

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/CS/SB 52 — Use of Wireless Communications Devices While Driving

by Judiciary Committee; Communications, Energy, and Public Utilities Committee; Transportation Committee; Senators Detert, Montford, Margolis, Richter, Latvala, Abruzzo, Benacquisto, Soto, and Sachs

CS/CS/CS/SB 52 creates the “Florida Ban on Texting While Driving Law.” The bill prohibits the operation of a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other text in a handheld wireless communication device, or sending or reading data in the device, for the purpose of non-voice interpersonal communication. The bill makes exceptions for emergency workers performing official duties, reporting emergencies or suspicious activities, and for receiving various types of navigation information, emergency traffic data, radio broadcasts, and autonomous vehicles. The bill also makes an exception for interpersonal communications that can be conducted without manually typing the message or without reading the message.

The prohibition is enforceable as a secondary offense. A first violation is punishable as a nonmoving violation, with a fine of \$30 plus court costs that vary by county. A second violation committed within 5 years after the first is a moving violation punishable by a \$60 fine plus court costs. The bill allows for the admissibility of a person’s wireless communications device billing records as evidence in the event of a crash resulting in death or personal injury.

In addition to the fines, a violation of the unlawful use of a cell phone which results in a crash will result in 6 points added to the offender’s driver license record and the unlawful use of a cell phone while committing a moving violation within a school safety zone will result in 2 points added to the offender’s driver license record in addition to the points for the moving violation.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 39-1; House 110-6

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/SB 62 — Low-speed Vehicles

by Appropriations Committee; Commerce and Tourism Committee; Transportation Committee; and Senators Hays, Abruzzo, Simpson, Evers, Lee and Sobel

The bill establishes procedures to allow a vehicle titled or branded and registered as a low-speed vehicle to be administratively converted to a golf cart upon verification of the conversion by the Department of Highway Safety & Motor Vehicles, which is accomplished by the owner's submittal of an affidavit, surrender of the registration license plate and current certificate of title, payment of a \$40 administrative fee, and placement of a specified decal on the rear of the converted vehicle.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 79-36

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2013 SUMMARY OF LEGISLATION PASSED
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HB 235 — Identification Requirements for Driver Licenses

by Rep. Bracy and others (SB 986 by Senator Soto)

The bill amends s. 322.08(2)(c), F.S., to include a notice of an approved application for Deferred Action for Childhood Arrivals as an acceptable form of identification when applying for a driver license. Deferred Action for Childhood Arrivals effectively postpones deportation of persons who were brought unlawfully to the United States as children, provided they meet other specific requirements. Deferred action does not provide lawful immigration status or a path to a green card or citizenship.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 36-0; House 115-2

THE FLORIDA SENATE
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HB 265 — Florida Wildflower License Plate

by Rep. Wood (CS/SB 632 Transportation Committee; Rules Committee; Appropriations Subcommittee on Transportation, Tourism, and Economic Development and Senator Soto)

The bill increases the amount of the annual use fee for the Florida Wildflower license plate from \$15 to \$25, and increases the maximum percentage of proceeds the Florida Wildflower Foundation, Inc. (FWF) is authorized to use for administrative and marketing costs from 15 percent to 20 percent.

The annual use fees are distributed to the FWF, and must be used to establish native Florida wildflower research, educational, and grant programs. The funds are available to municipal, county, and community-based groups in the state.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
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CS/CS/CS/HB 487 — Freemasonry License Plates

by Economic Affairs Committee; Transportation & Economic Development Appropriations Subcommittee; Transportation & Highway Safety Subcommittee; and Reps. Stone, Workman, and others (CS/CS/CS/SB 274 by Appropriations Committee, Rules Committee, Transportation Committee, Senators Dean, Evers, and Latvala)

The bill requires the Department of Highway Safety and Motor Vehicles (DHSMV, department) to develop the Freemasonry specialty license plate. The bill also provides:

- An annual use fee of \$25 for the plate; and
- Clarifies the department shall retain all annual use fees from the sale of the Freemasonry specialty license plate until the \$60,000 processing fee and the minimum 1,000 presale voucher requirements are met, thereafter distributing the use fees received from the sale of the license plate to the Masonic Home Endowment Fund, Inc.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 38-0; House 117-0

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
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CS/CS/CS/HB 489 — Railroad Police Officers

by Judiciary Committee; Justice Appropriations Subcommittee; Criminal Justice Subcommittee; and Rep. Stone and others (CS/CS/CS/SB 1110 by Appropriations Committee; Criminal Justice Committee; Transportation Committee; and Senator Evers)

Section 354.01, F.S., authorizes the Governor to appoint “special officers,” which are persons employed by railroads or other common carriers for the protection of the railroad’s employees, passengers, freight, equipment, and properties. Currently, special officers are required to meet the law enforcement qualifications and training requirements of s. 943.13(1)-(10), F.S.

The bill amends s. 354.01, F.S., to:

- Provide that until the governor either appoints or rejects an application for appointment, the railroad or common carrier may temporarily employ the person as a special officer if the person complies with the qualifications for employment as a law enforcement officer in s. 943.13, F.S.;
- Require such special officers to have the same training as a law enforcement officer in accordance with ss. 943.13 and 943.135(1), F.S., relating to continuing training and education requirements;
- Provide that a Class I, Class II, or Class III railroad is considered an employing agency for purposes of ss. 943.13 and 943.135(1), F.S., and
- Direct such railroads to pay all costs associated with the training and continuing education of employed special officers.

The bill also amends s. 784.07, F.S., which reclassifies assault and battery offenses committed against specified officers, to include railroad special officers employed by a Class I, II, or III railroad and appointed or pending appointment by the Governor.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 37-0; House 114-0

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
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CS/CS/HB 579 — Natural Gas Motor Fuel

by Regulatory Affairs Committee; Energy and Utilities Subcommittee; and Rep. Ray and others (CS/CS/SB 560 by Appropriations Committee; Transportation Committee; and Senators Simpson, Bean, Bradley, Stargel, Latvala, Grimsley, Evers, Soto, Ring, Gibson, Hays, Lee, Altman, Thompson, Garcia and Diaz de la Portilla)

The bill repeals the decal fee program for motor vehicles powered by alternative fuels, repeals the sales tax on alternative fuels, establishes a new fuel tax structure for motor vehicles powered by natural gas, and creates a natural gas fuel fleet vehicle rebate program. Specifically, the bill:

- Creates part V of ch. 206, F.S., entitled “Natural Gas Fuel.”
- Repeals the current decal fee program for motor vehicles powered by alternative fuels effective January 1, 2014.
- Establishes a fuel tax structure for natural gas used as a motor fuel, beginning January 1, 2019.
- Relocates statutory provisions relating to licenses for retailers of alternative fuel and related reporting requirements and provides penalties for acting as a retailer without a license.
- Provides exemptions from the tax and refunds of the tax on natural gas fuel when used for specified purposes.
- Revises the distribution of the proceeds of the taxes imposed on natural gas.
- Expands the definition of “energy efficiency improvement” to include “installation of systems for natural gas fuel” under uses authorized by the Local Government Infrastructure Surtax.
- Exempts natural gas and natural gas fuel placed into the fuel supply system of a motor vehicle from sales tax.
- Directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to complete a report reviewing the taxation of natural gas fuel used to power motor vehicles by December 1, 2017.
- Creates a natural gas fuel fleet vehicle rebate program within the Department of Agriculture and Consumer Services (DACS) and appropriates an annual \$6 million from General Revenue for FY 2013-2014 - FY 2017-2018 to fund the program.
- Requires DACS to provide an annual assessment of the rebate program.
- Requires OPPAGA to release a report reviewing the fleet vehicle rebate program by January 31, 2016.

If approved by the Governor, except as otherwise provided, these provisions take effect January 1, 2014.

Vote: Senate 39-0; House 116-2

THE FLORIDA SENATE
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CS/SB 606 — Northeast Florida Regional Transportation Commission

by Governmental Oversight and Accountability Committee; Community Affairs Committee; Transportation Committee; and Senators Gibson, Thrasher, Bradley, and Bean

The bill creates the Northeast Florida Regional Transportation Commission (commission) for the purposes of improving mobility and expanding multimodal transportation options for persons and freight throughout Baker, Clay, Duval, Nassau, Putnam, and St. Johns Counties. The primary provisions of the bill:

- Create the Northeast Florida Regional Transportation Commission;
- Provide for commission membership, powers, and duties;
- Provide for employment of permanent or temporary staff or use of the staff of certain other entities;
- Direct the commission to develop and update at least bi-annually a multimodal and prioritized regional transportation plan consisting of transportation projects of regional significance;
- Direct the commission to develop and update at least bi-annually an implementation plan that identifies available but not yet imposed, and potentially developable, sources of funding to execute the regional plan;
- Authorize the commission to provide transportation services of regional significance identified in the regional transportation plan, subject to available funding and the approval of the affected counties and transportation authorities;
- Authorize the commission to facilitate efforts to secure funding commitments from federal and state sources, or from the applicable counties, and to request funding and technical assistance from the Department of Transportation and from federal and local agencies;
- Direct the commission to timely request annually each constituent county appropriate a certain cash contribution to support its budget and limit the contribution of a certain county;
- Provide criteria for transportation projects of regional significance;
- Direct the commission, to the extent feasible, to coordinate its planning activities with certain entities;
- Exempt the commission from taxation;
- Require the commission to hold certain public meetings and hearings;
- Provide the commission is not an “authority” for purposes of the discretionary sales surtax in s. 212.055(1), F.S.;
- Provide for repeal of the commission unless certain conditions are met; and
- Provide the commission is exempt from the Administrative Procedures Act.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 36-0; House 118-0

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SB 954 — Technology Research and Development Authority

by Senator Gardiner

The bill removes each reference to the Technological Research and Development Authority (TRDA) from Florida Statutes. Specifically, the bill removes the TRDA from:

- s. 320.08058, F.S., relating to use of funds accruing from the sale of the Challenger/Columbia specialty license plates;
- s. 379.2202, F.S., relating to the list of commissions receiving federal funds through saltwater license and permit fees collected under s. 379.354, F.S.; and
- s. 112.3148(6)(a)(b), F.S., relating to reporting of receipt of gifts by public disclosure of financial interests and by procurement of employees.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 118-0

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Committee on Transportation

CS/SB 1768 — OGSR/Personal Information/Paratransit Services

by Governmental Oversight and Accountability Committee and Transportation Committee

The bill is the result of an Open Government Sunset Review. Current law provides a public records exemption for personal identifying information of applications for, or recipients of, paratransit services. The exemption will repeal pursuant to the Open Government Sunset Review Act on October 2, 2013, unless reenacted by the Legislature. The bill reenacts the exemption and makes non-substantive drafting clarifications.

If approved by the Governor, these provisions take effect October 1, 2013.

Vote: Senate 37-1; House 119-0

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HB 7059 — International Driving Permits

by Economic Affairs Committee and Rep. Davis (SB 1766 Transportation Committee and Senator Brandes)

The bill restores s. 322.04, F.S., to its condition prior to the revisions made in 2012. As a result, no International Driving Permit is required for nonresidents wishing to drive legally in the state. Possession of a valid driver license remains a requirement.

These provisions were approved by the Governor and take effect retroactively to January 1, 2013.

Vote: Senate 38-0; House 116-0

THE FLORIDA SENATE
2013 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/CS/HB 7125 — Highway Safety and Motor Vehicles

by Economic Affairs Committee, Transportation & Economic Development Appropriations Subcommittee, and Transportation & Highway Safety Subcommittee and Rep. Raburn and others (CS/CS/SB 1458 by Appropriations Committee, Transportation, Tourism, and Economic Development, Transportation Committee and Senator Brandes)

The bill makes numerous changes to the way the Department of Highway Safety and Motor Vehicles (DHSMV, department) administers many of its programs and functions.

The major provisions of this bill include:

- Correcting inconsistencies and references to the International Registration Plan.
- Revising procedures related to red light camera enforcement. The bill provides a 60 day period in which a person must pay the fine, identify another driver was in control of the vehicle, or request a hearing before a local hearing officer. Enforcement of right- turn-on-red violations is restricted.
- Requiring drivers to yield the left lane to overtaking vehicles when traveling 10 mph slower than posted speed.
- Lowering the blood alcohol level threshold at which an ignition interlock device (IID) will prevent a vehicle from starting from 0.05 to 0.025 for persons convicted of DUI and required to install an IID.
- Requiring commercial motor vehicle drivers to comply with federal regulations relating to the use of handheld mobile devices and medical certification standards, and establishing a schedule of penalties for violations.
- Requiring holders of commercial learners permits adhere to the same noncriminal traffic infraction provisions as commercial driver license holders.
- Allowing the DHSMV to use a new form for buyers and sellers when transferring electronic titles as it relates to motor vehicle casual sales.
- Clarifying vehicle and vessel registration identification requirements.
- Allowing the DHSMV to eliminate certificates of repossession as such documents are effectively obsolete.
- Clarifying the DHSMV's rulemaking authority to regulate driver improvement schools.
- Clarifying the DHSMV's criteria for approval of traffic law and substance abuse education courses, and the requirements of course providers.
- Revising the requirements of eligibility for serving on the Medical Advisory Board.
- Allowing county tax collectors to have re-examination authority for vehicle operators based on mental and physical abilities.
- Authorizing the department to implement a pilot program in Miami-Dade and Hillsborough Counties to evaluate rebuilt motor vehicle inspection services provided by private firms.
- Revising Commercial Driver License and Commercial Learner Permits to align with federal rules, and allowing penalties.

- Authorizing the DHSMV to prohibit future financial transactions with an individual when an insufficient check fee has not been satisfied with the agency.
- Authorizing driver license suspension for persons under 21 years of age when found driving with blood alcohol level of 0.02 or higher.
- Allowing law enforcement authorities to disqualify Commercial Driver License holders found driving with unlawful blood alcohol levels and refusing to submit to breath, urine or blood test, and issue a 10-day temporary permit while a determination is made.
- Allowing persons with an IID to be granted a medical waiver for employment purposes only license.
- Providing same day DUI convictions be treated as separate offenses.
- Clarifying the reinstatement process for habitual traffic offenders in license restoration.
- Requiring insurance companies to report new or cancelled policies within 10 days of processing date or effective date.
- Changing requirements for self-insuring motorists.
- Providing identification requirements for vessel registration applications.
- Allowing persons with certain alcohol-related driving offenses, having no previous convictions, to be issued a business purposes only driver license without a hearing.
- Reclassifying Florida Highway Patrol captains positions to select exempt from career service.
- Authorizing the Florida Department of Transportation to immediately receive crash reports ordinarily confidential and exempt.
- Creating definitions, provisions, and remedies relating to the electronic collection of personal data from driver licenses or identification cards by private entities.
- Authorizing the attachment of a forklift to the rear of a straight truck for towing purposes provided the overall length does not exceed 50 feet.
- Expanding exceptions to width and height limitations to include farming and agricultural equipment operated within a 50 mile radius of managed or harvested real property by the equipment owner.
- Requiring a salvage motor vehicle dealer to notify the National Motor Vehicle Title Information System (NMVTIS) when a motor vehicle is sold to a salvage dealer or upon applying for a certificate of destruction or salvage certificate of title.
- Requiring a person claiming a lien upon a vehicle to conduct a records check using NMVTIS or an equivalent commercially available system, e.g., CARFAX.
- Establishing a valid driver license/identification card and passport are acceptable documents for motor vehicle registration.
- Authorizing the use of electronic media as roadside proof-of-insurance.
- Establishing a \$1 voluntary donation check-off on driver license application forms with proceeds going to the Auto Club Group Traffic Safety Foundation, Inc., (AAA), a not-for-profit organization.
- Creating additional specialty license plates and allowing distribution of use fee proceeds: Lauren's Kids license plate, \$25; Big Brothers Big Sisters license plate, \$25; American Legion license plate, \$25.

- Creating Operation Desert Storm and Operation Desert Shield special license plates for members of the Armed Forces who participated in these operations.
- Increasing the use fee and redirecting the proceeds of the Hispanic Achievers specialty license plates.
- Authorizing the DHSMV to redirect previously collected and future specialty license plate revenues accruing from an organization found to be in non-compliance with statutory use fee controls, to an organization able to perform the same or similar purpose as defined by the originating statute.
- Creating definitions, provisions, exemptions, and remedies relating to electronic collection of personal data on driver licenses or identification cards by private entities.
- Requiring wreckers to disclose, in writing and prior to towing a vehicle, his or her full name and driver license number, the maximum charges for towing and storage and whether the wrecker carries liability insurance of \$300,000 and on-hook insurance of \$50,000.
- Authorizing the DHSMV to retain administrative funds from the vessel registration program and distribute \$400,000 to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services to fund activities relating to protection, restoration and research of the natural oyster reefs and beds of the state, and allows \$300,000 may be used by the Fish and Wildlife Conservation Commission for boating safety education.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 114-1