, as applicable.

650 5. The name of the person or the corresponding law

651 enforcement agency that requested that the vehicle or vessel be
652 recovered, towed, or stored.

653 6. The amount of the wrecker operator's lien, not to
654 exceed the amount allowed by paragraph (b).

655 (b) For purposes of this subsection only, the amount of
656 the wrecker operator's lien for which the department will
657 prevent issuance of a license plate or revalidation sticker may
658 not exceed the amount of the charges for recovery, towing, and
659 storage of the vehicle or vessel for 7 days. These charges may
660 not exceed the maximum rates imposed by the ordinances of the
661 respective county or municipality under ss. 125.0103(1)(c) and
662 166.043(1)(c). This paragraph does not limit the amount of a
663 wrecker operator's lien claimed under paragraph (2)(b)
664 ~~subsection (2)~~ or prevent a wrecker operator from seeking civil
665 remedies for enforcement of the entire amount of the lien, but
666 limits only that portion of the lien for which the department
667 will prevent issuance of a license plate or revalidation
668 sticker.

669 (d) Upon discharge of the amount of the wrecker operator's
670 lien allowed by paragraph (b), the wrecker operator must issue a
671 certificate of discharged wrecker operator's lien on forms
672 provided by the department to each registered owner of the
673 vehicle or vessel attesting that the amount of the wrecker
674 operator's lien allowed by paragraph (b) has been discharged.
675 Upon presentation of the certificate of discharged wrecker

676 operator's lien by the registered owner, the department must
 677 ~~shall~~ immediately remove the registered owner's name from the
 678 list of those persons who may not be issued a license plate or
 679 revalidation sticker for any motor vehicle under s. 320.03(8),
 680 thereby allowing issuance of a license plate or revalidation
 681 sticker. Issuance of a certificate of discharged wrecker
 682 operator's lien under this paragraph does not discharge the
 683 entire amount of the wrecker operator's lien claimed under
 684 paragraph (2)(b) ~~subsection (2)~~, but only certifies to the
 685 department that the amount of the wrecker operator's lien
 686 allowed by paragraph (b), for which the department will prevent
 687 issuance of a license plate or revalidation sticker, has been
 688 discharged.

689 (17) (a) A towing-storage operator must accept an original
 690 or a copy of any of the following documents as evidence of a
 691 person's interest in a vehicle or vessel:

- 692 1. An electronic title;
- 693 2. A paper title;
- 694 3. A contract between a lender and the owner of the
 695 vehicle or vessel;
- 696 4. A contract between a lessor and the lessee of the
 697 vehicle or vessel;
- 698 5. A written agreement evidencing that the person is an
 699 agent of the vehicle or vessel owner, lienholder, or insurance
 700 company.

701 (b) A towing-storage operator may not require any
 702 documents listed in paragraph (a) to be notarized.

703 (c) Presenting one form of current government-issued photo
 704 identification constitutes sufficient identity verification for
 705 the purposes of this section. A lienor must accept either a copy
 706 of an electronic title or a paper title as evidence of a
 707 person's interest in a vehicle or vessel.

708 (18) A towing-storage operator must retain for 3 years
 709 records produced for all vehicles or vessels recovered, towed,
 710 stored, or released. Such records must include at least all of
 711 the following:

712 (a) All notice publications and certified mailings.

713 (b) The purchase price of any unclaimed vehicle or vessel
 714 sold.

715 (c) The names and addresses of persons to which vehicles
 716 or vessels were released.

717 (d) The names and addresses of vehicle or vessel
 718 purchasers.

719 (e) All fees imposed under this section, including the
 720 itemized invoice required by paragraph (20) (c).

721 (19) (a) A towing-storage operator must accept payment for
 722 accrued charges from an authorized person listed in subsection
 723 (10) in any form from at least two of the following
 724 subparagraphs:

725 1. Cash, cashier's check, money order, or traveler's

726 check.

727 2. Bank, debit, or credit card.

728 3. Mobile payment service, digital wallet, or other

729 electronic payment system.

730 (b) Any of the authorized persons listed in subsection

731 (10) are not required to furnish more than one form of current

732 government-issued photo identification when payment is made in

733 any of the forms listed in paragraph (a).

734 (20) (a) A towing-storage operator must maintain a rate

735 sheet listing all fees for, or incidental to, the recovery,

736 removal, or storage of a vehicle or vessel and must:

737 1. Post the rate sheet at its place of business;

738 2. Make the rate sheet available upon request of a vehicle

739 or vessel owner, lienholder, insurance company, or their agent;

740 3. Prior to attaching a vehicle or vessel to a wrecker,

741 furnish the rate sheet to the vehicle or vessel owner or

742 operator, if the owner or operator is present at the scene of

743 the disabled vehicle or vessel; and

744 4. File and keep on record with the local law enforcement

745 agency a complete copy of the current rates to be charged for

746 such services.

747 (b) Any fee charged in excess of those listed on the rate

748 sheet required under this subsection is deemed unreasonable.

749 (c) An itemized invoice of actual fees charged by a

750 towing-storage operator for a completed tow must be produced and

751 be available to the vehicle or vessel owner, lienholder,
 752 insurance company, or their agent no later than one business day
 753 after:

- 754 1. The tow is completed; or
- 755 2. The towing-storage operator has obtained all necessary
 756 information to be included on the invoice, including any charges
 757 submitted by subcontractors used by the towing-storage operator
 758 to complete the tow and recovery.

759 (d) The itemized invoice required under subsection (c)
 760 must contain all of the following information:

- 761 1. The date and time the vehicle or vessel was towed;
- 762 2. The location to which the vehicle or vessel was towed;
- 763 3. The name, address, and telephone number of the towing-
 764 storage operator;
- 765 4. A description of the towed vehicle or vessel, including
 766 the color, make, model, model year, and vehicle identification
 767 number of the vehicle or hull identification number of the
 768 vessel;
- 769 5. The license plate number and state of registration for
 770 the towed vehicle or vessel;
- 771 6. The cost of the initial towing service;
- 772 7. The cost of any storage fees, expressed as a daily
 773 rate;
- 774 8. Other fees, including administrative fees, vehicle or
 775 vessel search fees, fees for hazardous material and non-

776 hazardous material cleanup, and fees for labor; and

777 9. A list of the services that were performed under a
778 warranty or that were otherwise performed at no cost to the
779 owner of the vehicle or vessel.

780 (e) Any service performed or fee charged in addition to
781 those described in sub-paragraphs (20) (d)6. or 7. must be set
782 forth on the itemized invoice required by paragraph (c)
783 individually as a single line item that includes an explanation
784 and the exact amount charged for the service or the exact amount
785 of the fee.

786 (f) A towing-storage operator must make the itemized
787 invoice required by paragraph (c) available for inspection and
788 copying no later than 48 hours after receiving a written request
789 for inspection from:

790 1. A law enforcement agency;

791 2. The Attorney General;

792 3. A city attorney, county attorney, or the prosecuting
793 attorney having jurisdiction in the location of any of the
794 towing-storage operator's business locations;

795 4. The vehicle or vessel owner, lienholder, insurance
796 company, or their agent; or

797 5. If the vehicle or vessel was involved in a collision,
798 any individual involved in the underlying collision or the
799 individual's insurance company.

800 Section 5. Paragraph (a) of subsection (2) of section

801 715.07, Florida Statutes, is amended to read:

802 715.07 Vehicles or vessels parked on private property;
803 towing.—

804 (2) The owner or lessee of real property, or any person
805 authorized by the owner or lessee, which person may be the
806 designated representative of the condominium association if the
807 real property is a condominium, may cause any vehicle or vessel
808 parked on such property without her or his permission to be
809 removed by a person regularly engaged in the business of towing
810 vehicles or vessels, without liability for the costs of removal,
811 transportation, or storage or damages caused by such removal,
812 transportation, or storage, under any of the following
813 circumstances:

814 (a) The towing or removal of any vehicle or vessel from
815 private property without the consent of the registered owner or
816 other legally authorized person in control of that vehicle or
817 vessel is subject to substantial compliance with the following
818 conditions and restrictions:

819 1.a. Any towed or removed vehicle or vessel must be stored
820 at a site within a 10-mile radius of the point of removal in any
821 county of 500,000 population or more, and within a 15-mile
822 radius of the point of removal in any county of fewer than
823 500,000 population. That site must be open for the purpose of
824 redemption of vehicles on any day that the person or firm towing
825 such vehicle or vessel is open for towing purposes, from 8:00

826 a.m. to 6:00 p.m., and, when closed, shall have prominently
 827 posted a sign indicating a telephone number where the operator
 828 of the site can be reached at all times. Upon receipt of a
 829 telephoned request to open the site to redeem a vehicle or
 830 vessel, the operator shall return to the site within 1 hour or
 831 she or he will be in violation of this section.

832 b. If no towing business providing such service is located
 833 within the area of towing limitations set forth in sub-
 834 subparagraph a., the following limitations apply: any towed or
 835 removed vehicle or vessel must be stored at a site within a 20-
 836 mile radius of the point of removal in any county of 500,000
 837 population or more, and within a 30-mile radius of the point of
 838 removal in any county of fewer than 500,000 population.

839 2. The person or firm towing or removing the vehicle or
 840 vessel shall, within 30 minutes after completion of such towing
 841 or removal, notify the municipal police department or, in an
 842 unincorporated area, the sheriff, of such towing or removal, the
 843 storage site, the time the vehicle or vessel was towed or
 844 removed, and the make, model, color, and license plate number of
 845 the vehicle or description and registration number of the vessel
 846 and shall obtain the name of the person at that department to
 847 whom such information was reported and note that name on the
 848 trip record.

849 3. A person in the process of towing or removing a vehicle
 850 or vessel from the premises or parking lot in which the vehicle

851 or vessel is not lawfully parked must stop when a person seeks
852 the return of the vehicle or vessel. The vehicle or vessel must
853 be returned upon the payment of a reasonable service fee of not
854 more than one-half of the posted rate for the towing or removal
855 service as provided in subparagraph 6. The vehicle or vessel may
856 be towed or removed if, after a reasonable opportunity, the
857 owner or legally authorized person in control of the vehicle or
858 vessel is unable to pay the service fee. If the vehicle or
859 vessel is redeemed, a detailed signed receipt must be given to
860 the person redeeming the vehicle or vessel.

861 4. A person may not pay or accept money or other valuable
862 consideration for the privilege of towing or removing vehicles
863 or vessels from a particular location.

864 5. Except for property appurtenant to and obviously a part
865 of a single-family residence, and except for instances when
866 notice is personally given to the owner or other legally
867 authorized person in control of the vehicle or vessel that the
868 area in which that vehicle or vessel is parked is reserved or
869 otherwise unavailable for unauthorized vehicles or vessels and
870 that the vehicle or vessel is subject to being removed at the
871 owner's or operator's expense, any property owner or lessee, or
872 person authorized by the property owner or lessee, before towing
873 or removing any vehicle or vessel from private property without
874 the consent of the owner or other legally authorized person in
875 control of that vehicle or vessel, must post a notice meeting

876 the following requirements:

877 a. The notice must be prominently placed at each driveway
878 access or curb cut allowing vehicular access to the property
879 within 10 feet from the road, as defined in s. 334.03(22). If
880 there are no curbs or access barriers, the signs must be posted
881 not fewer than one sign for each 25 feet of lot frontage.

882 b. The notice must clearly indicate, in not fewer than 2-
883 inch high, light-reflective letters on a contrasting background,
884 that unauthorized vehicles will be towed away at the owner's
885 expense. The words "tow-away zone" must be included on the sign
886 in not fewer than 4-inch high letters.

887 c. The notice must also provide the name and current
888 telephone number of the person or firm towing or removing the
889 vehicles or vessels.

890 d. The sign structure containing the required notices must
891 be permanently installed with the words "tow-away zone" not
892 fewer than 3 feet and not more than 6 feet above ground level
893 and must be continuously maintained on the property for not
894 fewer than 24 hours before the towing or removal of any vehicles
895 or vessels.

896 e. The local government may require permitting and
897 inspection of these signs before any towing or removal of
898 vehicles or vessels being authorized.

899 f. A business with 20 or fewer parking spaces satisfies
900 the notice requirements of this subparagraph by prominently

901 displaying a sign stating "Reserved Parking for Customers Only
902 Unauthorized Vehicles or Vessels Will be Towed Away At the
903 Owner's Expense" in not fewer than 4-inch high, light-reflective
904 letters on a contrasting background.

905 g. A property owner towing or removing vessels from real
906 property must post notice, consistent with the requirements in
907 sub-subparagraphs a.-f., which apply to vehicles, that
908 unauthorized vehicles or vessels will be towed away at the
909 owner's expense.

910
911 A business owner or lessee may authorize the removal of a
912 vehicle or vessel by a towing company when the vehicle or vessel
913 is parked in such a manner that restricts the normal operation
914 of business; and if a vehicle or vessel parked on a public
915 right-of-way obstructs access to a private driveway the owner,
916 lessee, or agent may have the vehicle or vessel removed by a
917 towing company upon signing an order that the vehicle or vessel
918 be removed without a posted tow-away zone sign.

919 6. Any person or firm that tows or removes vehicles or
920 vessels and proposes to require an owner, operator, or person in
921 control or custody of a vehicle or vessel to pay the costs of
922 towing and storage before redemption of the vehicle or vessel
923 must file and keep on record with the local law enforcement
924 agency a complete copy of the current rates to be charged for
925 such services and post at the storage site an identical rate

926 | schedule and any written contracts with property owners,
927 | lessees, or persons in control of property which authorize such
928 | person or firm to remove vehicles or vessels as provided in this
929 | section.

930 | 7. Any person or firm towing or removing any vehicles or
931 | vessels from private property without the consent of the owner
932 | or other legally authorized person in control or custody of the
933 | vehicles or vessels shall, on any trucks, wreckers as defined in
934 | s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the
935 | towing or removal, have the name, address, and telephone number
936 | of the company performing such service clearly printed in
937 | contrasting colors on the driver and passenger sides of the
938 | vehicle. The name shall be in at least 3-inch permanently
939 | affixed letters, and the address and telephone number shall be
940 | in at least 1-inch permanently affixed letters.

941 | 8. Vehicle entry for the purpose of removing the vehicle
942 | or vessel shall be allowed with reasonable care on the part of
943 | the person or firm towing the vehicle or vessel. Such person or
944 | firm shall be liable for any damage occasioned to the vehicle or
945 | vessel if such entry is not in accordance with the standard of
946 | reasonable care.

947 | 9. When a vehicle or vessel has been towed or removed
948 | pursuant to this section, it must be released to its owner or
949 | person in control or custody within 1 hour after requested. Any
950 | vehicle or vessel owner or person in control or custody has the

951 right to inspect the vehicle or vessel before accepting its
952 return, and no release or waiver of any kind which would release
953 the person or firm towing the vehicle or vessel from liability
954 for damages noted by the owner or person in control or custody
955 at the time of the redemption may be required from any vehicle
956 or vessel owner or person in control or custody as a condition
957 of release of the vehicle or vessel to its owner or person in
958 control or custody. A detailed receipt showing the legal name of
959 the company or person towing or removing the vehicle or vessel
960 must be given to the person paying towing or storage charges at
961 the time of payment, whether requested or not.

962 Section 6. This act shall take effect July 1, 2024.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 247 Services Provided by the Department of Highway Safety and Motor Vehicles or Its Agents

SPONSOR(S): Transportation & Modals Subcommittee

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Modals Subcommittee		Walker	Hinshelwood

SUMMARY ANALYSIS

The bill address matters related to the Department of Highway Safety and Motor Vehicles (DHSMV) or its agents. The bill:

- Revises the application and affidavit requirements for the transfer of ownership of a motor vehicle or mobile home if the previous owner died testate.
- Provides that no additional fee can be charged by DHSMV or a tax collector for the reissuance of a certificate of title that is lost in transit and is not delivered.
- Allows permanent motor vehicle registration decals for rental trucks that weigh under 15,000 pounds.
- Authorizes trailers to be issued a license plate with reduced dimensions.
- Provides that a disabled veteran who qualifies for a “DV” license plate may, in lieu of the free “DV” license plate, be issued one of certain military license plates or a specialty license plate and receive a cost savings on the plate of their choosing.
- Adds the following two cases wherein DHSMV is authorized and empowered to design, issue, and regulate the use of temporary tags:
 - The existing owner of a vehicle has submitted an application to transfer a valid out-of-state title that is subject to a lien; and
 - An active-duty military servicemember who has a valid Florida driver license provides evidence satisfactory to the department that he or she is deployed outside this state.
- Repeals the requirement that requests for purchase of temporary tags to the DHSMV or its agents must be made, where applicable, on letterhead stationery and notarized.

The bill has an insignificant fiscal impact on state government and a likely positive but indeterminate impact on the private sector.

The bill has an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Certificate of Title Transfer or Ownership

Current Situation

Florida law states that in the case of transfer of ownership of a motor vehicle or mobile home, such as upon inheritance, DHSMV must receive satisfactory proof of ownership and right of possession to such motor vehicle or mobile home, and payment of required certificate of title application fee, before DHSMV can issue to the applicant a certificate of title.¹

If the previous owner of a motor vehicle or mobile home died *intestate*,² the application for a certificate of title made by an heir does not have to contain an order of a probate court, if the applicant files with DHSMV an affidavit that the estate is not indebted and any surviving spouses and heirs have amicably agreed among themselves upon a division of the estate.³

If the previous owner died *testate*,⁴ the application must be accompanied by a certified copy of the will, if probated, and an affidavit that the estate is solvent with sufficient assets. If the will is not probated, the application must be accompanied by a sworn copy of the will and an affidavit that the estate is not indebted.⁵

Effect of the Bill

The bill adds that if the previous owner died *testate* and the application for a certificate of title is made by, and accompanied by an affidavit attested by, a Florida-licensed attorney in good standing with the Florida bar who is representing the previous owner's estate, such affidavit establishes a presumption of ownership, absent information received on the contrary, and right of possession to the motor vehicle or mobile home. The affidavit must set forth the rightful heir or heirs, and the attorney must attest to their lawful entitlement to the rights of ownership and possession of the motor vehicle or mobile home. In this case, the application for certificate of title does not have to be accompanied by a copy of the will or other testamentary instrument. The attesting attorney must provide to DHSMV a current copy of his or her certificate of good standing issued by the Florida Bar.

Lost or Destroyed Certificate of Title

Current Situation

Under current law, if a certificate of title is lost or destroyed, the owner of the motor vehicle or mobile home, or the holder of a lien, must apply to DHSMV for a duplicate copy.⁶ Upon receiving an application signed and sworn to by the applicant, and accompanied by the required fee,⁷ DHSMV must issue a duplicate copy of the certificate of title.⁸

If an original, duplicate, or corrected certificate of title issued by DHSMV is lost in transit and is not delivered to the addressee, the owner or holder has 180 days of the date of issuance of the title to apply to DHSMV for the reissuance of the certificate of title *without an additional fee*.⁹ Florida law also authorizes tax collectors to process certificate of title applications and collect the associated fees.¹⁰

¹ S. 319.28(1)(a), F.S.

² "Intestate" means "[o]ne who has died without a valid will." BLACK'S LAW DICTIONARY 840 (8th ed. 2004).

³ S. 319.28(1)(b), F.S.

⁴ "Testate" means "[h]aving left a will at death." BLACK'S LAW DICTIONARY 1514 (8th ed. 2004).

⁵ S. 319.28(1)(b), F.S.

⁶ S. 319.29(1), F.S.

⁷ S. 319.32, F.S., states that the cost for each duplicate copy of a certificate of title is \$70 with a service charge of \$4.25.

⁸ S. 319.29(1), F.S.

⁹ S. 319.29(3), F.S.

¹⁰ S. 319.32(2)(b), F.S.

However, current law is not clear that tax collectors must issue a title lost in transit without charging an additional fee.

Effect of the Bill

The bill clarifies that an additional fee may not be charged by DHSMV *or the tax collector* for the reissuance of a lost in transit and not delivered certificate of title.

Permanent Registration Decals for Small Rental Trucks

Current Situation

Florida law provides that registration license plates must be issued for a 10-year period. At the end of the 10-year period, upon renewal, the plate must be replaced. With the issuance of a license plate, a validation sticker is issued with the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The license plate and validation sticker are issued based on the applicant's appropriate renewal period.¹¹

License plates with validation stickers subject to the registration period are valid for not more than 12 months and expire at midnight on the last day of the registration period. A license plate with a validation sticker subject to the extended registration period is valid for not more than 24 months and expires at midnight on the last day of the extended registration period.¹²

Currently rental cars have the ability to permanently register vehicles, provided they pay the appropriate annual license taxes and fees.¹³

Effect of the Bill

The bill allows rental trucks, under 15,000 pounds, the ability to permanently register trucks in the same manner as rental cars. Such rental trucks will be required to pay the appropriate annual license taxes and fees.

Registration License Plates

Current Situation

Under current law, DHSMV, upon receipt of an application and payment of the appropriate fees, must issue to a vehicle owner or lessee a certificate of registration and a license plate.¹⁴ License plates are issued for a ten-year period and must be replaced upon renewal at the end of the ten-year period. The replacement fee is \$28, \$2.80 of which is paid each year in the ten years leading up to the replacement, and such fees must be deposited into the Highway Safety Operating Trust Fund.¹⁵

Florida law provides that registration license plates must be at least 6 inches wide and not less than 12 inches in length. However, license plates with reduced dimensions can be issued by DHSMV to accommodate motorcycles, mopeds, or similar smaller vehicles.¹⁶ All other requirements, including the type of metal, validation stickers, identification letters and numerals, and imprints for specific plates, are the same regardless of registration license plate size.¹⁷

Effect of the Bill

The bill adds that a trailer can qualify for a license plate with reduced dimensions.

¹¹ S. 320.06(1)(b)1., F.S.

¹² S. 320.06(1)(c), F.S.

¹³ S. 320.06(1)(b), F.S.

¹⁴ S. 319.06(1)(a), F.S.

¹⁵ S. 319.06(1)(b), F.S.

¹⁶ S. 320.06(3)(a), F.S.

¹⁷ S. 320.06(3)(a), F.S.

License Plates for Disabled Veterans

Current Situation

Florida law requires DHSMV to issue one free license plate to veterans with a 100 percent service-connected disability upon application.¹⁸ The license number on each plate issued to a disabled veteran must be identified by the letter designation “DV.”¹⁹ The design of the special disabled veteran plate is red, white, and blue, and resembles the United States flag.²⁰

Upon issuance of each new permanent “DV” license plate, an initial validation sticker²¹ with an expiration not exceeding 27 months, is issued without cost to the applicant.²² The applicant does have to pay the associated service charges for each initial application or renewal of registration.²³ Registration must be renewed annually or biennially, and at that time the applicant must submit a certified statement affirming their continued eligibility for the special “DV” license plate.²⁴ Persons with a “DV” license plate with the international accessibility symbol are exempt from any fee or penalty for parking in any metered or timed parking space.²⁵

Florida has over 100 specialty license plates, with a statutory cap of 135,²⁶ available to Florida drivers who are willing to pay the additional annual use fee for such plate.²⁷ Within the specialty license plates, Florida offers 33 Special Military License Plates.²⁸ Each of the military service specialty license plates have specific requirements that must be met upon application and require payment of the license tax for the vehicle, if applicable,²⁹ before the plate can be issued.³⁰

Out of all military license plates offered in 2022 by DHSMV, the “DV” license plate ranked number one with 97,994 issued.³¹

Effect of the Bill

The bill provides that a disabled veteran who qualifies for the special “DV” license plate may be issued a military license plate for which he or she is eligible, or a specialty license plate, instead of the “DV” license plate upon application. The applicant must pay all of the applicable fees related to such plate, except for the initial license plate and registration fees waived for “DV” license plate applicants. Additionally, a military license plate or a specialty license plate elected in this manner is not eligible for the international symbol of accessibility.

¹⁸ S. 320.084(1), F.S.

¹⁹ S. 320.084 (3), F.S.

²⁰ FLHSMV, *Florida Military License Plate Brochure*, https://www.flhsmv.gov/pdf/specialtyplates/military_brochure.pdf (last visited Jan. 17, 2024).

²¹ The validation sticker must reflect the applicant’s birth month and the year of expiration.

²² S. 320.084(4)(a), F.S.

²³ S. 320.084(4)(b), F.S., refers to the fees in s. 320.04, F.S. For the original issuance of a license plate the service charge is \$2.50. For the issuance of each license plate validation sticker the service charge is \$1.00. An additional 50 cents is charged for each license plate and validation sticker so they can be treated with retroreflection material.

²⁴ S. 320.084(4)(c), F.S.

²⁵ S. 320.084(5), F.S.

²⁶ S. 320.08053(3)(b), F.S.

²⁷ S. 320.08056(2)(a), F.S.

²⁸ S. 320.089, F.S. The plates offered: Air Force Combat Action Medal, Air Force Cross, Combat Action Badge, Combat Action Ribbon, Combat Infantry Badge, Combat Medical Badge, Distinguished Flying Cross, Distinguished Service Cross, Ex-Prisoner of War, Gold Star Family, Korean War Veteran, Medal of Honor (Air Force), Medal of Honor (Army), Medal of Honor (Navy), National Guard, Navy Cross, Navy Submariner, Operation Desert Shield, Operation Desert Storm, Operation Enduring Freedom, Operation Iraqi Freedom, Pearl Harbor Survivor, Purple Heart, Silver Star, U.S. Reserve, Veteran of U.S. Armed Forces, Vietnam War Veteran, Woman Veteran, World War II Veteran, U.S. Paratrooper, Former Military Vehicle, Army of Occupation, and Bronze Star.

²⁹ See s. 320.089(1)(d) and (2)(a), F.S. An applicant for a Pearl Harbor Survivor license plate or a Purple Heart license plate who also qualifies for a DV license plate, or an applicant who was held as a prisoner of war, does not have to pay the motor vehicle license tax.

³⁰ S. 320.089, F.S.

³¹ FLHSMV, *supra* note 20, at pp. 5-6.

Temporary Tags

Current Situation

Florida law provides for a variety of legal uses for temporary license plates. Temporary tags, if authorized for use by DHSMV, must be conspicuously displayed on the rear license plate bracket or, on vehicles requiring front display of license plates, on the front of the vehicle in the location where the metal license plate would normally be displayed.³² Moreover, except as specifically provided otherwise, a temporary tag is valid for 30 days, and no more than two shall be issued to the same person for the same vehicle.³³

DHSMV is authorized and empowered to design, issue, and regulate the use of temporary tags in the following cases:

- Where a dealer license plate may not be lawfully used;
- For a casual or private sale, including the sale of a marine boat trailer by a marine boat trailer dealer;
- For certified common carriers or driveaway companies who transport motor vehicles, mobile homes, or recreational vehicles from one place to another for persons other than themselves;
- For banks, credit unions, and other financial institutions for the purpose of demonstrating repossessions for sale;
- Where a motor vehicle is sold in this state to a resident of another state for registration therein and the motor vehicle is not required to be registered;
- Where a motor vehicle is required to be weighed or emission tested prior to registration or have a vehicle identification number verified;
- Where an out-of-state resident, subject to registration in this state, must secure ownership documentation from the home state;
- For a rental car company which possesses a motor vehicle dealer license and which may use temporary tags on vehicles offered for lease by such company in accordance with the provisions of rules established by DHSMV;
- In the resolution of a consumer complaint where there is a need to issue more than two temporary tags;
- While a personalized prestige or specialty license plate is being manufactured for 90 day use upon the motor vehicle;
- In any case where a permanent license plate cannot legally be issued to an applicant and a temporary license plate is not specifically authorized; and
- For use by licensed dealers to transport motor vehicles and recreational vehicles from the dealer's licensed location to an off-premise sales location and return.³⁴

DHSMV is authorized to disallow the purchase of temporary tags by licensed dealers, common carriers, or financial institutions in those cases where abuse has occurred.³⁵

The DHSMV is authorized to sell temporary tags to their agents and where need is demonstrated by a consumer complainant. The fee must be \$2 each.³⁶ Additionally, agents of the DHSMV must sell temporary tags for \$2 each and must charge the service charge per transaction, regardless of the quantity sold.³⁷

Requests for purchase of temporary tags to the DHSMV or its agents must be made, where applicable, on letterhead stationery and notarized.³⁸

Effect of the Bill

³² S. 320.131(4), F.S.

³³ S. 320.131(2), F.S.

³⁴ S. 320.131(1), F.S.

³⁵ *Id.*

³⁶ *Id.* at 34

³⁷ *Id.*

³⁸ *Id.*

The bill adds the following two cases wherein DHSMV is authorized and empowered to design, issue, and regulate the use of temporary tags:

- The existing owner of a vehicle has submitted an application to transfer a valid out-of-state title that is subject to a lien.
- An active-duty military servicemember who has a valid Florida driver license provides evidence satisfactory to the DHSMV that he or she is deployed outside this state.

The bill provides that a temporary tag issued for these two purposes will be valid for 60 days, instead of the default of 30 days.

The bill repeals the requirement that requests for purchase of temporary tags to the DHSMV or its agents must be made, where applicable, on letterhead stationery and notarized.

The bill makes other technical and clarifying changes to the statute relating to temporary tags.

Effective Date

The bill provides an effective date of July 1, 2024.

B. SECTION DIRECTORY:

Section 1 Amends s. 319.28, F.S., relating to transfer of ownership by operation of law.

Section 2 Amends s. 319.29, F.S., relating to lost or destroyed certificates.

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

Section 4 Amends s. 316.084, F.S., relating to free motor vehicle license plate to certain disabled veterans.

Section 5 Amends s. 320.131, F.S., relating to temporary tags.

Section 6 Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The provision in the bill allowing free specialty plates for disabled veterans will have no fiscal impact on revenues since disabled veterans currently receive free license plates. However, the disabled veteran must pay all of the applicable fees related to the specialty plate, except for the initial license plate and registration fees waived for "DV" license plate applicants. Additionally, the provision of the bill authorizing permanent license plates for certain rental trucks will have no fiscal impact on revenues because the annual fee paid for the license plate will not change.

2. Expenditures:

DHSMV estimates that the bill will have a technology impact of \$8,130 in full-time equivalent position and contracted resources. This impact would be largely due to programming needed to conform with the following components of the bill:

- Reduce dimension of license plates for trailers;
- Allow additional license plate choices for customers who meet the DV requirement; and
- Allow additional situations where DHSMV may issue temporary tags.³⁹

³⁹ Department of Highway Safety and Motor Vehicles, Agency Analysis of 2024 House Bill 247, pp. 6-7(Nov. 3, 2023).

Additionally, DHSMV has expressed that there may arise an increased need for additional customer service staff in order to address temporary tag status questions.⁴⁰

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Each section of the bill will likely have a positive, though indeterminate, fiscal impact on the private sector as a result of cost savings or streamlining of DHSMV administrative processes.

D. FISCAL COMMENTS:

None.

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:

Rulemaking may be necessary in order to conform to changes made by the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

N/A

⁴⁰ *Id.*

26 of-state title that is subject to a lien; authorizing
 27 the department to design, issue, and regulate the use
 28 of temporary tags where an active-duty military
 29 servicemember who has a valid Florida driver license
 30 provides evidence satisfactory to the department that
 31 he or she is deployed outside this state; providing
 32 the period of validity of such temporary tags;
 33 removing provisions requiring a written, notarized
 34 request for the purchase of a temporary tag; providing
 35 an effective date.

36
 37 Be It Enacted by the Legislature of the State of Florida:

38
 39 Section 1. Paragraphs (c) and (d) of subsection (1) of
 40 section 319.28, Florida Statutes, are redesignated as paragraphs
 41 (d) and (e), respectively, and a new paragraph (c) is added to
 42 that subsection to read:

43 319.28 Transfer of ownership by operation of law.—

44 (1)

45 (c) If the previous owner died testate and the application
 46 for a certificate of title is made by, and accompanied by an
 47 affidavit attested by, a Florida-licensed attorney in good
 48 standing with The Florida Bar who is representing the previous
 49 owner's estate, such affidavit shall, for purposes of paragraph
 50 (a), establish a presumption of ownership, absent information

51 received to the contrary, and right of possession to the motor
 52 vehicle or mobile home, so long as the affidavit sets forth the
 53 rightful heir or heirs and the attorney attests in the affidavit
 54 that such heir or heirs are lawfully entitled to the rights of
 55 ownership and possession of the motor vehicle or mobile home.
 56 The attesting attorney shall provide to the department a current
 57 copy of his or her certificate of good standing issued by The
 58 Florida Bar. It shall not be necessary for the application for
 59 certificate of title filed under this paragraph to be
 60 accompanied by a copy of the will or other testamentary
 61 instrument.

62 Section 2. Subsection (3) of section 319.29, Florida
 63 Statutes, is amended to read:

64 319.29 Lost or destroyed certificates.—

65 (3) If, following the issuance of an original, duplicate,
 66 or corrected certificate of title by the department, the
 67 certificate is lost in transit and is not delivered to the
 68 addressee, the owner of the motor vehicle or mobile home, or the
 69 holder of a lien thereon, may, within 180 days of the date of
 70 issuance of the title, apply to the department for reissuance of
 71 the certificate of title. An ~~Ne~~ additional fee shall not be
 72 charged by the department or a tax collector, as agent for the
 73 department, for reissuance under this subsection.

74 Section 3. Paragraph (b) of subsection (1) and paragraph
 75 (a) of subsection (3) of section 320.06, Florida Statutes, are

76 | amended to read:

77 | 320.06 Registration certificates, license plates, and
78 | validation stickers generally.—

79 | (1)

80 | (b)1. Registration license plates bearing a graphic symbol
81 | and the alphanumeric system of identification shall be issued
82 | for a 10-year period. At the end of the 10-year period, upon
83 | renewal, the plate shall be replaced. The department shall
84 | extend the scheduled license plate replacement date from a 6-
85 | year period to a 10-year period. The fee for such replacement is
86 | \$28, \$2.80 of which shall be paid each year before the plate is
87 | replaced, to be credited toward the next \$28 replacement fee.
88 | The fees shall be deposited into the Highway Safety Operating
89 | Trust Fund. A credit or refund may not be given for any prior
90 | years' payments of the prorated replacement fee if the plate is
91 | replaced or surrendered before the end of the 10-year period,
92 | except that a credit may be given if a registrant is required by
93 | the department to replace a license plate under s.

94 | 320.08056(8) (a). With each license plate, a validation sticker
95 | shall be issued showing the owner's birth month, license plate
96 | number, and the year of expiration or the appropriate renewal
97 | period if the owner is not a natural person. The validation
98 | sticker shall be placed on the upper right corner of the license
99 | plate. The license plate and validation sticker shall be issued
100 | based on the applicant's appropriate renewal period. The

101 registration period is 12 months, the extended registration
102 period is 24 months, and all expirations occur based on the
103 applicant's appropriate registration period. Rental vehicles
104 taxed pursuant to s. 320.08(6)(a) and rental trucks taxed
105 pursuant to s. 320.08(3)(a), (b), and (c) and (4)(a)-(d) may
106 elect a permanent registration period, provided payment of the
107 appropriate license taxes and fees occurs annually.

108 2. A vehicle that has an apportioned registration shall be
109 issued an annual license plate and a cab card that denote the
110 declared gross vehicle weight for each apportioned jurisdiction
111 in which the vehicle is authorized to operate. This subparagraph
112 expires June 30, 2024.

113 3. Beginning July 1, 2024, a vehicle registered in
114 accordance with the International Registration Plan must be
115 issued a license plate for a 3-year period. At the end of the 3-
116 year period, upon renewal, the license plate must be replaced.
117 Each license plate must include a validation sticker showing the
118 month of expiration. A cab card denoting the declared gross
119 vehicle weight for each apportioned jurisdiction must be issued
120 annually. The fee for an original or a renewal cab card is \$28,
121 which must be deposited into the Highway Safety Operating Trust
122 Fund. If the license plate is damaged or worn, it may be
123 replaced at no charge by applying to the department and
124 surrendering the current license plate.

125 4. In order to retain the efficient administration of the

126 taxes and fees imposed by this chapter, the 80-cent fee increase
 127 in the replacement fee imposed by chapter 2009-71, Laws of
 128 Florida, is negated as provided in s. 320.0804.

129 (3)(a) Registration license plates must be made of metal
 130 specially treated with a retroreflection material, as specified
 131 by the department. The registration license plate is designed to
 132 increase nighttime visibility and legibility and must be at
 133 least 6 inches wide and not less than 12 inches in length,
 134 unless a plate with reduced dimensions is deemed necessary by
 135 the department to accommodate motorcycles, mopeds, ~~or~~ similar
 136 smaller vehicles, or trailers. Validation stickers must also be
 137 treated with a retroreflection material, must be of such size as
 138 specified by the department, and must adhere to the license
 139 plate. The registration license plate must be imprinted with a
 140 combination of bold letters and numerals or numerals, not to
 141 exceed seven digits, to identify the registration license plate
 142 number. The license plate must be imprinted with the word
 143 "Florida" at the top and the name of the county in which it is
 144 sold, the state motto, or the words "Sunshine State" at the
 145 bottom. Apportioned license plates must have the word
 146 "Apportioned" at the bottom, and license plates issued for
 147 vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or
 148 (c), or (14) must have the word "Restricted" at the bottom.
 149 License plates issued for vehicles taxed under s. 320.08(12)
 150 must be imprinted with the word "Florida" at the top and the

151 word "Dealer" at the bottom unless the license plate is a
 152 specialty license plate as authorized in s. 320.08056.
 153 Manufacturer license plates issued for vehicles taxed under s.
 154 320.08(12) must be imprinted with the word "Florida" at the top
 155 and the word "Manufacturer" at the bottom. License plates issued
 156 for vehicles taxed under s. 320.08(5)(d) or (e) must be
 157 imprinted with the word "Wrecker" at the bottom. Any county may,
 158 upon majority vote of the county commission, elect to have the
 159 county name removed from the license plates sold in that county.
 160 The state motto or the words "Sunshine State" shall be printed
 161 in lieu thereof. A license plate issued for a vehicle taxed
 162 under s. 320.08(6) may not be assigned a registration license
 163 number, or be issued with any other distinctive character or
 164 designation, that distinguishes the motor vehicle as a for-hire
 165 motor vehicle.

166 Section 4. Subsection (1) of section 320.084, Florida
 167 Statutes, is amended, and subsection (6) is added to that
 168 section, to read:

169 320.084 Free motor vehicle license plate to certain
 170 disabled veterans.—

171 (1) One free "DV" motor vehicle license number plate shall
 172 be issued by the department for use on any motor vehicle owned
 173 or leased by any disabled veteran who has been a resident of
 174 this state continuously for the preceding 5 years or has
 175 established a domicile in this state as provided by s.

176 222.17(1), (2), or (3), and who has been honorably discharged
177 from the United States Armed Forces, upon application,
178 accompanied by proof that:

179 (a) A vehicle was initially acquired through financial
180 assistance by the United States Department of Veterans Affairs
181 or its predecessor specifically for the purchase of an
182 automobile;

183 (b) The applicant has been determined by the United States
184 Department of Veterans Affairs or its predecessor to have a
185 service-connected 100-percent disability rating for
186 compensation; or

187 (c) The applicant has been determined to have a service-
188 connected disability rating of 100 percent and is in receipt of
189 disability retirement pay from any branch of the United States
190 Armed Services.

191 (6)(a) A disabled veteran who meets the requirements of
192 subsection (1) may be issued, in lieu of the "DV" license plate,
193 a military license plate for which he or she is eligible or a
194 specialty license plate. A disabled veteran electing a military
195 license plate or specialty license plate under this subsection
196 must pay all applicable fees related to such license plate,
197 except for fees otherwise waived under subsections (1) and (4).

198 (b) A military license plate or specialty license plate
199 elected under this subsection:

200 1. Does not provide the protections or rights afforded by

201 ss. 316.1955, 316.1964, 320.0848, 526.141, and 553.5041.

202 2. Is not eligible for the international symbol of
203 accessibility as described in s. 320.0842.

204 Section 5. Subsection (2) of section 320.131, Florida
205 Statutes, is amended, and paragraphs (m) and (n) are added to
206 subsection (1) of that section, to read:

207 320.131 Temporary tags.—

208 (1) The department is authorized and empowered to design,
209 issue, and regulate the use of temporary tags to be designated
210 "temporary tags" for use in the following cases:

211 (m) Where the existing owner of a vehicle has submitted an
212 application to transfer a valid out-of-state title that is
213 subject to a lien. A temporary tag issued for this purpose shall
214 be valid for 60 days.

215 (n) Where an active-duty military servicemember who has a
216 valid Florida driver license provides evidence satisfactory to
217 the department that he or she is deployed outside this state. A
218 temporary tag issued for this purpose shall be valid for 60
219 days.

220
221 Further, the department is authorized to disallow the purchase
222 of temporary tags by licensed dealers, common carriers, or
223 financial institutions in those cases where abuse has occurred.

224 (2) The department ~~may is authorized to~~ sell temporary
225 tags, in addition to those listed above, to its ~~their~~ agents and

226 | where need is demonstrated by a consumer complainant. The fee
227 | for a temporary tag issued under this section shall be \$2 each.
228 | One dollar from each tag sold shall be deposited into the Brain
229 | and Spinal Cord Injury Program Trust Fund, with the remaining
230 | proceeds being deposited into the Highway Safety Operating Trust
231 | Fund. Agents of the department shall sell temporary tags for \$2
232 | each and shall charge the service charge authorized by s. 320.04
233 | per transaction, regardless of the quantity sold. ~~Requests for~~
234 | ~~purchase of temporary tags to the department or its agents shall~~
235 | ~~be made, where applicable, on letterhead stationery and~~
236 | ~~notarized.~~ Except as specifically provided otherwise, a
237 | temporary tag issued under this section shall be valid for 30
238 | days, and no more than two shall be issued to the same person
239 | for the same vehicle.

240 | Section 6. This act shall take effect July 1, 2024.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1113 Use of Lights and Sirens on Emergency Vehicles

SPONSOR(S): Killebrew

TIED BILLS: **IDEN./SIM. BILLS:** SB 1164

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Modals Subcommittee		Walker	Hinshelwood
2) Infrastructure Strategies Committee			

SUMMARY ANALYSIS

Transporting life-saving organs or surgical teams for organ recovery is a process that requires timely and seamless coordination between donor hospitals, organ procurement organizations, transplant centers, and other contracted service providers. Organ transportation is most commonly achieved through ground or air transportation.

Florida law generally prohibits the use of red, white, or blue lights and sirens on a vehicle, except as specifically authorized. Florida law does not currently allow motor vehicles that solely transport organs or surgical teams for organ recovery to operate emergency lights and sirens.

The bill provides that vehicles designated as emergency vehicles for the sole purpose of transporting organs and surgical teams for organ recovery and transplant may operate emergency lights and sirens while en route to a hospital, airport, or other designated location. Such vehicles include, but are not limited to, dedicated and marked vehicles operated by organ procurement organizations, transplant centers, or their contracted service providers.

As a point of clarification, the bill does not designate organ transport vehicles as “authorized emergency vehicles” under ch. 316, F.S., relating to state uniform traffic control. Therefore, the organ transport vehicles are still subject to obeying traffic laws provided in ch. 316, F.S., and are not provided authority as authorized emergency vehicles are to, for example, proceed past a red light or stop or to exceed the maximum speed limit.

The bill will have an indeterminate fiscal impact on the private sector.

The bill has an effective date of July 1, 2024.

FULL ANALYSIS
I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

BACKGROUND

Show or Display of Red, White, or Blue Lights on Vehicles and Use of Sirens in Florida

Florida law prohibits a person from driving a vehicle with any lamp or device thereon showing or displaying a red, red and white, or blue light visible from directly in front thereof, except for certain vehicles specifically provided for in Florida law.¹

Blue lights may only be shown or displayed on:²

- Police vehicles, or
- Vehicles of the Department of Corrections or county correctional agency when responding to emergencies.

Red lights may be shown or displayed on:³

- Vehicles of medical staff physicians or technicians of medical facilities licensed by the state or of volunteer ambulance services as authorized under s. 316.2398, F.S.
- Ambulances as authorized under ch. 316, F.S.
- Buses and taxicabs as authorized under s. 316.2399, F.S.
- Emergency response vehicles of the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, and the Department of Health when responding to an emergency in the line of duty.

Red or red and white lights may be shown or displayed on vehicles of the fire department and fire patrol, including vehicles of volunteer firefighters as permitted under s. 316.2398, F.S.⁴

No vehicle may be equipped with, nor may any person use upon a vehicle, any siren, whistle, or bell, except for certain vehicles specifically provided for in Florida law.⁵ Emergency lights and sirens in an emergency may be operated on the following vehicles as designated or authorized by their respective department, chief of police, or sheriff:⁶

- Fire department vehicles;
- Fire patrol vehicles;
- Police vehicles;
- Ambulances and emergency vehicles of municipal and county departments;
- Vehicles of volunteer ambulance services;
- Vehicles of public service corporations operated by private corporations; and
- Vehicles of the following state agencies: the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Transportation, the Department of Agriculture and Consumer Services, and the Department of Corrections.

¹ S. 316.2397(1), F.S.

² S. 316.2397(2), F.S.

³ S. 316.2397(3) and (9), F.S.

⁴ S. 316.2397(3), F.S.

⁵ S. 316.271(4), F.S.

⁶ Ss. 316.2397(3) and 316.271(6), F.S.

Organ Donation

One organ donor can save up to eight lives, and on average, 17 people die each day while waiting for an organ transplant.⁷ Once recovered from the donors, life-saving organs will only remain healthy for a short period of time. Therefore, transporting organs or surgical teams for organ recovery is a process that requires timely and seamless coordination between the involved parties. Involved parties include, but are not limited to, donor hospitals, organ procurement organizations, transplant centers, and other contracted service providers.⁸ Organ transportation is most commonly achieved through ground or air transportation.⁹

Florida law does not currently allow motor vehicles that solely transport organs or surgical teams for organ recovery to operate emergency lights and sirens.

Effect of the Bill

The bill provides that vehicles designated as emergency vehicles for the sole purpose of transporting organs and surgical teams for organ recovery and transplant may operate emergency lights and sirens while en route to a hospital, airport, or other designated location. Such vehicles include, but are not limited to, dedicated and marked vehicles operated by organ procurement organizations, transplant centers, or their contracted service providers.

As a point of clarification, the bill does not designate organ transport vehicles as “authorized emergency vehicles” under ch. 316, F.S., relating to state uniform traffic control. Therefore, the organ transport vehicles are still subject to obeying traffic laws provided in ch. 316, F.S., and are not provided authority as authorized emergency vehicles are to, for example, proceed past a red light or stop or to exceed the maximum speed limit.

The bill has an effective date of July 1, 2024.

B. SECTION DIRECTORY:

Section 1 Amends s. 316.2397, F.S., relating to certain lights prohibited; exceptions.

Section 2 Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

⁷ Gift of Life Donor Program, *Get the Facts*, <https://www.donors1.org/learn-about-organ-donation/who-can-donate/get-the-facts/#:~:text=One%20organ%20donor%20can%20save,are%20waiting%20for%20a%20kidney.> (last visited Jan. 16, 2024).

⁸ LifeSource Organ, Eye and Tissue Donation, *How are Organs Transported for Transplant*, (Sep. 22, 2020), <https://www.life-source.org/latest/how-are-organs-transported-for-transplant/#:~:text=Transportation%20often%20depends%20on%20the,time%2C%20so%20every%20minute%20counts.> (last visited Jan. 16, 2024).

⁹ *Id.*

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate. The bill does not require private entities that transport organs or surgical teams for organ recovery to retrofit their vehicles to operate emergency lights and sirens. However, where vehicles are retrofitted with emergency lights and sirens, the bill may positively impact the speed and efficiency with which organs and surgical teams are transported and may, therefore, ultimately help save lives.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill neither authorizes nor requires executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The current language of the bill is ambiguous as to who designates the organ transport vehicles such that they are authorized under the bill to display emergency lights and sirens, and the bill does not specify the color of such emergency lights. Additionally, the bill does not amend s. 316.271, F.S., in order to provide for use of sirens on organ transport vehicles. The sponsor has indicated an intent to address these issues.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

N/A

1 A bill to be entitled
 2 An act relating to the use of lights and sirens on
 3 emergency vehicles; amending s. 316.2397, F.S.;
 4 authorizing certain vehicles transporting organs and
 5 surgical teams for organ recovery and transplant to
 6 operate emergency lights and sirens while en route to
 7 a hospital, airport, or other designated location;
 8 providing an effective date.

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

11
 12 Section 1. Subsection (3) of section 316.2397, Florida
 13 Statutes, is amended to read:

14 316.2397 Certain lights prohibited; exceptions.—

15 (3) (a) Vehicles of the fire department and fire patrol,
 16 including vehicles of volunteer firefighters as permitted under
 17 s. 316.2398, may show or display red or red and white lights.

18 (b) Vehicles of medical staff physicians or technicians of
 19 medical facilities licensed by the state or of volunteer
 20 ambulance services as authorized under s. 316.2398, ambulances
 21 as authorized under this chapter, and buses and taxicabs as
 22 authorized under s. 316.2399 may show or display red lights.

23 (c) Vehicles of the fire department, fire patrol, police
 24 vehicles, and such ambulances and emergency vehicles of
 25 municipal and county departments, volunteer ambulance services,

26 public service corporations operated by private corporations,
27 the Fish and Wildlife Conservation Commission, the Department of
28 Environmental Protection, the Department of Transportation, the
29 Department of Agriculture and Consumer Services, and the
30 Department of Corrections as are designated or authorized by
31 their respective department or the chief of police of an
32 incorporated city or any sheriff of any county may operate
33 emergency lights and sirens in an emergency.

34 (d) Vehicles designated as emergency vehicles for the sole
35 purpose of transporting organs and surgical teams for organ
36 recovery and transplant may operate emergency lights and sirens
37 while en route to a hospital, airport, or other designated
38 location. Such vehicles include, but are not limited to,
39 dedicated and marked vehicles operated by organ procurement
40 organizations, transplant centers, or their contracted service
41 providers.

42 (e) Wreckers, mosquito control fog and spray vehicles, and
43 emergency vehicles of governmental departments or public service
44 corporations may show or display amber lights when in actual
45 operation or when a hazard exists provided they are not used
46 going to and from the scene of operation or hazard without
47 specific authorization of a law enforcement officer or law
48 enforcement agency. Wreckers must use amber rotating or flashing
49 lights while performing recoveries and loading on the roadside
50 day or night, and may use such lights while towing a vehicle on

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51 wheel lifts, slings, or under reach if the operator of the
52 wrecker deems such lights necessary. A flatbed, car carrier, or
53 rollback may not use amber rotating or flashing lights when
54 hauling a vehicle on the bed unless it creates a hazard to other
55 motorists because of protruding objects. Further, escort
56 vehicles may show or display amber lights when in the actual
57 process of escorting overdimensioned equipment, material, or
58 buildings as authorized by law.

59 (f) Vehicles owned or leased by private security agencies
60 may show or display green and amber lights, with either color
61 being no greater than 50 percent of the lights displayed, while
62 the security personnel are engaged in security duties on private
63 or public property.

64 Section 2. This act shall take effect July 1, 2024.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Transportation & Modals
2 Subcommittee

3 Representative Killebrew offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 34-63 and insert:

7 (d) Transport vehicles designated by an organ procurement
8 organization or transplant center, or a contracted service
9 provider of such organization or center, for the sole purpose of
10 transporting organs or surgical teams for organ recovery and
11 transplant may show or display red or red and white lights and
12 operate sirens while en route to a hospital, airport, or other
13 necessary location. A vehicle operating lights or sirens
14 pursuant to this paragraph must be clearly marked to indicate
15 its authorized purpose.

Amendment No.

16 (e) Wreckers, mosquito control fog and spray vehicles, and
17 emergency vehicles of governmental departments or public service
18 corporations may show or display amber lights when in actual
19 operation or when a hazard exists provided they are not used
20 going to and from the scene of operation or hazard without
21 specific authorization of a law enforcement officer or law
22 enforcement agency. Wreckers must use amber rotating or flashing
23 lights while performing recoveries and loading on the roadside
24 day or night, and may use such lights while towing a vehicle on
25 wheel lifts, slings, or under reach if the operator of the
26 wrecker deems such lights necessary. A flatbed, car carrier, or
27 rollback may not use amber rotating or flashing lights when
28 hauling a vehicle on the bed unless it creates a hazard to other
29 motorists because of protruding objects. Further, escort
30 vehicles may show or display amber lights when in the actual
31 process of escorting oversized equipment, material, or
32 buildings as authorized by law.

33 (f) Vehicles owned or leased by private security agencies
34 may show or display green and amber lights, with either color
35 being no greater than 50 percent of the lights displayed, while
36 the security personnel are engaged in security duties on private
37 or public property.

38 Section 2. Subsection (4) of section 316.271, Florida
39 Statutes, is amended to read:

40 316.271 Horns and warning devices.—

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Amendment No.

41 (4) No vehicle shall be equipped with, nor shall any
42 person use upon a vehicle, any siren, whistle, or bell, except
43 as otherwise permitted in this section or s. 316.2397.

44 -----
45

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

47 Remove lines 4-7 and insert:
48 authorizing certain vehicles transporting organs or
49 surgical teams for organ recovery and transplant to
50 show or display red or red and white lights and
51 operate sirens under certain circumstances; requiring
52 such vehicles to be clearly marked; amending s.
53 316.271, F.S.; conforming provisions to changes made
54 by the act;

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1517 Damaged or Salvage Motor Vehicles, Mobile Homes, and Vessels

SPONSOR(S): Tramont

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Modals Subcommittee		Walker	Hinshelwood
2) Civil Justice Subcommittee			
3) Infrastructure Strategies Committee			

SUMMARY ANALYSIS

Under Florida law, when the Department of Highway Safety and Motor Vehicles (DHSMV) conducts a rebuilt inspection for a salvage vehicle to receive a certificate of title, DHSMV must physically examine all major component parts, as that term is defined in statute in relation to various types of vehicles, that have been repaired or replaced. The bill adds definitions for major component parts of electric, hybrid, or plug-in hybrid motor vehicles and trucks.

Additionally, the bill creates a process for DHSMV to issue a salvage certificate of title or certificate of destruction directly to a vehicle or mobile home owner rather than the insurance company or its agent, in the event that a total loss vehicle or mobile home is retained by the owner. The issuance of the certificate of title or certificate of destruction directly to the owner in the case of an owner-retained total loss vehicle or mobile home changes the current practice in which such certificate of title or certificate of destruction is issued to the insurance company, which then signs it over to the owner, who then must pay \$70 in order to get the certificate of title or certificate of destruction in their name. The issuance of the certificate of title or certificate of destruction directly to the owner will streamline processes for insurance companies and will save owners in this context \$70.

Further, the bill revises the process wherein 30 days after a claim for compensation for a total loss of a motor vehicle or mobile home the insurance company may receive a salvage certificate of title or certificate of destruction from DHSMV if the insurance company is unable to obtain a certificate of title from the owner or lienholder.

Lastly, Florida law currently provides a process by which an insurance company may notify certain entities that are in possession of damaged or dismantled motor vehicles to release such vehicles to their owners. Upon receiving notification to release a motor vehicle, the entity must notify the owner that the vehicle is available for pickup. If the vehicle is not claimed within 30 days, the entity may apply for a certificate of destruction or a certificate of title. The bill expands the current process for damaged or dismantled motor vehicles in possession of an independent entity to include vessels such that there is a process for these entities to make attempts to contact a vessel owner and, ultimately, obtain a certificate of title for an unclaimed vessel.

The bill will have an indeterminate fiscal impact on state government and the private sector.

The bill has an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Major Component Parts for Electric, Hybrid, or Plug-in Hybrid Motor Vehicles and Trucks

Current Situation

Under Florida law, when the Department of Highway Safety and Motor Vehicles (DHSMV) conducts a rebuilt inspection for a salvage vehicle to receive a certificate of title, DHSMV must physically examine all major component parts that have been repaired or replaced.¹ Currently, major component parts are defined for motor vehicles,² trucks,³ motorcycles,⁴ and mobile homes.⁵ Florida statutes have not been updated to reflect the use of electric, hybrid, and plug-in hybrid motor vehicles and their major component parts for salvage vehicles. During inspection, DHSMV can only inspect major component parts as defined in law.

Effect of the Bill

The bill defines major component parts for electric, hybrid, or plug-in hybrid motor vehicles as any fender, hood, bumper, cowl assembly, rear quarter panel, trunk lid, door, decklid, floor pan, engine, frame, transmission, catalytic converter, airbag, electric traction motor, electronic transmission, charge port, DC power converter, onboard charger, power electronics, controller, thermal system, or traction battery pack.

Additionally, the bill defines major component parts for electric, hybrid, or plug-in trucks as any fender; hood; bumper; cowl assembly; rear quarter panel; trunk lid; door; decklid; floor pan; engine; frame; transmission; catalytic converter; airbag; truck bed, including dump, wrecker, crane, mixer, cargo box; bed that mounts to a truck frame; electric traction motor; electronic transmission; charge port; DC power converter; onboard charger; power electronics controller; thermal system; or traction battery pack.

Salvage Certificates of Title or Certificates of Destruction for Damaged Motor Vehicles and Mobile Homes

Current Situation

Under Florida law, a motor vehicle or mobile home is considered “salvage” or a “total loss”, synonymous terms, when:

- An insurance company pays the vehicle owner to replace the wrecked or damaged vehicle with one of like kind and quality;
- An insurance company pays the owner upon the theft of the motor vehicle or mobile home; or
- An uninsured motor vehicle or mobile home is wrecked or damaged and the cost, at the time of loss, of repairing or rebuilding the vehicle is 80 percent or more of the cost to the owner of replacing the wrecked or damaged motor vehicle or mobile home with one of like kind and quality.⁶

¹ S. 319.14(1)(b), F.S.

² S. 319.30(1)(j)1., F.S., states that for motor vehicles, “major components parts” means any fender, hood, bumper, cowl assembly, rear quarter panel, trunk lid, door, decklid, floor pan, engine, frame, transmission, catalytic converter, or airbag.

³ S. 319.30(1)(j)2., F.S., states that for trucks, “major components parts” means, in addition to motor vehicle parts, any truck bed, including dump, wrecker, crane, mixer, cargo box, or any bed which mounts to a truck frame. ,

⁴ S. 319.30(1)(j)3., F.S., states that for motorcycles, “major components parts” means the body assembly, frame, fenders, gas tanks, engine, cylinder block, heads, engine case, crank case, transmission, drive train, front fork assembly, and wheels.

⁵ S. 319.30(1)(j)4., F.S., states that for mobile homes, “major components parts” means the frame.

⁶ S. 319.30(3)(a), F.S.

The owner, within 72 hours after his or her motor vehicle or mobile home becomes salvage, must forward the title of the motor vehicle or mobile home to DHSMV for processing.⁷ However, if an insurance company pays money as compensation for the total loss of a motor vehicle or mobile home, then such insurance company must obtain the certificate of title for the motor vehicle or mobile home; make the required notification to the National Motor Vehicle Title Information System;⁸ and, within 72 hours after receiving the certificate of title, forward it to DHSMV for processing.⁹

The owner or insurance company, as applicable, may not dispose of a vehicle or mobile home that is a total loss before it obtains a salvage certificate of title or certificate of destruction from DHSMV.¹⁰

Thirty days after payment of a claim for compensation, the insurance company may receive a salvage certificate of title or certificate of destruction from DHSMV if the insurance company is unable to obtain a properly assigned certificate of title from the owner or lienholder of the motor vehicle or mobile home, if the motor vehicle or mobile home does not carry an electronic lien on the title, and the insurance company:

- Has obtained the release of all liens on the motor vehicle or mobile home;
- Has attested on a form provided by DHSMV that payment of the total loss claim has been distributed; and
- Has attested on a form provided by DHSMV and signed by the insurance company or its authorized agent stating the attempts that have been made to obtain the title from the owner or lienholder and further stating that all attempts are to no avail.¹¹ The form must include a request that the salvage certificate of title or certificate of destruction be issued in the insurance company's name due to payment of a total loss claim to the owner or lienholder. Additionally, the attempts to contact the owner may be by written request delivered in person or by first-class mail with a certificate of mailing to the owner's or lienholder's last known address.¹²

Effect of the Bill

Owner-Retained Total Loss Motor Vehicles and Mobile Homes

The bill creates a process for DHSMV to issue a salvage certificate of title or certificate of destruction directly to a vehicle owner rather than the insurance company or its agent, in the event that a total loss vehicle is retained by the owner. Specifically, the bill provides that if the owner retains possession of a motor vehicle or mobile home in connection with a total loss claim settlement for such motor vehicle or mobile home, then either the owner or the insurance company must forward the certificate of title to DHSMV by the following deadlines:

- *Owner must send to DHSMV:* Within 72 hours after the insurance company and the owner have agreed that such motor vehicle or mobile home is to be retained by the owner
- *Insurance company must send to DHSMV:* Within 72 hours after receiving the certificate of title.

Once DHSMV receives the certificate of title for processing, DHSMV must then issue a salvage certificate of title or certificate of destruction directly to the owner and not the insurance company or its agent. The issuance of the certificate of title or certificate of destruction directly to the owner in the case of an owner-retained total loss vehicle or mobile home changes the current practice in which such certificate of title or certificate of destruction is issued to the insurance company, which then signs it over to the owner, who then must pay \$70¹³ in order to get the certificate of title or certificate of

⁷ *Id.*

⁸ S. 319.30(1)(o), F.S. defines National Motor Vehicle Title Information System as the national mandated vehicle history database maintained by the United States Department of Justice to link the states' motor vehicle title records, including DHSMV's title records, and ensure that states, law enforcement agencies, and consumers have access to vehicle titling, branding, and other information that enables them to verify the accuracy and legality of a motor vehicle title before purchase or title transfer of the vehicle occurs.

⁹ S. 319.30(3)(b), F.S.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ S. 319.32(1), F.S.

destruction in their name. The issuance of the certificate of title or certificate of destruction directly to the owner will streamline processes for insurance companies and will save owners in this context \$70.

Issuance of Certificate of Title or Certificate of Destruction to Insurer for Total Loss Motor Vehicle or Mobile Home if Certificate of Title Cannot be Obtained

The bill revises the process wherein 30 days after a claim for compensation for a total loss of a motor vehicle or mobile home the insurance company may receive a salvage certificate of title or certificate of destruction from DHSMV if the insurance company is unable to obtain a certificate of title from the owner or lienholder. Specifically, the bill:

- Clarifies that this process can be achieved by obtaining a properly assigned *paper* certificate of the title from the owner or lienholder or a *properly completed assignment of an electronic certificate title*;
- Allows the insurance company to proceed under this process even if they have not obtained release of all liens, so long as the insurance company has paid the amount due to the lienholder and has obtained proof that the lienholder accepts payment as satisfying the amount due to the lienholder;
- Clarifies that attempts to contact the owner may be made to the owner's *last known address*; and
- Providing that DHSMV is not liable and may not be held liable to an owner, a lienholder, or any other person as a result of the issuance of a salvage certificate of title or a certificate of destruction pursuant to this process.

Damaged or Dismantled Motor Vehicles in Possession of an Independent Entity

Current Situation

An insurance company may notify an independent entity¹⁴ that obtains possession of a damaged or dismantled motor vehicle to release the vehicle to the owner. The insurance company must provide the independent entity a release statement on a form prescribed by DHSMV authorizing the independent entity to release the vehicle to the owner or lienholder. The form must, at a minimum, contain the following:

- The policy and claim number.
- The name and address of the insured.
- The vehicle identification number.
- The signature of an authorized representative of the insurance company.¹⁵

Upon receiving this release statement, the independent entity must notify the owner that the vehicle is available for pickup. If the vehicle is not claimed within 30 days, the independent entity may apply for a certificate of destruction or a certificate of title.¹⁶ The independent entity must make the required notification to the National Motor Vehicle Title Information System before releasing any damaged or dismantled motor vehicle to the owner or before applying for a certificate of destruction or salvage certificate of title.¹⁷

The independent entity must maintain, for at least three years, all records related to the 30-day notice sent to the owner and related to searches of and notification to the National Motor Vehicle Title Information System.¹⁸

¹⁴ "Independent entity" means a business or entity that may temporarily store damaged or dismantled motor vehicles pursuant to an agreement with an insurance company and is engaged in the sale or resale of damaged or dismantled motor vehicles. The term does not include a wrecker operator, a towing company, or a repair facility. S. 319.30(1)(g), F.S.

¹⁵ S. 319.30(9)(a), F.S.

¹⁶ S. 319.30(9)(b), F.S.

¹⁷ S. 319.30(9)(e), F.S.

¹⁸ S. 319.30(9)(d), F.S.

Upon applying for a certificate of destruction or salvage certificate of title, the independent entity must provide a copy of the release statement from the insurance company, proof of providing the 30-day notice to the owner, proof of notification to the National Motor Vehicle Title Information System, proof of all lien satisfactions or proof of a release of all liens on the motor vehicle, and applicable fees.¹⁹

If the independent entity is unable to obtain a lien satisfaction or a release of all liens on the motor vehicle, the independent entity must provide an affidavit stating that:

- Notice was sent to all lienholders that the motor vehicle is available for pickup,
- 30 days have passed since the notice was delivered or attempted to be delivered,
- Attempts have been made to obtain a release from all lienholders, and
- All such attempts have been to no avail.²⁰

The notice to lienholders and attempts to obtain a release from lienholders may be by written request delivered in person or by certified mail or another commercially available delivery service that provides proof of delivery to the lienholder at the lienholder's address as provided on the certificate of title and to the address designated with the Department of State pursuant to s. 655.0201(2), F.S., if such address is different.²¹

The independent entity may not charge an owner of the vehicle storage fees or apply for a title under s. 713.585, F.S., or s. 713.78, F.S.²²

Effect of the Bill

The bill expands the current process for damaged or dismantled motor vehicles in possession of an independent entity to include vessels such that there is a process for such entities to make attempts to contact a vessel owner and, ultimately, obtain a certificate of title for an unclaimed vessel. For this purpose, the bill defines "vessel" to mean every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02, F.S.²³

The bill treats vessels the same as motor vehicles in possession of an independent entity with the following exceptions:

- On the form prescribed by DHSMV, the hull identification number for the vessel is reported instead of the vehicle identification number;
- The application for a certificate of title for a vessel must indicate if such vessel is "hull-damaged"²⁴; and
- The independent entity is not required to notify the National Motor Vehicle Title Information System before releasing the vessel to the owner or before applying for a certificate of title.

Effective Date

The bill provides an effective date of July 1, 2024.

B. SECTION DIRECTORY:

Section 1 Amends s. 319.30, F.S., relating to definitions; dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.

¹⁹ S. 319.30(9)(f), F.S.

²⁰ *Id.*

²¹ *Id.*

²² S. 319.30(9)(g), F.S.

²³ "Documented vessel" means a vessel for which a valid certificate of documentation is outstanding pursuant to 46 C.F.R. part 67. S. 327.02(12), F.S.

²⁴ S. 328.0015(1), F.S. defines hull damages as compromised with respect to the integrity of a vessel's hull by a collision, allision, lightning strike, fire, explosion, running aground, or similar occurrence, or the sinking of a vessel in a manner that creates a significant risk to the integrity of the vessel's hull.

Section 2 Provides an effective date of July 1, 2024.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Indeterminate. See “Fiscal Comments” section below.

2. Expenditures:

Indeterminate. See “Fiscal Comments” section below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Indeterminate. See “Fiscal Comments” section below.

D. FISCAL COMMENTS:

The bill will have an indeterminate negative fiscal impact on DHSMV, as it requires DHSMV to inspect major components of electric, hybrid, or plug-in hybrid motor vehicles and trucks.

In addition, the direct issuance of a certificate of title or certificate of destruction directly to an owner in the case of an owner-retained total loss motor vehicle or mobile home will streamline processes for insurance companies. It will also save such owners \$70 but will have a resulting negative fiscal impact on DHSMV.

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:

Rulemaking may be necessary in order to conform to changes made by the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

N/A

1 A bill to be entitled
 2 An act relating to damaged or salvage motor vehicles,
 3 mobile homes, and vessels; amending s. 319.30, F.S.;
 4 revising and providing definitions; revising
 5 provisions relating to obtaining a salvage certificate
 6 of title or certificate of destruction; exempting the
 7 Department of Highway Safety and Motor Vehicles from
 8 liability to certain persons as a result of the
 9 issuance of such certificate; providing requirements
 10 for an independent entity's release of a damaged or
 11 dismantled vessel to the owner; authorizing the
 12 independent entity to apply for certain certificates
 13 for an unclaimed vessel; providing requirements for
 14 such application; specifying provisions to which the
 15 independent entity is subject; prohibiting the
 16 independent entity from charging vessel storage fees;
 17 providing an effective date.

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

20
 21 Section 1. Paragraphs (g) and (j) of subsection (1),
 22 paragraph (b) of subsection (3), and subsection (9) of section
 23 319.30, Florida Statutes, are amended, and paragraph (y) is
 24 added to subsection (1) of that section, to read:

25 319.30 Definitions; dismantling, destruction, change of

26 | identity of motor vehicle, vessel, or mobile home; salvage.—

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

28 | (g) "Independent entity" means a business or entity that
 29 | may temporarily store damaged or dismantled motor vehicles or
 30 | vessels pursuant to an agreement with an insurance company and
 31 | is engaged in the sale or resale of damaged or dismantled motor
 32 | vehicles or vessels. The term does not include a wrecker
 33 | operator, a towing company, or a repair facility.

34 | (j) "Major component parts" means:

35 | 1. For motor vehicles other than motorcycles and electric,
 36 | hybrid, or plug-in hybrid motor vehicles, any fender, hood,
 37 | bumper, cowl assembly, rear quarter panel, trunk lid, door,
 38 | decklid, floor pan, engine, frame, transmission, catalytic
 39 | converter, or airbag.

40 | 2. For trucks other than electric, hybrid, or plug-in
 41 | hybrid motor vehicles, in addition to those parts listed in
 42 | subparagraph 1., any truck bed, including dump, wrecker, crane,
 43 | mixer, cargo box, or any bed which mounts to a truck frame.

44 | 3. For motorcycles, the body assembly, frame, fenders, gas
 45 | tanks, engine, cylinder block, heads, engine case, crank case,
 46 | transmission, drive train, front fork assembly, and wheels.

47 | 4. For mobile homes, the frame.

48 | 5. For electric, hybrid, or plug-in hybrid motor vehicles,
 49 | in addition to those parts listed in subparagraph 1., any
 50 | electric traction motor, electronic transmission, charge port,

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51 DC power converter, onboard charger, power electronics
52 controller, thermal system, or traction battery pack.

53 6. For electric, hybrid, or plug-in hybrid trucks, in
54 addition to those parts listed in subparagraph 1., any truck
55 bed, including dump, wrecker, crane, mixer, cargo box, or any
56 bed that mounts to a truck frame, electric traction motor,
57 electronic transmission, charge port, DC power converter,
58 onboard charger, power electronics controller, thermal system,
59 or traction battery pack.

60 (y) "Vessel" has the same meaning as in s. 713.78(1)(b).

61 (3)

62 (b) The owner, including persons who are self-insured, of
63 a motor vehicle or mobile home that is considered to be salvage
64 shall, within 72 hours after the motor vehicle or mobile home
65 becomes salvage, forward the title to the motor vehicle or
66 mobile home to the department for processing. However, except as
67 provided in this paragraph with respect to a motor vehicle or
68 mobile home retained by the owner in connection with a total
69 loss claim settlement, an insurance company that pays money as
70 compensation for the total loss of a motor vehicle or mobile
71 home shall obtain the certificate of title for the motor vehicle
72 or mobile home, make the required notification to the National
73 Motor Vehicle Title Information System, and, within 72 hours
74 after receiving such certificate of title, forward such title by
75 the United States Postal Service, by another commercial delivery

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76 service, or by electronic means, when such means are made
77 available by the department, to the department for processing.
78 If the owner, however, retains possession of a motor vehicle or
79 mobile home in connection with a total loss claim settlement for
80 such motor vehicle or mobile home, the owner, within 72 hours
81 after the insurance company and the owner have agreed that such
82 motor vehicle or mobile home is to be retained by the owner, or,
83 if agreed to by the owner and the insurance company, the
84 insurance company, within 72 hours after receiving the
85 certificate of title for such motor vehicle or mobile home,
86 shall forward the certificate of title to the motor vehicle or
87 mobile home to the department for processing, and the department
88 shall issue a salvage certificate of title or certificate of
89 destruction directly to the vehicle owner and not the insurance
90 company or its agent. The owner or insurance company, as
91 applicable, may not dispose of a motor vehicle or mobile home
92 that is a total loss before it obtains a salvage certificate of
93 title or certificate of destruction from the department.

94 ~~Effective January 1, 2020:~~

95 1. Thirty days after payment of a claim for compensation
96 pursuant to this paragraph, the insurance company may receive a
97 salvage certificate of title or certificate of destruction from
98 the department if the insurance company is unable to obtain a
99 properly assigned paper certificate of title from the owner or
100 lienholder of the motor vehicle or mobile home or a properly

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101 completed assignment of an electronic certificate of title from
102 the owner of, ~~if the motor vehicle or mobile home does not carry~~
103 ~~an electronic lien on the title~~ and the insurance company:

104 a. Has obtained the release of all liens on the motor
105 vehicle or mobile home, or has paid the amount due to the
106 lienholder and has obtained proof that the lienholder accepts
107 payment as satisfying the amount due to the lienholder;

108 b. Has attested on a form provided by the department that
109 payment of the total loss claim has been distributed; and

110 c. Has attested on a form provided by the department and
111 signed by the insurance company or its authorized agent stating
112 the attempts that have been made to obtain the paper certificate
113 of title or a properly completed assignment of an electronic
114 certificate of title from the owner or lienholder and further
115 stating that all attempts are to no avail. The form must include
116 a request that the salvage certificate of title or certificate
117 of destruction be issued in the insurance company's name due to
118 payment of a total loss claim to the owner or lienholder. The
119 attempts to contact the owner or lienholder may be by written
120 request delivered in person or by first-class mail with a
121 certificate of mailing to the owner's last known address or
122 lienholder's last known address, respectively.

123 2. If the owner or lienholder is notified of the request
124 for title or assignment of title in person, the insurance
125 company must provide an affidavit attesting to the in-person

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126 request for a certificate of title or assignment of title.

127 3. The request to the owner or lienholder for the
128 certificate of title or to the owner for the assignment of title
129 must include a complete description of the motor vehicle or
130 mobile home and the statement that a total loss claim has been
131 paid on the motor vehicle or mobile home.

132 4. The department is not liable and may not be held liable
133 to an owner, a lienholder, or any other person as a result of
134 the issuance of a salvage certificate of title or a certificate
135 of destruction pursuant to subparagraph 1.

136 (9) (a) An insurance company may notify an independent
137 entity that obtains possession of a damaged or dismantled motor
138 vehicle or vessel to release the vehicle or vessel to the owner.
139 The insurance company shall provide the independent entity a
140 release statement on a form prescribed by the department
141 authorizing the independent entity to release the vehicle or
142 vessel to the owner or lienholder. The form must, at a minimum,
143 contain the following:

144 1. The policy and claim number.
145 2. The name and address of the insured.
146 3. The vehicle identification number or vessel hull
147 identification number.

148 4. The signature of an authorized representative of the
149 insurance company.

150 (b) The independent entity in possession of a motor

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151 vehicle or vessel must send a notice to the owner that the
152 vehicle or vessel is available for pickup when it receives a
153 release statement from the insurance company. The notice shall
154 be sent by certified mail or by another commercially available
155 delivery service that provides proof of delivery to the owner at
156 the owner's address contained in the department's records. The
157 notice must state that the owner has 30 days after delivery of
158 the notice to the owner at the owner's address to pick up the
159 vehicle or vessel from the independent entity. If the motor
160 vehicle or vessel is not claimed within 30 days after the
161 delivery or attempted delivery of the notice, the independent
162 entity may apply for a certificate of destruction, a salvage
163 certificate of title, or a certificate of title for a motor
164 vehicle or for a certificate of title as defined in s.
165 328.0015(1) for a vessel. For a vessel that is hull damaged as
166 defined in s. 328.0015(1), the application shall indicate "Hull
167 Damaged."

168 (c) If the department's records do not contain the owner's
169 address, the independent entity must do all of the following:

170 1. Send a notice that meets the requirements of paragraph
171 (b) to the owner's address that is provided by the insurance
172 company in the release statement.

173 2. For a motor vehicle, identify the latest titling
174 jurisdiction of the vehicle through use of the National Motor
175 Vehicle Title Information System or an equivalent commercially

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176 available system and attempt to obtain the owner's address from
177 that jurisdiction. If the jurisdiction returns an address that
178 is different from the owner's address provided by the insurance
179 company, the independent entity must send a notice that meets
180 the requirements of paragraph (b) to both addresses.

181 (d) The independent entity shall maintain for at least a
182 ~~minimum of~~ 3 years the records related to the 30-day notice sent
183 to the owner. For motor vehicles, the independent entity shall
184 also maintain for at least 3 years the results of searches of
185 the National Motor Vehicle Title Information System or an
186 equivalent commercially available system, and the notification
187 to the National Motor Vehicle Title Information System made
188 pursuant to paragraph (e).

189 (e) The independent entity shall make the required
190 notification to the National Motor Vehicle Title Information
191 System before releasing any damaged or dismantled motor vehicle
192 to the owner or before applying for a certificate of destruction
193 or salvage certificate of title. The independent entity is not
194 required to notify the National Motor Vehicle Title Information
195 System before releasing any damaged or dismantled vessel to the
196 owner or before applying for a certificate of title as defined
197 in s. 328.0015(1).

198 (f) Upon applying for a certificate of destruction, ~~or~~
199 salvage certificate of title, or certificate of title for a
200 motor vehicle or for a certificate of title as defined in s.

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201 328.0015(1) for a vessel, the independent entity shall provide a
202 copy of the release statement from the insurance company to the
203 independent entity, proof of providing the 30-day notice to the
204 owner, proof of notification to the National Motor Vehicle Title
205 Information System if required, proof of all lien satisfactions
206 or proof of a release of all liens on the motor vehicle or
207 vessel, and applicable fees. If the independent entity is unable
208 to obtain a lien satisfaction or a release of all liens on the
209 motor vehicle or vessel, the independent entity must provide an
210 affidavit stating that notice was sent to all lienholders that
211 the motor vehicle or vessel is available for pickup, 30 days
212 have passed since the notice was delivered or attempted to be
213 delivered pursuant to this section, attempts have been made to
214 obtain a release from all lienholders, and all such attempts
215 have been to no avail. The notice to lienholders and attempts to
216 obtain a release from lienholders may be by written request
217 delivered in person or by certified mail or another commercially
218 available delivery service that provides proof of delivery to
219 the lienholder at the lienholder's address as provided on the
220 certificate of title for a motor vehicle or on the certificate
221 of title as defined in s. 328.0015(1) for a vessel and to the
222 address designated with the Department of State pursuant to s.
223 655.0201(2) if such address is different.

224 (g) The independent entity may not charge an owner of the
225 vehicle or vessel storage fees or apply for a title under s.

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226 | 713.585 or s. 713.78.

227 | Section 2. This act shall take effect July 1, 2024.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Transportation & Modals
 2 Subcommittee

3 Representative Tramont offered the following:

4

5 **Amendment**

6 Remove lines 78-201 and insert:

7 If the owner, however, retains possession of a motor vehicle or
 8 mobile home in connection with a total loss claim settlement for
 9 such motor vehicle or mobile home, the owner must, within 72
 10 hours after the motor vehicle or mobile home becomes salvage, or
 11 the insurance company must, within 72 hours after receiving the
 12 certificate of title for such motor vehicle or mobile home,
 13 forward the certificate of title to the motor vehicle or mobile
 14 home to the department for processing, and the department must
 15 issue a salvage certificate of title or certificate of
 16 destruction from the department directly to the vehicle owner

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17 and not to the insurance company or its agent. The owner or
18 insurance company, as applicable, may not dispose of a motor
19 vehicle or mobile home that is a total loss before it obtains a
20 salvage certificate of title or certificate of destruction from
21 the department. ~~Effective January 1, 2020:~~

22 1. Thirty days after payment of a claim for compensation
23 pursuant to this paragraph, the insurance company may receive a
24 salvage certificate of title or certificate of destruction from
25 the department if the insurance company is unable to obtain a
26 properly assigned paper certificate of title from the owner or
27 lienholder of the motor vehicle or mobile home or a properly
28 completed assignment of an electronic certificate of title from
29 the owner of, ~~if the motor vehicle or mobile home does not carry~~
30 ~~an electronic lien on the title~~ and the insurance company:

31 a. Has obtained the release of all liens on the motor
32 vehicle or mobile home, or has paid the amount due to the
33 lienholder and has obtained proof that the lienholder accepts
34 payment as satisfying the amount due to the lienholder;

35 b. Has attested on a form provided by the department that
36 payment of the total loss claim has been distributed; and

37 c. Has attested on a form provided by the department and
38 signed by the insurance company or its authorized agent stating
39 the attempts that have been made to obtain the paper certificate
40 of title or a properly completed assignment of an electronic
41 certificate of title from the owner or lienholder and further

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42 stating that all attempts are to no avail. The form must include
43 a request that the salvage certificate of title or certificate
44 of destruction be issued in the insurance company's name due to
45 payment of a total loss claim to the owner or lienholder. The
46 attempts to contact the owner or lienholder may be by written
47 request delivered in person or by first-class mail with a
48 certificate of mailing to the owner's last known address or
49 lienholder's last known address, respectively.

50 2. If the owner or lienholder is notified of the request
51 for title or assignment of title in person, the insurance
52 company must provide an affidavit attesting to the in-person
53 request for a certificate of title or assignment of title.

54 3. The request to the owner or lienholder for the
55 certificate of title or to the owner for the assignment of title
56 must include a complete description of the motor vehicle or
57 mobile home and the statement that a total loss claim has been
58 paid on the motor vehicle or mobile home.

59 4. The department is not liable and may not be held liable
60 to an owner, a lienholder, or any other person as a result of
61 the issuance of a salvage certificate of title or a certificate
62 of destruction pursuant to subparagraph 1.

63 (9) (a) An insurance company may notify an independent
64 entity that obtains possession of a damaged or dismantled motor
65 vehicle or vessel to release the vehicle or vessel to the owner.
66 The insurance company shall provide the independent entity a

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67 release statement on a form prescribed by the department
68 authorizing the independent entity to release the vehicle or
69 vessel to the owner or lienholder. The form must, at a minimum,
70 contain the following:

- 71 1. The policy and claim number.
- 72 2. The name and address of the insured.
- 73 3. The vehicle identification number or vessel hull
74 identification number.
- 75 4. The signature of an authorized representative of the
76 insurance company.

77 (b) The independent entity in possession of a motor
78 vehicle or vessel must send a notice to the owner that the
79 vehicle or vessel is available for pickup when it receives a
80 release statement from the insurance company. The notice shall
81 be sent by certified mail or by another commercially available
82 delivery service that provides proof of delivery to the owner at
83 the owner's address contained in the department's records. The
84 notice must state that the owner has 30 days after delivery of
85 the notice to the owner at the owner's address to pick up the
86 vehicle or vessel from the independent entity. If the motor
87 vehicle or vessel is not claimed within 30 days after the
88 delivery or attempted delivery of the notice, the independent
89 entity may apply for a certificate of destruction, a salvage
90 certificate of title, or a certificate of title for a motor
91 vehicle or for a certificate of title as defined in s.

261981 - h1517 - line 78.docx

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92 328.0015(1) for a vessel. For a vessel that is hull damaged as
93 defined in s. 328.0015(1), the application shall indicate "Hull
94 Damaged."

95 (c) If the department's records do not contain the owner's
96 address, the independent entity must do all of the following:

97 1. Send a notice that meets the requirements of paragraph
98 (b) to the owner's address that is provided by the insurance
99 company in the release statement.

100 2. For a motor vehicle, identify the latest titling
101 jurisdiction of the vehicle through use of the National Motor
102 Vehicle Title Information System or an equivalent commercially
103 available system and attempt to obtain the owner's address from
104 that jurisdiction. If the jurisdiction returns an address that
105 is different from the owner's address provided by the insurance
106 company, the independent entity must send a notice that meets
107 the requirements of paragraph (b) to both addresses.

108 (d) The independent entity shall maintain for at least a
109 ~~minimum of~~ 3 years the records related to the 30-day notice sent
110 to the owner. For motor vehicles, the independent entity shall
111 also maintain for at least 3 years the results of searches of
112 the National Motor Vehicle Title Information System or an
113 equivalent commercially available system, and the notification
114 to the National Motor Vehicle Title Information System made
115 pursuant to paragraph (e).

116 (e) The independent entity shall make the required

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117 notification to the National Motor Vehicle Title Information
118 System before releasing any damaged or dismantled motor vehicle
119 to the owner or before applying for a certificate of destruction
120 or salvage certificate of title. The independent entity is not
121 required to notify the National Motor Vehicle Title Information
122 System before releasing any damaged or dismantled vessel to the
123 owner or before applying for a certificate of title as defined
124 in s. 328.0015(1).

125 (f) Upon applying for a certificate of destruction or
126 salvage certificate of title for a motor vehicle or for a
127 certificate of title or a certificate of title which indicates
128 "Hull Damaged" as described in paragraph (b) for a vessel, the
129 independent entity shall provide a

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB TMS 24-01 Transportation
SPONSOR(S): Transportation & Modals Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Modals Subcommittee		Walker	Hinshelwood

SUMMARY ANALYSIS

The proposed committee bill addresses matters related to transportation. Specifically, the bill:

- Revises the membership of the Center for Urban Transportation Research (CUTR) advisory board.
- Makes a technical change to the name of a member of the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab (I-STREET) advisory board.
- Creates a moratorium on new metropolitan planning organizations (M.P.O.s) adjacent to existing M.P.O.s.
- Repeals the Metropolitan Planning Organization Advisory Council.
- Requires FDOT to, at least annually, convene M.P.O.s of similar size for the purpose of exchanging best practices.
- Creates the following M.P.O. accountability and transparency provisions:
 - Requires the Florida Department of Transportation (FDOT) to review each M.P.O.'s long-range transportation plan.
 - Requires FDOT to create quality performance metrics to evaluate each M.P.O.
 - Beginning December 1, 2025, requires each M.P.O. to annually report its score for each quality performance metric and publish the score and supporting data on its website.
 - Requires FDOT to validate each M.P.O.s score calculation and make adjustments as needed.
 - Beginning in December of 2026, and every three years thereafter, provides that an M.P.O. that falls under a certain performance metric will be placed under the control of the Secretary of Transportation for a period not to exceed one-year.
 - Subject to appropriation, beginning in December of 2026, and every three years thereafter, provides that the M.P.O. with the highest quality performance score will receive \$5 million from the State Transportation Trust Fund for projects approved in its work program.
- Revises the items that each M.P.O. must consider when developing its long-range transportation plan and the items that must be included in the plan.
- Requires, by February 2025, the M.P.O.s serving Lee and Collier counties to submit a report considering the feasibility of consolidation into a single M.P.O.
- Requires, by October 31, 2024, FDOT to submit a report to the Governor and Legislature that provides a comprehensive review of the boundaries of each of FDOT's districts and whether any district boundaries should be redrawn as a result of population growth and increased urban density.
- Requires, by October 1, 2024, the Department of Highway Safety and Motor Vehicles to begin implementation of a redesigned standard state license plate.

The bill will have an indeterminate fiscal impact on the state, local governments, and the private sector.

The bill has an effective date of July 1, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Florida Center for Urban Transportation Research (CUTR)

Current Situation

Florida law establishes CUTR at the University of South Florida, to be administered by the Board of Governors of the State University System.¹ CUTR is responsible for conducting and facilitating research on issues related to urban transportation problems in this state and serving as an information exchange and depository for the most current information pertaining to urban transportation and related issues.² Additionally, CUTR is responsible for the promotion of intercampus transportation and related research activities among Florida's universities in order to enhance the ability of these universities to attract federal and private sector funding for transportation and related research.³

Under Florida law, an advisory board is created to periodically and objectively review and advise CUTR concerning its research program. The membership of the board must consist of nine experts in transportation-related areas, including the secretaries of the Florida Department of Transportation (FDOT), the Department of Environmental Protection, and the Department of Economic Opportunity, or their designees, and a member of the Florida Transportation Commission (FTC). The nomination of the remaining members of the board must be made to the President of the University of South Florida by the College of Engineering at the University of South Florida, and the appointment of these members must be reviewed and approved by the FTC and confirmed by the Board of Governors.⁴

Effect of the Bill

The bill revises the membership of the nine board members with expertise in transportation-related areas as follows:

- A member appointed by the President of the Senate;
- A member appointed by the Speaker of the House of Representatives;
- The Secretary of Transportation or his or her designee;
- The Secretary of Commerce or his or her designee;
- A member of the FTC; and
- Four members nominated to the President of the University of South Florida by the College of Engineering at the University of South Florida.

Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab (I-STREET)

Current Situation

Florida law establishes I-STREET within the University of Florida.⁵ At a minimum, I-STREET is responsible for:

- Conducting and facilitating research on issues related to innovative transportation mobility and safety technology development and deployment in this state;
- Serving as an information exchange and depository for the most current information pertaining to transportation research, education, workforce development, and related issues;
- Being a continuing resource for the Legislature, FDOT, local governments, the nation's metropolitan regions, and the private sector in the area of transportation and related research;

¹ S. 334.065(1), F.S.

² *Id.*

³ S. 334.065(2), F.S.

⁴ S. 334.065(3), F.S.

⁵ S. 334.066(1), F.S.

- Promoting intercampus transportation and related research activities among Florida universities to enhance the ability of these universities to attract federal and private sector funding for transportation and related research; and
- Providing, by July 1st of each year, to the Governor, the President of the Senate, and the Speaker of the House of Representatives a comprehensive report that outlines I-STREET's clearly defined goals and its efforts and progress on reaching those goals.⁶

I-STREET is currently functioning as a living lab that is testing and deploying advanced technologies such as autonomous vehicles, smart devices, and sensors to enhance mobility and safety.⁷

Under Florida law, I-STREET has an advisory board to periodically review and advise its research program. The board must consist of nine members with expertise in transportation-related areas, as follows:

- A member appointed by the President of the Senate;
- A member appointed by the Speaker of the House of Representatives;
- The Secretary of Transportation or his or her designee;
- The Secretary of Economic Opportunity or his or her designee;
- A member of the Florida Transportation Commission; and
- Four members nominated by the University of Florida's College of Engineering and approved by the university's president.
 - The College of Engineering's nominees may include representatives of the University of Florida, other academic and research institutions, or private entities.⁸

Effect of the Bill

The bill revises I-STREET's nine advisory board members with expertise in transportation-related areas by making a technical change to reflect that the Department of Economic Opportunity is now named the Department of Commerce, as passed in the 2023 Legislative Session.⁹

Metropolitan Planning Organizations (M.P.O.s)

Current Situation

M.P.O.s and Primary Functions

Florida law provides that it is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas of this state while minimizing transportation-related fuel consumption, air pollution, and greenhouse gas emissions through metropolitan transportation planning processes.¹⁰ To achieve this intent or objective, Florida law provides that M.P.O.s, must develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas.¹¹

M.P.O.s are entities comprised of representatives from local governments and transportation authorities that are responsible for regional transportation planning in urbanized areas with populations

⁶ S. 334.066(2), F.S.

⁷ University of Florida, Herbert Wertheim College of Engineering, <https://istreet.ce.ufl.edu/about/> (last visited Jan. 16, 2024).

⁸ S. 334.066(3), F.S.

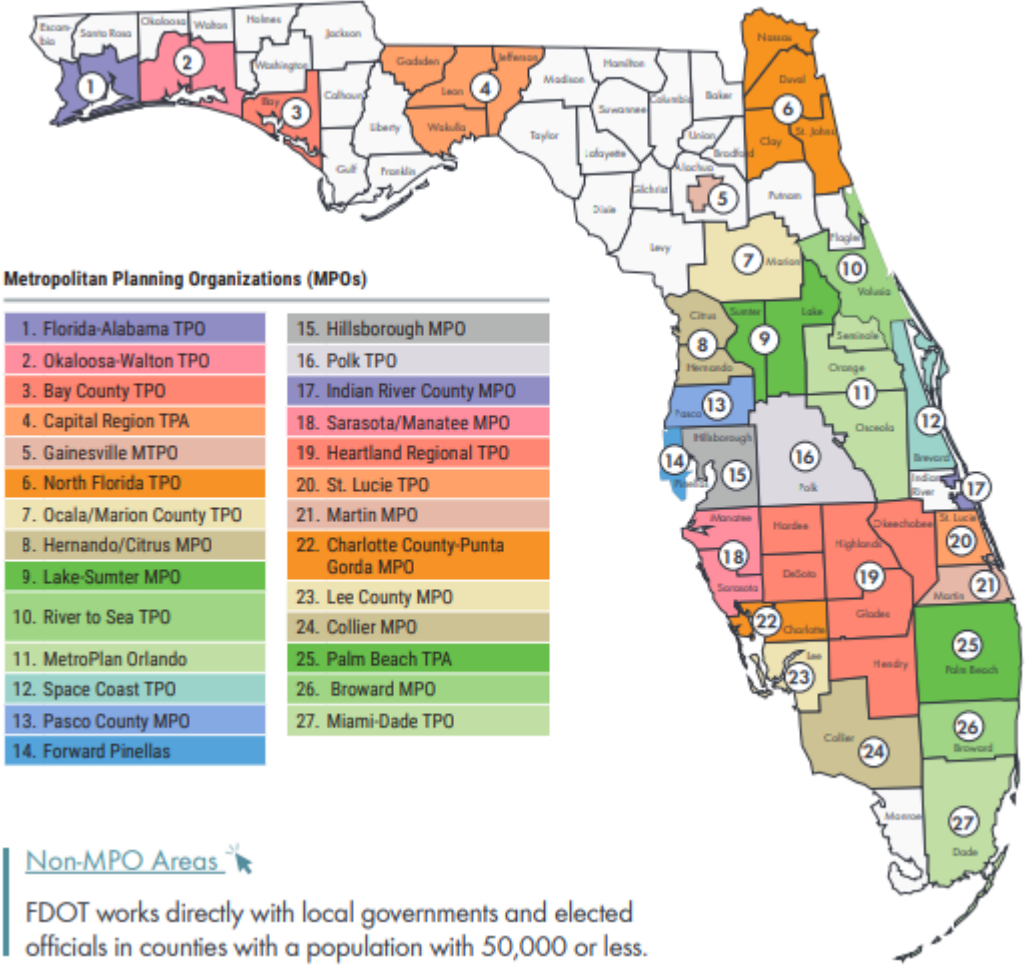
⁹ Ch. 2023-173, Laws of Fla.

¹⁰ S. 339.175(1), F.S.

¹¹ *Id.*

of over 50,000 as determined by the U.S. Census.¹² As seen below, Florida has 27 M.P.O.s, and each have their own geographical boundary and board of voting members¹³:

Figure 1: Map of Florida’s 27 M.P.O.s¹⁴



M.P.O Designation

To the extent possible, only one M.P.O. is designated for each urbanized area or group of contiguous urbanized areas. More than one M.P.O. may be designated within an existing urbanized area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing urbanized area makes the designation of more than one M.P.O. for the area appropriate, in which case each M.P.O. designated for the area must:

- Consult with every other M.P.O. designated for the urbanized area and the state to coordinate plans and transportation improvement programs; and
- Ensure, to the maximum extent practicable, the consistency of data used in the planning process, including data used in forecasting travel demand within the urbanized area.¹⁵

¹² Federal Transit Administration, *Metropolitan Planning Organization (MPO)*, [https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/metropolitan-planning-organization-mpo#:~:text=Planning%20Organization%20\(MPO\)-_Overview,determined%20by%20the%20U.S.%20Census.](https://www.transit.dot.gov/regulations-and-guidance/transportation-planning/metropolitan-planning-organization-mpo#:~:text=Planning%20Organization%20(MPO)-_Overview,determined%20by%20the%20U.S.%20Census.) (last visited Jan. 16, 2024).

¹³ FDOT, *Metropolitan Planning Organization Subject Brief*, https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/planning/policy/briefing-sheets/briefing_sheet_mpo_102720.pdf?sfvrsn=b17ab46b_2 (last visited Jan. 16, 2024).

¹⁴ *Id.*

¹⁵ S. 339.175(2), F.S.

Coordination with other M.P.O.s and Political Subdivisions

M.P.O.s are required to develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.s may vary depending upon the project involved and given local and regional needs. Consequently, discretion is used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand.¹⁶

M.P.O.s and Transportation Planning

FDOT and M.P.O.s are partners in the transportation planning, with FDOT responsible for coordinating the state's long-range transportation goals, the Florida Transportation Plan (FTP),¹⁷ and M.P.O.s responsible for coordinating regional long-range transportation plans.¹⁸ The M.P.O.s develop their Long Range Transportation Plan (LRTP) to implement national and state goals for their metropolitan area.¹⁹ Projects are developed and must be included in the LRTP to be considered for funding.²⁰ An M.P.O. must also develop its List of Priority Projects (LOPP), which must be consistent with the LRTP and is used to inform the development of the Transportation Improvement Program (TIP).²¹ An M.P.O.s TIP includes a listing of projects planned for the next five fiscal years.²² TIPs from all 27 M.P.O.s are combined together, along with FDOT's other non-metropolitan statewide projects to form the Statewide Transportation Improvement Program (STIP).²³ To be eligible for federal funding, projects must be included in the LRTP, TIP, and STIP.²⁴ The projects included in an M.P.O.'s TIP are funded and completed through the Work Program (WP).²⁵

In developing the LRTP and the TIP, each M.P.O. must provide for consideration of projects and strategies that will:

- Support the economic vitality of the contiguous urbanized metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- Increase the safety and security of the transportation system for motorized and nonmotorized users;
- Increase the accessibility and mobility options available to people and for freight;
- Protect and enhance the environment, promote energy conservation, and improve quality of life;
- Enhance the integration and connectivity of the transportation system, across and between modes and contiguous urbanized metropolitan areas, for people and freight;
- Promote efficient system management and operation;
- Emphasize the preservation of the existing transportation system; and
- Improve the resilience of transportation infrastructure.²⁶

¹⁶ S. 339.175(6)(j), F.S.

¹⁷ The FTP is a policy document updated at least once every five years and developed in compliance with requirements in s. 339.155, F.S. The FTP establishes and defines the state's long-range transportation goals and objectives to be accomplished over a period of at least 20 years. S. 339.155(1), F.S. It is based upon the prevailing principles of preserving the existing transportation infrastructure, enhancing Florida's economic competitiveness, improving travel choices to ensure mobility, and expanding the state's role as a hub for trade and investment. *Id.* The FTP is the single overarching plan guiding Florida's transportation future. FDOT, *Florida Transportation Plan*, <https://www.fdot.gov/planning/ftp/default.shtm> (last visited Jan. 16, 2024).

¹⁸ FDOT, *supra* note 13.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² FDOT, *STIP Information*, <https://www.fdot.gov/workprogram/federal/stip-mpostip.shtm> (last visited Jan. 16, 2024).

²³ FDOT, *supra* note 13.

²⁴ *Id.*

²⁵ *Id.*

²⁶ S. 339.175(6)(b), F.S.

The LRTP must, at a minimum:

- Identify transportation facilities that will function as an integrated metropolitan transportation system.
 - The LRTP must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the FTP.
 - If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the LRTP. Multiple M.P.O.'s within a contiguous urbanized area must coordinate the development of LRTPs to be reviewed by the Metropolitan Planning Organization Advisory Council.
- Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs.
 - The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted LRTP if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the LRTP, the M.P.O. and FDOT must cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing.
- Assess capital investment and other measures necessary to:
 - Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and
 - Make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods. Such efforts must include, but are not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as automated driving systems and other developments.
- Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, trails or facilities that are regionally significant or critical linkages for the Florida Shared-Use Nonmotorized Trail Network, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.
- Coordinate, in metropolitan areas that are classified as nonattainment areas for ozone or carbon monoxide, the development of the LRTP with the State Implementation Plan developed pursuant to the requirements of the federal Clean Air Act.²⁷

In the development of its LRTP, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the LRTP. The LRTP must be approved by the M.P.O.²⁸

Feasibility Studies on Consolidation of Select M.P.O.s

The M.P.O.'s serving Hillsborough, Pasco, and Pinellas Counties were required to submit, by December 31, 2023, a feasibility report to the Governor, the President of the Senate, and the Speaker of the House of Representatives exploring the benefits, costs, and process of consolidation into a single M.P.O. serving the contiguous urbanized area, the goal of which was to:

²⁷ S. 339.175(7), F.S.

²⁸ *Id.*

- Coordinate transportation projects deemed to be regionally significant;
- Review the impact of regionally significant land use decisions on the region; and
- Review all proposed regionally significant transportation projects in the TIPs.²⁹

Metropolitan Planning Organization Advisory Council (MPOAC)

Under Florida law, the MPOAC was established with the purpose to augment, and not supplant, the role of the individual M.P.O.s in the cooperative transportation planning process.³⁰ The council consists of one representative from each M.P.O. and annually elects a chairperson from its membership.³¹

The main powers and duties of the council are to:

- Establish bylaws by action of its governing board providing procedural rules to guide its proceedings and consideration of matters before the council, or, alternatively, adopt rules to implement provisions of law conferring powers or duties upon the council;
- Assist M.P.O.s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion;
- Serve as a clearinghouse for review and comment by M.P.O.s on the FTP and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes;
- Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations;
- Deliver training on federal and state program requirements and procedures to M.P.O. board members and M.P.O. staff; and
- Adopt an agency strategic plan that prioritizes steps the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directives.³²

The council may also enter into contracts to support its duties.³³

Effect of the Bill

The bill makes the following changes to laws that govern M.P.O.s:

- Modifies the legislative intent of M.P.O.s to emphasize:
 - The development of multimodal transportation systems, instead of surface transportation systems; and
 - Serving the mobility needs of people and freight and fostering economic growth and development within and through urbanized areas of this state while balancing conservation of natural resources.
- Creates a moratorium on new M.P.O.s by requiring that after July 1, 2024, no additional M.P.O.'s be designated in this state except in urbanized areas, as defined by the United States Bureau of the Census, where the urbanized area boundary is not contiguous to an urbanized area designated before the 2020 census.
- Revises the items that each M.P.O. must consider when developing its LRTP and TIP to include projects and strategies that will conserve natural resources and reduce traffic and congestion.
- Repeals the MPOAC.
- Revises the minimum requirements that each M.P.O. must include in its long-range plan by:
 - Eliminating the provision that requires the Metropolitan Planning Organization Council to review the plans.

²⁹ S. 339.175(6)(i), F.S.

³⁰ S. 339.175(11)(a), F.S.

³¹ S. 339.175(11)(b), F.S.

³² S. 339.175(11)(c), F.S.

³³ S. 339.175(11)(d), F.S.

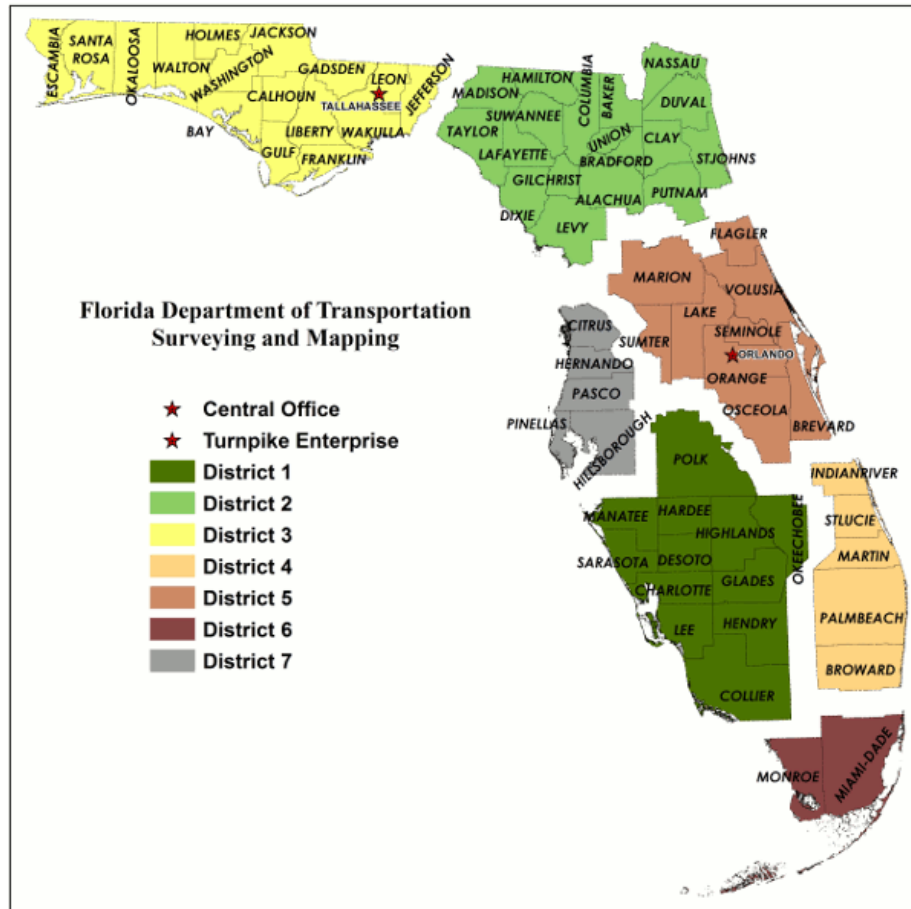
- Allowing, in the financial plan requirement, to include the innovative financing technique of public-private partnerships, to be used to fund needed projects and programs.
- Revising the list of proposed transportation enhancement activities that an M.P.O. must indicate, as appropriate, to include integration of advanced air mobility, and integration of autonomous and electric vehicles, electric bicycles, and motorized scooters used for freight, commuter, or micromobility purposes. The list of activities no longer is required to indicate historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.
- Requires FDOT to, at least annually, convene M.P.O.s of similar size for the purpose of exchanging best practices and allows M.P.O.s to develop committees or working groups as needed to accomplish such purpose. This replaces the provision of law that allows discretion and flexibility to coordinate as they see fit with other M.P.O.s and political subdivisions.
- Provides that at the discretion of FDOT, training for new M.P.O. governing board members must be provided by FDOT, by an entity pursuant to a contract with FDOT, by the Florida CUTR, or by the I-STREET Living Lab.
- Requires, by February 28, 2025, the M.P.O.s serving Lee and Collier counties to submit a report considering the feasibility of consolidation into a single M.P.O. and eliminates the obsolete provision that required Hillsborough, Pasco, and Pinellas counties to do so by December 31, 2023.
- Creates the following M.P.O. accountability and transparency provisions:
 - Requires FDOT to review each M.P.O.'s LRTP for productive flow and connectivity for people and freight within the M.P.O.'s metropolitan area. If FDOT finds an M.P.O.'s LRTP to be unsatisfactory or incongruent with the metropolitan area, FDOT must return the plan to the M.P.O. for revision.
 - Requires FDOT to create quality performance metrics and a scoring mechanism by which to evaluate each M.P.O.'s service to its communities, taking into consideration traffic congestion, the utilization rate of multimodal transportation facilities, resident satisfaction, efficiency of the transportation system for people and freight, and other factors FDOT deems necessary. FDOT must establish a minimum acceptable quality performance score.
 - Requires each M.P.O., beginning December 1, 2025, to annually report its score for each quality performance metric and publish the score and supporting data on its website.
 - Requires FDOT to validate each M.P.O.'s score calculation and make adjustments as needed.
 - Provides that, beginning in December of 2026, and every three years thereafter, an M.P.O. that does not achieve the minimum acceptable quality performance score will be placed under the control of the Secretary of Transportation, who must then appoint the district secretary or another person to assume the role of executive director of the M.P.O. and chair of its governing board for a period not to exceed one year. During such time, the district secretary or other person must make recommendations to the governing board regarding:
 - Any leadership, process, and management changes needed to improve the M.P.O.'s quality performance score.
 - Whether the metropolitan area of the M.P.O. would be better served by consolidation of the M.P.O. with an M.P.O. in a contiguous urbanized metropolitan area.
 - Provides that, subject to appropriation, beginning in December of 2026, and every three years thereafter, the single M.P.O. with the highest quality performance score will receive \$5 million from the State Transportation Trust Fund for projects approved in its WP. Such funds may be expended at the M.P.O.'s discretion. Such M.P.O. must also represent the state in any federal M.P.O. conference or membership organization.

Comprehensive Review of FDOT Districts

Current Situation

Under Florida law, the operations of FDOT are organized into seven districts, each headed by a district secretary, and a turnpike enterprise and a rail enterprise, each enterprise headed by an executive director.³⁴ The districts and their boundaries are shown below in Figure 2. FDOT's districts and their boundaries and headquarters were comprehensively reviewed most recently in 2017.³⁵

Figure 2: Map of FDOT Districts³⁶



Effect of the Bill

The bill provides that, by October 31, 2024, FDOT must submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that provides a comprehensive review of the boundaries of each of FDOT's districts and whether any district boundaries should be redrawn as a result of population growth and increased urban density.

Redesign of Florida License Plate

Current Situation

Under Florida law, registration license plates must be:

³⁴ S. 20.23(4)(a), F.S.

³⁵ Florida Department of Transportation, *Review of Boundaries and Headquarters of the Florida Department of Transportation Districts & Creation of a New District Headquartered in Fort Myers (Executive Summary)* (Oct. 31, 2017), https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/content/legislative/documents/fdotdistrictstudy.pdf?sfvrsn=7a3aab8f_0 (last visited Jan. 16, 2024).

³⁶ FDOT, *Staff Directory*, <https://www.fdot.gov/geospatial/staff.shtm> (last visited Jan. 16, 2024).

- Made of metal specially treated with a retroreflection material, as specified by the Department of Highway Safety and Motor Vehicles (DHSMV);
- Designed to increase nighttime visibility and legibility;
- At least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the DHSMV to accommodate motorcycles, mopeds, or similar smaller vehicles;
- Imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the registration license plate number; and
- Imprinted with the word “Florida” at the top and the name of the county in which it is sold, the state motto, or the words “Sunshine State” at the bottom.³⁷

Currently, the State of Florida offers three standard license plate options, all portraying an image of two oranges that symbolize the state’s agricultural heritage and that it historically has been a top producer of oranges.³⁸ There have been no major redesigns of this license plate since 2004.³⁹

Effect of the Bill

The bill provides that, by October 1, 2024, the DHSMV must begin implementation of a redesigned registration license plate. This redesign does not apply to specialty license plates. In redesigning the plate, DHSMV must remove the term “MYFLORIDA.COM” and replace it solely with the word “FLORIDA”. Additionally, the DHSMV must coordinate with FDOT to ensure the legibility of the redesigned registration license plate and must also consider adding an additional character to the registration license plate due to Florida’s continued economic growth.

Effective Date

The bill provides an effective date of July 1, 2024.

B. SECTION DIRECTORY:

- | | |
|------------------|---|
| Section 1 | Amends s. 334.065, F.S., relating to Center for Urban Transportation Research. |
| Section 2 | Amends s. 334.066, F.S., relating to Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab. |
| Section 3 | Amends s. 339.175, F.S., relating to metropolitan planning organization. |
| Section 4 | Amends s. 331.3051, F.S., duties of Space Florida. |
| Section 5 | Amends s. 331.310, F.S., powers and duties of the board of directors. |
| Section 6 | Requires FDOT to submit a report that provides a comprehensive review of FDOT’s district boundaries by October 31, 2024. |
| Section 7 | Requires DHSMV to begin the implementation of a redesigned registration license plate by October 1, 2024. |
| Section 8 | Provides an effective date of July 1, 2024. |

³⁷ S. 320.06(3)(a), F.S.

³⁸ DHSMV, *License Plates & Registration*, <https://www.flhsmv.gov/motor-vehicles-tags-titles/license-plates-registration/> (last visited Jan. 16, 2024).

³⁹ Kathy Ciotola, *Florida’s New Tag Features Improved Oranges*, *The Gainesville Sun*, (Apr. 9, 2004), <https://www.gainesville.com/story/news/2004/04/09/floridas-new-tag-features-improved-oranges/64294190007/> (last visited Jan. 16, 2024).

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Indeterminate. See "Fiscal Comments" section below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. See "Fiscal Comments" section below.

2. Expenditures:

Indeterminate. See "Fiscal Comments" section below.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill will have an indeterminate negative fiscal impact on the DHSMV, as it will likely require full-time equivalent and contracted service resources to program and redesign the standard state license plate.

The bill will have an indeterminate negative fiscal impact on FDOT, as it requires FDOT to:

- Submit a report by October 31, 2024, to the Governor and Legislature that provides a comprehensive review of the boundaries of each of FDOT's districts and whether any district boundaries should be redrawn as a result of population growth and increased urban density.
- Convene, at least annually, M.P.O.s of similar size for the purpose of exchanging best practices.
- At its the discretion, provide training for new M.P.O. governing board members by an entity pursuant to a contract with FDOT, by the Florida CUTR, or by the I-STREET Living Lab.
- Conform with new responsibilities as described in the M.P.O accountability and transparency provisions.

The repeal of the MPOAC will have a negative fiscal impact on individuals connected with the MPOAC.

The various M.P.O. provisions of the bill, such as the creation of M.P.O. accountability and transparency provisions and the report requirements for select M.P.O.s, may have an indeterminate negative fiscal impact on M.P.O.s.

Lastly, subject to appropriation, the bill may have a negative fiscal impact on the State Transportation Trust Fund if the single M.P.O with the highest quality performance score receives \$5 million.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to require counties or municipalities to spend funds or take action requiring the 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:

Rulemaking may be necessary in order to conform to changes made by the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

N/A

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 334.065, F.S.; revising membership of the Center for
4 Urban Transportation Research advisory board; amending
5 s. 334.066, F.S.; revising membership of the I-STREET
6 advisory board; amending s. 339.175, F.S.; revising
7 legislative intent; revising requirements for the
8 designation of additional M.P.O.'s; revising projects
9 and strategies to be considered in developing an
10 M.P.O.'s long-range transportation plan and
11 transportation improvement program; requiring the
12 Department of Transportation to convene M.P.O.'s of
13 similar size to exchange best practices; authorizing
14 such M.P.O.'s to develop committees or working groups;
15 requiring training for new M.P.O. governing board
16 members to be provided by the department or another
17 specified entity; removing provisions relating to
18 M.P.O. coordination mechanisms; requiring certain
19 M.P.O.'s to submit a feasibility report to the
20 Governor and Legislature regarding consolidation;
21 specifying goals thereof; deleting obsolete
22 provisions; conforming provisions to changes made by
23 the act; including public-private partnerships in
24 authorized financing techniques; revising proposed
25 transportation enhancement activities that must be

26 | indicated by the long-range transportation plan;
27 | requiring the department to review certain aspects of
28 | each M.P.O.'s long-range transportation plan and to
29 | return such plan to the M.P.O. for revision if deemed
30 | unsatisfactory; requiring the department to create a
31 | quality performance scoring mechanism to evaluate each
32 | M.P.O.'s service to its communities and to establish a
33 | minimum acceptable quality performance score;
34 | requiring each M.P.O. to report its quality
35 | performance score annually to the district secretary
36 | and to publish the score on its website; requiring the
37 | department to validate each M.P.O.'s score
38 | calculation; requiring an M.P.O. that does not achieve
39 | the minimum acceptable quality performance score
40 | within a certain timeframe to be placed under the
41 | control of the Secretary of Transportation; requiring
42 | the secretary to appoint the district secretary or
43 | another person to assume the role of executive
44 | director of such M.P.O.; providing responsibilities;
45 | providing an appropriation from the State
46 | Transportation Trust Fund for the M.P.O. with the
47 | highest quality performance score; providing
48 | requirements for the expenditure of such funds;
49 | requiring such M.P.O. to represent the state in any
50 | federal conference or membership organization;

51 removing provisions relating to the Metropolitan
 52 Planning Organization Advisory Council; amending s.
 53 331.3051, F.S.; conforming provisions to changes made
 54 by the act; amending s. 331.310, F.S.; conforming a
 55 cross-reference; requiring a report to the Governor
 56 and Legislature; requiring the Department of Highway
 57 Safety and Motor Vehicles to begin implementation of a
 58 redesigned registration license plate by a specified
 59 date; providing redesign requirements; providing an
 60 effective date.

61

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

63

64 Section 1. Subsection (3) of section 334.065, Florida
 65 Statutes, is amended to read:

66 334.065 Center for Urban Transportation Research.—

67 (3) An advisory board shall be created to periodically and
 68 objectively review and advise the center concerning its research
 69 program. Except for projects mandated by law, state-funded base
 70 projects shall not be undertaken without approval of the
 71 advisory board. The membership of the board shall consist of
 72 nine experts in transportation-related areas, as follows:

73 (a) A member appointed by the President of the Senate.

74 (b) A member appointed by the Speaker of the House of
 75 Representatives.

76 (c) The Secretary of Transportation or his or her
 77 designee.

78 (d) The Secretary of Commerce or his or her designee.
 79 ~~including the secretaries of the Department of Transportation,~~
 80 ~~the Department of Environmental Protection, and the Department~~
 81 ~~of Economic Opportunity, or their designees, and~~

82 (e) A member of the Florida Transportation Commission.

83 (f) The nomination of the remaining four members of the
 84 board shall be made to the President of the University of South
 85 Florida by the College of Engineering at the University of South
 86 Florida, ~~and~~ The appointment of these members must be reviewed
 87 and approved by the Florida Transportation Commission and
 88 confirmed by the Board of Governors.

89 Section 2. Paragraph (d) of subsection (3) of section
 90 334.066, Florida Statutes, is amended to read:

91 334.066 Implementing Solutions from Transportation
 92 Research and Evaluating Emerging Technologies Living Lab.—

93 (3) An advisory board shall be created to periodically
 94 review and advise I-STREET concerning its research program. The
 95 board shall consist of nine members with expertise in
 96 transportation-related areas, as follows:

97 (d) The Secretary of Commerce ~~Economic Opportunity~~ or his
 98 or her designee.

99 Section 3. Subsection (10) of section 339.175, Florida
 100 Statutes, is renumbered as subsection (11), subsection (1),

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101 paragraph (a) of subsection (2), paragraphs (b), (j), and (i) of
 102 subsection (6), subsection (7), and present subsection (11) are
 103 amended, and a new subsection (10) is added to that section, to
 104 read:

105 339.175 Metropolitan planning organization.—

106 (1) PURPOSE.—It is the intent of the Legislature to
 107 encourage and promote the safe and efficient management,
 108 operation, and development of multimodal surface transportation
 109 systems that will serve the mobility needs of people and freight
 110 and foster economic growth and development within and through
 111 urbanized areas of this state while balancing conservation of
 112 natural resources ~~minimizing transportation-related fuel~~
 113 ~~consumption, air pollution, and greenhouse gas emissions through~~
 114 ~~metropolitan transportation planning processes identified in~~
 115 ~~this section~~. To accomplish these objectives, metropolitan
 116 planning organizations, referred to in this section as M.P.O.'s,
 117 shall develop, in cooperation with the state and public transit
 118 operators, transportation plans and programs for metropolitan
 119 areas. The plans and programs for each metropolitan area must
 120 provide for the development and integrated management and
 121 operation of transportation systems and facilities, including
 122 pedestrian walkways and bicycle transportation facilities that
 123 will function as an intermodal transportation system for the
 124 metropolitan area, based upon the prevailing principles provided
 125 in s. 334.046(1). The process for developing such plans and

126 programs shall provide for consideration of all modes of
127 transportation and shall be continuing, cooperative, and
128 comprehensive, to the degree appropriate, based on the
129 complexity of the transportation problems to be addressed. To
130 ensure that the process is integrated with the statewide
131 planning process, M.P.O.'s shall develop plans and programs that
132 identify transportation facilities that should function as an
133 integrated metropolitan transportation system, giving emphasis
134 to facilities that serve important national, state, and regional
135 transportation functions. For the purposes of this section,
136 those facilities include the facilities on the Strategic
137 Intermodal System designated under s. 339.63 and facilities for
138 which projects have been identified pursuant to s. 339.2819(4).

139 (2) DESIGNATION.—

140 (a)1. An M.P.O. shall be designated for each urbanized
141 area of the state; however, this does not require that an
142 individual M.P.O. be designated for each such area. Such
143 designation shall be accomplished by agreement between the
144 Governor and units of general-purpose local government
145 representing at least 75 percent of the population of the
146 urbanized area; however, the unit of general-purpose local
147 government that represents the central city or cities within the
148 M.P.O. jurisdiction, as defined by the United States Bureau of
149 the Census, must be a party to such agreement.

150 2. To the extent possible, only one M.P.O. shall be

151 designated for each urbanized area or group of contiguous
 152 urbanized areas. More than one M.P.O. may be designated within
 153 an existing urbanized area only if the Governor and the existing
 154 M.P.O. determine that the size and complexity of the existing
 155 urbanized area makes the designation of more than one M.P.O. for
 156 the area appropriate. After July 1, 2024, no additional M.P.O.'s
 157 shall be designated in the state except in urbanized areas, as
 158 defined by the United States Bureau of the Census, where the
 159 urbanized area boundary is not contiguous to an urbanized area
 160 designated before the 2020 census, ~~in which case each M.P.O.~~
 161 ~~designated for the area must:~~

162 ~~a. Consult with every other M.P.O. designated for the~~
 163 ~~urbanized area and the state to coordinate plans and~~
 164 ~~transportation improvement programs.~~

165 ~~b. Ensure, to the maximum extent practicable, the~~
 166 ~~consistency of data used in the planning process, including data~~
 167 ~~used in forecasting travel demand within the urbanized area.~~

169 Each M.P.O. required under this section must be fully operative
 170 no later than 6 months following its designation.

171 (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,
 172 privileges, and authority of an M.P.O. are those specified in
 173 this section or incorporated in an interlocal agreement
 174 authorized under s. 163.01. Each M.P.O. shall perform all acts
 175 required by federal or state laws or rules, now and subsequently

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176 applicable, which are necessary to qualify for federal aid. It
177 is the intent of this section that each M.P.O. be involved in
178 the planning and programming of transportation facilities,
179 including, but not limited to, airports, intercity and high-
180 speed rail lines, seaports, and intermodal facilities, to the
181 extent permitted by state or federal law. An M.P.O. may not
182 perform project production or delivery for capital improvement
183 projects on the State Highway System.

184 (b) In developing the long-range transportation plan and
185 the transportation improvement program required under paragraph
186 (a), each M.P.O. shall provide for consideration of projects and
187 strategies that will:

188 1. Support the economic vitality of the contiguous
189 urbanized metropolitan area, especially by enabling global
190 competitiveness, productivity, and efficiency.

191 2. Increase the safety and security of the transportation
192 system for motorized and nonmotorized users.

193 3. Increase the accessibility and mobility options
194 available to people and for freight.

195 4. Protect and enhance the environment, conserve natural
196 resources ~~promote energy conservation~~, and improve quality of
197 life.

198 5. Enhance the integration and connectivity of the
199 transportation system, across and between modes and contiguous
200 urbanized metropolitan areas, for people and freight.

201 6. Promote efficient system management and operation.

202 7. Emphasize the preservation of the existing
203 transportation system.

204 8. Improve the resilience of transportation
205 infrastructure.

206 9. Reduce traffic and congestion.

207 (j)1. To more fully accomplish the purposes for which
208 M.P.O.'s have been mandated, the department shall, at least
209 annually, convene M.P.O.'s of similar size, based on the size of
210 population served, for the purpose of exchanging best practices.
211 M.P.O.'s may ~~shall~~ develop committees or working groups as
212 needed to accomplish such purpose. At the discretion of the
213 department, training for new M.P.O. governing board members
214 shall be provided by the department, by an entity pursuant to a
215 contract with the department, by the Florida Center for Urban
216 Transportation Research, or by the Implementing Solutions from
217 Transportation Research and Evaluating Emerging Technologies (I-
218 STREET) Living Lab coordination mechanisms with one another to
219 ~~expand and improve transportation within the state. The~~
220 ~~appropriate method of coordination between M.P.O.'s shall vary~~
221 ~~depending upon the project involved and given local and regional~~
222 ~~needs. Consequently, it is appropriate to set forth a flexible~~
223 ~~methodology that can be used by M.P.O.'s to coordinate with~~
224 ~~other M.P.O.'s and appropriate political subdivisions as~~
225 ~~circumstances demand.~~

226 2. Any M.P.O. may join with any other M.P.O. or any
227 individual political subdivision to coordinate activities or to
228 achieve any federal or state transportation planning or
229 development goals or purposes consistent with federal or state
230 law. When an M.P.O. determines that it is appropriate to join
231 with another M.P.O. or any political subdivision to coordinate
232 activities, the M.P.O. or political subdivision shall enter into
233 an interlocal agreement pursuant to s. 163.01, which, at a
234 minimum, creates a separate legal or administrative entity to
235 coordinate the transportation planning or development activities
236 required to achieve the goal or purpose; provides the purpose
237 for which the entity is created; provides the duration of the
238 agreement and the entity and specifies how the agreement may be
239 terminated, modified, or rescinded; describes the precise
240 organization of the entity, including who has voting rights on
241 the governing board, whether alternative voting members are
242 provided for, how voting members are appointed, and what the
243 relative voting strength is for each constituent M.P.O. or
244 political subdivision; provides the manner in which the parties
245 to the agreement will provide for the financial support of the
246 entity and payment of costs and expenses of the entity; provides
247 the manner in which funds may be paid to and disbursed from the
248 entity; and provides how members of the entity will resolve
249 disagreements regarding interpretation of the interlocal
250 agreement or disputes relating to the operation of the entity.

251 Such interlocal agreement shall become effective upon its
 252 recordation in the official public records of each county in
 253 which a member of the entity created by the interlocal agreement
 254 has a voting member. Multiple M.P.O.'s may merge, combine, or
 255 otherwise join together as a single M.P.O.

256 (i) By February 28, 2025 ~~December 31, 2023~~, the M.P.O.'s
 257 serving Lee and Collier ~~Hillsborough, Pasco, and Pinellas~~
 258 Counties must submit a feasibility report to the Governor, the
 259 President of the Senate, and the Speaker of the House of
 260 Representatives exploring the benefits, costs, and process of
 261 consolidation into a single M.P.O. serving the contiguous
 262 urbanized area, the goal of which would be to:

- 263 1. Coordinate transportation projects deemed to be
 264 regionally significant.
- 265 2. Review the impact of regionally significant land use
 266 decisions on the region.
- 267 3. Review all proposed regionally significant
 268 transportation projects in the respective transportation
 269 improvement programs.

270 (7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must
 271 develop a long-range transportation plan that addresses at least
 272 a 20-year planning horizon. The plan must include both long-
 273 range and short-range strategies and must comply with all other
 274 state and federal requirements. The prevailing principles to be
 275 considered in the long-range transportation plan are: preserving

276 the existing transportation infrastructure; enhancing Florida's
277 economic competitiveness; and improving travel choices to ensure
278 mobility. The long-range transportation plan must be consistent,
279 to the maximum extent feasible, with future land use elements
280 and the goals, objectives, and policies of the approved local
281 government comprehensive plans of the units of local government
282 located within the jurisdiction of the M.P.O. Each M.P.O. is
283 encouraged to consider strategies that integrate transportation
284 and land use planning to provide for sustainable development and
285 reduce greenhouse gas emissions. The approved long-range
286 transportation plan must be considered by local governments in
287 the development of the transportation elements in local
288 government comprehensive plans and any amendments thereto. The
289 long-range transportation plan must, at a minimum:

290 (a) Identify transportation facilities, including, but not
291 limited to, major roadways, airports, seaports, spaceports,
292 commuter rail systems, transit systems, and intermodal or
293 multimodal terminals that will function as an integrated
294 metropolitan transportation system. The long-range
295 transportation plan must give emphasis to those transportation
296 facilities that serve national, statewide, or regional
297 functions, and must consider the goals and objectives identified
298 in the Florida Transportation Plan as provided in s. 339.155. If
299 a project is located within the boundaries of more than one
300 M.P.O., the M.P.O.'s must coordinate plans regarding the project

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301 in the long-range transportation plan. ~~Multiple M.P.O.'s within~~
302 ~~a contiguous urbanized area must coordinate the development of~~
303 ~~long-range transportation plans to be reviewed by the~~
304 ~~Metropolitan Planning Organization Advisory Council.~~

305 (b) Include a financial plan that demonstrates how the
306 plan can be implemented, indicating resources from public and
307 private sources which are reasonably expected to be available to
308 carry out the plan, and recommends any additional financing
309 strategies for needed projects and programs. The financial plan
310 may include, for illustrative purposes, additional projects that
311 would be included in the adopted long-range transportation plan
312 if reasonable additional resources beyond those identified in
313 the financial plan were available. For the purpose of developing
314 the long-range transportation plan, the M.P.O. and the
315 department shall cooperatively develop estimates of funds that
316 will be available to support the plan implementation. Innovative
317 financing techniques may be used to fund needed projects and
318 programs. Such techniques may include the assessment of tolls,
319 public-private partnerships, the use of value capture financing,
320 or the use of value pricing. Multiple M.P.O.'s within a
321 contiguous urbanized area must ensure, to the maximum extent
322 possible, the consistency of data used in the planning process.

323 (c) Assess capital investment and other measures necessary
324 to:

325 1. Ensure the preservation of the existing metropolitan

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326 transportation system including requirements for the operation,
327 resurfacing, restoration, and rehabilitation of major roadways
328 and requirements for the operation, maintenance, modernization,
329 and rehabilitation of public transportation facilities; and

330 2. Make the most efficient use of existing transportation
331 facilities to relieve vehicular congestion, improve safety, and
332 maximize the mobility of people and goods. Such efforts must
333 include, but are not limited to, consideration of infrastructure
334 and technological improvements necessary to accommodate advances
335 in vehicle technology, such as automated driving systems and
336 other developments.

337 (d) Indicate, as appropriate, proposed transportation
338 enhancement activities, including, but not limited to,
339 pedestrian and bicycle facilities, trails or facilities that are
340 regionally significant or critical linkages for the Florida
341 Shared-Use Nonmotorized Trail Network, scenic easements,
342 landscaping, integration of advanced air mobility, and
343 integration of autonomous and electric vehicles, electric
344 bicycles, and motorized scooters used for freight, commuter, or
345 micromobility purposes ~~historic preservation, mitigation of~~
346 ~~water pollution due to highway runoff, and control of outdoor~~
347 ~~advertising.~~

348 (e) In addition to the requirements of paragraphs (a)-(d),
349 in metropolitan areas that are classified as nonattainment areas
350 for ozone or carbon monoxide, the M.P.O. must coordinate the

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351 development of the long-range transportation plan with the State
352 Implementation Plan developed pursuant to the requirements of
353 the federal Clean Air Act.

354
355 In the development of its long-range transportation plan, each
356 M.P.O. must provide the public, affected public agencies,
357 representatives of transportation agency employees, freight
358 shippers, providers of freight transportation services, private
359 providers of transportation, representatives of users of public
360 transit, and other interested parties with a reasonable
361 opportunity to comment on the long-range transportation plan.
362 The long-range transportation plan must be approved by the
363 M.P.O. and by the department as provided in subsection (10).

364 (10) ACCOUNTABILITY.—

365 (a) The department shall review each M.P.O.'s long-range
366 transportation plan for productive flow and connectivity for
367 people and freight within the M.P.O.'s metropolitan area. If the
368 department finds an M.P.O.'s long-range transportation plan to
369 be unsatisfactory or incongruent with the metropolitan area, the
370 department shall return the plan to the M.P.O. for revision.

371 (b) The department shall create quality performance
372 metrics and a scoring mechanism by which to evaluate each
373 M.P.O.'s service to its communities, taking into consideration
374 traffic congestion, the utilization rate of multimodal
375 transportation facilities, resident satisfaction, efficiency of

376 the transportation system for people and freight, and other
377 factors the department deems necessary. The department shall
378 establish a minimum acceptable quality performance score.

379 (c) Beginning in 2025 and each year thereafter, each
380 M.P.O. shall report its score for each quality performance
381 metric by December 1 to the district secretary and shall publish
382 the score and supporting data on its website. The department
383 must validate each M.P.O.'s score calculation and make
384 adjustments thereto if necessary.

385 (d) Beginning in December of 2026 and every 3 years
386 thereafter, an M.P.O. that does not achieve the minimum
387 acceptable quality performance score shall be placed under the
388 control of the Secretary of Transportation. The Secretary of
389 Transportation shall appoint the district secretary or another
390 person to assume the role of executive director of the M.P.O.
391 and chair of its governing board for a period not to exceed 1
392 year, during which time the district secretary or other person
393 shall make recommendations to the governing board regarding:

394 1. Any leadership, process, and management changes needed
395 to improve the M.P.O.'s quality performance score.

396 2. Whether the metropolitan area of the M.P.O. would be
397 better served by consolidation of the M.P.O. with an M.P.O. in a
398 contiguous urbanized metropolitan area.

399 (e) Subject to appropriation by the Legislature, beginning
400 in 2026 and every 3 years thereafter, the single M.P.O. with the

401 highest quality performance score will receive \$5 million from
402 the State Transportation Trust Fund. Such funds shall be
403 expended at the M.P.O.'s discretion for a project approved in
404 its work program list. Such M.P.O. shall also represent the
405 state in any federal M.P.O. conference or membership
406 organization.

407 ~~(11) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.—~~

408 ~~(a) A Metropolitan Planning Organization Advisory Council~~
409 ~~is created to augment, and not supplant, the role of the~~
410 ~~individual M.P.O.'s in the cooperative transportation planning~~
411 ~~process described in this section.~~

412 ~~(b) The council shall consist of one representative from~~
413 ~~each M.P.O. and shall elect a chairperson annually from its~~
414 ~~number. Each M.P.O. shall also elect an alternate representative~~
415 ~~from each M.P.O. to vote in the absence of the representative.~~
416 ~~Members of the council do not receive any compensation for their~~
417 ~~services, but may be reimbursed from funds made available to~~
418 ~~council members for travel and per diem expenses incurred in the~~
419 ~~performance of their council duties as provided in s. 112.061.~~

420 ~~(c) The powers and duties of the Metropolitan Planning~~
421 ~~Organization Advisory Council are to:~~

422 ~~1. Establish bylaws by action of its governing board~~
423 ~~providing procedural rules to guide its proceedings and~~
424 ~~consideration of matters before the council, or, alternatively,~~
425 ~~adopt rules pursuant to ss. 120.536(1) and 120.54 to implement~~

426 ~~provisions of law conferring powers or duties upon it.~~

427 ~~2. Assist M.P.O.'s in carrying out the urbanized area~~
428 ~~transportation planning process by serving as the principal~~
429 ~~forum for collective policy discussion pursuant to law.~~

430 ~~3. Serve as a clearinghouse for review and comment by~~
431 ~~M.P.O.'s on the Florida Transportation Plan and on other issues~~
432 ~~required to comply with federal or state law in carrying out the~~
433 ~~urbanized area transportation and systematic planning processes~~
434 ~~instituted pursuant to s. 339.155. The council must also report~~
435 ~~annually to the Florida Transportation Commission on the~~
436 ~~alignment of M.P.O. long-range transportation plans with the~~
437 ~~Florida Transportation Plan.~~

438 ~~4. Employ an executive director and such other staff as~~
439 ~~necessary to perform adequately the functions of the council,~~
440 ~~within budgetary limitations. The executive director and staff~~
441 ~~are exempt from part II of chapter 110 and serve at the~~
442 ~~direction and control of the council. The council is assigned to~~
443 ~~the Office of the Secretary of the Department of Transportation~~
444 ~~for fiscal and accountability purposes, but it shall otherwise~~
445 ~~function independently of the control and direction of the~~
446 ~~department.~~

447 ~~5. Deliver training on federal and state program~~
448 ~~requirements and procedures to M.P.O. board members and M.P.O.~~
449 ~~staff.~~

450 ~~6. Adopt an agency strategic plan that prioritizes steps~~

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451 ~~the agency will take to carry out its mission within the context~~
 452 ~~of the state comprehensive plan and any other statutory mandates~~
 453 ~~and directives.~~

454 ~~(d) The Metropolitan Planning Organization Advisory~~
 455 ~~Council may enter into contracts in accordance with chapter 287~~
 456 ~~to support the activities described in paragraph (c). Lobbying~~
 457 ~~and the acceptance of funds, grants, assistance, gifts, or~~
 458 ~~bequests from private, local, state, or federal sources are~~
 459 ~~prohibited.~~

460 Section 4. Subsection (14) of section 331.3051, Florida
 461 Statutes, is amended to read:

462 331.3051 Duties of Space Florida.—Space Florida shall:

463 ~~(14) Partner with the Metropolitan Planning Organization~~
 464 ~~Advisory Council to coordinate and specify how aerospace~~
 465 ~~planning and programming will be part of the state's cooperative~~
 466 ~~transportation planning process.~~

467 Section 5. Paragraph (e) of subsection (2) of section
 468 331.310, Florida Statutes, is amended to read:

469 331.310 Powers and duties of the board of directors.—

470 (2) The board of directors shall:

471 (e) Prepare an annual report of operations as a supplement
 472 to the annual report required under s. 331.3051(15) ~~s.~~

473 ~~331.3051(16)~~. The report must include, but not be limited to, a
 474 balance sheet, an income statement, a statement of changes in
 475 financial position, a reconciliation of changes in equity

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476 accounts, a summary of significant accounting principles, the
477 auditor's report, a summary of the status of existing and
478 proposed bonding projects, comments from management about the
479 year's business, and prospects for the next year.

480 Section 6. By October 31, 2024, the Department of
481 Transportation shall submit to the Governor, the President of
482 the Senate, and the Speaker of the House of Representatives a
483 report that provides a comprehensive review of the boundaries of
484 each of the department's districts and whether any district's
485 boundaries should be redrawn as a result of population growth
486 and increased urban density.

487 Section 7. By October 1, 2024, the Department of Highway
488 Safety and Motor Vehicles must begin implementation of a
489 redesigned registration license plate required by s.
490 320.06(3) (a), Florida Statutes. The redesign does not apply to
491 specialty license plates. In redesigning the plate, the
492 department must replace the current graphic and remove the term
493 "MYFLORIDA.COM" and replace it solely with the word "FLORIDA."
494 The department must coordinate with the Department of
495 Transportation to ensure the legibility of the redesigned
496 registration license plate and must also consider adding an
497 additional character to the registration license plate due to
498 the state's continued economic growth.

499 Section 8. This act shall take effect July 1, 2024.