

Legislative Report

March 2, 2014

John Banta

Out of date as soon as I write it

Go on to the ABATE of Florida Website www.abateflorida.com, Click on the Legislative Information Center and subscribe to email list. You will get the latest legislative news and press releases, although you really need to monitor the MRF and AMA websites. Some things happen very quickly and need our action. Contact State Legislative Trustee Darrin to get on his separate email list. Darrin also tracks bills of particular interest to gun owners. On Monday, April 14, 2014, Motorcyclists are encouraged to meet with their legislators, in Tallahassee, and discuss issues. ABATE of Florida's focus will be on securing funding for motorcycle safety and awareness and enhanced penalties for those would cause an accident which results in death or severe injuries to vulnerable road users (HB1159/SB1312)

Safety Money Funding.

There were 585067 Florida registered motorcycles in July 2013 (although this might include mopeds); each was charged an additional \$2.50 on their registration, to be used for motorcycle safety and awareness. That is potentially **\$1,462,667.50** for the Florida Riders Training Program and motorcycle safety and awareness programs. We seek to have direct input on how a portion of those funds are used by being included in the budget. The money is presently being administered by DHSMV. If they chose not to spend it on safety, it will then be transferred to the DHSMV general fund. Motorcyclists lobbied to get this fee and it uses have evolved over the years. ABATE of Florida was listed in the budget for fiscal years 2009 to 2012. ABATE used State of Florida approved vendors and had to comply with strict auditing.

Traffic Offenses

MOTORISTS WOULD FACE ADDITIONAL PENALTIES FOR HITTING 'VULNERABLE ROAD USERS'
STATE CAPITAL BRIEFS (EVENING EDITION): FRIDAY, FEBRUARY 28, 2014
THE NEWS SERVICE OF FLORIDA

Pedestrians, motorcyclists, bicyclists, skateboarders and people driving horse-drawn carriages would be among those receiving a new designation while on the road, under a measure filed this week in the Legislature. Bills (**SB 1312 and HB 1159**) by Sen. Greg Evers, R-Baker, and Rep. Dwight Dudley, D-St. Petersburg, would impose a second-degree misdemeanor charge on any motorist who commits a moving violation that causes serious bodily harm to a "vulnerable road user." The designation would go to pedestrians, including people engaged in work on highways, and people lawfully on the road riding bicycles, motorcycles, scooters, mopeds or animals, or operating farm equipment, skateboards, in-line skates, horse-drawn carriages, electric personal-assistive mobility devices or wheelchairs. The penalty would grow to a first-degree misdemeanor, with the potential loss of a motorist's driver's license for at least one year, if a "vulnerable road user" dies. The penalties wouldn't replace other charges motorists could face. The proposal already has support from the motorcyclists-rights organization ABATE (American Bikers Aim toward Education) of Florida. The measure is separate from the "Aaron Cohen" Hit-and-Run Act (SB 102 and HB 183), which has already started to move in the Legislature. That measure would make it a second-degree felony --- rather than a third-degree felony --- and carry the potential revocation of a driver's license for a motorist who fails to remain at the scene of a crash involving serious bodily injuries. A motorist would face a minimum of four years in jail for leaving the scene of an accident resulting in the death of a person.

PLAN of ACTION: Everyone needs to contact their State Senator and Representative NOW.

Dear Sen. Thrasher,

Please support SB1312/HB1159. There needs to be an infraction somewhere between vehicular homicide and receiving a ticket for failure to yield for those who do not know how to drive and cause an accident resulting in death or injury. A citation for reckless driving is never issued in accidents.

Please support ABATE of Florida's efforts to administer a portion of the funds paid by only motorcyclists for motorcycle safety and awareness. ABATE of Florida was listed in the budgets for the fiscal years 2009 to 2012.

Yours truly,

John Banta

SB1312 Traffic Offenses: Evers This bill is listed as similar to HB1159 however the bill text is identical.

HB1159 Traffic Offenses: Dudley

Provides criminal penalties for person who commits moving violation that causes serious bodily injury or causes death of vulnerable road user; defines term "vulnerable road user"; provides requirements for reinstatement of driving privilege

318.195 Enhanced penalties for moving violations causing injury or death.

(1) A person who commits a moving violation that causes serious bodily injury, as defined in s. 316.1933, to a vulnerable road user commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and, upon 25 conviction, shall pay a fine of not less than \$1,500, serve a minimum of 30 days of house arrest, and attend a driver improvement course. The court shall also revoke the person's driver license for at least 30 days.

(2) A person who commits a moving violation that causes the death of a vulnerable road user commits a misdemeanor of the 31 first degree, punishable as provided in s. 775.082 or s. 775.083, and, upon conviction, shall pay a fine of not less than 33 \$5,000, serve a minimum of 180 days of house arrest, and, in 34 lieu of the requirements of s. 322.0261, attend an advanced 35 driver improvement course. The court shall also revoke the 36 person's driver license for at least 1 year.

(3) As used in this section, the term "vulnerable road user" means:

(a) A pedestrian, including a person actually engaged in work upon a highway, or in work upon utility facilities along a highway, or engaged in the provision of emergency services within the right-of-way;

(b) A person operating a bicycle, motorcycle, scooter, or moped lawfully on the roadway;

(c) A person riding an animal; or

(d) A person lawfully operating any of the following on a public right-of-way, crosswalk, or shoulder of the roadway:

1. A farm tractor or similar vehicle designed primarily for farm use; 2. A skateboard, roller skates, or in-line skates;

3. A horse-drawn carriage;

4. An electric personal assistive mobility device; or

5. A wheelchair.

(4) This section does not prohibit a person from being charged with, convicted of, or punished for any other violation of law.

There are bills that would: relax the rules for beer taste tests and specialty beer sizes; legalize sparklers; increase penalties for flashing & posting naughty pictures of your ex; add to the crime of voyeurism for looking up ladies dresses; restricting new installations or revising the use of red light cameras and realistic and compassionate revisions to Florida's draconian drug laws.

LOCAL

I went to the Biker Rights Rally, after working at the ABATE camp ground setup. Bobby C did a great job speaking along with Jerry T, attorney, and Doc Riechenbach. One of the issues is what are colors and domestic terrorists. Presently it is law enforcement that determines that. At one time ABATE of Florida was considered a criminal organization. I saw the copy of Sherriff Vogel's search warrant on Art's Place. I gave deposition and the county later settled on the lawsuit. ABATE's has always been primarily focusing on the legislature branch of government. **With politicians it is always numbers of who is behind an issue. How do we get the mainstream motorcyclist to stand behind a club's right of freedom of association and to exist (see the Declaration of Independence)?** ABATE is struggling to get the financial support of motorcyclists despite the general consensus that helmets should be a matter of individual choice and that we need to be proactive in motorcycle safety and awareness. Presently there is no uproar about the current bills, in Tallahassee, that would prohibit you giving your first grader a motorcycle ride. (Sure hope you have cars that never break down). There was a time that some motels and restaurants once refused service to anyone on a motorcycle. I have been yanked out of the Iron Horse, when it was on Main Street, because I looked like a gang member, and still had to endure obscenity after I showed my ID. Many motorcyclists do not recognize the pattern that the clubs get hit with injustices first that later all motorcyclists have to endure, (motorcycle only checkpoints). While many might agree that all tax supported venues and public areas should be open to anybody regardless of attire of club affiliation, the numbers drop when you start talking about private

establishments like bars, many of which are owned by bikers. Presently all I can say is it is the voter's booth and jury pools that are the common man's last hope in making government adhere to the Constitution.

Washington, DC 113th Congress 2nd Session

Checkpoints: Motorcycle only check points, by law enforcement is harassment and discriminatory and has very little with safety. If you want a road block, pull everybody over.

HR 1861, Stop Motorcycle Checkpoint Funding Act.

Sponsored by Congressman James Sensenbrenner (Wisconsin). This bill would prohibit the Department of Transportation (DOT) from providing funds to state and local authorities for the purpose of creating motorcycle only checkpoints. This bill also contains language to force the DOT to focus motorcycle safety efforts on crash prevention programs, not national helmet mandates. There are only 45 co-sponsors, it was reported that a Senate Bill would be introduced. Write both your US Congressman and Sen. Bill Nelson and Sen. Marco Rubio. Simply tell them that you do not like motorcycle –only checkpoints.

Black Box Privacy Problems: National Highway Traffic Safety Administration has issued a formal warning that they intend to require all automobiles manufactured after September 1, 2014 be equipped with the black box. . Currently, there is no federal law that clarifies the rights of the vehicle owner to maintain ownership of the recorded data.

HR 2414, The Black Box Privacy Protection Act.

S 1925, The Driver Privacy Act.

E15 Ethanol: The Renewable Fuel Standard, part of the Energy Policy Act of 2005, sets the minimum requirements for the number of gallons of ethanol that must be blended in the nation's fuel supply. This law has required increasingly larger amounts of ethanol to be included in the fuel supply. E15 can cause engine and fuel system damage to your motorcycle or ATV. Ethanol itself will create more maintenance for those who still have carburetors. My 2012 vehicle says to only use up to E10.

News from the AMA Washington, D.C.:

The Agricultural Act of 2014 signed into law by President Obama contains a provision that helps deter distribution of E15 fuels into the U.S. marketplace. The AMA considers this farm-bill provision a major victory for the owners and riders of the estimated 22 million motorcycles and all-terrain vehicles currently in operation. Those vehicles could be damaged by the inadvertent use of E15 fuel, a gasoline formulation that contains up to 15 percent ethanol by volume. Also, use of E15 can void owners' vehicle warranties.

The Agricultural Act of 2014, which extends through 2018, prohibits the use of Rural Energy for America Program grant money to purchase and install ethanol blender pumps to dispense E15 at the retail level. Agriculture Secretary Tom Vilsack intended to use REAP funding to install 10,000 blender pumps by 2016. The AMA has worked since 2011 to prevent the distribution of E15 fuels, seeking independent scientific tests on their effect on motorcycle and all-terrain vehicle engines and fuel systems. After the introduction of E15 into the marketplace, the AMA fought its spread, because of concerns about inadvertent misfueling at blender pumps. Although the EPA has approved E15 use in 2001-and-newer light-duty vehicles, which include cars, light-duty trucks and medium-duty passenger vehicles, the EPA has not approved its use in any motorcycles or ATVs.

Public outcry has apparently worked along with a myriad of bills introduced. First the EPA announce allowing introduction of E15.along with a myriad of bills. Then the U.S. Environmental Protection Agency issued a rule proposal and public comment period to reduce the total amount of ethanol required in transportation fuel nationwide in 2014.

See the long version for MRF alerts and listing of bills I have been tracking. That's it, John

14NR07 - MRF News Release - The Taxman Come

The Internal Revenue Service (IRS) has issued a proposed rule that would affect the Motorcycle Riders Foundation (MRF) and every other advocacy group with the same tax status. The MRF has what is known as 501(C) 4 tax status; this means the MRF can be involved in political activities; however donations to the MRF are not tax deductible for the person or group that donates the money. Recently the IRS seems to be unfairly targeting conservative tea party type groups. Now it's time to punish everyone because the current IRS does not care for the way that some of these groups have been successful in getting out the vote and raising money. 501(c) 4's are named after the section of U.S. code that defines them. Some of the tea party type groups are also in the (c) 4 grouping, as a "social welfare" group. The 501(c) 4 is the segment of the nonprofit world best known for organizations like Karl Rove's Crossroads GPS and the liberal group, Priorities USA. 501(c) 4's are in fact made up of over 86,000 mostly small organizations nationwide, some of which are almost certainly active participants in our own community's civic life. They weren't invented in the last election cycle; they've been around for generations. Their purpose isn't to hide donors; it's to advance policies. The big famous guys and the shady newcomers get all the attention, but they aren't typical of the sector, any more than Justin Bieber reflect the experience of the bulk of the people making a living in the music industry. It is true that political spending has skyrocketed since 2008 in the (c) 4 category and that some reform to those groups spending astronomical amounts of money for election purposes is warranted. This tax status allows the MRF to "be involved in the political process" so long as the primary purpose of the organization is not partisan politics. Under the proposed rules we would be limited to doing work around elections and key votes. The IRS said in a hearing this past Wednesday that they have received an "unprecedented" number of comments and that the "rules would not be finalized anytime soon". At this point it is not clear whether the government planned to change the rules for all 501(c) groups, including (c) (5)'s (labor unions) and (c) (6)'s (trade associations). The new rule would limit what political activities the MRF and other (c) 4's could do before election dates. What would be considered a "political activity" is not known. It could be as simple as a meeting with an elected official on an issue important to their constituents, a get out the vote effort or even endorsement of candidates. By confusing protected political speech with electioneering, this proposed rule would silence social welfare non-profit organizations for a minimum of 90-days during an election year. However, because the regulation applies to elections at every level of government, and some state and local governments host elections on odd years, or in differing months of the year, free speech for (c) 4 organizations conceivably could be restricted every year. This is unacceptable and out of line with our form of government. (c) 4 social welfare non-profit organizations serve a valuable role in society and it would be unjust to prohibit their speech. A final ruling could be years away. The MRF will keep you updated on this issue.

MRF E-MAIL NEWS Motorcycle Riders Foundation February 28, 2014 Washington Weekly Wrap-up

The IRS comment period closed on February 28th for the first round of comments. The IRS has reported that they have received over 140,000 comments on this issue. As you know, the IRS has issued a proposed rule on 501(c) 4's that would limit political activities in the days and months leading up to an election. I submitted comments to the IRS letting them know that we do not like the proposed rule and that we want a public hearing on the matter before the rule is finalized. The simple fact is that the IRS is using what I call the "super c (4)'s." There are a handful of groups that have the 501 (c) 4 tax status that are raising gargantuan amounts of money and using it to impact individual elections and candidates. These groups are not necessarily new, what they are doing is not illegal, but it is abusing the system. Both sides of the isle have groups like this that support them. It's an equal opportunity loophole. The IRS is using the high dollar groups to revamp they whole system so they can formalize the discrimination. Congress is upset as well, both the Senate and the House have held hearings and there is a bill to delay the regulations. H.R. 3865 is expected to come to a floor vote next week. It is uncertain what the bill's future is in the Senate. The president would likely veto it. A public hearing is likely and a legal challenge is almost certain.

2014 Florida Legislative session

HOUSE BILLS

HB5 Traffic Safety Rep. Slosberg

Creates Minor Traffic Safety Act; prohibits use of electronic communications devices by drivers younger than 18 years of age; provides for voluntary contributions to AAA Foundation for Traffic Safety on driver license applications. Comparable to S352

CS/HB17 Motorist Safety Rep. Slosberg

Authorizes governing body of county to create yellow dot critical motorist medical information program to make critical medical information readily available to responders in event of motor vehicle accident or medical emergency involving a participant's vehicle; authorizes county to solicit sponsorships for program & enter into interlocal agreement with another county to solicit such sponsorships. Link to HB19, similar S262, comparable to S350

HB19 Public Records/Yellow Dot Critical Motorist Medical Information Program Rep.Slosberg

Provides exemption from public records requirements for specified identifying information, medical records, & medical information of participants in yellow dot critical motorist medical information program; providing for future legislative review & repeal of exemption; provides statement of public necessity; provides for contingent effect.

HB55 Aaron Cohen Life Protection Act Rep. Gonsalves Withdrawn See HB183

HB61 Motor Vehicle License Taxes Co-sponsored by Rep Santiago Deltano area

Reduces service charge imposed on application for original or duplicate license plate, or transfer of specified registration stickers or certificates; reduces fee collected for motor vehicle registration; reduces surcharges imposed on license tax. Similar SB156

HB63 Transportation Facility Designations Rep. Campbell

Provides honorary designations of various transportation facilities in specified counties; directs DOT to erect suitable markers; authorizes department to permit erection of specified marker under certain conditions. Seems Innocuous enough, however you never know what will get added. Comparable to SB158 & SB258.

HB101 Habitual Traffic Offender Designations Rep. Jones

Provides for removal of habitual traffic offender designation upon proof of compliance with specified statutory provisions.

HB107 Driver Licenses Rep. Stark

Provides for person adjudicated mentally or physically incompetent to surrender his or her driver license to court; directs court to send license with record of adjudication to DHSMV.

CS/HB183 Drivers Leaving the scene of a Crash Rep. Nelson. This is the same Nelson that did not understand about the Safety Message on the rubber wristbands that we used to promote awareness to those under 21 years old. Designates act as "Aaron Cohen Life Protection Act"; requires driver of vehicle involved in crash that results in serious bodily injury to a person to immediately stop vehicle & remain at scene of crash; provides penalties. These bills are very similar to a previous bill our lobbyist wrote. The penalties do not kick in if a person remains at the scene. Mark Lane, of the News-Journal, featured the Aaron Cohen Life Protection Act. This bill would call for mandatory minimum of 3 years for hit and run drivers in an accident involving injuries, 7 years for hit and run accidents involving serious injuries, 10 years for those who hit and run from accidents involving a death. At issue is presently a drunk driver who kills someone faces a minimum mandatory of 4 years. If the same drunk driver leaves the accident scene and sobers up he would face a 21 month sentence. **Identical SB102**

HB225 Child Safety Devices in Motor Vehicles Rep. Perry

Revises child restraint requirements for children younger than specified age & less than specified height; requires such persons to use separate carrier or integrated child seat. A child, who is 7 years old or younger and less than 4 feet 9 inches in height, must be in a federal approved restraint device. Which means no motorcycle rides for the first grader. Currently it is 5 years old, any size. In 2010 the Senate passed this bill but it died in messages, while the house bill died in committee. **Similar to S518, comparable to S454.** This issue is on the NTSB agenda.

HB267 Motor Vehicle Liability Insurance Rep. Trujillo No Action

Revises legislative intent with respect to financial responsibility for damages caused by operation of motor vehicle; increases financial responsibility limits with respect to bodily injury or death; revises required threshold limit for self-insurers; repeals Florida Motor Vehicle No-Fault Law; provides for termination of personal injury protection policies; requires maintaining minimum security requirements allowing person to respond to property damage & bodily injury by certain date; requires insurer to notify insured about such changes by certain date; provides for applicability of suspensions for failure to maintain security; conforms provisions. THE NEWS SERVICE OF FLORIDA reports a House Republican is driving forward with plans to replace the state's "no-fault" auto insurance coverage, two years after lawmakers passed reforms to try to rid the system of fraud. However, the proposal continues to be reviewed in a "deliberative and thoughtful manner" in the Senate as a number of insurance officials have tempered their call for a change after a constitutional challenge to the 2012 reform law was recently sidetracked. Rep. Carlos Trujillo, R-Miami, on Tuesday filed two measures (HB 267 and HB 269) directed at making bodily injury coverage, which a vast majority of motorists in Florida already purchase, the replacement for no-fault. The measures replicate a draft being put together by Senate Banking and Insurance Chairman David Simmons, R-Altamonte Springs. Simmons said he will continue to gather input on the proposal after his committee reviewed the potential change on Tuesday. Simmons had been advancing the measure at the request of some insurance officials who said they didn't expect reforms to the decades-old Personal Injury Protection (PIP) auto insurance system --- also known as no-fault --- to fully take hold.

HB269 Pub. Rec./Bodily Injury Liability Insurance Policies: No Action

Provides public records exemption for certain information regarding bodily injury liability insurance policies; provides for future legislative review & repeal of exemption; provides statement of public necessity; provides for contingent effect

HB317 Driver Licenses & Driving Privileges Rep. Stafford

Designates act as "Driver Accountability Act"; provides criminal penalty payment alternative if court finds that violator has demonstrable financial hardship; revises provisions relating to driving while license is suspended, revoked, canceled, or disqualified. **Identical SB302**

HB333 Texting While Driving: Stark

Revises penalties for violations of Florida Ban on Texting While Driving Law; provides enhanced penalties for such violations when committed in school zone or school crossing.

HB345 Transportation Beshears

Provides exception for payment of certain utility work necessitated by project on State Highway System in rural areas of critical economic concern; authorizes DOT to pay for such costs; exempts from permitting certain signs placed along state roads. Similar to HB259, Identical to CS/SB218

HB469 Move Over Act

Requires driver to move over for utility service vehicle on roadside

HB539 Use of Wireless Communications Devices While Driving

Revises Florida Ban on Texting While Driving Law; removes provision that requires enforcement as secondary action.

HB553 Traffic Control Devices: Provides conditions for use of automated traffic law enforcement system; preempts to state regulation of use of automated traffic law enforcement systems to record vehicle speeds; provides for consideration of certain defenses to notice of or citation for violation; provides for liability when motor vehicle involved in violation is leased vehicle; requires statistical analysis to assess safety impact of such system. Linked to HB555 This bill adds much needed refinement to the red light cameras, namely posting of signs and where exactly a vehicle stops before a notice is issued

HB555 Pub. Rec./Automated Traffic Law Enforcement System

Provides public records exemption for images obtained through use of automated traffic law enforcement system; provides for future legislative review & repeal; provides statement of public necessity.

316.0777 Recorded images made by an automated traffic law enforcement system; public records exemption.—Recorded images made by an automated traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of law, for statistical purposes, or for other governmental purposes. A recorded image evidencing a violation of law may be admissible in a proceeding

resulting from the issuance of a citation. This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and is repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

HB1159 Traffic Offenses Dudley SEE **TOP OF REPORT**

HB4009 Traffic Infraction Detectors Rep. Ariles

Repeals provisions relating to installation & use of traffic infraction detectors to enforce specified provisions when driver fails to stop at traffic signal. **SB144 Similar**

SENATE BILLS

CS/SB 102 Drivers Leaving the Scene of a Crash Rep. Diaz de la Portilla (CO-SPONSORS) Garcia

See HB183

SB 144 Traffic Infraction Detectors Sen. Brandes

Repealing provisions relating to the installation and use of traffic infraction detectors to enforce specified provisions when a driver fails to stop at a traffic signal; amending provisions relating to distribution of proceeds, enforcement by traffic infraction enforcement officers using such detectors, procedures for disposition of citations, compliance, registration and renewal of license plates, and penalties, etc.

SB 156 Vehicle Fee Rollback

A closely-watched measure to reduce vehicle-registration fees will get its first hearing since Gov. Rick Scott threw his support behind a similar idea as part of his legislative agenda. The Senate Transportation, Tourism and Economic Development Appropriations Subcommittee is set to take up the proposal (SB 156) next Thursday. The bill, sponsored by Sen. Joe Negron, R-Stuart, would roll back about half the unpopular 2009 hike in the fees. The decrease in fees would cost almost \$182 million in the budget year that begins July 1, and \$233 million a year after that. But Scott has endorsed doing away with the whole increase, something that would bring the price tag up to \$401 million. Lawmakers could amend Scott's plan onto the bill, though no amendments have been filed yet. Negron's measure unanimously passed the Senate Transportation Committee in October, more than a month before Scott announced his support.

CS/SB218 Transportation Sen. Grimsley

Providing an exception for payment of certain utility work necessitated by a project on the State Highway System for municipally owned utilities or county-owned utilities located in rural areas of critical economic concern and authorizing the Department of Transportation to pay for such costs under certain circumstances; exempting from permitting certain signs placed by tourist-oriented businesses, certain farm signs placed during harvest seasons, certain acknowledgement signs on publicly funded school premises, and certain displays on specific sports facilities, etc.

SB254 Motorist Safety Sen. Abruzzo

Authorizing the governing body of a county to create a yellow dot critical motorist medical information program for certain purposes; requiring the program to be free to participants; providing for limited use of information on the forms by emergency medical responders; limiting liability of emergency medical responders in certain circumstances, etc.

SB262 Motorist Safety

Authorizing the governing body of a county to create a yellow dot critical motorist medical information program for certain purposes; requiring the program to be free to participants; providing for limited use of information on the forms by emergency medical responders; limiting liability of emergency medical responders in certain circumstances, etc.

Senate Bill 262 authorizes, but does not require, the governing board of a county to create a "yellow dot" critical motorist medical information program for the purpose of assisting emergency medical responders in the event of a motorist accident or a medical emergency. Participants in the program receive a yellow dot decal to place on their vehicle's rear window, which alerts emergency services personnel to look for a corresponding yellow folder in the glove box. The yellow folder may include the injured participant's emergency contact and medical information.

SB322 Use of Wireless Communications Devices while Driving Sen. Sachs (CO-SPONSORS) Bradley

Removing provisions that limit law enforcement of the Florida Ban on Texting While Driving Law to a secondary action, etc.

SB302 Driver Licenses and Driving Privileges Sen. Braynon

Citing this act as the "Driver Accountability Act"; providing a criminal penalty payment alternative if a court finds that the violator has demonstrable financial hardship; amending provisions relating to driving while a license is suspended, revoked, canceled, or disqualified; revising provisions for the Department of Highway Safety and Motor Vehicles to suspend the license of a person who has failed to pay a financial obligation for a criminal offense, etc.

CS/SB350 Public Records/Yellow Dot Critical Motorist Medical Information Program:

Providing an exemption from public records requirements for personal identifying information of participants in a yellow dot critical motorist medical information program; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.

SB352 Use of Wireless Communications Devices Sen. Abruzzo

Prohibiting a person younger than 18 years of age from operating a motor vehicle while using a wireless communications device; defining the term "wireless communications device" and including cellular telephones within that definition for purposes of the act, etc.

SB392 State Speed Zones; Brandes

Raising the maximum allowable speed limit on certain highways; increasing the maximum allowable speed limit on roadways under the jurisdiction of the Department of Transportation, etc. This bill would direct the state Department of Transportation to determine the safe minimum and maximum speed limits on all divided highways that have least four lanes. Supporters of the bill say it's safe and that many drivers are already going faster than the current top rate of 70 mph. But critics say it could lead to more accidents. This bill was approved by the Senate Transportation Committee on a 6-1 vote, Sen. Joyner voted no.

SB442 Texting While Driving

Revising penalties for violations of the Florida Ban on Texting While Driving Law; providing enhanced penalties for such violations when committed in a school zone or school crossing, etc.

SB454 Child Safety Devices in Motor Vehicles

Providing child restraint requirements for children age 7 years or younger who are less than a specified height; redefining the term "motor vehicle" to exclude certain vehicles from such requirements; requiring a law enforcement officer to issue a warning and give educational literature to an operator of a motor vehicle during the grace period under certain circumstances, etc. This has passed the Senate before.

SB 458 Regulation of Knives and Weapons; Sen. Altman

Creating the "Uniform Knife and Weapons Act"; prohibiting state agencies and political subdivisions from regulating knives and weapons; providing that certain rules or ordinances of a state agency or political subdivision regulating knives or weapons are void; authorizing civil actions against a state agency or political subdivision that enacts or fails to repeal a prohibited rule or ordinance; providing for the termination of employment or removal from office of a person in violation of the act, etc. "It is the intent of the Legislature to occupy the field of regulation of knives, common pocketknives, and weapons," the bill says."It is the further intent of the Legislature to provide uniformity of laws by prohibiting state agencies and political subdivisions from enacting rules or ordinances on the manufacture, sale, transfer, possession, and use of knives and weapons." A Republican senator filed a bill Monday that would bar state and local government agencies from regulating pocketknives, hunting and fishing knives and other types of knives. The bill (SB 458), filed by Sen. Thad Altman, R-Viera, would give only the Legislature the authority to regulate such knives --- a concept known as "preemption." The state has a similar preemption law dealing with firearms. "It is the intent of the Legislature to occupy the field of regulation of knives, common pocketknives, and weapons," the bill says."It is the further intent of the Legislature to provide uniformity of laws by prohibiting state agencies and political subdivisions from enacting rules or ordinances on the manufacture, sale, transfer, possession, and use of knives and weapons."

SB478 Move Over Act; Sen. Evers

Requires driver to move over for utility service vehicle on roadside

SB518 Child Safety Devices in Motor Vehicles

Revising child restraint requirements for children who are younger than a specified age and less than a specified height; requiring an operator of a motor vehicle to use a separate carrier or integrated child seat; subjecting a violation to penalties, etc.

SPB 7012 Department of Transportation

Repealing provisions relating to load limits for certain towed vehicles; authorizing the department to fund strategic airport investments; prohibiting the department from entering into a lease-purchase agreement with certain transportation authorities; revising the uses of fees generated from Alligator Alley tolls to include the cost of design and construction of a fire station that may be used by certain local governments and certain related operating costs; requiring the Department of Transportation to include funding for environmental mitigation for projects in its work program, etc.

SB1312 Traffic Offenses: Evers

Providing criminal penalties for a person who commits a moving violation that causes serious bodily injury to, or causes the death of, a vulnerable road user; requiring that the person pay a specified fine, serve a minimum period of house arrest, and attend a driver improvement course; requiring that the court revoke the person's driver license for a minimum specified period; providing that the act does not prohibit the person from being charged with, convicted of, or punished for any other violation of

SEX, DRUGS, ALCOHOL, sharks and fireworks

CS/HB73 Sexual Offenders:

Prohibits certain probationers or community controlees from viewing, accessing, owning, or possessing any obscene, pornographic, or sexually stimulating material, regardless of its relevance to offender's behavior pattern.

HB161 Indecent Exposure Rep. Hager

Increases classification of second & subsequent violations of provision prohibiting unlawful exposure of sexual organs; authorizes arrest without warrant if there is probable cause to believe that person has committed unlawful exposure of sexual organs in violation of specified provisions. Identical S254, comparable to HB181, S276. This bill makes a second offence a 3rd degree felony instead of a 1st degree misdemeanor. That's quite a jump for flashing your breasts. The bill also amends s. 901.15, F.S., to permit a law enforcement officer to arrest a person without a warrant if the officer has probable cause to believe the person violated s. 800.03, F.S. Here are portions of the existing statute: "It is unlawful to expose or exhibit one's sexual organs in public or on the private premises of another, or so near thereto as to be seen from such private premises, in a vulgar or indecent manner, or to be naked in public except in any place provided or set apart for that purpose"; "A mother's breastfeeding of her baby does not under any circumstance violate this section." The statute does not define how a place can be designated

HB181 Indecent Exposure Withdrawn

CS/CS/HB 445 Time Limitations

Eliminates statutes of limitations on commencement of civil or criminal actions relating to specified lewd & lascivious offenses if victim was under 16 at time of offense; provides an exception; provides applicability.

HB475 Disclosure of Sexually Explicit Images

Prohibits individual from intentionally & knowingly disclosing private, sexually explicit image of identifiable person, through attached personal identifiers, links, or facial recognition for purpose of harassment of such person if individual knows or should have known person depicted in sexually explicit image did not consent to such disclosure & objects to such disclosure; provides enhanced penalties for violations by persons 18 years of age or older involving victims younger than 16 years of age; provides exceptions; requires court to order that person convicted of violation of be prohibited from having contact with victim & requires penalties for violation of order run consecutively to penalties for original violation. Similar to SB532

HB4015 Lewd and Lascivious Behavior

Repeals prohibition on lewd & lascivious behavior, including prohibition on lewd & lascivious association & cohabitation together by man & woman who are not married to each other; conforms provisions. Identical SB434. Repeals Current Statute 798.02 Lewd and lascivious behavior.—If any man and woman, not being married to each other, lewdly and lasciviously associate and cohabit together, or if any man or woman, married or unmarried, engages in open and gross

lewdness and lascivious behavior, they shall be guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

Living in Open Adultery is still a crime 798.01 Living in open adultery.—Whoever lives in an open state of adultery shall be guilty of a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#). Where either of the parties living in an open state of adultery is married, both parties so living shall be deemed to be guilty of the offense provided

HB 7017 Supervision of Sexually Violent Predators

CS/HB7025 Sexual Offenders

The bill amends a variety of statutes related to sexual predators and offenders to bring them further in line with the federal Adam Walsh Act. Specifically, the bill amends ss. 775.21, 943.0435, 944.606, and 944.607, F.S., to add the following offenses to the list of offenses that qualify a person as a sexual predator and sexual offender: sexual misconduct with an individual with a developmental disability; sexual misconduct with a patient; and sexual misconduct with a forensic client (dead body??).

HB7027 Sexual Offenses

Eliminates statutes of limitations for criminal or civil actions relating to lewd & lascivious acts if victim is under 16 years of age & offender is 18 years of age; revises & creates offenses involving sexual battery; increases felony degree of certain sexual battery offenses; imposes 50-year minimum mandatory sentence for dangerous sexual felony offenders; increases classification of second & subsequent prohibition of unlawful exposure of sexual organs; revises & creates offenses involving lewd or lascivious battery & molestation; **provides that voyeurism includes secretly observing another person's intimate areas in which person has reasonable expectation of privacy**; authorizes warrantless arrest in cases of unlawful exposure of sexual organs; provides that sentence points are multiplied for specified sex offenses committed by an adult upon minor; prohibits gain-time for certain offenses; prohibits certain conditional releases, probationers, & community controlees from viewing, accessing, owning, or possessing certain material.

CS/SB182 Sexual Offenders

See HB 73. No porn in any form for those on probation for any sort of sex offense. Another set you up to fail probation tactic.

SB254 Indecent Exposure; Bradley

Increasing the classification of second and subsequent violations of the provision prohibiting unlawful exposure of sexual organs; authorizing an arrest without a warrant if there is probable cause to believe that a person has committed an exposure of sexual organs in violation of specified provisions, etc.

SB276 Indecent Exposure Identical to HB181, Comparable to HB161, SB254

SB434 Lewd and Lascivious Behavior; Ring

Repealing a provision relating to a prohibition on lewd and lascivious behavior, including a prohibition on lewd and lascivious association and cohabitation together by a man and woman who are not married to each other,

CS/SB494 Time Limitations

CS/SB532 Disclosure of Sexually Explicit Images

CS/CS/CS/SB526 Sexual Offenses

Authorizing orders limiting testimony in open court and in depositions if the victim or witness was a child under 16 years of age when a specified sexual offense occurred; imposing a 50-year minimum mandatory sentence for dangerous sexual felony offenders; providing that voyeurism includes secretly observing another person's intimate areas in which the person has a reasonable expectation of privacy, when the other person is located in a public or private dwelling, structure, or conveyance; authorizing the court to require a sexual offender or sexual predator who is on probation or community control to undergo an evaluation to determine whether the offender or predator needs sexual offender treatment, etc.

CS/CS/SB528 Sex Offenses

This bill makes numerous changes to Florida laws relevant to persons required to register as a sexual predator or sexual offender ("registrant"). Registration of such individuals provides notice to the public and assists law enforcement personnel in monitoring the activities of sexual predators and sexual offenders. A significant change

in the bill is an increase in the information a registrant must report to the Florida Department of Law Enforcement (FDLE). This additional information includes information on vehicles a registrant owns and vehicles owned by a person residing with the registrant. But that is not all it does. One change is the victim age criterion for a petition for removal of registration requirements under s. 943.04354, F.S. (the "Romeo and Juliet" statute);

CS/HB99 Sentencing for Controlled Substance Violations: Edwards and Hood (CO-SPONSORS) Baxley; Pilon; Stewart. Designates act "Elizabeth Dillinger Act"; revises criminal penalties for persons engaged in illegal trafficking of prescription drugs involving specified quantities of oxycodone or hydrocodone. Comparable to SB360. **Travis Hutson voted yes.**

HB247 Trafficking in Illegal Drugs: Jones

Provides that specified mandatory minimum term of imprisonment & specified fine no longer apply upon first conviction, but only on second or subsequent conviction, of person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, Identical to S328

CS/SB360 Sentencing for Controlled Substance Violations Senators Bradley and Evers, who are our friends. This bill will stop rating those who have succumbed to Loratabs use from being treated like Pablo Escobar. Providing that a person who knowingly sells, purchases, manufactures, delivers, or brings into this state specified quantities of oxycodone or hydrocodone, or who is knowingly in actual or constructive possession of specified quantities of oxycodone or hydrocodone, commits the offense of trafficking in illegal prescription drugs, a felony of the first degree; providing criminal penalties, etc. Hukull and Thrasher both are members on the Appropriations Committee, which passed this bill with no nays.

SB328 Trafficking in Illegal Drugs: Joyner

Providing that a specified mandatory minimum term of imprisonment and a specified fine no longer apply upon a first conviction of a person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, a specified quantity of certain designated illegal drugs; providing that a specified mandatory minimum term of imprisonment and specified fine apply upon a second or subsequent conviction, etc.

SB 432 Mandatory Minimum Sentencing; Bullard

Authorizing a judge to impose a sentence below the mandatory minimum sentence under certain circumstances; requiring the judge to state in writing the reasons for departing from or using the mandatory minimum sentence; providing factors that the judge must consider in deciding whether to depart from the mandatory minimum sentence, etc.

HB283 Malt Beverages

Authorizes containers of malt beverages to be sold or offered for sale by vendor at retail in any size; providing requirements for malt beverage containers; authorizes malt beverage tastings upon certain licensed premises under certain circumstances. See HB387, SB406, SB470. **The beer lobbyist has done his job.**

HB387 Malt Beverages

Deletes provision that prohibits certain persons from conducting sampling activities at vendor's premises licensed only for off-premises sales; authorizes malt beverage tastings upon certain licensed premises under certain circumstances.

SB406 Malt Beverages

Authorizing containers of malt beverages to be sold or offered for sale by a vendor at retail in any size; providing requirements for malt beverage containers; authorizing malt beverage tastings upon certain licensed premises under certain circumstances, etc.

SB470 Malt Beverages; Sen. Detert

Removing the prohibition on beer samplings at the premises of certain vendors; authorizing malt beverage tastings upon certain licensed premises, etc.

HB449 Sharks

Prohibits possession, sale, trade, purchase, shipping, barter, exchange, or distribution of shark fins; provides criminal penalties & assessment of specified fees & costs by FWCC; requires destruction of seized shark fins;

provides for applicability; authorizes FWCC to adopt rules. I just found this interesting. Currently some fishermen catch sharks and just cut off the fin to sell overseas. If you actually fish for shark to consume the whole fish you would be exempt.

SB540 Sharks

Prohibiting the possession, sale, trade, purchase, shipping, barter, exchange, or distribution of shark fins; providing criminal penalties and the assessment of specified fees and costs by the Fish and Wildlife Conservation Commission; requiring the destruction of seized shark fins, etc.

HB4005 Fireworks by Gaetz (CO-SPONSORS) Brodeur; Hood

This bill allows sparklers to be used legally for those over 16 years old. Comparable to CS/SB314

CS/SB314 Fireworks: Repealing provisions relating to the testing and approval of sparklers and the registration of manufacturers, distributors, wholesalers, and retailers of sparklers, to the sale and use of fireworks and to the bond for licensees, etc.